



**NOTICE AND AGENDA FOR REGULAR MEETING**

DATE/TIME: Wednesday, December 12, 2012, 1:30 PM

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

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

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

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

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

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

**Campaign Contribution Disclosure**

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

**Notice of Intent to Waive Protest Proceedings**

In the case of annexations and detachments it is the intent of the Commission to waive subsequent protest and election proceedings provided that all of the owners of land located within the proposal area have consented and those agencies whose boundaries would be changed have consented to the waiver of protest proceedings.

**American Disabilities Act Compliance**

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

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

## December 12, 2012 CONTRA COSTA LAFCO AGENDA

1. Call to Order and Pledge of Allegiance
2. Roll Call
3. Adoption of Agenda
4. Public Comment Period (please observe a three-minute time limit):

Members of the public are invited to address the Commission regarding any item that is not scheduled for discussion as part of this Agenda. No action will be taken by the Commission at this meeting as a result of items presented at this time.

5. Approval of Minutes for the October 31, 2012 special LAFCO meeting.

### OUT OF AGENCY SERVICE REQUESTS

6. *LAFCO 12-06 – Security Owners Corporation* - This is a request by the City of Martinez to provide municipal water service outside its jurisdictional boundary to a 15± acre parcel (APN 367-130-033) located at the northwest corner of Reliez Valley Road and Alhambra Valley Road in unincorporated Contra Costa County in order to serve a proposed 23-lot subdivision.

### BUSINESS ITEMS

7. *Northeast Antioch* – the Commission will receive an update from the City of Antioch and Contra Costa County regarding the proposed annexation and strategic planning efforts for Northeast Antioch, including the recent application for Area 2B, and be asked to provide input and direction as appropriate.

### MUNICIPAL SERVICE REVIEWS/SPHERE OF INFLUENCE UPDATES

8. *Library Services Municipal Service Review (MSR)/Sphere of Influence (SOI)* – the Commission will receive an overview of the Public Review Draft Library Services MSR and be asked to provide input.

### OTHER BUSINESS ITEMS

9. *Policies and Procedures Update* - the Commission will be asked to consider and approve a proposed update to Conflict of Interest policy.
10. *Assembly Bill 54 (Solorio) Drinking Water* - the Commission will receive an update on activities relating to AB 54.
11. *Contract Amendment with Burr* - the Commission will consider approving a contract amendment to extend the term of the agreement to complete the MSRs/SOI updates covering library services and miscellaneous County Service Areas.

### CORRESPONDENCE

12. Correspondence from Contra Costa County Employees' Retirement Association (CCCERA)

### INFORMATIONAL ITEMS

13. Commissioner Comments and Announcements
14. Staff Announcements
  - CALAFCO Updates
  - Pending Projects
  - Newspaper Articles

### CLOSED SESSION

PUBLIC EMPLOYEE PERFORMANCE EVALUATION – Title: Executive Officer

### ADJOURNMENT

*Next regular LAFCO meeting – January 9, 2013 at 1:30 p.m.*

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  
MINUTES OF MEETING

October 31, 2012

Board of Supervisors Chambers  
Martinez, CA

December 12, 2012  
Agenda Item 5

1. Vice Chair Federal Glover called the meeting to order at 1:30 p.m.
2. The Pledge of Allegiance was recited.
3. Roll was called. A quorum was present of the following Commissioners:  
City Members Rob Schroder and Alternate Tom Butt.  
County Members Federal Glover, Mary Piepho, and Alternate Candace Andersen.  
Special District Members Michael McGill, Dwight Meadows, and Alternate George Schmidt.  
Public Members Don Blubaugh and Alternate Sharon Burke.  
Present were Executive Officer Lou Ann Texeira, Legal Counsel Mary Ann Mason, and Clerk Kate Sibley.
4. Approval of the Agenda  
Upon motion of Blubaugh, second by Piepho, Commissioners unanimously adopted the agenda.
5. Public Comments  
Mike Alford, a candidate for the Martinez City Council, spoke.
6. Approval of October 10, 2012 Meeting Minutes  
Upon motion of Piepho, second by Blubaugh, the minutes for the regular meeting on October 10, 2012 were approved; Commissioner Butt abstained.
7. LAFCO 11-07 – Alhambra Valley Reorganization: Annexation to the City of Martinez and Detachment from County Service Area P-6  
The Executive Officer reported that, as directed by the Commission, a protest hearing was held on October 17, 2012 to receive written protests from affected landowners and registered voters regarding the proposal and determine whether a requisite protest exists.  
The total number of valid protests received was insufficient to either require an election or terminate the proceedings; consequently, the reorganization is ordered.  
Upon motion of McGill, second by Blubaugh, Commissioners unanimously adopted the determination and ordered the reorganization.
8. LAFCO 12-03 – San Damiano Annexation to East Bay Municipal Utility District (EBMUD)  
The Executive Officer reported that, as directed by the Commission, a protest hearing was held on October 17, 2012 to receive written protests from affected landowners regarding the proposal and determine whether a requisite protest exists. No written protests were filed against this annexation; consequently, it is ordered.  
Upon motion of Piepho, second by McGill, Commissioners unanimously adopted the determination and ordered the reorganization.
9. LAFCO 12-04 – Dougherty Valley Annexation #15 to the City of San Ramon  
The Executive Officer provided an overview of the proposal, noting that this is the 15<sup>th</sup> in a series of planned annexations to the City of San Ramon. It was recommended that this annexation also include the detachment of the area from County Service Area P-6.

**DRAFT**

Commissioner Burke raised the question of whether the City of San Ramon is requesting funds from County Service Area M-29, which has reserve funds in excess of five million dollars, given that the City uses its General Fund monies to supplement services in the Dougherty Valley area. Commissioners asked staff to communicate this concern to city and county staff.

Upon motion of Piepho, second by Blubaugh, Commissioners unanimously certified that it reviewed and considered the information contained in the EIR and CEQA documentation; approved the proposal to be known as Dougherty Valley Reorganization #15: Annexation to City of San Ramon and Detachment from County Service Area P-6, with specified conditions; determined that the territory being annexed is liable for the continuation of taxes, assessments and charges; found that the subject territory is inhabited, has less than 100% consent of the affected landowners and registered voters, that no affected landowners/registered voters opposed the annexation, that the annexing agency has given written consent to the waiver of conducting authority proceedings, waived the protest proceeding, and directed staff to complete the proceeding.

10. LAFCO 11-09 – Town of Discovery Bay Community Services District - Out of Agency Service Request (Farnholz Property)

The Executive Officer provided an overview and background on this proposal, noting that the subject property is located outside the Urban Limit Line and outside the Town of Discovery Bay Community Service District's (DBCSD) service boundary and SOI, and that County Environmental Health has declared it an impending public health emergency with a failing septic system.

In response to a question of who will pay for this service, Virgil Koehne, DBCSD Engineer, stated that the landowner will bear the entire cost. Commissioners Meadows stated that despite his reluctance to approve out of agency service requests, he knows the area and must support this request.

Upon motion of Piepho, second by McGill, the Commission unanimously found the annexation exempt from CEQA pursuant to CEQA Guidelines Section 15061(b)(3); authorized DBCSD to extend sewer service outside its boundary to the Farnholz property at 14021 Highway 4 in unincorporated Byron, subject to specified terms and conditions.

11. Island Annexations and LAFCO Policies & Procedures

The Executive Officer provided a brief chronology of the Commission's previous discussions of islands, both general policies and specific areas within Contra Costa County. Following a request from Commissioners at the October 10, 2012 meeting, the Policy Subcommittee met with staff to review the Commission's policy in light of the recent Attorney General's Opinion, and presented proposed policy revisions to the Commission.

Commissioners discussed the proposed policy and corresponding legal analysis as presented and how it relates to the Northeast Antioch annexations; staff replied that it provides the flexibility needed to treat Area 2B as an island in its own right and to go forward with annexation without protest proceedings.

Dan DoPorto, legal counsel for the City of Antioch, commented that he does not agree with the conclusions of the legal analysis, particularly as it applies to Area 2B; he believes staff underestimates the legal risks. The residents of Area 2B have expressed opposition to annexation and they should be entitled to vote.

Victor Carniglia, consultant to the City of Antioch, echoed Mr. DoPorto's concerns, adding that the City's in-house counsel agrees. He noted that the City would be unlikely to indemnify LAFCO on this; and if a vote is not allowed, LAFCO may incur legal costs. He added that LAFCO might be wise to get second opinion.

Commissioner Piepho noted that the proposed policy applies countywide, and gives flexibility to LAFCO when considering annexations in general. Staff added that two leading LAFCO attorneys are on record that the AG Opinion is flawed. The Chair reminded Commissioners that they would only be addressing the general policy revisions before them. Further discussion ensued.

Commissioner McGill stated that he had a conversation with Mr. Carniglia on October 30 on this topic.

Upon motion of Blubaugh, second by Butt, Commissioners unanimously adopted the revised island policy with the change (removal of “and” in final line of paragraph (2)(a)) recommended by Commissioner Piepho.

Commissioner McGill asked if the applicability of the revised policy to Northeast Antioch would be brought back for discussion. Legal Counsel stated that would have to be agendaized for a future meeting.

12. 2013 LAFCO Meeting Schedule

The Executive Officer presented the proposed 2013 meeting schedule, noting it is proposed that the April meeting be held on the third Wednesday, as the annual CALAFCO Staff Workshop will be held April 10-12, in conflict with the usual second Wednesday schedule.

Upon motion of Piepho, second by McGill, Commissioners unanimously approved the schedule as proposed.

13. Correspondence

There were no comments.

14. Commissioner Comments and Announcements

Commissioner McGill stated that he would like to place the issue of the Northeast Antioch Area 2B on a future meeting agenda.

15. Staff Announcements and Pending Projects

The Executive Officer reported that the CALAFCO Board will meet on November 9, and the CALAFCO Legislative Committee will kick off its session on November 16.

Ms. Teixeira also stated that as there are no time-sensitive items for November, she is hoping to cancel the November 14 meeting, and will work with the Chair on this.

The meeting was adjourned at 2:11 p.m.

Final Minutes Approved by the Commission on December 12, 2012.

AYES:

NOES:

ABSTAIN:

ABSENT:

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

**DRAFT**

CONTRA COSTA LOCAL AGENCY FORMATION COMMISSION  
EXECUTIVE OFFICER'S REPORT

December 12, 2012 (Agenda)

December 12, 2012  
Agenda Item 6

LAFCO 12-06 City of Martinez - Out of Agency Service Request (Security Owners Corp.)

## SYNOPSIS

This is a request by the City of Martinez to provide water service outside its jurisdictional boundary to a 15± acre parcel (APN 367-130-033) located at the northwest corner of Reliez Valley Road and Alhambra Valley Road in unincorporated Contra Costa County (Attachment 1). The property is currently vacant with a County approved Vesting Tentative Map – “Alhambra Valley Oaks” (SD02-8634) for 23 residential lots (20,000 sq. ft. minimum). The County zoning is Residential (R-20) with a General Plan designation of Single Family Residential Low Density. Surrounding uses include single family residential to the east, west, and north, and a 7-acre undeveloped parcel to the south.

## DISCUSSION

### Statutory Framework – Out of Agency Service

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

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

### Out of Agency Service Request by City of Martinez and Background

The County is currently processing three development projects in the southeast Alhambra Valley area, one of which is the subject property (SD02-8634). The other two include a 7-lot subdivision (SD05-8947), and the Creekside Oak Estates 7-lot residential subdivision (SD90-7609).

The County conditioned these projects on receiving municipal sewer service through Central Contra Costa Sanitary District (CCCSD) and water service through the City of Martinez. The properties were annexed to CCCSD in 2007; however, the properties currently have no water service. *It is likely that the City will request out of agency service approval for the other two subdivisions absent annexation of the properties.*

The subject property has an approved Vesting Tentative Subdivision map which will expire in 3-4 years. In 2005, the City provided a letter to the landowner/developer stating that Martinez can provide water service to the project if certain conditions are met, including entering into a Deferred Annexation Agreement (which has been executed) and Water Service Improvement Agreement (not yet executed).

In June 2011, the City submitted an application to LAFCO to annex 393± acres (139 parcels) in the Alhambra Valley, including the subject property. In August 2012, the Martinez City Council discussed the proposed annexation boundary and directed its staff to convey to LAFCO the City's preference for a reduced boundary in response to community input while maintaining consistency with the Martinez General Plan and the LAFCO Municipal Service Reviews (MSRs). [Note: Both the 2008 Water/Wastewater and 2009 Central County Sub-regional MSRs noted that the City is providing water services beyond its corporate limits to approximately 1,500 water connections. These 1,500 water connections represent residents who do not have representation concerning policy, rates, or governance of their water supply. The MSRs recommended that the City of Martinez annex areas receiving city services, as appropriate]. In September 2012, the Commission approved the Alhambra Valley annexation reduced boundary, which excludes the subject property and the other two proposed subdivisions.

The law permits LAFCO to authorize the City to extend services outside its jurisdictional boundary in specific situations as described above. The request by the City to provide water service to the property is in anticipation of a future annexation. In furtherance of the City's request to provide out of agency service, we note the following:

- The Martinez General Plan includes policies and land use designations supporting the annexation of portions of Alhambra Valley to the City.
- The City has established design guidelines for portions of Alhambra Valley.
- The City has prepared environmental and fiscal analyses and adopted a property tax sharing agreement for portions of Alhambra Valley.
- In 2011, the City submitted a proposal to LAFCO to annex nearly 400± acres of land within the Alhambra Valley. In response to community input, the City requested that the annexation area be reduced to 316± acres, as approved by LAFCO in September 2012.
- On December 5, the Martinez City Council will be asked to adopt a resolution reaffirming its intent to annex the Alhambra Valley to the City as opportunities arise. The resolution sets forth goals relating to community outreach and education.

#### Water Supply to the Proposed Subdivision

The proposed subdivision is surrounded by homes currently connected to the City's water system. The City has two existing water lines on Alhambra Valley Road – a 16-inch water main along the frontage of the subdivision and a 6-inch water line. It is anticipated that the developer will connect to the 6-inch line and run a water main within the proposed subdivision streets to serve the houses and fire hydrants.

The developer will be responsible for all site development, improvement and start-up costs including those associated with the domestic water system; operational and maintenance costs will be funded through water service and water usage fees collected by the City of Martinez.

## Environmental Review

The County, as Lead Agency, prepared and certified the following documents in conjunction with this project: Alhambra Valley Specific Plan and Negative Declaration, October 1992; Alhambra Valley Estates Draft EIR, March 2004; Alhambra Valley Estates Final EIR and Mitigation Monitoring Plan, September 2004; and Findings for the Alhambra Valley Estates, 2004.

Copies of these documents were previously provided to the members of Commission and are available for review in the LAFCO office. The EIR identified a number of potentially significant and cumulative impacts. Mitigation measures were adopted which reduced all impacts to a less than significant level. Therefore, there are no significant and unavoidable impacts.

The EIR noted that water service to the project area will be provided by the City of Martinez. The City purchases both raw and treated water from the Contra Costa Water District. The water is sourced from the Sacramento Delta at Old River and Rock Slough, and then stored in the Los Vaqueros Reservoir. The City indicates it has adequate water to serve the site.

The developer is currently working to complete a number of ongoing mitigation measures prior to the County approving the final map, including LAFCO's approval for water service through the City of Martinez.

## **ALTERNATIVES FOR COMMISSION ACTION**

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

**Option 1**      **Approve** the out of agency service request with the following terms and conditions.

- A. Finds that, as a Responsible Agency under CEQA, the Commission has reviewed and considered the information contained in the EIR prepared and certified by the County and in the County's CEQA documentation.
- B. Authorizes the City of Martinez to extend water service outside its jurisdictional boundary to the 15± acre parcel (APN 367-130-033) located at the northwest corner of Reliez Valley Road and Alhambra Valley Road in unincorporated Contra Costa County subject to the following terms and conditions:
  - 1. Water infrastructure and service is limited to the proposed 23-lot subdivision, and

2. The City of Martinez has delivered to LAFCO an executed indemnification agreement providing for the City to indemnify LAFCO against any expenses arising from any legal actions to challenging the out of agency service.

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

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

## **RECOMMENDATION**

### **Option 1**

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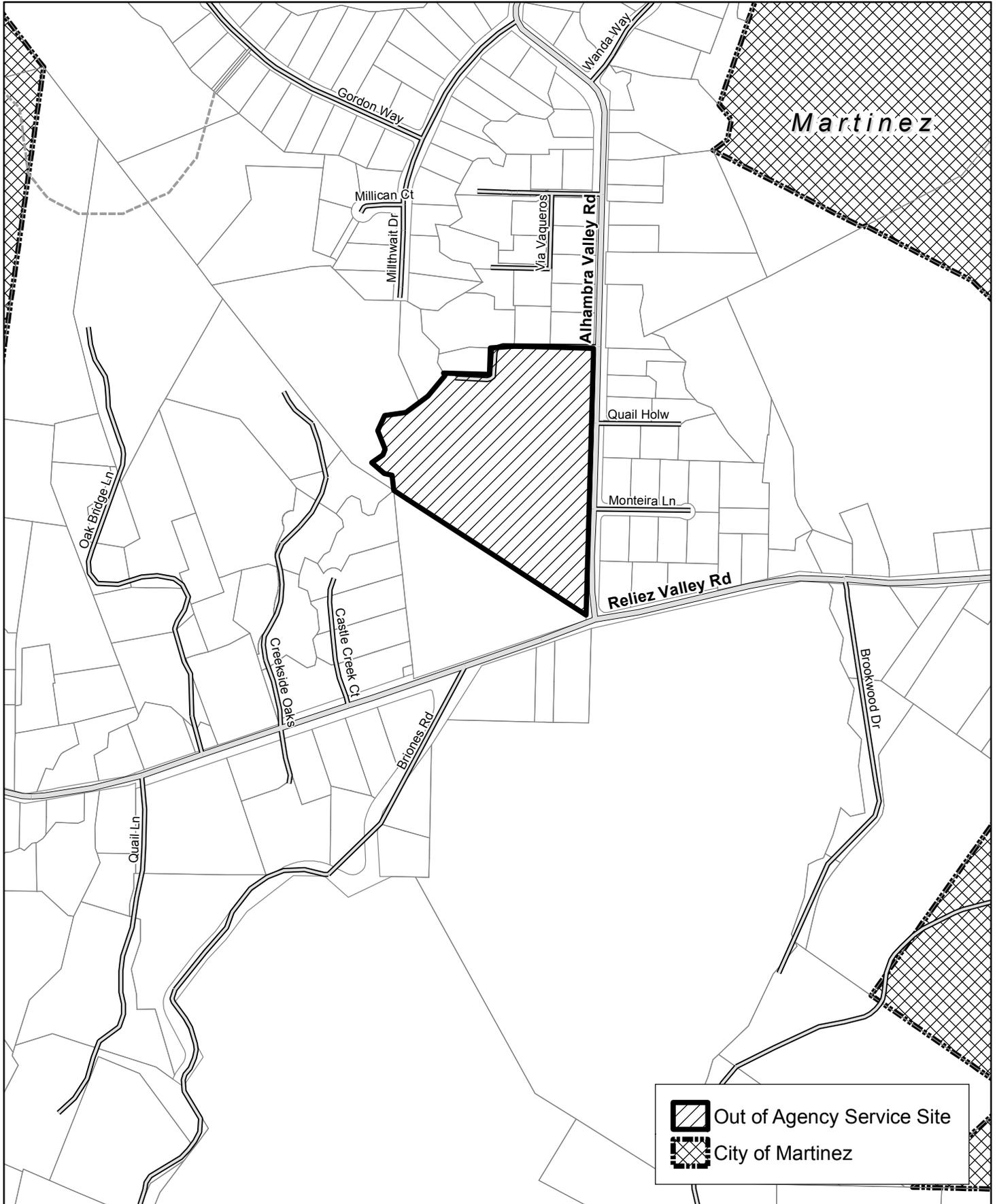
LOU ANN TEXEIRA, EXECUTIVE OFFICER  
CONTRA COSTA LAFCO

### Attachments

1. Map of Project Site
2. LAFCO Resolution 12-06

c: Distribution

# LAFCO No. 12-06 - City of Martinez Out of Agency Service (Security Owners Corporation)



**RESOLUTION NO. 12-06****RESOLUTION OF THE CONTRA COSTA LOCAL AGENCY FORMATION COMMISSION  
AUTHORIZING THE CITY OF MARTINEZ TO PROVIDE OUT-OF-AGENCY WATER SERVICE TO  
THE SECURITY OWNERS CORPORATION PROPERTY LOCATED AT THE CORNER OF RELIEZ  
VALLEY ROAD AND ALHAMBRA VALLEY ROAD (APN 367-130-033)**

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

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

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

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

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

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

- A. Finds that, as a Responsible Agency under CEQA, the Commission has reviewed and considered the information contained in the EIR prepared and certified by Contra Costa County and in the County's CEQA documentation.
- B. Authorizes the City of Martinez to extend water service outside its jurisdictional boundary to a 15± acre property located at northwest corner of Reliez Valley Road and Alhambra Valley Road (APN 367-130-033) in unincorporated Contra Costa County subject to the following terms and conditions:
  - 1. Water infrastructure and service is limited to the proposed 23-lot subdivision, and
  - 2. The City of Martinez has delivered to LAFCO an executed indemnification agreement providing for the City to indemnify LAFCO against any expenses arising from any legal actions to challenging the out of agency service.
- C. Approval to extend CCWD services beyond those specifically noted herein is withheld and is subject to future LAFCO review.

\* \* \* \* \*

PASSED AND ADOPTED THIS 12<sup>th</sup> day of December 2012, by the following vote:

AYES:

NOES:

ABSTENTIONS:

ABSENT:

DON TATZIN, 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: December 12, 2012

Lou Ann Teixeira, Executive Officer



**Lou Ann Teixeira**  
*Executive Officer*

**MEMBERS**

**Donald A. Blubaugh**  
*Public Member*  
**Federal Glover**  
*County Member*  
**Michael R. McGill**  
*Special District Member*

**Dwight Meadows**  
*Special District Member*  
**Mary N. Piepho**  
*County Member*  
**Rob Schroder**  
*City Member*

**Don Tatzin**  
*City Member*

**ALTERNATE MEMBERS**

**Candace Andersen**  
*County Member*  
**Sharon Burke**  
*Public Member*  
**Tom Butt**  
*City Member*  
**George H. Schmidt**  
*Special District Member*

December 12, 2012 (Agenda)

December 12, 2012  
 Agenda Item 7

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

**Northeast Antioch Monthly Update**

Dear Commissioners:

On February 9, 2011 the Commission approved the extension of out of agency service by the City of Antioch and Delta Diablo Sanitation District to the Marsh Landing Generating Station (GenOn) property located in unincorporated Northeast Antioch. The Commission’s approval requires that the City and County provide LAFCO with monthly updates regarding the status of the Northeast Antioch annexation and the tax transfer negotiations. A subcommittee was formed to address these and other issues.

LAFCO representatives participated in monthly subcommittee meetings beginning in April 2011; and the City and County have provided LAFCO with regular updates since then. The subcommittee last met regularly in October 2011. Since then, the parties have been engaged in the tax transfer negotiations, and other activities as previously reported to the Commission. On October 1, 2012, the subcommittee resumed meeting. Commissioners McGill and Meadows, along with LAFCO staff attended the subcommittee meeting.

At the LAFCO meeting on October 10<sup>th</sup>, City staff provided a summary of issues discussed at the subcommittee meeting. City staff reported on the status of revisions to the City’s CEQA document, new (higher) cost estimates associated with water/sewer infrastructure to Northeast Antioch, and the concept of a Joint Powers Agreement between the City and County for services to the annexation area. There was also discussion of Area 2B in light of the recent Attorney General Opinion relating to island annexations.

On October 31, the Commission adopted revisions to the Commission’s island annexation policy. The revised policy recognizes and harmonizes the existing statute with the recent Attorney General Opinion, and provides provisions relating to small islands. Currently, there are 16 small islands in Contra Costa County, to which the revised policy can be applied. During the October 31<sup>st</sup> meeting, City staff expressed concern with the policy, the supporting analysis, and the potential legal risk, particularly as it relates to Area 2B as discussed below.

Status of Northeast Antioch Reorganization

In August 2007, the City of Antioch submitted an application to LAFCO to annex a portion of Northeast Antioch (Area 1). The Area 1 annexation application remains incomplete and is missing several required

components including a map and legal description, final approved environmental documents, City Council resolution approving rezoning of the annexation area, and City and County resolutions approving property tax exchange. Until LAFCO receives these items, the application remains incomplete.

Since 2007, LAFCO has been involved in discussions with the City and County regarding the annexation of Northeast Antioch. In May 2012, LAFCO sent a letter to the City reiterating its desire that the City annex all of Northeast Antioch, including areas 2A and 2B, and encouraging the City to submit annexation applications for Areas 2A and 2B prior to January 1, 2014, which is when the streamlined annexation provisions are scheduled to sunset. Area 2B was previously identified by LAFCO staff as an island that meets the criteria for the streamlined annexation provisions pursuant to Government Code section 56375.3, as Area 2B is under 150 acres and is substantially surrounded (i.e., 93%) by the City of Antioch. Area 1 is not considered an island, and Area 2A is not currently an island, but would become an island if the City annexes Area 1.

On November 30, the City submitted an application to LAFCO to annex Area 2B. As noted in the City's cover letter (attached). This application is presently incomplete and is missing a final approved environmental document, a City Council resolution approving rezoning of the annexation area, City and County resolutions approving property tax exchange, LAFCO processing fees and other items. Until LAFCO receives these items, the application remains incomplete.

The City has not yet submitted an application to annex Area 2A.

The City has asked LAFCO to provide direction related to preparing and processing its Area 2B reorganization proposal, including whether an indemnification agreement (full, partial or none) will be required as part of the application. Issues the Commission may wish to consider when evaluating the extent to which indemnification is necessary or appropriate in this matter might include the following: (1) the Commission's standard indemnification requirement; (2) whether the City should be required to indemnify LAFCO for actions taken by the City as part of this process, such as environmental review and other City Council actions related to this matter; and (3) whether the Commission wishes to exclude certain actions taken by LAFCO from the indemnification requirements. For example, if the Commission were inclined to alter its standard indemnification language, one option would be for the Commission to carve out from the City's responsibility any liability that a court determines is attributable only to LAFCO's negligence.

#### RECOMMENDATION

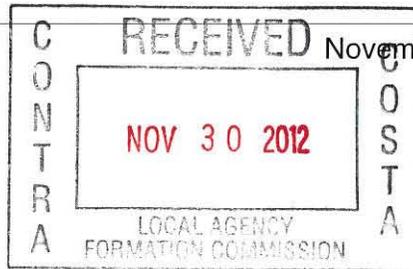
Receive the monthly update, consider the City's request, and provide further direction as appropriate.

Sincerely,

LOU ANN TEXEIRA  
EXECUTIVE OFFICER

Attachment – Area 2B Application Cover Letter from the City of Antioch

c: Distribution



November 29, 2012

Lou Ann Texeira, LAFCO Executive Director  
651 Pine Street, 6<sup>th</sup> Floor  
Martinez, CA 94553

Dear Lou Ann,

As you are aware, earlier this year LAFCO requested that the City of Antioch submit reorganization applications for what are referred to as Areas 2a and 2b of the Northeast Antioch Area. In June 2012, the Antioch City Council, in compliance with LAFCO's request, directed City staff to submit reorganization applications for Areas 2a and 2b. Soon after the City Council action, I contacted you and we discussed how to best package and submit the applications for these two areas in light of the fact that major components of LAFCO's submittal requirements had not yet been completed, and would not likely be completed for several months. Specifically, at the time of our discussion 1) the environmental document for the annexation was in the process of being comprehensively updated, 2) the rezoning for Area 2a and 2b had not been approved by the City Council, as action by the Council on the rezoning was dependant on the completion of the update to the environmental document, and 3) while progress had been made on the Tax Transfer Agreement between the City and the County, negotiations were still continuing due largely to significant changes in the infrastructure cost estimates, with the result that any action on this Tax Agreement by the Antioch City Council and the Board of Supervisors was likely several months away. The policy of LAFCO is that an annexation or reorganization application will not be considered to be complete, and therefore will not be processed, until all of the components of the application have been submitted as required.

Given the number of major outstanding components of the annexation applications for Area 2a and 2b, you indicated that your preference was that the City hold off on submitting the applications until such time as all the submittal prerequisites had been met, so that complete applications could be submitted. This was prudent advice at the time given that any applications materials submitted by the City would simply be stored at your office pending the receipt of the outstanding items. Also, if the completion of the application package took longer than expected (as has been all too often the case with this annexation process) then some of the submittal materials, such as property owner lists and registered voter lists, would run the risk of growing old, and out of date.

However, as a result of the issues that have arisen specifically about how Area 2b will be processed, it now appears to be appropriate to submit an incomplete reorganization application for Area 2b to try to get clarity on the issue of indemnity, as the requirement for an applicant to indemnify LAFCO is part of the LAFCO application process. The City has made it clear at past LAFCO hearings that the City will not indemnify LAFCO in the event that LAFCO waives the protest hearing process for Area 2b, with the result that Area 2b registered voters and property owners are not able to vote on the question of annexation to the City of Antioch. We are therefore requesting that LAFCO grant the City an indemnity waiver in the circumstance that LAFCO waives the protest hearing process for Area 2b. We are also requesting that this issue

of the indemnity waiver be placed on the upcoming December 12, 2012 LAFCO meeting, along with the issue of the procedures for processing the reorganization of Area 2b. While we realize that this request is only two weeks prior to the December 12 meeting, this issue of how to process the reorganization of Area 2b has been the subject of discussion at numerous recent LAFCO meetings. In the event additional discussion/analysis of this issue of indemnity is warranted beyond the December 12, 2012 meeting, then at least we will have had the benefit of exploring and discussing the issue with LAFCO at the December 12, 2012 meeting.

Let me know if you have any comments or questions concerning the submittal and this request.

Sincerely,



Victor Carniglia  
Consultant for the City of Antioch

Cc Jim Jakel, City Manager  
Lynn Tracy Nerland, City Attorney  
Dan DoPorto, Consulting Attorney  
Wade Harper, Mayor Elect  
Gary Agopian, City Council Member  
Mary Rocha, City Council Member



**Lou Ann Texeira**  
*Executive Officer*

**MEMBERS**

**Donald A. Blubaugh**  
*Public Member*  
**Federal Glover**  
*County Member*  
**Michael R. McGill**  
*Special District Member*

**Dwight Meadows**  
*Special District Member*  
**Mary N. Piepho**  
*County Member*  
**Rob Schroder**  
*City Member*

**Don Tatzin**  
*City Member*

**ALTERNATE MEMBERS**

**Candace Andersen**  
*County Member*  
**Sharon Burke**  
*Public Member*  
**Tom Butt**  
*City Member*  
**George H. Schmidt**  
*Special District Member*

December 12, 2012 (Agenda)

**December 12, 2012**  
**Agenda Item 8**

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

**Municipal Services Review/Sphere of Influence Updates - Library Services**

Dear Commissioners:

**BACKGROUND**

**What are Municipal Service Reviews**

Municipal Service Reviews (MSRs) provide an assessment of the ability of local government agencies (i.e., counties, cities, special districts) to effectively and efficiently provide services to residents and users. The form and content of the MSR is provided for in the Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000 (CKH).

The purpose of MSRs is to provide information to the Commission to use in updating spheres of influence (SOIs) and considering future boundary changes for each local agency; however, LAFCO is not required to initiate boundary or SOI changes as part of MSRs. LAFCO, local agencies and the public may subsequently use the MSRs together with additional studies, where necessary, to pursue jurisdictional boundary changes, including annexations, reorganizations, district formations, consolidations, and in considering the extension of municipal services outside an agency’s boundary.

Government Code §56375(a) gives LAFCO the power to initiate certain types of boundary changes consistent with MSRs and SOI studies. These boundary changes include 1) consolidation of districts (joining two or more districts into a single successor district); 2) dissolution (termination of a district and its corporate powers); 3) merger (termination of a district by merging that district with a city); 4) establishing a subsidiary district (i.e., a city council becomes the board of directors of a district); 5) forming a new district or districts; and 6) a reorganization that includes any of the above .

**State Law Requirements**

The CKH requires LAFCO to update the SOI for each local agency under its jurisdiction every five years, as needed; and that an MSR be prepared prior to or in conjunction with the SOI update.

Government Code §56430 requires that MSRs include an analysis and written statement of determinations with respect to various factors, including growth and population; present and planned capacity of public facilities and adequacy of public services, including infrastructure needs or deficiencies; financial ability of agencies to provide services; opportunities for shared facilities; government and operational efficiencies, and other factors related to service delivery.

### **MSRs/SOI Updates in Contra Costa County**

In 2006, the Commission approved an MSR/SOI work plan to complete baseline MSRs/SOI updates for all cities and special districts using a team of consultants and LAFCO staff. The approach involves a combination of countywide, sub-regional, and agency specific reviews.

To date, LAFCO has completed inaugural countywide MSRs covering healthcare, water, wastewater, fire and emergency, reclamation, cemetery, mosquito/vector control, park & recreation, resource conservation and law enforcement services. Also, the Commission has completed sub-regional MSRs covering cities and community service districts.

The remaining first round MSRs include library services and miscellaneous County Service Areas (CSAs).

### **DISCUSSION**

On July 11, the Commission held a workshop and received a preliminary overview of the Library Services MSR. The MSR consultant – Burr Consulting – provided information relating to the library services, focusing primarily on two library service providers, the City of Richmond and Contra Costa County (including four County Service Areas). The consultant presented preliminary data comparing Contra Costa library facilities, services, and financing to other Bay Area communities.

The Commission received public comment and provided input as to information they would like included in the MSR report specific to facilities, fiscal indicators, programs/services, and miscellaneous issues. On August 8, the Commission received a summary of these issues and a status report regarding the Library Services MSR.

At the LAFCO meeting on December 12, the MSR consultant will provide an overview of the Public Review MSR report, which will be released on December 7th. We would like to extend special thanks to City of Richmond and County staff for their diligence and significant contributions to the MSR report.

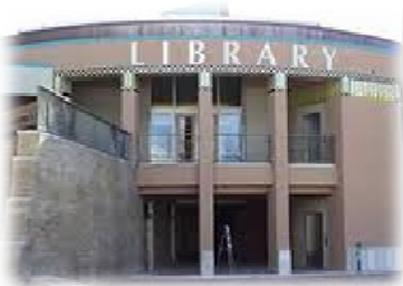
### **RECOMMENDATIONS**

Receive the staff report and consultant presentation and provide comments.

Sincerely,

LOU ANN TEXEIRA  
EXECUTIVE OFFICER

c: Distribution



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# Municipal Service Review: Library Services

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Public Review Draft

December 7, 2012

Contra Costa Local Agency Formation Commission





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# ACRONYMS

ABAG:	Association of Bay Area Governments
CCCL:	Contra Costa County Library
CEQA:	California Environmental Quality Act
CIP:	Capital Improvement Plan
CSA:	County Service Area
DUC:	Disadvantaged unincorporated community
LAFCO:	Local Agency Formation Commission
LOS	Level of Service
MAC:	Municipal Advisory Council
MSR:	Municipal Service Review
NA:	Not applicable
NP:	Not provided
SOI:	Sphere of influence

## P R E F A C E

Prepared for the Contra Costa Local Agency Formation Commission (LAFCO), this report is a municipal service review (MSR)—a state-required comprehensive study of services within a designated geographic area. This MSR focuses on local agencies providing library services in Contra Costa County.

### **C O N T E X T**

Contra Costa LAFCO is required to prepare this MSR by the Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000 (Government Code §56000, et seq.), which took effect on January 1, 2001. The MSR reviews services provided by public agencies—cities and special districts—whose boundaries and governance are subject to LAFCO. In order to provide comprehensive information on service provision, other service providers—private companies and public agencies which are not subject to LAFCO—may be addressed in this MSR, recognizing that LAFCO has no authority over these types of agencies.

### **C R E D I T S**

The authors extend their appreciation to those individuals at many agencies that provided planning and financial information and documents used in this report. The contributors are listed individually at the end of this report.

Contra Costa LAFCO Executive Officer, Lou Ann Texeira, provided project direction and review. Credit for archival review and organization belongs to Lou Ann Texeira and LAFCO clerk Kate Sibley. Kristine Solseng of the Contra Costa County Conservation and Development Department prepared maps and conducted GIS analysis.

This report was prepared by Burr Consulting. Beverly Burr served as principal author.

# 1. EXECUTIVE SUMMARY

This report is a countywide Municipal Service Review (MSR) of local agencies providing library services, prepared for the Contra Costa Local Agency Formation Commission (LAFCO). An MSR is a State-required comprehensive study of services within a designated geographic area, in this case, Contra Costa County. The MSR requirement is codified in the Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000 (Government Code Section 56000 et seq.). Once MSR findings are adopted, the Commission will update the spheres of influence (SOIs) of the agencies. This report identifies and analyzes SOI options for the Commission's consideration.

## SERVICE PROVIDERS

This report focuses on those local agencies that provide public library services in Contra Costa County and are under LAFCO jurisdiction, as shown in Table 1-1.

*Table 1-1: Local Agencies Reviewed*

This report is the sole MSR in this cycle for each of the four county service areas (CSAs) providing library financing services. Other City of Richmond and County services have been covered in several MSR reports.

LAFCO will update the four Library CSAs spheres of influence (SOIs) at the completion of this review. LAFCO updated the SOI for the City of Richmond in 2009. LAFCO has no reason to establish an SOI for the Contra Costa County Library.

Service Provider	Location	Facilities	Services	Financing
City of Richmond	Richmond	√	√	√
Contra Costa County Library	Countywide exc. Richmond	√	√	√
County Service Area LIB-2	Rancho El Sobrante			√
County Service Area LIB-10	City of Pinole			√
County Service Area LIB-12	Town of Moraga			√
County Service Area LIB-13	Ygnacio Valley			√

## LIBRARY FINDINGS

### Service Demand

Municipal libraries serve not only in their traditional roles as repositories and lenders of books, films and reading materials, meeting locations and storytime venues, but also in their modern roles as society's default provider of computer and Internet access, as e-book lenders, and as web-based research and digital media access points. The library service providers in Contra Costa County have adapted to meet some of the new technology-driven demands of today's library users, but also face challenges in fulfilling rapidly evolving demands.

Just in the last five years, municipal library visits statewide have risen 13 percent. Visits to the City of Richmond Library (Richmond) outlets have increased 46 percent, and visits to the Contra Costa County Library (CCCL) outlets increased 21 percent. Similarly, use of library computers and circulation have increased significantly, and even more dramatically at the Richmond libraries than CCCL libraries. At the same time, general population has been relatively stable, growing only one percent in Richmond and three percent in the CCCL system. Technology and the proliferation of internet access have reduced demand on reference desks, with reference questions declining 20 percent statewide over the last five years.

### Service Levels

Library open hours are the primary, traditional measure of library service levels. By this measure, service levels in the County tend to be lower than the Bay Area and State as a whole. The median library outlet in the County is open 35 hours weekly. By comparison, the median library outlet in the Bay Area is open 44 hours weekly, and the median statewide is 39 hours weekly.

Service levels vary dramatically among municipal libraries within the County from a low of 18 hours weekly at the Bay Point library to a high of 60 hours weekly at the Danville and Orinda libraries. Within the CCCL system, most libraries offer a basic service level of 35 open hours weekly; higher service levels are available to libraries in cities that reimburse CCCL for the additional costs. Smaller CCCL libraries—Bay Point, Crockett, Pinole and Rodeo—are open less than 35 hours weekly. In Richmond, the Main Library is open 45 hours weekly and the two branches are open 20 hours weekly.

### Management and Accountability

The library service providers demonstrated accountability and transparency to constituents based on efforts to conduct outreach, to accept feedback, to staff advisory bodies to seek and accept guidance from the community, and to prepare and disclose financial information.

There are four County Service Areas (CSAs) that serve as library funding mechanisms in the El Sobrante, Pinole, Moraga, and Ygnacio Valley areas. Accountability to constituents within the library CSAs is constrained due to a lack of citizens advisory committees altogether.

### Facility Needs

Richmond and CCCL both own and operate library facilities in the City limits and unincorporated areas respectively. CCCL operates 19 libraries owned by other agencies—15 by cities, two by school districts and two by private companies—that are responsible for facility maintenance and capital improvements.

The Richmond Main Library and three of the County-owned library facilities—Antioch, Pleasant Hill and Rodeo—need replacement but lack funding to do so. The remainder of the County-owned libraries are in fair to poor condition and need capital improvements, but there is a similar lack of funding. Both privately-owned libraries and libraries owned by school districts in the CCCL system have unfunded replacement needs.

Among the City-owned libraries, there are five new libraries in excellent condition, five in good condition, and five in fair to poor condition. There are significant unfunded capital needs at the Concord, El Cerrito, and Moraga libraries.

### Financing

The financial ability of Richmond and CCCL to provide library services is, for the most part, minimally adequate. Available revenues per capita are significantly lower for both service providers than among Bay Area providers as a whole.

CCCL funds library operations and facilities from its ongoing revenues, which are primarily composed of property taxes but also include City contributions, grants, and fines. For funding of library operations and facilities costs, most of the cities rely on general fund sources.

Special voter-approved taxes are a funding opportunity. Statewide, 46 percent of library parcel tax ballot measures have been approved by voters in the last 30 years. Orinda relies in part on a special library parcel tax (\$39/year) approved by voters in 2008. Walnut Creek voters approved a

parcel tax in 2002, but the tax has now sunset. The cities of Hercules and Richmond, and Contra Costa County have proposed parcel taxes in the past, but the proposals were defeated by voters. The City of Oakley plans to propose a library parcel tax to its voters in 2013 to finance a proposed library relocation.

A number of library facility providers have major capital needs for which they have not identified funding sources. These include CCCL and the cities of Concord, El Cerrito, Moraga, and Richmond.

Six cities have successfully funded major library capital projects in recent years. Funding sources included State grants (Hercules and Lafayette), Foundation donations (Walnut Creek), redevelopment agencies (Lafayette and Pittsburg), voter-approved general obligation bonds (Martinez), Community Facility District taxes (Brentwood), and city general funds (Walnut Creek).

While there are significant contributions made by the El Sobrante (CSA LIB-2) and Ygnacio Valley (CSA LIB-13) CSAs to support their respective library's operating costs, the Pinole (CSA LIB-10) and Moraga (CSA LIB-12) CSAs contribute inconsequential revenue. In the case of CSA LIB-10, property tax revenues are not being allocated to the CSA in nearly the entire boundary area. In the case of CSA LIB-12, revenues are relatively low because there are very few taxable properties in the CSA boundary area.

### Governance and Service Alternatives

The report identified library governance alternatives under LAFCO jurisdiction. These include dissolution of two of the library CSAs whose revenues provide inconsequential funding, and adjustments to two of the library CSA boundaries to better reflect the areas served by the respective library facility. Although LAFCO has the authority to establish independent library districts, the report did not identify this as a feasible alternative to the present CCCL system.

The report found that capital planning efforts by both CCCL and Richmond have been minimal due to a lack of funding for needed facilities. Given the number of library facilities that need replacement in west County and the proximity of some of the library outlets, there appear to be opportunities for facility sharing that merit further study. The report recommended that LAFCO direct CCCL to conduct analysis of service areas and facility needs prior to the next MSR cycle.

The report identified various service configuration alternatives. Such alternatives are not under LAFCO jurisdiction, but rather options that may be exercised by the various service providers.

- Cities have the options of withdrawing from the CCCL system, and starting their own libraries. However, a 1996 study found that only Concord and San Ramon could afford to withdraw. Benefits of remaining in the larger CCCL system include broader scope of library materials, shared automated systems costs, leverage in materials purchasing and avoidance of duplicated efforts. Privatization is effectively precluded as a service alternative for withdrawing cities through 2019 by AB 438 requirements.
- CCCL and Richmond have the option of privatizing library services. The primary benefits of privatization are cost reduction—primarily due to lack of employer-paid pension benefits for employees of the private service provider—and associated opportunities to increase service levels. The primary disadvantages are reduced compensation for library employees and reduced public and government control over library operations. Neither CCCL nor Richmond has proposed or expressed interest in this option.

- Richmond has the option to join the CCCL system. Richmond Library has operated independently for 102 years, and has not proposed or expressed interest in this option.
- Richmond and CCCL have the option of jointly planning and funding library services and facilities in their intertwined service areas in north Richmond, San Pablo and El Sobrante. County Service Areas and library districts are LAFCO-regulated options that could be considered by the providers.

**SOI UPDATES**

This report identifies alternatives for LAFCO to consider as it updates the spheres of influence (SOIs) of the four library county service areas. An SOI is a LAFCO-approved plan that designates an agency’s probable future boundary and service area. The SOI essentially defines where and what types of government reorganizations, such as annexation, detachment, dissolution or consolidation, may be initiated. The governing bodies of local agencies and voters may initiate reorganizations so long as they are consistent with the SOIs. An SOI change neither initiates nor approves a government reorganization. If and when a government reorganization is initiated, there are procedural steps required by law, including a protest hearing and/or election by which voters may choose to approve or disapprove a reorganization. The author’s SOI recommendations are shown in Table 1-2.

*Table 1-2: SOI Update Options*

<b>Agency</b>	<b>SOI Options</b>	<b>Author's Recommendation</b>
CSA LIB-2 (El Sobrante)	1) Coterminous SOI 2) Adjust SOI to reflect the current service area	Coterminous SOI CCCL study service area and facility sharing opportunities by next MSR round
CSA LIB-10 (Pinole)	1) Coterminous SOI 2) Zero SOI	Zero SOI
CSA LIB-12 (Moraga)	1) Coterminous SOI 2) Zero SOI	Zero SOI
CSA LIB-13 (Ygnacio Valley)	1) Coterminous SOI 2) Increase SOI to include the Rancho Paraiso area of interest	Increase SOI to add Rancho Paraiso CCCL study service area by next MSR round

## 2. LAFCO AND MUNICIPAL SERVICE REVIEWS

This report is prepared pursuant to legislation enacted in 2000 that requires LAFCO to conduct a comprehensive review of municipal service delivery and update the spheres of influence (SOIs) of all agencies under LAFCO's jurisdiction. This chapter provides an overview of LAFCO's history, powers and responsibilities, discusses the origins and legal requirements for preparation of the municipal service review (MSR), and reviews the processes for MSR approval and SOI updates.

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### LAFCO OVERVIEW

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After World War II, California experienced dramatic growth in population and economic development. With this boom came a demand for housing, jobs and public services. To accommodate this demand, many new local government agencies were formed, often with little forethought as to the ultimate governance structures in a given region, and existing agencies often competed for expansion areas. The lack of coordination and adequate planning led to a multitude of overlapping, inefficient jurisdictional and service boundaries, and the premature conversion of California's agricultural and open-space lands.

Recognizing this problem, in 1959, Governor Edmund G. Brown, Sr. appointed the Commission on Metropolitan Area Problems. The Commission's charge was to study and make recommendations on the "misuse of land resources" and the growing complexity of local governmental jurisdictions. The Commission's recommendations on local governmental reorganization were introduced in the Legislature in 1963, resulting in the creation of a Local Agency Formation Commission, or LAFCO.

