



Lou Ann Teixeira
Executive Officer

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

Wednesday, August 11, 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/95768795211>

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.

AUGUST 11, 2021 CONTRA COSTA LAFCO AGENDA

1. Call to Order
2. Roll Call
3. Adoption of Agenda
4. Approval of Minutes for the June 9, 2021 regular LAFCO meeting
5. Public Comment Period (please observe a three-minute time limit):
Members of the public are invited to address the Commission regarding any item that is not scheduled for discussion as part of this Agenda. No action will be taken by the Commission at this meeting as a result of items presented at this time.

SPHERE OF INFLUENCE AMENDMENTS/CHANGES OF ORGANIZATION

6. ***LAFCO 21-02 – Byron Bethany Irrigation District (BBID) Annexation – Lawrence Property*** – consider approving an annexation to BBID and related actions per the California Environmental Quality Act (CEQA). The subject area comprises 92.8± acres and includes four parcels (APNs 003-070-015/-017/-019/-021) located at 2043 Camino Diablo in unincorporated Byron ***Public Hearing***
7. ***LAFCO 21-03 – Beacon West & Willow Mobile Home Park - Sphere of Influence (SOI) Expansions Contra Costa Water District (CCWD) and Diablo Water District (DWD)*** - consider approving SOI expansions for CCWD (37.58± acres) and DWD (30.1± acres) (numerous parcels) located in unincorporated Bethel Island; and consider related actions per CEQA ***Public Hearing***

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

8. ***Parks & Recreation Services MSR/SOI Updates*** - accept the Final Parks & Recreation MSR report with amendments and adopt a resolution making MSR/SOI determinations and updating the SOI for the Pleasant Hill Recreation & Park District
9. ***“Cemetery Districts” MSR/SOI Updates (2nd Round)*** – consider accepting the Final MSR report, making the required MSR and SOI determinations, updating SOIs for the cemetery districts covered in the MSR report, and taking related actions per CEQA ***Public Hearing***

BUSINESS ITEMS

10. ***CALAFCO 2021 Annual Conference - Call for Board of Directors Candidates and Achievement Award Nominations*** – receive the annual CALAFCO conference information, appoint voting delegate(s), provide direction regarding Achievement Award nomination and other matters as desired
11. ***Legislative Update and Position Letter*** – receive legislative update and position letter – information only

INFORMATIONAL ITEMS

12. ***Pending Applications*** - receive an update on pending proposals – information only
13. Correspondence from Contra Costa County Employees’ Retirement Association (CCCERA)
14. Commissioner Comments and Announcements
15. Staff Announcements/CALAFCO Updates/Newspaper Articles

ADJOURNMENT

Next regular LAFCO meeting September 8, 2021 at 1:30 pm.

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

CONTRA COSTA LOCAL AGENCY FORMATION COMMISSION
DRAFT MEETING MINUTES
June 9, 2021

August 11, 2021
Agenda Item 4

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

Chair Skaredoff called the regular meeting of June 9, 2021, to order at 1:30 p.m.
The following Commissioners and staff were present:

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

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 of the attending Commissioners participating via teleconference.

3. Adoption of Agenda

Upon motion by Commissioner Andersen and second by Commissioner McGill, the Commission unanimously, by a 7-0 vote, adopted the agenda

VOTE:

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

NOES: NONE

ABSENT: NONE

ABSTAIN: NONE

4. Approval of Minutes

Upon motion by Commissioner Andersen and second by Commissioner Glover, the April 14, 2021 meeting minutes were by a 6-0 vote, approved. Commissioner Blubaugh abstained because he did not attend the April 14, 2021 meeting.

VOTE:

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

NOES: NONE

ABSENT: NONE

ABSTAIN: Blubaugh

5. Public Comments

Chair Skaredoff invited members of the audience to provide public comment.

Debra Mason, spoke of her displeasure with MSR determinations of Ambrose Recreation and Park District and with LAFCO.

OUT OF AGENCY SERVICE REQUESTS

6. ***LAFCO 20-01– City of Concord – Out of Agency Service Request*** – consider a request by the City of Concord to extend municipal wastewater services outside its jurisdictional boundary to property located at 1974 Ayers Road (1.6± acres) (APN 116-092-007) in unincorporated Concord (Ayers Ranch), and consider related actions per the California Environmental Quality Act (CEQA)

Ms. Akins, property owner, located at 1974 Ayers Road indicated she was not opposed to annexing to the City of Concord, and she prefers to annex when the entire Ayers Ranch is annexed.

Following Commissioner comments and questions, and upon a motion by Commissioner Blubaugh and a second by Commissioner Butt, the Commission, unanimously, by a 7-0 vote, approved Option 1 to extend municipal wastewater services outside the City’s jurisdictional boundary to the subject property, and consider related actions per CEQA

VOTE:

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

SPHERE OF INFLUENCE AMENDMENTS/CHANGES OF ORGANIZATIONS

7. ***LAFCO 20-07 – Laurel Place II – Subdivision 9389 – Annexation to City of Concord*** – consider approving an annexation to the City of Concord and related actions per CEQA. The subject area comprises 3.58± acres and includes seven parcels (APNs 116-063-026 thru -032) and is located at Myrtle Drive and Bailey Road in unincorporated Concord (Ayers Ranch) **Public Hearing**

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

Upon motion by Commissioner Andersen and second by Commissioner Blubaugh, the Commission, unanimously, by a 7-0 vote, approved Option 1 annexation of the subject area to the City of Concord and related actions CEQA..

VOTE:

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

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

8. ***Parks & Recreation Services MSR/SOI Updates (2nd Round)*** – consider accepting the Final MSR report, making the required MSR and SOI determinations, updating SOIs for the Park & Recreation districts and county services areas covered in the MSR report, and taking related actions under CEQA **Public Hearing**

Chair Skaredoff open and closed the public hearing, there were no public speakers. LAFCO staff noted written comments.

Following the MSR consultants' presentation and questions and comments by Commissioners, and upon a motion by Commissioner McGill and a second by Commissioner Blubaugh, the Commission unanimously, by a 7-0 vote, accepted the staff and consultants' presentation; provided comments; adopted the MSR/SOI determinations by resolutions attached hereto; made CEQA determinations; and appointed Commissioners Blubaugh and Lewis to a subcommittee to work with residents of the Reliez Valley, PHRPD, and City of Lafayette on boundary and service issues.

	<u>VOTE:</u>
AYES:	<u>Andersen, Blubaugh, Butt, Glover, McGill, Schroder, Skaredoff</u>
NOES:	<u>NONE</u>
ABSENT:	<u>NONE</u>
ABSTAIN:	<u>NONE</u>

9. ***Cemetery Services – MSR/SOI Updates (2nd Round)*** – receive overview of Public Review Draft MSR and public comments and provide input. The MSR covers two cemetery districts ***Public Hearing***

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

Following the MSR consultants' presentation and questions and comments by Commissioners, and upon motion by Commissioner Andersen second by Commissioner Schroder, the Commission unanimously, by a 7-0 vote, received staff report and consultants' presentation; provided direction and comments and to the MSR consultants and LAFCO staff; and directed LAFCO staff to set a public hearing for August 11, 2021, at which time the Commission will be asked to accept the Final MSR, make the required determinations, and update SOIs.

	<u>VOTE:</u>
AYES:	<u>Andersen, Blubaugh, Burgis (seated for Glover), Butt, McGill, Schroder, Skaredoff</u>
NOES:	<u>NONE</u>
ABSENT:	<u>NONE</u>
ABSTAIN:	<u>NONE</u>

BUSINESS ITEMS

10. ***FY 2021-22 Final Budget/Work Plan*** – consider approving final budget/work plan ***Public Hearing***

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

	<u>VOTE</u>
AYES:	<u>Andersen, Blubaugh, Burgis (seated for Glover), Butt, McGill, Schroder, Skaredoff</u>
NOES:	<u>NONE</u>
ABSENT:	<u>NONE</u>
ABSTAIN:	<u>NONE</u>

Upon motion by Commissioner McGill second by Commissioner Blubaugh, the Commission unanimously, by a 7-0 vote, adopted the final budget/work plan and authorized staff to distribute the FY 2021-22 Final Budget the County, cities and independent special district as required by Government Code §56381.

11. LAFCO 18-06 – Chang Property Reorganization – Annexations to the City of San Ramon, Central Contra Costa Sanitary District and East Bay Municipal Utility District and Detachment from County Service Area P-6 – consider landowner’s request for extension of time to complete the boundary reorganization

Upon a motion by Commissioner McGill and second by Commissioner Butt, the Commission unanimously, by a 7-0 vote, approved an extension of time to file the Certificate of Completion to July 9, 2022, as requested by the landowner in order to coordinate the timing of the open space easement with the City of San Ramon and the resource agencies.

	<u>VOTE:</u>
AYES:	<u>Andersen, Blubaugh, Burgis (seated for Glover), Butt, McGill, Schroder, Skaredoff</u>
NOES:	<u>NONE</u>
ABSENT:	<u>NONE</u>
ABSTAIN:	<u>NONE</u>

12. SDRMA 2021 Board Election Update – informational update – no action required by the Commission.

CORRESPONDENCE

13. Correspondence from Contra Costa County Employee’s Retirement Association (CCCERA)

INFORMATIONAL ITEMS

14. Commissioner Comments and Announcements

Commissioner Skaredoff announced Commissioner Caldwell is the recipient of the CSDA William Hollingsworth Award. He will accept the award at the CSDA Annual Conference, September 2, 2021 in Monterey, CA. Commissioner Caldwell was proud to report the vote was unanimous.

Commissioner McGill updated the Commission on CALAFCO’s activities:

- Ms. Miller, Executive Director of CALAFCO has reaffirmed her retirement at end of the year. The CALAFCO board has initiated a recruitment for her successor.
 - April 30, 2021 Board of Directors Meeting
 - May 7, 2021 Legislative Committee Meeting
 - May 26, 2021 CALAFCO Executive Meeting
 - June 18, 2021 CA Special Districts Association Legislative Days
 - June 23, 2021 Board of Directors Special Meeting

Commissioner Caldwell gave an update on the positive progress of his health challenges.

15. Staff Announcements

Executive Officer updates:

- Pending Projects
- Newspaper Articles
- June 7, 2021 both the county and LAFCO filed their appeals to the Los Medanos Community Healthcare District lawsuit. SB 903 - Frasier bill related to the lawsuit passed 1st and 2nd houses unanimously. May 19, 2021 the bill was referred to the Committee on Local Government and Finance. LAFCO will continue to monitor the bill's progress.
- A fire reorganization study is underway that includes East County Fire, Con Fire and Rodeo - Hercules Fire Districts. May 19, 2021, Orinda-Moraga Fire District discussed joining the reorganization and decided not to participate.

The meeting was adjourned in memory of Sharon Anderson who served as LAFCO Legal Counsel for over 11 years. Sharon was a brilliant attorney, a thoughtful and generous person, and a quick wit. She will be dearly missed by family, friends, and her County and LAFCO families

The meeting adjourned at 3:11 p.m.

Final Minutes Approved by the Commission August 11, 2021

	<u>VOTE:</u>
AYES:	<u>Andersen, Blubaugh, Butt, Glover, McGill, Schroder, Skaredoff</u>
NOES:	<u>NONE</u>
ABSENT:	<u>NONE</u>
ABSTAIN:	<u>NONE</u>

ADJOURNMENT

The next regular LAFCO meeting is July 14, 2021, at 1:30 pm.

By _____
Executive Officer

CONTRA COSTA LOCAL AGENCY FORMATION COMMISSION
EXECUTIVE OFFICER'S REPORT

August 11, 2021 (Agenda)

August 11, 2021
Agenda Item 6

LAFCO 21-02 Byron Bethany Irrigation District (BBID) Annexation – Lawrence Property
APPLICANT Byron Bethany Irrigation District – Resolution 2021-8 – March 16, 2021
SYNOPSIS This is an application to annex four parcels (APNs 003-070-015/017/019/021) to BBID. The parcels total 92.8± acres and are located at 2043 Camino Diablo in unincorporated Byron as shown in Exhibit A (attached).
Annexation will allow the properties to receive water from BBID for agricultural, municipal, and industrial purposes in accordance with permitted land uses.

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 factor is to be evaluated within the context of the overall proposal.

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

BBID is a tri-County district with territory in Alameda, Contra Costa, and San Joaquin counties. San Joaquin LAFCO is the principal LAFCO for BBID and has jurisdiction over the SOI and boundary. In June 2019, San Joaquin LAFCO approve a Municipal Service Review (MSR) and Sphere of Influence (SOI) update for BBID. The BBID SOI was expanded and now includes the Lawrence properties.

In coordination with the applicant and San Joaquin LAFCO, it was agreed that Contra Costa LAFCO would process the annexation application given the subject territory is in Contra Costa County. Subsequently, on October 14, 2020, the Contra Costa LAFCO Commissioners authorized the Executive Officer to request that San Joaquin LAFCO transfer jurisdiction to Contra Costa LAFCO to process the proposed annexation. On January 14, 2021, San Joaquin LAFCO approved the transfer of jurisdiction to Contra Costa LAFCO.

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

The County General Plan designation for the site is Agricultural Core and the County's zoning is Agricultural Preserve (A-4 – Parcel 40 acre minimum). The subject area is located outside the voter approved Urban Limit Line.

The subject property is currently used for agricultural production (row crops). No changes in the current land use are anticipated. Surrounding areas are designated as either Agricultural Core or Agricultural Land. Land uses on surrounding properties include dry farmland, grazing land, pastureland, vineyards, orchards, irrigated pasture, row crops, and agricultural preserve.

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

The project site is zoned for agricultural use and supports agricultural crop cultivation. The subject property is within a Land Conservation (Williamson) Act agreement (Contract No. AP13-0007). The proposed annexation will not change the current land use or designations of the subject parcels. The applicant indicates that no anticipated loss or conversion of agricultural land will result from the annexation.

4. Topography, Natural Features and Drainage Basins:

The subject property and most of the surrounding areas are flat, cultivated agricultural land with no significant natural features. There is a hilly property located to the west of the Lawrence property.

5. Population:

Annexation of the Lawrence property will not result in any development or population increase.

6. Fair Share of Regional Housing:

No development is proposed and there is no impact to regional housing.

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 subject area is currently served by various local agencies including, but not limited to, Contra Costa County, East Contra Costa Fire Protection District, and Byron Brentwood Union Knightsen Cemetery District.

8. Timely Availability of Water and Related Issues:

BBID procures and supplies raw water to be used for irrigation and municipal purposes. In addition to its pre-1914 water rights, BBID also has a contract with the Bureau of Reclamation for 20,600 acre-feet (AF) for the Central Valley Service Area. Other sources of water include ground water and purchasing water from neighboring districts. The proposed annexation will allow BBID to extend irrigation water to the subject properties for crop production. As proposed, irrigation water will be supplied from BBID's Forty-Five Canal located along with westside of the Byron Highway. It is anticipated that the properties will need 200–250-acre feet of water per growing season to support the row crops.

9. Assessed Value, Tax Rates, and Indebtedness:

The subject area is within tax rate area 60003. The assessed value for the subject area is \$667,773 (2020-21 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 November 2020, the Byron Bethany Irrigation District (BBID), as Lead Agency, prepared and approved an Initial Study/Negative Declaration (IS/ND) in conjunction with the Lawrence Property Annexation. The Initial Study found that the proposed annexation will not have a significant effect on the environment and that no mitigation measures are needed.

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 subject area; thus, the subject area is considered uninhabited. The affected landowner has consented 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 subject area is within BBID'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 subject area does not meet the criteria of a DUC.

15. Comments from Affected Agencies/Other Interested Parties:

As of this writing, LAFCO has received no objection from any affected local agency, landowner, or registered voter within the subject area. If no objection is received from any affected party prior to the conclusion of the hearing on August 11th, the Commission shall waive the protest hearing.

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 subject area is not within a PCA or a PDA; however, the proposed annexation does not appear to conflict with the regional transportation or growth plans. The *Draft Plan Bay Area 2050* was released in May 2021. Finalization of *Plan Bay Area 2050* is scheduled for Fall 2021.

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 the environmental effects of the Lawrence Property Annexation as shown in BBID's *Initial Study/Negative*, determines that the negative declaration is adequate, and finds that there are no direct or indirect environmental effects that would result from LAFCO's approval of the annexation.
- B. Adopt this report, approve LAFCO Resolution No. 21-02 (Attachment 1), and approve the proposal, to be known as *Byron Bethany Irrigation District Annexation – Lawrence Property* subject to the following terms and conditions:
 1. The subject territory 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. Find that the subject territory is uninhabited, and the subject landowner does not object to the annexation; thus, the conducting authority 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 21-02

c: Rick Gilmore, General Manager, Byron Bethany Irrigation District
James Lawrence, Landowner

RESOLUTION NO. 21-02

**RESOLUTION OF THE CONTRA COSTA LOCAL AGENCY FORMATION COMMISSION
MAKING DETERMINATIONS AND APPROVING THE
ANNEXATION TO BYRON BETHANY IRRIGATION DISTRICT
LAWRENCE PROPERTY**

WHEREAS, the above-referenced proposal was 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 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 gave notice of the Commission's consideration of the proposal; and

WHEREAS, the Executive Officer 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 August 11, 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 Byron Bethany Irrigation 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 subject 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; and

WHEREAS, the applicant has delivered to LAFCO an executed indemnification agreement providing for the applicant to indemnify LAFCO against any expenses arising from any legal actions to challenge the annexation.

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 reviewed and considered the environmental effects of the proposed annexation as shown in the *Lawrence Property Annexation to Byron Bethany Irrigation District (BBID) Initial Study/Negative Declaration* approved by BBID in November 2020; determines that the negative declaration is adequate; and finds that there are no direct or indirect environmental effects that would result from the Commission's approval of the annexation.
2. The annexation is hereby approved.

- 3. The subject proposal is assigned the following distinctive short-form designation:
**ANNEXATION TO BYRON BETHANY IRRIGATION DISTRICT –
LAWRENCE PROPERTY**
- 4. The boundary of the subject territory is found to be definite and certain as approved and set forth in Exhibit A, attached hereto and made a part hereof.
- 5. The subject territory shall be liable for any authorized or existing taxes, charges, and assessments comparable to properties within the annexing agency.
- 6. The subject territory is uninhabited.
- 7. The proposal has 100% landowner consent, and the conducting authority (protest) proceedings are hereby waived.
- 8. 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 11th day of August 2021, by the following vote:

AYES:

NOES:

ABSTENTIONS:

ABSENT:

IGOR SKAREDOFF, CHAIR, CONTRA COSTA LAFCO

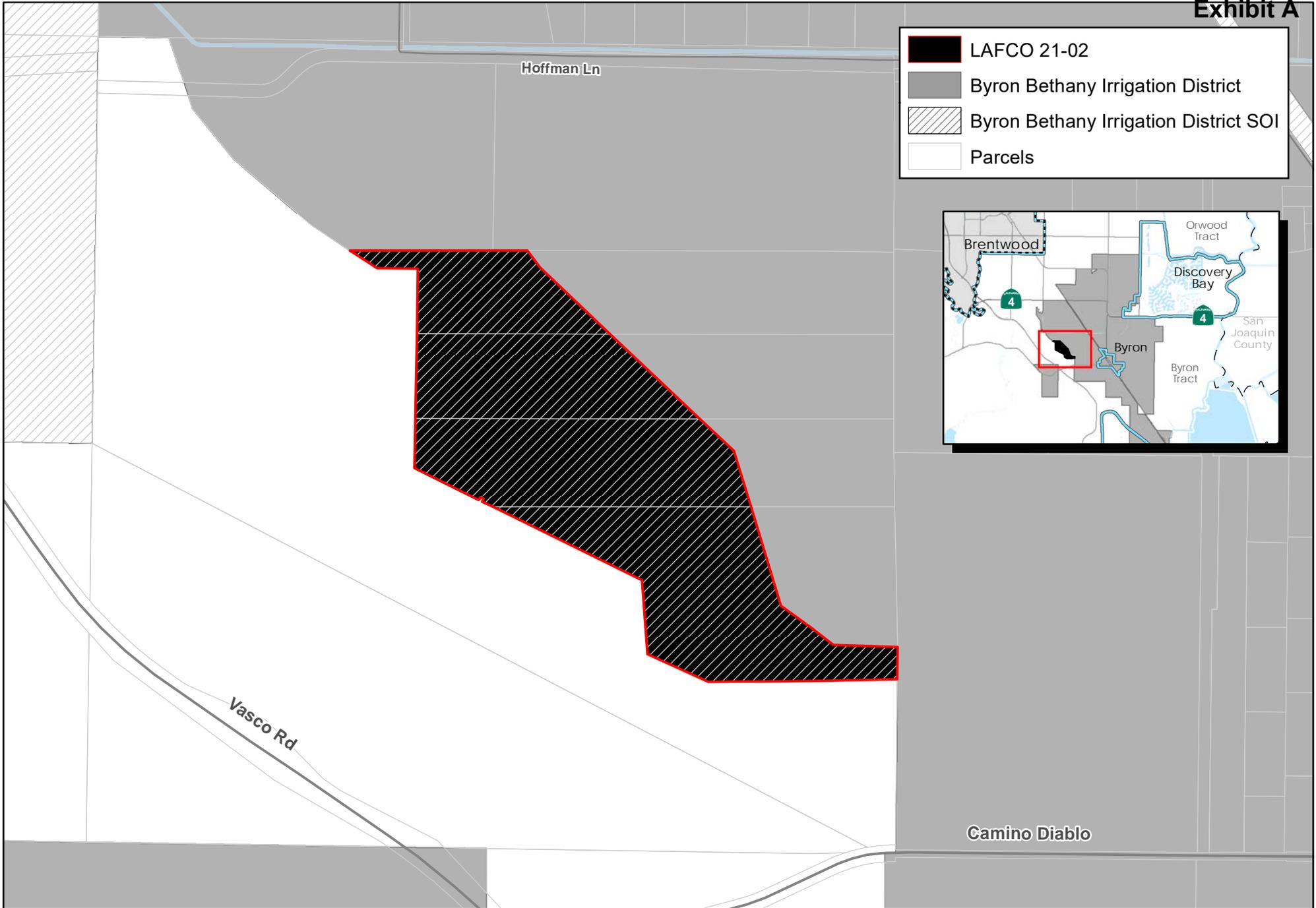
I hereby certify that this is a correct copy of a resolution passed and adopted by this Commission on the date stated.

Dated: August 11, 2021

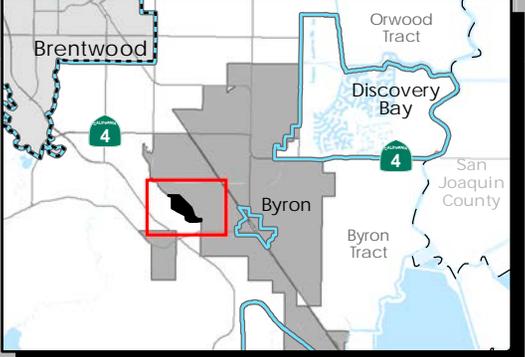
Lou Ann Texeira, Executive Officer

LAFCO 21-02 Annexation to Byron Bethany Irrigation District (BBID) – Lawrence Property

Exhibit A



	LAFCO 21-02
	Byron Bethany Irrigation District
	Byron Bethany Irrigation District SOI
	Parcels



Map created 04/26/2021
 by Contra Costa County Department of
 Conservation and Development, GIS Group
 30 Muir Road, Martinez, CA 94553
 37:59:41.791N 122:07:03.756W

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CONTRA COSTA LOCAL AGENCY FORMATION COMMISSION
EXECUTIVE OFFICER'S REPORT

August 11, 2021 (Agenda)

August 11, 2021
Agenda Item 7

LAFCO 21-03 Beacon West & Willow Mobile Home Park – Contra Costa Water District (CCWD) and Diablo Water District (DWD) Sphere of Influence (SOI) Expansions

APPLICANT Contra Costa Water District – Resolution 20-020, December 16, 2020

ACREAGE & LOCATION The applicant proposes to expand the CCWD SOI by a total of 37.58± acres to include 14.27± acres (Beacon West) and 23.31± acres (Willow Mobile Home Park); and expand the DWD SOI by a total of 30.1± acres to include 6.79± acres (Beacon West) and 23.31± acres (Willow Mobile Home Park).

The subject areas are located on Bethel Island in East Contra Costa County and are within the Contra Costa County Urban Limit Line (see Exhibits A and B). The entirety of Bethel Island is a Disadvantaged Unincorporated Community (DUC). The applicant also submitted a corresponding proposal to annex the subject areas to CCWD and DWD.

PURPOSE The purpose of the proposal is to allow CCWD and DWD to extend municipal water to the Beacon West and Willow Mobile Home Park (WMHP) areas. The extension of municipal water is also subject to review and approval by the U.S. Bureau of Reclamation Central Valley Project.

BACKGROUND The extension of municipal water service to these areas is needed as the existing groundwater system, aging well, and reverse osmosis system are failing as described below.

The **Beacon West area**, located on the northern side of the island, comprises 23 parcels, 21 of which were annexed to DWD in 2003. There are two properties within Beacon West comprising 6.79± acres that were not included in the prior DWD annexation which are included in the current proposed SOI expansion and annexation. The applicant also proposes to add the Beacon West area (14.27± acres) to CCWD's SOI and service boundary. The groundwater system that previously served Beacon West exceeded the primary drinking water standard for arsenic and was abandoned in 2019.

The **WMHP area**, also located on the northern side of the island, includes 172 mobile homes (23.31± acres). Contra Costa County manages the WMHP ground water system through County Service Area (CSA) M-28. The mobile homes are connected to an aging well and reverse osmosis system that fails to meet secondary drinking water standards for manganese and specific conductance. The mobile home park also has a fire flow deficiency as there is insufficient water storage at the site. DWD is evaluating State Water Resources Control Board (SWRCB) grant funding to fund design and construction of the water line extension. Mark Brading with The Willows at Bethel Island submitted a letter expressing concerns with the existing water source and supporting extension of municipal water service to WMHP (Attachment 1).

DISCUSSION The Cortese-Knox-Hertzberg Act (CKH Act) empowers LAFCO with the responsibility for developing and determining the SOI of each local agency within the County, and for enacting policies designed to promote the logical and orderly development of areas within the SOIs.

An SOI is defined as *a plan for the probable physical boundary and service area of a local agency, as determined by LAFCO*. The intent of an SOI is to identify the most appropriate area for an agency's extension of services in the foreseeable future (e.g., 10-20 year horizon). Accordingly, territory included in an agency's

SOI is an indication that the probable need for service has been established, and that the subject agency has been determined by LAFCO to be the most logical service provider for the area.

Pursuant to Government Code section 56425, when amending an SOI for a local agency, LAFCO is required to consider and prepare a written statement of determinations with respect to the following:

1. ***The present and planned uses in the area, including agricultural and open space lands*** – The land uses on the subject areas include 23 single family homes and 172 mobile homes. General Plan and Zoning designations are as follows:

- ✚ **Beacon West Area** - County *General Plan* (GP) designations in this area include Single Family Residential – High (SH); SH with a Flood Hazard (FH) Combining District overlay; one parcel is designated Agricultural (AL); and a portion adjacent to Bethel Island Road is designated Open Space (OS). *Zoning* designations include SH, FH, General Agriculture (A-2), and Solar Energy Generation Combining District (SG).

- ✚ **WMHP** - County *GP* designation is Mobile Home (MO). County *Zoning* designations include Mobile Home/Manufactured Home Park (T-1) and FH.

The proposed SOI expansions and pending annexations will not facilitate new development or changes in land use and will have no impact on agricultural land.

2. ***The present and probable need for public facilities and services in the area*** – The existing residential land uses require public services, including municipal water. The existing ground water, well, and reverse osmosis systems are failing and do not meet water quality standards. Municipal water service through CCWD and DWD is needed.
3. ***The present capacity of public facilities and adequacy of public services that the agency provides or is authorized to provide*** – Regarding wholesale water, CCWD’s boundary encompasses 220± square miles in central and eastern Contra Costa County. CCWD’s untreated water service area includes Antioch, Bay Point, Oakley, Pittsburg, and portions of Brentwood and Martinez. The District’s treated water service area includes Clayton, Clyde, Concord, Pacheco, Port Costa, and parts of Martinez, Pleasant Hill, and Walnut Creek. CCWD also treats and delivers water to the City of Brentwood, Golden State Water Company (Bay Point), Diablo Water District (Oakley), and the City of Antioch. CCWD provides treated water service to approximately 250,000 residents and untreated water service that supports approximately 250,000 residents for a total population of approximately 500,000 (61,858 treated and 346 untreated water connections). The primary sources of water are the United States Bureau of Reclamation (USBR) Central Valley Project (CVP) and delta diversions. One of CCWD’s prerequisites for service, including future annexation, is inclusion in the CVP service area. The CVP inclusion review is a separate process and requires specific environmental documents. Subsequent to LAFCO’s approval of the SOI amendments and annexations, CCWD will proceed with the CVP inclusion review. CCWD is using “Proposition 1 Disadvantaged Community Involvement Grant Funding”, which is managed by the Department of Water Resources, in conjunction with this proposal.

Regarding retail water, DWD encompasses 21± square miles including Oakley, downtown Knightsen, parts of Bethel Island including Delta Coves, and unincorporated areas including the Hotchkiss Tract, East Cypress Corridor Specific Plan Area, and the Summer Lakes development. DWD collects, treats and supplies municipal water to over 42,000 residents. The District’s primary sources of water include CVP (purchased from CCWD) and groundwater extracted from the East Contra Costa Subbasin.

DWD is the local water service provider that will permanently serve these two areas following annexation and inclusion. In 2019, DWD completed a 6-inch emergency water line extension to serve Beacon West. Each of the Beacon West parcels have a water meter. The WMHP parcels will have a

single water meter once the new treated line is designed and constructed to serve the 172 mobile homes.

Based on their recent future water supply studies and urban water management plans, both CCWD and DWD indicate they have the capacity to serve the project. The districts and landowners will work together to complete the CVP inclusion process.

4. ***The existence of any social or economic communities of interest in the area if the commission determines that they are relevant to the agency*** – The subject areas are located in unincorporated Bethel Island. Both CCWD and DWD have a presence in the area as both districts provide water service to neighboring developments in Bethel Island and in the City of Oakley. As noted above, the entirety of Bethel Island is a DUC. In accordance with LAFCO law, in updating or amending a SOI, LAFCO must consider needs or deficiencies related to sewer, municipal and industrial water, and structural fire protection in any DUC within or contiguous to the subject agency’s SOI.

5. ***Nature, location, extent, functions & classes of services to be provided*** – CCWD provides treated water service to Clayton, Clyde, Concord, Pacheco, Port Costa, and parts of Martinez, Pleasant Hill, and Walnut Creek. CCWD also treats and delivers water to the City of Brentwood, Golden State Water Company (Bay Point), Diablo Water District (Oakley), and the City of Antioch. CCWD serves approximately 500,000 residents (61,858 treated and 346 untreated water connections) in Central and East Contra Costa County. The primary sources of water are the USBR CVP and delta diversions. CCWD is expected to provide wholesale water to the subject area.

DWD provides retail water to the City of Oakley, downtown Knightsen, parts of Bethel Island including Delta Coves, and unincorporated areas including the Hotchkiss Tract, East Cypress Corridor Specific Plan Area, and the Summer Lakes development. DWD collects, treats and supplies municipal water to over 42,000 residents. The District’s primary sources of water include CVP (purchased from CCWD) and groundwater extracted from the East Contra Costa Subbasin. DWD is expected to provide retail water to the subject area.

Environmental Impact of the Proposal – CCWD, as Lead Agency, found the project exempt pursuant to CEQA Guidelines sections 15303 – *New Construction or Conversion of Small Structures* and section 15319 *Annexations of Existing Facilities and Lots for Exempt Facilities*.

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** Adopt the resolution (Attachment 2) approving the proposed CCWD and DWD SOI expansions to CCWD’s SOI by a total of 37.58± acres to include 14.27± acres (Beacon West) and 23.31± acres (Willow Mobile Home Park), and to DWD’s SOI by a total of 30.1± acres to include 6.79± acres (Beacon West) and 23.31± acres (Willow Mobile Home Park).
 - A. Determine that CCWD, as Lead Agency, found the project exempt pursuant to CEQA Guidelines sections 15303 – *New Construction or Conversion of Small Structures* and section 15319 *Annexations of Existing Facilities and Lots for Exempt Facilities*
 - B. Adopt this report and expand the SOIs of CCWD and DWD as described herein and shown on the attached map.

Option 2 Adopt this report and DENY the proposal.

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

RECOMMENDATION **Option 1 – approve the SOI expansions as proposed.**

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

Exhibit

Exhibit A - Map – Proposed CCWD SOI Expansion

Exhibit B - Map – Proposed DWD SOI Expansion

Attachment

Attachment 1 - Letter from Mark Brading – The Willows at Bethel Island

Attachment 2 - Draft LAFCO Resolution – CCWD and DWD SOI Expansions

c: Mark A. Seedall, Principal Planner, Contra Costa Water District
Dan Muelrath, General Manager, Diablo Water District
Carl Roner, Contra Costa County Public Works



THE WILLOWS AT BETHEL ISLAND

3656 Willow Road
Mailing Address
P. O. Box 428 • Bethel Island, CA 94511
(925) 684-3536

RECEIVED

June 21, 2021

JUN 24 2021

CCWD
BOARD OF DIRECTORS

Lisa M. Borba, President
Board of Directors
Contra Costa Water District
1331 Concord Avenue
Concord, CA 94520

RE: Letter of Support for Expansion of Contra Costa Water District / Diablo Water District (CCWD/DWD) to The Willows at Bethel Island mobilehome park.

Dear President Borba:

I am writing to express the support of The Willows at Bethel Island (Park) for the expansion of the CCWD/DWD water service to our Park. The extension of water service to the Park will provide our homeowners with a reliable source of quality water while also improving the reliability and capability of our fire hydrants.

Over the years the County has done their best to maintain a reverse osmosis water filtration system for our Park residents. However, due to the cost of maintenance, the cost of replacement components, and the constant monitoring requirements, this filtration system became too expensive to operate and as a result our Park residents are receiving unfiltered well water for their domestic water supply.

Since the 172 mobilehomes in our Park are reliant on a single well source for domestic water, this is a constant concern for our homeowners. What happens if the well becomes contaminated? What happens if the well dries up or is not capable of supplying sufficient water? When the power is out, so is the water supply for our homeowners. Even though our Park has fire hydrants located throughout, these hydrants are dependent on electricity to the well pump and are also limited by the capacity of the storage tank.

The CCWD/DWD domestic water supply extension to The Willows at Bethel Island will provide our homeowners with a reliable, quality, sustainable, and affordable water source while also improving the fire suppression capabilities within the Park. For all of these reasons, The Willows at Bethel Island is in favor of expanding the CCWD/DWD water service to our Park.

Sincerely,

Mark Brading
The Willows at Bethel Island

cc: File

SPHERE OF INFLUENCE RESOLUTION NO. 21-03

RESOLUTION OF THE CONTRA COSTA LOCAL AGENCY FORMATION COMMISSION
 MAKING DETERMINATIONS AND EXPANDING THE SPHERES OF INFLUENCE
 OF CONTRA COSTA WATER DISTRICT AND DIABLO WATER DISTRICT
 (BEACON WEST AND WILLOW MOBILE HOME PARK)

WHEREAS, a proposal to expand the spheres of influence (SOIs) of Contra Costa Water District (CCWD) and Diablo Water District (DWD) was filed with the Contra Costa Local Agency Formation Commission (LAFCO) pursuant to the Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000 (Government Code §56425); 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 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, SOIs and applicable General and Specific Plans and all testimony, correspondence and exhibits received during the public hearing, all of which are included herein by reference;

NOW, THEREFORE, the Contra Costa LAFCO DOES HEREBY RESOLVE, DETERMINE AND ORDER as follows:

1. The matter before the Commission is the proposed expansion of Contra Costa Water District's (CCWD) SOI by a total of 37.58± acres, and a proposed expansion of Diablo Water District's (DWD) SOI by a total of 30.1± acres, to extend municipal water to Beacon West and Willow Mobile Home Park, located in unincorporated Bethel Island.
2. The Commission is a Responsible Agency under the California Environmental Quality Act (CEQA); and in accordance with CEQA, finds the project is exempt pursuant to CEQA Guidelines, Sections 15303 and 15319, consistent with the determination of CCWD acting as Lead Agency.
3. The Commission has considered the criteria set forth in Government Code §56425 and determines as follows:

The present and planned uses in the area, including agricultural and open space lands – The County *General Plan* designations for the Beacon West area include Single Family Residential – High (SH); SH with a Flood Hazard (FH) Combining District overlay; one parcel is designated Agricultural (AL); and a portion adjacent to Bethel Island Road is designated Open Space (OS); *Zoning* designations for this area include SH, FH, General Agriculture (A-2), and Solar Energy Generation Combining District (SG).

