



Lou Ann Teixeira  
Executive Officer

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

## **NOTICE AND AGENDA FOR REGULAR MEETING**

**Wednesday, January 12, 2022, 1:30 PM**  
**\*\*\* BY TELECONFERENCE ONLY \*\*\***

As permitted by Government Code section 54953(e), 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 Zoom link: <https://cccounty-us.zoom.us/j/82734682270>

Dial in:

USA 214 765 0478 US Toll

USA 888 278 0254 US Toll-free

Conference code: 843298

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](mailto:LouAnn.Teixeira@lafco.cccounty.us) or by U.S. mail to Contra Costa LAFCO at 40 Muir Road 1<sup>st</sup> Floor, Martinez, CA 94553. Please indicate the agenda item number, if any. If you want your comments read into the record, please indicate so in the subject line. For public hearings, the Chair will announce the opening and closing of the public hearing. The Chair will call for verbal public comments.

### **NOTICE TO THE PUBLIC**

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

#### **Campaign Contribution Disclosure**

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

#### **Notice of Intent to Waive Protest Proceedings**

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

#### **American Disabilities Act Compliance**

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

## JANUARY 12, 2022 CONTRA COSTA LAFCO AGENDA

1. Call to Order
2. Roll Call
3. Adoption of Agenda
4. **Selection of 2022 Chair and Vice Chair and Recognition of Outgoing Chair**
5. Approval of Minutes for the November 10, 2021 regular LAFCO meeting
6. 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.

### TELECONFERENCING

7. *Assembly Bill 361* – consider adopting a resolution authorizing LAFCO to conduct teleconference meetings under Government Code section 54953(e) and making related findings

### SPHERE OF INFLUENCE AMENDMENTS/CHANGES OF ORGANIZATION

8. *Dissolution of County Service Area (CSA) R-10* – consider approving dissolution of CSA R-10 which comprises 7.37± square miles and serves unincorporated Rodeo; and consider a categorical exemption under the California Environmental Quality Act (CEQA) **Public Hearing**
9. *LAFCO 21-10 - Contra Costa County Fire Protection District (CCCFPD) Sphere of Influence (SOI) Expansion* - consider expanding CCCFPD's SOI to include the East Contra Costa Fire Protection District (249± square miles); and consider a categorical exemption under CEQA **Public Hearing**

### BUSINESS ITEMS

10. *Proposed Update to Contra Costa LAFCO's Legislative Platform* – review and approve minor revisions to the Contra Costa LAFCO Legislative Platform consistent with the CALAFCO 2021 Legislative Policies

### INFORMATIONAL ITEMS

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

### CLOSED SESSION

#### PUBLIC EMPLOYEE PERFORMANCE EVALUATION

Title: Executive Officer

#### CONFERENCE WITH LABOR NEGOTIATOR

Agency negotiators: Igor Skaredoff, Chair and Rob Schroder, Vice Chair

Unrepresented employee: Executive Officer

### ADJOURNMENT

*Next regular LAFCO meeting February 9, 2022 at 1:30 pm.*

LAFCO STAFF REPORTS AVAILABLE AT [http://www.contracostalafco.org/meeting\\_archive.htm](http://www.contracostalafco.org/meeting_archive.htm)



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*

January 12, 2022 (Agenda)

**January 12, 2022  
Agenda Item 4**

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

**Selection of Commission Officers for 2022**

Dear Members of the Commission:

The procedure for selecting officers for the Contra Costa LAFCO is described in Section 1.4 (*Rules and Procedures*) of the Commission Handbook and provides for the following:

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

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

In 2021, Special District member Skaredoff served as Chair and City member Rob Schroder served as Vice Chair.

**RECOMMENDATION** – Per the Commission’s policy, it is recommended that the Commission select a City member as Chair and a County member as Vice Chair to serve until January 2023.

Sincerely,

LOU ANN TEXEIRA  
EXECUTIVE OFFICER

**CONTRA COSTA LOCAL AGENCY FORMATION COMMISSION**  
**DRAFT MEETING MINUTES**  
**November 10, 2021**

**January 12, 2022**  
**Agenda Item 5**

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

Chair Skaredoff called the regular meeting of November 10, 2021, to order at 1:32 p.m.  
The following Commissioners and staff were present:

Commissioner Andersen and her Chief of Staff Gayle Israel were thanked by Chair Skaredoff on behalf of the entire Commission for hosting the Commission Meetings via Zoom during the pandemic.

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

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

VOTE:

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

NOES: NONE

ABSENT: Blubaugh

ABSTAIN: NONE

**4. Approval of Minutes**

Upon motion by Commissioner Glover and second by Commissioner Schroder, the Commission unanimously, by a 7-0 vote approved the September 8, 2021, meeting minutes

VOTE:

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

NOES: NONE

ABSENT: Blubaugh

ABSTAIN: NONE

**5. Public Comments**

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

## **TELECONFERENCING**

6. **Assembly Bill 361** – consider adopting a resolution authorizing LAFCO to conduct teleconference meetings under Government Code section 54953(e) and making related findings

Following Commissioner comments and upon a motion by Commissioner McGill and second by Commissioner Glover, the Commission, unanimously, by a 7-0 vote, approved to adopt Resolution No. 2021-01 allowing Contra Costa LAFCO to conduct teleconference meetings pursuant to GC section 54953(e) and make related findings

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

## **SPHERE OF INFLUENCE AMENDMENTS/CHANGES OF ORGANIZATION**

7. **County Service Area (CSAs) R-9 and R-10** – consider initiating dissolution of CSA R-9 which comprises 3.1± square miles and serves unincorporated El Sobrante Valley including parts of Richmond, and dissolution of CSA R-10 which comprises 7.37± square miles and serves unincorporated Rodeo

Following comments from Public Works staff Rochelle Johnson and Carl Roner, comments and questions by the Commissioners and upon a motion by Commissioner Glover and second by Commissioner Schroder, unanimously, by a 7-0 vote, approved Option 1 - defer adopting a resolution initiating dissolution of CSA R-9 and request an update within 6-9 months regarding the status of CSA R-9 including future funding options; 2) adopt a resolution initiating dissolution of CSA R-10; and direct staff to proceed with dissolution proceedings to be considered by the Commission at a future meeting.

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

## **BUSINESS ITEMS**

8. **Request to Transfer Jurisdiction from Alameda LAFCO to Contra Costa LAFCO** - consider assuming jurisdiction and authorizing staff to send a request to Alameda LAFCO to transfer jurisdiction in order to consider a proposed sphere of influence amendment and corresponding annexation to the East Bay Municipal Utility District. The subject property is located at 285 Lark Lane in unincorporated Alamo

Following Commissioner comments, and upon a motion by Commissioner McGill and second by Commissioner Glover, the Commission, unanimously, by a 7-0 vote, recommended that Contra Costa LAFCO agree to assume exclusive jurisdiction for these proposals and authorize LAFCO staff to send a letter to Alameda LAFCO requesting a transfer of jurisdiction in conjunction with these proposals.

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

9. ***FY 2021-22 First Quarter Budget Report*** – receive FY 2021-22 first quarter budget report

Upon motion of Commissioner Butt and second by Commissioner Schroder, the Commission unanimously approved, by a 7-0 vote, to receive the FY 2021-22 first quarter budget report

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

10. ***2021-22 Legislative Update*** – a legislative update will be provided – information only

### **INFORMATIONAL ITEMS**

11. ***Pending Applications*** – receive an update on pending proposals –informational update – no action required by the Commission.
12. ***Correspondence from Contra Costa County Employee’s Retirement Association (CCCERA)***
13. ***Commissioner Comments and Announcements***

Commissioner McGill updated the Commission on CALAFCO’s activities:

- September 10, 2021 CALAFCO Legislative Committee Meeting
- September 15, 2021 CALAFCO Recruitment Committee Meeting
- October 21, 2021 CALAFCO Board of Directors Emergency Meeting
- October 22, 2021 CALAFCO Legislative Committee Meeting
- November 7, 2021 CALAFCO Virtual Business Meeting
- November 12, 2021 CALAFCO Board of Directors Meeting
- December 3, 2021 CALAFCO Legislative Committee Meeting

Commissioner McGill reported he will serve on the CALAFCO Legislative Committee another year and on the Program Committee.

Commissioner Caldwell gave an update on his health challenges.

14. ***Staff Announcements***

Executive Officer updates:

- The week of November 15, 2021 will begin 2<sup>nd</sup> round MSRs covering Mosquito and Vector Control and Resource Conservation Districts
- January 2022 we will release an updated directory of local agencies
- There will be upcoming an announcement of CALAFCO training sessions

Executive Officer Texeira once again thanked Commissioner Andersen and her Chief of Staff Gayle Israel for supporting the LAFCO by hosting our Commission meetings via Zoom meetings

The meeting adjourned at 2:12 p.m.

Final Minutes will be Approved by the Commission December 10, 2021

**ADJOURNMENT**

*The next regular LAFCO meeting is December 10, 2021, at 1:30 pm.*

By \_\_\_\_\_  
Executive Officer

**A RESOLUTION OF THE CONTRA COSTA LOCAL AGENCY FORMATION  
COMMISSION AUTHORIZING TELECONFERENCE MEETINGS UNDER  
GOVERNMENT CODE SECTION 54953(e) (ASSEMBLY BILL 361)**

**Recitals**

- A. On March 4, 2020, Governor Gavin Newsom proclaimed the existence of a state of emergency in California under the California Emergency Services Act, Gov. Code § 8550 et seq.
- B. On March 10, 2020, the Contra Costa County Board of Supervisors found that due to the introduction of COVID-19 in the County, conditions of disaster or extreme peril to the safety of persons and property had arisen, commencing on March 3, 2020. Based on these conditions, pursuant to Government Code section 8630, the Board of Supervisors adopted Resolution No. 2020/92, proclaiming the existence of a local emergency throughout Contra Costa County.
- C. On March 17, 2020, Governor Newsom issued Executive Order N-29-20, which suspended the teleconferencing rules set forth in the California Open Meeting law, Government Code section 54950 et seq. (the Brown Act), provided certain requirements were met and followed.
- D. On June 11, 2021, Governor Newsom issued Executive Order N-08-21, which clarified the suspension of the teleconferencing rules set forth in the Brown Act and further provided that those provisions would remain suspended through September 30, 2021.
- E. On September 16, 2021, Governor Newsom signed Assembly Bill 361, which provides that under Government Code section 54953(e), a legislative body subject to the Brown Act may continue to meet using teleconferencing without complying with the non-emergency teleconferencing rules in Government Code section 54953(b)(3) if a proclaimed state of emergency exists and state or local officials have imposed or recommended measures to promote social distancing.
- F. On December 9, 2021, the Contra Costa County Health Officer issued recommendations for safely holding public meetings that include recommended measures to promote social distancing.
- G. Among the Health Officer's recommendations: (1) on-line meetings (teleconferencing meetings) are strongly recommended as those meetings present the lowest risk of transmission of SARS-CoV-2, the virus that causes COVID-19; (2) if a local agency determines to hold in-person meetings, offering the public the opportunity to attend via a call-in option or an internet-based service option is recommended when possible to give those at higher risk of an/or higher concern about COVID-19 an alternative to participating in person; (3) a written safety protocol should be developed and followed, and it is recommended that the protocol require social distancing – i.e., six feet of separation between attendees – and face masking of all attendees; (4) seating arrangements should allow for staff and members of the public to easily maintain at least six-foot distance from one another at all practicable times.
- H. The California Department of Public Health (CDPH) and the federal Centers for Disease Control and Prevention (CDC) caution that the Delta variant of COVID-19 is more transmissible than prior variants of the virus, may cause more severe illness, and even fully vaccinated individuals can spread the virus to others resulting in rapid and alarming rates of COVID-19 cases and hospitalizations.



- I. In addition, the Omicron variant of COVID-19 has been detected in the Bay Area and is increasing test positivity rates in the County.
- J. In the interest of public health and safety, as affected by the emergency caused by the spread of COVID-19, the Contra Costa Local Agency Formation Commission (LAFCO) intends to invoke the provisions of Assembly Bill 361 related to teleconferencing.

NOW, THEREFORE, the Contra Costa Local Agency Formation Commission resolves as follows:

- 1. LAFCO finds that: the state of emergency proclaimed by Governor Newsom on March 4, 2020, is currently in effect; and the Contra Costa County Health Officer has strongly recommended that public meetings be held by teleconferencing as those meetings present the lowest risk of transmission of SARS-CoV-2, the virus that causes COVID-19.
- 2. As authorized by Assembly Bill 361, LAFCO will use teleconferencing for its meetings in accordance with the provisions of Government Code section 54953(e).
- 3. The Executive Officer is authorized and directed to take all actions necessary to implement the intent and purpose of this resolution, including conducting open and public meetings in accordance with Government Code section 54953(e) and all other applicable provisions of the Brown Act.

PASSED AND ADOPTED on January 12, 2022, by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

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CHAIR, CONTRA COSTA LAFCO

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

Dated: January 12, 2022

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Lou Ann Texeira, Executive Officer

CONTRA COSTA LOCAL AGENCY FORMATION COMMISSION  
EXECUTIVE OFFICER'S REPORT

January 12, 2022 (Agenda)

January 12, 2022  
Agenda Item 8

*Dissolution of County Service Area R-10*

SYNOPSIS

In August 2021, Contra Costa LAFCO completed its 2<sup>nd</sup> round *Parks & Recreation Services Municipal Services Review* (MSR) and Sphere of Influence (SOI) updates. The MSR covered all 19 cities, three parks & recreation districts, one regional park district, four community services districts, and eight County Service Areas (CSAs). Consistent with the recommendations in the MSR, the Commission adopted a zero SOI for CSA R-10 in November 2021 signalling future dissolution of this district.

In October 2021, the Commission adopted a resolution initiating dissolution of CSA R-10 and indicating that Contra Costa County would be the successor agency to wind up the affairs of CSA R-10 pursuant to the *Cortese Knox Hertzberg Local Government Reorganization Act of 2000* (“CKH Act”). Contra Costa County staff supports the proposed dissolution.

BACKGROUND

**History of CSA R-10** - CSA R-10 was formed in 1987 to provide recreation services. CSA R-10 serves the unincorporated Rodeo community and areas northeast of the City of Hercules. Since formation, there have been no boundary changes to CSA R-10. The CSA R-10 service area is approximately 7.37± square miles with an estimated population of 9,141 (2020). The Rodeo community is considered a “disadvantaged community” in that the median household income is less than 80% of the statewide median household income.

For many years, the John Swett Unified School District (JSUSD) provided recreation programs for the Rodeo community. However, over the years JSUSD experienced repeated budget reductions and eventually eliminated its involvement in public recreation programs. With JSUSD’s recreation programs gone, community members set out to find a way to make public recreation available in Rodeo. In 1993, the CSA R-10 Citizens Advisory Committee approached JSUSD regarding a long-term lease (50 years) for use of the Lefty Gomez Ballfield Complex as the site where recreation programs could be provided. JSUSD supported this proposal.

In January 1995, the County and JSUSD entered into a 50-year lease agreement which provides for lease of JSUSD’s real property and facilities (i.e., Lefty Gomez Community Center, two baseball fields, two tennis courts, a playground, picnic and BBQ areas, and a concession stand) to the County. The term of the lease is February 1, 1995, to January 31, 2045. The lease agreement provides that the County pay for all utilities, janitorial service, and maintenance. The lease agreement also includes provisions which allow for either party to cancel the lease with 180 days’ notice. The County intends to provide JSUSD with a notice of lease cancellation following LAFCO’s approval of the dissolution.

**Current Status** - Regarding facilities and capacity, at an annual net cost, CSA R-10 maintains the Lefty Gomez Community Center building. County staff reported that these facilities are in poor condition and in need of significant investment. Considerable infrastructure needs exist, however, there is currently no available funding. Further, the Community Center is not adequately sized to meet community needs.

As for funding and financial ability of CSA R-10 to provide services, CSA R-10 relies on Community Center rentals to generate revenue and has no other secure source of funding. The recent loss of a lease

with the County Office of Education and insufficient revenues to meet current obligations have resulted in deferred maintenance and ongoing financial burden. Further, the COVID pandemic has severely impacted CSA R-10 revenues. The Rodeo Baseball Association previously provided some maintenance of the ballfields as part of its contract with the County; however, County staff reports that CSA R-10 may also lose this funding. It is recommended that JSUSD contact the Rodeo Baseball Association regarding funding options.

Previously, CSA R-10 had a citizen advisory committee; however, each of the five seats is vacant, and the committee has effectively dissolved.

**MSR Findings** - The 2021 MSR includes two SOI options for CSA R-10: 1) adopt a zero SOI indicating future dissolution; or 2) retain the existing coterminous SOI. The recommendation was to adopt a zero SOI and dissolve CSA R-10.

In conjunction with the MSR, in November 2021, the Commission adopted a zero SOI for CSA R-10 signaling dissolution. In conjunction with dissolution, the County will be named the successor agency to wind up the affairs of CSA R-10. Following dissolution, maintenance of the facilities will be the responsibility of the JSUSD.

