



LAFCO

Alameda Local Agency Formation Commission

NOTICE OF REGULAR MEETING AND AGENDA

ALAMEDA LOCAL AGENCY FORMATION COMMISSION

THURSDAY, MAY 8, 2025

2:00 P.M.

Ralph Johnson, Chair — Nate Miley — David Haubert — John Marchand — Jack Balch — Mariellen Faria — Sblend Sblendorio
Lena Tam, Alternate — Sherry Hu, Alternate — Georgean Vonheeder-Leopold, Alternate — Bob Woerner, Alternate

In Person:

Council Chamber
Dublin City Hall
100 Civic Plaza
Dublin, CA 94568

Or from the following remote locations:

- 1221 Oak Street, Fifth Floor, Oakland, CA 94612
- 1507 Cheryl Street, Redlands, CA 92374

Via Video-Teleconference Participation:

<https://us02web.zoom.us/j/82983511571?pwd=bi8xWkVsU2QxYjB3bzE2S2lubnN2Zz09>

Meeting ID: 829 8351 1571

Password (if prompted): lafco or 140331

(669)-900-9128

Remote participation by e-mail is also welcomed by sending comments to LAFCO staff at rachel.jones@acgov.org. All e-mails received before 4:00 P.M. one business day before the meeting will be forwarded to the Commission and posted online. These comments will also be referenced at the meeting.

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 and Pledge of Allegiance**
2. **Roll Call**
3. **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.*

4. Consent Items:

- a. Approval of Meeting Minutes: March 13, 2025 Regular Meeting
- b. Third Quarter Budget Report for FY 2025-2026
- c. Update to LAFCO Map and Geographic Description Policies and Procedures

5. Adoption of Final Operating Budget and Work Plan for FY 2025-2026 – (Public Hearing)

The final budget and work plan remain intact from its initial draft. The final budget expenses total \$910,855, representing an increase of \$92,317, or 11.3% from the current fiscal year. The increase is marked by expenses as LAFCO transitions towards operational separation from the County, which includes employee benefits and professional services for operational costs such as payroll, bookkeeping, and legal expenses. Revenues are matched to expenses with an increase in agency contributions by \$63,317, or 12.6%, in step with a fund balance offset of \$295,000, applied in the same manner as the previous fiscal year with a \$25,000 increase in total amount.

LAFCO Staff Recommendation: Staff recommends approval.

6. Recommendation for General Counsel Services – (Business)

The Alameda Local Agency Formation Commission (LAFCO) will consider selecting Colantuono, Highsmith & Whatley, PC (CHW) to serve as Alameda LAFCO's general counsel beginning January 1, 2026.

LAFCO Staff Recommendation: Authorize the Executive Officer to negotiate a contract agreement with CHW, identifying Matthew Summers as the designated attorney to serve as LAFCO legal counsel, and direct staff to return to the Commission at the next regular meeting for approval.

7. Memorandum of Understanding (MOU) Extension and Transition Plan – (Business)

The Alameda Local Agency Formation Commission (LAFCO) will consider approving the Sixth Amendment to the Memorandum of Understanding (MOU) with the County of Alameda, extending through December 31, 2025, and authorize the Executive Officer to execute the amendment on behalf of the Commission. This Sixth Amendment ensures continuity of service and legal clarity as LAFCO finalizes its transition toward full operational independence from the County.

LAFCO Staff Recommendation: Staff recommends approval.

8. Nomination and Election of Chair and Vice Chair – (Business)

As set forth in the Commission's Policies and Procedures Guidelines, the Alameda Local Agency Formation Commission (LAFCO) elects its officers (Chair and Vice Chair) at the May meeting for a period of two years with the newly elected officers assuming office at the next regular Commission meeting.

LAFCO Staff Recommendation: Nominate and elect the Commission Chair and Vice Chair for a period of two calendar years.

- 9. Matters Initiated by Members of the Commission**
- 10. Executive Officer Report**
- 11. Informational Items**
 - a. Current and Pending Proposals**
 - b. Progress Report on 2024-2025 Work Plan**
 - c. CALAFCO Staff Workshop from April 30th – May 2nd in Temecula, California (verbal report)**
- 12. Adjournment of Regular Meeting**

Next Meetings of the Commission

Policy and Budget Committee Meeting

Thursday, June 5, 2025 at 2:00 p.m., Dublin City Hall, Bray Community Room

Regular Meeting

Thursday, July 10, 2025 at 2:00 p.m., Dublin City Hall, Council Chamber

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



AGENDA REPORT

May 8, 2025

Item No. 4a

TO: Alameda Commissioners

FROM: April L. Raffel, Commission Clerk

SUBJECT: **March 13th Regular Meeting Minutes**

The Alameda Local Agency Formation Commission (LAFCO) will consider draft minutes prepared for the regular meeting held on March 13, 2025. 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 March 13, 2025, regular meeting. The attendance record for the meeting follows.

- All regular Commissioners were present.
- All alternate Commissioners were present except Lena Tam (County of Alameda) and Sherry Hu (City of Dublin).

Alternatives for Action

The following alternatives are available to the Commission:

Alternative One (Recommended):

Approve the draft minutes prepared for Alameda LAFCO's March 13, 2025, 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 March 13, 2025, Regular Meeting

SUMMARY ACTION MINUTES
ALAMEDA LOCAL AGENCY FORMATION COMMISSION
March 13, 2025, Regular Meeting
City of Dublin Council Chambers, 100 Civic Drive, Dublin, CA

1. CALL TO ORDER AND PLEDGE OF ALLEGIANCE

2. ROLL CALL

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

Regulars Present: Jack Balch, City of Pleasanton
Mariellen Faria, Eden Township Healthcare District
David Haubert, County of Alameda
Ralph Johnson, Castro Valley Sanitary District (Chair)
John Marchand, City of Livermore
Nathan Miley, County of Alameda (arrived at 2:21 p.m.) *
Sblend Sblendorio, Public Member

Alternates Present: Georgean Vonheeder-Leopold, Dublin San Ramon Services District
Bob Woerner, Public Member

Members Absent: Sherry Hu, City of Dublin (alternate)
Lena Tam, County of Alameda (alternate)

*Attended by videoconference.

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 Acting Commission Clerk Marsha Moore.

3. WELCOME RETURNING/NEW COMMISSIONERS

The Commission acknowledged the appointment of Mayor Jack Balch, and Mayor Sherry Hu, and the reappointment of Commissioner Marchand by the Alameda County Mayors' Conference on March 12, 2025.

4. PUBLIC COMMENT:

Chair Johnson invited anyone from the public to address the Commission on any matter not listed on the agenda and within the jurisdiction of the Commission. There was one public comment to address the Commission from the following person:

- Kelly Abreu, Fremont resident

Chair Johnson proceeded to close the public hearing.

5. CONSENT ITEMS

Item 4a

Approval of Meeting Minutes for January 9, 2025, Regular Meeting

The item presented to approve the draft action minutes prepared for the Commission's regular meeting on January 9, 2025. Recommendation to approve.

Item 4b

Approval of Third Quarter Budget Report for FY 2025 -2026

The item presented to approve the Third Quarter Budget Report for FY 2025-2026
Recommendation to approve.

Item 4c

Approval of the Contract Award for Health Services Municipal Service Review

The item presented to approve the Contract Award for Health Services Municipal Service Review.
Recommendation to approve.

Item 4d

Approval of the Contract Award for Accounting Services

The item presented to approve the Contract Award for Accounting Services. Recommendation to approve.

Item 4e

Approval of the Contract Award for Payroll Services

The item presented to approve the Contract Award for Payroll Services. Recommendation to approve.

Item 4f

Request for Proposals (RFP) for Human Resources and Benefits Consulting

The item presented to approve the Request for Proposals (RFP) for Human Resources and Benefits Consulting. Recommendation to approve.

Item 4g

Request for Proposals (RFP) for General Counsel Services

The item presented to approve the Request for Proposals (RFP) for General Counsel Services.
Recommendation to approve.

Chair Johnson asked if the Commissioners would like to pull any consent items for discussion.

Commissioner Sblendorio moved to approve the consent calendar with the correction of Jan Palajac's name under Item 7 of January 9th regular meeting minutes. The motion was seconded by Commissioner Haubert.

AYES:	Balch, Faria, Haubert, Johnson, and Sblendorio
NOES:	None
ABSENT:	Miley
ABSTAIN:	Marchand

The motion was approved 5-0.

6. DRAFT OPERATING BUDGET AND WORK PLAN FOR FY 2025-2026 - (Public Hearing)

Item presented by Executive Officer Jones to consider adopting a draft budget and work plan for the fiscal year 2025-2026 in anticipation of taking final action at its next regular meeting. Proposed budget expenses total \$910,855, representing an increase of \$92,317, or 11.3%, from the current fiscal year. The increase is marked by expenses as LAFCO transitions towards operational separation from the County, which includes employee benefits and professional services for operational costs such as payroll, bookkeeping, and legal expenses. Recommendation for adoption will be presented prior to a formal public review and comment period and conclude with final action taken at the next regular meeting scheduled for May 8, 2025.

Chair Johnson invited a discussion from the Commission. There were none.

Chair Johnson invited public comments. There were none.

Commissioner Balch motioned with a second from Commissioner Haubert to adopt the resolution approving the proposed 2025-2026 budget, direct Executive Officer Jones to circulate the proposed budget to funding agencies and the public for review and comment and instruct staff to return with the final 2025-2026 budget for adoption at a noticed public hearing on May 8, 2025.

AYES:	Balch, Faria, Haubert, Johnson, Marchand, and Sblendorio
NOES:	None
ABSENT:	Miley
ABSTAIN:	None

The motion was approved 6-0.

7. LARPD AND EBRPD | REVIEW OF TAX SHARING AGREEMENT AND SERVICE PROVISIONS – (Business)

Item presented by Executive Officer Jones provided a summary from the meeting held on February 28, 2025, between the Livermore Area Park and Recreation District (LARPD) and East Bay Regional Park District (EBRPD) District in response to the Commission's request to facilitate discussions regarding the agencies' 1992 property tax sharing agreement. Both districts have submitted materials and comments that have been incorporated into the summary, highlighting key issues, perspectives of each district, financial findings, and LAFCO's suggestions for resolution. Recommendation is for Commission discussion and feedback only.

Chair Johnson invited public comments. Comments were received from the following people:

- Ken Wysocki, Assistant General Manager, EBRPD
- Jan Palajac, Board Chair, LARPD
- Olivia Sanwong, Ward 5 Board Member and Vice President, EBRPD
- Kelly Abreu, Fremont resident
- David Lunn, Alameda County Ag Advisory, Trail Subcommittee
- Mat Fuzie, General Manager, LARPD
- Lynne Bourgault, General Counsel, EBRPD

The Commissioners engaged in a discussion about the potential implications of the agreement, with some expressing that mediation or legal review might be appropriate should the parties be unable to reach a mutual resolution. Commissioner Woerner noted concerns regarding a possible breach of contract and highlighted the absence of a clearly defined process within the agreement for addressing disputes.

Executive Officer Jones recommended that the Commissioners check back with the two districts in six months to assess progress and determine if further action is needed. Based on that assessment, the Commission can determine whether to allow the districts to continue resolving the matter independently or consider having LAFCO step in to conduct a study on the issue.

Commissioner Marchand thanked Commissioner Woerner and Executive Officer Jones for taking the lead in the discussions between EBRPD and LARPD.

Commissioner Marchand made a motion, seconded by Commissioner Haubert, to check in with EBRPD and LARPD in six months to assess progress and determine if further action is needed. Commissioner Sblendorio proposed an amendment to the motion to include a note of appreciation to Commissioner Woerner for taking the lead in discussions with EBRPD and LARPD. Roll call requested:

AYES:	Balch, Faria, Haubert, Johnson, Marchand, Miley, and Sblendorio
NOES:	None
ABSENT:	None
ABSTAIN:	None

The motion was approved 7-0.

8. TRANSITION PLAN FOR OPERATIONAL INDEPENDENCE AND EXTENSION OF COUNTY MOU – (Business)

Executive Officer Jones reported that LAFCO is undergoing a significant transition to achieve full operational independence from the County. In preparation for this shift, a Transition Plan has been developed to establish the necessary financial, administrative, and operational infrastructure required for LAFCO to function as a fully independent agency. This plan provides a framework for securing financial services, contracting essential professional services, and implementing key operational policies. Additionally, the plan includes extending the existing Memorandum of Understanding (MOU) with the County until December 2025, allowing for a cooperative transition period. Recommendation to approve the Transition Plan and authorize the Executive Officer to negotiate and execute an amendment to the MOU until December 31, 2025.

Chair Johnson invited public comments. There were none.

Chair Johnson invited a Commission discussion. Commission discussion continued.

Commissioner Marchand motioned with a second from Commissioner Sblendorio to approve the transition plan for operational independence and extension of the County MOU until December 31, 2025. Roll call requested:

AYES: Balch, Faria, Haubert, Johnson, Marchand, Miley, and Sblendorio
NOES: None
ABSENT: None
ABSTAIN: None

The motion was approved 7-0.

9. OPENING A TRANSITIONAL BANK ACCOUNT WITH FREMONT BANK – (Business)

Item considered approval for the opening of a dedicated transitional bank account with Fremont Bank. An initial deposit of \$5,000 is proposed to cover setup expenses and initial operational costs as LAFCO moves towards full operational separation from the County of Alameda. Recommendation to approve.

Chair Johnson invited a Commission discussion. Commission discussion continued.

Chair Johnson invited public comments. There were none.

Commissioner Sblendorio motioned with a second from Commissioner Marchand to open a transitional bank account with Fremont Bank. Roll call requested:

AYES: Faria, Haubert, Johnson, Marchand, Miley, and Sblendorio
NOES: None
ABSENT: None
ABSTAIN: Balch

The motion was approved 6-0.

10. MATTERS INITIATED BY MEMBERS OF THE COMMISSION

- Commissioner Faria noted that San Leandro Hospital did not appear in the graph listing acute care hospitals within the Alameda Health System, as referenced in item 5c of the Consent Calendar on page 5 of the RFP from Progressive Healthcare, Inc. and ADW Consulting, LLC. Including it would help ensure a more complete and accurate representation of the system.
- Commissioner Sblendorio expressed concerns about the accuracy of the consultant's basic research, noting gaps in fundamental misunderstanding of the Alameda County's healthcare systems. He recommended incorporating insights from sources such as [Alameda Health System's 2024 "A Year in Review"](#) to strengthen the analysis.

11. EXECUTIVE OFFICER REPORT

- None

12. INFORMATIONAL ITEMS

- a. Current and Pending Proposals
- b. Progress Report on 2024-2025 Work Plan
- c. CALAFCO Staff Workshop from April 30th – May 2nd in Temecula, California

- d. Form 700: Due April 1
- e. Commissioners with terms ending May 2025
 - 1. Georgean Vonheeder-Leopold
 - 2. John Marchand

13. ADJOURNMENT OF REGULAR MEETING

Chair Johnson adjourned the meeting at 3:13 p.m.

Next Meetings of the Commission

Policy and Budget Committee Meeting

Thursday, April 3, 2025, at 2:00 p.m., Dublin City Hall, Bray Community Room

Regular Meeting

Thursday, May 8, 2025, at 2:00 p.m., Dublin City Hall, Council Chambers

I hereby attest the minutes above accurately reflect the Commission's deliberations at its March 13, 2025, regular meeting.

ATTEST,



April L. Raffel
Commission Clerk



LAFCO

Alameda Local Agency Formation Commission

AGENDA REPORT

May 8, 2025

Item No. 4b

TO: Alameda Commissioners

FROM: Rachel Jones, Executive Officer

SUBJECT: Budget Update for Fiscal Year 2024-2025

The Alameda Local Agency Formation Commission (LAFCO) will review a report comparing budgeted to actual transactions through the third quarter of fiscal year 2024-2025. Actual expenses processed through the first 10 months totaled \$504,376, an amount representing 75% of the budgeted total with a third 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 budget for 2024-2025 totals \$818,538. 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 the purposeful aid of a planned \$270,000 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 April. The report provides the Commission with 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	Budgeted Revenues	Budgeted Year End Balance
FY 24-25	FY 24-25	FY 24-25
\$818,538	\$818,538	\$0

Summary of Operating Expenses

The Commission's budgeted operating expense total for 2024-2025 is \$818,538. Actual expenses processed through the first ten months totaled \$504,376, an amount representing 61.6% of the budgeted total with a third of the fiscal year complete. Actuals through the first ten months and related analysis suggest the Commission is ahead of finishing the fiscal year with a balanced budget. A discussion on budgeted and actual expenses through the first ten months and related year-end projections follow.

