CONTRA COSTA LOCAL AGENCY FORMATION COMMISSION

lefe

Lou Ann Texeira
Executive Officer

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(925) 313-7133

NOTICE AND AGENDA FOR REGULAR MEETING

Wednesday, March 13, 2024, 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:

Please click the link below to join the webinar: https://cccounty-us.zoom.us/j/87135600464
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.Texeira@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.

MARCH 13, 2024 CONTRA COSTA LAFCO AGENDA

- 1. Call to Order
- 2. Roll Call
- 3. Approval of Minutes of the February 14, 2024, 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.

SPHERE OF INFLUENCE (SOI) AMENDMENTS/CHANGES OF ORGANIZATION

- 5. LAFCO 21-17 Dissolution of County Service Area (CSA) R-9 receive update and consider governance options including dissolution of CSA R-9. The district comprises 3.1± square miles and serves unincorporated El Sobrante Valley including parts of Richmond Public Hearing Continued from August 10, 2022 and March 8, 2023
- 6. LAFCO 23-13 Annexation to City of Martinez and Detachment from County Service Area P-6 "Bay's Edge" consider approving the proposed boundary reorganization 1.47+ acres (numerous parcels) located at 3128 Sycamore Street, adjacent to the City of Martinez, to serve development of a 30-unit multifamily project; and consider related actions as a responsible agency under the California Environmental Quality Act (CEQA) Public Hearing

BUSINESS ITEMS

7. **Legislative Update and Position Letters** - receive legislative update and authorize the LAFCO Chair to sign and submit letters of support for AB 3277 (*Ad Valorem Taxes*) and SB 1209 (*Indemnification*)

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

CLOSED SESSION

PUBLIC EMPLOYEE PERFORMANCE EVALUATION

Title: Executive Officer

CONFERENCE WITH LABOR NEGOTIATORS - Commissioners Blubaugh and McGill

Agency Negotiators: Commissioners Don Blubaugh and Mike McGill

Unrepresented Employee: Executive Officer

ADJOURNMENT

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

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

CONTRA COSTA LOCAL AGENCY FORMATION COMMISSION MEETING MINUTES February 14, 2024

March 13, 2024 Agenda Item 3

- 1. Welcome and Call to Order by Vice Chair McGill, opening today's meeting at 1:33 p.m.
- **2. Roll Call.** The following Commissioners and staff were present:

Regular Commissioners	Alternate Commissioners	Staff
Federal Glover (absent)	Charles R. Lewis, IV	Lou Ann Texeira, Executive Officer
Don Blubaugh, Chair (absent)	Edi Birsan (teleconference)	Tom Geiger, Commission Counsel
Candace Andersen	Diane Burgis (absent)	Anna Seithel, LAFCO Clerk Analyst
Patricia Bristow	Scott Pastor	
Mike McGill, Vice Chair		
Scott Perkins		
Gabriel Quinto		

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 January 10, 2024, regular LAFCO Meeting Minutes, with correction.

Corrections per Commissioner Lewis to agenda item 6 and item 8. Vice Chair McGill invited comments from the public and there was no public comment. *Upon motion by Commissioner Lewis and second by Commissioner Perkins, by a 5-0 vote, the Commission unanimously approved the meeting minutes of January 10, 2024, as amended.*

AYES: Andersen, Bristow, Lewis, McGill, Perkins

NOES: None

ABSENT: Blubaugh, Burgis, Glover

ABSTAIN: Quinto

Public Comment

Public Comment Period observes 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. Vice Chair McGill invited Public Comment. Emil Geddes, Board Member, Byron Brentwood Knightsen Union Cemetery District (BBKUCD) spoke against consolidation of the Alamo-Lafayette Cemetery District (ALCD) and BBKUCD noting he would resign from the BBKUCD Board if the two districts consolidated. There were no other public comments, and the Public Comment period was closed by Vice Chair McGill.

BUSINESS ITEMS

5. FY 2024-25 Proposed Budget Schedule and Work Plan - provide input on FY 2024-25 proposed budget schedule and work plan. Following the staff report, Vice Chair McGill noted two corrections to the Municipal Services Review table. Vice Chair McGill then asked for comments from Commissioners. Vice Chair McGill asked about a possible LAFCO Commission retreat after the election, an idea supported by Commissioners. Vice Chair McGill invited Public Comment, and no comments were made. With motion by Commissioner Bristow to accept the report with inclusion of a retreat, and second by Commissioner Perkins, by a 6-0 vote, the Commission unanimously provided input and accepted the report.

