



Lou Ann Teixeira
Executive Officer

CONTRA COSTA LOCAL AGENCY FORMATION COMMISSION
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NOTICE AND AGENDA FOR REGULAR MEETING

Wednesday, October 14, 2020, 1:30 PM
***** BY TELECONFERENCE ONLY *****

Consistent with the California Governor's Executive Order N-29-20 this meeting will be held by Zoom and teleconference. No physical location will be available for this meeting.

PUBLIC ACCESS AND PUBLIC COMMENT INSTRUCTIONS

To join the meeting click: <https://cccounty-us.zoom.us/j/99528654147?pwd=R2xUYUE1RW01S3pCVjhyL21oOC9Edz09>
Password: **534736**

Or call in at the number below. As a courtesy to the other participants, please mute your device when you are not speaking.
USA 214-765-0478
USA 888-278-0254 (US Toll Free)
Conference code: **525510**

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

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

NOTICE TO THE PUBLIC

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

Campaign Contribution Disclosure

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

Notice of Intent to Waive Protest Proceedings

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

American Disabilities Act Compliance

LAFCO will provide reasonable accommodations for persons with disabilities planning to join the meeting. Please contact the LAFCO office at least 48 hours before the meeting at 925-313-7133.

OCTOBER 14, 2020 CONTRA COSTA LAFCO AGENDA

1. Call to Order
2. Roll Call
3. Adoption of Agenda
4. Approval of Minutes for the August 12, 2020 regular LAFCO meeting
5. Public Comment Period (please observe a three-minute time limit):
Members of the public are invited to address the Commission regarding any item that is not scheduled for discussion as part of this Agenda. No action will be taken by the Commission at this meeting as a result of items presented at this time.

SPHERE OF INFLUENCE (SOI) AMENDMENTS/CHANGES OF ORGANIZATIONS

6. ***LAFCO 20-04 – Meineke Annexation to East Bay Municipal Utility District (EBMUD)*** - consider approving a proposed annexation submitted by the landowner of 63.4± acres (3 parcels) located in unincorporated Diablo and related actions under California Environmental Quality Act (CEQA) ***Public Hearing***
7. ***LAFCO 14-05 – Central Contra Costa Sanitary District (CCCSD) DA 186 - Magee Preserve Boundary Reorganization*** – consider approving proposed annexations submitted by CCCSD to CCCSD and EBMUD and related actions under CEQA. The area comprises 410± acres (9 parcels) located on the south side of Diablo and Blackhawk Roads in the Town of Danville ***Public Hearing***
8. ***LAFCO 20-05 – Dougherty Valley Reorganization No. 18 – Annexation to City of San Ramon and Detachment from County Service Area P-6*** – consider approving a proposed boundary reorganization submitted by the City of San Ramon and related actions under CEQA. The area comprises 901.65± acres (numerous parcels) located in Gale Ranch Phase 4 ***Public Hearing***

BUSINESS ITEMS

9. ***Withdrawal of Application to Dissolve Knightsen Town Community Services District*** – receive update
10. ***Request to Transfer Jurisdiction from San Joaquin LAFCO to Contra Costa LAFCO*** (Lawrence Property) consider assuming jurisdiction and authorizing staff to send a request to San Joaquin LAFCO to transfer jurisdiction in order to consider a proposal to annex territory to the Byron Bethany Irrigation District
11. ***Update - Chang Property Reorganization – Annexations to the City of San Ramon, CCCSD and EBMUD and Detachment from CSA P-6*** – receive update from property owner
12. ***Municipal Service Review (MSR)/Sphere of Influence (SOI) Updates*** – authorize staff to execute a contract with Planwest Partners, Inc. to prepare a second round MSR/SOI updates covering cemetery services
13. ***FY 2020-21 First Quarter Budget Report*** – receive FY 2020-21 first quarter budget report
14. ***2021 LAFCO Meeting Schedule*** – consider approving the 2021 LAFCO meeting schedule
15. ***Legislative Update*** – informational only

CORRESPONDENCE

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

INFORMATIONAL ITEMS

17. Commissioner Comments and Announcements
18. Staff Announcements (CALAFCO Updates, Pending Projects, Newspaper Articles)

ADJOURNMENT

Next regular LAFCO meeting November 18, 2020 at 1:30 pm.

LAFCO STAFF REPORTS AVAILABLE AT http://www.contracostalafco.org/meeting_archive.htm

CONTRA COSTA LOCAL AGENCY FORMATION COMMISSION

DRAFT MEETING MINUTES

August 12, 2020

October 14, 2020

Agenda Item 4

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

Chair Andersen called the regular meeting of August 12, 2020 to order at 1:33 PM.

The following Commissioners and staff were present:

Regular Commissioners	Alternate Commissioners	Staff
Candace Andersen, Chair	Diane Burgis	Lou Ann Texeira, Executive Officer
Igor Skaredoff, Vice Chair	Stan Caldwell	Sharon Anderson, Commission Counsel
Don Blubaugh	Chuck Lewis	Sherrie Weis, LAFCO Clerk
Tom Butt	Sean Wright	
Federal Glover		
Mike McGill		
Rob Schroder		

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

3. Adoption of Agenda

Upon motion by Commissioner Blubaugh and second by Commissioner Skaredoff, the Commission unanimously, by a 7-0 vote, adopted the agenda:

VOTE:

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

NOES: NONE

ABSENT: NONE

ABSTAIN: NONE

4. Approval of Minutes

Upon motion by Commissioner McGill and second by Commissioner Glover, the June 10, 2020 meeting minutes were unanimously, by a 7-0 vote, approved.

VOTE:

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

NOES: NONE

ABSENT: NONE

ABSTAIN: NONE

5. Public Comments

Chair Andersen invited members of the audience to provide public comment. There were no speakers.

DRAFT

OUT OF AGENCY REQUESTS

6. ***LAFCO 20-06 – City of Concord – 5175 Laurel Drive*** - consider a request by the City of Concord to extend municipal sewer service outside its jurisdictional boundary to one parcel (APN 117-040-086) in unincorporated Concord (Ayers Ranch); and consider related actions per the California Environmental Quality Act (CEQA)

There was Commission discussion and comments from the landowner. Upon motion by Commissioner Blubaugh, second by Commissioner McGill, the Commission, approved, by a 6-1 vote, approved extending Out of Agency (OAS) water service. With a condition added to the Item B 4 Resolution 20-06 “which will include a commitment that in no event will any home be sold on the property before a complete annexation application has been submitted to Contra Costa LAFCO.”

VOTE:

AYES: Andersen, Blubaugh, Glover, McGill, Skaredoff, Wright (A)
NOES: Butt
ABSENT: Schroder (M)
ABSTAIN: NONE

SPHERE OF INFLUENCE (SOI) AMENDMENTS/CHANGES OF ORGANIZATIONS

7. ***LAFCO No. 20-02 – Dunivan Annexation to City of Martinez*** - consider the annexation of a 10± acre parcel (APN 367-250-017) located at 1030 Vaca Creek Road in the Alhambra Valley. The Commission will also consider related actions per CEQA

Chair Anderson open and closed the public hearing, there were no public speakers.

Upon motion by Commissioner McGill and second by Commissioner Glover, the Commission unanimously, by a 7-0 vote, approved the Annexation of Dunivan to City of Martinez.

VOTE:

AYES: Andersen, Blubaugh, Butt, Glover, McGill, Schroder, Skaredoff
NOES: NONE
ABSENT: NONE
ABSTAIN: NONE

BUSINESS ITEMS

8. ***CALAFCO Annual Conference, Achievement Awards, and Nominations for CALAFCO Board of Directors*** – receive the CALAFCO conference cancellation letter, appoint voting delegate(s), and provide direction regarding nominations and other matters as desired.

Upon motion by Commissioner Blubaugh, second by Commissioner Glover, the Commission unanimously, by a 7-0 vote, appointed Commissioner McGill as voting delegate. The Commission also nominated Commissioner McGill to seek reelection for the Special District seat to the CALAFCO Board of Directors – Coastal Region.

VOTE:
AYES: Andersen, Blubaugh, Butt, Glover, McGill, Schroder, Skaredoff
NOES: NONE
ABSENT: NONE
ABSTAIN: NONE

Upon motion by Commissioner Blubaugh, second by Commissioner Glover, the Commission unanimously, by a 7-0 vote, appointed Chair Andersen as voting alternate.

VOTE:
AYES: Andersen, Blubaugh, Butt, Glover, McGill, Schroder, Skaredoff
NOES: NONE
ABSENT: NONE
ABSTAIN: NONE

9. ***Award Contract for Planning Services*** - the Commission was asked to award a contract for environmental planning consultant services

Upon motion of Commissioner Skaredoff and second by Commissioner Glover, the Commission unanimously, by a 7-0 vote, awarded a contract to SWALE, Inc partnered with Baracco & Associates to provide as-needed environmental planning services from September 1, 2020 through August 31, 2021 as provided for in the FY 2020-21 budget.

VOTE:
AYES: Andersen, Blubaugh, Butt, Glover, McGill, Schroder, Skaredoff
NOES: NONE
ABSENT: NONE
ABSTAIN: NONE

10. ***Contract Extension -Economic & Planning Systems, Inc. and Berkson Associates*** - consider approving a contract amendment to extend the term of the agreement to complete the “2nd Round Parks & Recreation Services” MSR/SOI updates

Upon motion by Commissioner Blubaugh and second by Commissioner Skaredoff, the Commission unanimously, by a 7-0 vote, authorized LAFCO staff to execute a contract amendment with Economic & Planning Systems, Inc. and Berkson Associates to extend the term of the contract from November 30, 2020 to June 30, 2021 in order to complete the 2nd round “Parks & Recreation” MSR/SOI updates

VOTE:
AYES: Andersen, Blubaugh, Butt, McGill, Schroder, Skaredoff, Burgis (A)
NOES: NONE
ABSENT: Glover (M)
ABSTAIN: NONE

11. ***Legislative Report***

Receive legislative update – Informational Item – No action required

CORRESPONDENCE

12. *Correspondence from Contra Costa Employees' Retirement Association (CCCREA)*

INFORMATIONAL ITEMS

13. *Commissioner Comments and Announcements*

- Commissioner McGill reported Pamela Miller Executive Director of CALAFCO will continue in her present position until December 2021.

14. *Staff Announcements*

- Calafco Quarterly Report – June 2020
- Newspaper Articles

The meeting adjourned at 2:32 pm.

Final Minutes Approved by the Commission October 14, 2020

VOTE:

AYES: Andersen, Blubaugh, Butt, Glover, McGill, Schroder, Skaredoff
NOES: NONE
ABSENT: NONE
ABSTAIN: NONE

ADJOURNMENT

The next regular LAFCO meeting is September 9, 2020, at 1:30 pm.

By _____
Executive Officer

DRAFT

CONTRA COSTA LOCAL AGENCY FORMATION COMMISSION
EXECUTIVE OFFICER'S REPORT

October 14, 2020 (Agenda)

October 14, 2020
Agenda Item 6

<u>LAFCO 20-04</u>	Meineke Annexation to East Bay Municipal Utility District (EBMUD)
<u>APPLICANT</u>	Michelle and Ryan Meineke, Landowners
<u>SYNOPSIS</u>	<p>The applicant proposes to annex three parcels (APNs 195-330-003/004, 195-320-007) to EBMUD. The parcels total 63.4± acres and are located on Caballo Ranchero Drive in unincorporated Diablo - see attached map (Exhibit A).</p> <p>The purpose of the proposal is to allow for the extension of municipal water service to the properties. Currently, there is a single-family home on one of the parcels. The other two parcels are vacant. The applicant intends to build a single-family home on one of the two vacant parcels. The proposed development is consistent with the County's land use designations.</p>

BACKGROUND

On May 28, 2020, the landowners applied to Contra Costa LAFCO to annex the subject properties to EBMUD. Included with the application was a request that Alameda LAFCO transfer jurisdiction to Contra Costa LAFCO to process these applications. Alameda is the principal county for LAFCO proceedings [i.e., the principal LAFCO is the county having the greatest portion of the assessed value, as shown on the last equalized assessment roll, of all taxable property within the district - Government Code (CG) §56066].

On June 10, 2020, the Commission authorized staff to send a request to Alameda LAFCO to transfer jurisdiction. On September 10, 2020, Alameda LAFCO approved the request.

DISCUSSION

Government Code (GC) §56668 sets forth factors that the Commission must consider in evaluating a proposed boundary change as discussed below. In the Commission's review, no single factor is determinative. In reaching a decision, each is to be evaluated within the context of the overall proposal.

1. Consistency with the Sphere of Influence (SOI) of Any Local Agency:

The area proposed for annexation is within the SOI of EBMUD and EBMUD staff does not oppose the proposed annexation. The subject area is an island with the EBMUD service boundary. Annexation of the subject parcels would eliminate the island.

The subject area is largely outside the Contra Costa County Urban Limit (ULL). APN 195-330-003 (0.68± acres) and 195-330-004 (57.72± acres) are mostly outside the ULL; APN 195-320-007 (5.0± acres) is split by the ULL. County staff is currently working with the landowners on a lot line adjustment and is aware of the proposed annexation. County staff is not opposed to the proposed annexation.

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

The County's General Plan (GP) designation for the subject properties is Agricultural Lands (AL) and the zoning designation is General Agricultural (A-2 - parcel 5-acre minimum).

The proposed annexation will facilitate development of property to include at least one single-family homes, which is consistent with the County's land use designations.

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

As noted above, the project site and areas to the immediate north and east are designated for agricultural use. The areas to the immediate south and west are developed with single-family

residential neighborhoods with lot sizes ranging from 15,000 sq. ft. minimum to 40,000 sq. ft. minimum. The subject parcels are not under a Williamson Act Land contract, and do not meet the LAFCO criteria for either "agricultural lands" (GC §56016) or "prime agricultural land" (GC §56064). The proposed land uses will not impact agricultural lands.

4. Topography, Natural Features and Drainage Basins:

The subject parcels are located in the unincorporated community of "Diablo" sited east of the Diablo Country Club and west of Diablo State Park. Elevation of the site ranges from 720 to 970 feet above mean sea level. Topography includes flat areas and rolling hills with a few steep areas. Land cover consists of open grass and shrubs with scattered oak trees. Surrounding areas include single family homes located with suburban neighborhoods to the south, southeast, and west, and mostly undeveloped land to the north.

5. Population:

The estimated population increase is approximately six persons, based on the 2020 California Department of Finance estimate of 2.82 persons per dwelling unit for two new dwelling units.

6. Fair Share of Regional Housing:

In its review of a proposal, LAFCO must consider the extent to which the proposal will assist the receiving entity in achieving its fair share of the regional housing needs as determined by the regional council of governments. The proposed annexation will have no effect on regional housing needs.

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

Whenever a local agency submits a resolution of application for a change of organization or reorganization, the local agency shall also submit a plan for providing services within the affected territory (Gov. Code §56653). The plan for services is available in the LAFCO office. The plan shall include all of the following information and any additional information required by the Commission or the Executive Officer:

- (1) An enumeration and description of the services to be extended to the affected territory.
- (2) The level and range of those services.
- (3) An indication of when those services can feasibly be extended to the affected territory.
- (4) An indication of any improvement or upgrading of structures, roads, sewer or water facilities, or other conditions the local agency would impose or require within the affected territory if the change of organization or reorganization is completed.
- (5) Information with respect to how those services will be financed.

The annexation area is currently served by various local agencies including, but not limited to, Contra Costa County, Central Contra Costa Sanitary District, Diablo Community Services District, and San Ramon Valley Fire Protection District.

The proposal before the Commission is annexation of three parcels to EBMUD for the provision of municipal water services to support one existing single-family home and up to two new single-family homes.

8. Timely Availability of Water and Related Issues:

Pursuant to the CKH, LAFCO must consider the timely and available supply of water in conjunction with a boundary change proposal. Contra Costa LAFCO policies state that any proposal for a change of organization that includes the provision of water service shall include information relating to

water supply, storage, treatment, distribution, and waste recovery; as well as adequacy of services, facilities, and improvements to be provided and financed by the agency responsible for the provision of such services, facilities and improvements.

The proposal includes annexation to EBMUD for the provision of water services. EBMUD provides potable water services and limited wastewater collection and treatment services in portions of the District's service area. The EBMUD service area is approximately 332 square miles (Contra Costa and Alameda counties). EBMUD provides potable water to approximately 1.4 million people within the two-county service area. Within Contra Costa County, EBMUD provides water service to a 225± square mile service area, serving an estimated 522,000 residents.

EBMUD's water supply is distributed through a collection system consisting of aqueducts, reservoirs, and other components. The primary source of water for EBMUD is the Mokelumne River; this watershed accounts for 90 percent of EBMUD's water supply. EBMUD's existing water rights allow the delivery of up to 325 mgd or approximately 364,037 acre-feet per year of water from the Mokelumne River.

EBMUD's water rights are subject to variability, particularly during dry and multiple dry years. The availability of the Mokelumne River runoff is subject to senior water rights of other users, downstream fishery flow requirements, and other Mokelumne River water uses. Given the variability, EBMUD indicates that supplemental water supply sources are needed to meet future water demand during extended periods of drought.

The Freeport Regional Water Facility is a regional water supply project that provides supplemental water supply to EBMUD during dry years, as part of the Central Valley Project (CVP), a federal water management program. During periods of drought, EBMUD receives CVP water from its Freeport Regional Water Facility to augment its water supply. The U.S. Bureau of Reclamation (USBR) provides supplemental water supply during dry and multiple dry years to ensure the reliability of EBMUD's water supply. In conjunction with the request to annex the property, EBMUD must seek approval from the USBR for inclusion. Furthermore, the District may be required to obtain approval to update the District's Place-in-Use with the California Water Resources Control Board (SWRCB). To initiate the review and approval process with the USBR and SWRCB, the landowner must enter into an agreement with EBMUD to reimburse the District for all fees levied by these agencies.

