



LAFCO

Alameda Local Agency Formation Commission

NOTICE OF REGULAR MEETING AND AGENDA

ALAMEDA LOCAL AGENCY FORMATION COMMISSION

THURSDAY, JANUARY 12, 2023

2:00 P.M.

[This meeting will be conducted by Teleconference](#)

[Written public comments may be submitted PRIOR to the meeting \(Deadline January 11th at 5:00 P.M.\)](#)

[Public comments DURING the meeting:](#)

[See COVID-19 – Notice of Meeting Procedures on page 4 of the Agenda](#)

Sblend Sblendorio, Chair — Nate Miley — David Haubert — Melissa Hernandez — Ralph Johnson
Dave Brown, Alternate — Karla Brown, Alternate — Georgan Vonheeder-Leopold, Alternate

<https://us02web.zoom.us/j/89767689553?pwd=ODRJUmlSSm1HSVZsMzJabGVqTUhnQT09>

Meeting ID: 897 6768 9553

Password (if prompted): lafco

Join Teleconference Meeting by Telephone:

Dial (669)-900-9128

Follow the prompts: Meeting ID: 897 6768 9553

Password (if prompted): 654313

Please avoid the speakerphone function to prevent echoing.

If you need assistance before the meeting, please contact Executive Officer, Rachel Jones at:
rachel.jones@acgov.org

1. **2:00 P.M. – Call to Order**
2. **Public Comment:** Anyone from the audience may address the Commission on any matter not listed on the agenda and within the jurisdiction of Alameda LAFCO. The Commission cannot act upon matters not appearing on the agenda. *Speakers are limited to three (3) minutes.*
3. **Recognition of Dedicated Service** – The Commission will recognize Commissioner John Marchand for their distinguished and remarkable service to Alameda LAFCO.
4. **Consent Items:**
 - a. Approval of Meeting Minutes: November 10, 2022 Regular Meeting
 - b. Approval of Resolution to Continue Virtual Meetings due to COVID-19 Pandemic

- c. Proposed Contract Amendment with Lamphier-Gregory for SLVAP Study
- d. Quarterly Budget Report for FY 2022-2023

5. Establish Ad Hoc Public Member Selection Committee – (Business)

The Alameda Local Agency Formation Commission (LAFCO) will consider directing the Chair to establish an Ad Hoc Selection Committee for its Alternate Public Member Seat that is currently vacant.

LAFCO Staff Recommendation: Direct LAFCO Chair to establish Ad Hoc Selection Committee in step with the Alternate Public Member Selection Procedures.

6. Brown Act Procedures for Remote Meetings – (Business)

The Alameda Local Agency Formation Commission (LAFCO) will receive a memorandum from Commission Counsel on approved amendments to the Brown Act and allowances therein to conduct remote meetings beginning March 1, 2023. The item is being presented for Commission discussion with the opportunity to provide feedback on related implementation measures.

LAFCO Staff Recommendation: Commission discussion and feedback only.

7. Matters Initiated by Members of the Commission

8. Executive Officer Report

- a. Ad Hoc Measure D Committee – Resource Management Land Use Designation

9. Informational Items

- a. Current and Pending Proposals
- b. Progress Report on Work Plan
- c. CALAFCO Quarterly Newsletter
- d. Form 700: Due April 1
- e. Commissioners with terms ending May 2023:
 - 1. David Haubert
 - 2. Karla Brown

10. Adjournment of Regular Meeting

Next Meetings of the Commission

Policy and Budget Committee Meeting

Thursday, February 2, 2023 at 2:00 p.m., Online Meeting

Regular Meeting

Thursday, March 9, 2023 at 2:00 p.m., Dublin San Ramon Services District

Strategic Planning Workshop

Friday, February 10, 2023 at 9:00 a.m., Dublin San Ramon Services District

DISCLOSURE OF BUSINESS OR CAMPAIGN CONTRIBUTIONS TO COMMISSIONERS

Government Code Section 84308 requires that a Commissioner (regular or alternate) disqualify herself or himself and not participate in a proceeding involving an "entitlement for use" application if, within the last twelve months, the Commissioner has received **\$250 or more in business or campaign contributions from an applicant, an agent of an applicant, or any financially interested person who actively supports or opposes a decision on the matter.** A LAFCo decision approving a proposal (e.g., for an annexation) will often be an "entitlement for use" within the meaning of Section 84308. Sphere of Influence determinations are exempt under Government Code Section 84308.

If you are an applicant or an agent of an applicant on such a matter to be heard by the Commission and if you have made business or campaign contributions totaling \$250 or more to any Commissioner in the past twelve months, Section 84308(d) requires that you disclose that fact for the official record of the proceeding. The disclosure of any such contribution (including the amount of the contribution and the name of the recipient Commissioner) must be made either: 1) In writing and delivered to the Secretary of the Commission prior to the hearing on the matter, or 2) By oral declaration made at the time the hearing on the matter is opened. Contribution disclosure forms are available at the meeting for anyone who prefers to disclose contributions in writing.

Pursuant to GC Section 84308, if you wish to participate in the above proceedings, you or your agent are prohibited from making a campaign contribution of \$250 or more to any Commissioner. This prohibition begins on the date you begin to actively support or oppose an application before LAFCO and continues until 3 months after a final decision is rendered by LAFCO. If you or your agent have made a contribution of \$250 or more to any Commissioner during the 12 months preceding the decision, in the proceeding that Commissioner must disqualify himself or herself from the decision. However, disqualification is not required if the Commissioner returns that campaign contribution within 30 days of learning both about the contribution and the fact that you are a participant in the proceedings. Separately, any person with a disability under the Americans with Disabilities Act (ADA) may receive a copy of the agenda or a copy of all the documents constituting the agenda packet for a meeting upon request. Any person with a disability covered under the ADA may also request a disability-related modification or accommodation, including auxiliary aids or services, in order to participate in a public meeting. Please contact the LAFCO office at least three (3) working days prior to the meeting for any requested arrangements or accommodations.

Alameda LAFCO Administrative Office
224 West Winton Avenue, Suite 110
Hayward, CA 94544
T: 510.670.6267
W: alamedalafco.org

MEETING INFORMATION

CORONAVIRUS (COVID-19) – Notice of Meeting Procedures

Join Teleconference Meeting **Virtually** (computer, tablet, or smartphone): click on the link below:

<https://us02web.zoom.us/j/89767689553?pwd=ODRJUm1SSm1HSVZsMzJabGVqTUhnQT09>

Meeting ID: 897 6768 9553

Password (if prompted): lafco

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Dial (669)-900-9128

Follow the prompts: Meeting ID: 897 6768 9553

Password (if prompted): 654313

Please avoid the speakerphone function to prevent echoing.

If you need assistance before the meeting, please contact Executive Officer, Rachel Jones at: rachel.jones@acgov.org

SUBMITTING WRITTEN COMMENTS TO BE READ AT THE MEETING

Any member of the public may submit a written comment to the Commission before the meeting by **January 11, 2023 at 5:00 P.M.** by email to rachel.jones@acgov.org or by mail to Alameda LAFCO 224 West Winton Avenue, Suite 110, Hayward, CA 94544. If you are commenting on a particular item on the agenda, please identify the agenda item number and letter. Any comments of 500 words or less (per person, per item) will be read into the record if: (1) the subject line includes “COMMENT TO COMMISSION – PLEASE READ”, and (2) it is received by the Executive Officer prior to the deadline of **January 11, 2023 at 5:00 P.M.**

SUBMITTING SPOKEN COMMENTS DURING THE COMMISSION MEETING

Electronically:

1. We request that you identify yourself by name as this will be visible online and will be used to notify you that it is your turn to speak.
2. When the Commission calls for the item on which you wish to speak, click “participants,” a menu will appear, click on the “raise hand” icon. Staff will activate and unmute speakers in turn.
3. When called, please limit your remarks to the time limit allotted (3 minutes).

By phone (landline):

1. Your phone number will appear but not your name.
2. When the Commission calls for the item on which you wish to speak, press *9 to “raise your hand”. Staff will activate and unmute speakers in turn. You will be called upon using the last four digits of your phone number, since your name is not visible.
3. When you are called upon to speak please provide your name for the record.

VIEWING RECORDING OF THE TELECONFERENCE MEETING

The Commission's teleconference meeting will be recorded. Members of the public may access the teleconference meeting and other archived Commission meetings by going to lafco.acgov.org/meetings.page?.

ADA ACCESSIBILITY: Meetings are accessible to persons with disabilities. Requests for assistive listening devices or other considerations should be made 72 hours in advance through the Executive Officer at (510) 670-6267 or rachel.jones@acgov.org.

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LAFCO

Alameda Local Agency Formation Commission

AGENDA REPORT

January 12, 2023

Item No. 4a

TO: Alameda Commissioners

FROM: April L. Raffel, Commission Clerk

SUBJECT: November 10th Regular Meeting Minutes

The Alameda Local Agency Formation Commission (LAFCO) will consider draft minutes prepared for the meeting held on November 10, 2022. The minutes are in action-form and being presented for formal Commission approval.

Background

The Ralph M. Brown Act was enacted by the State Legislature in 1953 and – among other items – requires public agencies to maintain written minutes for qualifying meetings.

Discussion

This item is for Alameda LAFCO to consider approving action minutes for the November 10, 2022, regular meeting. The attendance record for the meeting follows.

- All Commissioners were present.
- All alternate Commissioners were present except Dave Brown (County of Alameda).

Alternatives for Action

The following alternatives are available to the Commission:

Alternative One (Recommended):

Approve the draft minutes prepared for Alameda LAFCO’s November 10, 2022, regular meeting (Attachment 1) with any desired corrections or clarifications.

Alternative Two:

Continue consideration of the report to a future meeting and provide direction to staff as needed.

Recommendation

It is recommended the Commission proceed with Alternative Action One.

Procedures

This item has been placed on Alameda LAFCO's agenda as part of the consent calendar. A successful motion to approve the consent calendar will include taking affirmative action on the staff recommendation as provided unless otherwise specified by the Commission

Respectfully,



April L. Raffel
Commission Clerk

Attachments:

1. Draft Meeting Minutes for November 10, 2022, Regular Meeting

SUMMARY ACTION MINUTES
ALAMEDA LOCAL AGENCY FORMATION COMMISSION
NOVEMBER 10, 2022, REGULAR MEETING

1. CALL TO ORDER | ROLL CALL

The regular meeting was called to order at 2:00 p.m. by Chair Sblendorio.
The Commission Clerk performed the roll call with the following attendance recorded.

Regulars Present: David Haubert, County of Alameda
 Melissa Hernandez, City of Dublin
 Ralph Johnson, Castro Valley Sanitary District
 Nathan Miley, County of Alameda
 Sblend Sblendorio, Public (CHAIR)
 Ayn Wieskamp, East Bay Regional Park District
 Bob Woerner, City of Livermore

Alternates Present: Karla Brown, City of Pleasanton
 Georgean Vonheeder-Leopold, Dublin San Ramon Services District
 John Marchand, Public

Members Absent: Dave Brown, County of Alameda (alternate)

The Commission Clerk confirmed a quorum was present with six voting members. Also, present at the meeting were Executive Officer Rachel Jones, Commission Counsel Andrew Massey, and Commission Clerk April Raffel.

Commissioner Haubert arrived at 3:10 p.m.

2. PUBLIC COMMENT:

Chair Sblendorio invited anyone from the public to address the Commission on any matter not listed on the agenda and within the jurisdiction of the Commission. The Commission Clerk confirmed there were no public comments.

3. RECOGNITION OF DEDICATED SERVICE

The Commission recognized Commissioners Ayn Wieskamp and Bob Woerner for their distinguished and remarkable service to Alameda LAFCO.

4. CONSENT ITEMS

Item 4a

Approval Meeting Minutes for September 8, 2022

Item presented to approve draft action minutes prepared for the Commission's September 8, 2022, regular meeting. Recommendation to approve.

Item 4b

Approval of Resolution to Continue Virtual Meetings due to COVID-19 Pandemic

Item presented to consider a resolution authorizing LAFCO to conduct virtual meetings for the Commission for the next 30-day period as allowed under AB361, as circumstances warrant. Recommendation to approve.

Item 4c

Approval of Proposed Second Contract Amendment with PCA for Fire MSR

Item presented to consider approval of Proposed Second Contract Amendment with PCA for Fire MSR. Recommendation to approve.

Item 4d

Approval of First Quarter Budget Report for Fiscal Year 2022-2023

Item presented to consider First Quarter Budget Report for 2022-2023. Recommendation to approve.

Chair Sblendorio asked if any Commissioner would like to pull any consent agenda item. No Commissioners wanted to pull any item from the consent agenda.

Chair Sblendorio invited public comments.

The Commission Clerk confirmed there were no public comments.

Chair Sblendorio proceeded to close the public hearing.

Commissioner Wieskamp motioned to approve the consent calendar with a second from Commissioner Johnson. Roll call requested:

AYES:	Hernandez, Johnson, Miley, Sblendorio, Wieskamp, and Woerner
NOES:	None
ABSENT:	Haubert
ABSTAIN:	None

The Commission Clerk confirmed the motion was approved 6-0.

5. ALAMEDA LAFCO UNINCORPORATED ISLAND ANNEXATION PROGRAM (BUSINESS)

Item presented to consider establishing and initiating an Unincorporated Island Annexation Program. The program would address the number of unincorporated islands within and adjacent to incorporated cities in Alameda County and provide a fiscal profile of each unincorporated island that will include a map of each island, an overview of demographical data, a list of current service providers, cost, and revenue analysis.

Executive Officer Rachel Jones provided the formal staff presentation. Presented for discussion and feedback before staff returns the item to the Commission, probably in late spring of next year.

Chair Sblendorio invited Commissioner comments.

Commissioner discussion followed. Chair Sblendorio recommended locating the past studies of Happy Valley Island and Remen tract and passing them on to the city, Commissioner Brown, and Pleasanton staff.

Chair Sblendorio invited public comments.

The Commission Clerk confirmed there was one public comment to address the Commission. A comment was received from the following person:

- Kelly Abreau

Chair Sblendorio proceeded to close the public hearing and invited Commissioner comments. There were none.

6. REQUEST FOR PROPOSALS | PROFESSIONAL AUDITING SERVICES – (BUSINESS)

Item presented to consider establishing an Ad Hoc Selection Committee to evaluate Requests for Proposals (RFP) for professional auditing services. The Committee will recommend a firm to the Commission at its next regular meeting to complete Alameda LAFCO’s audit reports for the fiscal years of 2021-2022 and 2022-2023. Recommendation to select two Commissioners to create an Ad Hoc Selection Committee and direct the Committee to return to the Commission with a recommended contract award at the next regular meeting.

Commissioner Johnson and Alternate Commissioner Vonheeder-Leopold volunteered to be on the Ad Hoc Selection Committee.

Chair Sblendorio invited Commissioner discussion. None received.

Chair Sblendorio invited public comments.

The Commission Clerk confirmed there were no public comments.

Commissioner Hernandez motioned to appoint Commissioner Johnson and Alternate Commissioner Vonheeder-Leopold on the Ad Hoc Selection Committee with a second from Commissioner Wieskamp. Roll call requested:

AYES:	Hernandez, Johnson, Miley, Sblendorio, Wieskamp, and Woerner
NOES:	None
ABSENT:	Haubert
ABSTAIN:	None

The Commission Clerk confirmed the motion was approved 6-0.

7. PROPOSED REVISIONS ON SCOPE OF ANALYSIS FOR LAFCO SLVAP – (BUSINESS)

Item presented to consider revisions to the scope of analysis of its South Livermore Valley Area Plan (SLVAP) study to effectuate progress going forward. This includes updating the study timeframe to incorporate post-COVID data, providing profit margins on agricultural businesses as a key metric for economic viability, and assessing infrastructure needs, like public water service, for the successful implementation of the SLVAP study. Recommendation to review and discuss proposed revisions, provide staff direction, and return the item as a contract amendment at its next regular meeting.

After public review and comment period, Executive Officer Rachel Jones commented that LAFCO incorporated comments from the City of Livermore and Tri-Valley Conservancy to update the proposed scope of analysis.

Chair Sblendorio invited Commissioner comments. Commissioner Woerner commented the key coming in from requests is to ensure we look at the profit margins, the net, not just the revenue.

Chair Sblendorio invited comments from the public.

The Commission Clerk confirmed there were no comments.

Chair Sblendorio proceeded to close the public hearing.