Expense Units	Adopted	Actuals	Percent Expended	Remaining Balance
Salaries and Benefits	464,819	348,614	75%	116,206
Services and Supplies	271,869	139,249	51%	132,620
Internal Service Charges	81,850	16,513	20%	63,537
	\$818,538	\$504,376	62%	\$314,162

Staffing Unit

The Commission budgeted \$464,819 in Staffing or Salaries and Benefits Unit for 2024-2025. Through the first ten months, the Commission's estimated expenses within the affected accounts totaled \$348,614, or 75% 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 \$271,869 in the Services and Supplies Unit for 2024-2025 to provide funding for *direct* support services necessary to operate Alameda LAFCO. Through the first ten months, the Commission's actual expenses within the affected 14 accounts totaled \$139,249, or 51% of the budgeted amount. Three of the affected accounts – finished with balances exceeding the proportional 75% threshold with explanations provided below. It was projected the unit will finish with a balanced budget.

- Training (Workshops and Conferences)

This account covers the Commission's training and staff conferences. The Commission budgeted \$2,500 in this account for 2024-2025 based on recent actual trends. Actual expenses through April totaled \$1,807 and can be attributed to the recent CALAFCO Annual Conference in Yosemite. Additional expenses are expected for the CALAFCO staff workshop.

- Records Retention

This account covers the Commission's records and storage fees. The Commission budgeted \$360 in this account for 2024-2025 based on recent actual trends. Actual expenses through April totaled \$311 and can be attributed to public records requests and retrieval fees. Staff projects limited additional costs over the succeeding months.

- Memberships

This account covers the Commission's annual dues for ongoing membership of outside agencies and organizations as previously authorized by the members. This includes the CALAFCO membership. The Commission budgeted \$12,509 in this account for 2024-2025 based on recent trends. Actual expenses through April totaled \$12,509, or 100% of the budgeted amount and tied to providing full payment of all budgeted costs. Staff projects no additional expenses to this account.

Internal Service Charges

The Commission budgeted \$81,850 in the Internal Service Charge Unit for 2024-2025 to provide funding for *indirect* support services necessary to operate Alameda LAFCO. Through the first ten months, the Commission's actual expenses within the four affected accounts totaled \$16,513, or 20.2% of the budgeted amount. None of the accounts affected finished with balances exceeding the proportional 75% 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 2024-2025 at \$818,538. Actual revenues collected through the first ten months totaled \$518,994. This amount represents 63% of the budgeted total with a third 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	508,538	501,410	99%	7,128
Application Fees	30,000	4,500	15%	25,500
Interest	10,000	13,084	131%	-
Fund Balance Offset	270,000	0	0%	270,000
	\$818,538	\$518,994	63%	\$299,544

Agency Apportionments

The Commission budgeted \$508,538 in the Agency Apportionments Unit for 2024-2025. This total budgeted amount was to be divided into three equal shares at \$169,513 and invoiced among the County of Alameda, 14 cities, and 15 independent special districts as provided under State statute. Alameda LAFCO has received payments from most of the agencies. Staff has notified the County Auditor to send an additional invoices to the following special district: Hayward Area Recreation and Park District.

Application Fees Unit

The Commission budgeted \$30,000 in the Application Fees Unit for 2024-2025. Through the first ten months, \$4,500 has been collected in the account.

Interest Unit

The Commission budgeted \$10,000 in the Interest Unit for 2024-2025. Through the first ten months, \$13,084 has 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. 2024-2025 General Ledger through April 25, 2025

ALAMEDA LOCAL AGENCY FORMATION COMMISION

Regional Service Planning | Subdivision of the State of California

Expense Ledger

		Adopted	Actuals	Adopted	Actuals	Adopted	Actuals	Adopted	Year-to-Date	Difference	
									As of 04.25.25		
Salary and Benefit Costs											
<u>Account</u>	<u>Description</u>										
60001	Staff Salaries	250,564	250,564	275,933	275,933	292,488	258,028	320,565	240,423	(80,142)	75.0%
-	Employee Benefits and Retirement (ACERA)	123,411	123,411	124,558	124,558	132,031	129,600	144,254	108,191	(36,064)	75.0%
		373,975	373,975	400,491	400,491	424,519	387,628	464,819	348,614	(116,206)	75.0%
Service and Supplies											
<u>Account</u>	<u>Description</u>										
-	Intern	-	-	-	-	-	-	-	-	-	-
610077	Postage	500	-	500	-	500	-	500	-	-	-
610141	Copier	1,000	-	500	-	500	-	500	-	-	-
610191	Pier Diems	8,500	5,600	7,500	7,003	9,000	9,265	10,000	4,503	(5,497)	45.0%
610211	Mileage/Travel	500	373	600	124	1,200	1,493	2,000	465	(1,535)	23.3%
610461	Training (Conferences and Workshops)	2,500	-	2,500	4,619	2,500	6,493	2,500	1,807	(693)	72.3%
610241	Records Retention	350	210	350	-	350	178	360	311	(49)	86.4%
610261	Consultants	100,000	135,017	150,000	112,465	160,000	219,027	200,000	119,259	(80,741)	59.6%
610261	Mapping - County	500	-	-	-	-	-	-	-	-	-
610261	Planning Services	5,000	-	5,000	-	5,000	-	5,000	-	-	-
610261	Legal Services	20,000	-	20,000	-	20,000	18,252	20,000	0	(20,000)	0.0%
610261	SALC Grant Charges		72,404		78,811		85,824	-	-	-	-
610311	CAO/CDA - County - Services	1,000	-	1,000	-	250	28,874	250	0	(250)	0.0%
610312	Audit Services	10,000	-	10,000	-	10,000	-	10,000	-	-	-
610351	Memberships	10,760	10,760	11,287	11,287	12,221	12,221	12,509	12,509	-	100.0%
610421	Public Notices	3,000	2,453	2,000	1,222	2,500	2,959	3,000	358	(2,642)	11.9%
610441	Assessor - County - Services	500	-	250	-	250	-	250	-	-	-
610461	Special Departmental	1,500	233	1,500	-	2,000	297	2,000	0	(2,000)	-
620041	Office Supplies	4,000	28	3,000	41	3,000	2,087	3,000	36	(2,964)	1.2%
		269,610	227,078	215,987	215,573	229,271	386,970	271,869	139,249	(132,620)	51.2%
Internal Service Charges											
<u>Account</u>	<u>Description</u>										
619991	Office Lease/Rent/CDA	32,500	22,241	50,550	22,894	50,550	10,841	50,550	0	(50,550)	0.0%
630021	Communication Services	100	-	100	-	100	-	0	-	-	-
630061	Information Technology	25,870	27,938	26,000	22,080	27,000	22,080	28,000	16,513	(11,487)	59.0%
630081	Risk Management	3,280	-	3,300	-	3,300	3,300	3,300	0	-	-
		61,750	50,179	79,950	44,974	80,950	36,221	81,850	16,513	(65,337)	20.2%
Contingencies		50,000	-	50,000	-	50,000	-	0	-	-	-
<u>Account</u>	<u>Description</u>										
-	Operating Reserve	-	-	-	-	-	-	-	-	-	-
		-	-	-	-	-	-	-	-	-	-
EXPENSE TOTALS		655,335									
		755,335	651,232	746,428	661,037	784,740	810,819	818,538	504,376	(314,162)	61.6%

Revenue Ledger		FY 2021-2022		FY 2022-2023		FY 2023-2024		FY 2024-2025			
		Adopted	Actuals	Adopted	Actuals	Adopted	Actuals	Adopted	Year-to-Date As of 04.25.25	Difference	
Intergovernmental											
Account	Description										
-	Agency Contributions										
	County of Alameda	144,445	144,445	153,143	153,143	160,913	160,913	169,513	169,513	0	100.0%
	Cities	144,445	144,445	153,143	153,143	160,913	160,913	169,513	169,513	0	100.0%
	Special Districts	144,445	138,943	153,143	153,143	160,913	160,913	169,513	162,384	(7,129)	95.8%
		433,335	427,833	459,429	459,429	482,740	482,739	508,538	501,410	(7,128)	98.6%
Service Charges											
-	Application Fees	30,000	6,434	30,000	-	30,000	10,650	30,000	4,500	(25,500)	15.0%
-	SALC Grant Funds	100,000	72,404		53,397		102,224				
Investments											
-	Interest	7,000	5,765	7,000	7,156	7,000	50,048	10,000	13,084	3,084	130.8%
Fund Balance Offset		185,000	185,000	250,000	250,000	265,000	265,000	270,000	0	(270,000)	0.0%
		655,335									
	REVENUE TOTALS	755,335	697,436	746,429	769,982	784,740	910,661	818,538	518,994	(299,544)	63.4%
OPERATING NET		-	46,204	1	108,945	(0)	99,842	(0)	14,619	-	-
UNRESTRICTED FUND BALANCE			716,424		632,624		376,975				



AGENDA REPORT

May 8, 2025

Item No. 4c

TO: Alameda Commissioners

FROM: Rachel Jones, Executive Officer

SUBJECT: Update to LAFCO Map and Geographic Description Policies and Procedures

The Alameda Local Agency Formation Commission (LAFCO) will consider adopting the updated *Appendix C – Instructions for Preparation of Maps and Geographic Description* as proposed by the Alameda County Surveyor and direct staff to incorporate the revised standards into LAFCO's application procedures effective immediately.

Background

Alameda LAFCO requires accurate and consistent mapping and geographic descriptions for change of organization proposals such as annexations, detachments, and reorganizations. These documents are essential for the legal recordation, assessment, and jurisdictional recognition of boundary changes.

In collaboration with the County Surveyor, LAFCO's *Appendix C* has been reviewed and redlined to modernize its requirements and reflect current standards, technologies, and statutory guidance (Attachment 1). The proposed revisions also align with LAFCO's submittal expectations with the operational procedures of the County Recorder, Assessor, and the State Board of Equalization

Discussion

The redlined version of Appendix C proposes several key updates, including:

Transition to Digital Submittals: Applicants are now required to submit maps and descriptions in electronic PDF format, replacing paper copy requirements. Final submittals must also include AutoCAD.dwg files using the "e-transmit" function to ensure all support files are packaged.

Refined Review Process and Cost Requirements:

- \$5,000 deposit still required for initial County Surveyor review.
- Applicants must coordinate directly with the Surveyor and provide all reference deeds and closure calculations electronically.

Revised Mapping Standards:

- Clarifies scale requirements and introduces requirements for depicting enlarged details when necessary.
- Ensures boundary lines and geographic features are distinct and legible on final maps.
- Introduces clearer expectations for labeling existing district boundaries and describing prior annexations.

Clarified Legal Description Standards:

- Legal descriptions must stand alone and include bearing-distance courses, POB/POC tied to permanent features, and acreage breakdowns.
- Inclusion of revision dates and page numbering required on all exhibits.

Standardization of Digital Formats and File Structures:

- All supplementary documents (deeds, maps, support files) must be submitted in PDF.
- A read_me file must accompany each digital submittal, detailing project metadata and file structure.

Analysis

These updates enhance LAFCO's ability to maintain consistent, legally defensible boundary records. They streamline communication between applicants, the County Surveyor, and LAFCO, reduce paper dependency and align with modern GIS and CAD standards. Implementing these revisions will increase processing efficiency while maintaining high standards for geographic accuracy.

Upon Commission approval:

1. Staff will publish the revised Appendix C on LAFCO's website and incorporate it into the standard application package.
2. A notice will be distributed to recent applicants, consultants, and public agencies to inform them of the new submittal requirements

Alternatives for Action

The following alternatives are available to the Commission:

Alternative One (Recommended):

Adopt the updated *Appendix C – Instructions for Preparation of Maps and Geographic Description* as proposed by the Alameda County Surveyor and shown in Attachment 1.

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. Redlined Appendix C – *Map and Geographic Description Requirements*

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ALAMEDA COUNTY
LOCAL AGENCY FORMATION COMMISSION

**INSTRUCTIONS FOR PREPARATION
OF
MAPS AND GEOGRAPHIC DESCRIPTIONS**

(Revised: 13 April, 2018)

I. INSTRUCTIONS

This set of instructions is to guide an Applicant or Authorized Representative regarding the specific requirements for preparation of the Map/s and Geographicⁱ Description/s which are required to accompany any change of organization or reorganization proposal filed with the Alameda County LAFCo. These instructions are a composite of those established by the County Assessor, County Recorder, County Public Works Agency, State Board of Equalization and State statute.

- Current LAFCo policy requires that Annexation, Detachment and Reorganization Maps and their accompanying Geographic Descriptions be approved by the County Surveyor before LAFCo will deem an application complete and calendar it for a hearing before the LAFCo Commission.
- LAFCo policy also requires that the Applicant or Authorized Representative bears the cost of the review performed by the County Surveyor. The County Surveyor's office requires that the applicant post an initial deposit check in the amount of \$5,000.00 for staff review of the Map/s and Geographic Description/s. The deposit check must be received prior to the County Surveyor's Office beginning its review. If the cost of the review is less than the cash deposit, any money remaining will be refunded to the applicant. If, however, the review costs exceed the amount of the cash deposit, additional deposits will be necessary to complete the review.
- The County Surveyor's Office reviews the documents, notes suggested revisions and returns the annotated documents to the Professional Land Surveyor or Registered Engineer authorized to practice land surveying and a copy of these annotated documents to the Applicant or Authorized Representative and to any listed Contacts (see II. *Initial Submittal Requirements*). The County Surveyor's Office deals directly with the Applicant or Authorized Representative requesting the boundary change and the Professional Land Surveyor or Registered Engineer preparing the Map/s and Geographic Description/s in the review process, resulting in the County Surveyor's approval of the Map/s and Geographic Description/s. The LAFCo office is not involved in this phase.

- In certain situations the County Surveyor's Office may be available to prepare the required Annexation, Detachment and Reorganization Map/s and Geographic Description/s.
- When the Map/s and Geographic Description/s are approved, the County Surveyor notifies LAFCo, at which time the Applicant or Authorized Representative requesting the boundary change submits an application to LAFCo and includes a copy of the approved Map/s and Geographic Description/s.
- The County Surveyor's Office then requests the original signed and stamped Map/s and Geographic Description/s from the Professional Land Surveyor or Registered Engineer authorized to practice land surveying.
- Upon approval of the change of organization or reorganization by LAFCo, the County Surveyor signs and stamps the original Map/s and Geographic Description/s and forwards them to LAFCo for filing and recording with the Alameda County Recorder. If required for tax sharing purpose, LAFCo also files the documents with the State Board of Equalization.

You are strongly encouraged to consult with one of the following representatives in the County Public Works Agency - Survey Division who are LAFCo's expert resource in this particular area, prior to the submittal of an Annexation, Detachment or Reorganization Map/s and accompanying Geographic Description/s:

Paul Mabry, JD, P.L.S.

- ~~Michael Rubner, P.L.S.~~ County Surveyor
Telephone: 510.670.5495
Email: ~~michealr@acpwa.org~~
paulm@acpwa.org

II. INITIAL SUBMITTAL REQUIREMENTS

Each submittal package for a change of organization or reorganization filed with the Alameda County Surveyor shall include the following **(in electronic format)**:

- **An electronic pdf copy of the**
~~3 paper copies of the~~ Map of the proposed Annexation, Detachment or Reorganization signed and stamped by the Professional Land Surveyor or Registered Engineer authorized to practice land surveying.
- **An electronic pdf copy of**
~~3 copies of the~~ Geographic Description of the proposed Annexation, Detachment, or Reorganization signed and stamped by the Professional Land Surveyor or Registered Engineer authorized to practice land surveying.

Appendix C

- 1 legible copy of each deed cited on the Map. If the deed refers to a supporting deed, please also submit the supporting deed.
- 1 copy of the Map and/or Geographic Description for each existing annexations cited on the Map.
- Closure calculations showing area.

(Note: If the boundary of the proposed Annexation/Detachment is a composite of record information, the boundary will rarely close within acceptable limits for error. This is allowed.)

- Contact name, address and phone number of affected agencies.
- Assessor's Parcel Map/s of the territory involved.
- An initial deposit check for \$5,000.00 made out to *Alameda County Treasurer*.

