



CONTRA COSTA LOCAL AGENCY FORMATION COMMISSION

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June 12, 2019 (Agenda)

June 12, 2019
Agenda Item 9

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

2nd Round “City Services” Municipal Services Review and Sphere of Influence Updates

Dear Members of the Commission:

OVERVIEW

On April 17, 2019, the Commission received an overview of LAFCO’s Public Review Draft “*City Services*” *Municipal Services Review (MSR)*, which covers all 19 cities and four community services districts (CSDs) including Crockett, Diablo, Discovery Bay and Kensington.

Municipal services covered in the 2nd round “*City Services*” MSR include the following:

- Animal Control
- Law Enforcement
- Parks & Recreation
- Stormwater
- Broadband
- Library
- Solid Waste
- Utilities (gas, electric community choice)
- Building/Planning
- Lighting
- Streets/Roads

The 2nd round “*City Services*” MSR focuses on the following:

- ✚ Updating profile data including growth and population, jobs/housing, finances (expenses, revenues, debt, reserves, related fiscal indicators), and staffing
- ✚ Shared services (i.e., joint powers/joint use agreements, contracts between public agencies, public-private partnerships)
- ✚ Infill development/sprawl prevention/islands
- ✚ Agricultural/open space preservation

Lamphier-Gregory and Berkson Associates prepared the MSR report. On March 27th, the *Public Review Draft MSR* report was released. On April 17, 2019, LAFCO held a public hearing on the *Public Review Draft MSR* report, at which time, the consultants provided an overview of the report. Following the presentation, the Commission and members of the public provided comments. The public comment period on the *Public Review Draft MSR* ended on April 25, 2019. The consultants prepared a comment log summarizing the comments and responses to comments (Attachment 1). Additional public comments are included in Attachment 5. Based on comments received during the public comment period, the

consultants made revisions and updates to the report, as reflected in the *Final Draft MSR* (available online at <http://contracostalafco.org>).

On May 18, LAFCO released the Final Draft MSR report and provided an additional public comment period that ends on June 12, 2019. Following the hearing on June 12th, the MSR consultants will produce the Final MSR.

The structure of the MSR report is as follows:

- + Introduction and Municipal Service Review Summary
- + Individual chapter for each of the 23 subject agencies
- + Acronyms, Glossary and Bibliography
- + Attachment A – Summary of City Agricultural and Open Space Policies
- + Attachment B – Service Level Statistics
- + Attachment C – Agency Fiscal Profiles
- + Attachment D – Public Comment Log with Responses to Comments

On June 12th, the Commission will be asked to 1) accept the MSR report, and 2) adopt resolutions for each subject city and district containing the required MSR and SOI determinations and SOI updates (Attachments 2a-2w). A table summarizing the SOI recommendations is provided in Attachment 3.

DISCUSSION

Municipal Service Review Focus Areas - The 2nd round “City Services” MSR includes several focus areas. In addition to updating the data from the last MSR, the 2nd round MSR includes information regarding shared services/JPAs; infill development/sprawl prevention/islands; and agricultural/open space preservation. A brief summary of these focus areas is presented below.

Shared Services/JPAs

All agencies included in this MSR participate in shared services. Most of the cities have agreements with the County for library services and facilities. The cities of San Pablo, San Ramon, Martinez, Walnut Creek, and Pleasant Hill share in law enforcement related services (e.g., dispatch, records, SWAT, 911 call center). Several cities have joint use arrangements with school districts. The City of Walnut Creek owns several facilities that are leased by other agencies. The Discovery Bay CSD leases an old fire station from the East Contra Costa Fire Protection District for landscaping services (i.e., crew and equipment). Also, all cities and DBCSD and KPPCSD are parties to various joint powers agreements/authorities.

Infill Development/Urban Sprawl/Islands

This focus area relates only to the cities (land use agencies). Regarding infill, all cities have development opportunities within their existing boundaries. And except for the City of Orinda, all cities have spheres of influence (SOIs) that extend beyond their corporate boundaries, which provide opportunity for expansion.

As part of Plan Bay Area, local jurisdictions have identified Prior Development Areas (PDAs) providing opportunities for new development in transit-oriented areas. All cities in Contra Costa County, except for Brentwood and Clayton, have identified PDAs within their boundaries. Promoting development

within PDAs reduces development pressure on open space and agricultural lands and potential for urban sprawl – which are key interests of LAFCOs.

In conjunction with development, the MSR also considers overall growth and population, jobs and housing opportunities. Contra Costa County is the ninth largest county in the state. The Association of Bay Area Governments (ABAG) projects growth within cities and counties. The ABAG forecast 2010-2040 projects that Contra Costa County will experience an estimated 32% increase in population; city population increases ranges from a low of 5.5% in Clayton to a high of 62.8% in Concord. Overall, Contra Costa County anticipates modest increases in jobs per employed resident and jobs/housing ratio between 2010 and 2040.

Regarding islands, LAFCO has identified 17 small islands that can be annexed through an expedited LAFCO process. The following cities contain small islands: Antioch, Brentwood, Clayton, Concord, Pleasant Hill, San Pablo, San Ramon and Walnut Creek. LAFCO encourages the annexation of islands.

Agricultural/Open Space Preservation

Included among LAFCOs' charges is discouraging urban sprawl and preserving agricultural and open space lands. In 2016, Contra Costa LAFCO adopted local policies to help guide development and protect land resources. The purpose of LAFCO's policy is threefold: 1) to provide guidance to the applicant on how to assess the impacts on prime agricultural, agricultural and open space lands of applications submitted to LAFCO, and enable the applicant to explain how the applicant intends to mitigate those impacts; 2) to provide a framework for LAFCO to evaluate and process in a consistent manner, applications before LAFCO that involve or impact prime agricultural, agricultural and/or open space lands; and 3) to explain to the public how LAFCO will evaluate and assess applications that affect prime agricultural, agricultural and/or open space lands.

In addition, there are various regional efforts that help guide orderly, efficient patterns of urban development, prevent urban sprawl, and preserve agricultural and open space lands. Such efforts include the ABAG/MTC Plan Bay Area, the Regional Housing Needs Plan, voter approved urban limit lines/urban growth boundaries, regional transportation plans, and habitat conservation plans. Plan Bay Area identifies 16 Priority Conservation Areas, three of which are located in unincorporated Contra Costa County and 13 located in cities within the County (i.e., Brentwood, El Cerrito, Hercules, Lafayette, Moraga, Oakley, Pinole, San Ramon, and Walnut Creek).

Also, the cities of Brentwood, Clayton, Concord, Martinez, Moraga, Oakley, Pittsburg and Walnut Creek have specific provisions and/or policies in their General Plans relating to the preservation of agricultural and open space lands.

Municipal Service Review Determinations - In accordance with the MSR, LAFCO must prepare written determinations relating to various factors including the following:

1. Growth and population projections for the affected area.
2. The location and characteristics of any disadvantaged unincorporated communities (DUCs) within or contiguous to the SOI.
3. Present and planned capacity of public facilities, adequacy of public services, and infrastructure needs or deficiencies including needs or deficiencies related to sewers, municipal and industrial water, and structural fire protection in any DUCs within or contiguous to the SOI.
4. Financial ability of agencies to provide services.
5. Status of, and opportunities for, shared facilities.

6. Accountability for community service needs, including governmental structure and operational efficiencies.
7. Any other matter related to effective or efficient service delivery, as required by commission policy.

The MSR determinations are included in the attached resolutions. The MSR report includes an analysis of each of these factors. LAFCO staff would like to emphasize the following:

Disadvantaged Communities – There are disadvantaged communities within the boundary, SOI, or contiguous to the SOIs of the cities of Antioch, Brentwood, Concord, El Cerrito, Martinez, Oakley, Pinole, Pittsburg, Pleasant Hill, Richmond, San Pablo, and Walnut Creek. These disadvantaged communities have access to fire, sewer and water services.

Financial Ability of Agencies to Provide Services – Several agencies, including the City of Concord, Town of Moraga, cities of El Cerrito, and Richmond, and the Crockett CSD are experiencing fiscal challenges. The consultants recommend that future changes to the SOIs for these agencies be subject to further review of fiscal and service capacity. The MSR/SOI resolutions for these agencies include special provisions relating to fiscal and service concerns. Regarding shared facilities and accountability, all agencies included in this MSR participate in shared services and/or JPAs and demonstrate outreach and accountability to their communities.

Sphere of Influence (SOI) Updates – The requirement for LAFCOs to conduct MSRs was established by the Cortese Knox Hertzberg Local Government Reorganization Act of 2000 (CKH) as an acknowledgment of the importance of SOIs, and recognition that periodic updates of SOIs should be conducted on a five-year basis [Gov. Code §56425(g)], with the benefit of better information and data through MSRs [Gov. Code §56430(a)].

SOI is defined as a “*plan for the probable physical boundaries and service area of a local agency, as determined by the commission.*” SOIs define the logical, long-term service boundary for an agency. SOIs can be the same, larger, or smaller than the existing local agency boundary. Contra Costa LAFCO has used various SOI designations including “zero,” which signals that services will ultimately be provided by another agency, “provisional” SOI, which delineates that a future restructuring or change of organization is needed, and “pending” SOI which indicates there are pending issues to resolve before updating the SOI.

The MSR culminates in updating the SOIs of the agencies covered in the MSR report. LAFCOs are required to make written determinations in accordance with Gov. Code §56425(e) when establishing, amending, or updating an SOI for any local agency that address the following:

1. The present and planned land uses in the area, including agricultural and open-space lands.
2. The present and probable need for public facilities and services in the area.
3. The present capacity of public facilities and adequacy of public services that the agency provides or is authorized to provide.
4. The existence of any social or economic communities of interest in the area if the commission determines that they are relevant to the agency.
5. For an update of an SOI of a city or special district that provides public facilities or services related to sewers, municipal and industrial water, or structural fire protection, the present and probable need for those public facilities and services of any DUC with the existing SOI.

Additionally, when updating the SOIs for districts, LAFCOs are also required to establish the nature, location, and extent of any functions or classes of services provided [Section 56425(i)]. The attached resolutions include the SOI determinations.

The “City Services” MSR includes SOI recommendations as summarized in Attachment 3. The MSR consultants and LAFCO staff are recommending retaining the existing SOIs for the cities and districts covered in the MSR with some stipulations.

There are several SOI issues LAFCO staff would like to highlight.

Existence of any Social or Economic Communities of Interest – There are various communities of interest within the SOIs of cities, some of which include islands as noted above.

Some of the factors associated with “community of interest” include physical address, access to neighborhoods through city streets, attend city schools, utilize and/or participate in city facilities (e.g., parks) and/or programs (e.g., sports), shop and/or work in the city, etc.

In addition to 17 islands, the MSR identifies several other communities of interest. There are communities of interest located in the East Danville and Camino Tassajara areas that are within Danville’s SOI. There has been some growth and development in and around these areas. Also, there has been interest by some of the residents in these areas for enhanced police services and annexation to the Town of Danville. The MSR recommends that the Town consider annexing these areas.

In the past several years, there has been interest by neighborhood groups in the Newell Ave/Olympic Blvd and Reliez Valley areas to annex to the City of Lafayette. The Newell Ave/Olympic Blvd area is within Lafayette’s SOI, and the Reliez Valley area is within Pleasant Hill’s SOI.

There is a request from Reliez Valley residents that LAFCO remove their area from Pleasant Hill’s SOI (with the exception of Brookwood Park) and add it to the Lafayette’s SOI. The subject area is shown on Attachment 4. The City of Pleasant Hill has indicated “no position” on removal of this area from its SOI. On May 28, 2019, the Lafayette City Council voted 4-1 to oppose adding this area to Lafayette’s SOI. City staff indicates that this area is not included in the City’s General Plan and that adding to the City’s SOI would necessitate a General Plan amendment and corresponding environmental review. City staff identified additional concerns regarding infrastructure, funding and service needs, noting that a special tax would be necessary to fund the needs services and improvements to serve this area. Also, given the growth potential in the Reliez Valley, expanding Lafayette’s SOI to include this area would require an environmental review. LAFCO’s practice of amending SOIs in conjunction with MSRs has been to require the interested party to fund the environmental review.

As noted above, an SOI is a *plan for the probable physical boundaries and service area of a local agency*. Both the consultants and LAFCO staff believe that the requested SOI amendments are premature.

ENVIRONMENTAL ANALYSIS

The MSR is a study, intended to serve as an informational tool to help LAFCO, local agencies and the public better understand the public service structure in Contra Costa County. The service review and determinations are a study and are Categorical Exempt under §15306, Class 6 of the California

Environmental Quality Act (CEQA) Guidelines. The proposed LAFCO actions on the SOI updates are to retain the status quo and are exempt under the General Rule exemption §15061(b)(3) of the CEQA Guidelines.

RECOMMENDATIONS

1. Receive the staff and consultants' presentation and open the public hearing to consider accepting the Final MSR, adopting the MSR determinations and updating the SOIs;
2. After receiving public comments close the hearing;
3. Determine that the MSR project is Categorically Exempt pursuant to §15306, Class 6 of the CEQA Guidelines;
4. Determine that the SOI updates are Categorically Exempt pursuant to §15061(b)(3) of the CEQA Guidelines;
5. Accept the Final MSR report;
6. Adopt the MSR determinations by resolution attached hereto; and
7. Adopt the SOI updates attached hereto.

Sincerely,

LOU ANN TEXEIRA
EXECUTIVE OFFICER

c: Distribution

Attachment 1- Public Review Draft MSR Comment Log

Attachment 2a – Resolution Adopting MSR Determinations and Updating the SOI - City of Antioch

Attachment 2b – Resolution Updating the SOI City of Brentwood

Attachment 2c – Resolution Updating the SOI - City of Clayton

Attachment 2d – Resolution Updating the SOI - City of Concord

Attachment 2e – Resolution Updating the SOI - Town of Danville

Attachment 2f – Resolution Updating the SOI - City of El Cerrito

Attachment 2g – Resolution Updating the SOI - City of Hercules

Attachment 2h – Resolution Updating the SOI - City of Lafayette

Attachment 2i – Resolution Updating the SOI - City of Martinez

Attachment 2j – Resolution Updating the SOI - Town of Moraga

Attachment 2k – Resolution Updating the SOI - City of Oakley

Attachment 2l – Resolution Updating the SOI - City of Orinda

Attachment 2m – Resolution Updating the SOI - City of Pinole

Attachment 2n – Resolution Updating the SOI - City of Pittsburg

Attachment 2o – Resolution Updating the SOI - City of Pleasant Hill

Attachment 2p – Resolution Updating the SOI - City of Richmond

Attachment 2q – Resolution Updating the SOI - City of San Pablo

Attachment 2r – Resolution Updating the SOI - City of San Ramon

Attachment 2s – Resolution Updating the SOI - City of Walnut Creek

Attachment 2t – Resolution Updating the SOI – Crockett CSD

Attachment 2u – Resolution Updating the SOI – Diablo CSD

Attachment 2v – Resolution Updating the SOI – Discovery Bay CSD

Attachment 2w – Resolution Updating the SOI – Kensington CSD

Attachment 3 – SOI Summary Table

Attachment 4 – Pleasant Hill/Lafayette SOI Request Map

Attachment 5 – Additional Public Comments

ATTACHMENT D

RESPONSE TO PUBLIC COMMENTS

The Contra Costa LAFCO Municipal Service Review Update was published on March 27, 2019, initiating a 30-day public review and comment period that ended April 25, 2019. A public hearing was held on April 17, 2019, from 1:30 – 3:30 PM at the Board of Supervisors Chambers, 651 Pine Street, Martinez, California. A summary of the MSR was presented to the Commissioners and the public at this meeting, where the Commissioners and the public had the opportunity to ask questions and provide comments.

Responses to comments are provided in the tables below. **Table D.1** contains response to comments received during the public comment period and **Table D.2** contains responses to comments received at the public hearing. The Final MSR includes the revisions noted in these tables and will be publicly posted on the Contra Costa LAFCO website.

TABLE D.1
PUBLIC COMMENTS AND RESPONSES

COMMENT NUMBER	DATE COMMENT RECEIVED	NAME & ORGANIZATION	COMMENTS	RESPONSE
1.	3.27.2019	Alan Kalin COL, USA (Ret.) (925-640-7055)	Comment: “Ref: Diablo CSD, 22.2.10, page 22-7 LAFCO has the wrong date in the paragraph below. Should say Diablo CSD in 1969 . In conjunction with formation of the Diablo CSD in 1996, the stated purpose of the formation was to provide the territory with lighting services, police protection, and to maintain roads which are subject to right-of-way by the public but have not been accepted into the County road system, and to implement needed safety measures on said roads, as well as to construct and improve bridges, culverts, curbs, gutters, etc.”	Revision made on page 22-7 in the Diablo CSD chapter.
2.	3.27.2019	Kathy Torru, Diablo CSD	Comment: “On page 485 of the MSR released this month, the third paragraph from the bottom, first sentence incorrectly reads “1996”. The correct date should be 1969.” Commenter also provided a number of clarifying edits.	Revisions made on pp. 22-7 and 22-11 in the Diablo CSD chapter.
3.	3.28.2019	Greg Fuz, City of Pleasant Hill	Comment: “Attached is the additional information that you requested for the MSR. Below is additional information pertaining to street lights/signals that was also requested: ‘Lighting (street and traffic) is provided by and maintained by the City of Pleasant Hill Maintenance Division, Contra Costa County,	Revisions made on page 16-7 of the City of Pleasant Hill chapter.

COMMENT NUMBER	DATE COMMENT RECEIVED	NAME & ORGANIZATION	COMMENTS	RESPONSE
4.	3.29.2019	Roger Chelemedos	<p>and Pacific Gas & Electric. City expenditures for light and signal maintenance were \$178,000 in FY 2017, up from \$151,000 in FY 2015. Contra Costa County maintains the City's 40 signalized intersections. The number of street lights maintained by the City is 505. PG&E maintains 1,614 street lights in the City."</p> <p>Commenter provided a letter from 40 Reliez Valley residents requesting a review and ultimate removal from the Pleasant Hill Parks and Recreation District.</p>	<p>Recommendations for updating the SOI for the cities of Lafayette and Pleasant Hill are included in the MSR. This MSR does not cover the Pleasant Hill Recreation & Park District. LAFCO has indicated it will undertake MSR/SOI Updates for Parks and Recreation districts in FY 2020.</p> <p>The comment is noted and hereby made part of the public record.</p> <p>The City of Pleasant Hill has indicated it will not be taking a position on the SOI request.</p>
5.	4.2.2019	Mike Davies, Town of Discovery Bay CSD	<p>Comment contained revisions of an editorial nature for the Town of Discovery Bay CSD. Data corrections were also provided.</p>	<p>Revisions made to pp. 23-1, 23-3, 23-9, and 23-10 in the Town of Discovery Bay CSD chapter, and a clarification added regarding the authorization to provide flood control/levee services.</p> <p>The CSD provided calculations showing change over the current year, not prior year as noted in their comments. Accordingly, we did not make this change.</p>

COMMENT NUMBER	DATE COMMENT RECEIVED	NAME & ORGANIZATION	COMMENTS	RESPONSE
6.	4.2.2019	Suzie Martinez, City of Walnut Creek	<p>Comment:</p> <p>"After a review, we found some minor corrections related to Walnut Creek in the LAFCO Report.</p> <ul style="list-style-type: none"> · Section 1.3.5, Page 1-18, 4th bullet: This bullet mentions City owned property that is leased to other agencies. It incorrectly lists "Heather Farm," instead of the "Gardens at Heather Farm," and "The Walnut Creek Model Railroad Center" instead of the "Walnut Creek Model Railroad Society." · Page 20-20: Again, the Walnut Creek Model Railroad Society as the "Walnut Creek Model Railroad Center." <p>Also in looking at what was reported for Solid Waste Services from other JPA jurisdictions, wondering why the same language for each of city that participates in the JPA (Danville, Orinda, Lafayette, Moraga & Walnut Creek) was not listed the same. Walnut Creek was the only jurisdiction that reported RecycleSmart's waste disposal per capita, for the entire service area. The other jurisdictions just say, " The FY 2017 solid waste disposal rates were not reported or were unavailable at the time of this MSR." Also worth noting that Danville is the only city that listed expenditures, while other cities reported that expenditure information was not available. We said we don't have any direct solid waste expenditures. Lafayette & Moraga have the wrong provider (Allied Services) listed - Republic Services currently provides services."</p>	<p>Revisions made to page 1-18 in the Introduction Chapter and page 20-21 in the City of Walnut Creek chapter.</p> <p>Overall, this MSR Update relied on data provided by individual jurisdictions, which may account for minor inconsistencies in the information reported and noted by the commenter.</p>

COMMENT NUMBER	DATE COMMENT RECEIVED	NAME & ORGANIZATION	COMMENTS	RESPONSE
7.	4.3.2019	Kristen Altbaum	Commenter provided a letter and related photo regarding a potential SOI change.	<p>Recommendations for updating the SOI for the cities of Lafayette and Pleasant Hill are included in the MSR. This MSR does not cover the Pleasant Hill Recreation & Park District. LAFCO has indicated it will undertake MSR/SOI Updates for Parks and Recreation districts in FY 2020.</p> <p>The comment is noted and hereby made part of the public record.</p> <p>The City of Pleasant Hill has indicated it will not be taking a position on the SOI request.</p>
8.	4.3.2019	Kristen Altbaum	Commenter provided a petition regarding a potential SOI change.	<p>Recommendations for updating the SOI for the cities of Lafayette and Pleasant Hill are included in the MSR. This MSR does not cover the Pleasant Hill Recreation & Park District. LAFCO has indicated it will undertake MSR/SOI Updates for Parks and Recreation districts in FY 2020.</p> <p>The comment is noted and hereby made part of the public record.</p> <p>The City of Pleasant Hill has indicated it will not be taking a position on the SOI request.</p>
9.	4.9.2019	Commissioner Charles R. Lewis, IV	Comment contained requests for additional clarifying information, including with regard to SOI recommendations, city-provided animal control services, library services, and	Clarifying information provided in Chapter 1 of the MSR (page 1-14) and on page 15-12 in the City of Pittsburgh Chapter.

COMMENT NUMBER	DATE COMMENT RECEIVED	NAME & ORGANIZATION	COMMENTS	RESPONSE
			OPEB liabilities.	<p>Additional information on City of Antioch-provided animal control services included on page 2-5 in the City of Antioch chapter.</p> <p>Library services are provided by Contra Costa County for all cities except for the City of Richmond and thus the information in those sections is the same. City-specific library service data was available and reported for the Richmond library services.</p> <p>Footnotes were added to the City of Concord chapter (p. 5-23), Town of Moraga chapter (p. 11-22), and City of Richmond chapter (p. 17-23) summarizing the missing information.</p>
10.	4.12.2019	David Biggs, City Manager, City of Hercules	Comment contained additional data to include in the City's MSR chapter. In several areas, the City provided data for Fiscal Year 2018.	<p>Revisions made to pp. 8-6, 8-7, 8-8, 8-9, 8-11, 8-12, and 8-19 in the City of Hercules chapter.</p> <p>The FY 2018 data was not included in the MSR revisions as it extended beyond the scope of this MSR Update.</p>
11.	4.17.2019 – 4.25.2019	Aaron Beardsley, Alex Oei, Andrew Judd, Andy Hollingsworth, Andy May, Angelo Colaci, Arleen Sakamoto, Ben Etling, Ben Rohrs, Berit Gamsky, Beth Tirapelli-Morlelan, Bill Gonsalves, Bill Powning, Bob Davenport, Brad Crow, Brian McAndrews, Bridget Moar, Bruce Ohlson, Bruce Young, carol@carolclick.net, Clive	<p>Comment:</p> <p>"I am unable to attend your public hearing on April 17th but want to express my concerns that public money is being spent to maintain private roads in Diablo. I am happy to have Diablo residents use public roads elsewhere in the County, which some of my taxes are used</p>	<p>The MSR contains information regarding the Calle Arroyo issue; however, the resolution of the Calle Arroyo use issue is beyond the scope of this MSR Update. The comment is noted and hereby made part of the public record.</p>

COMMENT NUMBER	DATE COMMENT RECEIVED	NAME & ORGANIZATION	COMMENTS	RESPONSE
		Harrison, Dan Leonard, Dan Schaefer, Daniel Kanaan, Daryl Liggins, Dave Dalton, David Block, David Brown, David Douglas, David Fisch, David Sussman, David Otten, David Rossiter, David Simpson, David Weiner, David Willhoite, Deb Donovan, Deepinder Singh, Derek Ching, Diana Lowe, Dianne Glynn, Domenick Treccase, Donald Palmer, Mark Koenen, Elizabeth Hillis, Ellen Booth, Eric Grove, Erika Rowen, Gary Booth, Gary Goldhawk, Gary Johnson, Gayle Lightfoot, Geoffrey Sylvester, Gerald Coil, Gerald Smith, Gina Matrone, Gisselle Rullier, Glenda Smith, Gregory Kennedy, J.A. Zaitlin, Jake Michenfelder, Jamey Jacobs, Jamuel Starkey, Jaynette Rossiter, Jeff Mock, Jeffrey Brenner, Jennifer Schulze, Jennifer Tryon, Jim Cooper, Jum Van Dyke, Joe Allen, Joe Ungerer, Jon Usvathongkul, Kathleen Koos, Kathryn Woodford, Kevin Comerford, Kevin Dielssen, Kevin Metcalfe, Kim Chan, Kit Johnson, Larry Feigenbaum, Laurie Anderson, Lenny Lesser, Linda Curtis, Linda Kwong, Lynda and John Hansen, Mac Rogers, Margie Kirk, Mark Dedon, Mary Hernandez, Matt Beck, Matt Evans, Michael Kinney, Michael Gill, Michael Koved, Mike Chung, Nathan Martin, Nathan Parks, Neil Rapmund, Nikki Grimes, Nora Crans, Morman Lisy, Olin Timoth Jones, Parry Andvik, Pat O'Neil, Patricia Frantz, Patricia Sampson, Patti Davis, Paul	<p>to maintain, but in return I expect to be able to use other roads maintained with public funds.</p> <p>I heard that a judge has decided that Calle Arroyo in Diablo is private and not subject to public access. This is of concern to me because I (frequently/occasionally) ride my bike from Danville to and from Mt Diablo State Park, and traveling on the roads of the Diablo Community Services District (DCSD) represents the only safe route for me. I ride through Diablo because Diablo Road (1.5miles) is too dangerous for bicycles and the only safe route is through Diablo. I am concerned that the DCSD, as a public entity, takes tax money but doesn't believe that it needs to provide a public benefit in return. I also don't think it is right that I must commit a misdemeanor (by violating the Ordinances of the DCSD) in order to use a road maintained with tax money by a public agency in order to protect my own safety.</p> <p>I support the conclusions in the LAFCO MSR that the DCSD should no longer be using public funds to maintain Calle Arroyo. Additionally, I believe that DCSD should be prevented from using public funds to maintain any road that the public lacks the right to use. Alternatively, I hope this problem can be worked out sensibly, allowing taxpayer money to maintain roads that should allow public access.</p> <p>Thank you for your time and consideration of</p>	

COMMENT NUMBER	DATE COMMENT RECEIVED	NAME & ORGANIZATION	COMMENTS	RESPONSE
		Cardinet, Peter Culshaw, Philippa Erlank, Rachel McQueen, Richard Angelis, Richard Reed, Rick Edmondson, Rob Williams, Robert Gray, Rod Hooper, Rodrigo Prudencio, Russ Frisk, Rusty Stapp, Ruth Ann Pearsons, Ryan Schmidt, Sara Rowe, Sarah Cyper, Sarah Liron, Scott Bartelebaugh, Sean McCreary, Sean Perry, Shawn Richardson, Shelly Sack, Sheri Bjornson, Sherri O'Neill, Sppshop@mac.com, Stacey Murphy, Stephanie and Tom DiPalma, Stephen Wienker, Steve Whelan, Steven Payne, Ted Selbach, tjipto@sugijoto.com, Tom Magill, Van Sutton, Vic DeOrnelas, William Monsen, William Stubbs, Adele Madelo, Amanda Rewcastle, Barbara Hailey, Ben Foroodian, Charles Donovan, Chris Pham, Garrett Lew, Gary Hong, Heath Maddox, John Harvey, Karen Martin, Lauren Heumann, Rebecca Woods, Tony Flushce, Tracey Loftus, William Liss, Anthony Ertassi, Betty Simpson, Byron Pogir, Chuck Roncancio, Elizabeth Brathwaite, Jackie Dahlgard, Karin Poe, Roz Duncan, Scott LaPerle	my comment.”	
12.	4.17.2019	Brad Crow	Comment: “What a crazy world we live in that I help pay taxes for that road, but can’t ride on it.”	The MSR contains information regarding the Calle Arroyo issue; however, the resolution of the Calle Arroyo use issue is beyond the scope of this MSR Update. The comment is noted and hereby made part of the public record.

COMMENT NUMBER	DATE COMMENT RECEIVED	NAME & ORGANIZATION	COMMENTS	RESPONSE
13.	4.17.2019	Brad Williams	<p>Comment:</p> <p>"I am unable to attend your public hearing on April 17th but want to express my concerns that public money is being spent to maintain private roads in Diablo. This is absolutely absurd that the wealthy landowners of this community would not allow pedestrians and cyclists of the area to use the streets but expect public money to fund their community. The fact there is even a hearing on the use of public funds for a private Uber wealthy community is infuriating."</p>	The MSR contains information regarding the Calle Arroyo issue; however, the resolution of the Calle Arroyo use issue is beyond the scope of this MSR Update. The comment is noted and hereby made part of the public record.
14.	4.17.2019	Britt Harvey	<p>Comment:</p> <p>"I have lived in the East Bay for over 30 years. I bike up Mount Diablo several times a year. Access from the south is much safer and more pleasant on Calle Arroyo than Diablo Road. I am not surprised that owners of a private road would try to limit access. I am surprised to learn that taxpayers are funding maintenance of a private road. Any road receiving taxpayer funding should, I would say obviously, be open to the public. It is particularly important in this case, due to the popularity of the bike ride up Mount Diablo and the dangerous alternative to the private road. Please improve bicyclist safety and end public subsidies to private individuals.</p> <p>Thank you for your attention to this matter."</p>	The MSR contains information regarding the Calle Arroyo issue; however, the resolution of the Calle Arroyo use issue is beyond the scope of this MSR Update. The comment is noted and hereby made part of the public record.
15.	4.17.2019	Carl Nielson	<p>Comment:</p> <p>"I am a concerned cyclist, taxpayer, and resident of Contra Costa County. On my way</p>	The MSR contains information regarding the Calle Arroyo issue; however, the resolution of the Calle

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			to Mount Diablo State Park (eastbound), I cycle on Calle Arroyo. There's been an effort to close this road to public use. However, county funds contribute to the maintenance of this road. If the residents succeed in closing this road to public use, NO PUBLIC FUNDS SHOULD BE ALLOTTED FOR THE MAINTENANCE OF CALLE ARROYO!	Arroyo use issue is beyond the scope of this MSR Update. The comment is noted and hereby made part of the public record.
16.	4.17.2019	Dan Kappes	<p>Thank you."</p> <p>Comment: "No public money should be spent maintaining private roads in Diablo. This is an easy decision."</p>	The MSR contains information regarding the Calle Arroyo issue; however, the resolution of the Calle Arroyo use issue is beyond the scope of this MSR Update. The comment is noted and hereby made part of the public record.
17.	4.17.2019	David Glazer	<p>Comment: "I am unable to attend your public hearing on April 17th but wish to provide this comment, in the hope that it will be given consideration. I understand that a lower court ruling has held that one road within the Diablo Country Club property is private and may be closed to public use. If that is the case, I do not see how public moneys (to which my tax dollars contribute) can be used to maintain that road. There seems to be no legal basis for allowing the residents of Diablo Country Club to have it both ways – barring public use while taking advantage of public money.</p> <p>I therefore strongly support a decision that no further public funds will be spent to maintain</p>	The MSR contains information regarding the Calle Arroyo issue; however, the resolution of the Calle Arroyo use issue is beyond the scope of this MSR Update. The comment is noted and hereby made part of the public record.

COMMENT NUMBER	DATE COMMENT RECEIVED	NAME & ORGANIZATION	COMMENTS	RESPONSE
18.	4.17.2019	Gail Fugere	<p>this supposedly private road. Thank you for your attention.”</p> <p>Comment: “I am unable to attend your public hearing on April 17th but want to express my concerns that public money is being spent to maintain private roads in Diablo. I am happy to have Diablo residents use public roads elsewhere in the County, which some of my taxes are used to maintain, but in return I expect to be able to use other roads maintained with public funds.</p> <p>I heard that a judge has decided that Calle Arroyo in Diablo is private and not subject to public access. This is of concern to me because I frequently ride my bike from Danville to and from Mt Diablo State Park, and traveling on the roads of the Diablo Community Services District (DCSD) represents the only safe route for me. I ride through Diablo because Diablo Road (1.5miles) is too dangerous for bicycles and the only safe route is through Diablo. I am concerned that the DCSD, as a public entity, takes tax money but doesn’t believe that it needs to provide a public benefit in return. I also don't think it is right that I must commit a misdemeanor (by violating the Ordinances of the DCSD) in order to use a road maintained with tax money by a public agency in order to protect my own safety.</p> <p>I support the conclusions in the LAFCO MSR that the DCSD should no longer be using public funds to maintain Calle Arroyo.</p>	<p>The MSR contains information regarding the Calle Arroyo issue; however, the resolution of the Calle Arroyo use issue is beyond the scope of this MSR Update. The comment is noted and hereby made part of the public record.</p>

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			<p>Additionally, I believe that DCSD should be prevented from using public funds to maintain any road that the public lacks the right to use. Alternatively, I hope this problem can be worked out sensibly, allowing taxpayer money to maintain roads that should allow public access.</p> <p>Furthermore, I live at the east end of Green Valley Road in Alamo, very close to Macedo staging area. Almost daily the Monte Vista High School cycling team rides up Green Valley, past my house. It brings a smile to my face to see these young people cycling on our public roads. There is no hate in my heart. If you only knew how many times an angry driver has threatened us with an angry horn honk, driving too close, even yelling at us, perhaps you would have a better idea why we choose to ride on Mt. Diablo. If there were a safe route to the mountain, we would take it. Diablo Road is not that route. And, my tax dollars are as equal as the one or two haters that live in Diablo on Calle Arroyo.</p> <p>Thank you for your time and consideration of my comment.”</p>	
19.	4.17.2019	Glenn Woodson	<p>Comment:</p> <p>“I was unable the public hearing tonight, April 17, but want to express my concerns about the continued use of public funds spent for maintenance of private roads. As both a landowner and taxpayer, I am fully aware my tax money is used to fund the roads in front of my property and elsewhere in the county. As a</p>	<p>The MSR contains information regarding the Calle Arroyo issue; however, the resolution of the Calle Arroyo use issue is beyond the scope of this MSR Update. The comment is noted and hereby made part of the public record.</p>

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			<p>community planner, it is unconscionable that local residents would, after filing a lawsuit to make their road private, want to continue using county funds to maintain their roads in Diablo.</p> <p>As a father of a young cyclist, I find their actions over the past months self-centered and at times abusive to fellow residents who are not privileged enough to live in Diablo. Of specific concern is that traffic entering Mt Diablo State Park is NOT always safe and aware of cyclists. We have ridden Calle Arroyo multiple time because, quite frankly it is quiet and safe. As a public road, Calle Arroyo is a road that provides us access without my having to worry that a slight mistake can cost my son his life.</p> <p>If the local residents on the street are offended and put out by our being there that is their right in this state. If they then take this further, which they have now, and made the road a private road for the entire width (homes on one half and golf course on other half), then they have additional rights to restrict our access since the land and access do not fall under purvey of the California Coastal Commission or similar jurisdictional regulation.</p> <p>BUT they cannot make this private AND then ask us, as fellow taxpayers to provide maintenance to their roads. Where is our community return on investment?</p> <p>Most importantly, how can the local residents</p>	

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			<p>demand continued maintenance when this is in direct conflict with California Code Section 845, which provides that when a private roadway exists for the benefit of multiple owners, the cost of maintaining the road is proportional to the use made by the easement. If the public is no longer an owner of the easement, we, as taxpayers who do not live along Calle Arroyo, have ZERO obligation to pay for their requirements.</p> <p>DCSD must not use public funds to maintain any road the public does not have access. With that in mind, this argument is really about quality of life. Local residents want to maintain a level of solitude and security and local cyclists and hikers desire similar. As such. I would hope that all sides here can work out their differences and not let a minority of residents turn this into a both restrictive area and a costly nightmare.</p> <p>Thank you for taking time to read and consider my comments.”</p>	
20.	4.17.2019	Jody and Steve Archer	<p>Comment:</p> <p>“I am not able to attend public hearing to express concerns over public monies being used to maintain private roads in Diablo Country club. I expect to be able to have public access to roads which my taxes are used.</p> <p>I heard a judge decided that Calle Arroyo in Diablo Country Club is private and not subject to public access. I ride my bike from Alamo to Mtdiablo state park. Traveling through DCSD</p>	<p>The MSR contains information regarding the Calle Arroyo issue; however, the resolution of the Calle Arroyo use issue is beyond the scope of this MSR Update. The comment is noted and hereby made part of the public record.</p>

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			<p>is the only safe route. Many of my fiends have been run off the road or hit on Diablo rd. With no shoulder it is not safe for ridding with the kids to enjoy the stage park. I am concerned that the DCSD takes public money to maintain a private road and does not believe they need to provide a public benefit in return. I should not have to be threatened by homeowners for prosecution in order to use a road that is paid for with public money for our personal safety. I support the conclusions in the LAFCO MSR that the DCSD should no longer be able to use public funds to maintain their roads. Additionally I feel that DCSD should be prevented from receiving any public funds to maintain roads that do not have public access."</p>	
21.	4.17.2019	Joe Allen	<p>Comment:</p> <p>"I heard about this hearing and I can't make this date. However, Ms. Sibley, I am a resident of CC County and wish that you would pass along my strong objection to using general public taxpayer dollars to support a private, exclusive club.</p> <p>Thank you for registering my view."</p>	<p>The MSR contains information regarding the Calle Arroyo issue; however, the resolution of the Calle Arroyo use issue is beyond the scope of this MSR Update. The comment is noted and hereby made part of the public record.</p>
22.	4.17.2019	Mark Nienberg	<p>Comment:</p> <p>"As a Contra Costa County resident and property owner, I wish to comment on the draft MSR that you will discuss at your meeting on April 17th. Specifically, I am interested in the section related to the Diablo Community Services District. I would like to</p>	<p>The MSR contains information regarding the Calle Arroyo issue; however, the resolution of the Calle Arroyo use issue is beyond the scope of this MSR Update. The comment is noted and hereby made part of the public record.</p>

COMMENT NUMBER	DATE COMMENT RECEIVED	NAME & ORGANIZATION	COMMENTS	RESPONSE
			<p>see the concluding paragraph of Section 22.2.10 strengthened to clarify that public taxpayer money may not be spent to maintain any street in the district unless that street is open to public access, including pedestrians and bicycles.</p> <p>As I'm sure you know, a few residents on Calle Arroyo Road in Diablo have waged a legal battle to declare their street private and prevent public use. They seem particularly hostile to bicyclists, who often use the street to access the public facilities at Mount Diablo State Park. The reason bicyclists use Calle Arroyo is simply that there is no safe alternative. Diablo Road is far too dangerous. But the reasons aren't really important to your decision. If the residents succeed in excluding the public from the road, then clearly they cannot expect the public to pay for maintenance.</p> <p>Please note that in my suggested re-wording of the concluding paragraph I referred to any road that is not open to public access rather than specifying Calle Arroyo. That is because some residents of other roads in the district have said they may try to replicate the Calle Arroyo restrictions on "their roads".</p> <p>Ultimately, I hope common sense will prevail and DCSD will allow full public access to district roads and public funding will be available to maintain the roads. In the meantime, a clear statement from LAFCO in the MSR will have a positive effect on moving</p>	

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23.	4.17.2019	Mark Skrivanich	<p>toward that resolution.</p> <p>Thank you for your time and consideration of my comment.”</p> <p>Comment:</p> <p>“Since I am unable to attend the public hearing tonight, April 17th, I'll echo the sentiments expressed by Bike East Bay and no doubt, many, many others (cyclist included!)</p> <p>Simply, no one, no community, no association or organization, etc. can or should have a monopoly on SAFE access for all to Southgate Road, Mt. Diablo STATE Park or any public area.</p> <p>In the horribly inexcusable event of denied access, then not only will public funding of the Diablo Community Services District need to cease, the DCSD must payback all funds used to determine the Diablo Community roads to be private. There is no defensible rationale for using public funds to declare roadways to be private. Nor is there one for taking public funds yet not providing for public safety at a minimum in return.</p> <p>There is no inherent nuisance in allowing human powered through-traffic. There is no exhaust pollution, no excessive noise, no litter and no visual blight, even taking in to consideration some of poorly designed cyclist jerseys.)</p> <p>I appreciate your time and understanding on this.”</p>	<p>The MSR contains information regarding the Calle Arroyo issue; however, the resolution of the Calle Arroyo use issue is beyond the scope of this MSR Update. The comment is noted and hereby made part of the public record.</p>

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24.	4.17.2019	Matt Jacoby	<p>Comment:</p> <p>"I'm writing you in regard to the question of public access vs public funding on Calle Arroyo. Though I have never taken this route, I ride my bike to Diablo frequently, so this is a matter that concerns me.</p> <p>I was very disappointed that cyclists would be prevented from using this much safer route to access Mt. Diablo State park. It seems like this is really a very unfortunate case of overblown reactions and lack of mutual respect between some cyclists and some property owners. It's a shame, but if this is where it's gotten then here we are.</p> <p>However, it violates my sense of civic fairness that, being denied access to this route, tax-paying cyclists would still have to fund its maintenance. I expect there are many cases where public funds are used for private benefit - but it seems like we should be minimizing those. And, certainly, it seems unfair and unwise to reward the reactionary behavior that caused the road to be fully privatized.</p> <p>I would ask that the staff and commissioners do what is within their power to deny public funds for this road if it is to remain private, or else help in revisiting the question of shared access and mutual respect."</p>	<p>The MSR contains information regarding the Calle Arroyo issue; however, the resolution of the Calle Arroyo use issue is beyond the scope of this MSR Update. The comment is noted and hereby made part of the public record.</p>
25.	4.17.2019	Rick Rickard	<p>Comment:</p> <p>"As you know from our PAC interactions, I am a regular road bicyclist. Although I live in Oakland, I do occasionally ride up Mt Diablo,</p>	<p>The MSR contains information regarding the Calle Arroyo issue; however, the resolution of the Calle Arroyo use issue is beyond the scope of this MSR Update. The</p>

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			<p>usually climbing up Southgate Drive, accessed through the community of Diablo. Needless to say as a Board Member of Bike East Bay, I have closely followed the saga of public access to Calle Arroyo.</p> <p>I'm not able to attend tonight's public hearing, but I do want to share my concerns with you. As you have no doubt heard from many bicyclists, this stretch of Diablo Road is a dangerous and unpleasant place to ride a bicycle, with high-speed traffic and minimal shoulders. The roads through Diablo are a much safer alternative for bicyclists.</p> <p>I have been disappointed to learn that the Diablo Community Services District is using public funds to maintain these private roadways while seeking to restrict public access to the roadways. Thus, I am supportive of the conclusions of the LAFCO MSR that DCSD should be prevented from using public funds to maintain any road that the public lacks the right to use. Ideally, of course, I would hope this problem can be worked out sensibly, allowing taxpayer money to maintain the roads while also allowing public access.</p> <p>Thanks for hearing me out. Hope you are well."</p>	comment is noted and hereby made part of the public record.
26.	4.17.2019	Will Leben	<p>Comment:</p> <p>"As a bicyclist whose only safe option for getting to Mt. Diablo State Park is Calle Arroyo (because Diablo Road is too dangerous for cycling), I think that the Diablo Community Services District as a public entity</p>	The MSR contains information regarding the Calle Arroyo issue; however, the resolution of the Calle Arroyo use issue is beyond the scope of this MSR Update. The comment is noted and hereby

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27.	4.19.2019	Richard Nicoll	<p>should not be allowed to take tax money, as it is currently doing, without providing a public benefit in return.</p> <p>Public funds should not be used to maintain Calle Arroyo or any road not fully open to the public.”</p> <p>Comment: “I understand that the Local Agency Formation Commission (LAFCO) is reviewing whether or not the Diablo Community Service District, the agency charged with maintaining roads in Diablo, should continue funding maintenance of private roads. Apparently, public funds are used to finance private roads in Diablo. Clearly, such actions constitute a gift of public funds, which I understand to be prohibited in California. If not, where do the rest of us sign up for public assistance for our private driveway repairs, kitchen remodels or house painting?”</p>	<p>made part of the public record.</p> <p>The MSR contains information regarding the Calle Arroyo issue; however, the resolution of the Calle Arroyo use issue is beyond the scope of this MSR Update. The comment is noted and hereby made part of the public record.</p>
28.	4.20.2019	Craig Hagelin	<p>Comment: “I live in Walnut Creek and frequently ride a loop of up North Gate to the junction and then down to South Gate. Being able to cut through Calle Arroyo in Diablo is a much safer route for me to get back to Walnut Creek. Cars on Diablo Road travel very fast and cyclists get hit there. I am 72 and have been doing the route for years, and if I get hit on Diablo Road I will not heal fast if at all. Please consider the lives at skate here, and do not revoke access that has been in place for long time and does not</p>	<p>The MSR contains information regarding the Calle Arroyo issue; however, the resolution of the Calle Arroyo use issue is beyond the scope of this MSR Update. The comment is noted and hereby made part of the public record.</p>

COMMENT NUMBER	DATE COMMENT RECEIVED	NAME & ORGANIZATION	COMMENTS	RESPONSE
29.	4.23.2019	Bryan Montgomery, City Manager, City of Oakley	<p>cause any harm.</p> <p>I support the conclusions in the LAFCO MSR that the DCSD should no longer be using public funds to maintain Calle Arroyo. Additionally, I believe that DCSD should be prevented from using public funds to maintain any road that the public lacks the right to use. Alternatively, I hope this problem can be worked out sensibly, allowing taxpayer money to maintain roads that should allow public access.</p> <p>Thank you for your consideration on this matter."</p> <p>Comment:</p> <p>"In two locations (pages 12-17 and 12-21), there is a reference to "18th St" - which is a street located in the City of Antioch. I believe the correct reference in both locations should be "Main Street."</p> <p>On page 12-19 under "Liquidity, Debt, ..." there is a reference to OPEB liabilities - the City of Oakley has none (as is previously stated in the MSR).</p> <p>On page 12-21 under the paragraph "Existence of Any Social or Economic Communities of Interest" the verbiage could be re-worded to make clear that the City did proceed with the large annexation of territory in 2006 and only a small portion, now within the existing SOI, that we chose not to annex."</p>	<p>Revisions made to pp. 12-17, 12-19, and 12-21 in the City of Oakley chapter.</p>

COMMENT NUMBER	DATE COMMENT RECEIVED	NAME & ORGANIZATION	COMMENTS	RESPONSE
30.	4.25.2019	Dale McDonald, General Manager, Crockett CSD	<p>Comments:</p> <p>21.4.3 CSD Services MSR. Determinations - Current Shared Sen/ices - pa. 21-16: The CSD provides park and recreation services. It does not provide solid waste services. As mentioned in section 21.2.8 solid waste services are provided to the Crockett CSD via franchise agreement between the County and Richmond Sanitary Service, doing business as Crockett Garbage Company. For correction we recommend removing the reference to solid waste services from 21.4.3.</p> <p>21.4.4 Financial Determinations - Operating General Fund and Reserve Trends - do. 21-17: The second paragraph states that "The CSD's reserve goal is unknown,". To clarify it should state that "The CSD's Port Costa Department reserve goal is unknown," as the remaining departments of the CSD have established reserve funds. This section was specifically discussing Port Costa and it could be misleading if left unchanged.</p> <p>21.5.2 Sphere of Influence Determination for the Crockett CSD - Present and Probable Need for Public Facilities and Services - oa. 21-20: Within the SOI there are approximately twelve properties at the far west of town off Vista Del Rio that are on septic tank. Currently there is no plan to expand public sewer service to this area but it may be probable if development were to occur on the west end of Vista Del Rio. It is suggested that the following be added to this section: "Public sewers may be extended</p>	<p>Revisions made to pp. 21-3, 21-16, and 21-17 in the Crockett CSD chapter.</p> <p>The information provided about the probable need for future sewer services was not included in the MSR revisions as sewer services were not reviewed as part of this MSR Update.</p>

COMMENT NUMBER	DATE COMMENT RECEIVED	NAME & ORGANIZATION	COMMENTS	RESPONSE
31.	4.25.2019	Christopher Deppe, Kensington Police Protection and CSD	to properties that are currently on septic tank if future development on Vista Del Rio occurs and it is required by the County." Comment contained revisions of an editorial nature for the Kensington Police Protection and CSD.	Revisions made to pp. 24-1, 24-16, and 24-17 in the Kensington Police Protection and CSD chapter.
32.	4.25.2019	Bernadette Fatehi	Comment: "It is my understanding that Kristen Altbaum and Roger Chelemedos are spearheading efforts to get a sphere of influence change for our area. They are the first "leaders" to represent our neighborhood for as long as I've lived here. Our commute patterns take us in and through Lafayette daily - we are entrenched in Lafayette, not Pleasant Hill. Please consider this request."	Recommendations for updating the SOI for the cities of Lafayette and Pleasant Hill are included in the MSR. This MSR does not cover the Pleasant Hill Recreation & Park District. LAFCO has indicated it will undertake MSR/SOI Updates for Parks and Recreation districts in FY 2020. The comment is noted and hereby made part of the public record. The City of Pleasant Hill has indicated it will not be taking a position on the SOI request.
33.	4.25.2019	Nathan Mahlik	Comment: "Please include this message in the MSR public review period....I am writing to support an SOI change request by Kristen Altbaum for our area in north Reliez Valley. We should have been in Lafayette's SOI years ago, it seems. Our daily shopping, schools to be, commute, and entertainment is associated with Lafayette, not Pleasant Hill. Thank you for your help in designing logical boundaries."	Recommendations for updating the SOI for the cities of Lafayette and Pleasant Hill are included in the MSR. This MSR does not cover the Pleasant Hill Recreation & Park District. LAFCO has indicated it will undertake MSR/SOI Updates for Parks and Recreation districts in FY 2020. The comment is noted and hereby made part of the public record. The City of Pleasant Hill has

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34.	4.25.2019	Kathy Hemmenway	<p>Comment:</p> <p>"I am writing to voice support for an SOI change for neighborhoods between Withers and Grayson in Lafayette.</p> <p>Our family & our neighbors do not identify ourselves as Pleasant Hill residents.</p> <p>We would be grateful for your support."</p>	<p>indicated it will not be taking a position on the SOI request.</p> <p>Recommendations for updating the SOI for the cities of Lafayette and Pleasant Hill are included in the MSR. This MSR does not cover the Pleasant Hill Recreation & Park District. LAFCO has indicated it will undertake MSR/SOI Updates for Parks and Recreation districts in FY 2020.</p> <p>The comment is noted and hereby made part of the public record.</p> <p>The City of Pleasant Hill has indicated it will not be taking a position on the SOI request.</p>
35.	4.25.2019	Valerie Barone, City Manager, City of Concord	<p>Comment contained revisions of an editorial nature for the City of Concord. Data corrections were also provided. In several areas, the City provided data for Fiscal Year 2018.</p>	<p>Revisions made to pp. 5-5, 5-6, 5-7, 5-8, 5-9, 5-11, and 5-23 in the City of Concord chapter.</p> <p>The FY 2018 data was not included in the MSR revisions as it extends beyond the scope of this MSR Update.</p>
36.	4.25.2019	Lara Mahlik	<p>Comment:</p> <p>"Hi, please include this message in the MSR public review period....I am writing to support an SOI change request by Kristen Altbaum for our area in north Reliez Valley. We should have been in Lafayette's SOI years ago, it seems. Thank you for your help in designing logical boundaries."</p>	<p>Recommendations for updating the SOI for the cities of Lafayette and Pleasant Hill are included in the MSR. This MSR does not cover the Pleasant Hill Recreation & Park District. LAFCO has indicated it will undertake MSR/SOI Updates for Parks and Recreation districts in FY 2020.</p>

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37.	4.25.2019	Frank Hanny	Comment: “It appears self evident to me that public tax dollars should not be spent to maintain a private road that excludes the public that pays the taxes.”	The comment is noted and hereby made part of the public record. The City of Pleasant Hill has indicated it will not be taking a position on the SOI request. The MSR contains information regarding the Calle Arroyo issue; however, the resolution of the Calle Arroyo use issue is beyond the scope of this MSR Update. The comment is noted and hereby made part of the public record.
38.	4.26.2019	LaShonda White, Administrative Chief, City of Richmond	Comment contained revisions of an editorial nature for the City of Richmond. Data corrections were also provided.	Revisions made to pp. 17-3, 17-4, 17-7, 17-8, 17-13, 17-19, and 17-21 in the City of Richmond chapter.