8. MATTERS INITIATED BY MEMBERS OF THE COMMISSION

Chair Sblendorio mentioned the state of emergency is going to end on February 28, 2023; therefore, we will have to go back to public hearings in-person. Counsel Andrew Massey confirmed this and mentioned legislation AB 2449 passed that expanded the circumstances under which teleconferencing can occur when a member of the legislative body needs to attend remotely for an emergency or other reasons supported by “just cause, but those are exceptions. Generally, the rule would be in-person meetings. There is no prohibition on the use of Zoom or the public attending. You could conduct a hybrid meeting where the public could participate and offer public comment via Zoom with the commissioners in-person at a single meeting location. Commissioner Woerner mentioned it would be better globally for the environment with a hybrid model, and it would be incumbent upon the legislative bodies to figure out how to do it with technology. Commissioner Hernandez suggested having a few meetings at DSRSD and the City of Dublin offices. Chair Sblendorio recommended having Brown Act Procedures for videoconferencing circulate at the January Commission meeting.

The Executive Officer and Commission Clerk confirmed there were public comments to address the Commission. Comments were received from the following persons:

- Dr. Ann E. Maris
- Kelly Abreau

9. EXECUTIVE OFFICER REPORT

- a. Update on Preliminary Comprehensive Fiscal Analysis Study – verbal report
- b. Update on Community Services Municipal Service Review – verbal report

10. INFORMATIONAL ITEMS

- a. Legislative Update
- b. Current and Pending Proposals
- c. Progress Report on Work Plan
- d. 2022 CALAFCO Annual Conference Report
- e. Cancellation of December 7th Strategic Planning Workshop

11. ADJOURNMENT OF REGULAR MEETING

Chair Sblendorio adjourned the meeting at 3:11 p.m.

Next Meetings of the Commission

Policy and Budget Committee Meeting

Thursday, December 1, 2022, at 2:00 p.m., Online Meeting

Regular Meeting

Thursday, January 12, 2023, at 2:00 p.m., Online Meeting

– Staff is looking into hosting a hybrid meeting DSRSD

I hereby attest the minutes above accurately reflect the Commission's deliberations at its November 10, 2022, videoconference meeting.

ATTEST,



April L. Raffel

Commission Clerk

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LAFCO

Alameda Local Agency Formation Commission

AGENDA REPORT

January 12, 2023

Item No. 4b

TO: Alameda Commissioners

FROM: Rachel Jones, Executive Officer

SUBJECT: Resolution to Continue Virtual Meetings due to COVID-19 Pandemic

The Alameda Local Agency Formation Commission (LAFCO) will consider adopting a resolution declaring its intent to continue remote video and teleconference meetings due to the Governor’s Proclamation of State of Emergency and state regulations related to physical distancing due to the threat of COVID-19 consistent with California Assembly Bill (AB) 361 and amended California Government Code Section 54953.

Background

Alameda LAFCO switched from in-person Commission meetings to fully remote meetings following Governor Newsom’s declaration of a state of emergency in March 2020 due to the COVID-19 pandemic. The transition authorized by Executive Orders N-25-20, N-29-20, and N-35-20, which collectively modified requirements of the Ralph M. Brown Act, and the State’s local agency public meeting law. On June 11, 2021, the Governor issued Executive Order N-08-21 which rescinds the prior executive orders modifying the Brown Act effective September 30, 2021. To accommodate the desire on the part of local governments to maintain virtual meetings as may be necessary during the pandemic, the Legislature approved AB 361. AB 361 is an urgency statute and took effect upon the Governor’s signature on September 16, 2021.

The Commission may continue to meet virtually until such time the Governor declares the State of Emergency due to Covid-19 is over, and measures to promote social distancing are no longer recommended, or can return to in-person meetings sooner, if desired. In order to continue to hold virtual meetings, the Commission will need to review and make findings every thirty days to declare that the state of emergency continues to directly impact the ability of the members to meet safely in person, and that state and local officials continue to impose or recommend measures to promote social distancing.

Discussion

This item is for Alameda LAFCO to consider actions necessary to proceed with virtual meetings in accordance with AB 361. The attached resolution has been prepared accordingly and makes the necessary findings authorizing LAFCO to conduct virtual meetings of the Commission for the next 30 days. LAFCO will need to adopt a version of this resolution at each of its subsequent meetings if it desires to maintain fully remote meetings.

Alternatives for Action

The following alternatives are available to the Commission:

Alternative One (Recommended):

Approve the resolution authorizing the use of virtual meetings for a 30-day period.

Alternative Two:

Reject the resolution authorizing the use of virtual meetings for a 30-day period and cancel the public meeting for Alameda LAFCO's January 12th regular meeting.

Recommendation

It is recommended the Commission proceed with Alternative Action One.

Procedures

This item has been placed on Alameda LAFCO's agenda as part of the consent calendar. A successful motion to approve the consent calendar will include taking affirmative action on the staff recommendation as provided unless otherwise specified by the Commission.

Respectfully,



Rachel Jones
Executive Officer

Attachments:

1. Resolution

ALAMEDA LOCAL AGENCY FORMATION COMMISSION

RESOLUTION NO. 2023-XX

AUTHORIZING THE CONTINUANCE OF VIRTUAL MEETINGS OF THE COMMISSION

WHEREAS, the Alameda Local Agency Formation Commission is committed to preserving and nurturing public access and participation in meetings of the Commissioners; and

WHEREAS, all meetings of the Commission's legislative bodies are open and public, as required by the Ralph M. Brown Act (California Government Code sections 54950-54963), so that any member of the public may attend, participate, and watch the Commission conduct its business; and

WHEREAS, the Brown Act, Government Code section 54953(e), makes provisions for virtual participation in meetings by members of a legislative body, without compliance with requirements of Government Code section 54953(b)(3), subject to the existence of certain conditions; and

WHEREAS, a required condition is that a state of emergency is declared by the Governor pursuant to Government Code section 8625, proclaiming the existence of conditions of disaster or of extreme peril to the safety of persons and property within the state caused by conditions as described in Government Code section 8558; and

WHEREAS, it is further required that state or local officials have imposed or recommended measures to promote social distancing; and

WHEREAS, such conditions now exist in the Alameda County, specifically, the Governor proclaimed a State of Emergency on March 4, 2020 due to COVID-19; and

WHEREAS, the Division of Occupational Safety and Health of California's (Cal/OSHA) issued Emergency Temporary Standards that require employers to train and instruct employees that the use of social distancing helps combat the spread of COVID-19 (8 Cal. Code Regs. 3205(c)(5)(D).); and

WHEREAS, on September 28, 2021, the Board of Supervisors of the County of Alameda accepted the recommendation of the Health Care Services Agency Director for continued social distancing at all meetings of the full Board of Supervisors and at all Board of Supervisors Committee meetings; and

WHEREAS, as a consequence of the state of emergency and the state and local public health guidance, the Commission does hereby find that the Commission, including all its Committees, shall conduct meetings without compliance with paragraph (3) of subdivision (b) of Government Code section 54953, as authorized by subdivision (e) of section 54953, and shall comply with the

requirements to provide the public with access to the meetings as prescribed in paragraph (2) of subdivision (e) of section 54953

WHEREAS, the Commission does hereby find that conducting virtual meetings present the best compromise between the competing goals of facilitating in-person, public meetings under the Brown Act and social distancing necessary to combat the spread of COVID-19; and

WHEREAS, members of the public will be able to participate remotely through the digital means listed on the meeting agenda, and for hybrid meetings, may also participate in person provided applicable social distancing and masking protocols are observed.

NOW, THEREFORE, THE COMMISSION DOES HEREBY RESOLVE, DETERMINE AND ORDER as follows:

1. Recitals. The Recitals set forth above are true and correct and are incorporated into this Resolution by this reference.
2. The Commission finds that state and local officials have imposed or recommended measures to promote social distancing. The Commission has reconsidered the circumstances of the state of emergency and finds that state and local officials continue to impose or recommend measures to promote social distancing.
3. The Commission finds that as a result of the emergency, meeting in person would present imminent risks to the health or safety of attendees. The Commission has reconsidered the circumstances of the state of emergency and finds that the state of emergency continues to directly impact the ability of the members to meet safely in person.
4. The Commission therefore determines that it and its legislative bodies shall conduct their meetings by teleconferencing in accordance with Government Code section 54953(e).
5. This Resolution expires thirty (30) days after the date of its adoption only to the extent required by law. Otherwise, this Resolution shall remain in effect until repealed by the Commission.

PASSED AND ADOPTED by the Alameda Local Agency Formation Commission on January 12, 2023 by the following vote:

AYES:

NOES:

ABSTAIN:

ABSENT:

APPROVED:

ATTEST:

Sblend Sblendorio
Chair

Rachel Jones
Executive Officer

APPROVED TO FORM:

Andrew Massey
Legal Counsel

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LAFCO

Alameda Local Agency Formation Commission

AGENDA REPORT

January 12, 2023

Item No. 4c

TO: Alameda Commissioners

FROM: Rachel Jones, Executive Officer

**SUBJECT: Proposed Contract Amendment |
LAFCO South Livermore Valley Area Plan Study**

The Alameda Local Agency Formation Commission (LAFCO) will consider approving a proposed contract amendment for professional consulting services with planning firm, Lamphier-Gregory, for the Commission’s South Livermore Valley Area Plan (SLVAP) study. The amendment seeks to expand the scope of analysis of the study and increase the contract amount from \$30,000 to \$40,000. Staff recommends approval.

Information

At Alameda LAFCO’s last regular meeting, proposed revisions to the scope of analysis of its SLVAP study were presented to the Commission to effectuate progress going forward. This included updating the study timeframe to incorporate post-COVID data, providing profit margins on agricultural businesses as a key metric for economic viability, and assessing infrastructure needs, like public water service, for the successful implementation of the SLVAP study. Staff recommended that the Commission review and discuss the proposed revisions and provide direction to staff before returning the item as a contract amendment at its next regular meeting. No additional revisions were recommended, and a contract amendment is now being presented for Commission consideration.

The revised scope of analysis will now incorporate the following data and information (Attachment 1):

- What is the status of current vineyard acreage and the number of wineries in South Livermore, as compared to data from prior years and as compared to County SLVAP goals? How might the current events related to potential increased FAR and expanded sewer service affect this acreage?
- What has been the impact of cannabis cultivation within SLVAP, as related to the acreage of cannabis crop production and potential replacement of viticulture croplands?

- How many acres of open space and agricultural lands are currently preserved through conservation easements and/or land trusts in South Livermore in 2022, as compared to prior years and as compared to County SLVAP/ South Livermore Specific Plan (SLVSP) goals?
- How many acres of land have been annexed to the City of Livermore and/or Pleasanton for residential uses, as compared to data from prior years and as compared to the City of Livermore SLVSP goals and expectations, as well as goals and expectations of ongoing plans of the City of Pleasanton? How might the current events related to expanded sewer service beyond the Urban Growth Boundary affect new and existing residential development?
- How many changes in spheres of influence or municipal service boundary adjustments have occurred in the past? How might current events related to expanded sewer service beyond the Urban Growth Boundary, as well as other infrastructure needs for the successful implementation of the SLVAP, affect existing spheres of influence and municipal service reviews (MSRs)? Lamphier-Gregory will coordinate with other agencies (such as Zone 7 Water Agency and Alameda Department of Environmental Health) to identify service challenges and best practices as pertains to each of these various municipal services.
- What other factors of relevance to Alameda LAFCO’s mission might influence the viability of agricultural businesses in the SLVAP planning area, and how might these other factors be addressed under means and methods available to LAFCO and or LAFCO may have the ability to influence? To the extent that information is available through public sources, Lamphier-Gregory will seek to address factors that influence the profit margins of agricultural businesses. We will also seek anecdotal information or published sources that may provide information relative to pre-Covid, pandemic period, and potential post-Covid effects related to the South Livermore viticulture and agri-tourism industries.
- Reset Public Review of the Draft Report for May-June 2023 to accommodate additional study provisions and data collection requirements.

The revisions of the scope of analysis remain intact except for the following request from the City of Livermore:

- Identify funding sources to assist with the construction of the City of Livermore’s sewer extension project, determine treatment plant capacity for the project, and estimate individual sewer connection costs.

Staff is currently speaking to additional consultants that will work in conjunction with Lamphier-Gregory to provide detailed information on funding sources/costs associated with the extension of public wastewater services in the South Livermore Valley area.

Financing

The amount of the contract agreement currently totals \$30,000. Due to the expanded scope of the study and the recommendation from the consultant to include two public comment periods that will incorporate any additional information from other agencies and interested parties, staff requests the Commission increase the contract amount by \$10,000 for a total amount of \$40,000.

Alameda LAFCO's final operating budget for fiscal year 2022-2023 totals \$746,428, with \$150,000 designated to professional consulting costs. Consultant costs currently total \$55,136. It is projected the Commission will have adequate funding for the additional \$10,000 increase.

Discussion

This item is for the Commission to consider approving the proposed contract amendment with Lamphier-Gregory to expand the scope of the SLVAP study and increase the contract amount by \$10,000.

Alternatives for Action

The following alternatives are available to the Commission:

Alternative One (Recommended):

Approve the contract amendment with Lamphier-Gregory for the SLVAP study as shown in Attachment 1.

Alternative Two:

Continue consideration of the item to a future meeting and provide direction to staff as needed.

Alternative Three:

Deny the contract amendment.

Recommendation

It is recommended the Commission proceed with Alternative Action One.

Procedures

This item has been placed on Alameda LAFCO's agenda as part of the consent calendar. A successful motion to approve the consent calendar will include taking affirmative action on the staff recommendation as provided unless otherwise specified by the Commission.

Respectfully,

A handwritten signature in blue ink, appearing to read "Rachel Jones", with a long horizontal flourish extending to the right.

Rachel Jones
Executive Officer

Attachments:

1. Proposed Contract Amendment with Lamphier-Gregory – First Amendment
2. Contract Agreement with Lamphier-Gregory

**CONTRACT EXTENSION
FIRST AMENDMENT TO AGREEMENT**

Reference is made to the contract entered into on the 13th April of 2021 by and between the Alameda Local Agency Formation Commission (LAFCO) and Lamphier Gregory, LLC., (“Contractor”) (“the Agreement”).

WHEREAS, pursuant to the Agreement, the CONTRACT PERIOD is from April 13, 2021 through June 30, 2024. This Agreement may be extended for an additional twelve-month period, if mutually agreed by both parties hereto, in writing not less than thirty (30) days prior to the expiration of this Agreement.

For valuable consideration, the receipt and sufficiency of which are hereby acknowledged, LAFCO and Lamphier-Gregory agree to amend the Agreement in the following respects:

1. The contract amount of the Agreement currently totals \$30,000. The parties mutually agree that additional funds are necessary to expand the scope of the project and include two public comment periods. Therefore, the parties mutually agree to increase the contract amount by \$10,000 for a total amount of \$40,000.
2. The total contract amount of the Agreement increased from \$30,000 to \$40,000.
3. The scope of analysis in Exhibit A is replaced with the revised schedule in Exhibit A-1 to the First Amendment.
4. There is no change in the term of the Agreement, and the agreement is set to expire on June 30, 2024.
5. Except as specifically and expressly modified by this amendment, all of the terms and conditions of the Agreement are and remain in full force and effect. This amendment is effective January 12, 2023.

IN WITNESS WHEREOF, the parties hereto have executed this Amendment to the Agreement as of the day and year first above written.

ALAMEDA LAFCO

Lamphier Gergory, LLC.

