

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

**May 10, 2007**

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

Chair Lockhart called the meeting to order at 4:32 p.m.

Roll was called. A quorum was present of the following Commissioners:

City Members: Janet Lockhart and Marshall Kamena

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

Commissioners absent: Alternate Jennifer Hosterman (City) and alternate Linda Sheehan (Public)

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

**2. Welcome Returning Commissioner and Announcement of New Alternate**

Chair Lockhart welcomed returning Commissioner Steele, recently reappointed for another term, and announced that the Mayor's Conference had chosen a new alternate Commissioner to represent the cities – Tony Santos from San Leandro.

**3. Approval/Correction of Minutes**

Upon motion by Commissioner Sblendorio and second by Commissioner Combs, the minutes for the March 8, 2007 regular meeting were approved.

**4. Nomination and Election of Commission Chair and Vice Chair for 2007-08**

Upon motion by Commissioner Combs and second by Commissioner Foulkes, Commissioner Lockhart was unanimously approved to serve a second one-year term as Commission Chair.

Upon motion by Commissioner Lockhart and second by Commissioner Sblendorio, Commissioner Combs was unanimously approved to serve a second one-year term as Commission Vice Chair.

**5. Update: East Bay Regional Communications System (EBRCS)**

Bill McCammon, former Alameda County Fire Chief, provided background information and an update on the collaborative efforts of EBRCS. EBRCS is a governance body representing both Contra Costa and Alameda Counties and the participating cities on a joint plan to ensure that first responders and other related agencies are able to effectively communicate with one another and respond in case of an emergency/disaster. Following his remarks, Mr. McCammon responded to questions/comments from the Commissioners.

The Commissioners unanimously agreed that this effort was of high importance and agreed with Commissioner Combs' suggestion that the Commission send a Letter to the Editor in support of this effort. Staff was asked to prepare such a letter. Mr. McCammon thanked the Commission for their interest and support.

**6. Update to Alameda LAFCo Guidelines, Policies & Procedures**

**a. Mapping, and**

**b. Ad Hoc Policies and Procedures Committee**

Staff explained that the Commission was asked to approve LAFCo's *Instructions for the Preparation of Maps and Geographic Descriptions* prepared by the Alameda County Surveyor to incorporate state mandated mapping and geographic description requirements in order to be in compliance with State Board of Equalization requirements and to form an ad hoc committee to work on updating the Commission's Guideline, Policies and Procedures.

Joanne Fetzer from the County Surveyor's Office was present and responded to questions and comments from the Commission regarding the mapping instructions.

Commissioner Foulkes expressed an interest in knowing what the cost would be of providing copies of the updated mapping instructions to the agencies. Staff noted that that would be looked into and the requested information would be brought back to the Commission.

Commissioner Combs reiterated the necessity of having applicants provide better maps - maps that clearly show all the information that the Commission needs to assist them in making appropriate decisions regarding applications.

Following a motion by Commissioner Steele and second by Commissioner Combs, the Commission unanimously approved Staff's recommendation to accept the *Instructions for the Preparation of Maps and Geographic Descriptions* and approved forming an ad hoc committee – members to be Commissioners Lockhart and Haggerty – to direct Staff on updating the Guidelines, Policies and Procedures. [Note: Commissioner Sblendorio, Public Member, subsequently joined this ad hoc committee.]

Also, the Commission directed Staff to provide a plan that ensures applicants provide maps that clearly indicate boundary changes which Commissioners can use to make informed decisions.

**7. Union Sanitary District Annexation No. U-285 and Alameda County Water District Annexation No. 103 Reorganization**

Staff presented background information on this proposal.

Catherine Norvell, a homeowner living near the proposed annexation area, spoke in opposition to the project, citing concerns involving possible landslides, flooding, and increased traffic.

Alejo Pascual, Jr. of Calasia Seven Hills, LLC, the developer of the site, and Mark Leonard, Economic and Community Development Director of the City of Union City, spoke in support of the project, addressing the areas of concern expressed by Ms. Norvell. They also responded to questions from the Commissioners regarding various aspects of the project.

There was a lengthy discussion among the Commissioners and Staff about the proposal. Some of the areas of concern included the following:

- The City of Union City did not include LAFCo as a responsible agency for the purpose of reviewing the preliminary environmental documents for this project.
- The Commissioners requested that staff provide environmental documents with each staff report (this item was continued from November 2006 when the first staff report was sent to each Commissioner).
- LAFCo's application requirements must include an effective indemnification agreement that can be enforced in the event of a lawsuit.