Note: Some suggested revisions were not made where they would result in inconsistencies in the information presented.

TABLE D.2
PUBLIC HEARING COMMENTS
APRIL 17, 2019

COMMENT NUMBER	NAME & ORGANIZATION	COMMENTS	RESPONSE
1.	Commissioner Rob Schroder	Commissioner Schroder asked about the additional studies recommended.	<p>The cities for which additional study was recommended did not provide the full range of information that was requested for the MSR; the exception in this short list is El Cerrito, which provided adequate information but the information was such that it warrants further review in the event of any annexation applications.</p> <p>Footnotes were added to the City of Concord chapter (p. 5-23), Town of Moraga chapter (p. 11-22), and City of Richmond chapter (p. 17-23) summarizing the missing information.</p>
2.	Commissioner Rob Schroder	Commissioner Schroder asked about cities' islands, and whether the consultants have taken these into account, given this Commission's push to annex islands and concern about out of area service applications.	<p>One of the MSR focus areas is infill development/sprawl prevention/islands. And while the MSR was more focused on the service and financial information provided by the reviewed agencies, there is a discussion in each chapter for those cities that do have islands, especially of those islands that are 150 acres or less and can be annexed through an expedited process. These discussions encourage those particular cities to annex the islands.</p>
3.	Commissioner Donald Blubaugh	Commissioner Blubaugh asked if LAFCO should pursue these agencies for further information now, or simply put them on notice that if they come forward with annexation applications, they should be prepared to provide supplemental material.	<p>Since the Public Review Draft MSR was published, some of the agencies reviewed have provided additional information which has been included in their respective chapters. The City of Hercules and the Crockett CSD have been removed from the initial list of agencies requiring further study. And while the cities of Concord and Richmond did provide some missing information, enough critical information is missing to warrant them remaining on the list of agencies requiring further study should they come before LAFCO with an annexation application.</p>

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4.	Chair Tom Butt	Chair Butt asked if the comments received will be submitted to the Commission.	All comments received between initial publication of the Public Review Draft MSR and the Final Draft MSR will be included in a comment log and incorporated or responded to appropriately.
5.	Chair Tom Butt	Chair Butt, referring to the Richmond chapter, noted that there were a number of years referenced in that chapter, and that there would be value in picking a date with consistency.	While a goal of the data gathering and reporting in the MSR is to maintain consistency (e.g., establishing FY 2017 as the “snapshot in time” for review), adequate 2017 data was not available for all the data points. Census and ABAG data provided a better opportunity for “apples-to-apples” comparisons, specifically with regard to demographic data. In the financial sections, budgets were reviewed to provide a future look at agency finances.
6.	Commissioner Donald Blubaugh	Commissioner Blubaugh noted that there are people in the audience and communications the Commission has received regarding a change in the SOIs of the cities of Pleasant Hill and Lafayette, as well as removal from Pleasant Hill Recreation & Park District (PHRPD). How do the Commissioners respond to this? Is this something they can deal with or is it a separate process?	<p>This MSR culminates in the updating of SOIs of each city and CSD covered in the report; it’s possible that this could result in changes in Pleasant Hill’s and Lafayette’s SOIs. PHRPD is not part of this review, however, so there can be no SOI adjustments until either there is an MSR for Recreation and Park Districts or a special study for that district. Removing Reliez Valley from the PHRPD would have an effect. LAFCO has indicated it will undertake MSR/SOI Updates for Park and Recreation districts in FY 2020.</p> <p>Recommendations for updating the SOIs for the cities of Lafayette and Pleasant Hill are included in the MSR.</p> <p>Further, the City of Pleasant Hill has indicated it will not be taking a position on the SOI request.</p>
7.	Commissioner Donald Blubaugh	Commissioner Blubaugh then asked if the cities of Pleasant Hill and Lafayette would have an opportunity to weigh in on this sphere request so that Commissioners hear not only from the residents but also from the agencies.	<p>The cities of Pleasant Hill and Lafayette were sent the residents’ letter when LAFCO received it and were provided an opportunity to respond. The City of Pleasant Hill has indicated it will not be taking a position on the SOI request. The cities will have another opportunity to comment in response to the Final Draft MSR.</p> <p>Recommendations for updating the SOIs for the cities of</p>

COMMENT NUMBER	NAME & ORGANIZATION	COMMENTS	RESPONSE
8.	Alan Kalin, Danville resident	Alan Kalin, Danville resident, spoke regarding the issue of private roads, public funds, and public safety in Diablo Community Services District (DCSD), where residents have secured a court ruling on public use of Calle Arroyo, indicating that the road is private; the judge also reminded the district that if the road is private then district funds should not be used for upkeep on the road. His concern, and that of fellow bicyclists, is that closing this road to the public is forcing bicyclists onto a very dangerous road. Diablo residents are trying to intimidate non-residents who come into the district. Mr. Kalin has been threatened and harassed since submitting a complaint to LAFCO.	Lafayette and Pleasant Hill are included in the MSR. The MSR contains information regarding the Calle Arroyo issue; however, the resolution of the Calle Arroyo use issue is beyond the scope of this MSR Update. The comment is noted and hereby made part of the public record.
9.	Nicola Place, resident on Mt. Diablo Scenic Boulevard	Nicola Place, resident on Mt. Diablo Scenic Boulevard, spoke regarding this mile-long stretch of road, which is privately owned, but on which Diablo State Park has an easement (since 1931). According to State law, if you hold an easement you're required to participate in the maintenance and upkeep of that property. In all the years since acquiring that easement, the Park has not come to the table to work on an agreement, complaining that there are too many parties involved and they can't work with that many. In 2011, the remaining eight of about 25 properties were annexed into DCSD in order to more logically address maintenance of this road. Nothing has happened since. She has provided some edits to the DCSD chapter, including that DCSD cannot and will not maintain that stretch of road. What they need from DCSD is assistance in working with Diablo State Park and the County to figure out what can be done to maintain this road. She has highlighted eight items in the report that are inaccurate about what DCSD is doing—which they are not doing. The residents on Mt. Diablo Scenic	Resolution of the Mt. Diablo Scenic Boulevard maintenance issue is complex and beyond the scope of this MSR/SOI Update. LAFCO staff is aware of the history and is willing to help the interested parties. The comment is noted and hereby made part of the public record.

COMMENT NUMBER	NAME & ORGANIZATION	COMMENTS	RESPONSE
10.	Kristen Altbaum, Reliez Valley resident	<p>Boulevard need help in coming up with an evaluation and a long-term plan on addressing this issue.</p> <p>Kristen Altbaum, Reliez Valley resident, drew Commissioners' attention to the letter regarding unincorporated territory between Pleasant Hill and Lafayette (between Withers Avenue and Grayson Road). That territory is in Pleasant Hill's SOI, but it is divided topographically, by school district, and by neighborhood unity. She would like to see the area that she is in moved into Lafayette's SOI.</p>	<p>Recommendations for updating the SOI for the cities of Lafayette and Pleasant Hill are included in the MSR. This MSR does not cover the Pleasant Hill Recreation & Park District. LAFCO has indicated it will undertake MSR/SOI Updates for Parks and Recreation districts in FY 2020.</p> <p>The comment is noted and hereby made part of the public record.</p> <p>The City of Pleasant Hill has indicated it will not be taking a position on the SOI request.</p>

**RESOLUTION OF THE CONTRA COSTA LOCAL AGENCY FORMATION
COMMISSION ADOPTING MUNICIPAL SERVICE REVIEW AND SPHERE OF INFLUENCE
DETERMINATIONS FOR THE CITY OF ANTIOCH**

WHEREAS, the Cortese-Knox-Hertzberg Local Governmental Reorganization Act of 2000 (California Government Code §56000 et seq.) provides that a Local Agency Formation Commission (LAFCO) shall adopt Spheres of Influence (SOIs) for each local governmental agency within its jurisdiction [§56425(a)] and that it must update each SOI every five years, as necessary (§56425(g)); and

WHEREAS, the SOI is the primary planning tool for LAFCO and defines the probable physical boundary and service area of a local agency as determined by LAFCO; and

WHEREAS, §56430 requires that in order to prepare and to update SOIs, the Commission shall conduct a Municipal Service Review (MSR) prior to or in conjunction with the SOI update; and

WHEREAS, the Commission has undertaken its 2nd round “*City Services*” MSR covering all 19 cities and four community services districts (CSDs) including Crockett CSD, Diablo CSD, Discovery Bay CSD and Kensington CSD; and

WHEREAS, this MSR, as prepared by Lamphier-Gregory and Berkson Associates, consultants to LAFCO, covers the following services: animal control, broadband, building/planning, law enforcement, library, lighting, parks & recreation, solid waste, streets/roads, stormwater, and utilities (gas, electric/community choice); and

WHEREAS, this MSR focuses on: 1) updating profile data including growth and population, jobs/housing, finances (expenses, revenues, debt, reserves, related fiscal indicators), and staffing; 2) shared services (i.e., joint powers/joint use agreements, contracts between public agencies, public-private partnerships); 3) infill development/sprawl prevention/islands; and 4) agricultural/open space preservation; and

WHEREAS, on April 17, 2019, the Commission held a public hearing to receive an overview of the Public Review Draft MSR, receive public comments, and provide input; and

WHEREAS, on June 12, 2019, the Commission held a public hearing to receive the Final Draft MSR and recommended determinations and SOI updates for all agencies covered in the MSR, including the City of Antioch; and

WHEREAS, at the public hearings, the Commission heard and received all oral and written protests, objections, and evidence, which were made, presented, or filed, and all persons present were given an opportunity to hear and be heard with respect to the MSR and SOI updates; and

WHEREAS, the MSR contains the determinations required by §§56425 and 56430 relative to the SOI update and MSR, respectively, for the City of Antioch as incorporated in this resolution; and

WHEREAS, the proposed action consists of adopting the MSR determinations and updating the SOI for the City of Antioch as presented in the 2nd round “*City Services*” MSR; and

WHEREAS, adoption of the MSR is statutorily exempt from the provisions of the California Environmental Quality Act (CEQA), as MSRs are feasibility and planning studies for possible future actions that have not been approved, adopted, or funded, pursuant to State CEQA Guidelines Section 15262; and

WHEREAS, as set forth in State CEQA Guidelines section 15061(b)(3), approval of the SOI update is not subject to CEQA because it can be seen with certainty that there is no possibility that the SOI update will have a significant effect on the environment.

NOW, THEREFORE, BE IT RESOLVED that Contra Costa LAFCO does hereby adopt the following MSR pursuant to §56430 and SOI determinations pursuant to §56425 for the City of Antioch and retain the existing SOI for the City of Antioch as depicted in Exhibit A (attached):

MUNICIPAL SERVICE REVIEW (MSR) DETERMINATIONS

- 1) *Growth and population projections for the affected area* – According to the 2018 California Department of Finance estimates, the City of Antioch serves 113,061 residents. The Association of Bay Area Governments (ABAG) projects that the City of Antioch will grow at an annual rate of approximately 0.8% to a population of 130,725 between 2010 and 2040. The City is also projected to experience an approximate 0.81% annual growth rate in jobs between 2010 and 2040. Overall, the City's planning is expected to accommodate the growth projected by ABAG.

The MSR also reviewed jobs/housing, planning for an aging population, and anticipated growth patterns. Regarding jobs/housing, as of 2010, the City of Antioch had a jobs/housing balance of 0.58 which reflects an imbalance (Sources: U.S. Census, ABAG); and the City's 2015-2023 Housing Element identified adequate sites to meet and exceed its 2014-2022 assigned regional housing needs allocation. Regarding planning for an aging population, the City provides various programs/services to serve adults age 50+. Regarding anticipated growth patterns, the City reported an estimated 625 undeveloped entitled residential acres in FY 2017. The City reports approximately 2,300 dwelling units and 685,500 square feet of commercial and light industrial space as either approved or in the approval process. There are two Priority Development Areas in the City of Antioch - Hillcrest BART Station (planned) designated "Suburban Center" and Rivertown Waterfront (potential) designated "Transit Town Center" - which are anticipated to accommodate 49% of the projected growth in households and 13% of the projected growth in employment. There are no Priority Conservation Areas in the City of Antioch. The City does not anticipate that current or projected growth patterns will expand beyond its existing municipal boundary.

- 2) *The location and characteristics of any Disadvantaged Unincorporated Communities (DUCs) within or contiguous to the SOI* – According to the American Community Survey 5-Year Estimates (2013-2017), there are no DUCs adjacent to the City of Antioch. However, there are disadvantaged incorporated communities in and adjacent to the City of Antioch.
- 3) *Present and planned capacity of public facilities, adequacy of public services, and infrastructure needs or deficiencies including needs or deficiencies related to sewers, municipal and industrial water, and structural fire protection in any DUCs within or contiguous to the SOI* – There are no DUCs adjacent to the City of Antioch; however, there are disadvantaged incorporated communities in and adjacent to the City of Antioch. These disadvantaged communities receive municipal water, sewer and fire services.
- 4) *Financial ability of agency to provide services* – In determining the financial ability of the City to provide services, the MSR considered operating general fund and reserve trends; liquidity, debt, and pension liabilities; and timeliness and accuracy of financial reporting. While the City of Antioch presently has sufficient resources to continue providing services and accommodate infrastructure expansions, improvement, and replacements over the next five years, the City anticipates General Funds deficits in the foreseeable future. The City's enterprise operations include water, sewer, marina, and waterpark. Enterprise revenues have generally grown, and positive net positions have increased overall, except for the marina. The City's General Fund subsidizes the water park. As with other public agencies, rising pension costs are expected to reduce funding for other priorities. The City has budget stabilization and reserve funds in place to address financial challenges. The City prepares timely financial reports. The MSR includes recommendations to improve transparency, presentation, comparability and readability of its financial reports.
- 5) *Status of, and opportunities for, shared facilities* – The City contracts with other public agencies and private service providers for various services including broadband, library, solid waste and utilities; and is party to several JPAs. The City did not identify any other shared services, overlapping/duplication of services, or excess service or facility capacity.
- 6) *Accountability for community service needs, including governmental structure and operational efficiencies* – The City's website provides information regarding public meetings, services, financial and planning documents, and opportunities for public involvement demonstrating access and accountability.
- 7) *Any other matter related to effective or efficient service delivery, as required by Commission policy* – Contra Costa LAFCO's local policies provide that MSRs focus on target services including water, sewer, drainage,

libraries, roads, parks, health care, broadband (high-speed internet access and use), police, and fire protection. The “*City Services*” MSR excludes review of water, sewer, healthcare and fire services as these services were recently reviewed in 2nd round focused MSRs.

Contra Costa LAFCO recently added broadband services as an MSR focus area. The City of Antioch does not provide public broadband service and is served by various private cable/ broadband service providers. The City of Antioch did not indicate concerns about the ability of broadband providers to serve the City’s existing or growing population. However, the East Bay Broadband Consortium’s 2013 East Bay Broadband Report Card noted that Antioch’s internet service providers did not meet the CPUC’s minimum 6 Mbps download and 1.5 Mbps upload standards.

SPHERE OF INFLUENCE (SOI) DETERMINATIONS

- A. *The present and planned land uses in the area, including agricultural and open-space lands* – The City of Antioch plans for a variety of urban uses within its boundary, representing a continuation of the current mix of uses including industrial, residential, office, commercial, transit-oriented development, retail, mixed use, agricultural, and open space. Present and planned land uses are adequate for existing residents as well as future growth and maintaining compatibility with agricultural and open space uses, as demonstrated in the General Plan (2003).
- B. *The present and probable need for public facilities and services in the area* – There are no anticipated changes in the type of public services and facilities required within the SOI for the City of Antioch. The level of demand for these services and facilities, however, will increase commensurate with anticipated population growth over the next five years.
- C. *The present capacity of public facilities and adequacy of public services that the agency provides or is authorized to provide* – The present capacity of public facilities in the City of Antioch appears adequate. The City anticipates it will continue to have adequate capacity during the next five years.
- D. *The existence of any social or economic communities of interest in the area if the Commission determines that they are relevant to the agency* – There are three small islands (less than 150 acres) within Antioch’s SOI. These islands represent communities of interest and can be annexed through an expedited LAFCO process. LAFCO encourages the annexation of small islands.
- E. *The present and probable need for sewers, municipal and industrial water, or structural fire protection services and facilities of any DUC within the existing SOI* – There are disadvantaged communities in and adjacent to the City of Antioch. These areas receive municipal sewer, water and fire services.

PASSED AND ADOPTED this 12th day of June 2019.

AYES:

NOES:

ABSTENTIONS:

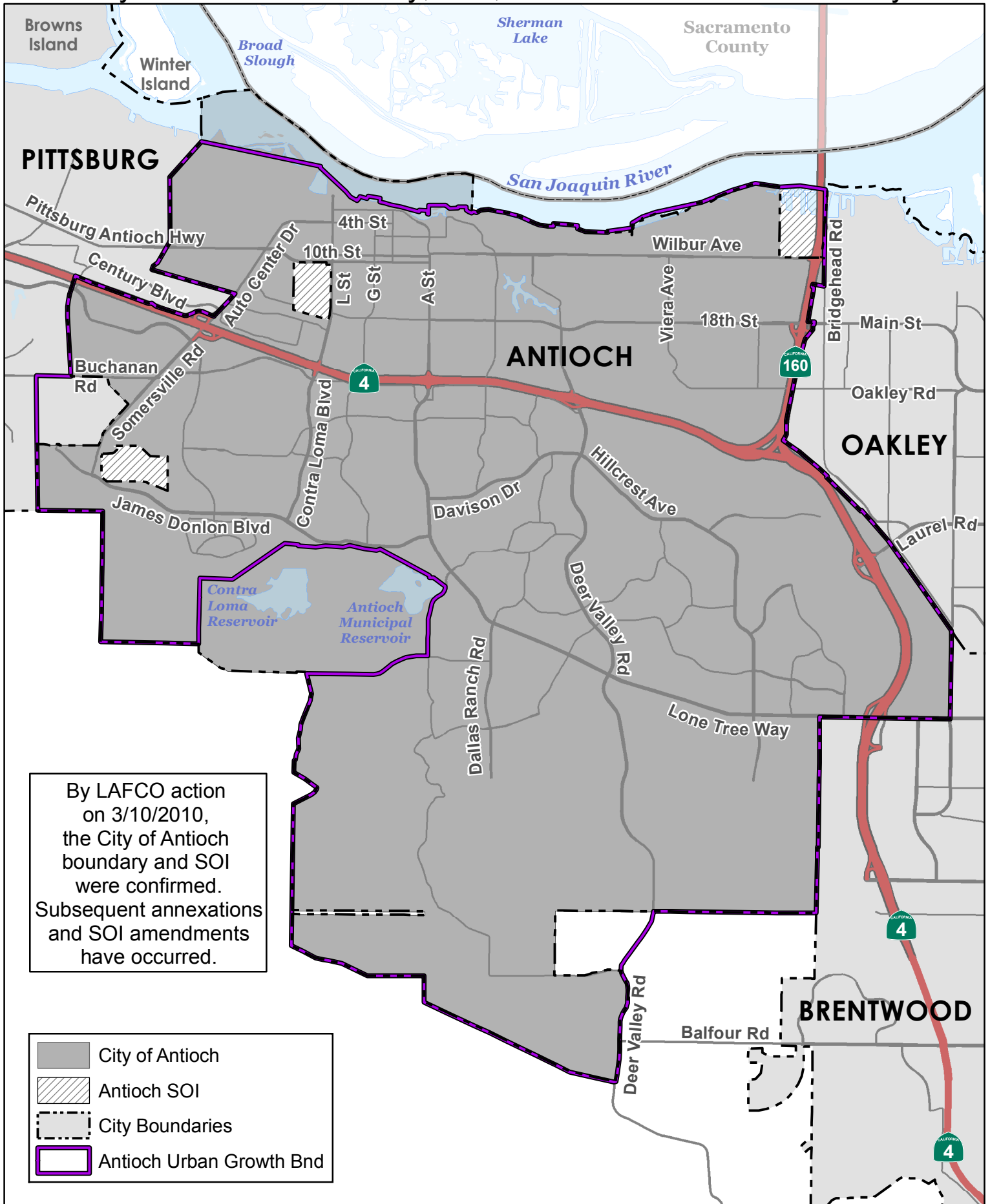
ABSENT:

Tom Butt, Chair, Contra Costa LAFCO





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

Lou Ann Texeira, Executive Officer

City of Antioch Boundary, SOI, and Urban Growth Boundary



By LAFCO action on 3/10/2010, the City of Antioch boundary and SOI were confirmed. Subsequent annexations and SOI amendments have occurred.

-  City of Antioch
-  Antioch SOI
-  City Boundaries
-  Antioch Urban Growth Bnd

**RESOLUTION OF THE CONTRA COSTA LOCAL AGENCY FORMATION
COMMISSION ADOPTING MUNICIPAL SERVICE REVIEW AND SPHERE OF
INFLUENCE DETERMINATIONS FOR THE CITY OF BRENTWOOD**

WHEREAS, the Cortese-Knox-Hertzberg Local Governmental Reorganization Act of 2000 (California Government Code §56000 et seq.) provides that a Local Agency Formation Commission (LAFCO) shall adopt Spheres of Influence (SOIs) for each local governmental agency within its jurisdiction [§56425(a)] and that it must update each SOI every five years, as necessary (§56425(g)); and

WHEREAS, the SOI is the primary planning tool for LAFCO and defines the probable physical boundary and service area of a local agency as determined by LAFCO; and

WHEREAS, §56430 requires that in order to prepare and to update SOIs, the Commission shall conduct a Municipal Service Review (MSR) prior to or in conjunction with the SOI update; and

WHEREAS, the Commission has undertaken its 2nd round “*City Services*” MSR covering all 19 cities and four community services districts (CSDs) including Crockett CSD, Diablo CSD, Discovery Bay CSD and Kensington CSD; and

WHEREAS, this MSR, as prepared by Lamphier-Gregory and Berkson Associates consultants to LAFCO, covers the following services: animal control, broadband, building/planning, law enforcement, library, lighting, parks & recreation, solid waste, streets/roads, stormwater, and utilities (gas, electric/community choice); and

WHEREAS, this MSR focuses on: 1) updating profile data including growth and population, jobs/housing, finances (expenses, revenues, debt, reserves, related fiscal indicators), and staffing; 2) shared services (i.e., joint powers/joint use agreements, contracts between public agencies, public-private partnerships); 3) infill development/ sprawl prevention/islands; and 4) agricultural/open space preservation; and

WHEREAS, on April 17, 2019, the Commission held a public hearing to receive an overview of the Public Review Draft MSR, receive public comments, and provide input; and

WHEREAS, on June 12, 2019, the Commission held a public hearing to receive the Final Draft MSR and recommended determinations and SOI updates for all agencies covered in the MSR, including the City of Brentwood; and

WHEREAS, at the public hearings, the Commission heard and received all oral and written protests, objections, and evidence, which were made, presented, or filed, and all persons present were given an opportunity to hear and be heard with respect to the MSR and SOI updates; and

WHEREAS, the MSR contains the determinations required by §§56425 and 56430 relative to the SOI update and MSR, respectively, for the City of Brentwood as incorporated in this resolution; and

WHEREAS, the proposed action consists of adopting the MSR determinations and updating the SOI for the City of Brentwood as presented in the 2nd round “*City Services*” MSR; and

WHEREAS, adoption of the MSR is statutorily exempt from the provisions of the California Environmental Quality Act (CEQA), as MSRs are feasibility and planning studies for possible future

actions that have not been approved, adopted, or funded, pursuant to State CEQA Guidelines Section 15262; and

WHEREAS, as set forth in State CEQA Guidelines section 15061(b)(3), approval of the SOI update is not subject to CEQA because it can be seen with certainty that there is no possibility that the SOI update will have a significant effect on the environment.

NOW, THEREFORE, BE IT RESOLVED that Contra Costa LAFCO does hereby adopt the following MSR pursuant to §56430 and SOI determinations pursuant to §56425 for the City of Brentwood and retain the existing SOI for the City of Brentwood as depicted in Exhibit A (attached):

MUNICIPAL SERVICE REVIEW (MSR) DETERMINATIONS

- 1) *Growth and population projections for the affected area* – According to the 2018 California Department of Finance estimates, the City of Brentwood serves 63,041 residents. The Association of Bay Area Governments (ABAG) projects that the City of Brentwood will grow at an annual rate of approximately 1.6% to a population of 84,460 between 2010 and 2040. The City is also projected to experience an approximate 0.1% annual growth rate in jobs between 2010 and 2040. Overall, the City's planning is expected to accommodate the growth projected by ABAG.

The MSR also reviewed jobs/housing, planning for an aging population, and anticipated growth patterns. Regarding jobs/housing, as of 2010, the City of Brentwood had a jobs/housing balance of 0.66 which reflects an imbalance (Sources: U.S. Census, ABAG); and the City's 2015-2023 Housing Element identified adequate sites to meet and exceed its 2014-2022 assigned regional housing needs allocation. Regarding planning for an aging population, the City provides a variety of programs and services to serve adults age 50 and older, along with various classes, activities and events at the Brentwood Senior Activity Center. Regarding anticipated growth patterns, there are no Priority Development Areas in the City of Brentwood. The City reported 310.5 undeveloped entitled residential acres in 2017. However, projects identified as part of the projected growth for the City (dwelling units and commercial space) that have been approved or are in the approval process were not reported. The City reports that current or projected growth patterns within areas identified in the General Plan (SPA 1 – southwest Brentwood and SPA 2 – northeast Brentwood) will expand beyond its existing municipal boundary and SOI.

- 2) *The location and characteristics of any Disadvantaged Unincorporated Communities (DUCs) within or contiguous to the SOI* – According to the American Community Survey 5-Year Estimates (2013-2017), there is a DUC adjacent to the City of Brentwood and disadvantaged incorporated communities within the City of Brentwood.
- 3) *Present and planned capacity of public facilities, adequacy of public services, and infrastructure needs or deficiencies including needs or deficiencies related to sewers, municipal and industrial water, and structural fire protection in any DUCs within or contiguous to the SOI* – The DUC adjacent to the City of Brentwood and disadvantaged incorporated communities within the City of Brentwood receive municipal water, sewer and fire services.
- 4) *Financial ability of agency to provide services* – In determining the financial ability of the City to provide services, the MSR considered operating general fund and reserve trends; liquidity, debt, and pension liabilities; and timeliness and accuracy of financial reporting. The City of

Brentwood presently has sufficient resources to continue providing services and accommodate infrastructure expansions, improvement, and replacements over the next five years. The City anticipates growing pension and OPEB liabilities, as well as a number of significant capital and operating costs including increased funding of fire protection services. The City anticipates budget stabilizing, pre-payment and other measures to address these costs. The City's enterprise activities (water, wastewater, solid waste) have experienced operating deficits in the past several years; these shortfalls are being addressed through rate studies. The City prepares timely financial reports.

- 5) *Status of, and opportunities for, shared facilities* – The City contracts with other public agencies and private service providers for various services including animal control, broadband, library, solid waste and utilities; and the City is party to several JPAs. The City did not identify any other shared services, overlapping/ duplication of services, or excess service or facility capacity.
- 6) *Accountability for community service needs, including governmental structure and operational efficiencies* – The City's website provides information regarding public meetings, services, financial and planning documents, and opportunities for public involvement, demonstrating access and accountability.
- 7) *Any other matter related to effective or efficient service delivery, as required by Commission policy* – Contra Costa LAFCO's local policies provide that MSRs focus on target services including water, sewer, drainage, libraries, roads, parks, health care, broadband (high-speed internet access and use), police, and fire protection. The "City Services" MSR excludes review of water, sewer, healthcare and fire services as these services were recently reviewed in 2nd round focused MSRs.

Contra Costa LAFCO recently added broadband services as an MSR focus area. The City of Brentwood does not provide public broadband service and is served by various private cable/ broadband service providers. The East Bay Broadband Consortium's 2013 East Bay Broadband Report Card noted that Brentwood's internet service providers meet the CPUC's minimum 6 Mbps download and 1.5 Mbps upload standards. The City of Brentwood did not indicate concerns about the ability of broadband providers to serve the City's existing or growing population.

SPHERE OF INFLUENCE (SOI) DETERMINATIONS

- A. *The present and planned land uses in the area, including agricultural and open-space lands* – The City of Brentwood plans for a variety of urban uses within its boundary, representing a continuation of the current mix of uses including industrial, residential, commercial, mixed use, public, agricultural, and open space. Present and planned land uses are adequate for existing residents as well as future growth and maintaining compatibility with agricultural and open space uses, as demonstrated in the General Plan (2014).
- B. *The present and probable need for public facilities and services in the area* – There are no anticipated changes in the type of public services and facilities required within the existing SOI for the City of Brentwood. The level of demand for these services and facilities, however, will increase commensurate with anticipated population growth over the next five years. Future expansions to the City's SOI will need to address impacts to City services.

- C. *The present capacity of public facilities and adequacy of public services that the agency provides or is authorized to provide* – The present capacity of public facilities in the City of Brentwood appears adequate. The City anticipates it will continue to have adequate capacity during the next five years.
- D. *The existence of any social or economic communities of interest in the area if the Commission determines that they are relevant to the agency* – There are two unincorporated islands within the City SOI and urban limit line. These areas are located in northeast Brentwood. One of the islands is less than 150 acres and can be annexed through an expedited LAFCO process. These islands represent communities of interest. LAFCO encourages the annexation of these islands.
- E. *The present and probable need for sewers, municipal and industrial water, or structural fire protection services and facilities of any DUC within the existing SOI* - There is a DUC adjacent to the City of Brentwood and disadvantaged incorporated communities within the City of Brentwood. These areas receive municipal sewer, water and fire services.

PASSED AND ADOPTED this 12th day of June 2019.

AYES:

NOES:

ABSTENTIONS:

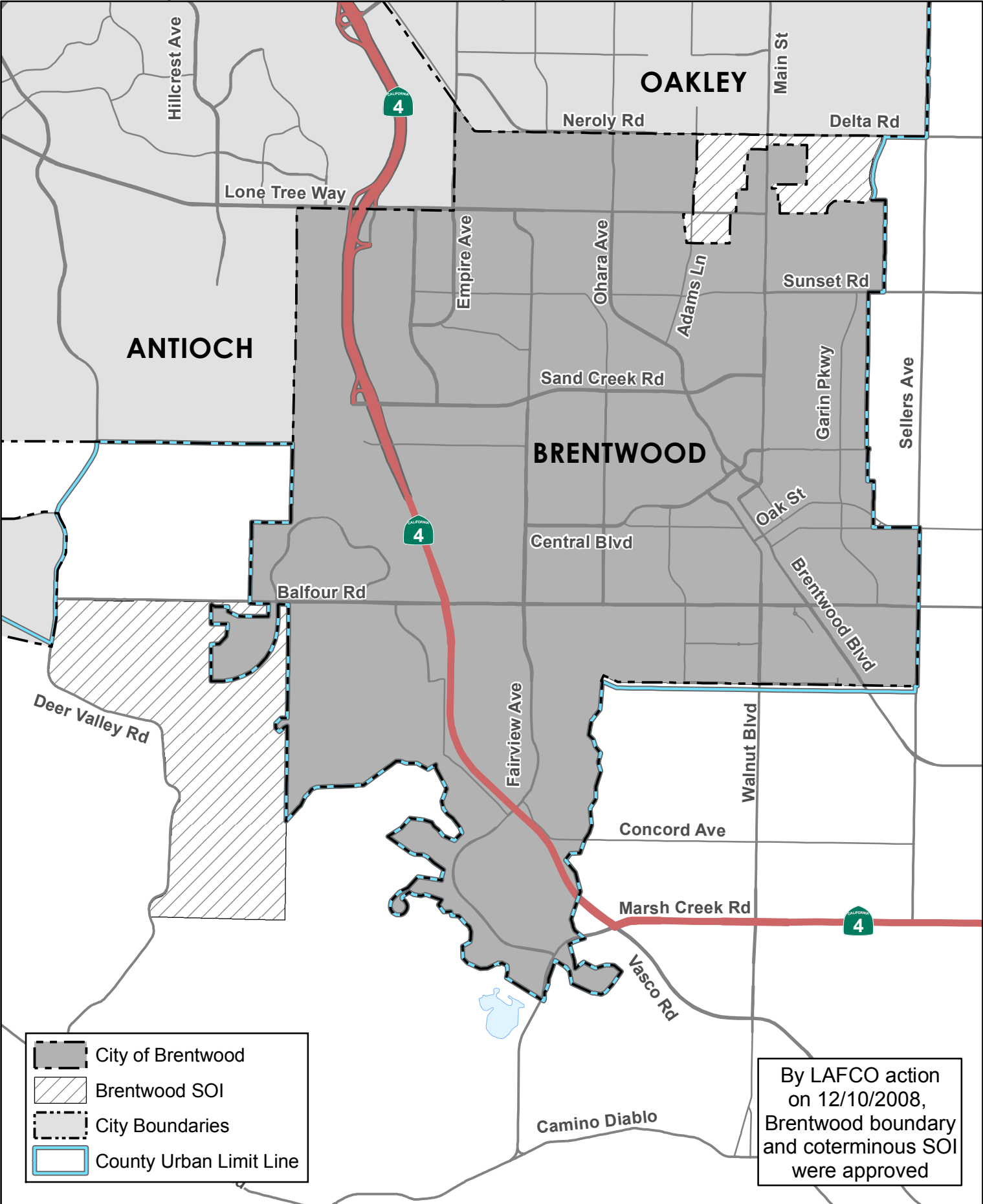
ABSENT:

Tom Butt, Chair, Contra Costa LAFCO

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

Lou Ann Texeira, Executive Officer

City of Brentwood Boundary and Sphere of Influence



Map created 10/05/2018
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 OF THE CONTRA COSTA LOCAL AGENCY FORMATION
COMMISSION ADOPTING MUNICIPAL SERVICE REVIEW AND SPHERE OF
INFLUENCE DETERMINATIONS FOR THE CITY OF CLAYTON**

WHEREAS, the Cortese-Knox-Hertzberg Local Governmental Reorganization Act of 2000 (California Government Code §56000 et seq.) provides that a Local Agency Formation Commission (LAFCO) shall adopt Spheres of Influence (SOIs) for each local governmental agency within its jurisdiction [§56425(a)] and that it must update each SOI every five years, as necessary (§56425(g)); and

WHEREAS, the SOI is the primary planning tool for LAFCO and defines the probable physical boundary and service area of a local agency as determined by LAFCO; and

WHEREAS, §56430 requires that in order to prepare and to update SOIs, the Commission shall conduct a Municipal Service Review (MSR) prior to or in conjunction with the SOI update; and

WHEREAS, the Commission has undertaken its 2nd round “*City Services*” MSR covering all 19 cities and four community services districts (CSDs) including Crockett CSD, Diablo CSD, Discovery Bay CSD and Kensington CSD; and

WHEREAS, this MSR, as prepared by Lamphier-Gregory and Berkson Associates consultants to LAFCO, covers the following services: animal control, broadband, building/planning, law enforcement, library, lighting, parks & recreation, solid waste, streets/roads, stormwater, and utilities (gas, electric/community choice); and

WHEREAS, this MSR focuses on: 1) updating profile data including growth/population, jobs/housing, finances (expenses, revenues, debt, reserves, related fiscal indicators), and staffing; 2) shared services (i.e., joint powers/joint use agreements, among between public agencies, public-private partnerships); 3) infill development/ sprawl prevention/islands; and 4) agricultural/open space preservation; and

WHEREAS, on April 17, 2019, the Commission held a public hearing to receive an overview of the Public Review Draft MSR, receive public comments, and provide input; and

WHEREAS, on June 12, 2019, the Commission held a public hearing to receive the Final Draft MSR and recommended determinations and SOI updates for all agencies covered in the MSR, including the City of Clayton; and

WHEREAS, at the public hearings, the Commission heard and received all oral and written protests, objections, and evidence, which were made, presented, or filed, and all persons present were given an opportunity to hear and be heard with respect to the MSR and SOI updates; and

WHEREAS, the MSR contains the determinations required by §§56425 and 56430 relative to the SOI update and MSR, respectively, for the City of Clayton as incorporated in this resolution; and

WHEREAS, the proposed action consists of adopting the MSR determinations and updating the SOI for the City of Clayton as presented in the 2nd round “*City Services*” MSR; and

WHEREAS, adoption of the MSR is statutorily exempt from the provisions of the California Environmental Quality Act (CEQA), as MSRs are feasibility and planning studies for possible future actions that have not been approved, adopted, or funded, pursuant to State CEQA Guidelines section 15262; and

WHEREAS, as set forth in State CEQA Guidelines section 15061(b)(3), approval of the SOI update is not subject to CEQA because it can be seen with certainty that there is no possibility that the SOI update will have a significant effect on the environment.

NOW, THEREFORE, BE IT RESOLVED that Contra Costa LAFCO does hereby adopt the following MSR pursuant to §56430 and SOI determinations pursuant to §56425 for the City of Clayton and retain the existing SOI for the City of Clayton as depicted in Exhibit A (attached):

MUNICIPAL SERVICE REVIEW (MSR) DETERMINATIONS

- 1) *Growth and population projections for the affected area* – According to the 2018 California Department of Finance estimates, the City of Clayton serves 11,431 residents. The Association of Bay Area Governments (ABAG) projects that the City of Clayton will grow at an annual rate of approximately 0.2% between 2010 and 2040. The City is also projected to experience an approximate 0.2% annual growth rate in jobs between 2010 and 2040. Overall, the City's planning is expected to accommodate the growth projected by ABAG.

The MSR also reviewed jobs/housing, planning for an aging population, and anticipated growth patterns. Regarding jobs/housing, as of 2010, the City of Clayton had a jobs/housing balance of 0.49 which reflects an imbalance (Sources: U.S. Census, ABAG). The City's 2015-2023 Housing Element identified adequate sites to meet and exceed its 2014-2022 assigned regional housing needs allocation. Regarding planning for an aging population, the City did not report any programs and services to serve adults age 50. Regarding anticipated growth patterns, there are no Priority Development Areas in the City of Clayton. The City reported nine undeveloped entitled residential acres in 2017; and a total of eight dwelling units currently under construction. The City of Clayton is mostly built out and does not anticipate the current or projected growth patterns will expand beyond its existing municipal boundary and SOI.

- 2) *The location and characteristics of any Disadvantaged Unincorporated Communities (DUCs) within or contiguous to the SOI* – According to the American Community Survey 5-Year Estimates (2013-2017), there are no disadvantaged communities within or contiguous to the City of Clayton.
- 3) *Present and planned capacity of public facilities, adequacy of public services, and infrastructure needs or deficiencies including needs or deficiencies related to sewers, municipal and industrial water, and structural fire protection in any DUCs within or contiguous to the SOI* – There are no disadvantaged communities within or contiguous to the City of Clayton.
- 4) *Financial ability of agency to provide services* – In determining the financial ability of the City to provide services, the MSR considered operating general fund and reserve trends; liquidity, debt, and pension liabilities; and timeliness and accuracy of financial reporting. The City appears to have sufficient resources to continue providing services and accommodate infrastructure expansions, improvement, and replacements over the next five years. The City has operated with a surplus in their General Fund for the past several years, and currently exceeds its 50% reserve goal. The City has one enterprise activity (Endeavor Hall rental facility) which operates at a minimal deficit. The City anticipates improved rentals to result from its improved website and online reservation system.
- 5) The City anticipates growing pension and OPEB liabilities and has implemented measures to address these. The City prepares timely financial reports. The MSR includes recommendations for improving transparency of financial documents.
- 6) *Status of, and opportunities for, shared facilities* – The City contracts with other public agencies and private service providers for various services including animal control, broadband, library, solid waste and utilities; and the City is party to several JPAs. The City did not identify any other shared services, overlapping/ duplication of services, or excess service or facility capacity.
- 7) *Accountability for community service needs, including governmental structure and operational efficiencies* – The City's website provides information regarding public meetings, services,

financial and planning documents, and opportunities for public involvement demonstrating access and accountability. The “CityTV” shared government channel airs Clayton City Council meetings.

- 8) *Any other matter related to effective or efficient service delivery, as required by Commission policy* – Contra Costa LAFCO’s local policies provide that MSRs focus on target services including water, sewer, drainage, libraries, roads, parks, health care, broadband (high-speed internet access and use), police, and fire protection. The “*City Services*” MSR excludes review of water, sewer, healthcare and fire services as these services were recently reviewed in 2nd round focused MSRs.

Contra Costa LAFCO recently added broadband services as an MSR focus area. The City does not provide public broadband service and is served by various private cable/ broadband service providers. The East Bay Broadband Consortium’s 2013 East Bay Broadband Report Card noted that Clayton’s internet service providers did not meet the CPUC’s minimum 6 Mbps download and 1.5 Mbps upload standards. The City did not indicate concerns about the ability of broadband providers to serve the City’s existing or growing population.

SPHERE OF INFLUENCE (SOI) DETERMINATIONS

- A. *The present and planned land uses in the area, including agricultural and open-space lands* – The City of Clayton plans for a variety of urban uses within its boundary, representing a continuation of the current mix of uses. Present and planned land uses are adequate for existing residents as well as future growth and maintaining compatibility with agricultural and open space uses, as demonstrated in the General Plan (2007).
- B. *The present and probable need for public facilities and services in the area* – There are no anticipated changes in the type of public services and facilities required within the existing SOI for the City of Clayton. The level of demand for these services and facilities, however, will increase commensurate with anticipated population growth over the next five years.
- C. *The present capacity of public facilities and adequacy of public services that the agency provides or is authorized to provide* – The present capacity of public facilities in the City of Clayton appears adequate. The City anticipates it will continue to have adequate capacity during the next five years.
- D. *The existence of any social or economic communities of interest in the area if the Commission determines that they are relevant to the agency* – There is one unincorporated island within the City of Clayton’s SOI and urban limit line. The island is located east of Mitchell Canyon Road and is primarily built out with equestrian use. LAFCO encourages the annexation of islands.
- 9) *The present and probable need for sewers, municipal and industrial water, or structural fire protection services and facilities of any DUC within the existing SOI* – There are no disadvantaged communities within or contiguous to the City of Clayton.