Based on potential development of up to two new single-family dwelling units and extension of water service to the existing dwelling unit on APN 195-320-007, the estimated demand for service is approximately 450 gallons per day. Infrastructure will include appropriate appurtenances, a private water lateral, and a meter. EBMUD staff has provided a will serve letter indicating that municipal water service will be available following annexation.

9. Assessed Value, Tax Rates, and Indebtedness:

The annexation area is within tax rate area 66086. The assessed value for the annexation area is \$225,688 (2019-20 roll). The territory being annexed shall be liable for all authorized or existing taxes and bonded debt comparable to properties presently within the annexing agencies.

10. Environmental Impact of the Proposal:

LAFCO staff finds the proposed annexation of the subject parcels is exempt pursuant to the California Environmental Quality Act (CEQA) Guidelines sections 15303(a) and (d) and 15319.

11. Landowner Consent and Consent by Annexing Agency:

According to County Elections, there are fewer than 12 registered voters in the area proposed for annexation; thus, the area proposed for annexation is considered uninhabited. The property owners consent to the proposed annexation. Therefore, if the Commission approves the annexation, the Commission may waive the protest hearing (Gov. Code §56662).

All landowners and registered voters within the proposal area(s) and within 300 feet of the exterior boundaries of the area(s) were sent notice of the LAFCO hearing.

12. Boundaries and Lines of Assessment:

The annexation area is within EBMUD's SOI. A map and legal description to implement the proposed annexation have been received and are subject to final approval by the County Surveyor.

13. Environmental Justice:

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

14. Disadvantaged Communities:

In accordance with State legislation, local agencies and LAFCOs are required to plan for disadvantaged unincorporated communities (DUCs). Many of these communities lack basic infrastructure, including streets, sidewalks, storm drainage, clean drinking water, and adequate sewer service. LAFCO actions relating to Municipal Service Reviews, SOI reviews/ amendments, and annexations must take into consideration DUCs, and specifically the adequacy of public services, including sewer, water, and fire protection needs or deficiencies, to these communities. According to the County Department of Conservation and Development, the annexation area does not meet the criteria of a DUC.

15. Comments from Affected Agencies/Other Interested Parties:

As of this writing, no comments were received from other affected agencies or parties.

16. Regional Transportation and Regional Growth Plans:

In its review of a proposal, LAFCO shall consider a regional transportation plan adopted pursuant to Gov. Code §65080 [Gov. Code §56668(g)]. Further, the Commission may consider the regional growth goals and policies established by a collaboration of elected officials only, formally representing their local jurisdictions in an official capacity on a regional or subregional basis (Gov. Code §56668.5). Regarding these sections, LAFCO looks at consistency of the proposal with the regional transportation and other regional plans affecting the Bay Area.

SB 375, a landmark state law, requires California's regions to adopt plans and policies to reduce the generation of greenhouse gases (GHG), primarily from transportation. To implement SB 375, the Association of Bay Area Governments and the Metropolitan Transportation Commission, in July 2013, adopted Plan Bay Area as the "Regional Transportation Plan and Sustainable Communities Strategy" for the San Francisco Bay Area through 2040. Plan Bay Area focuses on where the region is expected to grow and how development patterns and the transportation network can work together to reduce GHG emissions. The Plan's key goals are to reduce GHG emissions by specified amounts; and to plan sufficient housing for the region's projected population over the next 25 years.

In July 2017, ABAG and MTC adopted Plan Bay Area 2040, which updates the 2013 Plan Bay Area and reaffirms the goals/targets identified in the earlier version. Plan Bay Area establishes “Priority Conservation Areas” (PCAs) and “Priority Development Areas” (PDAs) and focuses growth and development in nearly 200 PDAs. These existing neighborhoods are served by public transit and have been identified as appropriate for additional, compact development. The area proposed for annexation is not within a PCA or a PDA; however, the proposed annexation does not appear to conflict with the regional transportation or growth plans.

ALTERNATIVES FOR COMMISSION ACTION

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

Option 1 Approve the annexation as proposed.

- A. Find that the project is exempt pursuant to sections 15319(b) and 15303 of the CEQA Guidelines.
- B. Adopt this report, approve LAFCO Resolution No. 20-04 (Attachment 1), and approve the proposal, to be known as *Meineke Annexation to East Bay Municipal Utility District (EBMUD)* subject to the following terms and conditions:
 1. The territory being annexed shall be liable for the continuation of any authorized or existing special taxes, assessments, and charges comparable to properties presently within the annexing agency.
 2. The applicant/landowner has delivered an executed indemnification agreement providing for the applicant/landowner to indemnify LAFCO against any expenses arising from any legal actions challenging the annexation.
 3. Find that the subject territory is uninhabited, the subject landowner consents to the annexation; thus, the conducting authority (protest) proceedings are hereby waived.

Option 2 Adopt this report and DENY the proposal.

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

RECOMMENDED ACTION: Approve Option 1

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

Exhibit

Meineke Annexation Map – Exhibit A

Attachment

1 – Draft LAFCO Resolution 20-04

c: Michelle and Ryan Meineke, Landowners
Jack Flynn, EBMUD

RESOLUTION NO. 20-04

**RESOLUTION OF THE CONTRA COSTA LOCAL AGENCY FORMATION COMMISSION
MAKING DETERMINATIONS AND APPROVING
MEINEKE ANNEXATION TO EAST BAY MUNICIPAL UTILITY DISTRICT**

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

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

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

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

WHEREAS, at a public hearing held on October 14, 2020, the Commission heard, discussed and considered all oral and written testimony related to the proposal including, but not limited to, the Executive Officer's report and recommendation, the environmental document or determination, applicable General and Specific Plans, consistency with the sphere of influence, contiguity with the District's boundary, and related factors and information including those contained in Gov. Code §56668; and

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

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

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

1. Find that the project is exempt pursuant to sections 15303(a) and (d) and 15319 of the CEQA Guidelines.
2. The landowner/applicant has delivered to LAFCO an executed indemnification agreement providing for the landowner/applicant to indemnify LAFCO against any expenses arising from any legal actions to challenging the annexation, and
3. The annexation is hereby approved.
4. The subject proposal is assigned the distinctive short-form designation:

MEINEKE ANNEXATION TO EAST BAY MUNICIPAL UTILITY DISTRICT

Contra Costa LAFCO
Resolution No. 20-04

5. The boundaries of the affected territory, including one parcel, are found to be definite and certain as approved and set forth in Exhibit A, attached hereto and made a part hereof.
6. The subject territory shall be liable for any authorized or existing taxes, charges and assessments comparable to properties within the annexing agency.
7. The territory proposed for annexation is uninhabited.
8. The proposal has 100% landowner consent, and the conducting authority (protest) proceedings are hereby waived.
9. All subsequent proceedings in connection with this annexation shall be conducted only in compliance with the approved boundaries set forth in the attachments and any terms and conditions specified in this resolution.

* * * * *

PASSED AND ADOPTED THIS 14th day of October 2020, by the following vote:

AYES:

NOES:

ABSTENTIONS:

ABSENT:

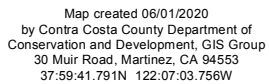
CANDACE ANDERSEN, CHAIR, CONTRA COSTA LAFCO

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

Dated: October 14, 2020

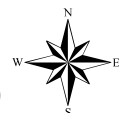
Lou Ann Texeira, Executive Officer

Exhibit A



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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CONTRA COSTA LOCAL AGENCY FORMATION COMMISSION
EXECUTIVE OFFICER'S REPORT

October 14, 2020
Agenda Item 7

October 14, 2020 (Agenda)

LAFCO 14-05 *Central Contra Costa Sanitary District (CCCSD) DA 186 Magee Preserve Boundary Reorganization - Annexations to CCCSD and East Bay Municipal Utility District (EBMUD)*

APPLICANT CCCSD by Resolution No. 2020-012 adopted April 16, 2020

SYNOPSIS The project site consists of 410± acres, 29± acres of which will become a 69-lot single family subdivision; the remaining 381± acres will be preserved as permanent open space.

The applicant proposes to annex 402± acres (nine parcels) to CCCSD and 367± acres (seven parcels) to EBMUD. The property is located on the south side of Diablo Road and Blackhawk Road in the Town of Danville as shown on the attached maps (Exhibits A and B).

BACKGROUND

In 2014, the Town of Danville approved the “Magee Ranch” project and CCCSD, by Board resolution, filed an application with LAFCO to annex the properties to CCCSD and EBMUD. Subsequently, a legal challenge to the Town’s Environmental Impact Report (EIR) and land use approvals found the bicycle safety component of the EIR inadequate and the LAFCO process was paused.

Consequently, the Town of Danville adopted a Revised Final EIR and a new developer – Davidon Homes – acquired the project. On March 3, 2020, the Town of Danville voters were asked to vote on the Magee Preserve project. The measure was approved 54% YES and 46% NO. On May 27, 2020 CCCSD resubmitted the application to LAFCO.

DISCUSSION

The project includes construction of 69 single family homes on 29± acres and preservation of the remaining 381± acres as permanent open space. The property owner petitioned CCCSD for annexation. In their ongoing efforts to clean up service area boundaries, CCCSD and EBMUD propose to annex all of the project area, including the open space portion, which will avoid having large holes and islands within their service boundaries.

In its review of a boundary change proposal, the Commission must consider a variety of factors pursuant to Government Code §56668. In the Commission's review of these factors, no single factor is determinative. In reaching a decision, each factor is to be evaluated within the context of the overall proposal.

1. **Consistency with the Sphere of Influence (SOI) of Any Local Agency:**

LAFCO is charged with both regulatory and planning functions. Changes of organization are a regulatory act, while establishing SOIs is a planning function. The SOI is an important benchmark as it defines the primary area within which urban development may occur. For the Commission to approve an annexation, it must be consistent with the jurisdiction's SOI. The area proposed for annexation is within the SOIs of CCCSD and EBMUD. The annexation area is also within the Contra Costa County Urban Limit Line

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

Existing land uses for the 410± acre site includes open range land and hillsides used for cattle operations. Existing structures on the site include water storage facilities, cell tower sites, storage buildings, horse corrals, a parking area, and access roads associated with the existing ranch use.

In 2013, the Town of Danville approved rezoning changes consistent with the preliminary development plan for the project, which consists of a single-family residential subdivision and 381± acres of open space.

The single-family homes will be located in two separate clusters. Three homes are proposed on McCauley Road, south of the Diablo Road/McCauley Road/Green Valley Road intersection, and the remaining 66 homes will be located on the eastern portion of the property, accessed by a new driveway just east of Jillian Way. The project's open space will be preserved through development conditions and a scenic easement requirement. A significant portion of the site will be dedicated to the East Bay Regional Park District. The remainder will be owned by a combination of the homeowners' association and Geologic Hazard Abatement District (GHAD). The entire undeveloped portion of the site will be covered by scenic easements and conservation easements.

The Town's General Plan designations for the annexation area include General Open Space, Agricultural, Rural Residential and Single family – Low Density (with clustering allowed). The Town's zoning designation is Planned Unit Development (P-1). A minimum of 10% of the homes will include second dwelling units in accordance with the Town's affordable housing requirements.

The approved P-1 (Planned Unit Development District) zoning allows clustering of residential units on the flatter portions of the site while maintaining the same overall density allowed under the current General Plan Land Use designation. This allows portions of the site that contain steeper slopes and visible ridgelines to be retained as open space.

The 410± acre site is bounded by single family residences and the Sycamore Valley Open Space Preserve to the north, south and east. To the west are single family homes, along with the San Ramon Valley Fire Protection District Station 33, the Sunrise Assisted Living facility, and the Green Valley Elementary School.

3. The Effect on Maintaining the Physical and Economic Integrity of Agricultural Lands:

As described in the project EIR, the 410± acre project site has historically been used and continues to be used for cattle grazing and related operations; however, the Town's EIR found that no Prime Farmland, Unique Farmland, or Farmland of Statewide Importance are located on the project site and on this basis, found that the project would not result in a loss of Farmland of Statewide Importance to non-agricultural use. While the project site consists of grazing land, it does not meet the criteria for prime or important agricultural land as defined by CEQA, nor does it qualify as prime land for livestock production per the USDA Handbook criteria (one animal unit per acre), since the average stocking rate for grazing operations on the project site is one cow per 10 acres. Thus, the subject property is not Prime Agricultural Land as defined in the Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000 (CKH).

No portion of the proposal area is under a Williamson Act Land Conservation Act agreement. Four of the 10 parcels on the project site were formerly subject to a Williamson Act contract. A notice of non-renewal was filed in 2000, and the properties came out of the Williamson Act contract in 2010.

4. Topography, Natural Features and Drainage Basins:

The site consists primarily of undeveloped land and hillsides used for cattle operations. Oak woodland is scattered throughout the property. The site varies in elevation from approximately 430 feet in the northwestern corner to approximately 955 feet in the southern portion of the site. The East Branch Green Valley Creek extends in a northwesterly direction along portions of the north boundary of the project site. To the south and east of the project site are rolling hills. To the west and north are residential uses in generally flat areas. Mt. Diablo State Park is located approximately one mile northeast of the site.

5. **Population:**

Development of 69 single family homes is planned for the annexation area. Of the 69 units, 10% (seven units) within the project will be required to incorporate second dwelling units. The estimated population increase for the annexation area is approximately 215, based on 2020 California Department of Finance estimates for households in the Town of Danville. The estimate includes both the 69 single family homes and the second units.

6. **Fair Share of Regional Housing:**

In its review of a proposal, LAFCO must consider the extent to which the proposal will assist the receiving entity in achieving its fair share of the regional housing needs as determined by the regional council of governments. Regional housing needs are determined by the State Department of Housing and Community Development; the councils of government throughout the State allocate to each jurisdiction a "fair share" of the regional housing needs (Government Code §65584).

In Contra Costa County, the Association of Bay Area Governments (ABAG) determines each city's fair share of regional housing needs. Each jurisdiction is required in turn to incorporate its fair share of the regional housing needs into the housing element of its General Plan. In July 2013, ABAG adopted the 2015-2023 Regional Housing Needs Allocation (RHNA) Plan for the San Francisco Bay Area. The RHNA Plan includes the following allocations for the Town of Danville: total RHNA is calculated at 557 units, including 126 above moderate, 124 moderate, 111 low and 196 very low-income units.

Of the 69 units, 10% (seven units) within the project site will be required to incorporate second dwelling units, which are to be rented at rental rates set by the California Department of Housing and Community Development as being affordable to "low income" households.

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

Whenever a local agency submits a resolution of application for a change of organization or reorganization, the local agency shall also submit a plan for providing services within the affected territory (Gov. Code §56653). The plan shall include all of the following information and any additional information required by LAFCO:

- (1) An enumeration and description of the services to be extended to the affected territory.
- (2) The level and range of those services.
- (3) An indication of when those services can feasibly be extended to the affected territory.
- (4) An indication of any improvement or upgrading of structures, roads, sewer or water facilities, or other conditions the local agency would impose or require within the affected territory if the change of organization or reorganization is completed.
- (5) Information with respect to how those services will be financed.

CCCSD submitted a plan for providing services which covers water and wastewater services. The level and range of services to be extended to the subject area following annexation will be comparable to other areas served by CCCSD and EBMUD. The subject area is currently served by other local agencies including, but not limited to, the Town of Danville and the San Ramon Valley Fire Protection District.

CCCSD serves nearly half a million residents and more than 3,000 businesses within a 145-square-mile service area, including Alamo, Danville, Lafayette, Moraga, Orinda, Pleasant Hill, Walnut Creek; portions of Martinez and San Ramon; and unincorporated communities within central Contra Costa County. CCCSD also treats wastewater from the cities of Concord and Clayton. CCCSD's wastewater collection system consists of 1,540 miles of sewer mains with 18 pumping stations. The majority of CCCSD's system operates with gravity flow with some pumping stations and force

mains. All sewer connections to the subject property will be either gravity flow or individual residential pump systems. CCCSD's wastewater treatment plant provides secondary level treatment for an average dry weather flow in 2019 of approximately 34.1 million gallons per day (mgd) of wastewater. The wastewater treatment plant has a permitted discharge limit of 53.8 mgd.

Based on the maximum number of dwelling units planned for the annexation area, the maximum demand for service is approximately 15,405 gallons of wastewater per day. CCCSD has the capacity to serve the project.

CCCSD has infrastructure in the area and serves a significant number of surrounding properties.

All gravity mains required to serve the affected parcels will be 8-inch diameter or up to 2-inch diameter for pressure mains (CCCSD's minimum size). All laterals will be 4-inch diameter (CCCSD's minimum size for gravity laterals), or 1¼ to 2-inch diameter pump laterals (CCCSD's minimum size for pump laterals, depending on the specific pump type installed).

All capital costs including any required sewer main extensions, along with connections fees, will be borne by the property owner/developer. CCCSD funds the maintenance of all sewers through its annual sewer service charge.

8. Timely Availability of Water and Related Issues:

Pursuant to the CKH Act, LAFCO must consider the timely and available supply of water in conjunction with a boundary change proposal. The proposal includes annexation to EBMUD. EBMUD provides potable water services and limited wastewater collection and treatment services in portions of the District's service area. The EBMUD service area is approximately 332 square miles (Contra Costa and Alameda counties). EBMUD provides potable water to approximately 1.4 million people within the two-county service area. Within Contra Costa County, EBMUD provides water service to a 225± square mile service area, serving an estimated 522,000 residents (2015 UWMP).

EBMUD's water supply is distributed through a collection system consisting of aqueducts, reservoirs, and other components. The primary source of water supply for EBMUD is the Mokelumne River; this watershed accounts for 90 percent of EBMUD's water supply. EBMUD's existing water rights allow the delivery of up to 325 mgd or approximately 364,037 acre-feet per year of water from the Mokelumne River.