AYES: Andersen, Bristow, Lewis, McGill, Perkins, Quinto

NOES: None

ABSENT: Blubaugh, Burgis, Glover

ABSTAIN:

6. Public Member Alternate Recruitment – appoint a screening committee. Following the staff report, Vice Chair McGill asked for comments from Commissioners. Vice Chair McGill invited Public Comment, and no comments were made. With motion by Commissioner Bristow to authorize the Vice Chair to appoint a screening committee, and second by Commissioner Andersen, a screening committee comprised of Commissioners Andersen (County), Perkins (City), and Bristow (Special District) was selected via a motion from Commissioner Perkins and second by Commissioner Lewis. The Vice Chair invited public comments; no comments were made. By a 6-0 vote, the Commission unanimously approved the screening committee appointments.

AYES: Andersen, Bristow, Lewis, McGill, Perkins, Quinto

NOES: None

ABSENT: Blubaugh, Burgis, Glover

ABSTAIN:

7. Environmental Planning Services – Contract Extension - consider extending the existing contract with SWALE, Inc., and Baracco Associates to April 30, 2024, for environmental planning services. Following the staff report, Vice Chair McGill asked for comments from Commissioners, and there were no comments. Vice Chair McGill invited Public Comment, and no comments were made. By motion from Commissioner Lewis and second by Commissioner Quinto, by a 6-0 vote, the Commission unanimously approved the contract extension.

AYES: Andersen, Bristow, Lewis, McGill, Perkins, Quinto

NOES: None

ABSENT: Blubaugh, Burgis, Glover

ABSTAIN:

8. Updates to LAFCO Employee Salary Plan – approve increases to LAFCO Employee Salary Ranges. Following the staff report, Vice Chair McGill asked for comments from Commissioners; Commissioner Lewis agreed with the proposed increases. Vice Chair McGill invited Public Comment, and no comments were made. By motion from Commissioner Lewis and second by Commissioner Perkins, by a 6-0 vote, the Commission unanimously approved the salary plan increases.

AYES: Andersen, Bristow, Lewis, McGill, Perkins, Quinto

NOES: None

ABSENT: Blubaugh, Burgis, Glover

ABSTAIN:

INFORMATIONAL ITEMS

- 9. July 1, 2022, Actuarial Valuation to June 30, 2023, GASB 75 Supplemental Schedules informational item no action needed. Vice Chair McGill noted a correction to the actuarial table regarding the 13.62 return in investments being a negative number which was emphasized on the table and not in the staff report. Staff noted the correction. Vice Chair McGill asked for comments from Commissioners, and there were no comments. Vice Chair McGill invited Public Comment, and no comments were made.
- 10. Current and Potential Applications update on current and potential applications information only
- 11. Correspondence from Contra Costa County Employees' Retirement Association (CCCERA) information only
- 12. Commissioner Comments and Announcements Vice Chair McGill noted the February 16, 2024 CALAFCO Legislative meeting and upcoming CALAFCO U classes. Commissioner Perkins noted the upcoming League of Cities Conference. Commissioner Lewis noted latecomers wishing to make public comments. Vice Chair McGill reopened public comment. Via teleconference, Commissioner Birsan noted that Concord Naval Weapons Station will receive the second part of the term sheet, and that the City is moving ahead on schedule. In person for public comment was Alamo Lafayette Cemetery District Board Member Carolyn Theissen, noting she is against consolidation of the two cemetery districts. Public Comment was then closed.
- 13. Staff Announcements/Newspaper Articles/CALAFCO Update Staff noted the Yosemite CALAFCO Annual Conference in October.

ADJOURNMENT

Vice Chair McGill adjourned the meeting at 2:53 pm. Ne	xt regular LAFCO meeting is March 13, 2024, at 1:30 pm.
D.,	
By LAFCO Executive Officer	

CONTRA COSTA LOCAL AGENCY FORMATION COMMISSION

Lou Ann Texeira

Executive Officer

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March 13, 2024 Agenda Item 5

CONTRA COSTA LOCAL AGENCY FORMATION COMMISSION EXECUTIVE OFFICER'S REPORT

March 13, 2024 (Agenda)

Dissolution of County Service Area R-9

SUMMARY:

In June 2021, Contra Costa LAFCO completed its 2nd round *Parks & Recreation Services Municipal Services Review* (MSR) and Sphere of Influence (SOI) updates. The MSR covered all 19 cities, three parks & recreation districts, one regional park district, four community services districts, and eight County Service Areas (CSAs) including CSA R-9 (El Sobrante). Consistent with the recommendations in the MSR, the Commission adopted a zero SOI for CSA R-9 in June 2021 signalling future dissolution of CSA R-9.

