



Lou Ann Teixeira  
Executive Officer

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

Wednesday, May 10, 2023, 1:30 PM

### **PUBLIC ACCESS AND PUBLIC COMMENT INSTRUCTIONS**

The public may attend this meeting in person at the following location: Board of Supervisor Chambers, County Administration Building, 1025 Escobar Street, First Floor, Martinez, CA 94553

The public may also attend this meeting remotely by Zoom or telephone.

If joining remotely by Zoom, please click the link below:

<https://cccounty-us.zoom.us/j/84678017550>

Or Telephone:

Dial:

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.

## MAY 10, 2023 CONTRA COSTA LAFCO AGENDA

1. Call to Order
2. Roll Call
3. Approval of Minutes of the March 8, 2023 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.

### SPHERE OF INFLUENCE (SOI) AMENDMENTS/CHANGES OF ORGANIZATION

5. **LAFCO 23-01 – Dissolution of Knightsen Town Community Services District (KTCSD)** – consider approving dissolution of KTCSD comprising 8± square miles and serving the unincorporated Knightsen community; and consider a categorical exemption under the California Environmental Quality Act (CEQA) **Public Hearing**
6. **LAFCO 23-04 – West County Wastewater District (WCWD) – Out of Agency Service Request – Richmond Country Club** - consider a request by WCWD to extend municipal wastewater services outside its jurisdictional boundary to 25.51± acres (numerous parcels) located north of Richmond Parkway/east of Giant Highway (City of Richmond); and consider related actions as a responsible agency under CEQA
7. **LAFCO 23-02 – Annexation to West County Wastewater District (WCWD) – Richmond Country Club (Meritage Homes Corp)** - consider approving annexation of 25.51± acres (numerous parcels) located north of Richmond Parkway/east of Giant Highway (City of Richmond) to serve development of 69 single family homes; and consider related actions as a responsible agency under CEQA **Public Hearing**

### BUSINESS ITEMS

8. **Contract Extension and Amendment – SWALE, Inc.** – consider extending the existing contract to August 31, 2023 and adding one subcontract consultant in conjunction with the 3<sup>rd</sup> round *Wastewater Services Municipal Services Review and Sphere of Influence Updates* covering 20 local agencies
9. **Fiscal Year 2023-24 Final Budget and Work Plan** – consider approving the Final Budget and Work Plan for FY 2023-24 **Public Hearing**
10. **Legislative Update and Position Letter** - receive legislative update and position letter

### INFORMATIONAL ITEMS

11. **Current and Potential Applications** - update on current and potential applications – *information only*
12. Correspondence from Contra Costa County Employees' Retirement Association (CCCERA)
13. Commissioner Comments and Announcements
14. Staff Announcements/Newspaper Articles/CALAFCO Update

### CLOSED SESSION

PUBLIC EMPLOYEE PERFORMANCE EVALUATION

Title: Executive Officer

CONFERENCE WITH LABOR NEGOTIATORS - Commissioners Glover and Blubaugh

Unrepresented employee: Executive Officer

### ADJOURNMENT

Next regular LAFCO meeting is June 14, 2023 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**  
**MEETING MINUTES**  
**March 8, 2023**

**May 10, 2023**  
**Agenda Item 3**

1. Oath of Office administered by LAFCO Legal Counsel to newly appointed Commissioner Scott Perkins.
2. **Welcome and Call to Order: Roll Call (Agenda Items 1 - 4)**

Chair Glover called the meeting of **March 8, 2023**, to order at 1:34 p.m.  
The following Commissioners and staff were present:

| Regular Commissioners    | Alternate Commissioners | Staff                              |
|--------------------------|-------------------------|------------------------------------|
| Federal Glover, Chair    | Chuck Lewis             | Lou Ann Texeira, Executive Officer |
| Don Blubaugh, Vice Chair | Edi Birsan (absent)     | Tom Geiger, Commission Counsel     |
| Candace Andersen         | Diane Burgis (absent)   | Sherrie Weis, LAFCO Clerk          |
| Patricia Bristow         |                         | Anna Seithel, LAFCO Clerk Analyst  |
| Mike McGill              |                         |                                    |
| Scott Perkins            |                         |                                    |
| Gabriel Quinto           |                         |                                    |

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 and in person. The public may attend in person, via Zoom, or 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 and in person.

3. **Welcome New Commissioner**
4. **Bid Farewell to Sherrie Weis and Welcome Anna Seithel**
5. **Approval of January 11, 2023, Minutes and Corrections**  
Upon motion by Commissioner Andersen and second by Commissioner Blubaugh, the Commission unanimously, by a 6-0 vote approved the January 11, 2023, amended meeting minutes.

VOTE:

AYES: Andersen, Blubaugh, Bristow, Glover, McGill, Quinto

NOES: None

ABSENT: Birsan, Burgis

ABSTAIN: Perkins

6. **Public Comments**  
Chair Glover invited members of the audience to provide public comment. Susan Morgan, Board Director of Ironhouse Sanitary District, and Vice President of Contra Costa Special Districts Association (CCSDA), spoke re: 30<sup>th</sup> Anniversary of CCSDA.

**SPHERE OF INFLUENCE (SOI) AMENDMENTS/CHANGES OF ORGANIZATION**

7. ***LAFCO 21-17 – Dissolution of CSA R-9*** – Public Hearing Continued from August 10, 2022  
Following the staff report and Commissioner comments, Commissioner Glover opened the public hearing. There were no public comments. Commissioner Glover closed the public hearing. Upon motion by Commissioner Andersen and second by Commissioner Glover, the Commission unanimously, by a 7-0 continued the public hearing to March 13, 2024 to allow the community to explore improvements and a potential assessment.

VOTE:

AYES: Andersen, Blubaugh, Bristow, Glover, McGill, Perkins, Quinto

NOES: None

ABSENT: Birsan, Burgis

ABSTAIN: None

**BUSINESS ITEMS**

8. ***Fiscal Year 2023-24 Proposed Budget and Work Plan – Public Hearing*** - Following the staff report and Commissioner comments, Commissioner Glover opened the public hearing. There were no public comments. Commissioner Glover closed the public hearing. Upon motion by Commissioner Blubaugh and second by Commissioner McGill, the Commission unanimously, by a 7-0 vote adopted the ***Fiscal Year 2023-24 Proposed Budget and Work Plan***

VOTE:

AYES: Andersen, Blubaugh, Bristow, Glover, McGill, Perkins, Quinto

NOES: None

ABSENT: Birsan, Burgis

ABSTAIN: None

9. ***Call for Nominations – 2023 Special Districts Risk Management Authority (SDRMA) Board of Directors*** – the Commission received SDRMA information and considered submitting a nomination. No nomination was submitted.

10. ***Updates to LAFCO Employee Salary Plan*** - Upon motion by Commissioner McGill and second by Commissioner Andersen, the Commission unanimously, by a 7-0 vote approved increases to LAFCO Employee Salary Ranges as proposed. Chair Glover invited members of the audience to provide public comment. There was no public comment.

VOTE:

AYES: Andersen, Blubaugh, Bristow, Glover, McGill, Perkins, Quinto

NOES: None

ABSENT: Birsan, Burgis

ABSTAIN: None

11. ***Current and Potential Applications - information only***. Chair Glover invited members of the audience to provide public comment. There was no public comment.

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

13. **Commissioner Comments and Announcements.** Commissioner McGill noted the following CALAFCO meetings: December 9, 2022, Board Meeting; January 13, 2023, Legislative Committee Meeting; January 19, Special Board Meeting; February 15 and 16, Retreat and Board Meeting, February 24, Legislative Committee Meeting; March 21, Legislative Committee Meeting; recognition of the passing of Dave Williams, who served on the Board of Directors of the Central Contra Costa Sanitary District.
14. **Staff Announcements/Newspaper Articles/CALAFCO Update.**

*This meeting ended at 2:14 P.M.*

**ADJOURNMENT**

*Today's LAFCO meeting was adjourned. in memory of Commissioner Stan Caldwell, who passed away on January 14, 2023. Commissioner Caldwell served on Contra Costa LAFCO since 2015 as a Special District member. He was a quiet and caring person, who was dedicated to public service at the local and State levels. Stan held various offices in the California Special District Association (CSDA) and was a recipient of the William Hollingsworth Award of Excellence - the most prestigious honor bestowed by CSDA. We celebrate Stan's life, his many contributions, and distinguished service both local and statewide. We will miss Stan.*

*The next regular LAFCO meeting is April 12, 2023, at 1:30 pm.*

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

CONTRA COSTA LOCAL AGENCY FORMATION COMMISSION  
EXECUTIVE OFFICER'S REPORT

May 10, 2023  
Agenda Item 5

May 10, 2023 (Agenda)

**LAFCO 23-01**                      Dissolution of Knightsen Town Community Services District

**APPLICANT**                      Knightsen Town Community Services District (KTCSD)

**ACREAGE & LOCATION**                      The KTCSD serves an unincorporated community of 1,600 residents within 8± square miles (Exhibit A) comprised of approximately 600 parcels.

**BACKGROUND**

The KTCSD was formed in 2005 to provide enhanced flood control and water quality (drainage services) to the Knightsen community. The 2005 ballot measure (Measure Z) that established the KTCSD included a special tax that could not, in the first fiscal year, exceed \$200 for each developed parcel and \$100 for each undeveloped parcel. The KTCSD does not receive any of the 1% ad valorem property tax revenue.

In 2022, the District initiated a feasibility study to assess the ability to provide flood control improvements and services with the existing revenue. The report concluded that projected expenses would exceed revenues, even before any improvements or services were provided. Other challenges the District faces are noted below.

LAFCO reviewed KTCSD in two Municipal Service Reviews (MSRs) in 2008 and 2014. In accordance with MSRs, the Commission adopts required determinations and updates the SOIs for the cities and districts. The determinations cover various issues including growth and population, location and characteristics of disadvantaged unincorporated communities, service and infrastructure needs and capacity, financial ability of agencies to provide services, opportunities for collaboration, and accountability and efficiencies.

The 2008 MSR noted that the District's revenue was derived from an annual parcel tax of \$50 per developed parcel and \$25 per undeveloped parcel. The District's total revenue in 2008 was approximately \$26,775. At that time, the District had a part-time secretary and other expenses including office, insurance, elections, legal, audit, and other administrative expenses. Due to limited funding, the District was unable to prepare a feasibility study and address drainage improvements. The 2008 MSR included two governance options: 1) maintain the status quo, and 2) adopt a zero sphere of influence (SOI) signaling a future dissolution. Given the District was fairly new, LAFCO retained the existing SOI and required an update in one year to include a progress report on development of a facilities improvement plan, a timeline, and potential funding options to implement the plan.

The 2014 MSR noted that KTCSD was working with the East Contra Costa County Habitat Conservancy, and in cooperation with East Bay Regional Park District, to apply for grant funding to acquire land and a bio-filter. The KTCSD engaged a wide range of partners to move this project forward and sought grant funding opportunities, but these actions were unsuccessful. The 2014 MSR noted that the District's revenue, although limited, was sound. The 2014 MSR included three governance options: 1) maintain the status quo, 2) adopt a provisional SOI with annual updates to LAFCO, or 3) dissolve the District and name the County or the Contra Costa Resource Conservation District as successor agency to provide conservation and drainage mitigation programs. The MSR suggested that the KTCSD Board members could be assigned as an advisory body to the successor agency for continuity and to focus on the community issues. The MSR also noted that a new County Service Area could be formed to assume the KTCSD services. The Commission retained the existing SOI and requested annual updates from the District.

## **DISCUSSION**

On February 2, 2023, the KTCSD Board adopted Resolution 2023-1 (Attachment 1) requesting that Contra Costa LAFCO initiate proceeding for dissolution of KTCSD. On February 3, 2023, the District filed an application with LAFCO to dissolve the District as noted in the District's Resolution 2023-1 and as summarized below:

- ✚ The District has limited revenue and does not receive any of the ad-valorem 1% tax
- ✚ The District's feasibility study concluded that projected expenses relating to flood control improvements would exceed KTCSD revenue even before services or improvements were provided
- ✚ The District does not have a sufficient number of residents and a large enough tax base to implement, operate, administer, and maintain enhanced drainage and flood control projects
- ✚ On November 8, 2022, the voters passed Measure R, which repealed the District's special tax
- ✚ During the course of its existence, the District has not initiated, nor completed any projects, and has no intent to initiate or complete any projects, and has no physical assets, no employees, and no liabilities

***LAFCO Factors for Consideration*** - Government Code (GC) §56668 sets forth factors that the Commission must consider in evaluating any change of organization, including dissolution. In the Commission's review and evaluation, no single factor is determinative. In reaching a decision, each is to be evaluated within the context of the overall proposal. These factors are discussed below and in Attachment 2.

***Tax Rates, Assessed Value, Assets and Liabilities*** - The subject area includes 14 tax rate areas. The assessed value for the proposal area is \$174,348,391 (assessed value of land) and the total tax rate base is \$320,674,478. The KTCSD does not receive any of the 1% annual property tax.

Regarding assets and liabilities, the District has no physical assets, no employees, and no liabilities. The District's FY 2022-23 includes \$54,392 in total estimated expenses and zero revenues. The District has \$182,100 in reserves. As noted above, voters have repealed the District's special tax.

***Designation of Successor Agency*** - The Cortese Knox Hertzberg Local Government Reorganization Act of 2000 ("CKH") (GC §56000 et seq.) provides that should LAFCO dissolve a district, it shall identify the effective date of dissolution, designate a successor agency to wind up the affairs of the district, and may apply terms and conditions pursuant to the CKH GC §§57450-57463 and §§56885 – 56890. GC §§57450-57463, relating to the "effect of dissolution," provide specific provisions for determining a successor agency (i.e., city, county, district). Also, §§56886-56890, relating to "terms and conditions," provide LAFCO with authority to designate a successor agency.

KTCSD encompasses the unincorporated Knightsen community. Therefore, Contra Costa County will become the successor agency pursuant to the CKH. Upon the effective date of dissolution, the County will assume control of all assets and liabilities, moneys and funds, including cash on hand and moneys due but uncollected, and all property, real or personal, of the dissolved KTCSD. The County, and its officers and legislative body, will have the same powers as the dissolved district relating to real and personal property, assets and obligations, and legal authority (i.e., settle claims, sue or be sued), and other authority pursuant to statute.

**Public Comments** – One of the factors the Commission must consider is comments from affected and other local agencies and from landowner or owners, voters, and residents of the affected territory.

