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

Wednesday, March 9, 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**

Please click the link below to join the webinar:

<https://cccounty-us.zoom.us/j/82059637375?pwd=aTlkczNLK2l1NzlEdTBhNUIHNUZIUT09>

Passcode: 051486

Or join by telephone:

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USA 214 765 0478 US Toll

USA 888 278 0254 US Toll-free

Conference code: 220394

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**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.

## **MARCH 9, 2022 CONTRA COSTA LAFCO AGENDA**

1. Call to Order
2. Roll Call
3. Approval of Minutes for the February 9, 2022 regular LAFCO meeting
4. 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**

5. *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**

6. *LAFCO 21-11 – Annexation of East Contra Costa Fire Protection District (ECCFPD) to Contra Costa County Fire Protection District (CCCFPD) and Dissolution of ECCFPD* - consider approving annexation of ECCFPD (249± square miles) to CCCFPD and dissolution of ECCFPD; and consider a categorical exemption under the California Environmental Quality Act (CEQA) **Public Hearing continued from February 9, 2022 meeting**
7. *LAFCO 21-06 – Town of Discovery Bay Community Services District (DBCSD) Sphere of Influence (SOI) Amendment – Pantages Project* - consider expanding DBCSD's SOI to include 133.36± acres located adjacent to DBCSD (Point of Timber Road); and consider making determinations and findings as a responsible agency under CEQA **Public Hearing**
8. *LAFCO 21-12 – Annexation to Mt. View Sanitary District* – consider annexing two parcels (APNs 162-142-005 and -006) located at 2984 and 2994 Upton Road (totaling 2.59± acres) in the unincorporated Mt. View area; and consider a categorical exemption under CEQA **Public Hearing**

### **BUSINESS ITEMS**

9. *Legislative Update and Position Letter* – receive legislative update and approve position letter
10. *Update to LAFCO Employee Salary Plan* – approve increase to LAFCO Employee Salary Ranges
11. *Executive Officer's Performance Review and Compensation* - consider salary increase for the LAFCO Executive Officer in conjunction with the recent performance review.

### **INFORMATIONAL ITEMS**

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

### **ADJOURNMENT**

Next regular LAFCO meeting April 13, 2022 at 1:30 pm.

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

**CONTRA COSTA LOCAL AGENCY FORMATION COMMISSION**  
**DRAFT MEETING MINUTES**  
**February 9, 2022**

**March 9, 2022**  
**Agenda Item 3**

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

Chair Skaredoff called the regular meeting of February 9, 2022, to order at 1:34 p.m.

The following Commissioners and staff were present:

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

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

VOTE:

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

NOES: NONE

ABSENT: NONE

ABSTAIN: NONE

**4. Selection of 2022 Chair and Vice Chair and Recognition of Outgoing Chair**

Upon motion by Commissioner Blubaugh and second by Commissioner McGill, by a 7-0 vote, Commissioner Schroder was named as LAFCO Chair for 2022

VOTE:

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

NOES: NONE

ABSENT: NONE

ABSTAIN: NONE

Upon motion by Commissioner Blubaugh and second by Commissioner McGill, Commissioner Glover was unanimously, by a 7-0 vote, named as LAFCO Vice Chair for 2022

VOTE:

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

NOES: NONE

ABSENT: NONE

ABSTAIN: NONE

Outgoing Chair Skaredoff was recognized by resolution for his service as 2021 LAFCO Chair. Commissioner Schroder assumed the role of Chair.

**5. Approval of Minutes**

Upon motion by Commissioner McGill and second by Commissioner Glover, the Commission unanimously, by a 6-0 vote approved the November 10, 2021, meeting minutes. Commissioner Blubaugh abstained because he was absent from the November meeting.

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

**6. Public Comments**

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

**7. Special Recognition – Pamela Miller, Executive Director, CALAFCO**

Executive Officer Texeira read a resolution recognizing retiring Pamela Miller as Executive Director, CALAFCO, noting her exemplary accomplishments and 10 years of service. Commissioner McGill is a member of the CALAFCO board, and he thanked Executive Director Miller for her excellent leadership and support.

Following Commissioner comments and upon a motion by Commissioner McGill and second by Commissioner Blubaugh, the Commission, unanimously, by a 7-0 vote, adopted Resolution of Special Recognition – Pamela Miller, Executive Director.

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

Pamela Miller addressed the Commission stating that she was deeply honored by the resolution. She thanked Executive Officer Texeira and Commissioner McGill for their support and service.

**TELECONFERENCING**

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

Upon a motion by Commissioner Glover and second by Commissioner Andersen, the Commission, unanimously, by a 7-0 vote, approved to adopt Resolution No. 2022-01 allowing Contra Costa LAFCO to conduct teleconference meetings pursuant to GC section 54953(e) and make related findings

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

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

9. ***Dissolution of County Service Area (CSAs) 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**

Commissioner Glover stated he is currently working with the John Swett Unified School District and Rodeo Baseball Association on related matters and requested continuing this item to the April 2022 LAFCO meeting.

Chair Schroder opened the public hearing,

1. Maureen Brennan – Rodeo resident spoke in support of Lefty Gomez Baseball Facility. She stated that the park is neglected and needs funding. She asked if dissolving CSA R-10 would provide funding for the baseball facility.
2. Erin – Rodeo resident stated Rodeo is classified as a disadvantaged community and needs funding. She encouraged the Commission to look beyond the numbers.
3. Richard – Stated funding for R-10 needs to be increased. He supports property tax assessments.
4. Jan Callaghan – Stated school district is not in the business of recreation. She thanked the Commission for continuing the item.

Chair Schroder closed public hearing

Following comments and questions by the Commissioners and upon a motion by Commissioner McGill and second by Commissioner Blubaugh, unanimously, by a 7-0 vote, approved continuing this matter to the April 13, 2022 LAFCO meeting.

### VOTE:

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

10. ***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 (ECCFPD) (249± sq. miles); and consider a categorical exemption per CEQA **Public Hearing**

Supervisor Andersen deferred to Commissioner Burgis for the vote on this item. This was done because this the area Burgis represents, and she has worked diligently championing this item.

Chair Schroder open the public hearing.

1. Karen Rarey – Brentwood City Council member and member of the Brentwood Fire and Medical Services Committee support the boundary reorganization.
2. Erin – asked where to find emergency response performance metrics. Commissioner Burgis provided information where the information can be found.
3. Brian Oftedal - ECCFPD Chair – In support of Option 1 in the staff report

Chair Schroder closed the public hearing.

Commission Burgis acknowledged the hard work by ECCFPD noting Chief Helmick's work to educate the public and the fire board on the importance of the proposed boundary reorganization, and also

thanked Contra Costa LAFCO for their work. Commissioner Glover thanked Commissioner Burgis for her leadership and thanked ECCFPD for their work.

Following comments and questions by the Commissioners and upon a motion by Commissioner Burgis and second by Commissioner Glover, unanimously, by a 7-0 vote, approved Option 1, adopted LAFCO SOI Resolution No. 21-10 approving the proposed expansion of CCCFPD's SOI by 249± square miles to include the ECCFPD; made the CEQA findings as presented in the staff report, and waived the Commission's policy to allow consideration of the SOI amendment and proposed boundary reorganization at the same LAFCO meeting.

VOTE:

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

NOES: NONE

ABSENT: NONE

ABSTAIN: NONE

**11. LAFCO 21-11 – Annexation of East Contra Costa Fire Protection District (ECCFPD) to Contra Costa County Fire Protection District (CCCFPD) and Dissolution of ECCFPD *Public Hearing***

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

Following comments and questions by the Commissioners and upon a motion by Commissioner Blubaugh and second by Commissioner Burgis, unanimously, by a 7-0 vote, approved Option 2 – and continued this matter to the March 9, 2022 LAFCO meeting.

VOTE:

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

NOES: NONE

ABSENT: NONE

ABSTAIN: NONE

**BUSINESS ITEMS**

**12. 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.

Upon a motion by Commissioner Blubaugh and second by Commissioner McGill, the Commission, unanimously, by a 7-0 vote, adoption of the updated CALAFCO Legislative Policies as the Contra Costa LAFCO's legislative platform.

VOTE:

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

NOES: NONE

ABSENT: NONE

ABSTAIN: NONE

**13. FY 2022-23 Budget Schedule and Work Plan** – provide input on FY 2022-23 proposed budget schedule and work plan

The Commission received the FY 2022-23 budget schedule and provided input and direction regarding the work plan and schedule.

**14. Fiscal Year 2021-22 Mid-Year Budget Report** – receive FY 2021-22 mid-year budget report

Following Commissioner comments, and a motion by Commissioner Butt and second by Commissioner Glover, the Commission, unanimously, by a 7-0 vote, received the FY 2021-22 mid-year budget report.

VOTE:

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

NOES: NONE

ABSENT: NONE

ABSTAIN: NONE

**INFORMATIONAL ITEMS**

**15. Pending Applications** – receive an update on pending proposals –informational update – no action required by the Commission.

**16. Correspondence from Contra Costa County Employee's Retirement Association (CCCERA)**

**17. Commissioner Comments and Announcements**

Commissioner McGill updated the Commission on CALAFCO's activities:

- November 12, 2021 CALAFCO Board Meeting
- December 3, 2021 CALAFCO Legislative Committee Meeting
- December 17, 2021 CALAFCO Executive Officer Interviews
- January 21, 2022 CALAFCO Board Meeting
- January 28, 2022 CALAFCO Legislative Committee Meeting
- March 11, 2022 CALAFCO Legislative Committee Meeting

Commissioner Lewis spoke on a recent news article regarding breaching of the levee at Pacheco Marsh. This is a \$25 million restoration project by the John Muir Land Trust. Commissioner Lewis looks forward to restoring this marsh and creating a habitat for wildlife and for people to enjoy.

**18. Staff Announcements**

Executive Officer provided updates on application activity, the 2<sup>nd</sup> Round MSRs covering mosquito and vector control and resource conservation, and status of the directory of local agencies.

**CLOSED SESSION**

PUBLIC EMPLOYEE PERFORMANCE EVALUATION

Title: Executive Officer

CONFERENCE WITH LABOR NEGOTIATORS - Commissioners Skaredoff and Schroder

Unrepresented employee: Executive Officer

Report from Closed Session; direction provided to negotiators; nothing else to report.

The meeting adjourned at 3:16 p.m.

Final Minutes will be approved by the Commission March 9, 2022

**ADJOURNMENT**

*The next regular LAFCO meeting is March 9, 2022, 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 February 2, 2022, 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. Because of the prevalence of the Omicron variant of COVID-19 in the Bay Area, test positivity rates and COVID-19 hospitalizations are near historic highs in the County.
- I. 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 March 9, 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: March 9, 2022

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Lou Ann Texeira, Executive Officer

CONTRA COSTA LOCAL AGENCY FORMATION COMMISSION  
EXECUTIVE OFFICER'S REPORT

**March 9, 2022**  
**Agenda Item 6**

March 9, 2022 (Agenda)

**LAFCO 21-11**

Annexation of East Contra Costa Fire Protection District (ECCFPD) to Contra Costa County Fire Protection District (CCCFPD) and Dissolution of ECCFPD

**APPLICANTS**

CCCFPD Resolution No. 2021/8 adopted September 14, 2021 as amended by Resolution No. 2022/3 adopted February 22, 2022 (Attachment 1)  
ECCFPD Resolution 2021-32 adopted September 16, 2021 (Attachment 2)

The districts adopted substantially similar resolutions requesting a sphere of influence (SOI) amendment, boundary reorganization, and dissolution of ECCFPD. Pursuant to Government Code ("GC") section 56853(a), because both districts adopted substantially similar resolutions, the Commission is required to approve, or conditionally approve, the proposal

**SUPPLEMENTAL INFORMATION**

This item was continued from the February 9, 2022 LAFCO meeting at the request of CCCFPD to give CCCFPD time to address issues and clarify terms of its resolution regarding its obligations as a successor agency, the transition of ECCFPD employees to CCCFPD employment, and the transfer of revenues to CCCFPD.

**CCCFPD Board Action After February 9, 2022** - On February 22, 2022, the CCCFPD Board of Directors adopted Resolution No. 2022/3 amending their prior resolution to clarify CCCFPD's intent regarding the contracts it will assume from ECCFPD and the terms of ECCFPD revenue that will be transferred to CCCFPD. Regarding contracts, CCCFPD's resolution provides that employees of the dissolved ECCFPD will become employees of CCCFPD without interruption of service or seniority; and that the same terms and conditions of employment that apply to similarly situated CCCFPD employees will apply to these former ECCFPD employees. CCCFPD's resolution further provides that CCCFPD will not assume ECCFPD's collective bargaining agreements, express or implied contracts for retiree health/OPEB for its active employees, or any other employment agreements with its active employees.

Regarding revenues, CCCFPD Board's resolution specifies which ECCFPD revenue sources will be assumed by CCCFPD as successor agency. Sources of revenue to be transferred include, but are not limited to, the following funds: Measure H, Bethany Byron Irrigations District, Summer Lakes Community Facility District (CFD), Delta Coves CFD, Oakley Fire CFD, East Contra Costa CFD, development impact fees, redevelopment agency pass-thru agreements, fire prevention fees, and outstanding accounts receivable. These ECCFPD fees also include fees for recovery of fire protection, hazardous material emergency response and rescue service costs, and fees for the recovery of emergency medical first-responder service costs.

On February 25, 2022, the CCCFPD Fire Chief submitted a letter (Attachment 9) transmitting CCCFPD Resolution No. 2022/3 to LAFCO. The letter requests that LAFCO adopt conditions pertaining to CCCFPD's successor agency employment-related obligations and transfer of revenue to CCCFPD. These requested conditions are included in LAFCO Resolution No. 21-11 (Attachment 6). The CCCFPD letter also expresses concern with the second sentence of condition 11.j of LAFCO Resolution 21-11, which states "*Within one year of LAFCO's approval of the boundary reorganization, CCCFPD shall provide LAFCO with a written update on how the Plan for Services included with the LAFCO application has been implemented.*" LAFCO has broad authority under Government Code (GC) section 56886 to impose conditions of approval on an annexation. These conditions are enforceable against any public agency designated in the condition. (GC §56122). Requiring an update or periodic updates is a common condition that LAFCO often imposes in actions involving Municipal

Service Reviews, special studies, and boundary changes, including annexations. In this annexation, it will be beneficial for the Commission and the public to receive an update regarding the reorganized district and the services it provides to the community.

**CCCFPD Board Action After February 9, 2022** - On February 24, 2022, the ECCFPD Board held a special meeting in open and closed sessions to discuss labor issues pertaining to its represented and unrepresented employees. In response to the proposed boundary reorganization and associated financial impacts to Local 2700 represented employees, the ECCFPD Board provided is represented employees with two one-time compensation options (i.e., salary and medical premiums) to mitigate the financial impacts of the reorganization. Each of the Local 2700 employees will have until April 1, 2022 to accept one of these two options. The Board took no action at that meeting regarding compensation adjustments for the unrepresented employees (i.e., Fire Chief, Fire Marshal, Chief Administrative Officer, and Staff Accountant), and indicated that discussion will continue at the March 9, 2022, regular ECCFPD Board meeting. At this time, some of the employment related issues are subject to ongoing negotiations.

Also, following the February 9, 2022 LAFCO meeting, LAFCO received emails from two individuals supporting the proposed boundary reorganization (Attachments 7 and 8).

## **SYNOPSIS**

CCCFPD filed applications with LAFCO to expand CCCFPD's SOI to include ECCFPD along with a corresponding application to expand the CCCFPD boundary to include ECCFPD territory and dissolve ECCFPD. On February 9, 2022, the Commission approved the expansion of CCCFPD's SOI to include ECCFPD in anticipation of the proposed boundary reorganization. These LAFCO proceedings are subject to the Cortese Knox Hertzberg Local Government Reorganization Act of 2000 ("CKH Act") GC section 56000 et seq.

## **PURPOSE**

The key purposes of the proposed CCCFPD SOI expansion, corresponding boundary reorganization, and dissolution of ECCFPD are summarized below:

- 1) To enhance and expand fire and emergency medical services to East Contra Costa County;
- 2) To improve the efficiency, effectiveness, and economy of fire protection services within the subject area;  
and
- 3) To better meet the fire, rescue, and emergency medical service needs of the residents of the reorganized district.

## **BACKGROUND**

**ECCFPD** was formed in 2002 through the consolidation of the Bethel Island, East Diablo, and Oakley Fire Protection Districts. Historically, there were concerns regarding the adequacy of funding and standard of response coverage, as well as governance (dependent versus independent). LAFCO's approval of the consolidation in 2002 included various conditions, including appointing the County Board of Supervisors as the governing body. No new funding was included with the consolidation.

ECCFPD is currently governed by a five-member elected board. The District covers 249± square miles including the cities of Brentwood and Oakley, and the unincorporated areas of Bethel Island, Byron, Discovery Bay, Knightsen, and the Marsh Creek/Morgan Territory area, serving a population of

approximately 132,400 [*Census Bureau 2020 Decennial Census – Data analysis by CCC Dept. of Conservation & Development (DCD)*].

ECCFPD owns six fire stations. Three of which are utilized and staffed with personnel and apparatus (Brentwood, Discovery Bay, Oakley), and the other three are currently unstaffed without assigned apparatus. ECCFPD personnel includes 30 operations staff, four prevention staff, and six administrative staff including the Fire Chief. Several of these positions are funded but not filled.

ECCFPD is funded primarily by property tax revenues (ad valorem). Other revenue sources include pass-thru funding, intergovernmental revenue, homeowners tax relief, and other in-lieu taxes.

**CCCFPD** was formed in 1964 as a county-dependent district through the consolidation of the Central Fire District and the Mt. Diablo County Fire District. Subsequently, Mountain View FPD, Lafayette FPD, Bay Point FPD, Island FPD, Briones County FPD, Pinole FPD, Riverview FPD, and West County FPD also consolidated with CCCFPD. As a dependent district, the County Board of Supervisors serves as the governing board for CCCFPD.

The CCCFPD service boundary covers 306± square miles and includes the cities of Antioch, Clayton, Concord, Lafayette, Martinez, Pleasant Hill, Pittsburg, San Pablo and Walnut Creek, and the unincorporated communities of Alhambra Valley, Bay Point, Clyde, El Sobrante and Pacheco, serving a population of 628,200 (*Census Bureau 2020 Decennial Census – Data analysis by CCC DCD*).

CCCFPD currently owns 29 fire stations throughout the District. Two were closed as of 2021, and one is a reserve station and a leased facility. CCCFPD personnel includes 335 operations staff, 21 dispatchers, 26 fire prevention staff, and 40 administrative/support staff.

CCCFPD is funded primarily by property tax revenues (ad valorem). Other revenue sources include charges for services, intergovernmental revenue, and other taxes. See table below for summary.

**SUMMARY TABLE**

<b>FACTOR</b>	<b>CCCFPD</b>	<b>ECCFPD</b>
Service Area	306± square miles	249± square miles
Population	628,200	132,400
Stations	29 (26 staffed)	6 (3 staffed)
Staff		
-Operations	335	30
-Admin/Support	40	6
FY 2021-22 Budget		
-Total Expenditures	\$161,924,000	\$19,833,164
-Total Revenues	\$161,924,000	\$19,797,543

**Special Study/Municipal Service Reviews (MSRs)** - In December 2020, an annexation feasibility study was commissioned by CCCFPD to determine the feasibility of annexing ECCFPD and the Rodeo Hercules Fire Protection District (RHFPD) to CCCFPD. The study also includes a MSR and SOI component. A consultant, AP Triton, prepared the *Fire District Annexation Feasibility/Municipal Services Review*. The study/MSR is available online at <https://www.cccfpd.org/annexation>. In July 2021, the findings of the study were presented to the governing bodies of the three districts. Some of the key findings are presented below:

- ECCFPD previously experienced a significant reduction in funding due to an economic downturn, resulting in a decrease in staffing and the closure of fire stations.
- ECCFPD cannot meet the increased call load in the communities served with existing personnel and equipment levels without relying on mutual aid and automatic aid from neighboring agencies.
- ECCFPD struggles to create a sustainable funding system that will provide adequate services and response times to serve the communities properly. ECCFPD is experiencing some level of revenue growth.
- Standardize training programs specific to special teams response.
- Annexation will result in the implementation of Advanced Life Support (Paramedic) level service on ECCFPD apparatus.
- Increase multi-company training for the annexed areas.
- Develop a standardized public education program throughout the newly annexed areas.
- Open ECCFPD Station 55 and reopen CCCFPD Station 4 to improve service.
- Acquire and staff a Ladder Company within ECCFPD's service area.

The study concluded that annexation of both ECCFPD and RHFPD to CCCFPD is feasible and recommended that CCCFPD pursue annexation of both ECCFPD and RHFPD. Subsequently, CCCFPD and ECCFPD voted to pursue the boundary reorganization and adopted substantially similar resolutions. RHFPD declined to pursue annexation at this time.

In addition to the special study, Contra Costa LAFCO previously prepared two MSRs/SOI updates covering fire protection and emergency medical services (2009 and 2016). Both MSRs identified significant governance, service, and fiscal issues for ECCFPD, along with governance structure options for ECCFPD, including dissolution of ECCFPD and annexation to CCCFPD.

Both MSRs noted that annexation of ECCFPD to CCCFPD would improve levels of service, strengthen firefighter training programs, reduce response times, and improve efficiency and service delivery. A summary of the 2016 MSR findings are included in the corresponding SOI LAFCO staff report. Both MSRs included governance/boundary options for ECCFPD including a "zero" SOI and a "provisional" SOI both of which signal future reorganization. In accordance with the 2016 MSR, LAFCO adopted a "provisional" SOI for ECCFPD and required ECCFPD to provide periodic updates to LAFCO on its progress in addressing the fiscal, governance and service challenges identified in the MSR.

## **DISCUSSION**

The Government Code sets forth factors that the Commission is required to consider in evaluating a proposed boundary change as discussed below (GC §56668). In the Commission's review and evaluation, no single factor is determinative. In reaching a decision, each factor is to be evaluated within the context of the overall proposal. These factors are analyzed in Exhibit B. In addition, other factors are discussed below.

### **LAFCO Applications and Plan for Services**

In accordance with GC §56653, whenever a local agency submits a resolution of application for a change of organization or reorganization, the local agency must also submit a plan for providing services within the affected territory. The plan shall include all of the following information and any additional information required by the Commission or the Executive Officer:

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

In October 2021, CCCFPD submitted applications to LAFCO to expand the SOI for CCCFPD to include ECCFPD, a corresponding boundary reorganization application to annex ECCFPD to CCCFPD and subsequently dissolve ECCFPD, and a *Plan for Services* (Attachment 3), which covers a range of issues including the following:

- *Justification* for the proposed boundary reorganization (i.e., standardized training of firefighters, augmented service levels, service efficiency, cost savings)
- *Plan and description of services* including a description of current service delivery levels and services to be extended, infrastructure needs, and planned improvements
- *Level and range of services*, including increased staffing deployment; enhanced full-time fire prevention and fire investigation services, advanced life support, internal apparatus and fleet maintenance programs; reopening of fire stations in East Contra Costa County; equipment expansion; and other service enhancements
- *Fiscal analysis, financial projections, and appropriations limit*
- *Proposed transition plan, reorganization timeline*
- *Governance structure, personnel, training, and employment agreements*
- *Fiscal analysis*

The *Plan for Services* discusses benefits to the proposed boundary reorganization and includes conditions relating to successor agency, employees, duties, revenue transfer, oversight/advisory commission, land rights, service demand. Some of these factors are also summarized in Exhibit C – *Before & After Consolidation* table.

#### **Assessed Value, Tax Rates and Indebtedness:**

The reorganization area is within numerous tax rate areas (TRAs). The assessed value for the proposal area is \$22,849,699,241 based on the 2021-22 tax roll. According to the special study/MSR, it is estimated that ECCFPD will receive \$16,875,770 in property tax revenue in FY 2021-22. Property tax revenue is the largest source of revenue for both CCCFPD and ECCFPD. Following annexation of ECCFPD and dissolution of ECCFPD, CCCFPD will receive all ECCFPD assets, including property tax revenue generated in the territory.

#### **LAFCO Proceedings and Public Comments:**

Notice and Public Hearing – The proposed boundary reorganization is subject to a public hearing. Notice of this proposal was advertised in the *East Bay Times* (all editions) through publication of a 1/8-page display ad in accordance with the CKH Act. Also, individual notices were provided to affected and interested agencies, County departments, and those individuals and agencies that requested notification.

Public Comments and Pending Issues - Contra Costa LAFCO received a letter from Staff Union Representative for AFSCME Council 57 (Attachment 4) and a letter from Shop Steward, Local 2700 (Attachment 5). Both letters indicate concerns regarding the transition of four administrative positions and

the potential for significant pay cuts. On February 24, 2022, the ECCFPD Board met and provided two salary/benefit transition options to the four Local 2700 employees to address the financial impacts of the reorganization. The Local 2700 employees have until April 1, 2022 to decide on the options. The ECCFPD Board also conferred with labor negotiators regarding the unrepresented employees; however, no decisions were announced.

In addition to the letters from the labor organizations, LAFCO recently received support letters from two individuals supporting the proposed boundary reorganization (see Attachments 7 and 8) and from the City of Oakley (Attachment 10).

Reconsideration - Following LAFCO's approval of a proposal, there is a 30-day reconsideration period whereby any person or affected agency may file a written request with the LAFCO Executive Officer requesting amendments to, or reconsideration of, the LAFCO resolution. The request shall state the specific modification to the resolution being requested and shall state what new or different facts that could not have been presented previously are claimed to warrant the reconsideration. Upon a timely receipt, the LAFCO Executive Officer shall place the request on the agenda of the next meeting of the commission for which notice can be given. At that meeting, the commission shall consider the request and receive any oral or written testimony. The Commission may approve the request with or without amendment, wholly, partially, or conditionally, or disapprove the request. (GC §56895)

Protest Hearing - The subject territory is inhabited, and the proposal is subject to protest proceedings. Following the 30-day reconsideration period, LAFCO will publish a notice in the local newspapers and hold a protest hearing whereby affected landowners and voters within the subject area can file a written protest. The protest thresholds are shown in the table below.

## INHABITED

Terminate Annexation	Order Annexation without an election	Order Annexation subject to an election
A majority of voters protest	Less than 25% of voters or landowners owning less than 25% of the assessed value of land protest	At least 25%, but less than 50% of voters, or at least 25% of landowners owning 25% or more of the assessed value of land protest

### Boundaries and Lines of Assessment:

The boundary reorganization proposal will add ECCFPD territory to CCCFPD's service boundary as shown in Exhibit A. No plat and legal description are required for this boundary reorganization as determined by the State Board of Equalization.

### Environmental Impact of the Proposals:

CCCFPD, as Lead Agency, found the project categorically exempt from CEQA pursuant to CEQA Guidelines section 15320(b) (Class 20) – *Changes in Organization of Local Agencies*. 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. As detailed in the proposal, approval of this proposal will enhance and

and economy of fire protection services within the subject districts; and better meet the fire, rescue and emergency medical service needs of the residents of the reorganized district.

### **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**

- A. Adopt this report and adopt LAFCO Resolution No. 21-11 (Attachment 6) approving the annexation of ECCFPD to CCCFPD and dissolving ECCFPD as described herein and as depicted on the attached map (Exhibit A), with the terms and conditions as proposed in Resolution No. 21-11.
- B. Find, as a responsible agency, that the proposed annexation of ECCFPD to CCCFPD and corresponding dissolution of ECCFPD are categorically exempt from CEQA pursuant to CEQA Guidelines section 15320(b) (Class 20) – *Changes in Organization of Local Agencies*.

#### **Option 2**

CONTINUE this matter to a future meeting.

### **RECOMMENDED ACTIONS:**

It is recommended that the Commission approve the annexation of ECCFPD to CCCFPD and dissolve ECCFPD with the terms and conditions as presented in the attached LAFCO Resolution 21-11.

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

#### **Attachments:**

- Attachment 1 - CCCFPD Resolution of Application No. 2021/8 and Resolution No. 2022/3 Amending Resolution No. 2021/8
- Attachment 2 – ECCFPD Resolution No. 2021-32
- Attachment 3 – Plan for Services
- Attachment 4 – Letters from Staff Union Representative for AFSCME Council 57
- Attachment 5 – Letter from Shop Steward, Local 2700
- Attachment 6 – Draft LAFCO Resolution No. 21-11 – Boundary Reorg and Dissolution
- Attachment 7 - Email from John Granado
- Attachment 8 - Email from Michael Sloan
- Attachment 9 – Letter from CCCFPD Fire Chief to LAFCO Chair
- Attachment 10 – Letter of Support – City of Oakley

#### **Exhibits:**

- Exhibit A – Map of Proposed Boundary Reorganization
- Exhibit B – Factors for Consideration Analysis (California Government Code §56668)
- Exhibit C – Before & After Consolidation Table

c: Distribution

# THE BOARD OF DIRECTORS OF THE CONTRA COSTA COUNTY FIRE PROTECTION DISTRICT

Adopted this Resolution on 09/14/2021 by the following vote:

		<b>John Gioia</b>
		<b>Candace Andersen</b>
<b>AYE:</b>	<input checked="" type="checkbox"/>	<b>Diane Burgis</b>
		<b>Karen Mitchoff</b>
		<b>Federal D. Glover</b>
<b>NO:</b>	<input type="checkbox"/>	
<b>ABSENT:</b>	<input type="checkbox"/>	
<b>ABSTAIN:</b>	<input type="checkbox"/>	
<b>RECUSE:</b>	<input type="checkbox"/>	



## Resolution No. 2021/8

**In the Matter of** Resolution of Application by the Board of Directors of the Contra Costa County Fire Protection District requesting the Contra Costa Local Agency Formation Commission to initiate proceedings for the dissolution of the East Contra Costa Fire Protection District and Subsequent Annexation of those territories into the Contra Costa County Fire Protection District

**RESOLVED**, by the Board of Directors of the Contra Costa County Fire Protection District (the “District”) that: **WHEREAS**, the District, and the East Contra Costa Fire Protection District were formed pursuant to the same enabling legislation, the Fire Protection District Law of 1987, commencing with Section 13800 of the California Health & Safety Code, **WHEREAS**, the efficient operation of fire protection districts is an integral part of providing adequate fire protection services to a district’s residents and could potentially have significant impacts on public safety; and **WHEREAS**, the District desires to initiate proceedings pursuant to the Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000, Division 3, commencing with Section 56000 of the California Government Code for annexation, by the District, of the territory within the East Contra Costa Fire Protection District; and **WHEREAS**, the East Contra Costa Fire Protection District also desires to initiate proceedings pursuant to the Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000, commencing with Section 56000 of the California Government Code, for reorganization; and **WHEREAS**, notice of intent to adopt this resolution of application has been given to the East Contra Costa Fire Protection District; and **WHEREAS**, the territory proposed to be reorganized is considered to be inhabited and encompasses the areas described in the map attached to this Resolution and incorporated by reference as Exhibit A, and a map of the proposed boundary following reorganization is attached to this Resolution and incorporated by reference as Exhibit B; and **WHEREAS**, the East Contra Costa Fire Protection District has a current service deficit of three fire stations, based on previous fire station closures, and, once the deficit is remedied, is anticipated to need three additional fire stations, to keep up with land use plans already approved by the cities of Brentwood and Oakley and the County of Contra Costa, and development anticipated to occur over the next twenty years; and **WHEREAS**, the efficiency, effectiveness and the economy of fire protection services to individuals within the affected districts can be improved by the reorganization of the two districts into one entity; and **WHEREAS**, the reorganization of the two districts into one entity will enable the reorganized district to better meet the fire, rescue, and emergency medical service needs of the residents of the reorganized district, as described in the Plan for Services attached to this Resolution and incorporated by reference as Exhibit C; and **WHEREAS**, the District has assumed Lead Agency status for this project under the California Environmental Quality Act (CEQA), commencing at California Public Resources Code Section 21000, on behalf of the two districts; and **WHEREAS**, this reorganization is categorically exempt from CEQA pursuant to Class 20 (Changes in Organization of Local Agencies), Title 14, Chapter 3, Section 15320(b) of the California Code of Regulations; and **WHEREAS**, in accordance with Section 56853 of the California Government Code, the legislative bodies of the two districts are adopting substantially similar resolutions of application for this reorganization.

**NOW THEREFORE BE IT RESOLVED**, by the Board of Directors of the District as follows:

1. Adoption of Resolution of Application. This Resolution of Application is hereby adopted and approved by the Board of Directors of the Contra Costa County Fire Protection District. The Contra Costa Local Agency Formation Commission is hereby requested to dissolve the East Contra Costa Fire Protection District and reorganize the territory described in Exhibit A and expand the sphere of influence for the Contra Costa County Fire Protection District as described in Exhibit B, and annex East Contra Costa Fire Protection District to the Contra Costa County Fire Protection District according to the terms and conditions stated below and in the manner provided by the Cortese-Knox-Hertzberg Local Government Reorganization

Act of 2000.

2. Terms and Conditions. The District requests that, under the Contra Costa Local Agency Formation Commission's conditioning powers under Government Code section 56886, the reorganization described above be subject to the following terms and conditions:
  - a. Successor Agency. Upon and after the date of recording in the official records of Contra Costa County of LAFCO's final and complete approval of the dissolution of the East Contra Costa Fire Protection District and the District's assumption of the duties and obligations of the East Contra Costa Fire Protection District (the "Effective Date"), the District shall be the successor to the of the East Contra Costa Fire Protection District. All rights, responsibilities, properties, contracts, assets and liabilities, and functions of the East Contra Costa Fire Protection District are to be transferred to the Contra Costa Fire Protection District as the successor to the East Contra Costa Fire Protection District.
  - b. Employees. From and after the Effective Date, all employees of the dissolved East Contra Costa Fire Protection District shall become employees of the District.
  - c. Duties. The District, as the successor agency, shall function under and carry out all authorized duties and responsibilities assigned to a Fire Protection District as outlined in the Division 12, Part 2.7, Chapter 1, Health & Safety Code, Fire Protection District Law of 1987 (commencing with Section 13800) and other applicable laws.
  - d. Revenue Transfer. Before LAFCO issues the Certificate of Filing for the reorganization (Revenue and Taxation Code Section 99(b)(6)), the Board of Directors of the District shall commence and complete a property tax transfer process to be effective Prior to issuance of the LAFCO Certificate of Filing, and take all other required steps to transfer from the East Contra Costa Fire Protection District to the District all income, from taxes or any other source, for which there is a continuing right to tax distribution, or historical distribution or allocation of funds, including but not limited to Measure H funds and Byron-Bethany Irrigation District funds. All previously authorized charges, fees, assessments, and/or taxes currently in effect, levied or collected by the East Contra Costa Fire Protection District, including through municipal and county development impact fees and community facilities districts, shall continue to be levied, collected, tracked, expended and administered by the successor agency in accordance with the authorizing actions of such financial mechanisms.
  - e. Oversight; Advisory Commission. The composition of the District Board of Directors shall remain unchanged. The composition of the Contra Costa County Fire Protection District Advisory Fire Commission shall be adjusted to ensure that at least one member of the advisory fire commission is a resident of land currently within the service area of the East Contra Costa Fire Protection District until the existing three-station deficit in the East Contra Costa Fire Protection District's service area is addressed and eliminated.
  - f. Land Rights. The reorganization does not change the rights the East Contra Costa Fire Protection District had in the lands in their respective territories immediately prior to the reorganization. Those rights run with the land and will become District rights as the successor.
  - g. Service Demand. The District will eliminate the current deficit of three fire stations within the East Contra Costa County Fire Protection District service area and will strive to do so within six years after the Effective Date and, thereafter, will build additional necessary stations as soon as practicable to meet the needs of the East Contra Costa County Fire Protection District service area, based on the anticipated development in the area over the next 20 years.
3. Other Acts. The Officers and staff of the District are hereby authorized and directed, jointly and severally, to do any and all things, to execute and deliver any and all documents, which, in consultation with District Counsel, they may deem necessary or advisable in order to effectuate the purposes of this Resolution, and any and all such actions previously taken by such Officers or staff members are hereby ratified and confirmed.

Contact: Lewis T. Broschard III, Fire Chief (925)  
941-3300

I hereby certify that this is a true and correct copy of an action taken and entered on the minutes of the Board of Supervisors on the date shown.

ATTESTED: September 14, 2021

Monica Nino, County Administrator and Clerk of the Board of Supervisors

By: June McHuen, Deputy

cc:

# THE BOARD OF DIRECTORS OF THE CONTRA COSTA COUNTY FIRE PROTECTION DISTRICT

Adopted this Resolution on 02/22/2022 by the following vote:

**AYE:** ☐ 5 **John Gioia**  
**Candace Andersen**  
**Diane Burgis**  
**Karen Mitchoff**  
**Federal D. Glover**

**NO:** ☐

**ABSENT:** ☐

**ABSTAIN:** ☐

**RECUSE:** ☐



## Resolution No. 2022/3

Resolution Clarifying Application by the Board of Directors of the Contra Costa County Fire Protection District requesting the Contra Costa Local Agency Formation Commission to initiate proceedings for the dissolution of the East Contra Costa Fire Protection District and Subsequent Annexation of those territories into the Contra Costa County Fire Protection District

**RESOLVED**, by the Board of Directors of the Contra Costa County Fire Protection District (the "District") that:

**WHEREAS**, the District submitted a resolution of application, Resolution No. 2021/8 (the "Resolution"), to initiate proceedings pursuant to the Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000, Division 3, commencing with Section 56000 of the California Government Code for annexation, by the District, of the territory within the East Contra Costa Fire Protection District; and

**WHEREAS**, the East Contra Costa Fire Protection District submitted a substantially similar resolution of application to initiate proceedings pursuant to the Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000, commencing with Section 56000 of the California Government Code, for reorganization; and

**WHEREAS**, in accordance with Section 56853 of the California Government Code, the legislative bodies of the two districts are adopting substantially similar resolutions of application for this reorganization; and

**WHEREAS**, both resolutions provide that employees of the dissolved East Contra Costa Fire Protection District will become employees of the District; and

**WHEREAS**, it has been the Board's consistent position that current employees of the East Contra Costa Fire Protection District who are transitioning to District employment will receive the same compensation and benefits applicable to similarly situated employees of the District; and

**WHEREAS**, requiring the District to assume various employment agreements between the East Contra Costa Fire Protection District and its employees would lead to conflicting employment terms and confusion for all parties and is not consistent with the Board's intent; and

**WHEREAS**, Paragraph 2, subsection (d), of the Resolution contains an incorrect legal reference concerning the transfer of revenues from East Contra Costa Fire Protection District to the District; and

**WHEREAS**, the Board desires to clarify the language of the Resolution to address these concerns;

**NOW THEREFORE BE IT RESOLVED**, by the Board of Directors of the District as follows:

1. Subsection (a) of paragraph 2 of the Resolution is hereby deleted in its entirety and replaced with the following:
  - a. Successor Agency. Upon and after the date of recording in the official records of Contra Costa County of LAFCO's final and complete approval of the dissolution of the East Contra Costa Fire Protection District and the District's assumption of the duties and obligations of the East Contra Costa Fire Protection District (the "Effective Date"), the District shall be the successor to and of the East Contra Costa Fire Protection District. All rights, responsibilities, properties, contracts, assets and liabilities, and functions of the East Contra Costa Fire Protection District are to be transferred to the Contra Costa Fire Protection District as the successor to the East Contra Costa Fire Protection District, except the District shall not assume

any of East Contra Costa Fire Protection District's collective bargaining agreements, express or implied contracts for retiree health/OPEB for its active employees, or any other employment agreements with its active employees.

2. Subsection (d) of paragraph 2 of the Resolution is hereby deleted in its entirety and replaced with the following:

d. Revenue Transfer. Once LAFCO has recorded the LAFCO Certificate of Filing, the District shall take all required steps to transfer from the East Contra Costa Fire Protection District to the District all income and revenue, from taxes or any other source, for which there is a continuing right to tax distribution, or historical distribution or allocation of funds, including but not limited to Measure H funds and Byron-Bethany Irrigation District funds. All previously authorized charges, fees, assessments, and/or taxes currently in effect, levied or collected by the East Contra Costa Fire Protection District, including through municipal and county development impact fees and community facilities districts, shall continue to be levied, collected, tracked, expended and administered by the successor agency in accordance with the authorizing actions of such financial mechanisms.

Contact: Lewis T. Broschard III, Fire Chief, (925)  
941-3300

I hereby certify that this is a true and correct copy of an action taken and entered on the minutes of the Board of Supervisors on the date shown.