The Contra Costa LAFCO was formed as a countywide agency to discourage urban sprawl and encourage the orderly formation and development of local government agencies. LAFCO is responsible for coordinating logical and timely changes in local governmental boundaries, including annexations and detachments of territory, incorporations of cities, formations of special districts, and consolidations, mergers and dissolutions of districts, as well as reviewing ways to reorganize, simplify, and streamline governmental structure. The Commission's efforts are focused on ensuring that services are provided efficiently and economically while agricultural and open-space lands are protected. To better inform itself and the community as it seeks to exercise its charge, LAFCO conducts service reviews to evaluate the provision of municipal services within the County.

LAFCO regulates, through approval, denial, conditions and modification, boundary changes proposed by public agencies or individuals. It also regulates the extension of public services by cities and special districts outside their boundaries. LAFCO is empowered to initiate updates to the SOIs and proposals involving the dissolution or consolidation of special districts, mergers, establishment of subsidiary districts, formation of a new district or districts, and any reorganization including such actions. Otherwise, LAFCO actions must originate as petitions or resolutions from affected voters, landowners, cities or districts.

Contra Costa LAFCO consists of seven regular members: two members from the Contra Costa County Board of Supervisors, two city council members, two independent special district members, and one public member who is appointed by the other members of the Commission. There is an alternate in each category. All Commissioners are appointed to four-year terms. The Commission members are shown in Table 2-1.

**Table 2-1: Commission Members, 2012**

<b>Appointing Agency</b>	<b>Members</b>	<b>Alternate Members</b>
Two members from the Board of Supervisors appointed by the Board of Supervisors.	Federal Glover Mary N. Piepho	Candace Andersen
Two members representing the cities in the County. Must be a city officer and appointed by the City Selection Committee.	Don Tatzin, <i>City of Lafayette</i> Rob Schroder, <i>City of Martinez</i>	Tom Butt <i>City of Richmond</i>
Two members representing the independent special districts in the County. Must be a district governing body member and appointed by the independent special district selection committee.	Dwight Meadows, <i>Contra Costa Resource Conservation Dist.</i> Michael R. McGill, <i>Central Contra Costa Sanitary District</i>	George H. Schmidt, <i>West County Wastewater Dist.</i>
One member from the general public appointed by the other six Commissioners.	Donald A. Blubaugh	Sharon Burke

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## MUNICIPAL SERVICE REVIEW ORIGINS

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The MSR requirement was enacted by the Legislature months after the release of two studies recommending that LAFCOs conduct reviews of local agencies. The “Little Hoover Commission” focused on the need for oversight and consolidation of special districts, whereas the “Commission on Local Governance for the 21st Century” focused on the need for regional planning to ensure adequate and efficient local governmental services as the California population continues to grow.

### LITTLE HOOVER COMMISSION

In May 2000, the Little Hoover Commission released a report entitled *Special Districts: Relics of the Past or Resources for the Future?* This report focused on governance and financial challenges among independent special districts, and the barriers to LAFCO’s pursuit of district consolidation and dissolution. The report raised the concern that “the underlying patchwork of special district governments has become unnecessarily redundant, inefficient and unaccountable.”<sup>1</sup>

In particular, the report raised concern about a lack of visibility and accountability among some independent special districts. The report indicated that many special districts hold excessive reserve funds and some receive questionable property tax revenue. The report expressed concern about the lack of financial oversight of the districts. It asserted that financial reporting by special districts is inadequate, that districts are not required to submit financial information to local elected officials, and concluded that district financial information is “largely meaningless as a tool to evaluate the effectiveness and efficiency of services provided by districts, or to make comparisons with neighboring districts or services provided through a city or county.”<sup>2</sup>

The report questioned the accountability and relevance of certain special districts with uncontested elections and without adequate notice of public meetings. In addition to concerns about the accountability and visibility of special districts, the report raised concerns about special districts with outdated boundaries and outdated missions. The report questioned the public benefit provided by health care districts that have sold, leased or closed their hospitals, and asserted that LAFCOs consistently fail to examine whether they should be eliminated. The report pointed to service

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<sup>1</sup> Little Hoover Commission, 2000, p. 12.

<sup>2</sup> Little Hoover Commission, 2000, p. 24.

improvements and cost reductions associated with special district consolidations, but asserted that LAFCOs have generally failed to pursue special district reorganizations.

The report called on the Legislature to increase the oversight of special districts by mandating that LAFCOs identify service duplications and study reorganization alternatives when service duplications are identified, when a district appears insolvent, when district reserves are excessive, when rate inequities surface, when a district's mission changes, when a new city incorporates and when service levels are unsatisfactory. To accomplish this, the report recommended that the State strengthen the independence and funding of LAFCOs, require districts to report to their respective LAFCO, and require LAFCOs to study service duplications.

## COMMISSION ON LOCAL GOVERNANCE FOR THE 21ST CENTURY

The Legislature formed the Commission on Local Governance for the 21st Century ("21st Century Commission") in 1997 to review statutes on the policies, criteria, procedures and precedents for city, county and special district boundary changes. After conducting extensive research and holding 25 days of public hearings throughout the State at which it heard from over 160 organizations and individuals, the 21st Century Commission released its final report, *Growth Within Bounds: Planning California Governance for the 21st Century*, in January 2000.<sup>3</sup> The report examines the way that government is organized and operates and establishes a vision of how the State will grow by "making better use of the often invisible LAFCOs in each county."

The report points to the expectation that California's population will double over the first four decades of the 21st Century, and raises concern that our government institutions were designed when our population was much smaller and our society was less complex. The report warns that without a strategy open spaces will be swallowed up, expensive freeway extensions will be needed, job centers will become farther removed from housing, and this will lead to longer commutes, increased pollution and more stressful lives. *Growth Within Bounds* acknowledges that local governments face unprecedented challenges in their ability to finance service delivery since voters cut property tax revenues in 1978 and the Legislature shifted property tax revenues from local government to schools in 1993. The report asserts that these financial strains have created governmental entrepreneurship in which agencies compete for sales tax revenue and market share.

The 21st Century Commission recommended that effective, efficient and easily understandable government be encouraged. In accomplishing this, the 21st Century Commission recommended consolidation of small, inefficient or overlapping providers, transparency of municipal service delivery to the people, and accountability of municipal service providers. The sheer number of special districts, the report asserts, "has provoked controversy, including several legislative attempts to initiate district consolidations,"<sup>4</sup> but cautions LAFCOs that decisions to consolidate districts should focus on the adequacy of services, not on the number of districts.

*Growth Within Bounds* stated that LAFCOs cannot achieve their fundamental purposes without a comprehensive knowledge of the services available within its county, the current efficiency of providing service within various areas of the county, future needs for each service, and expansion capacity of each service provider. Comprehensive knowledge of water and sanitary providers, the report argued, would promote consolidations of water and sanitary districts, reduce water costs and promote a more comprehensive approach to the use of water resources. Further, the report asserted

<sup>3</sup> The Commission on Local Governance for the 21st Century ceased to exist on July 1, 2000, pursuant to a statutory sunset provision.

<sup>4</sup> Commission on Local Governance for the 21st Century, 2000, p. 70.

that many LAFCOs lack such knowledge and should be required to conduct such a review to ensure that municipal services are logically extended to meet California's future growth and development.

MSRs would require LAFCO to look broadly at all agencies within a geographic region that provide a particular municipal service and to examine consolidation or reorganization of service providers. The 21st Century Commission recommended that the review include water, wastewater, and other municipal services that LAFCO judges to be important to future growth. The Commission recommended that the service review be followed by consolidation studies and be performed in conjunction with updates of SOIs. The recommendation was that service reviews be designed to make nine determinations, each of which was incorporated verbatim in the subsequently adopted legislation. The legislature since consolidated the determinations into six required findings.

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## MUNICIPAL SERVICE REVIEW LEGISLATION

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The Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000 requires LAFCO review and update SOIs not less than every five years and to review municipal services before updating SOIs. The requirement for service reviews arises from the identified need for a more coordinated and efficient public service structure to support California's anticipated growth. The service review provides LAFCO with a tool to study existing and future public service conditions comprehensively and to evaluate organizational options for accommodating growth, preventing urban sprawl, and ensuring that critical services are provided efficiently.

Effective January 1, 2008, Government Code §56430 requires LAFCO to conduct a review of municipal services provided in the county by region, sub-region or other designated geographic area, as appropriate, for the service or services to be reviewed, and prepare a written statement of determination with respect to each of the following topics:

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

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<sup>5</sup> Disadvantaged unincorporated community means an inhabited community with an annual median household income that is less than 80 percent of the statewide annual median household income.

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## SPHERES OF INFLUENCE

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An SOI is a LAFCO-approved plan that designates an agency's probable future boundary and service area. Spheres are planning tools used to provide guidance for individual boundary change proposals and are intended to encourage efficient provision of organized community services, discourage urban sprawl and premature conversion of agricultural and open space lands, and prevent overlapping jurisdictions and duplication of services. Every determination made by a commission must be consistent with the SOIs of local agencies affected by that determination;<sup>6</sup> for example, territory may not be annexed to a city or district unless it is within that agency's sphere. SOIs should discourage duplication of services by local governmental agencies, guide the Commission's consideration of individual proposals for changes of organization, and identify the need for specific reorganization studies, and provide the basis for recommendations to particular agencies for government reorganizations.

Contra Costa LAFCO policies are that LAFCO discourages inclusion of land in an agency's SOI if a need for services provided by that agency within a 5-10 year period cannot be demonstrated. SOIs generally will not be amended concurrently with an action on the related change of organization or reorganization. A change of organization or reorganization will not be approved solely because an area falls within the SOI of any agency. In other words, the SOI essentially defines where and what types of government reorganizations (e.g., annexation, detachment, dissolution and consolidation) may be initiated. If and when a government reorganization is initiated, there are a number of procedural steps that must be conducted for a reorganization to be approved. Such steps include more in-depth analysis, LAFCO consideration at a noticed public hearing, and processes by which affected agencies and/or residents may voice their approval or disapproval.

The Cortese-Knox-Hertzberg Act requires LAFCO to develop and determine the SOI of each local governmental agency within the county and to review and update the SOI every five years. LAFCOs are empowered to adopt, update and amend the SOI. They may do so with or without an application and any interested person may submit an application proposing an SOI amendment.

LAFCO may recommend government reorganizations to particular agencies in the county, using the SOIs as the basis for those recommendations. Based on review of the guidelines and practices of Contra Costa LAFCO as well as other LAFCOs in the State, various conceptual approaches have been identified from which to choose in designating an SOI:

- 1) **Coterminous Sphere:** The sphere for a city or special district that is the same as its existing boundaries.
- 2) **Annexable Sphere:** A sphere larger than the agency's boundaries identifies areas the agency is expected to annex. The annexable area is outside its boundaries and inside the sphere.
- 3) **Detachable Sphere:** A sphere that is smaller than the agency's boundaries identifies areas the agency is expected to detach. The detachable area is the area within the agency bounds but not within its sphere.
- 4) **Zero Sphere:** A zero sphere indicates the affected agency's public service functions should be reassigned to another agency and the agency should be dissolved or combined with one or more other agencies.

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<sup>6</sup> Government Code §56375.5.

- 5) Consolidated Sphere: A consolidated sphere includes two or more local agencies and indicates the agencies should be consolidated into one agency.
- 6) Limited Service Sphere: A limited service sphere is the territory included within the SOI of a multi-service provider agency that is also within the boundary of a limited purpose district which provides the same service (e.g., fire protection), but not all needed services.
- 7) Sphere Planning Area: LAFCO may choose to designate a sphere planning area to signal that it anticipates expanding an agency's SOI in the future to include territory not yet within its official SOI.
- 8) Provisional Sphere: LAFCO may designate a provisional sphere that automatically sunsets if certain conditions occur.

LAFCO is required to establish SOIs for all local agencies and enact policies to promote the logical and orderly development of areas within the SOIs. Furthermore, LAFCO must update those SOIs every five years. In updating the SOI, LAFCO is required to conduct a municipal service review (MSR) and adopt related determinations. In addition, in adopting or amending an SOI, LAFCO must make the following determinations:

- Present and planned land uses in the area, including agricultural and open-space lands;
- Present and probable need for public facilities and services in the area;
- Present capacity of public facilities and adequacy of public service that the agency provides or is authorized to provide;
- Existence of any social or economic communities of interest in the area if the Commission determines these are relevant to the agency; and
- The present and probable need for public sewer, water, or fire protection facilities and services of any disadvantaged unincorporated communities within the existing SOI.<sup>7</sup>

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## MSR AND SOI UPDATE PROCESS

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The MSR process does not require LAFCO to initiate changes of organization based on service review findings, only that LAFCO identify potential government structure options. However, LAFCO, other local agencies, and the public may subsequently use the determinations to analyze prospective changes of organization or reorganization or to establish or amend SOIs. LAFCO may act with respect to a recommended change of organization or reorganization on its own initiative, at the request of any agency, or in response to a petition.

MSRs are exempt from California Environmental Quality Act (CEQA) pursuant to §15262 (feasibility or planning studies) or §15306 (information collection) of the CEQA Guidelines. LAFCO's actions to adopt MSR determinations are not considered "projects" subject to CEQA.

Once LAFCO has adopted the MSR determinations, it must update the SOIs for four library CSAs. This report identifies preliminary SOI policy alternatives and recommends SOI options for each agency. Development of actual SOI updates will involve additional steps, including development of recommendations by LAFCO staff, opportunity for public input at a LAFCO

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<sup>7</sup> The fifth determination relating to disadvantaged communities is required for an update of an SOI of a city or special district that provides public facilities or services related to sewers, municipal and industrial water, or structural fire protection.

public hearing, and consideration and changes made by Commissioners. A CEQA determination will then be made on a case-by-case basis once the proposed project characteristics are clearly identified.

The CKH Act stipulates several procedural requirements in updating SOIs. It requires that special districts file written statements on the class of services provided and that LAFCO clearly establish the location, nature and extent of services provided by special districts. Accordingly, each local agency's class of services provided is documented in this MSR. The MSR described the nature, location, and extent of functions or classes of services provided by existing districts, which is a procedural requirement for LAFCO to complete when updating SOIs.

LAFCO must notify affected agencies 21 days before holding a public hearing to consider the SOI and may not update the SOI until after that hearing. The LAFCO Executive Officer must issue a report including recommendations on the SOI amendments and updates under consideration at least five days before the public hearing.

### 3. LIBRARY SERVICES

This section provides an overview of the special districts providing library services in Contra Costa County, including how these services are provided, as well as growth and population projections, current and future service needs, infrastructure needs, service adequacy, and financing. The focus of the chapter is on library service providers under Contra Costa LAFCO jurisdiction, and the Contra Costa County Library.

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#### PROVIDER OVERVIEW

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This section provides an overview of the local agencies in Contra Costa County that provide library services.

#### LIBRARY SERVICE PROVIDERS

*Table 3-1: Library Service Configuration*

There are two primary library service providers in Contra Costa County: the Contra Costa County Library and the City of Richmond.

##### City of Richmond

The City of Richmond provides library facility and operations services for the three library outlets within the city limits. Library operational services encompass a wide variety of services ranging from the standard offerings—physical library collections, reference desk services, cataloging of materials, story hour and other in-library programming, and literacy services—to modern offerings—virtual library, wireless (wi-fi) access, and public access computers—to services tailored to in-need populations. The City provides library facility and library operation services.

##### Contra Costa County Library (CCCL)

Contra Costa County Library (CCCL) provides library services to the unincorporated communities and 18 of the 19 cities in the County. The County provides library facility services at the County-owned libraries in the unincorporated areas and in the cities of Antioch, Pinole, Pleasant Hill, San Pablo, and Walnut Creek.

#### LIBRARY FACILITY PROVIDERS

Library facility services include repairs, capital improvements, janitorial, grounds maintenance, utilities and telecommunication services.

Library facility service and facility funding providers are shown in Table 3-2.

Service Provider	Location	Facilities	Services	Financing
City of Richmond	Richmond	√	√	√
Contra Costa County Library	Countywide exc. Richmond	√	√	√
County Service Area LIB-2	Rancho El Sobrante			√
County Service Area LIB-10	City of Pinole			√
County Service Area LIB-12	Town of Moraga			√
County Service Area LIB-13	Ygnacio Valley			√

**Table 3-2: Library Facility Providers**

Service Provider	Location	Services	Funding	Service Provider	Location	Services	Funding
City of Richmond	Richmond	√	√	City of Martinez	Martinez	√	√
Contra Costa County Library	All exc. Richmond	√	√	Town of Moraga	Moraga	√	√
County Service Area LIB-2	El Sobrante		√	City of Oakley	Oakley	§	§
County Service Area LIB-10	City of Pinole		√	City of Orinda	Orinda	√	√
County Service Area LIB-12	Moraga		√	City of Pinole	Pinole		•
County Service Area LIB-13	Ygnacio Valley		√	City of Pittsburg	Pittsburg	√	√
City of Antioch	Antioch & Prewett	√	√	City of Pleasant Hill	Pleasant Hill		√
City of Brentwood	Brentwood	√	√	City of San Pablo	San Pablo		√
City of Clayton	Clayton	√	√	City of San Ramon	San Ramon	√	√
City of Concord	Concord	√	√	City of Walnut Creek	Walnut Crk & Ygnacio	√	√
City of Danville	Danville	√	√	Liberty Union HSD	Oakley	√	√
City of El Cerrito	El Cerrito	√	√	Mount Diablo USD	Bay Point	√	√
City of Hercules	Hercules	√	√	Signature Properties	San Pablo	√	
City of Lafayette	Lafayette	√	√	C&H Sugar	Crockett	√	

Note: √ indicates active provider; § indicates actively planning to initiate a service; • indicates inactive

In addition to the primary library service providers in Contra Costa County, there are 14 cities, two school districts, and two private companies that own library facilities and provide library facility services and/or financing. The facility owners are the direct providers of facility services.

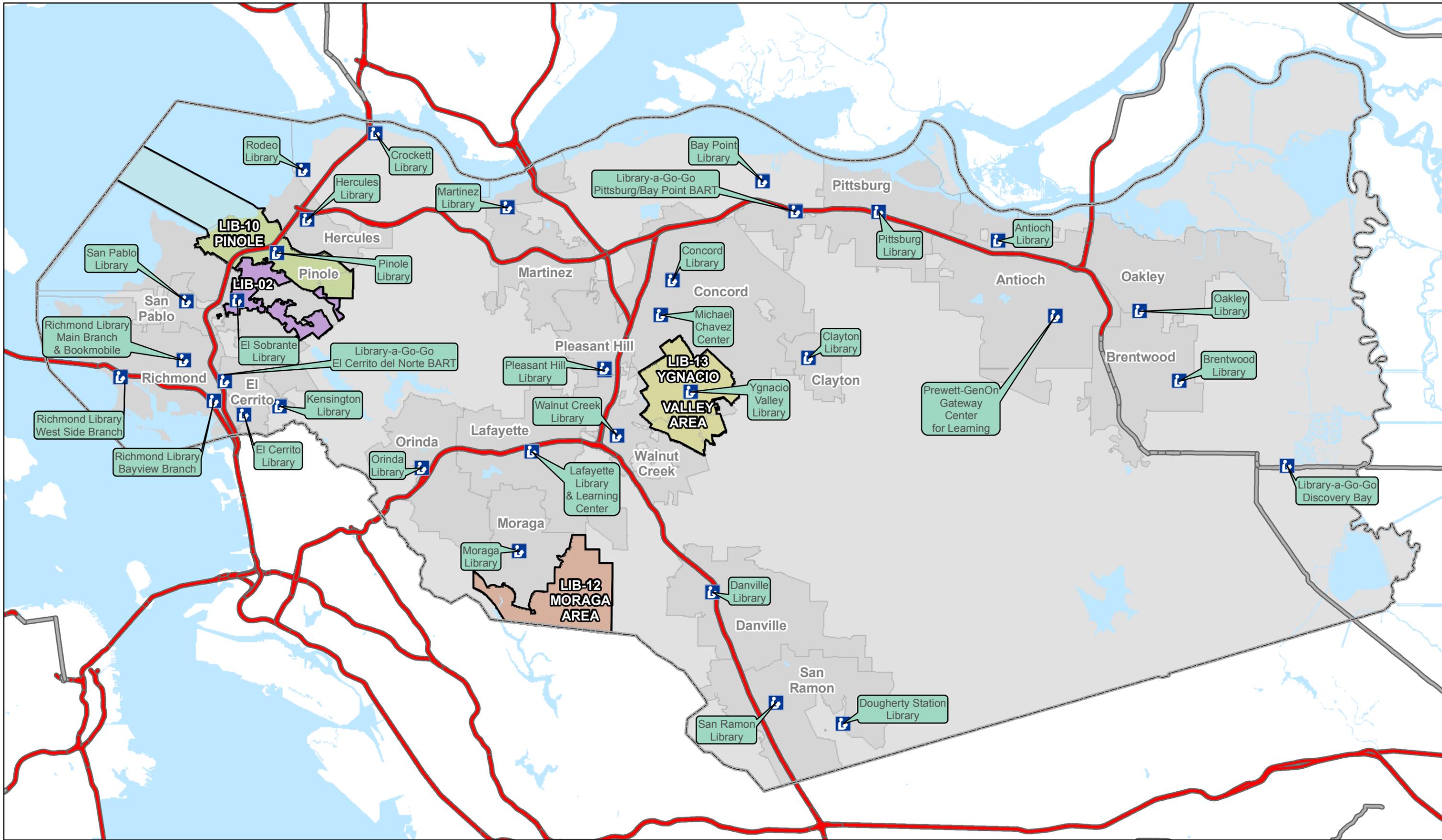
Pleasant Hill and San Pablo do not own the library facilities serving their areas, but reimburse CCCL for facility-related costs. Pinole does not own the library facility serving its area; it formerly paid for capital improvements, but presently does not do so due to fiscal distress. Oakley does not own the library facility serving its area, but proposed in 2012 to relocate the library and take responsibility for facility services. The four library CSAs contribute funding that pays for a portion of the facility and operations costs at the associated libraries.

## COUNTY SERVICE AREAS (CSAs)

Four County Service Areas contribute financing for library services and/or facilities that are provided directly by County Library.

- CSA LIB-2 (El Sobrante) provides funding for extended library facilities and services in the unincorporated community of Rancho El Sobrante.
- CSA LIB-10 (Pinole) provides funding for a library facility serving the City of Pinole and adjacent unincorporated areas of Bayview, Montalvin Manor, Tara Hills and an area east of Pinole. Although the official boundaries include the areas served by the Pinole Library, property tax allocations to the CSA are made only from one small tax rate area within city limits.
- CSA LIB-12 provides library financing for extended library facilities and services in the unincorporated area to the south and east of the Town of Moraga.
- CSA LIB-13 (Ygnacio Valley) provides financing for library construction in the Ygnacio Valley area. The area encompasses portions of the cities of Walnut Creek and Concord and the nearby North Gate and Shell Ridge unincorporated areas.

# Map 3-1: Contra Costa County Libraries and Library County Service Areas



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## POPULATION AND GROWTH

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There were 1,065,117 residents in Contra Costa County in 2012, according to the California Department of Finance.

Since 2000, population grew by 116,301, or 12 percent. The countywide growth rate averaged one percent annually between 2000 and 2010, and somewhat slower thereafter, as shown in Table 3-3. Population growth in the CCCL library service area has been somewhat faster than in the Richmond service area. The population in Brentwood, San Ramon, Oakley and Hercules has grown at the fastest rates. Population growth was relatively slow in San Pablo, Moraga, Pinole, Concord, Danville and Orinda.

*Table 3-3: Population and Growth Rates, 2000-30*

Provider/Place	Total Population				Annual Growth Rate		
	2000	2010	2012	2030	2000-10	2010-12	2010-30
<b>TOTAL COUNTYWIDE</b>	948,816	1,049,025	1,065,117	1,302,300	1.0%	0.8%	1.1%
<b>Contra Costa County Library</b>	849,600	945,324	960,230	1,169,700	1.1%	0.8%	1.1%
Antioch	90,532	102,372	103,833	116,800	1.2%	0.7%	0.7%
Brentwood	23,302	51,481	52,575	77,500	8.2%	1.1%	2.1%
Clayton	10,762	10,897	10,996	11,500	0.1%	0.5%	0.3%
Concord	121,872	122,067	123,206	153,000	0.0%	0.5%	1.1%
Danville	41,715	42,039	42,450	51,000	0.1%	0.5%	1.0%
El Cerrito	23,171	23,549	23,774	26,200	0.2%	0.5%	0.5%
Hercules	19,488	24,060	24,272	34,900	2.1%	0.4%	1.9%
Lafayette	23,908	23,893	24,159	26,900	0.0%	0.6%	0.6%
Martinez	35,866	35,824	36,225	41,400	0.0%	0.6%	0.7%
Moraga	16,290	16,016	16,152	18,900	-0.2%	0.4%	0.8%
Oakley	25,619	35,432	36,532	44,450	3.3%	1.5%	1.1%
Orinda	17,599	17,643	17,819	19,600	0.0%	0.5%	0.5%
Pinole	19,039	18,390	18,560	26,500	-0.3%	0.5%	1.8%
Pittsburg	56,769	63,264	64,706	96,700	1.1%	1.1%	2.1%
Pleasant Hill	32,837	33,152	33,440	43,200	0.1%	0.4%	1.3%
San Pablo	30,256	29,139	29,105	36,700	-0.4%	-0.1%	1.2%
San Ramon	44,722	72,148	74,378	85,200	4.9%	1.5%	0.8%
Walnut Creek	64,296	64,173	65,233	77,400	0.0%	0.8%	0.9%
Unincorporated	151,557	159,785	162,815	181,850	0.5%	0.9%	0.6%
<b>Richmond</b>	99,216	103,701	104,887	132,600	0.4%	0.6%	1.2%

Sources: California Department of Finance, Association of Bay Area Governments, U.S. Census Bureau

Notes:

- (1) The source for population in 2000 and 2010 is the decennial census, and for population in 2012 is California Department of Finance.
- (2) Projected 2030 population is the ABAG 2009 projection. ABAG's next projections are scheduled for release in 2013.

Population in the County is expected to grow by 12-13,000 residents annually over the next 20 years, according to the Association of Bay Area Governments (ABAG) projections. More rapid growth of 15,000-18,000 new residents annually over the next 20 years is projected by the California Department of Finance. Among the library service areas, those expected to be most affected by growth are the CCCL service areas in Brentwood, Hercules, Pinole and Pittsburg. Moderate future growth is projected for the Concord, Danville, Oakley, Pleasant Hill, San Pablo and Richmond library service areas. Slower population growth is projected elsewhere in the County.

Oakley contends that the ABAG population projections understate growth significantly, and that the City's residential population will be near 60,000 by 2030 rather than 45,000 as ABAG projected. If the City is correct, the Oakley service area's growth and future needs will outpace the ABAG projections.

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## SERVICE DEMAND

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National surveys indicate that about 66 percent of adults visit a public library at least once a year.<sup>8</sup> People with higher education and income levels are more likely to use public libraries. Households with children are more likely to visit libraries than households without young children. Younger adults tend to use the library for internet access much more than older adults. Most of those using libraries for internet access lack internet access at home. Women are more frequent library visitors than men.

Indeed, education and income levels correlate with library use in Contra Costa County. Comparison of circulation (the number of materials checked out) per capita is an indicator of the differences in service demand among the libraries. Countywide, there were 5.5 materials checked out per capita in FY 10-11. Communities with especially high circulation per capita were Kensington, Lafayette, Clayton, Ygnacio Valley, Orinda, Pleasant Hill, San Ramon and Moraga. By contrast, communities with relatively low circulation per capita were Bay Point, Martinez, Rodeo, Bayview, Richmond, Pittsburg and Antioch.

Population growth is clearly a factor affecting library service demand. The more people there are, the more there will be seeking library services. However, population alone is not the primary driver of service demand.

National survey data show that per capita visitation of libraries has grown steadily in recent years, particularly in urban areas.<sup>9</sup> The availability of internet terminals in public libraries has also increased. Library users visiting libraries more often than in the past, but are checking out fewer materials per visit than they did in the past. That use patterns are changing is clear. There are several possible explanations for this trend. One is that people spend more time online and less time reading physical books. Another is that people are visiting libraries for other services (e.g., internet use, free income tax preparation, and homework help).

Just in the last five years, municipal library visits statewide have risen 13 percent. Visits to the City of Richmond Library (Richmond) outlets have increased 46 percent, and visits to the Contra

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<sup>8</sup> Griffiths, Jose-Marie and Donald King, "InterConnections: The IMLS National Study on the Use of Libraries, Museums and the Internet," *Report to the Institute of Museum and Library Services*, January 2008.

<sup>9</sup> Henderson, Everett. "Service Trends in U.S. Public Libraries, 1997-2007," *Institute of Museum and Library Services Research Brief No. 1*, December 2009.

Costa County Library (CCCL) outlets increased 21 percent.<sup>10</sup> At the same time, the population has grown only one percent in Richmond and three percent in the CCCL system. Clearly other factors besides population have been important.

Municipal libraries serve not only in their traditional roles as repositories and lenders of books, films and reading materials, meeting locations and storytime venues, but also in their modern roles as society's default provider of computer and Internet access, as e-book lenders, and as web-based research and digital media access points. The availability of materials of interest to the public and in the desired format—be it print or digital—and availability of free computer access at libraries is another factor. Similar to library visits, the use of library computers and circulation have increased significantly, and even more dramatically at the Richmond libraries than CCCL libraries.

Technology and the proliferation of internet access have reduced demand on reference desks, with reference questions declining 20 percent statewide over the last five years, and declining in the CCCL and Richmond library systems.

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## SERVICE ADEQUACY

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### LIBRARY HOURS

The number and scheduling of open library hours is a primary indicator of service levels. Although many library services and resources are offered now via internet, library locations remain important as space for studying, learning and meetings. More open hours are generally viewed as more service, assuming the library hours are offered during times that match customer needs. The best practice is to survey library users about the hours they want and need, and to offer library hours that best match user preferences.<sup>11</sup>

The median library outlet in Contra Costa County is open 35 hours per week. By comparison, the median library outlet in the Bay Area is open 44 hours per week, and the median statewide is 39 hours per week. In other words, service levels in Contra Costa County as a whole are somewhat low.

There are substantial differences among libraries in weekly hours. The Richmond branches, Bay Point, Crockett and Pinole are open 25 weekly hours or less. Many of the CCCL libraries are open for 35 hours weekly, as that is the basic service level offered by CCCL to cities.

**Table 3-4: Weekly Library Hours by Outlet, FY 12-13**

Library	Hours	Library	Hours
Bay Point	18	San Pablo	40
Bayview	20	Oakley	41
West Side	20	Clayton	44
Crockett	24	Hercules	45
Pinole	24	Main Richmond	45
El Sobrante	35	Dougherty Station	50
Kensington	35	Concord	52
Rodeo	35	Brentwood	56
Antioch	35	Lafayette	56
El Cerrito	35	Walnut Creek	56
Martinez	35	Ygnacio Valley	56
Moraga	35	San Ramon	58
Pittsburg	35	Danville	60
Pleasant Hill	35	Orinda	60
Prewett	35		

<sup>10</sup> California State Library, *California Public Library Reports*, FY 05-06 and FY 10-11.

<sup>11</sup> Poll, Roswitha and Peter te Boekhorst, *Measuring Quality: Performance Measurement in Libraries*, 2007, pp. 54-59.

CCCL offers cities the option of paying for the additional costs of staffing extended library hours. Eleven of the cities pay for extended library hours.

## MANAGEMENT

While public sector management standards do vary depending on the size and scope of the organization, there are minimum standards. Well-managed organizations evaluate employees annually, prepare a budget before the beginning of the fiscal year, conduct periodic financial audits to safeguard the public trust, maintain relatively current financial records, and plan and budget for capital needs.

Both of the primary service providers met four of the five criteria for well-managed agencies. perform annual employee evaluations on at least an annual basis. Both prepare timely annual budgets, conduct annual financial audits, and maintain current financial records.

Capital planning involves the preparation of a multi-year capital improvement plan or comparable planning effort for library facility capital replacement and, if relevant, expansion. Capital planning can be accomplished through a wide variety of methods. For the purpose of this report, a formally adopted long-term capital improvement plan that plans for at least five years is considered ideal. While the County has adopted a capital improvement plan, it does not program significant funds for library capital needs, does not provide unfunded capital needs (which are significant), and does not provide a plan as to how capital needs will be funded in the future. Richmond prepares a capital improvement plan, budgets for minor capital outlays, and discloses unfunded capital needs; however, the does not provide a plan as to how capital needs will be funded in the future. Both providers could make improvements in their capital planning, particularly given their sizeable unfunded infrastructure needs.

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## INFRASTRUCTURE NEEDS OR DEFICIENCIES

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### LIBRARY FACILITIES

Richmond and CCCL both own and operate library facilities in the City limits and unincorporated areas respectively, as shown in Table 3-5. CCCL operates 19 libraries owned by other agencies—15 by cities, two by school districts and two by private companies—that are responsible for facility maintenance and capital improvements.

Among the 15 City-owned CCCL libraries, five are in excellent condition (Dougherty Station, Hercules, Lafayette, Prewett, and Walnut Creek), and five are in good condition (Clayon, Danville, Martinez, Orinda and San Ramon).<sup>12</sup> Four libraries are in fair condition (Brentwood, Concord, Moraga and Pittsburg); capital projects in Brentwood and Pittsburg are funded while Concord and Moraga capital needs are unfunded. The El Cerrito library is in poor condition and needs replacement; the capital needs are unfunded.

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<sup>12</sup> Facility condition definitions: Excellent—relatively new (less than 10 years old) and requires minimal maintenance. Good—provides reliable operation in accordance with design parameters and requires only routine maintenance. Fair—operating at or near design levels; however, non-routine renovation, upgrading and repairs are needed to ensure continued reliable operation. Poor—cannot be operated within design parameters; major renovations are required to restore the facility and ensure reliable operation.

**Table 3-5: Library Facility Condition and Needs**

Library	Owner	Year Built	Reno- vated	Condition (1)	Square Feet	Facility Needs
<u>CCCL Library Outlets - Unincorporated Areas</u>						
Bay Point	MDUSD	1956		Poor	3,825	Bay Point Library is undersized, aged and in poor condition. The \$7.6 million cost of a replacement facility is not funded.
Crockett	C&H Sugar	1961		Poor	1,238	NP
El Sobrante	County	1961	1974, 1995	Fair	7,474	El Sobrante Library needs to be remodeled and expanded. The \$6.8 million cost of improvements is not funded.
Kensington	County	1965		Fair	5,094	Kensington Library needs to be remodeled. The \$1.8 million cost of improvements is not funded.
Rodeo	County	1920		Poor	864	NP
<u>CCCL Library Outlets - Cities</u>						
Antioch	County	1968	2006	Fair	11,000	The Antioch Library needs to be replaced with a larger facility. The estimated \$33 million cost of a 60,000-square-foot facility is not funded.
Brentwood	City	1946	2009	Fair	6,272	The Brentwood Library is undersized and needs to be expanded. The \$3.5 million project is budgeted for completion in FY 13-14.
Clayton	City	1995		Good	15,500	Clayton Library needs expansion (+3,500 sq. ft.) and upgrades (automatic checkout and coffee area) at a cost of \$1 million. This project is not presently funded or budgeted by the City.
Concord	City	1959		Fair	11,300	Concord Library needs electrical and lighting upgrades (\$0.13 M cost budgeted for FY 12-13). The facility also needs expansion and renovation to address ADA deficiencies and "desirable changes to library functions." The expansion and renovation project is not funded.
Danville	City	1996		Good	17,000	Danville Library needs a phone system upgrade, roof repairs and painting. The projects are funded and budgeted. The City Asset Replacement fund pays about \$25,000 annually for ongoing repairs at the facility.

*continued*

Library	Owner	Year Built	Reno- vated	Condition (1)	Square Feet	Facility Needs
Dougherty Station	City	2005		Excellent	11,800	The San Ramon libraries need improvements which are programmed in the City's CIP.
El Cerrito	City	1948	1960	Poor	6,400	The library is aged, needs extensive repairs and is too small. The City needs to replace the library; the estimated \$19.3 million cost is unfunded.
Hercules	City	2006		Excellent	22,000	None identified. The library facility is relatively new.
Lafayette	City	2009		Excellent	34,930	None identified. The library facility is new.
Martinez	City	1941	1995, 2011	Good	6,792	The library was renovated and expanded in 2011, but remains undersized for the community. The State Library had estimated the community needs a 25,000-sf facility; however the associated \$14 million cost is not funded.
Moraga	City	1974	1999	Fair	10,913	The library needs improvements: replacement of exterior patio, emergency exit walkway and carpet, upgrade of restroom and staff kitchen, alarm rewiring, drainage repairs, and removal of dead trees.
Oakley	LUHSD	1999		Fair	6,000	The library facility is undersized, lacks adequate shelf, programming and study space, patron power outlets, and parking. Renovation of an alternative space would cost \$3.5-4.0 million.
Orinda	City and Friends	2001		Good	17,136	The library needs carpet replacement (\$100,000 budgeted for FY 13-14) and painting (\$140,000 planned for FY 14-15).
Pinole	County	1974	2002	Fair	17,098	The Pinole Library roof leaks and needs replacement, parking lot needs resurfacing, and carpet needs replacement.
Pittsburg	City	1967		Fair	7,075	The library is aged and undersized. It needs remodeling and expansion. A \$2.8 million expansion includes 3,330 additional square feet, interior renovations and HVAC upgrades; completion is projected in 2013.
Pleasant Hill	County	1961		Fair	38,976	The Pleasant Hill Library is aged, undersized and needs to be replaced. The \$42 million cost of a 75,000-sf library is not funded.
Prewett	City	2010		Excellent	1,312	None identified. The library facility is new.

*continued*

Library	Owner	Year Built	Reno-vated	Condition (1)	Square Feet	Facility Needs
San Pablo	Signature Properties	1999		Fair	8,909	The library is undersized and needs to be replaced with a new facility. The estimated \$9 million cost for a 16,300-square feet facility is not funded.
San Ramon	City	1989		Good	18,238	The State considers the library undersized and estimated a new 50,000-sf facility would cost \$28 million.
Walnut Creek	City	2010		Excellent	34,930	A driveway railing is needed to prevent exiting cars from running into the adjacent stormwater basin.
Walnut Creek (Ygnacio)	County	1975	2004	Good	13,202	The Ygnacio Valley Library needs to be remodeled and expanded. The \$6.3 million improvement cost is not funded.
<u>Richmond Library Outlets - Cities</u>						
Main	City	1949	2000	Fair	31,250	The library is undersized, has outdated electrical wiring, heating and cooling, and lacks electrical/data capacity to expand public computers. Flooring needs replacement in areas, and restrooms need disability access. A \$50 million replacement facility is needed but not presently funded.
Bayview	City	1976	2008	Good	1,980	The library is susceptible to flooding.
West Side	City	1961	2008	Good	1,745	The library roof leaks.
Notes:						
(1) Facility condition definitions: Excellent—relatively new (less than 10 years old) and requires minimal maintenance. Good—provides reliable operation in accordance with design parameters and requires only routine maintenance. Fair—operating at or near design levels; however, non-routine renovation, upgrading and repairs are needed to ensure continued reliable operation. Poor—cannot be operated within design parameters; major renovations are required to restore the facility and ensure reliable operation						
(2) The County Library reported that 15 of the 26 library outlets lack capacity to support additional power and data, with the remainder having adequate capacity as of 2012.						

Most of the seven County-owned library facilities are in fair to poor condition. Remodeling and data/electric capacity improvements are needed at El Sobrante, Kensington, and Pinole libraries. Ygnacio Valley needs remodeling and expansion. Antioch, Pleasant Hill and Rodeo need replacement. None of the associated capital needs is funded.

The privately-owned Crockett Library is in poor condition. And the privately owned library in San Pablo is undersized and needs replacement. Associated capital needs are not funded. The two libraries located in school district facilities – Bay Point and Oakley – were reported to be in poor and fair condition, respectively. Both facilities need replacement. The City of Oakley is developing a ballot measure that would authorize a financing mechanism for the proposed new library there.

Richmond’s Main Library is undersized, has outdated electrical wiring, heating and cooling, and lacks electrical/data capacity to expand public computers. A proposed replacement facility is proposed to be approximately 65,300 square feet in size with 135 public computers, special service space and meeting rooms. The estimated cost of the proposed new facility is \$50 million. There is no active planning work being done on this project at this time due to a lack of funding.

The smaller Richmond library branches—Bayview and West Side—were renovated in 2008 prior to being re-opened.

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## SHARED FACILITIES

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### SHARED FACILITIES PRACTICES

Library service providers practice extensive facility sharing in Contra Costa County.

CCCL operates library outlets owned by 14 cities, two school district and two private companies. CCCL collaborates with non-profit library auxiliaries and a community college for library services, and conducts literacy outreach in collaboration with daycare providers and health clinics.

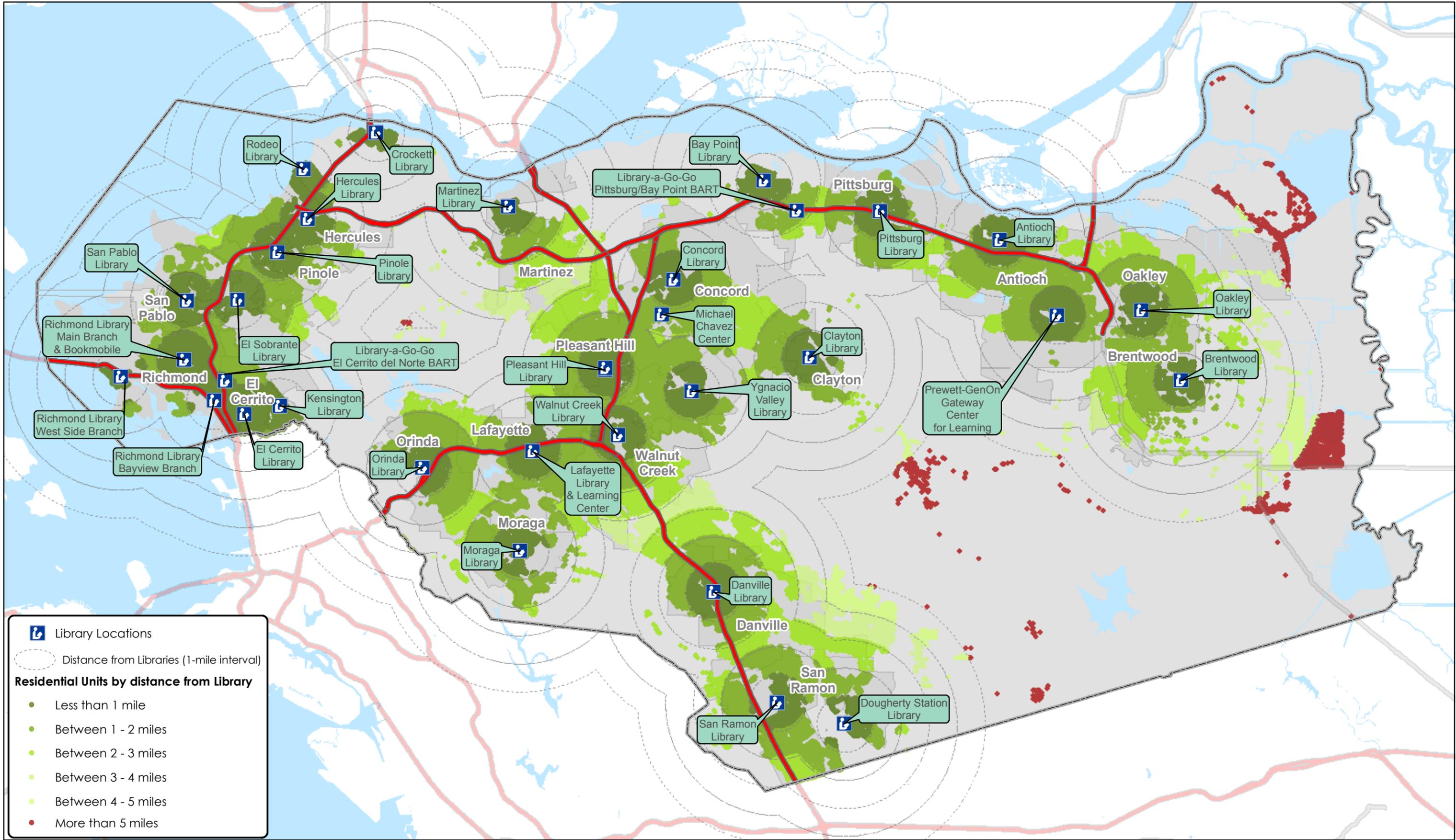
For both Richmond and CCCL, current facility sharing practices include access to materials at 44 other library systems through interlibrary loan. CCCL offers patrons of its library outlets not only access to its own combined collection but also access through Link-Plus interlibrary loan to the collections of 13 other municipal library systems (e.g., San Francisco and Sacramento) and 31 collegiate libraries. Richmond also share resources through Link-Plus.

Richmond’s literacy program collaborates with community organizations such as Catholic Charities, Bay Area Rescue Mission, Multi-Cultural Institute of Berkeley, and Building Blocks for Kids to ensure access to services throughout the community. The program uses facilities such as public housing sites, elementary schools, the adult school housed at Richmond High, and community centers to extend the number of students reached.

The Richmond Library is an active participant in a variety of interagency projects undertaken by the City of Richmond, West Contra Costa School District, and Contra Costa County often working closely with other community based organizations. Two examples are the Richmond Health Equity Partnership (RHEP) whose goal is to advance overall health and health equity in Richmond and includes the development of community based schools and the Campaign for Grade Level Reading focused on ensuring all students are reading at grade level by third grade.

Richmond Library has recently developed its own collaborative projects. A partnership with the Public Art Division and the Richmond Art Center, a non-profit, results in library programs and exhibits over the next five years both in the library and at the Art Center nearby.

# Map 3-2: Housing Units by Distance from Library



## **OPPORTUNITIES**

Given the recent economic decline and constrained revenues, library service providers could benefit from efficiencies and cost savings achieved through facility sharing. The following opportunities for further facility sharing were identified.

Library-related facility sharing opportunities include opportunities for community-based schools to share resources with the Richmond Library.

The City provided the building site for the El Sobrante Library 50 years ago in recognition that the library there would serve Richmond residents. The City is not presently funding the El Sobrante Library, and none of its territory lies within the associated County Service Area.

In western Contra Costa County, there are several County-owned library facilities located in close proximity to another facility. The Kensington and El Cerrito libraries are two miles apart, as are the El Sobrante and San Pablo libraries. Given the significant capital needs at these facilities, there are opportunities to combine facilities.

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## **FINANCING**

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The financial ability of agencies to provide services is affected by available financing sources and financing constraints. This section discusses the major financing constraints faced by special districts providing library services and identifies the revenue sources currently available to the service providers. Finally, it assesses the financial ability of agencies to provide services.

### **FINANCING SERVICES**

The CCCL funding level is relatively low. Revenues per capita amounted to \$25 in the CCCL system, as compared with \$58 at Richmond Library in FY 10-11. By comparison, the State average was \$48 per capita, and the Bay Area was \$61 per capita.

CCCL relies primarily on property taxes and City contributions to fund library services; whereas, Richmond and the cities providing facility services primarily rely on general fund revenues.

CCCL received approximately \$24.9 million in revenues in FY 10-11. It relies primarily on property tax revenues and City contributions to fund services. Property taxes generated 79 percent of revenues in FY 10-11, City contributions for extra library hours (more than the 35 hours per week basic service) generated seven percent,<sup>13</sup> service charges generated four percent, miscellaneous revenues generated four percent, donations generated three percent, State and federal grants generated two percent, and transfers from CSAs one percent.<sup>14</sup>

Richmond finances its Library & Cultural Services Department primarily from general fund revenues which contribute 96 percent of the Department's budget. Special library grants, fines and fees, and impact fees are the other funding sources.