The County *General Plan* designation for the Willow Mobile Home Park (WMHP) area is Mobile Home (MO); and County *Zoning* designations for this area include Mobile Home/Manufactured Home Park (T-1) and FH.

The proposed SOI expansions and pending annexations will not facilitate new development or changes in land use and will have no impact on agricultural land.

The present and probable need for public facilities and services in the area – The existing residential land uses require public services, including municipal water. The existing ground water, well, and reverse osmosis systems are failing and do not meet water quality standards. Municipal water service through CCWD and DWD is needed.

The present capacity of public facilities and adequacy of public services that the agency provides or is authorized to provide – DWD is the local water service provider that will serve these two areas following annexation and inclusion. In 2019, DWD completed a 6-inch water line extension to serve Beacon West. Each of the Beacon West parcels will be required to have a water meter. The WMHP parcels will have a single water meter once the new treated line is designed and constructed to serve the 172 mobile homes. CCWD will serve as the wholesale water provider. Based on their recent future water supply studies and urban water management plans, both CCWD and DWD indicate

they have the capacity to serve the project. Following SOI and annexation approval by LAFCO, CCWD will work with the United States Bureau of Reclamation (USBR) to complete the Central Valley Project (CVP) inclusion review.

The existence of any social or economic communities of interest in the area if the commission determines that they are relevant to the agency - The subject areas are located in unincorporated Bethel Island. Both CCWD and DWD have a presence in the area as both districts provide water service to neighboring developments in Bethel island and in the City of Oakley. The entirety of Bethel Island is a Disadvantaged Unincorporated Community (DUC). In accordance with LAFCO law, in updating or amending a SOI, LAFCO must consider needs or deficiencies related to sewer, municipal and industrial water, and structural fire protection in any DUC within or contiguous to the subject agency’s SOI.

Nature, location, extent, functions & classes of services to be provided – CCWD provides treated water service to Clayton, Clyde, Concord, Pacheco, Port Costa, and parts of Martinez, Pleasant Hill, and Walnut Creek. CCWD also treats and delivers water to the City of Brentwood, Golden State Water Company (Bay Point), DWD (Oakley), and the City of Antioch. CCWD serves approximately 500,000 residents (61,858 treated and 346 untreated water connections) in Central and East Contra Costa County. The primary sources of water are the USBR CVP and delta diversions. CCWD is expected to provide wholesale water to the subject area.

DWD provides retail water to the City of Oakley, downtown Knightsen, parts of Bethel Island including Delta Coves, and unincorporated areas including the Hotchkiss Tract, East Cypress Corridor Specific Plan Area, and the Summer Lakes development. DWD collects, treats and supplies municipal water to over 40,000 residents. The District’s primary sources of water include CVP (purchased from CCWD) and groundwater extracted from the East Contra Costa Subbasin. DWD is expected to provide retail water to the subject area.

- 4. The SOIs of CCWD and DWD are hereby expanded to include the areas as shown on the attached maps (Exhibits A and B).
- 5. CCWD and DWD services are limited to serving the subject properties (Beacon West and Willow Mobile Park).

PASSED AND ADOPTED THIS 11th day of August 2021, by the following vote:

AYES:
NOES:
ABSTENTIONS:
ABSENT:

IGOR SKAREDOFF, CHAIR, CONTRA COSTA LAFCO

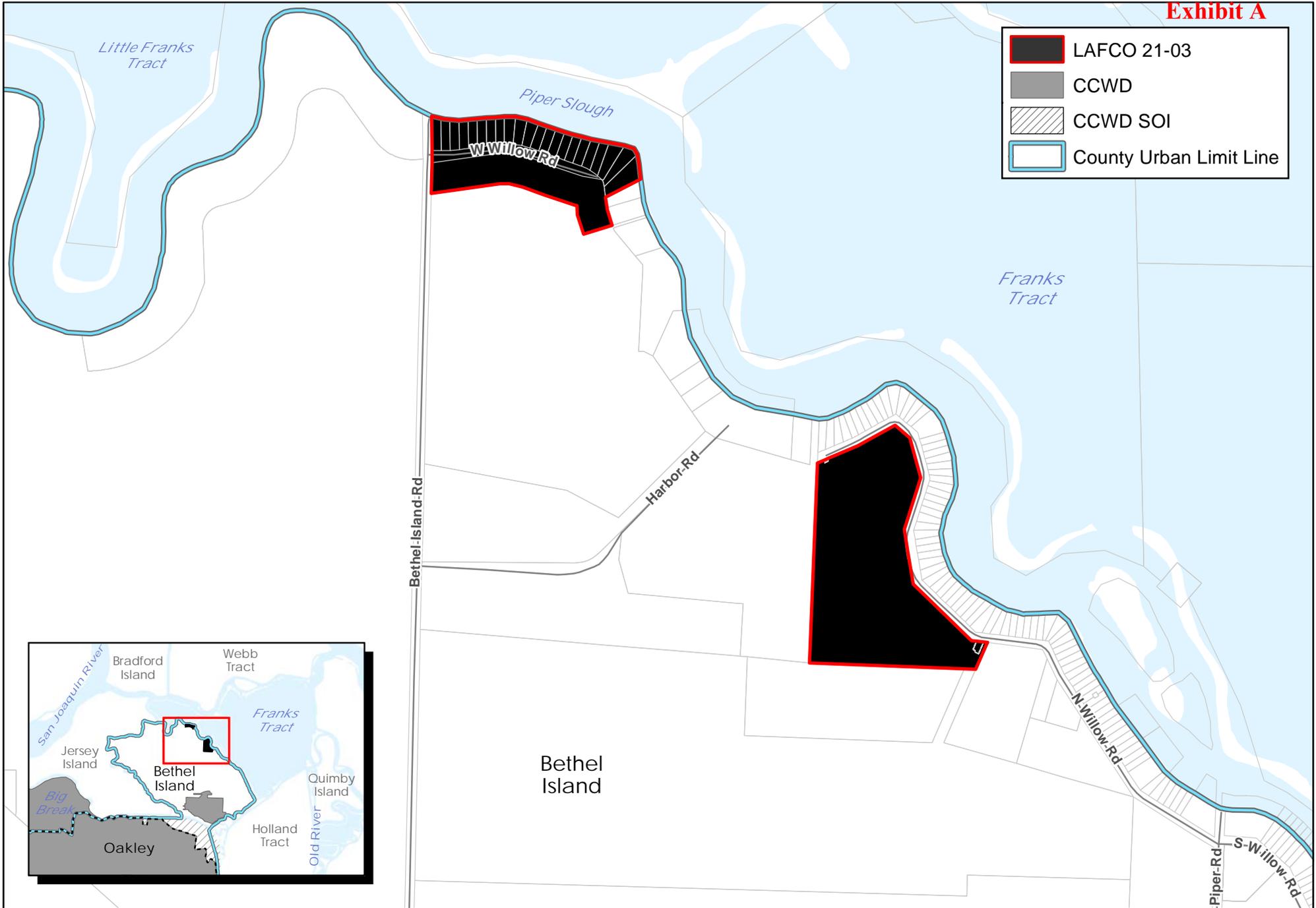
I hereby certify that this is a correct copy of a resolution passed and adopted by this Commission on the date stated above

Dated: August 11, 2021

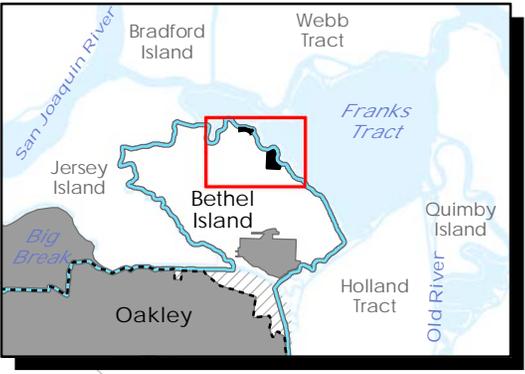
Lou Ann Texeira, Executive Officer

LAFCO No. 21-03: Contra Costa Water District SOI Amendment-Beacon West & Willow Mobile Home Park

Exhibit A

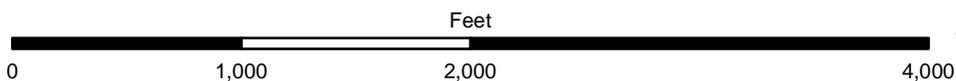


	LAFCO 21-03
	CCWD
	CCWD SOI
	County Urban Limit Line



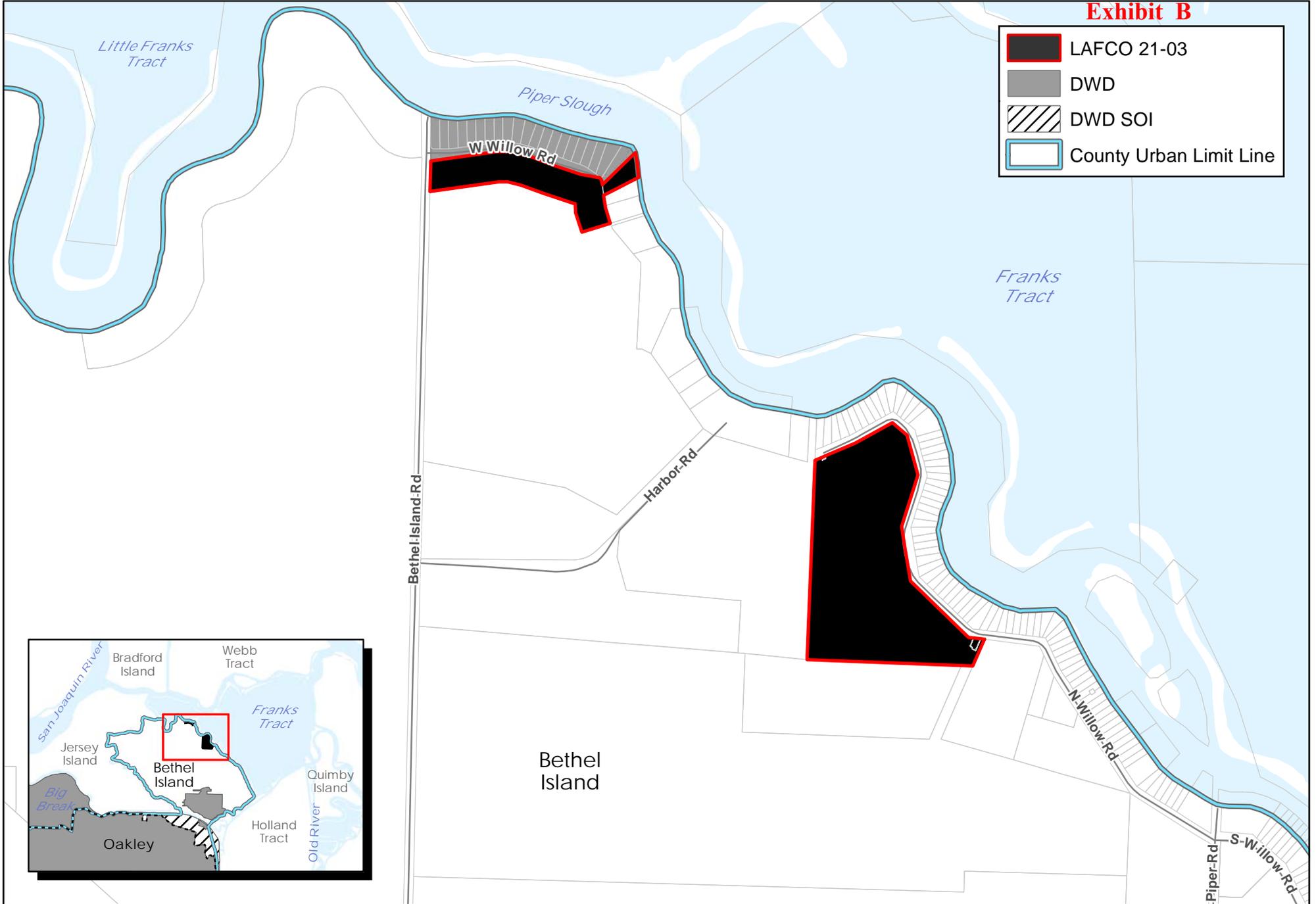
Map created 05/14/2021
 by Contra Costa County Department of Conservation and Development, GIS Group
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LAFCO No. 21-03: Diablo Water District SOI Amendment-Beacon West & Willow Mobile Home Park

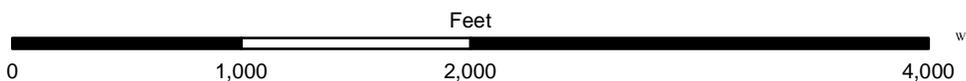
Exhibit B



	LAFCO 21-03
	DWD
	DWD SOI
	County Urban Limit Line

Map created 07/16/2021
 by Contra Costa County Department of
 Conservation and Development, GIS Group
 30 Muir Road, Martinez, CA 94553
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Lou Ann Texeira
 Executive Officer

MEMBERS

- | | |
|---|--|
| Candace Andersen
<i>County Member</i> | Federal Glover
<i>County Member</i> |
| Donald A. Blubaugh
<i>Public Member</i> | Michael R. McGill
<i>Special District Member</i> |
| Tom Butt
<i>City Member</i> | Rob Schroder
<i>City Member</i> |
| Igor Skaredoff
<i>Special District Member</i> | |

ALTERNATE MEMBERS

- | |
|---|
| Diane Burgis
<i>County Member</i> |
| Stanley Caldwell
<i>Special District Member</i> |
| Charles R. Lewis, IV
<i>Public Member</i> |
| Edi Birsan
<i>City Member</i> |

August 11, 2021 (Agenda)

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

**August 11, 2021
 Agenda Item 8**

**2nd Round “Parks & Recreation Services” Municipal Services Review
 Pleasant Hill Recreation & Park District Sphere of Influence Update**

Dear Members of the Commission:

INTRODUCTION

In December 2019, Contra Costa LAFCO initiated its 2nd Round “Parks & Recreation Services” Municipal Services Review (MSR) and Sphere of Influence (SOI) updates. This MSR was delayed due to the COVID pandemic. The 1st Round Parks & Recreation MSR/SOI updates was completed in 2010.

Following public hearings on April 14, 2021 and June 9, 2021, the Commission adopted MSR and SOI determinations and updated the SOIs for the eight County Service Areas and two of the three parks & recreation districts covered in the MSR. The Commission deferred accepting the Final Parks & Recreation MSR pending amendments related to city parks and levels of service. A parks table was added to the MSR in response to Commissioner comments. Also, LAFCO formed a subcommittee to meet with representatives of the Pleasant Hill Recreation & Park District’s (PHRPD), City of Lafayette, and Reliez Valley residents to further discuss service boundary issues.

On August 11, 2021, the Commission will be asked to accept the Final 2nd Round “Parks & Recreation Services Municipal Services Review, adopt MSR and SOI determinations for PHRPD, and update the SOI for the PHRPD. The Final 2nd Round “Parks & Recreation Services Municipal Services Review” is available on the Contra Costa LAFCO website at <https://www.contracostalafco.org/agencies/municipal-service-reviews/>.

BACKGROUND/DISCUSSION – PLEASANT HILL RECREATION & PARK DISTRICT (PHRPD)

PHRPD was formed in 1951 and serves the City of Pleasant Hill and unincorporated areas of Lafayette, Walnut Creek, Walden/Contra Costa Centre, and the Reliez Valley, with a population of 41,600. Note: Reliez Valley is a census designated place (unincorporated) located east/northeast of Lafayette and west/southwest of Pleasant Hill. Portions of the Reliez Valley are within the SOIs and boundaries of the cities of Pleasant Hill and Lafayette. There is a disadvantaged community located within the service boundary of PHRPD (i.e., southern portion of Pleasant Hill and adjacent to Walnut Creek).

PHRPD manages 260± acres of active and passive parkland and open space along with several community facilities. The majority of the District's parks and facilities are in "very good" condition, with two parks and one facility rated as "poor". PHRPD offers robust programming in the following areas: preschool, youth, teen, adult classes, senior, sports, and special events. The District's website and seasonal publications of recreational programs and community events inform residents of the myriad of opportunities. PHRPD shares facilities with the Mt. Diablo Unified School District (i.e., softball fields at the middle and high schools, maintenance yard).

District revenues come primarily from taxes, assessments and charges for services, with a modest amount from grants and money/reserves/property. COVID has severely affected PHRPD's ability to offer recreational programming in the traditional sense. As nearly 50% of the District's operating revenues are from charges for service, this creates a financial vulnerability going forward. Also, the District's parcel tax of \$47 per parcel does not include a cost inflator; thus, the value of the annual parcel tax erodes over time.

Since the 2010 Parks & Recreation Services MSR was prepared, the passage of Measure E, a \$28 million general obligation bond, resulted in improvements throughout the PHRPD's service area, including new senior, teen and community centers, and upgrades to Pleasant Oaks Park.

The District's 5-year Capital Improvement Program Plan provides for nearly \$1.5 million in capital improvements, with the most extensive improvements planned for Pleasant Hill Park and the Rodgers Smith Park. The City of Pleasant Hill passes all parkland in-lieu fee revenue for new development to PHRPD for parkland acquisition and park improvements. However, a recent \$63.5 million bond measure (Measure A) did not pass in March 2020 and may affect the District's ability to fully implement its recent Master Plan.

PHRPD was engaged in the recent MSR and responsive to LAFCO staff and the MSR consultants. The District demonstrated accountability and transparency.

LAFCO Subcommittee - At the April 14, 2021 public hearing, LAFCO received a letter from Reliez Valley residents requesting removal from PHRPD's service boundary given they more closely align with Lafayette (incorporated and unincorporated). Further, that the one PHRPD park located in their vicinity is in need of improvements. It should be noted that while LAFCO can modify a local agency's SOI, LAFCO cannot initiate annexation or detachment. Such boundary change requests must be submitted to LAFCO by application from either an affected local agency(ies), affected landowner(s), and/or affected registered voter(s).

In response to the residents' request, on June 9, 2020, the Commission appointed Commissioners Blubaugh and Lewis to a subcommittee to work with the local agencies (PHRPD, City of Lafayette) and interested Reliez Valley residents on boundary and service issues.

Local Agency/Public Input

On July 28th, LAFCO subcommittee members Blubaugh and Lewis and the LAFCO Executive Officer met at Brookwood Park with City of Lafayette Council Member Candell, City Manager and City Park & Recreation Director, and PHRPD Board Member Glover and the District General Manager. The group discussed the residents' concerns, Reliez Valley residents' participation in City of Lafayette and PHRPD programs/activities, property tax/special assessments, status of the City's General Plan update, potential annexation of the subject area to City of Lafayette, potential detachment of the subject area from PHRPD, and related matters. Subsequently, LAFCO staff contacted the Reliez Valley representative and requested a meeting with interested residents. The representative provided a copy of their 2019 letter (Attachment 1) and indicated given PHRPD has no interest in removing their area from the District's boundary, there is no need to meet.

In sum, both the City of Lafayette and PHRPD indicate that, to some extent, Reliez Valley residents participate in City and District park & recreation programs/activities. The PHRPD does not support detachment of the

subject area from the District's service boundary. Further, any detachment of this area from PHRPD would create issues regarding Brookwood Park which is owned and maintained by PHRPD.

The City of Lafayette General Plan (GP) update is underway and expected to be complete in 4-5 years. The GP update will review SOI expansion and annexation of this area. City staff indicates that costs associated with SOI updates and annexations are typically borne by the interested parties/applicants. Further, that costs associated with boundary expansions and extending city services to new areas could entail additional costs/ assessments.

In response to both the 2021 "*Parks & Recreation Services*" MSR and the 2019 "*City Services*" MSR, a group of 40 Reliez Valley residents raised concerns regarding the City of Lafayette, City of Pleasant Hill, and PHRPD SOIs and service boundaries. As indicated in their 2019 letter, these residents are within the Lafayette school district, are served by the Lafayette Parks & Recreation Department and Lafayette Moraga Youth Association, and affiliate with Lafayette. Further, they indicate they pay sizeable taxes to PHRPD for services/facilities that are *lightly, if ever used*. The residents requested that their area be removed from the City of Pleasant Hill's SOI and placed in the City of Lafayette's SOI, and also be removed from the PHRPD SOI. In 2019, in conjunction with the "*City Services*" MSR, LAFCO made no changes to the Lafayette and Pleasant Hill SOIs and reaffirmed the existing SOIs for these cities.

SOI Options and Recommendations

In conjunction with the *2010 Parks & Recreation Services MSR*, LAFCO expanded the District's SOI to include all areas within the City of Pleasant Hill's SOI, and reduced the SOI to remove cities of Lafayette and Walnut Creek areas with the exception of Lafayette immediately adjacent to Brookwood Park. The rationale was that PHRPD primarily provides recreation and park services to the City of Pleasant Hill and therefore, a more logical boundary for PHRPD would be an SOI that coincides with the City of Pleasant Hill's boundary. Further, there is service duplication in certain parts of the PHRPD where the cities of Lafayette and Walnut Creek also provide recreation and park services.

In conjunction with the *2021 Parks & Recreation Services MSR*, both the MSR consultants and LAFCO staff recommend retaining the existing SOI for PHRPD.

ENVIRONMENTAL ANALYSIS

The MSR and related SOI updates are statutorily exempt under CEQA Guidelines §15262 and categorically exempt under CEQA Guidelines §15061(b)(3), respectively.

RECOMMENDATIONS

1. Receive staff report and public comments; provide comments as desired.
2. Determine that the MSR project is exempt pursuant to §15262 of the CEQA Guidelines, and that the SOI updates are categorically exempt pursuant to §15061(b)(3) of the CEQA Guidelines.
3. Accept the Final 2nd Round "*Parks & Recreation Services Municipal Services Review*"; and adopt the MSR/SOI determinations for PHRPD by resolutions attached hereto (Attachment 2)

Sincerely,

LOU ANN TEXEIRA
EXECUTIVE OFFICER

c: Distribution

Attachment 1 - 2019 Letter from Reliez Valley Residents
Attachment 2 – MSR and SOI Resolution – PHRPD
Exhibit A – Map – PHRPD

March 29, 2019

Contra Costa Local Agency Formation
Commission
651 Pine St, 6th Floor

Attn: Ms. Lou Ann Texeira

Dr. Commission Members and Staff

On behalf of the Lafayette residents of Reliez Valley, we kindly request a review of the district boundaries of the Pleasant Hill Parks and Recreation District a("the District or PPHRD") and ultimately the removal of all Lafayette residents (city and county) from the District.

As you know, the District was established in 1951, before incorporation of the cities of Pleasant Hill and Lafayette. Since then, much has changed. Very importantly, with the incorporation of Lafayette, and the change in school district for Reliez Valley residents from the Pleasant Hill to Lafayette schools (~30 years ago), the Lafayette Reliez Valley residents find themselves in a predicament...paying huge sums to the Pleasant Hill Parks and Recreation District for services and facilities they barely, if ever, use. This was significantly exacerbated by the passage of Measure E in 2009, which will cause many of Lafayette's residents to pay in excess of \$10,000 over the 30-year term of the Measure E bond, the proceeds of which were largely used to build Pleasant Hill's Senior Center, Pleasant Hill's Teen Center, the Pleasant Hill community center, significantly upgrade Pleasant Hill's Pleasant Oaks Park, and upgrade bathroom facilities at various parks primarily serving Pleasant Hill citizens. These facilities are lightly, if ever, used by Lafayette residents.

PHPRD is awesome, and we admire the District and its leaders, but we are served by the Lafayette Parks and Recreation Department and Lafayette Moraga Youth Association and have been for many years. It is simply unfair for our constituents to pay such large sums to PPHRD. We estimate that our Lafayette neighbors pay between \$50,000 and \$100,000 annually for the facilities that we do not use. And since we only represent a small fraction of the constituents of the district (~300 of 16,000 households, <2%), we are totally disenfranchised and kindly need help to separate from the District. It is our view, supported by activities and investments in the District, that the District's focus is squarely on central and eastern Pleasant Hill, as the use of the Measure E proceeds proves, and as further evidenced by the District's recent agreement to purchase a \$3 million , 5-acre parcel on Oak Park Boulevard, adjacent to Pleasant Hill Middle School, for future park development.

Separately, our residents are submitting to have the sphere of influence for our area reviewed and changed from Pleasant Hill to Lafayette. We support this effort

wholeheartedly, and also believe this is a change that should have been made many years ago, probably when the school district in this area was changed.

We understand that there is a financial downside to removing our constituents from the District. That said, there may be no better time than now to separate., and keeping us in the district just because provide money, but do not use the facilities, is fundamentally unfair. We note that the District has operated at a significant surplus for 5 years in a row, ending the most recent year with a \$400,000 surplus and an unheard of A+ credit rating from Standard Poor's.

We read the report by Burr Consulting from the last time a district review was undertaken. We noted that the consultant called out "In areas where PHRPD boundaries overlap city boundaries there would appear to be a duplication of services, as both PHRPD and the cities of Lafayette and Walnut Creek provide park and recreation services" and that different boundary options were considered, including the exclusion of Lafayette residents from the district. Based on the report, it appears that the primary reason for not separating Lafayette from the district is the adjacency of Brookwood Park to Lafayette. More than once, the report indicates that "residents in this area visit the park frequently due to the proximity". While the adjacency is undeniable, very few residents use the park. It is aging, with no investment made in over 15 years (with exception of the installation of 2 port-a-potties from Brookwood Park's portion of the Measure E funds), and, most importantly, it is poorly located. The park is at the corner of two very busy streets, Taylor Blvd and Withers Avenue. There are very few sidewalks in proximity to the park, so getting to the park is treacherous. From our observations over the past several years, the park is scantily utilized except for occasional dog walkers from the immediate (< 50 home) neighborhood. There are many options here, but none of them should fairly ask the citizens of Lafayette to pay \$50,000 -\$100,000 per year so a small number of dog walkers can use Brookwood Park. If separated, we would hope to work with the District to find a more equitable funding solution for ongoing maintenance at Brookwood Park.

Again, on behalf of the Lafayette city and county residents of Reliez Valley, we kindly and respectfully ask for separation from the Pleasant Hill Parks and Recreation District. We are simply not connected to the District in vision, strategy, recreational facilities and services and do not share the view that District should be concentrically focused on Pleasant Hill with us as a part of the District. While it might have made sense for our neighborhood to belong to the district in the past, that is simply not the case any longer, and has become, financially, heavily burdensome and fundamentally unfair.

Thank you for you consideration.

Respectfully, Lafayette City & County Residents and District Members,

Electronically signed by:

Shira Abel

Tom Barber

Roger Chelemedos

Yumi Chelemedos

Franca Del Ponte

Dave Dorian

Rachel Dreyer

Tom Dreyer

Brian Dunton

Shawna Dunton

Chris Evans

Lindy Evans

John Hemmenway

Kathy Hemmenway

Leonora Holmes

Neil Holmes

Hayes Hollar

Heidi Keely

Rick Keely

Rosemary Kirbach

Raj Krishna

Rupy Krishna

Lynda Lurie

Cathy McCarthy

Jack McCarthy

Maria Nelson

Matt Nelson

Dan O'Toole

Stephanie O'Toole

Erin Park

April Raffel

Robert Raffel

Ashley Stevens

Mike Stevens

Pete Stevens

Penny Stevens

Deborah Warren

Fred Warren

Jocelyn Werner

Peter Werner

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

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

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

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

WHEREAS, the Commission has undertaken its 2nd round “*Parks & Recreation Services*” MSR covering all 19 cities, four community services districts (CSDs), three recreation & park districts, one regional park district, and eight county service areas; and

WHEREAS, this MSR, as prepared by Economic & Planning Systems, Inc and Berkson Associates, focuses on: 1) updating profile data including growth and population, finances (expenses, revenues, debt, reserves, rates/fee schedules, other fiscal indicators), and staffing/management; 2) capacity of public services, programs and facilities; service to disadvantaged communities; 3) shared services/facilities and collaboration; 4) accountability, structure and efficiencies; 5) governance structure options; and 6) metrics specific to parks & recreation services; and

WHEREAS, on April 14, 2021, the Commission held a public hearing to receive an overview of the Public Review Draft MSR, receive public comments, and provide input; and

WHEREAS, on June 9, 2021, the Commission held a public hearing to receive the Final Draft MSR and recommended determinations and SOI updates for certain agencies covered in the MSR, including the Pleasant Hill Recreation & Park District (PHRPD); and

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

WHEREAS, at the June 9, 2021 LAFCO meeting, the Commission deferred adopting the MSR/SOI update for PHRPD and formed a subcommittee to meet with City of Lafayette and PHRPD representatives and interested members of the public to further discuss the SOI update; and

WHEREAS, interested parties provided input to the LAFCO subcommittee; and

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

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

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

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

NOW, THEREFORE, BE IT RESOLVED that Contra Costa LAFCO hereby adopts the following MSR determinations for the PHRPD pursuant to §56430.

BE IT FURTHER RESOLVED, that Contra Costa LAFCO retains the existing SOI for PHRPD as depicted in Exhibit A (attached) and makes the following SOI determinations for the PHRPD pursuant to §56425.

MSR DETERMINATIONS

1. Growth and Population Projections

- a) The residential population served by PHRPD is projected to remain relatively stable, growing approximately 6%, between 2020 and 2040, for a total population in 2040 of approximately 43,975.
- b) With expected growth of 0.3% per year, the District's population is projected to grow more slowly than the County's population overall, which is expected to grow at an average of 0.72% per year.

2. The location and characteristics of any disadvantaged unincorporated communities within or contiguous to the sphere of influence

- a) There is a disadvantaged community located within the PHRPD's SOI in the southern portion of the City of Pleasant Hill, adjacent to the City of Walnut Creek. The community appears to have access to PHRPD parks, including the 11-acre Pleasant Oaks Park which has benefitted from recent investment and is in "very good" condition according to District staff.

3. Present and Planned Capacity of Public Facilities and Adequacy of Public Services, Including Infrastructure Needs and Deficiencies

- a) PHRPD offers nearly 260 acres of parkland, representing approximately 6.2 acres per 1,000 residents which exceeds the District's stated goals and is substantially greater than most other park and recreation providers in the County.
- b) PHRPD's active parks are well-amenitized with picnic and BBQ areas, tot lots, basketball courts, bocce courts, and restrooms. There are also special feature parks such as the Pleasant Hill Aquatic Park.
- c) The District adopted a Master Plan in February 2020 to guide park planning and investment.
- d) PHRPD performs regular capital improvements that help maintain District parks and facilities in mostly "very good" condition. There are some exceptions, and PHRPD staff noted that the Winslow Center, the School House, and the Chilpancingo Park are in "poor" condition and in need of significant upgrades.
- e) Pre-COVID, PHRPD offered robust recreational programming for all segments of the resident population and sponsors a range of community events each year.

4. Financial Ability of Agencies to Provide Services

- a) PHRPD has an annual operating budget of more than \$9 million per year, with revenues primarily coming from taxes, assessments, and charges for services, with a modest amount of additional revenue from grants and money/reserves/property. Publicly available budget documents indicate that the District is adequately funded and has the financial ability to provide robust services.
- b) PHRPD publishes a 5-year Capital Improvement Program Plan each year that supports implementation of the 2020 Master Plan priorities. For the period FY 2021 through FY 2024, nearly \$1.5 million of capital improvements is identified.
- c) COVID-19 has severely affected PHRPD's ability to offer recreational programming, creating financial vulnerability to monitor going forward.
- d) The District's parcel tax of \$47 per parcel does not include a cost inflator; as such, the value of the annual parcel tax erodes over time.

5) Status of, and Opportunities for, Shared Facilities

- a) District staff reported that PHRPD shares some facilities with the Mt. Diablo Unified School District, including softball fields at the middle and high schools and the maintenance yard.

6) Accountability for Community Service Needs, Including Governmental Structure and Operational Efficiencies

- a) PHRPD is accountable to its service population and provides transparent governance and operations information. The District's website provides access to the agendas and minutes for the Board meetings and its various committees, as well as annual budgets and audits. The four standing committees include Budget and Finance, Land and Facilities, Program, and Personnel. There is also a Senior Club Board.
- b) The District fully responded to LAFCO's requests for information in a timely manner.
- c) PHRPD makes efforts to reach out to the community through its catalog of available classes, activities and community events called The Spotlight, which is a print publication sent out three times a year to 68,000 - 72,000 homes in Contra Costa County. Also, PHRPD sends an email news bulletin with current information about the District each month, as well as a monthly Senior Newsletter for PHRPD's Senior Center members.
- d) The 2010 MSR found that while PHRPD meets the legal requirement for establishment of a subsidiary district (of the City of Pleasant Hill) based on land area and registered voters, the District has functioned as an independent agency since 1951 and continues to provide adequate services. While some boundary clean-up may be appropriate, no changes to PHRPD's governance are recommended.

7) Any Other Matter Related to Efficient Service Delivery, As Required by Commission Policy

- a) COVID-19 is having a significant effect on PHRPD's ability to offer recreational programs and sponsor community events. While this has negatively affected the District's revenues, there have been operational savings that have partially off-set the loss in revenue.

SOI DETERMINATIONS

1. Present and planned land uses in the area, including agricultural and open-space lands

PHRPD's service boundary encompass the City of Pleasant Hill, a portion of the City of Lafayette (single family residential), small portions of the City of Walnut Creek (commercial), a portion of the unincorporated community of Waldon/Contra Costa Centre (commercial and multi-family residential), and the Reliez Valley (residential). Land uses within the District are primarily residential, with some light industrial and commercial areas. Land uses in the City of Pleasant Hill SOI area to the north of the City (along Pacheco Boulevard) are residential and light industrial. PHRPD has no land use authority; County and city plans include land uses and population growth that may impact the District's service population. The recommendation to retain the existing SOI will result in no changes in present and planned land uses.

2. Present and probable need for public facilities and services in the area

Population within PHRPD is expected to increase by approximately 0.3% annually. While there will be a continued need for adequate park and recreational services in the District, the recommendation to retain the existing SOI will not result in any changes in public facilities or services provided by PHRPD.

3. Present capacity of public facilities and adequacy of public services that the agency provides or is authorized to provide

PHRPD offers 260± acres of parkland, representing approximately 6.5 acres per 1,000 residents which exceeds the District's stated goals and is substantially greater than most other park and recreation providers in the County. PHRPD offers robust recreational programming for all segments of the resident population and sponsors a range of community events each year. Retaining the existing SOI as proposed will not affect the present capacity of public facilities and adequacy of services provided by PHRPD.

4. Existence of any social or economic communities of interest in the area if the commission determines that they are relevant to the agency

There is a disadvantaged community located within PHRPD's SOI in the southern portion of the City of Pleasant Hill, adjacent to the City of Walnut Creek. The recommendation to retain the existing SOI will not affect the existence of any social or economic communities of interest in the area that are relevant to PHRPD.

5. Nature, location, and extent of any functions or classes of services provided by existing districts.

PHRPD directly provides park maintenance and recreation programming throughout District boundary.

PASSED AND ADOPTED this 11th day of August 2021.

AYES:

NOES:

ABSTENTIONS:

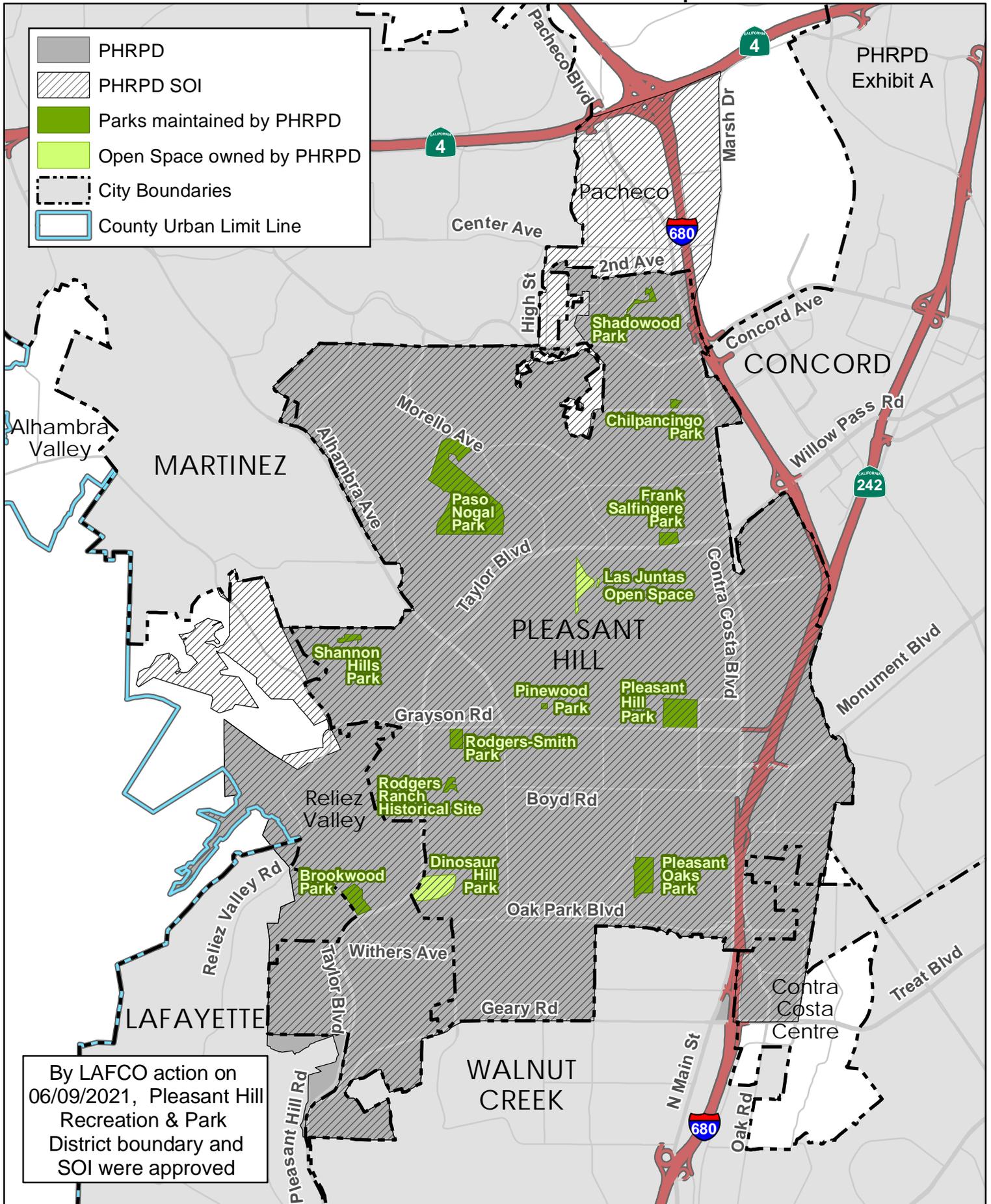
ABSENT:

Igor Skaredoff, Chair, Contra Costa LAFCO

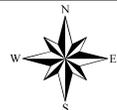
I hereby certify that this is a correct copy of a resolution passed and adopted by the Commission on the date stated above.

