



Lou Ann Teixeira
Executive Officer

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

NOTICE AND AGENDA FOR REGULAR MEETING

Wednesday, December 13, 2023, 1:30 PM

PUBLIC ACCESS AND PUBLIC COMMENT INSTRUCTIONS

The public may attend this meeting in person at the following locations: Board of Supervisor Chambers, County Administration Building, 1025 Escobar St. 1st 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/81687992948>

Or Telephone:

Dial:

USA 214 765 0478 US Toll

USA 888 278 0254 US Toll-free

Conference code: 220394

LAFCO meetings are audio recorded and posted online at <http://contracostalafco.org/meetings-and-public-hearings/>. Audio recordings are available the day following the LAFCO meeting. LAFCO meeting materials and staff reports are available online at <http://contracostalafco.org/meetings-and-public-hearings/>.

PUBLIC COMMENT: The Commission will consider all verbal and written comments received. Comments may be emailed to LouAnn.Teixeira@lafco.cccounty.us or by U.S. mail to Contra Costa LAFCO at 40 Muir Road 1st Floor, Martinez, CA 94553. Please indicate the agenda item number, if any. If you want your comments read into the record, please indicate so in the subject line. For public hearings, the Chair will announce the opening and closing of the public hearing. The Chair will call for verbal public comments.

NOTICE TO THE PUBLIC

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

Campaign Contribution Disclosure

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

Notice of Intent to Waive Protest Proceedings

In the case of a change of organization consisting of an annexation or detachment, or a reorganization consisting solely of annexations or detachments, or both, or the formation of a county service area, it is the intent of the Commission to waive subsequent protest and election proceedings provided that appropriate mailed notice was 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 accommodation 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.

DECEMBER 13, 2023 CONTRA COSTA LAFCO AGENDA

1. Call to Order
2. Roll Call
3. Approval of Minutes of the November 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 within the jurisdiction of the Commission and is not scheduled for discussion as part of this agenda. No action will be taken by the Commission at this meeting on any item not appearing on this agenda.

BUSINESS ITEMS

5. ***Cemetery District Special Study*** – authorize LAFCO staff to execute a contract with Berkson Associates to prepare a fiscal and operations study of the *Alamo Lafayette* and *Byron Brentwood Knightsen Union* cemetery districts.
6. ***Wastewater Municipal Service Review (MSR)/SOI Updates - Contract Extension – SWALE, Inc.*** – consider extending the existing contract with SWALE, Inc. and subcontractors to June 30, 2024, in conjunction with the 3rd round *Wastewater MSR/SOI Updates* covering 20 local agencies.
7. ***Updates to LAFCO Employee Benefit Plan*** – consider approving updates to LAFCO Employee Benefit Plan.

INFORMATIONAL ITEMS

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

ADJOURNMENT

Next regular LAFCO meeting is January 10, 2024, at 1:30 pm.

**CONTRA COSTA LOCAL AGENCY FORMATION
COMMISSION MEETING MINUTES
November 8, 2023**

1. Commissioner Blubaugh was acting Chair and conducted the meeting.
2. At 1:32 p.m., the meeting of **November 8, 2023**, was called to order, and **roll call was taken.** (**Agenda Items 1 - 2**).

The following Commissioners and staff were present:

Regular Commissioners	Alternate Commissioners	Staff
Federal Glover, Chair (absent until Item #5)	Charles R. Lewis, IV	Lou Ann Texeira, Executive Officer
Don Blubaugh, Vice Chair	Edi Birsan (absent)	Tom Geiger, Commission Counsel
Candace Andersen	Diane Burgis (absent)	Anna Seithel, LAFCO Clerk Analyst
Patricia Bristow	Scott Pastor	
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 one 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. **Approval of September 13, 2023, LAFCO Meeting Minutes**
The minutes were received and Vice Chair Blubaugh invited comments from the Commission and the public. Upon motion by Commissioner Andersen and second by Commissioner McGill, with one abstention by Commissioner Blubaugh, by a 5-0 vote, with one abstention, the Commission unanimously approved the meeting minutes of September 13, 2023.

VOTE:

AYES: Andersen, Bristow, McGill, Perkins, Quinto
NOES: None
ABSENT: Glover
ABSTAIN: Blubaugh

4. **Public Comments**
Vice Chair Blubaugh invited comments from the public; there were no comments.