PASSED AND ADOPTED this 12th day of June 2019.

AYES:

NOES:

ABSTENTIONS:

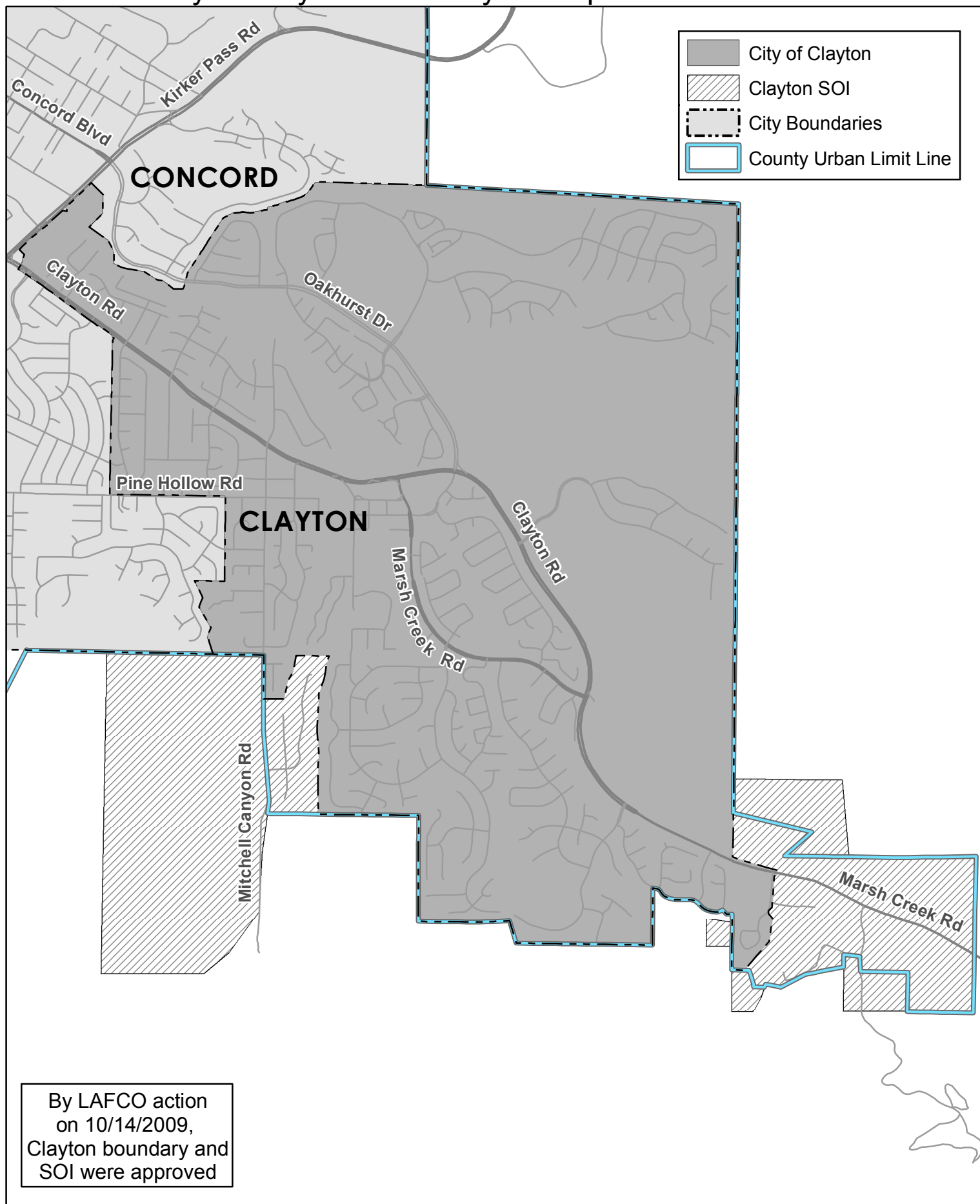
ABSENT:

Tom Butt, Chair, Contra Costa LAFCO

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

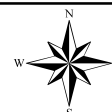
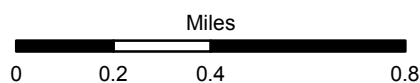
Lou Ann Texeira, Executive Officer

City of Clayton Boundary and Sphere of Influence



Map created 10/04/2018
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 OF THE CONTRA COSTA LOCAL AGENCY FORMATION
COMMISSION ADOPTING MUNICIPAL SERVICE REVIEW AND SPHERE OF INFLUENCE
DETERMINATIONS FOR THE CITY OF CONCORD**

WHEREAS, the Cortese-Knox-Hertzberg Local Governmental Reorganization Act of 2000 (California Government Code §56000 et seq.) provides that a Local Agency Formation Commission (LAFCO) shall adopt Spheres of Influence (SOIs) for each local governmental agency within its jurisdiction [§56425(a)] and that it must update each SOI every five years, as necessary (§56425(g)); and

WHEREAS, the SOI is the primary planning tool for LAFCO and defines the probable physical boundary and service area of a local agency as determined by LAFCO; and

WHEREAS, §56430 requires that in order to prepare and to update SOIs, the Commission shall conduct a Municipal Service Review (MSR) prior to or in conjunction with the SOI update; and

WHEREAS, the Commission has undertaken its 2nd round “*City Services*” MSR covering all 19 cities and four community services districts (CSDs) including Crockett CSD, Diablo CSD, Discovery Bay CSD and Kensington CSD; and

WHEREAS, this MSR, as prepared by Lamphier-Gregory and Berkson Associates consultants to LAFCO, covers the following services: animal control, broadband, building/planning, law enforcement, library, lighting, parks & recreation, solid waste, streets/roads, stormwater, and utilities (gas, electric/community choice); and

WHEREAS, this MSR focuses on: 1) updating profile data including growth/population, jobs/ housing, finances (expenses, revenues, debt, reserves, related fiscal indicators), and staffing; 2) shared services (i.e., joint powers/joint use agreements, among between public agencies, public-private partnerships); 3) infill development/ sprawl prevention/islands; and 4) agricultural/open space preservation; and

WHEREAS, on April 17, 2019, the Commission held a public hearing to receive an overview of the Public Review Draft MSR, receive public comments, and provide input; and

WHEREAS, on June 12, 2019, the Commission held a public hearing to receive the Final Draft MSR and recommended determinations and SOI updates for all agencies covered in the MSR, including the City of Concord; and

WHEREAS, at the public hearings, the Commission heard and received all oral and written protests, objections, and evidence, which were made, presented, or filed, and all persons present were given an opportunity to hear and be heard with respect to the MSR and SOI updates; and

WHEREAS, the MSR contains the determinations required by §§56425 and 56430 relative to the SOI update and MSR, respectively, for the City of Concord as incorporated in this resolution; and

WHEREAS, the proposed action consists of adopting the MSR determinations and updating the SOI for the City of Concord as presented in the 2nd round “*City Services*” MSR; and

WHEREAS, adoption of the MSR is statutorily exempt from the provisions of the California Environmental Quality Act (CEQA), as MSRs are feasibility and planning studies for possible future actions that have not been approved, adopted, or funded, pursuant to State CEQA Guidelines section 15262; and

WHEREAS, as set forth in State CEQA Guidelines section 15061(b)(3), approval of the SOI update is not subject to CEQA because it can be seen with certainty that there is no possibility that the SOI update will have a significant effect on the environment.

NOW, THEREFORE, BE IT RESOLVED that Contra Costa LAFCO does hereby adopt the following MSR pursuant to §56430 and SOI determinations pursuant to §56425 for the City of Concord and retain the existing SOI for the City of Concord as depicted in Exhibit A (attached). Further, any future changes to City of Concord’s SOI should not be considered until such time as a more complete review has been conducted to examine capacity, adequacy and financial ability to provide services.

MUNICIPAL SERVICE REVIEW (MSR) DETERMINATIONS

- 1) *Growth and population projections for the affected area* – According to the 2018 California Department of Finance estimates, the City of Concord serves 129,159 residents. The Association of Bay Area Governments (ABAG) projects that the City of Concord will grow at an annual rate of approximately 1.4% to a population of 185,850 between 2010 and 2040. The City is also projected to experience an approximate 1.9% annual growth rate in jobs between 2010 and 2040. Overall, the City's planning is expected to accommodate the growth projected by ABAG.

The MSR also reviewed jobs/housing, planning for an aging population, and anticipated growth patterns. Regarding jobs/housing, as of 2010, the City of Concord had a jobs/housing balance of 1.15 which reflects a balance (Sources: U.S. Census, ABAG). The City's 2015-2023 Housing Element identified adequate sites to meet and exceed its 2014-2022 assigned regional housing needs allocation. Regarding planning for an aging population, the City did not report any programs/services to serve adults age 50+. Regarding growth patterns, there are three planned Priority Development Areas (PDAs) in the City – two Community Reuse Area/Los Medanos PDAs (Suburban Center and Transit Neighborhood) and the Downtown PDA (City Center). These PDAs are anticipated to accommodate approximately 87% of the projected growth in households and 73% of the projected growth in employment. The City did not report the number of undeveloped entitled residential acres or the number of dwelling units and commercial space that have been approved or are in the approval process. The City is currently working with Lennar Concord, LLC to prepare a Specific Plan for 2,300± developable acres of the 5,028-acre property formerly known as the Inland Area of the Concord Naval Weapons Station. The City does not anticipate the current or projected growth patterns will expand beyond its existing municipal boundary and SOI.

- 2) *The location and characteristics of any Disadvantaged Unincorporated Communities (DUCs) within or contiguous to the SOI* – According to the American Community Survey 5-Year Estimates (2013-2017), there are two DUCs located within the City's SOI, including portions of the Pacheco and Bay Point communities. There is also a disadvantaged community located within the City's boundary located in the Concord Avenue and Olivera Road area.
- 3) *Present and planned capacity of public facilities, adequacy of public services, and infrastructure needs or deficiencies including needs or deficiencies related to sewers, municipal and industrial water, and structural fire protection in any DUCs within or contiguous to the SOI* - There are disadvantaged communities within and contiguous to the City of Concord. These areas have access to municipal fire, sewer and water services.
- 4) *Financial ability of agency to provide services* – In determining the financial ability of the City to provide services, the MSR considered operating general fund and reserve trends; liquidity, debt, and pension liabilities; and timeliness and accuracy of financial reporting. The City has operated with a surplus in its General Fund but anticipates a 7-year deficit beginning in 2020 absent measures to secure additional funds and reduce expenditures. The City has strong financial reserves upon which to rely. The City's enterprise operations include wastewater and a golf course. Total enterprise revenues in recent years have generally grown 8% to 10%, outpacing expenditure growth of 3% to 4%. The City anticipates growing pension and OPEB costs which currently account for 20% of General Fund expenditures. The City's fiscal sustainability ordinance prioritizes annual contributions to help address unfunded liabilities. The City's wastewater and golf course enterprise fund net positions relative to expenditures exceeded a ratio of 2.0 indicating strong balance sheets. The City prepares timely financial reports.
- 5) *Status of, and opportunities for, shared facilities* – The City contracts with other public agencies and private service providers for various services including animal control, broadband, library, solid waste and some utilities; and the City is party to several JPAs. The City did not identify any other shared services, overlapping/duplication of services, or excess service or facility capacity.
- 6) *Accountability for community service needs, including governmental structure and operational efficiencies* – The City's website provides information regarding public meetings, services, financial and planning documents, and opportunities for public involvement demonstrating access and accountability. Newsletters are also distributed to City residents.

- 7) *Any other matter related to effective or efficient service delivery, as required by Commission policy* – Contra Costa LAFCO’s local policies provide that MSRs focus on target services including water, sewer, drainage, libraries, roads, parks, health care, broadband (high-speed internet access and use), police, and fire protection. The “*City Services*” MSR excludes review of water, sewer, healthcare and fire services as these services were recently reviewed in 2nd round focused MSRs.

Contra Costa LAFCO recently added broadband services as an MSR focus area. The City does not provide public broadband service and is served by various private cable/broadband service providers. The East Bay Broadband Consortium’s 2013 East Bay Broadband Report Card gave the City of Concord a grade of A- indicating that internet service providers meet the CPUC’s minimum 6 Mbps download and 1.5 Mbps upload standards.

SPHERE OF INFLUENCE (SOI) DETERMINATIONS

- A. *The present and planned land uses in the area, including agricultural and open-space lands* – The City of Concord plans for a variety of urban uses within its boundary, representing a continuation of the current mix of uses including residential, commercial, retail, and open space. Present and planned land uses are adequate for existing residents as well as future growth and maintaining compatibility with agricultural and open space uses, as demonstrated in the General Plan (2007).
- B. *The present and probable need for public facilities and services in the area* – There are no anticipated changes in the type of public services and facilities required within the existing SOI for the City of Concord. The level of demand for these services and facilities, however, will increase commensurate with anticipated population growth over the next five years.
- C. *The present capacity of public facilities and adequacy of public services that the agency provides or is authorized to provide* – The present capacity of public facilities in the City of Concord appears adequate; however, this may change with future phased development of the Concord Reuse Project. The City anticipates it will continue to have adequate capacity during the next five years.
- D. *The existence of any social or economic communities of interest in the area if the Commission determines that they are relevant to the agency* – There are two unincorporated islands within the City’s SOI – a 183± acre residential development (Ayers Ranch) located near Bailey Road and Concord Boulevard; and a 58± acre undeveloped area at the end of Kaiser Quarry Road. The City provides sewer services within the Ayers Ranch island area, which is a community of interest. In 2015, the Concord City Council adopted a resolution establishing a non-binding strategy to annex Ayers Ranch by the year 2030. This signals the City’s intent to annex the area in the future. LAFCO encourages the annexation of islands.
- E. *The present and probable need for sewers, municipal and industrial water, or structural fire protection services and facilities of any DUC within the existing SOI* – There are disadvantaged communities within and contiguous to the City of Concord.

PASSED AND ADOPTED this 12th day of June 2019.

AYES:

NOES:

ABSTENTIONS:

ABSENT:

Tom Butt, Chair, Contra Costa LAFCO






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

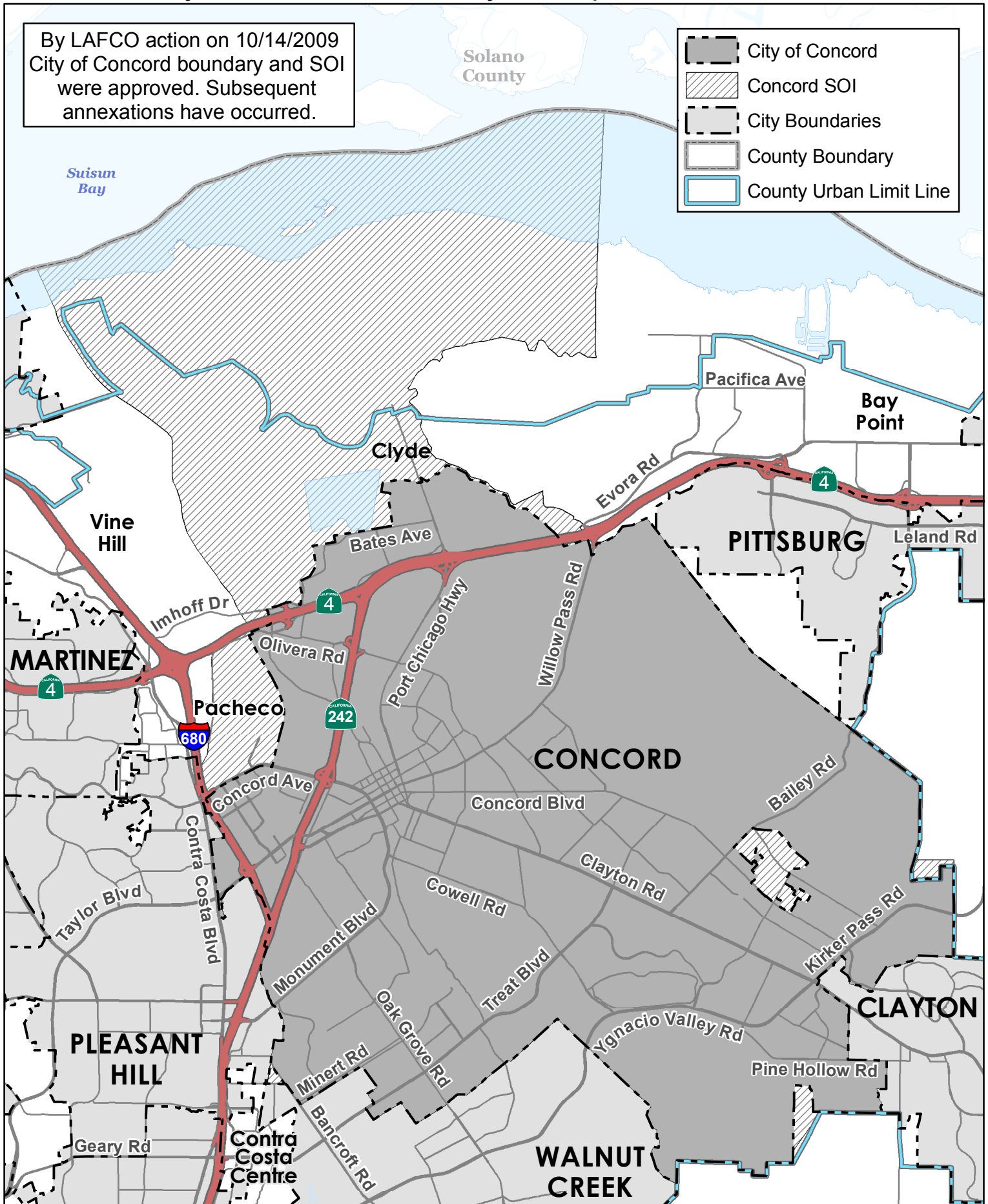
Lou Ann Texeira, Executive Officer

City of Concord Boundary and Sphere of Influence

Att 2d/Exhibit A

By LAFCO action on 10/14/2009 City of Concord boundary and SOI were approved. Subsequent annexations have occurred.

-  City of Concord
-  Concord SOI
-  City Boundaries
-  County Boundary
-  County Urban Limit Line



Map created 08/10/2017
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.

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**RESOLUTION OF THE CONTRA COSTA LOCAL AGENCY FORMATION
COMMISSION ADOPTING MUNICIPAL SERVICE REVIEW AND SPHERE OF INFLUENCE
DETERMINATIONS FOR THE TOWN OF DANVILLE**

WHEREAS, the Cortese-Knox-Hertzberg Local Governmental Reorganization Act of 2000 (California Government Code §56000 et seq.) provides that a Local Agency Formation Commission (LAFCO) shall adopt Spheres of Influence (SOIs) for each local governmental agency within its jurisdiction [§56425(a)] and that it must update each SOI every five years, as necessary (§56425(g)); and

WHEREAS, the SOI is the primary planning tool for LAFCO and defines the probable physical boundary and service area of a local agency as determined by LAFCO; and

WHEREAS, §56430 requires that in order to prepare and to update SOIs, the Commission shall conduct a Municipal Service Review (MSR) prior to or in conjunction with the SOI update; and

WHEREAS, the Commission has undertaken its 2nd round “*City Services*” MSR covering all 19 cities and four community services districts (CSDs) including Crockett CSD, Diablo CSD, Discovery Bay CSD and Kensington CSD; and

WHEREAS, this MSR, as prepared by Lamphier-Gregory and Berkson Associates consultants to LAFCO, covers the following services: animal control, broadband, building/planning, law enforcement, library, lighting, parks & recreation, solid waste, streets/roads, stormwater, and utilities (gas, electric/community choice); and

WHEREAS, this MSR focuses on: 1) updating profile data including growth/population, jobs/ housing, finances (expenses, revenues, debt, reserves, related fiscal indicators), and staffing; 2) shared services (i.e., joint powers/joint use agreements, among between public agencies, public-private partnerships); 3) infill development/ sprawl prevention/islands; and 4) agricultural/open space preservation; and

WHEREAS, on April 17, 2019, the Commission held a public hearing to receive an overview of the Public Review Draft MSR, receive public comments, and provide input; and

WHEREAS, on June 12, 2019, the Commission held a public hearing to receive the Final Draft MSR and recommended determinations and SOI updates for all agencies covered in the MSR, including the Town of Danville; and

WHEREAS, at the public hearings, the Commission heard and received all oral and written protests, objections, and evidence, which were made, presented, or filed, and all persons present were given an opportunity to hear and be heard with respect to the MSR and SOI updates; and

WHEREAS, the MSR contains the determinations required by §§56425 and 56430 relative to the SOI update and MSR, respectively, for the Town of Danville as incorporated in this resolution; and

WHEREAS, the proposed action consists of adopting the MSR determinations and updating the SOI for the Town of Danville as presented in the 2nd round “*City Services*” MSR; and

WHEREAS, adoption of the MSR is statutorily exempt from the provisions of the California Environmental Quality Act (CEQA), as MSRs are feasibility and planning studies for possible future actions that have not been approved, adopted, or funded, pursuant to State CEQA Guidelines section 15262; and

WHEREAS, as set forth in State CEQA Guidelines section 15061(b)(3), approval of the SOI update is not subject to CEQA because it can be seen with certainty that there is no possibility that the SOI update will have a significant effect on the environment.

NOW, THEREFORE, BE IT RESOLVED that Contra Costa LAFCO does hereby adopt the following MSR pursuant to §56430 and SOI determinations pursuant to §56425 for the Town of Danville and retain the existing SOI for the Town of Danville as depicted in Exhibit A (attached):

MUNICIPAL SERVICE REVIEW (MSR) DETERMINATIONS

- 1) *Growth and population projections for the affected area* – According to the 2018 California Department of Finance estimates, the Town of Danville serves an estimated 44,396 residents. The Association of Bay Area Governments (ABAG) projects that the Town of Danville will grow at an annual rate of approximately 0.4% to a population of 47,350 between 2010 and 2040. The Town is also projected to experience an approximate 0.3% annual growth rate in jobs between 2010 and 2040. Overall, the Town’s planning is expected to accommodate the growth projected by ABAG.

The MSR also reviewed jobs/housing, planning for an aging population, and anticipated growth patterns. Regarding jobs/housing, as of 2010, the Town of Danville had a jobs/housing balance of 0.74 which reflects a slight imbalance (Sources: U.S. Census, ABAG). The Town’s 2015-2023 Housing Element identified adequate sites to meet and exceed its 2014-2022 assigned regional housing needs allocation. Regarding planning for an aging population, the Town did not report any programs/services to serve adults age 50+. As for anticipated growth patterns, there is one potential Priority Development Area in the Town – “Downtown” characterized as *Transit Town Center*. The Town did not report the number of undeveloped entitled residential acres. The Town reports approximately 323 dwelling units either as approved or in the approval process. The Town does not anticipate that current or projected growth patterns will expand beyond its existing municipal boundary and SOI.

- 2) *The location and characteristics of any Disadvantaged Unincorporated Communities (DUCs) within or contiguous to the SOI* – According to the American Community Survey 5-Year Estimates (2013-2017), there are no DUCs located within or contiguous to the Town’s SOI, nor are there any disadvantaged communities located within the Town’s boundary or SOI.
- 3) *Present and planned capacity of public facilities, adequacy of public services, and infrastructure needs or deficiencies including needs or deficiencies related to sewers, municipal and industrial water, and structural fire protection in any DUCs within or contiguous to the SOI* – There are no disadvantaged communities within or contiguous to the Town of Danville.
- 4) *Financial ability of agency to provide services* – In determining the financial ability of the Town to provide services, the MSR considered operating general fund and reserve trends; liquidity, debt, and pension liabilities; and timeliness and accuracy of financial reporting. The Town appears to have sufficient financial resources to accommodate infrastructure expansion, improvements, or replacement over the next five years. The Town operates with a surplus in its General Fund and currently exceeds their 20% reserve goal. The Town provides a defined contribution retirement plan and has no unfunded pension liabilities. The Town prepares timely financial reports.
- 5) *Status of, and opportunities for shared facilities* – The Town contracts with other public agencies and private service providers for various services including animal control, broadband, law enforcement, library, solid waste and utilities; and the Town is party to several JPAs. The Town did not identify any other shared services, overlapping/ duplication of services, or excess service or facility capacity.
- 6) *Accountability for community service needs, including governmental structure and operational efficiencies* – The Town’s website provides information regarding public meetings, services, financial and planning documents, and opportunities for public involvement demonstrating access and accountability. Town meetings are livestreamed via Granicus. Newsletters are distributed to Town residents.
- 7) *Any other matter related to effective or efficient service delivery, as required by Commission policy* – Contra Costa LAFCO’s local policies provide that MSRs focus on target services including water, sewer, drainage, libraries, roads, parks, health care, broadband (high-speed internet access and use), police, and fire protection. The “City Services” MSR excludes review of water, sewer, healthcare and fire services as these services were recently reviewed in 2nd round focused MSRs.

Contra Costa LAFCO recently added broadband services as an MSR focus area. The Town does not

provide public broadband service and is served by various private cable/ broadband service providers. The East Bay Broadband Consortium's 2013 East Bay Broadband Report Card indicated that the Town's internet service providers did not meet the CPUC's minimum 6 Mbps download and 1.5 Mbps upload standards. The Town of Danville did not indicate concerns about the ability of broadband providers to serve the Town's existing or growing population.

SPHERE OF INFLUENCE (SOI) DETERMINATIONS

- A. *The present and planned land uses in the area, including agricultural and open-space lands* – The Town of Danville plans for a variety of urban uses within its boundary, representing a continuation of the current mix of uses including residential, commercial, public, open space and agricultural. Present and planned land uses are adequate for existing residents as well as future growth and maintaining compatibility with agricultural and open space uses, as demonstrated in the General Plan (2013).
- B. *The present and probable need for public facilities and services in the area* – There are no anticipated changes in the type of public services and facilities required within the existing SOI for the Town of Danville. The level of demand for these services and facilities, however, will increase commensurate with anticipated population growth over the next five years.
- C. *The present capacity of public facilities and adequacy of public services that the agency provides or is authorized to provide* – The present capacity of public facilities in the Town of Danville appears adequate. The Town anticipates it will continue to have adequate capacity during the next five years.
- D. *The existence of any social or economic communities of interest in the area if the Commission determines that they are relevant to the agency* – There are several communities located in the East Danville and Camino Tassajara areas that are within Danville's SOI and are communities of interest. There has been some growth and development in and around these areas. Also, there has been interest by some of the residents in these areas for enhanced police services and annexation to the Town of Danville. The MSR report recommends that the Town consider annexing these areas.
- E. *The present and probable need for sewers, municipal and industrial water, or structural fire protection services and facilities of any DUC within the existing SOI* – There are no disadvantaged communities within or contiguous to the Town of Danville and therefore no present or probable need for services.

PASSED AND ADOPTED this 12th day of June 2019.

AYES:

NOES:

ABSTENTIONS:

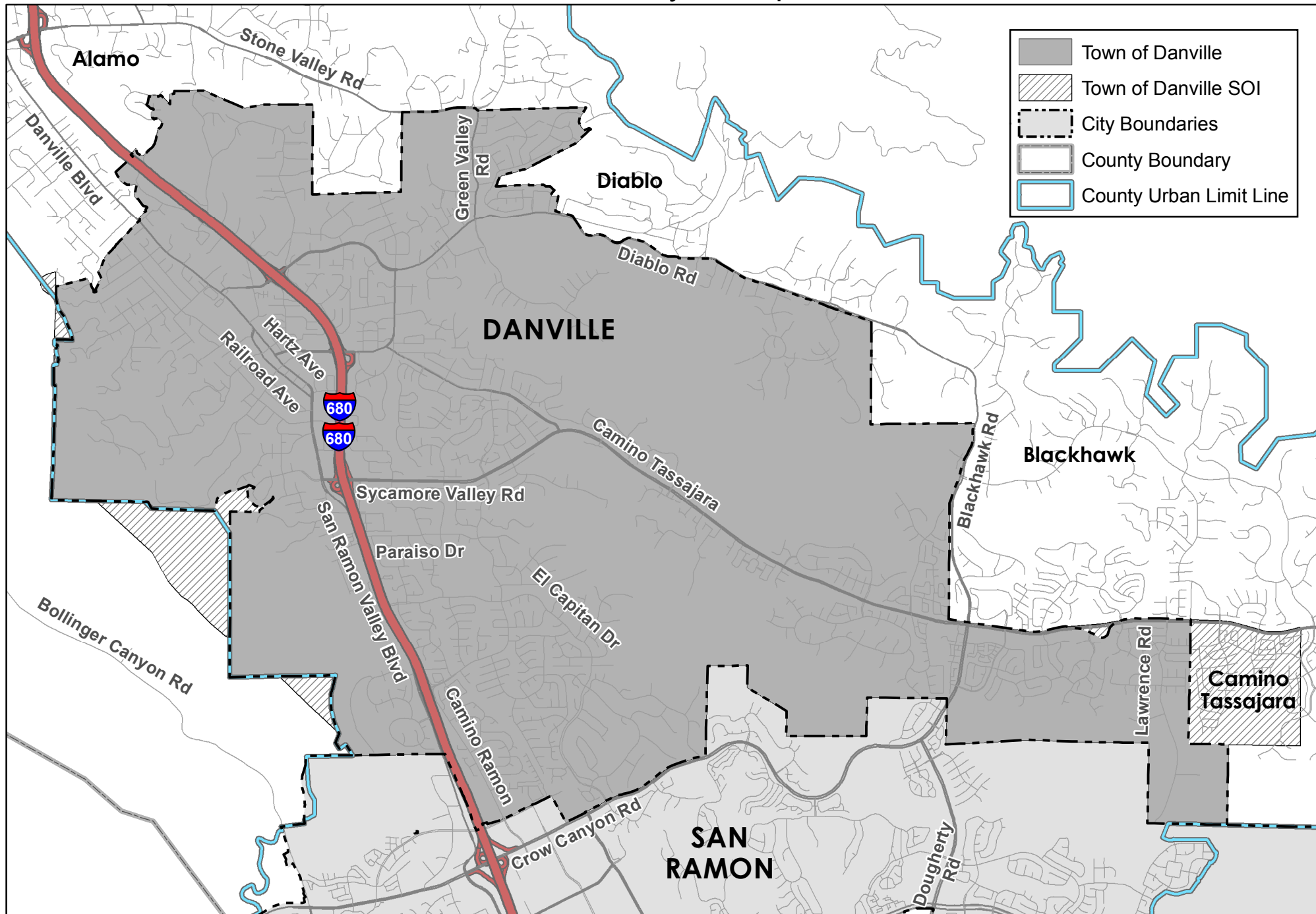
ABSENT:

Tom Butt, Chair, Contra Costa LAFCO

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

Lou Ann Texeira, Executive Officer

Town of Danville Boundary and Sphere of Influence



**RESOLUTION OF THE CONTRA COSTA LOCAL AGENCY FORMATION
COMMISSION ADOPTING MUNICIPAL SERVICE REVIEW AND SPHERE OF INFLUENCE
DETERMINATIONS FOR THE CITY OF EL CERRITO**

WHEREAS, the Cortese-Knox-Hertzberg Local Governmental Reorganization Act of 2000 (California Government Code §56000 et seq.) provides that a Local Agency Formation Commission (LAFCO) shall adopt Spheres of Influence (SOIs) for each local governmental agency within its jurisdiction [§56425(a)] and that it must update each SOI every five years, as necessary (§56425(g)); and

WHEREAS, the SOI is the primary planning tool for LAFCO and defines the probable physical boundary and service area of a local agency as determined by LAFCO; and

WHEREAS, §56430 requires that in order to prepare and to update SOIs, the Commission shall conduct a Municipal Service Review (MSR) prior to or in conjunction with the SOI update; and

WHEREAS, the Commission has undertaken its 2nd round “City Services” MSR covering all 19 cities and four community services districts (CSDs) including Crockett CSD, Diablo CSD, Discovery Bay CSD and Kensington CSD; and

WHEREAS, this MSR, as prepared by Lamphier-Gregory and Berkson Associates consultants to LAFCO, covers the following services: animal control, broadband, building/planning, law enforcement, library, lighting, parks & recreation, solid waste, streets/roads, stormwater, and utilities (gas, electric/community choice); and

WHEREAS, this MSR focuses on: 1) updating profile data including growth/population, jobs/ housing, finances (expenses, revenues, debt, reserves, related fiscal indicators), and staffing; 2) shared services (i.e., joint powers/joint use agreements, among between public agencies, public-private partnerships); 3) infill development/ sprawl prevention/islands; and 4) agricultural/open space preservation; and

WHEREAS, on April 17, 2019, the Commission held a public hearing to receive an overview of the Public Review Draft MSR, receive public comments, and provide input; and

WHEREAS, on June 12, 2019, the Commission held a public hearing to receive the Final Draft MSR and recommended determinations and SOI updates for all agencies covered in the MSR, including the City of El Cerrito; and

WHEREAS, at the public hearings, the Commission heard and received all oral and written protests, objections, and evidence, which were made, presented, or filed, and all persons present were given an opportunity to hear and be heard with respect to the MSR and SOI updates; and

WHEREAS, the MSR contains the determinations required by §§56425 and 56430 relative to the SOI update and MSR, respectively, for the City of El Cerrito as incorporated in this resolution; and

WHEREAS, the proposed action consists of adopting the MSR determinations and updating the SOI for the City of El Cerrito as presented in the 2nd round “City Services” MSR; and

WHEREAS, adoption of the MSR is statutorily exempt from the provisions of the California Environmental Quality Act (CEQA), as MSRs are feasibility and planning studies for possible future actions that have not been approved, adopted, or funded, pursuant to State CEQA Guidelines section 15262; and

WHEREAS, as set forth in State CEQA Guidelines section 15061(b)(3), approval of the SOI update is not subject to CEQA because it can be seen with certainty that there is no possibility that the SOI update will have a significant effect on the environment.

NOW, THEREFORE, BE IT RESOLVED that Contra Costa LAFCO does hereby adopt the following MSR pursuant to §56430 and SOI determinations pursuant to §56425 for the City of El Cerrito and retain the existing SOI for the City of El Cerrito as depicted in Exhibit A (attached). *The City of El Cerrito shall provide LAFCO with a financial update by June 2020 addressing the financial concerns identified in the MSR report. Any future SOI and*

boundary changes to the City of El Cerrito will require that the City demonstrate its financial ability to serve the proposed annexation area.

MUNICIPAL SERVICE REVIEW (MSR) DETERMINATIONS

- 1) *Growth and population projections for the affected area* – According to the 2018 California Department of Finance estimates, the City of El Cerrito serves 24,939 residents. The Association of Bay Area Governments (ABAG) projects that the City of El Cerrito will grow at an annual rate of approximately 0.7% to a population of 29,075 between 2010 and 2040. The City is also projected to experience an approximate 0.4% annual growth rate in jobs between 2010 and 2040. Overall, the City’s planning is expected to accommodate the growth projected by ABAG.

The MSR also reviewed jobs/housing, planning for an aging population, and anticipated growth patterns. Regarding jobs/housing, as of 2010, the City of El Cerrito had a jobs/housing balance of 0.50 which reflects an imbalance (Sources: U.S. Census, ABAG). The City’s 2015-2023 Housing Element identified adequate sites to meet and exceed its 2014-2022 assigned regional housing needs allocation. Regarding planning for an aging population, the City provides a variety of programs and services in the areas of health, education, and recreation to serve adults age 50+. As for anticipated growth patterns, there are two planned Priority Development Areas in the City, both characterized as *Mixed-Use Corridor* - the “San Pablo Avenue Corridor (SPAC) “Del Norte Station” and the SPAC “South of Del Norte.” The City did not report the number of undeveloped entitled residential acres. The City reports that there are 251 units under construction or approved within the City including 86 very low-income units, 38 low income units, 18 moderate income units, and 114 above moderate income units. There are three Priority Conservation Areas within the City. The City does not anticipate the current or projected growth patterns will expand beyond its existing municipal boundary and SOI.

- 2) *The location and characteristics of any Disadvantaged Unincorporated Communities (DUCs) within or contiguous to the SOI* – According to the American Community Survey 5-Year Estimates (2013-2017), there is one disadvantaged community located within the City’s SOI and boundary. The area is located along Highway 123 and Potrero Avenue.
- 3) *Present and planned capacity of public facilities, adequacy of public services, and infrastructure needs or deficiencies including needs or deficiencies related to sewers, municipal and industrial water, and structural fire protection in any DUCs within or contiguous to the SOI* – The disadvantaged community within the City of El Cerrito has access to municipal fire, sewer and water services.
- 4) *Financial ability of agency to provide services* – In determining the financial ability of the City to provide services, the MSR considered operating general fund and reserve trends; liquidity, debt, and pension liabilities; and timeliness and accuracy of financial reporting. The City of El Cerrito is experiencing fiscal challenges that may affect its ability to provide services, particularly in the event of unexpected funding needs. The City’s capital spending has not kept pace with asset depreciation. The City faces rising pension costs, and the City has not identified measures to address the increasing pension debt. The City’s ability to accommodate infrastructure expansion, improvements, or replacement over the next five years may be compromised absent identification of additional funding opportunities. The additional revenue from the 2018 passage of Measure W will aid in addressing some of the City’s fiscal challenges. The City has been operating with a surplus in its General Fund. However, the City’s reserves are declining and are now at 3.4% which is below the City’s 15% reserve goal. The City’s liquidity ratio is less than 1.0; however, the City reports sufficient cash to cover current liabilities and short-term debt. The City has one enterprise activity – integrated waste management. Past years show a moderate positive change to this enterprise net position. The City’s most recent CAFR was not issued in a timely manner. The CAFR was audited by an independent CPA and received a clean opinion.
- 5) *Status of, and opportunities for, shared facilities* – The City contracts with other public agencies and private service providers for various services including animal control, broadband, library, solid waste, stormwater

and utilities; and the City is party to several JPAs. The City did not identify any other shared services, overlapping/duplication of services, or excess service or facility capacity.

- 6) *Accountability for community service needs, including governmental structure and operational efficiencies* – The City’s website provides information regarding public meetings, services, financial and planning documents, and opportunities for public involvement demonstrating access and accountability. City Council meetings are livestreamed and broadcast on radio and television. The City uses social media, OpenGov, radio, printed media, and in-person workshops to notify, engage and educate residents and customers. Newsletters are also distributed to City residents.
- 7) *Any other matter related to effective or efficient service delivery, as required by Commission policy* – Contra Costa LAFCO’s local policies provide that MSRs focus on target services including water, sewer, drainage, libraries, roads, parks, health care, broadband (high-speed internet access and use), police, and fire protection. The “City Services” MSR excludes review of water, sewer, healthcare and fire services as these services were recently reviewed in 2nd round focused MSRs.

Contra Costa LAFCO recently added broadband services as an MSR focus area. The City does not provide public broadband service and is served by various private cable/ broadband service providers. The East Bay Broadband Consortium’s 2013 East Bay Broadband Report Card noted that the City of El Cerrito’s internet service providers meet the CPUC’s minimum 6 Mbps download and 1.5 Mbps upload standards.

SPHERE OF INFLUENCE (SOI) DETERMINATIONS

- A. *The present and planned land uses in the area, including agricultural and open-space lands* – The City of El Cerrito plans for a variety of urban uses within its boundary, representing a continuation of the current mix of uses including residential, commercial, and open space. Present and planned land uses are adequate for existing residents as well as future growth and maintaining compatibility with open space uses, as demonstrated in the City’s General Plan (1999).
- B. *The present and probable need for public facilities and services in the area* – There are no anticipated changes in the type of public services and facilities required within the existing SOI for the City of El Cerrito. The level of demand for these services and facilities, however, will increase commensurate with anticipated population growth over the next five years.
- C. *The present capacity of public facilities and adequacy of public services that the agency provides or is authorized to provide* – The present capacity of public facilities in the City of El Cerrito appears adequate, and the City indicates it will continue to have adequate capacity over the next five years.
- D. *The existence of any social or economic communities of interest in the area if the Commission determines that they are relevant to the agency* – The unincorporated community of Kensington is within El Cerrito’s SOI and is a community of interest.
- E. *The present and probable need for sewers, municipal and industrial water, or structural fire protection services and facilities of any DUC within the existing SOI* – There is one disadvantaged community located within the City’s SOI and boundary. The area is located along Highway 123 and Potrero Avenue. This disadvantaged community has access to municipal fire, sewer and water services.

PASSED AND ADOPTED this 12th day of June 2019.

AYES:

NOES:

ABSTENTIONS:

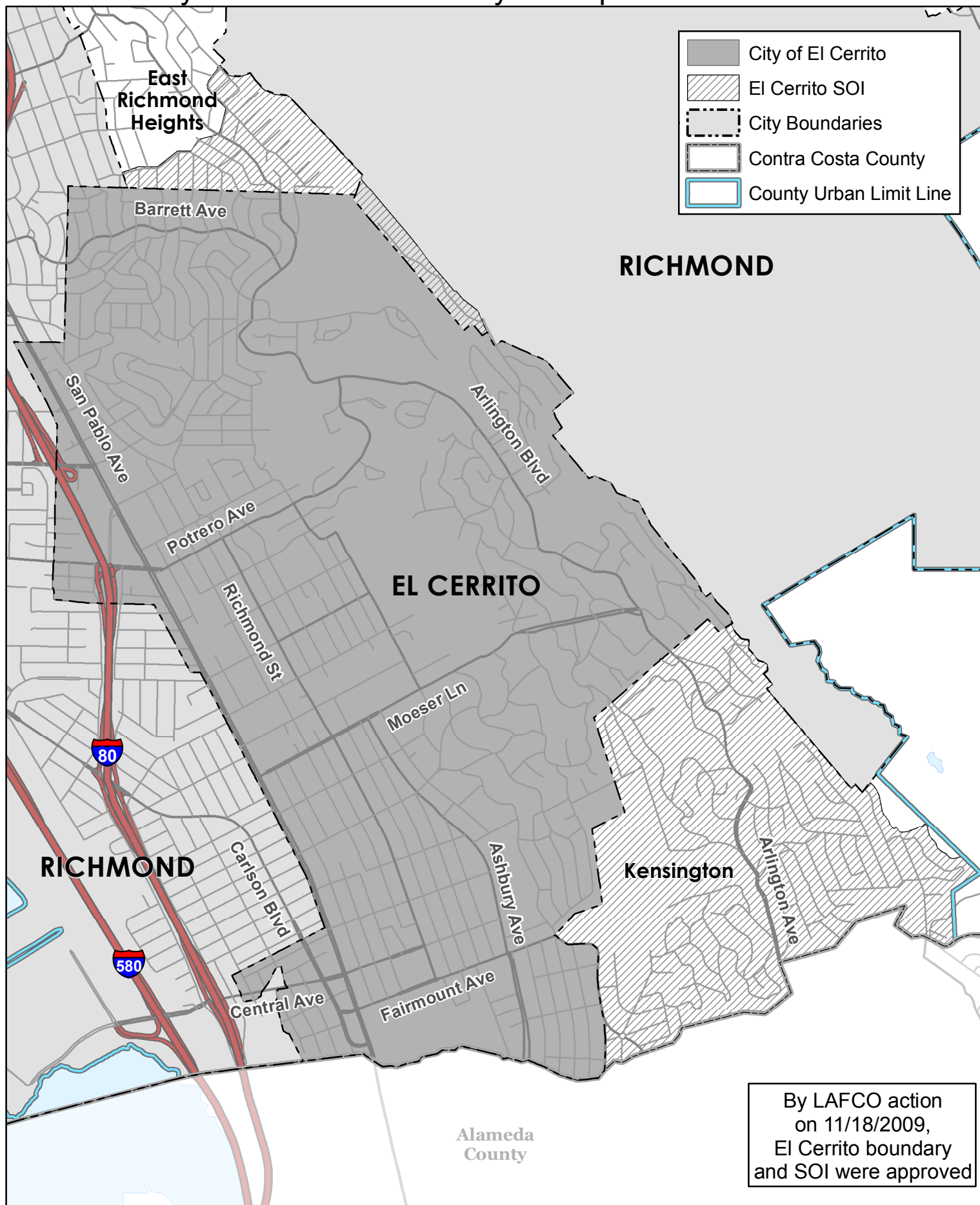
ABSENT:

Tom Butt, Chair, Contra Costa LAFCO

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

Lou Ann Texeira, Executive Officer

City of El Cerrito Boundary and Sphere of Influence



**RESOLUTION OF THE CONTRA COSTA LOCAL AGENCY FORMATION
COMMISSION ADOPTING MUNICIPAL SERVICE REVIEW AND SPHERE OF INFLUENCE
DETERMINATIONS FOR THE CITY OF HERCULES**

WHEREAS, the Cortese-Knox-Hertzberg Local Governmental Reorganization Act of 2000 (California Government Code §56000 et seq.) provides that a Local Agency Formation Commission (LAFCO) shall adopt Spheres of Influence (SOIs) for each local governmental agency within its jurisdiction [§56425(a)] and that it must update each SOI every five years, as necessary (§56425(g)); and

WHEREAS, the SOI is the primary planning tool for LAFCO and defines the probable physical boundary and service area of a local agency as determined by LAFCO; and

WHEREAS, §56430 requires that in order to prepare and to update SOIs, the Commission shall conduct a Municipal Service Review (MSR) prior to or in conjunction with the SOI update; and

WHEREAS, the Commission has undertaken its 2nd round “*City Services*” MSR covering all 19 cities and four community services districts (CSDs) including Crockett CSD, Diablo CSD, Discovery Bay CSD and Kensington CSD; and

WHEREAS, this MSR, as prepared by Lamphier-Gregory and Berkson Associates consultants to LAFCO, covers the following services: animal control, broadband, building/planning, law enforcement, library, lighting, parks & recreation, solid waste, streets/roads, stormwater, and utilities (gas, electric/community choice); and

WHEREAS, this MSR focuses on: 1) updating profile data including growth/population, jobs/ housing, finances (expenses, revenues, debt, reserves, related fiscal indicators), and staffing; 2) shared services (i.e., joint powers/joint use agreements, among between public agencies, public-private partnerships); 3) infill development/ sprawl prevention/islands; and 4) agricultural/open space preservation; and

WHEREAS, on April 17, 2019, the Commission held a public hearing to receive an overview of the Public Review Draft MSR, receive public comments, and provide input; and

WHEREAS, on June 12, 2019, the Commission held a public hearing to receive the Final Draft MSR and recommended determinations and SOI updates for all agencies covered in the MSR, including the City of Hercules; and

WHEREAS, at the public hearings, the Commission heard and received all oral and written protests, objections, and evidence, which were made, presented, or filed, and all persons present were given an opportunity to hear and be heard with respect to the MSR and SOI updates; and

WHEREAS, the MSR contains the determinations required by §§56425 and 56430 relative to the SOI update and MSR, respectively, for the City of Hercules as incorporated in this resolution; and

WHEREAS, the proposed action consists of adopting the MSR determinations and updating the SOI for the City of Hercules as presented in the 2nd round “*City Services*” MSR; and

WHEREAS, adoption of the MSR is statutorily exempt from the provisions of the California Environmental Quality Act (CEQA), as MSRs are feasibility and planning studies for possible future actions that have not been approved, adopted, or funded, pursuant to State CEQA Guidelines section 15262; and

WHEREAS, as set forth in State CEQA Guidelines section 15061(b)(3), approval of the SOI update is not subject to CEQA because it can be seen with certainty that there is no possibility that the SOI update will have a significant effect on the environment.