As of this writing, LAFCO has received no comments from affected or other local agencies or from members of the public

**Commission Proceedings** – A dissolution may be initiated by an affected local agency, a petition of landowner or registered voters, or by LAFCO. This application was submitted by the affected local agency.

Before LAFCO can dissolve a district, LAFCO must hold a public hearing on the proposed dissolution. In conjunction with today's hearing, LAFCO published a 1/8-page display ad in the newspaper of general circulation (*East Bay Times*), as required by statute.

Should LAFCO approve dissolution of KTCSD, and should any affected landowner or registered voter object to the dissolution, LAFCO must conduct a protest hearing to allow landowners and voters within the district boundary an opportunity to protest the dissolution. The noticed protest hearing will occur no less than 30 days after the Commission's approval. The Commission delegated authority to the LAFCO Executive Officer to conduct the protest hearing. As of this writing, LAFCO has received no objections from landowners and voters within the District.

**Environmental Impact of the Proposal** – As Lead Agency, the KTCSD finds the proposal to dissolve the District is exempt from the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines section 15061(b)(3). The LAFCO Environmental Coordinator reviewed the document and finds it adequate for LAFCO purposes.

## **OPTIONS FOR COMMISSION ACTION**

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

- Option 1**
1. APPROVE the dissolution and required findings as proposed pursuant to the following:
    - a. The affected territory is located entirely within an unincorporated area of Contra Costa County.
    - b. The reason for the proposal is to dissolve a district that is financially distressed and essentially inactive.
  2. Designate Contra Costa County as successor agency to KTCSD pursuant to GC section 57451.
  3. Find that the project is Categorical Exempt from the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines Section 15061(b)(3) based on the determination that there is no possibility that dissolution of KTCSD may have a significant effect on the environment, consistent with the determination of KTCSD.
  4. Find that the subject territory is inhabited, and the proposal may be subject to protest proceedings to be conducted no less than 30 days following the Commission's approval of the proposal.



5. Adopt LAFCO Resolution 23-01 (Attachment 3) approving dissolution of the KTCSD and setting forth the Commission's terms, conditions, findings and determinations.

**Option 2** DENY the proposal to dissolve KTCSD and require KTCSD to provide LAFCO with annual updates beginning June 2023 through May 2028, or as otherwise determined by LAFCO. The annual updates should address budget, services, and administration.

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

**RECOMMENDATION: Approve Option 1 to dissolve KTCSD and name Contra Costa County as successor agency.**

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

**Attachments:**

1. KTCSD Resolution 2023-01 - Requesting Contra Costa LAFCO Dissolve KTCSD
2. LAFCO Factors for Consideration
3. Draft LAFCO Resolution 23-01 – Approving Dissolution of KTCSD

**Exhibits**

A. Map of KTCSD

c: Distribution



**KNIGHTSEN TOWN COMMUNITY SERVICES DISTRICT  
RESOLUTION 2023 – 1  
BEFORE THE BOARD OF DIRECTORS OF THE  
KNIGHTSEN TOWN COMMUNITY SERVICES DISTRICT**

**Attachment 1**

A RESOLUTION OF APPLICATION BY THE BOARD OF DIRECTORS OF THE KNIGHTSEN TOWN COMMUNITY SERVICES DISTRICT REQUESTING THE CONTRA COSTA COUNTY LOCAL AGENCY FORMATION COMMISSION (LAFCO) TO DISSOLVE THE KNIGHTSEN TOWN COMMUNITY SERVICES DISTRICT.

**RESOLVED**, by the Board of Directors (the "Board") of the Knightsen Town Community Services District (the "District"), that

**WHEREAS**, the Board 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 dissolution of the District; and

**WHEREAS**, the proposed change of organization includes the following jurisdictional change:

Dissolution of the Knightsen Town Community Services District; and

**WHEREAS**, a map of the current District territory is attached hereto as Attachment A and by this reference is incorporated herein; and

**WHEREAS**, the Board has determined that in 2005 a significant number of Knightsen residents voted to establish the District to serve as a barrier to development of Knightsen by the neighboring cities of Oakley and Brentwood; and

**WHEREAS**, the District has no land use authority and no ability to effectively prevent neighboring cities from seeking to annex and to develop properties within the boundaries of Knightsen; and

**WHEREAS**, in 2005 LAFCO authorized a ballot measure (Measure Z) to form the District and to impose a Special Tax; and

**WHEREAS**, the Board has determined that a 2002 Knightsen Water Quality Wetland Feasibility Assessment Report, which was submitted to LAFCO as a basis for the need to form the District, misrepresented how water flows in Knightsen and as such should not have been a consideration with regard to the original formation of the District; and

**WHEREAS**, the Board has determined that the majority of Knightsen residents do not have significant drainage or flood control problems and will not benefit from the implementation of enhanced drainage and flood control projects; and

**WHEREAS**, previously, District revenue was derived solely from the Special Tax assessment on approximately 600 parcel owners; and

**WHEREAS**, the District does not receive any of the 1% ad-valorem property tax revenue; and

**WHEREAS**, the Board ordered a feasibility analysis to determine whether the District would ever be able to provide flood control improvements or services based on the maximum rate the District could charge for the Special Tax and determined that projected expenses would exceed revenues, even before any improvements or services were provided; and

**WHEREAS**, the Board has determined that the District does not have a sufficient number of residents and a large enough tax base to implement, operate, administer and maintain enhanced drainage and flood control projects; and

**WHEREAS**, on November 8, 2022, District voters passed Measure R which repealed the Special Tax; and

**WHEREAS**, during the course of its existence, the District has not initiated, nor completed any projects and has no intent to initiate or complete any projects, and has no physical assets, no employees and no liabilities; and

**WHEREAS**, the Board has determined that the proposed change of organization is consistent with the sphere of influence of the District; and

**WHEREAS**, the Board has, by unanimous resolution, consented to the waiver of conducting authority proceedings.

**NOW THEREFORE BE IT RESOLVED**, this Resolution of Application is hereby approved and adopted by the Board of Directors of the Knightsen Town Community Services District and the Contra Costa County Local Agency Formation Commission is hereby requested to dissolve the District, including the territory as described in Attachment A and in the manner provided by the Cortese/Knox/Hertzberg Local Government Reorganization Act of 2000.

ON MOTION of Director Gilbert Somerhalder seconded by Director Trish Bello-Kunkel the foregoing resolution was passed and adopted this 2nd day of February, 2023.

**AYES:**            **Director Bello-Kunkel**  
                      **Director Caldwell**  
                      **Director de Fremery**  
                      **Director Matteri**  
                      **Director Somerhalder**


**NOES:**            **None**

**ABSENT:**        **None**

**ABSTAIN:**      **None**

**Attested:**

**I HEREBY CERTIFY** that the foregoing Resolution No. 2023-1 was duly and regularly adopted at a regular meeting of the Board of Directors of the Knightsen Town Community Services District on February 2, 2023

  
\_\_\_\_\_  
Gilbert Somerhalder, Vice Chair  
Knightsen Town Community Services District

  
\_\_\_\_\_  
Trish Bello-Kunkel, Chairperson  
Knightsen Town Community Services District

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

| FACTOR  | COMMENTS   |
|---|--|
| (a) Population and population density; land area and land use; per capita assessed valuation; topography, natural boundaries, and drainage basins; proximity to other populated areas; the likelihood of significant growth in the area, and in adjacent incorporated and unincorporated areas, during the next 10 years.   | The subject area includes the unincorporated Knightsen community. The area comprises 8.± square miles. The District boundary encompasses primarily agricultural land and some residential uses. The population is approximately 1,600. |
| (b) The need for organized community services; the present cost and adequacy of governmental services and controls in the area; probable future needs for those services and controls; probable effect of the proposed incorporation, formation, annexation, or exclusion and of alternative courses of action on the cost and adequacy of services and controls in the area and adjacent areas.<br><br>"Services," as used in this subdivision, refers to governmental services whether or not the services are services which would be provided by local agencies subject to this division, and includes the public facilities necessary to provide those services. | There is a potential need for enhanced flood control and water quality (drainage) services. It is unlikely that KTCSD can provide these services due to financial constraints.   |
| (c) The effect of the proposed action and of alternative actions, on adjacent areas, on mutual social and economic interests, and on the local governmental structure of the county.  | It is not anticipated that dissolution of KTCSD will affect adjacent areas or the local government structure of the County.  |
| (d) The conformity of both the proposal and its anticipated effects with both the adopted commission policies on providing planned, orderly, efficient patterns of urban development, and the policies and priorities in Section 56377.<br><i>(Note: Section 56377 encourages preservation of agricultural and open space lands)</i>  | The subject area includes primarily agricultural land and some single-family residential uses. The dissolution will have no effect on development or on policies and priorities in Section 56377.                                      |
| (e) The effect of the proposal on maintaining the physical and economic integrity of agricultural lands, as defined by Section 56016.   | The subject area is primarily agricultural lands. Dissolution will have no impact on land use.   |
| (f) The definiteness and certainty of the boundaries of the territory, the nonconformance of proposed boundaries with lines of assessment or ownership, the creation of islands or corridors of unincorporated territory, and other similar matters affecting the proposed boundaries.  | The parcels that comprise the subject territory have specific boundary lines that are certain and identifiable.  |
| (h) The proposal's consistency with city or county general and specific plans.  | The dissolution will have no effect on the County General Plan.  |
| (i) The sphere of influence (SOI) of any local agency which may be applicable to the proposal being reviewed.   | The dissolution will have no effect on the SOIs of any local agency other than KTCSD.  |

| FACTOR  | COMMENTS   |
|---|--|
| (j) The comments of any affected local agency or other public agency.   | LAFCO received no comments from any local agencies or the public.  |
| (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.  | KTCS D has no established or secure source of revenue. As successor agency, Contra Costa County will assume the services.  |
| (n) Any information or comments from the landowner or owners, voters, or residents of the affected territory.   | In accordance with LAFCO statutes, Contra Costa LAFCO published a display ad in the local newspaper. As of this writing, LAFCO received no formal objections from landowners or registered voters.   |
| (o) Any information relating to existing land use designations.   | The County's General Plan designation for the area is primarily Agriculture Land and the zoning designations include primarily General and Heavy Agriculture with some Single Family Residential. No changes to the present or planned land uses will result from the dissolution. |
| (p) The extent to which the proposal will promote environmental justice. As used in this subdivision, "environmental justice" means the fair treatment and meaningful involvement of people of all races, cultures, incomes, and national origins, with respect to the location of public facilities and the provision of public services, to ensure a healthy environment for all people such that the effects of pollution are not disproportionately borne by any particular populations or communities. | The dissolution will have no effect on environmental justice or to the fair treatment of people of all races, cultures, and incomes.   |
| 56668.5. The commission may, but is not required to, consider the regional growth goals and policies established by a collaboration of elected officials only, formally representing their local jurisdictions in an official capacity on a regional or subregional basis. This section does not grant any new powers or authority to the commission or any other body to establish regional growth goals and policies independent of the powers granted by other laws.                                     | Dissolution of KTCS D 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:**

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

**RESOLUTION NO. 23-01**

**RESOLUTION OF THE CONTRA COSTA LOCAL AGENCY FORMATION COMMISSION  
MAKING DETERMINATIONS AND APPROVING DISSOLUTION OF  
KNIGHTSEN TOWN COMMUNITY SERVICES DISTRICT**

WHEREAS, the Knightsen Town Community Services District (KTCSO) is located entirely within unincorporated Contra Costa County in the unincorporated Knightsen community; and

WHEREAS, KTCSO comprises 8± square miles with a population of approximately 1,600 residents; and

WHEREAS, KTCSO was formed to provide enhanced flood control and water quality (drainage services) to the Knightsen community; and

WHEREAS, no physical services are provided by the KTCSO; and

WHEREAS, on February 2, 2023, the KTCSO Board of Directors adopted Resolution 2023-01 initiating proceedings and requesting that Contra Costa LAFCO dissolve KTCSO pursuant to the Cortese-Knox-Hertzberg Local Government Reorganization Act (Government Code (GC) §56000 et seq.); 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 to dissolve KTCSO; and

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

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

WHEREAS, the Commission heard, discussed, and considered all oral and written testimony related to the proposal including, but not limited to, the Executive Officer's report and recommendation, the environmental document or determination, Spheres of Influence, and related information; and

WHEREAS, LAFCO determines that dissolution of KTCSO and naming Contra Costa County as successor agency to wind up the affairs of the district pursuant to GC §§56885 – 56890 is in the best interest of the affected area and the total organization of local governmental agencies within Contra Costa County; and

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

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

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

**DISSOLUTION OF KNIGHTSEN TOWN CSD**

2. KTCSO is located entirely within unincorporated Contra Costa County. The boundaries of the affected territory are found to be definite and certain as approved and set forth in Exhibit A, attached hereto and made a part hereof.

3. The proposal was initiated by KTCSO, the subject territory is inhabited, and if no objections are received, LAFCO will waive the protest proceedings.

4. Contra Costa County shall be the successor agency of KTCSD to wind up the affairs of the District.
5. All assets and liabilities associated with KTCSD will be assigned to Contra Costa County as successor agency.
6. In reviewing this proposal, the Commission has considered the factors required by Government Code section 56668.
7. The Commission finds that dissolution of KTCSD is categorically exempt from the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines Section 15320 (Class 20 – Changes to Government Organization).
8. The effective date of the dissolution shall be the date of filing the certificate of completion of the proposal.