For the most part, the cities providing facility services also rely on general fund revenues to fund their library facility and extended hours costs.

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<sup>13</sup> The County Library offers a base service level of 35 open hours weekly. Cities have the option to provide higher service levels if they pay the County Library for the associated costs of staffing additional library hours.

<sup>14</sup> County of Contra Costa, *Comprehensive Annual Financial Report for Fiscal Year Ended June 30, 2011, 2012*; Contra Costa County Library, *Extra Hours Payments Received for FY 2010-11 and 2011-12, 2012*.

Special voter-approved taxes are a funding opportunity. Statewide, 46 percent of library parcel tax ballot measures have been approved by voters in the last 30 years. Orinda relies in part on a special library parcel tax (\$39/year) approved by voters in 2008. Walnut Creek voters approved a parcel tax in 2002, but the tax has now sunset. The cities of Hercules and Richmond, and Contra Costa County have proposed parcel taxes in the past, but the proposals were defeated by voters. The County attempted to gain additional funding specifically for library services with a proposed special parcel tax but voters defeated the proposals in 1992 and 1994; voters in Crockett and Kensington defeated parcel tax proposals in 1992 as well. The City of Oakley plans to propose a library parcel tax to its voters in 2013 to finance a proposed library relocation.

## OPERATING COSTS

*Table 3-6: Library Operating Costs, FY 11-12*

<b>Library</b>	<b>Operations Cost</b>	<b>Facility Cost</b>	<b>Operations Cost per</b>	<b>Facility Cost per Capita</b>
Bay Point	\$231,965	NP	\$11	NP
Crockett	\$173,365	\$20,301	\$52	\$6
El Sobrante	\$594,642	\$82,872	\$38	\$5
Kensington	\$562,042	\$48,664	\$110	\$10
Rodeo	\$170,156	\$15,538	\$16	\$1
Antioch Branch	\$1,018,054	\$113,048	\$11	\$1
Antioch-Prewett	\$309,847	NP	\$4	NP
Brentwood	\$1,046,795	\$62,175	\$88	\$5
Clayton	\$717,700	\$132,765	\$6	\$1
Concord	\$1,362,772	\$84,000	\$24	\$1
Danville	\$1,325,029	\$172,348	\$31	\$4
El Cerrito	\$743,173	\$29,488	\$28	\$1
Hercules	\$902,336	\$70,286	\$37	\$3
Lafayette	\$1,324,924	\$678,389	\$50	\$26
Martinez	\$659,991	\$39,542	\$14	\$1
Moraga	\$826,247	\$81,167	\$50	\$5
Oakley	\$648,495	NP	\$17	NP
Orinda	\$1,222,810	\$242,267	\$69	\$14
Pinole	\$490,885	\$122,787	\$17	\$4
Pittsburg	\$696,185	\$66,000	\$11	\$1
Pleasant Hill	\$1,163,757	\$273,384	\$29	\$7
San Pablo	\$618,055	\$220,203	\$59	\$21
San Ramon	\$1,362,153	\$249,640	\$40	\$7
San Ramon Dougherty	\$1,073,509	\$154,950	\$25	\$4
Walnut Creek	\$1,663,931	\$347,881	\$30	\$6
Ygnacio Valley	\$1,162,503	\$280,061	\$48	\$12
Main	\$4,804,883	\$391,110	\$54	\$4
Bayview	\$224,948	\$24,992	\$20	\$2
West Side	\$224,948	\$21,964	\$65	\$6

## CAPITAL FINANCING

Capital needs can be financed through the same sources as operations: property taxes, charges for service and interest income; however, voter-approved taxes, grants, and bonded debt are also common sources for capital financing. The capital finance strategies of the library owners that have made or plan to make significant investments in their facilities are shown in Table 3-7.

**Table 3-7: Library Capital Finance Strategies**

<b>Library</b>	<b>Capital Finance Approach</b>
Brentwood	The City's \$3.5 million library expansion project was funded by lease revenue bonds which, in turn, are backed by Community Facility District special taxes.
Hercules	Hercules constructed a new library in 2006. State grants (Library Bond Act of 2000) funded \$6.1 million of the \$12.5 million cost. The local share was funded by the City of Hercules, Contra Costa County, and donations from civic organizations and individuals.
Lafayette	Lafayette constructed a new library in 2009. State grants (Library Bond Act of 2000) funded \$11.9 million of the \$18.3 million costs. Redevelopment bond proceeds (2005 and 2008) funded the local share of library construction costs.
Martinez	The City expanded and renovated its library in 2011. The City financed the \$2.0 million improvement costs with General Obligation bonds (that also financed park construction and pool improvements) which were approved by voters (Measure H) in 2008.
Oakley	The City proposed in 2012 to relocate the library to a vacant commercial property and to renovate the space at a projected cost of \$3.5 - 4.0 million. The City plans to submit a parcel tax to the voters in 2013 as a financing mechanism.
Pittsburg	The City's is expanding its library at a cost of \$2.5 million with completion projected for 2013. The City's redevelopment agency funded \$1.9 million of the costs.
San Ramon	The Dougherty Station library was constructed in 2005. The costs were financed by the City and Diablo Valley Community College.
Walnut Creek	Walnut Creek constructed a new library in 2010 at a cost of \$40 million. It was funded by the City and the Walnut Creek Library Foundation, and paid in cash.

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## GOVERNANCE & SERVICE ALTERNATIVES

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This section identifies governance alternatives under LAFCO jurisdiction in addition to service configuration options that may be exercised by the various service providers.

### GOVERNANCE ALTERNATIVES

LAFCO has the authority to form and reorganize independent library districts, community services districts, subsidiary library districts and county service areas, all of which could be authorized to provide library services.

#### Realignment of Library CSA Boundaries to the Areas Served

For the El Sobrante and Ygnacio Valley library CSAs, realignment of CSA boundaries (through annexations and detachments) is an option to more closely approximate the areas served by the respective libraries.

Based on mapping of the distance of residents from library facilities (see Map 3-2), this study identified several areas where the CSA LIB-2 (El Sobrante) boundary area does not appear to match the service area for the associated El Sobrante Library.

- The Rollingwood unincorporated area is located in between the San Pablo and El Sobrante libraries, with portions of Rollingwood closer to El Sobrante and portions closer to San Pablo.
- East Richmond Heights is a nearby unincorporated community that is outside the bounds of the CSA. It is located somewhat closer to the El Sobrante Library than to the nearest City of Richmond library.
- Portions of northern Richmond are located closer to the El Sobrante Library than to the nearest City of Richmond library, although most of northern Richmond is located closer to the San Pablo Library.
- Certain territory in northern El Sobrante is located closer to the Pinole Library than the El Sobrante Library.

Similarly, there are areas not within CSA LIB-13 (Ygnacio Valley) bounds that appear to be located closer to the Ygnacio Valley Library than to other libraries.

- The Rancho Paraiso area is clearly served by the Ygnacio Valley Library but lies outside CSA bounds. This area, which is depicted as an “area of interest” on Map 3-4, is a high-end equestrian community that was recently developed in the 1990s. There are approximately 200 homes in the area of interest; the market value of homes in this area is approximately \$1.0-1.5 million in 2012.
- Portions of southeast Concord are located closer to the Ygnacio Valley Library than to neighboring libraries in Concord and Clayton.

There is potential for the affected CSAs to receive property tax allocations from annexed territory. The County did pursue annexation of the Round Hill community (in unincorporated Alamo) to CSA R-7 to reallocate a portion of the future property taxes (i.e., growth not base) from Round Hill to CSA R-7. The County developed and implemented a master tax sharing agreement following the annexation to allow the CSA to receive a portion of future property tax growth.

Presently the City of Walnut Creek contributes funding for extended library hours and for facility costs at the Ygnacio Valley Library; CSA residents in the City of Concord and unincorporated North Gate and Shell Ridge do not contribute. The County has not proposed any special assessments or taxes in these CSAs.<sup>15</sup> But if the County Library or other affected agencies intend to propose additional assessments or other taxes from the El Sobrante or Ygnacio Valley service area in the future, realignment of the boundaries to more accurately match the service area would certainly be appropriate.

The report found that capital planning efforts by both CCCL and Richmond have been minimal due to a lack of funding for needed facilities. Given the number of library facilities that need replacement in west County and the proximity of some of the library outlets, there appear to be opportunities for facility sharing that merit further study. The report recommended that LAFCO direct CCCL to conduct analysis of service areas and facility needs prior to the next MSR cycle. Richmond and CCCL have the option of jointly planning and funding library services and facilities to their intertwined service areas in north Richmond, San Pablo and El Sobrante. County Service Areas and library districts are LAFCO-regulated options that could be considered by the providers.

#### Dissolution of Library CSAs

For the Pinole and Moraga library CSAs, dissolution is an option to promote simpler, more efficient governance.

Although the CSA LIB-10 (Pinole) bounds roughly approximate the service area of the Pinole Library, there are zero property taxes being allocated from nearly the entire CSA boundary area. Only one very small area within City limits is contributing property tax to the CSA. Resulting property tax revenues for the CSA are inconsequential.

Similarly, although the CSA LIB-12 (Moraga) bounds roughly approximate the unincorporated portion of the service area of the Moraga Library, there are minimal property taxes being allocated to the CSA due to the minimal development within CSA bounds. The CSA funds only one percent of operating costs at the Moraga Library.

Dissolution of the CSAs could be accomplished in a fiscally neutral manner if LAFCO were to determine that CSA property tax revenues should be reallocated directly to the County Library.

#### Formation of New Agencies

Although LAFCO has the authority to establish independent library districts, the report did not identify this as a feasible alternative to the present CCCL system. However, formation of new agencies may be useful for providing library facility financing and services.

In the CCCL system, most of the affected cities are responsible for funding extended library hours and facility-related costs. The cities, however, presently lack a mechanism whereby to receive a pro rata share of funding from unincorporated areas within the service area of their respective library. For cities that need new facilities or significant capital improvements, one option for proposing special taxes to the entire library service area (rather than just the incorporated portion) is to form a new agency with boundaries covering the whole service area.

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<sup>15</sup> California State Library, *Thirty Years of California Library Ballot Measures: 1980-2009*, April 2010.

Formation of a County Service Area or an independent library district offer such areas the ability to provide for local control and shared, equitable financing of library facility costs and costs of extended library hours.

The City of Walnut Creek considered this option in 2007 as a means to form a joint funding area for the service areas of both Walnut Creek libraries.<sup>16</sup> At that time, the City chose to focus on modification of the bounds of CSA LIB-13 rather than formation of a new agency; however, the City never formally proposed that. The City is temporarily funding its library service and facility costs from the fund balance remaining from a parcel tax levied in city limits that sunset in 2010. The City is expected to decide in the coming year or so whether and how it wishes to proceed to fund the costs of extended library hours at the two libraries.

Another example is the Oakley Library which serves areas both within and outside the city limits. Oakley has found that the existing library lacks adequate shelf space, programming space, electric capacity and parking, and has proposed renovating commercial space into a replacement library facility.<sup>17</sup> The City plans to propose to its residents a parcel tax to finance the renovation project. If approved, the library patrons within city limits will be paying for the facility while library patrons in adjacent unincorporated areas will not be paying. Cities like Oakley may wish to consider formation of a new agency to provide library facility services and financing.

The alternative mechanism for creating a library funding area that includes both incorporated and unincorporated areas is a Joint Powers Agreement (JPA) between the affected city and the County. Formation of a new agency has the advantage of providing enhanced local control over such a joint library funding area. Formation of a JPA can be accomplished in a shorter time frame than formation of a new agency.

## **SERVICE CONFIGURATION ALTERNATIVES**

There are various library service configuration alternatives. Such alternatives are not under LAFCO jurisdiction, but rather options that may be exercised by the various service providers.

### Withdrawal from the CCCL System

Cities have the options of withdrawing from the CCCL system, and starting their own libraries.

Certain portions of the County contribute more funding in property taxes and other contributions than are spent on the libraries serving these communities. The notion among some of the cities in the CCCL system that wealthier areas should retain those funds, also known as a return-to-source model, led the Contra Costa County Public Managers' Association to commission a study in 1996 to evaluate alternatives.

The 1996 study found that the CCCL system was efficiently operated, that the CCCL system offered economies of scale and scope, and that a return-to-source model would significantly reduce library service levels in west County and the Lamorinda area (i.e., Lafayette, Moraga and Orinda).<sup>18</sup> Nearly all of the cities were found to be better off remaining within the CCCL system due to the

<sup>16</sup> City of Walnut Creek City Manager's Office, *Agenda Report for Renewal of Funding for Regular and Increased Library Hours and Services*, Nov. 20, 2007.

<sup>17</sup> City of Oakley City Manager's Office, *Staff Report regarding a Resolution Supporting the Relocation and Expansion of the Oakley Library at the Former CentroMart Building*, Oct. 23, 2012.

<sup>18</sup> David M. Griffith & Associates, *Final Report for the Contra Costa County Library Study to the Contra Costa County Public Managers' Association*, November 1996.

generally relatively low funding level in the CCCL system (compared with other areas of the State), and the loss of economies of scale in establishing an independent library. The report found that only Concord and San Ramon could afford to withdraw, and that only Concord could increase service levels by doing so.<sup>19</sup> The study recommended implementing new countywide funding sources to address the problem of inadequate library funding, and to pursue a five-region confederation approach to provide incentives for cities to continue to support a joint library system. A County Library Commission and regional library boards were proposed at that time as mechanisms for city input on the CCCL system. The regional library boards and County Library Commission are in place.

Prior to building the Dougherty Station Library in 2005, San Ramon prepared a library master plan to assess its needs. The master plan also explored alternative service models, including withdrawal from the CCCL system, privatization and partnering to create a regional library system. Its master plan pointed to the negative impact that San Ramon's withdrawal would have on the CCCL system, and the start-up costs associated with purchasing library materials and resources.<sup>20</sup> The City has chosen to remain within the CCCL system.

### Joining the CCCL System

Richmond has the option to join the CCCL system. However, Richmond Library has operated independently for 102 years, and has not proposed or expressed interest in this option.

### Library Privatization

Both CCCL and Richmond have the option of privatizing library services.

There is a private company, Library Systems and Services, Inc. (LSSI), that now runs 17 library systems in California and other states.<sup>21</sup> It is apparently the only private provider of municipal library services. LSSI operates libraries for the cities of Santa Clarita, Camarillo, Moorpark and Redding. Santa Clarita, Camarillo and Moorpark withdrew from their respective County Library systems in Los Angeles and Ventura counties between 2007 and 2010. In addition, LSSI operates the Riverside County library system by contract. LSSI was an attractive option due to the lower costs of contracting with LSSI than staffing libraries with public employees; the lower costs have been attributed primarily to LSSI not providing employer-paid pension benefits.<sup>22</sup>

Due in part to labor concerns, California subsequently adopted AB 438 in 2011. AB 438 imposed a number of requirements (through 2019) on cities intending to withdraw from a county library system and privatize. These include prohibiting the loss of jobs or employee benefits, proving that privatization would result in cost savings during the term of the contract, and providing notice of the proposal in a certain fashion. Since AB 438 was adopted, no California cities have withdrawn from their respective library systems and privatized. As a result of AB 438, it does not appear to be a feasible option for cities to withdraw from CCCL and privatize prior to 2019.

The primary benefits of privatization are cost reduction—primarily due to lack of employer-paid pension benefits for employees of the private service provider—and associated opportunities to

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<sup>19</sup> Ibid., pp. 4-5.

<sup>20</sup> Anderson Brule Architects, *Library Services Master Plan for the City of San Ramon*, Aug. 25, 2000, p. 34.

<sup>21</sup> Reason Foundation, *California Library Privatization Success in Jeopardy*, May 15, 2012.

<sup>22</sup> The Atlantic Cities, *Are Privatized Libraries So Bad?*, 2012.

increase service levels. The primary disadvantages are reduced compensation for library employees and reduced public and government control over library operations.

Neither CCCL nor Richmond has proposed or expressed interest in this option.

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## **MSR DETERMINATIONS**

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This section sets forth recommended findings with respect to the service-related evaluation categories based upon this review of municipal services for Contra Costa County.

LAFCO is required to identify governance options; however, LAFCO is not required to initiate changes and, in many cases, is not empowered to initiate these options.<sup>23</sup> LAFCO is required by the State to act on SOI updates. The Commission may choose to recommend governmental reorganizations to particular agencies in the county, using the spheres of influence as the basis for those recommendations (Government Code §56425 (g)).

### **GROWTH AND POPULATION PROJECTIONS**

- 1) There were 1,065,117 residents in Contra Costa County in 2012, according to the California Department of Finance.
- 2) Population has grown fastest in the Brentwood, San Ramon, Oakley and Hercules library service areas in the last decade. Population is expected to grow most rapidly in the next 20 years in the CCCL service areas in Brentwood, Hercules, Pinole and Pittsburg.
- 3) Library visitation has increased dramatically in recent years due in part to the availability of internet stations in libraries. CCCL library visits have increased more rapidly than in the State as a whole in the last five years, and Richmond library visits have increased even more dramatically.
- 4) Demand is also affected by growth among population segments with higher library visitation rates such as younger and higher-income people.

### **DISADVANTAGED UNINCORPORATED COMMUNITIES**

- 5) Bay Point, Bethel Island, North Richmond, and east Pacheco are disadvantaged unincorporated communities within the County Library service area. North Richmond is adjacent to the City of Richmond.
- 6) Bay Point is an unincorporated area west of the City of Pittsburg. There were 21,349 residents there in 2010. Median household income in Bay Point is about 69 percent of the statewide median income level. Bay Point is located closest to the Bay Point Library.
- 7) Bethel Island is an unincorporated area located in the northeast corner of the County. There were 2,137 residents there in 2010. Median household income on Bethel Island is about 60 percent of the statewide median income level. Bethel Island is located closest to the Oakley Library, although the library is more than five miles distance from the community.
- 8) North Richmond is an unincorporated island area surrounded by the City of Richmond and the Pacific Ocean. There were 3,717 residents in North Richmond in 2010. Median

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<sup>23</sup> LAFCO can initiate SOI changes, along with mergers, consolidations, dissolutions, district formations, and creation of subsidiary districts. LAFCO cannot initiate annexations, detachments, and incorporations.

household income in North Richmond is about 61 percent of the statewide median income level. North Richmond is located closest to the San Pablo Library.

- 9) East Pacheco is an unincorporated community located east of the City of Martinez. There were 3,685 residents in Pacheco in 2010. Pacheco is located closest to the Concord Library.

## **PRESENT AND PLANNED CAPACITY OF PUBLIC FACILITIES AND INFRASTRUCTURE NEEDS**

- 10) Major infrastructure needs and deficiencies exist at Richmond's Main Library. The facility is undersized, outdated and lacks electrical and data capacity to expand public computers. A proposed \$50 million replacement facility is unfunded.
- 11) Most of the seven County-owned library facilities are in fair to poor condition. Remodeling and data/electric capacity improvements are needed at El Sobrante, Kensington, and Pinole libraries. Ygnacio Valley needs remodeling and expansion. Antioch, Pleasant Hill and Rodeo need replacement. None of the associated capital needs is funded.
- 12) The privately-owned Crockett Library is in poor condition. And the privately owned library in San Pablo is undersized and needs replacement. Associated capital needs are not funded.
- 13) The two libraries located in school district facilities – Bay Point and Oakley – were reported to be in poor and fair condition, respectively. Both facilities need replacement. The City of Oakley is developing a ballot measure that would authorize a financing mechanism for the proposed new library there.
- 14) Among the 15 City-owned libraries, five are in excellent condition (Dougherty Station, Hercules, Lafayette, Prewett, and Walnut Creek), and five are in good condition (Clayon, Danville, Martinez, Orinda and San Ramon). Four libraries are in fair condition (Brentwood, Concord, Moraga and Pittsburg); capital projects in Brentwood and Pittsburg are funded while Concord and Moraga capital needs are unfunded. The El Cerrito library is in poor condition and needs replacement; the capital needs are unfunded.

## **ADEQUACY OF PUBLIC SERVICES**

- 15) Library service levels on the whole are relatively low in the County. Many of the cities pay for extended library hours. Cities with less funding receive lower service levels.
- 16) All of the service providers are professionally managed and generally follow best management practices. All providers perform annual employee evaluations on at least an annual basis, prepare timely annual budgets, and maintain current financial records. CCCL does not conduct long-term library capital improvement plans.

## **FINANCIAL ABILITY OF AGENCIES TO PROVIDE SERVICES**

- 17) The financial ability of both Richmond and CCCL to provide services is minimally adequate to deliver basic service levels.
- 18) Funds are not sufficient for the County to address capital needs at the libraries owned by the County. The cities of El Cerrito, Concord and Moraga have significant capital needs at their libraries, and lack funds to address them. Funds are not sufficient for Richmond to replace its Main Library.
- 19) Property taxes are the primary funding stream for library services.

- 20) CSA LIB-10 funds an inconsequential portion of operating costs at the Pinole Library. CSA LIB-12 funds only one percent of operating costs at the Moraga Library.

### **STATUS OF, AND OPPORTUNITIES FOR, SHARED FACILITIES**

- 21) Library service providers practice extensive facility sharing in Contra Costa County. Both Richmond and CCCL offer access to materials at 44 other library systems through interlibrary loan.
- 22) CCCL operates library outlets owned by 14 cities, two school district and two private companies. The County Library collaborates with non-profit library auxiliaries and a community college for library services, and conducts literacy outreach in collaboration with daycare providers and health clinics.
- 23) Richmond facility sharing practices include access to training and research sharing through Bay Area Library and Information System and Pacific Library Partnership. The City's bookmobile serves 16 schools that lack their own library facilities.
- 24) Library-related facility sharing opportunities include opportunities for community-based schools to share resources with the Richmond Library.
- 25) The City provided the building site for the El Sobrante Library 50 years ago in recognition that the library there would serve Richmond residents. The City is not presently funding the El Sobrante Library, and none of its territory lies within the associated County Service Area.
- 26) In western Contra Costa County, there are several County-owned library facilities located in close proximity to another facility. The Kensington and El Cerrito libraries are two miles apart, as are the El Sobrante and San Pablo libraries. Given the significant capital needs at these facilities, there are opportunities to combine facilities.

### **ACCOUNTABILITY FOR COMMUNITY SERVICE NEEDS**

- 27) Accountability is best ensured when there is sufficient constituent interest to maintain full governing boards or advisory committees, constituent outreach is conducted to promote accountability and ensure that constituents are informed and not disenfranchised, and public agency operations and management are transparent to the public.
- 28) Accountability to constituents is constrained in the library CSAs, where the residents in the unincorporated areas, as there are no advisory bodies for these CSAs. In order to improve constituent interest and involvement within the CSAs, the County may wish to consider forming advisory committees in the CSAs to provide a means for them to voice community preferences.
- 29) All agencies prepare and post meeting agendas and make minutes available as required. The service providers perform significant outreach in addition to legally required activities
- 30) All of the agencies reviewed demonstrated accountability in disclosure of information and cooperation with LAFCO during the MSR process.

## 4. CITY OF RICHMOND

The City of Richmond provides library facility and operations services within the city limits. This chapter focuses solely on the City's library services germane to this report. The City provides a range of municipal services. LAFCO reviewed other City services in 2009 in a separate sub-regional MSR covering all services provided by the cities in west County.<sup>24</sup>

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### AGENCY OVERVIEW

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#### FORMATION AND BOUNDARY

The City of Richmond incorporated in 1905 and became a charter city in 1909.

The City is located in western Contra Costa County and is loosely bounded by the City of Pinole and the unincorporated areas of Bayview–Montalvin and Tara Hills to the north; San Pablo Bay to the west; East Richmond Heights, Rollingwood, El Sobrante, and unincorporated Briones Hills to the east; and the City of El Cerrito and San Francisco Bay to the south. The City's boundary area is 52.6 square miles, 22.6 square miles of which is submerged in the San Pablo Bay, according to the U.S. Census Bureau.

The City's existing SOI encompasses adjacent unincorporated areas, specifically territory in the unincorporated North Richmond and southeastern El Sobrante areas, the northwestern portion of East Richmond Heights, and the portion of unincorporated El Sobrante that lies south of Manor and Rancho Roads. LAFCO updated the City's SOI in 2009, and processed a minor amendment to the SOI in 2010.

Richmond developed rapidly as a heavy industrial town during World War II, chiefly devoted to shipbuilding.

#### Library History

The City of Richmond Library was organized in 1910.

Prior to that, there were public library services in the City; these early libraries were organized by women's associations. The Women's Improvement Club of Richmond established a circulating library in 1907; it later closed in 1910 and transferred its collection to the City. The West Side Women's Improvement Club established the Point Richmond Library in 1909, which became the West Side Branch of the City Library in 1910. In 1929, the City completed construction and opened a larger library.

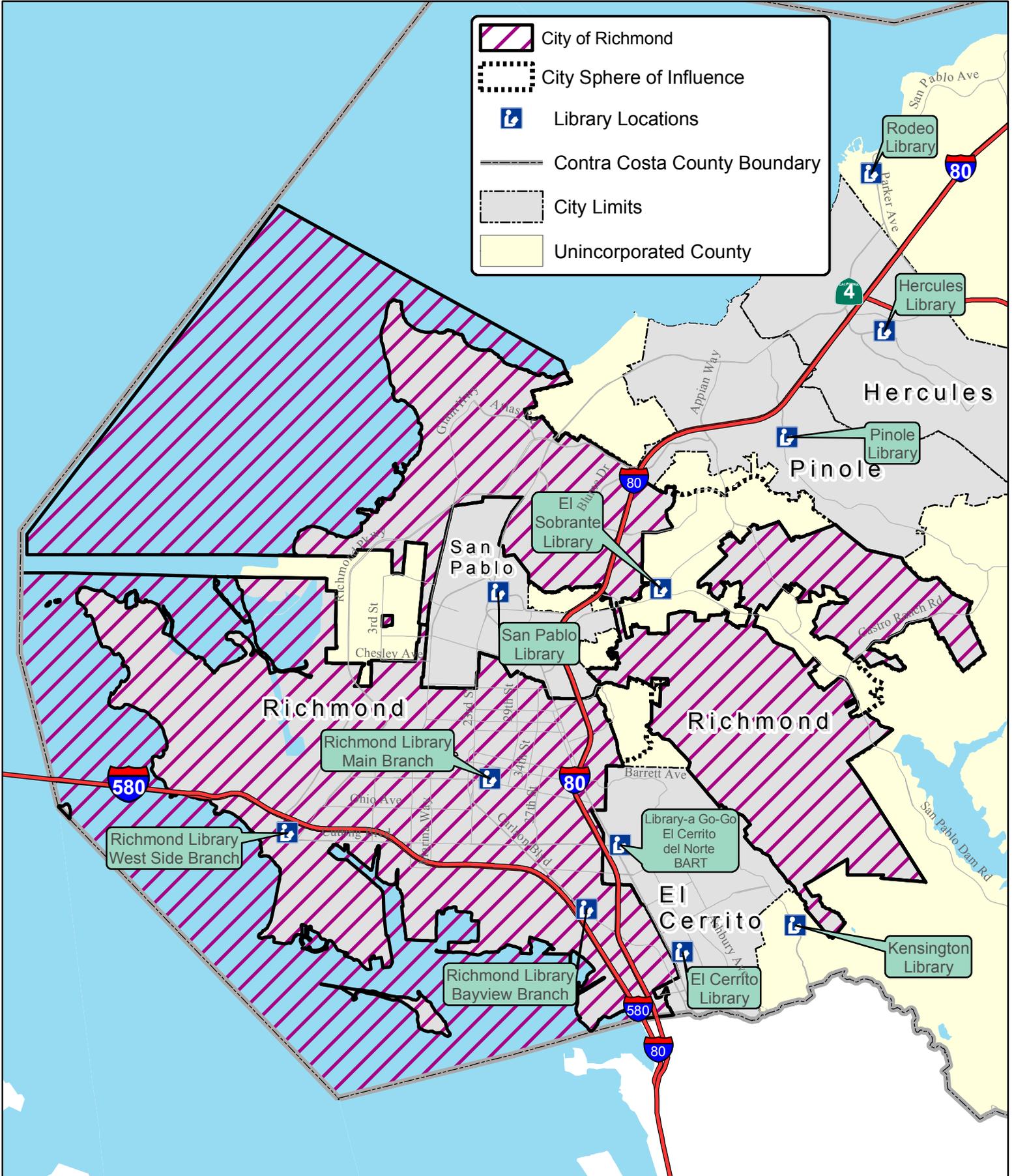
#### LOCAL ACCOUNTABILITY AND GOVERNANCE

The City is organized as a council-manager form of local municipal government. The City is governed by a seven-member City Council. Six council members are elected at large to alternating four-year terms, as is a separately elected mayor. The last contested election for a council seat occurred in 2012. A City Library Commission is an advisory body that meets monthly; the Commission is composed of five appointed members.

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<sup>24</sup> Dudek, *Final Contra Costa LAFCO: West County Sub-Regional Municipal Service Review*, Report Prepared for Contra Costa Local Agency Formation Commission, Nov. 2009.

# Map 4-1: City of Richmond Boundary



**Table 4-1: City of Richmond Governing Body**

<b>City of Richmond Library</b>				
<b>Governing Body</b>				
	<b>Name</b>	<b>District</b>	<b>Began Serving</b>	<b>Term Expires</b>
<i>City Council</i>	Gayle McLaughlin	Mayor	2006	2015
	Nathaniel Bates	Council Member	1967	2017
	Jovanka Beckles	Council Member	2011	2015
	Courtland "Corky" Boozé	Council Member	2011	2015
	Thomas K. Butt	Council Member	1999	2017
	Jeff Ritterman	Council Member	2009	2013
	Jim Rogers	Vice Mayor	2003	2015
<i>Manner of Selection</i>	Elections at large			
<i>Length of Term</i>	Four years			
<i>Meetings</i>	Date: 1st and 3rd Tuesdays at 6:30 p.m.		Location: 440 Civic Center Plaza Richmond, CA 94804	
<i>Agenda Distribution</i>	Online and posted			
<i>Minutes Distribution</i>	Minutes and video of meetings available online and by request			
<b>Contact</b>				
<i>Contact</i>	Director			
<i>Mailing Address</i>	City of Richmond Library Admin., 325 Civic Center Plaza, Richmond, CA 94804			
<i>Website</i>	<a href="http://www.ci.richmond.ca.us/index.aspx?nid=105">http://www.ci.richmond.ca.us/index.aspx?nid=105</a>			

The City conducts library-related outreach with constituents through traditional methods such as press releases, flyers, speaking engagements and hosting booths at community events. The word-of-mouth approach is employed by Friends of Richmond Library and the Richmond Public Library Foundation; most board members are active in various other community organizations. The Library also has access to new marketing and outreach tools such as the City's email notification subscription, an interactive online City calendar, the Civic Center digital marquee, Tweets, Facebook posts, and the City-owned TV station KCRT. The City conducted a library needs assessment from 2007-9 by surveying residents (1,100 responses), conducting 13 focus groups with special constituencies, and interviewing 47 stakeholders and community leaders. In addition, the City conducts a community survey every two years with questions about the quality of library services.

With regard to customer service, complaints may be submitted directly to the Library Administration office, at a library, or by walk-in, phone calls or email to any Council member. Comment forms are readily available at all locations. The City maintains City of Richmond (COR) Connect system to submit and track questions, complaints and compliments. The link to this system is a large button on the left edge of every page on the City website including the Library pages. Once an issue is submitted the resident can log back in to check on the status of the item. The City does not track the number of complaints received. However, the City's 2007 survey indicated that many residents would like additional children's services and computer access; some residents also would like additional library hours and library comfort.<sup>25</sup> Although the City subsequently reopened two branches and increased the number of computers at its main library, the City has not subsequently surveyed to identify current constituent concerns.

<sup>25</sup> City of Richmond, *Library Program: Needs Assessment for the Richmond Public Library*, Feb. 2009, Appendix 2.

The City Library demonstrated accountability in its disclosure of information and cooperation with LAFCO. The agency responded to LAFCO's written questionnaires and cooperated with LAFCO document requests.

## **SERVICE DEMAND AND GROWTH**

The City bounds encompass residential, commercial, industrial, public and institutional, and open space land uses. Low-density residential areas are located mostly in outlying undeveloped portions of the City, generally in the vicinity of El Sobrante. High density uses are typically situated near major transportation routes, shopping and public facilities: by East Shore and John T. Knox Highways, along Carlson and Garrard Boulevards, and southern coastal areas. Commercial activities are located in mixed-use neighborhoods, by the freeways and major roadways, in the City Center, and along the shoreline. Industrial land uses are mainly concentrated in the western portion of the City, close to the shoreline. Public and institutional uses are located throughout the City of Richmond. Open space land is primarily located in the eastern portion of the City, as well as in a couple of smaller areas in the west and northwest.<sup>26</sup>

The City Library considers its customer base to be the residents, workers and visitors in the area. In FY 10-11, the City had 64,761 borrowers with active library cards and a circulation of 241,767 including renewals. There were 361,999 visits made in FY 10-11 to the City library facilities, in addition to 137,172 virtual visits involving user requests of the library web site originating outside the library buildings. The City Library reports that service demand is driven not only by population but also by English literacy levels, education, population whose primary language is not English, and transportation accessibility.

There were an estimated 40,660 jobs located in the City in 2010, according to ABAG. The economy of the City of Richmond includes heavy and light manufacturing, distribution facilities, service industry, high-tech, bio-tech and medical technologies, retail centers and a multi-terminal shipping port on San Francisco Bay. Richmond also serves as a government center for western Contra Costa County. Major employers include the Kaiser Permanente's Richmond Medical Center hospital and the U.S. Social Security Administration in downtown Richmond, the Chevron refinery, a U.S. Postal Service bulk mail center, West Contra Costa Unified School District, and the City of Richmond. ABAG projects that the City will experience commercial growth faster than the countywide average job creation rate. Specifically, the number of jobs in the City is projected to grow by 58 percent between 2010 and 2030. This is comparable to projected job growth in El Cerrito and Martinez, but otherwise faster than most other cities in west County.

The estimated residential population in the City bounds was 104,887 in January 2012, according to the California Department of Finance. The City's population density is approximately 3,496 per square mile, compared with the countywide average density of 3,538 in cities. ABAG projects that the City's residential population will grow by 26 percent between 2010 and 2030. By comparison, the countywide average population growth is projected at 17 percent over the same period. The City's residential growth is expected to be on par with the nearby cities of Hercules and Pinole, and to outpace growth in the neighboring cities of San Pablo and El Cerrito.

Point Molate is the former site of a U.S. Navy fuel depot located on the San Pablo Peninsula. The depot closed in 1995 under the U.S. Department of Defense Base Realignment and Closure Act of 1990. The City approved a Point Molate Reuse Plan in 1997, and acquired most of the property

<sup>26</sup> City of Richmond, *General Plan Land Use Map*, 2006.

in 2003. A waterfront casino, resort and condo complex was proposed for the site, but defeated by voters in 2010. The developer and the City are working to determine other uses more compatible with the City's plans. The City has planned for open space and trail uses there as well once remediation on the site is complete.

The City encourages growth near major activity centers and transportation corridors, as well as around the central city area.<sup>27</sup> The City of Richmond has planned for significant change in land uses and development character in downtown and Macdonald Avenue corridor, key corridors (23rd Street, Harbour Way North, Marina Way, Cutting Boulevard, San Pablo Avenue, Carlson Boulevard, Ohio Avenue), Hilltop, Richmond Parkway, southern shoreline, and San Pablo peninsula.<sup>28</sup>

The City expects development to occur primarily in the Downtown area (Macdonald Ave.), the Hilltop area and Ford Peninsula in Marina Bay. The City's primary economic development goals are revitalized downtown, expansion of the Hilltop area retail, and transformation of Richmond Parkway and key commercial corridors into mixed use areas.<sup>29</sup>

The City's General Plan was last updated in 2012. The City of Richmond has not adopted library standards in its General Plan.<sup>30</sup>

Disadvantaged communities within the City limits are in central Richmond and include the Iron Triangle, Pullman, Potrero, and the portion of the Panhandle area between I-580 and I-80. Adjacent disadvantaged communities are the unincorporated North Richmond area and central portions of the City of San Pablo.<sup>31</sup>

## MANAGEMENT

The Richmond Library's staff consisted of 38 full-time equivalents (FTEs) in FY 12-13. The paid staff FTEs included 13 professional librarians (with at least a master's degree education level), two professional specialists, and 22 support staff. In addition to the paid staff, there were unpaid volunteers whose work time amounted to 3.7 FTEs in FY 11-12; volunteers are focused on the City's literacy program and the homework help center.

The Library Director directly manages administrative staff and the managers of the Department's three library-related divisions—adults services and facilities, children's services and outreach, and literacy. Each of these managers is responsible for supervising employees and functions in his or her division.

All employees are given written evaluations annually.

The Director conducts workload monitoring on a routine basis and discloses the results through the annual budget process in which a variety of performance indicators are tracked, including metrics of library usage, effectiveness, and efficiency. The Library establishes performance goals through its annual budget. For example, its goals in FY 12-13 are to increase circulation and the

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<sup>27</sup> City of Richmond, *City of Richmond General Plan 2030*, August 2011, chapter 3.

<sup>28</sup> City of Richmond, *City of Richmond General Plan 2030*, August 2011, p. 3.23.

<sup>29</sup> City of Richmond, *City of Richmond General Plan 2030*, August 2011, p. 1.24.

<sup>30</sup> City of Richmond, *City of Richmond General Plan 2030*, August 2011.

<sup>31</sup> Disadvantaged communities were identified from American Community Survey 5-year data for 2006-2010 by place and census tract. For LAFCO purposes, disadvantaged communities are defined as having median household income less than 80 percent of the State median (Government Code §56033.5 which, in turn, relies on the definition in Water Code §79505.5).

number of visits by 10 percent, increase the number of cardholders, and provide homework assistance to students. The Library tracks performance indicators on a quarterly basis.

The City's financial planning efforts include annual budgets, mid-year budget reviews, annual financial audits, and capital improvement plans. The City's most recent audit was completed for FY 10-11. The City produces a five-year capital improvement plan (CIP) annually. The most recent CIP update was completed in FY 12-13, and includes both funded and unfunded library capital needs. The City prepares a development impact fee nexus study (last updated 2005).

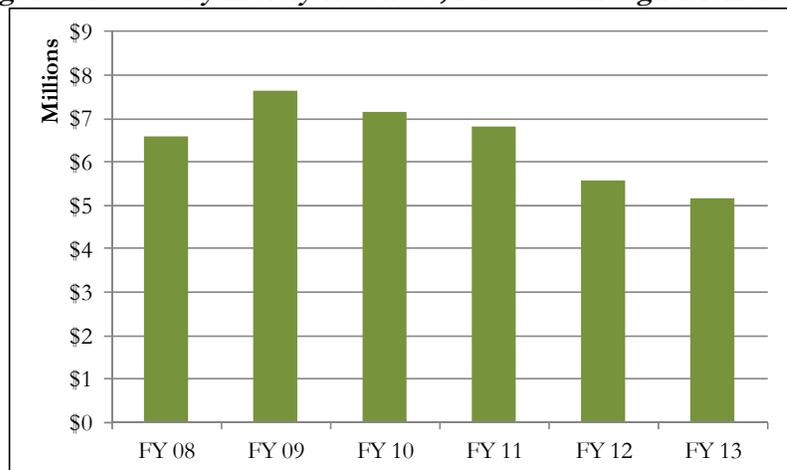
The City's library-related planning efforts include an annual budget, five-year budget projections (2012), a business plan (2009), a library program and facility needs assessment (2009), and a technology plan (2009).

The City Library's primary accomplishment since 2007 has been providing a significant increase in service levels by increasing the open hours of the main library, by reopening the renovated Bayview and West Side library branches (2008), and by increasing bookmobile operating hours. In addition, the City responded to its needs assessment (completed 2009) by adding a homework help center, more children's programming, borrowable DVDs, and additional computers. Other accomplishments include remodel of the children's area and addition of a teen area with computers at the main library. The City has also expedited processing of new book and media materials; materials now arrive with barcode labels and are placed on shelves much more quickly. The City did not identify any honors or awards received in the last five years.

## FINANCING

The City reported that the current financing level is minimally adequate to provide basic service levels.

**Figure 4-1: City Library Revenues, FY 07-08 through FY 12-13**



The Department has faced budget cuts in recent years, with 19 percent of its staff positions eliminated since FY 08-09. The Department's budget has declined by 21 percent since FY 07-08, with the most dramatic budget reduction in FY 11-12.

The City finances its Library & Cultural Services Department primarily from general fund revenues which contribute 96 percent of the Department's budget. Special library grants, fines and fees, and impact fees are the other funding sources. Overall, the City's general fund revenues were \$119.7 million in FY 10-11, composed of utility users taxes (42 percent), property taxes (22 percent), sales taxes (19 percent), other taxes (7 percent), licenses and permits (2 percent), service charges (3 percent), and other revenues (5 percent).<sup>32</sup> The City attempted to gain additional funding specifically for library facilities in 2001 with a proposed

<sup>32</sup> City of Richmond Finance Department, *Comprehensive Annual Financial Report for the Year Ended June 30, 2011*, 2011.

\$20 special parcel tax but voters defeated the proposal (49 percent approved it, falling short of the supermajority vote requirement).

The City's Library & Cultural Services Department actual expenditures were \$5.6 million in FY 11-12. Of this amount, 70 percent was spent on compensation, 20 percent on services and supplies, eight percent on internal cost allocations, and one percent on capital outlays. In addition, facility costs that are not paid by the Department, but rather by the City as a whole, amounted to \$430,000 in FY 12-13.

Capital expenditures have been financed through impact fees, the capital outlay fund, special grants funding, and the general fund. Budgeted capital expenditures in FY 12-13 totaled \$545,000. These were composed of \$50,000 for upgrading public access computers (financed entirely from library impact fees), \$135,000 for ebooks and materials for a new book van (also financed from impact fees), \$50,000 for a back-up generator and \$315,000 for ADA-related restroom improvements (financed from the City's capital outlay fund) and \$45,000 for repairs and improvements (financed from special grant and fine funding). The City has levied a library impact fee since 2005. The fee was last increased in 2011 to \$1,501 per single-family dwelling unit; fees for non-residential development vary from \$39 to \$297 per 1,000 square feet.<sup>33</sup> The City uses the revenues for new library materials and costs associated with new library capital improvements.

The City had \$380 million in governmental long-term debt at the end of FY 10-11.<sup>34</sup> The debt consisted of redevelopment-related bonds (27 percent), bonds that financed unfunded pension liabilities (40 percent), lease revenue bonds that partly financed the new Civic Center (23 percent), loans (five percent), and other (four percent). The City offers defined benefit pension benefits through the California Public Employees' Retirement System (PERS) to eligible City employees. The City offers post-retirement health care benefits. The City's OPEB liability was estimated to be \$83 million as of July 1, 2009. The City joined the Public Agencies Post-Retirement Health Care Plan, a multiple employer trust administered by Public Agency Retirement Services, in 2008 and partially funds the liability through a trust.

The City had \$12.1 million in unassigned general fund balances at the end of FY 10-11, which made up 10 percent of general fund expenditures in that year. In other words, the City maintained 1.2 months of working reserves.

The City is a member of the Municipal Pooling Authority for general, automobile, property, and machinery insurance liability.

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<sup>33</sup> City of Richmond, *Master Fee Schedule*, July 19, 2011.

<sup>34</sup> City of Richmond Finance Department, *Comprehensive Annual Financial Report for the Year Ended June 30, 2011*, 2011.

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## LIBRARY SERVICES

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### NATURE AND EXTENT

The City of Richmond provides library facility and library operation services.

Library facility services include repairs, capital improvements, janitorial, grounds maintenance, utilities and telecommunication services.

Library operational services encompass a wide variety of services ranging from the standard offerings—physical library collections, reference desk services, cataloging of materials, story hour and other in-library programming, and literacy services—to modern offerings—virtual library, wireless (wi-fi) access, and public access computers—to services tailored to in-need populations.

The City Library has contracted with Internet Library to begin offering e-books to borrowers in FY 12-13; the City will provide access on its webpage to their extensive archive of scanned books and audio and video files. Availability of e-books (up to 30,000 titles) will allow the City to archive older titles in its standard collection that are available in digital format. The City Library offers Discover and Go (free museum pass program). Through its free service BookFlix, the City offers children an interactive, online literacy resource that pairs classic fictional video storybooks with nonfiction eBooks to reinforce reading skills.

Other services include legal help on immigration and small claims matters, toy library, small business classes, college preparatory classes, research presentations for students, book club, and summer reading camp to support students in grades 1-3 with the goal of improving reading skills.

Literacy for Every Adult Program (LEAP) is a free program sponsored by the Richmond Public Library in which tutors and learners work one-on-one or in small groups. LEAP provides adults with classes, workshops, programs and individual tutoring for basic literacy skills, financial literacy, and pre-General Educational Development (GED) test preparation. LEAP also provides English literacy for second language learners.

Richmond Grows is a non-profit seed lending library located in the public library. The basic idea is for borrowers to plant the seeds, let some go to seed, then return some of these next generation seeds for others to borrow. Borrowers are asked to watch an on-line orientation, and have access to free classes on organic gardening and seed saving.

### LOCATION

Richmond Library provides direct library services from three library outlets, a bookmobile, and via the internet. Library outlet locations are listed in Table 4-3. The bookmobile operates 26 hours weekly, visiting 16 schools, a boys and girls club, and a senior community.

### INFRASTRUCTURE

The main library is undersized, has outdated electrical wiring, heating and cooling, and lacks electrical/data capacity to expand public computers. A proposed replacement facility is proposed to be approximately 65,300 square feet in size with 135 public computers, special service space and meeting rooms. The estimated cost of the proposed new facility is \$50 million. There is no active planning work being done on this project at this time due to a lack of funding.

The smaller library branches—Bayview and West Side—were renovated in 2008 prior to being re-opened.

In addition to standard facility needs, the City needs to archive the local history collection which is fairly extensive and includes photos for which the City Library receives requests for use in books and projects throughout the year.

#### Facility Sharing and Regional Collaboration

LEAP collaborates with community organizations such as Catholic Charities, Bay Area Rescue Mission, Multi-Cultural Institute of Berkeley, and Building Blocks for Kids to ensure access to services throughout the community. LEAP utilizes facilities such as public housing sites, elementary schools, the adult school housed at Richmond High, and community centers to extend the number of students reached. LEAP partners with other city departments including the Department of Employment and Training and Office of Neighborhood Safety.

The Library partners with other city departments including the City Recreation Department to provide additional space for Library programs such as community centers and the outdoor Civic Center Plaza. The bookmobile and soon the new Book Van are a facility sharing strategy focused on taking library materials and services out into the community. The library's Madeline F. Whittlesey Community Room, in turn is available for use by community groups by reservation.

The Library is an active participant in a variety of interagency projects undertaken by the City of Richmond, West Contra Costa School District, and Contra Costa County often working closely with other community based organizations. Two examples are the Richmond Health Equity Partnership (RHEP) whose goal is to advance overall health and health equity in Richmond and includes the development of community based schools and the Campaign for Grade Level Reading focused on ensuring all students are reading at grade level by third grade.