By: _____
Rachel Jones, Executive Officer
Alameda Local Agency Formation Commission

By: _____
Signature

Name: _____
(Printed)

Title: _____

Date: _____
Address:
1944 Embarcadero
Oakland, CA 94606

Approved as to Form:

By: _____
Andrew Massey, LAFCo Counsel

By signing above, signatory warrants and represents that he/she executed this Agreement in his/her authorized capacity and that by his/her signature on this Agreement, he/she or the entity upon behalf of which he/she acted, executed this Agreement

Exhibit A-1

During the past year or more, several important events have occurred that provide a re-focus for this study:

- In January 2021, the State Water Resources Control Board issued new General Waste Discharge Requirements for Winery Process Water, applicable throughout the state.
- In early 2022, the UC Davis Professors James Lapsley, Ph.D. and Daniel Sumner, Ph.D., issued a report commissioned by the Tri-Valley Conservancy titled “*Realizing the Heritage, Grape Growing and Winemaking in the Livermore Valley*”. This report provides a comprehensive and detailed evaluation of the economics of wine grape and wine production in the South Livermore Valley.
- In June, the Alameda County Board of Supervisors certified an Addendum to the East County Area Plan EIR, and approved language for a countywide ballot initiative intended to increase the allowable development intensity on agriculturally designated lands in the East County.
- In July, the Livermore City Council certified an EIR for a South Livermore Sewer Expansion Project and approved language for a citywide ballot initiative to extend sanitary sewer service beyond the Urban Growth Boundary to serve wine country uses.
- What is the status of current vineyard acreage and number of wineries in South Livermore, as compared to data from prior years and as compared to County SLVAP goals? How might the current events related to potential increased FAR and expanded sewer service affect this acreage?
- What has been the impact of cannabis cultivation within SLVAP, as related to acreage of cannabis crop production and potential replacement of viticulture croplands?
- How many acres of open space and agricultural lands are currently preserved through conservation easements and/or land trusts in South Livermore in 2021, as compared to prior years and as compared to County SLVAP/SLVSP goals?
- How many acres of land have been annexed to the City of Livermore and/or Pleasanton for residential uses, as compared to data from prior years and as compared to City of Livermore SLVSP goals and expectations, as well as goals and expectations of ongoing plans of the City of Pleasanton? How might the current events related to expanded sewer service beyond the Urban Growth Boundary affect new and existing residential development?
- How many changes in Spheres of influence or municipal service boundary adjustments have occurred in the past? How might current events related to expanded sewer service beyond the Urban Growth Boundary, as well as other infrastructure needs for the successful implementation of the SLVAP, affect existing Spheres and MSRs? Lamphier-Gregory will coordinate with other agencies (such as Zone 7 Water Agency and Alameda Department of Environmental Health) to identify service challenges and best practices as pertains to each of these various municipal services.

- What other factors of relevance to Alameda LAFCO’s mission might influence the viability of agricultural businesses in the SLVAP planning area, and how might these other factors be addressed under means and methods available to LAFCO and or LAFCO may have the ability to influence? To the extent that information is available through public sources, Lamphier-Gregory will seek to address factors that influence the profit margins of agricultural businesses. We will also seek anecdotal information or published sources that may provide information relative to pre-Covid, pandemic period, and potential post-Covid effects related to the South Livermore viticulture and agri-tourism industries.

- Reset Public Review of the Draft Report for May-June 2023 to accommodate additional study provisions and data collection requirements.

P.O./Contract # _____

**ALAMEDA LAFCO, ALAMEDA COUNTY, STATE OF CALIFORNIA
STANDARD AGREEMENT**

THIS AGREEMENT, made and entered into this 13th day of April 2021, by and between the ALAMEDA LOCAL AGENCY FORMATION COMMISSION, a public agency of the State of California, hereafter called the "Alameda LAFCo", and Lamphier Gregory, a business duly qualified in the State of California, whose principal place of business is 1944 Embarcadero, Oakland, CA 94606, hereafter called the "Contractor."

WITNESSETH

WHEREAS, the Alameda LAFCo desires to obtain professional consultation services to conduct a special study of LAFCO Review of the South Livermore Valley Area Plan as described in Exhibit A attached hereto ("Scope of Services"); and

WHEREAS, Contractor is professionally qualified to provide such services and is willing to provide same to Alameda LAFCo; and

NOW, THEREFORE, it is agreed that Alameda LAFCo does hereby retain Contractor to provide As-Needed Professional Planning Services, and Contractor accepts such engagement, on the terms and conditions hereinafter specified in this Agreement, the Additional provisions attached hereto, and the following described exhibits, all of which are incorporated into this Agreement by this reference:

- Exhibit A Definition of Services
- Exhibit B Payment Terms
- Exhibit C Insurance Requirements

CONTRACT PERIOD will be from April 13, 2021 through June 30, 2024. This Agreement may be extended for three additional one-year periods, if mutually agreed by both parties hereto, in writing not less than thirty (30) days prior to the expiration of this Agreement.

COMPENSATION: the Alameda LAFCo agrees to pay Contractor, pursuant to the terms set forth in Exhibit B, for services performed hereunder in a total amount not to exceed \$30,000 for the term of the current agreement, including all expenses and contingencies.

General Terms and Conditions, pages 3 through 11, attached hereto constitute a part of this agreement.

IN WITNESS WHEREOF, the parties hereto have executed this agreement as of the day and year first above written.

By: 
ALAMEDA LAFCO
LAFCO EXECUTIVE OFFICER

CONTRACTOR
DocuSigned by:
Scott Gregory
Lampner Gregory

By: Scott Gregory
President

Title
4100 Redwood Road, STE 20A, #601
Oakland, CA 94619

Address

Tax Payer I.D. # 94-3383314

APPROVED AS TO FORM:

LAFCO LEGAL COUNSEL

I hereby certify under penalty of perjury that the Executive Officer of the Alameda LAFCo was duly authorized to execute this document on behalf of the Alameda LAFCo by a majority vote of the Commission on March 11, 2021; and that a copy has been delivered to the Chair as provided by Government Code Section 25103.

Date: 04.13.21

ATTEST:


Alameda LAFCo
County of Alameda
State of California

By: Rachel Jones, LAFCO Executive Officer

General Terms and Conditions

1. **EMPLOYER/EMPLOYEE RELATIONSHIP:** No relationship of employer and employee is created by this Agreement, it being understood that Contractor shall act hereunder as an independent Contractor; that Contractor shall not have any claim under this Agreement or otherwise against the Alameda LAFCo for seniority, vacation time, vacation pay, sick leave, personal time off, overtime, health insurance, medical care, hospital care, retirement benefits, Social Security, disability, Workers' Compensation, or unemployment insurance benefits, civil service protection, or employee benefits of any kind; that Contractor shall be solely liable for and obligated to pay directly all applicable taxes, including, but not limited to, Federal and State income taxes, and in connection therewith Contractor shall indemnify and hold the Alameda LAFCo harmless from any and all liability which the Alameda LAFCo may incur because of Contractor's failure to pay such taxes; that Contractor does, by this Agreement, agree to perform his/her said work and functions at all times in strict accordance with currently approved methods and practices in his/her field and that the sole interest of the Alameda LAFCo is to ensure that said service shall be performed and rendered in a competent, efficient, timely and satisfactory manner and in accordance with the standards required by the agency concerned. Notwithstanding the foregoing, if the Alameda LAFCo determines that pursuant to state and federal law Contractor is an employee for purposes of income tax withholding, the Alameda LAFCo shall, upon two weeks notice to Contractor withhold from the payments to Contractor hereunder federal and state income taxes and pay said sums over to the Federal and State governments.
2. **HOLD/HARMLESS/INDEMNIFICATION:** To the fullest extent permitted by law, Contractor shall hold harmless, defend and indemnify Alameda LAFCo, its Commissioners, employees and agents from and against any and all claims, losses, damages, liabilities and expenses, including but not limited to attorneys' fees, arising out of or resulting from the performance of services under this Agreement, provided that any such claim, loss, damage, liability or expense is attributable to bodily injury, sickness, disease, death or to injury to or destruction of property, including the loss therefrom, or to any violation of federal, state or municipal law or regulation, which arises out of or is any way connected with the performance of this agreement (collectively "Liabilities") except where such Liabilities are caused solely by the negligence or willful misconduct of any indemnitee. Alameda LAFCo may participate in the defense of any such claim without relieving Contractor of any obligation hereunder. The obligations of this indemnity shall be for the full amount of all damage to Alameda LAFCo, including defense costs, and shall not be limited by any insurance limits.
3. **INSURANCE AND BOND:** Contractor shall at all times during the term of the Agreement with the Alameda LAFCo maintain in force those insurance policies as designated in the attached Exhibit C, "Certificate of Insurance, Service Contracts," and will comply with all those requirements as stated herein.
4. **WORKERS' COMPENSATION:** Contractor shall provide Workers' Compensation insurance at Contractor's own cost and expense and further, neither the Contractor nor its carrier shall be entitled to recover from the Alameda LAFCo any costs, settlements, or expenses of Workers' Compensation claims arising out of this agreement.
5. **CONFORMITY WITH LAW AND SAFETY:**
 - A. Contractor shall observe and comply with all applicable laws, ordinances, codes and regulations of governmental agencies, including federal, state, municipal, and local governing bodies, having jurisdiction over the scope of services or any part hereof, including all provisions of the

Occupational Safety and Health Act of 1979 and all amendments thereto, and all applicable federal, state, municipal, and local safety regulations. All services performed by Contractor must be in accordance with these laws, ordinances, codes and regulations. Contractor shall indemnify and hold the Alameda LAFCo harmless from any and all liability, fines, penalties and consequences from any noncompliance or violations of such laws, ordinances, codes and regulations. If a provision of this Agreement is found to be invalid, the parties legally, commercially, and practicably can continue this Agreement without that provision, and the remainder of this Agreement shall continue in force and effect unless an essential purpose of this Agreement would be defeated by the loss of such provision. In the event any of the terms, conditions, or provisions of this Agreement are held to be illegal or otherwise unenforceable, such term, condition or provision shall be deemed severable from the remainder of this Agreement and shall not cause any other part or provision of this Agreement to be illegal or unenforceable.

- B. Accidents: If death, serious personal injury or substantial property damage occurs in connection with the performance of this agreement, Contractor shall immediately notify the Alameda LAFCo by telephone. Contractor shall promptly submit to the Alameda LAFCo a written report, in such form as may be required by County of all accidents which occur in connection with this Agreement. This report must include the following information: (1) name and address of the injured or deceased person(s); (2) name and address of Contractor's subcontractor, if any; (3) name and address of Contractor's liability insurance carrier; and (4) a detailed description of accident and whether any of LAFCo's equipment, tools, material, or staff were involved. Contractor further agrees that it shall take all reasonable steps to preserve all physical evidence and information which may be relevant to accidents or circumstances surrounding a potential claim, while maintaining public safety. Contractor shall provide the Alameda LAFCo the opportunity to review and inspect such evidence, including the scene of the accident.
6. PAYMENT: Payment to Contractor will be made only upon presentation of proper invoice by Contractor subject to the approval of the Alameda LAFCo, and in accordance with this Agreement, Exhibit B.
 7. TRAVEL EXPENSES: Payment to Contractor for travel expenses will be made only upon the prior approval of the Alameda LAFCo and presentation of a proper invoice by Contractor in accordance with this Agreement.
 8. ROYALTIES AND INVENTIONS: The Alameda LAFCo shall have a royalty-free, exclusive and irrevocable license to reproduce, publish and use the results produced in the course of or under this Agreement; and Contractor shall not publish any such material relating to the Alameda LAFCo without prior consent of the Alameda LAFCo.
 9. CONFIDENTIALITY OF INFORMATION: Confidential information is defined as all information disclosed to Contractor which relates to the Alameda LAFCo's past, present, and future activities, as well as activities under this Agreement. Contractor will hold all such information with the same degree of care which Contractor utilizes to protect its own data of a similar nature. Upon cancellation or expiration of this Agreement, Contractor will return to the Alameda LAFCo all written or descriptive matter which contain any such confidential information.

10. **CONFLICT OF INTEREST:** No officer, member, or employee of the Alameda LAFCo and no member of their governing bodies shall have any pecuniary interest, direct or indirect, in this Agreement or the proceeds thereof. No Contractor, nor any member of Contractor's family shall serve on the Alameda LAFCo, or hold any such position which either by rule, practice or action nominates, recommends, supervises Contractor's operations, or authorizes funding to Contractor. Contractor shall immediately bring to Alameda LAFCo's attention any situation in which its client has, or is reasonably likely to have an application or other matter pending before Alameda LAFCo. The provisions of this Agreement are not exclusive, and thus Alameda LAFCo may at its discretion appoint a different firm to serve as its planner in the event of a conflict. Contractor agrees not to assign any of the key personnel identified in Exhibit A to any matter that is, or is likely to be pending before Alameda LAFCo regardless of whether Alameda LAFCo in its discretion decides to hire another firm to avoid a conflict.
11. **USE OF ALAMEDA LAFCO PROPERTY:** Contractor shall not use Alameda LAFCo premises or property (including equipment, instruments and supplies) or personnel for any purpose other than in the performance of his/her obligations under this Agreement.
12. **EQUAL EMPLOYMENT OPPORTUNITY PRACTICES PROVISIONS:** Contractor assures that he/she/it will comply with Title VII of the Civil Rights Act of 1964 and that no person shall, on the grounds of race, creed, color, disability, sex, sexual orientation, national origin, age, religion, Vietnam era Veteran's status, political affiliation, or any other non-merit factor, be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination under this Agreement.
 - A. Contractor shall, in all solicitations or advertisements for applicants for employment placed as a result of this Agreement, state that it is an "Equal Opportunity Employer" or that all qualified applicants will receive consideration for employment without regard to their race, creed, color, disability, sex, sexual orientation, national origin, age, religion, Vietnam era Veteran's status, political affiliation, or any other non-merit factor.
 - B. Contractor shall, if requested to so do by the Alameda LAFCo, certify that it has not, in the performance of this Agreement, discriminated against applicants or employees because of their race, creed, color, disability, sex, sexual orientation, national origin, age, religion, Vietnam era Veteran's status, political affiliation, or any other non-merit factor.
 - C. If requested to do so by the Alameda LAFCo, Contractor shall provide the Alameda LAFCo with access to copies of all of its records pertaining or relating to its employment practices, except to the extent such records or portions of such records are confidential or privileged under State or Federal law.
 - D. Contractor shall recruit vigorously and encourage minority- and women-owned businesses to bid its subcontracts.
 - E. Nothing contained in this contract shall be construed in any manner so as to require or permit any act which is prohibited by law.
 - F. The Contractor shall include the provisions set forth in paragraphs A through E (above) in each of its subcontracts.

13. **ASSIGNMENT OF CONTRACT:** Nothing contained in this Agreement shall be construed to permit assignment or transfer by Contractor of any rights under this Agreement and such assignment or transfer is expressly prohibited and void unless otherwise approved in writing by the Alameda LAFCo.
14. **DRUG-FREE WORKPLACE:** Contractor and Contractor's employees shall comply with LAFCo's policy of maintaining a drug-free workplace. Neither Contractor nor Contractor's employees shall unlawfully manufacture, distribute, dispense, possess or use controlled substances, as defined in 21 U.S. Code section 812, including marijuana, heroin, cocaine, and amphetamines, at any LAFCo facility or work site. If Contractor or any employee of Contractor is convicted or pleads nolo contendere to a criminal drug statute violation occurring at a LAFCo facility or work site, the Contractor within five days thereafter shall notify the head of the LAFCo department/agency for which the contract services are performed. Violation of this provision shall constitute a material breach of this Agreement.
15. **FEDERAL AND STATE AUDITS:** Until the expiration of five (5) years after the furnishing of any services pursuant to this Agreement, Contractor shall make available, upon written request, to the Federal/State government or any of their duly authorized representatives, this Agreement, and such books, documents, and records of Contractor that are necessary to certify the nature and extent of the reasonable cost of services to LAFCo. If Contractor enters into any Agreement with any related organization to provide services pursuant to this Agreement with value or cost of \$10,000 or more over a twelve-month period, such Agreement shall contain a clause to the effect that until the expiration of five years after the furnishing of services pursuant to such subcontract, the related organization shall make available, upon written request, to the Federal/State government or any of their duly authorized representatives, the subcontract, and books, documents and records of such organization that are necessary to verify the nature and extent of such costs. This paragraph shall be of no force and effect when and if it is not required by law. LAFCo shall have access to Contractor's financial records for purposes of auditing payments made to Contractor hereunder. Such records shall be complete and available for audit ninety (90) days after final payment hereunder is made to Contractor hereunder and shall be retained and available for audit purposes for five (5) years after said final payment hereunder.
16. **TIME IS OF THE ESSENCE** in each and all the provisions of this agreement.
17. **AMENDMENT:** No change, alteration, variation, modification of the terms, termination or discharge of this Agreement shall be valid unless made in writing and signed by the parties hereto.
18. **ASSURANCE OF PERFORMANCE:** If at any time the Alameda LAFCo believes Contractor may not be adequately performing its obligations under this Agreement, that Contractor may fail to complete the Services as required by this Agreement, or has provided written notice of observed deficiencies in Contractor's performance, the Alameda LAFCo may request from Contractor prompt written assurances of performance and a written plan to correct the observed deficiencies in Contractor's performance. Contractor shall provide such written assurances and written plan within ten (10) calendar days of receipt of the Alameda LAFCo's written request and shall thereafter diligently commence and fully perform such written plan. Contractor acknowledges and agrees that any failure to provide written assurances and a written plan to correct observed deficiencies, in the required time, to diligently commence and fully perform such written plan, is a material breach under this Agreement.