EBMUD's water rights are subject to variability, particularly during dry and multiple dry years. The availability of the Mokelumne River runoff is subject to senior water rights of other users, downstream fishery flow requirements, and other Mokelumne River water uses. Given the variability, EBMUD indicates that supplemental water supply sources are needed to meet future water demand during extended periods of drought.

The Freeport Regional Water Facility is a regional water supply project that provides supplemental water supply to EBMUD during dry years, as part of the Central Valley Project (CVP), a federal water management program. During periods of drought, EBMUD receives CVP water from its Freeport Regional Water Facility to augment its water supply. The U.S. Bureau of Reclamation (USBR) provides supplemental water supply during dry and multiple dry years to ensure the reliability of EBMUD's water supply. In conjunction with the request to annex the property, EBMUD is also seeking approval from the USBR.

EBMUD has adequate capacity to serve the project from the District's Scenic Pressure Zone, with a service elevation between 650 and 850 feet. Main extensions will be required to serve the proposed development.

Additionally, the proposed project is required to comply with the California Model Water Efficient Landscape Ordinance (Division 2, Title 23, California Code of Regulations, Chapter 2.7, Sections 490 through 495). The project sponsor should be aware that Section 31 of EBMUD's Water Service Regulations requires that water service shall not be furnished for new or expanded service unless all applicable water-efficiency measures described in the regulations are installed.

The costs associated with the water supply system as described, as well as development system capacity and service connection fees, will be borne by the project sponsor. Ongoing maintenance of the system will be funded through usage fees collected by EBMUD. The project EIR estimates the water demand will be 46,530 gallons per day. EBMUD has the capacity to serve the project.

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

The annexation area is within tax rate areas 16001, 16002 and 16003. The total assessed value for the annexation area is \$3,761,488 (2019-20 roll). The territory being annexed shall be liable for all authorized or existing taxes comparable to properties presently within the annexing agencies.

10. **Environmental Impact of the Proposal:**

On June 18, 2013, the Town of Danville, as Lead Agency, certified an EIR, and adopted Findings of Fact, a Statement of Overriding Considerations, and adopted Mitigation Measures and a Mitigation Monitoring and Reporting Program in conjunction with the development project.

Subsequently, a lawsuit was filed alleging that the 2013 Final EIR inadequately addressed impacts to traffic, bicycle safety, pedestrian safety and several other factors; and that the project was inconsistent with the Town's General Plan and with other land use restrictions. The Court of Appeals rejected all allegations except the claim that the EIR did not adequately address impacts to bicycle safety. In response to the Court's ruling, the Town of Danville prepared and circulated a Draft Revised EIR; and on July 2, 2019, the Danville Town Council adopted a Final Revised EIR.

Copies of these documents were previously provided to the Commissioners and are available through the LAFCO office.

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

According to County Elections, there are fewer than 12 registered voters in the area proposed for annexation; thus, the area proposed for annexation is considered uninhabited.

CCCSD indicates that 100% of the affected landowners have provided written consent to the annexation. Thus, if the Commission approves the annexation, the Commission will waive the protest proceedings. All landowners and registered voters within the proposal area and within 300 feet of the exterior boundaries of the area were notified of the October 14, 2020 hearing.

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

The annexation area is within the SOIs of both CCCSD and EBMUD and is contiguous to the districts' service boundaries. A map and legal description to implement the proposed boundary changes have been received and are being reviewed by the County Surveyor.

13. **Environmental Justice:**

LAFCO is required to consider the extent to which a change or organization of reorganization will promote environmental justice. As defined by statute, environmental justice means "the fair treatment and meaningful involvement of people of all races, cultures, incomes, and national origins, with respect to the location of public facilities and the provision of public services, to ensure a healthy environment for all people such that the effects of pollution are not disproportionately borne by any particular populations or communities." [Gov. Code § 56668(p)] The proposed boundary

reorganization is not expected to promote or discourage the fair treatment of minority or economically disadvantaged groups.

14. Disadvantaged Communities:

In accordance with state law, local agencies and LAFCOs are required to plan for disadvantaged unincorporated communities (DUCs). Many of these communities lack basic infrastructure, including streets, sidewalks, storm drainage, clean drinking water, and adequate sewer service. LAFCO actions relating to Municipal Service Reviews, SOI reviews/amendments, and annexations must take into consideration DUCs, and specifically the adequacy of public services, including sewer, water, and fire protection needs or deficiencies, to these communities. According to the County Department of Conservation and Development, the area proposed for annexation is not a DUC.

15. Comments from Affected Agencies/Other Interested Parties:

No comments have been received to date.

16. Regional Transportation and Regional Growth Plans:

In its review of a proposal, LAFCO shall consider a regional transportation plan adopted pursuant to Gov. Code §65080 [Gov. Code §56668(g)]. Further, the Commission may consider the regional growth goals and policies established by a collaboration of elected officials only, formally representing their local jurisdictions in an official capacity on a regional or subregional basis (Gov. Code §56668.5). Regarding these sections, LAFCO looks at consistency of the proposal with the regional transportation and other regional plans affecting the Bay Area.

SB 375, a landmark state law, requires California's regions to adopt plans and policies to reduce the generation of greenhouse gases (GHG), primarily from transportation. To implement SB 375, in July 2013, the Association of Bay Area Governments (ABAG) and the Metropolitan Transportation Commission (MTC) adopted Plan Bay Area as the "Regional Transportation Plan and Sustainable Communities Strategy" for the San Francisco Bay Area through 2040. Plan Bay Area focuses on where the region is expected to grow and how development patterns and the transportation network can work together to reduce GHG emissions. The Plan's key goals are to reduce GHG emissions by specified amounts; and to plan sufficient housing for the region's projected population over the next 25 years.

In July 2017, ABAG and MTC adopted Plan Bay Area 2040, which updates the 2013 Plan Bay Area and reaffirms the goals/targets identified in the earlier version. Plan Bay Area establishes "Priority Conservation Areas" (PCAs) and "Priority Development Areas" (PDAs) and focuses growth and development in nearly 200 PDAs. These existing neighborhoods are served by public transit and have been identified as appropriate for additional, compact development.

This fall, ABAG and MTC are starting Plan Bay Area 2050 which will focus on four key issues - the economy, the environment, housing and transportation - and will identify a path to make the Bay Area more equitable for all residents and more resilient in the face of unexpected challenges. Work with local jurisdictions is currently underway to explore new PDAs, PCAs and a new variable - Priority Production Areas (PPAs).

The area proposed for annexation is within the Town of Danville's urban growth boundary and is not within a designated PDA or PCA. The proposed boundary changes do not appear to conflict with the regional growth plan.

ALTERNATIVES FOR COMMISSION ACTION

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

Option 1 Approve the reorganization as proposed including annexations to CCCSD and EBMUD.

- A. Find that, as a Responsible Agency under CEQA, the Commission has considered the information contained in the Magee Ranches EIR and related environmental documents as certified by the Town of Danville on June 18, 2013, along with the Revised Final EIR adopted on July 2, 2019, and the Town of Danville's Findings of Fact and Statement of Overriding Considerations.
- B. Adopt this report, approve LAFCO Resolution No. 14-05 (Attachment 1), and approve the proposal, to be known as *Central Contra Costa Sanitary District (CCCSD) DA 186 Magee Preserve Boundary Reorganization - Annexations to CCCSD and East Bay Municipal Utility District (EBMUD)* subject to the following terms and conditions:
 - 1. The territory being annexed shall be liable for the continuation of any authorized or existing special taxes, assessments, and charges comparable to properties presently within the annexing agencies.
 - 2. The CCCSD has delivered an executed indemnification agreement providing for CCCSD to indemnify LAFCO against any expenses arising from any legal actions challenging the annexation.
 - 3. Water service is conditioned upon EBMUD receiving acceptance for inclusion of the annexed areas from the United States Bureau of Reclamation (USBR), pursuant to the requirements in EBMUD's contract with USBR for supplemental water supply from the Central Valley Project.
- C. Find that the subject territory is uninhabited, the proposal has 100% landowner consent, and the conducting authority (protest) proceedings are hereby waived.

Option 2 A. Find that, as a Responsible Agency under CEQA, the Commission has considered the information contained in the Magee Ranches EIR and related environmental documents as certified by the Town of Danville on June 18, 2013, along with the Revised Final EIR adopted on July 2, 2019, and the Town of Danville's Findings of Fact and Statement of Overriding Considerations.

B. Adopt this report and DENY the proposal.

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

RECOMMENDED ACTION:

Approve Option 1.

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

c: Distribution

Exhibits

A – CCCSD Annexation Map
B - EBMUD Annexation Map

Attachment

1 – Draft LAFCO Resolution 14-05

RESOLUTION NO. 14-05

**RESOLUTION OF THE CONTRA COSTA LOCAL AGENCY FORMATION COMMISSION
MAKING DETERMINATIONS AND APPROVING CENTRAL CONTRA COSTA SANITARY
DISTRICT (CCCSD) DA 186: MAGEE PRESERVE BOUNDARY REORGANIZATION
ANNEXATIONS TO CCCSD AND EAST BAY MUNICIPAL UTILITY DISTRICT**

WHEREAS, the above-referenced a proposal was filed with Executive Officer of the Contra Costa Local Agency Formation Commission pursuant to the Cortese-Knox-Hertzberg Local Government Reorganization Act (Government Code section 56000 et seq.); and

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

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

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

WHEREAS, at public hearings held on January 14, February 11, May 13, 2015, August 12, 2015, and September 9, 2015, and October 14, 2020, the Commission heard, discussed and considered all oral and written testimony related to the proposal including, but not limited to, the Executive Officer's report and recommendation, the environmental documents or determination, applicable General and Specific Plans, consistency with spheres of influence, contiguity with the districts' boundaries, and related factors and information including those contained in Gov. Code §56668; and

WHEREAS, information satisfactory to the Commission has been presented that no affected landowners/registered voters within the subject territory object to the proposal; and

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

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

1. As a Responsible Agency under CEQA, the Commission has considered the information contained in the Magee Ranches EIR and related environmental documents as certified by the Town of Danville on June 18, 2013, along with the Revised Final EIR adopted on July 2, 2019, and the Town of Danville's Findings of Fact and Statement of Overriding Considerations.
2. The applicant (CCCSD) has delivered an executed indemnification agreement providing for the District to indemnify LAFCO against any expenses arising from any legal actions challenging the reorganization.
3. The reorganization is hereby approved.
4. The subject proposal is assigned the distinctive short-form designation:

CENTRAL CONTRA COSTA SANITARY DISTRICT DA 186 – MAGEE PRESERVE
BOUNDARY REORGANIZATION - ANNEXATIONS TO CENTRAL CONTRA COSTA
SANITARY DISTRICT AND EAST BAY MUNICIPAL UTILITY DISTRICT

5. The boundaries of the affected territory are found to be definite and certain as approved and set forth in Exhibits A and B, attached hereto and made a part hereof.
6. The subject territory shall be liable for any authorized or existing taxes, charges, and assessments comparable to properties within the annexing agencies.
7. Said territory is found to be uninhabited.
8. The proposal has 100% landowner consent and said conducting authority (protest) proceedings are hereby waived.
9. Water service is conditioned upon EBMUD receiving acceptance for inclusion of the annexed areas from the United States Bureau of Reclamation (USBR), pursuant to the requirements in EBMUD's contract with USBR for supplemental water supply from the Central Valley Project.
10. All subsequent proceedings in connection with this reorganization shall be conducted only in compliance with the approved boundaries set forth in the attachments and any terms and conditions specified in this resolution.

* * * * *

PASSED AND ADOPTED THIS 14TH day of October 2020, by the following vote:

AYES:

NOES:

ABSTENTIONS:

ABSENT:

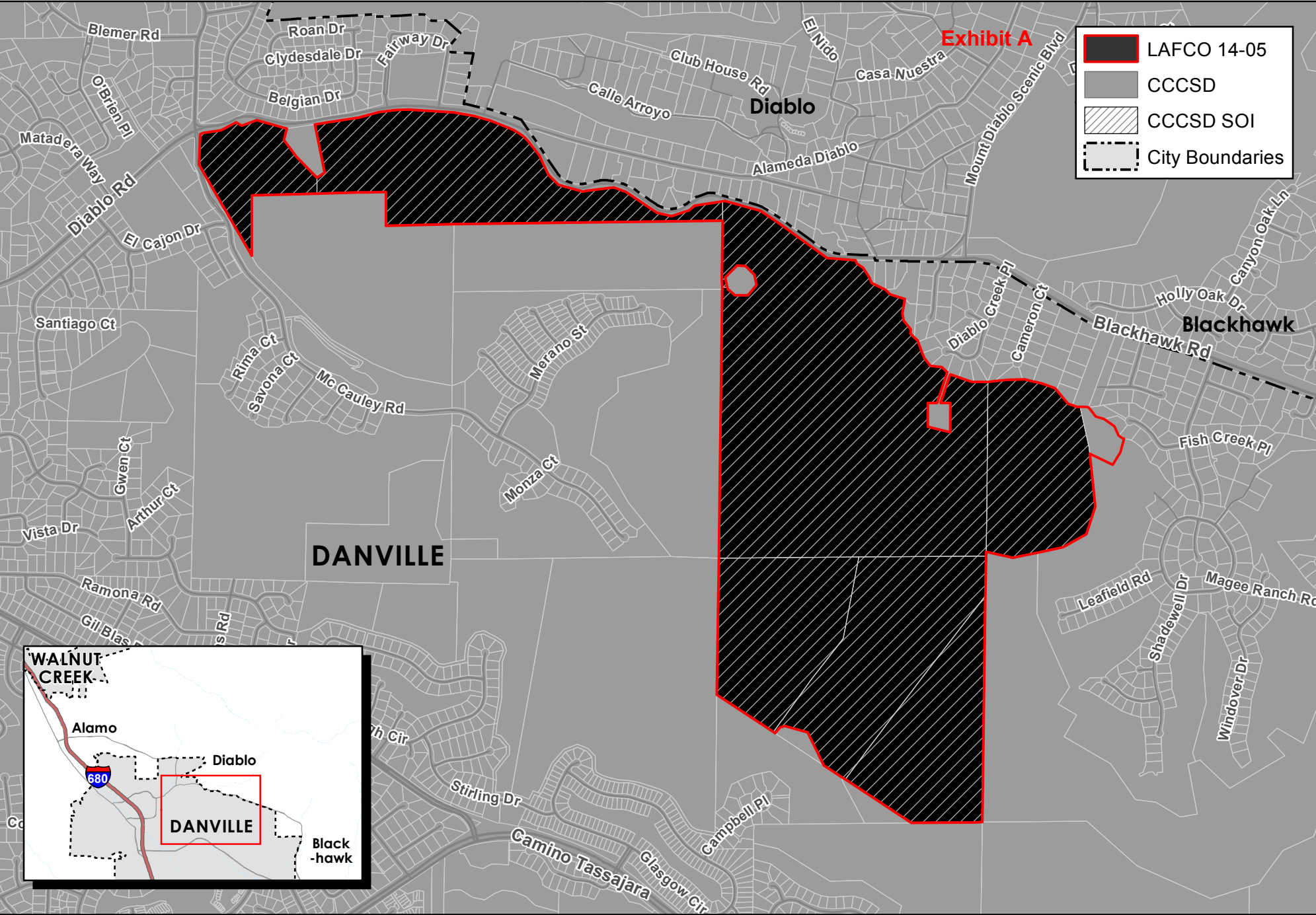
CANDACE ANDERSEN, CHAIR, CONTRA COSTA LAFCO

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

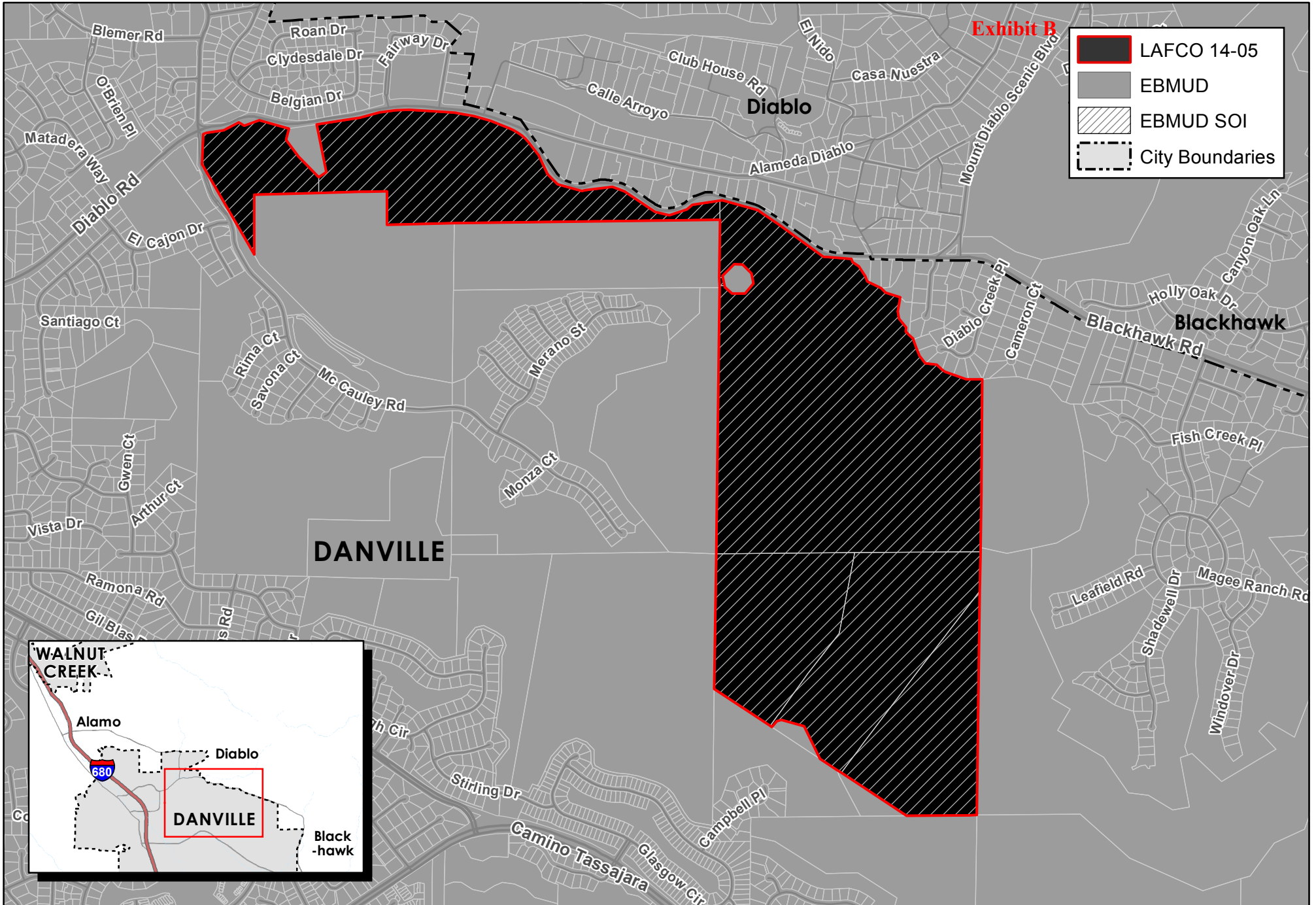
Dated: October 14, 2020

Lou Ann Texeira, Executive Officer

LAFCO No. 14-05: Annexation 186 Magee Ranch/Summerhill to Central Contra Costa Sanitary District



LAFCO No. 14-05: Annexation 186 Magee Ranch/Summerhill to East Bay Municipal Utilities District



CONTRA COSTA LOCAL AGENCY FORMATION COMMISSION
EXECUTIVE OFFICER'S REPORT

October 14, 2020 (Agenda)

October 14, 2020
Agenda Item 8

LAFCO 20-05 Dougherty Valley #18 Reorganization – Annexation to the City of San Ramon and Detachment from County Service Area (CSA) P-6

APPLICANT City of San Ramon, Resolution No. 2020-050 adopted June 9, 2020

ACREAGE & PURPOSE Reorganization #18 comprises 901.65± acres located in the remainder areas of Gale Ranch Phase 4 in the Dougherty Valley Specific Plan (DVSP) Area – see Exhibit A.

