



Lou Ann Teixeira
Executive Officer

CONTRA COSTA LOCAL AGENCY FORMATION COMMISSION
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(925) 313-7133

NOTICE AND AGENDA FOR REGULAR MEETING

Wednesday, January 13, 2021, 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/83424220145>

Or call in at the number below. **As a courtesy to the other participants, please mute your device when 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.

JANUARY 13, 2021 CONTRA COSTA LAFCO AGENDA

1. Call to Order
2. Roll Call
3. Adoption of Agenda
4. **Selection of 2021 Chair and Vice Chair and Recognition of Outgoing Chair**
5. **Welcome New Commissioner**
6. Approval of Minutes for the December 9, 2020 regular LAFCO meeting
7. 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.

OUT OF AGENCY SERVICE REQUESTS

8. ***LAFCO 20-08 – City of Martinez – Bay’s Edge, Subdivision 9065*** – consider a request by the City of Martinez to extend municipal water service outside its jurisdictional boundary to support development of 30 townhomes. The subject area includes two parcels (APNs 375-311-001/-003) and is located in unincorporated Martinez (Mt. View area). The Commission will also consider related actions per the California Environmental Quality Act (CEQA)

SPHERE OF INFLUENCE (SOI) AMENDMENTS/CHANGES OF ORGANIZATIONS

9. ***LAFCO 10-10 – Annexation to Town of Discovery Bay Community Services District (TDBCSD) – Newport Pointe*** - consider approving an annexation to the TDBCSD to include 21.64± acres (2 parcels) located east of Bixler Road and west of Newport Avenue in unincorporated Discovery Bay and consider related actions under the California Environmental Quality Act (CEQA). The annexation will facilitate development of 67 single family homes. ***Public Hearing***

BUSINESS ITEMS

10. ***Fiscal Year (FY) 2021-22 Budget Schedule/Work Plan Preview*** – provide input on the FY 2021-22 proposed budget schedule and work plan preview
11. ***Fiscal Year 2020-21 2nd Mid-Year Budget Report*** – receive FY 2020-21 mid-year budget report

CORRESPONDENCE

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

INFORMATIONAL ITEMS

13. Commissioner Comments and Announcements
14. Staff Announcements (CALAFCO Updates, Pending Projects, Newspaper Articles)

ADJOURNMENT

Next regular LAFCO meeting February 10, 2021 at 1:30 pm.

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



Lou Ann Teixeira
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

January 13, 2021 (Agenda)

January 13, 2021
Agenda Item 4

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

Selection of Commission Officers for 2021

Dear Members of the Commission:

The selection of officers for the Contra Costa LAFCO is described in Section 1.4 of the Commission Handbook and provides for the following:

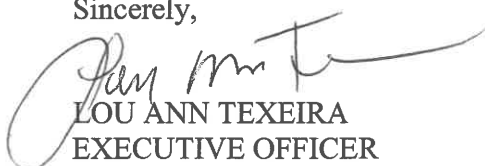
- The members of the Commission shall elect a Chair and Vice Chair at the first meeting of the Commission held in January of each year or as soon thereafter as practicable.
- The Chair and Vice Chair shall serve for one-year terms, or until their successors are elected, whichever occurs later.
- Officers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

County member 1
Public member
Special District member 1
City member 1
County member 2
Special District member 2
City member 2

In 2020, County member Andersen served as Chair and Special District member Igor Skaredoff served as Vice Chair.

RECOMMENDATION – Per the Commission's policy, it is recommended that the Commission select a Special District member as Chair and a City member to serve as Vice Chair until January 2022.

Sincerely,


LOU ANN TEXEIRA
EXECUTIVE OFFICER

CONTRA COSTA LOCAL AGENCY FORMATION COMMISSION
DRAFT MEETING MINUTES
December 9, 2020

January 13, 2021
Agenda Item 6

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

Chair Andersen called the regular meeting of December 9, 2020 to order at 1:31 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 McGill and second by Commissioner Blubaugh, 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. Recognition of Outgoing Commissioner

Chair Andersen read the LAFCO Resolution of Detachment of Commissioner Sean Wright (City Member Alternate) from LAFCO. Commissioners and staff expressed their appreciation of the Commissioner Wright's contributions to LAFCO.

5. Commissioner Approval of Minutes

Upon motion by Commissioner Blubaugh and second by Commissioner Skaredoff, the October 14, 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

6. Public Comments

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

DRAFT

SPHERE OF INFLUENCE (SOI) AMENDMENTS /CHANGES OF ORGANIZATIONS

7. ***LAFCO 10-09 – Town of Discovery Bay Community Services District (TDBCSD) Sphere of Influence (SOI) Amendment – Newport Pointe*** - consider approving a proposed amendment to the TDBCSD's SOI to include 21.64± acres (APNs 011-220-013 and -014) located east of Bixler Road and west of Newport Avenue in unincorporated Discovery Bay, and consider related actions under the California Environmental Quality Act (CEQA) ***Public Hearing***

Chair Anderson opened and closed the public hearing; there were no public speakers.

Upon motion by Commissioner McGill, second by Commissioner Glover, the Commission, unanimously approved, by a 7-0 vote, Option 1 the SOI amendment as proposed.

VOTE:

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

BUSINESS ITEMS

8. ***FY 2018-19 Financial Audit*** – receive and file audit report

Upon motion by Commissioner McGill, second by Commissioner Blubaugh, the Commission, unanimously approved, by a 7-0 vote, to accept, receive and file FY 2018-19 Financial Audit.

VOTE:

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

9. ***Update to LAFCO Employee Salary*** – approve updates to LAFCO salary plan

Upon motion by Commissioner Butt, second by Commissioner Glover, the Commission unanimously approved, by a 7-0 vote, updates to the LAFCO salary plan.

VOTE:

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

10. ***CCCERA Contribution Rate Packet for FY 2021-22, CCCERA Five-Year Projection of Employer Contribution Rate as of December 31, 2019, and CCCERA Reconciliations of Employer Contribution Rate and Unfunded Actuarial Accrued Liability by Cost Group & Allocation of Unfunded Actuarial Accrued Liability by Employers Based on the December 31, 2019 Actuarial Valuation*** – information only – no action required

DRAFT

CORRESPONDENCE

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

INFORMATIONAL ITEMS

13. *Commissioner Comments and Announcements*

- Commissioner McGill reported the following:
 - a. Pamela Miller Executive Director of CALAFCO will continue in her present position until December 2021.
 - b. He attended the CALAFCO Board meeting on October 23, 2020 and he was reelected to the CALAFCO Board of Directors.
 - c. He attended the CALAFCO Legislative Committee meeting on November 6, 2020 and was reappointed to the committee.
 - d. October 13, 2020, he attended the CALAFCO Board Meeting of the new CALAFCO Board and attended workshops on November 19 and December 7, 2020.
 - e. He invited Commissioners to attend the Coastal Roundtable, December 10, 2020.
 - f. He mentioned the upcoming CALAFCO Legislative Committee meeting January 8, 2021 and board retreat and meeting January 21 and 22, 2021.
- Commissioner Caldwell asked for an update on the Los Medanos Community Healthcare District lawsuit. Commission Counsel Anderson gave a brief update, reporting the record had just been filed now there is a period of 60 days for the parties to do briefing.

14. *Staff Announcements*

- CALAFCO Quarterly Report – June 2020
- Newspaper Articles
- Pending Projects

The meeting adjourned at 2:01 pm.

Final Minutes Approved by the Commission January 13, 2021

VOTE:

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

ADJOURNMENT

The next regular LAFCO meeting is January 13, 2021 at 1:30 pm.

By _____
Executive Officer

DRAFT

CONTRA COSTA LOCAL AGENCY FORMATION COMMISSION
EXECUTIVE OFFICER'S REPORT

January 13, 2021 (Agenda)

January 13, 2021
Agenda Item 8

LAFCO 20-08

City of Martinez - Out of Agency Service Request (Bay's Edge Subdivision 9065)

SYNOPSIS

This is a request by the City of Martinez to provide municipal water service outside its jurisdictional boundary to two parcels (APNs 375-311-001/-003) totaling 1.47+ acres. The subject area is located at 3128 Sycamore Street in unincorporated Martinez (Mt. View area). (See Map - Exhibit A).

The subject property is currently vacant. The project proponent obtained approval from the County for a tentative subdivision map and subdivision plan allowing for construction of 30 two-story attached townhomes. The 30 units will increase the County's housing stock in accord with General Plan policy.

The County's General Plan designation for the parcels is Multiple Family Residential – High Density (MH), and the zoning is Multiple Family Residential – maximum 29 units per acre (M-29). The subject parcel is located within the City of Martinez's sphere of influence (SOI) and within the City's Urban Limit Line. The subject area is surrounded by residential to the north, south and west, and light industrial to east.

As discussed below, the out of agency service (OAS) request is inconsistent with LAFCO statutes and local policies as there is no existing or impending public health or safety threat, and the project site is adjacent to the City limits and proposes new development. For these reasons, approval of the OAS request should be conditioned on an annexation application being submitted within a specified timeframe.

