



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

DATE/TIME: Wednesday, August 13, 2014, 1:30 PM

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

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

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

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

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

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

### **Campaign Contribution Disclosure**

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

### **Notice of Intent to Waive Protest Proceedings**

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

### **American Disabilities Act Compliance**

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

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

## AUGUST 13, 2014 CONTRA COSTA LAFCO AGENDA

1. Call to Order and Pledge of Allegiance
2. **Seating of LAFCO Special District Member**
3. Roll Call
4. Adoption of Agenda
5. **Selection of Chair**
6. 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.
7. Approval of Minutes for the June 11, 2014 regular LAFCO meeting

### OUT OF AGENCY SERVICE REQUESTS

8. **LAFCO 14-03 – Ashley Place** – consider a request by City of Martinez to provide municipal water service outside its jurisdictional boundary to a two lots totaling 0.24± acres (APN 375-221-025/026) located on Ashley Place in the unincorporated Alhambra Valley in order to serve a proposed single family home; and consider related actions under the California Environmental Quality Act (CEQA)

### MUNICIPAL SERVICE REVIEWS (MSRs)/SPHERE OF INFLUENCE (SOI) UPDATES

9. **Second Round Municipal Services Reviews (MSRs)** – receive an update on second round MSRs and provide direction.

### BUSINESS ITEMS

10. **Policies & Procedures Updates** – consider approving a new policy and revised procedures relating to out of agency service.
11. **Proposed Amendment to LAFCO Employee Benefit Plan** - consider approving a proposed amendment to add a deferred compensation loan program at the County's request.
12. **CALAFCO 2014 Conference Material and Call for Board of Directors Candidates and Achievement Award Nominations** – receive the annual CALAFCO conference packet, appoint voting delegate(s), and provide direction regarding nominations and other matters as desired.

### CORRESPONDENCE

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

### INFORMATIONAL ITEMS

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

### ADJOURNMENT

*Next regular LAFCO meeting – September 10, 2014 at 1:30 p.m.*

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



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*

August 13, 2014 (Agenda)

August 13, 2014  
Agenda Item 2

**TO:** Each Member of the Commission

**FROM:** Lou Ann Texeira, LAFCO Executive Officer

**SUBJECT: Seating of LAFCO Special District Member – Igor Skaredoff**

In accordance with Government Code Section 56332, the LAFCO Executive Officer convened the Independent Special District Selection Committee (ISDSC) election on July 21, 2014, to fill the regular Special District vacancy created by the passing of Dwight Meadows.

There were four candidates for the seat. Based on the election results, the ISDSC appointed Igor Skaredoff of the Contra Costa Resource Conservation District as a regular Special District member on LAFCO to fill the unexpired term of Commissioner Meadows. The term of office for the seat ends on May 7, 2018. A copy of the voting record is available through the LAFCO office.

Congratulations to Mr. Skaredoff.

If you have any questions, please contact the LAFCO office.



**Lou Ann Teixeira**  
*Executive Officer*

**MEMBERS**

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

**Dwight Meadows**  
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**Mary N. Piepho**  
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**Rob Schroder**  
*City Member*

**Don Tatzin**  
*City Member*

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*Public Member*  
**Tom Butt**  
*City Member*  
**George H. Schmidt**  
*Special District Member*

August 13, 2014 (Agenda)

August 13, 2014  
 Agenda Item 5

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

**Selection of Chair for 2014**

Dear Members of the Commission:

**DISCUSSION**

In May 2014, Commissioner Dwight Meadows passed away. On July 21, 2014, the Independent Special District Selection Committee elected Igor Skaredoff to fill the regular special district vacancy created by the passing of Commissioner Meadows.

In January 2014, the Commission selected Commissioner Meadows to serve as Chair, and Commissioner Schroder to serve as Vice Chair. Since May 2014, Commissioner Schroder has chaired the LAFCO meetings.

The selection of officers for the Contra Costa LAFCO is described in Section 1.4 of the Commission Handbook, which provides as follows:

- The members of the Commission shall elect a Chair and Vice Chair at the first meeting of the Commission held in January of each year or as soon thereafter as practicable.
- The Chair and Vice Chair shall serve for one-year terms, or until their successors are elected, whichever occurs later.
- Officers shall be selected from the categories of members in the following order:

- County Member 1
- Public Member
- Special District Member 1
- City Member 1
- County Member 2
- Special District Member 2
- City Member 2

In accordance with Commission policies, the 2014 rotation provides that the Commission select a Special District member as Chair.

## **OPTIONS**

The following options are presented for Commission consideration:

1. Appoint a Special District member to serve as Chair for the remainder of calendar year 2104;
2. Switch the order of the rotation for 2014 from “special district member” to “city member” or “county member” and appoint a new Chair for the remainder of calendar year 2104;
3. Authorize Commissioner Schroder to continue to Chair the LAFCO meetings until January 2015;
4. Defer the appointment of the Chair;
5. Other option as desired.

## **RECOMMENDATION**

Consider the options presented.

Sincerely,

LOU ANN TEXEIRA  
EXECUTIVE OFFICER

CONTRA COSTA LOCAL AGENCY FORMATION COMMISSION  
MINUTES OF MEETING

June 11, 2014

August 13, 2014  
Agenda Item 7

Board of Supervisors Chambers  
Martinez, CA

1. Vice Chair Rob Schroder 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 Don Tatzin.

County Members Federal Glover and Mary Piepho and Alternate Candace Andersen.

Special District Member Michael McGill.

Public Member Alternate Sharon Burke.

Present were Executive Officer Lou Ann Texeira, Legal Counsel Sharon Andersen, and Clerk Kate Sibley.

4. Approval of the Agenda

Upon motion of Tatzin, second by Piepho, Commissioners, by a vote of 6-0, adopted the agenda.

AYES: Burke, Glover, McGill, Piepho, Schroder, Tatzin

NOES: none

ABSENT: Blubaugh (M), Butt (A), Schmidt (A)

ABSTAIN: none

5. Public Comments

Igor Skaredoff, representing Contra Costa Resource Conservation District, presented Resolution No. 06-14-1 in memory of Dwight Meadows.

6. Approval of May 14, 2014 Meeting Minutes

Upon motion of Tatzin, second by Piepho, the minutes for the meeting of May 14, 2014 were approved unanimously by a vote of 6-0.

AYES: Burke, Glover, McGill, Piepho, Schroder, Tatzin

NOES: none

ABSENT: Blubaugh (M), Butt (A), Schmidt (A)

ABSTAIN: none

7. LAFCO 13-06 - City of Martinez Out of Agency Service (Spencer)

The Executive Officer provided background on this request by the City of Martinez to provide municipal water service to a parcel located on Gordon Way in the Alhambra Valley in order to serve a proposed single family dwelling unit. The subject property is currently vacant and part of a subdivision approved by the County in 1955 (Subdivision 2037). All surrounding developed properties have City water, there is a signed Deferred Annexation Agreement (DAA) in place for the Spencer property, and the City intends to annex the property in the future, as indicated by resolutions passed by the Martinez City Council in December 2012 and again in May 2014.

Brief discussion ensued about the approval timeline, process for out of agency service, and the County's process for notifying LAFCO of development proposals.

Upon motion of Glover, second by Burke, Commissioners unanimously, by a 6-0 vote, reviewed and considered the information contained in the CEQA documentation; authorized the City of Martinez

**DRAFT**

to extend water service outside its jurisdictional boundary to the 0.82±-acre parcel located at 172 Gordon Way, subject to specified terms and conditions.

AYES: Burke, Glover, McGill, Piepho, Schroder, Tatzin  
NOES: none  
ABSENT: Blubaugh (M), Butt (A), Schmidt (A)  
ABSTAIN: none

8. LAFCO 13-08 - Northeast Antioch Reorganization (Area 2A): Annexations to the City of Antioch and Delta Diablo and Detachment from County Service Area P-6

The Executive Officer provided background, stating that this hearing was continued from the April 9, 2014 meeting, when a new issue arose regarding a drain pipe that runs through Area 2A. In 2005, a portion of the pipe failed and created a large sinkhole. The repair, made by the County, was substantial covering 1,100 linear feet of the 2,700 foot pipeline, and costing \$850,000. The cost to replace the remaining 1,600 linear feet of pipeline is estimated at \$1.7 million. The City and County are working together to better determine the condition of the pipeline and next steps.

As a result of this new finding, the City Council discussed options, and expressed support for either moving forward with a reduced annexation boundary that removes the pipeline and those properties opposed to the annexation (Sportsman Yacht Club, Kiewit and Vortex), or asking LAFCO to defer the annexation for about 12 months to allow the City to address concerns relating to zoning and the pipeline.

The Chair opened the public hearing.

Victor Carniglia, representing the City of Antioch, reported that while the City Council approved two options, staff is recommending deferral to next year. The City is currently updating its general plan, which will address the zoning issues raised by Kiewit and Vortex, and will be working with the County to address the pipeline issue.

Rich Seithel, representing the County, stated that deferral would be preferable.

Don Wilson, representing the Sportsmen Yacht Club (SYC), stated that they are still opposed to annexation and would like to see the entire annexation application denied.

Ken Retzloff, who owns businesses in both Martinez and Antioch, listed the problems he has had with the uncertainty over whether his Antioch business is in the City or County and stated that he is against annexation.

Clark Dawson submitted letters from six business owners, three registered voters, and 130 petition signatures all against annexation and urged Commissioners to deny the annexation. He also commented on confusing communications recently received from the City.

Darlene Dawson stated that they had not received notice of this hearing and that she is against annexation.

Blaise Fettig, representing Vortex Marine Construction, stated that he was also representing Kiewit at the request of that company, and that they support deferral of any decision until the City has provided proper zoning for their properties. Mr. Fettig added that their ongoing conversations with the City have been open, transparent, and productive.

The Chair closed the public hearing.

Commissioner Piepho asked if LAFCO can in fact defer action on this item for so long. The Executive Officer responded that the matter can be deferred, and when the City returns with new information, the public hearing process will begin anew. In response to a second question, staff noted that this deferral does not preclude a split of the reorganization proposal territory.

Commissioner Glover indicated support for the deferral.

Upon motion of Glover, second by Piepho, Commissioners unanimously, by a vote of 6-0, deferred action on the proposed reorganization until June 2015.

AYES: Burke, Glover, McGill, Piepho, Schroder, Tatzin  
NOES: none  
ABSENT: Blubaugh (M), Butt (A), Schmidt (A)  
ABSTAIN: none

9. Countywide Water/Wastewater Municipal Service Review (MSR)/SOI Updates

The Executive Officer provided an update on this MSR, which was accepted in its final version at the May 14 meeting, and the five SOIs that were adopted at the same meeting.

Staff presented a table of SOI options and recommendations for Commissioners to consider for the remaining 15 districts, and recommended deferring the SOI update for the Castle Rock County Water District. In response to Commissioner Piepho's question, staff explained that Contra Costa Water District supplies wholesale water to Diablo Water District, so these two districts overlap.

Commissioner Piepho recommended that the overlap between Byron Bethany Irrigation District (BBID) and Town of Discovery Bay Community Services District (TODBCSD) be addressed in both districts' resolutions, with a report back to the Commission in one year.

Commissioner Burke suggested that two districts, Castle Rock County Water District (CRCWD) and Knightsen Town Community Services District (KCSD), should be officially reminded that they are not doing their basic minimum in terms of transparent governance, as they have no websites and are not regularly communicating with taxpayers. Staff concurred.

The Chair opened the public hearing.

Linda Weekes, from KCSD, stated that they had tried to do a website but it was too much for the small district to maintain. They have put their information on Supervisor Piepho's website at her suggestion. She thanked the consultants, Commissioners, and Supervisor Piepho for their work and assistance.

The Chair closed the public hearing.

Upon motion of Piepho, second by Glover, Commissioners unanimously, by a vote of 6-0, approved the SOI updates as recommended and as amended by Commissioners.

AYES: Burke, Glover, McGill, Piepho, Schroder, Tatzin  
NOES: none  
ABSENT: Blubaugh (M), Butt (A), Schmidt (A)  
ABSTAIN: none

10. Second Round Fire/EMS Municipal Service Review (MSR)/SOI Updates

The Executive Officer reported that staff has prepared a Request for Proposals (RFP) for the Second Round Fire/Emergency Medical Services MSR/SOI Updates.

Commissioner Tatzin asked that the Scope of Services request the consultants to include in their Draft Report references to the First Round MSR and the critical issues raised then in order to determine the current state of fire protection services. Commissioner Piepho agreed, but warned that the consultants must recognize LAFCO's limitations.

Vince Wells, representing Firefighters Local 1230, stated that he was around for the First Round MSR and the two years of committee and community meetings that followed. There are now 12 fewer stations open and two more in danger of closure. He added that he hoped this study would analyze whether fire protection districts are meeting the public's needs.

Commissioner Piepho asked if adequacy of services is included in the Scope of Services or if it needs to be added. Staff responded that this is one of the six review criteria, although it is not highly

defined. In the past, consultants have used various criteria (response times, number of stations, etc.) as well as national standards to measure a district's efficacy.

Upon motion of McGill, second by Tatzin, Commissioners unanimously, by a vote of 6-0, approved the RFP with the additions suggested.

AYES: Burke, Glover, McGill, Piepho, Schroder, Tatzin  
NOES: none  
ABSENT: Blubaugh (M), Butt (A), Schmidt (A)  
ABSTAIN: none

11. FY 2012-2013 Financial Audit

The Executive Officer provided brief background and presented LAFCO's financial audit for Fiscal Year 2012-2013, reporting that the auditors identified no deficiencies in internal control that they would consider to be material weaknesses and no current year observations.

The audit report includes a recommendation that LAFCO consider recording the Other Post-Employment Benefits liability on the books for the fiscal year ended June 30, 2014 and also include the OPEB expense in the budget. These recommendations have been implemented.

12. CCCERA Correspondence

There were no comments regarding this correspondence.

13. Commissioner Comments and Announcements

Commissioner McGill reported that he will not be at the August 13 meeting.

14. Staff Announcements and Pending Projects

The Executive Officer reported that staff has initiated the process for filling the Special District seat created by the passing of Commissioner Dwight Meadows; three nominations have been received to date (Gordon Dakin, SRVFPD, George Schmidt, WCWD, and Igor Skaredoff, CCRCD). The deadline for nominations is June 27, and the election will be held on Monday, July 21, in conjunction with the regular quarterly CCSDA meeting.

The Executive Officer reported on current legislation: AB 2156, regarding Joint Power Authorities, and AB 614, a "gut and amend" bill regarding DUCs, a last minute bill that the CALAFCO Executive Director is working on.

Staff announced that the July 9 meeting will be cancelled.

The meeting was adjourned at 2:38 p.m. in memory of Commissioner and LAFCO Chair Dwight Meadows, who passed away on May 13, 2014. Commissioner Meadows served on Contra Costa LAFCO since 1994 as a special district member. He was quiet, but not shy, and always spoke his mind. We will miss Dwight - his spirit, candor and wry sense of humor.

Final Minutes Approved by the Commission August 13, 2014.

AYES:  
NOES:  
ABSTAIN:  
ABSENT:

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

CONTRA COSTA LOCAL AGENCY FORMATION COMMISSION  
EXECUTIVE OFFICER'S REPORT

August 13, 2014  
Agenda Item 8

August 13, 2014 (Agenda)

LAFCO 14-03 City of Martinez - Out of Agency Service Request (Ashley Place)

## SYNOPSIS

This is a request by the City of Martinez to provide water service outside its jurisdictional boundary to two lots located south of Pacheco Boulevard in the unincorporated Mountain View area. The two parcels (10 and 20 Ashley Place) total 0.24± acres (APNs 375-221-025 and -026) (Attachment 1). The lots are currently vacant and are part of a minor subdivision recorded in 1990. In August 2013, the County approved the owner's request to construct two single family homes on the lots. In March 2014, the County issued building permits and the homes are currently under construction.

The County zoning is Residential (R-6) with a General Plan designation of Single Family Residential High Density. The subject parcel is located inside the County's voter-approved Urban Limit Line. The City's rezoning designation for the property is R-6 (single family, 6,000 sf minimum lot size). Surrounding uses include single family residential to the north, south, east and west. The two parcels are within the City of Martinez sphere of influence (SOI).

The City of Martinez is currently providing water service to all of the surrounding developed properties. The area is within the Mt. View Sanitary District (MVSD) service boundary.

## 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 SOI in anticipation of a future annexation; or b) outside its jurisdictional boundary and outside its SOI in response to an existing or impending threat to the public health or safety.

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

Out of Agency Service Request by City of Martinez and Background – As noted in the both the 2014 and 2008 *Water/Wastewater* and the 2009 *Central County Sub-regional* LAFCO Municipal Service Reviews (MSRs), the City is providing water services beyond its corporate limits to 1,500± water connections. These 1,500 water connections represent residents who do not have representation concerning policy or governance of their water supply. The MSRs recommend that the City of Martinez annex areas receiving city services, as appropriate.

The City has an active annexation program. In 2011, the City submitted an application to annex 393± acres (139 parcels) in the Alhambra Valley. In response to community input and the City's request, LAFCO approved a slightly reduced boundary comprised of 316± acres (104 parcels). Also, in 2011, the City submitted a proposal to annex the North Pacheco area. LAFCO approved the annexation; however, the voters rejected it.

The City recently embarked on a fiscal analysis to study potential annexation areas including the North Pacheco, Mt. View and Vine Hill areas. Further, the City recently reaffirmed its commitment to annex the Alhambra Valley.

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 properties on Ashley Place is in anticipation of a future annexation.

Other actions the City has taken in furtherance of future annexation efforts include the following:

- The City's General Plan includes policies and land use designations supporting annexation of various unincorporated areas.
- The City has prezoned all areas that are outside the City limits but within the City's SOI and within the boundaries of City of Martinez water service area, including the Mt. View community.
- The City recently initiated a study to review the fiscal impacts of annexing the North Pacheco, Mt. View and Vine Hill areas.
- The City requires property owners to execute a deferred annexation agreement in order to receive City water service.

**Water Supply to the Project Area** – The Mt. View area is mostly developed and characterized by primarily residential with some commercial, industrial and public uses. Most of the developed properties in the Mt. View area receive water service through the City of Martinez.

The City indicates that it has adequate water to serve the two parcels on Ashley Place. According to the City, water service will be provided to the parcels from the City's existing six-inch water line on Veal Avenue. Each water service will consist of approximately 20 linear feet of one-inch diameter pipe, a water meter, and a backflow pretension device. The service lines will be used for domestic and fire supply.

The property owners are 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** – Contra Costa County, as Lead Agency, found the construction of the two single family homes to be exempt from the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines section 15303. Subsequently, the City found the extension of water service to the two single family homes to also be exempt under section 15303 and has filed a Notice of Exemption. The LAFCO Environmental Coordinator has reviewed the documents and finds they are adequate for LAFCO purposes.

#### 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 with or without amendments, wholly, partially, or conditionally, or deny a proposal. The statute also provides LAFCO with broad discretion in terms of imposing terms and conditions. The following options and recommended terms and conditions are presented for the Commission's consideration.

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

- A. Find that the project is exempt pursuant to section 15303 of the CEQA Guidelines, consistent with the determination of Contra Costa County acting as Lead Agency.
- B. Authorize the City of Martinez to extend water service outside its jurisdictional boundary to the APNs 375-221-025 and -026) located at 10 and 20 Ashley Place in unincorporated Contra Costa County subject to the following terms and conditions:
  - 1. Water infrastructure and service is limited to the two proposed single family dwelling units, and
  - 2. The City of Martinez has delivered to LAFCO executed and recorded deferred annexation agreements, and
  - 3. The City of Martinez has delivered to LAFCO an executed indemnification agreement providing for the City to indemnify LAFCO against any expenses arising from any legal actions to challenging the out of agency service.

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

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

## **RECOMMENDATION**

### **Option 1 – Approve out of agency service request**

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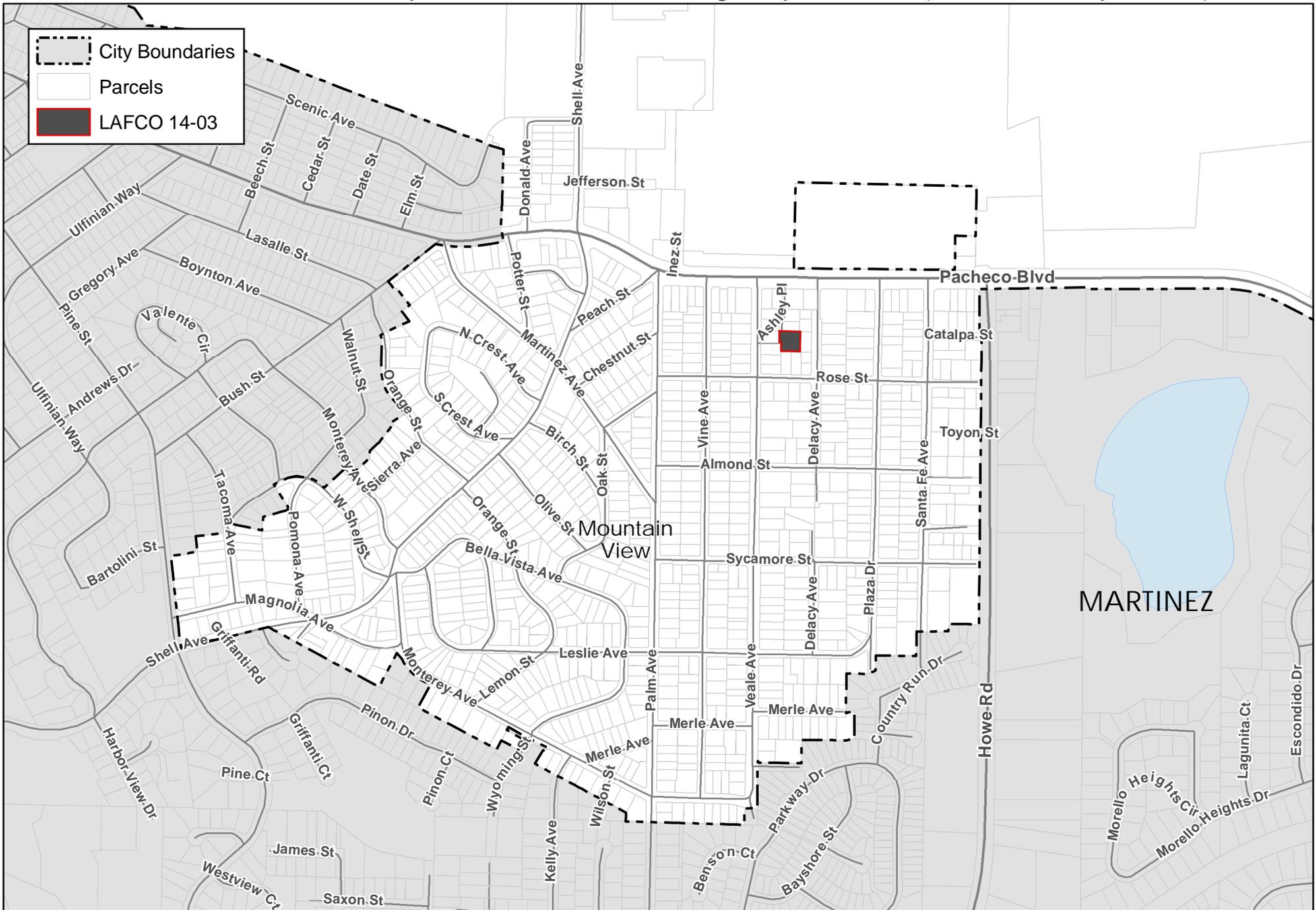
LOU ANN TEXEIRA, EXECUTIVE OFFICER  
CONTRA COSTA LAFCO

#### Attachments

- 1. Map of Project Site
- 2. LAFCO Resolution 14-03

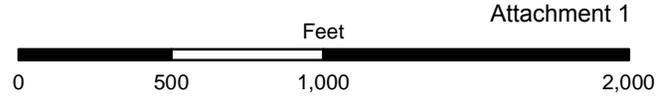
c:     Tim Tucker, City of Martinez  
       Gregory Goreshnik, Goldline Investments LLC

# LAFCO No. 14-03 City of Martinez Out of Agency Service (10-20 Ashley Place)



Map created 07/29/2014  
 by Contra Costa County Department of  
 Conservation and Development, GIS Group  
 30 Muir Road, Martinez, CA 94553  
 37:59:41.791N 122:07:03.756W

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



**RESOLUTION NO. 14-03****RESOLUTION OF THE CONTRA COSTA LOCAL AGENCY FORMATION COMMISSION  
AUTHORIZING THE CITY OF MARTINEZ TO PROVIDE OUT-OF-AGENCY WATER SERVICE TO  
PROPERTIES LOCATED AT 10 AND 20 ASHLY PLACE (APNs 375-221-025 and -026)**

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 properties in anticipation of a future annexation; and

WHEREAS, the City of Martinez and the property owners have entered into Deferred Annexation Agreements in support of the future annexation of the property to the City of Martinez.

