

Alameda Local Agency Formation Commission

NOTICE OF REGULAR MEETING AND AGENDA

ALAMEDA LOCAL AGENCY FORMATION COMMISSION

THURSDAY, MAY 13, 2021

2:00 P.M.

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

[Written public comments may be submitted PRIOR to the meeting \(Deadline May 12th at 5:00 P.M.\)](#)

[Public comments DURING the meeting:](#)

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

Sblend Sblendorio, Chair — Nate Miley – David Haubert – Karla Brown– Bob Woerner –Ralph Johnson – Ayn Wieskamp
Wilma Chan, Alternate – Melissa Hernandez, Alternate –Georgan Vonheeder-Leopold, Alternate

<https://us02web.zoom.us/j/82528361135?pwd=OWVEamZsU3hESGJkdzE2VjQ1RGpGZz09>

Meeting ID: 825 2836 1135

Password (if prompted): lafco

Join Teleconference Meeting by Telephone:

Dial (669)-900-9128

Follow the prompts: Meeting ID: 825 2836 1135

Password (if prompted): 660813

Please avoid the speakerphone function to prevent echoing.

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

1. **2:00 P.M. – Call to Order**
2. **Roll Call**
3. **Welcome New/Returning Commissioners** – The Commission will learn the outcome of the appointments made by Alameda County Mayors’ Conference to be held on May 12, 2021 and the Independent Special District Selection Commission election for the alternate special district seat also to be held on May 12, 2021.
4. **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.*

5. Consent Items

- a. Approval of Meeting Minutes: March 11, 2021 Regular Meeting
- b. Approval of Meeting Minutes: April 8, 2021 Special Meeting
- c. Budget Update for Fiscal Year 2020-2021

6. Presentation from the Livermore Valley Winegrowers Association on Special District Tax (Regular) – The Livermore Valley Winegrowers Association (LVWA) has requested to provide Alameda LAFCO a comprehensive review of a special tax increase on wineries levied by the Livermore Area Recreation and Park District (LARPD). Nancy Rodrigue from the Rodrigue Molyneaux Winery will lead the presentation.

LAFCO Staff Recommendation: The item is being presented for information and Commission discussion.

7. QK Contract Extension and MSR Update (Regular) – The Alameda Local Agency Formation Commission (LAFCO) will consider amending its existing agreement with the professional consulting firm, Quad Knopf, Inc (“QK Associates”) for an additional eight-month contract extension and an increase of \$10k in the contract amount to complete the Commission’s Municipal Service Review (MSR) on water, wastewater, flood control and stormwater services and related spheres of influence updates. Staff from QK Associates will also provide a presentation to the Commission on an updated project timeline.

LAFCO Staff Recommendation: Approve the contract amendment agreement.

8. Adoption of Final Budget and Workplan for FY 2021-2022 (Public Hearing) – The Alameda Local Agency Formation Commission (LAFCO) will consider adopting a final budget and workplan for the fiscal year 2021-2022. Both items return following their adoption in draft form and subsequent public review. The final work plan and budget remain intact from its initial draft. The final budget expenses total \$655,335 represent a decrease of \$1,557 or 0.2% from the current fiscal year. The decrease is marked by savings in the Service and Supplies Unit contributing to a reduction in overhead costs such as mileage and travel, staff workshops, and a few county services. Revenues are matched to expenses with a slight decrease in agency contributions by \$6,057 or 1.4% in step with a fund balance offset of \$185,000. The fund balance offset is applied in the same manner as the previous fiscal year with just a \$5,000 increase in the total amount.

LAFCO Staff Recommendation: Staff recommends approval.

9. Nomination and Election of Chair and Vice-Chair (Regular) – 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 years 2021-2023.

- 10. Appointment of Members to the Policy and Budget Committee (Regular)** – Alameda LAFCO will consider two appointments to the Commission’s Policy and Budget Committee. Commissioner Johnson is currently the only member to serve on the Committee after the departure of Commissioners Marchand and Pico from Alameda LAFCO.

LAFCO Staff Recommendation: Appoint two Commissioners to serve on Alameda LAFCO’s Policy and Budget Committee.

- 11. Matters Initiated by Members of the Commission**

- 12. Executive Officer Report**

- Update on LAFCO’s Review of Measure D and South Livermore Valley Area Plan

- 13. Informational Items**

- a. Current and Pending Proposals
- b. Progress Report on Work Plan
- c. Legislative Update
- d. Proposed Boundary Change of the Unincorporated Community of Sunol
- e. CALAFCO Strategic Plan 2021-2022

- 14. Adjournment of Regular Meeting**

Next Meetings of the Commission

Policy and Budget Committee Meeting

Thursday, June 3, 2021 at 2:00 pm

Regular Meeting

Thursday, July 8, 2021 at 2:00 p.m.

It is anticipated that both meetings will be held remotely until further notice.

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: acgov.org/lafco

MEETING INFORMATION

CORONAVIRUS (COVID-19) – Notice of Meeting Procedures

TELECONFERRING MEETING

In order to slow the spread of the Coronavirus (COVID-19) pandemic, the Commission will conduct this meeting as a teleconference in compliance with the Governor’s Executive Order N-29-20 and Alameda County Shelter in Place Order issued March 16, 2020, and members of the Commission or Commission staff may participate in this meeting telephonically or electronically. Members of the public may participate in the meeting as described below:

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

<https://us02web.zoom.us/j/82528361135?pwd=OWVEamZsU3hESGJkdzE2VjQ1RGpGZz09>

Meeting ID: 825 2836 1135
Password (if prompted): lafco

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Follow the prompts: Meeting ID: 825 2836 1135
Password (if prompted): 660813
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If you need assistance before the meeting, please contact Executive Officer, Rachel Jones at: rachel.jones@acgov.org

SUBMITTING WRITTEN COMMENTS TO BE READ AT THE MEETING

Any member of the public may submit a written comment to the Commission before the meeting by **May 12, 2021 at 5:00 P.M.** by email to rachel.jones@acgov.org or by mail to Alameda LAFCO 224 West Winton Avenue, Suite 110, Hayward, CA 94544. If you are commenting on a particular item on the agenda, please identify the agenda item number and letter. Any comments of 500 words or less (per person, per item) will be read into the record if: (1) the subject line includes “COMMENT TO COMMISSION – PLEASE READ”, and (2) it is received by the Executive Officer prior to the deadline of **May 12, 2021 at 5:00 P.M.**

SUBMITTING SPOKEN COMMENTS DURING THE COMMISSION MEETING

Electronically:

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

By phone (landline):

1. Your phone number will appear but not your name.
2. When the Commission calls for the item on which you wish to speak, press *9 to “raise your hand”. Staff

will activate and unmute speakers in turn. You will be called upon using the last four digits of your phone number, since your name is not visible.

3. When you are called upon to speak please provide your name for the record.

VIEWING RECORDING OF THE TELECONFERENCE MEETING

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

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

SUMMARY ACTION MINUTES
ALAMEDA LOCAL AGENCY FORMATION COMMISSION
REGULAR MEETING

Hosted by Zoom Video-Conference Service

March 11, 2021

1. Call to Order

Chair Sblendorio called the meeting to order at 2:05 p.m.

2. Roll Call.

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

<u>County Members:</u>	David Haubert and Nate Miley
<u>City Members:</u>	Karla Brown, Bob Woerner, and alternate Melissa Hernandez
<u>Special District Members:</u>	Ralph Johnson, Ayn Wieskamp, and alternate Georgean Vonheeder-Leopold
<u>Public Members:</u>	Sblend Sblendorio
<u>Not Present:</u>	Alternate County Member Wilma Chan
<u>Staff present:</u>	Rachel Jones, Executive Officer and Andrew Massey, Legal Counsel

3. Welcome New Commissioners

Chair Sblendorio, the Commission, and staff acknowledged the appointment of regular Commissioners Brown and Woerner, and Alternate Commissioner Hernandez, by the Alameda County Mayors' Conference on February 10, 2021.

4. Public Comment

Chair Sblendorio invited members in the audience to address the Commission on any matter not listed on the agenda and within the jurisdiction of the Commission.

There were none.

5. Consent Items –

- a. Approval of Meeting Minutes: January 14, 2021 Regular Meeting
- b. Special Meeting Request for April 1, 2021
- c. Budget Update for Fiscal Year 2020-2021 and Third Quarter Report

Staff noted a change for Consent Item No. 5b and requested to change the Special Meeting date to April 8, 2021.

Upon motion by Commissioner Haubert, and second by Commissioner Wieskamp, the item passed.

AYES:	7 (Brown, Haubert, Johnson, Miley, Sblendorio, Wieskamp and Woerner)
NOES:	0
ABSENT:	0
ABSTAIN:	0

6. Concurrent Sphere of Influence Amendment and Annexation | Terrace View and Keller Property to Oro Loma Sanitary District (Public Hearing)

Staff provided an overview to the Commission on the proposed change of organization proposal filed by the Oro Loma Sanitary District (OLSD) to annex approximately 65.1 acres of territory located within the unincorporated area of Eden Township. Staff noted that the purpose of the proposal is to provide wastewater services in support of the development of 25 single-family residences. Staff highlighted that the affected territory lies outside the established sphere of influence for the District and a concurrent amendment is necessary to facilitate an annexation.

Commissioner Miley questioned why the applicant did not meet with the Fairview Municipal Advisory Committee or the Castro Valley Municipal Advisory Committee before the proposal was presented at today's meeting. Commissioner Miley requested that as part of a condition of approval, the applicant should make a presentation to the appropriate municipal advisory committee.

The developer of the proposed subdivision, Mike White from City Ventures, addressed to the Commission that the present development project is not ready to be presented at this time and is still in preliminary stages. Mr. White wanted to make sure that a wastewater connection was established before construction began.

The applicant agreed that they would attend the next appropriate municipal advisory committee meeting to discuss the proposed development. The Commission agreed to not include this meeting requirement as a condition of approval and applied standard terms to the annexation request.

Upon motion by Commissioner Miley, and second by Commissioner Wieskamp, the Commission opened the public hearing.

There were no comments from the public.

Upon motion by Commissioner Miley, and second by Commissioner Woerner, the item passed and the Commission closed the public hearing.

AYES: 7 (Brown, Haubert, Johnson, Miley, Sblendorio, Wieskamp and Woerner)
NOES: 0
ABSENT: 0
ABSTAIN: 0

7. Presentation from the Tri-Valley Conservancy District (Regular)

Alameda LAFCO received an overview on the current agricultural and open space issues facing the Tri-Valley region provided by the Tri-Valley Conservancy and presented by Executive Director, Laura Mercier. A PowerPoint Presentation was provided at the time of the meeting.

Laura Mercier emphasized the need to promote agricultural tourism in the region, the need for further review on policies, such as Measure D, and the support of medium-sized wineries. Laura also stated that infrastructure needs, such as public wastewater, to accommodate wineries and businesses will be a necessity in the near term.

8. Lamphier-Gregory | Contract for Planning Services and Special Studies (Regular)

Staff recommended that the Commission enter into three new contracts for planning services and special studies with planning consultant, Lamphier-Gregory, and in partnership with the planning firm Economic Planning Systems (EPS), at a not-to-exceed cost of \$103,000 over a three-year period. Staff noted that Alameda LAFCO obtains planning services on an as-needed basis to provide the maximum amount of flexibility to conduct its day-to-day operations, including special projects or studies to fulfill its growth management duties within the region.

Commissioner Wieskamp commented on the need for a study to examine the economic impacts of Measure D, and noted that a map should be included as a part of the report.

Upon motion by Commissioner Woerner, and second by Commissioner Brown, the item passed.

AYES: 7 (Brown, Haubert, Johnson, Miley, Sblendorio, Wieskamp and Woerner)
NOES: 0
ABSENT: 0
ABSTAIN: 0

9. Contract Award | Fire Protection and Emergency Services Municipal Service Review (Regular)

The Ad Hoc Selection Committee (Commissioners Johnson, Vonheeder-Leopold and Executive Officer Rachel Jones) recommended the firms PCA and Berkson Associates to perform work associated with LAFCO's Fire Protection and Emergency Medical Services Municipal Service Review, and relevant sphere of influence updates, for the contract period of twelve months, starting in April or May 2021; in an amount not to exceed \$99,710.

Commissioner Sblendorio emphasized that the Municipal Service Reviews (MSRs) are the main pillars of what LAFCOs do.

Commissioner Vonheeder-Leopold commented that PCA and Berkson Associates has sufficient experience working with fire protection districts in Alameda County and that the total project costs of the MSR were reasonable.

Commissioner Miley suggested that if an agency is not providing efficient and effective services, Alameda LAFCO should request that an agency provides an improvement plan as an MSR recommendation.

Upon motion by Commissioner Johnson, and second by Commissioner Wieskamp, the item passed.

AYES: 7 (Brown, Haubert, Johnson, Miley, Sblendorio, Wieskamp and Woerner)
NOES: 0
ABSENT: 0
ABSTAIN: 0

10. Agricultural Conservation Planning Grant with the Department of Conservation | Approval of Draft Grant Agreement and Related Items (Regular)

The Alameda Local Agency Formation Commission (LAFCO) has been awarded \$249,988 for the agricultural planning grant with the Department of Conservation and its Sustainable Agricultural Lands Conservation (SALC) Program. Alameda LAFCO applied for the SALC grant to serve as the lead applicant and partner with the Alameda County Resource Conservation District (ACRCD) as the project manager to create an Alameda County Agricultural Resiliency Project that would establish a Countywide coalition of agricultural preservation policies and urban agricultural land use opportunities.

Staff recommended the Commission review the draft grant agreement with the Department of Conservation and approve a contract agreement with ACRCD.

Commissioner Miley asked staff if input from the County was considered, and more specifically if Liz McElligott of the County Planning Department would be a member in the stakeholders group. Staff confirmed that Liz McElligott is included on the stakeholders list and that a meeting with Ms. Elligott had been scheduled this month to discuss the project.

Upon motion by Commissioner Miley, and second by Commissioner Wieskamp, the item passed.

AYES: 7 (Brown, Haubert, Johnson, Miley, Sblendorio, Wieskamp and Woerner)
NOES: 0
ABSENT: 0
ABSTAIN: 0

11. Adoption of Proposed Budget and Workplan for FY 2021-2022 (Public Hearing)

Staff presented a draft budget and workplan for FY 2021-2022 in anticipation of taking final action at its next regular meeting. Proposed budget expenses total \$655,335 and represents a decrease of \$1,557 or 0.2% from the current fiscal year.

Staff recommended the Commission adopt the draft resolution approving the proposed budget and workplan for FY 2021-2022, direct the Executive Officer to circulate the proposed budget for review and comment by the funding agencies and return a final budget to the Commission as part of a noticed public hearing on May 13, 2021.

Upon motion by Commissioner Brown, and second by Commissioner Johnson, the Commission opened the public hearing.

Upon motion by Commissioner Brown, and second by Commissioner Woerner, the Commission closed the public hearing and the item passed.

AYES: 7 (Brown, Haubert, Johnson, Miley, Sblendorio, Wieskamp and Woerner)
NOES: 0
ABSENT: 0
ABSTAIN: 0

12. San Diego LAFCO’s Legislative Initiative to Amend Government Code Section 56133(e) (Regular)

Staff requested the Commission consider preliminary support for San Diego LAFCO’s legislative initiative to clarify that LAFCOs must determine whether out of area service agreements (OASAs) are exempt from LAFCO approval under Government Code Section 56133(e). Staff recommended that the Commission give its preliminary support, pending a review of the final bill language. Once the final bill language is received, staff stated that they will return the item at a future meeting for Commission consideration.

Chair Sblendorio asked staff if the California Association of Local Agency Formation Commissions (CALAFCO) were leading this legislative initiative. Staff responded that CALAFCO did not have enough resources at this time to petition for this amendment.

Upon motion by Commissioner Woerner, and second by Commissioner Brown, the item passed.

AYES: 7 (Brown, Haubert, Johnson, Miley, Sblendorio, Wieskamp and Woerner)
NOES: 0
ABSENT: 0
ABSTAIN: 0

13. Alternate Public Member | Selection Process (Regular)

The Commission appointed City Member Woerner, County Member Haubert, and Special District Member Johnson to the ad hoc committee for the Alternate Public Member selection process.

14. Matters Initiated by Members of the Commission

Commissioner Woerner requested that for future meetings, a motion is not required to open and close a public hearing.

Commissioner Miley noted that staff attended and provided a presentation on Community Service Districts at the Unincorporated Services Committee Meeting held on February 24, 2021.

15. Executive Officer Report –

- Commission Clerk Recruitment Update
 - The Executive Officer, Rachel Jones revealed that Alameda LAFCO hired Ms. April Raffel, as LAFCO’s Commission Clerk, with a scheduled start date on April 5, 2021.

- Policy and Budget Committee Appointments at next regular meeting
 - The Executive Officer, Rachel Jones, mentioned that appointments to the Policy and Budget Committee will be made at the Commission's next regular meeting.

11. Informational Items – Staff offered brief remarks on the following items.

- a. Current and Pending Proposals
- b. Progress Report on Work Plan
- c. Legislative Update
- d. CALAFCO Quarterly and Annual Reports
- e. Alameda County Civil Grand Jury Nominations for 2021-2022 Term
- f. Form 700 and Conflict of Interest: Due April 1, 2021
- g. Commissioners with terms ending May 2021
 1. Georgan Vonheeder-Leopold
 2. Karla Brown

12. Adjournment of Regular Meeting

The Commission adjourned the meeting at 3:54 p.m.

13. Next Meetings of the Commission

CANCELLATION of Policy and Budget Committee Meeting
Thursday, April 1, 2021 at 2:00 p.m.

Regular Meeting
Thursday, May 13, 2021 at 2:00 p.m.

It is anticipated both meetings will be held telephonically due to COVID-19 pandemic.

SUMMARY ACTION MINUTES
ALAMEDA LOCAL AGENCY FORMATION COMMISSION
SPECIAL MEETING

Hosted by Zoom Video-Conference Service

April 8, 2021

1. Call to Order

Chair Sblendorio called the meeting to order at 2:00 p.m.

2. Roll Call.

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

<u>County Members:</u>	David Haubert and Nate Miley
<u>City Members:</u>	Bob Woerner, Karla Brown, and Alternate Melissa Hernandez
<u>Special District Members:</u>	Ayn Wieskamp, Ralph Johnson, and Alternate Georgan Vonheeder-Leopold
<u>Public Members:</u>	Sblend Sblendorio
<u>Not Present:</u>	Alternate County Member Wilma Chan
<u>Staff present:</u>	Rachel Jones, Executive Officer, April Raffel, Commission Clerk and Andrew Massey, LAFCO Legal Counsel

3. Public Comment – Chair Sblendorio invited members in the audience to address the Commission on any matter not listed on the agenda and within the jurisdiction of the Commission.

There was one comment made by Public member Kelly Abrios. Mr. Abrios mentioned as a public commission, meetings are subject to the Brown Act and the Public Records Act; therefore, he would like audio records available to the public.

Mr. Abrios stated that a couple of months ago, two special studies examined the impact of Measure D on agriculture. Mr. Abrios also wanted to know the effect of LAFCO city annexations on urban growth boundaries (UGBs), as well as the microbrewery ordinance, and their impact on traffic safety and events.

Mr. Abrios mentioned that there was a County independent investigation of County permitting released the day before yesterday sponsored by District 1. In a 2014/2015 Civil Grand Jury report, they found political interference in the permitting process, and they recommended structural changes in the management and the reporting structures.

4. Proposed Annexation of North Livermore Avenue to the City of Livermore| APN (099-0100-004-04) and APN (099-0100-003-05) to the City of Livermore (Public Hearing)

Staff provided an overview to the Commission on the proposed Annexation of the 1754 North Livermore Avenue “Chick-fil-A Project” to the City of Livermore. The proposal before the Commission was submitted by the City of Livermore, seeking approval for a change of organization

proposal to annex two unincorporated parcels totaling 22.8 acres for the development of a 4,737 square foot drive-through restaurant referred to as the Chick-fil-A Project. The project site has a situs address of 1754 North Livermore Avenue and is contiguous to the City's jurisdictional boundaries and is also within the sphere of influence of the City.

The primary purpose of the proposal is to provide municipal services to the affected territory consistent with commercial and open space use in the surrounding area. The municipal services proposed are consistent with services already provided within the area such as police and fire protection, wastewater services, road maintenance and flood control services.

The affected territory consists of two parcels; one totaling 1.6 acres that is zoned for industrial use and the other parcel totaling 21.2 acres currently zoned as agricultural located within a water management zone identified under the County General Plan.

Commissioner Brown raised a concern about queuing and Andy Ross, Senior Planner, City of Livermore, clarified that there is an existing signal light intersection that will be modified to accommodate access to that site and the traffic will be directed towards the western portion away from North Livermore Avenue for queuing capacity of 30 vehicles.

Commissioner Miley asked if Alameda County Planning or Public Works had any objections or concerns about the annexation. The Executive Officer commented that no objections were made by either department.

Chair Sblendorio had a concern under LAFCO policies that considering a property in the path of development and while he had no issue with the Chick-fil-A project, he did not understand why other development wasn't considered for the remainder of the property. The staff report referenced that the area is in a flood plain. Chair Sblendorio wanted further discussion of what was to be done with the rest of the property. Andy Ross stated that the City of Livermore assessed the development potential of the property, which is inappropriate for other urban uses, both because of the flood plain issues and the intrinsic habitat. Mr. Ross noted that land will be encumbered with a conservation easement for the future. The easement will help the City explore ways to restore the area to protect some of the habitat and some of the flood plain: a restoration-mitigation project. Commissioner Sblendorio added that the conservation easement might serve as mitigation for other developments or other amenities in the City that would also benefit the citizens. Chair Sblendorio wanted to make clear that vacant land should not be annexed into cities unless, those cities had a plan for use. Chair Sblendorio was satisfied that the City of Livermore has a conservation easement on the undevelopable land in place.

Upon motion by Commissioner Woerner, and second by Commissioner Brown, the item passed.

AYES: 7 (Sblendorio, Miley, Haubert, Brown, Woerner, Johnson, and Wieskamp)
NOES: 0
ABSENT: Chan
ABSTAIN: 0

5. Adjournment of Regular Meeting

Chair Sblendorio adjourned the meeting at 2:31 p.m.

6. **Next Meeting of the Commission**

Regular Meeting

Thursday, May 13, 2021 at 2:00 p.m.

It is anticipated meetings will be held telephonically due to COVID-19 pandemic.

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AGENDA REPORT

May 13, 2021

Item No. 5c

TO: Alameda Commissioners
FROM: Rachel Jones, Executive Officer
SUBJECT: Budget Update for Fiscal Year 2020-2021

The Alameda Local Agency Formation Commission (LAFCO) will review a report comparing budgeted to actual transactions for fiscal year 2020-2021. Actual expenses processed through the first ten months totaled \$284,713, an amount representing 43.3% of the budgeted total with 83% of the fiscal year complete. The report is being presented to the Commission to accept and file and to provide direction to staff as needed.

Information

Alameda LAFCO's adopted final budget for 2020-2021 totals \$656,892. 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 year-end balance of \$0 and with a purposeful aid of a planned \$180,000 transfer from reserves. Budgeted revenues are divided between three active units: intergovernmental contributions, application fees, and investments.

Discussion

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

Budgeted Expenses FY 20-21	Budgeted Revenues FY 20-21	Budgeted Year End Balance FY 20-21
\$656,892	\$656,891	(\$1)

Summary of Operating Expenses

The Commission’s budgeted operating expense total for FY 2020-2021 is \$656,892. Actual expenses processed through the first ten months totaled \$284,713, an amount representing 43.3% of the budgeted total with 83% of the fiscal year complete.

Actuals through the first ten months and related analysis suggest the Commission is on pace to finish the fiscal year with an operating surplus of approximately \$155,000 in total expenses. 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	357,157	196,881	55.1%	160,276
Services and Supplies	186,662	42,945	23.0%	143,717
Internal Service Charges	63,073	44,887	71.2%	18,186
Contingencies	50,000	0	0%	50,000
	\$656,892	\$284,713	43.3%	\$372,179

Staffing Unit

The Commission budgeted \$357,157 in Staffing or Salaries and Benefits Unit for FY 2020-2021. Through the first ten months the Commission’s estimated expenses within the affected accounts totaled \$196,881 or 55.1% of the budgeted amount. It is projected the Commission finish the fiscal year with a surplus of approximately \$75,000 due to the recruitment delay of the Commission Clerk position.

Services and Supplies Unit

The Commission budgeted \$186,662 in the Services and Supplies Unit for FY 2020-2021 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 \$42,945 or 23.0% of the budgeted amount. Only two of the affected accounts – Memberships and CAO County Services – finished with balances exceeding the proportional 83% threshold with explanations provided below. It is projected the Commission will finish the fiscal year with a surplus of approximately \$80,000 in response to cost savings on professional services and consultants, mileage and travel, and staff workshops and conferences.

- Memberships

This account covers the Commission’s annual dues for ongoing membership with several outside agencies and organizations as previously authorized by the members. This includes CALAFCO and the California Special Districts Association memberships. The Commission

budgeted \$10,762 in this account for FY 2020-2021 based on recent trends. Actual expenses through April totaled \$10,662 or 99% of the budgeted amount and tied to providing full payment of all budgeted costs. Staff projects no additional expenses to this account.

- CAO/CDA County Services

This account covers the Commission’s accounting services provided by the County Administrator’s Office and the Community Development Agency. The Commission budgeted \$1,000 in this account for the fiscal year. Actual expenses through April totaled \$3,850 or 385.0% of the budgeted amount and tied to the departments providing extra time and resources in processing LAFCO accounts as a result in the delay of the hiring the LAFCO Commission Clerk position. Staff projects an additional \$2,500 expended to this account based on recent trends.

Internal Services and Supplies

The Commission budgeted \$63,073 in the Internal Services and Supplies Unit for FY 2020-2021 to provide funding for *indirect* support services necessary to operate Alameda LAFCO. Through the first ten months the Commission’s actual expenses within the unit totaled \$44,887 or 71.2% of the budgeted amount. None of the affected accounts in the unit finished with balances exceeding the proportional 83% threshold, and staff estimates to finish the fiscal year with a balanced budget.

Summary of Operating Revenues

The Commission budgeted operating revenue total for FY 2020-2021 at \$656,891. Actual revenues collected through the first ten months totaled \$471,217. This amount represents 71.7% of the budgeted total with 83% of the fiscal year complete. A summary comparison of budgeted to actual operating revenue follows.

Actuals through the first ten months and related analysis suggest the Commission’s year-end revenue totals will tally at \$656,891 and result in a balanced budget. An expanded discussion on the budgeted and actual revenues through the first ten months follows.

Revenue Units	Adopted	Actuals	Percent Expended	Remaining Balance
Agency Contributions	439,891	435,860	99%	4,031
Application Fees	30,000	26,392	88%	3,608
Interest	7,000	8,965	128%	(1,965)
Fund Balance Offset	180,000	0	0%	180,000
	\$656,891	\$471,217	72%	\$185,675

Agency Apportionments

The Commission budgeted \$439,891 in the Agency Apportionments Unit for FY 2020-2021. This total budgeted amount was to be divided in three equal shares at \$146,630 and invoiced between the County of Alameda, 14 cities, and 15 independent special districts as provided under State statute. Alameda LAFCO has received 99.1% of the agency apportionments.

Application Fees Unit

The Commission budgeted \$30,000 in the Application Fees Unit for 2020-2021. Through the first ten months, \$26,392 has been collected in this unit.

Interest Unit

The Commission budgeted \$7,000 in the Interest Unit for 2020-2021. Through the first ten months, \$8,965 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.

Recommendation

It is recommended the Commission proceed with Alternative Action One.

