



Copy

CONTRA COSTA COUNTY LOCAL AGENCY FORMATION COMMISSION
651 Pine Street, Eighth Floor • Martinez, CA 94553-1229

(925) 646-4090 • FAX (925) 646-2240

EXECUTIVE OFFICER
ANNAMARIA PERRELLA

MEMBERS

ALTERNATE MEMBERS

Joseph Canciamilla
County Supervisor

Dwight Meadows
Special Districts

Michael Cory
Special Districts

Millie Greenberg
Danville Town Council

Michael Menesini
Martinez City Council

Donna Gerber
County Supervisor

David Jameson
Special Districts

Martin McNair
Public Member

David Kurrent
Public Member

Gayle B. Uilkema
County Supervisor

Don Tatzin
Lafayette City Council

CONTRA COSTA Co Recorder's Office
STEPHEN L. WEIR, County Recorder

RECORDER: When recorded,
return to:

DOC - 98-0242328-00

Monday, OCT 05, 1998 14:40:20

FRE \$0.00

Ttl Pd \$0.00

Nbr-0000281430

lrc/R9/1-14

Ann Cervelli, Chief Clerk
Board of Supervisors
651 Pine Street
Martinez, CA 94553
=====

Corrected Copy

CERTIFICATE OF COMPLETION
(GovCode Sections 57200 and 57201)

The undersigned hereby certifies that:

1. The short-form designation of this reorganization as designated by this Commission is:

"Discovery Bay Boundary Reorganization (Lafc 96-19)"

2. The names of the cities/districts involved in this reorganization and the kind or type of change ordered are as follows:

District

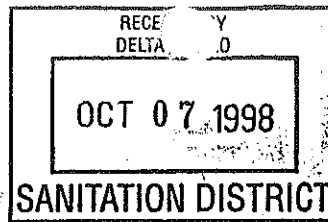
Type of Change

Discovery Bay Community Services Dist
Sanitation District No. 19

Formation
Dissolution

3. The above-named Cities/Districts are located within Contra Costa County.

Certificate of Completion
LAFC 96-19



GGB
file
2 copy to
Virgil Koehne
Rec 10/19/98
K

4. The date of adoption of Contra Costa County Board of Supervisors' Resolution No. 97/295 ordering this reorganization was June 10, 1997. A certified copy of that resolution is attached hereto and by reference incorporated herein.

5. Terms and conditions of the reorganization are as set forth in the above resolution incorporated herein by reference.

Date: 10-5-98

Annamaria Perrella
Annamaria Perrella
Executive Officer

Original: County Recorder/Chief Clerk of the Board
of Supervisors
Distribution: LAFCO File
Assessor; Tim Aiello
Auditor; Paul Abelson
Elections; Russ Fernandez
Public Works; Joanie Rushton
Community Development; Sue Warden
Chief Clerk of the Board of Supervisors
Paul Causey; Delta Diablo Sanitation District
Robert Doran; Chief Petitioner

THE BOARD OF SUPERVISORS OF CONTRA COSTA COUNTY, CALIFORNIA

Adopted this Order on June 10, 1997, by the following vote:

AYES: Supervisors Rogers, Uilkema, Gerber, Canciamilla and DeSaulnier

NOES: None

ABSENT: None

ABSTAIN: None

SUBJECT: Discovery Bay)
Boundary Reorganization) RESOLUTION NO. 97/ 295
[L AFC Res. 96-19])
))
)) (Gov. Code §§ 57077(b)(2),
)) 57082, 57083(a)(1), 57100,
)) 57103(a), 57104(a), 57132,
)) 57133(f), 57134, 57139,
)) 56842.5, 61110-61119, 61200,
)) 61600(a),(b))

Acting as conducting authority under the Cortese-Knox Act (Gov. C. Secs. 56000 et seq.), the Board of Supervisors of Contra Costa County RESOLVES that:

