
Alameda Local Agency Formation Commission

NOTICE OF REGULAR MEETING AND AGENDA

ALAMEDA LOCAL AGENCY FORMATION COMMISSION

THURSDAY, SEPTEMBER 10, 2020

2:00 P.M.

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

[Written public comments may be submitted PRIOR to the meeting \(Deadline September 9th at 5:00 P.M.\)](#)

[Public comments DURING the meeting:](#)

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

Scott Haggerty, Chair – Sblend Sblendorio, Vice Chair – John Marchand – Jerry Thorne – Nate Miley – Ralph Johnson – Ayn Wieskamp,
David Haubert, Alternate – Richard Valle, Alternate – Georgean Vonheeder-Leopold, Alternate – Tom Pico, Alternate

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

<https://us02web.zoom.us/j/84665703180?pwd=aDBhcWlnSVVldkF3alpYVI3WGE5QT09>

Meeting ID: 846 6570 3180

Password (if prompted): Alameda

Join Teleconference Meeting by ***Telephone***:

Dial (669)-900-9128

Follow the prompts: Meeting ID: 846 6570 3180

Password (if prompted): 8509333

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 Returning Commissioners** – The Commission will acknowledge the reappointment of regular Commissioners Johnson by the Independent Special Districts Selection Committee election on June 25, 2020 and Marchand by the Alameda County Mayors’ Conference on June 11, 2020.
4. **Recognition of Dedicated Service** – The Commission will recognize Alternate Public Member Tom Pico for his distinguished service to Alameda LAFCO.

5. **Public Comment:** Anyone from the audience may address the Commission on any matter not listed on the agenda and within the jurisdiction of the Alameda LAFCO. The Commission cannot act upon matters not appearing on the agenda. *Speakers are limited to three (3) minutes.*
6. **Consent Items**
- a. Approval of Meeting Minutes: May 14, 2020 Regular Meeting
 - b. Approval Meeting Dates for Calendar Year 2021
 - c. Conflict of Interest Code – Amended
 - d. Transfer of Jurisdiction – Proposed Meinke Annexation to EBMUD
 - e. Transfer of Jurisdiction – Proposed Magee Reorganization to EBMUD
 - f. End of Year Budget Report

7. **Proposed Annexation of the Coyote Hills Annexation to the Union Sanitary District** (Public Hearing) – The Alameda Local Agency Formation Commission (LAFCO) will consider a change of organization proposal filed 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).

LAFCO Staff Recommendation: Staff recommends approval.

8. **Agricultural Conservation Planning Grant with the Department of Conservation – Adoption of Resolution to Serve as Lead Applicant** (Regular) – Alameda LAFCO will consider adopting a resolution of application to serve as lead applicant for a \$250,000 agricultural conservation planning grant with the Department of Conservation and its Sustainable Agricultural Lands Conservation (SALC) Program.

LAFCO Staff Recommendation: Staff recommends approval.

9. **Presentation from Alameda County Resource Conservation District** (Regular) – Alameda LAFCO will receive an overview on services and projects provided by the Alameda County Resource Conservation District (ACRCD) and presented by the ACRCD Executive Director Katherine Boxer. A PowerPoint Presentation will be provided at the time of the meeting.

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

10. **CALAFCO Update | Annual Conference, Board Nominations and Quarterly Report** (Regular) – The Commission receive updates from the California Association of Local Agency Formation Commissions (CALAFCO) on its current and planned activities. Requested actions include the appointment of voting delegates and board nominations for county and special district member seats.

LAFCO Staff Recommendation: It is recommended the Commission advise staff to make the requested appointments and or nominations before the associated deadlines.

11. **GIS Mapping Project Update:**
<https://acpwa.maps.arcgis.com/apps/View/index.html?appid=b788a6d83de240e6acedd633e3140edf>

12. **Matters Initiated by Members of the Commission**

13. Informational Items

- a. Current and Pending Proposals
- b. Progress Report on Work Plan
- c. Legislative Report
- d. Update on Countywide Water, Wastewater, Stormwater and Flood Control MSR

14. Adjournment of Regular Meeting

15. Next Meetings of the Commission

Policy and Budget Committee Meeting

Thursday, October 1, 2020 at 2:00 pm at City of Dublin, 100 Civic Plaza, Dublin, CA

Regular Meeting

Thursday, November 12, 2020 at 2:00 p.m. at City of Dublin, 100 Civic Plaza, Dublin, CA

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

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

TELECONFERENCE 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/84665703180?pwd=aDBhcWlnSVVldkF3alpYVI3WGE5QT09>

Meeting ID: 846 6570 3180
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Follow the prompts: Meeting ID: 846 6570 3180
Password (if prompted): 8509333
Please avoid the speakerphone function to prevent echoing.

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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 **September 9, 2020 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 **September 9, 2020 at 5:00 P.M.**

SUBMITTING SPOKEN COMMENTS DURING THE COMMISSION MEETING

Electronically:

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

By phone (landline):

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

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

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

VIEWING RECORDING OF THE TELECONFERENCE MEETING

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

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

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AGENDA REPORT

September 10, 2020

Item No. 4

TO: Alameda Commissioners

FROM: Rachel Jones, Executive Officer

SUBJECT: Recognition of Dedicated Service – Commissioner Tom Pico

The Alameda Local Agency Formation Commission (LAFCO) will recognize Alternate Public Member Tom Pico for his distinguished service to Alameda LAFCO.

Information

Commissioner Tom Pico has dedicated seven years of service to Alameda LAFCO as the Alternate Public Member from March 14, 2013 to May 14, 2020. During his tenure, Commissioner Pico contributed to many accomplishments of the Commission that include multiple city and district annexations and reorganizations, the successful review of the Eden Township Healthcare District Study and a multitude of Municipal Service Reviews and Spheres of Influence Updates.

Discussion

Alameda LAFCO formally recognizes Commissioner Pico for his commitment to the agency and his dedication to his Commissioners, staff and the public.

Recommendation

Adopt the resolution recognizing Tom Pico for his dedicated Service as an Alameda LAFCO Commissioner as identified in Attachment 1.

Respectfully,



Rachel Jones
Executive Officer

Attachments:

1. Form of Resolution for Tom Pico

**RESOLUTION OF THE
LOCAL AGENCY FORMATION COMMISSION OF ALAMEDA COUNTY, CALIFORNIA
RECOGNIZING COMMISSIONER, TOM PICO
FOR SEVEN YEARS OF DEDICATED PUBLIC SERVICE**

SEPTEMBER 10, 2020

On the motion of Chair Scott Haggerty, duly seconded and carried, the following resolution was adopted:

WHEREAS, Commissioner Tom Pico was appointed by the Commission in March of 2013 and reappointed in April of 2016 to serve as the Alameda Local Agency Formation Commission Alternate Public Member;

WHEREAS, Commissioner Pico has served with distinction and contributed to many significant accomplishments of this Commission, including, but not limited to:

- Second Cycle of Municipal Service Reviews and Spheres of Influence Updates
- Annexation of Castro Valley Canyonlands to the Castro Valley Sanitary District
- Eden Township Healthcare District Special Study
- Cities Municipal Service Review
- Policy and Budget Committee
- Financial Audit Committee
- Annexation of the City of Albany to the Alameda County Mosquito Abatement District

WHEREAS, Commissioner Pico provided leadership and demonstrated respect for his fellow Commissioners, staff, and the public; and

WHEREAS, Commissioner Pico's broad background and experience in local government contributed to the Commission's review and approval of many projects.

NOW, THEREFORE IT IS HEREBY RESOLVED, that the Alameda LAFCO expresses appreciation and recognition of Tom Pico for his service, professionalism, and dedicated commitment to the Alameda County community and region.

I, SCOTT HAGGERTY, Chair of the Local Agency Formation Commission of Alameda County, California, hereby certify that the above and foregoing resolution was duly and regularly adopted by said Commission at a regular meeting thereof, held on the 10th day of September 2020.

IN WITNESS WHEREOF, I have hereunto set my hand this 10th day of September 2020.

ATTEST:

Scott Haggerty
Chair

Rachel Jones
Executive Officer

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SUMMARY ACTION MINUTES
ALAMEDA LOCAL AGENCY FORMATION COMMISSION
REGULAR MEETING

Hosted by Zoom Video-Conference Service

May 14, 2020

1. Call to Order and Pledge of Allegiance

Chair Haggerty called the meeting to order at 2:05 p.m. The Pledge of Allegiance was recited.

2. Roll Call.

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

<u>County Members:</u>	Scott Haggerty and Nate Miley
<u>City Members:</u>	John Marchand and alternate David Haubert
<u>Special District Members:</u>	Ayn Wieskamp, Ralph Johnson and alternate Georgan Vonheeder-Leopold
<u>Public Members:</u>	Sblend Sblendorio
<u>Not Present:</u>	City Member Jerry Thorne, Alternate County Member Richard Valle and Alternate Public Member Tom Pico
<u>Staff present:</u>	Rachel Jones, Executive Officer and Andrew Massey, Legal Counsel

3. Public Comment

Chair Haggerty 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 no comments.

4. Consent Items – Approval of Meeting Minutes: March 12, 2020 Regular Meeting

Upon motion by Commissioner Marchand, second by Commissioner Sblendorio, the item is approved.

AYES:	6 (Haggerty, Johnson, Marchand, Miley, Sblendorio, Wieskamp)
NOES:	0
ABSENT:	1 (Thorne)
ABSTAIN:	0

5. Budget Update for Fiscal Year 2019-2020 and 4th Quarter Report (Regular)

Staff provided summary of written report, noting that Alameda LAFCO is on pace to finish the fiscal year with an operating surplus of \$65,000.

6. 2020-2021 Strategic Plan Update (Regular)

Staff presented the proposed 2020-2021 Strategic Plan for the Commission's consideration and discussion. The Executive Officer incorporated comments provided by the Commission from its strategic planning workshop to define LAFCO priorities through overall goals, objectives, and target outcomes. Commissioner Wieskamp commented on LAFCO educating the public more

through educational videos, and community workshops on island annexations and disadvantaged unincorporated communities.

Upon motion by Commissioner Haubert, second by Commissioner Sblendorio, the item is approved.

AYES: 6 (Haggerty, Johnson, Marchand, Miley, Sblendorio, Wieskamp)
NOES: 0
ABSENT: 1 (Thorne)
ABSTAIN: 0

7. Adoption of Proposed Work Plan and Budget FY 2020-2021 (Public Hearing)

Staff presented the final operating budget and work plan for the upcoming fiscal year and set expenses at \$656,892; a net decrease of \$136,998 from the current fiscal year. Staff also highlighted 21 specific projects in the proposed work plan that included but were not limited to staff recruitment, a fund balance and reserves policy, and updates to its application packet. Staff recommended the Commission adopt the draft resolution approving the final budget and workplan for fiscal year 2020-2021 and will follow with the County Auditor's Office sending member agency apportionments to all of LAFCO's funding agencies.

M/S: AW, JM– passed

AYES: 6 (Haggerty, Johnson, Marchand, Miley, Sblendorio, Wieskamp)
NOES: 0
ABSENT: 1 (Thorne)
ABSTAIN: 0

8. Proposed Fund Balance Policy (Regular)

Staff presented a proposed fund balance policy as part of a first review. The proposed update adds discretionary standards and marked by establishing a minimum reserve level of unassigned reserves equal to 20% of budgeted expenses. The proposed fund balance policy represents the first review of the document and codifies GASB guidelines to include discretionary standards. The proposed fund balance policy was presented to the Commission for discussion and feedback only.

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

10. Informational Items Staff offered brief remarks on the following items.

- a. Current and Pending Proposals
- b. Progress Report on Work Plan
- c. CALAFCO Bulletin
- d. League of Cities: COVID-19 Fiscal Impact on California Cities
- e. 2020 CALAFCO Staff Workshop, March 25th – 27th in Newport Beach, CA – Cancelled

11. Adjournment of Regular Meeting

Chair Haggerty adjourned the meeting at 3:00 p.m.

12. Next Meetings of the Commission

Policy and Budget Committee Meeting

Thursday, June 4, 2020 at 2:00 pm at City of Dublin, 100 Civic Plaza, Dublin, CA

Regular Meeting

Thursday, July 9, 2020 at 2:00 p.m. at City of Dublin, 100 Civic Plaza, Dublin, CA

It is anticipated both meetings will be held telephonically due to COVID-19 in compliance with Executive Order N-29-20.

DRAFT

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TO: Alameda Commissioners
FROM: Rachel Jones, Executive Officer
SUBJECT: **Approval of Meeting Dates for Calendar Year 2021**

The Alameda Local Agency Formation Commission (LAFCO) will consider setting regular dates for the upcoming calendar year as required under policy. Regular meeting dates are proposed for each odd-numbered month with the resulting dates falling on January 14th, March 11th, May 13th, July 8th, September 9th, and November 11th. Staff recommends approval.

Information

It is the policy of Alameda LAFCO to set its meeting schedule for the proceeding calendar year every September. All regular meeting dates are typically held on the second Thursday of each odd-numbered month. The proposed meeting schedule is as follows:

January 14, 2021	Thursday, 2:00 p.m.	To Be Determined	Regular Meeting
March 11, 2021	Thursday, 2:00 p.m.	To Be Determined	Regular Meeting
May 13, 2021	Thursday, 2:00 p.m.	To Be Determined	Regular Meeting
July 8, 2021	Thursday, 2:00 p.m.	To Be Determined	Regular Meeting
September 9, 2021	Thursday, 2:00 p.m.	To Be Determined	Regular Meeting
November 11, 2021	Thursday, 2:00 p.m.	To Be Determined	Regular Meeting

Due to the COVID-19 pandemic, the meeting location of the Commission's scheduled regular meetings will be determined on a month-to-month basis. In the event the Commission is unable to meet in person, Alameda LAFCO will host meetings through video-conferencing services.

Discussion

This item is for the Commission to formally set meeting dates for the upcoming calendar year as required under policy. This includes considering anticipated workload and Commission preferences in holding meetings.

Alternatives for Action

The following alternatives are available to the Commission:

Alternative One (Recommended):

Approve regular meeting dates for 2021 on the following odd-numbered Thursdays: January 14th, March 11th, May 13th, July 8th, September 9th, and November 11th.

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

TO: Alameda Commissioners
FROM: Rachel Jones, Executive Officer
SUBJECT: **Conflict of Interest Code - Amended**

The Alameda Local Agency Formation Commission (LAFCO) will consider amending its conflict of interest code to reflect the new position of the LAFCO Analyst.

Information

Alameda LAFCO, as a local government agency, is required by the Political Reform Act (Government Code Section 8100, *et. seq.*) to adopt and promulgate a conflict of interest code.

Discussion

Alameda LAFCO's current conflict of interest code (COI) was amended in 2015. Staff has prepared a revised COI to reflect the new position of the LAFCO Analyst that was approved by the Commission at its May 2019 regular meeting as part of its updated Memorandum of Understanding with the County of Alameda for staffing and support services.

The law requires local agencies to submit their amended COI code for approval by the designated code reviewing body. The Board of Supervisors is the code reviewing body for local agencies within the boundary of Alameda County. LAFCOs must submit any changes to its COI every even-numbered year to the Board of Supervisors before October 1st.

Alternatives for Action

The following alternatives are available to the Commission:

Alternative One (Recommended):

Consider and approve the amended Alameda LAFCO COI and direct staff to forward the amended code to the Alameda County Board of Supervisors as required.

Alternative Two:

Continue consideration of the report to a future meeting before October 1st and provide direction to staff for additional information as needed.

Recommendation

It is recommended the Commission proceed with Alternative Action One.

Respectfully,

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

Rachel Jones
Executive Officer

Attachments:

1. Draft Amended Conflict of Interest Code

CONFLICT OF INTEREST CODE**ALAMEDA LOCAL AGENCY FORMATION COMMISSION**1. Standard Code of FPPC

The Political Reform Act (Government Code section 81000, *et seq.*) requires state and local government agencies to adopt and promulgate conflict of interest codes. The Alameda Local Agency Formation Commission ("Commission") is therefore required to adopt such a code.

The Fair Political Practices Commission ("FPPC") has adopted a regulation (2 California Code of Regulations section 18730) that contains the terms of a standard conflict of interest code, which may be incorporated by reference in an agency's code, and which may be amended by the FPPC to conform to amendments in the Political Reform Act following public notice and hearing.

2. Adoption of Standard Code of FPPC

Therefore, the terms of 2 California Code of Regulations section 18730 and any amendments or revisions adopted by the FPPC are hereby incorporated by reference. This regulation and the attached Appendix designating officials and positions and establishing disclosure categories shall constitute the Conflict of Interest Code of the Commission. This code shall take effect when approved by the Alameda County Board of Supervisors, and replace any prior adopted code.

3. Filing of Statements of Economic Interests

Designated employees and public officials who manage public investments shall file statements of economic interests with the Commission Clerk. The Commission shall make all statements available for public inspection and reproduction, pursuant to Government Code Section 81008.

APPROVED AND ADOPTED by the Alameda Local Agency Formation Commission on the 12th day of March, 2015.

/Sblend Sblendorio/

Sblend Sblendorio, Chair
Alameda Local Agency Formation Commission

Approved as to Form:

By:

Andrew Massey
LAFCo Legal Counsel

I hereby certify that the foregoing is a correct copy of a conflict of interest code adopted by the Alameda Local Agency Formation Commission.

Attest:

Mona Palacios
LAFCo Executive Officer

APPENDIX TO

**CONFLICT OF INTEREST CODE
OF THE
ALAMEDA LOCAL AGENCY FORMATION COMMISSION**

Preamble

Any person designated in Section I of this Appendix who is unsure of any right or obligation arising under this Code may request a formal opinion or letter of advice from the FPPC or an opinion from the Commission's Legal Counsel. (Gov. Code § 83114; 2 CCR § 18730(b)(11).) A person who acts in good faith in reliance on an opinion issued to him or her by the FPPC shall not be subject to criminal or civil penalties for so acting, provided that all material facts are stated in the opinion request. (Gov. Code § 83114(a).)

Opinions rendered by Legal Counsel do not provide any statutory defense to an alleged violation of conflict of interest statutes or regulations. The prosecuting agency may, but is not required to, consider a requesting party's reliance on Legal Counsel's opinion as evidence of good faith. In addition, the Commission may consider whether such reliance should constitute a mitigating factor to any disciplinary action that the Commission may bring against the requesting party under Government Code section 91003.5.

I. Designated Employees

<u>Designated Position</u>	<u>Disclosure Category</u>
Each Commissioner	1
Each Alternate Commissioner	1
Executive Officer	1
Clérk	2
Analyst	1
Legal Counsel	1
Consultants/Planner	1*
New Position	1*

* With respect to consultants and new positions, the Executive Officer may determine that the broadest disclosure is not necessary and set interim disclosure that is more tailored to positions with a limited range of duties. This determination shall include a description of the position's duties and, based upon that description, a statement of the extent of disclosure requirements. Such determination shall include a description of the consultant's or new position's duties and, based upon that description, a statement of the extent of disclosure requirements. The Executive Officer's determination is a public record and shall be retained for public inspection by the Commission in the same manner as this Conflict of Interest Code. Nothing herein excuses any such consultant from any other provision of this Conflict of Interest Code.