III. FINAL SUBMITTAL REQUIREMENTS

- 1 original permanent mylar of the Map/s signed and stamped by the Professional Land Surveyor or Registered Engineer authorized to practice land surveying.
- 1 mylar copy of the original signed and stamped Map/s.
- 1 original Geographic Description/s signed and stamped by the Professional Land Surveyor or Registered Engineer authorized to practice land surveying.
- 1 paper copy of the original signed and stamped Map/s and Geographic Description/s.

(Note: If the applicant and/or Authorized Representative, Professional Land Surveyor or Registered Engineer authorized to practice land surveying wishes to have file copies of the final certified recorded/filed Map and/or Geographic Description, it is their responsibility to submit one or more additional mylar Maps and/or approved Description/s. After the final certified Map and Geographic Description have been filed and recorded, the LAFCo Executive Officer will mail these file copies to the person/s requesting them.)

**Submittals are to be sent to the County Surveyor's Office located at:
Alameda County Public Works Agency
399 Elmhurst Street
Hayward, CA 94544-1307**

IV. GENERAL INFORMATION

- Each boundary change proposed as part of a re-organization must have a separate Map **unless** the boundaries affected by the reorganization are **identical**. If the boundaries are identical, one Geographic Description and one Map will be sufficient provided that **all** ties and references to existing city and district boundaries are referenced.
- Cross Referencing: When two Annexations share the same boundary, but are depicted on their own separate Map and Geographic Description, properly note this “coincident” condition on both Maps and both Geographic Descriptions.
- Boundaries should follow existing political boundaries and natural or man-made features such as rivers, lakes, railroads, tracts and freeways.
- Proposals to form new cities or to annex to existing cities should not divide jurisdiction or responsibility for maintenance within the road right-of-way lines. Such proposals should take either the **entire** width or **none** of it at all.
- Islands and strips shall be disapproved or strongly discouraged.
- Streets should be crossed at right angles. If a street is crossed from a curve, individual annexation or detachment situations will dictate how this is done.
- Legibility of the Geographic Description and Map is essential for present readability and future scanning.

V. LEGAL DESCRIPTIONS

- The Geographic Description shall be labeled **EXHIBIT “I”**.
- Title: The title of the Description must be the same as the title of the Map and must appear at the top of each page of the Description.
- The Geographic Description must be self-sufficient within itself without the necessity for reference to any extraneous documents. When a Description refers to a deed of record, the deed should be used only as a secondary call.
- Preamble: The Description shall include a preamble citing the appropriate city or judicial township or Government Section, Township and Range, Section Number(s) and/or Rancho(s) and County of Alameda, State of California.

- The written Geographic Description shall be expressed as either a bearings and distances description, a bounding description, as a specific parcel description in sectionalized land (e.g., The SW $\frac{1}{4}$ of Section 22, T 1 N, R 1 W), or a combination of these types. When the Description is by bearings and distances, all courses shall be numbered and listed individually in a consistent clockwise direction. The Description shall not be written in a narrative format. All courses required to close the traverse of the project area must be stated.

Following are examples of unacceptable and acceptable Descriptions:

Unacceptable: *(This description refers only to extraneous documents and does not stand alone.)*

“From the point of beginning, northerly to the southwest corner of that certain parcel recorded December 26, 2001 under Series No. 2001501015; thence northeasterly to the westerly line of that certain parcel recorded August 17, 2000 under Series No. 2000247984, Records of the Alameda County Recorder...”

Acceptable: *(This is the same description with the courses numbered and the bearings and distances added.)*

“From the point of beginning:

Course 1. N 3°24'16" E a distance of 1425.04' to the southwest corner of that certain parcel recorded December 26, 2001 under Series No. 2001501015; thence

Course 2. N 82°07'31" E a distance of 814.84' to the westerly line of that certain parcel recorded August 17, 2000 under Series No. 2000247985, records of the Alameda County Recorder; thence....”

- Point of Commencement and/or Point of Beginning: The P.O.C. and/or P.O.B. of the Description shall be referenced to a known major geographic position. (Example: section corner(s), intersection of street or road centerlines, intersection of street rights-of-way and a point on a city, county or district boundary at time of filing, etc.) A Point of Commencement or a Point of Beginning that is tied to a fence post, tree or pipe in the ground is **not** considered a major geographic position. A Point of Commencement or Point of Beginning that refers only to a tract map, a subdivision map or a filed survey map is not acceptable. It is preferred that the Point of Commencement or Point of Beginning be the point on an existing district boundary (when applicable).

- **Curves:** All curves shall be described by direction of concavity, delta, arc length, ~~chord and radius~~ **radius, chord and chord bearing**. They shall include a radial bearing for all points of non-tangency.
- **Freeways:** Since bearings and distances are not required along the right-of-way of a State freeway on the Map, when writing the Geographic Description, call along the right-of-way line. (e.g.: "Thence along the southerly right-of-way line of Interstate 580 Freeway.....")
- **Area:** State the combined total area of the subject territory as well as the area of each separate single area. A single area is any separate geographical area regardless of ownership. A lot, a subdivision, or a township could each be a "single area". A geographic area which is divided into two or more parcels by a roadway, railroad right-of-way, river, or stream shall be considered a "single area". Separate geographic areas that are not contiguous to each other shall not be considered a "single area". A "single area" does not include two areas that are contiguous to an existing city or special district boundary but not to each other.
- The Geographic Description shall be signed and stamped by a Licensed Land Surveyor or a Registered Engineer authorized to practice land surveying. The license or registration expiration date shall be shown.
- For Standard Notes and Statements to be added after the acreage on the Description, see *Attachment A*.
- The revision date should be on the Description.
- Each page of the Description must be numbered Page x of x.

VI. **MAPS**

- The Map shall be labeled ***EXHIBIT "A"***.
- All Maps shall be professionally and accurately drawn or copied.
- Maps will be filed with the County Recorder in a map book and must satisfy the Recorder's requirements for size, type of material, ink, etc. The overall size is 18" x 26" with one-inch margins.
- For the format of the Title Block see *Attachment B*.
- Standard Notes and Statements are to be placed on all Maps and can be found in *Attachment C*.

Appendix C

- The Map shall be drawn to a scale common to the industry. Minimum scale examples are:

<u>Acreage Within Project Area</u>	<u>Minimum Map Scales</u>
1-40 acres	1" = 100'
41-200 acres	1" = 200'

(For a multiple-area filing, the size of each single area should determine the map scale.)

If any segment of the boundary is shorter than 1/40th of the map scale (i.e., 3m on a 1:5000 scale map or 10 feet on a 1" = 400 foot scale map) that segment should be shown in an enlarged detail and/or by using a Line/Curve Table.

- Miscellaneous Requirements:
 - Vicinity Map
 - North Arrow
 - Scale Designation
 - Graphic Scale
 - Sheet Number
 - Date of preparation or latest revision of data (or both)
 - Area of each "single area"
 - Total area of the proposed Annexation/Detachment/Reorganization
 - Legend
- Legend: The existing boundary line and the proposed boundary line shall be drafted so that one can be easily distinguished from the other; both shall be in contrast with other lines shown on the Map. The boundary of the proposed Annexation, Detachment, or Reorganization shall be the most predominant line on the Map. The proposed boundary line shall not exceed 1.5 millimeters in width.
- Multiple Sheets: A key map giving the relationship of the several sheets shall be furnished. Match lines between adjoining sheets shall be used. Proposed boundary lines must stop at match lines; however, other delineations and existing geographic features may extend beyond match lines.
- Each Map shall have numbered courses matching the written Geographic Description. Index tables may be utilized.
- All property lines within the proposed Annexation, Detachment, or Reorganization are to be shown. All property lines immediately adjacent to and

outside the proposed Annexation, Detachment, or Reorganization are to be shown.

- The current deed and recording data, including the property owner's name, the deed Series Number (or Reel and Image), and the recording date, **must be shown for all properties within the proposed Annexation, Detachment, or Reorganization and for all properties immediately adjacent to, and outside, the proposed Annexation, Detachment, or Reorganization.** However, ownership and deed references for properties lying within **existing** boundaries of the city/special district need not be shown.
- The Assessor's Parcel Number must be shown for all parcels abutting **both sides** of the proposed boundary. Interior parcels that do not touch the exterior boundary need not be identified. Assessor parcel numbers are not needed for parcels outside the annexation boundary that are separated from the boundary line by a road.
- Applicable essential geographic and political features must be clearly indicated on the Map. Every Map must clearly indicate all existing streets, roads, and highways, together with the current names and widths of these thoroughfares, within and adjacent to the subject territory. The relationship of the subject territory to street rights-of-way and street centerlines must be clearly indicated. Other examples of geographic or political features are: Township and Range, Section lines and numbers, or Ranchos that are in proximity of the project area; parcel or lot line and numbers; railroad tracks and rights-of-way; levies; waterways; shorelines; any easement or right-of-way that is referenced in the geographic description; any and all geographic features referenced in the geographic description (e.g., "Thence following the southwesterly bank of the San Lorenzo Creek....."), etc.

(Note: On very large proposed Annexations/Detachments/Reorganizations the roadways **near** the boundary on both sides need to be shown. Only **major** streets, roads, and highways need to be shown in the interior portion of these large subject territories.)

- Existing City/Special District Boundary: All prior annexations contiguous with, and in close proximity to, the subject territory shall be shown and list all of the available information of the following:
 - For certificates of completion:
 - Annexation number or name
 - Resolving agency name
 - LAFCo resolution or ordinance number
 - Date of adoption

- Recording date and series number (or book and page or reel and image)
- For maps:
 - Filing date
 - Book and page
 - Series number
- If the resolution/s or ordinance/s was adopted by the Alameda County Board of Supervisors:
 - Minute book and page, or reel and image
- Other filing/recording data will be accepted when the above are not available. (e.g. the City or Agency's adopting Resolution Number and recording date.)
- The Point of Commencement (POC) and/or Point of Beginning (POB) shall be clearly shown on the Map and match the written Geographic Description.
- The right-of-way of a State freeway on the Map does not require bearings and distances.
- The Map shall be signed and stamped by a Professional Land Surveyor or a Registered Engineer authorized to practice land surveying. The license or registration expiration date shall be shown.

VII. DIGITAL MAPS

shall

It is recommended that Maps be submitted in electronic/digital form. Maps that are filed electronically shall conform to the same requirements as described in this section under **Maps**. Additional items for digital Maps are as follows:

email, disc or usb drive

Required files – The ~~disc or CD~~ shall contain only the following files:

a. Map/drawing file(s) using AutoCAD.dwg format in vector format:

- Plotting: The Map drawing file shall have the same appropriate borders, legends, title blocks, signature block and any necessary information that is required for a manually drawn Map.
- Scale: The drawing shall be at real-world scale.
- Layers: A listing of the layers and their definitions shall be included in the "read_me" file.
- File Format: Files shall be in vector format only. ~~Raster files, raster-vector hybrid, .pdf, .tiff, .pcx, .eps, .gif, .jpeg or any other image formats will not be accepted.~~
dwg format. Use the AutoCAD "e-transmit" function to prepare a package of all needed support files.
- Compressed Files: Files shall be uncompressed; compressed files will not be accepted.

b. All other support files such as deeds, record and non-record maps, etc. must be in .pdf electronic format.

b. A text file labeled "read_me" listing:

- The name, address, and phone number of the agency/special district
- County name and city or district name
- Project/short title of the action
- Name, address and phone number of office that prepared the Map file
- List of files on the disk or CD
- Map projection and datum
- Layer definitions
- Sheet size
- Plotting scale
- Date of creation

c. Labels: The ~~disk or CD~~ ^{email, disc or usb drive} must have a label that identifies:

- The agency and/or special district submitting the Map
- Name of the project/short title
- County name(s)
- Date of creation

ⁱThese Guidelines conspicuously adopt the State Board of Equalization's term and corresponding definition for a "Geographic Description." These descriptions are still to be signed and sealed by a Professional Land Surveyor or Registered Engineer authorized to practice land surveying.



AGENDA REPORT

May 8, 2025

Item No. 5

TO: Alameda Commissioners

FROM: Rachel Jones, Executive Officer

SUBJECT: Adoption of Final Operating Budget and Work Plan for FY 2025-2026

The Alameda Local Agency Formation Commission (LAFCO) will consider adopting a final budget and work plan for fiscal year 2025-2026. Both items return following their adoption in draft form and subsequent public review period. The final budget and work plan remain intact from its initial draft. The final budget expenses total \$910,855, representing an increase of \$92,317, or 11.3% from the current fiscal year. The increase is marked by expenses as LAFCO transitions towards operational separation from the County, which includes employee benefits and professional services for operational costs such as payroll, bookkeeping, and legal expenses. Revenues are matched to expenses with an increase in agency contributions by \$63,317, or 12.6%, in step with a fund balance offset of \$295,000, applied in the same manner as the previous fiscal year with a \$25,000 increase in total amount. Staff recommends approval.

Background

Alameda LAFCO is responsible under State law to adopt a proposed budget by May 1st and a final budget by June 15th. A mandatory review by all local funding agencies is required between the two adoption periods. Alameda LAFCO's ("Commission") annual operating costs are primarily funded by proceeds collected from 29 local public agencies operating within Alameda County. State law specifies the Commission's operating costs shall be divided in one-third increments between the (a) County of Alameda, (b) 14 cities, and (c) 15 independent special districts with the latter two categories apportioned based on total revenues as provided in the most recent annual report published by the State Controller's Office. A relatively small portion, typically representing less than one-tenth of total revenues, is also funded from application fees and interest earnings.

Adopted 2024-2025 Budget

The Commission's adopted final budget for fiscal year 2024-2025 totals \$818,538. This amount represents the total approved operating expenditures divided between three active expenses units: salaries and benefits; services and supplies; and internal service charges. A matching revenue total was also budgeted to provide a balanced budget along with the purposeful transfer of \$270,000 from reserves. Budgeted revenues are divided between three active units: agency contributions, application fees; and interest earnings. The total unaudited fund balance as of July 1, 2024 was \$376,975.

Administrative Office

Rachel Jones, Executive Officer
224 West Winton Avenue, Suite 110
Hayward, California 94544
T: 510.670.6267
www.alamedalafco.org

Nate Miley, Regular
County of Alameda

David Haubert, Regular
County of Alameda

Lena Tam, Alternate
County of Alameda

Jack Balch, Regular
City of Pleasanton

John Marchand, Regular
City of Livermore

Sherry Hu
City of Dublin

Ralph Johnson, Chair
Castro Valley Sanitary District

Mariellen Faria, Regular
Eden Township Healthcare

Georgian Vonheeder-Leopold, Alternate
Dublin San Ramon Services District

Sblend Sblendorio, Regular
Public Member

Bob Woerner, Alternate
Public Member

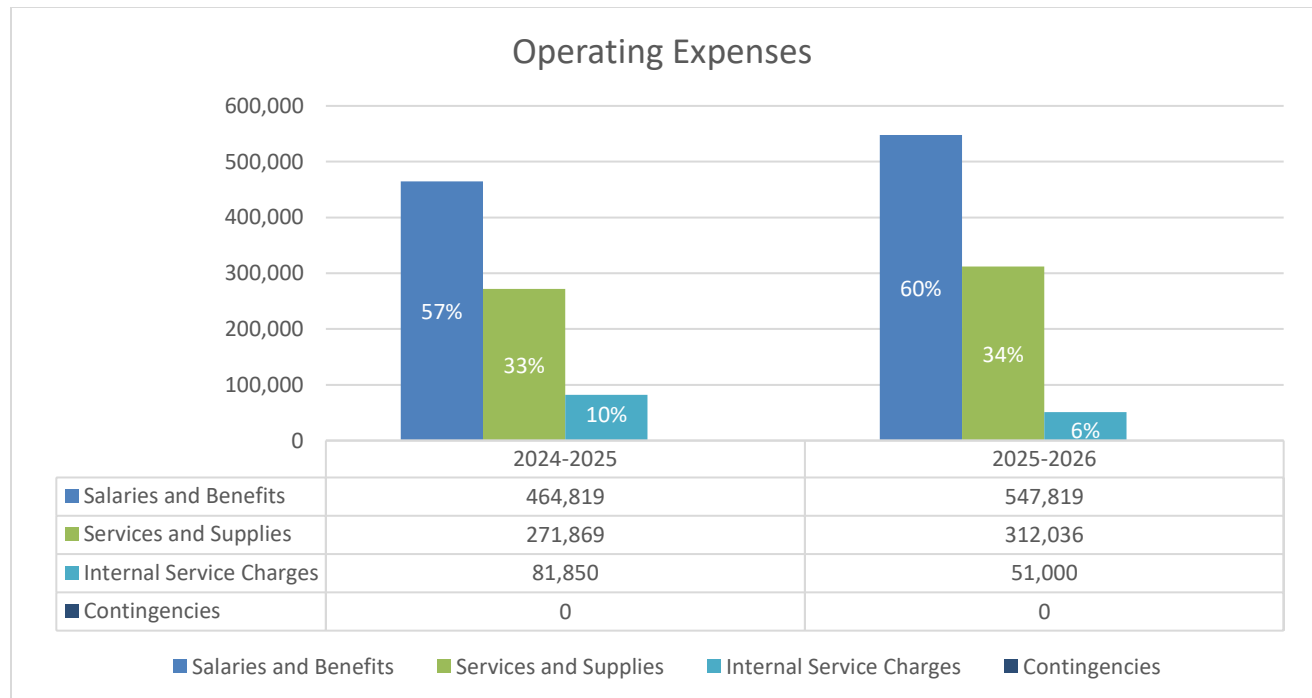
Budgeted Expenses FY 24-25	Budgeted Revenues FY 24-25	Budgeted Year End Balance FY 24-25	Fund Balance FY 24-25
\$818,538	\$818,538	\$0	\$376,975

Discussion

This item is for the Commission to consider adopting a final (a) operating budget and (b) work plan for the upcoming fiscal year. Both items return to the Commission from their initial presentation and adoption in March and subsequent public review period. This includes providing notice to all 29 local funding agencies as required under the statute. A summary of the final budget and accompanying work plan follows.

