



**Contra
Costa
County**

To: Board of Supervisors
From: David Twa, County Administrator
Date: February 9, 2016

Subject: AUTHORIZE EXECUTION OF INDEMNIFICATION AGREEMENT WITH CONTRA COSTA LAFCo
RELATED TO BBID/TODB DETACHMENT

RECOMMENDATION(S):

APPROVE and AUTHORIZE the County Administrator, or designee, to execute an agreement with the Contra Costa Local Agency Formation Commissions indemnifying it from costs or liabilities related to its proceedings on the County's application for detachment of the Byron-Bethany Irrigation District from the Discovery Bay Community Services District.

FISCAL IMPACT:

No direct fiscal impact; however, the County would, by agreement, assume potential liability for costs incurred by the LAFCo from any legal action or proceeding related to the County's application for detachment.

BACKGROUND:

On November 17, 2015, the Contra Costa County Board of Supervisors voted unanimously to pursue a detachment of overlapping boundaries between the Byron-Bethany Irrigation District (BBID) and the Discovery Bay Community Services District (TODB). The action:

- acknowledged that only the TODB provides water services to this area even though

☒ APPROVE

☐ OTHER

☒ RECOMMENDATION OF CNTY ADMINISTRATOR

☐ RECOMMENDATION OF BOARD COMMITTEE

Action of Board On: **02/09/2016** ☒ APPROVED AS RECOMMENDED ☐ OTHER

Clerks Notes:

VOTE OF SUPERVISORS

AYE: Candace Andersen, District II
Supervisor
Mary N. Piepho, District III
Supervisor
Karen Mitchoff, District IV
Supervisor
Federal D. Glover, District V
Supervisor

I hereby certify that this is a true and correct copy of an action taken and entered on the minutes of the Board of Supervisors on the date shown.

ATTESTED: February 9, 2016

, County Administrator and Clerk of the Board of Supervisors

ABSENT: John Gioia, District I
Supervisor

By: June McHuen, Deputy

Contact: Julie DiMaggio Enea (925)
335-1077

cc:

both BBID and the Town receive payment for water service delivery;

- recognized that the 2014 Contra Costa LAFCO MSR indicates that it is unlikely that the Town will ever use BBID water and that, if detached, the nearly \$685,000 of BBID tax revenue could be reallocated to other affected taxing agency(ies) that are actually providing services; and

BACKGROUND: (CONT'D)

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- directed the County Administrator prepare a resolution of application for detachment in order to initiate the detachment process; provide notice to Contra Costa LAFCO, San Joaquin LAFCO and other interested agencies; and explore allocation of the BBID property tax revenues from the overlap areas to the East Contra Costa Fire Protection District.

On January 12, 2016, the Board of Supervisors adopted Resolution No. 2016/3 authorizing the submittal of proposals to the San Joaquin Local Agency Formation Commission and the Contra Costa Local Agency Formation Commission to detach the Byron-Bethany Irrigation District from the Discovery Bay Community Services District and/or amend the Byron-Bethany Irrigation District Sphere of Influence accordingly. The County has submitted an application for detachment to the San Joaquin LAFCo and has also requested a change in jurisdiction to the Contra Costa LAFCo for consideration of the County's application. The Contra Costa LAFCo requires each applicant to indemnify the LAFCo from costs or liabilities related to its proceedings on the application. The County's execution of the attached agreement will satisfy this requirement.

CONSEQUENCE OF NEGATIVE ACTION:

The LAFCo would not agree to process the County's application for detachment.

ATTACHMENTS

Contra Costa LAFCo Indemnification Agreement