DISCUSSION

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

LAFCO's Out of Agency Service Policies - The Commission's policies regarding out of agency service are consistent with State law in that annexations to cities and special districts are generally preferred for providing municipal services. However, in unique situations, for example in response to an existing or impending public health and safety threat (e.g., failing septic system or contaminated well), or in anticipation of a future annexation, out of agency service may be considered as a temporary measure.

LAFCO policies contain provisions relevant to this proposal including the following excerpts:

3) *Objective – Out of agency service is generally not intended to support new development.*

This out of agency service request is intended to serve development of 30 townhomes.

4) *Out of Agency Service Policies: General Statements*

- *Annexation to cities and special districts involving territory located within the affected agency's SOI is generally preferred to out of agency service.*

The subject area is within the City's SOI and is contiguous to the City boundary.

- *LAFCO will consider applicable MSRs and discourage out of agency service extensions that conflict with adopted MSR determinations or recommendations.*

The previous LAFCO MSRs recommended annexing properties that are receiving, or will require, City water service, as appropriate. The City has committed to the future annexation of several areas including the Mt. View area.

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

In the past 10 years, the City of Martinez attempted to annex North Pacheco, which was rejected by the voters. The City also successfully annexed a portion of Alhambra Valley. Further, the Martinez City Council adopted resolutions stating the City's intent to pursue annexation of the Alhambra Valley area by 2020, and annexation of the Pacheco Boulevard corridor including the Mt. View area by 2030.

In March 2020, the City retained a consulting firm (RSG) to provide a fiscal analysis of annexation of those areas within the City's SOI (i.e., Alhambra Valley, Mt. View, North Pacheco, Vine Hill, and PBF Energy – formerly Shell refinery). The study concludes that annexation of these areas is not financially viable for the City. The study is available on the City's website at:

https://legistarweb-production.s3.amazonaws.com/uploads/attachment/pdf/750184/Martinez_Annexation_Study_Final_Draft_11.12.2020.pdf.

5) Form of Request

a) All Requests

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

The City has obtained and recorded a DAA on the subject parcels.

c) Request in Anticipation of Annexation

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

- *Lack of contiguity (e.g., city boundary) when the project was approved prior to 2011*

The subject area is contiguous to the City boundary.

If immediate annexation (i.e., within 12 months) is not a feasible alternative, then the extension of services may be approved in anticipation of a later annexation if the agency provides LAFCO with a resolution of intent to annex, as well as appropriate assurances (e.g., plan for annexation,

deferred annexation agreement, etc.), which demonstrate that out of agency service is an intermediate step toward eventual annexation.

Given the subject property is contiguous to the City boundary, annexation of this property is possible. The City's preference is to pursue annexation of the Mt. View and other areas in the future.

City's Prior and Future Commitment to Annexations - As noted in LAFCO's previous Municipal Service Reviews (MSRs), the City is providing water services beyond its corporate limits to over 1,500 water connections. Since 2012, the City has submitted 18 OAS applications to LAFCO, most of which have been in the Alhambra Valley, Mountain View and Pacheco areas. The LAFCO MSRs recommend that the City of Martinez annex areas receiving city services, as appropriate.

In response to LAFCO's concerns regarding the use of OAS, the Martinez City Council has taken various actions demonstrating its commitment to annexation of these areas a summarized below.

- In 2012, the City successfully annexed a portion of the Alhambra Valley, and attempted to annex North Pacheco; however, the annexation was rejected by the voters.
- The City Council adopted resolutions stating the City's intent to pursue annexation of the Alhambra Valley area by 2020, and annexation of the Pacheco Boulevard corridor including the Mt. View area by the year 2030.
- In June 2019, the City provided LAFCO with an update indicating that the City Council identified annexations as one of its top five goals over the next two years, and within the next year will explore an annexation study for the Mt. View/Pacheco Corridor and the Alhambra Valley areas.
- On October 23, 2019, the Martinez City Council hosted a community workshop to discuss annexation of the Alhambra Valley, Mountain View, North Pacheco, and Vine Hill areas. The City Council agreed to move forward with an annexation study.
- As noted above, the City recently retained RSG to provide a fiscal analysis of annexation of those areas within the City's SOI.

Water Supply to the Subject Property – The subject property is in the Mt. View area, which is characterized by high density single family residential use. The Mt. View area is partially served with water service through the City of Martinez and receives sewer service through the Mt. View Sanitary District.

As noted in the City's application, the infrastructure needed to serve the project includes approximately 600 linear feet of 8-inch water main for domestic and fire use. Each of the lots will have a separate water system consisting of a one-inch lateral pipe, a one-inch water meter, and a backflow device. All required construction costs will be borne by the property owner(s). The demand for water is approximately 5.08 acre feet per year for both indoor and outdoor use. The City indicates it has adequate water to serve the subject property.

Environmental Review – In 2006, Contra Costa County, as Lead Agency, prepared and approved an Initial Study/Mitigated Negative Declaration (IS/MND) in conjunction with the proposed development project pursuant to the California Environmental Quality Act (CEQA), which is adequate for LAFCO purposes (available through the LAFCO office). The MND identified potentially significant effects (i.e., Air Quality, Biological Resources, Geology/Soils, Hydrology and Noise). Mitigation measures were adopted which reduced all impacts to a less than significant level; therefore, there are no significant and unavoidable impacts.

The MND noted that domestic water service to the project area will be provided by the City of Martinez. The City indicates it is able and willing to service the project area. Should LAFCO approve the out of agency service, the property owner must then implement the required mitigations for the project, including LAFCO's approval for out of agency water service, prior to the County issuance of the building permit.

In 2020, the County prepared an Addendum to the 2006 IS/MND. The Addendum addresses issues not previously covered in the IS/MND including identifying LAFCO as a Responsible Agency pursuant to CEQA, discussing the need for OAS, the deferred annexation agreement and/or annexation, and approval by LAFCO to allow for municipal water service by the City of Martinez.

Comments from Affected Agencies/Other Interested Parties:

On January 5, 2021, LAFCO received a letter from the landowner representative, a copy of which is attached (Attachment 2).

CONSISTENCY ANALYSIS

As noted above, this application for OAS is inconsistent with the following LAFCO OAS policies as recapped below:

- *Policy: OAS is generally not intended to support new development.*

This OAS request is intended to serve development of 30 townhomes.

- *Policy: Annexation to cities and special districts involving territory located within the affected agency's SOI is generally preferred to out of agency service.*

The subject area is within the City's SOI.

- *Policy: LAFCO will consider applicable MSRs and discourage out of agency service extensions that conflict with adopted MSR determinations or recommendations. LAFCO will consider applicable MSRs and discourage out of agency service extensions that conflict with adopted MSR determinations or recommendations.*

The previous LAFCO MSRs recommended annexing properties that are receiving, or will require, City water service, as appropriate.

- *Policy: An out of agency service application must be accompanied by a change of organization or reorganization application, including an approved tax sharing agreement, in order for LAFCO to determine that the out of agency service is in anticipation of a change of organization (i.e., annexation) within the next 12 months. This dual application requirement may be waived in certain situations by the Commission if compelling justification is provided.*

No annexation application was included with the OAS application. The Commission should condition approval of the OAS application on an application being submitted within 12 months.

- *Policy: Circumstances which may warrant such a waiver include, but are not limited to, the following:*

- *Lack of contiguity (e.g., city boundary) when the project was approved prior to 2011*

The subject area is contiguous to the City boundary.

- *Policy: If immediate annexation (i.e., within 12 months) is not a feasible alternative, then the extension of services may be approved in anticipation of a later annexation if the agency provides LAFCO with a resolution of intent to annex, as well as appropriate assurances (e.g., plan for*

annexation, deferred annexation agreement, etc.), which demonstrate that out of agency service is an intermediate step toward eventual annexation.

In the past 10 years, the City of Martinez has made some efforts to annexation some of the areas within its SOI. In 2011, the City attempted to annex North Pacheco, which was rejected by the voters. Also, in 2011, the City successfully annexed a portion of Alhambra Valley.

Further, the Martinez City Council adopted resolutions stating the City's intent to pursue annexation of the Alhambra Valley area by 2020, and annexation of the Pacheco Boulevard corridor including the Mt. View area by 2030.

As noted in the LAFCO MSRs, the cities of Concord (wastewater) and Martinez (water) have a history of OAS service extensions.

The Commission recently approved two OAS applications submitted by the City of Concord. Both applications involve property that is contiguous to the City boundary. With both applications, the Commission conditioned the extension of OAS on an annexation application being filed with LAFCO with 12 months. The developer has complied with these conditions. The most recent LAFCO OAS approval was in August 2020 and included the following condition:

Wastewater service is conditioned on a commitment from the developer to submit to LAFCO an application to annex the subject parcel to the City of Concord, along with the applicable annexation fees, by August 11, 2021, 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.

ALTERNATIVES FOR COMMISSION ACTION

The following options are presented for the Commission's consideration. If the Commission is inclined to approve the OAS request, the Commission should consider adding a condition like the one applied to the City of Concord application as noted in Option 1 (#4) below.