II. Disclosure Categories

1. All investments and business positions in business entities, sources of income and interests in real property.
2. All investments, business positions and income, including gifts, loans and travel payments, from sources that provide leased facilities, goods, equipment, vehicles, machinery or services, including training or consulting services, of the type utilized by the Commission.

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TO: Alameda Commissioners

FROM: Rachel Jones, Executive Officer

SUBJECT: Transfer of Jurisdiction – Proposed Meinke Annexation to East Bay Municipal Utility District

The Alameda Local Agency Formation Commission (LAFCO) will consider a request from Contra Costa LAFCO to transfer principal county responsibility from Alameda LAFCO to Contra Costa LAFCO for a change of organization proposal.

Information

Pursuant to Government Code Section 56388, Contra Costa LAFCO has submitted a request to Alameda LAFCO to transfer jurisdiction for the purpose of considering an annexation proposal (Attachment 1). The subject proposal requests to annex territory located in Contra Costa County into the East Bay Municipal Utility District (EBMUD).

Discussion

For multi-county districts such as EBMUD, Government Code Section 56123 provides that exclusive jurisdiction to consider proposals for changes of organization (including annexations) resides with the LAFCO located in the principal county. Section 56066 defines the principal county to be that county which contains the largest portion of assessed property value within the district's boundary. For EBMUD, Alameda County has the largest portion of assessed value. Government Code Section 56388 provides a mechanism to transfer exclusive jurisdiction if all the following occur:

1. The commission of the principal county agrees to have the exclusive jurisdiction vested in the commission of another county.
2. The commission of the principal county designates the commission of another county which shall assume exclusive jurisdiction.
3. The Commission of the county so designated agrees to assume exclusive jurisdiction.

Contra Costa LAFCO has received an annexation application from a landowner located in the unincorporated community of Diablo (Caballo Ranchero Drive) to connect to EBMUD for wastewater services. The proposed annexation area is approximately 63.4 acres and includes three parcels that involves of a neighboring property which is developed with a single-family residential unit. The applicant intends to build one single-family residential unit.

Administrative Office

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

Scott Haggerty, Chair
County of Alameda

Nate Miley, Regular
County of Alameda

Richard Valle, Alternate
County of Alameda

John Marchand, Regular
City of Livermore

Jerry Thorne, Regular
City of Pleasanton

David Haubert, Alternate
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

Tom Pico, Alternate
Public Member

Alameda LAFCO and Contra Costa LAFCO adopted procedures in July 1997 to establish a framework for processing multi-county district spheres of influence and change of organization proposals. In accordance with these procedures, the Executive Officer of both LAFCOs consulted and reviewed the proposed annexation and reached consensus regarding the transfer of jurisdiction. Contra Costa LAFCO's request to transfer jurisdiction indicates that they agree to assume exclusive jurisdiction for the change of organization proposal. Upon approval by Alameda LAFCO, the proposal will be placed on the next available Contra Costa LAFCO agenda for consideration.

Alternatives for Action

The following alternatives are available to the Commission:

Alternative One (Recommended):

Approve Contra Costa LAFCO's transfer of jurisdiction request to consider the proposed Meinke annexation of approximately 63.4 acres to EBMUD

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. Contra Costa LAFCO staff report requesting transfer of jurisdiction dated June 10, 2020



CONTRA COSTA LOCAL AGENCY FORMATION COMMISSION
 40 Muir Road, 1st Floor • Martinez, CA 94553
 e-mail: LouAnn.Teixeira@lafco.cccounty.us
 (925) 313-7133

Lou Ann Teixeira
 Executive Officer

MEMBERS

Candace Andersen <i>County Member</i>	Federal Glover <i>County Member</i>
Donald A. Blubaugh <i>Public Member</i>	Michael R. McGill <i>Special District Member</i>
Tom Butt <i>City Member</i>	Rob Schroder <i>City Member</i>
Igor Skaredoff <i>Special District Member</i>	

ALTERNATE MEMBERS

Diane Burgis <i>County Member</i>
Stanley Caldwell <i>Special District Member</i>
Charles R. Lewis, IV <i>Public Member</i>
Sean Wright <i>City Member</i>

June 10, 2020 (Agenda)

June 10, 2020
 Agenda Item 12

Contra Costa Local Agency Formation Commission
 40 Muir Road, 1st Floor
 Martinez, CA 94553

Request to Transfer Principal County Responsibility from Alameda LAFCO to Contra Costa LAFCO – Meineke Annexation

Dear Members of the Commission:

When a change of organization (e.g., annexation) to a multi-county special district is proposed, the Cortese-Knox-Hertzberg Act (CKH) vests exclusive jurisdiction with the commission of the principal county, that is, the commission in the county having the largest portion of assessed value within the subject district.

The CKH (i.e., §§56123, 56124, 56387, 56388) provides a mechanism to transfer jurisdiction over such proposals to a commission other than the commission of the principal county. In order to transfer exclusive jurisdiction over a change of organization, the commission of the principal county must agree to relinquish jurisdiction and designate a specific commission to assume jurisdiction. The commission so designated must agree to assume exclusive jurisdiction.

Alameda and Contra Costa LAFCOs have several special districts which cross county boundary lines. In addition to State laws that govern boundary changes and the transfer of jurisdiction, Alameda and Contra Costa LAFCOs adopted *Procedures for Processing Multi-County Changes of Organization or Reorganization – Alameda and Contra Costa LAFCOs* in 1997. Alameda and Contra Costa LAFCOs have a history of transferring jurisdiction for both boundaries and spheres of influence (SOIs) in accordance with the adopted procedures.

On May 28, 2020, Contra Costa LAFCO received an application for the *Meineke Annexation to East Bay Municipal Utility District (EBMUD)*. The project site is 63.4± acres and is located in the unincorporated community of Diablo (Caballo Ranchero Drive). The proposed annexation includes three parcels including a neighboring property which is developed with a single-family residential unit. The applicant intends to build one single-family residential unit.

The adopted Alameda and Contra Costa LAFCO procedures provide for an initial review and consultation by the LAFCO Executive Officers. The Executive Officers have consulted and conclude that transferring jurisdiction for this proposal would greatly simplify processing.

RECOMMENDATION – It is recommended that Contra Costa LAFCO agree to assume exclusive jurisdiction for this proposal, and authorize LAFCO staff to send a letter (Attachment 2) to Alameda LAFCO requesting a transfer of jurisdiction in conjunction with this proposal.

Sincerely,

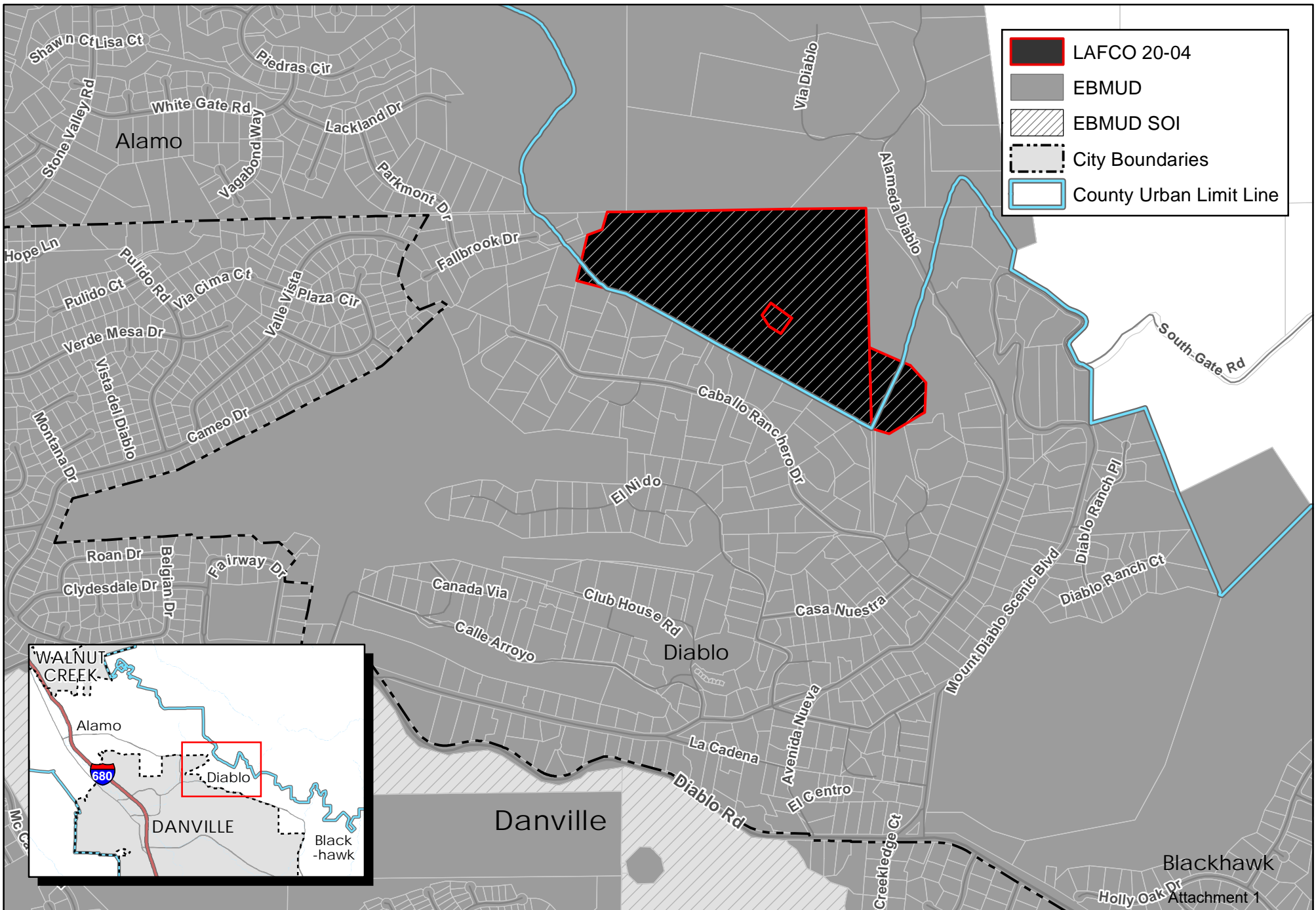
LOU ANN TEXEIRA
EXECUTIVE OFFICER

Attachment 1 – Project Site Map

Attachment 2 - Draft Letter to Alameda LAFCO Requesting Transfer of Jurisdiction

c: Rachel Jones, Executive Officer, Alameda LAFCO
Jack Flynn, EBMUD
Russ Leavitt, CCCSD
Michelle and Ryan Meineke, Landowners

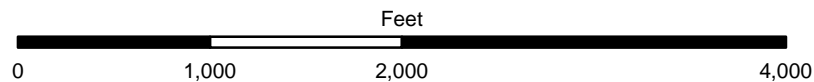
LAFCO No.20-04 Meineke Trust Annexation to EBMUD



	LAFCO 20-04
	EBMUD
	EBMUD SOI
	City Boundaries
	County Urban Limit Line

Map created 06/01/2020
 by Contra Costa County Department of
 Conservation and Development, GIS Group
 30 Muir Road, Martinez, CA 94553
 37:59:41.791N 122:07:03.756W

This map or dataset was created by the Contra Costa County Department of Conservation and Development with data from the Contra Costa County GIS Program. Some base data, primarily City Limits, is derived from the CA State Board of Equalization's tax rate areas. While obligated to use this data the County assumes no responsibility for its accuracy. This map contains copyrighted information and may not be altered. It may be reproduced in its current state if the source is cited. Users of this map agree to read and accept the County of Contra Costa disclaimer of liability for geographic information.



Blackhawk
 Attachment 1



Lou Ann Teixeira
 Executive Officer

MEMBERS

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ALTERNATE MEMBERS

Diane Burgis
 County Member

Stanley Caldwell
 Special District Member

Charles R. Lewis, IV
 Public Member

Sean Wright
 City Member

June 10, 2020

Rachel Jones, Executive Officer
 Alameda LAFCO
 224 West Winton, Suite 110
 Hayward, California 94544

Dear Ms. Jones:

Contra Costa LAFCO received a proposal involving annexation of 63.4+ acres to the East Bay Municipal Utility District (EBMUD) – Assessor Parcel Numbers 195-330-003 / -004 and 195-320-007.

The Meineke project site is located in unincorporated Diablo (Caballo Ranchero Drive) as shown on the attached map. As noted in the staff report, one of the properties contains a single-family residential unit and the other property is vacant. The applicant proposes to build one single-family residential unit on the vacant property.

Since Alameda is the principal county for EBMUD, this is a formal request, pursuant to Government Code §§56387 and 56388 and our *Procedures for Processing Multi-County Changes of Organization or Reorganization – Alameda and Contra Costa LAFCOs*, that Alameda LAFCO grant exclusive jurisdiction to Contra Costa LAFCO for the boundary change. This request for transfer of jurisdiction was approved by Contra Costa LAFCO on June 10, 2020 at which time the Commission agreed to assume exclusive jurisdiction for the proposed boundary change subject to Alameda LAFCO's approval of a transfer of jurisdiction.

We have enclosed a check for the transfer of jurisdiction, and respectfully request that this matter be placed on your July 9, 2020 LAFCO agenda for consideration. Please contact me if you have any questions. Thank you for your assistance.

Sincerely,

LOU ANN TEXEIRA
 EXECUTIVE OFFICER

Attachment - Map

c: Michelle and Ryan Meineke, Landowners
 Jack Flynn, EBMUD

TO: Alameda Commissioners

FROM: Rachel Jones, Executive Officer

SUBJECT: Transfer of Jurisdiction – Proposed Magee Reorganization to East Bay Municipal Utility District

The Alameda Local Agency Formation Commission (LAFCO) will consider a request from Contra Costa LAFCO to transfer principal county responsibility from Alameda LAFCO to Contra Costa LAFCO for a reorganization proposal.

Information

Pursuant to Government Code Section 56388, Contra Costa LAFCO has submitted a request to Alameda LAFCO to transfer jurisdiction for the purpose of considering a reorganization proposal (Attachment 1). The subject proposal is to reorganize territory located in Contra Costa County into the East Bay Municipal Utility District (EBMUD).

Discussion

For multi-county districts such as EBMUD, Government Code Section 56123 provides that exclusive jurisdiction to consider proposals for changes of organization or reorganizations resides with the LAFCO located in the principal county. Section 56066 defines the principal county to be that county which contains the largest portion of assessed property value within the district’s boundary. For EBMUD, Alameda County has the largest portion of assessed value. Government Code Section 56388 provides a mechanism to transfer exclusive jurisdiction if all the following occur:

1. The commission of the principal county agrees to have the exclusive jurisdiction vested in the commission of another county.
2. The commission of the principal county designates the commission of another county which shall assume exclusive jurisdiction.
3. The Commission of the county so designated agrees to assume exclusive jurisdiction.

Contra Costa LAFCO has received a resubmittal application for the Magee Preserve Boundary Reorganization involving annexations to Central Contra Costa Sanitary District (CCCSD) and EBMUD. The proposed reorganization is approximately 410 acres located in the Town of Danville. The developer proposes to subdivide the property into 69 single-family lots on 30 acres. The remaining 380 acres will be designated and preserved as permanent open space.

Alameda LAFCO and Contra Costa LAFCO adopted procedures in July 1997 to establish a framework for processing multi-county district spheres of influence and change of organization proposals. In accordance with these procedures, the Executive Officer of both LAFCOs consulted and reviewed the proposed reorganization and reached consensus regarding the transfer of jurisdiction. Contra Costa LAFCO's request to transfer jurisdiction indicates that they agree to assume exclusive jurisdiction for the reorganization proposal. Upon approval by Alameda LAFCO, the proposal will be placed on the next available Contra Costa LAFCO agenda for consideration.

Alternatives for Action

The following alternatives are available to the Commission:

Alternative One (Recommended):

Approve Contra Costa LAFCO's transfer of jurisdiction request to consider the proposed Magee Preserve Boundary reorganization of approximately 410 acres to EBMUD

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. Contra Costa LAFCO staff report requesting transfer of jurisdiction dated June 10, 2020



CONTRA COSTA LOCAL AGENCY FORMATION COMMISSION
 40 Muir Road, 1st Floor • Martinez, CA 94553
 e-mail: LouAnn.Texeira@lafco.cccounty.us
 (925) 313-7133

Lou Ann Texeira
 Executive Officer

MEMBERS

Candace Andersen
 County Member

Donald A. Blubaugh
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Tom Butt
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Igor Skaredoff
 Special District Member

Federal Glover
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Michael R. McGill
 Special District Member

Rob Schroder
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ALTERNATE MEMBERS

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 County Member

Stanley Caldwell
 Special District Member

Charles R. Lewis, IV
 Public Member

Sean Wright
 City Member

June 10, 2020 (Agenda)

June 10, 2020
 Agenda Item 13

Contra Costa Local Agency Formation Commission
 40 Muir Road, 1st Floor
 Martinez, CA 94553

Request to Transfer Principal County Responsibility from Alameda LAFCO to Contra Costa LAFCO – Magee Preserve Boundary Reorganization

Dear Members of the Commission:

When a change of organization (e.g., annexation) to a multi-county special district is proposed, the Cortese-Knox-Hertzberg Act (CKH) vests exclusive jurisdiction with the commission of the principal county, that is, the commission in the county having the largest portion of assessed value within the subject district.

The CKH (i.e., §§56123, 56124, 56387, 56388) provides a mechanism to transfer jurisdiction over such proposals to a commission other than the commission of the principal county. In order to transfer exclusive jurisdiction over a change of organization, the commission of the principal county must agree to relinquish jurisdiction and designate a specific commission to assume jurisdiction. The commission so designated must agree to assume exclusive jurisdiction.

Alameda and Contra Costa LAFCOs have several special districts which cross county boundary lines. In addition to State laws that govern boundary changes and the transfer of jurisdiction, Alameda and Contra Costa LAFCOs adopted *Procedures for Processing Multi-County Changes of Organization or Reorganization – Alameda and Contra Costa LAFCOs* in 1997. Alameda and Contra Costa LAFCOs have a history of transferring jurisdiction for both boundaries and spheres of influence (SOIs) in accordance with the adopted procedures.

On May 26, 2020, Contra Costa LAFCO received a resubmittal application for the *Magee Preserve Boundary Reorganization: Annexations to Central Contra Costa Sanitary District (CCCS) and East Bay Municipal Utility District (EBMUD)*. The application was originally submitted in 2014; however, due to a legal challenge related to the bicycle safety element of the Town of Danville's Environmental Impact Report, the LAFCO process was halted. Subsequently, a new developer – Davidon – assumed the project and the Town of Danville adopted a new EIR. The project was then submitted to the voters on March 3, 2020 and was approved (54% YES, 46% NO).