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

- A. Find that the project is exempt pursuant to section 15303 of the CEQA Guidelines, consistent with the determination of both Contra Costa County and the City of Martinez.
- B. Authorize the City of Martinez to extend water service outside its jurisdictional boundary to two properties located at 10 and 20 Ashley Place (APNs 375-221-025 and -026) in unincorporated Contra Costa County subject to the following terms and conditions:
  - 1. Water infrastructure and service is limited to one single family dwelling unit on each parcel,
  - 2. The City of Martinez has delivered to LAFCO executed indemnification agreements providing for the City to indemnify LAFCO against any expenses arising from any legal actions to challenging the out of agency service, and
  - 3. The City of Martinez and the property owner(s) have signed deferred annexation agreements (DAAs), and that the DAAs are recorded as prescribed by law and run with the land so that future landowners have constructive notice that their property is encumbered by the DAA.
- C. Approval to extend City of Martinez services beyond those specifically noted herein is withheld and is subject to future LAFCO review.

\* \* \* \* \*

PASSED AND ADOPTED AS REVISED THIS 13<sup>th</sup> day of August 2014, by the following vote:

AYES:

NOES:

ABSTENTIONS:

ABSENT:

\_\_\_\_\_  
ROB SCHRODER, VICE CHAIR, CONTRA COSTA LAFCO

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

Dated: August 13, 2014

\_\_\_\_\_  
Lou Ann Texeira, Executive Officer



Lou Ann Texeira  
*Executive Officer*

**MEMBERS**

**Donald A. Blubaugh**  
*Public Member*

**Federal Glover**  
*County Member*

**Michael R. McGill**  
*Special District Member*

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**ALTERNATE MEMBERS**

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**Tom Butt**  
*City Member*

**George H. Schmidt**  
*Special District Member*

August 13, 2014 (Agenda)

August 13, 2014  
 Agenda Item 9

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

**Update - Second Round Municipal Service Reviews**

Dear Members of the Commission:

The Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000 (CKH Act) requires that on or before January 1, 2008, and every five years thereafter, LAFCO, review and update the sphere of influence (SOI) of each local agency, as necessary. As part of the SOI update, LAFCO must prepare a Municipal Service Review (MSR) to determine the range and adequacy of municipal services provided.

In April 2013, Contra Costa LAFCO completed its inaugural MSR cycle covering all 19 cities and 78 special districts. In conjunction with the MSRs, LAFCO updated the SOIs for most agencies. In August 2013, LAFCO initiated its second round MSRs/SOI updates, and completed its water/wastewater MSR in June 2014.

As discussed with the Commission at the 2013 strategic planning session and in conjunction with the FY 2014-15 budget/work plan, next on the list of second round MSRs are fire and emergency medical services (EMS) in FY 2014-15, followed by healthcare services in FY 2015-16.

On June 11, the Commission approved the Request for Proposals (RFP) for the EMS/Fire service MSR. The RFP was released on June 12, was sent to approximately 30 firms, and posted on the Contra Costa LAFCO, CALAFCO and California Special Districts Association websites. In response to the RFP, **no proposals were received**. A number of LAFCOs throughout the State are experiencing challenges with second round MSRs and other LAFCO studies. As a follow-up, LAFCO staff contacted some of the MSR consultants for feedback, and asked the following questions:

1. *Why didn't your firm bid on the MSR?*
2. *What can Contra Costa LAFCO do to make the project more appealing to bidders?*
3. *If Contra Costa LAFCO were to change the order of its second round MSRs and move healthcare before Fire, would you consider bidding on the healthcare MSR?*
4. *Can you offer any suggestions?*

The comments received from the consultants are summarized below:

- **Timing** - Several firms indicated they currently have a full workload and/or are under-staffed (due to the recession), and are unable to take on additional work at this time. Several firms said they would be

able to take on other projects in early 2015. A couple of firms suggested that LAFCO wait until the County has awarded the ambulance contract before embarking on the second round Fire MSR.

- **Scope of Work** – A number of firms expressed concern with the work/cost involved in updating the first round Fire MSR, as it was extensive. Several firms suggested we narrow the scope or approach or “phase” the second round MSR (e.g., operational/fiscal, “problem” or “issue” oriented, sub-regional approach, city/district, high risk vs. low risk areas, etc.).
- **Switching the Order** – The Commission could defer the Fire MSR and move forward with the healthcare MSR. Two firms expressed interest in bidding on the healthcare MSR.

We also followed up with the Fire Chiefs and County EMS Director to solicit feedback on the second round EMS/Fire MSR. The comments received from the Fire and EMS staff are summarized below:

- The first round EMS/Fire MSR was exhaustive, and would be overwhelming to duplicate/update. LAFCO should narrow the focus of the second round MSR (e.g., operations, communications, vehicle maintenance, code enforcement, etc.).
- The second round MSR should focus on paths forward (e.g., consolidation, JPAs, contracts, informal agreements, mutual/auto aid, other sharing opportunities, etc.).
- A phased MSR has merit. Perhaps review of the Ambulance Exclusive Operating Area could be one phase; a second phase could be a review of West Contra Costa County. The issues are distinct among the various regions of the County (Central, East, West).
- In light of the recommendations contained in the recent County EMS Modernization Study, there is potential for a shift in emergency medical services to be more aligned with the healthcare system. Given the potential for integration of these systems, the EMS component could be moved from the Fire MSR to the healthcare MSR, and the Fire MSR could focus exclusively on fire and all hazard services. This suggestion could also be beneficial in terms of narrowing the scope of services and making the Fire MSR more attractive to potential bidders.
- All of Fire and EMS staff expressed a desire to defer the Fire MSR for various reasons, such as competing projects including awarding the countywide ambulance contract in September 2015, ongoing challenges and fluctuations in fire service operations (e.g., station closures), and recent and anticipated changes in leadership. It was also noted that fire service has recently benefitted from a slight increase in property tax revenue, and that another 12 months of increased property tax revenue could have a positive impact for some local agencies.

LAFCO staff also sent an email to the other LAFCOs asking for input and names of MSR consultants; several additional consultants were identified and added to our list.

At this time, we offer the following options for the Commission’s consideration:

1. Re-issue the RFP for the second round Fire MSR with a revised/focused scope of service as determined by the Commission. Consider moving the EMS component to the healthcare MSR.
2. Change the order of MSRs; defer the Fire MSR and direct staff to develop an RFP for the second round healthcare MSR for the Commission’s consideration in September 2014.

#### RECOMMENDATION

Based on comments received from the consultants and Fire/EMS, staff recommends that the Commission consider including the EMS component in the healthcare MSR and move forward with the healthcare MSR this year, while deferring the fire MSR until Fall 2015 following award of the County’s ambulance contract.

Sincerely,

LOU ANN TEXEIRA  
EXECUTIVE OFFICER

c: Fire Chiefs  
EMS Director



Lou Ann Teixeira  
 Executive Officer

**MEMBERS**

<b>Donald A. Blubaugh</b> <i>Public Member</i>	<b>Dwight Meadows</b> <i>Special District Member</i>
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August 13, 2014 (Agenda)

August 13, 2014  
 Agenda Item 10

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

**Policies and Procedures Update – Out of Agency Service**

Dear Members of the Commission:

**BACKGROUND**

The Cortese Knox Hertzberg Local Government Reorganization Act of 2000 requires each LAFCO to establish written policies and procedures. Presently, Contra Costa LAFCO has the *Commissioner Handbook*, which contains a mix of policies and procedures. In addition, we have various applications and related forms. Periodically, the Commission adopts updates and revisions to these documents in accordance with changes in State law or Commission policy.

Last year, Contra Costa LAFCO embarked on a comprehensive update to its policies and procedures. In 2013, the Commission approved new **procedures** relating to city annexations/detachments, district annexations/detachments, district mergers, establishment of subsidiary districts, LAFCO-initiated proposals, new or different services, district dissolution, district formation, district consolidation, city consolidation, disincorporation, reorganization and out of agency service. Contra Costa LAFCO now has procedures for each type of change of organization.

The next step in updating the *Commissioner Handbook* is to update and develop **policies** as needed.

**DISCUSSION**

The out of agency service provisions (Gov. Code §56133) were enacted in 1994. The original law provided for the extension of out of agency service with LAFCO’s approval only if the subject property was inside the local agency’s sphere of influence (SOI) and in anticipation of a future annexation. In 1999, the statute was amended to also allow for the extension of out of agency service if the subject property was outside the local agency’s SOI to respond to an existing or impending threat to the health and safety of the public.

The out of agency service provisions are intended to provide a temporary means of service – either in anticipation of a future annexation or to remedy an existing or impending public health and safety situation.

In the last several years, Contra Costa LAFCO has processed a number of requests for out of agency service. There have been various questions and concerns regarding out of agency service, which can be addressed with

enhancements to the current LAFCO out of agency services policies and procedures. Further, with the acute drought situation, we anticipate an increase in out of agency service requests as wells dry up. The LAFCO office has already received such inquiries.

On July 16, the Policies & Procedures Committee (Commissioners Burke and Tatzin) met with LAFCO staff to review proposed revisions/updates to the Commission's out of agency service policies/procedures (see attachments). The proposed updates are based on the need to address persistent questions and concerns that arise with out of agency service issues in Contra Costa County. In developing the proposed revisions/updates, LAFCO staff reviewed out of agency service policies of 10 other LAFCOs throughout the state.

Regarding the proposed revisions to our *procedures*, the primary changes include the following:

- Clarifies the application requirements, including those pertaining to the Deferred Annexation Agreement
- Clarifies the LAFCO proceedings/timeframes
- Adds a requirement that out of agency service proposals must be accompanied by an annexation application (i.e., dual application), unless this requirement is waived
- Establishes fee structure for dual application
- Authorizes the Executive Officer, in consultation with the Chair or Vice Chair, to approve an out of agency service application in an emergency situation with appropriate documentation.

The proposed new *policy* includes provisions to coincide with the revised procedures as summarized above. The proposed new policy also includes the following provisions:

- Introduction
- Purpose
- Objectives
- General Policies
- Types of Requests (i.e., emergency and non-emergency) and specific criteria to be considered
- Consideration of request and specific criteria to be considered

### **RECOMMENDATION**

As recommended by the Policies & Procedures Committee and LAFCO staff, approve the revised procedures and the new policy with any changes as desired.

Sincerely,

LOU ANN TEXEIRA  
EXECUTIVE OFFICER

Attachment 1 – Proposed Revisions to Out of Agency Service Procedures  
Attachment 2 - Current Out of Agency Service Policy  
Attachment 3 – Proposed New Out of Agency Service Policy

c: County Administrator  
Director, County Department of Conservation and Development  
All City and District Managers in Contra Costa County

## CONTRA COSTA LAFCO

### 3.15 Provision of Services by Contract (Out of Agency Service)

Effective January 1, 1994, a city or district may provide new or extended services by contract or agreement outside its jurisdictional boundary only if it first requests and receives written approval from LAFCO ([Gov. Code §56133](#)). The definition of city and special district services can be found in [Gov. Code Section §56074](#). In accordance with these definitions, services include the public facilities necessary to perform the service function. [Requirements, procedures and Conditions of approval and exemptions are described below.](#)

#### REQUIREMENTS

**Conditions of Approval:** LAFCO may approve, with conditions, a request for out-of-agency services [in one of two situations: 1\) in response to an existing or impending threat to the health or safety of the public, or 2\)](#) if the affected territory is within the agency's sphere of influence (SOI) and is in anticipation of a later annexation.

[Out of agency service requests must be filed with the Executive Officer by the affected city or district. The application shall be signed by an authorized representative of the city or district. Requests shall be made in writing with a completed LAFCO application, payment in the amount prescribed under the Commission's adopted fee schedule, appropriate environmental document, proposed service agreement, and an executed and recorded deferred annexation agreement \(DAA\) that includes waiver of property owner protest rights. An indemnification agreement will be required with each application. The recorded DAA shall run with the land and be binding on all future owners of the property. All requests for outside of agency service agreements are subject to the applicable provisions of CEQA.](#)

[Out of agency service applications must be accompanied by a change of organization \(e.g., annexation\) or reorganization application, including an approved tax sharing agreement. This dual application requirement may be waived in certain situations by the Executive Officer in accordance with LAFCO policies \(Section 2.1, subsection J\).](#)

[The proponent will be charged the applicable change of organization fee prior to LAFCO's consideration of the out of agency service agreement, plus a 30% surcharge fee in conjunction with the out of agency service proposal. For applications where the dual application requirement is waived, the applicant will be charged the standard out of agency processing fee.](#)

[Requests due to health or safety emergencies must be accompanied by documentation from the County Environmental Health Division, pursuant to §56133 and Contra Costa LAFCO policies. The Commission shall notify any alternative service provider in accordance with §56133.](#)

#### PROCEDURES

**Review of Request:** [The Executive Officer shall review and determine within 30 days of receipt whether the request to authorize out of agency service is complete. If a request is deemed](#)

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incomplete, the Executive Officer shall immediately notify the applicant and identify the information needed to accept the request for filing.

Once a request is deemed complete, the Executive Officer will prepare a written report with a recommendation. The Executive Officer will present his or her report and recommendation at a public hearing for Commission consideration. The public hearing will be scheduled for the next regular meeting of the Commission for which adequate notice can be given but no later than 90 days from the date the request is deemed complete. The Executive Officer's written report will be made available to the public for review prior to the scheduled hearing and include an evaluation of the factors in accordance with the Government Code and LAFCO policies.

LAFCO may approve the request for out of agency service with or without conditions, or may deny the request. Unless otherwise specified in the LAFCO resolution of approval, out of agency service is allowed for the subject application only, and any future extension or expansion of service is subject to LAFCO's approval.

If the request to provide out of agency service is approved or denied, the applicant may request reconsideration within 30 days citing the reasons for reconsideration.

**Consideration of Emergency Request:** The Commission authorizes the Executive Officer, in consultation with the Chair or Vice Chair, to approve an emergency request (e.g., failing well or septic system) for out of agency service, as documented by the County Environmental Health Division. The Executive Officer shall report to the Commission on his or her administrative approval of any emergency out of agency service agreements at the next regularly scheduled LAFCO meeting. Such administrative approval can be made in accordance with LAFCO policies (Section 2.1, subsection J).

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## EXEMPTIONS

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Exceptions:—LAFCO authority over out-of-agency services does not apply to the following:

1. Contracts or agreements solely involving two or more public agencies where the public service to be provided is an alternative to, or substitute for, public services already being provided by an existing public service provider and where the level of service to be provided is consistent with the level of service contemplated by the existing service provider.
2. Contracts for the transfer of non-potable or non-treated water; and
3. Contracts or agreements solely involving the provision of surplus water to agricultural lands and facilities, including, but not limited to, incidental residential structures, for projects that serve conservations purposes, or directly support agricultural industries. However, prior to extending surplus water that will support or induce development, the agency must receive written approval from LAFCO.
4. An extended service that a city or district was providing on or before January 1, 2001.

5. A local publicly owned electric utility providing electric services, which do not involve the acquisition, construction, or installation of electric distribution facilities by the local publicly owned electric utility outside of the utility's jurisdictional boundary.

~~Health or Safety Concerns: The Commission may authorize a city or district to provide new or extended service outside its jurisdictional boundary and outside its SOI to respond to an existing or impending threat to the health and safety of the public or the affected residents if both of the following requirements are met:~~

- ~~1. Documentation of a threat to the health and safety of the public or the residents has been provided to the Commission (e.g., letter from the County Environmental Health Division of the Health Services Department); and~~

- ~~2.1. The Commission has notified any alternative service provider that has filed a map and statement of its service capabilities with the Commission.~~

### **Procedures**

~~Applicants will be required to submit a boundary change application, and applicable documentation demonstrating that the agreement is either in response to a public health and safety threat (e.g., letter from the County Environmental Health Division of the Health Services Department, deferred annexation agreement, etc.), or in anticipation of a subsequent jurisdictional change (e.g., deferred annexation agreement, etc.). The proponent will be charged the LAFCO out-of-agency service review fee prior to LAFCO's consideration of the out-of-agency service agreement.~~

~~In the extension of services is in response to a health or safety threat to property outside an agency's SOI, applicants are encouraged, but not required, to submit an annexation application.~~

~~All of the requirements associated with processing an annexation/detachment proposal, such as rezoning, environmental review, etc., will apply when processing an out-of-agency service agreement.~~

~~In accordance with Contra Costa LAFCO policies (Section 2.1 Policies and Standards, Section J), the Chair is authorized to administratively approve out-of-agency service agreements that are in response to health or safety threats, if all conditions of approval have been met in accordance with Government Code Section 56133, and the applicant has satisfactorily demonstrated the existence of public health, safety, or welfare impacts (e.g., letter from the County Environmental Health Division of the Health Services Department). The Executive Officer shall provide a report to the Commission at the next regularly scheduled LAFCO meeting regarding administratively approved service agreements.~~

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## 2.1. **POLICIES AND STANDARDS**

### J. Standards for Out-Of-Agency Service Agreements

Considerations for Approving Agreements - Annexations to cities and special districts are generally preferred for providing public services. However, there may be situations where health and safety, emergency service, or other concerns warrant out-of-agency service agreements [§56133].

Out-of-agency service agreements are typically considered when annexation is not immediately feasible, and in anticipation of a future change of organization; or in response to an existing or impending public health and safety threat as documented by the County Environmental Health Division of the Health Services Department.

- 1) Agreements Consenting to Annex – LAFCO shall adopt a standard condition for approval of an out-of-agency service agreement requiring recordation of an agreement by the landowner consenting to annexation of the territory, which agreement shall inure to future owners of the property.
- 2) Emergency Approval by Chair - The Chair may authorize cities and special districts to provide services outside of their boundaries as specified herein.
  - a) A request and Resolution of Application is received from the affected local agency, including the requisite processing fee.
  - b) The situation involves a public health, safety or welfare emergency as confirmed by the affected agencies.
  - c) The Executive Officer shall provide a report to the Commission at the next LAFCO meeting of any out-of-agency service agreements that were approved.

## **2.1 POLICIES AND STANDARDS**

### **J. Policies for Out of Agency Service Agreements**

#### **I. Introduction**

The Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000 (CKH) requires a city or special district to obtain written approval from LAFCO prior to providing new or extended service outside its jurisdictional boundary, with certain exceptions (Gov. Code §56133). This section of the CKH sets forth a two-pronged test or criteria under which requests for out of agency services may be approved: either in response to an existing or impending threat to the health or safety of the public, or in anticipation of a later change in organization (i.e., annexation) for areas within the subject agency's sphere of influence (SOI). Specific procedures for submitting an out of agency service application can be found in Contra Costa LAFCO's Commissioner Handbook, section 3.15 *Provision of Services by Contract*.

#### **II. Purpose**

The purpose of these policies is to guide the Commission in reviewing city and district requests to provide new or extended services by agreement outside their jurisdictional boundaries. This includes establishing policies and procedures to ensure that the application meets one of the two criteria under which approval may be granted, and to ensure consistency with respect to form, review and consideration of requests.

#### **III. Objective:**

The objective of these policies is to ensure that the extension of services by cities and districts outside their jurisdictional boundaries is logical and consistent with supporting orderly growth and development in Contra Costa County. Out of agency service is generally not intended to support new development.

#### **IV. Out of Agency Service Policies**

##### **A. General Statements**

- 1) Annexation to cities and special districts involving territory located within the affected agency's sphere of influence (SOI) is generally preferred to out of agency service.
- 2) LAFCO will consider applicable Municipal Service Reviews (MSRs) and discourage out of agency service extensions that conflict with adopted MSR determinations or recommendations.
- 3) Requests for out of agency service agreements are subject to the applicable provisions of the California Environmental Quality Act (CEQA).
- 4) Commission approval is not required for cities or districts to provide new or extended services outside their jurisdictional boundaries if any of the exemptions apply in accordance with §56133(e) – see Section 3.15 for exceptions. The Commission encourages cities and districts to work with the Executive Officer in determining when the statutory exemptions may apply.

## **B. Form of Request**

### **1. All Requests**

Requests to authorize out of agency service shall be filed with the Executive Officer by the affected city or district. The application shall be signed by an authorized representative of the city or district. Requests shall be made in writing with a completed LAFCO application, payment in the amount prescribed under the Commission's adopted fee schedule, appropriate environmental document, proposed service agreement, and an executed and recorded deferred annexation agreement (DAA) and waiver of property owner protest rights. The recorded DAA shall run with the land and be binding on all future owners of the property. An indemnification agreement will be required with each application.