Option 1 **Approve** the out of agency service request and attached Resolution 20-08 conditioned on the following:

- A. Find that, as a Responsible Agency under CEQA, the Commission has reviewed and considered the information contained in the Initial Study/Mitigated Negative Declaration and Addendum prepared and approved by Contra Costa County.
- B. Authorize the City of Martinez to extend water service outside its jurisdictional boundary to 1.47± acres (APNs 375-311-001 and -003) located at 3128 Sycamore Street in unincorporated Contra Costa County (Mt. View area) subject to the following terms and conditions:
 - 1. Water infrastructure and service is limited to the proposed 30 townhomes, and
 - 2. The City of Martinez has delivered to LAFCO an executed and recorded deferred annexation agreement, and
 - 3. The City of Martinez has delivered to LAFCO an executed indemnification agreement providing for the City to indemnify LAFCO against any expenses arising from any legal actions to challenging the out of agency service, and
 - 4. Water service is conditioned on a commitment from the developer to submit to LAFCO an application to annex the subject parcels to the City of Martinez, along with the applicable annexation fees, by January 12, 2022, which includes 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.

Option 2 **Approve** the out of agency service request and attached Resolution 20-08 conditioned on the following:

- A. Find that, as a Responsible Agency under CEQA, the Commission has reviewed and considered the information contained in the Initial Study/Mitigated Negative Declaration prepared and Addendum approved by Contra Costa County.
- B. Authorize the City of Martinez to extend water service outside its jurisdictional boundary to 1.47± acres (APNs 375-311-001 and -003) located at 3128 Sycamore Street in unincorporated Contra Costa County (Mt. View area) subject to the following terms and conditions:
 - 1. Water infrastructure and service is limited to the proposed 30 townhomes, and
 - 2. The City of Martinez has delivered to LAFCO an executed and recorded deferred annexation agreement, and
 - 3. The City of Martinez has delivered to LAFCO an executed indemnification agreement providing for the City to indemnify LAFCO against any expenses arising from any legal actions to challenging the out of agency service.

Option 3 **Deny** the request, thereby prohibiting the City of Martinez from providing water service to the subject parcels absent annexation.

Option 4 **Continue** this matter to a future meeting to obtain more information.

RECOMMENDATION

Option 1


LOU ANN TEXEIRA, EXECUTIVE OFFICER
CONTRA COSTA LAFCO

Exhibit

- A. Map of Property (APNs 375-311-001 and -003)

Attachments

- 1. LAFCO Resolution 20-08
 - 2. Letter dated January 5, 2021 from Wilson F. Wendt, Landowner Representative
- c: Khalil Yowakim, City of Martinez
 Victoria Walker, City of Martinez
 Lambert Chee, LC Martinez Properties, LLC
 Wilson F. Wendt, Miller, Starr Regalia
 Jennifer Cruz, Contra Costa County

RESOLUTION NO. 20-08

**RESOLUTION OF THE CONTRA COSTA LOCAL AGENCY FORMATION COMMISSION
AUTHORIZING THE CITY OF MARTINEZ TO PROVIDE
OUT-OF-AGENCY WATER SERVICE TO APNs 375-311-001 and -003 (BAY'S EDGE)**

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

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

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

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

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

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

- A. As a Responsible Agency under CEQA, the Commission has considered the information contained in the Mitigated Negative Declaration/Initial Study and Addendum as prepared and certified by Contra Costa County.
- B. Authorize the City of Martinez to extend water service outside its jurisdictional boundary to APNs 375-311-001 and -003 (Bay's Edge Subdivision 9065) located in unincorporated Contra Costa County subject to the following terms and conditions:
 - 1. Water infrastructure and service is limited to 30 townhomes on the subject parcel,
 - 2. The City of Martinez has delivered to LAFCO an executed indemnification agreement providing for the City to indemnify LAFCO against any expenses arising from any legal actions to challenging the out of agency service, and
 - 3. The City of Martinez and the property owner have signed a deferred annexation agreement (DAA), and the DAA was recorded as prescribed by law and run with the land so that future landowners have constructive notice that their property is encumbered by the DAA, and
 - 4. Water service is conditioned on a commitment from the developer to submit to LAFCO an application to annex the subject parcels to the City of Martinez, along with the applicable annexation fees, by January 12, 2022, which includes 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.
- C. Approval to extend City of Martinez services beyond those specifically noted herein is withheld and is subject to future LAFCO review.

* * * * *

PASSED AND ADOPTED THIS 13th day of January 2021, by the following vote:

AYES:

NOES:
ABSENT:
ABSTAIN:

CHAIR, CONTRA COSTA LAFCO

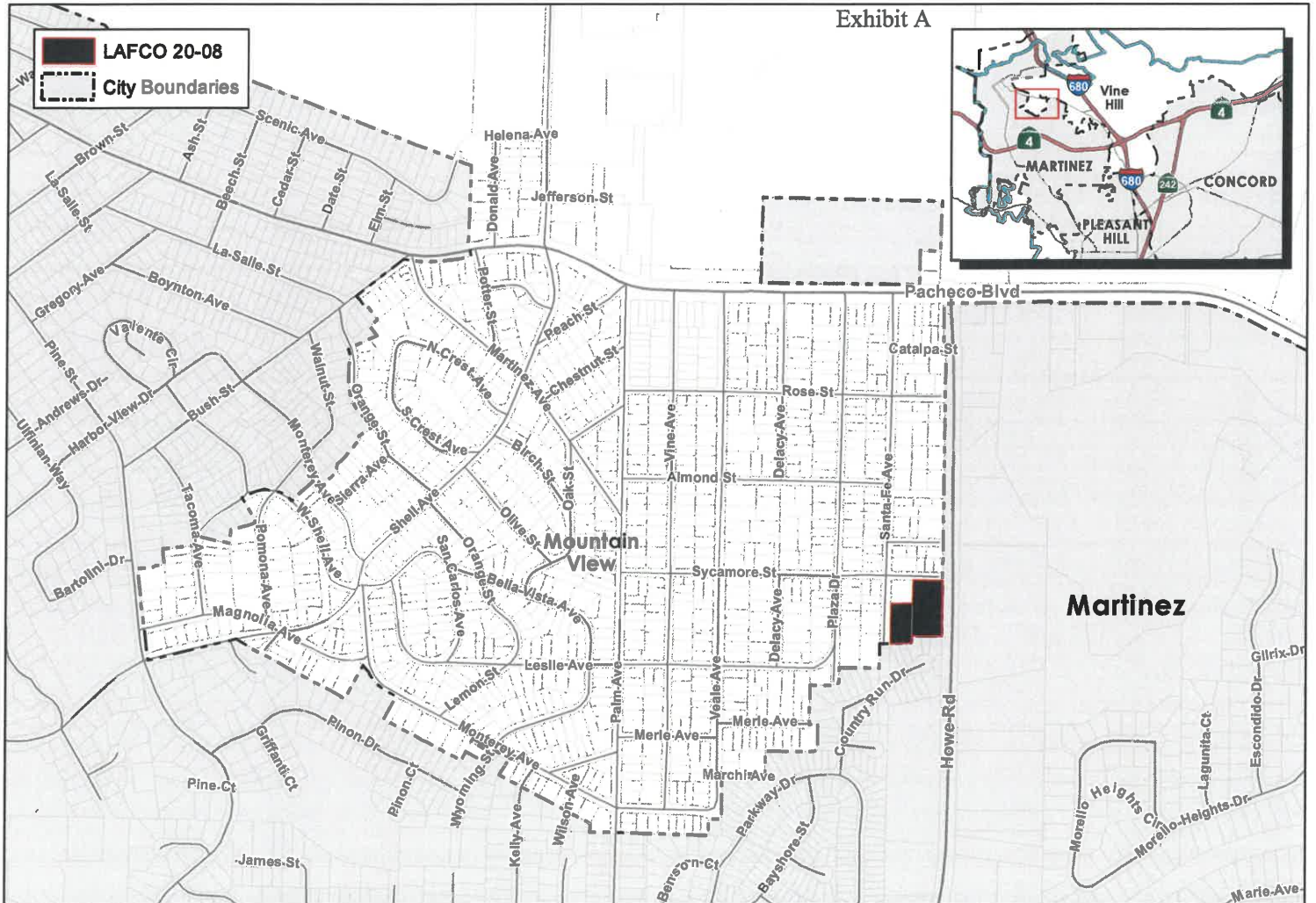
I hereby certify that this is a correct copy of a resolution passed and adopted by this Commission on the date stated above.

Dated: January 13, 2021

Lou Ann Texeira, Executive Officer

LAFCO No.20-08 City of Martinez Out of Agency Service (Bay's Edge, Subdivision 9065)

Exhibit A



Map created 12/07/2020
by Contra Costa County Department of
Conservation and Development, GIS Group
30 Main Road, Martinez, CA 94553
37:58:41.761N 122:07:03.758W

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.