The project site is 410± acres, located in Town of Danville on the south side of Diablo Road and Blackhawk Road (Attachment 1). The developer proposes to subdivide the property into 69 single family lots on 30 acres. In accordance with the Town’s affordable housing ordinance, a minimum of 10% of the homes will include second dwelling units. The remaining 380 acres will be preserved as permanent open space.

The adopted Alameda and Contra Costa LAFCO procedures provide for an initial review and consultation by the LAFCO Executive Officers. The Executive Officers have consulted and conclude that transferring jurisdiction for this proposal would greatly simplify processing.

RECOMMENDATION – It is recommended that Contra Costa LAFCO agree to assume exclusive jurisdiction for this proposal, and authorize LAFCO staff to send a letter (Attachment 2) to Alameda LAFCO requesting a transfer of jurisdiction in conjunction with this proposal.

Sincerely,

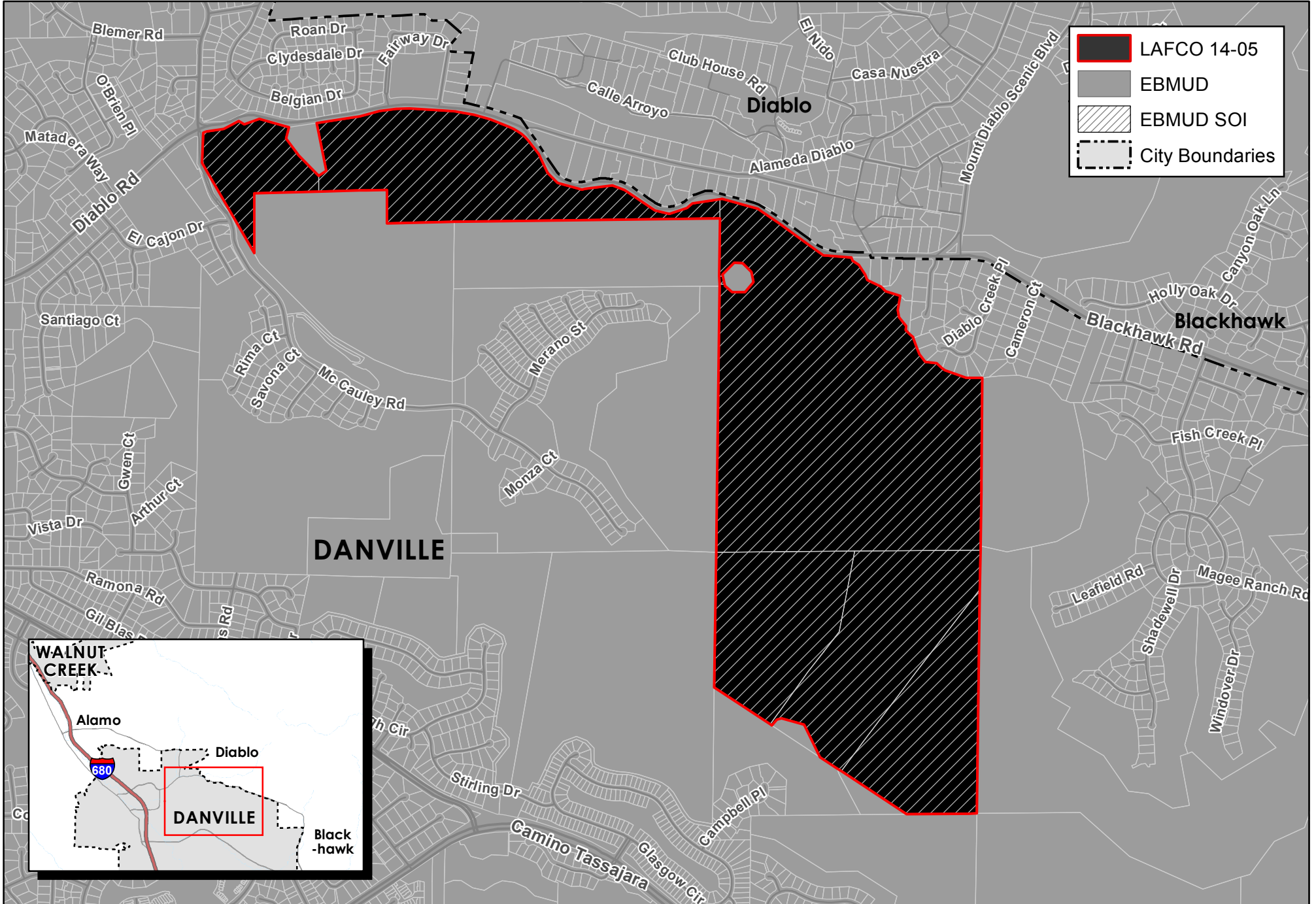
LOU ANN TEXEIRA
EXECUTIVE OFFICER

Attachment 1 – Project Site Map

Attachment 2 - Draft Letter to Alameda LAFCO Requesting Transfer of Jurisdiction

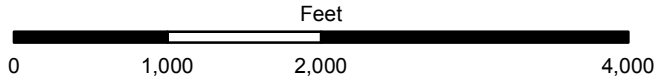
c: Rachel Jones, Executive Officer, Alameda LAFCO
Jack Flynn, EBMUD
Russ Leavitt, CCCSD
Steve Abbs, Davidon Homes

LAFCO No. 14-05: Annexation 186 Magee Ranch/Summerhill to East Bay Municipal Utilities District



Map created 06/01/2020
 by Contra Costa County Department of
 Conservation and Development, GIS Group
 30 Muir Road, Martinez, CA 94553
 37:59:41.791N 122:07:03.756W

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Attachment 1



CONTRA COSTA LOCAL AGENCY FORMATION COMMISSION
 40 Muir Road, 1st Floor • Martinez, CA 94553
 e-mail: LouAnn.Texeira@lafco.cccounty.us
 (925) 313-7133



Lou Ann Texeira
 Executive Officer

MEMBERS

Candace Andersen <i>County Member</i>	Federal Glover <i>County Member</i>
Donald A. Blubaugh <i>Public Member</i>	Michael R. McGill <i>Special District Member</i>
Tom Butt <i>City Member</i>	Rob Schroder <i>City Member</i>
Igor Skaredoff <i>Special District Member</i>	

ALTERNATE MEMBERS

Diane Burgis <i>County Member</i>
Stanley Caldwell <i>Special District Member</i>
Charles R. Lewis, IV <i>Public Member</i>
Sean Wright <i>City Member</i>

June 10, 2020

Rachel Jones, Executive Officer
 Alameda LAFCO
 224 West Winton, Suite 110
 Hayward, California 94544

Dear Ms. Jones:

Contra Costa LAFCO recently received resubmittal of the 2014 *Magee Preserve Boundary Reorganization: Annexations to Central Contra Costa Sanitary District (CCCSD) and to East Bay Municipal Utility District (EBMUD)*. The project site consists of 410± acres, 30± acres of which will become a 69-lot single family subdivision; and the remaining 380± acres will be preserved as permanent open space.

The site is located in the Town of Danville on the south side of Diablo Road and Blackhawk Road as shown on the attached map.

Since Alameda is the principal county for EBMUD, this is a formal request, pursuant to Government Code §§56387 and 56388 and our *Procedures for Processing Multi-County Changes of Organization or Reorganization – Alameda and Contra Costa LAFCOs*, that Alameda LAFCO grant exclusive jurisdiction to Contra Costa LAFCO for the boundary change. This request for transfer of jurisdiction was approved by Contra Costa LAFCO on June 10, 2020 at which time the Commission agreed to assume exclusive jurisdiction for the proposed boundary change subject to Alameda LAFCO's approval of a transfer of jurisdiction.

We have enclosed a check for the transfer of jurisdiction, and respectfully request that this matter be placed on your July 9, 2020 LAFCO agenda for consideration. Please contact me if you have any questions. Thank you for your assistance.

Sincerely,

LOU ANN TEXEIRA
 EXECUTIVE OFFICER

Attachment - Map

c: Steve Abbs, Davidon Homes
 Russell Leavitt, CCCSD
 Jack Flynn, EBMUD

AGENDA REPORT

September 10, 2020

Item No. 6f

TO: Alameda Commissioners

FROM: Rachel Jones, Executive Officer

SUBJECT: End of Year Budget Report

The Alameda Local Agency Formation Commission (LAFCO) will review an end of year report comparing budget and actual expense and revenue transactions for fiscal year 2019-2020. Alameda LAFCO finished the fiscal year with an operating net of \$27,346 and without the purposeful aid of a planned \$180,000 transfer from reserves. The substantive result is an overall increase of the fund balance from \$662,862 to \$690,208 going into the current fiscal year. The report is being presented to the Commission to formally accept and file.

Information

Alameda LAFCO's adopted budget for 2019-2020 totaled \$793,880. This amount represented 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. The Commission's total unaudited fund balance as of July 1, 2019 was \$662,862.

Discussion

This item is for the Commission to receive a final comparison of (a) budget to (b) actual expenses and revenues for the fiscal year ending in 2020. The report provides the Commission the opportunity to review expenditures and revenues relative to recent years and provide feedback with staff as needed. The report is being presented to the Commission to formally accept and file.

Actual Expenses FY 19-20	Actual Revenues FY 19-20	Actual Year End Balance FY 19-20
\$580,900	\$608,246	\$27,346

Summary of Operating Expenses

Alameda LAFCO’s budgeted operating expense total for 2019-2020 was \$793,880. Actual expenses booked through the end of the year equaled \$580,900. The amount represents 73% of the budgeted total with unexpended savings of \$162,980. A breakdown of budgeted to actual expenses by unit through June 30th follows.

Expense Units	Adopted	Actuals	Percent Expended	Remaining Balance
Salaries and Benefits	483,581	381,755	78.9%	101,826
Services and Supplies	200,876	135,572	67.5%	65,304
Internal Service Charges	59,423	65,573	107.0%	(4,150)
Contingencies	50,000	0	0%	50,000
	\$793,880	\$580,900	73.2%	\$162,980

An expanded discussion on budgeted and actuals through the end of the year within the four expense units follows.

Staffing Unit

The Commission budgeted \$483,581 in Staffing or Salaries and Benefits Unit for 2019-2020 with proceeds largely tied to changes in staffing levels from funding 2.15 fulltime equivalent employees to 2.0 fulltime equivalent employees as well as existing retiree obligations. The Commission’s actual expenses within the account totaled \$381,755 or 79% of the budgeted amount. The vacancy of the Commission’s Analyst/Clerk position underlies the unit savings.

Services and Supplies Unit

The Commission budgeted \$200,876 in the Services and Supplies Unit for 2019-2020 to provide funding for *direct* support services necessary to operate Alameda LAFCO. The Commission’s actual expenses within the account totaled \$135,572 or 68% of the budgeted amount. Most of this savings is attributed to lower than expected costs in legal and professional services.

Internal Services and Supplies

The Commission budgeted \$59,423 in the Internal Services and Supplies Unit for 2019-2020 to provide funding for *indirect* support services necessary to operate Alameda LAFCO. The Commission’s actual expenses within the account totaled \$65,573 or 107% of the budgeted amount. Most of the costs over the budgeted amount can be attributed to Alameda LAFCO’s recent move to the Community Development Building in Hayward along with utilities and service costs.

Summary of Operating Revenues

Alameda LAFCO’s budgeted operating revenue total for 2019-2020 was \$793,880. Actual revenues collected through the end of the year equaled \$608,246. This amount represents 76% of budgeted total with an unexpended loss of \$5,634, not including the \$180,000 fund balance offset. A breakdown of budgeted to actual expenses by unit through June 30th follows.

Revenue Units	Adopted	Actuals	Percent Expended	Remaining Balance
Agency Contributions	576,380	576,381	100%	0
Application Fees	30,000	16,006	53%	13,994
Interest	7,500	15,859	211%	(8,359)
Fund Balance Offset	180,000	0	0%	180,000
	\$793,880	\$608,246	76%	\$185,634

An expanded discussion on budgeted and actuals through the end of the year within the three revenue units follows.

Agency Apportionments

The Commission budgeted \$576,380 in the Agency Apportionments Unit for 2019-2020. This total budgeted amount was subsequently divided in two three equal shares at \$192,127 and invoiced among the County of Alameda, 14 cities, and 15 independent special districts as provided under State statute. Alameda LAFCO received all agency apportionments or 100% of the budgeted amount.

Application Fees Unit

The Commission budgeted \$30,000 in the Application Fees Unit for 2019-2020. The actual revenues collected within the account equaled \$16,006 or 53.4% of the budgeted amount. The revenue total is tied to LAFCO filing six proposals during the fiscal year.

Interest Unit

The Commission budgeted \$7,500 in the Interest Unit for 2019-2020. Actual revenues in the unit totaled \$15,859 or 211% of the budgeted amount and attributed to above-average returns in the investment pool administered by the County Treasurer’s Office.

Conclusion

Alameda LAFCO finished the 2019-2020 fiscal year satisfactorily with an operating surplus of \$27,346. Savings in staff salaries and professional services directly underlies the surplus. This resulted in the Commission increasing its fund balance from \$662,862 to \$690,208 going into the 2020-2021 fiscal year.

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 for more information as needed.

Recommendation

It is recommended the Commission proceed with Alternative Action One.

Respectfully,



Rachel Jones
Executive Officer

Attachments:

1. 2019-2020 General Ledger through June 30, 2020

ALAMEDA LOCAL AGENCY FORMATION COMMISSION

Regional Service Planning | Subdivision of the State of California

Expense Ledger

	FY2016-2017		FY2017-2018		FY2018-2019		FY2019-2020			
	Adopted	Actuals	Adopted	Actuals	Adopted	Actuals	Adopted	Actuals As of 6-30-20	Difference	Percent of Budget
Salary and Benefit Costs										
<u>Account</u>	<u>Description</u>									
60001	-	-	-	-	321,692	269,829	308,307	206,702	101,605	67.0%
-	-	-	-	-	149,961	139,003	175,275	175,052	223	99.9%
	422,665	378,825	472,385	383,228	471,653	408,832	483,581	381,755	101,826	78.9%
Service and Supplies										
<u>Account</u>	<u>Description</u>									
-	1,600	-	1,600	-	1,600	-	1,600	0	1,600	0.0%
610077	1,000	2,000	1,000	1,000	1,000	707	1,000	146	854	14.6%
610121	1,800	4,000	2,000	2,503	3,000	859	3,000	224	2,776	7.5%
610191	6,600	7,000	7,500	7,300	7,700	5,700	7,800	5,300	2,500	67.9%
610211	-	-	-	89	200	1,308	1,300	845	455	65.0%
610461	18,500	12,000	20,000	17,171	20,000	11,153	13,000	5,264	7,736	40.5%
610241	1,000	1,100	1,000	1,000	1,000	300	1,000	218	782	21.8%
610261	50,000	31,000	75,000	75,000	96,000	22,593	90,000	76,000	14,000	84.4%
610261	5,000	6,000	5,000	5,000	5,000	595	5,000	0	5,000	0.0%
610261	60,000	75,000	25,000	10,000	25,000	4,121	5,000	3,990	1,010	79.8%
610261	30,000	50,000	40,000	35,000	40,000	26,210	30,000	15,985	14,015	53.3%
610311	16,000	13,000	11,000	11,000	11,000	11,000	11,000	8,250	2,750	75.0%
610312	7,500	-	7,500	-	10,000	6,000	7,700	0	7,700	0.0%
610351	8,157	8,157	8,675	8,774	9,000	9,026	10,476	10,376	100	99.0%
610421	5,000	2,000	5,000	2,000	5,000	2,363	5,000	1,956	3,044	39.1%
610441	-	-	5,000	-	2,500	-	2,500	0	2,500	0.0%
610461	500	500	500	500	1,500	515	1,500	3,369	(1,869)	224.6%
620041	3,000	1,500	3,000	500	4,000	592	4,000	3,649	351	91.2%
	215,657	213,257	218,775	176,837	243,500	103,042	200,876	135,572	65,304	67.5%
Internal Service Charges										
<u>Account</u>	<u>Description</u>									
630051	3,200	3,200	3,200	3,200	3,200	3,492	25,000	35,300	(10,300)	141.2%
630021	3,156	3,156	3,218	3,218	3,878	3,878	3,950	2,321	1,629	58.8%
630061	17,726	17,726	18,081	18,081	21,578	27,068	27,373	25,870	1,503	94.5%
630081	2,633	2,633	2,686	2,686	3,034	3,034	3,100	82	3,018	2.6%
	26,715	26,715	27,185	27,185	31,690	37,472	59,423	63,573	(4,150)	107.0%
Contingencies	50,000	-	50,000	-	50,000	-	50,000	0	-	0.0%
EXPENSE TOTALS	715,037	618,797	768,345	587,250	796,843	549,346	793,880	580,900	162,980	73.2%

Revenue Ledger

	FY2016-2017		FY2017-2018		FY2018-2019		FY2019-2020			
	Adopted	Estimate	Adopted	Estimate	Adopted	Actuals	Adopted	Actuals As of 6-30-20	Difference	Percent of Budget
Intergovernmental										
Account	Description									
-	Agency Contributions									
	County of Alameda									
	196,115	196,114	196,115	196,114	196,948	196,948	192,127	192,127	-	100.0%
	Cities									
	196,115	196,114	196,115	196,114	196,948	196,948	192,127	192,127	-	100.0%
	Special Districts									
	196,115	196,114	196,115	196,114	196,948	196,948	192,127	192,127	-	100.0%
	540,037	588,344	588,345	588,344	590,844	590,844	576,380	576,381	(1)	100.0%
Service Charges										
-	Application Fees									
	25,000	50,000	30,000	16,000	30,000	16,456	30,000	16,006	13,994	53.4%
Investments										
-	Interest									
	-	2,000	-	4,000	-	12,314	7,500	15,859	(8,359)	211.5%
Fund Balance Offset										
	150,000	150,000	150,000	150,000	176,000	176,000	180,000	0	180,000	0.0%
	715,037	742,037	768,345	758,344	796,844	795,614	793,880	608,246	185,634	76.6%
OPERATING NET										
	-	123,240	-	171,094	-	246,268	-	<u>27,346</u>	-	-
UNRESTRICTED FUND BALANCE										
As of June 30th										
								<u>690,208</u>		

AGENDA REPORT

September 10, 2020

Item No. 7

TO: Alameda Commissioners

FROM: Rachel Jones, Executive Officer

SUBJECT: Proposed Annexation of the Coyote Hills Annexation to the Union Sanitary District

The Alameda Local Agency Formation Commission (LAFCO) will consider a change of organization proposal filed 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). The affected territory lies within USD's sphere of influence and includes one parcel. The purpose of the proposal is to provide wastewater services in support of restrooms located within the Coyote Hills Regional Park visitor center. Staff recommends approval with standard terms.