The Library has recently developed its own collaborative projects. A partnership with the Arts & Culture Division and the Richmond Art Center, a non-profit, results in library programs and exhibits over the next five years both in the library and at the Art Center nearby. The Library was awarded a National Leadership Planning Grant from the Institute of Museum and Library Services (IMLS) to conduct a needs assessment of digital literacy skills. The library's partner in the project is Building Blocks for Kids (BBK) a 29+ member collaborative that includes non-profit organizations, city and county agencies, and community members working to improve quality of life in the Iron Triangle Neighborhood. The grant will utilize skills, staff and community meeting space provided by BBK. Richmond's Community Development department allocated \$19,000 in grant funding to the library for Science, Technology, Engineering and Math (STEM) programs targeted at disadvantaged youth especially girls. Plans are underway to involve other agencies and organizations in the implementation of the STEM project including UC Berkeley and Lawrence Berkeley National Laboratory (LBNL).

*Table 4-2: Richmond Library Service Profile*

<b>Richmond Library System</b>			
<b>Service Area</b>			
<b>Library Operations:</b> City of Richmond			
<b>Library Facilities:</b> City of Richmond			
<b>Service Demand, FY 10-11</b>			
Population in Service Area	104,220	% of Population Age <=14	70%
Registered Borrowers	64,761	% of Borrowers Age <=14	29%
Circulation	241,767	% Children Materials	39%
Physical Visits	236,240	Virtual Visits	137,172
Reference Questions	24,675	Internet Sessions	53,503
<b>Resources</b>			
Central Library & Branches	3	Bookmobiles	1
Facility Square Footage	34,975	Facility Seats	133
Paid Staff (FTE)	38	Public Internet Computers	26
Volunteers (Total)	48	Volunteers (FTEs)	3.7
Total Physical Materials	180,823	Total Electronic Materials	26
Printed Books	165,732	Electronic Books	0
Audio Materials Physical	3,849	Audio Materials Digital	0
Video Materials Physical	11,242	Video Materials Digital	0
Government Documents	0	Databases	26
<b>Service Adequacy</b>			
Visits per Capita - Physical	2.3	Visits per Capita - Virtual	1.3
Borrowers per Capita	0.6	Reference Questions per Cap	0.2
Circulation per Capita	2.3	Internet Sessions per Capita	0.5
Square footage per Capita	0.3	Seats per Capita (1,000)	1.3
Paid staff per Capita (1,000)	0.4	Total FTEs per Capita (1,000)	0.4
Physical Materials per Capita	1.7	Digital Materials per Capita	0.0
Loans Lent/Loans Received	1.3	Total Cost per Capita	\$65
<b>Facility-Sharing and Regional Collaboration</b>			
Interlibrary Loans - Items Lent	2,882	Interlibrary Loans - Received	2,186
<p><b>Current Practices:</b> The City Library offers patrons of its library outlets not only access to its own combined collection but also access through Link-Plus interlibrary loan to the collections of 13 other municipal library systems (e.g., San Francisco and Sacramento) and 31 collegiate libraries. The Library is a member of Bay Area Library and Information System and Pacific Library Partnership which provides research and development, training, grants, and resource sharing. The City Library works with area non-profits, schools and other governmental agencies to assess needs, develop interagency solutions, and stay abreast of resources provided by others.</p> <p><b>Opportunities:</b> Richmond has been chosen as the preferred site for the second campus of the Lawrence Berkeley National Laboratory, BBK has been awarded a Promise Neighborhoods Grant, School Districts developments of Community Based Schools may lead to increased facility sharing.</p>			

*Table 4-3: Richmond Library Facilities*

<b>Richmond Library Facilities by Outlet</b>							
<b>Library</b>	<b>Location</b>	<b>Owner</b>	<b>Year Built</b>	<b>Reno- vated</b>	<b>Condition (1)</b>	<b>Square Feet</b>	<b>Facility Needs</b>
Main	325 Civic Center Plaza Richmond, CA 94804	City	1949	2000	Fair	31,250	The library is undersized, has outdated electrical wiring, heating and cooling, and lacks electrical/data capacity to expand public computers. A \$50 million replacement facility is needed but not presently funded. Flooring needs replacement in areas, and restrooms need disability access.
Bayview	5100 Hartnett Ave. Richmond, CA 94804	City	1976	2008	Good	1,980	The library is susceptible to flooding.
West Side	135 Washington Ave. Richmond, CA 94801	City	1961	2008	Good	1,745	The library roof leaks.

Notes:  
 (1) Facility condition definitions: Excellent—relatively new (less than 10 years old) and requires minimal maintenance. Good—provides reliable operation in accordance with design parameters and requires only routine maintenance. Fair—operating at or near design levels; however, non-routine renovation, upgrading and repairs are needed to ensure continued reliable operation. Poor—cannot be operated within design parameters; major renovations are required to restore the facility and ensure reliable operation

*Table 4-4: Richmond Library Resources by Outlet*

<b>Richmond Library Metrics by Outlet</b>									
Library	Seats	Internet		Staff	Weekly	Circu-	Circ/	Pop	Sq. Ft.
		Terminals	Volumes	FTEs	Hours	latoin	Volume	Served	per 1,000
Main	84	16	136,344	44.1	45	171,038	1.3	89,336	350
Bayview	29	6	7,493	2.7	20	6,364	0.8	11,449	173
West Side	20	4	8,096	2.7	20	15,344	1.9	3,435	508

*Table 4-5: Richmond Library Finances by Outlet*

<b>Richmond Library Finances by Outlet</b>						
	Expenditures, FY 11-12					Revenues
	Direct	Pool	Total Lib.		Total Lib.	Total
	Operations	Operations	Operations	Building	Ops. &	
	Cost	Cost	Cost	Cost	Bldg Cost	
Main	\$4,420,492	\$384,391	\$4,804,883	\$ 391,110	\$5,195,993	\$4,804,883
Bayview	206,952	17,996	224,948	24,992	249,940	224,948
West Side	206,952	17,996	224,948	21,964	246,912	224,948

Note: (1) Building costs are not included in the Department budget, nor are the revenues that finance these costs.

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## AGENCY MSR DETERMINATIONS

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### GROWTH AND POPULATION PROJECTIONS

- 1) The estimated residential population within the City is approximately 104,887.
- 2) Population is expected to grow fairly rapidly (26 percent) compared with the County as a whole (17 percent) through 2030.
- 3) The primary growth areas are the downtown area, Hilltop area and Marina Bay. The City encourages growth near major activity centers and transportation corridors, and around the central city area.

### LOCATION AND CHARACTERISTICS OF ANY DISADVANTAGED UNINCORPORATED COMMUNITIES

- 4) North Richmond is a disadvantaged unincorporated community adjacent to the City limits.
- 5) North Richmond is an unincorporated island area surrounded by the City of Richmond and the Pacific Ocean. There were 3,717 residents in North Richmond in 2010. Median household income in North Richmond is about 61 percent of the statewide median income level. North Richmond is located closer to the San Pablo Library than to any of the City of Richmond libraries.

**PRESENT AND PLANNED CAPACITY OF PUBLIC FACILITIES AND ADEQUACY OF PUBLIC SERVICES, INCLUDING INFRASTRUCTURE NEEDS AND DEFICIENCIES**

- 6) Major infrastructure needs and deficiencies exist at the Main Library. The facility is undersized, outdated and lacks electrical and data capacity to expand public computers. A proposed \$50 million replacement facility is unfunded.

**FINANCIAL ABILITY OF AGENCIES TO PROVIDE SERVICES**

- 7) The City's current level of financing is sufficient for minimally adequate service provision.
- 8) Funds are not sufficient for the agency to replace its Main Library.

**STATUS OF, AND OPPORTUNITIES FOR, SHARED FACILITIES**

- 9) Current facility sharing practices include access to materials at 44 other library systems through interlibrary loan, access to training and research sharing through Bay Area Library and Information System and Pacific Library Partnership. The City's bookmobile serves 16 schools that lack their own library facilities.
- 10) Library-related facility sharing opportunities include opportunities for community-based schools to share resources with the City Library.
- 11) The City provided the building site for the El Sobrante Library 50 years ago in recognition that the library there would serve Richmond residents. The City is not presently funding the El Sobrante Library, and none of its territory lies within the associated County Service Area.

**ACCOUNTABILITY FOR COMMUNITY SERVICE NEEDS, INCLUDING GOVERNMENTAL STRUCTURE AND OPERATIONAL EFFICIENCIES**

- 12) The City demonstrated accountability and transparency by disclosing financial and service related information in response to LAFCO requests.
- 13) The City's library-related constituent outreach activities include advertising meetings and special events on its website, on the City-owned TV station, and through press releases, flyers and community events. The City conducted extensive constituent outreach in its 2007-9 library needs assessment project.

## 5. CONTRA COSTA COUNTY LIBRARY

Contra Costa County Library provides library services to the unincorporated communities and 18 of the 19 cities in the County. The County provides library facility services at the County-owned libraries in the unincorporated areas and in the cities of Antioch, Pinole, Pleasant Hill, San Pablo, and Walnut Creek.

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### AGENCY OVERVIEW

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#### FORMATION AND BOUNDARY

Contra Costa County was incorporated in 1850 as one of the original 27 counties of the State.

The County's boundaries encompass approximately 720 square miles. The library operations service area covers 689 square miles – all of the County territory except the City of Richmond. The County's library service area is depicted on Map 3-1.

The County has no LAFCO-adopted sphere of influence because LAFCO does not have jurisdiction over its boundaries. As the primary library service provider, the County has been included in this municipal service review by LAFCO in order to provide a comprehensive review of services. LAFCO's directive and authority to define the geographic scope of the service review is Government Code §56430(b).

#### Library History

The Contra Costa County Library was organized in 1913.

Prior to that, there were public library services in at least a few communities in the County; these early libraries were organized by women's associations. In Martinez, a group of local women established a reading room in 1883, re-organized as the Martinez Free Reading Room and Library Association in 1885, and built a library in 1896. In San Pablo, the Post Office originally acted as the library, with a selection of 100 books in 1914.<sup>35</sup> In Richmond, the Women's Improvement Club of Richmond established a circulating library in 1907, and the West Side Women's Improvement Club established the Point Richmond Library in 1909.

By the 1920s, the Contra Costa County Library had over 40 branches. One of those original libraries remains – the Rodeo Library – which was established in 1920 in a former schoolhouse building; it still features its original wood flooring, old wooden bookcases, antique lighting and an interior door with a lock designed for a skeleton key. In its early years, the Contra Costa County Library also provided service to 64 public schools.<sup>36</sup>

The County Library's original service area is not precisely known; however, it is presumed to be essentially the same as the modern service area.

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<sup>35</sup> <http://ccclib.org/locations/sanpablo.html>

<sup>36</sup> [http://en.wikipedia.org/wiki/Contra\\_Costa\\_County\\_Library](http://en.wikipedia.org/wiki/Contra_Costa_County_Library)

## LOCAL ACCOUNTABILITY AND GOVERNANCE

The County is governed by a five-member governing body, consisting of the County Board of Supervisors. Board members are elected by district to staggered four-year terms. The last contested election for a board seat occurred in 2012.

The Contra Costa County Library Commission has served in an advisory capacity to the Board of Supervisors and the County Librarian since 1991. Its 29 members are appointed by the cities (18 members), the Board of Supervisors (5 members), the Contra Costa Central Labor Council, the Contra Costa Council, the Contra Costa Community College District, the Superintendent of Schools, and the Friends Council. The Commission meets regularly on a bi-monthly basis.

The County Library's constituent outreach activities include advertising meetings and special events on its website, in the local newspaper, in Municipal Advisory Council newsletters, and publicly posted at all County libraries.

With regard to customer service, complaints may be submitted by telephone, mail, or email to the County Librarian. Within FY 11-12 there were approximately three complaints filed directly with the Library Administration. Based on a 2011 customer satisfaction survey focused on collections, library patrons are most pleased with the extensive collection of materials and patrons' most common complaints are lack of variety in downloadable e-books and audio books, and the extent of library materials in poor condition.<sup>37</sup>

*Table 5-1: CCCL Governing Body*

<b>Contra Costa County Library</b>				
<b>Governing Body</b>				
	<b>Name</b>	<b>District</b>	<b>Began Serving</b>	<b>Term Expires</b>
<i>Board of Supervisors</i>	John M. Gioia	District I	1999	2014
	Candace Andersen	District II	2012	2016
	Mary N. Piepho	District III, Chair	2005	2016
	Karen Mitchoff	District IV	2010	2014
	Federal D. Glover	District V	2001	2016
<i>Manner of Selection</i>	Elections by district			
<i>Length of Term</i>	Four years			
<i>Meetings</i>	Date: Tuesdays at 9:30 a.m.		Location: 651 Pine St., Room 107 Martinez, CA 94553	
<i>Agenda Distribution</i>	Online and posted			
<i>Minutes Distribution</i>	Video of meetings available online and minutes by request			
<b>Contact</b>				
<i>Contact</i>	Director			
<i>Mailing Address</i>	Contra Costa County Library, 1750 Oak Park Blvd., Pleasant Hill, CA 94523			
<i>Website</i>	<a href="http://www.ccclib.org">http://www.ccclib.org</a>			

The County Library demonstrated accountability in its disclosure of information and cooperation with LAFCO. The agency responded to LAFCO's written questionnaires and cooperated with LAFCO interview and document requests.

<sup>37</sup> Contra Costa County Library Commission, "Collection Survey," *Agenda Attachment 7*, January 26, 2012.

## SERVICE DEMAND AND GROWTH

The County library service area encompasses a wide variety of land uses.

The County Library considers its customer base to be the residents, workers and visitors in the County who hold a California library card. In FY 10-11, the County Library had 494,932 registered borrowers with active library cards and a circulation of 7,489,545 including renewals. There were 4,098,136 visits made in FY 10-11 to the library facilities in the County system, in addition to 3,263,532 virtual visits involving user requests of the library web site originating outside the library buildings.<sup>38</sup> A 2011 collection satisfaction survey found that the preponderance (93 percent) of patrons use County Library collections for pleasure, 34 percent use library collections for homework, 25 percent for job search or career development, and 15 percent for business purposes.

Local business activities include a wide variety of industries. The estimated number of jobs in 2010 in the library service area was 336,160, according to 2009 ABAG projections data. The projected job growth rate from 2010 to 2030 is 35 percent.

The estimated residential population in the library service area in 2012 was 960,230, according to the California Department of Finance. The projected population growth rate from 2010 to 2030 is 16 percent, according to 2009 ABAG projections.<sup>39</sup> Faster growth is projected in the cities of San Ramon, Pittsburg, Hercules, Pinole and Brentwood, and slower growth is projected in the cities of Antioch, El Cerrito, Lafayette, Martinez, Moraga, Orinda and the unincorporated areas.

Planned or proposed developments are most concentrated in the cities of Brentwood, Oakley, San Ramon, and Concord.

Disadvantaged communities within the County Library service area include the unincorporated areas of Bay Point, Bethel Island, North Richmond, and eastern Pacheco, in addition to the following areas within cities: northern Antioch, southern Pittsburg, northwest Martinez, southwest corner of El Cerrito, and central San Pablo.<sup>40</sup>

## MANAGEMENT

The County Library's staff consisted of 175 full-time equivalents (FTEs) in FY 12-13. The permanent staff FTEs included 56 professional librarians (with at least a master's degree education level), five professional specialists, 46 library technical assistants (with at least an AA degree), and 67 other support staff. There were also 138 library student assistants and 76 intermittent staff. In addition to the paid staff, there were 3,341 unpaid volunteers whose work time amounted to 85 FTEs in FY 11-12.

The staff report to the County Librarian, who reports to the County Administrator. The County Library is organized into four divisions. The Administrative Services division, which is staffed by 19 FTEs, provides administrative, shipping, and facilities management while organizing and directing library operations. The Countywide Services division, which is staffed by 10 FTEs, provides centralized library services, literacy services, and direct services to juveniles in custody. The Community Services division, which is staffed by 119 FTEs, and provides direct services at

<sup>38</sup> California State Library, *California Public Library Report 2010-11*, 2012.

<sup>39</sup> ABAG 2009 projections were the most recent available at the time this report was prepared. ABAG plans to release updated projections in 2013.

<sup>40</sup> Disadvantaged communities were identified from American Community Survey 5-year data for 2006-2010. For LAFCO purposes, disadvantaged communities are defined as having median household income less than 80 percent of the State median.

community libraries. The Support Services division, which is staffed by 27 FTEs, provides collection management, automation, virtual library, and technical services.

The County Library evaluates employee performance on an annual basis. The County Librarian conducts workload monitoring on a routine basis through direct oversight and evaluating performance measures such as circulation by branch, library visits, hours open, Museum Pass usage, Summer Reading Festival participation, and customer satisfaction surveys. The Library establishes performance goals through the annual budget process; for example, its goals in FY 12-13 are to complete the transfer of facility ownership and fiscal responsibility to the cities, replace aging self-check machines, implement a project to anticipate customer needs, and upgrade its network to provide faster Internet service and increase staff efficiency.

The County annually prepares audited financial statements. The most recent audited financial statement provided to LAFCO by the County was for FY 10-11.

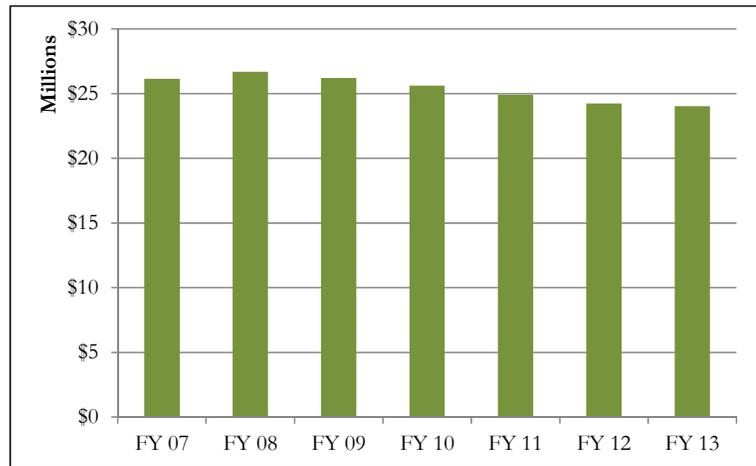
County Library planning efforts include an annual budget, a strategic plan (2006 plan with a recent 2011 review of its continued relevance and ongoing work in FY 12-13 to update the 2006 plan), a technology plan (2007), collection satisfaction surveys (most recently in 2011), and facilities responsibility planning (2010). The Contra Costa County Public Managers' Association contributes to library planning efforts, having prepared a library efficiency and organizational review (1996) and collaborated with the County Library in clarifying cities' roles with respect to facilities and standardizing lease and service agreements (2010). Capital improvement planning for the seven County-owned library facilities is conducted on an annual basis through the budget process. For the four library facilities within cities, planning is collaborative with both County Library and City staff participating. Capital planning for the three libraries in unincorporated areas is performed on an as-needed (and/or as-funded) basis. Capital improvement planning for the libraries owned by cities and school districts are the responsibility of the respective facility owners.

The County Library has received a number of awards and honors in the past five years, particularly for its Snap & Go program for making library materials and services available to patrons on their mobile phones. Snap & Go received awards in 2011 from the American Library Association, California Library Association, California State Association of Counties, and Emerald Literati Network. The County Library received awards in 2008 and 2009 for its book dispensing machines (called Library-a-Go-Go) from American Library Association, California Library Association, and California State Association of Counties. Most recently, the Library was awarded the 2012 National Medal from the Institute of Museums and Library Services, the highest honor in the nation awarded to public libraries.

**FINANCING**

**Figure 5-1: County Library Revenues, FY 06-07 through FY 12-13**

The County Library’s financial ability is minimally adequate to provide basic service levels; additional revenues would be needed to provide library service levels on par with other urban library systems in California.<sup>41</sup> The Library has faced a 10 percent decline in revenues during the recent recession, and had previously lost 30 percent of its funding in 1993 due to ERAF property tax shifts and County budget cuts.



The County Library received approximately \$24.9 million in revenues in FY 10-11. The Library relies primarily on property tax revenues and City contributions to fund services. Property taxes generated 79 percent of revenues in FY 10-11, City contributions for extra library hours (more than the 35 hours per week basic service) generated seven percent,<sup>42</sup> service charges generated four percent, miscellaneous revenues generated four percent, donations generated three percent, State and federal grants generated two percent, and transfers from CSAs one percent.<sup>43</sup> The County attempted to gain additional funding specifically for library services with a proposed special parcel tax but voters defeated the proposals in 1992 and 1994; voters in Crockett and Kensington defeated parcel tax proposals in 1992 as well.

Total actual expenditures for FY 10-11 were approximately \$23.5 million, 72 percent of which were for salaries, wages and benefits, 17 percent for services and supplies, nine percent for other charges, one percent for transfers, and one percent for capital expenses.

Capital expenditures are financed by the respective library owner. The County owns seven of the 26 library outlets that are operated by the County Library. Capital investments in the three library outlets in the unincorporated areas have been minimal; the most recent renovation was done 17 years ago in the El Sobrante branch. Three of the four County-owned outlets in cities have been renovated more recently (Antioch in 2006, Pinole in 2002, and Ygnacio Valley in 2004), due in part to additional funding (e.g., Pinole redevelopment agency and CSA LIB-13 funding in Ygnacio Valley).

The County Library fund had approximately \$1.5 million in liabilities, none of which constituted long-term debt at the end of FY 10-11. The liabilities consisted primarily of accounts payable and secondarily of amounts due to other funds. The County’s pension and OPEB liabilities are reported

<sup>41</sup> David M. Griffith & Associates, *Final Report for the Contra Costa County Library Study: Report to the Contra Costa County Public Managers Association*, November 1996. Although cities have contributed additional funding since the 1996 report, this finding remains relevant today, as discussed in Chapter 3 of this report.

<sup>42</sup> The County Library offers a base service level of 35 open hours weekly. Cities have the option to provide higher service levels if they pay the County Library for the associated costs of staffing additional library hours.

<sup>43</sup> County of Contra Costa, *Comprehensive Annual Financial Report for Fiscal Year Ended June 30, 2011, 2012*; Contra Costa County Library, *Extra Hours Payments Received for FY 2010-11 and 2011-12, 2012*.

for the County as a whole, is not broken out by department, and the library component was not available.

The County Library carried a fund balance of \$10.3 million at the end of FY 10-11, of which 76 percent was restricted (for encumbrances and reserves for automation, facility and branch operations) and 24 percent was assigned for current year appropriations for automation, computer equipment, software, library materials and programs, training, and professional services. The fund balance amounted to 44 percent of the District's expenses in FY 10-11. After spending a portion of that balance on encumbrances and current-year appropriations, reserves amounted to 30 percent of expenditures. The County Library does not have a formal policy on target financial reserves.

Financial information by library outlet may be found in Table 5-5, and is discussed in Chapter 3.

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## LIBRARY SERVICES

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### NATURE AND EXTENT

The County Library provides library facility and library operation services.

#### *Facility Services*

Library facility services vary based on ownership status of each library outlet. Facility maintenance services at seven County-owned library outlets include repairs, capital improvements, janitorial, grounds maintenance, utilities and telecommunication services. At the remainder of the library outlets, the respective facility owner – cities, school districts and private entities – are directly responsible for facility maintenance services.

#### *Library Operations*

Library operational services encompass a wide variety of services ranging from the standard offerings—physical library collections, reference desk services, cataloging of materials, story times and other in-library programming, and literacy services—to modern offerings—virtual library, mobile website, wireless (wi-fi) access, public access computers, and computer labs. The 558 public access computers allow patrons access to the internet and standard computer software (Microsoft Office Suite), and the ability to save their work to CD, portable USB devices, or web-based storage.

Literacy and outreach services provided by County Library include Wilruss Programs, Project Second Chance, and Contra Costa Reads. Early literacy stations at many community libraries offer educational programs for children to work on skills such as reading, writing and math.

Wilruss Programs promotes literacy and reading to new parents and children age six and under. The program includes themed book kits for in-home daycare providers, storytime kits for daycare providers, and a literacy program operated through health clinics. These programs are conducted by County Library in partnership with Contra Costa County Health Services, County Social Services, and others.

Project Second Chance offer free, one-on-one literacy instruction to English-speaking adults who read at less than a sixth grade level. Tutoring is conducted by trained community volunteers who meet with their respective students twice weekly. Tutors and students also participate in small group workshops, practice in the computer lab, and attend literacy events with their pre-school children.

Contra Costa Reads is a library education program in which second grade students are introduced by County Library to library services. The program promotes reading and collaborates with community organizations.

Library accessibility is addressed through a number of assistive technologies software and equipment for people with vision, hearing and learning disabilities.

## **LOCATION**

County Library provides direct library services from 26 library outlets, three book dispensing machines, a books-by-mail service, and via the internet. Library outlet locations are listed in Table 5-3. Book dispensing machines are located at Discovery Bay, Sandy Cove Shopping Center, El Cerrito del Norte BART Station and Pittsburg/Bay Point BART Station.

The County Library is directly responsible for maintenance of three County-owned outlets located in unincorporated areas and the outlet in the City of Pinole. The County Library provides maintenance services to County-owned outlets in the cities of Antioch, Pleasant Hill, and Walnut Creek (Ygnacio Valley) and a privately-owned outlet in the City of San Pablo for which the cities reimburse the County.

## **INFRASTRUCTURE**

The primary County Library infrastructure is the 26 library outlets, three book dispensing machines, and the library materials, collections and computer equipment. Library outlet locations are listed in Table 5-3. Information on materials by library location may be found in Table 5-4. Table 5-5 provides financial information by library facility.

*Table 5-2: County Library Service Profile*

<b>CCC Library System</b>			
<b>Service Area</b>			
<b>Library Operations:</b> unincorporated areas and all cities in the County except Richmond			
<b>Library Facilities:</b> the County Library is directly responsible for facility maintenance for County-owned libraries in the unincorporated areas and the City of Pinole. The County Library is reimbursed by the cities of Antioch, Pleasant Hill, and Walnut Creek for facility maintenance and utilities costs at County-owned library outlets, and by San Pablo. The County is not responsible for maintaining the remainder of the library outlets.			
<b>Service Demand, FY 10-11</b>			
Population in Service Area	951,844	% of Population Age <=14	20%
Registered Borrowers	494,932	% of Borrowers Age <=14	15%
Circulation	7,489,545	% Children Materials	44%
Physical Visits	4,098,136	Virtual Visits	3,263,532
Reference Questions	321,516	Internet Sessions	670,136
<b>Resources</b>			
Central Library & Branches	26	Bookmobiles	0
Facility Square Footage	334,658	Facility Seats	2,322
Paid Staff (FTE)	175	Public Internet Computers	463
Volunteers (Total)	3,341	Volunteers (FTEs)	85
Total Physical Materials	1,489,553	Total Electronic Materials	125,523
Printed Books	1,297,752	Electronic Books	124,116
Audio Materials Physical	71,594	Audio Materials Digital	1,349
Video Materials Physical	80,211	Video Materials Digital	36
Government Documents	39,996	Databases	22
<b>Service Adequacy</b>			
Visits per Capita - Physical	4.3	Visits per Capita - Virtual	3.4
Borrowers per Capita	0.5	Reference Questions per Cap	0.3
Circulation per Capita	7.9	Internet Sessions per Capita	0.7
Square footage per Capita	0.4	Seats per Capita (1,000)	2.4
Paid staff per Capita (1,000)	0.2	Total FTEs per Capita (1,000)	0.3
Physical Materials per Capita	1.6	Digital Materials per Capita	0.1
Loans Lent/Loans Received	0.1	Total Cost per Capita	\$25
<b>Facility-Sharing and Regional Collaboration</b>			
Interlibrary Loans - Items Lent	5,398	Interlibrary Loans - Received	38,502
<b>Current Practices:</b> The County Library offers patrons of its library outlets not only access to its own combined collection but also access through Link-Plus interlibrary loan to the collections of 13 other municipal library systems (e.g., San Francisco and Sacramento) and 31 collegiate libraries. The County Library operates library outlets owned by 2 school districts, 2 private companies, and 14 cities. It collaborates with non-profit library auxiliaries and a community college.			
<b>Opportunities:</b> There may be facility sharing opportunities in west County where there are libraries with unfunded replacement needs within a two-mile distance from another library.			

*Table 5-3: County Library Facilities*

CCC Library Facilities by Outlet								
Library	Location	Owner	Year Built	Reno- vated	Condition (1)	Square Feet	Power/ Data (2)	Facility Needs
<u>Library Outlets - Unincorporated Areas</u>								
Bay Point	205 Pacifica Ave. Bay Point CA 94565	MDUSD	1956		Poor	3,825	Not Adequate	Bay Point Library is undersized, aged and in poor condition. The \$7.6 million cost of a replacement facility is not funded.
Crockett	991 Loring Ave. Crockett CA 94525	C&H Sugar	1961		Poor	1,238	Not Adequate	NP
El Sobrante	4191 Appian Way El Sobrante CA 94803	County	1961	1974, 1995	Fair	7,474	Not Adequate	El Sobrante Library needs to be remodeled and expanded. The \$6.8 million cost of improvements is not funded.
Kensington	61 Arlington Ave. Kensington CA 94707	County	1965		Fair	5,094	Not Adequate	Kensington Library needs to be remodeled. The \$1.8 million cost of improvements is not funded.
Rodeo	220 Pacific Ave. Rodeo CA 94572	County	1920		Poor	864	Not Adequate	NP
<u>Library Outlets - Cities</u>								
Antioch	501 W. 18th St. Antioch CA 94509	County	1968	2006	Fair	11,000	Not Adequate	The Antioch Library needs to be replaced with a larger facility. The estimated \$33 million cost of a 60,000-square-foot facility is not funded.
Brentwood	104 Oak St. Brentwood CA 94513	City	1946	2009	Fair	6,272	Not Adequate	The Brentwood Library is undersized and needs to be expanded. The \$3.5 million project is budgeted for completion in FY 13-14, and is financed by
Clayton	6125 Clayton Rd. Clayton CA 94517	City	1995		Good	15,500	Adequate	Clayton Library needs expansion (+3,500 sq. ft.) and upgrades (automatic checkout and coffee area) at a cost of \$1 million. This project is not
Concord	2900 Salvio St. Concord CA 94519	City	1959		Fair	11,300	Not Adequate	Concord Library needs electrical and lighting upgrades (\$0.13 M cost budgeted for FY 12-13). The facility also needs expansion and renovation to address ADA deficiencies and "desirable changes to library functions." The expansion and renovation project is not funded.
Danville	400 Front St. Danville CA 94526	City	1996		Good	17,000	Adequate	Danville Library needs a phone system upgrade, roof repairs and painting. The projects are funded and budgeted. The City Asset Replacement fund pays about \$25,000 annually for ongoing repairs at the facility.
Dougherty Station	17017 Bollinger Cyn. Rd. San Ramon CA 94582	City	2005		Excellent	11,800	Adequate	The San Ramon libraries need improvements which are programmed in the City's CIP.
El Cerrito	6510 Stockton Ave. El Cerrito CA 94530	City	1948	1960	Poor	6,400	Not Adequate	The library is aged, needs extensive repairs and is too small. The City needs to replace the library; the estimated \$19.3 million cost is unfunded.
Hercules	109 Civic Dr. Hercules CA 94547	City	2006		Excellent	22,000	Adequate	None identified. The library facility is relatively new.

*continued*

CCC Library Facilities by Outlet (continued)								
Library	Location	Owner	Year Built	Reno- vated	Condition (1)	Square Feet	Power/ Data (2)	Facility Needs
Lafayette	3491 Mt. Diablo Blvd. Lafayette CA 94549	City	2009		Excellent	34,930	Adequate	None identified. The library facility is new.
Martinez	740 Court St. Martinez CA 94553	City	1941	1995, 2011	Good	6,792	Adequate	The library was renovated and expanded in 2011, but remains undersized for the community. The State Library had estimated the community needs a 25,000-sf facility; however the associated \$14 million cost is not funded.
Moraga	1500 St. Mary's Rd. Moraga CA 94556	City	1974	1999	Fair	10,913	Not Adequate	The library needs improvements: replacement of exterior patio, emergency exit walkway and carpet, upgrade of restroom and staff kitchen, alarm rewiring, drainage repairs, and removal of dead trees.
Oakley	1050 Neroly Rd. Oakley CA 94561	LUHSD	1999		Fair	6,000	Not Adequate	The library facility is undersized, lacks adequate shelf, programming and study space, patron power outlets, and parking. The City is considering a parcel tax measure to fund construction costs (\$3.5-4.0 million).
Orinda	26 Orinda Way Orinda CA 94563	City and Friends	2001		Good	17,136	Adequate	The library needs carpet replacement (\$100,000 budgeted for FY 13-14) and painting (\$140,000 planned for FY 14-15).
Pinole	2935 Pinole Valley Rd. Pinole CA 94564	County	1974	2002	Fair	17,098	Not Adequate	The Pinole Library roof leaks and needs replacement, parking lot needs resurfacing, and carpet needs replacement.
Pittsburg	80 Power Ave. Pittsburg CA 94565	City	1967		Fair	7,075	Not Adequate	The library is aged and undersized. It needs remodeling and expansion. A \$2.8 million expansion includes 3,330 additional square feet, interior renovations and HVAC upgrades; completion is projected in 2013.
Pleasant Hill	1750 Oak Park Blvd. Pleasant Hill CA 94523	County	1961		Fair	38,976	Not Adequate	The Pleasant Hill Library is aged, undersized and needs to be replaced. The \$42 million cost of a 75,000-sf library is not funded.
Prewett	4703 Lone Tree Way Antioch CA 94531	City	2010		Excellent	1,312	Adequate	None identified. The library facility is new.
San Pablo	2300 El Portal Dr., San Pablo CA 94806	Signature Properties	1999		Fair	8,909	Not Adequate	The library is undersized and needs to be replaced with a new facility. The estimated \$9 million cost for a 16,300-square feet facility is not funded.
San Ramon	100 Montgomery St. San Ramon CA 94583	City	1989		Good	18,238	Not Adequate	The State considers the library undersized and estimated a new 50,000-sf facility would cost \$28 million.
Walnut Creek	1644 N. Broadway Walnut Creek CA 94596	City	2010		Excellent	34,930	Adequate	A driveway railing is needed to prevent exiting cars from running into the adjacent stormwater basin.
Walnut Creek (Ygnacio)	2661 Oak Grove Rd., Walnut Creek CA 94598	County	1975	2004	Good	13,202	Not Adequate	The Ygnacio Valley Library needs to be remodeled and expanded. The \$6.3 million improvement cost is not funded.
Notes:								
(1) Facility condition definitions: Excellent—relatively new (less than 10 years old) and requires minimal maintenance. Good—provides reliable operation in accordance with design parameters and requires only routine maintenance. Fair—operating at or near design levels; however, non-routine renovation, upgrading and repairs are needed to ensure continued reliable operation. Poor—cannot be operated within design parameters; major renovations are required to restore the facility and ensure reliable operation								
(2) The County Library reported that 15 of the 26 library outlets lack capacity to support additional power and data, with the remainder having adequate capacity as of 2012.								

*Table 5-4: County Library Resources by Outlet*

<b>CCC Library Metrics by Outlet</b>									
<b>Library</b>	<b>Seats</b>	<b>Internet Terminals</b>	<b>Volumes</b>	<b>Staff FTEs</b>	<b>Weekly Hours</b>	<b>Circu- latoir</b>	<b>Circ/ Volume</b>	<b>Pop Served</b>	<b>Sq. Ft. per 1,000</b>
<u>Library Outlets - Unincorporated Areas</u>									
Bay Point	40	5	9,843	0.5	18	27,381	2.8	21,516	178
Crockett	39	2	6,531	0.5	24	9,724	1.5	3,307	374
El Sobrante	73	5	35,158	3.5	35	108,658	3.1	15,619	479
Kensington	54	4	30,263	3.4	35	100,553	3.3	5,099	999
Rodeo	8	5	9,342	1.0	35	39,265	4.2	10,399	83
<u>Library Outlets - Cities</u>									
Antioch	86	17	73,340	4.9	35	214,601	2.9	93,592	118
Brentwood	36	14	51,058	6.0	56	216,822	4.2	71,859	87
Clayton	110	10	75,672	4.0	44	209,458	2.8	11,910	1,301
Concord	71	16	91,984	7.0	52	341,719	3.7	124,003	91
Danville	127	33	90,224	7.5	60	410,878	4.6	57,841	294
Dougherty Station	105	40	64,086	6.0	50	360,502	5.6	42,253	279
El Cerrito	98	5	39,721	4.1	35	179,603	4.5	26,953	237
Hercules	156	50	66,085	4.7	45	240,599	3.6	24,456	900
Lafayette	187	36	85,882	7.7	56	452,768	5.3	26,277	1,329
Martinez	19	3	33,376	3.8	35	57,293	1.7	46,870	145
Moraga	89	9	57,931	4.7	35	184,255	3.2	16,465	663
Oakley	24	8	36,658	3.6	41	111,530	3.0	37,406	160
Orinda	122	24	76,345	7.0	60	241,867	3.2	17,719	967
Pinole	107	10	41,938	2.5	24	78,499	1.9	28,324	604
Pittsburg	79	12	45,396	3.3	35	125,733	2.8	63,977	111
Pleasant Hill	122	40	171,421	6.0	35	462,889	2.7	40,752	956
Prewett	8	5	9,342	1.0	35	39,265	4.2	10,399	126
San Pablo	66	11	35,644	3.4	40	107,998	3.0	34,110	261
San Ramon	99	13	89,253	7.5	58	462,109	5.2	42,253	432
Walnut Creek	308	80	86,707	10.0	56	509,271	5.9	56,100	623
Ygnacio Valley	81	9	73,942	7.5	56	352,211	4.8	24,043	549

Table 5-5: County Library Finances by Outlet

CCC Library Finances by Outlet										
	Expenditures, FY 11-12					Revenues, FY 11-12				
	Direct	Shared	Total Lib.	Total Lib.		Contribs.	Contribs.	Property	Other	
	Operations	Operations	Operations	Building	Ops. &	For Extra	For	Tax <sup>2</sup>	Itemized <sup>3</sup>	Subtotal <sup>4</sup>
	Cost	Cost	Cost	Cost <sup>1</sup>	Bldg Cost	Hours	Facilities			
<b>Library Outlets - Unincorporated Areas</b>										
Bay Point	\$84,993	\$146,972	\$231,965	NP		\$0	\$0	\$26,865	\$2,621	\$29,486
Crockett	85,739	87,626	173,365	20,301	193,666	Grant	0	89,949	1,030	90,979
El Sobrante	364,580	230,062	594,642	82,872	677,514	0	0	312,794	100,935	413,729
Kensington	362,437	199,605	562,042	48,664	610,706	0	0	102,052	12,149	114,201
Rodeo	73,993	96,163	170,156	15,538	185,694	0	0	313,690	713	314,403
<b>Library Outlets - Cities</b>										
Antioch Branch	552,656	465,398	1,018,054	113,048	1,131,102	0	113,048	1,058,883	27,161	1,199,092
Antioch-Prewett	155,525	154,322	309,847	NP		0	0	NA	500	500
Brentwood	650,382	396,413	1,046,795	62,175	1,108,970	179,947	0	1,330,395	26,953	1,537,295
Clayton	466,424	251,276	717,700	132,765	850,465	24,388	0	258,761	26,211	309,360
Concord	807,331	555,441	1,362,772	84,000	1,446,772	147,719	0	2,179,611	41,453	2,368,783
Danville	829,383	495,646	1,325,029	NP		189,862	0	1,835,459	51,248	2,076,569
El Cerrito	462,752	280,421	743,173	29,488	772,661	0	0	345,188	17,145	362,333
Hercules	555,163	347,173	902,336	70,286	972,622	69,652	0	396,988	21,412	488,052
Lafayette	863,666	461,258	1,324,924	678,389	2,003,313	168,278	0	902,681	44,637	1,115,596
Martinez	421,214	238,777	659,991	39,542	659,991	0	0	1,137,667	9,535	1,147,202
Moraga	547,382	278,865	826,247	81,167	907,414	0	0	397,592	28,259	425,851
Oakley	402,327	246,168	648,495	NP		20,979	0	551,705	12,826	585,510
Orinda	834,113	388,697	1,222,810	242,267	1,465,077	200,793	0	611,693	37,435	849,921
Pinole	275,363	215,522	490,885	122,787	613,672	0	0	241,456	10,324	251,780
Pittsburg	364,886	331,299	696,185	66,000	696,185	0	0	739,002	15,522	754,524
Pleasant Hill	624,257	539,500	1,163,757	273,384	1,437,141	0	153,189	790,142	63,509	1,006,840
San Pablo	377,753	240,302	618,055	220,203	838,258	19,150	99,203	142,243	11,377	271,973
San Ramon branch	910,097	452,056	1,362,153	249,640	1,611,793	190,431	0	3,144,435	42,079	3,376,945
San Ramon Dougherty	647,022	426,487	1,073,509	154,950	1,228,459	100,000	0	NA	23,984	123,984
Walnut Creek	1,027,412	636,519	1,663,931	347,881	2,011,812	390,722	0	2,109,896	52,309	2,552,927
Ygnacio Valley	797,172	365,331	1,162,503	280,061	1,442,564	169,817	148,577	NA	135,904	454,298
<b>TOTAL</b>	<b>13,544,022</b>	<b>8,527,299</b>	<b>22,071,321</b>	<b>3,415,408</b>	<b>22,865,851</b>	<b>1,871,738</b>	<b>514,017</b>	<b>19,019,150</b>	<b>817,231</b>	<b>22,222,136</b>
Notes:										
(1) Building costs paid by Contra Costa County Library (including reimbursed costs) are shown in regular font. Building costs paid directly from City funds are italicized.										
(2) Property tax amounts by outlet were estimated based on FY 07-08 detailed property tax allocations by Tax Rate Area (Auditor-Controller), assessed value over time by jurisdiction (State Controller Office), and Contra Costa County Library property tax revenues (County). Revenues for the Dougherty Station and San Ramon outlets are combined. Revenues for the Antioch and Prewett branches are combined. Revenues for Walnut Creek and Ygnacio Valley are combined.										
(3) Other itemized revenues include service charges, and do not include donations, interest, CSA revenues, or State and Federal grants.										
(4) Revenue subtotal excludes donations, interest, CSA revenues, and State and Federal grants. For the system as a whole, this represents \$2.0 million in unallocated revenues.										

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## **AGENCY MSR DETERMINATIONS**

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### **GROWTH AND POPULATION PROJECTIONS**

- 1) The estimated residential population within the County Library service area is approximately 960,230.
- 2) Population is expected to grow within the service area at a comparable rate (16 percent) as the projected countywide growth rate (17 percent) through 2030. Faster-growing areas are the cities of San Ramon, Pittsburg, Hercules, Pinole and Brentwood.
- 3) Planned or proposed developments are most concentrated in the cities of Brentwood, Oakley, San Ramon and Concord.

### **LOCATION AND CHARACTERISTICS OF ANY DISADVANTAGED UNINCORPORATED COMMUNITIES**

- 4) Bay Point, Bethel Island, North Richmond, and east Pacheco are disadvantaged unincorporated communities within the County Library service area.
- 5) Bay Point is an unincorporated area west of the City of Pittsburg. There were 21,349 residents there in 2010. Median household income in Bay Point is about 69 percent of the statewide median income level. Bay Point is located closest to the Bay Point Library.
- 6) Bethel Island is an unincorporated area located in the northeast corner of the County. There were 2,137 residents there in 2010. Median household income on Bethel Island is about 60 percent of the statewide median income level. Bethel Island is located closest to the Oakley Library, although the library is more than five miles distance from the community.
- 7) North Richmond is an unincorporated island area surrounded by the City of Richmond and the Pacific Ocean. There were 3,717 residents in North Richmond in 2010. Median household income in North Richmond is about 61 percent of the statewide median income level. North Richmond is located closest to the San Pablo Library.
- 8) East Pacheco is an unincorporated community located east of the City of Martinez. There were 3,685 residents in Pacheco in 2010. Pacheco is located closest to the Concord Library.

### **PRESENT AND PLANNED CAPACITY OF PUBLIC FACILITIES AND ADEQUACY OF PUBLIC SERVICES, INCLUDING INFRASTRUCTURE NEEDS AND DEFICIENCIES**

- 9) Most of the seven County-owned library facilities are in fair to poor condition. Remodeling and data/electric capacity improvements are needed at El Sobrante, Kensington, and Pinole libraries. Ygnacio Valley needs remodeling and expansion. Antioch, Pleasant Hill and Rodeo need replacement. None of the associated capital needs is funded.
- 10) The privately-owned Crockett Library is in poor condition. And the privately owned library in San Pablo is undersized and needs replacement. Associated capital needs are not funded.
- 11) The two libraries located in school district facilities – Bay Point and Oakley – were reported to be in poor and fair condition, respectively. Both facilities need replacement. The City of

Oakley is developing a ballot measure that would authorize a financing mechanism for the proposed new library there.

- 12) Among the 15 City-owned libraries, five are in excellent condition (Dougherty Station, Hercules, Lafayette, Prewett, and Walnut Creek), and five are in good condition (Clayon, Danville, Martinez, Orinda and San Ramon). Four libraries are in fair condition (Brentwood, Concord, Moraga and Pittsburg); capital projects in Brentwood and Pittsburg are funded while Concord and Moraga capital needs are unfunded. The El Cerrito library is in poor condition and needs replacement; the capital needs are unfunded.

#### **FINANCIAL ABILITY OF AGENCIES TO PROVIDE SERVICES**

- 13) The County Library's current level of financing is sufficient for minimally adequate service provision.
- 14) Funds are not sufficient for the County to address capital needs at the libraries owned by the County. The cities of El Cerrito, Concord and Moraga have significant capital needs at their libraries, and lack funds to address them.

#### **STATUS OF, AND OPPORTUNITIES FOR, SHARED FACILITIES**

- 15) Current facility sharing practices include access to materials at 44 other library systems through interlibrary loan. The County Library operates library outlets owned by 14 cities, two school district and two private companies. The County Library collaborates with non-profit library auxiliaries and a community college for library services, and conducts literacy outreach in collaboration with daycare providers and health clinics.
- 16) In western Contra Costa County, there are several County-owned library facilities located in close proximity to another facility. The Kensington and El Cerrito libraries are two miles apart, as are the El Sobrante and San Pablo libraries. Given the significant capital needs at these facilities, there are opportunities to combine facilities.

#### **ACCOUNTABILITY FOR COMMUNITY SERVICE NEEDS, INCLUDING GOVERNMENTAL STRUCTURE AND OPERATIONAL EFFICIENCIES**

- 17) The County Library demonstrated accountability and transparency by disclosing financial and service related information in response to LAFCO requests.
- 18) The County Library's constituent outreach activities include advertising meetings and special events on its website, in the local newspaper and in newsletters. The County seeks constituent input on its services, most recently by surveying customers on their satisfaction with library collections in 2011.

## 6. COUNTY SERVICE AREAS

There are four County Service Areas (CSAs) in Contra Costa County that serve as financing mechanisms for library facilities and/or extended library services in a specific area. CSAs LIB-2 (El Sobrante), LIB-10 (Pinole), LIB-12 (Moraga) and LIB-13 (Ygnacio Valley). The CSAs are administered by the library service provider, Contra Costa County Library.

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### CSA OVERVIEW

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All Contra Costa CSAs are located entirely within Contra Costa County, as shown in Map 3-1. Contra Costa is the principal county and Contra Costa LAFCO has jurisdiction.