Lou Ann Texeira, Executive Officer

Pleasant Hill Recreation & Park District and Sphere of Influence



By LAFCO action on 06/09/2021, Pleasant Hill Recreation & Park District boundary and SOI were approved





Lou Ann Teixeira
 Executive Officer

MEMBERS

- | | |
|---|--|
| Candace Andersen
<i>County Member</i> | Federal Glover
<i>County Member</i> |
| Donald A. Blubaugh
<i>Public Member</i> | Michael R. McGill
<i>Special District Member</i> |
| Tom Butt
<i>City Member</i> | Rob Schroder
<i>City Member</i> |
| Igor Skaredoff
<i>Special District Member</i> | |

ALTERNATE MEMBERS

- | |
|---|
| Diane Burgis
<i>County Member</i> |
| Stanley Caldwell
<i>Special District Member</i> |
| Charles R. Lewis, IV
<i>Public Member</i> |
| Edi Birsan
<i>City Member</i> |

August 11, 2021 (Agenda)

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

**August 11, 2021
 Agenda Item 9**

**2nd Round “Cemetery Districts” Municipal Services Review and
 Sphere of Influence Updates**

Dear Members of the Commission:

OVERVIEW AND PROCESS: In October 2020, Contra Costa LAFCO initiated its 2nd Round “*Cemetery Districts*” *Municipal Services Review (MSR)* and *Sphere of Influence (SOI)* updates.

MSRs provide an assessment of the range and adequacy of municipal services provided in the County and a basis for making LAFCO determinations relating to *growth & population; location/characteristics of disadvantaged communities; capacity of public facilities, services and infrastructure; financial ability of agencies to provide services; opportunities for shared facilities; and accountability, governance structure and operational efficiencies.*

The MSR culminates in updating the SOIs for the subject agencies. The MSR is an important tool for LAFCO in fulfilling its legislative mandate to coordinate the efficient and logical development of local government agencies and services and in establishing future service boundary changes.

Planwest Partners, Inc. prepared the “*Cemetery Districts*” MSR. On June 9, 2021, the Commission received an overview of the *Public Review Draft “Cemetery Districts” MSR*, which covers the Alamo Lafayette Cemetery District (ALCD) and the Byron Brentwood Knightsen Union Cemetery District (BBKUCD).

The 2nd round “*Cemetery Districts*” MSR focuses on the following:

- ✚ Updating agency profile data including growth and population, finances (i.e., expenses, revenues, debt, reserves, endowment fund, fees, net position, other fiscal indicators), and staffing/management
- ✚ Capacity of public services, capital needs, and service to disadvantaged communities
- ✚ Shared services/facilities and collaboration
- ✚ Accountability, structure and efficiencies
- ✚ Governance structure options

Following the June 9th LAFCO hearing, the consultants updated the MSR to reflect Commissioner, local agencies, and public comments. The *Final Draft Cemetery Districts MSR* was released on July 24th.

On August 11th, the Commission will hold a public hearing at which time the consultants will provide an overview of the updates. The Commission will also receive public comment, consider accepting the Final MSR, make the required MSR and SOI determinations, and update the SOIs for the two cemetery districts.

DISCUSSION: The 2nd Round *Cemetery Services MSR* reviews the ALCD and BBKUCD. A brief description of each district is provided below.

✚ **ALCD** was formed in 1937 and provides burial services, year-round maintenance, preservation of interment plots, and records management for two cemeteries. The District owns, operates, and maintains the Alamo and Lafayette cemeteries. The ALCD service area comprises a majority of the City of Lafayette and the Town of Danville, along with portions of the cities of Walnut Creek and San Ramon, unincorporated communities of Blackhawk and Diablo, and portions of the unincorporated communities of Alamo and Waldon. The ALCD service boundary is 84± square miles and serves a population of approximately 170,455. ALCD has three Board members, a District Manager, a District Assistant and two groundskeepers.

✚ **BBKUCD** was formed in 1928 and provides burial services, year-round maintenance, preservation of interment plots, and records management for one cemetery located in Brentwood. The BBKUCD service area includes the City of Brentwood and the eastern portion of the City of Oakley; the unincorporated communities of Discovery Bay, Byron, Knightsen; the eastern Morgan Territory which is largely mountainous open space; the Los Vaqueros Reservoir and surrounding watershed; Veale Tract and the Delta islands of Bethel, Jersey, Bradford, Webb, Quimby, Holland, Palm, Orwood, and Coney. The BBKUCD service area is 203± square miles and serves a population of approximately 82,719. BBKUCD has three Board members, a District Manager, a part-time office assistant, and three full-time groundskeepers. Recently, BBKUCD hired the ALCD District Manager who works part-time to assist with administration and finances.

The 2nd Round *Cemetery Districts MSR* includes an analysis of the MSR and SOI determinations which are summarized below and included in the attached LAFCO resolutions.

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

1. Growth and population projections for the affected area
2. The location and characteristics of any disadvantaged unincorporated communities (DUCs) within or contiguous to the SOI*
3. Present and planned capacity of public facilities, adequacy of public services, and infrastructure needs or deficiencies including needs or deficiencies related to sewers, municipal and industrial water, and structural fire protection in any DUCs within or contiguous to the SOI
4. Financial ability of agencies to provide services
5. Status of, and opportunities for, shared facilities
6. Accountability for community service needs, including governmental structure and operational efficiencies
7. Any other matter related to effective or efficient service delivery, as required by commission policy

***Note:** Contra Costa LAFCO looks at “disadvantaged communities” which includes both incorporated and unincorporated areas.

The MSR report includes an analysis of each of these factors as reflected in attached LAFCO resolutions. The table below provides a summary of MSR determinations for ALCD and BBKUCD.

MSR Determination	ALCD	BBKUCD
<i>Growth and Population</i>	Current population is approximately 170,455. Population growth for the service area is expected to be less than or equal to the County average of 0.97%, for an estimated population of 186,000 by 2030.	Current population is approximately 82,719. Population growth for the service area is expected to be less than or equal to the County average of 0.97% for an estimated population of 89,000 by 2030.

MSR Determination	ALCD	BBKUCD
<i>Disadvantaged communities (DAC)</i>	There is currently one DAC within the ALCD boundary located in the Saranap/Rossmoor area.	There are currently two DACs within the BBKUCD boundary including Bethel Island and a small area in the City of Brentwood.
<i>Capacity and Services</i>	ALCD appears to have sufficient interment capacity for the next 15-20 years based on estimated population growth. However, capacity is limited to niche burial of cremation remains at the Alamo Cemetery. It is projected that the Alamo cemetery can accommodate 3.7 year of cremation remains with no current space available for body burials. The Lafayette cemetery can accommodate 2.3 years of cremation remains and 15.9 years of body burials.	<p>-In May 2020, BBKUCD purchased 10 acres of land for future constituent need. There is no plan for property development at this time.</p> <p>-BBKUCD has a total of 499 cremation niches with 129 available for future use. Based on the number of niche burials in FY 2019-20, there is enough capacity for approximately 12 years.</p> <p>-BBKUCD has not historically tracked in ground cemetery capacity information and is in the process of implementing a new system to do so. With the recent purchase of land, it is expected there will be adequate capacity to meet demand in the foreseeable future.</p> <p>-BBKUCD does not currently maintain a Capital Improvement Plan (CIP). District staff is drafting a CIP. It is recommended that the CIP be reviewed annually and updated to reflect changing needs and priorities.</p>
<i>Finances</i>	ALCD relies on property tax revenue and fees for service. Based on financial audits, ALCD shows an annual surplus of revenues over expenditures which allows ALCD to increase its net position over time and plan for large capital outlay projects. The MSR recommends improvements to financial transparency.	BBKUCD is updating its financial practices and budgets which shows a net surplus of funds and a small gain to accommodate unforeseen expenses or to place in reserves. BBKUCD has enough revenue to cover current expenses. The MSR recommends improvements to financial transparency.
<i>Shared Facilities and Service</i>	There is currently no facility sharing. The ALCD District Manager works part-time as a Consulting Manager with BBKUCD to assist with operating, finance, personnel, and governance related needs.	There is currently no facility sharing. The ALCD District Manager works part-time as a Consulting Manager with BBKUCD to assist with operating, finance, personnel, and governance related needs.
<i>Community Service Needs (governmental structure, operational efficiencies)</i>	ALCD is governed by a 3-member Board of Trustees. ALCD demonstrated accountability and transparency by disclosing financial and service-related information in response to LAFCO requests. ALCD has a website but needs to include current financial information.	BBKUCD is governed by a 3-member Board of Trustees. BBKUCD demonstrated accountability and transparency by disclosing financial and service-related information in response to LAFCO requests. BBKUCD has a website but needs to include current financial information.
<i>Other matters related to effective or efficient service delivery</i>	The pandemic delayed CIP projects due to limited contractor availability, and reduced demand for service due in part to increased restrictions on burial services.	The pandemic caused unexpected changes in how BBKUCD can sell sites and restrictions on burial services.

Sphere of Influence (SOI) Determinations - In accordance with the MSR, LAFCO must prepare written determinations relating to the following relevant factors:

1. Present and planned land uses in the area, including agricultural and open-space lands
2. Present and probable need for public facilities and services in the area
3. Present capacity of public facilities and adequacy of public services that the agency provides or is authorized to provide
4. Existence of any social or economic communities of interest in the area if the Commission determines that they are relevant to the agency
5. Nature, location, and extent of any functions or classes of services provided by the existing district

The MSR report includes an analysis of each of these factors as reflected in attached LAFCO resolutions. The table below provides a summary of SOI determinations for ALCD and BBKUCD.

SOI Determination	ALCD	BBKUCD
<i>Present and planned land use</i>	ALCD encompasses various land uses and business activities within its service boundary. ALCD has no land use authority; County and city plans include land uses and population growth that may impact ALCD services. No changes in land uses will result from this SOI update.	BBKUCD encompasses various land uses including suburban (low density) residential and commercial development; watershed; agricultural, pasture, and Delta recreation land uses. No changes in land uses will result from this SOI update.
<i>Present and probable need for public facilities & services</i>	Growth within ALCD's service area is projected to be less than one percent. There is a present and probable need for ALCD services.	BBKUCD appears to have sufficient interment capacity for the next 15-20 years, accounting for population growth. There is a present and probable need for BBKUCD services.
<i>Capacity of public facilities and adequacy of public services</i>	ALCD appears to have sufficient interment capacity for the next 15-20 years based on estimated population growth. However, capacity is limited to niche burial of cremation remains at the Alamo Cemetery.	The current capacity for in ground burials is unknown. There appears to be adequate capacity for 12± years of cremation niche interments. The District's current service appears to be adequate to serve current and future demand. Capital improvements are needed to maintain and potentially improve the level of service.
<i>Social or economic communities of interest</i>	The ALCD community of interest is the District's service boundary. There is one DAC within the ALCD boundary located in the Saranap/Rossmoor area.	The BBKUCD community of interest is the District's service boundary. There are two DACs within BBKUCD including an area in the City of Brentwood and the unincorporated Bethel Island community.
<i>Nature, location, functions and classes of service</i>	ALCD owns, operates, and maintains the Alamo and Lafayette cemeteries. The district serves a portion of the City of Walnut Creek, most of Town of Danville and City of Lafayette, the eastern portion of the City of San Ramon, and portions of the unincorporated communities of Alamo, Blackhawk, Diablo and Waldon.	BBKUCD owns, operates, and maintains the Union Cemetery. The District serves the City of Brentwood, portions of the cities of Antioch and Oakley, the unincorporated communities of Discovery Bay, Byron, Knightsen, Morgan Territory, Veale Tract, and the Delta islands of Bethel, Jersey, Bradford, Webb, Quimby, Holland, Palm, Orwood, and Coney.

ENVIRONMENTAL ANALYSIS

The MSR is a study, intended to serve as an informational tool to help LAFCO, local agencies and the public better understand the public service structure in Contra Costa County. The MSR study and determinations are statutorily exempt under §15262 of the California Environmental Quality Act (CEQA) Guidelines. The LAFCO SOI updates are categorically exempt under §15061(b)(3) of the CEQA Guidelines.

RECOMMENDATIONS

1. Receive the staff and consultants' presentations and open the public hearing to receive public comments;
2. After receiving public comments close the hearing;
3. Provide comments as desired;
4. Determine that the MSR project is statutorily exempt pursuant to §15262 of the CEQA Guidelines;
5. Determine that the SOI updates are categorically exempt pursuant to §15061(b)(3) of the CEQA Guidelines;
6. Accept the 2nd round *Final Cemetery Districts MSR*; and
7. Adopt the MSR/SOI determinations for ALCD and BBKUC by resolutions attached hereto.

Sincerely,

LOU ANN TEXEIRA
EXECUTIVE OFFICER

c: Distribution

Exhibit

A – Alamo-Lafayette Cemetery District and Coterminous SOI

B – Byron Brentwood Knightsen Union Cemetery District and Coterminous SOI

Attachment

1. MSR and SOI Resolution - ALCD
2. MSR and SOI Resolution – BBKUCD

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

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

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

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

WHEREAS, the Commission has undertaken its 2nd round “*Cemetery Services*” MSR covering the two cemetery districts in Contra Costa County; and

WHEREAS, this MSR, as prepared by Planwest Partners, Inc., focuses on 1) updating profile data including growth and population, finances (expenses, revenues, debt, reserves, fees, net position, endowment fund, and other fiscal indicators) and staffing/management; 2) capacity and capital needs; 3) service to disadvantaged communities; 4) shared services/facilities and collaboration; and 5) accountability, structure and efficiencies; and

WHEREAS, on June 9, 2021, the Commission held a public hearing to receive an overview of the *Public Review Draft MSR Cemetery Districts MSR*, receive public comments, and provide input; and

WHEREAS, on August 11, 2021, the Commission held a public hearing to receive the *Final Draft MSR* and recommended MSR and SOI determinations and SOI updates for the two cemetery districts covered in the MSR, including the Alamo Lafayette Cemetery District (ALCD); and

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

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

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

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

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

NOW, THEREFORE, BE IT RESOLVED that Contra Costa LAFCO hereby adopts the following MSR determinations for ALCD pursuant to §56430; retains the existing coterminous SOI for ALCD as shown in Exhibit A (attached); and adopts the following SOI determinations pursuant to §56425.

MSR DETERMINATIONS

1. *Growth and Population Projections*

- a) The ALCD estimated population is 170,455. Population growth for the service area is expected to be less than or equal to the County average of 0.97%, for an estimated population of 186,000 by 2030.
- b) The population estimate assumes a constant growth rate which may fluctuate due to the current uncertainties surrounding the COVID-19 pandemic and other unforeseen factors. Once the 2020 decennial census data is released, a more accurate population estimate for ALCD can be calculated.

2. *The location and characteristics of any disadvantaged communities within or contiguous to the Sphere of Influence.*

- a) There is one disadvantaged community within the ALCD boundary located in the Saranap/Rossmoor area (southwestern area of Walnut Creek).

3. *Present and planned capacity of public facilities and adequacy of public services, including infrastructure needs or deficiencies.*

- a) There is currently adequate cemetery capacity to serve the ALCD community for the next five to seven years. Although Alamo Cemetery has no capacity for full body burials, Lafayette Cemetery can accommodate full body burials over the next 15 years.
- b) ALCD is working on a fund impact report based on estimated market costs for Capital Asset Improvements. The report identifies much needed improvements for District infrastructure including building maintenance, plumbing, and internet updates.

4. *Financial ability of agencies to provide services.*

- a) ALCD relies primarily on property tax revenue and fees for service.
- b) Based on regular audits, ALCD shows an annual surplus of revenues over expenditures including in FY 2019-20. This allows ALCD to increase its net position over time and plan for large capital outlay projects.
- c) ALCD does not currently submit adopted annual budgets to the County Auditor-Controller. It is recommended the District forward adopted budgets to the County Auditor-Controller in accordance with California Health & Safety Code §9070(c); this will increase transparency for ALCD.

5. *Status of, and opportunities for, shared facilities.*

- a) ALCD is not presently engaged in facility sharing, such as sharing with private service providers. The ALCD District Manager works part-time as a Consulting Manager with BBKUCD to assist with operating, finance, personnel, and governance related needs.

6. *Accountability for community service needs, including governmental structure and operational efficiencies.*

- a) ALCD is governed by a three-member Board of Trustees. The District demonstrated accountability and transparency by disclosing financial and service-related information in response to LAFCO requests. ALCD has a website. It is recommended that the District add current financial information to comply with Special District website regulations (SB 929) that came into effect January 1, 2020.

7. *Any other matter related to effective or efficient service delivery, as required by commission policy.*

- a) ALCD has experienced delays in completing the projects listed in its CIP due to the COVID-19 pandemic and limited contractor availability. Also, the pandemic reduced demand for service due in part to increased COVID-19 restrictions on burial protocols which caused the Board to revise the FY 2020-21 budget.
- b) No changes to the current boundary and/or SOI are proposed at this time. It is recommended that the SOI remain coterminous with the District's service boundary.

SOI DETERMINATIONS

1. ***Present and planned land uses in the area, including agricultural and open-space lands.***
ALCD encompasses a variety of land uses and business activities and comprises a majority of the City of Lafayette and Town of Danville, portions of the cities of Walnut Creek and San Ramon, unincorporated communities of Blackhawk and Diablo, and a portion of the unincorporated communities of Alamo and Walden. ALCD has no land use authority. County and city plans include land uses and population growth that may impact ALCD services. No changes in land uses will result from this SOI update.
2. ***Present and probable need for public facilities and services in the area.***
Projected growth within the District's service area is anticipated to be less than one percent. There is a present and probable need for ALCD services. No changes in services or facilities will result from this SOI update.
3. ***Present capacity of public facilities and adequacy of public services that the agency provides or is authorized to provide.***
ALCD appears to have sufficient interment capacity for the next 15-20 years based on estimated population growth. Capacity is limited to niche burial of cremation remains at the Alamo Cemetery. It is projected that the Alamo cemetery can accommodate 3.7 year of cremation remains with no current space available for body burials. The Lafayette cemetery can accommodate 2.3 years of cremation remains and 15.9 years of body burials. Prior to considering expanded services outside the current service area, ALCD must demonstrate the ability to provide services to areas within its existing service boundary.
4. ***Existence of any social or economic communities of interest in the area if the commission determines that they are relevant to the agency.***
The ALCD was formed in 1937 and serves a majority of the City of Lafayette and the Town of Danville, portions of the cities of Walnut Creek and San Ramon, unincorporated communities of Blackhawk and Diablo, and portions of the unincorporated communities of Alamo and Walden. There is one disadvantaged community within the ALCD boundary located in the Saranap/Rossmoor area. These service areas have a social and economic interest in ALCD.
5. ***Nature, location, and extent of any functions or classes of services provided by the existing district.***
ALCD owns, operates, and maintains the Alamo and Lafayette cemeteries. The district serves a portion of the City of Walnut Creek, most of Town of Danville and City of Lafayette, the eastern portion of the City of San Ramon, and portions of the unincorporated communities of Alamo, Blackhawk, Diablo and Walden.

PASSED AND ADOPTED this 11th day of August 2021.

AYES:

NOES:

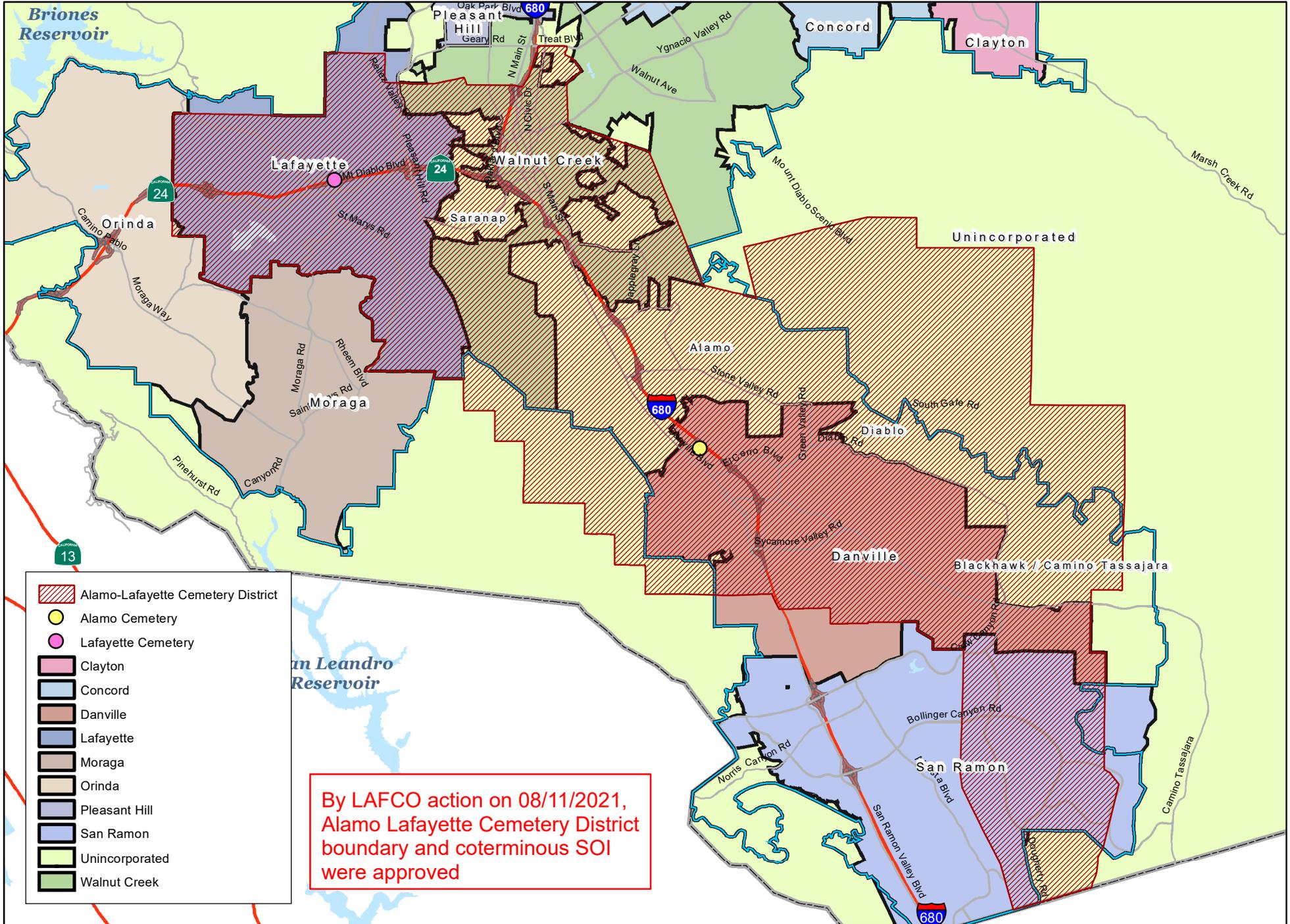
ABSTENTIONS:

ABSENT:

Igor Skaredoff, Chair, Contra Costa LAFCO

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

Lou Ann Texeira, Executive Officer



**RESOLUTION OF THE CONTRA COSTA LOCAL AGENCY FORMATION
COMMISSION ADOPTING MUNICIPAL SERVICE REVIEW AND
SPHERE OF INFLUENCE DETERMINATIONS FOR THE
BYRON-BRENTWOOD-KNIGHTSEN UNION CEMETERY DISTRICT**

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

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

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

WHEREAS, the Commission has undertaken its 2nd round “*Cemetery Services*” MSR covering the two cemetery districts in Contra Costa County; and

WHEREAS, this MSR, as prepared by Planwest Partners, Inc., focuses on 1) updating profile data including growth and population, finances (expenses, revenues, debt, reserves, fees, net position, endowment fund, and other fiscal indicators) and staffing/management; 2) capacity and capital needs; 3) service to disadvantaged communities; 4) shared services/facilities and collaboration; and 5) accountability, structure and efficiencies; and

WHEREAS, on June 9, 2021, the Commission held a public hearing to receive an overview of the Public Review Draft MSR *Cemetery Districts MSR*, receive public comments, and provide input; and

WHEREAS, on August 11, 2021, the Commission held a public hearing to receive the *Final Draft MSR* and recommended SOI and MSR determinations and SOI updates for the two cemetery districts covered in the MSR, including the Byron-Brentwood-Knightesen Union Cemetery District (BBKUCD); and

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

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

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

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

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

NOW, THEREFORE, BE IT RESOLVED that Contra Costa LAFCO hereby adopts the following MSR determinations for BBKUCD pursuant to §56430; retains the existing coterminous SOI for BBKUCD as shown in Exhibit A (attached); and adopts the following SOI determinations pursuant to §56425.

MSR DETERMINATIONS

1. *Growth and Population Projections*

- a) The BBKUCD estimated population is 82,719. Population growth for the service area is expected to be less than or equal to the County average of 0.97%, for an estimated population of approximately 89,000 by 2030.
- b) The population estimate assumes a constant growth rate which may fluctuate due to the current uncertainties surrounding the COVID-19 pandemic and other unforeseen factors. Once the 2020 decennial census data is available, a more accurate population estimate for BBKUCD can be calculated.

2. *The location and characteristics of any disadvantaged communities within or contiguous to the Sphere of Influence.*

- a) Two disadvantaged communities are identified within BBKUCD including the community of Bethel Island with a median household income (MHI) of \$38,801, which is 48% of the statewide MHI, and a small area in the City of Brentwood, with a MHI of \$37,875 (2018).

3. *Present and planned capacity of public facilities and adequacy of public services, including infrastructure needs or deficiencies.*

- a) In May 2020, BBKUCD purchased 10 acres of land located at 1000 Smith Lane in Byron for future constituent need and in keeping with prior MSR recommendations. However, there is no plan for property development at this time.
- b) There are a total of 499 cremation niches with 129 available for further use within the District. Based on the number of niche burials in FY 2019-20, there is capacity for approximately 12 years.
- c) BBKUCD has not historically tracked in ground cemetery capacity information and is in the process of implementing a new system to track capacity. With the purchase of the new land, it is anticipated there will be adequate capacity to meet District demand for the foreseeable future.
- d) BBKUCD does not currently maintain a Capital Improvement Plan (CIP), although the District is drafting one to bring to the Board this summer. It is recommended that a CIP be annually reviewed and updated to reflect changing needs and priorities.

4. *Financial ability of agencies to provide services.*

- a) BBKUCD relies primarily on property tax revenue and fees for service.
- b) BBKUCD is updating its financial practices and budgets to determine a net surplus of funds. This will provide for a small gain to accommodate unforeseen expenses or to place in reserves and indicate that BBKUCD has sufficient revenue to cover current District expenses.
- c) BBKUCD is not currently submitting adopted annual budgets to the County Auditor-Controller. It is recommended the District forward its adopted budgets to the County Auditor-Controller in compliance with California Health & Safety Code §9070(c); this will increase transparency for BBKUCD.

5. *Status of, and opportunities for, shared facilities.*

- a) BBKUCD is not presently engaged in facility sharing, such as sharing with private service providers. The ALCD District Manager works part-time as a Consulting Manager with BBKUCD to assist with operating, finance, personnel, and governance related needs.

6. *Accountability for community service needs, including governmental structure and operational efficiencies.*

- a) BBKUCD is governed by a three-member Board of Trustees. The District demonstrated accountability and transparency by disclosing financial and service-related information in response to LAFCO requests. BBKUCD has a website but needs to include current financial information and meeting minutes to comply with state law.

7. ***Any other matter related to effective or efficient service delivery, as required by commission policy.***

- a) The COVID-19 pandemic caused unexpected changes in how BBKUCD is permitted to sell sites and perform all burial services. At the height of the pandemic, the State of California and the Centers for Disease Control permitted only two people to select and finalize the purchase of cemetery lots and niches, and 10 – 20 people to attend burials
- b) No changes to the current boundary or SOI are proposed at this time. It is recommended that the SOI remain coterminous with BBKUCD’s service boundary.

SOI DETERMINATIONS

1. ***Present and planned land uses in the area, including agricultural and open-space lands.***

BBKUCD includes the City of Brentwood and the unincorporated community of Discovery Bay. Land uses in these areas consist primarily of suburban (low density) residential and commercial development. The District also includes the unincorporated communities of Byron, Knightsen, and the eastern portion of the City of Oakley. Land uses in these areas consist primarily of agricultural land. Other areas within BBKUCD include eastern Morgan Territory which is largely mountainous open space, the Los Vaqueros Reservoir and surrounding watershed, Veale Tract, and the Delta islands of Bethel, Jersey, Bradford, Webb, Quimby, Holland, Palm, Orwood, and Coney which consist primarily of agricultural, pasture, and Delta recreation land uses. No changes in land uses will result from this SOI update.

2. ***Present and probable need for public facilities and services in the area.***

BBKUCD appears to have sufficient interment capacity for the next 15-20 years, accounting for population growth. However, there is currently limited funding for capital improvements.

3. ***Present capacity of public facilities and adequacy of public services that the agency provides or is authorized to provide.***

- a) The current capacity for in ground burials is unknown. However, there appears to be adequate capacity for approximately 12 years of cremation niche interments.
- b) The current level of public services provided by BBKUCD appears to be adequate to serve current and future demand. However, the District needs several capital improvement projects to maintain and potentially improve the level of service for BBKUCD. These include upgrades to the District office, updated maintenance equipment, and improvement of recently purchased lands.

4. ***Existence of any social or economic communities of interest in the area if the commission determines that they are relevant to the agency.***

BBKUCD was formed in 1928 and serves the unincorporated communities of Byron, Knightsen, Discovery Bay, Bethel Island, the eastern portion of Morgan Territory, the Delta islands of Jersey, Bradford, Webb, Quimby, Holland, Palm, Orwood, and Coney; the City of Brentwood, the eastern portion of the City of Oakley, and a small portion of the City of Antioch. BBKUCD relies primarily on property taxes and service fees. There are two disadvantaged communities within BBKUCD including an area in the City of Brentwood and the unincorporated Bethel Island community. The social and economic community of interest includes those cities and communities served by BBKUCD.

5. ***Nature, location, and extent of any functions or classes of services provided by the existing district.***

BBKUCD owns, operates, and maintains the Union Cemetery. The District serves the City of Brentwood, a portion of the City of Oakley, the unincorporated communities of Discovery Bay, Byron, Knightsen, Morgan Territory, Veale Tract, the Delta islands of Bethel, Jersey, Bradford, Webb, Quimby, Holland, Palm, Orwood, and Coney, and small portion of the City of Antioch.

PASSED AND ADOPTED this 11th day of August 2021.

AYES:

NOES:

ABSTENTIONS:

ABSENT:

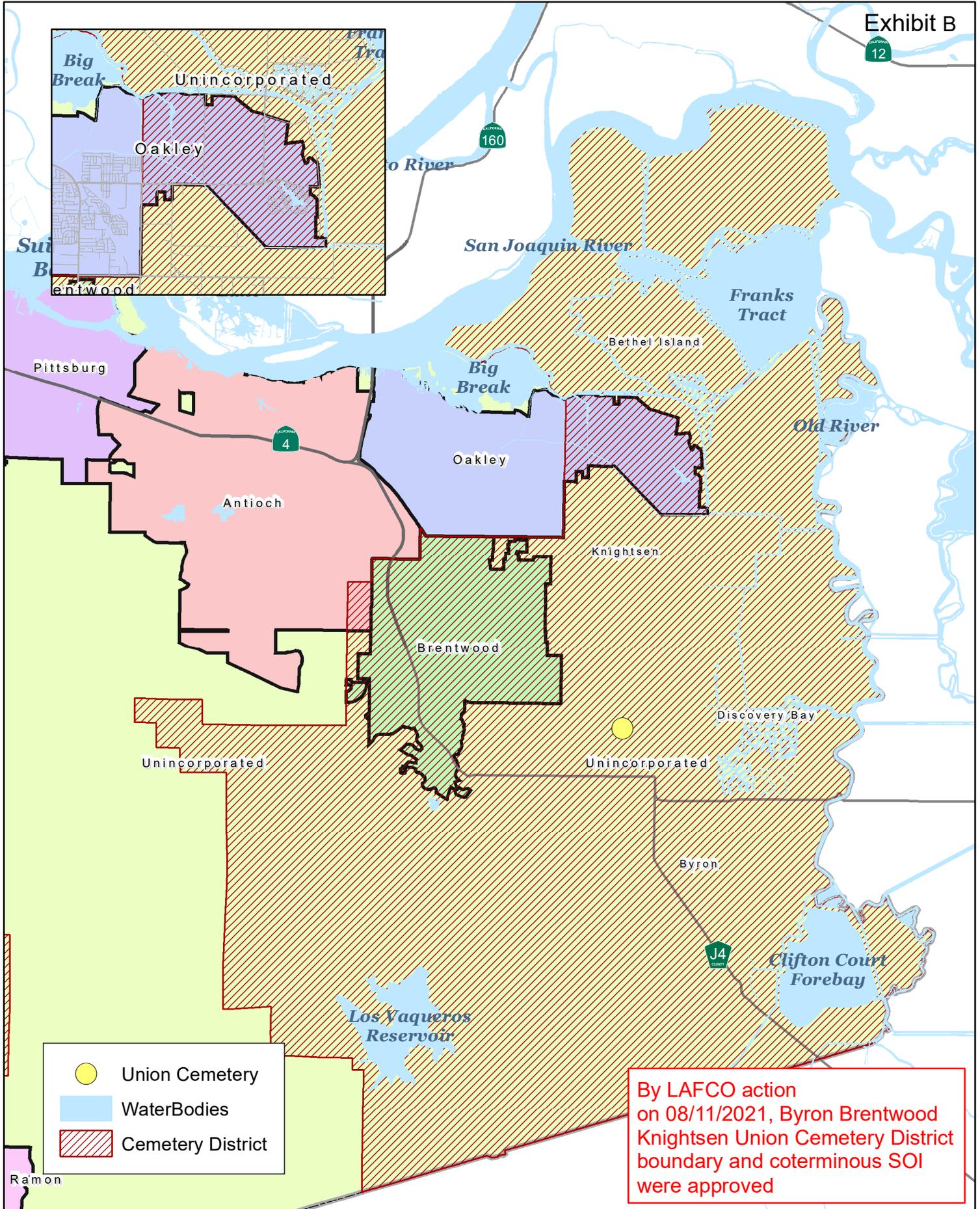
Igor Skaredoff, Chair, Contra Costa LAFCO

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

Lou Ann Texeira, Executive Officer

Byron Brentwood Knightsen Union Cemetery District and Coterminous SOI

Exhibit B
12



By LAFCO action on 08/11/2021, Byron Brentwood Knightsen Union Cemetery District boundary and coterminous SOI were approved





Lou Ann Texeira
Executive Officer

MEMBERS

Candace Andersen <i>County Member</i>	Federal Glover <i>County Member</i>
Donald A. Blubaugh <i>Public Member</i>	Michael R. McGill <i>Special District Member</i>
Tom Butt <i>City Member</i>	Rob Schroder <i>City Member</i>
Igor Skaredoff <i>Special District Member</i>	

ALTERNATE MEMBERS

Diane Burgis <i>County Member</i>
Stanley Caldwell <i>Special District Member</i>
Charles R. Lewis, IV <i>Public Member</i>
Edi Birsan <i>City Member</i>

August 11, 2021 (Agenda)

August 11, 2021
Agenda Item 10

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

CALAFCO Annual Conference, Call for Board Member Nominations and Achievement Award Nominations

Dear Commissioners:

The annual CALAFCO conference will be held October 6-8, 2021 at the Hyatt Regency Newport Beach John Wayne Airport. Conference and registration information is attached (Attachment 1), and conference updates are posted on the CALAFCO website at www.calafco.org.