SPHERE OF INFLUENCE (SOI) AMENDMENTS/CHANGES OF ORGANIZATION

5. **LAFCO 23-11 – County Service Area (CSA) R-7 – Activation of Latent Powers (Public Hearing).** *Chair Glover arrived at this time; acting Chair Blubaugh was authorized to Chair the meeting. Following the staff report, Vice Chair Blubaugh invited Commissioner comments. Commissioner Lewis noted the existing powers in place already provide the desired services. Commissioner Andersen responded by explaining why the MAC’s current latent powers do not allow enhanced services, and deferred to Carl Roner, County Public Works Senior Civil Engineer who noted that at the time the latent powers were enforced, no allowance existed for the current request. Commissioner Perkins asked the difference between Option 1 and Option 2 in the LAFCO staff report. LAFCO staff responded, and Commissioner Andersen provided additional comments. Commissioner McGill asked about the study, latent power conditions, and appropriate funding. Carl Roner, LAFCO legal counsel, Commissioner Andersen, Commissioner Lewis, and Vice Chair Blubaugh provided responses.

Vice Chair Blubaugh opened the public hearing. Alamo resident Sharon Burke, Chair of the Alamo Municipal Advisory Council, voiced support of the motion. Via teleconference, Derene Allen, Alamo Improvement Association board member, voiced support of the motion. Vice Chair Blubaugh closed the hearing and invited Commissioner comments and a vote. Commissioner Andersen motioned to approve option 1. The motion was seconded by Commissioner Perkins. By a 7-0 vote, the Commission unanimously approved option 1 re: Activation of Latent Powers (i.e., additional street landscape maintenance services; additional funding for the services of the Alamo Municipal Advisory Committee; community facilities such as a community center) for CSA R-7, and related actions as a responsible agency under the California Environmental Quality Act.

VOTE:

AYES: Andersen, Blubaugh, Bristow, Glover, McGill, Perkins, Quinto
NOES: None
ABSENT:
ABSTAIN:

6. **LAFCO 23-12 – Dissolution of Alamo Lafayette Cemetery District (ALCD) (Public Hearing)** Following the staff report, Vice Chair Blubaugh invited Commissioner comments. Discussion followed regarding naming the County as successor agency and/or Board of Trustees for the ALCD and other governance options including consolidation. Commissioner McGill asked about these options and potential liabilities. LAFCO staff provided responses. Commissioner Andersen suggested preparing a fiscal and operational study.

Vice Chair Blubaugh then opened the public hearing. Patricia Howard, General Manager (GM) of the ALCD provided an overview of the district’s financial, maintenance, staffing and other challenges. GM Howard noted that the ALCD did not wish to file dissolution but had no other option due to \$5 million in deferred maintenance. GM Howard expressed opposition to consolidation of the two cemetery districts citing financial, logistical, and other issues.

Vice Chair Blubaugh closed the public hearing and Commissioners deliberated. Commissioner Bristow spoke in opposition to consolidation, and in favor of keeping the ALCD separate from the Byron Brentwood Knightsen Union Cemetery District (BBKUCD).

Commissioners discussed options including proceeding with a fiscal study. Commissioner Bristow supported the proposed study, noting that BBKUCD wishes to keep their board of directors, and

under that condition, she would be open to Option 1. Commissioner McGill referenced the 2021 LAFCO Municipal Services Review and supported a fiscal study to address governance options. Commissioner Andersen concurred and suggested adding operations to the study. Commissioner McGill inquired about cemetery districts and latent powers relative to CSAs. LAFCO legal counsel addressed this question. Vice Chair Blubaugh called for a motion and called for a roll call vote to continue the matter. The Commission directed staff to proceed with a special study to include fiscal and operational issues. Upon motion by Chair Glover and second by Commissioner Andersen, by a 7-0 vote, the Commission unanimously approved Option 1, with direction to staff as noted herein.

VOTE:

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

NOES: None

ABSENT:

ABSTAIN:

BUSINESS ITEMS

7. ***LAFCO 2024 Meeting Schedule*** – staff presented the proposed 2024 LAFCO meeting schedule. Vice Chair Blubaugh invited comments from the Commission and the public. Upon motion by Chair Glover and second by Commissioner Quinto, by a 7-0 vote, the Commission unanimously approved the 2024 Meeting Schedule.

VOTE:

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

NOES: None

ABSENT:

ABSTAIN:

8. ***FY 2023-24 First Quarter Budget Report*** – staff presented the FY 2023-24 first quarter budget report. Vice Chair Blubaugh invited comments from the Commission and the public. Commissioner McGill acknowledged Executive Officer for exceptional budget planning and management of Contra Costa LAFCO. Upon motion by Chair Glover and second by Commissioner Andersen, by a 7-0 vote, the Commission unanimously received the FY 2023-24 first quarter budget report.

