



# Town of Discovery Bay

*"A Community Services District"*  
**AGENDA REPORT**

Meeting Date

May 18, 2016

Prepared By: Catherine Kutsuris  
Submitted By: Same

**Agenda Title:** Byron Bethany Detachment – Authorize letter to Contra Costa County

**Recommended Action:** Authorize the Board President to sign a letter on behalf of the District to the Contra Costa County Board of Supervisors regarding the County staff recommendation related to the Byron Bethany Detachment process.

**Executive Summary:**

Contra Costa County initiated a LAFCO application in November of 2015 to detach six tax rate areas from the Byron Bethany Irrigation District based on the fact that there was an overlapping jurisdiction between BBID and the Town of Discovery Bay. BBID had not been providing services to these tax rate areas, yet had been receiving substantive funding (approximately \$684,000 annually) from property tax revenues. The Board considered this information in a December 2015 meeting and adopted a resolution supporting the detachment of BBID from the area within the Town.

On April 18, 2016, the District received a letter from the County Administrator's office informing the District of their requirement to consult with affected agencies. This letter was considered and discussed at the Board's May 4, 2016 meeting at which time the Board elected to authorize the District Counsel to send a letter to the County requesting the opportunity to participate, designated President Pease and Director Graves to work on behalf of the Board on this issue, and requested a meeting be held with Supervisor Mary Piepho who has spent considerable effort raising this issue to the forefront and working to ensure that these property tax funds benefit the community.

District Counsel issued the letter to the County on May 12, 2016 (a copy of which is attached). Since that time, and after the issuance of the agenda for this meeting, District staff has learned that the County Administrator's office is issuing a staff report on this item for the Board of Supervisor's May 24, 2016 meeting. Although the report is not yet finalized and available, District staff understands that the recommendation will be for entirety of the funds in question (the portion of the 1% that has previously been received by BBID for tax rate areas within Discovery Bay) to be designated for East Contra Costa Fire Protection District rather than to be distributed among the variety of taxing agencies.

Government Code Section 54954.2(b) allows the Board to discuss an item which was not previously placed on an agenda at a regular meeting when the Board determines that the need for immediate action exists and that the need came to the agency's attention after the posting of the agenda. In this case, the Board of Supervisors is scheduled to consider the staff report at their May 24<sup>th</sup> meeting, which is prior to the next Town meeting. As such, the Board will be unable to provide written comments unless discussed and authorized on May 18<sup>th</sup>. Further, the information that the staff report is pending and the item is scheduled on May 24, 2016, came to the District staff attention yesterday, May 17, 2016 which was after the posting of the agenda for this meeting.

Given that the Board of Supervisor's meeting on this issue is scheduled prior to the next Town meeting, staff recommends that a letter be sent to the County Board of Supervisors supporting a recommendation that assures that these tax revenues will be designated for fire emergency services for the benefit of Discovery Bay.

**Fiscal Impact:**

Amount Requested \$  
Sufficient Budgeted Funds Available?: (If no, see attached fiscal analysis)  
Prog/Fund # Category: Pers. Optg. Cap. -or- CIP# Fund#

**Previous Relevant Board Actions for This Item**

May 4, 2016

**Attachments**

Letter from Neumiller & Beardslee regarding Negotiation Pursuant to Revenue & Taxation Code section 99(b)

**AGENDA ITEM:**



# Neumiller & Beardslee

ATTORNEYS AND COUNSELORS | EST. 1903

*A Professional Corporation*

18632-40366

509 West Weber Avenue  
Fifth Floor  
Stockton, CA 95203

May 12, 2016

Post Office Box 20  
Stockton, CA 95201-3020

*Via E-Mail*

(209) 948-8200  
(209) 948-4910 Fax

NEUMILLER.COM

Julie Enea  
Senior Deputy County Administrator,  
Contra Costa County  
651 Pine Street, 10th Floor  
Martinez, California 94553-1229

Re: Negotiation Pursuant to Revenue & Taxation Code section 99(b)

Dear Ms. Enea:

Thank you for the opportunity to comment on Byron-Bethany Irrigation District's (BBID) detachment from the Town of Discovery Bay Community Services District (TODB) and the negotiation related to the resulting exchange of increment property tax revenues.

TODB considers its responsibilities to be altered upon BBID's detachment from the service area. BBID's detachment leaves TODB as the sole entity providing water service in the service area. As the sole entity providing water service in the service area, TODB's responsibilities will be affected. Therefore, TODB has a beneficial interest in the exchanged increment property tax revenues under Revenue and Taxation Code section 99(b) because its responsibility to the residents of the service area will be altered by the jurisdictional change.

As an affected district, we request to be notified and are willing to be present for comment during negotiations.

Very truly yours,

ROD A. ATTEBERY  
Attorney at Law

RAA/ajp