Final Operating Budget for FY 2025-2026

The final operating budget developed by the Executive Officer sets operating expenses at \$910,855; a net increase of \$92,317, or 11.3% from the current fiscal year. The operating expenses total, divided between labor and non-labor costs, are at a 60% to 40% split, with 0% dedicated to contingencies. Revenues match operating expenses and is covered by drawing down reserves consistent with the practice to help offset and phase any sizable increases to agency contributions. The net effect would be an increase in contributions of \$64,317, or 12.6% from \$508,538 to \$572,855.



Contingencies

Contingencies are integrated into the proposed operating budget devised by the Executive Officer and allocated within its Services and Supplies Unit and Internal Service Charges Unit for each account. Since the County does not specifically designate funds for contingencies, this allocation will be accounted for in LAFCO's budget and readily available for use, if necessary.

Operating Expenses

The **Salaries and Benefits Unit** will increase by \$83,000, or 17.9% over the next fiscal year from \$464,819 to \$547,819. The unit covers labor costs tied to staffing 2.0 full-time employees: Executive Officer and Commission. Notable adjustments proposed may be reviewed below.

- The increase accommodates anticipated costs in retirement and health benefits plans as LAFCO transitions to its own employer status. The majority of the costs are attributed to vacation payouts as employers must pay employees for any unused vacation time when they separate from an agency.
- Salary increases of no less than 10% are contemplated for all budgeted positions to accommodate merit and or cost of living adjustments that may be approved during the fiscal year.

The **Services and Supplies Unit** will increase by \$40,167, or 14.8% over the next fiscal year from \$271,869 to \$312,036. The unit provides for direct support services necessary to operate Alameda LAFCO. Notable adjustments proposed may be reviewed below.

- Adds \$35,000 in the professional services account; a difference of 30% over the next fiscal year. The increase is to support expanded legal and bookkeeping functions for LAFCO's operational independence.
- Adds \$2,277 in the membership account; a difference of 18.2% over the next fiscal year. The increase is associated with joining the California Special District Association for pooled benefits like general liability insurance.

The **Internal Service Charges Unit** will decrease by \$30,850, or 37.7% over the next fiscal year from \$81,850 to \$51,000. The unit provides for indirect support services necessary to operate Alameda LAFCO. Notable adjustments proposed may be reviewed below.

- Subtracts \$32,050 from the office space and CDA services account to decrease the total line item from \$50,550 to \$18,500, a difference of 63.4% over the next fiscal year. The decrease is based on current rental and service expense projections, even if a separate agreement is negotiated.

Operating Revenues

The **Intergovernmental Unit** will increase by \$64,317, or 12.6% over the next fiscal year from \$508,538 to \$572,855. The unit provides payments received from the 29 local government agencies responsible under State law for funding Alameda LAFCO with apportionments divided in three equal shares among the County of Alameda, 14 cities, and 15 independent special districts. Actual invoice amounts for cities and special districts would be determined by the County Auditor's Office consistent with the allocation formula outlined under Government Code Section 56383 and based on local revenue tallies.

The **Service Charge Unit** remain as is at \$30,000. This unit covers payments received from outside applicants to process change of organizations (annexations, detachments, formations, etc.), outside service extensions, and sphere of influence amendments.

The **Interest Earnings Unit** will increase by \$3,000, or 30% over the next fiscal year to a total of \$13,000. This total is consistent with recent quarters.

The **Unrestricted Fund Balance** will increase by \$25,000 to a total of \$295,000. The total is close to the Commission's target of maintaining its fund balance at 33% of its operating budget. Staff will work with its Auditor, O'Connor and Company, to verify the fund balance.

Final Work Plan for FY 2025-2026

The work plan draws on a review of Alameda LAFCO's needs and goals by the Executive Officer and ahead of receiving input and direction from the Commission. It outlines 20 specific projects divided between statutory (legislative directives) and administrative (discretionary) activities. The projects are listed in sequence by assigned priority between high, moderate, and low. The majority of the projects are rollover from this current fiscal year with several additional items. A summary of notable high-priority projects follows.

LAFCO Operational Independence

LAFCO will assume full employer responsibilities by contracting directly for its own payroll services, health benefits, and retirement plans as part of its transition to independent operations.

Municipal Services Review on Health Services and EMS/Ambulance Services

The project will consider accessibility of healthcare (including mental health) services to all residents within Alameda County. Staff and consultants will partner with stakeholders to scope and define community needs. Staff will look to what other LAFCOs are doing to facilitate the coordination and provision of safety net services.

Countywide Municipal Service Review on Police Protection Services

This study will examine the current provision and need for police services and related financial and governance considerations in the County. The report will consider the potential needs in the unincorporated communities of Fairview, Cherryland, San Lorenzo and Castro Valley and include one special district and the municipal police departments of 14 cities.

Conclusion

The final operating budget and work plan affirmatively responds to the feedback provided by the Commission along with the functional needs in meeting the agency's existing and expanding duties under State law. This includes advancing the Commission's outreach opportunities throughout the community and region, conducting municipal service reviews to inform spheres of influence updates, and creating stakeholder groups to determine growth management policies. The principal difference in the proposed budget is largely tied to the adjustments made in salaries and benefits and services and supplies units to account for LAFCO's operational independence.

Alternatives for Action

The following alternatives are available to the Commission:

Alternative One (Recommended):

Adopt the attached resolution approving the final budget and work plan for 2025-2026 with any desired changes; and

Direct the Executive Officer to circulate the final budget for 2025-2026 to all funding agencies and general public.

Alternative Two:

Continue consideration of the item to a special meeting scheduled no later than the legislative deadline of June 15, 2025, and provide direction to staff with respect to any additional information requests.

Recommendation

It is recommended the Commission proceed with Alternative Action One.

Procedures for Consideration

This item has been placed on the agenda for action as part of a noticed public hearing. The following procedures are recommended for consideration.

- 1) Receive a verbal report from staff;
- 2) Invite questions from the Commission;
- 3) Open the public hearing and invite comments from audience (mandatory); and
- 4) Close the public hearing, discuss item, and consider recommendation.

Respectfully,



Rachel Jones
Executive Officer

Attachments:

1. Draft Resolution Adopting the Final Budget and Work Plan for FY 2025-2026
2. Final Budget for FY 2025-2026
3. Final Work Plan for FY 2025-2026

ALAMEDA LOCAL AGENCY FORMATION COMMISSION

**RESOLUTION OF THE
ALAMEDA LOCAL AGENCY FORMATION COMMISSION
ADOPTING A FINAL WORK PLAN AND BUDGET
FOR FISCAL YEAR 2025-2026**

WHEREAS, the Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000 requires the Alameda Local Agency Formation Commission (“Commission”) to perform certain regulatory and planning duties for purposes of facilitating efficient and accountable local government; and

WHEREAS, the Commission is required to adopt proposed and final budgets each year by May 1st and June 15th, respectively; and

WHEREAS, the Commission’s Executive Officer prepared a written report outlining recommendations with respect to anticipated work activities and budgetary needs in 2025-2026; and

WHEREAS, the Commission has heard and fully considered all evidence on a final work plan and budget for 2025-2026 presented at a public hearing held on May 8, 2025; and

WHEREAS, the adoption of a work plan and budget are not projects under the California Environmental Quality Act;

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

1. The final operating budget for 2025-2026 shown as Exhibit A is APPROVED.
2. The final work plan for 2025-2026 shown as Exhibit B is APPROVED

PASSED AND ADOPTED by the Alameda Local Agency Formation Commission on May 8, 2025 by the following vote:

AYES:

NOES:

ABSTAIN:

ABSENT:

APPROVED:

Ralph Johnson
Chair

ATTEST:

Rachel Jones
Executive Officer

APPROVED TO FORM:

Andrew Massey
Legal Counsel

ALAMEDA LOCAL AGENCY FORMATION COMMISION

Regional Service Planning | Subdivision of the State of California

Expense Ledger

Expense Ledger		FY 2022-2023		FY 2023-2024		FY 2024-2025		FY 2025-2026		
		Adopted	Actuals	Adopted	Actuals	Adopted	Projected	Proposed	Difference	
Salary and Benefit Costs										
<u>Account</u>	<u>Description</u>									
60001	Staff Salaries	275,933	275,933	292,488	2,500	320,565	320,565	353,565	33,000	10.3%
-	Employee Benefits and Retirement (ACERA)	124,558	124,558	132,031	129,600	144,254	144,254	194,254	50,000	34.7%
		400,491	400,491	424,519	387,628	464,819	464,819	547,819	83,000	17.9%
Service and Supplies										
<u>Account</u>	<u>Description</u>									
-	Intern	-	-	-	-	-	-	-	-	-
610077	Postage	500	-	500	-	500	-	500	-	-
610141	Copier	500	-	500	-	500	-	500	-	0.0%
610191	Pier Diems	7,500	7,003	9,000	9,265	10,000	10,000	10,000	-	0.0%
610211	Mileage/Travel	600	124	1,200	1,493	2,000	1,000	2,500	500	25.0%
610461	Training (Conferences and Workshops)	2,500	4,619	2,500	6,493	2,500	2,500	3,000	500	20.0%
610241	Records Retention	350	-	350	178	360	360	375	15	4.2%
610261	Consultants	150,000	112,465	160,000	219,027	200,000	200,000	205,000	5,000	2.5%
610261	Planning Services	5,000	-	5,000	-	5,000	-	5,000	-	0.0%
610261	Legal Services	20,000	-	20,000	18,252	20,000		35,000	15,000	75.0%
610261	Bookkeeping							15,000		
610261	Payroll							1,875		
610261	SALC Grant Charges									
610311	CAO/CDA - County - Services	1,000	-	250	28,874	250	250	250	-	-
610312	Audit Services	10,000	-	10,000	-	10,000	10,000	10,000	-	0.0%
610351	Memberships	11,287	11,287	12,221	12,221	12,509	12,509	14,786	2,277	18.2%
610421	Public Notices	2,000	1,222	2,500	2,959	3,000	1,500	3,000	-	0.0%
610441	Assessor - County - Services	250	-	250	-	250	250	250	-	0.0%
610461	Special Departmental	1,500	-	2,000	297	2,000	2000	2,000	-	0.0%
620041	Office Supplies	3,000	41	3,000	2,087	3,000	1,000	3,000	-	0.0%
		215,987	136,762	229,271	301,146	271,869	241,369	312,036	40,167	14.8%
Internal Service Charges										
<u>Account</u>	<u>Description</u>									
619991	Office Lease/Rent/CDA	50,550	22,894	50,550	10,841	50,550	15,500	18,500	(32,050)	-63.4%
630061	Information Technology	26,000	22,080	27,000	22,080	28,000	28,000	28,000	-	0.0%
630081	Risk Management (General Liability)	3,300	-	3,300	3,300	3,300	3,300	4,500	1,200	36.4%
		79,850	44,974	80,850	36,221	81,850	46,800	51,000	(30,850)	-37.7%
Contingencies		50,000	-	50,000	-	0	-	0	-	
<u>Account</u>	<u>Description</u>									
-	Operating Reserve	-	-	-	-	-	-	-	-	-
		-	-	-	-	-	-	-	-	-
EXPENSE TOTALS		746,328	582,226	784,640	724,995	818,538	752,988	910,855	92,317	11.3%

Revenue Ledger		FY 2022-2023		FY 2023-2024		FY 2024-2025		FY 2025-2026		
		Adopted	Actuals	Adopted	Actuals	Adopted	Actuals	Proposed	Difference	
Intergovernmental										
Account	Description									
-	Agency Contributions									
	County of Alameda	153,143	153,143	160,913	160,913	169,513	169,513	190,952	21,439	12.6%
	Cities	153,143	153,143	160,913	160,913	169,513	169,513	190,952	21,439	12.6%
	Special Districts	153,143	153,143	160,913	160,913	169,513	169,513	190,952	21,439	12.6%
		459,429	459,429	482,740	482,739	508,538	508,539	572,855	64,317	12.6%
Service Charges										
-	Application Fees	30,000	-	30,000	10,650	30,000	10,750	30,000	-	0.0%
-	SALC Grant Funds		53,397		102,224					
Investments										
-	Interest	7,000	7,156	7,000	50,048	10,000	13,500	13,000	3,000	30.0%
Fund Balance Offset		250,000	250,000	265,000	265,000	270,000	270,000	295,000	25,000	9.3%
REVENUE TOTALS		746,429	769,982	784,740	910,661	818,538	802,789	910,855	92,317	11.3%
OPERATING NET		101	187,756	100	185,666	(0)	49,801	(0)	-	-
UNRESTRICTED FUND BALANCE		632,624		376,975		426,776				

ALAMEDA LAFCO WORKPLAN | 2025-2026

Priority	Urgency	Type	Project	Key Issues
1	High	Administrative	LAFCO Operational Independence	Establish LAFCO as its own employer
2	High	Statutory	Countywide MSR on Health and EMS/Ambulance Services	Consider accessibility of healthcare (including mental health) services to all residents within Alameda County
3	High	Statutory	Countywide Regional Water and Wastewater Committee	Develop a Framework for Creating a Countywide Regional Water and Wastewater Committee
4	High	Administrative	LAFCO Personnel Policies and Procedures	Establish own LAFCO personnel policies and employer handbook
5	High	Statutory	Application Proposals and Requests	Utilize resources to address all application proposals and boundary issues (ex. South Livermore Sewer Extension Project)
6	High	Administrative	Informational Report on Island Annexations	Map all Unincorporated Islands and Examine Island Annexation Implementation Issues in Alameda County
7	High	Administrative	2024-2025 Audit	Verify Fund Balance; Perform Regular Audits
8	Moderate	Administrative	Local Agency Directory Update and MSR Summary Report	Continue Producing LAFCO Graphic Design Materials for Transparency and Outreach
9	Moderate	Statutory	Police Services Municipal Service Review	Examine Current Provision and Need for Police Services and Related Financial Considerations
10	Moderate	Administrative	Agricultural Land Use Designation Project	Work in Partnership with the County to Review and Evaluate Land Use Designations for Agricultural and Open Space Areas
11	Moderate	Statutory	Participate and Facilitate Ongoing MSR Fire Service Discussions	Work with Fire Agencies in Providing Possible Boundary Solutions and Shared Facilities
12	Moderate	Administrative	SALC Agricultural Conservation Acquisition Grants	Apply for SALC Grants to permanently protect croplands, rangelands, and lands utilized for the cultivation of traditional resources from conversion to non-agricultural uses
13	Moderate	Statutory	South Livermore Valley Sewer Extension	Collaborate with the City of Livermore to review and implement best service connection options to winegrowers
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	Legislative Proposal - UC Berkeley Report	Work with LAFCOs to facilitate legislation implementing UC Report recommendations to improve LAFCO oversight
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



AGENDA REPORT

May 8, 2025

Item No. 6

TO: Alameda Commissioners

FROM: Rachel Jones, Executive Officer
Ad Hoc Selection Committee (Faria, Johnson, Woerner, and Vonheeder-Leopold)

SUBJECT: Recommendation for General Counsel Services

The Alameda Local Agency Formation Commission (LAFCO) will consider selecting Colantuono, Highsmith & Whatley, PC (CHW) to serve as Alameda LAFCO's general counsel beginning January 1, 2026, and authorize the Executive Officer to negotiate a contract agreement with CHW, identifying Matthew Summers as the designated attorney to serve as LAFCO legal counsel, and direct staff to return to the Commission at the next regular meeting for approval.