All requests for out of agency service are subject to the applicable provisions of CEQA.

### **2. Requests Due to Health or Safety Emergency**

The Commission may authorize a city or district to provide new or extended services outside their jurisdictional boundary and outside their SOI in response to an existing or impending threat to public health or safety ("emergency" – e.g., failing well or septic system) with documentation from the County Environmental Health Division, and in accordance with §56133(c) and LAFCO procedures. If LAFCO approves an emergency out of agency service request, and the city or district fails to initiate the provision of services within six months of the Commission's approval, the out of agency service approval shall expire, unless otherwise specified by LAFCO.

The Commission authorizes the LAFCO Executive Officer, in consultation with the Chair or Vice Chair, to approve a city's or district's request for out of agency service if there is an existing or impending public health or safety emergency, as documented by the County Environmental Health Division. The Executive Officer shall report to the Commission on his or her administrative approval of any emergency out of agency service agreements at the next regularly scheduled LAFCO meeting. Such administrative approval can be made if the following criteria are met:

- The property is currently developed
- The lack of service being requested constitutes an *immediate* (i.e., approval needed within two months) health and safety concern as documented by County Environmental Health
- There are physical restrictions on the property that prohibit a conventional service delivery method (i.e., septic tank, private well, etc.)

### **3. Requests in Anticipation of Annexation**

An out of agency service application must be accompanied by a change of organization or reorganization application, including an approved tax sharing agreement, in order for LAFCO to determine that the out of agency service is in anticipation of a change of organization (i.e., annexation) within the next 12 months. This dual application requirement may be waived in certain situations by the Executive Officer if compelling justification is provided. Circumstances which may warrant such a waiver include, but are not limited to, the following:

- Lack of contiguity (e.g., city boundary) when the project was approved prior to 2011
- Service is only needed to serve a portion of a larger parcel, and annexation of the entire parcel is not desirable

- Other circumstances which are consistent with LAFCO statute and the policies of Contra Costa LAFCO

If immediate annexation (i.e., within 12 months) is not a feasible alternative, then the extension of services may be approved in anticipation of a later annexation if the agency provides LAFCO with a resolution of intent to annex (in lieu of an annexation application), as well as appropriate assurances (e.g., rezoning, plan for annexation, deferred annexation agreement, etc.) which demonstrate that out of agency service is an intermediate step toward eventual annexation.

### **C. Review of Request**

The Executive Officer shall review the request in accordance with CKH and LAFCO's policies and procedures.

### **D. Consideration of Request**

Once a request is deemed complete, the Executive Officer will prepare a written report with a recommendation. The Executive Officer will present his or her report and recommendation at a public hearing for Commission consideration in accordance with CKH and LAFCO's policies and procedures. The Executive Officer's written report will be made available to the public for review prior to the scheduled hearing and include an evaluation of the following factors:

- 1) The ability of the applicant to extend the subject service to the affected land without adversely affecting current service levels within the existing service boundary.
- 2) If the request is to address a health or safety emergency, whether the documentation satisfactorily demonstrates compliance with CKH and LAFCO policies and procedures.
- 3) If the request is in anticipation of future annexation, whether the application provides adequate assurances in furtherance of a future annexation.
- 4) The application's consistency with the policies and general plans of affected local agencies.
- 5) The application's effect on growth and development within and adjacent to the affected land; and whether the out of agency service extension will contribute to premature development of fringe areas or development in areas designated for non-urban uses.
- 6) Whether the proposal contributes to the premature conversion of agricultural land or other open space land.

The Commission and the Executive Officer, as authorized by the Commission, may approve the request for out of agency service with or without conditions, or may deny the request. Unless otherwise specified in the LAFCO resolution of approval, out of agency service is allowed for the subject application only, and any future extension or expansion of service is subject to LAFCO's approval.

If the request to provide out of agency service is approved or denied, the applicant may request reconsideration within 30 days citing the reasons for reconsideration.



Lou Ann Texeira  
 Executive Officer

**MEMBERS**

<b>Donald A. Blubaugh</b> <i>Public Member</i>	<b>Dwight Meadows</b> <i>Special District Member</i>
<b>Federal Glover</b> <i>County Member</i>	<b>Mary N. Piepho</b> <i>County Member</i>
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*Special District Member*

August 13, 2014 (Agenda)

August 13, 2014  
Agenda Item 11

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

**Proposed Amendment to the LAFCO Employee Benefit Plan**

Dear Members of the Commission:

LAFCO is an independent entity created by the State Legislature. Pursuant to Government Code §56000 et seq., LAFCO hires its own staff and can provide benefits, including health, dental, retirement and other benefits for its employees.

In November 2007, the Commission adopted a personnel system for Contra Costa LAFCO, including job descriptions, a classification/salary plan, an updated contract between LAFCO and Contra Costa County Employees' Retirement association (CCCERA), and an employee benefit plan. The employee benefit plan provides benefits comparable to the County's management benefit plan in place at the time.

Contra Costa LAFCO currently employs two full-time employees and purchases its health, dental and other employee benefits through Contra Costa County. LAFCO staff was recently contacted by the County Human Resources Department with a request to amend the LAFCO employee benefit plan to allow LAFCO employees to participate in the County's deferred compensation loan program. The LAFCO employee benefit plan currently allows LAFCO employees to participate in the County's deferred compensation program. The County informs us that LAFCO is one of two small employer entities without the loan program option, which is preventing the County from fully automating the deferred compensation system.

**FISCAL IMPACTS** - There are no fiscal impacts associated with the proposed amendment to the LAFCO employee benefit plan.

**RECOMMENDATION** - In an effort to accommodate the County's request and to save the County time and resources, staff recommends that LAFCO amend its employee benefit plan as requested.

Sincerely,

LOU ANN TEXEIRA  
 EXECUTIVE OFFICER

Attachment – LAFCO Resolution 2014-1 Amending the Benefit Plan for LAFCO Employees

c: Christine Penkala, County Human Resources Department

RESOLUTION NO. 2014-1

RESOLUTION OF THE CONTRA COSTA LOCAL AGENCY FORMATION COMMISSION  
**AMENDING THE BENEFIT PLAN FOR LAFCO EMPLOYEES**

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

**WHEREAS**, pursuant to Government Code §56385, LAFCO may provide benefits, including retirement, health, dental and other benefits to its employees; and

**WHEREAS**, in 2007, the Commission adopted a benefit plan for LAFCO employees; and

**WHEREAS**, Contra Costa LAFCO participates in Contra Costa County administered benefit programs for health, dental, life insurance, deferred compensation and other employee benefit; and

**WHEREAS**, any changes to the LAFCO employee benefit plan must be approved by the Commission; and

**WHEREAS**, Contra Costa LAFCO retains the right to modify the LAFCO employee benefit plan at any time, and will notify the County in such event; and

**WHEREAS**, the Contra Costa County Human Resources Department requested that LAFCO amend its employee benefit plan to allow eligible LAFCO employees to participate in the deferred compensation loan program as administered by Contra Costa County.

**NOW, THEREFORE, BE IT RESOLVED** that Contra Costa LAFCO hereby amends its employee benefit plan to add the following language:

**DEFERRED COMPENSATION PROGRAM – Effective August 13, 2014, LAFCO employees who qualify as eligible participants, may participate in the Deferred Compensation Loan Program as administered by Contra Costa County.**

\*\*\*\*\*

PASSED AND ADOPTED THIS 13<sup>TH</sup> day of August 2014, by the following vote:

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

\_\_\_\_\_  
ROB SCHRODER, VICE CHAIR, CONTRA COSTA LAFCO

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

Dated: August 13, 2014

\_\_\_\_\_  
Lou Ann Texeira, Executive Officer



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*

August 13, 2014

August 13, 2014  
 Agenda Item 12

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

**CALAFCO Annual Conference - Call for Board Members & Achievement Award Nominations**

Dear Commissioners:

The Annual CALAFCO Conference will be held October 15-17, 2014 in Ontario, CA. Conference program planning is underway and conference information is forthcoming.

Each year, prior to the annual conference, CALAFCO calls for Board of Director and Achievement Award nominations. The election of CALAFCO Board members and Achievement Award ceremony will take place at the annual CALAFCO conference on Thursday, October 16<sup>th</sup>. The CALAFCO Recruitment Committee has opened nominations for the 2015 Board of Directors. There are eight seats up for election this fall, two from each of the four regions. The Coastal Region seats include a County Member and a Special District Member. Candidates must be nominated by the Commission on which they serve. The deadline for Board nominations is **September 15<sup>th</sup>**. See Attachment 1. Commissioner McGill currently serves on the CALAFCO Board of Directors and has expressed interest in continuing his service on the Board.

Also, nominations are now open for the 2014 CALAFCO Achievement Awards. The awards recognize outstanding achievements by individuals and organizations committed to LAFCO goals and principles. The deadline for award nominations is **August 22<sup>nd</sup>**. See the Attachment 2.

Finally, the CALAFCO bylaws require that each LAFCO designate a voting delegate to vote on behalf of their Commission. The voting delegate may be a commissioner, alternate commissioner or executive officer. Voting delegates must be designated prior to the annual meeting in October 2014.

**Recommendations:** Advise as to any Board and/or Achievement Award nominations, appoint a voting delegate and alternate for Contra Costa LAFCO, and direct staff to forward the information to CALAFCO.

Sincerely,

LOU ANN TEXEIRA  
 EXECUTIVE OFFICER

12 June 2014

**2013-2014  
Board of Directors**

**Chair**  
MARY JANE GRIEGO  
Yuba LAFCo

**Vice Chair**  
JOHN LEOPOLD  
Santa Cruz LAFCo

**Secretary**  
STEPHEN TOMANELLI  
Riverside LAFCo

**Treasurer**  
GAY JONES  
Sacramento LAFCo

JULIE ALLEN  
Tulare LAFCo

ROBERT BERGMAN  
Nevada LAFCo

JAMES CURATALO  
San Bernardino LAFCo

LARRY R. DUNCAN  
Butte LAFCo

JULIANA INMAN  
Napa LAFCo

MICHAEL KELLEY  
Imperial LAFCo

DR. WILLIAM KIRBY  
Placer LAFCo

MICHAEL R. MCGILL  
Contra Costa LAFCo

EUGENE MONTANEZ  
Riverside LAFCo

THEODORE NOVELLI  
Amador LAFCo

JOSH SUSMAN  
Nevada LAFCo

ROGER WELT  
Santa Barbara LAFCo

**Staff**

PAMELA MILLER  
Executive Director

MARJORIE BLOM  
Executive Officer

CLARK ALSOP  
Legal Counsel

STEPHEN LUCAS  
Deputy Executive Officer

SAMUEL MARTINEZ  
Deputy Executive Officer

DAVID CHURCH  
Deputy Executive Officer

JENI TICKLER  
Executive Assistant

**To:** Local Agency Formation Commission  
Members and Alternate Members

**From:** Elliot Mulberg, Committee Chair  
Mary Jane Griego, Committee Vice Chair  
Board Recruitment Committee  
CALAFCO Board of Directors

**RE: Nominations for 2014/2015 CALAFCO Board of Directors**



Nominations are now open for the fall elections of the CALAFCO Board of Directors. Serving on the CALAFCO Board is a unique opportunity to work with other commissioners throughout the state on legislative, fiscal and operational issues that affect us all. The Board meets four to five times each year at alternate sites around the state. Any LAFCo commissioner or alternate commissioner is eligible to run for a Board seat.

CALAFCO's Recruitment Committee is accepting nominations for the following seats on the CALAFCO Board of Directors:

<b><u>Northern Region</u></b>	<b><u>Central Region</u></b>	<b><u>Coastal Region</u></b>	<b><u>Southern Region</u></b>
City Member	District Member	District Member	City Member
Public Member	County Member	County Member	Public Member

The election will be conducted during regional caucuses at the CALAFCO annual conference prior to the Annual Membership Meeting on Thursday, October 16, 2014 at the DoubleTree by Hilton in Ontario, CA.

**Please inform your Commission that the CALAFCO Recruitment Committee is accepting nominations for the above-cited seats until Monday, September 15, 2014.**

Incumbents are eligible to run for another term. Nominations received by September 15<sup>th</sup> will be included in the Recruitment Committee's Report and on the ballot, copies of which will be distributed to LAFCo members October 1 and made available at the Annual Conference. Nominations received after this date will be returned; however, nominations will be permitted from the floor during the Regional Caucuses or during at-large elections, if required, at the Annual Membership Meeting.

For those member LAFCos who cannot send a representative to the Annual Meeting an electronic ballot will be made available if requested in advance. The ballot request must be made no later than Monday, September 15, 2014. Completed absentee ballots must be returned by October 13. If returned by the deadline absentee ballots will be used in the case of a run-off election.

Should your Commission nominate a candidate, the Chair of your Commission must complete the attached Nomination Form and the Candidate's Resume Form, or provide the specified information in another format other than a resume.

Commissions may also include a letter of recommendation or resolution in support of their nominee. ***The nomination forms and materials must be received by the CALAFCO Executive Director no later than Monday, September 15, 2014.***

Here is a summary of the deadlines for this year's nomination process:

- **June 12** – Nomination Announcement and packet sent to LAFCo membership and posted on the CALAFCO website.
- **September 15** – Completed Nomination packet due
- **September 15** – Request for an absentee/electronic ballot
- **October 1** – Distribution of the Recruitment Committee Report (includes all completed/submitted nomination papers)
- **October 1** – Distribution of requested absentee/electronic ballots.
- **October 13** – Absentee ballots due to CALAFCO
- **October 16** - Elections

Returning the nomination form prior to the deadline ensures your nominee is placed on the ballot.

Please forward nominations to:

CALAFCO Recruitment Committee c/o Executive Director  
California Association of Local Agency Formation Commissions  
1215 K Street, Suite 1650  
Sacramento, California 95814  
FAX: 916-442-6535

Electronic filing of nomination forms and materials is encouraged to facilitate the recruitment process. Please send e-mails with forms and materials to [info@calafco.org](mailto:info@calafco.org). Alternatively, nomination forms and materials can be mailed or faxed to the above address.

Attached please find a copy of the CALAFCO Board of Directors Nomination and Election Procedures. Members of the 2014/2015 CALAFCO Recruitment Committee are:

Chair – Elliot Mulberg <a href="mailto:elliott@mulberg.com">elliott@mulberg.com</a>	Associate Member and former CALAFCO Board member 916-217-8393
Vice Chair- Mary Jane Griego <a href="mailto:mgriego@calafco.org">mgriego@calafco.org</a>	Yuba LAFCo (Northern Region) 530-749-7510
Julie Allen <a href="mailto:jallen@calafco.org">jallen@calafco.org</a>	Tulare LAFCo (Central Region) 559-288-9411
Juliana Inman <a href="mailto:jinman@calafco.org">jinman@calafco.org</a>	Napa LAFCo (Coastal Region) 707-226-5304
Michael Kelley <a href="mailto:mkelley@calafco.org">mkelley@calafco.org</a>	Imperial LAFCo (Southern Region) 760-482-4308

Former CALAFCO Board Member and Associate Member Elliot Mulberg has agreed to once again assist CALAFCO with the election process. We appreciate and value his expertise. Questions about the election process can be directed to him at [elliott@mulberg.com](mailto:elliott@mulberg.com) or 916-217-8393.

*Please consider joining us!*  
Enclosures

## **Board of Directors Nomination and Election Procedures and Forms**

The procedures for nominations and election of the CALAFCO Board of Directors [Board] are designed to assure full, fair and open consideration of all candidates, provide confidential balloting for contested positions and avoid excessive demands on the time of those participating in the CALAFCO Annual Conference.

The Board nomination and election procedures shall be:

### **1. APPOINTMENT OF A RECRUITMENT COMMITTEE**

- a. Following the Annual Membership Meeting the Board shall appoint a Committee of four members of the Board. The Recruitment Committee shall consist of one member from each region whose term is not ending.
- b. The Board shall appoint one of the members of the Recruitment Committee to serve as Chairman. The CALAFCO Executive Officer shall appoint a CALAFCO staff member to serve as staff for the Recruitment Committee in cooperation with the CALAFCO Executive Director.
- c. Each region shall designate a regional representative to serve as staff liaison to the Recruitment Committee.
- d. Goals of the Committee are to encourage and solicit candidates by region who represent member LAFcos across the spectrum of geography, size, and urban-suburban-rural population, and to provide oversight of the elections process.

### **2. ANNOUNCEMENT TO ALL MEMBER LAFcos**

- a. No later than three months prior to the Annual Membership Meeting, the Recruitment Committee Chair shall send an announcement to each LAFCo for distribution to each commissioner and alternate. The announcement shall include the following:
  - i. A statement clearly indicating which offices are subject to the election.
  - ii. A regional map including LAFcos listed by region.
  - iii. The dates by which all nominations must be received by the Recruitment Committee. The deadline shall be no later than 30 days prior to the opening of the Annual Conference. Nominations received after the closing date shall be returned to the proposing LAFCo marked "Received too late for Nominations Committee action."
  - iv. The names of the Recruitment Committee members with the Committee Chair's LAFCo address and phone number, and the names and contact information for each of the regional representatives.
  - v. The address to send the nominations forms.
  - vi. A form for a Commission to use to nominate a candidate and a candidate resume form of no more than one page each to be completed for each nominee.
- b. No later than four months before the annual membership meeting, the Recruitment Committee Chair shall send an announcement to the Executive Director for distribution to each member LAFCo and for publication in the newsletter and on the website. The announcement shall include the following:

<b>Key Timeframes for Nominations Process</b>	
<u>Days*</u>	
90	Nomination announcement
30	Nomination deadline
14	Committee report released
<small>*Days prior to annual membership meeting</small>	

- i. A statement clearly indicating which offices are subject to the election.
  - ii. The specific date by which all nominations must be received by the Recruitment Committee. Nominations received after the closing dates shall be returned to the proposing LAFCo marked "Received too late for Recruitment Committee action."
  - iii. The names of the Recruitment Committee members with the Committee Chair's LAFCo address and phone number, and the names and contact information for each of the regional representatives.
  - iv. Requirement that nominated individual must be a commissioner or alternate commissioner from a member in good standing within the region.
- c. A copy of these procedures shall be posted on the web site.

### **3. THE RECRUITMENT COMMITTEE**

- a. The Recruitment Committee and the regional representatives have the responsibility to monitor nominations and help assure that there are adequate nominations from each region for each seat up for election. No later than two weeks prior to the Annual Conference, the Recruitment Committee Chair shall distribute to the members the Committee Report organized by regions, including copies of all nominations and resumes, which are received prior to the end of the nomination period.
- b. At the close of the nominations the Recruitment Committee shall prepare regional ballots. Each region will receive a ballot specific to that region. Each region shall conduct a caucus at the Annual Conference for the purpose of electing their designated seats. Caucus elections must be held prior to the annual membership meeting at the conference. The Executive Director or assigned staff along with a member of the Recruitment committee shall tally ballots at each caucus and provide the Recruitment Committee the names of the elected Board members and any open seats. In the event of a tie, the staff and Recruitment Committee member shall immediately conduct a run-off ballot of the tied candidates.
- c. Make available sufficient copies of the Committee Report for each Voting Member by the beginning of the Annual Conference.
- d. Make available blank copies of the nomination forms and resume forms to accommodate nominations from the floor at either the caucuses or the annual meeting (if an at-large election is required).
- e. Advise the Annual Conference Planning Committee to provide "CANDIDATE" ribbons to all candidates attending the Annual Conference.
- f. Post the candidate statements/resumes organized by region on a bulletin board near the registration desk.
- g. Regional elections shall be conducted as described in Section 4 below. The representative from the Recruitment Committee shall serve as the Presiding Officer for the purpose of the caucus election.
- h. Following the regional elections, in the event that there are open seats for any offices subject to the election, the Recruitment Committee Chair shall notify the Chair of the Board of Directors that an at-large election will be required at the annual membership meeting and to provide a list of the number and category of seats requiring an at-large election.

#### **4. ELECTRONIC BALLOT FOR LAFCO IN GOOD STANDING NOT ATTENDING ANNUAL MEETING**

Limited to the elections of the Board of Directors

- a. Any LAFCo in good standing shall have the option to request an electronic ballot if there will be no representative attending the annual meeting.
- b. LAFCos requesting an electronic ballot shall do so in writing no later than 30 days prior to the annual meeting.
- c. The Executive Director shall distribute the electronic ballot no later than two weeks prior to the annual meeting.
- d. LAFCo must return the ballot electronically to the executive director no later than three days prior to the annual meeting.
- e. LAFCos voting under this provision may discard their electronic ballot if a representative is able to attend the annual meeting.
- f. LAFCos voting under this provision may only vote for the candidates nominated by the Recruitment Committee.

#### **5. AT THE TIME FOR ELECTIONS DURING THE REGIONAL CAUCUSES OR ANNUAL MEMBERSHIP MEETING**

- a. The Recruitment Committee Chairman, another member of the Recruitment Committee, or the Chair's designee (hereafter called the Presiding Officer) shall:
  - i. Review the election procedure with the membership.
  - ii. Present the Recruitment Committee Report (previously distributed).
  - iii. Call for nominations from the floor by category for those seats subject to this election:
    1. For city member.
    2. For county member.
    3. For public member.
    4. For special district member.
- b. To make a nomination from the floor, a LAFCo, which is in good standing, shall identify itself and then name the category of vacancy and individual being nominated. The nominator may make a presentation not to exceed two minutes in support of the nomination.
- c. When there are no further nominations for a category, the Presiding Officer shall close the nominations for that category.
- d. The Presiding Officer shall conduct a "Candidates Forum". Each candidate shall be given time to make a brief statement for their candidacy.
- e. The Presiding Officer shall then conduct the election:
  - i. For categories where there are the same number of candidates as vacancies, the Presiding Officer shall:
    1. Name the nominees and offices for which they are nominated.
    2. Call for a voice vote on all nominees and thereafter declare those unopposed candidates duly elected.

- ii. For categories where there are more candidates than vacancies, the Presiding Officer shall:
  - 1. Poll the LAFCoS in good standing by written ballot.
  - 2. Each LAFCo in good standing may cast its vote for as many nominees as there are vacancies to be filled. The vote shall be recorded on a tally sheet.
  - 3. With assistance from CALAFCO staff, tally the votes cast and announce the results.
- iii. Election to the Board shall occur as follows:
  - 1. The nominee receiving the majority of votes cast is elected.
  - 2. In the case of no majority, the two nominees receiving the two highest number of votes cast shall face each other in a run-off election.
  - 3. In case of tie votes:
    - a. A second run-off election shall be held with the same two nominees.
    - b. If there remains a tie after the second run-off, the winner shall be determined by a draw of lots.
  - 4. In the case of two vacancies, any candidate receiving a majority of votes cast is elected.
    - a. In the case of no majority for either vacancy, the three nominees receiving the three highest number of votes cast shall face each other in a run-off election.
    - b. In the case of no majority for one vacancy, the two nominees receiving the second and third highest number of votes cast shall face each other in a run-off election.
    - c. In the event of a tie, a second run-off election shall be held with the tied nominees. If there remains a tie after the second run-off election the winner shall be determined by a draw of lots.