Feet
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**MILLER STARR
REGALIA**

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Wilson F. Wendt
wilson.wendt@mslegal.com

January 5, 2021

VIA E-MAIL

Contra Costa County – Local Agency
Formation Commission
44 Muir Road, 1st Floor
Martinez, CA 94553
Attn: Lou Ann Texeira, Executive Director
Email: LouAnn.Teixeira@lafco.cccounty.us

Re: City of Martinez – Out of Agency Service Request
(Bay's Edge Subdivision 9065)

Honorable Commission Chairperson and Members:

Our office represent L.C. Martinez Properties LLC ("Owner"), the owner of approximately 1.5 acres of vacant property in Contra Costa County, ("County") adjacent to the City of Martinez ("City"). In 2006, a tentative map for the 30-unit Bay's Edge Townhome Subdivision (the "Project") was approved by the County with a condition that water service be provided by the City through an out of agency service agreement ("OSA") and that the Project either be: (1) annexed to the City; or (2) a deferred annexation agreement be executed and recorded by the Owner. At that time neither the County, the City nor the Owner was aware that such an OSA required LAFCO approval. It did; and, for that reason, this request is on your January 13 agenda, over fourteen years from tentative map approval. The tentative map has been extended for as long as legally permitted and now expires in 2022.

Initially, let me stress that any actions you take will not set a troublesome precedent. This situation is a "perfect storm" of absolutely unique land use and municipal organization issues. We are respectfully asking you to adopt Option 2 set out in your staff report and approve the OSA without requiring the Owner to submit an application for annexation within 12 months; but, instead rely on the commitment of the City to attempt to annex all of the Mt. View area within two years.

A. The "Perfect Storm": The Project was approved in 2006 by the County. The final map has never been recorded given the doleful economic conditions following the 2008 crash. The Project will provide thirty units of desperately needed housing and the only water physically available is from the City.

1. The Final Map Must Be Approved And Recorded By The County: Over a year ago (when the Owner belatedly discovered LAFCO approval necessary for the OSA), we discussed with the City the annexation of the Project before final map approval. That is impossible. The California Government Code provides if property subject to an approved tentative map is annexed into a city prior to final map approval, then it must conform to all city standards. The Project does not comply with a number of city standards and would have to be completely redesigned.

However, the same Government Code section provides if the Project is amended after final map approval, then the County standards will apply. In a series of meetings over the last year, both the City and the County have agreed that the final map can be approved and recorded in the County and a deferred annexation agreement shall be executed and recorded; consenting to its annexation by the City at a later date in an overall attempt to annex all of Mt. View at one time, which the City says they intend to attempt within two years.

2. Option 1 Will Not Work For The Project: Your excellent staff has been enormously helpful and generous with their time over the last year and has prepared a staff report that sets out two options for approval and recommends Option 1. This option would require the Owner to comply with your policy 2.1(5) and submit to LAFCO an application for annexation into the City within 12 months along with all appropriate annexation fees which would include the cost of a CEQA document totaling more than \$100,000. The Project and the LAFCO approval of the OSA is covered by a mitigated negative declaration with a recently adopted Addendum, but annexation would almost certainly require at least a focused EIR. Additionally, the City has requested the Owner not to do anything to attempt to annex piecemeal before the City attempts an overall annexation by Mt. View. In that case, the City will pay all costs of annexation effort. The Owners are not professional developers and have suffered enormous losses in unanticipated processing costs. Additionally, an application from the Owner would pursuant to your policies require the negotiation and submittal of a tax sharing agreement with the application. If Option 1 is selected, it's likely that the Owner will simply abandon the Project and walkaway to avoid further costs to a project already uneconomic.

3. We Urge You To Approve Option 2: That option would approve the OSA, require the execution and recordation of a deferred annexation agreement, which will consent in perpetuity to the annexation of the Project but rely on the City's commitment to try and annex Mt. View within two (2) years and not require the submittal of an annexation request to the Owner within twelve (12) months.

4. Policy 2.1(5)(c) Allows You To Approve Option 2: Your policies generally require a request for OSA approval to be accompanied within twelve months by an application for annexation. However, this policy allows you to waive this dual application requirement if you find a "compelling justification." We

Honorable Commission Chairperson and Members
Attn: Lou Ann Texeira
January 5, 2021
Page 3

respectfully suggest the unique facts of this Project plus both the City's and the County's feeling on the appropriateness of the overall annexation of Mt. View and their request the Owner not unilaterally apply for annexation until the City can mount an annexation campaign, constitutes such a compelling justification.

B. Conclusion: Again, if you approve Option 2 you will not be establishing a harmful precedent. A situation like this will never come to you again. The Project will likely not go forward if you require of the Owner other expenses of annexation which could total well over a \$100,000. The City has said they will bear those costs and have requested the Owner do nothing prior to an attempt at over-all annexation. What you will be doing is the following:

1. Allow the construction of thirty units of desperately needed housing; which, though not subject to the County's affordable housing requirements will be at a market price as affordable as anywhere in the County.
2. Provide the County with RHNA market rate credits for the thirty units.
3. Ensure that in the annexation effort of the City of all Mt. View, the Project has consented in perpetuity to annexation.

Thank you for taking the time to fully understand this complex situation.

Very truly yours,

MILLER STARR REGALIA

Wilson F. Wendt

Wilson F. Wendt

WFW:nmf

cc: Clients
John Kopchik
Eric Figueroa
Eric Zell
Khalil Yowakim
Victoria Walker

CONTRA COSTA LOCAL AGENCY FORMATION COMMISSION
EXECUTIVE OFFICER'S REPORT

January 13, 2021 (Agenda)

January 13, 2021
Agenda Item 9

LAFCO 10-10

Annexation to Town of Discovery Bay Community Services District (TDBCSD) – Newport Pointe

APPLICANT

Brenna Daugherty, Newport Pointe LLC, Landowner Representative

SYNOPSIS

This is an application to annex two parcels (APNs 011-220-013/-014) to TDBCSD. The parcels total 21.64± acres and are located in the Town of Discovery Bay, an unincorporated community in east Contra Costa County- see Exhibit A.

The purpose of the proposal is to allow for the extension of municipal services, including water and wastewater, to the properties. Currently, the parcels are vacant. The applicant intends to build 67 single-family residential homes on the subject property along with dedicated open space/habitat conservation areas in accordance with the project as approved by Contra Costa County.

In 2010, the landowners applied to Contra Costa LAFCO to annex the subject properties to TDBCSD. The project was delayed and amended. In May 2020, the landowner filed updated sphere of influence (SOI) amendment and annexation applications with LAFCO. TDBCSD staff does not oppose the proposed annexation.

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 TDBCSD as amended by the Commission on December 9, 2020.

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

The County General Plan designations for the site include Open Space, Parks & Recreation, Single Family Residential – Medium, and Single Family Residential – High. The County zoning designation for the subject parcels is Planned Unit (P-1). The project site was previously zoned for agricultural uses. In 2013, the County approved General Plan and zoning designations for the project site. The subject area is located within the voter approved Urban Limit Line.

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

The project site is currently vacant and zoned for residential development. The project site was previously zoned for agricultural uses. Surrounding land uses include medium density residential to the east, residential units on large agricultural parcels to the west, high density residential development to the north, and open field to the south. 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).

4. Topography, Natural Features and Drainage Basins:

The subject area is flat with no special features except for irrigation ditches and power lines.

5. Population:

The average household size in Discovery Bay is 2.95, with an average family size of 3.2. With 67 single family homes, the population estimate range is approximately 200 people. (Data source: US Census Bureau American Community Survey, 5-year estimates 2015-2019)

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. All 67 homes will be market rate and will add to the County's housing stock.

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

If a proposal for a change of organization or reorganization is submitted, the applicant shall also submit a plan for providing services within the affected territory (Gov. Code §56653). The plan for services is included with the application. The plan shall include all 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 and East Contra Costa Fire Protection District.

TDBCSD provides water supply, sewage collection, treatment, and disposal; parks and recreation, lighting, landscaping, maintenance, and levee maintenance services to approximately 15,000 residents.

Regarding **wastewater**, the District's wastewater collection system consists of 50 miles of sewer mains, 15 lift stations, and two wastewater treatment plants; both plants are operational with one plant as a back-up. Maximum flow of both plants combined is 2.35 million gallons per day (mgd). Current demand is 1.4 mgd. The primary disposal method is secondary treatment, UV disinfection, and discharge into Old River.

The sewer connections are gravity flow to a single pump station. The new development will include a new pump station to flow into the existing system, thus increasing the system to 16 pump stations.

Based on the proposed development of 67 single-family residential units, the estimated demand for sewer service is approximately 230 gallons of wastewater per day (gpd) per house totaling 15,410 gpd. TDBCSD has infrastructure in the area and serves surrounding properties.

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.

Regarding **water service**, TDBCSD provides potable water services within its service area. Water infrastructure includes two water treatment plants (WTPs) that feed into one distribution system, four

water storage tanks, booster pumps, and 46 miles of mainland pipe. Storage capacity at the Willow Lake WTP is 1.5 MG and storage capacity at the Newport WTP is 1.0 MG. The primary source of water is through six groundwater supply wells, with mobile generators for backup power as needed. Discovery Bay groundwater is in the newly designated East Contra Costa Sub-basin (formerly called the Tracy Sub-basin).

Based on the proposed development of 67 single-family residential units, the estimated demand for service is approximately 1,196 gpd per house totaling 80,132 gpd. This water demand was accounted for in TDBCSD's 2015 Urban Water Management Plan (UWMP). The District anticipates completion of its 2020 UWMP by June 2021.