NOW, THEREFORE, BE IT RESOLVED that Contra Costa LAFCO does hereby adopt the following MSR pursuant to §56430 and SOI determinations pursuant to §56425 for the City of Hercules and retain the existing SOI for the City of Hercules as depicted in Exhibit A (attached):

MUNICIPAL SERVICE REVIEW (MSR) DETERMINATIONS

- 1) *Growth and population projections for the affected area* – According to the 2018 California Department of Finance estimates, the City of Hercules serves 26,317 residents. The Association of Bay Area Governments (ABAG) projects that the City of Hercules will grow at an annual rate of approximately 0.6% to a population of 28,700 between 2010 and 2040. The City is also projected to experience an approximate 0.4% annual growth rate in jobs between 2010 and 2040. Overall, the City's planning is expected to accommodate the growth projected by ABAG.

The MSR also reviewed jobs/housing, planning for an aging population, and anticipated growth patterns. Regarding jobs/housing, as of 2010, the City of Hercules had a jobs/housing balance of 0.58 which reflects an imbalance (Sources: U.S. Census, ABAG). The City's 2015-2023 Housing Element identified adequate sites to meet and exceed its 2014-2022 assigned regional housing needs allocation. Regarding planning for an aging population, the City did not report any programs/services serving adults age 50+. Regarding anticipated growth patterns, there are two planned Priority Development Areas in the City – Central Hercules (Transit Neighborhood) and Waterfront District (Transit Town Center), both of which will add housing to the city. Also, there are two Priority Conservation Areas within the City. The City reported one undeveloped parcel (Parcel C – Muir Pointe) which includes development of 144 single family housing unit. The City reported several other development projects (dwelling units and commercial space). The City does not anticipate the current or projected growth patterns will expand beyond its existing municipal boundary and SOI.

- 2) *The location and characteristics of any Disadvantaged Unincorporated Communities (DUCs) within or contiguous to the SOI* – According to the American Community Survey 5-Year Estimates (2013-2017), there are no disadvantaged communities within or contiguous to the City's SOI or boundary.
- 3) *Present and planned capacity of public facilities, adequacy of public services, and infrastructure needs or deficiencies including needs or deficiencies related to sewers, municipal and industrial water, and structural fire protection in any DUCs within or contiguous to the SOI* – There are no disadvantaged communities within or contiguous to the City's SOI or boundary.
- 4) *Financial ability of agency to provide services* – In determining the financial ability of the City to provide services, the MSR considered operating general fund and reserve trends; liquidity, debt, and pension liabilities; and timeliness and accuracy of financial reporting. The City of Hercules is experiencing fiscal challenges that may affect its ability to provide services. After operating at a surplus the past few years, the City is operating at a deficit for FY 2018-19, which will be addressed using unallocated fund balances. As with other cities, the City of Hercules faces growing pension and OPEB liabilities; and the City has not identified measures to address these increasing liabilities. The City' has one enterprise operation – wastewater. Past years show an overall positive change for combined enterprise net position. The City's most recent CAFR was not issued in a timely manner. The CAFR was audited by an independent CPA and received a clean opinion. The MSR includes recommendations for improving the transparency of the City's financial reports.
- 5) *Status of, and opportunities for, shared facilities* – The City contracts with other public agencies and private service providers for various services including animal control, broadband, library, solid waste, and utilities; and the City is party to several JPAs. The City did not identify any other shared services, overlapping/duplication of services, or excess service or facility capacity.
- 6) *Accountability for community service needs, including governmental structure and operational efficiencies* – The City's website provides information regarding public meetings, services, financial and planning documents, and opportunities for public involvement demonstrating access and accountability.
- 7) *Any other matter related to effective or efficient service delivery, as required by Commission policy* – Contra Costa LAFCO's local policies provide that MSR's focus on target services including water, sewer, drainage, libraries, roads, parks, health care, broadband (high-speed internet access and use), police, and fire

protection. The “*City Services*” MSR excludes review of water, sewer, healthcare and fire services as these services were recently reviewed in 2nd round focused MSRs.

Contra Costa LAFCO recently added broadband services as an MSR focus area. The City does not provide public broadband service and is served by various private cable/ broadband service providers. The East Bay Broadband Consortium’s 2013 East Bay Broadband Report Card noted that the City of Hercules’s internet service providers did not meet the CPUC’s minimum 6 Mbps download and 1.5 Mbps upload standards. The City did not indicate any specific concerns about the ability of the current broadband providers to serve the City.

SPHERE OF INFLUENCE (SOI) DETERMINATIONS

- A. *The present and planned land uses in the area, including agricultural and open-space lands* – The City of Hercules plans for a variety of urban uses within its boundary, representing a continuation of the current mix of uses including industrial, residential, research and development, commercial, and open space. Present and planned land uses are adequate for existing residents as well as future growth and maintaining compatibility with open space uses, as demonstrated in the City’s General Plan (1998).
- B. *The present and probable need for public facilities and services in the area* – There are no anticipated changes in the type of public services and facilities required within the existing SOI for the City of Hercules. The level of demand for these services and facilities, however, will increase commensurate with anticipated population growth over the next five years.
- C. *The present capacity of public facilities and adequacy of public services that the agency provides or is authorized to provide* – The present capacity of public facilities in the City of Hercules appears adequate, and the City indicates it will continue to have adequate capacity over the next five years.
- D. *The existence of any social or economic communities of interest in the area if the Commission determines that they are relevant to the agency* – All communities of interest within the City’s boundary are included in the SOI. Contra Costa LAFCO has not identified any specific social or economic communities of interest relevant to the City of Hercules.
- 8) *The present and probable need for sewers, municipal and industrial water, or structural fire protection services and facilities of any DUC within the existing SOI* – There are no disadvantaged communities within or contiguous to the City’s SOI or boundary, and therefore, no present or probable need for such services.

PASSED AND ADOPTED this 12th day of June 2019.

AYES:

NOES:

ABSTENTIONS:

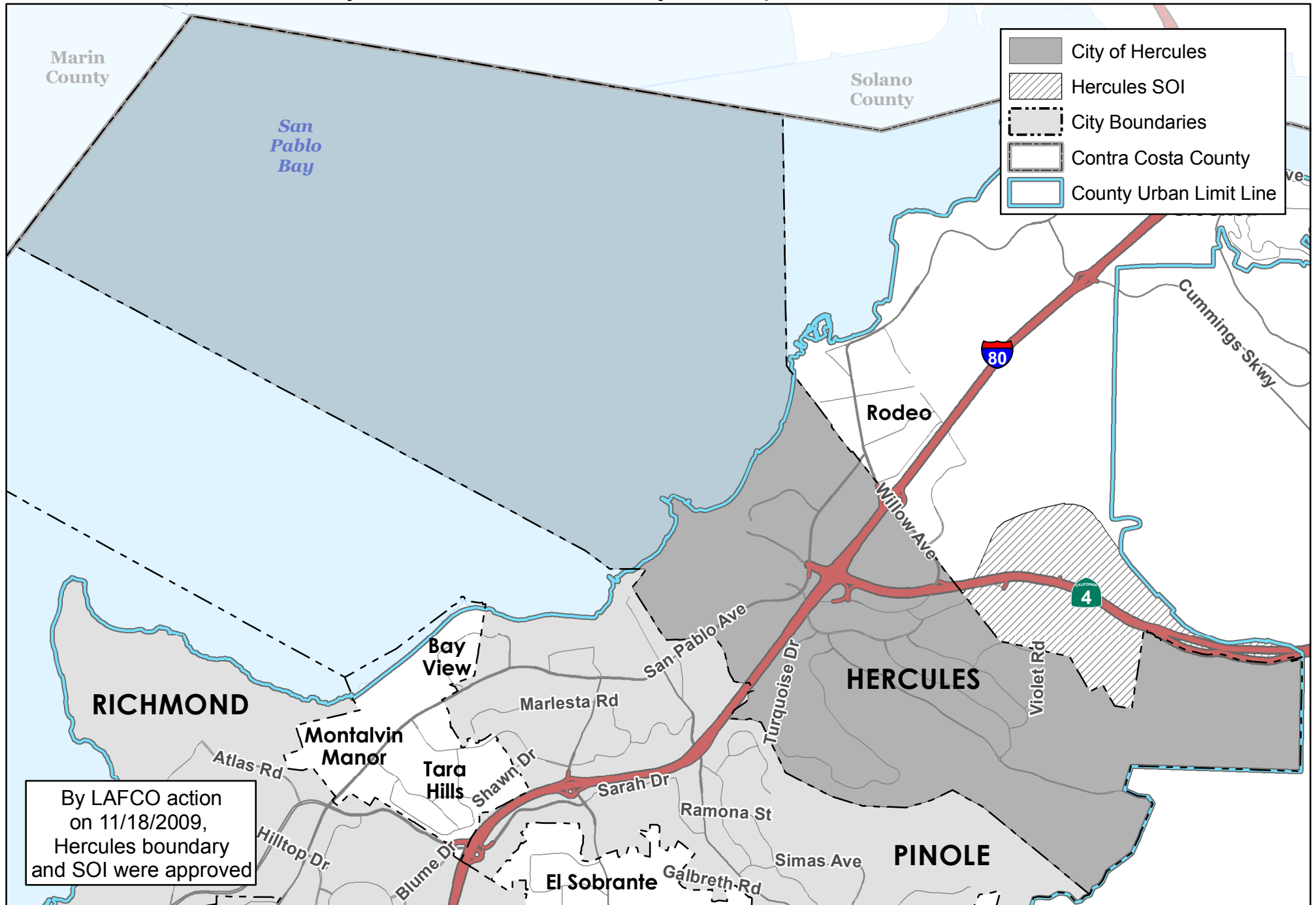
ABSENT:

Tom Butt, Chair, Contra Costa LAFCO

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

Lou Ann Texeira, Executive Officer

City of Hercules Boundary and Sphere of Influence



**RESOLUTION OF THE CONTRA COSTA LOCAL AGENCY FORMATION
COMMISSION ADOPTING MUNICIPAL SERVICE REVIEW AND SPHERE OF INFLUENCE
DETERMINATIONS FOR THE CITY OF LAFAYETTE**

WHEREAS, the Cortese-Knox-Hertzberg Local Governmental Reorganization Act of 2000 (California Government Code §56000 et seq.) provides that a Local Agency Formation Commission (LAFCO) shall adopt Spheres of Influence (SOIs) for each local governmental agency within its jurisdiction [§56425(a)] and that it must update each SOI every five years, as necessary (§56425(g)); and

WHEREAS, the SOI is the primary planning tool for LAFCO and defines the probable physical boundary and service area of a local agency as determined by LAFCO; and

WHEREAS, §56430 requires that in order to prepare and to update SOIs, the Commission shall conduct a Municipal Service Review (MSR) prior to or in conjunction with the SOI update; and

WHEREAS, the Commission has undertaken its 2nd round “*City Services*” MSR covering all 19 cities and four community services districts (CSDs) including Crockett CSD, Diablo CSD, Discovery Bay CSD and Kensington CSD; and

WHEREAS, this MSR, as prepared by Lamphier-Gregory and Berkson Associates consultants to LAFCO, covers the following services: animal control, broadband, building/planning, law enforcement, library, lighting, parks & recreation, solid waste, streets/roads, stormwater, and utilities (gas, electric/community choice); and

WHEREAS, this MSR focuses on: 1) updating profile data including growth/population, jobs/ housing, finances (expenses, revenues, debt, reserves, related fiscal indicators), and staffing; 2) shared services (i.e., joint powers/joint use agreements, among between public agencies, public-private partnerships); 3) infill development/ sprawl prevention/islands; and 4) agricultural/open space preservation; and

WHEREAS, on April 17, 2019, the Commission held a public hearing to receive an overview of the Public Review Draft MSR, receive public comments, and provide input; and

WHEREAS, on June 12, 2019, the Commission held a public hearing to receive the Final Draft MSR and recommended determinations and SOI updates for all agencies covered in the MSR, including the City of Lafayette; and

WHEREAS, at the public hearings, the Commission heard and received all oral and written protests, objections, and evidence, which were made, presented, or filed, and all persons present were given an opportunity to hear and be heard with respect to the MSR and SOI updates; and

WHEREAS, the MSR contains the determinations required by §§56425 and 56430 relative to the SOI update and MSR, respectively, for the City of Lafayette as incorporated in this resolution; and

WHEREAS, the proposed action consists of adopting the MSR determinations and updating the SOI for the City of Lafayette as presented in the 2nd round “*City Services*” MSR; and

WHEREAS, adoption of the MSR is statutorily exempt from the provisions of the California Environmental Quality Act (CEQA), as MSRs are feasibility and planning studies for possible future actions that have not been approved, adopted, or funded, pursuant to State CEQA Guidelines section 15262; and

WHEREAS, as set forth in State CEQA Guidelines section 15061(b)(3), approval of the SOI update is not subject to CEQA because it can be seen with certainty that there is no possibility that the SOI update will have a significant effect on the environment.

NOW, THEREFORE, BE IT RESOLVED that Contra Costa LAFCO does hereby adopt the following MSR pursuant to §56430 and SOI determinations pursuant to §56425 for the City of Lafayette and retain the existing SOI for the City of Lafayette as depicted in Exhibit A (attached):

MUNICIPAL SERVICE REVIEW (MSR) DETERMINATIONS

- 1) *Growth and population projections for the affected area* – According to the 2018 California Department of Finance estimates, the City of Lafayette serves 25,655 residents. The Association of Bay Area Governments (ABAG) projects that the City of Lafayette will grow at an annual rate of approximately 0.4% to a population of 26,815 between 2010 and 2040. The City is projected to experience an approximate 0.3% annual growth rate in jobs between 2010 and 2040. Overall, the City's planning is expected to accommodate the growth projected by ABAG.

The MSR also reviewed jobs/housing, planning for an aging population, and anticipated growth patterns. Regarding jobs/housing, as of 2010, the City of Lafayette had a jobs/housing balance of 0.93 which reflects a balance (Sources: U.S. Census, ABAG). The City's 2015-2023 Housing Element identified adequate sites to meet and exceed its 2014-2022 assigned regional housing needs allocation. Regarding planning for an aging population, the City provides a variety of programs/services in the areas of health, education and recreation to meet the needs of adults age 50+. Regarding anticipated growth patterns, there is one Priority Development Area in the City – Downtown PDA (Transit Neighborhood) which will add housing to the city. There are two Priority Conservation Areas (PCAs) within the City – the Burton Ridge PCA and the Lafayette Ridge PCA. The City reports 35± undeveloped entitled residential acres, including projects with new residential units where previously the site was vacant or non-residential and projects entitled prior to and including FY 2017, which remain under construction or are unbuilt as of 3/1/19. The City reports 225± dwelling units approved in 2017, that are either under construction or not yet built (200 multi-family, 25 single-family). Regarding near- and long- term development, the City estimates 250± near-term and 850± long-term housing units; and 25,000 SF near-term and 125,000 SF long-term commercial and/or office space. The City does not anticipate the current or projected growth patterns will expand beyond its existing municipal boundary and SOI.

- 2) *The location and characteristics of any Disadvantaged Unincorporated Communities (DUCs) within or contiguous to the SOI* – According to the American Community Survey 5-Year Estimates (2013-2017), there is a disadvantaged community contiguous to the City's SOI.
- 3) *Present and planned capacity of public facilities, adequacy of public services, and infrastructure needs or deficiencies including needs or deficiencies related to sewers, municipal and industrial water, and structural fire protection in any DUCs within or contiguous to the SOI* – The disadvantaged community contiguous to Lafayette's SOI receives municipal fire, sewer and water services.
- 4) *Financial ability of agency to provide services* – In determining the financial ability of the City to provide services, the MSR considered operating general fund and reserve trends; liquidity, debt, and pension liabilities; and timeliness and accuracy of financial reporting. Overall, the City of Lafayette appears to have sufficient financial resources to continue providing services to accommodate infrastructure expansion, improvements, or replacement over the next five years. The City has been operating with a surplus in their General Fund and currently exceeds its 60% reserve goal. The City contributes to a defined contribution plans and has no unfunded pension liabilities. The City has one enterprise activity – recreation. The enterprise's positive net position has improved from FY 2014 – 2017; the fund's revenues slightly exceed expenditures. The City's most recent CAFR was issued in a timely manner. The CAFR was audited by an independent CPA and received a clean opinion.
- 5) *Status of, and opportunities for, shared facilities* – Services related to animal control, broadband, law enforcement, library, parks and recreation, solid waste, and utilities are provided via contract with other public agencies and private and public vendors; and the City is party to various JPAs. The City did not identify any other shared services, overlapping/duplication of services, or excess service or facility capacity.
- 6) *Accountability for community service needs, including governmental structure and operational efficiencies* – The City's website provides information regarding public meetings, services, financial and planning documents, and opportunities for public involvement demonstrating access and accountability. Audio

recordings of City Council and various city commission meetings are available on the City's website. Newsletters area also distributed to City residents.

- 7) *Any other matter related to effective or efficient service delivery, as required by Commission policy* - Contra Costa LAFCO's local policies provide that MSRs focus on target services including water, sewer, drainage, libraries, roads, parks, health care, broadband (high-speed internet access and use), police, and fire protection. The "City Services" MSR excludes review of water, sewer, healthcare and fire services as these services were recently reviewed in 2nd round focused MSRs.

Contra Costa LAFCO recently added broadband services as an MSR focus area. The City does not provide public broadband service and is served by various private cable/ broadband service providers. The East Bay Broadband Consortium's 2013 East Bay Broadband Report Card noted that the City of Lafayette's internet service providers meet the CPUC's minimum 6 Mbps download and 1.5 Mbps upload standards. The City did not indicate any specific concerns about the ability of the current broadband providers to serve the City.

SPHERE OF INFLUENCE (SOI) DETERMINATIONS

- A. *The present and planned land uses in the area, including agricultural and open-space lands* – The City of Lafayette plans for a variety of urban uses within its boundary, representing a continuation of the current mix of uses including residential, commercial, and open space. Present and planned land uses are adequate for existing residents as well as future growth and maintaining compatibility with open space uses, as demonstrated in the City's General Plan (2002).
- B. *The present and probable need for public facilities and services in the area* – There are no anticipated changes in the type of public services and facilities required within the existing SOI for the City of Lafayette. The level of demand for these services and facilities, however, will increase commensurate with anticipated population growth over the next five years.
- C. *The present capacity of public facilities and adequacy of public services that the agency provides or is authorized to provide* – The present capacity of public facilities in the City of Lafayette appears adequate, and the City indicates it will continue to have adequate capacity over the next five years.
- D. *The existence of any social or economic communities of interest in the area if the Commission determines that they are relevant to the agency* – All communities of interest within the City's boundary are included in the SOI. There is interest by Reliez Valley and Olympic Boulevard residents to annex to the City of Lafayette as they feel a community of interest with the City.
- 8) *The present and probable need for sewers, municipal and industrial water, or structural fire protection services and facilities of any DUC within the existing SOI* - There is a disadvantaged community contiguous to the City's SOI. This area receives municipal fire, sewer and water services.

PASSED AND ADOPTED this 12th day of June 2019.

AYES:

NOES:

ABSTENTIONS:

ABSENT:

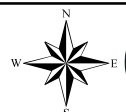
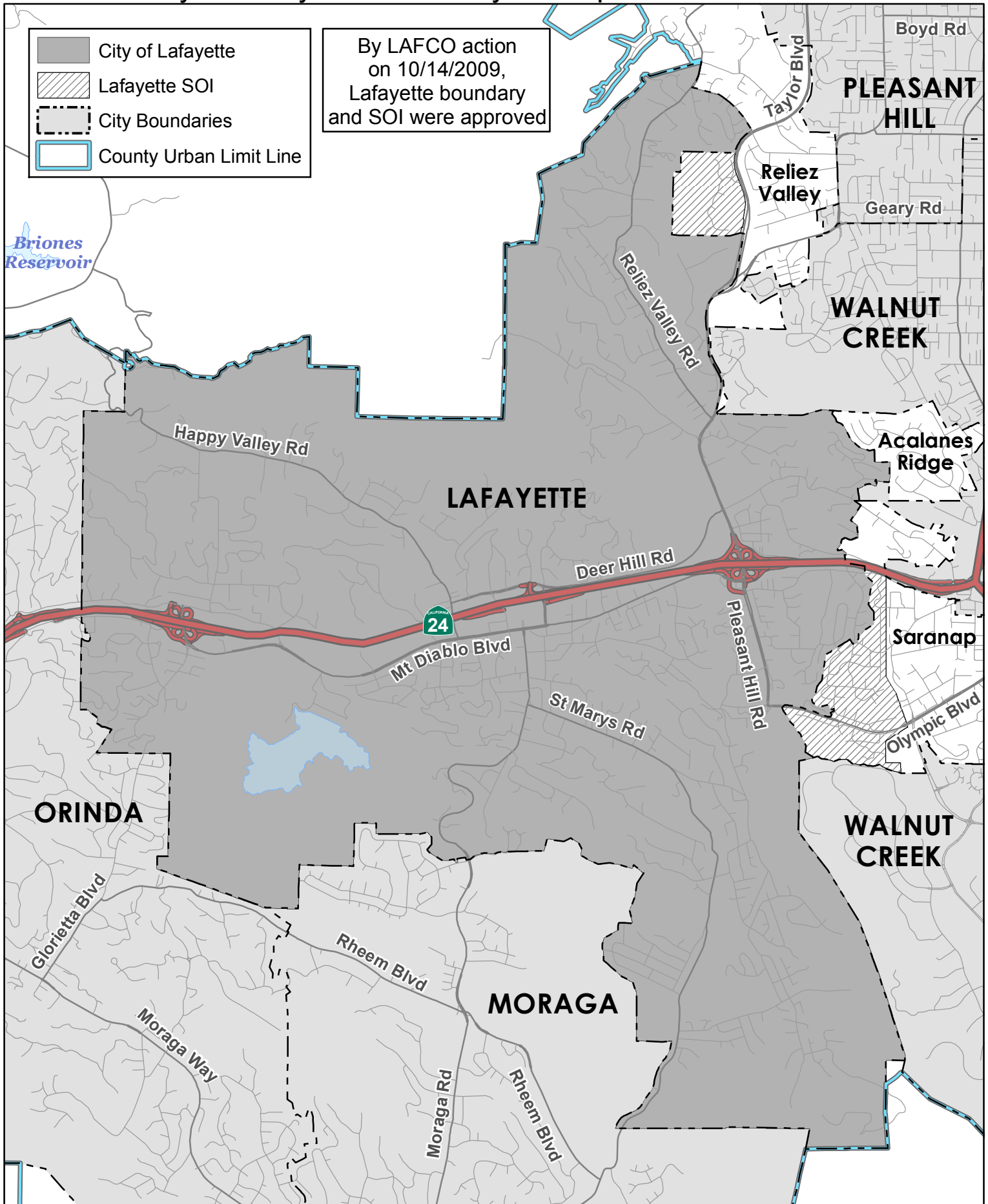
Tom Butt, Chair, Contra Costa LAFCO

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

Lou Ann Texeira, Executive Officer

City of Lafayette Boundary and Sphere of Influence

Att 2h/Exhibit A



**RESOLUTION OF THE CONTRA COSTA LOCAL AGENCY FORMATION
COMMISSION ADOPTING MUNICIPAL SERVICE REVIEW AND SPHERE OF INFLUENCE
DETERMINATIONS FOR THE CITY OF MARTINEZ**

WHEREAS, the Cortese-Knox-Hertzberg Local Governmental Reorganization Act of 2000 (California Government Code §56000 et seq.) provides that a Local Agency Formation Commission (LAFCO) shall adopt Spheres of Influence (SOIs) for each local governmental agency within its jurisdiction [§56425(a)] and that it must update each SOI every five years, as necessary (§56425(g)); and

WHEREAS, the SOI is the primary planning tool for LAFCO and defines the probable physical boundary and service area of a local agency as determined by LAFCO; and

WHEREAS, §56430 requires that in order to prepare and to update SOIs, the Commission shall conduct a Municipal Service Review (MSR) prior to or in conjunction with the SOI update; and

WHEREAS, the Commission has undertaken its 2nd round “*City Services*” MSR covering all 19 cities and four community services districts (CSDs) including Crockett CSD, Diablo CSD, Discovery Bay CSD and Kensington CSD; and

WHEREAS, this MSR, as prepared by Lamphier-Gregory and Berkson Associates consultants to LAFCO, covers the following services: animal control, broadband, building/planning, law enforcement, library, lighting, parks & recreation, solid waste, streets/roads, stormwater, and utilities (gas, electric/community choice); and

WHEREAS, this MSR focuses on: 1) updating profile data including growth/population, jobs/ housing, finances (expenses, revenues, debt, reserves, related fiscal indicators), and staffing; 2) shared services (i.e., joint powers/joint use agreements, among between public agencies, public-private partnerships); 3) infill development/ sprawl prevention/islands; and 4) agricultural/open space preservation; and

WHEREAS, on April 17, 2019, the Commission held a public hearing to receive an overview of the Public Review Draft MSR, receive public comments, and provide input; and

WHEREAS, on June 12, 2019, the Commission held a public hearing to receive the Final Draft MSR and recommended determinations and SOI updates for all agencies covered in the MSR, including the City of Martinez; and

WHEREAS, at the public hearings, the Commission heard and received all oral and written protests, objections, and evidence, which were made, presented, or filed, and all persons present were given an opportunity to hear and be heard with respect to the MSR and SOI updates; and

WHEREAS, the MSR contains the determinations required by §§56425 and 56430 relative to the SOI update and MSR, respectively, for the City of Martinez as incorporated in this resolution; and

WHEREAS, the proposed action consists of adopting the MSR determinations and updating the SOI for the City of Martinez as presented in the 2nd round “*City Services*” MSR; and

WHEREAS, adoption of the MSR is statutorily exempt from the provisions of the California Environmental Quality Act (CEQA), as MSRs are feasibility and planning studies for possible future actions that have not been approved, adopted, or funded, pursuant to State CEQA Guidelines section 15262; and

WHEREAS, as set forth in State CEQA Guidelines section 15061(b)(3), approval of the SOI update is not subject to CEQA because it can be seen with certainty that there is no possibility that the SOI update will have a significant effect on the environment.

NOW, THEREFORE, BE IT RESOLVED that Contra Costa LAFCO does hereby adopt the following MSR pursuant to §56430 and SOI determinations pursuant to §56425 for the City of Martinez and retain the existing SOI for the City of Martinez as depicted in Exhibit A (attached):

MUNICIPAL SERVICE REVIEW (MSR) DETERMINATIONS

- 1) *Growth and population projections for the affected area* – According to the 2018 California Department of Finance estimates, the City of Martinez serves 38,097 residents. The Association of Bay Area Governments (ABAG) projects that the City of Martinez will grow at an annual rate of approximately 0.4% to a population of 40,035 between 2010 and 2040. The City is projected to experience an approximate 0.8% annual growth rate in jobs between 2010 and 2040. Overall, the City's planning is expected to accommodate the growth projected by ABAG.

The MSR also reviewed jobs/housing, planning for an aging population, and anticipated growth patterns. Regarding jobs/housing, as of 2010, the City of Martinez had a jobs/housing balance of 1.40 which reflects a balance (Sources: U.S. Census, ABAG). The City's 2015-2023 Housing Element identified adequate sites to meet and exceed its 2014-2022 assigned regional housing needs allocation. Regarding planning for an aging population, the City provides a variety of programs/services for adults age 50 and older, including a range of health, education, recreation, volunteer, and other social interaction opportunities for participants that enhance dignity, support independence, and encourage community involvement. Regarding anticipated growth patterns, there is one Priority Development Area in the City – "Downtown," which is characterized as *Transit Neighborhood* and will add jobs and housing to the city. No Priority Conservation Areas (PCAs) were identified in the City of Martinez. The City reports eight approved housing units in the past 12 months, including those not built; and one project in the entitlement process that includes 173 market and nine below market rate rental units (density bonus project). Regarding near- and long- term development, the City reports a 300,000± SF mini storage facility currently under review. The City does not anticipate the current or projected growth patterns will expand beyond its existing municipal boundary and SOI.

- 2) *The location and characteristics of any Disadvantaged Unincorporated Communities (DUCs) within or contiguous to the SOI* – According to the American Community Survey 5-Year Estimates (2013-2017), there a disadvantaged community within or contiguous to the City's SOI located in the northwest area of the City.
- 3) *Present and planned capacity of public facilities, adequacy of public services, and infrastructure needs or deficiencies including needs or deficiencies related to sewers, municipal and industrial water, and structural fire protection in any DUCs within or contiguous to the SOI* – The disadvantaged community within and contiguous to Martinez's SOI receives municipal fire, sewer and water services.
- 4) *Financial ability of agency to provide services* – In determining the financial ability of the City to provide services, the MSR considered operating general fund and reserve trends; liquidity, debt, and pension liabilities; and timeliness and accuracy of financial reporting. Overall, the City of Martinez appears to have sufficient financial resources to continue providing services to accommodate infrastructure expansion, improvements, or replacement over the next five years. The City has been operating with a surplus in their General Fund and currently meets its 20% reserve goal. The City's enterprise operations include water, marina and parking. which showed improving ending balances FY 2015 through FY 2017. More recently, the City's water system budget shows annual revenue shortfalls. The parking revenue fund is positive but declining; and the marina budget projects negative ending fund balances. As with other cities, rising pension costs are expected to reduce funding for other priorities. The City's most recent CAFR was issued in a timely manner. The CAFR was audited by an independent CPA and received a clean opinion.
- 5) *Status of, and opportunities for, shared facilities* – Services related to animal control, broadband, library, solid waste, and utilities are provided via contract with other public agencies and private and public vendors; and the City is party to several JPAs. The City did not identify any other shared services, overlapping/ duplication of services, or excess service or facility capacity.
- 6) *Accountability for community service needs, including governmental structure and operational efficiencies* – The City's website provides information regarding public meetings, services, financial and planning documents, and opportunities for public involvement demonstrating access and accountability.
- 7) *Any other matter related to effective or efficient service delivery, as required by Commission policy* – Contra

Costa LAFCO's local policies provide that MSRs focus on target services including water, sewer, drainage, libraries, roads, parks, health care, broadband (high-speed internet access and use), police, and fire protection. The "City Services" MSR excludes review of water, sewer, healthcare and fire services as these services were recently reviewed in 2nd round focused MSRs.

Contra Costa LAFCO recently added broadband services as a MSR focus area. The City does not provide public broadband service and is served by various private cable/ broadband service providers. The East Bay Broadband Consortium's 2013 East Bay Broadband Report Card noted that the City of Martinez's internet service providers meet the CPUC's minimum 6 Mbps download and 1.5 Mbps upload standards. The City did not indicate any specific concerns about the ability of the current broadband providers to serve the City.

SPHERE OF INFLUENCE (SOI) DETERMINATIONS

- A. *The present and planned land uses in the area, including agricultural and open-space lands* - The City of Martinez plans for a variety of urban uses within its boundary, representing a continuation of the current mix of uses including industrial, residential, commercial, agricultural and open space. Present and planned land uses are adequate for existing residents as well as future growth and maintaining compatibility with agricultural and open space uses, as demonstrated in the City's General Plan (2016).
- B. *The present and probable need for public facilities and services in the area* - There is a recent increase in the number of out of agency water service requests for the City to extend municipal water outside its jurisdictional boundary. LAFCO encourages the City to annex areas within its SOI that need city services. The level of demand for City services and facilities will also increase commensurate with anticipated population growth over the next five years.
- C. *The present capacity of public facilities and adequacy of public services that the agency provides or is authorized to provide* - With the exception of City roads/streets, the present capacity of public facilities in the City of Martinez appears adequate, and the City indicates it will continue to have adequate capacity over the next five years. The City's roads/streets are "at risk." The City will use new funding sources for pavement repair.
- D. *The existence of any social or economic communities of interest in the area if the Commission determines that they are relevant to the agency* - The City's SOI includes the unincorporated communities of Vine Hill, Mt. View, North Pacheco, and the Alhambra Valley. Mt. View is an unincorporated island which is substantially surrounded by the City. These areas could benefit from receiving City services. The City Council recently identified annexation of these as one of its top five goals for the next two years.
- 8) *The present and probable need for sewers, municipal and industrial water, or structural fire protection services and facilities of any DUC within the existing SOI* - There is a disadvantaged community within and contiguous to the City's boundary and SOI. This area receives municipal fire, sewer and water services.

PASSED AND ADOPTED this 12th day of June 2019.

AYES:

NOES:

ABSTENTIONS:

ABSENT:

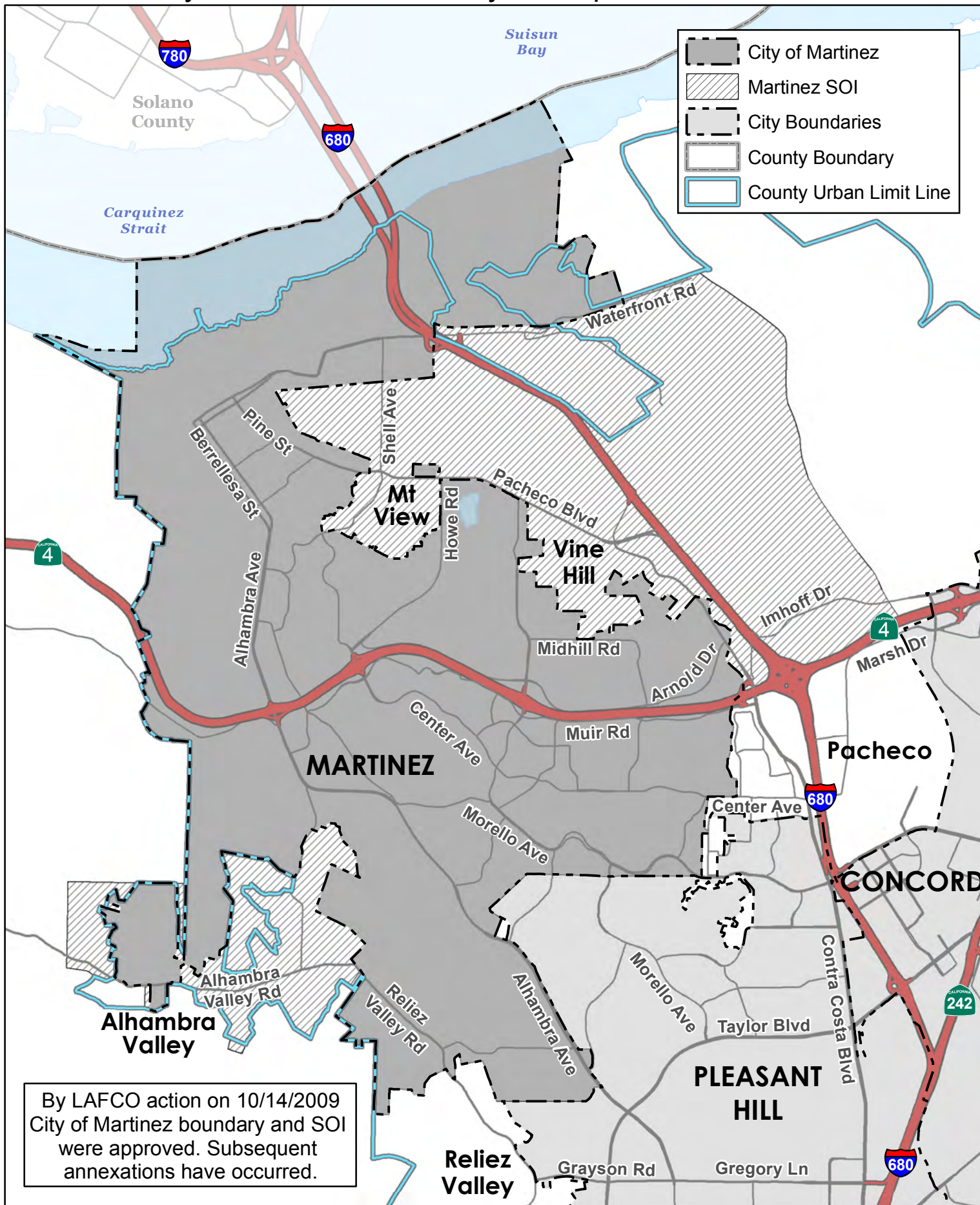
Tom Butt, Chair, Contra Costa LAFCO

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

Lou Ann Texeira, Executive Officer

City of Martinez Boundary and Sphere of Influence

Att 2i/Exhibit A



**RESOLUTION OF THE CONTRA COSTA LOCAL AGENCY FORMATION
COMMISSION ADOPTING MUNICIPAL SERVICE REVIEW AND SPHERE OF INFLUENCE
DETERMINATIONS FOR THE TOWN OF MORAGA**

WHEREAS, the Cortese-Knox-Hertzberg Local Governmental Reorganization Act of 2000 (California Government Code §56000 et seq.) provides that a Local Agency Formation Commission (LAFCO) shall adopt Spheres of Influence (SOIs) for each local governmental agency within its jurisdiction [§56425(a)] and that it must update each SOI every five years, as necessary (§56425(g)); and

WHEREAS, the SOI is the primary planning tool for LAFCO and defines the probable physical boundary and service area of a local agency as determined by LAFCO; and

WHEREAS, §56430 requires that in order to prepare and to update SOIs, the Commission shall conduct a Municipal Service Review (MSR) prior to or in conjunction with the SOI update; and

WHEREAS, the Commission has undertaken its 2nd round “*City Services*” MSR covering all 19 cities and four community services districts (CSDs) including Crockett CSD, Diablo CSD, Discovery Bay CSD and Kensington CSD; and

WHEREAS, this MSR, as prepared by Lamphier-Gregory and Berkson Associates consultants to LAFCO, covers the following services: animal control, broadband, building/planning, law enforcement, library, lighting, parks & recreation, solid waste, streets/roads, stormwater, and utilities (gas, electric/community choice); and

WHEREAS, this MSR focuses on: 1) updating profile data including growth/population, jobs/ housing, finances (expenses, revenues, debt, reserves, related fiscal indicators), and staffing; 2) shared services (i.e., joint powers/joint use agreements, among between public agencies, public-private partnerships); 3) infill development/ sprawl prevention/islands; and 4) agricultural/open space preservation; and

WHEREAS, on April 17, 2019, the Commission held a public hearing to receive an overview of the Public Review Draft MSR, receive public comments, and provide input; and

WHEREAS, on June 12, 2019, the Commission held a public hearing to receive the Final Draft MSR and recommended determinations and SOI updates for all agencies covered in the MSR, including the Town of Moraga; and

WHEREAS, at the public hearings, the Commission heard and received all oral and written protests, objections, and evidence, which were made, presented, or filed, and all persons present were given an opportunity to hear and be heard with respect to the MSR and SOI updates; and

WHEREAS, the MSR contains the determinations required by §§56425 and 56430 relative to the SOI update and MSR, respectively, for the Town of Moraga as incorporated in this resolution; and

WHEREAS, the proposed action consists of adopting the MSR determinations and updating the SOI for the Town of Moraga as presented in the 2nd round “*City Services*” MSR; and

WHEREAS, adoption of the MSR is statutorily exempt from the provisions of the California Environmental Quality Act (CEQA), as MSRs are feasibility and planning studies for possible future actions that have not been approved, adopted, or funded, pursuant to State CEQA Guidelines section 15262; and

WHEREAS, as set forth in State CEQA Guidelines section 15061(b)(3), approval of the SOI update is not subject to CEQA because it can be seen with certainty that there is no possibility that the SOI update will have a significant effect on the environment.

NOW, THEREFORE, BE IT RESOLVED that Contra Costa LAFCO does hereby adopt the following MSR pursuant to §56430 and SOI determinations pursuant to §56425 for the Town of Moraga and retain the existing SOI for the Town of Moraga as depicted in Exhibit A (attached). Further, any future changes to the Town of

Moraga's SOI should not be considered until such time as a more complete review has been conducted to examine capacity, adequacy and financial ability to provide services.

MUNICIPAL SERVICE REVIEW (MSR) DETERMINATIONS

- 1) *Growth and population projections for the affected area* – According to the 2018 California Department of Finance estimates, the Town of Moraga serves an estimated 16,991 residents. The Association of Bay Area Governments (ABAG) projects that the Town of Moraga will grow at an annual rate of approximately 0.4% to a population of 18,080 between 2010 and 2040. The Town is also projected to experience an approximate 0.8% annual growth rate in jobs between 2010 and 2040. Overall, the Town's planning is expected to accommodate the growth projected by ABAG.

The MSR also reviewed jobs/housing, planning for an aging population, and anticipated growth patterns. Regarding jobs/housing, as of 2010, the Town of Moraga had a jobs/housing balance of 0.08 which reflects an imbalance (Sources: U.S. Census, ABAG). The Town's 2015-2023 Housing Element identified adequate sites to meet and exceed its 2014-2022 assigned regional housing needs allocation. Regarding planning for an aging population, the Town did not report any programs/services to serve adults age 50+. As for anticipated growth patterns, there is one potential Priority Development Area in the Town: "Moraga Center" which is characterized as a *Transit Town Center*. The Town has also identified one Priority Conservation Area. The Town reports 530± undeveloped entitled residential acres, and 323± dwelling units either as approved or in the approval process. The Town did not report that current or projected growth patterns will expand beyond its existing municipal boundary and SOI, as there is a potential for annexation (Camino Pablo).

- 2) *The location and characteristics of any Disadvantaged Unincorporated Communities (DUCs) within or contiguous to the SOI* – According to the American Community Survey 5-Year Estimates (2013-2017), there are no DUCs located within or contiguous to the Town's SOI, nor are there any disadvantaged communities located within the Town's boundary or SOI.
- 3) *Present and planned capacity of public facilities, adequacy of public services, and infrastructure needs or deficiencies including needs or deficiencies related to sewers, municipal and industrial water, and structural fire protection in any DUCs within or contiguous to the SOI* – There are no disadvantaged communities within or contiguous to the Town of Moraga.
- 4) *Financial ability of agency to provide services* – In determining the financial ability of the Town to provide services, the MSR considered operating general fund and reserve trends; liquidity, debt, and pension liabilities; and timeliness and accuracy of financial reporting. The Town has recovered from its 2017 fiscal emergency resulting from unplanned infrastructure repairs which cost the Town \$5 million and drained their reserve fund. Overall, the Town appears to have sufficient financial resources to accommodate infrastructure expansion, improvements, or replacement over the next five years. The Town currently does not meet its 50% reserve goal due to the 2017 fiscal emergency. As with other cities, the Town's pension retirement and OPEB liabilities continue to grow. The Town prepares timely financial reports.
- 5) *Status of, and opportunities for, shared facilities* – The Town contracts with other public agencies and private service providers for various services including animal control, broadband, law enforcement, library, solid waste and utilities; and the Town is party to several JPAs. The Town did not identify any other shared services, overlapping/duplication of services, or excess service or facility capacity.
- 6) *Accountability for community service needs, including governmental structure and operational efficiencies* – The Town's website provides information regarding public meetings, services, financial and planning documents, and opportunities for public involvement demonstrating access and accountability. Town Council meetings are livestreamed and broadcast on cable TV.
- 7) *Any other matter related to effective or efficient service delivery, as required by Commission policy* –

Contra Costa LAFCO's local policies provide that MSRs focus on target services including water, sewer, drainage, libraries, roads, parks, health care, broadband (high-speed internet access and use), police, and fire protection. The "City Services" MSR excludes review of water, sewer, healthcare and fire services as these services were recently reviewed in 2nd round focused MSRs.

Contra Costa LAFCO recently added broadband services as an MSR focus area. The Town does not provide public broadband service and is served by various private cable/ broadband service providers. The East Bay Broadband Consortium's 2013 East Bay Broadband Report Card indicated that the Town's internet service providers did not meet the CPUC's minimum 6 Mbps download and 1.5 Mbps upload standards. The Town of Moraga did not indicate concerns about the ability of broadband providers to serve the Town's existing or growing population.

SPHERE OF INFLUENCE (SOI) DETERMINATIONS

- A. *The present and planned land uses in the area, including agricultural and open-space lands* – The Town of Moraga plans for a variety of urban uses within its boundary, representing a continuation of the current mix of uses including residential, office, commercial, public institution, and open space. Present and planned land uses are adequate for existing residents as well as future growth and maintaining compatibility with agricultural and open space uses, as demonstrated in the General Plan (2002).
- B. *The present and probable need for public facilities and services in the area* – There are no anticipated changes in the type of public services and facilities required within the existing SOI for the Town of Moraga. The level of demand for these services and facilities, however, will increase commensurate with anticipated population growth over the next five years.
- C. *The present capacity of public facilities and adequacy of public services that the agency provides or is authorized to provide* - The present capacity of public facilities in the Town of Moraga appears adequate. The Town anticipates it will continue to have adequate capacity during the next five years.
- D. *The existence of any social or economic communities of interest in the area if the Commission determines that they are relevant to the agency* – LAFCO did not identify any communities of interest located outside Moraga's SOI.
- E. *The present and probable need for sewers, municipal and industrial water, or structural fire protection services and facilities of any DUC within the existing SOI* – There are no disadvantaged communities within or contiguous to the Town of Moraga and therefore no present or probable need for services.

PASSED AND ADOPTED this 12th day of June 2019.