## **6. ADDITIONAL PROCEDURES**

- a. For categories where there are more candidates than vacancies, names will be listed in the order nominated.
- b. The Recruitment Committee Chair shall announce and introduce all Board Members elected at the Regional Caucuses at the annual business meeting.
- c. In the event that Board seats remain unfilled after a Regional Caucus, an election will be held immediately at the annual business meeting to fill the position at-large. Nominations will be taken from the floor and the election process will follow the procedures described in Section 4 above. Any commissioner or alternate from a member LAFCo may be nominated for at-large seats.
- d. Seats elected at-large become subject to regional election at the expiration of the term. Only representatives from the region may be nominated for the seat.
- e. As required by the Bylaws, the members of the Board shall meet as soon as possible after election of new board members for the purpose of electing officers, determining meeting places and times for the coming year, and conducting any other necessary business.

## 7. LOSS OF ELECTION IN HOME LAFCO

Board Members and candidates who lose elections in their home office shall notify the Executive Director within 15 days of the certification of the election.

## 8. FILLING BOARD VACANCIES

Vacancies on the Board of Directors may be filled by appointment by the Board for the balance of the unexpired term. Appointees must be from the same category as the vacancy, and should be from the same region.

*These policies and procedures were adopted by the CALAFCO Board of Directors on 12 January 2007 and amended on 9 November 2007, 8 February 2008, 13 February 2009, 12 February 2010, 18 February 2011, and 29 April 2011. They supersede all previous versions of the policies.*

## CALAFCO Regions



The counties in each of the four regions consist of the following:

**Northern Region**

Butte  
Colusa  
Del Norte  
Glenn  
Humboldt  
Lake  
Lassen  
Mendocino  
Modoc  
Nevada  
Plumas  
Shasta  
Sierra  
Siskiyou  
Sutter  
Tehama  
Trinity  
Yuba

**CONTACT:** Steve Lucas, Butte LAFCo  
slucas@buttecounty.net

**Southern Region**

Orange  
Los Angeles  
Imperial  
Riverside  
San Bernardino  
San Diego

**CONTACT:** Sam Martinez,  
San Bernardino LAFCo  
smartinez@lafco.sbcounty.gov

**Coastal Region**

Alameda  
Contra Costa  
Marin  
Monterey  
Napa  
San Benito  
San Francisco  
San Luis Obispo  
San Mateo  
Santa Barbara  
Santa Clara  
Santa Cruz  
Solano  
Sonoma  
Ventura

**CONTACT:** David Church, San Luis Obispo  
LAFCo  
dchurch@slolaftco.com

**Central Region**

Alpine  
Amador  
Calaveras  
El Dorado  
Fresno  
Inyo  
Kern  
Kings  
Madera  
Mariposa  
Merced  
Mono  
Placer  
Sacramento  
San Joaquin  
Stanislaus  
Tulare  
Tuolumne  
Yolo

**CONTACT:** Marjorie Blom, Stanislaus LAFCo  
blomm@stancounty.com

## Board of Directors 2014/2015 Nominations Form

### *Nomination to the CALAFCO Board of Directors*

In accordance with the Nominations and Election Procedures of CALAFCO,

\_\_\_\_\_ LAFCo of the \_\_\_\_\_ Region

Nominates \_\_\_\_\_

for the (check one)     City     County     Special District     Public

Position on the CALAFCO Board of Directors to be filled by election at the next Annual  
Membership Meeting of the Association.

\_\_\_\_\_  
LAFCo Chair

\_\_\_\_\_  
Date

#### **NOTICE OF DEADLINE**

Nominations must be received by **September 15, 2014**  
to be considered by the Recruitment Committee. Send  
completed nominations to:  
CALAFCO Recruitment Committee  
CALAFCO  
1215 K Street, Suite 1650  
Sacramento, CA 95814

## Board of Directors 2014/2015 Candidate Resume Form

Nominated By: \_\_\_\_\_ LAFCo Date: \_\_\_\_\_

Region (please check one):  Northern  Coastal  Central  Southern

Category (please check one):  City  County  Special District  Public

Candidate Name \_\_\_\_\_

Address \_\_\_\_\_

Phone Office \_\_\_\_\_ Mobile \_\_\_\_\_

e-mail \_\_\_\_\_ @ \_\_\_\_\_

Personal and Professional Background:

LAFCo Experience:

CALAFCO or State-level Experience:

Availability:

Other Related Activities and Comments:

**NOTICE OF DEADLINE**

Nominations must be received by **September 15, 2014** to be considered by the Recruitment Committee. Send completed nominations to:  
CALAFCO Recruitment Committee  
CALAFCO  
1215 K Street, Suite 1650  
Sacramento, CA 95814



**2013-2014  
Board of Directors**

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DAVID CHURCH  
Deputy Executive Officer

JENI TICKLER  
Executive Assistant

**Date:** 25 June 2014

**To:** LAFCo Commissioners and Staff  
CALAFCO Members  
Other Interested Organizations

**From:** Stephen Tomanelli, Chair  
CALAFCO Achievement Awards Committee

**Subject: 2014 CALAFCO Achievement Award Nominations**

Each year, CALAFCO recognizes outstanding achievements by dedicated and committed individuals and/or organizations from throughout the state at the Annual Conference Achievement Awards Ceremony.

Recognizing individual and organizational achievements is an important responsibility. It provides visible recognition and support to those who go above and beyond in their work to advance the principles and goals of the Cortese-Knox-Hertzberg Act. We invite you to use this opportunity to nominate the individuals and organizations you feel deserve this important recognition.

To make a nomination, please use the following procedure:

1. Nominations may be made by an individual, a LAFCo, a CALAFCO Associate Member, or any other organization. There is no limit to the number of nominations.
2. Please use a separate form (attached) for each nomination. Nominations must be submitted with a completed nomination form. The form is your opportunity to summarize the most important points of your nomination.
3. All nomination materials must be submitted at one time and must be received by the deadline. Electronic submittals are encouraged.
4. All supporting information (e.g. reports, news articles, etc.) must be submitted with the nomination. Endorsement letters from third parties are optional. Please limit supporting documentation to no more than 25 pages. If necessary, a CD will be accepted for supporting documentation exceeding 25 pages. Should you submit a CD for consideration, you will need to provide 9 copies.
5. **Nominations and supporting materials must be received no later than 5:00 p.m., Friday, August 22, 2014.** Send nominations via e-mail, or U.S. mail to:

Marjorie Blom  
Stanislaus LAFCo  
1010 Tenth Street, 3<sup>rd</sup> Floor, Suite 3600  
Modesto, CA 95354  
E-mail: blomm@stancounty.com

1215 K Street, Suite 1650  
Sacramento, CA 95814

Voice 916-442-6536  
Fax 916-442-6535

[www.calafco.org](http://www.calafco.org)

Please contact Marjorie with any questions at (209) 525-7660. A list of the previous Achievement Award recipients is attached to this announcement.



## **Nomination Form**

### **NOMINEE**

**Person or Organization Being Nominated:**

Name  
Organization  
Address  
Phone/E-mail

**NOMINATION CATEGORY** (check one – see category detail on attached sheet)

- Outstanding CALAFCO Member
- Distinguished Service Award
- Most Effective Commission
- Outstanding Commissioner
- Outstanding LAFCo Professional
- Outstanding LAFCo Clerk
- Project of the Year
- Government Leadership Award
- Legislator of the Year (must be selected by the full CALAFCO Board)
- Mike Gotch Courage and Innovation in Local Government Award
- Lifetime Achievement Award

### **NOMINATION SUBMITTED BY:**

Name:  
Address:  
Phone:  
E-mail:

### **ACHIEVEMENTS**

Please indicate the reasons why this person or agency deserves to be recognized (Use additional sheets as needed):



## 2014 Achievement Award Nominations

### CALAFCO ACHIEVEMENT AWARD CATEGORIES

CALAFCO recognizes excellence within the LAFCo community by presenting the *Achievement Awards* at the CALAFCO Annual Conference. Nominations are being accepted until *Friday, August 22, 2014*, in the following categories:

<b>Outstanding CALAFCO Member</b>	Recognizes a CALAFCO Board Member or staff person who has provided exemplary service during the past year.
<b>Distinguished Service Award</b>	Given to a member of the LAFCo community to recognize long-term service by an individual.
<b>Most Effective Commission</b>	Presented to an individual Commission to recognize innovation, streamlining, and/or initiative in implementing LAFCo programs; may also be presented to multiple Commissions for joint efforts.
<b>Outstanding Commissioner</b>	Presented to an individual Commissioner for extraordinary service to his or her Commission.
<b>Outstanding LAFCo Professional</b>	Recognizes an Executive Officer, Staff Analyst, or Legal Counsel for exemplary service during the past year.
<b>Outstanding LAFCo Clerk</b>	Presented to a LAFCo Clerk for service above and beyond the call of duty.
<b>Project of the Year</b>	Recognition for a project-specific program that involved complex staff analysis, community involvement, or an outstanding solution.
<b>Government Leadership Award</b>	Presented to a decision-making body at the city, county, special district, regional or state level which has furthered good government efforts in California.
<b>Legislator of the Year</b>	Presented to a member of the California State Senate or Assembly in recognition of leadership and valued contributions in support of LAFCo goals. Selected by CALAFCO Board.
<b>Mike Gotch Courage and Innovation in Local Government Award</b>	Presented to an individual who has taken extraordinary steps to improve and innovate local government. This award is named for Mike Gotch: former Assembly Member, LAFCo Executive Officer and CALAFCO Executive Director responsible for much of the foundations of LAFCo law and CALAFCO. He is remembered as a source of great inspiration for staff and legislators from throughout the state.
<b>Lifetime Achievement Award</b>	Recognizes any individual who has made extraordinary contributions to the LAFCo community in terms of longevity of service, exemplary advocacy of LAFCo-related legislation, proven leadership in approaching a particular issue or issues, and/or demonstrated support in innovative and creative ways of the goals of LAFCOs throughout California. At a minimum, the individual should be involved in the LAFCo community for at least ten years.

**CALAFCO ACHIEVEMENT AWARD RECIPIENTS****2013**

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Mike Gotch Courage & Innovation in  
Local Government Leadership Award

Distinguished Service Award

Most Effective Commission

Outstanding CALAFCO Member

Outstanding Commissioner

Outstanding LAFCo Professional

LAFCo Outstanding LAFCo Clerk

Project of the Year

Government Leadership Award

Legislators of the Year Award

Lifetime Achievement Award

**Simón Salinas**, Commissioner, Monterey LAFCo

**Roseanne Chamberlain**, Amador LAFCo

**Stanislaus LAFCo**

**Harry Ehrlich**, San Diego LAFCo

**Jerry Gladbach**, Los Angeles LAFCo

**Lou Ann Texeira**, Contra Costa

**Kate Sibley**, Contra Costa LAFCo

**Plan for Agricultural Preservation**, Stanislaus LAFCo

**Orange County LAFCo Community Islands Taskforce**,  
Orange LAFCo

**Senators Bill Emmerson and Richard Roth**

**H. Peter Faye**, Yolo LAFCo; **Henry Pellissier**, Los Angeles  
LAFCo; **Carl Leverenz**, Butte LAFCo; **Susan Vicklund-Wilson**,  
Santa Clara LAFCo.

**2012**

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Mike Gotch Courage & Innovation in  
Local Government Leadership Award

Distinguished Service Award

Most Effective Commission

Outstanding CALAFCO Member

Outstanding Commissioner

LAFCo Outstanding LAFCo Professional

Outstanding LAFCo Clerk

Project of the Year

Government Leadership Award

Lifetime Achievement Award

**Bill Chiat**, CALAFCO Executive Director

**Marty McClelland**, Commissioner, Humboldt LAFCo  
**Sonoma LAFCo**

**Stephen A. Souza**, Commissioner, Yolo LAFCo and  
CALAFCO Board of Directors

**Sherwood Darington**, Monterey

**Carole Cooper**, Sonoma LAFCo

**Gwenna MacDonald**, Lassen LAFCo

**Countywide Service Review & SOI Update**, Santa Clara  
LAFCo

**North Orange County Coalition of Cities**, Orange LAFCo

**P. Scott Browne**, Legal Counsel LAFCos

**2011**

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Mike Gotch Courage & Innovation in  
Local Government Leadership Award

Distinguished Service Award

LAFCo Most Effective Commission

Outstanding CALAFCO Member

Outstanding Commissioner

Outstanding LAFCo Professional

Outstanding LAFCo Clerk

Project of the Year

**Martin Tuttle**, Deputy Director for Planning, Caltrans

**Mike McKeever**, Executive Director, SACOG

**Carl Leverenz**, Commissioner and Chair, Butte

**San Bernardino LAFCo**

**Keene Simonds**, Executive Officer, Napa LAFCo

**Louis R. Calcagno**, Monterey LAFCo

**June Savala**, Deputy Executive Officer, Los Angeles LAFCo

**Debbie Shubert**, Ventura LAFCo

**Cortese-Knox-Hertzberg Definitions Revision**

Bob Braitman, Scott Browne, Clark Alsop, Carole Cooper,  
and George Spiliotis



## 2014 Achievement Award Nominations

Government Leadership Award

**Contra Costa Sanitary District**

**Elsinore Water District and Elsinore Valley Municipal Water District**

### 2010

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Mike Gotch Courage & Innovation in  
Local Government Leadership Award  
Distinguished Service Award

**Helen Thompson**, Commissioner, Yolo LAFCo

**Kathleen Rollings-McDonald**, Executive Officer, San Bernardino LAFCo

**Bob Braitman**, Executive Officer, Santa Barbara LAFCo

**Tulare LAFCo**

**Roger Anderson, Ph.D.**, CALAFCO Chair, Santa Cruz LAFCo

**George Lange**, Ventura LAFCo

**Harry Ehrlich**, Government Consultant, San Diego LAFCo

**Candie Fleming**, Fresno LAFCo

Most Effective Commission

Outstanding CALAFCO Member

Outstanding Commissioner

Outstanding LAFCo Professional

Outstanding LAFCo Clerk

Project of the Year

**Butte LAFCo**

Sewer Commission - Oroville Region Municipal Service Review

Government Leadership Award

**Nipomo Community Services District and the County of San Luis Obispo**

Special Achievement

**Chris Tooker**, Sacramento LAFCo and CALAFCO Board of Directors

### 2009

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Mike Gotch Courage & Innovation in  
Local Government Leadership Award

**Paul Hood**, Executive Officer, San Luis Obispo LAFCo

Distinguished Service Award

**William Zumwalt**, Executive Officer, Kings LAFCo

Most Effective Commission

**Napa LAFCo**

Outstanding CALAFCO Member

**Susan Vicklund Wilson**, CALAFCO Vice Chair

**Jerry Gladbach**, CALAFCO Treasurer

Outstanding Commissioner

**Larry M. Fortune**, Fresno LAFCo

Outstanding LAFCo Professional

**Pat McCormick**, Santa Cruz LAFCo Executive Officer

Outstanding LAFCo Clerk

**Emmanuel Abello**, Santa Clara LAFCo

Project of the Year

**Orange LAFCo** Boundary Report

Government Leadership Award

**Cities of Amador City, Jackson, Ione, Plymouth & Sutter Creek; Amador County; Amador Water Agency; Pine Grove CSD** – Countywide MSR Project

Legislator of the Year Award

**Assembly Member Jim Silva**

### 2008

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Distinguished Service Award

**Peter M. Detwiler**, Senate Local Government Committee Chief Consultant

Most Effective Commission

**Yuba LAFCo**

Outstanding Commissioner

**Dennis Hansberger**, San Bernardino LAFCo

Outstanding LAFCo Professional

**Michael Ott**, San Diego LAFCo Executive Officer

**Martha Poyatos**, San Mateo Executive Officer

Outstanding LAFCo Clerk

**Wilda Turner**, Los Angeles LAFCo

Project of the Year

**Kings LAFCo**

City and Community District MSR and SOI Update



## 2014 Achievement Award Nominations

Government Leadership Award  
Legislator of the Year Award

San Bernardino Board of Supervisors  
Assembly Member Anna M. Caballero

### 2007

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Outstanding CALAFCO Member  
Distinguished Service Award  
Counsel Most Effective Commission  
Outstanding Commissioner  
Outstanding LAFCo Professional  
Outstanding LAFCo Clerk  
Project of the Year

**Kathy Long**, Board Chair, Ventura LAFCo  
**William D. Smith**, San Diego Legal  
**Santa Clara LAFCo**  
**Gayle Uilkema**, Contra Costa LAFCo  
**Joyce Crosthwaite**, Orange LAFCo Executive Officer  
**Debby Chamberlin**, San Bernardino LAFCo  
**San Bernardino LAFCo and City of Fontana**  
Islands Annexation Program  
**City of Fontana - Islands Annexation Program**  
**John T. "Jack" Knox**

Government Leadership Award  
Lifetime Achievement

### 2006

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Outstanding CALAFCO Member  
  
Distinguished Service Award  
Most Effective Commission Award  
Outstanding Commissioner Award  
  
Outstanding LAFCo Professional Award  
Outstanding LAFCo Clerk Award  
  
Project of the Year Award  
  
Outstanding Government Leadership Award  
  
Legislator of the Year Award

**Everett Millais**, CALAFCO Executive Officer and Executive Officer of Ventura LAFCo  
**Clark Alsop**, CALAFCO Legal Counsel  
**Alameda LAFCo**  
**Ted Grandsen**, Ventura LAFCo  
**Chris Tooker**, Sacramento LAFCo  
**Larry Calemine**, Los Angeles LAFCo Executive Officer  
**Janice Bryson**, San Diego LAFCo  
**Marilyn Flemmer**, Sacramento LAFCo  
**Sacramento Municipal Utility District** Sphere of Influence Amendment and Annexation; **Sacramento LAFCo**  
**Cities of Porterville, Tulare, and Visalia and Tulare LAFCo**  
Island Annexation Program  
**Senator Christine Kehoe**

### 2005

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Outstanding CALAFCO Member  
Distinguished Service Award  
Most Effective Commission Award  
Outstanding Commissioner Award  
  
Outstanding LAFCo Professional Award  
Outstanding LAFCo Clerk Award  
  
Project of the Year Award  
  
Outstanding Government Leadership Award

**Peter Herzog**, CALAFCO Board, Orange LAFCo  
**Elizabeth Castro Kemper**, Yolo LAFCo  
**Ventura LAFCo**  
**Art Aseltine**, Yuba LAFCo  
**Henri Pellissier**, Los Angeles LAFCo  
**Bruce Baracco**, San Joaquin LAFCo  
**Danielle Ball**, Orange LAFCo  
  
**San Diego LAFCo**  
MSR of Fire Protection and Emergency Medical Services  
**Sacramento Area Council of Governments (SACOG)**

### 2004

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Outstanding CALAFCO Member  
Distinguished Service Award  
Most Effective Commission Award  
Outstanding Commissioner Award

**Scott Harvey**, CALAFCO Executive Director  
**Julie Howard**, Shasta LAFCo  
**San Diego LAFCo**  
**Edith Johnsen**, Monterey LAFCo



## 2014 Achievement Award Nominations

Outstanding LAFCo Professional Award  
Project of the Year Award

David Kindig, Santa Cruz LAFCo  
San Luis Obispo LAFCo  
Nipomo CSD SOI Update, MSR, and EIR

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### 2003

Outstanding CALAFCO Member  
Distinguished Service Award  
Most Effective Commission Award  
Outstanding Commissioner Award  
Outstanding LAFCo Professional Award  
Outstanding LAFCo Clerk Award  
Project of the Year Award  
  
Special Achievement Award

Michael P. Ryan, CALAFCO Board Member  
Henri F. Pellissier, Los Angeles LAFCo  
San Luis Obispo LAFCo  
Bob Salazar, El Dorado LAFCo  
Shirley Anderson, San Diego LAFCo  
Lori Fleck, Siskiyou LAFCo  
Napa LAFCo  
Comprehensive Water Service Study  
James M. Roddy

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### 2002

Outstanding CALAFCO Member  
Most Effective Commission Award  
Commissioner Award  
Outstanding LAFCo Professional Award  
Outstanding LAFCo Clerk Award  
Project of the Year Award  
Outstanding Government Leadership Award

Ken Lee, CALAFCO Legislative Committee Chair  
San Diego LAFCo Outstanding  
Ed Snively, Imperial LAFCo  
Paul Hood, San Luis Obispo LAFCo  
Danielle Ball, Orange LAFCo  
San Luis Obispo LAFCo  
Napa LAFCo, Napa County Farm Bureau, Napa Valley  
Vintners Association, Napa Valley Housing Authority, Napa  
County Agricultural Commissioner's Office, Napa County  
Counsel Office, and Assembly Member Patricia Wiggins

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### 2001

Outstanding CALAFCO Member  
Distinguished Service Award  
  
Outstanding Commissioner Award  
Outstanding LAFCo Professional Award  
Project of the Year Award  
Outstanding Government Leadership Award  
  
Legislator of the Year Award

SR Jones, CALAFCO Executive Officer  
David Martin, Tax Area Services Section, State Board of  
Equalization  
H. Peter Faye, Yolo LAFCo  
Ingrid Hansen, San Diego LAFCo  
Santa Barbara LAFCo  
Alameda County Board of Supervisors, Livermore City  
Council, Pleasanton City Council  
Senator Jack O'Connell

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### 2000

Outstanding CALAFCO Member  
Distinguished Service Award  
  
Most Effective Commission Award  
Outstanding Commissioner  
Outstanding LAFCo Professional Award  
Outstanding LAFCo Clerk Award  
Project of the Year Award  
Legislator of the Year Award

Ron Wootton, CALAFCO Board Chair  
Ben Williams, Commission on Local Governance for the  
21st Century  
Yolo LAFCo  
Rich Gordon, San Mateo LAFCo  
Annamaria Perrella, Contra Costa LAFCo  
Susan Stahmann, El Dorado LAFCo  
San Diego LAFCo  
Robert Hertzberg, Assembly Member

### 1999

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Distinguished Service Award	<b>Marilyn Ann Flemmer-Rodgers</b> , Sacramento LAFCo
Most Effective Commission Award	<b>Orange LAFCo</b>
Outstanding Executive Officer Award	<b>Don Graff</b> , Alameda LAFCo
Outstanding LAFCo Clerk Award	<b>Dory Adams</b> , Marin LAFCo
Most Creative Solution to a Multi-Jurisdictional Problem	<b>San Diego LAFCo</b>
Outstanding Government Leadership Award	<b>Assembly Member John Longville</b>
Legislator of the Year Award	<b>Assembly Member Robert Hertzberg</b>

### 1998

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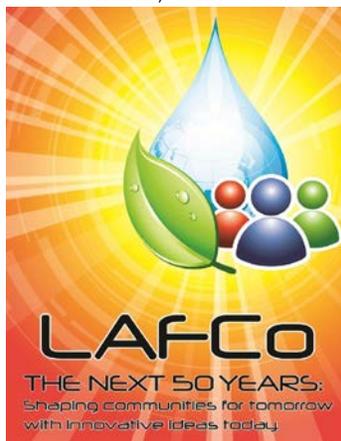
Outstanding CALAFCO Member	<b>Dana Smith</b> , Orange LAFCo
Distinguished Service Award	<b>Marvin Panter</b> , Fresno LAFCo
Most Effective Commission Award	<b>San Diego LAFCo</b>
Outstanding Executive Officer Award	<b>George Spiliotis</b> , Riverside LAFCo
Outstanding Staff Analysis	<b>Joe Convery</b> , San Diego LAFCo <b>Joyce Crosthwaite</b> , Orange LAFCo
Outstanding Government Leadership Award	<b>Santa Clara County Planning Department</b>

### 1997

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Most Effective Commission Award	<b>Orange LAFCo</b>
Outstanding Executive Officer Award	<b>George Finney</b> , Tulare LAFCo
Outstanding Staff Analysis	<b>Annamaria Perrella</b> , Contra Costa LAFCo
Outstanding Government Leadership Award	<b>South County Issues Discussion Group</b>
Most Creative Solution to a Multi-Jurisdictional Problem	<b>Alameda LAFCo and Contra Costa LAFCo</b>
Legislator of the Year Award	<b>Assembly Member Tom Torlakson</b>

Please join us for the CALAFCO Annual Conference  
October 15 - 17, 2014  
Ontario, California





August 13, 2014  
Agenda Item 13

**AGENDA**

**RETIREMENT BOARD MEETING**

SECOND MONTHLY MEETING  
June 25, 2014  
9:00 a.m.