LAFCO staff recently spoke with the JSUSD Superintendent regarding the proposed dissolution. The Superintendent opposes dissolution indicating that the JSUSD has declining enrollment and revenue and that taking over maintenance of the facilities is cost prohibitive.

## DISCUSSION

**Factors for Consideration** - Government Code (GC) §56668 sets forth factors the Commission is required to consider in evaluating any change of organization (e.g., dissolution). In the Commission's review and evaluation, no single factor is determinative. In reaching a decision, each is to be evaluated within the context of the overall proposal. These factors are analyzed in Attachment B. In addition, other factors are discussed below.

**Tax Rates, Assessed Value, Assets and Liabilities** - The subject area includes 11 tax rate areas: 62007, 62037, 62039, 62042, 62046, 62055, 62056, 62058, 62062, 85014 and 85025. The assessed value for the proposal area is \$846,484,835 based on the 2021 roll. CSA R-10 receives no property or special tax revenue.

Regarding assets and liabilities, CSA R-10 has no assets and no liabilities.

**Designation of Successor Agency and Plan for Service** - The Cortese Knox Hertzberg Local Government Reorganization Act of 2000 (CKH) provides that should LAFCO dissolve a district, it shall identify the effective date of dissolution, designate a successor agency to wind up the affairs of the extinguished agency, and may apply other terms and conditions with its action pursuant to GC §§56885 – 56890.

If the territory of a dissolved district is located entirely within the unincorporated territory of a single county, the county is deemed the successor agency pursuant to GC §57451(b). CSA R-10 is located entirely in unincorporated Contra Costa County; and the County has agreed to be the successor agency.

Because CSA R-10 has no assets and liabilities, the County as successor agency would be responsible for coordinating with JSUSD regarding the Community Center and baseball fields.

Regarding a plan for service, the County will coordinate with the JSUSD regarding the Community Center and baseball fields.

**Commission Proceedings** – A dissolution may be initiated by LAFCO if it is consistent with a recommendation or conclusions of a study prepared pursuant to GC §§56378, 56425, or 56430, and LAFCO makes determinations specified in §56881(b). Sections 56378, 56425, and 56430 require LAFCO to study existing agencies, make determinations regarding SOIs and conduct municipal service reviews.

Section 56881(b) requires LAFCO to make both of the following determinations with regard to the proposed dissolution:

- (1) Public service costs of a proposal that the commission is authorizing are likely to be less than or substantially similar to the costs of alternate means of providing the service.
- (2) A change of organization or reorganization that is authorized by the commission promotes public access and accountability for community service needs and financial resources.

Before LAFCO can dissolve a district, LAFCO must hold a public hearing. In conjunction with today's hearing, LAFCO published a 1/8-page display ad in the newspaper in lieu of individual mailed notices. The display ad was published in the West County Times. The CKH provides that if the number of mailed notices exceeds 1,000, LAFCO can publish a 1/8-page display ad in the newspaper of general circulation in lieu of individual notices to landowners and registered voters.

Should dissolution of CSA R-10 be approved, state law requires LAFCO to conduct a protest hearing to allow landowners and voters within the district boundary an opportunity to protest the dissolution. The protest hearing cannot be conducted less than 30 days after the Commission's approval of the dissolution. In the case of a LAFCO initiated proposal, a protest hearing is required (GC §57008). Due to COVID and in-person meeting restrictions, the protest hearing will be held via Zoom/teleconference.

The Commission has delegated authority to conduct the protest hearing to the LAFCO Executive Officer. Should the Commission approve the dissolution on January 12, 2022, LAFCO staff will conduct a noticed protest hearing in February 2022.

**Environmental Impact of the Proposal** - The LAFCO initiated proposal to dissolve CSA R-10 and name Contra Costa County as successor agency is a jurisdictional change and has no physical effects on land use or the environment. As Lead Agency, LAFCO finds the project categorically exempt from the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines Section 15320 (Class 20 – Changes in Government Organization). The LAFCO Environmental Coordinator reviewed the document and finds it adequate for LAFCO purposes.

## CONCLUSION

One of the fundamental goals of LAFCOs is to ensure the efficient and effective provision of municipal services in an accountable manner. The proposed dissolution will terminate a financially distressed district and defer to the successor agency to coordinate with the JSUSD regarding assets and liabilities.

## ALTERNATIVES FOR COMMISSION ACTION

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

- Option 1**
1. Approve the dissolution and required findings as proposed pursuant to the following:
    - a. The affected territory is located entirely within an unincorporated area of Contra Costa County.
    - b. The reason for the proposal is to dissolve a district that is financially distressed and essentially inactive.
  2. Designate Contra Costa County as successor agency to CSA R-10.
  3. Find that the project is categorically exempt from the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines Section 15320 (Class 20 – Changes to Government Organization).
  4. Find that the subject territory is inhabited, and the proposal is subject to protest proceedings to be conducted no less than 30 days following the Commission's approval of the proposal.
  5. Adopt the LAFCO Resolution approving dissolution of CSA R-10 and setting forth the Commission's terms, conditions, findings, and determinations.

**Option 2** DENY the proposal to dissolve CSA R-10.

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

## RECOMMENDED ACTIONS:

**Approve Option 1 to dissolve CSA R-10 and name Contra Costa County as successor agency.**

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

Attachments:

- A. Map of CSA R-10
- B. Factors for Consideration (GC §56668)
- C. Draft LAFCO Resolution Dissolving CSA R-10

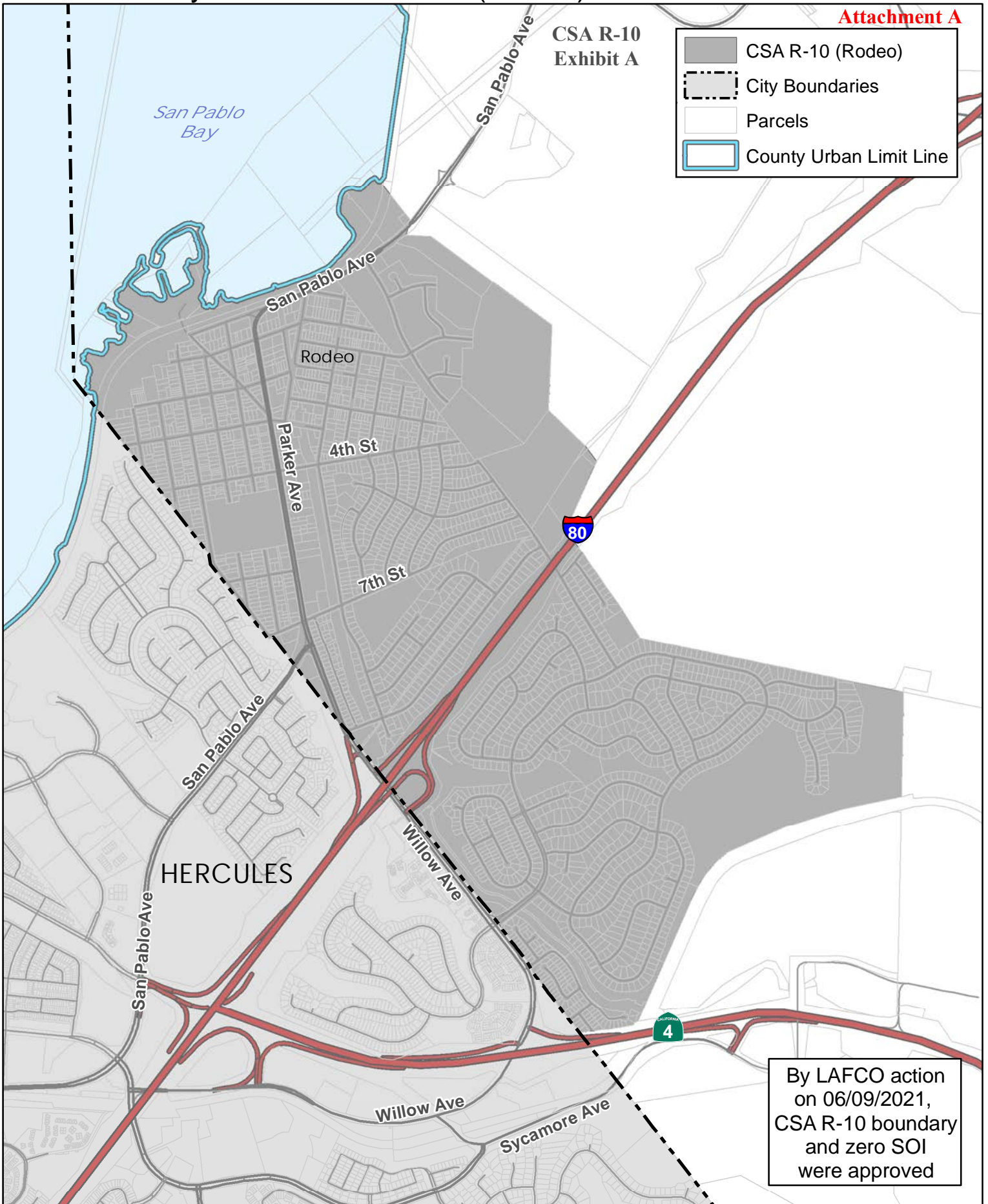
c: Distribution

# County Service Area R-10 (Rodeo) and Coterminus SOI

**Attachment A**

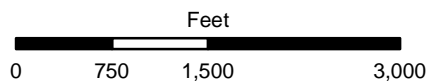
**CSA R-10  
Exhibit A**

|  |                         |
|--|-------------------------|
|  | CSA R-10 (Rodeo)        |
|  | City Boundaries         |
|  | Parcels                 |
|  | County Urban Limit Line |



Map created 05/13/2021  
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

This map or dataset was created by the Contra Costa County Department of Conservation and Development with data from the Contra Costa County GIS Program. Some base data, primarily City Limits, is derived from the CA State Board of Equalization's tax rate areas. While obligated to use this data the County assumes no responsibility for its accuracy. This map contains copyrighted information and may not be altered. It may be reproduced in its current state if the source is cited. Users of this map agree to read and accept the County of Contra Costa disclaimer of liability for geographic information.





## Factors for Consideration (California Government Code §56668)

| FACTOR  | COMMENTS   |
|---|--|
| (a) Population and population density; land area and land use; per capita assessed valuation; topography, natural boundaries, and drainage basins; proximity to other populated areas; the likelihood of significant growth in the area, and in adjacent incorporated and unincorporated areas, during the next 10 years.   | The subject area includes the unincorporated Rodeo community. The area comprises 7.37± square miles. The District boundary encompasses primarily residential and commercial uses. The population is approximately 9,141. |
| (b) The need for organized community services; the present cost and adequacy of governmental services and controls in the area; probable future needs for those services and controls; probable effect of the proposed incorporation, formation, annexation, or exclusion and of alternative courses of action on the cost and adequacy of services and controls in the area and adjacent areas.<br><br>"Services," as used in this subdivision, refers to governmental services whether or not the services are services which would be provided by local agencies subject to this division, and includes the public facilities necessary to provide those services. | There is a potential need for operation of the community center, baseball fields and other amenities. It is unlikely that CSA R-10 can continue to support these uses due to financial constraints.                      |
| (c) The effect of the proposed action and of alternative actions, on adjacent areas, on mutual social and economic interests, and on the local governmental structure of the county.  | It is not anticipated that dissolution of CSA R-10 would affect adjacent areas or the local government structure of the County.  |
| (d) The conformity of both the proposal and its anticipated effects with both the adopted commission policies on providing planned, orderly, efficient patterns of urban development, and the policies and priorities in Section 56377.<br><i>(Note: Section 56377 encourages preservation of agricultural and open space lands)</i>  | The subject area includes residential and commercial uses. The dissolution would have no effect on development or on policies and priorities in Section 56377.   |
| (e) The effect of the proposal on maintaining the physical and economic integrity of agricultural lands, as defined by Section 56016.   | The subject area includes residential and commercial uses. The dissolution would have no effect on agricultural lands.   |
| (f) The definiteness and certainty of the boundaries of the territory, the nonconformance of proposed boundaries with lines of assessment or ownership, the creation of islands or corridors of unincorporated territory, and other similar matters affecting the proposed boundaries.  | The parcels that comprise the subject territory have specific boundary lines that are certain and identifiable.  |
| (h) The proposal's consistency with city or county general and specific plans.  | The dissolution will have no effect on the County General Plan.  |
| (i) The sphere of influence (SOI) of any local agency which may be applicable to the proposal being reviewed.   | The dissolution will have no effect on the SOIs of any local agency other than CSA R-10.   |

| FACTOR  | COMMENTS   |
|---|--|
| (j) The comments of any affected local agency or other public agency.   | The John Swett Unified School District (JSUSD) Superintendent voiced opposition to dissolution of CSA R-10 and lack of resources to maintain R-10 facilities.  |
| (k) The ability of the newly formed or receiving entity to provide the services which are the subject of the application to the area, including the sufficiency of revenues for those services following the proposed boundary change.  | CSA R-10 has no established or secure source of revenue. As successor agency, the County will work with JSUSD on outstanding funding and maintenance issues.   |
| (n) Any information or comments from the landowner or owners, voters, or residents of the affected territory.   | In accordance with LAFCO statutes, Contra Costa LAFCO published a display ad in the local newspaper. As of this LAFCO received no formal objections from landowners or registered voters.  |
| (o) Any information relating to existing land use designations.   | The County's General Plan designation for the area is primarily Single Family Residential – High Density (SH) and the zoning designation is Planned Unit. No changes to the present or planned land uses will result from this change of organization. |
| (p) The extent to which the proposal will promote environmental justice. As used in this subdivision, "environmental justice" means the fair treatment and meaningful involvement of people of all races, cultures, incomes, and national origins, with respect to the location of public facilities and the provision of public services, to ensure a healthy environment for all people such that the effects of pollution are not disproportionately borne by any particular populations or communities. | The dissolution will have no effect on environmental justice or to the fair treatment of people of all races, cultures and incomes.  |
| 56668.5. The commission may, but is not required to, consider the regional growth goals and policies established by a collaboration of elected officials only, formally representing their local jurisdictions in an official capacity on a regional or subregional basis. This section does not grant any new powers or authority to the commission or any other body to establish regional growth goals and policies independent of the powers granted by other laws.                                     | Dissolution of CSA R-10 will not affect or be affected by Plan Bay Area, in that the Plan focuses on Priority Development Areas (PDAs) and Priority Conservation Areas (PCAs); and the affected territory is neither.                                  |

**Note:**

Subsections (g) - regional transportation plan, (l) water supplies, (m) achieving respective fair shares of regional housing needs, and (q) local hazard mitigation plan are not applicable to this proposal.



**RESOLUTION OF THE CONTRA COSTA LOCAL AGENCY FORMATION COMMISSION  
MAKING DETERMINATIONS AND APPROVING DISSOLUTION OF  
COUNTY SERVICE AREA R-10**

WHEREAS, County Service Area (CSA) R-10 is located entirely within unincorporated Contra Costa County in the unincorporated Rodeo community; and

WHEREAS, CSA R-10 comprises 7.37± square miles with a population of approximately 9,141 residents; and

WHEREAS, CSA R-10 was formed in 1987 to provide recreational services to the Rodeo community; and

WHEREAS, in 2021, the Contra Costa Local Agency Formation Commission (LAFCO) completed its 2<sup>nd</sup> round countywide Municipal Services Review covering parks and recreation services and learned that CSA R-10 is struggling with finances and the provision of municipal services; and

WHEREAS, on November 10, 2021, LAFCO adopted a resolution initiating dissolution of CSA R-10 pursuant to the Cortese-Knox-Hertzberg Local Government Reorganization Act (Section 56000 et seq. of the Government Code); 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 to dissolve CSA R-10; and

WHEREAS, notice of today's Commission hearing was advertised, and a 1/8-page display ad was published in the West County Times pursuant to Government Code section 56157 in lieu of mailed notices due to the number of affected landowners and registered voters exceeding 1,000; and

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

WHEREAS, 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, Spheres of Influence and related information; and

WHEREAS, LAFCO determines that dissolution of CSA R-10 and naming Contra Costa County as successor agency to wind up the affairs of the district is in the best interest of the affected area and the total organization of local governmental agencies within Contra Costa County; and

WHEREAS, Contra Costa County has agreed to be the successor agency.

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

1. The subject proposal is assigned the following distinctive short-form designation:

**DISSOLUTION OF COUNTY SERVICE AREA R-10**

2. CSA R-10 is located entirely within unincorporated Contra Costa County. The boundaries of the affected territory are found to be definite and certain as approved and set forth in Attachment A, attached hereto and made a part hereof.
3. The proposal was initiated by LAFCO, the subject territory is inhabited, and the proposal is subject to protest proceedings.
4. Contra Costa County shall be the successor agency of CSA R-10 to wind up the affairs of CSA R-10.