ATTESTED: February 22, 2022

Monica Nino, County Administrator and Clerk of the Board of Supervisors

By: June McHugh, Deputy

cc: Monica Nino, County Administrator, Tim Ewell, Chief Assistant County Administrator, Mary Ann McNett Mason, County Counsel, David Sanford, Chief of Labor Relations

**EAST CONTRA COSTA FIRE PROTECTION DISTRICT  
BOARD OF DIRECTORS**

\* \* \*

**STATE OF CALIFORNIA**

**RESOLUTION NO. 2021-32**

**REQUESTING THE CONTRA COSTA LOCAL AGENCY FORMATION COMMISSION  
TO INITIATE PROCEEDINGS FOR THE DISSOLUTION OF THE EAST CONTRA  
COSTA FIRE PROTECTION DISTRICT AND SUBSEQUENTLY ANNEX THAT  
TERRITORY INTO THE CONTRA COSTA COUNTY FIRE PROTECTION DISTRICT**

**WHEREAS**, the Contra Costa County Fire Protection District (CCCYPD) has adopted a resolution to initiate proceedings pursuant to the Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000, commencing with Section 56000 of the California Government Code, for dissolution of the East Contra Costa Fire Protection District (ECCYPD) and annexation of ECCYPD territory into the CCCYPD; and

**WHEREAS**, ECCYPD also desires that the Contra Costa LAFCO initiate such proceedings pursuant to the Cortese-Knox-Hertzberg Local Government Reorganization Act; and

**WHEREAS**, ECCYPD and CCCYPD are formed and operating pursuant to the same enabling legislation, the Fire Protection District Law of 1987, commencing with California Health and Safety Code Section 13800; and

**WHEREAS**, the efficient operation of fire protection districts is an integral part of providing adequate fire protection services to a district's residents and could potentially have significant impacts on public safety; and

**WHEREAS**, the territory proposed to be reorganized is considered to be inhabited and encompasses the areas described in the map attached to this Resolution and incorporated by reference as Exhibit A, and a map of the proposed boundary following reorganization is attached to this Resolution and incorporated by reference as Exhibit B; and

**WHEREAS**, the efficiency, effectiveness and the economy of fire protection services to individuals within the affected districts can be improved by the reorganization of the two districts into one entity, and will enable the reorganized district to better meet the fire, rescue, and emergency medical service needs of the residents of the reorganized district, as described in the Plan for Services attached to this Resolution and incorporated by reference as Exhibit C; and

**WHEREAS**, the reorganized CCCYPD will implement a phased plan for creating a uniform level of service within the entirety of its territory, which would allow better utilization of resources; enhanced capital asset planning and streamlined improvement process; enhanced response to emergency incidents based on expanded personnel, fleet, and station readiness; reduced operating and

administrative costs while increasing service levels; enhanced efficiency of management through combining of technology infrastructure, fleet maintenance, and other administrative functions; and enhanced and standardized public education outreach; and

**WHEREAS**, ECCFPD and CCCFPD both recognize that ECCFPD currently has a service deficit of three staffed fire stations and a future deficit of three additional stations based on land use plans adopted by the Cities of Brentwood and Oakley and the County of Contra Costa relative to development anticipated in the ECCFPD service area over the next ~20 years; and

**WHEREAS**, CCCFPD has assumed Lead Agency status for this project under the California Environmental Quality Act (CEQA) on behalf of the two districts; and

**WHEREAS**, CCCFPD has determined that this project is categorically exempt from CEQA pursuant to Public Resources Code Section 21084 and 14 CCR 15320(b) as a change in organization of local agencies and as a project determined not to have a significant effect on the environment; and

**WHEREAS**, the ECCFPD Board of Directors intends for this resolution supporting the application for this reorganization to be "substantially similar" to the Resolution of Adoption passed by the Board of Directors of CCCFPD on September 14, 2021, consistent with Section 56853 of the California Government Code.

**NOW, THEREFORE BE IT RESOLVED** by the Board of Directors of the East Contra Costa Fire Protection District as follows:

1. Adoption of Resolution. This Resolution is hereby adopted and approved by the Board of Directors of the ECCFPD. The Contra Costa Local Agency Formation Commission (LAFCO) is hereby requested to dissolve the ECCFPD and reorganize the territory described in Exhibit A; expand the sphere of influence for the CCCFPD as described in Exhibit B; and annex the ECCFPD to the CCCFPD according to the terms and conditions stated below and in the manner provided by the Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000.
2. Terms and Conditions. The ECCFPD requests that, under the LAFCO's conditioning powers under Government Code section 56886, the reorganization described above be subject to the following terms and conditions:
  - a. Successor Agency. Upon and after the date of recording in the official records of Contra Costa County of LAFCO's final and complete approval of the dissolution of the ECCFPD, and CCCFPD's assumption of the duties and obligations of the ECCFPD (the "Effective Date"), CCCFPD shall be the successor to and of the ECCFPD. All rights, responsibilities, properties, contracts, assets and liabilities, and functions of the ECCFPD are to be transferred to the CCCFPD as the successor to the ECCFPD.
  - b. Employees. From and after the Effective Date, all employees of the dissolved ECCFPD shall become employees of the CCCFPD.
  - c. Duties. The CCCFPD, as the successor agency, shall function under and carry out all authorized duties and responsibilities assigned to a Fire Protection District as outlined in the Division 12, Part 2.7, Chapter 1, Health & Safety Code, Fire Protection District Law of 1987 (commencing with Section 13800 et seq.), and other applicable laws, within in its new service area.

- d. Revenue Transfer. Before LAFCO issues the Certificate of Filing for the reorganization, the Board of Directors of ECCFPD shall adopt a resolution agreeing to a property tax transfer process to be effective prior to issuance of the LAFCO Certificate of Filing (Revenue and Taxation Code Section 99(b)(6)), and take all other required steps to transfer from ECCFPD to CCCFPD all income, from taxes or any other source, for which there is a continuing right to tax distribution, or historical distribution or allocation of funds, including but not limited to Measure H funds and Byron-Bethany Irrigation District funds. All previously authorized charges, fees, assessments, and/or taxes currently in effect, levied or collected by the ECCFPD, including through municipal and county development impact fees and community facilities districts, shall continue to be levied, collected, tracked, expended and administered by the successor agency in accordance with the authorizing actions of such financial mechanisms.
  - e. Oversight: Advisory Commission. The composition of the CCCFPD Board of Directors shall remain unchanged. The composition of the Contra Costa County Fire Protection District Advisory Fire Commission shall be adjusted to ensure that at least one member of the advisory fire commission is a resident of land currently within the service area of the ECCFPD until the existing three-station deficit in the ECCFPD service area is addressed and eliminated.
  - f. Land Rights. The reorganization does not change the rights the ECCFPD had in the lands in its territory immediately prior to the reorganization. Those rights run with the land and will become CCCFPD's rights as ECCFPD's successor.
  - g. Service Demand. The CCCFPD will eliminate the current deficit of three fire stations within the ECCFPD service area and will strive to do so within six years after the Effective Date and, thereafter, will build additional necessary stations as soon as practicable to meet the needs of the ECCFPD service area, based on the anticipated development in the area over the next 20 years.
3. Other Acts. The Officers and staff of ECCFPD are hereby authorized and directed, jointly and severally, to do any and all things, and to execute and deliver any and all agreements or other documents, which, in consultation with District Counsel, they may deem necessary or advisable in order to effectuate the purposes of this Resolution, and any and all such actions previously taken by such Officers or staff members are hereby ratified and confirmed.

**PASSED, APPROVED AND ADOPTED** by the Board of Directors of the East Contra Costa Fire Protection District at a special meeting thereof held on the 16th day of September, 2021, by the following vote:

AYES: Langro, Nash, Oftedal, Smith, Young

NOES:

ABSTENTIONS:

ABSENT:

DocuSigned by:

*Brian J. Oftedal*

67B8AF4209CF4AE...

Brian J. Oftedal, President  
East Contra Costa Fire Protection District

ATTESTED:

DocuSigned by:

*Regina Rubier*

68C4D8A35D8C450

Regina Rubier  
Clerk of the Board

Attachments:

- Exhibit A – Map and Legal Description of Territory of East Contra Costa Fire Protection District
- Exhibit B – Map of Proposed Contra Costa County Fire Protection District Boundaries
- Exhibit C – Plan for Services

ATTACHMENT A

# Plan for Services

**For annexation of  
East Contra Costa Fire Protection District  
to  
Contra Costa County Fire Protection District**

**September 14, 2021**



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## Executive Summary

In December 2020, an annexation study was commissioned to determine the feasibility of annexing either or both the East Contra Costa Fire Protection District (“ECCFPD”) and the Rodeo-Hercules Fire Protection District (“RHFPD”). The study was concluded and presented to the governing bodies of all three fire protection districts in mid-July by AP Triton, the consultant group that compiled the study. The study concluded annexation was feasible and recommended that Contra Costa County Fire Protection District (“CCCFPD”) pursue the annexation of both the other fire districts. On August 12, 2021, the CCCFPD received a written request from the RHFPD Fire Chief to remove RHFPD from consideration in the current annexation process per direction from the RHFPD Board of Directors.

Additional findings and recommendations of the study included:

- ECCFPD has previously experienced a significant reduction in funding due to an economic downturn, resulting in a decrease in staffing and the closure of fire stations.
- ECCFPD cannot meet the increased call load in the communities served with existing personnel and equipment levels without relying on mutual aid and automatic aid agencies.
- ECCFPD struggles to create a sustainable funding system that will provide adequate services and response times to serve the communities properly. ECCFPD is experiencing some level of revenue growth.
- Standardize training programs specific to special teams response.
- Annexation will result in the implementation of Advanced Life Support (Paramedic) level service on ECCFPD apparatus.
- Increase multi-company training for the annexed areas.
- Develop a standardized public education program throughout the newly annexed areas.
- Open ECCFPD Station 55 and reopen CCCFPD Station 4 to improve service.
- Acquire and staff a Ladder Company within ECCFPD’s service area.

The Board of Directors for each District accepted the AP Triton report in mid-July. At their July 20 meeting, the Board of Directors of the Contra Costa County Fire Protection District directed the Fire Chief to work with the County Administrator to develop a resolution of application for the proposed annexations. The proposal for annexation, with the additional facilities, equipment and staffing to be provided as described in this application, will improve fire, rescue, and emergency medical services in the areas served by the reorganized district. Additionally, fire prevention, public education programs, and administrative support functions will be improved and delivered in a consistent manner throughout the proposed service area.

# Background and Setting

## Legal Context

### Applicable Law

This application is being submitted pursuant to the Cortese-Knox-Hertzberg Act, Government Code section 56000 et seq. This application is submitted by the Contra Costa County Board of Supervisors as the governing board of the Contra Costa County Fire Protection District (CCCFPD) and the Board of Directors of the East Contra Costa Fire Protection District (ECCFPD). CCCFPD and ECCFPD are enabled under the Fire Protection District Law of 1987 (Health & Safety Code 13800 et seq.).

### Environmental Documentation

The proposed reorganization is Categorically Exempt from CEQA pursuant to 14 CCR 15320. Class 20 consists of changes in the organization or reorganization of local governmental agencies where the changes do not change the geographical area in which previously existing powers are exercised.

### Summary of Proposed Reorganization

As agreed by the two applicant agencies and indicated in the Resolutions of Application included in this application, the Contra Costa County Fire Protection District proposes to annex the entirety of the territories of the East Contra Costa Fire Protection District, following which, ECCFPD would be dissolved.

### Proposed Reorganization Conditions

1. Successor Agency. Upon and after the date of recording in the official records of Contra Costa County of LAFCO's final and complete approval of the dissolution of the East Contra Costa Fire Protection District and the District's assumption of the duties and obligations of the East Contra Costa Fire Protection District (the "Effective Date"), the District shall be the successor to the of the East Contra Costa Fire Protection District. All rights, responsibilities, properties, contracts, assets and liabilities, and functions of the East Contra Costa Fire Protection District are to be transferred to the Contra Costa Fire Protection District as the successor to the East Contra Costa Fire Protection District.
2. Employees. From and after the Effective Date, all employees of the dissolved East Contra Costa Fire Protection District shall become employees of the District.
3. Duties. The District, as the successor agency, shall function under and carry out all authorized duties and responsibilities assigned to a Fire Protection District as outlined in the Division 12, Part 2.7, Chapter 1, Health & Safety Code, Fire Protection District Law of 1987 (commencing with Section 13800) and other applicable laws.

4. Revenue Transfer. Before LAFCO issues the Certificate of Filing for the reorganization (Revenue and Taxation Code Section 99(b)(6)), the Board of Directors of the District shall commence and complete a property tax transfer process to be effective Prior to issuance of the LAFCO Certificate of Filing, and take all other required steps to transfer from the East Contra Costa Fire Protection District to the District all income, from taxes or any other source, for which there is a continuing right to tax distribution, or historical distribution or allocation of funds, including but not limited to Measure H funds and Byron-Bethany Irrigation District funds. All previously authorized charges, fees, assessments, and/or taxes currently in effect, levied or collected by the East Contra Costa Fire Protection District, including through municipal and county development impact fees and community facilities districts, shall continue to be levied, collected, tracked, expended and administered by the successor agency in accordance with the authorizing actions of such financial mechanisms.
5. Oversight; Advisory Commission. The composition of the District Board of Directors shall remain unchanged. The composition of the Contra Costa County Fire Protection District Advisory Fire Commission shall be adjusted to ensure that at least one member of the advisory fire commission is a resident of land currently within the service area of the East Contra Costa Fire Protection District until the existing three-station deficit in the East Contra Costa Fire Protection District's service area is addressed and eliminated.
6. Land Rights. The reorganization does not change the rights the East Contra Costa Fire Protection District had in the lands in their respective territories immediately prior to the reorganization. Those rights run with the land and will become District rights as the successor.
7. Service Demand. The District will eliminate the current deficit of three fire stations within the East Contra Costa County Fire Protection District service area and will strive to do so within six years after the Effective Date and, thereafter, will build additional necessary stations as soon as practicable to meet the needs of the East Contra Costa County Fire Protection District service area, based on the anticipated development in the area over the next 20 years.

## Reorganization Process to Date

All districts considered in this proposed annexation, as well as the RHFPD, entered into a jointly funded study in December 2020. The comprehensive study was completed and presented to each districts' governing body in July 2021. Joint planning sessions with combined district executive leadership were initiated in January 2021 and are continuing. Substantially similar Resolutions of Application were adopted by the CCCFPD and ECCFPD and are included as part of the application.

## History of the Reorganizing Districts

### Contra Costa County Fire Protection District

The Contra Costa County Fire Protection District (CCCYPD) was originally formed in 1964 due to the Central Fire Protection District and Mt. Diablo Fire Protection District consolidation. Since then, ten other fire protection districts in the region have merged with CCCYPD.

CCCYPD's primary service area comprises approximately 306 square miles. More than 300 additional square miles comprises the response area for ambulance service and transport. Data from the U.S. Census Bureau indicates a 2010 resident population of 574,946 persons; however, the District estimates a population of approximately 600,000 persons. About half the District is considered "urban," 25% "suburban," and the remaining 25% "rural" or "remote."

### Governance

The five-member elected Contra Costa County Board of Supervisors serves as CCCYPD's Board of Directors. The Board oversees the Fire Chief, sets general policies, and approves the budget. The Fire Chief is responsible for the administrative functions and daily operations of CCCYPD.

### District Services

CCCYPD is an all-hazards fire district providing traditional fire protection, wildland firefighting, emergency medical services, Advanced Life Support (ALS), ambulance transport, various special operations (e.g., water rescue, hazardous materials response, marine firefighting, technical rescue, etc.), and a comprehensive life-safety and prevention program that includes inspections, a dedicated fire investigation unit, code enforcement, plan reviews, and public education. In 2005, the District was given an Insurance Services Office (ISO) Public Protection Classification (PPC<sup>®</sup>) score of 3/8b. The ISO PPC is a standardized fire department classification and ranking system established by the ISO and used by many insurance companies for determining capability of the fire department serving the insured property. CCCYPD is accredited through the Commission on Accreditation of Ambulance Services (CAAS).

CCCYPD deploys its apparatus from 26 staffed fire stations located throughout the District. Two other stations are currently closed due to a lack of funding with one projected to be reopened in mid-2022. An additional station is utilized for the District's reserve firefighters and staffed on a rotational basis. The District operates a wide variety of fire apparatus and ambulances (more detail provided under "Capital Facilities & Apparatus").

CCCYPD follows the National Fire Protection Association Standard 1710 (NFPA) for providing an effective firefighting force of at least 17 personnel on the initial response to a single family residential structure fire. Across the District, the travel time for the full first alarm contingent of 17 personnel is 12 minutes, 90% of the time, for suburban areas.

### ***Ambulance Transport***

In 2016, CCCFPD developed a unique arrangement with American Medical Response, Inc. (AMR) that they refer to as the “Alliance.” The program utilizes AMR EMS personnel to staff CCCFPD’s ALS ambulances, assisted by district firefighters certified as EMTs or Paramedics and functioning in a first-responder capacity.

### ***Regional Fire Communications***

CCCFPD operates the Contra Costa Regional Fire Communications Center (CCRFCC), which serves as a secondary Public Safety Answering Point (PSAP) for most fire and EMS 911 calls in the County. CCRFCC provides dispatch to its district, plus ECCFPD, RHFPD, and four other fire agencies. The Center dispatches more than 140,000 emergency and non-emergency fire and EMS incidents annually. CCRFCC’s 911 Call-Takers are all certified in Emergency Medical Dispatch through the *International Academies of Emergency Dispatch* (IAED) and provide pre-arrival instructions to callers reporting medical emergencies.

### ***CCCFPD Organizational Structure***

CCCFPD currently maintains approximately 435 funded positions, including staff in the dispatch center. Thirteen of these positions are financed via the District’s EMS Transport Fund. The following figure shows the 2021 organizational structure of CCCFPD.

As shown in the following figure, the Fire Chief and Deputy Fire Chief supervise seven divisions, six of which are managed by an Assistant Fire Chief and one by the Chief of Administrative Services.

## East Contra Costa Fire Protection District

East Contra Costa Fire Protection District (ECCFPD) is a relatively new fire district, having been formed in 2002 by the consolidation of the East Diablo Fire District (EDFD), Oakley Fire District (OFD), and Bethel Island Fire District (BIFD). EDFD was originally formed through the consolidation of four much older fire districts. After a fire in 1924, the community formed the OFD. BIFD was created in 1947, was dissolved in 1994, and became part of CCCFPD. In 1999, BIFD was re-created and became part of East Contra Costa FPD.

The District encompasses an area of approximately 249 square miles. Data from the U.S. Census Bureau indicates a 2019 resident population of 143,473 persons with 85% considered to be located in urban areas and 15% in rural areas.

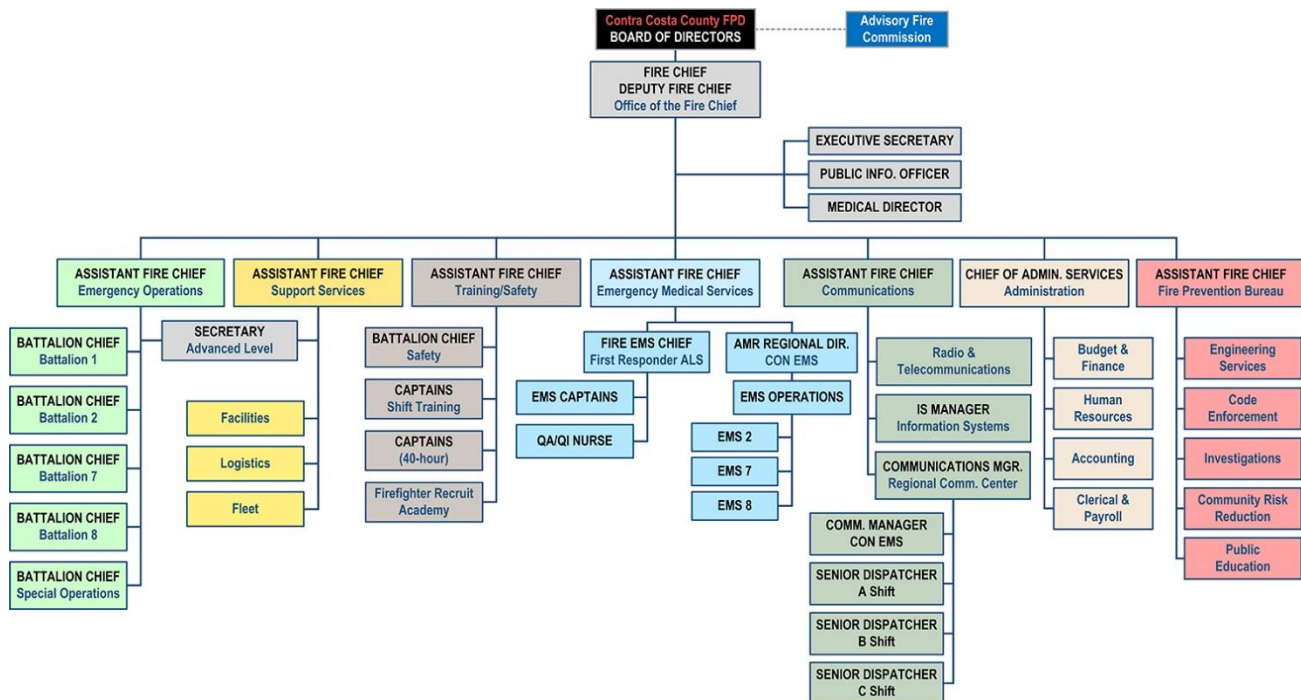
### Governance

The East Contra Costa Fire Protection District is governed by a five-member elected Board of Directors responsible for budget approval and general policies. The Fire Chief manages the administration and daily operations of the District and answers directly to the Board.

### District Services

ECCFPD is an all-hazards fire district providing traditional structural fire suppression, wildland firefighting, Basic Life Support (BLS) level emergency medical services (EMS), rescue, and hazardous materials response. ECCFPD deploys its apparatus and personnel from three fire stations and has an ISO PPC® rating of 4/9.

## CCCFPD Organizational Structure (2021)



ECCFPD's service model is based on NFPA Standard 1710, applying the population density designations set forth in ECCFPD's Citygate Deployment & Staffing Study completed in 2016, available online at <https://www.eccfpd.org/eccfpd-master-plan-lafco-reports>, respectively.

The standards are expressed in the Citygate Report as follows:

**Deployment Recommendations (Table 48, Volume 2, page 88)**

Response Time Component	Structure Fire Urban Areas	Structure Fire Suburban Areas	Rural Areas
	>3,000 people/sq. mi.	500-3,000 people/sq. mi.	<500 people/sq. mi.
1st Due Travel Time (min/seconds)	4:00	8:00	12:00
Total Response Time	7:30	11:30	15:30
1st Alarm Travel Time	8:00	12:00	16:00
1st Alarm Total Response	11:30	15:30	19:30

ECCFPD applies these standards within its service area in accordance with the following geographic designations from the 2016 report (revised table in 2020):

**Population Density of the East Contra Costa Fire Protection District**

Community	Population	Square Miles	Population Density	Percentage of Area Coverage 249 sq.mi.
Brentwood	64,474	14.8	Dense Urban	5.96%
Oakley	42,543	16	Urban	6.49%
Bethel Island (CDP*)	2,161	5.6	Rural	2.25%
Knightsen	1,176	8.4	Rural	3.39%
Discovery Bay (CDP*)	16,159	7	Urban	2.82%
Byron (CDP*)	1,304	8.8	Rural	3.53%
Unincorporated Area	15,656	189	Rural	75.50%
<b>Totals</b>	<b>143,473</b>	<b>249.6</b>		

Population information taken from American Community Survey 2019.

(<https://www.census.gov/data/developers/data-sets/acs-5year.html>)

\*Census Designated Place

ECCFPD's Fire Prevention Bureau provides inspections, code enforcement, plan reviews, fire investigations, and various public education programs. In addition, the Bureau conducts inspections of public and private properties for compliance with its weed abatement ordinance.

### ECCFPD Organizational Structure

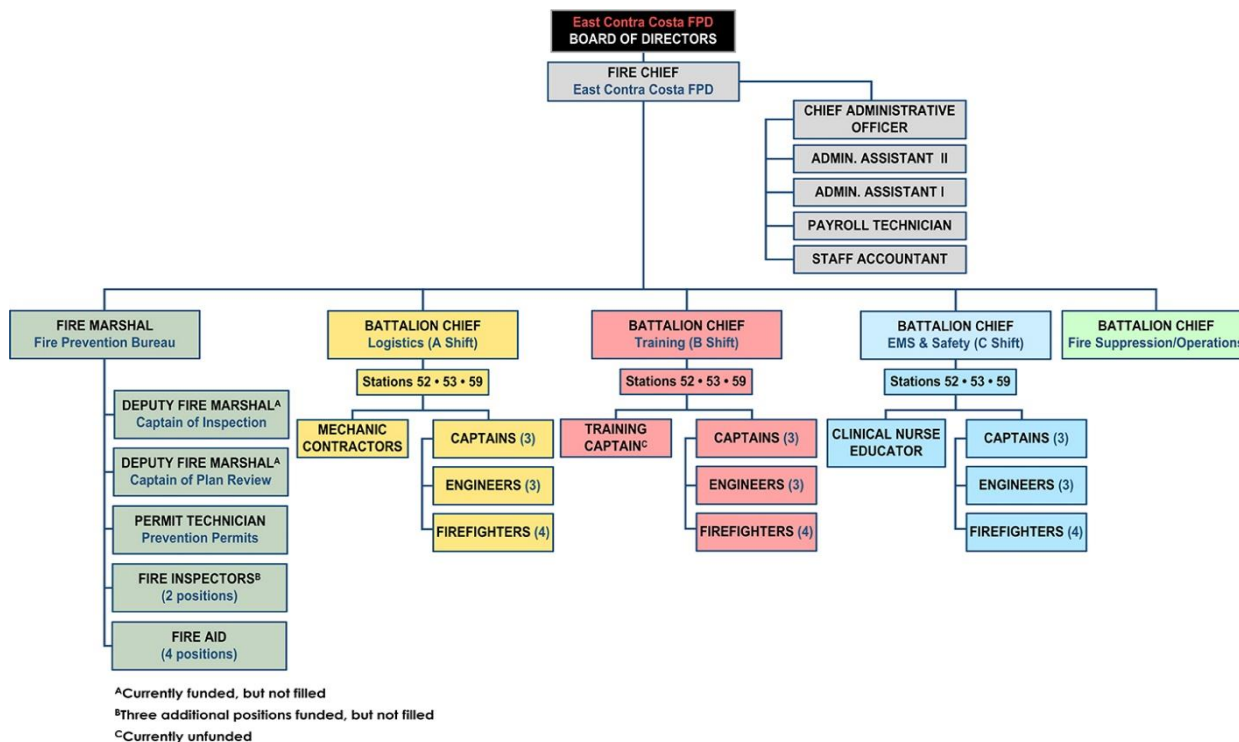
The East Contra Costa Fire Protection District employs 37 uniformed and non-uniformed personnel, which includes 10 firefighters, nine Engineers, nine Captains, and four Battalion Chiefs. The Fire Chief supervises four Battalion Chiefs (BCs), the Chief Administrative Officer, and the Fire Marshal.

Three Battalion Chiefs are responsible for their respective shifts (A, B, and C) in addition to managing one of three programs—Logistics, Training, or EMS & Safety. A fourth BC supervises Fire Suppression/Operations.

The Fire Marshal supervises a Deputy Fire Marshal, two Fire Inspectors, and other positions within the Bureau. The Fire Chief has direct supervision of the Chief Administrative Officer and several other administrative positions.

The following figure illustrates the current 2021 organizational structure of the East Contra Costa Fire Protection District.

### ECCFPD Organizational Structure (2021)



Several positions within ECCFPD are funded but not yet filled. ECCFPD has elected not to fill these positions in anticipation of the potential annexation. Fire Aides are not full-time equivalent positions. The Clinical Nurse Educator is an independent contractor.

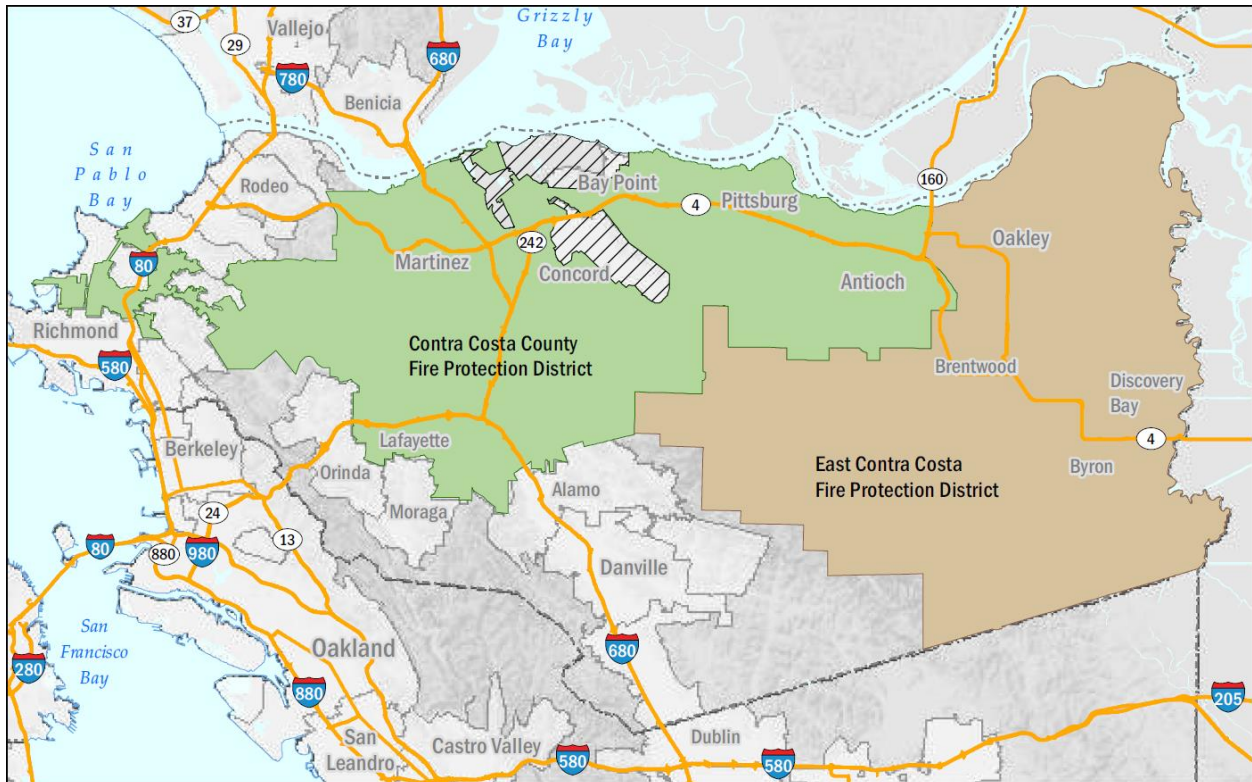
## Proposed Annexation Territory Description

### Boundaries

The following image shows the proposed annexation areas which consists of the boundaries of the ECCFPD and its location compared to CCCFPD's boundaries.

Upon reorganization, CCCFPD's boundaries are proposed to consist of approximately 550 square miles.

### Annexation Areas



### Topography

The combined annexation area contains waterfront, suburban, urban, rural, and remote service areas. The topography spectrum includes flat urban environments up to and including the remote back country on the east side of Mt. Diablo. The topography is typical of that found throughout the County.

### Population

Following annexation, CCCFPD would have an estimated total resident population of over 750,000 persons.

## Justification

### Enhanced Standardization

The combined organization will standardize training delivery of recruit firefighters through the Contra Costa County Fire Protection District's academy. Continued training of firefighters will occur through one Training Division under a consistent, well-staffed, and properly supported system. Operational policies and procedures will become consistent and standardized under one organization. Fire prevention and code enforcement services will be based on one fire code and supporting ordinances throughout the new service area. Procurement of apparatus and equipment will be contained under one standard within the organization, reducing training issues and increasing flexibility in deployment and fleet sustainability. Operational and large incident management will be standardized under the single organization's leadership and emergency management goals and objectives. Responses to incidents, currently at varying levels based on each agency's own service policies, as described above, will become standardized to meet a single standard for deployment.

The standard applied across the expanded service area will ensure consistent response levels of equipment and personnel to structure fires, technical rescues, and vegetation or wildland fires matching with the current response matrix for CCCFPD. This will increase total response on the initial alarm for structure fires and vegetation or wildland fires in the ECCFPD service area post annexation.

### Augmented Service Levels

Within the areas currently served by the East Contra Costa Fire Protection District there will be increases in total operational resources available by opening and staffing two additional three-person companies to protect the communities of Oakley and Bethel Island, as well as the City of Brentwood. This will increase total available fire companies from three to five within the first year of annexation. Currently, the East Contra Costa Fire Protection District does not provide first responder advanced life support (ALS) paramedic service. This service level will be added to the fire companies serving these communities in a phased approach to bring these communities into alignment with the same level of emergency medical services provided through the Contra Costa County Fire Protection District.

For the ECCFPD service area, additional enhancements will include access to specialized rescue and firefighting resources not currently provided directly by that district. These include marine firefighting and water rescue teams, heavy fire equipment resources such as fire bulldozers, wildland fire hand crews, as well as technical rescue apparatus, equipment, and personnel for confined space, trench, and building collapse. Fire and arson investigation services will be enhanced through use of Contra Costa County Fire Protection District's dedicated Fire Investigation Unit.

Fire prevention service will be standardized and, in some cases, augmented beyond the current level of service being provided by the former district. Comprehensive community risk reduction, code enforcement, plan review and new construction inspections, exterior hazard control and weed abatement, and development planning will be provided by full-time personnel. Public education and outreach efforts will be augmented with dedicated staff to perform this important service.

## **Service Efficiency**

Annexation will increase both the effectiveness and efficiency of the service delivery system and the efficiency of the administrative functions through shared resources. Each of the districts has varying levels of uniformed administrative support positions—due primarily to their size. A challenge often faced by smaller districts is the necessity of individuals to serve in multiple capacities. An advantage to the annexation will be increased administrative and support services available to the combined organization (e.g., information technology, human resources, finance, contracts management, fleet maintenance, logistics and supply, etc.).

Operationally, the districts work together with existing automatic and mutual aid agreements. However, the differences in alarm assignments or types, kind, and number of resources assigned to different types of incidents would become standardized and, therefore, emergency operations will become more efficient.

## **Cost Savings**

Cost savings in this annexation will be achieved through reduced redundancy of certain administrative and support functions in the areas of legal and accounting services, fleet maintenance, reduced spare and reserve fire apparatus needs, and by combining technology infrastructure and other administrative functions. Certain capital reserve funding programs or special programs unique to the needs of ECCFPD can also be eliminated or reduced. The cost savings of the areas identified will be used to increase operational resources for increased fire, rescue, and emergency medical services to those areas where service gaps have been identified in the communities served by the combined organization.

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## Plan and Description of Services

### Services to be Extended

Fire, rescue, and emergency medical services are currently provided at different levels within each district. Fire prevention, community risk reduction, and fire investigation services are provided at different levels in either full-time or contractual arrangements. Administrative and support services are also provided in different formats amongst the agencies in either full-time or contractual arrangements. All services would be provided consistent with the current configuration and delivery models within Contra Costa County Fire Protection District. The method to finance the services provided would be through the combined revenue streams of property taxes, fees for services, and other assessments, taxes, fees, or revenue components established in the respective districts.

The proposed reorganization would only affect the provision of fire, rescue and emergency medical services within the current boundaries of areas proposed for annexation. The reorganization will not alter or affect other municipal services.

### Plan for Services

Service	Current Provider	Proposed Provider	Describe Level/Range of Service to be Provided	Approx. date service will be available	Method to finance service
Water	Brentwood, Byron Bethany ID, Contra Costa WD, CSA M-28, Diablo WD, EBMUD, East Contra Costa ID, Discovery Bay CSD	Unchanged	N/A	N/A	N/A
Sewer	Brentwood, Byron SD, EBMUD, Ironhouse SD, Discovery Bay CSD	Unchanged	N/A	N/A	N/A
Police	County and cities	Unchanged	N/A	N/A	N/A
Fire	ECCFPD and CCCFPD	CCCFPD	Described in <i>Proposed Service Delivery Plan</i> section	Upon effective date identified in Certificate of Completion	Described in <i>Fiscal Analysis</i> section
Streets	County and cities	Unchanged	N/A	N/A	N/A
Drainage	County, cities, BIMID, and various reclamation districts,	Unchanged	N/A	N/A	N/A

	Knightsen Town CSD				
Parks & Rec	Brentwood, Oakley, Discovery Bay CSD	Unchanged	N/A	N/A	N/A
Refuse	Republic Services	Unchanged	N/A	N/A	N/A
Street lighting	Cities, CSA L-100	Unchanged	N/A	N/A	N/A
Library	County	Unchanged	N/A	N/A	N/A

## Current Service Delivery Levels

### Service and Staffing Overview

An overview of services provided and description of staffing levels for each of the subject districts were previously discussed under the *History of the Reorganizing Districts* section.

### Dispatch/Communications

CCCFPD operates the Contra Costa Regional Fire Communications Center (CCRFCC), which serves as a secondary Public Safety Answering Point (PSAP) for most fire and EMS 911 calls in the County. CCRFCC provides dispatch to its district, plus ECCFPD, and five other fire agencies. The Center dispatches more than 115,000 emergency and non-emergency fire and EMS incidents annually.

In 2018, the Center made substantial improvements to the system by adding more staff and upgrading radio, telephone, and information technology services.

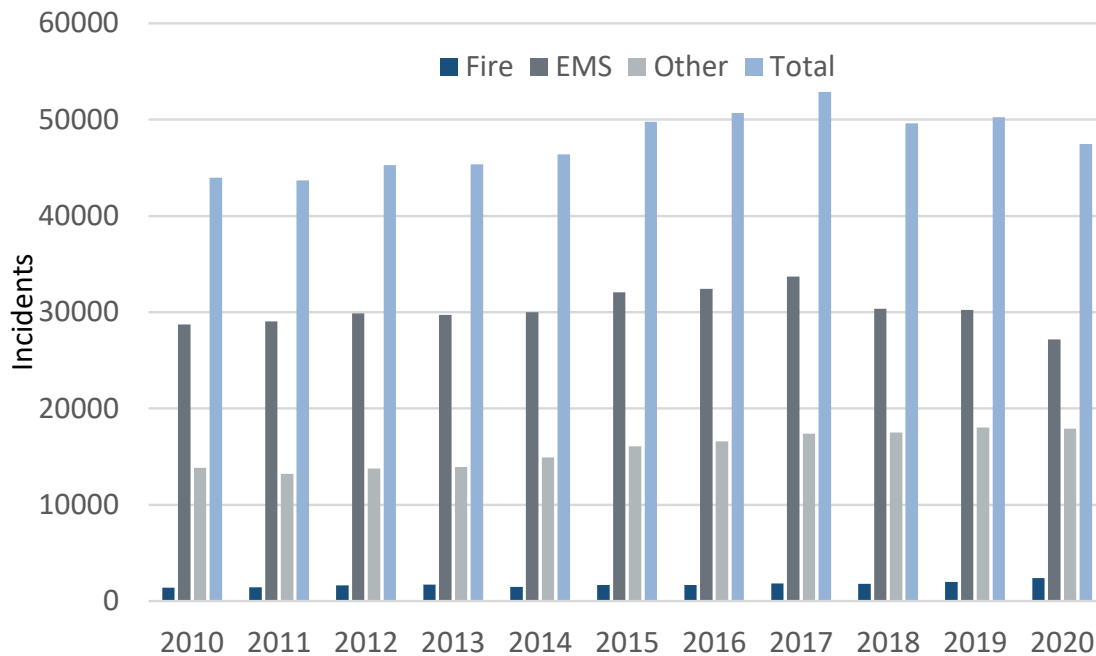
CCRFCC's 911 Call-Takers are all certified in Emergency Medical Dispatch through the *International Academies of Emergency Dispatch* (IAED) and provide pre-arrival instructions to callers reporting medical emergencies.

Along with its staff, CCRFCC houses 13 System Status Management Dispatchers employed by American Medical Response.