In November 2021, the Commission considered initiating dissolution of CSA R-9, but deferred action for 6-9 months at the request of County Supervisor John Gioia and pending an update on the status of CSA R-9. In August 2022, the Commission adopted a resolution initiating proceedings for dissolution of CSA R-9 and requested an update from the County. Supervisor Gioia reported to the Commission that a working group is exploring a parcel tax for parks in El Sobrante. Supervisor Gioia requested an additional six months to continue these discussions which the Commission granted. In March 2023, Supervisor Gioia provided an update noting there was community interest and an active working group exploring improvements and a potential assessment measure. Supervisor Gioia requested a one-year extension to March 2024 to pursue these efforts which the Commission granted.

In February 2024, Supervisor Gioia and Contra Costa County Public Works provided an update and additional information to LAFO staff regarding the status of CSA R-9. Supervisor Gioia and Public Works noted that in December 2023, the County Board of Supervisors allocated \$1 million annually from Measure X to fund County parks and recreation projects (capital and maintenance) in unincorporated areas. While the Board of Supervisors has not yet allocated the funding to specific areas, it is anticipated that El Sobrante will receive an allocation, Consequently, CSA R-9 will be used to hold the funds.

County Public Works staff notes that funding for maintenance and capital needs for parks and recreation is not adequate, which limits facilities and services. Measure X funds could be used to augment existing revenue with a focus on equity to impacted communities. The approved allocation could provide consistent funding for capital improvements, deferred maintenance, planning and development of new park and recreation facilities, and increase ability to leverage grants.

As the park funding program develops, it is likely there will be coordination with each Supervisorial District to determine their specific goals as it relates to parks and recreation. It is anticipated that each County Supervisor will prioritize funding based on their District's unique community needs and desires. The County recognizes that CSA R-9 and the El Sobrante community currently lack consistent park and recreation opportunities, and that Measure X funding is a potential source of revenue to expand and improve services.

Supervisor Gioia requests that R-9 not be dissolved at this time since there is the likely potential to obtain funding for parks in unincorporated El Sobrante. There is also the potential to place a funding measure on the ballot.

DISCUSSION:

Background: CSA R-9 was formed in 1974 to provide park and recreation services to the unincorporated El Sobrante community (see Exhibit A). Since formation, there were five detachments from and three annexations to CSA R-9. The CSA R-9 service area is approximately 3.1± square miles with an estimated population of 15,639 (2020). CSA R-9 is almost entirely within the City of Richmond's SOI with a small portion in the north that lies within the City of Pinole's SOI, and an island to the southwest which lies within the City of San Pablo's SOI. There are no disadvantaged communities within CSA R-9.

Within CSA R-9 is the Children's Reading Garden located at the El Sobrante library. The Reading Garden was built with one-time park dedication fees, is designed to have minimal maintenance, and is maintained by volunteers and the library. Other than possible Measure X funding, CSA R-9 has no money and no funding source to fund maintenance of the Children's Reading Garden. Park improvements in El Sobrante were previously funded with one time park dedication funds collected on new development and with East Bay Regional Parks Measure WW funds. Also, the County notes that reliance on volunteer community members to maintain the Reading Garden is not sustainable due to liability and accountability issues. Further, the Reading Garden is $0.1\pm$ acres and does not provide sufficient capacity to meet current or future demands. There are limited opportunities for shared facilities given R-9's lack of resources.

Regarding financial ability of the district to provide services, R-9 lacks a secure source of revenue. Planned expenditures are expected to exceed revenues, which means maintenance and other expenses may need to be partially deferred. Two past attempts to pass assessments in 1985 and 1998 failed.

The LAFCO MSR identified two SOI options for R-9: 1) retain the existing coterminous SOI, or 2) adopt a zero SOI signaling future dissolution of R-9 whereby the County would be the successor agency. County staff noted that R-9 park maintenance duties could shift to the County Landscape & Lighting District.

In accordance with the MSR consultant and LAFCO staff recommendations, the Commission adopted a zero SOI as CSA R-9 is not providing services and has no secure source of revenue.