Respectfully,



Rachel Jones
Executive Officer

Attachments:

1. 2020-2021 General Ledger through April 30, 2021

ALAMEDA LOCAL AGENCY FORMATION COMMISSION

Regional Service Planning | Subdivision of the State of California

Expense Ledger

		FY2017-2018		FY2018-2019		FY2019-2020		FY2020-2021			
		Adopted	Actuals	Adopted	Actuals	Adopted	Actuals	Adopted	Actuals As of 04-30-21	Difference	Percent of Budget
Salary and Benefit Costs											
<u>Account</u>	<u>Description</u>										
60001	Staff Salaries	-	-	321,692	263,373	308,307	263,373	234,254	137,130	(97,124)	58.5%
-	Employee Benefits and Retirement (ACERA)	-	-	149,961	149,961	175,275	149,961	122,903	59,751	(63,152)	48.6%
		472,385	383,228	471,653	413,334	483,581	324,575	357,157	196,881	(160,276)	55.1%
Service and Supplies											
<u>Account</u>	<u>Description</u>										
-	Intern	1,600	-	1,600	0	1,600	0	1,600	-	-	-
610077	Postage	1,000	1,000	1,000	1,000	1,000	1,000	1,000	-	-	-
610141	Copier	2,000	2,503	3,000	3,000	3,000	3,000	3,000	-	-	-
610191	Pier Diems	7,500	7,300	7,700	7,700	7,800	7,800	8,000	5,000	(3,000)	62.5%
610211	Mileage/Travel	-	89	200	2,628	1,300	1,300	1,300	-	-	-
610461	Training (Conferences and Workshops)	20,000	17,171	20,000	20,000	13,000	6,000	5,000	-	-	-
610241	Records Retention	1,000	1,000	1,000	1,000	1,000	1,000	1,000	244	(756)	24.4%
610261	Consultants	75,000	75,000	96,000	90,000	90,000	90,000	96,000	21,436	(74,564)	22.3%
610261	Mapping - County	5,000	5,000	5,000	5,000	5,000	5,000	5,000	-	-	-
610261	Planning Services	25,000	10,000	25,000	5,000	5,000	6,000	5,000	-	-	-
610261	Legal Services	40,000	35,000	40,000	40,000	30,000	21,775	25,000	-	-	-
610311	CAO/CDA - County - Services	11,000	11,000	11,000	11,000	11,000	11,000	1,000	3,850	2,850	385.0%
610312	Audit Services	7,500	-	10,000	7,500	7,700	10,000	10,000	-	-	-
610351	Memberships	8,675	8,774	9,000	9,026	10,476	10,476	10,762	10,662	(100)	99.1%
610421	Public Notices	5,000	2,000	5,000	5,000	5,000	5,000	5,000	605	(4,395)	12.1%
610441	Assessor - County - Services	5,000	-	2,500	2,500	2,500	2,500	2,500	-	-	-
610461	Special Departmental	500	500	1,500	1,500	1,500	1,500	1,500	284	(1,216)	18.9%
620041	Office Supplies	3,000	500	4,000	4,000	4,000	4,000	4,000	864	(3,136)	21.6%
		218,775	176,837	243,500	215,854	200,876	187,351	186,662	42,945	(143,717)	23.0%
Internal Service Charges											
<u>Account</u>	<u>Description</u>										
630051	Office Lease/Rent	3,200	3,200	3,200	3,200	25,000	3,200	32,500	26,000	(6,500)	80.0%
630021	Communication Services	3,218	3,218	3,878	3,878	3,950	3,950	100	-	-	-
630061	Information Technology	18,081	18,081	21,578	23,370	27,373	27,373	27,373	17,247	(10,126)	63.0%
630081	Risk Management	2,686	2,686	3,034	3,034	3,100	3,100	3,100	1,640	(1,460)	52.9%
		27,185	27,185	31,690	37,482	59,423	37,482	63,073	44,887	(18,186)	71.2%
		50,000	-	50,000	-	50,000	-	50,000	-	-	-
<u>Account</u>	<u>Description</u>										
-	Operating Reserve	-	-	-	-	-	-	-	-	-	-
		-	-	-	-	-	-	-	-	-	-
EXPENSE TOTALS		768,345	587,250	796,843	666,670	793,880	549,408	656,892	284,713	(372,179)	43.3%

Revenue Ledger

		FY2017-2018		FY2018-2019		FY2019-2020		FY2020-2021			
		Adopted	Actuals	Adopted	Actuals	Adopted	Actuals	Adopted	Actuals As of 04-30-21	Difference	Percent of Budget
Intergovernmental											
Account	Description										
-	Agency Contributions										
	County of Alameda	196,115	196,114	196,948	196,948	192,127	192,127	146,630	146,631	1	100.0%
	Cities	196,115	196,114	196,948	196,948	192,127	192,127	146,630	-	-	-
	Special Districts	196,115	196,114	196,948	196,948	192,127	192,127	146,630	-	-	-
		588,345	588,344	590,844	590,844	576,380	576,380	439,891	435,860	(4,031)	99.1%
Service Charges											
-	Application Fees	30,000	16,000	30,000	10,000	30,000	25,000	30,000	26,392	(3,608)	88.0%
Investments											
-	Interest	-	4,000	-	11,531	7,500	7,500	7,000	8,965	1,965	128.1%
Fund Balance Offset		150,000	150,000	176,000	176,000	180,000	180,000	180,000	-	-	-
REVENUE TOTALS		768,345	758,344	796,844	788,375	793,880	788,880	656,891	471,217	(185,674)	71.7%
OPERATING NET		-	171,094	-	246,268	-	239,472	(1)	186,504	-	-
UNRESTRICTED FUND BALANCE				594,309	788,976						
As of June 30th											

AGENDA REPORT

May 13, 2021

Item No. 6

TO: Alameda Commissioners

FROM: Rachel Jones, Executive Officer

SUBJECT: Presentation from the Livermore Valley Winegrowers Association on Special District Tax

The Livermore Valley Winegrowers Association (LVWA) has requested to provide the Commission a comprehensive review on a special tax increase imposed on wineries by the Livermore Area Recreation and Park District (LARPD). The item is being presented for information and Commission discussion only.

The Commission is invited to discuss the item and provide direction to staff on any related matter as needed for future discussion and or action.

Attachments:

1. LVWA Letter to LAFCO
2. Exhibits 1-12 on Special Tax Increase

Administrative Office

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

Nate Miley, Regular
County of Alameda

David Haubert, Regular
County of Alameda

Wilma Chan, Alternate
County of Alameda

Bob Woerner, Regular
City of Livermore

Karla Brown, Regular
City of Pleasanton

Melissa Hernandez, Alt.
City of Dublin

Ralph Johnson, Regular
Castro Valley Sanitary District

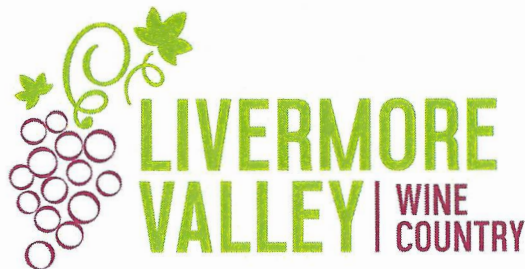
Ayn Wieskamp, Regular
East Bay Regional Park District

Geogean Vonheeder-Leopold, Alternate
Dublin San Ramon Services District

Sblend Sblendorio, Regular
Public Member

Vacant Seat, Alternate
Public Member

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Alameda LAFCo
RE: LARPD Special District Tax
From: Livermore Valley Winegrowers Association
Date: February 26, 2021

Dear: LAFCO Commissioners:

On behalf of several Livermore wineries and vineyards in the Livermore Valley, the Livermore Valley Winegrower's Association (LVWA), is seeking your assistance in resolving an unfair tax burden levied by the Livermore Area Recreation and Park District (LARPD). This Special Tax imposed on wineries in the Livermore Valley Wine Country is disproportionate to other like agricultural properties in the community and excessive according to state norms. It also limits the possibility of productive land use by creating deadweight loss, adding excessive expense to potential winery expansion in the region.

Since 2013, LARPD has imposed an arbitrary application of their Special Tax on 12 wineries and disregarded the law of uniformity, (PRC 5489.1), for Special Taxes. Also disregarding their own Resolution 1959, the LARPD Board placed wineries in the Commercial /Industrial category limited to non-residential properties only.

In December 2020, LARPD increased the Special Tax on all wineries from \$0-\$36 a year to over \$1600/year without notice. This is not comparable to other similar properties such as horse boarding stables that are taxed as little as \$36 but rather is equal to much larger businesses such as supermarkets and the new manufacturing complexes on Isabel Avenue.

The response from LARPD has been disappointing. When asked to correct the inequality of this special tax, efforts have been met with avoidance and inaction.

As LAFCO has the authority to monitor Special Districts, we respectfully ask for the following:

- 1) Include the LARPD Special Tax on the March agenda and allow us to present a more comprehensive review of the problem.
- 2) Do a comprehensive review of LARPD's taxing procedure, including uniformity.
- 3) Evaluate whether LARPD is putting too great a tax burden selectively on wineries, negatively affecting productive agriculture in eastern Alameda County

Thank you very much for attending to this critical issue for the wine country. We hope to present more information at the next LAFCO meeting.

Very sincerely,

Livermore Valley winegrowers Association


Steven Mirassou, LVWA Board President

LAFCO Board Meeting

May 13, 2020

Livermore Valley Winegrowers Association

Complaint against LARPD Special Tax

exhibits 1-12

Exhibit 1

CALENDAR OF EVENTS

1994

LARPD began collecting park assessment information.

1997

The proposal for Special Taxes was put to a vote of the people of Livermore and passed.

1997-98

LARPD enacted the Special Tax.

December 2004

LARPD's special tax was on Bent Creek Winery's property tax bill.

May 23, 2005

LARPD approved Resolution 1959 setting up different residential and industrial/commercial categories for assessment.

June 14, 2006

Resolution 2012 approved by the LARPD Board of Directors. It set the tax rate for fiscal year 2006/2007 at a dwelling rate of \$27.68. No records for tax on commercial/industrial properties were found.

2013

A few wineries were placed in the commercial category of Resolution 1959 and taxed as commercial due to a change in the Use code by Alameda County. This may have been the beginning of LARPD's use of County Use Codes.

Rodrigues were notified by a neighbor of the special tax sudden increase- a thousand dollars over all other neighbors of like properties.

Fall/winter 2018/2019

Casual discussions with Rodrigues and two Board members about the Special tax issue for wineries.

October 2019

Meeting with Rodrigues and Mr. Jeff Schneider, Administrative Services Manager of LARPD.

October/November

Meeting with Rodrigues and Mr. Fuzie, General Manager of LARPD.

December 17, 2019

Letter from Mark Buford, County Assessor's Office, to the Rodrigues explaining why our Use code cannot be changed.

January 20

Rodrigues spoke at LARPD Board meeting during the Public Forum.

The Board turned this over to the Finance Committee (the Committee did not respond).

March 26, 2020

Rodrigues requested a full Board meeting since they had heard nothing from the Finance Committee.

March 31st

Rodrigue letter to the Board asking them to change their special tax amount. Three reasons why the tax was wrong were specified in the letter.

April 1, 2020

Rodrigues received a letter from LARPD Board member, Beth Wilson, saying the Board could not meet with us due to Covid.

On June 22, 2020

Three months later the Rodrigues sent another email to the Board requesting a meeting.

June 26, 2020

Mr. Fuzie mailed a response to the Rodrigues request to meet with two Board members via zoom.

June 29, 2020

LARPD Board meeting with Rodrigues, Board members Jan Palajac and Phil Pierpont, Matt Fuzie and Jeff Schneider. This meeting had no resolution.

July 14, 2020

Rodrigues sent a letter to the Board asking for a decision after the meeting of June 29th. Did not receive a response.

August 4, 2020

Letter to Phong LA, Alameda County Tax Assessor from Rodrigues asking for a change in Use Code to 5100.

August 14, 2020

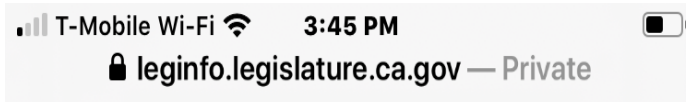
This letter FROM Phong La's office to the Rodrigues states the tax code declares that a Use Code is only for assessment purposes.

September 15, 2020

Phong La letter to the Rodrigues stating he hopes LARPD will revise how they make determinations. He objects to any agency improperly using the Assessor's data.

Exhibit 2

Public Resource Code 5789.1 regarding taxing uniformity to all taxpayers.



5789. Whenever a board of directors determines that the amount of revenue available to the district or any of its zones is inadequate to meet the costs of providing facilities, programs, and services pursuant to Section 5786, the board of directors may raise revenues pursuant to this article or any other provision of law.

(Added by Stats. 2001, Ch. 15, Sec. 4. Effective January 1, 2002.)

5789.1. A district may levy special taxes pursuant to:

(a) Article 3.5 (commencing with Section 50075) of Chapter 1 of Part 1 of Division 1 of Title 5 of the Government Code. The special taxes shall be applied uniformly to all taxpayers or all real property within the district, except that unimproved property may be taxed at a lower rate than improved property.

(b) The Mello-Roos Community Facilities Act of 1982, Chapter 2.5 (commencing with Section 53311) of Part 1 of Division 2 of Title 5 of the Government Code.

(Added by Stats. 2001, Ch. 15, Sec. 4. Effective January 1, 2002.)

Exhibit 2

SECTION 2. The special tax shall be levied on each parcel within the Livermore Area Recreation and Park District, and the tax shall not be measured by the value of the property. The amount levied on each parcel shall be determined by land use classification as follows:

- A. **Single Family Residential.** The single family residential parcel is the basic unit used for determining the amount of tax on all parcels. This basic unit shall be called an Equivalent Dwelling Unit (EDU). Parcels developed for single family residential uses, including condominiums, shall be taxed one (1.00) EDU. The tax for one EDU shall be \$27.14.
- B. **Multi-Family Residential.** Multi-residential parcels shall be taxed at a factor of 0.75 EDU per dwelling unit.
- C. **Mobile Home.** Mobile home park parcels shall be taxed at a factor of 0.50 EDU per space.
- D. **Commercial/Industrial:** In converting improved non-residential properties to EDUs, the factor used shall be the typical lot size for single family residential parcels, which is approximately 7,500 square feet, or approximately six (6) dwelling units per acre. Commercial/Industrial parcels shall be taxed 6.00 EDUs for each acre, or any portion thereof up to five (5) acres and 3.00 EDUs for each additional acre or portion thereof up to a maximum of ten (10) acres, with a minimum of 1.00 EDU assigned to each parcel.
- E. **Vacant Residential.** Vacant residential property is described as residential parcels with no improved dwelling structures. Vacant parcels defined as single family residential parcels shall be taxed at a factor of 0.30 EDUs per parcel. Parcels defined as vacant multi-family residential parcels shall be taxed at a rate of 50% of the rate for commercial/industrial property or 3.00 EDUs for each acre or any portion thereof. A minimum of 0.50 EDUs shall be assigned to each vacant multi-family residential parcel.
- F. **Vacant Commercial/Industrial.** Parcels which are not zoned for residential use and which do not have structures on the parcel shall be taxed based upon the acreage of the parcel. These parcels shall be taxed at 50 percent of the rate of improved commercial/industrial property or 3.00 EDUs per acre or any portion thereof up to five (5) acres and 1.50 EDUs per acre for each additional acre or portion thereof up to a maximum of ten (10) acres. A minimum of 0.50 EDUs will be assigned to each vacant commercial/industrial parcel.
- G. **Institutional.** Institutional parcels are defined as those used for private schools, lodge halls, convalescent hospitals, and other similar uses. These parcels shall be taxed at the same rate as improved commercial/industrial property with the exception of lands used for churches. Church parcels shall be taxed at the rate of 1.00 EDU per parcel.
- H. **Utility:** Parcels owned by private utility companies shall be taxed at the same rate as improved commercial/industrial property based upon a comparable land use for the property. Utility rights-of-way will be exempt from tax.
- I. **Exempt:** Parcels of land defined as being publicly owned property in use in the performance of a public function, public utility rights-of-way, easements, parks, cemeteries, common areas, and public golf course parcels are exempt.

The land use classification for each parcel shall be based on the most current Alameda County Assessor's Roll. An official Tax Levy Roll designating the proposed tax on each parcel shall be on file in the office of the Clerk to the Board of Directors and is incorporated herein by reference.

Exhibit 4

THE ORIGINAL PROPOSITION 13

Text of Proposition 13 as originally presented to the voters (June 1978)

[Read Proposition 13 as it is enshrined in the California state constitution.](#)

PROPOSITION 13, states that ad valorem will not be used to increase property taxes. Increase in property/parcel taxes cannot exceed 2% per year.

THE AMENDMENT.

That Article XIII A is added to the Constitution to read:

Section 1.

(a) The maximum amount of any ad valorem tax on real property shall not exceed one percent (1%) of the full cash value of such property. The one percent (1%) tax to be collected by the counties and apportioned according to law to the districts within the counties.

(b) The limitation provided for in subdivision (a) shall not apply to ad valorem taxes or special assessments to pay the interest and redemption charges on any indebtedness approved by the voters prior to the time this section becomes effective.

Section 2.

(a) The full cash value means the County Assessors valuation of real property as shown on the 1975-76 tax bill under "full cash value," or thereafter, the appraised value of real property when purchased, newly constructed, or a change in ownership has occurred after the 1975 assessment. All real property not already assessed up to the 1975-76 tax levels may be reassessed to reflect that valuation.

(b) The fair market value base may reflect from year to year the inflationary rate not to exceed two percent (2%) for any given year or reduction as shown in the consumer price index or comparable data for the area under taxing jurisdiction.

Exhibit 5

2019 special tax on wineries. Note the lack of uniformity.

2020

4 sheets

Address	winery/business	Use code	2019 tax	Use code	2020 tax change
5455 Greenville	Bent Creek winery	5300	\$1,608.30		1640.24
5600 Greenville	Mc Grail Winery	5500	0	5300	1640.24
5565 Tesla	Wente Winery Tesla	5500	0	?	
7986 Tesla Rd	Garre Winery	5300	1608.3		1640.24
9309 Tesla Rd	Boaventui Winery	5100	35.74	5300	1016.96
8626 Lupin way	El Sol Winery	5100	35.74	5300	1628.22
8195 Crane Ridge Rd	Charles R Winery	5500	0	5300	1640.24
8580 Tesla Rd	Bodegas Aruirre Winery	5500	0	5300	36.44
5700 Greenville Rd	3 Steves Winery	5500	0	5300	1640.24
7000 Tesla Rd	Darcie Kei Winery	5300	1608.3		1640.24
4590 Tesla Rd	Concanno Winery	5300	35.74		36.44
5405 Greenville Rd	White Crane (now closed)	5500	0		
1828 Wetmore Rd	Las Positas Winery	5300	1608.3		1640.24
503 Leisure Street	Leisure St Winery	5100	\$35.74	?	
1356 S. Livermore Ave	Retzlaff Winery	5500	0	5300	1640.24
1001 Tesla Rd	Eagle Ridge Winery	5100	35.74	5300	1565.78
3053 Marina Ave	Rodrigue I Molyneaux Winery	5300	1085		1106.62
10843 Reuss Road	Cedar Mountain Winery	?	428.88		437.4
2720 Marina Ave	Entropy Winery	5100	35.74		36.44
1960 S. Livermore Ave	Page Mill Winery	5100	35.74	5300	594.85
2915 S. Vasco Rd	Mitchell Katz winery	?	?	5300	1640.24
4948 Tesla Rd	Stony Ridge (now del Valle)	5100	35.74		ownership change to Del Valle winery
6800 Greenville Rd	Big White House Winery	5500	0		?
2407 Research Drive	Wood Family Winery	5500	0		?
6500 Tesla Rd	Rios Reserve winery	6500	1608.3		1640.24
5443 Tesla Rd	Steven Ke Winery		1355.26		1382.18

5143 Tesla Rd	Singing Winemaker Winery		1608.3	1640.24
83 East Vallecitos	Fenestra Winery		0	?
633 Kalthoff Common	Tenuta Winery		1608.3	1640.24
2400 Arroyo Rd	Cuda Ridge Winery		510.36	rents property
1828 Wetmore Rd	Las Positas Winery		1608.3	1640.24
1200 Wetmore Rd	Dante Robere Winery		454.6	463.64
9275 Tesla Rd	Harris Tesla winery		0	36.44
3005 Mines Rd	Murrieta's Well Winery		0	?
741 Kalthoff Common	Picazo Winery		0	36.44
4730 Dagnini Rd	Mia Nipote Winery	5500	0	0
7878 Cedar Mountain Rd	Caddis Winery		?	?
5040 Arroyo Rd	Wente Winery, Golf, Food		1608.3	1640.24

Exhibit 6

The Livermore wineries are in the rural section, not commercial or industrial. In 2020 almost all



wineries Use codes were changed from 5100 to 5300. A few were changed several year earlier.

A few were

ONLINE SERVICES
[Assessor's Office](#) | [Treasurer Tax Collector](#) | [New](#)

PROPERTY ASSESSMENT INFORMATION ASSESSOR'S OF

[go back...](#)

Use Codes

The Assessor's Use Code has been designed for use by this department for the purpose of appraising properties for assessment purposes only.

The Assessor's Office does NOT recommend other agencies (Cities, School, Districts, Special Districts, etc.) use these Use Codes for any other purpose and is not responsible for any inaccurate determinations on their part when using these Use Codes.

Revenue and Tax Code Sec. 408.3(d) - The Legislature finds and declares that information concerning property characteristics is maintained solely for assessment purposes and is not continuously updated by the assessor. Therefore, neither the county nor the assessor shall incur any liability for errors, omissions, or approximations with respect to property characteristics information provided by the assessor to any party pursuant to this section. Further, this subdivision shall not be construed to imply liability of the part of the county or the assessor for errors, omissions, or other defects in any other information or records provided by the assessor pursuant to the provisions of this part.

First and Second Digit Codes

00-09	20-29	40-49	60-69	80-89
10-19	30-39	50-59	70-79	90-99

0x - Series - Exempt, Not Assessed by County, Mobile Homes and Tracts

Code	Description
0300	Exempt Public Agency
0400	Property leased to a public utility
0500	Property owned by a public utility
0600	Mobile home on SFR/rural land
0700	Mobile home in a mobile home park
0750	Floating home
0800	Vacant residential tract lot
0840	Tract land, R&T 402.1
0900	Partially complete residential tract home

0940	Tract residential PC, R&T 402.1
------	---------------------------------

1x - Series - Single Family Residential

Code	Description
1000	Vacant residential land, zoned 4 units or less
1040	Vacant residential land, R&T 402.1
1100	Single family residential homes used as such
1101	Medical-Residential Care Facility (SFR/Res Imps)
1120	Residential Imps on Commercial Land
1130	Residential Imps on Industrial Land
1140	Single family residential home, R&T 402.1
1150	Historical residential
1160	Land Trust - residential improve on leased land
1190	Single family residential (tract) common area or use
1200	Single family res home with non-economic 2nd unit
1201	SFR with junior accessory dwelling unit
1300	Single Family Res home with slight commercial/ind
1400	Single Family Res - Duet Style
1420	Single Family Res - Duet Style, First Sale
1430	Single Family Res - Duet Style, R&T 402.1, First Sale
1440	Single Family Res - Duet Style, R&T 402.1
1500	Townhouse - Planned Development
1520	Townhouse - Planned Development, First Sale
1530	Townhouse - Planned Development, R&T 402.1, First Sale
1540	Townhouse - Planned Development, R&T 402.1
1590	Townhouse - Planned Development, Common Area or use
1600	SFR Detached Site Condominium
1620	SFR Detached Site Condominium, First Sale
1630	SFR Detached Site Condominium, R&T 402.1, First Sale
1640	SFR Detached Site Condominium, R&T 402.1
1690	SFR Detached Site Condominium , Common Area or use
1700	Single family res home converted to boarding house
1800	SFR - Planned Development Tract with Common Area
1820	SFR - Planned Development Tract, First Sale
1830	SFR - Planned Development Tract, R&T 402.1, First Sale
1840	SFR - Planned Development Tract, R&T 402.1
1850	Duet/Duplex/Triplex - Planned Development Tract w/Common Area
1860	Duet/Duplex/Triplex - Planned Development Tract, R&T 402.1
1890	SFR - Planned Development Tract, Common Area or use
1900	SFR - Manufactured Home (MH on permanent foundation)
1901	Single family modular built off site
1950	Non-Condo Live/Work

2x - Series - Multiple Residential, 2-4 Units and Mobile Homes

Code	Description
2100	Two, three or four single family homes
2200	Double or duplex type - two units
2300	Triplex; double or duplex with single family home
2400	Four living units; e.g. fourplex or triplex w/SFR
2440	Four residential living units, R&T 402.1
2500	2 units, lesser quality than 2200 or unknown legal
2501	2 units, SFR with attached accessory dwelling unit
2502	2 units, SFR with detached accessory dwelling unit
2541	2 units, SFR with attached accessory dwelling unit, R&T 402.1
2542	2 units, SFR with detached accessory dwelling unit, R&T 402.1
2600	3 units, lesser quality than 2300 or unknown legal
2700	4 units, lesser quality than 2400 or unknown legal
2800	Res property of 2,3 or 4 units with rooming house
2900	More than 1 mobile home, or M/H w/other res units

3x - Series - Commercial (See also 8X & 9X Series)

Code	Description
3000	Vacant commercial land (may include misc. imps)
3100	Single-tenant Retail Store
3120	Commercial Imps on Residential Land
3200	Store/Office with Apts/Lofts
3300	Miscellaneous improved commercial
3400	Department store
3500	National Chain Retailer
3600	Restaurant - small or in-line walk-in restaurant / cafe
3605	Restaurant - Free-Standing
3610	Restaurant - Fast Food
3620	Bar / Bar with limited food service
3700	Shopping Center-NBHD/Grocery or Retail anchor
3701	Shopping Center-Community
3702	Shopping Center-Regional Mall
3703	Shopping Center-NBHD without anchor (strip mall)
3704	Shopping Center-Power Center
3705	Shopping Center + Residential + Other
3800	Supermarket
3900	Condominium-commercial retail
3990	Condominium-commercial retail, common area or use

4x - Series - Industrial

Code	Description
4000	Vacant industrial land (may include misc. imps)
4100	Warehouse
4101	Condominium-industrial
4102	Warehouse-Self Storage
4103	Warehouse-Cold Storage
4191	Condominium-industrial, common area or use
4200	Industrial Light/Manufacturing
4201	Industrial Flex/R&D
4202	Data Center
4205	Advanced Tech manufacturing with R&D/Large-scale
4300	Heavy industrial
4400	Misc. industrial (improved); no other ind code
4500	Nurseries
4600	Quarries, Sand and Gravel
4601	Landfill
4700	Salt Ponds
4800	Terminals, trucking and distribution
4900	Wrecking yards

5x - Series - Rural

Code	Description
5000	Vacant rural-res homesites, may incl misc. imps
5100	Improved rural-residential homesite.
5300	Rural property with commercial use
5400	Rural property with industrial use
5500	Rural property used for agriculture and/or commercial 10+ acre
5600	Rural property in transition to a higher use
5700	Vacant rural land, not usable even for agriculture
5800	Improved rural land, non-renewal Williamson Act
5900	Vacant rural land, non-renewal Williamson Act

6x - Series - Institutional

Code	Description
6000	Vacant land necessary part of institutional prop.
6001	Government owned property - vacant land
6100	Government owned property - improved
6200	Secured PI
6300	Golf course
6400	School

6500	Cemetery
6590	Cemetery - Exempt
6600	Church
6700	Other institutional property
6800	Lodgehall and/or clubhouse
6850	Historical commercial

7x - Series - Multiple Residential, 5 or more units

Code	Description
7000	Vacant apartment land, capable of 5 or more units
7040	Vacant apartment land, R&T 402.1
7090	Vacant apartment common area or use
7100	Five or more single family res homes
7200	Residential property converted to 5 or more units
7300	Condominium - single residential living unit
7301	Condominium - residential live/work unit
7302	Condominium - urban res unit above retail/office
7305	Condominium - townhouse style
7320	Condominium - single res unit, first sale
7321	Condominium - res live/work unit, first sale
7322	Condominium - urban res unit above, first sale
7325	Condominium - townhouse, first sale
7330	Condominium - single res unit, R&T 402.1, First Sa
7335	Condominium - townhouse, R&T 402.1, First Sale
7340	Condominium - single res unit, R&T 402.1
7341	Condominium - res live/work unit, R&T 402.1
7342	Condominium - urban res R&T 402.1
7345	Condominium - Townhouse R&T 402.1
7390	Condominium Common Area or use
7391	Condominium - res live/work, common area or use
7392	Condominium - urban res unit above, common area or use
7395	Condominium - townhouse, common area
7400	Cooperatives (divided)
7430	Cooperatives (undivided)
7500	Restricted residential income property
7600	Fraternities and sororities
7700	Multiple residential building of 5 or more units.
7701	Assisted Living Apartments
7705	Multiple-Res building of 5 or more units + commercial units
7706	Multi-Res building of 5 or more units R&T 402.1 + commercial
7800	Residential high-rise (7 or more stories)
7900	Church Home

8x - Series - Improved Commercial

Code	Description
8000	Car wash
8100	Commercial repair garage
8200	Automobile dealership
8300	Parking lot
8400	Parking garage
8500	Service Stations
8600	Funeral home
8700	Nursing/Custodial Care Facility
8800	Hospital (general)
8801	Medical clinic/outpatient surgery
8802	Skilled Nursing Facility
8900	Hotel
8901	SRO Hotel

9x - Series - Improved Commercial

Code	Description
9000	Motel
9100	Mobile home park parcel with improvements
9200	Bank
9300	Medical - Dental building
9301	Veterinarian Office
9400	One to five story office building
9401	Condominium-office
9405	Condominium-Medical office
9491	Condominium-office, common area or use
9500	Over five story office building
9600	Bowling alley
9700	Walk-in theater
9800	Drive-in theater
9801	Winery
9802	Winery, including retail/event center
9900	Other recreational activity, e.g. rinks, stadiums
9901	Boat berth privately owned
9902	Subsurface right-oil, gas, mineral
9905	Fitness Center/Health Club/Gym
9910	Museums, Historical Societies/Clubs

Revised 3/24/0

[go back...](#)

Exhibit 7

First letter from Rodrigue to the Alameda County Tax Assessor asking for a Use Code change.