The existing SOI for each of these CSAs were affirmed by LAFCO in 2004 to be coterminous with the respective CSA boundary.<sup>44</sup>

The principal act that governs CSAs is the County Service Area law.<sup>45</sup> The principal act authorizes CSAs to provide a wide variety of municipal services, including library, parks and recreation, landscaping, street maintenance and lighting, and extended police protection.<sup>46</sup> A CSA may only provide those services authorized in its formation resolution unless the Board of Supervisors adopts a resolution authorizing additional services. If LAFCO approved formation of a CSA with a condition requiring LAFCO approval for new services, the Board of Supervisors must first obtain LAFCO approval before authorizing additional services.<sup>47</sup> Districts must apply and obtain LAFCO approval to exercise latent powers or, in other words, those services authorized by the principal act but not provided by the district at the end of 2000.<sup>48</sup>

In accordance with changes in State law (SB 1458), in 2009, LAFCO completed an inventory of all CSAs within the County and the services they provide.

### GOVERNANCE

All CSAs are dependent special districts governed by the County Board of Supervisors. For a discussion of County governance, see Chapter 5.

All CSAs demonstrated accountability in the disclosure of information and cooperation with LAFCO. The agencies responded to LAFCO's written questionnaires and cooperated with LAFCO document requests.

### FINANCING

The County practices fund accounting, with separate funds established for each legally separate CSA. Detailed financing information for each CSA can be found in the following CSA-specific sections.

Library CSAs are primarily financed through property taxes and interest.

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<sup>44</sup> Contra Costa LAFCO minutes, February 11, 2004.

<sup>45</sup> Government Code §25210.1-25211.3.

<sup>46</sup> Government Code §25210.4 and 25210.4a.

<sup>47</sup> Government Code §25210.31.

<sup>48</sup> Government Code §56824.10.

The County reported that the current financing level for these CSAs is not adequate to deliver services.

There is no adopted policy on CSA financial reserves. None of the CSAs had long-term debt at the end of FY 10-11, and are not authorized to issue bonded debt.

CSAs engage in joint financing arrangements in that the CSAs supplement standard funding sources for County libraries. No other facility sharing opportunities were identified.

## **MANAGEMENT**

The library CSAs are managed by the Contra Costa County Library. The Library's finance manager formulates and monitors budgets, and coordinates and oversees infrastructure improvements and installation specific to each district.

The management of the Contra Costa County Library is discussed in Chapter 6.

The County does not conduct benchmarking related to CSAs. The County annually prepares audited financial statements; however, CSA information is not identifiable in these statements.

The County does not engage in planning efforts specifically oriented toward the CSAs. The Contra Costa County Library collectively plans services for all library outlets served. Library staff plan programs to meet community needs based on community profiles and partnership organizations.

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## **CSA LIB-2 (RANCHO EL SOBRANTE)**

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CSA LIB-2 provides funding for extended library facilities and services in the unincorporated community of Rancho El Sobrante.

## **FORMATION AND BOUNDARY**

CSA LIB-2 was formed on January 21, 1958 as a dependent special district of the County.<sup>49</sup> The CSA was formed at the request of El Sobrante residents to provide extended library services. At that time, there was a proposal for a library outlet to serve both the City of Richmond and Rancho El Sobrante. The City of Richmond provided the building site, and CSA LIB-2 property taxes funded construction of the building and equipment. In addition CSA LIB-2 tax revenues funded purchase of adjacent land for future expansion.<sup>50</sup> The El Sobrante Library was built in 1961.

The boundary area of the CSA is approximately 3.9 square miles. The SOI for CSA LIB-2 is coterminous with the boundary of the CSA, and was last updated in 2004.

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<sup>49</sup> Board of Equalization official date.

<sup>50</sup> Contra Costa LAFCO, *Dissolution of County Service Area LIB-2*, Denied by LAFCO, Nov. 15, 1967.

Boundary History

There was an attempt to dissolve the CSA in 1967 because the library was serving a large number of people not paying property taxes to CSA LIB-2, and a more equitable alternative was being sought for financing expansion of the library facility.<sup>51</sup> LAFCO denied the application.

**Table 6-1: CSA LIB-2 Boundary History**

Since formation, there have been eight boundary changes, as shown in Table 6-3. Five of the eight boundary changes were detachments of territory from the CSA associated with annexation of territory to the City of Pinole along with the CSA LIB-10. Two of the detachments are reflected in the LAFCO record, but not in the Board of Equalization record.<sup>52</sup>

Three annexations have been processed for the CSA: two in 1984 and another in 1986.

Project Name	LAFCO Reso/Date	Change Type	Recording Agency <sup>1</sup>
Formation	1/21/1958	Formation	BOE
Kirkpatrick	6/21/1978	Detachment	Both
Pinole Park	12/28/1979	Detachment	Both
Long/Skyline	80-37	Detachment	LAFCO
Ming Reorg.	81-6	Detachment	Both
Travalini	3/12/1984	Annexation	Both
Dias Parcel 1	84-3	Annexation	Both
Quintal	84-24	Detachment	LAFCO
Greenridge	86-23	Annexation	Both
Note:			
1) Recording agency indicates whether Contra Costa LAFCO or the Board of Equalization (BOE) maintains records of the particular boundary change.			

**SERVICE DEMAND AND GROWTH**

The CSA bounds encompass the unincorporated community of El Sobrante (north of Richmond and south of Pinole). The district bounds encompass a wide variety of land uses but is primarily comprised of high-density residential areas with single family residences on 6,000 to 10,000 square-foot lots and multifamily residential areas with up to 29 units per acre. There is also retail commercial along San Pablo Dam Road and Appian Way and minimal agricultural, neighborhood business, office space and large single family residential uses spread throughout the CSA.

The estimated population within the CSA is 14,211.<sup>53</sup> The area has not experienced significant recent growth because the CSA is nearly built-out, and does not anticipate significant changes in service demand in the future. Planned and proposed development projects would add approximately 200 housing units in El Sobrante.<sup>54</sup>

No disadvantaged communities were identified within or adjacent to the CSA or its SOI.<sup>55</sup> A nearby disadvantaged area is the central portion of the City of San Pablo.

<sup>51</sup> Contra Costa LAFCO, *Dissolution of County Service Area LIB-2*, Denied by LAFCO, Nov. 15, 1967. The dissolution justification was that the library served many people who did not pay property taxes to CSA LIB-2, and that expansion of the facility required a financing plan that would equitably spread the cost among the people benefiting from a new facility.

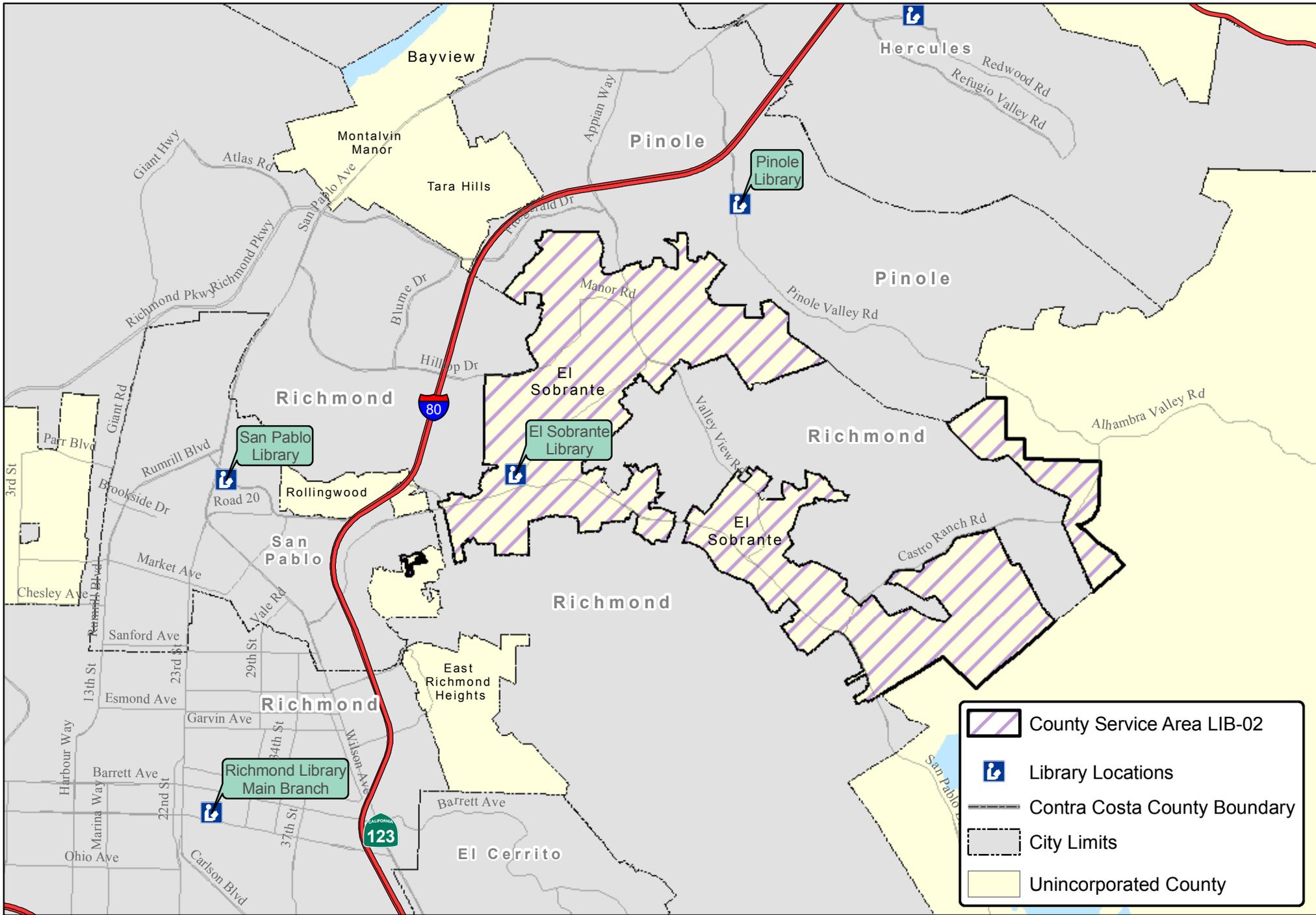
<sup>52</sup> Board of Equalization, *Contra Costa County Data Book*, 2011.

<sup>53</sup> 2010 Census.

<sup>54</sup> Contra Costa County, *Contra Costa County Housing Element*, 2009, Table 6-37.

<sup>55</sup> Disadvantaged communities were identified from American Community Survey 5-year data for 2006-2010 by place and census tract. For LAFCO purposes, disadvantaged communities are defined as having median household income less than 80 percent of the State median (Government Code §56033.5 which, in turn, relies on the definition in Water Code §79505.5).

# Map 6-1: County Service Area LIB-2 (Rancho El Sobrante)



	County Service Area LIB-02
	Library Locations
	Contra Costa County Boundary
	City Limits
	Unincorporated County



The CSA is a dependent special district of the County, and is not a land use authority. The County is the land use authority, and holds primary responsibility for implementing growth strategies.

**FINANCING**

*Table 6-2: CSA LIB-2 Financial Information*

The CSA revenues were \$80,206 in FY 11-12. Revenues were composed of property taxes (99 percent) and reimbursements for homeowner exemptions (one percent). There is no interest revenue in spite of positive fund balances.

	CSA LIB-2		
	Actual FY 10-11	Actual FY 11-12	Budget FY 12-13
Fund Balance	\$52,121	\$51,522	NA
Revenues	\$83,969	\$80,206	\$78,955
Property Tax	\$83,085	\$79,378	\$78,545
Intergovernmental	\$884	\$828	\$410
Expenditures	\$90,888	\$80,805	\$78,955
Charges	\$888	\$805	\$847
Transfers	\$90,000	\$80,000	\$78,109

Expenditures were \$80,805 in FY 11-12. These consisted primarily of transfers to the County Library (99 percent) in addition to administrative costs (one percent). Transfers to the County Library are typically budgeted to reflect budgeted revenues.

By comparison, the County Library expenditures for operating the El Sobrante Library amounted to \$677,514 in FY 11-12. By implication, CSA revenues financed approximately 12 percent of the operating costs of the El Sobrante Library in FY 11-12.

The CSA has no long-term debt.

The CSA had \$51,522 in fund balances at the end of FY 11-12, which made up 64 percent of expenditures in that year. In other words, the CSA maintained 7.7 months of working reserves.

**LIBRARY**

The El Sobrante Library is owned and operated by the Contra Costa County Library. The County Library services are discussed in Chapter 5.

The El Sobrante Library is 7,474 square feet in size, with 73 seats and five public internet terminals. Square footage per 1,000 residents in El Sobrante amounts to 479; by comparison, the County Library as a whole offers 352 square feet per 1,000 residents.

The El Sobrante Library is in fair condition. El Sobrante Library needs to be remodeled and expanded. The \$6.8 million cost of improvements is not funded.

**GOVERNANCE ALTERNATIVES**

Governance alternatives for the CSA include annexation and detachment of territory to better align the CSA bounds with the areas served by the El Sobrante Library.

- The Rollingwood unincorporated area is located in between the San Pablo and El Sobrante libraries, with portions of Rollingwood closer to El Sobrante and portions closer to San Pablo, as shown on Map 3-2. A small portion of Rollingwood is within the CSA bounds, but most of Rollingwood is outside the CSA bounds. Both libraries are located within one mile of Rollingwood.

- East Richmond Heights is a nearby unincorporated community that is outside the bounds of the CSA. It is located somewhat closer to the El Sobrante Library than to the nearest City of Richmond library.
- There are portions of northern Richmond that are located closer to the El Sobrante Library than to the nearest City of Richmond library, although most of northern Richmond is located closer to the San Pablo Library.
- Certain territory in northern El Sobrante is located closer to the Pinole Library than the El Sobrante Library. Over the years, there have been five occasions when territory has been detached from CSA LIB-2 and annexed to CSA LIB-10; these reorganizations have coincided with annexation of territory to the City of Pinole and have not reflected comprehensive attempts to realign CSA bounds with the service area.

The financial impact of reorganization of the CSA LIB-2 boundaries is unknown at this time; however, annexation would not likely have dramatic impacts on property tax allocations to the CSA. That said, the County did pursue annexation of the Round Hill community (in unincorporated Alamo) to CSA R-7 to reallocate a portion of the future property taxes (i.e., growth not base) from Round Hill to CSA R-7. The County Administrator's Office developed a master tax sharing agreement; following the annexation, the County Auditor's implemented the Master Tax Sharing Agreement and adjusted the property tax allocation for all agencies within the TRA (except schools) to allow the CSA to receive a small portion of future property tax growth.

If the County Library intended to propose additional assessments or other taxes from the El Sobrante service area in the future, realignment of the boundaries to more accurately match the service area would certainly be appropriate. The County has not proposed any special assessments or taxes in this CSA.<sup>56</sup>

## **MSR DETERMINATIONS**

### Growth and population projections

- 1) The estimated residential population within the CSA bounds is approximately 14,211.
- 2) Projected growth is likely to be minimal as the area is built-out.

### Location and characteristics of any disadvantaged unincorporated communities within or contiguous to the SOI

- 3) There are no disadvantaged unincorporated communities within or contiguous to the SOI.

### Present and planned capacity of public facilities and adequacy of public services, including infrastructure needs and deficiencies

- 4) The El Sobrante Library has \$6.8 million in unfunded infrastructure needs. The facility needs to be remodeled and expanded, although capital improvements there are not presently funded or planned. The CSA is not directly responsible for financing these facility needs, and its present revenue sources would not cover a significant portion of associated costs.

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<sup>56</sup> California State Library, *Thirty Years of California Library Ballot Measures: 1980-2009*, April 2010.

Financial ability of agencies to provide services

- 5) The CSA funds approximately twelve percent of operating costs at the El Sobrante Library. Locally-generated property taxes fund about 46 percent of operating costs. The remainder of the operating costs are funded by donations, grants and property taxes generated elsewhere in the County.
- 6) The current level of financing for the El Sobrante Library is minimally adequate to finance services, and not adequate to finance facility needs.
- 7) Financing opportunities for presently unfunded needs at the library include grants and future revenue sources that would require voter approval.

Status of, and opportunities for, shared facilities

- 8) The CSA does not directly own or operate facilities, but simply contributes funding for library operations and facilities.
- 9) The El Sobrante Library is located less than two miles from the San Pablo Library. Both libraries have significant unfunded facility needs. There may be opportunities for the service areas to be combined and for the areas to share in a future replacement facility.

Accountability for community service needs, including governmental structure and operational efficiencies

- 10) Accountability for CSA residents in unincorporated areas is limited because there are presently no advisory bodies in which they might participate.
- 11) The CSA demonstrated accountability and transparency by disclosing financial and service related information in response to LAFCO requests.

**SOI RECOMMENDATIONS AND DETERMINATIONS**

The existing SOI for CSA LIB-2 is coterminous with its bounds. The SOI for the district was affirmed by LAFCO in 2004.

Agency Proposal

The County Library has not proposed to change the coterminous SOI.

SOI Options

Given the considerations addressed in the MSR, two options are identified for the CSA LIB-2 SOI:

*SOI Option #1 – Retain existing coterminous SOI*

If LAFCO determines that the existing government structure is appropriate, then the existing SOI should be retained.

*SOI Option #2 – Adjust SOI to reflect the current service area*

If LAFCO determines that the CSA bounds should be adjusted to better reflect the existing service area for the El Sobrante Library, then the SOI for the CSA should be reduced in the north and increased to the south. Such an SOI would signal that LAFCO anticipates that these areas will eventually be detached and annexed from the District.

Recommendation

It is recommended that LAFCO adopt a coterminous SOI for CSA LIB-2 at this time.

Further, it is recommended that LAFCO request that the County Library and the CSA to assess the El Sobrante Library service area and the potential for future facility-sharing with neighboring San Pablo and Pinole libraries before the next MSR cycle for libraries. Then LAFCO will be better positioned to adopt a more appropriate SOI for the CSA in the next MSR/SOI update cycle.

*Table 6-3: CSA LIB-2 SOI Analysis*

<b>Issue</b>	<b>Comments</b>
SOI update recommendation	Retain coterminous SOI. Request that the CSA assess the El Sobrante Library service area and facility funding options before the next MSR/SOI update cycle.
Services provided	CSA LIB-2 provides additional funding to the County Library for El Sobrante Library operations and facilities.
Present and planned land uses in the area	Present land uses are primarily high-density residential, with limited commercial and open space uses.
Projected growth in the District/Recommended SOI	Growth within in the CSA is anticipated to minimal
Present and probable need for public facilities and services in the area	There is a present and probable need for library funding services provided by the CSA.
Opportunity for infill development rather than SOI expansion	The CSA SOI has no impact on infill development in the area.
Service capacity and adequacy	The El Sobrante Library has unfunded infrastructure needs. Library services are minimally adequate.
Social or economic communities of interest	The primary community of interest is El Sobrante.
Effects on other agencies	A coterminous SOI would have no direct effect on other agencies; however, the requested analysis of service area and funding options could potentially affect the cities of San Pablo, Pinole or Richmond.
Potential for consolidations or other reorganizations when boundaries divide communities	There is no potential for consolidation at this time. .
Location of facilities, infrastructure and natural features	The El Sobrante library facility is located in the southwest portion of the CSA bounds. The San Pablo library is less than two miles distance from the El Sobrante Library. The Pinole Library is closer to northern El Sobrante than is the El Sobrante Library.
Willingness to serve	The CSA is willing to continue providing library funding.
Potential effects on agricultural and open space lands	No potential effects on agricultural or open space lands were identified.

Potential environmental impacts	Although no potential environmental impacts were identified in the MSR, the LAFCO counsel and planner should make CEQA determinations.
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**CSA LIB-10 (PINOLE)**

CSA LIB-10 provides funding for a library facility serving the City of Pinole and adjacent unincorporated areas of Bayview, Montalvin Manor, Tara Hills and an area east of Pinole.<sup>57</sup>

**FORMATION AND BOUNDARY**

CSA LIB-10 was formed on December 20, 1966 as a dependent special district of the County.<sup>58</sup> Its stated purpose was to provide funds for construction of a public library in the City of Pinole. The Pinole Library was constructed eight years later in 1974.

The boundary area of the CSA is approximately 13.9 square miles, of which 6.6 square miles constitutes land area (as opposed to water area). It contains unincorporated areas located between I-80 and San Pablo Bay; this area comprises an unincorporated island surrounded on three sides by the City of Pinole and on the fourth side by the City of Richmond.

The SOI for CSA LIB-10 is coterminous with the boundary of the CSA, and was last updated in 2004.

Boundary History

**Table 6-4: CSA LIB-10 Boundary History**

Since formation, there have been nine boundary changes to the CSA according to BOE and LAFCO records.

All of the boundary changes were reorganizations that annexed territory to the City of Pinole. Several of them involved detachment of territory from CSA LIB-2 (El Sobrante): Kirkpatrick (1978), Pinole Park (1979), Long/Skyline (1980), Ming (1981), and Quintal (1984).

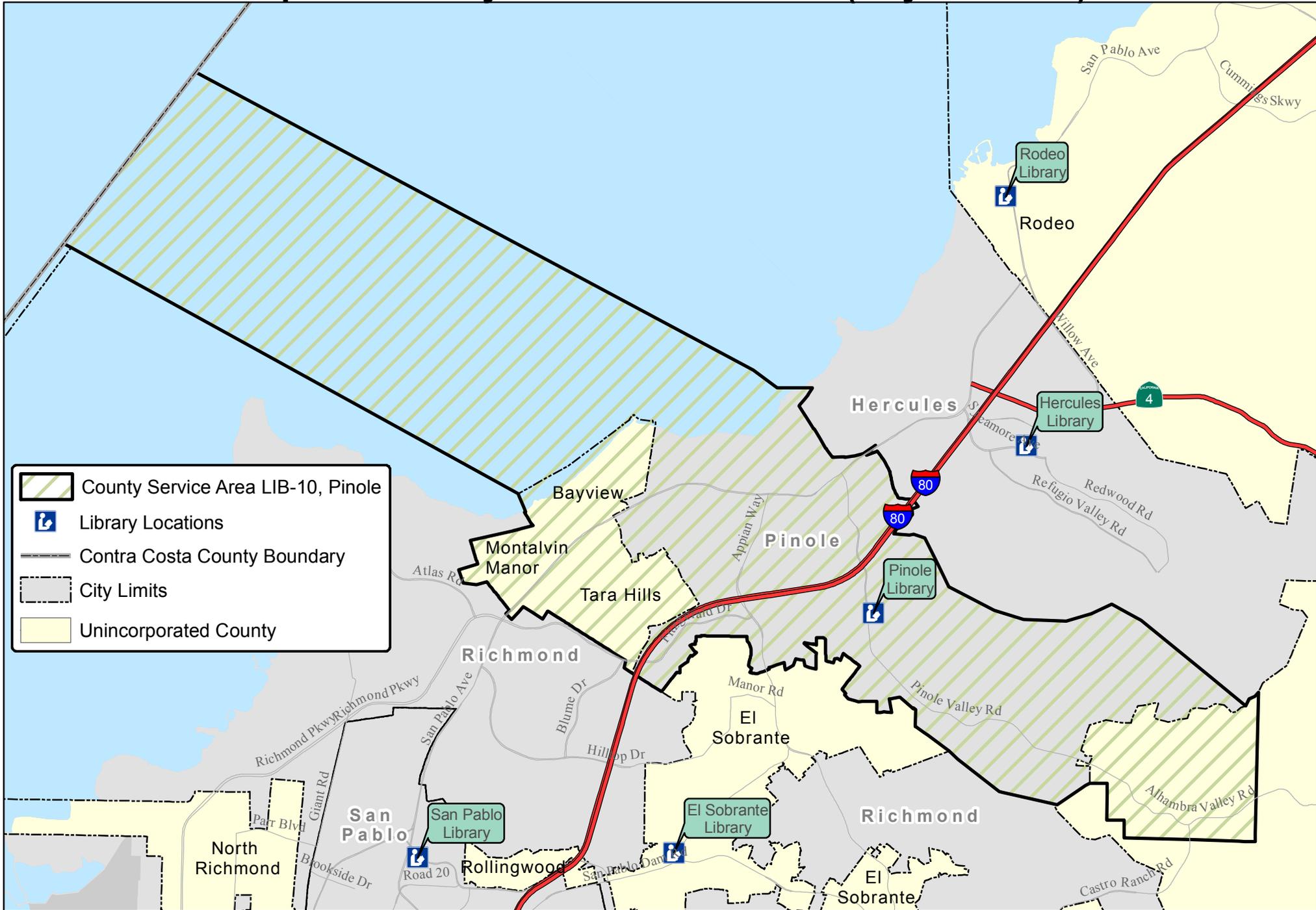
Project Name	LAFCO Reso/Date	Change Type	Recording Agency <sup>1</sup>
Formation	12/20/1966	Formation	BOE
Teixiera Ord. 292	8/23/1971	Annexation	Both
Kramer Res. 1043	9/24/1974	Annexation	Both
Pinole Crest	4/30/1974	Annexation	Both
Allview	12/19/1975	Annexation	Both
Kirkpatrick	6/21/1978	Annexation	Both
Pinole Park	12/28/1979	Annexation	Both
Long/Skyline	80-37	Annexation	Both
Ming Reorg.	81-6	Annexation	Both
Quintal	84-24	Annexation	Both

Note:  
1) Recording agency indicates whether Contra Costa LAFCO or the Board of Equalization (BOE) maintains records of the particular boundary change.

<sup>57</sup> City of Pinole, *City Council Resolution No. 499*, Oct. 3, 1966. The 1966 formation resolution for the CSA is missing from the LAFCO archives.

<sup>58</sup> Board of Equalization official date.

# Map 6-2: County Service Area LIB-10 (City of Pinole)



-  County Service Area LIB-10, Pinole
-  Library Locations
-  Contra Costa County Boundary
-  City Limits
-  Unincorporated County



## SERVICE DEMAND AND GROWTH

The District bounds encompass the City of Pinole and the adjacent unincorporated areas of Bayview, Montalvin Manor, Tara Hills and an area east of Pinole. The CSA bounds include most of the territory within the City of Pinole SOI, with the exception of northern El Sobrante (where the Pinole Vista shopping center is located). The eastern portion of the CSA bounds is not within the City of Pinole's SOI.

Land uses within the CSA are residential, commercial, industrial, and open space. The unincorporated part of the CSA area is primarily residential with two schools, limited commercial properties along San Pablo Avenue, and the Richmond Parkway Transit Center next to I-80. Most of the residential areas in the City limits are low density: they are located in southern Pinole and Pinole Valley south of I-80 along Pinole Valley Road corridor, in western Pinole north of I-80 and in northern Pinole north of San Pablo Avenue and south of the Bayfront. Most of the high-density residential neighborhoods are concentrated along Sunnyview Road in the northwestern portion of the City. Commercial land use areas are located along Fitzgerald Drive adjacent to the I-80 and Appian Way interchange, in Old Town Pinole and along San Pablo Avenue in the western portion of the City. Light industrial uses are also situated along San Pablo Avenue. Open space areas are located throughout the City.<sup>59</sup>

The population within the CSA was 28,146 as of April 2010.<sup>60</sup> ABAG projects that the City's residential population will grow by 27 percent between 2010 and 2030. By comparison, the countywide average population growth is projected at 17 percent over the same period. The City's residential growth is expected to be faster than in nearby San Pablo, but not as rapid as is projected for the cities of Richmond and Hercules. The City population is projected to reach 21,800 by 2030, according to ABAG, and the City anticipates its population will grow to 20,124 by 2030.<sup>61</sup>

No disadvantaged communities were identified within or adjacent to the CSA or its SOI.<sup>62</sup> Nearby disadvantaged areas are the central portion of the City of San Pablo and unincorporated North Richmond.

The CSA is a dependent special district of the County, and is not a land use authority. The County is the land use authority, and holds primary responsibility for implementing growth strategies.

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<sup>59</sup> City of Pinole, *City of Pinole General Plan Update, Land Use and Economic Development*, 2007, p. 3-4

<sup>60</sup> U.S. Census Bureau, *2010 Census Summary File 1*, 2010. The components of 2010 population are City of Pinole population was

<sup>61</sup> City of Pinole, *Development Impact Mitigation Fee Feasibility/Nexus Study*, May 2008, p. 19.

<sup>62</sup> Disadvantaged communities were identified from American Community Survey 5-year data for 2006-2010 by place and census tract. For LAFCO purposes, disadvantaged communities are defined as having median household income less than 80 percent of the State median (Government Code §56033.5 which, in turn, relies on the definition in Water Code §79505.5).

## FINANCING

*Table 6-5: CSA LIB-10 Financial Information*

The CSA revenues were \$892 in FY 11-12. Revenues were composed of property taxes (99 percent) and reimbursements for homeowner exemptions (one percent). There is no interest revenue in spite of positive fund balances.

Expenditures were \$909 in FY 11-12. These consisted primarily of transfers to the County Library (99 percent) in addition to administrative costs (one percent). Transfers to the County Library are typically budgeted to reflect budgeted revenues.

By comparison, the County Library expenditures for operating the Pinole Library amounted to \$613,672 in FY 11-12. By implication, CSA revenues financed approximately 0.1 percent of the operating costs of the Pinole Library in FY 11-12.

The CSA has no long-term debt.

The CSA had \$1,473 in fund balances at the end of FY 11-12, which made up 162 percent of expenditures in that year. In other words, the CSA maintained 19 months of working reserves.

	CSA LIB-10		
	Actual FY 10-11	Actual FY 11-12	Budget FY 12-13
Fund Balance	\$1,490	\$1,473	NA
<b>Revenues</b>	<b>\$956</b>	<b>\$892</b>	<b>\$880</b>
Property Tax	\$946	\$883	\$875
Intergovernmental	\$10	\$9	\$5
<b>Expenditures</b>	<b>\$1,010</b>	<b>\$909</b>	<b>\$880</b>
Charges	\$10	\$9	\$10
Transfers	\$1,000	\$900	\$871

## LIBRARY

The Pinole Library is owned and operated by the Contra Costa County Library. The County Library services are discussed in Chapter 5.

The Pinole Library is 17,098 square feet in size, with 107 seats and 10 public internet terminals. Square footage per 1,000 residents in the service area amounts to 604; by comparison, the County Library as a whole offers 352 square feet per 1,000 residents.

The Pinole Library is in fair condition. The Pinole Library roof leaks and needs replacement, parking lot needs resurfacing, and carpet needs replacement. It lacks capacity to support additional power and data.

## GOVERNANCE ALTERNATIVES

Dissolution of the CSA is a governance alternative.

Although the CSA bounds roughly approximate the service area of the Pinole Library, there are zero property taxes being allocated from nearly the entire CSA boundary area. Only one very small area within City limits is contributing property tax to the CSA. Resulting property tax revenues for the CSA are inconsequential.

Dissolution of the CSA could be accomplished in a fiscally neutral manner if LAFCO were to determine that CSA property tax revenues should be reallocated directly to the County Library.

**MSR DETERMINATIONS**Growth and population projections

- 1) The estimated residential population within the CSA bounds is approximately 28,146.
- 2) Growth in the CSA is projected to be moderately strong.

Location and characteristics of any disadvantaged unincorporated communities within or contiguous to the SOI

- 3) There are no disadvantaged unincorporated communities within or contiguous to the SOI.

Present and planned capacity of public facilities and adequacy of public services, including infrastructure needs and deficiencies

- 4) The Pinole Library has unfunded infrastructure needs. The facility needs to be improved and remodeled, although capital improvements there are not presently funded or planned. The CSA is not directly responsible for financing these facility needs, and its present revenue sources would not cover a significant portion of associated costs.

Financial ability of agencies to provide services

- 5) The CSA funds an inconsequential portion of operating costs at the Pinole Library. Locally-generated property taxes fund about 40 percent of operating costs. The remainder of the operating costs are funded by donations, grants and property taxes generated elsewhere in the County.
- 6) The current level of financing for the Pinole Library is minimally adequate to finance services, and not adequate to finance facility needs.
- 7) Financing opportunities for presently unfunded needs at the library include grants and future revenue sources that would require voter approval.

Status of, and opportunities for, shared facilities

- 8) The CSA does not directly own or operate facilities, but simply contributes funding for library operations and facilities.
- 9) The Pinole Library is located less than three miles from the Hercules Library, and three miles from the El Sobrante Library. While the Hercules Library is new and in excellent condition, the El Sobrante Library has significant unfunded facility needs. There may be opportunities for the Pinole and El Sobrante service areas to be combined and for the areas to share in a future replacement facility.

Accountability for community service needs, including governmental structure and operational efficiencies

- 10) Accountability for CSA residents in unincorporated areas is limited because there are presently no advisory bodies in which they might participate.
- 11) The CSA demonstrated accountability and transparency by disclosing financial and service related information in response to LAFCO requests.

## SOI RECOMMENDATIONS AND DETERMINATIONS

The existing SOI for CSA LIB-10 is coterminous with its bounds. The SOI for the district was affirmed by LAFCO in 2004.

### Agency Proposal

The County Library has not proposed to change the coterminous SOI.

### SOI Options

Given the considerations addressed in the MSR, two options are identified for the CSA LIB-2 SOI:

#### *SOI Option #1 – Retain existing coterminous SOI*

If LAFCO determines that the existing government structure is appropriate, then the existing SOI should be retained.

#### *SOI Option #2 – Adopt a zero SOI*

If LAFCO determines that the CSA should be dissolved, then the SOI for the CSA should be reduced to include zero territory. Such an SOI would signal that LAFCO anticipates that the CSA will eventually be dissolved.

### Recommendation

It is recommended that LAFCO adopt a zero SOI for CSA LIB-10 at this time.

**Table 6-6: CSA LIB-10 SOI Analysis**

<b>Issue</b>	<b>Comments</b>
SOI update recommendation	Adopt a zero SOI.
Services provided	CSA LIB-10 provides inconsequential funding to the County Library for Pinole Library operations and facilities.
Present and planned land uses in the area	Present land uses are residential, commercial, industrial and open space.
Projected growth in the District/Recommended SOI	Growth within in the CSA is anticipated to moderately strong.
Present and probable need for public facilities and services in the area	The County Library will continue to fund essentially the entirety of library operating and facility costs, regardless of whether the CSA continues to exist.
Opportunity for infill development rather than SOI expansion	The CSA SOI has no impact on infill development in the area.
Service capacity and adequacy	The Pinole Library has unfunded infrastructure needs. Library services are minimally adequate.
Social or economic communities of interest	The primary communities of interest are Pinole, Bayview, Montalvin Manor and Tara Hills.
Effects on other agencies	A zero SOI would have no significant effect on other agencies.

Potential for consolidations or other reorganizations when boundaries divide communities	There is no potential for consolidation at this time. The adjacent CSA in El Sobrante funds a different facility. Even if the County Library should determine in the future that El Sobrante and Pinole service areas be combined, the CSA LIB-10 lacks property tax allocations for funding.
Location of facilities, infrastructure and natural features	The Pinole library facility is located in the center of the CSA bounds. The neighboring El Sobrante and Hercules libraries are approximately three miles distance from the Pinole library.
Willingness to serve	The CSA is willing to continue providing library funding.
Potential effects on agricultural and open space lands	No potential effects on agricultural or open space lands were identified.
Potential environmental impacts	Although no potential environmental impacts were identified in the MSR, the LAFCO counsel and planner should make CEQA determinations.

**CSA LIB-12 (MORAGA)**

CSA LIB-12 provides library financing for extended library facilities and services in the unincorporated area to the south and east of the Town of Moraga.<sup>63</sup>

**FORMATION AND BOUNDARY**

CSA LIB-12 was formed on December 20, 1966 as a dependent special district of the County.<sup>64</sup> It originally included the territory that is now within the Town of Moraga.

The boundary area of the CSA is approximately 8.3 square miles. The SOI for CSA LIB-12 is coterminous with the boundary of the CSA.

Boundary History

**Table 6-7: CSA LIB-12 Boundary History**

Since formation, there has been one detachment and one annexation to the CSA according to BOE and LAFCO records.

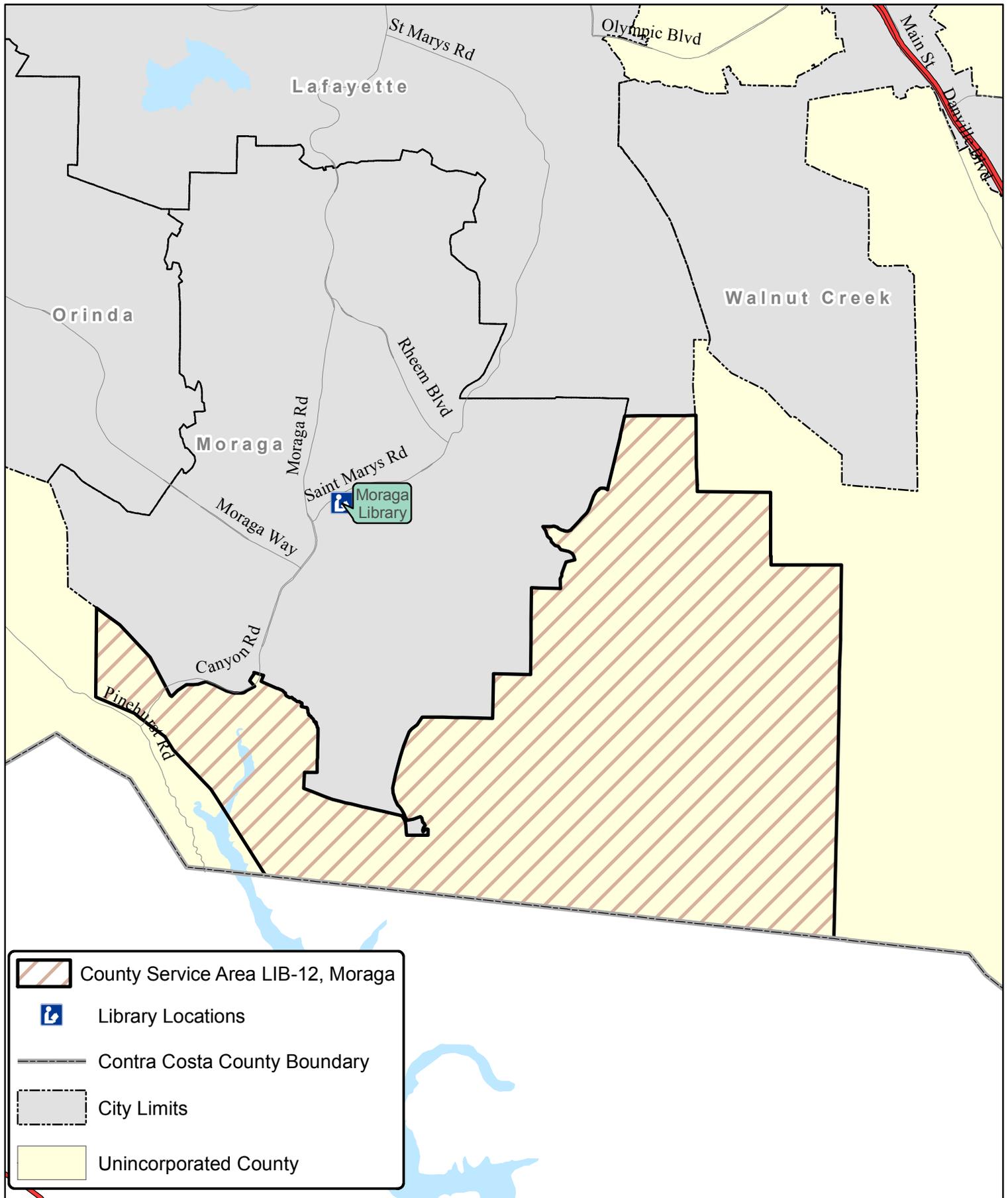
When the Town of Moraga incorporated in 1974, territory within the City limits was automatically detached from the CSA pursuant to then-relevant provisions of the Government Code.

Project Name	LAFCO		Recording
	Reso/Date	Change Type	Agency <sup>1</sup>
Formation	12/16/1969	Formation	Both
Town Incorporation	3/6/1974	Detachment	LAFCO
Parcels 1-3	3/19/1973	Annexation	Both
Notes:			
1) Recording agency indicates whether Contra Costa LAFCO or the Board of Equalization (BOE) maintains records of the particular boundary change.			

<sup>63</sup> Contra Costa LAFCO, *Resolution Approving Formation of the Proposed County Service Area LIB-12, 1969*. Contra Costa County, *Board Resolution No. 69/846, 1969*.

<sup>64</sup> Board of Equalization official date.

# Map 6-3: County Service Area LIB-12 (Moraga)



	County Service Area LIB-12, Moraga
	Library Locations
	Contra Costa County Boundary
	City Limits
	Unincorporated County



The Moraga Library was constructed in 1974 by the County, and was financed in part by CSA LIB-12 revenues. The incorporation resolution provided that the new city annually pay its proportional share of CSA LIB-12 outstanding debts unless and until the city area were to annex into the CSA during the debt repayment period.<sup>65</sup>

**SERVICE DEMAND AND GROWTH**

The CSA bounds encompass the unincorporated area to the south and east of the Town of Moraga. The CSA is entirely outside the Town of Moraga SOI as well as the urban limit line.

CSA bounds encompass primarily agricultural, open space, and watershed uses, with a smattering of low-density residential uses. Large tracts of open space are located throughout the CSA, and a majority of the land within the CSA is owned by East Bay Municipal Utility District. Residential uses are located on Bollinger Canyon Road, Valley Hill Road, Camino Pablo, Quail, Sky View Court and Knoll Drive.

The estimated population within the CSA is 125.<sup>66</sup> The projected population growth rate through 2030 is seven percent, which is lower than the countywide projected growth of 17 percent over that period.

No disadvantaged communities were identified within or adjacent to the CSA or its SOI.<sup>67</sup>

The CSA is a dependent special district of the County, and is not a land use authority. The County is the land use authority, and holds primary responsibility for implementing growth strategies.

**FINANCING**

*Table 6-8: CSA LIB-12 Financial Information*

The CSA revenues were \$9,155 in FY 11-12. Revenues were composed of property taxes (99 percent) and reimbursements for homeowner exemptions (one percent). There is no interest revenue in spite of positive fund balances.

	CSA LIB-12		
	Actual FY 10-11	Actual FY 11-12	Budget FY 12-13
Fund Balance	\$10,494	\$10,657	NA
Revenues	\$9,132	\$9,155	\$9,005
Property Tax	\$9,037	\$9,061	\$8,960
Intergovernmental	\$95	\$94	\$45
Expenditures	\$8,597	\$8,992	\$9,005
Charges	\$97	\$92	\$95
Transfers	\$8,500	\$8,900	\$8,911

Expenditures were \$8,922 in FY 11-12. These consisted primarily of transfers to the County Library (99 percent) in addition to administrative costs (one percent). Transfers to the County Library are typically budgeted to reflect budgeted revenues.

<sup>65</sup> Contra Costa LAFCO, *Resolution File No. 972-01*, March 6, 1974.

<sup>66</sup> The population estimate is based on the number of residential parcels in the area (approximately 50) and the average household size (2.5 in neighboring Town of Moraga in the 2010 Census).

<sup>67</sup> Disadvantaged communities were identified from American Community Survey 5-year data for 2006-2010 by place and census tract. For LAFCO purposes, disadvantaged communities are defined as having median household income less than 80 percent of the State median (Government Code §56033.5 which, in turn, relies on the definition in Water Code §79505.5).

By comparison, the County Library expenditures for operating the Moraga Library amounted to \$826,247 in FY 11-12. By implication, CSA revenues financed approximately one percent of the operating costs of the Moraga Library in FY 11-12. In addition, the City's directly paid costs of maintaining the facility were \$81,167.

The CSA has no long-term debt.

The CSA had \$10,657 in fund balances at the end of FY 11-12, which made up 119 percent of expenditures in that year. In other words, the CSA maintained 14 months of working reserves.

## **LIBRARY**

The Moraga Library is owned by the Town of Moraga and operated by the Contra Costa County Library. The County Library services are discussed in Chapter 5.

The Moraga Library is 10,913 square feet in size, with 89 seats and 9 public internet terminals. Square footage per 1,000 residents in the service area amounts to 663; by comparison, the County Library as a whole offers 352 square feet per 1,000 residents.

The Moraga Library is in fair condition. The library needs improvements: replacement of exterior patio, emergency exit walkway and carpet, upgrade of restroom and staff kitchen, alarm rewiring, drainage repairs, and removal of dead trees. It lacks capacity to support additional power and data.

## **GOVERNANCE ALTERNATIVES**

Dissolution of the CSA is a governance alternative.

Although the CSA bounds roughly approximate the unincorporated portion of the service area of the Moraga Library, there are minimal property taxes being allocated to the CSA due to the minimal development within CSA bounds. The CSA funds only one percent of operating costs at the Moraga Library.

Dissolution of the CSA could be accomplished in a fiscally neutral manner if LAFCO were to determine that CSA property tax revenues should be reallocated directly to the County Library.

## **MSR DETERMINATIONS**

### Growth and population projections

- 1) The estimated residential population within the CSA bounds is approximately 125.
- 2) Growth in the CSA is projected to be minimal; the area is outside the urban limit line.

### Location and characteristics of any disadvantaged unincorporated communities within or contiguous to the SOI

- 3) There are no disadvantaged unincorporated communities within or contiguous to the SOI.

### Present and planned capacity of public facilities and adequacy of public services, including infrastructure needs and deficiencies

- 4) The Moraga Library has unfunded infrastructure needs. The facility needs to be improved and remodeled, although capital improvements there are not presently funded or planned. The CSA is not directly responsible for financing these facility needs, and its present revenue sources would not cover a significant portion of associated costs.

Financial ability of agencies to provide services

- 5) The CSA funds only one percent of operating costs at the Moraga Library. Locally-generated property taxes fund about 50 percent of operating costs. The remainder of the operating costs are funded by donations, grants and property taxes generated elsewhere in the County.
- 6) The current level of financing for the Moraga Library is minimally adequate to finance services, and not adequate to finance facility needs.
- 7) Financing opportunities for presently unfunded needs at the library include grants and future revenue sources that would require voter approval.

Status of, and opportunities for, shared facilities

- 8) The CSA does not directly own or operate facilities, but simply contributes funding for library operations and facilities.
- 9) No facility sharing opportunities were identified.

Accountability for community service needs, including governmental structure and operational efficiencies

- 10) Accountability for CSA residents in unincorporated areas is limited because there are presently no advisory bodies in which they might participate.
- 11) The CSA demonstrated accountability and transparency by disclosing financial and service related information in response to LAFCO requests.

**SOI RECOMMENDATIONS AND DETERMINATIONS**

The existing SOI for CSA LIB-12 is coterminous with its bounds. The SOI for the district was affirmed by LAFCO in 2004.

Agency Proposal

The County Library has not proposed to change the coterminous SOI.

SOI Options

Given the considerations addressed in the MSR, two options are identified for the CSA LIB-12 SOI:

*SOI Option #1 – Retain existing coterminous SOI*

If LAFCO determines that the existing government structure is appropriate, then the existing SOI should be retained.

*SOI Option #2 – Adopt a zero SOI*

If LAFCO determines that the CSA should be dissolved, then the SOI for the CSA should be reduced to include zero territory. Such an SOI would signal that LAFCO anticipates that the CSA will eventually be dissolved.

Recommendation

It is recommended that LAFCO adopt a zero SOI for CSA LIB-12 at this time.