AYES:

NOES:

ABSTENTIONS:

ABSENT:

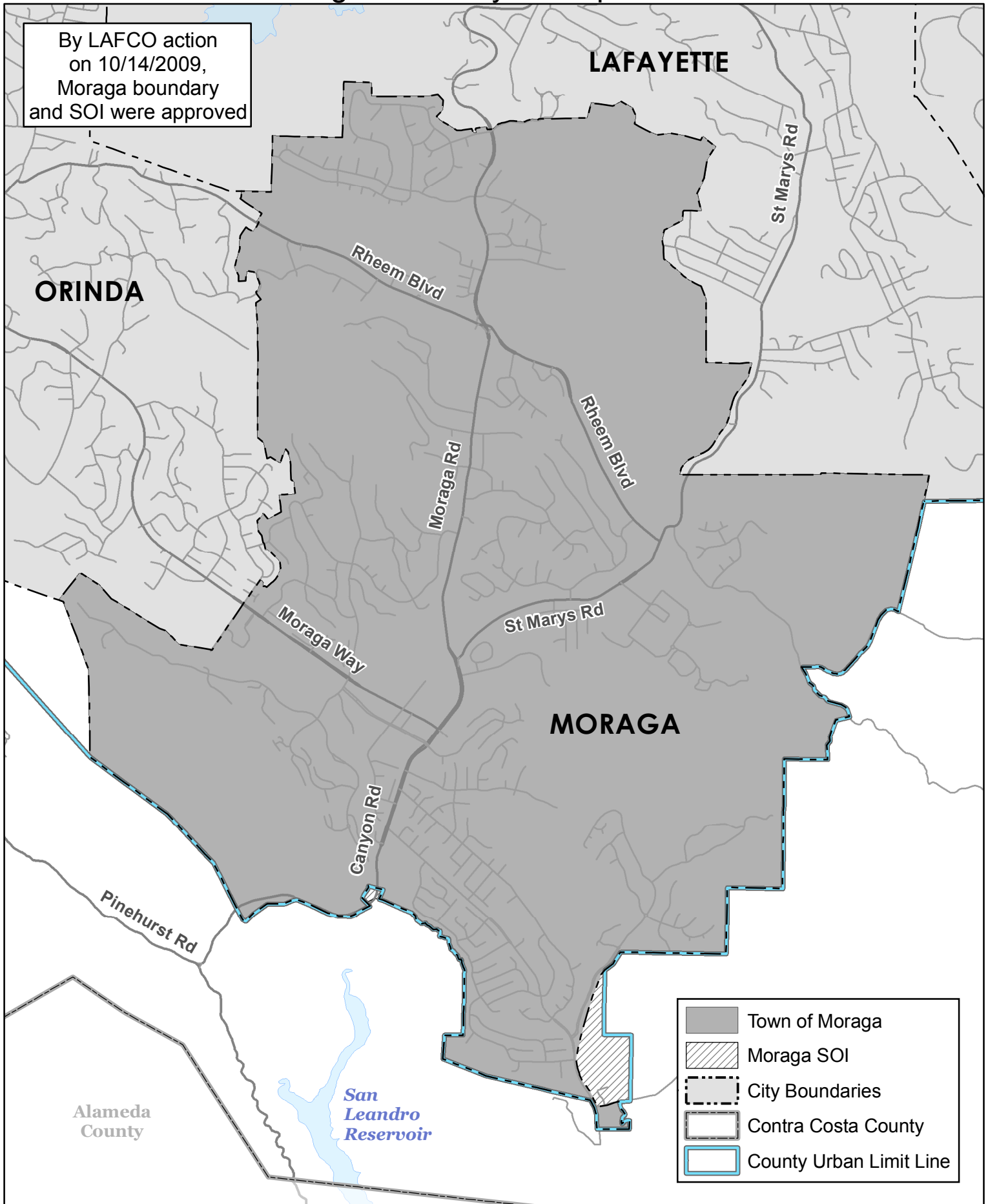
Tom Butt, Chair, Contra Costa LAFCO

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

Lou Ann Texeira, Executive Officer

Town of Moraga Boundary and Sphere of Influence

Att 2/Exhibit A



**RESOLUTION OF THE CONTRA COSTA LOCAL AGENCY FORMATION
COMMISSION ADOPTING MUNICIPAL SERVICE REVIEW AND SPHERE OF INFLUENCE
DETERMINATIONS FOR THE CITY OF OAKLEY**

WHEREAS, the Cortese-Knox-Hertzberg Local Governmental Reorganization Act of 2000 (California Government Code §56000 et seq.) provides that a Local Agency Formation Commission (LAFCO) shall adopt Spheres of Influence (SOIs) for each local governmental agency within its jurisdiction [§56425(a)] and that it must update each SOI every five years, as necessary (§56425(g)); and

WHEREAS, the SOI is the primary planning tool for LAFCO and defines the probable physical boundary and service area of a local agency as determined by LAFCO; and

WHEREAS, §56430 requires that in order to prepare and to update SOIs, the Commission shall conduct a Municipal Service Review (MSR) prior to or in conjunction with the SOI update; and

WHEREAS, the Commission has undertaken its 2nd round “*City Services*” MSR covering all 19 cities and four community services districts (CSDs) including Crockett CSD, Diablo CSD, Discovery Bay CSD and Kensington CSD; and

WHEREAS, this MSR, as prepared by Lamphier-Gregory and Berkson Associates consultants to LAFCO, covers the following services: animal control, broadband, building/planning, law enforcement, library, lighting, parks & recreation, solid waste, streets/roads, stormwater, and utilities (gas, electric/community choice); and

WHEREAS, this MSR focuses on: 1) updating profile data including growth and population, jobs/housing, finances (expenses, revenues, debt, reserves, related fiscal indicators), and staffing; 2) shared services (i.e., joint powers/joint use agreements, contracts between public agencies, public-private partnerships); 3) infill development/sprawl prevention/islands; and 4) agricultural/open space preservation; and

WHEREAS, on April 17, 2019, the Commission held a public hearing to receive an overview of the Public Review Draft MSR, receive public comments, and provide input; and

WHEREAS, on June 12, 2019, the Commission held a public hearing to receive the Final Draft MSR and recommended determinations and SOI updates for all agencies covered in the MSR, including the City of Oakley; and

WHEREAS, at the public hearings, the Commission heard and received all oral and written protests, objections, and evidence, which were made, presented, or filed, and all persons present were given an opportunity to hear and be heard with respect to the MSR and SOI updates; and

WHEREAS, the MSR contains the determinations required by §§56425 and 56430 relative to the SOI update and MSR, respectively, for the City of Oakley as incorporated in this resolution; and

WHEREAS, the proposed action consists of adopting the MSR determinations and updating the SOI for the City of Oakley as presented in the 2nd round “*City Services*” MSR; and

WHEREAS, adoption of the MSR is statutorily exempt from the provisions of the California Environmental Quality Act (CEQA), as MSRs are feasibility and planning studies for possible future actions that have not been approved, adopted, or funded, pursuant to State CEQA Guidelines Section 15262; and

WHEREAS, as set forth in State CEQA Guidelines section 15061(b)(3), approval of the SOI update is not subject to CEQA because it can be seen with certainty that there is no possibility that the SOI update will have a significant effect on the environment.

NOW, THEREFORE, BE IT RESOLVED that Contra Costa LAFCO does hereby adopt the following MSR pursuant to §56430 and SOI determinations pursuant to §56425 for the City of Oakley and retain the existing SOI for the City of Oakley as depicted in Exhibit A (attached).

MUNICIPAL SERVICE REVIEW (MSR) DETERMINATIONS

- 1) *Growth and population projections for the affected area* – The 2018 California Department of Finance estimates that the City of Oakley serves 41,742 residents. The Association of Bay Area Governments

(ABAG) projects that the City will grow at an annual rate of approximately 1.4% to a population of 54,435 between 2010 and 2040. The City reports that its General Plan buildout (68,000) is higher than ABAG's estimate. The City is also projected to experience an estimated 1.5% annual growth rate in jobs between 2010 and 2040. Overall, the City's planning is expected to accommodate the growth projected by ABAG.

The MSR reviewed jobs/housing, planning for an aging population, and anticipated growth patterns. As for jobs/housing, as of 2010, the City of Oakley had a jobs/housing balance of 0.30 which reflects an imbalance (Sources: U.S. Census, ABAG). The City's 2015-2023 Housing Element identified adequate sites to meet and exceed its 2014-2022 assigned regional housing needs allocation. Regarding planning for an aging population, the City provides programs and services for adults age 50+. Also, *Oakley Seniors*, a nonprofit organization, provides services to seniors in the area at the Oakley Senior Center. Regarding anticipated growth patterns, there are three potential Priority Development Areas (PDAs) in the City of Oakley – *Employment Area* characterized as “Suburban Center,” *Downtown* characterized as “Transit Town Center,” and *Potential Planning Area* characterized as “Transit Neighborhood.” These PDAs are expected to accommodate approximately 90% of the projected growth in households and 75% of the projected growth in employment. The City reported an estimated 2,500 undeveloped entitled residential acres in FY 2017. Several projects are identified as part of the projected growth for the City include 4,500 dwelling units and 75,000 square feet of commercial space. These projects are either approved or in the approval process. The City of Oakley does not anticipate that current or projected growth patterns will expand beyond its existing municipal boundary and SOI prior to the next MSR/ SOI update.

- 2) *The location and characteristics of any Disadvantaged Unincorporated Communities (DUCs) within or contiguous to the SOI* – According to the American Community Survey 5-Year Estimates (2013-2017), there is a disadvantaged community within the City of Oakley's boundary and SOI (northwest area).
- 3) *Present and planned capacity of public facilities, adequacy of public services, and infrastructure needs or deficiencies including needs or deficiencies related to sewers, municipal and industrial water, and structural fire protection in any DUCs within or contiguous to the SOI* – The disadvantaged community within the City receives municipal water, sewer and fire services.
- 4) *Financial ability of agency to provide services* – In determining the financial ability of the City to provide services, the MSR considered operating general fund and reserve trends; liquidity, debt, and pension liabilities; and timeliness and accuracy of financial reporting. The City of Oakley appears to have sufficient financial resources to continue providing services and accommodate infrastructure expansions, improvement, and replacements over the next five years. The City was operating with a surplus until FY 2017. The City currently exceeds its 20% reserve goal. As with other cities, the City's pension liability continues to grow; however, the City funds a trust to address this liability. The City has no OPEB liabilities. The City prepares timely financial reports.
- 5) *Status of, and opportunities for, shared facilities* – The City contracts with other public agencies and private service providers for various services including animal control, broadband, library, solid waste and utilities; and the City is party to several JPAs. The City did not identify any other shared services, overlapping/ duplication of services, or excess service or facility capacity.
- 6) *Accountability for community service needs, including governmental structure and operational efficiencies* – The City's website provides information regarding public meetings, services, financial and planning documents, and opportunities for public involvement demonstrating access and accountability.
- 7) *Any other matter related to effective or efficient service delivery, as required by Commission policy* – Contra Costa LAFCO's local policies provide that MSRs focus on target services including water, sewer, drainage, libraries, roads, parks, health care, broadband (high-speed internet access and use), police, and fire protection. The “*City Services*” MSR excludes review of water, sewer, healthcare and fire services as these services were recently reviewed in 2nd round focused MSRs.

Contra Costa LAFCO recently added broadband services as a MSR focus area. The City of Oakley does

not provide public broadband service and is served by various private cable/ broadband service providers. The East Bay Broadband Consortium's 2013 East Bay Broadband Report Card noted that Oakley's internet service providers meet the CPUC's minimum 6 Mbps download and 1.5 Mbps upload standards. The City of Oakley did not indicate concerns about the ability of broadband providers to serve the City's existing or growing population.

SPHERE OF INFLUENCE (SOI) DETERMINATIONS

- A. *The present and planned land uses in the area, including agricultural and open-space lands* – The City of Oakley plans for a variety of urban uses within its boundary, representing a continuation of the current mix of uses including industrial, residential, office, commercial, institution, retail, agricultural, and open space. Present and planned land uses are adequate for existing residents as well as future growth and maintaining compatibility with agricultural and open space uses, as demonstrated in the General Plan (2002).
- B. *The present and probable need for public facilities and services in the area* – There are no anticipated changes in the type of public services and facilities required within the existing SOI for the City of Oakley. The level of demand for these services and facilities, however, will increase commensurate with anticipated population growth over the next five years.
- C. *The present capacity of public facilities and adequacy of public services that the agency provides or is authorized to provide* – The present capacity of public facilities in the City of Oakley appears adequate. The City anticipates it will continue to have adequate capacity during the next five years.
- D. *The existence of any social or economic communities of interest in the area if the Commission determines that they are relevant to the agency* – Most communities of interest within the City's municipal boundary are included within the City's SOI. There are two areas within the City's SOI and Urban Limit Line – Sandmound Slough (504± acres) and a small area in northeast Oakley (Dutch Slough) – which are substantially surrounded by the City and represent communities of interest. In 2006, the City attempted to annex the Sandmound area in conjunction with the 3-part East Cypress Corridor boundary reorganization. Due to resident resistance, the City abandoned the annexation. LAFCO encourages the future annexation of these areas, as they represent communities of interest. The small island is less than 150 acres and can be annexed to the City through an expedited LAFCO process. These islands represent communities of interest. LAFCO encourages the annexation of these islands.
- E. *The present and probable need for sewers, municipal and industrial water, or structural fire protection services and facilities of any DUC within the existing SOI* – There is a disadvantaged community within the City of Oakley. This area receives municipal sewer, water and fire services.

PASSED AND ADOPTED this 12th day of June 2019.

AYES:

NOES:

ABSTENTIONS:

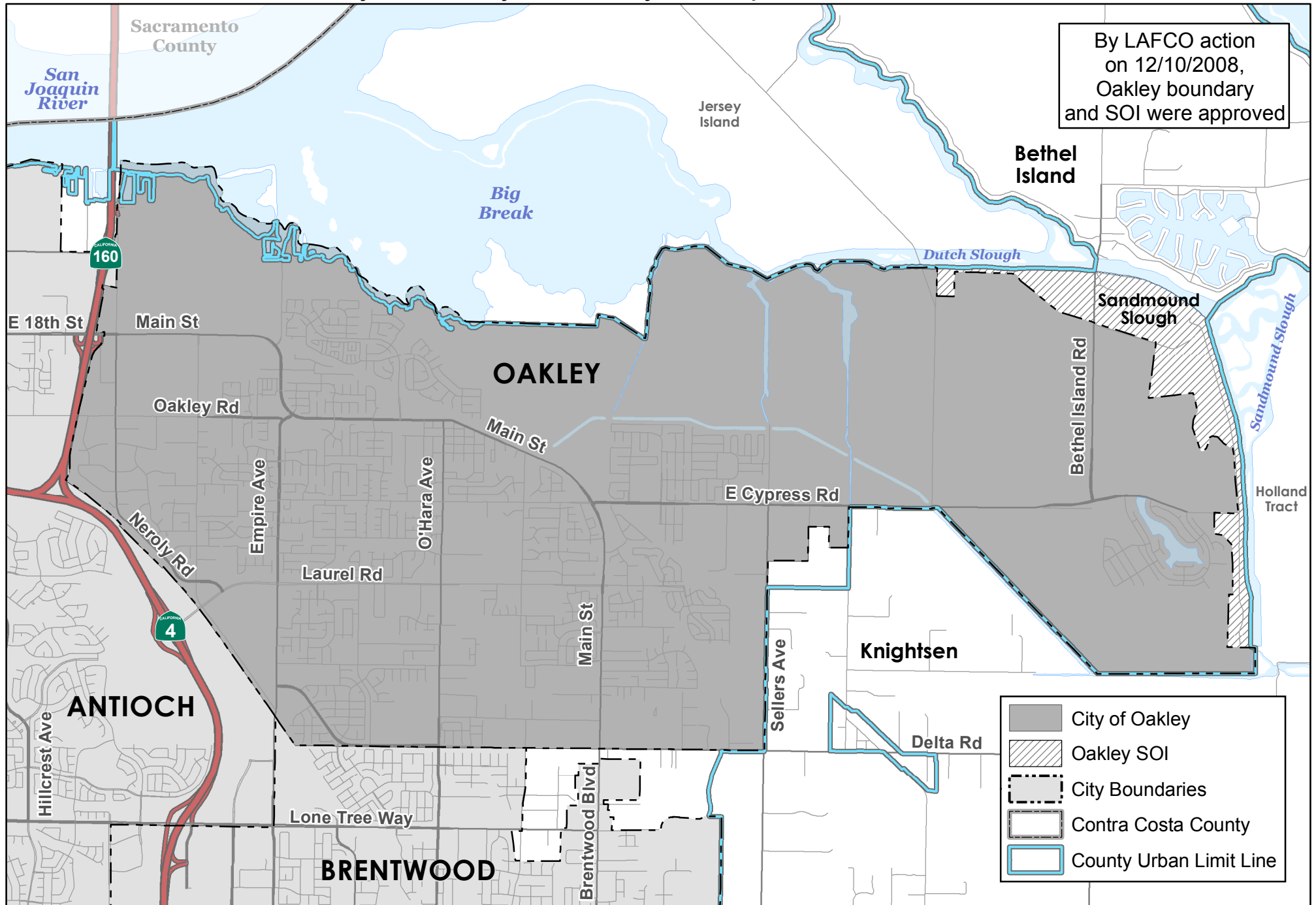
ABSENT:

Tom Butt, Chair, Contra Costa LAFCO

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

Lou Ann Texeira, Executive Officer

City of Oakley Boundary and Sphere of Influence



**RESOLUTION OF THE CONTRA COSTA LOCAL AGENCY FORMATION
COMMISSION ADOPTING MUNICIPAL SERVICE REVIEW AND SPHERE OF INFLUENCE
DETERMINATIONS FOR THE CITY OF ORINDA**

WHEREAS, the Cortese-Knox-Hertzberg Local Governmental Reorganization Act of 2000 (California Government Code §56000 et seq.) provides that a Local Agency Formation Commission (LAFCO) shall adopt Spheres of Influence (SOIs) for each local governmental agency within its jurisdiction [§56425(a)] and that it must update each SOI every five years, as necessary (§56425(g)); and

WHEREAS, the SOI is the primary planning tool for LAFCO and defines the probable physical boundary and service area of a local agency as determined by LAFCO; and

WHEREAS, §56430 requires that in order to prepare and to update SOIs, the Commission shall conduct a Municipal Service Review (MSR) prior to or in conjunction with the SOI update; and

WHEREAS, the Commission has undertaken its 2nd round “*City Services*” MSR covering all 19 cities and four community services districts (CSDs) including Crockett CSD, Diablo CSD, Discovery Bay CSD and Kensington CSD; and

WHEREAS, this MSR, as prepared by Lamphier-Gregory and Berkson Associates consultants to LAFCO, covers the following services: animal control, broadband, building/planning, law enforcement, library, lighting, parks & recreation, solid waste, streets/roads, stormwater, and utilities (gas, electric/community choice); and

WHEREAS, this MSR focuses on: 1) updating profile data including growth/population, jobs/ housing, finances (expenses, revenues, debt, reserves, related fiscal indicators), and staffing; 2) shared services (i.e., joint powers/joint use agreements, among between public agencies, public-private partnerships); 3) infill development/ sprawl prevention/islands; and 4) agricultural/open space preservation; and

WHEREAS, on April 17, 2019, the Commission held a public hearing to receive an overview of the Public Review Draft MSR, receive public comments, and provide input; and

WHEREAS, on June 12, 2019, the Commission held a public hearing to receive the Final Draft MSR and recommended determinations and SOI updates for all agencies covered in the MSR, including the City of Orinda; and

WHEREAS, at the public hearings, the Commission heard and received all oral and written protests, objections, and evidence, which were made, presented, or filed, and all persons present were given an opportunity to hear and be heard with respect to the MSR and SOI updates; and

WHEREAS, the MSR contains the determinations required by §§56425 and 56430 relative to the SOI update and MSR, respectively, for the City of Orinda as incorporated in this resolution; and

WHEREAS, the proposed action consists of adopting the MSR determinations and updating the SOI for the City of Orinda as presented in the 2nd round “*City Services*” MSR; and

WHEREAS, adoption of the MSR is statutorily exempt from the provisions of the California Environmental Quality Act (CEQA), as MSRs are feasibility and planning studies for possible future actions that have not been approved, adopted, or funded, pursuant to State CEQA Guidelines section 15262; and

WHEREAS, as set forth in State CEQA Guidelines section 15061(b)(3), approval of the SOI update is not subject to CEQA because it can be seen with certainty that there is no possibility that the SOI update will have a significant effect on the environment.

NOW, THEREFORE, BE IT RESOLVED that Contra Costa LAFCO does hereby adopt the following MSR pursuant to §56430 and SOI determinations pursuant to §56425 for the City of Orinda and retain the existing SOI for the City of Orinda as depicted in Exhibit A (attached):

MUNICIPAL SERVICE REVIEW (MSR) DETERMINATIONS

- 1) *Growth and population projections for the affected area* – According to the 2018 California Department of Finance estimates, the City of Orinda serves 19,199 residents. The Association of Bay Area Governments (ABAG) projects that the City of Orinda will grow at an annual rate of approximately 0.3% between 2010 and 2040. The City is projected to experience an approximate 0.4% annual growth rate in jobs between 2010 and 2040. Overall, the City’s planning is expected to accommodate the growth projected by ABAG.

The MSR reviewed jobs/housing, planning for an aging population, and anticipated growth patterns. As for jobs/housing, as of 2010, the City had a jobs/housing balance of 0.71 which reflects a slight imbalance (Sources: U.S. Census, ABAG). The City’s 2015-2023 Housing Element identified adequate sites to meet and exceed its 2014-2022 assigned regional housing needs allocation. Regarding planning for an aging population, the City provides extensive programs/services directly and through nonprofit and other agencies in the areas of health, education, recreation and transportation to meet the needs of adults age 50+. The City also has a Senior Service Committee. Regarding anticipated growth patterns, there is one potential Priority Development Area in Orinda – “Downtown” characterized as *Transit Town Center*. There are no Priority Conservation Areas in Orinda. The City reported an estimated 450 undeveloped entitled residential acres in FY 2017. During FY 2017, 43 new housing units were constructed. The City does not anticipate the current or projected growth patterns will expand beyond its existing municipal boundary and coterminous SOI.

- 2) *The location and characteristics of any Disadvantaged Unincorporated Communities (DUCs) within or contiguous to the SOI* – According to the American Community Survey 5-Year Estimates (2013-2017), there are no disadvantaged communities within or contiguous to the City’s SOI.
- 3) *Present and planned capacity of public facilities, adequacy of public services, and infrastructure needs or deficiencies including needs or deficiencies related to sewers, municipal and industrial water, and structural fire protection in any DUCs within or contiguous to the SOI* – There are no disadvantaged communities within or contiguous to the City of Orinda’s SOI.
- 4) *Financial ability of agency to provide services* – In determining the financial ability of the City to provide services, the MSR considered operating general fund and reserve trends; liquidity, debt, and pension liabilities; and timeliness and accuracy of financial reporting. Overall, the City of Orinda appears to have sufficient financial resources to continue providing services to accommodate infrastructure expansion, improvements, or replacement over the next five years. The City has been operating with a surplus in their General Fund and currently exceeds its 20% reserve goal. The City contributes to a defined contribution plans and has no unfunded pension liabilities. The City’s most recent CAFR was not issued in a timely manner. The CAFR was audited by an independent CPA and received a clean opinion. The MSR includes recommendations for improving the transparency of the City’s financial reports.
- 5) *Status of, and opportunities for, shared facilities* – Services related to animal control, broadband, building/planning, law enforcement, library, solid waste, and utilities are provided via contract with other public agencies and private and public vendors; and the City is party to several JPAs. The City also operates the Orinda Library through a cooperative agreement with the County. The City did not identify any other shared services, overlapping/ duplication of services, or excess service or facility capacity.
- 6) *Accountability for community service needs, including governmental structure and operational efficiencies* – The City’s website provides information regarding public meetings, services, financial and planning documents, and opportunities for public involvement demonstrating access and accountability. The City also livestreams City Council and Planning Commission meetings.
- 7) *Any other matter related to effective or efficient service delivery, as required by Commission policy* – Contra Costa LAFCO’s local policies provide that MSRs focus on target services including water, sewer, drainage, libraries, roads, parks, health care, broadband (high-speed internet access and use), police, and fire protection. The “City Services” MSR excludes review of water, sewer, healthcare and fire services as these services were recently reviewed in 2nd round focused MSRs.

Contra Costa LAFCO recently added broadband services as a MSR focus area. The City does not provide public broadband service and is served by various private cable/ broadband service providers. The East Bay Broadband Consortium's 2013 East Bay Broadband Report Card noted that the City of Orinda's internet service providers did not meet the CPUC's minimum 6 Mbps download and 1.5 Mbps upload standards. The City did not indicate any specific concerns about the ability of the current broadband providers to serve the City.

SPHERE OF INFLUENCE (SOI) DETERMINATIONS

- A. *The present and planned land uses in the area, including agricultural and open-space lands* – The City of Orinda plans for a variety of urban uses within its boundary, representing a continuation of the current mix of uses including residential, office, commercial, and open space. Present and planned land uses are adequate for existing residents as well as future growth and maintaining compatibility with open space uses, as demonstrated in the City's General Plan (1987).
- B. *The present and probable need for public facilities and services in the area* – There are no anticipated changes in the type of public services and facilities required within the existing coterminous SOI for the City of Orinda. The level of demand for these services and facilities, however, will increase commensurate with anticipated population growth over the next five years.
- C. *The present capacity of public facilities and adequacy of public services that the agency provides or is authorized to provide* – The present capacity of public facilities in the City of Orinda appears adequate, and the City indicates it will continue to have adequate capacity over the next five years.
- D. *The existence of any social or economic communities of interest in the area if the Commission determines that they are relevant to the agency* – All communities of interest within the City's boundary are included in the City's coterminous SOI.
- 8) *The present and probable need for sewers, municipal and industrial water, or structural fire protection services and facilities of any DUC within the existing SOI* – There are no disadvantaged communities within or contiguous to the City's SOI and boundary.

PASSED AND ADOPTED this 12th day of June 2019.

AYES:

NOES:

ABSTENTIONS:

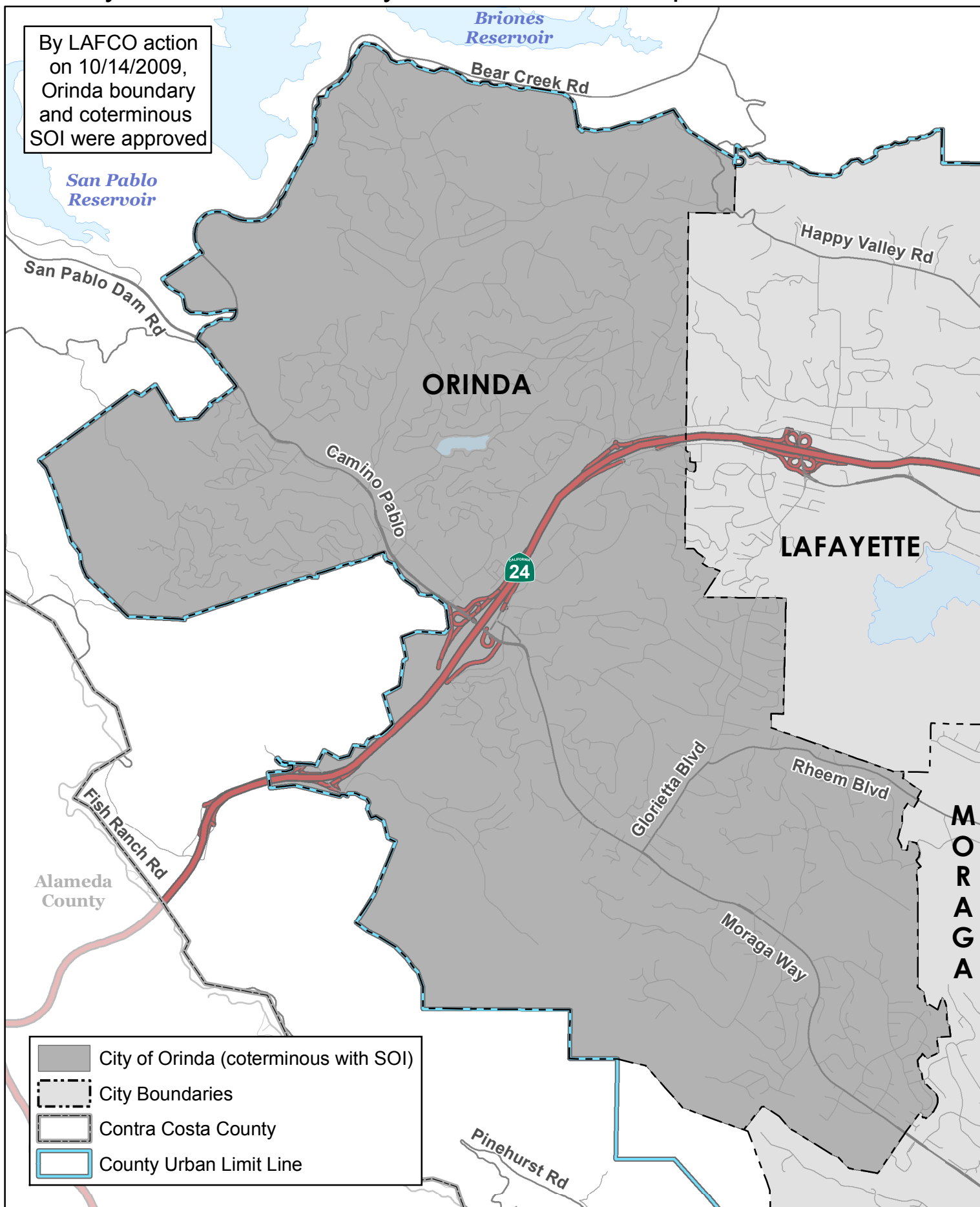
ABSENT:

Tom Butt, Chair, Contra Costa LAFCO

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

Lou Ann Texeira, Executive Officer

City of Orinda Boundary and Coterminous Sphere of Influence



**RESOLUTION OF THE CONTRA COSTA LOCAL AGENCY FORMATION
COMMISSION ADOPTING MUNICIPAL SERVICE REVIEW AND SPHERE OF INFLUENCE
DETERMINATIONS FOR THE CITY OF PINOLE**

WHEREAS, the Cortese-Knox-Hertzberg Local Governmental Reorganization Act of 2000 (California Government Code §56000 et seq.) provides that a Local Agency Formation Commission (LAFCO) shall adopt Spheres of Influence (SOIs) for each local governmental agency within its jurisdiction [§56425(a)] and that it must update each SOI every five years, as necessary (§56425(g)); and

WHEREAS, the SOI is the primary planning tool for LAFCO and defines the probable physical boundary and service area of a local agency as determined by LAFCO; and

WHEREAS, §56430 requires that in order to prepare and to update SOIs, the Commission shall conduct a Municipal Service Review (MSR) prior to or in conjunction with the SOI update; and

WHEREAS, the Commission has undertaken its 2nd round “*City Services*” MSR covering all 19 cities and four community services districts (CSDs) including Crockett CSD, Diablo CSD, Discovery Bay CSD and Kensington CSD; and

WHEREAS, this MSR, as prepared by Lamphier-Gregory and Berkson Associates consultants to LAFCO, covers the following services: animal control, broadband, building/planning, law enforcement, library, lighting, parks & recreation, solid waste, streets/roads, stormwater, and utilities (gas, electric/community choice); and

WHEREAS, this MSR focuses on: 1) updating profile data including growth/population, jobs/ housing, finances (expenses, revenues, debt, reserves, related fiscal indicators), and staffing; 2) shared services (i.e., joint powers/joint use agreements, among between public agencies, public-private partnerships); 3) infill development/sprawl prevention/islands; and 4) agricultural/open space preservation; and

WHEREAS, on April 17, 2019, the Commission held a public hearing to receive an overview of the Public Review Draft MSR, receive public comments, and provide input; and

WHEREAS, on June 12, 2019, the Commission held a public hearing to receive the Final Draft MSR and recommended determinations and SOI updates for all agencies covered in the MSR, including the City of Pinole; and

WHEREAS, at the public hearings, the Commission heard and received all oral and written protests, objections, and evidence, which were made, presented, or filed, and all persons present were given an opportunity to hear and be heard with respect to the MSR and SOI updates; and

WHEREAS, the MSR contains the determinations required by §§56425 and 56430 relative to the SOI update and MSR, respectively, for the City of Pinole as incorporated in this resolution; and

WHEREAS, the proposed action consists of adopting the MSR determinations and updating the SOI for the City of Pinole as presented in the 2nd round “*City Services*” MSR; and

WHEREAS, adoption of the MSR is statutorily exempt from the provisions of the California Environmental Quality Act (CEQA), as MSRs are feasibility and planning studies for possible future actions that have not been approved, adopted, or funded, pursuant to State CEQA Guidelines section 15262; and

WHEREAS, as set forth in State CEQA Guidelines section 15061(b)(3), approval of the SOI update is not subject to CEQA because it can be seen with certainty that there is no possibility that the SOI update will have a significant effect on the environment.

NOW, THEREFORE, BE IT RESOLVED that Contra Costa LAFCO does hereby adopt the following MSR pursuant to §56430 and SOI determinations pursuant to §56425 for the City of Pinole and retain the existing SOI for the City of Pinole as depicted in Exhibit A (attached):

MUNICIPAL SERVICE REVIEW (MSR) DETERMINATIONS

- 1) *Growth and population projections for the affected area* – According to the 2018 California Department of Finance estimates, the City of Pinole serves 19,236 residents. The Association of Bay Area Governments (ABAG) projects that the City of Pinole will grow at an annual rate of approximately 0.4% to a population of 21,290 between 2010 and 2040. The City is also projected to experience an approximate 0.8% annual growth rate in jobs between 2010 and 2040. Overall, the City's planning is expected to accommodate the growth projected by ABAG.

The MSR also reviewed jobs/housing, planning for an aging population, and anticipated growth patterns. Regarding jobs/housing, as of 2010, the City of Pinole had a jobs/housing balance of 0.94 which reflects a balance (Sources: U.S. Census, ABAG). The City's 2015-2023 Housing Element identified adequate sites to meet and exceed its 2014-2022 assigned regional housing needs allocation. Regarding planning for an aging population, the City has a senior center which offers a robust activity and class schedule, and trips and travel for adults age 50+. Regarding anticipated growth patterns, there are two planned Priority Development Areas in the City- "Old Town San Pablo Avenue" and "Appian Way Corridor" both characterized as *Mixed-Use Corridor*. No Priority Conservation Areas were identified within the City. The City reported 1.7 undeveloped entitled residential acres in FY 2017. Several projects were identified as part of projected growth for the City including 13 dwelling units and 143,061 square feet of commercial space. These projects are either approved or in the approval process. The City does not anticipate the current or projected growth patterns will expand beyond its existing municipal boundary and SOI.

- 2) *The location and characteristics of any Disadvantaged Unincorporated Communities (DUCs) within or contiguous to the SOI* – According to the American Community Survey 5-Year Estimates (2013-2017), there is a disadvantaged community within and contiguous to the City's boundary and SOI.
- 3) *Present and planned capacity of public facilities, adequacy of public services, and infrastructure needs or deficiencies including needs or deficiencies related to sewers, municipal and industrial water, and structural fire protection in any DUCs within or contiguous to the SOI* – The disadvantaged community within and contiguous to the City's SOI or boundary receives fire, sewer and water services.
- 4) *Financial ability of agency to provide services* – In determining the financial ability of the City to provide services, the MSR considered operating general fund and reserve trends; liquidity, debt, and pension liabilities; and timeliness and accuracy of financial reporting. The City is experiencing fiscal challenges and anticipates moving from a surplus trend to a deficit in its General Fund after FY 2019; this may affect the City's ability to provide services, particularly in the event of unexpected funding needs. As with other cities, the City of Pinole faces growing pension and OPEB liabilities; the City has not identified any measures to address these increasing liabilities. However, the City appears to meet its \$5 million plus 10% reserve goal, which will allow the City to maintain services. The City's sole enterprise activity is its wastewater utility. FY 2016 and FY 2017 show declines in the net value of enterprise assets; however, completion of a Water Pollution Control Plant Upgrade Project anticipated for Spring 2019 should result in a significant increase in net value of enterprise assets. The City's most recent CAFR was not issued in a timely manner. The CAFR was audited by an independent CPA and received a clean opinion.
- 5) *Status of, and opportunities for, shared facilities* – The City contracts with other public agencies and private service providers for various services including animal control, broadband, library, solid waste, and utilities; and the City is party to several JPAs. The City did not identify any other shared services, overlapping/ duplication of services, or excess service or facility capacity.
- 6) *Accountability for community service needs, including governmental structure and operational efficiencies* – The City's website provides information regarding public meetings, services, financial and planning documents, and opportunities for public involvement demonstrating access and accountability. The City televises City Council and Planning Commission meetings and send newsletters to residents.

- 7) *Any other matter related to effective or efficient service delivery, as required by Commission policy* – Contra Costa LAFCO’s local policies provide that MSRs focus on target services including water, sewer, drainage, libraries, roads, parks, health care, broadband (high-speed internet access and use), police, and fire protection. The “*City Services*” MSR excludes review of water, sewer, healthcare and fire services as these services were recently reviewed in 2nd round focused MSRs.

Contra Costa LAFCO recently added broadband services as an MSR focus area. The City does not provide public broadband service and is served by various private cable/ broadband service providers. The East Bay Broadband Consortium’s 2013 East Bay Broadband Report Card noted that the City of Pinole’s internet service providers meet the CPUC’s minimum 6 Mbps download and 1.5 Mbps upload standards. The City did not indicate any specific concerns about the ability of the current broadband providers to serve the City.

SPHERE OF INFLUENCE (SOI) DETERMINATIONS

- A. *The present and planned land uses in the area, including agricultural and open-space lands* – The City of Pinole plans for a variety of urban uses within its boundary, representing a continuation of the current mix of uses including residential, commercial, retail, mixed use and open space. Present and planned land uses are adequate for existing residents as well as future growth and maintaining compatibility with open space uses, as demonstrated in the City’s General Plan (2010).
- B. *The present and probable need for public facilities and services in the area* – There are no anticipated changes in the type of public services and facilities required within the existing SOI for the City of Pinole. The level of demand for these services and facilities, however, will increase commensurate with anticipated population growth over the next five years.
- C. *The present capacity of public facilities and adequacy of public services that the agency provides or is authorized to provide* – The present capacity of public facilities in the City of Pinole appears adequate, and the City indicates it will continue to have adequate capacity over the next five years.
- D. *The existence of any social or economic communities of interest in the area if the Commission determines that they are relevant to the agency* – All communities of interest, including Bay View, Montalvin Manor and Tara Hills, are within Pinole’s SOI. Contra Costa LAFCO has not identified any other specific social or economic communities of interest relevant to the City of Pinole.
- 8) *The present and probable need for sewers, municipal and industrial water, or structural fire protection services and facilities of any DUC within the existing SOI* – There is a disadvantaged community within and contiguous to the City’s SOI. This area receives fire, sewer and water services.

PASSED AND ADOPTED this 12th day of June 2019.

AYES:

NOES:

ABSTENTIONS:

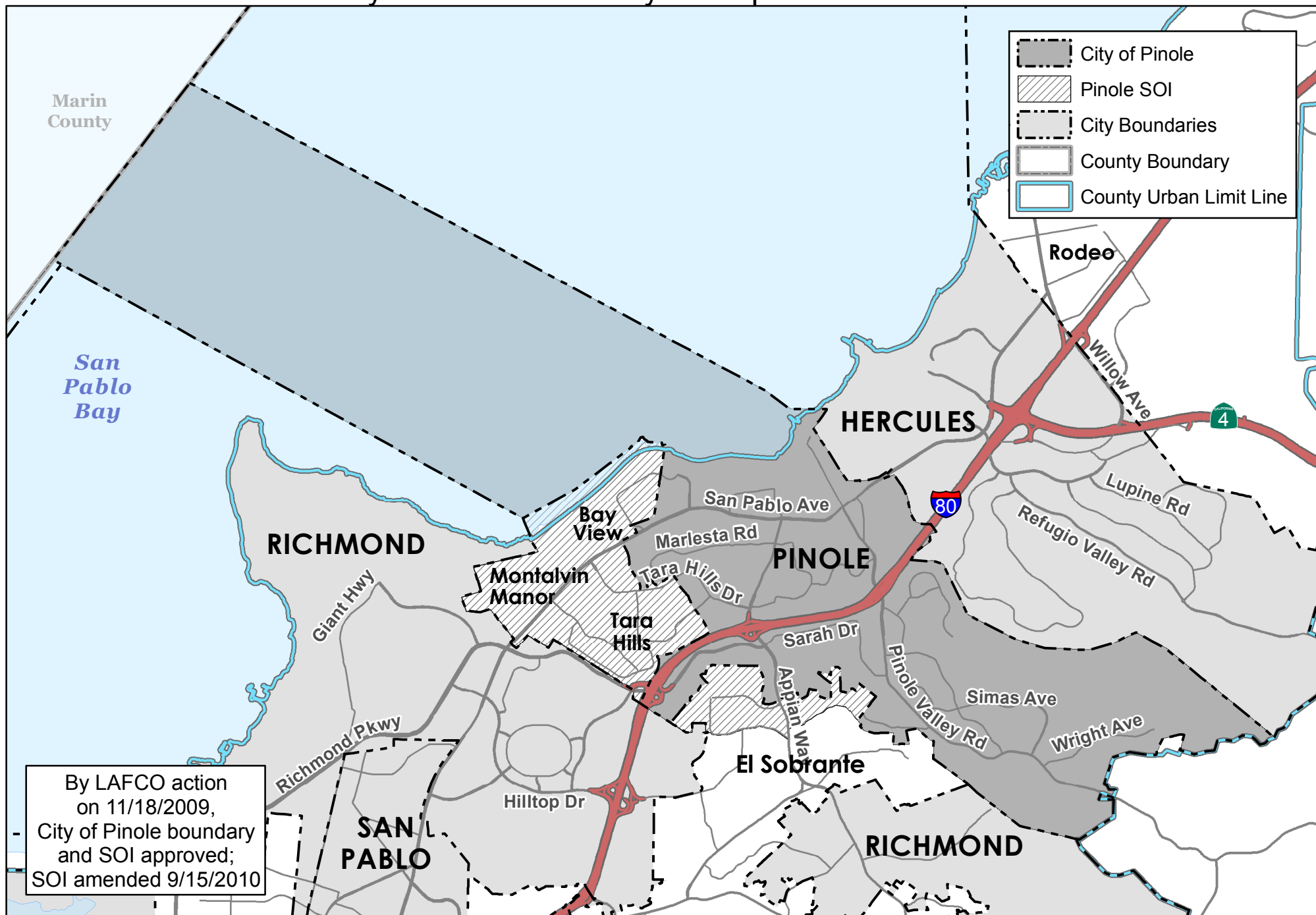
ABSENT:

Tom Butt, Chair, Contra Costa LAFCO

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

Lou Ann Teixeira, Executive Officer

City of Pinole Boundary and Sphere of Influence



**RESOLUTION OF THE CONTRA COSTA LOCAL AGENCY FORMATION
COMMISSION ADOPTING MUNICIPAL SERVICE REVIEW AND SPHERE OF INFLUENCE
DETERMINATIONS FOR THE CITY OF PITTSBURG**

WHEREAS, the Cortese-Knox-Hertzberg Local Governmental Reorganization Act of 2000 (California Government Code §56000 et seq.) provides that a Local Agency Formation Commission (LAFCO) shall adopt Spheres of Influence (SOIs) for each local governmental agency within its jurisdiction [§56425(a)] and that it must update each SOI every five years, as necessary (§56425(g)); and

WHEREAS, the SOI is the primary planning tool for LAFCO and defines the probable physical boundary and service area of a local agency as determined by LAFCO; and

WHEREAS, §56430 requires that in order to prepare and to update SOIs, the Commission shall conduct a Municipal Service Review (MSR) prior to or in conjunction with the SOI update; and

WHEREAS, the Commission has undertaken its 2nd round “*City Services*” MSR covering all 19 cities and four community services districts (CSDs) including Crockett CSD, Diablo CSD, Discovery Bay CSD and Kensington CSD; and

WHEREAS, this MSR, as prepared by Lamphier-Gregory and Berkson Associates consultants to LAFCO, covers the following services: animal control, broadband, building/planning, law enforcement, library, lighting, parks & recreation, solid waste, streets/roads, stormwater, and utilities (gas, electric/community choice); and

WHEREAS, this MSR focuses on: 1) updating profile data including growth/population, jobs/ housing, finances (expenses, revenues, debt, reserves, related fiscal indicators), and staffing; 2) shared services (i.e., joint powers/joint use agreements, among between public agencies, public-private partnerships); 3) infill development/ sprawl prevention/islands; and 4) agricultural/open space preservation; and

WHEREAS, on April 17, 2019, the Commission held a public hearing to receive an overview of the Public Review Draft MSR, receive public comments, and provide input; and

WHEREAS, on June 12, 2019, the Commission held a public hearing to receive the Final Draft MSR and recommended determinations and SOI updates for all agencies covered in the MSR, including the City of Pittsburg; and

WHEREAS, at the public hearings, the Commission heard and received all oral and written protests, objections, and evidence, which were made, presented, or filed, and all persons present were given an opportunity to hear and be heard with respect to the MSR and SOI updates; and

WHEREAS, the MSR contains the determinations required by §§56425 and 56430 relative to the SOI update and MSR, respectively, for the City of Pittsburg as incorporated in this resolution; and

WHEREAS, the proposed action consists of adopting the MSR determinations and updating the SOI for the City of Pittsburg as presented in the 2nd round “*City Services*” MSR; and

WHEREAS, adoption of the MSR is statutorily exempt from the provisions of the California Environmental Quality Act (CEQA), as MSRs are feasibility and planning studies for possible future actions that have not been approved, adopted, or funded, pursuant to State CEQA Guidelines section 15262; and

WHEREAS, as set forth in State CEQA Guidelines section 15061(b)(3), approval of the SOI update is not subject to CEQA because it can be seen with certainty that there is no possibility that the SOI update will have a significant effect on the environment.

NOW, THEREFORE, BE IT RESOLVED that Contra Costa LAFCO does hereby adopt the following MSR pursuant to §56430 and SOI determinations pursuant to §56425 for the City of Pittsburg and retain the existing SOI for the City of Pittsburg as depicted in Exhibit A (attached):

MUNICIPAL SERVICE REVIEW (MSR) DETERMINATIONS

- 1) *Growth and population projections for the affected area* – According to the 2018 California Department of Finance estimates, the City of Pittsburg serves 72,647 residents. The Association of Bay Area Governments (ABAG) projects that the City of Pittsburg will grow at an annual rate of approximately 1.2% to a population of 91,615 between 2010 and 2040. The City is also projected to experience an approximate 0.9% annual growth rate in jobs between 2010 and 2040. Overall, the City's planning is expected to accommodate the growth projected by ABAG.

The MSR also reviewed jobs/housing, planning for an aging population, and anticipated growth patterns. Regarding jobs/housing, as of 2010, the City of Pittsburg had a jobs/housing balance of 0.56 which reflects an imbalance (Sources: U.S. Census, ABAG). The City's 2015-2023 Housing Element identified adequate sites to meet and exceed its 2014-2022 assigned regional housing needs allocation. Regarding planning for an aging population, the City reported that it has general plan policies related to senior housing included in its housing element. Regarding anticipated growth patterns, there are two planned Priority Development Areas in the City – *Railroad Avenue eBART Station* characterized as "Transit Town Center" and *Downtown* characterized as "Transit Neighborhood." No Priority Conservation Areas were identified within the City of Pittsburg. The City reported 575 undeveloped entitled residential acres in FY 2017. Several projects were identified as part of projected growth for the City including 1,035 approved housing units, 119 near-term housing units, and 3,894 long-term future housing units, along with 1.13 million square feet (sq. ft.) of commercial and office space which can be built around the BART stations, and an additional 870,000 sq. ft. of commercial and industrial space (in progress). The City does not anticipate the current or projected growth patterns will expand beyond its existing municipal boundary and SOI.

- 2) *The location and characteristics of any Disadvantaged Unincorporated Communities (DUCs) within or contiguous to the SOI* – According to the American Community Survey 5-Year Estimates (2013-2017), there are disadvantaged communities within and contiguous to the City's boundary and SOI, including the Bay Point community.
- 3) *Present and planned capacity of public facilities, adequacy of public services, and infrastructure needs or deficiencies including needs or deficiencies related to sewers, municipal and industrial water, and structural fire protection in any DUCs within or contiguous to the SOI* – The disadvantaged communities within and contiguous to the City's boundary and SOI receive fire, sewer and water services.
- 4) *Financial ability of agency to provide services* – In determining the financial ability of the City to provide services, the MSR considered operating general fund and reserve trends; liquidity, debt, and pension liabilities; and timeliness and accuracy of financial reporting. The City of Pittsburg is experiencing fiscal challenges and recurring budget deficits which may affect the City's ability to provide services, particularly in the event of unexpected finding needs. The City has used reserves to fill budget deficits. The City currently meets its 30% reserve goal which allows the City to maintain acceptable service levels. As with other cities, the City of Pittsburg faces growing pension and OPEB liabilities; the City has established a trust to help address these liabilities. City enterprises include water, sewer, marina, Pittsburg Power and Waterfront Operations. The City indicates that the General Fund subsidized the City-owned golf course until its closure in FY 2018. Overall, the City has maintained a significant positive net position for governmental and enterprise activities. The City's most recent CAFR was issued in a timely manner and was audited by an independent CPA and received a clean opinion.
- 5) *Status of, and opportunities for, shared facilities* – The City contracts with other public agencies and private service providers for various services including animal control, broadband, library, lighting, solid waste, and utilities. The City is party to several JPAs and shares aquatic programs with the Ambrose Recreation & Park District. The City did not identify any other shared services, overlapping/ duplication of services, or excess service or facility capacity.