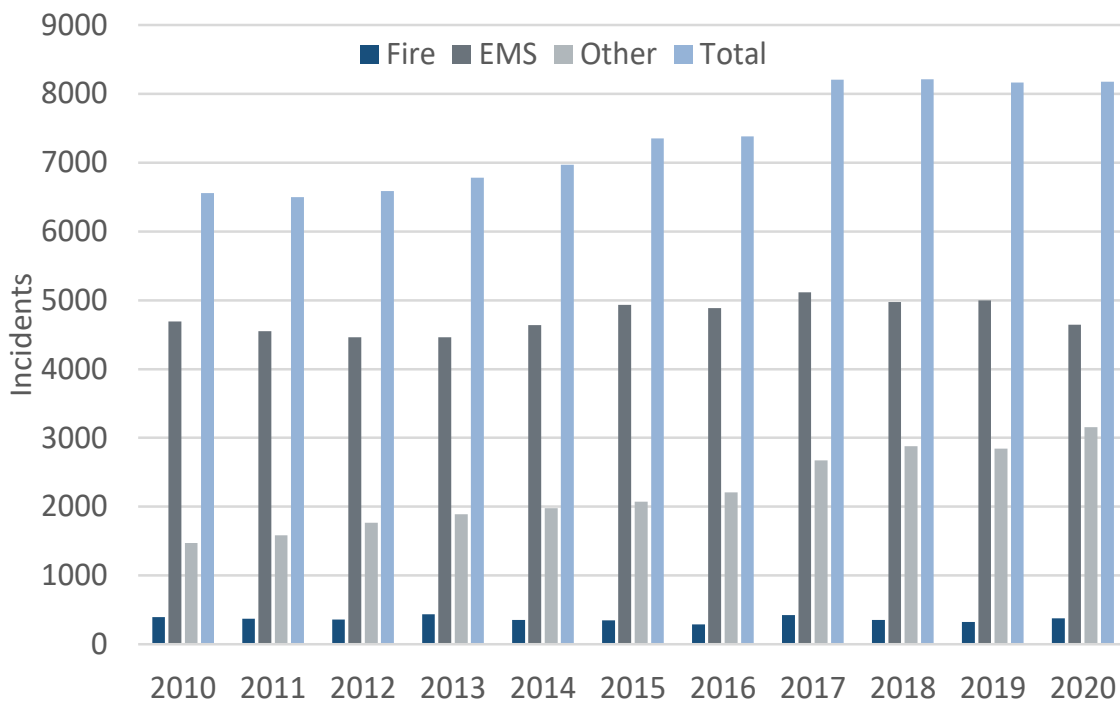
## Level of Demand

The following figures show response workload for each agency over the past 11 years.

### Response Workload History—CCCFPD



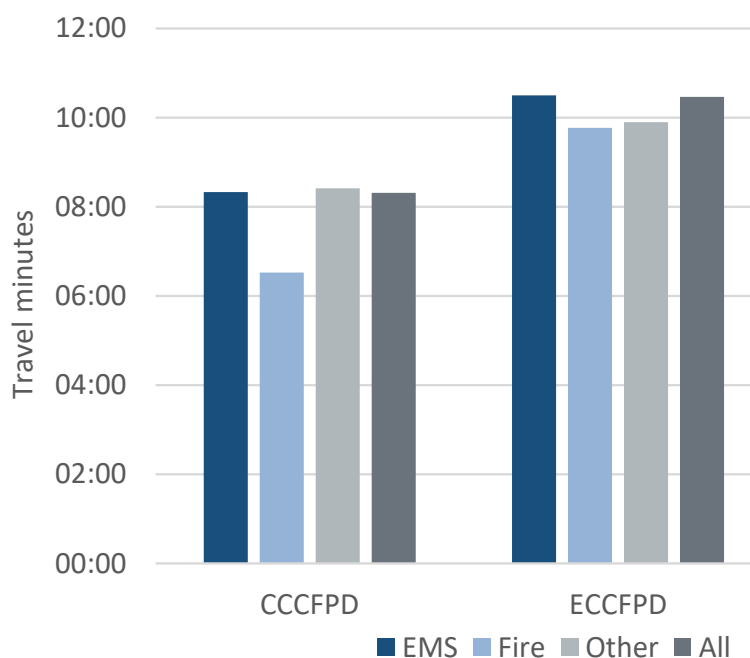
### Response Workload History—ECCFPD



## Response Times

The following figure shows travel time for all priority incidents as well as specific incident types for each agency.

**Travel Time**



Incident coverage was evaluated based on the six-minute travel model. The number of priority incidents within six-minutes travel of a fire station for each agency during 2020 was as follows:

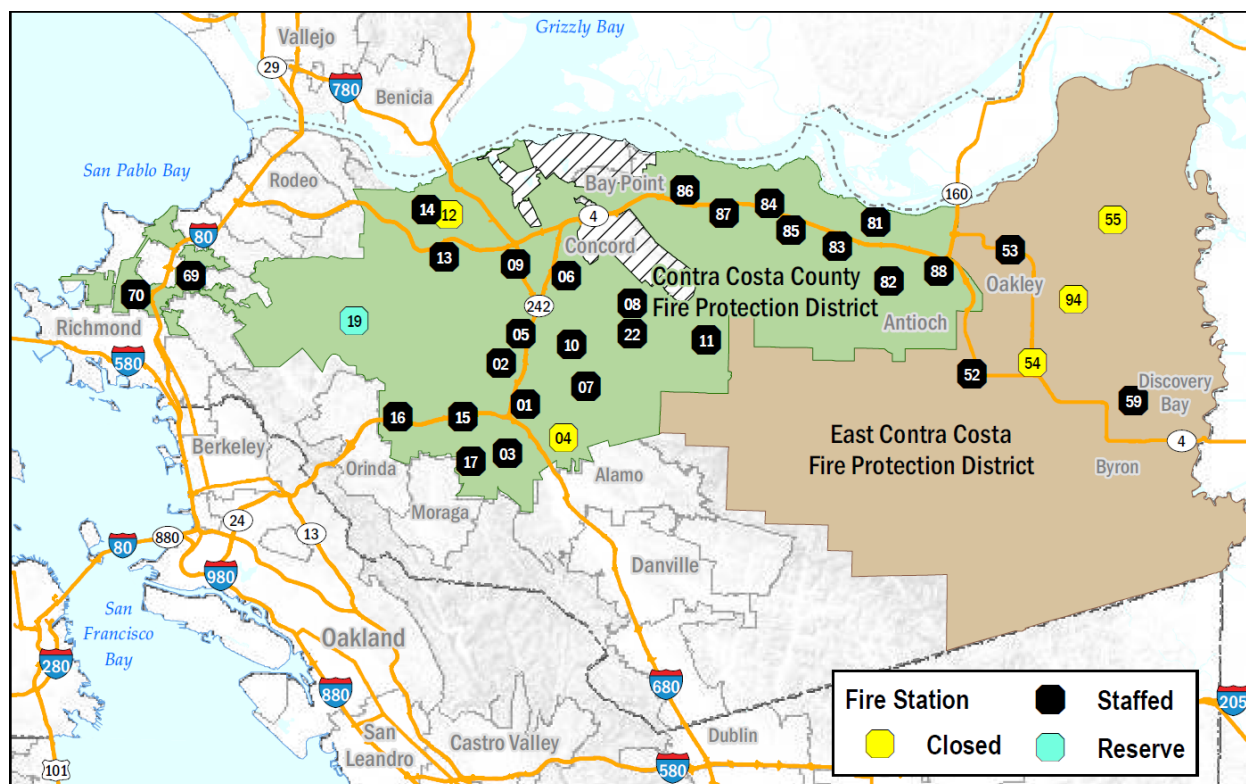
- CCCFPD: 31,074 of 32,161 total priority incidents—96.6%
- ECCFPD: 3,638 of 5,548 total priority incidents—65.6%

### Travel Time Performance by Region

Travel time performance by region is variable and influenced by factors such as individual response unit workload, the size of the station area, and the street system serving it. Connected, grid-patterned street systems provide faster response times than do areas with meandering streets and numerous dead ends.

The following figure evaluates travel time performance by area using inverse distance weighting analysis (IDW). This process uses travel time for known points (actual incidents) to predict travel time for the area surrounding the actual incident. Better performance is generally noted near fire stations with progressively longer response times for those incidents more distant from the stations.

## Facilities



### Contra Costa County FPD Facilities

CCCFPD currently maintains 30 fire stations throughout the District, of which Stations 4, 12, and 18 were closed as of 2021. Station 19 is a reserve station and a leased facility. The following figures describe the features of each fire station operated by the District.

Combined, CCCFPD fire stations have a staffing capacity of approximately 192 personnel, 65 apparatus bays (although some are utilized for exercise equipment), and 144,976 square feet. The years in which CCCFPD's stations were built range from 1939 to 2021, with an average age of 43 years; however, several of the older stations have since been remodeled.

Of the 27 fire stations inventoried, 7% were listed in "Excellent" condition, 67% in "Good" condition, 15% in "Fair" condition, and 11% in "Poor" condition. The majority of the stations do not have modern seismic protection or meet Americans with Disability Act (ADA) standards. Twelve (44%) facilities have sprinkler systems installed.

### East Contra Costa FPD Facilities

ECCFPD currently owns six fire stations, of which three are utilized and staffed with personnel and apparatus. Although ECCFPD owns these stations, Stations 54, 55, and 94 are unstaffed without assigned apparatus. Station 54 is a 64-year-old facility and used primarily for training and storage; it is not suitable for around-the-clock use by fire suppression personnel. Station 94 is utilized as a shop for the contract mechanic; it also is not suitable for use by fire suppression

personnel. ECCFPD has anticipated disposing of Station 94 as surplus property upon completion of a new training and shop facility on property owned by Ironhouse Sanitation District. Station 55, the newest station, functions as a facility for administrative and prevention staff; some capital improvements are required and are expected to be complete by the end of 2021 to enable around-the-clock use by fire suppression personnel.

Fire Stations 52, 53, and 59 are staffed and operational. These stations range in age from 10 to 20 years. Combined, the fire stations have an average age of 16 years. They have a combined staffing capacity of 11 personnel, seven apparatus bays, and a total of 22,053 square feet. The District rates Stations 52 and 59's overall condition as "Good," Station 53 as "Excellent," and Station 55 as anticipated to be "Excellent" by the end of 2021. When completing its evaluation of the various features and facilities (e.g., kitchen, showers, exercise equipment, etc.) within each fire station, the District rated most of these as either "Good" or "Excellent." In two fire stations, security was rated as "Fair."

### Combined Fire Station Inventories

The following figure lists the inventories and features of all three fire districts combined.

#### Combined Station Inventories of the Fire Districts (2021)

Fire District	No. of Stations <sup>1</sup>	Maximum Staffing <sup>2</sup>	Apparatus Bays	Average Age <sup>3</sup>	Total Square Footage <sup>4</sup>
CCCYPD	27	192	65	43 years	144,976
ECCYPD	4	16	9	12.5 years	29,535
<b>Totals:</b>	<b>31</b>	<b>208</b>	<b>74</b>	<b>27.75 years</b>	<b>174,511</b>

<sup>1</sup>Unstaffed/unused stations excluded. <sup>2</sup>Represents maximum staffing capacity.

<sup>3</sup>Average age of stations combined. <sup>4</sup>Square footage of some stations not reported.

The combined fire station inventories comprise 31 fire stations with 74 bays (although in several of them, at least one bay is utilized for exercise equipment) and a capacity of 208 personnel (ECCYPD could house more staff).

Fire stations tend to be older amongst both fire districts. The average age of the combined stations is almost 28 years. However, this may be somewhat distorted, as this was based on the original construction dates, and several stations have since had significant remodeling completed (e.g., CCCYPD Stations 69 and 81).

## **Apparatus & Vehicles**

A thorough review of each of the fire districts' fleet inventories is especially important if annexation is implemented. Annexation will likely result in a merger of apparatus inventories and other equipment.

Fire apparatus are unique and expensive pieces of equipment customized to operate for a specific community and defined mission. Other than its firefighters, officers, and support staff, the next most important fire protection district resources are likely the emergency apparatus and vehicles.

Apparatus must be sufficiently reliable to transport firefighters and equipment rapidly and safely to an incident scene. Such vehicles must be properly equipped and function appropriately to ensure that the delivery of emergency services is not compromised. For this reason, they are expensive and offer minimal flexibility in use and reassignment to other missions.

As a part of the Annexation Feasibility Study, Triton requested each fire district provide a complete inventory of their fleet (apparatus, command and support vehicles, specialty units, etc.).

### **Contra Costa County Fire Protection District**

Except for new apparatus—which were rated as “Excellent”—the Contra Costa County FPD rated all of its frontline engines, aerial apparatus, and most other vehicles as in “Good” condition. This included apparatus in reserve and those assigned to the Training Division. Along with its substantial fleet of engines, ambulances, aerials, and other apparatus, the District maintains a range of special operations vehicles (e.g., hazmat unit, UTVs, command units, fire boat, rescue boat, etc.) and other equipment utilized for wildland and other operations (e.g., bulldozer, backhoe, dump truck, etc.).

CCCYPD owns multiple pickup trucks, SUVs, and other vehicles but has access to nearly 75 other pickup trucks, staff cars, cargo vans, and assorted miscellaneous vehicles from the “Enterprise Fleet.”

The District maintains an adequate inventory of reserve engines, aerial apparatus, rescue squads, and other vehicles. The Training Division has been assigned seven Type 1 engines along with two aerial apparatus (one being a Quint and the other a tiller), and several other apparatus.

### East Contra Costa Fire Protection District

The following figure lists the current inventory of ECCFPD's frontline fleet. The District's apparatus fleet comprises Type 1 (structural) and Type 3 (wildland) engines and Water Tenders. All three of the Type 1 engines are nearly new, as they were built in 2020. Each is equipped with a 1500 gallon per minute (gpm) pump and carries 500 gallons of water.

### ECCFPD Frontline Apparatus Inventory (2021)

Unit	Type	Manufacturer	Year	Condition	Features
<b>Engines (Type 1)</b>					
Engine 52	Type 1	Quantum	2020	Excellent	1500 gpm, 500 gal.
Engine 53	Type 1	Quantum	2020	Excellent	1500 gpm, 500 gal.
Engine 59	Type 1	Quantum	2020	Excellent	1500 gpm, 500 gal.
<b>Engines (Type 3)</b>					
Engine 352	Type 3	International	2005	Good	1250 gpm, 500 gal.
Engine 353	Type 3	International	2004	Good	1250 gpm, 500 gal.
Engine 359	Type 3	International	2004	Good	1250 gpm, 500 gal.
<b>Water Tenders</b>					
Tender 52	Type 1	Freightliner	2003	Fair	1250 gpm, 3000 gal.
Tender 53	Type 1	Freightliner	2002	Good	1250 gpm, 3000 gal.
Tender 59	Type 1	Freightliner	2001	Good	1250 gpm, 3000 gal.

The District's Type 3 engines average 17 years of age combined. ECCFPD maintains three frontline Water Tenders whose combined age is about 19 years. The tenders are each equipped with a 1,250-gpm pump and have a combined water-carrying capacity of 9,000 gallons. The District also has a reserve fleet of four Type 1 engines in "Poor" condition and one Water Tender in "Poor" condition. The next figure lists the inventory of East Contra Costa FPD's frontline command and support vehicles.

### **ECCFPD Frontline Command & Staff Vehicles Fleet Inventory (2021)**

<b>Unit</b>	<b>Type</b>	<b>Manufacturer</b>	<b>Year</b>	<b>Assigned To</b>
Chief 5100	Command/Admin	Ford Expedition	2020	Fire Chief
BC 5111	Command	Ford F-250	2020	Administration
BC 5112	Command	Ford F-250	2019	Administration
BC 5113	Command	Ford F-250	2019	Administration
BC 5114	Command	Ford F-250	2015	Administration
5120	Staff Vehicle	Ford F-150	2020	Fire Marshal
5123	Staff Vehicle	Ford F-150	2020	Inspector
5124	Staff Vehicle	Ford F-150	2020	Inspector

Nearly all of East Contra Costa FPD's command and staff vehicles are less than three years of age, and all were rated to be in "Excellent" condition. The District has another eight vehicles in reserve in varying conditions. The District also maintains a 2008 Safe Boat and trailer (currently on loan to CCCFPD) and a utility trailer.

### Collective Apparatus Inventories

The following figure lists the frontline fleet inventories of the three fire districts combined.

### Collective Inventory of the Fire Districts Frontline Fleets (2021)

Fire District	Engines <sup>A</sup>	Aerials	Ambulances	Tenders	Wildland <sup>B</sup>	Others
CCCYPD	26	6	50	2	19	24 <sup>C</sup>
ECCYPD	3	—	—	3	3	—
<b>Totals:</b>	<b>29</b>	<b>6</b>	<b>50</b>	<b>5</b>	<b>22</b>	<b>24</b>

<sup>A</sup>Includes Type 1 only. <sup>B</sup>Includes Type 3 & Type 6. <sup>C</sup>Approximate.

In the preceding figure, the “Wildland” category represents Type 3 apparatus. The “Others” category represents a broad range of vehicles from bulldozers to water craft.

### Automatic and Mutual Aid

All agencies participate in local automatic aid agreements. Additionally, local and statewide mutual aid is provided under local agreement or under the California Master Mutual Aid Agreement. Contra Costa County Fire Protection District is the predominant provider of aid to the two agencies considered under this proposed annexation.

### Public Outreach/Education

All agencies provide public education in various forms based on their current staffing and organization. Contra Costa County Fire Protection District is the only agency with dedicated full-time staffing for public education and public information services.

CCCYPD and ECCYPD have robust public education programs. Both CCCYPD and ECCYPD emphasize wildland interface issues. Programs include the use of Fire Wise® defensible space, hazard reduction, and community information sessions.

CCCYPD and ECCYPD have a unique bilingual education program for the juvenile fire starter team. Both organizations currently provide annual education at the grade school level; however, COVID-19 limited school activities in 2019.

## Public Education Programs

Education Programs	CCCFPD	ECCFPD	
Annual fire prevention report distributed	Yes	Yes	
Babysitting safety classes	No	No	
Bilingual info available	Focused	No	
Calling 9-1-1	Yes	Yes	
Carbon Monoxide Alarm installations	Yes	No	
CPR courses, BP checks	Yes	No	
Curriculum used in schools	Yes	Yes	
Exit Drills in the Home (EDITH)	Yes	Yes	
Eldercare and safety	Yes	No	
Fire brigade training	No	No	
Fire extinguisher use	Yes	Yes	
Fire safety	Yes	Yes	
Injury prevention	Yes	Yes	
Juvenile fire-starter program	Yes	Yes	
Publications available to the public	Yes	Yes	
Smoke alarm installations	Yes	Yes	
Wildland interface education offered	Yes	Yes	

## Support Services

### Apparatus & Vehicle Maintenance

#### **Contra Costa County FPD**

The majority of Contra Costa County FPD's fleet maintenance is done internally by the District's Apparatus Shop. The Fire Apparatus Manager supervises a Fire Service Coordinator, Driver/Clerk, and six Fire Equipment Mechanics (FEM). The FEMs are certified by the *National Institute for Automotive Service Excellence (ASE)* in vehicle repair and the *California Fire Mechanics Academy (CFMA)* to maintain fire apparatus.

#### **East Contra Costa FPD**

ECCFPD utilizes a non-employee mechanic on contract who provides most of the fleet maintenance for the District.

### Fire Prevention

CCCYPD and ECCYPD have a fully staffed prevention bureau. Both organizations face significant growth over the next few years due to numerous single-family neighborhoods in development.

Commercial growth is also increasing. In 2020, CCCYPD performed 7,267 mandatory code enforcement inspections and 333 non-mandatory inspections. Recent economic challenges associated with COVID-19 resulted in numerous business closures. There has been a significant increase in changes of occupancy, translating to a greater need for inspections. The following graphic shows a comparison of the current code enforcement by each district.

### Code Enforcement Among the Fire Districts

Code Enforcement Activity	CCCYPD		ECCYPD	
Consulted on new construction	Yes		Yes	
Fees for inspections or reviews	Yes		Yes	
Hydrant flow records maintained	Partial		Yes	
Key-box entry program	Yes		Yes	
Perform occupancy inspections	Yes		Yes	
Perform plan reviews	Yes		Yes	
Sign-off on new construction	Yes		Yes	
Special risk inspections	Yes		Yes	
Storage tank inspections	County		Yes	
Company Inspections (pre-plan)	No		Limited	

There appears to be minimal differences between the organizations relating to specific code enforcement. Following are general guidelines for fire inspection frequency.

### Fire-Cause Determination & Investigation

CCCYPD has staff who are certified peace officers with arresting powers and the capacity to perform all functions of a fire-cause investigation. ECCYPD is in the process of getting members qualified to be certified peace officers. The fire investigation team for CCCYPD conducted almost 900 investigations in 2020.

## Administration

Each of the districts has varying levels of uniformed administrative support positions—due primarily to their size. The following figure illustrates the various positions in non-uniformed administrative positions.

### Comparison of Uniformed Administrative & Support Staff

Position	CCCFPD	ECCFPD	
Fire Chief	1	1	
Deputy Chief	1	—	
Assistant Chiefs	5	—	
Medical Director	1	—	
Administrative Battalion Chiefs	3	1	
Administrative Captains*	3	—	
Fire Marshal	—	1	
Deputy Fire Marshal	—	1	
Fire Inspectors	20	2	
Public Educators	2	—	
Public Information Officer	1	FM	
Fire Investigation Supervisor	1 <sup>A</sup>	1	
Shift Fire Investigators (56-hour)	3	—	
Fire Investigators (40 hours)	1	—	
Fire Prevention Captains	4	—	
Code Enforcement Supervisor	1 <sup>A</sup>	—	
Plan Review Supervisor	1	—	
Building Plan Checker I	2	—	
Fire Prevention Technician	1	—	
Community Risk Reduction	1	—	

<sup>A</sup>CCCFPD has one Plan review Supervisor, one Code enforcement Supervisor, one Community Risk Reduction Supervisor, one Investigative Supervisor, but all are also Prevention Captains.

An effective fire organization requires non-uniformed staff to support daily administrative activities. The following graphic shows the number of non-uniformed staff for each district.

### Non-Uniformed Staff

Position	CCCFPD No. of Staff	ECCFPD No. of Staff	
Chief of Administrative Services	1	0	
Chief Administrative Officer	0	1	
HR Analyst II	2	0	
Executive Secretary	1	0	
Administrative Assistant	0	2	
Secretary Advanced Level	3	0	
Account Clerk Advanced	3	0	
District Aides	20	4	
Fiscal Specialist	1	0	
Fiscal Officer	1	0	
Staff Accountant	0	1	
Payroll Technician	0	1	
Senior Level Clerk	5	0	
Clerical Supervisor	1	0	
Permit Technician	0	1	
Totals:	38	9	

## Training

The following figure summarizes the general training topics and certification levels provided in each district.

While each fire district has a comprehensive and extensive training program, CCCFPD places more emphasis on fire-related training. A contributing factor to the difference in fire-related training was the special teams, truck operations, boat operations, and CCCFPD flight training. ECCFPD had a higher percentage of HazMat-related training. A combined organization will need to determine a training philosophy and develop a standardized program that meets the community's needs.

### General Training Competencies by Fire District

Training Competencies	CCCFPD	ECCFPD	
Incident Command System	ICS Series	ICS Series	
Accountability Procedures	Yes	Yes	
Training SOGs	Yes	Yes	
Recruit Academy	Internal	Internal	
Special Rescue Training	Yes	Yes	
HazMat Certifications	Technician & Specialist	Operations	
Vehicle Extrication Training	Basic	Basic	
Driving Program	No	DO 1A and 1B	
Wildland Certifications	S190/130	S190/130	
Communications & Dispatch	Yes	Yes	
Truck Company Operations	Yes	No	
Air Operations	Yes	No	
Fire Boat Operations	Yes	No	

Following is a summary of the current training resources and facilities available for each district.

### Training Facilities & Resources by District

Facilities & Resources	CCCYPD	ECCYPD	
Adequate training ground space	Yes	No	
Training building/tower	Yes	No	
Burn room at the training building	Yes	No	
Live fire props	Yes	No	
Driver's course	No	No	
SCBA obstacle course/CFS	No	No	
Adequate classroom facility	Yes	Yes	
Computers & simulations	Yes	No	
EMS props & mannequins	Yes	No	

### Personnel/Recruitment

Both districts use their own recruitment processes and have differing recruit academies. Contra Costa County Fire uses their training campus to facilitate a 20-week recruit academy. East Contra Costa Fire sends recruits through other agency academies or provides on the job training.

Recruitment of support, admin, and executive chief positions is similar with each agency having different methods.

### Proposed Service Delivery Plan

#### Service Overview

The combined organization will provide fire, rescue, and first responder emergency medical services, including special operations capabilities, to all the communities within the reorganized district in a manner consistent with services provided in the existing Contra Costa County Fire Protection District. Full-time and full-service fire prevention and fire investigation services, along with internal apparatus and fleet maintenance programs, facilities management, administrative and support services will be provided. An increase in service level from basic life support (EMT) to advanced life support (paramedic) will be phased in for the stations in the East Contra Costa Fire Protection service areas.

## **Staffing**

Additional firefighters and fire, rescue, and emergency medical services response capacity will be deployed as a result of the annexation. Within the next 18 months, daily staffing will be increased by nine firefighters across three stations planned to be reopened or re-staffed for a total of at least 27 additional firefighters. Existing fire prevention and administrative capacity in the District will be augmented by staff from East Contra Costa Fire being added to support the reorganized organization.

## **Dispatch/Communications**

There would be no changes to dispatch and emergency communications. There would be increased support provided by Contra Costa County Fire Protection District staff for radio and communication servicing, repairs, and radio programming under the combined organization.

## **Level of Demand**

It is anticipated that immediately following annexation, demand for services as defined by calls for service would total the sum of the existing demand in the two service areas. In subsequent years, demand would continue to increase in conjunction with anticipated population increases, new development and infrastructure, and other factors influencing need for fire protection, rescue, and EMS services.

## **Response Times**

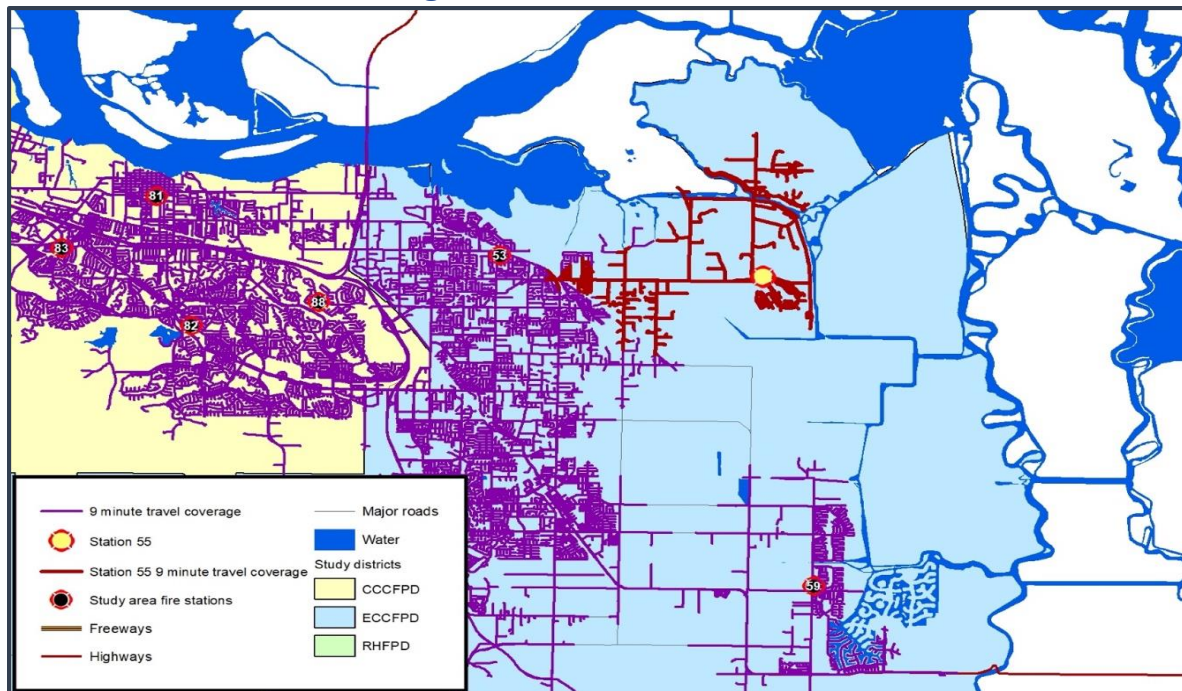
Current response times would be significantly improved in the areas served by the East Contra Costa Fire Protection District due to the addition of multiple fire companies to serve Oakley, Bethel Island, and Brentwood. As a result of these additional resources, the reliance on units from Antioch will be reduced increasing response reliability and availability of those units which will reduce response times with a corresponding reduction of occurrences where Antioch stations are uncovered due to responses into Brentwood or Oakley.

Reopening Station 4 in Walnut Creek will have a positive impact on reducing response times into the areas served by Station 4 that are currently being provided by the fire station in downtown Walnut Creek on Civic Drive.

The proposed annexation includes plans to open Station 55 to serve Oakley and Bethel Island with a staffed engine company. The proposed annexation will also result in the addition of a staffed ladder truck to Station 52 in Brentwood. This will improve travel times, and overall response times.

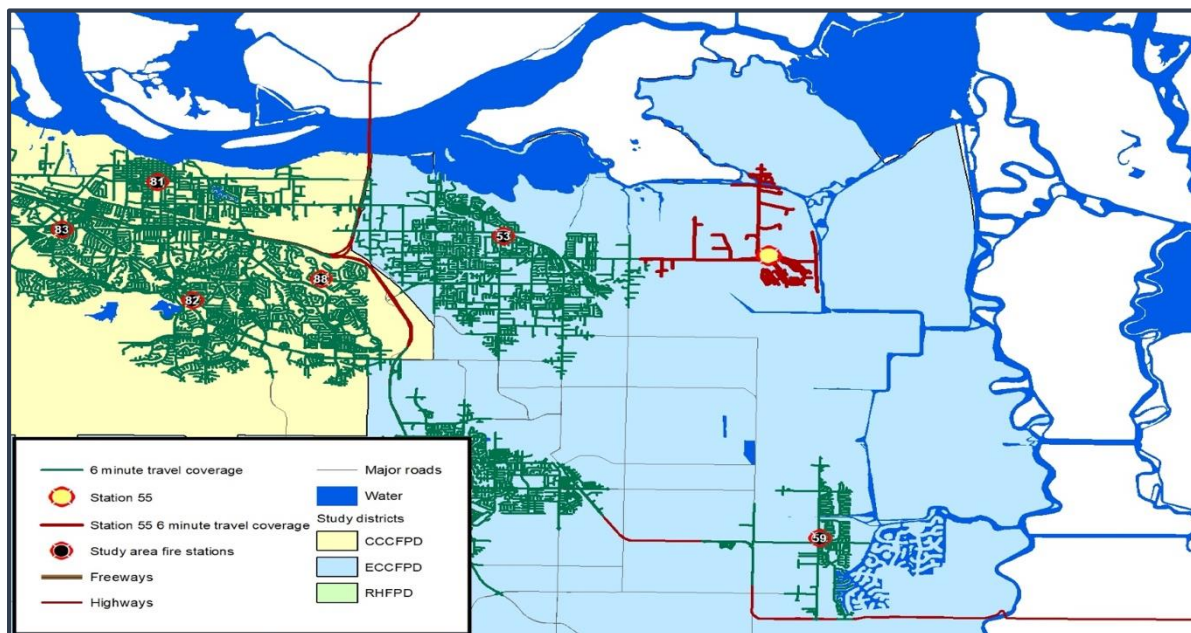
The next figure illustrates the nine-minute travel coverage from Station 55 along with nine-minute travel coverage from existing stations. There is some overlap of coverage from Station 55 into Station 53's area.

## Nine-minute Travel Coverage from Station 55



The following figure illustrates the six-minute travel coverage from Station 55 along with six-minute travel coverage from existing stations. This station would have put 228 incidents within six minutes of travel from this station.

## Six-minute Travel Coverage from Station 55



Staffing a ladder truck at Station 52 will also provide some improvement to travel times. Engine 52's current unit hour utilization is high at 12 percent. This reduces its reliability for subsequent incidents. The ladder truck will provide a second unit in that station area to cover concurrent incidents.

## **Facilities and Apparatus**

### **Fire Station 55 (Oakley/Bethel Island)**

Currently constructed but not staffed, is planned to be staffed in the spring of 2022 and replaces the formerly closed station on Bethel Island (FS 95). A new Type I engine and wildland engine has been ordered to serve this station.

### **Fire Station 52 (Brentwood)**

A staffed ladder truck is planned for station 52 to be staffed in the summer of 2022, and then expected to be transferred to a station 51 in Brentwood once the new station is constructed and ready to be occupied. Apparatus will be provided from current CCCFPD inventory and additional apparatus will be ordered in summer of 2021.

### **Fire Station 4 (Walnut Creek)**

Planned to be reopened in summer of 2022. Apparatus is on order for the station and improvements and repairs are being made to the existing station.

### **Fire Station 54 (Brentwood)**

Planned to be constructed and staffed within six years of the effective date of the annexation. Current funding for construction and ongoing operations is contingent on receiving Measure X funds. Anticipated funding required for construction of the fire station is estimated at \$10 Million, however this will be contingent on the construction costs and building environment at the time of project initiation. The site identified for Fire Station 54 is smaller in size, located in downtown Brentwood, and this may reduce the overall size and corresponding cost of the station as compared to other, larger fire stations.

## **Automatic and Mutual Aid**

The combined, the larger organization would continue to support automatic and mutual aid commitments at the local level. The ability to respond to regional and statewide mutual aid would be enhanced by additional capacity and personnel.

## **Public Outreach/Education**

Public education and public information services would be consolidated with dedicated staff of the already existing Contra Costa County Fire Protection District.

## **Fire Prevention**

Fire prevention and fire investigations will be combined with 22 Fire Inspectors and an increase of one fire prevention supervisor. Current members of the ECCFPD fire investigation team have

worked in the past with CCCFPD, which speaks well for a smooth transition to a combined organization. Staffing levels will be reviewed annually to determine appropriate staffing levels for current and anticipated workloads and changes in mandated programs.

### **Administration**

A combined organization would have a 13% administrative/support staffing to line staffing based on current staffing levels. This is consistent with similarly sized organizations, and, except for the Fire Chief position, there does not appear to be duplication of support staff. Grant management, contract administration, and cost recovery programs would be appropriately staffed with the new combined administrative resources.

### **Maintenance**

Vehicle maintenance would be performed by the Contra Costa County Fire Protection District apparatus shop. This will increase consistency and uniformity in quality by ASE certified fire mechanics.

### **Training**

Training of recruit firefighters will be conducted through the Contra Costa County Fire Protection District academy. This state Accredited Local Academy will increase consistency in the training provided and the quality and capability of the recruits who will become firefighters serving the various communities of the combined organization upon graduation.

Continuing training will be delivered using the systems developed under the Contra Costa County Fire Protection District's Training Division. Increased use of decentralized training at locations in east county will need to be used to reduce travel times of crews.

The Training Division is increasing staffing by one 40-hour Training Captain and adding a civilian training specialist in mid-2021. The Training Division will continue providing consistent continuing education and training.

### **Personnel/Recruitment**

Recruitment processes will be standardized under the current practices of the Contra Costa County Fire Protection District based on existing district practices and policies.

## Level and Range of Proposed Services

### Capacity Availability

Current capacity will need to be increased in the areas served by the East Contra Costa Fire Protection District to meet emergency service delivery demands and has been factored into the overall fiscal analysis. Previously closed fire stations will be reopened serving Brentwood, Oakley, Bethel Island, and Walnut Creek communities. Capacity within the fire prevention bureau will be evaluated on an ongoing basis, as is the current practice, to match staffing with service demand, particularly given potential development and new construction trends.

### Willingness to Serve

Contra Costa County Fire Protection District is prepared to serve the areas under the proposed annexation. The ability to serve the new areas is complemented by existing personnel from the annexed districts being incorporated into the ranks and structure of the new organization, as well as the planned recruitment, training, and deployment of additional resources as needed.

### Service Adequacy

The level of service provided in the annexed territory will be consistent with current CCCFPD practices, policies, and standards outlined in the *Proposed Service Delivery Plan* section.

## Infrastructure Needs/Planned Improvements

As identified in the *Proposed Service Delivery Plan* section, reopening and plans for equipment expansion are in place to enhance the level of services provided within ECCFPD's boundaries. Station 55 (Oakley/Bethel Island) is constructed and ready for administrative use. ECCFPD is preparing the station to be ready for operational purposes and anticipates completing this work by the end of 2021 so that it can and planned to be staffed in the spring of 2022. Station 52 (Brentwood) is planned to have a staffed ladder truck in the Summer 2022 (which is anticipated to then move to Station 51 in Brentwood, once this new station is constructed). Station 4 (Walnut Creek) is undergoing improvement and repairs to be reopened Summer 2022. The projected costs of the improvements and expansions referenced above have been accounted for in the following Fiscal Analysis section. Fire Station 54, to be located in downtown Brentwood, is currently contingent on receiving Measure X funds to construct and ultimately staff and operate the station.

## Correlation with Agency Plans and Operations

CCCFPD maintains an operational plan that is updated annually as well as an apparatus replacement plan and capital improvement plan. The proposed annexation is consistent with CCCFPD's planning documents and operations. It is anticipated that operations within the annexed area will become entirely consistent with CCCFPD's operational plan and capital improvement plans once operations are taken over by CCCFPD. Additionally, these plans will be updated to incorporate needs specific to the annexed area.

## Alternative Service Structures and Related Affects

There are two alternatives to the reorganization as proposed here—status quo and consolidation. Status quo would be retaining the existing service and governance structure and would result in the service level changes currently planned for and able to be funded by each agency, independently, e.g., the opening of Station 55 in Oakley in mid-2022 and the construction of Station 51 over the next half-decade by ECCFPD alone.

Consolidation, as opposed to the reorganization (annexation) proposed here, would result in a combining of the two districts into a new district. While the outcome would ultimately look the same as the proposed annexation/dissolution, the process would result in a new district being formed and would not capitalize on the already existing structure of CCCFPD as the proposed successor agency. The costs and impacts to service levels would likely be similar for both reorganization and consolidation.

# Fiscal Analysis

## Background

This section of the application describes the financial resources which are available to fund the services provided following reorganization, and the projected expenditures based on assumptions previously described in the service delivery plan and transition plan. Based on a projection of fund balance, revenues, and expenditures, CCCFPD will be able to provide the services described in this plan.

## Revenue Sources

Each district has a mix of revenue sources with property taxes being the primary source. The revenue sources of the reorganized district would include property taxes, fees for services, development impact fee revenue, community facilities district revenue, grants and inter-governmental revenue from other agencies, as well as a specific sales tax (San Pablo), and potentially other special taxes and benefit assessments.

## Post-Reorganization 5-Year Financial Projections

### Operations

Combined property tax revenue is projected to increase annually at a 4% rate. Combined property tax revenue is forecasted to increase from \$160,930,000 in FY 21/22 to \$195,800,000 in FY 26/27. Other recurring revenues are projected to increase at an annual average rate of 1.6%. In view of the trends from the historical information, it is felt these escalator rates are conservative. Including the adjustment for dispatch services, recurring revenues in the forecast model increase from \$180,217,000 in FY 21/22 to \$216,692,000 in FY 26/27, a 3.4% annual rate.

Salaries and benefits, which include Medicare payroll taxes, health insurance, and pension costs for the line positions—Captains, Engineers, and Firefighters—were assumed to be entering the CCCFPD system at the Step 3 level in the CCCFPD salary schedule for this analysis. The ECCFPD Captain and Engineer classifications include nine positions each in the first year of the operation and grow to fifteen in the second year. Ten ECCFPD firefighter positions are included in the initial year of operations, but the additional six positions added in the second year will be firefighter/paramedics.

Overtime is calculated at 13% of personnel costs based on CCCFPD's historical overtime cost experience. As previously stated, the projections include maintaining the existing staffing levels of three stations with the expansion of adding two additional three-person companies to be staffed over the following 12–18 months. These personnel costs are projected to increase 9% annually in the first five years and 6% annually beginning in the sixth year of the projections.

Other post-employment benefits (OPEB) prepayments and retiree health costs are additional benefit costs that are projected to increase 3% annually. Fire prevention personnel are assumed to be “cost neutral” for this analysis due to fee revenue associated with fire prevention activities.

Administrative personnel (one Chief Administrative Officer, one accountant, two clerical positions, one payroll clerk and one Permit Tech position) will be absorbed into the existing CCCFPD staffing. Additional program support for grant applications and grant management, as well as cost recovery, may be able to be fully supported by these additional positions. OPEB and retiree health insurance benefit costs for ECCFPD are stated separately to indicate those long-term costs are considered in the projections.