VOTE:

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

NOES: None

ABSENT:

ABSTAIN:

9. ***LAFCO Policies & Procedures*** – the LAFCO Policies & Procedures Committee proposed amendments to LAFCO's Commissioner Handbook section 1.5 – Budget & Financial Procedures regarding the annual audit. Vice Chair Blubaugh invited comments from the Commission and the public. Commissioner McGill acknowledged the Policies & Procedures Committee for thorough policy review. Upon motion by Commissioner Blubaugh and second by Commissioner Quinto, by a 7-0 vote, the Commission unanimously approved the proposed amendments to LAFCO Policies & Procedures.

VOTE:

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

NOES: None

ABSENT:
ABSTAIN:

10. **Financial Audits** – staff presented a list of prequalified financial auditing firms to prepare Contra Costa LAFCO’s annual audits noting that a recommendation for retaining a firm would be brought to the Commission in 2024. Vice Chair Blubaugh invited comments from the Commission and the public. Commissioners provided questions and comments McGill voiced his support for this approach. Commissioner Blubaugh asked staff if the list presented was current as well as the eligibility of the existing auditor, to which staff replied affirmative. Commissioner McGill confirmed that staff would bring back the item regarding a final recommendation from the list in 2024. Upon motion by Commissioner McGill and second by Commissioner Bristow, by a 7-0 vote, the Commission unanimously approved a prequalified list of financial auditing firms to prepare Contra Costa LAFCO’s annual audits.

VOTE:
AYES: Andersen, Bristow, Glover, McGill, Perkins, Quinto, Blubaugh
NOES: None
ABSENT:
ABSTAIN:

INFORMATIONAL ITEMS

11. **Current and Potential Applications** - update on current and potential applications – *information only*
12. **Correspondence from Special District Risk Management Authority** – Contra Costa LAFCO recently received the SDRMA President’s Special Acknowledgement Awards (SDRMA) - for Property/Liability Program and Workers’ Compensation Program.
13. **Correspondence from Contra Costa County Employees’ Retirement Association (CCCERA)**
14. **Commissioner Comments and Announcements** - Commissioner McGill commented on the following CALAFCO meetings:
- September 18, 2023, CALAFCO University – Incorporations WEBINAR
 - October 18-20, 2023, CALAFCO Annual Conference – Monterey
 - November 3, 2023, CALAFCO Legislative Meeting
 - December 1, 2023, CALAFCO Board Meeting
 - December 8, 2023, Legislative Meeting has been canceled.
15. **Staff Announcements/Newspaper Articles/CALAFCO Updates** – staff commented on the successful annual CALAFCO conference and thanked the Commission for the opportunity to attend

ADJOURNMENT

Vice Chair Blubaugh adjourned the meeting at 3:02 P.M. The next regular LAFCO meeting is scheduled for December 13, 2023, at 1:30 pm.



Lou Ann Texeira
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
- Scott Pastor**
Special District Member
- Charles R. Lewis, IV**
Public Member
- Edi Birsan**
City Member

December 13, 2023 (Agenda)

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

**December 13, 2023
Agenda Item 5**

Special Study – Cemetery Districts

Dear Members of the Commission:

In August 2023, the Alamo Lafayette Cemetery District (ALCD) applied to LAFCO to dissolve the district due primarily to financial challenges. On November 8th, the Commission considered the proposed dissolution and deferred action. The Commission directed LAFCO staff to retain a consultant to prepare a special study to evaluate financial and operational issues and governance options for two cemetery districts including ALCD and the Byron Brentwood Knightsen Union Cemetery District (BBKUCD).

In January 2020, the Commission approved an “on-call” list of prequalified consultants, which includes Berkson Associates (“BA”). BA is a member of CALAFCO and has prepared numerous governance studies, including district formations, consolidations, incorporations, and dissolutions. The firm also has extensive experience in public agency budget forecasting, fiscal indicators, fiscal and financial analysis including *Plans for Service* in conjunction with LAFCO actions.

BA also prepared and served as a consultant (or subconsultant) on several Contra Costa LAFCO MSR, including the *2019 Parks & Recreation MSR*, *2018 City Services MSR*, *2018 Healthcare MSR*, and *2016 Fire Service MSR*. He also prepared the CFA for the *Incorporation of City of Oakley*; authored the *Mt. Diablo Healthcare District Governance Options Study*, and the *Special Study of Governance Options for the Rollingwood Park Recreation and Park District*.

Richard Berkson submitted to LAFCO staff a proposal that includes proposed questions, summary of tasks, task outline, and other items pertaining to the special cemetery district study.

RECOMMENDATION: It is recommended that the Commission authorize the LAFCO Executive Officer to execute a contract with Berkson Associated to prepare a special study to review financial and operational issues for both cemetery districts – ALCD and BBKUCD - with a project budget not to exceed \$49,100.

