



CONTRA COSTA LOCAL AGENCY FORMATION COMMISSION

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Lou Ann Texeira
Executive Officer

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October 12, 2016
Agenda Item 6

October 12, 2016 (Agenda)

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

Results of Protest Hearing

Reorganization: Detachments from the Byron Bethany Irrigation District (BBID) and the Town of Discovery Bay Community Services District (TODBCSD)

Dear Commissioners:

At a public hearing on August 10, 2016, the Commission approved a boundary reorganization including the detachment of numerous parcels (480± acres) from BBID and detachment of two parcels from TODBCSD (APNs 011-190-044/-045), subject to a protest hearing. The subject area is located in two separate areas in the unincorporated Discovery Bay area (west). The purpose of the boundary reorganization is to correct a boundary overlap among the two districts.

In accordance with the Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000, LAFCO is the agency to conduct the protest hearing. The purpose of the protest hearing is to receive written protests from affected landowners/registered voters regarding the proposal and determine whether a majority protest exists. With regard to this reorganization, which is inhabited (i.e., contains 12 or more registered voters), the Commission shall take one of the following actions:

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

The protest hearing was properly noticed and held on Friday, September 23, 2016, at 11:00 am in the LAFCO office located at 651 Pine Street, 6th Floor in Martinez. The hearing was conducted

by the LAFCO Executive Officer, who is delegated the authority to conduct the protest hearing on behalf of the Commission. There was one attendee at the protest hearing – Tomi Riley, Chief of Staff, Supervisor Mary N. Piepho, District III. No protests were filed; thus the reorganization is ordered.

RECOMMENDATION - Receive the results of the protest hearing, order the reorganization, and direct staff to execute the determination (attached).

Sincerely,

Lou Ann Texeira
Executive Officer

c: Distribution List

Attached – LAFCO Determination Ordering the Reorganization

CONTRA COSTA LOCAL AGENCY FORMATION COMMISSION

**DETERMINATION OF THE EXECUTIVE OFFICER OF THE CONTRA COSTA
LOCAL AGENCY FORMATION COMMISSION FINDING THERE ARE INSUFFICIENT
WRITTEN PROTESTS TO TERMINATE THE PROCEEDINGS OR ORDER THE
REORGANIZATION SUBJECT TO AN ELECTION RELATING TO REORGANIZATION:
DETACHMENTS FROM THE BYRON BETHANY IRRIGATION DISTRICT AND TOWN OF
DISCOVERY BAY COMMUNITY SERVICES DISTRICT (LAFCO 16-02)**

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

2. Proceedings for *Reorganization: Detachments from Byron Bethany Irrigation District (BBID) and Town of Discovery Bay Community Services District (TODBCSD)* were initiated by Contra Costa County and filed with the Executive Officer of Contra Costa LAFCO in January 2016, proposing detachment of 480± acres (numerous parcels) from BBID. In conjunction with this proposal, BBID requested that LAFCO exclude two BBID owned parcels [Assessor Parcel Numbers (APNs) 011-190-044 and -045] from the proposed detachment, and detach these same two parcels from the TODBC.

3. The purpose of the reorganization is to correct a boundary overlap between BBID and the TODBCSD.

4. On August 10, 2016, the Commission adopted Resolution No. 16-02, making determinations and approving the proposal subject to certain conditions. A true copy of said Resolution is attached hereto and incorporated by this reference, containing the terms and conditions of the Commission's approval of this proposal.

5. Acting on delegated authority from the Commission, as Executive Officer, on September 23, 2016, I conducted a properly noticed public hearing to receive protests filed against the reorganization and, following conclusion of the hearing, found that zero voters and zero landowners (owning less than 25 percent of the assessed value of land) within the subject area filed written protests against the proposal.

6. Finding there are insufficient protests to terminate the proceedings or order the reorganization subject to an election, Contra Costa LAFCO hereby orders the reorganization (LAFCO 16-02) subject to the terms and conditions contained within the Commission's resolution of approval.