The financial projection of the combined organization contemplates adding personnel for specific expansion of services. In FY 21/22, the combined organization anticipates reopening ECCFPD Station 55 and staffing ECCFPD Truck 52, and, in FY22/23, CCCFPD will reopen Station 4. These additions, combined with the previously identified escalators, increase total salaries and benefits from \$136,960,000 in FY 21/22 to \$145,055,000 in FY 22/23. Annual compensation and benefits increase between \$8,000,000 to \$10,000,000 for each of the following four years. Funding for construction of a replacement for Fire Station 54 in Brentwood and the ongoing staffing and operational costs are not accounted for in the present financial projections. Alternative funding sources, such as Measure X, would be required to build and staff Fire Station 54.

Services and supplies expenses include, but are not limited to, station and apparatus operating costs, repairs and maintenance, small tools and equipment replacement, training costs, radio and technology costs, medical and firefighting supplies, turnout gear and uniform costs, and professional services. These costs are estimated to increase 3% annually. It is anticipated that there will be a significant benefit in consolidating certain administrative costs such as technology, training, and apparatus maintenance.

The operations portion of the combined districts is anticipated to produce positive cash flow for each of the six years of the projections. This allows the combined operation to accumulate a significant reserve balance or to take advantage of other opportunities during the projection period. The following figure combines the revenues from the previous projections for each agency with expected operating expenses and anticipated modifications from increased staffing and related expenses to develop annual operating cash flows and accumulated operating fund balances through FY 26/27.

## Recurring Revenue/Expense Projections—Combined Operations (Part 1)

Revenue/Expenses	FY 21/22	FY 22/23	FY 23/24	FY 24/25	FY 25/26	FY 26/27
<b>Operations</b>						
<b>Property Taxes</b>						
CCCYPD	144,055,800	149,818,032	155,810,753	162,043,183	168,524,911	175,265,907
ECCYPD	16,875,770	17,550,801	18,252,833	18,982,946	19,742,264	20,531,955
<b>Total Property Tax Revenues</b>	<b>160,931,570</b>	<b>167,368,833</b>	<b>174,063,586</b>	<b>181,026,129</b>	<b>188,267,175</b>	<b>195,797,862</b>
<b>Other Recurring Revenue</b>						
CCCYPD	17,767,300	17,413,580	17,607,688	18,113,807	18,670,537	19,282,941
ECCYPD	2,037,534	2,087,569	2,124,847	2,163,075	2,202,265	2,242,456
<b>Total Other Recurring Revenue:</b>	<b>19,804,834</b>	<b>19,501,149</b>	<b>19,732,535</b>	<b>20,276,882</b>	<b>20,872,802</b>	<b>21,525,397</b>
<b>Total Recurring Revenue:</b>	<b>180,736,404</b>	<b>186,869,982</b>	<b>193,796,121</b>	<b>201,303,011</b>	<b>209,139,977</b>	<b>217,323,259</b>
<b>Adjustments to Revenue</b>						
Reduced Dispatch Revenue	(519,000)	(539,760)	(561,350)	(583,804)	(607,156)	(631,442)
<b>Revised Recurring Revenues:</b>	<b>180,217,404</b>	<b>186,330,222</b>	<b>193,234,771</b>	<b>200,719,207</b>	<b>208,532,821</b>	<b>216,691,817</b>
<b>Current Salaries &amp; Benefits (CCCYPD Rates)</b>						
CCCYPD	127,022,889	134,180,390	141,835,095	149,946,066	158,540,531	167,647,339
ECCYPD - line positions	9,037,150	9,920,865	10,891,752	11,877,510	12,955,640	13,732,979
ECCYPD - admin positions	900,000	954,000	1,011,240	1,071,914	1,136,229	1,204,403
<b>Total Salaries &amp; Benefits:</b>	<b>136,960,039</b>	<b>145,055,255</b>	<b>153,738,086</b>	<b>162,345,094</b>	<b>172,632,400</b>	<b>182,584,720</b>
<b>OPEB &amp; Retiree Health Insurance</b>						
<b>ECCYPD</b>						
OPEB	275,000	283,250	291,748	300,500	309,515	318,800
Retiree Health Insurance	363,000	373,890	385,107	396,660	408,560	420,816
<b>Total Health Insurance:</b>	<b>638,000</b>	<b>657,140</b>	<b>676,855</b>	<b>697,160</b>	<b>718,075</b>	<b>739,616</b>

## Recurring Revenue/Expense Projections—Combined Operations (Part 2)

Revenue/Expenses	FY21/22	FY 22/23	FY 23/24	FY 24/25	FY 25/26	FY 26/27
<b>Staffing Increases by Agency</b>						
CCCFPD						
Reopening Station 4	—	2,664,371	2,850,877	3,050,438	3,263,969	3,492,447
ECCFPD						
Station 55	2,422,155	2,664,371	2,850,877	3,050,438	3,263,969	3,492,447
Truck 52	2,422,155	2,664,371	2,850,877	3,050,438	3,263,969	3,492,447
<b>Total Salary &amp; Benefits Increases:</b>	<b>4,844,310</b>	<b>7,993,113</b>	<b>8,552,631</b>	<b>9,151,314</b>	<b>9,791,907</b>	<b>10,477,341</b>
<b>Total Salaries &amp; Benefits:</b>	<b>142,442,349</b>	<b>153,705,508</b>	<b>162,967,572</b>	<b>172,193,568</b>	<b>183,142,382</b>	<b>193,801,677</b>
<b>Services &amp; Supplies</b>						
CCCFPD						
Station 4 Maintenance	—	51,500	53,045	54,636	56,275	57,964
Station 4 Equip Costs	—	25,000	25,750	26,523	27,318	28,138
ECCFPD						
	1,157,903	1,194,269	1,231,792	1,325,144	1,366,730	1,416,761
<b>Total Services &amp; Supplies:</b>	<b>18,358,852</b>	<b>18,912,900</b>	<b>19,407,136</b>	<b>19,970,902</b>	<b>20,497,014</b>	<b>21,046,109</b>
<b>Total Recurring:</b>	<b>160,801,201</b>	<b>172,618,408</b>	<b>182,374,708</b>	<b>192,164,470</b>	<b>203,639,396</b>	<b>214,847,786</b>
<b>Increase to Operating Funds:</b>	<b>19,416,203</b>	<b>13,711,814</b>	<b>10,860,063</b>	<b>8,554,737</b>	<b>4,893,425</b>	<b>1,844,031</b>
<b>Beginning Op Fund Reserve:</b>	<b>—</b>	<b>19,416,203</b>	<b>33,128,017</b>	<b>43,988,080</b>	<b>52,542,817</b>	<b>57,436,242</b>
<b>Ending Op Fund Reserve:</b>	<b>19,416,203</b>	<b>33,128,017</b>	<b>43,988,080</b>	<b>52,542,817</b>	<b>57,436,242</b>	<b>59,280,273</b>

## Capital

The second component of the proposed annexation to be analyzed is the funding available to acquire capital resources such as fire stations and equipment. Each of the districts receives funding from special assessments that are restricted to use only within the jurisdiction from which the revenues are received. These restricted revenues include developer fees from subdivisions that are being developed outside the response areas of existing fire stations. The funds are to be used to build and equip new stations. Certain funds are to staff and operate stations or to provide specialized services, and, again, those funds are restricted to the area from which the funding is derived.

A fire station (currently referred to as "station 51") is projected to be constructed in Brentwood, within the boundaries of ECCFPD's service area. Funding for a portion of the building has been identified as development fees in the amount of approximately \$7,000,000 from the City of Brentwood. It is anticipated that the remaining \$7,000,000 would be provided by financing, with the debt service payment being \$700,000 per year.

Each of the districts will require the expenditure of funds for debt service payments, capital expenditures for apparatus and equipment, and the remodel or construction of fire stations during the next six years. CCCFPD has a debt obligation related to the issuance of bonds to extinguish a portion of its unfunded actuarial liability for employee pension costs. An additional payment for "Pension Bond Stabilization" is required in addition to the debt service; however, FY 21/22 is the final year of the debt and stabilization obligation. The extinguishment of the obligation will free up \$14,056,000 annually.

Several apparatus of various types are anticipated to be acquired during the next six years. Funding for these acquisitions is expected to be from the use of cash from the reserve funds existing at the time of the annexation, as well as the additions to the reserves from the restricted revenue streams.

The balance in the Capital Reserve Fund is anticipated to decrease five of the six years in the projection period as significant debt is extinguished and apparatus are acquired for cash. The following figure combines the non-recurring revenues, including restricted revenues from development fee assessments, loan proceeds and other receipts from the previous projections for each agency with expected debt payments and capital expenditures and anticipated modifications from increased staffing and related expenses to develop annual operating cash flows and accumulated operating fund balances through FY 26/27.

## Non-Recurring Projections—Capital Costs (Part 1)

Revenue/Expenses	FY 21/22	FY 22/23	FY 23/24	FY 24/25	FY 25/26	FY 26/27
<b>Capital</b>						
<b>Non-Recurring Revenues</b>						
CCCYPD	100,000	100,000	100,000	100,000	100,000	100,000
ECCYPD	218,087	218,087	218,087	218,087	218,087	218,087
	—	—	—	—	—	—
<b>Total Non-Recurring Receipts:</b>	<b>318,087</b>	<b>318,087</b>	<b>318,087</b>	<b>318,087</b>	<b>318,087</b>	<b>318,087</b>
<b>Loan/Lease Proceeds</b>						
CCCYPD	—	—	—	—	—	—
ECCYPD	—	7,000,000	—	—	—	—
	—	—	—	—	—	—
<b>Total Loan/Lease Proceeds:</b>	<b>—</b>	<b>7,000,000</b>	<b>—</b>	<b>—</b>	<b>—</b>	<b>—</b>
<b>Funding from Development Fees</b>						
CCCYPD	—	—	—	—	—	—
ECCYPD	292,578	311,200	322,054	341,147	360,489	380,088
City of Brentwood	—	7,000,000	—	—	—	—
<b>Total Development Fee Funding:</b>	<b>292,578</b>	<b>7,311,200</b>	<b>322,054</b>	<b>341,147</b>	<b>360,489</b>	<b>380,088</b>
<b>Total Non-Recurring Receipts:</b>	<b>610,665</b>	<b>14,629,287</b>	<b>640,141</b>	<b>659,234</b>	<b>678,576</b>	<b>698,175</b>
<b>Lease &amp; Debt Payments</b>						
CCCYPD	2,944,538	2,944,538	2,944,538	2,944,538	2,944,538	2,944,538
ECCYPD	534,217	614,217	1,356,217	1,399,217	877,000	877,000
<b>Total Payments:</b>	<b>3,478,755</b>	<b>3,558,755</b>	<b>4,300,755</b>	<b>4,343,755</b>	<b>3,821,538</b>	<b>3,821,538</b>
<b>Apparatus &amp; Equipment Acquisition</b>						
CCCYPD	698,390	630,000	630,000	630,000	630,000	630,000
ECCYPD	—	800,000	—	—	270,000	800,000
	—	—			—	—
<b>Total Acquisition:</b>	<b>698,390</b>	<b>1,430,000</b>	<b>630,000</b>	<b>630,000</b>	<b>900,000</b>	<b>1,430,000</b>
<b>Fire Station Construction</b>						
CCCYPD	—	—	—	—	—	—
ECCYPD	500,000	7,000,000	7,000,000	—	—	—
	—	—	—	—	—	—
<b>Total Fire Station Construction:</b>	<b>500,000</b>	<b>7,000,000</b>	<b>7,000,000</b>	<b>—</b>	<b>—</b>	<b>—</b>

## Non-Recurring Projections—Capital Costs (Part 2)

Revenue/Expenses	FY 21/22	FY 22/23	FY 23/24	FY 24/25	FY 25/26	FY 26/27
<b>Additions to Replacement Reserves</b>						
CCCYPD	—	—	—	—	—	—
ECCYPD	130,930	134,858	138,904	143,071	147,363	151,784
<b>Increases to Replacement Reserves</b>	<b>130,930</b>	<b>134,858</b>	<b>138,904</b>	<b>143,071</b>	<b>147,363</b>	<b>151,784</b>
<b>Other Non-Recurring Payments</b>						
CCCYPD						
Pension Bonds	11,451,540	—	—	—	—	—
Bond Stabilization	2,604,794	—	—	—	—	—
<b>Total Other Non-Recurring:</b>	<b>14,046,334</b>	<b>—</b>	<b>—</b>	<b>—</b>	<b>—</b>	<b>—</b>
<b>Total Non-Recurring Expenses:</b>	<b>18,854,409</b>	<b>12,123,613</b>	<b>12,069,659</b>	<b>5,116,826</b>	<b>4,868,901</b>	<b>5,403,322</b>
<b>Increase (Decrease) to Operating:</b>	<b>(18,243,744)</b>	<b>2,505,674</b>	<b>(11,429,518)</b>	<b>(4,457,592)</b>	<b>(4,190,325)</b>	<b>(4,705,147)</b>
<b>Capital Reserves</b>						
CCCYPD	38,000,000	—	—	—	—	—
ECCYPD	13,000,000	—	—	—	—	—
		—	—	—	—	—
<b>Beginning Capital Reserves:</b>	<b>51,000,000</b>	<b>32,756,256</b>	<b>35,261,930</b>	<b>23,832,412</b>	<b>19,374,820</b>	<b>15,184,495</b>
<b>Ending Capital Reserves:</b>	<b>32,756,256</b>	<b>35,261,930</b>	<b>23,832,412</b>	<b>19,374,820</b>	<b>15,184,495</b>	<b>10,479,348</b>

## Combined Reserve Balances

It is prudent to review the reserve balance in its totality to understand the impact of the annexation on the combined financial strength of the District. The combined reserve balances project a viable condition for the District and annexed area for the foreseeable future. The following figure combines the beginning reserve balances with both the annual operating results and the annual net capital improvement expenditures through FY 26/27.

## Projected Combined Operational & Capital Reserve Balances

Revenue/Expenses	FY 21/22	FY 22/23	FY 23/24	FY 24/25	FY 25/26	FY 26/27
<b>Beginning Reserves</b>						
CCCFPD	38,000,000	—	—	—	—	—
ECCFPD	13,000,000	—	—	—	—	—
		—	—	—	—	—
<b>Total Beginning Reserves:</b>	<b>51,000,000</b>	<b>52,172,459</b>	<b>68,389,947</b>	<b>67,820,492</b>	<b>71,917,637</b>	<b>72,620,737</b>
<b>Combined Net Operations:</b>	<b>19,416,203</b>	<b>13,711,814</b>	<b>10,860,063</b>	<b>8,554,737</b>	<b>4,893,425</b>	<b>1,844,031</b>
<b>Combined Net Capital (Decrease)</b>	<b>(18,243,744)</b>	<b>2,505,674</b>	<b>(11,429,518)</b>	<b>(4,457,592)</b>	<b>(4,190,325)</b>	<b>(4,705,147)</b>
<b>Combined Ending Reserves:</b>	<b>52,172,459</b>	<b>68,389,947</b>	<b>67,820,492</b>	<b>71,917,637</b>	<b>72,620,737</b>	<b>69,759,621</b>

## Findings

As of 2016, ECCFPD was facing significant financial challenges forcing the closure of five of its stations since 2009 and resulting in significantly increased response times. The 2016 MSR found that ECCFPD faces a number of significant and some severe challenges related to financing that will require extraordinary efforts to address, including low property tax shares in a majority of the District's tax rate areas, fiscal impact of Contra Costa County Employees' Retirement Association (CCCERA's) reallocation of costs, and voter fatigue and resistance to additional ongoing charges due to impacts of benefit assessments and community facility districts.

Since then, circumstances have somewhat improved for ECCFPD as a result of increased property tax revenues. In particular, the reallocation of property tax funding from the Byron Bethany Irrigation District to ECCFPD, beginning in FY 17/18, has provided more than \$800,000 annually to the District.

Similarly, CCCFPD faced declining revenues associated with the decline in property values and thus property tax income after 2008, combined with increased costs associated with retirement liabilities. A significant increase in property tax revenues over the last four fiscal years has strengthened CCCFPD's financial position.

## Fiscal Determinations

Between FY 16/17 and FY 19/20, each of the districts has benefitted from significantly increasing property tax revenues—CCCFPD's increased by 20% and ECCFPD increased by 40%. Property tax revenues in upcoming years are somewhat unpredictable due to the unknown extent of the economic effects of the pandemic; however, enhanced demand for real estate is anticipated to drive continued growth in property values.

ECCFPD has greatly improved its financial position, since 2016, in part through increased property tax revenue and a reallocation of property tax funds from Byron-Bethany Irrigation District (~\$750,000 per year), will enable the scheduled opening of fire station 55 in FY 21/22. Revenues for the District are anticipated to continue to increase by about 4% annually through FY 25/26, indicating the ability to continue to provide the existing level of service.

CCCFPD has faced financial constraints in prior years associated with declining property tax revenues and increased pension liabilities. More recently, the area within CCCFPD is experiencing significant growth in both residential as well as commercial developments, resulting in significantly increased property tax revenues and enabling the re-staffing of five companies and the reopening of three fire stations over the last decade. Property tax revenues are projected to continue to grow approximately 4% annually through FY 25/26.

Projected combined finances of the districts for operational and capital expenditures indicate that the annexation of ECCFPD by CCCFPD is a financially feasible option. The combined finances of the reorganized agency would allow for expansion of reopening two additional three-person companies to be staffed over the following 12 months at stations 4 in Walnut Creek and station 55 in Oakley as well as expanding an additional three-person company in Brentwood with a new station to be constructed in Brentwood and acquisition of fire apparatus. This financing structure capitalizes on cost savings resulting from combining technology infrastructure, fleet maintenance, reduced capital reserve needs of the smaller agency, and other administrative functions.

## **Appropriations Limit**

The existing appropriations limit (the "Gann Limit"), according to "County of Contra Costa, 2021-2022 County Special Districts Final Budgets" publication and the budget documents of the agencies are: CCCFPD = \$4,788,422,954 and ECCFPD = \$49,653,677. The adjusted Gann Limit for Contra Costa County Fire Protection District would be a combination of the two Gann Limits of the individual districts or approximately \$4,838,076,631.

## Proposed Transition Plan

This application includes the transition plan described below to describe the process for complete organizational and service reorganization of the two districts.

### Reorganization Timeline

The application to LAFCO will be submitted in mid-September 2021. It is anticipated the LAFCO review process will take six months to complete with an annexation implementation date tentatively of April 1, 2022.

### Implementation Plan

#### Facilities and Apparatus Transfer

All facilities, equipment, and other apparatus existing as of finalization of the annexation which are owned by the East Contra Costa Fire Protection District shall be transferred to the Contra Costa County Fire Protection District.

#### Financial Transfer

##### Property Tax Sharing

It is assumed that all property taxes, which would otherwise be allocated by the Contra Costa County Auditor-Controller to the East Contra Costa Fire Protection District, would be allocated to the Contra Costa County Fire Protection District upon filing of the Certificate of Completion of the annexation and in each year thereafter.

##### Operating and Capital Reserve Funds

All fund balances that have been accumulated by the East Contra Costa Fire Protection District shall be transferred from their existing accounts to the Contra Costa County Fire Protection District. CCCFPD will deposit capital funds into appropriate accounts for their stated purpose consistent with current CCCFPD budgeting and accounting practices.

##### Other Assets and Liabilities

All other assets (including land and improvements) and liabilities existing as of the annexation shall be transferred from the East Contra Costa Fire Protection District to the Contra Costa County Fire Protection District.

## **Governance Structure**

The reorganized Fire District will be governed by the Board of Supervisors, acting as the Board of Directors of the Contra Costa County Fire Protection District. The Advisory Fire Commission will be modified to provide one member from the area formerly within the East Contra Costa Fire Protection District until the existing three-station deficit in the East Contra Costa Fire Protection District service area is addressed and eliminated.

## **Personnel and Employment Agreements**

All personnel from ECCFPD are planned to be absorbed into CCCFPD. Personnel will be transitioned into positions most closely matched with their current job classifications. In some cases, these positions will be represented by the same labor organization and in some cases the labor organization will change, depending on the representation at CCCFPD. CCCFPD is working with labor and County HR representatives to determine appropriate steps, actions, and processes to perform a smooth transition of all impacted personnel.

## **Conditions of Service Required by the Land Use Agency**

While this annexation is not for the purpose of serving new development, CCCFPD will comply with all conditions of service as defined by each land use agency within the annexed territory, such as development approval conditions, facility/impact charges, and fire flow requirements. Within East Contra Costa Fire Protection District, land use authorities consist of the County and the cities of Oakley and Brentwood.

Lou Ann Texeira

**From:** Dan Harper <dan.harper@ca.afscme57.org>  
**Sent:** Wednesday, January 19, 2022 5:16 PM  
**To:** Federal Glover; 'Supervisor Candace Andersen' supervisorandersen@bos.cccounty.us; Diane.Burgis@bosccccounty.us  
**Cc:** Lou Ann Texeira; Sherrie Weis; Thomas Geiger; Brian Oftedal; Carrie Nash; Adam Langro; Stephen Smith; Joe Young; Lewis Broschard (cccfd); Brian Helmick; Regina Rubier; Danicia D Harrison (president@afscmelocal2700.org); AFSCME, LOCAL 2700; David Sanford; Alvan Mangalindan  
**Subject:** Amended Letter - Reconsideration of Position Placement administrative positions ECCFPD in Contra Costa County Fire Protection District  
**Attachments:** 2022.01.19\_AFSCME Local 2700\_Ammended\_Letter\_CCC\_LAFFCO.pdf; Fire Annexation Questions

Dear Contra Costa County LAFCO Board,

My name is Dan Harer I am the Staff Union Representative for AFSCME Council 57 and cover the four Administrative positions represented by AFSCME Local 2700 in the East Contra Costa County Fire Protection District ECCFPD. Please see the attached amended letter in regards to the *Contra Costa County Fire Protection District (CCCFPD) Sphere of Influence (SOI) Expansion* which was agenda Item 9 at the cancelled Wednesday January 12<sup>th</sup> meeting.

Sincerely,

Dan Harper,  
*Pronouns: (he, him, his)*  
Union Representative  
AFSCME District Council 57  
Email: [dan.harper@ca.afscme57.org](mailto:dan.harper@ca.afscme57.org)  
4057 Pt Chicago Highway, Suite 100 Concord, CA 94520  
Cell: (510) 207-5881

Click [HERE](#) to sign a Membership Card



Please consider the environment before printing this e-mail.



## **Council 57**

4057 Port Chicago Hwy Suite 100  
Concord, CA 94520  
Phone 925-228-1600  
Fax 925-825-1812  
[www.afscme57.org](http://www.afscme57.org)

Wednesday January 19, 2022

Contra Costa County LAFCO County Commissioners and Staff  
40 Muir Rd 1<sup>st</sup> Fl  
Martinez CA 94553

**RE: Reconsideration of Position Placement administrative positions ECCFPD in Contra Costa County Fire Protection District**

Dear Contra Costa County LAFCO Board,

My name is Dan Harper, and I am the Staff Union Representative for AFSCME Council 57 and cover the four administrative positions represented by AFSCME Local 2700 in the East Contra Costa Fire Protection District ECCFPD. AFSCME Council 57 represents over 35,000 public and private sector employees in California. AFSCME Local 2700 represents over 1800 public sector employees in Contra Costa County, Contra Costa County Superior Courts, and Contra Costa County Employees Retirement Association CCCERA.

As you are aware the process of annexing the East Contra Costa Fire Protection District is moving forward. The County has been slow to respond on bargaining and has chosen positions to transition our current ECCFPD members into that are not a good match and could lead to a pay cut for some of almost \$1000.00 per month as proposed. This is completely unacceptable, and we cannot stand by and let this happen.

We were under the impression coming into this process that our members would be made whole in whichever position they landed in Contra Costa County. We implore you to do everything in your power to speak with County Human Resources and Labor Relations to help transition our members into positions that won't leave them having to take on such devastating cuts which will surely cause undue hardship on themselves, their families, and communities.

We are recommending that the current AFSCME Local 2700/Administrative positions at East Contra Costa Fire Protection District transfer into the positions listed below and highlighted in yellow. We are requesting that for all positions our members are transitioned into that there not be a loss in pay, that work locations remain in East County, and that there not be loss of vacation accruals in the transition.

Brunilda Rodriguez current ECCFPD position - Administrative Assistant I

Job Classifications	Who proposing?	Union Represented	Pay rate annually	Pay rate monthly	Class code
Administrative Assistant I	Current position at ECCFPD	AFSCME Local 2700		\$5101.00 current step \$5,267.00 step as of July 1, 2022	N/A
Administrative Aide (Deep Class)	County	no	\$42,585.12 - \$66,063.48 Annually	\$3,548.76 - \$5,505.29 Monthly	AP7A
Secretary Journey Level	AFSCME Local 2700	AFSCME Local 2700	\$45,900.00 - \$63,273.72 Annually	\$3,825.00 - \$5,272.81 Monthly	J3TF

Secretary Journey Level – Class Code (J3TF) – Job Description -

<https://agency.governmentjobs.com/contracosta/default.cfm?action=specbulletin&ClassSpecID=3910&headerfooter=0>

Patricia Hubbard ECCFPD Administrative Assistant II

Job Classifications	Who proposing?	Union Represented	Pay rate annually	Pay Rate Monthly	Class code
Administrative Assistant II	Current position at ECCFPD	AFSCME Local 2700		\$6000.00 current step \$6,195.00 step as of July 1, 2022	N/A
Administrative Aide (Deep Class)	County	no	\$42,585.12 - \$66,063.48 Annually	\$3,548.76 - \$5,505.29 Monthly	AP7A
Admin Services Assistant II	AFSCME Local 2700	IFPTE Local 21	\$70,046.40 - \$85,141.80 Annually	\$5,837.20 - \$7,095.15 Monthly	APVA

Admin Services Assistant II Class Code APVA -

<https://agency.governmentjobs.com/contracosta/default.cfm?action=specbulletin&ClassSpecID=4267&headerfooter=0>

Nicole Donovan ECCFPD Permit Technician

Job Classifications	Who proposing?	Union Represented	Pay rate annually	Pay Rate Monthly	Class code
Permit Technician	Current position at ECCFPD	AFSCME Local 2700		\$7833.00 current \$8088.00 step as of July 1, 2022	N/A
Principal Building Plan Checker	Originally proposed by ECCFPD	IFPTE Local 21	\$78,036.60 - \$110,263.80	\$6,503.05- \$9,188.65	FRHA
*Fire Inspector I	AFSCME Local 2700	IAFF Local 1230	\$81,425.52 - \$109,117.92 Annually	\$6,785.46 - \$9,093.16 Monthly	RJWJ

Principal Building Plan Checker (Class Code – FRHA)

<https://agency.governmentjobs.com/contracosta/default.cfm?action=specbulletin&ClassSpecID=1079372&headerfooter=0>

Fire Inspector I (Class Code RJWJ) -

<https://agency.governmentjobs.com/contracosta/default.cfm?action=specbulletin&ClassSpecID=1043236&headerfooter=0>

\*Nicole Donovan would only be interested in the Fire Inspector I position if it is in the Brentwood area.

Edlyn Calilan - ECCFPD Payroll Technician

Job Classifications	Who proposing?	Union Represented	Pay rate annually	Pay Rate Monthly	Class code
Payroll Technician	Current position at ECCFPD	AFSCME Local 2700		\$7833.00 current step \$8088.00 step as of July 1, 2022	N/A
Payroll Systems Accountant	AFSCME Local 2700	IFPTE Local 21	\$87,007.68 - \$105,758.40 Annually	\$7,250.64 - \$8,813.20 Monthly	SATC



## **Council 57**

4057 Port Chicago Hwy Suite 100  
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Pay Roll Systems Accountant (Class Code SATC) – Job Description

<https://agency.governmentjobs.com/contracosta/default.cfm?action=specbulletin&ClassSpecID=4144&headerfooter=0>

Contra Costa County Labor Relations in the County Administrators office have responded to several our questions but are still recommending positions that we believe are a bad fit and would lead to devastating pay cuts. We will be advocating for the best fit of positions, which some of the positions the County has identified do not appear to be.

Thank for your time and attention in addressing this situation. We look forward to working collaboratively with all parties involved to resolve this matter and I have listed my contact information below.

Sincerely,

Dan Harper,

*Pronouns: (he, him, his)*

Union Representative

Email: [dan.harper@ca.afscme57.org](mailto:dan.harper@ca.afscme57.org)

Cell: (510) 207-5881

**Attachments:** email - Fire Annexation Questions sent January 12, 2022

**CC:** Lewis Broschard, Contra Costa Fire Protection District, Fire Chief

East Contra Costa County Fire Protection District Board

Brian Helmick – ECCFPD County Fire Chief

Regina Rubier – ECCFPD, Business Services Manager

Danica Harrison – President AFSCME Local 2700

Commissioners and Staff of the Local Agency Formation Commission

I am writing to you as the shop steward on behalf of the members of Local 2700. As our shop steward, I have grave concerns for all of our members and what is transpiring in regards to the pending annexation.

On January 5<sup>th</sup> 2022, Local 2700 representative Dan Harper emailed a document with proposed positions and compensation for each member of Local 2700, upon the completion of annexation of ECCFPD into CCCFPD. This document (*CON-CCE Local 2700 Position Crossover 9-15-21*) is the same spreadsheet Mr. Harper had forwarded to the union members on September 16<sup>th</sup> 2021.

Our members are besides themselves, what is being proposed will drastically effect their ability to support their families and maintain security in their positions. As a group, we are the minority and do not have the strength of numbers to protect us. Our members have not received adequate representation which has resulted in devastating outcomes that will drastically effect our lives and well-being.

This email further informed members, that Local 2700 staff would not represent the majority of our members in negotiating with the County, leaving us blindsided without representation or a means to bargain or negotiate.

When we met with Mr. Harper in January 7<sup>th</sup>2022, during this meeting he was aloof and repeatedly dodged our questions while inferring many possible negative outcomes. One such case being the possibility of a new probationary period for our members, calling into question the mere security of our positions after the annexation is complete. He continued to say that 2700 could not represent the majority of our members in negotiations, as the positions proposed by the County were not represented by 2700. The conclusion of this meeting left the members with no answers or options and in complete dismay.

We had met with Mr. Harper on many occasions to discuss our concerns, and pleaded for any information or assistance that he could provide regarding our future with CCCFPD. He repeatedly told us that he had not been provided any information. He stated not to worry as proposed positions or compensation were not final and the county were required to bargain with 2700 before annexation could proceed.

Our members are deeply troubled as we are facing significant pay cuts ranging from 15 to 26%; \$20,000 per year, while members of Local 1230 stand to make significant increases, with some as much as \$40,000 per year. Members are being relocated to new offices which will increase their cost and time to commute, while being paid less. Others are being moved into unrepresented positions and are fearful that they will not have a guarantee of employment. We feel as though we are being sacrificed, and made to accept the stipulations of employment which are unreasonably different than what we were promised.

I am trying to understand why we are being penalized when we were assured that we would remain whole in this transition. Why are we not being held in the same importance as Local 1230? We have all proven that even though we are not in the field, we are essential to the success of this district. Yet with what has been proposed we feel as though we are not being held in the same regard as Local 1230.

The possibility of not being able to meet our obligations and support our families, has pushed us to begin to question the integrity of the district and those elected to represent us. We have waited patiently for information and have been told time and again that we would be left whole in this transition, but that is not the case.

We need your assistance and appreciate consideration of our concerns.

Sincerely,

Nicole Donovan Shop Steward on behalf of the concerned members of Local 2700

## **RESOLUTION NO. 21-11**

**Attachment 6**

### **RESOLUTION OF THE CONTRA COSTA LOCAL AGENCY FORMATION COMMISSION MAKING DETERMINATIONS AND APPROVING ANNEXATION OF THE EAST CONTRA COSTA FIRE PROTECTION DISTRICT TO THE CONTRA COSTA COUNTY FIRE PROTECTION DISTRICT AND DISSOLVING THE EAST CONTRA COSTA FIRE PROTECTION DISTRICT**

**WHEREAS**, on September 14, 2021 and on September 16, 2021, the Contra Costa County Fire Protection District (CCCFPD) and East Contra Costa Fire Protection District (ECCFPD), respectively, adopted substantially similar resolutions (CCCFPD Resolution No. 2021/8 [as amended by CCCFPD Resolution No. 2022/3] and ECCFPD Resolution No. 2021-32) to annex ECCFPD to CCCFPD, dissolve ECCFPD and name CCCFPD as successor agency pursuant to the Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000 (“CKH Act”), Government Code (“GC”) §56000 et seq.; and

**WHEREAS**, when substantially similar resolutions are adopted by the affected local agencies, the Commission is required to approve, or conditionally approve, the proposal; and

**WHEREAS**, in October 2021, CCCFPD submitted a “Plan for Services” and applications to LAFCO to expand its sphere of influence (SOI) to include ECCFPD territory (249± square miles), annex ECCFPD territory to CCCFPD, dissolve ECCFPD, and name CCCFPD as the successor agency; and

**WHEREAS**, pursuant to GC §56653, the CCCFPD application includes a “Plan for Services” which provides (1) an enumeration and description of services currently provided or to be provided; (2) the level and range of those services; (3) an indication of when those services can feasibly be extended to the affected territory; (4) an indication of improvements and augmented services levels; and (5) information on how the services will be financed; and

**WHEREAS**, the LAFCO Executive Officer reviewed the proposal, special study/municipal service review (MSR), and written comments, and on January 31, 2022, issued a Certificate of Filing deeming the application complete and setting the matter for hearing; and

**WHEREAS**, LAFCO’s 2009 and 2016 MSRs, along with the 2021 special study/MSR submitted with the LAFCO application, note that ECCFPD has experienced significant fiscal, service, and governance deficiencies and relies heavily on CCCFPD for mutual aid assistance; and

**WHEREAS**, the efficiency, effectiveness, and economy of fire protection and emergency medical services (EMS) to individuals within the affected districts can be improved through the boundary reorganization, and will enable the reorganized district to better meet the fire protection and EMS needs of the residents in the reorganized district; and

**WHEREAS**, CCCFPD, as applicant, has delivered an executed indemnification agreement between CCCFPD and Contra Costa LAFCO providing for CCCFPD as applicant to indemnify LAFCO against any expenses arising from any legal actions challenging the CCCFPD boundary reorganization and dissolution of ECCFPD; and

**WHEREAS**, at the time and in the manner required by law the Executive Officer gave public notice of the Commission’s consideration of this proposal. Notice of the Commission’s hearing regarding this proposal was advertised in all editions of the *East Bay Times*; and

**WHEREAS**, a public hearing was held by the Commission on March 9, 2022; and at the hearing the Commission heard and received oral and written comments.

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

1. The matter before the Commission is the proposed annexation of ECCFPD territory to CCCFPD, the dissolution of ECCFPD, and naming CCCFPD as successor agency.
2. The Commission is a Responsible Agency under the California Environmental Quality Act (CEQA), and in accordance with CEQA, the Commission find the proposed boundary reorganization is categorically exempt from CEQA pursuant to CEQA guidelines §15320(b) (Class 20 – *Changes of Organization in Local Agencies*), which is consistent with the determination of CCCFPD, the Lead Agency under CEQA.
3. The Commission determines that the annexation of ECCFPD territory to CCCFPD, the dissolution of ECCFPD, and naming CCCFPD as successor agency, is in the best interest of the affected area and the total organization of local government agencies in Contra Costa County.
4. The subject proposal is assigned the distinctive short-form designation and description:

**ANNEXATION OF EAST CONTRA COSTA FIRE PROTECTION DISTRICT TO CONTRA COSTA COUNTY FIRE PROTECTION DISTRICT AND DISSOLUTION OF EAST CONTRA COSTA FIRE PROTECTION DISTRICT**

5. ECCFPD was formed in 2002 and encompasses the cities of Brentwood and Oakley and unincorporated areas including Bethel Island, Byron, Discovery Bay, Knightsen and the Marsh Creek/Morgan Territory area. ECCFPD serves a population of 132,400 within 249± square miles. The boundaries of the affected territory are found to be definite and certain as approved and set forth in Exhibit A, attached hereto and made a part hereof.
6. In reviewing this proposal, the Commission has considered the factors specified in GC §56668.
7. The effective date of the boundary reorganization and dissolution shall be June 30, 2022.
8. This proposal is subject to a 30-day request for reconsideration period pursuant to GC §56895.
9. The subject territory is inhabited and is subject to a protest hearing to be conducted no less than 30 days following the Commission's approval of the proposal.
10. Following the Commission's approval and the 30-day reconsideration period, the Executive Officer will conduct a protest hearing pursuant to GC §57000 et seq.
11. Approval of the boundary reorganization and dissolution of ECCFPD is subject to the following terms and conditions pursuant to GC §§57450-57463 and §§56885-56890:
  - a. **Successor Agency.** Upon completion of the LAFCO proceedings and the recording of the LAFCO Certificate of Completion, CCCFPD, as successor agency to ECCFPD, shall function under and carry out all authorized duties and responsibilities assigned to a fire protection district as provided in the Health & Safety Code, Fire Protection District Law of 1987, Division 12, Part 2.7, Chapter 1 (§13800 et seq.). Except as provided in paragraph 11.d. below, all rights, responsibilities, and functions of ECCFPD will be transferred to CCCFPD as the successor agency to ECCFPD.
  - b. **Revenue Transfer.** Upon completion of the LAFCO proceedings and the recording of the LAFCO Certificate of Completion, CCCFPD shall levy, collect, track and administer all revenue, income, and previously authorized funds, charges, fees, assessments, and taxes currently in effect, levied, or collected by ECCFPD, including, but not limited to, property and other taxes, Measure H funds, previously authorized Byron Bethany Irrigation District

- funds, development impact fees, community facilities district fees, fire prevention fees, and redevelopment agency pass-thru agreements. These also include ECCFPD fees for recovery of fire protection, hazardous material emergency response and rescue service costs; and fees for the recovery of emergency medical first-responder service costs.
- c. **Transfer of Functions & Responsibilities.**  
Upon the effective date of the boundary reorganization, the functions of ECCFPD will transfer to CCCFPD as the successor agency. All laws, ordinances, resolutions, rules and regulations, and policies and procedures that were enacted, adopted or passed by the CCCFPD Board of Directors prior to the boundary reorganization shall remain in effect after the boundary reorganization and shall apply in the territory of the former ECCFPD until superseded, amended, modified or repealed by the CCCFPD Board of Directors.
- d. **Transfer of Assets & Liabilities.**  
As of the effective date of the boundary reorganization, CCCFPD shall have ownership, possession, and control of all assets and liabilities of ECCFPD, including but not limited to, equipment, licenses, land, records, papers, debts, pension/contractual/settlement agreements, other obligations, facilities, property, sources of income, cash, fund balances and other assets or property, real or personal, owned or leased by, connected with the administration of, or held for the benefit or use of ECCFPD, except that CCCFPD shall not assume any of ECCFPD's collective bargaining agreements, express or implied contracts for retiree health/OPEB for its active employees, or any other employment agreements with its active employees.
- e. **Successor Agency Revenue Sources.** CCCFPD, as successor agency, will continue to be financed through property taxes, benefit assessments, special assessments and taxes, fees and charges, and all other revenue currently in effect and being collected by CCCFPD and ECCFPD, including but not limited to those sources of ECCFPD revenue shown in Exhibit A. As successor agency, CCCFPD shall have full authority to impose, administer, and collect benefit assessments, special assessments, taxes, and fees and charges within the former ECCFPD territory.
- f. **Employees.** From and after the LAFCO effective date, all ECCFPD employees (i.e., suppression, public safety, prevention, administrative, other) of the dissolved ECCFPD shall become employees of CCCFPD.
- Upon the effective date of the boundary reorganization, all ECCFPD employees shall become employees of CCCFPD as successor agency without interruption in service or seniority, and with the compensation, seniority, and benefits applicable in CCCFPD. Said employees shall be retained in their respective or most closely equivalent capacities as determined by CCCFPD and shall be subject to the same terms and conditions of employment that govern similarly situated CCCFPD employees; provided however, that the successor agency may alter such terms and conditions of employment from time to time as provided by law.
- g. **Successor Agency Fire Chief.** The current CCCFPD Fire Chief shall continue to serve as Fire Chief of the reorganized district.
- h. **Oversight – Advisory Committee.** The total composition of the CCCFPD Board of Directors shall remain the same. Composition of the CCCFPD Advisory Commission shall be adjusted to ensure that at least one member of the advisory fire commission is a resident

- within the current ECCFPD service boundary until the existing three-station deficit in the ECCFPD service area is addressed and eliminated.
- i. **Service Demand.** CCCFPD will eliminate the current deficit of three fire stations within the ECCFPD service area and will strive to do so within six years after the effective date of the boundary reorganization and dissolution of ECCFPD. Thereafter, CCCFPD will build additional necessary fire stations as soon as practicable to meet the needs of the ECCFPD service area, based on development in the service area over the next 20 years.
- j. **Plan for Services.** Upon the effective date of the boundary reorganization, CCCFPD as the successor agency shall serve the dissolved ECCFPD service area territory through implementation of the Plan for Services until and unless it is determined by the CCCFPD Board of Directors that fiscal or service requirements justify changes to the Plan for Services. Within one year of LAFCO's approval of the boundary reorganization, CCCFPD shall provide LAFCO with a written update on how the Plan for Services included with the LAFCO application has been implemented.