Background

Alameda LAFCO has received a request from EBRPD for a change of organization to annex approximately 182.6 acres of incorporated territory to USD. As submitted, the affected territory consists of one parcel dedicated for open space and resource conservation use. The project site is intended for a visitor center within the park located east of Don Edwards San Francisco Bay National Wildlife Refuge. The County of Alameda Assessor's Office identifies the subject parcel as 543-439-3-19.

Other Affected Agencies

The affected territory lies within the incorporated City of Fremont. It also lies within the boundaries of the following special districts subject to Commission oversight:

- Alameda County Water District
- Washington Township Hospital District
- East Bay Regional Park District
- Alameda County Mosquito Abatement District

* The affected territory also lies within the Fremont Unified School District and lies within County Supervisorial District No. 2 (Richard Valle).

Discussion

This item is for the Commission to consider approving – with or without modifications – the applicant’s submitted change of organization proposal to annex the affected territory to USD. The Commission may also consider applying conditions to an approval so long as it does not directly regulate land use, property development, or subdivision requirements.

Purpose of Proposal

The primary purpose of the proposal as part of EBRPD’s Coyote Hills Restoration and Public Access Project is to provide wastewater services in support of a visitor center located at the entrance of the park.

Development Potential

The affected territory as proposed and detailed in Appendix A is located in the Coyote Hills Regional Park. The proposed location of the restroom area is approximately 0.5 miles to the nearest residential area in the City of Fremont. The City of Fremont General Plan designates the affected territory as Resource Conservation / Public Open Space. The affected territory is located within the Baylands Community Specific Plan Area that is protected for habitat conservation. Due to the prevalence of wetlands, sensitive species habitat, and public land ownership, the Baylands area has extremely limited development potential and the affected territory will remain within the Resource Conservation / Public Open Space designation.

Analysis

Staff has identified two central policy items for the Commission in considering the merits of the proposal under Cortese-Knox-Hertzberg Act of 2000 (“CKH”). These policy items ultimately take the form of Commission determinations and orient the membership to consider stand-alone merits of the (a) timing of the annexation itself, and (b) applying discretionary boundary amendments or approval terms aimed at perfecting the action relative to member preferences in administering LAFCO law in Alameda County.

The timing of the proposed change of organization appears appropriate and is highlighted by the analysis of the factors required for consideration under LAFCO law anytime a jurisdictional change is proposed. The majority of the prescribed factors focus on the impacts of the proposed annexation on the service and financial capacities of the receiving agency, USD. No single factor is determinative, and the intent is to provide a uniform baseline for LAFCOs in considering all jurisdictional changes in context to the Commission’s own adopted policies and practices. A summary of key conclusions generated in the review of these factors for the boundary change proposal follows with a complete analysis provided in Appendix A.

- The Commission has previously designated USD as the appropriate long-term wastewater provider of the affected territory through the inclusion of the subject lands within the District’s sphere of influence. Annexation now implements this expectation through a public process and accommodates the expressed interest of the applicants as evident in their decision to petition LAFCO for application proceedings.
- Annexation of the affected territory to USD for the purpose of establishing permanent public wastewater services going forward is consistent with the adopted specific, general and land use plans of the City of Fremont.
- USD is in agreement with proposed change of organization and states to have available and sufficient capacity to accommodate projected demands within the affected territory at its potential maximum use.

The timing of the change of organization of the affected territory to USD is warranted. Justification is marked by the preceding analysis and highlighted by accommodating the planned development of the affected territory consistent with the City of Fremont’s land use policies in a manner that reflects available capacities and infrastructure. Additional analysis supporting the conclusion is provided in Appendix A.

Staff has not identified any potential boundary amendments to the proposal that merit Commission consideration at this time. Accordingly, no further conditions of approval for the annexation are proposed.

Other Mandated Considerations

Property Tax Exchange

California Revenue and Taxation Code Section 99(b)(6) requires the adoption of a property tax exchange agreement by the affected local agencies before LAFCO can consider a jurisdictional change. Both the City of Fremont and USD have agreed to a “no” exchange agreement for this proposal – i.e., USD will not receive any new property tax allocation if annexation is approved and recorded with or without amendments.

Environmental Review

EBRPD serves as the lead agency for assessing potential impacts of the proposal under the California Environmental Quality Act (CEQA) given the jurisdictional change is intended to facilitate the development of a city-approved restoration project. EBRPD has determined the action qualifies as a project and an Environmental Impact Report (EIR) was prepared to further evaluate

potential and significant proposal impacts. The resulting EIR is linked as follows: <https://www.ebparks.org/civicax/filebank/blobdload.aspx?blobid=32534>. The report accounts for the proposed annexation and concludes impacts the project would have are less than significant. Staff independently concurs EBRPD on the proposed annexation and that it has made appropriate determinations.

Conducting Authority Proceedings (Protest Hearings)

Protest proceeding for the change of organization may be waived by Alameda LAFCO under Government Code Section 56663 should the Commission proceed with approval. The waiver appropriately applies under this statute given the affected territory is uninhabited as defined under LAFCO law and the subject landowners have provided their respective written consent to the underlying proceedings.

Alternatives for Action

The following alternatives are available to the Commission:

Alternative One (Recommended):

Adopt the draft resolution identified as Attachment 1 conditionally approving the annexation request of Coyote Hills Regional Park to USD.

Alternative Two:

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

Alternative Three:

Disapprove the proposal. Disapproval would statutorily prohibit the initiation of a similar proposal for one year unless a request for reconsideration is filed and approved by the Commission within 30 days.

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,

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

Rachel Jones
Executive Officer

Attachments:

1. Draft Resolution Approving the Proposal
2. Vicinity Maps
3. Application Materials
4. Link to Environmental Impact Report:
<https://www.ebparks.org/civicax/filebank/blobdload.aspx?blobid=32534>

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APPENDIX A

BOUNDARY CHANGE ANALYSIS OF MANDATORY FACTORS GOVERNMENT CODE SECTION 56668

1) Population and population density; land area and land use; per capita assessed valuation topography, natural boundaries, and drainage basins; proximity to other populated areas; the likelihood of significant growth in the area, and in adjacent areas during the next 10 years.

The affected territory consists of 1 parcel totaling 182.6 acres and is considered uninhabited due to the area containing no registered voters. The applicant indicates the affected territory contains only one landowner. The affected territory zoning designations are defined by the City of Fremont as Resource Conservation / Public Open Space. Uses are further prescribed for recreational and educational opportunities, conservation and restoration of habitat, and salt harvesting. Limited development is permitted with City approval. There is zero population growth projected within the next five years.

2) The need for organized community services; the present cost and adequacy of municipal services and controls in the area; probable future needs for those services and controls; probable effect of the proposed incorporation, formation, annexation, or exclusion and of alternative courses of action on the cost and adequacy of services and controls in the area and adjacent areas.

The City of Fremont acts as the primary purveyor of general services to the affected territory. This includes community planning, roads, and public safety. The other pertinent service provider is the Alameda County Water District. There is no need for additional services in the probable future.

3) The effect of the proposed action and of alternative actions, on adjacent areas, on mutual social and economic interests, and on local government structure of the county.

Approving the annexation to USD would recognize and strengthen existing economic and social ties between the District and the affected territory. The ties were established when the Commission included the entire area into USD's sphere of influence and signaling the lands would eventually warrant public wastewater service from the District when appropriate.

4) The conformity of the proposal and its anticipated effects with both the adopted commission policies on providing planned, orderly, efficient patterns of urban development, and the policies and priorities set forth in Government Code Section 56377.

The affected territory is proposed for the project site of a visitor center that would receive

wastewater collection and treatment from USD. Approving the proposed change of organization would facilitate the establishment of public wastewater services to the proposed development in accordance with the City of Fremont’s community planning policies. The lands included in the affected territory qualify as open space and will remain as such and do not conflict with G.C. Section 56377. The proposed annexation follows Commission policies to match municipal services with planned development.

5) The effect of the proposal on maintaining the physical and economic integrity of agricultural lands, as defined by Government Code Section 56016.

The affected territory does not qualify as “agricultural land” under CKH. Specifically, the affected territory is not used for any of the following purposes: producing an agricultural commodity for commercial purposes; left fallow under a crop rotational program; or enrolled in an agricultural subsidy program.

6) The definiteness and certainty of the boundaries of the territory, the nonconformance of proposed boundaries with lines of assessment or ownership, the creation of islands or corridors or unincorporated territory, and other similar matters affecting the proposed boundaries.

Alameda LAFCO is in receipt of a draft map and geographic description of the affected territory that details the proposed boundaries consistent with the standards of the State Board of Equalization for mapping proposed jurisdictional changes. Approval would be conditioned on a final map and description conforming to the referenced standards. No lines of assessment are crossed.

7) Consistency with the city or county general plans, specific plans and adopted regional transportation plan.

The City of Fremont has found the proposed project is consistent with its General Plan land use designation and Baylands Community Specific Area Plan of resource conservation and public open space use. The proposal does not conflict with the regional transportation plan maintained by the Metropolitan Transportation Commission. The area does not lie within a Priority Conservation Area as identified by the Association of Bay Area Governments.

8) The sphere of influence of any local agency affected by the proposal.

The affected territory lies entirely within USD’s sphere of influence. It is separately noted the affected territory lies also within Alameda County Water District’s sphere of influence. No sphere amendments are needed to accommodate the proposal.

9) The comments of any affected local agency or other public agency.

Staff provided notice of the proposal and invitation to provide comments or request approval conditions to other interested agencies. No substantive comments or term requests were received as of date of the agenda report.

10) The ability of the newly formed or receiving entity to provide the services which are the subject of the application to the area, including the sufficiency of revenues for those services following the proposed boundary change.

Information collected and reviewed as part of this indicates USD appears to have established sufficient financial resources and administrative controls to provide public wastewater to the affected territory without adversely impacting existing ratepayers. Information collected and analyzed in the District's financial statements concluded the USD has developed overall adequate financial resources and controls relative to their service commitments.

11) Timely availability of water supplies adequate for projected needs as specified in Government Code Section 65352.5.

The proposed annexation to USD is not expected to have an impact on the timely availability of water supplies.

12) The extent to which the proposal will affect a city or cities and the county in achieving their respective fair shares of the regional housing needs as determined by the appropriate council of governments.

The proposed annexation will not affect the City of Fremont's ability to achieve its regional housing need allocation as determined by the Association of Bay Area Governments due to its land use designation as open space. The proposal, if approved, would not change the designation assignment.

13) Any information or comments from the landowner or owners, voters, or residents of the affected territory.

The affected territory is uninhabited as defined by LAFCO law (11 registered voters or less). The landowners support the annexation underlying the change of organization and have provided their written consent to the proceedings.

14) Any information relating to existing land use designations.

The City of Fremont General Plan designates the affected territory as Resource Conservation and Open Public Space.

15) The extent to which the proposal will promote environmental justice.

The proposed annexation will maintain the open space use of the affected territory and facilitate resource conservation that will have a measurable effect with respect to promoting environmental justice with accessibility of use to all persons of all incomes.

16) Whether the proposed annexation will be for the interest of the landowners or present or future inhabitants within the district and within the territory proposed to be annexed to the district.

Approval of the change of organization would be in the best interest of the current and future landowners and or residents of the affected territory by providing access to reliable public wastewater service going forward and recreational and public open space use benefits.

17) Information contained in local hazard mitigation plan, information contained in a safety element of a general plan, and any maps that identify land as a very high fire hazard zone pursuant to Section 51178 or maps that identify land determined to be in a state responsibility area pursuant to Section 4102 of the Public Resources Code, if determined that such information is relevant to the area that is subject of the proposal.

The affected territory lies within the Baylands Area that is considered a Federal Responsibility Area. The affected territory does lie within a high fire area according to the City of Fremont's local hazard mitigation plan.

ALAMEDA LOCAL AGENCY FORMATION COMMISSION**RESOLUTION NO. 2020-XX****APPROVAL ANNEXATION OF COYOTE HILLS REGIONAL PARK TO THE UNION
SANITARY DISTRICT AND WAIVER OF PROTEST PROCEEDINGS**

WHEREAS, the Alameda Local Agency Formation Commission, hereinafter referred to as the “Commission,” is responsible for regulating boundary changes affecting cities and special districts under the Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000; and

WHEREAS, a petition was filed by the landowner, East Bay Regional Park District (EBRPD), with the Executive Officer of the Alameda Local Agency Commission, pursuant to Title 5, Division 3, commencing with Section 56000 of the California Government Code;

WHEREAS, said application shall be referred to as the Coyote Hills Regional Park No. 1 Change of Organization; and

WHEREAS, the purpose of requesting approval of an annexation is to provide wastewater services to 182.6 acres of incorporated territory within the City of Fremont; and

WHEREAS, the subject territory is uninhabited as it contains zero registered voters under Government Code Section 56046 in which all the landowners have provided their written consent to the annexation and that no affected agency has submitted written opposition to a waiver of protest proceedings; and

WHEREAS, USD agreed to no exchange of property taxes pursuant to Revenue and Taxation Code Section 99; and

WHEREAS, the Executive Officer has reviewed the proposal and prepared a report with recommendations; and

WHEREAS, the Executive Officer’s report and recommendations on the proposal have been presented to the Commission in the manner provided by law; and

WHEREAS, the Commission considered all factors required by law under Government Code Section 56668 and adopted local policies and procedures; and

WHEREAS, annexations are projects and subject to the provisions of the California Environmental Quality Act (CEQA); and

WHEREAS, the Commission has determined that, pursuant to CEQA, it is the responsible agency for the proposed change of organization; and

WHEREAS, the Commission has reviewed and considered an Environmental Impact Report (“EIR”) approved by the lead agency, EBRPD; and

WHEREAS, a public meeting was held on September 10, 2020, Alameda LAFCO heard and received all oral and written protests, objections, and evidence which were made, presented or filed and all persons present were given an opportunity to appear and be heard with respect to any matter pertaining to said application.

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

1. The Commission's determinations on the proposal incorporate the information and analysis provided in the Executive Officer's written report presented on September 10, 2020.
2. The Commission certifies it has reviewed and considered the environmental effects of the Coyote Hills Regional Park No. 1 Change of Organization, and feasible mitigation measures and alternatives within the Commission's powers contained in the Environmental Impact Report (EIR) and related environmental documentation prepared for the Coyote Hills Restoration Project and certified by EBRPD (Lead Agency), and, finding them to be adequate for its purposes in reviewing and approving the proposed change of organization, the Commission in exercise of its independent judgement adopt as its own the findings and determinations outlined in the EIR to conclude that based upon substantial evidence in the record as a whole that the Coyote Hills Regional Park No. 1 Change of Organization shall not have any significant environmental effects.
3. The Executive Officer is the custodian of the records of these environmental proceedings on which this determination is based. The records upon which these findings and determinations are made are located at the office of the Commission at 224 West Winton Avenue, Suite 110, Hayward, California 94544.
4. The agreement will permit the provision of wastewater services to the Coyote Hills Regional Park located in the City of Fremont.
5. Approval would be conditioned on a final map and geographic description conforming to the standards of the State Board of Equalization.
6. The subject territory is uninhabited as it contains zero registered voters under Government Code Section 56663 in which all the landowners have provided their written consent to the annexation and that no affected agency has submitted written opposition to a waiver of protest proceedings; therefore, LAFCO does hereby waive the protest proceedings for this annexation action in accordance with the provisions of Government Code Section 56663; and
7. As allowed under Government Code 56107, the Commission authorizes the Executive Officer to make non-substantive corrections to this resolution to address any technical defect, error, irregularity, or omission.

PASSED AND ADOPTED by the Alameda Local Agency Formation Commission on September 10, 2020 by the following vote:

AYES:

NOES:

ABSTAIN:

ABSENT:

APPROVED:

ATTEST:

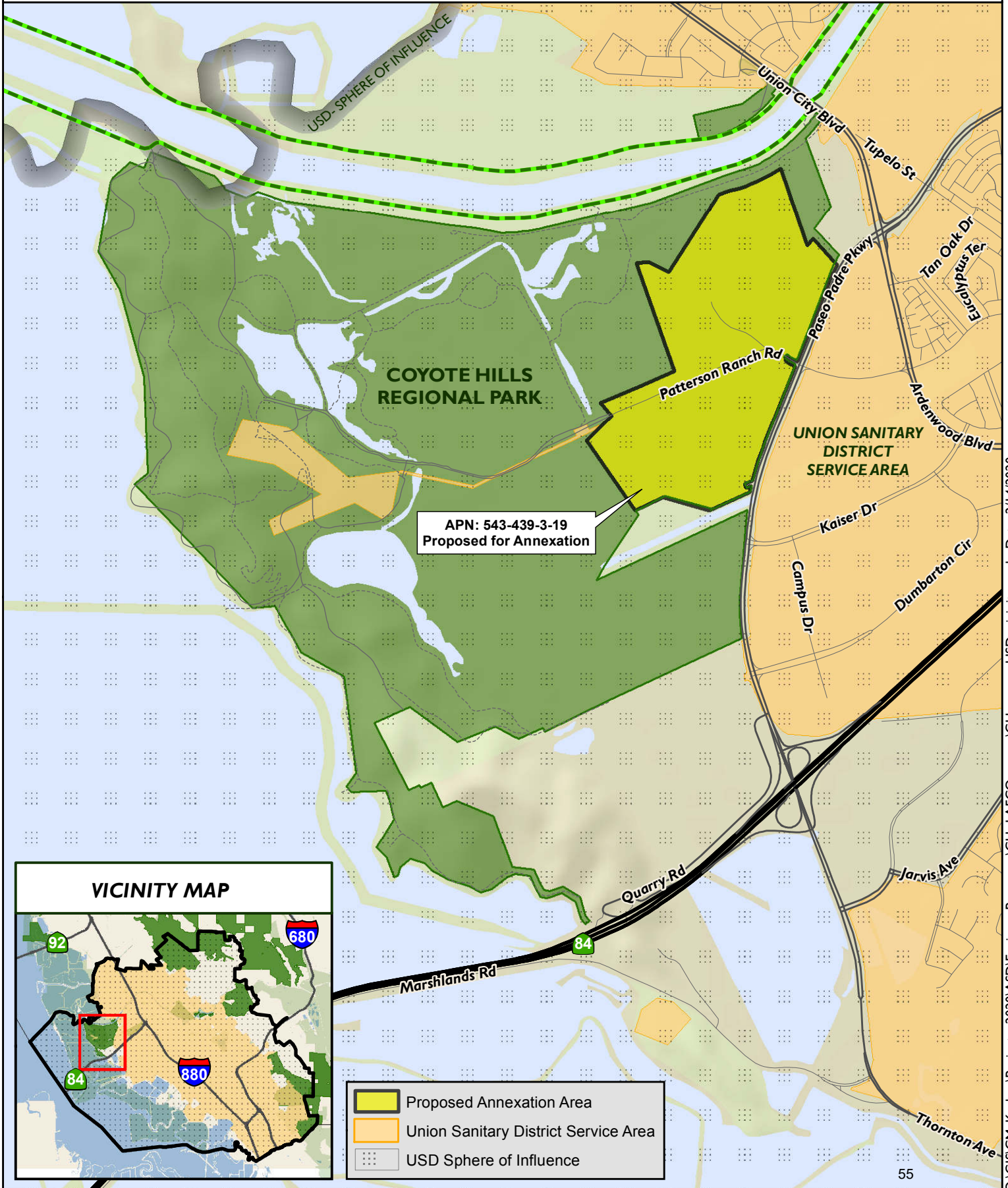
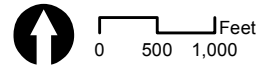
Scott Haggerty
Chair