Each year, prior to the annual conference, CALAFCO calls for Achievement Award and Board of Director nominations. The CALAFCO Board of Directors recently updated the CALAFCO Achievement Awards program (Attachment 2). Nominations are now open for both the 2020 and 2021 CALAFCO **Achievement Awards** (there were no awards in 2020 due to the pandemic). The awards recognize outstanding achievements by individuals and organizations committed to LAFCO goals and principles. The deadline for award nominations is **August 13, 2021**. LAFCO staff proposes to nominate Contra Costa Water District and Diablo Water District for their continued efforts to extend municipal water service to disadvantaged communities – see draft nomination (Attachment 3).

CALAFCO is also calling for nominations for seats on the CALAFCO Board of Directors (Attachment 4). There are eight seats up for election this Fall - two from each of the four regions. The Coastal Region seats include a City Member and a Public Member. The deadline for Board nominations is **September 7, 2021**. Election of CALAFCO Board members and Achievement Award ceremony will take place at the annual CALAFCO conference on October 7, 2021. Commissioner McGill serves on the CALAFCO Board representing the Coastal Region. Commissioner McGill is the CALAFCO Immediate Past Chair and serves on several CALAFCO committees including the Legislative Committee.

The CALAFCO bylaws require that each LAFCO designate a voting delegate to vote on behalf of their Commission. The voting delegate may be a commissioner, alternate commissioner, or executive officer. Voting delegates must be designated by **September 7, 2021**.

Recommendations: Advise as to any Board and Achievement Award nominations, appoint a voting delegate and alternate, and direct staff to forward the information to CALAFCO.

Sincerely,

LOU ANN TEXEIRA
EXECUTIVE OFFICER

Attachment 1 – CALAFCO Conference Announcement
Attachment 2 – CALAFCO Achievement Awards Nomination Packet
Attachment 3 – Contra Costa LAFCO Achievement Award Nomination - DRAFT
Attachment 4 - CALAFCO Board Nomination Packet



Announcing The 2021 CALAFCO Annual Conference

Hosted by CALAFCO

October 6 - 8

Hyatt Regency, Newport Beach
Conveniently located near the John Wayne Airport



Highly Relevant & Diverse General & Breakout Session Topics

- The New Era: State of the State in terms of extreme water and fire issues, and what it means for LAFCo* (Wed)
- Looming pension liabilities (Thu)
- City/District funding and property tax agreements (Thu)
- Post-pandemic workforce best practices for hiring staff (Thu)
- Hot topic facilitated breakouts – two rounds (Thu)
- The “bilities” of water and the LAFCo connection: Availability, accessibility, and portability (along with quality and state mandates)* (Wed)
- Cyber Security threats to LAFCos and local agencies* (Fri)
- Annual CALAFCO Legislative Update* (Fri)
- CALAFCO Annual Business Meeting (for all CALAFCO members)* (Thu)

*Note: The Program is subject to change.
Indicates General Session

Special Highlights

LAFCo 101

An introduction to LAFCo and LAFCo law for Commissioners, Staff, and anyone interested in learning more about LAFCo

*Wednesday from
10:00 a.m. to Noon*

Special Thursday afternoon session:

Hot Topic Roundtables

Join us for a special kind of breakout session format: **topical roundtables**. Choose the topics that are of most interest to you and join the conversation. This is a chance to share issues, existing best practice solutions, and create new and innovation solutions. Each round of the two-round breakouts will be approx. 50 mins.

Topical list still being prepared and may include LAFCo indemnification, sea level rise, pandemic recovery, local fire issues, local water issues.

It's been 2 years since we've seen you...are you missing each other?

We've Created

Invaluable Networking Opportunities for Reconnection!

- Regional Roundtable discussions on current regional LAFCo issues
- Extended roundtable discussion for LAFCo legal counsel
- Networking breakfasts and extended breaks
- Welcome Reception Wednesday
- Thursday Pre-dinner Reception & breaks with Sponsors
- Awards Banquet Thursday

Hyatt Regency Newport Beach at the John Wayne Airport



Make your reservations now at the **Hyatt Regency** at the special CALAFCO rate of \$194 (excludes tax and fees). Special rates available 3 days pre- and post-conference on availability, includes in-room wifi and parking.

Reservation cutoff date is 9/6/21.

TO MAKE HOTEL RESERVATIONS, PLEASE VISIT: <https://www.hyatt.com/en-US/group-booking/SNARJ/G-CAL2> or call directly at 949-975-1234 and reference CALAFCO event.

Visit www.calafco.org for Conference details or call us at 916-442-6536.

**Mark your calendar and
plan to attend!**

**Registration is now open!
Visit www.calafco.org**

Date: May 24, 2021

To: CALAFCO Members
LAFCo Commissioners and Staff
Other Interested Organizations

From: CALAFCO Achievement Awards Committee

Subject: 2021 CALAFCO Achievement Award Nominations



On behalf of the Association, we are pleased to announce the newly updated CALAFCO Achievement Awards program and the opening of the nomination period. During the past year while the Committee and program were in hiatus due to the pandemic, the program underwent a comprehensive review and update. On April 30, 2021, the Board of Directors unanimously approved and adopted the program.

Each year, CALAFCO recognizes outstanding achievements by dedicated and committed individuals and/or organizations from throughout the state at the Annual Conference Achievement Awards Ceremony. This year's ceremony will be on October 7 at the Hyatt Regency Newport Beach John Wayne Airport, during the awards banquet.

Recognizing individual and organizational achievements is an important responsibility. It provides visible recognition and support to those who go *above and beyond* in their work to advance the principles and goals of the Cortese-Knox-Hertzberg Act. We invite you to use this opportunity to nominate the individuals and organizations you feel deserve this important recognition based on the criteria outlined. *Please carefully review the nomination instructions and the criteria for each category. Incomplete nominations will not be considered by the Committee, nor will nominations that do not adhere to the submittal guidelines.*

For this year only, the nomination period covers the 2020 and 2021 timeframe. This is because there were no awards last year. This will be a one-time only expansion of the timeframe. ***SPECIFICALLY, THAT IS JULY 1, 2019 THROUGH JUNE 30, 2021. Please ensure your nomination highlights achievements only during this timeframe.***

To make a nomination, please use the following procedure:

1. Nominations may be made by an individual, a LAFCo, a CALAFCO Associate Member, or any other organization.
2. Each nomination must meet the specific award category criteria for consideration. The Committee will not consider any nomination for an award for any category other than the one for which it was submitted. Duplicate nominations *will not be considered by the Committee.*
3. Nominations ***must be submitted with a completed nomination form.*** Please use a separate form for each nomination. The form is your opportunity to highlight the most important points of your nomination.
4. Nomination *Executive Summaries* must be *limited to no more than 250 words in length.* Nomination *Summaries* must be *limited to no more than 1,000 words or 2 pages in length maximum.* You are encouraged to write them in a clear, concise and understandable manner. If the Awards Committee members require additional information, you will be contacted with that request. Any nomination received that exceeds this amount *will not be considered by the Committee.*

5. All supporting information (e.g. reports, news articles, etc.) must be submitted with the nomination. *Limit supporting documentation to no more than 3 pages.* If the Awards Committee members require additional information, you will be contacted with that request. Any nomination received that exceeds this amount *will not be considered by the Committee.*
6. All nomination materials must be submitted at one time and must be received by the deadline. No late nominations will be accepted – no exceptions. Electronic submittals are required and must be submitted as pdf document, using the fillable pdf document provided.
7. **Nominations and supporting materials must be received no later than 3:00 p.m., Friday, August 13, 2021.** Send nominations via e-mail to:

Stephen Lucas, CALAFCO Executive Officer
slucas@buttecounty.net

AND

Christine Crawford, CALAFCO Deputy Executive Officer
christine.crawford@yolocounty.org

Please contact Steve Lucas, CALAFCO Executive Officer, at slucas@buttecounty.net or (530) 538-7784 with any questions.

Members of the 2021 CALAFCO Board of Directors Awards Committee

Board Members:

Anita Paque, Committee Chair (Calveras LAFCo, Central Region)

Daron McDaniel (Merced LAFCo, Central Region)

Jo MacKenzie (San Diego LAFCo, Southern Region)

Margie Mohler (Napa LAFCo, Coastal Region)

Josh Susman (Nevada LAFCo, Northern Region)

apaque@calafco.org

dmdaniel@calaco.org

jmackenzie@calafco.org

mmohler@calafco.org

jsusman@calafco.org

Regional Officer Members:

Christine Crawford, CALAFCO Deputy Executive Officer (Central Region)

Steve Lucas, CALAFCO Executive Officer (Northern Region)

Martha Poyatos, CALAFCO Deputy Executive Officer (Coastal Region)

Gary Thompson, CALAFCO Deputy Executive Officer (Southern Region)

christine.crawford@yolocounty.org

slucas@buttecounty.net

mpoyatos@smcgov.org

gthompson@lafco.org

Included as attachments:

- Achievement Awards Program Summary
- 2021 Achievement Award nomination form
- Achievement Award categories, nomination and selection criteria
- Listing of prior Achievement Award recipients





CALAFCO ACHIEVEMENT AWARDS SUMMARY OF PROGRAM CHANGES

AS ADOPTED BY THE BOARD OF DIRECTORS ON APRIL 30, 2021

Purpose of the changes

There are several goals to updating the CALAFCO Achievement Awards program.

First, nomination criteria did not exist for any award. By adding specific nomination criteria to each award, it will be easier for those considering submittal of a nomination to have clear standards that must be met in order for any nomination to be considered. Further, the criterion creates guidelines for the author of a nomination submittal.

Next, also non-existent were selection criteria. By creating selection criteria for each award, the Awards Committee has clear guidelines by which to review and consider each nomination within a given award category. Each proposed selection criteria is customized to the nomination criteria for that award category. This clear criterion also allows nominators to understand what will be considered by the Awards Committee as the nominations for a given category are considered.

We believe both of these goals create a more transparent and comprehensive Achievement Awards program for our membership.

Additionally, the updated Awards Program does several other things. First, it spotlights achievements *above and beyond* what is expected in the normal course of business. Second, it streamlines the current Award categories. Finally, it links specific achievements back to the mission and purpose of LAFCo, thereby enhancing their value and meaning.

On April 30, 2021, the Board of Directors unanimously approved the updated program. This approval was preceded by months of comprehensive review and work by the Association's Executive Director and Regional Officers, followed by a unanimous approval and recommendation to the Board by the Awards Committee.

Difference of the prior program to the updated program

In addition to the differences noted above, there are other notable differences:

- Prior program had eleven (11) total award categories whereas the updated program has eight (8).
- Eliminated *Distinguished Service Award* (already awarding longevity in *Lifetime Achievement Award*).
- Rolled *Outstanding LAFCo Clerk* into *Outstanding LAFCo Professional* and expanded to all LAFCo personnel. With the new criteria, each LAFCo personnel role shall be treated equally.
- Changed *Outstanding CALAFCO Member* to *Outstanding CALAFCO Volunteer*, thereby excluding "staff person" and expanding scope to all who volunteer for the Association, not just Board or staff.
- Added nomination criteria to *Outstanding CALAFCO Associate Member*.
- Combined the following four awards into one (with two distinct categories): *Most Effective Commission, Project of the Year, Government Leadership Award and Mike Gotch Courage and Innovation in Local Government Award*. These are now the *Mike Gotch Excellence in Public Service Award*.

- Criteria for this new award was taken from all four eliminated awards and tied directly to several aspects of the mission of LAFCo through the creation of the two distinct award subcategories.

Adopted changes to the membership and voting of the Achievement Awards Committee

There are two other changes directly affecting the Awards Committee. One relates to the membership structure of the Awards Committee and the other is to the voting.

First, the four Regional Officers are full voting members of the Committee. These Officers enhance the perspective of the Board Committee Members through their technical expertise and “on the ground” experiences. By adding them as voting members (they were previously “advisors” to the Committee), the full voting membership is nine (9).

And finally, it is now a policy of the Committee that any voting member abstain from voting on any category in which a nomination has been submitted by/for their LAFCo or a member (staff or commissioner) of their LAFCo. With bringing the voting membership to nine, this abstention should not pose a problem in terms of not having a quorum of votes cast.



2021 Achievement Award Nominations
Due by Friday, August 13, 2021 at 3:00 p.m.

Achievement Award Nomination Form

NOMINEE - Person or Agency Being Nominated

Name:

Organization:

Address:

Phone:

E-mail:

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

- Outstanding CALAFCO Volunteer
- Outstanding CALAFCO Associate Member
- Outstanding Commissioner
- Outstanding LAFCo Professional
- Mike Gotch Excellence in Public Service (choose one category below)
 - Protection of agricultural and open space lands and prevention of sprawl*
 - Innovation, collaboration, outreach and effective support of the evolution and viability of local agencies, promotion of efficient and effective delivery of municipal services*
- Legislator of the Year (must be approved by the full CALAFCO Board)
- Lifetime Achievement Award

NOMINATION SUBMITTED BY:

Name:

Organization:

Address:

Phone:

E-mail:



**2021 Achievement Award Nominations
Due by Friday, August 13, 2021 at 3:00 p.m.**

EXECUTIVE SUMMARY

In no more than 250 words, summarize why this recipient is the most deserving of this award.



**2021 Achievement Award Nominations
Due by Friday, August 13, 2021 at 3:00 p.m.**

NOMINATION SUMMARY

Please indicate the reasons why this person or agency deserves to be recognized (this section must be no more than 1,000 words or 2 pages maximum).



CALAFCO ACHIEVEMENT AWARD CATEGORIES, NOMINATION & SELECTION CRITERIA

CALAFCO recognizes excellence within the LAFCo community and the full membership by presenting the *Achievement Awards* at the CALAFCO Annual Conference. Nominations are being accepted until **3:00 p.m., Friday, August 13, 2021** in the following categories:

Outstanding CALAFCO Volunteer

Award Summary:

Recognizes a CALAFCO volunteer who has provided exemplary service during the past year. Exemplary service is service which clearly goes above and beyond that which is asked or expected in the charge of their responsibilities. This category may include a CALAFCO Board member, regional officer, program volunteer, or any other requested volunteer.

Nomination criteria:

1. Nominee must have volunteered for the Association during the year in which the nomination is being made.
2. Nominee does not have to be a CALAFCO member.
3. Volunteer efforts must have demonstrated the individual going above and beyond what was asked/expected with positive and effective results.
4. Nominee can be a CALAFCO Board member, regional officer, program volunteer or any other volunteer.

Selection criteria:

1. Must meet all nomination criteria requirements for consideration.
2. Equal consideration shall be given to each nominee, regardless of their position or role as a volunteer. Only the contributions and outcomes shall be considered, not the individual's position.
3. The extent of the volunteerism and the overall impact to the statewide Association and membership based on that volunteerism shall be considered.
4. Preference may be given to individuals who have not previously received this award and meet all the required criteria.

Outstanding CALAFCO Associate Member

Award Summary:

Presented to an active CALAFCO Associate Member (person or agency) that has advanced or promoted the cause of LAFCos by consistently producing distinguished work that upholds the mission and goals of LAFCos and has helped elevate the role and mission of LAFCos through its work. Recipient consistently demonstrates a collaborative approach to LAFCo stakeholder engagement. Further, the individual or firm has a proven commitment to the Association membership through volunteering time and resources to further the cause of LAFCo and CALAFCO.

Nomination criteria:

1. Nominee must be a CALAFCO Associate Member in good standing with the Association.
2. Nominee shall be an Associate Member for the full year in which the nomination is being made.
3. The Associate Member nominated shall have been an Associate Member in good standing with the Association for at least one year prior to the year for which the nomination is being made.
4. As an Associate Member, the nominee may be an individual, firm or agency.
5. The nominee may be an individual within an Associate Member firm or agency.
6. Nominee shall demonstrate that through their work as an Associate Member, the role and mission of LAFCo has been upheld and furthered.
7. Nominee must have proven cooperative and collaborative approaches to situations and solutions that affect LAFCos statewide as an Associate Member.
8. Proven commitment to the Association's membership as an Associate Member by volunteering resources to the Association during the year in which the nomination is made.

Selection criteria:

1. Must meet all nomination criteria requirements for consideration.
2. Equal consideration shall be given to all nominees that meet the nominating criteria.
3. The level of volunteering time and resources to the Association shall be a consideration with all other nomination criteria.

Outstanding Commissioner

Award Summary:

Presented to an individual Commissioner for extraordinary service to his or her Commission. Extraordinary service is considered actions above and beyond those required in the course of fulfilling their statutory responsibilities as a Commissioner. It requires consistently demonstrating independent judgment on behalf of the interest of the entire county, developing innovative and collaborative solutions to local issues, and leading the commission and community by example.

Nomination criteria:

1. Nominee must be a Commissioner of a LAFCo in good standing with the Association.
2. Nominee shall be a Commissioner for the full year in which the nomination is being made.
3. Proven demonstration of consistently exercising independent judgment for the greater good of the County is required.
4. Proven leadership of the commission and the community through collaborative, innovative and creative solutions to local issues is required.
5. Proven effective results and outcomes shall be demonstrated in the nomination.

Selection criteria:

1. Must meet all nomination criteria requirements for consideration.
2. Equal consideration shall be given to all nominees that meet the nominating criteria.
3. Representation type (city-county-district-public) shall not be a consideration nor shall be the size or geographic area of the LAFCo on which the Commissioner serves.
4. The overall impact of the leadership of the Commissioner shall be considered.
5. Preference may be given to individuals who have not previously received this award and meet all the required criteria.

Outstanding LAFCo Professional

Award Summary:

Recognizes an Executive Officer, Staff Analyst, Clerk, Legal Counsel or any other LAFCo staff person for exemplary service during the past year. Exemplary service is considered actions which clearly go above and beyond that which is asked, expected, or required in the charge of their LAFCo responsibilities.

Nomination criteria:

1. Nominee must be a staff person of a LAFCo in good standing with the Association.
2. Nominee shall be a staff person for the full year in which the nomination is being made.
3. As a staff person, the nominee can be either an employee of the LAFCo or a contractor providing employee-type services to the LAFCo.
4. Efforts must be demonstrated that the individual has consistently gone above and beyond or outside the scope of their role or job responsibilities, with proven results that otherwise would not have occurred.

Selection criteria:

1. Must meet all nomination criteria requirements for consideration.
2. Equal consideration shall be given to all nominees that meet the nominating criteria.
3. Position within a LAFCo shall not be a consideration, nor shall be the size or geographic area of the LAFCo.
4. The overall impact of the LAFCo professional to their LAFCo and the greater community shall be considered.
5. Preference may be given to individuals who have not previously received this award and meet all the required criteria.

Lifetime Achievement Award

Award Summary:

Recognizes any individual who has made extraordinary contributions to the statewide LAFCo community in terms of longevity of service, exemplary advocacy of LAFCo-related legislation, proven leadership in approaching a particular issue or issues, and demonstrated support in developing and implementing innovative and creative ways to support the goals of LAFCos throughout California. At a minimum, the individual should be involved in the LAFCo community for at least twenty (20) years.

Nomination criteria:

1. Nomination must be received from a member LAFCo or Associate Member in good standing with the Association.
2. A minimum of 20 years direct involvement with the LAFCo community is required for consideration.
3. During that time, nominee shall have a proven positive impact and effect on the support and evolution of LAFCos statewide.
4. This includes advocacy of LAFCos statewide through legislation, developing creative and innovative solutions to LAFCo issues that serve beyond their LAFCo to the greater good, and collaborative stakeholder approaches to issues and opportunities to further the cause and mission of LAFCo.

Selection criteria:

1. Must meet all nomination criteria requirements for consideration.
2. Preference may be given to nominees who also have proven experience volunteering for CALAFCO through a regional officer role, serving on committees, serving on the CALAFCO Board, or any other method of volunteering for the Association that serves to promote and support the mission and work of LAFCos throughout the state.

Legislator of the Year

Award Summary:

Presented to a member of the California State Senate or Assembly in recognition of leadership and valued contributions in support of LAFCo goals that have a statewide effect. The recipient shall have demonstrated clear support and effort to further the cause and ability of LAFCos to fulfill their statutory mission. Selected by CALAFCO Board by super majority.

Nomination criteria:

1. Nominee shall be a California State legislator during the full year in which the nomination was made.
2. Nominee must have demonstrated extraordinary leadership in the Legislature on behalf of LAFCos statewide, with efforts resulting in a positive impact for all LAFCos.

Selection criteria:

1. Must meet all nomination criteria requirements for consideration.
2. All Legislator of the Year nominations shall be forwarded by the Achievement Awards Committee to the Board for consideration.
3. Selection of the recipient of this award shall be done with a super majority approval of the Board (present at the time of the vote).

Mike Gotch Excellence in Public Service Award

Awarded to an individual, group or agency for actions that rise above expected or common functions or actions that are LAFCo-related; *and* reduce or eliminate common institutional roadblocks; *and* result in a truly extraordinary public service outcome. Individuals, a LAFCo, or collaborative effort among multiple LAFCos or a LAFCo with other entities are eligible. Other entities shall be decision-making bodies at the local, regional or state level. This award has two distinct categories, each focusing on specific areas of the LAFCo mission.

Mike Gotch Excellence in Public Service Award categories:

1. *Protection of agricultural and open space lands and prevention of sprawl*
2. *Innovation, collaboration, outreach and effective support of the evolution and viability of local agencies, promotion of efficient and effective delivery of municipal services*

Mike Gotch Excellence in Public Service Award categories:

Protection of agricultural and open space lands and prevention of sprawl

Includes the development and implementation of programs or other actions associated with agriculture, water, flood control, parks and recreation, habitat conservation plans and public lands. Demonstrates the recipient has identified, encouraged and ensured the preservation of agricultural and open space lands. Proven actions that encourage cities, counties and special districts to direct development away from all types of agricultural lands, including prime agricultural lands and open space lands. Includes demonstrated consideration given in decisions to Regional Transportation Plans, including sustainable communities strategies and other growth plans to ensure reliable services, orderly growth, and sustainable communities.

Innovation, collaboration, outreach and effective support of the evolution and viability of local agencies, promotion of efficient and effective delivery of municipal services

Includes the development and implementation of innovate support and systems within internal LAFCo operations in the support of local agencies. Actions produce systemic and sustainable improvements and innovation of local government. Proven facilitation of constructive discussions with local and regional agencies and proactive outreach to local and regional agencies as well as local stakeholders and communities to identify issues and solutions and demonstrated action as a coordinating agency in offering and supporting unique local solutions to meet local challenges. Successful demonstration of development of capacities and abilities of local agencies. Provide tools and resources to local agencies to address aging infrastructure, fiscal challenges and the maintenance of existing services. Demonstrated action to streamline the provision of local services with proven results that services are consistent or have been improved as a result, with little to no increased cost to the consumer. Focused efforts and proven results to ensure delivery of services to all communities, especially disadvantaged communities.

Nomination criteria:

1. Clear demonstration that the actions rise above expected or common functions or actions.
2. The actions reduced or eliminated common institutional roadblocks.
3. The actions clearly proven a truly extraordinary public service outcome that is systemic and sustainable.
4. Identified unique circumstances and factors leading to the solution/project.
5. The innovative steps taken by the LAFCo or entity/entities/individual to solve the problem, overcome the situation, or to take action.
6. Clear description of the results/outcomes of the work and the short- and long-term effects.
7. How this work can be promoted as a LAFCo best practice.
8. Clear demonstration how this nomination meets all criteria.

Selection Criteria:

1. Must meet all nomination criteria requirements for consideration.
2. Equal consideration shall be given to each nominee within each category. The size or geographic area of the LAFCo within a given category shall not be a consideration.
3. The overall impact of the actions and outcomes to the greater community being served shall be considered.
4. The level of impact based on the required nomination criteria shall be considered.



PREVIOUS CALAFCO ACHIEVEMENT AWARD RECIPIENTS

2019

Distinguished Service Award	Charley Wilson , Orange LAFCo
Most Effective Commission	Contra Costa LAFCo
Outstanding Commissioner	Jim DeMartini , Stanislaus LAFCo
Outstanding LAFCo Professional	David Church , San Luis Obispo LAFCo
Project of the Year	Orange LAFCo , for <i>San Juan Capistrano Utilities MSR</i>
Government Leadership Award	CA State Water Resources Control Board, Los Angeles County and Los Angeles LAFCo , for <i>Sativa Water District</i>
Mike Gotch Courage & Innovation in Local Government Leadership Award	Butte LAFCo
Legislator of the Year	Assembly Member Mike Gipson
Lifetime Achievement Award	John Benoit , various LAFCos, Jurg Heuberger , Imperial LAFCo

2018

Distinguished Service Award	John Withers , Orange LAFCo
Most Effective Commission	Santa Clara LAFCo
Outstanding Commissioner	Margie Mohler , Napa LAFCo
Outstanding LAFCo Professional	George Williamson , Del Norte LAFCo
Outstanding LAFCo Clerk	Elizabeth Valdez , Riverside LAFCo
Outstanding CALAFCO Associate Member	Best Best & Krieger
Project of the Year	Lake LAFCo , water services consolidation
Government Leadership Award	City of Porterville, County of Tulare, Dept. of Water Resources, State Water Resources Control Board, Governor's Office of Emergency Services, Self Help Enterprises, Community Water Center for East Porterville water supply project
Mike Gotch Courage & Innovation in Local Government Leadership Award	Mike Ott , San Diego LAFCo
Legislator of the Year	Assembly Member Anna Caballero
Lifetime Achievement Award	Pat McCormick , Santa Cruz LAFCo, George Spiliotis , Riverside LAFCo

2017

Most Effective Commission	Los Angeles LAFCo
Outstanding CALAFCO Member	Sblend Sblendorio , Alameda LAFCo
Outstanding Commissioner	John Marchand , Alameda LAFCo
Outstanding LAFCo Professional	Paul Novak , Los Angeles LAFCo
Outstanding LAFCo Clerk	Richelle Beltran , Ventura LAFCo
Outstanding CALAFCO Associate Member	Policy Consulting Associates
Project of the Year	County Services MSR , Butte LAFCo, and Santa Rosa Annexation , Sonoma LAFCo

Government Leadership Award
Lifetime Achievement Award

San Luis Obispo County Public Works Dept.
Kathy Rollings McDonald (San Bernardino)

2016

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

Peter Brundage, Sacramento LAFCo
San Luis Obispo LAFCo
John Leopold, Santa Cruz LAFCo
Don Tatzin, Contra Costa LAFCo
Steve Lucas, Butte LAFCo
Cheryl Carter-Benjamin, Orange LAFCo
Countywide Water Study, (Marin LAFCo)
Southern Region of CALAFCO
Bob Braitman (retired Executive Officer)

2015

Mike Gotch Courage & Innovation in
Local Government Leadership Award
Distinguished Service Award
Most Effective Commission
Outstanding CALAFCO Member
Outstanding Commissioner
Outstanding LAFCo Professional
Outstanding LAFCo Clerk
Project of the Year

Government Leadership Award

CALAFCO Associate Member of the Year
Legislators of the Year Award
Lifetime Achievement Award

Yuba County Water Agency

Mary Jane Griego, Yuba LAFCo
Butte LAFCo
Marjorie Blom, formerly of Stanislaus LAFCo
Matthew Beekman, formerly of Stanislaus LAFCo
Sam Martinez, San Bernardino LAFCo
Terri Tuck, Yolo LAFCo
Formation of the Ventura County Waterworks District No. 38 (Ventura LAFCo) and **2015 San Diego County Health Care Services five-year sphere of influence and service review report** (San Diego LAFCo)
The Cities of Dublin, Pleasanton, Livermore and San Ramon, the Dublin San Ramon Services District and the Zone 7 Water Agency
Michael Colantuono of Colantuono, Highsmith & Whatley
Assembly member Chad Mayes
Jim Chapman (Lassen LAFCo) and **Chris Tooker** (formerly of Sacramento LAFCo)

2014

Mike Gotch Courage & Innovation in
Local Government Leadership Award
Distinguished Service Award
Most Effective Commission
Outstanding CALAFCO Member
Outstanding Commissioner
Outstanding LAFCo Professional
Outstanding LAFCo Clerk
Project of the Year

David Church, San Luis Obispo LAFCo

Kate McKenna, Monterey LAFCo
Santa Clara LAFCo
Stephen Lucas, Butte LAFCo
Paul Norsell, Nevada LAFCo
Kate McKenna, Monterey LAFCo
Paige Hensley, Yuba LAFCo
LAFCo Procedures Guide: 50th Year Special Edition,
San Diego LAFCo

Government Leadership Award

Orange County Water District, City of Anaheim, Irvine Ranch Water District, and Yorba Linda Water District

Legislators of the Year Award

Assembly member Katcho Achadjian

Lifetime Achievement Award

Susan Wilson, Orange LAFCo

2013

Mike Gotch Courage & Innovation in Local Government Leadership Award

Simón Salinas, Commissioner, Monterey LAFCo

Distinguished Service Award

Roseanne Chamberlain, Amador LAFCo

Most Effective Commission

Stanislaus LAFCo

Outstanding CALAFCO Member

Harry Ehrlich, San Diego LAFCo

Outstanding Commissioner

Jerry Gladbach, Los Angeles LAFCo

Outstanding LAFCo Professional

Lou Ann Texeira, Contra Costa

LAFCo Outstanding LAFCo Clerk

Kate Sibley, Contra Costa LAFCo

Project of the Year

Plan for Agricultural Preservation, Stanislaus LAFCo

Government Leadership Award

Orange County LAFCo Community Islands Taskforce, Orange LAFCo

Legislators of the Year Award

Senators Bill Emmerson and Richard Roth

Lifetime Achievement Award

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

2012

Mike Gotch Courage & Innovation in Local Government Leadership Award

Bill Chiat, CALAFCO Executive Director

Distinguished Service Award

Marty McClelland, Commissioner, Humboldt LAFCo

Most Effective Commission

Sonoma LAFCo

Outstanding CALAFCO Member

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

Outstanding Commissioner

Sherwood Darington, Monterey

LAFCo Outstanding LAFCo Professional

Carole Cooper, Sonoma LAFCo

Outstanding LAFCo Clerk

Gwenna MacDonald, Lassen LAFCo

Project of the Year

Countywide Service Review & SOI Update, Santa Clara LAFCo

Government Leadership Award

North Orange County Coalition of Cities, Orange LAFCo

Lifetime Achievement Award

P. Scott Browne, Legal Counsel LAFcos

2011

Mike Gotch Courage & Innovation in Local Government Leadership Award

Martin Tuttle, Deputy Director for Planning, Caltrans

Distinguished Service Award

Mike McKeever, Executive Director, SACOG

LAFCo Most Effective Commission

Carl Leverenz, Commissioner and Chair, Butte San Bernardino LAFCo

Outstanding CALAFCO Member

Keene Simonds, Executive Officer, Napa LAFCo

Outstanding Commissioner

Louis R. Calcagno, Monterey LAFCo

Outstanding LAFCo Professional

June Savala, Deputy Executive Officer, Los Angeles LAFCo

Outstanding LAFCo Clerk

Debbie Shubert, Ventura LAFCo

Project of the Year

Cortese-Knox-Hertzberg Definitions Revision

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

Government Leadership Award

Contra Costa Sanitary District

Elsinore Water District and Elsinore Valley Municipal Water District

2010

Mike Gotch Courage & Innovation in Local Government Leadership Award

Helen Thompson, Commissioner, Yolo LAFCo

Distinguished Service Award

Kathleen Rollings-McDonald, Executive Officer, San Bernardino LAFCo

Bob Braitman, Executive Officer, Santa Barbara LAFCo

Most Effective Commission

Tulare LAFCo

Outstanding CALAFCo Member

Roger Anderson, Ph.D., CALAFCo Chair, Santa Cruz LAFCo

Outstanding Commissioner

George Lange, Ventura LAFCo

Outstanding LAFCo Professional

Harry Ehrlich, Government Consultant, San Diego LAFCo

Outstanding LAFCo Clerk

Candie Fleming, Fresno LAFCo

Project of the Year

Butte LAFCo

Sewer Commission - Oroville Region Municipal Service Review

Government Leadership Award

Nipomo Community Services District and the County of San Luis Obispo

Special Achievement

Chris Tooker, Sacramento LAFCo and CALAFCo Board of Directors

2009

Mike Gotch Courage & Innovation in Local Government Leadership Award

Paul Hood, Executive Officer, San Luis Obispo LAFCo

Distinguished Service Award

William Zumwalt, Executive Officer, Kings LAFCo

Most Effective Commission

Napa LAFCo

Outstanding CALAFCo Member

Susan Vicklund Wilson, CALAFCo Vice Chair

Jerry Gladbach, CALAFCo Treasurer

Outstanding Commissioner

Larry M. Fortune, Fresno LAFCo

Outstanding LAFCo Professional

Pat McCormick, Santa Cruz LAFCo Executive Officer

Outstanding LAFCo Clerk

Emmanuel Abello, Santa Clara LAFCo

Project of the Year

Orange LAFCo Boundary Report

Government Leadership Award

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

Legislator of the Year Award

Assembly Member Jim Silva

2008

Distinguished Service Award

Peter M. Detwiler, Senate Local Government Committee Chief Consultant

Most Effective Commission

Yuba LAFCo

Outstanding Commissioner

Dennis Hansberger, San Bernardino LAFCo

Outstanding LAFCo Professional

Michael Ott, San Diego LAFCo Executive Officer

Martha Poyatos, San Mateo Executive Officer

Outstanding LAFCo Clerk Project of the Year	Wilda Turner , Los Angeles LAFCo Kings LAFCo City and Community District MSR and SOI Update
Government Leadership Award Legislator of the Year Award	San Bernardino Board of Supervisors Assembly Member Anna M. Caballero

2007

Outstanding CALAFCo Member Distinguished Service Award Counsel Most Effective Commission Outstanding Commissioner	Kathy Long , Board Chair, Ventura LAFCo William D. Smith , San Diego Legal Santa Clara LAFCo Gayle Uilkema , Contra Costa LAFCo
Outstanding LAFCo Professional Outstanding LAFCo Clerk Project of the Year	Joyce Crosthwaite , Orange LAFCo Executive Officer Debby Chamberlin , San Bernardino LAFCo San Bernardino LAFCo and City of Fontana Islands Annexation Program
Government Leadership Award Lifetime Achievement	City of Fontana - Islands Annexation Program John T. "Jack" Knox

2006

Outstanding CALAFCo Member Distinguished Service Award Most Effective Commission Award Outstanding Commissioner Award	Everett Millais , CALAFCo Executive Officer and Executive Officer of Ventura LAFCo Clark Alsop , CALAFCo Legal Counsel Alameda LAFCo Ted Grandsen , Ventura LAFCo Chris Tooker , Sacramento LAFCo
Outstanding LAFCo Professional Award Outstanding LAFCo Clerk Award Project of the Year Award	Larry Calemine , Los Angeles LAFCo Executive Officer Janice Bryson , San Diego LAFCo Marilyn Flemmer , Sacramento LAFCo Sacramento Municipal Utility District Sphere of Influence Amendment and Annexation; Sacramento LAFCo
Outstanding Government Leadership Award Legislator of the Year Award	Cities of Porterville, Tulare, and Visalia and Tulare LAFCo Island Annexation Program Senator Christine Kehoe

2005

Outstanding CALAFCo Member Distinguished Service Award Most Effective Commission Award Outstanding Commissioner Award	Peter Herzog , CALAFCo Board, Orange LAFCo Elizabeth Castro Kemper , Yolo LAFCo Ventura LAFCo Art Aseltine , Yuba LAFCo Henri Pellissier , Los Angeles LAFCo
Outstanding LAFCo Professional Award Outstanding LAFCo Clerk Award Project of the Year Award	Bruce Baracco , San Joaquin LAFCo Danielle Ball , Orange LAFCo San Diego LAFCo MSR of Fire Protection and Emergency Medical Services
Outstanding Government Leadership Award	Sacramento Area Council of Governments (SACOG)

2004

Outstanding CALAFCo Member Distinguished Service Award Most Effective Commission Award	Scott Harvey , CALAFCo Executive Director Julie Howard , Shasta LAFCo San Diego LAFCo
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Outstanding Commissioner Award
Outstanding LAFCo Professional Award
Project of the Year Award

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

2003

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

Special Achievement Award

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

2002

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

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

2001

Outstanding CALAFCo Member
Distinguished Service Award

Outstanding Commissioner Award
Outstanding LAFCo Professional Award
Project of the Year Award
Outstanding Government Leadership Award

Legislator of the Year Award

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

2000

Outstanding CALAFCo Member
Distinguished Service Award

Most Effective Commission Award
Outstanding Commissioner
Outstanding LAFCo Professional Award
Outstanding LAFCo Clerk Award
Project of the Year Award
Legislator of the Year Award

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

1999

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

1998

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

1997

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





Lou Ann Texeira
 Executive Officer

MEMBERS

Candace Andersen
 County Member

Donald A. Blubaugh
 Public Member

Tom Butt
 City Member

Igor Skaredoff
 Special District Member

Federal Glover
 County Member

Michael R. McGill
 Special District Member

Rob Schroder
 City Member

ALTERNATE MEMBERS

Diane Burgis
 County Member

Stanley Caldwell
 Special District Member

Charles R. Lewis, IV
 Public Member

Edi Birsan
 City Member

August 11, 2021

Pamela Miller, Executive Director
 CALAFCO
 1020 12th Street, Suite 222
 Sacramento, CA 95814

Subject: Nomination for 2020 and 2021 CALAFCO Achievement Award

Dear Ms. Miller and the CALAFCO Awards Committee Members:

Contra Costa LAFCo is pleased to nominate the Contra Costa Water District (CCWD) for the CALAFCO “*Innovation, collaboration, outreach and effective support of the evolution and viability of local agencies, promotion of efficient and effective delivery of municipal services*” award.