Natasha Zamula, Appraiser

July 2, 2020

Alameda County Appraiser's Office

1221 Oak Street room 145

Oakland, CA 94612

Dear Ms. Zamula,

We are requesting a Use Code change for our property at 3053 Marina Avenue, Livermore, CA from 5300 to 5100. The parcel number is **99-675-8**.

In 2011, County Assessor's office changed our Use Code from 5100 to 5300. We were not notified, and this change has added a very significant tax burden on our property. The Livermore Area recreation and Park Department (LARPD) raised our "special tax" from around thirty-five dollars to one thousand and eighty-five dollars annually. It is now almost ten percent of our total property tax. This is inconsistent with all of our neighbor's special tax assessment and other properties in Livermore similar to ours.

We have five acres in Alameda County unincorporated area (commonly called Livermore) where we have farmed three and a half acres of grapes for 22 years. Our residence is on the property along with several old farm buildings that were built 80 years ago. Our winery is in one of those old buildings and before COVID, we were open 5.5 hours on Saturday and Sunday. Our property is similar to all of the neighboring 5100 properties, some of which have commercial horse ranches, some farm residences and one other winery. Every one of them is assessed \$35 in LARPD special taxes except us.

Several other wineries in Livermore where the owners reside on the property and have a weekend business selling wine like ours are scattered throughout Alameda County unincorporated area. Most of them pay thirty-five dollars or zero! This is because the County gave them a 5100 Use Code.

After the County changed our Use Code to 5300, LARPD changed our special tax to the very significant higher rate of over a thousand dollars. We pointed out to LARPD that Use Codes were for County use only, but they set up their assessment protocol initially by County Use Codes and now refuse to change.

Please review our request and hopefully change our Use Code from 5300 to match the other surrounding 5100 properties in our neighborhood, and with similar residence/wineries with small operations in unincorporated Alameda County. This would help us stay in business and make the playing field uniform.

Thank you very much for your attention to this matter. Please feel free to visit our property.

Very Sincerely,

Nancy Rodrigue, 925-321-9970. Home 925-447-4280 nancy@rmwinery.com838. garry@rmwinery.co

Exhibit 8 Response to exhibit 6 letter from Mark Bluford, Assessor

Garry Rodrigue

From: Bluford, Mark, Assessor <mark.bluford@acgov.org>
Sent: Tuesday, December 17, 2019 12:21 PM
To: garry@rmwinery.com
Cc: Caballero, Trina, Auditor Agency
Subject: APN 99-675-8 ~ Garry/Nancy Rodrigue

To owners of property at Marina Ave., Livermore, CA;

As it regards:

1. Special assessments by other municipalities.
2. "Use Code" Classifications utilized by the assessor

Historically, there has been 10 or less broad "use code" classifications utilized by the assessor for properties estimated to be in "rural" areas. One such classification is use code number 5300. Texts on several public type records identify this designation as "rural property with significant commercial use". We are currently talking about asking users to remove the word "significant" from this classification, not solely because of your inquiry. The necessity of populating computer fields aside, appraisers in the assessor's office are not driven to make assessment decisions based on this classification. Appraisers will look at the *individual* characteristics of *several* properties and make adjustments accepted by the appraisal industry before making valuation and assessment decisions. Property owners are not harmed in any way by the assessor as a result of this "classification".

The "classifications" are casually reviewed annually. We are not required to contact all of the various municipalities before producing updates. This appraisal unit is not necessarily required to be an expert on all of the taxation nuances of the various municipalities. A change is not automatically made because of, say, new legislation. This department's need to change the use code for our convenience and organization of files is deemed to be informal in this case. We do not have a code for "insignificant" use. Further, I do not readily see that any of our assessments were changed as a result of any "use code" classification changes to the property at Marina Ave. Our designation of 5300 for the time being will remain unchanged as it regards your property.

We do not know what the regulations say as it regards to the assessment you referred to. **It could very well be that the tax you referenced was fairly assessed by that municipality.** "Commercial" use could be retail use, restaurant activities, etc.. Our designation does not specifically identify the use, size of the structures, density, etc.. It would be interesting to me if the legislation included the number 5300. If the "district" ever asks this appraisal unit about specifics of a property we will be glad to provide them with the information we have. To conclude, in this case we do not know what the regulations say.

To summarize, this appraisal unit does not know the legal reason why you are being taxed by the district. We are not motivated to tell that agency how to do business. The above said, no contact or reference is necessarily made with the "district" when we make certain changes or adjustments.

Mark Bluford, Supervising Appraiser (510) 208-9994.

Exhibit 9

Second response from Phong La

From: La, Phong, Assessor <Phong.La@acgov.org>

Sent: Friday, September 4, 2020 3:57 PM

To: Nancy Rodrigue <nancy@rmwinery.com>

Cc: garry <garry@rmwinery.com>; Barra-Gibson, Mona, Assessor <Mona.Barra-Gibson@acgov.org>

Subject: RE:

Dear Mr. and Mrs. Rodrigue,

Thank you for the follow-up email.

I reviewed the disclaimer of our Use Codes and will have staff revise the language to better reflect the nature of the Use Codes as used by the Assessor's Office. I'll also review the description of the Use Codes to ensure it reflects the needs of the Assessor's Office for appraisal purposes.

In response to your question about events: for appraisal purposes, we determine the assessed value based on the highest and best use of a property as defined by California law. In a situation where a property can be used for certain functions, those functions that the property can be used for help us determine its value when assessing the value of a property.

For instance, a warehouse property that can be used as a retail space will be valued at the higher retail use even though it is not being used for retail. We appraise the value of that property based on similar retail properties even if the owner chooses to use it for a warehouse. In your situation, the highest and best permitted use of your property is agriculture with commercial use such as an event space, tasting room, and/or wine production facility even though you may not be using it for all of those purposes. When we appraise the property (should there be a sale or change in ownership) we would compare it to the value of other properties in the Livermore area with a vineyard/agriculture and commercial use. By categorizing your property as a 5300 Use Code, it allows us to easily compare it with other similar properties. We compare the value of properties that are similar to your property that would allow for events like the ones you described, a tasting room, and/or a wine production facility. We use the Use Codes as a means of easily comparing properties in our database.

I understand that the word "significant" as used by appraisers in our office may confuse the general public. The description of the Use Codes is understood in our office as a means of identifying similar properties which is the intended purpose. Since our appraisers do not need the word "significant" at this point to understand that a 5300 Use Code means that we have agriculture and commercial uses on the property, we are removing that word from our definition.

Again, I appreciate your research into this matter and I understand your hardships in dealing with the special district in Livermore. Our Use Codes are not designed for any other purpose but the assessment process. Your situation with the Livermore Park and Recreation District is not unique in our county. In the past year and half since I became the County Assessor, I've dealt with similar matters regarding our data and the use of our data by special districts at least four times.

If you have any additional questions, please let our staff know. I am copying Mona Barra-Gibson, Outreach Director on this email.

Regards,
Phong



Phong La

Assessor | County of Alameda
1221 Oak Street, Suite 145 | Oakland, CA 94612
Office 510-272-3755
Phong.La@acgov.org | www.acassessor.org

Exhibit 10

March 31, 2020

Rodrigue letter to the LARPD Board with three specific reasons why the Special Tax imposed on their property is wrong. Request to be on the agenda for a Board meeting.

LARPD Board of Directors
Jan Palajac, Chair
David Furst, Vice Chair
Maryalice Summers Faltings
Phil Pierpont
Beth Wilson

Re: Request for change of LARPD Special Tax
3053 Marina Avenue, Livermore 94550

Dear Board Members:

This will follow up regarding the LARPD Special Tax issue regarding our property. We are being charged a Special Tax of \$1085 per year as a "Commercial/Industrial" property, which we believe is incorrect and unfair. Our five acre parcel in the South Livermore Plan area is our residence zoned Rural Residential by Alameda County and is in a rural residential neighborhood. The South Livermore Valley Area Plan and county zoning encourages small property owners to develop vineyards and small wineries on such residential properties. We make wine in a garage/shop a prior owner built and sell the wine for 4 ½ hours only on weekend afternoons out of a small (2 horse) homemade stable building that we personally paneled and painted to use as a tasting room. We do not distribute wine commercially.

It is important to note that there are other small wineries in Livermore whose land use is virtually the same as ours who are being billed \$ 35.74 by LARPD as Single Family Residential. Other rural activities in Livermore, such as renting horse stables, are not considered commercial by LARPD and are levied either \$35.74 or nothing.

As you may recall, the Board previously referred our issue to your Finance Committee and General Manager Matt Fuzie. He subsequently sent us a letter setting forth the procedure and rationale for charging us the much larger tax. His efforts and letter were helpful to our understanding of how the determinations were made. With all due respect, however, we believe that further consideration will show that the Special Tax assessment on our property is incorrect and unfair as well as not uniformly levied.

First, Resolution 1959 of the LARPD categories for the Special Tax, says it relies on how the Alameda County Tax Assessor classifies a property. Our property does not fall within the Assessor's Commercial codes. At some point the Assessor's Office assigned

us Rural use code 5300 (“Rural property with significant commercial use”). But as shown by the categories/headings in the attached list of Assessor’s use codes, “Commercial” use properties are those with use codes in Series 3000 and by cross-reference Series 8000 and 9000. The 5000 “Rural” series is not included in Commercial or cross-referenced for inclusion.

Moreover, the county Assessor’s Office has stated to us, strongly, that the inconsistency in coding the residences with small wineries does not matter since those of us coded 5300 are treated by the Assessor the same as the Code 5100 residential homesites--that our property is taxed just like our neighbors who do not have small wineries (only houses) and those who have small wineries but have been assigned Code 5100. We are not assessed like commercial/industrial properties in Livermore.

Second, it appears we are not a “Commercial/Industrial” property under the definition in LARPD’s Resolution 1959 in any event. LARPD’s definition of a Commercial/Industrial property says it only applies to “non-residential” properties. Our residence is on our property, zoned Rural and in a rural residential neighborhood (and, by the way, we are not allowed to subdivide our property and the properties in our area are not large enough to qualify for Williamson Act relief). We believe that section’s formula for setting the assessed amount evinces, by charging almost 30 times more for five acre properties than Single Family Residential, that what was contemplated were enterprises more like manufacturers, tech companies or large retailers.

An extra tax of \$1085 per year is a huge amount to add to any homeowner’s property tax bill for one, albeit truly precious, area of civic service. You may be aware that most small family wineries do not generate salaries or significant net profits for the owners. Many of us are retired, long-term Livermore residents with a passion for wine and an interest in preserving the agriculture heritage of the Livermore Valley.

So, we request that you change our Special Tax assessment to “Single Family Residential” because (and any one of these alone should be determinative):

1. We do not properly fall within LARPD’s “Commercial/Industrial ” category.\
2. Our use code is not a “Commercial” use code under the Assessor’s Office categories
3. To charge us \$1085 per year while charging other virtually identical use rural residential properties \$36 is hugely and unfairly a non-uniform application of the tax. Uniformity in application of law and taxes is obviously an important principle. Public Resource Code section 5689.1 says that, “special taxes shall be applied uniformly to all taxpayers or real property within the district.”

With respect and appreciation for the work of the LARPD Board and personnel, and with great affection for the parks you have created, operated and maintained, we thank you for your consideration of this issue. This issue was first raised early in October, so we

would appreciate an expedited resolution, hopefully before our property taxes are due. If you believe there should be further discussion with us at a teleconferenced meeting or hearing, or otherwise, we are available at your convenience.

We wish everybody safety and good health in this challenging time.

Very sincerely,

Nancy Rodrigue

Garry Rodrigue

Email: garry@rmwinery.com
Phone: 925-297-7838

Cc: Mathew L. Fuzie
Jeff Schneider

Exhibit 11

Rodrigue request for a Board decision after the LARPD Board meeting with Rodrigues on June 29, 2020.

Re: Our letter of March 31, 2020 requesting change of LARPD Special Tax
3053 Marina avenue, Livermore

Dear Board Members:

This is further to our letter setting forth 3 reasons why we believe the Special Tax rate for our property is incorrect. In June, Ms. Palajac, Mr. Pierpont, Mr. Schneider and Mr. Fuzie held a teleconference with us but, if we understand correctly, the matter has not been discussed or formally ruled upon by the entire Board. Moreover, the 3 grounds set forth in our letter (any one of which we believe is enough to show that the incorrect tax rate is being used) have not been directly addressed or responded to/rebutted by the Board. While we appreciated the conference call, the participants discussed our claim generally and explained how LARPD determined the tax rate but did not refer to our claim letter or respond re the 3 specific grounds for our position.

The situation is a bit unclear as to whether it is time for us to proceed further without a formal Board review and decision. Moreover, we suggest that formal Board examination of the 3 grounds of our claim and followed by any rebuttal there may be to them would be beneficial to be sure, in fact, that there can be no meeting of the minds.

We therefore respectfully request formal Board of Directors consideration and a decision on our request to review the 3 grounds set forth in our letter of March 31, 2020 and respond to us at its earliest opportunity.

Thank you.

Nancy Rodrigue and Garry Rodrigue

Exhibit 12
2019 LARPD special taxes
A \$1608.30
B, C, D, E -\$0

NORTH

Greenville Wineries

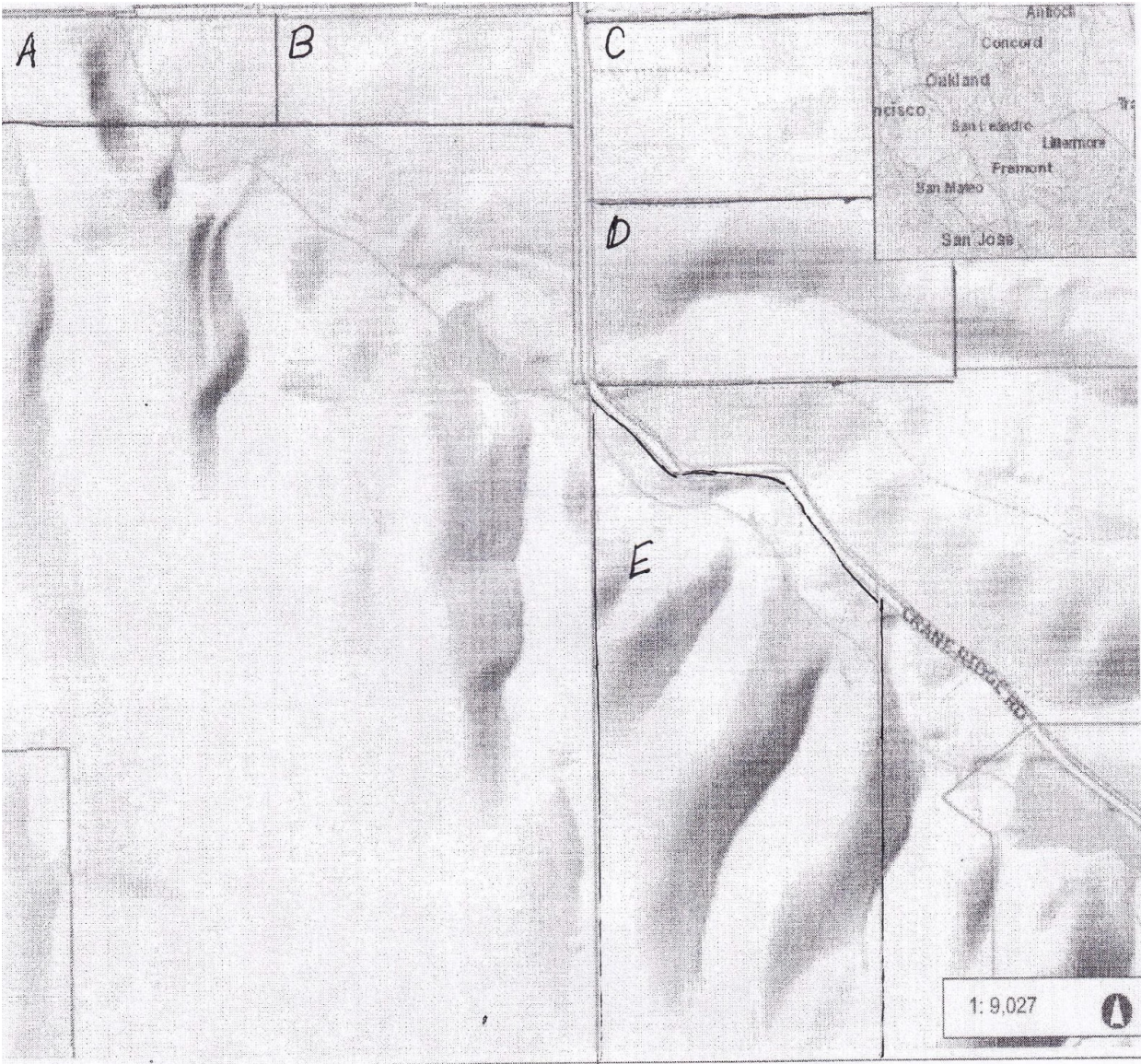


Exhibit 12a

Fiscal Year Beginning July 1, 2019 and Ending June 30, 2020
ALAMEDA COUNTY
SECURED PROPERTY TAX STATEMENT
 y C. Levy, Treasurer and Tax Collector
 Oak Street, Room 131
 and, California 94612

Parcel Number	Tracer Number	Tax-Rate Area	Special Handling
9A-2100-1-7	28396800	64-005	

		Amount

THIS IS NOT AN OFFICIAL BILL

Taxing Agency		Tax Rate		Ad Valorem Tax

LAND IMPROVEMENTS FIXTURES			
TOTAL REAL PROPERTY ASSESSMENT & TAX	2,125,570		
HOMEOWNERS EXEMPTION	7,000	1.1702 %	24,873.41
OTHER EXEMPTION		1.1702 %	-81.91
NET ASSESSMENT & AV TAX	2,118,570	1.1702 %	24,791.50
Total Ad Valorem Tax			24,791.50

Please Read Important Messages

A fee of \$61.00 will be imposed on all returned or dishonored payments.

SECOND INSTALLMENT PAYMENT, 2019-2020

PARCEL NO. 99A-2100-1-7
 TRACER NO. 28396800

2 INTERNET COPY

THIS AMOUNT DUE FEB 1, 2020 ==>	PAID	\$ 12,514.37
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MOSQUITO ABATEMENT	800-273-5167	1.74
CSA PARAMEDIC	920-007-3400	34.02
CSA VECTOR CONTROL	000-273-5107	11.04
PARAMEDIC SUPPLIMENT	920-007-3400	10.02
ALA CO CLEAN WATER	010-070-0212	7.10
LIVERMORE SUPPL TAX	920-000-3302	130.00
STDRN MEASURE RA	000-000-0107	12.00
HAZ WASTE PROGRAM	000-273-5107	0.04
CSA VECTOR CNTRL B	000-273-5107	0.20
MOSQUITO ASSESS 2	000-273-5107	2.00

lion of Property
 I GREENVILLE RD, LIVERMORE

2019 no L
Taxxx

ssed to on January 1, 2019

ESSEE NAME AND ADDRESS ARE NOT AVAILABLE ONLINE
 . CA GOV CODE §6254.21

• Possible Sr Exemption • Call Agency

UNIVERSITYWIDE TAX	1.0000 %	21,185.70
UNIVERSITY APPROVED DEBT SERVICE:		
UNIVERSITY GO BOND	0.0105 %	225.19
UNIVERSITY UNIFIED	0.0145 %	1,074.10
UNIVERSITY COMM COMM	0.0422 %	894.04
UNIVERSITY STATE WTR	0.0309 %	654.04
UNIVERSITY AREA RAPID TRANSIT	0.0120 %	254.23

Total Fixed Charges and/or Special Assessments



Tax Computation Worksheet

After APRIL 10, 2020 pay

(Includes delinquent penalty of 10% and \$10.00 cost)

PAID APR 3, 2020

ECheck is free of charge; Accepted through June 30, 2020 @<http://www.acgov.org/propertytax/>.

Visa, Mastercard, Discover, or American Express credit cards accepted by phone (510)272-6800 or online @<http://www.acgov.org/propertytax/>, mobile @www.acgov.org/mobile/apps/ through June 30, 2020. A convenience fee equal to 2.5% of the tax amount due will be added to your total payment.

Subscribe to receive email alerts about important property tax dates online @<http://www.acgov.org/propertytax/>.

This bill is as of April 17, 2021 9:29 PM and may not include pending payments and roll corrections.

FIRST INSTALLMENT PAYMENT, 2019-2020

1	INTERNET COPY	PARCEL NO. 99A-2100-1-7 TRACER NO. 28396800	
THIS AMOUNT DUE NOV 1, 2019 ==>		PAID	\$ 12,514.37

(Includes delinquent penalty of 10%)

PAID 019

See Reverse For More Information

Tax Collector's Office
Payment Questions/Credit Card Payments
(510) 272-6800

Assessor's Office
Valuation/Exemption
(510) 272-3787 (510) 272-3770

Fiscal Year Beginning July 1, 2020 and Ending June 30, 2021
ALAMEDA COUNTY
SECURED PROPERTY TAX STATEMENT
 J. C. Levy, Treasurer and Tax Collector
 Oak Street, Room 131
 Oakland, California 94612

74
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 24

Parcel Number	Tracer Number	Tax-Rate Area	Special Handling
9A-2100-1-7	28440400	64-005	

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• Possible Sr Exemption - Call Agency



PROPERTY CLASSIFICATION	Assessed Value	Rate	Amount
TOTAL REAL PROPERTY	2,168,069		
PERSONAL PROPERTY			
GRASS ASSESSMENT & TAX	2,100,000	1.1389 %	24,000.12
HOMEOWNERS EXEMPTION	-7,000	1.1389 %	-79.72
OTHER EXEMPTION			
NET ASSESSMENT & AV TAX	2,161,069	1.1389 %	24,612.40

Phone

Location of Property
 1 GREENVILLE RD, LIVERMORE
 Assessed on January 1, 2020

ESSEE NAME AND ADDRESS ARE NOT AVAILABLE ONLINE
 CA GOV CODE §6254.21

**2020 \$1640.24 Special
 Tax-one year increase
 from 2019**

THIS IS NOT AN OFFICIAL BILL

Total Fixed Charges and/or Special Assessments 1,878.98

Tax Computation Worksheet

Tax-Rate
 Breakdown

Total Ad Valorem Tax		24,612.40
First Installment	Second Installment	Total Amount Due

Taxing Agency	Tax Rate	Ad Valorem Tax
IN TYWIDE TAX	1.0000 %	21,610.69
ER APPROVED DEBT SERVICE:		
IN T T GO BOND	0.0000 %	11.10
COL UNIFIED	0.0001 %	1,495.00
COL COUNTY COLL	0.0214 %	462.41
UN T STATE WTR	0.0309 %	667.11
AREA RAPID TRANSIT	0.0139 %	300.39



After APRIL 10, 2021 pay

(Includes delinquent penalty of 10% and \$10.00 cost)

PAID FEB 4, 2021

ECheck is free of charge; Accepted through June 30, 2021 @<http://www.acgo.v.org/propertytax/>.

Visa, Mastercard, Discover, or American Express credit cards accepted by phone (510)272-6800 or online @<http://www.acgov.org/propertytax/>, mobile @www.acgov.org/mobile/apps/ through June 30, 2021. A convenience fee equal to 2.5% of the tax amount due will be added to your total payment.

Subscribe to receive email alerts about important property tax dates online @<http://www.acgov.org/propertytax/>.

This bill is as of April 17, 2021 9:26 PM and may not include pending payments and roll corrections.

FIRST INSTALLMENT PAYMENT, 2020-2021

1	INTERNET COPY	PARCEL NO. 99A-2100-1-7 TRACER NO. 28440400
THIS AMOUNT DUE NOV 1, 2020 ==>		PAID \$ 13,245.69

(Includes delinquent penalty of 10%)

PAID  2020

See Reverse For More Information

Tax Collector's Office
 Payment Questions/Credit Card Payments
 (510) 272-6800

Assessor's Office
 Valuation/Exemption
 (510) 272-3787 (510) 272-3770

Exhibit 12 c

Fiscal Year Beginning July 1, 2012 and Ending June 30, 2013

**ALAMEDA COUNTY
SECURED PROPERTY TAX STATEMENT**

David R. White, Treasurer and Tax Collector
Oak Street, Room 131
Oakland, California 94612

Parcel Number	Tracer Number	Tax-Rate Area	Special Handling
99-675-8	27194300	64-005	

Location of Property
3 MARINA AVE, LIVERMORE
Assessed on January 1, 2012

ESSEE NAME AND ADDRESS ARE NOT AVAILABLE ONLINE
CA GOV CODE §6254.21

THIS IS NOT AN OFFICIAL BILL

Tax-Rate Breakdown		
Taxing Agency	Tax Rate	Ad Valorem Tax
COUNTY-WIDE TAX	1.0000 %	8,209.93
CREDITOR APPROVED DEBT SERVICE:		
OOL UNIFIED	0.0607 %	498.32
OOL COMM COLL	0.0219 %	179.80
D ZN 7 STATE WTR	0.0228 %	187.19
AREA RAPID TRANSIT	0.0043 %	35.30
AL AD VALOREM TAX (AV TAX)	1.1097 %	9,110.54

Description	Phone	Amount
MOSQUITO ABATEMENT	800-273-5167	1.74
CSA PARAMEDIC	800-441-8280	27.68
CSA VECTOR CONTROL	800-273-5167	5.92
PARAMEDIC SUPPLMNT	800-441-8280	14.66
ALA CO CLEAN WATER	510-670-5543	7.10
LIVERMORE SCHL TAX	925-606-3390	138.00
CSA VECTOR CNTRL B	800-273-5167	4.22
MOSQUITO ASSESS 2	800-273-5167	2.58
LARPD SPECIAL TAX	925-373-5716	31.14
Total Fixed Charges and/or Special Assessments		233.04

Tax Computation Worksheet			
Description	Full Valuation	x Tax Rate	= Tax Amount
LAND IMPROVEMENTS	90,765		
FIXTURES	737,228		
TOTAL REAL PROPERTY	827,993		
PERSONAL PROPERTY			
GROSS ASSESSMENT & TAX	827,993	1.1097 %	9,188.21
HOMEOWNERS EXEMPTION	-7,000	1.1097 %	-77.67
OTHER EXEMPTION			
NET ASSESSMENT & AV TAX	820,993	1.1097 %	9,110.54
Total Ad Valorem Tax			9,110.54
First Installment PAID	\$ 4,671.79	Second Installment PAID	\$ 4,671.79
		Total Amount Due	\$ 9,343.58

Please Read Important Messages

A fee of \$61.00 will be imposed on all returned or dishonored payments.