The purpose of the reorganization is to extend city services to an approved 901.65± acre development (Gale Ranch 4, Remainder) including a residential subdivision (529 single-family housing units and 449 multi-family housing units); a future retail shopping center site; an elementary school (Bella Vista); three parks – (8.4± acres Rose Glenn Park, 7.8± acres Phase 2 Rancho San Ramon Community Park, 2.6± acres Bella Vista School Park), an East Bay Municipal Utility District water tank site, and 673.71± acres of open space area. The proposal also includes a corresponding detachment from CSA P-6.

SYNOPSIS

This is the 18th and final planned boundary changes for the area known as “Dougherty Valley” (DV). The DV project is a large project being developed in phases through Contra Costa County.

Annexation of the project area to the City of San Ramon is required pursuant to the Dougherty Valley Settlement Agreement (DVSA), which in 1994 was endorsed by the County, cities of Danville and San Ramon, Windemere Ranch Partners and Shapell Industries. Under the terms of the DVSA, the annexations are to occur following recordation of final subdivision maps.

DISCUSSION

The Cortese Knox Hertzberg Act (CKH Act) sets forth factors the Commission must consider in evaluating any proposed boundary changes as discussed below (Gov. Code §56668). In the Commission's review of these factors, no single factor is determinative. In reaching a decision, each factor is to be evaluated within the context of the overall proposal.

1. *Consistency with the Sphere of Influence (SOI) of Any Local Agency:*

LAFCO is charged with both regulatory and planning functions. Changes of organization are a regulatory act, while establishing SOIs is a planning function. The SOI is an important benchmark as it defines the primary area within which urban development may occur. For the Commission to approve an annexation, it must be consistent with the jurisdiction's SOI. The subject area is within the City of San Ramon's SOI, and within the City's Urban Growth Boundary (UGB) and the County's Urban Limit Line (ULL).

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

The Contra Costa County and City of San Ramon land use designations for the subject area are shown in the table below:

Contra Costa County Dougherty Valley Specific Plan Designations	City of San Ramon General Plan 2035 Designations
• Single Family Medium Density Residential	• Single-Family Medium Density
• Single Family High Density Residential	• Single-Family Low Medium Density
• Multiple Family Low Density Residential	• Mixed Use
• Mixed Use	• Parks
• Parks and Recreation	• Public and Semipublic
• Public/Semi-Public	• Open Space
• Open Space	

The County's zoning designations include Planned Unit Development (P-1) and Exclusive Agricultural District (A-80). The City's zoning designations include Planned Development (94.43± acres); Mixed Use (32.26± acres), Parks & Recreation (18.8± acres), Public and semipublic 5.21± acres) Open Space (673.71± acres) and Roadway/Right-of-Way (77.24 ± acres). On June 9, 2020, the San Ramon City Council approved the prezoning for the subject area. Upon annexation, the City's prezoning will apply.

Since adoption of the DVSP, the County has approved several amendments, including relocation of the Gale Middle School (2005-06), and relocation of residential development within Gale Ranch Phases 3 and 4 to accommodate a new elementary school (Bella Vista) in Gale Ranch Phase 4.

Surrounding land uses include the Gale Ranch and Windemere developments to the north and east (City of San Ramon); the U.S. Army Camp Parks to the south; and open space and residential areas area to the west (City of San Ramon).

The current and proposed uses are consistent with the City's General Plan and prezoning designations. No changes in land uses are proposed.

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

The DV project, as previously approved by the County, converts approximately 6,000 acres of farmland to urban uses and open space. Of the 6,000 acres that comprise the DVSP area, 2,000 acres have been mapped as "farmland of local importance" and the remaining 4,000 acres are mapped as grazing land. Through the 1992 DVSP and General Plan amendment, these lands were changed from "Agricultural Preserve" to "Agricultural Lands" and designated as P-1 to allow a mix of housing, school and community facilities, parks and open space areas.

Contra Costa County found that there were overriding considerations in support of adoption of the Specific Plan, despite the unavoidable impact to agricultural resources. With adoption of the DVSP in 1992, none of the project site was zoned for agricultural use, and there are no Williamson Act Land Conservation Agreements within the project site.

The proposed reorganization would not convert farmland to non-agricultural uses as farmland does not currently exist in the DV area. Approval of the urban land use designations for the area occurred in 1992, 1996 and 2002. According to the City, the project can be viewed as implementation of the already established specific plan and land use designations.

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

The site and surrounding areas consist of a complex series of major and minor ridges, rolling hills and a relatively flat valley, which drains to the south. There are no other significant natural features affecting the proposal.

5. *Population:*

The territory proposed for annexation currently includes 694 residential housing units (430 single-family units and 264 multi-family units) which are or may be occupied within the annexation area. The remaining 284 residential housing units (99 single-family units and 185 multi-family units) are under construction and some are or may be occupied. Entitlements have been approved for the entire 978 housing units in the remainder area of the Gale Ranch Phase 4 development. The total 978 housing units (529 single-family and 449 multi-family) will result in a population increase of approximately 2,905 persons. The projected population increase is based on the California Department of Finance estimates of 2.97 persons per unit (January 1, 2020).

6. *Fair Share of Regional Housing:*

One of the factors the Commission must consider in its review of a proposal is the extent to which the proposal will assist the receiving entity in achieving its fair share of the regional housing needs as determined by the regional council of governments. Regional housing needs are determined by the State Department of Housing and Community Development; the councils of government throughout the State allocate to each jurisdiction a "fair share" of the regional housing needs (Government Code §65584).

In Contra Costa County, the Association of Bay Area Governments (ABAG) determines each city's fair share of regional housing needs. Each jurisdiction is required in turn to incorporate its fair share of the regional housing needs into the housing element of its General Plan. In July 2013, ABAG adopted the 2014-2022 Regional Housing Needs Allocation (RHNA) Plan for the San Francisco Bay Area. The RHNA Plan includes the following allocations for the City of San Ramon: total RHNA is calculated at 1,417 units, including 340 above moderate, 282 moderate, 279 low and 516 very low-income units.

The proposed annexation includes 978 housing units (529 single-family and 449 multi-family). Of the 978 housing units, the 529 single-family units will not be affordable; however, the 449 multi-family units, including the Deer Creek Senior Apartments, have an Affordable Housing Agreement recorded, restricting the rental of these units to the following income categories: 20 units – Very Low, 82 units – Low, and 347 units – Moderate.

It is a requirement of the Dougherty Valley Affordable Housing Program that 25% (2,748) of the 11,000 units in DV are affordable.

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

In accordance with Government Code §56653, whenever a local agency submits an annexation application, the local agency must also submit a plan for providing services to the annexation area. The plan shall include all of the following information and any additional information required by LAFCO:

- (1) An enumeration and description of the services to be extended to the affected territory.
- (2) The level and range of those services.
- (3) An indication of when those services can feasibly be extended to the affected territory.

- (4) An indication of any improvement or upgrading of structures, roads, sewer or water facilities, or other conditions the local agency would impose or require within the affected territory if the change of organization or reorganization is completed.
- (5) Information with respect to how those services will be financed.

The City submitted a plan for providing services which covers parks and recreation, police, streets and roads, flood control, public facilities maintenance, and library services. The level and range of services to be extended to the subject area will be comparable to services currently provided within the City. The DVSA provides performance standards for services in the DV.

Also, fire services will be provided by San Ramon Valley Fire Protection District (SRVFPD), sewer services will be provided by Central Contra Costa Sanitary District (CCCSD), and water services will be provided by Dublin San Ramon Services District (DSRSD).

Parks and Recreation – The DVSA requires 6.5 acres of parkland per 1,000 residents, which is consistent with the City's General Plan. Upon complete build-out of DV, this performance standard will be met. The DVSP and DVSA establish a variety of park types throughout DV. At build-out, the developers of DV will have provided 202± acres of parkland.

Police Services – Law enforcement services are currently provided to the annexation area by the Contra Costa County Sheriff's Department. Upon annexation, police services will be provided by the City of San Ramon. The City's police department maintains a ratio of approximately 0.8 officers per 1,000 population in accordance with the City's adopted service standards for police services. The DVSA establishes the performance standards for police service in DV consistent with the City's General Plan, which include 3-5 minute response times (travel time) for emergency calls, and a 20 minute response time for all other calls, which can be maintained 95 percent of the time. The City reports that completed development in the surrounding areas of DV is already within the service area for San Ramon police services; therefore, police service for the annexation area can meet the performance standard. No additional police officers are anticipated for the proposed annexation area.

Streets and Roadways – The annexation area is served by a network of arterial roads (Bollinger Canyon Road, Dougherty Road, etc.), collector and local streets. In addition, public transit (bus) service is provided in the DV and annexation area, along with a bicycle and pedestrian network. The DVSA requires the developers to provide a transportation system (streets, roadways, bicycle, pedestrian, and transit services, etc.) as established by the DVSP. Once the development is completed, all streets and roadways for the annexation area will have been provided by the developers.

Fire Protection – Fire and emergency medical services are, and will continue to be, provided by SRVFPD following annexation. The City's General Plan policies include service standards relating to fire response time (i.e. 4-5 minutes for emergency calls 90% of the time) and that there will be fire stations within 1.5 miles of new development. Fire Station No. 30 will serve as the primary fire station to serve the annexation area. Fire Station No. 30 is located approximately 0.8 miles from the annexation area and has primary responsibility for fire and emergency medical services. Fire Stations 39 and 34 will respond as secondary and tertiary stations, respectively. Fire Station 39 is approximately 1.80 miles, and Fire Station 34 is approximately 2.18 miles. The main access roads (routes) to the annexation area include Bollinger Canyon Road, Dougherty Road, Old Ranch Road, and Alcosta Blvd.

Wastewater Services – Wastewater services to the annexation area will be provided by CCCSD, which is responsible for wastewater collection, maintenance of the sewer lines, wastewater treatment and disposal services.

CCCSD currently serves an estimated population of 494,300 residents in a 145-square-mile service area. CCCSD's wastewater collection system consists of 1,500 miles of sewer mains with 19 pump stations. The majority of CCCSD's system operates with gravity flow with some pumping stations and force mains. The District's wastewater treatment plant provides secondary level treatment for a 2019 average dry weather flow of approximately 34.1 million gallons per day (mgd) of wastewater. The wastewater treatment plant has a permitted discharge limit of 53.8 mgd and a treatment capacity of 240 mgd of wet weather flow.

CCCSD provides sewage collection, treatment, and disposal service to the Dougherty Valley, including the annexation area. The City indicates that 8-inch diameter sanitary sewer line has been installed in the annexation area. The main connects to a 24-inch diameter trunk sewer west of Dougherty Road. The trunk sewer leads to the Dougherty Tunnel, the San Ramon Pumping Station, and eventually to gravity sewers that carry flows north to CCCSD's wastewater treatment plant in unincorporated Martinez.

The annexation area uses will generate an estimated 146,515 gpd (0.147 mgd) of wastewater. The sewer lines in the vicinity of the project site have, or will have, adequate capacity to serve the annexation area, and the CCCSD wastewater treatment plant has adequate capacity to treat wastewater generated by the proposed project. The plant currently operates below permitted treatment capacity and the project-related increases in wastewater flows to the plant could be accommodated within the plant's existing capacity. The annexation area's wastewater generation represents 0.75 percent of the 19.7 mgd of capacity currently available at CCCSD's wastewater treatment plant.

Other Services – Capital improvements for this project are being financed by the developers as a condition of development. The ongoing maintenance and operations costs associated with police services, road maintenance, parks and landscape maintenance, open space and trail maintenance, flood control, and community facilities maintenance will be financed through CSA M-29. CSA M-29 was established in 1997 and includes the following revenue sources:

- General Ad-Valorem Property Taxes
- Real Property Transfer Tax
- Special Assessments
- Sales tax
- Fines and Forfeitures
- License, Permits, Franchise Fees
- Motor Vehicle In-Lieu Fees

Typically, when an area is annexed to a city, it is detached from a CSA, as the County no longer provides service, and the city assumes the provision of municipal services. The City requests that the annexation area remain in CSA M-29 pursuant to the DVSA in order to continue the assessment of the special taxes/fees to fund the services listed above.

However, it is recommended that if the annexation is approved, the subject territory be detached from CSA P-6 (police services). The effect of the detachment will result in the CSA P-6 allocation of ad valorem property tax (1%) being transferred from the County to the City following annexation as the City will assume police services following annexation.

The City and County have entered into a tax sharing agreement which provides for an exchange of property tax and takes into account the provision of municipal services.

8. *Timely Availability of Water and Related Issues:*

Pursuant to the CKH Act, LAFCO must consider the timely and available supply of water in conjunction with a boundary change proposal. In accordance with Contra Costa LAFCO policies, any proposal for a change of organization that includes the provision of water service

shall provide information relating to water supply, storage, treatment, distribution, and waste recovery; as well as adequacy of services, facilities, and improvements to be provided and financed by the agency responsible for the provision of such services, facilities and improvements. Various studies were completed to address the timely and adequate provision of water service to the DV. This information is included in the environmental documents and summarized in the City's application to LAFCO.

Dublin San Ramon Services District (DSRSD) will provide water service to the annexation area and provides water service to the entire DV except for Gale Ranch Phase 1. Gale Ranch Phase 1 water service is provided by the East Bay Municipal Utility District (EBMUD).

The infrastructure needed to provide water service to the annexation area is adequate and has already been contemplated by DSRSD at the time of County approval through a water assessment for the DV development. DSRSD will be able to meet the ultimate water demand for potable water in the area proposed for annexation. The City's application includes a breakdown of potable and recycled water demands. The estimated potable water demand is approximately 274,331 gallons per day. DSRSD indicates they have the capacity to provide services consistent with its adopted water service plans.

DSRSD will also provide recycled water to the annexation area. The Rancho San Ramon Community Park and the Bella Vista School Park will rely on recycled water. The Rose Glenn Park irrigation is subject to a recycled water moratorium adopted by the DSRSD-EBMUD Recycled Water Authority in March 2019. Consequently, the irrigation water demand will be supplied by DSRSD's potable water system. And although not required, single family homes may use recycled water for front yards in accordance with specific criteria. DSRSD indicated it can meet the demand for recycled water.

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

The annexation area is within tax rate areas 66374, 66375, 66395, and 66405. The assessed value is \$572,490,694 (2019-20 roll). The territory being annexed shall be liable for all authorized or existing taxes comparable to properties presently within the annexing agencies, if applicable; and shall remain within CSA M-29 following annexation.

10. *Environmental Impact of the Proposal:*

Since the project initiation in 1992, the County has served as Lead Agency under CEQA, and has prepared and certified various environmental documents in conjunction with this project, including the original Environmental Impact Report (EIR) for the DV General Plan Amendment, the Specific Plan and Mitigation Monitoring and Reporting Program (1992), Final Subsequent EIR along with Findings, Recommendations and a Statement of Overriding Conditions (1996), Addendum to the DV Draft DEIR entitled "Gale Ranch Phase IV Final Development Plan & Vesting Tentative Subdivision Map DV – San Ramon (January 2005), and most recently, the Mitigated Negative Declaration (MND) in conjunction with County General Plan and Specific Plan Amendments and the County Development Plan for modifications to Gale Ranch Phases 3 and 4 to accommodate the Bella Vista Elementary School (February 2014). There have been various modifications to the DV project over the years, some of which have necessitated supplemental environmental review.

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

According to County Elections, there are more than 12 registered voters in the area proposed for annexation; thus, the area is considered inhabited.