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

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

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

As previously noted, in August 2022, the Commission adopted a resolution initiating dissolution of CSA R-9. Before LAFCO can dissolve a district, LAFCO must hold a public hearing. LAFCO deferred action on the proposed dissolution pending an update from Supervisor Gioia.

ALTERNATIVES FOR COMMISSION ACTION

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

Option 1 Defer further action regarding dissolution and request an update in 12 months (March 2025) regarding the status of CSA R-9 including funding.

Option 2 Direct LAFCO staff to schedule a public hearing to consider dissolution of CSA R-9.

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

RECOMMENDED ACTION: Given the potential for Measure X funding for CSA R-9, staff recommends **Option 1**

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

Exhibit: LAFCO Map of CSA R-9

c: Distribution

County Service Area R-9 (El Sobrante) and Coterminus SOI Montalvin **Exhibit** CSA R-9 (El Sobrante) Manor City Boundaries County Urban Limit Line Tara Sarah-Dr Hills **PINOLE** Blume.Dr Pinole Valley Rd Manor Rd Sobrante Ave RICHMOND Sobrante Hilltop Dr Applanway Morningside Dr RICHMOND Rolling San Pablo Dam Rd -wood SAN Sobrante RanchRd PABL Sobrante **RICHMOND** East **Richmond** Heights JSan-Pablo By LAFCO action on 06/09/2021, CSA R-9 boundary and zero SOI EL CERRITO were approved This map or dataset was created by the Contra Costa County Department of Conservation and Development with data from the Contra Costa County GIS Program. Some base data, primarily City Limits, is derived from the CA State Board of Equalization's tax rate areas. While obligated to use this data the County assumes no responsibility for its accuracy. This map contains copyrighted information and may not be altered. It may be reproduced in its current state if the source is cited. Users of this map agree to read and accept the County of Contra Costa disclaimer of liability for geographic information. Map created 05/13/2021 by Contra Costa County Department of Conservation and Development, GIS Group Feet 30 Muir Road, Martinez, CA 94553 1,500 3,000 6,000

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CONTRA COSTA LOCAL AGENCY FORMATION COMMISSION EXECUTIVE OFFICER'S REPORT

March 13, 2024 (Agenda)

March 13, 2024 Agenda Item 6

<u>LAFCO 23-13</u> Annexation to City of Martinez/Detachment from County Service Area (CSA) P-6 –

Bay's Edge

<u>APPLICANT</u> City of Martinez

SYNOPSIS

This is an application to annex numerous parcels totaling 1.46± acres to City of Martinez and detach from CSA P-6. The subject area is located at 3128 Sycamore Street as shown on the attached map (Exhibit A) and is adjacent to the City boundary. The subject parcel

on the attached map (Exhibit A) and is adjacent to the City boundary. The subject parcel is currently vacant and undergoing grading to support a 30-unit multi-family project

("Bay's Edge").

In April 2021, at the City's request, LAFCO approved out of agency water service to the subject property. LAFCO conditioned the service on submittal of an annexation application. The City requested, and LAFCO approved, an extension of time as the City was updating its General Plan. On September 29, 2023, the City submitted to LAFCO a

boundary reorganization application.

DISCUSSION

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

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

The area proposed for annexation is within the City's SOI.

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

The subject parcel is located within the voter approved Urban Limit Line. The subject area is surrounded to the west, north, and south by single-family homes, and to the east by an electric utility corporate office. The subject area is pre-zoned Multiple Family Residential (M-29-P) and conforms to the City's prezoning designation. The City's General Plan designation for the subject area is Residential Very High which allows multi-family housing at residential densities between 20.1 and 30.0 dwelling units per acre.

3. The Effect on Maintaining the Physical and Economic Integrity of Agricultural Lands 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 subject area is within an urbanized area and slopes upward towards Howe Road. The subject area is located at a topographic level below nearby scenic ridges and hills located to the west of the site. No significant natural features would affect the area.

5. Population and Fair Share of Regional Housing:

Proposed use of the subject property is construction of a 30-unit multi-family project. The projected growth is 75 persons based on the average median household size of 2.5 persons.