ECheck is free of charge; Accepted through June 30, 2013 @ <http://www.acgov.org/propertytax/>.

Visa, Mastercard, Discover, or American Express credit cards accepted by phone (510)272-6800 or online @ <http://www.acgov.org/propertytax/>, mobile @ www.acgov.org/mobile/apps/ through June 30, 2013. A convenience fee equal to 2.5% of the tax amount due will be added to your total payment.

Subscribe to receive email alerts about important property tax dates online @ <http://www.acgov.org/propertytax/>.

This bill is as of April 17, 2012 9:09 PM and may not include pending payments and roll corrections.

Please See Reverse For More Information

Tax Collector's Office
Payment Questions/Credit Card Payments
(510) 272-6800

Assessor's Office
Valuation/Exemption
(510) 272-3787 (510) 272-3770

SECOND INSTALLMENT PAYMENT, 2012-2013

PARCEL NO. 99-675-8
INTERNET COPY TRACER NO. 27194300

2 THIS AMOUNT DUE FEB 1, 2013 ==> PAID \$ 4,671.79



After APRIL 10, 2013 pay

(Includes delinquent penalty of 10% and \$10.00 cost)

PAID DEC 10, 2012

FIRST INSTALLMENT PAYMENT, 2012-2013

PARCEL NO. 99-675-8
INTERNET COPY TRACER NO. 27194300

1 THIS AMOUNT DUE NOV 1, 2012 ==> PAID \$ 4,671.79



After DECEMBER 10, 2012 pay

(Includes delinquent penalty of 10%)

PAID DEC 10, 2012

Exhibit 12 d

Fiscal Year Beginning July 1, 2013 and Ending June 30, 2014

**ALAMEDA COUNTY
SECURED PROPERTY TAX STATEMENT**

David R. White, Treasurer and Tax Collector
1000 Oak Street, Room 131
Livermore, California 94612

Parcel Number	Tracer Number	Tax-Rate Area	Special Handling
99-675-8	27162800	64-005	

Location of Property
3 MARINA AVE, LIVERMORE
Assessed on January 1, 2013

ESSEE NAME AND ADDRESS ARE NOT AVAILABLE ONLINE
CA GOV CODE §6254.21

THIS IS NOT AN OFFICIAL BILL

Tax-Rate Breakdown		
Taxing Agency	Tax Rate	Ad Valorem Tax
COUNTYWIDE TAX	1.0000 %	8,375.50
CER APPROVED DEBT SERVICE:		
COL UNIFIED	0.0596 %	499.17
COL COMM COLL	0.0214 %	179.24
D ZN 7 STATE WTR	0.0257 %	215.25
AREA RAPID TRANSIT	0.0075 %	62.82
AL AD VALOREM TAX (AV TAX)	1.1142 %	9,331.98

Description	Phone	Amount
MOSQUITO ABATEMENT	800-273-5167	1.74
CSA PARAMEDIC	800-441-8280	56.72
CSA VECTOR CONTROL	800-273-5167	11.84
PARAMEDIC SUPPLMNT	800-441-8280	30.04
ALA CO CLEAN WATER	510-670-5543	7.10
LIVERMORE SCHL TAX	925-606-3390	138.00
CSA VECTOR CNTRL B	800-273-5167	4.10
MOSQUITO ASSESS 2	800-273-5167	2.52
LARPD SPECIAL TAX	925-373-6716	964.54

Total Fixed Charges and/or Special Assessments **1,216.60**

Tax Computation Worksheet			
Description	Full Valuation	x Tax Rate	= Tax Amount
LAND IMPROVEMENTS	92,580		
FIXTURES	751,970		
TOTAL REAL PROPERTY	844,550		
PERSONAL PROPERTY			
GROSS ASSESSMENT & TAX	844,550	1.1142 %	9,409.97
HOMEOWNERS EXEMPTION	-7,000	1.1142 %	-77.99
OTHER EXEMPTION			
NET ASSESSMENT & AV TAX	837,550	1.1142 %	9,331.98
Total Ad Valorem Tax			9,331.98
First Installment		Second Installment	
PAID \$ 5,274.29	PAID \$ 5,274.29	Total Amount Due	
		\$ 10,548.58	

Please Read Important Messages

A fee of \$61.00 will be imposed on all returned or dishonored payments.

ECheck is free of charge; Accepted through June 30, 2014 @ <http://www.acgov.org/propertytax/>.

Visa, Mastercard, Discover, or American Express credit cards accepted by phone (510)272-6800 or online @ <http://www.acgov.org/propertytax/>, mobile @ www.acgov.org/mobile/apps/ through June 30, 2014. A convenience fee equal to 2.5% of the tax amount due will be added to your total payment.

Subscribe to receive email alerts about important property tax dates online @ <http://www.acgov.org/propertytax/>.

This bill is as of April 17, 2014 9:12 PM and may not include pending payments and roll corrections.

Please See Reverse For More Information

Tax Collector's Office
Payment Questions/Credit Card Payments
(510) 272-6800

Assessor's Office
Valuation/Exemption
(510) 272-3787 (510) 272-3770

SECOND INSTALLMENT PAYMENT, 2013-2014

PARCEL NO. 99-675-8

2

INTERNET COPY TRACER NO. 27162800

THIS AMOUNT DUE FEB 1, 2014 ==> PAID \$ 5,274.29

After APRIL 10, 2014 pay



(Includes delinquent penalty of 10% and \$10.00 cost)

PAID APR 3, 2014

FIRST INSTALLMENT PAYMENT, 2013-2014

PARCEL NO. 99-675-8

1

INTERNET COPY TRACER NO. 27162800

THIS AMOUNT DUE NOV 1, 2013 ==> PAID \$ 5,274.29

After DECEMBER 10, 2013 pay



(Includes delinquent penalty of 10%)

PAID DEC 10, 2013

2004-2005
COPY

INTERNET

For Fiscal Year Beginning July 1, 2004 and Ending June 30, 2005
ALAMEDA COUNTY
SECURED PROPERTY TAX STATEMENT

Donald R. White, Treasurer and Tax
Collector 1221 Oak Street, Room 131
Oakland, California 94612

99A-2400-20 26921600 64-005
Location of Property
5455 GREENVILLE RD, LIVERMORE
Assessed to on January 1, 2004

ASSESSEE NAME AND ADDRESS ARE NOT AVAILABLE
ONLINE PER CA GOV CODE §6254.21

THIS IS NOT AN OFFICIAL BILL

Total Fixed Charges and/or Special Assessments		1,255.64	
LAND	134,198		
IMPROVEMENTS	355,140		
FIXTURES			
TOTAL REAL PROPERTY	489,338		
PERSONAL PROPERTY			
GRASS ASSESSMENT & TAX	489,338	1.1093 %	5,428.21
HOMEOWNERS EXEMPTION	-1,000	1.1093 %	-11.05
OTHER EXEMPTION			
NET ASSESSMENT & AV TAX	482,338	1.1093 %	5,350.56
Total Ad Valorem Tax		5,350.56	
	\$ 3,303.10	\$ 3,303.10	\$ 6,606.20

Please Read Important Messages

A fee of \$61.00 will be imposed on all returned or dishonored payments.

**SECOND INSTALLMENT PAYMENT,
2004-2005**

**PARCEL NO.
99A-2400-20**

INTERNET COPY **TRACER NO. 26921600**
CANCELLED

After APRIL 11, 2005 pay

CANCELLED OCT 20, 2004

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ECheck is free of charge; Accepted through
June 30, 2005 @<http://www.acgov.org/propertytax/>.

Visa, Mastercard, Discover, or American Express credit cards accepted by
phone (510)272-6800 or online @<http://www.acgov.org/propertytax/>,
mobile

FIRST INSTALLMENT PAYMENT, 2004-2005

**PARCEL NO.
99A-2400-20**

Exhibit 12f

iscal Year Beginning July 1, 2020 and Ending June 30, 2021

**ALAMEDA COUNTY
SECURED PROPERTY TAX STATEMENT**

County Assessor, Treasurer and Tax Collector
1000 Lakeside Drive, Room 139
Livermore, California 94551

Parcel Number	Tracer Number	Tax Rate Area	Special Handling
A-2400-20	28458600	64-005	

Location of Property
GREENVILLE RD, LIVERMORE
Assessed to on January 1, 2020

OWNER'S NAME AND ADDRESS ARE NOT AVAILABLE ONLINE
CALL THE COUNTY GOV CODE §6254.21

THIS IS NOT AN OFFICIAL BILL

Tax Rate Breakdown		
Taxing Agency	Tax Rate	Ad Valorem Tax
CITYWIDE TAX	1.0000 %	6,291.33
CITY APPROVED DEBT SERVICE		
CITY GO BOND	0.0036 %	22.64
COUNTY UNIFIED	0.0691 %	434.73
COUNTY COVM COLL	0.0214 %	134.63
COUNTY 7 STATE WTR	0.0309 %	194.40
CITY RIA RAPID TRANSIT	0.0139 %	87.45
AD VALOREM TAX (AV TAX)	1.1389 %	7,165.18

MOSQ MSR K 1982	800-273-5167	1.74
CSA PARAMEDIC	925-867-3400	70.02
VEC CNTRL MSR A 84	800-273-5167	11.84
PARAMEDIC SUPPLMNT	925-867-3400	37.10
ALA CO CLEAN WATER	510-670-5212	7.10
SFBRA MEASURE AA	888-508-8157	12.00
HAZ WASTE PROGRAM	800-273-5167	6.84
VECTOR CNTRL ASMT	800-273-5167	68.58
MOSQUITO ASMT 2008	800-273-5167	33.74
LARPD SPECIAL TAX	925-373-5716	1,640.24

Total Fixed Charges and/or Special Assessments 1,889.90

Tax Computation Worksheet			
Description	Full Valuation	Rate Tax Rate	Amount Tax Amount
LAND	174,456		
IMPROVEMENTS	461,877		
FIXTURES			
TOTAL REAL PROPERTY	636,333		
PERSONAL PROPERTY			
GROSS ASSESSMENT & TAX	636,333	1.1389 %	7,244.90
HOMEOWNERS EXEMPTION	-7,000	1.1389 %	-79.72
OTHER EXEMPTION			
NET ASSESSMENT & AV TAX	629,333	1.1389 %	7,165.18
Total Ad Valorem Tax			7,165.18
First Installment	Second Installment	Total Amount Due	
PAID \$ 4,527.09	PAID \$ 4,527.09	PAID \$ 9,054.18	

Please Read Important Messages

A fee of \$61.00 will be imposed on all returned or dishonored payments.

SECOND INSTALLMENT PAYMENT, 2020-2021

2

PARCEL NO. 99A-2400-20
INTERNET COPY TRACER NO. 28458600

THIS AMOUNT DUE FEB 1, 2021 ==> PAID \$ 4,527.09



After APRIL 10, 2021 pay



2017-2018
**INTERNET
COPY**

Description	Phone	Amount
MOSQUITO ABATEMENT	800-273-5167	1.74
USA PARAMEDIC	000-441-0200	31.72
USA VECTOR CONTROL	000-213-5101	11.04
PARAMEDIC SUPPLIN I	000-441-0200	10.02
ALA CO CLEAN WATER	310-010-0010	3.34
LIVERMORE SUPPL TAX	925-000-3330	100.00
OFFICE MEASURE MA	000-000-0101	12.00
PAZ WASTE PROGRAM	011-100-1321	0.40
USA VECTOR CONTRL B	000-213-5101	4.14
MOSQUITO ASSESS Z	800-213-5167	2.54

For Fiscal Year Beginning July 1, 2017 and Ending June 30, 2018

ALAMEDA COUNTY

SECURED PROPERTY TAX STATEMENT

Henry C. Levy, Treasurer and Tax Collector
1221 Oak Street, Room 131
Oakland, California 94612

99A-2400-19 **28232900** 64-005 045/CoreLogic Tax
Location of Property
5405 GREENVILLE RD, LIVERMORE
Assessed to on January 1, 2017

ASSESSEE NAME AND ADDRESS ARE NOT AVAILABLE ONLINE
PER CA GOV CODE §6254.21

* Possible Sr Exemption - Call Agency
Total Fixed Charges and/or Special Assessments

230.80

**THIS IS NOT AN
OFFICIAL BILL**

Tax-Rate Breakdown		
Taxing Agency	Tax Rate	Ad Valorem Tax
COUNTYWIDE TAX	1.0000 %	18,577.14
VOTER APPROVED DEBT	0.0803 %	1,491.73
SERVICE: SCHOOL UNIFIED	0.0445 %	826.68
SCHOOL COMM COLL	0.0358 %	666.92
1-FLD ZN 7 STATE WTR	0.0084 %	156.05
BAY AREA RAPID TRANSIT		
TOTAL AD VALOREM TAX (AV TAX)	1.1691 %	21,718.52

LAND IMPROVEMENTS FUTURE STATE

REAL PROPERTY PERSONAL PROPERTY GROSS ASSESSMENT &

1,864,714

1,268,983
590,731
1,864,714
-7,000

1.1691 %

21,800.35
-81.83

1,857,714

1.1691 %

21,718.52

21,718.52

PAID \$ 10,974.66

PAID \$ 10,974.66

\$ 21,949.32

Please Read Important Messages

A fee of \$61.00 will be imposed on all returned or dishonored payments.

2

SECOND INSTALLMENT PAYMENT, 2017-2018

PARCEL NO. 99A-2400-19

INTERNET COPY TRACER NO.
28232900

THIS AMOUNT DUE FEB 1, 2018 ==>

PAID
\$

10,974.66

After APRIL 10, 2018 pay

PAID APR 3, 2018

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TO: Alameda Commissioners

FROM: Rachel Jones, Executive Officer

SUBJECT: Fourth Amendment with QK Associates for Professional Consulting Services and MSR Project Update

The Alameda Local Agency Formation Commission (LAFCO) will consider amending its existing agreement with the professional consulting firm, Quad Knopf, Inc (“QK Associates”) for an additional eight-month contract extension and an increase of \$10,000 in the contract amount to complete the Commission’s Municipal Service Review (MSR) on water, wastewater, flood control and stormwater services and related spheres of influence updates. Staff from QK Associates will also provide a presentation to the Commission on an updated project timeline.

Information

At Alameda LAFCO’s September 28, 2020 Special meeting, the Commission approved a 6-month contract extension with QK Associates to continue work on Alameda LAFCO’s Municipal Service Review (MSR) on water, wastewater, flood control and stormwater services and related spheres of influence updates. The current agreement expired on March 31, 2021. The proposed fourth amendment extends the contract for an additional eight-month period with an expiration date of November 30, 2021. The contract amount in the proposed fourth agreement would include an increase of \$10,000 and at a not-to-exceed cost of \$90,000. Funding for the increase is available for both the current and upcoming fiscal year.

Discussion

Alameda LAFCO’s Municipal Service Review (MSR) on water, wastewater, flood control and stormwater services and related spheres of influence updates had an initial project deadline of December 2019. Due to delays with the contract negotiation and data collection phase of the project, as well as ensuring to incorporate all the affected agencies’ comments and edits, QK Associates requests additional time and funding of up to \$10,000 to complete the MSR. Staff representatives from QK Associates will provide an updated project timeline and deliverables to the Commission at this meeting.

Discussion

The item is for the Commission to extend the overall agreement through November 30, 2021 with a \$10,000 increase in additional associated costs. The proposed fourth agreement may be found as Attachment 1 of the staff report.

Alternatives for Action

The following alternatives are available to the Commission:

Alternative One (Recommended):

Approve the fourth amendment to the agreement with QK Associates for a contract extension until November 30, 2021 and an increase of \$10,000 in the contract amount for the completion of the Countywide MSR on water, wastewater, stormwater, and flood control services.

Alternative Two:

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

Alternative Three:

Deny the requested contract amendment.

Recommendation

It is recommended the Commission proceed with Alternative Action One.

Respectfully,



Rachel Jones
Executive Officer

Attachments:

1. Fourth Amendment to Agreement with QK Associates
2. Exhibit A - Additional Scope of Work

Procurement Contract No. 17721**FOURTH AMENDMENT TO AGREEMENT**

This Fourth Amendment to Agreement (“Fourth Amendment”) is made by the Alameda Local Agency Formation Commission (LAFCO) and Quad Knopf Inc., dba QK (QK) with respect to that certain agreement entered by them on September 12, 2018 and that certain First Amendment to Contract dated 8/16/2019, the Second Amendment to the Contract dated 02/13/20, and the Third Amendment to the Contract dated 09/28/2020 (collectively referred to herein as the “Agreement”) pursuant to which QK provides professional consulting services related to completion of the State-mandated sphere of influence updates and municipal service reviews for water, wastewater, flood control, and stormwater services to Alameda LAFCO.

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

1. The term of the Agreement is currently scheduled to expire on March 31, 2021. The parties mutually agree that more time and funding is necessary to complete the project including public hearings. Therefore, the parties mutually agree to extend the current term for eight additional months from the current end date of November 30, 2021, and to complete additional scope of work as provided in Exhibit A.
2. The term of the Agreement is extended from June 1, 2018 through March 31, 2021 to March 31, 2021 through November 30, 2021.
3. Both parties agree to increase the contract amount by an addition ten thousand dollars \$10,000, for a total revised not-to-exceed amount of \$90,000.
4. QK must submit an updated MSR project timeline agreed to by LAFCO before it may engage in the expanded scope of work as provided in Exhibit A and will be entitled to payment of the additional funds provided in accordance with this Fourth Amendment.
5. Except as otherwise stated in this Fourth Amendment, the terms and provisions of this

Amendment will be considered to be effective as of the date this Fourth Amendment is executed by LAFCO ("Effective Date").

- 6. Except as expressly modified by this Fourth Amendment to the Alameda LAFCO and QK Agreement, all of the terms and conditions of the Contract are and remain in full force and effect.

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

ALAMEDA LAFCO

QUAD Knopf Inc., dba QK

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

By: _____
 Signature

Name: _____
 (Printed)

APPROVE TO FORM

Title: _____

By: _____
 Andrew Massey, Legal Counsel
 Alameda Local Agency Formation Commission

Date: _____
 Address: PO Box 3699, Visalia, CA 93278

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

EXHIBIT A

EXHIBIT A – ADDITIONAL SCOPE OF WORK

QK Inc. will prepare a Municipal Service Review (MSR) for Water, Waste Water, Flood Control and Stormwater Services, along with information and analysis necessary for LAFCO to update the spheres of influence (SOIs) for the subject local agencies covered in the MSR. The MSR will be prepared in accordance with California Government Code §56430 and Alameda LAFCO policies and procedures. In addition to reviewing the relevant public agencies, the scope of work may involve reviewing private service providers or other service providers not subject to LAFCO review to the extent they relate to the overall provision of the municipal services under review. All work products are to be prepared in Word and Excel formats. Consultant will provide LAFCO with electronic copies of the report; one camera-ready copy for publication must be provided if requested. QK must submit invoices that provides references to each task and the scope of work completed. Invoices cannot be based on only the hourly rate and time expensed for work-to-date.

Additional Scope-of-Work and Task Outline is proposed as follows:

Task 6 – Review and Incorporate agencies’ staff edits: QK will incorporate affected agencies’ technical edits and comments into the Administrative Draft for LAFCO review.

Task 7 – Draft MSR/SOU Updates to LAFCO Staff: QK will provide LAFCO a public draft on the MSR/SOI Update and present the draft to local agencies and the Commission.

Task 8 – Comment Period: QK will provide a comment period on the public draft.

Tasks 9 – Respond to Comments and Prepare Final MSR/SOI Update: After the public review and comment period, QK will respond to comments and complete the Final MSR/SOI Update.

Tasks 10 – Presentation of Final MSR/SOI Update: QK will present the Final MSR/SOI Update to the Commission at a noticed public hearing within the eight-month period of the contract.

Task 11 – Project Management, Coordination, and Quality Assurance: This task will be applied throughout the scope of work, and involves ongoing communication with LAFCO staff, proactive attention to and resolution of issues, and skillful project management to meet LAFCO’s needs.

Blank for Photocopying

TO: Alameda Commissioners

FROM: Rachel Jones, Executive Officer

SUBJECT: Adoption of Final Budget and Work Plan for FY 2021-2022

The Alameda Local Agency Formation Commission (LAFCO) will consider adopting a final budget and workplan for the fiscal year 2021-2022. Both items return following their adoption in draft form and subsequent public review. The final work plan and budget remain intact from its initial draft. The final budget expenses total \$655,335 represent a decrease of \$1,557 or 0.2% from the current fiscal year. The decrease is marked by savings in the Service and Supplies Unit contributing to a reduction in overhead costs such as mileage and travel, staff workshops, and a few county services. Revenues are matched to expenses with a slight decrease in agency contributions by \$6,057 or 1.4% in step with a fund balance offset of \$185,000. The fund balance offset is applied in the same manner as the previous fiscal year with just a \$5,000 increase in the 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 2020-2021 Budget

The Commission's adopted final budget for the fiscal year 2020-2021 totals \$656,892. This amount represents the total approved operating expenditures divided between three operational expenses units: salaries and benefits, services and supplies, and internal service charges. A matching revenue total was also budgeted to provide an operating net of \$0 with the purposeful transfer of \$180,000 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, 2020 was \$788,976.

Administrative Office

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

Nate Miley, Regular
County of Alameda

David Haubert, Regular
County of Alameda

Wilma Chan, Alternate
County of Alameda

Bob Woerner, Regular
City of Livermore

Karla Brown, Regular
City of Pleasanton

Melissa Hernandez, Alt.
City Dublin

Ralph Johnson, Regular
Castro Valley Sanitary District

Ayn Wieskamp, Regular
East Bay Regional Park District

Geogean Vonheeder-Leopold, Alternate
Dublin San Ramon Services District

Sblend Sblendorio, Regular
Public Member

Vacant Seat, Alternate
Public Member

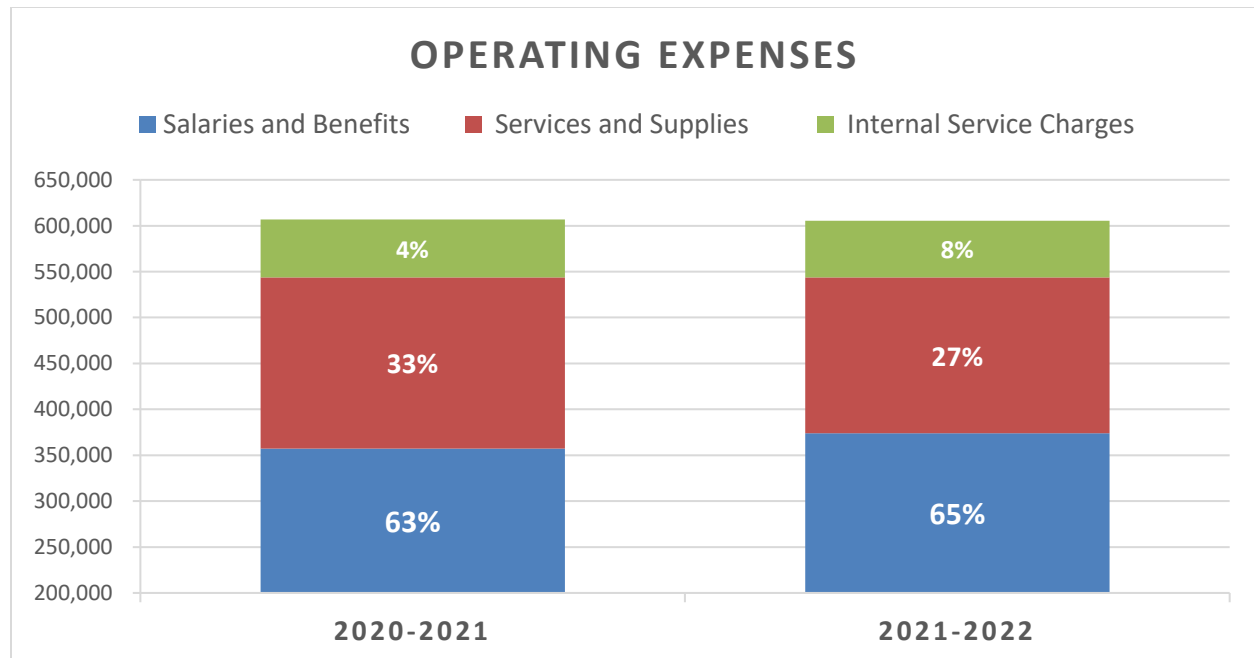
Budgeted Expenses FY 20-21	Budgeted Revenues FY 20-21	Budgeted Year End Balance FY 20-21	Fund Balance FY 20-21
\$656,892	\$656,892	\$0	\$788,976

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 and comment period. This included providing direct notice to all 29 local funding agencies as required under statute. A summary of the final budget and accompanying work plan follows.

Final Operating Budget for FY 2021-2022

The final operating budget developed by the Executive Officer sets operating expenses at \$655,335; a net decrease of \$1,557 or 0.2% from the current fiscal year. The operating expenses total divided between labor and non-labor costs are at a 65% to 35% split. Final operating revenues match operating expenses and are covered by drawing down reserves consistent with the practice to help offset and phase sizable increases to agency contributions. The net effect would be a decrease in contributions of \$6,057 or 1.4% from \$439,392 to \$433,335.



Operating Expenses

The **Salaries and Benefits Unit** will increase by \$16,818 or 4.7% over the next fiscal year from \$357,157 to \$373,975. The unit covers labor costs tied to staffing 2.0 full-time employees: Executive Officer and Commission Clerk. Notable adjustments may be reviewed below.

- Assumes a 2.0% cost-of-living adjustment in regular salaries with the County of Alameda's contract with unrepresented employees for 2021-2022.
- Assumes the position of a full-time Clerk position filled at an annual salary of \$85,238.

The **Services and Supplies Unit** will decrease by 17,052 or 9.1% over the next fiscal year from \$186,662 to \$169,610. The unit provides for direct support services necessary to operate Alameda LAFCO. Notable adjustments may be reviewed below.

- Reduces \$2,000 in the copier services account; a difference of 66.7% over the next fiscal year. The decrease is based on actuals of the current fiscal year.
- Reduces \$4,500 in the mapping services account to decrease the total line item from \$5,000 to \$500; a difference of 90% over the next fiscal year. The decrease is based on the reduction of mapping services required from the County Surveyor as a result of LAFCO's new GIS mapping system.
- Reduces \$5,000 in the legal services account to decrease the total line item from \$25,000 to \$20,000; a difference of 20% over the next fiscal year. The reduction is an estimate based on the Commission's current demands and confirmed by the Office of County Counsel.
- Subtracts \$2,500 in the training services account for conferences and workshops to decrease the total line item from \$5,000 to \$2,500; a difference of 50% over the next fiscal year. The decrease responds to the cancellation of CALAFCO's Annual Conference and the increase of remote workshops due to the COVID-19 pandemic.