Contra Costa LAFCO Resolution  
Dissolution of CSA R-10

5. All assets and liabilities associated with CSA R-10 will remain with the property owner – the John Swett Unified School District.
6. In reviewing this proposal, the Commission has considered the factors required by Government Code section 56668.
7. Pursuant to Government Code section 56881(b), Contra Costa LAFCO determines:
  - i. Public service costs of the LAFCO initiated dissolution are likely to be less than or substantially similar to the costs of alternate means of providing the service.
  - ii. The dissolution authorized by the Commission promotes public access and accountability for community service needs and financial resources.
8. The Commission finds that dissolution of CSA R-10 is categorically exempt from the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines Section 15320 (Class 20 – Changes to Government Organization).
9. Pursuant to Government Code section 57008, as a proposal initiated by the commission, LAFCO shall hold a public protest hearing on the dissolution of CSA R-10. In light of the COVID pandemic, the protest hearing will be held remotely.
10. The effective date of the dissolution shall be the date of filing the certificate of completion of the proposal.

\*\*\*\*\*

PASSED AND ADOPTED THIS 12<sup>th</sup> day of January 2022 by the following vote:

AYES:

NOES:

ABSTENTIONS:

ABSENT:

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CHAIR, CONTRA COSTA LAFCO

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

Dated: January 12, 2022

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Lou Ann Texeira, Executive Officer

CONTRA COSTA LOCAL AGENCY FORMATION COMMISSION  
EXECUTIVE OFFICER'S REPORT

January 12, 2022  
Agenda Item 9

January 12, 2022 (Agenda)

LAFCO 21-10 Contra Costa County Fire Protection District (CCCFPD) Sphere of Influence (SOI) Amendment to include the East Contra Costa Fire Protection District (ECCFPD)

APPLICANT CCCFPD – Resolution No. 2021/8, adopted by the CCCFPD Board of Directors on September 14, 2021

Both CCCFPD and ECCFPD adopted substantially similar resolutions initiating proceedings to dissolve ECCFPD and annex ECCFPD into CCCFPD.

ACREAGE & LOCATION The applicant proposes to expand CCCFPD's SOI by 249± square miles to include ECCFPD.

The subject area includes the cities of Brentwood and Oakley, and the unincorporated areas of Discovery Bay, Bethel Island, Knightsen, Byron, Marsh Creek, and Morgan Territory - see attached map (Exhibit A). The applicant also submitted a corresponding proposal to annex the subject area and dissolve ECCFPD.

PURPOSE The purpose of the proposal is to improve efficiency, effectiveness, and the economy of fire protection services in East Contra Costa County, and to better meet the fire, rescue, and emergency medical services (EMS) of the residents of the proposed reorganized district.

BACKGROUND ECCFPD was formed in 2002 through the consolidation of Bethel Island Fire District, East Diablo Fire District, and Oakley Fire District. ECCFPD encompasses 249± square miles and serves approximately 139,000 people.

ECCFPD provides structural fire suppression, wildland firefighting, basic life support EMS and rescue services, deploying its apparatus and personnel from three fire stations. ECCFPD contracts with Cal Fire for winter staffing of a 3-person engine located near Morgan Territory on Marsh Creek Road. ECCFPD's Fire Prevention Bureau provides inspections, code enforcement, plan reviews, fire investigations, and various public education programs. The Bureau also conducts inspections of public and private properties for compliance with its weed abatement ordinance.

ECCFPD employs 37 uniformed and non-uniformed personnel, including 10 firefighters, nine engineers, nine Fire Captains, four Battalion Chiefs, one Fire Marshal, one Fire Chief, and administrative and support staff.

ECCFPD relies heavily on CCCFPD for automatic and mutual aid assistance on a daily basis due to reduced staffing levels of ECCFPD. The lack of adequate fire and EMS resources within the ECCFPD service area leads to an overdependence on aid and support from CCCFPD which, in turn, places a burden on CCCFPD to provide support to East Contra Costa County.

**LAFCO Municipal Service Reviews (MSRs)** – In 2009, LAFCO completed a comprehensive MSR covering fire and EMS. At that time, ECCFPD operated eight fire stations. The 2009 MSR identified significant governance, service, and fiscal issues for ECCFPD which needed to be addressed. The MSR also identified governance structure options for ECCFPD, including dissolution of ECCFPD and annexation to CCCFPD.

In 2016, LAFCO completed its 2<sup>nd</sup> round MSR covering fire and EMS. The 2016 MSR provided updates to the 2010 MSR and focused primarily on the two most distressed fire districts - ECCFPD and Rodeo Hercules FPD (RHFPD).

The 2016 MSR noted significant financial, service and governance deficiencies, and concluded that annexation of the ECCFPD into CCCFPD would provide improved levels of service, strengthen firefighter training programs, reduce response times, and improve efficiency and service delivery. Specific 2016 MSR findings included the following:

- **Financing** - For the most part, Contra Costa County fire service providers have the financial ability to deliver appropriate service levels, with the exception of ECCFPD and RHFPD.
- **Growth and Service Demand** - Continued population growth, job creation, and changes in health care services affect the volume and location of service calls, creating needs for new facilities and staff resources in order to sustain services.
- **Service Levels** – ECCFPD and RHFPD are unable to meet “Best Practices” for response times and staffing due to their current and possible future lack of personnel and equipment resources. The current three-station configuration of ECCFPD demonstrates the impacts of inadequate staffing and personnel to provide adequate fire suppression services. Longer response times for fire service and reduced emergency medical response are all outcomes of reductions in personnel that have occurred in recent years.
- **Disadvantaged Communities** - Several disadvantaged communities fall entirely within the current SOI of the ECCFPD. Areas include Bethel Island, and an area to the east of Brentwood that includes the community of Knightsen. Those two areas experience among the worse response times in the ECCFPD of 13:37 minutes and 18:18 minutes respectively (90% of responses fall within those times), which fall significantly below overall ECCFPD response times, and well below national standards for “Best Practices.”
- **Accountability** - In response to the MSR, agencies demonstrated accountability based on standard measures, which generally remains true. The ECCFPD, however, suffers from a number of accountability issues due to limited revenue.

The 2016 MSR identified two SOI options for ECCFPD including a “zero” SOI and a “provisional” SOI both signaling a future reorganization, and requiring ECCFPD to provide periodic updates to LAFCO on its progress in addressing the fiscal, governance and service challenges identified in the MSR. The Commission adopted a “provisional” SOI for ECCFPD in 2016.

**2021 CCCFPD Annexation Study/Focused MSR** – In July 2021, CCCFPD presented the *Fire District Annexation Feasibility Study/Focused MSR* to its Board of Directors. The study/MSR is available online at <https://www.cccfpd.org/annexation> The study/MSR analyzed annexation of ECCFPD and RHFPD to CCCFPD. RHFPD voted to defer action regarding annexation to CCCFPD. Both CCCFPD and ECCFPD voted to move forward with applications to LAFCO and adopted substantially similar resolutions.

The feasibility study analyzed revenue (recurring, non-recurring, existing and future), and service level costs (current, future, contractual, indirect, cost allocations, contractual obligations, etc.). The study concluded that annexation of ECCFPD into CCCYPD is feasible and viable. The annexation study also includes LAFCO municipal service review and SOI analysis pursuant to Government Code (“GC”) sections 56425 and 56430.

A summary of the annexation study presentation including findings, financial analysis, fiscal sustainability of the proposed annexations, recommendations, and enhancements is provided in Attachment 1.

**DISCUSSION** The Cortese-Knox-Hertzberg Act (CKH Act) authorizes LAFCO to develop and determine the SOI of each local agency within the County, and to enact policies designed to promote the logical and orderly development of areas within the spheres.

A SOI is defined as *a plan for the probable physical boundaries and service area of a local agency, as determined by LAFCO* (GC section 56076). The intent of a 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 GC section 56425, when amending a SOI for a local agency, LAFCO is required to prepare a written statement of determinations regarding the following factors:

1. ***The present and planned uses in the area, including agricultural and open space lands***
2. ***The present and probable need for public facilities and services in the area***
3. ***The present capacity of public facilities and adequacy of public services that the agency provides or is authorized to provide***
4. ***The existence of any social or economic communities of interest in the area if the commission determines that they are relevant to the agency***
5. ***Nature, location, extent, functions & classes of services to be provided (districts only)***

LAFCO’s determinations on the five factors specified in GC section 56425 are set forth in the LAFCO Sphere of Influence Resolution No. 21-10 (Attachment 2).

**Environmental Impact of the Proposal** – CCCYPD, as Lead Agency, found the project categorically from the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines section 15320(b) (Class 20) – *Changes in Organization of Local Agencies*.

#### 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 LAFCO Sphere of Influence Resolution No. 21-10 (Attachment 2) approving the proposed expansion of CCCFPD's SOI by 249± square miles to include the ECCFPD as depicted on the attached map (Exhibit A).
- A. Find, as a responsible agency, that the proposed expansion of CCCFPD's SOI is categorically exempt from CEQA pursuant to CEQA Guidelines section 15320(b) (Class 20) – *Changes in Organization of Local Agencies*
- B. Adopt this report and amend CCCFPD's SOI as described herein and shown on the attached map (Exhibit A).

**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 amendment as proposed.**

If LAFCO amends CCCFPD's SOI as proposed (Option 1), the proposal to dissolve the ECCFPD and annex the ECCFPD territory into the CCCFPD will be presented to LAFCO for its consideration at a subsequent meeting.

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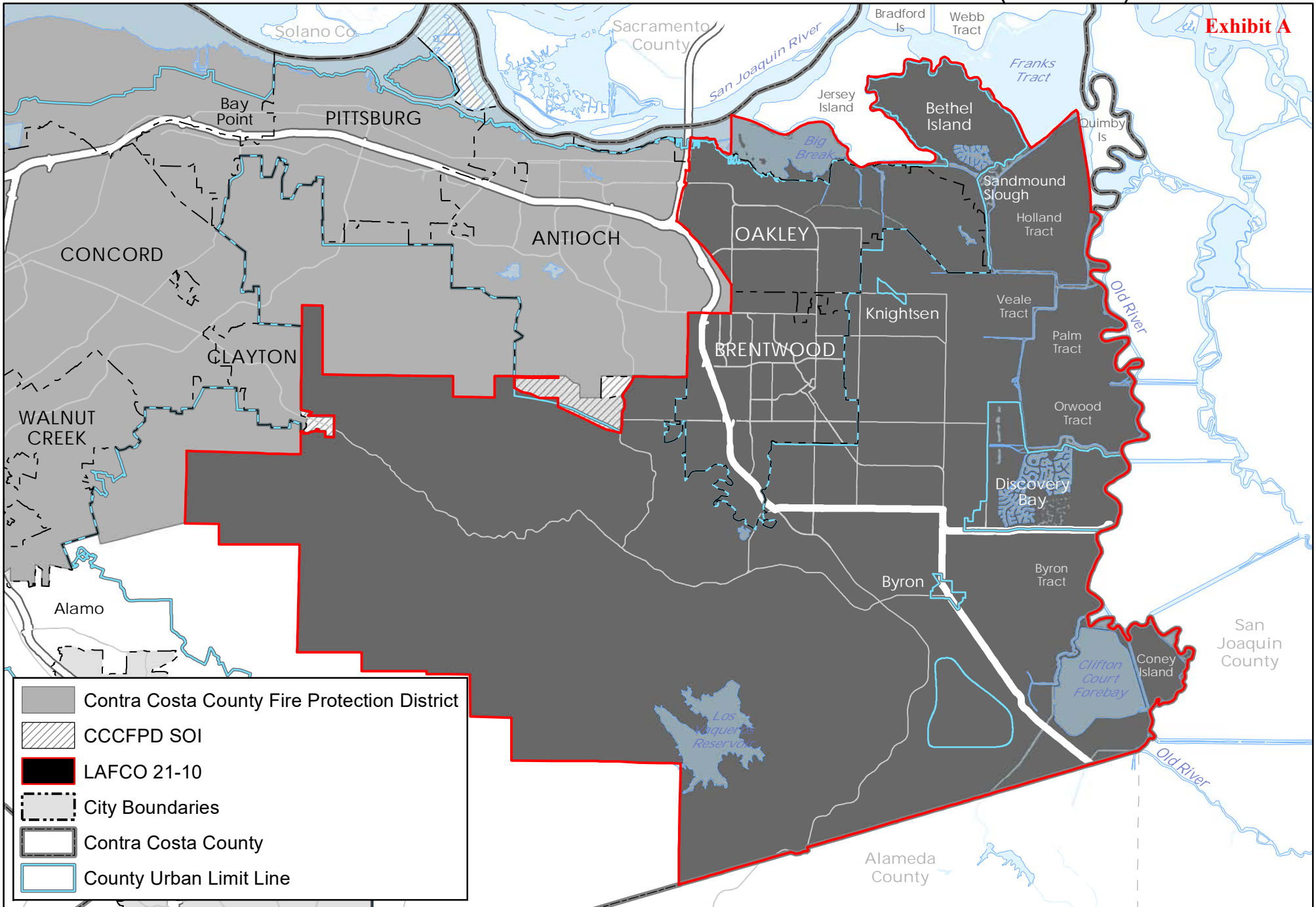
LOU ANN TEXEIRA, EXECUTIVE OFFICER  
CONTRA COSTA LOCAL AGENCY FORMATION COMMISSION

Exhibit A - Map – Proposed CCCFPD SOI Amendment  
Attachment 1 – Annexation Study Summary  
Attachment 2 – Draft LAFCO Resolution – CCCFPD SOI Amendment

c: Lewis Broschard, Fire Chief, CCCFPD  
Brian Helmick, Fire Chief, ECCFPD  
Distribution

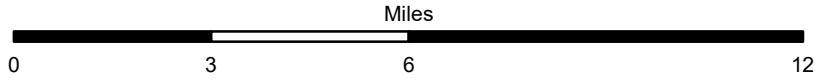
# LAFCO 21-10: Contra Costa County Fire Protection District (CCCFPD) – Sphere of Influence Amendment to include East Contra Costa Fire Protection District (ECCFPD)

**Exhibit A**



Map created 01/05/2022  
by Contra Costa County Department of  
Conservation and Development, GIS Group  
30 Muir Road, Martinez, CA 94553  
37:59:41.791N 122:07:03.756W

This map or dataset was created by the Contra Costa County Department of Conservation and Development with data from the Contra Costa County GIS Program. Some base data, primarily City Limits, is derived from the CA State Board of Equalization's tax rate areas. While obligated to use this data the County assumes no responsibility for its accuracy. This map contains copyrighted information and may not be altered. It may be reproduced in its current state if the source is cited. Users of this map agree to read and accept the County of Contra Costa disclaimer of liability for geographic information.







**Contra Costa County FPD  
East Contra Costa FPD  
Rodeo-Hercules FPD**

# **FIRE DISTRICT ANNEXATION STUDY**



**AP TRITON**

**VISION • INNOVATION • SOLUTIONS**



# Introduction

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AP Triton, LLC (Triton) was retained to conduct a two-phase study. Phase One, which was completed in November of 2020, included Triton's review and comparison of the conceptual annexation of East Contra Costa Fire Protection District (ECCFPD) by Contra Costa County Fire Protection District (CCCFPD), utilizing projected operational costs provided by CCCFPD and historical and projected revenue data from ECCFPD to include:

- Sources of recurring and non-recurring revenue, including property taxes
- Existing revenue and projections for the next 3–6 years
- Costs of existing levels of service and projections for the next 3–6 years
- Contractual services provided to the district by CAL FIRE
- Indirect costs, cost allocations, and contractual obligations

# Introduction *continued...*

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The analysis conducted during Phase One concluded with a preliminary determination that the annexation of East Contra Costa Fire Protection District into Contra Costa County Fire Protection District was feasible and viable.

# Introduction *continued...*

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In December of 2020 and based on the positive results from the Phase One study, Triton was engaged to move forward with Phase Two of the study. Phase Two added the Rodeo Hercules Fire Protection District (RHFPD) and includes a comprehensive analysis of each district's financial, staffing, support programs, and operational capabilities related to the feasibility of annexation of ECCFPD & RHFPD into CCCFPD.

The study also includes Contra Costa County's Local Agency Formation Commission (LAFCO) Service and Sphere Review Requirements found in CGC sections 56430 and 56425.

# Overview of All Agency Findings

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- All three districts currently participate in a Regional Communications center. An opportunity exists to reduce operating and administrative costs through the proposed annexation while increasing service levels significantly.
- There are no deployment-related impediments to annexation.
- Combined projected recurring revenues are sufficient to provide for combined currently projected recurring expenses and anticipated expansion of services in CCCFPD and ECCFPD through the fiscal projection period identified in the project scope of work.

# Overview of All Agency Findings

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- Annexation will enhance and standardize training throughout the area.
- Annexation is projected to result in cost savings due to combining technology infrastructure, fleet maintenance, and other administrative functions.
- Command and control of multi-company incidents will be improved as a result of annexation.
- Annexation will enhance and standardize public education outreach.

# Overview of Findings *continued...*

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- Each fire district has a comprehensive and extensive training program; however, training emphasis was inconsistent between organizations.
- There appears to be minimal differences between the three organizations relating to specific code enforcement.
- Through existing reserves and future development fees, funding and other non-recurring receipts exists to provide for fire station construction, apparatus acquisition, and debt service on existing obligations on a combined basis through the fiscal projection period identified in the project scope of work.
- Combined projected reserve balances never fall below 35% (\$76,000,000) through the fiscal projection period identified in the project scope of work.