\*\*\*\*\*

PASSED AND ADOPTED THIS 10<sup>th</sup> day of May, 2023, by the following vote:

AYES:

NOES:

ABSTENTIONS:

ABSENT:

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FEDERAL GLOVER, CHAIR, CONTRA COSTA LAFCO

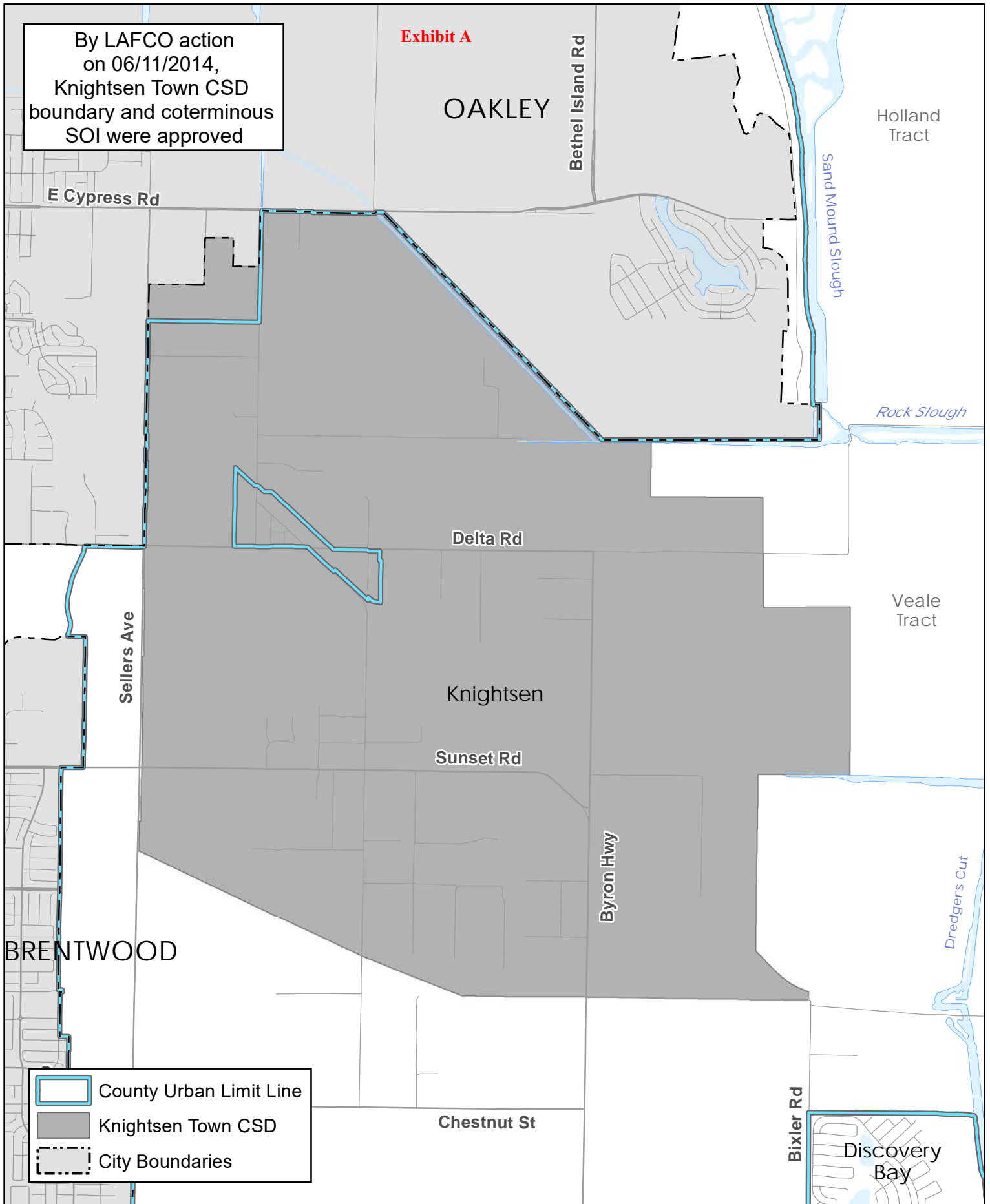
*I hereby certify that this is a correct copy of a resolution passed and adopted by this Commission on the date stated.*

Dated: May 10, 2023

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Lou Ann Texeira, Executive Officer

# LAFCO 23-01 – Dissolution of the Knightsen Town Community Services District (KTCSD)



By LAFCO action on 06/11/2014, Knightsen Town CSD boundary and coterminous SOI were approved

**Exhibit A**

-  County Urban Limit Line
-  Knightsen Town CSD
-  City Boundaries



CONTRA COSTA LOCAL AGENCY FORMATION COMMISSION  
EXECUTIVE OFFICER'S REPORT

May 10, 2023 (Agenda)

May 10, 2023  
Agenda Item 6

LAFCO 23-06 West County Wastewater District - Out of Agency Service (OAS) Request  
(Richmond Country Club)

## SYNOPSIS

This is a request by the West County Wastewater District (WCWD) to provide municipal wastewater service outside its jurisdictional boundary to numerous parcels located totaling 25.51± acres north of Richmond Parkway/east of Giant Highway (City of Richmond) as shown on Exhibit A.

The parcels are currently vacant. Wastewater services are needed to serve construction of 69 single family homes. The parcels are contiguous to the District's service boundary and within WCWD's sphere of influence (SOI). The landowner has also submitted a corresponding annexation proposal for this project. The proposed annexation is also on the May 10, 2023, LAFCO agenda.

The OAS request is not an emergency health and safety matter as no wastewater is currently being generated at this time. A majority of the subject parcels are located outside of WCWD's service boundary. The remainder of the parcels are either partially or fully annexed to the District. Based on the location of the parcels and proposed land use, annexation to the District is logical. WCWD is applying for OAS while the developer/landowner proceeds with the proposed annexation due to the landowner's timing and construction schedule.

The City's General Plan designation for the parcels is Low Density Residential and the City's zoning designation is Single Family Low Density Residential (RL2). The subject parcels are located within the Urban Limit Line.

## DISCUSSION

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

LAFCO's Policy - The Commission's current policies regarding out of agency service are consistent with State law in that annexations to cities and special districts are generally preferred for providing municipal services. However, there may be situations where health and safety, emergency service, or other concerns warrant out of agency service. Historically, out of agency service is considered a temporary measure, typically in response to an existing or impending public health and safety threat (e.g., failing septic system, contaminated well), or in anticipation of a future annexation.

LAFCO policies contain the following provisions which are relevant to this proposal:

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

The out of agency service request is intended to serve proposed development of 69 single family homes. A corresponding annexation application was also submitted and is on the May 10, 2023, LAFCO meeting agenda.

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

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

The subject parcel is contiguous to the District's boundary and can be annexed. A corresponding annexation application was also submitted and is on the May 10, 2023, LAFCO meeting agenda.

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

The previous LAFCO MSRs recommended annexing properties that are receiving, or will require, wastewater service, as appropriate. The LAFCO MSRs also recommend maintaining logical and orderly boundaries and avoiding the creation of islands.

5) *Form of Request*

***Request in Anticipation of Annexation***

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

- *Lack of contiguity (e.g., city boundary) when the project was approved prior to 2011.*
- *Service is only needed to serve a portion of a larger parcel, and annexation of the entire parcel is not desirable.*
- *Other circumstances which are consistent with LAFCO statute and the policies of Contra Costa LAFCO.*

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

The subject parcels are contiguous to the District's boundary. A corresponding annexation application was also submitted and is on the May 10, 2023, LAFCO meeting agenda.

Analysis – WCWD serves 34,000 residences and 2,450 commercial and industrial businesses, with a population of approximately 103,214 in the cities of Pinole, Richmond and San Pablo, and the unincorporated areas of East Richmond Heights, Bayview, El Sobrante, Rollingwood, and Tara Hills.

The District requests to provide municipal wastewater service outside its jurisdictional boundary to serve the Richmond Country Club residential project (75 parcels) totaling 25.51± acres north of Richmond Parkway/east of Giant Highway (City of Richmond). LAFCO statutes allow LAFCO to authorize WCWD to extend services outside its jurisdictional boundary either in response to an existing or impending threat to the public health or safety, or in anticipation of an annexation. There is currently no public health or safety threat on the subject parcels; thus, the proposed out of agency service is in anticipation of annexation.

Regarding infrastructure needed to serve the subject area, the pertinent public WCWD sewer main is located at the Giant Highway/Collins Avenue/Griffin Drive intersection. A sewer main extension that is approximately 3,500 linear feet will be necessary to transfer the wastewater from the northern portion of the project (private portion of the sewer main collection system) to the southern portion of the project near WCWD's portion of the sewer main collection system. The developer/owner will be required to complete construction necessary to connect to the collection system. Sewer laterals will be constructed on the parcels to facilitate sewer collection from the parcels into the collection system. The estimated improvement costs are approximately \$1,495,000. The landowner is responsible for paying all fees and costs for infrastructure improvements. It is estimated that the 69 single family homes will generate approximately 18,630 gallons of wastewater per day.

Environmental Review – In conjunction with the Richmond Country Club project, the City of Richmond, as Lead Agency, prepared and certified a Negative Declaration and Mitigation Measures. The LAFCO Environmental Coordinator has reviewed the City's CEQA documents and finds them adequate for LAFCO purposes.

Indemnification Agreement - WCWD has delivered to LAFCO an executed indemnification agreement providing for WCWD to indemnify LAFCO against any expenses arising from any legal actions challenging the out of agency service.

## **ALTERNATIVES FOR COMMISSION ACTION**

LAFCOs were formed for the primary purpose of promoting orderly development through the logical formation and determination of local agency boundaries and facilitating the efficient provision of public services. The *Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000* provides that LAFCO can approve or disapprove with or without amendments, wholly, partially, or conditionally, a proposal. The statute also provides LAFCO with broad discretion in terms of imposing terms and conditions. The following options and recommended terms and conditions are presented for the Commission's consideration.

**Option 1**     **Approve** the attached resolution approving the extension of out of agency wastewater service conditioned the following, including submittal of an annexation application.

- A. Find that, as a responsible agency under CEQA, LAFCO has reviewed and considered the environmental effects of the residential project in City of Richmond's Negative Declaration and Mitigation Measures for the Richmond Country Club Residential Project. The Commission finds that all changes or alterations in the project that avoid or substantially lessen its significant environmental effects are within the responsibility and jurisdiction of the City and not LAFCO, and that any changes have been, and can and should be, adopted by the City as the lead agency.
- B. Authorize WCWD to extend wastewater service outside its jurisdictional boundary to the Richmond Country Club residential project (75 parcels) totaling 25.51± acres north of Richmond Parkway/east of Giant Highway (City of Richmond) subject to the following terms and conditions:
  - 1. Sewer infrastructure and service is limited to the proposed residential project.

**Option 2**     Deny the request, thereby prohibiting WCWD from providing OAS wastewater service to the subject parcels.

**Option 3**     Continue this matter to a future meeting to obtain more information.

**RECOMMENDATION:** Option 1

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LOU ANN TEXEIRA, EXECUTIVE OFFICER  
CONTRA COSTA LAFCO

### Exhibit

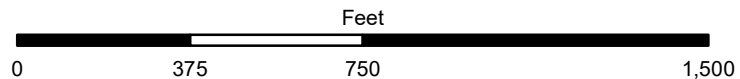
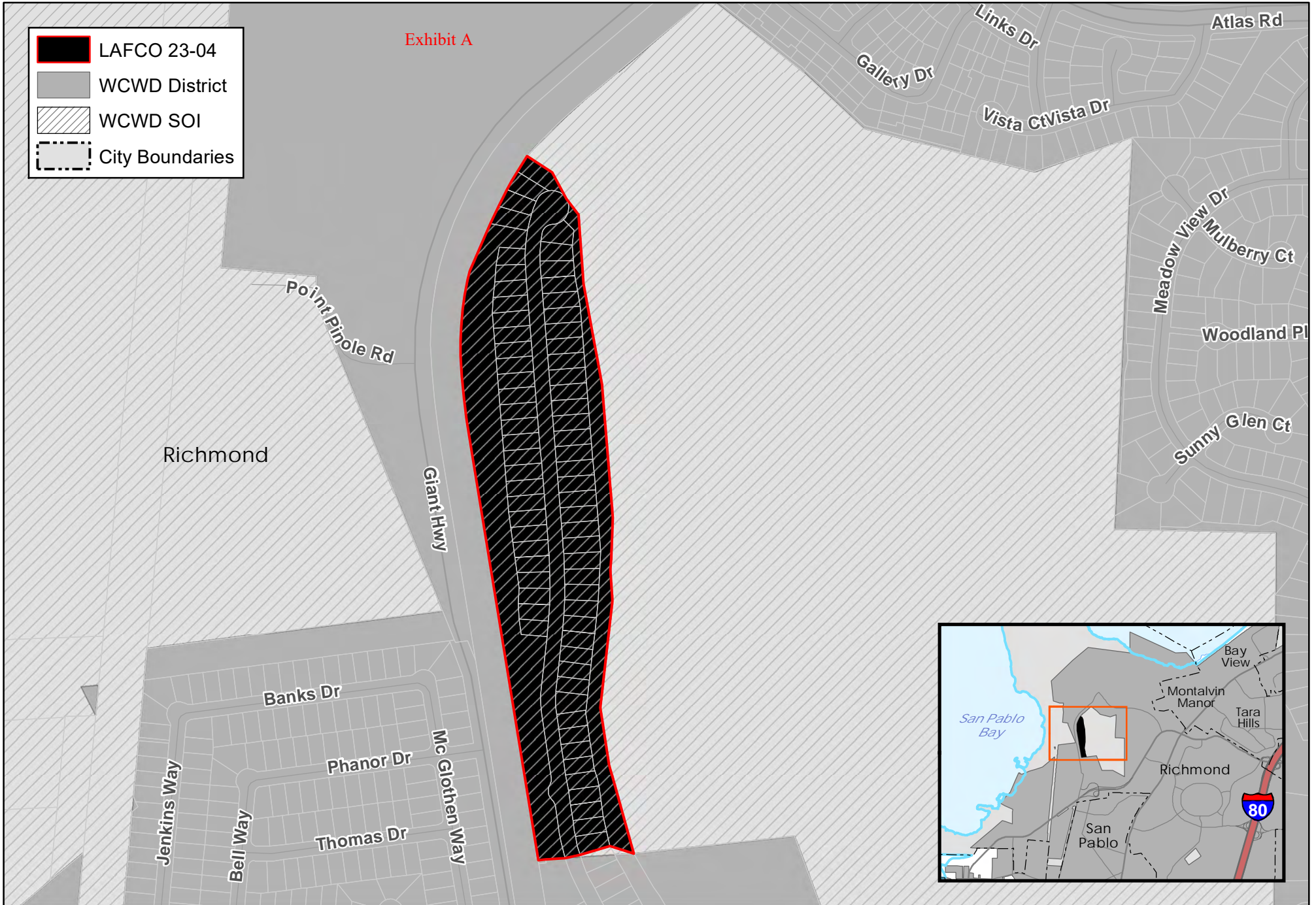
- A. Map of Subject Parcels

### Attachment

- 1. Draft LAFCO Resolution 23-04

c: Andrew Clough, General Manager, West County Wastewater District  
Armondo Hodge, Engineer III, West County Wastewater District  
Andrew Grant, Forward Planning Manager, Meritage Homes

# LAFCO 23-04 - Out of Agency Service – West County Wastewater District – Meritage Homes/Richmond Country Club



**RESOLUTION NO. 23-04**

**RESOLUTION OF THE CONTRA COSTA LOCAL AGENCY FORMATION COMMISSION  
AUTHORIZING WEST COUNTY WASTEWATER DISTRICT TO PROVIDE  
OUT-OF-AGENCY WASTEWATER SERVICE TO THE RICHMOND COUNTRY CLUB  
RESIDENTIAL PROJECT**

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

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

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

WHEREAS, out of agency service approval is needed to provide wastewater services to the subject properties to facilitate construction of 69 single family homes; and

WHEREAS, the West County Wastewater District (WCWD) delivered to LAFCO an executed indemnification agreement providing for the District to indemnify LAFCO against any expenses arising from any legal actions challenging the out of agency service.

