

**SUMMARY ACTION MINUTES**  
**ALAMEDA LOCAL AGENCY FORMATION COMMISSION**  
**REGULAR MEETING**

**July 13, 2006**

**1. Call to Order and Roll Call**

Chair Lockhart called the meeting to order at 4:30 p.m.

Following the Pledge of Allegiance, roll was called. A quorum was present of the following Commissioners:

City Members: Janet Lockhart, Marshall Kamena and Alternate Jennifer Hosterman

County Members: Gail Steele, Nate Miley and Alternate Scott Haggerty

Special District Members: Jocelyn Combs, Katy Foulkes and Alternate Herbert Crowle

Public Member: Sblend Sblendorio and Alternate Linda Sheehan

Staff present: Crystal Hishida Graff; Executive Officer; Brian Washington, Legal Counsel; Mona Palacios, Analyst; Barbara Graichen, Planner; and Sandy Hou, Clerk

Others present: Lou Ann Texeira, Consultant

**2. Welcome Returning Commissioner and New Public Member**

Chair Lockhart welcomed returning Commissioner Haggerty, recently reappointed as the County's Alternate representative. A warm welcome was also extended to newly appointed Public Member, Sblend Sblendorio, who is replacing Commissioner Butler, whose term expired in May.

**3. Appreciation to Departing Public Member, Bob Butler**

Chair Lockhart, on behalf of the Commission, offered words of appreciation to Bob Butler for his twelve years of service on the Commission and presented him with a plaque of recognition.

Mr. Butler thanked the Commission, noting that he enjoyed his experience with LAFCo. He offered a special thank you to his wife for her continual support over the years.

**4. Approval/Correction of Minutes**

Upon motion by Commissioner Kamena and second by Commissioner Steele, the minutes for the May 11, 2006 meeting were approved.

**5. Public Works Extended Services County Service Area (PW-2006-1)**

Staff reported that a protest hearing was conducted at 3 pm today, and that a majority protest was not received.

In response to Commissioner Crowle's question, staff again clarified that any taxes/assessment fees for services covered under this County Service Area (CSA) would have to be approved by the affected residents.

Staff also clarified that the Commissioner making a motion has to be a voting member.

Upon motion by Commissioner Foulkes, second by Commissioner Steele, the Commission unanimously adopted a resolution finding that a majority protest was not received and ordering the formation of the CSA.

## **6. Out of Area Service Agreement – Hayward (Picea Court)**

Noting that a letter from James Jardine, a concerned property owner living adjacent to the subject property, had been received via fax just earlier today and distributed to the Commission at this meeting, Chair Lockhart asked LAFCo Counsel to please explain which of the issues raised in the letter from Mr. Jardine were relevant to the Commission's authority to consider and take action on. Regarding item #1 of the letter (requesting that the Commission set conditions of approval), Counsel explained that LAFCo has no authority to rule on land use. Counsel explained that items 2-6 were not relevant. Items 7 and 8 were relevant (leakage from the septic tank affecting neighboring property and the issue of public policy).

Public Comments – Chair Lockhart then opened the item up for public comment. The following is a summary of comments made from those who spoke:

- Mr. James Jardine, a neighboring property owner and author of the above-mentioned letter of protest summarized his comments by emphasizing that he is not opposed to the approval of the out of area service agreement; he just wants it to be conditional.
- Howard Goldhammer stated that he was a concerned resident of Picea Court.
- Melba Bertush, also a resident of Picea Court, had questions about the City's right to use private roads and spoke about concerns regarding placement of planted trees on the Shumate's property.
- Neil Shumate, the subject property owner, noted that the current opposition from Mr. Jardine regarding this out of area service agreement is just the most recent in a long history of contentiousness between the two neighboring property owners and that Mr. Jardine's criticisms/concerns are without merit.
- Joan Shumate, co subject property owner, supported her husband's comments.

Bashir Anastas, City of Hayward was present and answered questions from the Commission.