CCWD has demonstrated leadership, collaboration, and efficiency in delivering clean, reliable water to “disadvantaged communities” (DACs) in Contra Costa County.

In the two recent annexations (2020 and 2021) CCWD collaborated with Diablo Water District to extend water to over 400 service connections. Much of the annexation areas experience brackish water, high levels of iron, manganese, arsenic, and nickel. Also, areas that currently rely on groundwater have insufficient water for fire protection.

LAFCo staff believes CCWD should be recognized for meeting the need for clean, reliable water to DACs; for their local and State partnerships; and their commitment and success in serving DACs and over 500,000 people in central and eastern Contra Costa County.

We hope you feel their efforts are worthy of the CALAFCO award. Thank you for your consideration.

Sincerely,

Lou Ann Texeira,
 Executive Officer
 Contra Costa LAFCO



2021 Achievement Award Nominations
Due by Friday, August 13, 2021 at 3:00 p.m.

Achievement Award Nomination Form

NOMINEE - Person or Agency Being Nominated

Name:

Organization:

Address:

Phone:

E-mail:

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

- Outstanding CALAFCO Volunteer
- Outstanding CALAFCO Associate Member
- Outstanding Commissioner
- Outstanding LAFCo Professional
- Mike Gotch Excellence in Public Service (choose one category below)
Protection of agricultural and open space lands and prevention of sprawl
- Innovation, collaboration, outreach and effective support of the evolution and viability of local agencies, promotion of efficient and effective delivery of municipal services*
- Legislator of the Year (must be approved by the full CALAFCO Board)
- Lifetime Achievement Award

NOMINATION SUBMITTED BY:

Name:

Organization:

Address:

Phone:

E-mail:

EXECUTIVE SUMMARY

Contra Costa LAFCO is pleased to nominate Contra Costa Water District (CCWD) for its leadership in extending municipal water service to Disadvantaged Communities (DACs).

About CCWD – Formed in 1936, CCWD is one of the largest municipal water service providers in Contra Costa County, serving over 500,000 people. CCWD's service boundary is 220± square miles extending from highly urbanized Central County to East County which includes new development/single-family homes that have historically relied on small groundwater systems. CCWD provides *retail water* to Central County customers and *wholesale treated water* and *untreated water* to East County customers.

Challenges - Much of the groundwater in East County exceeds secondary drinking water standards, and in some cases, exceeds primary drinking water standards. Much of this area is a DAC. Groundwater also has limited benefits for fire protection. To expand its service area, CCWD must obtain approval from both the U.S. Department of Interior Bureau of Reclamation and LAFCO.

Accomplishments – Since 1994, CCWD has extended municipal water to over 2,700 service connections through annexations in 1994, 2004, 2006, 2019 and 2021. Previous annexations and extension of water infrastructure provided opportunities for water system consolidation to support more recent annexations in 2019 (completed) and 2021 (pending).

CCWD provides high quality water to its customers and is responsive to requests for water service consolidations for small water systems and individuals. CCWD continues to evaluate annexation opportunities with a focus on DACs. CCWD has been successful in obtaining State grant funding to assist with annexations.

NOMINATION SUMMARY

Meeting the Need for Clean, Reliable Water to Disadvantaged Communities - Historically, much of the groundwater in East County exceeds secondary drinking water standards and, in some cases, exceeds primary drinking water standards. Some of the water in East County is brackish and some areas experience high levels of iron, manganese, arsenic, and nickel. Furthermore, all of these areas that are currently relying on groundwater have insufficient water for fire protection.

Previously, a mobile home park trucked in water for several years until Contra Costa County Environmental Health Department declared a severe public health hazard that constituted a public health emergency. CCWD stepped in and extended municipal water to this area which serves over 280 residents.

CCWD is one of the largest urban water districts in California and a leader in drinking-water treatment technology and source water protection. CCWD delivers safe, clean water to approximately 500,000 people in central and eastern Contra Costa County. CCWD's service boundary is 220± square miles. Since the 1990s, CCWD has annexed over 1,100 acres and extended municipal water to 2,700 service connections within Disadvantaged Communities (DACs). The earlier annexations in Oakley and Bethel Island provided foundation infrastructure and opportunities for additional water system consolidations in East County.

Many of the projects also include to Diablo Water District (DWD). DWD encompasses 21± square miles including Oakley, downtown Knightsen, parts of Bethel Island including Delta Coves, and other unincorporated areas in East County. DWD collects, treats and supplies municipal water to over 42,000 residents. The District's primary sources of water include CVP (purchased from CCWD) and groundwater extracted from the East Contra Costa Subbasin.

Recent Annexations: The two most recent annexations – *Santiago Island Village Mobile Home Park* (2019) and *Beacon West & Willow Mobile Home Park* (2021 - pending) extend water to residents on Bethel Island. The entirety of Bethel Island is a DAC. Both the 2019 and 2021 projects involve annexations to CCWD and Diablo Water District (DWD).

The *Santiago Island Village Mobile Home Park* annexation provides municipal water to 300 residents on Bethel Island, a DAC. The annexation facilitated access to surface water from both CCWD and DWD and eliminated the use of ground water with secondary drinking water violations, as recommended by the State Water Resources Control Board (SWRCB). The annexation also eliminated the need for reliance on a single groundwater well which could potentially fail, resulting in a water supply issues as well as a potential for contamination within the mobile home park. Further, the existing groundwater well exceeded the secondary maximum contaminant level for manganese.

In April 2021, CCWD submitted both sphere of influence (SOI) and annexation applications to LAFCO to extend water to the *Beacon West & Willow Mobile Home Park* also located on Bethel Island. On August 11, 2021, the LAFCO Commissioners approved expansion of the CCWD and DWD SOIs. In September, the Commission will consider the corresponding annexations. These annexations will extend water to over 540 residents in a disadvantaged community.

The extension of municipal water service to these areas is needed as the existing groundwater system, aging well, and reverse osmosis system are failing. The groundwater system that previously served *Beacon West* exceeded the primary drinking water standard for arsenic and was abandoned in 2019.

The Willow Mobile Home Park homes are connected to an aging well and reverse osmosis system that fails to meet secondary drinking water standards for manganese and specific conductance. The

mobile home park also has a fire flow deficiency as there is insufficient water storage at the site. DWD is evaluating SWRCB grant funding to fund design and construction of the water line extension.

Partners and Process – In an effort to provide quality water to DACs, CCWD engaged DWD, Contra Costa County, Contra Costa LAFCO, mobile home park owners, and residents.

The process for extending water to these communities is complex as it involves annexation through Contra Costa LAFCO, and approval by the United States Department of Interior Bureau of Reclamation (Reclamation) in order to receive high-quality Central Valley Project (CVP) water.

Commitment and Excellence - With each annexation, CCWD has seen increasing interest from neighboring water systems to replace groundwater supply wells with access to CCWD's surface water supply. Additionally, access to State grants helps support consolidation efforts, improve drinking water quality, minimize groundwater use. CCWD is committed to providing high quality water to its customers and is responsive to requests for water service consolidations for small water systems or individuals who need access to clean, reliable water. CCWD continues to evaluate water issues and potential for annexing new areas with a focus on DACs.

For these reasons, Contra Costa LAFCO believes CCWD should be recognized for its leadership, dedication, and efforts to provide safe, clean water to its customers, and for their ongoing commitment to serving disadvantaged communities.

June 1, 2021

To: Local Agency Formation Commission
Members and Alternate Members

From: Gay Jones, Committee Chair
CALAFCO Board Election Committee
CALAFCO Board of Directors



RE: Nominations for 2021/2022 CALAFCO Board of Directors

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

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

Central Region

City Member
Public Member

Southern Region

County Member
District Member

Northern Region

County Member
District Member

Coastal Region

City Member
Public Member

The election will be conducted during Regional Caucuses at the CALAFCO Annual Conference prior to the Annual Membership Meeting on Thursday, October 7, 2021 at the Hyatt Regency in Newport Beach at the John Wayne Airport, CA.

Please inform your Commission that the CALAFCO Election Committee is accepting nominations for the above-cited seats until *Tuesday, September 7, 2021 at 5:00 p.m.*

Incumbents are eligible to run for another term. Nominations received by September 7 will be included in the Election Committee's Report and will be on the ballot. The Report will be distributed to LAFCo members no later than September 23, 2021 and ballots made available to Voting Delegates at the Annual Conference. Nominations received after this date will be returned; however, nominations will be permitted from the floor during the Regional Caucuses or during at-large elections, if required, at the Annual Membership Meeting.

For those member LAFCos who cannot send a representative to the Annual Meeting an electronic ballot will be made available if requested in advance. **The ballot request must be made no later than Tuesday, September 7, 2021. Completed absentee ballots must be returned by 8:00 a.m., Monday, October 4, 2021.**

Should your Commission nominate a candidate, the Chair of your Commission must complete the attached Nomination Form and the Candidate's Resume Form or provide the specified information in another format other than a resume. Commissions may also include a letter of recommendation or resolution in support of their nominee.

The nomination forms and materials must be received by the CALAFCO Executive Director no later than Tuesday, September 7, 2021 at 5:00 p.m. Here is a summary of the deadlines for this year's nomination process:

- **June 1** – Nomination Announcement and packet sent to LAFCo membership and posted on the CALAFCO website.
- **September 7** – Completed Nomination packet due
- **September 7** – Request for an absentee/electronic ballot due
- **September 7** – Voting delegate name due to CALAFCO
- **September 23** – Distribution of the Election Committee Report (includes all completed/submitted nomination papers)
- **September 23** – Distribution of requested absentee/electronic ballots.
- **October 4** – Absentee ballots due to CALAFCO
- **October 7** - Elections

Returning the nomination form prior to the deadline ensures your nominee is placed on the ballot. Names will be listed in the order nominations were received should there be multiple candidates. Electronic filing of nomination forms and materials is encouraged to facilitate the recruitment process. Please send e-mails with forms and materials to info@calafco.org. Alternatively, nomination forms and materials can be mailed to the address below. Please forward nominations to:

CALAFCO Election Committee c/o Executive Director
California Association of Local Agency Formation Commissions
1020 12th Street, Suite 222
Sacramento, California 95814
EMAIL: info@calafco.org

Questions about the election process can be sent to the Chair of the Committee, Gay Jones, at gjones@calafco.org or by calling her at 916-208-0736. You may also contact CALAFCO Executive Director Pamela Miller at pmiller@calafco.org or by calling 916-442-6536.

Members of the 2021/2022 CALAFCO Election Committee are:

Gay Jones, Chair gjones@calafco.org	Sacramento LAFCo (Central Region) 916-208-0736
Blake Inscore binscore@calafco.org	Del Norte LAFCo (Northern Region) 707-951-0517
Chris Lopez clopez@calafco.org	Monterey LAFCo (Coastal Region) 831-755-5033
David West dwest@calafco.org	Imperial LAFCo (Southern Region) 760-352-3411

Attached please find a copy of the CALAFCO Board of Directors Nomination and Election Procedures as well as the current listing of Board Members and corresponding terms of office.

Please consider joining us!

Enclosures

Board of Directors Nomination and Election Procedures and Forms

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

The Board nomination and election procedures shall be:

1. APPOINTMENT OF AN ELECTION COMMITTEE:

- a. Following the Annual Membership Meeting the Board shall appoint an Election Committee of four members of the Board. The Election Committee shall consist of one member from each region whose term is not ending.⁸
- b. The Board shall appoint one of the members of the Election Committee to serve as Chairman. The CALAFCO Executive Officer shall appoint a CALAFCO staff member to serve as staff for the Election Committee in cooperation with the CALAFCO Executive Director.⁸
- c. Each region shall designate a regional representative to serve as staff liaison to the Election Committee.⁸
- d. Goals of the Committee are to provide oversight of the elections process and to encourage and solicit candidates by region who represent member LAFCoS across the spectrum of geography, size, and urban suburban and rural population if there is an open seat for which no nominations papers have been received close to the deadline.⁸

2. ANNOUNCEMENT TO ALL MEMBER LAFCoS:

- a. No later than three months prior to the Annual Membership Meeting, the Election Committee Chair shall send an announcement to each LAFCo for distribution to each commissioner and alternate. The announcement shall include the following:⁸
 - i. A statement clearly indicating which offices are subject to the election.
 - ii. A regional map including LAFCoS listed by region.
 - iii. The dates by which all nominations must be received by the Election Committee. The deadline shall be no later than 30 days prior to the opening of the Annual Conference. Nominations received after the closing date shall be returned to the proposing LAFCo marked "Received too late for Elections Committee action."⁸
 - iv. The names of the Election Committee members with the Committee Chairman's LAFCo address and phone number, and the names and contact information for each of the regional representatives.⁸
 - v. The address to send the nominations forms.
 - vi. A form for a Commission to use to nominate a candidate and a candidate resume form of no more than one page each to be completed for each nominee.
- b. No later than four months before the annual membership meeting, the Election Committee Chairman shall send an announcement to the Executive Director for distribution to each member LAFCo and for publication in the newsletter and on the web site. The

**Key Timeframes for
Nominations Process**

<u>Days*</u>	
90	Nomination announcement
30	Nomination deadline
14	Committee report released

*Days prior to annual membership meeting

announcement shall include the following:⁸

- i. A statement clearly indicating which offices are subject to the election.
 - ii. The specific date by which all nominations must be received by the Election Committee. Nominations received after the closing dates shall be returned to the proposing LAFCo marked "Received too late for Election Committee action."⁸
 - iii. The names of the Election Committee members with the Committee Chair's LAFCo address and phone number, and the names and contact information for each of the regional representatives.⁸
 - iv. Requirement that nominated individual must be a commissioner or alternate commissioner from a member in good standing within the region.
- c. A copy of these procedures shall be posted on the web site.

3. THE ELECTION COMMITTEE:

- a. The Election Committee and the regional representatives have the responsibility to monitor nominations and help assure that there are adequate nominations from each region for each seat up for election. No later than two weeks prior to the Annual Conference, the Election Committee Chair shall distribute to the members the Committee Report organized by regions, including copies of all nominations and resumes, which are received prior to the end of the nomination period.⁸
- b. At the close of the nominations the Election Committee shall prepare regional ballots. Each region will receive a ballot specific to that region. Each region shall conduct a caucus at the Annual Conference for the purpose of electing their designated seats. Caucus elections must be held prior to the annual membership meeting at the conference. The Executive Director or assigned staff along with a member of the Election Committee shall tally ballots at each caucus and provide the Election Committee the names of the elected Board members and any open seats. In the event of a tie, the staff and Election Committee member shall immediately conduct a run-off ballot of the tied candidates.⁸
- c. Make available sufficient copies of the Committee Report for each Voting Delegate by the beginning of the Annual Conference.
- d. Make available blank copies of the nomination forms and resume forms to accommodate nominations from the floor at either the caucuses or the annual meeting (if an at-large election is required).
- e. Advise the Executive Director to provide "CANDIDATE" ribbons to all candidates attending the Annual Conference.⁸
- f. Post the candidate statements/resumes organized by region on a bulletin board near the registration desk.
- g. Regional elections shall be conducted as described in Section 4 below. The representative from the Election Committee shall serve as the Presiding Officer for the purpose of the caucus election.⁸
- h. Following the regional elections, in the event that there are open seats for any offices subject to the election, the Election Committee Chair shall notify the Chair of the Board of Directors that an at-large election will be required at the annual membership meeting and to provide a list of the number and category of seats requiring an at-large election.⁸

4. ELECTRONIC BALLOT FOR LAFCO IN GOOD STANDING NOT ATTENDING ANNUAL MEETING⁶

Limited to the elections of the Board of Directors

- a. Any LAFCo in good standing shall have the option to request an electronic ballot if there will be no representative attending the annual meeting.
- b. LAFCOs requesting an electronic ballot shall do so in writing no later than 30 days prior to the annual meeting.
- c. The Executive Director shall distribute the electronic ballot no later than two weeks prior to the annual meeting.
- d. LAFCo must return the ballot electronically to the executive director no later than three days prior to the annual meeting.
- e. LAFCOs voting under this provision may discard their electronic ballot if a representative is able to attend the annual meeting.
- f. LAFCOs voting under this provision may only vote for the candidates nominated by the Election Committee and may not vote in any run-off elections.⁸

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

- a. The Election Committee Chairman, another member of the Election Committee or the Chair's designee (hereafter called the Presiding Officer) shall:⁸
 - i. Review the election procedure with the membership.
 - ii. Present the Election Committee Report (previously distributed).
 - iii. Call for nominations from the floor by category for those seats subject to this election:
 1. For city member.
 2. For county member.
 3. For public member.
 4. For special district member.
- b. To make a nomination from the floor, a LAFCo, which is in good standing, shall identify itself and then name the category of vacancy and individual being nominated. The nominator may make a presentation not to exceed two minutes in support of the nomination.
- c. When there are no further nominations for a category, the Presiding Officer shall close the nominations for that category.
- d. The Presiding Officer shall conduct a "Candidates Forum". Each candidate shall be given time to make a brief statement for their candidacy.
- e. The Presiding Officer shall then conduct the election:
 - i. For categories where there are the same number of candidates as vacancies, the Presiding Officer shall:

1. Name the nominees and offices for which they are nominated.
2. Call for a voice vote on all nominees and thereafter declare those unopposed candidates duly elected.
- ii. For categories where there are more candidates than vacancies, the Presiding Officer shall:
 1. Poll the LAFCoS in good standing by written ballot.
 2. Each LAFCo in good standing may cast its vote for as many nominees as there are vacancies to be filled. The vote shall be recorded on a tally sheet.
 3. Any ballots submitted electronically for candidates included in the Election Committee Report shall be added to the tally.⁸
 4. With assistance from CALAFCO staff, tally the votes cast and announce the results.
- iii. Election to the Board shall occur as follows:
 1. The nominee receiving the majority⁶ of votes cast is elected.
 2. In the case of no majority, the two nominees receiving the two highest number of votes cast shall face each other in a run-off election. Electronic ballots are not included in the tally for any run-off election(s).⁶
 3. In case of tie votes⁶:
 - a. A second run-off election shall be held with the same two nominees.
 - b. If there remains a tie after the second run-off, the winner shall be determined by a draw of lots.
 4. In the case of two vacancies, any candidate receiving a majority of votes cast is elected.⁶
 - a. In the case of no majority for either vacancy, the three nominees receiving the three highest number of votes cast shall face each other in a run-off election.
 - b. In the case of no majority for one vacancy, the two nominees receiving the second and third highest number of votes cast shall face each other in a run-off election.
 - c. In the event of a tie, a second run-off election shall be held with the tied nominees. If there remains a tie after the second run-off election the winner shall be determined by a draw of lots.

6. ADDITIONAL PROCEDURES

- a. For categories where there are more candidates than vacancies, names will be listed in the order nominated.
- b. The Election Committee Chair shall announce and introduce all Board Members elected at the Regional Caucuses at the annual business meeting.⁸
- c. In the event that Board seats remain unfilled after a Regional Caucus, an election will be held immediately at the annual business meeting to fill the position at-large. Nominations will be taken from the floor and the election process will follow the procedures described in Section 4 above. Any commissioner or alternate from a member LAFCo may be nominated

- for at-large seats.
- d. Seats elected at-large become subject to regional election at the expiration of the term. Only representatives from the region may be nominated for the seat.
- e. As required by the Bylaws, the members of the Board shall meet as soon as possible after election of new board members for the purpose of electing officers, determining meeting places and times for the coming year, and conducting any other necessary business.

7. LOSS OF ELECTION IN HOME LAFCO

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

8. FILLING BOARD VACANCIES

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

**CALAFCO Regions
FOUR REGIONS**



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

Northern Region

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

CONTACT: Steve Lucas
Butte LAFCo
slucas@buttecounty.net

Southern Region

Orange
Los Angeles
Imperial
Riverside
San Bernardino
San Diego

CONTACT: Gary Thompson
Riverside LAFCo
gthompson@lafco.org

Coastal Region

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

CONTACT: Martha Poyatos
San Mateo LAFCo
mpoyatos@smcgov.org

Central Region

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

CONTACT: Christine Crawford, Yolo LAFCo
christine.crawford@yolocounty.org

CALAFCO Board Members 2020-21*(as of June 1, 2021)*

Board Member Name	LAFCo - Region	Type (Term Expires)
Bill Connelly - Secretary	Butte - <i>Northern</i>	County (2021)
David Couch	Humboldt - <i>Northern</i>	District (2021)
Blake Inscore	Del Norte - <i>Northern</i>	City (2022)
Gay Jones	Sacramento - <i>Central</i>	District (2022)
Michael Kelley – Chair	Imperial - <i>Southern</i>	County (2021)
Christopher Lopez	Monterey – <i>Coastal</i>	County (2022)
Daron McDaniel	Merced – <i>Central</i>	County (2022)
Michael McGill – Immediate Past Chair	Contra Costa - <i>Coastal</i>	District (2022)
Jo MacKenzie	San Diego - <i>Southern</i>	District (2021)
Margie Mohler - Treasurer	Napa - <i>Coastal</i>	City (2021)
Tom Murray	San Luis Obispo - <i>Coastal</i>	Public (2021)
Anita Paque – Vice Chair	Calaveras - <i>Central</i>	Public (2021)
Daniel Parra	Fresno - <i>Central</i>	City (2021)
Josh Susman	Nevada - <i>Northern</i>	Public (2022)
Acquanetta Warren	San Bernardino – <i>Southern</i>	City (2022)
David West	Imperial - <i>Southern</i>	Public (2022)

**Board of Directors
2021/2022 Nominations Form**

Nomination to the CALAFCO Board of Directors

In accordance with the Nominations and Election Procedures of CALAFCO,

_____ LAFCo of the _____ Region

Nominates _____

for the (check one) City County Special District Public

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

LAFCo Chair

Date

NOTICE OF DEADLINE

Nominations must be received by **September 7, 2021**
at 5:00 p.m. to be considered by the Election Committee.
Send completed nominations to:
CALAFCO Election Committee
CALAFCO
1020 12th Street, Suite 222
Sacramento, CA 95814

Or email to: info@calafco.org

**Board of Directors
2021/2022 Candidate Resume Form
(Complete both pages)**

Nominated By: _____ LAFCo Date: _____

Region (please check one): Northern Coastal Central Southern

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

Candidate Name _____

Address _____

Phone Office _____ Mobile _____

e-mail _____

Personal and Professional Background:

LAFCo Experience:

CALAFCO or State-level Experience:

Availability:

Other Related Activities and Comments:

NOTICE OF DEADLINE

Nominations must be received by **September 7, 2021**
at 5:00 p.m. to be considered by the Election Committee.
Send completed nominations to:
CALAFCO Election Committee
CALAFCO
1020 12th Street, Suite 222
Sacramento, CA 95814

Or email to: info@calafco.org



Lou Ann Texeira
Executive Officer

MEMBERS

Candace Andersen
County Member

Donald A. Blubaugh
Public Member

Tom Butt
City Member

Igor Skaredoff
Special District Member

Federal Glover
County Member

Michael R. McGill
Special District Member

Rob Schroder
City Member

ALTERNATE MEMBERS

Diane Burgis
County Member

Stanley Caldwell
Special District Member

Charles R. Lewis, IV
Public Member

Edi Birsan
City Member

August 11, 2021

August 11, 2021
Agenda Item 11

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

Legislative Report - Update and Position Letter

Dear Members of the Commission:

This year marks the first year of a two-year legislative session in Sacramento. To date, 2,721 bills were introduced during the first year of the two-year session. CALAFCO is currently tracking 32 bills.

The Legislature is now in summer recess until August 16th. Several important deadlines have either passed or are looming including the following: July 14th - last day for policy committees to meet and act on bills; August 27th - last day for fiscal committees to meet and act on bills; September 3rd - last day to amend bills on the floor; September 10th - last day for the Legislature to pass bills; and October 10th - last day for the Governor to act on bills.

The CALAFCO annual omnibus **AB 1581 Assembly Local Government Committee (ALGC)** was signed by the Governor on June 29, 2021. CALAFCO thanks those LAFCOs, including Contra Costa LAFCO, which sent support letters.

One of the bills CALAFCO is tracking is AB 903 (Frazier) *Los Medanos Community Healthcare District (LMCHD)*. This bill would dissolve LMCHD and name Contra Costa County as the successor agency. The bill garnered several opponents including California Special Districts Association, Association of California Healthcare Districts, and California NAACP. Contra Costa County and Contra Costa LAFCO submitted letters supporting AB 903 and spoke in support of the bill at two committee hearings. AB 903 failed to make it out of the Senate Governance and Finance Committee but was granted reconsideration and will be heard again in 2022.

In late June, CALAFCO sent out an urgent call for letters to the Governor requesting that he sign the annual CALAFCO omnibus bill – AB 1581. In accordance with Contra Costa LAFCO’s legislative policy, the LAFCO Executive Officer prepared the support letter, and the LAFCO Chair signed the letter (see attached).

The Contra Costa LAFCO policy provides flexibility to respond to urgent legislation that affects LAFCO. Specifically, the policy provides that in *“situations when proposed legislation affecting LAFCO cannot be considered by the full Commission due to timing, the Executive Officer, in consultation with the LAFCO Chair (or Vice Chair in the absence of the Chair), is authorized to provide written or email comments communicating the Commission’s position if the position is consistent with the adopted legislative policies of the Commission. The Chair or Vice Chair would review the letter or email prior to it being submitted. The Executive Officer will forward the email or letter to the Commission as soon as possible. The item will be placed on the next regular LAFCO meeting agenda as either “informational” or for discussion purposes.”*

RECOMMENDATION – Informational item – no actions required.

Sincerely,

LOU ANN TEXEIRA
EXECUTIVE OFFICER

Attachment 1 – CALAFCO Legislative Report
Attachment 2 – Letter Requesting Governor’s Signature - AB 1581

CALAFCO Daily Legislative Report as of Wednesday, August 04, 2021

1

AB 339 (Lee D) Local government: open and public meetings.
Current Text: Amended: 7/5/2021 [html](#) [pdf](#)
Introduced: 1/28/2021

Last Amended: 7/5/2021

Status: 7/14/2021-From committee: Do pass and re-refer to Com. on APPR. (Ayes 9. Noes 0.) (July 13). Re-referred to Com. on APPR.

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

Calendar:

 8/16/2021 9 a.m. - John L. Burton Hearing Room (4203)
 SENATE APPROPRIATIONS, PORTANTINO, Chair

Summary:

The Ralph M. Brown Act requires, with specified exceptions, that all meetings of a legislative body of a local agency, as those terms are defined, be open and public and that all persons be permitted to attend and participate. Under existing law, a member of the legislative body who attends a meeting where action is taken in violation of this provision, with the intent to deprive the public of information that the member knows the public is entitled to, is guilty of a crime. This bill would require local agencies to conduct meetings subject to the act consistent with applicable state and federal civil rights laws, as specified.

Attachments:
[AB 339 Fact Sheet](#)
Position: Watch

Subject: Other

CALAFCO Comments: This bill allows for continued remote participant in local (and state) hearings/meetings while adding requirements for both call-in and internet service based options for all public meetings; requires providing closed caption services; and requires agencies to provide language access services. The bill requires teleconferenced meetings to include an in-person public comment opportunity that creates a place where members of the public can gather at a designated site to give public comment (barring any in-person restrictions). Further, the bill requires the agenda and instructions for accessing the meeting to be translated into all languages for which 5% of the population in the area governed by the local agency is a speaker.

The bill adds requirements for local agencies to employ a sufficient amount of qualified bilingual people to provide translation services during the meeting in the language of the non-English speaking person (consistent with all languages for which 5% of the population in the area governed by the local agency speak). The bill adds similar requirements for any state legislative body. All of these new requirements are unfunded mandates.

This bill is sponsored by the Leadership Counsel for Justice and Accountability. A fact sheet is posted in the tracking section of the bill.

The bill was significantly amended on 4-15-21. These amendments removed all state requirements as noted above. Further, they require public participation by phone or internet (with video/audio), and allow agencies to create a registration process for public comments so long as people can register to speak via phone and in person.

The amendments remove the blanket requirement to translate the agenda and meeting access information and makes those an on-request requirements. The amendments also remove the blanket requirement for agencies to have sufficient qualified bilingual translators during meetings and changes that requirement to on-request, and requires agencies to make public the process to make such a request.

All requirements remain unfunded mandates.

Amended on 5-4-21 as a result of the ALGC hearing, this version of the bill now:

- Limits the bill’s applicability to the meetings of city councils and county boards of supervisors only, the jurisdictions of which contain a population of at least 250,000 people;
- Requires public access via telephone OR internet (not both);
- Removes language requiring two-way operability for internet;
- Removes all language translation requirements;
- Removes language allowing local agencies to require members of the public to register in order to provide public comment;
- Removes language allowing teleconferencing to be used by members of the legislative body (to avoid inadvertently precluding the use of teleconferencing by the public);
- Refines language referring to “all meetings” to state “all open and public meetings” (to ensure closed sessions are not subject to the provisions of the bill);
- Restores current law allowing public comment before an agenda item is taken up; and,
- Adds a sunset date of December 31, 2023.

As amended 6/25/21 - The bill requires a city or county with over 250,000 to conduct public meetings with a two-way telephone or internet option for the public. It also requires them, if as of 6-15-21 the agency has provided video streaming of their public meetings, to continue to do so. Also requires the agency to provide in-person public comment unless the law prohibits in-person gatherings.

UPDATE: The 7/5/21 amendment specifies that the agency shall continue to provide streaming if they have conducted at least one (not all) meeting in that manner as of 6-15-21.

AB 361 (Rivas, Robert D) Open meetings: local agencies: teleconferences.

Current Text: Amended: 7/6/2021 [html](#) [pdf](#)

Introduced: 2/1/2021

Last Amended: 7/6/2021

Status: 7/15/2021-Read second time. Ordered to third reading.

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

Summary:

Existing law, the Ralph M. Brown Act requires, with specified exceptions, that all meetings of a legislative body of a local agency, as those terms are defined, be open and public and that all persons be permitted to attend and participate. This bill, until January 1, 2024, would authorize a local agency to use teleconferencing without complying with the teleconferencing requirements imposed by the Ralph M. Brown Act when a legislative body of a local agency holds a meeting during a declared state of emergency, as that term is defined, when state or local health officials have imposed or recommended measures to promote social distancing during a proclaimed state of emergency held for the purpose of determining, by majority vote, whether meeting in person would present imminent risks to the health or safety of attendees, and during a proclaimed state of emergency when the legislative body has determined that meeting in person would present imminent risks to the health or safety of attendees, as provided.

Attachments:

[CALAFCO Support July 2021](#)

[AB 361 Fact Sheet](#)

Position: Support

Subject: Brown Act

CALAFCO Comments: Executive Order No. N-29-20 suspends the Ralph M. Brown Act's requirements for teleconferencing during the COVID-19 pandemic provided that certain requirements are met (noticing, public access, etc.). This bill allows a local agency to conduct meetings using teleconference methods without complying with certain teleconferencing requirements if they are meeting for the purposes of declaring or ratifying a local emergency, during a declared state or local emergency (as defined in statute), when state or local health officials have imposed or recommended certain measures to promote social distancing, and during a declared local emergency provided the legislative body makes certain determinations by majority vote.

The legislative body must give notice of the meeting and post agendas to allow members of the public to access the meeting and address the legislative body, offer public comment, and protect rights of the parties and public appearing before the legislative body. The bill also rescinds the requirement that at least a quorum of the body must meet within the jurisdictional boundaries of the agency under these circumstances when meeting via telecon.

As amended on 4/6/21, the bill now specifies that the new statute can be applied if meeting in person presents imminent risk to the health & safety of attendees; Requires the agenda to provide opportunity for anyone to attend via call-in or internet option; should there be a service disruption that prevents remote public participation, the agency must take no further action on any agenda item until service is restored; the agency cannot require submittal of public comments in advance of the meeting; and requires the legislative body, every 30 days after the initial declaration of emergency, should the emergency remain active, to make certain findings that the emergency still exists and prevents in-person meetings.

As amended on 5-10-21, the amendments tighten restrictions for in-person meetings to only the determination that meeting in person presents imminent risk to the health and safety of attendees (removing the option to consider if attendance by one of more members of the legislative body is hindered).

UPDATE: As amended 7/6/21, the bill now only applies to state declared emergencies; adds specific requirements for making accommodations for various types of public comment processes during local government meetings; adds a sunset date of 1-1-24; and allows agencies to use telecon methods to meet and specifies requirements for those meetings.

This bill is sponsored by the CA Special Districts Association (CSDA). The bill is not marked fiscal. A fact sheet is posted in the tracking section of the bill.

AB 703 (Rubio, Blanca D) Open meetings: local agencies: teleconferences.

Current Text: Amended: 4/29/2021 [html](#) [pdf](#)

Introduced: 2/16/2021

Last Amended: 4/29/2021

Status: 5/7/2021-Failed Deadline pursuant to Rule 61(a)(3). (Last location was L. GOV. on 2/25/2021)(May be acted upon Jan 2021)

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

Summary:

Current law, by Executive Order N-29-20, suspends the Ralph M. Brown Act’s requirements for teleconferencing during the COVID-19 pandemic, provided that notice requirements are met, the ability of the public to observe and comment is preserved, as specified, and that a local agency permitting teleconferencing have a procedure for receiving and swiftly resolving requests for reasonable accommodation for individuals with disabilities, as specified. This bill would remove the notice requirements particular to teleconferencing and would revise the requirements of the act to allow for teleconferencing subject to existing provisions regarding the posting of notice of an agenda, provided that the public is allowed to observe the meeting and address the legislative body directly both in person and remotely via a call-in option or internet-based service option, and that a quorum of members participate in person from a singular physical location clearly identified on the agenda that is open to the public and situated within the jurisdiction.

Position: Watch

Subject: Brown Act

CALAFCO Comments: As amended on 4/29/21, the bill requires local agencies to allow for public participation during meetings of the legislative body both at in-person and via a call-in or internet-based option. It further requires that if the agency holds a teleconference meeting, at least a quorum of the governing body shall participate in person from a single location which shall be open to the public (and located within the boundaries of the jurisdiction).

Despite these requirements, the bill is not marked fiscal. Further, it applies only to local agencies, not state agencies.

The bill is sponsored by Three Valleys Municipal Water Agency.

AB 1195 (Garcia, Cristina D) Drinking water.

Current Text: Amended: 5/24/2021 [html](#) [pdf](#)

Introduced: 2/18/2021

Last Amended: 5/24/2021

Status: 7/14/2021-Failed Deadline pursuant to Rule 61(a)(11). (Last location was N.R. & W. on 6/9/2021)(May be acted upon Jan 2022)

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

Summary:

Current law establishes the Safe and Affordable Drinking Water Fund in the State Treasury to help water systems provide an adequate and affordable supply of safe drinking water in both the near and long terms. Current law authorizes the state board to provide for the deposit into the fund of certain moneys and continuously appropriates the moneys in the fund to the state board for grants, loans, contracts, or services to assist eligible recipients. This bill would prohibit a public water system from transferring or abandoning a water right held by the public water system except upon approval of the state board, as prescribed.

Attachments:

- [CALAFCO Letter of Concern - April 2021](#)
- [AB 1195 Fact Sheet](#)

Position: Watch With Concerns

Subject: Water

CALAFCO Comments: As amended on 4-6-21, the bill was gut and amended and now creates the So LA County Human Rights to Water Collaboration Act. It requires the Water Board to appoint a commissioner to implement the Safe & Affordable Funding for Equity & Resilience Program and gives the commissioner certain authorities (although they are not clearly spelled out). It requires the commissioner by 12-31-24 to submit to the Water Board a plan for the long-term sustainability of public water systems in southern LA County and prescribes what shall be included in the plan. The bill also creates a technical advisory board and requires the commissioner to oversee the Central Basin Municipal Water District.

