



ALAMEDA COUNTY COMMUNITY DEVELOPMENT AGENCY
P L A N N I N G D E P A R T M E N T

Chris Bazar
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Agenda Item 4 January 6, 2015

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December 23, 2015

Honorable Board of Supervisors
Administration Building
1221 Oak Street
Oakland, CA 94612

Dear Board Members:

SUBJECT: APPLICATION REQUESTING THE LOCAL AGENCY FORMATION COMMISSION TO INITIATE PROCEEDINGS FOR ANNEXATION OF THE CASTRO VALLEY CANYONLANDS TO THE CASTRO VALLEY SANITARY DISTRICT FOR THE PURPOSES OF THE PROVISION OF REFUSE COLLECTION AND RECYCLING SERVICES

RECOMMENDATION:

Adopt resolution requesting the Local Agency Formation Commission (LAFCo) to initiate proceedings for amendment of the Castro Valley Sanitary District's (CVSan) Sphere Of Influence to include the Castro Valley Canyonlands and annexation of same territory to CVSan for the purposes of the provision of refuse collection and recycling services.

DISCUSSION/SUMMARY:

Background

Waste Management of Alameda County (WMAC) currently provides solid waste collection service to the Castro Valley Canyonlands outside of the boundary of CVSan. Canyonlands residents and businesses voluntarily subscribe to collection services provided by WMAC or self-haul their waste to a disposal facility. WMAC provides solid waste, recycling, and organics collection services within CVSan's boundary through a franchise agreement with the district. The Canyonlands include portions of Crow Canyon Road, Cull Canyon Road, Dublin Canyon Road, East Castro Valley Boulevard, Eden Canyon Road, Grassland Drive, Norris Canyon Road, Oak Tree Lane, Old Dublin Canyon Road, Palo Verde Road, Palomares Road, Redwood Road, and Sunnyslope Avenue.

In June of 2014, WMAC informed their Canyonlands customers that, as of July 1st, 2014, rates would increase by approximately 300 percent, increasing the monthly rate for a 32-gallon can from \$17.68 to \$45.99. The Castro Valley Municipal Advisory Council (MAC) held a meeting to discuss the rate increase on June 16th, where they heard from many residents who strongly opposed the increase. In August of 2014, WMAC notified customers that the rate increase would be rolled back by 50 percent retroactive to July 1st, reducing the monthly rate for a 32-gallon can to \$31.84. WMAC also informed their customers that the company would discontinue service to the Canyonlands as of January 1st, 2015. WMAC has subsequently agreed to continue service through March 31, 2015. Since receiving notification that service would be discontinued, Supervisor Miley and his staff, members of the MAC, Community Development Agency (CDA) staff, CVSsan staff, Alameda LAFCo staff, and representatives from StopWaste have been working to find an alternative way to provide uninterrupted collection services in the Canyonlands.

Proposal for Annexation

After considering a number of options, CDA staff has concluded that annexation of the Canyonlands to CVSsan would be the most beneficial option for residents of the area. The proposed annexation would provide for the continuation of services under the district's franchise agreement with WMAC. Canyonlands residents would receive service as residents within the boundaries of the district pursuant to the contract between CVSsan and WMAC. Over the past several years, many Canyonlands residents have indicated a desire to have recycling service. The addition of recycling and organics collection to the current solid waste collection service also supports the goal of Alameda County's Waste Reduction and Recycling Act (Measure D of 1990) of 75 percent landfill diversion of solid waste generation.

As an alternative to annexation, the County could contract directly with WMAC or another hauler to provide services; however, the proposed annexation is the more efficient option since it would avoid the need for the County to duplicate the administrative functions already performed by CVSsan staff. In addition, it is unlikely that the County would be able to negotiate the same or better rate for the level of service that would be provided under the CVSsan franchise agreement.

Annexation Process

The annexation process would require an application to LAFCo for two actions: the first to amend the CVSsan Sphere of Influence (SOI) to include the area to be annexed, and the second to annex the territory to CVSsan. Either CVSsan or the County could submit the application to LAFCo. CDA staff supports submittal of the application by the County should the Board of Supervisors endorse such an approach. If the County acts as the applicant, LAFCo requires that the Board adopt a resolution to begin proceedings for the annexation, and that the CVSsan Board adopt a resolution in support of the annexation. CDA Planning staff is prepared to assemble the necessary information to complete the application.

