



# **Policy 3.08 – Advisory Election for Annexations Outside the Contra Costa County Urban Limit Line**

**Planning Committee**

February 13, 2024

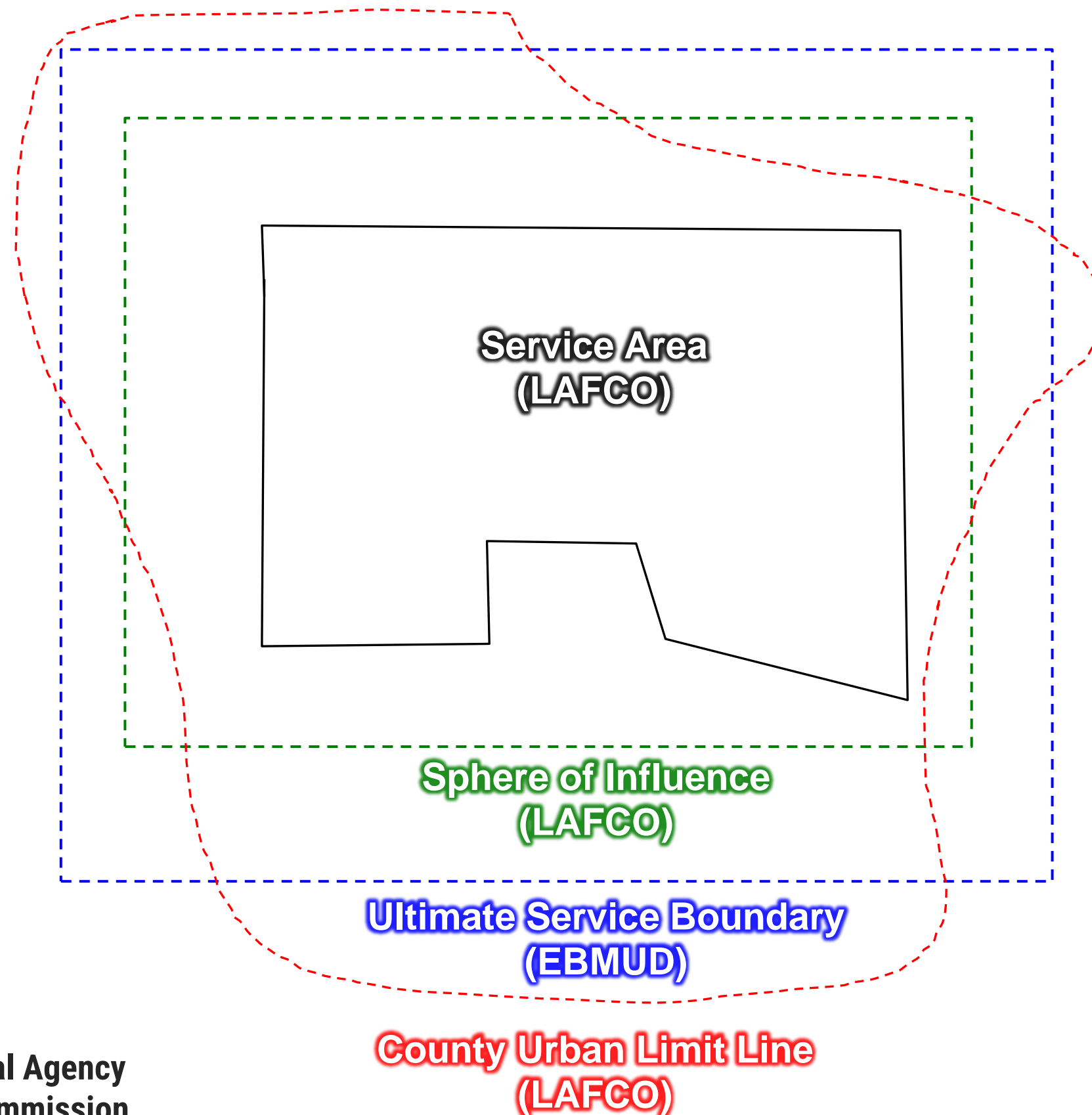
# Agenda

- District Annexation Policies
- Boundaries Description
- Annexation Process
- History of Policy 3.08
- Advisory Elections
- Next Steps