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

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

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

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

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

8. Timely Availability of Water and Related Issues:

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

In conjunction with LAFCO's 2021 approval of out-of-agency service, the City extended municipal water service to allow for development of the project. In conjunction with the City's 2021 application, they provided a description of the infrastructure which included approximately 600 linear feet of 8-inch water main for domestic and fire use. Each lot has a separate water system consisting of a one-inch lateral pipe, a one-inch water meter, and a backflow device. All construction costs were borne by the property owner. The estimated demand for water is approximately 5.08-acre feet per year for both indoor and outdoor use. The City indicated it has adequate water to serve the subject area.

9. Assessed Value, Tax Rates, and Indebtedness:

The annexation area is within tax rate area 76006. The assessed value for the annexation area is \$4,515,674 (2023-24 roll). The territory being annexed shall be liable for all authorized or existing taxes and bonded debt comparable to properties presently within the annexing agencies.

10. Environmental Impact of the Proposal:

In 2006, Contra Costa County, as Lead Agency, prepared and approved an Initial Study/Mitigated Negative Declaration (IS/MND) in conjunction with the proposed development project pursuant to the California Environmental Quality Act (CEQA). The IS/MND identified potentially significant effects (i.e., Air Quality, Biological Resources, Geology/Soils, Hydrology and Noise). Mitigation measures were adopted which reduced all impacts to a less than significant level; therefore, there are no significant and unavoidable impacts. The IS/MND also noted that domestic water service to the project area will be provided by the City of Martinez

In 2020, the County prepared an Addendum to the 2006 IS/MND. The Addendum addressed issues not previously covered in the IS/MND including identifying LAFCO as a Responsible Agency pursuant to CEQA, discussion of the need for OAS, the deferred annexation agreement and/or annexation, and approval by LAFCO to allow for municipal water service by the City of Martinez. The County's environmental documents are adequate for LAFCO purposes and are available through the LAFCO office.

11. Landowner Consent and Consent by Annexing Agency:

The landowner and applicant consent to the proposed reorganization.

12. Boundaries and Lines of Assessment:

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

13. Environmental Justice:

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

14. Disadvantaged Communities:

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

15. Comments from Affected Agencies/Other Interested Parties:

Pursuant to LAFCO law, all registered voters and landowners within the proposal area and within 300 feet of the exterior boundaries of the area(s) were sent written notice of the LAFCO hearing. County Elections confirmed there are zero registered voters in the subject area; therefore, the subject area is considered uninhabited. The subject area is currently vacant.

To date, LAFCO has received no objections to the proposed annexation; therefore, the protest hearing is hereby waived pursuant to GC §56663.

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.

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 Adopt this report and approve LAFCO Resolution No. 23-13 (Attachment 1), making CEQA findings and approving the proposal, to be known as *Annexation to City of Martinez/Detachment from County Service Area P-6*.

Option 2 Adopt this report and DENY the proposal.