*Table 6-9: CSA LIB-12 SOI Analysis*

<b>Issue</b>	<b>Comments</b>
SOI update recommendation	Adopt a zero SOI.
Services provided	CSA LIB-12 provides modest funding to the County Library for Moraga Library operations and facilities.
Present and planned land uses in the area	Present land uses are primarily open space, watershed and agricultural with minimal residential uses. The area is outside the urban limit line.
Projected growth in the District/Recommended SOI	Growth within in the CSA is anticipated to minimal.
Present and probable need for public facilities and services in the area	The County Library will continue to fund essentially the entirety of library operating and facility costs, regardless of whether the CSA continues to exist.
Opportunity for infill development rather than SOI expansion	The CSA SOI has no impact on infill development in the area.
Service capacity and adequacy	The Moraga Library has unfunded infrastructure needs. Library services are minimally adequate.
Social or economic communities of interest	The primary communities of interest are the unincorporated areas within CSA bounds.
Effects on other agencies	A zero SOI would have no significant effect on other agencies.
Potential for consolidations or other reorganizations when boundaries divide communities	There is no potential for consolidation at this time.
Location of facilities, infrastructure and natural features	The Moraga library facility is located in the center of the Town of Moraga. The neighboring Orinda and Lafayette libraries are more than five miles distance from the Moraga library.
Willingness to serve	The CSA is willing to continue providing library funding.
Potential effects on agricultural and open space lands	No potential effects on agricultural or open space lands were identified.
Potential environmental impacts	Although no potential environmental impacts were identified in the MSR, the LAFCO counsel and planner should make CEQA determinations.

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**CSA LIB-13 (YGNACIO VALLEY)**

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CSA LIB-13 provides financing for library construction in the Ygnacio Valley area.<sup>68</sup> The area encompasses portions of the cities of Walnut Creek and Concord and the nearby North Gate and Shell Ridge unincorporated areas.

**FORMATION AND BOUNDARY**

CSA LIB-13 was formed on December 1, 1970 as a dependent special district of the County.<sup>69</sup> The boundary area of the CSA is approximately 9.0 square miles. The SOI for CSA LIB-13 is coterminous with the boundary of the CSA.

Boundary History

Since formation, there have been two annexations to the CSA according to BOE and LAFCO records.

The Ygnacio Valley Library was constructed in 1975, and subsequently remodeled in 2004.

**Table 6-10: CSA LIB-13 Boundary History**

Project Name	LAFCO Reso/Date	Change Type	Recording Agency <sup>1</sup>
Formation	12/1/1970	Formation	Both
Lime Ridge	6/22/1976	Annexation	Both
NW Parcel Reorg	7/24/1979	Annexation	Both
Note: 1) Recording agency indicates whether Contra Costa LAFCO or the Board of Equalization (BOE) maintains records of the particular boundary change.			

**SERVICE DEMAND AND GROWTH**

The CSA bounds encompass portions of the cities of Walnut Creek and Concord, the North Gate unincorporated area, and the northern portion of the Shell Ridge unincorporated area.

CSA bounds encompass residential, commercial, institutional, agricultural and open space uses.

The estimated population within the CSA is approximately 20,402 as of April 2010.<sup>70</sup> The projected population growth rate through 2030 is 13 percent, which is lower than the countywide projected growth of 17 percent over that period.

No disadvantaged communities were identified within or adjacent to the CSA or its SOI.<sup>71</sup>

The CSA is a dependent special district of the County, and is not a land use authority. The County is the land use authority, and holds primary responsibility for implementing growth strategies.

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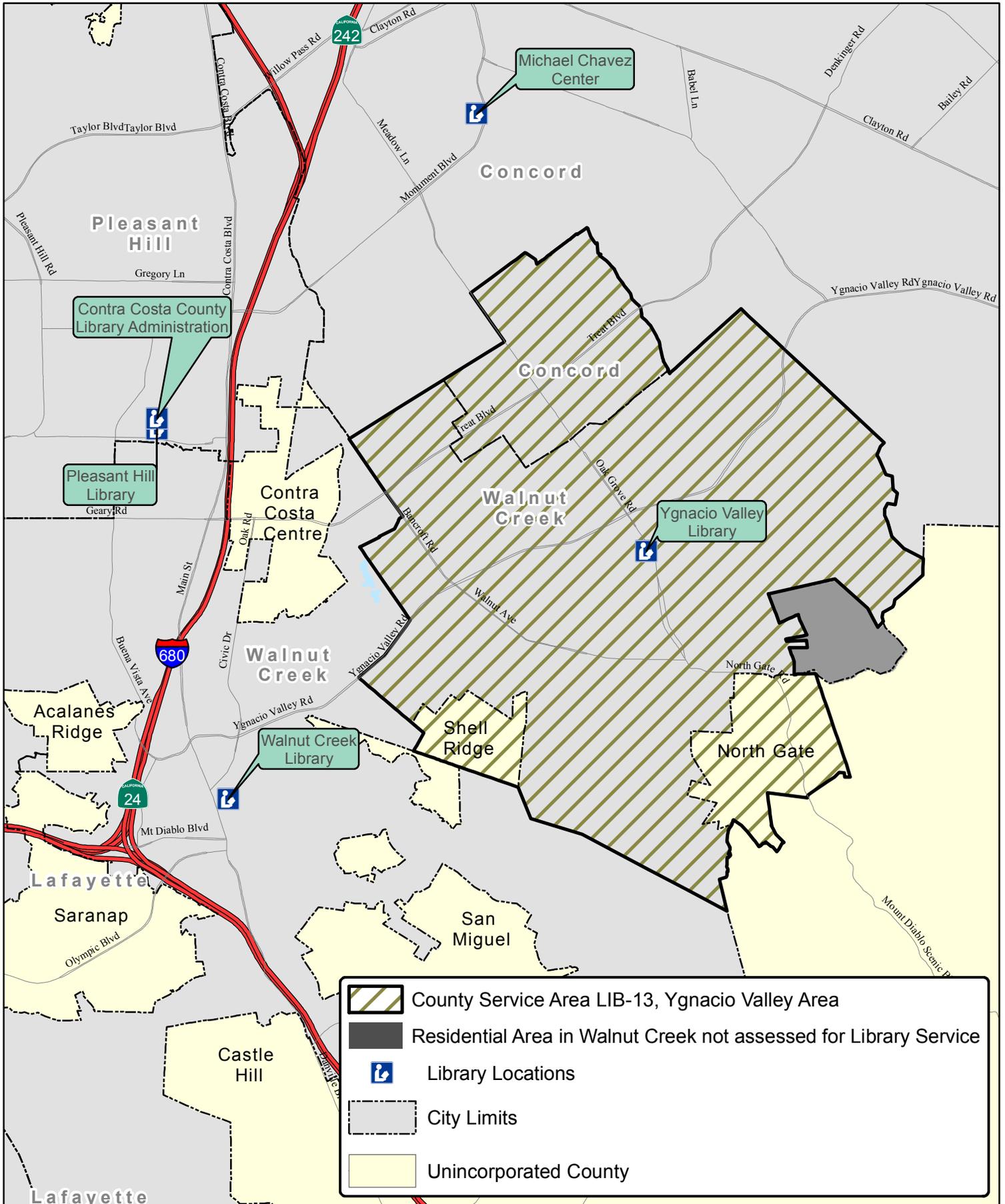
<sup>68</sup> Contra Costa LAFCO, *Resolution Approving Formation of the Proposed County Service Area LIB-13 (Library Construction)*, 1970.

<sup>69</sup> Board of Equalization official date.

<sup>70</sup> U.S. Census Bureau, Census 2010 Summary File 1. The estimate covers portions of census tracts

<sup>71</sup> Disadvantaged communities were identified from American Community Survey 5-year data for 2006-2010 by place and census tract. For LAFCO purposes, disadvantaged communities are defined as having median household income less than 80 percent of the State median (Government Code §56033.5 which, in turn, relies on the definition in Water Code §79505.5).

# Map 6-4: County Service Area LIB-13 (Ygnacio Valley Area)



	County Service Area LIB-13, Ygnacio Valley Area
	Residential Area in Walnut Creek not assessed for Library Service
	Library Locations
	City Limits
	Unincorporated County



**FINANCING**

*Table 6-11: CSA LIB-13 Financial Information*

The CSA revenues were \$108,273 in FY 11-12. Revenues were composed of property taxes (99 percent) and reimbursements for homeowner exemptions (one percent). There is no interest revenue in spite of positive fund balances.

	CSA LIB-13		
	Actual FY 10-11	Actual FY 11-12	Budget FY 12-13
Fund Balance	\$74,641	\$76,828	NA
<b>Revenues</b>	<b>\$110,020</b>	<b>\$108,273</b>	<b>\$106,485</b>
Property Tax	\$108,845	\$107,139	\$105,925
Intergovernmental	\$1,175	\$1,134	\$560
<b>Expenditures</b>	<b>\$106,164</b>	<b>\$106,086</b>	<b>\$106,485</b>
Charges	\$1,164	\$1,086	\$1,125
Transfers	\$105,000	\$105,000	\$105,360

Expenditures were \$106,086 in FY 11-12. These consisted primarily of transfers to the County Library (99 percent) in addition to administrative costs (one percent). Transfers to the County Library are typically budgeted to reflect budgeted revenues.

By comparison, the County Library expenditures for operating the Ygnacio Valley Library amounted to \$1,442,564 in FY 11-12. By implication, CSA revenues financed approximately 7.4 percent of the operating costs of the Ygnacio Valley Library in FY 11-12. Other revenue sources supporting the library include City of Walnut Creek contributions for extra hours (which fund 12 percent of operating costs) and reimbursements for facility costs (which fund 10 percent of operating costs). The remainder of costs are funded by property taxes, fees, fines, grants and donations.

The CSA has no long-term debt.

The CSA had \$76,828 in fund balances at the end of FY 11-12, which made up 72 percent of expenditures in that year. In other words, the CSA maintained nine months of working reserves.

**LIBRARY**

The Ygnacio Valley Library is owned and operated by the Contra Costa County Library. County Library services are discussed in Chapter 5.

The Ygnacio Valley Library is 13,202 square feet in size, with 81 seats and 9 public internet terminals. Square footage per 1,000 residents in the service area amounts to 549; by comparison, the County Library as a whole offers 352 square feet per 1,000 residents.

The Ygnacio Valley Library is in good condition. It lacks capacity to support additional power and data. However, the Library needs to be remodeled and expanded. The \$6.3 million improvement cost is not funded.

**GOVERNANCE ALTERNATIVES**

Governance alternatives for the CSA include annexation of the Rancho Paraiso area within the Ygnacio Valley library service area as well as realignment of the boundaries to match the area served. This area, which is depicted as an “area of interest” on Map 6-4, is a high-end equestrian community that was recently developed in the 1990s. There are approximately 200 homes in the area of interest; the market value of homes in this area is approximately \$1.0-1.5 million in 2012. Although the area is within the City of Walnut Creek boundaries and within the Ygnacio Valley service area (see Map 3-2), it is outside the present CSA LIB-13 bounds.

The financial impact of annexation is unknown at this time; however, annexation would not likely have dramatic impacts on property tax allocations to the CSA. That said, the County did pursue annexation of the Round Hill community (in unincorporated Alamo) to CSA R-7 to reallocate a portion of the future property taxes (i.e., growth not base) from Round Hill to CSA R-7. The County Administrator's Office developed a master tax sharing agreement; following the annexation, the County Auditor's implemented the Master Tax Sharing Agreement and adjusted the property tax allocation for all agencies within the TRA (except schools) to allow the CSA to receive a small portion of future property tax growth.

Realignment of the boundaries to reflect the actual library service area is an option. There are areas not within CSA bounds that appear to be located closer to the Ygnacio Valley Library than to other libraries. In particular, portions of southeast Concord are located closer to the Ygnacio Valley Library than to neighboring libraries in Concord and Clayton.

If the County Library or other affected agencies intended to propose additional assessments or other taxes from the Ygnacio Valley service area in the future, realignment of the boundaries to more accurately match the service area would certainly be appropriate. Presently the City of Walnut Creek contributes funding for extended library hours and for facility costs at the Ygnacio Valley Library; CSA residents in the City of Concord and unincorporated North Gate and Shell Ridge do not contribute. The County has not proposed any special assessments or taxes in this CSA.<sup>72</sup> The County has not proposed any special assessments or taxes in this CSA.<sup>73</sup>

## **MSR DETERMINATIONS**

### Growth and population projections

- 1) The estimated residential population within the CSA bounds is approximately 20,402.
- 2) Growth in the CSA is projected to be moderate.

### Location and characteristics of any disadvantaged unincorporated communities within or contiguous to the SOI

- 3) There are no disadvantaged unincorporated communities within or contiguous to the SOI.

### Present and planned capacity of public facilities and adequacy of public services, including infrastructure needs and deficiencies

- 4) The Ygnacio Valley Library has \$6.3 million in unfunded infrastructure needs. The facility needs to be expanded and remodeled, although capital improvements there are not presently funded or planned. The CSA is not directly responsible for financing these facility needs, and its present revenue sources would not cover a significant portion of associated costs.

### Financial ability of agencies to provide services

- 5) The CSA funds seven percent of operating costs at the Ygnacio Valley Library. The remainder of the operating costs are funded by City of Walnut Creek contributions, donations, grants and property taxes.

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<sup>72</sup> California State Library, *Thirty Years of California Library Ballot Measures: 1980-2009*, April 2010.

<sup>73</sup> California State Library, *Thirty Years of California Library Ballot Measures: 1980-2009*, April 2010.

- 6) The current level of financing for the Ygnacio Valley Library is minimally adequate to finance services, and not adequate to finance facility needs.
- 7) Financing opportunities for presently unfunded needs at the library include grants and future revenue sources that would require voter approval.

Status of, and opportunities for, shared facilities

- 8) The CSA does not directly own or operate facilities, but simply contributes funding for library operations and facilities.
- 9) No facility sharing opportunities were identified.

Accountability for community service needs, including governmental structure and operational efficiencies

- 10) Accountability for CSA residents in unincorporated areas is limited because there are presently no advisory bodies in which they might participate.
- 11) The CSA demonstrated accountability and transparency by disclosing financial and service related information in response to LAFCO requests.

**SOI RECOMMENDATIONS AND DETERMINATIONS**

The existing SOI for CSA LIB-13 is coterminous with its bounds. The SOI for the district was affirmed by LAFCO in 2004.

Agency Proposal

The County Library has not proposed to change the coterminous SOI.

SOI Options

Given the considerations addressed in the MSR, two options are identified for the CSA LIB-12 SOI:

*SOI Option #1 – Retain existing coterminous SOI*

If LAFCO determines that the existing government structure is appropriate, then the existing SOI should be retained.

*SOI Option #2 – Increase SOI to include the Rancho Paraiso area of interest*

If LAFCO determines that the CSA should reflect the area served, then the SOI for the CSA should be increased to include the Rancho Paraiso area of interest. Such an SOI would signal that LAFCO anticipates that the area will eventually be annexed to the CSA.

Recommendation

It is recommended that LAFCO increase the SOI for CSA LIB-12 at this time to include the Rancho Paraiso area of interest.

Further, it is recommended that LAFCO request that the County Library and the CSA assess the Ygnacio Valley Library service area, particularly the Concord portion. Then LAFCO will be better positioned to adopt a more appropriate SOI for the CSA in the next MSR/SOI update cycle.

**Table 6-12: CSA LIB-13 SOI Analysis**

Issue	Comments
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SOI update recommendation	Increase the SOI to include the Rancho Paraiso area of interest.
Services provided	CSA LIB-13 provides modest funding to the County Library for Ygnacio Valley Library operations and facilities.
Present and planned land uses in the area	Present land uses are residential, commercial, institutional, and open space.
Projected growth in the District/Recommended SOI	Growth within in the CSA is anticipated to be modest.
Present and probable need for public facilities and services in the area	There is a present and probable need for library facilities and services in the area. The SOI increase area is already served by the Ygnacio Valley Library.
Opportunity for infill development rather than SOI expansion	The CSA SOI has no impact on infill development in the area.
Service capacity and adequacy	The Ygnacio Valley Library has unfunded infrastructure needs. Library services are minimally adequate.
Social or economic communities of interest	The primary communities of interest are the areas within bounds and adjacent areas served by the Ygnacio Valley Library.
Effects on other agencies	An SOI increase would have no significant effect on other agencies.
Potential for consolidations or other reorganizations when boundaries divide communities	There is no potential for consolidation at this time. There are no adjacent Library CSAs
Location of facilities, infrastructure and natural features	The Ygnacio Valley library facility is located in the center of the CSA. The neighboring Walnut Creek, Pleasant Hill, Concord, and Clayton libraries are farther from the CSA than the Ygnacio Valley Library.
Willingness to serve	The CSA is willing to continue providing library funding.
Potential effects on agricultural and open space lands	No potential effects on agricultural or open space lands were identified.
Potential environmental impacts	Although no potential environmental impacts were identified in the MSR, the LAFCO counsel and planner should make CEQA determinations.

## 7. SOURCES

### INTERVIEWS AND CORRESPONDENCE

Agency	Name/Title
Association of Bay Area Governments	Hing Wong, Senior Regional Planner
California State Library	Darla Gunning, State Data Coordinator
City of Antioch	Scott Buenting, Associate Engineer
City of Antioch	Dawn Merchant, Finance Director
City of Antioch	Ryan Graham, Leisure Services
City of Concord	Alton Baxley, Internal Services
City of Danville	Elizabeth Hudson, Finance Director
City of El Cerrito	Geoff Thomas, Finance Director
City of Hercules	Nickie Mastay, Finance Director
City of Hercules	Amanda Gutierrez, Accounting Technician
City of Lafayette	Gonzalo Silva, Finance Director
City of Martinez	Cathy Spinella, Finance Director
City of Martinez	Mercy Cabral, Deputy City Clerk
City of Moraga	Edric Kwan, Public Works Director
City of Moraga	Dan Bernie, Public Services
City of Oakley	Nancy Marquez, Assistant City Manager
City of Orinda	Susan Mahoney, Interim Finance Director
City of Pinole	Richard Loomis, Finance Director
City of Pittsburg	Tina Olson, Finance
City of Pittsburg	Don Buchanan, Maintenance Services Mngr
City of Pleasant Hill	Mary McCarthy, Finance Director
City of Richmond	Katy Curl, Library Director
City of San Pablo	Bradley Ward, Finance Director
City of San Ramon	Karen McNamara, Public Services
City of San Ramon	Candace Daniels, Finance
City of Walnut Creek	Lorie Tinfow, Assistant City Manager
Contra Costa County Administrator's Office	Barbara Riveira, Sr. Management Analyst
Contra Costa County Auditor-Controller's Office	Robert Campbell, Auditor-Controller
Contra Costa County Auditor-Controller's Office	Bobby Romero
Contra Costa County Library	Barbara Flynn, County Librarian
Contra Costa County Library	Carolyn Avalon, Finance Director
Contra Costa County Library	Gail McPartland, Deputy County Librarian
Liberty Union High School District	Debra Fogarty, Chief Business Officer
Mount Diablo Unified School District	Bryan Richards, Finance



Lou Ann Texeira  
Executive Officer

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*Public Member*  
**Federal Glover**  
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*Special District Member*

December 12, 2012 (Agenda)

December 12, 2012  
Agenda Item 9

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

**Review and Update of Conflict of Interest Code**

Dear Members of the Commission:

Government Code Section 87300 et seq. requires public agencies to adopt a Conflict of Interest Code. The Commission adopted its current Conflict of Interest Code, which has incorporated the terms of 2 California Code of Regulations §18730, in 2007.

The Political Reform Act (PRA) requires every public agency to review its conflict of interest code biennially in even numbered years and determine whether amendments are necessary. Legal counsel has reviewed LAFCO’s Conflict of Interest Code and recommends amendments to “Designated Positions” and “Disclosure Categories” provisions (see attached).

The LAFCO Policies & Procedures Committee has also reviewed the proposed amendments.

RECOMMENDATION

It is recommended that the Commission approve the proposed amendments to the Conflict of Interest Code, and direct staff to forward the revised Code to the Clerk of the Board of Supervisors for placement on a future Board of Supervisors agenda.

Please contact the LAFCO office if you have any questions.

Sincerely,

Lou Ann Texeira  
Executive Officer

Attachment 1 - Contra Costa LAFCO Conflict of Interest Code with Proposed Changes, Red-lined Version  
Attachment 2 - Contra Costa LAFCO Conflict of Interest Code with Proposed Changes, Accepted

## 1.10 CONFLICT OF INTEREST AND FINANCIAL DISCLOSURE

### A. Conflict of Interest

The Political Reform Act, Government Code §81000 ~~et~~se, seq. requires each state and local government agency to adopt and promulgate a Conflict of Interest Code. The Fair Political Practices Commission (FPPC) has adopted a regulation, 2 California Code of Regulations §18730, which contains the terms of a standard Conflict of Interest Code. This standard Code can be incorporated by reference and may be amended by the FPPC after public notice and hearings to confirm to amendments in the Political Reform Act.

The terms of 2 California Code of Regulations §18730 and any amendments to it duly adopted by the FPPC, are hereby incorporated by reference.

Pursuant to section 4 of the standard code, ~~persons serving in Designated Positions~~persons shall file statements of economic interest (Form 700) with the Executive Officer of the Commission.

The following ~~Designated Positions~~ shall must file statements of economic interest:

Commissioners and Alternate Commissioners  
 Executive Officer  
Legal Counsel  
Executive Assistant  
 Consultants\*

\* The disclosure by consultants is subject to the following limitation: The LAFCO Executive Officer may determine in writing that a particular consultant, including a consultant although filling a ~~Designated Position~~, is hired to perform a range of duties that is limited in scope and thus is not required to fully comply with the disclosure requirements in this section. Such written determination shall include a description of the consultant's duties and, based upon that description, a statement of the extent of disclosure requirements. The Executive Officer's determination is a public record and shall be retained for public inspection in the same manner and location as this conflict of interest code.

Subject to the definitions set forth in the Political Reform Act and applicable regulations, disclosures shall be made in the following Disclosure Categories~~categories~~:

- 1) All sources of income, including gifts;
- 2) Interests in real property located in whole or in part within, or not more than two (2) miles outside, the boundaries of Contra Costa County; and
- 3) Investments and business positions in business entities located in or doing business in Contra Costa County.

B. Financial Disclosure

Pursuant to Government Code §56700.1, expenditures for political purposes related to an application must be disclosed. All applicants, including individual property owners and other representatives who are a party to a proceeding, are required to submit a financial disclosure statement as part of any application package [§84308]. Disclosures must be made in the same manner as disclosures for local initiative measures presented to the electorate.

Any applicant or an agent of an applicant who has made business or campaign contributions totaling \$250 or more to any Commissioner (regular or alternate) in the past twelve months, must disclose that fact —for the official record of the Commission §84308(d). The disclosure of any such contribution (including amount of contribution and name of recipient Commissioner/s) must be made: (1) in writing and delivered to the Executive Officer prior to the hearing on the matter; or (2) by oral declaration made at the time the hearing on the matter is opened.

LAFCO members are disqualified and are not able to participate in any proceeding involving an “entitlement for use” if, within the 12 months preceding the LAFCO decision, the Commissioner received \$250 or more in campaign contributions from the applicant, an agent of the applicant or any financially interested person who actively supports or opposes the LAFCO decision on the matter.

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Lou Ann Texeira  
Executive Officer

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December 12, 2012 (Agenda)

December 12, 2012  
Agenda Item 10

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

**Implementation of Assembly Bill 54 - Mutual Water Companies**

Dear Commissioners:

This is an informational report which highlights AB 54 and summarizes the LAFCO staff activities relating to the requirements contained in the bill.

**DISCUSSION**

**Highlights of AB 54** - Assembly Bill 54 (Solorio) became effective on January 1, 2012 (attachment 1). This bill contains increased governance and transparency requirements, and requires mutual water companies (MWCs) to provide service area maps to LAFCO and respond to LAFCO requests for information in conjunction with Municipal Service Reviews (MSRs) and sphere of influence (SOI) updates.

MWCs provide a public service and some have difficulty in meeting safe drinking water standards. AB 54 attempts to address these problems by increasing the accountability of MWCs and making the Safe Drinking Water State Revolving Fund more usable by MWCs.

MWCs are private corporations that operate water systems for the shareholders' common benefit. The state law addressing the organization and governance of MWCs is contained in the Corporations Code, and the state law addressing the public health related operations of MWCs is contained in the Health and Safety Code. Drinking water standards are enforced by the County Environmental Health Division and the State Drinking Water Division.

Most provisions of AB 54 relate specifically to MWCs, including the following:

1. The definition of "mutual water company" is clarified to include all corporations that provide water service where the water is provided to shareholders and the shares are appurtenant to the ownership of land. "Mutual" does not need to be in the corporation title for the corporation to be classified as a mutual water company.

2. AB 54 applies to mutuals with 15 or more connections, or regularly serving at least 25 individuals daily at least 60 days out of the year.
3. Each member of a MWC board of directors must complete a two-hour course regarding the duties of board members, including fiduciary duties and avoidance of contractual conflicts of interest, the duties of public water systems to provide clean drinking water that complies with the federal Safe Drinking Water Act, and long-term management of a public water system.
4. All construction by mutuals which are subject to AB 54 must meet the California Waterworks Standards in the State Code of Regulations.
5. Each MWC subject to AB 54 must maintain a financial reserve fund for repairs.
6. MWCs are liable for any fines imposed under AB 54 and may levy an assessment to cover the cost of the fines.
7. AB 54 facilitates state and local funding for clean water projects and levels the playing field between public water agencies and MWCs.

Some provisions of the new law directly relate to LAFCO, including the following:

- Each MWC, except small companies with fewer than 15 customers, must submit their service area maps to LAFCO by December 31, 2012.
- Each MWC must respond to information requests by LAFCO during the preparation of MSRs/SOI updates.
- The new law authorizes LAFCO to annex a MWC's service area to a city or special district, while maintaining the constitutional requirements of just compensation for the taking of any private property.
- When preparing or updating MSRs and SOIs of cities and special districts that provide water service, LAFCO may report on whether MWCs are complying with the Safe Drinking Water Act.

**LAFCO Staff Activities** - In October, staff obtained from the County Environmental Health Division a list of MWCs (Attachment 2). On November 1<sup>st</sup>, LAFCO staff sent a letter and brief survey to the MWCs requesting service maps and information regarding service, governance and operations. Information regarding AB 54, the LAFCO survey and where MWCs can obtain the required training is posted on the Contra Costa LAFCO website (Homepage and *What's New*). The information obtained from the survey will be useful in complying with the requirements of AB 54, and also in conjunction with our second round 2013 water/wastewater MSR.

To date, we have received responses from four of the MWCs. Following the December 31, 2012 deadline, LAFCO staff will follow-up with those MWCs who have not responded.

RECOMMENDATION - Receive this status report.

Sincerely,

LOU ANN TEXEIRA  
EXECUTIVE OFFICER

c: John Wiggins, Contra Costa County Environmental Health Division

Attachments:

1. AB 54
2. List of Mutual Water Companies in Contra Costa County
3. Letter/Survey from Executive Officer to Mutual Water Companies re: AB 54

**Assembly Bill No. 54**

## CHAPTER 512

An act to amend Section 14300 of, and to add Sections 14300.5, 14301.1, 14301.2, and 14301.3 to, the Corporations Code, to amend Sections 56375 and 56430 of the Government Code, and to add Section 116760.65 to, and to add Article 12 (commencing with Section 116755) to Chapter 4 of Part 12 of Division 104 of, the Health and Safety Code, relating to drinking water.

[Approved by Governor October 7, 2011. Filed with  
Secretary of State October 7, 2011.]

## LEGISLATIVE COUNSEL'S DIGEST

AB 54, Solorio. Drinking water.

(1) Existing law authorizes any corporation organized for or engaged in the business of selling, distributing, supplying, or delivering water for irrigation purposes, and requires any corporation organized for or engaged in the business of selling, distributing, supplying, or delivering water for domestic use, to provide in its articles or bylaws that water shall be sold, distributed, supplied, or delivered only to owners of its shares and that those shares are appurtenant to certain lands, as specified.

This bill would specify that any corporation organized for or engaged in the business of selling, distributing, supplying, or delivering water for irrigation purposes, and any corporation organized for or engaged in the business of selling, distributing, supplying, or delivering water for domestic use that provides in its articles or bylaws that the water shall be sold, distributed, supplied, or delivered only to owners of its shares and that those shares are appurtenant to certain lands shall be known as a mutual water company.

The bill would also require each mutual water company that operates a public water system to, by December 31, 2012, submit a map depicting the approximate boundaries of the property that the municipal water company serves to the local agency commission within the county in which the mutual water company operates. The bill would prohibit a mutual water company from expanding its boundaries without approval from the appropriate local agency formation commission. The bill would require a mutual water company that operates a public water system to supply certain information to a local agency formation commission upon request, as specified. This bill would require a mutual water company that operates a public water system to maintain a financial reserve fund to be used for certain types of activities.

The bill would also require each board member of a mutual water company that operates a public water system to, within 6 months of taking office, complete a 2-hour course offered by a qualified trainer, as specified.

(2) Existing law, the California Safe Drinking Water Act, requires the State Department of Public Health to administer provisions relating to the regulation of drinking water to protect public health, including, but not limited to, conducting research, studies, and demonstration programs relating to the provision of a dependable, safe supply of drinking water, enforcing the federal Safe Drinking Water Act, adopting enforcement regulations, and conducting studies and investigations to assess the quality of water in domestic water supplies.

Existing law establishes the Safe Drinking Water State Revolving Fund, continuously appropriated to the department for the provision of grants and revolving fund loans to provide for the design and construction of projects for public water systems that will enable suppliers to meet safe drinking water standards. Existing law requires the department to establish criteria to be met for projects to be eligible for consideration for this funding.

This bill would provide that in considering an application for funding a project, the department shall not be prejudiced by the applicant initiating the project prior to the department approving the application for funding. This bill would also provide that preliminary project costs or construction costs that are otherwise eligible for funding shall not be ineligible because the costs were incurred by the applicant during certain time periods.

(3) Existing law, the Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000, sets forth the powers and duties of a local agency formation commission, including, among others, the powers to review and approve or disapprove with or without amendment, wholly, partially, or conditionally, proposals for changes of organization or reorganization, consistent with written policies, procedures, and guidelines adopted by the commission.

This bill would additionally authorize the commission to approve, with or without amendment, wholly, partially, or conditionally, or disapprove the annexation of territory served by a mutual water company that operates a public water system into the jurisdiction of a city, a public utility, or a special district, with the consent of the respective public agency or public utility and mutual water company.

(4) Under the Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000, each local agency formation commission is required to develop and determine the sphere of influence of each local governmental agency within the county and enact policies designed to promote the logical and orderly development of areas within the sphere of influence. In order to prepare and update spheres of influence, the commission is required to conduct a service review, including the review of growth and population projections for the affected area, present and planned capacity of public facilities and adequacy of public services, financial ability of agencies to provide services, the status of, and opportunities for, shared facilities,

accountability for community service needs, and any other matter related to effective or efficient service delivery, as required by commission policy.

This bill would authorize the commission to include in the service review, a review of whether the agencies under review comply with safe drinking water standards. This bill would provide that a public water system may comply with that review by submitting certain documents.

(5) Existing law provides for the imposition of civil fines in amounts up to \$5,000 or \$25,000 for specified violations of the California Safe Drinking Water Act.

This bill would provide that a mutual water company is liable for any fines, penalties, costs, expenses, or other amounts that may be imposed upon the mutual water company under the California Safe Drinking Water Act. This bill would authorize a mutual water company to levy an assessment to pay those fines. This bill would provide that if the amount of those fines exceeds 5% of the annual budget of a mutual water company, then the mutual water company would be required to levy an assessment to pay those fines.

*The people of the State of California do enact as follows:*

SECTION 1. The Legislature finds and declares all of the following:

(a) Californians rely on a broad diversity of public and private organizations to deliver clean and safe drinking water to their home water taps. Regardless of the form of the organization that operates a public water system, these organizations provide a public service that remains one of the core duties of the people's government.

(b) While the state's goal is to ensure clean and safe drinking water, California's drinking water quality has deteriorated and some public water systems continue to suffer poor water quality that are inconsistent with safe drinking water standards.

(c) The state provides funding to public water systems to improve drinking water quality through the Safe Drinking Water Revolving Fund, but demand far exceeds the available funding. Based on the United States Environmental Protection Agency's Drinking Water Infrastructure Needs Survey and Assessment, which was performed in 2007, the State Department of Public Health estimates that the 20-year drinking water infrastructure need for California is \$39 billion. Funding for such projects, however, for 1997–2008 totaled only \$1.2 billion.

SEC. 2. Section 14300 of the Corporations Code is amended to read:

14300. (a) Any corporation organized for or engaged in the business of selling, distributing, supplying, or delivering water for irrigation purposes may provide, and any corporation organized for or engaged in the business of selling, distributing, supplying, or delivering water for domestic use shall provide, in its articles or bylaws that water shall be sold, distributed, supplied, or delivered only to owners of its shares and that the shares shall be appurtenant to certain lands when the same are described in the certificate

issued therefor; and when the certificate is so issued and a certified copy of the articles or bylaws recorded in the office of the county recorder in the county where the lands are situated the shares of stock shall become appurtenant to the lands and shall only be transferred therewith, except after sale or forfeiture for delinquent assessments thereon as provided in Section 14303. Notwithstanding this provision in its articles or bylaws, any such corporation may sell water to the state, or any department or agency thereof, or to any school district, or to any public agency, or, to any other mutual water company or, during any emergency resulting from fire or other disaster involving danger to public health or safety, to any person at the same rates as to holders of shares of the corporations; and provided further, that any corporation may enter into a contract with a county fire protection district to furnish water to fire hydrants and for fire suppression or fire prevention purposes at a flat rate per hydrant or other connection. In the event lands to which any stock is appurtenant are owned or purchased by the state, or any department or agency thereof, or any school district, or public agency, the stock shall be canceled by the secretary, but shall be reissued to any person later acquiring title to the land from the state department, agency, or school district, or public agency.

(b) A corporation described in subdivision (a) shall be known as a mutual water company.

SEC. 3. Section 14300.5 is added to the Corporations Code, to read:

14300.5. For purposes of this chapter, “public water system” shall have the same meaning as provided in Section 116275 of the Health and Safety Code.

SEC. 4. Section 14301.1 is added to the Corporations Code, to read:

14301.1. (a) No later than December 31, 2012, each mutual water company that operates a public water system shall submit to the local agency formation commission for its county a map depicting the approximate boundaries of the property that the mutual water company serves.

(b) A mutual water company that operates a public water system shall respond to a request from a local agency formation commission, located within a county that the mutual water company operates in, for information in connection with the preparation of municipal service reviews or spheres of influence pursuant to Chapter 4 (commencing with Section 56425) of Part 2 of Division 3 of Title 5 of the Government Code within 45 days of the request. The mutual water company shall provide all reasonably available nonconfidential information relating to the operation of the public water system. The mutual water company shall explain, in writing, why any requested information is not reasonably available. The mutual water company shall not be required to disclose any information pertaining to the names, addresses, or water usage of any specific shareholder. This subdivision shall not be interpreted to require a mutual water company to undertake any study or investigation. A mutual water company may comply with this section by submitting to the local agency formation commission the same information that the mutual water company submitted to the State Department of Public Health.

(c) A mutual water company that operates a public water system shall be subject to the requirements of, and has the powers granted by, subdivision (b) of Section 116755 of the Health and Safety Code.

SEC. 5. Section 14301.2 is added to the Corporations Code, to read:

14301.2. Each board member of a mutual water company that operates a public water system shall comply with the training requirements set out in subdivision (a) of Section 116755 of the Health and Safety Code.

SEC. 6. Section 14301.3 is added to the Corporations Code, to read:

14301.3. (a) All construction on public water systems operated by a mutual water company shall be designed and constructed to comply with the applicable California Waterworks standards, as provided in Chapter 16 of Title 22 of the California Code of Regulations.

(b) A mutual water company that operates a public water system shall maintain a financial reserve fund for repairs and replacements to its water production, transmission, and distribution facilities at a level sufficient for continuous operation of facilities in compliance with the federal Safe Drinking Water Act (42 U.S.C. Sec. 300f et seq.) and the California Safe Drinking Water Act (Chapter 4 (commencing with 116270) of Part 12 of Division 104 of the Health and Safety Code).

SEC. 7. Section 56375 of the Government Code is amended to read:

56375. The commission shall have all of the following powers and duties subject to any limitations upon its jurisdiction set forth in this part:

(a) (1) To review and approve with or without amendment, wholly, partially, or conditionally, or disapprove proposals for changes of organization or reorganization, consistent with written policies, procedures, and guidelines adopted by the commission.

(2) The commission may initiate proposals by resolution of application for any of the following:

(A) The consolidation of a district, as defined in Section 56036.

(B) The dissolution of a district.

(C) A merger.

(D) The establishment of a subsidiary district.

(E) The formation of a new district or districts.

(F) A reorganization that includes any of the changes specified in subparagraph (A), (B), (C), (D), or (E).

(3) A commission may initiate a proposal described in paragraph (2) only if that change of organization or reorganization is consistent with a recommendation or conclusion of a study prepared pursuant to Section 56378, 56425, or 56430, and the commission makes the determinations specified in subdivision (b) of Section 56881.

(4) A commission shall not disapprove an annexation to a city, initiated by resolution, of contiguous territory that the commission finds is any of the following:

(A) Surrounded or substantially surrounded by the city to which the annexation is proposed or by that city and a county boundary or the Pacific Ocean if the territory to be annexed is substantially developed or developing, is not prime agricultural land as defined in Section 56064, is designated for

urban growth by the general plan of the annexing city, and is not within the sphere of influence of another city.

(B) Located within an urban service area that has been delineated and adopted by a commission, which is not prime agricultural land, as defined by Section 56064, and is designated for urban growth by the general plan of the annexing city.

(C) An annexation or reorganization of unincorporated islands meeting the requirements of Section 56375.3.

(5) As a condition to the annexation of an area that is surrounded, or substantially surrounded, by the city to which the annexation is proposed, the commission may require, where consistent with the purposes of this division, that the annexation include the entire island of surrounded, or substantially surrounded, territory.

(6) A commission shall not impose any conditions that would directly regulate land use density or intensity, property development, or subdivision requirements.

(7) The decision of the commission with regard to a proposal to annex territory to a city shall be based upon the general plan and rezoning of the city. When the development purposes are not made known to the annexing city, the annexation shall be reviewed on the basis of the adopted plans and policies of the annexing city or county. A commission shall require, as a condition to annexation, that a city prezone the territory to be annexed or present evidence satisfactory to the commission that the existing development entitlements on the territory are vested or are already at build-out, and are consistent with the city's general plan. However, the commission shall not specify how, or in what manner, the territory shall be rezoned.

(b) With regard to a proposal for annexation or detachment of territory to, or from, a city or district or with regard to a proposal for reorganization that includes annexation or detachment, to determine whether territory proposed for annexation or detachment, as described in its resolution approving the annexation, detachment, or reorganization, is inhabited or uninhabited.

(c) With regard to a proposal for consolidation of two or more cities or districts, to determine which city or district shall be the consolidated successor city or district.

(d) To approve the annexation of unincorporated, noncontiguous territory, subject to the limitations of Section 56742, located in the same county as that in which the city is located, and that is owned by a city and used for municipal purposes and to authorize the annexation of the territory without notice and hearing.

(e) To approve the annexation of unincorporated territory consistent with the planned and probable use of the property based upon the review of general plan and rezoning designations. No subsequent change may be made to the general plan for the annexed territory or zoning that is not in conformance to the rezoning designations for a period of two years after the completion of the annexation, unless the legislative body for the city makes a finding at a public hearing that a substantial change has occurred

in circumstances that necessitate a departure from the rezoning in the application to the commission.

(f) With respect to the incorporation of a new city or the formation of a new special district, to determine the number of registered voters residing within the proposed city or special district or, for a landowner-voter special district, the number of owners of land and the assessed value of their land within the territory proposed to be included in the new special district. The number of registered voters shall be calculated as of the time of the last report of voter registration by the county elections official to the Secretary of State prior to the date the first signature was affixed to the petition. The executive officer shall notify the petitioners of the number of registered voters resulting from this calculation. The assessed value of the land within the territory proposed to be included in a new landowner-voter special district shall be calculated as shown on the last equalized assessment roll.

(g) To adopt written procedures for the evaluation of proposals, including written definitions consistent with existing state law. The commission may adopt standards for any of the factors enumerated in Section 56668. Any standards adopted by the commission shall be written.

(h) To adopt standards and procedures for the evaluation of service plans submitted pursuant to Section 56653 and the initiation of a change of organization or reorganization pursuant to subdivision (a).

(i) To make and enforce regulations for the orderly and fair conduct of hearings by the commission.

(j) To incur usual and necessary expenses for the accomplishment of its functions.

(k) To appoint and assign staff personnel and to employ or contract for professional or consulting services to carry out and effect the functions of the commission.

(l) To review the boundaries of the territory involved in any proposal with respect to the definiteness and certainty of those boundaries, the nonconformance of proposed boundaries with lines of assessment or ownership, and other similar matters affecting the proposed boundaries.

(m) To waive the restrictions of Section 56744 if it finds that the application of the restrictions would be detrimental to the orderly development of the community and that the area that would be enclosed by the annexation or incorporation is so located that it cannot reasonably be annexed to another city or incorporated as a new city.

(n) To waive the application of Section 22613 of the Streets and Highways Code if it finds the application would deprive an area of a service needed to ensure the health, safety, or welfare of the residents of the area and if it finds that the waiver would not affect the ability of a city to provide any service. However, within 60 days of the inclusion of the territory within the city, the legislative body may adopt a resolution nullifying the waiver.

(o) If the proposal includes the incorporation of a city, as defined in Section 56043, or the formation of a district, as defined in Section 2215 of the Revenue and Taxation Code, the commission shall determine the property

tax revenue to be exchanged by the affected local agencies pursuant to Section 56810.

(p) To authorize a city or district to provide new or extended services outside its jurisdictional boundaries pursuant to Section 56133.

(q) To enter into an agreement with the commission for an adjoining county for the purpose of determining procedures for the consideration of proposals that may affect the adjoining county or where the jurisdiction of an affected agency crosses the boundary of the adjoining county.

(r) To approve with or without amendment, wholly, partially, or conditionally, or disapprove pursuant to this section the annexation of territory served by a mutual water company formed pursuant to Part 7 (commencing with Section 14300) of Division 3 of Title 1 of the Corporations Code that operates a public water system to a city or special district. Any annexation approved in accordance with this subdivision shall be subject to the state and federal constitutional prohibitions against the taking of private property without the payment of just compensation. This subdivision shall not impair the authority of a public agency or public utility to exercise eminent domain authority.

SEC. 8. Section 56430 of the Government Code is amended to read:

56430. (a) In order to prepare and to update spheres of influence in accordance with Section 56425, the commission shall conduct a service review of the municipal services provided in the county or other appropriate area designated by the commission. The commission shall include in the area designated for service review the county, the region, the subregion, or any other geographic area as is appropriate for an analysis of the service or services to be reviewed, and shall prepare a written statement of its determinations with respect to each of the following:

- (1) Growth and population projections for the affected area.
- (2) Present and planned capacity of public facilities and adequacy of public services, including infrastructure needs or deficiencies.
- (3) Financial ability of agencies to provide services.
- (4) Status of, and opportunities for, shared facilities.
- (5) Accountability for community service needs, including governmental structure and operational efficiencies.
- (6) Any other matter related to effective or efficient service delivery, as required by commission policy.

(b) In conducting a service review, the commission shall comprehensively review all of the agencies that provide the identified service or services within the designated geographic area.

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

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

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

SEC. 9. Article 12 (commencing with Section 116755) of Chapter 4 of Part 12 of Division 104 is added to the Health and Safety Code, to read:

#### Article 12. Board Member Training

116755. (a) Each board member of a mutual water company that operates a public water system, as defined in Section 116275, shall, within six months of taking office, or by December 31, 2012, if that member was serving on the board on December 31, 2011, complete a two-hour course offered by a qualified trainer regarding the duties of board members of mutual water companies, including, but not limited to, the duty of a corporate director to avoid contractual conflicts of interest and fiduciary duties, the duties of public water systems to provide clean drinking water that complies with the federal Safe Drinking Water Act (42 U.S.C. Sec. 300f et seq.) and this chapter, and long-term management of a public water system. For the purposes of this subdivision, a trainer may be qualified in any of the following ways:

- (1) Membership in the California State Bar.
- (2) Accreditation by the International Association of Continuing Education and Training (IACET) ANSI/IACET 1-2007.
- (3) Sponsorship by either the Rural Community Assistance Corporation or the California Rural Water Association.

(b) A mutual water company formed pursuant to Part 7 (commencing with Section 14300) of Division 3 of Title 1 of the Corporations Code shall be liable for the payment of any fines, penalties, costs, expenses, and other amounts that may be imposed upon the mutual water company pursuant to this chapter. The mutual water company may levy an assessment, pursuant to Section 14303 of the Corporations Code, to pay these fines, penalties, costs, expenses, and other amounts so imposed. If the amount of outstanding fines, penalties, costs, expenses and other amounts imposed pursuant to this chapter exceed 5 percent of the annual budget of the mutual water company, then the mutual water company shall levy an assessment, pursuant to Section 14303 of the Corporations Code, to pay those fines, penalties, costs, expenses, and other amounts so imposed.

SEC. 10. Section 116760.90 of the Health and Safety Code is amended to read:

116760.90. (a) The department shall not approve an application for funding unless the department determines that the proposed study or project is necessary to enable the applicant to meet safe drinking water standards, and is consistent with an adopted countywide plan, if any. The department may refuse to fund a study or project if it determines that the purposes of this chapter may more economically and efficiently be met by means other than the proposed study or project. The department shall not approve an application for funding a project with a primary purpose to supply or attract future growth. The department may limit funding to costs necessary to enable suppliers to meet primary drinking water standards, as defined in Chapter 4 (commencing with Section 116270).

(b) With respect to applications for funding of project design and construction, the department shall also determine all of the following:

(1) Upon completion of the project, the applicant will be able to supply water that meets safe drinking water standards.

(2) The project is cost-effective.

(3) If the entire project is not to be funded under this chapter, the department shall specify which costs are eligible for funding.

(c) In considering an application for funding a project that meets all other requirements of this chapter and regulations, the department shall not be prejudiced by the applicant initiating the project prior to the department approving the application for funding. Preliminary project costs that are otherwise eligible for funding pursuant to the provisions of this chapter shall not be ineligible because the costs were incurred by the applicant prior to the department approving the application for funding. Construction costs that are otherwise eligible for funding pursuant to the provisions of this chapter shall not be ineligible because the costs were incurred after the approval of the application by the department but prior to the department entering into a contract with the applicant pursuant to Section 116761.50.