In the case of inhabited boundary changes, LAFCO will conduct a protest hearing should the Commission receive an objection from any landowner owning land with the subject area, or any registered voter residing with the subject area. Absent any objection received before the conclusion of the commission hearing on October 14, 2020, the Commission will waive the protest proceedings. All landowners and registered voters within the proposal area(s) and within 300 feet of the exterior boundaries of the area(s) were notified of the October 14, 2020 hearing.

12. *Boundaries and Lines of Assessment:*

The annexation area is within the City's SOI and is contiguous to the city's boundary. A corresponding detachment from CSA P-6 of the same area is also proposed. A map and legal description to implement the proposed boundary change has been received and is subject to final approval by the County Surveyor.

The City indicates that all the open space areas surrounding the subject area will be annexed to the City per the DVSA; and there will be no islands or pockets of unincorporated area once all the annexations are complete. The entire DV area is required to be annexed into the City.

13. *Environmental Justice:*

LAFCO is required to consider the extent to which a change or organization of reorganization will promote environmental justice. As defined by statute, environmental justice means "the fair treatment and meaningful involvement of people of all races, cultures, incomes, and national origins, with respect to the location of public facilities and the provision of public services, to ensure a healthy environment for all people such that the effects of pollution are not disproportionately borne by any particular populations or communities." [Gov. Code § 56668(p)] The proposed boundary reorganization is not expected to promote or discourage the fair treatment of minority or economically disadvantaged groups.

14. *Disadvantaged Communities:*

In accordance with state law, local agencies and LAFCOs are required to plan for disadvantaged unincorporated communities (DUCs). Many of these communities lack basic infrastructure, including streets, sidewalks, storm drainage, clean drinking water, and adequate sewer service. LAFCO actions relating to Municipal Service Reviews, SOI reviews/amendments, and annexations must take into consideration DUCs, and specifically the adequacy of public services, including sewer, water, and fire protection needs or deficiencies, to these communities. According to the County Department of Conservation and Development, the area proposed for annexation is not a DUC.

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

No comments have been received to date.

16. *Regional Transportation and Regional Growth Plans:*

In its review of a proposal, LAFCO shall consider a regional transportation plan adopted pursuant to Gov. Code §65080 [Gov. Code §56668(g)]. Further, the Commission may consider the regional growth goals and policies established by a collaboration of elected officials only, formally representing their local jurisdictions in an official capacity on a regional or subregional basis (Gov. Code §56668.5). Regarding these sections, LAFCO looks at

consistency of the proposal with the regional transportation and other regional plans affecting the Bay Area.

SB 375, a landmark state law, requires California's regions to adopt plans and policies to reduce the generation of greenhouse gases (GHG), primarily from transportation. To implement SB 375, in July 2013, the Association of Bay Area Governments (ABAG) and the Metropolitan Transportation Commission (MTC) adopted Plan Bay Area as the "Regional Transportation Plan and Sustainable Communities Strategy" for the San Francisco Bay Area through 2040. Plan Bay Area focuses on where the region is expected to grow and how development patterns and the transportation network can work together to reduce GHG emissions. The Plan's key goals are to reduce GHG emissions by specified amounts; and to plan sufficient housing for the region's projected population over the next 25 years.

In July 2017, ABAG and MTC adopted Plan Bay Area 2040, which updates the 2013 Plan Bay Area and reaffirms the goals/targets identified in the earlier version. Plan Bay Area establishes "Priority Conservation Areas" (PCAs) and "Priority Development Areas" (PDAs) and focuses growth and development in nearly 200 PDAs. These existing neighborhoods are served by public transit and have been identified as appropriate for additional, compact development.

This fall, ABAG and MTC are starting Plan Bay Area 2050 which will focus on four key issues - the economy, the environment, housing and transportation - and will identify a path to make the Bay Area more equitable for all residents and more resilient in the face of unexpected challenges. Work with local jurisdictions is currently underway to explore new PDAs, PCAs and a new variable – Priority Production Areas (PPAs).

The area proposed for annexation is within the City's SOI and UGB and is not within a designated PDA or PCA. The annexation has been anticipated by, is consistent with, the San Ramon General Plan 2035, and does not appear to conflict with the regional growth plan.

ALTERNATIVES FOR COMMISSION ACTION

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

Option 1 Approve the reorganization as proposed including annexation to the City of San Ramon and detachment from CSAs P-6.

- A. Consider the information contained in the CEQA documents prepared and adopted by the County, including the MND in conjunction with County General Plan and Specific Plan Amendments and the County Development Plan for modifications to Gale Ranch Phases 3 and 4 to accommodate the Bella Vista Elementary School (February 2014); Addendum to the DV Draft EIR entitled "Gale Ranch Phase IV Final Development Plan & Vesting Tentative Subdivision Map DV – San Ramon (January 2005); Final Subsequent EIR (1996); and the Final EIR for the DV General Plan Amendment and Specific Plan (1992); Mitigation Monitoring and Reporting Program (1992), and Findings, Recommendations and a Statement of Overriding Conditions (1996).
- B. Approve the proposal, to be known as **Dougherty Valley Reorganization #18: Annexation to the City of San Ramon and Corresponding Detachment from CSA P-6** subject to the following terms and conditions:

1. The territory being annexed shall be liable for the continuation of any authorized or existing special taxes, assessments, and charges comparable to properties presently within the annexing agency.
 2. Allow the overlap of the City and CSA M-29.
 3. The City has delivered an executed indemnification agreement providing for the City to indemnify LAFCO against any expenses arising from any legal actions challenging the annexation.
- C. Find that the subject territory is inhabited. Should the Commission receive an objection from any affected landowner or registered voter within the subject area, LAFCO will conduct a protest hearing. Absent any objection received before the conclusion of the commission proceedings on October 14, 2020, the Commission will waive the protest proceedings.

Option 2

- A. Certify it has reviewed and considered the information contained in the EIR and related environmental documents as prepared and adopted by the County.
- B. Adopt this report and DENY the proposal.

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

RECOMMENDED ACTION: Option 1 – Approve the reorganization as proposed.

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

c: Distribution

Exhibit

A – Map of Reorganization Area

Attachment

1 - Draft LAFCO Resolution 20-05

RESOLUTION NO. 20-05

**RESOLUTION OF THE CONTRA COSTA LOCAL AGENCY FORMATION COMMISSION
MAKING DETERMINATIONS AND APPROVING DOUGHERTY VALLEY
REORGANIZATION #18: ANNEXATION TO CITY OF SAN RAMON AND
CORRESPONDING DETACHMENT FROM COUNTY SERVICE (CSA) AREA P-6**

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

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

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

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

WHEREAS, at a public hearing held on October 14, 2020, the Commission heard, discussed and considered all oral and written testimony related to the proposal including, but not limited to, the Executive Officer's report and recommendation, the environmental document or determination, consistency with the sphere of influence, contiguity with the City boundary, and related factors and information including those contained in Gov. Code §56668; and

WHEREAS, information satisfactory to the Commission has been presented that no affected landowners or/registered voters within the affected territory object to the proposal; and

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

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

1. The Commission has considered the information contained in the Environmental Impact Reports and related environmental documentation, including the County's Findings of Fact and Statement of Overriding Considerations, as prepared and certified by the County of Contra Costa (Lead Agency) and as identified in the LAFCO staff report.
2. Said reorganization is hereby approved.
3. The subject proposal is assigned the distinctive short-form designation:

**DOUGHERTY VALLEY REORGANIZATION #18: ANNEXATION TO THE CITY OF
SAN RAMON AND CORRESPONDING DETACHMENT FROM CSA P-6**

4. Said territory is found to be inhabited. LAFCO will conduct a protest hearing should the Commission receive an objection from any landowner owning land with the subject area, or any registered voter residing with the subject area. Absent any objection received before the conclusion of the commission proceedings on October 14, 2020, the Commission will waive the protest proceedings.
5. The boundaries of the affected territory are found to be definite and certain as approved and set forth in Exhibit A, attached hereto and made a part hereof.
6. The subject territory shall be liable for any existing bonded indebtedness of the annexing agencies, if applicable.
7. The subject territory shall be liable for any authorized or existing taxes, charges, and assessments comparable to properties within the annexing agencies, and shall remain within CSA M-29 following annexation.
8. The City delivered an executed indemnification agreement providing for the City to indemnify LAFCO against any expenses arising from any legal actions challenging the reorganization.
9. All subsequent proceedings in connection with this reorganization shall be conducted only in compliance with the approved boundaries set forth in the attachments and any terms and conditions specified in this resolution.

* * * * *

PASSED AND ADOPTED THIS 14TH day of OCTOBER 2020, by the following vote:

AYES:

NOES:

ABSTENTIONS:

ABSENT:

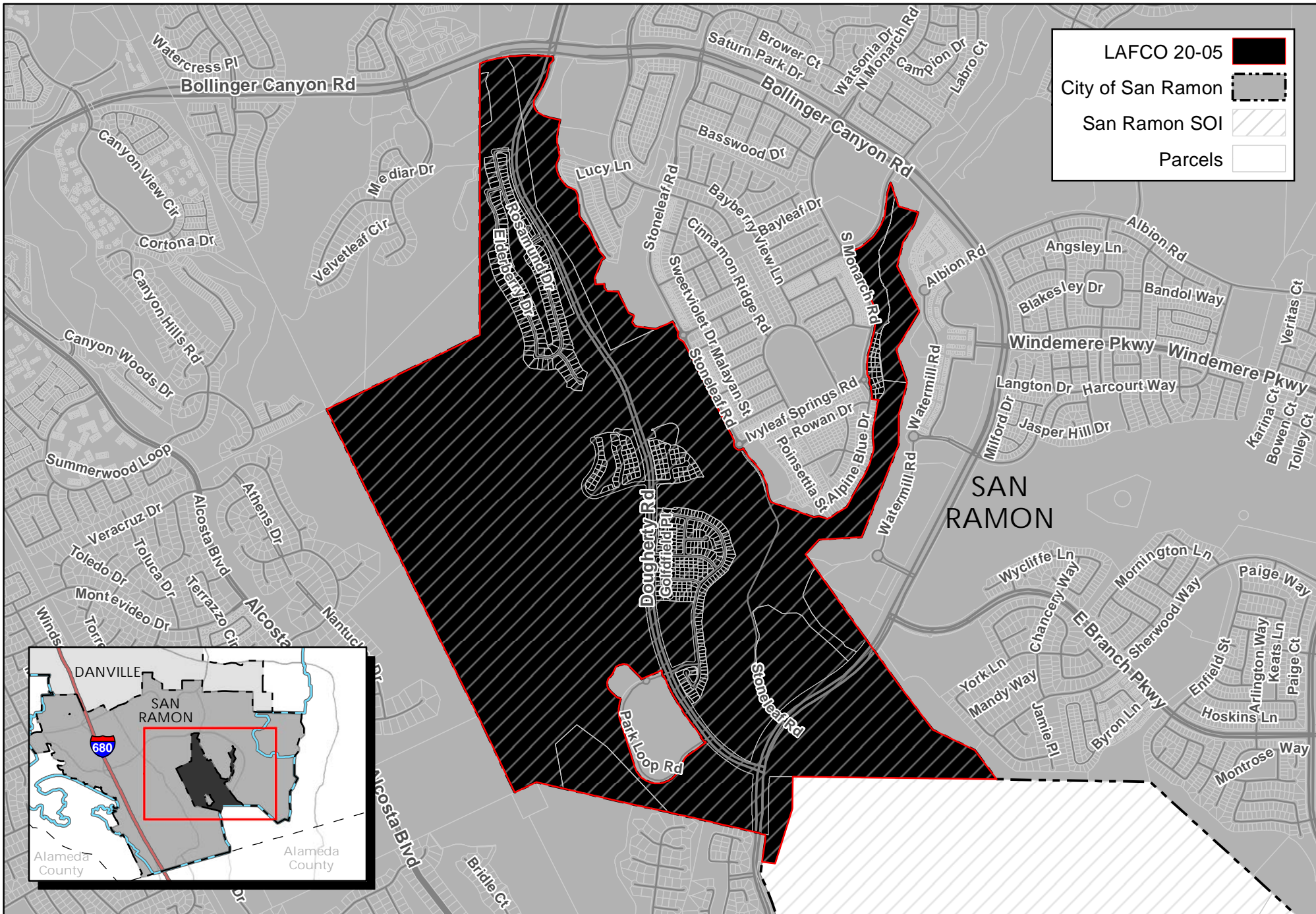
CANDACE ANDERSEN, CONTRA COSTA LAFCO

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

Dated: October 14, 2020

Lou Ann Texeira, Executive Officer

LAFCO 20-05 Dougherty Valley Annexation 18 to the City of San Ramon and Detachment from CSA P-6



Map created 07/01/2020
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.

Miles

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Exhibit A





CONTRA COSTA LOCAL AGENCY FORMATION COMMISSION

40 Muir Road, 1st Floor • Martinez, CA 94553

e-mail: LouAnn.Texeira@lafco.cccounty.us

(925) 313-7133

Lou Ann Texeira
Executive Officer

MEMBERS

Candace Andersen
County Member

Donald A. Blubaugh
Public Member

Tom Butt
City Member

Igor Skaredoff
Special District Member

Federal Glover
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Michael R. McGill
Special District Member

Rob Schroder
City Member

ALTERNATE MEMBERS

Diane Burgis
County Member

Stanley Caldwell
Special District Member

Charles R. Lewis, IV
Public Member

Sean Wright
City Member

October 14, 2020 (Agenda)

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

October 14, 2020
Agenda Item 9

**Knightsen Town Community Services District
Withdrawal of Application to Dissolve**

Dear Members of the Commission:

On May 14, 2020, the Knightsen Town Community Services District (KTCSO) submitted an application to Contra Costa LAFCO to dissolve the district for various reasons as stated in the KTCSO Resolution No. 2020-2.

Subsequently, on September 17, 2020, the KTCSO submit a letter to LAFCO withdrawing their application to dissolve the District (Attachment 1). In response, the LAFCO Executive Officer sent a letter to the KTCSO Board Chair confirming receipt of the District's letter withdrawing its application to dissolve the District, and provided additional information relating to the LAFCO process (Attachment 2).

Recommendation: Receive report and provide comments as desired.

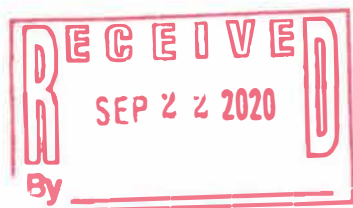
Sincerely,

LOU ANN TEXEIRA
EXECUTIVE OFFICER

c: Distribution

Attachments

- 1 – Letter from Chair Bello-Kunkel Withdrawing the District's Application to Dissolve the KTCSO
- 2 – Letter from LAFCO Executive Officer Confirming Receipt of the KTCSO's Letter Withdrawing Their Application to Dissolve the KTCSO



Board of Directors

Trish Bello-Kunkel, Chairperson
Gilbert Somerhalder, Vice Chairperson
Linda Matteri, Treasurer
Curt Caldwell, Director
Angie de Fremery, Director

**Knightsen Town Community Services District
P.O. Box 763
Knightsen, CA 94548**



September 17, 2020

Lou Ann Texeira.
Executive Officer
Contra Costa LAFCO
40 Muir Road, First Floor
Martinez CA 94553

Sent via e-mail and US Mail to
Lou Ann Texeira
LouAnn.Teixeira@lafco.cccounty.us

Dear Ms. Texeira:

On Thursday, September 17, 2020, the Board of Directors of the Knightsen Town Community Services District (KTCSD) unanimously voted to revoke our Resolution of Application Requesting the Contra Costa County LAFCO dissolve KTCSD (Resolution 2020-2). By revoking this resolution we are hereby withdrawing our request to dissolve the District.

The KTCSD board voted to withdraw the request for dissolution after hearing many Knightsen residents ask that we not dissolve. Additionally, the KTCSD board and community members voiced concern regarding the County's request that if KTCSD is dissolved that the County Public Works take over the affairs of the District including the Measure Z (2005) tax authorization. When we voted to request dissolution, we did not foresee the County would attempt to assume control of the District's affairs and taxing authority. The KTCSD board and community members attending our meetings very clearly do not support dissolution merely to have KTCSD's role and taxation authority transfer to the County. Local control is, has and always will be a paramount concern in this community.

With revocation of our dissolution, we will now reconsider how KTCSD can move forward to meet community needs within the very limited resources the Measure Z tax authority provides us.

Sincerely,

A handwritten signature in cursive script that reads "Trish Bello-Kunkel".

Trish Bello-Kunkel
Chairperson, Knightsen Town Community Services District

Cc: Barbara Brenner, Churchwell White, LLP

CONTRA COSTA LOCAL AGENCY FORMATION COMMISSION

40 Muir Road, 1st Floor • Martinez, CA 94553

e-mail: LouAnn.Texeira@lafco.cccounty.us

(925) 313-7133



Lou Ann Texeira
Executive Officer

MEMBERS

Candace Andersen
County Member

Donald A. Blubaugh
Public Member

Tom Butt
City Member

Igor Skaredoff
Special District Member

Federal Glover
County Member

Michael R. McGill
Special District Member

Rob Schroder
City Member

ALTERNATE MEMBERS

Diane Burgis
County Member

Stanley Caldwell
Special District Member

Charles R. Lewis, IV
Public Member

Sean Wright
City Member

September 29, 2020

Trish Bello-Kunkel, Chair
Knightsen Town Community Services District
P.O. Box 763
Knightsen, CA 94548

Sent via e-mail and US Mail to Trish Bello-Kunkel, Chair
Knightsen Town Community Services District
knightsencsd@gmail.com

Dear Chair Bello-Kunkel,

This letter is to confirm receipt of the District's letter dated September 17, 2020 to withdraw its application to dissolve the Knightsen Town Community Services District (LAFCO 20-03).