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

RECOMMENDED ACTION: Approve Option 1

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

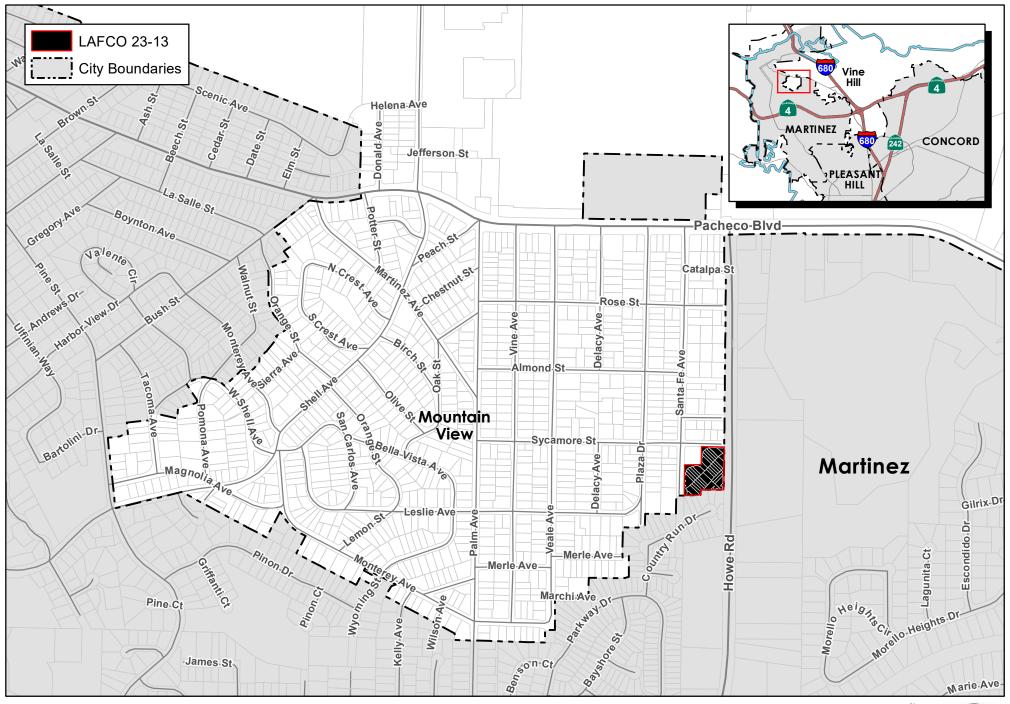
Exhibit

A. Map - 23-13 - Annexation to City of Martinez/Detachment from CSA P-6

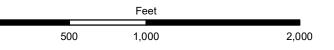
Attachment

- 1. Draft LAFCO Resolution 23-13
- c: Michael Chandler, City Manager Michael Cass, City of Martinez Michael Arikat, Millennium Properties

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



Map created 01/12/2024 by Contra Costa County Department of Conservation and Development, GIS Group 30 Muir Road, Martinez, CA 94553 37:59:41.791N 122:07:03.756W This map or dataset was created by the Contra Costa County Department of Conservation and Development with data from the Contra Costa County GIS Program. Some base data, primarily City Limits, is derived from the CA State Board of Equalization's tax rate areas. While obligated to use this data the County assumes no responsibility for its accuracy. This map contains copyrighted information and may not be altered. It may be reproduced in its current state if the source is cited. Users of this map agree to read and accept the County of Contra Costa disclaimer of liability for geographic information.





RESOLUTION NO. 23-13

RESOLUTION OF THE CONTRA COSTA LOCAL AGENCY FORMATION COMMISSION MAKING DETERMINATIONS AND APPROVING ANNEXATION TO CITY OF MARTINEZ AND DETACHMENT FROM COUNTY SERVICE AREA (CSA) P-6 – BAY'S EDGE

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

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

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

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

WHEREAS, at a public hearing held on March 13, 2024, 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 documents and determinations, applicable General and Specific Plans, consistency with the spheres of influence, and related factors and information including those contained in Gov. Code §56668; and

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

WHEREAS, the applicant has delivered to LAFCO an executed indemnification agreement providing for the applicant to indemnify LAFCO against any expenses arising from any legal actions to challenge the annexation; 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 Contra Costa County's Initial Study/Mitigated Negative Declaration and Addendum. 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 County and not LAFCO, and that changes have been, or can and should be, adopted by the County as the lead agency.

- 2. Annexation to City of Martinez and Detachment from CSA P-6 1.47± acres (numerous parcels) is hereby approved.
- 3. The subject proposal is assigned the following distinctive short-form designation:

ANNEXATION TO CITY OF MARTINEZ/DETACHMENT FROM COUNTY SERVICE AREA P-6

- 4. The boundary of the subject area is found to be definite and certain as approved and set forth in Exhibit A, attached hereto and made a part hereof.
- 5. The subject area shall be liable for any authorized or existing taxes, charges, and assessments currently being levied on comparable properties within the annexing agencies.
- 6. The subject area is uninhabited.
- 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.



Lou Ann Texeira

Executive Officer

CONTRA COSTA LOCAL AGENCY FORMATION COMMISSION

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MEMBERS

Candace Andersen County Member

Donald A. Blubaugh Public Member

> **Gabriel Quinto** City Member

Federal Glover County Member

Michael R. McGill Special District Member

> Scott Perkins City Member

Patricia Bristow Special District Member ALTERNATE MEMBERS

Diane Burgis County Member

Scott Pastor Special District Member

Charles R. Lewis, IV Public Member

> Edi Birsan City Member

March 13, 2024 Agenda Item 7

March 13, 2024

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

Legislative Report – Update and Position Letters

Dear Members of the Commission:

The 2024 California legislative session is currently underway. Important upcoming dates include the following:

- ♣ February 16 last day for bills to be introduced
- ♣ April 26 last day for policy committees to hear and report to fiscal committees fiscal bills introduced in their house
- ♣ May 3 last day for policy committees to hear and report to the floor **non-fiscal** bills introduced in their house
- ♣ May 24 last day for each house to pass bills introduced in that house
- ♣ August 31 last day for each house to pass bills
- ♣ September 30 last day for the Governor to sign or veto bills passed by the Legislature

CALAFCO is currently tracking 13 bills and sponsoring two bills including the annual omnibus bill - AB 3277 (ad valorem taxes) and SB 1209 (indemnification proposal). AB 3277 would add additional language to qualify that the determination of property tax revenue by a LAFCO is only required for applications involving formation of a special district when a share of the ad valorem property tax is sought. No such determination would be needed in instances when a tax share is not desired.