Rachel Jones
Executive Officer

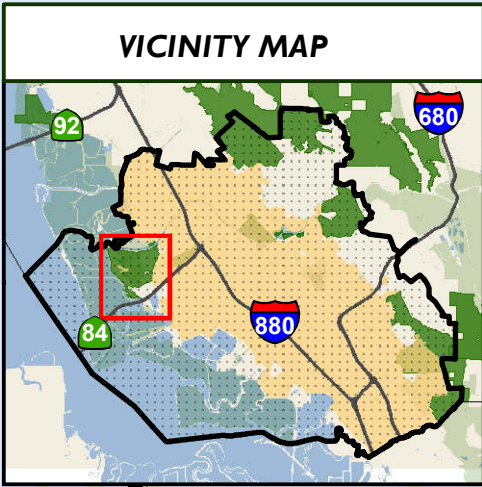
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Coyote Hills Regional Park Annexation into Union Sanitary District (USD)



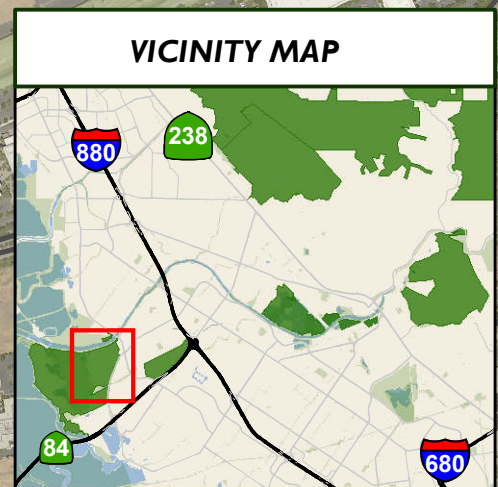
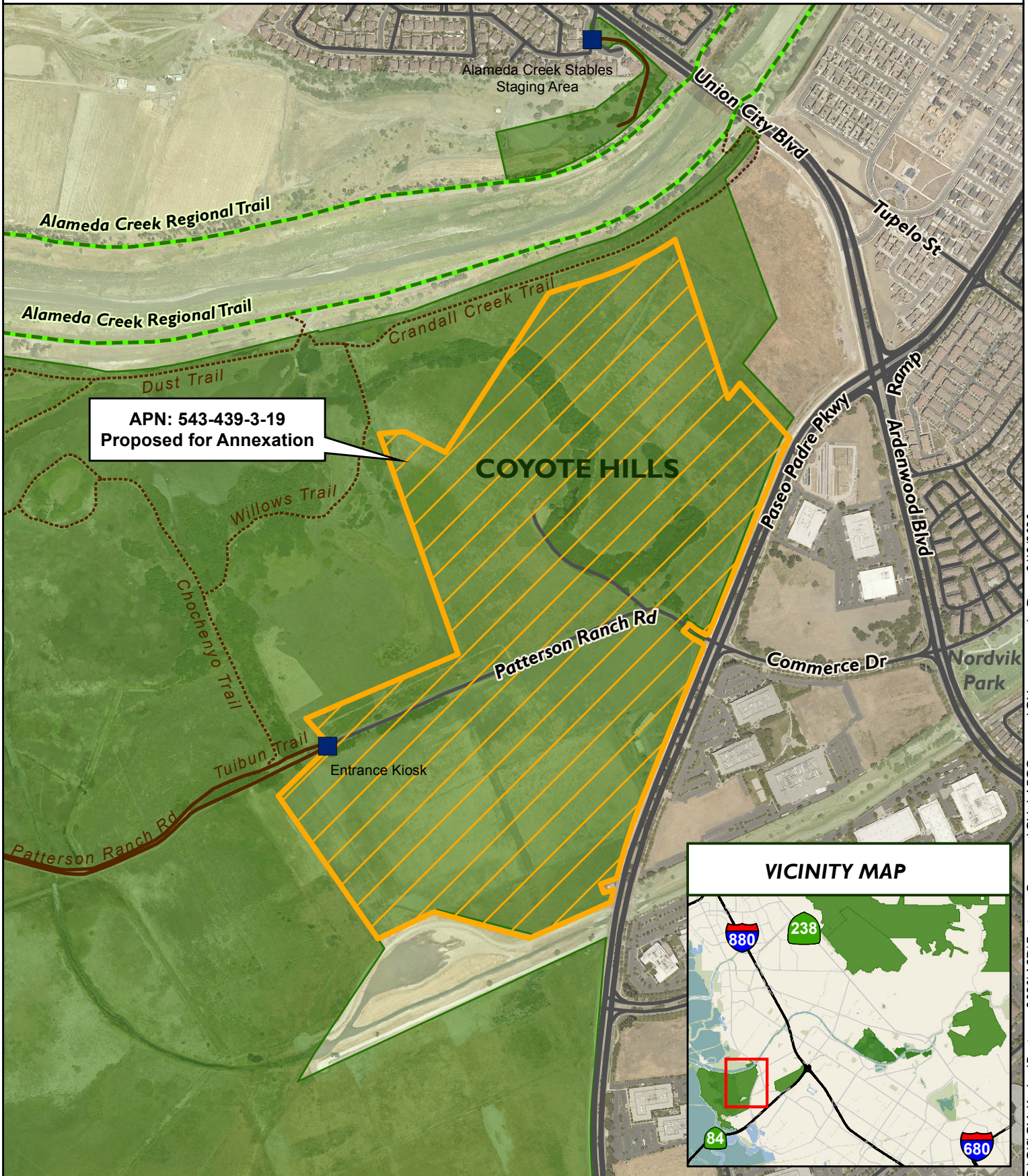
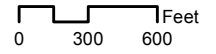
APN: 543-439-3-19
Proposed for Annexation



- Proposed Annexation Area
- Union Sanitary District Service Area
- USD Sphere of Influence

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Coyote Hills Regional Park Annexation into Union Sanitary District



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Appendix B2. APPLICATION QUESTIONNAIRE (updated 1/2008)
Alameda Local Agency Formation Commission

1. APPLICANT (Local Agency, Registered Voter, Landowner or 3 Chief Petitioners)

Agency/Individual Name: EAST BAY REGIONAL PARK DISTRICT

1.a. Name of Designated Agency Contact or Chief Petitioner.

KARLA MEYERS

Address. 2950 PERALTA OAKS COURT
OAKLAND, CA 94605

Phone. 910-544-2622 FAX. _____ E-Mail. kjmeyers@eboparks.org

1b. Name 2. _____

Address. _____

1c. Name 3. _____

Address. _____

2. NAME/TITLE OF APPLICATION PROPOSAL

COYOTE HILLS ANNEXATION INTO UNION SANITARY DISTRICT

3. TYPE OF PROPOSAL/PROJECT (Check all that apply)

- Annexation
- Formation
- Disincorporation
- Reorganization
- SOI Amendment
- Establishment of Subsidiary District
- Consolidation
- Incorporation
- Merger
- Special Study
- SOI Update
- Detachment
- Exercise of Latent Powers
- Dissolution
- Municipal Service Review
- Initial SOI Determination

Describe the proposal or proposed change(s) of organization. Provide a justification for each proposed change. Attach extra sheets if necessary.

APPLICATION FOR ANNEXATION INTO UNION SANITARY DISTRICT.
THE EAST BAY REGIONAL PARK DISTRICT IS PROPOSING A
PROJECT THAT INCLUDES A NEW RESTROOM ON APN 543-439-3-19.
THIS PARCEL IS NOT CURRENTLY WITHIN UNION SANITARY
DISTRICT'S SERVICE AREA.

4. CERTIFIED RESOLUTION OR PETITION (Attach)

Application Initiated By:

() Resolution of Application No.: 2020-02-034 Date Adopted: 02/18/20

OR

() Landowner/Registered Voter Petition (The Cortese-Knox-Hertzberg (CKH) Act requires that a petition contain the number of signatures required for each type of requested government change.)

5. BASIC INFORMATION

5a. Describe the proposal area's general location and boundaries (access road/way, closest county road intersection, road junctions, freeways, railroad lines).

NORTHWEST CORNER OF CITY OF FREMONT, CALIFORNIA, EAST OF DON EDWARDS SAN FRANCISCO BAY NATIONAL WILDLIFE REFUGE, NORTH OF STATE HIGHWAY ROUTE 84.

5b. Number of acres 182.6 ^{SIZE OF PARCEL}; Square Miles 0.285 ^{→ SIZE OF ENTIRE PARCEL} in project site.

5c. Number of registered voters 0 Source of information _____

5d. Number of dwelling units 0 Source of information EBRPD

5e. Number people living on the site 0 Source of information EBRPD

5f. Assessed Valuation: Land _____ Improvements _____ Total _____

5g. Existing Land Uses

OPEN SPACE - RESOURCE CONSERVATION / PUBLIC

5h. Proposed Land Uses

OPEN SPACE - RESOURCE CONSERVATION / PUBLIC (NO CHANGE)

5i. Current and proposed zoning and planning designation(s)

OPEN SPACE

5j. Regional Housing Needs Allocation (RNHA) Requirements and Number of Affordable Units Provided

N/A

5k. Property Information.

Number of parcels in project site 1 Number of landowners 1

Source of information: EAST BAY REGIONAL PARK DISTRICT

Names & Addresses of All Landowners & Associated Parcel Numbers:

Assessor's Parcel Number/s/Address	Landowner Name/ Address
1. <u>543-439-3-19</u>	1. <u>EBRPD</u>
2.	2.
3.	3.

Applicable Tax Rate Area(s):

Parcel Number/s	Tax Rate Area/s
<u>543-439-19</u>	<u>1.1699</u>

6. DESCRIPTIONS AND SETTING

6a. Provide the following land use maps with legends for the project site and immediately adjacent parcels, and clearly identify the project site; County General Plan; City General Plan; Existing Land Use Zones; Prezone if applicable; and Community/Specific Plan if applicable.

6b. Is the proposed change consistent with the terms and conditions of the affected local agency's General Plan? Yes No Explain.

GENERAL PLAN DESIGNATION IS OPEN SPACE - RESOURCE CONSERVATION/PUBLIC.
PROJECT ~~DOES NOT~~ USE WILL REMAIN WITHIN THIS DESIGNATION.

6c. With Community or Specific Plans? Yes No Not Applicable Explain.

CITY OF FREMONT COMMUNITY PLAN - BAYLANDS COMMUNITY PLAN AREA (WITHIN GP) ALSO DESIGNATES PROJECT AREA AS OPEN SPACE - RESOURCE CONSERVATION/PUBLIC.

6d. Describe the proximity of the site to populated areas.

THE SITE IS APPROXIMATELY 1/2 MILE TO NEAREST RESIDENTIAL AREA (FROM APPROXIMATE LOCATION OF PROPOSED RESTROOM AREA).

6e. What are the intended uses of the territory, over the next 5, 10 and 15 years (if different), if application is approved?

N/A - THERE AREN'T ANY DIFFERENT INTENDED USES OVER THE NEXT 5, 10, 15 YEARS.

6f. Are any other in-process or anticipated development, planning or land use proposals expected for this site within the next two years? Check all that are applicable.

- Proposals to LAFCO Land Use Entitlements from a county or city
- Permits from state or federal entity

6g. If applicant is a CITY, Government Code Section 56375 requires that the city prezone territory proposed to be annexed.

Has territory been pre-zoned? Yes ___ No ___ If yes, what is the pre-zoning designation and what does it mean?

6h. Attach copy of certified City Resolution/ Ordinance Number: _____.

Date Adopted: _____.

6i. If applicant is a DISTRICT, what planning, zoning and subdivision changes are proposed, or have been approved by the city or county?

N/A - NO PROPOSED PLANNING, ZONING, OR SUBDIVISION CHANGES; ANNEXING INTO USD SERVICE AREA.

6j. What is the estimated future population in the territory?

At end of 5 years 0 At end of 15 years 0 At end of 10 years 0

Source of Information EAST BAY REGIONAL PARK DISTRICT.

6k. Have landowners consented to the proposal? Yes No

If yes, how many? _____ % of total landowners? _____
 If yes, attach originals of Signature Consent Forms.
 If no, explain.

} N/A - EBPRD IS LANDOWNER

EAST BAY REGIONAL PARK DISTRICT IS THE ONLY LANDOWNER IN PROJECT AREA. A RESOLUTION AUTHORIZING APPLICATION HAS BEEN INCLUDED WITH APPLICATION.

6l. How will the proposal affect the physical and economic integrity of agricultural lands, as defined by Section 56016? Explain.

PROPOSAL WILL NOT AFFECT PHYSICAL/ECONOMIC INTEGRITY OF AGRICULTURAL LAND - THE ACTION RELATED TO THIS PROPOSAL IS TO ADD A FLUSH RESTROOM IN THIS PARK AREA.

6m. How does the proposed change and its anticipated effects conform with LAFCo policies for promoting planned, orderly, efficient patterns of urban development? Explain:

THE PROPOSED CHANGE CONFORMS WITH LAFCO POLICIES IN THAT THE EBPRD HAS GONE THROUGH PROPER CHANNELS OF COMMUNICATION/COORDINATION WITH LAFCO AND USD. ANNEXED AREA WILL BE CONTIGUOUS TO LAND IN USD'S SERVICE AREA; NO ISLAND WILL BE CREATED, AND AREA IS WITHIN USD'S SPHERE OF INFLUENCE

6n. Adjacent Land Uses.

	Existing Land Uses	General Plan Designation	Zoning Designation
North	OPEN SPACE - PARKLANDS	OPEN SPACE / PUBLIC RESOURCE CONSERVATION	OPEN SPACE / PUBLIC FACILITY - NORTHEAST
South	" "	" "	OPEN SPACE
East	TECH PARK	INDUSTRIAL/TECH	PLANNED DISTRICT
West	OPEN SPACE - PARKLANDS	OPEN SPACE / RCP	OPEN SPACE

EACH PARK HER SIDE OF PAVED ADJACENT PARKWAY

6o. How will the proposed change affect mutual social and economic interests of adjacent areas? Explain.

PROPOSED PROJECT WILL OFFER ADDITIONAL ACCESS (AND IMPROVEMENTS) TO OPEN SPACE, REPRESENTING A SOCIAL AND ECONOMIC BENEFIT TO THE AREA.

6p. Have interested residents, agencies and/or organizations expressed support or opposition to this proposal. If so, identify interested parties and briefly describe issues. It is not necessary to explaining the support of initiating agency.

THIS PROPOSAL IS RELATED TO A LARGER PROJECT - COYOTE HILLS RESTORATION AND PUBLIC ACCESS PROJECT, THAT HAS COMPLETED THE CEQA PROCESS, AND EXTENSIVE PUBLIC OUTREACH AND PARTICIPATION. THE EIR AND/OR LAND USE PLAN AMENDMENT FOR THE LARGER PROJECT CAN BE PROVIDED UPON REQUEST. DOCUMENTS ALSO FOUND ONLINE: ebparks.org/about/planning/default.htm #patterson

6q. What is the effect of proposal denial on proposed or approved development if any?

IF PROPOSED ANNEXATION IS DENIED, THE LARGER COYOTE HILLS RESTORATION AND PUBLIC ACCESS PROJECT WILL NOT BE ABLE TO INCLUDE A RESTROOM AS PART OF PROJECT.

6r. Is territory contiguous to the district or city's existing boundary? Yes No

If no, is the area less than 300 acres in size, owned by the city and currently being used for a municipal purpose? Explain.

N/A

6s. Do the proposed boundaries create an "island" or pocket of unincorporated territory? Yes No

If yes, provide supplemental information explaining how the proposal promotes the orderly growth and development of the community.

6t. Each applicant is required to notify all affected local agencies of this proposed change. Have all affected local agencies been informed? Yes No (Attach a list of the affected agencies and a verification for each.)

6u. For district formations, district consolidations, incorporations or city consolidations, provide a proposed agency name (optional). N/A

6v. For district formations, provide the name of the Principal Act under which the proposed district would be governed. N/A

6w. Provide a proposed appropriations limit (optional) if applicable. N/A

7. PLAN FOR PROVIDING MUNICIPAL SERVICES

7a. Provide a plan for providing services (See Part III, Sections 2.24 and 2.25 of Alameda LAFCO's Guidelines, Policies and Procedures for instructions.)

7b. Provide the name, address, and contact person for all school districts.

N/A

7c. Indicate, which agencies currently provide, affected public services within the proposal territory and which agencies are proposed to provide services.

<u>Services</u>	<u>Current Agency</u>	<u>Proposed Agency</u>
Police	EBRPD	EBRPD
Fire	EBRPD / FREMONT	EBRPD / FREMONT
Water		ACWD
Sewer	N/A	UNION SANITARY DISTRICT
Garbage		
Street Lighting		
Road Maintenance	EBRPD	EBRPD
Flood Control	ACFCWCD	ACFCWCD
Parks & Recreation	EBRPD	EBRPD
Library Services	N/A	N/A
Electricity	PG+E	PG+E
Transit	N/A	N/A
Other		

7d. If a change in service provider is proposed, has each local agency provided a statement indicating the desire and ability to furnish services? Yes ___ No ___

N/A

If yes, a Letter of Agreement from each agency assuming service responsibilities **must be included with the application**. The letter must identify each agency's role and responsibilities as the new service provider and the method for funding additional services (See Part III, Sections 2.24 and 2.25).

If no, explain.

7e. If a change in service provider is proposed, are alternative providers available for any of proposed service providers? Yes ___ No ___

If yes, list providers and explain why they are not proposed to provide service.

7f. Will the related land use project require widening or upgrading of existing streets, the construction of new streets, sewers, or other infrastructures? Yes No ___

If yes, describe how modifications will be financed. (See Part III, Sections 2.24 and 2.25).

PROPOSED PROJECT WILL REQUIRE ADDITION OF SEWER LINE TO NEW RESTROOM BUILDING. THIS WILL BE FINANCED BY EBRPD.

7g. List any proposed or required terms, conditions or mitigation measures for the proposal. Use an extra sheet if necessary.

N/A

8. WILLIAMSON ACT LAND CONSERVATION CONTRACTS (agricultural preserves)

Are any agricultural preserves on project site? Yes No Adjacent parcels? Yes No

If yes, provide map with site boundaries indicated and contracted lands identified with names and contract numbers.