# Financial Analysis

## History of East Contra Costa & Rodeo-Hercules

### East Contra Costa Fire Protection District

Summary of Page 20, Figure 11

|                        | FY 15/16   | FY 16/17   | FY 17/18   | FY 18/19   | FY 19/20   |
|------------------------|------------|------------|------------|------------|------------|
| Recurring Revenues     | 12,482,422 | 14,190,374 | 14,962,781 | 16,590,390 | 16,288,788 |
| Non-Recurring Revenues | -          | -          | 703,186    | 408,349    | 4,408      |
| Special Restricted     | 168,524    | 169,161    | 172,916    | 175,881    | 392,587    |
| Total Revenues         | 12,650,946 | 14,359,535 | 15,838,883 | 17,174,620 | 16,685,773 |

# Financial Analysis

## History of East Contra Costa & Rodeo-Hercules

### Rodeo-Hercules Fire Protection District

Summary of Page 23, Figure 14

|                        | FY 15/16  | FY 16/17  | FY 17/18  | FY 18/19  | FY 19/20  |
|------------------------|-----------|-----------|-----------|-----------|-----------|
| Recurring Revenues     | 5,794,164 | 5,937,178 | 5,408,365 | 6,324,504 | 6,373,816 |
| Non-Recurring Revenues | 1,093,555 | 555,204   | 23,917    | -         | -         |
| Special Restricted     | 65,000    | 65,000    | 2,429,756 | 2,608,977 | 2,581,957 |
| Total Revenues         | 6,952,719 | 6,557,382 | 7,862,038 | 8,933,481 | 9,055,773 |



# Fiscal Sustainability of the Proposed Annexations

## Combined Operations

Summary of Page 158/159, Figure 140/141, Recurring Revenues and Recurring Expenses

|                             | FY 21/22    | FY 22/23    | FY 23/24    | FY 24/25    | FY 25/26    |
|-----------------------------|-------------|-------------|-------------|-------------|-------------|
| Recurring Revenues          | 189,012,142 | 195,340,123 | 202,503,042 | 210,255,420 | 218,346,910 |
| Recurring Expenses          | 167,916,948 | 180,189,434 | 190,433,310 | 201,294,915 | 212,777,124 |
| Increase (Decrease)         | 21,095,194  | 15,150,689  | 12,069,732  | 8,960,506   | 5,569,785   |
| Beginning Operating Reserve | -           | 21,095,014  | 36,245,883  | 48,315,615  | 57,276,121  |
| Ending Operating Reserve    | 21,095,194  | 36,245,883  | 48,315,615  | 57,276,121  | 62,845,906  |

# Fiscal Sustainability of the Proposed Annexations

## Combined Special Revenues & Capital Expenditures

Summary of Page 161/162, Figure 142/143, Non-Recurring Revenues and Non-Recurring Expenditures

|                           | FY 21/22     | FY 22/23   | FY 23/24     | FY 24/25    | FY 25/26    |
|---------------------------|--------------|------------|--------------|-------------|-------------|
| Non-Recurring Revenues    | 318,087      | 7,318,087  | 318,087      | 318,087     | 318,087     |
| Special Revenues          | 392,578      | 7,411,200  | 422,054      | 441,147     | 460,489     |
| Debt Service              | 17,794,203   | 3,747,468  | 4,489,468    | 4,532,468   | 4,010,251   |
| Capital Outlay            | 1,385,520    | 8,622,744  | 9,231,026    | 1,164,482   | 1,110,616   |
| Increase (Decrease)       | (18,479,058) | 2,359,075  | (11,980,354) | (4,937,716) | (4,342,291) |
| Beginning Capital Reserve | 56,000,000   | 37,520,942 | 39,880,017   | 27,899,663  | 22,961,948  |
| Ending Capital Reserve    | 37,520,942   | 39,880,017 | 27,899,663   | 22,961,948  | 18,619,656  |

# Fiscal Sustainability of the Proposed Annexations

Combined Operating and Capital Reserve Balances  
Summary of Page 163, Figure 144

|                        | FY 21/22     | FY 22/23   | FY 23/24     | FY 24/25    | FY 25/26    |
|------------------------|--------------|------------|--------------|-------------|-------------|
| Beginning Reserves     | 56,000,000   | 58,616,136 | 76,125,900   | 76,215,278  | 80,238,068  |
| Net Operations         | 21,095,194   | 15,150,689 | 12,069,732   | 8,960,506   | 5,569,785   |
| Net Capital (Decrease) | (18,479,058) | 2,369,075  | (11,980,354) | (4,937,716) | (4,342,291) |
| Ending Reserves        | 58,616,136   | 76,125,900 | 76,215,278   | 80,238,068  | 78,818,681  |

# Recommendations

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## **Recommendation 1: ECCFPD, RHFPD, and CCCFPD should move forward with annexation.**

Based on the analysis, annexation will increase both the effectiveness and efficiency of the service delivery system and the efficiency of the administrative functions.

# Recommendations

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## **Recommendation 2: Municipal Services Review Update**

It is recommended that LAFCO review and adopt the proposed determinations associated with this MSR update at a public hearing.

# Recommendations

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## **Recommendation 3: Adopt Resolutions for Reorganization**

Should the three districts decide to pursue annexation, the districts should adopt substantially similar resolutions initiating the reorganization, including provision for Sphere of Influence amendments of all three districts as outlined in the Sphere of Influence Update to meet LAFCO requirements that SOIs be consistent for any change of organization.

# Recommendations

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## **Recommendation 4: ECCFPD, RHFPD & CCCFPD Coordinate with LAFCO**

Should the districts choose to move forward with an application for reorganization to LAFCO, it is recommended the agencies coordinate with LAFCO to process the necessary SOI update at a public hearing prior to consideration of the reorganization application, as required by LAFCO policy.

# Recommendations

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## **Recommendation 5: LAFCO Update Sphere of Influence**

LAFCO consider and adopt the proposed SOI Update and associated determinations at a public hearing, consisting of Zero SOIs for ECCFPD and RHFPD and an expansion of CCCFPD's SOI to include the territory of the districts to be annexed.



# Recommendations

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## **Recommendation 6: Standardize training programs specific to special team response.**

Station and apparatus crews will need to be combined with individuals from separate organizations. It will be the responsibility of the Training Division to ensure that all firefighters meet minimum expectations. Individuals from ECCFPD and RHFD will need focused training and certifications to support existing special assignments.

# Recommendations

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## **Recommendation 7: Develop a balanced training program.**

A combined organization will need to determine a training philosophy and develop a standardized program that meets the community's needs.

# Recommendations

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## **Recommendation 8: Increase multi-company training for the annexed areas.**

With the potential addition of two new areas to the CCCFPD system, the combined system should emphasize additional multi-company training.

# Recommendations

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## **Recommendation 9: Increase training and response capabilities for hazmat incidents.**

Due to the large oil refineries in the response areas, a combined organization will need to continue focused training and response to potentially significant hazmat incidents.

# Recommendations

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## **Recommendation 10: Develop a standardized public education program throughout the newly annexed areas.**

The development of an outreach program that can be documented and measured for effectiveness is essential to quality public outreach. A combined organization should develop a standardized public education program.

# Recommendations

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## **Recommendation 11: Develop a company inspection program for high occupancy/high-risk facilities.**

AP Triton recommends on-duty engine companies perform building familiarization and pre-plan familiarization. This function supports firefighter safety as well as improved fire ground operations.

# Recommendations

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## **Recommendation 12: Reopen ECCFPD Station 55 to improve service.**

Funding is increasing with increased tax values and special assessments and should be sufficient to complete and staff Station 55.

# Recommendations

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**Recommendation 13: Acquire and staff a Ladder Company within ECCFPD's service area.**

**Recommendation 14: Reopen CCCFPD Station 4.**

The deployment modeling has identified a gap in the area that would be served by Fire Station 4.



# Enhancements

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- Standardization of response protocols and service throughout the areas
- Training will be standardized throughout the area
- Standardization of apparatus and purchasing
- Operational consistency and enhanced firefighter safety
- Elimination of duplicative administrative and operational structures

# Enhancements

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- Reduced legal and auditing costs
- Reduced technology/software costs
- Reduction in insurance costs
- Possible reduction in Board expenses and election expenses
- Addition of Engine and Ladder Companies



# QUESTIONS



AP TRITON

VISION • INNOVATION • SOLUTIONS

**SPHERE OF INFLUENCE RESOLUTION NO. 21-10**

**RESOLUTION OF THE CONTRA COSTA LOCAL AGENCY FORMATION COMMISSION  
MAKING DETERMINATIONS AND EXPANDING THE SPHERE OF INFLUENCE  
OF CONTRA COSTA COUNTY FIRE PROTECTION DISTRICT TO INCLUDE THE  
EAST CONTRA COSTA FIRE PROTECTION DISTRICT**

WHEREAS, in conjunction with a recent *Fire District Annexation Feasibility Study/Municipal Service Review* (“the study”) prepared for the Contra Costa County Fire Protection District (CCCFPD), a proposal to expand the sphere of influence (SOI) of CCCFPD and corresponding boundary reorganization proposal were 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, the Executive Officer has given notice of the Commission’s consideration of the proposed SOI expansion at the time and in the manner required by law; 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 CCCFPD’s SOI by 249± square miles to include the East Contra Costa Fire Protection District (ECCFPD).
2. The Commission is a Responsible Agency under the California Environmental Quality Act (CEQA); and in accordance with CEQA, the Commission finds the proposed expansion of CCCFPD’s SOI is categorically exempt from CEQA pursuant to CEQA Guidelines section 15320(b) (Class 20) – *Changes in Organization of Local Agencies*, which is consistent with the determination of CCCFPD, the Lead Agency under CEQA.
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 CCCFPD bounds encompass a variety of land uses in incorporated and unincorporated areas primarily in the central, east central, and northern portions of Contra Costa County. Land uses include residential, commercial, mixed-use, agricultural, recreational, open space, and watershed. CCCFPD has no land use authority. Contra Costa County and city plans include land uses and population growth that may impact CCCFPD’s services. There is Williamson Act land within CCCFPD’s boundary and SOI.

Land uses in the SOI expansion area (ECCFPD) include residential, commercial, mixed-use, agricultural, recreational, open space and watershed uses located throughout ECCFPD. The predominant uses include agricultural and open space, with the agricultural core located west of Discovery Bay and Byron, and pasture lands throughout Morgan Territory, Marsh Creek, Knightsen and northern Bethel Island. The ECCFPD boundary also includes expansive open space including Morgan Territory Regional Park, Vasco Caves Regional Park, Contra Loma Regional Park, Round Valley Regional Preserve, Black Diamond Mines Regional Preserve, and the northern portion of Mount Diablo State Park. Residential and commercial areas are concentrated in the cities of Brentwood and

Oakley, with some residential areas in the unincorporated communities of Discovery Bay and Bethel Island. Future growth is expected in both the CCCFPD and ECCFPD boundaries.

The proposed SOI expansion and pending boundary reorganization 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*** – Growth within CCCFPD and ECCFPD is anticipated and will increase demand for fire and emergency medical services from the subject agencies which will necessitate enhanced resources to maintain adequate service levels.

***The present capacity of public facilities and adequacy of public services that the agency provides or is authorized to provide*** – According to the study, CCCFPD currently maintains 30 fire stations throughout the District, of which three stations were closed as of 2021. CCCFPD fire stations have a staffing capacity of approximately 192 personnel and 65 apparatus bays. The study concluded that CCCFPD is a large, well-funded all-risk fire district with a stable and growing revenue stream. Further, that expansion of CCCFPD’s SOI and future annexation of ECCFPD will increase both the effectiveness and efficiency of the service delivery system and efficiency of administrative functions.

***The existence of any social or economic communities of interest in the area if the commission determines that they are relevant to the agency*** – Both CCCFPD and ECCFPD include Disadvantaged Communities (DACs). DACs within CCCFPD include San Pablo, portions of Mt. View and Vine Hill, Bay Point, Saranap, and portions of Antioch, Concord and Pittsburg. DACs within ECCFPD include portions of Brentwood and Oakley and Bethel Island. 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 DAC within or contiguous to the subject agency’s SOI. There is a present and probable need for structural fire protection services in DACs.

***Nature, location, extent, functions & classes of services to be provided*** – CCCFPD is an all-hazards fire district providing traditional fire service protection, wildland fighting, medical first-response, Advanced Life Support ambulance transport, various special operations (i.e., water rescue, hazardous materials response, marine firefighting, technical rescue), and a comprehensive life-safety and prevention program (i.e., inspections, fire investigation, code enforcement, plan reviews, public education). CCCFPD currently serves a population of 600,000 within 306± square miles including the cities of Antioch, Clayton, Concord, Lafayette, Martinez, Pleasant Hill, Pittsburg, San Pablo and Walnut Creek, and unincorporated communities of Alhambra Valley, Bay Point, Clyde, El Sobrante and Pacheco.

The SOI of CCCFPD is hereby expanded to include the area as shown on the attached map (Exhibit A).

\*\*\*\*\*

PASSED AND ADOPTED THIS 12<sup>th</sup> day of January 2022, by the following vote:

- AYES:
- NOES:
- ABSTENTIONS:
- ABSENT:

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

Dated: January 12, 2022

\_\_\_\_\_  
Lou Ann Texeira, Executive Officer



Lou Ann Teixeira  
 Executive Officer

**MEMBERS**

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

**ALTERNATE MEMBERS**

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| <b>Stanley Caldwell</b><br><i>Special District Member</i> |
| <b>Charles R. Lewis, IV</b><br><i>Public Member</i>       |
| <b>Edi Birsan</b><br><i>City Member</i>                   |

January 12, 2022 (Agenda)

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

**January 12, 2022  
 Agenda Item 10**

**Proposed Update to Contra Costa LAFCO’s Legislative Platform**

Dear Members of the Commission:

Contra Costa LAFCO is a member of the California Association of Local Agency Formation Commissions (CALAFCO) which provides its member LAFCOs with educational, technical, and legislative resources.

The CALAFCO Board adopted Legislative Policies that are comprehensive and cover a range of issues including *LAFCO Purpose and Authority, LAFCO Organization, Agricultural and Open Space Protection, Orderly Growth, Service Delivery, Local Agency Effectiveness* and *Legislative Priorities*. CALAFCO’s Legislative Policies support legislation that enhances LAFCO’s authority to carry out the Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000 based on local conditions.

CALAFCO’s Legislative Policies serve as a guide for its Legislative Committee, comprised of CALAFCO Board members and LAFCO staff from around the State. Commissioner McGill currently serves as a member of the CALAFCO Legislative Committee, which acts on behalf of the CALAFCO Board in developing and taking positions on legislation based on the Board’s legislative policies and priorities.

The CALAFCO Legislative Committee conducts an annual review of the CALAFCO Legislative Policies and makes recommendations to the Board regarding policy modifications. Subsequently, the CALAFCO Board reviews and amends its legislative policies accordingly.

At their November 12, 2021 meeting, the CALAFCO Board approved edits to its Legislative Policies along with a new policy relating to “climate adaptation” which recognizes sea level rise, sand erosion, and levee protection (attached).

Contra Costa LAFCO adopted CALAFCO Legislative Policies as its own legislative platform. In conjunction with the recent updates to the CALAFCO Legislative Policies, it is timely that Contra Costa LAFCO adopt the updated legislative platform.

**RECOMMENDATION:** The Contra Costa LAFCO Policies & Procedures Committee recommends adoption of the updated CALAFCO Legislative Policies as the Commission’s legislative platform.

Respectfully submitted,  
*Don Blubaugh and Chuck Lewis*

Attachment – CALAFCO’s Legislative Policies with Amendments



# CALAFCO 2021 Legislative Policies **DRAFT** **AMENDMENTS**

As adopted by the Board of Directors on January 22, 2021

## 1. LAFCo Purpose and Authority

- 1.1. Support legislation ~~which that~~ enhances LAFCo authority and powers to carry out the legislative findings and authority in Government Code §56000 et seq., ~~and oppose~~ Oppose legislation ~~which that~~ diminishes LAFCo authority.
- 1.2. Support authority for each LAFCo to establish local policies to apply Government Code §56000 et seq. based on local needs and conditions, ~~and oppose~~ Oppose any limitations to that authority.
- 1.3. Oppose additional LAFCo responsibilities ~~which that~~ require expansion of current local funding sources. Oppose unrelated responsibilities ~~which that~~ dilute LAFCo ability to meet its primary mission.
- 1.4. Support alignment of responsibilities and authority of LAFCo and regional agencies ~~which that~~ may have overlapping responsibilities in orderly growth, agricultural and open space preservation, and municipal service delivery, ~~and oppose~~ Oppose legislation or policies ~~which that~~ create conflicts or hamper those responsibilities.
- 1.5. Oppose grants of special status to any individual agency or proposal to circumvent the LAFCo process.
- 1.6. Support individual commissioner responsibility that allows each commissioner to independently vote his or her conscience on issues affecting his or her own jurisdiction.