Accordingly, LAFCO staff has ceased processing the application and is closing the project file "without prejudice." Pursuant to the *Contra Costa LAFCO Schedule of Processing Fees and Deposits*, application processing fees are non-refundable. Further, the amount of time LAFCO staff has expended to date on this application exceeds the LAFCO fee; thus, no refund will be issued.

LAFCO staff will place the District's application withdrawal letter on the Commission's October 14, 2020 meeting agenda as an "informational only" item. There is no need for the Commission to act on withdrawal of application provided a Certificate of Filing (CoF) has not been issued. LAFCO staff has not issued the CoF.

Please contact me if you have any questions.

Sincerely,

Lou Ann Texeira, Executive Officer
Contra Costa LAFCO

c: Commissioners, Contra Costa LAFCO



CONTRA COSTA LOCAL AGENCY FORMATION COMMISSION

40 Muir Road, 1st Floor • Martinez, CA 94553

e-mail: LouAnn.Teixeira@lafco.cccounty.us

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October 14, 2020 (Agenda)

October 14, 2020
Agenda Item 10

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

**Request to Transfer Principal County Responsibility from San Joaquin LAFCO to Contra
Costa LAFCO – Lawrence Annexation to Byron Bethany Irrigation District**

Dear Members of the Commission:

When a change of organization (e.g., annexation) to a multi-county special district is proposed, the Cortese-Knox-Hertzberg Act (CKH) vests exclusive jurisdiction with the commission of the principal county, that is, the commission in the county having the largest portion of assessed value within the subject district.

The CKH (i.e., §§56123, 56124, 56387, 56388) provides a mechanism to transfer jurisdiction over such proposals to a commission other than the commission of the principal county. To transfer exclusive jurisdiction over a change of organization, the commission of the principal county must agree to relinquish jurisdiction and designate a specific commission to assume jurisdiction. The commission so designated must agree to assume exclusive jurisdiction.

The Bethany Byron Irrigation District (BBID) recently informed Contra Costa LAFCO of a forthcoming annexation to BBID. The subject property is located in unincorporated Byron in Contra Costa County. BBID is a tri-county district covering portions of Alameda, Contra Costa, and San Joaquin counties from southern Brentwood to north of Tracy.

The proposed annexation includes four parcels (89.48± acres) located at 2043 Camino Diablo, Byron (Byron Highway and Vasco Road) (Attachment 1). The property is currently in agricultural production (corn and tomatoes) and may shift to almonds once a secure supply of irrigation water is established.

RECOMMENDATION – It is recommended that Contra Costa LAFCO agree to assume exclusive jurisdiction for this proposal and authorize LAFCO staff to send a letter to San Joaquin LAFCO requesting a transfer of jurisdiction in conjunction with this proposal (Attachment 2).

Sincerely,

LOU ANN TEXEIRA
EXECUTIVE OFFICER

Attachment 1 – Project Site Map

Attachment 2 – Draft Letter to San Joaquin LAFCO Requesting Transfer of Jurisdiction

C: James Glaser, Executive Officer, San Joaquin LAFCO
Rick Gilmore, General Manager, BBID
James and Victoria Lawrence, Landowners

Lawrence Property Annexation to Byron Bethany Irrigation District

Attachment 1





CONTRA COSTA LOCAL AGENCY FORMATION COMMISSION

40 Muir Road, 1st Floor • Martinez, CA 94553

e-mail: LouAnn.Texeira@lafco.cccounty.us

(925) 313-7133

Lou Ann Texeira
Executive Officer

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October 14, 2020

James Glaser, Executive Officer
San Joaquin LAFCO
224 West Winton, Suite 110
Hayward, California 94544

Dear Mr. Glaser:

Contra Costa LAFCO recently received a request to annex four parcels to the Byron Bethany Irrigation District (BBID). The project site comprises 89.48± acres and is located at 2043 Camino Diablo in Byron (Byron Highway and Vasco Road) as shown on the attached map. The property is currently in agricultural production (corn and tomatoes) and may shift to almonds once a secure supply of irrigation water is established.

Since San Joaquin is the principal county for BBID, this is a formal request, pursuant to Government Code §§56387 and 56388, that San Joaquin LAFCO grant exclusive jurisdiction to Contra Costa LAFCO for the boundary change. This request for transfer of jurisdiction was approved by Contra Costa LAFCO on October 14, 2020 at which time the Commission agreed to assume exclusive jurisdiction for the proposed boundary change subject to San Joaquin LAFCO's approval of a transfer of jurisdiction.

We have enclosed a check for the transfer of jurisdiction, and respectfully request that this matter be placed on your October 15, 2020 LAFCO agenda for consideration. Please contact me if you have any questions. Thank you for your assistance.

Sincerely,

LOU ANN TEXEIRA
EXECUTIVE OFFICER

Attachment - Map

c: Rick Gilmore, BBID
James and Victoria Lawrence, Property Owners



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October 14, 2020 (Agenda)

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

**October 14, 2020
Agenda Item 11**

Chang Property Boundary Reorganization - Update

Dear Members of the Commission:

On August 8, 2018, the Commission approved the *Chang Property Reorganization – Annexations to the City of San Ramon, Central Contra Costa Sanitary District (CCCSD) and East Bay Municipal Utility District (EBMUD) and Corresponding Detachment from County Service Area (CSA) P-6*. The proposal includes annexation of 63.5± acres to the City of San Ramon, CCCSD and EBMUD and corresponding detachment from CSA P-6. The area is located at the intersection of Bollinger Canyon Road and Crow Canyon Road in unincorporated San Ramon. The proposal will extend city, wastewater, and water services to facilitate the development of 43 single-family large lot homes, 18 accessory dwelling units and related facilities on the Chang property.

One of LAFCO's conditions of approval is that *the property owner provide LAFCO with a certified copy of a recorded grant of open space easement from the Chang property owner(s) to the City of San Ramon and/or other public agency or land trust that prohibits urban development and permanently preserves the existing open space and agricultural uses on 134± acres that are outside of the urban growth boundary and designated for open space and agricultural uses. Further, that the easement remains in effect in perpetuity, and that is consistent with the conditions of approval in accordance with the Vesting Tentative Map 9485.*

In accordance with Government Code §57001, if a Certificate of Completion is not filed within one year after the Commission approves a proposal, the proceeding shall be deemed abandoned unless prior to the expiration of that year the Commission authorizes an extension of time to complete the proceedings.

In June 2019, the landowner submitted a request for an extension of time, indicating that more time was needed to coordinate timing of the open space easement with the City of San Ramon and the resource agencies. The landowner requested a 12-month time extension. In July 2019, the Commission approved an extension of time to file the Certificate of Completion to July 9, 2020, as requested by the landowner.

In May 2020, the landowner submitted a second request for a 12-month extension, indicating they are continuing to work on the open space easement with the resource agencies, and the recent uncertain social, economic situation has caused delays.

On June 10, 2020, the Commission approved a second extension of time for six months to January 9, 2021. Further, the Commission requested a 3-month progress report in September 2020. The Commission specifically requested the following:

- Information as to what measurable progress has been made since the Commission approved the boundary changes in August 2018
- A status report including information regarding the parties with whom the landowner is working on the open space easement (e.g., City of San Ramon, East Bay Regional Parks District, Dept of Conservation, Fish & Wildlife, others), and an estimated timeline for completion of the easement
- Information regarding the funding mechanism in place for ongoing maintenance of the open space area
- Any other relevant information

On September 9, 2020, the landowner provided an update and status report on the issues noted above (see attached letter). The landowner indicates they have made a good faith effort to address these issues and are proceeding with final project permitting. However, they continue to face indeterminate uncertainty and delays created by the COVID-19 pandemic and request an extension of six months to July 9, 2021.

RECOMMENDATION: Receive the update and consider the request for an additional six months to July 9, 2021.

Sincerely,

LOU ANN TEXEIRA
EXECUTIVE OFFICER

c: Vicky Chang, Hsientein Project Investment, LLC
Cindy Yee, City of San Ramon
Russell Leavitt, CCCSD
Jack Flynn, EBMUD

Attachment

1 – Letter from James Yang, GE and Uri Eliahu, GE – Landowner Representatives

Project No.
9080.002.000

September 9, 2020

Ms. Lou Ann Texeira
Executive Officer
Contra Costa Local Agency Formation Commission (LAFCo)
40 Muir Road, 1st Floor
Martinez, CA 94553

Subject: Chang Property
San Ramon, California

PROGRESS REPORT AND EXTENSION REQUEST

Reference: Carlson, Barbee & Gibson, Inc.; Vesting Tentative Map/Development Plan, The Chang Property, Subdivision 9458, City of San Ramon, Contra Costa County, California; July 2017.

Dear Ms. Texeira:

On behalf of Hsientein Project Investment, we are submitting this progress report and extension request for the Chang Property project in support of annexations to the City of San Ramon, Central Contra Costa Sanitary District, and East Bay Municipal Utility District, and detachment from County Service Area P-6. Hsientein Project Investment provided us an email, dated August 31, 2020, which contained requests for information from LAFCo. We have summarized those requests below, along with responses in *italics*.

Who is Hsientein Project Investment working with on the open space easement?

- *Hsientein Project Investment is working with the City of San Ramon and has requested a three-year extension of the Tentative Map. Hsientein Project Investment intends to engage East Bay Regional Parks District (EBRPD) early in 2021 after further refinements to the land plan.*

What measurable progress has Hsientein Project Investment made since the Commission approved the boundary changes in August 2018?

- *Hsientein Project Investment has attempted to optimize the land plan and improve the infrastructure layout. More modifications may be in order; however, we have experienced delays due to the COVID-19 pandemic.*

Please provide a status report on the conservation easement including the local and State agencies you are working with on the easement and an estimated timeline for completion of the easement.

- *Given that the actual limits of grading and the location of the bridge may be adjusted slightly, we intend to re-engage the resource agencies early in 2021.*

Please provide information regarding the funding mechanism in place for ongoing maintenance of the open space area.

- *It is Hsientein Project Investment's intent to fund the open-space management activities through a Geologic Hazard Abatement District (GHAD). This is consistent with the requirements and practices of the City of San Ramon.*

We hope that the above responses demonstrate Hsientein Project Investment's good faith efforts to proceed to final project permitting, and request an extension of 6 months beyond January 9, 2021, which is the expiration of the current LAFCo approval. We also hope that the Commission will consider the indeterminate uncertainty and delays created by the COVID-19 pandemic when considering the extension request.

If you have any questions or comments regarding this letter, please call and we will be glad to discuss them with you.

Sincerely,

ENGEO Incorporated



James Yang, GE
jsy/ue/cjn



Uri Eliahu, GE

cc: Ms. Vicky Chang, Hsientein Project Investment
Mr. Eric Chen, Hsientein Project Investment
Mr. Lee Rosenblatt, Carlson, Barbee & Gibson, Inc.



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October 14, 2020 (Agenda)

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

October 14, 2020
Agenda Item 12

2nd Round Municipal Service Reviews/Sphere of Influence Updates

Dear Members of the Commission:

Each year the Commission adopts a proposed budget and workplan. The FY 2020-21 workplan includes preparing two 2nd round Municipal Service Reviews (MSRs)/Sphere of Influence (SOI) Updates.

The 2nd round Parks & Recreation Services MSR is currently underway, and covers all 19 cities, four community services districts, three parks & recreation districts, one regional park district and eight county service areas (CSAs). The consultant team of Economic & Planning Systems, Inc. and Berkson Associates was hired in 2019 to prepare this MSR and recently resumed work following a 4-month pause in response to a request from the cities for a time extension due to COVID. The project schedule was adjusted, and we anticipate completing this MSR by June 2021.

The FY 2020-21 workplan identifies potential candidates for a 2nd round MSR, including cemetery, resource conservation, mosquito & vector control, and CSAs. The 1st round MSRs prepared for most of these services were completed in 2010. Based on current challenges and needs facing some of these districts, staff recommends proceeding with a 2nd round MSR covering the two cemetery districts: Alamo Lafayette Cemetery District (ALCD) and Byron Brentwood Knightsen Union Cemetery District (BBKUCD).

In January 2020, the Commission approved an “on-call” list of prequalified MSR/special study consultants. LAFCO staff contacted two firms to discuss the cemetery services MSR, and subsequently obtained a proposal from Planwest Partners, Inc. This firm specializes in LAFCO staffing and support services including preparing MSRs. Planwest Partners, Inc. currently provides contract staffing services to four LAFCOs; and has prepared numerous MSRs for LAFCOs throughout the State, including several MSRs covering cemetery services.

RECOMMENDATION – It is recommended that the Commission authorize LAFCO staff to execute a contract with Planwest Partners, Inc. to prepare the 2nd round cemetery services MSR/SOI updates, with a project budget not exceed \$30,000.

Sincerely,

LOU ANN TEXEIRA
EXECUTIVE OFFICER

c: George Williamson, Planwest Partners, Inc.
Patricia Howard, ALCD
Aurora Garcia, BBKUCD



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October 14, 2020

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

**October 14, 2020
Agenda Item 13**

First Quarter Budget Report - Fiscal Year 2020-21

Dear Members of the Commission:

This is the first quarter budget report for FY 2020-21, which compares adopted and actual expenses and revenues for the period July 1, 2020 through September 30, 2020.

The LAFCO operating budget includes several components: salaries/benefits, services/supplies, a contingency/reserve fund, Other Post-Employment Benefits (OPEB) Trust and retirement pre-funding account. The budget is based on the “bottom line,” which allows for variation within line item accounts if the overall balance remains positive. Funds may not be drawn from the contingency/reserve without Commission approval.

The LAFCO budget is funded primarily by the County, cities and independent special districts, with each group paying one-third of the LAFCO expenses. The County pays one-third and the city and district shares are prorated based on general revenues reported to the State Controller’s Office. LAFCO also receives revenue through application fees and interest earnings.

DISCUSSION

On June 10, 2020, LAFCO adopted its final FY 2020-21 budget with total appropriations of \$994,882, which includes a \$100,000 contingency/reserve fund, a contribution of \$40,000 to fund the OPEB liability, and a contribution of \$30,000 to pre-fund LAFCO’s retirement account with the Contra Costa County Employees’ Retirement Association (CCCERA).

With 25% of the fiscal year elapsed, the Commission’s first quarter expenditures are \$102,992 or 10.35% of total appropriations. The Commission budgeted \$387,000 in *salaries/benefits* for FY 2020-21; at the end of the first quarter, actual expenses total \$61,517 or 15.89% of the budgeted amount. The Commission budgeted \$437,882 in *services/supplies*; and at the end of the first quarter, actual expenses total \$41,474 or 9.47%.

The primary sources of revenues are local agency contributions, application fees, and available fund balance. Total revenues received during the first quarter are \$826,144 (including fund balance) or approximately 83% of projected revenues. As of this writing, the following agencies have not remitted their annual payments to LAFCO: City of Richmond, Contra Costa Water District, and Reclamation District (RD) 2122. LAFCO staff is currently working with the Auditor's Office to collect funds from these agencies. The Auditor's Office and LAFCO staff agreed to waive apportionment payments which are less than \$1.00, and have waived payments for RD 2090, RD 2137, and for RD 2117 who reported no revenue to the State Controller's Office.

As for application fees, first quarter FY 2020-21 application activity is slower than FY 2019-20 activity. During the first quarter of FY 2020-21, LAFCO received one new application, and during the first quarter of FY 2019-20 LAFCO received two new applications.

Other revenues include investment earnings through the OPEB trust account, which remains in that account, and fund balance. LAFCO budgets fund balance to offset agency contributions. The FY 2020-21 budget includes \$175,000 in budgeted fund balance.

See table below for a summary of first quarter expenditures and revenues.

Account	FY 2020-21 Final Budget	First Quarter Actuals
Salaries & Benefits	\$ 387,000	\$ 61,517
Services & Supplies	437,882	41,474
Contingency/Reserve	100,000	0
OPEB Trust	40,000	0
CCCERA Pre-Fund	30,000	0
Total Appropriations	\$ 994,882	\$ 102,991
Agency Contributions	\$ 794,882	\$ 647,229
Application/Other Revenue	25,000	3,915
Interest Earnings	-	-
Fund Balance	175,000	175,000
Total Revenues	\$ 994,882	\$ 826,144

No budget adjustments are recommended at this time. LAFCO staff will continue to closely monitor the budget, and keep the Commission apprised.

RECOMMENDATION

It is recommended that the Commission receive the FY 2020-21 first quarter budget report.

Sincerely,

LOU ANN TEXEIRA
EXECUTIVE OFFICER



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October 14, 2020 (Agenda)

**October 14, 2020
Agenda Item 14**

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

2021 LAFCO Meeting Schedule

Dear Commissioners:

The Commissioner's Handbook states that regular meetings of the Commission are held on the second Wednesday of each month commencing at 1:30 p.m. in the Board of Supervisors Chambers, which is now located at 1025 Escobar Street, First Floor in Martinez.

The proposed 2021 meeting schedule is as follows. Following approval, the meeting schedule will be posted on the LAFCO website.

January 13
February 10
March 10

April 14
May 12
June 9

July 14
August 11
September 8

October 13
November 10
December 8

RECOMMENDATION

It is recommended the Commission approve the 2021 LAFCO meeting schedule as proposed.