If yes, has non-renewal formally been requested? _____

If yes, date of request to Alameda County: _____ Date of termination: _____

9. SPHERES OF INFLUENCE (SOI)

Government Code Sections 56375.5 and 56376 require that territory be included in the affected local agency's SOI before a Change of Organization is approved by the Commission.

9a. Is a CHANGE in Sphere of Influence boundaries of any local agency required prior to proposal consideration? Yes No

If yes, Explain.

List affected agencies¹ and provide a contact name and phone number.

Agency	Contact Name	Phone #

9b. Is the proposed territory currently within a local agency's (county, city or special district) SOI? Yes No

If yes, which agency or agencies? UNION SANITARY DISTRICT,

¹ See Volume I for a definition of this term.

9c. If a Sphere of Influence initial determination, update or amendment is requested, fully and completely explain each of the following as they pertain to the subject proposal (Government Code Section 56425). If any of the factors are already fully described in the master services plan, the applicable section and page number may be referenced.

- The present and planned land uses in the area subject to the proposed change, including agricultural and open space lands;
- The present and probable need for public facilities and services in the area over the next 10 years;
- The present capacity of public facilities and adequacy of public services which the agency provides or is authorized to provide;
- All social and economic communities of interest in the area, which may be affected by the project;
- The existence of agricultural preserves or other important agricultural or open space land in the area, which will be included in the SOI, and the effect on maintaining the physical and economic integrity of the resource; and
- The nature, location and extent of any function or classes of services proposed to be provided within the SOI.

9d. A municipal service review (MSR) will need to be completed for affected SOIs pursuant to Government Code Section 56430. If a new agency is being formed, an MSR will need to be prepared. For other types of SOI proposals, please check with the Executive Officer to determine whether an MSR has already been completed.

10. COUNTY/CITY/DISTRICT PROPERTY TAX EXCHANGE AGREEMENT

LAFCO has no jurisdiction to act on an **annexation proposal** until resolutions agreeing to an exchange of property tax are passed by **each** of the affected local agencies (Revenue and Taxation Code Section 99). It is the applicant's responsibility to identify which local agencies (cities and special districts) share in the tax distribution in order to properly determine how future revenue exchange agreements should be structured.

10a. List all affected local taxing agencies.

Agency	Contact Name	Phone #

10b. Have all participating local taxing agencies reached agreement? Yes ___ No ___
 (In the case of complex reorganization proposals, multiple agreements may be required)

If yes, attach a certified copy of each local agency's tax exchange resolution and provide the following information:

Local Agency	Resolution Number	Adoption Date

If No, Explain.

11. SPECIAL REVENUES

11a. Do agencies whose boundaries are being changed have existing bonded debt?

Yes ___ No ___ If yes, please describe:

11b. Will the territory be subject to any new or additional taxes, benefits, charges or fees?

Yes ___ No ___ If yes, please describe:

12. ENVIRONMENTAL REVIEW

LAFCo is required to comply with the California Environmental Quality Act (CEQA) for purposes of considering the environmental impact of its actions. If LAFCo is a **RESPONSIBLE** Agency for this application, the applicant **must** submit copies of environmental documents prepared by the Lead Agency and Certified Resolutions or Notices of Exemption or Determination. (See Alameda LAFCo's CEQA Handbook, Adopted CEQA Procedures, and Guidelines, Policies and Procedures, Section 2.23)

Identify the following:

Lead Agency: EAST BAY REGIONAL PARK DISTRICT

Responsible Agency/ies:

CITY OF TREMONT, ALAMEDA COUNTY FLOOD CONTROL AND WATER CONSERVATION DISTRICT, CDFW, RWQCB,

*THE EIR PRIMARILY FOCUSED ON HABITAT AND THE OVERALL PUBLIC ACCESS IMPROVEMENTS . 10
THIS ANNEXATION FOR SEWER SERVICE IS INCLUDED/ADDRESSED IN EIR.

12a. If LAFCo is a **LEAD** Agency for this application, the applicant **must** submit

- A description of environmental conditions in the project area including topography, agricultural land classification, vegetation, wildlife, land uses, traffic circulation patterns and major water courses and water bodies; and
- A description of how the project might change environmental conditions.

12b. The CEQA document(s) submitted with this application are:

- | | |
|--|---|
| <input type="checkbox"/> Notice/s of Exemption | <input type="checkbox"/> Negative Declaration |
| <input type="checkbox"/> Draft Environmental Impact Report | <input checked="" type="checkbox"/> Final Environmental Impact Report |
| <input type="checkbox"/> Notice/s of Determination | <input type="checkbox"/> Mitigation Monitoring Program |
| <input type="checkbox"/> Findings of Fact and Statement of Overriding Considerations | |
| <input type="checkbox"/> State Fish and Game Determinations & Fee Receipt | |
| <input type="checkbox"/> Notice of Exemption | <input type="checkbox"/> Other _____ |

Type of CEQA Review (IS/DEIR/Exemption/other)	Project Description (Actions approved)	Date approved/certified
EIR	1) NEW LAND USE PLAN (AMENDMENT) 2) IMPLEMENTING ELEMENTS OF PARK DEVELOPMENT PLAN	SEPTEMBER 3, 2019

12d. The proponent of any project that has the potential to cause an adverse impact on fish or wildlife must pay a State Department of Fish and Game fee based upon the type of environmental determination that is made. The applicant must provide evidence that the appropriate State fee has been paid, or submit the fee to LAFCo (for a list of current fees, see <http://www.acgov.org/forms/auditor/currentFeeSchedule.pdf>).

- | | |
|--|--|
| <input type="checkbox"/> No Effect Documentation | <input type="checkbox"/> Negative/Mitigated Negative Declaration |
| <input type="checkbox"/> Environmental Impact Report | <input type="checkbox"/> Clerk Recorder's Fee |

13. PUBLIC NOTICE, DISCLOSURE AND OTHER REQUIREMENTS

13a. Provide an 8 1/2" X 11" map indicating the project site and identifying all parcels adjacent to and within 300 feet of the project site. Outer boundaries (not adjacent to project site) of large parcels need not be identified. All parcel numbers need to be indicated. (See Appendix E, Exhibit H)

13b. Provide a list of all parcel numbers within the 300 foot radius and include the name and address of the property owner as of the most recent assessment roll being prepared.

13c. Provide signed financial disclosure statement/s (See Appendix E, Exhibit C) pursuant to Government Code Section 56700.1.

13d. Provide one copy of an indemnification agreement (See Appendix E, Exhibit I).

13e. Provide two sets of original mailing labels that separately identify applicants, affected agencies, school districts, registered voters and landowners on project site, property owners and registered voters within 300 feet of project site, and any other party to which notification must be provided. Labels must be current and complete and in Avery 5160 format.

14. Final Comments

- 14a. List any conditions LAFCo should include in its resolution for approval.
- 14b. Provide any other comments or justifications regarding the proposal from any affected local agency, landowner or resident.
- 14c. Enclose all pertinent staff reports and supporting documentation related to this proposal. Note any changes in the approved project that are not reflected in these materials.

15. Applicant's Certification

I hereby certify that the information contained in this application and accompanying documents is true, correct, and accurate to the best of my knowledge. In addition, I hereby agree to pay all required filing and processing fees required by the State of California and Alameda LAFCO, including any expenses for preparation of environmental documentation and planning studies needed to complete this application.

I further understand that Alameda LAFCO will not process an incomplete application and that State law and Alameda LAFCO policies and procedures require that specific material be submitted in conjunction with the application.

KARLA MEYERS

Name of Applicant or Authorized Representative

PROJECT COORDINATOR

Title of Applicant or Authorized Representative

Karla Meyers

Signature of Applicant or Authorized Representative

03/09/20

Date

Exhibit C - Financial Disclosure Statement

Local Agency Formation Commission of Alameda County
FINANCIAL DISCLOSURE STATEMENT

Consistent with the requirements of the State of California Fair Political Practices Commission, each applicant or their agent must complete and submit this Statement of Disclosure form with any application that requires discretionary action by Alameda LAFCo (Government Code Section 84308 of the Political Reform Act).

Person is defined as: "Any individual, firm, co-partnership, joint venture, association, social club, fraternal organization, corporation, estate, trust, receiver, syndicate, this and any other county, city and county, city, municipality, district or other political subdivision, or any other group or combination acting as a unit."

1. List the names of all persons having any ownership interest in the property involved or any financial interest in the application.

EAST BAY REGIONAL PARK DISTRICT - OWNER

2. If any person identified pursuant to #1 is a corporation or partnership, list the names of all individuals owning more than 10% of the shares in the corporation or owning any partnership interest in the partnership.

N/A

3. If any person identified pursuant to #1 is a non-profit organization or a trust, list the names of any person serving as director of the non-profit organization or as trustee or beneficiary or trustor of the trust.

N/A

4. Has any person identified pursuant to #1 had \$250 or more worth of business transacted with any Commissioner or Alternate or Commission staff person within the past 12 months? Yes / No X

If "Yes", please indicate person's name/s: _____

5. Has any person identified pursuant to #1, or his or her agent, contributed \$250 or more to any Commissioner or Alternate within the past 12 months?

Yes No

If Yes, please indicate person(s) or agent(s) making contribution:

and name/s of Commissioner(s)/Alternate(s) receiving contribution:

I HEREBY CERTIFY UNDER PENALTY OF PERJURY THAT THE ABOVE INFORMATION IS TRUE AND ACCURATE TO THE BEST OF MY KNOWLEDGE.

COYOTE HILLS ANNEXATION INTO UNION SANITARY DISTRICT

~~EAST BAY REGION~~ (KM)

Name/Title and Number of Application (Please print or type)

KARLA MEYERS

Name of Applicant (Please print or type)

Karla Meyers
Signature of Applicant

03/11/20
Date

Signature of Applicant

Date

Signature of Applicant

Date

Signature of Applicant

Date

Exhibit F - Landowner Consent to Annexation Form

Local Agency Formation Commission of Alameda County

LANDOWNER CONSENT TO ANNEXATION

Name/Title of Proposal: COYOTE HILLS ANNEXATION INTO UNION SANITARY DISTRICT

Project Number: _____

Name of Applicant: EAST BAY REGIONAL PARK DISTRICT

I/We, the undersigned, constitute all the owners of the following parcel(s) of land:

Assessor's Parcel No. 543-0439-003-19 No. of Acres 182.6

Assessor's Parcel No. _____ No. of Acres _____

Assessor's Parcel No. _____ No. of Acres _____

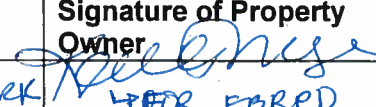
Assessor's Parcel No. _____ No. of Acres _____

Assessor's Parcel No. _____ No. of Acres _____

I/We, the undersigned, hereby make Application for Annexation of the above referenced parcels into:

UNION SANITARY DISTRICT
Name of Annexing Local Agency

and, furthermore, hereby agree not to protest this annexation.

Name of Property Owner (Please print or type)	Signature of Property Owner	Date Signed	Parcel No.
EAST BAY REGIONAL PARK DISTRICT	 FOR EBRPD	3/11/20	543-0439-003-19

AGENDA REPORT

September 10, 2020

Item No. 8

TO: Alameda Commissioners

FROM: Rachel Jones, Executive Officer

SUBJECT: Agricultural Conservation Planning Grant with the Department of Conservation – Adoption of Resolution to Serve as Lead Applicant

The Alameda Local Agency Formation Commission (LAFCO) will consider adopting a resolution of application to serve as lead applicant for a \$250,000 agricultural conservation planning grant with the Department of Conservation and its Sustainable Agricultural Lands Conservation (SALC) Program. The grant program supports protecting agricultural lands from conversion to urban and rural residential development within existing jurisdictions and supporting a healthy agricultural economy resulting in food security. Alameda LAFCO has 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. The Department of Conservation has granted Alameda LAFCO an extension on the grant application with the anticipation of a resolution of application approved by the Commission. Staff recommends approval.

Background

The Sustainable Agricultural Lands Conservation (SALC) Program is a component of the Strategic Growth Council’s Affordable Housing and Sustainable Communities (AHSC) Program. SALC is funded through revenue from the California Climate Investments Fund derived from quarterly cap-and-trade auction proceeds for projects that reduce greenhouse gas emissions and provide additional benefits to communities. The Department of Conservation works in conjunction with the Natural Resources Agency and Strategic Growth Council to implement the program. The statewide program works to improve land conservation efforts while increasing the economic viability of agricultural sectors and improving public health and environmental conditions in particularly disadvantaged communities.

The SALC grant program guidelines identify eligible applicants as counties, cities, councils of government, municipal planning organizations, groundwater management agencies, planning and land use agencies and LAFCOs. The deadline to apply for the grant was August 28th, however, LAFCO was granted an extension due to time constraints with its public meeting schedule.

Information

Alameda LAFCO reached out to ACRCDC in July 2020 to submit a proposal for SALC's planning grant and serve as lead applicant given ACRCDC's inability to do so based on the eligibility requirements. The proposal submitted to SALC involves a strategically designed Countywide agriculture and working lands preservation program that would establish a coalition of stakeholders to create standard policies to ensure the implementation of consistent agricultural opportunities in Alameda County. This coalition aims to develop a collected forum of agricultural and land use agencies to create a uniform policy on preserving agricultural lands in rural and semi-rural areas while increasing accessibility of such lands in urban communities through infill development opportunities.

The project's purpose is to identify, map and monitor high-priority parcels of agricultural lands within proximity to urban growth boundaries of cities and unincorporated areas within the County of Alameda, along with identifying priority sites for additional urban agricultural community gardens for disadvantaged low-income and or unincorporated communities. The project will enable and promote existing programs as well as allow transparency among the stakeholders on who is doing what for better coordination and collaboration to better support and improve strategies within the region. Alameda LAFCO will assist in creating a repository of agricultural and open space use policies from stakeholders throughout the County, while ACRCDC will implement and manage the project's priority sites.

Under the grant program's terms and conditions, if awarded, the applicant must be able to match 10% (equals \$25,000 of the grant total) of the grant funds allocated to the applicant. ACRCDC determines that it could allocate 5% (equals \$12,500 of total grant amount) of the 10% required match through in-kind donations and other reserves if LAFCO could apply the other 5% funds. It appears reasonable for Alameda LAFCO to apportion at least \$12,500 of reserves for the special project given the Commission's total fund balance amount of approximately \$690,208. Staff requests to designate, at a maximum, \$12,500 from reserves committed to matching funds of the SALC grant program if awarded.

Discussion

This item is for Alameda LAFCO to consider authorizing the Commission to serve as lead applicant for the SALC agricultural planning grant with partnership with ACRCDC. ACRCDC would serve as project manager and assist in coordination and implementation among participants. Alameda LAFCO would be responsible in administering and allocating grant funds should it be awarded. The deadline for application submittal was August 28th. Due to the timing of the Commission's meeting, staff will apply by the deadline with the understanding it will be withdrawn should the Commission not provide authorization at its September 10th regular meeting. Alameda LAFCO's participation in the grant program could allow a direct contribution to facilitating orderly and efficient growth while protecting and enhancing agricultural and open space use.

Alternatives for Action

The following alternatives are available to the Commission:

Alternative One (Recommended):

Adopt a resolution of application for Alameda LAFCO to serve as lead applicant for the SALC agricultural conservation planning grant as provided in Attachment 1; and

Authorize the Commission to allocate 5% of the grant total (\$250,000) for matching funds; and

Authorize the Executive Officer authority to execute the grant agreement, and if awarded, staff will return to the Commission with a proposed Memorandum of Understanding on terms and conditions of administering the grant agreement and fund allocation.

Alternative Two:

Deny the requested authorization.

Recommendation

It is recommended the Commission proceed with Alternative Action One.

Respectfully,



Rachel Jones
Executive Officer

Attachments:

1. Resolution of Application for SALC Planning Grant
2. SALC Planning Grant Application

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ALAMEDA LOCAL AGENCY FORMATION COMMISSION

RESOLUTION NO. 2020-XX

**AUTHORIZATION OF ALAMEDA LAFCO TO SERVE AS LEAD APPLICANT FOR
THE SUSTAINABLE AGRICULTURAL LANDS CONSERVATION PLANNING
GRANT WITH THE DEPARTMENT OF CONSERVATION**

WHEREAS, the Alameda Local Agency Formation Commission, hereinafter referred to as the “Commission,” is responsible for regulating boundary changes affecting cities and special districts and preserving open space and agricultural lands under the Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000; and

WHEREAS, the Commission and the Alameda County Resource Conservation District (ACRCD) requested to apply for a \$250,000 agricultural conservation planning grant with the Department of Conservation and its Sustainable Agricultural Lands Conservation Program (SALC) with the Commission as lead applicant; and

WHEREAS, said application and project shall be referred to as the Alameda County Agricultural Resiliency Project; and

WHEREAS, the Cortese-Knox-Hertzberg Act of 2000 permits the Commission to apply for and or accept any financial assistance and grants-in-aid from public or private agencies or from the state or federal government or from a local government under Government Code Section 56378(b); and

WHEREAS, the Commission accepts the SALC grant applicant is responsible for costs to complete work related to the development and execution of the grant project until reimbursement by the State; and

WHEREAS, the SALC planning grant guidelines require submittal of a resolution from the applicant regarding commitment to grant program requirements.

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

1. Authorize the Commission to serve as lead applicant in partnership with ACRCD and keep the application on file with SALC for the agricultural conservation planning grant for the amount of \$250,000 as noted in Attachment 2.
2. Certify the Commission understands and accepts the template terms and conditions if the project is awarded grant funding.
4. Certify that no conflict of interest or appearance of a conflict of interest exists for the Commission as it relates to the project.

5. Certify the Commission’s application if granted will have sufficient funds to meet the match requirement.
6. Authorize entrance into a grant agreement with the Department of Conservation for the project and agree the template included in the SALC Guidelines as a provided in Attachment 2.
7. Authorize the Executive Officer as agent to accept the award of grant funding and to, execute and submit all documents including, but not limited to applications, agreements, and payment requests which may be necessary for development of the grant award.
8. The Commission **CONDITIONS** all approval on the following terms:
 - a. Authorize the Executive Officer to sign the grant award should it be approved and in conjunction with executing a memorandum of understanding with ACRCDC to prescribe all duties and matching contributions required as part of the SALC grant subject to review and approval of the Commission Counsel and Commission.