In its current form the bill creates numerous concerns. CALAFCO's letter of concern is posted in the tracking section of the bill, and includes: (1) Focus of the bill is very broad as is the focus of the commissioner; (2) In an attempt to prevent privatization of water systems there is language regarding severing water rights. That language could be problematic should a consolidation be ordered; (3) Diminishing local control that is being invested in the state (an ongoing concern since SB 88); (4) A clear distinction needs to be made between an Administrator and Commissioner; (5) The poorly written section on the technical advisory board; and (6) The lack of LAFCo involvement in any consolidation process.

As amended on 5-24-21, the bill changes the water rights provision now requiring approval by the water Board; uses the definitions of "at risk system" and "at risk domestic well" found in SB 403 (Gonzalez) as well as the 3,300 connect cap; requires the commissioner appointed by the board to be from the local area; requires the commissioner to do certain things prior to completing the regional plan; and requires the commissioner to apply to LA LAFCo for extension of service, consolidation or dissolution as appropriate. The bill also creates a pilot program for LA LAFCo giving them the authority to take action rather than the water board, providing it is within 120 days of receipt of a completed application. If the LAFCo fails to take action within that time, the matter goes to the water board for their action.

The pilot program also gives LA LAFCo the authority to approve, approve with conditions or deny the application; further giving LAFCo authority to consider consolidation or extension of service with a local publicly owned utility that provides retail water, a private water company or mutual; the bill also waives protest proceedings, gives the LAFCo authority to address governance structure and CEQA is waived, provides full LAFCo indemnification and funding.

There are still issues with the proposed technical advisory board section of the bill, and questions about timing of some of the processes. CALAFCO continues to work with the author and speakers' offices as well as other stakeholders on ongoing amendments.

The bill is author-sponsored and we understand there is currently no funding source. A fact sheet is posted in the tracking section of the bill. CALAFCO's letter of concern is also posted there.

THIS IS NOW A 2-YEAR BILL.

AB 1581 (Committee on Local Government) Local government: omnibus.

Current Text: Chaptered: 6/29/2021 [html](#) [pdf](#)

Introduced: 3/9/2021

Last Amended: 4/19/2021

Status: 6/28/2021-Approved by the Governor. Chaptered by Secretary of State - Chapter 31, Statutes of 2021.

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

The Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000 provides the authority and procedure for the initiation, conduct, and completion of changes of organization, reorganization, and sphere of influence changes for cities and districts, as specified. Current law requires a local agency formation commission to develop and determine the sphere of influence of each city and each special district within the county and enact policies designed to promote the logical and orderly development of areas within each sphere. Current law requires, when a proposed change of organization or reorganization applies to 2 or more affected counties, that exclusive jurisdiction vest in the commission of the principal county, unless certain things occur. This bill would add the determination of a sphere of influence to the types of proposed changes for which exclusive jurisdiction may or may not vest in a principal county.

Attachments:

- [LAFCo Template Request Gov Signature](#)
- [CALAFCO Request Governor Signature June 2021](#)
- [LAFCo Support letter template](#)
- [CALAFCO Support letter](#)

Position: Sponsor

Subject: CKH General Procedures

CALAFCO Comments: This is the annual ALGC Omnibus bill which CALAFCO sponsors. Sections amended are: 56133(a) and (f); 56325.1 (renumbered to 56331.4); 56427; and 56879(a).

As amended on 4/19, additional sections amended include 56066, 56123, 56124, 56375. Further the bill repeals sections 56375.2, 56387, 56388, 56747, 56760, 57001.1, 57075.5, 57202.1 and 57383.

SB 810 (Committee on Governance and Finance) Validations.

Current Text: Chaptered: 6/29/2021 [html](#) [pdf](#)

Introduced: 2/23/2021

Status: 6/28/2021-Approved by the Governor. Chaptered by Secretary of State. Chapter 36, Statutes of 2021.

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

Summary:

This bill would enact the First Validating Act of 2021, which would validate the organization, boundaries, acts, proceedings, and bonds of the state and counties, cities, and specified districts, agencies, and entities. This bill would declare that it is to take effect immediately as an urgency statute.

Attachments:

- [CALAFCO Support Letter March 2021](#)

Position: Support

Subject: Other

CALAFCO Comments: These are the annual validating Acts.

SB 811 (Committee on Governance and Finance) Validations.

Current Text: Chaptered: 6/29/2021 [html](#) [pdf](#)

Introduced: 2/23/2021

Status: 6/28/2021-Approved by the Governor. Chaptered by Secretary of State. Chapter 37, Statutes of 2021.

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

Summary:

This bill would enact the Second Validating Act of 2021, which would validate the organization, boundaries, acts, proceedings, and bonds of the state and counties, cities, and specified districts, agencies, and entities. This bill would declare that it is to take effect immediately as an urgency statute.

Attachments:

- [CALAFCO Support Letter March 2021](#)

Position: Support

Subject: Other

CALAFCO Comments: These are the annual validating Acts.

SB 812 (Committee on Governance and Finance) Validations.

Current Text: Chaptered: 6/29/2021 [html](#) [pdf](#)

Introduced: 2/23/2021

Status: 6/28/2021-Approved by the Governor. Chaptered by Secretary of State. Chapter 38, Statutes of 2021.

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

Summary:

This bill would enact the Third Validating Act of 2021, which would validate the organization, boundaries, acts, proceedings, and bonds of the state and counties, cities, and specified districts, agencies, and entities.

Attachments:

[CALAFCO Support Letter March 2021](#)

Position: Support

Subject: Other

CALAFCO Comments: These are the annual validating Acts.

AB 1250 (Calderon D) Water and sewer system corporations: consolidation of service.

Current Text: Amended: 7/5/2021 [html](#) [pdf](#)

Introduced: 2/19/2021

Last Amended: 7/5/2021

Status: 7/7/2021-From committee: Do pass and re-refer to Com. on APPR with recommendation: To Consent Calendar. (Ayes 7. Noes 0.) (July 7). Re-referred to Com. on APPR.

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

Calendar:

8/16/2021 9 a.m. - John L. Burton Hearing Room (4203)
SENATE APPROPRIATIONS, PORTANTINO, Chair

Summary:

The California Safe Drinking Water Act provides for the operation of public water systems, which include small community water systems, and imposes on the State Water Resources Control Board related regulatory responsibilities and duties. Current law authorizes the state board to order consolidation of public water systems where a public water system or state small water system serving a disadvantaged community consistently fails to provide an adequate supply of safe drinking water, as provided. This bill, the Consolidation for Safe Drinking Water Act of 2021, would authorize a water or sewer system corporation to file an application and obtain approval from the Public Utilities Commission through an order authorizing the water or sewer system corporation to consolidate with a small community water system or state small water identified as failing or at risk of failing by the state board.

Attachments:

[AB 1250 Fact Sheet 2021](#)

Position: Watch

Subject: Municipal Services, Water

CALAFCO Comments: The intent of the bill is to prescribe response timelines for the PUC in terms of processing consolidations. This bill creates the Consolidation for Safe Drinking Water Act of 2021. The bill allows a water or sewer corp to file an application with the Public Utilities Commission (PUC) to approval to consolidate with a public or state small system. The bill requires the PUC to act on the application within 8 months of receipt. If a consolidation is valued at \$5 million or less, the water or sewer corp can file an advise letter and get the PUC approval via resolution. In this instance, the PUC has 120 days to act on the request. The bill also give the PUC authority to designate a different procedure to request consolidation for systems valued less than \$5M.

The bill requires the PUC to prioritize consolidation requests based on compliance records and requires the entity requesting consolidation to conduct a thorough public process.

The bill is sponsored by the California Water Association and does not have an impact on LAFCos.

Nevertheless, CALAFCO will keep a watch on the bill. A fact sheet is posted in the tracking section of the bill.

The amendments on 5/24/21 establish the Consolidation For Safe Drinking Water Fund, with all moneys available, upon appropriation, going to the PUC in order to process the applications and cover any associated regulatory costs, and requires a water or sewer system corporation to pay a fee of \$10,000 when filing an application pursuant to the above provision and requires the fee to be deposited into the fund.

UPDATE: The 7/5/21 amendments change the type of system focused for consolidation from public to small community. Also adds the ability to consolidate systems to include state small systems, and no longer requires the consolidation to be into a public system. Also extended the PUC timeline to approve or deny an application for consolidation from 8 to 12 months.

SB 403 (Gonzalez D) Drinking water: consolidation.

Current Text: Amended: 7/5/2021 [html](#) [pdf](#)

Introduced: 2/12/2021

Last Amended: 7/5/2021

Status: 7/14/2021-July 14 set for first hearing. Placed on suspense file.

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

Summary:

The California Safe Drinking Water Act authorizes the State Water Resources Control Board to order consolidation with a receiving water system where a public water system or a state small water system, serving a disadvantaged community, consistently fails to provide an adequate supply of safe drinking water or where a disadvantaged community is substantially reliant on domestic wells that consistently fail to provide an adequate supply of safe drinking water. This bill would revise those consolidation provisions, including, among other revisions, authorizing the state board to also order consolidation where a water system serving a disadvantaged community is an at-risk water system, as defined, or where a disadvantaged community is substantially reliant on at-risk domestic wells, as defined.

Attachments:

[CALAFCO Removal of Opposition Letter June 2021](#)

[CALAFCO Oppose Unless Amended Letter April 2021](#)

[SB 403 Fact Sheet 2021](#)

Position: Neutral

Subject: Disadvantaged Communities, Water

CALAFCO Comments: Current law (Health & Safety Code Section 116682) authorizes the State Water Resources Control Board (Board) to order consolidation (physical or operational) of a public water system or state small water system serving a disadvantaged community that consistently fails to provide an adequate supply of safe drinking water, or a disadvantaged community (in whole or part) that is substantially reliant on domestic wells that consistently fail to provide an adequate supply of safe drinking water. This bill would add to that a water system or domestic well(s) that are at risk of failing to provide an adequate supply of safe drinking water, as determined by the Board. The bill also requires the Board, before ordering consolidation, to conduct outreach to ratepayers and residents served by the at-risk system and to consider any petition submitted by members of a disadvantaged community being served by the at-risk system.

There appears to be several problems with this bill: (1) The bill does not define "at risk" and there is no definition of "at risk" currently in H&S Code Sec. 116681; (2) There is a lack of consultation with GSAs by the State Board when considering ordering consolidation or extension of service; (3) There is no requirement or even consideration for annexation upon extension of service; and (4) there does not appear to be a limitation of the number of connections or the extent to which the system can be extended.

The bill is co-sponsored by the Leadership Counsel for Justice and Accountability, Clean Water Action and Community Water Center. A fact sheet is posted in the tracking section of the bill. CALAFCO's position letter is also posted there.

Specific to SB 403, we requested 3 amendments: (1) Define "at risk"; (2) Add a requirement for the SWRCB to consult with GSAs when considering a domestic well consolidation; and (3) Put a cap on the number of users to be added by the subsuming system or the extent to which the service is being extended. Additionally, CALAFCO recommended a comprehensive review of the current

mandatory consolidation process citing a host of issues the current process creates.

As amended on 4/27/21, the bill now defines "at risk system" and "at risk domestic well"; creates an appeal process for potentially subsumed water systems; requires inspection or testing of wells to determine "at risk" status; and allows the Board to prioritize systems historically overburdened by pollution and industrial development or other environmental justice concerns. It also puts a cap of 3,300 or fewer connections on systems that can be subsumed. These amendments address 2 of our 3 requested amendments. We will continue to work with the author on requiring the SWRCB to consult with GSAs on wells.

Amends from 6/8/21 add a requirement for the Water Board to consult with GSAs. This is the last remaining amendment requested by CALAFCO so we have removed our opposition and gone to Neutral. The other amendment in this version simply reorders a subsection with no substantive impacts.

UPDATE: Amended on 7/5, the bill now requires the water board to consult with the potentially receiving water system and adds language that specifies the input allowed by that system (amendments requested by ACWA and granted during the ALGC hearing).

3

[AB 11](#) (Ward D) Climate change: regional climate change authorities.

Current Text: Amended: 1/21/2021 [html](#) [pdf](#)

Introduced: 12/7/2020

Last Amended: 1/21/2021

Status: 4/30/2021-Failed Deadline pursuant to Rule 61(a)(2). (Last location was NAT. RES. on 1/11/2021)(May be acted upon Jan 2022)

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

Summary:

Would require the Strategic Growth Council, by January 1, 2023, to establish up to 12 regional climate change authorities to coordinate climate adaptation and mitigation activities in their regions, and coordinate with other regional climate adaptation authorities, state agencies, and other relevant stakeholders.

Attachments:

[AB 11 Fact Sheet](#)

Position: Watch

Subject: Other

CALAFCO Comments: As amended on 1/21/21, this bill authorizes/requires the Strategic Growth Council (SGC) to establish up to 12 regional climate change authorities by January 1, 2023, to include local agencies and regional stakeholders. The SGC is required to adopt guidelines that: (1) Define the authority; (2) Include guidelines for establishing an authority via a stakeholder-driven process; (3) Consult with OPR (and other state authorities) in development of the guidelines and award annual grants to authorities.

The bill outlines the regional climate change authorities in summary as: coordination, capacity-building, and technical assistance activities within their boundaries, promote regional alignment and assist local agencies in creating and implementing plans developed pursuant to Section 65302 of the Government Code, other federal or state mandates, and programs designed address climate change impacts and risks. The bill also requires the authority to submit annual reports to the SGC, with the scope of the report outlined in the bill.

This is an author-sponsored bill. There is no appropriation to fund the cost of the program. A fact sheet is posted in the tracking section of the bill.

UPDATE 3/17/21: CALAFCO learned from the author's office they do not intend to move the bill forward, but instead work with Assm. Mullin on AB 897 and merge the two bills.

[AB 473](#) (Chau D) California Public Records Act.

Current Text: Introduced: 2/8/2021 [html](#) [pdf](#)

Introduced: 2/8/2021

Status: 7/8/2021-From Consent Calendar. Ordered to third reading.

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

Summary:

The California Public Records Act requires state and local agencies to make their records available for public inspection, unless an exemption from disclosure applies. This bill would recodify and reorganize the provisions of the act. The bill would include provisions to govern the effect of recodification and state that the bill is intended to be entirely nonsubstantive in effect. The bill would contain related legislative findings and declarations. The bill would become operative on January 1, 2023.

Position: Watch

Subject: Public Records Act

CALAFCO Comments: This bill is a redo of AB 2138 from 2020 that did not move forward. According to the author's office, this bill and AB 474 are part of recommendations from the California Law Revision Commissions to reorganize and restructure the CPRA based on a request by the legislature for them to do that. CALAFCO will keep watch on the bill to ensure there are no substantive changes to the PRA.

[AB 474](#) (Chau D) California Public Records Act: conforming revisions.

Current Text: Amended: 6/21/2021 [html](#) [pdf](#)

Introduced: 2/8/2021

Last Amended: 6/21/2021

Status: 7/8/2021-From Consent Calendar. Ordered to third reading.

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

Summary:

Would enact various conforming and technical changes related to another bill, AB 473, which recodifies and reorganizes the California Public Records Act. This bill would only become operative if AB 473 is enacted and reorganizes and makes other nonsubstantive changes to the California Public Records Act that become operative on January 1, 2023. The bill would also specify that any other bill enacted by the Legislature during the 2021 calendar year that takes effect on or before January 1, 2022, and that affects a provision of this bill shall prevail over this act, except as specified.

Position: Watch

Subject: Public Records Act

CALAFCO Comments: This bill is a redo of AB 2438 from 2020 that did not move forward. According to the author's office, this bill and AB 473 are part of recommendations from the California Law Revision Commissions to reorganize and restructure the CPRA based on a request by the legislature for them to do that. CALAFCO will keep watch on the bill to ensure there are no substantive changes to the PRA.

Amendments of 5/27 are technical and minor in nature, and make it the conforming act to AB 473.

UPDATE: Amendments from 6/21/21 are only minor, technical clean-up amends.

[AB 897](#) (Mullin D) Office of Planning and Research: regional climate networks: regional climate adaptation and resilience action plans.

Current Text: Amended: 7/14/2021 [html](#) [pdf](#)

Introduced: 2/17/2021

Last Amended: 7/14/2021

Status: 7/14/2021-Read second time and amended. Re-referred to Com. on APPR.

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

Calendar:

8/16/2021 9 a.m. - John L. Burton Hearing Room (4203)
SENATE APPROPRIATIONS, PORTANTINO, Chair

Summary:

Current law requires, by July 1, 2017, and every 3 years thereafter, the Natural Resources Agency to update, as prescribed, the state's climate adaptation strategy, known as the Safeguarding California Plan. Current law establishes the Office of Planning and Research in state government in the Governor's office. Current law establishes the Integrated Climate Adaptation and Resiliency Program to be administered by the office to coordinate regional and local efforts with state climate adaptation strategies to adapt to the impacts of climate change, as prescribed. This bill would

authorize eligible entities, as defined, to establish and participate in a regional climate network, as defined. The bill would require the office, through the program, to encourage the inclusion of eligible entities with land use planning and hazard mitigation planning authority into regional climate networks. The bill would authorize a regional climate network to engage in activities to address climate change, as specified.

Attachments:

[CALAFCO Support July 2021](#)
[AB 897 Fact Sheet](#)

Position: Support

Subject: Climate Change

CALAFCO Comments: As introduced, the bill builds on existing programs through OPR by promoting regional collaboration in climate adaptation planning and providing guidance for regions to identify and prioritize projects necessary to respond to the climate vulnerabilities of their region.

As amended, the bill requires OPR to develop guidelines (the scope of which are outlined in the bill) for Regional Climate Adaptation Action Plans (RCAAPs) by 1-1-23 through their normal public process. Further the bill requires OPR to make recommendations to the Legislature on potential sources of financial assistance for the creation & implementation of RCAAPs, and ways the state can support the creation and ongoing work of regional climate networks. The bill outlines the authority of a regional climate network, and defines eligible entities. Prior versions of the bill kept the definition as rather generic and with each amended version gets more specific. As a result, CALAFCO has requested the author add LAFCOs explicitly to the list of entities eligible to participate in these regional climate networks.

As amended on 4/7, AB 11 (Ward) was joined with this bill - specifically found in 71136 in the Public Resources Code as noted in the amended bill. Other amendments include requiring OPR to, before 7-1-22, establish geographic boundaries for regional climate networks and prescribes requirements in doing so.

This is an author-sponsored bill. The bill necessitates additional resources from the state to carry out the additional work required of OPR (there is no current budget appropriation). A fact sheet is posted in the tracking section of the bill.

As amended 4/19/21: There is no longer a requirement for OPR to include in their guidelines how a regional climate network may develop their plan: it does require ("may" to "shall") a regional climate network to develop a regional climate adaptation plan and submit it to OPR for approval; adds requirements of what OPR shall publish on their website; and makes several other minor technical changes.

As amended 7/1/21, the bill now explicitly names LAFCo as an eligible entity. It also adjusts several timelines for OPR's requirements including establishing boundaries for the regional climate networks, develop guidelines and establish standards for the networks, and to make recommendations to the Legislature related to regional adaptation. Give the addition of LAFCo as an eligible entity, CALAFCO is now in support of the bill.

UPDATE: Amendments of 7/14/21, as requested by the Senate Natural Resources & Water Committee, mostly do the following: (1) Include "resilience" to climate adaptation; (2) Prioritize the most vulnerable communities; (3) Add definitions for "under-resourced" and "vulnerable" communities; (4) Remove the requirement for OPR to establish geographic boundaries for the regional climate networks; (5) Include agencies with hazard mitigation authority and in doing so also include the Office of Emergency Services to work with OPR to establish guidelines and standards required for the climate adaptation and resilience plan; and (6) Add several regional and local planning documents to be used in the creation of guidelines.

[AB 903](#) (Frazier D) Los Medanos Community Healthcare District.

Current Text: Amended: 4/19/2021 [html](#) [pdf](#)

Introduced: 2/17/2021

Last Amended: 4/19/2021

Status: 7/14/2021-Failed Deadline pursuant to Rule 61(a)(11). (Last location was GOV. & F. on 5/19/2021)(May be acted upon Jan 2022)

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

Summary:

Would require the dissolution of the Los Medanos Community Healthcare District, as specified. The bill would require the County of Contra Costa to be successor of all rights and responsibilities of the district, and require the county to develop and conduct the Los Medanos Area Health Plan Grant Program focused on comprehensive health-related services in the district’s territory. The bill would require the county to complete a property tax transfer process to ensure the transfer of the district’s health-related ad valorem property tax revenues to the county for the sole purpose of funding the Los Medanos Area Health Plan Grant Program. By requiring a higher level of service from the County of Contra Costa as specified, the bill would impose a state-mandated local program.

Position: Watch

CALAFCO Comments: This bill mandates the dissolution of the Los Medanos Community Healthcare District with the County as the successor agency, effective 2-1-22. The bill requires the County to perform certain acts prior to the dissolution. The LAFCo is not involved in the dissolution as the bill is written. Currently, the district is suing both the Contra Costa LAFCo and the County of Contra Costa after the LAFCo approved the dissolution of the district upon application by the County and the district failed to get enough signatures in the protest process to go to an election.

The amendment on 4/5/21 was just to correct a typo in the bill.

As amended on 4/19/21, the bill specifies monies received by the county as part of the property tax transfer shall be used specifically to fund the Los Medanos Area Health Plan Grant Program within the district's territory. It further adds a clause that any new or existing profits shall be used solely for the purpose of the grant program within the district's territory.

UPDATE: The bill did not pass out of Senate Governance & Finance Committee and will not move forward this year. It may be acted on in 2022.

AB 959 (Mullin D) Park districts: ordinances: nuisances: abatement.

Current Text: Amended: 7/6/2021 [html](#) [pdf](#)

Introduced: 2/17/2021

Last Amended: 7/6/2021

Status: 7/6/2021-Read second time and amended. Ordered to third reading.

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

Summary:

Current law prescribes procedures, including the election of a board of directors, for the formation of regional park districts, regional park and open-space districts, or regional open-space districts. Current law authorizes 3 or more cities, together with any parcel or parcels of city or county territory, whether in the same or different counties, to organize and incorporate, but requires that all the territory in the proposed district be contiguous. Current law requires the board of directors to superintend, control, and make available to all the inhabitants of the district all public recreation lands and facilities, as provided. Current law requires the board of directors to act only by ordinance, resolution, or a motion duly recorded in the minutes of the meeting. This bill would authorize the board of directors of a district, by ordinance, to declare an encroachment onto district lands constitutes a nuisance.

Attachments:

[AB 959 Fact Sheet](#)

Position: Watch

CALAFCO Comments: As introduced, this bill gives authority to independent regional park & open space districts governed by PRC 5500 to: (1) Declare by ordinance what constitutes a public nuisance; (2) Abate those public nuisances by either administrative or civil actions; and (3) Ability to recover costs incurred in abating the public nuisance, including attorneys' fees. There are 4 of these independent special districts: (1) Midpeninsula Regional Open Space District; (2) East Bay Regional Park District; (3) Monterey Peninsula Regional Park District; and (4) Napa County Regional Park and Open Space District. A fact sheet is posted in the tracking section of the bill.

As amended on 5-10-21, the bill requires the district Board to adopt an ordinance declaring what constitutes a nuisance. It authorizes the district to initiate civil action and recover damages.

The amendment of 6/18/21 corrects a code citing.

UPDATE: The amendments of 7/6/21 do several things: (1) change the definition of nuisance to an encroachment onto district land; (2) allows the district to establish nuisance abatement procedures upon adoption of an ordinance; (3) specifies the requirements of the nuisance abatement procedures; and (4) still allows the district to collect abatement costs with a clearly defined process.

[AB 975](#) (Rivas, Luz D) Political Reform Act of 1974: statement of economic interests and gifts.

Current Text: Amended: 5/18/2021 [html](#) [pdf](#)

Introduced: 2/18/2021

Last Amended: 5/18/2021

Status: 6/1/2021-Ordered to inactive file at the request of Assembly Member Luz Rivas.

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

Summary:

The Political Reform Act of 1974 regulates conflicts of interests of public officials and requires that public officials file, with specified filing officers, periodic statements of economic interests disclosing certain information regarding income, investments, and other financial data. The Fair Political Practices Commission is the filing officer for statewide elected officers and candidates and other specified public officials. If the Commission is the filing officer, the public official generally files with their agency or another person or entity, who then makes a copy and files the original with the Commission. This bill would revise and recast these filing requirements to make various changes, including requiring public officials and candidates for whom the Commission is the filing officer to file their original statements of economic interests electronically with the Commission.

Position: Watch

Subject: FPPC

CALAFCO Comments: As introduced, this bill makes two notable changes to the current requirements of gift notification and reporting: (1) It increases the period for public officials to reimburse, in full or part, the value of attending an invitation-only event, for purposes of the gift rules, from 30 days from receipt to 30 days following the calendar quarter in which the gift was received; and (2) It reduces the gift notification period for lobbyist employers from 30 days after the end of the calendar quarter in which the gift was provided to 15 days after the calendar quarter. Further it requires the FPPC to have an online filing system and to redact contact information of filers before posting.

The amendment on 4/21/21 just corrects wording (technical, non-substantive change).

The amendments on 5/18/21 clarify who is to file a statement of economic interest to include candidates (prior text was office holders).

[AB 1021](#) (Mayes I) Imperial Irrigation District.

Current Text: Amended: 7/1/2021 [html](#) [pdf](#)

Introduced: 2/18/2021

Last Amended: 7/1/2021

Status: 7/8/2021-From committee: Do pass and re-refer to Com. on APPR. (Ayes 4. Noes 1.) (July 8). Re-referred to Com. on APPR.

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

Calendar:

8/16/2021 9 a.m. - John L. Burton Hearing Room (4203)
SENATE APPROPRIATIONS, PORTANTINO, Chair

Summary:

Would require the local agency formation commissions for the County of Imperial and the County of Riverside to conduct and publish on their internet websites a joint study of options for providing electricity in the Imperial Irrigation District and options for alternative governance structures that provide for proportional representation for the Imperial Irrigation District board of directors, as specified. The bill would require the study to be published no later than July 1, 2022.

Attachments:

[CALAFCO Oppose Unless Amended 5-26-21](#)

Position: Oppose unless amended

Subject: Special Districts Governance

CALAFCO Comments: As amended on 3/18/21, the bill focuses on the Imperial Irrigation District. The bill requires Imperial and Riverside LAFcos to conduct a special study of voting rights

and options for providing electricity in the district area should the district decide it no longer desires to provide that serve, to be completed by December 31, 2022, as an unfunded mandate. The bill also requires membership of the district board to increase from 5 to 8 members, with the additional 3 members residing in Riverside County in the area being serviced by the district and appointed by the County Supervisor of that County district. The three new members will be non-voting members.

CALAFCO met with the author's staff on March 18 to discuss concerns on the bill, with input from Riverside and Imperial LAFcos (who will meet with the author's office as well). Concerns include: (1) The unfunded mandate and timing of the study; (2) As representation in the Riverside County service area is the issue, governance structure should also be a part of the study; (3) Section 21562.6 of the Water Code as added is far too vague. CALAFCO offered specific suggestions for clarification in this section.

This bill is similar to AB 854 (2019), which died in Appropriations. CALAFCO had a Watch position on that bill as the two member LAFcos had opposing positions, and this is a local matter. However, there is concern about requiring a study without funding (the last time the Legislature mandated a special study on a district it required the study be funded by the district).

The bill is author-sponsored and as of now there is no budget appropriation to cover cost.

As amended on 4/19/21, the bill makes substantive changes including: (1) Requires state funding for the study and prescribes an 18-month timeline for completion upon receipt of funds; (2) Adds study content of options for governance structure of the district; (3) Changes the number from 3 to 1 of nonvoting board members appointed to the district Board; and (4) Specifies requirements for the appointment.

The amendments of 5/24/21 remove the funding for the special study, making it an unfunded mandate. The bill also now requires the study to be completed by 7-1-23. As a result of the funding removal and the concerning precedent setting nature of requiring LAFco to conduct a special study without funding, CALAFCO has taken an OPPOSE UNLESS AMENDED position requesting funding be restored.

UPDATE: As amended 7/1/21, the bill now: (1) has an urgency clause; (2) requires the study to be completed by 7-1-22 (instead of 7-1-23), and (3) removes voting rights from the study. There is still no funding written into the bill, although budget trailer bill SB 129 contains the appropriation. As the appropriation of \$500,000 goes directly to the County of Riverside, a process by which both LAFcos receive that funding must be established and outlined within the text of the bill. CALAFCO will remain opposed until that is completed.

AB 1053 (Gabriel D) City selection committees: County of Los Angeles: quorum: teleconferencing.

Current Text: Amended: 4/20/2021 [html](#) [pdf](#)

Introduced: 2/18/2021

Last Amended: 4/20/2021

Status: 5/7/2021-Failed Deadline pursuant to Rule 61(a)(3). (Last location was L. GOV. on 3/18/2021)(May be acted upon Jan 2021)

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

Summary:

Current law creates a city selection committee in each county that consists of 2 or more incorporated cities for the purpose of appointing city representatives to boards, commissions, and agencies. Under current law, a quorum for a city selection committee requires a majority of the number of the incorporated cities within the county entitled to representation on the city selection committee. Current law requires a city selection committee meeting to be postponed or adjourned to a subsequent time and place whenever a quorum is not present at the meeting. This bill, for the city selection committee in the County of Los Angeles, would reduce the quorum requirement to 1/3 of all member cities within the county for a meeting that was postponed to a subsequent time and place because a quorum was not present, as long as the agenda is limited to items that appeared on the immediately preceding agenda where a quorum was not established.

Attachments:

[CALAFCO Removal of Opposition Letter April 2021](#)

[CALAFCO Oppose Unless Amended April 2021](#)

Position: Watch

Subject: Other

CALAFCO Comments: As amended on 3/18/21, the bill reduces the quorum requirement for a city selection committee to 1/3 of all member cities within the county for a meeting that was postponed to a subsequent time and place because a quorum was not present, as long as the agenda is limited to replicate the meeting for which a quorum was not established. The bill also authorizes a city selection committee to conduct their meetings be teleconference and electronic means.

The bill is sponsored by the Las Virgenes-Malibu Council of Governments.

CALAFCO's letter of Oppose Unless Amended is posted in the bill detail area.

UPDATE AS OF 4/21/21 - As amended on 4/20/21, the scope of the bill is significantly narrowed to apply only to the County of Los Angeles' City Selection Committee. This amendment resolves CALAFCO's concerns and we have removed our opposition and will retain a Watch position. CALAFCO's letter of opposition removal is posted in the bill detail area.

UPDATE: The bill failed to move out of committee so it is now a 2-year bill.

[AB 1246](#) (Nguyen R) Community services districts.

Current Text: Introduced: 2/19/2021 [html](#) [pdf](#)

Introduced: 2/19/2021

Status: 5/7/2021-Failed Deadline pursuant to Rule 61(a)(3). (Last location was PRINT on 2/19/2021)(May be acted upon Jan 2021)

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

Summary:

Current law, the Community Services District Law, authorizes the formation of community services districts for various specified purposes, including supplying water, treating sewage, disposing of solid waste, and providing fire protection. The law specifies its relation and effect on certain districts organized pursuant to former laws and to actions taken by them, among other things. This bill would make nonsubstantive changes to those provisions.

Position: Watch

CALAFCO Comments: This is a spot bill.

[AB 1295](#) (Muratsuchi D) Residential development agreements: very high fire risk areas.

Current Text: Introduced: 2/19/2021 [html](#) [pdf](#)

Introduced: 2/19/2021

Status: 5/7/2021-Failed Deadline pursuant to Rule 61(a)(3). (Last location was L. GOV. on 3/4/2021)(May be acted upon Jan 2021)

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

Summary:

Current law requires the Director of Forestry and Fire Protection to identify areas in the state as very high fire hazard severity zones based on the severity of fire hazard that is expected to prevail in those areas, as specified, and requires each local agency to designate, by ordinance, the very high fire hazard severity zones in its jurisdiction. Current law additionally requires the director to classify lands within state responsibility areas into fire hazard severity zones. This bill, beginning on or after January 1, 2022, would prohibit the legislative body of a city or county from entering into a residential development agreement for property located in a very high fire risk area. The bill would define "very high fire risk area" for these purposes to mean a very high fire hazard severity zone designated by a local agency or a fire hazard severity zone classified by the director.

Attachments:

[AB 1295 Fact Sheet](#)

Position: Watch

Subject: Growth Management, Planning

CALAFCO Comments: This bill prohibits a city or county from entering into a residential development agreement for property located within a very high fire risk area as of 1-1-2022.

This bill appears similar to SB 55 (Stern) except: (1) This bill explicitly calls out residential development, whereas SB 55 addresses new development (housing, commercial, retail or industrial) in a very high fire hazard severity zone; and (2) SB 55 adds a state responsibility area.

The bill is not marked fiscal. This is an author-sponsored bill and a fact sheet is posted in the tracking section of the bill.

SB 10 (Wiener D) Planning and zoning: housing development: density.

Current Text: Amended: 7/5/2021 [html](#) [pdf](#)

Introduced: 12/7/2020

Last Amended: 7/5/2021

Status: 7/6/2021-Read second time. Ordered to third reading.

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

Summary:

Would, notwithstanding any local restrictions on adopting zoning ordinances, authorize a local government to adopt an ordinance to zone any parcel for up to 10 units of residential density per parcel, at a height specified in the ordinance, if the parcel is located in a transit-rich area or an urban infill site, as those terms are defined. The bill would prohibit a local government from adopting an ordinance pursuant to these provisions on or after January 1, 2029. The bill would specify that an ordinance adopted under these provisions, and any resolution to amend the jurisdiction's General Plan, ordinance, or other local regulation adopted to be consistent with that ordinance, is not a project for purposes of the California Environmental Quality Act. The bill would prohibit an ordinance adopted under these provisions from superceding a local restriction enacted or approved by a local initiative that designates publicly owned land as open-space land or for park or recreational purposes.

Position: Watch

Subject: Housing

CALAFCO Comments: While not directly affecting LAFcos, the requirements in the bill are of interest. As amended on 4/13/21, the bill authorizes a local government to adopt an ordinance to zone any parcel for up to 10 units of residential density per parcel, at a height specified in the ordinance, if the parcel is located in a transit-rich area, a jobs-rich area, or an urban infill site, as those terms are defined in the bill. In this regard, the bill would require the Department of Housing and Community Development, in consultation with the Office of Planning and Research, to determine jobs-rich areas and publish a map of those areas every 5 years, commencing January 1, 2023, based on specified criteria. The bill would specify that an ordinance adopted under these provisions, and any resolution adopted to amend the jurisdiction's General Plan, ordinance, or other local regulation adopted to be consistent with that ordinance, is exempt from CEQA. The bill imposes specified requirements on a zoning ordinance adopted under these provisions. The bill would prohibit a legislative body that adopts a zoning ordinance pursuant to these provisions from subsequently reducing the density of any parcel subject to the ordinance and makes void and unenforceable any covenant, restriction, or condition contained in any deed, contract, security instrument, or other instrument affecting the transfer or sale of any interest in a planned development, and any provision of a governing document, that effectively prohibits or unreasonably restricts a use or density authorized by an ordinance adopted pursuant to the provisions in the bill.

The amendment of 4/27/21 amends 65913.5(a)(3) to remove exemption of parcels excluded from specified hazard zones by a local agency pursuant to 51179(b).

The amendments on 5/26 prohibit a residential or mixed-use residential project consisting of 10 or more units that is located on a parcel zoned pursuant to these provisions from being approved ministerially or by right or from being exempt from CEQA, except as specified, and repeal these provisions on January 1, 2029.

The 6/24/21 amendments prohibit an ordinance adopted pursuant to the provisions in this bill from superseding any local restrictions brought about by a local voter initiative; requires an ordinance to be adopted by 2/3 vote of the governing body if the ordinance supersedes any zoning restriction established by a local voter initiative; and completely removes SECTION 1 (the addition of Sec. 4752 to the Civil Code).

UPDATE: The 7/5/21 amendments remove the requirements added on 6/24 pertaining to zoning restrictions that a local initiative be a voter initiated initiative. Also makes minor changes to the timing of the bus corridor criteria.

SB 12 (McGuire D) Local government: planning and zoning: wildfires.

Current Text: Amended: 7/1/2021 [html](#) [pdf](#)

Introduced: 12/7/2020

Last Amended: 7/1/2021

Status: 7/14/2021-Failed Deadline pursuant to Rule 61(a)(11). (Last location was H. & C.D. on 6/24/2021)(May be acted upon Jan 2022)

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

Summary:

Current law requires that the Office of Planning and Research, among other things, coordinate with appropriate entities, including state, regional, or local agencies, to establish a clearinghouse for climate adaptation information for use by state, regional, and local entities, as provided. This bill would require the safety element, upon the next revision of the housing element or the hazard mitigation plan, on or after July 1, 2024, whichever occurs first, to be reviewed and updated as necessary to include a comprehensive retrofit strategy to reduce the risk of property loss and damage during wildfires, as specified, and would require the planning agency to submit the adopted strategy to the Office of Planning and Research for inclusion into the above-described clearinghouse.