## District Policies - Annexations

- **Policy 3.01:** Oppose annexation because project is located entirely outside of Ultimate Service Boundary (USB).
- **Policy 3.05:** No water service outside of USB if adverse affect on existing customers.
- **Policy 3.08:** Oppose annexation because project is less than 200 dwelling units and is inconsistent with Policy 3.01; Board may choose to call advisory election on annexation.

# Boundaries Description



LAFCO = Local Agency  
Formation Commission

## Service Area

- Areas where EBMUD provides water
- Established by LAFCO and changed via Annexation Resolution to LAFCO (*can include conditions*)

## Sphere of Influence

- Area LAFCO identifies EBMUD as the primary purveyor
- Changed by LAFCO via Resolution

## Ultimate Service Boundary

- Area used by EBMUD to plan water system
- Changed by EBMUD Board via Resolution
- USB is not always the same as the Sphere of Influence

## County Urban Limit Line (ULL)

- Voter established area used by County for their General Plan
- Changed by County Board Resolution



# Boundaries Description

## Service Area

- Areas where EBMUD provides water

## Sphere of Influence

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## Ultimate Service Boundary

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## County Urban Limit Line (ULL)

- Voter established area used by County for their General Plan



# Applicant Driven Annexation Process

- Petition for annexation submitted to LAFCO
- LAFCO
  - Reaches out to affected agencies for input
  - Generally defers to the District on the ability to serve a project and typically requires a “Will Serve” letter
  - Must accept an application for filing after they determine the petition is complete and includes required information
  - Places the proposal on the next meeting agenda for “information purposes,” and will wait 60 days before agendizing the petition for action
- If the District opposes the annexation, the District may adopt and submit a resolution requesting termination of annexation proceedings within 60 days
- LAFCO takes action on annexation (by terminating or moving forward with hearing)



## History of Policy 3.08

- December 2002 and January 2003 - Board's Planning Committee reviewed and recommended Board adoption of Policy 3.08. Board adopted the policy in January 2003.
  - Under the policy, an advisory election would be called if a land use planning agency (e.g., Contra Costa County) designates the District as the preferred water service provider for a proposed development outside the Contra Costa County ULL as it was amended in 2000
- When Policy 3.08 was adopted, the District recognized that LAFCO statutes vest the authority exclusively with LAFCO

# Advisory Election

- Elections Code Section 9603 authorizes local agencies, including cities, counties, and special districts, to call an advisory election to seek input from voters on whether they approve or disapprove of a ballot proposal
- The advisory election on the question of whether a project should be annexed to the District are purely advisory in nature and are not legally controlling and would not bind the District and would not control Contra Costa County LAFCO's decision on the proposed annexation
- The purpose of an advisory election is to seek general voter opinion regarding a matter, and Policy 3.08 complements and supplements established District policies regarding land use issues and annexations



## Advisory Election Costs

- If consolidated with a General Election, the estimated costs are \$640,000 for Contra Costa County voters in Wards 2 and 7
- For a special election, the costs could exceed \$2.3 million
- The District does not have the authority to impose fees to cover election costs on territory situated outside the District's service area

## Policy 3.01

- States that District will oppose annexation if project is located entirely outside of USB
- References that a proposed annexation be within the USB or comply with Policy 3.08
- Policy 3.01 would need to be updated to reflect any changes to Policy 3.08

## Committee Feedback

- Staff is seeking Planning Committee guidance on the interest in changing Policy 3.08
- Staff recommendation: Rescind Policy 3.08 and make necessary changes to Policy 3.01

## Next Steps

- If Planning Committee recommends changes to the policy the Finance/Administration Committee would consider those changes at its February 27, 2024 meeting
- If Finance/Administration Committee recommends any changes the Board will consider them at its February 27, 2024 meeting



Questions?