PASSED AND ADOPTED by the Alameda Local Agency Formation Commission on September 10, 2020 by the following vote:

AYES:

NOES:

ABSTAIN:

ABSENT:

APPROVED:

ATTEST:

Scott Haggerty
Chair

Rachel Jones
Executive Officer



Alameda Local Agency Formation Commission

August 28, 2020

Ms. Virginia Jameson
 Department of Conservation, Division of Land Resource Protection
 Sustainable Ag Conservation Program
 801 K Street, MS 14-15
 Sacramento, CA 95814
salcp@conservation.ca.gov

**SUBJECT: Alameda County Agricultural Resiliency Project |
 Alameda Countywide Coalition of Agricultural Preservation Policies and
 Urban Agricultural Land Use Opportunities**

Dear Ms. Jameson,

Alameda Local Agency Formation Commission (LAFCO) envisions the establishment of a coalition of stakeholders in coordination with the Alameda County Resource Conservation District (ACRCD) to create standards/policies to ensure the implementation of consistent agricultural opportunities and policies throughout Alameda County. The preservation of agricultural and working lands, while simultaneously limiting urban sprawl and reducing greenhouse gas emissions, will help foster a sustainable, high quality of life in the greater Alameda County area. This coalition aims to develop a collected forum of agricultural and land use agencies to create a uniform policy on preserving agricultural lands in rural and semi-rural areas while increasing accessibility of such lands in urban communities. The project's purpose is to identify, map, and monitor high-priority parcels of agricultural lands within proximity to urban growth boundaries of cities and unincorporated areas within Alameda County, along with identifying priority sites for additional urban agricultural community gardens for disadvantaged, low-income, and/or unincorporated communities.

Alameda County faces continued pressures of increasing population growth that ultimately leads to land-use conversion of existing open space and agricultural lands. Intensive pressure to sell undeveloped, private lands are subject to increase near surrounding incorporated cities given the high per acre sale prices of lands within the area. While the majority of lands in Alameda County are used for grazing, the County supports a diverse and thriving viticulture community along with nursery and crop production.

Administrative Office

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

Scott Haggerty, Chair
 County of Alameda

Nate Miley, Regular
 County of Alameda

Richard Valle, Alternate
 County of Alameda

John Marchand, Regular
 City of Livermore

Jerry Thorne, Regular
 City of Pleasanton

David Haubert, Alternate
 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

Tom Pico, Alternate
 Public Member

Nevertheless, in many Bay Area counties, including Alameda, Disadvantaged Unincorporated Communities (DUCs) are located within Priority Development Areas (PDAs). DUCs are defined as inhabited territory that constitutes all or a portion of an unincorporated community with an annual median household income that is less than 80 percent of the statewide annual household income (MHI).

As a result, access is often limited to these regional food production systems in DUCs and low-income areas within the County. The siting of urban agricultural gardens within Infill Development DUC's will promote a healthier, more equitable community. The SALC Plan would further seek to identify both current and potential locations for urban agricultural production, along with protecting existing agricultural lands in city peripheries and unincorporated areas, while maintaining urban growth boundaries that protect against conversion of working lands.

Currently Alameda County has multiple organizations addressing these issues of increasing concern within their respective areas of land use authority. The implementation of the SALC Planning Grant project will foster a working, multi-agency coalition that provides an open forum to discuss the respective agency's policies and seek opportunities for intersection that integrate mutually and environmentally beneficial and sustainable objectives.

Alameda LAFCO, as the lead applicant with the active support of the ACRCDD, will coordinate and collaborate with the stakeholder agencies to discern discrepancies and gaps in agricultural preservation regulation, policies, and related initiatives in order to promote the development of agreed upon, multi-agency standards to achieve ecologically sustainable growth and decrease urban sprawl within the region.

Respectfully,



Rachel Jones
Executive Officer

Planning Grant Cover Sheet

Project Title	Collaborative Stakeholder Planning in Alameda County to Ensure the Preservation of Agricultural/Working Lands, Coordinated Infill Development Inclusive of Urban Gardens and Urban-Growth Boundary Planning Modifications to Limit Likelihood of UGB Expansion while Concurrently Reducing Greenhouse Gas Emissions
Applicant Name	Alameda LAFCO
Department/Office	N/A
Federal Employer ID Number	21-2705
Mailing Address	224 West Winton Avenue, Suite 10, Hayward, CA 94544
Location (County and/or City)	Alameda County
Requesting Priority Population Benefits Status (circle one)	Y / (N) (If yes, you will need to submit a Priority Population Benefits Checklist with your application)
Grant Request Amount	\$ 250,000
Matching Funds Pending	\$ 0
Matching Funds Committed	\$ 25,000
Total Estimated Project Cost	\$ 275,000
Contact Person	Rachel Jones
Title	Chief Executive Officer
Phone Number	510-670-6267
Email Address	rachel.jones@acgov.org

EXECUTIVE SUMMARY

The Alameda County Resource Conservation District (ACRCD) appreciates the opportunity to submit this proposal through Alameda County LAFCO to meet the Department of Conservation's (DOC) Sustainable Agricultural Lands Conservation (SALC) planning grant requirements and objectives. Our proposal involves a strategically designed County-wide agriculture and working lands preservation program that would include incorporated and unincorporated areas of Alameda County. Inherent to the successful and comprehensive development of the Plan, a diverse Stakeholder group with representatives from key agencies and organizations across the County will be formed to convene regularly to develop and implement the primary goals of the SALC planning grant. For more on Stakeholder identifications and roles, please see our answer Application Question 9. The two-year planning grant would comprise Phase One of a two-phase process whereby we would subsequently apply for and hope to receive an Acquisition Grant from the DOC.

Primary Goal A: Identification and Preservation of Agricultural Lands including Working Lands

The identification of priority and critical areas to preserve sustainable agriculture/working lands/viticulture will preserve the quality of life in the region, reduce greenhouse gases in the atmosphere, provide quality viewshed, local healthy food resources, and further mitigate efforts to expand urban growth boundaries.

Primary Goal B: Infill Development Focused on Healthy and Resilient Communities for Disadvantaged and Low-Income Populations

Supporting agricultural urban community gardens within infill development areas would further add aesthetic greenspace/viewshed values and translate into tangible ecosystem services with revenue producing benefits. The widely recognized and demonstrated benefit of urban tree plantings could also be implemented to further enhance urban gardens/ infill green-space impacts on the reduction of quantifiable measurements of CO₂ reduction per square meter crop planting.

Primary Goal C: Reduce Greenhouse Gas Emissions

The siting of urban agriculture in close proximity to community residential areas will reduce the frequency of vehicular usage (and therefore greenhouse gas emissions) to obtain healthy foods. Workplan timelines will vary based on both the sequence in which tasks should be accomplished as well as the depth of information required to meet specific objectives. Actual critical timelines will be best discerned following initiation and holding of Stakeholder meetings (3 to 6). Stakeholder input will be incorporated via meeting notes, questionnaires, and surveys.

Q1. Description of the Proposed Planning Project and Context within the Agricultural Landbase

Our agricultural lands conservation planning project brings together policy makers and the public (hereafter, stakeholders) to streamline existing agricultural lands conservation policy in Alameda Co., to better meet stakeholder needs, and to identify key parcels of conservation priority in proximity to urban growth boundaries. This effort facilitates a decrease in greenhouse gas emissions through promotion of infill development, and community involvement with urban agriculture practices and engagement in conservation policies. Specifically, our objectives and related outcomes are:

Objectives	Outcomes and Deliverables
To identify priority parcels of agricultural land, or land that could be converted to agricultural use, for conservation within proximity to urban growth boundaries of cities within Alameda County.	Map of high-priority parcels for conservation acquisition of agricultural lands in proximity to city urban growth boundaries within Alameda County.
To identify priority sites for addition of urban agricultural community gardens within proposed infill development areas, focusing on those that overlap low income and/ or disadvantaged communities.	Map of optimal urban agricultural community garden locations within potential infill development areas within Alameda County.
To bring together a coalition of stakeholders to address policy gaps and regulatory inconsistencies across jurisdictions in Alameda County, and to work towards more consistent policy, relative to management of both the above agricultural land categories.	Comprehensive review of existing agricultural lands' conservation policy in Alameda County and recommendations for improvement. Cohesive and effectual coalition of planning stakeholders, enabled by increased communication, identification of shared goals, and cross-jurisdictional understanding.

Because of its unique location on the eastern shore of the San Francisco Bay, with topography and microclimates shaped by tectonic activity and ocean-influenced wind patterns, Alameda County is exceptionally biodiverse, racially diverse, and economically productive.^{1,2} It also faces continued pressures of increasing human population growth, including land-use conversion of existing open space, specifically in regard to agricultural lands.

The County contains approximately 471,971 acres in total land area,³ of which approximately 53% have been identified as agricultural lands by the Farmland Mapping and Monitoring Initiative Program (FMMP) data: 241,117 acres of grazing land (51%), 2,260 acres of unique farmland (<1%), 1,110 acres of farmland of statewide importance (<1%), and 3,433 acres of prime farmland (<1%) (Map 1).⁴ Thus, the majority of Alameda County agricultural lands are grazing lands. However, viticulture, nursery

¹ Association of Bay Area Governments and Metropolitan Transportation Commission. 2013. Plan Bay Area: Regional Transportation Plan and Sustainable Communities Strategy for the San Francisco Bay Area 2013-2040. Adopted July 18, 2013. 132 pp. + Appendices.

² Center for Biological Diversity. "San Francisco Bay Area and Delta Protection." Retrieved from: https://www.biologicaldiversity.org/campaigns/san_francisco_bay_area_and_delta_protection/index.html#

³ Wikipedia: https://en.wikipedia.org/wiki/Alameda_County,_California [Accessed 27 Aug 2020.]

⁴ Farmland Mapping and Monitoring Program via GreenInfo Network. Bay Area Greenprint: <https://www.bayareagreenprint.org/dashboard/#!?tabid=Agriculture&title=Grazing%20Land> [Accessed 27 Aug 2020.]

production, and vegetable crop operations also are present.^{5,6} Although only 6% of Alameda County lands are identified as at risk of urban development in planning resources for the county (Map 1), this statistic applies specifically to lands surrounding cities.⁶ Intensive pressure to sell undeveloped, private lands exists, given the high per acre sale prices in this area. For example, Landwatch, a commercial, rural real estate company, lists 15,213 acres of “rural properties, ranches and hunting lands” for sale within Alameda County, for a total estimated value of \$272 million.⁶

Local production, especially within urban centers, is limited and much of the local populace is not directly tied to regional food production systems. Our project would aim to identify both current, and potential future locations, for urban agricultural production as well as to protect existing appropriate agricultural lands at city peripheries and unincorporated areas, maintaining urban growth boundaries that protect against conversion of working lands to more-intensive greenhouse gas emitting uses. The high values of undeveloped lands within the San Francisco Bay Area puts remaining private working lands at risk, especially in unstable, fluctuating economic markets. Both the quantity and quality of agricultural land that can be expected to receive protection through the proposed project is listed as a discoverable in Task 3, “Create criteria for ranking agricultural land parcels for preservation priority” listed under the Work Plan included in this application.

Q2. Agricultural Land Conversion Risk

Today, there are approximately 247,920 acres of agricultural land in Alameda County.⁴ Agricultural land is being converted to other uses in Alameda County with a net loss of 342 acres between 2008 and 2010,⁷ with grazing land being the most significant loss. Map 1 shows the areas in Alameda County most at risk for conversion and to what extent (medium or high risk). On average, land in agricultural production has been decreasing at a rate of 0.58 percent during each two-year period since 1984.⁸ Today, Alameda County open space surrounding the region’s cities faces a risk for development of approximately 6 percent.⁹ These conversion risks are expected to continue as challenges for agriculture land, like climate change and urbanization in Alameda County, intensify.

Sustaining Our Agricultural Bounty, a 2011 assessment of farming and ranching in the San Francisco Bay Area, identifies developmental pressures and land values, water, local distribution, and value-added production / regulation as key factors driving the increase of agriculture land-use conversion rates.⁵ As prices for land in the Bay Area increase, the pressure for development continues to burden agricultural land along and beyond the urban growth boundary. While there are some policies like the Williamson Act in place to mitigate the rate in which agricultural land is lost to urban growth, urbanization trends continue to make property owners uncertain on future regulations. This in turn decreases investments for farm operations and building new markets. Because Alameda County is situated within a commute’s reach to the region’s economic centers, the population is expected to swell by almost 400,000 additional residents over the next 25 years.⁵ The proposed project supports infill development and protection of agricultural land near and beyond the urban growth boundary to ease the developmental pressure caused by population-driven demand for agricultural conversion.

Q3. Greenhouse Gas Reduction Potential in Alameda County

⁵ American Farmland Trust, Greenbelt Alliance, and Sustainable Agriculture Education (SAGE). 2011. *Sustaining Our Agricultural Bounty: An Assessment of the Current State of Farming and Ranching in the San Francisco Bay Area*. 61 pp. <https://www.sagecenter.org/wp-content/uploads/2015/11/Sustaining-Our-Agricultural-Bounty-An-Assessment-of-Agriculture-in-the-San-Francisco-Bay-Area.pdf>

⁶ Landwatch: https://www.landwatch.com/California_land_for_sale/Alameda_County [Accessed 27 Aug 2020.]

⁷ Alameda County Community Development Agency Impact Analysis Agricultural and Forestry Resources, Table 3.2-2.

⁸ California Department of Conservation, Division of Land Resource Protection “Alameda County 2004-2006 Land Use Conversion Table A-1.” <http://www.conservation.ca.gov/dlrrp/fmmp/Pages/Index.aspx>

⁹ Bay Area Greenprint, <https://www.bayareagreenprint.org/>

The SALC project will avoid and/or reduce greenhouse gas (GHG) emissions by securing urban growth boundaries, thereby reducing commuter transportation miles driven (i.e., vehicle miles traveled, VMT) and allowing working lands to continue carbon neutral or carbon negative GHG output.

California's GHG emissions are primarily (about 82 percent) carbon dioxide (CO₂). Transportation is the largest source of GHG emissions in California. It accounts for about 40 percent, and more than 50 percent including refineries, which make the fuel for transportation.¹⁰

Conversely, agricultural lands, including grasslands can act as carbon sinks. Soils sink GHGs through increased organic carbon storage known as carbon sequestration. Soil health is a key driver of agricultural productivity. The most cost-effective critical strategy of GHG mitigation includes soil health building practices. When these practices involve cropland conservation, such as no-till, cover cropping, and/or compost additions, as much as 20 percent GHG emissions from agriculture can be offset.¹¹ Furthermore, an acre of urban land emits 70 times more GHGs than an acre of irrigated cropland.¹²

Since 1945, the total number of farms within Alameda County has declined by ~80 percent.¹³ This currently totals over 200,000 acres designated for agricultural purposes. As Alameda County's growing population is currently rising over 1.6 million, it becomes increasingly critical to secure and preserve lands proving GHG neutral and/or negative.

Utilizing urban space for agricultural purposes further reduces GHG emissions by negating unnecessary GHG-producing travel to grocery stores as city dwellers are more likely to attain produce via non-vehicular travel (walking or biking) or by using inner-city transit. It also creates opportunity pockets for soil preservation and improvement to further sequester CO₂ within the city itself.

This SALC grant project focus will be to:

- Reduce the transition of working lands into GHG-emitting, high-intensity industry developments
- Promote growth and transit-friendly development within existing jurisdictions
- Identify optimal sites in disadvantaged areas for infill and urban agriculture development
- Ensure open space rangeland, ranch land, vineyards, and agricultural land remains available to facilitate and support a healthy agricultural economy
- Prevent urban sprawl from encroaching on working lands, which will additionally protect open space, watersheds, and wildlife habitat

The SALC grant project will:

- Allow our team, in a concerted and impactful action, to quantify carbon sequestered in current working lands
- Identify working lands of unique, local, and regional importance to acquire along the urban growth boundary that have higher GHG reducing potential
- Promote soil health building practices on those lands that sequester carbon, further reducing GHG emissions

¹⁰ Mangat, Tirlochan S. "Source Inventory of Bay Area Greenhouse Gas Emissions." *Bay Area Air Quality Management District*, Feb. 2010, [www.baaqmd.gov/~media/Files/Planning and Research/Emission Inventory/regionalinventory2007_2_10.ashx](http://www.baaqmd.gov/~media/Files/Planning%20and%20Research/Emission%20Inventory/regionalinventory2007_2_10.ashx).

¹¹ Del Grosso, S.J., Mosier, A.R., Parton, W.J., Ojima, D.S. (2005). DAYCENT model analysis of past and contemporary soil N₂O and net greenhouse gas flux for major crops in the USA. Soil and Tillage Research

¹² Jackson, et al., University of California, Davis, Adaptation Strategies for Agricultural Sustainability in Yolo County, California: A White Paper from the California Energy Commission's Climate Change Center, July 2012 (CEC-500-2012-032).

¹³ Cozad, Shauna, et al. Research Gate, 2002, pp. 14–14, *Alameda County Foodshed Report*.

- Identify current and future urban locations for optimal agricultural and GHG reducing focused action

Q4. Sustainable Communities Strategies

This proposed project will align with existing Sustainable Communities Strategies by investing resources towards: 1) identifying gaps within current cross-jurisdictional agricultural policy, 2) identifying at-risk agricultural lands of high conservation priority within proximity to urban growth boundaries, and 3) collaborating with local communities in recommending footprints suitable for urban agriculture within infill locations.

The planning efforts of our stakeholder team will complement efforts to meet the following objectives emphasized by regional Sustainable Communities Strategies (SCS; i.e., Plan Bay Area 2040¹⁴ and draft Plan Bay Area 2050,¹⁵ a Regional Transportation Plan and SCS serving the wider, nine-county San Francisco Bay Area), as well as mirrored in General Plans of municipalities within Alameda County:

- To avoid increase in greenhouse gas emissions, particularly those associated with conversion of agricultural land to more intensive greenhouse gas emitting land uses.
- To reduce urban sprawl and maintain a healthy agricultural economy by promoting infill development and by preserving open space areas, including at-risk agricultural lands.

These objectives align with directives issued in State Assembly Bill 32, the Global Warming Solutions Act of 2006, and State Senate Bill 375, the Sustainable Communities and Climate Protection Act of 2008, which also include provision of support to disadvantaged and low-income communities, a.k.a., “Priority Population Areas” (PPA; Map 4).

In particular, our project will complement the existing SCS by aligning with *Investment Strategy 2 “Support Focused Growth”* of Plan Bay Area 2040 (and related Congestion Management Program elements of the Alameda County Congestion Management Agency¹⁶), which concentrates transportation investments on Priority Development Areas (PDAs; Map 3) – potential infill development locations in close proximity to transportation hubs that are expected to absorb a majority of future development, that will support day-to-day needs of the local community,^{13,16} and that are generally in or within close-proximity to PPA – while also identifying and investing in preserving Priority Conservation Areas (PCAs) on outskirts of municipal boundaries. In this way, our planning project will support efforts that focus growth to introduce additional environmental, civic engagement, health, educational, aesthetic, equitable and revenue-producing co-benefits to the populations and municipalities served in a sustainable manner while engaging citizenry to promote healthy, resilient and locally-productive communities (further described in the answer to Question 6 below).