Sincerely,

LOU ANN TEXEIRA
EXECUTIVE OFFICER

c: Richard Berkson, Berkson Associates



Lou Ann Teixeira
Executive Officer

December 13, 2023 (Agenda)

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

December 13, 2023
Agenda Item 6

**3rd Round Wastewater Municipal Services Review and Sphere of Influence Updates
Contract Extension – 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 3rd round MSR and SOI updates covering wastewater services including 20 local agencies (seven cities and 13 districts). The contract was previously amended and currently provides for completing this MSR by December 31, 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:

- ✚ December 2023 - Complete data collection/verification/fact check with local agencies
- ✚ January 2024 - Deliver Public Review Draft MSR to LAFCO
- ✚ February 2024 - Public Hearing – Public Review Draft MSR
- ✚ April 2024 - Deliver Final Draft MSR to LAFCO
- ✚ June 2024 - Public Hearing – Final Draft MSR

RECOMMENDATION: Authorize LAFCO staff to execute a contract extension with Swale, Inc. in order to complete the 3rd 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, and amended on May 10, 2023 and on September 13, 2023 (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 **June 30, 2024**.

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

IN WITNESS WHEREOF, the parties have executed this amendment as of December 13, 2023.

CONTRA COSTA LAFCO

CONTRACTOR
SWALE, Inc.(Wastewater MSR/SOI
Updates)

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 December 13, 2023.

Date: _____

ATTEST:

Contra Costa LAFCO Clerk/Analyst



Lou Ann Teixeira
Executive Officer

MEMBERS

- Candace Andersen**
County Member
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City Member

December 13, 2023 (Agenda)

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

December 13, 2023
Agenda Item 7

Proposed Amendments to the LAFCO Employee Benefit Plan

Dear Commissions:

LAFCO is an independent entity created by the State Legislature. Pursuant to Government Code §56000 et seq., LAFCO hires its own staff and provides employee benefits, including health, dental, retirement, and other benefits.

In November 2007, the Commission adopted a personnel system for Contra Costa LAFCO, including job descriptions, classification and salary plans, an updated contract between LAFCO and Contra Costa County Employees’ Retirement Association, and a LAFCO *Employee Benefit Plan*. The LAFCO *Employee Benefit Plan* provides benefits comparable to the County’s management benefit plan that were historically provided to LAFCO employees. Contra Costa LAFCO currently employs two full-time employees, both of whom are covered under this plan.

LAFCO purchases its health, dental, and other employee benefits through Contra Costa County. LAFCO staff was recently contacted by the County Human Resources (HR) Department with information relating to changes to the County’s health and dental benefit plans, which are available to LAFCO employees. The County modified its health and dental insurance options as shown on the attached. County HR staff assisted LAFCO with the updates. The proposed amendments to the LAFCO *Employee Benefit Plan* would become effective January 1, 2024.

RECOMMENDATION: Staff recommends that the Commission amend the LAFCO Employee Benefit Plan per the attached resolution to include the proposed amendments to the LAFCO *Employee Benefit Plan*.

Sincerely,

LOU ANN TEXEIRA
EXECUTIVE OFFICER

Attachment - LAFCO Resolution 2023-02 Amending the LAFCO Employee Benefit Plan

- c: Ann Elliot, Contra Costa County Human Resources Director
- Craig Taylor, Contra Costa County Human Resources Supervisor
- Anthony Phillip, Contra Costa County Human Resources

RESOLUTION NO. 2023-03

**RESOLUTION OF THE CONTRA COSTA LOCAL AGENCY FORMATION COMMISSION
AMENDING THE CONTRA COSTA LAFCO EMPLOYEE BENEFIT PLAN**

WHEREAS, the Contra Costa Local Agency Formation Commission (LAFCO) is an independent regulatory agency created by the State Legislature; and

WHEREAS, pursuant to Government Code §56385, LAFCO may provide benefits, including retirement, health, dental, and other benefits to its employees; and

WHEREAS, in 2007, the Commission adopted a benefit plan for LAFCO employees; and

WHEREAS, Contra Costa LAFCO participates in Contra Costa County administered benefit programs for health, dental, life insurance, deferred compensation, and other benefits; and

WHEREAS, any changes to the LAFCO employee benefit plan must be approved by the Commission; and

WHEREAS, the last significant update to the employee benefit plan was in 2017; and

WHEREAS, Contra Costa LAFCO retains the right to modify the LAFCO employee benefits plan at any time, and will notify the County in such event; and

WHEREAS, Contra Costa County Human Resources Department advised LAFCO of changes to holidays; modified medical and dental benefits/options including new health plan choices in which LAFCO employees are eligible to participate; health care spending account; voluntary vision plan; family care leave; longevity differential; management insurance; and workers' compensation benefits.