- 6) *Accountability for community service needs, including governmental structure and operational efficiencies* – The City’s website provides information regarding public meetings, services, financial and planning documents, and opportunities for public involvement demonstrating access and accountability. City Council and Commission meetings are streamed on the City’s website and broadcast on CCTV.
- 7) *Any other matter related to effective or efficient service delivery, as required by Commission policy* – Contra Costa LAFCO’s local policies provide that MSRs focus on target services including water, sewer, drainage, libraries, roads, parks, health care, broadband (high-speed internet access and use), police, and fire protection. The “City Services” MSR excludes review of water, sewer, healthcare and fire services as these services were recently reviewed in 2nd round focused MSRs.

Contra Costa LAFCO recently added broadband services as an MSR focus area. The City does not provide public broadband service and is served by various private cable/broadband service providers. The East Bay Broadband Consortium’s 2013 East Bay Broadband Report Card noted that the City’s internet service providers did not meet the CPUC’s minimum 6 Mbps download and 1.5 Mbps upload standards. The City did not indicate any specific concerns about the ability of the current broadband providers to serve the City.

SPHERE OF INFLUENCE (SOI) DETERMINATIONS

- A. *The present and planned land uses in the area, including agricultural and open-space lands* – The City of Pittsburg plans for a variety of urban uses within its boundary, representing a continuation of the current mix of uses including residential, commercial, industrial, and open space. Present and planned land uses are adequate for existing residents as well as future growth and maintaining compatibility with open space uses, as demonstrated in the City’s General Plan (2001).
- B. *The present and probable need for public facilities and services in the area* – There are no anticipated changes in the type of public services and facilities required within the existing SOI for the City of Pittsburg. The level of demand for these services and facilities, however, will increase commensurate with anticipated population growth over the next five years, and in conjunction with recent annexations (Montreux, Tuscany Meadows).
- C. *The present capacity of public facilities and adequacy of public services that the agency provides or is authorized to provide* – The present capacity of public facilities in the City of Pittsburg appears adequate, and the City indicates it will continue to have adequate capacity over the next five years.
- D. *The existence of any social or economic communities of interest in the area if the Commission determines that they are relevant to the agency* – All communities of interest, including Bay Point, are within Pittsburg’s SOI. Contra Costa LAFCO has not identified any other specific social or economic communities of interest relevant to the City of Pittsburg.
- 8) *The present and probable need for sewers, municipal and industrial water, or structural fire protection services and facilities of any DUC within the existing SOI* – There are disadvantaged communities within and contiguous to the City’s boundary and SOI. These areas receive fire, sewer and water services.

PASSED AND ADOPTED this 12th day of June 2019.

AYES:

NOES:

ABSTENTIONS:

ABSENT:

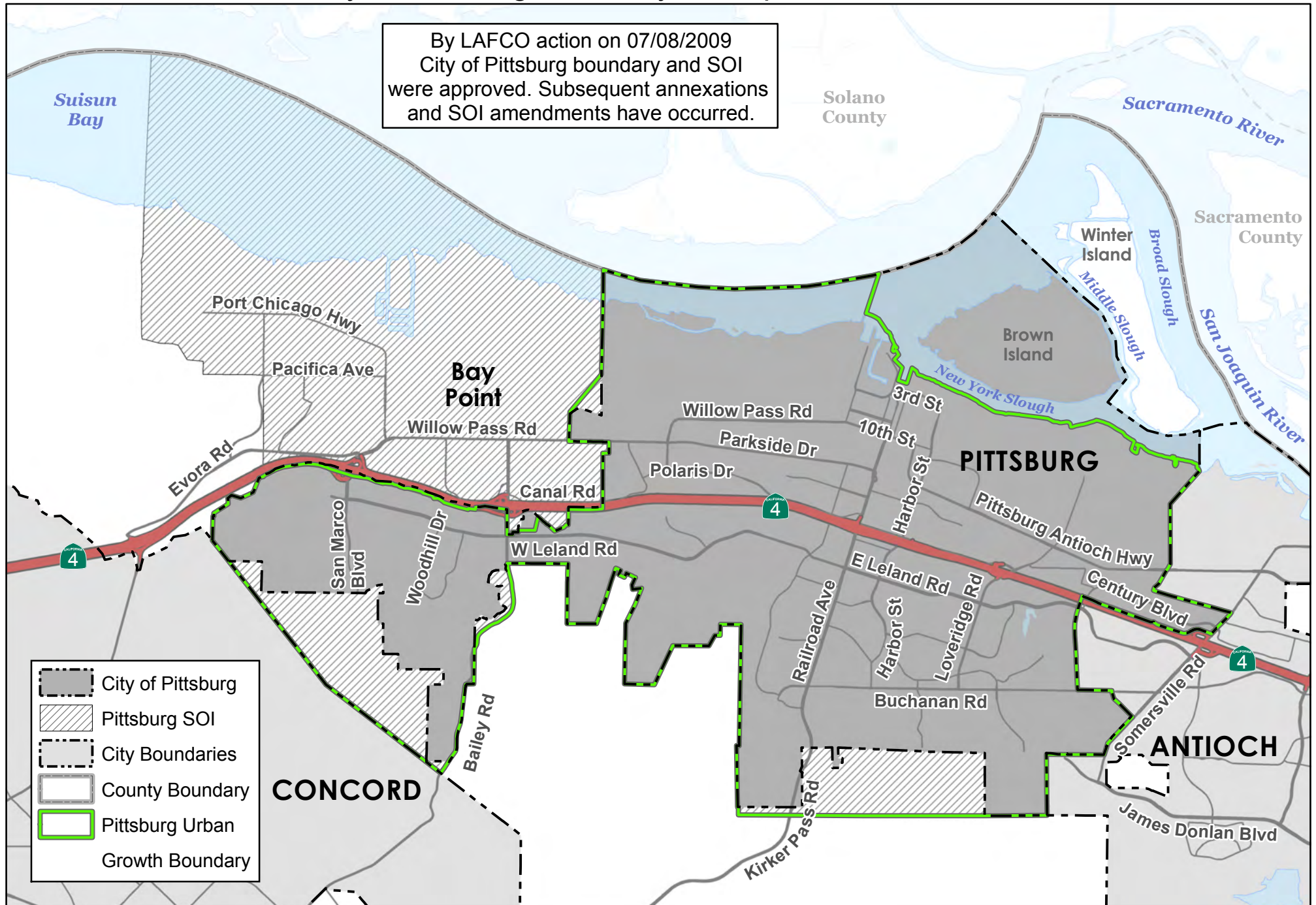
Tom Butt, Chair, Contra Costa LAFCO

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

Lou Ann Texeira, Executive Officer

City of Pittsburg Boundary and Sphere of Influence

By LAFCO action on 07/08/2009
City of Pittsburg boundary and SOI
were approved. Subsequent annexations
and SOI amendments have occurred.



**RESOLUTION OF THE CONTRA COSTA LOCAL AGENCY FORMATION
COMMISSION ADOPTING MUNICIPAL SERVICE REVIEW AND SPHERE OF INFLUENCE
DETERMINATIONS FOR THE CITY OF PLEASANT HILL**

WHEREAS, the Cortese-Knox-Hertzberg Local Governmental Reorganization Act of 2000 (California Government Code §56000 et seq.) provides that a Local Agency Formation Commission (LAFCO) shall adopt Spheres of Influence (SOIs) for each local governmental agency within its jurisdiction [§56425(a)] and that it must update each SOI every five years, as necessary (§56425(g)); and

WHEREAS, the SOI is the primary planning tool for LAFCO and defines the probable physical boundary and service area of a local agency as determined by LAFCO; and

WHEREAS, §56430 requires that in order to prepare and to update SOIs, the Commission shall conduct a Municipal Service Review (MSR) prior to or in conjunction with the SOI update; and

WHEREAS, the Commission has undertaken its 2nd round “*City Services*” MSR covering all 19 cities and four community services districts (CSDs) including Crockett CSD, Diablo CSD, Discovery Bay CSD and Kensington CSD; and

WHEREAS, this MSR, as prepared by Lamphier-Gregory and Berkson Associates consultants to LAFCO, covers the following services: animal control, broadband, building/planning, law enforcement, library, lighting, parks & recreation, solid waste, streets/roads, stormwater, and utilities (gas, electric/community choice); and

WHEREAS, this MSR focuses on: 1) updating profile data including growth/population, jobs/ housing, finances (expenses, revenues, debt, reserves, related fiscal indicators), and staffing; 2) shared services (i.e., joint powers/joint use agreements, among between public agencies, public-private partnerships); 3) infill development/sprawl prevention/islands; and 4) agricultural/open space preservation; and

WHEREAS, on April 17, 2019, the Commission held a public hearing to receive an overview of the Public Review Draft MSR, receive public comments, and provide input; and

WHEREAS, on June 12, 2019, the Commission held a public hearing to receive the Final Draft MSR and recommended determinations and SOI updates for all agencies covered in the MSR, including the City of Pleasant Hill; and

WHEREAS, at the public hearings, the Commission heard and received all oral and written protests, objections, and evidence, which were made, presented, or filed, and all persons present were given an opportunity to hear and be heard with respect to the MSR and SOI updates; and

WHEREAS, the MSR contains the determinations required by §§56425 and 56430 relative to the SOI update and MSR, respectively, for the City of Pleasant Hill as incorporated in this resolution; and

WHEREAS, the proposed action consists of adopting the MSR determinations and updating the SOI for the City of Pleasant Hill as presented in the 2nd round “*City Services*” MSR; and

WHEREAS, adoption of the MSR is statutorily exempt from the provisions of the California Environmental Quality Act (CEQA), as MSRs are feasibility and planning studies for possible future actions that have not been approved, adopted, or funded, pursuant to State CEQA Guidelines section 15262; and

WHEREAS, as set forth in State CEQA Guidelines section 15061(b)(3), approval of the SOI update is not subject to CEQA because it can be seen with certainty that there is no possibility that the SOI update will have a significant effect on the environment.

NOW, THEREFORE, BE IT RESOLVED that Contra Costa LAFCO does hereby adopt the following MSR pursuant to §56430 and SOI determinations pursuant to §56425 for the City of Pleasant Hill and retain the existing SOI for the City of Pleasant Hill as depicted in Exhibit A (attached):

MUNICIPAL SERVICE REVIEW (MSR) DETERMINATIONS

- 1) *Growth and population projections for the affected area* – According to the 2018 California Department of Finance estimates, the City of Pleasant Hill serves 35,068 residents. The Association of Bay Area Governments (ABAG) projects that the City of Pleasant Hill will grow at an annual rate of approximately 0.3% to a population of 35,925 between 2010 and 2040. The City is projected to experience an approximate 0.6% annual growth rate in jobs between 2010 and 2040. Overall, the City’s planning is expected to accommodate the growth projected by ABAG.

The MSR also reviewed jobs/housing, planning for an aging population, and anticipated growth patterns. Regarding jobs/housing, as of 2010, the City of Pleasant Hill had a jobs/housing balance of 1.14 which reflects a balance (Sources: U.S. Census, ABAG). The City’s 2015-2023 Housing Element identified adequate sites to meet and exceed its 2014-2022 assigned regional housing needs allocation. Regarding planning for an aging population, the City did not provide any specific information regarding programs or services to meet the needs of adults age 50+. Regarding anticipated growth patterns, there are two potential Priority Development Areas (PDA) in the City – *Diablo Valley College* characterized as “Transit Neighborhood” and *Buskirk Avenue Corridor* characterized as “Mixed-Use Corridor,” both of which will increase jobs and housing. There are no Priority Conservation Areas identified within the City. The City reported approximately 49± undeveloped entitled residential acres in FY 2017. Several new projects have been identified as part of the projected growth including an estimated 17 residential projects and 16 commercial projects. The City does not anticipate the current or projected growth patterns will expand beyond its existing municipal boundary and SOI.

- 2) *The location and characteristics of any Disadvantaged Unincorporated Communities (DUCs) within or contiguous to the SOI* – According to the American Community Survey 5-Year Estimates (2013-2017), there is a disadvantaged community within the City’s boundary and SOI (Oak Park Blvd and Patterson Blvd).
- 3) *Present and planned capacity of public facilities, adequacy of public services, and infrastructure needs or deficiencies including needs or deficiencies related to sewers, municipal and industrial water, and structural fire protection in any DUCs within or contiguous to the SOI* – The disadvantaged community within the City’s boundary and SOI receives municipal fire, sewer and water services.
- 4) *Financial ability of agency to provide services* – In determining the financial ability of the City to provide services, the MSR considered operating general fund and reserve trends; liquidity, debt, and pension liabilities; and timeliness and accuracy of financial reporting. The City of Pleasant Hill is experiencing some fiscal challenges that may affect its ability to provide services, particularly in the event of unexpected funding needs. The City has been operating with an overall deficit trend in its General Fund and anticipates this trend to continue through 2023. As with other cities, the City’s pension and OPEB debts continue to grow. The City is considering funding options to address these liabilities. The City’s only enterprise is the Diablo Vista Water System, which provides irrigation water to an area with 474 homes within the City. The net positive position of the City’s enterprise activity increased from FY 2015 to FY 2017 and is fiscally solvent. The City indicates it has sufficient resources to meet its funding and infrastructure needs over the next five years. The City’s most recent CAFR was issued in a timely manner. The CAFR was audited by an independent CPA and received a clean opinion.
- 5) *Status of, and opportunities for, shared facilities* – Services related to animal control, broadband, library, lighting, parks and recreation, solid waste, and utilities are provided via contract with other public agencies and private and public vendors; and the City is party to several JPAs. The City did not identify any other shared services, overlapping/duplication of services, or excess service or facility capacity.
- 6) *Accountability for community service needs, including governmental structure and operational efficiencies* – The City’s website provides information regarding public meetings, services, financial and planning documents, and opportunities for public involvement demonstrating access and accountability.

The City livestreams City Council and Planning Commission meetings utilizes social media and distributes newsletters to its residents.

- 7) *Any other matter related to effective or efficient service delivery, as required by Commission policy* - Contra Costa LAFCO's local policies provide that MSRs focus on target services including water, sewer, drainage, libraries, roads, parks, health care, broadband (high-speed internet access and use), police, and fire protection. The "City Services" MSR excludes review of water, sewer, healthcare and fire services as these services were recently reviewed in 2nd round focused MSRs.

Contra Costa LAFCO recently added broadband services as an MSR focus area. The City does not provide public broadband service and is served by various private cable/ broadband service providers. The East Bay Broadband Consortium's 2013 East Bay Broadband Report Card noted that the City of Pleasant Hill's internet service providers meet the CPUC's minimum 6 Mbps download and 1.5 Mbps upload standards. The City did not indicate any specific concerns about the ability of the current broadband providers to serve the City.

SPHERE OF INFLUENCE (SOI) DETERMINATIONS

- A. *The present and planned land uses in the area, including agricultural and open-space lands* – The City of Pleasant Hill plans for a variety of urban uses within its boundary, representing a continuation of the current mix of uses including industrial, residential, institutional, commercial, and open space. Present and planned land uses are adequate for existing residents as well as future growth and maintaining compatibility with open space uses, as demonstrated in the City's General Plan (2003).
- B. *The present and probable need for public facilities and services in the area* – There are no anticipated changes in the type of public services and facilities required within the existing SOI for the City of Pleasant Hill. The level of demand for these services and facilities, however, will increase commensurate with anticipated population growth over the next five years.
- C. *The present capacity of public facilities and adequacy of public services that the agency provides or is authorized to provide* – The present capacity of public facilities in the City of Pleasant Hill appears adequate, and the City indicates it will continue to have adequate capacity during the next five years.
- D. *The existence of any social or economic communities of interest in the area if the Commission determines that they are relevant to the agency* – LAFCO has identified three islands within the City's SOI that represent communities of interest. LAFCO encourages the annexation of these small islands.
- E. *The present and probable need for sewers, municipal and industrial water, or structural fire protection services and facilities of any DUC within the existing SOI* – There is a disadvantaged community within the City's boundary and SOI. This area receives municipal fire, sewer and water services.

PASSED AND ADOPTED this 12th day of June 2019.

AYES:

NOES:

ABSTENTIONS:

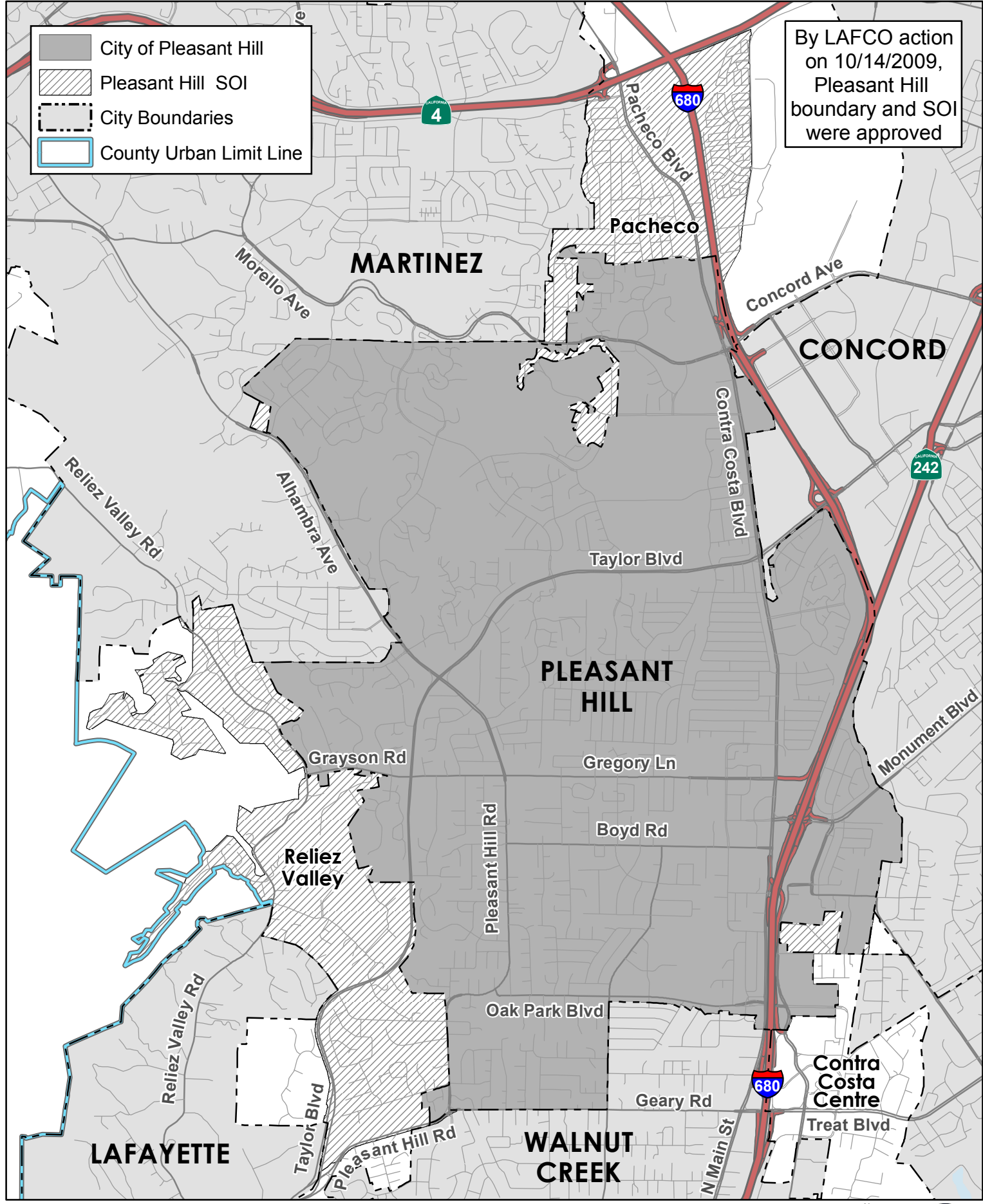
ABSENT:

Tom Butt, Chair, Contra Costa LAFCO

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

Lou Ann Teixeira, Executive Officer

City of Pleasant Hill Boundary and Sphere of Influence



Map created 10/04/2018
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 OF THE CONTRA COSTA LOCAL AGENCY FORMATION
COMMISSION ADOPTING MUNICIPAL SERVICE REVIEW AND SPHERE OF INFLUENCE
DETERMINATIONS FOR THE CITY OF RICHMOND**

WHEREAS, the Cortese-Knox-Hertzberg Local Governmental Reorganization Act of 2000 (California Government Code §56000 et seq.) provides that a Local Agency Formation Commission (LAFCO) shall adopt Spheres of Influence (SOIs) for each local governmental agency within its jurisdiction [§56425(a)] and that it must update each SOI every five years, as necessary (§56425(g)); and

WHEREAS, the SOI is the primary planning tool for LAFCO and defines the probable physical boundary and service area of a local agency as determined by LAFCO; and

WHEREAS, §56430 requires that in order to prepare and to update SOIs, the Commission shall conduct a Municipal Service Review (MSR) prior to or in conjunction with the SOI update; and

WHEREAS, the Commission has undertaken its 2nd round “*City Services*” MSR covering all 19 cities and four community services districts (CSDs) including Crockett CSD, Diablo CSD, Discovery Bay CSD and Kensington CSD; and

WHEREAS, this MSR, as prepared by Lamphier-Gregory and Berkson Associates consultants to LAFCO, covers the following services: animal control, broadband, building/planning, law enforcement, library, lighting, parks & recreation, solid waste, streets/roads, stormwater, and utilities (gas, electric/community choice); and

WHEREAS, this MSR focuses on: 1) updating profile data including growth/population, jobs/ housing, finances (expenses, revenues, debt, reserves, related fiscal indicators), and staffing; 2) shared services (i.e., joint powers/joint use agreements, among between public agencies, public-private partnerships); 3) infill development/ sprawl prevention/islands; and 4) agricultural/open space preservation; and

WHEREAS, on April 17, 2019, the Commission held a public hearing to receive an overview of the Public Review Draft MSR, receive public comments, and provide input; and

WHEREAS, on June 12, 2019, the Commission held a public hearing to receive the Final Draft MSR and recommended determinations and SOI updates for all agencies covered in the MSR, including the City of Richmond; and

WHEREAS, at the public hearings, the Commission heard and received all oral and written protests, objections, and evidence, which were made, presented, or filed, and all persons present were given an opportunity to hear and be heard with respect to the MSR and SOI updates; and

WHEREAS, the MSR contains the determinations required by §§56425 and 56430 relative to the SOI update and MSR, respectively, for the City of Richmond as incorporated in this resolution; and

WHEREAS, the proposed action consists of adopting the MSR determinations and updating the SOI for the City of Richmond as presented in the 2nd round “*City Services*” MSR; and

WHEREAS, adoption of the MSR is statutorily exempt from the provisions of the California Environmental Quality Act (CEQA), as MSRs are feasibility and planning studies for possible future actions that have not been approved, adopted, or funded, pursuant to State CEQA Guidelines section 15262; and

WHEREAS, as set forth in State CEQA Guidelines section 15061(b)(3), approval of the SOI update is not subject to CEQA because it can be seen with certainty that there is no possibility that the SOI update will have a significant effect on the environment.

NOW, THEREFORE, BE IT RESOLVED that Contra Costa LAFCO does hereby adopt the following MSR pursuant to §56430 and SOI determinations pursuant to §56425 for the City of Richmond and retain the existing SOI for the City of Richmond as depicted in Exhibit A (attached). Further, any future changes to the City of Richmond’s SOI should not be considered until such time as a more complete review has been conducted to examine capacity, adequacy and financial ability to provide services.

MUNICIPAL SERVICE REVIEW (MSR) DETERMINATIONS

- 1) *Growth and population projections for the affected area* – According to the 2018 California Department of Finance estimates, the City of Richmond serves 119,067 residents. The Association of Bay Area Governments (ABAG) projects that the City of Richmond will grow at an annual rate of approximately 1.6% to a population of 166,220 between 2010 and 2040. The City is also projected to experience an approximate 2.3% annual growth rate in jobs between 2010 and 2040. Overall, the City's planning is expected to accommodate the growth projected by ABAG.

The MSR also reviewed jobs/housing, planning for an aging population, and anticipated growth patterns. Regarding jobs/housing, as of 2010, the City of Richmond had a jobs/housing balance of 0.78 which reflects an imbalance (Sources: U.S. Census, ABAG). The City's 2015-2023 Housing Element identified adequate sites to meet and exceed its 2014-2022 assigned regional housing needs allocation. Regarding planning for an aging population, the City provides extensive services, programs and activities directed at the educational, social, recreational, nutritional, health and human service needs for adults age 50+. Regarding anticipated growth patterns, there are three Priority Development Areas (PDAs) in the City – two *Central Richmond & 23rd Street Corridor* characterized as "City Center" and "Mixed-Use Corridor" and *South Richmond* characterized as "Transit Neighborhood." These PDAs are expected to accommodate approximately 83% of the projected growth in households and 70% of the projected growth in employment. There were no Priority Conservation Areas identified in the City of Richmond. The City reported 15± acres of undeveloped entitled residential land as of FY 2017. As of March 2019, the City reports 977± residential units approved and not yet built; an estimated 701± near and long term housing units under review; an estimated 616,742± SF of approved commercial and/or office space, and two 100± room hotels (near and long term commercial and/or office space). The City does not anticipate the current or projected growth patterns will expand beyond its existing municipal boundary and SOI.

- 2) *The location and characteristics of any Disadvantaged Unincorporated Communities (DUCs) within or contiguous to the SOI* – According to the American Community Survey 5-Year Estimates (2013-2017), there are disadvantaged communities located within and contiguous to the City's boundary and SOI, including unincorporated North Richmond.
- 3) *Present and planned capacity of public facilities, adequacy of public services, and infrastructure needs or deficiencies including needs or deficiencies related to sewers, municipal and industrial water, and structural fire protection in any DUCs within or contiguous to the SOI* – The disadvantaged communities within and contiguous to the City of Richmond boundary and SOI have access to municipal fire, sewer and water services.
- 4) *Financial ability of agency to provide services* – In determining the financial ability of the City to provide services, the MSR considered operating general fund and reserve trends; liquidity, debt, and pension liabilities; and timeliness and accuracy of financial reporting. The City is experiencing fiscal challenges that may affect its ability to provide services, particularly in the event of unexpected funding needs. Like other cities, Richmond's unfunded pension and OPEB liabilities continue to grow; however, the City has implemented measures to help address these liabilities. The City exceeds its 20% reserve goal, allowing it to maintain an acceptable level of services. The City provides a range of enterprise services, including the Richmond Housing Authority, Port of Richmond, municipal sanitary and storm sewer, cable television, and marina. Enterprises are experiencing a decline in asset value. The City's most recent CAFR was not issued in a timely manner. The CAFR was audited by an independent CPA and received a clean opinion.
- 5) *Status of, and opportunities for, shared facilities* – The City contracts with other public agencies and private service providers for various services including animal control, broadband, solid waste, stormwater in North Richmond and some utilities; and the City is party to several JPAs. The City did not identify any other shared services, overlapping/duplication of services, or excess service or facility capacity.

- 6) *Accountability for community service needs, including governmental structure and operational efficiencies* – The City’s website provides information regarding public meetings, services, financial and planning documents, and opportunities for public involvement demonstrating access and accountability. The City broadcasts City Council and other public meetings on the City’s cable channel. The City also utilizes social media, electronic billboards and multiple City list serves, as well as neighborhood councils to promote public involvement.
- 7) *Any other matter related to effective or efficient service delivery, as required by Commission policy* – Contra Costa LAFCO’s local policies provide that MSRs focus on target services including water, sewer, drainage, libraries, roads, parks, health care, broadband (high-speed internet access and use), police, and fire protection. The “*City Services*” MSR excludes review of water, sewer, healthcare and fire services as these services were recently reviewed in 2nd round focused MSRs.

Contra Costa LAFCO recently added broadband services as an MSR focus area. The City does not provide public broadband service and is served by various private cable/ broadband service providers. The East Bay Broadband Consortium’s 2013 East Bay Broadband Report Card found that the City of Richmond’s internet service providers meet the CPUC’s minimum 6 Mbps download and 1.5 Mbps upload standards.

SPHERE OF INFLUENCE (SOI) DETERMINATIONS

- A. *The present and planned land uses in the area, including agricultural and open-space lands* – The City of Richmond plans for a variety of urban uses within its boundary, representing a continuation of the current mix of uses including industrial, residential, research and development, commercial, agricultural and open space. Present and planned land uses are adequate for existing residents as well as future growth and maintaining compatibility with agricultural and open space uses, as demonstrated in the General Plan (2012).
- B. *The present and probable need for public facilities and services in the area* – There are no anticipated changes in the type of public services and facilities required within the existing SOI for the City of Richmond. The level of demand for these services and facilities, however, will increase commensurate with anticipated population growth over the next five years.
- C. *The present capacity of public facilities and adequacy of public services that the agency provides or is authorized to provide* – The present capacity of public facilities in the City of Richmond appears adequate. The City anticipates it will continue to have adequate capacity during the next five years.
- D. *The existence of any social or economic communities of interest in the area if the Commission determines that they are relevant to the agency* – The communities of North Richmond and portions of El Sobrante and East Richmond Heights are within the City’s SOI and are communities of interest.
- E. *The present and probable need for sewers, municipal and industrial water, or structural fire protection services and facilities of any DUC within the existing SOI* – There are disadvantaged communities within and contiguous to the City of Richmond. These areas receive municipal fire, sewer and water services.

PASSED AND ADOPTED this 12th day of June 2019.

AYES:

NOES:

ABSTENTIONS:

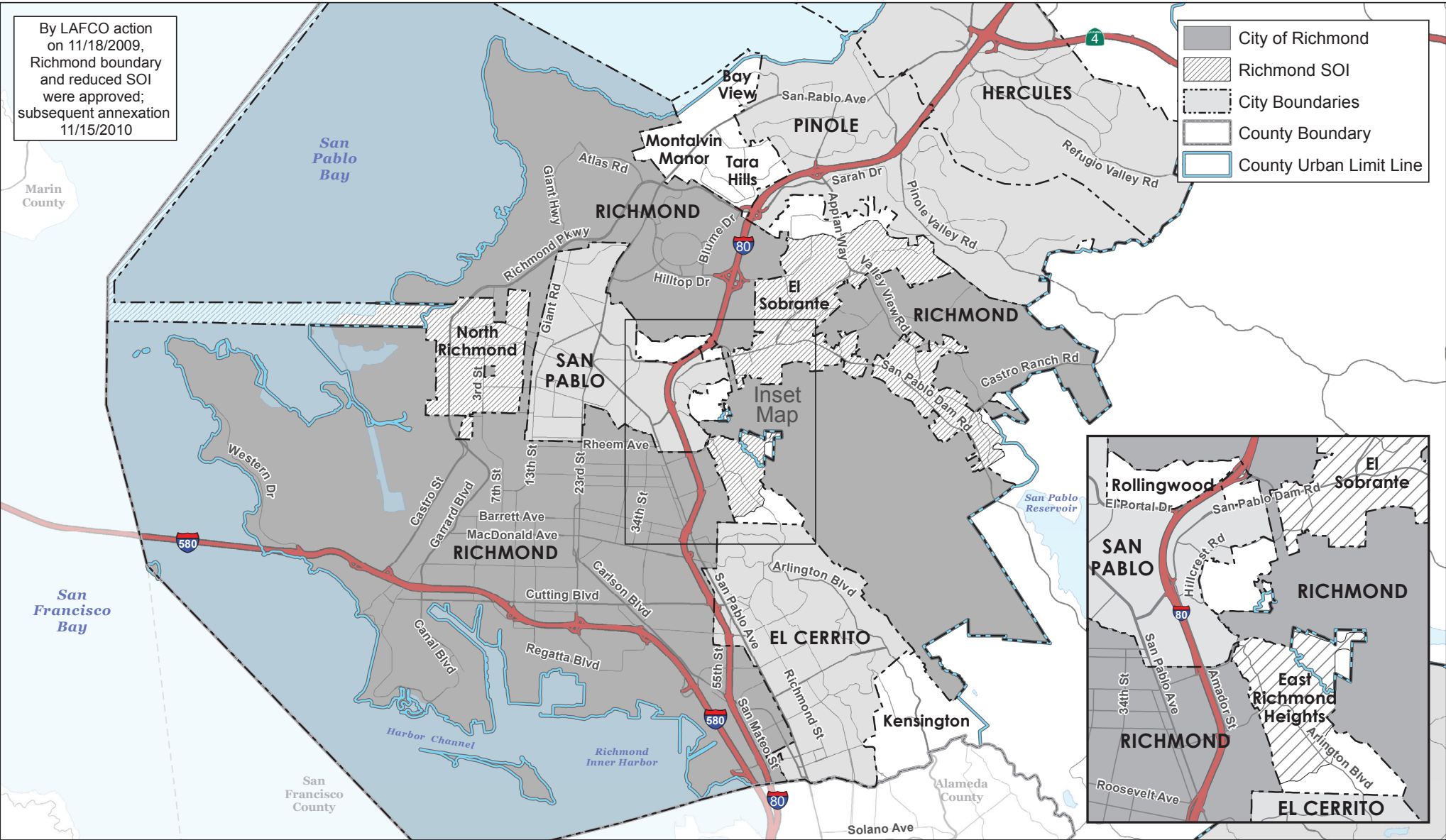
ABSENT:

Tom Butt, Chair, Contra Costa LAFCO

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

Lou Ann Texeira, Executive Officer

City of Richmond Boundary and Sphere of Influence



Map created 05/13/2013
 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 OF THE CONTRA COSTA LOCAL AGENCY FORMATION
COMMISSION ADOPTING MUNICIPAL SERVICE REVIEW AND SPHERE OF INFLUENCE
DETERMINATIONS FOR THE CITY OF SAN PABLO**

WHEREAS, the Cortese-Knox-Hertzberg Local Governmental Reorganization Act of 2000 (California Government Code §56000 et seq.) provides that a Local Agency Formation Commission (LAFCO) shall adopt Spheres of Influence (SOIs) for each local governmental agency within its jurisdiction [§56425(a)] and that it must update each SOI every five years, as necessary (§56425(g)); and

WHEREAS, the SOI is the primary planning tool for LAFCO and defines the probable physical boundary and service area of a local agency as determined by LAFCO; and

WHEREAS, §56430 requires that in order to prepare and to update SOIs, the Commission shall conduct a Municipal Service Review (MSR) prior to or in conjunction with the SOI update; and

WHEREAS, the Commission has undertaken its 2nd round “*City Services*” MSR covering all 19 cities and four community services districts (CSDs) including Crockett CSD, Diablo CSD, Discovery Bay CSD and Kensington CSD; and

WHEREAS, this MSR, as prepared by Lamphier-Gregory and Berkson Associates consultants to LAFCO, covers the following services: animal control, broadband, building/planning, law enforcement, library, lighting, parks & recreation, solid waste, streets/roads, stormwater, and utilities (gas, electric/community choice); and

WHEREAS, this MSR focuses on: 1) updating profile data including growth/population, jobs/ housing, finances (expenses, revenues, debt, reserves, related fiscal indicators), and staffing; 2) shared services (i.e., joint powers/joint use agreements, among between public agencies, public-private partnerships); 3) infill development/ sprawl prevention/islands; and 4) agricultural/open space preservation; and

WHEREAS, on April 17, 2019, the Commission held a public hearing to receive an overview of the Public Review Draft MSR, receive public comments, and provide input; and

WHEREAS, on June 12, 2019, the Commission held a public hearing to receive the Final Draft MSR and recommended determinations and SOI updates for all agencies covered in the MSR, including the City of San Pablo; and

WHEREAS, at the public hearings, the Commission heard and received all oral and written protests, objections, and evidence, which were made, presented, or filed, and all persons present were given an opportunity to hear and be heard with respect to the MSR and SOI updates; and

WHEREAS, the MSR contains the determinations required by §§56425 and 56430 relative to the SOI update and MSR, respectively, for the City of San Pablo as incorporated in this resolution; and

WHEREAS, the proposed action consists of adopting the MSR determinations and updating the SOI for the City of San Pablo as presented in the 2nd round “*City Services*” MSR; and

WHEREAS, adoption of the MSR is statutorily exempt from the provisions of the California Environmental Quality Act (CEQA), as MSRs are feasibility and planning studies for possible future actions that have not been approved, adopted, or funded, pursuant to State CEQA Guidelines section 15262; and

WHEREAS, as set forth in State CEQA Guidelines section 15061(b)(3), approval of the SOI update is not subject to CEQA because it can be seen with certainty that there is no possibility that the SOI update will have a significant effect on the environment.

NOW, THEREFORE, BE IT RESOLVED that Contra Costa LAFCO does hereby adopt the following MSR pursuant to §56430 and SOI determinations pursuant to §56425 for the City of San Pablo and retain the existing SOI for the City of San Pablo as depicted in Exhibit A (attached):

MUNICIPAL SERVICE REVIEW (MSR) DETERMINATIONS

- 1) *Growth and population projections for the affected area* – According to the 2018 California Department of Finance estimates, the City of San Pablo serves 31,593 residents. The Association of Bay Area Governments (ABAG) projects that the City of San Pablo will grow at an annual rate of approximately 0.5% to a population of 34,090 between 2010 and 2040. The City is also projected to experience an approximate 0.7% annual growth rate in jobs between 2010 and 2040. Overall, the City’s planning is expected to accommodate the growth projected by ABAG.

The MSR also reviewed jobs/housing, planning for an aging population, and anticipated growth patterns. Regarding jobs/housing, as of 2010, the City of San Pablo had a jobs/housing balance of 0.78 which reflects an imbalance (Sources: U.S. Census, ABAG). The City’s 2015-2023 Housing Element identified adequate sites to meet and exceed its 2014-2022 assigned regional housing needs allocation. Regarding planning for an aging population, the City provides various programs/services to meet the educational, recreational, social, health/nutritional and transportation needs of adults age 50+. Regarding anticipated growth patterns, there is one planned Priority Development Area (PDA) in the City – “San Pablo Avenue & 23rd Street Corridors” characterized as *Mixed-Use Corridor*, and one potential PDA – “Rumrill Boulevard” also characterized as *Mixed-Use Corridor*, both of which will add housing and jobs to the city. There are no Priority Conservation Areas within the City. The City identified two projects (residential and mixed use) as part of the projected growth for the City. The City did not report on the estimated number of undeveloped entitled acres or the estimated number of dwelling units or commercial office space square footage. The City does not anticipate the current or projected growth patterns will expand beyond its existing municipal boundary and SOI.

- 2) *The location and characteristics of any Disadvantaged Unincorporated Communities (DUCs) within or contiguous to the SOI* – According to the American Community Survey 5-Year Estimates (2013-2017), the City of San Pablo is a disadvantaged community. There are also disadvantaged incorporated and unincorporated communities surrounding the City.
- 3) *Present and planned capacity of public facilities, adequacy of public services, and infrastructure needs or deficiencies including needs or deficiencies related to sewers, municipal and industrial water, and structural fire protection in any DUCs within or contiguous to the SOI* – the disadvantaged communities within and contiguous to the City’s boundary and SOI have access to municipal fire, sewer and water services.
- 4) *Financial ability of agency to provide services* – in determining the financial ability of the City to provide services, the MSR considered operating general fund and reserve trends; liquidity, debt, and pension liabilities; and timeliness and accuracy of financial reporting. Overall, the City of San Pablo appears to have sufficient financial resources to continue providing services and accommodate infrastructure expansion, improvements and replacement over the next five years. The City projects a \$38 million reserve fund. As with other cities, the City of San Pablo faces growing pension and OPEB liabilities; the City’s funding strategy includes OPEB pay-as-you-go financing. The City’s most recent CAFR was not issued in a timely manner. The CAFR was audited by an independent CPA and received a clean opinion. The MSR includes recommendations for improving the transparency of the City’s financial reports.
- 5) *Status of, and opportunities for, shared facilities* – The City contracts with other public agencies and private service providers for various services including animal control, broadband, library, lighting, solid waste, and utilities; and the City is party to various JPAs. The City share police dispatch and a records management system with cities of Hercules and Pinole. The City also has a joint use agreement with the West Contra Costa Unified School District. The City did not identify any overlapping/duplication of services or excess service or facility capacity.
- 6) *Accountability for community service needs, including governmental structure and operational efficiencies* – The City’s website provides information regarding public meetings, services, financial and planning documents, and opportunities for public involvement demonstrating access and accountability. The City also provides various public notices and newsletters to its residents.

- 7) *Any other matter related to effective or efficient service delivery, as required by Commission policy* – Contra Costa LAFCO’s local policies provide that MSRs focus on target services including water, sewer, drainage, libraries, roads, parks, health care, broadband (high-speed internet access and use), police, and fire protection. The “*City Services*” MSR excludes review of water, sewer, healthcare and fire services as these services were recently reviewed in 2nd round focused MSRs.

Contra Costa LAFCO recently added broadband services as an MSR focus area. The City does not provide public broadband service and is served by various private cable/ broadband service providers. The East Bay Broadband Consortium’s 2013 East Bay Broadband Report Card noted that the City of San Pablo’s internet service providers meet the CPUC’s minimum 6 Mbps download and 1.5 Mbps upload standards. The City did not indicate any specific concerns about the ability of the current broadband providers to serve the City.

SPHERE OF INFLUENCE (SOI) DETERMINATIONS

- A. *The present and planned land uses in the area, including agricultural and open-space lands* – The City of San Pablo plans for a variety of urban uses within its boundary, representing a continuation of the current mix of uses including residential, commercial, institutional, retail and open space. Present and planned land uses are adequate for existing residents as well as future growth and maintaining compatibility with open space uses, as demonstrated in the City’s General Plan (2011).
- B. *The present and probable need for public facilities and services in the area* – There are no anticipated changes in the type of public services and facilities required within the existing SOI for the City of San Pablo. The level of demand for these services and facilities, however, will increase commensurate with anticipated population growth over the next five years.
- C. *The present capacity of public facilities and adequacy of public services that the agency provides or is authorized to provide* – The present capacity of public facilities in the City of San Pablo appears adequate, and the City indicates it will continue to have adequate capacity over the next five years.
- D. *The existence of any social or economic communities of interest in the area if the Commission determines that they are relevant to the agency* – the City’s SOI includes two communities of interest - the Rollingwood community to the north, and an area to the east bounded by Hillcrest Road and Wildcat Canyon. Both areas are small islands that can be annexed via an expedited process. LAFCO encourages the City of San Pablo to annex these small islands.
- E. *The present and probable need for sewers, municipal and industrial water, or structural fire protection services and facilities of any DUC within the existing SOI* - There are disadvantaged communities within and contiguous to the City’s boundary and SOI. These areas have access to fire, sewer and water services.

PASSED AND ADOPTED this 12th day of June 2019.

AYES:

NOES:

ABSTENTIONS:

ABSENT:

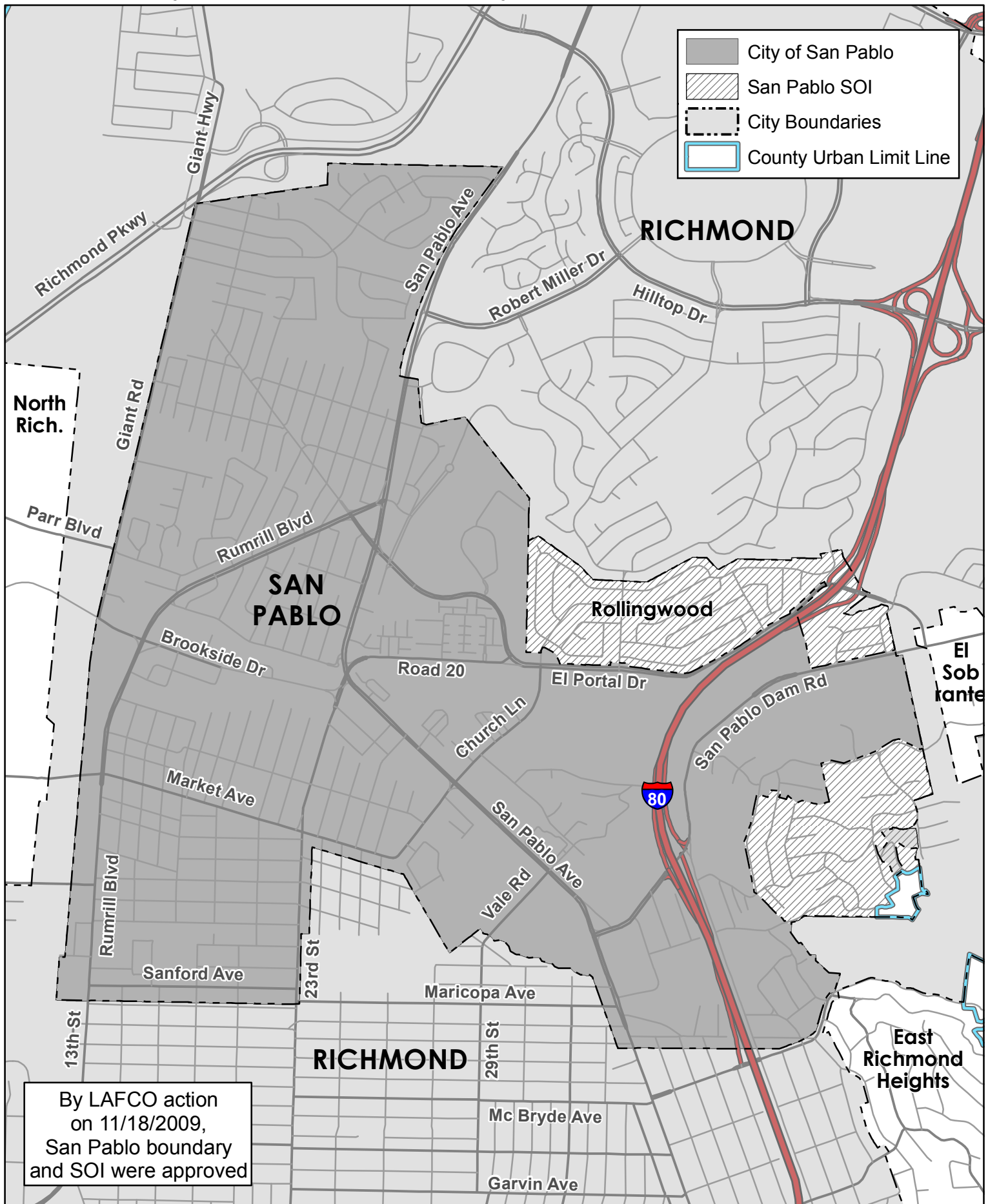
Tom Butt, Chair, Contra Costa LAFCO

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

Lou Ann Texeira, Executive Officer

City of San Pablo Boundary and Sphere of Influence

Att 2q/Exhibit A



**RESOLUTION OF THE CONTRA COSTA LOCAL AGENCY FORMATION
COMMISSION ADOPTING MUNICIPAL SERVICE REVIEW AND SPHERE OF INFLUENCE
DETERMINATIONS FOR THE CITY OF SAN RAMON**

WHEREAS, the Cortese-Knox-Hertzberg Local Governmental Reorganization Act of 2000 (California Government Code §56000 et seq.) provides that a Local Agency Formation Commission (LAFCO) shall adopt Spheres of Influence (SOIs) for each local governmental agency within its jurisdiction [§56425(a)] and that it must update each SOI every five years, as necessary (§56425(g)); and

WHEREAS, the SOI is the primary planning tool for LAFCO and defines the probable physical boundary and service area of a local agency as determined by LAFCO; and

WHEREAS, §56430 requires that in order to prepare and to update SOIs, the Commission shall conduct a Municipal Service Review (MSR) prior to or in conjunction with the SOI update; and

WHEREAS, the Commission has undertaken its 2nd round “*City Services*” MSR covering all 19 cities and four community services districts (CSDs) including Crockett CSD, Diablo CSD, Discovery Bay CSD and Kensington CSD; and

WHEREAS, this MSR, as prepared by Lamphier-Gregory and Berkson Associates consultants to LAFCO, covers the following services: animal control, broadband, building/planning, law enforcement, library, lighting, parks & recreation, solid waste, streets/roads, stormwater, and utilities (gas, electric/community choice); and

WHEREAS, this MSR focuses on: 1) updating profile data including growth/population, jobs/ housing, finances (expenses, revenues, debt, reserves, related fiscal indicators), and staffing; 2) shared services (i.e., joint powers/joint use agreements, among between public agencies, public-private partnerships); 3) infill development/ sprawl prevention/islands; and 4) agricultural/open space preservation; and

WHEREAS, on April 17, 2019, the Commission held a public hearing to receive an overview of the Public Review Draft MSR, receive public comments, and provide input; and

WHEREAS, on June 12, 2019, the Commission held a public hearing to receive the Final Draft MSR and recommended determinations and SOI updates for all agencies covered in the MSR, including the City of San Ramon; and

WHEREAS, at the public hearings, the Commission heard and received all oral and written protests, objections, and evidence, which were made, presented, or filed, and all persons present were given an opportunity to hear and be heard with respect to the MSR and SOI updates; and

WHEREAS, the MSR contains the determinations required by §§56425 and 56430 relative to the SOI update and MSR, respectively, for the City of San Ramon as incorporated in this resolution; and

WHEREAS, the proposed action consists of adopting the MSR determinations and updating the SOI for the City of San Ramon as presented in the 2nd round “*City Services*” MSR; and

WHEREAS, adoption of the MSR is statutorily exempt from the provisions of the California Environmental Quality Act (CEQA), as MSRs are feasibility and planning studies for possible future actions that have not been approved, adopted, or funded, pursuant to State CEQA Guidelines section 15262; and

WHEREAS, as set forth in State CEQA Guidelines section 15061(b)(3), approval of the SOI update is not subject to CEQA because it can be seen with certainty that there is no possibility that the SOI update will have a significant effect on the environment.