1. This Resolution is adopted pursuant to the Cortese-Knox Act, Government Code Sections 56000 et seq.
2. The Reorganization that is the subject of this Resolution was initiated by petition of residents of the affected territory and consists of the following boundary changes:
 - a. Formation of the Discovery Bay Community Services District ("DBCSD")
 - b. Establishment of the Sphere of Influence of said DBCSD
 - c. Annexation of the territory of County Sanitation District NO. 19 ("SD 19") to DBCSD, and
 - d. Dissolution of SD 19.
3. The exterior boundaries for the above-noted boundary changes are as specified in Exhibit A hereto, and the Sphere of Influence is conterminous with said boundaries.

4. The affected territory for this boundary change has been determined to be legally inhabited.

5. This boundary change is subject to the following conditions, as imposed by the Local Agency Formation Commission:

- a. The DBCSD shall be governed by a five-member Board of Directors directly elected from registered voters that have filed candidacy and reside within the boundaries now served by SD 19. This selection will take place at the same time that registered voters, within the same boundaries, vote their choice on the DBCSD proposal. The three directors with the highest number of votes shall serve four-year terms, and the other two will serve two-year terms. Subsequent elections will be for four-year terms and be governed by the Uniform District Election Law.
- b. All equipment, assets, liabilities, facilities, property, cash, fund balances or other fiscal matters of the dissolved district shall accrue to the new district.
- c. All funding, including any previously authorized charges, fees or assessments currently received by SD 19, shall continue and be received by the new district.
- d. Any priorities of use, or right of use, of water, or capacity rights in any public improvements or facilities or of any other property, real or personal, now being held by or granted to SD 19 shall be transferred to the new district.
- e. The termination of the existing SD 19 Board shall take place on July 1, 1998 to allow for a smooth transition, so that the new Board can elect a chairman, set up by-laws, rules of order and standing rules, or any of the other functions necessary for a smooth transition.
- f. The new district shall honor any employment agreements for personnel employed by SD19 who desire to be employed with the new district.
- g. Existing contract rights and obligations between the Delta Diablo Sanitation District (DDSD) and SD 19 shall be transferred to the new District, and the terms of the presents contract will be honored, with the exception of changes mutually agreed to by both DDSD and the new District.
- h. All services currently provided contractually by SD 19 will be provided by, and continued under, the new District.

- i. In order to create a smooth transition of "in-progress" advisory functions to the newly-created DBCSD, the Discovery Bay Municipal Advisory Council shall be terminated on December 1, 1998, and its advisory responsibilities shall be assumed by the DBCSD Board of Directors.

6. There is no existing bonded indebtedness of the dissolving SD 19, so such debt will not be transferred to the DBCSD. Although the DBCSD will not receive property taxes as a result of this Reorganization, the regular county assessment roll will be used for the collection of any taxes and assessments that may apply to DBCSD in the future. SD 19 has had no property tax funding and has been funded entirely from user assessments/charges; SD 19 thus has had no appropriations limit. Since the new DBCSD will be funded solely by the user assessments/charges now received by SD 19, no appropriations limit has been established for the new District.

7. The purpose of the boundary change is to provide better and more efficient sanitary sewer and water services to the affected territory.

8. This boundary change is categorically exempt (Class 20) under the California Environmental Quality Act ("CEQA").

9. This Board finds that insufficient protests were filed to require termination of proceedings and that the powers and functions of SD 19 will be transferred to the new DBCSD and not used after the effective date of the Reorganization. This Board hereby ORDERS the Discovery Bay Boundary Reorganization subject to the terms and conditions specified herein and to confirmation by the voters as hereinafter set forth.

10. At such time as confirmed by the voters, the Clerk of this Board shall transmit a certified copy of this Resolution, along with a remittance to cover any applicable fees as proved by Section 54902.5 of the Government Code, to the Executive Officer of the Local Agency Formation Commission, with a request that the Executive Officer complete the boundary change by filing a Certificate of Completion and Statement of Boundary Change.