19. **KEY PERSONNEL:** Contractor shall identify key personnel assigned to perform services in Exhibit A and obtain LAFCo approval of any substitution of the contractor. If the contractor has subcontractors, this requirement extends to the subcontractors as well.
20. **SUBCONTRACTORS:** Contractor shall identify and obtain LAFCo approval of all subcontractors. Nothing provided herein shall create any obligation on the part of the Alameda LAFCo to pay or to see to the payment by Contractor of any monies to any subcontractor, supplier or vendor, nor create any relationship in contract or otherwise, express or implied between any such subcontractor, supplier or vendor and the Alameda LAFCo. Approval by the Alameda LAFCo of any subcontractor shall not constitute a waiver of any right of the Alameda LAFCo to reject defective work, material or equipment, not in compliance with the requirements of this Agreement.
21. **CHOICE OF LAW:** This Agreement, and any dispute arising from the relationship between the parties to this Agreement, shall be governed by the laws of the State of California, excluding any laws that direct the application of another jurisdiction's laws, and its courts shall have jurisdiction (but not exclusive jurisdiction) to hear and determine all questions relating to this Agreement.
22. **WAIVER:** Any failure of a party to assert any right under this Agreement shall not constitute a waiver or a termination of that right, under this Agreement or any provisions of this Agreement.
23. **ENTIRE AGREEMENT:** This Agreement, including all attachments, exhibits, and any other documents specifically incorporated into this Agreement, shall constitute the entire Agreement between the Alameda LAFCo and Contractor relating to the subject matter of this Agreement. As used herein, Agreement refers to any documents incorporated herein by reference and any exhibits or attachments. This Agreement supersedes and merges all previous understandings, and all other agreements, written or oral, between the parties and sets forth the entire understanding of the parties regarding the subject matter thereof. The Agreement may not be modified except by a written document signed by both parties.
24. **TERMINATION:** LAFCo may terminate this Agreement with or without cause by providing thirty (30) days notice, in writing, to the Contractor. Upon the expiration of said notice, this Agreement shall become of no further force or effect whatsoever and each of the parties hereto shall be relieved and discharged here from. The Alameda LAFCo may terminate at any time without notice upon material breach of the terms of this Agreement and/or in the event that the Alameda LAFCo determines that the Contractor's performance is substandard or unsatisfactory.
25. **SURVIVAL:** The obligations of this Agreement, which by their nature would continue beyond the termination or expiration of the Agreement, including without limitation, the obligations regarding Hold Harmless/Indemnification (paragraph 2), Confidentiality of Information (paragraph 9), and Conflict of Interest (paragraph 10), shall survive termination or expiration.
26. **NOTICES:** All notices, requests, demands, or other communications under this Agreement shall be in writing. Notices shall be given for all purposes as follows:
 - **Personal delivery:** When personally delivered to the recipient, notices are effective on delivery.
 - **First Class Mail:** When mailed first class to the last address of the recipient known to the party giving notice, notice is effective three mail delivery days after deposit in a United States Postal Service office or mailbox.

EXHIBIT A**EXHIBIT A – DEFINITION OF SERVICE**

In response to the Alameda LAFCo Commission's adoption of their amended study schedule; a decision was made to review and examine the relative success of the County's South Livermore Valley Area Plan and the interrelated City of Livermore's South Livermore Valley Specific Plan and provide possible recommendations as to the current growth management needs of the region moving forward.

Scott Gregory, of Lamphier Gregory will serve as the as key person, to conduct a study and review of the South Livermore Valley Area Plan and provide a report to the Commission setting out his findings.

Lamphier-Gregory's Proposed Scope**Task #1: Retrospective Review of LAFCo's Mission Issues**

Lamphier-Gregory is prepared to initiate this special study on behalf of LAFCo. We envision our product to be a report similar to the 2011 Report prepared by the Livermore Community Development Director, itemizing achievements and changes of importance to LAFCo's interests that have occurred in the South Livermore Valley since approval of the SLVAP, such as:

The status of vineyard acreage and number of wineries in South Livermore as of year 2020, compared to year 1993

Lamphier-Gregory Proposal – SLVAP

Acres of permanent open space and agricultural lands preserved in conservation easements and/or land trusts in South Livermore in 2020, as compared to year 1993

Acres of annexations into the City of Livermore as of 2020, as compared to year 1993

Acres of land in South Livermore with municipal service agreements for sewer and other services in 2020, compared to year 1993, and

Requests of LAFCo to consider changes in Spheres of influence changes, or municipal service boundary adjustments, based on increased demand since 1993

Lamphier-Gregory anticipates that these LAFCo perspectives on the relative success of the SLVAP will also serve to highlight current and emerging issues, specifically related to potential extension of municipal services (especially sewer service), agricultural land preservation and other potential jurisdictional annexations.

Task #2: LAFCo's Planning Representative

Lamphier-Gregory also believe that, much like the original 1993 SLVAP, LAFCo's partnership with a multi-party stakeholders group (i.e., Alameda County, the City of Livermore, the Tri-Valley Conservancy, Livermore Valley Winegrowers Association, Visit Tri-Valley, the Sierra Club and the Greenbelt Alliance) would best serve all interests, have a better chance of finding consensus, and potentially lead to 25 more years of stability and clear expectation for the South Livermore Valley. Depending on the results of our initial retrospective review of issues critical to LAFCo's mission, Lamphier-Gregory is prepared to serve as LAFCo's consultant planner, to (similar to the Tri-Valley Conservancy's offer) "stand ready to contribute" to a comprehensive retrospective study by serving as LAFCo's representative in a partnership effort with other organizations.

Assigned Key Personal:

Scott Gregory, President, Lamphier-Gregory

PROJECT TIMELINE

Lamphier-Gregory shall perform the services required under this Agreement in accordance with an estimated ten-week timeline beginning from date of contract approval. Upon contract execution, all parties listed under the contract will meet to establish a milestone schedule.

The parties anticipate the project will be substantially completed, meaning that a draft report will be submitted to LAFCo staff, by July 1, 2021 at the latest. The timeline is subject to modification by mutual written agreement of the Lamphier-Gregory and the LAFCo Executive Officer.

Parties agree that the presentation of the report to Alameda LAFCo Commission will occur after the report has been finalized and it will be scheduled at the next available regular LAFCo meeting in 2021.

EXHIBIT B

EXHIBIT B – CONTRACT PAYMENT TERMS

1. The Alameda LAFCo will pay Lamphier-Gregory for services provided in accordance with this agreement, upon submittal of invoices which includes a summary of services performed. All services will be performed at the direction of, and with the prior authorization of, the LAFCo Executive Officer. Invoices will be approved by the Alameda LAFCo Executive Officer based on work completed.
2. Lamphier-Gregory's proposed budget for our review of LAFCo's mission-issues as to achievements and changes pursuant to the South Livermore Valley Area Plan is based on a time and materials estimate with a total not-to-exceed budget of \$30,000, including research, report preparation and project management efforts, and presentation of the results of our analyses to Alameda LAFCo staff and Commission. Lamphier-Gregory will bill only for work completed, and any remaining budget not needed for this study will not be invoiced.
3. Payments under the terms of this Agreement shall not exceed \$30,000. This amount includes: one revised draft in response to LAFCo staff review, attendance at one LAFCo hearing, all travel expenses, contingencies, and other miscellaneous expenses.
4. The term of this Agreement is March 15, 2021 through June 30, 2024.

EXHIBIT C - MINIMUM INSURANCE REQUIREMENTS

Without limiting any other obligation or liability under this Agreement, the Contractor, at its sole cost and expense, shall secure and keep in force during the entire term of the Agreement or longer, as may be specified below, the following minimum insurance coverage, limits and endorsements:

	TYPE OF INSURANCE COVERAGES	MINIMUM LIMITS
A	Commercial General Liability Premises Liability; Products and Completed Operations; Contractual Liability; Personal Injury and Advertising Liability	\$1,000,000 per occurrence (CSL) Bodily Injury and Property Damage
B	Commercial or Business Automobile Liability All owned vehicles, hired or leased vehicles, non-owned, borrowed and permissive uses. Personal Automobile Liability is acceptable for individual contractors with no transportation or hauling related	\$1,000,000 per occurrence (CSL) Any Auto Bodily Injury and Property Damage
C	Workers' Compensation (WC) and Employers Liability (EL) Required for all contractors with employees	WC: Statutory Limits EL: \$1,000,000 per accident for bodily injury or disease
D	<p>Endorsements and Conditions:</p> <ol style="list-style-type: none"> 1. ADDITIONAL INSURED: All insurance required above with the exception of Commercial or Business Automobile Liability, Workers' Compensation and Employers Liability, shall be endorsed to name as additional insured: the Alameda Local Agency Formation Commission (LAFCO), the individual members thereof, and all Alameda LAFCO officers, agents, employees, volunteers, and representatives. The Additional Insured endorsement shall be at least as broad as ISO Form Number CG 20 38 04 13. 2. DURATION OF COVERAGE: All required insurance shall be maintained during the entire term of the Agreement. In addition, Insurance policies and coverage(s) written on a claims-made basis shall be maintained during the entire term of the Agreement and until 3 years following the later of termination of the Agreement and acceptance of all work provided under the Agreement, with the retroactive date of said insurance (as may be applicable) concurrent with the commencement of activities pursuant to this Agreement. 3. REDUCTION OR LIMIT OF OBLIGATION: All insurance policies, including excess and umbrella insurance policies, shall include an endorsement and be primary and non-contributory and will not seek contribution from any other insurance (or self-insurance) available to Alameda LAFCO. The primary and non-contributory endorsement shall be at least as broad as ISO Form 20 01 04 13. Pursuant to the provisions of this Agreement insurance effected or procured by the Contractor shall not reduce or limit Contractor's contractual obligation to indemnify and defend the Indemnified Parties. 4. INSURER FINANCIAL RATING: Insurance shall be maintained through an insurer with a A.M. Best Rating of no less than A:VII or equivalent, shall be admitted to the State of California unless otherwise waived by Risk Management, and with deductible amounts acceptable to Alameda LAFCO. Acceptance of Contractor's insurance by Alameda LAFCO shall not relieve or decrease the liability of Contractor hereunder. Any deductible or self-insured retention amount or other similar obligation under the policies shall be the sole responsibility of the Contractor. 5. SUBCONTRACTORS: Contractor shall include all subcontractors as an insured (covered party) under its policies or shall verify that the subcontractor, under its own policies and endorsements, has complied with the insurance requirements in this Agreement, including this Exhibit. The additional Insured endorsement shall be at least as broad as ISO Form Number CG 20 38 04 13. 6. JOINT VENTURES: If Contractor is an association, partnership or other joint business venture, required insurance shall be provided by one of the following methods: <ul style="list-style-type: none"> – Separate insurance policies issued for each individual entity, with each entity included as a "Named Insured" (covered party), or at minimum named as an "Additional Insured" on the other's policies. Coverage shall be at least as broad as in the ISO Forms named above. – Joint insurance program with the association, partnership or other joint business venture included as a "Named Insured". 7. CANCELLATION OF INSURANCE: All insurance shall be required to provide thirty (30) days advance written notice to Alameda LAFCO of cancellation. 8. CERTIFICATE OF INSURANCE: Before commencing operations under this Agreement, Contractor shall provide Certificate(s) of Insurance and applicable insurance endorsements, in form and satisfactory to Alameda LAFCO, evidencing that all required insurance coverage is in effect. Alameda LAFCO reserves the rights to require the Contractor to provide complete, certified copies of all required insurance policies. The required certificate(s) and endorsements must be sent as set forth in the Notices provision. 	



LAFCO

Alameda Local Agency Formation Commission

AGENDA REPORT

January 12, 2023

Item No. 4d

TO: Alameda Commissioners

FROM: Rachel Jones, Executive Officer

SUBJECT: Budget Update for Fiscal Year 2022-2023 | Quarterly Report

The Alameda Local Agency Formation Commission (LAFCO) will review a report comparing budgeted to actual transactions for fiscal year 2022-2023 through the 2nd quarter. Actual expenses processed through the first six months totaled \$286,245, an amount representing 38.3% of the budgeted total with half of the fiscal year complete. The report is being presented to the Commission to accept, file, and provide direction to staff as needed.

Information

Alameda LAFCO’s adopted final budget for 2022-2023 totals \$746,429. This amount represents the total approved operating expenditures for the fiscal year divided between three active expense units: salaries and benefits; services and supplies; and internal services. A matching revenue total was also budgeted to provide a balanced budget and with a purposeful aid of a planned \$250,000 transfer from reserves. Budgeted revenues are divided amongst three active units: intergovernmental contributions, application fees, and investments.

Discussion

This item is for the Commission to receive an updated comparison of (a) budgeted to (b) actual expenses and revenues through the month of December. The report provides the Commission the opportunity to track expenditure trends accompanied by year-end operating balance projections from the Executive Officer. The report is being presented to the Commission to formally accept, file, and provide related direction to staff as needed.

Budgeted Expenses FY 22-23	Budgeted Revenues FY 22-23	Budgeted Year End Balance FY 22-23
\$746,428	\$746,429	\$1

Summary of Operating Expenses

The Commission’s budgeted operating expense total for 2022-2023 is \$746,428. Actual expenses processed through the first six months totaled \$286,245, an amount representing 38.3% of the budgeted total with half of the fiscal year complete. Actuals through the first six months and related analysis suggest the Commission is ahead to finish the fiscal year with a balanced budget. A discussion on budgeted and actual expenses through the first six months and related year-end projections follow.

Expense Units	Adopted	Actuals	Percent Expended	Remaining Balance
Salaries and Benefits	400,491	200,245	50%	200,246
Services and Supplies	215,987	73,547	34%	142,441
Internal Service Charges	79,950	12,453	16%	67,497
Contingencies	50,000	0	0%	50,000
	\$746,428	\$286,245	38%	\$460,183

Staffing Unit

The Commission budgeted \$400,491 in the Staffing or Salaries and Benefits Unit for 2022-2023. Through the first six months, the Commission’s estimated expenses within the affected accounts totaled \$200,245 or 50% of the budgeted amount. It is projected the Commission will finish the fiscal year with actuals equal to the budgeted amount.

Services and Supplies Unit

The Commission budgeted \$215,987 in the Services and Supplies Unit for 2022-2023 to provide funding for *direct* support services necessary to operate Alameda LAFCO. Through the first six months, the Commission’s actual expenses within the affected 14 accounts totaled \$73,547, or 34.1% of the budgeted amount. Only two of the affected accounts – finished with balances exceeding the proportional 50% threshold, with explanations provided below.

- Memberships

This account covers the Commission’s annual dues for ongoing membership with several outside agencies and organizations as previously authorized by the members. This includes CALAFCO and the California Special Districts Association memberships. The Commission budgeted \$11,287 in this account for 2022-2023 based on recent trends. Actual expenses through October totaled \$11,287 or 100% of the budgeted amount, and were tied to providing full payment of all budgeted costs. Staff projects no additional expenses to this account.

- Mileage/Travel

This account covers the Commission’s traveling and mileage costs. The Commission budgeted \$600 in this account for 2022-2023 based on limited traveling due to the COVID-19 pandemic. Actual expenses through December totaled \$4,389 and can be attributed to hotel and airline costs for the 2022 CALAFCO Annual Conference held in Newport Beach in October. Staff projects additional costs of approximately \$2,500 attributed to CALAFCO’s staff workshop to be held in Spring 2023 and other CALAFCO University programs over the succeeding months.

Internal Services and Supplies

The Commission budgeted \$79,950 in the Internal Services and Supplies Unit for 2022-2023 to provide funding for *indirect* support services necessary to operate Alameda LAFCO. Through the first six months the Commission’s actual expenses within the four affected accounts totaled \$12,453, or 15.6% of the budgeted amount. None of the affected accounts finished with balances exceeding the proportional 50% threshold, and staff estimates the unit to finish the fiscal year with a balanced budget.

Summary of Operating Revenues

The Commission budgeted operating revenue total for 2022-2023 at \$746,429. Actual revenues collected through the first six months totaled \$375,501. This amount represents 50.3% of the budgeted total with half of the fiscal year complete. A summary comparison of budgeted to actual operating revenue follows.