\* \* \* \* \*

PASSED AND ADOPTED THIS 9<sup>th</sup> day of March 2022 by the following vote:

AYES:

NOES:

ABSTENTIONS:

ABSENT:

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ROB SCHRODER, 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: March 9, 2022

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Lou Ann Texeira, Executive Officer

## **Exhibit A**

Sources of revenue to be transferred from ECCFPD to the District upon completion of the LAFCO proceedings and recording the LAFCO Certificate of Completion, include, but are not limited to, the following:

- **Measure H Funds**
  - Each fire agency receives an allocation based on population served
- **Byron-Bethany Irrigation District**
- **CFD Summer Lakes (East Contra Costa Fire CFD)**
- **CFD Delta Coves (Diablo Water District CFD)**
- **Oakley Fire CFD (City of Oakley CFD)**
- **East Contra Costa CFD (District wide throughout Oakley, Brentwood and county areas for new development)**
- **Development Impact Fees (administrative agreement with each land use agency)**
- **RDA Pass Through Agreements**
- **First Responder Fees**
- **Fire Prevention Fees**
- **Outstanding Accounts Receivable**

**Lou Ann Texeira**

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**From:** john granado <johngranado3@yahoo.com>  
**Sent:** Tuesday, February 8, 2022 12:32 PM  
**To:** Lou Ann Texeira  
**Subject:** Fire consolidation

I do support the consolidation as a lifetime born and raised Brentwood resident we need a department with the full resources for all calls, as you know they should be able to go into a structure to fight the fire and not be on defense at every fire. Also our city/ area shouldn't have to be without coverage anytime !!! I have been a firefighter when it was EAST DIABLO FIRE and that was my way of helping my community but now days the guys are over worked and under paid for the job they do for EAST CONTRA COSTA FIRE. Please approve it for all of us it's time and much needed, thanks for your time John G.

Sent from my iPhone

**Lou Ann Texeira**

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**From:** mesloan1@aol.com  
**Sent:** Friday, February 11, 2022 6:30 AM  
**To:** Lou Ann Texeira  
**Subject:** Contra Costa County Fire District Consolidation

Please add my name to list of those requesting LAFCO support the consolidation of the Contra Costa County Fire Protection District with the East Contra Costa Fire Protection District.

We have been without adequate fire protection and emergency services for far too long in East Contra Costa County.

Michael Sloan  
1109 Jonagold Way  
Brentwood, CA 94513



## CONTRA COSTA COUNTY FIRE PROTECTION DISTRICT

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February 25, 2022

Contra Costa LAFCO  
Rob Schroder, Chair  
40 Muir Rd., 1<sup>st</sup> Floor  
Martinez, CA 94553

### **Re: Clarifying Amendments to Annexation Resolutions and Related Matters**

Dear Mr. Schroder,

At the February 9, 2022 meeting, LAFCO's Board of Directors agreed to continue consideration of the annexation of the East Contra Costa Fire Protection District (the "ECCFPD") into the Contra Costa County Fire Protection District (the "District") to provide time for the District to clarify its resolution of application for annexation (the "Annexation Resolution"). By this letter, the District respectfully submits District Resolution 2022/3, which clarifies its original resolution (District Resolution 2021/8) requesting that LAFCO initiate proceedings for the dissolution of the ECCFPD and subsequent annexation of those territories into the District.

The District also hereby submits suggested changes to LAFCO's proposed Resolution Making Determinations and Approving Annexation of East Contra Costa Fire Protection District to Contra Costa County Fire Protection District and Dissolving East Contra Costa Fire Protection District (the "Proposed Resolution of Annexation"). Finally, the District takes this opportunity to respond to certain matters that may be raised by the annexation.

#### Amendments to the District's Resolution of Application for Annexation

The District has made two clarifying amendments to the Annexation Resolution regarding successor agency employment-related obligations and revenue transfer. First, the paragraph of the Annexation Resolution concerning successor agency obligations has been amended to ensure consistency with the District Board of Directors' ongoing position that the same terms and conditions of employment will apply to the transferring ECCFPD employees as to similarly situated District employees. The amendment avoids a situation where the transitioning employees are potentially subject to different contracts and employment terms than similarly situated employees in the same classifications and the resultant confusion and uncertainty this would cause. Specifically, the amendment clarifies that the District will not assume ECCFPD's collective bargaining agreements, implied or express agreements between ECCFPD and its current employees for retiree health/OPEB, and other employment contracts between ECCFPD and its current employees. For example, the amendments make clear that the District will not assume ECCFPD's employment agreement with its Fire Chief.

Second, the paragraph of Annexation Resolution relating to the revenue transfer has been revised to remove an incorrect legal citation to the Revenue and Taxation Code, seemingly requiring

entering into a property tax exchange agreement. LAFCO's Executive Officer has advised that the process set forth in the citation is not applicable to the annexation.

#### Suggested Revisions to LAFCO's Proposed Resolution of Annexation

Concerning the effective date of the boundary organization and dissolution, the District requests that the effective date be set for June 30, 2022. For that reason, and in accordance with Government Code section 57202, the District has made a suggested revision to paragraph 6 of LAFCO's Resolution of Annexation to replace the date of filing of LAFCO's Certificate of Completion with June 30, 2022, as the effective date.

With respect to the assumption of employment-related contracts, the suggested revisions to LAFCO's Proposed Resolution of Annexation mirror the amendments made to the District's resolution. In particular, the suggested revisions clarify that the District would not assume ECCFPD's collective bargaining agreements, implied or express agreements between ECCFPD and its current employees for retiree health/OPEB, and other employment contracts between ECCFPD and its current employees. (See LAFCO Proposed Resolution of Annexation ¶ 11(d).) These proposed changes would reflect that the same terms and conditions of employment will apply to employees transitioning from ECCFPD as to similarly situated District employees. (See LAFCO Proposed Resolution of Annexation ¶ 11(f).)

Under the paragraph concerning the District's liabilities and assets, the District suggests revisions to reflect additional classes of liabilities and assets that are being transferred through the annexation. (See LAFCO Proposed Resolution of Annexation ¶ 11(d).) A change is recommended to the paragraph in LAFCO's Proposed Resolution of Annexation that lists revenue types that will be transferred to the District. For purposes of transparency, the District recommends amending the resolution to include a non-exclusive list of anticipated sources of revenue, identifying many of the significant revenue sources. (See LAFCO Proposed Resolution ¶ 11(e) and Exhibit A.)

Additionally, the District recommends revisions to the paragraph concerning service demands. As currently drafted, the paragraph states that the District "will eliminate the current deficit of three fire stations within the ECCFPD service area and will strive to do so within six years after the effective date of the boundary reorganization and dissolution of ECCFPD." (See LAFCO Proposed Resolution of Annexation ¶ 11(i).) Because the District needs flexibility to decide how and where to best use its resources, the District recommends that language be revised to state that the District "will strive to eliminate the current deficit of three fire stations within the ECCFPD service area within six years after the effective date of the boundary reorganization and dissolution of ECCFPD. Thereafter, fire stations will be constructed as soon as practicable to meet the needs of the CCCFPD service area, inclusive of the dissolved ECCFPD service area, based on development in the service area over the next 20 years."

#### Additional Matters Relating to the Annexation

The District also takes this opportunity to address certain issues as it moves forward. Importantly, the District recognizes that it must have flexibility to manage its services following the annexation. For this reason, LAFCO's Draft Resolution properly provides the District with the ability to amend the Plan for Service if needed for "fiscal or service requirements." (See LAFCO Proposed Resolution ¶ 11(j).) Because unanticipated circumstances undoubtedly will arise, the District

should not be constrained by language that limits its ability to amend the Plan for Service in the event of such circumstances. LAFCO's Proposed Resolution correctly recognizes that circumstances justifying changes to the Plan for Service cannot be defined at this time because any such language would be based on predictions, rather than facts.

To the extent that a suggestion is made that LAFCO should require the District to report to LAFCO on its implementation of the Service Plan following annexation or otherwise oversee the District's progress in doing so, such monitoring is not a proper condition of annexation because it would require LAFCO to act beyond its authority. LAFCO's powers are enumerated by statute, and its statutory powers do not include the continued monitoring of a successor agency following an annexation. (See Gov. Code, § 56375 *et seq.*)

Finally, with respect to any remaining employment-related issues, negotiations are ongoing.

We thank you for your attention to these matters.

Respectfully,

A handwritten signature in black ink, appearing to read "L. T. Broschard III", with a stylized flourish at the end.

Lewis T. Broschard III  
Fire Chief

Attachments

cc: Board of Supervisors  
Monica Nino, County Administrator  
Mary Ann Mason, County Counsel  
Lou Ann Texeira, LAFCO Executive Officer

CITY COUNCIL  
Randy Pope, Mayor  
Aaron Meadows, Vice Mayor  
Anissa Williams  
George Fuller  
Sue Higgins



CITY HALL  
3231 Main Street  
Oakley, CA 94561  
925.625.7000 tel  
925.625.9859 fax  
www.ci.oakley.ca.us

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March 2, 2022

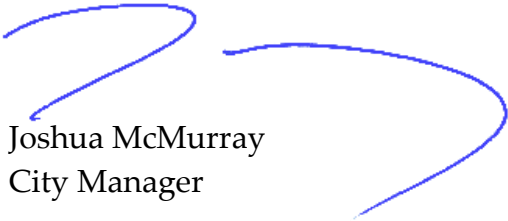
Contra Costa County LAFCO  
40 Muir Rd 1st Fl  
Martinez CA 94553

**RE: Support for the Annexation of the East Contra Costa Fire Protection District to the Contra Costa County Fire Protection District**

Dear Contra Costa County LAFCO Board,

I write this letter to express my strong support of the annexation of the East Contra Costa Fire Protection District (ECCFPD) to the Contra Costa County Fire Protection District (CCCFPD) and Dissolution of the ECCFPD. Our current fire station infrastructure is inadequate to serve our City and the larger population of the existing ECCFPD boundary. The City has long supported the consolidation effort and based on the analysis conducted by AP Triton, LLC, the annexation will increase both the effectiveness and efficiency of the service delivery system in far East Contra Costa County. These benefits will not only affect the residents and business owners of Oakley in a positive way, but will positively impact all of far East Contra Costa County.

Sincerely,

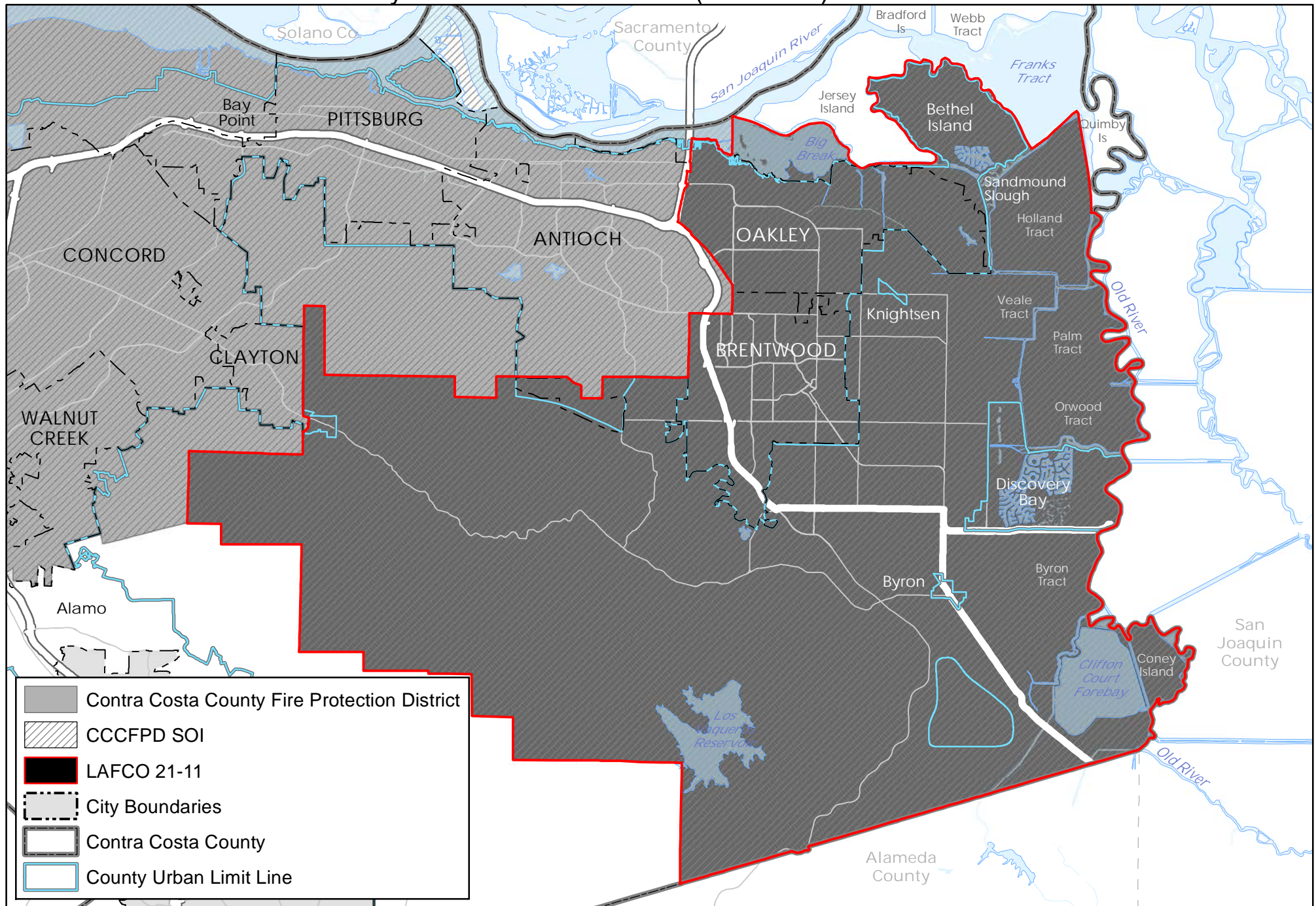


Joshua McMurray  
City Manager

CC: Lou Ann Texeira, LAFCO Executive Officer  
Board of Directors, Contra Costa County Fire Protection District  
Monica Nino, County Administrator  
Lewis Broschard, Fire Chief, Contra Costa County Fire Protection District  
Brian Helmick, Fire Chief, East Contra Costa Fire Protection District

# LAFCO 21-11: Annexation of East Contra Costa Fire Protection District (ECCFPD) to Contra Costa County Fire Protection District (CCCFPD) and Dissolution of ECCFPD

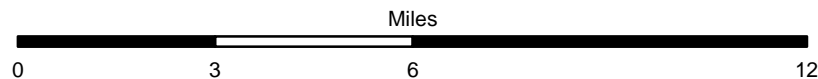
**Exhibit A**



- Contra Costa County Fire Protection District
- CCCFPD SOI
- LAFCO 21-11
- City Boundaries
- Contra Costa County
- County Urban Limit Line

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.



## 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 Contra Costa County Fire Protection District (CCCFPD) comprising 306± square miles with a population of 628,200 and the East Contra Costa Fire Protection District (ECCFPD) comprising 249± square miles with a population of 132,400. The subject areas include a range of land uses, topography, and incorporated and unincorporated areas. Within the subject areas there is potential for growth within the next 10 years. No changes in land use will result from the boundary reorganization.
(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.  "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 an ongoing and future need for fire protection and emergency medical services (EMS) within the subject area. LAFCO Municipal Service Reviews identified significant governance, service, and fiscal issues for ECCFPD, along with governance structure options for ECCFPD, including dissolution of ECCFPD and annexation to CCCFPD. Annexation of ECCFPD to CCCFPD will enhance the provision of sustainable, cost-effective fire protection services and EMS in East Contra Costa County. As proposed, there is adequate funding to support the boundary reorganization.
(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.	The boundary reorganization promotes service and governance efficiency and is expected to improve the provision of fire protection services and EMS in East Contra Costa County. The boundary reorganization proposes no additional costs to residents.
(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. <i>(Note: Section 56377 encourages preservation of agricultural and open space lands)</i>	The subject area includes a range of land uses. The boundary reorganization will have no direct effect on development or on policies and priorities in Section 56377.
(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 subject area has specific boundary lines that are certain and identifiable.
(h) The proposal's consistency with city or county general and specific plans.	The boundary reorganization will have no effect on the city or county General Plans.
(i) The sphere of influence (SOI) of any local agency which may be applicable to the proposal being reviewed.	The CCCFPD SOI was amended to facilitate the boundary reorganization.

FACTOR	COMMENTS
(j) The comments of any affected local agency or other public agency.	CCCYPD and ECCYPD initiated the boundary reorganization. As of this writing, no comments from affected local agencies or other public agencies were received.
(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.	CCCYPD, as the receiving entity, has adequate capacity and funding to extend fire protection services and EMS to the ECCYPD area. The annexation study shows benefits with the boundary reorganization.
(n) Any information or comments from the landowner or owners, voters, or residents of the affected territory.	On January 12, 2022, LAFCO received letters from two labor representatives – <i>Council 57 – AFSCME</i> and <i>Local 2700 of AFSCME</i> Council 57 expressing concerns with the transition of four administrative positions from ECCYPD to CCCYPD and potentially significant pay cuts.
(o) Any information relating to existing land use designations.	There are numerous land use designations in the subject area per the County and cities' General Plans. No changes to the present or planned land uses in the subject area will result from this boundary reorganization.
(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 boundary reorganization will have no negative effect on environmental justice or the fair treatment of people of all races, cultures and incomes. There are several disadvantaged communities within the ECCYPD service area (i.e., Bethel Island, portions of Brentwood and Oakley). Fire protection and emergency medical services are expected to improve following the boundary reorganization.
(q) Local hazard mitigation plan	There are very high fire hazard zones with the subject areas. The boundary reorganization will improve response to these areas.
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.	The boundary reorganization 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 (e) effect of proposal on agricultural land; (g) - regional transportation plan; (l) water supplies; and (m) achieving respective fair shares of regional housing needs and are not applicable to this proposal.

**Table C – Before & After Boundary Reorganization**
**Exhibit C**

Type	Current	Proposed	Change
<b>Governance</b>	<b>Two Boards of Directors</b> <u>CCCYPD</u> 5 Board members <u>ECCYPD</u> 5 Board members	<b>One Board of Directors</b> <u>Successor Agency/CCCYPD</u> 5 Board members	<b>Reduction in Board Members</b> Change from two separate Boards to one Board
<b>Level of Service</b>	<b>Separate ISO Ratings</b> <u>CCCYPD</u> ISO PPC® rating of 3/8 <u>ECCYPD</u> ISO PPC® rating of 4/9	<b>Comprehensive ISO Rating</b> <u>Successor Agency/CCCYPD</u> TBD	<b>Change in Level of Service</b> Change in Level of Service unknown at this time
<b>Fire Chief</b>	<b>Two Fire Chiefs</b> <u>CCCYPD</u> One Fire Chief <u>ECCYPD</u> One Fire Chief	<b>One Fire Chief</b> <u>Successor Agency/CCCYPD</u>	<b>Reduction in Fire Chiefs</b> Change from two Fire Chiefs to one Fire Chief
<b>Employees</b>	<b>Two Personnel Departments</b> <u>CCCYPD</u> 355 Active Employees <u>ECCYPD</u> 47 Active Employees	<b>One Personnel Department</b> <u>Successor Agency/CCCYPD</u> 402 Active Employees	<b>No change in Operations Admin/Support Staff</b> All personnel of ECCYPD will become employees of Successor Agency/CCCYPD
<b>Pension Benefits</b>	<b>Existing Pension Plan</b> <u>CCCYPD</u> CCCERA <u>ECCYPD</u> CCCERA	<b>Existing Pension Plan</b> <u>Successor Agency/CCCYPD</u> CCCERA	<b>No change to Existing Pension Plans</b> The existing pension plans under CCCERA will be transferred to the successor agency/CCCYPD
<b>Fire Stations &amp; Equipment</b>	<b>Two Inventory Lists</b> <u>CCCYPD</u> 30 fire stations (26 staffed) <u>ECCYPD</u> 6 fire stations (3 staffed)	<b>One Inventory List</b> <u>Successor Agency/CCCYPD</u> 36 fire stations (29 staffed)	<b>No Immediate Changes to Existing Stations or Equipment</b> All apparatus, facilities, and buildings will be transferred over to the successor agency/CCCYPD
<b>Assets &amp; Liabilities</b>  <b>Revenues &amp; Expenditures</b>	<b>Two Budgets</b> <u>CCCYPD – FY 2020-21</u> Total Assets = \$118,361,000 Total Liabilities = \$15,431,000 Fund Balance = \$45,600,000  Total Revenue = \$157,800,000 Total Expenses = \$151,200,000  <u>ECCYPD – FY 2019-20</u> Total Assets - \$32,086,040 Total Liabilities - \$23,567,397  Total Revenues = \$19,833,164 Total Expenses = \$19,797,543	<b>One Budget</b> <u>Successor Agency/CCCYPD</u>	<b>Consolidated Budget</b> Change from two separate budgets to one budget with potential cost savings due to economies of scale  All existing ECCYPD revenue will be transferred to the successor agency/CCCYPD

CONTRA COSTA LOCAL AGENCY FORMATION COMMISSION  
EXECUTIVE OFFICER'S REPORT

March 9, 2022 (Agenda)

March 9, 2022  
Agenda Item 7

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

APPLICANT                      DBCSD - Resolution 2021-13, August 18, 2021 - Applications to LAFCO for a SOI Expansion and Annexation of the Pantages Project and District Owned Parcels

ACREAGE & LOCATION                      The applicant proposes to expand the DBCSD SOI by 133.36± acres (several parcels). The Pantages subdivision area (132.44± acres) is located at the eastern terminus of Point of Timber Road (east of Bixler Road), and the Newport Well site (0.926± acres) is located at the intersection of Newport Drive and Bolinas Place – both sites are located in the unincorporated community of Discovery Bay.

PURPOSE                      The purpose of the proposal is to allow DBCSD to extend municipal water, wastewater and other municipal services to the Pantages subdivision. The project consists of 277 single family homes and associated parks and open space. Contra Costa County approved the development project and entitlements in 2021.

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

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

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

1. ***The present and planned uses in the area, including agricultural and open space lands*** – The project site is currently vacant. The County General Plan designations in the subject areas include Single Family Residential – High (SH), Parks and Recreation (PR), Water (WA) and Open Space (OS); and the Newport water well site is designated Public/Semi-Public (PS). The Zoning designations include Planned Unit District (P-1) and Urban Farm Animal Exclusion Overlay (UE); and the well site is zoned Agricultural (A-3). The subject area is located within the voter approved Urban Limit Line. The planned land uses in the subject area include development of 277 single family homes and associated parks and open space.
2. ***The present and probable need for public facilities and services in the area*** – The proposed residential development will require public services and facilities including municipal water, wastewater, and other municipal services to enable development of the property. Municipal services through DBCSD are needed to support development of the subject area.
3. ***The present capacity of public facilities and adequacy of public services that the agency provides or is authorized to provide*** – DBCSD provides water supply; wastewater collection, treatment and disposal; levee maintenance; parks and recreation; lighting, landscaping, and maintenance. The District encompasses approximately nine square miles (5,760 acres) and serves an estimated 15,000 residents.

DBCSD water infrastructure includes two water treatment plants (WTPs) that feed into one distribution system, four water storage tanks, booster pumps, and 50 miles of mainland pipe. Storage capacity at the

Willow Lake WTP is 1.5 MG and storage capacity at the Newport WTP is 1.0 MG. The primary source of water is through six groundwater supply wells, with mobile generators for backup power as needed. Discovery Bay groundwater is in the newly designated East Contra Costa Sub-basin (formerly called the Tracy Sub-basin). Water from these wells is sent through a treatment, filtration, and storage process.

In June 2020, DBCSD issued its 2020 Urban Water Management Plan, and in July 2021, the District issued its annual water quality report. Based on the proposed development of 277 single-family homes and associated parks and open space, the estimated demand for service is 400,781 gallons per day (GPD).

Water infrastructure needed to serve the development includes connecting the 8-inch diameter waterlines within the subdivision to the existing DBCSD water system which has been stubbed out to the project area in anticipation of the Pantages subdivision water needs. DBCSD is currently in the beginning stages of designing a new water well which they expect to have in service by Fall 2023. The new well will enhance water system dependability and will be in service in time to meet the full build out demand of the Pantages project.

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

The sewer connections are gravity flow to a single pump station. The proposed development will include a new sewer lift station that will collect all wastewater from the subdivision and pump it to the existing sewer system and eventually to the District's wastewater treatment plant.

Based on the proposed development of 277 single-family homes the estimated demand for sewer service is approximately 63,710 GPD. DBCSD has infrastructure in the area and serves surrounding properties. DBCSD also provides wastewater services and operates two wastewater treatment plants. Both plants recently underwent major capital improvements. DBCSD indicates that the two existing wastewater treatment facilities can adequately serve the proposed development.

In addition to water and wastewater services, DBCSD will provide landscape maintenance as well as park and recreation services including various classes, activities, and special events to the subject area.

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

4. ***The existence of any social or economic communities of interest in the area if the commission determines that they are relevant to the agency*** – The subject area is located in unincorporated Discovery Bay in eastern Contra Costa County. Access to the project area is from Point of Timber Road. The project site is bordered on the north by East Contra Costa Irrigation District channel; to the east and south by Kellogg Creek; and to the west by residential subdivisions. The development plan includes 277 single-family homes and associated parks and open space. The subject area will benefit from services provided by DBCSD.
5. ***Nature, location, extent, functions & classes of services to be provided*** – DBCSD provides water, wastewater, parks and recreation, lighting, landscaping, and maintenance services to the Discovery Bay community of approximately 15,000 residents.

**Environmental Impact of the Proposal** – In conjunction with the Pantages development project, Contra Costa County, as Lead Agency, prepared and certified an Environmental Impact Report (EIR) and addendums in conjunction with the Pantages Bays Residential Development Project. In addition, DBCSD prepared a Notice of Exemption in conjunction with annexation of areas containing the existing Newport Water Treatment Plant and Wastewater Plant No. 2.

## ALTERNATIVES FOR COMMISSION ACTION

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

- Option 1** Adopt the resolution (Attachment 1) approving the proposed DBCSD SOI expansion by 133.36± acres.
- A. Consider the information contained in Contra Costa County’s CEQA documents including an EIR (2013) and Addendums (2015 and 2021) prepared and adopted Contra Costa County, and in the Notice of Exemption pursuant to Class 19 [section 15319(a)] and section 15601(b)(3) (parcels B and C) prepared and adopted by DBCSD (2020).
  - B. Adopt this report and expand the SOI DBCSD as described herein and shown on the attached map.

**Option 2** Adopt this report and DENY the proposal.

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

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

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

### Exhibit

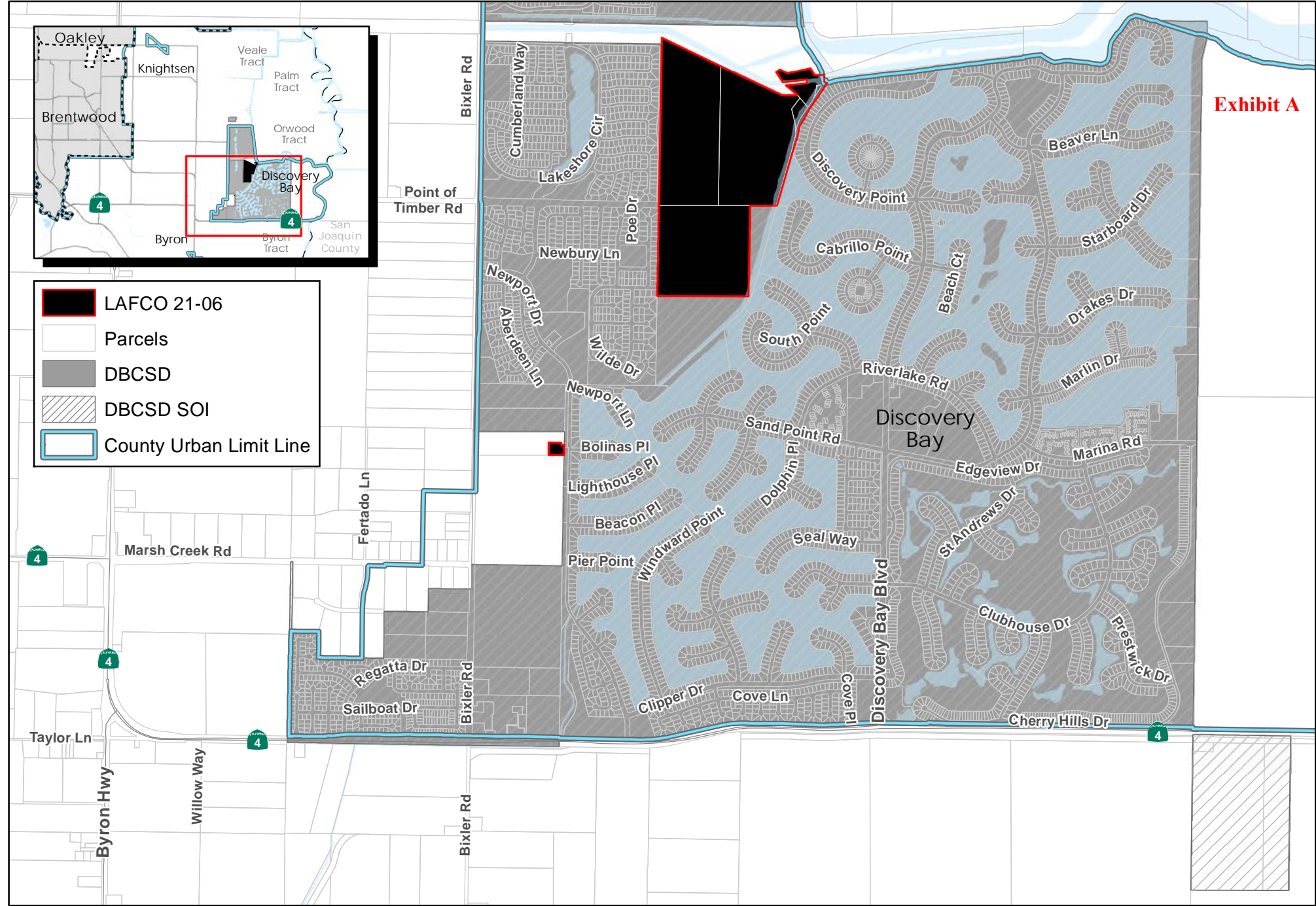
Exhibit A - Map – Proposed DBCSD SOI Expansion

### Attachment

Attachment 1 - Draft LAFCO Resolution – DBCSD SOI Expansion

c: Dina Breitstein, DBCSD General Manager  
Mike Yeraka, DBCSD Consultant  
Trevor Smith, Pantages

LAFCO 21-06 Discovery Bay Community Services District (DBCSD) Sphere of Influence Amendment(Pantages)



**SPHERE OF INFLUENCE RESOLUTION NO. 21-06**

**RESOLUTION OF THE CONTRA COSTA LOCAL AGENCY FORMATION COMMISSION  
MAKING DETERMINATIONS AND EXPANDING THE SPHERE OF INFLUENCE  
OF TOWN OF DISCOVERY BAY COMMUNITY SERVICES DISTRICT (PANTAGES PROJECT)**

WHEREAS, a proposal to expand the sphere of influence (SOI) of the Town of Discovery Bay Community Services District (DBCSD) and corresponding annexation 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 LAFCO Executive Officer gave 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 DBCSD's SOI by 133.36± acres (several parcels), including the development project area located at the eastern terminus of Point of Timber Road (east of Bixler Road), and the Newport well site located at the intersection of Newport Drive and Bolinas Place.
2. The Commission is a Responsible Agency under the California Environmental Quality Act (CEQA), and in accordance with CEQA, considered information contained in Contra Costa County's CEQA documents including an Environmental Impact Report (2013) and Addendums (2015 and 2021), and in the Notice of Exemption pursuant to Class 19 [section 15319(a)] and section 15601(b)(3) (parcels B and C) as prepared and adopted by DBCSD (2020).
3. The SOI of DBCSD is hereby expanded to include the area as shown on the attached map (Exhibit A).
4. In conjunction with the SOI expansion, 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 project site is currently vacant. The County General Plan designations in the subject areas include Single Family Residential – High (SH), Parks and Recreation (PR), Water (WA) and Open Space (OS); and the Newport water well site is designated Public/Semi-Public (PS). The Zoning designations include Planned Unit District (P-1) and Urban Farm Animal Exclusion Overlay (UE); and the well site is zoned Agricultural (A-3). The subject area is located within the voter approved Urban Limit Line. The planned land uses in the subject area include development of 277 single family homes and associated parks and open space.

***The present and probable need for public facilities and services in the area*** – The proposed residential development will require public services and facilities including municipal water, wastewater, and other municipal services to enable development of the property. Municipal services through DBCSD are needed to support the development project.

***The present capacity of public facilities and adequacy of public services that the agency provides or is authorized to provide*** – DBCSD provides water supply; wastewater collection, treatment and disposal; levee maintenance; parks and recreation; lighting, landscaping, and maintenance.

Based on the proposed development of 277 single-family residential units and the estimated demand for municipal services, including wastewater, water, landscape maintenance, parks and recreation and associated services, DBCSD indicates it has the capacity to provide these services to the project area.

***The existence of any social or economic communities of interest in the area if the commission determines that they are relevant to the agency*** – The subject area is located in unincorporated Discovery Bay in eastern Contra Costa County. Access to the project area is from Point of Timber Road. The project site is bordered on the north by East Contra Costa Irrigation District channel; to the east and south by Kellogg Creek; and to the west by residential subdivisions. The development plan includes 277 single-family homes and associated parks and open space. The subject area will benefit from services provided by DBCSD.

***Nature, location, extent, functions & classes of services to be provided*** – DBCSD encompasses approximately nine square miles in eastern unincorporated Contra Costa County. DBCSD provides water; wastewater collection, treatment, and disposal; levee maintenance; parks and recreation, lighting, landscaping, and maintenance services to the Discovery Bay community of approximately 15,000 residents.

\* \* \* \* \*

PASSED AND ADOPTED THIS 9<sup>th</sup> day of March 2022, by the following vote:

AYES:

NOES:

ABSTENTIONS:

ABSENT:

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ROB SCHRODER, 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: March 9, 2022

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Lou Ann Texeira, Executive Officer

CONTRA COSTA LOCAL AGENCY FORMATION COMMISSION  
EXECUTIVE OFFICER'S REPORT

March 9, 2022 (Agenda)

**March 9, 2022**  
**Agenda Item 8**

LAFCO 21-12                      Annexation to the Mt. View Sanitary District (MVSD) – 2984 & 2994 Upton Road located in the City of Martinez

APPLICANT                      Branon Long, Landowner

SYNOPSIS                      This is an application to annex two parcels (APNs 162-142-005 and -006) to MVSD. The parcels total 2.59± acres and are located in the City of Martinez - see Exhibit A.

The purpose of the proposal is to allow for the extension of municipal wastewater services to the properties. There is one single family residential unit on each parcel. No new construction is proposed. The applicant reports that the existing septic systems on the subject parcels have failed.

DISCUSSION

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

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

The area proposed for annexation is within the SOI of MVSD.

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

The City of Martinez General Plan designation for the parcels is R-06 (0 to 6 units/gross acre) and the City's zoning designation is RR-40 (Rural Residential – minimum lot size 40,000 sq. ft.). No changes to land use designations are proposed. The subject parcels are located within the voter approved Urban Limit Line.

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

The subject parcels are located in a residential neighborhood surrounded to the north, south, east and west by residential development. There is no "agricultural land" (GC §56016), "prime agricultural land" (GC §56064), or land under a Williamson Act Land contract in the subject area.

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

The subject area is flat with rolling hills in the surrounding areas.

**5. Population:**

The average household size in the City of Martinez is 2.56, with an average family size of 3.12. No population increase is anticipated with the extension of wastewater services to the two existing homes. (Data source: US Census Bureau American Community Survey, 5-year estimates 2015-2019)

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

In its review of a proposal, LAFCO must consider the extent to which the proposal will assist the receiving entity in achieving its fair share of the regional housing needs as determined by the regional council of governments. No new housing is proposed with this annexation.

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

If a proposal for a change of organization or reorganization is submitted, the applicant shall also submit a plan for providing services within the affected territory (Gov. Code §56653). The plan for services is

included with the application. The plan shall include all the following information and any additional information required by the Commission or the Executive Officer:

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

The annexation area is currently served by various local agencies including, but not limited to, City of Martinez, Contra Costa County Fire Protection District, and Contra Costa Water District.

MVSD provides wastewater collection, treatment, and disposal services for the central portion of the City of Martinez and adjacent unincorporated lands to the northeast, including the Mt. View area, serving approximately 21,000 residents within 4.7± square miles. The District's wastewater collection system consists of 73 miles of sewer mains and four pump stations serving approximately 8,300 connections.

District staff reports that connections for the two parcels will be made to an existing public sewer main in Upton Road. The anticipated demand is approximately 150 gallons per day per lot.

The District collaborates with the Central Contra Costa Sanitary District to provide a permanent Household Hazardous Waste Collection facility and disposal services for the central portion of the county. MVSD has a franchise agreement with Allied Waste (parent company to Pleasant Hill Bayshore Disposal) for Allied Waste to provide trash collection, recycling, and disposal services within the unincorporated area of MVSD's boundaries.

MVSD staff indicates they have the capacity to collect, convey, treat, and dispose of wastewater from these two parcels.

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

Pursuant to the CKH, LAFCO must consider the timely and available supply of water in conjunction with a boundary change proposal. Contra Costa LAFCO policies state that any proposal for a change of organization that includes the provision of water service shall include information relating to water supply, storage, treatment, distribution, and waste recovery; as well as adequacy of services, facilities, and improvements to be provided and financed by the agency responsible for the provision of such services, facilities, and improvements.

Regarding **water service**, the City of Martinez provides water treatment and distribution services to the subject parcels. Contra Costa Water District (CCWD) provides the untreated water supply to the City. CCWD operates and maintains the Martinez Terminal Reservoir that is owned by the United States Bureau of Reclamation.

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

The annexation area is within tax rate area 05032. The assessed value for the annexation area is \$1,194,780 (2021-22 roll). The territory being annexed shall be liable for all authorized or existing taxes and bonded debt comparable to properties presently within the annexing agency.

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

MVSD, as Lead Agency, found the project exempt pursuant to the California Environmental Quality Act, California Code of Regulations Title 14, Article 19, Section 15319(b) – *Annexations of Existing*

*Facilities and Lots for Exempt Facilities.* The LAFCO Environmental Coordinator reviewed the document and finds it adequate for LAFCO purposes.

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

The landowner is the applicant and consents to the proposed annexation. MVSD issued a will serve letter consenting to the proposed annexation and indicating that the District has capacity to collect, convey, treat, and dispose of wastewater from the subject parcels.

All landowners and registered voters within the proposal area and within 300 feet of the exterior boundaries of the area(s) were sent notice of the LAFCO hearing. As of this writing there were no objections to the proposed annexation. Thus, if the Commission approves the annexation, the Commission shall waive the protest hearing (Gov. Code §56662).

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

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

**13. Environmental Justice:**

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

**14. Disadvantaged Communities:**

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

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

As of this writing, LAFCO has received no comments from local agencies or surrounding landowners or registered voters.