11. The Board Clerk shall file a certified copy of this Resolution with the County Clerk (Registrar of Voters and elections official) on or before the 125th day prior to the November 4, 1997 election. Candidates for member of the governing board of the new DBCSD shall pay for the publication of their statements of qualifications pursuant to Elections Code Section 13307. (Elec. C. Sec. 10509.)

12. Elections

Pursuant to Government Code Sections 61110, 57077(b)(2), 57100(a), and 57103(a), this Board hereby calls a special election to be held November 4, 1997 in the area currently comprising SD 19, which also will be the area comprising the Discovery Bay Community Services District if it is formed. The election shall be on the question of approving the Discovery Bay Boundary Reorganization and for the election of the directors that will serve as members of the governing board if the new Discovery Bay Community Services District is formed. The election for directors shall be at large (Gov. C. Sec. 61200) and the five candidates having the highest number of votes shall be elected, with the three having the highest vote serving four year terms and the other two serving two year terms, as specified in the LAFCO conditions of approval.

13. Pursuant to Government Code Sections 57133(f), 57134, 57135 and 57137, the specific language of the aforementioned ballot measures shall be as set forth in Exhibit B hereto.

14. The precincts and the polling places for the elections shall be timely determined in accordance with normal procedures by the Elections Department, so as to have precincts and polling places conforming to the map of Exhibit A.

15. Within five days of the call of the special elections pursuant hereto, the Clerk of this Board shall transmit a notification of election call to the Executive Officer of the Local Agency Formation Commission, in conformance with the requirements of Government Code Section 57144.

16. The County Clerk (Elections Department) and the Clerk of this Board are hereby authorized and directed to take all actions necessary or appropriate to implementing this Resolution, including:

a. Concerning the Reorganization:

1.) Publishing, posting, and mailing in a timely manner the notices of election required by Government Code Sections 61110(c), 57130, 57131, and 57146;

2.) In a timely manner:

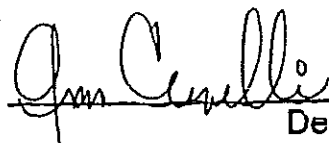
- a.) Determining and fixing reasonable dates prior to the election for arguments to be submitted, in accordance with Government Code Sections 57146(a) and 61113(a),
- b.) Providing notice of the date for submission of arguments and rebuttal arguments, in accordance with Government Code Section 57146, 57147 and 61113,

- c.) Receiving and selecting arguments and rebuttal arguments on the questions submitted to the voters, in accordance with Government Code Sections 61113, 57145 and 57147,
- d.) Assembling, printing and mailing the ballot pamphlet, in accordance with Government Code Sections 61114 and 57148, and
- e.) Conducting and reporting the canvas of the ballots cast, in accordance with Government Code Section 57149.

b. Concerning the election for District directors:

- 1.) Conducting the election for members of the governing board of the new DBCSD in accordance with the provisions of the Uniform District Election Law (Elections Code Sections 10500 et seq) and Government Code Sections 61116(a), 61200 and 57139, except where otherwise required by Elections Code Section 10503; and
- 2.) Having forms available for declarations of candidacy for District division director offices in a timely manner at least 113 days prior to the November 4, 1997 election. (Elec. C. Secs. 10510+10511.) Candidates must be registered electors residing in the new DBCSD. (Gov. C. Sec. 61200.)

ATTEST: Phil Batchelor, Clerk of the
Board of Supervisors and
County Administrator

By: 
Deputy

cc: Steve Weir, County Clerk and Elections Officer
Annamaria Perrella, LAFCO Executive Officer
Phil Batchelor, County Administrator
Attn: Terry McGraw
Robert Doran, Chair DBBC Proponents
Victor J. Westman, County Counsel
Jean Maglio, Clerk of the Board
Skip Epperly, Public Works

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