NOW, THEREFORE, BE IT RESOLVED, DETERMINED AND ORDERED that effective January 1, 2024, Contra Costa LAFCO hereby amends its employee benefit plan as shown on the attached (Exhibit A).

PASSED AND ADOPTED THIS 13th day of December 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 above.

Dated: December 13, 2023

Lou Ann Texeira, Executive Officer

CONTRA COSTA LOCAL AGENCY FORMATION COMMISSION

EMPLOYEE BENEFIT PLAN (adopted November 2007)

(amended - August 2014), (amended November 9, 2016)
(amended July 12, 2017, amended November 9, 2022)

Unless otherwise provided, benefits under this Plan are for permanent employees who work full-time, or part-time, 20 or more hours each week. Benefits are prorated for part-time employees as noted.

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Commented [AP1]: Should be "hours"

Additional details regarding this Benefit Plan are provided in the Contra Costa County Board of Supervisors Resolution ~~2007/366~~ ~~No. 2023/554, entitled "Compensation and Benefits and Other Compensation for Authorized for County Elected and Appointed Department Heads, Management, Exempt, and Unrepresented Employees."~~ ~~This Herein, the Resolution shall be~~ referred to as the "Contra Costa County Management Resolution."

Commented [AP2]: Is the intent to keep up to date with the most recent Management Resolution? If so, it would be "2023/554" which is located here <https://www.contracosta.ca.gov/4422/Management-Resolutions>

APPLICATION: This Benefit Plan applies to the following job classifications:

Executive Officer	LAFCO Clerk/Executive Assistant
Analyst I/II	Clerk Analyst

HOLIDAYS: All employees observe 11 designated holidays per calendar year and accrue two hours of personal paid holiday credit per month to a maximum of 40 hours (prorated for part-time). LAFCO will observe the following holidays:

Commented [AP3]: 11 holidays with the addition of Juneteenth (June 19)

New Year's Day	Labor Day
Martin Luther King Jr. Day	Veterans' Day
Presidents' Day	Thanksgiving Day
Memorial Day	Day after Thanksgiving
Independence Day	Christmas Day
<u>Juneteenth</u>	

Commented [AP4]: The County recognizes Juneteenth (June 19) as a holiday.

Employees observe such other days as LAFCO may designate by resolution as holidays.

Any holiday observed by LAFCO that falls on a Saturday is observed on the preceding Friday and any holiday that falls on a Sunday is observed on the following Monday.

VACATION: All employees are entitled to accrue paid vacation credit not to exceed the maximum cumulative hours as follows (prorated for part-time):

<u>Length of Service</u>	<u>Monthly Accrual Hours</u>	<u>Maximum Cumulative Hours</u>
Under 11 years	10	240
11 years	10 2/3	256
12 years	11 1/3	272
13 years	12	288
14 years	12 2/3	304
15 – 19 years	13 1/3	320
20 – 24 years	16 2/3	400
25 – 29 years	20	480
30+ years	23 1/3	560

SICK LEAVE: All employees accrue eight hours of sick leave per month without limit. Unused credits are converted to service credits on a day-for-day basis at retirement (prorated for part-time).

MEDICAL, DENTAL AND RELATED BENEFITS: LAFCO offers its employees health, dental and related benefits through the County's plans which include the following: Contra Costa Health Plans (CCHP) Plan A or Plan B, Kaiser Foundation Health Plans (Plan A, Plan B, or High Deductible), and Health Net **SmartCare** HMO (Plan A or Plan B) or PPO (Plan A ~~or Plan B~~). Delta Dental and Delta Care Dental are available separately or in combination with medical plans.

LAFCO will pay the following proportions of the monthly premium charges for employees and for their eligible family members as defined in the Contra Costa County Management Resolution:

- a. Contra Costa Health Basic Plan (CCHP), Plan A – 98%
- b. CCHP, Basic Plan B – 90%
- c. Kaiser Permanente, Basic Plan A – 80%
- d. Kaiser Permanente, Basic Plan B – 80%
- e. Kaiser Permanente High Deductible Plan – 80%
- f. Health Net **SmartCare** - Basic Plan A – 80%
- g. Health Net **SmartCare** - Basic Plan B – 80%
- h. Health Net PPO, Plan - Plan Basic A – 66.27% (only 50% of any premium increase after 2000)
- i. ~~Health Net PPO, Plan B – 66.27% (only 50% of any premium increase after 2000)~~
- j. Delta Dental ~~Premier or Delta Care (PMI) Dental for CCHP Plans~~ – 98%
- k. Delta Dental ~~Premier or Delta Care~~ when combined with Kaiser ~~or~~ Health Net ~~HMO or Health Net PPO plans~~ – 78%
- l. ~~Delta Care Dental when combined with Kaiser, Health Net HMO or Health Net PPO~~ – 78%
- m. ~~l.~~ Delta Dental or Delta Care Dental without a health plan – 100% (less \$.01)