Regarding SB 1209, this bill adds a new section to the GC authorizing LAFCOs to enter into an indemnification agreement with an applicant. Counties and cities are already empowered to require indemnification, and routinely do so with respect to discretionary land-use approvals. SB 1209 provides LAFCOs with the same authority. This bill addresses a 2022 decision of the Second District Court of Appeals, which found that existing State law does not provide explicit authority to require indemnification. Absent indemnification authority - and because LAFCO funding is statutorily required with a specified ratio from the county, cities, and special districts within a county - the cost to defend litigation is absorbed by all of LAFCO's funding agencies.

SB 1209 will:

- Provide LAFCOs with the ability to use a tool already in use by counties and cities;
- Prevent costs to defend litigation from being shifted to a county, its cities, and its special districts; and
- Remove the possibility that an applicant threatens litigation to coerce a desirable LAFCO determination.

CALAFCO began its efforts regarding this bill in 2023. The proposal came in the wake of a 2022 appellate court decision which invalidated the indemnification provisions used in an annexation application. The court opined that *LAFCO's function within the bands of their express authorizations on behalf of the legislature and were not authorized to enter into indemnification agreements*. This bill will likely be scheduled after March 15th.

On February 29th, CALAFCO called for support letters (see attached) for these two bills.

RECOMMENDATION – Receive legislative update and provide direction to staff.

Sincerely,

LOU ANN TEXEIRA EXECUTIVE OFFICER

Attachment 1 – Letter of Support – AB 3277 Attachment 3 – Letter of Support – AB 1209

CONTRA COSTA LOCAL AGENCY FORMATION COMMISSION

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March 13, 2024

Honorable Juan Carrillo, Chair **Assembly Local Government Committee** 1020 N St., Room 157 Sacramento, CA 95814

RE: SUPPORT of AB 3277, Local agency formation commission: districts: property tax

Dear Senator Carillo,

The Contra Costa Local Agency Formation Commission (LAFCo) is pleased to support *Assembly Bill (AB)* 3277, sponsored by the California Association of Local Agency Formation Commissions (CALAFCO), which makes a clarifying change to the Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000 ("the Act").

Under existing statute, a commission must perform a financial analysis of ad valorem property taxes when a proposal is received that includes the incorporation of a city and the formation of a district. The only purpose of the analysis is to determine how best to apportion the property taxes between the local agencies. However, occasionally, an application is received in which the district waives any portion of the ad valorem taxes. In those situations, no analysis is needed for the process, yet it remains required by statute.

This bill will add language that clarifies that the performance of the financial analysis only needs to be performed in those instances where a portion of the ad valorem property taxes is being sought. By making this minor change, AB 3277 will apply this time-consuming process to only those applications that require it.

For the reasons noted above, Contra Costa LAFCo supports AB 3277. If you have any questions, please contact us. Thank you for your consideration.

Yours sincerely,

Donald A. Blubaugh Chair, Contra Costa LAFCo

cc: Members and Consultants, Assembly Local Government Committee William Weber, Consultant, Assembly Republican Caucus René LaRoche, Executive Director, CALAFCO

CONTRA COSTA LOCAL AGENCY FORMATION COMMISSION

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Lou Ann Texeira

Executive Officer

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March 13, 2024

Honorable David Cortese California State Senate 1021 O Street, Suite 6630 Sacramento, CA 95814

RE: SB 1209 (Cortese): Local agency formation commission: indemnification – SUPPORT Awaiting hearing – Senate Local Government Committee

Dear Senator Cortese:

The Contra Costa Local Agency Formation Commission (LAFCO) is pleased to support Senate Bill (SB) 1209, sponsored by the California Association of Local Agency Formation Commissions (CALAFCO). SB 1209 would add a new section into the Government Code authorizing LAFCOs to require that an applicant enter into an indemnification agreement with a LAFCO as a condition for processing a LAFCO action or determination. Counties and cities are already empowered to require indemnification, and routinely do so with respect to discretionary land-use approvals. SB 1209 would merely provide LAFCOs with the same authority.