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

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

1. Pledge of Allegiance.
2. Accept comments from the public.
3. Presentation by Brown Armstrong on the audit of the December 31, 2013 financial statements.
4. Presentation from PIMCO on StocksPLUS Absolute Return.
5. Consider and take possible action regarding consultant recommendation to change PIMCO StocksPLUS mandate.
6. Consider and take possible action on request from Rodeo-Hercules Fire Protection District to modify the contribution requirement for the 2014/2015 fiscal year.
7. Consider and take possible action on terminal pay assumptions for the December 31, 2013 Actuarial Valuation in light of the pending AB 197 appeal.

*CLOSED SESSION*

8. The Board will go into closed session pursuant to Govt. Code Section 54956.9(d)(1) to confer with legal counsel regarding existing litigation (one case):
  - a. *Contra Costa County Deputy Sheriffs Association, et al., v. Board of Retirement of Contra Costa County Employees' Retirement Association, et al.*, Court of Appeal, 1<sup>st</sup> Appellate District, Division Four, Case No. A141913.

*OPEN SESSION*

9. Consider and take possible action to schedule additional Board meeting on July 31, 2014.

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.

10. Consider and take possible action regarding the depletion of the "bank" of leave time for "estoppel class" members who use or sell leave between January 1, 2013 and retirement.
11. Consider and take possible action regarding the inclusion of payments for multiple leave sales during a 12-month final average salary period.
12. Consider authorizing the attendance of Board and/or staff:
  - a. 25<sup>th</sup> Annual Northern California Public Retirement Seminar, The Public Retirement Journal, September 25, 2014, Sacramento, CA.
  - b. Roundtable for Consultants & Institutional Investors, Institutional Investor, October 8-10, 2014, Chicago, IL.
13. Miscellaneous
  - a. Staff Report
  - b. Outside Professionals' Report
  - c. Trustees' comments

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



## MEMORANDUM

Date: June 26, 2014  
To: CCCERA Participating Employers  
From: Kurt Schneider, Deputy Retirement Chief Executive Officer  
Subject: Treatment of On-call and Standby Pay Following Implementation of AB 197

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The purpose of this letter is to update your agency on the May 12, 2014 Ruling in the AB 197 case and provide guidelines for how to report on-call-type compensation to CCCERA for Legacy (pre-PEPRA) members.

In September 2012, the legislature passed and the Governor signed into law AB 197, legislation amending the County Employees Retirement Law of 1937, in particular Government Code §31461 (Compensation Earnable). Under Gov. Code §31461(b)(3), Compensation Earnable does not include, in any case:

Payments for additional services rendered outside of normal working hours, whether paid in a lump sum or otherwise.

On April 10, 2013, the CCCERA Board determined that the new law requires CCCERA to exclude on-call pay and standby pay from compensation for retirement purposes. The Stay Order entered in the AB 197 lawsuit, however, prevented CCCERA from implementing this exclusion for Legacy Members (pre-PEPRA members) or changing its current compensation policy. A final Ruling was entered in the lawsuit on May 12, 2014, and the Stay Order expires July 11, 2014. CCCERA is ordered to implement the final Ruling as to retirements on or after July 12, 2014.

Pursuant to the Ruling, on-call or standby pay is to be included in Compensation Earnable only if it meets the following condition:

[T]he work was required of the Legacy Member to be served during the "final compensation" period and was ordinarily worked by persons in the same grade or class of positions as the Legacy Member, at the same rate of pay, during that period.

On-call or standby pay that does not meet this condition must be excluded from Compensation Earnable.

Although notices to appeal the final ruling have been filed, and a new stay has been requested, no stay has been requested with regard to the treatment of on-call/standby pay. It is very likely that on-call/standby pay will be treated in accordance with the final Ruling, effective July 12, 2014.

Starting with compensation earned on or after July 12, 2014, your agency will need to report as pensionable only the on-call-type pay for work that was:

- Required of the Legacy Member to be served, and
- Ordinarily worked by persons in the same grade or class of positions as the Legacy Member, at the same rate of pay, during that period.

We are aware of positions within CCCERA membership that require standby of everyone in the position and where everyone receives a 5% differential as compensation for this duty. This compensation may be fully included under the final ruling. We also are aware of positions where only some individuals within the grade work on-call duty. This compensation may be fully excluded under the final ruling. There could also be positions that require some on-call duty, but individuals may be allowed to volunteer for additional on-call duty. It may be necessary in these situations to create two pay codes, one for retirement compensable on-call pay and one for non-retirement compensable on-call pay.

In any case, it is the responsibility of the employer to report on-call/standby pay to CCCERA as pensionable only if it meets these requirements.

We note that, notwithstanding the foregoing, the CCCERA Board may exclude any compensation if it determines that the member received it to enhance his or her retirement benefit, pursuant to another part of AB 197, Government Code section 31461, subdivision (b)(1).

Please contact me with any questions.



June 30, 2014

Lou Ann Texeira  
Contra Costa County Local Agency Formation Commission  
651 Pine Street, 6th Floor  
Martinez, CA 94553

Dear Ms. Texeira,

We would like to inform you that the Retirement Board has completed the recruitment for the Retirement Chief Executive Officer, and has appointed Gail Strohl for this valuable position. Ms. Strohl most recently served as the Administrator for the City of Phoenix Employees Retirement System and prior to that was the Accounting Manager for the San Diego County Employees Retirement System. Ms. Strohl's start date with CCCERA will be July 14, 2014.

Sincerely,

Brian Hast  
Retirement Board Chair





## IMPORTANT MEMBER ALERT!!

### Reductions In Retirement Benefits Required Under Assembly Bill 197 Will Go Into Effect On July 12, 2014

(Date: July 1, 2014)

As you may recall from CCCERA's previous updates, a lawsuit was filed in November of 2012 on behalf of all active and deferred members of CCCERA to stop the implementation of Assembly Bill 197. AB 197 would prevent CCCERA from including certain accrued leave payouts (sometimes referred to as "terminal pay") and pay received for services provided after normal working hours (for example, on-call/standby pay) in the calculation of members' retirement allowances. On May 12, 2014, the Superior Court issued a judgment directing CCCERA to proceed to comply with AB 197 for all retirements effective on or after July 12, 2014. The matter was appealed. The Court of Appeal was requested to issue a "stay" of the implementation of AB 197 past July 11<sup>th</sup> during the pendency of the appeal. On June 30, 2014 the Court of Appeal issued an order denying the request for an additional "stay." CCCERA is therefore required to implement the AB 197 changes in calculating benefits for all retirements with an effective date of July 12, 2014 or later. Retirements with an effective date of July 11, 2014 or before may continue to be calculated under the pre-AB 197 rules.

**CCCERA expects to receive a high number of retirement applications for effective dates on or before July 11, 2014 due to the likely reductions in benefits AB 197 mandates. If you are considering retirement, please read the following information carefully:**

- 1) Eligibility for retirement for General (non-safety) members is:  
Age 50 with 10 or more years of retirement service credit, or  
Any age with 30 or more years of retirement service credit, or  
Age 70, regardless of service credit.  
Those who terminated with at least 5 years of retirement service credit can retire when they would have been eligible had they continued working full time.
- 2) Eligibility for retirement for Safety members is:  
Age 50 with 10 or more years of retirement service credit, or  
Any age with 20 or more years of retirement service credit, or  
Age 70, regardless of service credit.



Those who terminated with at least 5 years of retirement service credit can retire when they would have been eligible had they continued working full time.

- 3) Applications for a retirement date on or before July 11, 2014, must be received and date stamped in the CCCERA office no later than close of business on Friday, July 11, 2014, at 5:00 p.m.
- 4) ***A member can NOT be in a pay status on the date of retirement!*** If you plan to retire effective July 11, 2014, your last day in pay status must be on or before July 10, 2014. If you work on July 11, 2014, your effective date of retirement cannot be before July 12. For example, if you get off duty at 8:00 a.m. on Friday, July 11, 2014, you cannot retire that day since you were in pay status for eight hours.
- 5) If you wait until the final few days to submit your application, CCCERA staff may not have time to thoroughly review your application and may need to contact you later to request additional documents. If a large number of applications are being submitted as July 11, 2014 approaches, staff may only be able to verify the member's signature, the effective date of retirement and the date the application was received.
- 6) Please have your retirement application completed before you come to the CCCERA office.
- 7) Bring copies of the additional documents required. Do not plan to make copies at the office.
- 8) Please check our website daily for possible Group Retirement Application Workshops during the week of July 7, 2014.
- 9) Please read the Frequently Asked Questions and Answers at <http://cccera.org/ImportantNotices.html> for general information about how your benefits will be calculated under AB 197
- 10) Due to the high volume of retirements, your first pension payment may be delayed. It may take 12 to 16 weeks from your date of retirement to receive your first check.

CCCERA is located at 1355 Willow Way, Suite 221, in Concord, CA 94520. The office is open Monday through Friday, 8:00 a.m. to 5:00 p.m. The office is closed daily from 12:00 p.m. to 12:30 p.m.

Please plan ahead.



## AGENDA

### RETIREMENT BOARD MEETING

FIRST MONTHLY MEETING  
July 9, 2014  
9:00 a.m.

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

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

1. Pledge of Allegiance.
2. Accept comments from the public.
3. Election of Board officers:
  - a. Election of Chairperson (Hast, incumbent).
  - b. Election of Vice-Chairperson (Phillips, incumbent).
  - c. Election of Secretary (Telles, incumbent).
4. Approve minutes from the June 11, 2014 meeting.
5. Routine items for July 9, 2014.
  - 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*

6. 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.	David Poppi	Service Connected	Service Connected

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

7. The Board will continue in closed session pursuant to Govt. Code Section 54956.9(d)(1) to confer with legal counsel regarding pending litigation:
  - a. *Contra Costa County Deputy Sheriffs Association, et al., v. Board of Retirement of Contra Costa County Employees' Retirement Association, et al.*, Court of Appeal, 1<sup>st</sup> Appellate District, Division Four, Case No. A141913.

*OPEN SESSION*

8. Consider and take possible action to clarify the Board's June 25, 2014 confirmation that multiple leave sales during the 12-month FAS period are earned and payable in the FAS period and therefore pensionable for Legacy (pre-PEPRA) members so long as they do not exceed the number of leave hours earned in the FAS period.
9. Consider and take possible action regarding proposed statement explaining the Board's intent to review past incidents of unusual compensation increases at end of employment.
10. Consider and take possible action regarding non-service connected disability retirement allowance of deceased member Cheryl Sousa.
11. Consider and take possible action on terminal pay assumptions for the December 31, 2013 Actuarial Valuation in light of the pending AB 197 appeal.
12. Consider and take possible action to place investment manager under review.
13. Consider authorizing the attendance of Board and/or staff:
  - a. Administrators' Institute, CALAPRS, September 24 – 26, 2014, Long Beach, CA. (Staff Conference)
  - b. 2014 Fall Conference, Council of Institutional Investors, September 29 – October 1, 2014, Los Angeles, CA.
  - c. Investment Education Conference, Milliman, October 1 – 3, 2014, Lake Tahoe, CA.
  - d. US Client Conference, Invesco, November 4 – 6, 2014, La Jolla, CA. (Note: conflict with Board meeting)
14. 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.



July 16, 2014

Ms. Lou Ann Texeira  
Executive Officer  
Contra Costa County Local Agency Formation Commission  
651 Pine Street, 6th Floor  
Martinez, CA 94553



Re: CCCERA On-Site Employer Reviews

Dear Ms. Texeira,

The purpose of this letter is to advise CCCERA participating employers that CCCERA will begin conducting on-site employer audits. Initial contact with each employer and scheduling of these on-site reviews will begin in August 2014.

CCCERA's audit and compliance review is authorized under the California Public Employees' Pension Reform Act of 2013 (PEPRA) and related County Employees' Retirement Law (CERL) provisions enacted in 2013. CCCERA's goal is to ensure that employee and payroll information used in the calculation of Retiree pension benefits is correct and verifiable. Areas and goals for the audit include:

- Correctness of retirement benefits;
- Reportable compensation;
- Enrollment in, and reinstatement to the system (GC 31543);
- PEPRA Pensionable compensation (GC 7522.31 (c)(1), (c)(11), (c)(12));
- Determine if employees convicted of certain felonies have forfeited benefits earned or accrued from the commission of the felony (GC 7522.72(g) and GC 7522.74(g));
- Evaluate whether MOUs are being complied with (i.e. EE Contribution Rates, Vacation Sales etc.);
- Evaluate whether compensation is paid to enhance a member's retirement benefit (GC 31461(b)(1)).

The onsite-reviews will be conducted by CCCERA staff and will be coordinated with each employer as to the scheduling of on-site dates, requests for documents, follow-up items, and discussion of findings if any. Prior to the commencement of any on-site review, each employer will receive an "On-Site Review Notification Letter" that will request the employer to provide acceptable dates for CCCERA staff to visit and perform the on-site review. In addition, the notification letter will indicate the types of information that may be required both in advance and on the dates of review needed by CCCERA staff. A questionnaire will accompany the letter that is to be completed by the employer providing CCCERA staff

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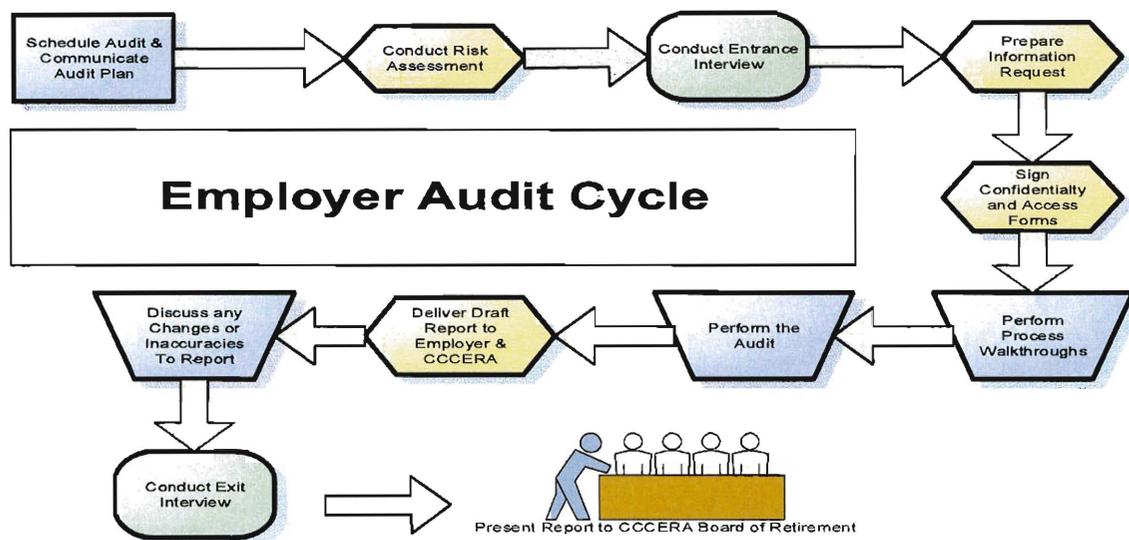
with any additional scheduling, information handling, or administrative items that would need to be coordinated during the on-site review.

The types of information and the number of records that will be requested in connection with these on-site reviews will depend in some part by the size of the employer and the methods by which each employer administers and archives its records. Most information requests will include but will not be limited to the following:

- Payroll data (including sick leave records)
- Employee Schedules (including Shifts & Vacation Schedules)
- Employee Rosters including, Full-Time, Part-Time, Contractors
- Personnel Files
- Salary Schedules
- Employee Handbooks & Administrative Policies
- Financial Statements (if required);
- Contribution Records

The length of the on-site review will also vary depending on the size of the employer. Typically an on-site review may take anywhere from one to three days, but under some circumstances additional days may be required. During the initial notification phase of the review CCCERA staff will work with each employer to determine what the appropriate length of on-site time may be required. Once both CCCERA staff and the employer are in agreement as to acceptable dates for the on-site review to be performed and have determined what the scope of the review will be, CCCERA will provide the employer with an *“On-Site Review Engagement Letter”* confirming the dates and review scope.

The on-site reviews will use the following process:



Upon completion of the review, CCCERA staff will provide the employer with a draft written report of the review results and the observations made by CCCERA staff within four weeks of conclusion of the on-site review. During this time CCCERA staff will continue to dialogue with the employer to ensure that all matters discussed during the exit interview have been vetted and that only outstanding items will be included in CCCERA's on-site final review report. Upon delivery of CCCERA's final on-site review report the employer is requested to provide a response to any findings that might have been noted in the report within four weeks.

CCCERA staff is a valuable resource to use as they have extensive knowledge of reporting procedures and requirements. Through the on-site review process CCCERA will endeavor to work with its participating employers to ensure lasting value and strength for both the employer and the retirement system.

Best Regards,

A handwritten signature in blue ink, appearing to read 'Wrally Dutkiewicz', with a long horizontal flourish extending to the right.

Wrally Dutkiewicz, CFE  
Retirement Compliance Officer



**AGENDA**

**RETIREMENT BOARD MEETING**

SPECIAL MEETING  
9:00 a.m.

July 31, 2014

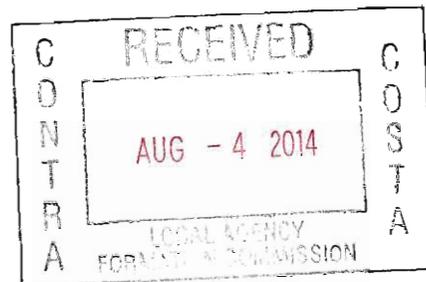
Retirement Board Conference Room  
The Willows Office Park  
1355 Willow Way, Suite 221  
Concord, California

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

1. Pledge of Allegiance.
2. Accept comments from the public.
3. Discussion with Cortex Applied Research and staff regarding Investment Consultant Request for Proposal.
4. 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.

CONTRA  
COSTA  
COUNTY  
**CCCERA**  
Employees' Retirement Association



July 31, 2014

To: CCCERA Employers  
Employee Groups  
Retiree Groups

This is to inform you that the Retirement Board for the Contra Costa County Employees' Retirement Association (CCCERA) has provided supplemental direction regarding the review of past incidents of unusual compensation increases at the end of employment. The Board initially voted on May 7, 2014 to begin the review. On July 23, 2014, the Board directed as follows:

1. The Board's intent is to scrutinize apparently intentional acts of pension spiking, through members' receipt of pay items that were not earned as part of their regularly recurring employment compensation during their careers.
2. The review will concentrate on specific, unique items of pay and not on regularly recurring vacation, sick or compensatory leave time.

As previously stated, any proposed adjustments to retirement benefits will occur only after the Board has conducted a thorough examination of all applicable facts and applicable law, and only after affording any affected members the opportunity to appear before, and present their positions to, the Board before any action is taken.

Thank you for your attention to this matter.

Sincerely,

Brian Hast  
Retirement Board Chair



1st House	2nd House	Conc.
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**Summary:**

Beginning with the 2004-05 fiscal year, current law requires that each city, county, and city and county receive additional property tax revenues in the form of a vehicle license fee adjustment amount, as defined, from a vehicle license fee property tax compensation fund that exists in each county treasury. Current law requires that these additional allocations be funded from ad valorem property tax revenues otherwise required to be allocated to educational entities. This bill would modify these reduction and transfer provisions, for the 2014-15 fiscal year and for each fiscal year thereafter, by providing for a vehicle license fee adjustment amount calculated on the basis of changes in assessed valuation.

**Attachments:**

[CALAFCO Letter of Support \(Feb 2014\)](#)

**Position:** Support

**Subject:** Financial Viability of Agencies, Tax Allocation

**[AB 1527](#) ([Perea D](#)) **Public water systems: Safe Drinking Water State Revolving Fund.****

**Current Text:** Amended: 6/26/2014 [pdf](#) [html](#)

**Introduced:** 1/17/2014

**Last Amended:** 6/26/2014

**Status:** 8/5/2014-Read second time. Ordered to third reading.

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

**Calendar:**

8/7/2014 #250 SENATE ASSEMBLY BILLS-THIRD READING FILE

**Summary:**

Current law, operative on July 1, 2014, and repealed as of January 1 of the next calendar year occurring after the State Water Resources Control Board provides notice to the Legislature and the Secretary of State and posts notice on its Internet Web site that the board has adopted a policy handbook, requires the board to establish a priority list of proposed projects to be considered for funding. This bill would require the board to give priority to funding the consolidation of public water systems based upon a service review developed by a local agency formation commission.