Location Name	Site Address	Address Location	System Classification	Service Connection No	Population Served	LPA ID	Mailing Address	Mailing City/State/Zip	Ownership
CLAYTON REGENCY WATER SYSTEM	16711 MARSH CREEK RD	CLAYTON	COMMUNITY WATER, GRND WTR W/TRT 100-199 CONNS	119	287	0707603	16711 MARSH CREEK RD	CLAYTON, CA 94517	PRIVATE - INVESTOR, MUTUAL, ASSOCIATION, CO-OPS
FARRAR PARK WATER SYSTEM	2566 TAYLOR RD	BETHEL ISLAND	COMMUNITY WATER, GRND WTR W/TRT 25-99 CONNS.	56	140	0706005	P O BOX 227	BETHEL ISLAND, CA 94511	PRIVATE - INVESTOR, MUTUAL, ASSOCIATION, CO-OPS
FLAMINGO MOBILE MANOR SWS	4400 GATEWAY RD	BETHEL ISLAND	COMMUNITY WATER, GRND WTR W/TRT 25-99 CONNS.	80	200	0707523	P O BOX 1427	MEDFORD, OR 97501	PRIVATE - INVESTOR, MUTUAL, ASSOCIATION, CO-OPS
OAKLEY MUTUAL WATER COMPANY	4508 SANDMOUND BLVD	OAKLEY	COMMUNITY WATER, GRND WTR W/TRT 25-99 CONNS.	65	170	0706004	P O BOX 1346	OAKLEY, CA 94561	PRIVATE - INVESTOR, MUTUAL, ASSOCIATION, CO-OPS
ANGLER'S SUBDIVISION #4	1850 TAYLOR RD	BETHEL ISLAND	COMMUNITY WATER, GRND WTR, 100-199 CONNS.	70	168	0707569	P O BOX 276	BETHEL ISLAND, CA 94511	PRIVATE - INVESTOR, MUTUAL, ASSOCIATION, CO-OPS
DELTA MUTUAL WATER COMPANY	5305 SANDMOUND BLVD	BETHEL ISLAND	COMMUNITY WATER, GRND WTR, 100-199 CONNS.	75	180	0707573	P O BOX 607	OAKLEY, CA 94561	PRIVATE - INVESTOR, MUTUAL, ASSOCIATION, CO-OPS
FRANK'S MARINA	7050 RIVERVIEW DR	BETHEL ISLAND	COMMUNITY WATER, GRND WTR, 100-199 CONNS.	120	290	0707575	P O BOX 517	BETHEL ISLAND, CA 94511	PRIVATE - INVESTOR, MUTUAL, ASSOCIATION, CO-OPS
PLEASANTTIMES MUTUAL WATER CO	GATEWAY RD	BETHEL ISLAND	COMMUNITY WATER, GRND WTR, 100-199 CONNS.	190	380	0707576	P O BOX 2109	BETHEL ISLAND, CA 94511	PRIVATE - INVESTOR, MUTUAL, ASSOCIATION, CO-OPS
ANGLER'S RANCH #3 - SWS	2118 TAYLOR RD	BETHEL ISLAND	COMMUNITY WATER, GRND WTR, 25-99 CONNS.	45	100	0707501	P O BOX 854	BETHEL ISLAND, CA 94511	PRIVATE - INVESTOR, MUTUAL, ASSOCIATION, CO-OPS
BELLA VISTA WATER SYSTEM	1570 WILLOW PASS RD	PITTSBURG	COMMUNITY WATER, GRND WTR, 25-99 CONNS.	33	93	0707589	169 VALLEY HILL DR	MORAGA, CA 94556	PRIVATE - INVESTOR, MUTUAL, ASSOCIATION, CO-OPS
BETHEL ISLAND MUTUAL WATER CO	3100 STONE RD	BETHEL ISLAND	COMMUNITY WATER, GRND WTR, 25-99 CONNS.	23	56	0707572	P O BOX 1214	BETHEL ISLAND, CA 94511	PRIVATE - INVESTOR, MUTUAL, ASSOCIATION, CO-OPS

Location Name	Site Address	Address Location	System Classification	Service Connection No	Population Served	LPA ID	Mailing Address	Mailing City/State/Zip	Ownership
COLONIA SANTA MARIA	3700 CONCORD AVE	BRENTWOOD	COMMUNITY WATER, GRND WTR, 25-99 CONNS.	8	50	0707517	P O BOX 681	BRENTWOOD, CA 94513	PRIVATE - INVESTOR, MUTUAL, ASSOCIATION, CO-OPS
DOUBLETREE RANCH WATER SYSTEM	MORGAN TERRITORY RD	UNKNOWN	COMMUNITY WATER, GRND WTR, 25-99 CONNS.	18	49	0707615	9001 DOUBLETREE LN	LIVERMORE, CA 94550	PRIVATE - INVESTOR, MUTUAL, ASSOCIATION, CO-OPS
ORWOOD RESORT	4451 ORWOOD RD	BRENTWOOD	COMMUNITY WATER, GRND WTR, 25-99 CONNS.	70	350	0707545	4451 ORWOOD RD	BRENTWOOD, CA 94513	PRIVATE - INVESTOR, MUTUAL, ASSOCIATION, CO-OPS
RIVERVIEW MOBILE HOMES	1526 WILLOW PASS RD	PITTSBURG	COMMUNITY WATER, GRND WTR, 25-99 CONNS.	72	216	0707553	7223 TROUSDAL E PLACE	STOCKTON, CA 95207-1238	PRIVATE - INVESTOR, MUTUAL, ASSOCIATION, CO-OPS
RIVERVIEW WATER ASSOCIATION	3753 WILLOW RD	BETHEL ISLAND	COMMUNITY WATER, GRND WTR, 25-99 CONNS.	86	230	0707577	P O BOX 645	BETHEL ISLAND, CA 94511	PRIVATE - INVESTOR, MUTUAL, ASSOCIATION, CO-OPS
SANDMOUND MUTUAL	3330 STONE RD	BETHEL ISLAND	COMMUNITY WATER, GRND WTR, 25-99 CONNS.	65	160	0707556	P O BOX 1006	BETHEL ISLAND, CA 94511	PRIVATE - INVESTOR, MUTUAL, ASSOCIATION, CO-OPS
CAMINO MOBILEHOME	14530 BYRON HWY	BYRON	COMMUNITY WATER, GRND WTR, 25-99 CONNS.	75	210	0707598	200 W. CYPRESS ROAD	OAKLEY, CA 94561	PRIVATE - INVESTOR, MUTUAL, ASSOCIATION, CO-OPS
CASA MEDANOS WATER SYSTEM	2727 PITTSBURG ANTIOCH HWY	PITTSBURG	COMMUNITY WATER, GRND WTR, W/TRT 15-24 CONNS	18	55	0707594	2049 WALNUT BLVD	WALNUT CREEK, CA 94596	PRIVATE - INVESTOR, MUTUAL, ASSOCIATION, CO-OPS
MC COSKER RANCH SWS	MC COSKER RANCH RD	CANYON	COMMUNITY WATER, GRND WTR, W/TRT 15-24 CONNS	22	90	0707623	5333 TERRA GRANADA DR 2B	WALNUT CREEK, CA 94595	PRIVATE - INVESTOR, MUTUAL, ASSOCIATION, CO-OPS
MORAGA HEIGHTS MUTUAL WATER	PINEHURST RD	CANYON	COMMUNITY WATER, GRND WTR, W/TRT 15-24 CONNS	22	60	0707585	P O BOX 64	CANYON, CA 94516	PRIVATE - INVESTOR, MUTUAL, ASSOCIATION, CO-OPS
VALLEY ORCHARD WATER SYSTEM	85 ORCHARD ESTATES DR	WALNUT CREEK	COMMUNITY WATER, GRND WTR, W/TRT 15-24 CONNS	10	26	0707562	85 ORCHARD ESTATES DR	WALNUT CREEK, CA 94598	PRIVATE - INVESTOR, MUTUAL, ASSOCIATION, CO-OPS

Location Name	Site Address	Address Location	System Classification	Service Connection No	Population Served	LPA ID	Mailing Address	Mailing City/State/Zip	Ownership
DUTCH SLOUGH WATER WORKS	2368 DUTCH SLOUGH RD	BETHEL ISLAND	COMMUNITY WATER, GRND WTR. 15-24 CONNS.	18	49	0707519	P O BOX 1417	BRENTWOOD, CA 94513	PRIVATE - INVESTOR, MUTUAL, ASSOCIATION, CO-OPS
HERTZ WATER SYSTEM	83 SOLANO AVE	PITTSBURG	COMMUNITY WATER, GRND WTR. 15-24 CONNS.	16	35	0707558	83 SOLANO AVE	PITTSBURG, CA 94565	PRIVATE - INVESTOR, MUTUAL, ASSOCIATION, CO-OPS
MARINA MOBILE MANOR SWS	3255 WELLS RD	BETHEL ISLAND	COMMUNITY WATER, GRND WTR. 15-24 CONNS.	24	75	0707608	3255 WELLS RD	OAKLEY, CA 94561	PRIVATE - INVESTOR, MUTUAL, ASSOCIATION, CO-OPS
RUSSO'S MOBILE PARK	3995 WILLOW RD	BETHEL ISLAND	COMMUNITY WATER, GRND WTR. 15-24 CONNS.	35	110	0707601	P O BOX 487	BETHEL ISLAND, CA 94511	PRIVATE - INVESTOR, MUTUAL, ASSOCIATION, CO-OPS
SANDY POINT MOBILE HOME PARK	5625 SANDMOUND RD	BETHEL ISLAND	COMMUNITY WATER, GRND WTR. 15-24 CONNS.	28	94	0707597	P.O. BOX 1417	BRENTWOOD, CA 94513	PRIVATE - INVESTOR, MUTUAL, ASSOCIATION, CO-OPS
VILLA DE GUADALUPE SWS	1910 WALNUT BLVD	BRENTWOOD	COMMUNITY WATER, GRND WTR. 15-24 CONNS.	7	26	0706007	P O BOX 1040	BRENTWOOD, CA 94513	PRIVATE - INVESTOR, MUTUAL, ASSOCIATION, CO-OPS



**Date:** November 1, 2012  
**To:** Mutual Water Companies Operating in Contra Costa County  
**From:** Lou Ann Texeira, Executive Officer, Contra Costa LAFCO  
**Subject:** New State Requirements for Mutual Water Companies (AB 54)

Assembly Bill 54 (Attachment 1) became effective on January 1, 2012. The legislation supports the State's goal of ensuring access to safe drinking water for all California residents by imposing new requirements on Local Agency Formation Commissions (LAFCOs) and mutual water companies (MWCs) that own and operate a public water system. The requirements are intended to improve access to information about the location of MWCs and the quality of water they provide.

LAFCOs exist in each county in California, are independent public agencies, and regulate the boundaries of cities and special districts, among other things. AB 54 requires LAFCOs to identify all MWCs and receive maps depicting the approximate boundaries of the properties served by each MWC by December 31, 2012. In addition, LAFCOs are required to reference MWCs in their Municipal Service Reviews.

AB 54 requires each MWC to send a map of their service area to LAFCO, and that each board member of a MWC obtain training, as specified, by December 31, 2012. In addition, the bill requires MWCs to respond to LAFCO's requests for information which may be used in LAFCO Municipal Service Reviews.

In order to fulfill the new State mandate, Contra Costa LAFCO needs help from your mutual water company.

1. Please send us a map of your service boundary, and
2. Please complete and return to LAFCO the attached survey (Attachment 2).

Contra Costa LAFCO looks forward to working cooperatively with the MWCs in Contra Costa County. If you have questions or comments, please contact one of the Contra Costa LAFCO staff members listed below:

Lou Ann Texeira, Executive Officer  
(925) 335-1094 Email: [LTexe@lafco.cccounty.us](mailto:LTexe@lafco.cccounty.us)

Kate Sibley, Executive Assistant  
(925) 335-1032 Email: [KSibl@lafco.cccounty.us](mailto:KSibl@lafco.cccounty.us)

Attachment 1 - AB 54

Attachment 2 - LAFCO Mutual Water Company Survey

## MUTUAL WATER COMPANY SURVEY

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This survey is intended to help Contra Costa's mutual water companies and Contra Costa LAFCO fulfill the new State mandates in Assembly Bill 54.

Please answer each question and follow the instructions at the end of the survey for returning the completed form and requested information to our office ***no later than December 31, 2012***. We appreciate your assistance!

1. Date survey completed: \_\_\_\_\_
  
2. Name of mutual water company: \_\_\_\_\_  
\_\_\_\_\_
  
3. Please provide contact information for yourself or another representative of your mutual water company for follow-up with LAFCO:  
  
Name of contact person: \_\_\_\_\_  
Mailing address: \_\_\_\_\_  
Phone number: \_\_\_\_\_  
Email address: \_\_\_\_\_
  
4. If your mutual water company has a website address, please provide it: \_\_\_\_\_  
\_\_\_\_\_

### Public Water Systems Information

5. Does your mutual water company have at least 15 service connections?  
Yes  No
  
6. Does your mutual water company serve at least 25 individuals daily at least 60 days out of the year? Yes  No

### Agency Profile

7. In what year was your mutual water company formed? \_\_\_\_\_
  
8. What service(s) does your mutual water company currently provide? *Check all that apply.*  
 Residential drinking water  
 Water for commercial purposes  
 Water for industrial applications  
 Water for agricultural purposes  
 Other: Please specify \_\_\_\_\_

9. How many members are on your governing board? \_\_\_\_\_

10. How are board members selected?

Elected

Appointed

By whom? \_\_\_\_\_

11. What is the term of office of each board member? \_\_\_\_\_

12. Is there a limit regarding the number of terms that board members and/or elected officers may serve? \_\_\_\_\_

13. How often do shareholders of your mutual water company meet? \_\_\_\_\_

14. Where is the shareholders' meeting held? \_\_\_\_\_

\_\_\_\_\_

15. Does your company employ staff or contract for services?

Employ staff

Contract for services

No Staff

16. If your mutual water company employs staff, please indicate the position(s) and if they are currently filled.

\_\_\_\_\_

\_\_\_\_\_

17. If your mutual water company contracts for services, please indicate contracted services.

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

18. If your mutual water company has no staff, explain who handles administrative and operational responsibilities.

\_\_\_\_\_

\_\_\_\_\_

19. Please provide location of your mutual water company's office, if any.

\_\_\_\_\_

\_\_\_\_\_

Planning

20. What information and data does your mutual water company rely on to make decisions about future services and infrastructure needs? *Check all that apply.*

- Consumer confidence report
- Water quality report
- Company budget
- City or county budget
- State budget
- Other: please specify \_\_\_\_\_  
\_\_\_\_\_

21. Which of the following does your mutual water company see as challenge(s) in the next 20 years? *Check all that apply.*

- Population growth
- Infrastructure
- State regulations and mandates
- Local regulations and mandates
- Financial constraints
- Other: please specify \_\_\_\_\_  
\_\_\_\_\_

22. Given the challenges you described in the previous answer, please briefly describe how your mutual water company is preparing for the future. \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

23. What should or could public agencies do to make it easier for your mutual water company to address your local service challenges? \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Population and Service Connections

24. What is your estimate of the current population within your service area/boundary?  
\_\_\_\_\_

25. Please provide the number of service connections within your service area/boundary.  
\_\_\_\_\_

26. Approximately how much does each property owner pay for water service each month?
- Less than \$20
  - \$21 - \$40
  - \$41 - \$60
  - \$61 - \$80
  - \$81 - \$100
  - More than \$100

Infrastructure

27. Approximately how many miles of pipeline are owned and/or maintained by your mutual water company? \_\_\_\_\_  
\_\_\_\_\_
28. Does your mutual water company own or operate other types of infrastructure (i.e., pumping or lift stations, water purification systems, etc.) in addition to wells?  
Yes  No   
If yes, please list: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Shared Services

29. Does your mutual water company currently cooperate with local public water districts or other mutual water companies for shared facilities or services?  
Yes  No   
If yes, please explain. \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_
30. Please submit a map of your service area, a copy of your articles of incorporation, and the most recent consumer confidence report to Contra Costa LAFCO.

Email: [LTexte@lafco.cccounty.us](mailto:LTexte@lafco.cccounty.us)

Mail: Contra LAFCO  
651 Pine Street, Sixth Floor  
Martinez, CA 94553

***Thank you for participating in the survey and providing the requested information!***



**Lou Ann Texeira**  
*Executive Officer*

**MEMBERS**

**Donald A. Blubaugh**  
*Public Member*  
**Federal Glover**  
*County Member*  
**Michael R. McGill**  
*Special District Member*

**Dwight Meadows**  
*Special District Member*  
**Mary N. Piepho**  
*County Member*  
**Rob Schroder**  
*City Member*

**Don Tatzin**  
*City Member*

**ALTERNATE MEMBERS**

**Candace Andersen**  
*County Member*  
**Sharon Burke**  
*Public Member*  
**Tom Butt**  
*City Member*  
**George H. Schmidt**  
*Special District Member*

December 12, 2012 (Agenda)

December 12, 2012  
 Agenda Item 11

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

**Contract Amendment with Burr Consulting**

Dear Commissioners:

The Commission’s work plan for completing the State mandated Municipal Service Reviews (MSRs) and sphere of influence (SOI) updates provides for comprehensive baseline reviews. Contra Costa LAFCO is using a combination of consultants and LAFCO staff to complete the MSRs.

In October 2011, the Commission approved a contract with Burr Consulting to prepare baseline MSRs and SOI updates for library services and miscellaneous county services.

The consultant has experienced family medical issues; consequently, the project has been delayed.

It is proposed that the Commission approve an amendment to the contract with Burr Consulting to extend the term in order to complete the MSR work. This is a time only amendment and has no financial impact.

**RECOMMENDATION**

Authorize LAFCO staff to execute a contract amendment with Burr Consulting to extend the term of the contract from December 31, 2012 to April 30, 2013 in order to complete the *Library Services and Miscellaneous County Services Municipal Service Reviews* and sphere of influence updates.

Sincerely,

**LOU ANN TEXEIRA**  
**EXECUTIVE OFFICER**

c: Beverly Burr  
 County Auditor-Controller

PO Number: \_\_\_\_\_

**AGREEMENT AMENDMENT #2**

**Parties.** Contra Costa Local Agency Formation Commission (Contra Costa LAFCO) and Burr Consulting (Burr).

**Date.** The effective date of this Agreement Amendment is December 12, 2012.

**Amendment.** This amends that contract entered into on the 19<sup>th</sup> day of October, 2011, by and between LAFCO and Burr, as follows:

The CONTRACT PERIOD will be from October 19, 2011 through **April 30, 2013**.

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

CONTRA COSTA LAFCO

CONTRACTOR  
Burr Consulting

By: \_\_\_\_\_  
LAFCO Executive Officer

By: \_\_\_\_\_

APPROVED AS TO FORM

Taxpayer ID#: \_\_\_\_\_

\_\_\_\_\_  
LAFCO Legal Counsel

I hereby certify under penalty of perjury that the Executive Officer of the Contra Costa LAFCO was duly authorized to execute this document on behalf of the Contra Costa LAFCO by a majority vote of the Commission on December 12, 2012.

Date: \_\_\_\_\_

ATTEST:

\_\_\_\_\_  
Contra Costa LAFCO Clerk



Employees' Retirement Association  
1355 willow way suite 221 concord ca 94520  
925.521.3960 fax: 925.646.5747

December 12, 2012  
Agenda Item 12

\*\*\*AMENDED\*\*\*

RETIREMENT BOARD MEETING  
**MONTHLY MEETING**

9:00 a.m.

November 20, 2012

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

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

1. Pledge of Allegiance.
2. Accept comments from the public.
3. Approve minutes from the October 18, 2012 meeting.
4. Routine items for November 20, 2012.
  - a. Approve certifications of membership.
  - b. Approve service and disability allowances.
  - c. Accept disability applications and authorize subpoenas as required.
  - d. Approve death benefits.
  - e. Accept Asset Allocation Report

*CLOSED SESSION*

5. The Board will go into closed session under Gov. 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. Gordon Trapp	Service Connected	Service Connected
6. The Board will continue in closed session to consider the Hearing Officer/Staff recommendation regarding the disability application for Barbara Bogans.
7. The Board will continue in closed session pursuant to Govt. Code Section 54956.9(a) to confer with legal counsel regarding existing litigation (three cases):
  - 7a. *In Re: Tribune Company Fraudulent Conveyance Litigation*, United States District Court For the Southern District of New York, Case No. 11 MD 2296 (WHP)

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.

7b. *Debra M. Carmel v. County of Contra Costa, et al.*, Contra Costa County Superior Court, Case No. C12-02360

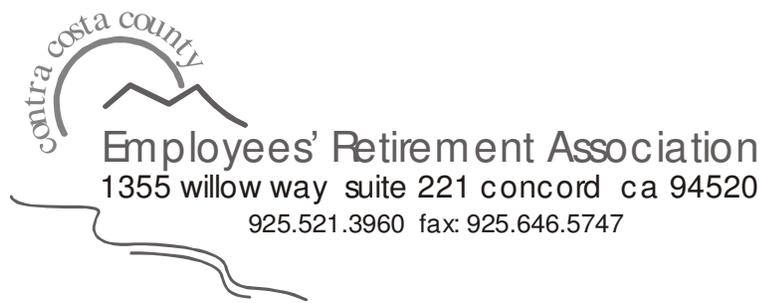
7c. *Board of Retirement v. County of Contra Costa, et al.*, Alameda County Superior Court, Case No. RG11608520

7d. The Board will continue in closed session pursuant to Govt. Code Section 54956.9(b).

*OPEN SESSION*

8. Review of total portfolio performance including:
  - a. Consideration of any managers already under review or to be placed under review.
  - b. Consideration of any changes in allocations to managers
9. Presentation on Market Stabilization Account report.
10. Consider and take possible action on 2013 Budget.
11. Consider authorizing the attendance of Board and/or staff:
  - a. Fall Conference, CRCEA, October 22 – 24, 2012, Modesto, CA.
  - b. Public Funds Conference, Opal Group, January 8 – 10, 2013, Scottsdale, AZ.
12. 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.



RETIREMENT BOARD MEETING  
**SPECIAL MEETING**

9:00 a.m.

November 28, 2012

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

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

1. Pledge of Allegiance
2. Accept comments from the public.
3. Real Asset Manager presentations:

9:00 a.m. – 9:15 a.m.	Introduction and Overview by Milliman
9:20 a.m. – 10:00 a.m.	PIMCO All Asset Strategy
10:05 a.m. – 10: 45 a.m.	Goldman Sachs
10:50 a.m. – 11:05 a.m.	Break
11:05 a.m. – 12:05 p.m.	Wellington Diversified Inflation Hedges And Real Total Return
4. Consider and take possible action on Real Asset Manager(s).

*CLOSED SESSION*

5. The Board go into closed session pursuant to Govt. Code Section 54956.9(a) to confer with legal counsel regarding existing litigation (two cases):
  - a. *Debra M. Carmel v. County of Contra Costa, et al*, Contra Costa County Superior Court, Case No. C12-02360
  - b. *Board of Retirement v. County of Contra Costa, et al.*, Alameda County Superior Court, Case No. RG11608520
6. The Board will continue in closed session pursuant to Govt. Code Section 54956.9(b)

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.

*OPEN SESSION*

7. Consider and take possible action on staff recommendation regarding methodology used for contribution rates for implementation of new PEPRA tiers.
8. Update on miscellaneous PEPRA implementation issues.
9. Consider and take possible action to set a special Board meeting date.
10. Miscellaneous
  - a. Staff Report
  - b. Outside Professionals' Report
  - c. Trustees' comments

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

## CALAFCO Daily Legislative Report as of 12/5/2012

December 12, 2012  
 Agenda Item 14a

1

### [AB 1098](#) ([Carter D](#)) **Vehicle license fees: allocation.**

**Current Text:** Vetoed: 9/19/2012 [pdf](#) [html](#)

**Introduced:** 2/18/2011

**Last Amended:** 8/30/2012

**Status:** 9/19/2012-Vetoed by the Governor

2Year	Desk	Policy	Fiscal	Floor	Desk	Policy	Fiscal	Floor	Conf.	Enrolled	Vetoed	Chaptured
Dead	1st House				2nd House				Conc.			

**Summary:**

Would require, on and after July 1, 2012, that those revenues be distributed first to each city that was incorporated from an unincorporated territory after August 5, 2004, in an amount determined pursuant to a specified formula, second to each city that was incorporated before August 5, 2004, in an amount determined pursuant to a specified formula, and third to the Local Law Enforcement Services Account in the Local Revenue Fund 2011, for allocation to cities, counties, and cities and counties. By authorizing within the Motor Vehicle License Fee Account in the Transportation Tax Fund, a continuously appropriated fund, to be used for a new purpose, the bill would make an appropriation. This bill contains other related provisions and other current laws.

**Attachments:**

[CALAFCO Request for Governor's Signature](#)

**Position:** Support

**Subject:** Financial Viability of Agencies

**CALAFCO Comments:** Last minute "gut and amend" bill which restored VLF funding to cities incorporated -- and inhabited annexations -- since 2004.

### [AB 2238](#) ([Perea D](#)) **Public water systems: drinking water.**

**Current Text:** Amended: 8/24/2012 [pdf](#) [html](#)

**Introduced:** 2/24/2012

**Last Amended:** 8/24/2012

**Status:** 9/1/2012-Failed Deadline pursuant to Rule 61(b)(17). (Last location was S. APPR. on 8/31/2012)

2Year	Desk	Policy	Fiscal	Floor	Desk	Policy	Fiscal	Floor	Conf.	Enrolled	Vetoed	Chaptured
Dead	1st House				2nd House				Conc.			

**Summary:**

Would eliminate the requirement that the department develop a definition of what constitutes an emergency and would instead provide a definition of a public health emergency as an unexpected event that requires immediate action, as specified. This bill would authorize the department to expend the moneys from the Grant Fund if the department determines that a public health emergency has occurred and would list the provision of interim water treatment as one of the listed specified actions for which the department may provide payment. By revising and expanding the application of funds in the Grant Fund, the bill would make an appropriation. This bill would limit the provision of an alternative water supply to \$50,000 per public water system per public health emergency. This bill contains other related provisions and other current laws.

**Attachments:**

[CALAFCO Support Letter - June 2012](#)

[CALAFCO Remove Opposition Letter - May 2012](#)

[CALAFCO Opposition Letter - Amended Bill - April 19 2012](#)

[CALAFCO Opposition Letter - March 2012](#)

**Position:** Support

**Subject:** Water, Municipal Services

**CALAFCO Comments:** This bill has been significantly amended to address the concerns raised by CALAFCO. The requirements for LAFCo to conduct reorganization studies in all water and wastewater MSRs has been entirely removed. There are no mandates or requirements for LAFCo in the June amended bill. The bill now would require local water agencies which receive grants for a feasibility study to consider reorganization and efficiency recommendations in a LAFCo MSR, SOI update or special study in that study. It also requires the Department of Public Health to consult with the LAFCo prior to issuing infrastructure grants to ensure alternative delivery options identified by a LAFCo were considered in the feasibility study.

**AB 2624 (Smyth R) Sustainable communities.**

**Current Text:** Introduced: 2/24/2012 [pdf](#) [html](#)

**Introduced:** 2/24/2012

**Status:** 8/17/2012-Failed Deadline pursuant to Rule 61(b)(14). (Last location was S. APPR. on 8/16/2012)

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

**Summary:**

Would make a local agency formation commission eligible for the award of financial assistance for those planning purposes.

**Attachments:**

[CALAFCO Support Letter - April 2012](#)

**Position:** Support

**Subject:** Sustainable Community Plans

**CALAFCO Comments:** Makes LAFCo an eligible agency to apply for Strategic Growth Council grants. Sponsored by CALAFCO.

**AB 2698 (Committee on Local Government) Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000.**

**Current Text:** Chaptered: 7/9/2012 [pdf](#) [html](#)

**Introduced:** 3/21/2012

**Last Amended:** 6/6/2012

**Status:** 7/9/2012-Chaptered by the Secretary of State, Chapter Number 62, Statutes of 2012

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

**Summary:**

Would provide that an application to annex a contiguous disadvantaged community is not required if the commission finds that a majority of the registered voters within the affected territory are opposed to annexation. This bill contains other related provisions and other current laws.

**Attachments:**

[Request for Governor's Signature - 25 June 2012](#)

[CALAFCO Support Letter - 1 May 2012](#)

**Position:** Sponsor

**Subject:** CKH General Procedures

**CALAFCO Comments:** CALAFCO-sponsored annual CKH Omnibus bill. Amended on April 30th to include CALAFCO protest provision and waiver of notice and hearing language.

**SB 1498 (Emmerson R) Local agency formation commission: powers.**

**Current Text:** Introduced: 2/24/2012 [pdf](#) [html](#)

**Introduced:** 2/24/2012

**Status:** 5/11/2012-Failed Deadline pursuant to Rule 61(b)(6). (Last location was S. G. & F. on 3/22/2012)

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

**Summary:**

Would authorize the commission to authorize a city or district to provide new or current services outside its jurisdictional boundaries and outside its sphere of influence to support current or planned uses involving public or private properties, subject to approval at a noticed public

hearing, in which certain determinations are made. The bill would also authorize the commission to delegate to its executive officer the approval of certain requests to authorize a city or district to provide new or extended services outside its jurisdictional boundaries or outside its sphere of influence, as described above, under specified circumstances. The bill would also make certain technical, nonsubstantive, and conforming changes. This bill contains other related provisions and other current laws.

**Position:** None at this time

**Subject:** Disadvantaged Communities, Municipal Services

**CALAFCO Comments:** Sponsored by the League of Cities, this bill does two things: 1) it includes the CALAFCO proposed language on expanding out-of-agency service authority (56133) and 2) removes the annexation requirements from SB 244. Those provisions require a city to apply to annex a disadvantaged unincorporated community if they apply to annex adjacent uninhabited territory. It is anticipated this bill will be completely gutted and amended and changed to Senator Wolk as the author. The anticipated direction is to further amend the definition of a disadvantaged unincorporated community. The League is continuing its efforts to remove or significantly modify the DUC annexation requirements when a city applies for an uninhabited annexation adjacent to a DUC.

**SB 1566 (Negrete McLeod D) Vehicle license fees: allocation.**

**Current Text:** Amended: 4/10/2012 [pdf](#) [html](#)

**Introduced:** 2/24/2012

**Last Amended:** 4/10/2012

**Status:** 5/25/2012-Failed Deadline pursuant to Rule 61(b)(8). (Last location was S. APPR. on 5/24/2012)

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

**Summary:**

Would require, on and after July 1, 2012, that those revenues be distributed first to each city that was incorporated from an unincorporated territory after August 5, 2004, in an amount determined pursuant to a specified formula , second to each city that was incorporated before August 5, 2004, in an amount determined pursuant to a specified formula , and third to the Local Law Enforcement Services Account in the Local Revenue Fund 2011, for allocation to cities, counties, and cities and counties . By authorizing within the Motor Vehicle License Fee Account in the Transportation Tax Fund, a continuously appropriated fund, to be used for a new purpose, the bill would make an appropriation. This bill contains other related provisions and other current laws.

**Attachments:**

[CALAFCO Support Letter](#)

**Position:** Support

**Subject:** Annexation Proceedings, Tax Allocation

**CALAFCO Comments:** This problem would correct the VLF problem created by last year's budget bill SB 89, and restore VLF to recent incorporations and inhabited annexations.

**AB 46 (John A. Pérez D) Local government: cities.**

**Current Text:** Amended: 6/28/2011 [pdf](#) [html](#)

**Introduced:** 12/6/2010

**Last Amended:** 6/28/2011

**Status:** 9/1/2012-Failed Deadline pursuant to Rule 61(b)(17). (Last location was S. THIRD READING on 6/28/2011)

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

**Summary:**

Would provide that every city with a population of less than 150 people as of January 1, 2010, would be disincorporated into that city's respective county as of 91 days after the effective date of the bill, unless a county board of supervisors determines, by majority vote within the 90-day

period following enactment of these provisions, that continuing such a city within that county's boundaries would serve a public purpose if the board of supervisors determines that the city is in an isolated rural location that makes it impractical for the residents of the community to organize in another form of local governance. The bill would also require the local agency formation commission within the county to oversee the terms and conditions of the disincorporation of the city, as specified. This bill contains other related provisions.

**Position:** None at this time

**Subject:** Disincorporation/dissolution

**CALAFCO Comments:** As written this bill applies only to Vernon, California. It bypasses much of the C-K-H disincorporation process, leaving LAFCo only the responsibility of assigning assets and liabilities following disincorporation.

**AB 781 (John A. Pérez D) Local government: counties: unincorporated areas.**

**Current Text:** Amended: 8/29/2011 [pdf](#) [html](#)

**Introduced:** 2/17/2011

**Last Amended:** 8/29/2011

**Status:** 9/1/2012-Failed Deadline pursuant to Rule 61(b)(17). (Last location was S. INACTIVE FILE on 8/30/2012)

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

**Summary:**

Would authorize the board of supervisors of a county in which a city that will be disincorporated pursuant to statute is located to vote to continue that city if, after receipt of an audit conducted by the State Auditor, the board of supervisors determines that the territory to be disincorporated is not expected to generate revenues sufficient to provide public services and facilities, maintain a reasonable reserve, and pay its obligations during the 5 years following disincorporation. The bill would require a city that is audited pursuant to these provisions to reimburse the State Auditor for the costs incurred to perform the audit, thereby imposing a state-mandated local program. This bill contains other related provisions and other current laws.

**Position:** Watch

**Subject:** Disincorporation/dissolution, Special District Principle Acts

**CALAFCO Comments:** This bill was gutted and amended on 20 June to create a CSD in any unincorporated area that was previously a city and was disincorporated by the legislature. It is specifically targeted at Vernon. It also contains language directing LAFCo on the terms and conditions of the disincorporation.

**AB 2208 (Perea D) Water quality.**

**Current Text:** Amended: 8/24/2012 [pdf](#) [html](#)

**Introduced:** 2/23/2012

**Last Amended:** 8/24/2012

**Status:** 9/1/2012-Failed Deadline pursuant to Rule 61(b)(17). (Last location was S. THIRD READING on 8/27/2012)

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

**Summary:**

Current law authorizes the State Water Resources Control Board, until 2014, to assess a specified annual charge in connection with any financial assistance made pursuant to the State Water Pollution Control Revolving Fund program in lieu of interest that otherwise would be charged and requires the proceeds generated from the imposition of the annual charge in lieu of interest to be deposited in the State Water Pollution Control Revolving Fund Small Community Grant Fund (grant fund), along with any interest earned upon the moneys in the grant fund. Current law provides that the annual charge in lieu of interest remain unchanged until 2014, at which time it will terminate and be replaced by an identical interest rate, and prohibits the deposit of more than \$50,000,000 into the grant fund. Current law authorizes the board to expend the moneys in the grant fund, upon appropriation by the Legislature, for grants for eligible projects under the revolving fund program that serve small communities, as defined. This bill would authorize the board to assess the charge in lieu of interest until 2019. This bill contains other related provisions.

**Position:** Watch

**Subject:** Water

**CALAFCO Comments:** While currently this bill does not directly affect LAFcos it is sponsored by the same people at AB 2238 (CRLA) and is in many ways tied to that bill. The current amendments do affect water and wastewater agencies which may be of concern to LAFcos and CALAFCO. It is also likely this bill will be significantly amended but at this time we don't know where it is going.

**[AB 2210](#) (Smyth R) County assessors: notification.**

**Current Text:** Amended: 5/21/2012 [pdf](#) [html](#)

**Introduced:** 2/23/2012

**Last Amended:** 5/21/2012

**Status:** 7/6/2012-Failed Deadline pursuant to Rule 61(b)(13). (Last location was S. G. & F. on 6/14/2012)

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

**Summary:**

Would require the assessor, upon a request by the board of supervisors to furnish an estimate of the assessed valuation of property within the county for the succeeding fiscal year, to estimate whether property valuations have decreased by 3% or more and, if so, require the assessor to issue a written report to the board of supervisors within 30 days. This bill would require the assessor to , within 15 days of notifying the board of supervisors, also notify the Department of Finance and all cities and affected school districts within the county .

**Position:** None at this time

**Subject:** Annexation Proceedings

**CALAFCO Comments:** Placeholder bill on property tax exchange agreements.

**[AB 2418](#) (Gordon D) Health districts.**

**Current Text:** Amended: 5/1/2012 [pdf](#) [html](#)

**Introduced:** 2/24/2012

**Last Amended:** 5/1/2012

**Status:** 5/25/2012-Failed Deadline pursuant to Rule 61(b)(8). (Last location was A. APPR. SUSPENSE FILE on 5/16/2012)

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

**Summary:**

Would require a health care district to spend at least 95% of the revenue derived from an annual general tax levy on current community health care benefits, as specified. The bill would expressly exclude from the definition of community health care benefits the salaries paid and benefits provided to staff of the districts and benefits provided to board members, among other items. By increasing the duties of local officials, this bill would impose a state-mandated local program . This bill contains other related provisions and other current laws.

**Position:** Watch

**Subject:** Special District Principle Acts

**CALAFCO Comments:** Limits the amount of general tax levy revenue a healthcare district may spend on administrative costs. Excludes the costs of staff/board salaries and benefits. Specifies what tax levy revenues may be spent on, including powers authorized by LAFCo.

**[ACA 17](#) (Logue R) State-mandated local programs.**

**Current Text:** Introduced: 2/15/2011 [pdf](#) [html](#)

**Introduced:** 2/15/2011

**Status:** 9/1/2012-Failed Deadline pursuant to Rule 61(b)(17). (Last location was A. L. GOV. on 4/14/2011)

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

**Summary:**

Under the California Constitution, whenever the Legislature or a state agency mandates a new

program or higher level of service on any local government, the state is required to provide a subvention of funds to reimburse the local government. With regard to certain mandates imposed on a city, county, city and county, or special district that have been determine to be payable, the Legislature is required either to appropriate, in the annual Budget Act, the full payable amount of the mandate, determined as specified, or to suspend the operation of the mandate for the fiscal year. The California Constitution provides that the Legislature is not required to appropriate funds for specified mandates.

**Position:** None at this time

**Subject:** LAFCo Administration

**CALAFCO Comments:** Changes state mandate law in a proposed constitutional amendment. Included is specific language that releases mandate responsibility if the local agency can change an individual or applicant for the cost of providing the mandated service. Would likely exempt some mandates to LAFCo from state funding.

**SB 46 (Correa D) Public officials: compensation disclosure.**

**Current Text:** Amended: 6/2/2011 [pdf](#) [html](#)

**Introduced:** 12/9/2010

**Last Amended:** 6/2/2011

**Status:** 9/1/2012-Failed Deadline pursuant to Rule 61(b)(17). (Last location was A. DESK on 8/22/2011)

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

**Summary:**

Would, commencing on January 1, 2013, and continuing until January 1, 2019, require every designated employee and other person, except a candidate for public office, who is required to file a statement of economic interests to include, as a part of that filing, a compensation disclosure form that provides compensation information for the preceding calendar year, as specified. This bill contains other related provisions and other current laws.

**Attachments:**

[CALAFCO Opposition Letter](#)

**Position:** Oppose

**Subject:** LAFCo Administration

**CALAFCO Comments:** Similar to a 2010 bill, this would require all those who file a Form 700 to also file an extensive compensation and reimbursement disclosure report. Would require all local agencies, including LAFCo, to annually post the forms on their website.

**SB 191 (Committee on Governance and Finance) Validations.**

**Current Text:** Amended: 5/16/2011 [pdf](#) [html](#)

**Introduced:** 2/8/2011

**Last Amended:** 5/16/2011

**Status:** 9/1/2012-Failed Deadline pursuant to Rule 61(b)(17). (Last location was A. DESK on 5/25/2012)

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

**Summary:**

This bill would enact the First Validating Act of 2011, which would validate the organization, boundaries, acts, proceedings, and bonds of the state and counties, cities, and specified districts, agencies, and entities. This bill contains other related provisions.

**Attachments:**

[CALAFCO Support Letter](#)

**Position:** Support

**Subject:** LAFCo Administration

**CALAFCO Comments:** One of three annual acts which validate the boundaries of all local agencies.

**SB 192 (Committee on Governance and Finance) Validations.**

**Current Text:** Chaptered: 9/7/2012 [pdf](#) [html](#)

**Introduced:** 2/8/2011**Last Amended:** 8/16/2012**Status:** 9/7/2012-Chaptered by the Secretary of State, Chapter Number 265, Statutes of 2012

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

**Summary:**

This bill would enact the Validating Act of 2012, which would validate the organization, boundaries, acts, proceedings, and bonds of the state and counties, cities, and specified districts, agencies, and entities.

**Attachments:**

[CALAFCO Support Letter](#)

**Position:** Support**Subject:** LAFCo Administration**CALAFCO Comments:** One of three annual acts which validate the boundaries of all local agencies.**[SB 317](#) (Rubio D) Kings River Fisheries Management Program.****Current Text:** Amended: 8/26/2011 [pdf](#) [html](#)**Introduced:** 2/14/2011**Last Amended:** 8/26/2011**Status:** 9/1/2012-Failed Deadline pursuant to Rule 61(b)(17). (Last location was A. INACTIVE FILE on 8/27/2012)

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

**Summary:**

Would reenact those provisions, to be operative indefinitely, and would require that expenditures made pursuant to those provisions only be funded, upon appropriation by the Legislature, from moneys that are not from a General Fund or general obligation bond source. This bill contains other current laws.

**Subject:** CEQA**CALAFCO Comments:** This bill is expected to be amended during the end of the session rush to reform CEQA; primarily by exempting projects that a consistent with a previously approved CEQA document (such as a general or specific plan). High speed rail and the delta by-pass are also expected to be exempted from CEQA in the bill.**[SB 804](#) (Corbett D) Health care districts: transfers of assets.****Current Text:** Chaptered: 9/28/2012 [pdf](#) [html](#)**Introduced:** 2/18/2011**Last Amended:** 6/6/2012**Status:** 9/28/2012-Chaptered by the Secretary of State, Chapter Number 684, Statutes of 2012

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

**Summary:**

Would include among the above-described conditions the inclusion within the transfer agreement of the appraised fair market value of any asset transferred to the nonprofit corporation, as specified. This bill contains other related provisions and other current laws.

**Position:** None at this time**Subject:** Special District Principle Acts**CALAFCO Comments:** Current law allows the transfer of Health Care District assets to a non profit to operate and maintain the asset. This bill would include in the transfer, the transfer of the fair market value of the asset.**[SB 1002](#) (Yee D) Public records: electronic format.****Current Text:** Vetoed: 9/28/2012 [pdf](#) [html](#)**Introduced:** 2/6/2012**Last Amended:** 8/20/2012**Status:** 9/28/2012-Vetoed by the Governor

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

**Summary:**

Would make technical, nonsubstantive changes to these provisions. This bill contains other related provisions and other current laws.

**Position:** Watch

**Subject:** LAFCo Administration

**CALAFCO Comments:** Would add additional requirements for public electronic access to public documents.

**SB 1084 (La Malfa R) Local government: reorganization.**

**Current Text:** Introduced: 2/14/2012 [pdf](#) [html](#)

**Introduced:** 2/14/2012

**Status:** 5/11/2012-Failed Deadline pursuant to Rule 61(b)(6). (Last location was S. RLS. on 3/1/2012)

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

**Summary:**

Current law, for purposes of the Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000, makes various legislative findings and declarations regarding the use of local government reorganization. This bill would make a technical, nonsubstantive change to that provision.

**Position:** None at this time

**CALAFCO Comments:** This is a placeholder bill.

**SB 1090 (Committee on Governance and Finance) Local government: omnibus bill.**

**Current Text:** Chaptered: 9/14/2012 [pdf](#) [html](#)

**Introduced:** 2/15/2012

**Last Amended:** 8/20/2012

**Status:** 9/14/2012-Chaptered by the Secretary of State, Chapter Number 330, Statutes of 2012

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

**Summary:**

Would require the Controller to publish the annual reports of the financial transactions of each school district on the Internet Web site of the Controller. This bill contains other related provisions and other current laws.

**Position:** None at this time

**CALAFCO Comments:** Senate Omnibus bill. At this time it does not contain any LAFCo-related legislation.

**AB 1902 (Jones R) Publication: newspaper of general circulation: Internet Web site.**

**Current Text:** Introduced: 2/22/2012 [pdf](#) [html](#)

**Introduced:** 2/22/2012

**Status:** 5/11/2012-Failed Deadline pursuant to Rule 61(b)(6). (Last location was A. L. GOV. on 4/18/2012)

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

**Summary:**

Current law requires that various types of notices are provided in a newspaper of general circulation. Current law requires a newspaper of general circulation to meet certain criteria, including, among others, that it be published and have a substantial distribution to paid subscribers in the city, district, or judicial district in which it is seeking adjudication. This bill would provide that a newspaper that is available on an Internet Web site may also qualify as a newspaper of general circulation, provided that newspaper meets certain criteria.

**Position:** None at this time  
**Subject:** LAFCo Administration  
**CALAFCO Comments:** Allows posting of notices in a web-based newspaper.

**AB 2452 (Ammiano D) Political Reform Act of 1974: online disclosure.**

**Current Text:** Chaptered: 7/13/2012 [pdf](#) [html](#)

**Introduced:** 2/24/2012

**Last Amended:** 5/8/2012

**Status:** 7/13/2012-Chaptered by the Secretary of State, Chapter Number 126, Statutes of 2012

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

**Summary:**

Would prescribe criteria that must be satisfied by a local government agency that requires online or electronic filing of statements, reports, or other documents, as specified, including, among others, that the system be available free of charge to filers and to the public for viewing filings, and that the system include a procedure for filers to comply with the requirement that they sign statements and reports under penalty of perjury. This bill contains other related provisions and other current laws.

**Position:** None at this time  
**Subject:** LAFCo Administration  
**CALAFCO Comments:** Allows on-line filing of Political Reform Act documents with local agencies.

**SB 1149 (DeSaulnier D) Bay Area Regional Commission.**

**Current Text:** Amended: 5/15/2012 [pdf](#) [html](#)

**Introduced:** 2/21/2012

**Last Amended:** 5/15/2012

**Status:** 5/25/2012-Failed Deadline pursuant to Rule 61(b)(8). (Last location was S. APPR. on 5/15/2012)

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

**Summary:**

Would create the Bay Area Regional Commission with specified powers and duties, including the powers and duties previously exercised by the joint policy committee. The bill would require the regional entities that are funding the joint policy committee to continue to provide the same amount of funding as provided in the 2012-13 fiscal year, as adjusted for inflation, but to provide those funds to the commission rather than to the committee. The bill would provide for the Bay Area Toll Authority to make contributions to the commission, as specified, in furtherance of the exercise of the authority's toll bridge powers. The bill would require federal and state funds made available to the Metropolitan Transportation Commission for purposes of transportation planning to be budgeted to the Bay Area Regional Commission. The bill would specify the powers and duties of the commission relative to the other regional entities referenced above, including the power to approve the budgets of those regional entities and to develop an integrated budget for the commission and the regional entities. The bill would provide for the commission's executive director to develop a regional reorganization plan, with consolidation of certain administrative functions of the regional entities under the commission, with a final plan to be adopted by the commission by June 30, 2016. The bill would require organization of the regional entities as divisions of the commission, and would require the executive director to recommend candidates for vacant executive director positions at the regional entities as these positions become vacant. The bill would require the commission to adopt public and community outreach policies by October 31, 2015. The bill would require the commission to review and comment on policies and plans relative to the transportation planning sustainable communities strategy of the regional entities under Senate Bill 375 of the 2007-08 Regular Session, and beginning on January 1, 2017, the bill would provide for the commission to adopt or seek modifications to the functional regional plan adopted by each regional entity in that regard and would provide that the commission is responsible for ensuring that the regional sustainable communities strategy for the region is consistent with Senate Bill 375 of the 2007-08 Regular Session. The bill would require the commission to prepare a 20-year regional

economic development strategy for the region, to be adopted by December 31, 2015, and updated every 4 years thereafter. The bill would require any changes proposed by the commission with respect to bridge toll revenues managed by the Bay Area Toll Authority to be consistent with bond covenants, and would prohibit investment in real property of toll revenues in any reserve fund. This bill contains other related provisions and other current laws.