This order is made on and is effective from September 23, 2016.

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

RESOLUTION NO. 16-02

RESOLUTION OF THE CONTRA COSTA LOCAL AGENCY FORMATION COMMISSION
MAKING DETERMINATIONS AND APPROVING DETACHMENTS FROM
THE BYRON BETHANY IRRIGATION DISTRICT AND THE TOWN OF DISCOVERY BAY
COMMUNITY SERVICES DISTRICT

WHEREAS, a proposal submitted by Contra Costa County to detach two areas from the Byron Bethany Irrigation District (BBID) was filed with Executive Officer of the Contra Costa Local Agency Formation Commission (LAFCO) pursuant to the Cortese-Knox-Hertzberg Local Government Reorganization Act (Government Code section 56000 et seq.); and

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

WHEREAS, subsequently, BBID requested that LAFCO exclude two BBID owned parcels [Assessor Parcel Numbers (APNs) 011-190-044 and -045] from the proposed detachment, and detach these same two parcels from the TODBCSD; and

WHEREAS, the exclusion of APNs 011-190-044 and -045 from the proposed detachment will be beneficial to BBID, and the detachment of these same two parcels from the TODBCSD will avoid another overlap in service boundaries; and

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

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

WHEREAS, at a public hearing held on July 13, 2016, and continued to August 10, 2016, the Commission heard, discussed and considered all oral and written testimony related to the proposal including, but not limited to, the Executive Officer's report and recommendation, the environmental document or determination, provision of services, and related factors and information including those contained in Gov. Code §56668; and

WHEREAS, the proposed detachment from BBID will correct a boundary overlap between BBID and the Town of Discovery Bay Community Services District (TODBCSD) as discussed in LAFCO's 2014 Countywide *Water/Wastewater Municipal Services Review*; and

WHEREAS, LAFCO finds the proposal, as amended per BBID's request, to be in the best interest of the affected areas and the total organization of local governmental agencies within Contra Costa County.

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

1. The proposal is exempt from CEQA pursuant to sections 15061(b)(3).
2. Said detachment is hereby approved as amended to include the exclusion of APNs 011-190-044 and -045 from the BBID detachment, and the detachment of these two parcels from the TODBCSD, as requested by BBID.
3. The subject proposal is assigned the distinctive short-form designation:

**Detachment from the Byron Bethany Irrigation District and Detachment from the
Town of Discovery Bay Community Services District**

Contra Costa LAFCO
Resolution No. 16-02

4. Said territory is found to be inhabited and LAFCO has received objections from affected landowners/voters; thus, a protest hearing is required.
5. The boundaries of the affected territory are found to be definite and certain as depicted in Attachment 1, attached hereto and made a part hereof. Final approval of the maps and legal descriptions is subject to approval by the County Surveyor.
6. Contra Costa County has delivered an executed indemnification agreement providing for the County to indemnify LAFCO against any expenses arising from any legal actions challenging the detachments.
7. The detachments have no effect on BBID's or TODBCSD's authority to collect taxes for bonded indebtedness.
8. All subsequent proceedings in connection with these detachments shall be conducted only in compliance with the approved boundaries set forth in the attachments and any terms and conditions specified in this resolution.

* * * * *

PASSED AND ADOPTED THIS 10TH day of August, 2016, by the following vote:

AYES: Andersen (A), Blubaugh, McGill, Piepho, Schroder, Skaredoff, Tatzin

NOES:

ABSTENTIONS.

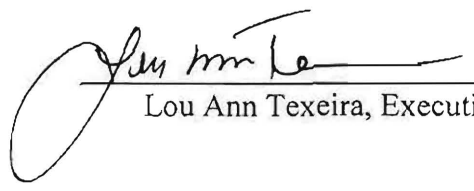
ABSENT: Glover (M)



MARY N. PIEPHO, CHAIR, CONTRA COSTA LAFCO

ATTEST: *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 10, 2016



Lou Ann Texeira, Executive Officer