The project will include a water system of networks consisting of water mains, service laterals, and fire hydrants that will be constructed to the District's standards and sized to meet the domestic and fire safety demands of the Newport Pointe development project.

TDBCSD staff indicates they have the capacity to provide wastewater, water, and other municipal services to the project. Costs associated with wastewater and water infrastructure, including capital improvements, operation, and ongoing maintenance will be funded by the developer, homeowner's association, and TDBCSD.

9. Assessed Value, Tax Rates, and Indebtedness:

The annexation area is within tax rate area 60013. The assessed value for the annexation area is \$933,238 (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:

In 2013, Contra Costa County, as Lead Agency, prepared and approved an Initial Study/Mitigated Negative Declaration (IS/MND) in conjunction with the Newport Pointe project. The environmental factors potentially affected by this project include Air Quality, Aesthetics, Biological Resources, Cultural Resources, Geology/Soils, Greenhouse Gas Emissions, Noise, and Utilities/ Services Systems. The County's MND notes that although the project could have a significant effect on the environment, there will be no significant effects because revisions in the project have been made or agreed to by the project proponent.

11. Landowner Consent and Consent by Annexing Agency:

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

According to County Elections, there are zero registered voters in the area proposed for annexation; thus, the area proposed for annexation is considered uninhabited. The affected property owners consent to the proposed annexation. Therefore, if the Commission approves the annexation, the Commission shall waive the protest hearing (Gov. Code §56662) as no affected landowners have filed a protest.

12. Boundaries and Lines of Assessment:

The annexation area is within TDBCSD'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:

LAFCO received emails from two surrounding property owners who oppose the annexation. Both are property owners at Worthing Court. Both noted that when purchasing their properties, they understood that the open space behind their homes would always be there. Both noted that if the proposal goes forward, their property value will be greatly impacted, and this is unacceptable. Further, that this area is a beautiful open space and should be preserved.

These comments are noted for the record. However, given these property owners do not own land within the annexation area, the protest hearing shall be waived.

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 sub regional 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 (ABAG) and the Metropolitan Transportation Commission (MTC), 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, as a Responsible Agency under the California Environmental Quality Act (CEQA), LAFCO has reviewed and considered information contained in Contra Costa County's Initial Study/Mitigated Negative Declaration in conjunction with the *Newport Pointe Residential Development Project*, and finds that there are no direct or indirect environmental effects that would result from LAFCO's approval of the annexation; and therefore, no additional mitigation measures are required beyond those already included in the CEQA documents prepared by Contra Costa County.
- B. Adopt this report, approve LAFCO Resolution No. 10-10 (Attachment 1), and approve the proposal, to be known as *Annexation to Town of Discovery Bay Community Services District – Newport Pointe* 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

Annexation Map – Exhibit A

Attachment

1 – Draft LAFCO Resolution 10-10

c: Brenna Daugherty, Landowner Representative, Newport Pointe, LLC
Mike Serpa, Concentric Development Group
Michael Davies, General Manager, TDBCSD

RESOLUTION NO. 10-10

**RESOLUTION OF THE CONTRA COSTA LOCAL AGENCY FORMATION COMMISSION
MAKING DETERMINATIONS AND APPROVING
ANNEXATION TO TOWN OF DISCOVERY BAY
COMMUNITY SERVICES DISTRICT – NEWPORT POINTE**

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 January 13, 2021, 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. As a Responsible Agency under CEQA, the Commission has considered the information contained in the Newport Pointe Residential Project Mitigated Negative Declaration/Initial Study as certified by Contra Costa County on February 28, 2013.
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.

Contra Costa LAFCO
Resolution No. 10-10

4. The subject proposal is assigned the distinctive short-form designation:
ANNEXATION TO TOWN OF DISCOVERY BAY COMMUNITY SERVICES DISTRICT – NEWPORT POINTE
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 13th day of January 2021, by the following vote:

AYES:

NOES:

ABSTENTIONS:

ABSENT:

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: January 13, 2021

Lou Ann Texeira, Executive Officer

LAFCO 10-10 Annexation to Town of Discovery Bay Community Services District (TODB CSD) (Newport Pointe)



Map created 12/14/2020
by Contra Costa County Department of
Conservation and Development, GIS Group
30 Main 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.





CONTRA COSTA LOCAL AGENCY FORMATION COMMISSION

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

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

(925) 313-7133

Lou Ann Teixeira
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

January 13, 2021 (Agenda)

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

**January 14, 2021
Agenda Item 10**

Fiscal Year 2021-22 Budget Schedule and Work Plan Preview

Dear Members of the Commission:

The Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000 (CKH Act) establishes a specific process for preparing and adopting LAFCO's budget. Government Code §56381 provides that the Commission shall annually adopt a proposed budget by May 1 and final budget by June 15, following noticed public hearings.

LAFCO staff anticipates bringing a proposed budget to the Commission in March 2021 and a final budget to the Commission in May 2021. In conjunction with the proposed budget, the Commission receives an annual work plan which includes a summary of recent activities and accomplishments along upcoming projects and activities as summarized below.

Every few years, the Commission holds a strategic planning session to discuss accomplishments, priorities, and goals. The last strategic planning session was in September 2017, at which time the Commission identified Municipal Service Reviews (MSRs)/Sphere of Influence (SOI) updates, island annexations, terms and conditions, and policies and procedures as focus areas. A strategic planning session was tentatively scheduled for September 2020 but was cancelled due to COVID-19.

ACCOMPLISHMENTS

MSRs/SOI Updates - LAFCO law provides that every five years the Commission shall, as necessary, review and update each SOI [Gov. Code §56425(g)]. The statute also provides that in order to prepare and update a SOI, the Commission shall conduct an MSR.

In 2013, the Commission completed its inaugural round of MSRs/SOI updates and initiated 2nd round MSRs. To date, the following 2nd round MSRs/SOI updates are complete:

- June 2014 - Water/wastewater covering eight cities, 19 special districts, and private water companies
- November 2015 - Reclamation services covering 14 special districts
- October 2016 – Fire/EMS covering three cities and eight special districts
- January 2018 – Healthcare covering three special districts and Contra Costa County health services
- June 2019 – “City Services” covering all 19 cities and four community services districts (CSDs)

As part of the FY 2020-21 work plan and budget, the Commission approved preparing a 2nd round MSR covering “*Parks & Recreation Services*” (i.e., all 19 cities, four CSDs, three parks & rec districts, eight county services areas (CSAs), one regional park district). The “*Parks & Recreation*” MSR is in progress and we expect to release the Public Review Draft in early 2021. This MSR was delayed due to COVID-19 and the cities’ request for additional time to compile the requested data.

The FY 2020-21 budget also includes funding to initiate another 2nd round MSR to be determined by the Commission. In October 2020, LAFCO initiated a 2nd round MSR covering *Cemetery Services*. This MSR is underway and we expect to release the Public Review Draft in May 2021.

Policies and Procedures Updates – In the past several years, the Commission made progress updating its policies and procedures, including revisions to the island annexation provisions and to the following sections: *Rules and Procedures*, *CALAFCO*, *Roster of Cities and Special Districts*, *City Annexations and Detachments*, and *District Annexations and Detachments*. Further, the Commission updates its Legislative policies annually to coincide with CALAFCO’s Legislative Platform.

Staffing - In 2020, the Commission bade a final farewell to retiring Executive Assistant (EA)/Clerk Kate Sibley and welcomed new EA/Clerk Sherrie Weis. In accordance with the FY 2020-21 reduced budget, LAFCO deferred hiring an Analyst. LAFCO is currently staffed with 1.5 employees.

LAFCO supplements its staff with consultants and contract service providers. In June 2020, LAFCO issued a Request for Proposals for environmental planning services and hired SWALE Inc. and Baracco Associates to provide these services. In addition, LAFCO contracts for GIS/mapping, legal, webmaster, and financial auditing services.

Other activities and accomplishments to date during FY 2020-21 include the following:

- Welcomed returning Commissioners Blubaugh, Burgis, Butt, Lewis, and McGill; and bade farewell to Commissioner Wright.
- Processed 11 applications.
- Tracked and provided comment letters on legislation affecting LAFCOs.
- Provided comments on 10 local agency environmental documents.
- Monitored ongoing litigation (Los Medanos Community Healthcare District).
- Completed three GASB Alternative Measurement Method reports (actuarial valuations).
- Completed FY 2018-19 financial audit.

FY 2021-22 WORKPLAN PREVIEW

In addition to the day-to-day administration, proposal processing, coordination of Commission meetings, budget and contract administration, the 2021-22 work plan includes the following:

1. Municipal Service Reviews (MSRs)/Sphere of Influence (SOI) Updates

Complete 2nd round “*Cemetery Services*” MSRs/SOI updates and initiate another 2nd round MSR/SOI update to be determined by the Commission. Potential candidates for a 2nd round MSR include county service areas (CSAs), mosquito & vector control, and resource conservation – see attached MSR status report.