NOW, THEREFORE, BE IT RESOLVED that Contra Costa LAFCO does hereby adopt the following MSR pursuant to §56430 and SOI determinations pursuant to §56425 for the City of San Ramon and retain the existing SOI for the City of San Ramon as depicted in Exhibit A (attached):

MUNICIPAL SERVICE REVIEW (MSR) DETERMINATIONS

- 1) *Growth and population projections for the affected area* – According to the 2018 California Department of Finance estimates, the City of San Ramon serves an estimated 82,643 residents. The Association of Bay Area Governments (ABAG) projects that the City of San Ramon will grow at an annual rate of approximately 0.6% to a population of 84,165 between 2010 and 2040. The City is also projected to experience an approximate 1.3% annual growth rate in jobs between 2010 and 2040. Overall, the City’s planning is expected to accommodate the growth projected by ABAG.

The MSR also reviewed jobs/housing, planning for an aging population, and anticipated growth patterns. Regarding jobs/housing, as of 2010, the City of San Ramon had a jobs/housing balance of 1.83 which reflects a balance (Sources: U.S. Census, ABAG). The City’s 2015-2023 Housing Element identified adequate sites to meet and exceed its 2014-2022 assigned regional housing needs allocation. Regarding planning for an aging population, the City provides various classes, events and trips for adults age 55+. As for anticipated growth patterns, there are two Priority Development Areas (PDAs) in the City of San Ramon. “City Center” characterized as *Suburban Center* is a planned PDA, and “North Camino Ramon” characterized as *Transit Town Center*, is a potential PDA. There is one Priority Conservation Area within San Ramon’s SOI – Big Canyon Preserve. The City reported an estimated 26 undeveloped entitled residential acres in FY 2017, which includes Phases 4 and 5 of “The Preserve.” The City reports approximately 1,943 dwelling units and 2.2 million square feet of commercial office space as either approved or in the approval process. The City does not anticipate that current or projected growth patterns will expand beyond its existing municipal boundary and SOI.

- 2) *The location and characteristics of any Disadvantaged Unincorporated Communities (DUCs) within or contiguous to the SOI* – According to the American Community Survey 5-Year Estimates (2013-2017), there are no DUCs located within or contiguous to the City’s SOI, nor are there any disadvantaged communities located within the City’s boundary or SOI.
- 3) *Present and planned capacity of public facilities, adequacy of public services, and infrastructure needs or deficiencies including needs or deficiencies related to sewers, municipal and industrial water, and structural fire protection in any DUCs within or contiguous to the SOI* – There are no disadvantaged communities within or contiguous to the City of San Ramon.
- 4) *Financial ability of agency to provide services* – In determining the financial ability of the City to provide services, the MSR considered operating general fund and reserve trends; liquidity, debt, and pension liabilities; and timeliness and accuracy of financial reporting. Overall, the City of San Ramon appears to have sufficient financial resources to accommodate infrastructure expansion, improvements, or replacement over the next five years. However, the City has been operating with a deficit trend in its General Fund. As with other cities, the City has unfunded pension and is considering options to address this liability. The City’s OPEB trust is fully funded. The City currently meets its 40% reserve goal. The City’s CAFR was issued in a timely manner and was audited and received a clean opinion.
- 5) *Status of, and opportunities for, shared facilities* – The City contracts with other public agencies and private service providers for various services including animal control, broadband, library, solid waste and utilities; and the City is party to various JPAs. The City’s Police Department participates in the Central County SWAT Team. The City also shares capital facilities with the San Ramon Valley Unified School District and the County Library system.
- 6) *Accountability for community service needs, including governmental structure and operational efficiencies* – The City’s website provides information regarding public meetings, services, financial and planning documents, and opportunities for public involvement demonstrating access and accountability. City Council and Planning Commission meetings are available online and on local cable networks; and newsletters are distributed to City residents.
- 7) *Any other matter related to effective or efficient service delivery, as required by Commission policy* –

Contra Costa LAFCO's local policies provide that MSRs focus on target services including water, sewer, drainage, libraries, roads, parks, health care, broadband (high-speed internet access and use), police, and fire protection. The "City Services" MSR excludes review of water, sewer, healthcare and fire services as these services were recently reviewed in 2nd round focused MSRs.

Contra Costa LAFCO recently added broadband services as an MSR focus area. The City does not provide public broadband service and is served by various private cable/ broadband service providers. The East Bay Broadband Consortium's 2013 East Bay Broadband Report Card indicated that the City's internet service providers did not meet the CPUC's minimum 6 Mbps download and 1.5 Mbps upload standards. The City of San Ramon did not indicate concerns about the ability of broadband providers to serve the City's existing or growing population.

SPHERE OF INFLUENCE (SOI) DETERMINATIONS

- A. *The present and planned land uses in the area, including agricultural and open-space lands* – The City of San Ramon plans for a variety of urban uses within its boundary, representing a continuation of the current mix of uses including residential, office, commercial, retail, mixed use and open space. Present and planned land uses are adequate for existing residents as well as future growth and maintaining compatibility with agricultural and open space uses, as demonstrated in the General Plan (2015).
- B. *The present and probable need for public facilities and services in the area* – There are no anticipated changes in the type of public services and facilities required within the existing SOI for the City of San Ramon. The level of demand for these services and facilities, however, will increase commensurate with anticipated population growth over the next five years, and in conjunction with recent annexations (Dougherty Valley, Chang).
- C. *The present capacity of public facilities and adequacy of public services that the agency provides or is authorized to provide* – The present capacity of public facilities in the City of San Ramon appears adequate. The City anticipates it will continue to have adequate capacity during the next five years.
- D. *The existence of any social or economic communities of interest in the area if the Commission determines that they are relevant to the agency* – There are several communities of interest within the City's SOI including the Dougherty Valley (inside the City's UGB), and Norris Canyon and Bollinger Canyon areas (outside the City's UGB). There is a small island located west of I-680 which is a remnant from the Faria Preserve annexation. LAFCO encourages the City to annex this small island.
- E. *The present and probable need for sewers, municipal and industrial water, or structural fire protection services and facilities of any DUC within the existing SOI* – There are no disadvantaged communities within or contiguous to the City of San Ramon and therefore no present or probable need for services.

PASSED AND ADOPTED this 12th day of June 2019.

AYES:

NOES:

ABSTENTIONS:

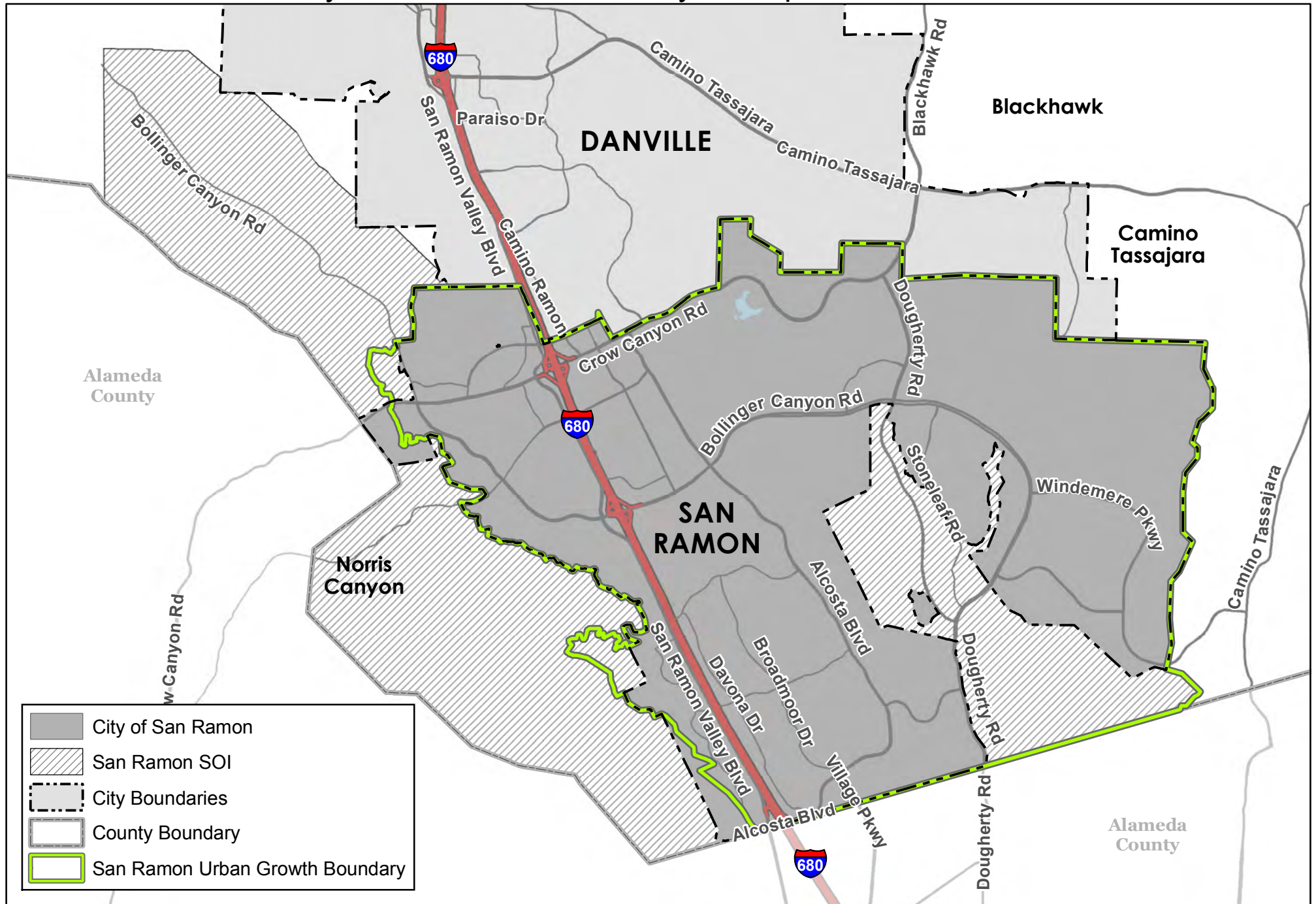
ABSENT:

Tom Butt, Chair, Contra Costa LAFCO

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

Lou Ann Texeira, Executive Officer

City of San Ramon Boundary and Sphere of Influence



**RESOLUTION OF THE CONTRA COSTA LOCAL AGENCY FORMATION
COMMISSION ADOPTING MUNICIPAL SERVICE REVIEW AND SPHERE OF INFLUENCE
DETERMINATIONS FOR THE CITY OF WALNUT CREEK**

WHEREAS, the Cortese-Knox-Hertzberg Local Governmental Reorganization Act of 2000 (California Government Code §56000 et seq.) provides that a Local Agency Formation Commission (LAFCO) shall adopt Spheres of Influence (SOIs) for each local governmental agency within its jurisdiction [§56425(a)] and that it must update each SOI every five years, as necessary (§56425(g)); and

WHEREAS, the SOI is the primary planning tool for LAFCO and defines the probable physical boundary and service area of a local agency as determined by LAFCO; and

WHEREAS, §56430 requires that in order to prepare and to update SOIs, the Commission shall conduct a Municipal Service Review (MSR) prior to or in conjunction with the SOI update; and

WHEREAS, the Commission has undertaken its 2nd round “*City Services*” MSR covering all 19 cities and four community services districts (CSDs) including Crockett CSD, Diablo CSD, Discovery Bay CSD and Kensington CSD; and

WHEREAS, this MSR, as prepared by Lamphier-Gregory and Berkson Associates consultants to LAFCO, covers the following services: animal control, broadband, building/planning, law enforcement, library, lighting, parks & recreation, solid waste, streets/roads, stormwater, and utilities (gas, electric/community choice); and

WHEREAS, this MSR focuses on: 1) updating profile data including growth/population, jobs/ housing, finances (expenses, revenues, debt, reserves, related fiscal indicators), and staffing; 2) shared services (i.e., joint powers/joint use agreements, among between public agencies, public-private partnerships); 3) infill development/sprawl prevention/islands; and 4) agricultural/open space preservation; and

WHEREAS, on April 17, 2019, the Commission held a public hearing to receive an overview of the Public Review Draft MSR, receive public comments, and provide input; and

WHEREAS, on June 12, 2019, the Commission held a public hearing to receive the Final Draft MSR and recommended determinations and SOI updates for all agencies covered in the MSR, including the City of Walnut Creek; and

WHEREAS, at the public hearings, the Commission heard and received all oral and written protests, objections, and evidence, which were made, presented, or filed, and all persons present were given an opportunity to hear and be heard with respect to the MSR and SOI updates; and

WHEREAS, the MSR contains the determinations required by §§56425 and 56430 relative to the SOI update and MSR, respectively, for the City of Walnut Creek as incorporated in this resolution; and

WHEREAS, the proposed action consists of adopting the MSR determinations and updating the SOI for the City of Walnut Creek as presented in the 2nd round “*City Services*” MSR; and

WHEREAS, adoption of the MSR is statutorily exempt from the provisions of the California Environmental Quality Act (CEQA), as MSRs are feasibility and planning studies for possible future actions that have not been approved, adopted, or funded, pursuant to State CEQA Guidelines section 15262; and

WHEREAS, as set forth in State CEQA Guidelines section 15061(b)(3), approval of the SOI update is not subject to CEQA because it can be seen with certainty that there is no possibility that the SOI update will have a significant effect on the environment.

NOW, THEREFORE, BE IT RESOLVED that Contra Costa LAFCO does hereby adopt the following MSR pursuant to §56430 and SOI determinations pursuant to §56425 for the City of Walnut Creek and retain the existing SOI for the City of Walnut Creek as depicted in Exhibit A (attached):

MUNICIPAL SERVICE REVIEW (MSR) DETERMINATIONS

- 1) *Growth and population projections for the affected area* – According to the 2018 California Department of Finance estimates, the City of Walnut Creek serves 70,667 residents. The Association of Bay Area Governments (ABAG) projects that the City of Walnut Creek will grow at an annual rate of approximately 0.7% to a population of 81,265 between 2010 and 2040. The City is projected to experience an approximate 0.4% annual growth rate in jobs between 2010 and 2040. Overall, the City's planning is expected to accommodate the growth projected by ABAG.

The MSR also reviewed jobs/housing, planning for an aging population, and anticipated growth patterns. Regarding jobs/housing, as of 2010, the City of Walnut Creek had a jobs/housing balance of 1.56 which reflects a balance (Sources: U.S. Census, ABAG). The City's 2015-2023 Housing Element identified adequate sites to meet and exceed its 2014-2022 assigned regional housing needs allocation. Regarding planning for an aging population, the City provides a range of programs/services in the areas of health, education and recreation to meet the needs of adults age 50+. Regarding anticipated growth patterns, there is one planned Priority Development Area in the City – "Core Area" characterized as *City Center* located in the west downtown area which will increase housing and jobs. There is one Priority Conservation Area (PCA) identified within the City – Acalanes Ridge Open Space PCA. The City reports they are at "build-out" (only a nominal amount of vacant residential land), and new development will be in the form of redevelopment. The City reports approximately 1,843 dwelling units and 534,620 square feet of commercial space as either approved or in the approval process. The City of Walnut Creek, which is mostly built out, does not anticipate the current or projected growth patterns will expand beyond its existing municipal boundary and SOI.

- 2) *The location and characteristics of any Disadvantaged Unincorporated Communities (DUCs) within or contiguous to the SOI* – According to the American Community Survey 5-Year Estimates (2013-2017), there is a disadvantaged community within the City's boundary and SOI (Rossmoor).
- 3) *Present and planned capacity of public facilities, adequacy of public services, and infrastructure needs or deficiencies including needs or deficiencies related to sewers, municipal and industrial water, and structural fire protection in any DUCs within or contiguous to the SOI* – The disadvantaged community within the City's boundary and SOI receives municipal fire, sewer and water services.
- 4) *Financial ability of agency to provide services* – In determining the financial ability of the City to provide services, the MSR considered operating general fund and reserve trends; liquidity, debt, and pension liabilities; and timeliness and accuracy of financial reporting. Overall, the City of Walnut Creek appears to have sufficient financial resources to continue providing services; however, the City reports that it does not have adequate funds to replace facilities or build new ones. The City has been operating with a surplus in its General Fund, and projects a General Fund reserve of 48% for FY 2019. As with other cities, the City's pension and OPEB debts continue to grow. The City has established a trust to address these liabilities. The City's enterprise operations include the Boundary Oaks public golf course and the Downtown Parking operation. The golf course revenues appear sufficient to cover City golf course administration and debt service related to recent clubhouse improvements. Revenues from the parking operation cover the Downtown Parking & Enhancement Fund operations and a portion of revenues are transferred to the Capital Program. The City's most recent CAFR was issued in a timely manner. The CAFR was audited by an independent CPA and received a clean opinion. The MSR includes recommendations for improve the readability and transparency of the City's financial reports.
- 5) *Status of, and opportunities for, shared facilities* – Services related to animal control, broadband, library, lighting, parks and recreation, solid waste, and utilities are provided via contract with other public agencies and private and public vendors; and the City is party to numerous JPAs. The City shares library services with Contra Costa County. The City owns various facilities which are leased by other agencies. The City did not identify overlapping/duplication of services or excess service or facility capacity.
- 6) *Accountability for community service needs, including governmental structure and operational efficiencies* – The City's website provides information regarding public meetings, services, financial and

planning documents, and opportunities for public involvement demonstrating access and accountability. The City Council meetings are streamed online and on local cable television. The City offers electronic subscriptions on various topics and distributes newsletters to its residents.

- 7) *Any other matter related to effective or efficient service delivery, as required by Commission policy* – Contra Costa LAFCO’s local policies provide that MSRs focus on target services including water, sewer, drainage, libraries, roads, parks, health care, broadband (high-speed internet access and use), police, and fire protection. The “City Services” MSR excludes review of water, sewer, healthcare and fire services as these services were recently reviewed in 2nd round focused MSRs.

Contra Costa LAFCO added broadband services as an MSR focus area. The City does not provide public broadband service and is served by various private cable/ broadband service providers. The East Bay Broadband Consortium’s 2013 East Bay Broadband Report Card noted that the City of Walnut Creek’s internet service providers meet the CPUC’s minimum 6 Mbps download and 1.5 Mbps upload standards. The City did not indicate any specific concerns about the ability of the current broadband providers to serve the City.

SPHERE OF INFLUENCE (SOI) DETERMINATIONS

- A. *The present and planned land uses in the area, including agricultural and open-space lands* – The City of Walnut Creek plans for a variety of urban uses within its boundary, representing a continuation of the current mix of uses including residential, business park, commercial, retail, mixed uses, agricultural and open space. Present and planned land uses are adequate for existing residents as well as future growth and maintaining compatibility with open space uses, as demonstrated in the City’s General Plan (2006).
- B. *The present and probable need for public facilities and services in the area* – There are no anticipated changes in the type of public services and facilities required within the existing SOI for the City of Walnut Creek. The level of demand for these services and facilities, however, will increase commensurate with anticipated population growth over the next five years, particularly as higher density development replaces older lower density development.
- C. *The present capacity of public facilities and adequacy of public services that the agency provides or is authorized to provide* – The present capacity of public facilities in the City of Walnut Creek appears adequate, and the City indicates it will continue to have adequate capacity during the next five years.
- D. *The existence of any social or economic communities of interest in the area if the Commission determines that they are relevant to the agency* – There are several islands within the City’s SOI that represent communities of interest. LAFCO encourages the annexation of these small islands.
- E. *The present and probable need for sewers, municipal and industrial water, or structural fire protection services and facilities of any DUC within the existing SOI* – There a disadvantaged community within the City’s boundary and SOI. This area receives municipal fire, sewer and water services.

PASSED AND ADOPTED this 12th day of June 2019.

AYES:

NOES:

ABSTENTIONS:

ABSENT:

Tom Butt, Chair, Contra Costa LAFCO

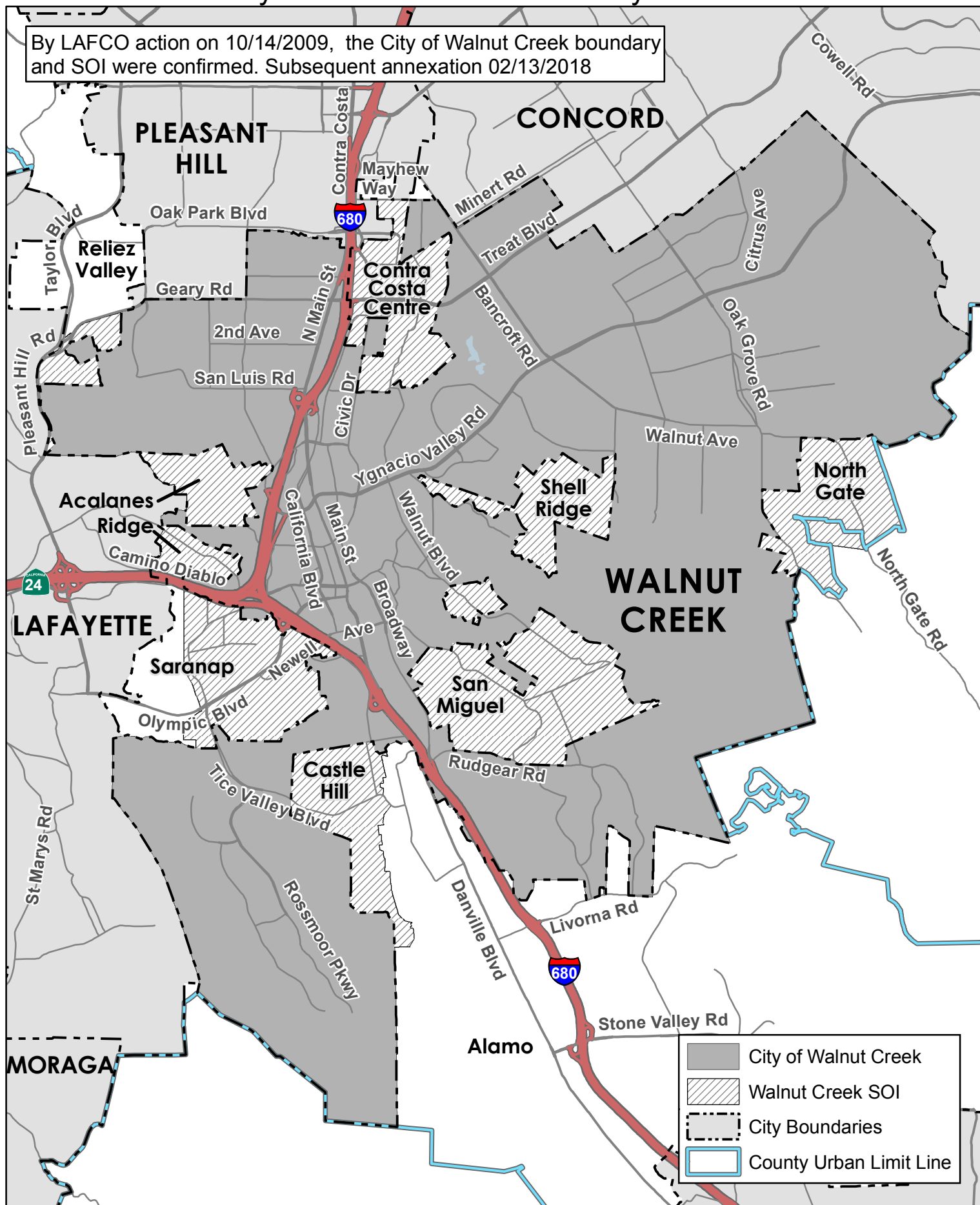
I hereby certify that this is a correct copy of a resolution passed and adopted by the Commission on the date stated above.

Lou Ann Texeira, Executive Officer

City of Walnut Creek Boundary and SOI

Att 2s/Exhibit A

By LAFCO action on 10/14/2009, the City of Walnut Creek boundary and SOI were confirmed. Subsequent annexation 02/13/2018



**RESOLUTION OF THE CONTRA COSTA LOCAL AGENCY FORMATION
COMMISSION ADOPTING MUNICIPAL SERVICE REVIEW AND
SPHERE OF INFLUENCE DETERMINATIONS FOR THE
CROCKETT COMMUNITY SERVICES DISTRICT**

WHEREAS, the Cortese-Knox-Hertzberg Local Governmental Reorganization Act of 2000 (California Government Code §56000 et seq.) provides that a Local Agency Formation Commission (LAFCO) shall adopt Spheres of Influence (SOIs) for each local governmental agency within its jurisdiction [§56425(a)] and that it must update each SOI every five years, as necessary (§56425(g)); and

WHEREAS, the SOI is the primary planning tool for LAFCO and defines the probable physical boundary and service area of a local agency as determined by LAFCO; and

WHEREAS, §56430 requires that in order to prepare and to update SOIs, the Commission shall conduct a Municipal Service Review (MSR) prior to or in conjunction with the SOI update; and

WHEREAS, the Commission has undertaken its 2nd round “*City Services*” MSR covering all 19 cities and four community services districts (CSDs) including Crockett CSD, Diablo CSD, Discovery Bay CSD and Kensington CSD; and

WHEREAS, this MSR, as prepared by Lamphier-Gregory and Berkson Associates consultants to LAFCO, covers the following services: animal control, broadband, building/planning, law enforcement, library, lighting, parks & recreation, solid waste, streets/roads, stormwater, and utilities (gas, electric/community choice); and

WHEREAS, this MSR focuses on: 1) updating profile data including growth and population, jobs/housing, finances (expenses, revenues, debt, reserves, related fiscal indicators), and staffing; 2) shared services (i.e., joint powers/joint use agreements, contracts between public agencies, public-private partnerships); 3) infill development/sprawl prevention/islands; and 4) agricultural/open space preservation; and

WHEREAS, on April 17, 2019, the Commission held a public hearing to receive an overview of the Public Review Draft MSR, receive public comments, and provide input; and

WHEREAS, on June 12, 2019, the Commission held a public hearing to receive the Final Draft MSR and recommended determinations and SOI updates for all agencies covered in the MSR, including the Crockett Community Services District (CCSD); and

WHEREAS, at the public hearings, the Commission heard and received all oral and written protests, objections, and evidence, which were made, presented, or filed, and all persons present were given an opportunity to hear and be heard with respect to the MSR and SOI updates; and

WHEREAS, the MSR contains the determinations required by §§56425 and 56430 relative to the SOI update and MSR, respectively, for the CCSD incorporated in this resolution; and

WHEREAS, the proposed action consists of adopting the MSR determinations and updating the SOI for the CCSD as presented in the 2nd round “*City Services*” MSR; and

WHEREAS, adoption of the MSR is statutorily exempt from the provisions of the California Environmental Quality Act (CEQA), as MSRs are feasibility and planning studies for possible future actions that have not been approved, adopted, or funded, pursuant to State CEQA Guidelines Section 15262; and

WHEREAS, as set forth in State CEQA Guidelines section 15061(b)(3), approval of the SOI update is not subject to CEQA because it can be seen with certainty that there is no possibility that the SOI update will have a significant effect on the environment.

NOW, THEREFORE, BE IT RESOLVED that Contra Costa LAFCO does hereby adopt the following MSR pursuant to §56430 and SOI determinations pursuant to §56425 for the CCSD and retain the existing SOI for the CCSD as depicted in Exhibit A (attached).

MUNICIPAL SERVICE REVIEW (MSR) DETERMINATIONS

- 1) *Growth and population projections for the affected area* – According to the 2016 American Community Survey data, the CCSD serves 3,331 residents. The Association of Bay Area Governments (ABAG) projects that unincorporated Contra Costa County will grow at an annual rate of approximately 0.7% between 2010 and 2040. Unincorporated Contra Costa County is also projected to experience an approximate 0.5% annual growth rate in jobs between 2010 and 2040.

The MSR also reviewed jobs/housing, planning for an aging population, and anticipated growth patterns. The Bay Area Census and ABAG project the unincorporated County's jobs/housing balance to be 0.59 by 2040, which reflects an imbalance. Regarding planning for an aging population, the number of adults age 50 and older in Contra Costa County is projected to increase approximately 45% by 2040. The CCSD offers low interest loans to seniors related to replacement of sewer laterals. Also, CCSD offers senior programs and services directly and through a contract with Contra Costa County. Regarding anticipated growth patterns, there are no Priority Development or Priority Conservations Areas within the CCSD. The CCSD does not anticipate that current or projected growth patterns will expand beyond its existing municipal boundary and SOI.

- 2) *The location and characteristics of any Disadvantaged Unincorporated Communities (DUCs) within or contiguous to the SOI* – According to the American Community Survey 5-Year Estimates (2013-2017), there are DUCs within and contiguous to the CCSD.
- 3) *Present and planned capacity of public facilities, adequacy of public services, and infrastructure needs or deficiencies including needs or deficiencies related to sewers, municipal and industrial water, and structural fire protection in any DUCs within or contiguous to the SOI* – The CCSD indicates that it adequately serves all areas within its service boundary and is likely to continue to do so in the foreseeable future. The disadvantaged communities within and contiguous to the CCSD receive municipal water, sewer and fire services.
- 4) *Financial ability of agency to provide services* – In determining the financial ability of the CCSD to provide services, the MSR considered operating general fund and reserve trends; liquidity, debt, and pension liabilities; and timeliness and accuracy of financial reporting. The CCSD is experiencing some fiscal challenges primarily related to its sewer services (i.e., capital investments, asset depreciation, operating revenue, reserves, pension obligation). However, the District currently has the means available to cover its existing obligations in the short term and continue providing services absent any significant unexpected funding needs. The District's ability to accommodate infrastructure expansion, improvements, or replacement over the next five years may be compromised absent the identification of additional funding opportunities. As with other public agencies, rising pension costs are expected to reduce funding for other priorities. The District prepares timely financial reports. The MSR includes recommendations to improve transparency of its financial reports. *The CCSD shall provide LAFCO with a financial update by June 2020. The update should describe the District's progress in improving Port Costa's financial status, and the District's efforts to improve the clarity of its financial reporting.*
- 5) *Status of, and opportunities for, shared facilities* – The Crockett/Port Costa communities are unincorporated and served by Contra Costa County and various other public and private service providers for various services including animal control, broadband, building/planning, law enforcement, library, lighting, solid waste, stormwater and utilities. The District is not party to any JPAs. The District did not identify any other shared services, overlapping/duplication of services, or excess service or facility capacity.
- 6) *Accountability for community service needs, including governmental structure and operational efficiencies* – The CCSD's website provides information regarding public meetings, services, policies, financial and other reports and documents. Newsletters are also distributed to residents within the CCSD.
- 7) *Any other matter related to effective or efficient service delivery, as required by Commission policy* – Contra Costa LAFCO's local policies provide that MSRs focus on target services including water, sewer, drainage,

libraries, roads, parks, health care, broadband (high-speed internet access and use), police, and fire protection. The “City Services” MSR excludes review of water, sewer, healthcare and fire services as these services were recently reviewed in 2nd round focused MSRs.

Contra Costa LAFCO recently added broadband services as an MSR focus area. The CCSD does not provide public broadband service and is served by various private cable/broadband service providers. In 2013, the East Bay Broadband Consortium’s issued its East Bay Broadband Report Card noting that Contra Costa County’s internet service providers met the CPUC’s minimum 6 Mbps download and 1.5 Mbps upload standards.

SPHERE OF INFLUENCE (SOI) DETERMINATIONS

- A. *The present and planned land uses in the area, including agricultural and open-space lands* – Contra Costa County, of which Crockett CSD is a part, plans for a variety of land uses within the unincorporated county, representing a continuation of the current mix of uses. Present and planned land uses are adequate for existing residents as well as future growth and maintaining compatibility with agricultural and open space uses, as demonstrated in the County General Plan.
- B. *The present and probable need for public facilities and services in the area* – There are no anticipated changes in the type of public services and facilities required within the SOI for the CCSD. The level of demand for these services and facilities, however, will increase commensurate with anticipated population growth over the next five years.
- C. *The present capacity of public facilities and adequacy of public services that the agency provides or is authorized to provide* – The present capacity of public facilities in the CCSD appears adequate. The CCSD is likely to have adequate capacity during the next five years.
- D. *The existence of any social or economic communities of interest in the area if the Commission determines that they are relevant to the agency* – Other than territory served by the CCSD, LAFCO did not identify any other social or economic communities of interest relevant to the CCSD.
- E. *The present and probable need for sewers, municipal and industrial water, or structural fire protection services and facilities of any DUC within the existing SOI* – According to the American Community Survey 5-Year Estimates (2013-2017), there are disadvantaged communities in and adjacent to the CCSD. These areas receive municipal sewer, water and fire services.
- F. *Nature, location, extent, functions & classes of services to be provided* – The CCSD service boundary encompasses approximately 1.3± square miles. The District is authorized to provide recreation, lighting, landscaping and sewer services within its boundary. CCSD provides and maintains 1.8 park acres per 1,000 residents within its boundary. District facilities include the Crockett Community Center, Crockett Aquatics Center, Alexander Park, and adjacent hillside.

PASSED AND ADOPTED this 12th day of June 2019.

AYES:

NOES:

ABSTENTIONS:

ABSENT:

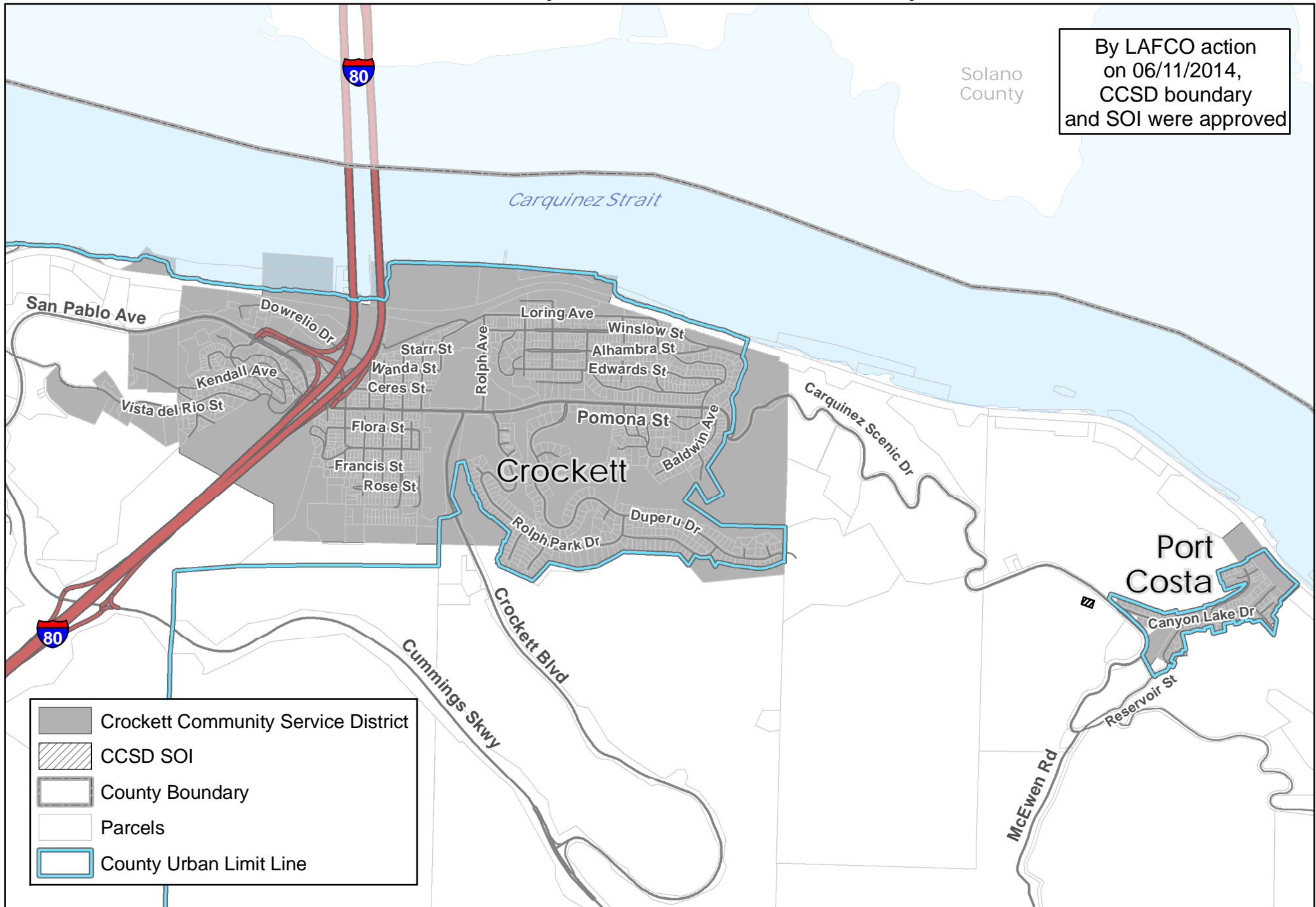
Tom Butt, Chair, Contra Costa LAFCO

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

Lou Ann Texeira, Executive Officer

Crockett Community Service District Boundary and SOI

By LAFCO action
on 06/11/2014,
CCSD boundary
and SOI were approved



**RESOLUTION OF THE CONTRA COSTA LOCAL AGENCY FORMATION
COMMISSION ADOPTING MUNICIPAL SERVICE REVIEW AND
SPHERE OF INFLUENCE DETERMINATIONS FOR THE
DIABLO COMMUNITY SERVICES DISTRICT**

WHEREAS, the Cortese-Knox-Hertzberg Local Governmental Reorganization Act of 2000 (California Government Code §56000 et seq.) provides that a Local Agency Formation Commission (LAFCO) shall adopt Spheres of Influence (SOIs) for each local governmental agency within its jurisdiction [§56425(a)] and that it must update each SOI every five years, as necessary (§56425(g)); and

WHEREAS, the SOI is the primary planning tool for LAFCO and defines the probable physical boundary and service area of a local agency as determined by LAFCO; and

WHEREAS, §56430 requires that in order to prepare and to update SOIs, the Commission shall conduct a Municipal Service Review (MSR) prior to or in conjunction with the SOI update; and

WHEREAS, the Commission has undertaken its 2nd round “*City Services*” MSR covering all 19 cities and four community services districts (CSDs) including Crockett CSD, Diablo CSD, Discovery Bay CSD and Kensington CSD; and

WHEREAS, this MSR, as prepared by Lamphier-Gregory and Berkson Associates consultants to LAFCO, covers the following services: animal control, broadband, building/planning, law enforcement, library, lighting, parks & recreation, solid waste, streets/roads, stormwater, and utilities (gas, electric/community choice); and

WHEREAS, this MSR focuses on: 1) updating profile data including growth and population, jobs/housing, finances (expenses, revenues, debt, reserves, related fiscal indicators), and staffing; 2) shared services (i.e., joint powers/joint use agreements, contracts between public agencies, public-private partnerships); 3) infill development/sprawl prevention/islands; and 4) agricultural/open space preservation; and

WHEREAS, on April 17, 2019, the Commission held a public hearing to receive an overview of the Public Review Draft MSR, receive public comments, and provide input; and

WHEREAS, on June 12, 2019, the Commission held a public hearing to receive the Final Draft MSR and recommended determinations and SOI updates for all agencies covered in the MSR, including the Diablo Community Services District (DCSD); and

WHEREAS, at the public hearings, the Commission heard and received all oral and written protests, objections, and evidence, which were made, presented, or filed, and all persons present were given an opportunity to hear and be heard with respect to the MSR and SOI updates; and

WHEREAS, the MSR contains the determinations required by §§56425 and 56430 relative to the SOI update and MSR, respectively, for the DCSD incorporated in this resolution; and

WHEREAS, the proposed action consists of adopting the MSR determinations and updating the SOI for the DCSD as presented in the 2nd round “*City Services*” MSR; and

WHEREAS, adoption of the MSR is statutorily exempt from the provisions of the California Environmental Quality Act (CEQA), as MSRs are feasibility and planning studies for possible future actions that have not been approved, adopted, or funded, pursuant to State CEQA Guidelines Section 15262; and

WHEREAS, as set forth in State CEQA Guidelines section 15061(b)(3), approval of the SOI update is not subject to CEQA because it can be seen with certainty that there is no possibility that the SOI update will have a significant effect on the environment.

NOW, THEREFORE, BE IT RESOLVED that Contra Costa LAFCO does hereby adopt the following MSR pursuant to §56430 and SOI determinations pursuant to §56425 for the DCSD and retain the existing SOI for the DCSD as depicted in Exhibit A (attached).

MUNICIPAL SERVICE REVIEW (MSR) DETERMINATIONS

- 1) *Growth and population projections for the affected area* – According to the 2016 American Community Survey data, the DCSD serves 807 residents. The Association of Bay Area Governments (ABAG) projects that unincorporated Contra Costa County will grow at an annual rate of approximately 0.7% between 2010 and 2040. Unincorporated Contra Costa County is also projected to experience an approximate 0.5% annual growth rate in jobs between 2010 and 2040.

The MSR also reviewed jobs/housing, planning for an aging population, and anticipated growth patterns. The Bay Area Census and ABAG project the unincorporated County's jobs/housing balance to be 0.59 by 2040, which reflects an imbalance. Regarding planning for an aging population, the number of adults age 50 and older in Contra Costa County is projected to increase approximately 45% by 2040. The DCSD does not provide specific programs for adults age 50 and older. Regarding anticipated growth patterns, there are no Priority Development or Priority Conservation Areas within the DCSD. The DCSD does not anticipate that current or projected growth patterns will expand beyond its existing municipal boundary and SOI.

- 2) *The location and characteristics of any Disadvantaged Unincorporated Communities (DUCs) within or contiguous to the SOI* – According to the American Community Survey 5-Year Estimates (2013-2017), there are no DUCs within or contiguous to the DCSD.
- 3) *Present and planned capacity of public facilities, adequacy of public services, and infrastructure needs or deficiencies including needs or deficiencies related to sewers, municipal and industrial water, and structural fire protection in any DUCs within or contiguous to the SOI* – There are no disadvantaged communities within or contiguous to the DCSD.
- 4) *Financial ability of agency to provide services* – In determining the financial ability of the DCSD to provide services, the MSR considered operating general fund and reserve trends; liquidity, debt, and pension liabilities; and timeliness and accuracy of financial reporting. Overall, the DCSD appears to have sufficient financial resources to continue providing services and accommodate infrastructure expansion, improvements or over the next five years. The DCSD has been operating with a deficit in its General Fund, and the FY 2019 budget shows that expenditures exceed revenues. The DCSD's reserve goal is unknown. The FY 2019 ending fund balance is projected to be approximately 30% of expenditures. The DCSD has no outstanding debt obligations, and does not provide pension or other post-employment retirement benefits. The District prepares timely financial reports.
- 5) *Status of, and opportunities for shared facilities* – The Diablo community is unincorporated and served by Contra Costa County and various other public and private service providers for various services including animal control, broadband, building/planning, law enforcement, library, traffic lighting, solid waste, stormwater and utilities. The District is not party to any JPAs. The District did not identify any other shared services, overlapping/duplication of services, or excess service or facility capacity.
- 6) *Accountability for community service needs, including governmental structure and operational efficiencies* – The DCSD's website provides information regarding public meetings, services, policies, financial and other reports and documents.
- 7) *Any other matter related to effective or efficient service delivery, as required by Commission policy* – Contra Costa LAFCO's local policies provide that MSRs focus on target services including water, sewer, drainage, libraries, roads, parks, health care, broadband (high-speed internet access and use), police, and fire protection. The "City Services" MSR excludes review of water, sewer, healthcare and fire services as these services were recently reviewed in 2nd round focused MSRs.

Contra Costa LAFCO recently added broadband services as an MSR focus area. The DCSD does not provide public broadband service and is served by various private cable/broadband service providers. In 2013, the East Bay Broadband Consortium's issued its Broadband Report Card noting that Contra Costa County's internet service providers met the CPUC's minimum 6 Mbps download and 1.5 Mbps upload standards.

SPHERE OF INFLUENCE (SOI) DETERMINATIONS

- A. *The present and planned land uses in the area, including agricultural and open-space lands* – Contra Costa County, of which Diablo CSD is a part, plans for a variety of land uses within the unincorporated county, representing a continuation of the current mix of uses. Present and planned land uses are adequate for existing residents as well as future growth and maintaining compatibility with agricultural and open space uses, as demonstrated in the County General Plan.
- B. *The present and probable need for public facilities and services in the area* – There are no anticipated changes in the type of public services and facilities required within the SOI for the DCSD. The level of demand for these services and facilities, however, will increase commensurate with anticipated population growth over the next five years.
- C. *The present capacity of public facilities and adequacy of public services that the agency provides or is authorized to provide* – The present capacity of public facilities in the DCSD appears adequate. The DCSD is likely to have adequate capacity during the next five years.
- D. *The existence of any social or economic communities of interest in the area if the Commission determines that they are relevant to the agency* – Other than territory served by the DCSD, LAFCO did not identify any other social or economic communities of interest relevant to the DCSD.
- E. *The present and probable need for sewers, municipal and industrial water, or structural fire protection services and facilities of any DUC within the existing SOI* – According to the American Community Survey 5-Year Estimates (2013-2017), there are no disadvantaged communities in or adjacent to the DCSD.
- F. *Nature, location, extent, functions & classes of services to be provided* – The DCSD service boundary encompasses approximately 1.4± square miles. The District is authorized to provide recreation, street lighting, police/security services, road maintenance and Municipal Advisory Council services.