## 2. LAFCo Organization

- 2.1. Support ~~the independence of~~ LAFCo independence from local agencies.
- 2.2. Oppose the re-composition of any LAFCo to create special seats and recognize the importance of balanced representation provided by cities, the county, the public, and special districts in advancing the public interest.
- 2.3. Support representation of special districts on all LAFCos in counties with independent districts and oppose removal of special districts from any LAFCo.
- 2.4. Support communication and collaborative decision-making among neighboring LAFCos when growth pressures and multicounty agencies extend beyond a n individual LAFCo's boundaries.

## 3. Agricultural and Open Space Protection

- 3.1. Support legislation ~~which that~~ clarifies LAFCo authority to identify, encourage and ensure the preservation of agricultural and open space lands.
- 3.2. Encourage a consistent definition of agricultural and open space lands.
- 3.3. Support policies ~~which that~~ encourage cities, counties and special districts to ~~direct discourage~~ development ~~away from on~~ all types of agricultural lands, including prime agricultural lands and open space lands.
- 3.4. Support policies and tools ~~which that~~ protect all types of agricultural lands, including prime agricultural lands and open space lands.

## CALAFCO 2021 Legislative Policies

2

As adopted by the Board of Directors on January 22, 2021

- 3.5. Support the continuance of the Williamson Act and restoration of program funding through State subvention payments.

### 4. Orderly Growth

- 4.1. Support the recognition and use of spheres of influence as a ~~management-planning tool pertaining to provide better planning of~~ growth and development, and ~~to the preserve preservation of~~ agricultural and open space lands.
- 4.2. Support recognition of LAFCo spheres of influence by other agencies involved in determining and developing long-term growth and infrastructure plans.
- 4.3. Support orderly boundaries of local agencies and the elimination of islands within the ~~sphere of influence and~~ boundaries of agencies.
- 4.4. Support communication among cities, counties, ~~and~~ special districts, ~~stakeholders and affected parties~~ through a collaborative process that resolves service, ~~infrastructure~~, housing, land use, and fiscal issues, prior to application to LAFCo.
- 4.5. Support cooperation between counties and cities on decisions related to development within ~~the a~~ city's designated sphere of influence.
- ~~4.6.~~ Support cooperation between cities and special districts on decisions related to development within city and district spheres of influence that overlap.
- ~~4.6.4.7.~~ Support the recognition of extreme natural disasters and disaster preparedness when considering growth and service delivery issues.

### 5. Service Delivery and Local Agency Effectiveness

- 5.1. Support the use of LAFCo resources to review Regional Transportation Plans, ~~including with a focus on~~ sustainable communities strategies and other growth plans to ensure reliable services, orderly growth, ~~sustainable communities~~, and conformity with LAFCo's legislative mandates. Support efforts that enhance meaningful collaboration between LAFCos and regional planning agencies.
- 5.2. Support LAFCo authority as the preferred method of local governance. Support the availability of LAFCo tools ~~which that~~ provide options for local governance and efficient service delivery, including the authority to impose conditions that assure a proposal's conformity with LAFCo's legislative mandates.
- 5.3. Support ~~the creation or reorganization of local governments in~~ a deliberative, ~~and~~ open process ~~for the creation or reorganization of local governments that which will fairly evaluates~~ the proposed new or successor agency's long-term financial viability, governance structure and ability to efficiently deliver proposed services.
- 5.4. Support the availability of tools for LAFCo to insure equitable distribution of revenues to local government agencies consistent with their service delivery responsibilities.
- 5.5. Support ~~legislation and~~ collaborative efforts among agencies and ~~LAFCos-LAFCos~~ that encourage opportunities for sharing of services, staff and facilities to provide more efficient and cost-effective services. ~~Support legislation which provides LAFCo with additional opportunities to encourage shared services.~~



## 2021 Legislative Priorities

### Primary Issues

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#### Authority of LAFCo

Support legislation that maintains or enhances LAFCo's authority to condition proposals in order to address any or all financial, growth, service delivery, and agricultural and open space preservation issues. Support legislation that maintains or enhances LAFCo's ability to make decisions regarding boundaries and formations, as well as and to enact recommendations related to the delivery of services and the agencies providing them, including changes of organization and reorganizations.

#### Agriculture and Open Space Protection

Support policies, programs and legislation that recognize LAFCo's mission to protect and mitigate the loss of all types of agricultural lands, including prime agricultural lands and open space lands and that encourage other agencies to coordinate with local LAFCos on land preservation and orderly growth. Support efforts that encourage the creation of habitat conservation plans.

#### Water Availability

Support policies, programs and legislation that promote an integrated approach to water availability and management. Promote adequate water supplies and infrastructure planning for current and planned growth and disadvantaged communities, and that as well as to support the sustainability of all types of agricultural lands, including prime agricultural lands and open space lands. Support policies that assist LAFCo in obtaining accurate and reliable water supply information in order to evaluate current and cumulative water demands for service expansions and boundary changes. Such policies should include including the impacts of expanding water company service areas on orderly growth, and the impacts of consolidation or dissolution of water companies providing services.

#### Viability of Local Services

Support policies, programs and legislation that maintains or enhances LAFCo's ability to review and act to determine the efficient and sustainable delivery of local services and the financial viability of agencies providing those services to meet current and future needs including those identified in regional planning efforts such as sustainable communities strategies. Support legislation which that provides LAFCo and local communities with options for local governance and service delivery to that ensures efficient, effective, and quality service delivery. Support efforts which that provide tools to local agencies to address aging infrastructure, fiscal challenges, the maintenance declining levels of services, and inadequate services to disadvantaged communities.

## Issues of Interest

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### Housing

Provision of territory and services to support housing plans consistent with [State affordable housing mandates](#), regional land use plans and local LAFCo policies.

### Transportation

Effects of Regional Transportation Plans and expansion of transportation systems on future urban growth and service delivery needs, and the ability of local agencies to provide those services.

### Flood Control

The ability and effectiveness of local agencies to maintain and improve levees and protect current infrastructure. Carefully consider the value of uninhabited territory, and the impact to public safety of proposed annexation to urban areas of uninhabited territory ~~which is~~ at risk ~~of~~ flooding. Support legislation that includes assessment of agency viability in decisions involving new funds for levee repair and maintenance. Support efforts that encourage the creation of habitat conservation plans.

### Adequate Municipal Services in Inhabited Territory

~~Consistency of Expedited-expedited~~ processes for inhabited annexations ~~should be consistent~~ with LAFCo law ~~and be that include~~ fiscally viability. ~~To p~~Promote environmental justice for underserved inhabited communities, funding sources should be identified for extension of municipal services, including options for annexation of contiguous disadvantaged unincorporated communities. Support policies, programs, and legislation ~~which that~~ would provide [adequate](#) municipal services to disadvantaged communities. Promote the delivery of adequate, sustainable, efficient, and effective levels of [municipal services](#) through periodic updates ~~and reviews~~ of Municipal Service ~~reviews~~Reviews, Spheres of Influence, and ~~other related~~ studies ~~prepared by LAFCos~~.

### Climate Adaptation

~~The ability and effectiveness of local agencies to proactively and effectively address issues that impact municipal service infrastructure and service delivery that include sea level rise, sand erosion, and levee protection. Adequate resources for local agencies to prepare for and appropriately respond to extreme disasters related to climate change. Ensure local agencies are considering climate resiliency when considering future development.~~

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Lou Ann Texeira  
 Executive Officer

**MEMBERS**

|   |  |
|---|--|
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| <b>Edi Birsan</b><br><i>City Member</i>                   |

January 12, 2022

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

**January 12, 2022**  
**Agenda Item 11**

**Current and Potential Future LAFCO Applications**

Dear Members of the Commission:

**SUMMARY**

This report identifies 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 and disapproving boundary changes, boundary reorganizations, formations, mergers, consolidations, dissolutions, incorporations, sphere of influence (SOI) amendments, and 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, 10 current applications that are either incomplete and/or awaiting a hearing date, and several 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. On December 23, 2021, the Court of Appeal ruled that an election is not required to dissolve the healthcare district because the district did not obtain enough valid signatures to trigger an election.

✚ 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 – 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.

✚ 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, Contra Costa Water District (CCWD) and Delta Diablo (DD). The project includes development of up to 1,500 residential units. The application is currently incomplete.

✚ Pantages – Town of Discovery Bay Community Services District (DBCSD) - SOI Amendment (LAFCO 21-06)

This is an application filed by DBCSD to amend the District's SOI by 133.37± acres in anticipation of a corresponding annexation. The application is currently under review.

✚ Pantages – Annexation to DBCSD (LAFCO 21-07)

This is an application filed by DBCSD to annex 202.47± acres. The project includes development of up to 277 single family homes. The application is currently under review.

✚ EBMUD SOI Amendment – 285 Lark Lane – Alamo (LAFCO 21-08)

This is an application filed by the landowner to amend the District's SOI by 3.14± acres in anticipation of a corresponding annexation. The application is currently under review.

✚ Annexation to EBMUD – 285 Lark Lane – Alamo (LAFCO 21-09)

This is an application filed by the landowner to annex 3.14± acres to EBMUD. The application is currently under review.

✚ Annexation to Mt. View Sanitary District (MVSD) – 2984 & 2994 Upton Road – Martinez (LAFCO 21-12)

This is an application filed by the landowner to annex two parcels (2.59± acres) to MVSD. The application is currently under review.

✚ Annexation of ECCFPD to CCCFPD and Dissolution of ECCFPD (LAFCO 21-11)

This is an application filed by CCCFPD to annex ECCFPD and dissolve ECCFPD.

✚ Evora Road Self Storage Facility - SOI Amendment – DD (LAFCO 21-13)

This is an application filed by the landowner to expand the DD SOI by 7.75± acres (three parcels)

✚ Evora Road Self Storage Facility - Annexations to CCWD and DD (LAFCO 21-14)

This is an application filed by the landowner to annex 7.75± acres (three parcels) to CCWD and DD

✚ Laurel Place IV, Subdivision 9495 – 5175 Laurel Drive - Annexation to City of Concord

This is an application filed by the landowner to annex 3.60± acres (eight parcels) to City of Concord

### **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 several potential applications that may be submitted to Contra Costa LAFCO in the future including annexations to Byron Bethany Irrigation District, City of Brentwood, City of Concord, 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 – January 12, 2022**

| 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, amend 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. The project is currently being litigated. |
| 16-07    | Tassajara Parks Project: proposed SOI expansions to CCCSD and EBMUD of 30+ acres located east of the City of San Ramon and the Town of Danville       | 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. The Court of Appeal has ruled in favor of LAFCO and Contra Costa County.                   |
| 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 the City, Contra Costa Water District (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> issued on 7/21/21.   |
| 21-06    | Pantages: proposed SOI amendment to Town of Discovery Bay Community Services District (DBCSD)   | Application submitted in September 2021 by DBCSD to amend the District's SOI by 133.37± acres in anticipation of annexation  | Currently under review  |
| 21-07    | Pantages: proposed annexation to DBCSD  | Application submitted in September 2021 by DBCSD to annex 202.47± to support development of 277 single family homes  | Currently under review  |

| <b>File No.</b> | <b>APPLICATION NAME/LOCATION</b>   | <b>APPLICATION SUMMARY</b>   | <b>STATUS</b>          |
|-----------------|--|--|------------------------|
| 21-08           | SOI Amendment to EBMUD – 285 Lark Lane – Alamo                                       | Application submitted in September 2021 by the landowner to amend EBMUD’s SOI by 3.14± acres in anticipation of annexation     | Currently under review |
| 21-09           | Annexation to EBMUD – 285 Lark Lane – Alamo  | Application submitted in September 2021 by the landowner to annex 3.14± acres to EBMUD   | Currently under review |
| 21-11           | Annexation of ECCFPD to CCCFPD and Dissolution of ECCFPD                             | Application submitted in October 2021 by CCCFPD to annex the ECCFPD and subsequently dissolve ECCFPD                           | Currently under review |
| 21-12           | Annexation to Mt. View Sanitary District (MVSD)                                      | Application submitted in October 2021 by the landowner to annex two parcels to MVSD  | Currently under review |
| 21-13           | SOI Amendments – DD – Evora Road Self Storage  | Application submitted in November 2021 by the landowner to expand CCCWD & DD SOIs by 7.75± acres in anticipation of annexation | Currently under review |
| 21-14           | Annexations to CCWD & DD – Evora Road Self Storage                                   | Application submitted in November 2021 by the landowner to annex 7.75+ acres to CCWD & DD                                      | Currently under review |
| 21-16           | Laurel Ranch IV, Subdivision 9495, 5175 Laurel Drive – Annexation to City of Concord | Application submitted in December 2021 by the landowner to annex 3.60+ acres to City of Concord                                | Currently under review |

# CCCERANEWS

Fall 2021

## RETIRING SOON? KNOW YOUR NEXT STEPS

### Active Members

#### STEP 1 - Determine your eligibility.

Pension benefits can only be received if you are eligible, meaning you meet the age and service requirements. Generally, you can retire at:

#### Legacy Tiers (1, 3, A or C)

- Any age, with 30 (20 for safety members) or more years of service
- Age 50, with 10 or more years of service
- Age 70 or older, regardless of service

#### PEPRA Tiers (4, 5, D or E)

- Age 52 (50 for safety tiers), with five or more years of service
- Age 70 or older, regardless of service

If you have left employment with a CCCERA employer before you are eligible to retire, you can defer your retirement until you become eligible, withdraw your funds, or rollover your funds to an Individual Retirement Account.

**STEP 2 - Attend a workshop.** Sessions are available year-round to all members but the Pre-Retirement Workshop (currently offered virtually) is particularly helpful for those planning to retire within five years. If you are *more* than five years away from retirement, you may find the Overview Workshop Video on our website helpful.

#### STEP 3 - Request your benefit estimate.

An estimate will give you an idea of your monthly benefit amount when you retire. It also gives you the opportunity to purchase or convert any eligible service time, consider your estimated benefit amounts at potential retirement ages and at which age retirement will be most beneficial. Calculate your own basic estimate for retirement at [cccera.org/pension-calculator](http://cccera.org/pension-calculator).

Members may request a maximum of two benefit estimates per year; the retirement dates should be within five years of the date of the request.

**How does your salary contribute to your pension?** *In a nutshell, you contribute to CCCERA to receive a pension. Then CCCERA uses a formula to determine your pension...*

During your employment you contribute a percentage of your pretax pay each pay period through automatic payroll deductions which are submitted to CCCERA and posted into your retirement account. If you withdraw these funds before retirement, you'll receive a lump sum payout, paying income tax on your contributions. Or, you can leave your contributions in your account and wait until you are eligible to retire and receive a pension.

CCCERA calculates your pension benefit using a formula based off your highest final average salary, years of service and your retirement age factor.

|                              |   |                                    |   |                       |   |                         |
|------------------------------|---|------------------------------------|---|-----------------------|---|-------------------------|
| Highest Final Average Salary | X | Years of Retirement Service Credit | X | Retirement Age Factor | = | Monthly Pension Benefit |
|------------------------------|---|------------------------------------|---|-----------------------|---|-------------------------|

Visit [cccera.org/benefit-handbooks](http://cccera.org/benefit-handbooks) for details based on your tier.



## **STEP 4 - Speak with a retirement**

**counselor.** Once you have decided on a retirement date, call CCCERA to make a virtual appointment with a retirement counselor. If you are ready, the retirement counselor may send you the Application for Service Retirement Packet, or you can download the packet from [cccera.org/forms](http://cccera.org/forms). During your appointment, the retirement counselor will discuss your specific situation and go over your application.

## **STEP 5 - Submit your Application to**

**Retire.** Your application must be submitted within 60 days of your planned retirement date. By statute, CCCERA cannot accept your application more than 60 days prior to your final day at work. While you are not required to notify your employer, we highly encourage you to give your employer as much notice as possible. Once you have submitted your application, a notice will be sent to your employer, which states your decision to retire and the effective date.

Your application must include the following documents (please provide copies):

- Application to Retire (at [cccera.org/forms](http://cccera.org/forms))
- Social Security card.
- Beneficiary's Social Security card.
- Birth certificate or passport.
- Beneficiary's birth certificate or passport.
- Marriage certificate or registration if you are currently married or a State of California Registered Domestic Partner.
- If applicable, court documents stating whether your former spouse/partner has any entitlement to your benefit if you were married and divorced, or dissolved a registered domestic partnership during your membership.

If you have any service in Tier 2, you will also need to provide a current Social Security Estimate for your Tier 2 service from the Social Security Administration before your final benefit calculation can be completed.

After CCCERA receives all the necessary documentation, a retirement counselor will process your application. Generally, the time frame from your last paycheck to receipt of your Options Election Package is about eight to 12 weeks (see Step 6).

## **Submit Documents at Any Time**

You can streamline the processing of your retirement benefits by having the necessary documents on file with CCCERA before you submit your retirement application.

## **What about reciprocity?**

Reciprocity is an agreement among public retirement systems to allow members to move from one public employer to another public employer within a specific time limit without losing some privileges related to your retirement benefits. There is no transfer of funds or service credit between retirement systems when you establish reciprocity. You become a member of both systems and are subject to the membership obligations and rights of each system (for example, minimum retirement age may vary between systems), except as modified by the reciprocity agreement.

If you have reciprocity with another public retirement system(s), you must apply to retire from each system separately, and you will receive separate retirement allowances from each system. You must retire on the same date from each public retirement system participating in a reciprocal agreement for all benefits of reciprocity to apply. For more information, visit [cccera.org/reciprocity](http://cccera.org/reciprocity).