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

- A. The Commission is a Responsible Agency under the California Environmental Quality Act (CEQA), and in accordance with CEQA, makes the following findings and determinations:  
As to the Richmond Country Club residential project, the Commission has considered the environmental effects of the project as shown in City of Richmond’s Initial Study/Negative Declaration (December 2020). The Commission finds that all changes or alterations in the project that avoid or substantially lessen its significant environmental effects are within the responsibility and jurisdiction of the City and not LAFCO, and that any changes have been, and can, and should be, adopted by the City as the lead agency.
- B. Authorize the WCWD to extend wastewater service outside its jurisdictional boundary to serve 69 single family homes (numerous parcels) located north of Richmond Parkway and east of Giant Highway near 1 Markovich Lane (Richmond) subject to the following terms and conditions:
  - 1. Wastewater infrastructure and service is limited to the subject parcels; and
  - 2. Approval to extend WCWD services beyond those specifically noted herein is withheld and is subject to future LAFCO review.

\*\*\*\*\*

PASSED AND ADOPTED THIS 10<sup>th</sup> day of May 2023, by the following vote:

AYES:

NOES:

ABSTENTIONS:

ABSENT:

FEDERAL GLOVER, 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: May 10, 2023

Lou Ann Texeira, Executive Officer

CONTRA COSTA LOCAL AGENCY FORMATION COMMISSION  
EXECUTIVE OFFICER'S REPORT

May 10, 2023 (Agenda)

May 10, 2023  
Agenda Item 7

LAFCO 23-02 Annexation to West County Wastewater District (WCWD) – Richmond Country Club

APPLICANT Meritage Homes/JEN California 21 LLC (Landowners)

SYNOPSIS The applicant proposes to annex 25.51± acres (75 parcels) and adjacent roadway to the WCWD. The property is located north of Richmond Parkway and east of Giant Highway near 1 Markovich Lane in the City of Richmond (Exhibit A). The applicant intends to build 69 single family homes.

DISCUSSION

Government Code §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 property proposed for annexation is within WCWD's SOI, and within the County Urban Limit Line; the parcels are located in the City of Richmond.

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

The City's General Plan designation for the parcels is *Low Density Residential* and the City's zoning designation is *Single Family Low Density Residential (RL2)*. The subject parcels are located within the Urban Limit Line. No changes to the General Plan or zoning designations are proposed in conjunction with this proposal.

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

The subject area contains no prime farmland or land covered under the Williamson Act Land Conservation agreements.

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

The property is currently paved and graded in preparation for the single-family homes with a bioretention/detention basin at the south end of the property. There is a slope from north to south and from west to east. To the east is an 18-hole golf course and club house (Richmond Country Club); to the west is park/open space and an existing single-family home neighborhood; to the north is Contra Costa County Detention Facility; and to the south is paved and graded lots for single family homes.

5. **Population:**

The average household size in the City of Richmond is 2.9 people and the average family size is 3.47 people. The estimated population for the 69 single family homes is approximately 200-240 people. Data source: US Census Bureau American Community Survey (5-year estimates 2017-2021). The subject area currently has zero registered voters; thus, the subject area is considered uninhabited.

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

In its review of a proposal, LAFCO must consider the extent to which the proposal will assist the receiving entity in achieving its fair share of the regional housing needs as determined by the regional council of governments. The developer is paying an in-lieu fee to meet the City of Richmond affordable housing requirement instead of providing homes for very low-, low- or moderate-income people. All homes will be sold at market rate.

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

An application for a change of organization or reorganization typically requires a plan for providing services within the affected territory (Gov. Code §56653). The plan for service is available in the LAFCO office at 40 Muir Road, Martinez. The plan for service includes all of the following information and any additional information required by the Commission or the LAFCO 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 served by various local agencies including, but not limited to, the City of Richmond, Contra Costa County, East Bay Municipal Utility District (EBMUD), and other local and regional agencies.

The proposal before the Commission is to annex 25.51± acres (75 parcels) and adjacent roadway to WCWD for the provision of wastewater collection, treatment, and disposal services.

WCWD serves 34,000 residences and 2,450 commercial and industrial businesses, with a population of approximately 103,214 in the cities of Pinole, Richmond and San Pablo, and the unincorporated areas of East Richmond Heights, Bayview, El Sobrante, Rollingwood, and Tara Hills within a 16.9± service area.

WCWD owns, operates, and maintains a wastewater collection system with 252 miles of gravity sewer pipelines, 17 lift stations, six miles of force mains, and a Water Quality and Resource Recovery Plant with a capacity of 12.5 million gallons per day (gpd), average dry weather flow.

Based on the proposed uses on the subject property, the projected demand for wastewater service is approximately 18,630 gallons per day of wastewater collection service. Regarding infrastructure needed to serve the subject area, the pertinent public WCWD sewer main is located at the Giant Highway/Collins Avenue/Griffin Drive intersection. A sewer main extension that is approximately 3,500 linear feet will be necessary to transfer the wastewater from the northern portion of the project (private portion of the sewer main collection system) to the southern portion of the of the project near WCWD's portion of the sewer main collection system. The developer/owner will be required to complete construction necessary to connect to the collection system. Sewer laterals will be constructed on the parcels to facilitate sewer collection from the parcels into the collection system.

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

The subject property is within the service boundary of EBMUD, which serves an area of 332± square miles (Contra Costa and Alameda counties). EBMUD provides potable water to approximately 1.4 million people within the two-county service area. Within Contra Costa County, EBMUD provides water service to a 225± square mile service area, serving an estimated 522,000 residents. The primary source of water supply for EBMUD is the Mokelumne River; this watershed accounts for 90% of EBMUD's water supply. EBMUD can adequately serve the project.

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

The annexation area is within tax rate area 08008. The total assessed value for the annexation area is \$9,486,000 (2022-23 roll). The territory being annexed shall be liable for all authorized or existing taxes comparable to properties presently within the annexing agencies. The City and District will rely on the master tax transfer agreements for this annexation.

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

In 2020, the City of Richmond, as Lead Agency, prepared an *Initial Study/Mitigated Negative Declaration* (MND) in conjunction with this project and the proposed annexation to WCWD. The LAFCO environmental coordinator has reviewed the MND and determines it is acceptable for LAFCO purposes.

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

According to County Elections, there are zero registered voters in the subject area; thus, the area proposed for annexation is, by statute, considered uninhabited. The property owner/applicant consents to the proposed annexation. Therefore, if the Commission approves the annexation, the Commission may waive the protest hearing (Gov. Code §56662).

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

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

The annexation area is within WCWD's SOI and contiguous to the District's service boundary. A map and legal description to implement the proposed boundary change was submitted and is subject to approval by the County Surveyor.

**13. Environmental Justice:**

LAFCO is required to consider the extent to which a change of organization or reorganization proposal 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 minorities or economically disadvantaged groups.

**14. Disadvantaged Communities:**

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

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

No comments were received from other affected agencies or parties.

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

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

SB 375, a landmark state law, requires California's regions to adopt plans and policies to reduce the generation of greenhouse gases (GHG), primarily from transportation. To implement SB 375, the Association of Bay Area Governments (ABAG) and the Metropolitan Transportation Commission (MTC), in July 2013, adopted Plan Bay Area as the "*Regional Transportation Plan and Sustainable*



*Communities Strategy*” for the San Francisco Bay Area through 2040. *Plan Bay Area* focuses on where the region is expected to grow and how development patterns and the transportation network can work together to reduce GHG emissions. The Plan’s key goals are to reduce GHG emissions by specified amounts; and plan sufficient housing for the region’s projected population over the next 25 years.

In October 2021, ABAG and MTC adopted *Plan Bay Area 2050*, which serves as the Bay Area's official long-range plan for housing, economic development, transportation, and environmental resilience for the next four years. While prior iterations of *Plan Bay Area* focused on transportation and housing, the 2050 plan expands the scope introducing strategies for long-term economic development and environmental resilience, while meeting federal and state requirements. This proposal is consistent with *Plan Bay Area*.

## 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 that, as a Responsible Agency under the California Environmental Quality Act (CEQA), LAFCO has considered the environmental effects of the Richmond Country Club Residential Project as shown in the City of Richmond’s Initial Study/Mitigated Negative Declaration and Mitigation Monitoring & Reporting Program, and finds that all changes or alterations in the project that avoid or substantially lessen its environmental effects are within the responsibility and jurisdiction of the City and not LAFCO, and that those changes have been, or can and should be, adopted by the City as lead agency.
- B. Adopt this report, approve LAFCO Resolution No. 23-02 (Exhibit B), and approve the proposal, to be known as *Annexation to West County Wastewater District – Richmond Country Club* 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.

### **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:**

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

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

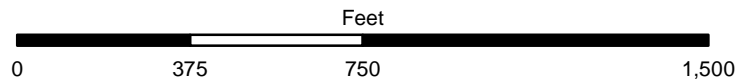
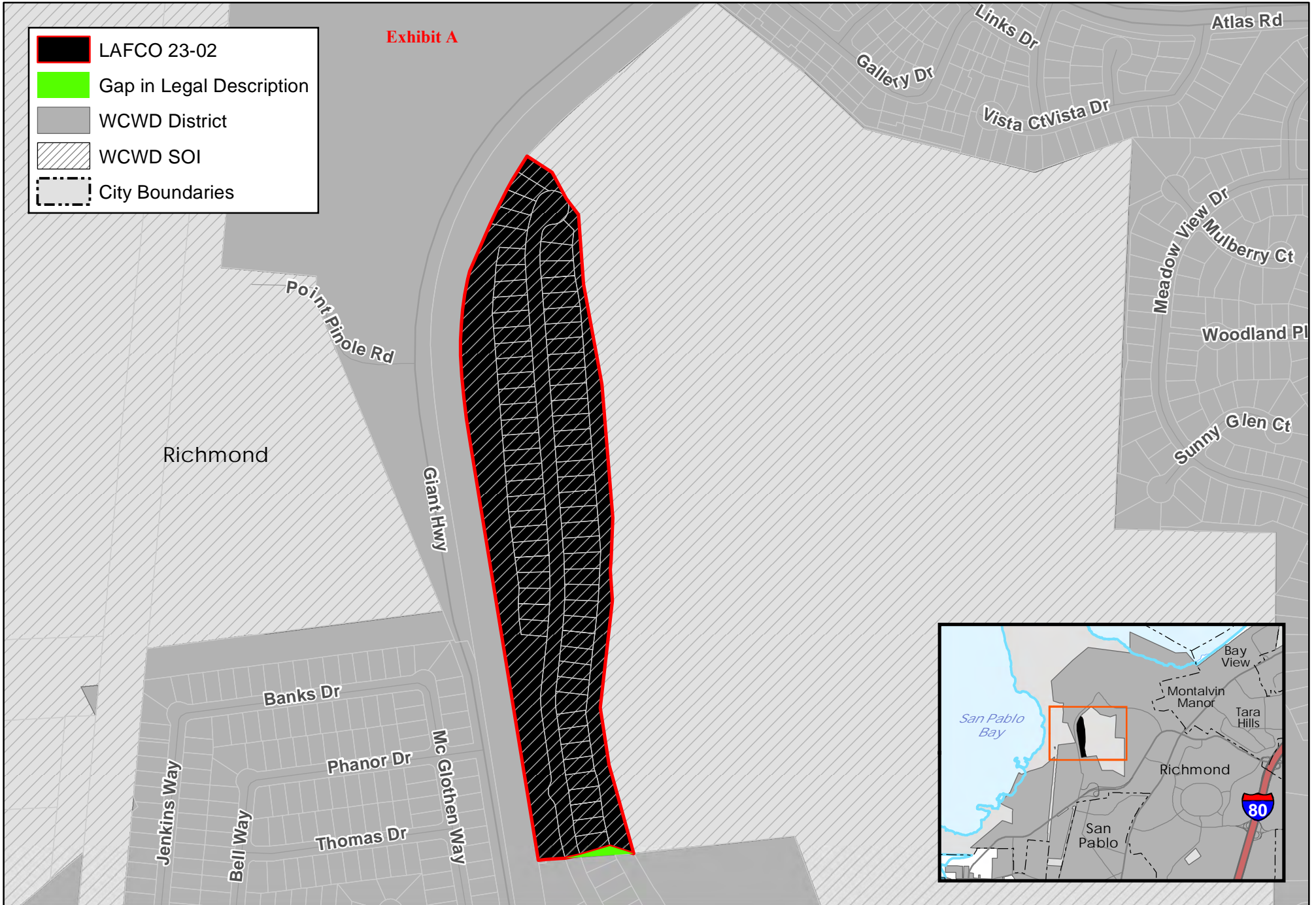
Exhibits

A – WCWD Annexation Map

B – Draft LAFCO Resolution 23-02

c: Distribution

# LAFCO 23-02 - Annexation to West County Wastewater District - Meritage Homes/Richmond Country Club



**RESOLUTION NO. 23-02**

**RESOLUTION OF THE CONTRA COSTA LOCAL AGENCY FORMATION COMMISSION  
MAKING DETERMINATIONS AND APPROVING  
ANNEXATION TO WEST COUNTY WATEWATER DISTRICT (WCWD)  
RICHMOND COUNTRY CLUB**

**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 Gov. 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 were presented to and considered by the Commission; and

**WHEREAS**, at a public hearing held on May 10, 2023, 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 determinations, applicable General and Specific Plans, consistency with the sphere of influence, and related factors and information including those contained in Gov. Code §56668; and

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

**WHEREAS**, the applicant 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; and

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

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

1. The Commission is a Responsible Agency under the California Environmental Quality Act (CEQA), and in accordance with CEQA, considered the environmental effects of the project as shown in the City of Richmond's Initial Study/Mitigated Negative Declaration. The Commission finds that all changes or alterations in the project that avoid or substantially lessen its significant environmental effects are within the responsibility and jurisdiction of the City of Richmond and

not LAFCO, and that these changes have been, or can, and should be, adopted by the City of Richmond as the lead agency.