Background

Historically, Alameda LAFCO has received legal services through the Alameda County Counsel's Office. However, as LAFCO transitions toward full operational independence from the County, it is critical to secure dedicated, independent legal representation. This counsel will support the Commission in drafting new bylaws, agreements, and policies that reflect LAFCO's status as an independent entity.

A January 9, 2025, transition study underscored the need for an experienced general counsel to help guide LAFCO through the complexities of legal separation, ensure compliance with applicable laws, and safeguard the Commission's interests throughout the process.

Discussion

Recognizing the need for specialized legal support, LAFCO staff prepared and issued a Request for Proposals (RFP) for general counsel services on March 14, 2025. The RFP sought proposals from qualified firms with demonstrated experience in public agency, municipal, and LAFCO-specific law. The RFP outlined evaluation criteria including:

- Relevant experience and qualifications;
- Understanding of required tasks;
- Familiarity with LAFCO operations and legal frameworks;
- Cost and value of services.

Proposals were due April 7, 2025. LAFCO received proposals from the following firms:

- Best, Best, & Krieger
- Colantuono, Highsmith, & Whatley
- Sloan, Sakai, Yeung, & Wong

The Ad Hoc Selection Committee (Commissioners Faria, Johnson, Vonheeder-Leopold, and Woerner) reviewed all submissions, conducted interviews between April 14th and April 18th, and reached consensus on a recommendation.

Following their evaluation, the Committee recommends Colantuono, Highsmith & Whatley, PC for the general counsel role. CHW is a respected law firm with deep expertise in municipal law, LAFCO statutory requirements, and complex intergovernmental transitions. The firm has successfully represented numerous LAFCOs and brings a strong understanding of the legal frameworks and challenges associated with independent governance.

Current legal counsel Andrew Massey has committed to continue serving through December 31, 2025. This ensures a seamless transition and the ability to onboard CHW effectively ahead of their full assumption of duties beginning January 1, 2026.

Financing

Sufficient funds are included in the FY 2024–25 LAFCO budget under the Services and Supplies unit to cover costs related to legal counsel services. The proposed agreement with CHW includes competitive rates consistent with market standards for similar legal services.

Next Steps

Rather than seeking immediate approval of a finalized contract, staff recommends the Commission authorize staff to negotiate the legal services agreement with CHW, including the scope of work, compensation, and a transition structure whereby CHW may begin as special counsel prior to assuming full duties as general counsel on January 1, 2026. This would allow for collaboration between outgoing and incoming counsel and facilitate CHW's early engagement on key projects, including development of personnel policies and other long-term matters.

Staff will return to the Commission with a finalized agreement for consideration and approval.

Alternatives for Action

The following alternatives are available to the Commission:

Alternative One (Recommended):

Authorize staff to negotiate a legal services agreement with Colantuono, Highsmith & Whatley, PC, identifying Matthew Summers as the designated attorney to serve as legal counsel; and direct staff to return to the Commission at the next regular meeting for approval.

Alternative Two:

Continue consideration of the report to a future meeting and provide direction to staff for additional information 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 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

Attachment:

1. Colantuono, Highsmith & Whatley, PC – Proposal

Blank for Photocopying

**COLANTUONO
HIGHSMITH
WHATLEY, PC**

MATTHEW T. SUMMERS | 213-542-5719 | MSUMMERS@CHWLAW.US

March 31, 2025

VIA ELECTRONIC MAIL

Rachel Jones
Executive Officer
224 West Winton Avenue, Suite 110
Hayward, CA 94544
rachel.jones@acgov.org

**Re: Proposal to Provide Legal Services to Alameda County Local Area
Formation Commission**

Dear Rachel,

Thank you for the opportunity to propose our services as General Counsel to the Alameda County Local Agency Formation Commission (LAFCO). I and everyone at Colantuono, Highsmith & Whatley would be very pleased to represent your Commission.

Enclosed with this cover letter is a formal proposal that addresses the requirements of the Request for Proposal. Our firm is well positioned and prepared to provide the full range of services identified in the Scope of Services in the RFP, as well as any other legal services the Commission's counsel may be called upon to provide. We propose me, Matthew Summers, plus Holly Whatley, Mackenzie Anderson, and Thais Alves as your attorneys with primary responsibility for providing legal services. The other talented and experienced attorneys at CHW will also be available to assist the Commission based on need and expertise.

Regarding possible conflicts of interest, we have not advised any cities, special districts or county service areas in Alameda County regarding LAFCO-related issues. We currently advise the County, several cities, and the Livermore Recreation and Park District as special counsel on various matters. We propose that, if selected, we include terms in the contract for our legal services that, provided we do not provide services in Alameda County that create a conflict under the Rules of Professional Conduct or which pertain to an actual or potential application to LAFCO, we may continue our practice of providing legal services to local governments in Alameda County without further consent of LAFCO.

**790 E. COLORADO BOULEVARD, SUITE 850, PASADENA, CALIFORNIA 91101-2109 | (213) 542-5700
GRASS VALLEY | ORANGE COUNTY | PASADENA | SACRAMENTO | SONOMA**

CONFIDENTIAL COMMUNICATION

Rachel Jones, Executive Officer

March 31, 2025

Page 2

Our proposal is firm and irrevocable for 90 days after the date of this letter and thereafter, if the Commission has not yet made a decision regarding its General Counsel, provided we have an opportunity to reevaluate our proposed rates at that time. I, as a shareholder of CHW have authority to bind the firm to a contract for our services to LAFCO.

If we can provide any further information to assist your review of this proposal, please let me know. Thank you for the opportunity to propose our services as General Counsel to Alameda LAFCO.

Very truly yours,



Matthew T. Summers

MTS:mom

Enclosure: Proposal for Legal Services

COLANTUONO
HIGHSMITH
WHATLEY, PC

**PROPOSAL
TO THE ALAMEDA
LOCAL AGENCY FORMATION COMMISSION
FOR
GENERAL COUNSEL SERVICES**

April 4, 2025

SUBMITTED BY:

Matthew T. Summers, Esq.
Colantuono, Highsmith & Whatley, P.C.
790 E. Colorado Blvd., Ste. 850
Pasadena, California 91101

Telephone: (213) 542-5719
Facsimile: (213) 542-5710
Email: MSummers@chwlaw.us

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I. QUALIFICATIONS OF FIRM AND PERSONNEL

A. QUALIFICATIONS OF FIRM

Colantuono, Highsmith & Whatley, PC is a municipal law firm with offices in Grass Valley, Irvine, Pasadena, Sacramento, and Sonoma that represents public clients throughout California in municipal law. Our attorneys are among a small number in private practice with deep expertise in the Cortese-Knox-Hertzberg Act (CKH) and LAFCO issues. The firm currently serves as general counsel to Calaveras County LAFCO, Napa County LAFCO, San Diego County LAFCO, San Luis Obispo LAFCO, and Yuba County LAFCO, plus we serve as conflicts counsel to the LAFCOs of Glenn County, Nevada County, and San Bernardino County. We have provided special counsel services to other LAFCOs throughout the state.

In our service as city attorney and general counsel and in our special counsel practice, we provide advice to public agencies in California on all facets of municipal law, including the Brown Act, the Public Records Act, conflicts of interest and other transparency laws, housing, land use and planning, the California Environmental Quality Act, public revenues and financing, labor and employment, election law, and any related litigation. The firm prides itself on its extensive public law experience, its commitment to problem-solving, and a focus on ethical, creative, affirmative, and intelligent advice.

In our CKH practice, we have advised LAFCOs and cities and special districts on annexations, the creation of subsidiary districts, spheres of influence and municipal service reviews, the provision of extra-territorial services, and conducting protest proceedings, as well as handling a number of significant LAFCO-related litigation, discussed in depth below. In particular, Mr. Summers has advised cities through complex and contested annexations and reorganizations and through ongoing implementation of a conversion of an independent fire protection district into a city-managed subsidiary district as a part of a local control and fiscal sustainability program.

As part of our everyday practice for public entities, we have drafted legislation on every imaginable topic of interest to a public entity, as well as supporting staff reports. We regularly review and draft simple and complex agreements including indemnity and defense agreements, agreements pertaining to real property (whether for acquisition or regulation, including leases, easements, right of way access or abandonment), construction and

subdivision agreements, professional services agreements, Memoranda of Understanding with bargaining units, and public works project bidding documents.

B. SCOPE

We propose to provide legal advice to the Alameda County LAFCO and its Commissioners, Executive Officer, and staff as General Counsel on both routine and complex legal matters, both advisory and litigation, including but not limited to:

- Open and closed meeting requirements of the Ralph M. Brown Act;
- Parliamentary procedure;
- General municipal and administrative law regarding CKH and case law involving local government boundaries and reorganizations;
- Conflict of interest advice, including Political Reform Act (including AB 1234 training), Government Code section 1090, and common law conflict issues;
- Public Records Act;
- General liability, compliance with Government Claims Act, and risk management;
- California Environmental Quality Act and other environmental laws;
- Labor and employment;
- Public financing matters;
- Insurance coverage requirements; and
- Litigation if ever required.

In short, we are uniquely situated to provide Alameda County LAFCO all needed services as its general counsel. The firm's core commitment is to provide advice our clients find helpful, understandable, and fairly priced. We would bring that commitment to our services to you if we are fortunate to be selected as your general counsel.

C. QUALIFICATIONS OF PROPOSED GENERAL COUNSEL - MATTHEW T. SUMMERS

We propose Matthew T. Summers as the General Counsel to Alameda County LAFCO. Mr. Summers' resume is enclosed. As it reflects, Matt has been licensed to practice law in California since 2011 and is among a handful of lawyers in the state in private practice with a demonstrated expertise with the Cortese-Knox-Hertzberg Act and broader public agency and municipal law. Named as one of the prestigious "Top 40 Under 40" of California lawyers by the Daily Journal in 2021, he serves as City Attorney for Barstow and Ojai, and Interim Assistant City Attorney for Tracy. He focuses on providing clients ethical, creative, affirmative, and intelligent advice and representation.

In addition to his LAFCO-specific work, Matt's expertise spans all aspects of public agency law, including general municipal law, land use, housing, CEQA, elections, conflicts of interest and transparency laws, telecommunications, and public agency litigation. He has fourteen years' experience in attending meetings to advise legislative bodies both in open and closed session. He also has deep litigation experience in the areas of election law, complex public finance matters, land use and employment litigation.

Matt received his J.D. *cum laude* from UC Law San Francisco, formerly UC Hastings, in 2011 and was licensed to practice law in California that same year. While in law school, he was the Articles Editor of the **Hastings West-Northwest Journal of Environmental Law & Policy** and externed for Judge Marilyn H. Patel of the US District Court for the Northern District in San Francisco. He graduated from Reed College with a B.A. in Economics in 2008 and is a member of Phi Beta Kappa. Matt's resume is enclosed.

D. SUMMERS LAFCO RELATED WORK

As noted above, Matt has deep experience in LAFCO law. His more significant projects include:

- Advising the Cities of Barstow and Calabasas and other clients through complex, contested, and sometimes litigated, annexations – including negotiating and advising on boundary disputes, tax sharing agreement negotiations, and related multi-agency dispute resolution.
- Negotiating and advising the Cities of Barstow and Lathrop, and other public agencies, through the implementation of pre-annexation development agreements for larger residential, industrial, commercial,

and mixed-use development projects, including determination of boundary change strategy, resolution of services provision and financing issues and related policy and political disputes.

- Advised a community group pursuing incorporation of a new city, the not yet successful Olympic Valley incorporation effort, including resolving a series of CKH aspects, related interagency disputes, and advising through the fiscal impact analysis process
- Advised the City of Barstow as it manages the implementation of its conversion of an independent fire protection district into a subsidiary district of the city, including resolving long-term financing and governance issues and advising regarding related pension and pension debt issues.
- Regular presenter at League of California Cities, California Special Districts Association, and California Association of LAFCOs conferences, including on LAFCO issues and the importance of special district involvement with LAFCOs.

E. QUALIFICATIONS OF SUPPORT PERSONNEL

To support Mr. Summers as General Counsel, we propose the following staff:

- **Holly O. Whatley, Assistant General Counsel**

Holly currently serves as San Diego LAFCO's Commission Counsel, she assisted LAFCO in processing and approving the complex and controversial application of two special districts to detach from San Diego County Water Authority, including defending the resulting lawsuit filed against LAFCO challenging such approval. Holly also serves as the newly selected General Counsel for San Luis Obispo LAFCO.

- Currently defending Imperial County LAFCO in a challenge to AB 918, which requires Imperial County LAFCO to dissolve two healthcare districts and transfer their related assets, rights and responsibilities to the newly created county-wide Imperial Valley Healthcare District.

- She serves as special Counsel to San Bernardino LAFCO as needed on matters where general counsel has conflict. Examples include the Town of Apple Valley MSR and SOI update, application to establish SOI for County Service Area 120 and, most recently, Lake Arrowhead Community Service District's application to annex district-owned property outside its territory.
- She successfully defended Orange County LAFCO's decision to approve the annexation of Sunset Beach to Huntington Beach without requiring a Proposition 218 election. That case involved the then-unresolved question of whether the small island annexation provisions of the Cortese-Knox-Hertzberg Act conflict with Proposition 218's election requirements. The trial court held that Proposition 218 did not require an election in small island annexations. Though she represented the Real Party in Interest City of Huntington Beach in that suit, the City and Orange County LAFCO's interests were aligned and she took the lead on all briefing issues and oral argument at trial. The trial court decision was affirmed on appeal in a published opinion. *Citizen's Association of Sunset Beach v. Orange County LAFCO* (2012) 209 Cal.App.4th 1182
- Represented San Diego LAFCO in a writ challenge to its decision to deny small island annexation of Home Depot-owned property to City of El Cajon. Prevailed at the trial level, though appeal by City and Home Depot resulted in a reversal. Successfully defeated City of El Cajon's motion to recover attorneys' fees following reversal and successfully defending the City's appeal of such denial.
- Served on the CALAFCO Protest Provisions Working Group that resulted in SB 938, which consolidated the various protest thresholds in one chapter of CKH and, importantly, increased the protest threshold for LAFCO-initiative dissolutions of chronically underperforming special districts.

- Co-authored the 2012 update of the Governor's Office of Planning and Research publication "LAFCOs, General Plans, and City Annexations," the first update to the publication since 1997. A copy of that publication is enclosed for your reference.
- Advised the City of Calabasas on a variety of LAFCO-related issues, including those related to the City's annexation of Mont Calabasas and a legal dispute regarding a Section 99 property tax exchange agreement with the County of Los Angeles.
- Advised the City of Barstow on the conversion of the Barstow Fire Protection District into a subsidiary district of the City of Barstow. This application was presented to and approved by the San Bernardino LAFCO.
- Drafted CALAFCO's amicus brief filed in support of San Mateo County LAFCO's approval of an annexation to the Midpeninsula Regional Open Space District. The Court of Appeal affirmed the trial court's decision in favor of San Mateo County LAFCO.
- Frequent presenter at CALAFCO events on various topics including, for example, LAFCO 101, how to manage legal risk, implementation of SB 244 (disadvantaged unincorporated communities)

- **Mackenzie Anderson--Assistant General Counsel**

Mackenzie is an Associate in Colantuono, Highsmith & Whatley's municipal advisory practice group and resident in our Sacramento office. She provides a wide range of support for our municipal clients in such topics as housing development projects, public records, conflicts of interest, and land use. She is Assistant City Attorney for the City of Grass Valley, City of Novato, City of Weed, and City of Lakeport, Assistant Town Attorney for the Town of Yountville, and Deputy City Attorney for the City of Etna. She is also Assistant General Counsel for the Local Agency Formation Commissions (LAFCOs) of Napa County and Yuba County. She supports our general and special counsel clients in public law matters including open meetings, public records, conflicts of interest, code enforcement, State housing law, CEQA, public contracts, LAFCO issues, and other topics.