PASSED AND ADOPTED this 12th day of June 2019.

AYES:

NOES:

ABSTENTIONS:

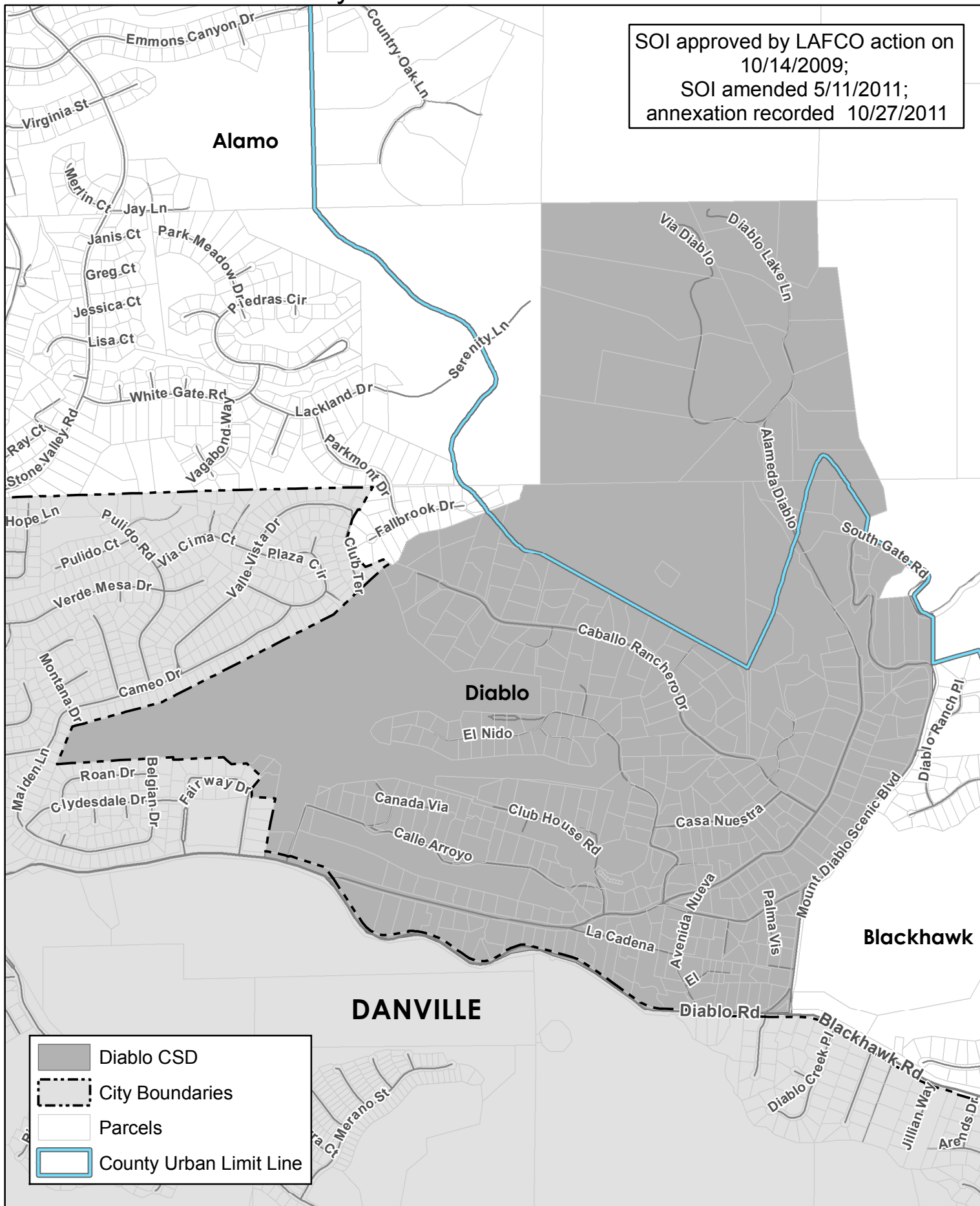
ABSENT:

Tom Butt, Chair, Contra Costa LAFCO

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

Lou Ann Texeira, Executive Officer

Diablo Community Services District and Coterminous SOI



**RESOLUTION OF THE CONTRA COSTA LOCAL AGENCY FORMATION
COMMISSION ADOPTING MUNICIPAL SERVICE REVIEW AND
SPHERE OF INFLUENCE DETERMINATIONS FOR THE
TOWN OF DISCOVERY BAY COMMUNITY SERVICES DISTRICT**

WHEREAS, the Cortese-Knox-Hertzberg Local Governmental Reorganization Act of 2000 (California Government Code §56000 et seq.) provides that a Local Agency Formation Commission (LAFCO) shall adopt Spheres of Influence (SOIs) for each local governmental agency within its jurisdiction [§56425(a)] and that it must update each SOI every five years, as necessary (§56425(g)); and

WHEREAS, the SOI is the primary planning tool for LAFCO and defines the probable physical boundary and service area of a local agency as determined by LAFCO; and

WHEREAS, §56430 requires that in order to prepare and to update SOIs, the Commission shall conduct a Municipal Service Review (MSR) prior to or in conjunction with the SOI update; and

WHEREAS, the Commission has undertaken its 2nd round “*City Services*” MSR covering all 19 cities and four community services districts (CSDs) including Crockett CSD, Diablo CSD, Discovery Bay CSD and Kensington CSD; and

WHEREAS, this MSR, as prepared by Lamphier-Gregory and Berkson Associates consultants to LAFCO, covers the following services: animal control, broadband, building/planning, law enforcement, library, lighting, parks & recreation, solid waste, streets/roads, stormwater, and utilities (gas, electric/community choice); and

WHEREAS, this MSR focuses on: 1) updating profile data including growth and population, jobs/housing, finances (expenses, revenues, debt, reserves, related fiscal indicators), and staffing; 2) shared services (i.e., joint powers/joint use agreements, contracts between public agencies, public-private partnerships); 3) infill development/sprawl prevention/islands; and 4) agricultural/open space preservation; and

WHEREAS, on April 17, 2019, the Commission held a public hearing to receive an overview of the Public Review Draft MSR, receive public comments, and provide input; and

WHEREAS, on June 12, 2019, the Commission held a public hearing to receive the Final Draft MSR and recommended determinations and SOI updates for all agencies covered in the MSR, including the Discovery Bay Community Services District (DBCSD); and

WHEREAS, at the public hearings, the Commission heard and received all oral and written protests, objections, and evidence, which were made, presented, or filed, and all persons present were given an opportunity to hear and be heard with respect to the MSR and SOI updates; and

WHEREAS, the MSR contains the determinations required by §§56425 and 56430 relative to the SOI update and MSR, respectively, for the DBCSD incorporated in this resolution; and

WHEREAS, the proposed action consists of adopting the MSR determinations and updating the SOI for the DBCSD as presented in the 2nd round “*City Services*” MSR; and

WHEREAS, adoption of the MSR is statutorily exempt from the provisions of the California Environmental Quality Act (CEQA), as MSRs are feasibility and planning studies for possible future actions that have not been approved, adopted, or funded, pursuant to State CEQA Guidelines Section 15262; and

WHEREAS, as set forth in State CEQA Guidelines section 15061(b)(3), approval of the SOI update is not subject to CEQA because it can be seen with certainty that there is no possibility that the SOI update will have a significant effect on the environment.

NOW, THEREFORE, BE IT RESOLVED that Contra Costa LAFCO does hereby adopt the following MSR pursuant to §56430 and SOI determinations pursuant to §56425 for the DBCSD and retain the existing SOI for the DBCSD as depicted in Exhibit A (attached).

MUNICIPAL SERVICE REVIEW (MSR) DETERMINATIONS

- 1) *Growth and population projections for the affected area* – According to the 2016 American Community Survey data, the DBCSD serves 14,765 residents. The Association of Bay Area Governments (ABAG) projects that unincorporated Contra Costa County will grow at an annual rate of approximately 0.7% between 2010 and 2040. Unincorporated Contra Costa County is also projected to experience an approximate 0.5% annual growth rate in jobs between 2010 and 2040.

The MSR also reviewed jobs/housing, planning for an aging population, and anticipated growth patterns. The Bay Area Census and ABAG project the unincorporated County's jobs/housing balance to be 0.59 by 2040, which reflects an imbalance. Regarding planning for an aging population, the number of adults age 50 and older in Contra Costa County is projected to increase approximately 45% by 2040. The DBCSD provides activities and resource information for adults age 50+. Regarding anticipated growth patterns, there are no Priority Development or Priority Conservation Areas within the DBCSD. The DBCSD does not anticipate that current or projected growth patterns will expand beyond its existing municipal boundary and SOI.

- 2) *The location and characteristics of any Disadvantaged Unincorporated Communities (DUCs) within or contiguous to the SOI* – According to the American Community Survey 5-Year Estimates (2013-2017), there are no DUCs within or contiguous to the DBCSD.
- 3) *Present and planned capacity of public facilities, adequacy of public services, and infrastructure needs or deficiencies including needs or deficiencies related to sewers, municipal and industrial water, and structural fire protection in any DUCs within or contiguous to the SOI* – There are no disadvantaged communities within or contiguous to the DBCSD.
- 4) *Financial ability of agency to provide services* – In determining the financial ability of the DBCSD to provide services, the MSR considered operating general fund and reserve trends; liquidity, debt, and pension liabilities; and timeliness and accuracy of financial reporting. Overall, the DBCSD appears to have sufficient financial resources to continue providing services and accommodate infrastructure expansion, improvements or over the next five years. The DBCSD was operating with a surplus in its General Fund until a deficit in FY 2017. The DBCSD's reserve goal is unknown; however, the projected FY 2019 reserve balances are 39% of total operations and debt service. The District's total debt is increasing. The DBCSD does not provide pension or other post-employment retirement benefits and has no related liabilities. The District prepares financial reports as required for submittal to the State in January following the end of the prior fiscal year. The DBCSD's audited financial reports are published in the third quarter of the fiscal year following the audited fiscal year.
- 5) *Status of, and opportunities for, shared facilities* – The Discovery Bay community is unincorporated and served by Contra Costa County and various other public and private service providers for various services including animal control, broadband, building/planning, law enforcement, library, traffic lighting, solid waste, stormwater and utilities. DBCSD is a member of one JPA. Also, the District leases an old fire station from East Contra Costa Fire Protection District for landscaping services. DBCSD did not identify any other shared services, overlapping/duplication of services, or excess service or facility capacity.
- 6) *Accountability for community service needs, including governmental structure and operational efficiencies* – The DBCSD's website provides information regarding public meetings, services, policies, financial and other reports and documents. The District sponsors open houses and town halls and distributes newsletters to its residents.
- 7) *Any other matter related to effective or efficient service delivery, as required by Commission policy* – Contra Costa LAFCO's local policies provide that MSRs focus on target services including water, sewer, drainage, libraries, roads, parks, health care, broadband (high-speed internet access and use), police, and fire protection. The "City Services" MSR excludes review of water, sewer, healthcare and fire services as these services were recently reviewed in 2nd round focused MSRs.

Contra Costa LAFCO added broadband services as an MSR focus area. The DBCSD does not provide public broadband service and is served by various private cable/broadband service providers. In 2013, the East Bay Broadband Consortium's issued its Broadband Report Card noting that Contra Costa County's internet service providers met the CPUC's minimum 6 Mbps download and 1.5 Mbps upload standards.

SPHERE OF INFLUENCE (SOI) DETERMINATIONS

- A. *The present and planned land uses in the area, including agricultural and open-space lands* – Contra Costa County, of which Discovery Bay CSD is a part, plans for a variety of land uses within the unincorporated county, representing a continuation of the current mix of uses. Present and planned land uses are adequate for existing residents as well as future growth and maintaining compatibility with agricultural and open space uses, as demonstrated in the County General Plan.
- B. *The present and probable need for public facilities and services in the area* – There are no anticipated changes in the type of public services and facilities required within the SOI for the DBCSD. The level of demand for these services and facilities, however, will increase commensurate with anticipated population growth over the next five years.
- C. *The present capacity of public facilities and adequacy of public services that the agency provides or is authorized to provide* – The present capacity of public facilities in the DBCSD appears adequate. The DBCSD is likely to have adequate capacity during the next five years.
- D. *The existence of any social or economic communities of interest in the area if the Commission determines that they are relevant to the agency* – Other than territory served by the DBCSD, LAFCO did not identify any other social or economic communities of interest relevant to the DBCSD.
- E. *The present and probable need for sewers, municipal and industrial water, or structural fire protection services and facilities of any DUC within the existing SOI* – According to the American Community Survey 5-Year Estimates (2013-2017), there are no disadvantaged communities in or adjacent to the DBCSD.
- F. *Nature, location, extent, functions & classes of services to be provided* – The DBCSD service boundary encompasses approximately 6.2± square miles. The District is authorized to provide water supply; sewage collection, treatment and disposal; levee maintenance; recreation; lighting; landscaping; and maintenance.

PASSED AND ADOPTED this 12th day of June 2019.

AYES:

NOES:

ABSTENTIONS:

ABSENT:

Tom Butt, Chair, Contra Costa LAFCO

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

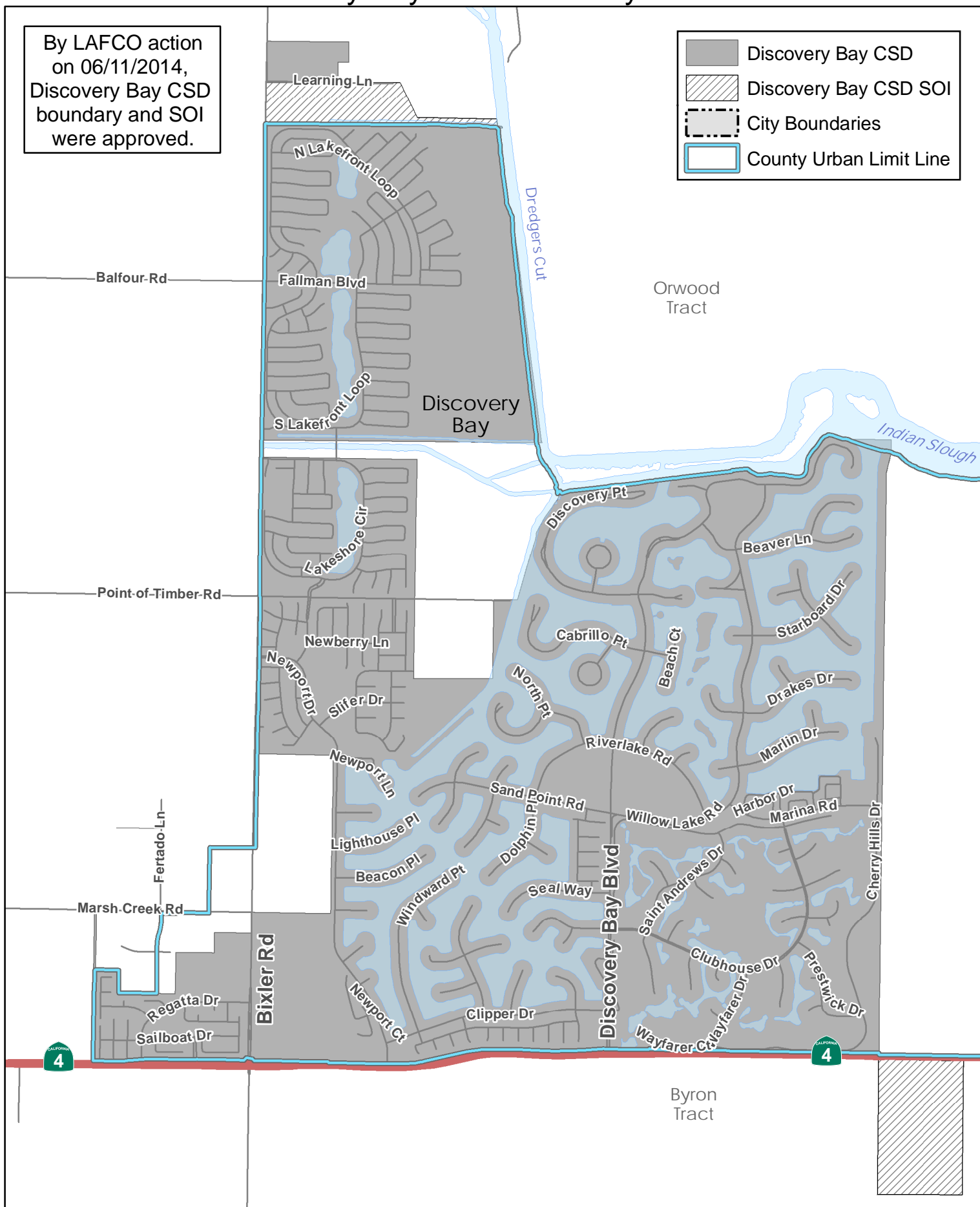
Lou Ann Texeira, Executive Officer

Discovery Bay CSD Boundary and SOI

Att 2v/Exhibit A

By LAFCO action on 06/11/2014, Discovery Bay CSD boundary and SOI were approved.

-  Discovery Bay CSD
-  Discovery Bay CSD SOI
-  City Boundaries
-  County Urban Limit Line



**RESOLUTION OF THE CONTRA COSTA LOCAL AGENCY FORMATION
COMMISSION ADOPTING MUNICIPAL SERVICE REVIEW AND
SPHERE OF INFLUENCE DETERMINATIONS FOR THE
KENSINGTON POLICE PROTECTION AND COMMUNITY SERVICES DISTRICT**

WHEREAS, the Cortese-Knox-Hertzberg Local Governmental Reorganization Act of 2000 (California Government Code §56000 et seq.) provides that a Local Agency Formation Commission (LAFCO) shall adopt Spheres of Influence (SOIs) for each local governmental agency within its jurisdiction [§56425(a)] and that it must update each SOI every five years, as necessary (§56425(g)); and

WHEREAS, the SOI is the primary planning tool for LAFCO and defines the probable physical boundary and service area of a local agency as determined by LAFCO; and

WHEREAS, §56430 requires that in order to prepare and to update SOIs, the Commission shall conduct a Municipal Service Review (MSR) prior to or in conjunction with the SOI update; and

WHEREAS, the Commission has undertaken its 2nd round “*City Services*” MSR covering all 19 cities and four community services districts (CSDs) including Crockett CSD, Diablo CSD, Discovery Bay CSD and Kensington Police Protection and CSD; and

WHEREAS, this MSR, as prepared by Lamphier-Gregory and Berkson Associates consultants to LAFCO, covers the following services: animal control, broadband, building/planning, law enforcement, library, lighting, parks & recreation, solid waste, streets/roads, stormwater, and utilities (gas, electric/community choice); and

WHEREAS, this MSR focuses on: 1) updating profile data including growth and population, jobs/housing, finances (expenses, revenues, debt, reserves, related fiscal indicators), and staffing; 2) shared services (i.e., joint powers/joint use agreements, contracts between public agencies, public-private partnerships); 3) infill development/ sprawl prevention/islands; and 4) agricultural/open space preservation; and

WHEREAS, on April 17, 2019, the Commission held a public hearing to receive an overview of the Public Review Draft MSR, receive public comments, and provide input; and

WHEREAS, on June 12, 2019, the Commission held a public hearing to receive the Final Draft MSR and recommended determinations and SOI updates for all agencies covered in the MSR, including the Kensington Police Protection and Community Services District (KPPCSD); and

WHEREAS, at the public hearings, the Commission heard and received all oral and written protests, objections, and evidence, which were made, presented, or filed, and all persons present were given an opportunity to hear and be heard with respect to the MSR and SOI updates; and

WHEREAS, the MSR contains the determinations required by §§56425 and 56430 relative to the SOI update and MSR, respectively, for the KPPCSD incorporated in this resolution; and

WHEREAS, the proposed action consists of adopting the MSR determinations and updating the SOI for the KPPCSD as presented in the 2nd round “*City Services*” MSR; and

WHEREAS, adoption of the MSR is statutorily exempt from the provisions of the California Environmental Quality Act (CEQA), as MSRs are feasibility and planning studies for possible future actions that have not been approved, adopted, or funded, pursuant to State CEQA Guidelines Section 15262; and

WHEREAS, as set forth in State CEQA Guidelines section 15061(b)(3), approval of the SOI update is not subject to CEQA because it can be seen with certainty that there is no possibility that the SOI update will have a significant effect on the environment.

NOW, THEREFORE, BE IT RESOLVED that Contra Costa LAFCO does hereby adopt the following MSR pursuant to §56430 and SOI determinations pursuant to §56425 for the KPPCSD and retain the existing SOI for the KPPCSD as depicted in Exhibit A (attached).

MUNICIPAL SERVICE REVIEW (MSR) DETERMINATIONS

- 1) *Growth and population projections for the affected area* – According to the 2016 American Community Survey data, the KPPCSD serves 5,602 residents. The Association of Bay Area Governments (ABAG) projects that unincorporated Contra Costa County will grow at an annual rate of approximately 0.7% between 2010 and 2040. Unincorporated Contra Costa County is also projected to experience an approximate 0.5% annual growth rate in jobs between 2010 and 2040.

The MSR also reviewed jobs/housing, planning for an aging population, and anticipated growth patterns. The Bay Area Census and ABAG project the unincorporated County's jobs/housing balance to be 0.59 by 2040, which reflects an imbalance. Regarding planning for an aging population, the number of adults age 50 and older in Contra Costa County is projected to increase approximately 45% by 2040. The KPPCSD does not provide specific programs for adults age 50 and older. Regarding anticipated growth patterns, there are no Priority Development or Priority Conservation Areas within the KPPCSD. The KPPCSD does not anticipate that current or projected growth patterns will expand beyond its existing municipal boundary and SOI.

- 2) *The location and characteristics of any Disadvantaged Unincorporated Communities (DUCs) within or contiguous to the SOI* – According to the American Community Survey 5-Year Estimates (2013-2017), there are no DUCs within or contiguous to the KPPCSD.
- 3) *Present and planned capacity of public facilities, adequacy of public services, and infrastructure needs or deficiencies including needs or deficiencies related to sewers, municipal and industrial water, and structural fire protection in any DUCs within or contiguous to the SOI* – There are no disadvantaged communities within or contiguous to the KPPCSD.
- 4) *Financial ability of agency to provide services* – In determining the financial ability of the KPPCSD to provide services, the MSR considered operating general fund and reserve trends; liquidity, debt, and pension liabilities; and timeliness and accuracy of financial reporting. Overall, the KPPCSD appears to have sufficient financial resources to continue providing services and accommodate infrastructure expansion, improvements or over the next five years. The KPPCSD has been operating with a surplus in its General Fund. The KPPCSD's reserve goal is unknown. The FY 2019 projected ending cash balance of \$2.5 represents about 78% of expenditures. The District's total debt was approximately \$111 per capita in FY 2017 and has been declining. The District's unfunded pension and OPEB liabilities continue to grow; KPPCSD has not identified measures to address these increasing liabilities. The District prepares required financial reports.
- 5) *Status of, and opportunities for, shared facilities* – The Kensington community is unincorporated and served by Contra Costa County and various other public and private service providers for various services including animal control, broadband, building/planning, library, lighting, stormwater, streets and utilities. KPPCSD is a member of one joint powers authority – the East Bay Regional Communications System. The District has a dispatch agreement with the City of Albany in Alameda County. KPPCSD has a lease agreement with the Kensington Fire Protection District to house its police department and KPPCSD administration. The District did not identify any other overlapping/duplication of services, or excess service or facility capacity.
- 6) *Accountability for community service needs, including governmental structure and operational efficiencies* – The KPPCSD's website provides information regarding public meetings, services, policies, financial and other reports and documents.
- 7) *Any other matter related to effective or efficient service delivery, as required by Commission policy* –

Contra Costa LAFCO's local policies provide that MSRs focus on target services including water, sewer, drainage, libraries, roads, parks, health care, broadband (high-speed internet access and use), police, and fire protection. The "City Services" MSR excludes review of water, sewer, healthcare and fire services as these services were recently reviewed in 2nd round focused MSRs.

Contra Costa LAFCO recently added broadband services as an MSR focus area. The KPPCSD does not provide public broadband service and is served by various private cable/broadband service providers. In 2013, the East Bay Broadband Consortium's issued its Broadband Report Card noting that Contra Costa County's internet service providers met the CPUC's minimum 6 Mbps download and 1.5 Mbps upload standards.

SPHERE OF INFLUENCE (SOI) DETERMINATIONS

- A. *The present and planned land uses in the area, including agricultural and open-space lands* – Contra Costa County, of which KPPCSD is a part, plans for a variety of land uses within the unincorporated county, representing a continuation of the current mix of uses. Present and planned land uses are adequate for existing residents as well as future growth and maintaining compatibility with agricultural and open space uses, as demonstrated in the County General Plan.
- B. *The present and probable need for public facilities and services in the area* – There are no anticipated changes in the type of public services and facilities required within the SOI for the KPPCSD. The level of demand for these services and facilities, however, will increase commensurate with anticipated population growth over the next five years.
- C. *The present capacity of public facilities and adequacy of public services that the agency provides or is authorized to provide* – The present capacity of public facilities in the KPPCSD appears adequate. The KPPCSD is likely to have adequate capacity during the next five years.
- D. *The existence of any social or economic communities of interest in the area if the Commission determines that they are relevant to the agency* – Other than territory served by the KPPCSD, LAFCO did not identify any other social or economic communities of interest relevant to the KPPCSD.
- E. *The present and probable need for sewers, municipal and industrial water, or structural fire protection services and facilities of any DUC within the existing SOI* – According to the American Community Survey 5-Year Estimates (2013-2017), there are no disadvantaged communities in or adjacent to the KPPCSD.
- F. *Nature, location, extent, functions & classes of services to be provided* – The KPPCSD service boundary encompasses approximately 1.2± square miles. The District is authorized to provide law enforcement, parks and recreation, and solid waste collection services.

PASSED AND ADOPTED this 12th day of June 2019.

AYES:

NOES:

ABSTAIN:

ABSTENTIONS:

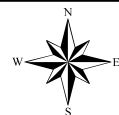
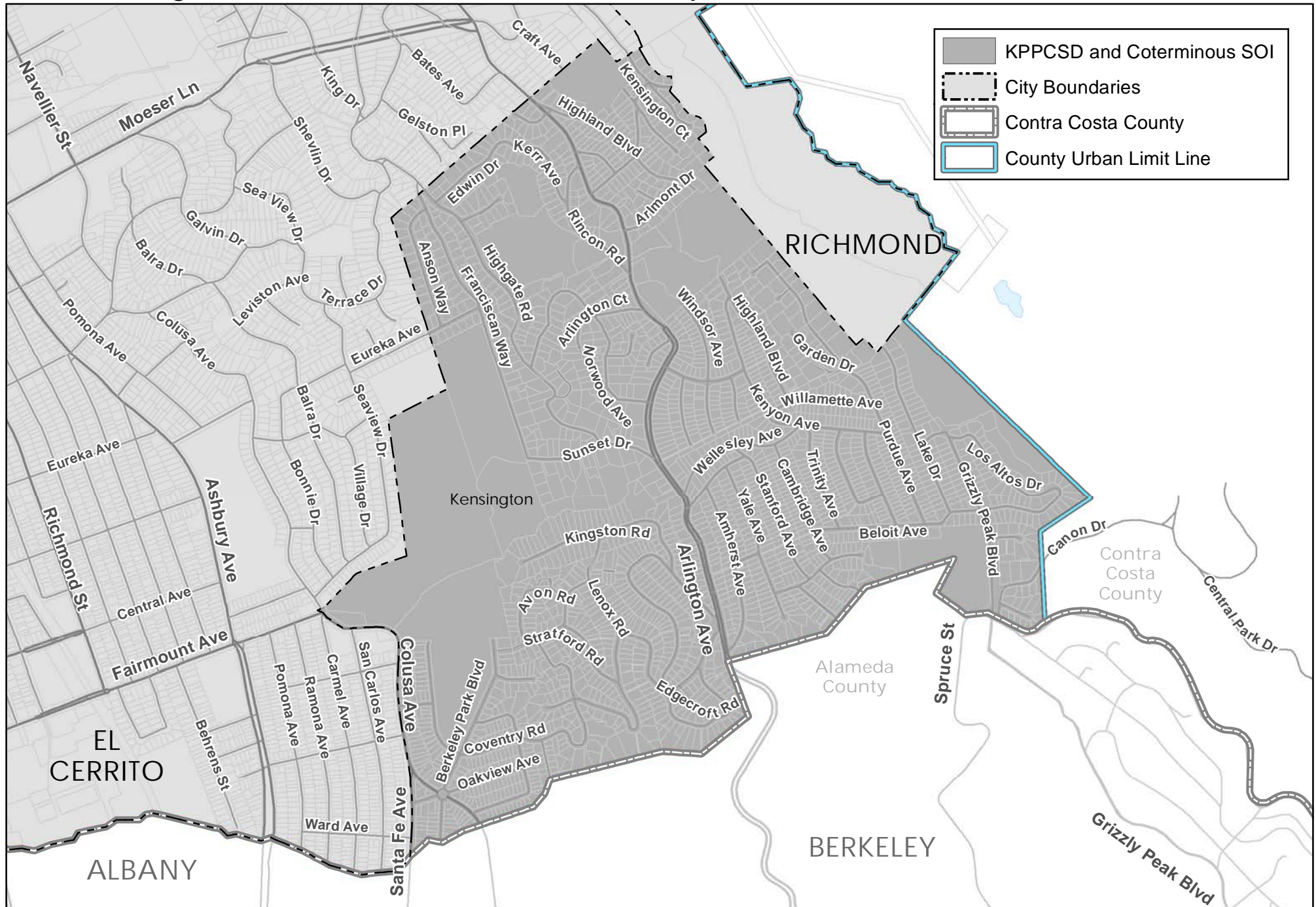
ABSENT:

Tom Butt, Chair, Contra Costa LAFCO

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

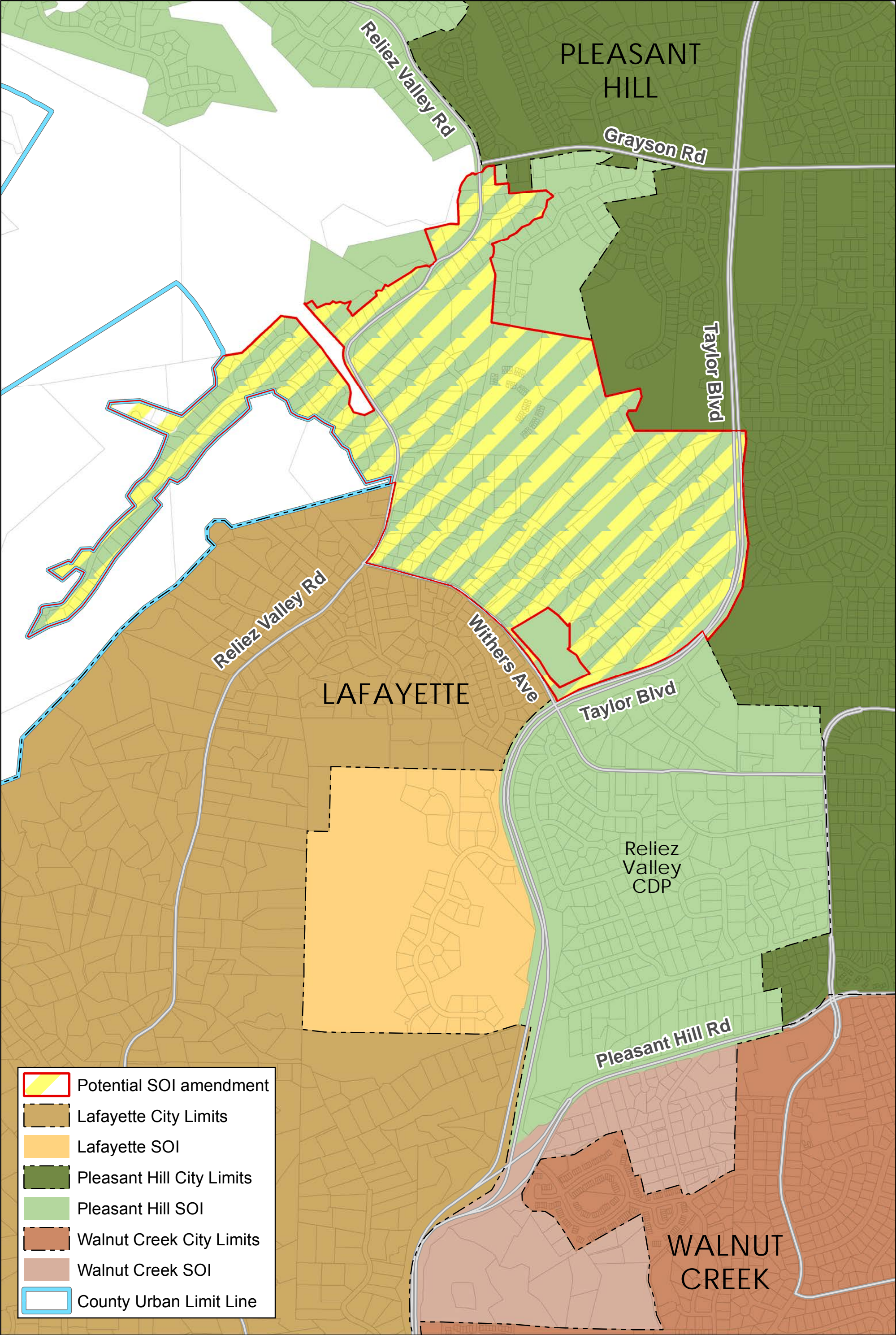
Lou Ann Texeira, Executive Officer

Kensington Police Protection and Community Services District and Coterminous SOI



**2019 “CITY SERVICES” MUNICIPAL SERVICES REVIEW
SPHERE OF INFLUENCE (SOI) SUMMARY TABLE**

Agency	SOI Recommendation	Comments
City of Antioch	Retain existing SOI	LAFCO encourages the City to annex its small islands.
City of Brentwood	Retain existing SOI	LAFCO encourages the City to annex its small islands.
City of Clayton	Retain existing SOI	LAFCO encourages the City to annex its small islands.
City of Concord	Retain existing SOI	Future SOI changes are subject to further review of City’s service capacity and finances. LAFCO encourages the City to annex its small islands.
Town of Danville	Retain existing SOI	
City of El Cerrito	Retain existing SOI	Future SOI changes are subject to further review of City’s finances and service capacity; City to provide LAFCO with a financial update in one year.
City of Hercules	Retain existing SOI	
City of Lafayette	Retain existing SOI	There is interest by Reliez Valley and Olympic Blvd residents in annexing to the City. The Reliez Valley residents request that LAFCO add their area to the City’s SOI.
City of Martinez	Retain existing SOI	
Town of Moraga	Retain existing SOI	Future SOI changes are subject to further review of City’s service capacity and finances.
City of Oakley	Retain existing SOI	
City of Orinda	Retain existing SOI	
City of Pinole	Retain existing SOI	
City of Pittsburg	Retain existing SOI	
City of Pleasant Hill	Retain existing SOI	LAFCO encourages the City to annex its small islands.
City of Richmond	Retain existing SOI	Future SOI changes are subject to further review of City’s service capacity and finances.
City of San Pablo	Retain existing SOI	LAFCO encourages the City to annex its small islands.
City of San Ramon	Retain existing SOI	LAFCO encourages the City to annex its small island.
City of Walnut Creek	Retain existing SOI	LAFCO encourages the City to annex its small islands.
Crockett Community Services District (CSD)	Retain existing SOI	Future SOI changes are subject to further review of City’s service capacity and finances. Encourage CCSD to annex the parcel receiving out of agency service.
Diablo CSD	Retain existing SOI	
Discovery Bay CSD	Retain existing SOI	
Kensington Police Protection & CSD	Retain existing SOI	



From: [Kristen Altbaum](#)
To: [Lou Ann Texeira](#); [Kate Sibley](#)
Subject: Fwd: SOI change request -
Date: Friday, May 31, 2019 10:02:59 AM

LouAnn, Kate,
 Can you please forward this to all of the LAFCO commissioners? I forgot to CC them.
 Thanks.
 Kristen

Begin forwarded message:

From: Kristen Altbaum <altbaum@icloud.com>
Subject: SOI change request
Date: May 30, 2019 at 9:52:41 PM PDT
To: District5 <district5@BOS.CCCounty.us>
Cc: Roger Chelemedos <rchelemedos@comcast.net>

Supervisor Glover,

This is a follow up to my letter to LAFCO (Reliez Valley potential SOI change) which I'm sure you've read...I am wondering if you could help us with our request to get out of the PH SOI and into Lafayette SOI? With a 4-1 "no" vote by Lafayette Council on Monday night, it's clear to us that Council considers our request a low priority and are afraid to allow us into their SOI because they don't want to have to incur any costs related to SOI, or potential annexation, if and when they might agree to annexation. We don't find "costs related to a possible annexation" to be a valid excuse to deny us logical SOI.

Also, we've been made aware that annexations in CCC, and other county's annexations throughout CA, have largely resulted in no fees paid by residents. Although these annexations are often initialed by cities and counties, the reasonings for annexation are all too familiar to us: to give persons a vote on issues that affect them, and to better service the areas more efficiently.

I was a very satisfied unincorporated resident for 16 years and my community focus was volunteering for our schools. Over the past 4 years however, my community focus has changed: volunteering to reduce traffic in my neighborhood and protecting the commutes of our school kids has been the bulk of my community efforts. Opposing development at our grade F- Deer Hill/ Pleasant Hill Rd. intersection has been a priority and unearthing the political will for PH RD to become multimodal and perhaps carpool/bus only for 45 minutes during the school commute both ran contrary to our previous city leader's priorities, who have admitted a past 10 year urbanization agenda and have focused fairly exclusively on downtown. I understand the current pressures of SB50, but our previous Council was pro urbanization way before SB50 and I was a critic only because their plans for expansion did not come with plans for simultaneous circulation efficiencies, particularly for our corridor. While our city manager was championing urbanization, he was also championing wide medians along Mt

Diablo that serve little practical purpose and are opposite of NACTO inspired design. My criticisms are the opinions of my neighbors and the vast majority of N.E. Lafayette constituents who are simply desperate for representation.

Fast forward to this week, a previous and very respected ex-Council member writes Council 4 hours before the vote Monday night and I believe his letter was the catalyst to scaring Council into denying us. Was his intention to deny us, so that we aren't one step closer to a vote on a *different set* of city priorities? It sure feels that way and it sure feels like he is still running the same city urbanization agenda from his arm chair. Urbanization is certainly easier when you silence you periphery, the people who have to move around town in cars and are the most impacted.

You've been our County Supervisor for quite awhile and stepped up huge when we needed you... Thank you for the signs that have helped keep the Wazers out of our neighborhood. They have made a difference. Unfortunately for us though, those signs were the first of many things that need to be done within our corridor, particularly to help our district kids get to school safely and efficiently. Unravelling the complicated and illogical boundaries out here, so that citizens can effect leader's priorities, is hugely important. We are trying to be proactive and helpful community members.

Can you help us? Can the County make this SOI change and annexation enticing and affordable for Lafayette? Can there be a property tax exchange that would help us move forward more effectively within the community we align ourselves with?

Please give us your thoughts and thanks so much for listening.
Sincerely,
Kristen Altbaum

From: [Lou Ann Texeira](#)
To: [Kate Sibley](#)
Subject: FW: Baywood resident
Date: Friday, May 31, 2019 11:30:05 AM
Attachments: [image001.png](#)
[image002.png](#)
[image003.png](#)

From: McCarthy, Jack <jmccarthy@stifel.com>
Sent: Friday, May 31, 2019 11:26 AM
To: Lou Ann Texeira <LouAnn.Teixeira@lafco.cccounty.us>
Subject: Baywood resident

Ms Texeira,

I am a resident of Baywood off of Reliez Valley Road. I just would like to express my displeasure with the situation for residents on non-incorporated Lafayette and the fact that we are not considered Lafayette citizens. Please pass onto the LAFCO commissioners that this is a bunch of baloney and we should have the ability to vote in the town in which we live. We support this town in many ways and are leaders in the community yet we are snubbed like ugly stepchildren.

Make this right!

Jack McCarthy
Managing Director
(415) 364-6851 direct | jmccarthy@stifel.com
STIFEL | One Montgomery Street, Suite 3700
San Francisco, California 94104
Investment Services Since 1890

Visit my web site at:
www.jackmccarthywealthadvisory.com



From: [Lou Ann Texeira](#)
To: [Judi Ragsdale](#)
Cc: [Kate Sibley](#)
Subject: RE: Let us remember to include ALL of our Lafayette residents!
Date: Friday, May 31, 2019 12:26:53 PM

[Thank you for your email which we will share with the Commissioners.](#)

From: Judi Ragsdale <alohayal@yahoo.com>
Sent: Friday, May 31, 2019 12:08 PM
To: Lou Ann Texeira <LouAnn.Teixeira@lafco.cccounty.us>
Subject: Let us remember to include ALL of our Lafayette residents!

Subject: Let us remember to include all of our Lafayette residents!

Copied from the Facebook of Reliez Valley Residents for Reduced Traffic (RVRRT): "It has been brought to my attention that some sections of Lafayette aren't included in RVRRT: At 9:00 this morning, Lafayette hosted a public meeting - Developing a comprehensive Community INCLUSION strategy and their working session is: REACHING UNDERREPRESENTED GROUPS. I'm just wondering if Lafayette citizens know that between Withers and Grayson, there are approximately 350 households with Lafayette 94549 addresses and within the Lafayette/Acalanes school districts that are desperate to vote in City elections and on referendums that impact us and that we are being denied our constitutional right to vote on issues within our community because 4 out of 5 of Lafayette Council members don't want to take the time to negotiate a city-beneficial tax agreement with County for us to become Lafayette citizens? (Susan was the only Council member who supported us). Greenhills is yet another example of an area without rights to vote on city matters despite being 94549 and Lafayette schools. Orinda, by comparison, has city/school boundaries that are consistent with one another as do a huge percentage of CA cities that have prioritized the annexation and inclusion of underrepresented/unincorporated citizens through streamlined processes because "it is the right thing to do" and "to give those on the periphery the ability to vote on issues that impact them" (all googleable).

It just feels disingenuous and sad for the city to spend \$230k on art for the BART parking lot and have an "inclusion of underrepresented persons" committee, when they don't want to take the time to make underrepresented N.E. residents a priority. My neighbors are current and past PTA presidents, LMYA and LLL coaches, Lafayette parishioners, room parents, Lafayette team parents, etc. We've manned Lafayette phone banks, worked to solve traffic problems and hosted LPIE parties. We feel as much a part of the Lafayette citizenry as actual Lafayette citizens.

We would appreciate being included and fought for by our friends and neighbors in City. If you agree, please write LouAnn Texiera at LouAnn.Teixeira@lafco.cccounty.us and ask her to pass on to the LAFCO commissioners that you support our area's request to become Lafayette citizens.

We, your neighbors, would be so grateful for your support!

Thanks!!”

This is an extremely important issue. One which needs to be at the top of discussion and voted towards implementation. I live between Shangri La Rd and Silver Dell Roads and have met some of the people that live either between Withers and Grayson or on Greenhills. These residents have been very involved in participating in school and town functions for the last twenty years(my time in the area). Although, I am a grandmother I have grandchildren who have attended school with the residents in these areas. I am flabbergasted that they would be ignored as they are as much a Lafayette City member as any others who might live closer to town or at the other end of Lafayette. Please listen to their needs and give them the rights of all other Lafayette citizens! Inclusion! Inclusion! Inclusion!

Thank you.

Aloha,
Judi Victor Ragsdale
1603 B Reliez Valley Rd
Lafayette, CA 94549

From: [Lou Ann Texeira](#)
To: [Sharon Wright](#); [Richard Berkson](#)
Cc: [Kate Sibley](#)
Subject: FW: Time for a Kensington MSR
Date: Wednesday, June 5, 2019 8:23:13 AM

Public comment on the MSR

-----Original Message-----

From: Andrew Reed <ajpr@sonic.net>
Sent: Tuesday, June 4, 2019 6:33 PM
To: Lou Ann Texeira <LouAnn.Teixeira@lafco.cccounty.us>
Subject: Re: Time for a Kensington MSR

Thank you!

What precipitated this email is the Fire District's need to make the Public Safety Building seismically compliant. And that means if both Fire and Police are in the same new building, it needs to be relocated. One of the few and maybe the only option is to locate this new building in the park owned by the Police Service District. If they are not co-located in a new space, the fire district says they will remodel their existing building with only room for their functions, which leaves the police location in limbo.

Combining the two districts because of this large capital project - that requires the cooperation of both - makes lots of sense at this time.

Andrew

> On Jun 4, 2019, at 3:54 PM, Lou Ann Texeira <LouAnn.Teixeira@lafco.cccounty.us> wrote:

>

> Thank you for your email which I will share with the MSR consultants and LAFCO Commissioners.

>

> -----Original Message-----

> From: Andrew Reed <ajpr@sonic.net>

> Sent: Tuesday, June 4, 2019 3:17 PM

> To: Lou Ann Texeira <LouAnn.Teixeira@lafco.cccounty.us>

> Subject: Time for a Kensington MSR

>

> Ms. Texeira:

>

> Kensington is facing financial and services challenges like never before. We desperately need to combine our two public services districts in order to meet said challenges and set up a governance structure for future success. One governing entity would combine all district funds for the betterment of the community. It would allow for the hire of professional management staff that we so desperately need. Our boards act like super volunteers instead of policy/governance boards and this continues to cause serious problems.

>

> Thank you for your time and consideration.

>

> Please call me if you would like more evidence to justify immediate action on an MSR for Kensington.

>

> Respectfully,

>

> Andrew Reed

> 510-528-7215

>

> P.S. I am guessing that you would agree with the following supposition: If an unincorporated community was to

start from scratch today they would form one organization for public services. Not two.

>

From: [Lou Ann Texeira](#)
To: [jackie mann](#); JRobbins@ci.lafayette.ca.us
Cc: [Kate Sibley](#)
Subject: RE: SOI update for Lafayette
Date: Wednesday, June 5, 2019 3:52:39 PM

Thank you for your comments which LAFCO staff will share with the LAFCO Commissioners and the MSR consultants.

From: jackie mann <jackiemann@att.net>
Sent: Wednesday, June 5, 2019 3:41 PM
To: Lou Ann Texeira <LouAnn.Teixeira@lafco.cccounty.us>; JRobbins@ci.lafayette.ca.us
Subject: SOI update for Lafayette

Dear Lafayette Council AND the Community Inclusion Subcommittee,

I am a Lafayette city resident, and I strongly support the unincorporated area of Lafayette neighbors between Withers and Grayson in getting an up to date SOI change for their neighborhood. These neighbors are an integral part Lafayette. They are coaches, school volunteers and help make our community great. They deserve the effort and cooperation to get this done. Looking ahead, I also support a future annexation of these Lafayette residents and our city manager negotiating a tax transfer agreement with County to make this a win-win for unincorporated residents and city residents.

Thanks,

*Jackie and Jeff Mann
40 Prado Way Lafayette, Ca 94549*

Please send to any friends/neighbors, who might also support us and ask them for support.