This bill addresses a 2022 decision of the Second District Court of Appeal, which held that existing State law does not provide explicit authority for LAFCOs to require indemnification agreements as a condition for processing a LAFCO action or determination. Without authority to require indemnification from applicants - and because LAFCO funding is statutorily required with a specified ratio from the county, cities, and special districts within a county - the costs to defend litigation must be absorbed by all of LAFCO's funding agencies.

Consequently, SB 1209 will:

- Provide LAFCOs with the ability to use a tool already in use by counties and cities;
- Prevent costs to defend litigation from being shifted to a county, its cities, and its special districts; and
- Remove the possibility that an applicant threatens litigation to coerce a desirable LAFCO determination.

Thus, for the above reasons, Contra Costa LAFCO wholly supports SB 1209.

Sincerely,

Donald A. Blubaugh, Chair Contra Costa LAFCO

cc: The Honorable Maria Elena Durazo, Chair, and Members, Senate Local Government Committee Anton Favorini-Csorba, Chief Consultant, Senate Local Government Committee Ryan Eisberg, Consultant, Senate Republican Caucus René LaRoche, Executive Director, California Association of Local Agency Formation Commissions



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Lou Ann Texeira
Executive Officer

March 13, 2024

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

March 13, 2024 Agenda Item 8

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

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

- ♣ Annexation to City of San Ramon/Detachment from County Service Area (CSA) P-6 (LAFCO 24-01)
 On February 15, 2024, the City filed a boundary reorganization application to annex 0.13± acres (portion of an existing parcel) to the City and detach from CSA P-6. Review and processing of the application are underway.
- ➡ <u>Dissolution of Alamo Lafayette Cemetery District (ALCD) (LAFCO 23-12)</u>
 On August 22, 2023, the District filed an application to dissolve the ALCD. The Commission deferred action subject to a financial study which is currently underway.

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

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 LAFCO's questions and the proposal will be placed on the next available LAFCO meeting agenda.

- ★ 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
- ↓ <u>LAFCO Tassajara Parks Project SOI Amendments (LAFCO 16-07)</u>
 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 on hold as noted above.

supply. The LAFCO application is currently on hold pending additional court proceedings.

Potential and Other Applications

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 – March 13, 2024

File #	APPLICATION NAME/LOCATION	APPLICATION SUMMARY	STATUS
	NAME/EGGATION		
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.
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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. Applicant submitted the requested information. The proposal will be placed on the next available LAFCO meeting agenda.
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21-17	Dissolution of County Service Area R-9	LAFCO initiated dissolution of CSA R-9	Pending update in March 2024.
22.42	Dissolution of Alama Lafavatta	Application submitted in August 2022	Ponding I AECO financial study
23-12	Dissolution of Alamo Lafayette Cemetery District	Application submitted in August 2023	Pending LAFCO financial study.
24-01	Annexation to City of San Ramon/Detachment from CSA P-6 - Island	Application submitted in February 2024	Application is currently under review.



March 13, 2024 Agenda Item 9

AGENDA

RETIREMENT BOARD MEETING

REGULAR MEETING February 28, 2024 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).

CONSENT ITEMS

- 3.A All Consent Items are to be approved by one action unless a Board Member requests separate action on a specific item. (Action Item)
 - I. Receive the Contra Costa Department of Child Support Services employer audit report as presented to the Audit Committee at the February 14, 2024 meeting.
 - II. Receive the Contra Costa County Counsel employer audit report as presented to the Audit Committee at the February 14, 2024 meeting.
- 3.B Consider and take possible action on Consent Items previously removed, if any. (Action Item)

CLOSED SESSION

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

OPEN SESSION

- 5. Review of total portfolio performance for period ending December 31, 2023. (Presentation Item)
 - a. Presentation from Verus
 - b. Presentation 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.

- 6. Report from AC Chair on February 14, 2024 meeting. (Presentation Item)
- 7. Consider authorizing the attendance of Board: (Action Item)
 - a. Siguler Guff & Company's 2024 Annual Conference, May 1-2, 2024, New York, NY. (Note: Conflict with Board Meeting)
 - b. SACRS Spring Conference, May 7-10, 2024, Santa Barbara, CA.
- 8. Miscellaneous
 - a. Staff Report
 - b. Outside Professionals' Report
 - c. Trustees' comments

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