FINANCING:

The LAFCo application fee would include \$5,000 for the annexation and \$2,500 for the SOI amendment, for a total of \$7,500. State Government Code Section 56383(d) states that the commission may “reduce or waive a fee, service charge, or deposit if it finds that payment would be detrimental to the public interest. The reduction or waiver of any fee, service charge, or deposit is limited to the costs incurred by the commission in the proceedings of an application.” If the County acts as the applicant, it could request that LAFCo waive the application fee due to the urgent need to provide uninterrupted waste collection service to the Canyonlands to discourage illegal dumping and burning or burying of waste onsite. Costs associated with the application also include County staff time to prepare the application and the required maps, and coordinate with LAFCo and CVSan staff.

If LAFCo does not grant a fee waiver, no additional funds beyond those already in the current CDA budget would be required for this project. There is no additional Net County Cost as a result of this action.

Very truly yours,



Chris Bazar, Director
Community Development Agency

cc: Susan Muranishi, County Administrator
Donna R. Ziegler, County Counsel
Patrick O’Connell, Auditor-Controller
Richard Conway, County Administrator’s Office
Heather Littlejohn, Office of the County Counsel
U.B. Singh, CDA Finance Director

REEL IMAGE

Approved as to Form
DONNA R. ZIEGLER, County Counsel

By Brian Washington, Chief Assistant County Counsel

**THE BOARD OF SUPERVISORS OF THE COUNTY OF ALAMEDA,
STATE OF CALIFORNIA**

**THE FOLLOWING RESOLUTION WAS ADOPTED JANUARY 6, 2015:
NUMBER R- 2015-**

**RESOLUTION OF APPLICATION BY ALAMEDA COUNTY
REQUESTING THE LOCAL AGENCY FORMATION COMMISSION TO INITIATE
PROCEEDINGS FOR AMENDMENT OF THE CASTRO VALLEY SANITARY
DISTRICT SPHERE OF INFLUENCE TO INCLUDE THE CASTRO VALLEY
CANYONLANDS AND ANNEXATION OF SAME TERRITORY TO CASTRO
VALLEY SANITARY DISTRICT FOR THE PURPOSES OF THE PROVISION OF
REFUSE COLLECTION AND RECYCLING SERVICES**

WHEREAS, the County of Alameda desires to initiate proceedings pursuant to the Cortese-Knox-Hertsberg Local Government Reorganization Act of 2000, commencing with Section 56000 of the California Government Code, for amendment of the Castro Valley Sanitary District Sphere of Influence to include the subject territory, and annexation of this territory by the Castro Valley Sanitary District; and

WHEREAS, a notice of intent to adopt this resolution of application has not been given to each interested party and each subject agency; and

WHEREAS, the territory proposed to be annexed is inhabited and includes portions of Crow Canyon Road, Cull Canyon Road, Dublin Canyon Road, East Castro Valley Boulevard, Eden Canyon Road, Grassland Drive, Norris Canyon Road, Oak Tree Lane, Old Dublin Canyon Road, Palo Verde Road, Palomares Road, Redwood Road, and Sunnyslope Avenue; and

WHEREAS, this proposal is not consistent with the existing Sphere of Influence of the affected district; and

WHEREAS, it is desired to provide that the proposed Sphere of Influence amendment and annexation be subject to the following terms and conditions:

The annexation is only for the purposes of the provision of refuse collection and recycling services within the subject territory and not for wastewater collection, treatment, or disposal; and

WHEREAS, the reason for the annexation is as follows:

Currently, Castro Valley Canyonlands residents and businesses voluntarily subscribe to solid waste collection services provided by Waste Management of Alameda County. Waste Management will discontinue collection services in the Canyonlands after March 31, 2015. Waste Management provides solid waste, recycling, and organics collection services within Castro Valley Sanitary District's boundary through a franchise agreement with the district. The requested

annexation would allow the continuation of solid waste collection and the addition of recycling and organics collection under the franchise agreement between Castro Valley Sanitary District and Waste Management;

NOW, THEREFORE, BE IT RESOLVED that this Resolution of Application is hereby adopted and approved by the Alameda County Board of Supervisors, and the Local Agency Formation Commission of Alameda County is hereby requested to take proceedings for amendment of the Sphere of Influence of the Castro Valley Sanitary District and annexation of the Castro Valley Canyonlands according to the terms and conditions stated above and in the manner provided by the Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000.

ALAMEDA COUNTY BOARD OF SUPERVISORS

THE FOREGOING was **PASSED** and **ADOPTED** by a majority vote of the Alameda County Board of Supervisors this **6th** day of **January, 2015** to wit:

AYES:

NOES:

EXCUSED:

PRESIDENT, BOARD OF SUPERVISORS

ATTEST:

Clerk of the Board of Supervisors

By: _____
Deputy

File: _____

Agenda No: _____

Document No: R-2015-_____



I certify that the foregoing is a correct copy of a Resolution adopted by the Board of Supervisors, Alameda County, State of California

ATTEST:

Clerk of the Board of Supervisors

By: _____