**Attachments:**

[CALAFCO Support Letter](#)

[CALAFCO Support if Amended Letter](#)

**Position:** Support

**Subject:** Disadvantaged Communities, Municipal Services, Service Reviews/Spheres

**CALAFCO Comments:** As amended, this bill requires the State Water Resources Control Board to consider LAFCo studies as part of their funding and alternative services considerations, and requires the Board to give priority funding to consolidations where appropriate based on those MSRs.

The bill has undergone a number of substantial amendments, consequently eliminating the provision that LAFCOs be added to the list of eligible entities for receiving grant funding from the Strategic Growth Council.

**[AB 1729](#) ([Logue R](#)) **Local government: agricultural land: subvention payments.****

**Current Text:** Amended: 3/20/2014 [pdf](#) [html](#)

**Introduced:** 2/14/2014

**Last Amended:** 3/20/2014

**Status:** 3/24/2014-Re-referred to Com. on APPR.

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

**Summary:**

Would appropriate \$40,000,000 to the Controller from the General Fund for the 2014-15 fiscal year to make subvention payments to counties to reimburse counties for property tax revenues not received as a result of these contracts. The bill would make legislative findings and declarations related to the preservation of agricultural land.

**Attachments:**

[CALAFCO Letter of Support\\_March 2014](#)

**Position:** Support

**Subject:** Ag Preservation - Williamson

**CALAFCO Comments:** As amended, the bill will appropriate \$40 million from the General Fund in fiscal year 2014/2015 for subvention payments to counties for Williamson Act contracts.

**[AB 1739](#) ([Dickinson D](#)) Groundwater management.**

**Current Text:** Amended: 8/4/2014 [pdf](#) [html](#)

**Introduced:** 2/14/2014

**Last Amended:** 8/4/2014

**Status:** 8/4/2014-From committee chair, with author's amendments: Amend, and re-refer to committee. Read second time, amended, and re-referred to Com. on APPR.

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

**Calendar:**

8/11/2014 10 a.m. - John L. Burton Hearing Room (4203) SENATE APPROPRIATIONS, DE LEÓN, Chair

**Summary:**

Would state the policy of the state that groundwater resources be managed sustainably for long-term water supply reliability and multiple economic, social, or environmental benefits for current and future beneficial uses. This bill would state that sustainable groundwater management is best achieved locally through the development, implementation, and updating of plans and programs based on the best available science. This bill contains other related provisions and other existing laws.

**Attachments:**

[CALAFCO Letter of Concern \(June 2014\)](#)

**Position:** Watch

**Subject:** LAFCo Administration, Water

**CALAFCO Comments:** As currently written, this bill requires LAFCos to expedite all applications for the formation or reorganization of groundwater management agencies, requiring the process be completed within 6 months of the application filing. Further the bill requires LAFCos, in the case of a County directive for annexation of territory into a groundwater management agency, to complete the annexation by January 1, 2017.

CALAFCO has a number of concerns with the bill all of which are outlined in the letter of concern submitted June 24, 2014.

**[AB 1961](#) ([Eggman D](#)) Land use: planning: sustainable farmland strategy.**

**Current Text:** Amended: 4/22/2014 [pdf](#) [html](#)

**Introduced:** 2/19/2014

**Last Amended:** 4/22/2014

**Status:** 5/23/2014-Failed Deadline pursuant to Rule 61(b)(8). (Last location was A. APPR. SUSPENSE FILE on 5/23/2014)

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

**Summary:**

Would require each county to develop, on or before January 2, 2018, a sustainable farmland strategy. The bill would require the sustainable farmland strategy to include, among other things, a map and inventory of all agriculturally zoned land within the county, a description of the goals, strategies, and related policies and ordinances, to retain agriculturally zoned land where practical and mitigate the loss of agriculturally zoned land to nonagricultural uses or zones, and a page on the county's Internet Web site with the relevant documentation for the goals, strategies, and related policies and ordinances, as specified.

**Position:** Watch

**Subject:** Ag/Open Space Protection, CKH General Procedures, LAFCo Administration

**CALAFCO Comments:** As amended, the bill requires counties with 4% or more of its land zoned as agricultural to create a sustainable farmland strategy (sfs) effective January 1, 2018, in consultation with cities and LAFCo, and to update the sfs as necessary. The bill also requires OPR to create best practices that support ag land retention and mitigation. The bill creates an unfunded mandate for counties.

**[AB 2156](#) ([Achadjian R](#)) Local agency formation commissions: studies.**

**Current Text:** Chaptered: 6/4/2014 [pdf](#) [html](#)

**Introduced:** 2/20/2014

**Last Amended:** 3/24/2014

**Status:** 6/4/2014-Chaptered by Secretary of State - Chapter 21, Statutes of 2014.

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

**Summary:**

Would include joint powers agencies and joint powers authorities among the entities from which the local agency formation commission is authorized to request land use information, studies, and plans, for purposes of conducting specified studies, and also would include joint powers agreements in the list of items the commission may request in conducting those studies. The bill would specifically define "joint powers agency" and "joint powers authority" for purposes of the Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000.

**Attachments:**

[CALAFCO Letter of Support March 2014](#)

**Position:** Support

**Subject:** CKH General Procedures, LAFCo Administration, Municipal Services, Service Reviews/Spheres

**CALAFCO Comments:** As amended, the bill will specifically define "joint powers agency" and "joint powers authority" for purposes of the Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000 (C-K-H), and include joint powers agencies and joint powers authorities (JPAs) among the entities from which a local agency formation commission (LAFCo) is authorized to request information in order to conduct required studies.

**[AB 2762](#) (Committee on Local Government) Local government.**

**Current Text:** Chaptered: 7/9/2014 [pdf](#) [html](#)

**Introduced:** 3/24/2014

**Last Amended:** 5/6/2014

**Status:** 7/9/2014-Chaptered by Secretary of State. Chapter 112, Statutes of 2014.

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

**Summary:**

The Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000 does not apply to pending proceedings for a change or organization or reorganization for which the application was accepted for filing prior to January 1, 2001, as specified. The act authorizes these pending proceedings to be continued and completed under, and in accordance with, the law under which the proceedings were commenced. This bill would repeal those provisions relating to pending proceedings for a change or organization or reorganization for which an application was accepted for filing prior to January 1, 2001, and make other conforming changes.

**Attachments:**

[CALAFCO Request Governor Signature](#)

[CALAFCO Letter of Support March 2014](#)

**Position:** Sponsor

**Subject:** CKH General Procedures

**[SB 56](#) (Roth D) Local government finance: property tax revenue allocation: vehicle license fee adjustments.**

**Current Text:** Amended: 6/11/2013 [pdf](#) [html](#)

**Introduced:** 1/7/2013

**Last Amended:** 6/11/2013

**Status:** 2/3/2014-Returned to Secretary of Senate pursuant to Joint Rule 56.

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

**Summary:**

Beginning with the 2004-05 fiscal year and for each fiscal year thereafter, existing law requires that each city, county, and city and county receive additional property tax revenues in the form of a vehicle license fee adjustment amount, as defined, from a Vehicle License Fee Property Tax Compensation Fund that exists in each county treasury. Current law requires that these additional allocations be funded from ad valorem property tax revenues otherwise required to be allocated to educational entities. This bill would modify these reduction and transfer provisions, for the 2013-14 fiscal year and for each fiscal year thereafter, by providing for a vehicle license

fee adjustment amount calculated on the basis of changes in assessed valuation. This bill contains other related provisions and other existing laws.

**Attachments:**

[CALAFCO Letter of support April 10, 2013](#)

**Position:** Support

**Subject:** Financial Viability of Agencies, Tax Allocation

**CALAFCO Comments:** This bill reinstates revenues through ERAF (backfilled by the state general Fund) for cities incorporating after 2005 and annexations of inhabited territories.

**SB 69 (Roth D) Local government finance: property tax revenue allocation: vehicle license fee adjustments.**

**Current Text:** Amended: 6/16/2014 [pdf](#) [html](#)

**Introduced:** 1/10/2013

**Last Amended:** 6/16/2014

**Status:** 6/26/2014-From committee: Do pass and re-refer to Com. on APPR. (Ayes 9. Noes 0.) (June 25). Re-referred to Com. on APPR.

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

**Calendar:**

8/6/2014 9 a.m. - State Capitol, Room 4202 ASSEMBLY APPROPRIATIONS, GATTO, Chair

**Summary:**

Current property tax law requires the county auditor, in each fiscal year, to allocate property tax revenue to local jurisdictions in accordance with specified formulas and procedures, and generally provides that each jurisdiction shall be allocated an amount equal to the total of the amount of revenue allocated to that jurisdiction in the prior fiscal year, subject to certain modifications, and that jurisdiction's portion of the annual tax increment, as defined. This bill would modify these reduction and transfer provisions for a city incorporating after January 1, 2004, for the 2014-15 fiscal year and for each fiscal year thereafter, by providing for a vehicle license fee adjustment amount calculated on the basis of changes in assessed valuation.

**Attachments:**

[CALAFCO Support SB 69 Feb 2014](#)

**Position:** Support

**Subject:** Tax Allocation

**CALAFCO Comments:** In its current form, the bill calls for reinstatement of the VLF through ERAF for cities that incorporated between January 1, 2004 and January 1, 2012.

**SB 614 (Wolk D) Local government: jurisdictional changes: infrastructure financing.**

**Current Text:** Amended: 6/16/2014 [pdf](#) [html](#)

**Introduced:** 2/22/2013

**Last Amended:** 6/16/2014

**Status:** 6/30/2014-Read second time. Ordered to third reading.

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

**Calendar:**

8/7/2014 #50 ASSEMBLY SENATE THIRD READING FILE

**Summary:**

The Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000 requires a local agency or school district that initiates proceedings for a change of local government organization or reorganization by submitting a resolution of application to a local agency formation commission to also submit a plan for providing services within the affected territory, as specified. This bill would instead require, if a proposal for a change of organization or reorganization is submitted to a local commission, that the applicant submit a plan for providing services within the affected territory.

**Attachments:**

[CALAFCO Letter of Concern \(June 2014\)](#)

**Position:** Watch

**Subject:** Annexation Proceedings, CKH General Procedures, Disadvantaged Communities

**CALAFCO Comments:** As amended, the bill is intended to provide an incentive to cities to annex disadvantaged unincorporated communities by creating an option for a funding mechanism using a property tax sharing agreement by affected entities (to share the 1% tax

dollars) and ensuing tax increment. A special district would be created to act as the vehicle for that funding. The bill allows LAFCo to consider, as part of the application, the formation of a new district or the reorganization of an existing district, but only if all of the affected agencies are in agreement.

CALAFCO has a number of concerns with the bill including the long-term financial sustainability of the district, as well as the application requirements and process.

**SB 1168 (Pavley D) Groundwater management.**

**Current Text:** Amended: 8/4/2014 [pdf](#) [html](#)

**Introduced:** 2/20/2014

**Last Amended:** 8/4/2014

**Status:** 8/4/2014-From committee with author's amendments. Read second time and amended. Re-referred to Com. on APPR.

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

**Summary:**

Would state the policy of the state that groundwater resources be managed sustainably for long-term water supply reliability and multiple economic, social, or environmental benefits for current and future beneficial uses. This bill would state that sustainable groundwater management is best achieved locally through the development, implementation, and updating of plans and programs based on the best available science. This bill contains other related provisions and other existing laws.

**Attachments:**

[CALAFCO Letter of Concern](#)

**Position:** Watch

**Subject:** Water

**CALAFCO Comments:** As amended, the bill calls for the formation of new groundwater management agencies by existing local agencies through either a JPA, MOA, or some other legal agreement. This process completely bypasses the LAFCo process. Further, the bill requires the Department of Water Resources to establish procedures for local and groundwater management agencies to establish and modify basin and subbasin boundaries. There are a large number of other requirements of the bill, and CALAFCO has concerns relating to the two provisions above as well as a number of other concerns as detailed in the letter dated June 26, 2014.

**AB 543 (Campos D) California Environmental Quality Act: translation.**

**Current Text:** Amended: 6/24/2014 [pdf](#) [html](#)

**Introduced:** 2/20/2013

**Last Amended:** 6/24/2014

**Status:** 8/4/2014-In committee: Placed on APPR. suspense file.

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

**Summary:**

CEQA requires the Office of Planning and Research to prepare and develop guidelines for the implementation of CEQA and the Secretary of the Natural Resources Agency to certify and adopt those guidelines. This bill would require the office, on or before July 1, 2016, to prepare and develop recommended amendments to the guidelines and the secretary, on or before January 1, 2017, to certify and adopt those amendments to the guidelines to establish criteria for a lead agency to assess the need for translating those notices into non-English languages, as specified.

**Position:** Watch

**Subject:** CEQA

**CALAFCO Comments:** As amended, requires OPR to establish criteria for a lead agency to assess the need for translating those notices into non-English languages, as specified by July 1, 2016.

**AB 642 (Rendon D) Publication: newspaper of general circulation: Internet Web site.**

**Current Text:** Introduced: 2/20/2013 [pdf](#) [html](#)

**Introduced:** 2/20/2013

**Status:** 1/24/2014-Failed Deadline pursuant to Rule 61(b)(2). (Last location was JUD. on 3/11/2013)

Desk	Dead	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:** Watch

**Subject:** LAFCo Administration

**CALAFCO Comments:** Allows for posting of agendas and meeting material on newspaper websites.

**AB 677 (Fox D) Local government finance: property tax revenue allocation: vehicle license fee adjustments.**

**Current Text:** Amended: 1/6/2014 [pdf](#) [html](#)

**Introduced:** 2/21/2013

**Last Amended:** 1/6/2014

**Status:** 1/17/2014-Failed Deadline pursuant to Rule 61(b)(1). (Last location was L. GOV. on 1/7/2014)

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

**Summary:**

Would modify specified reduction and transfer provisions, for the 2013-14 fiscal year and for each fiscal year thereafter, by providing for a vehicle license fee adjustment amount calculated on the basis of changes in assessed valuation. This bill would also modify these reduction and transfer provisions, for the 2013-14 fiscal year and for each fiscal year thereafter, by providing for a vehicle license fee adjustment amount for certain cities incorporating after a specified date, as provided. This bill contains other related provisions and other existing laws.

**Position:** Watch

**Subject:** Financial Viability of Agencies, Tax Allocation

**AB 1593 (Dahle R) Public cemetery districts: Auburn Public Cemetery District.**

**Current Text:** Introduced: 2/3/2014 [pdf](#) [html](#)

**Introduced:** 2/3/2014

**Status:** 5/9/2014-Failed Deadline pursuant to Rule 61(b)(6). (Last location was L. GOV. on 2/14/2014)

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

**Summary:**

Would authorize the Auburn Public Cemetery District in Placer County to use their cemeteries for up to a total of 400 interments each, not to exceed 40 interments each per calendar year, to inter nonresidents and nonproperty taxpayers, if specified conditions are met. This bill contains other related provisions.

**Position:** Watch

**Subject:** Other

**AB 1897 (Hernández, Roger D) Labor contracting: client liability.**

**Current Text:** Amended: 7/1/2014 [pdf](#) [html](#)

**Introduced:** 2/19/2014

**Last Amended:** 7/1/2014

**Status:** 8/4/2014-In committee: Placed on APPR. suspense file.

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

**Summary:**

Would require a client employer to share with a labor contractor all civil legal responsibility and civil liability for the payment of wages, the obligation to provide a safe work environment, as

specified, and the failure to obtain valid workers' compensation coverage. The bill would define a client employer as a business entity that obtains or is provided workers to perform labor or services within the usual course of business from a labor contractor, except as specified.

**Position:** Watch

**Subject:** LAFCo Administration

**[AB 1995](#) ([Levine D](#)) **Community service districts: covenants, conditions, and restrictions: enforcement.****

**Current Text:** Amended: 6/30/2014 [pdf](#) [html](#)

**Introduced:** 2/20/2014

**Last Amended:** 6/30/2014

**Status:** 6/30/2014-Read second time and amended. Ordered to third reading.

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

**Calendar:**

8/7/2014 #161 SENATE ASSEMBLY BILLS-THIRD READING FILE

**Summary:**

Would authorize the Bel Marin Keys Community Services District to enforce all or part of the covenants, conditions, and restrictions for a tract within that district, and to assume the duties of an architectural control committee for that tract, as provided. This bill contains other related provisions.

**Position:** Watch

**Subject:** LAFCo Administration, Special District Powers

**[AB 2443](#) ([Rendon D](#)) **Duplication of service: mutual water companies.****

**Current Text:** Introduced: 2/21/2014 [pdf](#) [html](#)

**Introduced:** 2/21/2014

**Status:** 6/30/2014-Ordered to inactive file at the request of Senator Lara.

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

**Summary:**

Would make inapplicable the provision that a mutual water company is a private utility entitled to just compensation for a taking in a territory it services at the time of the taking when a political subdivision constructs facilities to provide or extend recycled water service to the territory of the mutual water company.

**Position:** Watch

**Subject:** Water

**[AB 2453](#) ([Achadjian R](#)) **Paso Robles Basin Water District.****

**Current Text:** Amended: 8/4/2014 [pdf](#) [html](#)

**Introduced:** 2/21/2014

**Last Amended:** 8/4/2014

**Status:** 8/4/2014-From committee chair, with author's amendments: Amend, and re-refer to committee. Read second time, amended, and re-referred to Com. on APPR.

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

**Calendar:**

8/11/2014 10 a.m. - John L. Burton Hearing Room (4203) SENATE APPROPRIATIONS, DE LEÓN, Chair

**Summary:**

Would, until January 1, 2019, provide for the formation of the Paso Robles Basin Water District, and would set forth the composition of, and method of election by landowners and registered voters for, the board of directors for the Paso Robles Basin Water District, the boundaries of which would be established and may be modified by the San Luis Obispo County Local Agency Formation Commission.

**Position:** Watch

**Subject:** Water

**[AB 2455](#) ([Williams D](#)) **The Santa Rita Hills Community Services District.****

**Current Text:** Amended: 6/17/2014 [pdf](#) [html](#)

**Introduced:** 2/21/2014

**Last Amended:** 6/17/2014

**Status:** 6/17/2014-Read second time and amended. Ordered to third reading.

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

**Calendar:**

8/7/2014 #95 SENATE ASSEMBLY BILLS-THIRD READING FILE

**Summary:**

Would authorize, until January 1, 2035, the board of directors of the Santa Rita Hills Community Services District to consist of 3 members, if the board of directors receives a petition signed by a majority of voters requesting a reduction in the number of board members and thereafter adopts a resolution that orders the reduction, as specified. The bill would also, until January 1, 2025, authorize the board, if the number of members is reduced to 3, to adopt a resolution to increase the number of members from 3 to 5, as specified. This bill contains other related provisions.

**Position:** Watch

**Subject:** Special District Principle Acts

**CALAFCO Comments:** This bill as amended reduces the size of the governing Board of this district from five to three members.

**AB 2480 (Yamada D) Local government finance: cities: annexations.**

**Current Text:** Amended: 3/28/2014 [pdf](#) [html](#)

**Introduced:** 2/21/2014

**Last Amended:** 3/28/2014

**Status:** 4/23/2014-In committee: Set, first hearing. Hearing canceled at the request of author.

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

**Summary:**

Would, beginning on January 10, 2015, and on the 10th of each month thereafter, require the Controller to pay to each city that incorporated before August 5, 2004, an amount equal to an amount determined by a specified formula. This bill would continuously appropriate to the Controller an amount sufficient to make those payments from the General Fund.

**Position:** Watch

**Subject:** Financial Viability of Agencies, Tax Allocation

**CALAFCO Comments:** The intent of this bill is the same as AB 1521, which is moving forward, so the author has let this bill die.

**SB 731 (Steinberg D) Environment: California Environmental Quality Act.**

**Current Text:** Amended: 9/9/2013 [pdf](#) [html](#)

**Introduced:** 2/22/2013

**Last Amended:** 9/9/2013

**Status:** 9/13/2013-Failed Deadline pursuant to Rule 61(a)(14). (Last location was L. GOV. on 9/11/2013)

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

**Summary:**

Would provide that aesthetic and parking impacts of a residential, mixed-use residential, or employment center project, as defined, on an infill site, as defined, within a transit priority area, as defined, shall not be considered significant impacts on the environment. The bill would require the Office of Planning and Research to prepare and submit to the Secretary of the Natural Resources Agency, and the secretary to certify and adopt, revisions to the guidelines for the implementation of CEQA establishing thresholds of significance for noise and transportation impacts of projects within transit priority areas. This bill contains other related provisions and other existing laws.

**Position:** Watch

**Subject:** CEQA

**SB 1122 (Pavley D) Sustainable communities: Strategic Growth Council.**

**Current Text:** Amended: 5/5/2014 [pdf](#) [html](#)

**Introduced:** 2/19/2014

**Last Amended:** 5/5/2014

**Status:** 5/23/2014-Failed Deadline pursuant to Rule 61(b)(8). (Last location was S. APPR. SUSPENSE FILE on 5/23/2014)

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

**Summary:**

Current law authorizes moneys from the Greenhouse Gas Reduction Fund to be allocated for the purpose of reducing greenhouse gas emissions in this state through specified investments, including funding to reduce greenhouse gas emissions through strategic planning and development of sustainable infrastructure projects. This bill would additionally authorize the council to manage and award financial assistance for the purpose of supporting the implementation of sustainable communities strategies or alternative planning strategies, to be funded from moneys from the Greenhouse Gas Reduction Fund, upon appropriation by the Legislature. The bill would require the council to adopt guidelines for the use of the funds by recipients.