## **STEP 6 - Choose your benefit payment**

**option.** An Options Election Package will be sent for your signature about eight to 12 weeks after your last paycheck. Your option selection must be signed, witnessed, and received by CCCERA before your first pension check can be issued. Your option choice is irrevocable.

There are five benefit payment options you could be eligible for:

- **The Unmodified Allowance** gives you the highest monthly benefit with a 60% continuing benefit after your death to a eligible beneficiary(ies).
- **Option 1** reduces your benefit but leaves a lump sum amount of the remaining refundable employee contributions, if any, for your eligible beneficiary(ies).
- **Option 2** reduces your benefit, but leaves your eligible beneficiary a lifetime benefit of up to 100% of your benefit.
- **Option 3** reduces your benefit and provides a 50% lifetime continuance for your surviving, eligible beneficiary.
- **Option 4** reduces your benefit and provides a lifetime continuance for multiple, eligible beneficiaries.

To learn more, visit [cccera.org/getting-ready-retire](http://cccera.org/getting-ready-retire).

## AB197

### *Retirees and Payees, Active Members*

In 2012, the Governor signed Assembly Bill 197, with an effective date of January 1, 2013. The measure changed how county retirement boards were permitted to calculate their current members' retirement allowances. Later that year members and their representative bargaining units filed a lawsuit challenging the new law. By operation of a court-imposed Stay Order, CCCERA was prohibited from implementing the new law for members whose effective date of retirement was on or before July 11, 2014. In 2020, the California Supreme Court issued a unanimous decision upholding the constitutionality of the legislative changes contained in AB 197 to the definition of "compensation earnable."

In September 2021, the Board of Retirement considered the issues of member contributions and retirement benefit adjustments in connection with elements of pay no longer pensionable under

AB 197 and the Alameda decision. The Board adopted Resolution 2021-5 that authorizes the following actions in compliance with the Alameda decision and applicable state and federal law:

1. Determine all member contributions attributable to excluded Terminal Pay Items and On-Call Pay Items made on and after July 12, 2014 and credit or refund all such contributions, with appropriate interest, to the affected members, in a manner that complies with applicable federal tax rules and California law.
2. Determine all overpayments of benefits made to retired members due to excluded Estoppel Benefits and On-Call Pay Items since July 12, 2014 and recover those overpayments from the affected members, with appropriate interest, net of any contributions made on and after July 12, 2014 attributable to such excluded items, in a manner that complies with applicable federal tax rules and California law.
3. Determine appropriate adjustments to the future retirement benefits paid to affected members in Item 2 above and implement those adjustments at the earliest practicable time.

The above actions will commence upon the final resolution of the three AB 197 lawsuits involving CCCERA. Please contact CCCERA with specific questions affecting your retirement decisions. For more information and frequently asked questions, visit [cccera.org/post/ab-197](http://cccera.org/post/ab-197).

## UPDATE YOUR INFORMATION

### *Retirees and Payees, Active Members*

Recently married or divorced? Did you move? Need to update your electronic funds transfer or your tax withholding election? Visit [cccera.org/forms](http://cccera.org/forms). Forms can be printed and mailed to CCCERA; only original forms are accepted (they cannot be photocopied or submitted electronically).



Contra Costa County Employees' Retirement Association

1200 Concord Avenue, Suite 300, Concord, CA 94520  
Phone: (925)521-3960 Fax: (925)521-3969 [cccera.org](http://cccera.org)

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### CALL OR VISIT OUR OFFICE

CCCERA is open Monday to Friday, from 8 a.m. to 5 p.m. The office is closed from noon to 12:30 p.m.

## 2021 CALENDAR DATES

### UPCOMING CLOSURE SCHEDULE

- November 11**  
Veterans Day Holiday
- November 25 & 26**  
Thanksgiving Holiday
- December 24**  
Christmas Holiday

### VIRTUAL PRE-RETIREMENT WORKSHOPS

In-person workshops are currently on hold, and are now offered virtually. Sessions are available year-round to all members but the Pre-Retirement Workshop is particularly helpful for those planning to retire within five years. Visit [cccera.org/retirement-counseling](http://cccera.org/retirement-counseling) to see when the next workshops are scheduled. Reservations are required and fill up fast; please call CCCERA to sign up.

### UPCOMING BOARD MEETINGS

- October 27, 2021**
- November 17, 2021**
- November 3, 2021**
- December 8, 2021**

### 2021 RETIREE PAYROLL DATES

| Month    | Pay Date   | Month     | Pay Date    |
|----------|------------|-----------|-------------|
| January  | February 1 | July      | August 2    |
| February | March 1    | August    | September 1 |
| March    | April 1    | September | October 1   |
| April    | May 3      | October   | November 1  |
| May      | June 1     | November  | December 1  |
| June     | July 1     | December  | January 3   |

### NOTICE

*This newsletter is intended to provide members with general information about the benefits available through CCCERA, but it does not describe every plan provision in detail. CCCERA is governed by the County Employees Retirement Law of 1937 (CERL, Government Code Section 31450 et. seq.) and the California Public Employees' Pension Reform Act of 2013 (PEPRA). The laws governing public retirement systems are complex. If conflict arises between this newsletter and the law, the law shall govern.*

## FUTURE ONLINE PORTAL

The CCCERA Retirement Board recently approved a contract with Sagitec Solutions, an application platform provider, to deliver a new pension administration system. This new system will include a portal for members to access their accounts online, as well as an employer self-service portal, where employers can upload active payroll files, view their employees membership contributions, rates and more. Contra Costa County and the Contra Costa County Superior Court, will help as pilot employers during the testing phase of the new system next year. Final testing with all employers will begin in 2023 when the employer platform is expected to go live. More details will follow; the project is estimated to be completed in 2024.

## CONTRIBUTION RATES

### RATE IMPLEMENTATION & CALCULATOR

Contribution rates have been updated effective July 1, 2022. CCCERA employee contribution rates for members are based on two factors: the members' employer and their retirement tier. Contribution rates are set to provide an average retirement annuity at the specific tier for their benefit structure.

### Contribution Rate Implementation

In order to allow employers to more accurately budget for pension contributions and other

practical considerations, the contribution rates determined in each valuation (as of December 31) apply to the 12-month period beginning 18 months after the valuation date. For example, the December 31, 2020 rates will be in effect July 1, 2022 through June 30, 2023. Any shortfall or excess contributions as a result of the implementation lag will be amortized as part of CCCERA's Unfunded Actuarial Accrued Liability (UAAL) in the following valuation.

### Contribution Calculator

Contribution rates for members and employers change annually on July 1. Members can find their contribution rate effective July 1, 2022 by visiting [cccera.org/contributioncalculator](http://cccera.org/contributioncalculator).

## EMPLOYER RESPONSIBILITIES

### BOARD REGULATIONS, CERTIFICATION REMINDERS & PENALTIES

The CCCERA Board of Retirement Regulations has many requirements that pertain to employers and is available at [cccera.org/governance-and-policies](http://cccera.org/governance-and-policies).

### Establishing and Reporting Newly-Eligible Members

Employers submit the following three forms on behalf of new members upon membership to CCCERA:

1. Enrollment Affidavit (Form 101) – **NEW FORM AVAILABLE**

Please note this form, as well as the New Member Enrollment Packet, has been updated. For the latest versions, visit [cccera.org/forms](http://cccera.org/forms).

Reciprocal members must complete Section 2 of Form 101. Upon receiving Form 101 with Section 2 completed, CCCERA will mail a Reciprocity Affidavit Form (Form 109) to the member.

2. Beneficiary Designation Form (Form 102)

Members who choose a beneficiary other than their spouse/registered partner must complete Section 5 of Form 102.

3. Death During Active Membership (Form 104)

This form should be filled out if the member would like to authorize CCCERA to file an application for non-service connected disability on a member's behalf, in the event that a member is permanently incapacitated by reason of injury or other disability leading to death while the member is an active member of CCCERA.

### **Eligible Members Effective Entry Date**

A new member's effective entry date is the first of the month following their date of hire or transfer into an eligible position. New hire documents should be submitted to CCCERA within the first week of the employee's hire date or date of transfer to an eligible position. Employers must submit all new hire documents for the month to CCCERA no later than the 10th of the following month.

In accordance with CCCERA Board Regulation Sections III.3, every employee of the County or participating district must, upon entry into CCCERA, complete a sworn statement (Enrollment Affidavit Form 101) as provided for in Gov. Code Section 31526(b). A certified copy of the member's birth certificate or other evidence of birth may be required by the Board.

It is the employer's responsibility to assure compliance with this regulation. CCCERA will assess the employer with a five hundred (\$500) dollar per employee penalty for every month or fraction thereof that the required certification is not submitted. CCCERA will notify the employer in writing of the imposition of assessment at least thirty days before the assessment.

### **Due Dates for Contributions, I-29 and I-30 Reports, Adjustment and Retiree Health Files, and Member Data**

Each employer must provide reports and contributions to CCCERA in a manner and frequency as determined by the CCCERA Board of Retirement sufficient for CCCERA to credit contributions and service to each member's record. Unless otherwise specified, reports will be due no later than the 10th of each month for the previous month's payroll and will be accompanied by member and employer contributions. Generally, the retiree health file is due no later than the 20th of each month. If the 10th or 20th of the month falls on a weekend or holiday, the due date will be the last working day before the 10th or 20th.

Reports that are unreadable or incorrect will not be accepted and will be returned to the employer. Reports and contributions received after the due date will be considered late and subject to a late reporting penalty equal to the prime rate in effect on the due date computed on a daily, non-compounding basis and applied to the contributions due. (CCCERA Board of Retirement Regulations, Section IV. 2.)

Direct all inquiries regarding secure site access and file transmission issues to [employers@cccera.org](mailto:employers@cccera.org).

### **New Pay Codes - Approval Process**

When an employer has negotiated a new compensation item with its represented or unrepresented employees, the employer is required to seek advice from CCCERA as



to whether the compensation item would be considered as compensation earnable for retirement purposes.

Employers must submit a list of pay codes to CCCERA annually – both pensionable and non-pensionable for CCCERA review. New or changed codes must be reported to CCCERA in writing no later than 30 days prior to implementation. Notifications received after the 30 days will be considered late and subject to a late reporting penalty equal to the prime rate in effect on the due date computed on a daily, non-compounding basis and applied to the contribution rate. (CCCERA Board of Retirement Regulations, Sections VI. 2. C. and IV. 2.) Inquiries and notifications should be sent to [employers@cccera.org](mailto:employers@cccera.org) for review.

### **Social Security Form 1945**

Signed copies of Social Security Form 1945 must be submitted to CCCERA for employees who are not covered under social security.

In compliance with Social Security Administration (SSA) requirements, employers must submit copies of signed Form SSA-1945 “Statement Concerning Your Employment in a Job Not Covered by Social Security” to CCCERA for employees of your organization not participating in social security. Information about the SSA requirements can be found on the SSA website at [ssa.gov/forms/ssa-1945.pdf](http://ssa.gov/forms/ssa-1945.pdf).

Copies of signed Form SSA-1945 should be submitted to CCCERA for all current active employees that are not covered under social security. New employee enrollments should submit completed Form SSA-1945 with the employee Enrollment Affidavit (Form 101) to CCCERA. Questions? Email [employers@cccera.org](mailto:employers@cccera.org).

### **What is submitted on the I-29 File?**

- Name changes
- Address changes
- Position changes

- Bargaining unit changes
- New hires
- Terminations
- Leaves of absences (LOA). If a member is on a LOA and contributions were not taken, regular monthly earnings with no retirement contributions for LOA member must be reported on a I-30 File.

### **What is submitted on the I-30 File?**

- Earnings code
- Monthly hours
- Member and employer contribution amounts (basic and COLA contributions)
- Accruals

Employers should report all earnings/pay codes separately on the I-30 File. Please note, the I-30 headers *must* have the correct reporting dates (first day to the last day of the month). Corrections to data previously submitted on a I-30 File should be reported on an adjustment file.

### **What goes in Retiree Deduction Files?**

The employer should provide a health deduction file which lists the retiree, the benefit deduction type and the amount of the monthly deduction.

## **EMPLOYER WORKSHOPS**

Would your organization like a virtual meeting with CCCERA staff to review report and form submission requirements? Email [employers@cccera.org](mailto:employers@cccera.org).

## **OVERVIEW WORKSHOP VIDEO**

CCCERA Overview Workshops, which are intended for members who have more than five years from retirement, is now available as a video on our website at [cccera.org](http://cccera.org).

# AB 197 LAWSUIT

In 2012, the Governor signed Assembly Bill 197, with an effective date of January 1, 2013. The measure changed how county retirement boards were permitted to calculate their current members' retirement allowances. Later that year members and their representative bargaining units filed a lawsuit challenging the new law. By operation of a court-imposed Stay Order, CCCERA was prohibited from implementing the new law for members whose effective date of retirement was on or before July 11, 2014. In 2020, the California Supreme Court issued a unanimous decision upholding the constitutionality of the legislative changes contained in AB 197 to the definition of "compensation earnable."

In September 2021, the Board of Retirement considered the issues of member contributions and retirement benefit adjustments in connection with elements of pay no longer pensionable under AB 197 and the California Supreme Court's *Alameda* decision. The Board adopted Resolution 2021-5 that authorizes actions in compliance with the *Alameda* decision and applicable state and federal law, to commence upon the final resolution of the three AB 197 lawsuits involving CCCERA. For more information and frequently asked questions, visit [cccera.org/post/ab-197](http://cccera.org/post/ab-197).

## NOTICE

The materials in this newsletter are intended to provide a general reference or resource only and are not to be construed as providing financial, legal, tax, or any other professional service or advice. CCCERA is governed by the County Employees Retirement Law of 1937 (CERL or 1937 Act) and PEPR; the CCCERA retirement system is administered in accordance with these laws. If there is any conflict between statements made herein and provisions of the applicable retirement law, the law will prevail.

## CALENDAR DATES

### UPCOMING CCCERA CLOSURES

**December 24**

Christmas Holiday

**December 31**

New Year's Day Holiday

### VIRTUAL PRE-RETIREMENT WORKSHOPS

Workshops fill up fast. Please advise members to call or email CCCERA for availability and to sign up.

**December 2, 2021**, 3 p.m. – 5 p.m.

**December 16, 2021**, 9 a.m. – 11 a.m.

**January 20, 2022**, 2 p.m. – 4 p.m.

**February 17, 2022**, 9 a.m. – 11 a.m.

### UPCOMING BOARD MEETINGS

**December 8, 2021**

**January 12, 2022**

**January 26, 2022**

### NEWSLETTER SUGGESTIONS?

Please email [employers@cccera.org](mailto:employers@cccera.org).

### CONTACT US

Contra Costa County  
Employees' Retirement Association  
1200 Concord Ave, Suite 300,  
Concord, CA 94520  
(925) 521-3960  
[info@cccera.org](mailto:info@cccera.org)

Our office is now open to the public.

Open Monday – Friday  
8 a.m. – 5 p.m.;  
Closed noon to 12:30 p.m.



## **AGENDA**

### **RETIREMENT BOARD MEETING**

#### REGULAR MEETING

November 17, 2021, 9:00 a.m.

The Board of Retirement will hold its meeting via teleconferencing as permitted by Government Code Section 54953(e). The meeting is accessible telephonically at 669-900-6833, Webinar ID: 849 9279 7484, Passcode: 805759, or via the web at:

<https://us06web.zoom.us/j/84992797484?pwd=YkFnZ1FXb20rdEhuaURCME1iWTlidz09>

Passcode: 805759

Persons who wish to address the Board of Retirement during public comment may call in during the meeting by dialing the phone number and passcode above. Access via Zoom is also available at the weblink above. To indicate you wish to speak during public comment, please select \*9 on your phone or “raise your hand” in the Zoom app.

Public comments are limited to any item that is within the subject matter jurisdiction of the Board of Retirement. Comments will be received in real time via telephone or Zoom, subject to a three-minute time limit per speaker.

#### 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 October 27, 2021 meeting.
5. Review of total portfolio performance for period ending September 30, 2021.
  - a. Presentation from Verus
  - b. Presentation from staff
6. Private Equity Review
  - a. Presentation from staff
  - b. Presentation from StepStone

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.



7. Presentation of alternative investment fees and expense report.
8. Consider and take possible action to issue a Request for Proposal for a Member Service Analysis.
9. Consider and take possible action effective January 1, 2022 to add CCCERA staffing:
  - a. Add two Retirement Services Counselors positions, cancel one Investment Officer position (currently vacant), establish classifications for Senior Investment Officer and Senior Investment Analyst, and add one Senior Investment Officer position and one Senior Investment Analyst position; and
  - b. Amend Attachment A of Resolution 2021-3 providing salary and benefits for unrepresented employees of CCCERA.
10. Consider and take possible action to adopt the 2022 CCCERA budget.
11. Consider and take possible action to authorize the Board to conduct teleconference meetings under Government Code section 54953 (e) and to make related findings.
12. Consider and take possible action on Board meeting schedule for 2022.
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

December 8, 2021, 9:00 a.m.