The **Internal Service Charges Unit** will decrease by \$1,323 or 2.1% over the next fiscal year from \$63,073 to \$61,750. The unit provides for indirect support services necessary to operate Alameda LAFCO. Notable adjustments may be reviewed below.

- Subtracts \$1,503 from the information technology services account to decrease the total line item from \$27,373 to \$25,870, a difference of 5.5% over the next fiscal year. The decrease is attributed to LAFCO relying more on the Community Development Agency for utilities and equipment.

Operating Revenues

The **Intergovernmental Unit** will decrease by \$1,557 or 0.2% over the next fiscal year from \$656,892 to \$655,335. The unit provides payments received from the 29 local government agencies responsible under State law for funding Alameda LAFCO with apportionments divided into three equal shares between the County of Alameda, 14 cities and 15 independent special districts. Actual invoice amounts for cities and special districts are 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** remains 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 decrease by \$500 from \$7,500 to \$7,000 over the next fiscal year. This reflects anticipated changes in interest earnings consistent with recent quarters.

Final Work Plan for FY 2021-2022

The final 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.

General Municipal Service Review (MSR) on Fire Protection and Emergency Medical Services

The project is being continued from the current fiscal year due to delays from completing of the General MSR on Water, Wastewater, and Stormwater services. The project involves a countywide study of fire protection and emergency services. LAFCO has selected the firm PCA and Berkson Associates to conduct the study and research is underway.

Policy Review on Agricultural Protection and Out of Area Service Agreements

The project is being continued from the current fiscal year. This item aims to review existing policies relative to practices and trends and determine whether changes are appropriate to better reflect current preferences. Alameda LAFCO, being recently awarded with the Sustainable Agricultural Lands and Conservation Grant by the Department of Conservation, and in partnership with the Alameda County Resource Conservation District, will update its existing policies by creating a stakeholders group and depository of existing agricultural practices and polices within the County.

LAFCO Study on Measure D

The Commission will review how Measure D has impacted agricultural and open space lands within the surrounding community. The report will examine the economic and open space needs of the area, and how Measure D has supported or constrained efficient and effective services.

LAFCO Review on South Livermore Valley Area Specific Plan

In 1987, the County of Alameda in conjunction with the cities of Livermore and Pleasanton created the South Livermore Valley Area Plan providing land use policies aimed at preserving existing vineyards and wineries to enhance the recognition and image of the area as an important premium wine-producing region and create incentives for investment and expansion of vineyards and other cultivated agriculture. The County and City of Livermore approved the plan in 1993, and Alameda LAFCO proposes to review and examine and provide any recommendations to the current growth management needs of the region.

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 and educational 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 the modification of staffing levels for the Commission Clerk position and the reduction in overhead costs.

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 2021-2022 with any desired changes;

Direct the Executive Officer to circulate the final budget and work plan for 2021-2022 to all funding agencies and public.

Alternative Two:

Continue consideration of the item to a special meeting scheduled no later than the legislative deadline of June 15, 2021 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 Proposed Budget and Work Plan for FY 2021-2022
2. Final Budget for FY 2021-2022
3. Final Work Plan for FY 2021-2022

ALAMEDA LOCAL AGENCY FORMATION COMMISSION

**RESOLUTION OF THE
ALAMEDA LOCAL AGENCY FORMATION COMMISSION
ADOPTING A PROPOSED WORK PLAN AND BUDGET
FOR FISCAL YEAR 2021-2022**

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 2021-2022; and

WHEREAS, the Commission has heard and fully considered all evidence on a final work plan and budget for 2021-2022 presented at a public hearing held on May 13, 2021; 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 2021-2022 shown as Exhibit A is APPROVED.
2. The final work plan for 2021-2022 shown as Exhibit B is APPROVED

PASSED AND ADOPTED by the Alameda Local Agency Formation Commission on May 13, 2021 by the following vote:

AYES:

NOES:

ABSTAIN:

ABSENT:

APPROVED:

ATTEST:

Sblend Sblendorio
Chair

Rachel Jones
Executive Officer

APPROVED TO FORM:

Andrew Massey
Legal Counsel

ALAMEDA LOCAL AGENCY FORMATION COMMISSION

Regional Service Planning | Subdivision of the State of California

Expense Ledger

		FY2018-2019		FY2019-2020		FY2020-2021		FY2021-2022		
		Adopted	Actuals	Adopted	Actuals	Adopted	Projected	Proposed	Difference	
Salary and Benefit Costs										
<u>Account</u>	<u>Description</u>									
60001	Staff Salaries	321,692	263,373	308,307	263,373	234,254	163,254	250,564	16,310	7.0%
-	Employee Benefits and Retirement (ACERA)	149,961	149,961	175,275	149,961	122,903	70,903	123,411	508	0.4%
		471,653	413,334	483,581	324,575	357,157	234,157	373,975	16,818	4.7%
Service and Supplies										
<u>Account</u>	<u>Description</u>									
-	Intern	1,600	0	1,600	0	1,600	-	0	(1,600.00)	-
610077	Postage	1,000	1,000	1,000	1,000	1,000	1,000	500	(500.00)	-50.0%
610141	Copier	3,000	3,000	3,000	3,000	3,000	3,000	1,000	(2,000.00)	-66.7%
610191	Pier Diems	7,700	7,700	7,800	7,800	8,000	6,000	8,500	500.00	6.3%
610211	Mileage/Travel	200	2,628	1,300	1,300	1,300	-	500	(800.00)	-61.5%
610461	Training (Conferences and Workshops)	20,000	20,000	13,000	6,000	5,000	-	2,500	(2,500.00)	-50.0%
610241	Records Retention	1,000	1,000	1,000	1,000	1,000	300	350	(650.00)	-65.0%
610261	Consultants	96,000	90,000	90,000	90,000	96,000	78,000	100,000	4,000.00	4.2%
610261	Mapping - County	5,000	5,000	5,000	5,000	5,000	-	500	(4,500.00)	-90.0%
610261	Planning Services	25,000	5,000	5,000	6,000	5,000	5,000	5,000	-	0.0%
610261	Legal Services	40,000	40,000	30,000	21,775	25,000	21,775	20,000	(5,000.00)	-20.0%
610311	CAO/CDA - County - Services	11,000	11,000	11,000	11,000	1,000	2,000	1,000	-	0.0%
610312	Audit Services	10,000	7,500	7,700	10,000	10,000	-	10,000	-	0.0%
610351	Memberships	9,000	9,026	10,476	10,476	10,762	10,662	10,760	(2.00)	0.0%
610421	Public Notices	5,000	5,000	5,000	5,000	5,000	2,000	3,000	(2,000.00)	-40.0%
610441	Assessor - County - Services	2,500	2,500	2,500	2,500	2,500	-	500	(2,000.00)	-80.0%
610461	Special Departmental	1,500	1,500	1,500	1,500	1,500	500	1,500	-	0.0%
620041	Office Supplies	4,000	4,000	4,000	4,000	4,000	1,000	4,000	-	0.0%
		243,500	215,854	200,876	187,351	186,662	131,237	169,610	(17,052)	-9.1%
Internal Service Charges										
<u>Account</u>	<u>Description</u>									
630051	Office Lease/Rent	3,200	3,200	25,000	3,200	32,500	32,500	32,500	-	0.0%
630021	Communication Services	3,878	3,878	3,950	3,950	100	100	100	-	0.0%
630061	Information Technology	21,578	23,370	27,373	27,373	27,373	27,373	25,870	(1,503)	-5.5%
630081	Risk Management	3,034	3,034	3,100	3,100	3,100	3,100	3,280	180	5.8%
		31,690	37,482	59,423	37,482	63,073	63,073	61,750	(1,323)	-2.1%
Contingencies										
		50,000	-	50,000	-	50,000	-	50,000	-	0.0%
<u>Account</u>	<u>Description</u>									
-	Operating Reserve	-	-	-	-	-	-	-	-	-
		796,843	666,670	793,880	549,408	656,892	428,467	655,335	(1,557)	77 -0.2%
EXPENSE TOTALS		796,843	666,670	793,880	549,408	656,892	428,467	655,335	(1,557)	77 -0.2%

Revenue Ledger

	FY2018-2019		FY2019-2020		FY2020-2021		FY2021-2022		
	Adopted	Actuals	Adopted	Actuals	Adopted	Projected	Proposed		Difference
Intergovernmental									
<u>Account</u>	<u>Description</u>								
-	Agency Contributions								
	County of Alameda								
	196,948	196,948	192,127	192,127	146,464	146,464	144,445	(2,019)	-1.4%
	Cities								
	196,948	196,948	192,127	192,127	146,464	146,464	144,445	(2,019)	-1.4%
	Special Districts								
	196,948	196,948	192,127	192,127	146,464	146,464	144,445	(2,019)	-1.4%
	590,844	590,844	576,380	576,380	439,392	439,392	433,335	(6,057)	-1.4%
Service Charges									
-	Application Fees								
	30,000	10,000	30,000	25,000	30,000	25,000	30,000	-	0.0%
Investments									
-	Interest								
	-	11,531	7,500	7,500	7,500	7,500	7,000	(500)	-6.7%
Fund Balance Offset									
	176,000	176,000	180,000	180,000	180,000	-	185,000	5,000	2.8%
	796,844	788,375	793,880	788,880	656,892	471,892	655,335	(1,557)	-0.2%

OPERATING NET	-	246,268	-	239,472	-	43,425	-	-	-
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UNRESTRICTED FUND BALANCE	595,309	788,976	788,976	685,993
As of June 30th				

Priority	Urgency	Type	Status	Project	Key Issues
1	High	Statutory	Rollover	General MSR on Fire Protection and Emergency Services	Second MSR on Fire and Emergency Services sine 2006 Address Shared Opportunities
2	High	Administrative	Rollover	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
3	High	Statutory	New	Measure D Study	Review Impacts on Measure D and Provide Recommendations
4	High	Statutory	New	South Livermore Valley Area Specific Plan	Provide a LAFCO Update on Plan and Review Current Trends
5	High	Statutory	New	Community Services Municipal Service Review	Service Specific MSR Last MSR completed in 2013
6	High	Statutory	New	Alameda County Resource Conservation District Municipal Service Review	MSR on resource conservation in Alameda County
7	High	Administrative	Rollover	2018-2021 Audits	Verify Fund Balance; Perform Regular Audits
8	Moderate	Administrative	New	Joint Workshops	Facilitate Joint Workshops with Other LAFCOs and Local Agencies
9	Moderate	Administrative	Rollover	Prepare Informational Report on Unincorporated Islands	Map all Unincorporated Islands and Examine Island Annexation Implementation Issues in Alameda County
10	Moderate	Administrative	Rollver	Update Application Packet and Mapping Requirements	Current Application Dated; Make User Friendly
11	Moderate	Administrative	Rollover	LAFCO Presentations	Introductory Overview of LAFCO's Duties and Responsibilities to Boards, Councils, Community Groups
12	Moderate	Administrative	Rollover	LAFCO Agency Logo	Establish New Agency Logo for Branding (Website, Publications, etc.)
13	Moderate	Statutory	New	SALC Grant Award	Begin Two-Year Process on Grant Project
14	Low	Administrative	Rollover	Prepare Informational Report on JPAs	Post Enactment of SB 1266; Enhance Repository on Local Government Services
15	Low	Statutory	Rollover	Sphere Update for City of Pleasanton	Implement Planning Functions; Update SOIs of Local Government Agencies; Cities MSR
16	Low	Administrative	Rollover	Informational Report on Remen Tract	Special Report on Service Delivery Feasibility
17	Low	Administrative	Rollover	Host Alameda County Special District Association Meeting	Communicate LAFCO's Mission and Goals to the Community
18	Low	Administrative	Rollover	LAFCO Annual Report on Status of County	Evaluate LAFCO's Mission and Goals Relative to Local Conditions; Identify Strategies to Achieve Shared Objectives

19	Low	Administrative	Rollover	Local Agency Directory	User-Friendly Publication Identifying and Summarizing Local Government Agencies and Services in Alameda County
20	Low	Administrative	New	Social Media	Expand Alameda LAFCO's Social Media Presence

AGENDA REPORT

May 13, 2021

Item No. 9

TO: Alameda Commissioners
FROM: Rachel Jones, Executive Officer
SUBJECT: **Nomination and Election of Chair and Vice-Chair**

As set forth in 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:

- Public
- City
- Special District
- County

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 period from May 2021-2023.

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.acgov.org/lafco

Nate Miley, Regular
County of Alameda

David Haubert, Regular
County of Alameda

Wilma Chan, Alternate
County of Alameda

Bob Woerner, Regular
City of Livermore

Karla Brown, Regular
City of Pleasanton

Melissa Hernandez, Alt.
City of Dublin

Ralph Johnson, Regular
Castro Valley Sanitary District

Ayn Wieskamp, Regular
East Bay Regional Park District

Geogean Vonheeder-Leopold, Alternate
Dublin San Ramon Services District

Sblend Sblendorio, Regular
Public Member

Vacant Seat, Alternate
Public Member

Respectfully,

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

Rachel Jones
Executive Officer

Attachments: none

AGENDA REPORT

May 13, 2021

Item No. 10

TO: Alameda Commissioners
FROM: Rachel Jones, Executive Officer
SUBJECT: **Appointment of Members to the Policy and Budget Committee**

Alameda LAFCO will consider two appointments to the Commission's Policy and Budget Committee. Commissioner Johnson is currently the only member to serve on the Committee after the departure of Commissioners Marchand and Pico from Alameda LAFCO. The Committee was established in July 2015.

Alternatives for Action

The following alternatives are available to the Commission:

Alternative One (Recommended):

Appoint two Commissioners to serve on the Policy and Budget Committee.

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.

Respectfully,



Rachel Jones
Executive Officer

Attachments: none

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

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

Information / Discussion

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

Current Proposals | Approved and Awaiting Term Completions

Alameda LAFCO currently has one proposal on file previously approved, awaiting term completions. CKH provides applicants one calendar year to complete approval terms or receive extension approvals before the proposals are automatically terminated.

- **Annexation of Coyote Hills | Union Sanitary District**

The Commission has approved a proposal submitted by the East Bay Regional Park District (EBRPD) to annex approximately 182.6 acres of territory located within the City of Fremont to the Union Sanitary District (USD) for wastewater services. The proposal aims to provide wastewater services in support of restroom facilities within the Coyote Hills Regional Park visitor center. The Commission approved the proposal without amendments at its September 20, 2020 regular meeting. Terms remain outstanding, and therefore, the proposal remains active.

- **Annexation of Terrace View | Oro Loma Sanitary District**

The Commission has approved a proposal submitted by the Oro Loma Sanitary District to annex approximately 65.1 acres of territory in anticipation of the development of Tract 6869 in the unincorporated area of Eden Township in Alameda County. The purpose of the proposal is to connect to public wastewater services in support of a residential housing development. The Commission approved the proposal without amendments at its March 11, 2021 regular meeting. Terms remain outstanding, and therefore, the proposal remains active.

Current Proposals | Under Review and Awaiting Hearing

There are currently two active proposals on file with the Commission that remain under administrative review and await a hearing as to date of this report.

- **Annexation of 720 Mockingbird Lane | City of Pleasanton**

Staff is in review of a proposal submitted by Dixon Yee on behalf of landowners, Eleanore Yee and Kevin Nguyen, to annex approximately 1.2 acres of territory located at 720 Mockingbird Lane to the City of Pleasanton. The purpose of the proposal is to connect to public water and wastewater services due to an old well and septic system. The application is currently under administrative review.

- **Annexation of Sanctuary West | Union Sanitary District**

Staff is in review of a proposal submitted by Union Sanitary District (USD) to annex approximately 111.7 acres of territory located within the City of Newark to USD for wastewater services. The affected territory located west of the southern end of Stevenson Boulevard, if annexed, will support the development of 469 detached single-family homes, three parks and a bike and pedestrian access way. The application is currently under administrative review.

Pending Proposals

There are currently no new potential proposals that staff believes may be submitted to the Commission from local agencies based on ongoing discussions with proponents.

The Commission is invited to discuss the item and provide direction to staff on any related matter as needed for future discussion and or action.

Attachments: none

TO: Alameda Commissioners
FROM: Rachel Jones, Executive Officer
SUBJECT: **Progress Report on 2020-2021 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 2020-2021. The report is being presented to the Commission to formally receive and file and provide direction to staff as needed.

Background

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

1. Education – Serve as a resource to the public and to local agencies to support orderly growth and logical, sustainable serve provision.
2. Facilitation – Encourage orderly growth and development through the logical and efficient provision of municipal services by local agencies best suited to 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 8, 2020, Alameda LAFCO adopted the current fiscal year work plan at a noticed public hearing. The work plan is divided into two distinct categories – statutory and administrative – with one of three priority rankings: high, moderate, or low. The underlying intent of the work plan is to serve as a management tool to allocate Commission resources in an accountable and transparent manner over the corresponding 12-month period that pulls from the key priorities in the Commission's 2020-2021 Strategic Plan. Further, while it is a standalone document, the work plan should be reviewed in

relationship to the adopted operating budget given the planned goals and activities are facilitated and or limited accordingly.

The item provides the Commission with a status update on two-dozen plus targeted projects established for the fiscal year emphasizing 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 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 thirteen of the two-dozen plus projects and has completed seven projects included in the adopted work plan. This includes the completion of high priority projects and highlighted by the recruitment of the LAFCO Commission Clerk, the completion of LAFCO’s Geographical Information System (GIS) Mapping Project, and the award of the Sustainable Agriculture Planning Grant for \$250,000 from the Department of Conservation to review policies on agricultural protection and out of area service agreements. Other notable items underway include the general municipal service review on water, wastewater, and stormwater services, 2nd municipal service review on fire protection and emergency medical services, and the establishment of a fund balance policy.

Alternatives for Action

The following alternatives are available to the Commission:

Alternative One (Recommended):

Accept and file the report as presented.

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.

Respectfully,



Rachel Jones
Executive Officer

Attachments:

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

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ALAMEDA LOCAL AGENCY FORMATION COMMISSION

STRATEGIC PLAN

FY 2020 -2021

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

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

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Priority	Urgency	Type	Status	Project	Key Issues
1	High	Statutory	Rollover	General MSR on Water, Wastewater, and Stormwater Services	First Service Specific MSR since 2006 Address Infrastructure Needs and Efficiencies and Sustainability
2	High	Administrative	Rollover	Staff Recruitment, Placement and Training	Recruitment and Training of LAFCO Commission Clerk and Analyst
3	High	Statutory	Rollover	General MSR on Fire Protection and Emergency Services	Second MSR on Fire and Emergency Services sine 2006 Address Shared Opportunities
4	High	Administrative	New	2018-2020 Audits	Verify Fund Balance; Perform Regular Audits
5	High	Administrative	Rollover	Fund Balance	Establish a reserve policy
6	Moderate	Administrative	Rollover	LAFCO Presentations	Introductory Overview of LAFCO's Duties and Responsibilities to Boards, Councils, Community Groups
7	Moderate	Administrative	New	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
8	Moderate	Administrative	New	Host more informative presentations from outside local agencies	Provide more up to date knowledge on local issues
9	Moderate	Administrative	Rollover	Prepare Informational Report on Unincorporated Islands	Map all Unincorporated Islands and Examine Island Annexation Implementation Issues in Alameda County
10	Moderate	Administrative	Rollver	Update Application Packet and Mapping Requirements	Current Application Dated; Make User Friendly
11	Low	Administrative	Rollover	GIS Mapping Project	CDA to Create a LAFCO GIS Layer for All Local Agencies under LAFCO Purview
12	Low	Administrative	Rollover	LAFCO Agency Logo	Establish New Agency Logo for Branding (Website, Publications, etc.)
13	Low	Statutory	Rollover	Master Property Tax Exchange Agreement	Improve Efficiency and Effectiveness of Application Process
14	Low	Administrative	Rollover	Prepare Informational Report on JPAs	Post Enactment of SB 1266; Enhance Repository on Local Government Services
15	Low	Statutory	Rollover	Sphere Update for City of Pleasanton	Implement Planning Functions; Update SOIs of Local Government Agencies; Cities MSR
16	Low	Administrative	Rollover	Informational Report on Fairview Fire Protection District	Status Report on District Activites
17	Low	Administrative	Rollover	Informational Report on Remen Tract	Special Report on Service Delivery Feasability
18	Low	Administrative	Rollover	Host Alameda County Special District Association Meeting	Communicate LAFCO's Mission and Goals to the Community
19	Low	Administrative	Rollover	LAFCO Annual Report on Status of County	Evaluate LAFCO's Mission and Goals Relative to Local Conditions; Identify Strategies to Achieve Shared Objectives

20	Low	Administrative	Rollover	Local Agency Directory	User-Friendly Publication Identifying and Summarizing Local Government Agencies and Services in Alameda County
21	Low	Administrative	Rollover	Digital Archiving	Continue Project to Digitize LAFCO Records

AGENDA REPORT

May 13, 2021

Item No. 13c

TO: Alameda Commissioners
FROM: Rachel Jones, Executive Officer
SUBJECT: Legislative Update

The Commission will receive an update from the California Association of Local Agency Formation Commissions (CALAFCO) as it relates to proposals impacting Local Agency Formation Commissions (LAFCOs).

Information

This item is for Alameda LAFCO to receive a summary of bills that directly or indirectly impact LAFCO's duties and or interests as identified by CALAFCO. This includes considering CALAFCO's recommendations. The Commission is also invited to provide related direction on other legislative matters.

Attachments:

1. CALAFCO Tracking Report

Administrative Office

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

David Haubert, Regular
County of Alameda

Nate Miley, Regular
County of Alameda

Wilma Chan, Alternate
County of Alameda

Bob Woerner, Regular
City of Livermore

Karla Brown, Regular
City of Pleasanton

Melissa Hernandez, Alt.
City of Dublin

Ralph Johnson, Regular
Castro Valley Sanitary District

Ayn Wieskamp, Regular
East Bay Regional Park District

Geogean Vonheeder-Leopold, Alternate
Dublin San Ramon Services District

Sblend Sblendorio, Regular
Public Member

Vacant Seat, Alternate
Public Member

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[AB 339](#) (Lee D) Local government: open and public meetings.

Current Text: Amended: 4/15/2021 [html](#) [pdf](#)

Introduced: 1/28/2021

Last Amended: 4/15/2021

Status: 4/28/2021-VOTE: Do pass as amended and be re-referred to the Committee on [Appropriations] (PASS)

Desk	Policy	Fiscal	Floor	Desk	Policy	Fiscal	Floor	Conf. Conc.	Enrolled	Vetoed	Chaptered
1st House				2nd House							

Summary:

The Ralph M. Brown Act, requires, with specified exceptions, that all meetings of a legislative body of a local agency, as those terms are defined, be open and public and that all persons be permitted to attend and participate. Under existing law, a member of the legislative body who attends a meeting where action is taken in violation of this provision, with the intent to deprive the public of information that the member knows the public is entitled to, is guilty of a crime. This bill would require all meetings to include an opportunity for members of the public to attend via a telephonic option and an internet-based service option. The bill would require all meetings to include an in-person public comment opportunity, except in specified circumstances during a declared state or local emergency. The bill would require all meetings to provide the public with an opportunity to comment on proposed legislation in person and remotely via a telephonic and an internet-based service option, as provided, and would specify requirements for public comment registration.

Attachments:

[AB 339 Fact Sheet](#)

Position: Watch

Subject: Other

CALAFCO Comments: This bill allows for continued remote participant in local (and state) hearings/meetings while adding requirements for both call-in and internet service based options for all public meetings; requires providing closed caption services; and requires agencies to provide language access services. The bill requires teleconferenced meetings to include an in-person public comment opportunity that creates a place where members of the public can gather at a designated site to give public comment (barring any in-person restrictions). Further, the bill requires the agenda and instructions for accessing the meeting to be translated into all languages for which 5% of the population in the area governed by the local agency is a speaker.

The bill adds requirements for local agencies to employ a sufficient amount of qualified bilingual people to provide translation services during the meeting in the language of the non-English speaking person (consistent with all languages for which 5% of the population in the area governed by the local agency speak). The bill adds similar requirements for any state legislative body. All of these new requirements are unfunded mandates.

This bill is sponsored by the Leadership Counsel for Justice and Accountability. A fact sheet is posted in the tracking section of the bill.

UPDATE AS OF 4/20/21 - The bill was significantly amended on 4-15-21. These amendments removed all state requirements as noted above. Further, they require public participation by phone or internet (with video/audio), and allow agencies to create a registration process for public comments so long as people can register to speak via phone and in person.

The amendments remove the blanket requirement to translate the agenda and meeting access information and makes those an on-request requirements. The amendments also remove the blanket requirement for agencies to have sufficient qualified bilingual translators during meetings and changes that requirement to on-request, and requires agencies to make public the process to make such a request.

All requirements remain unfunded mandates.

[AB 361](#) (Rivas, Robert D) Open meetings: local agencies: teleconferences.

Current Text: Amended: 4/6/2021 [html](#) [pdf](#)

Introduced: 2/1/2021

Last Amended: 4/6/2021

Status: 4/7/2021-Re-referred to Com. on L. GOV.

Desk	Policy	Fiscal	Floor	Desk	Policy	Fiscal	Floor	Conf. Conc.	Enrolled	Vetoed	Chaptered
1st House				2nd House							

Calendar:

5/5/2021 1:30 p.m. - State Capitol, Room 4202 ASSEMBLY LOCAL GOVERNMENT, AGUIAR-CURRY, Chair

Summary:

Would authorize a local agency to use teleconferencing without complying with the teleconferencing requirements imposed by the Ralph M. Brown Act when a legislative body of a local agency holds a meeting for the purpose of declaring or ratifying a local emergency, during a declared state of emergency or local emergency, as those terms are defined, when state or local health officials have imposed or recommended measures to promote social distancing, and during a declared local emergency provided the legislative body makes certain determinations by majority vote. The bill would require legislative bodies that hold teleconferenced meetings under these abbreviated teleconferencing procedures to give notice of the meeting and post agendas, as described, to allow members of the public to access the meeting and address the legislative body, to give notice of the means by which members of the public may access the meeting and offer public comment.

Attachments:

[AB 361 Fact Sheet](#)

Position: Watch

Subject: Brown Act

CALAFCO Comments: Executive Order No. N-29-20 suspends the Ralph M. Brown Act's requirements for teleconferencing during the COVID-19 pandemic provided that certain requirements are met (noticing, public access, etc.). This bill allows a local agency to conduct meetings using teleconference methods without complying with certain teleconferencing requirements if they are meeting for the purposes of declaring or ratifying a local emergency, during a declared state or local emergency (as defined in statute), when state or local health officials have imposed or recommended certain measures to promote social distancing, and during a declared local emergency provided the legislative body makes certain determinations by majority vote.

The legislative body must give notice of the meeting and post agendas to allow members of the public to access the meeting and address the legislative body, offer public comment, and protect rights of the parties and public appearing before the legislative body. The bill also rescinds the requirement that at least a quorum of the body must meet within the jurisdictional boundaries of the agency under these circumstances when meeting via telecon.

UPDATE: As amended on 4/6/21, the bill now specifies that the new statute can be applied if meeting in person presents imminent risk to the health & safety of attendees; Requires the agenda to provide opportunity for anyone to attend via call-in or internet option; should there be a service disruption that prevents remote public participation, the agency must take no further action on any agenda item until service is restored; the agency cannot require submittal of public comments in advance of the meeting; and requires the legislative body, every 30 days after the initial declaration of emergency, should the emergency remain active, to make certain findings that the emergency still exists and prevents in-person meetings.