**Position:** Watch

**Subject:** Sustainable Community Plans

**SB 1230 (Committee on Governance and Finance) Validations.**

**Current Text:** Chaptered: 5/29/2014 [pdf](#) [html](#)

**Introduced:** 2/20/2014

**Status:** 5/29/2014-Chaptered by Secretary of State - Chapter 19, Statutes of 2014.

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 2014, 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:** Other

Total Measures: 26

Total Tracking Forms: 26

8/6/2014 9:28:15 AM

**CONTRA COSTA LOCAL AGENCY FORMATION COMMISSION  
PENDING PROPOSALS – AUGUST 13, 2014**

August 13, 2014  
Agenda Item 15b

<b>LAFCO APPLICATION</b>	<b>RECEIVED</b>	<b>STATUS</b>
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
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
Bayo Vista Housing Authority Annexation to RSD – proposed annexation of 33± acres located south of San Pablo Avenue at the northeastern edge of the District's boundary	2/20/13	Pending
Town of Danville SOI Amendment/Reduction (Blackhawk Road) – proposed removal of 0.09+ acre strip along northerly boundary of property located at 2500 Blackhawk Road	6/9/14	Under review
Subdivision 9329 (2500 Blackhawk Road) - Detachment of frontage from Town of Danville – proposed detachment of 0.09± acre strip along northerly boundary of property located at 2500 Blackhawk Road	6/9/14	Under review
Reorganization 185 - Annexations to Central Contra Costa Sanitary District (CCCSD) and EBMUD: proposed annexation to CCCSD and/or EBMUD of 20 properties in 7 areas, comprising 172.2± acres in Danville and Lafayette	6/20/14	Incomplete; awaiting info from applicant
Reorganization 186 - Annexations to CCCSD and EBMUD: proposed annexation of Magee Ranch (9 parcels comprising 402± acres) to CCCSD (all 9) and EBMUD (7 of 9)	6/20/14	Incomplete; awaiting info from applicant
Reorganization 187 - Annexations to CCCSD and EBMUD: proposed annexation to CCCSD and EBMUD of Podva property in Danville (13.1± acres)	6/20/14	Incomplete; awaiting info from applicant
Dougherty Valley Annexation #16 to the City of San Ramon and Detachment from CSA P-6: proposed annexation of 22.89± acres south of Dougherty Valley Service Center in DV Specific Plan area	7/10/14	Under review

# Danville: Judge tentatively rules for opponents of SummerHill housing development

*By Joyce Tsai Contra Costa Times*

POSTED: 06/26/2014 06:43:23 AM PDT [0 COMMENTS](#) | UPDATED: ABOUT 19 HOURS AGO

MARTINEZ -- A Contra Costa County Superior Court judge said he is leaning in favor of a group suing the town of Danville for allowing a proposed 69-house development without first seeking voter approval.

Judge Steve Austin issued a tentative ruling Tuesday afternoon in favor of SOS-Danville, which filed a lawsuit last year against the town over the planned SummerHill Homes development off Diablo Road. The judgment was made in advance of a hearing Wednesday between both parties in his Martinez courtroom.

In a mixed ruling, the judge said the town improperly changed its general plan to reassign agricultural land at Magee Ranch for residential development.

"And it did so without complying with Measure S by putting the issue to a popular vote, or by the Council voting (at least 4/5) to make the change," which was required, he wrote.

Measure S requires that general plan amendments obtain voter approval.

"It appears that the town interpreted the (general plan) in such a way to essentially circumvent the mandate of Measure S," Austin wrote.

The judgment, if finalized as is, would amount to a victory on the central issue of the lawsuit, said Maryann Cella, a spokeswoman for SOS-Danville.

And it would mean that any residential development of the site would need to be approved by voters -- and that a new environmental report that addresses bike safety effects be drawn up, said Stuart Flashman, an attorney for SOS-Danville.

Nonetheless, neither side was entirely satisfied with the ruling, which also tackled related issues such as the overall adequacy of the project's environmental report and previous zoning of the area, so they met in Austin's courtroom Wednesday afternoon to hash out the finer points of their arguments hoping to change the judge's mind on his preliminary ruling.

During the hearing, the town's attorneys argued that agricultural and P-1 zoning, which allows for residential development, are both allowed for the site under Danville's general plan, since it was deemed a "special area of concern" in town.

"This isn't an end run around Measure S," said Robert Perlmutter, an attorney representing the town. "It's a vindication that Measure S is working exactly how the (town) council intended it."

He said that as a matter of law, if the general plan is deemed ambiguous or unclear, the court is required to defer to the town's assessment of the general plan, so the judge should rule in favor of the town.

But Austin appeared to side with SOS-Danville's argument that the general plan does not presume that residential zoning is allowed in the area, without first amending the plan via a majority vote of the town.

He maintained that the land use map in the town's 2010 general plan should have been more clearly marked as P-1 -- rather than zoned for agricultural use alone -- if that was what the town council in 1999 truly intended. Then, there would be much less confusion over the plan, and thus no need for court intervention, he said.

But Perlmutter argued that even if the plan "may have not been written well," other pages within the general plan do indicate that the town councilors wanted the site to also be zoned P-1, even if it is not explicitly marked on the map.

"They could have had that vision, but if so, they had pretty cloudy glasses," Austin said.

"They could have put P-1 on the map, but didn't."

"Is there a list of all secret areas of zoning (in town)?" he pressed, implying that if that was the council's desire, it was not explicit enough in the general plan.

Also, Austin tentatively struck down the majority of SOS-Danville's claims that the project's environmental report was inadequate. The only section that he granted needed improvement was an assessment on the impact of bike safety on Diablo Road.

Austin also ruled in favor of the town in its petition asking that the final judgment in this case not be applied to future controversies outside of Magee Ranch, such as Elworthy East or Purcell properties, which are among the few Danville parcels remaining for development.

That is because extending the judgment in this case to "unpredictable future events" would essentially be "insufficient and speculative," he wrote.

A final judgment by Austin could be issued in a few days or take months, Cella said.

Published July 2nd, 2014

## U-Turn, Then Full Speed Ahead

*By Nick Marnell*

The Board of Supervisors reversed course from one year ago and unanimously passed a motion to authorize the Contra Costa County Fire Protection District to continue negotiations with the Moraga-Orinda Fire District to jointly build and operate fire station 46. Only Supervisor Candace Andersen, whose district includes Lamorinda, cast a yes vote at both meetings. The four supervisors who voted no in 2013 fell into two camps. Chair Karen Mitchoff and Supervisor Federal Glover based their assents on the timing of the proposal. "It's the right idea at the wrong time," said Glover in May, 2013. But now, with the threat of closing additional ConFire fire stations all but squelched, he said he did not want to bypass doing something that could be beneficial to the district. "We've been able to reopen fire stations that served communities more critically impacted by closures than was Lafayette at this time last year," said Mitchoff.

Two supervisors based their turnaround votes on the proposal that ConFire presented to the board on June 17. "With the more complete information we were given, I felt comfortable acting to pursue the station," said vice chair John Gioia. "There were better details, and it was a better deal for ConFire," added Supervisor Mary Piepho.

Those details were outlined by ConFire assistant chief Lewis Broschard. According to the deal points he presented, ConFire will pay for the construction of the station on land that MOFD purchased last year for \$1.2 million. The construction is expected to be completed by fiscal year 2016-17 at an estimated cost of \$6 million; ConFire would pay \$2.5 million from its capital fund up front and finance \$3.5 million over seven years. Once the station opens, MOFD will pay 100 percent of the operating costs for five years before ConFire begins to chip in. Broschard presented a detailed payment schedule which showed that both districts will have contributed nearly \$16 million each for the purchase, construction and operational costs by 2026-27. From that point forward, the estimated \$2.2 million annual operating cost of station 46 will be shared equally by MOFD and ConFire.

"By September, we hope to have a final draft of an agreement to present to the supervisors, along with a detailed financing plan," said Broschard, who noted that meetings with county counsel and with MOFD had already been scheduled.

"What happened today pushed us toward a solution for fire service for western Lafayette," said Brandt Andersson, co-chair of the Lafayette Emergency Services Task Force, at its June 17 meeting. "Now that we've reached this milestone, where do we go next?"

"We should redirect our focus on getting 46 built," said co-chair Traci Reilly. The group agreed to next meet in October, allowing time for both districts to work out further details, including design review. "That will be the critical point," said MOFD fire chief Stephen Healy. "The selection of an architect will be very important." One stakeholder offered words of caution. "Local 1230 is in support of the concept," said Vince Wells, union president. "But we have not yet sat down and agreed on the staffing model."

The agreement states that fire station 46, though physically in Lafayette - ConFire's territory - will be staffed by MOFD personnel. "Having MOFD staff a station in Lafayette is something we have to talk about," said Wells. He explained that ConFire would be relinquishing up to nine positions under the proposed staffing model. Broschard remained undaunted. "We are going to get everybody in a room and make this thing work," he said.

Reach the reporter at: [info@lamorindaweekly.com](mailto:info@lamorindaweekly.com)

[back](#)

# ***Urge supervisors to hold line on ‘New Farm’ development***

Contra Costa Times July 13, 2014

**By Donna Gerber and Joe Canciamilla**

Contra Costa County has become California’s eighth-largest county. We have seen an explosion of residential development that far exceeded our ability to keep up with the demand for public services, including roads, schools and public protection.

Today, many of our communities continue to struggle with the changes and demands on our physical and social infrastructures that have come from growing so quickly.

To try and protect our rapidly disappearing open space along with at least some of our agricultural heritage, dramatic action was needed.

For nearly 14 years, our county has enjoyed the protections afforded by our adoption of a new limit line on growth and development, our own Urban Limit Line (ULL). That line protects and preserves land across our county, but today, in a misleading and desperate attack, those long-held protections may soon be lost for thousands of acres in the Tassajara Valley.

Shortly after being elected to the Board of Supervisors, we were faced with traffic predictions from the Contra Costa Transportation Authority showing a minimum 200 percent increase in commute traffic just from developments that had already been approved across the county.

We had expert projections showing the demand this growth was going to place on law enforcement, schools and other support services, and we knew the resources were not there to meet them.

Today, from one end of our county to the other, we see the truth in those predictions as we struggle with increases in congestion, crime, pollution and deterioration in our streets, schools. Local governments are forced to the ballot to ask voters for higher taxes and fees just to keep up with the ever-increasing demands from their residents.

Working alongside planning experts and with public input and support, we developed a plan that adjusted the voter-approved Urban Limit Line later that year and protected more than 14,000 agricultural acres in far East County and the Tassajara Valley from urbanization.

While not solving the problem of all that we knew was coming, we were able to keep it from growing even worse.

To their credit, Contra Costa voters have rebuffed efforts by developers in Brentwood and San Ramon to break those lines and destroy what is left of our valuable agricultural lands and open space.

Today, with another economic boom fueling a demand for more expensive “high-end” housing, longtime proponents of the so called “New Farm” project in Tassajara Valley are making their boldest and most cynical move yet.

These developers are proposing to develop 30 acres outside of the urban limit line; and they say if given this exemption, they will protect the remaining portion of the Tassajara Valley owned by other property owners using a “preservation agreement.” They are using this non-binding agreement, as well as designating park land, to gain support or silence from the park district and local environmental groups.

The Board of Supervisors will have to find, by a four-fifths vote, that this development meets a very narrow exception with the voter-approved ULL. These very narrow exceptions were intended to be used only when they could be found to be in the public interest, not in the interest of developers who want to build multimillion-dollar homes. While there’s not enough space here to explore all of the legal issues, of which there are many, we don’t believe that the public will be fooled by this charade, and certainly hope that the Board of Supervisors won’t be, either.

Violating the line with this project sets a dangerous precedent that developers can and will use to bypass our long-standing, voter approved, agricultural protections.

As the original authors of these protections, we urge the public to share their concerns with the Board of Supervisors and urge them to hold the line.

*Donna Gerber and Joe Canciamilla are both former members of the Contra Costa Board of Supervisors.*

# Barnidge: Facchini's death leaves an enormous vacuum in Walnut Creek

[By Tom Barnidge Contra Costa Times Columnist](#)

Posted: 07/16/2014 03:57:38 PM PDT [0 Comments](#) | Updated: a day ago

One of Primo Facchini's favorite stories was the time he missed a Walnut Creek City Council meeting and the city clerk called him to see if he was OK. His attendance was so regular for more than four decades ("He was considered a sixth member of the council," Councilwoman Cindy Silva said) that a meeting didn't seem official without him in his front-row seat.

Facchini also loved to talk about his 35 years with the Walnut Creek Historical Society, where he was president and, later, chairman of the board. He relished his role in establishing Walnut Creek's sister-city program with Noceto, Italy. As a first-generation immigrant fluent in Italian, he also served as translator.

That's when he wasn't busy as a director of the Alamo-Lafayette Cemetery District, or a board member for the Selective Service System Region III, or a public member of the California State Bar's Planning Directory and Fee Arbitration Office.

"He was dedicated to seeing that things were done correctly," said former Walnut Creek Mayor Gwen Regalia.

"The word that comes to mind is tireless," said Brad Rovenpara, the city's former public information officer. "He devoted the better part of 40 years to the community."

"He was the Energizer bunny," said Rosemary Mazzetti, vice president of the historical society.

It's little wonder that Facchini was the Walnut Creek Chamber of Commerce's 2013 UXL Citizen of the Year. He could have qualified any year. That's why his death Saturday, at age 83, left such an enormous vacuum.

There weren't enough hours in the day for Facchini, a Korean War veteran whose passions included photography and symphony but who found time for the occasional episode of "Jeopardy" or "Judge Judy" with Rosemarie, his wife of 58 years. His business was real estate but his avocation was gardening at his Alamo home and as a member of both the Rhododendron Society and the Northern California Camellia Society.

Mostly, though, he was advocate for his adopted city of Walnut Creek from the moment he purchased property there in 1969 and attended a council meeting, because "I wanted to know what was going on," he said four years ago.

He believed in preserving the city's past but not at the expense of its growth.

"I like to talk in analogies," he once explained. "When we were born, we were small. Then we grew. The same thing happens to communities."

Regalia, a council member for 21 years, couldn't remember a meeting when Facchini wasn't around, usually speaking on behalf of a community project.

"He attended every single City Council meeting, planning commission meeting and, I think, transportation commission meeting since the '70s," she said. "He was a proper gentleman -- always in a shirt and tie -- who dedicated an enormous amount of time to community activities."

"The irony," said Rovenpara, "is he wasn't even a Walnut Creek resident. He lived in Alamo. Walnut Creek was his adopted community."

He guided the renovation of the historical society's Shadelands facility, oversaw fund-raising events and lobbied for a downtown history museum. After 11 years as president, he became the organization's first chairman of the board.

"We never had a chairman before, and we'll never have another," Mazzetti said. "The title will be retired with him."

Primo Facchini was one of a kind.

Contact Tom Barnidge at [tbarnidge@bayareanewsgroup.com](mailto:tbarnidge@bayareanewsgroup.com).

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## **Primo E. Facchini(1930 - 2014)**

Primo E. Facchini

Sep. 1, 1930 - Jul. 12, 2014

Alamo, CA

Alamo, Walnut Creek, and all of Contra Costa lost a tireless, long-time community servant with the passing of Primo Facchini, following complications from a fall last year.

Since moving to Alamo in 1958 with his wife, Rosemarie, Primo was dedicated to his community, "leaving an imprint somewhere in the East Bay nearly every day of the week." Among his contributions: Director, Alamo-Lafayette Cemetery District (30+ years); President and Board Chairman, Walnut Creek Historical Society (25+ years); co-founder, Walnut Creek Sister Cities International (1987); Selective Service Board (20 years); Public Member, California State Bar Planning Directory and Fee Arbitration Office (25+ years); Board Member, Camellia Society (10+ years); Member, Rhododendron Society.

Born and raised in Oakland, Primo was a first-generation Italian-American and credited his civic involvement as a way for him to re-pay the community for the blessing of growing up in America. He attended Sacred Heart School, St. Joseph High School, Golden Gate College, and Laney College, from which he graduated with a degree in photography. He enlisted in the U.S. Army in 1951, serving in the 2nd Engineers Battalion during the Korean War.

Following Korea, Primo returned to the Bay Area, going to work for Ladies Choice Foods in San Leandro, where his father was a partner. When the company was sold, he chose not to relocate, instead turning his focus to real estate. He also worked for Pacific Coast Chemicals in Berkeley and continued to consult with them until his death.

In 1956, Primo married Rosemarie Indelicato – "the only woman I ever dated," he once said. They built their home in Alamo in 1958, where they raised their three children, Primo, Monica, and Rosemarie.

Locally, Primo's real estate interests inspired his interest in civic affairs. For more than 40 years, he was a fixture at Walnut Creek City Council, Planning Commission and Design Review meetings. On the occasion of his 80th birthday in 2010, Walnut Creek named him the City Council's "sixth member." The Contra Costa County Board of Supervisors honored him for his dedication to the community and commitment to public service to the citizens of Contra Costa County. He was the State's 2010 Cemetarian of the Year.

He is survived by his wife, Rosemarie; his sister, Norma Logan (Lafayette); three children: Primo (Janet) (Clayton), Monica (Bay Point), and Rosemarie Craighead (Richard) (Manteca); 10 grandchildren: Primo and Giovanna Facchini, Ashley and Bianca Hall, Brittney and Denée Dominguez, and Kevin, Brandon, Joshua and Emilee Craighead; three great-grandchildren: Maleeah, Leilah and Aubreanna; and nephews and a niece.

The family will forever be thankful for the loving care given Primo by Sarah, Shari and Elizabeth of Hospice of the East Bay and by Bob, their wonderful volunteer.

A Celebration of Life will be held at St. Isidore Church, Danville, on Sat., July 19 at 10:30 a.m. Donations in Primo's memory can be made to Hospice of the East Bay or the Walnut Creek Historical Society.

TraditionCare

[www.traditioncare.com](http://www.traditioncare.com)

925-827-2911

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**Published in Contra Costa Times on July 17, 2014**

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# Antioch Councilman Gary Agopian dies after long cancer battle

By Paul Bugarino Contra Costa Times

POSTED: 07/28/2014 09:15:53 AM PDT1 COMMENT

UPDATED: 07/28/2014 11:31:48 PM PDT

ANTIOCH -- Hearts were heavy throughout the community Monday after longtime and well-respected civil servant Gary Agopian died in the early morning following a 10-month-long battle with brain cancer. He was 57.

Agopian, a 19-year Antioch resident elected to the City Council in 2010, was diagnosed with an inoperable brain tumor last September. Despite the grim news, he vowed to continue to serve out his term, including campaigning for a half-cent sales tax last fall.

Past and present city leaders spoke glowingly about Agopian's intelligence and visionary ideas, knack for being prepared and positivity in bringing people with differing views together.

"He brought such a tremendous energy. He was a real asset to the community," said Walter Ruehlig, who was elected to the Antioch school board with Agopian in 2004.

Agopian had a calming influence and was dependable for "bouncing ideas off of," Ruehlig said.

Firmly committed to Antioch, Agopian continued to attend City Council meetings until late June while he battled Stage IV glioblastoma -- the last two meetings he was escorted in by family members in a wheelchair.

"His mind was still sharp. He didn't miss a beat," Mayor Wade Harper said.

Even in his last days before slipping into a coma on July 21, Agopian was trying to share ideas on how to help Antioch before he could no longer speak, his wife Robin said Monday.

Prayers and condolences from throughout the Antioch community poured in through social media upon hearing the news Monday.

"We have been blessed to have each and every one of you share in this 10-month journey ... you've shared your love through meals, gift cards, cards, phone calls, visits, housecleaning, prayers and so much more," Robin wrote Monday morning on Facebook.

"He encouraged so many of us to get involved in our city," resident Beverly Knight said. "I wrote Gary so many angry letters. He saw the passion and took the time to direct my passion where it would do the most good for Antioch. I really felt like he was approachable and explained things the average person wouldn't understand."

Before Agopian stepped into the political arena, he was a longtime business administrator. He spent 24 years working working at Sears, rising up the management ranks to become a district human resources manager.

After he was transferred to the Bay Area in 1995, Robin said their young family fell in love with a home in Antioch.

Years after transitioning into a job selling real estate in 2000, Agopian told his wife he wanted to get into politics when he retired to give back to the community.

"I remember telling him 'Why wait? We'll be fine, we'll make it work,'" Robin said. "It brings me some comfort that he was able to do that and accomplish his goal of making the community a better place."

In addition to his service on the school board and council, Agopian ran unsuccessfully for the county Board of Supervisors in 2008 and mayor in 2012, finishing second to Harper.

Some of Agopian's proudest moments included handing all three children their high school diplomas, baptizing them, walking his daughter down the aisle for her wedding and the birth of his first grandchild, she said.

Agopian also enjoyed hiking, swimming and staying active and was a prolific reader, especially of history. Often he was the "cheerleader on the sidelines" for his children's games, Robin said.

But, he was far from a spectator when it came to community service. Often he could be spotted with community members cleaning up graffiti or picking up abandoned shopping carts.

"For Gary, faith and service to the community were intertwined. It was a way of life," said former Mayor Donald Freitas, who appointed Agopian to the city's economic development commission in 2003.

Agopian continued waging war against graffiti while on the council, creating a committee to fight tagging. He also helped push forward a complicated annexation of 600 acres of industrial land to Antioch's northeast.

Agopian was often the most vocal and outspoken council member, particularly regarding the city budget, possible ferry service to the city and statewide water issues.

One item Robin said Agopian recently discussed with Freitas and local rodeo icon and friend Jack Roddy as a "last request" is to create a permanent shelter for the homeless, especially those young families with children.

"He saw that there are people who are hurting and the need to help," Robin said.

Services are tentatively set for Aug. 9 at Golden Hills Community Church, though details are still in the works.

Contact Paul Bugarino at 925-779-7164. Follow him at [Twitter.com/paulbugarino](https://twitter.com/paulbugarino).

#### EPITAPH

GARY AGOPIAN

Born: April 28, 1957

Died: July 28, 2014

Birthplace: Los Angeles

Survivors: Wife Robin, sons Corey and Jason, daughter Heather Renard, granddaughter Kaylei.

Memorial Service: Aug. 9, Golden Hills Community Church, 2401 Shady Willow Lane, Brentwood.

# West Contra Costa hospital losing workers amid uncertain future

By Robert Rogers

Contra Costa Times

Posted: 07/28/2014 02:35:07 PM

Click photo to enlarge



Doctors Medical Center is seen in San Pablo, Calif. on Wednesday, May 7, 2014. (Kristopher...

**SAN PABLO --** As Contra Costa County officials scramble for options to save Doctors Medical Center in some form, skilled workers are leaving in droves amid the continuing uncertainty.

Hospital CEO Dawn Gideon said 66 workers have left since early May, and about two dozen more have resigned and will be gone in the coming weeks, meaning the staff is down about 11 percent. The drop in staffing hasn't affected hospital services yet, but hospital officials are concerned that could happen if workers continue to flee.

"If that trend (of workers leaving) continues, the hospital is going to shut itself down," said Eric Zell, board chairman of the West Contra Costa Healthcare District, which owns and operates the hospital. "It doesn't mean we can't transition to a new model, but it does mean the continued hope of a full-service hospital is rapidly diminishing."

The exodus comes amid the hospital's prolonged struggles, which worsened when a parcel tax to shore up its balance sheet fell short in May of the two-thirds majority required for passage. The county last month agreed to loan \$6 million to keep the hospital afloat until October while other options are explored.

The hospital is running an \$18 million annual deficit, mostly resulting from poor reimbursement rates for its predominately Medicare and Medi-Cal patient base.

The healthcare district board on July 15 heard from county health officials about two last-ditch plans to save some level of services at the hospital, either a much smaller facility with 15 beds and an emergency department, or a stand-alone emergency department without inpatient beds.