2. Special Projects/Assignments

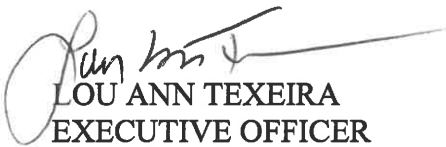
- Continue to explore ways to assist local agencies with the recovery process in light of the pandemic.

- Continue to work with the County, cities, and districts on boundary clean-ups/islands.
- Update the LAFCO Directory of Local Agencies.
- Work with the LAFCO webmaster and LAFCO EA/Clerk on updates to the LAFCO website.
- Work with Policies & Procedures Committee on developing/updating policies and procedures as determined by the Commission.
- Continue to participate in and support CALAFCO.
- Continue to monitor ongoing litigation (LMCHD).

It would be beneficial to hear from the Commission as to priorities and other items of interest in anticipation of preparing the FY 2021-22 LAFCO budget.

RECOMMENDATION: Provide input regarding 2nd round MSRs and other workplan goals as desired.

Sincerely,



LOU ANN TEXEIRA
EXECUTIVE OFFICER

Attachment A - Contra Costa LAFCO MSR/SOI Status Report

c: All Contra Costa County Cities
All Contra Costa County Special Districts
Contra Costa County Administrator
Contra Costa County Auditor-Controller

CONTRA COSTA LAFCO

Status of Municipal Service Reviews (MSRs)/Sphere of Influence (SOI) Updates January 2021

Local Agency	Prior MSR/SOI Update	Next MSR/SOI UPDATE
<u>Cities</u>		
*City of Antioch	MSR/SOI <i>retained</i> (2019)	Parks & Rec MSR underway
*City of Brentwood	MSR/SOI <i>retained</i> (2019)	Parks & Rec MSR underway
*City of Clayton	MSR/SOI <i>retained</i> (2019)	Parks & Rec MSR underway
*City of Concord	MSR/SOI <i>retained</i> (2019)	Parks & Rec MSR underway
*Town of Danville	MSR/SOI <i>retained</i> (2019)	Parks & Rec MSR underway
*City of El Cerrito	MSR/SOI <i>retained</i> (2019)	Parks & Rec MSR underway
*City of Hercules	MSR/SOI <i>retained</i> (2019)	Parks & Rec MSR underway
*City of Lafayette	MSR/SOI <i>retained</i> (2019)	Parks & Rec MSR underway
*City of Martinez	MSR/SOI <i>retained</i> (2019)	Parks & Rec MSR underway
*Town of Moraga	MSR/SOI <i>retained</i> (2019)	Parks & Rec MSR underway
*City of Oakley	MSR/SOI <i>retained</i> (2019)	Parks & Rec MSR underway
*City of Orinda	MSR/SOI <i>retained</i> (2019)	Parks & Rec MSR underway
*City of Pinole	MSR/SOI <i>retained</i> (2019)	Parks & Rec MSR underway
*City of Pittsburg	MSR/SOI <i>retained</i> (2019)	Parks & Rec MSR underway
*City of Pleasant Hill	MSR/SOI <i>retained</i> (2019)	Parks & Rec MSR underway
*City of Richmond	MSR/SOI <i>retained</i> (2019)	Parks & Rec MSR underway
*City of San Pablo	MSR/SOI <i>retained</i> (2019)	Parks & Rec MSR underway
*City of San Ramon	MSR/SOI <i>retained</i> (2019)	Parks & Rec MSR underway
*City of Walnut Creek	MSR/SOI <i>retained</i> (2019)	Parks & Rec MSR underway
<u>Cemetery Districts</u>		
Alamo-Lafayette Cemetery District	MSR/SOI <i>retained</i> (2010);	Underway
Byron-Brentwood-Knightsen-Union Cemetery District	MSR/SOI <i>retained</i> (2010);	Underway
<u>Community Services Districts</u>		
*Crockett CSD	MSR/SOI <i>retained</i> SOI (2019)	Parks & Rec MSR underway
*Diablo CSD	MSR/SOI <i>retained</i> (2019)	Parks & Rec MSR underway
*Dublin San Ramon CSD	MSR (2014)	TBD
*Kensington Police Protection and CSD	MSR/SOI <i>retained</i> (2019)	Parks & Rec MSR underway
*Town of Discovery Bay CSD	MSR/SOI <i>retained</i> SOI (2019)	Parks & Rec MSR underway
*Town of Knightsen CSD	MSR/SOI <i>retained</i> SOI (June 2014)	TBD
<u>County Service Areas</u>		
CSA D-2 (Drainage - Walnut Creek)	MSR/ <i>retained</i> SOI (2013)	TBD
*CSA EM-1 (Countywide – Emergency Medical)	MSR (2016); SOI <i>retained</i> SOI (2016)	TBD
CSA L-100 (Countywide - Streetlighting)	MSR/SOI “zero” (2013)	TBD
CSA LIB-2 (Library - Rancho El Sobrante)	MSR/SOI <i>retained</i> SOI (2013)	TBD
CSA LIB-10 (Library - City of Pinole)	MSR/SOI <i>retained</i> SOI (2013)	TBD
CSA LIB-12 (Library - Town of Moraga)	MSR/SOI <i>retained</i> SOI (2013)	TBD
CSA LIB-13 (Library - cities of Concord and Walnut Creek)	MSR/SOI <i>expanded</i> SOI (2013)	TBD

LOCAL AGENCY	PRIOR MSR/SOI UPDATE	NEXT MSR/SOI UPDATE
CSA M-1 (Misc Services - Delta Ferry)	MSR/ <i>retained</i> SOI (2013)	TBD
CSA M-16 (Misc Services – Community of Clyde)	MSR/SOI <i>retained</i> (2010)	Parks & Rec MSR underway
CSA M-17 (Misc Services - Tara Hills, Montlavin Manor, West Contra Costa)	MSR/SOI <i>retained</i> (2010)	Parks & Rec MSR underway
CSA M-20 (Misc Services - View Pointe Subdivision)	MSR/SOI <i>retained</i> (2013)	TBD
CSA M-23 (Misc Services - San Ramon, Blackhawk, Danville)	MSR/SOI <i>retained</i> (2013)	TBD
CSA M-28 (Misc Services – Bethel Island)	MSR/SOI “zero” SOI (2014)	TBD
*CSA M-29 (Misc Services – San Ramon, Dougherty Valley)	MSR/SOI <i>retained</i> (2010); MSR (2011)	Parks & Rec MSR underway
*CSA M-30 (Misc Services – Alamo)	MSR/SOI <i>affirmed</i> SOI (2010)	Parks & Rec MSR underway
CSA M-31 (TDM Services – Pleasant Hill)	MSR/SOI <i>expanded</i> SOI (2013)	TBD
CSA P-2 (Police – Zone A – Blackhawk, Zone B - Alamo)	MSR/SOI (2011); SOI update pending	TBD
CSA P-5 (Police Protection – Roundhill)	MSR/SOI (2011); SOI update pending	TBD
CSA P-6 (Police Protection – Unincorporated Area)	MSR/SOI (2011); SOI update pending	TBD
CSA R-4 (Recreation – Moraga)	MSR/SOI (2010); <i>retained</i> SOI (2013)	Parks & Rec MSR underway
CSA R-7A (Recreation – Alamo)	MSR/SOI (2010); SOI update/expansion (2012)	Parks & Rec MSR underway
CSA R-9A (Recreation - El Sobrante)	MSR/SOI <i>retained</i> (2010)	Parks & Rec MSR underway
CSA R-10 (Recreation – Rodeo)	MSR/SOI <i>retained</i> (2010)	Parks & Rec MSR underway
CSA RD-4 (Roads - Bethel Island)	MSR/SOI <i>retained</i> (2008)	TBD
CSA T-1 (Transit – San Ramon) (formed 2006)	MSR/SOI <i>provisional</i> SOI (2013)	TBD
<u>Fire/EMS</u>		TBD
*Contra Costa County Fire Protection District	MSR/SOI (2016); SOI update pending	
*Crockett-Carquinez Fire Protection District	MSR/SOI (2016); SOI update pending	TBD
*East Contra Costa Fire Protection District	MSR/SOI (2016); <i>provisional</i> (2016)	TBD
*Kensington Fire Protection District	MSR/SOI (2016); SOI update pending	TBD
*Moraga-Orinda Fire Protection District	MSR/SOI (2016); <i>retained</i>	TBD
*Rodeo-Hercules Fire Protection District	MSR/SOI (2016); <i>provisional</i>	TBD
*San Ramon Valley Fire Protection District	MSR/SOI (2016); <i>retained</i> (2016)	TBD
<u>Health Care Districts (HCDs)</u>		
*Los Medanos Community HCD	MSR/SOI <i>retained</i> (2018)	TBD
*Concord-Pleasant Hill HCD (formerly Mt. Diablo HCD)	MSR/SOI <i>retained</i> (2018)	TBD
*West Contra Costa HCD	MSR/SOI <i>retained</i> (2018)	TBD
<u>Irrigation</u>		
Byron-Bethany Irrigation District	MSR (2014)	TBD