Mackenzie's current projects for clients include reviewing housing projects subject to AB 2011, SB 35, SB 330, the Housing Accountability Act, and Density Bonus Law; drafting ordinances regulating camping on public property and permitting of tobacco and cannabis retailers; and drafting and negotiating Exclusive Negotiating Agreements and Purchase and Sale Agreements for real property acquisition.

Mackenzie regularly advises and attends City Council and Planning Commission meetings and is a contributing editor of the California Municipal Law Handbook. Ms. Anderson's profile is attached.

- **Thais Alves—Deputy General Counsel**

Thais is an associate with the firm's municipal advisory practice group. She routinely supports Ms. Whatley in providing legal services to San Diego County LAFCO. She provides a wide range of support for our public agency clients in such topics as employment and labor, open meetings and records, conflicts of interest, and land use. Thais is also part of the firm's employment law practice and provides significant labor and employment support for our clients, including

advice regarding employee discipline matters, public employee retirement systems, personnel policies drafting and interpretation, union agreements drafting and interpretation, and compliance advice regarding the myriad of federal and state employment and labor laws. She is Assistant City Attorney of Sierra Madre, and Deputy City Attorney of Barstow and Ojai. Adept at public meeting management, she regularly attends public agency board meetings, including serving as Planning Commission Counsel for the City of Sierra Madre.

Also available on an as needed basis, depending on the project, the firm has these additional LAFCO experts:

- **David Ruderman** - David will also be available to provide support on an as-needed basis. David is a 2006 graduate of UCLA Law School and has a developed LAFCO expertise. He serves as General Counsel to Yuba County LAFCO, Assistant General Counsel to Calaveras LAFCO and conflicts counsel to Glenn LAFCO. He is active in CALAFCO and authored an article for the March 2012 edition of CALAFCO's Sphere on SB 244 and Disadvantage Unincorporated Communities. He worked with others at the firm to successfully defend San Luis Obispo LAFCO in a writ action to challenge that LAFCO's denial of an annexation. David's profile is enclosed.
- **Gary Bell**. Gary will also be available to provide support on an as-needed basis. Gary has significant demonstrated LAFCO expertise, including by his service as General Counsel to Napa County LAFCO. CALAFCO's Legislative Committee and Legislative Advisory Committee since 2016. He serves as Town Attorney for the Town of Yountville, City Attorney for the City of Auburn, City Attorney for the City of Novato, and General Counsel to special districts in Northern California (community services districts, fire districts, and utility districts). Gary frequently advises on all aspects of public agency law. Gary's profile is enclosed.
- **Michael G. Colantuono**. Michael will be available to provide support on an as-needed basis. Michael is a former member of the Commission on Local Governance for the 21st Century, a state blue-ribbon commission the report of which provided the basis for a substantial

revision of the Cortese-Knox-Hertzberg Act in 2000 and he was deeply involved in the drafting of the legislation which accomplished that revision. Michael has specialized in municipal law since 1989. He currently serves as General Counsel to Calaveras LAFCO. He provides consulting services (along with other attorneys in the firm) to the Nevada County LAFCO. He is currently City Attorney for the City of Grass Valley. Michael's profile is enclosed.

2. EXISTING AND POTENTIAL CONFLICTS OF INTEREST

The Firm serves as special counsel to Alameda County, including winning a recent, published appellate victory defending its Measure W general sales tax. The Firm also provides special counsel services to the Cities of Fremont and Pleasanton, and to the Livermore Area Recreation and Park District. We do not anticipate these matters to create any conflicts if we are selected as Alameda LAFCO's General Counsel. We also do not represent any private parties in Alameda County that are likely to be involved in any matters before the Commission.

As to the Firm's ongoing ability to identify potential conflicts of interest, we maintain a fully integrated timekeeping/billing/accounting system, and a computerized contact database that make conflict checks virtually instantaneous. We propose to include Alameda LAFCO and each of its current Commissioners in such database to allow early identification of any potential conflicts on a going forward basis.

Because we are generally in the business of providing general and special counsel services to local governments in California, including those listed above, we will need to preserve that ability if we are appointed as General Counsel to Alameda LAFCO. We propose to address that issue by including terms in the contract for our legal services that, provided we do not provide services in Alameda County that create a conflict under the Rules of Professional Conduct or which pertain to an actual or potential application to LAFCO, we may continue our practice of providing legal services to local governments in Alameda County without further consent of LAFCO. Of course, we would not provide services in Alameda County that create a conflict under the Rules of Professional Conduct or that pertain to an actual or potential application to LAFCO, without the informed, written consent of LAFCO. Other LAFCOs where we serve as general counsel have consented to this term and we are experienced in its implementation.

3. LOCAL GOVERNMENT CLIENT REFERENCE

Those with specific knowledge of Matt's work include:

Rochelle Clayton, City Manager
City of Barstow
220 East Mountain View Street, Suite A
Barstow, CA 92311
rclayton@barstowca.org
(760) 255-5101

Ben Harvey, City Manager
City of Ojai
401 S. Ventura Street
Ojai, CA 93023
Ben.Harvey@ojai.ca.gov
(805) 646-5581

Those with specific knowledge of our work with CALAFCO include:

Rene LaRoche
Executive Director
CALAFCO
1451 River Park Drive, Suite 185
Sacramento, CA 95815-4520
rlaroche@calafco.org
(916) 442-6536

Pamela Miller
Former Executive Director
CALAFCO
Miller Consulting
pmiller@millermcg.com
(916) 850-9271

The following are also familiar with the Firm's work in the LAFCO arena:

John Benoit
Former Executive Officer
Yuba County LAFCO
Current Executive Officer
Calaveras County LAFCO
P.O. Box 2694
Granite Bay, CA 95746
j.benoit@icloud.com
(707) 592-7528

Paul Novak
Executive Officer
Los Angeles County LAFCO
80 South Lake Avenue, Suite 870
Pasadena, CA 91101
pnovak@lalafo.org
(626) 204-6500

S.R. Jones
Executive Officer
Nevada County LAFCO
950 Maidu Avenue
Nevada City, CA 95959-8600
sr.jones@co.nevada.ca.us
(530) 265-7180

4. ADDITIONAL INFORMATION

A. FIRM LOCATION

Services will primarily be performed from the Firm's Sacramento office, with support from our other offices as needed. The Firm's headquarters are located in Grass Valley, with additional offices in Irvine, Pasadena, Sacramento, and Sonoma. Mr. Summers works out of the Firm's Pasadena and Sacramento offices, and from his home office in Walnut Creek.

B. AVAILABILITY

Matt is available to attend LAFCO's meetings in person on the second Thursday of every other month. He also remains available to assist LAFCO staff as needed, including attending any in person or remote staff meetings.

5. FEE PROPOSAL

Recognizing that hiring a contract General Counsel is new to Alameda County LAFCO as part of its independence initiative, we propose an hourly rate cost model. Although our rates range from \$225 to \$605 per hour based on the experience, reputation, and ability of our attorneys, we would be pleased to discount our rates to our standard rates capped at \$375 per hour for general counsel services. The LAFCOs our firm represents, as well as many of our public agency clients with a relatively smaller demand for legal services, are billed only for services rendered on an as-needed basis as determined by the Executive Officer as opposed to a flat monthly retainer. Under this model, we bill on a monthly basis in increments of one-tenth of an hour. We find this arrangement works well for LAFCOs because they often have an uneven demand for legal services, driven by irregular applications for large or controversial changes of organization or reorganization. We believe this fee structure will work for LAFCO and may provide substantial savings over a fixed monthly retainer during periods with little activity and still provide a fair rate for our firm during periods of heavier work.

We propose that legal services to be reimbursed to LAFCO by developers and others (e.g., applicants) be billed at our standard rates capped at \$475 per hour, which allows us to keep the non-reimbursable, general counsel rates LAFCO pays lower. Finally, we propose to provide litigation services, if ever needed, at our standard rates capped at \$475. For each of these rates, we propose they be adjusted annually on July 1 based on the 12-month Consumer Price index for the San Francisco-Oakland-Hayward region.

For travel (excluding litigation-related travel), we would charge only one-half the discounted rate for travel to and from LAFCO's office from Mr. Summers' Walnut Creek home office. In addition, we ask for mileage reimbursement at the IRS rate, but no other travel expenses will be charged. We estimate travel time from our office to yours at about an hour depending on traffic.

Finally, we charge \$0.20 per page for in-house copies and \$1 per page of outgoing faxes (which have become quite rare given the utility of e-mail). All other costs we incur in representing you are charged at our actual cost, without markup. We find that out-of-pocket expenses for our general counsel clients in non-litigation matters, other than mileage, are very small.

Public agencies vary considerably in the way they use counsel and we pride ourselves on our ability to meet our clients' varied needs efficiently and at the lowest cost consistent with effective representation. In the end, we pledge that the financial arrangement between Alameda County LAFCO and the firm will be fair to both parties and we will never send a bill to you without first reviewing it with that commitment in mind.

Additional information about our firm may be viewed at www.chwlaw.us. Thank you for the opportunity to propose our services to the Commission!

Respectfully submitted,



MATTHEW T. SUMMERS

Shareholder

COLANTUONO, HIGHSMITH & WHATLEY,
PC

Attachments: Attorney Profiles

ATTACHMENTS:

ATTORNEY PROFILES

MATTHEW T. SUMMERS

Shareholder

(213) 542-5719

msummers@chwlaw.us



Matthew Summers is a Shareholder in Colantuono, Highsmith & Whatley's Pasadena and Sacramento offices specialized in representing cities and other public agencies since 2011. Named to the prestigious "Top 40 Under 40" of California lawyers by the Daily Journal Corporation, publisher of California's leading legal trade paper in 2021, he serves as City Attorney for the Cities of Barstow and Ojai, and Assistant City Attorney for the City of Tracey.

His practice covers the full range of public law issues, including land use, elections, public safety, conflicts of interest, open meetings and public records, public works and public contracting, labor and employment, post-redevelopment advice and litigation, cannabis regulation and enforcement, telecommunications, public agency litigation, and the California Environmental Quality Act ("CEQA"). Matt also advises the Cities of Culver City, El Monte, and Paso Robles as special counsel, and served as General Counsel for Eco-Rapid Transit, a 15-city joint powers agency, as well as our other general and special counsel clients.

Matt's recent projects include drafting and implementing ordinances regulating cannabis businesses, advising cities regarding referenda and initiatives, and negotiating and drafting complex development agreements and related land use and zoning entitlements for housing and mixed-use commercial projects. Matt has extensive land use experience with projects large and small, including two recent 1,000-unit residential subdivisions; complex, large, and contentious single-family-home proposals with extensive environmental issues; a City Hall renovation; affordable housing projects, and several large mixed-use hotel, commercial, and residential projects. He has:

- Advised planning and community development departments, Planning Commissions, and City Councils on projects and on specific and comprehensive amendments to development codes and General Plans, and associated CEQA compliance.

- Advised Calabasas and Ojai on several large, mixed use, commercial, and affordable and market rate housing projects, including negotiation and drafting of development and project benefit agreements, work out of prior permit and zoning problems, several project-specific initiatives and referenda, and related litigation.
- Negotiated a development agreement for a commercial project in Ojai's downtown that involved a like-for-like transfer of public and private land and complex historic preservation, aesthetic, and community character issues.
- Negotiated, drafting, and continue to negotiate modifications to development agreements for two large subdivisions in Paso Robles, resolving complex right of way acquisition challenges due to legacy subdivisions from the 1960s.
- Advised the City of Calabasas regarding a large apartment residential development project that raised novel General Plan and zoning ordinance interpretation issues, involved extensive public engagement, and a developer's initiative – ultimately defeated by the City's voters.
- Negotiated creative solutions to neighbor and neighborhood level land use disputes that avoided litigation while meeting the City's goals.
- Developed and advised during the implementation of a comprehensive regulatory ordinance for Barstow and Ojai's cannabis dispensaries, manufacturing, and testing facilities & applied this cannabis regulatory knowledge to draft a cannabis tax and prohibition for Calabasas.

Matt has a robust elections law practice, including advising Calabasas, Barstow, and Ojai, and special counsel cities on candidate qualification and nomination issues, advising Calabasas on recent tax and development project initiatives and referenda, advising Ojai on two successful City-sponsored tax measures, and several contesting, including via litigation, initiatives and referenda, and advising on several recalls. Matt also won, on demurrer, a challenge to a ballot statement and question for a proposed City transactions and use (sales) tax. He has also:

- Advised several cities considering pre- and post-election challenges to initiatives and referenda and issues that arise in elections for Council Members and directly elected Mayors and City Clerks.
- Advised Calabasas and Ojai as to several recent land use/project-specific initiatives and referenda.
- Advised Ojai on its first and subsequent elections of a directly elected Mayor, and drafted and advised Barstow and Ojai Council-sponsored measures to return to an appointed Mayor.

- Chaired the League of California Cities, Municipal Law Handbook's Chapter on Elections in 2017 and 2018, leading a statewide team of reviewers keeping the League of Cities' invaluable resource on municipal law up to date.
- Advised several cities as they considered California Voting Rights Act challenges to at-large voting, including as some switched to district-based voting, and negotiated and litigated related plaintiffs' attorneys' fee demands including under the recent amendments to the California Voting Rights Act.

Matt is our Firm's lead attorney on telecommunications law and has advised Calabasas, Ojai, Sierra Madre, and Lakeport in a number of vigorous disputes regarding cell tower siting. He drafted Calabasas, Ojai, and Sierra Madre's amendments to their wireless ordinances in response to the Federal Communications Commission's adoption of new regulations protecting "small" wireless facilities and implementing the "Section 6409" federal exemption from local zoning for modifications to existing wireless facilities.

He has successfully litigated a variety of land use, elections, post-redevelopment, and general public law matters. Notably, Mr. Summers, together with Holly O. Whatley, successfully defended the majority of Calabasas' wireless telecommunications facilities siting ordinance against a facial challenge raising novel issues of federal and state law. Other cases include a published appellate victory in a successful constitutional challenge to the State's self-help provisions of A.B. 1484, the post-redevelopment legislation on behalf of 4 cities and their successor agencies, *City of Bellflower v. Cohen*, (2016) 245 Cal.App.4th 438.

EDUCATION

Matt received his J.D. *cum laude* from the University of California, Hastings School of Law in 2011 where he was an Articles Editor of the **Hastings West-Northwest Journal of Environmental Law & Policy**. He graduated from Reed College with a B.A. in Economics in 2008 and is a member of Phi Beta Kappa.

PRACTICE AREAS

- Public Law
- Elections Law
- Land Use & Housing
- Telecommunications Law
- Conflicts of Interest and Ethics Compliance
- Brown Act and other Open Meetings and Transparency Laws
- Public Records Act
- Public Contracting Law

- Post-Redevelopment
- Cannabis Regulation and Permitting
- Americans with Disabilities Act Compliance
- Public Safety

HOLLY O. WHATLEY

(213) 542-5704

hwhatley@chwlaw.us



Holly Whatley is a Shareholder and Co-President of the firm and is a leader in the firm's litigation practice, focusing on complex public law disputes, including class action defense of public agencies, municipal finance issues, election law, utility ratemaking issues, Local Agency Formation Commissions (LAFCOs) matters, California Public Records Act, public works and employment law disputes. She currently serves as Independent Legal Counsel to the County of Los Angeles Citizens Redistricting Commission and General Counsel to San Diego County LAFCO. She has practiced law since 1992. In 2013, the last year it bestowed the honor, the *Daily Journal* recognized her as one of the top 20 municipal lawyers in California for her leading role in appellate litigation involving issues important to the municipalities throughout the state.

Holly has a particular expertise in litigating complex cases in a broad range of areas, including class actions against public agencies. She has represented cities in municipal finance litigation, including writ actions involving multi-million-dollar claims. Recent engagements include defending a large municipal water utility in multiple class action challenges to its rates, successfully establishing a voter initiative set wastewater utility rates unlawfully low and was therefore unenforceable and defending a challenge to the validity of business improvement districts. She has significant experience in utility and other rate-making disputes including matters involving water, wastewater and solid waste rates, and other municipal revenue disputes. She also has significant expertise in litigation regarding LAFCO law.