But nurses unions and other health care advocates continue to lobby for saving the hospital as is, hoping to shore up its finances with public and private funds.

In a news release Monday, the California Nurses Association called for Chevron Corp. and the county to step in to keep Doctors Medical Center open as a full-service acute care hospital. The union wants the city

of Richmond to require Chevron to provide money to the hospital as part of an agreement to approve the refinery's \$1 billion modernization project.

Richmond Vice Mayor Jovanka Beckles sponsored a resolution to be heard Tuesday calling on the county to take over the hospital from the healthcare district and provide funding. The nurses union has rallies scheduled for Tuesday and Wednesday to call on Chevron and the county to step up.

Nurses at the hospital acknowledge that many of their colleagues have left amid the mounting uncertainty.

"This uncertainty has gone on for a long period of time, and some workers live elsewhere and have gone on to other, more secure facilities," said Maria Sahagun, a longtime DMC nurse. "But most of us are committed to be here, and if we get new funding, it won't be hard to get new skilled people to fully staff the hospital."

The healthcare district board has a meeting Aug. 5 to get a status report on the hospital's worsening finances and zero in on which option to pursue.

"The sooner we can come to a definitive plan for the hospital's future, the better," said Gideon, adding that in the coming weeks the number of patients in the hospital is expected to dip below 60. The hospital is licensed to carry 189 beds.

"We haven't had to refer anyone to another hospital yet," Gideon said.

County emergency services is expected to begin diverting some ambulances that would normally go to DMC to other hospitals by mid-August, Gideon said.

Longtime nurses at the hospital continue to hold out hope and point to a recent increase in county property tax revenues as further reason the county should save the hospital. Like the hospital's administration, they say a firm plan is key.

"Nurses are called to care for patients," said Seung Choo, a DMC nurse, in an email. "Contra Costa County must act to secure a long-term future for DMC by integrating the hospital into the County Health Services department so that nurses who desire to serve West County can continue to do so. The uncertainty about the hospital's future causes nurses to question if the best place to do that is DMC."

So far, the push to have the county take over and run the hospital in its current form has not gained support among Contra Costa supervisors, who are leery of the costs. The county already runs a hospital in Martinez.

"There is continued pressure on the county to take over the hospital, but it's like trying to squeeze blood out of a turnip," said Supervisor John Gioia, of Richmond, who also sits on the hospital's governing board. "The county can't close the funding gap."

Contact Robert Rogers at 510-262-2726. Follow him at [Twitter.com/sfbaynewsrogers](https://twitter.com/sfbaynewsrogers).

Published **July 30th, 2014**

## Local Fire Officials Mixed on Ads

By *Nick Marnell*

In a different kind of public-private partnership, Saint Mary's College purchased MOFD's aerial ladder truck to assist the district in handling campus high rise emergency calls. The Spirit of Saint Mary's is quartered at station 41 in Moraga. Photo Ohlen Alexander

are a taxpayer funded organization, and we answer only to the taxpayers. By placing advertising on our engines, we would lose our exclusivity as a government agency and send mixed messages." "If it is used right, it could fund a special program or a project for the department," said Jeff Carman, fire chief of the Contra Costa County Fire Protection District. "I would say, if the message is fitting, and there is revenue to offset the hassle of putting ads on your apparatus, I'd be interested." The hassle of implementing the Stockton program will be absorbed by Public Service Advertising of Phoenix, Ariz. "We cover everyone," said CEO Chad Dragos. "We are a third party who can do it all, giving the district a buffer, and promoting a fair process for everyone." The most frequent objections that he deals with are the buy-in from the municipality, the integrity of the system - are we endorsing one company over another? - and negative push back from firefighters. "We don't want stickers on our fire trucks!" is the initial reaction from the rank and file, he said. Piechura agreed that he will not infringe on the integrity of his fire service. Dragos estimated Stockton fire engine ad revenue of more than \$10,000 annually per vehicle. And Piechura said he hoped to merge all 16 of the department vehicles into the program. Prediction is difficult, observed scientist Niels Bohr, especially about the future. Whether this radical program instituted by the Stockton Fire Department takes hold throughout the industry will be closely followed.

Despite forecasts of operating losses for this fiscal year, and only slight improvements for next year, officials of both Lamorinda fire districts say they are skeptical of the viability of a new revenue generating idea unveiled by a fire agency in the Central Valley.

The Stockton City Council approved a plan July 15 for the Stockton Fire Department to begin selling advertising on its fire engines. "We're the first California department to go into this," said fire chief Jeff Piechura. "This is the first step to see how the community accepts the concept." Public acceptance was the most frequent objection raised by Lamorinda fire officials. Supervisor Candace Andersen, whose district includes Lamorinda, said that it would be critical to be selective about the types of ads and she raised concern about the dignity of the fire agency. "Would we really want to commercialize it as a means for revenue?" she said. "I'd rather create efficiencies in the agency and look for more traditional sources of revenue." Moraga-Orinda Fire District chief Stephen Healy acknowledged the potential detraction from district branding. "Our uniforms, our patch, our crest and the decals on our engines reflect our identity," he said. "We

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# West Contra Costa officials trade blame for lack of hospital money in Chevron deal

By Robert Rogers  
Contra Costa Times

Posted: 08/01/2014 06:12:58 PM PDT Updated: 3 days ago

RICHMOND -- City Council members, Chevron and the head of the governing board for West Contra Costa's floundering public hospital traded blame this week about how a \$90 million community benefits package agreed to by the oil giant to secure city approval of its \$1 billion Richmond refinery upgrade included nothing for the hospital, which is on the verge of closure.

Instead, the money that three council members negotiated in a series of private meetings with a Chevron lobbyist will go mostly toward their favored projects, including electric vehicle charging stations, a solar farm and scholarships for Richmond students.

The lobbyist, who also heads the health care board that runs Doctors Medical Center in San Pablo, says he wanted some money to go to the hospital, but key council members were unwilling; the council members deny that.

County health care officials have been scrambling for weeks to preserve some level of service at the safety net hospital, which operates the area's largest emergency room, and avert what they say would be a public health crisis resulting from its closure.

Some who opposed the Chevron deal groused about the echoes of Richmond's past, when local officials and business leaders carved up public dollars in smoke-filled rooms.

"Council members worked out deals behind closed doors for dividing up the Community Benefits Agreement for pet projects and did not provide for Doctors Medical Center," mayoral candidate Mike Parker wrote in a statement after the council vote. "A community needs a hospital, just like it needs schools, parks and roads."

The lack of money for DMC in the massive benefits package also drew sharp criticism from the two council members who abstained from Tuesday's 5-0 vote approving the refinery modernization. The hospital treated thousands of local residents in the aftermath of a fire at the refinery two years ago.

The participants in the series of meetings that took place in a wine cellar, restaurant and the Point Richmond office of Chevron lobbyist Eric Zell gave different accounts of what transpired in the negotiations over the benefits package, which swelled from \$30 million to \$90 million in recent weeks.

Council members Tom Butt, Jim Rogers and Jael Myrick said they were told at the meeting that money from the benefits package wouldn't be made available quickly enough to help the hospital, which is expected to close or drastically reduce services in coming months. DMC

officials on Friday announced that on Aug. 12 they would begin diverting ambulances, close the cardiac unit and cap inpatient beds at 50.

Butt said a key hurdle was that Chevron wanted most of the money to be distributed after it secured permits for construction, which could take six months or more. Only \$5 million of the \$90 million is guaranteed regardless of whether construction begins, according to Chevron, and that money goes to Rogers' programs.

Myrick said he proposed giving DMC half of the money earmarked for student scholarship programs in the benefits package, but was told it would be too little, too late.

Said Rogers: "Millions up front for DMC was a deal breaker. We pushed hard for DMC, and we got a definite no."

Zell, chairman of the West Contra Costa Healthcare District board, and a Chevron spokeswoman acknowledged Friday that most of the money from the benefits package would not be made available until the refinery project is cleared to break ground but dismissed any notion that they ruled out funneling money to the hospital.

"I gave (Butt, Rogers and Myrick) the facts about the status of DMC, and I said repeatedly if you're willing to give money to DMC, you should, we will put the money to good use," Zell said. "The only council member in that room that had a real interest in saving DMC was Jael (Myrick). I'm not saying they don't all want DMC to be saved, but DMC was not on their list of funding priorities.

"There wasn't the political will to do Jael's plan, and it wasn't me or Chevron standing in the way," he added.

"Zell's role in the negotiations, and failure to secure funds for DMC, led some to question his loyalties.

"Zell's duty as chair is to support the hospital," DMC nurse Seung Choo said Friday. "He went and negotiated with the city to get them money and he managed to get \$90 million for the next 10 years but nothing for DMC, and I have to wonder why."

Nurses and doctors at DMC have been at odds with Zell and other local leaders about the best path to take in rescuing the hospital. Workers want the county to take control of the hospital and maintain current services, while Zell and management are focused on drastically downsizing the hospital or turning it into a free-standing emergency department.

Zell said he had no qualms about acting as both consultant for Chevron and chairman of the hospital board because Chevron was willing to fund the hospital and he was in a good position to advocate for it.

Butt, Rogers and Myrick became the city's de facto negotiators because they represent swing votes on the divided council. The final details were worked out in Zell's Point Richmond offices Tuesday morning, hours before the City Council meeting.

When the package came before the council, Mayor Gayle McLaughlin and Vice Mayor Jovanka Beckles, advocates for DMC, abstained from the vote.

"Support for Doctor's Hospital should have been included in the Chevron package," McLaughlin said in an email Friday.

What was included was a package of projects favored by Butt, Rogers and Myrick. For Rogers, Chevron ponied up \$18 million -- the amount of DMC's annual deficit -- for Electric City and Easy Go, transportation programs that include bike-sharing and electric vehicle charging stations. For Myrick, there is a \$35 million scholarship fund for Richmond residents who graduate high school. Butt helped secure 60 acres of Chevron land -- valued at \$10 million -- for a solar farm for Marin Clean Energy, a nonprofit of which he serves on the governing board.

"I don't know if we left money on the table or not," Butt said. "I've been called a sellout and disgrace, and others said they're proud of us. I don't know which is right. I don't think we'll ever know, but I felt like this was the best we can do for Richmond."

## Tom Butt E-Mail Forum – 2014

DMC, Chevron and the City Council  
August 3, 2014

I know Robert Rogers worked long and hard on the following story, but he still missed some important nuances that I can fill in, particularly with respect to Doctors Medical Center (DMC).

There were only two scenarios where the Richmond City Council could have directed Chevron money to save, or at least to postpone the demise of, Doctors Medical Center in conjunction with the Chevron Modernization Project:

1. Attach a condition to the Conditional Use Permit requiring \$27 million to be paid from Chevron to the Hospital District over the next 18 months.
2. Included a provision in the Environmental and Community Investment Agreement providing that Chevron pay \$27 million to the Hospital District over the next 18 months.

Both options carried fatal flaws.

### Conditional Use Permit

Our entire legal team told us (in public - where legal advice is almost never given) that we had no legal basis to fund Doctors Medical Center as a permit condition. Furthermore, Chevron would have no obligation to do anything required by the Conditional Use Permit until it takes out the permit and starts construction. Even without a legal challenge, Chevron, by its own words, "...will now move quickly to request the court to dismiss the writ which was placed on the original project in 2009, and we hope to have a decision by the end of the first quarter of 2015"

(<http://richmondproud.com/news/>). If Chevron gets a legal challenge based on CEQA, its resolution could be at least two years away, or more. Doctors has only enough money to operate another 60 days, so whether funding from Chevron would start next spring or two years or more from now is moot. In either case it would be too late.

### Environmental and Community Investment Agreement

This is a two-party agreement, not an imposition like a conditional use permit. Regardless of what Chevron has said, it was unwilling, with one exception, to commit the flow of any funds until all legal challenges to the Modernization Project have been resolved, which again, would be the spring of 2015 at the earliest and could be as much as four years from now. The only exception was a \$1 million payment for Easy Go/Electric City that Jim Rogers insisted on. Even when legal challenges are successfully resolved, Chevron was unwilling to commit to releasing more than a few million a year. This is a ten-year deal. Even if the \$27 million had been included in the Environmental and Community Investment Agreement, it would have been too little too late.

I suppose we could have held up the entire project for another six weeks and continued to negotiate the Environmental and Community Investment Agreement until Chevron capitulated and agreed to provide \$27 million for Doctors beginning in October 2014 and continuing for the next 18 months, but there is no indication that such an outcome would have been possible. Chevron was certainly clear that it was not going there.

What Eric Zell was quoted by Robert Rogers as saying is simply not accurate:

"I gave (Butt, Rogers and Myrick) the facts about the status of DMC, and I said repeatedly if you're willing to give money to DMC, you should, we will put the money to good use," Zell said. "The only council member in that room that had a real interest in saving DMC was Jael (Myrick). I'm not saying they don't all want DMC to be saved, but DMC was not on their list of funding priorities.

It wasn't a matter of saving DMC, or not. It was a matter of whether Chevron would be willing to provide the money when it would be needed. Chevron refused, and Chevron's representative said, "We'll take the bullet, if anyone asks."

Regardless of the finger pointing that ensued, it simply isn't either fair or accurate to portray any City Council member as being more or less willing to save DMC. The City Council has passed more than one resolution (<http://richmondconfidential.org/2014/01/08/richmond-city-council-urges-kaiser-to-rescue-fiscally-troubled-doctors-medical-center/>) urging saving of DMC, and we have done what we can. Without being critical of the County, I want to be clear that health care is a County responsibility, not a city responsibility, but the County doesn't have the funds either. DMC also serves West Contra Costa County, not just Richmond. Why aren't the other cities in West Contra Costa being targeted as potential saviors instead of just Richmond?

Also, what is not being discussed is what projects or programs the \$27 million would have come from even if it had been possible to reallocate the funds in Environmental and Community Investment Agreement to address DMC in a timely fashion? Would it come from college scholarships for Richmond high school graduates that might be their only way to attend college? Would it come from job training for unemployed Richmond residents? Would it come from programs to help Richmond kids do better in school? One thing we do know is that it could not have come from any program related to greenhouse gas reduction because of legal constraints. And it all would have come from Richmond rather than the rest of West County.

The California Nurses Association (CNA), which is leading the latest charge and who lobbied City Council members to make Chevron save DMC declined to back Measure C, which was the best opportunity to save DMC. When local developers paid for a flurry of anti-Measure C mailers this spring, no one, including the CNA, stepped up to counter the negative campaign. In fact, I don't think that CNA even endorsed Measure C.

Having said all that, I join in acknowledging that closure of DMC is a tragedy that will likely spawn a health care crisis in West County. I continue to support any reasonable way of saving DMC, and it is inaccurate to portray me or any other City Council member as unsupportive.

**Eric Zell Weighs in on DMC, Chevron and the City Council**  
**August 3, 2014**

Tom-

Please send the following to your email list as continued clarification of Robert Rogers' story:

As in any news story, it is difficult to get all the nuances correct or clear. To be clear, all the council members in the negotiations care about the hospital and were interested in spending money to support DMC, if the amount and timing of the funds would assure a full service acute care hospital.

However, as was reported by Robert Rogers, and clarified by Councilmember Butt, neither adequate funding, or timely funding, could have been made available to DMC to preserve our full service acute care hospital in the long term. DMC has an \$18 million dollar annual deficit due primarily to insufficient government reimbursements for Medi-Cal and Medicare patients. These populations make up 80% of our payor mix. Another 10% are uninsured.

DMC will run out of funding to meet payroll as soon as [October 1](#), which will force the full service hospital to close.

In addition, the hospital is already not able to operate at full capacity. Approximately 90 members, or 11%, of our nursing and administrative staff have voluntarily left or indicated that they are leaving DMC due to the financial condition of the hospital.

The DMC Board has been dedicated to keeping DMC open the past seven years and we are currently doing everything we can to save the Emergency Room and other critical services. The loss of the parcel tax in May, Measure C, helped seal the fate of our full service hospital. It was our last real chance to create a sustainable future for a full service DMC.

It is easy for everyone to point fingers during this time of crisis for DMC and this community. I believe we can do better than that as a community. No one individual, company, elected official or anyone else is solely responsible for the fate of DMC. It is a failure of our society as a whole, which has yet to adequately guarantee medical services for our communities' most needy and equally deserving residents.

Let's focus on what we CAN do right now - save our critically needed emergency room.

We need to come together for that purpose before we lose that essential and critical service for our community.

Thanks,  
Eric Zell  
[zellandassociates.com](http://zellandassociates.com)

# East Contra Costa property owners to vote on fire assessment this month

[By Rowena Coetsee Contra Costa Times](#)

Posted: **08/04/2014** 11:19:08 PM PDT [0 Comments](#) | Updated: about 12 hours ago

OAKLEY -- Property owners in far East Contra Costa will decide this fall whether they are willing to pay more to preserve what's left of their fire services, although at this point even a "yes" vote won't prevent a temporary station closure.

East Contra Costa Fire District board members unanimously agreed Monday to pursue a benefit assessment that would generate just over \$4 million annually for the distressed agency, which will have to close two of its remaining five stations before year's end if the proposal fails.

A larger-than-normal crowd turned out for the proceedings, where district residents who advocated for an assessment outnumbered those opposing it.

"I need my fire department saving not only my son but other children like him," said Oakley's Meghan Bell, who volunteers on behalf of special-needs youngsters.

But some opponents complained that the assessment does nothing to fix the root causes of the district's chronic underfunding, which was blamed on post-Proposition 13's inequitable rules for property tax revenue apportionment along with a precipitous drop in the same since the collapse of the housing market.

"If you get this money it doesn't solve your problem. It's a Band-Aid," Discovery Bay resident Walter MacVittie said.

Some of the local politicians who turned out to support the assessment agreed but argued that something is better than nothing when it comes to protecting their constituents.

The fire district will mail ballots to owners of the 43,769 parcels within its boundaries Aug. 22. The proposal's outcome will be determined Oct. 6, when votes will be counted in public.

If a majority approves, the assessment would appear on tax rolls in 2015-16 and remain in effect for five years.

But even before voters weigh in, the district will have to shutter a station in downtown Brentwood on Sept. 1 at least temporarily.

Since February, 10 firefighters have taken more stable jobs elsewhere, another is about to quit, and two individuals are on long-term leaves. But with the federal grant that's been keeping the district afloat set to expire in November, district officials say that East Contra Costa Fire can't

afford to continue shelling out the amount of overtime pay needed to have those who remain pick up the slack.

The district will hire more firefighters to reopen Station 54 if the assessment succeeds; if it doesn't, the fire board will be forced to close a second station in Knightsen Dec. 1.

The assessment would vary from parcel to parcel depending on a number of variables, including the size of the property and its distance from a station and fire hydrant, all factors that determine the degree of "benefit" the land receives from fire services.

Consultants have determined that 96 percent of the parcels that have single-family homes on them will be assessed at less than \$113 annually. Most of the remaining parcels with improvements on them will have assessments under \$250. Very large properties and those with gas stations on them where the volume of flammable liquids poses a particular fire hazard would pay more than \$250.

Residents who have their parcel number can find out exactly how much the fire district is asking them to pay by contacting its business office, which has logs listing the proposed benefit assessment for each plot of land.

The engineer's report, a document detailing how the consultants calculated the assessments, will be available online later this week at [www.eccfpd.org](http://www.eccfpd.org) by clicking on the "What's New" tab.

Reach Rowena Coetsee at 925-779-7141. Follow her at [Twitter.com/RowenaCoetsee](https://twitter.com/RowenaCoetsee).

# San Ramon: Councilman asks for Faria project to be downsized

By Joyce Tsai Contra Costa Times

Posted: **08/04/2014** 09:02:24 PM PDT [0 Comments](#) | Updated: about 16 hours ago

SAN RAMON -- Developers of the Faria preserve may have consider scaling back the number of homes they plan there, from 740 to 630 -- and paring down their inventory of affordable homes to 15 percent -- to get the city's blessing to build.

At a special meeting Monday night, City Councilman Harry Sachs requested such a downsizing be explored. It was the second public hearing called by the City Council to review the controversial project.

"We are looking for an overall reduction of units to deal with the impacts" on the environment, traffic and schools, Sachs said.

About 80 residents showed up to the City Council's review of the mix of single-family houses, townhouses, apartments, senior housing and parcels for a church and sports field, which is planned for 450 acres near Interstate 680 north of Crow Canyon Road and east of Bollinger Canyon Road. About 18 residents spoke at the meeting, most against the project. Michael Jones and a couple of others also called the proposed development "illegal," based on the town's most recent general plan, even threatening legal action if it's not properly modified.

After nine public hearings, the Planning Commission unanimously approved the project in May.

That would have been the last in a chain of city approvals needed before developer Lafferty Communities attempts to secure permits from the California Regional Water Quality Control Board, the state Fish and Wildlife Department and the U.S. Army Corps of Engineers to build. But the council voted 4-1 last month to continue its review, initiated by Sachs, with an eye toward lessening the project's environmental, traffic and school impacts.

The original 786-unit project's land footprint, approved in 2006, has been reduced by 22 percent, spurred by environmental concerns. On Monday night, Sachs said, "I should be seeing a similar decrease in housing units, but I do not see that."

He also said only 15 percent of Faria's 630 housing units, rather than 28 percent of the 740 units currently planned, should be "affordable," because the city's affordable housing needs will be accommodated by other future developments, such as City Center and within the North Camino Ramon Specific Plan.

"We have burdened the Specific Plan with too much affordable housing," Sachs said.

Ultimately, the City Council voted 3-1-1 to ask city staff to work with Lafferty to explore options to reduce the percentage of affordable housing. The dissenting vote was Bill Clarkson, who maintained it's important to provide workplace housing in the city.

"I have seen it be a huge plus in San Ramon," said Clarkson, who doesn't believe affordable housing automatically begets crime. The city's affordable housing in the past 15 years has grown to 2,300 units, and in the last 10 years, "our crime rate has dropped by half," he said.

Hudson abstained from the motion, adding that he believed "the smart growth is to put people near the jobs."

He then tried to propose a motion to end the City Council's review in support of the Planning Commission's approval, but he was unable to find a second council member to second it.

"What we should have been focused on from day one is how best to do the project that was approved by the Planning Commission, period," Hudson said.

Planning Commissioner Donna Kerger said she and others had studied Faria thoroughly for 12 years.

"And I truly believe I was acting in the best interest of the city of San Ramon," she said, as she showed off a box of research to present her years of hard work on it.

Planning Commission Chairman Eric Wallis also said the city needs a variety of affordable workforce housing -- for teachers, firefighters, police officers and others who wish to live the city.

"I urge you to vote for the plan we originally picked," he said.

Contact Joyce Tsai at 925-847-2123. Follow her at [Twitter.com/joycetsainews](https://twitter.com/joycetsainews).