- **Life Insurance:** All medical and/or dental subscribers are provided a \$10,000 group term life insurance policy. Employees may subscribe voluntarily, and at their own expense, to supplemental life insurance, as offered.
- **Health Care Spending Account:** To meet out-of-pocket expenses not covered by a medical plan, employees may participate in a pre-tax Health Care Spending Account Program designed to qualify for tax savings up to \$4,500 per calendar year under Section 125 of the Internal Revenue Code (IRC). ~~Section 129 of the IRC provides for an annual adjustment limit. For 2024, the limit is \$3,200. Effective January 1, 2008, the maximum amount the employee can set aside is \$5,000 per calendar year.~~ (Must have six calendar months of permanent employment. Any unused balance is forfeited and cannot be recovered by the employee). Details regarding the Health Care Spending Account are provided in the Contra Costa County Management Resolution.
- **Long Term Care:** Employees may participate in a 100% employee paid Long Term Care program through CalPERS and have payroll deduction of premiums at no cost. Details regarding the Long-Term Care program are provided in the Contra Costa County Management Resolution.
- **Dependent Care Assistance Program:** Employees may participate in the Dependent Care Assistance Program, which allows employees to set aside up to \$5,000 per calendar year to pay for eligible dependent care (child and elder care) under Section 129 of the Internal Revenue Code. (Any unused balance is forfeited and cannot be recovered by the employee).
- **Voluntary Vision Plan and VSP@ Vision Care:** Effective January 1, 2017, **active** employees may participate in a 100% employee paid eye care plan that provides vision care and eyewear.

Commented [CT5]: Confirm if you are removing this plan?

Commented [CT6R5]: Delta Care no longer uses PMI. This should be removed

Commented [CT7]: Delta Care no longer uses PMI. This should be removed

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Commented [CT8]: IRS limit is 3,200 for 2024 suggest putting suggested language

Commented [CT9R8]: Section 129 of the Internal Revenue Code adjustment limit each year. For 2024 the limit is \$3,200.

- Health Plan Coverages and Provisions, Including Retiree Health Benefits: As provided in the Contra Costa County Management Resolution.

RETIREMENT: All LAFCO employees participate in a locally administered pension plan which is integrated with Social Security under provisions of the 1937 County Retirement Act. LAFCO pays the employer's contribution and 50% of the employee's normal contribution and all employee contributions are tax-deferred under Section 414(h) of the Internal Revenue Code.

Details regarding retirement coverage are provided in the Contra Costa County Management Resolution and through CCCERA.

VIDEO TERMINAL (VDT) USERS EYE EXAMINATION: Certified VDT users (two hours per day) are eligible for an annual eye examination and, if prescribed, one pair of eyeglasses with a frame allowance. Details regarding the VDT program are provided in the Contra Costa County Management Resolution.

TUITION REIMBURSEMENT: With job-related qualifications, employees are eligible for career development training reimbursement (tuition and books), not to exceed \$650 per calendar year.

TRAINING

The LAFCO Executive Officer is responsible for authorization of individual professional development reimbursement as provided for in the annual LAFCO budget.

BILINGUAL PAY DIFFERENTIAL: Employees in positions requiring bilingual proficiency, as designated by LAFCO, will receive \$80 per month (prorated for part-time).

FAMILY CARE LEAVE: Employees may qualify for up to 18 weeks per year (rolling 12-month period) for their own serious health condition, or that of a child, spouse, parent or domestic partner, or for ~~both the birth or adoption of a child or placement in foster care.~~

FURLOUGH DAYS/VOLUNTARY TIME OFF: Employees who are authorized to take furlough days without pay are eligible for continued health/dental plan subvention and for computation of vacation, sick leave and floating holiday accrual as though they worked their normal schedule.

MILEAGE REIMBURSEMENT: Use of personal vehicles on authorized LAFCO business is reimbursed in accordance with the rates set by the Internal Revenue Service.

LONGEVITY DIFFERENTIAL: Employees who have completed 10 years of service as Contra Costa LAFCO employees, as determined by CCCERA, qualify for a monthly differential in the amount of 2.5% of base pay. Employees who complete 15 years of service as Contra Costa LAFCO employees, as determined by CCCERA, are eligible to receive an additional 2.5% of base pay. ~~Details regarding Longevity Differential benefits are provided in the Contra Costa County Management Resolution.~~

DEFERRED COMPENSATION PROGRAM: Employees who elect to participate in the IRS Section 457 Deferred Compensation Plan and who have met a pre-established contribution threshold are eligible for a LAFCO contribution to the Deferred Compensation Plan. Eligibility requirements and contribution rates are provided in the Contra Costa County Management Resolution.