This bill is sponsored by the CA Special Districts Association (CSDA). The bill is not marked fiscal. A fact sheet is posted in the tracking section of the bill.

[AB 703](#) (Rubio, Blanca D) Open meetings: local agencies: teleconferences.

Current Text: Amended: 4/29/2021 [html](#) [pdf](#)

Introduced: 2/16/2021

Last Amended: 4/29/2021

Status: 4/29/2021-From committee chair, with author's amendments: Amend, and re-refer to Com. on L. GOV. Read second time and amended.

Desk	Policy	Fiscal	Floor	Desk	Policy	Fiscal	Floor	Conf. Conc.	Enrolled	Vetoed	Chaptered
1st House				2nd House							

Summary:

Current law, by Executive Order N-29-20, suspends the Ralph M. Brown Act's requirements for teleconferencing during the COVID-19 pandemic, provided that notice requirements are met, the ability of the public to observe and comment is preserved, as specified, and that a local agency permitting teleconferencing have a procedure for receiving and swiftly resolving requests for reasonable

accommodation for individuals with disabilities, as specified. This bill would remove the notice requirements particular to teleconferencing and would revise the requirements of the act to allow for teleconferencing subject to existing provisions regarding the posting of notice of an agenda, provided that the public is allowed to observe the meeting and address the legislative body directly both in person and remotely via a call-in option or internet-based service option, and that a quorum of members participate in person from a singular physical location clearly identified on the agenda that is open to the public and situated within the jurisdiction.

Position: Watch

Subject: Brown Act

CALAFCO Comments: As amended on 4/29/21, the bill requires local agencies to allow for public participation during meetings of the legislative body both at in-person and via a call-in or internet-based option. It further requires that if the agency holds a teleconference meeting, at least a quorum of the governing body shall participate in person from a single location which shall be open to the public (and located within the boundaries of the jurisdiction).

Despite these requirements, the bill is not marked fiscal. Further, it applies only to local agencies, not state agencies.

The bill is sponsored by Three Valleys Municipal Water Agency.

AB 1581 (Committee on Local Government) Local government: omnibus.

Current Text: Amended: 4/19/2021 [html](#) [pdf](#)

Introduced: 3/9/2021

Last Amended: 4/19/2021

Status: 4/20/2021-Re-referred to Com. on L. GOV.

Desk	Policy	Fiscal	Floor	Desk	Policy	Fiscal	Floor	Conf. Conc.	Enrolled	Vetoed	Chaptered
1st House				2nd House							

Calendar:

5/5/2021 1:30 p.m. - State Capitol, Room 4202 ASSEMBLY LOCAL GOVERNMENT, AGUIAR-CURRY, Chair

Summary:

The Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000 provides the authority and procedure for the initiation, conduct, and completion of changes of organization, reorganization, and sphere of influence changes for cities and districts, as specified. Current law requires a local agency formation commission to develop and determine the sphere of influence of each city and each special district within the county and enact policies designed to promote the logical and orderly development of areas within each sphere. Current law requires, when a proposed change of organization or reorganization applies to 2 or more affected counties, that exclusive jurisdiction vest in the commission of the principal county, unless certain things occur. This bill would add the determination of a sphere of influence to the types of proposed changes for which exclusive jurisdiction may or may not vest in a principal county.

Attachments:

[LAFCo Support letter template](#)

[CALAFCO Support letter](#)

Position: Sponsor

Subject: CKH General Procedures

CALAFCO Comments: This is the annual ALGC Omnibus bill which CALAFCO sponsors. Sections amended are: 56133(a) and (f); 56325.1 (renumbered to 56331.4); 56427; and 56879(a).

As amended on 4/19, additional sections amended include 56066, 56123, 56124, 56375. Further the bill repeals sections 56375.2, 56387, 56388, 56747, 56760, 57001.1, 57075.5, 57202.1 and 57383.

SB 810 (Committee on Governance and Finance) Validations.

Current Text: Introduced: 2/23/2021 [html](#) [pdf](#)

Introduced: 2/23/2021

Status: 3/22/2021-Read third time. Urgency clause adopted. Passed. (Ayes 37. Noes 0.) Ordered to the Assembly. In Assembly. Read first time. Held at Desk.

Desk	Policy	Fiscal	Floor	Desk	Policy	Fiscal	Floor	Conf. Conc.	Enrolled	Vetoed	Chaptered
1st House				2nd House							

Summary:

This bill would enact the First Validating Act of 2021, which would validate the organization, boundaries, acts, proceedings, and bonds of the state and counties, cities, and specified districts, agencies, and entities.

Attachments:

[CALAFCO Support Letter March 2021](#)

Position: Support

Subject: Other

CALAFCO Comments: These are the annual validating Acts.

SB 811 (Committee on Governance and Finance) Validations.

Current Text: Introduced: 2/23/2021 [html](#) [pdf](#)

Introduced: 2/23/2021

Status: 3/22/2021-Read third time. Urgency clause adopted. Passed. (Ayes 37. Noes 0.) Ordered to the Assembly. In Assembly. Read first time. Held at Desk.

Desk	Policy	Fiscal	Floor	Desk	Policy	Fiscal	Floor	Conf. Conc.	Enrolled	Vetoed	Chaptered
1st House				2nd House							

Summary:

This bill would enact the Second Validating Act of 2021, which would validate the organization, boundaries, acts, proceedings, and bonds of the state and counties, cities, and specified districts, agencies, and entities.

Attachments:

[CALAFCO Support Letter March 2021](#)

Position: Support

Subject: Other

CALAFCO Comments: These are the annual validating Acts.

SB 812 (Committee on Governance and Finance) Validations.

Current Text: Introduced: 2/23/2021 [html](#) [pdf](#)

Introduced: 2/23/2021

Status: 3/22/2021-Read third time. Passed. (Ayes 37. Noes 0.) Ordered to the Assembly. In Assembly. Read first time. Held at Desk.

Desk	Policy	Fiscal	Floor	Desk	Policy	Fiscal	Floor	Conf. Conc.	Enrolled	Vetoed	Chaptered
1st House				2nd House							

Summary:

This bill would enact the Third Validating Act of 2021, which would validate the organization, boundaries, acts, proceedings, and bonds of the state and counties, cities, and specified districts, agencies, and entities.

Attachments:

[CALAFCO Support Letter March 2021](#)

Position: Support

Subject: Other

CALAFCO Comments: These are the annual validating Acts.

AB 1195 (Garcia, Cristina D) Drinking water.

Current Text: Amended: 4/6/2021 [html](#) [pdf](#)

Introduced: 2/18/2021

Last Amended: 4/6/2021

Status: 4/29/2021-From committee: Do pass and re-refer to Com. on APPR. (Ayes 6. Noes 1.) (April 28). Re-referred to Com. on APPR.

Desk	Policy	Fiscal	Floor	Desk	Policy	Fiscal	Floor	Conf. Conc.	Enrolled	Vetoed	Chaptered
1st House				2nd House							

Summary:

Current law establishes the Safe and Affordable Drinking Water Fund in the State Treasury to help water systems provide an adequate and affordable supply of safe drinking water in both the near and long terms. Current law authorizes the state board to provide for the deposit into the fund of certain moneys and continuously appropriates the moneys in the fund to the state board for grants, loans, contracts, or services to assist eligible recipients. This bill would prohibit, once an operator of a public water system exercises water rights for the benefit of the public water system, those surface water rights or groundwater rights from being severed or otherwise separated from the public water system.

Attachments:
[AB 1195 Fact Sheet](#)

Position: Watch With Concerns

Subject: Water

CALAFCO Comments: As amended on 4-6-21, the bill was gut and amended and now creates the So LA County Human Rights to Water Collaboration Act. It requires the Water Board to appoint a commissioner to implement the Safe & Affordable Funding for Equity & Resilience Program and gives the commissioner certain authorities (although they are not clearly spelled out). It requires the commissioner by 12-31-24 to submit to the Water Board a plan for the long-term sustainability of public water systems in southern LA County and prescribes what shall be included in the plan. The bill also creates a technical advisory board and requires the commissioner to oversee the Central Basin Municipal Water District.

In its current form the bill creates numerous concerns. CALAFCO's letter of concern is posted in the tracking section of the bill, and includes: (1) Focus of the bill is very broad as is the focus of the commissioner; (2) In an attempt to prevent privatization of water systems there is language regarding severing water rights. That language could be problematic should a consolidation be ordered; (3) Diminishing local control that is being invested in the state (an ongoing concern since SB 88); (4) A clear distinction needs to be made between an Administrator and Commissioner; (5) The poorly written section on the technical advisory board; and (6) The lack of LAFCo involvement in any consolidation process.

CALAFCO will continue to work with LA LAFCo, the author's office and other stakeholders on the bill.

The bill is author-sponsored and we understand there is currently no funding source. A fact sheet is posted in the tracking section of the bill. CALAFCO's letter of concern is also posted there.

AB 1250 (Calderon D) Water and sewer system corporations: consolidation of service.

Current Text: Introduced: 2/19/2021 [html](#) [pdf](#)

Introduced: 2/19/2021

Status: 4/22/2021-From committee: Do pass and re-refer to Com. on APPR. with recommendation: To Consent Calendar. (Ayes 15. Noes 0.) (April 21). Re-referred to Com. on APPR.

Desk	Policy	Fiscal	Floor	Desk	Policy	Fiscal	Floor	Conf. Conc.	Enrolled	Vetoed	Chaptered
1st House				2nd House							

Calendar:

5/5/2021 9 a.m. - State Capitol, Assembly Chamber ASSEMBLY APPROPRIATIONS, GONZALEZ, LORENA, Chair

Summary:

The California Safe Drinking Water Act, provides for the operation of public water systems and imposes on the State Water Resources Control Board related regulatory responsibilities and duties. Current law authorizes the state board to order consolidation of public water systems where a public water system or state small water system serving a disadvantaged community consistently fails to provide an adequate supply of safe drinking water, as provided. This bill, the Consolidation for Safe Drinking Water Act of 2021, would authorize a water or sewer system corporation to file an application and obtain approval from the commission through an order authorizing the water or sewer system corporation to consolidate with a public water system or state small water system. The bill would require the commission to approve or deny the application within 8 months, except as provided.

Attachments:

[AB 1250 Fact Sheet 2021](#)

Position: Watch

Subject: Municipal Services, Water

CALAFCO Comments: The intent of the bill is to prescribe response timelines for the PUC in terms of processing consolidations. This bill creates the Consolidation for Safe Drinking Water Act of 2021. The bill allows a water or sewer corp to file an application with the Public Utilities Commission (PUC) to approval to consolidate with a public or state small system. The bill requires the PUC to act on the application within 8 months of receipt. If a consolidation is valued at \$5 million or less, the water or sewer corp can file an advise letter and get the PUC approval via resolution. In this instance, the PUC has 120 days to act on the request. The bill also give the PUC authority to designate a different procedure to request consolidation for systems valued less than \$5M.

The bill requires the PUC to prioritize consolidation requests based on compliance records and requires the entity requesting consolidation to conduct a thorough public process.

The bill is sponsored by the California Water Association and does not have an impact on LAFcos. Nevertheless, CALAFCO will keep a watch on the bill. A fact sheet is posted in the tracking section of the bill.

AB 1295 (Muratsuchi D) Residential development agreements: very high fire risk areas.

Current Text: Introduced: 2/19/2021 [html](#) [pdf](#)

Introduced: 2/19/2021

Status: 3/4/2021-Referred to Coms. on L. GOV. and H. & C.D.

Desk	Policy	Fiscal	Floor	Desk	Policy	Fiscal	Floor	Conf. Conc.	Enrolled	Vetoed	Chaptered
1st House				2nd House							

Summary:

Current law requires the Director of Forestry and Fire Protection to identify areas in the state as very high fire hazard severity zones based on the severity of fire hazard that is expected to prevail in those areas, as specified, and requires each local agency to designate, by ordinance, the very high fire hazard severity zones in its jurisdiction. Current law additionally requires the director to classify lands within state responsibility areas into fire hazard severity zones. This bill, beginning on or after January 1, 2022, would prohibit the legislative body of a city or county from entering into a residential development agreement for property located in a very high fire risk area. The bill would define "very high fire risk area" for these purposes to mean a very high fire hazard severity zone designated by a local agency or a fire hazard severity zone classified by the director.

Attachments:

[AB 1295 Fact Sheet](#)

Position: Watch

Subject: Growth Management, Planning

CALAFCO Comments: This bill prohibits a city or county from entering into a residential development agreement for property located within a very high fire risk area as of 1-1-2022.

This bill appears similar to SB 55 (Stern) except: (1) This bill explicitly calls out residential development, whereas SB 55 addresses new development (housing, commercial, retail or industrial) in a very high fire hazard severity zone; and (2) SB 55 adds a state responsibility area.

The bill is not marked fiscal. This is an author-sponsored bill and a fact sheet is posted in the tracking section of the bill.

SB 55 (Stern D) Very high fire hazard severity zone: state responsibility area: development prohibition: supplemental height and density bonuses.

Current Text: Amended: 4/5/2021 [html](#) [pdf](#)

Introduced: 12/7/2020

Last Amended: 4/5/2021

Status: 4/15/2021-April 15 set for first hearing. Testimony taken. Further hearing to be set.

Desk	Policy	Fiscal	Floor	Desk	Policy	Fiscal	Floor	Conf. Conc.	Enrolled	Vetoed	Chaptered
1st House				2nd House							

Summary:

Would, in furtherance of specified state housing production, sustainability communities strategies, greenhouse gas reduction, and wildfire mitigation goals, prohibit the creation or approval of a new development, as defined, in a very high fire hazard severity zone or a state responsibility area unless there is substantial evidence that the local agency has adopted a comprehensive, necessary, and appropriate wildfire prevention and community hardening strategy to mitigate significant risks of loss, injury, or death, as specified. By imposing new duties on local governments with respect to the approval of new developments in very high fire hazard severity zones and state responsibility areas, this bill would impose a state-mandated local program.

Attachments:

[SB 55 Fact Sheet](#)

Position: Watch

Subject: Growth Management, Planning

CALAFCO Comments: This bill prohibits the creation or approval of a new development (housing, commercial, retail or industrial) in a very high fire hazard severity zone or a state responsibility area. The bill is author-sponsored and imposes unfunded mandates. A fact sheet is posted in the tracking section of the bill.

As amended on 4/5/21, the bill removes the "blanket approach" to prohibiting development as noted

above by adding specificity. The bill prohibits development in either of the areas noted above unless there is substantial evidence that the local agency has adopted a comprehensive, necessary and appropriate wildfire preventions and community hardening strategy to mitigate significant risks of loss, injury or death as specified in the bill. Additionally, the bill provides a qualifying developer a supplemental height bonus and a supplemental density bonus, as specified, if the development is located on a site that meets certain criteria, including, among others, not being located in a moderate, high, or very high fire hazard severity zone, as specified. These requirements are unfunded mandates.

This bill appears similar to AB 1295 (Muratsuchi) except this bill appears to be broader in scope in terms of the type of development prohibited and includes a state responsibility area, whereas AB 1295 only addresses residential development in a very high fire risk area.

SB 403 (Gonzalez D) Drinking water: consolidation.

Current Text: Amended: 4/27/2021 [html](#) [pdf](#)

Introduced: 2/12/2021

Last Amended: 4/27/2021

Status: 4/30/2021-Set for hearing May 10.

Desk	Policy	Fiscal	Floor	Desk	Policy	Fiscal	Floor	Conf. Conc.	Enrolled	Vetoed	Chaptered
1st House				2nd House							

Calendar:

5/10/2021 9 a.m. - John L. Burton Hearing Room (4203) SENATE APPROPRIATIONS, PORTANTINO, Chair

Summary:

The California Safe Drinking Water Act authorizes the State Water Resources Control Board to order consolidation with a receiving water system where a public water system or a state small water system, serving a disadvantaged community, consistently fails to provide an adequate supply of safe drinking water or where a disadvantaged community is substantially reliant on domestic wells that consistently fail to provide an adequate supply of safe drinking water. This bill would authorize the state board to also order consolidation where a water system serving a disadvantaged community is an at-risk water system, as defined, or where a disadvantaged community is substantially reliant on at-risk domestic wells, as defined.

Attachments:

[CALAFCO Oppose Unless Amended Letter April 2021](#)

[SB 403 Fact Sheet 2021](#)

Position: Oppose unless amended

Subject: Disadvantaged Communities, Water

CALAFCO Comments: Current law (Health & Safety Code Section 116682) authorizes the State Water Resources Control Board (Board) to order consolidation (physical or operational) of a public water system or state small water system serving a disadvantaged community that consistently fails to provide an adequate supply of safe drinking water, or a disadvantaged community (in whole or part) that is substantially reliant on domestic wells that consistently fail to provide an adequate supply of safe drinking water. This bill would add to that a water system or domestic well(s) that are at risk of failing to provide an adequate supply of safe drinking water, as determined by the Board. The bill also requires the Board, before ordering consolidation, to conduct outreach to ratepayers and residents served by the at-risk system and to consider any petition submitted by members of a disadvantaged community being served by the at-risk system.

There appears to be several problems with this bill: (1) The bill does not define "at risk" and there is no definition of "at risk" currently in H&S Code Sec. 116681; (2) There is a lack of consultation with GSAs by the State Board when considering ordering consolidation or extension of service; (3) There is no requirement or even consideration for annexation upon extension of service; and (4) there does not appear to be a limitation of the number of connections or the extent to which the system can be extended.

The bill is co-sponsored by the Leadership Counsel for Justice and Accountability, Clean Water Action and Community Water Center. A fact sheet is posted in the tracking section of the bill. CALAFCO's position letter is also posted there.

Specific to SB 403, we requested 3 amendments: (1) Define "at risk"; (2) Add a requirement for the SWRCB to consult with GSAs when considering a domestic well consolidation; and (3) Put a cap on the number of users to be added by the subsuming system or the extent to which the service is being extended. Additionally, CALAFCO recommended a comprehensive review of the current mandatory consolidation process citing a host of issues the current process creates.

UPDATE: As amended on 4/27/21, the bill now defines "at risk system" and "at risk domestic well"; creates an appeal process for potentially subsumed water systems; requires inspection or testing of wells to determine "at risk" status; and allows the Board to prioritize systems historically overburdened by pollution and industrial development or other environmental justice concerns. These amendments address 1 of our 3 amendments as requested. We will continue to work with the author on amendments.

3

AB 11 (Ward D) Climate change: regional climate change authorities.

Current Text: Amended: 1/21/2021 [html](#) [pdf](#)

Introduced: 12/7/2020

Last Amended: 1/21/2021

Status: 1/25/2021-Re-referred to Com. on NAT. RES.

Desk	Policy	Fiscal	Floor	Desk	Policy	Fiscal	Floor	Conf. Conc.	Enrolled	Vetoed	Chapters
1st House				2nd House							

Summary:

Would require the Strategic Growth Council, by January 1, 2023, to establish up to 12 regional climate change authorities to coordinate climate adaptation and mitigation activities in their regions, and coordinate with other regional climate adaptation authorities, state agencies, and other relevant stakeholders.

Attachments:

[AB 11 Fact Sheet](#)

Position: Watch

Subject: Other

CALAFCO Comments: As amended on 1/21/21, this bill authorizes/requires the Strategic Growth Council (SGC) to establish up to 12 regional climate change authorities by January 1, 2023, to include local agencies and regional stakeholders. The SGC is required to adopt guidelines that: (1) Define the authority; (2) Include guidelines for establishing an authority via a stakeholder-driven process; (3) Consult with OPR (and other state authorities) in development of the guidelines and award annual grants to authorities.

The bill outlines the regional climate change authorities in summary as: coordination, capacity-building, and technical assistance activities within their boundaries, promote regional alignment and assist local agencies in creating and implementing plans developed pursuant to Section 65302 of the Government Code, other federal or state mandates, and programs designed address climate change impacts and risks. The bill also requires the authority to submit annual reports to the SGC, with the scope of the report outlined in the bill.

This is an author-sponsored bill. There is no appropriation to fund the cost of the program. A fact sheet is posted in the tracking section of the bill.

UPDATE 3/17/21: CALAFCO learned from the author's office they do not intend to move the bill forward, but instead work with Assm. Mullin on AB 897 and merge the two bills.

AB 473 (Chau D) California Public Records Act.

Current Text: Introduced: 2/8/2021 [html](#) [pdf](#)

Introduced: 2/8/2021

Status: 4/21/2021-In committee: Set, first hearing. Referred to suspense file.

Desk	Policy	Fiscal	Floor	Desk	Policy	Fiscal	Floor	Conf. Conc.	Enrolled	Vetoed	Chapters
1st House				2nd House							

Summary:

The California Public Records Act requires state and local agencies to make their records available for public inspection, unless an exemption from disclosure applies. This bill would recodify and reorganize the provisions of the act. The bill would include provisions to govern the effect of recodification and state that the bill is intended to be entirely nonsubstantive in effect. The bill would contain related legislative findings and declarations. The bill would become operative on January 1, 2023.

Position: Watch

Subject: Public Records Act

CALAFCO Comments: This bill is a redo of AB 2138 from 2020 that did not move forward. According to

the author's office, this bill and AB 474 are part of recommendations from the California Law Revision Commissions to reorganize and restructure the CPRA based on a request by the legislature for them to do that. CALAFCO will keep watch on the bill to ensure there are no substantive changes to the PRA.

AB 474 (Chau D) California Public Records Act: conforming revisions.

Current Text: Introduced: 2/8/2021 [html](#) [pdf](#)

Introduced: 2/8/2021

Status: 4/21/2021-In committee: Set, first hearing. Referred to suspense file.

Desk	Policy	Fiscal	Floor	Desk	Policy	Fiscal	Floor	Conf. Conc.	Enrolled	Vetoed	Chapters
1st House				2nd House							

Summary:

Would enact various conforming and technical changes related to another bill that recodifies and reorganizes the California Public Records Act. The bill would only become operative if the related bill recodifying the act is enacted and becomes operative on January 1, 2023. The bill would also specify that any other bill enacted by the Legislature during the 2021 calendar year that takes effect on or before January 1, 2022, and that affects a provision of this bill shall prevail over this act, except as specified.

Position: Watch

Subject: Public Records Act

CALAFCO Comments: This bill is a redo of AB 2438 from 2020 that did not move forward. According to the author's office, this bill and AB 473 are part of recommendations from the California Law Revision Commissions to reorganize and restructure the CPRA based on a request by the legislature for them to do that. CALAFCO will keep watch on the bill to ensure there are no substantive changes to the PRA.

AB 897 (Mullin D) Office of Planning and Research: regional climate networks: climate adaptation action plans.

Current Text: Amended: 4/19/2021 [html](#) [pdf](#)

Introduced: 2/17/2021

Last Amended: 4/19/2021

Status: 4/20/2021-Re-referred to Com. on APPR.

Desk	Policy	Fiscal	Floor	Desk	Policy	Fiscal	Floor	Conf. Conc.	Enrolled	Vetoed	Chapters
1st House				2nd House							

Summary:

Current law requires, by July 1, 2017, and every 3 years thereafter, the Natural Resources Agency to update, as prescribed, the state's climate adaptation strategy, known as the Safeguarding California Plan. Current law establishes the Office of Planning and Research in state government in the Governor's office. Current law establishes the Integrated Climate Adaptation and Resiliency Program to be administered by the office to coordinate regional and local efforts with state climate adaptation strategies to adapt to the impacts of climate change, as prescribed. This bill would authorize eligible entities, as defined, to establish and participate in a regional climate network, as defined. The bill would require the office to encourage the inclusion of agencies with land use planning authority into regional climate networks. The bill would authorize a regional climate network to engage in activities to address climate change, as specified.

Attachments:

[AB 897 Fact Sheet](#)

Position: Watch

Subject: Climate Change

CALAFCO Comments: As introduced, the bill builds on existing programs through OPR by promoting regional collaboration in climate adaptation planning and providing guidance for regions to identify and prioritize projects necessary to respond to the climate vulnerabilities of their region.

As amended, the bill requires OPR to develop guidelines (the scope of which are outlined in the bill) for Regional Climate Adaptation Action Plans (RCAAPs) by 1-1-23 through their normal public process. Further the bill requires OPR to make recommendations to the Legislature on potential sources of financial assistance for the creation & implementation of RCAAPs, and ways the state can support the creation and ongoing work of regional climate networks. The bill outlines the authority of a regional climate network, and defines eligible entities. Prior versions of the bill kept the definition as rather generic and with each amended version gets more specific. As a result, CALAFCO has requested the author add LAFCOs explicitly to the list of entities eligible to participate in these regional climate networks.

As amended on 4/7, AB 11 (Ward) was joined with this bill - specifically found in 71136 in the Public Resources Code as noted in the amended bill. Other amendments include requiring OPR to, before 7-1-

22, establish geographic boundaries for regional climate networks and prescribes requirements in doing so.

This is an author-sponsored bill. The bill necessitates additional resources from the state to carry out the additional work required of OPR (there is no current budget appropriation). A fact sheet is posted in the tracking section of the bill.

AB 903 (Frazier D) Los Medanos Community Healthcare District.

Current Text: Amended: 4/19/2021 [html](#) [pdf](#)

Introduced: 2/17/2021

Last Amended: 4/19/2021

Status: 4/29/2021-Read second time. Ordered to third reading.

Desk	Policy	Fiscal	Floor	Desk	Policy	Fiscal	Floor	Conf. Conc.	Enrolled	Vetoed	Chaptered
1st House				2nd House							

Calendar:

5/3/2021 #83 ASSEMBLY THIRD READING FILE - ASSEMBLY BILLS

Summary:

Would require the dissolution of the Los Medanos Community Healthcare District, as specified. The bill would require the County of Contra Costa to be successor of all rights and responsibilities of the district, and require the county to develop and conduct the Los Medanos Area Health Plan Grant Program focused on comprehensive health-related services in the district’s territory. The bill would require the county to complete a property tax transfer process to ensure the transfer of the district’s health-related ad valorem property tax revenues to the county for the sole purpose of funding the Los Medanos Area Health Plan Grant Program. By requiring a higher level of service from the County of Contra Costa as specified, the bill would impose a state-mandated local program.

Position: Watch

CALAFCO Comments: This bill mandates the dissolution of the Los Medanos Community Healthcare District with the County as the successor agency, effective 2-1-22. The bill requires the County to perform certain acts prior to the dissolution. The LAFCo is not involved in the dissolution as the bill is written. Currently, the district is suing both the Contra Costa LAFCo and the County of Contra Costa after the LAFCo approved the dissolution of the district upon application by the County and the district failed to get enough signatures in the protest process to go to an election.

The amendment on 4/5/21 was just to correct a typo in the bill.

As amended on 4/19/21, the bill specifies monies received by the county as part of the property tax transfer shall be used specifically to fund the Los Medanos Area Health Plan Grant Program within the district's territory. It further adds a clause that any new or existing profits shall be used solely for the purpose of the grant program within the district's territory.

AB 959 (Mullin D) Park districts: regulations: nuisances: abatement.

Current Text: Introduced: 2/17/2021 [html](#) [pdf](#)

Introduced: 2/17/2021

Status: 3/4/2021-Referred to Com. on L. GOV.