Holly also leads the firm's Elections Law practice and has litigated countless elections disputes, including initiative proposals, ballot argument disputes, and both pre- and post-election challenges to the substantive validity of initiatives.

Holly formerly served as a member of the Revenue and Taxation Policy Committee of the League of California Cities. She served on the Board of the City Attorneys Association of Los Angeles County from 2016-2020. Holly served on the Municipal Law Institute Committee of the City Attorneys Department of the League of California Cities from 2016-2018, the last two years as its chair.

Education: Holly graduated with a Bachelor of Arts degree *cum laude* from the University of Texas at Austin in 1988. She received her J.D from the University of Texas School of Law in 1992 and joined the California Bar that same year. While in law school, Holly taught legal research and writing to first-year students.

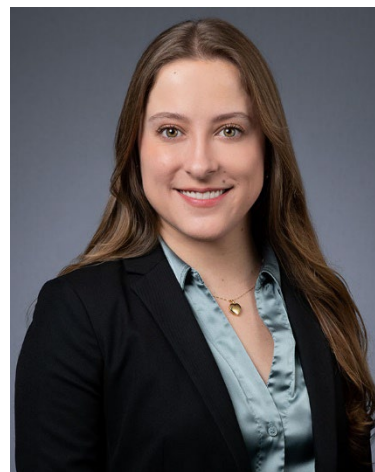
Practice Areas:

- Complex Litigation, including Class Action Defense
- LAFCO Law
- Election Law
- Public Finance Law
- Employment Law
- Post-Redevelopment
- California Public Records Act
- Intellectual Property

MACKENZIE D. ANDERSON

(916) 898-0042

manderson@chwlaw.us



Mackenzie is an Associate in Colantuono, Highsmith & Whatley's municipal advisory practice group and resident in our Sacramento office. She provides a wide range of support for our municipal clients in such topics as housing development projects, public records, conflicts of interest, and land use. She is Assistant City Attorney for the City of Grass Valley, City of Novato, City of Weed, and City of Lakeport, Assistant Town Attorney for the Town of Yountville, and Deputy City Attorney for the City of Etna. She is also Assistant General Counsel for the Local Agency Formation Commissions (LAFCOs) of Napa County and Yuba County. She supports our general and special counsel clients in public law matters including open meetings, public records, conflicts of interest, code enforcement, State housing law, CEQA, public contracts, LAFCO issues, and other topics.

Mackenzie's current projects for clients include reviewing housing projects subject to AB 2011, SB 35, SB 330, the Housing Accountability Act, and Density Bonus Law; drafting ordinances regulating camping on public property and permitting of tobacco and cannabis retailers; and drafting and negotiating Exclusive Negotiating Agreements and Purchase and Sale Agreements for real property acquisition. Mackenzie regularly advises and attends City Council and Planning Commission meetings and is a contributing editor of the California Municipal Law Handbook.

While in law school, Mackenzie worked for federal and local agencies, including the Equal Employment Opportunity Commission and the Santa Clara District Attorney's Office. She graduated from U.C. Berkeley Law with Pro Bono Honors. Before law school, she graduated from Philadelphia's Temple University *summa cum laude* with a BA in English and a minor in Political Science. During that time, she interned with the Stanislaus Family Justice Center, Philadelphia District Attorney's Office, and Philadelphia Mayor's Office, gaining exposure to a variety of local government and public service issues.

While in law school, Mackenzie worked for federal and local agencies, including the Equal Employment Opportunity Commission and the Santa Clara District Attorney's Office. She graduated from U.C. Berkeley Law with Pro Bono Honors. Before law school, she graduated from Philadelphia's Temple University *summa cum laude* with a

BA in English and a minor in Political Science. During that time, she interned with the Stanislaus Family Justice Center, Philadelphia District Attorney's Office, and Philadelphia Mayor's Office, gaining exposure to a variety of local government and public service issues

Practice Areas:

- Municipal Advisory
- California Public Records Act
- Conflict of Interest Laws
- California Environmental Quality Act
- Land Use
- Code Enforcement
- LAFCO Law

THAIS P. ALVES

(626) 219-0481

TAlves@chwlaw.us



Thais is an associate with Colantuono, Highsmith & Whatley's municipal advisory practice group and resident in our Pasadena office. She provides a wide range of support for our municipal clients in such topics as employment and labor, open meetings and records, conflicts of interest, and land use. She is Assistant City Attorney of Sierra Madre, and Deputy City Attorney of Barstow and Ojai. Adept at public meeting management, she regularly attends public agency board meetings, including serving as Planning Commission Counsel for the City of Sierra Madre and previously serving as Assistant General Counsel for Eco-Rapid Transit.

Thais advises clients on a daily basis regarding contract drafting, interpretation, and amendment, the Brown Act, the Public Records Act, and conflicts of interest laws.

Thais is also part of CHW's employment law practice and provides significant labor and employment support for her clients, including advice regarding employee discipline matters, public employee retirement systems, personnel policies drafting and interpretation, union agreements drafting and interpretation, and compliance advice regarding the myriad of federal and state employment and labor laws. Thais is experienced in the public employee disciplinary appeal process, and has successfully defended her clients' discipline decisions in disciplinary appeal hearings. She also maintains and delivers an extensive library of training presentations for public agencies, including AB 1825 sexual harassment prevention training, best practices on employee evaluations, employee leave rights and disability accommodations, civil service rules, and employee discipline. Thais' focus is not only on helping her clients avoid legal liability, but also in creating a work environment where both management and non-supervisory staff feel supported, respected, and empowered to serve the public to the best of their ability.

Before joining the Firm, Thais was a fellow and then a staff attorney at California Women's Law Center. There, she engaged in impact litigation and policy advocacy on behalf of women.

Thais obtained her JD from UCLA Law and graduated summa cum laude from University of California, Irvine, with a BA in History.

DAVID J. RUDERMAN

(530) 798-2417

druderman@chwlaw.us

David Ruderman is City Attorney of Lakeport and Weed, General Counsel of Yuba LAFCO, and Assistant General Counsel of the Tahoe Forest Hospital District and Calaveras LAFCO. He is also Senior Counsel in Colantuono, Highsmith & Whatley's litigation practice group. His litigation and advisory practice covers a range of public law issues, including municipal finance and public revenues, public utilities, LAFCO matters, land use, cannabis regulation, election law, employment law, and general contract and commercial disputes.



In David's advisory practice, he has extensive experience with code enforcement, municipal finance/Proposition 218 matters, election law, labor relations, land use, planning, and CEQA issues raised by projects large and small. He has extensive experience abating public nuisances both on an administrative level and in court, as well as obtaining reimbursement from the property owner and others for abatement costs. He has drafted ordinances amending zoning codes and General Plans and regularly advises on CEQA issues, as well as litigating such cases. His labor practice includes not only general advice regarding bargaining, but also defending cities from unfair labor practice charges before PERB. He also regularly provides ethics training to local elected official under AB 1234 and presentations to local government staff on legal compliance issues.

David has broad litigation experience in both state and federal courts, which he uses to help his advisory clients avoid court where possible and desired. He regularly handles all phases of litigation: analyzing potential claims, drafting complaints and other pleadings, preparing dispositive motions, handling all phases of discovery, oral argument, and motions practice. David's litigation expertise is focused on writ actions but also include pre-trial and trial work as well. He has experience with alternative dispute resolution from mediation to arbitration and his appellate experience includes matters before both the California Court of Appeal and the Ninth Circuit.

Among his litigation experience, David recently obtained a published opinion affirming a preliminary injunction enjoining the operation of medical marijuana dispensaries in the City of Pasadena: *Urgent Care Medical Services v. City of Pasadena* (2018) 21 Cal.App.5th 1086. This success was preceded by another appellate victory, where he obtained reversal of a trial court's denial of a preliminary injunction in Vallejo's efforts

to enforce its medical marijuana ordinance: *City of Vallejo v. NCORP4, Inc.* (2017) 15 Cal.App.5th 1078. He has also successfully defended on appeal his trial court victory in a taxpayers' lawsuit challenging the Monterey Peninsula Water Management District's decision not to call an election on a referendum to a water supply charge the District adopted under Proposition 218. He also not long ago successfully defended a California Public Records Act case for a coastal city, averting an award of attorneys' fees, and succeeded in having a local initiative that would have led to litigation with its bargaining units and CalPERS taken off the ballot after the trial court found it clearly invalid.

David serves as a hearing officer for Nevada County in nuisance abatement, administrative citation, and cannabis cultivation appeals. His recent speaking engagements include "The Cannabis Conundrum: How to Extinguish Illegal Marijuana Businesses" at the League of California Cities Spring City Attorneys' Conference in May 2019, as well as panels such as "Deep Dive into Municipal Service Reviews: One size does not fit all," at the June 2019 CALAFCO (California Association of Local Agency Formation Commissions) University and "New Procedures for Independent Special District Selection Committees," at the 2018 CALAFCO Staff Workshop. David regularly serves as a reviewer for the League of California Cities' Municipal Law Handbook and his articles on the SB 244, which requires local governments to plan for disadvantaged unincorporated communities, have appeared in editions of *The Sphere*, the CALAFCO journal.

David was admitted to the California State Bar in December 2006, after receiving his J.D. from UCLA School of Law in 2006. While at UCLA, David was a managing editor of the UCLA Law Review and worked as a judicial extern for the Honorable Harry Pregerson of the Ninth Circuit Court of Appeals. Prior to attending law school, David served as a Peace Corps volunteer in the Russian Far East and provided immigration legal services to émigrés from the former Soviet Union to the San Francisco Bay Area. He graduated with honors from Lewis & Clark College with a major in History in 1997. David is proficient in Russian.

Practice Areas:

- Public Law
- Local Agency Formation Commission (LAFCO) Law
- Public Finance Law
- Election Law
- Land Use / CEQA
- Cannabis Regulation and Litigation
- Open Meeting and Records Laws

GARY BELL

(916) 898-0049

gbell@chwlaw.us

Gary is a Shareholder of the firm and leads our Sacramento office. He currently serves as City Attorney for the City of Novato, Town Attorney for the Town of Yountville, City Attorney for the City of Auburn, and Assistant City Attorney for the City of Weed, as well as General Counsel for the Local Agency Formation Commission (LAFCO) of Napa County, the Upper Valley Waste Management Agency, the Olympic Valley Public Service District, the Garden Valley Fire Protection District, the Pine Grove Community Services District, the River Pines Public Utility District, the El Dorado Regional Fire Authority, and the First 5 Yuba Commission.



His practice covers all aspects of municipal law and public law, including land use, the California Environmental Quality Act (CEQA), public works contracting, contracts, municipal finance law and revenues, elections, labor and employment law, constitutional law, code enforcement, conflicts of interest, open meetings and records laws, franchise agreements and franchise fees, joint powers agreements and joint powers agencies (JPAs), solid waste, recycling, and organic waste (SB 1383), cannabis regulation and enforcement, post-redevelopment issues, municipal airports, and matters involving Local Agency Formation Commissions (LAFCOs).

Gary's current projects for clients include formation of a benefit assessment district to fund sewer infrastructure; advice regarding rent control and a sales tax ballot measure; and review of housing projects subject to AB 2011, SB 35, SB 330, and the Housing Accountability Act, to name a few.

Before joining CHW, Gary served as City Attorney for the City of Firebaugh and advised municipal clients throughout California on a wide range of issues, including counties, cities, school districts, and special districts.

Gary graduated with highest honors from UC Santa Cruz with a B.A. in psychology. He received his J.D. from the UC Davis School of Law, where he was staff editor of the UC Davis Business Law Journal and a research assistant in constitutional law. While at Davis, Gary worked as a law clerk in the Governor's Office of Legal Affairs and as a legal extern at the Placer County Superior Court.

Before law school, Gary served as a Senate Fellow for the California State Senate in Sacramento, where he staffed the Senate Local Government Committee and worked on legislation of interest to California's local governments.

Practice Areas:

- Public Law
- Elections Law
- Contracts
- Public Works Contracting
- Joint Powers Agencies
- Labor and Employment Law
- Municipal Finance Law
- Conflicts of Interest
- Constitutional Law
- Code Enforcement
- Land Use, Planning, and CEQA
- Open Meetings and Records Law
- Redevelopment Dissolution
- Special Districts

MICHAEL G. COLANTUONO

(530) 432-7357

mcolantuono@chwlaw.us



Michael has specialized in municipal law since 1989. He is certified by the California State Bar as a Specialist in Appellate Law and is President of the California Academy of Appellate Lawyers, an association of a bit more than 100 of the most distinguished appellate lawyers in California. He is an Elected Member of the American Law Institute, the leading independent organization in the United States producing scholarly work to clarify, modernize, and otherwise improve the law. He has argued 14 cases in the California Supreme Court and appeared in all six of the California District Courts of Appeal, as well as trial courts around the State. He serves on the California Judicial Council's Appellate Advisory Committee and its Appellate Caseflow Working Group.

Michael has expertise in a broad range of areas of concern to local governments in California, including constitutional law, land use regulation, open meetings, elections, municipal litigation, conflicts of interest, public utilities, LAFCO issues, inverse condemnation, cannabis regulation, and a wide range of public finance issues involving taxes, assessments, fees and charges.

Michael is perhaps California's leading expert on the law of local government revenues, briefing 18 cases on that subject in the California Supreme Court since 2004. The Daily Journal named him a California Lawyer of the Year in inverse condemnation law for his win in *City of Oroville v. Superior Court* (2019) 7 Cal.5th 1091, government's first win in that court in this subject area in decades. California Chief Justice Ronald M. George presented him with the 2010 Public Lawyer of the Year Award on behalf of the California State Bar. Two successive Speakers of the California Assembly appointed him to the Board of Trustees of the California Bar, the state agency which regulates the practice of law in California. His fellow Trustees elected him Treasurer and President of the Bar and the California Supreme Court appointed him as Chair of its Board of Trustees.

Michael currently serves as City Attorney for the City of Grass Valley and General Counsel for the Grass Valley Redevelopment Agency Successor Agency, the Calaveras County LAFCO, the Oak Tree Park and Recreation District, the Peardale-Chicago Park, Higgins, Ophir Hill, Penn Valley, and Rough & Ready Fire Districts and the Camarillo

Healthcare District. He previously served as City Attorney of Auburn (2005–2019), Barstow (1997–2004), Calabasas (2003–2012), Cudahy (1994–1999), La Habra Heights (1994–2004), Monrovia (1999–2002), and Sierra Madre (2004–2006), as General Counsel to the Auburn (2005–2019), Barstow (1997–2004) and Sierra Madre (2004–2006) Redevelopment Agencies, and as General Counsel of the Big Bear City Community Services District (1994–2001).

Michael assisted the Legislative Analyst's Office in the impartial analysis of Proposition 218 and co-chaired the committee which drafted what became the Proposition 218 Omnibus Implementation Act of 1997. He also chaired the committees which drafted the League of California Cities' Prop. 26 and 218 Implementation Guide.

Michael was elected by his peers to serve as President of the City Attorneys' Department of the League of California Cities in 2003–2004. He now represents the Department on Cal Cities' Board of Directors.

Michael was appointed by the Rules Committee of the California State Assembly to the Commission on Local Governance in the 21st Century. The Commission was formed to study the Cortese-Knox-Hertzberg Local Government Reorganization Act and the bulk of its recommendations became law. Michael was deeply involved in drafting both the committee report and the statute.

Michael graduated *magna cum laude* from Harvard University (BA 1983) and received his law degree from University of California, Berkeley School of Law (JD 1988), graduating first in his class. While in law school, he was an Articles Editor of the **California Law Review** and became a member of the Order of the Coif upon graduation. Michael was law clerk to the Honorable James R. Browning, Judge of the United States Court of Appeals for the Ninth Circuit, in 1988–1989.

He taught Administrative Law as an adjunct Professor of Law at the University of California, Berkeley School of Law in 1995 and is a frequent speaker and trainer on a wide range of public law topics.

Michael comments on local government and municipal finance topics on X (formerly Twitter) (@MColantuono) and LinkedIn (Michael Colantuono).