Effective August 13, 2014, LAFCO employees who qualify as eligible participants, may participate in the Deferred Compensation Loan Program.

ANNUAL ADMINISTRATIVE LEAVE: Employees receive up to 70 hours of annual non-accruable administrative leave each January 1st (prorated for part-time). Balances may not be carried over past December 31st. Details regarding Administrative Leave benefits are provided in the Contra Costa County Management Resolution.

SICK LEAVE INCENTIVE: Employees who separate other than through retirement after three years of service, can qualify for a payoff of unused sick leave accruals at separation. Details and payout schedule are provided in the Contra Costa County Management Resolution.

LONG TERM DISABILITY INSURANCE: Employees are provided at LAFCO expense wage replacement insurance effective after 60 calendar days for use during long term recuperation from an accident or illness. The coverage provides 85% of base salary, less deductible benefits. Details regarding Long Term Disability Insurance benefits are provided in the Contra Costa County Management Resolution.

MANAGEMENT LIFE INSURANCE: Employees are covered [at LAFCO's expense by term life insurance in the amount of an additional \\$57,000 life insurance policy.](#)

VACATION BUY BACK: Employees are eligible once annually to cash out up to one-third of their annual vacation accrual. Details regarding the Vacation Buy Back program are provided in the Contra Costa County Management Resolution.

PROFESSIONAL DEVELOPMENT ALLOWANCE: Employees (excluding the Executive Officer) are eligible for reimbursement of up to \$625 for each 24-month period for authorized memberships in professional organizations, subscriptions to professional publications, attendance fees at job-related professional development seminars and activities, and for purchase of computer hardware and software applicable to employee's work. Details regarding the Professional Development Allowance program are provided in the Contra Costa County Management Resolution.

WORKERS' COMPENSATION AND CONTINUING PAY

~~[Workers' Compensation benefits will be provided pursuant to State Law. For all accepted workers' compensation claims files with LAFCO during calendar year 2007, employees will receive 80% of their regular monthly salary during any period of compensable temporary disability not to exceed one year. Effective January 1, 2008, employees will receive 75% of their regular monthly salary. Details regarding Workers' Compensation and Continuing Pay benefits are provided in the Contra Costa County Management Resolution.](#)~~

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ADDITIONAL BENEFITS AVAILABLE TO THE EXECUTIVE OFFICER:

The Executive Officer receives the additional benefits that are also provided to County Elected and Appointed Department heads. Details regarding Executive Officer additional benefits are provided in the Contra Costa County Management Resolution and are summarized below.

- Executive Automobile Allowance: The Executive Officer is eligible for a personal auto allowance of \$600 per month. Mileage is reimbursed at the current IRS rate.
- Group Life Insurance: The Executive Officer is provided with a LAFCO paid \$60,000 term life insurance policy.
- Professional Development Allowance: The Executive Officer is eligible for reimbursement for memberships in professional organizations, subscriptions to professional publications, attendance fees at job-related professional development seminars and activities, and for purchase of computer hardware and software in the amount of \$925 for each 24-month period.

- Executive Advanced Notice Differential – If the Executive Officer provides the Commission with 12 months advance written notice of his or her voluntary separation from LAFCO, said employee is eligible for a differential of 2% of his or her base pay for each month from the first day of the month following the month in which the notice is given. [Details regarding Executive Advanced Notice Differential benefits are provided in the Contra Costa County Management Resolution.](#)



Lou Ann Teixeira
Executive Officer

December 13, 2023

December 13, 2023
Agenda Item 8

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

Current and Potential LAFCO Applications

Dear Members of the Commission:

SUMMARY: This report includes 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 received several time extensions with the current extension to June 30, 2023 to complete the easement. On June 14, 2023, the Commission approved an extension of time to June 30, 2024.

Current Applications – Under Review/Pending

Bay's Edge Reorganization – Annexation to City of Martinez and Detachment from CSA P-6 (LAFCO 23-13)

On September 29, 2023, the City of Martinez filed an application to annex to the City and detach from CSA P-5 a 1.47± acre property located at the northwest corner of Sycamore St and Santa Fe Ave. The proposed boundary reorganization was a condition of LAFCO's approval for out of agency water service in April 2021.

Faria Southwest Hills (FSH) – Boundary Reorganization (LAFCO 21-05)

In June 2021, the City of Pittsburg filed an application with LAFCO to annex 606± acres to the City, Contra Costa Water District and Delta Diablo, and detach from CSA P-6. The project includes development of up to 1,500 residential units. The LAFCO application was deemed incomplete. Subsequently, a lawsuit was filed.