Sincerely,

LOU ANN TEXEIRA
EXECUTIVE OFFICER



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October 14, 2020

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

October 14, 2020
Agenda Item 15

Legislative Update

Dear Members of the Commission:

The 2019-20 legislative session has ended. The deadline for the Governor to sign/veto bills was September 30, 2020. CALAFCO was tracking five "Priority 1" bills, one "Priority 2" bill, and five "Priority 3" bills (see attached). Here is a summary of the "Priority 1" bills:

- **AB 1751** (Chiu) – *Water and sewer system corporations: consolidation of services* - This bill would authorize a water or sewer system corporation to file an application and obtain approval from the PUC through an order authorizing the water or sewer system corporation to consolidate with a public water system or state small water system that has fewer than 3,300 service connections and serves a disadvantaged community. The bill would require the commission to approve or deny the application. **Position:** WATCH **Status:** FAILED DEADLINE
- **SB 414** (Caballero) - *SB 414 – Small System Water Authority Act of 2019* - This bill would create the Small System Water Authority Act of 2019 authorizing the creation of small water system authorities with powers to absorb, improve and competently operate noncompliant public water systems. **Position:** OPPOSE PENDING AMENDMENTS **Status:** FAILED DEADLINE
- **SB 928, SB 929 and SB 930** (Committee on Governance and Finance) – *Validations* – These bills would enact Validating Acts of 2020 which would validate the organization, boundaries, acts, proceedings, and bonds of the state and counties, cities and specified districts, agencies and entities. **Position:** SUPPORT **Status:** CHAPTERED

The Legislature reconvenes in December 2020 and begins a new 2-year legislative cycle. In anticipation of the new year, CALAFCO issued a call for legislative proposals from its members. The Legislative Committee meets on November 9th to consider these proposals and other matters.

Informational only - no vote required

Sincerely,

LOU ANN TEXEIRA
EXECUTIVE OFFICER

Attachment 1 – CALAFCO Legislative Report

CALAFCO Daily Legislative Report as of Wednesday, October 07, 2020

1

AB 1751 (Chiu D) Water and sewer system corporations: consolidation of service.**Current Text:** Amended: 7/5/2019 [html](#) [pdf](#)**Introduced:** 2/22/2019**Last Amended:** 7/5/2019**Status:** 8/21/2020-Failed Deadline pursuant to Rule 61(b)(15). (Last location was S. 2 YEAR on 8/30/2019)

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

Summary:

The California Safe Drinking Water Act provides for the operation of public water systems and imposes on the State Water Resources Control Board related responsibilities and duties. Current law authorizes the state board to order consolidation of public water systems where a public water system or state small water system serving a disadvantaged community consistently fails to provide an adequate supply of safe drinking water, as provided. This bill, the Consolidation for Safe Drinking Water Act of 2019, would authorize a water or sewer system corporation to file an application and obtain approval from the commission through an order authorizing the water or sewer system corporation to consolidate with a public water system or state small water system that has fewer than 3,300 service connections and serves a disadvantaged community, or to implement rates for the subsumed water system.

Position: Watch**Subject:** Water

CALAFCO Comments: This bill would authorize a water or sewer system corporation to file an application and obtain approval from the PUC through an order authorizing the water or sewer system corporation to consolidate with a public water system or state small water system that has fewer than 3,300 service connections and serves a disadvantaged community, or to implement rates for the subsumed water system. The bill would require the commission to approve or deny the app. Unless the commission designates a different procedure because it determines a consolidation warrants a more comprehensive review, the bill would authorize a water or sewer system corporation to instead file an advice letter and obtain approval from the commission through a resolution authorizing the water or sewer system corporation to consolidate with a public water system or state small water system that has fewer than 3,300 service connections and serves a disadvantaged community, or to implement rates for the subsumed water system.

SB 414 (Caballero D) Small System Water Authority Act of 2019.**Current Text:** Amended: 6/25/2019 [html](#) [pdf](#)**Introduced:** 2/20/2019**Last Amended:** 6/25/2019**Status:** 8/21/2020-Failed Deadline pursuant to Rule 61(b)(15). (Last location was A. APPR. SUSPENSE FILE on 8/18/2020)

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

Summary:

Would create the Small System Water Authority Act of 2019 and state legislative findings and declarations relating to authorizing the creation of small system water authorities that will have powers to absorb, improve, and competently operate noncompliant public water systems. The bill, no later than March 1, 2020, would require the state board to provide written notice to cure to all public agencies, private water companies, or mutual water companies that operate a public water system that has either less than 3,000 service connections or that serves less than 10,000 people, and are not in compliance, for the period from July 1, 2018, through December 31, 2019, with one or more state or federal primary drinking water standard maximum contaminant levels, as specified.

Attachments:

[LAFCO Template Oppose Pending Amendment to Author](#)
[CALAFCO Oppose Pending Amendments to AESTM](#)

[CALAFCO Oppose Pending Amendments to Author](#)
[CALAFCO Oppose Pending Amendments to SGFC](#)
[CALAFCO Oppose Pending Amendments to SEQ](#)
[LAFCO Template Oppose Pending Amendments to Assm Appropriations](#)
[CALAFCO Oppose Pending Amendments to ALGC](#)
[CALAFCO Oppose Pending Amendments to Assm Appropriations](#)

Position: Oppose Pending Amendments

Subject: Water

CALAFCO Comments: UPDATE AS OF 8/10/20. After discussions with the author's staff and sponsors regarding CALAFCO's concerns, additional amendments are expected that address some but not all of our concerns. The primary concerns of LAFCo exclusion from the formation process, LAFCo exclusion from the dissolution process, and unclear funding language are still cause for great concern and CALAFCO will retain an OPPOSE position. Further, CALAFCO has not yet reviewed the pending amendments to ensure they are as stated by the sponsors. Changes specific to LAFCo are to be as follows:

- o Added language clarifying that LAFCos are on the list of notified entities under Section 78033(a) (1) when the State Board intends to form a SSWA;
- o Added language in 78033(a)(2)(A) to make sure the LAFCo is notified when an entity wishes to voluntarily join a SSWA;
- o Added language in 78033(a)(2)(B) to notify a LAFCo when the public issues a petition to join a SSWA;
- o Added language in 78033(b) to notify a LAFCo when a dependent special district wishes to opt-in to an authority;
- o Added language identifying the "interim operator" in 78037 (a)(4) as the entity to whom the service, assets and liabilities should be transferred;
- o Added language in 78035(c) requiring comments received by the LAFCo be considered by the SWRCB and formation coordinator on the draft conceptual formation plan prior to the document being made public;
- o Added language in Section 78038 requiring the State board to respond to the contents of the report; and
- o Removed reference to "extraordinary" costs to all allow all LAFCo costs to be funded by the SWRCB and added language in the Safe Drinking Water Fund Expenditure Plan clarifying that these costs are an eligible expense.

UPDATE AS OF 07/23/20. There are currently proposed pending amendments not yet in print being negotiated by the author and sponsors with Assm. Appropriations that remove LAFCo authority in the formation of the new water authority and give that quasi-legislative authority to the SWRCB. Further LAFCO will no longer have any authority in the dissolution of a public water supplier as part of the formation of the new authority, and all LAFCo funding for what is required to be done by LAFCo is being eliminated. There are numerous other issues with the pending amendments, all of which are detailed in our opposition letter.

This bill is very similar to AB 2050 (Caballero) from 2018. Several changes have been made. This bill is sponsored by Eastern Municipal Water District and the CA Municipal Utilities Assoc. The intent is to give the State Water Resources Control Board (SWRCB) authority to mandate the dissolution of existing drinking water systems (public, mutual and private) and authorize the formation of a new public water authority. The focus is on non contiguous systems. The SWRCB already has the authority to mandate consolidation of these systems, this will add the authority to mandate dissolution and formation of a new public agency.

LAFCo will be responsible for dissolving any state mandated public agency dissolution, and the formation of the new water authority. The SWRCB's appointed Administrator will act as the applicant on behalf of the state. LAFCo will have ability to approve with modifications the application, and the new agency will have to report to the LAFCo annually for the first 3 years.

SB 928 (Committee on Governance and Finance) Validations.

Current Text: Chaptered: 9/24/2020 [html](#) [pdf](#)

Introduced: 2/5/2020

Status: 9/24/2020-Approved by the Governor. Chaptered by Secretary of State. Chapter 132, Statutes of 2020.

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

This bill would enact the First Validating Act of 2020, which would validate the organization, boundaries, acts, proceedings, and bonds of the state and counties, cities, and specified districts, agencies, and entities.

Position: Support

CALAFCO Comments: This is the first of three annual validating acts.

[SB 929](#) (Committee on Governance and Finance) Validations.

Current Text: Chaptered: 9/24/2020 [html](#) [pdf](#)

Introduced: 2/5/2020

Status: 9/24/2020-Approved by the Governor. Chaptered by Secretary of State. Chapter 133, Statutes of 2020.

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

Summary:

This bill would enact the Second Validating Act of 2020, which would validate the organization, boundaries, acts, proceedings, and bonds of the state and counties, cities, and specified districts, agencies, and entities.

Position: Support

CALAFCO Comments: This is the second of three annual validating acts.

[SB 930](#) (Committee on Governance and Finance) Validations.

Current Text: Chaptered: 9/24/2020 [html](#) [pdf](#)

Introduced: 2/5/2020

Status: 9/24/2020-Approved by the Governor. Chaptered by Secretary of State. Chapter 134, Statutes of 2020.

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

Summary:

This bill would enact the Third Validating Act of 2020, which would validate the organization, boundaries, acts, proceedings, and bonds of the state and counties, cities, and specified districts, agencies, and entities.

Position: Support

CALAFCO Comments: This is the third of three annual validating acts.

[AB 213](#) ([Reyes D](#)) Local government finance: property tax revenue allocations: vehicle license fee adjustments.

Current Text: Introduced: 1/15/2019 [html](#) [pdf](#)

Introduced: 1/15/2019

Status: 8/21/2020-Failed Deadline pursuant to Rule 61(b)(15). (Last location was S. 2 YEAR on 8/30/2019)

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

Summary:

Would, for the 2019–20 fiscal year, require the vehicle license fee adjustment amount to be the sum of the vehicle license fee adjustment amount in the 2018–19 fiscal year, the product of that sum and the percentage change in gross taxable assessed valuation within the jurisdiction of that entity between the 2018–19 fiscal year to the 2018–19 fiscal year, and the product of the amount of specified motor vehicle license fee revenues that the Controller allocated to the applicable city in July 2010 and 1.17.

Attachments:

[CALAFCO Support Letter](#)

Position: Support

Subject: Tax Allocation

CALAFCO Comments: Sponsored by the League, this bill will reinstate ERAF funding for inhabited annexations. This bill is the same as AB 2268 (Reyes) from 2018.

3

AB 134 (Bloom D) Safe Drinking Water Restoration.

Current Text: Amended: 5/20/2019 [html](#) [pdf](#)

Introduced: 12/5/2018

Last Amended: 5/20/2019

Status: 8/18/2020-Failed Deadline pursuant to Rule 61(b)(13). (Last location was E.Q. on 6/12/2019)

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

Summary:

Would require the State Water Resources Control Board to report to the Legislature by July 1, 2025, on its progress in restoring safe drinking water to all California communities and to create an internet website that provides data transparency for all of the board's activities described in this measure. The bill would require the board to develop metrics to measure the efficacy of the fund in ensuring safe and affordable drinking water for all Californians.

Position: Watch

Subject: Water

AB 2370 (Limón D) Ventura Port District: aquaculture plots: federal waters.

Current Text: Amended: 3/16/2020 [html](#) [pdf](#)

Introduced: 2/18/2020

Last Amended: 3/16/2020

Status: 8/31/2020-Failed Deadline pursuant to Rule 61(b)(18). (Last location was A. L. GOV. on 3/12/2020)

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

Summary:

Under the Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000, a city or district may only provide new or extended services by contract or agreement outside of its jurisdictional boundary if it requests and receives written approval, as provided, from the local agency formation commission in the county in which the extension of service is proposed. This bill would, notwithstanding the Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000, authorize the Ventura Port District, to the extent permitted by federal law, to construct, maintain, operate, lease, and grant permits to others for the installation, maintenance, and operation of aquaculture plots in federal waters off the coast of California the County of Ventura, as prescribed, in order to aid in the development or improvement of navigation or commerce to the port district.

Position: Watch

Subject: Special District Powers

CALAFCO Comments: This is a local bill authorizing Ventura Port District to extend operations into federal waters. CALAFCO will work with Ventura LAFCo.

UPDATE: CALAFCO learned that the author has pulled the bill for 2020.

AB 3312 (Gray D) Local agency formation: annexation: City of Merced.

Current Text: Chaptered: 9/10/2020 [html](#) [pdf](#)

Introduced: 2/21/2020

Last Amended: 8/13/2020

Status: 9/9/2020-Approved by the Governor. Chaptered by Secretary of State - Chapter 56, Statutes of 2020.

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

Summary:

The Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000 generally requires that a territory to be annexed be contiguous to the city at the time the proposal is initiated. The act also requires each commission to develop and determine the sphere of influence of each city and special district within the county. The act defines sphere of influence, for purposes of these provisions, as a

plan for the probable physical boundaries and service area of the local agency, as determined by the commission. This bill would authorize the annexation of territory comprising the main campus of the University of California, Merced, as specified, and the road strip, as defined, to the City of Merced, notwithstanding the requirement that the territory be contiguous with the city, if other conditions are met, including that the territory is within the city's sphere of influence. The bill would prohibit the commission from approving a subsequent annexation to the road strip pursuant to these provisions unless the territory proposed to be annexed is contiguous to the property comprising the main campus of the University of California, Merced or the boundaries of the City of Merced as it existed on January 1, 2021.

Attachments:

[CALAFCO Removal of Opposition](#)

[CALAFCO Oppose as amended](#)

Position: Watch

Subject: Annexation Proceedings

CALAFCO Comments: UPDATE AS OF AUGUST 14, 2020 - As amended on 8/13, the bill addressed the necessary technical correction and CALAFCO has removed our opposition and moved back to Watch.

UPDATE AS OF AUGUST 1, 2020. The bill was amended on the Senate floor, however there was an error in the language. The amendments prohibited annexations of road strips subsequent to the original annexation allowed in this bill. However, this provision was intended to prohibit subsequent annexations to the road strip to prevent so-called checkerboard annexations that undermine orderly growth and development patterns. With this correction, we will remove our opposition.

UPDATE: The amendments of 7/23/20 change the bill so that all territory adjacent to the road strip (rather than just tot he campus) are eligible for annexation. This will create a wide swath of checkerboard annexations and sets a precedent. Further, the City has been working on an annexation feasibility study for 2 years that is supposed to be presented to the City Council within the next month or two, so this legislation is premature to that study. CALAFCO is now opposed to the bill as amended.

This is a local bill for Merced. It allows a defined section of the UC Merced campus and access road to be annexed if certain conditions are met and keeps the LAFCo process intact. CALAFCO will watch the bill to ensure the LAFCo process remains protected and work with Merced LAFCo.

[SB 625](#) (Bradford D) Central Basin Municipal Water District: receivership.

Current Text: Amended: 6/8/2020 [html](#) [pdf](#)

Introduced: 2/22/2019

Last Amended: 6/8/2020

Status: 8/31/2020-Failed Deadline pursuant to Rule 61(b)(18). (Last location was S. RLS. on 6/18/2020)

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

Summary:

Would dissolve the board of directors of the Central Basin Municipal Water District (CBMWD) and would provide that the November 3, 2020, election for directors of CBMWD shall not occur. The bill would require the Water Replenishment District of Southern California (WRD) to act as the receiver for CBMWD, would vest WRD with all necessary powers under the Municipal Water District Law of 1911 to take control of CBMWD, and would transfer all powers vested in the board of directors of CBMWD to the board of directors of WRD, except as specified. The bill would require CBMWD's board of directors to surrender all control of CBMWD and its resources to WRD.

Attachments:

[LAFCo Support letter template](#)

[CALAFCO Support June 12, 2020](#)

Position: Support

Subject: Municipal Services

[SB 806](#) (Grove R) Worker status: employees: independent contractors.

Current Text: Amended: 4/29/2020 [html](#) [pdf](#)

Introduced: 1/9/2020

Last Amended: 4/29/2020

Status: 8/31/2020-Failed Deadline pursuant to Rule 61(b)(18). (Last location was S. L., P.E. & R. on 5/14/2020)

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

Summary:

Would establish a new test that, for purposes of specific provisions of the Labor Code governing the relationship of employer and employees, a person providing labor or services for remuneration is considered an employee rather than an independent contractor, unless the hiring entity demonstrates that the person is (1) free from the control and direction of the hiring entity in connection with the performance of the work, both under the contract for the performance of the work and in fact, determined by a preponderance of factors, with no single factor of control being determinative, and either that (2) the person performs work that is outside the usual course of the hiring entity's business, or the work performed is outside the place of business of the hiring entity, or the worker is responsible for the costs of the place of the business where the work is performed, or that (3) the person is customarily engaged in an independently established trade, occupation, or business of the same nature as that involved in the work performed.

Position: Watch

Subject: Other

CALAFCO Comments: This bill proposes amendments to AB 5 in terms of the exemption tests which may impact the contractual/employee relationship of CALAFCO and its two primary contractors.

Total Measures: 11

Total Tracking Forms: 11

10/7/2020 11:39:53 AM



October 14, 2020
Agenda Item 16

AGENDA

RETIREMENT BOARD MEETING

REGULAR MEETING

August 26, 2020, 9:00 a.m.

The Board of Retirement meeting will be accessible telephonically at +1 (408) 650-3123, access code 508-462-629 due to the Contra Costa County and State of California Coronavirus (COVID-19) Shelter In Place Orders, and as permitted by Executive Order N-29-20 issued on March 17, 2020.

Persons who wish to make public comment may submit their comment to publiccomment@cccera.org on the day of the meeting, either before or during the meeting. Public comments are limited to any item of interest to the public that is within the subject matter jurisdiction of the Board of Retirement. (Gov't Code Section 54954.3(a).) All comments submitted will be included in the record of the meeting. The comments will be read into the record at the meeting, subject to a three-minute time limit per comment.

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

1. Pledge of Allegiance.
2. Roll Call.
3. Accept comments from the public.
4. Approve minutes from the July 22, 2020 meeting.