Desk	Policy	Fiscal	Floor	Desk	Policy	Fiscal	Floor	Conf. Conc.	Enrolled	Vetoed	Chaptered
1st House				2nd House							

Calendar:

5/5/2021 1:30 p.m. - State Capitol, Room 4202 ASSEMBLY LOCAL GOVERNMENT, AGUIAR-CURRY, Chair

Summary:

Current law prescribes procedures, including the election of a board of directors, for the formation of regional park districts, regional park and open-space districts, or regional open-space districts. Current law authorizes 3 or more cities, together with any parcel or parcels of city or county territory, whether in the same or different counties, to organize and incorporate, but requires that all the territory in the proposed district be contiguous. Current law requires the board of directors to superintend, control, and make available to all the inhabitants of the district all public recreation lands and facilities, as provided. Existing law authorizes the board to adopt regulations. Current law provides that a violation of an ordinance, rule, or regulation adopted by the board is a misdemeanor punishable by a fine or imprisonment in the county jail, as provided. This bill would authorize the board of directors to adopt regulations relating to nuisances and establish a procedure for the abatement of the nuisances, including administrative abatement.

Attachments:

[AB 959 Fact Sheet](#)

Position: Watch

CALAFCO Comments: As introduced, this bill gives authority to independent regional park & open space districts governed by PRC 5500 to: (1) Declare by ordinance what constitutes a public nuisance; (2) Abate those public nuisances by either administrative or civil actions; and (3) Ability to recover costs incurred in abating the public nuisance, including attorneys' fees. There are 4 of these independent special districts: (1) Midpeninsula Regional Open Space District; (2) East Bay Regional Park District; (3) Monterey Peninsula Regional Park District; and (4) Napa County Regional Park and Open Space District. A fact sheet is posted in the tracking section of the bill.

AB 975 (Rivas, Luz D) Political Reform Act of 1974: statement of economic interests and gifts.

Current Text: Amended: 4/21/2021 [html](#) [pdf](#)

Introduced: 2/18/2021

Last Amended: 4/21/2021

Status: 4/22/2021-Re-referred to Com. on APPR.

Desk	Policy	Fiscal	Floor	Desk	Policy	Fiscal	Floor	Conf. Conc.	Enrolled	Vetoed	Chaptered
1st House				2nd House							

Calendar:

5/5/2021 9 a.m. - State Capitol, Assembly Chamber ASSEMBLY APPROPRIATIONS, GONZALEZ, LORENA, Chair

Summary:

The Political Reform Act of 1974 regulates conflicts of interests of public officials and requires that public officials file, with specified filing officers, periodic statements of economic interests disclosing certain information regarding income, investments, and other financial data. The Fair Political Practices Commission is the filing officer for statewide elected officers and candidates and other specified public officials. If the Commission is the filing officer, the public official generally files with their agency or another person or entity, who then makes a copy and files the original with the Commission. This bill would revise and recast these filing requirements to make various changes, including requiring public officials and candidates for whom the Commission is the filing officer to file their original statements of economic interests electronically with the Commission.

Position: Watch

Subject: FPPC

CALAFCO Comments: As introduced, this bill makes two notable changes to the current requirements of gift notification and reporting: (1) It increases the period for public officials to reimburse, in full or part, the value of attending an invitation-only event, for purposes of the gift rules, from 30 days from receipt to 30 days following the calendar quarter in which the gift was received; and (2) It reduces the gift notification period for lobbyist employers from 30 days after the end of the calendar quarter in which the gift was provided to 15 days after the calendar quarter. Further it requires the FPPC to have an online filing system and to redact contact information of filers before posting.

The amendment on 4/21/21 just corrects wording (technical, non-substantive change).

AB 1021 (Mayes I) Imperial Irrigation District.

Current Text: Amended: 4/19/2021 [html](#) [pdf](#)

Introduced: 2/18/2021

Last Amended: 4/19/2021

Status: 4/20/2021-Re-referred to Com. on APPR.

Desk	Policy	Fiscal	Floor	Desk	Policy	Fiscal	Floor	Conf. Conc.	Enrolled	Vetoed	Chaptered
1st House				2nd House							

Calendar:

5/5/2021 9 a.m. - State Capitol, Assembly Chamber ASSEMBLY APPROPRIATIONS, GONZALEZ, LORENA, Chair

Summary:

Would require the commissions for the County of Imperial and the County of Riverside to conduct and publish on their internet websites a joint study of voting rights in the Imperial Irrigation District, options for providing electricity in the Imperial Irrigation District, and options for alternative governance structures for the Imperial Irrigation District board of directors, as specified. The bill would make the joint study contingent upon funding by the Legislature and would require the study to be published no later than 18 months after receipt of funds from the Legislature.

Position: Watch

Subject: Special Districts Governance

CALAFCO Comments: As amended on 3/18/21, the bill focuses on the Imperial Irrigation District. The bill requires Imperial and Riverside LAFcos to conduct a special study of voting rights and options for

providing electricity in the district area should the district decide it no longer desires to provide that serve, to be completed by December 31, 2022, as an unfunded mandate. The bill also requires membership of the district board to increase from 5 to 8 members, with the additional 3 members residing in Riverside County in the area being serviced by the district and appointed by the County Supervisor of that County district. The three new members will be non-voting members.

CALAFCO met with the author's staff on March 18 to discuss concerns on the bill, with input from Riverside and Imperial LAFcos (who will meet with the author's office as well). Concerns include: (1) The unfunded mandate and timing of the study; (2) As representation in the Riverside County service area is the issue, governance structure should also be a part of the study; (3) Section 21562.6 of the Water Code as added is far too vague. CALAFCO offered specific suggestions for clarification in this section.

This bill is similar to AB 854 (2019), which died in Appropriations. CALAFCO had a Watch position on that bill as the two member LAFcos had opposing positions, and this is a local matter. However, there is concern about requiring a study without funding (the last time the Legislature mandated a special study on a district it required the study be funded by the district).

The bill is author-sponsored and as of now there is no budget appropriation to cover cost.

UPDATE AS OF 4/21/21 - As amended on 4/19/21, the bill makes substantive changes including: (1) Requires state funding for the study and prescribes an 18-month timeline for completion upon receipt of funds; (2) Adds study content of options for governance structure of the district; (3) Changes the number from 3 to 1 of nonvoting board members appointed to the district Board; and (4) Specifies requirements for the appointment.

AB 1053 (Gabriel D) City selection committees: County of Los Angeles: quorum: teleconferencing.

Current Text: Amended: 4/20/2021 [html](#) [pdf](#)

Introduced: 2/18/2021

Last Amended: 4/20/2021

Status: 4/21/2021-Re-referred to Com. on L. GOV.

Desk	Policy	Fiscal	Floor	Desk	Policy	Fiscal	Floor	Conf. Conc.	Enrolled	Vetoed	Chaptered
1st House				2nd House							

Summary:

Current law creates a city selection committee in each county that consists of 2 or more incorporated cities for the purpose of appointing city representatives to boards, commissions, and agencies. Under current law, a quorum for a city selection committee requires a majority of the number of the incorporated cities within the county entitled to representation on the city selection committee. Current law requires a city selection committee meeting to be postponed or adjourned to a subsequent time and place whenever a quorum is not present at the meeting. This bill, for the city selection committee in the County of Los Angeles, would reduce the quorum requirement to 1/3 of all member cities within the county for a meeting that was postponed to a subsequent time and place because a quorum was not present, as long as the agenda is limited to items that appeared on the immediately preceding agenda where a quorum was not established.

Attachments:

[CALAFCO Removal of Opposition Letter April 2021](#)

[CALAFCO Oppose Unless Amended April 2021](#)

Position: Watch

Subject: Other

CALAFCO Comments: As amended on 3/18/21, the bill reduces the quorum requirement for a city selection committee to 1/3 of all member cities within the county for a meeting that was postponed to a subsequent time and place because a quorum was not present, as long as the agenda is limited to replicate the meeting for which a quorum was not established. The bill also authorizes a city selection committee to conduct their meetings be teleconference and electronic means.

The bill is sponsored by the Las Virgenes-Malibu Council of Governments.

CALAFCO's letter of Oppose Unless Amended is posted in the bill detail area.

UPDATE AS OF 4/21/21 - As amended on 4/20/21, the scope of the bill is significantly narrowed to apply only to the County of Los Angeles' City Selection Committee. This amendment resolves CALAFCO's concerns and we have removed our opposition and will retain a Watch position. CALAFCO's letter of opposition removal is posted in the bill detail area.

AB 1246 (Nguyen R) Community services districts.

Current Text: Introduced: 2/19/2021 [html](#) [pdf](#)

Introduced: 2/19/2021

Status: 2/22/2021-Read first time.

Desk	Policy	Fiscal	Floor	Desk	Policy	Fiscal	Floor	Conf. Conc.	Enrolled	Vetoed	Chaptered
1st House				2nd House							

Summary:

Current law, the Community Services District Law, authorizes the formation of community services districts for various specified purposes, including supplying water, treating sewage, disposing of solid waste, and providing fire protection. The law specifies its relation and effect on certain districts organized pursuant to former laws and to actions taken by them, among other things. This bill would make nonsubstantive changes to those provisions.

Position: Watch

CALAFCO Comments: This is a spot bill.

SB 10 (Wiener D) Planning and zoning: housing development: density.

Current Text: Amended: 4/27/2021 [html](#) [pdf](#)

Introduced: 12/7/2020

Last Amended: 4/27/2021

Status: 4/30/2021-Set for hearing May 10.

Desk	Policy	Fiscal	Floor	Desk	Policy	Fiscal	Floor	Conf. Conc.	Enrolled	Vetoed	Chaptered
1st House				2nd House							

Calendar:

5/10/2021 9 a.m. - John L. Burton Hearing Room (4203) SENATE APPROPRIATIONS, PORTANTINO, Chair

Summary:

Would, notwithstanding any local restrictions on adopting zoning ordinances, authorize a local government to adopt an ordinance to zone any parcel for up to 10 units of residential density per parcel, at a height specified in the ordinance, if the parcel is located in a transit-rich area, a jobs-rich area, or an urban infill site, as those terms are defined. In this regard, the bill would require the Department of Housing and Community Development, in consultation with the Office of Planning and Research, to determine jobs-rich areas and publish a map of those areas every 5 years, commencing January 1, 2023, based on specified criteria. The bill would specify that an ordinance adopted under these provisions, and any resolution to amend the jurisdiction’s General Plan, ordinance, or other local regulation adopted to be consistent with that ordinance, is not a project for purposes of the California Environmental Quality Act.

Position: Watch

Subject: Housing

CALAFCO Comments: While not directly affecting LAFcos, the requirements in the bill are of interest. As amended on 4/13/21, the bill authorizes a local government to adopt an ordinance to zone any parcel for up to 10 units of residential density per parcel, at a height specified in the ordinance, if the parcel is located in a transit-rich area, a jobs-rich area, or an urban infill site, as those terms are defined in the bill. In this regard, the bill would require the Department of Housing and Community Development, in consultation with the Office of Planning and Research, to determine jobs-rich areas and publish a map of those areas every 5 years, commencing January 1, 2023, based on specified criteria. The bill would specify that an ordinance adopted under these provisions, and any resolution adopted to amend the jurisdiction’s General Plan Plan, ordinance, or other local regulation adopted to be consistent with that ordinance, is exempt from CEQA. The bill imposes specified requirements on a zoning ordinance adopted under these provisions. The bill would prohibit a legislative body that adopts a zoning ordinance pursuant to these provisions from subsequently reducing the density of any parcel subject to the ordinance and makes void and unenforceable any covenant, restriction, or condition contained in any deed, contract, security instrument, or other instrument affecting the transfer or sale of any interest in a planned development, and any provision of a governing document, that effectively prohibits or unreasonably restricts a use or density authorized by an ordinance adopted pursuant to the provisions in the bill.

UPDATE: The amendment of 4/27/21 amends 65913.5(a)(3) to remove exemption of parcels excluded from specified hazard zones by a local agency pursuant to 51179(b).

SB 13 (Dodd D) Local agency services: contracts: Counties of Napa and San Bernardino.

Current Text: Amended: 4/29/2021 [html](#) [pdf](#)

Introduced: 12/7/2020

Last Amended: 4/29/2021

Status: 4/29/2021-From committee with author's amendments. Read second time and amended. Re-referred to Com. on GOV. & F.

Desk	Policy	Fiscal	Floor	Desk	Policy	Fiscal	Floor	Conf. Conc.	Enrolled	Vetoed	Chaptered
1st House				2nd House							

Calendar:

5/6/2021 Upon adjournment of Session - Senate Chamber SENATE GOVERNANCE AND FINANCE, MCGUIRE, Chair

Summary:

The Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000 establishes a pilot program under which the commissions in the Counties of Napa and San Bernardino, upon making specified determinations at a noticed public hearing, may authorize a city or district to provide new or extended services outside its jurisdictional boundary and outside its sphere of influence to support existing or planned uses involving public or private properties, as provided. Current law requires the Napa and San Bernardino commissions to submit a report to the Legislature on their participation in the pilot program, as specified, before January 1, 2020, and repeals the pilot program as of January 1, 2021. This bill would reestablish the pilot program, which would remain in effect until January 1, 2026. The bill would impose a January 1, 2025, deadline for the Napa and San Bernardino commissions to report to the Legislature on the pilot program, and would require the contents of that report to include how many requests for extension of services were received under these provisions.

Position: Watch

Subject: CKH General Procedures

CALAFCO Comments: This bill is the same as SB 799 from 2020 and seeks to re-establish and continue the pilot program for five more years. The program ended as of January 1, 2021 but due to the pandemic, SB 799 from 2020 to extend the sunset was not moved forward in the legislature.

UPDATE: As amended on 4/29/21, the bill now adds 56133.6 which seeks to address several projects in the City of St. Helena, and resolve a current law suit between the winery and the city. The amendments authorize Napa LAFCo to consider new or extended service by the city to specific parcels with certain conditions. The bill requires the Napa LAFCo make certain determinations if approving, include any decision in their required report to the Legislature and has a sunset of 1-1-26.

CALAFCO has made a request for several technical amendments to the version dated 4-29-21, and has concern this addition strays too far from the original intent of the pilot program. Requested amendments on the table now include: (1) Rewording of both sections 56133.5(a)(2) and 56133.6(a)(3) to explicitly state both (A) and (B) are required; (2) Reword the new addition to 56133.5(d) so that it does not presume Napa LAFCo will authorize the new or extension of service; and (3) Rewrite 56133.6(a)(1) to clarify that (A) must apply to both (B) and (C).

SB 96 (Dahle R) Fallen Leaf Lake Community Services District Fire Department Protection Act of 2021: elections.

Current Text: Introduced: 12/21/2020 [html](#) [pdf](#)

Introduced: 12/21/2020

Status: 1/28/2021-Referred to Coms. on GOV. & F. and E. & C.A.

Desk	Policy	Fiscal	Floor	Desk	Policy	Fiscal	Floor	Conf. Conc.	Enrolled	Vetoed	Chaptered
1st House				2nd House							

Summary:

Would require the El Dorado County elections official, with the assistance of the Fallen Leaf Lake Community Services District, to conduct district elections pursuant to the Uniform District Election Law, except as otherwise provided in the bill. The bill, notwithstanding existing law, would provide that voters who are resident registered voters of the district, and voters who are not residents but either own a real property interest in the district or have been designated by the owner of a real property interest to cast the vote for that property, may vote in a district election in the Fallen Leaf Lake Community Services District, as specified. The bill would require the designations of voters and authority of legal representatives to be filed with the El Dorado County elections official and the secretary of the Fallen Leaf Lake Community Services District and maintained with the list of qualified voters of the district. This bill contains other related provisions and other existing laws.

Position: Watch

Subject: Special Districts Governance

CALAFCO Comments: This bill is the same as SB 1180 from 2020 which did not move through the legislature. It is a local El Dorado County/district bill. This bill does several things. (1) Provides that voters who are resident registered voters of the district, and voters who are not residents but either own a real property interest in the district or have been designated by the owner of a real property

interest to cast the vote for that property, may vote in a district election in the Fallen Leaf Lake Community Services. (2) The bill also would authorize a voter who is not a resident of the district but owns a real property interest in the district to designate only one voter to vote on their behalf, regardless of the number of parcels in the district owned by the nonresident voter. (3) This bill would prohibit the Fallen Leaf Lake Community Services District from providing any services or facilities except fire protection and medical services, including emergency response and services, as well as parks and recreation services and facilities.

SB 261 (Allen D) Regional transportation plans: sustainable communities strategies.

Current Text: Introduced: 1/27/2021 [html](#) [pdf](#)

Introduced: 1/27/2021

Status: 4/19/2021-April 27 hearing postponed by committee.

Desk	Policy	Fiscal	Floor	Desk	Policy	Fiscal	Floor	Conf. Conc.	Enrolled	Vetoed	Chaptered
1st House				2nd House							

Summary:

current law requires certain transportation planning agencies to prepare and adopt a regional transportation plan directed at achieving a coordinated and balanced regional transportation system. Certain of these agencies are designated under federal law as metropolitan planning organizations. Existing law requires that each regional transportation plan include a sustainable communities strategy developed to achieve greenhouse gas emission reduction targets for the automobile and light truck sector for 2020 and 2035 established by the State Air Resources Board. This bill would require that the sustainable communities strategy be developed to additionally achieve greenhouse gas emission reduction targets for the automobile and light truck sector for 2045 and 2050 and vehicle miles traveled reduction targets for 2035, 2045, and 2050 established by the board. The bill would make various conforming changes to integrate those additional targets into regional transportation plans.

Position: Watch

Subject: Sustainable Community Plans

CALAFCO Comments: CALAFCO is currently reviewing the bill.

SB 273 (Hertzberg D) Water quality: municipal wastewater agencies.

Current Text: Introduced: 1/29/2021 [html](#) [pdf](#)

Introduced: 1/29/2021

Status: 4/22/2021-Read third time. Passed. (Ayes 38. Noes 0.) Ordered to the Assembly. In Assembly. Read first time. Held at Desk.

Desk	Policy	Fiscal	Floor	Desk	Policy	Fiscal	Floor	Conf. Conc.	Enrolled	Vetoed	Chaptered
1st House				2nd House							

Summary:

Would authorize a municipal wastewater agency, as defined, to enter into agreements with entities responsible for stormwater management for the purpose of managing stormwater and dry weather runoff, to acquire, construct, expand, operate, maintain, and provide facilities for specified purposes relating to managing stormwater and dry weather runoff, and to levy taxes, fees, and charges consistent with the municipal wastewater agency’s existing authority in order to fund projects undertaken pursuant to the bill. The bill would require the exercise of any new authority granted under the bill to comply with the Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000. To the extent this requirement would impose new duties on local agency formation commissions, the bill would impose a state-mandated local program.

Attachments:

[SB 273 Fact Sheet](#)

Position: Support

Subject: Municipal Services

CALAFCO Comments: This bill is a redo of SB 1052 from 2020 that was not moved forward because of the pandemic. This bill adds authority to municipal wastewater agencies as outlined in 13911(a) and (b) relating to stormwater runoff and management. The bill authorizes this additional authority while keeping the LAFCo process to activate these latent powers intact.

CALAFCO is requesting an amendment to add a requirement that upon entering into the agreement, the agency has 30 days to file a copy of that agreement or amended agreement with the LAFCo.

The bills is sponsored by the CA Assn of Sanitation Agencies. A fact sheet is posted in the tracking section of the bill.

SB 274 (Wieckowski D) Local government meetings: agenda and documents.

Current Text: Amended: 4/5/2021 [html](#) [pdf](#)

Introduced: 1/29/2021

Last Amended: 4/5/2021

Status: 4/22/2021-Read third time. Passed. (Ayes 38. Noes 0.) Ordered to the Assembly. In Assembly. Read first time. Held at Desk.

Desk	Policy	Fiscal	Floor	Desk	Policy	Fiscal	Floor	Conf. Conc.	Enrolled	Vetoed	Chaptered
1st House				2nd House							

Summary:

The Ralph M. Brown Act requires meetings of the legislative body of a local agency to be open and public and also requires regular and special meetings of the legislative body to be held within the boundaries of the territory over which the local agency exercises jurisdiction, with specified exceptions. Current law authorizes a person to request that a copy of an agenda, or a copy of all the documents constituting the agenda packet, of any meeting of a legislative body be mailed to that person. This bill would require a local agency with an internet website, or its designee, to email a copy of, or website link to, the agenda or a copy of all the documents constituting the agenda packet if the person requests that the items be delivered by email. If a local agency determines it to be technologically infeasible to send a copy of the documents or a link to a website that contains the documents by email or by other electronic means, the bill would require the legislative body or its designee to send by mail a copy of the agenda or a website link to the agenda and to mail a copy of all other documents constituting the agenda packet, as specified.

Attachments:

[CALAFCO Support SB 274 \(3-15-21\)](#)

[SB 274 Fact Sheet](#)

Position: Support

Subject: Public Records Act

CALAFCO Comments: This bill is a modified redo of SB 931 from 2020 that did not move forward because of the pandemic. This bill updates the Government Code to require a public agency to email the agenda or agenda items to anyone who requests it or the link to the website where the documents can be accessed (current law requires the mailing of such documents upon request, this bill adds the option to email if requested). A fact sheet is posted in the tracking section of the bill.

The amendment on 4/5/21 was to correct a typo reflecting the authority to email information.

[SB 475](#) ([Cortese D](#)) **Transportation planning: sustainable communities strategies.**

Current Text: Amended: 3/10/2021 [html](#) [pdf](#)

Introduced: 2/17/2021

Last Amended: 3/10/2021

Status: 4/27/2021-From committee: Do pass and re-refer to Com. on TRANS. (Ayes 6. Noes 0.) (April 26). Re-referred to Com. on TRANS.

Desk	Policy	Fiscal	Floor	Desk	Policy	Fiscal	Floor	Conf. Conc.	Enrolled	Vetoed	Chaptered
1st House				2nd House							

Summary:

Would require the State Air Resources Board, on or before June 30, 2023, and in coordination with the California Transportation Commission and the Department of Housing and Community Development, to issue new guidelines on sustainable communities strategies and require these guidelines to be updated thereafter at least every 4 years. The bill would delete the provisions related to the Regional Targets Advisory Committee and instead require the State Air Resources Board to appoint, on or before January 31, 2022, the State-Regional Collaborative for Climate, Equity, and Resilience, consisting of representatives of various entities. The bill would require the State-Regional Collaborative for Climate, Equity, and Resilience to develop a quantitative tool for metropolitan planning organizations to use to evaluate a transportation plan's consistency with long-range greenhouse gas emission reduction targets and recommend guidelines for metropolitan planning organizations to use when crafting long-range strategies that integrate state goals related to climate resilience and social equity.

Position: Watch

Subject: Sustainable Community Plans

[SB 499](#) ([Leyva D](#)) **General plan: land use element: uses adversely impacting health outcomes.**

Current Text: Introduced: 2/17/2021 [html](#) [pdf](#)

Introduced: 2/17/2021

Status: 3/25/2021-April 8 set for first hearing canceled at the request of author.

Desk	Policy	Fiscal	Floor	Desk	Policy	Fiscal	Floor	Conf. Conc.	Enrolled	Vetoed	Chaptered
1st House				2nd House							

Summary:

Would prohibit the land use element from designating land uses that have the potential to significantly degrade local air, water, or soil quality or to adversely impact health outcomes in disadvantaged communities to be located, or to materially expand, within or adjacent to a disadvantaged community or a racially and ethnically concentrated area of poverty. By expanding the duties of cities and counties in the administration of their land use planning duties, the bill would impose a state-mandated local program.

Attachments:

[SB 499 Fact Sheet](#)

Position: Watch

Subject: Disadvantaged Communities

CALAFCO Comments: As introduced, this bill would prohibit the land use element of a general plan from designating or expanding land uses that have the potential to significantly degrade local air, water, or soil quality or to adversely impact health outcomes within or adjacent to disadvantaged communities (DACs) or a racially and ethnically concentrated area of poverty.

The sponsor of this bill is the Leadership Counsel for Justice and Accountability. A fact sheet is posted in the tracking section of the bill.

SB 574 (Laird D) Agricultural preserves: Williamson Act.

Current Text: Amended: 3/4/2021 [html](#) [pdf](#)

Introduced: 2/18/2021

Last Amended: 3/4/2021

Status: 3/25/2021-Read third time. Passed. (Ayes 38. Noes 0.) Ordered to the Assembly. In Assembly. Read first time. Held at Desk.

Desk	Policy	Fiscal	Floor	Desk	Policy	Fiscal	Floor	Conf. Conc.	Enrolled	Vetoed	Chaptered
1st House				2nd House							

Summary:

Under the California Land Conservation Act of 1965, the board of supervisors or city council may grant tentative approval for a cancellation by petition of a landowner as to all or any part of land subject to a contract, as specified. Prior to any action by the board or council giving tentative approval to the cancellation of any contract, the county assessor is required to determine the current fair market value of the land as though it were free of the contractual restriction, and requires the assessor to send the fair market value to the Department of Conservation, hereafter department, at the same time the assessor sends the value to the landowner. Current law provides for a certificate of tentative cancellation upon tentative approval of a petition by a landowner accompanied by a proposal for a specified alternative use of the land, as provided. Current law requires the board of supervisors or city council to provide notice to the department related to cancellation of the contract as well as in other specified instances. This bill would revise and recast these provisions to no longer require the assessor to provide notice to the department and to require the board of supervisors or city council to provide notice to the department if the certificate of tentative cancellation is withdrawn, as specified.

Position: Watch

CALAFCO Comments: This bill narrows the role of Department of Conservation (DOC) in administering the Williamson Act. It does not change other provisions in the Act except for lessening reporting requirements by local governments to the DOC. The bill repeals the ability of the DOC to agree on a cancellation value for contracted land with a landowner, along with the requirement that the department provide a preliminary valuation to the applicable assessor, and repeals the requirement that the DOC approve cancellation of a farmland security contract. The bill also repeals and narrows reporting requirements by requiring the DOC to post all local government reports on Williamson Act lands/contracts on its website rather than create a report and submit to the Legislature. The bill also repeals certain reporting requirements by local governments (cities and counties) to the DOC regarding Williamson Act contracts.

As amended on 3/4/21, the bill requires cities/counties to file annual maps on Act lands; and removes the requirement for state approval for the amount of security to be paid when paying cancellation fee. CALAFCO will continue to watch this bill to ensure no detrimental changes are made to the Act through future amendments.

SB 813 (Committee on Governance and Finance) Local Government Omnibus Act of 2021.

Current Text: Amended: 4/12/2021 [html](#) [pdf](#)

Introduced: 2/23/2021

Last Amended: 4/12/2021

Status: 4/30/2021-Set for hearing May 10.

Desk	Policy	Fiscal	Floor	Desk	Policy	Fiscal	Floor	Conf. Conc.	Enrolled	Vetoed	Chaptered
1st House				2nd House							

Calendar:

5/10/2021 9 a.m. - John L. Burton Hearing Room (4203) SENATE APPROPRIATIONS, PORTANTINO, Chair

Summary:

Current law requires the officer of each local agency, who has charge of the financial records of the local agency, to furnish to the Controller a report of all the financial transactions of the local agency during the preceding fiscal year within 7 months of the close of each fiscal year in a form required by the Controller. Current law requires the report to include, among other things, the annual compensation of a local agency's elected officials, officers, and employees, as specified. This bill would specify that the reports shall be furnished at the time prescribed by the Controller and would revise the amount of time in which the report is required to be furnished to either 7 months or within the time prescribed by the Controller, whichever is later

Position: Watch

CALAFCO Comments: This is the annual Senate Governance & Finance Committee Omnibus bill.

Total Measures: 32

Total Tracking Forms: 32

AGENDA REPORT

May 13, 2021

Item No. 13d

TO: Alameda Commissioners**FROM:** Rachel Jones, Executive Officer**SUBJECT: Proposed Boundary Change of the Unincorporated Community of Sunol**

The Sunol Citizens Advisory Committee proposed discussions to adjust the boundary of the unincorporated area of Sunol at its April 21, 2021 meeting. Staff intends to participate in any future mapping discussions and will report back to the Commission.

Background

The rural unincorporated community of Sunol is bordered by the city of Fremont to the south and west, the city of Pleasanton to the north, and the city of Livermore to the east. Sunol contains many natural and historic community resources like Alameda Creek and the largest watershed in the Southern San Francisco Bay. The estimated population of the unincorporated community is approximately 1,000 residents.