On February 9, 2022, Contra Costa County Superior Court ruled that the City 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 further consideration of the project must comply with CEQA and be consistent with the Court's ruling. On August 15, 2022, the City Council voted to repeal and set aside all approvals for the FSH Annexation Project.

In January 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*. Between 2010 and 2023, LAFCO staff submitted 10 comment letters regarding the City's CEQA documents noting project and EIR deficiencies. Only one of LAFCO's comments was addressed. The comment letters also note staff's concerns that the "Revised and Updated EIR" was not recirculated under CEQA Guidelines section 15088.5.

Following recent City Planning Commission and City Council meetings where the Planning Commission denied the project and the City Council approved the project, the City resubmitted to LAFCO an updated application (May 2023). On July 10, 2023, LAFCO staff sent the applicant a letter with a list of questions and comments. On August 31, 2023, LAFCO staff received a response letter from the applicant. On September 21, 2023, LAFCO sent a follow-up/status letter. The applicant responded to most questions. Application is pending additional project level information.

✚ 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 was litigated and on June 29, 2023, the Contra Costa County Superior Court ruled the final EIR prepared for the project provided insufficient information and analysis about the project's water supply. The LAFCO application is currently on hold pending additional court proceedings.

✚ 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 as noted above.

Potential and Other Applications

On April 14, 2021, LAFCO approved extension of out of agency water service by the City of Martinez to the Bay's Edge Subdivision 9065 located in unincorporated Mt. View. LAFCO's approval was conditioned on the City's commitment to annex the subject parcels to the City of Martinez by *August 31, 2022*, in the event the entirety of Mt. View was not annexed to the City prior to that date. On August 10, 2022, the Commission approved extending the deadline to August 31, 2023. In March 2023, the City submitted a draft application to LAFCO staff for review. LAFCO staff provided comments. On September 29, 2023, the City submitted an application to LAFCO, which is currently under review.

There are several potential applications that may be submitted to LAFCO in the near future, including annexations to Byron Bethan Irrigation District, Contra Costa Water District, and Central Contra Costa Sanitary District. Also, since completion of the 2021 *Park & Recreation Municipal Services Review*, the Commission 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 – December 13, 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, amendment the ULL, executed a land preservation agreement, and acted on various discretionary project approvals.	Application is currently incomplete. Await certified EIR, updated application, and other information. The project is currently being litigated.
16-07	Tassajara Parks Project: proposed SOI expansions to CCCSD and EBMUD of 30± acres located east of the City of San Ramon and the Town of Danville	Application submitted in May 2016 by the landowner to amend the SOIs for CCCSD and EBMUD in anticipation of annexation.	Application is currently incomplete. Await certified EIR, updated application, and other information. 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 originally 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.	Following litigation and approval of the project by the Pittsburg City Council on April 17, 2023, the application was resubmitted to LAFCO (May 2023). LAFCO staff reviewed the application and sent a letter to the City and developer with questions and comments. On August 31, 2023, LAFCO received a response letter from the applicant. On September 21, 2023, LAFCO sent a follow-up/status letter. Staff is working with the applicant to obtain additional project level information.
21-17	Dissolution of County Service Area R-9	LAFCO initiated dissolution of CSA R-9	Pending update in March 2024.
23-13	Bay's Edge Reorganization: Annexation to City of Martinez and detachment from CSA P-6	Application submitted September 29, 2023 as a condition of LAFCO' s approval of out of agency water service in April 2021.	Application is currently under review.



AGENDA

RETIREMENT BOARD MEETING

REGULAR MEETING
November 29, 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 November 1, 2023 meeting. (Action Item)

CLOSED SESSION

4. CONFERENCE WITH LABOR NEGOTIATORS
(Government Code § 54957.6)

Agency designated representatives:
Christina Dunn, Acting Chief Executive Officer
Erica Grant, Human Resources Manager
Alison Flowers, CCCERA's Chief Negotiator

Employee Organization: AFSCME Local 2700

5. PUBLIC EMPLOYMENT (Government Code § 54957(b))
Title: Chief Executive Officer

OPEN SESSION

6. Presentation of alternative investment fees and expense report. (Presentation Item)
7. Consider and take possible action to adopt the 2024 CCCERA budget. (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.

8. Consider authorizing the attendance of Board: (Action Item)
 - a. DLJ 2023 Annual Limited Partners Meeting, January 16-17, 2024, Somerville, MA.
 - b. 42nd Annual Client Workshop, Sit Investment Associates, February 15-18, 2024, Carlsbad, CA.
 - c. Commonfund Forum 2024, March 10-12, 2024, Orlando, FL.

9. 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.