**16. Regional Transportation and Regional Growth Plans:**

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

SB 375, a landmark state law, requires California's regions to adopt plans and policies to reduce the generation of greenhouse gases, primarily from transportation. In October 2021, the Association of Bay Area Governments (ABAG) and the Metropolitan Transportation Commission (MTC) adopted *Plan Bay Area 2050* - a regional long-range plan charting a course for a Bay Area that is affordable, connected, diverse, healthy and vibrant for all residents through 2050 and beyond. *Plan Bay Area*

2050 connects the elements of housing, economy, transportation, and environment through strategies that will make the Bay Area more equitable for all residents and more resilient in the face of unexpected challenges. The Implementation Plan identifies over 80 specific actions for MTC, ABAG, and partner organizations to take over the next five years to address the 35 strategies. The proposed annexation does not conflict with the strategies outlined in *Plan Bay Area 2050*.

#### ALTERNATIVES FOR COMMISSION ACTION

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

**Option 1** Approve the annexation as proposed.

- A. Find, as a responsible agency, that the proposed annexation of the subject parcels to MVSD is exempt from the California Environmental Quality Act, pursuant to California Code of Regulations Title 14, Article 19, Section 15319(b) – *Annexations of Existing Facilities and Lots for Exempt Facilities*.
- B. Adopt this report, approve LAFCO Resolution No. 21-12 (Attachment 1), and approve the proposal, to be known as *Annexation to Mt. View Sanitary District – 2984 & 2994 Upton Road – Martinez* subject to the following terms and conditions:
  1. The territory being annexed shall be liable for the continuation of any authorized or existing special taxes, assessments, and charges comparable to properties presently within the annexing agency.
  2. Find that the subject territory is uninhabited, the subject landowner consents to the annexation; thus, the conducting authority (protest) proceedings are hereby waived.

**Option 2** Adopt this report and DENY the proposal.

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

**RECOMMENDED ACTION: Approve Option 1**

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

Exhibit

Annexation Map – Exhibit A

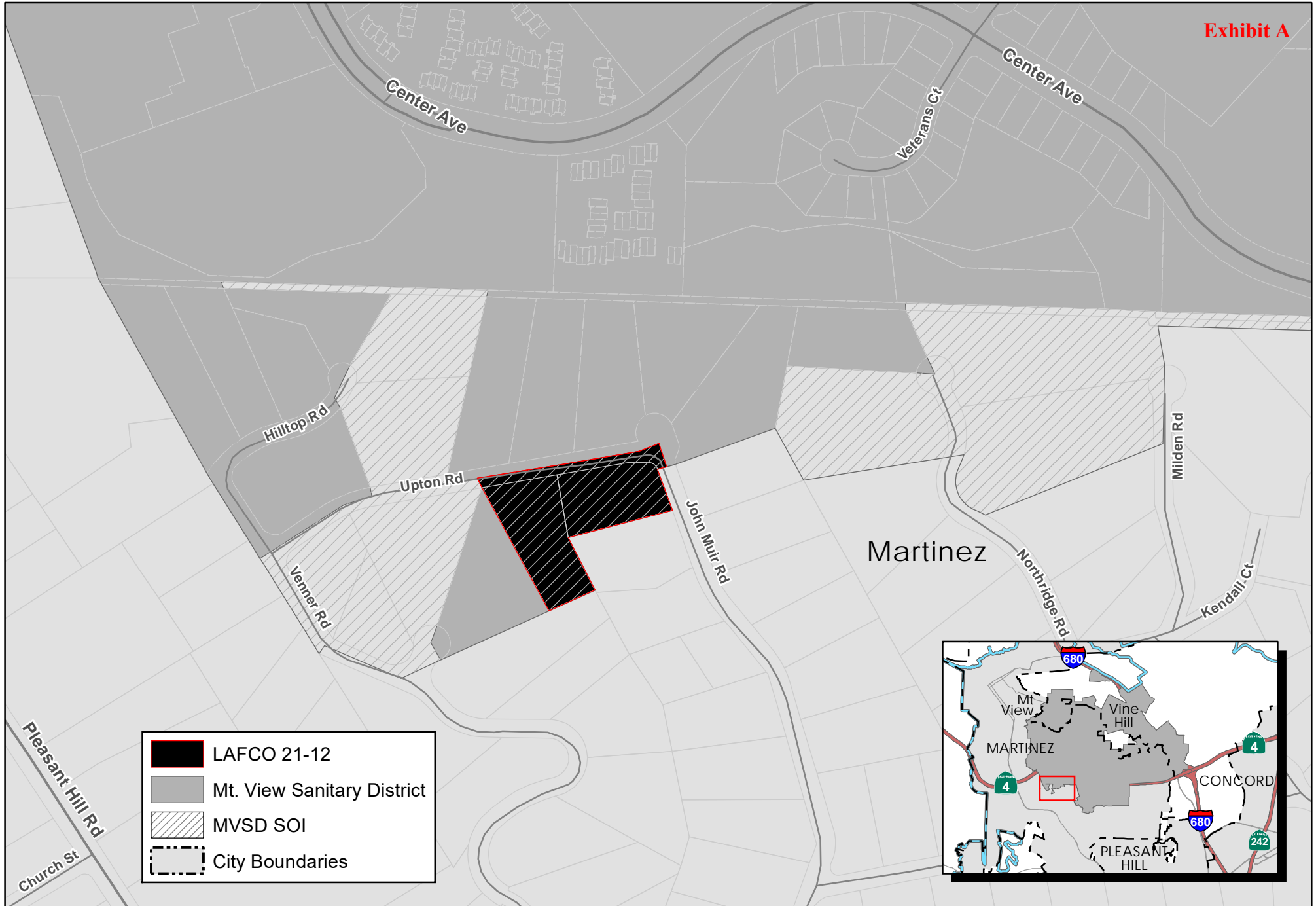
Attachment

1 – Draft LAFCO Resolution 21-12

c: Branon Long, Landowner  
Lilia Corona, District Manager, MVSD  
Chris Elliott, District Engineer  
John Mellar, Aliquot Associates Inc.  
Denise Gray, Administrative Services Manager/CFO, MVSD  
Peter Wollman, P.L.S., LCC Engineering and Surveying, Inc.

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

**Exhibit A**



**RESOLUTION NO. 21-12**

**RESOLUTION OF THE CONTRA COSTA LOCAL AGENCY FORMATION COMMISSION  
MAKING DETERMINATIONS AND APPROVING ANNEXATION TO MT. VIEW  
SANITARY DISTRICT – 2984 & 2994 UPTON ROAD – MARTINEZ**

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

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

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

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

**WHEREAS**, at a public hearing held on March 9, 2022, 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 recommendations, the environmental document and determination, applicable General and Specific Plans, consistency with the spheres of influence, and related factors and information including those contained in Gov. Code §56668; and

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

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

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

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

1. The Commission is a Responsible Agency under the California Environmental Quality Act (CEQA); and in accordance with CEQA, the Commission finds the proposed annexation is categorically exempt from CEQA pursuant to California Code of Regulations Title 14, Article 19, Section 15319(b) – *Annexations of Existing Facilities and Lots for Exempt Facilities*, which is consistent with the determination of Mt. View Sanitary District, the Lead Agency under CEQA.
2. Annexation to Mt. View Sanitary District of 2.59± acres to extend wastewater services to the subject parcels is hereby approved.

3. The subject proposal is assigned the following distinctive short-form designation:  
**ANNEXATION TO MT. VIEW SANITARY DISTRICT – 2984 & 2994 UPTON ROAD - MARTINEZ**
4. The boundary of the subject area is found to be definite and certain as approved and set forth in Exhibit A, attached hereto and made a part hereof.
5. The subject area shall be liable for any authorized or existing taxes, charges, and assessments currently being levied on comparable properties within the annexing agencies.
6. The subject area is uninhabited pursuant to Gov. Code §56079.5.
7. No affected landowners or registered voters within the subject area object to the proposal, and the conducting authority (protest) proceedings are hereby waived.
8. All subsequent proceedings in connection with these annexations shall be conducted only in compliance with the approved boundaries set forth in the attachments and any terms and conditions specified in this resolution.

\* \* \* \* \*

PASSED AND ADOPTED THIS 9<sup>th</sup> day of March 2022, by the following vote:

AYES:

NOES:

ABSTENTIONS:

ABSENT:

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ROB SCHRODER, 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: March 9, 2022

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Lou Ann Texeira, Executive Officer



CONTRA COSTA LOCAL AGENCY FORMATION COMMISSION

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

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

(925) 313-7133

Lou Ann Teixeira  
Executive Officer

MEMBERS

Candace Andersen  
County Member

Donald A. Blubaugh  
Public Member

Tom Butt  
City Member

Igor Skaredoff  
Special District Member

Federal Glover  
County Member

Michael R. McGill  
Special District Member

Rob Schroder  
City Member

ALTERNATE MEMBERS

Diane Burgis  
County Member

Stanley Caldwell  
Special District Member

Charles R. Lewis, IV  
Public Member

Edi Birsan  
City Member

**March 9, 2022**  
**Agenda Item 9**

March 9, 2022

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

**Legislative Report - Update and Position Letter**

Dear Members of the Commission:

The Legislature reconvened on January 3, 2022 for the second year of the two-year legislative cycle. CALAFCO is currently tracking 18 bills and is sponsoring the annual omnibus bill (Attachment 1). Included among the tracked bills are SB 852 (Dodd) which creates the *Climate Resilience Districts Act*. Which completely by-passes LAFCO. CALAFCO is meeting with the author to obtain more information and discuss concerns. CALAFCO is also tracking SB 418 (Laird) which creates the Pajaro Valley Healthcare District. The sponsor and authors are working CALAFCO and the affected LAFCOs.

Other CALAFCO legislative activities include working with San Diego LAFCO on revisions to Government Code section 56133 – out of agency service. At this time, San Diego and CALAFCO have been unable to secure a bill author.

Also, CALAFCO is sponsoring SB 938 (Hertzberg) which seeks to amend the LAFCO protest provisions. This bill is a culmination of three years of collaborative work by the 18-member protest provision rewrite working group. The bill will likely be set for hearing on March 31<sup>st</sup> in the Senate Governance & Finance Committee. CALAFCO is asking that support letters be submitted by Friday, March 25<sup>th</sup>. Attached please find a draft letter of support (Attachment 2) along with CALAFCO supporting material (Attachment 3 -7).

**RECOMMENDATION** – Provide input and direction regarding support letter for SB 938.

Sincerely,

LOU ANN TEXEIRA  
EXECUTIVE OFFICER

Attachment 1 – CALAFCO Legislative Report  
Attachment 2 – Letter of Support – SB 938  
Attachment 3 – SB 938 - Bill  
Attachment 4 – SB 938 CALAFCO Fact Sheet  
Attachment 5 – SB 938 CALAFCO Support Letter  
Attachment 6 – SB 938 LAFCO Protest Reforms Fact Sheet  
Attachment 7 – Protest Threshold Resolution

## CALAFCO Daily Legislative Report as of Wednesday, March 02, 2022

1

**[SB 938](#) ([Hertzberg D](#)) The Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000: protest proceedings: procedural consolidation.**

**Current Text:** Introduced: 2/8/2022 [html](#) [pdf](#)

**Introduced:** 2/8/2022

**Status:** 2/16/2022-Referred to Com. on GOV. & F.

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

**Summary:**

The Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000 provides the exclusive authority and procedure for the initiation, conduct, and completion of changes of organization and reorganization for cities and districts, except as specified. Under current law, in each county there is a local agency formation commission that oversees these changes of organization and reorganization. With a specified exception, current law provides for protest proceedings for a change of organization or reorganization following adoption of a resolution making certain determinations by the commission, as provided. Current law sets forth required procedures for the commission following a protest hearing depending on the nature of the conducting authority, as defined, the type of change of organization or reorganization, and the results of the protest proceeding. The bill would reorganize and consolidate the above-described procedures. The bill would make conforming changes and remove obsolete provisions.

**Attachments:**

[SB 938 LAFCo support letter template](#)

[SB 938 CALAFCO Support letter](#)

[SB 938 CALAFCO Fact Sheet](#)

[SB 938 Author Fact Sheet](#)

**Position:** Sponsor

**Subject:** CKH General Procedures, Other

**CALAFCO Comments:** CALAFCO is the sponsor of this bill. SB 839 represents a collaborative three-year effort (by an 18-member working group) to clean up, consolidate, and clarify existing statutory provisions associated with consolidations and dissolutions, as well as codify the conditions under which a LAFCo may initiate dissolution of a district at the 25 percent protest threshold. In response to a recommendation made in the 2017 Little Hoover Commission report (Special Districts: Improving Oversight and Transparency), CALAFCO initiated a working group of stakeholders in early 2019 to discuss the protest process for dissolutions of special districts.

The bill's current format (dated 2/8/22) represents the restructuring of existing protest provisions scattered throughout CKH. There have been some minor technical language added for clarifications. These changes are all minor in nature (by legislative standards).

The bill will be amended to reflect the newly designed process that codifies the ability for LAFCo to initiate a district dissolution at 25% protest threshold. The conditions under which this can occur include one or more of the following, any/all of which must be documented via determinations in a Municipal Service Review (MSR):

1. The agency has one or more documented chronic service provision deficiencies that substantially deviate from industry or trade association standards or other government regulations and its board or management is not actively engaged in efforts to remediate the documented service deficiencies;
2. The agency spent public funds in an unlawful or reckless manner inconsistent with the principal act or other statute governing the agency and has not taken any action to prevent similar future spending;
3. The agency has consistently shown willful neglect by failing to consistently adhere to the California Public Records Act and other public disclosure laws the agency is subject to;
4. The agency has failed to meet the minimum number of times required in its governing act in the prior calendar year and has taken no action to remediate the failures to meet to ensure future

5. The agency has consistently failed to perform timely audits in the prior three years, or failed to meet minimum financial requirements under Government Code section 26909 over the prior five years as an alternative to performing an audit, or the agency's recent annual audits show chronic issues with the agency's fiscal controls and the agency has taken no action to remediate the issues.

1. LAFCo to present the MSR in a 21-day noticed public hearing. At that time the LAFCo may choose to adopt a resolution of intent to dissolve the district. The resolution shall contain a minimum 12-month remediation period.
2. The district will have a minimum of 12 months to remediate the deficiencies.
3. Half-way through the remediation period, the district shall provide LAFCo a written report on the progress of their remediation efforts. The report is to be placed on a LAFCo meeting agenda and presented at that LAFCo meeting.
4. At the conclusion of the remediation period, LAFCo conducts another 21-day noticed public hearing to determine if district has remedied deficiencies. If the district has resolved issues, commission rescinds the resolution of intent to dissolve the district and the matter is dropped. If not, commission adopts a resolution making determinations to dissolve the district.
5. Standard 30-day reconsideration period.
6. Protest proceedings at 25% threshold can be noticed with a required 60-day protest period.
7. Protest hearing is held and amount of qualified protests determined based on 25% threshold. LAFCo either orders dissolution, election, or termination.

**SB 1490** (Committee on Governance and Finance) Validations.

**Status:** 3/1/2022-From printer.

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

**Status:** 3/1/2022-From printer.

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

**Status:** 3/1/2022-From printer.

[illegible]

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

**Summary:**

Would enact the Third Validating Act of 2022, which would validate the organization, boundaries, acts, proceedings, and bonds of the state and counties, cities, and specified districts, agencies, and entities.

**Position:** Watch

**Subject:** LAFCo Administration

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

**AB 1640 (Ward D) Office of Planning and Research: regional climate networks: regional climate adaptation and resilience action plans.**

**Current Text:** Introduced: 1/12/2022 [html](#) [pdf](#)

**Introduced:** 1/12/2022

**Status:** 1/20/2022-Referred to Com. on NAT. RES.

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

**Summary:**

Current law requires, by July 1, 2017, and every 3 years thereafter, the Natural Resources Agency to update, as prescribed, the state's climate adaptation strategy, known as the Safeguarding California Plan. Existing law establishes the Office of Planning and Research in state government in the Governor's office. Current law establishes the Integrated Climate Adaptation and Resiliency Program to be administered by the office to coordinate regional and local efforts with state climate adaptation strategies to adapt to the impacts of climate change, as prescribed. This bill would authorize eligible entities, as defined, to establish and participate in a regional climate network, as defined. The bill would require the office, through the program, to encourage the inclusion of eligible entities with land use planning and hazard mitigation planning authority into regional climate networks.

**Attachments:**

[AB 1640 Author Fact](#)

**Subject:** Climate Change

**CALAFCO Comments:** This bill is a follow up and very similar to AB 897 (2021). The bill would authorize eligible entities, as defined (including LAFCo), to establish and participate in a regional climate network, as defined. The bill would authorize a regional climate network to engage in activities to address climate change, as specified. Further, it requires a regional climate network to develop a regional climate adaptation and resilience action plan and to submit the plan to OPR for review, comments, and certification. The bill would require OPR to: (1) encourage the inclusion of eligible entities with land use planning and hazard mitigation planning authority into regional climate networks; (2) develop and publish guidelines on how eligible entities may establish regional climate networks and how governing boards may be established within regional climate networks by 7-1-23; and (3) provide technical assistance to regions seeking to establish a regional climate network, facilitate coordination between regions, and encourage regions to incorporate as many eligible entities into one network as feasible.

The difference between this bill and AB 897 is this bill removes requirements for OPR to develop guidelines and establish standards and required content for a regional climate adaptation and resilience action plan (to be produced by the network), and removes some specified technical support requirements by OPR. Those requirements were covered in SB 170, a budget trailer bill from 2021.

The bill is author-sponsored and keyed fiscal. An author fact sheet is included in our attachments area.

**AB 1773 (Patterson R) Williamson Act: subvention payments: appropriation.**

**Current Text:** Introduced: 2/3/2022 [html](#) [pdf](#)

**Introduced:** 2/3/2022

**Status:** 2/10/2022-Referred to Coms. on AGRI. and L. GOV.

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

#### Summary:

The Williamson Act, also known as the California Land Conservation Act of 1965, authorizes a city or county to enter into contracts with owners of land devoted to agricultural use, whereby the owners agree to continue using the property for that purpose, and the city or county agrees to value the land accordingly for purposes of property taxation. Existing law sets forth procedures for reimbursing cities and counties for property tax revenues not received as a result of these contracts and continuously appropriates General Fund moneys for that purpose. This bill, for the 2022-23 fiscal year, would appropriate an additional \$40,000,000 from the General Fund to the Controller to make subvention payments to counties, as provided, in proportion to the losses incurred by those counties by reason of the reduction of assessed property taxes. The bill would make various findings in this regard.

#### Attachments:

[AB 1773 Author Fact Sheet](#)

**Position:** Watch

**Subject:** Ag Preservation - Williamson

**CALAFCO Comments:** AB 1773 resurrects funding the Williamson Act for the 2022-2023 budget year. The Williamson Act was created to preserve open space and conserve agricultural land. For many years, the state funded the Act at around \$35-\$40 million per year. This funding ceased during the recession, and has not been reinstated since. AB 1773 would allocate \$40 million from the General Fund to the Williamson Act for the purpose of subvention payments.

The bill is author-sponsored, has a general-fund appropriation, and is keyed fiscal. An author fact sheet is posted in our attachments section.

#### [AB 1944](#) ([Lee D](#)) **Local government: open and public meetings.**

**Current Text:** Introduced: 2/10/2022 [html](#) [pdf](#)

**Introduced:** 2/10/2022

**Status:** 2/18/2022-Referred to Com. on L. GOV.

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

#### Summary:

Current law, the Ralph M. Brown Act, requires, with specified exceptions, that all meetings of a legislative body of a local agency, as those terms are defined, be open and public and that all persons be permitted to attend and participate. Current law, until January 1, 2024, authorizes a local agency to use teleconferencing without complying with those specified teleconferencing requirements in specified circumstances when a declared state of emergency is in effect, or in other situations related to public health. This bill would specify that if a member of a legislative body elects to teleconference from a location that is not public, the address does not need to be identified in the notice and agenda or be accessible to the public when the legislative body has elected to allow members to participate via teleconferencing.

#### Attachments:

[AB 1944 Author Fact Sheet](#)

**Position:** Watch

**Subject:** Brown Act

**CALAFCO Comments:** This bill would delete the requirement that an individual participating in a Brown Act meeting remotely from a non-public location must disclose the address of the location. If the governing body chooses to allow for remote participation, it must also provide video streaming and offer public comment via video or phone.

The bill is author sponsored and keyed fiscal. The author's fact sheet is posted in our attachments area.

#### [AB 2449](#) ([Rubio, Blanca D](#)) **Open meetings: local agencies: teleconferences.**

**Current Text:** Introduced: 2/17/2022 [html](#) [pdf](#)

**Introduced:** 2/17/2022

**Status:** 2/18/2022-From printer. May be heard in committee March 20.

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

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**Summary:**

Current law, until January 1, 2024, authorizes a local agency to use teleconferencing without complying with specified teleconferencing requirements in specified circumstances when a declared state of emergency is in effect, or in other situations related to public health. This bill would authorize a local agency to use teleconferencing without complying with those specified teleconferencing requirements if at least a quorum of the members of the legislative body participates in person from a singular location clearly identified on the agenda that is open to the public and situated within the local agency's jurisdiction. The bill would impose prescribed requirements for this exception relating to notice, agendas, the means and manner of access, and procedures for disruptions. The bill would require the legislative body to implement a procedure for receiving and swiftly resolving requests for reasonable accommodation for individuals with disabilities, consistent with federal law.

**Position:** Watch

**Subject:** Brown Act

**CALAFCO Comments:** This bill authorizes the use of teleconferencing without noticing and making available to the public teleconferencing locations if a quorum of the members of the legislative body participate in person from a singular location that is noticed and open to the public and require the legislative body to offer public comment via video or phone.

CALAFCO reached out to the author's office for information and we've not yet heard back. The bill is not keyed fiscal.

**AB 2647 (Levine D) Local government: open meetings.**

**Current Text:** Introduced: 2/18/2022 [html](#) [pdf](#)

**Introduced:** 2/18/2022

**Status:** 2/19/2022-From printer. May be heard in committee March 21.

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

**Summary:**

The Ralph M. Brown Act requires the meetings of the legislative body of a local agency to be conducted openly and publicly, with specified exceptions. Current law makes agendas of public meetings and other writings distributed to the members of the governing board disclosable public records, with certain exceptions. Current law requires a local agency to make those writings distributed to the members of the governing board available for public inspection at a public office or location that the agency designates. This bill would instead require a local agency to make those writings distributed to the members of the governing board available for public inspection at a public office or location that the agency designates or post the writings on the local agency's internet website in a position and manner that makes it clear that the writing relates to an agenda item for an upcoming meeting.

**Position:** Watch

**Subject:** Brown Act

**CALAFCO Comments:** This bill seeks to amend the law to make clear that writings that have been distributed to a majority of a local legislative body less than 72 hours before a meeting can be posted online in order to satisfy the law.

The bill is sponsored by the League of Cities and is not keyed fiscal.

**SB 852 (Dodd D) Climate resilience districts: formation: funding mechanisms.**

**Current Text:** Introduced: 1/18/2022 [html](#) [pdf](#)

**Introduced:** 1/18/2022

**Status:** 2/7/2022-Art. IV. Sec. 8(a) of the Constitution dispensed with. (Ayes 31. Noes 6.) Joint Rule 55 suspended. (Ayes 31. Noes 6.)

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

**Summary:**

Current law authorizes certain local agencies to form a community revitalization authority (authority) within a community revitalization and investment area, as defined, to carry out provisions of the Community Redevelopment Law in that area for purposes related to, among other things, infrastructure, affordable housing, and economic revitalization. Existing law provides for the financing of these activities by, among other things, the issuance of bonds serviced by property tax

increment revenues, and requires the authority to adopt a community revitalization and investment plan for the community revitalization and investment area that includes elements describing and governing revitalization activities. This bill would authorize a city, county, city and county, special district, or a combination of any of those entities to form a climate resilience district for the purposes of raising and allocating funding for eligible projects and the operating expenses of eligible projects. The bill would define "eligible project" for these purposes.

**Attachments:**

[SB 852 Author Fact Sheet](#)

**Position:** Watch

**Subject:** Special District Principle Acts

**CALAFCO Comments:** This bill creates the Climate Resilience Districts Act. The bill completely bypasses LAFCo in the formation and oversight of these new districts because the districts are primarily being created as a funding mechanism for local climate resilience projects (as a TIF or tax increment finance district - for which LAFCos also have no involvement).

The bill authorizes a city, county, city and county, special district, or a combination of any of those entities to form a climate resilience district for the purposes of raising and allocating funding for eligible projects and the operating expenses of eligible projects. The bill defines "eligible project" to mean projects that address sea level rise, extreme heat, extreme cold, the risk of wildfire, drought, and the risk of flooding, as specified. The bill authorizes a district created pursuant to these provisions to have boundaries that are identical to the boundaries of the participating entities or within the boundaries of the participating entities. The bill also authorizes specified local entities to adopt a resolution to provide property tax increment revenues to the district. The bill would also authorize specified local entities to adopt a resolution allocating other tax revenues to the district, subject to certain requirements. The bill would provide for the financing of the activities of the district by, among other things, levying a benefit assessment, special tax, property-related fee, or other service charge or fee consistent with the requirements of the California Constitution. It requires 95% of monies collected to fund eligible projects, and 5% for district administration. The bill would require each district to prepare an annual expenditure plan and an operating budget and capital improvement budget, which must be adopted by the governing body of the district and subject to review and revision at least annually.

Section 62304 details the formation process, Section 62305 addresses the district's governance structure, and 62307 outlines the powers of the district.

This bill is sponsored by the Local Government Commission and is keyed fiscal. A fact sheet is included in our attachments section.

**[SB 1100](#) (Cortese D) Open meetings: orderly conduct.**

**Current Text:** Introduced: 2/16/2022 [html](#) [pdf](#)

**Introduced:** 2/16/2022

**Status:** 2/23/2022-Referred to Coms. on GOV. & F. and JUD.

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

**Summary:**

Would authorize the members of the legislative body conducting a meeting to remove an individual for willfully interrupting the meeting. The bill, except as provided, would require removal to be preceded by a warning, either by the presiding member of the legislative body or a law enforcement officer, that the individual is disrupting the proceedings and a request that the individual curtail their disruptive behavior or be subject to removal. The bill would similarly require a warning before clearing a meeting room for willful interruptions by a group or groups. The bill would define "willfully interrupting" to mean intentionally engaging in behavior during a meeting of a legislative body that substantially impairs or renders infeasible the orderly conduct of the meeting in accordance with law. The term would include failure to comply with a reasonable regulation adopted in accordance with existing law after a warning and request in accordance with the bill, as applicable. By establishing new requirements for local legislative bodies, this bill would impose a state-mandated program.

**Attachments:**

[SB 1100 Author Fact Sheet](#)

**Position:** Watch

**Subject:** Brown Act

**CALAFCO Comments:** This bill would authorize the removal of an individual from a public meeting who is “willfully interrupting” the meeting after a warning and a request to stop their behavior. “Willfull interrupting” is defined as intentionally engaging in behavior during a meeting of a legislative body that substantially impairs or renders infeasible the orderly conduct of the meeting in accordance with law.

The bill is author-sponsored and keyed fiscal. An author fact sheet is posted in our attachments section.

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

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

**Introduced:** 2/17/2021

**Last Amended:** 7/14/2021

**Status:** 8/27/2021-Failed Deadline pursuant to Rule 61(a)(12). (Last location was APPR. SUSPENSE FILE on 8/16/2021)(May be acted upon Jan 2022)

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

**Summary:**

Current law requires, by July 1, 2017, and every 3 years thereafter, the Natural Resources Agency to update, as prescribed, the state’s climate adaptation strategy, known as the Safeguarding California Plan. Current law establishes the Office of Planning and Research in state government in the Governor’s office. Current law establishes the Integrated Climate Adaptation and Resiliency Program to be administered by the office to coordinate regional and local efforts with state climate adaptation strategies to adapt to the impacts of climate change, as prescribed. This bill would authorize eligible entities, as defined, to establish and participate in a regional climate network, as defined. The bill would require the office, through the program, to encourage the inclusion of eligible entities with land use planning and hazard mitigation planning authority into regional climate networks. The bill would authorize a regional climate network to engage in activities to address climate change, as specified.

**Attachments:**

[CALAFCO Support July 2021](#)

[AB 897 Fact Sheet](#)

**Position:** Support

**Subject:** Climate Change

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

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

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

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

posted in the tracking section of the bill.

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

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

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

2/24/22 UPDATE: It appears this bill is being replaced with AB 1640 (Ward, Mullin, etc.). CALAFCO will keep this bill on Watch and follow the new bill.

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

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

**Introduced:** 2/17/2021

**Last Amended:** 4/19/2021

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

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

#### **Summary:**

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

**Position:** Watch

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

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

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

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

2022 UPDATE: Given Member Frazier is no longer in the Assembly and the appellate court overturned the lower court's decision, it is likely the bill will not move forward. CALAFCO will retain WACTH on the bill.

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

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

**Introduced:** 2/18/2021

**Last Amended:** 5/18/2021

**Status:** 2/1/2022-In Senate. Read first time. To Com. on RLS. for assignment.

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

**Summary:**

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

**Position:** Watch

**Subject:** FPPC

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

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

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

UPDATE AS OF 2/24/22 - The author's office indicates they are moving forward with the bill this year and are planning amendments. They are not clear what those amendments will be so CALAFCO will retain a WATCH position on the bill.

**AB 1195 (Garcia, Cristina D) Drinking water.**

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

**Introduced:** 2/18/2021

**Last Amended:** 5/24/2021

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

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

**Summary:**

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

**Attachments:**

[CALAFCO Letter of Concern - April 2021](#)

[AB 1195 Fact Sheet](#)

**Position:** Watch With Concerns

**Subject:** Water

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

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

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

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

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

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

THIS IS NOW A 2-YEAR BILL.

UPDATE AS OF 2/10/22 - According to the author's office, the author is not intending to move the bill forward at this time. CALAFCO will continue to WATCH and monitor the bill. As a result, the bill was downgraded from a P-1 to a P-3.

#### **AB 1935 (Grayson D) Resource conservation districts: formation.**

**Current Text:** Introduced: 2/10/2022 [html](#) [pdf](#)

**Introduced:** 2/10/2022

**Status:** 2/18/2022-Referred to Com. on L. GOV.

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

#### **Summary:**

Current law authorizes the formation of a resource conservation district in accordance with prescribed procedures for the control of runoff, the prevention or control of soil erosion, the development and distribution of water, and the improvement of land capabilities. Under current law, a proposal to form a district may be made by a petition of registered voters, as specified. Current law requires, within 30 days after the date of filing a petition, the executive officer of the

local agency formation commission to cause the petition to be examined and prepare a certificate of sufficiency, as provided. Current law authorizes, within 15 days after a notice of insufficiency, the chief petitioners to file with the executive officer a supplemental petition, as provided. Current law requires, within 10 days after the date of filing a supplemental petition, the executive officer to examine the supplemental petition and certify in writing the results of their examination. This bill would increase the amount of time, from 30 to 45 days after the date of filing a petition, for the executive officer of the local agency formation commission to cause the petition to be examined and prepare a certificate of sufficiency.

**Position:** Placeholder - Spot Bill

**Subject:** LAFCo Administration

**CALAFCO Comments:** According to the author's office, this is a spot bill and the topic will change. CALAFCO was unaware of the bill prior to introduction.

**AB 2041 (Garcia, Eduardo D) California Safe Drinking Water Act: primary drinking water standards: compliance.**

**Current Text:** Introduced: 2/14/2022 [html](#) [pdf](#)

**Introduced:** 2/14/2022

**Status:** 2/24/2022-Referred to Com. on E.S. & T.M.

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

**Summary:**

Would require the State Water Resources Control Board to take specified actions if the state board adopts a primary drinking water standard with a compliance period for which public water systems are given a designated period of time to install necessary measures, including, but not limited to, installation of water treatment systems, to comply with the primary drinking water standard without being held in violation of the primary drinking water standard. Those actions would include, among other actions, developing a financial plan to assist public water systems that will require financial assistance in procuring and installing the necessary measures.

**Position:** Watch

**Subject:** Water

**CALAFCO Comments:** This bill would require the SWRCB to take specified actions if the SWRCB adopts a primary drinking water standard with a compliance period for which public water systems are given a designated period of time to install necessary measures, including, but not limited to, installation of water treatment systems, to comply with the primary drinking water standard without being held in violation of the primary drinking water standard. Those actions would include, among other actions, developing a financial plan to assist public water systems that will require financial assistance in procuring and installing the necessary measures.

CALAFCO reached out to the author's office for information on the bill and has not heard back. The bill is keyed fiscal.

**AB 2081 (Garcia, Eduardo D) Municipal water districts: water service: Indian lands.**

**Current Text:** Introduced: 2/14/2022 [html](#) [pdf](#)

**Introduced:** 2/14/2022

**Status:** 2/24/2022-Referred to Com. on L. GOV.

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

**Summary:**

Te Municipal Water District Law of 1911 provides for the formation of municipal water districts and grants to those districts specified powers. Current law permits a district to acquire, control, distribute, store, spread, sink, treat, purify, recycle, recapture, and salvage any water for the beneficial use of the district, its inhabitants, or the owners of rights to water in the district. Current law, upon the request of certain Indian tribes and the satisfaction of certain conditions, requires a district to provide service of water at substantially the same terms applicable to the customers of the district to the Indian tribe's lands that are not within a district, as prescribed. Current law also authorizes a district, until January 1, 2023, under specified circumstances, to apply to the applicable local agency formation commission to provide this service of water to Indian lands, as defined, that are not within the district and requires the local agency formation commission to approve such an application. This bill would extend the above provisions regarding the application to the applicable local agency formation commission to January 1, 2025.

**Position:** Watch

**Subject:** Water

**CALAFCO Comments:** This bill extends the sunset date created in AB 1361 (2017). Current law, upon the request of certain Indian tribes and the satisfaction of certain conditions, requires a district to provide service of water at substantially the same terms applicable to the customers of the district to the Indian tribe's lands that are not within a district, as prescribed. Current law also authorizes a district, under specified circumstances, to apply to the applicable LAFCo to provide this service of water to Indian lands, as defined, that are not within the district and requires the LAFCo to approve such an application. This bill extends the sunset date from January 1, 2023 to January 1, 2025.

CALAFCO opposed AB 1361 in 2017 as the process requires LAFCo to approve the extension of service, requires the district to extend the service, and does not require annexation upon extension of service. CALAFCO reached out to the author's office requesting information as to the reason for the extension and we have not heard back.

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

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

**Introduced:** 12/7/2020

**Last Amended:** 7/1/2021

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

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

**Summary:**

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

**Position:** Watch

**Subject:** Growth Management, Planning

**CALAFCO Comments:** UPDATE 2/24/22: According to the author's office, they do plan to move this bill forward in 2022 and no other details are available at this time.

**SB 418 (Laird D) Pajaro Valley Health Care District.**

**Current Text:** Chaptered: 2/4/2022 [html](#) [pdf](#)

**Introduced:** 2/12/2021

**Last Amended:** 1/24/2022

**Status:** 2/4/2022-Approved by the Governor. Chaptered by Secretary of State. Chapter 1, Statutes of 2022.

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

**Summary:**

Would create the Pajaro Valley Health Care District, as specified, except that the bill would authorize the Pajaro Valley Health Care District to be organized, incorporated, and managed, only if the relevant county board of supervisors chooses to appoint an initial board of directors.

**Position:** Watch

**Subject:** Special District Principle Acts

**CALAFCO Comments:** Gut and amended on 1/14/22, this bill forms the Pajaro Valley Health Care District within Santa Cruz and Monterey counties. The formation, done by special legislation, bypasses the LAFCo process, with language explicitly stating upon formation, LAFCo shall have authority. The bill requires that within 5 years of the date of the first meeting of the Board of Directors of the district, the board of directors shall divide the district into zones. The bill would

require the district to notify Santa Cruz LAFCo when the district, or any other entity, acquires the Watsonville Community Hospital. The bill requires the LAFCo to order the dissolution of the district if the hospital has not been acquired by January 1, 2024 through a streamlined process, and requires the district to notify LAFCo if the district sells the Watsonville Community Hospital to another entity or stops providing health care services at the facility, requiring the LAFCo to dissolve the district under those circumstances in a streamlined process.

Given the hospital has filed bankruptcy and this is the only hospital in the area and serves disadvantaged communities and employs a large number of people in the area, the bill has an urgency clause.

Several amendments were added on 1/24/22 by the ALGC and SGFC all contained within Section 32498.7.

CALAFCO worked closely with the author's office, Santa Cruz County lobbyist and the Santa Cruz and Monterey LAFCos on this bill. We have requested further amendments which the Senator has agreed to take in a follow-up bill this year. Those amendments include requiring Santa Cruz LAFCo to adopt a sphere of influence for the district within 1 year of formation; the district filing annual progress reports to Santa Cruz LAFCo for the first 3 years, Santa Cruz LAFCo conducting a special study on the district after 3 years, and representation from both counties on the governing board.

The bill is sponsored by the Pajaro Valley Healthcare District Project and is not keyed fiscal.

#### **SB 1449 (Caballero D) Unincorporated areas.**

**Current Text:** Introduced: 2/18/2022 [html](#) [pdf](#)

**Introduced:** 2/18/2022

**Status:** 2/22/2022-From printer.

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

##### **Summary:**

Would state the intent of the Legislature to establish the policy of the state to ensure that the living standards within unincorporated areas of the state are consistent with standards of cities within the same county and funding mechanisms to support the financial investments required by cities and counties to accomplish this goal.

**Position:** Placeholder - Spot Bill

**Subject:** Other

**CALAFCO Comments:** This is currently a spot bill. According to the author's office, they are working on state funding to incentivize annexation of inhabited territory (when the VLF was taken away, so too was any financial incentive to annex inhabited territory). For many years bills have been run to reinstate funding, none of which have ever successfully passed. There is no other information available on this bill at this time. CALAFCO will continue conversations with the author's office as this is an important topic for LAFCos. (The bill will remain a P-3 until amended.)

#### **SB 1489 (Committee on Governance and Finance) Local Government Omnibus Act of 2022.**

**Current Text:** Introduced: 2/28/2022 [html](#) [pdf](#)

**Introduced:** 2/28/2022

**Status:** 3/1/2022-From printer.

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

##### **Summary:**

Current law sets forth requirements for the passage of city ordinances. Current law requires ordinances to be read in full either at the time of introduction or passage except when, after reading the title, further reading is waived by regular motion adopted by majority vote of the legislative body. This bill would provide that a reading of the title or ordinance is not required if the title is included on the published agenda and a copy of the full ordinance is made available to the public online and in print at the meeting prior to the introduction or passage.

**Position:** Watch

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

Total Tracking Forms: 22

3/2/2022 4:54:23 PM



## CONTRA COSTA LOCAL AGENCY FORMATION COMMISSION

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Lou Ann Teixeira  
Executive Officer

## MEMBERS

Candace Andersen  
County Member

Donald A. Blubaugh  
Public Member

Tom Butt  
City Member

Igor Skaredoff  
Special District Member

Federal Glover  
County Member

Michael R. McGill  
Special District Member

Rob Schroder  
City Member

## ALTERNATE MEMBERS

Diane Burgis  
County Member

Stanley Caldwell  
Special District Member

Charles R. Lewis, IV  
Public Member

Edi Birsan  
City Member

March 9, 2022

Honorable Robert Hertzberg  
California State Senate  
1021 O Street, Room 8610  
Sacramento, CA 95814

**RE: *SUPPORT of SB 938: The Cortese-Knox-Hertzberg Local Government  
Reorganization Act of 2000: Protest Proceedings: Procedural Consolidation***

Dear Senator Hertzberg:

The Contra Costa Local Agency Formation Commission (LAFCo) is pleased to join the California Association of Local Agency Formation Commissions (CALAFCO) in support of your bill, SB 938, which makes changes to the Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000 (The CKH Act). SB 938 represents a collaborative three-year effort led by CALAFCO to clean up, consolidate, and clarify existing statutory provisions associated with consolidations and dissolutions, as well as codify the conditions under which LAFCo may initiate dissolution of a district at the 25% protest threshold (the latter of which are proposed and pending amendments).

The statutes related to protest provisions and the disparate protest thresholds established for LAFCo-initiated actions (10%) and all other initiated actions (25%) make addressing necessary and appropriate special district consolidations and dissolutions considerably more difficult when initiated by a LAFCo. Further, they serve as a deterrent for LAFCo to initiate action, even if meaningful efficiencies in the provision of public services could be achieved or if a district is failing to meet its statutory requirements.

As introduced, the bill represents the redraft of existing protest statutes with some minor technical clarifications added. The pending proposed amendments from CALAFCO allow LAFCos to initiate dissolution of a district at the 25% protest threshold under specific circumstances. All of this work is in response to a recommendation made in the 2017 Little Hoover Commission report after a year-long study (*Special Districts: Improving Oversight and Transparency*) and formation by CALAFCO of a working group of stakeholders in early 2019. The intent was to examine the protest process for consolidations and dissolutions of special districts. After three years of work (delayed due to the pandemic), the working group reached consensus on the redraft of existing protest statutes (representative of SB 938 as introduced) and a new process that allows LAFCos to initiate dissolution of a district at the 25% protest threshold under specific circumstances (pending amendment into SB 938).