East Contra Costa Irrigation District	MSR/SOI <i>retained</i> (May 2014)	TBD
LOCAL AGENCY	PRIOR MSR/SOI UPDATE	NEXT MSR/SOI UPDATE
<u>Mosquito Abatement</u> Contra Costa Mosquito and Vector Control District	MSR/SOI <i>retained</i> (2010); SOI	TBD
<u>Municipal Improvement</u> *Bethel Island Municipal Improvement District	MSR/SOI <i>retained</i> (2015)	TBD
<u>Municipal Utility</u> East Bay MUD	MSR (2014)	TBD
<u>Reclamation Districts (RD)</u> *RD 799 (Hotchkiss Tract)	MSR/SOI <i>retained</i> (2015)	TBD
*RD 800 (Byron Tract)	MSR/SOI <i>retained</i> (2015)	TBD
*RD 830 (Jersey Island)	MSR/SOI <i>retained</i> (2015)	TBD
*RD 2024 (Orwood and Palm Tracts)	MSR/SOI <i>retained</i> (2015)	TBD
*RD 2025 (Holland Tract)	MSR/SOI <i>retained</i> (2015)	TBD
*RD 2026 (Webb Tract)	MSR/SOI <i>retained</i> (2015)	TBD
*RD 2059 (Bradford Island)	MSR/SOI <i>retained</i> (2015)	TBD
*RD 2065 (Veale Tract)	Adopted coterminous SOI (2015)	TBD
*RD 2090 (Quimby Island)	MSR/SOI <i>retained</i> (2015)	TBD
*RD 2117 (Coney Island)	MSR/SOI <i>retained</i> (2015)	TBD
*RD 2122 (Winter Island)	MSR/SOI <i>retained</i> (2015)	TBD
*RD 2137	MSR/SOI <i>retained</i> (2015)	TBD
<u>Park & Recreation</u> Ambrose Rec & Park District	MSR/SOI <i>retained</i> (2010)	Parks & Rec MSR underway
*East Bay Regional Park District	MSR (2010)	Parks & Rec MSR underway
Green Valley Rec & Park District	MSR/SOI <i>reduced</i> (2009)	Parks & Rec MSR underway
Pleasant Hill Rec & Park District	MSR/SOI <i>expanded/reduced</i> (2010)	Parks & Rec MSR underway
<u>Resource Conservation</u> Contra Costa Resource Conservation District	MSR/SOI <i>retained</i> (2010)	TBD
<u>Wastewater</u> *Byron Sanitary District	MSR/SOI <i>expanded</i> (2014)	TBD
*Central Contra Costa Sanitary District	MSR/SOI <i>expanded</i> (2014)	TBD
*County Sanitation District 6 (Alhambra Valley)	MSR/SOI "zero" (2014)	TBD
*Delta Diablo Sanitary District	MSR/SOI <i>reduced</i> (2014);	TBD
*Ironhouse Sanitary District	MSR/SOI <i>expanded</i> (2014)	TBD
*Mt. View Sanitary District	MSR/SOI <i>retained</i> (2014)	TBD
*Rodeo Sanitary District	MSR/SOI <i>retained</i> (2014)	TBD
*Stege Sanitary District	MSR/SOI <i>retained</i> (2014)	TBD
*West County Wastewater District	MSR/SOI <i>retained</i> (2014)	TBD
<u>Water</u> Castle Rock County Water District	MSR/SOI "zero" (2014)	TBD
*Contra Costa Water District	MSR/SOI <i>reduced/ expanded</i> (2014)	TBD
*Diablo Water District	MSR/SOI <i>expanded</i> (2014)	TBD

* Indicates the agency was reviewed in more than one MSR (e.g., 1st and 2nd round, subregional, service specific, etc.)



Lou Ann Teixeira
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

January 13, 2021

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

**January 13, 2021
Agenda Item 11**

Second Quarter Budget Report - Fiscal Year 2020-21

Dear Members of the Commission:

This is the second quarter (mid-year) budget report for FY 2020-21, which compares adopted and actual expenses and revenues for the period July 1, 2020 through December 31, 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 50% of the fiscal year elapsed, the Commission’s expenditures are \$280,793 or 28.22% of total appropriations. The Commission budgeted \$387,000 in *salaries/benefits* for FY 2020-21; at the end of the second quarter, actual expenses total \$154,218 or 39.84% of the budgeted amount. The Commission budgeted \$437,882 in *services/supplies*; and at the end of the second quarter, actual expenses total \$86,575 or 19.77%.

The primary sources of revenues are local agency contributions, application fees, and available fund balance. Total revenues received during the first half of FY 2020-21 are \$974,612 (including appropriated fund balance) or approximately 98% of estimated revenues. As of this writing, all local agencies have remitted their annual apportionments to LAFCO.

As for application activity, mid-year 2020-21 application activity is slower than 2019-20 activity. During the first half of FY 2020-21, LAFCO received two new applications, and during the first half of FY 2019-20 LAFCO received five 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 mid-year expenditures and revenues.

Account	FY 2020-21 Final Budget	Mid-Year Actuals
Salaries & Benefits	\$ 387,000	\$ 154,218
Services & Supplies	437,882	86,575
Contingency/Reserve	100,000	0
OPEB Trust	40,000	40,000
CCCERA Pre-Fund	30,000	0
Total Appropriations	\$ 994,882	\$ 280,793
Agency Contributions	\$ 794,882	\$ 794,882
Application/Other Revenue	25,000	4,730
Interest Earnings	-	-
Fund Balance	175,000	175,000
Total Revenues	\$ 994,882	\$ 974,612

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 second quarter budget report.

Sincerely,



LOU ANN TEXEIRA
EXECUTIVE OFFICER



**January 13, 2021
Agenda Item 12**

AGENDA

RETIREMENT BOARD MEETING

REGULAR MEETING

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

The Board of Retirement meeting will be accessible telephonically at +1 (224) 501-3412, access code 164-391-813 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 Eleonor Dela Cruz for 5 years of service.
4. Accept comments from the public.
5. Approve minutes from the November 4, 2020 meeting.
6. Routine items for December 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. David Adams | Service Connected | Service Connected |
8. The Board will continue in closed session pursuant to Govt. Code Section 54957 to consider the Hearing Officer's recommendation regarding the disability application for Tamera Bulcao.
9. The Board will continue in closed session pursuant to Govt. Code Section 54957 to consider the Hearing Officer's recommendation regarding the disability application for Aery Upton.
10. The Board will continue in closed session pursuant to Govt. Code Section 54956.9(d)(1) to confer with legal counsel regarding pending litigation:
- a. *Contra Costa County Deputy Sheriffs Association, et al., v. Board of Retirement of CCCERA, et al.*, Contra Costa County Superior Court, Case No. MSN12-1870
 - b. *Wilmot v. CCCERA, et al.*, Court of Appeal, First Appellate District, Division Two, Case No. A152100
 - c. *Nowicki v. CCCERA, et al.*, Court of Appeal, First Appellate District, Division Two, Case No. A160337

OPEN SESSION

11. Consider and take possible action to adopt asset allocation targets.
12. Consider and take possible action to adopt the CCCERA Strategic Plan for 2021-2023.
13. Legislative update.
14. Presentation of 2021 Compliance Activity Plan.
15. Report out from Audit Committee Chair on November 18, 2020 Audit Committee meeting.

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.

16. **Miscellaneous**
 - a. **Staff Report**
 - b. **Outside Professionals' Report**
 - c. **Trustees' comments**

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

CALAFCO Daily Legislative Report
as of Tuesday, January 05, 2021

January 13, 2021
Agenda Item 14a

2

SB 55 (Stern D) Very high fire hazard severity zone: state responsibility area: development prohibition.

Current Text: Introduced: 12/7/2020 [html](#) [pdf](#)

Introduced: 12/7/2020

Status: 12/8/2020-From printer. May be acted upon on or after January 7.

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

Summary:

Would, in furtherance of specified state housing production and wildfire mitigation goals, prohibit the creation or approval of a new development, as defined, in a very high fire hazard severity zone or a state responsibility area. By imposing new duties on local governments with respect to the approval of new developments in very high fire hazard severity zones and state responsibility areas, this bill would impose a state-mandated local program.

Position: Watch

Subject: Growth Management, Planning

3

SB 13 (Dodd D) Local agency services: contracts: Counties of Napa and San Bernardino.

Current Text: Introduced: 12/7/2020 [html](#) [pdf](#)

Introduced: 12/7/2020

Status: 12/8/2020-From printer. May be acted upon on or after January 7.

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 establishes a pilot program under which the commissions in the Counties of Napa and San Bernardino, upon making specified determinations at a noticed public hearing, may authorize a city or district to provide new or extended services outside its jurisdictional boundary and outside its sphere of influence to support existing or planned uses involving public or private properties, as provided. Current law requires the Napa and San Bernardino commissions to submit a report to the Legislature on their participation in the pilot program, as specified, before January 1, 2020, and repeals the pilot program as of January 1, 2021. This bill would reestablish the pilot program, which would remain in effect until January 1, 2026. The bill would impose a January 1, 2025, deadline for the Napa and San Bernardino commissions to report to the Legislature on the pilot program, and would require the contents of that report to include how many requests for extension of services were received under these provisions.