2. Annexation to WCWD of 75 parcels and roadway totaling 25.51± acres located north of Richmond Parkway/east of Giant Highway (City of Richmond) is approved.
3. The subject proposal is assigned the distinctive short-form designation:  
**ANNEXATION TO WEST COUNTY WASTEWATER DISTRICT – RICHMOND COUNTRY CLUB**
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 is liable for any authorized or existing taxes, charges, and assessments currently being levies on comparable properties within the annexing agency.
6. The subject area is uninhabited.
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 this annexation shall be conducted only in compliance with the approved boundaries set forth in the attachments and any terms and conditions specified in this resolution.

\* \* \* \* \*

PASSED AND ADOPTED THIS 10<sup>TH</sup> day of May 2023 by the following vote:

AYES:

NOES:

ABSTENTIONS:

ABSENT:

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FEDERAL GLOVER, 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: May 10, 2023

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Lou Ann Texeira, Executive Officer



Lou Ann Teixeira  
Executive Officer

April 12, 2023 (Agenda)

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

**May 10, 2023**  
**Agenda Item 8**

**Contract Extension and Amendment – SWALE, Inc.**

Dear Commissioners:

Contra Costa LAFCO’s annual work plan includes preparing municipal service reviews (MSRs) and sphere of influence (SOI) updates.

On July 1, 2022, Contra Costa LAFCO entered into a contract with SWALE, Inc., with Baracco Associates as subcontractor, to prepare LAFCO’s third round MSR and SOI updates covering wastewater services including 20 local agencies (seven cities and 13 special districts).

The current schedule provides for completing this MSR by June 30, 2023. Due to the magnitude of the MSR and several delays, an extension of time is needed to complete the MSR/SOI updates. The proposed revised schedule is as follows:

- ✚ May/June 2023 - Complete data collection/verification/fact check with local agencies
- ✚ July 2023 - Deliver Public Review Draft MSR to LAFCO
- ✚ August 2023 - Public Hearing – Public Review Draft MSR
- ✚ September 2023 - Deliver Final Draft MSR to LAFCO
- ✚ October 2023 - Public Hearing – Final Draft MSR

In addition to extending the contract term to October 31, 2023, the consultant requests adding Amanda Ross with South Fork Consulting as a subcontractor to the current contract.

It is proposed that the Commission approve the proposed amendments to the contract with SWALE, Inc. to extend the contract term and add a subcontractor to the current contract.

**RECOMMENDATION:** Authorize LAFCO staff to execute the proposed contract amendments with Swale, Inc. in order to complete the 3<sup>rd</sup> round wastewater services MSR/SOI updates.

Sincerely,

Lou Ann Teixeira  
Executive Officer

c: SWALE, Inc.  
Baracco Associates  
South Fork Consulting

PO Number: \_\_\_\_\_

**AGREEMENT AMENDMENT**

The consulting services agreement, dated July 1, 2022, (Agreement) by and between the Contra Costa Local Agency Formation Commission (LAFCO) and SWALE, Inc. (Contractor) is amended as follows:

1. The contract term is from July 1, 2022 through **October 31, 2023**.
2. In addition to the subcontractors specified in Section 3 of the Agreement, Contractor is authorized to use the following subcontractor to perform services: Amanda Ross of South Fork Consulting.

All other terms and conditions of the Agreement remain in effect.

IN WITNESS WHEREOF, the parties have executed this amendment as of May 10, 2023.

CONTRA COSTA LAFCO

CONTRACTOR  
SWALE, Inc.

By: \_\_\_\_\_  
LAFCO Executive Officer

By: \_\_\_\_\_

Taxpayer ID#: \_\_\_\_\_

APPROVED AS TO FORM

\_\_\_\_\_  
LAFCO Legal Counsel

I hereby certify under penalty of perjury that the Executive Officer of the Contra Costa LAFCO was duly authorized to execute this document on behalf of the Contra Costa LAFCO by a majority vote of the Commission on May 10, 2023.

Date: \_\_\_\_\_

ATTEST:

\_\_\_\_\_  
Contra Costa LAFCO Clerk/Analyst



Lou Ann Texeira  
 Executive Officer

**MEMBERS**

|   |  |
|---|--|
| <b>Candace Andersen</b><br><i>County Member</i>           | <b>Federal Glover</b><br><i>County Member</i>              |
| <b>Donald A. Blubaugh</b><br><i>Public Member</i>         | <b>Michael R. McGill</b><br><i>Special District Member</i> |
| <b>Gabriel Quinto</b><br><i>City Member</i>               | <b>Scott Perkins</b><br><i>City Member</i>                 |
| <b>Patricia Bristow</b><br><i>Special District Member</i> |  |

**ALTERNATE MEMBERS**

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

May 10, 2023 (Agenda)

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

**May 10, 2023**  
**Agenda Item 9**

**FY 2023-24 Final LAFCO Budget**

Dear Commissioners:

**BUDGET SUMMARY**

The Contra Costa Local Agency Formation Commission (LAFCO) must adopt proposed and final budgets each year. On March 8, 2023, the Commission approved the *FY 2023-24 Proposed Budget & Work Plan* (available at [www.contracostalafco.org](http://www.contracostalafco.org)). In accordance with Government Code §56381, the Proposed Budget was circulated to all affected local agencies and interested parties. No comments were received.

The *FY 2023-24 Final Budget* includes appropriations totaling \$956,775 reflecting a 4.95% increase as compared to the FY 2022-23 budget. The increase is primarily attributable to replacing the half-time Executive Assistant with a full-time Clerk/Analyst, along with increases in *Salaries and Employee Benefits* and in *Services and Supplies* as detailed below.

LAFCO will realize cost savings in several accounts including suspension of the annual pre-fund/future liability contributions to Contra Costa County Employees’ Retirement Association (CCCERA) and Other Post-Employment Benefits (OPEB) accounts as LAFCO is nearly fully funded in both accounts. The Final FY 2023-24 Budget includes an \$87,000 contingency reserve fund per the Commission’s policy. Details regarding the expenditures and revenue are presented below.

**EXPENDITURES:** The LAFCO expenditures are divided into three categories: *Salaries & Employee Benefits, Services & Supplies, Contingency Reserve*, and future liability finds as summarized below.

**Salaries & Benefits**

The FY 2023-24 retains the current staffing level with one full-time Executive Officer and one full-time Clerk Analyst. LAFCO staff is supplemented with use of consultants and various County services.

The FY 2023-24 *Salaries & Benefits* account totals \$451,137 reflecting a 12% increase as compared to the FY 2022-23 budget. The increase is primarily attributable to the following: replacing the half-time Executive Assistant with a full-time Clerk Analyst, and increases in FICA, Unemployment

Insurance, Workers Compensation Insurance, and Retirement Expense. Costs associated with Retiree Health Insurance declined due to the passing of former LAFCO Executive Officer Dewey Mansfield.

LAFCO is also supported by public and private service providers on an as-needed basis. The County provides fiscal, drafting, mapping/GIS and legal services. LAFCO currently contracts with private firms for website maintenance, financial auditing, environmental planning, and to assist with preparing Municipal Service Reviews (MSRs) and special studies. The *Final FY 2023-24* budget assumes continuation of contract services as reflected in the *Services & Supplies* accounts.

### **Services & Supplies**

The *Services & Supplies* account includes funding for various services, programs and projects including administrative/overhead (e.g., office, insurance, rent, utilities, equipment/systems, training, memberships, etc.), contract services (assessor, auditing, GIS, legal, planning, website, etc.), and programs/projects (e.g., MSRs, special studies, etc.).

The FY 2023-24 *Services & Supplies* account totals \$418,638 which is comparable to the FY 2022-23 budget. LAFCO staff anticipates increases in several accounts including *Publications & Legal Notices, Memberships, Computer Software, Financial Audit, Website Management, Data Processing, and Professional & Specialized Services*.

LAFCO staff anticipates FY 2022-23 year-end cost savings in various accounts including *Postage, Tele Exchange Services, Minor Computer Equipment, Building Maintenance, Employee Travel, Professional & Specialized Services, and Commissioner Training*.

### **Contingency Reserve Fund**

Each year, the Commission appropriates funds for unanticipated expenses (i.e., special studies, potential litigation, etc.). The Commission's policy provides that *the annual budget shall include a contingency reserve of 10% of the budget as determined by the Commission*. To date, no contingency funds were used this fiscal year. The *FY 2023-24 Final Budget* includes an \$87,000 contingency reserve fund in accordance with the Commission's policy.

### **Other Post-Employment Benefits (OPEB)**

Since FY 2011-12, LAFCO's budget has included an annual expense to pre-fund its OPEB liability. The FY 2011-12 through FY 2014-15 budgets included an appropriation of \$10,000 per year to fund this liability. Following LAFCO's first actuarial valuation in 2014, the Commission increased its annual appropriation to \$40,000. LAFCO's most recent GASB report shows that LAFCO is over 80% funded. In consultation with LAFCO's financial advisors, it is recommended that LAFCO forgo its annual OPEB pre-funding contribution in FY 2023-24.

### **Pre-funding Retirement Liability (CCCERA)**

In FY 2017-18, LAFCO began pre-paying its unfunded retirement liability to receive a better contribution rate. Recent CCCERA reports show that LAFCO is nearly fully funded. In consultation with CCCERA and County staff, it is recommended that LAFCO forgo its annual CCCERA pre-funding contribution in FY 2023-24.

### **REVENUES**

Revenues consist primarily of apportionments received from the County, cities, and independent special districts with each group paying one-third of LAFCO's net operating budget. The city and district shares are prorated based on general revenues reported to the State Controller. Other revenues include application fees, available year-end fund balance, and miscellaneous revenue (e.g., interest earnings).



### **Application Charges and Other Revenues**

The *FY 2022-23 Budget* included an estimated \$25,000 in application fees. It is projected that LAFCO will receive an estimated \$40,000 in applications fees in the current fiscal year. This exceeds the budgeted amount due to a surge in application activity. The Final FY 2023-24 budget includes an estimated \$30,000 in application fees based on a multi-year historical average.

### **Fund Balance**

Government Code §56381(c) provides: “If at the end of the fiscal year, the Commission has funds in excess of what it needs, the Commission may retain those funds and calculate them into the following fiscal year’s budget.” The FY 2022-23 fund balance is currently unknown and will be calculated at year end (typically by October). It is estimated that that the available fund balance will exceed \$500,000.

The LAFCO fund balance, or any portion thereof, can be used to offset the FY 2023-24 revenues, thereby reducing contributions from the funding agencies (County, cities, districts); or placed in a reserve account, separate from the contingency reserve that is appropriated each year. The Final FY 2023-24 budget includes \$250,000 in fund balance to offset FY 2023-24 revenues.

### **LAFCO ACTIVITIES**

As presented to the Commission on March 8, 2023, the *Proposed FY 2023-24 Budget* included a summary of LAFCO’s major responsibilities, and FY 2022-23 accomplishments and activities, some of which are summarized below.

#### **Highlights of FY 2022-23**

The following is a list of LAFCO’s goals and accomplishments for FY 2022-23:

#### **Boundary Change and Related Applications**

- a. Received and processed nine new applications to date
- b. Completed proceedings seven proposals including four out of agency service agreements, three annexations, and one sphere of influence amendment; and conducted corresponding public hearings
- c. Pending dissolution of CSA R-9

#### **MSRs/SOI Updates**

- a. Completed 2<sup>nd</sup> round “*Mosquito & Vector Control and Resource Conservation*” MSR/SOI updates
- b. Initiated 3<sup>rd</sup> round *Wastewater Services* MSR/SOI updates (currently underway)

#### **Special Projects/Activities**

- a. Adopted resolutions in conjunction with Assembly Bill 361 to conduct virtual meetings
- b. Participation in ongoing consolidation/reorganization discussions

#### **Administrative and Other Activities**

- a. Appointed 2023 LAFCO Chair (Glover) and Vice Chair (Blubaugh)
- b. Recognition of outgoing Commissioners Butt and Schroder
- c. Recognition of Sherrie Weis, retiring LAFCO Executive Assistant
- d. Welcomed Anna Seithel new LAFCO Clerk Analyst
- e. Updated LAFCO staffing, personnel and salary plan to add new Clerk Analyst position
- f. Updated the LAFCO Fee Schedule
- g. Completed 2021 Actuarial Valuation and 2022 GASB 75 Supplemental Schedules
- h. Ongoing update to LAFCO Directory of Local Agencies (nearly complete)
- i. Ongoing website updates and potential transition

- j. Training and transition to the County's new finance system ("Workday")
- k. Provide quarterly budget reports
- j. Conduct employee performance reviews
- k. Provide comments on local agency environmental documents
- l. Submit position letters on various bills affecting LAFCOs
- m. Participate in and support CALAFCO

### **FY 2023-24 Work Plan**

The recommended work plan for FY 2023-24 includes the following activities:

- ❖ Complete 3<sup>rd</sup> round MSR/SOI updates covering wastewater services
- ❖ Initiate 2<sup>nd</sup> round Misc. County Service Areas MSR/SOI Updates (proposed)
- ❖ Initiate 3<sup>rd</sup> round Reclamation Services MSR/SOI Updates (proposed)
- ❖ Complete FY 2021-22 financial audit
- ❖ Complete annual actuarial valuation
- ❖ Policy and procedures updates

In conclusion, the Commission and LAFCO staff continue to exercise fiscal prudence, recognizing the financial constraints faced by our funding agencies. Approval of the *FY 2023-24 Final Budget* will enable the Commission to perform its core responsibilities and continue its work on MSRs/SOI updates, processing proposals, legislative activities, policy development, and other projects.

### **RECOMMENDATIONS**

1. Receive this report and open the public hearing on the *FY 2023-24 Final Budget*.
2. After receiving public comments close the hearing.
3. After Commission discussion, adopt the *FY 2023-24 Final Budget*, with any desired changes, and authorize staff to distribute the *FY 2023-24 Final Budget* to the County, cities and independent special districts as required by Government Code §56381.