The Alameda County Board of Supervisors established the Sunol Citizens Advisory Committee in 1989 and the Committee has continued to meet and advise the Board on expanding a range of issues on land use and planning matters within the area.

Information

At its April 21, 2021 meeting, the Sunol Citizens Advisory Committee discussed plans to update the unincorporated community of Sunol's boundary that accurately reflects the current economic, social, and geographic patterns of the area. Staff attended the meeting and stated that if the proposed boundary change does not conflict with any cities' jurisdictional boundaries, then a change of organization application does not have to be submitted to LAFCO. Staff did note that LAFCO would like to contribute to any future discussions on the mapping process of the proposed boundary change and confirmed that any updates on the matter will be presented to the Commission.

The Commission is invited to discuss the item and provide direction to staff on any related matter as needed for future discussion and or action.

Attachments: Sunol Citizen's Advisory Committee Staff Report

Administrative Office

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

Nate Miley, Regular
County of Alameda

David Haubert, Regular
County of Alameda

Wilma Chan, Alternate
County of Alameda

Bob Woerner, Regular
City of Livermore

Karla Brown, Regular
City of Pleasanton

Melissa Hernandez, Alt.
City of Dublin

Ralph Johnson, Regular
Castro Valley Sanitary District

Ayn Wieskamp, Regular
East Bay Regional Park District

Geogean Vonheeder-Leopold, Alternate
Dublin San Ramon Services District

Sblend Sblendorio, Regular
Public Member

Vacant Seat, Alternate
Public Member

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ALAMEDA COUNTY BOARD OF SUPERVISORS

** MINUTE ORDER **

The following was action taken by the Board of Supervisors on July 14, 2009

Approved as Recommended Other

PROPOSED REORGANIZATION OF SUNOL CITIZENS ADVISORY COMMITTEE – Reorganization of the Sunol Citizens Advisory Committee in order to formalize and redefine their responsibilities.

Planning Staff recommendation: Adopt the reorganization as proposed.

Unanimous Carson Lai-Bitker Miley Steele Haggerty - 4

Vote Key: N=No; A=Abstain; X=Excused

Documents accompanying this matter:

Resolution(s) R-2009-498

Ordinance(s) _____

Contract(s) _____

File No. 25121

Item No. 7

Document to be signed by Agency/Purchasing Agent

Contract(s) _____

Copies sent to:

Maria Palmeri, Community Development Agency, QIC 50701

Special Notes:



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

ATTEST:

Crystal Hishida Graff, Clerk of the Board
Board of Supervisors

By: Cheryl Folkes
Deputy



ALAMEDA COUNTY COMMUNITY DEVELOPMENT AGENCY
PLANNING DEPARTMENT

July 14, 2009
Agenda Item # 7

July 2, 2009

Chris Bazar
Agency Director

Albert Lopez
Planning Director

224
West Winton Ave.
Room 111

Hayward
California
94544

phone
510.670.5400
fax
510.785.8793

www.acgov.org/cda

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

SUBJECT: PROPOSED REORGANIZATION OF SUNOL CITIZENS ADVISORY COMMITTEE – Consideration of request by Supervisors Haggerty and Steele to reorganize the Sunol Citizens Advisory Committee in order to formalize their relationship with the Board and to the community.

Dear Board Members:

RECOMMENDATION: That the Board of Supervisors adopt the attached resolution redefining and reorganizing the Sunol Citizens Advisory Committee.

BACKGROUND

The Board originally established the Sunol Citizens Advisory Committee in 1989 to serve a specific purpose related to replacement of buildings destroyed by fire in the central Sunol area. Since that time the Committee has continued to meet and advise the Board on an expanding range of issues, particularly land use and planning matters. However, the Board has never officially formalized this expanded Committee role, and to that end Supervisors Haggerty and Steele have been working with Planning Department staff and the Committee.

PLANNING CONSIDERATIONS

The Board originally established the Committee to review projects in downtown Sunol and to make recommendations to the Planning Director to ensure consistency with the town’s unique historical character. Over the years the Committee role has expanded informally to advise the Planning Department and other County Departments and Agencies, the Planning Commission, and the Board, as well as outside bodies, on a number of issues. While these have been mainly land use issues, the Committee has also addressed other matters, such as traffic, fire protection, watercourses, and beautification. The Planning Department refers all Sunol-related land use issues to the Committee for its review, and referrals are also made by the Public Works Agency, the Fire and Sheriff’s Department, and other bodies noted above. The Committee’s recommendations have proven very valuable and have played a significant role in County decisions regarding the community.

The proposed reorganization will reconstitute the Committee as a Municipal Advisory Council, similar to and consistent with the Castro Valley Municipal Advisory Council. It would provide that the Committee advise the Board of Supervisors and, other County entities on matters concerning the Sunol area as defined in the attached draft resolution and illustrated on Figure 1. Such advice to the Board would be on any matter concerning services that are or may be provided to Sunol by the County or other local governmental agencies including, but not limited to, advice on matters of public safety, welfare, public works, and land use/planning. The Council could also advise the Board on matters that occur outside Sunol but have impacts within or otherwise affect the community. It would divide the area into five

Board of Supervisors – July 14, 2009
Proposed Reorganization of
Sunol Citizens Advisory Committee
Page 2

subareas, with the Supervisor representing the First District (currently Supervisor Haggerty) appointing two members from subareas in his district, and the Supervisor representing the Second District (currently Supervisor Steele) appointing three members from the subareas in her district. The resolution specifically allows for alteration of the boundaries of the area as a result of changes in city or county boundaries, including redistricting.

The Planning Department has staffed the Committee since its establishment. The Planning Department would continue to staff the Committee, and also would continue to absorb normal administrative costs such as publishing agendas and notices, Committee mailings, etc. Should extraordinary expenses arise related to the Committee, staff will apprise the Board as needed.

For these reasons, the Committee, the community, and Supervisors Haggerty and Steele, the Supervisors who represent the community, have requested that the full Board reorganize the Committee and formalize its role to conform to current practice as set out in the attached draft resolution.

COUNTY COUNSEL REVIEW: County Counsel has reviewed and approved the proposed resolution language.

Sincerely,



Chris Bazar, Director
Community Development Agency

Attachments:
Draft Resolution

REEL

IMAGE

Approved as to Form
Brian Washington, Assistant County Counsel

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

On motion of Supervisor
Seconded by Supervisor

and approved by the following vote:

Ayes:	Supervisors
Noes:	None
Absent:	

**THE FOLLOWING RESOLUTION WAS ADOPTED JULY 14, 2009;
NUMBER R-2009-**

BE IT RESOLVED by the Board of Supervisors of the County of Alameda, State of California, that:

1. ORGANIZATION. There is hereby created pursuant to the provisions of Government Code Section 31010 the Sunol Citizens Advisory Council, hereinafter referred to as 'the Council'.
2. DUTIES. The Council shall advise the Board of Supervisors on matters concerning the government by said Board of that area known as Sunol, defined as:

those unincorporated lands bounded on the west beginning at Interstate I-680 and the eastern boundary of the City of Fremont, then generally easterly along the city limit to a point approximately one-half mile north of Mill Creek Road, then easterly to the northern boundary of Assessor Parcel Number (APN) 096 0110 014 07, then northerly along the western boundary of APN 096 0460 001 05, then westerly for one-half mile along the southern boundary of APN 096 0100 007 00, then northerly to the southern boundary of APN 096 0390 001 00, then easterly and northerly along said boundary to the Sunol Glen School District boundary, then westerly along said boundary to the southwest corner of APN 949 0012 001 00, then northerly along the western boundary of said boundary to the southern boundary of the City of Pleasanton, then, generally, westerly and northerly along said boundary to the eastern boundary of APN 949 0012 003 03, then westerly along the northern boundary of APN 949 0012 003 03, then northwesterly along the southwestern boundary of APN 949 0018 012 00 to the intersection with I-680, then generally southwestly to the City of Pleasanton boundary, then, generally, southerly, then northwesterly along said city limit to the western boundary of the East County Area Plan, then southerly along said boundary to the City of Fremont boundary, then generally southerly along said boundary to Interstate I-680 and the point of beginning.

Any annexation, withdrawal, or change in city or county boundaries, including redistricting, shall be deemed to alter the boundaries of Sunol correspondingly.

Such advice to the Board of Supervisors shall be on all matters concerning services which are or may be provided to Sunol by the County or other local governmental agencies, including but not limited to advice

on matters of public safety, welfare, public works, and planning. The Council may advise the Board of Supervisors on matters that occur outside the Area but have impacts within or otherwise affect the Area.

3. MEMBERS. The Council shall consist of five (5) residents of Sunol, each appointed for a four year term, by the Board of Supervisors upon the nomination of the Supervisors representing the First and Second Supervisorial Districts, as follows:

The Supervisor representing the First District shall nominate two (2) members, one (1) each from the following areas:

1. "Andrade/Sheridan/Welch Creek Road" area, defined as all properties south of Niles Canyon and Vallecitos Roads (State Highway 84).
2. "Little Valley" area defined as all properties east of I-680 and north of Vallecitos Road (State Highway 84)

The Supervisor representing the Second District shall nominate three (3) members, one (1) each from the following areas:

3. "Sunol Downtown" area, defined as the area included in Zoning Unit ZU-2260.
4. "Kilkare Road" area, defined as all properties fronting on or with access from Kilkare Road east to I-680 outside of Area 3 above.
5. "Foothill Road" area, defined as all properties north of Niles Canyon Road (State Highway 84) and east to the boundary of the Kilkare Road area, outside of Areas 3 and 4 above.

The initial appointments shall be for terms that are staggered such that one term expires in 2009, one in 2010, one in 2011, and two in 2012. The initial appointees shall determine expiration of their respective terms by lot. No appointee shall serve more than two (2) full terms or a total of ten (10) years. The Board of Supervisors may remove any Council member from office at any time.

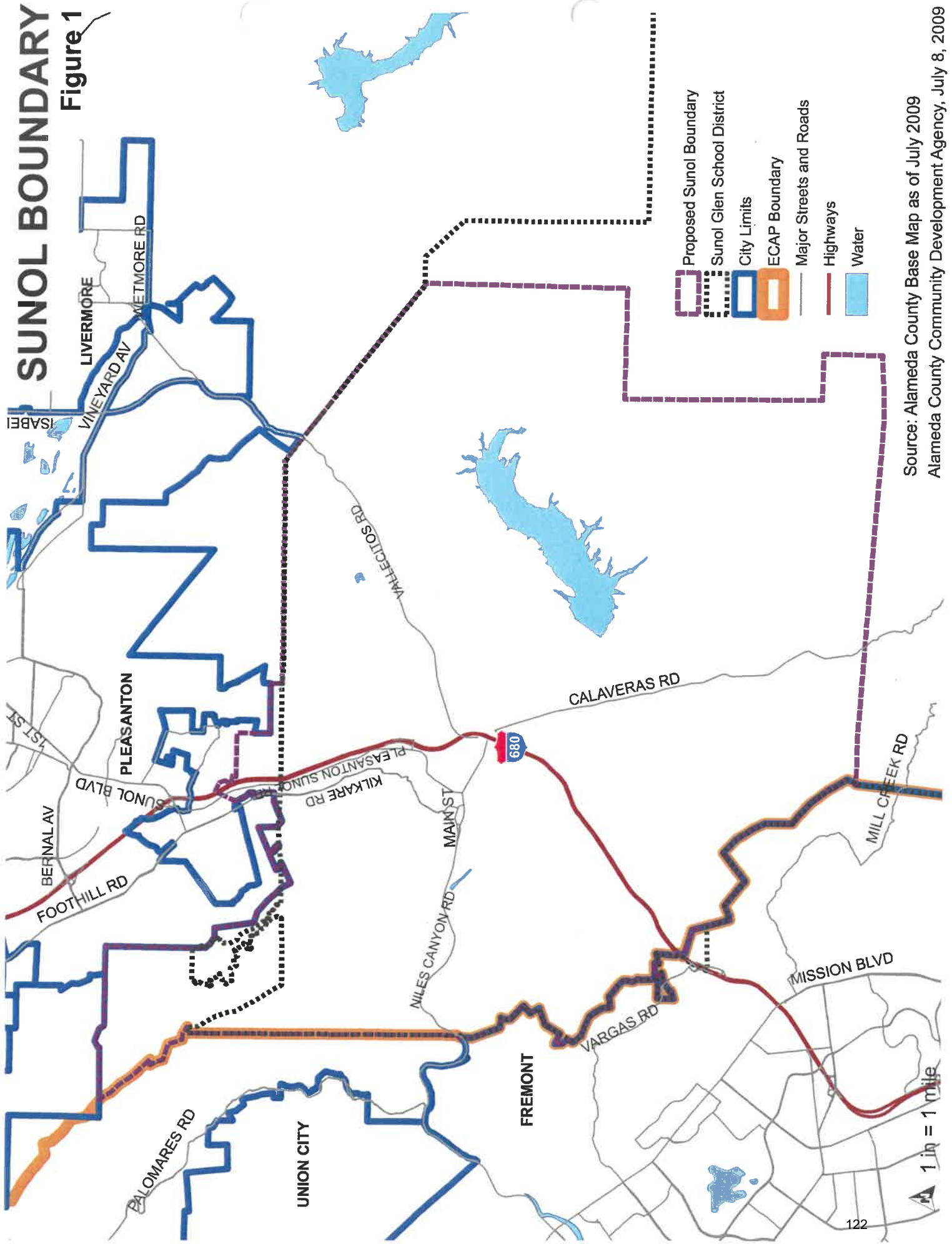
4. COUNCIL OPERATION. The Council shall meet on the third Wednesday of each month at an established time and place. The Council may hold special meetings as it deems necessary and shall consult with the Board of Supervisors as that Board or the Council may request. The Council shall determine who shall be its official representative or representatives to the Board of Supervisors. The Council shall be subject to Government Code §§ 54950 et seq., the Brown Act, regarding open public meetings, and shall prepare and adopt rules for the conduct of its business.

5. BUDGET. The Council shall prepare and submit a budget for adoption by the Board of Supervisors. The Board shall provide funds for Council expenses not to exceed \$2,000 per fiscal year for mailings or incidental expenses. The Council will not receive per diem pay.

6. EFFECTIVE DATE. The provisions of this resolution shall take effect on [date].

SUNOL BOUNDARY

Figure 1



Source: Alameda County Base Map as of July 2009
 Alameda County Community Development Agency, July 8, 2009

REEL

IMAGE



Approved as to Form
 Brian Washington, Assistant County Counsel

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

On motion of Supervisor Steele
 Seconded by Supervisor Miley

and approved by the following vote:

Ayes:	Supervisors Haggerty, Miley, Steele & President Lai-Bitker - 4
Noes:	None
Absent:	Supervisor Carson - 1

**THE FOLLOWING RESOLUTION WAS ADOPTED JULY 14, 2009;
 NUMBER R-2009-498**

BE IT RESOLVED by the Board of Supervisors of the County of Alameda, State of California, that:

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The initial appointments shall be for terms that are staggered such that one term expires in 2009, one in 2010, one in 2011, and two in 2012. The initial appointees shall determine expiration of their respective terms by lot. No appointee shall serve more than two (2) full terms or a total of ten (10) years. The Board of Supervisors may remove any Council member from office at any time.

4. COUNCIL OPERATION. The Council shall meet on the third Wednesday of each month at an established time and place. The Council may hold special meetings as it deems necessary and shall consult with the Board of Supervisors as that Board or the Council may request. The Council shall determine who shall be its official representative or representatives to the Board of Supervisors. The Council shall be subject to Government Code §§ 54950 et seq., the Brown Act, regarding open public meetings, and shall prepare and adopt rules for the conduct of its business.

5. BUDGET. The Council shall prepare and submit a budget for adoption by the Board of Supervisors. The Board shall provide funds for Council expenses not to exceed \$2,000 per fiscal year for mailings or incidental expenses. The Council will not receive per diem pay.

6. EFFECTIVE DATE. The provisions of this resolution shall take effect on July 14, 2009.

THE FOREGOING was **PASSED** and **ADOPTED** by a majority vote of the Alameda County Board of Supervisors this 14th day of July, 2009, to wit:

AYES: Supervisors Haggerty, Miley, Steele & President Lai-Bitker – 4

NOES: None

EXCUSED: Supervisor Carson - 1



PRESIDENT, BOARD OF SUPERVISORS

File: 25121
Agenda No: 7
Document No: R-2009-498



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

ATTEST:
CRYSTAL HISHIDA GRAFF
Clerk, Board of Supervisors

By: 
Deputy

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CALIFORNIA ASSOCIATION OF LOCAL AGENCY FORMATION COMMISSIONS

2021 - 2022 Association Strategic Plan

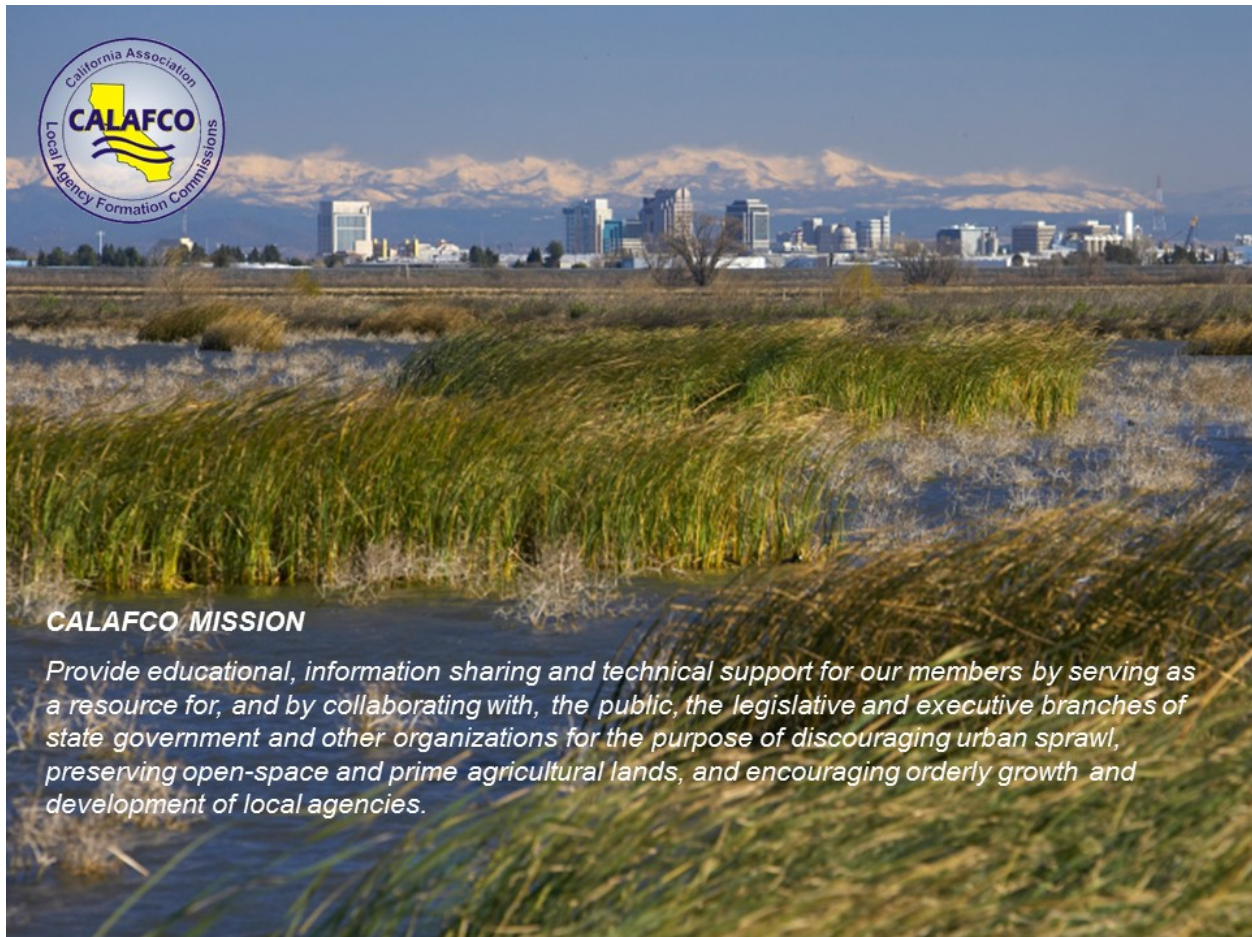
As adopted by the CALAFCO Board of Directors on April 30, 2021



CALAFCO MISSION

CALAFCO provides educational, information sharing and technical support for its members by serving as a resource for, and by collaborating with, the public, the legislative and executive branches of state government, and other organizations for the purpose of discouraging urban sprawl, preserving open-space and prime agricultural lands, and encouraging orderly growth and development of local agencies.

Reaffirmed by the Board of Directors on 11 January 2017.



CALAFCO MISSION

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2021 Policy and Legislative Priorities

As they relate to and impact discouraging urban sprawl, preserving open-space and prime agricultural lands, and encouraging orderly growth and development of local agencies.

PRIMARY ISSUES

Authority of LAFCo

Support legislation that maintains or enhances LAFCo's authority to condition proposals to address any or all financial, growth, service delivery, and agricultural and open space preservation issues. Support legislation that maintains or enhances LAFCo's ability to make decisions regarding boundaries and formations, as well as to enact recommendations related to the delivery of services and the agencies providing them, including changes of organization and reorganizations.

Agriculture and Open Space Protection

Support policies, programs and legislation that recognize LAFCo's mission to protect and mitigate the loss of all types of agricultural lands, including prime agricultural lands and open space lands and that encourage other agencies to coordinate with local LAFCos on land preservation and orderly growth. Support efforts that encourage the creation of habitat conservation plans.

Water Availability

Support policies, programs and legislation that promote an integrated approach to water availability and management. Promote adequate water supplies and infrastructure planning for current and planned growth as well as to support the sustainability of all types of agricultural lands, including prime agricultural lands and open space lands. Support policies that assist LAFCo in obtaining accurate and reliable water supply information to evaluate current and cumulative water demands for service expansions and boundary changes including impacts of expanding water company service areas on orderly growth, and the impacts of consolidation or dissolution of water companies providing services.

Viability of Local Services

Support legislation that maintains or enhances LAFCo's ability to review and act to determine the efficient and sustainable delivery of local services and the financial viability of agencies providing those services to meet current and future needs including those identified in regional planning efforts such as sustainable communities strategies. Support legislation which provides LAFCo and local communities with options for local governance and service delivery to ensure efficient, effective, and quality service delivery. Support efforts which provide tools to local agencies to address aging infrastructure, fiscal challenges, the maintenance of services, and services to disadvantaged communities.



2021 Issues of Interest

As these issues relate to and impact orderly growth, sprawl, and local services.

Housing

Provision of territory and services to support housing plans consistent with regional land use plans and local LAFCo policies.

Transportation

Effects of Regional Transportation Plans and expansion of transportation systems on future urban growth and service delivery needs, and the ability of local agencies to provide those services.

Flood Control

The ability and effectiveness of local agencies to maintain and improve levees and protect current infrastructure. Carefully consider the value of uninhabited territory, and the impact to public safety of proposed annexation to urban areas of uninhabited territory which is at risk for flooding. Support legislation that includes assessment of agency viability in decisions involving new funds for levee repair and maintenance. Support efforts that encourage the creation of habitat conservation plans.

Adequate Municipal Services in Inhabited Territory

Expedited processes for inhabited annexations should be consistent with LAFCo law and be fiscally viable. To promote environmental justice for underserved inhabited communities, funding sources should be identified for extension of municipal services, including options for annexation of contiguous disadvantaged unincorporated communities. Support policies, programs, and legislation which would provide municipal services to disadvantaged communities. Promote the delivery of adequate, sustainable, efficient, and effective levels of service through periodic updates of Municipal Service reviews, Spheres of Influence, and other studies.



2021 - 2022 Association Strategies and Objectives

STRATEGIC AREA ONE

Serve as an educational resource to member LAFCo Commissioners, LAFCo staff, Associate Members, and stakeholders.

We will do this by offering a variety of educational forums, professional development and networking opportunities.

OBJECTIVES

Annual Conference

1. Provide an annual conference which includes superior professional development sessions and networking opportunities for all attendees.

Staff Workshop

1. Provide an annual staff workshop which includes superior professional development sessions and networking opportunities for all LAFCo staff and Associate Members.

CALAFCO University

1. Hold University courses as needed throughout the year for staff, commissioners and stakeholders, which are focused on skill and professional development, important and timely topics, and technical issues.

Other Educational Opportunities

1. Maintain coaching partnership with Cal-ICMA and offer no cost training and development resources to all member LAFCOs through this program.
2. Develop other educational opportunities as needed and resources allow.



STRATEGIC AREA TWO

Focus efforts on Association member relations, development, recognition and communication. Continue development of a strong and sustainable Association.

We will do this by implementing strategies that build stronger member LAFCOs and a resilient and sustainable Association. CALAFCO will provide support, resources and timely, value-added communication tools for our LAFCO members and Associate Members.

OBJECTIVES

Member Development and Recognition

1. Assist and support all member LAFCOs in fulfilling their statutory mission by identifying information, tools and resources they need. Create and distribute tools that do not exist. Update and re-publish or re-distribute those that currently exist.
2. Conduct study on shared services opportunities among member LAFCOs.
3. Conduct member LAFCO survey in 2021 and distribute results to all member LAFCOs.
4. Keep retired LAFCO personnel and commissioners connected and engaged as valuable resources through the exploration of an Emeritus program.
5. Focus efforts to strengthen relations with existing Associate Members by continuing to highlight these efforts in Quarterly Reports, through personal outreach and inclusion in the planning and execution of CALAFCO events.
6. Survey Associate Members to better understand how CALAFCO can create greater value for them.
7. Revise the Association's Achievement Awards Program and implement in 2021.

Association Communication

1. Provide a quarterly update to the members in the form of the Quarterly Report.
2. Provide written annual report to the membership.
3. Maintain Association's list-serves.
4. Provide value-added and timely resources for members through the organization's website, maintaining the site's integrity and increasing its value.
5. CALAFCO Executive Director to meet with LAFCOs as requested/needed.

Association Administration

1. Update the Association's Policies and Procedures Manual.
2. Develop Procedures Manuals for administrative processes, procedures and tasks performed.
3. Work towards a balanced two-year budget to close the structural deficit without reliance on event net profits.



STRATEGIC AREA THREE

Serve as an information resource to all Association members, work as a legislative and policy advocate for LAFCo issues and provide information to the Legislature and other stakeholders.

We will do this by supporting and sponsoring research which collaboratively shares the work and data from member LAFCos and serves as a resource to all Association members. The Association will also advocate for legislative needs and positions on behalf of our members, by serving as an objective resource to the Legislature, organizations seeking to improve local government and to state agencies on local government services.

OBJECTIVES

Information Resource

1. Enhance the CALAFCO Library resources for member LAFCos. Develop a more robust database of documents, forms, videos, webinars, training resources and other resources of value on the Association's website for member access.
2. Complete White Papers and Briefs on topics of importance and value to member LAFCos.
3. Inform and educate external stakeholders by sharing and presenting on the role of LAFCo.

Legislative Advocate and Resource

1. Sponsor legislation that helps LAFCos achieve their legislative goals pursuant to the Association's adopted Legislative Priorities and Policies and within resource capabilities.
2. Facilitate the ongoing work of the Protest Provisions Rewrite Working Group throughout the 2021 - 2022 legislative years.
3. Take positions and advocate for those positions on legislation pursuant to the Association's adopted Legislative Priorities and Policies. Encourage member LAFCos to do the same when appropriate.
4. Participate in statewide, regional, and local meetings, symposiums, and other events as appropriate.
5. Work with peer Associations as appropriate on legislative matters.