Position: Watch

Subject: Growth Management, Planning

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

Current Text: Amended: 6/28/2021 [html](#) [pdf](#)

Introduced: 12/7/2020

Last Amended: 6/28/2021

Status: 6/29/2021-Read second time. Ordered to third reading.

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.

Attachments:

[CALAFCO Oppose Unless Amended letter May 2021](#)

Position: Oppose unless amended

Subject: CKH General Procedures

CALAFCO Comments: This bill is the same as SB 799 from 2020 and seeks to re-establish and continue the pilot program for five more years. The program ended as of January 1, 2021 but due to the pandemic, SB 799 from 2020 to extend the sunset was not moved forward in the legislature.

As amended on 4/29/21, the bill now adds 56133.6 which seeks to address several projects in the City of St. Helena, and resolve a current law suit between the winery and the city. The amendments authorize Napa LAFCo to consider new or extended service by the city to specific parcels with certain conditions. The bill requires the Napa LAFCo make certain determinations if approving, include any decision in their required report to the Legislature and has a sunset of 1-1-26.

CALAFCO has made a request for several technical amendments to the version dated 4-29-21, and has concern this addition strays too far from the original intent of the pilot program. Requested amendments on the table now include: (1) Rewording of both sections 56133.5(a)(2) and 56133.6(a)(3) to explicitly state both (A) and (B) are required; (2) Reword the new addition to 56133.5(d) so that it does not presume Napa LAFCo will authorize the new or extension of service; and (3) Rewrite 56133.6(a)(1) to clarify that (A) must apply to both (B) and (C).

As amended on 5-11-21, all requested technical amendments were made, however the intent of the pilot program has changed with the addition of 56133.6 and Napa LAFCo's ability to approve extension of service for parcels that do not meet the pilot program's requirement of planned use as defined in 56133.5. For this reason, CALAFCO is opposed unless amended, requesting the removal of 56133.6. Our letter is in the bill detail section.

UPDATE: Amendments from 6/28/21 are minor in nature and serve as clean-up.

SB 55 (Stern D) Very high fire hazard severity zone: state responsibility area: development prohibition: supplemental height and density bonuses.

Current Text: Amended: 4/5/2021 [html](#) [pdf](#)

Introduced: 12/7/2020

Last Amended: 4/5/2021

Status: 4/30/2021-Failed Deadline pursuant to Rule 61(a)(2). (Last location was GOV. & F. on 3/3/2021)(May be acted upon Jan 2022)

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

Summary:

Would, in furtherance of specified state housing production, sustainability communities strategies, greenhouse gas reduction, 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 unless there is substantial evidence that the local agency has adopted a comprehensive, necessary, and appropriate wildfire prevention and community hardening strategy to mitigate significant risks of loss, injury, or death, as specified. 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.

Attachments:

[SB 55 Fact Sheet](#)

Position: Watch

Subject: Growth Management, Planning

CALAFCO Comments: This bill prohibits the creation or approval of a new development (housing, commercial, retail or industrial) in a very high fire hazard severity zone or a state responsibility area. The bill is author-sponsored and imposes unfunded mandates. A fact sheet is posted in the tracking section of the bill.

As amended on 4/5/21, the bill removes the "blanket approach" to prohibiting development as noted above by adding specificity. The bill prohibits development in either of the areas noted above unless there is substantial evidence that the local agency has adopted a comprehensive, necessary and appropriate wildfire preventions and community hardening strategy to mitigate significant risks of loss, injury or death as specified in the bill. Additionally, the bill provides a qualifying developer a supplemental height bonus and a supplemental density bonus, as specified, if the development is located on a site that meets certain criteria, including, among others, not being located in a moderate, high, or very high fire hazard severity zone, as specified. These requirements are unfunded mandates.

This bill appears similar to AB 1295 (Muratsuchi) except this bill appears to be broader in scope in terms of the type of development prohibited and includes a state responsibility area, whereas AB 1295 only addresses residential development in a very high fire risk area.

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: 4/30/2021-Failed Deadline pursuant to Rule 61(a)(2). (Last location was GOV. & F. on 1/28/2021)(May be acted upon Jan 2022)

Desk	2 year	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

CALAFCO Comments: This bill is the same as SB 1180 from 2020 which did not move through the legislature. It is a local El Dorado County/district bill. This bill does several things. (1) Provides 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. (2) The bill also would authorize a voter who is not a resident of the district but owns a real property interest in the district to designate only one voter to vote on their behalf, regardless of the number of parcels in the district owned by the nonresident voter. (3) This bill would prohibit the Fallen Leaf Lake Community Services District from providing any services or facilities except fire protection and medical services, including emergency response and services, as well as parks and recreation services and facilities.

CALAFCO is working with the sponsors of the bill and the SGFC on a broader solution to this problem, which is not exclusive to this district.

SB 261 (Allen D) Regional transportation plans: sustainable communities strategies.

Current Text: Introduced: 1/27/2021 [html](#) [pdf](#)

Introduced: 1/27/2021

Status: 4/30/2021-Failed Deadline pursuant to Rule 61(a)(2). (Last location was TRANS. on 3/15/2021)(May be acted upon Jan 2022)

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

Summary:

current law requires certain transportation planning agencies to prepare and adopt a regional transportation plan directed at achieving a coordinated and balanced regional transportation system. Certain of these agencies are designated under federal law as metropolitan planning organizations. Existing law requires that each regional transportation plan include a sustainable communities strategy developed to achieve greenhouse gas emission reduction targets for the automobile and light truck sector for 2020 and 2035 established by the State Air Resources Board. This bill would require that the sustainable communities strategy be developed to additionally achieve greenhouse gas emission reduction targets for the automobile and light truck sector for 2045 and 2050 and vehicle miles traveled reduction targets for 2035, 2045, and 2050 established by the board. The bill would make various conforming changes to integrate those additional targets into regional transportation plans.

Position: Watch

Subject: Sustainable Community Plans

SB 273 (Hertzberg D) Water quality: municipal wastewater agencies.

Current Text: Amended: 6/21/2021 [html](#) [pdf](#)

Introduced: 1/29/2021

Last Amended: 6/21/2021

Status: 7/8/2021-Read second time. Ordered to third reading.

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

Summary:

Would authorize a municipal wastewater agency, as defined, to enter into agreements with entities responsible for stormwater management for the purpose of managing stormwater and dry weather runoff, as defined, to acquire, construct, expand, operate, maintain, and provide facilities for specified purposes relating to managing stormwater and dry weather runoff, and to levy taxes, fees, and charges consistent with the municipal wastewater agency's existing authority in order to fund projects undertaken pursuant to the bill. The bill would require the exercise of any new authority granted under the bill to comply with the Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000. The bill would require a municipal wastewater agency that enters into or amends one of these agreements after January 1, 2022, to file a copy of the agreement or

amendment with the local agency formation commission in each county where any part of the municipal wastewater agency's territory is located, but would exempt those agreements and amendments from local agency formation commission approval except as required by the Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000.

Attachments:

[CALAFCO Support June 2021](#)
[SB 273 Fact Sheet](#)

Position: Support

Subject: Municipal Services

CALAFCO Comments: This bill is a redo of SB 1052 from 2020 that was not moved forward because of the pandemic. This bill adds authority to municipal wastewater agencies as outlined in 13911(a) and (b) relating to stormwater runoff and management. The bill authorizes this additional authority while keeping the LAFCo process to activate these latent powers intact.

UPDATE: The amendment of 6/21/21 adds a requirement that upon entering into the agreement, the agency has 30 days to file a copy of that agreement or amended agreement with the LAFCO, as requested by CALAFCO.

The bills is sponsored by the CA Assn of Sanitation Agencies. A fact sheet is posted in the tracking section of the bill.

[SB 274](#) (Wieckowski D) Local government meetings: agenda and documents.

Current Text: Amended: 4/5/2021 [html](#) [pdf](#)

Introduced: 1/29/2021

Last Amended: 4/5/2021

Status: 7/8/2021-Read second time. Ordered to third reading.

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

Summary:

The Ralph M. Brown Act requires meetings of the legislative body of a local agency to be open and public and also requires regular and special meetings of the legislative body to be held within the boundaries of the territory over which the local agency exercises jurisdiction, with specified exceptions. Current law authorizes a person to request that a copy of an agenda, or a copy of all the documents constituting the agenda packet, of any meeting of a legislative body be mailed to that person. This bill would require a local agency with an internet website, or its designee, to email a copy of, or website link to, the agenda or a copy of all the documents constituting the agenda packet if the person requests that the items be delivered by email. If a local agency determines it to be technologically infeasible to send a copy of the documents or a link to a website that contains the documents by email or by other electronic means, the bill would require the legislative body or its designee to send by mail a copy of the agenda or a website link to the agenda and to mail a copy of all other documents constituting the agenda packet, as specified.

Attachments:

[CALAFCO Support SB 274 \(3-15-21\)](#)
[SB 274 Fact Sheet](#)

Position: Support

Subject: Public Records Act

CALAFCO Comments: This bill is a modified redo of SB 931 from 2020 that did not move forward because of the pandemic. This bill updates the Government Code to require a public agency to email the agenda or agenda items to anyone who requests it or the link to the website where the documents can be accessed (current law requires the mailing of such documents upon request, this bill adds the option to email if requested). A fact sheet is posted in the tracking section of the bill.

The amendment on 4/5/21 was to correct a typo reflecting the authority to email information.

[SB 475](#) (Cortese D) Transportation planning: sustainable communities strategies.

Current Text: Amended: 3/10/2021 [html](#) [pdf](#)

Introduced: 2/17/2021

Last Amended: 3/10/2021

Status: 4/30/2021-Failed Deadline pursuant to Rule 61(a)(2). (Last location was TRANS. on 4/26/2021)(May be acted upon Jan 2022)

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

Summary:

Would require the State Air Resources Board, on or before June 30, 2023, and in coordination with the California Transportation Commission and the Department of Housing and Community Development, to issue new guidelines on sustainable communities strategies and require these guidelines to be updated thereafter at least every 4 years. The bill would delete the provisions related to the Regional Targets Advisory Committee and instead require the State Air Resources Board to appoint, on or before January 31, 2022, the State-Regional Collaborative for Climate, Equity, and Resilience, consisting of representatives of various entities. The bill would require the State-Regional Collaborative for Climate, Equity, and Resilience to develop a quantitative tool for metropolitan planning organizations to use to evaluate a transportation plan’s consistency with long-range greenhouse gas emission reduction targets and recommend guidelines for metropolitan planning organizations to use when crafting long-range strategies that integrate state goals related to climate resilience and social equity.

Position: Watch

Subject: Sustainable Community Plans

SB 499 (Leyva D) General plan: land use element: uses adversely impacting health outcomes.

Current Text: Introduced: 2/17/2021 [html](#) [pdf](#)

Introduced: 2/17/2021

Status: 4/30/2021-Failed Deadline pursuant to Rule 61(a)(2). (Last location was GOV. & F. on 2/25/2021)(May be acted upon Jan 2022)

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

Summary:

Would prohibit the land use element from designating land uses that have the potential to significantly degrade local air, water, or soil quality or to adversely impact health outcomes in disadvantaged communities to be located, or to materially expand, within or adjacent to a disadvantaged community or a racially and ethnically concentrated area of poverty. By expanding the duties of cities and counties in the administration of their land use planning duties, the bill would impose a state-mandated local program.

Attachments:

[SB 499 Fact Sheet](#)

Position: Watch

Subject: Disadvantaged Communities

CALAFCO Comments: As introduced, this bill would prohibit the land use element of a general plan from designating or expanding land uses that have the potential to significantly degrade local air, water, or soil quality or to adversely impact health outcomes within or adjacent to disadvantaged communities (DACs) or a racially and ethnically concentrated area of poverty.

The sponsor of this bill is the Leadership Counsel for Justice and Accountability. A fact sheet is posted in the tracking section of the bill.

SB 574 (Laird D) Agricultural preserves: Williamson Act.

Current Text: Amended: 3/4/2021 [html](#) [pdf](#)

Introduced: 2/18/2021

Last Amended: 3/4/2021

Status: 7/15/2021-Read second time. Ordered to consent calendar.

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

Summary:

Under the California Land Conservation Act of 1965, the board of supervisors or city council may grant tentative approval for a cancellation by petition of a landowner as to all or any part of land subject to a contract, as specified. Prior to any action by the board or council giving tentative approval to the cancellation of any contract, the county assessor is required to determine the current fair market value of the land as though it were free of the contractual restriction, and requires the assessor to send the fair market value to the Department of Conservation, hereafter department, at the same time the assessor sends the value to the landowner. Current law provides for a certificate of tentative cancellation upon tentative approval of a petition by a landowner accompanied by a proposal for a specified alternative use of the land, as provided. Current law requires the board of supervisors or city council to provide notice to the department related to cancellation of the contract as well as in other specified instances. This bill would revise and recast these provisions to no longer require the assessor to provide notice to the department and to

require the board of supervisors or city council to provide notice to the department if the certificate of tentative cancellation is withdrawn, as specified.

Position: Watch

CALAFCO Comments: This bill narrows the role of Department of Conservation (DOC) in administering the Williamson Act. It does not change other provisions in the Act except for lessening reporting requirements by local governments to the DOC. The bill repeals the ability of the DOC to agree on a cancellation value for contracted land with a landowner, along with the requirement that the department provide a preliminary valuation to the applicable assessor, and repeals the requirement that the DOC approve cancellation of a farmland security contract. The bill also repeals and narrows reporting requirements by requiring the DOC to post all local government reports on Williamson Act lands/contracts on its website rather than create a report and submit to the Legislature. The bill also repeals certain reporting requirements by local governments (cities and counties) to the DOC regarding Williamson Act contracts.

As amended on 3/4/21, the bill requires cities/counties to file annual maps on Act lands; and removes the requirement for state approval for the amount of security to be paid when paying cancellation fee.

CALAFCO will continue to watch this bill to ensure no detrimental changes are made to the Act through future amendments.

SB 813 (Committee on Governance and Finance) Local Government Omnibus Act of 2021.

Current Text: Amended: 6/21/2021 [html](#) [pdf](#)

Introduced: 2/23/2021

Last Amended: 6/21/2021

Status: 7/15/2021-Read second time. Ordered to consent calendar.

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

Summary:

Current law provides that a person who has made an offer to purchase an interest in an undivided-interest subdivision, as specified, and not exempted, has the right to rescind any contract resulting from the acceptance of that offer during a specified timeframe. Current law defines and describes the terms "subdivided lands" and "subdivision" for these purposes. Current law requires any person who intends to offer subdivided lands for sale or lease, as specified, to file with the Bureau of Real Estate an application for a public report consisting of, among other things, a notice of intention and a completed questionnaire. Current law exempts the proposed sale or lease of those lots or other interests in a subdivision that are limited to industrial or commercial uses by law or by a declaration of covenants, conditions, and restrictions that has been recorded in the official records of the county or counties in which the subdivision is located from certain of those provisions relating to the filing of a report with the Bureau of Real Estate and sales contracts. This bill would instead exempt the proposed sale or lease of those lots or other interests from all provisions as specified.

Position: Watch

CALAFCO Comments: This is the annual Senate Governance & Finance Committee Omnibus bill.

Total Measures: 33

Total Tracking Forms: 33

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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

Edi Birsan
City Member

June 22, 2021

The Honorable Governor Gavin Newsom
 State of California
 State Capitol Building
 Sacramento, CA 95814

RE: Request to Sign AB 1581
Assembly Local Government Committee Omnibus Bill

Dear Governor Newsom:

The Contra Costa Local Agency Formation Commission (LAFCo) respectfully requests that you **sign Assembly Bill 1581** (Assembly Local Government Committee) which is now before you for action. **AB 1581** makes changes and clarifications to the Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000 (the "Act").

This annual bill includes technical changes to the Act which governs the work of local agency formation commissions (LAFCos). These changes are necessary as commissions implement the Act and small inconsistencies are found or clarifications are needed to make the law as unambiguous as possible. **AB 1581** makes several minor technical changes, corrects obsolete and incorrect code references, and makes minor updates to outdated sections. Without making any policy changes, the revised language greatly clarifies the laws and eliminates outdated and confusing language thereby creating a significant increase in the clarity of the Act for all stakeholders.

Because this legislation helps ensure that the Cortese-Knox-Hertzberg Act remains a vital and practical law that is consistently applied around the state, and clearer to all who use the Act, we respectfully urge you to sign **AB 1581**.

Yours sincerely,


 Igor Skaredoff, Chair
 Contra Costa LAFCO

cc: Honorable Cecilia Aguiar-Curry, Chair, Assembly Local Government Committee
 Jimmy MacDonald, Consultant, Assembly Local Government Committee
 Ronda Paschal, Deputy Legislative Secretary to the Governor
 Pamela Miller, Executive Director, CALAFCO



Lou Ann Texeira
 Executive Officer

MEMBERS

Candace Andersen <i>County Member</i>	Federal Glover <i>County Member</i>
Donald A. Blubaugh <i>Public Member</i>	Michael R. McGill <i>Special District Member</i>
Tom Butt <i>City Member</i>	Rob Schroder <i>City Member</i>
Igor Skaredoff <i>Special District Member</i>	

ALTERNATE MEMBERS

Diane Burgis <i>County Member</i>
Stanley Caldwell <i>Special District Member</i>
Charles R. Lewis, IV <i>Public Member</i>
Edi Birsan <i>City Member</i>

August 11, 2021

**August 11, 2021
 Agenda Item 12**

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

Current and Potential Future LAFCO Applications

Dear Members of the Commission:

SUMMARY

The Commission will receive a report identifying active applications on file with Contra Costa LAFCO. This report also identifies several potential future applications. This report is presented for information only.

DISCUSSION

The Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000 (“CKH”) delegates LAFCOs with regulatory and planning duties to coordinate the formation and development of local government agencies and their municipal services. This includes approving or disapproving boundary changes, boundary reorganizations, formations, mergers, consolidations, dissolutions, incorporations, sphere of influence (SOI) amendments, and the extension of out of agency services. Applications involving jurisdictional changes filed by landowners or registered voters are placed on the Commission’s agenda as information items before action is considered by LAFCO at a subsequent meeting (Gov. Code §56857).

There are currently two approved proposals awaiting completion, four current applications that are either incomplete and/or awaiting a hearing date, and 10 potential future applications.

Current Proposals – Approved and Awaiting Completion

Dissolution of Los Medanos Community Healthcare District (LAFCO 17-13)

The Commission approved the dissolution in September 2018. The dissolution is currently being litigated at the Court of Appeal.

✚ Chang Property Reorganization (LAFCO 18-06)

This is an application filed by the landowner to annex 66.92± acres to the City of San Ramon, Central Contra Costa Sanitary District (CCCSD) and East Bay Municipal Utility District (EBMUD) and detach the same area from County Service Area (CSA) P-6. The subject area is located at the intersection of Crow Canyon and Bollinger Canyon Roads in unincorporated San Ramon. The Commission approved the boundary reorganization in August 2017 with conditions. One of the conditions has not yet been met. The applicant has requested and received several extensions of time with the current extension to July 9, 2022.

Current Applications – Under Review

✚ LAFCO Tassajara Parks Project – Boundary Reorganization (LAFCO 16-06)

This is an application filed by the landowner to annex 30± acres to Central Contra Costa Sanitary District (CCCSD) and East Bay Municipal Utility District (EBMUD). The project includes development of 125 single-family homes. The subject area is located east of the City of San Ramon and the Town of Danville. The application is currently incomplete.

✚ LAFCO Tassajara Parks Project – Sphere of Influence (SOI) Amendments (LAFCO 16-07)

This is an application filed by the landowner to amend the SOIs for CCCSD and EBMUD by 30± acres in anticipation of corresponding annexations. The application is currently incomplete.

✚ Beacon West & Willow Mobile Home Park – Boundary Reorganization (LAFCO 21-04)

This is an application filed by Contra Costa Water District (CCWD) to annex 37.58± acres to CCWD and 30.1± acres to Diablo Water District (DWD). The subject area is located on Bethel Island. On August 11, 2021, the Commission will be asked to approve the corresponding SOI amendments. Following approval of the SOI amendments, the proposed boundary reorganization will be scheduled for a LAFCO public hearing.

✚ Faria Southwest Hills – Boundary Reorganization (LAFCO 21-04)

This is an application filed by the City of Pittsburg to annex 606± to the City of Pittsburg, CCWD and Delta Diablo. The project includes development of up to 1,500 residential units. The application is currently incomplete.

Potential Future Applications

On April 14, 2021, LAFCO approved the extension of out of agency water service by the City of Martinez to the Bay's Edge Subdivision 9065 located in unincorporated Martinez (Mt. View). LAFCO's approval was conditioned on commitment from the City to submit to LAFCO an application to annex the subject parcels to the City of Martinez by August 31, 2022, in the event the entirety of Mt. View is not annexed to the City prior to that date.

On June 9, 2021, LAFCO approved the extension of out of agency wastewater service by the City of Concord to the Akins property located in unincorporated Concord (Ayers Ranch). LAFCO's approval was conditioned on a commitment from the landowners to submit to LAFCO an application to annex the subject parcel to the City of Concord by May 31, 2022.

There are currently eight potential applications that may be submitted to Contra Costa LAFCO in the future. The potential applications include a boundary reorganization (i.e., annexation(s) to Contra Costa County Fire Protection District and corresponding district(s) dissolution); and potential annexations to Byron Bethany Irrigation District, City of Brentwood, City of Concord, East Bay Municipal Utility District, Mt. View Sanitary District, Stege Sanitary District, and West County Wastewater District.

RECOMMENDATION – Informational item – no actions required.

Sincerely,

LOU ANN TEXEIRA
EXECUTIVE OFFICER

Attachment 1 – Current Applications Table

**CONTRA COSTA LOCAL AGENCY FORMATION COMMISSION
CURRENT APPLICATIONS – August 11, 2021**

File No.	APPLICATION NAME/LOCATION	APPLICATION SUMMARY	STATUS
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	Application submitted in May 2016 by the landowner to annex 30± acres to Central Contra Costa Sanitary District (CCCSD) and East Bay Municipal Utility District (EBMUD) to support development of 125 residential lots and related improvements. On July 13, 2021, the County Board of Supervisors certified the project EIR, amendment the ULL, executed a land preservation agreement, and acted on various discretionary project approvals.	Application is currently incomplete. Await certified EIR, updated application, and other information.
16-07	Tassajara Parks Project: proposed sphere of influence (SOI) expansions to CCCSD and EBMUD of 30+ acres located east of the City of San Ramon and the Town of Danville	Application submitted in May 2016 by the landowner to amend the SOIs for CCCSD and EBMUD in anticipation of annexation.	Application is currently incomplete. Await certified EIR, updated application, and other information.
17-13	Dissolution of Los Medanos Community Health Care District (LMCHD)	Application submitted in November 2017 by Contra Costa County to dissolve LMCHD.	Dissolution was approved by LAFCO in September 2018 and is currently being litigated at the Court of Appeal.
21-04	Beacon West & Willow Mobile Home Park: proposed annexations to CCWD (37.58± acres) and DWD (30.1± acres) located in unincorporated Bethel Island	Application submitted in April 2021 by CCWD to annex subject territory to Contra Costa Water District (CCWD) and Diablo Water District (DWD).	Application is under review and pending approval of proposed SOI amendments.
21-05	Faria Southwest Hills Reorganization: proposed annexations to City of Pittsburg, CCWD and DD of 606± acres located southwest of the City of Pittsburg	Application submitted in June 2021 by City of Pittsburg to annex 606± acres to City of Pittsburg, CCWD and Delta Diablo (DD) to support hillside estate development of up to 1,500 units.	Application is currently incomplete. <i>Notice of Incomplete Application</i> was issued on July 21, 2021.



August 11, 2021
Agenda Item 13

AGENDA

RETIREMENT BOARD MEETING

REGULAR MEETING

April 14, 2021, 9:00 a.m.

Due to the Contra Costa County and State of California Coronavirus (COVID-19) health orders, and as permitted by Executive Order N-29-20 issued on March 17, 2020, the Board of Retirement shall hold its meeting via teleconferencing. The meeting is accessible telephonically at 669-900-6833, Webinar ID: 968 9735 5359, Passcode: 817739, or via the web at:

<https://zoom.us/j/96897355359?pwd=NVdKcVgySIA5eVRSVXZxRm5JRvFwQT09> Passcode: 817739

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. Recognition of Son Lu for 15 years of service.
3. Roll Call.
4. Accept comments from the public.
5. Approve minutes from the March 10, 2021 meeting.
6. Routine items for April 14, 2021.
 - 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 into 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. Shawn Pate	Service Connected	Service Connected
b. Kim Willey	Service Connected	Service Connected

- 8. The Board will continue in closed session pursuant to Govt. Code Section 54957 to evaluate the performance of the following public employee:

Title: Chief Executive Officer

- 9. 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. *Contra Costa County Deputy Sheriffs Association, et al., v. Board of Retirement of CCCERA, et al.*, Contra Costa County Superior Court, Case No. C15-00598

OPEN SESSION

- 10. Consider and take possible action to authorize the Chief Executive Officer to execute an agreement with Sagitec Solutions LLC to provide pension administration system software, implementation, hosting and support services in an amount not to exceed \$13,000,000.
- 11. Consider and take possible action to cause an election to be held to fill the upcoming vacancy in the third general seat of the Board of Retirement.
- 12. Consider and take possible action to authorize issuance of a Request for Proposal for death notification services.
- 13. Consider and take possible action on SACRS Board of Directors Election.
- 14. Miscellaneous
 - a. Staff Report
 - b. Outside Professionals' Report
 - c. Trustees' comments

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



AGENDA

RETIREMENT BOARD MEETING

REGULAR MEETING
April 28, 2021, 9:00 a.m.

Due to the Contra Costa County and State of California Coronavirus (COVID-19) health orders, and as permitted by Executive Order N-29-20 issued on March 17, 2020, the Board of Retirement shall hold its meeting via teleconferencing. The meeting is accessible telephonically at 669-900-6833, Webinar ID: 978 3819 2662, Passcode: 934303, or via the web at:

<https://zoom.us/j/97838192662?pwd=QkRHZEFJVlg0eWZkWnQ4UzILWm5Ldz09> Passcode: 934303

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. Select a successor Board Chairperson and make any other necessary selection of board officers.
4. Audit committee member appointment.
5. Accept comments from the public.
6. Approve minutes from the March 24, 2021 meeting.

CLOSED SESSION

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

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.

- 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. *Contra Costa County Deputy Sheriffs Association, et al., v. Board of Retirement of CCCERA, et al.*, Contra Costa County Superior Court, Case No. C15-00598
- c. *Morant v. CCCERA*, EEOC Charge No. 555-2021-00303

OPEN SESSION

8. Presentation from Milliman regarding the December 31, 2020 Other Post-Employment Benefits (OPEB) valuation report.
9. Update from Verus regarding the firm and its role as the board's investment consultant.
10. Discussion with Board regarding potential modifications of the Investment Policy Statement.
11. Review of report on liquidity sub-portfolio.
 - a. Presentation from staff
 - b. Presentation from Dimensional Fund Advisors
12. Consider and take possible action to adopt Board of Retirement Resolution No. 2021-4, Investment Asset Allocation Targets and Ranges.
13. Miscellaneous
 - a. Staff Report
 - b. Outside Professionals' Report
 - c. Trustees' comments

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



AGENDA

RETIREMENT BOARD MEETING

REGULAR MEETING

May 5, 2021, 9:00 a.m.

Due to the Contra Costa County and State of California Coronavirus (COVID-19) health orders, and as permitted by Executive Order N-29-20 issued on March 17, 2020, the Board of Retirement shall hold its meeting via teleconferencing. The meeting is accessible telephonically at 669-900-6833, Webinar ID: 941 7279 7036, Passcode: 633712, or via the web at:

<https://zoom.us/j/94172797036?pwd=ZkN4eklCY2FsZHRMUUJvSWowekxOUT09> Passcode: 633712

Persons who wish to make public comment may submit their comment to:

publiccomment@cccera.org on the day of the meeting, either before or during the meeting.

Public comments are limited to any item of interest to the public that is within the subject matter jurisdiction of the Board of Retirement. (Gov't Code Section 54954.3(a).) All comments submitted will be included in the record of the meeting. The comments will be read into the record at the meeting, subject to a three-minute time limit per comment.

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

1. Pledge of Allegiance.
2. Roll Call.
3. Accept comments from the public.
4. Approve minutes from the April 14, 2021 meeting.
5. Routine items for May 5, 2021.
 - 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 travel report.
 - f. Accept asset allocation report.
 - g. 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

6. The Board will go into 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. Christopher Williams	Service Connected	Service Connected

7. 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 Shahla Rezwani.

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

- a. *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. *Contra Costa County Deputy Sheriffs Association, et al., v. Board of Retirement of CCCERA, et al., Contra Costa County Superior Court, Case No. C15-00598*
- c. *Public Employees Union Local No. 1, et al., v. Board of Retirement of CCCERA, et al., Contra Costa County Superior Court, Case No. N14-2021*

OPEN SESSION

9. Consider and take possible action to amend the Policy on Determining “Compensation Earnable” Under Assembly Bill 197 For Purposes of Calculating Retirement Benefits For “Legacy” (Pre-PEPRA) Members.
10. Consider and take possible action concerning the SACRS legislative proposal to be voted on at the May 2021 SACRS Conference.
11. Miscellaneous
- a. Staff Report
 - b. Outside Professionals’ Report
 - c. Trustees’ comments

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



AGENDA

RETIREMENT BOARD MEETING

REGULAR MEETING
May 26, 2021, 9:00 a.m.

The Board of Retirement will hold its meeting via teleconferencing as permitted by Executive Order N-29-20. The meeting is accessible telephonically at 669-900-6833, Webinar ID: 925 6489 6305, Passcode: 807968, or via the web at:

<https://zoom.us/j/92564896305?pwd=UjBZYW5KQlIMMGJvZVlaRXE1MjZRQT09> Passcode: 807968

Persons may request to make public comment by emailing publiccomment@cccera.org the day before the Board meeting or the day of the Board meeting either before or during the meeting. Public comments are limited to any item that is within the subject matter jurisdiction of the Board of Retirement. Both written and oral comments will be accepted, subject to a three-minute time limit per speaker. Written comments will be read into the record at the meeting. All comments submitted will be included in the record of the meeting.

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

1. Pledge of Allegiance.
2. Roll Call.
3. Accept comments from the public.
4. Approve minutes from the April 28, 2021 meeting.

CLOSED SESSION

5. The Board will go into 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*

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.

- b. *Contra Costa County Deputy Sheriffs Association, et al., v. Board of Retirement of CCCERA, et al.*, Contra Costa County Superior Court, Case No. C15-00598
- c. *Public Employees Union Local No. 1, et al., v. Board of Retirement of CCCERA, et al.*, Contra Costa County Superior Court, Case No. N14-2021

OPEN SESSION

- 6. Review of total portfolio performance for period ending March 31, 2021.
 - a. Presentation from Verus
 - b. Presentation from staff
- 7. Consider and take possible action to amend the Investment Policy Statement.
- 8. Report from Audit Committee Chair on May 5, 2021 Audit Committee meeting.
- 9. Miscellaneous
 - a. Staff Report
 - b. Outside Professionals' Report
 - c. Trustees' comments



AGENDA

RETIREMENT BOARD MEETING

REGULAR MEETING

June 9, 2021, 9:00 a.m.

The Board of Retirement will hold its meeting via teleconferencing as permitted by Executive Order N-29-20. The meeting is accessible telephonically at 669-900-6833, Webinar ID: 919 3162 0676, Passcode: 364378, or via the web at:

<https://zoom.us/j/91931620676?pwd=eGprbWhaZkdjZW9pN1VmRnEzVUFRZz09> Passcode: 364378

Persons may request to make public comment by emailing publiccomment@cccera.org the day before the Board meeting or the day of the Board meeting either before or during the meeting. Public comments are limited to any item that is within the subject matter jurisdiction of the Board of Retirement. Both written and oral comments will be accepted, subject to a three-minute time limit per speaker. Written comments will be read into the record at the meeting. All comments submitted will be included in the record of the meeting.

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

1. Pledge of Allegiance.
2. Recognition of Henry Gudino for 5 years of service.
3. Roll Call.
4. Accept comments from the public.
5. Approve minutes from the May 5, 2021 meeting.
6. Routine items for June 9, 2021.
 - 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 into 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. Nicki Impastato	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 Christine Pedone.

OPEN SESSION

9. Consider and take possible action to authorize the CEO to execute an agreement with PBI Research Services for obituary and demographic notification services.
10. Presentation of 2020 CCCERA budget vs. actual expenses report.
11. Legislative update.
12. Consider authorizing the attendance of Board:
a. SACRS/UC Berkeley Public Pension Investment Management Program, July 13-22, 2021, Virtual Program. (Note: Conflict with meeting)
13. Miscellaneous
a. Staff Report
b. Outside Professionals' Report
c. Trustees' comments

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



AGENDA

RETIREMENT BOARD MEETING

REGULAR MEETING

June 9, 2021, 9:00 a.m.

The Board of Retirement will hold its meeting via teleconferencing as permitted by Executive Order N-29-20. The meeting is accessible telephonically at 669-900-6833, Webinar ID: 919 3162 0676, Passcode: 364378, or via the web at:

<https://zoom.us/j/91931620676?pwd=eGprbWhaZkdjZW9pN1VmRnEzVUFRZz09> Passcode: 364378

Persons may request to make public comment by emailing publiccomment@cccera.org the day before the Board meeting or the day of the Board meeting either before or during the meeting. Public comments are limited to any item that is within the subject matter jurisdiction of the Board of Retirement. Both written and oral comments will be accepted, subject to a three-minute time limit per speaker. Written comments will be read into the record at the meeting. All comments submitted will be included in the record of the meeting.

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

1. Pledge of Allegiance.
2. Recognition of Henry Gudino for 5 years of service.
3. Roll Call.
4. Accept comments from the public.
5. Approve minutes from the May 5, 2021 meeting.
6. Routine items for June 9, 2021.
 - 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.

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CLOSED SESSION

7. The Board will go into 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. Nicki Impastato	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 Christine Pedone.

OPEN SESSION

9. Consider and take possible action to authorize the CEO to execute an agreement with PBI Research Services for obituary and demographic notification services.
10. Presentation of 2020 CCCERA budget vs. actual expenses report.
11. Legislative update.
12. Consider authorizing the attendance of Board:
a. SACRS/UC Berkeley Public Pension Investment Management Program, July 13-22, 2021, Virtual Program. (Note: Conflict with meeting)
13. Miscellaneous
a. Staff Report
b. Outside Professionals' Report
c. Trustees' comments

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



AGENDA

RETIREMENT BOARD MEETING

REGULAR MEETING

July 14, 2021, 9:00 a.m.

The Board of Retirement will hold its meeting via teleconferencing as permitted by Executive Order N-29-20. The meeting is accessible telephonically at 669-900-6833, Webinar ID: 910 1425 2227, Passcode: 799330, or via the web at:

<https://zoom.us/j/91014252227?pwd=YUUrdyt0S3JVcG05czEwVnNlaXhSUT09> Passcode: 799330

Persons may request to make public comment by emailing publiccomment@cccera.org the day before the Board meeting or the day of the Board meeting either before or during the meeting. Public comments are limited to any item that is within the subject matter jurisdiction of the Board of Retirement. Both written and oral comments will be accepted, subject to a three-minute time limit per speaker. Written comments will be read into the record at the meeting. All comments submitted will be included in the record of the meeting.

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

1. Pledge of Allegiance.
2. Roll Call.
3. Board Reorganization:
 - a. Election of Chair (Gordon, incumbent).
 - b. Election of Vice-Chair (MacDonald, incumbent).
 - c. Election of Secretary (Holcombe, incumbent).
4. Appoint audit committee members.
5. Accept comments from the public.
6. Approve minutes from the June 9, 2021 meeting.
7. Routine items for July 14, 2021.
 - a. Approve certifications of membership.

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.

- 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.

CLOSED SESSION

- 8. The Board will go into closed session pursuant to Govt. Code Section 54956.9(d)(1) to confer with legal counsel regarding 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. *Contra Costa County Deputy Sheriffs Association, et al., v. Board of Retirement of CCCERA, et al., Contra Costa County Superior Court, Case No. C15-00598*
 - c. *Public Employees Union Local No. 1, et al., v. Board of Retirement of CCCERA, et al., Contra Costa County Superior Court, Case No. N14-2021*

- 9. The Board will continue in 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. Frederick Quichocho	Service Connected	Service Connected
b. Terry Turner	Service Connected	Service Connected
c. Kim Willey	Service Connected	Service Connected

- 10. 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 Todd Chamberlin.
- 11. The Board will continue in closed session pursuant to Govt. Code Section 54957 to evaluate the performance of the following public employee:

Title: Chief Executive Officer

OPEN SESSION

- 12. Presentation from Segal regarding member contributions paid towards terminal pay or leave cash outs.
- 13. Consider and take possible action to adopt Resolution 2021-5 authorizing actions in compliance with Assembly Bill 197 and the Alameda decision.