Revenue Units	Adopted	Actuals	Percent Expended	Remaining Balance
Agency Contributions	459,429	351,738	77%	107,691
Application Fees	30,000	0	0%	30,000
SALC Grant Funds	-	21,350	-	-
Interest	7,000	2,413	35%	4,587
Fund Balance Offset	250,000	0	0%	250,000
	\$746,429	\$375,501	50%	\$370,928

Agency Apportionments

The Commission budgeted \$459,429 in the Agency Apportionments Unit for 2022-2023. This total budgeted amount was to be divided into three equal shares at \$153,143 and invoiced among the County of Alameda, 14 cities, and 15 independent special districts as provided under State statute.

Alameda LAFCO is still awaiting payments from the following cities: Albany, Dublin, Newark, Oakland, San Leandro, and Union City.

The following special districts have also not yet provided payments to LAFCO: Alameda County Resource Conservation District, City of Alameda Healthcare District, Dublin San Ramon Services District, Hayward Area Recreation District, and Washington Township District.

LAFCO staff has contacted the County Auditor's Office to send out a second invoice to the listed agencies.

Application Fees Unit

The Commission budgeted \$30,000 in the Application Fees Unit for 2022-2023. Through the first six months, no monies have been collected in this unit.

Interest Unit

The Commission budgeted \$7,000 in the Interest Unit for 2022-2023. Through the first six months, \$2,413 have been collected in this unit by the County Treasurer.

Alternatives for Action

The following alternatives are available to the Commission:

Alternative One (Recommended):

Accept and file the report as presented and provide direction as needed to staff with respect to any related matters for future consideration.

Alternative Two:

Continue consideration of the report to a future meeting and provide direction to staff as needed.

Alternative Three:

Take no action.

Recommendation

It is recommended the Commission proceed with Alternative Action One.

Procedures

This item has been placed on Alameda LAFCO's agenda as part of the consent calendar. A successful motion to approve the consent calendar will include taking affirmative action on the staff recommendation as provided unless otherwise specified by the Commission.

Respectfully,



Rachel Jones
Executive Officer

Attachments:

1. 2022-2023 General Ledger through December 31, 2022

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ALAMEDA LOCAL AGENCY FORMATION COMMISSION

Regional Service Planning | Subdivision of the State of California

Expense Ledger

	FY 2019-2020		FY 2020-2021		FY 2021-2022		FY2022-2023				
	Adopted	Actuals	Adopted	Actuals	Adopted	Actuals	Adopted	Actuals As of 12-31-22	Difference	Percent of Budget	
Salary and Benefit Costs											
<u>Account</u>	<u>Description</u>										
60001	308,307	263,373	234,254	172,085	250,564	250,564	275,933	137,966	(137,967)	50.0%	
-	(ACERA)	175,275	149,961	122,903	88,649	123,411	123,411	124,558	62,279	(62,279)	50.0%
	483,581	324,575	357,157	260,735	373,975	373,975	400,491	200,245	(200,246)	50.0%	
Service and Supplies											
<u>Account</u>	<u>Description</u>										
-	Intern	1,600	-	1,600	-	-	-	-	-	-	
610077	Postage	1,000	1,000	1,000	1,000	500	-	500	-	-	
610141	Copier	3,000	3,000	3,000	-	1,000	-	500	-	-	
610191	Pier Diems	7,800	7,800	8,000	7,100	8,500	5,600	7,500	2,475	(5,025)	33.0%
610211	Milage/Travel	1,300	1,300	1,300	-	500	373	600	4,389	3,789	731.4%
610461	Training (Conferences and Workshops)	13,000	6,000	5,000	-	2,500	-	2,500	-	-	
610241	Records Retention	1,000	1,000	1,000	303	350	210	350	(350)	0.0%	
610261	Consultants	90,000	90,000	96,000	42,527	100,000	152,709	150,000	55,136	(94,864)	36.8%
610261	Mapping - County	5,000	5,000	5,000	-	500	-	-	-	-	
610261	Planning Services	5,000	6,000	5,000	-	5,000	-	5,000	-	-	
610261	Legal Services	30,000	21,775	25,000	-	20,000	-	20,000	-	-	
610261	SALC Grant Charges	-	-	-	-	-	72,404	-	-	-	
610311	CAO/CDA - County - Services	11,000	11,000	1,000	7,700	1,000	-	1,000	-	-	
610312	Audit Services	7,700	10,000	10,000	-	10,000	-	10,000	-	-	
610351	Memberships	10,476	10,476	10,762	10,662	10,760	10,760	11,287	-	100.0%	
610421	Public Notices	5,000	5,000	5,000	2,149	3,000	2,453	2,000	-	-	
610441	Assessor - County - Services	2,500	2,500	2,500	-	500	-	250	-	-	
610461	Special Departmental	1,500	1,500	1,500	1,000	1,500	233	1,500	233	(1,267)	15.5%
620041	Office Supplies	4,000	4,000	4,000	916	4,000	28	3,000	28	-	
		200,876	187,351	186,662	73,357	269,610	Amended 244,769	215,987	73,547	(142,441)	34.1%
Internal Service Charges											
<u>Account</u>	<u>Description</u>										
630051	Office Lease/Rent	25,000	35,000	32,500	32,500	32,500	32,500	50,550	1,674	(48,876)	3.3%
630021	Communication Services	3,950	3,950	100	-	100	-	100	-	-	
630061	Information Technology	27,373	27,373	27,373	25,870	25,870	27,938	26,000	10,779	(15,221)	41.5%
630081	Risk Management	3,100	3,100	3,100	3,280	3,280	3,280	3,300	-	-	
		59,423	69,423	63,073	61,650	61,750	63,718	79,950	12,453	(67,497)	15.6%
Contingencies											
		50,000	-	50,000	-	50,000	-	50,000		-	-
<u>Account</u>	<u>Description</u>										
-	Operating Reserve	-	-	-	-	-	-	-	-	-	-
		-	-	-	-	-	-	-	-	-	-
EXPENSE TOTALS	793,880	581,349	656,892	395,742	755,335	Adopted 682,462	Amended 746,428	286,245	(460,183)	38.3%	

Revenue Ledger	FY2019-2020		FY2020-2021		FY2021-2022		FY2022-2023			
	Adopted	Actuals	Adopted	Actuals	Adopted	Actuals	Adopted	Actuals As of 12-31-22	Difference	Percent of Budget
Intergovernmental										
Account	Description									
-	Agency Contributions									
	192,127	192,127	146,630	146,631	144,445	144,445	153,143	153,143	-	100.0%
	192,127	192,127	146,630	146,631	144,445	144,445	153,143	72,670	(80,473)	47.5%
	192,127	192,127	146,630	146,631	144,445	138,943	153,143	125,925	(27,218)	82.2%
	576,380	576,380	439,891	439,891	433,335	427,833	459,429	351,738	(107,691)	76.6%
Service Charges										
-	30,000	25,000	30,000	38,643	30,000	6,434	30,000		(30,000)	0.0%
-					100,000	Amended 72,404		21,350		
Investments										
-	7,500	7,500	7,000	8,965	7,000	5,765	7,000	2,413	(4,587)	34.5%
Fund Balance Offset										
	180,000	-	180,000	-	185,000	185,000	250,000		-	-
	793,880	608,880	656,891	487,499	655,335	Adopted 755,335	697,436	746,429	(370,928)	50.3%
OPERATING NET										
	-	27,531	(1)	91,757	-	14,974	1	89,256	-	-
UNRESTRICTED FUND BALANCE										
		1,061,570		1,153,327		883,301				
As of June 30th										



LAFCO

Alameda Local Agency Formation Commission

AGENDA REPORT

January 12, 2023

Item No. 5

TO: Alameda Commissioners

FROM: Rachel Jones, Executive Officer

SUBJECT: **Establish Ad Hoc Public Member Selection Committee**

The Alameda Local Agency Formation Commission (LAFCO) will consider directing the Chair to establish an Ad Hoc Selection Committee for its Alternate Public Member Seat that is currently vacant.

Information

Commissioner Marchand will no longer serve as the alternate public member. An alternate public member recruitment process will therefore need to be initiated.

In preparation for initiating the alternate public member selection process, the Chair will consider establishing an ad hoc committee and appointing members to that committee. The purpose of the ad hoc committee is to provide input into the recruitment process, evaluate applications, interview selected applicants, and make a recommendation to the Commission. As recommended in the alternate public member selection procedures (Attachment 1), members of that committee should include a City member, a County member, and a Special District member.

Below is a tentative member selection process timeline starting on **January 20, 2023**:

2023 Alternate Public Member Recruitment Timeline	
Date	Task
January 20, 2023	Notice is mailed to each City, Special District, and the County, and ad is sent to newspapers
January 27 th or February 3 rd 2023	Ad appears in newspapers
March 3, 2023	Application submittal deadline
March 13, 2023	Applications mailed to ad hoc committee members for review
Week of March 13 th	Ad hoc committee evaluates process and rates applicants
Week of March 20 th	Finalists notified and informed of interview date
Week of March 27 th	Ad hoc committee members interview finalists
May 11, 2023	Commission receives recommendation from the ad hoc committee and appoints Public Member

Alternatives for Action

The following alternatives are available to the Commission:

Alternative One (Recommended):

Direct LAFCO Chair to establish Ad Hoc Selection Committee in step with the Alternate Public Member Selection Procedures.

Alternative Two:

Continue the item to a future meeting and provide direction to staff.

Recommendation

It is recommended the Commission proceed with Alternative Action One.

Procedures

This item has been placed on Alameda LAFCO's agenda as part of the business calendar. The following procedures are recommended in consideration of this item:

1. Receive verbal presentation from staff unless waived.
2. Invite any comments from the public
3. Provide feedback on the item as needed.

Respectfully,



Rachel Jones
Executive Officer

Attachments:

1. Public Member Selection Procedures

Proposed Public Member Selection Process

The regular and alternate public members of Alameda LAFCo are selected by the other members of the Commission. At least four affirmative votes are required to appoint the public members, and there must be at least one vote from each of the other appointing authority categories: City, County and Special District.

Unless the Commission gives alternative direction, the following procedure is used to recruit and select public members:

- The Executive Officer or Clerk shall notify the Commission in advance of a public member's term expiration or when such seat becomes vacant.
- The Commission may consider reappointment of a regular and/or alternate public member no more than twice. Subsequently, the Commission will conduct its regular recruitment process as noted below.
- The Commission Chair will appoint an ad hoc public member selection committee consisting of a City member, County member and Special District member.
- The Clerk will provide notice of a vacancy to the clerk or secretary of the legislative body of each city, special district, and the county; will distribute the notice to local media outlets and place a display ad in one or more newspapers of general circulation; will post the notice at the LAFCo office and on the LAFCo website. The notice shall include a summary of the qualifications for the position as specified in Government Code Section 56331 (e.g., can't be an officer or employee of the county, city, or district).
- Interested persons shall submit a written application form provided by LAFCo staff and return the form to the LAFCo office before the deadline. The deadline for applications shall be at least 21 days following the distribution of notice.
- The Clerk shall make and distribute a roster of all applicants and their applications to the members of the ad hoc committee.
- The ad hoc committee will evaluate applications, select candidates to interview, and conduct interviews of selected candidates.
- The ad hoc committee will make a recommendation to the full Commission.
- Alternatively, the ad hoc committee may recommend that all applicants be interviewed by the full Commission.
- The Commission will make a selection as part of the agenda of the first regularly scheduled meeting following the application deadline.
- If no candidate should receive the required votes, then a new recruitment shall be conducted.
- A candidate may withdraw an application before or after the application deadline. If a candidate withdraws an application after the deadline, the candidate shall not be considered for the appointment unless the Commission votes to reopen the process and the person reapplies.
- When a regular public member vacancy occurs, the Commission may consider appointing the alternate public member to the regular public member seat. If the alternate public member is so appointed, then the Commission will proceed with an alternate public member recruitment process.

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TO: Alameda Commissioners

FROM: Rachel Jones, Executive Officer
Andrew Massey, Commission Counsel

**SUBJECT: Senate Bill 2449 |
Brown Act Procedures for Remote Meetings**

The Alameda Local Agency Formation Commission (LAFCO) will receive a memorandum from Commission Counsel on approved amendments to the Brown Act and allowances therein to conduct remote meetings beginning March 1, 2023. The item is being presented for Commission discussion with the opportunity to provide feedback on related implementation measures.

Background

Assembly Bill 361

Existing Remote Meeting Allowances

Assembly Bill (AB) 361 allows all public agencies to hold remote meetings so long as certain findings are made by the governing boards in 30-day intervals while a proclaimed state of emergency exists. Governor Newsom announced that he plans to lift the Covid-19 State of Emergency on February 28, 2023. Since AB 361 applies only during a proclaimed state of emergency, governing boards will no longer be able to utilize AB 361’s provisions for remote meetings after the Covid-19 State of Emergency has ended.

Senate Bill 2449

New Remote Meeting Allowances

The traditional teleconference provisions contained in the Brown Act, as amended by Senate Bill (SB) 2449 do not authorize governing bodies to conduct remote meetings to the same extent as AB 361. SB 2449 only allows individual members of a governing body to appear remotely on a limited basis due to unforeseen circumstances.

Discussion

This item is for Alameda LAFCO to review a memorandum from Commission Counsel on SB 2449 and its allowances for governing bodies to hold remote meetings starting in March 2023. The item follows an earlier request by the Commission and is for information and discussion – including the opportunity to provide direction to LAFCO staff on implementing measures.

Alameda LAFCO has currently reserved meeting space at Dublin San Ramon Services District (DSRSD) to hold its February 10th Strategic Planning Workshop and March 9th regular meeting. DSRSD does not have videoconferencing capabilities to hold hybrid meetings and will not hold meetings according to SB 2449. Staff has contacted the City of Dublin to hold its May 11th regular meeting as the City of Dublin’s Council Chambers do have videoconferencing capabilities for hybrid meetings. Staff is currently awaiting confirmation on the meeting space.

Analysis

Please see Attachment 1.

Alternatives for Action

This item is being presented to Alameda LAFCO for discussion and feedback only.

Recommendation

It is recommended the Commission review and discuss Commission Counsel’s memorandum on SB 2449 and related procedures to allow videoconference attendance for public meetings starting in March 2023.

Procedures

This item has been placed on Alameda LAFCO’s agenda as part of the business calendar. The following procedures are recommended in consideration of this item:

1. Receive verbal presentation from staff unless waived.
2. Invite any comments from the public
3. Provide feedback on the item as needed.

Respectfully,

A handwritten signature in blue ink, appearing to read "Rachel Jones", with a long horizontal flourish extending to the right.

Rachel Jones
Executive Officer

Attachments:

1. Commission Counsel Memorandum on Brown Act Procedures for Remote Meetings

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Memorandum

OFFICE OF THE COUNTY COUNSEL

DONNA R. ZIEGLER
COUNTY COUNSEL

DATE: December 22, 2022

TO: Alameda LAFCo Commissioners and Alternate Commissioners

FROM: Andrew J. Massey, Deputy County Counsel 
Corrina Seeley VanDenBaard, Associate County Counsel

SUBJECT: Brown Act Compliance in 2023: Limited Options for Remote Meetings

I. BACKGROUND

Governor Newsom announced that he plans to lift the Covid-19 State of Emergency on February 28, 2023.¹ Since the beginning of the pandemic, many local legislative bodies have been meeting remotely under authority granted by the Governor first through a 2020 executive order (since rescinded) and, more recently, pursuant to the simplified approach included in Assembly Bill 361 (2021)² (“AB 361”). Since AB 361 applies only during a proclaimed state of emergency,³ local legislative bodies will no longer be able to utilize AB 361’s simplified provisions for remote meetings after the State of Emergency has ended.

Numerous boards and commissions subject to the Brown Act have inquired about their ability to continue to hold remote meetings.

II. EXECUTIVE SUMMARY

The traditional teleconference provisions⁴ contained in the Brown Act, as amended by Assembly Bill 2449 (2022) (“AB 2449”) ⁵ do not authorize bodies to utilize teleconference to the same extent as AB 361. The traditional Brown Act teleconference rules provide for the ability to continue remote meetings subject to the right of the public to attend in person at any teleconference location, whereas AB 2449 allows individual members of a legislative body to appear remotely on a limited basis due to unforeseen circumstances. If a legislative body wishes to utilize teleconferencing to the widest degree possible after AB 361 is no longer applicable, it should look to the traditional Brown Act teleconference rules.

Attachment A provides a chart that compares the major provisions of AB 361, traditional Brown Act teleconference rules, and AB 2449. **Attachment B** provides a more detailed overview of AB 2449’s provisions. Lastly, **Attachment C** provides a more detailed overview of the traditional Brown Act provisions.