CLOSED SESSION

5. The Board will go in to closed session pursuant to Govt. Code Section 54956.9(d)(1) to confer with legal counsel regarding pending litigation:
 - a. *Contra Costa County Deputy Sheriffs Association, et al., v. Board of Retirement of CCCERA, et al.*, Supreme Court of the State of California, Case No. S247095

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

OPEN SESSION

6. Consider and take possible action regarding East Contra Costa Fire Protection District's request to depool cost group #8.
 - a. Presentation from Segal
 - b. Comments from East Contra Costa Fire Protection District
 - c. Comments from Contra Costa County Fire Protection District
 - d. Board consideration and possible action regarding the East Contra Costa Fire Protection District's request to depool cost group #8.
7. Review of total portfolio performance for period ending June 30, 2020.
 - a. Presentation from Verus
 - b. Presentation from staff
8. Review of portfolio rebalancing report.
9. Miscellaneous
 - a. Staff Report
 - b. Outside Professionals' Report
 - c. Trustees' comments



AGENDA

RETIREMENT BOARD MEETING

REGULAR MEETING

September 9, 2020, 9:00 a.m.

The Board of Retirement meeting will be accessible telephonically at +1 (571) 317-3122, access code 494-580-837 due to the Contra Costa County and State of California Coronavirus (COVID-19) Shelter In Place Orders, and as permitted by Executive Order N-29-20 issued on March 17, 2020.

Persons who wish to make public comment may submit their comment to publiccomment@cccera.org on the day of the meeting, either before or during the meeting. Public comments are limited to any item of interest to the public that is within the subject matter jurisdiction of the Board of Retirement. (Gov't Code Section 54954.3(a).) All comments submitted will be included in the record of the meeting. The comments will be read into the record at the meeting, subject to a three-minute time limit per comment.

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

1. Pledge of Allegiance.
2. Roll Call.
3. Recognition of Christina Dunn for 10 years of service and Tim Hoppe for 5 years of service.
4. Accept comments from the public.
5. Approve minutes from the August 12, 2020 meeting.
6. Routine items for September 9, 2020.
 - a. Approve certifications of membership.
 - b. Approve service and disability allowances.
 - c. Accept disability applications and authorize subpoenas as required.
 - d. Approve death benefits.
 - e. Accept asset allocation report.
 - f. Accept liquidity report.

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

CLOSED SESSION

7. The Board will go in to closed session pursuant to Govt. Code Section 54957 to consider recommendations from the medical advisor and/or staff regarding the following disability retirement applications:

<u>Member</u>	<u>Type Sought</u>	<u>Recommendation</u>
a. Thomas Ford	Service Connected	Service Connected

8. The Board will continue in closed session pursuant to Govt. Code Section 54956.9(d)(1) to confer with legal counsel regarding pending litigation:

- a. *CCCERA, et al. v. Valeant Pharms. Int'l, Inc., et al.*, United States District Court, New Jersey (3:17-cv-12088)

OPEN SESSION

9. Presentation of Semi-Annual Disability Retirement Report.
10. Presentation of year to date 2020 CCCERA budget vs. actual expenses report.
11. Consider and take possible action to authorize the CEO to extend the Brown Armstrong auditing services contract.
12. Report out from Audit Committee Chair on August 26, 2020 Audit Committee meeting.
13. Miscellaneous
- a. Staff Report
 - b. Outside Professionals' Report
 - c. Trustees' comments

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



AGENDA

RETIREMENT BOARD MEETING

REGULAR MEETING

September 23, 2020, 9:00 a.m.

The Board of Retirement meeting will be accessible telephonically at +1 (224) 501-3412, access code 303-229-293 due to the Contra Costa County and State of California Coronavirus (COVID-19) Shelter In Place Orders, and as permitted by Executive Order N-29-20 issued on March 17, 2020.

Persons who wish to make public comment may submit their comment to publiccomment@cccera.org on the day of the meeting, either before or during the meeting. Public comments are limited to any item of interest to the public that is within the subject matter jurisdiction of the Board of Retirement. (Gov't Code Section 54954.3(a).) All comments submitted will be included in the record of the meeting. The comments will be read into the record at the meeting, subject to a three-minute time limit per comment.

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

1. Pledge of Allegiance.
2. Roll Call.
3. Accept comments from the public.
4. Approve minutes from the August 26, 2020 meeting.
5. Review of private credit.
 - a. Presentation from staff
 - b. Presentation from StepStone
6. Review of report on Risk Diversifying Sub-portfolio.
7. Risk tolerance report.
8. Consider and take possible action to authorize the CEO to execute a contract with ICON Integration and Design, Inc. for data cleansing services.

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

9. Appointment of ad hoc advisory committee to review the Chief Executive Officer compensation package.
10. Consider authorizing the attendance of Board:
 - a. NCPERS Fall Conference, September 29-30, 2020, Virtual.
 - b. CALAPRS Trustees Round Table, October 23, 2020, Virtual.
 - c. Portfolio Risk in a Post-COVID World, GlobalARC Interactive, October 26-28, 2020, Virtual.
11. Miscellaneous
 - a. Staff Report
 - b. Outside Professionals' Report
 - c. Trustees' comments

CONTRA COSTA LOCAL AGENCY FORMATION COMMISSION
PENDING PROPOSALS – October 14, 2020

LAFCO APPLICATION	RECEIVED	STATUS
LAFCO No. 10-09 - Town of Discovery Bay Community Services District (DBCSD) sphere of influence (SOI) Amendment (Newport Pointe): proposed SOI expansion of 20± acres bounded by Bixler Road, Newport Drive and Newport Cove	July 2010 Resubmitted 6/29/20	Under review
LAFCO No. 10-10 - DBCSD Annexation (Newport Pointe): proposed annexation of 20± acres to supply water/sewer services to a 67-unit single family residential development	July 2010 Resubmitted 6/18/20	Under review
LAFCO No. 16-06 - Tassajara Parks Project: proposed annexations to CCCSD and EBMUD of 30± acres located east of the City of San Ramon and the Town of Danville	May 2016	Currently incomplete
LAFCO No. 16-07 -Tassajara Parks Project: proposed SOI expansions to CCCSD and EBMUD of 30+ acres located east of the City of San Ramon and the Town of Danville	May 2016	Currently incomplete
LAFCO 20-07 – Laurel Place II, Subdivision 9389 – proposed annexation to City of Concord of 3.58± acres located at Myrtle Drive and Bailey Road	August 6, 2020	Under review

October 14, 2020
Agenda Item 18c

WaterWorld



Photo by Karolina Grabowska from Pexels

WATER UTILITY MANAGEMENT

Historic CA water district merger becomes official

Byron-Bethany Irrigation District (BBID) consolidates with West Side Irrigation District (WSID).

Oct 2nd, 2020

BYRON, CA -- Two century-old irrigation districts in the Tracy area have officially joined forces. In a landmark moment Tuesday, the Byron-Bethany Irrigation District (BBID) held its first regular board meeting since consolidating with the West Side Irrigation District (WSID).

In the early 1900s, the two districts kept handwritten

board meeting minutes. In the midst of the COVID-19 pandemic, this meeting was held virtually via Zoom.

“This is the culmination of several years of work to bring these two districts together, for the benefit of our growers,” said BBID General Manager Rick Gilmore. “In today’s challenging regulatory climate, this consolidation will improve water reliability, strengthen water rights, and provide greater financial flexibility to keep our water system performing well into the future.”

In June, the San Joaquin Local Agency Formation Commission (LAFCO) voted unanimously in favor of consolidating the districts. The former 6,000-acre WSID service area West of Tracy was incorporated into the existing 30,000-acre service area of BBID, establishing a single 36,000-acre district. Former WSID Directors Tom Pereira and Jack Alvarez have become BBID Board Directors in newly created Divisions XIII and IX, respectively. The former boundaries of WSID are now known as the West Side Service Area. All former WSID employees have become BBID staff.

“This is a great step forward that will keep our farmers in business,” said Jack Alvarez, former WSID Board President and new BBID Board Director. “We are stronger together, with a greater ability to manage costs and provide reliable water deliveries.”

The merger has been in the works since 2016, when both districts first voted to move forward and BBID began managing WSID operations. Landowners expressed their strong support at a public meeting held at the outset of the process. Last year, LAFCO adopted a final Municipal Service Review (MSR) and Sphere of Influence (SOI) prepared by both districts, which includes an extensive review of financial information, infrastructure, and services provided.

BBID previously merged with the Plain View Water District in 2004.

Byron-Bethany Irrigation District (BBID) is a multi-county special district serving parts of Alameda, Contra

Costa, and San Joaquin Counties across 55 square miles and 36,000 acres. The district serves more than 215 agricultural customers and more than 20,000 residents of the Mountain House community.

Source URL: <https://www.waterworld.com/water-utility-management/press-release/14184598/historic-ca-water-district-merger-becomes-official>

OPINION > COMMENTARY

Opinion: Contra Costa growth boundary threatened by development plan

Proposed Tassajara deal includes proposed \$6.5 million payoff to county to bust voter-approved Urban Limit Line



Undeveloped land is seen in Contra Costa County near Danville in 2016. The Contra Costa Board of Supervisors might soon decide whether to approve a new housing project in the Tassajara Valley. (Kristopher Skinner/Bay Area News Group)

By **RICHARD FISCHER** and **GRETCHEN LOGUE** |

PUBLISHED: September 27, 2020 at 6:10 a.m. | **UPDATED: September 27, 2020 at 6:21 a.m.**



Contra Costa County's Urban Limit Line has successfully defended against unrestrained urban sprawl over most of the last two decades. It has saved the remarkable and beautiful land of the county from overdevelopment, allowing for agriculture and open space for the enjoyment of residents.

When voters adopted the ULL, it provided significant protections. The terms required a countywide vote for housing developments outside the ULL that exceeded 30 acres in size. However, it did provide a mechanism whereby a development of 30 acres or less could be approved without a countywide vote. Such a development could be approved by a vote of four of the five members of the county Board of Supervisors and a finding of at least one of seven narrowly restrictive exceptions.

Today, such a proposed 30-acre exception is before the county's Planning Commission on Wednesday and may soon go to the Board of Supervisors for approval. It doesn't meet any of the seven exceptions, and it should be rejected.

In the history of the ULL, there has only been one such 30-acre approval granted by the county. The Bay Point Waterfront project moved approximately 21 acres of undeveloped open space and commercial recreation lands inside the ULL in exchange for moving 22 acres of regional parkland outside the ULL. Approval for the change was possible because the board used one of the exceptions, that the change would more accurately reflect topographical characteristics or legal boundaries.

The project under consideration today for approval is known as Tassajara Parks. The project's sponsor has claimed that by dedicating a substantial amount of acreage for park usage it would qualify for an exemption known as an "Agricultural Preservation Agreement." However, the area is already preserved because the ULL prevents urban development. An analogy might be helpful. One needs a pair of shoes to protect the feet. Adding another pair of shoes on top of the existing shoes does not add needed protection.

County voters who overwhelmingly approved the adoption of the ULL wanted strict protections against sprawl. The ULL is subject to review every five years and adjustments made if the county determines it needs to provide more space for housing and job growth. In fact, such a review was conducted in November 2016, and it concluded that the county had enough developable land within the ULL to last until 2036. Since developable land exists within the ULL and there is no valid exception for approval of Tassajara Parks outside the ULL, the county should reject it.

In the Final Environmental Impact Report prepared by the county's Conservation and Development Department, it reported that the project's sponsor will dedicate land for park usage and write a check for \$6.5 million to a county fund, an increase of \$2.5 million over the offer made in 2016. If this methodology results in approval, future developers could use this sort of payoff as a blueprint for future 30-acre developments — dedicate some land and write a large enough check to the county. These developments could be coming to previously reserved open space near you.

The Tassajara Valley Preservation Association has been an advocate for controlled growth that follows the rule of law. We know that all of us believe in fair play and trust that our government officials follow the letter and spirit of our laws. Time is short. Please join us and over 3,600 county residents who have signed a petition to our county supervisors to protect our ULL. More information can be seen on our organization's website, Tassajaravalley.org.

Richard Fischer and Gretchen Logue are founders of the Tassajara Valley Preservation Association and longtime residents of the Tassajara Valley.

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Business > Real Estate • News

Medical emergency cancels meeting on housing development in Pittsburg

Seeno, Discovery Builders were looking for approval Monday on plans for housing in southwest hills



The Faria/Southwest Hills project would build up to 1,500 in the hills above and beyond the former Concord Naval Weapons Station.

By **JUDITH PRIEVE** | jprieve@bayareanewsgroup.com | Bay Area News Group

PUBLISHED: August 24, 2020 at 5:06 p.m. | UPDATED: August 25, 2020 at 5:19 a.m.

A meeting to consider the Seeno Faria/Southwest Hills Annexation Project just outside Pittsburg was abruptly canceled on Monday.

The special meeting, set for 5 p.m. Monday, was called to approve up to 1,500 homes that Albert Seeno III and the family's Concord-based Discovery Builders hope to build in the southwest hills. An initial notice said the meeting was canceled because of "a medical emergency," though no specifics were given. No new date for the meeting was given.

In late July, the Planning Commission on a 3-2 vote agreed to recommend the project for approval, and the City Council was set to give final approval on Monday.

East Bay Regional Parks, Save Mount Diablo and other groups, however, have opposed the plans to build on the hills southwest of Pittsburg, and dozens sent letters of opposition on the project.



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rolling green hills
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Faria/Southwest Hills
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ay, March 23, 2017.
op Pollard/Bay Area
up)

Seeno/Discovery Builders had asked for approval of its environmental impact documents, a development agreement and an amendment to the city's general plan that would allow construction on the hillsides. Plans call for development on 341 acres with another 265 acres for open space.

If OK'd by the Pittsburg City Council, the developer would still need to seek approval from the Local Agency Formation Commission (LAFCO) to annex the project before it could be built.

For more information on Pittsburg development plans, go to <http://www.ci.pittsburg.ca.us/>

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 The Trust Project

Tags: [Environment](#), [Housing Development](#)



Judith Prieve | East County journalist

Judith Prieve is an East Bay journalist. A graduate of the University of Wisconsin-Madison, she has worked as a reporter, features editor and assistant metro editor at newspapers in Wisconsin and Northern California and has been at what is now the Bay Area News Group for more than 25 years.

jprieve@bayareanewsgroup.com [f Follow Judith Prieve](#) [BrentwoodNews](#) [Follow Judith Prieve @jprieve](#)



Business > Real Estate • News

Seeno, Discovery Builders sue East Bay Park District over new park plans



Lawsuit suggests new Concord park will cause blight, have impact on environment



A lawsuit has been filed on behalf of Concord-based developer Albert Seeno III against the East Bay Regional Parks District, which hopes to build a new park at the former Concord Naval Weapons Station. Seeno hopes to build homes on the Pittsburg hills overlooking where the park would be located.

By **JUDITH PRIEVE** | jprieve@bayareanewsgroup.com | Bay Area News Group
PUBLISHED: August 24, 2020 at 3:43 p.m. | UPDATED: August 25, 2020 at 1:18 p.m.



Concord-based developer Albert Seeno III and Discovery Builders have filed suit against the East Bay Regional Park District, which could impact its plans to develop a new regional park at the former Concord Naval Weapons Station.

The action came shortly before the developer and Faria Land Investors were to ask the Pittsburg City Council to approve its master plan, environmental documents and development agreement to build up to 1,500 homes in the hills southwest of Pittsburg. That virtual meeting was set for Monday but abruptly canceled due to an undisclosed medical reason. It will be rescheduled, city officials said.

Late last month Pittsburg's Planning Commission voted 4-3 to recommend that the City Council approve the Faria project, which sits above and to the east of the planned new Concord park. As part of the deal, Seeno promises to build a recreation center in Pittsburg.

The developers' lawsuit alleges that the planned Concord Hills Regional Park would cause undisclosed impacts on the environment and would impact their planned residential development on a 606-acre Faria parcel adjacent to the ridgeline of the park.



A decades-long effort to secure part of the former Concord Naval Weapons Station for the creation of a park reached a major milestone in 2019 when East Bay Regional Park District Board of Directors approved accepting 2,216 acres of former weapons station land. The park will include miles of trails, campgrounds, and a visitor center. (Steven Joseph/East Bay Regional Parks District)

Nearly 2,216 acres were transferred to the district to create a new regional park in partnership with the National Park Service in 2019. The property is between Kirker Pass Road and Highway 4.

The park's land-use plan and associated environmental impact report, meanwhile, were approved on July 7 for the eastern Concord site, paving the way for the Park District to begin work on the development of the more than 2,540-acre regional park at the former Concord Naval Weapons Station.

The park project is the product of years of community advocacy and partnership among the Park District, U.S. Navy, National Park Service and the city of Concord.

"This is the true culmination of a decades-long community effort," Beverly Lane, who has represented Concord on the East Bay Regional Park District Board since 1994, wrote in a statement. "I'm proud to be part of the Park District and its effort to produce a truly fabulous plan for a new Regional Park in the Diablo Valley."

Plans call for public access for recreation, permanent preservation of the land as natural habitat, and a joint visitor center with the National Park Service.

"The public overwhelmingly supports the creation of this regional park," EBRPD General Manager Robert Doyle said. "Seeno Company never expressed any specific concerns or opposition to the new park during the two-decades-long planning process...until now, after the land use plan has been approved."

Seeno could not be reached for comment.

The park district in turn has opposed the proposed Faria development in the Pittsburg hills but the Planning Commission gave its nod of approval after hundreds of public comments late last month.

Plans to develop the hills date back to 2005 when voter-approved Measure P moved the Faria land site within Pittsburg's urban boundary. The city approved an agreement with Seeno that established guidelines for a permanent greenbelt buffer along the inner edges of the boundary.

If OK'd by the Pittsburg City Council, the developer would still need to seek approval from the Local Agency Formation Commission (LAFCO) to annex the project before it could be built.

For more information on Pittsburg development plans, go to <http://www.ci.pittsburg.ca.us/>