Respectfully submitted,

LOU ANN TEXEIRA  
EXECUTIVE OFFICER

Attachment - Final FY 2023-24 LAFCO Budget  
c: Distribution

**FINAL FY 2023-24 BUDGET**

10-May-23

Attachment

|  | <b>FY 2022-23</b> | <b>FY 2022-23</b>  | <b>FY 2023-24</b> |
|--|-------------------|--------------------|-------------------|
|  | <b>Year-end</b>   | <b>Year-end</b>    | <b>Final</b>      |
|  | <b>Approved</b>   | <b>(Estimated)</b> | <b>Budget</b>     |
| <b>Salaries and Employee Benefits</b>            |                   |                    |                   |
| Permanent Salaries- 1011                         | \$ 224,000        | \$ 245,001         | \$ 265,000        |
| Deferred Comp Cty Contribution - 1015            | \$ 2,040          | \$ 2,635           | \$ 1,020          |
| FICA- 1042                                       | \$ 15,900         | \$ 16,912          | \$ 19,000         |
| Retirement expense- 1044                         | \$ 79,000         | \$ 93,897          | \$ 106,200        |
| Employee Group Insurance- 1060                   | \$ 47,000         | \$ 42,804          | \$ 45,000         |
| Retiree Health Insurance- 1061                   | \$ 31,700         | \$ 17,389          | \$ 13,000         |
| Unemployment Insurance- 1063                     | \$ 455            | \$ 500             | \$ 610            |
| Workers Comp Insurance- 1070                     | \$ 972            | \$ 972             | \$ 1,307          |
| <b>Total Salaries and Benefits</b>               | <b>\$ 401,067</b> | <b>\$ 420,110</b>  | <b>\$ 451,137</b> |
| <b>Services and Supplies</b>                     |                   |                    |                   |
| Office Expense- 2100                             | \$ 3,000          | \$ 4,000           | \$ 3,000          |
| Publications -2102                               | \$ 300            | \$ 276             | \$ 330            |
| Postage -2103                                    | \$ 1,800          | \$ 395             | \$ 1,100          |
| Communications - 2110                            | \$ 2,200          | \$ 1,946           | \$ 2,200          |
| Tele Exchange Services 2111                      | \$ 2,000          | \$ 984             | \$ 1,200          |
| Minor Furniture/Equipment - 2131                 |                   |                    | \$ 1,200          |
| Minor Comp Equipment - 2132                      | \$ 1,800          | -                  | \$ 1,100          |
| Pubs & Legal Notices 2190                        | \$ 2,200          | \$ 2,687           | \$ 2,700          |
| Memberships - 2200                               | \$ 13,043         | \$ 13,121          | \$ 14,025         |
| Rents & Leases - 2250 (copier)                   | \$ 5,600          | \$ 3,440           | \$ 4,000          |
| Computer Software - 2251                         | \$ 1,200          | \$ 4,000           | \$ 4,000          |
| Bldg Occupancy Costs - 2260 & 2262               | \$ 22,000         | \$ 21,000          | \$ 21,000         |
| Bldg Life Cycle Costs - 2265                     | \$ 1,200          | \$ 1,075           | \$ 1,200          |
| Bldg Maintennace - 2284                          | \$ 1,000          | \$ 200             | \$ 500            |
| Auto Mileage Emp. - 2301                         | \$ 500            | \$ 100             | \$ 200            |
| Other Travel Employees - 2303                    | \$ 17,000         | \$ 9,960           | \$ 15,000         |
| Prof & Spec Services - 2310                      | \$ 288,640        | \$ 120,064         | \$ 286,240        |
| Assessor   | \$ 13,000         | \$ 5,598           | \$ 11,000         |
| Financial Audit                                  | \$ 8,900          | \$ 8,550           | \$ 10,000         |
| GIS/Mapping                                      | \$ 12,000         | \$ 9,256           | \$ 13,000         |
| Legal  | \$ 40,000         | \$ 40,000          | \$ 40,000         |
| MSRs   | \$ 190,000        | \$ 52,000          | \$ 190,000        |
| Planning   | \$ 10,000         | \$ 2,000           | \$ 10,000         |
| Special Projects (document imaging)              | \$ 2,000          |                    | \$ 2,000          |
| Misc Investment Services/CCCERA Fees             | \$ 240            | \$ 60              | \$ 240            |
| Special Studies/Workshop/Actuarial Valuation     | \$ 12,500         | \$ 2,600           | \$ 10,000         |
| Website Management - 2314                        | \$ 3,060          | \$ 3,060           | \$ 6,200          |
| Data Processing Services - 2315                  | \$ 13,000         | \$ 12,221          | \$ 13,000         |
| Data Processing Security - 2326                  | \$ 600            |                    | \$ 1,000          |
| Courier - 2331                                   | \$ 1,000          | \$ 974             | \$ 1,000          |
| Telcomm Rents, Leases, Labor - 2335              | \$ 120            |                    | \$ 120            |
| Other Inter-Dept Costs - 2340                    | \$ 650            |                    | \$ 700            |
| Liability/E&O Insurance - 2360                   | \$ 6,833          | \$ 6,345           | \$ 6,823          |
| Commission Training/Registration/Stipends - 2467 | \$ 31,000         | \$ 20,864          | \$ 30,000         |
| NOD/NOE Filings - 2490                           | \$ 800            | \$ 700             | \$ 800            |
| <b>Total Services &amp; Supplies</b>             | <b>\$ 420,546</b> | <b>\$ 227,412</b>  | <b>\$ 418,638</b> |
| <b>Total Expenditures</b>                        | <b>\$ 821,613</b> | <b>\$ 647,522</b>  | <b>\$ 869,775</b> |
| <b>Contingency Reserve</b>                       | <b>\$ 90,000</b>  |                    | <b>\$ 87,000</b>  |
| <b>OPEB Trust</b>                                |                   |                    |                   |
| <b>CCCERA Pre-Fund</b>                           |                   |                    |                   |
| <b>TOTAL APPROPRIATIONS</b>                      | <b>\$ 911,613</b> |                    | <b>\$ 956,775</b> |
| <b>TOTAL REVENUES</b>                            | <b>\$ 911,613</b> | <b>\$ 726,613</b>  | <b>\$ 956,775</b> |
| Agency contributions - 9500 & 9800               | \$ 686,613        | \$ 686,613         | \$ 676,775        |
| Application & other revenues                     | \$ 25,000         | \$ 40,000          | \$ 30,000         |
| Fund Balance                                     | \$ 200,000        |                    | \$ 250,000        |



Lou Ann Teixeira  
Executive Officer

**MEMBERS**

Candace Andersen  
*County Member*

Donald A. Blubaugh  
*Public Member*

Gabriel Quinto  
*City Member*

Patricia Bristow  
*Special District Member*

Federal Glover  
*County Member*

Michael R. McGill  
*Special District Member*

Scott Perkins  
*City Member*

**ALTERNATE MEMBERS**

Diane Burgis  
*County Member*

Vacant  
*Special District Member*

Charles R. Lewis, IV  
*Public Member*

Edi Birsan  
*City Member*

May 10, 2023

**May 10, 2023  
Agenda Item 10**

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:

CALAFCO is sponsoring its annual omnibus bill (AB 1753) which was introduced on March 2, 2023. The bill passed out of the Assembly on April 27<sup>th</sup> and now sits in the Senate where it had its first reading.

Currently, CALAFCO is also tracking three “Priority 2” bills and four “Priority 3” bills as listed below:

*Priority 2 Bills:*

- a. AB 68 (Ward) Land use: streamlined housing approvals: density, Subdivision, and utility approvals.
- b. AB 918 (Garcia) Health care district: County of Imperial
- c. SB 360 (Blakespear) California Coastal Commission: member voting

*Priority 3 Bills:*

Brown Act:

- d. AB 557 (Hart) Open meetings: local agencies: teleconferences
- e. AB 817 (Pacheco) Open meetings: teleconferencing: subsidiary body
- f. SB 411 (Portantino) Open meetings: teleconferences: bodies with appointed membership
- g. SB 537 (Becker) Open meetings: local agencies: teleconferences

The next CALACO Legislative Committee meeting is scheduled for May 5, 2023.

In late March 2023, CALAFCO issued an urgent call for legislative action requesting that each LAFCO send a letter of support for AB 1753 (annual CALAFCO omnibus bill). Contra Costa LAFCO’s legislative policy provides LAFCO with flexibility to respond to urgent legislation that affects LAFCO. The policy provides that in “*situations when proposed legislation affecting LAFCO cannot be considered by the full Commission due to timing, the Executive Officer, in*

*consultation with the LAFCO Chair (or Vice Chair in the absence of the Chair), is authorized to provide written or email comments communicating the Commission's position if the position is consistent with the adopted legislative policies of the Commission. The Chair or Vice Chair would review the letter or email prior to it being submitted. The Executive Officer will forward the email or letter to the Commission as soon as possible. The item will be placed on the next regular LAFCO meeting agenda as either "informational" or for discussion purposes."*

In accordance with our local policies, LAFCO staff worked with the LAFCO Chair and submitted a letter of support for AB 1753 (Attachment 2).

**RECOMMENDATION** – Informational item – no action needed

Sincerely,

LOU ANN TEXEIRA  
EXECUTIVE OFFICER

Attachment  
Letter of Support – AB 1753

CONTRA COSTA LOCAL AGENCY FORMATION COMMISSION  
40 Muir Road, 1st Floor • Martinez, CA 94553  
e-mail: LouAnn.Texeira@lafco.cccounty.us  
(925) 313-7133



Lou Ann Texeira  
Executive Officer

**MEMBERS**

- Candace Andersen  
*County Member*
- Donald A. Blubaugh  
*Public Member*
- Gabriel Quinto  
*City Member*
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**ALTERNATE MEMBERS**

- Diane Burgis  
*County Member*
- Vacant  
*Special District Member*
- Charles R. Lewis, IV  
*Public Member*
- Edi Birsan  
*City Member*

April 3, 2023

Honorable Cecilia Aguiar-Curry, Chair  
Assembly Local Government Committee  
1021 O Street, Ste. 6350  
Sacramento, CA 95814

**RE: SUPPORT of AB 1753, Local Government: Reorganization Omnibus Bill**

Dear Chair Aguiar-Curry:

The Contra Costa Local Agency Formation Commission (LAFCo) is pleased to support the Assembly Local Government Committee Bill AB 1753, sponsored by the California Association of Local Agency Formation Commissions (CALAFCO), which makes technical, non-substantive changes to the Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000 (“the Act”).

This annual bill includes technical changes to the Act which governs the work of LAFCos. These changes are necessary as Commissions implement the Act, and to correct small inconsistencies and clarifications needed to make the law as unambiguous as possible. **AB 1753** makes minor technical corrections to language used in the Act.

Contra Costa LAFCo is grateful to your Committee, staff, and CALAFCO, all of whom worked diligently on this language to ensure there are no substantive changes while creating a significant increase in the clarity of the Act for all stakeholders. This legislation helps insure the Cortese-Knox-Hertzberg Act remains a vital and practical law that is consistently applied around the state. We appreciate your Committee’s authorship and support of this bill, and your support of the mission of LAFCos.

Sincerely,

Federal Glover, Chair  
Contra Costa LAFCo

- cc: Members, Assembly Local Government Committee
- Jimmy MacDonald, Consultant, Assembly Local Government Committee
- William Weber, Consultant, Assembly Republican Caucus
- René LaRoche, Executive Director, CALAFCO



Lou Ann Teixeira  
Executive Officer

May 10, 2023

May 10, 2023  
Agenda Item 11

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

### Current and Potential LAFCO Applications

Dear Members of the Commission:

**SUMMARY:** This report identifies active and potential LAFCO applications and is an informational item.

**DISCUSSION:** The Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000 gives LAFCOs 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 (OAS). 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 is currently one approved proposal awaiting completion, six current applications that are either incomplete and/or awaiting a hearing date, and several potential applications.

#### Current Proposals – Approved and Awaiting Completion

✚ Chang Property Reorganization (LAFCO 18-06)  
Application filed by the landowner to annex 66.92± acres to City of San Ramon, Central Contra Costa Sanitary District and East Bay Municipal Utility District and detach from County Service Area 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 (i.e., open space easement) has not yet been met. The applicant requested and has received several time extensions with the current extension to June 30, 2023 to complete the easement.

#### Current Applications – Under Review

- ✚ Loreto Bay Estates Sphere of Influence (SOI) Amendment – Delta Diablo (DD) (LAFCO 23-09)  
The landowner filed an application to amend the SOI by 2.88± acres in anticipation of an annexation.
- ✚ Loreto Bay Estates - Annexation to Delta Diablo – (LAFCO 23-08 )  
The landowner filed an application to annex one parcel (2.88± acres) to DD. LAFCO staff is processing the application.
- ✚ Annexation to Mt. View Sanitary District (MVSD) – Yan Property (LAFCO 23-07)  
The landowner filed an application to annex one parcel (1.93± acres) to MVSD. The parcel is located on Venner Road in Martinez. LAFCO staff is processing the application.

- ✚ Detachment from Reclamation District (RD) 800 – Pulte Group (LAFCO 23-06)  
The landowner filed an application to detach 29± acres from RD 800. The parcels are located along the west bank of Kellog Creek and Highway 4 in Discovery Bay area. LAFCO staff is processing the application.
- ✚ Annexation 322 to WCWD – Scannell Properties (LAFCO 23-05)  
The landowner filed an application to annex 28± acres to WCWD to develop two new warehouses. The project site is located on Parr Blvd in unincorporated Richmond. LAFCO staff is processing the application.
- ✚ Annexation to West County Wastewater District (WCWD) – CenterPointe Properties Project (LAFCO 22-03)  
The landowner filed an application to annex 32± acres to WCWD in conjunction with industrial development. The project site is located at 506 Brookside Drive in Richmond. LAFCO staff is processing the application.
- ✚ Faria Southwest Hills – Boundary Reorganization (LAFCO 21-04)  
Application filed by City of Pittsburg to annex 606± acres to City of Pittsburg, Contra Costa Water District and Delta Diablo, and detachment from CSA P-6. 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 CEQA and be consistent with the Court’s ruling. On August 15, 2022, the Pittsburg City Council voted to repeal and set aside all approvals for the Faria/Southwest Hills Annexation Project.  
  
On January 31, 2023, the City of Pittsburg published a Notice of a Public Hearing regarding the *Faria/Southwest Hills Annexation Project* and *Revised and Updated Final Environmental Impact Report*. LAFCO staff submitted a comment letter on February 14, 2023 reiterating our previous concerns about the project, including EIR deficiencies. The comment letter also noted staff’s concerns that the “Revised and Updated EIR” was not recirculated under CEQA Guidelines section 15088.5.  
  