The Board of Retirement will hold its meeting via teleconferencing as permitted by Government Code Section 54953(e). The meeting is accessible telephonically at 669-900-6833, Webinar ID: 816 3480 6212, Passcode: 574719, or via the web at:

<https://us06web.zoom.us/j/81634806212?pwd=d2JHYU5Lb1pwQ200ZVNkNmdMczFGQT09>

Passcode: 574719

Persons who wish to address the Board of Retirement during public comment may call in during the meeting by dialing the phone number and passcode above. Access via Zoom is also available at the weblink above. To indicate you wish to speak during public comment, please select \*9 on your phone or “raise your hand” in the Zoom app.

Public comments are limited to any item that is within the subject matter jurisdiction of the Board of Retirement. Comments will be received in real time via telephone or Zoom, subject to a three-minute time limit per speaker.

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 November 3, 2021 meeting.
5. Approve the following routine items:
  - a. Certifications of membership.
  - b. Service and disability allowances.
  - c. Death benefits.
  - d. Investment 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.

6. Accept the following routine items:
  - a. Disability applications and authorize subpoenas as required.
  - b. Investment asset allocation report.

**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. Oscar Aranda      | Service Connected  | Service Connected     |
| b. Jason Hoschouer   | Service Connected  | Service Connected     |
| c. Melissa O'Reilley | 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 Da'Kiesha Malone.
9. The Board will continue in closed session pursuant to Govt. Code Section 54956.9(d)(2) to confer with legal counsel regarding potential litigation (one case).
10. The Board will continue in closed session pursuant to Govt. Code Section 54956.9(d)(1) to confer with legal counsel regarding pending litigation:
  - a. *Nowicki v. CCCERA, et al.*, Court of Appeal, First Appellate District, Division Two, Case No. A160337
  - b. *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

**OPEN SESSION**

11. Information session on retirement process.
12. Legislative update.
13. Consider and take possible action to issue RFI for integrated investment portfolio analytics and risk management solution.
14. Notice of planned termination of Parametric Volatility Risk Premium strategy.

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.

15. Presentation of the Contra Costa County Fire Protection District employer audit report.
16. Presentation of 2022 Compliance Activity Plan.
17. Report out from Audit Committee Chair on November 17, 2021 Audit Committee meeting.
18. Consider authorizing the attendance of Board:
  - a. SACRS Board of Directors Meeting, December 14, 2021, Rancho Mirage, CA.
  - b. 40<sup>th</sup> Annual Sit Investment Associates Client Workshop, February 17-20, 2022, Scottsdale, AZ.
19. 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.

# Levee breach marks end of initial phase of restoration



PHOTOS: RAY SAINT GERMAIN — BAY CITY NEWS

The levee holding back water from Suisun Bay is breached, allowing water to flow into the 232-acre Pacheco Marsh in Martinez on Friday. The flooding follows seven months of heavy civil construction as part of the marsh and lower Walnut Creek watershed restoration project.

## Ceremonial flooding culminates nearly 20 years of work to restore habitat

**By Tony Hicks**  
*Bay City News Foundation*

Before breaching the last levee preventing seawater from rushing into Pacheco Marsh for the first time in generations, workers scrambled to make sure water wouldn't flow the wrong way.

The recent record-setting storms brought more than 7 inches of rain to the marsh southeast of the Benicia-Martinez Bridge, forcing workers to pump out more than a million gallons of rainwater to get the desired effect at Friday's ceremonial flooding.

"The storm we had Sunday was off the charts," said Paul Detjens, the project manager and senior civil engineer from the Contra Costa County Flood Control District. "Locally, it created some problems for us out here. A week ago, this channel was bone dry. And now it's filled with rainwater,



Spectators gather to watch the event Friday at Pacheco Marsh.

and in an hour it's going to be full of tidal water. Bring it on. We're ready."

An hour later, as earthmovers dug out the last dirt barrier to scattered applause among guests, event emcee and tele-

vision personality Doug McConnell announced, "Water's in. And it's coming home."

Friday culminated nearly 20 years of work restoring 200 of the project's 300 acres to its natural habitat, before 19th-cen-

tury industry changed its landscape.

Contra Costa County spent \$11 million on the Lower Walnut Creek Restoration Project, the largest public works project in county history. The site is just over the hill from the Al McNabney Marsh, across Interstate 680 from the Martinez Refining Company.

Once the county Board of Supervisors approved the \$11.285 million contract with Four M Contracting in March, shovels were in the dirt just weeks later. Now that tidal water is surging back into the marsh, the John Muir Land Trust can finish transforming the area into a birdwatcher's paradise and recreation destination.

"From here, the foundation of the public access has been set," said Linus Eukel, executive director of John Muir Land Trust. "We're basically icing that with public access. Our hope is we'll

**LEVEE » PAGE 4**



Four M equipment operator Steve Berens removes the levee holding back Suisun Bay at the 232-acre Pacheco Marsh in Martinez on Friday. The flooding follows seven months of heavy civil construction as part of the marsh and lower Walnut Creek watershed restoration project.

RAY SAINT GERMAIN  
BAY CITY NEWS



## Levee

FROM PAGE 1

have that accomplished by 2023.”

The earthmoving isn't done. Three elevated vistas more than 20 feet high will be created, surrounded by new hiking trails, boardwalks, interpretative displays and bridges over the marsh's northern reach. A massive haul of native plants will be re-introduced, rich habitat for the marsh's endangered salt marsh harvest mouse.

The Mt. Diablo Audubon Society has already recorded more than 80 species of birds at Pacheco Marsh, species like the short-eared owl, white-tailed kite, American kestrel, northern harrier and loggerhead shrike.

“This habitat will just be flooded with new bird life, and we expect it's going to be an international destination, but also an important local destination for kids and families to learn about it as well,” Eukel said, adding the group has raised \$3.5 million of its \$5 million goal. “We're in really good shape,” he said.

The Walnut Creek watershed is Contra Costa County's largest, draining more than 150 square miles from eight cities into a marsh that, over the past century, became a dumping ground

for dredging and an industrial buffer to the bay.

Engineers want to enhance the area's flood-carrying capacity, while naturalists want conditions closer to those existing before humans channelized the marsh and brought industry.

The marsh and Walnut Creek were home to grizzly bears, elk, salmon and steelhead until the mid-1800s.

Then humans began filling in wetlands and building dikes. Merchant ships sailed up Walnut Creek, and other creeks feeding into Walnut Creek were diverted for humans developing Contra Costa County. Refineries were built, and the area was used as a dumping ground for dredging projects all over the Bay Area.

The county bought 122 acres of the marsh in 2003 from a towing company that once planned a junkyard there. Nearby Marathon Oil refinery bought another 18 adjacent acres formerly used for sand mining and donated it to the land trust in 2020.

Planners envision the Iron Horse Regional Trail, which now ends near State Highway 4, to extend another 3 miles along Walnut Creek into Waterbird Regional Preserve near Martinez. There will be another 2.4 miles of trails into the marsh, with a staging area,

parking lot, bird-watching blinds and interpretive panels in the elevated areas.

The project will not only alleviate stress on neighboring shores as the seas rise in coming years, but it was also designed with sea rise in mind. As the marsh transforms, rising water will blend with more sediment, acting as a carbon filter helping to restrain greenhouse gases.

Workers will add 31,000 new native plants to the area. There's also talk of other amenities, like a kayak launch, which is still up in the air. Though the entire project is called Lower Walnut Creek Restoration, the northern reach the section north of Waterfront Road will be managed by the land trust and called Pacheco Marsh. The southern reach will include levee improvements.

Detjens called Friday “a real high point of my career.”

“I've been with it from the beginning,” Detjens said. “I'm really happy to see the turnout. Typically, a levee breach like this, maybe 20 people show up, some people in orange vests and some people who gave some money. But we have like 250 people. I'm blown over by it. Whether you call it lower Walnut Creek or Pacheco Marsh — they're really the same thing — and it's a really a cool place.”

# **\$1 billion project to expand major Bay Area reservoir gains momentum**

## **Plans moving forward to enlarge Los Vaqueros Reservoir in Contra Costa County by 72%**



BRENTWOOD, CALIF. – NOV. 8 : View of Los Vaqueros Reservoir in Brentwood, Calif., on Monday, Nov. 8, 2021. The Contra Costa Water District is working with other Bay Area water agencies to expand the region’s water supply, is moving forward with a \$1 billion plan to significantly expand the reservoir by raising the height of its dam. Currently the dam is at 231 feet and plan to raise it to 287 feet. (Jose Carlos Fajardo/Bay Area News Group)

The rolling hills and ranchlands of eastern Contra Costa County are known for wineries, cattle ranches, wind turbines and growing subdivisions.

But soon they may be known for something else: The biggest new water storage project in the Bay Area in years. And now, amid the current drought, nearly every major water agency in the region wants a piece of it.

The Contra Costa Water District is moving closer to breaking ground on plans to expand Los Vaqueros Reservoir, south of Brentwood, by raising the reservoir’s earthen dam by 56 feet, to 287 feet high. That would make it the second tallest dam in the Bay Area, eclipsed only by Warm Springs Dam on Lake Sonoma near Healdsburg, which is 319 feet high.

Construction, slated to begin in late 2023 and finish by 2030, would expand Los Vaqueros from its current 160,000 acre-feet capacity to 275,000 acre-feet, enough water when full for the annual needs of 1.4 million people.

At a time when other efforts to build new dams and reservoirs in California have struggled for lack of money, ballooning costs and opposition from environmental groups, Los Vaqueros is gaining momentum. The idea is that part of the \$1 billion cost would be shared by other Bay Area water agencies, who would receive some of the water. “It’s about water supply reliability,” said Marguerite Patil, assistant general manager of Contra Costa Water District. “It’s not a big enough project to solve everybody’s problems, but it’s a good tool to have in the tool kit.”



BRENTWOOD, CALIF. – NOV. 8 : Contra Costa Water District assistant general manager Marguerite Patil, left, and Contra Costa Water District engineering manager Chris Hentz are photographed near the spillway of the Los Vaqueros Reservoir in Brentwood, Calif., on Monday, Nov. 8, 2021. (Jose Carlos Fajardo/Bay Area News Group)

Recently, the project has cleared [several significant hurdles](#).

Last month, the Contra Costa Water District and seven other agencies formed a legal partnership to oversee the design, construction and funding of the reservoir — including negotiating in the coming year how much money each agency will contribute and how much water they will secure.

That partnership, called a Joint Powers Authority, held its [first public meeting Wednesday](#).

Environmental studies are finished. Engineering plans are expected to be reviewed in the spring by state dam safety officials for final approval.

Two weeks ago, the California Water Commission, a nine-member agency appointed by the governor, voted unanimously to confirm that the project qualifies to receive \$470 million from Proposition 1, a state water bond passed by voters in 2014.

The project also has \$223 million in federal funds. The rest of the funding would come from other Bay Area water agencies.

“We’re feeling great,” Patil said.



There are still challenges ahead. To raise the dam, the reservoir will have to be drained in 2027 for three years. The district says it will provide water during that time to Contra Costa County residents directly from the Sacramento-San Joaquin River Delta and from transfers and exchanges with other districts.

Los Vaqueros Reservoir is 3 miles long. It was built in 1998, paid for by the customers of the Contra Costa Water District. In 2010, the same customers approved an advisory measure to expand the reservoir from 100,000 acre-feet to 160,000 acre-feet, by raising the dam 34 feet. That project was finished in 2012. The reservoir, now 63% full, has reduced the impact of the last two droughts on Contra Costa County residents.

Of note: The project has never been opposed by environmental groups. Part of the reason is that Los Vaqueros is an off-stream reservoir, filled from the Delta, rather than a dam on a free-flowing river.

“They reached out early on to understand our concerns,” said Jonas Minton, senior water advisor to the Planning and Conservation League, a Sacramento environmental group. “They incorporated ways to reduce environmental impacts.”

Among those were putting in state-of-the-art fish screens on Delta intake pipes to reduce harm to fish, building a 55-mile network of public trails around the reservoir, and in the new expansion, guaranteeing some water will go to Central Valley wildlife refuges.

A decade ago, plans to expand the reservoir were discussed, but the economy was struggling and Contra Costa officials couldn’t find other agencies to help foot the bill.

## RESERVOIR EXPANSION PROPOSAL

A \$1 billion project could expand Los Vaqueros Reservoir and connect it with other water systems as far south as San Jose.



Source: Contra Costa Water District

BAY AREA NEWS GROUP

Now the partnership is a who's-who of Bay Area water leaders: The Contra Costa Water District, Alameda County Water District, East Bay Municipal Utility District, Santa Clara Valley Water District, San Francisco Public Utilities Commission, and Zone 7 Water Agency in Livermore, along with the San Luis & Delta-Mendota Water Authority, and Grassland Water District in Los Banos.

To the south, the Santa Clara Valley Water District has proposed building a major new reservoir in southern Santa Clara County near Pacheco Pass. But its costs doubled to \$2.5 billion this year when the site was found to have unstable geology. It has no local funding partners so far. Environmentalists and San Jose Mayor Sam Liccardo are opposed. Pacheco Reservoir is still being planned, but the district, based in San Jose, is studying other ideas also.

“Los Vaqueros has a lot of merit,” said Tony Estremera, chairman of the Santa Clara Valley Water District, which serves 2 million people. “We are looking really hard to solve our storage problems. This is one of the best options we’ve found.”

The region’s largest water agency, the San Francisco Public Utilities Commission, which runs the Hetch Hetchy system for 2.7 million people in four counties, also is at the table.

“We still have questions about how much water we can get and how much it will cost us,” said Steve Ritchie, the commission’s assistant general manager.

Ritchie said Los Vaqueros is one of 15 projects San Francisco is considering — including raising its own Calaveras Dam east of Fremont and expanding recycled water — to help reduce water shortages over the next 50 years as the population grows and the city battles state regulators and environmentalists over how much water it can take from the Tuolumne River.

“Reservoirs are really hard to build,” Ritchie said. “They are expensive. The idea of being part of a project where new storage is actually being built, having that in the future, is a fairly tempting proposition. These opportunities don’t come along very often.”



BRENTWOOD, CALIF. – NOV. 8 : Fisherman Nick Nakano, of Oakley, hikes back to his car after spending the morning fishing at Los Vaqueros Reservoir in Brentwood, Calif., on Monday, Nov. 8, 2021. (Jose Carlos Fajardo/Bay Area News Group)

**DROUGHT**

# Water proposal resulting in rancor

Measure signature  
gathering underway

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**By Paul Rogers**

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bayareanewsgroup.com*

California has not built enough new reservoirs, desalination plants and other water projects because there are too many delays, too many lawsuits and too much red tape.

That's the message from a growing coalition of Central Valley farmers and Southern California desalination supporters who have begun collecting signatures for a statewide ballot measure that would fast-track big water projects and provide billions of dollars to fund them, potentially setting up a major political showdown with environmentalists next year shaped by the state's ongo-

**WATER » PAGE 5**

# Water

FROM PAGE 1

ing drought.

The measure, known as the "Water Infrastructure Funding Act of 2022," needs 997,132 signatures of registered voters by April 29 to qualify for the November 2022 statewide ballot.

If approved by a majority of voters, it would require that 2% of California's general fund — about \$4 billion a year — be set aside for projects to expand water supplies. Those could include new dams and reservoirs, desalination plants, recycled water plants and other projects like upgrading canals and pipes.

The money would continue flowing each year until 5 million acre-feet of new water supply was created, an increase of about 13% in the roughly 39 million acre-feet used in an average year by all the state's residents, farmers and businesses. That could take several decades and cost \$100 billion,

according to an analysis by the non-partisan State Legislative Analyst's Office.

"We think conservation has an important role to play," said Edward Ring, a spokesman for the campaign, known as More Water Now. "But you can't get there any more just with conservation. If you want to be resilient against a prolonged drought, you have to have new supplies."

Supporters say California hasn't kept pace expanding its water supplies, leading to severe shortages for farmers in recent years and likely water rationing next year for many urban residents if the state's two-year drought continues.

With climate change, they note, scientists say California's droughts are becoming more severe. The state needs more reservoirs to save water in wet years, they say, particularly as hotter temperatures melt the Sierra Nevada snowpack.

"When we have big storm events, there is surplus water and we need to harvest it," Ring said.

The measure has been endorsed by 27 state lawmakers, including 18 Republicans, one independent and eight Democrats, including one from the Bay Area, Assemblyman Tim Grayson, D-Concord.

Environmentalists, however, say the measure goes too far, and are preparing to fight it.

"For next November's ballot, this is the Number 1 priority of environmental groups," said Jonas Minton, a senior water adviser to the Planning and Conservation League, a Sacramento nonprofit. "That's due to the destruction to California's environment that would result from the unsupervised spending of billions of dollars each year without environmental oversight."

Under the measure, the money would be spent each year by the California Water Commission, a nine-member panel appointed by the governor.

The measure would streamline environmental reviews. For water projects on the coast, the California

Coastal Commission would be required to make a decision within 90 days, and could be overruled by the state's Secretary for Natural Resources.

Environmental impact reports would still be required. But if opponents filed lawsuits, courts would be required to rule on them within 270 days.