The overarching goal of these changes is to ensure that LAFCOs have the tools we need to carry out our statutory obligations to ensure orderly and functioning local government services and to create greater consistency in the statute. The specific circumstances under which a dissolution may be initiated are more than reasonable and the subsequent process includes three noticed public hearings, a minimum 12-month remediation period, and a 60-day protest period, all of which are extremely practical. Additionally, the proposed process for LAFCo-initiated actions at the 25% protest threshold applies only to dissolutions, making the scope of use exceptionally narrow.

SB 938 makes much needed and long-awaited improvements to “the CKH Act” through the restructure and clarification of existing protest provisions, and the addition of a fair and appropriate process that offers LAFCOs additional tools necessary to effectively fulfill their statutory obligations.

We thank you for your authorship of this critical legislation and for continuing your long support of the work of LAFCOs. For all these reasons, we are pleased to support your bill SB 938.

Yours sincerely,

ROB SCHRODER, CHAIR  
Contra Costa LAFCo

cc: Members, Senate Governance and Finance Committee  
Anton Favorini-Csorba, Consultant, Senate Governance and Finance Committee  
Ryan Eisberg, Consultant, Senate Republican Caucus  
Rene LaRoche, Executive Director, California Association of Local Agency Formation Commissions

**SENATE BILL****No. 938**

**Introduced by Senator Hertzberg**  
(Coauthor: Assembly Member Mayes)

February 8, 2022

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An act to amend Sections 56824.14, 57075, 57077.1, 57077.2, 57077.3, 57077.4, and 57090 of, to add Sections 57077.5 and 57077.6 to, to add Chapter 4.5 (commencing with Section 57091) to Part 4 of Division 3 of Title 5 of, and to repeal Sections 57076, 57107, and 57113 of, the Government Code, and to amend Section 116687 of the Health and Safety Code, relating to local government.

LEGISLATIVE COUNSEL'S DIGEST

SB 938, as introduced, Hertzberg. The Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000: protest proceedings: procedural consolidation.

Existing law, the Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000, provides the exclusive authority and procedure for the initiation, conduct, and completion of changes of organization and reorganization for cities and districts, except as specified. Under existing law, in each county there is a local agency formation commission (commission) that oversees these changes of organization and reorganization.

With a specified exception, existing law provides for protest proceedings for a change of organization or reorganization following adoption of a resolution making certain determinations by the commission, as provided. Existing law sets forth required procedures for the commission following a protest hearing depending on the nature of the conducting authority, as defined, the type of change of organization or reorganization, and the results of the protest proceeding.

The bill would reorganize and consolidate the above-described procedures. The bill would make conforming changes and remove obsolete provisions.

Vote: majority. Appropriation: no. Fiscal committee: no.  
State-mandated local program: no.

*The people of the State of California do enact as follows:*

1 SECTION 1. Section 56824.14 of the Government Code is  
2 amended to read:

3 56824.14. (a) The commission shall review and approve with  
4 or without amendments, wholly, partially, or conditionally, or  
5 disapprove proposals for the establishment of new or different  
6 functions or class of services, or the divestiture of the power to  
7 provide particular functions or class of services, within all or part  
8 of the jurisdictional boundaries of a special district, after a public  
9 hearing called and held for that purpose. The commission shall  
10 not approve a proposal for the establishment of new or different  
11 functions or class of services within the jurisdictional boundaries  
12 of a special district unless the commission determines that the  
13 special district will have sufficient revenues to carry out the  
14 proposed new or different functions or class of services except as  
15 specified in paragraph (1).

16 (1) The commission may approve a proposal for the  
17 establishment of new or different functions or class of services  
18 within the jurisdictional boundaries of a special district where the  
19 commission has determined that the special district will not have  
20 sufficient revenue to provide the proposed new or different  
21 functions or class of services, if the commission conditions its  
22 approval on the concurrent approval of sufficient revenue sources  
23 pursuant to Section 56886. In approving a proposal, the  
24 commission shall provide that if the revenue sources pursuant to  
25 Section 56886 are not approved, the authority of the special district  
26 to provide new or different functions or class of services shall not  
27 be established.

28 (2) Unless otherwise required by the principal act of the subject  
29 special district, or unless otherwise required by Section ~~57075~~ or  
30 ~~57076~~, 57075, the approval by the commission for establishment  
31 of new or different functions or class of services, or the divestiture

1 of the power to provide particular functions or class of services,  
2 shall not be subject to an election.

3 (b) At least 21 days prior to the date of that hearing, the  
4 executive officer shall give mailed notice of the hearing to each  
5 affected local agency or affected county, and to any interested  
6 party who has filed a written request for notice with the executive  
7 officer. In addition, at least 21 days prior to the date of that hearing,  
8 the executive officer shall cause notice of the hearing to be  
9 published in accordance with Section 56153 in a newspaper of  
10 general circulation that is circulated within the territory affected  
11 by the proposal proposed to be adopted.

12 (c) The commission may continue from time to time any hearing  
13 called pursuant to this section. The commission shall hear and  
14 consider oral or written testimony presented by any affected local  
15 agency, affected county, or any interested person who appears at  
16 any hearing called and held pursuant to this section.

17 SEC. 2. Section 57075 of the Government Code is amended  
18 to read:

19 57075. ~~In the case of registered voter districts or cities, where~~  
20 ~~Where~~ a change of organization or reorganization consists solely  
21 of annexations, detachments, the exercise of new or different  
22 functions or class of services or the divestiture of the power to  
23 provide particular functions or class of services within all or part  
24 of the jurisdictional boundaries of a special district, or any  
25 combination of those proposals, the commission, not more than  
26 30 days after the conclusion of the hearing, shall make a finding  
27 regarding the value of written protests filed and not withdrawn,  
28 ~~and take one of the following actions, except as provided in~~  
29 ~~subdivision (b) of Section 57002; take the action set forth in either~~  
30 ~~subdivision (a) of Section 57091, in the case of registered voter~~  
31 ~~districts or cities, or subdivision (b) of Section 57091, in the case~~  
32 ~~of landowner-voter districts.~~

33 ~~(a) In the case of inhabited territory, take one of the following~~  
34 ~~actions:~~

35 ~~(1) Terminate proceedings if a majority protest exists in~~  
36 ~~accordance with Section 57078.~~

37 ~~(2) Order the change of organization or reorganization subject~~  
38 ~~to confirmation by the registered voters residing within the affected~~  
39 ~~territory if written protests have been filed and not withdrawn by~~  
40 ~~either of the following:~~

1     (A) At least 25 percent, but less than 50 percent, of the registered  
2 voters residing in the affected territory.

3     (B) At least 25 percent of the number of owners of land who  
4 also own at least 25 percent of the assessed value of land within  
5 the affected territory.

6     (3) Order the change of organization or reorganization without  
7 an election if paragraphs (1) and (2) of this subdivision do not  
8 apply.

9     (b) In the case of uninhabited territory, take either of the  
10 following actions:

11     (1) Terminate proceedings if a majority protest exists in  
12 accordance with Section 57078.

13     (2) Order the change of organization or reorganization if written  
14 protests have been filed and not withdrawn by owners of land who  
15 own less than 50 percent of the total assessed value of land within  
16 the affected territory.

17     SEC. 3. Section 57076 of the Government Code is repealed.

18     57076. In the case of landowner-voter districts, where a change  
19 of organization or reorganization consists solely of annexations  
20 or detachments, the exercise of new or different functions or class  
21 of services or the divestiture of the power to provide particular  
22 functions or class of services within all or part of the jurisdictional  
23 boundaries of a special district, or any combination of those  
24 proposals, the commission, not more than 30 days after the  
25 conclusion of the hearing, shall make a finding regarding the value  
26 of written protests filed and not withdrawn, and take one of the  
27 following actions, except as provided in subdivision (b) of Section  
28 57002:

29     (a) Terminate proceedings if a majority protest exists in  
30 accordance with Section 57078.

31     (b) Order the change of organization or reorganization subject  
32 to an election within the affected territory if written protests that  
33 have been filed and not withdrawn represent either of the following:

34     (1) Twenty-five percent or more of the number of owners of  
35 land who also own 25 percent or more of the assessed value of  
36 land within the territory.

37     (2) Twenty-five percent or more of the voting power of  
38 landowner voters entitled to vote as a result of owning property  
39 within the territory.

1 ~~(e) Order the change of organization or reorganization without~~  
2 ~~an election if written protests have been filed and not withdrawn~~  
3 ~~by less than 25 percent of the number of owners of land who own~~  
4 ~~less than 25 percent of the assessed value of land within the~~  
5 ~~affected territory.~~

6 SEC. 4. Section 57077.1 of the Government Code is amended  
7 to read:

8 57077.1. (a) If a change of organization consists of a  
9 dissolution, the commission shall order the dissolution without  
10 confirmation of the voters, except if the proposal meets the  
11 requirements of subdivision (b), the commission shall order the  
12 dissolution subject to confirmation of the voters.

13 (b) The commission shall order the dissolution subject to the  
14 confirmation of the voters as follows:

15 (1) If the proposal was not initiated by the commission, and if  
16 a subject agency has not objected by resolution to the proposal,  
17 the commission has found that protests meet ~~one of the following~~  
18 *the applicable protest thresholds; thresholds set forth in Section*  
19 *57093.*

20 ~~(A) In the case of inhabited territory, protests have been signed~~  
21 ~~by either of the following:~~

22 ~~(i) At least 25 percent of the number of landowners within the~~  
23 ~~affected territory who own at least 25 percent of the assessed value~~  
24 ~~of land within the territory.~~

25 ~~(ii) At least 25 percent of the voters entitled to vote as a result~~  
26 ~~of residing within, or owning land within, the affected territory.~~

27 ~~(B) In the case of a landowner-voter district, that the territory~~  
28 ~~is uninhabited and that protests have been signed by at least 25~~  
29 ~~percent of the number of landowners within the affected territory~~  
30 ~~owning at least 25 percent of the assessed value of land within the~~  
31 ~~territory.~~

32 (2) If the proposal was not initiated by the commission, and if  
33 a subject agency has objected by resolution to the proposal, written  
34 protests have been submitted ~~as follows: that meet the applicable~~  
35 *protest thresholds set forth in Section 57094.*

36 ~~(A) In the case of inhabited territory, protests have been signed~~  
37 ~~by either of the following:~~

38 ~~(i) At least 25 percent of the number of landowners within any~~  
39 ~~subject agency within the affected territory who own at least 25~~  
40 ~~percent of the assessed value of land within the territory.~~

1     (ii) ~~At least 25 percent of the voters entitled to vote as a result~~  
2     ~~of residing within, or owning land within, any subject agency~~  
3     ~~within the affected territory.~~

4     (B) ~~In the case of a landowner-voter district, that the territory~~  
5     ~~is uninhabited and protests have been signed by at least 25 percent~~  
6     ~~of the number of landowners within any subject agency within the~~  
7     ~~affected territory, owning at least 25 percent of the assessed value~~  
8     ~~of land within the subject agency.~~

9     (3) If the proposal was initiated by the commission, and  
10    regardless of whether a subject agency has objected to the proposal  
11    by resolution, written protests have been submitted that meet the  
12    requirements of Section ~~57113~~, 57077.6.

13    (c) Notwithstanding subdivisions (a) and (b) and Sections 57102  
14    and 57103, if a change of organization consists of the dissolution  
15    of a district that is consistent with a prior action of the commission  
16    pursuant to Section 56378, 56425, or 56430, the commission may  
17    do either of the following:

18    (1) If the dissolution is initiated by the district board,  
19    immediately approve and order the dissolution without an election  
20    or protest proceedings pursuant to this part.

21    (2) If the dissolution is initiated by an affected local agency, by  
22    the commission pursuant to Section 56375, or by petition pursuant  
23    to Section 56650, order the dissolution after holding at least one  
24    noticed public hearing, and after conducting protest proceedings  
25    in accordance with this part. Notwithstanding any other law, the  
26    commission shall terminate proceedings if a majority protest exists  
27    in accordance with Section 57078. If a majority protest is not  
28    found, the commission shall order the dissolution without an  
29    election.

30    SEC. 5. Section 57077.2 of the Government Code is amended  
31    to read:

32    57077.2. (a) If the change of organization consists of a  
33    consolidation of two or more districts, the commission shall order  
34    the consolidation without confirmation by the voters, except that  
35    if the proposal meets the requirements of subdivision (b), the  
36    commission shall order the consolidation subject to confirmation  
37    of the voters.

38    (b) The commission shall order the consolidation subject to the  
39    confirmation of the voters as follows:

1 (1) If the commission has approved a proposal submitted by  
2 resolution of a majority of the members of the legislative bodies  
3 of two or more local agencies pursuant to Section 56853, and the  
4 commission has found that protests meet ~~one of the following~~ *the*  
5 *applicable protest thresholds; thresholds set forth in Section 57093.*

6 (A) ~~In the case of inhabited territory, protests have been signed~~  
7 ~~by either of the following:~~

8 (i) ~~At least 25 percent of the number of landowners within the~~  
9 ~~territory subject to the consolidation who own at least 25 percent~~  
10 ~~of the assessed value of land within the territory.~~

11 (ii) ~~At least 25 percent of the voters entitled to vote as a result~~  
12 ~~of residing within, or owning land within, the territory.~~

13 (B) ~~In the case of a landowner-voter district, the territory is~~  
14 ~~uninhabited and protests have been signed by at least 25 percent~~  
15 ~~of the number of landowners within the territory subject to the~~  
16 ~~consolidation, owning at least 25 percent of the assessed value of~~  
17 ~~land within the territory.~~

18 (2) If the commission has approved a proposal not initiated by  
19 the commission and if a subject agency has not objected by  
20 resolution to the proposal, written protests have been submitted  
21 that meet the requirements specified in subparagraph (A) or (B)  
22 of paragraph (1); *applicable protest thresholds set forth in Section*  
23 *57093.*

24 (3) If the proposal was not initiated by the commission, and if  
25 a subject agency has objected by resolution to the proposal, written  
26 protests have been submitted ~~as follows:~~ *that meet one of the*  
27 *protest thresholds set forth in Section 57094.*

28 (A) ~~In the case of inhabited territory, protests have been signed~~  
29 ~~by either of the following:~~

30 (i) ~~At least 25 percent of the number of landowners within any~~  
31 ~~subject agency within the affected territory who own at least 25~~  
32 ~~percent of the assessed value of land within the territory.~~

33 (ii) ~~At least 25 percent of the voters entitled to vote as a result~~  
34 ~~of residing within, or owning land within, any subject agency~~  
35 ~~within the affected territory.~~

36 (B) ~~In the case of a landowner-voter district, the territory is~~  
37 ~~uninhabited, and protests have been signed by at least 25 percent~~  
38 ~~of the number of landowners within any subject agency within the~~  
39 ~~affected territory, owning at least 25 percent of the assessed value~~  
40 ~~of land within the subject agency.~~

(4) If the commission has approved a proposal initiated by the commission, and regardless of whether a subject agency has objected to the proposal by resolution, written protests have been submitted that meet the requirements of Section ~~57113~~: 57077.6.

SEC. 6. Section 57077.3 of the Government Code is amended to read:

57077.3. (a) If a proposal consists of a reorganization not described in Section 57075, ~~57076~~, 57077, 57077.4, or 57111, the commission shall order the reorganization without confirmation by the voters except that if the reorganization meets the requirements of subdivision (b), the commission shall order the reorganization subject to confirmation of the voters.

(b) The commission shall order the reorganization subject to confirmation of the voters as follows:

(1) If the commission has approved a proposal submitted by resolution of a majority of the members of the legislative bodies of two or more local agencies pursuant to Section 56853, and the commission has found that protests meet ~~one of the following~~ *the applicable protest thresholds: thresholds set forth in Section 57093*.

~~(A) In the case of inhabited territory, protests have been signed by either of the following:~~

~~(i) At least 25 percent of the number of landowners within the affected territory who own at least 25 percent of the assessed value of land within the territory.~~

~~(ii) At least 25 percent of the voters entitled to vote as a result of residing within, or owning land within, the affected territory.~~

~~(B) In the case of a landowner-voter district, that the territory is uninhabited, and that protests have been signed by at least 25 percent of the number of landowners within the affected territory, owning at least 25 percent of the assessed value of land within the territory.~~

(2) If the commission has approved a proposal not initiated by the commission, and if a subject agency has not objected by resolution to the proposal, a written protest has been submitted that meets ~~the requirements specified in subparagraph (A) or (B) of paragraph (1):~~ *the applicable protest thresholds set forth in Section 57093*.

(3) If the commission has approved a proposal not initiated by the commission, and if a subject agency has objected by resolution

1 to the proposal, written protests have been submitted as follows:  
2 *that meet one of the protest thresholds set forth in Section 57094.*

3 ~~(A) In the case of inhabited territory, protests have been signed~~  
4 ~~by either of the following:~~

5 ~~(i) At least 25 percent of the number of landowners within any~~  
6 ~~subject agency within the affected territory who own at least 25~~  
7 ~~percent of the assessed value of land within the territory.~~

8 ~~(ii) At least 25 percent of the voters entitled to vote as a result~~  
9 ~~of residing within, or owning land within, any subject agency~~  
10 ~~within the affected territory.~~

11 ~~(B) In the case of a landowner-voter district, the territory is~~  
12 ~~uninhabited, and protests have been signed by at least 25 percent~~  
13 ~~of the number of landowners within any subject agency within the~~  
14 ~~affected territory, owning at least 25 percent of the assessed value~~  
15 ~~of land within the subject agency.~~

16 (4) If the commission has approved a proposal initiated by the  
17 commission, and regardless of whether a subject agency has  
18 objected to the proposal by resolution, written protests have been  
19 submitted that meet the requirements of Section ~~57113~~. 57077.6.

20 ~~(e) This section shall not apply to reorganizations governed by~~  
21 ~~Sections 56853.5 and 56853.6.~~

22 SEC. 7. Section 57077.4 of the Government Code is amended  
23 to read:

24 57077.4. (a) If a reorganization consists of the dissolution of  
25 one or more districts and the annexation of all or substantially all  
26 the territory to another district not initiated pursuant to Section  
27 56853 or by the commission pursuant to Section 56375, the  
28 commission shall order the reorganization without confirmation  
29 by the voters except that if the reorganization meets the  
30 requirements of subdivision ~~(b)~~, (b) or (c), the commission shall  
31 order the reorganization subject to confirmation by the voters.

32 (b) The commission shall order the reorganization subject to  
33 confirmation by the ~~voters as follows: voters, if written protests~~  
34 ~~have been submitted that meet the applicable protest thresholds~~  
35 ~~set forth in Section 57094.~~

36 ~~(1) In the case of inhabited territory, protests have been signed~~  
37 ~~by either of the following:~~

38 ~~(A) At least 25 percent of the number of landowners within any~~  
39 ~~subject agency within the affected territory who own at least 25~~  
40 ~~percent of the assessed value of land within the territory.~~

1 ~~(B) At least 25 percent of the voters entitled to vote as a result~~  
2 ~~of residing within, or owning land within, any subject agency~~  
3 ~~within the affected territory.~~

4 ~~(2) In the case of a landowner-voter district, the territory is~~  
5 ~~uninhabited, and protests have been signed by at least 25 percent~~  
6 ~~of the number of landowners within any subject agency within the~~  
7 ~~affected territory, owning at least 25 percent of the assessed value~~  
8 ~~of land within the subject agency.~~

9 ~~(3) If~~

10 ~~(c) The commission shall order the reorganization subject to~~  
11 ~~confirmation by the voters if the reorganization has been initiated~~  
12 ~~by the commission pursuant to Section 56375, 56375 and protests~~  
13 ~~have been submitted that meet the requirements of Section 57113.~~  
14 ~~57077.6.~~

15 SEC. 8. Section 57077.5 is added to the Government Code, to  
16 read:

17 57077.5. (a) In any resolution ordering a merger or  
18 establishment of a subsidiary district, the commission shall approve  
19 the change of organization without an election except that if the  
20 change of organization meets the requirements of subdivision (b),  
21 the commission shall order the change of organization subject to  
22 confirmation of the voters.

23 (b) The commission shall order the change of organization  
24 subject to confirmation of the voters within any subject agency as  
25 follows:

26 (1) If the proposal was not initiated by the commission, and if  
27 a subject agency has not objected by resolution to the proposal,  
28 the commission has found that protests meet the applicable protest  
29 thresholds set forth in Section 57093.

30 (2) If the proposal was not initiated by the commission, and if  
31 a subject agency has objected by resolution to the proposal, written  
32 protests have been submitted that meet the applicable protest  
33 thresholds set forth in Section 57094.

34 (3) If the proposal was initiated by the commission, and  
35 regardless of whether a subject agency has objected to the proposal  
36 by resolution, written protests have been submitted that meet the  
37 requirements of Section 57077.6.

38 (c) Notwithstanding subdivision (a) or (b), the commission shall  
39 not order the merger or establishment of a subsidiary district  
40 without the consent of the subject city.

SEC. 9. Section 57077.6 is added to the Government Code, to read:

57077.6. Notwithstanding Section 57102, 57108, or 57111, for any proposal that was initiated by the commission pursuant to subdivision (a) of Section 56375, the commission shall forward the change of organization or reorganization for confirmation by the voters if the commission finds written protests have been submitted that meet the applicable protest thresholds set forth in Section 57094.

SEC. 10. Section 57090 of the Government Code is amended to read:

57090. (a) Except as otherwise provided in subdivision (b), if proceedings are terminated, either by majority protest as provided in Sections ~~57075, 57076~~, 57075 and 57077, or if a majority of voters do not confirm the change of organization or reorganization as provided in Section 57179, no substantially similar proposal for a change of organization or reorganization of the same or substantially the same territory may be filed with the commission within two years after the date of the certificate of termination if the proposal included an incorporation or city consolidation and within one year for any other change of organization or reorganization.

(b) The commission may waive the requirements of subdivision (a) if it finds these requirements are detrimental to the public interest.

SEC. 11. Chapter 4.5 (commencing with Section 57091) is added to Part 4 of Division 3 of Title 5 of the Government Code, to read:

#### CHAPTER 4.5. PROTEST THRESHOLDS

57091. (a) For purposes of Section 57075, relating to annexations, detachments, and latent powers, in the case of registered voter districts or cities:

(1) For inhabited territory, the commission shall take one of the following actions:

(A) Terminate proceedings if a majority protest exists in accordance with Section 57078.

(B) Order the change of organization or reorganization subject to confirmation by the registered voters residing within the affected

territory if written protests have been filed and not withdrawn by either of the following:

(i) At least 25 percent, but less than 50 percent, of the registered voters residing in the affected territory.

(ii) At least 25 percent of the number of owners of land who also own at least 25 percent of the assessed value of land within the affected territory.

(C) Order the change of organization or reorganization without an election if subparagraphs (A) and (B) of this paragraph do not apply.

(2) For uninhabited territory, the commission shall take either of the following actions:

(A) Terminate proceedings if a majority protest exists in accordance with Section 57078.

(B) Order the change of organization or reorganization if written protests have been filed and not withdrawn by owners of land who own less than 50 percent of the total assessed value of land within the affected territory.

(b) For purposes of Section 57075, in the case of landowner-voter districts, the commission shall take one of the following actions:

(1) Terminate proceedings if a majority protest exists in accordance with Section 57078.

(2) Order the change of organization or reorganization subject to an election within the affected territory if written protests that have been filed and not withdrawn represent either of the following:

(A) Twenty-five percent or more of the number of owners of land who also own 25 percent or more of the assessed value of land within the affected territory.

(B) Twenty-five percent or more of the voting power of landowner voters entitled to vote as a result of owning property within the affected territory.

(3) Order the change of organization or reorganization without an election if written protests have been filed and not withdrawn by less than 25 percent of the number of owners of land who own less than 25 percent of the assessed value of land within the affected territory.

57092. For purposes of Sections 57077.1, relating to dissolution, 57077.2, relating to consolidation, 57077.3, relating to reorganization, 57077.4, relating to dissolution and annexation,

1 and 57077.5, relating to merger or establishment of a subsidiary  
2 district, the following protest thresholds shall apply:

3 (a) In the case of inhabited territory, protests have been signed  
4 by either of the following:

5 (1) At least 25 percent of the number of landowners within the  
6 affected territory who own at least 25 percent of the assessed value  
7 of land within the affected territory.

8 (2) At least 25 percent of the voters entitled to vote as a result  
9 of residing within, or owning land within, the affected territory.

10 (b) In the case of a landowner-voter district, that the territory  
11 is uninhabited and that protests have been signed by at least 25  
12 percent of the number of landowners within the affected territory  
13 owning at least 25 percent of the assessed value of land within the  
14 affected territory.

15 57093. For proposals not initiated by the commission and where  
16 a subject agency has objected by resolution to the proposal, for  
17 purposes of Sections 57077.1, relating to dissolution, 57077.2,  
18 relating to consolidation, 57077.3, relating to reorganization,  
19 57077.4, relating to dissolution and annexation, and 57077.5,  
20 relating to merger or establishment of a subsidiary district, the  
21 following protest thresholds shall apply:

22 (a) In the case of inhabited territory, protests have been signed  
23 by either of the following:

24 (1) At least 25 percent of the number of landowners within any  
25 subject agency within the affected territory who own at least 25  
26 percent of the assessed value of land within the affected territory.

27 (2) At least 25 percent of the voters entitled to vote as a result  
28 of residing within, or owning land within, any subject agency  
29 within the affected territory.

30 (b) In the case of a landowner-voter district, that the territory  
31 is uninhabited and protests have been signed by at least 25 percent  
32 of the number of landowners within any subject agency within the  
33 affected territory, owning at least 25 percent of the assessed value  
34 of land within the subject agency.

35 57094. For purposes of Section 57077.6, relating to proposals  
36 initiated by the commission, the following protest thresholds shall  
37 apply:

38 (a) In the case of inhabited territory, protests have been signed  
39 by either of the following:

(1) At least 10 percent of the number of landowners within any subject agency within the affected territory who own at least 10 percent of the assessed value of land within the territory. However, if the number of landowners within a subject agency is less than 300, the protests shall be signed by at least 25 percent of the landowners who own at least 25 percent of the assessed value of land within the affected territory of the subject agency.

(2) At least 10 percent of the voters entitled to vote as a result of residing within, or owning land within, any subject agency within the affected territory. However, if the number of voters entitled to vote within a subject agency is less than 300, the protests shall be signed by at least 25 percent of the voters entitled to vote.

(b) In the case of a landowner-voter district, the territory is uninhabited and protests have been signed by at least 10 percent of the number of landowners within any subject agency within the affected territory, who own at least 10 percent of the assessed value of land within the territory. However, if the number of landowners entitled to vote within a subject agency is less than 300, protests shall be signed by at least 25 percent of the landowners entitled to vote.

SEC. 12. Section 57107 of the Government Code is repealed.

~~57107. (a) In any resolution ordering a merger or establishment of a subsidiary district, the commission shall approve the change of organization without an election except that if the change of organization meets the requirements of subdivision (b), the commission shall order the change of organization subject to confirmation of the voters.~~

~~(b) The commission shall order the change of organization subject to confirmation of the voters within any subject agency as follows:~~

~~(1) If the proposal was not initiated by the commission, and if a subject agency has not objected by resolution to the proposal, the commission has found that protests meet one of the following protest thresholds:~~

~~(A) In the case of inhabited territory, protests have been signed by either of the following:~~

~~(i) At least 25 percent of the number of landowners within the affected territory who own at least 25 percent of the assessed value of land within the territory.~~

1 ~~(ii) At least 25 percent of the voters entitled to vote as a result~~  
2 ~~of residing within, or owning land within, the affected territory.~~

3 ~~(B) In the case of a landowner-voter district, that the territory~~  
4 ~~is uninhabited and that protests have been signed by at least 25~~  
5 ~~percent of the number of landowners within the affected territory~~  
6 ~~owning at least 25 percent of the assessed value of land within the~~  
7 ~~territory.~~

8 ~~(2) If the proposal was not initiated by the commission, and if~~  
9 ~~a subject agency has objected by resolution to the proposal, written~~  
10 ~~protests have been submitted as follows:~~

11 ~~(A) In the case of inhabited territory, protests have been signed~~  
12 ~~by either of the following:~~

13 ~~(i) At least 25 percent of the number of landowners within any~~  
14 ~~subject agency within the affected territory who own at least 25~~  
15 ~~percent of the assessed value of land within the territory.~~

16 ~~(ii) At least 25 percent of the voters entitled to vote as a result~~  
17 ~~of residing within, or owning land within, any subject agency~~  
18 ~~within the affected territory.~~

19 ~~(B) In the case of a landowner-voter district, that the territory~~  
20 ~~is uninhabited and protests have been signed by at least 25 percent~~  
21 ~~of the number of landowners within any subject agency within the~~  
22 ~~affected territory, owning at least 25 percent of the assessed value~~  
23 ~~of land within the subject agency.~~

24 ~~(3) If the proposal was initiated by the commission, and~~  
25 ~~regardless of whether a subject agency has objected to the proposal~~  
26 ~~by resolution, written protests have been submitted that meet the~~  
27 ~~requirements of Section 57113.~~

28 ~~(e) Notwithstanding subdivision (a) or (b), the commission shall~~  
29 ~~not order the merger or establishment of a subsidiary district~~  
30 ~~without the consent of the subject city.~~

31 SEC. 13. Section 57113 of the Government Code is repealed.

32 ~~57113. Notwithstanding Section 57102, 57108, or 57111, for~~  
33 ~~any proposal that was initiated by the commission pursuant to~~  
34 ~~subdivision (a) of Section 56375, the commission shall forward~~  
35 ~~the change of organization or reorganization for confirmation by~~  
36 ~~the voters if the commission finds either of the following:~~

37 ~~(a) In the case of inhabited territory, protests have been signed~~  
38 ~~by either of the following:~~

39 ~~(1) At least 10 percent of the number of landowners within any~~  
40 ~~subject agency within the affected territory who own at least 10~~

1 percent of the assessed value of land within the territory. However,  
2 if the number of landowners within a subject agency is less than  
3 300, the protests shall be signed by at least 25 percent of the  
4 landowners who own at least 25 percent of the assessed value of  
5 land within the territory of the subject agency.

6 (2) ~~At least 10 percent of the voters entitled to vote as a result~~  
7 ~~of residing within, or owning land within, any subject agency~~  
8 ~~within the affected territory. However, if the number of voters~~  
9 ~~entitled to vote within a subject agency is less than 300, the protests~~  
10 ~~shall be signed by at least 25 percent of the voters entitled to vote.~~

11 (b) ~~In the case of a landowner-voter district, the territory is~~  
12 ~~uninhabited and protests have been signed by at least 10 percent~~  
13 ~~of the number of landowners within any subject agency within the~~  
14 ~~affected territory, who own at least 10 percent of the assessed value~~  
15 ~~of land within the territory. However, if the number of landowners~~  
16 ~~entitled to vote within a subject agency is less than 300, protests~~  
17 ~~shall be signed by at least 25 percent of the landowners entitled to~~  
18 ~~vote.~~

19 SEC. 14. Section 116687 of the Health and Safety Code is  
20 amended to read:

21 116687. (a) For purposes of this section, the following terms  
22 have the following meanings:

23 (1) “District” means the Sativa-Los Angeles County Water  
24 District.

25 (2) “Commission” means the Local Agency Formation  
26 Commission for the County of Los Angeles.

27 (b) To provide affordable, safe drinking water to disadvantaged  
28 communities, the state board shall order the district to accept  
29 administrative and managerial services, including full management  
30 and control, from an administrator selected by the state board, as  
31 prescribed in Section 116686, except that the state board is not  
32 required to conduct a public meeting as described in paragraph (2)  
33 of subdivision (b) of Section 116686.

34 (c) (1) Upon the appointment of an administrator, all of the  
35 following apply:

36 (A) Notwithstanding Article 1 (commencing with Section  
37 30500) of Chapter 1 of Part 3 of Division 12 of the Water Code,  
38 the district’s board of directors shall surrender all control to the  
39 appointed administrator and shall thereafter cease to exist.

1 (B) The members of the board of directors of the district shall  
2 have no standing to represent the district's ratepayers, and a  
3 member of the board of directors shall have no claim for benefits  
4 other than those the member actually received while a member of  
5 the board of directors.

6 (C) Any action by the board of directors to divest the district of  
7 its assets shall be deemed tampering with a public water system  
8 pursuant to Section 116750 and is subject to the criminal penalties  
9 provided for in that section.

10 (2) Within 90 days of the appointment of an administrator, the  
11 Controller shall perform a desk audit or financial review of the  
12 district. The state board shall exercise its legal authority to facilitate  
13 the desk audit or financial review, including, but not limited to,  
14 its authority to take possession of the district's financial records.

15 (3) Any decision by the commission about the dissolution or  
16 consolidation of the district is not subject to the provisions of  
17 Section ~~57113~~ 57077.6 of the Government Code, nor to any other  
18 requirement for a protest proceeding or election. The commission  
19 shall not impose any condition on the successor agency that  
20 requires a protest proceeding or an election, as described in Part  
21 4 (commencing with Section 57000) and Part 5 (commencing with  
22 Section 57300) of Division 3 of Title 5 of the Government Code,  
23 respectively.

24 (4) If the commission approves a dissolution of the district  
25 initiated by the commission, a successor agency designated in the  
26 dissolution by the commission, in consultation with the  
27 commission, may solicit proposals, evaluate submittals, and select  
28 any public water system to be the receiving water system and  
29 subsume all assets, liabilities, adjudicated water rights,  
30 responsibilities, and service obligations to provide retail water  
31 service to existing and future ratepayers within the former territory  
32 of the district. The successor agency shall represent the interests  
33 of the public and the ratepayers in the former territory of the  
34 district.

35 (d) The state board may provide additional funding to the  
36 administrator or the Water Replenishment District of Southern  
37 California or the successor agency designated by the commission  
38 for urgent infrastructure repairs to the public water system of the  
39 district without regard to the future ownership of any facilities  
40 affected by this funding. For purposes of this section, "urgent

1 infrastructure repairs” are those that are immediately necessary to  
2 protect the public health, safety, and welfare of those served by  
3 the district.

4 (e) If the district is consolidated with a receiving water system  
5 as prescribed in Sections 116682 and 116684, the subsumed  
6 territory of the district may include both unincorporated territory  
7 of the County of Los Angeles and incorporated territory of the  
8 City of Compton.

9 (f) (1) Any administrator appointed pursuant to subdivision  
10 (b), any successor agency to the district designated by the  
11 commission to take over the district, any receiving operator of a  
12 public water system that provides service to the territory of the  
13 district, any water corporation that acquires the district, and the  
14 commission shall not be held liable for claims by past or existing  
15 district ratepayers or those who consumed water provided through  
16 the district concerning the operation and supply of water from the  
17 district during the interim operation period specified in subdivision  
18 (g) for any good faith, reasonable effort using ordinary care to  
19 assume possession of the territory of, to operate, or to supply water  
20 to the ratepayers within the territory of, the district.

21 (2) Any administrator appointed pursuant to subdivision (b),  
22 any successor agency to the district designated by the commission  
23 to take over the district, any receiving operator of a public water  
24 system that provides service to the territory of the district, any  
25 water corporation that acquires the district, and the commission  
26 shall not be held liable for claims by past or existing district  
27 ratepayers or those who consumed water provided through the  
28 district for any injury that occurred prior to the commencement of  
29 the interim operation period specified in subdivision (g).

30 (g) (1) Notwithstanding subdivision (d) of Section 116684, for  
31 any successor agency to the district designated by the commission  
32 to take over the district, any receiving operator of a public water  
33 system that provides service to the territory of the district, or any  
34 water corporation that acquires the district, the interim operation  
35 period shall commence upon the execution of an agreement or  
36 designation by the commission to provide water services to the  
37 district and shall end one year later. Upon the showing of good  
38 cause, the interim operation period shall be extended by the  
39 commission for up to three successive one-year periods at the  
40 request of an entity described in this paragraph.

1     (2) For the administrator appointed pursuant to subdivision (b),  
2 the interim operation period commences upon being appointed by  
3 the state board and ends when a successor agency has been  
4 designated by the commission to provide water service to  
5 ratepayers of the district, when a receiving water agency is  
6 consolidated with or extends service to ratepayers of the district,  
7 when a water corporation acquires the district with the approval  
8 of the Public Utilities Commission, or when the administrator's  
9 obligation to provide interim administrative and managerial  
10 services has otherwise ended.

O



# The Cortese-Knox-Hertzberg

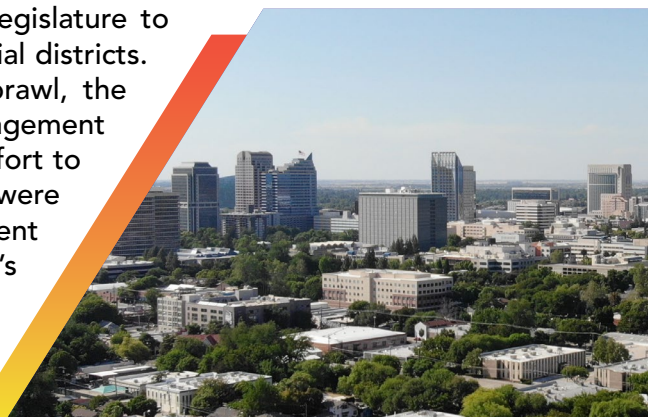
## Local Government Reorganization Act of 2000:

### Protest Proceedings

**FACT SHEET:**  
**SB 938 (HERTZBERG)**

## BACKGROUND

LAFcos are independent regulatory commissions created by the Legislature to control the boundaries of cities, county service areas, and most special districts. The purpose of LAFcos includes the discouragement of urban sprawl, the preservation of agricultural and open space lands, and the encouragement of the orderly formation and development of local agencies. In an effort to better meet these obligations, the duties and authority of LAFcos were significantly modified by the Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000 (AB 2838, Hertzberg). Chief among the act's provisions is the authority for LAFcos to conduct Municipal Service Reviews, which, among other things, provide information to guide districts in performance improvement. These reviews can serve as a catalyst for LAFcos to initiate district consolidations or dissolutions.



In response to a recommendation made in the 2017 Little Hoover Commission report (Special Districts: Improving Oversight and Transparency), the California Association of Local Agency Formation Commissions (CALAFCO) initiated a working group of stakeholders in early 2019 to discuss the protest process for consolidations and dissolutions of special districts.

The statutes related to protest provisions and the disparate protest thresholds established for LAFco-initiated actions (10 percent) and all other initiated actions (25 percent) make addressing necessary and appropriate special district consolidations and dissolutions considerably more difficult when initiated by a LAFco. Further, they serve as a deterrent for LAFco to initiate action, even if meaningful efficiencies in the provision of public services could be achieved or if a district is failing to meet its statutory requirements.

## The working group agreed on three main deliverables:



*First was to review the **protest provisions** within the Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000 (The Act) for relevance and to delete any obsolete provisions, which was accomplished through AB 1581 (2021).*



*The second deliverable was to **redraft existing scattered protest code sections** within The Act into a single code section to simplify the reading of the code section.*



*The final—and most challenging—deliverable was to **examine the differing protest thresholds** relating to LAFco-initiated actions and all other initiated actions.*



## **AFTER CONSIDERABLE NEGOTIATION, THE WORKING GROUP GAVE CONSENSUS ON THE FOLLOWING CHANGES TO CKH:**



The redrafting of existing protest code sections into one main section to simplify the reading of the section, and to add minor, non-substantive clarifications;



Create specific circumstances under which a LAFCo may initiate dissolution of a district with a 25% protest threshold, with determinations documented in a Municipal Service Review and presented at a 21-day noticed public hearing;



Allow for a minimum 12-month remediation period for the district with a progress report provided by the district to the LAFCo halfway through the remediation period; and



A second 21-day noticed public hearing to determine if the identified issues have been mitigated, which would result in the LAFCo either terminating the dissolution or moving forward with the dissolution using 25% protest threshold under the standard protest hearing process already in statute, with a public notice period of 60 days.



The overarching goal of these changes is to ensure that LAFCOs have the tools they need to carry out their statutory obligations to ensure orderly and functioning local government services and to create greater consistency in the statute.

### **SUMMARY**

SB 938 represents a collaborative three-year effort to clean up, consolidate, and clarify existing statutory provisions associated with consolidations and dissolutions, as well as codify the conditions under which a LAFCo may initiate dissolution of a district at the 25 percent protest threshold.