On February 14, 2023, the City’s Planning Commission held a public hearing on the project. The City’s Planning Commission recommended against approving the project’s proposed general plan and rezoning amendments, proposed master plan, and proposed development agreement. The project will go to the Pittsburg City Council for further discussion/action.  
  
On April 17, 2023, the Pittsburg City Council held a public hearing on the project and the City Council approved the project.
- ✚ Tassajara Parks Project – Boundary Reorganization (LAFCO 16-06)  
The landowner filed an application 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. The project is currently in litigation.
- ✚ LAFCO Tassajara Parks Project – SOI Amendments (LAFCO 16-07)  
The landowner filed an application to amend the SOIs for CCCSD and EBMUD by 30± acres in anticipation of corresponding annexations. The application is currently incomplete. The project is currently in litigation.

### **Potential and Other 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 apply to LAFCO 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 August 10, 2022, the Commission approved extending the deadline to August 31, 2023. The City is currently working on an application to LAFCO.



There are several potential applications that may be submitted to Contra Costa LAFCO in the near future including annexations to Byron Bethan Irrigation District, Central Contra Costa Sanitary District, and Mt. View Sanitary District. Also, since completion of the 2021 *Park & Recreation Municipal Services Review*, the Commission has discussed dissolving CSA R-9. The matter was continued to March 2024 to allow additional time for community input.

**RECOMMENDATION** – Informational item – no actions required.

Sincerely,

LOU ANN TEXEIRA  
EXECUTIVE OFFICER

Attachment – Current Applications Table

**CONTRA COSTA LOCAL AGENCY FORMATION COMMISSION  
CURRENT APPLICATIONS – May 10, 2023**

| File # | APPLICATION NAME/LOCATION   | APPLICATION SUMMARY  | STATUS  |
|--------|---|--|---|
| 16-06  | Tassajara Parks Project: proposed annexations to CCCSD and EBMUD of 30± acres located east of the City of San Ramon and the Town of Danville                          | Application submitted in May 2016 by the landowner to annex 30± acres to Central Contra Costa Sanitary District (CCCSD) and East Bay Municipal Utility District (EBMUD) to support development of 125 residential lots and related improvements. On July 13, 2021, the County Board of Supervisors certified the project EIR, amend the ULL, executed a land preservation agreement, and acted on various discretionary project approvals. | Application is currently incomplete. Await certified EIR, updated application, and other information. The project is currently being litigated.   |
| 16-07  | Tassajara Parks Project: proposed sphere of influence (SOI) expansions to CCCSD and EBMUD of 30± acres located east of the City of San Ramon and the Town of Danville | Application submitted in May 2016 by the landowner to amend the SOIs for CCCSD and EBMUD in anticipation of annexation.  | Application is currently incomplete. Await certified EIR, updated application, and other information. The project is currently being litigated.   |
| 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) and detach from County Service Area (CSA) P-6 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. Following litigation on project EIR, the Pittsburg City Council set aside all approvals for the Faria/Southwest Hills Annexation Project. On 2/14/23, the Pittsburg Planning Commission determined to not recommend City Council approval of the development agreement, amendments to the General Plan and Rezoning Designations, and adoption of a Master Plan for the project. On April 17, the Pittsburg City Council approved the project. LAFCO staff awaits additional information from the City of Pittsburg. |
| 21-17  | Dissolution of County Service Area R-9  | LAFCO initiated dissolution of CSA R-9   | Pending update in March 2024  |

|       |  |  |                                    |
|-------|--|--|------------------------------------|
| 23-03 | Annexation to West County Wastewater District (WCWD) - CenterPointe Properties | Application submitted in February 2023 by landowners to annex 32± acres to WCWD    | Application currently under review |
| 23-05 | Annexation 322 to WCWD-Scannell Properties                                     | Application submitted in April 2023 by landowners to annex 28± acres to WCWD       | Application currently under review |
| 23-06 | Detachment from Reclamation District (RD) 800 - Pulte Group                    | Application submitted in April 2023 by landowners to detach 29± acres from RD 800  | Application currently under review |
| 23-07 | Annexation to Mt. View Sanitary District                                       | Application submitted in April 2023 by the landowners to annex 1.93± acres to MVSD | Application currently under review |
| 23-08 | Annexation to Delta Diablo – Loreto Bay Estates                                | Application submitted by the landowner to annex 2.88± acres to DD                  | Application currently under review |
| 23-09 | SOI Amendment – Delta Diablo – Loreto Bay Estates                              | Application submitted to DD’s SOI by 2.88± acres                                   | Application currently under review |



May 10, 2023  
Agenda Item 12

## **AGENDA**

### **RETIREMENT BOARD MEETING**

REGULAR MEETING  
March 8, 2023  
9:00 a.m.

Board Conference Room  
1200 Concord Avenue, Suite 350  
Concord, California

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

1. Pledge of Allegiance.
2. Public Comment (3 minutes/speaker).
3. Approve minutes from the February 8, 2023 meeting. (Action Item)
4. Approve the following routine items: (Action Item)
  - a. Certifications of membership.
  - b. Service and disability allowances.
  - c. Death benefits.
  - d. Investment liquidity report.
5. Accept the following routine items: (Action Item)
  - a. Disability applications and authorize subpoenas as required.
  - b. Investment asset allocation report.

#### ***CLOSED SESSION***

6. The Board will go into closed session pursuant to Govt. Code Section 54957 to evaluate the performance of the following public employee:

Title: Chief Executive Officer

#### ***OPEN SESSION***

7. Pension administration system project update: (Presentation Item)
  - a. Update from staff

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

- b. Presentation from Segal
  - c. Presentation from Sagitec
- 8. Presentation of the Contra Costa County Public Works employer audit report. (Presentation Item)
- 9. Report from Audit Committee Chair on January 26, 2023 and February 22, 2023 Audit Committee meetings.
- 10. Consider authorizing the attendance of Board: (Action Item)
  - a. Genstar Investment Due Diligence Meeting, March 14, 2023, San Francisco, CA.
  - b. IFEBP Investments Institute, April 24-25, 2023, New Orleans, LA.
  - c. IFEBP Advanced Trustees & Administrators Institute, June 19-21, 2023, San Diego, CA.
- 11. Miscellaneous
  - a. Staff Report
  - b. Outside Professionals' Report
  - c. Trustees' comments
- 12. Adjourn in Memory of Alison Greene.

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



## **AGENDA**

### **RETIREMENT BOARD MEETING**

REGULAR MEETING  
April 12, 2023  
9:00 a.m.

Board Conference Room  
1200 Concord Avenue, Suite 350  
Concord, California

#### NOTICE OF TELECONFERENCE MEETING:

ONE OR MORE MEMBERS OF THE BOARD OF RETIREMENT FOR THE CONTRA COSTA COUNTY EMPLOYEES' RETIREMENT ASSOCIATION MAY PARTICIPATE IN THE BOARD MEETING, SCHEDULED FOR APRIL 12, 2023, VIA TELECONFERENCE AT THE LOCATION LISTED BELOW, WHICH IS OPEN TO THE PUBLIC.

TELECONFERENCE LOCATION:  
1516 KAMOLE STREET  
HONOLULU, HI 96821

THE LOCATION LISTED ABOVE IS ACCESSIBLE TO THE PUBLIC, INCLUDING THOSE WITH DISABILITIES.

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

1. Pledge of Allegiance.
2. Public Comment (3 minutes/speaker).
3. Recognition of Jimmy Lambert for 10 years of service.
4. Approve minutes from the March 8, 2023 meeting. (Action Item)
5. Approve the following routine items: (Action Item)
  - a. Certifications of membership.
  - b. Service and disability allowances.
  - c. Death benefits.
  - d. Investment liquidity report.

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

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

**CLOSED SESSION**

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

| <u>Member</u>       | <u>Type Sought</u> | <u>Recommendation</u> |
|---------------------|--------------------|-----------------------|
| a. Isaac Cortes     | Service Connected  | Service Connected     |
| b. Michael Ellis    | Service Connected  | Service Connected     |
| c. Jeffrey Hagstrom | Service Connected  | Service Connected     |

**OPEN SESSION**

8. Consider and take possible action regarding non-service connected disability retirement allowance of deceased member Beth Kilian. (Action Item)
9. Presentation of semi-annual disability retirement report. (Presentation Item)
10. Review of the Policy Regarding Assessment and Determination of Compensation Enhancements. (Presentation Item)
11. Consider and take possible action on SACRS Board of Directors Election. (Action Item)
12. Consider authorizing the attendance of Board: (Action Item)
  - a. 2023 Blackstone Global LP Conference, May 22-24, 2023, Boca Raton, FL. (Note: Conflict with Board Meeting)
  - b. 2023 Blackstone Private Equity Strategies (Secondary Real Estate) LP Conference, May 24-25, 2023, Boca Raton, FL. (Note: Conflict with Board Meeting)
13. Miscellaneous
  - a. Staff Report
  - b. Outside Professionals' Report
  - c. Trustees' comments

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



## **AGENDA**

### **RETIREMENT BOARD MEETING**

REGULAR MEETING  
May 3, 2023  
9:00 a.m.

Board Conference Room  
1200 Concord Avenue, Suite 350  
Concord, California

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

1. Pledge of Allegiance.
2. Public Comment (3 minutes/speaker).
3. Recognition of Starla Loureiro and Michelle Martinez for 5 years of service.
4. Approve minutes from the April 12, 2023 meeting. (Action Item)
5. Approve the following routine items: (Action Item)
  - a. Certifications of membership.
  - b. Service and disability allowances.
  - c. Death benefits.
  - d. Investment liquidity report.
6. Accept the following routine items: (Action Item)
  - a. Disability applications and authorize subpoenas as required.
  - b. Investment asset allocation report.
7. Pension administration system project update.
8. Consider and take possible action to adopt Board of Retirement Resolution 2023-2 amending Section 6 regarding Management Administrative Leave. (Action Item)
9. Consider and take possible action to authorize the CEO to renew a maintenance and support agreement with CPAS. (Action Item)

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.



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

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

NEWS > ENVIRONMENT • News

## Groundwater report could ease residents' concerns about future East Bay wetland

Conservation group's report shows little impact of restored wetland on area groundwater but residents still concerned



KNIGHTSEN, CALIFORNIA – JANUARY 04: Farmland purchased by the East Contra Costa County Habitat Conservancy and the East Bay Regional Park District is seen from this drone view along Eagle Lane near Byron Highway in Knightsen,



By **JUDITH PRIEVE** | [jprieve@bayareanewsgroup.com](mailto:jprieve@bayareanewsgroup.com) | Bay Area News

Group

PUBLISHED: March 26, 2023 at 10:21 a.m. | UPDATED: March 27, 2023 at 12:32 a.m.

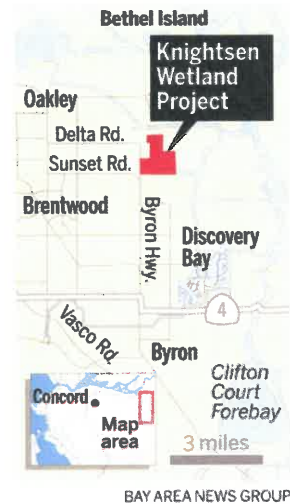
A planned wetland in far eastern Contra Costa County is not likely to affect the nearby groundwater, a new report concludes – but it remains to be seen if that will sway some neighbors who fear the project could harm their drinking water drawn from wells.

The 645-acre wetland project aims to curb potential flooding and poor stormwater quality while fending off encroaching development and improving habitat for threatened wildlife such as red-legged frogs, fairy shrimp and burrowing owls. The undertaking officially called the Knightsen Wetland Restoration Project, is spearheaded by the East Contra Costa Habitat Conservancy and the East Bay Regional Parks District, which bought the land in 2016.

Residents will have a chance to hear about the restoration project’s potential effects on the area’s groundwater at an online community [meeting](#) on Wednesday.

To help allay some of the neighbors’ worries, the conservancy commissioned a study to evaluate the current conditions and potential effects of proposed wetlands on groundwater. The conservancy will present the findings at the meeting.

“One goal of the groundwater study was to answer questions from the community around potential changes to groundwater near residences along Eagle Lane, Byron Highway and Delta Road – particularly related to septic and

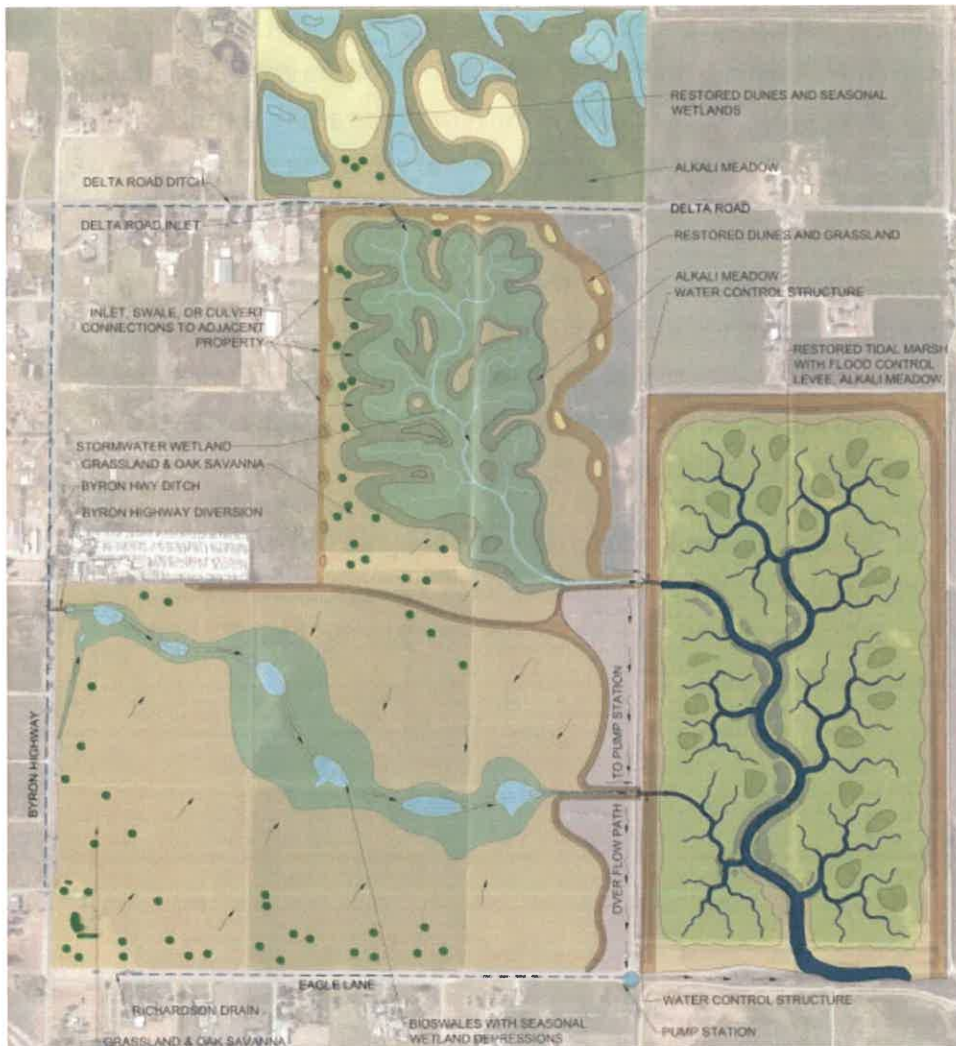


The conclusion, as outlined in the Balance Hydrologics' report, was that overall, as currently designed, the project will not affect offsite groundwater levels in those three areas, while "effects in the north-central and south-central subparcels are small and mostly contained to within the property boundary." It did note that the study was done during a dry year.