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.

14. Consider and take possible action on employer contribution rates effective July 1, 2021 for Central Contra Costa Sanitary District.
15. Consider and take possible action to adjust benefits and contributions resulting from additional compensation pursuant to unfair labor practice case no. SF-CD-693-M.
16. Consider and take possible action to amend the Retirement Board's Regulations.
17. Consider authorizing the attendance of Board:
 - a. SACRS Board of Directors and Program Committee Meetings, August 30-31, 2021, San Diego, CA.
 - b. Financial, Actuarial, Legislative & Legal (FALL) Conference, NCPERS, September 26-28, 2021, Scottsdale, AZ.
 - c. Principles of Pension Governance for Trustees, CALAPRS, September 28-30, 2021, Virtual.
 - d. 2021 Public Funds Forum, Value Edge Advisors, LLC, October 26-28, 2021, San Diego, CA. (Note: Conflict with Meeting)
18. 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.

News from the Board of Directors

CALAFCO QUARTERLY

August 11, 2021
Agenda Item 15b

May 2021



A message from the Executive Director

Greetings from your CALAFCO Board of Directors and Executive Director. Spring is in the air and things seem to be shifting. Spring is a time of renewal and re-awakening and that is exactly what it feels like this year - in so many ways.

This Second Quarterly Report of 2021 will begin by highlighting the good news in our CALAFCO family first, followed by Association updates. Happy reading!

LAFCoS in the News

Alameda LAFCo Awarded Sustainable Agricultural Lands Conservation (SALC) Grant

In our last Quarterly Report we announced SALC grants for San Bernardino and San Diego LAFCos. CALAFCO inadvertently omitted Alameda LAFCos grant award and apologize for the oversight. We are pleased to announce their grant award.

Alameda LAFCo, in partnership with the Alameda County Resource Conservation District, was awarded a SALC planning grant for \$250,000. The planning grant project is aimed at collaborative stakeholder planning in Alameda County to ensure the identification and preservation of agricultural and working lands, an infill development focus on healthy and resilient communities for disadvantaged and low-income populations, and a reduction in greenhouse gas emissions.

The Strategic Growth Council (SGC) added LAFCos to the list of eligible entities to apply for SALC grants in January 2019 after many years of CALAFCO trying to get LAFCos eligible for state-level grant funding. We are pleased that to date, three of our member LAFCos have received these grants.

Los Angeles LAFCo Executive Officer Receives State Appointment

On January 4, 2021, Assembly Speaker Anthony Rendon appointed **Los Angeles LAFCo Executive Officer Paul Novak** to the Board for Professional Engineers, Land Surveyors, and Geologists. The Board regulates the practices of engineering (civil, electrical, structural, geotechnical/soils), land surveying, geology, and geophysics in the State of California to safeguard the life, health, property and welfare of the public. The Board licenses qualified individuals, based on experience and successfully passing examinations; establishes regulations and promotes professional conduct; enforces laws and regulations; and provides information to the public on using professional engineering and land surveying services. Paul's term runs to June 30, 2023.

Marin LAFCo Holds Shared Services Workshop For Agencies

Marin LAFCo held a Shared Services Workshop on April 29, 2021. Partners for the workshop included Marin County Council of Mayors and Councilmembers, Marin County Special Districts Association, and Marin County Office of Education. The workshop had 2 panels, one on successful shared services in Marin, and another exploring how to successfully implement shared services. Marin LAFCo reports the workshop was a success with 78 people attending, including elected officials and staff throughout the County, as well as staff from 2 other LAFCos. If you are curious about this event, a recording is posted on their website at www.marinlafco.org. Marin LAFCo thanks CALAFCO for offering their Zoom account, noting the webinar function played a large role in the success of this workshop.

Orange LAFCo Welcomes New Assistant EO

Orange LAFCo is pleased to welcome a new member to the Orange LAFCo team. **Raymond Barragan** will serve as Orange LAFCo's Assistant Executive Officer and brings extensive experience in local government to his new role. Before joining Orange LAFCo, he served as the Acting Director of Community Development with the City of Gardena where he was employed since 2012. Raymond holds a bachelor's degree in urban and regional planning and is a master's candidate in Community and Economic Development at Penn State.

San Luis Obispo Announces New Hire and Promotion

San Luis Obispo LAFCo is excited to announce **Robert "Rob" Fitzroy** as its new Executive Officer. Most recently he was the Director of the Community Development Department for the City of Arroyo Grande. Prior to that, Rob was the Asst. Director for the County Planning & Building Department. Rob graduated from Cal Poly San Luis Obispo with a bachelor's degree and has a master's of Natural Resource Management, Environmental Planning & Public Policy. He begins his new role on May 24, 2021.

Imelda Marquez, **San Luis Obispo LAFCo** Clerk, was promoted to Analyst late last year. Imelda has been with SLO LAFCo for about 19 months. Her broad range of skills and analytical abilities are numerous. She is a proud Fresno St. Bulldog with a Geography degree and according to Interim EO David Church, "is an absolute delight to work with".





Welcome to Our Newest Associate Members

CALAFCO is pleased to welcome two new Silver Associate Members.

We welcome the return of **SWALE, Inc.** SWALE's consulting services focus on LAFCo's critical issues including MSRs, SOIs, CEQA compliance, strategic planning, workshops and mapping with GIS. Their northern California office is expanding to bring you the best of consulting services. To learn more about the services provided by SWALE, contact **Kateri Harrison** at harrison@swaleinc.com, or visit their website at www.swaleinc.com.

We also welcome **DTA**. DTA is a national public finance and urban economics consulting firm specializing in infrastructure and public service finance. Their financing programs have utilized a variety of public financing mechanisms such as Ads, CFDs, LLDs and various types of fee programs. To learn more about DTA, contact **Nathan Perez** at Nate@FinanceDTA.com, or visit their website at www.FinanceDTA.com.

CALAFCO Educational Events

MARK YOUR CALENDARS FOR THESE UPCOMING CALAFCO EDUCATIONAL EVENTS!

CALAFCO 2021 ANNUAL CONFERENCE

Join us **October 6-8** at the **Hyatt Regency Newport Beach John Wayne Airport** for the 2021 Annual Conference. It's been so long since we've gathered in person and the time is finally here! The program planning committee is forming and CALAFCO staff is working with the facility on details to keep all of our attendees safe. Watch for Conference registration and hotel reservations to be open soon. Conference registration rates will be at the 2019 rates. We look forward to seeing you in Newport Beach later this year.

CALAFCO UNIVERSITY

We are pleased to continue offering webinars at no cost to our membership and are preparing several great sessions for you. Registration is now open for our **June 7** session: **Financial Health Indicators for Cities and Districts**. Registration is open until June 2. You will find all the details on the CALAFCO website at www.calafco.org.

We are also working on a very unique 4-part series on **Fire & EMS** services and a session on **Forming a CSD**. Watch for details and registration for these offerings coming soon.



CALAFCO Board of Directors

CALAFCO BOARD ACTIONS

The Board met virtually on April 30 with a full agenda. Under the leadership of **Chair Mike Kelley**, the Board took a number of important actions.



- ✓ **The FY 2021-22 budget was adopted.** For the first time, the Board considered a rolling 2-year budget. The FY 21-22 budget reflects a decrease of 2.1% over the current FY operating budget. The adopted budget can be found on the CALAFCO website.
- ✓ **The 2021-22 Strategic Plan was adopted.** The three primary strategies for the Association are: (1) Serve as an educational resource to member LAFCo Commissioners, LAFCo staff, Associate Members, and stakeholders; (2) Focus efforts on Association member relations, development, recognition and communication. Continue development of a strong and sustainable Association; and (3) Serve as an information resource to all Association members, work as a legislative and policy advocate for LAFCo issues and provide information to the Legislature and other stakeholders. The adopted Strategic Plan can be found on the CALAFCO website.
- ✓ **Updated Policies for Sections I and II of the current CALAFCO Policies were adopted.** One of the goals for 2021 is to conduct a comprehensive review of CALAFCO Policies, considering two sections per quarter. This is the first of a three-phase update process. The updated policies can be found on the CALAFCO website.
- ✓ **The new Annual Achievement Awards program was approved.** As the membership is aware, last year the Board approved consideration of an update to the Achievement Awards program. CALAFCO staff and Regional Officers worked for many months in crafting two options for the Achievement Awards Committee to consider. The Committee unanimously approved one of the options and recommended adoption of that option to the Board, which was unanimously approved. Watch for an announcement on the new program and the opening of the nomination period coming soon!
- ✓ **The Board ratified approval of filing an amicus letter in support of San Luis Obispo (SLO) LAFCo's appeal to the State Supreme Court.** As a follow up to the Superior Court decision in favor of the City of Pismo Beach, and at the request of SLO LAFCo, CALAFCO filed an amicus letter requesting the court review the case. The Court of Appeal opinion in *San Luis Obispo Local Agency Formation Commission v. City of Pismo Beach*



threatens to change operations across of LAFCos throughout the state.

By limiting the ability of LAFCos to require indemnification agreements from annexation applicants, the opinion conflicts with a number of decisions on which LAFCos reasonably relied to require indemnification as part of their implied powers. We thank **BBK** for their work on this amicus letter (which was preceded by an amicus brief). CALAFCO will keep our members posted on the appeal process.

- ✓ **The Board received the 3rd quarter financial reports and the projected FY 20-21 year-end fiscal report.**
- ✓ **The Board received several verbal updates from staff.**

All Board meeting documents are on the CALAFCO website.

CALAFCO Administrative Update

The 2021-22 CALAFCO Membership Directory is out! Each LAFCo received their requested number of hard copy directories and each Associate Member also received a copy. There is an electronic version of the Membership Directory on the CALAFCO website.



CALAFCO Legislative Update



What an interesting and busy legislative year this is turning out to be! CALAFCO is sponsoring the 2021 Assembly Local Government Committee (ALGC) **Omnibus bill, AB 1581**. This year's Omnibus contains a record number of items, totaling 13. Six of the items came from member LAFCos and seven from the protest provisions rewrite working group (deleting obsolete provisions). CALAFCO is currently tracking 32 bills, has a formal position on 9, and has been actively engaged on amendment negotiations for 10 bills.

This year there seems to be a number of bills addressing the same issue by several different authors, who, at the beginning of the year, did not appear to be talking with each other. The primary topics include COVID relief, wildfire prevention, climate resilience, homelessness and affordable housing, bridging the equity divide and transparency and public participation.

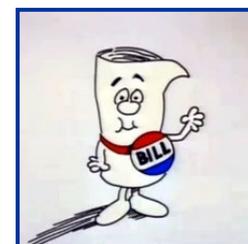
To complicate matters, the Legislature is still meeting under COVID restrictions with the majority of their staff working remotely. There are only a handful of meeting rooms in the Capitol that allow for social distancing, so the number of committee meetings have been reduced and the timeframe condensed.

Here are a few of the bills of importance we are tracking or working on:

- ✓ **AB 339 (Lee) CALAFCO Watch** - Open meetings. Requirements recently drastically amended and narrowed the scope to now apply only to cities and counties with a population over 250,000 with a sunset of 12-31-23 (requirements no longer applies to LAFCo).
- ✓ **AB 1195 (C. Garcia) CALAFCO Watch With Concerns** - Drinking water. Creates the So LA County Human Rights to Water Collaboration Act and gives the Water Board authority to appoint a Commissioner to oversee the Central Basin Municipal Water District.
- ✓ **SB 403 (Gonzalez) CALAFCO Oppose Unless Amended** - Drinking water consolidation. Authorizes the Water Board to order consolidation where a water system serving a disadvantaged community is an at-risk water system, as defined, or where a disadvantaged community is substantially reliant on at-risk domestic wells, as defined. Two of our three requested amendments have been taken (define "at risk" and put a cap on the number of users to be added to the subsuming system). The third request to add GSAs to the list of entities the Board must consult with has not yet been taken.

The last day for all policy committees to pass bills originating in their house was May 14. With one additional week for fiscal committees to pass bills to the respective floors, the Legislature will spend the last several weeks of May focusing on passing bills to the other house and the first part of June negotiating last minute budget deals for the June 15 budget passage deadline.

All bills being tracked by CALAFCO can be found on the CALAFCO website inside the Legislation section of the site (log in with your member id first to access this section). CALAFCO's position on all bills is reflected there, and any letters issued by CALAFCO are posted. The CALAFCO Legislative Committee meets regularly and all meeting materials are located in the Legislation section of the CALAFCO website.





CALAFCO Associate Members' Corner



This section is dedicated to highlighting our Associate Members. The information below is provided to CALAFCO by the Associate member upon joining the Association. All Associate member information can be found in the CALAFCO Member Directory.

Cucamonga Valley Water District

The **Cucamonga Valley Water District** has been a Silver Associate Member since 2014. Formed in 1995, the district provides water and wastewater service to 200,000 customers in a 47 square mile area. The district has a mission of providing high quality, reliable water and wastewater service while practicing good stewardship of natural and financial resources. CVWD's water supply is comprised of two main sources: groundwater and imported water. Supplemented by surface water, recycled water and water conservation, the district's average daily demand is 43 million gallons. For more information on the district, contact **Cindy Cisneros** at cindyc@cvwdwater.com or visit their website at www.cvwdwater.com.



P. Scott Browne

Scott Browne has been a Silver Associate member since 2007. Scott provides legal services and staff support to various LAFcos throughout the state. He has served as a member of the CALAFCO Legislative Committee for a number of years. To learn more about the services he provides or to contact him, email him at scott@scottbrowne.com or visit his website at www.scottbrowne.com.

E Mulberg & Associates

E Mulberg & Associates has been a Silver Associate Member since 2011. Services offered include Municipal Service Reviews, Sphere of Influence updates, changes in organization, staff reports, CEQA analysis, and assistance with applications to LAFco. For more information, contact **Elliot Mulberg** at elliott@emulberg.com or visit their website at www.emulberg.com.

Policy Consulting Associates

A Silver Associate member since 2010, **Policy Consulting Associates** (PCA) prepares interdisciplinary research studies for LAFcos, councils of government, counties, cities, states, elected representatives and candidates, with an emphasis on MSRs and fiscal studies. The PCA team's combined experience covers the spectrum of governance configurations and alternatives, and runs the gamut of services under LAFco jurisdiction. For more information on PCA, contact **Jennifer Stephenson** or **Oxana Wolfson** at info@pcateam.com, or visit their website at www.pcateam.com.

CALAFCO wishes to thank all of our Associate Members for your ongoing support and partnership. We look forward to continuing to highlighting you in future Quarterly Reports.

Did You Know??

Meeting Documents Online

Did you know that all **CALAFCO Board of Directors and Legislative Committee meeting documents are online?** Visit the Boards & Committees pages in the Members Section of the site. Board documents cover 2008 to present and Legislative Committee documents span 2007 to present.



CALAFCO Webinars & Courses Archived

Did you know that all **CALAFCO Webinar recordings are archived on the CALAFCO website and available at no cost for on-demand viewing?** Visit the CALAFCO website in the CALAFCO Webinars section (log in as a member first).

Certificate of Recognition Program

Did you know that CALAFCO has a **Certificate of Recognition Program** and offers it at no cost to our members (both LAFco and Associate members)? The program has been in place several years and while a few of you utilize this service, most of you do not. For details, visit the CALAFCO website in the Member Services Section and upload the program packet or contact the CALAFCO Executive Director.



Mark Your Calendars For These Upcoming CALAFCO Events

- ❖ CALAFCO Legislative Committee virtual meeting – 6/18
- ❖ CALAFCO Legislative Committee virtual meeting – 7/23
- ❖ CALAFCO Board of Directors virtual meeting – 7/30



The **CALAFCO 2021 Calendar of Events** can be found on the CALAFCO website.

East County fire agencies review report on consolidation

Tony Kukulich, Correspondent - July 1, 2021



The East Contra Costa Fire Protection District, alongside Cal Fire, responded to a quarter-acre vegetation fire ignited in the hills east of the Deer Ridge neighborhood in Brentwood, Calif., Tuesday, May, 11 2021. The cause of the blaze is under investigation by Cal Fire. (Melissa van Ruiten/The Press)

The governing boards of the [East Contra Costa](#) (ECCFPD) and [Contra Costa County](#) (ConFire) fire protection districts will decide in two weeks if the neighboring districts should consolidate operations.

In preparation for that decision, the ECCFPD Finance Committee – consisting of directors Joe Young and Stephen Smith – got its first look at the preliminary findings of the annexation study during a June 21 committee meeting. While the preliminary findings were summarized in a concise 13-page report, the full phase two study planned for release in mid-July is expected to run several hundred pages, leading both Smith and Young to comment that the summary report contained less detail than was expected.

“This is intended to really prime the pump in some degree, to be able to help the board get prepared for the conversations that will be happening in July,” said ECCFPD Fire Chief Brian Helmick at the start of the committee meeting. “These conversations are not new. These are continuous conversations we’ve had starting back in August of last year where it brought us to the point where we had a phase one study. Now we’re starting to introduce the findings of the phase two feasibility study.”

Despite the report’s brevity, it is evident that no impediments to consolidation have been identified.

The summary concluded, “As stated at the April 2021 update, and as of this presentation, there are still no indications that there are any financial or organizational findings that would prevent the recommendation in July, to continue to move forward with the annexation process.”

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The phase two study projected a five-year forecast of financial and operational impacts of the potential consolidation of the three districts. Cash flow analysis completed in the phase one study determined that the cash flow is negative five years after consolidation.

“Why (the study) is five years, I’m not sure,” Young said. “I’m not sure what the county’s planning horizon is, how far they look ahead. The fact that the deficits begin to show up in the fourth and fifth year is important. The county is buying into accepting the responsibility.”

The cash flow analysis did not include any accommodation for Measure X revenue. Last month Contra Costa County fire chiefs requested an annual allocation of \$28.5 million from the \$90 million the measure is expected to deliver to the county annually for the next 20 years. A community advisory board will make a revenue allocation recommendation to the county’s board of supervisors later this summer.

However, Discovery Bay resident Bob Mankin, speaking during the public comment portion of the committee meeting, warned that Measure X revenue is an imperfect funding solution.

“There’s an expectation that if consolidation goes through, all of our troubles go away in perpetuity,” Mankin said. “I think Joe (Young), you would know better than anybody that that’s not likely. The numbers don’t work that way. Measure X is not a forever passage. That sunsets at some point. If that becomes a super critical source of revenue within the funding equation that ultimately comes out of this, and it goes away in 20 years, then it breaks the solution.”

If the ConFire and ECCFPD boards approve consolidating the two agencies next month, ConFire will submit a request to the Contra Costa County Local Agency Formation Commission (LAFCO). LAFCO is expected to require approximately six months to approve the request. Consolidation would then be expected to occur sometime between March and July 2022.

“I feel we are doing the kind of due diligence that was not done in 2002 when the district was formed,” said Smith. “The problems were there to be seen. The 2006 Gateway study made them obvious. The fire board was getting things accomplished now, that if had been done then, would have resulted in a viable district.”

Assembly bill would close Pittsburg health district

AB90

3

By Judith Prieve

jprieve@bayareanewsgroup.com

A state bill that would dissolve a small Pittsburg-based healthcare district to save money and possibly improve community-based health care programs is getting pushback from opponents who say it'll disenfranchise voters and remove local control.

The Los Medanos Community Healthcare District, formed by a vote of local residents in 1948 to build and run a community hospital, has continued to operate even after Los Medanos Community Hospital closed

in 1994. Since then, the district has overseen the distribution of various grants to health-related local programs, a task that critics say Contra Costa County could do.

Assemblyman Jim Frazier, D-Fairfield, has introduced a bill, **AB90**

");>AB90

3, that would dissolve the district and require the county to run all of its community health programs and take over the

AB903 » PAGE 2

AB90

3

FROM PAGE 1

building that once housed the hospital. The county currently leases the building from the district to run the Pittsburg Health Center.

Frazier said the coronavirus pandemic has exposed critical shortfalls in health care funding across the state, and the toll has fallen hardest on minorities.

"Now more than ever, we have seen the life-changing impacts of devoting every possible dollar to serving those we represent," he said in a statement. "AB 903 is a district bill that takes strides toward addressing this issue. The bill effectively creates hundreds of thousands of dollars in funding for badly needed healthcare services in the region." That money, he said, would come from savings through eliminating high administrative costs associated with running the healthcare district. The 2017-18 county grand jury reported that Los Medanos Community Healthcare District spent 40% of its revenue on grants and 36% administering those grants, with the remaining 24% going to reserves in 2016-2017. The grand jury's report, the fourth one critical of the district, also said it duplicated county services and did not maximize cash assets.

would save the cost of the administrative staff, but we lose the local control," Young said. "The county is not going to fund all these little programs on the budget or faith-based programs that are trying to feed people in communities," she added.

"The healthcare district is a one-stop shop," Young said. "And one of our plans is to continue to grow so that we can leverage some of our funding to bring in other programs." One of the nonprofits that gets some funding from the district, as well as the county, is Pittsburg's Souljahs, whose mission is social service and social justice. The group hosts annual Juneteenth and Martin Luther King Jr. celebrations, which are combined with health fairs, and its leader is adamant that the district's future should be decided by its residents, not state legislation.

The Board of Supervisors first asked LAFCO to dissolve the district and transfer all of its assets and debts to the county in 2018. LAFCO approved the action on Sept. 12, 2018, but the district responded by obtaining 10,594 valid protest signatures to stop dissolution, though it was later told the effort came up 419 votes short.

In 2019, the county superior court sided with the district and issued a preliminary injunction preventing the dissolution, and in January 2020, the court again ruled in favor of the district, ordering LAFCO to hold

Although the Contra Costa Local Agency Formation Commission (LAFCO) has authorized Los Medanos' dissolution, the district appealed after the county said it didn't collect enough qualifying petition signatures to challenge the action and the matter remains tied up in court.

The district says its administrative costs are down to about 22%. Its top administrator - Antioch Mayor Lamar Thorpe - makes \$96,000.

"When the grand jury found that our administrative costs were too high, we made immediate changes and we kept it down," district board President Patt Young said in an interview.

The healthcare district serves a largely disadvantaged community of more than 97,000 people in Pittsburg, Bay Point and parts of Antioch, Concord and Clayton, whose residents pay it special taxes.

"It's up to the residents of the district who have been paying the tax since 1948 and have paid for that building and property," Young said. "The district is our asset." Fra zier and others, though, have noted the district duplicates services. For example, the county's grant administrator, Keller Canyon Mitigation Fund, supports some of the same programs funded by the district.

Critics counter that the district pays for many community-based programs that would not otherwise be funded. Some of these include programs that provide free eyeglasses for children, scholarships for children's swimming and karate lessons, electronics for seniors and health programs for others.

The district is also one of the major contributors to the Pittsburg RotaCare clinic, which provides free medical services to the uninsured.

"It (dissolving the district)

an election to determine Los Medanos' future. LAFCO has appealed.

"The county is trying to take away our right to vote," Gregory Osorio of Souljahs said. "It's disenfranchising the voters of this community." Osorio is part of a coalition of residents and nonprofits that has tried to save the district, holding rallies and posting on Facebook.

"They're trying to circumvent the whole thing because they're afraid it's going to lose (in court) now, so they're trying to go to the state," he said. "That's unheard of." Victoria Adams, president of East County NAACP, said the local branch also opposes [AB903](#).

"We feel that the voters have a right to decide whether or not this entity should remain or be dismantled," she said. "That decision should not be circumvented. The voters have a right to vote and voter suppression is not something we would ever agree to." Young added that she believes the district addressed all of the issues in the grand jury report, so "it's not about what we're not doing right, as the reason for being dissolved." "It's testing the waters of creating a blueprint to disenfranchise voters," she said.

After passing the Assembly, the bill is in committee. If approved by the Senate and signed by the governor, the district would be dissolved by Feb. 1, 2022. *Contact Judith Prieve at 925-779-7178.*

East County fire agencies review report on consolidation

Tony Kukulich, Correspondent - July 1, 2021



The East Contra Costa Fire Protection District, alongside Cal Fire, responded to a quarter-acre vegetation fire ignited in the hills east of the Deer Ridge neighborhood in Brentwood, Calif., Tuesday, May, 11 2021. The cause of the blaze is under investigation by Cal Fire. (Melissa van Ruiten/The Press)

The governing boards of the [East Contra Costa](#) (ECCFPD) and [Contra Costa County](#) (ConFire) fire protection districts will decide in two weeks if the neighboring districts should consolidate operations.

In preparation for that decision, the ECCFPD Finance Committee – consisting of directors Joe Young and Stephen Smith – got its first look at the preliminary findings of the annexation study during a June 21 committee meeting. While the preliminary findings were summarized in a concise 13-page report, the full phase two study planned for release in mid-July is expected to run several hundred pages, leading both Smith and Young to comment that the summary report contained less detail than was expected.

“This is intended to really prime the pump in some degree, to be able to help the board get prepared for the conversations that will be happening in July,” said ECCFPD Fire Chief Brian Helmick at the start of the committee meeting. “These conversations are not new. These are continuous conversations we’ve had starting back in August of last year where it brought us to the point where we had a phase one study. Now we’re starting to introduce the findings of the phase two feasibility study.”

Despite the report’s brevity, it is evident that no impediments to consolidation have been identified.

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Board swaps homes for lot of open space

125-home development in Tassajara Valley offset by 727 acres

CONTRA COSTA COUNTY

By Shomik Mukherjee

smukherjee@bayareanewsgroup.com

To allow a 125-home development on 30 acres in Tassajara Valley, the Contra Costa County Board of Supervisors on Tuesday voted 4-1 to stretch the urban limit line east of Blackhawk that voters set in 1990.

Developers have long sought to build homes there, and the latest proposal - by FT Land, LLC - swayed the supervisors to go along largely because the landowner promised to dedicate 727 acres for open space.

At least four of the supervisors had to approve the move because subdivisions aren't otherwise allowed beyond cities' urban boundaries. Supervisor Candace Andersen dissented.

Supervisors agreed that although their decision will allow development to stretch farther out, it ensures that a much larger swath of open space will remain, staving off the specter of a far more expansive housing project years down the road. The 727 acres will be dedicated to the East Bay Regional Park District.

"One of the things we wanted to do with the urban limit line is end sprawl development," Supervisor Federal Glover said at Tuesday's meeting. "Certainly the gifting of 700-and-some-odd acres would actually serve that purpose." The project has drawn the ire of conservationists and some environmental groups, such as the Greenbelt Alliance and the Sierra Club. An online petition with more than 5,000 signatures warns that shifting the urban limit line sets a precedent that threatens an additional 9,000 acres of open space. According to the ballot measure voters approved in 2006, though, the urban limit line can only be changed for parcels up to 30 acres at a time by a four-fifths vote of county supervisors.

Getting water to the homes could be a problem, however. The East Bay Municipal Utility District, which would need to expand its service area to supply water to the homes, has said it doesn't have the capacity to do so, especially in drought years.

DEVELOPMENT » PAGE 2

Development

FROM PAGE 1

"The drought highlights the importance of preserving water sources of supply, including any remaining conservation for current and future customers in our service boundary," Dave Rehnstrom, a manager at the district, said at the meeting.

Project representatives pressed the board to focus on land use, and not water, in determining the development's fate.

"While water is a critical issue, it's not the only concern," said Nadia Costa, an attorney for developer FT Land, LLC. "The county does not have the luxury to ignore other considerations, like satisfying its housing obligations, protecting open space in

"We were left out of the (preservation) agreement because if they included us, then the board wouldn't be able to make the finding they needed to make," Calabrigo said.

The county's Planning Commission last month recommended in a 4-2 vote that the supervisors reject the proposal, saying any new housing in the county should be built much closer to existing developments inside the urban boundary.

The developer received union support after promising to hire local labor for the homes' construction. And park district officials were enthusiastic about the promise of open space that can almost never be touched once its dedicated for preservation.

"If you really want to preserve property, you have to buy it or you have to have it dedicated," Bob Doyle,

perpetuity and preserving agricultural lands." Supervisor Andersen didn't buy the argument. Although the property lies within Supervisor Diane Burgis' district, Andersen represents San Ramon and Danville, which are directly west of Tassajara Valley.

In addition to a four-fifths vote, movement of the urban limit line also hinged on the crucial legal condition that the "majority of cities" involved in the developers' agreement to preserve open space need to support it.

San Ramon, the only city included in the agreement, favored developing outside the urban boundary. Danville staunchly opposed the project, but it was omitted from the final agreement after participating in early discussions, City Manager Joe Calabrigo said at the meeting.

Andersen seized on that point to warn that the project ultimately may not hold up legally, since, as Calabrigo said, "one is not a majority of two." "I don't believe that this end justifies the means of how we're going about (expanding the boundary)," Andersen said. "If we're going to move the urban limit line, I really think it should be up to the voters. I feel this method that we're using is very contrived." In an interview Wednesday, Calabrigo said the Danville council will soon discuss its next options for potentially challenging the project.

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Some neighboring residents who called into Tuesday's meeting were also supportive of the project.

"As an avid hiker and biker I'm all for additional open space, that's something we can't have enough of," said one public speaker, Sue McKinney. "I'm not necessarily for more houses, but this project seems like a fair tradeoff for the area." But environmental groups warned that the new housing would be a step backwards for a region looking to reduce greenhouse gas emissions, and a state where rural homes are regularly threatened by wildfires.

"Developments of this kind and in this location would actually put our communities at greater risk to the effects of climate change," Karen Rosenberg of the Greenbelt Alliance said at the meeting. "City boundaries were created for a reason."

Controversial Tassajara Parks Subdivision Near Danville Approved; Water Questions Remain

By [John Ramos](#) July 13, 2021 at 6:44 pm

Filed Under: [Contra Costa County Board of Supervisors](#), [Danville](#), [Danville News](#), [East Bay Municipal Utility District](#), [East Bay Regional Parks](#), [EBMUD](#), [Housing](#), [Tassajara Parks](#), [Water](#)

DANVILLE (KPIX 5) – Contra Costa County supervisors voted Tuesday to allow a controversial housing development near Danville, but questions remain about how water will be supplied to more than 120 homes that would be built.

In a 4-1 vote, the Board allowed a 125-home subdivision called Tassajara Parks on property just outside the urban limit line.

The 30-acre project will place homes in an area that was supposed to be free of large development. Supervisors ended up approving the plan after the developer offered to donate an additional 727 acres of open land to the East Bay Regional Park District.



Site of proposed Tassajara Parks development near Danville. (CBS)

“This will not only be preserved permanently by the Park District, it will be available in a broader public use for all the public to be able have a trail there,” Park District general manager Bob Doyle said at the meeting.

Despite receiving approval, the project faces another huge problem. The East Bay Municipal Utility District (EBMUD), is refusing to supply water to the new homes.

The developer wants to fund conservation efforts to produce enough water for the project, but EBMUD considers water saved by conservation to be something they already own, as they stated in the Board meeting.

“The drought highlights the importance of preserving water sources of supply, including any remaining conservation potential, for current and future customers within our ultimate service boundary,” said Dave Rehnstrom, the agency’s manager of water distribution planning.

That left Supervisor Candace Anderson, the lone vote against the Tassajara Parks project, to pose the key question.

“Have we ever, in Contra Costa, ever certified an EIR or approved a project where there is no identifiable source of water?” Anderson asked.

That will be the next challenge for a project already 10 years in the making, where to find new water in an already parched area.

Supervisors said it will be up to the developer to identify a water supply before any construction can begin. Without it, the land may stay dry and open for a long time to come.

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CONTRA COSTA COUNTY

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Report: Con Fire should merge with other county fire districts

Built in the Bay 3 days ago



(Justin Sullivan / Getty Images)

By Ian Firstenberg

(LAFAYETTE, Calif.) A recently released study, conducted by the consultant company [AP Triton](#) which was hired by Contra Costa County last year, recommends that Contra Costa County Fire Protection District (Con Fire) consolidate with the East Contra Costa and Rodeo-Hercules districts to "increase effectiveness and efficiency," according to [Patch](#).

Notably, Con Fire provides protection for Lafayette but not for Moraga and Orinda. Moraga-Orinda Fire was not included in the report.

In mid-May of this year, the [Moraga Town Council](#) opposed the consolidation of Moraga-Orinda Fire (MOFD) with Con Fire. A portion of the council's opposition to consolidation centered around emergency response time.

"We strongly oppose MOFD spending resources studying a process for consolidation with ConFire. Resources should continue to be spent on the delivery of high-quality fire protection, fire safety, and emergency response systems," Moraga Mayor Michael McCluer wrote in [staff report](#).

The study from AP Triton also suggests that the districts align to determine a training philosophy and a more standardized action plan.

AP Triton presented its findings to the Contra Costa County Board of Supervisors, which acts as Con Fire's board of directors, Tuesday during a [meeting](#).

This comes after similar presentations were made, it's unclear if by the same company, to East Contra Costa and the Rodeo-Hercules board. Now, each district or governing jurisdiction will survey residents to determine appropriate next steps.

"Our actions today, and the decision by the ECCFPD governing board to continue to work with Con Fire is a long-awaited opportunity to form a regional sustainable solution to providing the level of fire service that our communities need and deserve," said Contra Costa County Supervisor Diane Burgis, whose District 3 includes much of East Contra Costa.

All three chiefs from cooperating fire agencies approved the study's recommendations.

3 possible developers for Concord site

2,300-ACRE SITE

Former naval weapons station could become home to as many as 13,000 housing units

By Shomik Mukherjee

smukherjee@bayareanewsgroup.com

CONCORD >> Three prominent developers have emerged as the latest contenders for the opportunity to transform the former Concord Naval Weapons Station site into a fullfledged community — one of the East Bay’s biggest projects ever.

As envisioned by the city, the 2,300-acre site could become the home of as many as 13,000 housing units and millions of square feet of commercial and office space in coming years.

All three proposals submitted by the developers last month and publicly released by the city on Tuesday generally reflect that vision — including the promise that a quarter of the homes will be listed at affordable prices.

So it’s the key differences among the proposals that could ultimately determine which master developer the City Council chooses at its Aug. 31 meeting.

“This is like a job interview

for a partnership with the city,” Guy Bjerke, the city’s economic development director, told this news organization.

One applicant, Brookfield Development, is a multinational company that has developed thousands of housing units including Pier 70, a 28acre waterfront community in San Francisco.

The company, which is publicly traded, provided the city

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City of Concord officials are zeroing in on a new developer for the former Concord Naval Weapons Station site.

DAN ROSENSTRAUCH — STAFF ARCHIVES

Developers

FROM PAGE 1

with extensive details about its finances and has glowing references from past partners, according to the city's agenda for the Aug. 21 meeting.

Another prospective developer is Irvine-based City Ventures, which has done sizable projects around the state and Bay Area, including The Orchard, a development of 188 townhouses and 10,000 square feet of retail space in San Jose. The firm provided the city with financial statements indicating it has the

more letters every day, Bjerke said, adding he's received only one comment in his inbox that supports choosing Seeno as master developer.

"The Seenos have a history of breaking environmental and other laws and not acting in the public's best interest," the form letters state. "Their business practices have been unethical and illegal." But at least for the moment, Seeno does appear to have one significant merit point over its competitors - an agreement to exclusively hire local union labor for construction and related work at the site. The other companies are still negotiat- ing for similar agreements.

bandwidth to take on the naval weapons site development.

Unlike its two competitors who say their ideas for the naval weapons site are consistent with the City Council's stated vision, City Ventures' proposal puts more focus on housing and less on commercial development, according to city staff.

The third contender is Seeno Company, a longtime local developer with a history of legal battles against East Bay public agencies and environmental groups, a track record so contentious that Save Mount Diablo has already organized a letter-writing campaign urging the City Council to reject its proposal.

Seeno and Discovery Builders, its partner in the naval weapons station application, sued in 2018 to prevent the U.S. Navy from transferring the weapons station property to the city, arguing that the proposed development's massive scale would produce so much traffic congestion and air pollution that it could harm their own nearby housing and office projects.

Last year, the company also filed a lawsuit to prevent the Navy's transfer of adjacent land to the East Bay Regional Park District, citing similar reasons.

The city has received more than 200 letters opposing Seeno's proposal - most of them lifting the opposition text that Save Mount Diablo posted on its website - and is getting

The city has made it clear that any developer interested in taking on the naval weapons station must be willing to cut a deal with local unions, known as project labor agreements.

Lennar Corp., the last master developer of the site, walked away from the project after refusing to commit to solely hiring union workers, even though it had invested years of effort to make the project happen.

Seeno has been less forthcoming to the city about its finances than the two other developers, telling Bjerke in an email last month, "we feel that a broad, generic request for financial information (at this point) is premature and unnecessary." Representatives from the three developers did not respond to requests for comment on this story.

After the council makes a choice, the city and developer must negotiate final terms for proceeding and prepare a specific plan that shows how the new community ultimately will look like. That process could take 18 to 20 months, Bjerke said.

The development will likely take years to complete.

For Councilman Edi Birsan, the sooner the better. "In two-and-a-half years, I want to see dirt moving," he said in an email last month.