### **CONTACT:**

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February 25, 2022

Honorable Robert Hertzberg  
California State Senate  
1021 O Street, Room 8610  
Sacramento, CA 95814

RE: **SUPPORT of SB 938: The Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000: protest proceedings: procedural consolidation.**

Dear Senator Hertzberg:

The California Association of Local Agency Formation Commissions (CALAFCO) is pleased to sponsor and **support SB 938**, which makes changes to the Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000 (The Act). **SB 938** represents a collaborative three-year effort to clean up, consolidate, and clarify existing statutory provisions associated with consolidations and dissolutions, as well as codify the conditions under which a Local Agency Formation Commission (LAFCo) may initiate dissolution of a district at the 25% protest threshold (the latter of which are proposed amendments).

The statutes related to protest provisions and the disparate protest thresholds established for LAFCo-initiated actions (10%) and all other initiated actions (25%) make addressing necessary and appropriate special district consolidations and dissolutions considerably more difficult when initiated by a LAFCo. Further, they serve as a deterrent for LAFCo to initiate action, even if meaningful efficiencies in the provision of public services could be achieved or if a district is failing to meet its statutory requirements. A statewide study conducted by CALAFCO in 2018 found that the 10% protest threshold was the second-most common deterrent for LAFCOs initiating action (the first being the lack of funding).

In response to a recommendation made in the 2017 Little Hoover Commission report after a year-long study (*Special Districts: Improving Oversight and Transparency*), CALAFCO initiated a working group of stakeholders in early 2019 to examine the protest process for consolidations and dissolutions of special districts. After three years of work (delayed due to the pandemic), the working group came to consensus on the redraft of existing protest statutes (representative of **SB 938** as introduced) and a new process that allows LAFCOs to initiate dissolution of a district at the 25% protest threshold under specific circumstances (pending amendment into **SB 938**).

Specifically, the proposed amendments will:

- Codify specific circumstances under which a LAFCo may initiate dissolution of a district with a 25% protest threshold, which include conditions such as documented chronic service deficiencies that have gone unaddressed, spending of public funds in an unlawful or reckless manner and a failure to address, willful neglect of consistently adhering to public disclosure laws, failing to meet the minimum number of times required by statute without taking steps to remediate the failures, or consistent failure to perform audits or meet other statutory financial requirements.
- Require LAFCo to document any such deficiency in determinations contained within a Municipal Service Review (MSR).
- Require LAFCo to present the MSR in a 21-day noticed public hearing. At that time the LAFCo may choose to adopt a resolution of intent to dissolve the district. The resolution shall specify a minimum 12-month remediation period.

- The district will have a minimum of 12 months to remediate the deficiencies.
- Half-way through the remediation period, the district shall provide LAFCo a written report on the progress of their remediation efforts. The report is to be placed on a LAFCo meeting agenda and presented at a LAFCo meeting.
- At the conclusion of the remediation period, LAFCo shall conduct another 21-day noticed public hearing to determine if the district has remedied the deficiencies. If the district has resolved the issues, the LAFCo shall rescind the resolution of intent to dissolve the district and the matter is dropped. If not, the LAFCo may adopt a resolution making determinations to dissolve the district.
- The current standard 30-day reconsideration period remains in place.
- Protest proceedings at 25% threshold are noticed with a required 60-day protest period. (Current statute allows for a 21 – 60 day protest period, but for these specific situations the period is 60 days).
- The LAFCo conducts the protest hearing and the amount of qualified protests is determined based on a 25% threshold. LAFCo either orders dissolution, election, or termination (pursuant to existing law).

The overarching goal of these changes is to ensure that LAFCOs have the tools they need to carry out their statutory obligations to ensure orderly and functioning local government services and to create greater consistency in the statute. The specific circumstances under which a dissolution may be initiated are more than reasonable and the subsequent process includes three noticed public hearings, a minimum 12-month remediation period, and a 60-day protest period, all of which are extremely practical. Additionally, the proposed process for LAFCo-initiated actions at the 25% protest threshold applies only to dissolutions, making the scope of use exceptionally narrow.

The 18-member working group consisted of a broad group of stakeholder representatives from CALAFCO (including Executive Officers and legal counsel), the California Special Districts Association (CSDA) (including board members and staff from water, resource conservation and fire protection districts, as well as legal counsel), a shared CALAFCO-CSDA Board member, and representatives from the League of California Cities, California State Association of Counties (CSAC), and the Senate Governance and Finance and Assembly Local Government Committees. CALAFCO greatly appreciates the working group participants for their hard work and dedication to this endeavor.

**SB 938** makes much needed and long-awaited improvements to The Act through the restructure and clarification of existing protest provisions, and addition of a fair and appropriate process that offers LAFCOs additional tools necessary to effectively fulfill their statutory obligations.

We thank you for your authorship of this critical legislation and for continuing your long support of the work of LAFCOs. For all these reasons, we are pleased to sponsor and support your bill **SB 938**.

Yours sincerely,



Pamela Miller  
Executive Director

cc: Members, Senate Governance and Finance Committee  
Anton Favorini-Csorba, Consultant, Senate Governance and Finance Committee  
Ryan Eisberg, Consultant, Senate Republican Caucus



## Senate Bill 938

Attachment 6

### Cortese-Knox-Hertzberg Local Government Reorganization Act: LAFCO Protest Reforms

*As Proposed to Be Amended*

#### SUMMARY

SB 938 clarifies existing statutory provisions regarding consolidations and dissolutions of special districts, and creates new conditions under which a Local Agency Formation Commission (LAFCO) may initiate dissolution of a special district.

#### BACKGROUND

LAFCOs are independent regulatory commissions created by the Legislature to control the boundaries of cities, county service areas, and most special districts. Among the purpose of LAFCOs includes the discouragement of urban sprawl, the preservation of agricultural and open space lands, and the encouragement of the orderly formation and development of local agencies. In an effort to better meet these obligations, the duties and authority of LAFCOs were significantly modified by the Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000 (AB 2838, Hertzberg). Chief among the act's provisions is the authority for LAFCOs to conduct Municipal Service Reviews, which, among other things, provide information to guide districts in performance improvement. These reviews can serve as a catalyst for LAFCOs to initiate district consolidations or dissolutions.

#### ISSUE

In 2017, the Little Hoover Commission released a [report](#) reviewing the state's 58 LAFCOs and recommended several measures to strengthen their oversight of special districts. Notably, the report highlighted a complicated and inconsistent set of rules for the dissolution or consolidation of a special district. If a LAFCO initiates an action, the action must go to a public vote if only 10 percent of the district's constituents protest; for a non-LAFCO initiation of the very same action, a public vote is only required if 25 percent of the affected constituents protest the action. These disparate protest thresholds make necessary special district consolidations and dissolutions considerably more difficult when initiated by a LAFCO. Further, they serve as a deterrent for LAFCOs to initiate action in the first place, even if meaningful efficiencies in the provision of public services could be achieved, or if a district is failing to meet its statutory requirements.

#### SB 938 (HERTZBERG)

Following the Little Hoover Commission report, the California Association of Local Agency Formation Commissions (CALAFCO) formed a working group to discuss the consolidation and dissolution process and to provide LAFCOs with the tools they need to carry out their statutory obligations. Consistent with agreements made in this three-year effort, SB 938, as proposed to be amended, creates specific conditions under which a LAFCO may initiate dissolution of a special district with a 25 percent protest threshold, including:

- Determinations for the proposed action must be documented in a Municipal Service Review and presented at a 21-day noticed public hearing;
- The district in question must be granted a minimum 12-month remediation period and an opportunity to provide a progress report to the LAFCO prior to taking any action;
- A second 21-day public hearing must be held to determine if the identified issues are mitigated, resulting in the LAFCO either terminating the dissolution, or moving forward under the standard protest hearing process outlined in existing law with a public notice period of 60 days.

#### SUPPORT

California Association of Local Agency Formation Commissions (Sponsor)



**PROTEST THRESHOLD RESOLUTION PROPOSAL (To be amended into SB 938)**

**PROCESS OUTLINE**

Commission Proceedings LAFCo Initiated Dissolution		
	Current Process	Proposed Process
<p>Step 1: Resolution of application</p> <p><b>NEW</b> Proposed process Step 1: Adoption/acceptance/approval of MSR with any determinations described in the required conditions list.</p>	<p>Commission adopts a resolution of application for dissolution of district (§ 56375(a)(2))</p>	<p>Commission approves, adopts or accepts the MSR and determinations in a 21-day noticed public hearing.</p> <p>(Changes to be made in 56375)</p>
<p>Step 2:</p> <p><b>NEW</b> Proposed process step 2: Adopt resolution of intent to initiate dissolution.</p>		<p>Should the determinations point to a condition described in the required conditions list, the LAFCo may also adopt a resolution of intent to initiate dissolution of the district. Resolution must contain the prescribed remediation period (of not less than 12 months). This does not trigger the dissolution process. Instead, it gives the district the remediation period to resolve. This can be done at the same hearing, a separate 21-day noticed public hearing following the previous action, or at a later time.</p>
<p>Step 3:</p> <p><b>NEW</b> Remediation Period Mid-Point Check-In</p>		<p>Remediation period – district takes steps to remedy deficiencies in the time frame identified by commission.</p> <p>District provides LAFCo a progress report at the half-way point of the remediation period (as adopted in the resolution) at a regularly scheduled commission meeting.</p>
<p>Step 4:</p> <p><b>NEW</b> Public Hearing to determine final action at end of remediation period</p>		<p>Public Hearing – Commission holds 21-day noticed public hearing at the end of the remediation period to determine</p>

		<p>if district has remedied deficiencies.</p> <p>If district has resolved issues, commission rescinds the resolution of intent to dissolve the district and the matter is dropped.</p> <p>If not, commission adopts a resolution making determinations to dissolve the district</p>
Step 5:	Reconsideration - Approval of dissolution begins 30-day reconsideration period (§ 56895)	Same
Step 6:	Protest – Initiate protest proceedings (can be initiated prior to end of reconsideration period)	Same
<b>Conducting Authority (Protest) Proceedings</b>		
	<b>Current Process</b>	<b>Proposed Process</b>
Step 6: Protest process	Protest hearing is scheduled, and public notice given. Public notice begins protest period of 21 to 60 days (§ 57002). Protest hearing must be held in affected territory (§ 57008)	60 days only for these specific instances. (All others remain at 21-60 days.)
Step 7: Protest hearing	Protest hearing is held and amount of qualified protests determined, pursuant to § 57113 (10% threshold)	Protest hearing is held and amount of qualified protests determined, pursuant to § 57077.1 (at 25% threshold)
Step 8: Dissolution ordered	Order dissolution, election, or termination	Same

## **REQUIRED CONDITIONS**

If a final MSR approved by the Commission in an open and public meeting per the process above includes findings, based on a preponderance of the evidence, that one or more of the following conditions have been met, then the LAFCO may utilize a new LAFCO-initiated dissolution process with a 25 percent protest threshold:

1. The agency has one or more documented chronic service provision deficiencies that substantially deviate from industry or trade association standards or other government regulations and its board or management is not actively engaged in efforts to remediate the documented service deficiencies.
2. The agency spent public funds in an unlawful or reckless manner inconsistent with the principal act or other statute governing the agency and has not taken any action to prevent similar future spending.
3. The agency has consistently shown willful neglect by failing to consistently adhere to the California Public Records Act and other public disclosure laws the agency is subject to.
4. The agency has failed to meet the minimum number of times required in its governing act in the prior calendar year and has taken no action to remediate the failures to meet to ensure future meetings are conducted on a timely basis.
5. The agency has consistently failed to perform timely audits in the prior three years, or failed to meet minimum financial requirements under Government Code section 26909 over the prior five years as an alternative to performing an audit, or the agency's recent annual audits show chronic issues with the agency's fiscal controls and the agency has taken no action to remediate the issues.



## CONTRA COSTA LOCAL AGENCY FORMATION COMMISSION

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(925) 313-7133

**Lou Ann Teixeira**  
*Executive Officer*

### MEMBERS

**Candace Andersen**  
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*City Member*

March 9, 2022 (Agenda)

March 9, 2022  
Agenda Item 10

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

### LAFCO Salary Range Increase

Dear Members of the Commission:

As an independent entity created by the State Legislature, LAFCO hires (or contracts) for its own staff and provides employee benefits, including health, dental, retirement, and other benefits for its employees. Contra Costa LAFCO purchases most of its employee benefits from Contra Costa County and its retirement benefits from the Contra Costa County Employees' Retirement Association (CCCERA).

In 2007, LAFCO adopted its own personnel system including an employee benefit plan, job descriptions, and an employee Salary Plan. Since then, the Employee Benefit Plan was updated several times in accordance with County benefit changes, most of which were administrative. The LAFCO Salary Plan has also been updated several times since 2007.

Contra Costa LAFCO currently employs one full time employee – an Executive Officer (“EO”) and one half-time employee - Executive Assistant/LAFCO Clerk (“Clerk”). In conjunction with the FY 2020-21 and 2021-22 Final Budgets the Commission delayed hiring a full-time Analyst as a cost-saving measure in response to COVID, and to lessen the financial burden on LAFCO’s funding agencies (i.e., County, cities, independent special districts).

To keep Contra Costa LAFCO salaries current and competitive, LAFCO staff recently conducted a salary survey of the Bay Area and Urban LAFCOs for the currently filled positions (i.e., LAFCO EO, LAFCO Clerk). Given that LAFCO recently established the salary ranges for the Analyst I/II position, no salary survey was conducted for this position, and no changes to the salary ranges for this position are recommended at this time.

Based on the recent salary survey and the Bay Area Consumer Price Index (CPI), it is recommended that the Commission update the LAFCO Salary Plan. The proposed adjustments to the salary ranges of 4.2% do not automatically result in adjustments to employee salaries.

LAFCO employee salary adjustments are based solely on performance. LAFCO employees do not receive annual cost-of-living adjustments. The Commission typically conducts an annual performance review for the EO and approves salary adjustments based on performance. The EO conducts an annual performance review for the other LAFCO employees (i.e., Clerk, Analyst) and provides salary adjustments based on performance.

The employee benefits and salary ranges are provided at the discretion of the Commission and can be modified as deemed appropriate. The benefit package and salary ranges should be reviewed periodically to keep pace with market conditions.

### **RECOMMENDATIONS**

It is recommended that the Commission approve LAFCO Resolution 2022-02 increasing the salary ranges by 4.2% for the Executive Officer and Executive Assistant/Clerk positions and retaining the current salary range for the Analyst I/II position.

Sincerely,

LOU ANN TEXEIRA  
EXECUTIVE OFFICER

### **Attachments**

1. 2021 Bay Area and Urban LAFCO Salary Survey
2. Draft Resolution 2022-02 and Updated LAFCO Salary Plan

**LAFCO Salary Survey - Bay Area/Urban LAFCOs (Nov 2021)****Monthly Salary Ranges**

	Exec Officer			Exec Asst/Clerk			Number of Staff (Excluding Legal)
	(Low)	(High)	Current Salary	(Low)	(High)	Current Salary	
<b>Alameda</b>	\$7,608	\$11,659	\$161,000	\$5,425	\$6,663	\$85,000	<b>2</b>
<b>Los Angeles (A)</b>			\$227,448			\$50,752	<b>6</b>
<b>Marin (B)</b>	-	\$12,500	\$157,716	\$4,668	\$7,143	\$59,421	<b>3</b>
<b>Napa</b>	\$10,156	\$12,348	\$148,176	\$4,306	\$5,119	\$61,428	<b>3</b>
<b>Orange</b>	-	\$16,574	\$198,889	\$5,102	\$6,371	\$61,381	<b>5</b>
<b>Riverside</b>	\$12,083	\$15,417	\$175,000	\$3,980	\$5,323	\$63,876	<b>5</b>
<b>Sacramento</b>	\$10,847	\$11,959	\$148,068	\$5,606	\$6,816	\$7,708	<b>2</b>
<b>San Bernardino</b>	\$14,846	\$20,251	\$178,152	\$4,538	\$6,105	\$65,416	<b>4</b>
<b>San Diego</b>	\$11,194	\$19,854	\$186,240	\$4,223	\$6,770	\$78,944	<b>7</b>
<b>San Francisco (C)</b>	\$9,772	\$11,882	\$142,584				<b>2</b>
<b>San Mateo</b>	\$11,690	\$14,615	\$175,380	\$5,212	\$6,513	\$69,402	<b>2.5</b>
<b>Santa Clara</b>	\$10,879	\$13,223	\$159,340	\$5,678	\$6,861	\$82,769	<b>3</b>
<b>Solano (D)</b>		\$12,417	\$149,004	\$6,243	\$7,589		<b>3</b>
<b>Sonoma</b>	\$10,225	\$12,429		\$4,807	\$5,842		<b>4</b>
<b>Ventura</b>	\$11,765	\$16,807	\$201,684	\$5,985	\$8,551	\$96,252	<b>3</b>
<b>Average</b>			\$172,049				<b>4</b>
<b>Contra Costa (E)</b>	\$11,011	\$14,676	\$170,976	\$4,702	\$5,964	\$67,303	<b>1.5</b>

**Exec Asst/Clerk Notes:**

(A) Full-time salary reflected in survey; Clerk works 28 hrs/week

(B) Clerk/Jr. Analyst

(C) No Comp for Clerk

(D) Analyst I serves as Clerk

(E) Full-time salary reflected in survey; Clerk works 20 hrs/week

**RESOLUTION NO. 2022-02****RESOLUTION OF THE CONTRA COSTA LOCAL AGENCY FORMATION COMMISSION  
UPDATING THE LAFCO EMPLOYEE SALARY PLAN**

**WHEREAS**, the Contra Costa Local Agency Formation Commission (LAFCO) is an independent regulatory agency created by the State Legislature; and

**WHEREAS**, pursuant to Government Code §56384, LAFCO appoints an Executive Officer and may appoint other staff as needed; and

**WHEREAS**, LAFCO currently employs an Executive Officer to carry out the functions of the Commission, and an Executive Assistant/ LAFCO Clerk to provide administrative support; and

**WHEREAS**, in 2007, the Commission adopted a salary plan which included salary ranges for the LAFCO employee positions; and

**WHEREAS**, the Analyst position, created in 2019, is currently unfilled; and

**WHEREAS**, the salary ranges were last adjusted in 2020 with the addition of the Analyst position; and

**WHEREAS**, the salary ranges should be reviewed and adjusted periodically to keep pace with market conditions.

**NOW, THEREFORE, BE IT RESOLVED, DETERMINED AND ORDERED** that:

1. Contra Costa LAFCO hereby increases the LAFCO salary ranges for the Executive Officer and Executive Assistant/ LAFCO Clerk positions by 4.2% for each range and retains the existing salary range for the Analyst position, as shown in Exhibit A. These salary ranges reflect a recent survey of comparable Bay Area and Urban LAFCOs, Bay Area Consumer Price Index, and current market conditions.
2. Contra Costa LAFCO employees receive no Cost-of-Living Adjustments (COLAs) and may receive an annual salary increase based solely on performance.

\*\*\*\*\*

PASSED AND ADOPTED THIS 9<sup>th</sup> day of March 2022, by the following vote:

AYES:

NOES:

ABSTENTIONS:

ABSENT:

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ROB SCHRODER, 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: March 9, 2022

---

Lou Ann Texeira, Executive Officer

**EXHIBIT A**

**2022 CONTRA COSTA LAFCO  
EMPLOYEE SALARY RANGES**

<b><u>JOB TITLE</u></b>	<b><u>BEGINNING MONTHLY</u></b>	<b><u>MAXIMUM MONTHLY</u></b>
<b>*CLERK/EXECUTIVE ASSISTANT</b>	<b>\$4,900</b>	<b>\$6,215</b>
<b>**ANALYST I/II</b>	<b>I - \$ 5,877</b>	<b>I - \$ 7,795</b>
	<b>II - \$ 6,202</b>	<b>II - \$ 8,219</b>
<b>EXECUTIVE OFFICER</b>	<b>\$11,473</b>	<b>\$15,292</b>

\*Currently staffed at half-time

\*\*Currently unfilled



CONTRA COSTA LOCAL AGENCY FORMATION COMMISSION

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**Lou Ann Teixeira**  
*Executive Officer*

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March 9, 2022 (Agenda)

**March 9, 2022**  
**Agenda Item 11**

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

**Executive Officer's Performance Review and Compensation**

Dear Members of the Commission:

**DISCUSSION**

The Commission met on February 9, 2022 in Closed Session to discuss the LAFCO Executive Officer's performance.

Thereafter, the 2021 Chair and Vice Chair met with the Executive Officer to discuss her performance review and recommendation as summarized in the attached memo.

Thank you for your consideration of the recommendation.

**RECOMMENDATION**

Consider the recommendation per the attached memo and take action as desired.

Sincerely,

**LOU ANN TEXEIRA**  
**EXECUTIVE OFFICER**

Attachment

# M E M O R A N D U M

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***CONTRA COSTA LOCAL AGENCY FORMATION COMMISSION***

---

651 Pine Street, Sixth Floor ♦ Martinez CA 94553 ♦ (925) 335-1094 ♦ Fax (925) 646-1228

---

March 9, 2022

**TO:** Members of the Commission

**FROM:** Commissioners Skaredoff and Schroder

**SUBJECT:** Executive Officer's Performance Review and Compensation

The Commission met in Closed Session on February 9, 2022, to discuss Executive Officer Lou Ann Texeira's performance evaluation.

The Chair and Vice Chair subsequently met with the Executive Officer to provide input regarding her performance review. During that meeting we expressed to the Executive Officer comments from the Commission as to the exceptional work being performed by the Executive Officer.

It is recommended that the Commission approve a 5% increase to the Executive Officer's base salary effective 1/1/22.



## CONTRA COSTA LOCAL AGENCY FORMATION COMMISSION

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**Lou Ann Texeira**  
*Executive Officer*

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*City Member*

March 9, 2022

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

**March 9, 2022**  
**Agenda Item 12**

## 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. On February 1, 2022, LMCHD filed a petition seeking Supreme Court review. The court has at least 60 days in which to make its decision.

✚ 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± acres 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. On February 9, 2022, Contra Costa County Superior Court ruled that the City of Pittsburg violated CEQA. The Court issued a writ of mandate compelling the City to set aside the project approvals and the certification of the Final EIR, and that any further consideration of the project must comply with the court order.

✚ 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.

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

This is an application filed by the landowner to expand DD's 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 – Current Applications Table

**CONTRA COSTA LOCAL AGENCY FORMATION COMMISSION**  
**CURRENT APPLICATIONS – March 9, 2022**

Attachment

File No.	APPLICATION NAME/LOCATION	APPLICATION SUMMARY	STATUS
16-06	Tassajara Parks Project: proposed annexations to CCCSD and EBMUD of 30± acres located east of the City of San Ramon and the Town of Danville	Application submitted in May 2016 by the landowner to annex 30± acres to Central Contra Costa Sanitary District (CCCSD) and East Bay Municipal Utility District (EBMUD) to support development of 125 residential lots and related improvements. On July 13, 2021, the County Board of Supervisors certified the project EIR, amendment the ULL, executed a land preservation agreement, and acted on various discretionary project approvals.	Application is currently incomplete. Await certified EIR, updated application, and other information. 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 ruled in favor of LAFCO and Contra Costa County. LMCHD filed a petition seeking Supreme Court review.
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>Notices of Incomplete Application</i> issued on 7/21/21 and 1/28/22.
21-07	Pantages: proposed annexation to DBCSD	Application submitted in September 2021 by DBCSD to annex 202.47± acres to support development of 277 single family homes	Currently under review
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

Attachment

File No.	APPLICATION NAME/LOCATION	APPLICATION SUMMARY	STATUS
21-09	Annexation to EBMUD – 285 Lark Lane – Alamo	Application submitted in September 2021 by the landowner to annex 3.14 <sup>±</sup> acres to EBMUD	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 <sup>±</sup> 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 <sup>±</sup> 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 <sup>±</sup> acres to City of Concord	Currently under review



**AGENDA**

**RETIREMENT BOARD MEETING**

**REGULAR MEETING**

February 23, 2022, 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: 821 2667 0581, Passcode: 425189, or via the web at:

<https://us06web.zoom.us/j/82126670581?pwd=V3JwTmloYmRWbnZ3TWNFbXJOdTFXUT09>

Passcode: 425189

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 January 26, 2022 meeting.

***CLOSED SESSION***

5. The Board will go in to closed session pursuant to Govt. Code Section 54956.9(d)(1) to confer with legal counsel regarding pending litigation:
  - a. *Nowicki v. CCCERA, et al.*, Contra Costa County Superior Court, Case No. C17-01266

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

## ***OPEN SESSION***

6. Annual statement of compliance with Board resolutions.
7. Consider and take possible action to adopt Board of Retirement Resolution 2022-1 to increase the salary ranges by 3% for all unrepresented classifications effective April 1, 2022, with the exception of the Chief Executive Officer.
8. Consider authorizing the attendance of Board:
  - a. Private Equity for the Trustee program, ILPA Institute, May 11-12, 2022, Austin, Texas.
9. Miscellaneous
  - a. Staff Report
  - b. Outside Professionals' Report
  - c. Trustees' comments



## **AGENDA**

### **RETIREMENT BOARD MEETING**

#### REGULAR MEETING

February 9, 2022, 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: 880 2936 6751, Passcode: 244964, or via the web at:

<https://us06web.zoom.us/j/88029366751?pwd=VmZzQmVwL1pvL0lNa21hMjhxakp4UT09>

Passcode: 244964

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. Recognition of Jerrie Davis, on the occasion of her retirement, for 32 years of service.
5. Recognition of Alison Greene for 5 years of service.
6. Approve minutes from the January 12, 2022 meeting.

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

7. Approve the following routine items:
  - a. Certifications of membership.
  - b. Service and disability allowances.
  - c. Death benefits.
  - d. Investment liquidity report.
8. Accept the following routine items:
  - a. Disability applications and authorize subpoenas as required.
  - b. Travel report.
  - c. Investment asset allocation report.

### ***CLOSED SESSION***

9. 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. Emily Amott	Service Connected	Service Connected
b. Nathan Behrmann	Service Connected	Service Connected
c. Kevin Brashem	Service Connected	Service Connected

10. CONFERENCE WITH LABOR NEGOTIATORS  
(Government Code Section 54957.6)

Agency designated representative:  
Gail Strohl, Chief Executive Officer

Unrepresented Employees: All CCCERA unrepresented positions

### ***OPEN SESSION***

11. Consider and take possible action to update CCCERA's Conflict of Interest Code.
12. Consider and take possible action to amend the Review of Contracts policy.
13. Consider and take possible action to authorize the Board to conduct teleconference meetings under Government Code section 54953 (e) and to make related findings.
14. Consider authorizing the attendance of Board:
  - a. Pension Bridge Annual Conference, April 18-20, 2022, San Francisco, CA.
  - b. Siguler Guff & Company's 2022 Annual Conference, April 27-28, 2022, New York, NY and Virtual.

<p>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.</p>
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15. 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.

## 2022 COMPENSATION LIMITS

### INTERNAL REVENUE CODE & CALIFORNIA GOVERNMENT CODE

Federal and state laws place annual limits on the compensation that can be used to determine contributions and benefits for CCCERA plan members.

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

The Internal Revenue Code provides for dollar limitations on benefits and contributions under qualified retirement plans which are adjusted annually for cost-of-living increases.

Members who commenced participation in CCCERA on or after January 1, 1996 are *subject* to the annual federal Internal Revenue Code Section 401(a)(17) compensation limit as shown:

- For CERL benefit formulas (Tiers 1, 3, A, & C), the 2022 calendar year compensation limit was increased to \$305,000;

Members who commenced participation in CCCERA prior to January 1, 1996 are *not subject* to the Internal Revenue Code annual compensation limit.

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

For new employees who commenced participation in CCCERA on or after January 1, 2013 under PEPRA benefit formulas (Tiers 4, 5, D & E), the compensation which exceeds that annual pensionable compensation limit under California Government Code Section 7522.10(c) and (d) is *not included* in determining benefits or contributions.

The 2022 calendar year PEPRA compensation limits are as follows:

- For employees *enrolled* in Social Security – increased to \$134,974;
- For employees *not enrolled* in Social Security – increased to \$161,969.

#### Administrative Procedures

It is the obligation of each agency's payroll department to ensure compliance with the compensation limit for affected CCCERA members. The participating employer's payroll department is responsible to stop *both* member and employer contributions to CCCERA when the compensation limit is met. The participating employer should resume the required contributions with the first payroll check dated in the next calendar year.

If the membership date is not known for a member who exceeds the compensation limit, CCCERA will provide the agency with

the membership date upon request. It is the responsibility of each employer to request the membership date from CCCERA. Questions? Email [employers@cccera.org](mailto:employers@cccera.org).

## I-29 AND I-30 REPORT SUBMISSIONS

### MAINTAINING AND TRANSMITTING ACCURATE MEMBER DATA

Participating employers are required to report employer and employee contribution data to CCCERA. Refer to the Current Transmittal File Layout Specifications in Section 7 of the Participating Employer Handbook for information regarding the transmittance of this file, available at [cccera.org/employers](http://cccera.org/employers).

#### 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.

#### Due Dates for Contributions and Reports

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 on or before 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 business 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.

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

# FELONY FORFEITURE

## REPORTING REQUIREMENTS

Effective January 1, 2013, the California Public Employees' Pension Reform Act of 2013 (PEPRA) established pension forfeiture, without exception, for all public employees convicted of a felony for job related conduct, in pursuit of office, or in connection with obtaining salary, retirement, or other benefits. PEPRA requires public agencies that employ or employed a public employee who was convicted of such a felony to notify CCCERA of the conviction within 90 days of the conviction.

For details on how to report this, please refer to the reporting template in the Participating Employers Handbook.

# REMINDERS FOR EMPLOYERS

## EMPLOYEE COMMUNICATION

### FY 2022-2023 Contribution Rates

Contribution rates for members and employers have been updated for July 1, 2022. Members can find their contribution rate effective July 1, 2022 by visiting [cccera.org/contributioncalculator](https://cccera.org/contributioncalculator).

### Approval Process for New Pay Codes

Employers are required to report new or changed codes to CCCERA in writing no later than 30 days prior to implementation as per CCCERA Board of Retirement Regulations, Sections VI. 2. C. and IV. 2. Employers are also required to submit a list of all of their pay codes (both pensionable and non-pensionable) annually for review toward the end of the year. Inquiries and notifications should be sent to [employers@cccera.org](mailto:employers@cccera.org) for review.

## Updated Participating Employers Handbook

The CCCERA Participating Employers Handbook, created to assist participating employers in enrolling employees in retirement, death, survivor and disability benefits, was recently updated. To obtain a copy, visit [cccera.org/employer](https://cccera.org/employer).

### CCCERA Newsletter

CCCERA distributes a member newsletter, CCCERA News, three times a year. For active members, this newsletter is emailed to each employer, who are asked to forward the newsletter to their employees. To add your name to this list, email [employers@cccera.org](mailto:employers@cccera.org).

### Videos for Members

We have two videos to assist members with their retirement planning. Our videos, How to Use the Pension Calculator, and the CCCERA Overview, are available at [cccera.org](https://cccera.org).

## 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](https://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](https://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

**February 21**

President's Day

### VIRTUAL PRE-RETIREMENT WORKSHOPS

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

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

**March 17, 2022**, 2 p.m. – 4 p.m.

### UPCOMING BOARD MEETINGS

**February 23, 2022**

**March 23, 2022**

**April 27, 2022**

**March 9, 2022**

**April 13, 2022**

**May 4, 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)

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

Our office is currently open on a limited basis to visitors by appointment only. Appointments may be requested by emailing [info@cccera.org](mailto:info@cccera.org) or calling (925) 521-3960. For continuing updates on our current operations, please visit [cccera.org/coronavirus](https://cccera.org/coronavirus).

Judge halts scenic housing development

Seeno, Discovery Builders plan to appeal court’s ruling next week

March 9 2022  
Agenda Item 15c

PITTSBURG HILLS

By Shomik Mukherjee  
[smukherjee@bayareanewsgroup.com](mailto:smukherjee@bayareanewsgroup.com)

**PITTSBURG >>** A judge has dealt a major blow to the developers of a massive housing project planned for a scenic ridgeline in the Pittsburg hills, delivering at least a temporary victory for the group of environmentalists that sued to stop it.

The Seeno family of development companies wants to build 1,650 homes in the hills that overlook the Concord Naval Weapons Station. The project, known as Faria/Southwest Hills, was approved by the Pittsburg City Council last year despite opposition from hundreds of residents.

The decision immediately was challenged by local environmentalists, including

the conservationist group Save Mount Diablo, which contends the homes would mar the highly visible open space and harm the habitats of several sensitive species.

Contra Costa County Superior Judge Edward G. Well ruled last week that the city’s environmental review of the project was inadequate because it failed to assess how so many houses would impact water supply, air quality and nearby plant life, according to a statement from Save Mount Diablo.

“The court’s decision says to developers: ‘You don’t get to kick the can down the road. You have to do a thorough analysis of your project’s impacts before you lock in project approvals,’ ” Winter King, the environmental group’s attorney, said

in a statement. “The court got it right.”

The ruling also determined that the city failed to account for the possible environmental impacts of 150 accessory dwelling units, which were added to the development just before the council approved it, according to Save Mount Diablo.

The project faced enormous opposition at the outset from both housing advocates who oppose urban sprawl and Pittsburg residents who feared an influx of more than a thousand homes south of the city.

In a statement about the ruling, an attorney for the developers pointed out that the court’s rul-

i n g signed off on most of the project’s details.

“There were four issues where, respectfully, we believe the court overlooked key evidence in the record,” said Kristina Lawson, a managing partner for the Hanson Bridgett LLP. “We will bring this evidence to the court’s attention next week, and we are hopeful that the court will reconsider its decision in light of the full

family, which has built and managed properties in Contra Costa County for several generations.

The family of builders has earned a reputation for engaging in drawn-out legal battles against public agencies and environmental groups, though the companies also have fostered a strong relationship with local labor unions.

family returned for another bidding round and won the right to take over the Naval Weapons Station project as master developer

Just as Pittsburg residents criticized the Faria development, Concord residents last year took the council to task for handing the city’s future to the Seeno companies.

evidentiary record.”

The 1,650 homes, as approved last year by the City Council, would be clustered in valleys along the ridgeline, encompassing 341 acres. Building the homes would require extensive grading of the site, which Save Mount Diablo claimed could result in landslides and the destruction of creeks and streams.

But the developers promised to also build a youth recreation center at the project site and preserve 265 additional acres of land as open space. The pitch was ambitious enough to secure the council’s unanimous approval last year.

Pittsburg council members could not be reached for comment Friday about the court ruling.

The development team includes Seeno companies Discovery Builders Inc. and Faria Investors LLC. Discovery was founded by a member of the Seeno

Last year, the Seeno team settled a separate lawsuit with the East Bay Regional Park District, which contended the Faria homes would disrupt views of the hills, which can be seen from the Concord Naval Weapons Station. The district is creating a large regional park on the former weapons site.

As part of that settlement, the developers promised to build the homes back a ways from property lines so they would be less visible from the eventual parkland.

Seeno also previously sued the Navy to stop its transfer of nearby land to the city of Concord for eventual development of a 13,000-home community. The suit followed the Concord City Council’s decision to award the master development contract for that project to another team instead of Seeno’s team.

When the other team pulled out last year in the wake of a labor dispute, Discovery Builders and the Seeno

But opponents of Seeno have won the latest skirmish, at least for now.

“This is a major victory for Pittsburg’s hills,” Save Mount Diablo Land Conservation Director Seth Adams said in a statement. “Open space, habitat for wildlife and the community’s scenic views have won the day, and poorly planned development will not go forward, for now. We are very happy with the court’s decision.”

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Saturday, 02/19/2022 Page .B01

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**The New York Times**

<https://www.nytimes.com/2022/02/14/climate/western-drought-megadrought.html>

## *How Bad Is the Western Drought? Worst in 12 Centuries, Study Finds*

Fueled by climate change, the drought that started in 2000 is now the driest two decades since 800 A.D.

**By Henry Fountain**

Feb. 14, 2022, 10:59 a.m. ET

ALBUQUERQUE — The megadrought in the American Southwest has become so severe that it's now the driest two decades in the region in at least 1,200 years, scientists said Monday, and climate change is largely responsible.

The drought, which began in 2000 and has reduced water supplies, devastated farmers and ranchers and helped fuel wildfires across the region, had previously been considered the worst in 500 years, according to the researchers.

But exceptional conditions in the summer of 2021, when about two-thirds of the West was in extreme drought, “really pushed it over the top,” said A. Park Williams, a climate scientist at the University of California, Los Angeles, who led an analysis using tree ring data to gauge drought. As a result, 2000-2021 is the driest 22-year period since 800 A.D., which is as far back as the data goes.

The analysis also showed that human-caused warming played a major role in making the current drought so extreme.

There would have been a drought regardless of climate change, Dr. Williams said. “But its severity would have been only about 60 percent of what it was.”

Julie Cole, a climate scientist at the University of Michigan who was not involved in the research, said that while the findings were not surprising, “the study just makes clear how unusual the current conditions are.”

Dr. Cole said the study also confirms the role of temperature, more than precipitation, in driving exceptional droughts. Precipitation amounts can go up and down over time and can vary regionally, she said. But as human activities continue to pump greenhouse gases into the atmosphere, temperatures are more generally rising.

**Climate Fwd** There's an ongoing crisis — and tons of news. Our newsletter keeps you up to date. [Get it sent to your inbox.](#)

As they do “the air is basically more capable of pulling the water out of the soil, out of vegetation, out of crops, out of forests,” Dr. Cole said. “And it makes for drought conditions to be much more extreme.”

Although there is no uniform definition, a megadrought is generally considered to be one that is both severe and long, on the order of several decades. But even in a megadrought there can be periods when wet conditions prevail. It's just that there are not enough consecutive wet years to end the drought.

That has been the case in the current Western drought, during which there have been several wet years, most notably 2005. The study, which was published in the journal *Nature Climate Change*, determined that climate change was responsible for the continuation of the current drought after that year.

“By our calculations, it's a little bit of extra dryness in the background average conditions due to human-caused climate change that basically kept 2005 from ending the drought event,” Dr. Williams said.

Climate change also makes it more likely that the drought will continue, the study found. “This drought at 22 years is still in full swing,” Dr. Williams said, “and it is very, very likely that this drought will survive to last 23 years.”

Several previous megadroughts in the 1,200 year record lasted as long as 30 years, according to the researchers. Their analysis concluded that it is likely that the current drought will last that long. If it does, Dr. Williams said, it is almost certain that it will be drier than any previous 30-year period.

## Understand the Latest News on Climate Change

**Depleting water supplies.** The world's glaciers may contain less water than previously believed, suggesting that freshwater supplies could peak sooner than anticipated for millions of people worldwide who depend on glacial melt for drinking water, crop irrigation and everyday use.

< >

Tree rings are a year-by-year measure of growth — wider in wet years, thinner in dry ones. Using observational climate data over the last century, researchers have been able to closely link tree ring width to moisture content in the soil, which is a common measure of drought. Then they have applied that width-moisture relationship to data from much older trees. The result “is an almost perfect record of soil moisture” over 12 centuries in the Southwest,” Dr. Williams said.

Using that record, the researchers determined that last summer was the second driest in the last 300 years, with only 2002, in the early years of the current drought, being drier.

Monsoon rains in the desert Southwest last summer had offered hope that the drought might come to an end, as did heavy rain and snow in California from the fall into December.

But January produced record-dry conditions across much of the West, Dr. Williams said, and so far February has been dry as well. Reservoirs that a few months ago were at above-normal levels for the time of year are now below normal again, and mountain snowpack is also suffering. Seasonal forecasts also suggest the dryness will continue.



Lake Mead, the largest artificial reservoir in the United States, is at a third of its capacity and has a visible “bathtub ring” due to the western drought. Patrick T. Fallon/Agence France-Presse — Getty Images

“This year could end up being wet,” Dr. Williams said, “but the dice are increasingly loaded toward this year playing out to be an abnormally dry year.”

Samantha Stevenson, a climate modeler at the University of California, Santa Barbara who was not involved in the study, said the research shows the same thing that projections show — that the Southwest, like some other parts of the world, is becoming even more parched.

Not everywhere is becoming increasingly arid, she said. “But in the Western U.S. it is for sure. And that’s primarily because of the warming of the land surface, with some contribution from precipitation changes as well.”

“We’re sort of shifting into basically unprecedented times relative to anything we’ve seen in the last several hundred years,” she added.