The project team has not yet completed the design and it can use the information from the report to make adjustments if needed, according to the consultants. The design is expected to be finished later this year and then the conservancy board will consider whether to move the project forward to the next phases, according to Fateman.

Located in the Sacramento-San Joaquin Delta east of Byron Highway, the project site was historically a mosaic of tidal marsh, wetland, sand dunes, grassland and oak savanna, with much of the property to the east of it under water before levees were built.





A rendering showing how the 645-acre farmland purchased by the East Contra Costa County Habitat Conservancy and the East Bay Regional Park District will be restored to Delta habitat east of Knightsen. (East Bay Regional Park District)

In recent decades, the land has flooded at times, prompting the Contra Costa County Public Works Department, along with the Knightsen Town Advisory Council, to study ways to address drainage problems in the area. One possible solution, officials say, is to direct and store stormwater, which could be naturally cleaned and filtered through the wetlands before discharge to the Delta.

However, some residents such as Carolynne Steen, who lives on Eagle Lane next to the proposed savan wetlands, are not convinced that the restored wetland will not harm their drinking water. Steen plans to attend the meeting to voice



“There are many of us who still think this is quite a big experiment since they have never really put a wetland in the middle of an area surrounded by properties that have wells and septic,” she said.

Steen said there is a real concern about how changing the topography of the land will affect residents’ wells in this rural community as more water is brought into the area and whether it will contaminate the groundwater.

Steen pointed to the January storms and a collapse of East Contra Costa Irrigation’s Eagle Lane canal, which caused water to overflow into the area of the proposed wetland as well as to flow back onto properties along Delta Road.

“So, all the water that’s supposed to be coming to the wetlands and going out No Name Slough, had nowhere to go and got all backed up,” she said.

“Because there was already standing water, which is what they’re proposing to do, put standing water on that property.”

Trish Bello-Kunkel, a Knightsen Town Community Services director, also was concerned, noting the study was done during a dry season, and this past winter reminded them what could happen with extreme rain and tides.

“When the tides are extreme as they were recently, the water has nowhere to go but backward toward homes,” she said. “It brings me back to the recurring common sense question: Why would the wetlands’ proponents even consider breaking a levee and allowing in more water?”

Fateman, however, pointed out that that storm was a highly unusual one and the wetland site, which is yet to be built, has not been designed to hold and capture water at this point.

“That is not expected to be an ongoing situation,” she said.

Brentwood Mayor Joel Bryant, conservancy board director, meanwhile, sees the completed project as a way to deal with ongoing drainage problems while also improving wildlife habitat.

“The project is really important to give an opportunity to restore some of the habitat that has been there historically, over time, as well as give an



The mayor said the wetlands project also protects the open space from future development sprawl.

“We have all seen the sprawl of development from the core Bay Area out to East County over the years in areas we never dreamed there would be development,” he said.

“I think we have to do everything we can, when possible, to preserve our open space and to preserve our communities for as good a quality of life as we can present our coming generations.”

Though some residents have also questioned whether the future wetlands would be turned into a recreation site attracting visitors, Fateman said no recreational amenities are planned.

But for Steen and others, the project still presents more questions than answers.

“So this is all an experiment. I mean, they can do their best judgments and studies of what they think is gonna happen, but nobody knows what’s going to happen until they actually do it,” Steen said.

The conservancy and parks district will host an open house and another meeting in the next several months detailing its plans for the project, which could break ground in 2025, according to Fateman.

To read the groundwater report, go to <https://tinyurl.com/GroundwaterReport>.

For more information on the project or to attend the upcoming Zoom meeting, go to [www.tinyurl.com/Wetland-Knightsen](http://www.tinyurl.com/Wetland-Knightsen).

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 **The Trust Project**



**Tags:** [Bay Area Weather](#) [California Drought](#)

# 1,500 homes planned in Contra Costa County hills

**Residents, environmentalists objected to, construction workers supported the plan**



The hills southwest of the Pittsburg city border are seen beyond the San Marco development. Concord-based Discovery Builders is seeking approval from Pittsburg for its plan to build up to 1,500 homes in the area. (Courtesy of Scott Hein)

By [Judith Prieve](mailto:jprieve@bayareanewsgroup.com) | [jprieve@bayareanewsgroup.com](mailto:jprieve@bayareanewsgroup.com) |

PUBLISHED: April 18, 2023 at 6:51 a.m. | UPDATED: April 18, 2023 at 6:54 a.m.

A massive housing project in the hills southwest of Pittsburg got the City Council's nod of approval despite some opposition from residents, conservationists and environmentalists.

Monday's 4-0 vote – with Councilman Juan Banales recusing himself – came after the Planning Commission agreed in mid-February not to recommend the project and developer Louis Parsons of Discovery Builders appealed that decision.

Two decades in the making, the Faria/Southwest Hills Annexation Project proposes to build 1,500 homes mostly clustered in the valleys in the southwest Pittsburg hills, just out of the city's limits and overlooking the former Concord Naval Weapons Station.

This week's approvals included a green light for the housing project's master plan, an amendment to the city's general plan and pre-zoning designations, and a development agreement with Faria Land Investors, a Seno/Discovery Builders associate.

“We've negotiated this over many years,” Louis Parsons of Discovery Builders told the council. “We think this is a wonderful opportunity to bring more homes to this area, and to facilitate future commercial development, which we're seeing with the Sprouts coming in (nearby) and other opportunities for commercial that need these residential users.”



An earlier version of the Concord developer's project was approved in 2021 despite opposition from hundreds, but the approval was immediately challenged in court by Save Mount Diablo, which argued the development would mar the hills and its habitat between Pittsburg and Concord.

A judge later ruled that the city's environmental review failed to properly analyze the project's effects on air quality, traffic and water and potential impacts of the proposed 150 accessory dwelling units. But on Monday, the council approved the revised environmental documents.

Revised plans eliminated the ADUs, replacing them with \$34,700-per-unit in-lieu fees to build affordable housing, and reduced the development site to 341 acres – concentrating housing in the valley of the 606-acre parcel. Another 265 acres would be open space.

The project will also include a youth recreation center and trails that will connect to the East Bay Regional Park District's future Thurgood Marshall Regional Park at the former Concord Naval Weapons Base.

"The great thing about Faria and this development agreement and staging areas is that you can actually access it (the park) from Pittsburg," City Manager Garret Evans said. "And so this opens up a 2,500-acre park to Pittsburg."

Evans said other benefits include bringing union jobs to the area and spurring needed commercial development with its upscale homes. In addition, the project will generate nearly \$120 million in one-time fees from traffic mitigation, school impact, facility fees and more.

"It brings a needed type of housing stock to Pittsburg," Evans said.

Plans to develop the hills date back to 2005 when voter-approved Measure P placed the Faria site within Pittsburg's urban boundary. The city approved an agreement with Seeno that established guidelines for a permanent greenbelt buffer along the inner edges of the boundary in 2006.

The Concord developer filed an application in 2010, modified it in 2014 and again in 2017 before resurrecting it in 2020. Evans said community input over time has made it "a better project."

Some, though, were not convinced, including Concord Mayor Laura Hoffmeister, who said the city was not against the project but was concerned about its visual impacts, including rooftops and light poles, which might be seen from Concord.

"We think there's been a great improvement made in moving the development further back and respecting the 150 feet (buffer), but it's so close (to the city's border)," she told the council. "We think there's still some refinement needed."

Juan Pablo Galvan Martinez, senior land use manager for Save Mount Diablo, also was concerned about the visual impacts, among other environmental issues, showing a stack of 2,200 paper signatures collected from those opposed to the project.

"Seven different organizations also stated that they were worried about this project, including Save Mount Diablo, Greenbelt Alliance, the Audubon Society, Sierra Club, Contra Costa Local Agency Formation Commission and the city of Concord," he said.

“We can protect the ridge and you can have your project, but we need a bit more time (to iron out issues),” he added. “I strongly encourage you – four days before Earth Day – to give us a little more time and we can work on a win-win situation.”

Seth Adams, land conservation director for Save Mount Diablo, also asked for the council to continue the item for 45 days, noting the ridge is one of the most beautiful landscape features in Contra Costa County and it should be protected.

With a few tweaks, Adams said the project could move forward while decreasing the visibility of the development for Pittsburg and Concord residents to “make it a more sensitive project.”

“Give us time to make it a better project that works for everyone,” he said.

Resident Ray O’Brien wanted a new developer.

“I believe it’s high time to tell Pittsburg’s favorite son ‘no,’ ” he said. “It’s time to seek a new developer who will give Pittsburg the development it deserves – a world-class development that respects the environment and doesn’t involve amending the city’s general plan to accommodate someone who flaunts laws and regulations, which is the history that Seeno has,” he said.

Others, however, supported the project, including several union construction laborers and representatives.

“We think this is a great project,” Tom Hansen of the electricians union said. “This is going to get Pittsburg the kind of building that they need.”

Former Mayor Merl Craft also spoke in support of the development.

“This project will bring upscale housing to this region that will generate millions of dollars in property tax revenue, provide funding for police and fire and provide millions of dollars for community benefits that will align with this council and the prior council’s goal of providing quality facilities and opportunities for youth and our seniors.”

Councilwoman Angelica Lopez said she supported the project after studying both sides and being assured that traffic and fire impacts would be mitigated along with other issues.

Mayor Shanelle Scales-Preston also supported the project but wanted a guarantee that the smallest lot size would be 6,000 square feet instead of the 4,000 etched in the plan. The developer agreed to that change, noting most of the lots would be larger.

In supporting the project, Councilman Jelani Killings said there are still “more processes to play out” as the land must be annexed to the city before the project can move forward.

“And so, we know that there’s still more work to do in terms of not only hearing the community’s concerns, but ensuring that this is a development that works for our community, that the infrastructure is there and that it works in a way that will benefit our community and our residents and the growth of our city,” he said.

# Contra Costa Fire reopens Pinole Fire Station 74 after 12 years

Updated on: March 3, 2023 / 11:03 AM / CBS/Bay City News Service

PINOLE – After being closed for 12 years, Pinole Fire Station 74 is holding a grand reopening ceremony at 11 a.m. Saturday.

The station technically reopened for business Tuesday. The station was closed in 2011 due to budget cuts. Funding will mostly be provided by Measure X, the county's most recent sales tax measure.

Contra Costa County Fire Protection District and the city of Pinole struck a deal last year for the district to provide fire and emergency services in the city, beginning this week. Pinole's other station, downtown's Station 73, is now also under Con Fire's care.

The Local Agency Formation Commission (LAFCO) approved the contract unanimously in November. The county Board of Supervisors (acting as the fire district's board) and the Pinole City Council unanimously approved the deal in October.

Con Fire assumes responsibility for all firefighting staff, support staff, facilities and equipment for the city of 19,000 people. The contract went into effect Jan. 1 to allow two months of work getting the facility ready.

"Re-opening station 74 will enhance fire, rescue, and emergency medical services throughout West County, and it will be staffed by an engine crew operating both a standard structure fire engine and a specialized wildland fire engine," said Contra Costa County Supervisor John Gioia, whose district 1 includes Pinole, in a statement. "My father died of cardiac arrest in 1987 after not getting medical care fast enough. I understand the importance of improving emergency response time since every minute can make the difference between life and death."

Con Fire said the benefits of the new arrangement will include more coordinated, cohesive and streamlined fire and emergency services. Another benefit will be better alignment of firefighting models across districts that could net both increased fire services and improved firefighter safety. The celebration and ribbon-cutting happens at 11 a.m. at the station, at 3700 Pinole Valley Road in Pinole. The event will be livestreamed on Con Fire's Facebook page, at [facebook.com/contracostafire](https://facebook.com/contracostafire).

# Long-shuttered Pinole Fire Station 74 reopens

*The Richmond Standard* - March 2, 2023



Photos from the March 1 reopening courtesy of the City of Pinole

**By Kathy Chouteau**

Pinole residents can celebrate the reopening of Pinole Fire Station 74, which had been closed since 2011 due to budget cuts, according to the City of Pinole. A Grand Opening ceremony is set for Sat., March 4 from 11 a.m. to 1 p.m. at the station, as the *Standard* previously [reported](#).

As of March 1, Con Fire took over firefighting staff, support staff, facilities and equipment duties previously associated with the former City of Pinole Fire Department, per the City. "The new dynamic is a major step toward improving fire and emergency medical services delivery in Pinole and across West County," the City stated on Facebook. The station reopening has occurred as the City's service area, people, apparatus and other resources have been consolidated from the former Pinole Fire into Con Fire, it added.

The merger is expected to improve fire and emergency services to Pinole's 19,000 residents, per fire officials, with Measure X funds contributing \$2 million to the fire station's reopening and ongoing staffing.



The Pinole City Council, the Contra Costa County Board of Supervisors acting as the Con Fire board, and the Contra Costa Local Agency Formation Commission approved the contract arrangement, per the city. As part of the contract, Fire Station 74 and other fire stations will retain city ownership and be leased by Con Fire.

“Among many improvements to fire, emergency medical services, and community risk reduction, are shortened response times, enhanced lifesaving capabilities, and the newly reopened Fire Station 74,” said the City.

The City expressed its appreciation to the leadership team from the fire agencies and also to the elected officials for their “hard work and dedication to keeping our communities safe.”

Pinole Fire Station 74 is located at 3700 Pinole Valley Rd. in Pinole. For more info, click [here](#).