Position: Watch

Subject: CKH General Procedures

SB 96 (Dahle R) Fallen Leaf Lake Community Services District Fire Department Protection Act of 2021: elections.

Current Text: Introduced: 12/21/2020 [html](#) [pdf](#)

Introduced: 12/21/2020

Status: 12/22/2020-From printer. May be acted upon on or after January 21.

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

Summary:

Would require the El Dorado County elections official, with the assistance of the Fallen Leaf Lake Community Services District, to conduct district elections pursuant to the Uniform District Election Law, except as otherwise provided in the bill. The bill, notwithstanding existing law, would provide that voters who are resident registered voters of the district, and voters who are not residents but either own a real property interest in the district or have been designated by the owner of a real property interest to cast the vote for that property, may vote in a district election in the Fallen Leaf Lake Community Services District, as specified. The bill would require the designations of voters and authority of legal representatives to be filed with the El Dorado County elections official and the secretary of the Fallen Leaf Lake Community Services District and maintained with the list of qualified voters of the district. This bill contains other related provisions and other existing laws.

Position: Watch
Subject: Special Districts Governance

Total Measures: 3
Total Tracking Forms: 3

1/5/2021 10:54:53 AM

2021 Events Calendar

JANUARY

- 8 CALAFCO Legislative Committee (Virtual)
- 19 CALAFCO Monthly EO meeting (Virtual)
- 21 CALAFCO Board of Directors Strategic Planning Session (Virtual)
- 22 CALAFCO Board of Directors Meeting (Virtual)
- 21-22& League New Mayor & Council Academy (Virtual)
- 28-29 CA Assn. of Sanitation Agencies Conference (Virtual)
- 27-28 CA Assn. of Sanitation Agencies Conference (Virtual)

FEBRUARY

- 16 CALAFCO Monthly EO meeting (Virtual)
- 19 CALAFCO Legislative Committee (Virtual)

MARCH

- 17-19 CALAFCO Staff Workshop (Newport Beach)
- 26 CALAFCO Legislative Committee (Virtual)

APRIL

- 19 CALAFCO Monthly EO meeting (Virtual)
- 30 CALAFCO Board of Directors Meeting (Virtual)

MAY

- 7 CALAFCO Legislative Committee (Virtual)
- 11-14 Assn. of CA Water Agencies Conference (Monterey)
- 17 CALAFCO Monthly EO meeting (Virtual)

JUNE

- 18 CALAFCO Legislative Committee (Virtual)
- 28 CALAFCO Monthly EO meeting (Virtual)

JULY

- 23 CALAFCO Legislative Committee (Virtual)
- 30 CALAFCO Board of Directors Meeting (Sacramento)

AUGUST

- 11-13 CA Assn. of Sanitation Agencies Annual Conference (San Diego)
- 30 CA Special Districts Assn. Conference (Monterey)

SEPTEMBER

- 1-2 CA Special Districts Assn. Conference (Monterey)
- 22-24 League Annual Conference (Sacramento)
- 29-30 Regional Council of Rural Counties Annual Conference (Monterey)

OCTOBER

- 22 CALAFCO Legislative Committee (2022) (Virtual)
- 6-8 CALAFCO Annual Conference (Newport Beach)
- 7 CALAFCO Annual Business Meeting (Newport Beach)
- 8 CALAFCO Board of Directors Meeting (Newport Beach)

NOVEMBER

- 5 CALAFCO Legislative Committee (Sacramento)
- 12 CALAFCO Board of Directors Meeting (Sacramento)
- 30 CA State Assn. of Counties Annual Conference (Monterey)
- 30 Assn. of CA Water Agencies Conference (Pasadena)

DECEMBER

- 1-3 CA State Assn. of Counties Annual Conference (Monterey)
- 1-3 Assn. of CA Water Agencies Conference (Pasadena)
- 3 CALAFCO Legislative Committee (San Diego)

Sharing Information and Resources

CALIFORNIA ASSOCIATION OF
LOCAL AGENCY FORMATION
COMMISSIONS

1020 12th Street, Suite 222
Sacramento, CA 95814
916-442-6536

For current information and other CALAFCO resources please visit www.calafco.org

Updated December 29, 2020



**CONTRA COSTA LOCAL AGENCY FORMATION COMMISSION
PENDING PROPOSALS – January 13, 2021**

LAFCO APPLICATION	RECEIVED	STATUS
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

Contra Costa County achieves third-highest census self-response rate in California

County also surpasses national response rate by 7.8%

by [Ryan J. Degan](#) / Danville San Ramon Uploaded: Wed, Dec 2, 2020, 10:27 pm 1

Contra Costa County achieved the third-highest census 2020 self-response rate of all California counties according to county officials, who have documented a 77.4% self-response rate from all residents for the once in a decade count.

Contra Costa County's self-response rate outperformed the country's 67% and the state's 69.6% self-response rates, according to county census officials, who added that this decade's figures surpassed the county's 2010 rate by 7.4%.

In fact, nearly every municipality in Contra Costa County surpassed their 2010 rates, and those that did not were still within 1% of doing so, officials said.

"Thanks to all of the residents who responded to the census. You have guaranteed that Contra Costa County will receive its fair share of representation and much-needed funding for critical programs and infrastructure for the next decade," said District 2 Supervisor Candace Andersen, vice-chair of the Complete Count Committee.

All four San Ramon Valley communities saw their self-response rates improve compared to their 2010 figures, with Blackhawk leading the way with an 88.4% response rate in 2020, followed by Danville with 87%, Alamo with 84.4% and San Ramon 80.8% -- county officials say the Dougherty Valley region has a self-response rate of 78.9%.

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For reference, in 2010 Danville had a self-response rate of 81.4%, followed by Blackhawk with 79.8%, Alamo with 79.2% and San Ramon with 74.4%.

To achieve these high response rates for 2020, Contra Costa County's Complete Count Steering Committee partners with 67 community based organizations to get out the word and ensure that as many residents as possible were counted. Partnerships county officials say were instrumental in achieving record breaking self-response rates.

"Our success in Contra Costa County could not have happened without the strong partnerships with our local non-profits and community based organizations," said District 3 Supervisor Diane Burgis, Chair of the Complete Count Committee. "We have built lasting relationships and capacity that will be mutually beneficial as we collaborate on outreach in all aspects of our work."

Now that the census count is complete, the U.S. Census Bureau will prepare the data to present to President Donald Trump on Dec. 31, with the redistricting process set to begin in spring 2021.

Contra Costa Posts Final Vote Tally From 2020 Election

A record number of votes were cast, and the whole process went smoothly.

By [Bay City News](#), News Partner

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CONTRA COSTA COUNTY — Contra Costa County elections officials finalized voting totals Monday for the Nov. 3 general election, and they showed a total of 591,143 of the county's 703,021 registered voters cast ballots, an 84 percent turnout.

That number of ballots cast was a record for Contra Costa County, said Scott Konopasek, the county's assistant registrar of voters. It represents an increase of more than 20 percent from the 2016 presidential election, in which more than 487,000 ballots were cast.

The turnout percentage on Nov. 3 was close to a record, Konopasek said, but not quite. It was higher than in 2016, though, when 79 percent of registered voters in Contra Costa County voted.

And there were no significant problems.

"This was the smoothest presidential election, of six I've been part of, not just for us, but for counties across the state and across the country," he said.

These final official results will now be sent to the California Secretary of State's office.

Of those 591,143 Contra Costa ballots cast in the 2020 general election, 539,451 of them — about 90 percent — were mail-in ballots. But of those, almost 70 percent arrived not via the U.S. Mail, but through the 37 election drop-boxes placed throughout the county by the county elections office.

Almost 51,700 voters, about 7.35 percent of the county's registered voters, cast ballots at walk-in polling places.

Konopasek said the move toward mail-in ballots is here to stay, and in fact has been growing as in-person voting at traditional polling places has been going down for years.

The prominence of county-owned drop boxes will fade, though, he said, as the public regains trust in the post office, the Trump Administration's efforts to discredit mail-in voting will recede into the background.

"I think people will come to trust the Post Office once again," he said.

Despite some older prospective poll workers (and voters) being discouraged from participating at the polling place by the fear of COVID-19, the feared shortage of poll workers for the Nov. 3 didn't materialize, Konopasek said.

"It worked out a lot more smoothly than expected," he said.

The vast majority of polling places in the 2018 off-year election were staffed again in November, he said.

While most election results remain unchanged from unofficial vote totals tabulated early on the morning of Nov. 4, one did — incumbent San Ramon City Council member Scott Perkins, who was losing by about 40 votes to challenger Luz Gomez after initial results were in, ended up defeating Gomez by 72 votes, 4,687 to 4,615.

Two Martinez City Council races that were fewer than 100 votes apart on election night finished with a slightly wider spread; incumbent Mark Ross defeated challenger Danial Leahy by a 1,995-to-1,881 count, and challenger Brianne Zorn edged out incumbent Noralea Gipner 2,337 to 2,186.

And in the presidential race, Contra Costa County voters supported Democratic challenger and former Vice President Joe Biden overwhelmingly over President Donald Trump by a 71.63 to 26.3 percent margin.

About 12,000 county voters split votes between nine other candidates, five of them write-ins.

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