¹ <https://www.gov.ca.gov/2022/10/17/governor-newsom-to-end-the-covid-19-state-of-emergency/>

² Codified at Gov’t Code § 54953(e), and sunsets on the sooner of December 31, 2023, or when the Covid-19 State of Emergency ends (anticipated February 28, 2023).

³ Gov’t Code § 54953(e).

⁴ Gov’t Code § 54953(b).

⁵ AB 2449 (is effective January 1, 2023, and sunsets on December 31, 2025) revised Gov’t Code § 54953 and §54954.2 and added §5354.2.

ATTACHMENT A
CHART COMPARING TELECONFERENCE OPTIONS

The following chart summarizes and compares the available teleconference options presently. Note, however, that if the Governor lifts the state of emergency effective March 1, 2023, AB 361 will no longer be an available option.

	Teleconference Options		
	Traditional Brown Act	AB 361	AB 2449
Public must be allowed to attend in person at legislative body member's remote location?	Yes. (Gov't Code § 54953(b)(3)).	No. (Gov't Code § 54953(e)(1)).	No. (Gov't Code § 54953(f)(1)).
Limit on the number of members that can use this option at the same time?	No. (Gov't Code § 54953(b)(1) & (2)).	No. (Gov't Code § 54953(e)(1)).	Yes, at least a quorum of the legislative body must be present at a singular physical location within the agency's jurisdiction. (Gov't Code § 54953(f)(1)).
Limit on the number of times a member can use this option per calendar year?	No. (Gov't Code § 54953(b)(1) & (2)).	No. (Gov't Code § 54953(e)(1)).	Yes. No more than three consecutive months of teleconferencing and no more than 20% of the meetings per calendar year. If the legislative body holds fewer than 10 meetings per calendar year, then a member may only teleconference twice per calendar year. (Gov't Code § 54953(f)(3)).
Members must use both audio and visual technology?	No, audio only is acceptable. (Gov't Code § 54953(j)(6)).	No, audio only is acceptable. (Gov't Code § 54953(j)(6)).	Yes. (Gov't Code § 54953((f)(2)(C)).
Quorum of the legislative body need to attend from within the agency's jurisdiction?	Yes, although all members may appear remotely in separate locations	No. (Gov't Code § 54953(e)(1)).	Yes, a quorum of the legislative body must appear in person at a singular place within

	within the agency's jurisdiction. (Gov't Code § 54953(b)(3)).		the agency's jurisdiction. (Gov't Code § 54953(f)(1)).
Required to provide a physical meeting location for the public?	Yes, at the standard location where regular meeting agendas are posted and at the member's remote location. (Gov't Code § 54953(b)(2)(D)).	No. (Gov't Code § 54953(e)(4)).	Yes, but only at the standard meeting location. Agendas do not need to be posted at a member's remote location. (Gov't Code § 54953(f)(1)).
Required to provide call-in or internet-based broadcast for public?	No.	Yes. (Gov't Code § 54953(e)(2)(A)).	Yes, either a two-way audiovisual platform or a two-way telephonic service and live stream. The public must be able to provide comment via call-in option, an internet-based option, and an in-person location. (Gov't Code § 54953(f)(1)(A)).
Action must stop if the broadcast for the public is disrupted?	No express requirement to stop the meeting. However, the agency could choose to pause until technology issues are resolved.	Yes. (Gov't Code § 54953(e)(2)(B)).	Yes. (Gov't Code § 54953(f)(1)(D)).
Provisions are planned to sunset?	No.	Yes, law sunsets at the sooner of the end of 2023 or when the Covid-19 state of emergency ends (anticipated to be February 28, 2023).	Yes, sunsets at end of 2025.

ATTACHMENT B
OVERVIEW OF AB 2449 TELECONFERENCE PROVISIONS FOR “JUST CAUSE” AND
“EMERGENCY CIRCUMSTANCE”

Summary of Provisions:

Assembly Bill 2449 (2022) (“AB 2449”) amends the teleconferencing provisions of the Brown Act and adds subdivision (f) to Government Code section 54953. The provisions of AB 2449 are effective January 1, 2023, through December 31, 2025. These provisions allow board or commission members to participate remotely for “just cause” or in an “emergency circumstance.” AB 2449 also limits how frequently the “just cause” and “emergency circumstance” grounds can be used and imposes several other requirements that limit its practical value, including that at least a quorum of the legislative body must meet in the same physical location and the meeting must allow remote participants to interact through audio and visual.

For an agency to invoke the procedures under AB 2449, there must at least be a quorum of the board members or commissioners participating in person from a singular, physical location identified on the agenda. The location must be accessible to the public and must be located within the local agency’s jurisdiction. Local agencies must provide at least one of the following to facilitate a public meeting that equally allows remote participants to interact:

- A two-way audiovisual platform (defined to mean an online platform that provides participants with the ability to participate in a meeting through an interactive video conference and a two-way telephone function); and/or
- A two-way telephonic service and live webcasting of the meeting (defined to mean a telephone service that does not require internet access, is not provided as part of the two-way audiovisual platform and allows participants to dial a telephone number to listen and verbally participate).⁶

When participating remotely, board members or commissioners must participate through both audio and visual technology.⁷ Before any official action is taken, the board member or commissioner appearing remotely must publicly disclose whether any other individuals 18 years of age or older are in the room at the remote location with the member or commissioner, and what the individual’s relationship is to the board member or commissioner.⁸

If a disruption occurs that prevents the board or commission from convening the meeting both remotely and in person, the board or commission can take no further actions until public access to the meeting has been restored.⁹ This includes situations where the online platform for remote participation has been disrupted and the public may no longer access the meeting remotely. Actions taken during disruption may be challenged.¹⁰

⁶ Gov’t Code § 54953(f)(1)(A).

⁷ Gov’t Code § 54953(f)(2)(C).

⁸ Gov’t Code § 54953(f)(2)(B).

⁹ Gov’t Code § 54953(f)(1)(D).

¹⁰ *Id.*

a. Teleconferencing for “Just Cause” v. “Emergency Circumstances”

The teleconference provisions of AB 2449 apply only when a board member or commissioner can demonstrate “just cause” or an “emergency circumstance.”¹¹

“Just cause” means any of the following:

- A childcare or caregiving need of a child, parent, grandparent, grandchild, sibling, spouse, or domestic partner that requires the member to participate remotely;
- A contagious illness that prevents a board member or commissioner from attending in person;
- A need related to a physical or mental disability not otherwise accommodated by subdivision (g); or
- Travel while on official business of the legislative body or another state or local agency.¹²

“Emergency circumstance” means a physical or family medical emergency that prevents a body member from attending in person.¹³

There are different procedures for invoking a “just cause” or an “emergency circumstance” :

	Just Cause	Emergency Circumstance
Reason for teleconferencing must be disclosed to the legislative body?	Yes. (Gov’t Code § 54953(f)(2)(A)(i)).	Yes. (Gov’t Code § 54953(f)(2)(A)(ii)).
Reason for teleconferencing must be approved by the legislative body?	No. (Gov’t Code § 54953(f)(2)(A)(i)).	Yes. (Gov’t Code § 54953(f)(2)(A)(ii)).
When does a teleconference request have to be made?	At the earliest opportunity. (Gov’t Code § 54953(f)(2)(A)(i)).	As soon as possible. If there is insufficient time to make the request before the posting of the public agenda, then the request may be made at the beginning of the meeting. (Gov’t Code § 54953(f)(2)(A)(ii)(I) & (II)).
Annual limit on the use of the teleconference option?	Yes. A member may not use this option more than two times per calendar year. (Gov’t Code § 54953(f)(2)(A)(i)).	Yes, total remote appearances may be for no more than three consecutive months or 20 percent (20%) of the regular meetings of the calendar year.
	Legislative body members may not use a combination of “just cause” and “emergency circumstance” to participate	

¹¹ Gov’t Code § 54953(f)(2)(A).

¹² Gov’t Code § 54953(j)(2).

¹³ Gov’t Code § 54953(j)(1).

	remotely for more than three months or 20 percent (20%) of the regular meetings of the calendar year. If the legislative body convenes fewer than 10 times a year, the member cannot participate remotely in more than two regular meetings. (Gov't Code § 54953(f)(3)).
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b. Process for Seeking to Participate Remotely for Just Cause

A legislative body member may appear remotely for just cause if the following circumstances apply:

- The member has provided a general description of the just cause at the earliest opportunity possible, including before the agenda publication deadline or at the start of the meeting;¹⁴
- The member has not met their limit for teleconferenced appearances for just cause in the calendar year: no more than two just cause teleconferencing appearances; no more than three months of consecutive teleconferencing appearances under just cause or emergency circumstances; and no more than 20 percent of the meetings;¹⁵
- The clerk has published the agenda listing the means by which the public may remotely access the meeting and offer public comment;¹⁶
- A quorum of the legislative body is physically present in a singular physical location within the agency's territorial jurisdiction;¹⁷
- The teleconferencing member turns on their audio and video (calling in by phone alone is not permitted);¹⁸
- The member discloses at the start of the meeting whether any other individuals aged 18 years or older are present in the room at the remote location, and the member discloses their relationship with such individuals;¹⁹ and
- All votes are taken by roll call.²⁰

c. Process for Seeking to Participate Remotely for Emergency Circumstances

A legislative body member may appear remotely for an emergency circumstance if the following circumstances apply:

- The member has provided a general description of the emergency circumstance at the earliest opportunity possible. If there is insufficient time to place the request on the posted agenda, then the request may be made at the beginning of the meeting. The general description need not exceed 20 words and shall not require the member to disclose any medical diagnosis or disability, or any other personal medical information that is already exempt under existing law;²¹

¹⁴ Gov't Code § 54953(f)(2)(A)(i).

¹⁵ Gov't Code § 54953(f)(2)(A)(i) and (f)(3).

¹⁶ Gov't Code § 54953(f)(1)(B).

¹⁷ Gov't Code § 54953(f)(1).

¹⁸ Gov't Code § 54953(f)(2)(C).

¹⁹ Gov't Code § 54953(f)(2)(B).

²⁰ Gov't Code § 54953(b)(2)(A).

²¹ Gov't Code § 54953(f)(2)(A)(ii).

- The member has not met their limit for teleconferenced appearances for just cause or emergency circumstances in the calendar year: no more than three months of consecutive teleconferencing appearances, or no more than 20 percent of teleconferenced appearances within a calendar year. If the legislative body meets for less than 10 meetings per calendar year, then the member can teleconference at no more than two meetings;²²
- The clerk has published the agenda listing the means by which the public may access the meeting and offer public comment;²³
- A quorum of the legislative body is physically present in a singular physical location within the agency’s territorial jurisdiction;²⁴
- The legislative body votes to approve the teleconference appearance due to emergency circumstance;²⁵
- The teleconferencing member turns on their audio and video (calling in by phone alone is not permitted);²⁶
- The member discloses at the start of the meeting whether any other individuals aged 18 years or older are present in the room at the remote location, and the member discloses their relationship with such individuals;²⁷ and
- All votes are taken by roll call.²⁸

Summary Chart:

AB 2449 Rules (Effective January 1, 2023, through December 31, 2025) [Gov’t Code § 54953(f)²⁹]	
Summary	<ul style="list-style-type: none"> • Can be used only in the event of “just cause” or an “emergency circumstance.” (Gov’t Code § 54953(f)(2)(A)). • Limits the number of times an individual member may appear remotely pursuant to this subdivision. (Gov’t Code § 54953(f)(3)). • Quorum of the member of the legislative body must be physically present in a singular place within the agency’s jurisdiction. (Gov’t Code § 54953(f)(1)).
Just Cause	<ul style="list-style-type: none"> • Definition: “Just cause” is defined as any of the following: (1) childcare or caregiving for a child, parent, grandparent, grandchild, sibling, spouse, or domestic partner that requires remote participation; (2) a contagious illness that prevents the member from attending in

²² Gov’t Code § 54953(f)(3).

²³ Gov’t Code § 54953(f)(1)(B).

²⁴ Gov’t Code § 54953(f)(1).

²⁵ Gov’t Code § 54953(f)(2)(A)(ii).

²⁶ Gov’t Code § 54953(f)(2)(C).

²⁷ Gov’t Code § 54953(f)(2)(B).

²⁸ Gov’t Code § 54953(b)(2)(A).

²⁹ Note that subdivision (f) will be renumbered as subdivision (e) when AB 361 provisions sunset January 1, 2024.

	<p>person; (3) a need related to a disability not otherwise accommodated; or (4) travel while on official business of the legislative body or a state or local agency. (Gov't Code § 54953(j)(2)).</p> <ul style="list-style-type: none"> • Limits: Can be used for no more than two meetings per calendar year. (Gov't Code § 54953(f)(2)(A)(i)). • Approval: Unlike the “emergency circumstance” exception, approval by the legislative body is not required.
<p>Emergency Circumstance</p>	<ul style="list-style-type: none"> • Definition: An “emergency circumstance” is defined as a physical or family medical emergency that prevents a member from attending in person. (Gov't Code § 54953(j)(1)). • Limits: There is no specific limit on the number of times an “emergency circumstance” can be used, but the annual cap described below limits its use generally. (Gov't Code § 54953(f)(3)). • Approval: Remote participation due to “emergency circumstance” must be specifically approved by legislative body as an action item. A request can be added to an agenda at beginning of meeting if needed, and must be acted on at the beginning of the meeting. (Gov't Code § 54953(f)(2)(A)(ii)).
<p>Annual Limit</p>	<ul style="list-style-type: none"> • A member cannot participate remotely for more than three consecutive months or 20% of the regular meetings in a calendar year (i.e. “just cause” and “emergency circumstances” combined). (Gov't Code § 54953(f)(3)). • If the body regularly meets fewer than 10x/annually, member cannot participate remotely in more than two meetings. (Gov't Code § 54953(f)(3)).
<p>Notice and Agenda Requirements</p>	<ul style="list-style-type: none"> • Affected member must notify the legislative body (notice to the Clerk is sufficient) of their need to appear remotely as soon as possible, and no later than the start of the meeting, together with a “general description” of the grounds for remote participation. The general description need not exceed 20 words or identify any medical diagnosis or disability, or any other personal medical information that is exempt from disclosure under other laws. (Gov't Code § 54953(f)(2)(A)). • The request to appear remotely pursuant to the emergency exception should be placed on the posted agenda, if possible. If insufficient time to place the request on the agenda when it is

	<p>posted 72 hours prior to the meeting, the body can still take action on the request pursuant to Government Code § 54954.2(b)(4). (Gov't Code § 54953(f)(2)(A)(ii)(II)).</p> <ul style="list-style-type: none"> • Agendas do not need to be posted at each teleconference location. (Gov't Code § 54953(f)(1)). • The agenda must identify and include an opportunity for all persons to attend and address the legislative body directly pursuant to via a call-in option, via an internet-based service option, and at the in-person location of the meeting. (Gov't Code § 54953(f)(1)(B) & (C)).
Member and Public Participation	<ul style="list-style-type: none"> • A member attending remotely must participate through both audio and visual technology. (Gov't Code § 54953(f)(2)(C)). • Prior to any action being taken, the member must disclose if someone over the age of 18 is in the same room and their relationship to that person. (Gov't Code § 54953(f)(2)(B)). • Public participation must allow for either a call-in option or an internet-based service option to directly address the body in real-time during public comment. (Gov't Code § 54953(f)(1)(C)). • Local agencies do not need to allow public participation at each (or any) location where members are joining remotely, but instead must "clearly advertise" how members of the public can participate on the agenda. (Gov't Code § 54953(f)(1) & (C)). Agencies must, however, allow for public attendance and participation at the primary meeting location where the quorum is present. (Gov't Code § 54953(f)(1)(C)). • In the event the meeting broadcast is disrupted, the meeting must pause until it is restored. (Gov't Code § 54953(f)(1)(D)).
Quorum	<ul style="list-style-type: none"> • A quorum of the legislative body members must participate in person at a single physical location within the body's territory. (Gov't Code § 54953(f)(1)).

ATTACHMENT C
OVERVIEW OF TRADITIONAL BROWN ACT TELECONFERENCE PROVISIONS

Summary of Provisions:

Government Code Section 54953(b) provides the traditional Brown Act teleconference rules, which were established before the Covid-19 pandemic. While the traditional teleconference provisions allow board members to participate in meetings remotely, the provisions are somewhat impractical given that the teleconference locations must be open and accessible to the public.