Minton noted that many of the state's political power players could oppose the measure because money guaranteed for water projects means less for other spending in the state budget.

"This is the largest scam in California history to take over \$100 billion of taxpayer funds away from nurses, teachers and firefighters in order to pay for the sponsors' special interest projects," he said.

Political observers say the measure will have a challenge collecting enough signatures to qualify for the ballot. But if the drought continues and water restrictions are tightened statewide, as local and state water officials have predicted

will occur, it could become a populist issue that might have a chance at passage.

"The drier it gets, the better the prospects for this measure," said Jack Pitney, a professor of political science at Claremont McKenna College in Los Angeles County.

"If I were running the no campaign, I would frame it as a giveaway to agribusiness," he said. "But for a lot of Californians, if we get to August and are in a severe drought, the attitude is going to be 'to heck with the environment, I want my shower.'"

Supporters have so far raised about \$100,000, mostly from Central Valley farm interests. The organizers include Wayne Western Jr., a board member of the California Farm Water Coalition; Geoffrey Vanden Heuvel, director of regulatory and economic affairs for the California Milk Producers Council; and several supporters of building a new desalination plant in Huntington Beach: Steve Sheldon, president of the Or-

ange County Water District board of directors and Shawn Dewane, a member of the Mesa Water District board of directors in Costa Mesa.

California voters approved a major water bond, Proposition 1, in November 2014 during the last drought. That \$7.45 billion measure has funded projects from upgrades to drinking water plants to recycled water efforts. It also included \$2.7 billion for new storage projects.

But none have been built yet. In 2018, the California Water Commission approved spending \$2.5 billion on eight storage projects — four new dams and four underground storage projects — including expanding Los Vaqueros Reservoir in Contra Costa County and building a new reservoir in Santa Clara County near Pacheco Pass.

But before the projects can receive the money, they need to obtain all permits, finish environmental studies and identify other funds to pay more than 50% of their costs.



## State to stop water deliveries

### CALIFORNIA DROUGHT

Urban areas must find other sources, tighten conservation

By Paul Rogers

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In a stark indicator of California's worsening drought, the Newsom administration announced Wednesday that cities and farms should expect to receive virtually no water next year from the State Water Project, a massive system of dams, pipes and canals that typically provides water to 27 million people from Silicon Valley to San Diego.

The unprecedented announcement — with only small amounts of emergency supplies possible for some urban areas— means that unless this winter brings significant rainfall, more stringent conservation measures are likely in San Jose, parts of the East Bay and other communities across the state in 2022, including strict limits on landscape watering.

“We’re coming off an historic set of conditions,” said Karla Nemeth, director of the state Department of Water Resources.

Nemeth also said that if significant

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rainfall does not occur this winter, Gov. Gavin Newsom is likely to impose mandatory urban water conservation targets, similar to those put in place by former Gov. Jerry Brown during California's last drought from 2012-16.

“We’ll see that probably late winter, early spring if these dry conditions persist,” she said. This summer, Newsom asked California residents and businesses to reduce urban water use by 15% from last year’s levels. But they are falling far short, cutting by only 3.9% in September.

The past two years have been the driest back-to-back years in Northern California since 1976-77, leaving major reservoirs at record-low levels. Lake Oroville, in Butte County, the second-largest reservoir in the state and the largest in the State Water Project, was just 30% full Wednesday.

Even though Northern California received heavy rain in October, much of it soaked into the dry ground instead of running off into reservoirs. Since then, very little rain has fallen.

The State Water Project, approved by voters in 1960 and a key legacy of former Gov. Pat Brown, moves water from Northern California to the south. It takes melting snow from the Sierra Nevada and transports it from Lake Oroville through the Sacramento- San Joaquin River Delta all the way to the Los Angeles Basin. In normal times, it supplies drinking water to 2

the Santa Clara Valley Water District in San Jose, which provides drinking water to 2 million South Bay residents. Also hit: Alameda County Water District, which provides water to 360,000 people in Fremont, Newark and Union City; and Zone 7 Water Agency, which serves Livermore, Pleasanton and Dublin.

The news does not affect customers of the East Bay Municipal Utility District, Contra Costa Water District, Marin Municipal Water District or San Francisco Public Utilities Commission, who receive their water from other sources and projects.

Urban areas such as San Jose, Fremont and Livermore, along with Los Angeles and Napa, will have to find other water sources, including local reservoirs, groundwater, more conservation and purchases from farm agencies to get through next year. And many farmers will have to pump more groundwater or fallow fields.

“With the conditions we’ve been seeing, and the reservoir levels where they are, I don’t think we are surprised,” said Aaron Baker, a chief operating officer with the Santa Clara Valley Water District. “It is symbolic of the dry, warmer conditions we are in.”

Baker said the Santa Clara Valley Water District will use local groundwater, conservation and purchases from farm agencies in the Sacramento Valley with senior water rights to avoid severe shortages. Its 10 local reservoirs are only 11% full now.

out of 3 Californians — and irrigates about 750,000 acres of farmland.

Nemeth said her department is in discussions with seven of the 29 urban and agricultural agencies that contract to receive State Water Project water for them to receive “very modest” amounts of “health and safety” water next summer for firefighting, hospitals and some indoor uses, including drinking water, toilets, showers and clothes washing, but not for landscape irrigation.

That amount will be 55 gallons per person per day, she said. The state could provide the difference if local water agencies cannot meet that amount, she added. The total the state expects to deliver of such “health and safety” water is 340,000 acre-feet. By comparison, all cities and farm districts have state contracts for 4.2 million acre- feet.

Wednesday’s announcement is the first time since January 2014, during the depths of the last drought, for a 0% allotment, and the first time ever that such an announcement was made in December, at the beginning of winter.

Among the agencies affected by Wednesday’s news are

This summer, the district asked Santa Clara County residents to cut water use 15% from 2019 levels to preserve supplies. So far, they have reduced by only 7%.

Baker said that if it doesn’t rain significantly this winter, Santa Clara County residents should expect more stringent water conservation rules next summer.

On Wednesday, the Marin Municipal Water District, which serves 190,000 people in Marin County, prohibited all outdoor landscape watering seven days a week, with fines for violators. Healdsburg, in Sonoma County, has had similar rules in place for months.

“We need local leaders to step up and make those decisions,” Nemeth said. “If they won’t, the state will.”

# Frazier announces resignation from Assembly to pursue career in transportation, spend time with family, friends

December 2, 2021 By [Publisher](#) [Leave a Comment](#)



Assemblyman Jim Frazier. *Source: Twitter*

**“It was the best job in the world, helping people and solving problems.”– Jim Frazier**

**Currently serves most of East County**

*By Allen Payton*

In a post on his [official Facebook page](#) and [Twitter feed](#), Wednesday, Dec. 1, 2021 State Assemblyman Jim Frazier (D-11) announced he will be resigning from his position at the end of the month.

In addition to posting his letter of resignation, at 12:32 pm Wednesday, he tweeted, “It has been a joy and a privilege to represent District 11. I extend my sincerest appreciation to each of you. Thank you all.” Frazier posted a similar comment on his Facebook page, writing, “It has been a joy and a privilege to represent District 11. I extend my sincerest appreciation and love for an incredible 9 years of service. Thank you all.”

His announcement dispels the rumors that Frazier, who moved from Oakley to Fairfield a few years ago, would run for supervisor in Solano County, State Senate or Congress, if Rep. John Garamendi was going to retire. But the Assemblyman, was first elected to the Assembly in 2012 following his time on the Oakley City Council, could have served one more term, since members of the state legislature can only serve a total of 12 years in either the Assembly or State Senate or a combination of both, due to [term limits in Proposition 28](#) passed by voters in 2012.

When reached for comment Frazier said, “it’s time to move on and I have a strong urge to get back into the transportation sector, pursue my passion, and help people achieve their goals in transportation.”

“It was the best job in the world, helping people and solving problems,” he continued. I’ve served for 14 years in public service. It’s time to move on.”

Asked about the rumors he might run for another office, Frazier laughed and said, “nobody asked me.”

The press release reads: [Jim Frazier resignation ltr 12-02-21](#)

“California State Assemblymember Jim Frazier (D-Fairfield) today announced his resignation from the California State Assembly, District 11, effective December 31, 2021. Mr. Frazier will be seeking new opportunities in the field of transportation.

Assemblymember Frazier said, “This is the best job that I have ever had. I have enjoyed serving the State of California and the 11th Assembly District and greatly appreciate the confidence that my constituents have shown in me over the last nine years. I am proud of the many successes that we achieved together. My future plans are to put to use my passion and experience in the transportation sector, explore new career opportunities and spend additional time with family and friends.”

Mr. Frazier was elected to the California State Assembly, District 11 in November of 2012. The 11th District encompasses portions of Solano, Contra Costa and Sacramento counties and includes the following cities, towns, and areas: Antioch, Bethel Island, Birds Landing, Brentwood, Byron, Collinsville, Discovery Bay, Fairfield, Isleton, Knightsen, Locke, Oakley, Pittsburg (partial), Rio Vista, Suisun City, Travis Air Force Base, Vacaville and Walnut Grove.

Assemblymember Frazier currently serves as Chair of the powerful Assembly Governmental Organization Committee, providing oversight of open meeting laws, Offices of the Governor, Lieutenant Governor, State Controller, and State Treasurer, State holidays, seals, and official acts, emergency services, Outdoor Advertising Act (billboards), alcohol, gaming, horse racing, the State Lottery, and tobacco. He has been an advocate for enhanced unemployment and disability policy as chairman of Select Committee on Intellectual and Developmental Disabilities. As a key member of the Assembly Veteran’s Committee, he supported legislation to improve lives of veterans. Mr. Frazier oversaw and helped coordinate state public works activities while serving as the Assembly Speaker’s appointee to the State Public Works Board. Mr. Frazier previously served as chairman of the Assembly Transportation Committee, overseeing transportation infrastructure managing \$2.3T in annual commerce, and promoting system improvements and job creation.

Additional key accomplishments:

- Delivered numerous improvements to transportation infrastructure across high-speed rail, highways, and public transportation, securing \$30B in total transportation funding and \$5.2B for highly impactful SB1 infrastructure project.
- Fostered legislation to obtain \$1.2B in funding for special needs population, supporting and overseeing series of hearings throughout the State of California, evaluating the mission and effectiveness of relevant state agencies.
- Established reputation as champion for California Delta, serving as key member of Delta Protection Commission focused on protecting fish and wildlife, safeguarding farmers, and



ensuring continuous environmental and economic viability of delta by promoting water conservation, improved water quality, and improved management of land use and development.

- Secured \$12 million to remove abandoned and derelict commercial marine vessels throughout the Delta region through the 2021 State Budget.
- Secured funding for Special Olympics for 6 years, including \$20M funding through the 2021 State Budget.
- Secured funding for Solano First 5 in the amount of \$2 million to create a Fairfield First 5 Center through the 2021 State Budget.
- Secured \$500,000 for East Contra Costa Fire Protection District's training program.
- Authored legislation for a Veteran Designation of CA Driver's License to recognize military service, resulting in hundreds of thousands of additional dollars for Veterans.

Mr. Frazier's was recognized with many awards during his Assembly career. His accomplishments include (partial list): 2018, Legislator of the Year from the California State Commanders Veterans Council, 2017 California Transportation Foundation Elected Official of the Year, Director's Special Recognition for Infrastructure Advocacy by American Society of Civil Engineers, 2016 Special Olympics Volunteer of the Year, 2016 AMVETS Legislator of the Year, 2015 Decoding Dyslexia: Assemblymember of the Year, 2015 California Transportation Foundation: Elected Official of the Year, 2015 Small Business Legislator of the year by California Small Business Association (CSBA) and California Small Business Roundtable (CSBR), 2015 CA Waterfowl Association, Grant Kenyon Award, Legislator of the Year, Appreciation Award: Sikh Communities of Napa and Solano Counties and Fairfield- Suisun Unified School District.

An avid supporter of non-profits, Mr. Frazier was a Founder and Vice President of the Friends of Oakley Community Foundation from 2007 until 2013. A dedicated volunteer, Mr. Frazier served on the Boys and Girls Club Advisory Board, a Board of Director member for Impact Teen Drivers and dearest to his heart, he has been a volunteer with Special Olympics since 2005."

## 2 more run to replace Mitchoff

Debora Allen, Roxanne Garza join contest for District 4 supervisor's seat; field now at five

### CONTRA COSTA COUNTY

By Shomik Mukherjee

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Two more people have announced they intend to run for Contra Costa County Supervisor Karen Mitchoff's open District 4 seat next June, bringing to five the number of candidates who want to represent a largely suburban region with the county's major business centers.

District 4 encompasses much of Concord and Walnut Creek, as well as Pleasant Hill, Clayton and some of the area around Mount Diablo.

Area City Council members Carlyn Obringer, Ken Carlson and Edi Birsan earlier filed statements of their intention to succeed Mitchoff, who is known for her candid and often confrontational approach at supervisors meetings.

The two new candidates are Debora Allen, who represents the central county on the BART Board of Directors, and Roxanne Garza, a Pleasant Hill resident with years of experience at Healthy Richmond and Contra Costa Health Services.

Here's a rundown of the new additions to a growing field of candidates:

#### Roxanne Garza

While she is the only candidate so far to never have held public office, Garza said her work as senior director at Healthy Richmond — a nonprofit focused on health equity and racial justice — has provided on-the-ground know-how



Allen



Garza

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and helped her foster relationships with west county community leaders.

Prior to her tenure there, she worked as a public health program manager at the county health department, where she also volunteered to boost testing and vaccine distribution among the county's uninsured front-line workers during the pandemic.

When UC Berkeley proposed a since-abandoned plan for a new research facility in Richmond, Garza was among those pushing it to offer generous community benefits in exchange for approval. She has also focused some of her nonprofit work on tenant assistance: "I want people who grew up here to be able to stay here," she said.

Kramer for county assessor. She switched races recently after her community was split off from Supervisor Diane Burgis' district, allowing her to vie for Mitchoff's open seat.

Prior to her time on the BART board, Allen unsuccessfully pursued the Republican nomination for a state Assembly seat. But the small-business consultant doesn't bill herself as a conservative — just a data-driven official committed to making the county's transportation, housing and local economy more efficient.

"If we want to focus on the quality of life for the average residents of Contra Costa County, one of the things we can help them with is providing good jobs inside of our county, so their commute times are

Garza contends every inequity in the county is related, a belief that stems from her work in public health, whose shortcomings she said were laid bare by the pandemic.

“The issue is not just about lifting the voices of residents,” Garza said. “It’s about, how do you set the table where residents are meeting with decisionmakers?”

Garza’s advocacy recently led to her appointment by Supervisor John Gioia to a committee that makes recommendations to the Board of Supervisors on how to spend sales tax revenue.

The board recently gave \$2.5 million in tax revenue to the Contra Costa County Sheriff’s Office, enraging some committee members, including Gioia’s appointees, who had opposed that move. Mitchoff strongly defended the allocation and accused opponents of harboring a “personal animus” toward Sheriff David Livingston.

Garza, who was appointed to the advisory committee after that meeting, said she would’ve pushed for other spending priorities besides sheriff’s funding, and believes District 4 voters agree with her.

“I think the central county is looking for different solutions to some of these issues as well,” Garza said. “It’s not about progressive versus conservative when it comes to community safety. It’s about, how do we transform these systems and look at the root causes of (c r i m e) ? ”

### **Debora Allen**

As a BART board director, Allen has consistently managed to stand out for her views, which some of her colleagues often find polarizing. Six of the nine board directors endorsed her challenger in last year’s election, although Allen won anyway.

She pushed for job cuts and more conservative spending policies during the pandemic and vigorously defended funding for BART police amid last year’s movement for public safety alternatives. Her BART district includes Walnut Creek, Concord, Martinez, San Ramon, Danville and Pleasant Hill.

A resident of unincorporated Clayton, Allen initially filed with the elections office to challenge Gus

reduced,” Allen said. “We need to look for ways to... keep people from needing to travel outside of the county for work.”

Despite the federal stimulus money that poured into BART in the past year, Allen maintains her stance on cutting jobs, saying the agency cannot sustainably limp along on federal subsidies. She attributes her fellow directors’ lack of support to what she described as the “labor unions’ control over BART.”

If train ridership does not return on its own after the pandemic, then the county needs to focus on boosting transportation into the future, she said. That includes automated vehicle testing at GoMentum Station in Concord, as well as the transit- adjacent Naval Weapons Station development that promises 13,000 new homes in the city.

Allen has built a political alliance with law enforcement — receiving a \$1,000 campaign contribution last year from the union that represents BART police officers, which additionally spent more than \$10,000 in advertising to support her re- election.

In 2019, she published an op-ed for this news organization arguing for more security enforcement in the train systems and calling the agency’s community safety program “toothless” for its reliance on unarmed civilians.

Allen says she supports more mental health services and crisis response in the county but wants law enforcement to remain a core part of the equation.

“I don’t believe in throwing out police and putting some replacement in that has no police training,” she said. “It’s easy to look back after someone gets hurt (by police) and say they should have done this or that. But you don’t know which person in crisis is a danger, until they’re a danger — there’s no way to predict that.”