During the discussion, it was emphasized that LAFCo's responsibility in this proposal was not to decide land use – that was the city's role – but to determine if the two districts could serve the property.

Following the discussion, Commissioner Foulkes motioned and Commissioner Steele seconded to approve the proposal and to direct staff to send a letter to the City of Union City reminding them of the importance of the City providing LAFCo staff with preliminary environmental documents on future projects in a timely manner.

Motion carried:

Ayes: 6 (Commissioners Combs, Foulkes, Kamena, Lockhart, Sblendorio and Steele)

Noes: 1 (Commissioner Miley)

Commissioner Combs then motioned to direct staff to:

- Report back on how to ensure that agencies include Alameda LAFCo, a responsible agency, in the review of environmental documents on projects that may come before the Commission for consideration/approval.
- Provide the Commission with environmental documents of a continued proposal again if more than one meeting occurs before the item is heard again.
- Provide the Commission, in the agenda packet, a copy of staff's response to an agency's preliminary environmental documents.

Following Commissioner Steele's second, the motion was unanimously passed

## **8. Final Fiscal Year 2007-08 Budget and Work Plan**

There was a lengthy discussion following Staff's presentation of this item.

Commissioner Combs motioned and Commissioner Steele seconded to:

- Approve the final budget and work plan, incorporating option one (increasing the analyst and clerk positions to 80% full time equivalent [FTE]) each and forward budget to affected agencies.
- Request that the ad hoc fiscal committee look at increasing fees and continue looking at the feasibility of an independent LAFCo.
- Revisit the budget in six months – review staff's response time (staff to log response time), income generated, and move to one, or maybe two, FTEs.

Motion carried:

Ayes: 6 (Commissioners Combs, Foulkes, Kamena, Lockhart, Sblendorio and Steele)

Noes: 1 (Commissioner Miley)

**9. Contract Extension with Graichen Consulting for LAFCo Planning Services**

Upon motion by Commissioner Miley, second by Commissioner Sblendorio, the Commission unanimously approved extending the contract with Graichen Consulting for one year at the current rate of \$115 per hour, extending the end date from June 30, 2007 to June 30, 2008 and increasing the contract by \$50,000 from \$115,000 not to exceed a total amount of \$165,000.

**10. Memorandum of Understanding with Alameda County for Operational Support**

Upon motion by Commissioner Foulkes, second by Commissioner Sblendorio, the Commission unanimously approved renewing the existing agreement between Alameda LAFCo and Alameda County for services and staffing for the period July 1, 2007 – June 30, 2009 in accordance with the LAFCo budget; and directed staff to forward the agreement to the Alameda County Board of Supervisors.

**11. Matters Initiated by Members of the Commission – There were none.**

**12. Public Comment**

Luke Lucas, a resident of the Rockridge area of Oakland, addressed the Commission about efforts of a group of approximately 45 residents in that neighborhood to secede from the City of Oakland in order to form a separate city. He expressed his concerns in moving forward with the group's application to incorporate, stating that he was unable to receive the requested information from LAFCo staff. He stated that he had not yet received a letter that LAFCo Counsel advised him had been mailed to him on April 5<sup>th</sup>. Also, he stated that he still did not know what the required fees were. He stated that his purpose in addressing the Commission at this meeting was with the hopes of expediting the process and moving forward with the groups' intention.

A brief discussion with the Commission followed Mr. Lucas' remarks. Staff was directed to provide an update on these efforts at the next meeting, as well as to provide copies of any correspondence with this Rockridge group.

Also, it was pointed out that this situation provided another example of the need to increase LAFCo staff time. In response to a question from Commissioner Combs, Mr. Lucas indicated that over the past 17 months, staff had spent approximately 25-40 hours with him on this effort.

**13. Informational Items**

- a. Update on Las Positas Road Reorganization No. 5 (also referred to as Hilliker) Annexation to the City of Livermore
- b. Report on Annual CALAFCO Staff Workshop in Newport Beach, April 11-13, 2007
- c. LAFCo 101 Workshop, Thursday, May 17, 2007, 9:30 am – 11:30 am at the Alameda County Conference Center, 125 12<sup>th</sup> Street, 4<sup>th</sup> Floor, Oakland
- d. 2007 CALAFCO Conference in Sacramento, August 28-31

Staff noted that information on the above items had been provided to the Commissioners in their agenda packet or at today's meeting. Commissioner Combs urged the Commissioners to attend the CALAFCO Conference, pointing out some of the interesting and topical items on the program.

**8. Adjournment of Regular Meeting**

The meeting was adjourned at 6:56 p.m.

**9. Next Regular Meeting of the Commission**

**- Thursday, July 12, 2007 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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