LAFCo Counsel noted that Environmental Health had signed off on the septic tank.

Commissioner Miley, noting for the Commission that the County had been dealing with problems between the Jardines and Shumates for quite some time now, stated that he hoped any future issues between these neighbors be addressed through the Court system. He further stated that he saw no reason for the Commission to impose conditions on this out of area service agreement.

Counsel clarified again that the Commission does not have authority to impose conditions.

Upon motion by Commissioner Miley and second by Commissioner Foulkes, the Commission unanimously approved this out of area service agreement between the City of Hayward and the Shumates.

## **7. Community Services – Limited Purpose Agencies Sphere of Influence (SOI) Updates or Initial Adoption**

Following discussion, the Commission requested that action on five of the agencies be deferred:

- Commissioner Kamena requested that the Commission defer action of the City of Livermore and the Livermore Area Recreation and Park Districts' SOIs, as his understanding was that that there are questions regarding the proposed SOI updates. He requested staff follow up with the City and the District.
- At Commissioner Steele's request, action on the San Lorenzo Library CSA was also deferred to allow time to discuss the matter with the County Librarian and affected community members. Staff will follow up.
- Commissioner Combs requested that the SOIs for the cities of Oakland and Berkeley be deferred, to allow time to address the issue of a possible boundary change between the two cities in the Panoramic Hills section. Staff was directed to send a letter to the two cities encouraging them to begin discussions about a possible boundary change; and further, to request a written response from both regarding same.

Bashir Anastas, a resident in the Panoramic Hills area, spoke in support of a boundary change.

Bert Michalczyk, General Manager of Dublin San Ramon Services District (DSRSD), spoke about that District's position on the SOI recommendation as stated in a July 13, 2006 letter to the Executive Officer. Following his comments, LAFCo Planner, Barbara Graichen noted that the following three changes would be made to the resolution regarding DSRSD's SOI:

- Add the word "not" before the word "coterminous" in the 7<sup>th</sup> Whereas
- Delete "additional Zone 7 water supplies, as well as" in 3.c.
- Add "during construction of the District's facilities" in 3.c.

Upon motion by Commissioner Foulkes and second by Commissioner Kamena, the Commission unanimously approved the SOI options and resolutions for all but the five noted agencies that were deferred and incorporating the above noted changes to the resolution for DSRSD.

## **8. Comprehensive List of Sphere of Influence (SOI), Government Structure and Other Options Identified and Evaluated in the Alameda LAFCo Municipal Service Review Volumes I, II and III**

There was some discussion among the Commission about the way to proceed in addressing the various options identified in the Municipal Service Reviews. Commissioner Sheehan noted that they had previously discussed setting up criteria by which to prioritize items. Staff suggested the Commission might want to form a subcommittee to work on developing criteria and a prioritized list.

## **9. Matters Initiated by Members of the Commission**

Commissioner Sheehan inquired if issues existed regarding septic tank usage; Commissioner Steele responded that yes, problems do exist. There was a brief discussion about the matter.

## **10. Public Comment**

There was none.

#### **11. Informational Items**

- 2006 CALAFCO Annual Conference – September 5-7 in San Diego
- Nominations for CALAFCO Executive Board and Designation of Voting Delegates

Staff reminded the Commission that August 6 is the deadline to register for regular conference rates. They were asked to contact staff to help with registration if they wished to attend.

Staff informed the Commission that they would be nominating the Commission as “Most Effective Commission” because of the Commission’s work on the Municipal Service Reviews – being the first Commission to have nearly completed the process.

#### **12. Adjournment of Regular Meeting**

The meeting was adjourned at 6:04 p.m.

#### **13. Next Regular Meeting of the Commission**

**- Thursday, September 14, 2006 at 4:30 p.m.**

Note: The above minutes are a summary of actions. A taped recording of this meeting serves as the official record and is available upon request from the LAFCo office.

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