The Traditional Brown Act Teleconference provisions authorize teleconferencing under the following conditions³⁰:

1. The legislative body shall post agendas at all teleconference locations;
2. Each teleconference location shall be identified in the notice and agenda of the meeting or proceeding;
3. Each teleconference location shall be accessible to the public; and
4. At least a quorum of the members of the legislative body shall participate from locations within the boundaries of the territory over which the local agency exercises jurisdiction.

So long as the above requirements are met, there is no limit on the number of times a board or commission member may elect to teleconference. Additionally, there is no limit on the number of board or commission members who can use this teleconference option at the same time. Lastly, there is no sunset date on these provisions, so they can be used indefinitely.

If a legislative body wishes to utilize teleconferencing to the widest degree possible after AB 361 is no longer applicable, it should look to the traditional Brown Act teleconference rules. However, the board or commission member who wishes to teleconference must be prepared to have their teleconference location (whether it be a hotel room, home, or office) open and accessible to the public so that the public is able to participate in the meeting from that teleconference location.

Chart Summary:

Traditional Brown Act Teleconference Rules [Gov't Code § 54953(b)]	
Summary	<ul style="list-style-type: none"> • Teleconference can be used for any reason and can be utilized by any number of board or commission members for an indefinite number of times. (Gov't Code § 54953(b)(1) & (2)). • Must allow physical public participation at each teleconference location. (Gov't Code § 54953(b)(3)).
Agendas	<ul style="list-style-type: none"> • Agendas must be posted at each teleconference location where a legislative body member is present. (Gov't Code § 54953(b)(3)). • All teleconference locations must be listed on the agenda. (Gov't Code § 54953(b)(3)).

³⁰ Gov't Code § 54953(b)(3).

Public Participation	<ul style="list-style-type: none">• Each teleconference location must be accessible to the public, and the public must be allowed to offer comments from each location. (Gov't Code § 54953(b)(3)).• Additional teleconference locations may be offered for the convenience of the participants (although not required).• All teleconference locations must be ADA-compliant. (Gov't Code § 54953(b)(2)(B)).
Quorum	<ul style="list-style-type: none">• At least a quorum of the legislative body must be present within the agency's territory. (Gov't Code § 54953(b)(3)).

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TO: Alameda Commissioners
FROM: Rachel Jones, Executive Officer
SUBJECT: **Current and Pending Proposals**

The Commission will receive a report identifying active proposals on file with the Alameda Local Agency Formation Commission (LAFCO) as required under statute. The report also identifies pending local agency proposals to help telegraph future workload. The report is being presented to the Commission for information only.

Information / Discussion

The Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000 (“CKH”) delegates LAFCOs with regulatory and planning duties to coordinate the formation and development of local government agencies and their municipal services. This includes approving or disapproving boundary changes involving the formation, expansion, merger, and dissolution of cities, towns, and special districts, as well as sphere of influence amendments. It also includes overseeing outside service extensions. Proposals involving jurisdictional changes filed by landowners or registered voters must be put on the agenda as information items before any action may be considered by LAFCO at a subsequent meeting.

Current Proposals | Approved and Awaiting Term Completions

Alameda LAFCO currently has no proposals on file that were previously approved and awaiting term completions. CKH provides applicants one calendar year to complete approval terms or receive extension approvals before the proposals are automatically terminated.

Current Proposals | Under Review and Awaiting Hearing

There are currently no active proposals on file with the Commission that remain under administrative review and await a hearing as to the date of this report.

Pending Proposals

There are currently two new potential proposals at the moment that staff believes may be submitted to the Commission from local agencies based on ongoing discussions with proponents.

- **Annexation of West Jack London Boulevard | City of Livermore**

The City of Livermore plans to annex two parcels on West Jack London Boulevard that total 71 acres within the unincorporated area of Alameda County. The purpose of the annexation is to facilitate the Oaks Business Park for the development of offices, research institutions, warehousing, manufacturing, and limited business supporting commercial uses.

- **Reorganization of Appian Way/Louis Ranch Property | ACWD and USD**

The Alameda County Water District (ACWD) and Union Sanitary District (USD) plan to annex one parcel totaling approximately 30 acres within the City of Union City. The purpose of the annexation is to develop 325 single-family residential units on nine parcels totaling 98.6 acres.

Alternatives for Action

This item is for informational purposes only. No formal action will be taken as part of this item.

Attachments: none



TO: Alameda Commissioners
FROM: Rachel Jones, Executive Officer
SUBJECT: Progress Report on 2022-2023 Work Plan

The Alameda Local Agency Formation Commission (LAFCO) will receive a progress report on accomplishing specific projects as part of its adopted work plan for 2022-2023. The report is being presented to the Commission to formally receive and file as well as provide direction to staff as needed.

Background

Alameda LAFCO’s current strategic plan was adopted following a planning session on December 16, 2019. The plan defines each of LAFCO’s priorities through overall goals, core objectives, and target outcomes with overarching themes identified as education, facilitation, and collaboration. The strategic plan is anchored by seven key priorities that collectively orient the Commission to proactively fulfill its duties and responsibilities under the Cortese-Knox-Hertzberg Act of 2000 in a manner responsive to local conditions and needs. These pillars and their related strategies, which premise individual implementation outcomes, are summarized in Attachment 1.

1. Education – Serve as a resource to the public and local agencies to support orderly growth and logical sustainable service provision.
2. Facilitation – Encourage orderly growth and development through the logical and efficient provision of municipal services by local agencies best suited to feasibly provide necessary governmental services and housing for persons and families of all incomes.
3. Collaboration – Be proactive and act as a catalyst for change as a way to contribute to making Alameda County a great place to live and work by sustaining its quality of life.

On May 13, 2021, Alameda LAFCO adopted the current fiscal year work plan at a noticed public hearing. The work plan is divided into two distinct categories – statutory and administrative – with one of three priority rankings: high; moderate; or low. The underlying intent of the work plan is to serve as a management tool to allocate Commission resources in an accountable and transparent manner over the corresponding 12-month period that pulls from the key priorities in the Commission’s 2020-2021 Strategic Plan.

Further, while it is a standalone document, the work plan should be reviewed in relationship to the adopted operating budget given the planned goals and activities are facilitated and or limited accordingly.

This item provides the Commission with a status update on two-dozen plus targeted projects established for the fiscal year with a specific emphasis on the “top ten” projects that represent the highest priority to complete during the fiscal year as determined by the membership. This includes identifying the projects already completed, underway, or pending in the accompanying attachment. The report and referenced attachment are being presented for the Commission to formally receive and file while also providing additional direction to staff as appropriate.

Discussion

The Commission has initiated work on six of the nineteen projects included in the adopted work plan. This includes progress on projects, such as the municipal service review (MSR) on Fire Protection and Emergency Medical Services, Unincorporated Areas Incorporation Feasibility Report, LAFCO Office Move, 2022-2023 Audit Report, and the Sustainable Agriculture Lands Conservation Planning Grant.

Alternatives for Action

This item is for informational purposes only. No formal action will be taken as part of this item.

Attachments:

1. 2020-2021 Strategic Plan
2. 2022-2023 Work Plan

ALAMEDA LOCAL AGENCY FORMATION COMMISSION

STRATEGIC PLAN

2020 -2021

MISSION STATEMENT: Alameda LAFCO provides oversight over local governments to make Alameda County a great place to live and work by balancing the preservation of agriculture and open space with the provision of sustainable municipal services

	EDUCATION	FACILITATION	COLLABORATION
STRATEGIC PILLARS	Serve as a resource to the public and to local agencies to support orderly growth and logical, sustainable service provision	Encourage orderly growth and development through the logical and efficient provision of municipal services by local agencies best suited to feasibly provide necessary governmental services and housing for persons and families for all incomes.	Be proactive and act a catalyst for change as a way to contribute to making Alameda County a great place to live and work by sustaining the quality of life.
CORE STRATEGIES	Enagage with the community through LAFCO outreach as well as receive presentations from outside stakeholders and local agencies to understand issues	Use LAFCO authority through municipal services reviews and change of organizations to promote the change in the region aligned with its mission	Always seek, determine, and question if any regional issues are opportunities for partnerships
TARGET OUTCOMES	Review growth boundaries and governance	Regulate land use through the extension of services	Coordinate with other agencies to determine high-need areas (DUCs)
	Provide Presentations to City Councils, Special Districts, and the County on upcoming projects and LAFCO's role	Provide more guidance on regional issues	Promote inter-agency special projects and partnerships
	Understand local agricultural issues and then consider a study	Create a five-year island annexation plan	Work with stakeholders to identify issues under LAFCO jurisdiction related to economic viability of agriculture
	Identify emerging issues, i.e. water treatment changes	Prepare comprehensive study on climate change	Establish policies and standards to address sustainability of adequate and reliable water supplies, including the use of recycled water
	Educate public on service costs	Encourage consolidations or review shared opportunities	Conduct joint LAFCO workshops
	Determine LAFCO's role in housing	Unfunded liabilities in services - do more to encourage future planning	Create homelessness initiatives with other agencies

Priority	Urgency	Type	Project	Key Issues
1	High	Statutory	Community Services Municipal Service Review	Service Specific MSR Identify Accessibility Issues for Broadband Services
2	High	Statutory	General MSR on Fire Protection and Emergency Services	Second MSR on Fire and Emergency Services sine 2006 Address Shared Opportunities
3	High	Statutory	Alameda County Resource Conservation District MSR	MSR on resource conservation in Alameda County
4	High	Administrative	LAFCO Office Move	Fulfill Long-Term Lease in MOU with CDA; Aid in Hiring LAFCO Analyst
5	High	Statutory	Countywide MSR on Police Services	Examine Current Provision and Need for Police Services and Related Financial and Governance Considerations
6	High	Administrative	South Livermore Valley Area Specific Plan	Provide a LAFCO Update on Plan and Review Current Trends
7	High	Administrative	2022-2023 Audit Report	Verify Fund Balance; Perform Regular Audits
8	Moderate	Administrative	Alameda LAFCO Brochure	Create and Distribute Pamphlet for LAFCO Outreach and Education
9	Moderate	Statutory	Informational Report on Island Annexations	Map all Unincorporated Islands and Examine Island Annexation Implementation Issues in Alameda County
10	Moderate	Administrative	Create Countywide Regional Water and Wastewater Committee	Explore Opportunities and Share Practices for Collobaration on Recycled Water for the Region and Better Utilization of Imported Water
11	Moderate	Statutory	Unincorporated Areas Incorporation Feasibility Report	Prepare a Feasibility Report on the Incorporation of Castro Valley and surrounding areas of Ashland, Cherryland, and San Lorenzo
12	Moderate	Administrative	SALC Grant Award	Continue Two-Year Process on Grant Project and Track Agricultural Trends
13	Moderate	Administrative	Prepare Informational Report on JPAs	Post Enactment of SB 1266; Enhance Repository on Local Government Services
14	Low	Administrative	Review of County Transfer of Jurisdiction Policies	Ensure Policies are Consistent with CKH
15	Low	Administrative	Update Application Packet and Mapping Requirements	Streamline LAFCO Application and County Mapping Requirements; Make User Friendly
16	Low	Administrative	Informational Report on Remen Tract	Special Report on Service Delivery
17	Low	Administrative	Bay Area LAFCO Meetings	Attend Meetings with Other Bay Area LAFCOs for Projects/Training

18	Low	Administrative	Host Alameda County Special District Association Meeting	Communicate LAFCO's Mission and Goals to the Community
18	Low	Administrative	Social Media	Expand Alameda LAFCO's Social Media Presence
19	Ongoing	Statutory	Policy Review on Agricultural Protection and Out of Area Service Agreements	Periodical review of existing policies relative to practices and trends, and determine whether changes are appropriate to better reflect current preferences

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BOARDROOM Brief

OCTOBER found us in Newport Beach for the annual conference, the regional elections on October 20th, and the October 21st Board meeting.

Regional elections saw a return of all directors except for Directors Blake Inscore (Northern) and Daron McDaniel (Central), who chose not to run again. Our sincere thanks to them for their service and many contributions to CALAFCO.

Taking their places are new Directors, Tom Cooley, our new city member for the Northern Region (Plumas), and Rodrigo Espinosa, the new County rep for the Central Region (Merced). Welcome!

With the elections completed, the CALAFCO Board members for the next year are:

Central:

Rodrigo Espinosa (Merced)
Gay Jones (Sacramento)
Anita Paque (Calaveras) and
Daniel Parra (Fresno)

Coastal:

Chris Lopez (Monterey)
Mike McGill (Contra Costa)
Margie Mohler (Napa) and
Shane Stark (Santa Barbara)

Northern:

Bill Connelly (Butte),
Tom Cooley (Plumas)
Debra Lake (Humboldt) and
Josh Susman (Nevada)

Southern:

Mike Kelley (Imperial),
Jo MacKenzie (San Diego)
Derek McGregor (Orange) and
Acquanetta Warren (San Bernardino)

(Continued on page 5)



New Gold Associate

Thank you to RSG, Inc. for upgrading to a Gold Membership!

RSG performs fiscal and reorganizational studies for LAFCOs and applicants with the goal of

(Continued on page 8)

CELEBRATING EXTRAORDINARY!



Left to Right: Don Saylor (Yolo), Carolyn Emery (Orange), Christine Crawford (Yolo), and Amanda Ross (Southfork Consulting) and Erica Sanchez (El Dorado)

On October 20, 2021, CALAFCO held its much anticipated Achievement Awards Dinner in the glittering Pacific Ballroom at the Hyatt Regency John Wayne hotel in Newport Beach, California. The prestigious awards are given annually as a way of highlighting exceptional people or projects that have advanced the principles and goals of the Cortese-Knox-Hertzberg Act over the past year.

Honoring extraordinary efforts, the awards begin as nominations submitted by members from among eight categories. Those nominations then undergo a thorough consideration by the Achievement Awards Committee, with the final award recipients unveiled during the Awards Dinner at the annual conference.

CALAFCO wishes to extend congratulations to this year's phenomenal winners:

- ◆ *Outstanding Commissioner:*
DON SAYLOR (Yolo)
- ◆ *Outstanding LAFCo Professional:*
CAROLYN EMERY (Orange)
- ◆ *Mike Gotch Excellence in Public Service Award for Innovation (two-way tie) between:*
CHRISTINE CRAWFORD (Yolo),
and the dynamic duo of **ERICA SANCHEZ (El Dorado)** and **AMANDA ROSS (South Fork Consulting, LLC).**

Congratulations to all!



A Message from the
Executive Director

Whirlwind Journey

There is something about December that soothes my soul. Maybe it's the changing weather, the holiday sights and sounds, the children oozing with excitement, or maybe it is just knowing that the upcoming change of years allows a little downtime and an opportunity to reflect, rejuvenate, and regrow. That is particularly true this year as December also marks my tenth month as the CALAFCO Executive Director. It has been a bit of a whirlwind journey, but I have been SO glad to have you all by my side.

With the disruption of the pandemic, it's no wonder that the last two years have been challenging for CALAFCO – as with many nonprofits across the country. However, the experience caused us not only to re-examine how we conduct business but to streamline some areas. While it was a painful period, we survived, adjusted, and even developed some new offerings – all in spite of the global conditions.

Then, just when we thought we were normalizing, the year took a bumpy turn due to a spike in COVID-19 cases. That not only forced the cancellation of the spring workshop but also transferred some of its financial obligations to the fall conference. However, despite that, we ended up hosting a successful and well-received conference. Simply put, that success is due to the army of volunteers who assisted in the planning, the presentations, the staffing, and the fundraising that all helped get us there. Because of those combined efforts, we actually made a small profit of approximately \$5,000 on the conference – something I did not think possible back in May. Truly an astounding success, this was a stellar example of the teamwork that made the dream work! Thank you to everyone who offered a helping hand to make it work. (I don't dare try to name you all for fear of missing someone!)

But, that's behind us and we are already looking forward to building on that success in 2023. Of course, we have our next Staff Workshop planned for April 26th-28th in Murphys, California. The planning committee is currently being formed and we will, again, need many hands. Please contact Michelle McIntyre if you would like to help out. Similarly, if you have an idea for a session, please send that to Michelle and me as soon as possible so that the committee has ample time to consider it. Emails to Michelle should be sent to mmcintyre@placer.ca.gov while those to me should go to rlaroche@calafco.org. Look for a flyer for that workshop to go out in January.