**Position:** Watch

**Subject:** Sustainable Community Plans

**SB 1305 (Blakeslee R) Regional open-space district: County of San Luis Obispo.**

**Current Text:** Introduced: 2/23/2012 [pdf](#) [html](#)

**Introduced:** 2/23/2012

**Status:** 5/11/2012-Failed Deadline pursuant to Rule 61(b)(6). (Last location was S. G. & F. on 3/8/2012)

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

**Summary:**

Would specify the contents of the resolution, including a requirement to call an election, as prescribed.

**Position:** None at this time

**Subject:** Special District Principle Acts

**CALAFCO Comments:** Allows the creation of an open space district in San Luis Obispo County and circumvents the LAFCo process.

**SB 1337 (DeSaulnier D) Zone 7 Water Agency Act.**

**Current Text:** Amended: 5/1/2012 [pdf](#) [html](#)

**Introduced:** 2/24/2012

**Last Amended:** 5/1/2012

**Status:** 5/25/2012-Failed Deadline pursuant to Rule 61(b)(8). (Last location was S. APPR. on 5/1/2012)

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

**Summary:**

Would create the Zone 7 Water Agency, as prescribed, with specified authorizations, powers, and duties. This bill would permit the Alameda County Local Agency Formation Commission to exclude some or all of the agency's territory from the boundaries of the district and would eliminate from the district act provisions relating to the governance of a zone lying, in whole or in part, in Pleasanton or Murray Townships. This bill would authorize the agency to continue to impose any special taxes based upon assessed value or any other special taxes, assessments, or charges imposed by or on behalf of the former Zone 7, would authorize the agency to impose new special taxes or levy assessments, as prescribed, and would require any taxes or assessments to be levied and collected together with taxes for county purposes, as specified. This bill would also authorize the agency to designate the county treasury as its treasury, as prescribed. This bill contains other related provisions and other current laws.

**Position:** None at this time

**Subject:** Water

**CALAFCO Comments:** CALAFCO typically opposes legislation which circumvents the LAFCo process. This is a slightly different situation where the legislature is being asked to change an old special act district (which would have previously circumvented the LAFCo process) with some complex changes.

**SB 1380 (Rubio D) Environmental quality: California Environmental Quality Act: bicycle transportation plan.**

**Current Text:** Amended: 8/21/2012 [pdf](#) [html](#)

**Introduced:** 2/24/2012

**Last Amended:** 8/21/2012

**Status:** 9/1/2012-Failed Deadline pursuant to Rule 61(b)(17). (Last location was A. INACTIVE FILE on 8/28/2012)

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

**Summary:**

California Environmental Quality Act (CEQA) requires a lead agency to prepare a mitigated negative declaration for a project that may have a significant effect on the environment if revisions in the project would avoid or mitigate that effect and there is no substantial evidence that the project, as revised, would have a significant effect on the environment. CEQA requires the lead agencies to make specified findings in an EIR. This bill, until January 1, 2018, would exempt from CEQA a bicycle transportation plan for an urbanized area, as specified, and would also require a local agency that determines that the bicycle transportation plan is exempt under this provision and approves or determines to carry out that project, to file notice of the determination with OPR and the county clerk . This bill would require OPR to post specified information on its Internet Web site, as prescribed. This bill contains other current laws.

**Position:** Watch

**Subject:** CEQA

**CALAFCO Comments:** The bill has been significantly amended to require certain documentation in a CEQA report prepared for a Bicycle Transportation Plan.

**SB 1459 (De León D) Regional and local park districts: cities and counties.**

**Current Text:** Introduced: 2/24/2012 [pdf](#) [html](#)

**Introduced:** 2/24/2012

**Status:** 5/11/2012-Failed Deadline pursuant to Rule 61(b)(6). (Last location was S. RLS. on 3/22/2012)

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

**Summary:**

Current law prescribes procedures for the formation of regional park districts, regional park and open-space districts, or regional open-space districts. Current law authorizes 3 or more cities, together with any parcel or parcels of city or county territory, whether in the same or different counties, to organize and incorporate, but requires that all the territory in the proposed district be contiguous. This bill would revise the above authorization to instead only allow district formation for 4 or more cities.

**Position:** None at this time

**Subject:** Special District Principle Acts

**SB 1501 (Kehoe D) Open-space easements.**

**Current Text:** Chaptered: 9/30/2012 [pdf](#) [html](#)

**Introduced:** 2/24/2012

**Last Amended:** 4/11/2012

**Status:** 9/30/2012-Chaptered by the Secretary of State, Chapter Number 875, Statutes of 2012

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

**Summary:**

Would make technical, nonsubstantive changes to these provisions. This bill contains other related provisions and other current laws.

**Position:** None at this time

**Subject:** Ag/Open Space Protection

**CALAFCO Comments:** Currently a placeholder bill regarding open space easements.

**SB 1519 (Fuller R) Desert View Water District-Bighorn Mountains Water Agency consolidation.**

**Current Text:** Introduced: 2/24/2012 [pdf](#) [html](#)

**Introduced:** 2/24/2012

**Status:** 5/11/2012-Failed Deadline pursuant to Rule 61(b)(6). (Last location was S. RLS. on 3/22/2012)

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

**Summary:**

Current law, the Desert View Water District-Bighorn Mountains Water Agency Consolidation Law, effected a consolidation between the Desert View Water District and the Bighorn Mountains Water Agency and required the successor board of directors to operate under the Bighorn Mountains Water Agency Law. Under current law, for a period of not less than 10 years after January 1, 1990, meetings of the successor board of directors are required to be held, as prescribed. This bill would make a technical, nonsubstantive change in these provisions.

**Position:** None at this time

**Subject:** Special District Principle Acts

Total Measures: 29

Total Tracking Forms: 29

12/5/2012 9:45:11 AM

**CONTRA COSTA LOCAL AGENCY FORMATION COMMISSION  
PENDING PROPOSALS – December 12, 2012**

December 12, 2012  
Agenda Item 14b

<b>LAFCO APPLICATION</b>	<b>RECEIVED</b>	<b>STATUS</b>
Northeast Antioch Reorganization: proposed annexations to City of Antioch and Delta Diablo Sanitation District of 481± acres located north of Wilbur Ave	8/17/07	Incomplete; awaiting info from applicant
West County Wastewater District Annexation Nos. 310 and 312: proposed annexation of 3.33± acres located at 39 Kirkpatrick Drive and 5527 Sobrante Avenue in El Sobrante	11/7/08	Incomplete; awaiting info from District
UCB Russell Research Station (RRS): proposed SOI amendment to East Bay Municipal Utility District (EBMUD) of 313± acres located on Happy Valley Road, southeast of Bear Creek Rd, and north of the Lafayette city limits (with concurrent annexation application)	11/25/08	Incomplete; awaiting info from applicant
UCB RRS: proposed annexation of 313± acres to EBMUD	11/25/08	Incomplete
Annexation 168C.1 to Central Contra Costa Sanitary District (CCCSD): proposed annexation of 104± acres in the Alhambra Valley, all of which are located outside the Urban Limit Line	4/13/09	Incomplete; awaiting info from applicant
Laurel Place/Pleasant View Annexation to City of Concord: proposed annexation of 5.86± acres located on Laurel Dr and Pleasant View Ln	5/8/09	Pending property tax exchange agreement
Highlands Ranch Phase II SOI Amendment: proposed SOI amendments to the cities of Antioch (reduction) and Pittsburg (expansion) of 194± acres located east of Pittsburg city limits, within Antioch Somersville Road Corridor Planning Area	10/23/09	Incomplete; awaiting info from applicant
Discovery Bay Community Services District (DBCSD) SOI Amendment (Newport Pointe): proposed SOI expansion of 20± acres bounded by Bixler Road, Newport Drive and Newport Cove (with corresponding annexation application)	7/28/10	Incomplete; awaiting info from applicant
DBCSD Annexation (Newport Pointe): proposed annexation of 20± acres to supply water/sewer services to a 67-unit single family residential development	7/28/10	Incomplete; awaiting info from applicant
Annexation 182 to CCCSD: proposed annexation of 99.7± acres in Martinez and Lafayette	11/29/11	Incomplete; awaiting info from applicant
Annexation 183 to CCCSD: proposed annexation of 91± acres in Orinda, Pleasant Hill and Walnut Creek	7/12/12	Under review
Northeast Antioch Reorganization Area 2B: Annexations to City of Antioch and Delta Diablo Sanitation District	11/30/12	Incomplete; awaiting info from applicant

December 12, 2012  
Agenda Item 14c

## Annexation of land northeast of Antioch has hit delays

By Paul Burgarino Contra Costa Times San Jose Mercury News  
Posted:

Monday, November 5, 2012  
ContraCostaTimes.com

ANTIOCH -- Annexing a large piece of land to the city's northeast as part of a power plant project is proving more complicated than first envisioned.

Progress toward annexing the 678 acres of mainly industrial land has been slowed by revisions to some environmental documentation, delays in reaching a tax-sharing agreement with the county and higher-than-anticipated costs for engineering work.

Antioch wants to absorb the land where GenOn Energy is building a 760-megawatt natural gas-fired power plant. But city and Contra Costa County officials must first agree how to split property taxes for the plant and how needed utility and road improvements will be funded.

The complex deal also includes annexing the neighborhood off Viera Avenue that drew international attention in 2009 because of the Jaycee Dugard kidnapping case. That land was added to Antioch's plans in June to satisfy county land-planning requirements.

"There are a lot of moving parts. It's kind of like the game Jenga; if one piece gets pulled out, then the whole structure gets wobbly," said Rich Seithel, the county's senior administrator.

Because of the unforeseen complications, GenOn has extended an incentive it offered the city and county of \$1 million apiece to complete the annexation by the end of 2012.

"They indicated they would be flexible and know that we didn't backburner it. It's good for all of us to keep pushing," City Manager Jim Jakel said. The annexation delays won't affect GenOn's construction, he said.

Antioch and the county were nearing agreement on a deal when other issues arose.

The city is taking a more thorough look at environmental documents for the northeast area in response to concerns raised from West Coast Home Builders, an arm of the Seeno construction family.

Antioch's proposed environmental documents do not comply with state law, and more review of the area, including aesthetics, soils, noise and utilities, must be conducted before rezoning can be approved, Kristina Lawson, an attorney representing West Coast, told the city in April.

Victor Carniglia, a city-hired consultant, points out the area's use is not changing. Individual developers that want to build in the area would be subject to environmental review, he said.

Though Jakel says West Coast's objections came "out of the blue" because it has no financial stake or property in the area, the company's concerns forced the city to reexamine its documents amid the specter of possible legal action.

With the addition of the Viera area in the annexation package, Antioch needs to add water and sewer utilities and amend its environmental documents to specifically show that work, Carniglia said.

Antioch must make the improvements before annexation to comply with state case law, he said.

A "stronger, more complete" version of the city's rezoning document is expected to be completed in mid-November, Carniglia said. The public would have 30 days to comment on it, he said.

Another snag came when cost estimates to extend 1,425 feet of sewer line on Wilbur Avenue to the GenOn property made by a city engineering consultant underestimated the project's cost by several hundred thousand dollars.

The soil conditions and high water table in the area make installation of the pipe more complex, Carniglia said.

Because GenOn is locked into a cost cap of \$700,000 at this point, Antioch agreed last month to put up \$500,000 from its sewer fund to cover expenses.

That work, however, can't start until the environmental documents are approved, Carniglia said.

A typical property tax split, according to a master tax agreement set in the 1980s, would be about 62 percent for the county and 38 percent for Antioch. However, when a property in question is worth more than \$10 million in annual property tax, the county can choose to negotiate.

Contact Paul Bugarino at 925-779-7164. Follow him at [Twitter.com/paulbugarino](https://twitter.com/paulbugarino).

## Contra Costa Fire prepares to shutter stations in wake of parcel tax defeat

By Lisa Vorderbrueggen *Contra Costa Times* *Contra Costa Times*  
Posted:

Thursday, November 8, 2012  
ContraCostaTimes.com

Voters torched the Contra Costa Fire District's parcel tax Tuesday, a decision that will shutter four of 28 fire stations in January, close up to another half-dozen by 2015 and scale back responses to low-priority calls.

Measure Q won a majority of the votes but fell a substantial 14 percentage points shy of the two-thirds threshold it needed to pass.

Negative public sentiment about firefighter pensions, competing tax measures and the steep two-thirds voter threshold all dampened the temporary \$75-a-year parcel tax's chances at the polls.

It's the second fire agency defeat in Contra Costa in less than a year.

East Contra Costa Fire District voters turned down a parcel tax in June, which led to the closure of half of its six stations. The federal government later awarded the district a two-year grant, but the lengthy hiring and training process has delayed reopening the first of the three closed stations until mid-November.

"Twice now, voters have looked into firefighters' eyes and checked the no box," said Contra Costa Taxpayers Association Executive Director Kris Hunt. "Many people feel they are trading pensions for service, and they resent that. This is a pretty clear case of voters being faced with a concrete decision."

Measure Q contained no pension cost reductions. New legislation recently cut benefits for new hires, but current firefighters have vested rights that courts have said cannot be taken away once promised.

Firefighters have gotten the message, said union Local 1230 President Vince Wells.

"We have fought this battle twice, and twice now voters have said they aren't willing to pay to keep up the service levels," said Wells, a fire captain and paramedic. "Contra Costa has already lost nine fire stations in the past few years, and now we'll lose four more. There will be a significant change in the level of fire service in this county. But we tried."

Without the roughly \$17 million a year from the tax, Contra Costa Fire District officials must trim its budget to \$88 million, a 15 percent reduction.

No firefighters will lose their jobs when the first four stations close in January because the district has numerous unfilled positions and has been covering shifts with overtime. Future layoff numbers will depend on attrition rates for retirement and other departures.

The district hasn't yet said which stations will close, but when it looked at possible shutdowns in 2010, it identified stations in Martinez, Concord, Lafayette and Pittsburg. The Board of Supervisors is expected to make the decision next month.

The 304-square-mile district includes Antioch, Clayton, Concord, Lafayette, Martinez, Pittsburg-Bay Point, Pleasant Hill, San Pablo, Walnut Creek and unincorporated areas.

Fewer stations and firefighters will lead to greater fire damage, more severe injuries and higher numbers of deaths, Contra Costa Fire Chief Daryl Louder has repeatedly warned.

With 265 sworn personnel for 600,000 residents, the district is already staffed at half the industry standard. Throughout the county, only East Contra Costa and the Rodeo-Hercules fire agencies have lower staffing levels.

The district began in 2008 seeing unprecedented recessionary financial losses and has been burning through its reserves despite 10 percent pay cuts, a lower pay scale for new hires, numerous unfilled positions and widespread deferred equipment repair and purchases.

Contact Lisa Vorderbrueggen at 925-945-4773, [lvorderbrueggen@bayareanewsgroup.com](mailto:lvorderbrueggen@bayareanewsgroup.com), [politicswithlisav.blogspot.com](http://politicswithlisav.blogspot.com) or [Twitter.com/lvorderbrueggen](https://twitter.com/lvorderbrueggen).

## Deceased incumbent elected to Los Medanos Community Health Care

### District board

By Eve Mitchell *Contra Costa Times Contra Costa Times*

Posted:

Friday, November 9, 2012

ContraCostaTimes.com

Darnell Turner received the most votes to secure a seat on the Los Medanos Community Health Care District board, even though he died in September.

In Tuesday's election, of which final results are still pending, Turner received 8,906 votes. Three candidates were vying for two seats on the district, which distributes community grants to support health and wellness services targeted to low-income communities in Pittsburg, Bay Point, Clayton, Clyde and unincorporated Antioch.

Incumbent J. Vern Cromartie was re-elected to his seat with 7,799 votes, followed by former district board member Joe Rubi, who received 5,619 votes. To fill Turner's spot, the district will either appoint someone or hold a special election, which would be expensive and have to be paid for by the district. There are 36,524 registered voters in the area served by the district, and a special-election ballot would have to be mailed to every voter.

Turner, a well-known community activist in East County, was up for re-election at the time of his death in early September. It was too late to take his name off the ballot.

Willie Mims, a longtime friend of Turner's, was among those who voted for him.

"The people I spoke to told me they voted for him out of respect," Mims said. "He was a friend. I had to vote for him."

So did his mother, Birdine Turner.

"I sure miss my child," she said. But she questions why others might cast a vote for him, even if they meant to show respect.

"It makes sense for someone alive" to be elected, she said.

People vote for deceased candidates for a variety of reasons, according to Corey Cook, an associate professor and director of the Leo T. McCarthy Center for Public Service and the Common Good at the University of San Francisco.

"So there's a combination of possible explanations -- people who might recognize the name but not know that he had passed away, which is certainly more likely in a low-intensity down-ballot (such as a special district) race, than say in a statewide race, then there are also likely people who wanted to honor him by voting symbolically for him," he wrote in an email.

Other motives can include just not liking the other candidates.

In Contra Costa, there was a previous case involving a deceased candidate. That happened in the June 1994 election when Gus Kramer and Dan Hallissy were competing for the assessor's office. Hallissy died shortly before the election and his name remained on the ballot, and voters elected Kramer to the office. In that election, incumbent Assessor John Biasotti so opposed Kramer that he urged voters to cast ballots for the deceased candidate.

Marilyn Condit, president of the district's board of directors, said board members will hold a special meeting to discuss appointing someone to the post or holding a special election.

"We have to make a decision," said Condit, adding that the board is still able to carry out its business and vote on grants and other matters with the current four members.

As far as Turner getting the most votes of the three candidates, Condit said it does reflect a way of honoring and remembering him.

"It kind of warms my heart to think the community thought so highly of him to vote for him in his honor. Now we'll be making a decision on how to fill his position. We've never had this happen before."

Contact Eve Mitchell at 925-779-7189. Follow her on [Twitter.com/eastcounty\\_girl](https://twitter.com/eastcounty_girl).

## Tough decisions ahead for new San Ramon Valley fire board

By Jason Sweeney [jsweeney@bayareanewsgroup.com](mailto:jsweeney@bayareanewsgroup.com) San Jose Mercury News  
Posted:

Friday, November 9, 2012  
[ContraCostaTimes.com](http://ContraCostaTimes.com)

SAN RAMON VALLEY -- The three candidates elected to the San Ramon Valley Fire District board of directors have their work cut out for them.

The district, which provides fire, rescue and emergency services in the San Ramon and Tassajara valleys, has been running a budget deficit for the past four years. In addition, it has been mired in contract negotiations with the firefighters union for the past year and a half.

Of the five candidates running for the board, Alameda fire Captain Gordon Dakin received the most votes, pulling in 32 percent of the total. Incumbent and board Vice President Matt Stamey received 25 percent. Newcomer H. Jay Kerr received 22 percent.

Not all mail-in votes have yet been counted but Dakin, Stamey and Kerr have safe leads over the two other candidates, Gerardo Peniche, at 12 percent, and Stephen Mohun, 9 percent.

Dakin served on the board from 2000 to 2006. When he left, the district was flush with cash, but it's now relying on a dwindling reserve fund to balance the budget.

"My feelings this go-round are a little different than last go-round," Dakin said of returning to the board. He said when he was elected in 2000 he felt pride in having the chance to give back to his community. "This time I'm feeling that there is a ton of work to be done, and things need to be righted. I have a much more sobering take on what's at stake here."

For the 2012-13 fiscal year, the district is projecting total revenues of \$56.4 million, mostly from property taxes. Its largest expense is salaries and benefits for its 190 personnel. Pensions alone account for 25 percent of the general fund budget.

The district has been seeking concessions from the union on pay and benefits, with no deal reached.

Dakin and losing candidates Peniche and Mohun were all backed by the firefighters union. Dakin said that although the union supported his candidacy, he is first beholden to the taxpayers.

"My goal is to get the district fiscally sound," he said. "My focus is going to be cutting expenses, and some of those cuts will have a direct affect on the union membership."

He said he does not favor asking voters for a parcel tax to increase revenue. "The funding coming from this community should be more than adequate to provide the very best services of any emergency response agency," he said.

Stamey, a CEO of an agricultural-related business, and Kerr, a veterinarian, are both fiscal conservatives who were opposed by the union. They both said balancing the budget are their priorities.

"It's just a question of how we get there," Kerr said, adding that he is looking forward to getting the inside scoop on the district's finances now that he has been elected.

Stamey said one of the first things the board must do is tackle the labor agreement. "We need a contract that allows for a larger contribution from the employees for their retirement costs," he said.

"We have one of the most highly rated fire districts in the state of California," Stamey said. "The agency is doing a great job. If we could figure out all the financial issues, things would be terrific."

The new board will be seated at its first meeting Dec. 19. One of its first responsibilities will be replacing outgoing Chief Richard Price, who retired last year and is serving as acting chief for \$1 a month.

Contact Jason Sweeney at 925-847-2123. Follow him at [Twitter.com/Jason\\_Sweeney](https://twitter.com/Jason_Sweeney).

## Fire station 422 could stay open

By Rebecca Unger The Desert Trail | Posted: **Wednesday, November 14, 2012 2:17 pm**

**TWENTYNINE PALMS** — The Twentynine Palms fire department's transition from a local agency function to a county function is moving ahead, according to San Bernardino County Fire District Chief Mark Hartwig.

The county chief gave a presentation that laid out a two-station scenario at the city council public meeting on Tuesday night, Nov. 13.

In the scenario fire station 421 on Adobe Road will be staffed by one full-time professional fire captain, one limited term firefighter/paramedic and one limited term firefighter. Station 422 on Lear Avenue in the unincorporated Desert Heights area will remain open as a paid on-call station.

“With the divestiture, the Lear station would be a county responsibility, it would not be a city responsibility,” Hartwig explained. “It does not provide the revenue for a fully-staffed station.”

Hartwig stated that the application to transfer fire service from the Twentynine Palms Water District to the county fire district would not be acceptable to the Local Agency Formation Commission if there is any red ink, such as proposing the use of fund balance to pay for fire services.

“This scenario balances the books,” Hartwig told the council and assembled citizens. “Once the service is annexed to the county district there will be more freedom to move funds around from the South Desert Region and administration.”

Limited-term personnel are assigned to a station for one-year stints for up to three years, up to four years if they take paramedic training. They are paid \$10/hour and receive little or no benefits.

The county's paid on-call program “is essentially volunteer,” Hartwig said, for active people with “strong backs” who will get a pager, gear and an small hourly rate.

Using the current special tax funding of \$1.2 million annually, Hartwig said the staffing costs would come in around \$800,000.

He also noted that Twentynine Palms' per-parcel fee with no built-in consumer price index increase as the sole funding for fire protection is the only such mechanism in the county. Most areas also enact assessment districts.

“For every district in the county, the cost to provide fire services far exceeds revenues,” Hartwig added.

After Hartwig's presentation, there were still recriminations being dished out by the public, Twentynine Palms fire chief Jim Thompson and members of the council.

Resident Steve Urban criticized the council's “pathological desires” to put a \$300,000 splash park on a project wish list over funding the fire department.

City business owner C.J. Horne said a life-saving fire department was more important than paving bike paths.

Thompson lambasted Twentynine Palms for being the only incorporated city not allotting any of its 26 percent general levy taxes to fire service.

When it was the city's turn, Councilman Jay Corbin cross-examined Thompson over his 20 years in the department, nine years as chief, and his presiding over successive tax measures to fund the department.

“When did you come to the realization that the funding mechanism for the fire department was not sustainable?”

Corbin posed. "You realized in 2005 that there would be a problem in 2009, and when you met with councilmembers three or four years ago, you identified a ladder truck as a highest priority."

The city took delivery of a \$250,000 fire truck with a 75-foot ladder in March of 2011. The fire department said it was needed with the advent of several multi-storied hotels in 2009. Corbin noted that the hotels are sprinklered.

Councilman Jim Harris added that Thompson "signed off" on the hotel plans.

The ladder truck purchase was recommended by Councilman Jim Harris and then-Councilman Steve Spear as part of their work on a joint task force with the water district.

Mayor Pro Tem Joel Klink asked if the department's "sky high" wages and benefits caused the funding problem.

Thompson admitted to a failure to foresee the need for an increase in the special tax, but strongly defended his personnel as lower paid than county firefighters and working 72-hour shifts compared to 56-hour county shifts.

"Don't try to put it on firefighters," he shot back at Klink.

"The water district took action to hand fire off to someone else," Corbin concluded. "I think we're very lucky to have the county step forward with a way to do it."

In 2007, the city and the district formed a Joint Agency Fire Department Committee to evaluate the transfer of fire services to the city. In a staff report from then-city manager Michael Tree to the city council of June 9, 2009, it was noted that the water district favored either a full transfer to the city, or the retention of the fire function at the district. Legal counsel found the transfer of the special tax contractually "problematic" and the fire function remained with the water district.

The New York Times

November 13, 2012

# The Problem Is Clear: The Water Is Filthy

By PATRICIA LEIGH BROWN

SEVILLE, Calif. — Like most children, the students at Stone Corral Elementary School here rejoice when the bell rings for recess and delight in christening a classroom pet.

But while growing up in this impoverished agricultural community of numbered roads and lush citrus orchards, young people have learned a harsh life lesson: “No tomes el agua!” — “Don’t drink the water!”

Seville, with a population of about 300, is one of dozens of predominantly Latino unincorporated communities in the Central Valley plagued for decades by contaminated drinking water. It is the grim result of more than half a century in which chemical fertilizers, animal wastes, pesticides and other substances have infiltrated aquifers, seeping into the groundwater and eventually into the tap. An estimated 20 percent of small public water systems in Tulare County are unable to meet safe nitrate levels, according to a United Nations representative.

In farmworker communities like Seville, a place of rusty rural mailboxes and backyard roosters where the average yearly income is \$14,000, residents like Rebecca Quintana pay double for water: for the tap water they use to shower and wash clothes, and for the five-gallon bottles they must buy weekly for drinking, cooking and brushing their teeth.

It is a life teeming with worry: about children accidentally sipping contaminated water while cooling off with a garden hose, about not having enough clean water for an elderly parent’s medications, about finding a rock while cleaning the feeding tube of a severely disabled daughter, as Lorie Nieto did. She vowed never to use tap water again.

Chris Kemper, the school’s principal, budgets \$100 to \$500 a month for bottled water. He recalled his astonishment, upon his arrival four years ago, at encountering the “ghost” drinking fountains, shut off to protect students from “weird foggyish water,” as one sixth grader, Jacob Cabrera, put it. Mr. Kemper said he associated such conditions with third world countries. “I always picture it as a laptop a month for the school,” he said of the added cost of water.

Here in Tulare County, one of the country's leading dairy producers, where animal waste lagoons penetrate the air and soil, most residents rely on groundwater as the source for drinking water. A study by the University of California, Davis, this year estimated that 254,000 people in the Tulare Basin and Salinas Valley, prime agricultural regions with about 2.6 million residents, were at risk for nitrate contamination of their drinking water. Nitrates have been linked to thyroid disease and make infants susceptible to "blue baby syndrome," a potentially fatal condition that interferes with the blood's capacity to carry oxygen.

Communities like Seville, where corroded piping runs through a murky irrigation ditch and into a solitary well, are particularly vulnerable to nitrate contamination, lacking financial resources for backup systems. Fertilizer and other chemicals applied to cropland decades ago will continue to affect groundwater for years, according to the Davis study.

"You can't smell it," Mrs. Quintana said of the dangers of the tap. "You can't see it. It looks like plain beautiful water."

Situated off the state's psychic map, lacking political clout and even mayors, places like Seville and Tooleville to the south have long been excluded from regional land use and investment decisions, said Phoebe S. Seaton, the director of a community initiative for California Rural Legal Assistance. Residents rely on county governments and tiny resident-run public utility districts. The result of this jurisdictional patchwork is a fragmented water delivery system and frequently deteriorating infrastructure.

Many such communities started as farm labor camps without infrastructure, said John A. Capitman, a professor at California State University, Fresno, and the executive director of the Central Valley Health Policy Institute. Today, one in five residents in the Central Valley live below the federal poverty line. Many spend up to 10 percent of their income on water. "The laborers and residents of this region have borne a lot of the social costs of food production," Professor Capitman said.

Bertha Diaz, a farmworker and single mother of four in East Orosi, rises at 4 in the morning to pick grapefruit and other crops. Her chief concern, she said, was how she would afford bottled water.

She comes home to an additional chore — filling five-gallon jugs at the Watermill Express, a self-serve drinking water station in nearby Orosi with a windmill roof. When she began receiving cautionary notices from the local water district, she formed a neighborhood committee and also joined AGUA, the Spanish-language acronym for the Association of People United for Water, a network of residents working with the nonprofit Community Water Center.

Last month, Gov. Jerry Brown signed the Human Right to Water bill, which directs state agencies to make clean water a financing priority. In the past, communities like Seville trying to make improvements got caught in a noose of bureaucratic technicalities that resulted in years of delays.

“Clean water ought to be a right,” said Bill Chiat, a program manager with the California State Association of Counties who educates government officials on water issues. “The question is, how are you going to pay for it?”

The answer is sometimes a twisted tale: In Lanare, in Fresno County, the local community services district received \$1.3 million in federal money to construct a treatment plant for arsenic-tainted water. But when the system began operating, the cost of water skyrocketed — a result of lowball estimates by construction engineers, as well as the siphoning of treated water to nearby farms. “Before, it was dirty water,” said Isabel Solorio, a part-time housecleaner. “But at least it wasn’t expensive dirty water.” The plant now sits unused.

But there is a growing recognition by state and local officials that rural communities need regional solutions. One option is consolidation, in which small systems band together to create a larger system with a bigger customer base. Another might be partnering with Alta Irrigation District, which has delivered surface water for agriculture from the Kings River for 130 years. Conserved water in upstream reservoirs could also be a source for Seville and elsewhere. “It would require a new governance structure,” said Chris Kapheim, the irrigation district’s general manager. “But it would give these areas a long-term fix.”

The state is allocating \$4 million for interim solutions like filters under sinks that can remove arsenic and nitrates.

Even temporary solutions cannot come quickly enough for residents like Eunice Martinez, 47, who lives in Tooleville, where water has been contaminated with arsenic and bacteria.

Mobile homes rented by farmworkers sit temptingly near the Friant-Kern Canal, a 152-mile aqueduct that supplies water for one million acres of farmland.

Long before they knew there was a health problem, Ms. Martinez and her 72-year-old mother, Margaret, had stopped drinking the water. “Honestly, it was the taste,” she said. “It just wasn’t right.”

Ms. Martinez sometimes visits family in a nearby town where the water is clean and clear, just to freshen up. “I turn on the tap and it’s, ‘Wow, I’m amazed,’ ” she said. “It’s something so simple in life. And it’s gone.”

## Moraga-Orinda Fire District unveils draft plan to reduce pension debt

By Jennifer Modenessi Contra Costa Times San Jose Mercury News  
Posted:

Friday, November 16, 2012  
ContraCostaTimes.com

MORAGA -- The first draft of an ambitious plan to reduce \$60.4 million in Moraga-Orinda Fire District pension debt by slashing capital spending, diverting residents' "fire flow" tax payments and taking other austerity measures was unveiled this week.

According to the draft long-range financial plan released this week, the 15-year-old district hopes by fiscal year 2027-28 to eliminate \$24 million in employee pension debt administered by the Contra Costa County Employment Retirement Association; \$24.7 million in pension obligation bonds borrowed to pay a portion of retirement costs; and \$11.7 million in retiree health care and other benefits.

To do that, the district is relying on several significant assumptions, outlined by Fire Chief Randy Bradley this week. They include 4 percent annual growth in Moraga and Orinda property tax revenues, and positive returns on pension plan investment performance.

Last year, assessed property values in Moraga and Orinda grew by 0.85 and 1.04 percent, respectively.

The district is using the employee retirement association's assumption that the fund can earn a 7.75 percent return on investments annually, even though last year's total return was 2.7 percent

Some of the plan also hinges on the outcome of ongoing labor negotiations; Bradley said the district does not want to reduce salaries, but the plan assumes 1 to 2 percent permanent salary increases and holding medical and dental costs at current rates.

The district has been negotiating contracts for two years with firefighters who continue to receive salary and health contributions at 2010 levels.

"I do believe this plan reflects where the district is today," Bradley said. "It's really a good draft plan to begin the discussion on how we're going to address our long-term unfunded liabilities and long-term sustainability for the district while maintaining a quality workforce."

Board President Fred Weil stressed the financial blueprint is still in draft form and that assumptions should be examined. "This is a plan that we control in a sense, and don't control in a sense," he said, stressing it will take discipline and creativity to reach the goal.

Earlier, Weil formally announced the district has placed labor negotiations on hold until early 2013. The idea is to let administrators evaluate recent pension reform in the wake of new state law projected to save the state billions of dollars in retirement costs. The district says the "time out" will hold salaries and health care at their current rates until a negotiated agreement is reached -- or until a contract is imposed.

The delay also means the board will vote on the contracts with five members; trustees-elect Steve Anderson and Alex Evans are scheduled to be sworn in Dec. 13, along with Weil, whose seat went uncontested.

Anderson and Evans are replacing former directors Richard Olsen and Brook Mancinelli, who resigned in February.

Editor [Charles Burress](#) [charles@patch.com](mailto:charles@patch.com)



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## Ex-City Manager to Lead New Library Fundraising Drive

Former El Cerrito Manager Gary Pokorny has agreed to head up fundraising efforts to build a new El Cerrito Library. Pokorny was also City Manager of Walnut Creek when it succeeded in building a new \$40 million library.

By [Charles Burress](#) [Email the author](#) 12:27 am

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**Related Topics:** [El Cerrito Library](#), [El Cerrito New Library Campaign Committee](#), [Gary Pokorny](#), and [New Library Campaign](#)



El Cerrito's former City Manager, [Gary Pokorny](#), will supervise fundraising for the campaign to build a new [El Cerrito Library](#), according to an email Sunday from the the grassroots committee behind the campaign.

"I have agreed to head up the fundraising efforts for our new group," Pokorny said in comments quoted in the fall 2012 newsletter from the New Library Campaign. The newsletter was delivered to email subscribers Sunday.

The ad hoc campaign by a group of residents to rebuild the aging, cramped El Cerrito Library was [launched in April](#) and held two [public meetings at the library in August](#) to gather ideas on how to build support and raise funds.

Pokorny, who was El Cerrito's City Manager from 1989 to 2000 and has lived in El Cerrito for more than 23 years, said immediate fundraising would focus on the outreach effort and later shift to supporting a bond measure or other main funding source that the group and city choose to pursue. The city owns the library, while the staffing and materials are provided by the Contra Costa County Library system.

Pokorny's comments were contained in an interview quoted partially in the newsletter and posted in full [on the New Library Campaign website](#).

"We plan to partner with the [Friends of the El Cerrito Library](#) in their important work to make the library an exciting and vital lifelong learning center for the entire community," Pokorny said.

Those who would like more information or would like to donate can contact the the New Library Campaign through its [website](#)

He said the need for a new library is underscored by the contrast with what other nearby communities have accomplished.

"Today, when compared to the several new libraries in our Contra Cost County system (Hercules, Orinda, Lafayette, Clayton, Walnut Creek) and new and refurbished libraries in Albany and Berkeley, it is clear that our 60 year-old library is completely worn out and technologically obsolete as well as much too small for the many demands that our current population is putting on the building," he said.

The current library opened in 1949 and was expanded in 1960. A [2006 "needs assessment" report](#) by a San Francisco-based library consulting firm, [Page + Moris](#), found that the current 6,500-square-foot library is only a third as large as it should be.

At the library campaign's [first public meeting on Aug. 2](#), Assistant City Manager Karen Pinkos said a 2007 estimate for a 20,000-square-foot library complete with library equipment and supplies was between \$18 million and \$20 million.

## Walnut Creek, Lafayette, Martinez and Clayton fire stations to close

By Lisa Vorderbrueggen *Contra Costa Times* *Contra Costa Times*

Posted:

Monday, December 3, 2012  
ContraCostaTimes.com

Four fire stations in Walnut Creek, Clayton, Martinez and Lafayette will close in early January under a cost-cutting plan set to go before Contra Costa County supervisors on Tuesday.

The closure list comes a month after voters in the Contra Costa Fire District, the county's largest, rejected Measure Q, a temporary, seven-year parcel tax that would have preserved the service.

"There are no good answers when you are talking about closing fire stations," said Fire Chief Daryl Louder. "But we have run out of options. Our funding reserves have been exhausted."

The chief's list drew an immediate reaction from Lafayette City Manager Steve Falk, who urged concerned residents to make themselves heard on Tuesday. Lafayette is one of nine cities in the 600,000-resident district.

"While the city may appear to be over-stationed, Lafayette's narrow and winding public and private roads combined with few transportation corridors and large lot sizes lengthen response times, and thus necessitate more stations per capita," wrote Falk wrote in an email blast on Friday.

Louder is recommending county supervisors shutter about a third of the district's 28 fire stations, which will shave \$3 million a year from its \$102.4 million annual budget. Stations earmarked for closure are:

- No. 4 on Hawthorne Drive in Walnut Creek, which leaves the city with three stations.
- No. 11 on Center Avenue in Clayton, its only fire station.
- No. 12 on Shell Avenue in Martinez, which reduces the city's stations to two.
- No. 16 on Los Arabis Avenue in Lafayette, also cutting the number of fire stations to two.

The stations were chosen based on call volume along with proximity to other stations, risks such as refineries, and transportation corridors, Louder said.

Fewer firefighters means longer response times and greater chances that blazes will spread into neighboring homes, businesses or open spaces, the chief has repeatedly warned.

To blunt the impacts, the chief is looking at relying more heavily on neighboring fire districts, and establishing a beefier reserve and volunteer force.

Because more than 85 percent of the district's 41,500 calls a year involve medical issues, Louder said he will also consider hiring less expensive supplemental non-firefighter paramedics or emergency medical technicians.

Deploying medical-only personnel may make financial sense but the costs shouldn't come out of the fire district budget, countered Local 1230 firefighter union President Vince Wells.

Rather than form such a service within the fire district, the county should look to its ambulance service contract with American Medical Response, Wells said.

"We are an all-hazards fire district," Wells said. "Emergency medical incidents are an added value for the residents. But if we have to choose, we have to choose fire protection. EMS is the county's responsibility."

The fire district has been sinking into financial quicksand since 2008, when the recession gutted property values and its property tax receipts.

At the same time, the market downturn hurt public pension investments and drove up the district's retirement system contribution rates. The economic blows coupled with generous wages and benefits proved too much for the district to withstand.

Contact Lisa Vorderbrueggen at 925-945-4773, [lvorderbrueggen@bayareanewsgroup.com](mailto:lvorderbrueggen@bayareanewsgroup.com), [politicswithlisav.blogspot.com](http://politicswithlisav.blogspot.com) or [Twitter.com/lvorderbrueggen](https://twitter.com/lvorderbrueggen).

if you go

The Contra Costa Board of Supervisors will meet as the Contra Costa Fire Protection District governing board at 1:30 p.m. in its first floor chambers Tuesday at 651 Pine St. in Martinez. The meeting is open to the public and the board will take public comments.

## Deal for Discovery Bay community center hits delays

By Paul Bugarino Contra Costa Times San Jose Mercury News

Posted:

Monday, December 3, 2012  
ContraCostaTimes.com

DISCOVERY BAY -- A property transaction that would provide space for a long-awaited community center may take longer than anticipated -- if it happens at all.

Discovery Bay's Community Services District is asking property owner Pilati Farms to extend escrow for the purchase of a 10.24-acre site on the northeast corner of Discovery Bay Boulevard and Willow Lake Road.

The property owner has until 5 p.m. Wednesday to decide whether it will grant a 60-day escrow extension, or the deal is dead, said Rick Howard, the district's general manager.

Discovery Bay has had some "last-minute hiccups" with its proposal to split lot lines on the property with the Delta Community Presbyterian Church, Howard said. A survey map outlining how the property would be divvied up must be accepted before completion of a deal.

The district wants about 7.4 acres of the property, which includes the Discovery Bay Athletic Club building where a community center could be located. But as it turns out, a small piece of the parcel where the district had initially proposed to remove a lot line so it could split the property elsewhere, is not identified by the county.

Now, the district is exploring other options for dividing the property.

Board directors indicated at a meeting last week they don't want to spend extra money and time to go through the process of splitting the property into more than two parcels. They also do not want to manipulate the lot line so there is no property line separation between the future community center parcel and the adjacent district water treatment facility property.

"We must maintain the integrity of that industrial parcel. We have to keep the water separate," director Mark Simon said.

Before escrow can close, the plans would need to be approved by the county and the Hofmann Co. One of the development conditions put on Hofmann in 1991 was that it set aside property for the community center and cover half of the total project cost.

The combined, all-cash price for the deal is \$1.2 million. The district's portion would be about \$850,000.

Discovery Bay has talked about building a community center for more than 20 years -- though progress has stopped each time.

Contact Paul Bugarino at 925-779-7164. Follow him at [Twitter.com/paulbugarino](https://twitter.com/paulbugarino).

# Martinez News-Gazette

Your hometown paper since 1858



## Swearing in, water focal points of upcoming meeting

By Martinez News-Gazette  
Staff Reporter  
Monday December 03, 2012  
[Local News](#)

MARTINEZ, Calif. – Prior to a ceremonial swearing-in of new and re-elected City officials planned for the Council meeting Wednesday evening, outgoing member Janet Kennedy and her current colleagues will vote one last time on consent calendar items.

On the routine matter list is a motion adopting an ordinance that will outlaw aggressive panhandling, a resolution signing off on the completed renovations to the Rankin Aquatic Center and a resolution “reaffirming the City Council intent to pursue annexations within the City’s Sphere of Influence (SOI) in the unincorporated Alhambra Valley area.”

Included in the city resolutions for this matter is a legal agreement between the City and James Busby/Security Owners Corporation stipulating the City will provide water to Busby’s Alhambra Valley property.

According to City Engineer Tim Tucker, the city cannot extend water service beyond its jurisdictional boundary unless the Local Agency Formation Commission (LAFCO) approves. LAFCO can only approve such service if there is either an existing or impending threat to health or safety to the public, or if LAFCO anticipates the City will annex the property receiving the water service.

“Should LAFCO not be able to make one of the findings above, current developments with County approvals and future development and single parcel development cannot proceed. In some cases, developers have already received County approval and constructed or paid for significant improvements for sewer and water system improvements. These investments could be lost should LAFCO not be able make the required findings,” Tucker tells the Council in a report dated Nov. 29. The current developments he mentions includes 30 lots – already greenlit for development by the county – owned by the Busby family at the intersection of Alhambra Valley and Reliez Valley Roads.

“City and LAFCO staff recommends the Council reaffirm their intention to pursue annexations within the Alhambra Valley as opportunities arise,” Tucker writes. “Council has take previous action such as adopting design guidelines, pre-zoning and General Plan amendments to set the stage for future annexations in the valley. The attached resolution reaffirms the Council’s intent and sets a schedule to trigger staff to review opportunities on a regular basis. The resolution also directs staff to proactively communicate with residents of Alhambra Valley, both within and outside the City limits, regarding projects and programs that benefit the area.”

The meeting starts at 7 p.m in Council Chambers at City Hall.

Email [Martinez News-Gazette](#)

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### Weather in Martinez

#### Current Forecast

Tue, 04 Dec 2012 2:52 pm PST

Mostly Cloudy **59°F**  
High: 59°F  
Low: 54°F  
Tomorrow  
Rain

Sunrise 7:07 am  
Sunset 4:47 pm  
Wind: 6 mph  
Humidity: 75 %  
Visibility: 10 mi  
Barometer: 30.19 in  
**RISING**



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## Contra Costa fire station closure vote postponed, but shutdowns look inevitable

By Lisa Vorderbrueggen *Contra Costa Times Contra Costa Times*

Posted:

Wednesday, December 5, 2012  
ContraCostaTimes.com

MARTINEZ -- Contra Costa supervisors put off for another week a highly unpopular decision to shutter four fire stations, a move they say they will be forced to take after voters Nov. 6 rejected the temporary parcel tax that would have rescued the services.

With no more reserves, Chief Daryl Louder proposes closing one station each in Lafayette, Martinez, Walnut Creek and Clayton and shaving \$3 million from his \$100 million budget. He said he chose these four stations based on call volume and a half-dozen other factors. The fire district has 28 facilities.

County supervisors are likely to go along with the chief's suggestions but asked for more hard data to back up their final decision.

"We told the voters that if this measure doesn't pass, we cannot keep all the stations open," said board Chairwoman Mary Nejedly Piepho, of Discovery Bay, who lost her community's fire station to budget woes last year. "The voters sent us back a message, 'Live within your means.' That means we have to close stations."

Only Supervisor Candace Andersen, of Danville, pushed back, and asked the chief to explain next week why the district cannot reduce its per-engine staffing minimum from three firefighters to two, and perhaps keep one or more of the stations open.

"From a lay person's perspective, it sounds like it makes a lot of sense," Andersen said. "I would like to know why this is either impossible or viable."

Firefighters vehemently oppose the reduction, saying it jeopardizes their safety and effectiveness. The national industry standard is four firefighters per engine.

There was no shortage of testimony during a packed 3½-hour hearing Tuesday. In the audience were more than 50 firefighters, along with numerous worried residents and elected officials from cities targeted for station closures.

"I'm not here to demand that any station stay open, but to express concern about the health, safety and property of the residents of Martinez," Mayor Rob Schroder said. "I am glad to hear the decision won't be made today but that there will be some thought put into it."

Clayton Mayor Howard Geller was more direct: "Clayton residents are very unhappy with this plan. You would be leaving Clayton with no fire station within its boundaries, the only city in the county without a fire station. It will be devastating."

Lafayette Councilmen Don Tatzin and Brandt Andersson echoed their colleagues' concerns about the long-term health of the district and urged the board to immediately embark on a thorough analysis of how to create a sustainable fire service model.

The city leaders and residents chiefly expressed angst over the most serious impact of the service cutbacks: Slower response times. Fires will have more time to spread, and people suffering a heart attack will have to wait longer for lifesaving help.

The biggest hit would come in Lafayette, where the district estimates units that used to arrive on scene within 6 minutes 58 percent of the time will show up at that rate only 8 percent of the time. Walnut Creek's 99 percent response rate will slide to 62 percent; in Clayton, 83 to 42 percent; and Martinez, 71 to 49 percent. Pittsburg's station No. 87, which is on the chopping block next year, would see its rate slide from 66 to 44 percent.

A Clayton woman tearfully described how firefighters from Clayton Station No. 11, earmarked for closure, saved her life during a medical emergency and again responded when her house caught on fire.

Measure Q, the fire parcel tax, fell substantially short of the required two-thirds voter approval on Nov. 6.

The most visible Measure Q critic and author of the opposition arguments on the ballot defended her organization's role in its defeat and urged the county to fix rather than patch the problem.

"The taxpayers association's objective was always to ensure the long-term financial viability of the district, and that's why I am here," Contra Costa Taxpayers Association Executive Director Kris Hunt told the supervisors.

Contact Lisa Vorderbrueggen at 925-945-4773, [lvorderbrueggen@bayareanewsgroup.com](mailto:lvorderbrueggen@bayareanewsgroup.com), [politicswithlisav.blogspot.com](http://politicswithlisav.blogspot.com) or [Twitter.com/lvorderbrueggen](https://twitter.com/lvorderbrueggen).

#### FIRE STATION SHUTDOWNS

The following Contra Costa Fire District stations are earmarked for closure in mid-January:

- No. 4, 700 Hawthorne Drive, Walnut Creek
- No. 11, 6500 Center Ave., Clayton
- No. 12, 1240 Shell Ave., Martinez
- No. 16, 4007 Los Arabis Ave., Lafayette

Source: Contra Costa Fire District