Practice Areas:

- Appellate Advocacy
- Complex Litigation
- Conflicts of Interest
- Constitutional Law
- Election Law

- Inverse Condemnation
- Local Agency Formation Commission (LAFCO) Law
- Land Use, Planning and CEQA
- Municipal Revenues (Taxes, Assessments, Fees and Charges)
- Public Law
- Public Safety Defense Litigation
- Public Utilities



LAFCO

Alameda Local Agency Formation Commission

AGENDA REPORT

May 8, 2025

Item No. 7

TO: Alameda Commissioners

FROM: Rachel Jones, Executive Officer
Ad Hoc Selection Committee (Faria, Johnson, Woerner, and Vonheeder-Leopold)

SUBJECT: Memorandum of Understanding (MOU) Extension and Transition Plan

The Alameda Local Agency Formation Commission (LAFCO) will consider approving the sixth amendment to the Memorandum of Understanding (MOU) with the County of Alameda, extending through December 31, 2025, and authorize the Executive Officer to execute the amendment on behalf of the Commission. This Sixth Amendment ensures continuity of service and legal clarity as LAFCO finalizes its transition toward full operational independence from the County. Staff recommends approval.

Background

The Alameda Local Agency Formation Commission (LAFCO) has historically received staffing, office space, equipment, and administrative support services from the County of Alameda under the terms of a Memorandum of Understanding (MOU), originally executed in 2019 and amended periodically over time.

On March 13, 2025, the Commission adopted a Transition Plan for Operational Independence, with the goal of obtaining independent services by the end of the calendar year. This includes critical functions such as finance, legal counsel, employee benefits, and insurance.

To ensure continuity of operations during this transition, and in recognition of the County's role in supporting LAFCO's gradual separation, staff and County representatives have negotiated a Sixth Amendment to the current MOU.

Discussion

The Sixth Amendment to the MOU reflects the mutual intent of both parties to maintain collaboration and support through the remainder of 2025. Key provisions include:

- **Extension of Term:** The agreement's duration is extended from **April 30, 2025, to December 31, 2025**, pursuant to Section 16 of the existing MOU.

- **Continued Support:** The County will continue to meet regularly with LAFCO and provide access to necessary records and systems to facilitate the transition to independent operations.
- **Procurement Flexibility:** Goods, services, and real estate acquired by LAFCO under its Transition Plan will be considered for LAFCO's independent use, and are exempt from the County's procurement policies and ordinances.
- **Preservation of Terms:** All other terms and conditions of the original MOU, as amended, remain in full force and effect.

This amendment formalizes the partnership and shared understanding necessary to carry out the transition in a structured and legally sound manner.

Financing

Funding for staff and services provided under the MOU through the end of 2025 is included in the adopted LAFCO budget. No additional appropriation is required as a result of this action.

Alternatives for Action

The following alternatives are available to the Commission:

Alternative One (Recommended):

Approve the sixth amendment to the Memorandum of Understanding (MOU) with the County of Alameda, extending through December 31, 2025, and authorize the Executive Officer to execute the amendment on behalf of the Commission.

Alternative Two:

Continue consideration of the report to a future meeting and provide direction to staff for additional information 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 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

Attachment:

1. Sixth Amendment to MOU with County of Alameda

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SIXTH AMENDMENT TO EXTEND THE
MEMORANDUM OF UNDERSTANDING
BETWEEN
THE ALAMEDA LOCAL AGENCY FORMATION COMMISSION
AND
THE COUNTY OF ALAMEDA

THIS SIXTH AMENDMENT, entered into on the **9th** day of **May**, 2025, modifies the Fifth Amendment to the Memorandum of Understanding (MOU) entered into on the 12th day of July 2024 between the Alameda Local Agency Formation Commission (LAFCO), and the County of Alameda (County) for staff and services.

WHEREAS, LAFCO has historically obtained staffing and services from the County pursuant to the MOU; and

WHEREAS, on March 13, 2025, LAFCO adopted a Transition Plan for Operational Independence to obtain independently various services, including but not limited to financial services, employee benefits, legal counsel, insurance, office space, and IT services (Transition Plan); and

WHEREAS, implementation of the Transition Plan will be completed by December 31, 2025; and

WHEREAS, the County desires to cooperate with LAFCO to help facilitate LAFCO's implementation of its Transition Plan; and

WHEREAS, as part of its cooperation, the County will continue to provide services to LAFCO during LAFCO's transition to independence and receive necessary personnel, office space and equipment, and administrative support services from the County to allow LAFCO to complete the Transition Plan.

WHEREAS, the County and LAFCO have mutually agreed to extend the MOU until December 31, 2025; and

NOW, THEREFORE, for valuable consideration, the receipt and sufficiency of which are hereby acknowledged, the County and LAFCO agree as follows:

- A. The parties hereby mutually agree to exercise their rights set forth in Paragraph #16 of the MOU to extend the term of the agreement from April 30, 2025 to December 31, 2025.
- B. County will continue to meet at least monthly with LAFCO and provide information and records necessary for LAFCO's transition to independent operation.
- C. County and LAFCO agree that goods, services, and real estate procured by LAFCO pursuant to the Transition Plan are goods, services, and real estate for LAFCO's use upon completion of the Transition Plan and as an independent operation.

County and LAFCO agree that the County's procurement policies and ordinances will not apply to such procurements.

- D. Except as provided for in this Sixth Amendment, all other terms and conditions of the MOU remain in full force and effect.

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

For the County of Alameda

For Alameda Local Agency Formation Commission

Sandra Rivera, Community Development
Agency Director

Rachel Jones, LAFCo Executive Director

Date

Date

APPROVED AS TO FORM:

For the Legal Counsel

Donna R. Ziegler, County Counsel

By: _____
Andrew Massey, LAFCO Legal Counsel

By _____
Andrea L. Weddle, Chief Assistant



AGENDA REPORT

May 8, 2025

Item No. 8

TO: Alameda Commissioners

FROM: Rachel Jones, Executive Officer

SUBJECT: **Nomination and Election of Chair and Vice Chair**

As set forth in the Commission's Policies and Procedures Guidelines, the Alameda Local Agency Formation Commission (LAFCO) elects its officers (Chair and Vice Chair) at the May meeting for a period of two years with the newly elected officers assuming office at the next regular Commission meeting.

The Commission established the following rotation for officers:

- Special District
- County
- Public
- City

The next rotation for Commission Chair and Vice Chair falls to the special district members. Only those members of the Commission authorized to vote at this meeting can nominate and vote for the Chair and Vice Chair.

Alternatives for Action

The following alternatives are available to the Commission:

Alternative One (Recommended):

Nominate and elect the Commission Chair and Vice Chair for a period of two calendar years.

Alternative Two:

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

Recommendation

It is recommended the Commission proceed with Alternative Action One.

Administrative Office

Rachel Jones, Executive Officer
224 West Winton Avenue, Suite 110
Hayward, California 94544
T: 510.670.6267
www.alamedalafco.org

Nate Miley, Regular
County of Alameda

David Haubert, Regular
County of Alameda

Lena Tam, Alternate
County of Alameda

Jack Balch, Regular
City of Pleasanton

John Marchand, Regular
City of Livermore

Sherry Hu, Alternate
City of Dublin

Ralph Johnson, Chair
Castro Valley Sanitary District

Mariellen Faria, Regular
Eden Township Healthcare

Georgian Vonheeder-Leopold, Alternate
Dublin San Ramon Services District

Sblend Sblendorio, Regular
Public Member

Bob Woerner, Alternate
Public Member

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

Attachment: none



AGENDA REPORT

May 8, 2025

Item No. 10

TO: Alameda Commissioners

FROM: Rachel Jones, Executive Officer

SUBJECT: Executive Officer's Report

The Commission will receive an update from the Alameda LAFCO Executive Officer. The report is being presented for discussion and feedback only.

Information

CALAFCO Letter – Organizational Transition and Member Engagement

On March 14, 2025, Alameda LAFCO received a letter from the California Association of Local Agency Formation Commissions (CALAFCO) leadership in response to concerns raised by member LAFCOs regarding CALAFCO's governance, transparency, and overall organization direction.

The letter addressed to Chair Johnson, the Commission, and the Executive Officer, outlines key actions CALAFCO is taking as a part of a broader transition effort and organizational restructuring.

Highlights from the Letter Include:

- **Transition and Rebuilding Focus:** CALAFCO is undergoing a phase of internal transition with the goal of emerging stronger, more transparent, and better aligned with member needs.
- **Leadership Team Appointed:**
 - **José Henríquez** – Serving as **Interim Executive Director**, responsible for day-to-day operations, fiscal management, and member communication.
 - **Pamela Miller** – Former CALAFCO Executive Director, now engaged as a **Governance Consultant and Organizational Development Specialist**, conducting a full structural review, stakeholder engagement, and helping lead the search for a permanent Executive Director.
 - **Jeni Tickler** – Rehired as **Administrative & Event Planning Specialist** to assist with administrative continuity and logistics.

Alameda LAFCO has been proactive in sharing its concerns with CALAFCO and advocating for improvements. Staff will continue to monitor developments at the state association level and keep the Commission informed on progress made. Commissioners are encouraged to provide input on CALAFCO's direction and share any perspectives they would like relayed during ongoing communications with the organization. Staff will attend a regional CALAFCO meeting scheduled on May 28th to continue discussions.

Attachments:

1. CALAFCO Letter to Alameda LAFCO, dated March 14, 2025

March 14, 2025

Alameda LAFCO
224 West Winton Avenue, Suite 110
Hayward, CA 94544

Subject: Addressing Member Concerns & Strengthening CALAFCO's Future

Dear Chair Johnson, Commissioners, and Executive Officer Jones;

We recognize that the current state of our organization is troubling to our valued members. We must, and will, do better regarding governance, transparency, and the overall direction of CALAFCO. As an organization committed to serving the best interests of LAFCOs across the state, we take your concerns seriously and want to assure you that we are actively taking steps to address them.

A Period of Transition & Rebuilding Trust

Every organization evolves as new paths are taken, and CALAFCO is currently undergoing a phase of transition and internal reorganization. Our goal is to emerge stronger, more transparent, and better positioned to serve our membership.

The Board of Directors and Regional Officers are fully engaged in this process, listening to feedback, and implementing meaningful changes that will reinforce trust and ensure the long-term viability of CALAFCO. We are committed to refocusing our mission, improving communication, and enhancing operational efficiency.

Key Actions Underway

To support this effort, we have assembled a highly qualified transition team:

- **José Henríquez (Interim Executive Director)** Currently the CALAFCO Central Region Officer and Executive Officer of Sacramento LAFCo, José is leading day-to-day operations, managing fiscal and budgetary matters, and facilitating member engagement.
- **Pamela Miller (Governance Consultant & Organizational Development Specialist)** – A former CALAFCO Executive Director, Pamela is conducting a full organizational assessment and comprehensive organizational structural assessment, reviewing policies and Bylaws, and assisting in the recruitment of a permanent Executive Director. She is also leading governance consultation and stakeholder outreach to ensure member voices are heard. Pamela will also be facilitating the March 20th Board retreat.
- **Jeni Tickler (Administrative & Event Planning Specialist)** A former CALAFCO Administrative Assistant, Jeni is handling critical administrative functions, including

financial management, membership support, and coordination of upcoming events such as the staff workshop.

Policy & Bylaws Updates

On February 7, 2025, the Board approved and immediately implemented key policy changes developed in collaboration with member LAFCo staff. An updated policy manual reflecting these changes will be published soon.

Additionally, a series of recommended changes to CALAFCO's Bylaws have been approved for presentation and potential member adoption at the October 2025 Annual Business Meeting. These recommendations will be widely discussed in advance through member outreach efforts to ensure full transparency and active participation.

Engaging Membership & Next Steps

We are committed to listening to you, our membership, and including you throughout this transition. To that end, we are:

- Hosting regional focus groups and visioning sessions to engage members in shaping CALAFCO's future.
- Facilitating a focus group for staff at the upcoming staff workshop.
- Providing ongoing updates and open forums for discussion.

We understand that trust is built through action, and we are dedicated to making the necessary improvements to better serve you. Your voices matter, and we encourage you to reach out with any questions, concerns, or insights.

For more information or to provide feedback, please contact:

- José Henríquez: jhenriquez@calafco.org
- Pamela Miller: pmiller@millermcg.com
- Jeni Tickler: jtickler@calafco.org

We appreciate your patience, engagement, and commitment to the future of CALAFCO. Together, we will strengthen our organization and reaffirm our mission to support LAFCOs statewide.

Sincerely,

CALAFCO Board of Directors



AGENDA REPORT

May 8, 2025

Item No. 11a

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 is currently one active proposal on file with the Commission that remains under administrative review and awaits a hearing as of date of this report.

- **Annexation of Merritt Property | City of Pleasanton**

The City of Pleasanton is proposing annexation of a four-subject parcel in unincorporated Alameda County for the development of a 111-lot residential subdivision, including an age-qualified community consisting of 92-single family homes and duplexes. The affected territory is located within the City’s sphere of influence and urban growth boundary.

Pending Proposals

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

- **Reorganization of Appian Way/Louis Ranch Property | ACWD and USD**
The Alameda County Water District (ACWD) and Union Sanitary District (USD) are evaluating a 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



AGENDA REPORT

May 8, 2025

Item No. 11b

TO: Alameda Commissioners

FROM: Rachel Jones, Executive Officer

SUBJECT: Progress Report on 2024-2025 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 2024-2025. 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 June 23, 2023. 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 below.

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 9, 2024, 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 Strategic Plan.

Administrative Office

Rachel Jones, Executive Officer
224 West Winton Avenue, Suite 110
Hayward, California 94544
T: 510.670.6267
www.alamedalafco.org

Nate Miley, Regular
County of Alameda

David Haubert, Regular
County of Alameda

Lena Tam, Alternate
County of Alameda

Jack Balch, Regular
City of Pleasanton

John Marchand, Regular
City of Livermore

Sherry Hu
City of Dublin

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Eden Township Healthcare

Georgian Vonheeder-Leopold, Alternate
Dublin San Ramon Services District

Sblend Sblendorio, Regular
Public Member

Bob Woerner, Alternate
Public Member

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 nineteen 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 three of the nineteen projects included in the adopted work plan. This includes progress on projects, such as Countywide Regional Water and Wastewater Committee, MSR Implementation Program, and the Countywide Municipal Service Review on Health and EMS/Ambulance Services.

Alternatives for Action

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

Attachments:

1. 2024-2025 Work Plan

ALAMEDA LAFCO WORKPLAN | 2024-2025

Priority	Urgency	Type	Project	Key Issues
1	High	Statutory	Countywide MSR on Health and EMS/Ambulance Services	Consider accessibility of healthcare (including mental health) services to all residents within Alameda County
2	High	Statutory	Countywide Regional Water and Wastewater Committee	Develop a Framework for Creating a Countywide Regional Water and Wastewater Committee
3	High	Statutory	Countywide MSR on Police Services	Examine Current Provision and Need for Police Services and Related Financial and Governance Considerations
4	High	Administrative	LAFCO Office Move	Fulfill Long-Term Lease in MOU with CDA; Aid in Hiring LAFCO Analyst
5	High	Statutory	Application Proposals and Requests	Utilize resources to address all application proposals and boundary issues (ex. South Livermore Sewer Extension Project)
6	High	Administrative	Informational Report on Island Annexations	Map all Unincorporated Islands and Examine Island Annexation Implementation Issues in Alameda County
7	High	Administrative	2023-2024 Audit	Verify Fund Balance; Perform Regular Audits
8	Moderate	Administrative	Local Agency Directory Update and MSR Summary Report	Continue Producing LAFCO Graphic Design Materials for Transparency and Outreach
9	Moderate	Statutory	MSR Implementation Program	Ensure MSR Recommendations are Reviewed and Considered by Agencies
10	Moderate	Administrative	Agricultural Land Use Designation Project	Work in Partnership with the County to Review and Evaluate Land Use Designations for Agricultural and Open Space Areas
11	Moderate	Statutory	Participate and Facilitate Ongoing MSR Fire Service Discussions	Work with Fire Agencies in Providing Possible Boundary Solutions and Shared Facilities
12	Moderate	Administrative	Explore SALC Agricultural Conservation Acquisition Grants	Apply for SALC Grants to permanently protect croplands, rangelands, and lands utilized for the cultivation of traditional resources from conversion to non-agricultural uses
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	Website Content Update	Update Relevant Information on LAFCO Website and Create New Mapping Page
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 exisitng policies relative to practices and trends, and determine whether changes are appropriate to better reflect current preferences