Other things expected to occur in 2023 are the selection of a new accountant for CALAFCO, and the build-out of a new website. The need to identify a new accountant rose in June of this year when Jim Gladfelter, our current C.P.A., informed us that he is partially retiring and will no longer be preparing tax returns after this year. Since that preparation is a substantial portion of what he does for CALAFCO, the Board approved an RFP seeking a new accountant with nonprofit expertise. That RFP was issued on December 11th and is currently open. The RFP was transmitted to the EOs who, in turn, have distributed it to their networks and I'm pleased to report

(Continued on page 7)

FROM THE BOARD CHAIR



Dear CALAFCO members,

As the newly elected Board Chair, let me first say how honored and proud I am to have been selected as your Board Chair. I have always recognized the importance of the work that LAFCOs do and, by extension, the importance of the support that CALAFCO provides.

Secondly, I want to offer my sincere thanks to my fellow Board members who elected me to this position. Your trust is appreciated and I, of course, will always do my best to be a thoughtful leader and good steward for CALAFCO.

And, lastly, I want to take a moment to recognize Anita Paque, our former Board Chair, for her leadership. While all of the Board positions come at the expense of one's time, the Board Chair position is more intense, so thank you, Anita, for your service to the Association during a difficult year!

As we close the door on 2022, I want to wish Happy Holidays to everyone. I look forward to a rewarding 2023 at CALAFCO!

Bill Connelly



CONFERENCE CANDIDS

Newport Beach, October, 2022



FAREWELL to Two Contra Costa LAFCo Commissioners - Rob Schroder and Tom Butt

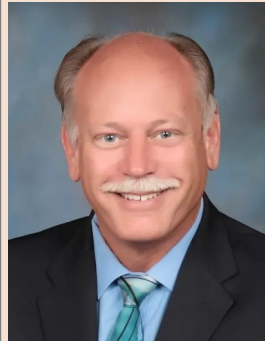
Submitted by Contra Costa LAFCo

Following 20 years as a Contra Costa LAFCo Commissioner, six years as Martinez City Council member, and 20 years as Mayor of the City of Martinez, Rob Schroder is retiring. During his tenure, Rob served on various committees and regional government agencies and boards, including the Contra Costa Transportation Authority (CTTA) (22 years), Central Contra Costa Identification Bureau (19 years), Marin Clean Energy (MCE) (3 years), and was an active member of the Contra Costa Mayors Conference. Commissioner Schroder began his LAFCo career in 2003 and is currently one of our longest serving Commissioners. During Rob's tenure, LAFCo processed 330 applications, including four district formations and seven district dissolutions, and most recently, a large fire district reorganization. LAFCo also completed 1st and 2nd round municipal service reviews (MSRs)/sphere of influence (SOI) updates covering all municipal services.

Commissioner Schroder attended many CALAFCO conferences and says "serving as a LAFCo commissioner gave me an opportunity to understand the relationship between various governmental agencies and how the services they provide intertwine and rely on each other. The MSR process, although confusing when we first started the process many years ago, became a valuable tool in analyzing the efficient delivery of service and identifying deficiencies, areas, and entities that need to be improved or dissolved. Being a LAFCo commissioner made me a better Mayor with the knowledge of the annexation process and the efficient delivery of services."

Following nearly 12 years as a LAFCo Commissioner, 27 years as City of

(Continued on page 6)



IN MEMORIAM

It is with sadness that we report the passing of Riverside LAFCo Commissioner, Phil Williams, on November 20th.

Commissioner Williams was a Special District Member from the Elsinore Valley Municipal Water District and had served on that board since 2001. He was also a local real estate broker and lifelong resident of Lake Elsinore.

Known for his servant heart, he worked tirelessly with local, state, and federal agencies on behalf of his community.

CALAFCO sends its condolences to our colleagues at Riverside LAFCo and to Commissioner Williams' family and friends.



NEW Roles

BRIAN SPAUNHURST, New Fresno EO

Departing EO, David Fey, reported that Brian Spaunhurst was appointed in late May as his replacement. Somehow Brian got missed in the August newsletter but we are rectifying that omission now! Brian has thrown himself into the role and CALAFCO, and has attended the conference (where he could be seen serving time at the registration desk), and has also volunteered to serve on the Legislative Committee. Welcome aboard, Brian!

SHIVA FRENTZEN Appointed El Dorado EO

El Dorado LAFCo reported that its commission took action on September 28th to appoint Shiva Frentzen as Executive Officer. If Shiva's name is familiar, it's because she was previously an El Dorado LAFCo Commissioner who served on the CALAFCO Board of Directors. Welcome (again),

(Continued on page 8)

BOARDROOM

(Continued from page 1)

The new members were seated during the October 21st meeting, followed by the election of the following Executive Officers:

- Bill Connelly** (Chair)
- Margie Mohler** (Vice Chair)
- Acquanetta Warren** (Treasurer)
- Daniel Parra** (Secretary)

With **Anita Paque** rotating into the Immediate Past Chair position. Thank you to all for your service!

With those changes, the first “regular” Board meeting occurred on **December 9, 2022**, with Chair Connelly at the helm. At that time, the Board chose committee members for the new year (staff members for the Leg Committee had been appointed on October 21st.) Committees and members are:

LEGISLATIVE COMMITTEE

Board Appointees - Bill Connelly, Gay Jones, Mike Kelley, Chris Lopez, Jo Mackenzie, Mike McGill, Margie Mohler, Anita Paque, Daniel Parra and Josh Susman.

Staff Voting Members - Clark Alsop, Gary Bell, Mark Bramfitt, Scott Browne, Carolyn Emery, Steve Lucas, Kai Luoma, Jennifer Stephenson, and Gary Thompson.

Staff Alternates - Rob Fitzroy, Paula Graf, Joe Serrano, and Paula de Sousa.

Advisory - Tara Bravo, Crystal Craig, Brandon Fender, Sara Lytle-Pinhey, Priscilla Mumpower, Erica Sanchez, Jim Simon, and Luis Tapia.

ACHIEVEMENT AWARDS COMMITTEE

Mike Kelley, Debra Lake, Margie Mohler, Anita Paque, and Shane Stark.

ELECTIONS COMMITTEE

Rodrigo Espinosa, Chris Lopez, Derek McGregor, and Josh Susman.

Continued in next column

CONFERENCE PLANNING COMMITTEE

Gay Jones, Derek McGregor, Margie Mohler, Anita Paque (Chair), and Josh Susman.

Other matters on the Board’s December 9th agenda included receipt of the Investment and Financial Reports for the First Quarter, adoption of the Board’s meeting schedule for the next year, approval of an RFP for Accounting Services, and receipt of the Conflict of Interest forms, Legislative Committee report, and Conference Overview.

Speaking of the conference, we must express thanks and gratitude to Paul Novak (Los Angeles) and Carolyn Emery (Orange), for their extraordinary fundraising. Because of their efforts, the conference posted a small profit of approximately \$5,000 - despite the nearly \$32,000 in additional fees that we were obligated to pay due to the cancellation of the spring workshop. Hopefully, we can keep these efforts going next year!!

The last item of the meeting was a closed session evaluation of the Executive Director’s (ED) performance. At it’s conclusion, the Board announced that the term of the ED’s employment contract was extended to June 30, 2026, that they had formally approved a 4.9% cost of living increase (the allocation for which had been approved in April with the adopted budget) and, due to security concerns at the current CALAFCO office, approved the ED working remotely from any location, subject to approval by the Executive Committee. For full particulars of public items, please see the agenda packet.

The biennial Strategic Planning session is scheduled for February 16th at the Sacramento offices of Best & Krieger located at 500 Capitol Mall. The Board meeting will be held the next day (February 17th) at the same location.

All agendas, staff reports, and minutes can be found on the CALAFCO website at www.calafco.org. Any questions should be directed to the Executive Director at rlaroc@calafco.org.



CONTRA COSTA FAREWELLS

(Continued from page 4)

Richmond Council member, and the past eight years as the City's Mayor, Tom Butt is retiring. Tom served on multiple boards and committees including MCE, CCTA, San Francisco Bay Conservation and Development Commission, West Contra Costa Transportation Advisory Committee, Association of Bay Area Governments, US Conference of Mayors, Climate Mayors, League of California Cities, and was an active member of the Contra Costa Mayors Conference. Commissioner Butt notes that these regional and statewide appointments have been critical in bringing many benefits to the community including hundreds of millions of dollars in grants, public works projects, legislation, and a seat at the larger table. During Tom's tenure, LAFCo processed 95 applications, including numerous boundary changes/reorganizations, five dissolutions, and most recently, a large fire district reorganization and an out of agency service contract for fire services. During Commissioner Butt's tenure, LAFCo completed 1st and 2nd round MSRs/SOI updates covering all municipal services.

In 2019, both commissioners shared in receipt of CALAFCO's "Most Effective Commission" award. Contra Costa LAFCo Commissioners were recognized for their leadership, diligence, and endeavors to promote healthy and sustainable local agencies. Since 2010, Contra Costa LAFCo Commissioners assisted three special districts to improve their operations and transparency, encouraged several districts to revise its governance structure, reorganized one special district, and dissolved four special districts.

Congratulations and best wishes to Commissioners Schroder and Butt for their valuable and dedicated service to their communities and to Contra Costa LAFCo!

ALAMEDA CONDUCTS MEASURE D STUDY

Submitted By Rachel Jones, Executive Officer, Alameda LAFCo

Alameda LAFCo recently conducted a special study regarding ballot Measure D that was passed in November of 2000 and did the following:

- Amending the County's Urban Growth Boundary
- Increasing restrictions on building intensity, minimum parcel sizes and permitted uses in rural areas of the County
- Establishing that all County planning policies and zoning regulations must be consistent with provisions of Measure D, and
- Mandating that any changes to the land use designations, building intensity or minimum parcel sizes as established by Measure D be subject to a new vote of the County electorate

The study's purposes were to review how Measure D has affected agricultural and open space lands and the surrounding communities, and to consider how implementation of Measure D has or has not met its own LAFCo policies pertaining to agriculture and open space. The study found that since the measure's passing, the agricultural and equestrian communities of Alameda County argue that the strict square footage limitations hinders their business performance. Alameda LAFCo recommended proposed amendments to the County to allow equestrian centers, greenhouses and wineries more flexibility in their building plans.

This November, Alameda County voters approved the recommended amendments on Measure D, or the "Save Agriculture and Open Space Lands" initiative, that aimed at increasing profits for agriculture business while simultaneously preserving the county's open land.

For more information see: <https://dailycal.org/2022/10/31/preserve-open-land-alameda-county-to-vote-on-amended-measure-d>

**Upcoming
EVENTS** 



2023 STAFF WORKSHOP
April 26 - 28, 2023

Learn technical topics in a scenic setting! Don't miss the Staff Workshop to be held on the beautiful grounds of Ironstone Vineyards in Murphys, California.

2023 ANNUAL CONFERENCE
October 18-20, 2023

Hyatt Regency Hotel, Monterey, California



CALAFCO U explores topics of interest to LAFcos and are offered at no cost to our members.

Feb. 23, 2023: **The Dirty Dozen: *Things I Wish I Knew About The Act***

BOARD MEETINGS:

- Feb. 16, 2023** (Strategic Planning) **LOCATION: Sacramento**
- Feb. 17, 2023** **LOCATION: Sacramento**
- Apr. 21, 2023** **LOCATION: Virtual**
- Jul. 14, 2023** **LOCATION: Virtual**
- Oct. 20, 2023** **LOCATION: Monterey**
- Dec. 1, 2023** **LOCATION: Virtual**

LEGISLATIVE COMMITTEE MEETINGS:

- Jan. 13, 2023** **LOCATION: Virtual (9 AM)**
- Feb. 24, 2023** **LOCATION: Sacramento (10 AM)**
- Mar. 31, 2023** **LOCATION: Virtual (9 AM)**
- May. 5, 2023** **LOCATION: Virtual (9 AM)**
- Jun. 16, 2023** **LOCATION: San Diego (10 AM)**
- Jul. 28, 2023** **LOCATION: Virtual, as needed (9 AM)**
- Aug. 25, 2023** **LOCATION: Virtual, as needed (9 AM)**
- Nov. 3, 2023** **LOCATION: Virtual, as needed (9 AM)**
- Dec. 8, 2023** **LOCATION: Virtual, as needed (9 AM)**

ED WHIRLWIND

(Continued from page 2)

that we've already begun fielding questions from potential bidders.

The second large administrative undertaking for 2023 will be the website. We have known since March of this year that the platform on which our website has been built is being retired. So far, our vendor has been able to keep the website functioning at an increasing cost. However, the underlying computer language that it uses will not be supported at all after November, 2023. Given that we have no choice but to rebuild the website, it presents the ideal opportunity to upgrade it to an Association Management System (AMS) which will provide more features to the membership, while reducing some of the repetitive administrative things that Jeni does behind the scenes. We are currently in the process of comparing costs and features between available AMS systems and hope to be able to bring something before the Board in the first part of 2023.

While that's a lot, we're also planning for the Fall Conference. Our October event was so successful that I have already begun hearing from sponsors who are interested in the Monterey conference.

Beyond that administrative matrix, we also foresee a busy year for the Legislative Committee who will be working through some of the back-end things needed to get the GC 56133 proposal moving. Now that our new White Paper has been published ("Planning for a Sustainable and Predictable Future: Clarifying LAFco Authority to Determine Government Code Section 56133(e) Exemption Eligibility"), we can begin the process of reaching out to stakeholders.

Lastly, I am pleased to report that at its December 9th meeting, the Board approved an extension to my employment contract through June 30, 2026. I am gratified beyond measure at the faith they, and you, have placed in me and I hope to continue to be worthy of it in the years to come.

Hopefully, you can tell that I am exhilarated by the opportunities and prospects before us. While the year has been a bumpy one, it has led to good friendships, great partnerships, and the start of some wonderful things. I call that a winning year!

Happy Holidays to each of you! May the season ahead bring you love and laughter. May the year to come bring you prosperity and contentment. Happy New Year, everyone!!



CONNECTIONS

Continued from Page 4

Shiva!

J.D. HIGHTOWER takes the EO rein in San Joaquin

J.D. Hightower has taken the EO reins in San Joaquin. Jim Glaser hung around for a month or two to assist with the transition (and even made an appearance at the conference) but is looking forward to indulging in some traveling.

Welcome aboard, J.D.!

KRIS BERRY now with San Benito

Kris Berry has reported that she has accepted a contract to be San Benito's EO. This makes the second LAFCo in Kris' belt, as she is also EO for Amador LAFCo. Looks like lots of travel is in Kris' future. Congratulations, Kris!

STEVE ENGFER appointed Interim EO in Mariposa

Long-time EO, Sarah Williams, has retired after

33 years with Mariposa County. In her place, the Board of Supervisors has appointed Assistant Planning Director Steve Engfer as both the Interim Planning Director and the Interim LAFCo EO. Welcome, Steve!

LORI ZINN hired as San Diego's new Clerk/Analyst

San Diego LAFCo is pleased to welcome Lori Zinn who joined them as their new Clerk/Analyst. Her first day there was October 24th. Congratulations, Lori!

STEPHANIE PRATT welcomed as Marin Clerk/Jr. Analyst

In August, Marin welcomed Stephanie Pratt to the LAFCo family. She comes to Marin from the private sector so is learning not just about LAFCo but the public sector. Hang in there, Stephanie, and welcome!

Congratulations to you all!

RSG, Inc. Continued from page 1

establishing a factual, transparent and credible basis for our clients to make informed decisions. RSG prepared Placer LAFCo's comprehensive fiscal analysis for the 2017 incorporation proposal for Olympic Valley, the preliminary feasibility studies for a 2018 incorporation in Malaga (Fresno County), as well as several reorganization proposals and municipal service reviews.

To learn more about RSG, Inc, visit their website at www.webrsg.com or contact Jim Simon at: jsimon@webrsg.com.

Associate Member SPOTLIGHT



CITY OF RANCHO MIRAGE

Located in the geographic center of the Coachella Valley, Rancho Mirage enjoys sunshine nearly every day with clean air. Resort living, superb dining, outdoor recreation, cultural and business opportunities all contribute to a superior quality of life.

To learn more about the City of Rancho Mirage, visit their website at: <https://ranchomirageca.gov/>



QK (formerly Quad Knopf) provides planning, engineering, biology, environmental, and survey services to public and private clients. Our planners have previous experience working for public agencies, including serving as LAFCo Analysts. We specialize in the San Joaquin Valley and Sacramento Valley regions.

To learn more about QK visit their website at www.qkinc.com, or contact Trevor Stearns at tstearns@qkinc.com

All information is provided by the Associate upon joining the Association. All Associate Member information can be found in the CALAFCO Member Directory.

CALAFCO wishes to thank all of our Associate Members for their ongoing support and partnership. We look forward to highlighting other Associate Members in future Newsletters.