Our emphasis is on collaboration with local governments, Alameda Co. LAFCo, civic groups, nonprofits and community members, who will be engaged during strategy development and site analysis through public meetings, forums and educational workshops to ensure a coordinated approach to urban farm placement and retention. In this way, our approach will integrate with existing SCS efforts to manage

¹⁴ Metropolitan Transportation Commission (MTC) and Association of Bay Area Governments (ABAG) 2017. Plan Bay Area 2040. Adopted July 26, 2017. 45 pp. Retrieved from: http://2040.planbayarea.org/sites/default/files/2017-07/Plan%20Bay%20Area%202040_Adopted_07.26.17.pdf

¹⁵ ABAG and MTC. 2020. Plan Bay Area 2050. <https://planbayarea.org/>

¹⁶ Alameda County Transportation Commission. 2019. Congestion Management Program. September 2019. Oakland, CA. 122 pp. + Appendices. Retrieved from: https://www.alamedactc.org/wp-content/uploads/2019/11/2019_Alameda_County_CMP_FINAL.pdf

anticipated Bay Area population growth and associated development pressures, in a sustainable and collaborative manner.

Despite statutory acknowledgement and requirement for urban green space to be included within infill development plans, urban farms/ gardens are not highlighted within the Sustainable Communities Strategies referenced here. But, as indicated in the answer to question 6 below, urban farms bring co-benefits that can mitigate urban heat island effects of ‘concrete jungle’ development, decrease surrounding air and water pollution, as well as break up the associated ‘food deserts’ of such developments; thus, inequity inherent in current development topology¹⁷ can be addressed in part by supporting urban agriculture in locations proposed for future development within SCS; in addition, locating peripheral agricultural lands for acquisition and retention as agricultural properties promotes infill development as opposed to urban sprawl, indirectly keeping greenhouse gas emissions low, by keeping VMT to a minimum. The existence of produce within walking distance of high-density low-income housing within city boundaries allows for reduction in VMT by providing nutritious food sources embedded within the communities served.

This growth puts pressure on municipalities to expand their urban growth boundaries, indirectly increasing Vehicle Miles Traveled (VMT) by residents and thereby introducing higher concentrations of carbon dioxide and other greenhouse gases into the atmosphere than might be emitted by residents living closer to the city center.

5. California’s Planning Priorities

The proposed plan’s focus on supporting infill development and reducing greenhouse gas emissions is consistent with multiple California Planning Priorities. Specifically, this project ties into two of California’s Planning Priorities to “promote infill development and equity by rehabilitating, maintaining, and improving existing infrastructure that supports infill development and appropriate reuse and redevelopment of previously developed, underutilized land that is presently served by transit, streets, water, sewer, and other essential services, particularly in underserved areas, and to preserving cultural and historic resources”¹⁸. With an estimated population of 1,684,000 people in Alameda County and positive growth rate of 10.7% as of 2019¹⁹, the stresses that population growth has on existing infrastructure and essential services is only predicted to grow. With this predicted growth, identifying areas for infill growth is key in reducing cost and greenhouse gas emissions of travel to dispersed development, further pushing urban growth boundaries. By redirecting agricultural land use to infill development in underserved areas, this project is also addressing equity in addition to using underutilized land for an environmental and public health purpose of reducing greenhouse gas emissions. This component aligns with the second planning priority to “protect environmental and agricultural resources by protecting, preserving, and enhancing the state’s most valuable natural resources, including working landscapes such as farm, range, and forest lands, natural lands such as wetlands, watersheds, wildlife habitats, and other wildlands, recreation lands such as parks, trails, greenbelts, and other open space, and landscapes with locally unique features and areas identified by the state as deserving special protection”²⁰. This project’s aim of promoting agricultural use of infill development and protecting working landscapes adjacent to urban growth boundaries explicitly address the importance of preserving valuable natural resources, as it relates to climate change.

¹⁷ Plumer, B. and N. Popovich. 2020 Aug 24. How decades of racist housing policy left neighborhoods sweltering. *The New York Times*. Retrieved from: <https://www.nytimes.com/interactive/2020/08/24/climate/racism-redlining-cities-global-warming.html>

¹⁸ Laws | Government Code, Planning and Land Use, Planning and Zoning: Section 65041.1

¹⁹ US Census Bureau V2019

²⁰ Laws | Government Code, Planning and Land Use, Planning and Zoning: Section 65041.1

With predictions of increased likelihood of extreme weather events ranging from wildfire, droughts, flooding, as well as decreased air and water quality from pollutants, the need to protect green areas we still have left for their ecosystem services and the urgency to mitigate greenhouse gas emissions has become increasingly clear²¹. These effects jeopardize community public health and safety, economy, and ecosystems. Through tree planting and restorative carbon farming practices, this project will actively aid in mitigating negative impacts. Our resilient-focused approach to protecting these lands in the form of planting native species to support wildlife biodiversity and centering underserved communities at the forefront of infill development planning, mirrors the Strategic Plan to serve the often overlooked communities that are disproportionately affected by climate change to form resilient communities at the landscape-scale. The urgency of addressing climate change as the Alameda County Community Climate Action Plan suggests “preserves valuable response options, narrows the uncertainties associated with changes to the climate, and could potentially lower the costs of mitigation and adaptation in the future”²². In line with that notion and the priorities of the state in mind, this project serves as a nexus for enhancing communities and the natural environment for the protection, benefit, enjoyment, and health for all.

6. Co-benefits

The planned project would have significant co-benefits to the environment, economy, and public health of the surrounding communities, cities, Alameda County as a whole, as well as the regionally connected jurisdictions’ disadvantaged community. The environmental benefits of sequestering carbon exceed more than just vehicle miles travelled as ecosystem health would benefit from sustainable agricultural practices. For example, implementing a restorative approach to soil would help soil sequester more carbon through no-till, cover cropping, and compost-use farming, measured through soil carbon storage. ACRCDC has experience adopting such principles through the Healthy Soils programs already implemented in Alameda County. Using preserved agricultural land can also serve as an educational resource for community members to develop sustainable habitats such as reducing food waste via compost and mindfulness of all the resources that go into growing food. This could be measured by monthly weight of food scraps introduced to compost. In addition, adopting management strategies to promote biodiversity of local flora and fauna can fortify ecosystem resilience. Installing native plants in hedgerows would help support pollinator populations in an otherwise developed landscape, measured by pollinator surveys. Bird boxes can also be installed to provide bird habitat as well as serve as natural pest control for produce. These lands on the fringe of urban growth boundaries also serve as important corridors for wildlife to travel between open spaces thereby encouraging habitat connectivity through strategic open space preservation. Another important ecosystem service that agricultural lands provide is supporting healthy watersheds. Compared to materials used for dispersed development, natural systems like agriculture have the potential to improve soil conditions, water runoff rates, filtration rates, and groundwater recharge. Proper management of these lands could also benefit erosion control and waste treatment. These are all important services to providing clean air and water at the watershed level.

Another important co-benefit of this project involves the role of “greening” from planting trees as it affects temperature, even at the micro-level. The Urban Heat Island Effect occurs when infrastructure such as roads and buildings reflect and absorb the sun’s heat, thereby warming temperatures of the surrounding areas. In comparison, natural landscapes like trees can cool the surrounding areas as well as sequester carbon to mitigate climate change and provide the public health benefit of improving air quality. The distribution of where these increased microclimates exist are largely felt more in disadvantaged communities where access to green spaces and canopy cover is low. With climate change predictions

²¹ Alameda County Sustainability | Climate Change Impacts on Our County. <https://www.acgov.org/sustain/what/climate/impacts.htm#:~:text=Climate%20Change%20Impacts%20on%20Our%20County,-Climate%20change%20is&text=Flooding%20from%20sea%20level%20rise,of%20wildfires%20from%20drier%20conditions>

²² Alameda County Community Climate Action Plan adopted 2014. <https://www.acgov.org/sustain/next/plan.htm>

suggesting more extreme weather events like heat waves, it is important to protect the communities that are most vulnerable to heat-related illness. These disadvantaged communities are facing even hotter temperatures without any relief in the form of shade from trees. Having these urban community farms can help mitigate this urban heat island effect by decreasing temperatures and providing a safe, cool space for the community. These co-benefits can be measured through emergency room heat-related illness visits in disadvantaged neighborhoods without access to green spaces and those of the project. Having access to gardens and reaping the consumption of fresh produce in an otherwise food desert landscape is vital to public health of the communities. Access to affordable fresh organic produce can help communities make educated decisions when it comes to creating healthy dietary habits, combating food security, and sustaining physical activity via gardening.

The preservation of land be rangeland or agricultural in large expanses in various areas of the County including in proximity to urban growth boundaries. Agricultural greenbelts serve as an effective way to mitigate fire and are easier to defend compared to wildland or forests. In addition to a communities' physical health, access to green spaces can also improve mental health. The proposed project can bring many economic co benefits in the form of cost avoidance. By developing this project and siting lands for infill development of agriculture there is an avoidance of spending on municipal services for dispersed development. Providing water, sewer, roads, and other services to expanding neighborhoods can be very costly, water-intensive, and costly for all residents as well by increasing costs for public services such as fire and police services.²³ Conservation easements would also provide economic incentive to preserve large expanses of agricultural land surrounding urban growth boundaries. Studies have shown that rangeland conservation easements return approximately \$3.47 for every dollar invested through environmental benefits annually such as providing clean air and water, habitat, climate regulation, food, wildfire protection, and watersheds under current zoning.²⁴ Not only is this economic benefit significant but they also found that returns rise to between \$104.28 and \$167.76 per dollar invested when considering the loss of all ecosystem services under potential future rezoning. Thus, investing in preserving agricultural land and its associated environmental services is an economically viable option that is only going to be increasingly more valuable in the context of climate change. Securing these lands through acquisition or conservation easements ensures that they will be protected in perpetuity for generations to come.

7. Relationship to Regional Planning Efforts, and Agricultural Land Use Policies, Permanently Protected Lands

Our proposal will complement ongoing Plan Bay Area (2040²⁵ and upcoming 2050²⁶) and related Sustainable Community Strategy efforts (e.g., those within surrounding municipalities) to promote sustainable, resilient, healthy and equitable communities as described in the answer to question 4, above. Specifically, relative to the East County Area Plan²⁷ (Alameda County's General Plan for the eastern side of the county), our objectives align with the following goals:

²³ Shaping Our Growth: How Urban Boundaries Strengthen Communities and Protect Greenbelts” Greenbelt Alliance. <http://www.greenbelt.org/wp-content/uploads/2016/05/Planning-Our-Future-The-Value-of-UGBs.pdf>

²⁴ Johnsen, Reid L, et al. “Evaluating Ecosystem Services: Values and Return on Investment of Conservation Easements Held by the California Rangeland Trust.” *California Rangeland Trust*, Aug. 2020, rangelandtrust.org/wp-content/uploads/2020/08/ESS_Executive-Summary.pdf.

²⁵ Metropolitan Transportation Commission (MTC) and Association of Bay Area Governments (ABAG). 2017. Plan Bay Area 2040. Adopted July 26, 2017. 45 pp. Retrieved from: http://2040.planbayarea.org/sites/default/files/2017-07/Plan%20Bay%20Area%202040_Adopted_07.26.17.pdf

²⁶ ABAG and MTC. 2020. Plan Bay Area 2050. <https://www.planbayarea.org/>

²⁷ Alameda County Community Development Agency Planning Department. 1994. East County Area Plan: A Portion of the Alameda County General Plan. Adopted May 5, 1994. 92 pp. + Appendices. Retrieved from: <https://www.acgov.org/cda/planning/generalplans/documents/EastCountyAreaPlancombined.pdf>

- To clearly delineate areas suitable for urban development and open space areas for long-term protection of natural resources, agriculture, and public safety.
- To foster cooperative planning and implementation in East County.
- To maximize long-term productivity of East County's agricultural resources.

And, from The County's existing Community Climate Action Plan,²⁸ Measure G4:

- Work with local farmers and agricultural non-profits to develop urban-edge farming opportunities in the unincorporated county.

In addition, within the next year, the county will begin the process of updating this Community Climate Action Plan; therefore, preliminary discussion with county personnel has indicated that the proposed project may help to inform that process by identifying opportunities for greenhouse gas reduction by promoting more efficient land use patterns.²⁹

Our collaborators include Alameda Co. LAFCo, which will be updating its agricultural lands policies. LAFCo's purpose involves the following:³⁰

- Encourage orderly boundaries
- Promote efficient public services
- Discourage urban sprawl
- Preserve agricultural & open space lands

Current agricultural policies of Alameda LAFCo include:³⁰

- Support for urbanization in cities, not on prime agricultural land or important open space (4.3, 4.4)
- Identification of agricultural and open space in annexation and Sphere of Influence (SOI) proposals and protection of adjacent agricultural lands (4.9)
- Incentives to support ag and open space viability (4.10)
- Approval conditioned on retention of Measure D restrictions, if applicable (4.11)
- Inclusion of territory in SOI only if urbanization is needed within 10-15 years (13.13)

In addition, we will leverage information and expertise available through Bay Area Greenprint, the Bay Area Air Quality Management District³¹, the California Air Resources Board³², TOGETHER Bay Area³³, and Conservation Lands Network³⁴, among other sources, to align with these strategies. Our efforts to identify urban farm locations within infill locations would include novel and existing garden locations to be permanently supported in their role as productive, agricultural plots within the urban landscape of disadvantaged and low-income communities. Our efforts to identify appropriate agricultural lands for acquisition in proximity to urban-growth boundaries will leverage data available on existing at-risk lands, contiguous open-space or agricultural lands, and highlight opportunities provided by the Williamson Act³⁵

²⁸ Alameda County et al. 2014. Alameda County (Unincorporated Areas) Community Climate Action Plan: An Element of the Alameda County General Plan. Approved February 4, 2014. 134 pp. Retrieved from:

²⁹ E. McElligott, Assistant Planning Director, Alameda County Community Development Agency Planning Department, pers. comm., 26 Aug 2020. https://www.acgov.org/cda/planning/generalplans/documents/110603_Alameda_CCAP_Final.pdf

³⁰ <https://www.bayareagreenprint.org/>

³¹ <https://www.baaqmd.gov/about-air-quality/interactive-data-maps>

³² <https://ww3.arb.ca.gov/cc/capandtrade/auctionproceeds/lowincomemapfull.htm>

³³ https://togetherbayarea.org/?mc_cid=5cdfc0adf9&mc_eid=2d65028e15

³⁴ <https://www.bayarealands.org/>

³⁵ <https://www.conservation.ca.gov/dlrp/wa>

(e.g., conservation easements) to preserve these lands as working agricultural landscapes in perpetuity. In addition, identifying peripheral lands available for acquisition will take into account habitat connectivity across public and private open space (recreational and agricultural land uses amenable to native wildlife movement and plant propagation).

8. Applicant's Experience in Developing and Implementing Similar Projects

The Alameda County Resource Conservation District (ACRCD) has proven to be both experienced and successful in not only developing and implementing the following similar projects, but also collaborating with critical stakeholders to promote long-term conservation partnerships.

In 2019-2020, the ACRCD applied for and received grants that are related to the SALC Planning Proposal goals. Grants received were in excess of \$1.7M and include the following:

- The *Alameda County Rangeland Compost Addition Trial*, part of the *Healthy Soils Demonstration Program*, and the *Healthy Soils Program Technical Assistance for Farmers and Ranchers*, part of the *Climate Smart Agriculture* program, both funded by the California Department of Food and Agriculture.
- *Alameda County Carbon Farms*, part of the *Climate Ready Program*, *Contra Costa and Alameda County Wildfire Prevention Planning project*, part of the *Regional Forest and Fire Capacity Program*, and the *Water for Wildlife: Ponds and Stockwater* project, made possible through Proposition 1, all funded through the State Coastal Conservancy.
- The *Urban Farm Technical Assistance and Staff Training Project* as part of the *Urban Agriculture Initiative*, funded by the National Association of Conservation Districts.

ACRCD specializes in critical species and habitat conservation, such as with the:

- *California Milkweed Conservation*, sponsored by the Alameda County Fish and Game Commission, and the *Alameda County Rangeland Monarch Breeding and Nectar Habitat Implementation Technical Assistance & Outreach Program*, partnered with the Wildlife Conservation Board and part of the *Monarch Block Grant*, funded by the California Association of Resource Conservation Districts.

The ACRCD has a tuned focus on *Transportation Wildlife Corridors*, which is a program managed by the Altamont Landfill Open Space Committee. This project helps to bridge habitat, migration, and breeding areas, allowing numerous species' connectivity and preservation.

Additionally, the ACRCD works with local municipalities and water agencies, such as the City of Livermore, San Francisco Public Utilities Commission, and Zone 7 Water Agency, to conserve and restore native habitat, and water quality and quantity for aquatic and terrestrial floral and faunal species. Some of these recent fee-for-service funded projects include:

- Lake Del Valle RDM Monitoring and Grazing Lease Review, Goldfish Pond Additional Water Tank Installation, Stream Maintenance Program, Rangeland Monitoring, Development of Interpretive Information for Alameda Creek Watershed Center, Non-native Invasive Plant Management on Rangelands, Alameda Watershed Center Invasive Plant Management, Sunol AgPark Education Program and Management, Sunol Golf Course Mowing, Bioregional Habitat Restoration and Maintenance, and Invasive Plant Map Reporting.

The ACRCD has the resources and capacity for the proposed work. Any skills/abilities that are not immediately available within the ACRCD, may be contracted out to a known and appropriate provider of needed service. The proposed project team is exceptionally qualified with over 50 combined years of experience in Natural Resource Management including:

- Wildlife Biology, Population Analysis, Reptile & Amphibian Specialization, Wildlife Consultation, Forestry, Restoration, Biology, Community Science, Botany, Wetland Restoration, Fire Management, Invasive Species Removal, Best Management Practices, Pesticide Regulation, Bioassessment, Stream Condition and Lake Vegetation Indexing, Soil and Water Science, Real Estate, Urban Agriculture, and Agricultural Education and Management.

9. Stakeholder List

The Stakeholders would participate in the Stakeholder Group and contribute their respective agency or non-profit concerns on an ongoing monthly basis (virtual meetings currently due to the pandemic). As the SALC Plan is developed, multiple document reviews will occur. LAFCO, ACRCO, MTC/ABAG, Alameda County Agricultural Weights and Measures Department, the Agricultural Advisory Committee, Community Development Agency Planning Department Municipalities located in Alameda County including Alameda, Albany, Berkeley, Dublin, Emeryville, Fremont, Hayward, Livermore, Newark, Oakland, Piedmont, Pleasanton, San Leandro, San Lorenzo, Sunol, and Union City. The Municipal Advisory Councils represent the unincorporated areas of Ashland, Cherryland, San Lorenzo, Castro Valley, Fairview and Sunol. Water agencies and public works departments, non-profit agencies including Tri-Valley Conservancy, Livermore Winegrowers Association, Rangeland Coalition, Farm Bureau, Alameda County Contra Costa Cattlemen's Association, UC Cooperative Extension, Rangeland Trust, Chambers of Commerce, including collaboration with other entities receiving SALC grants as indicated.

Work Plan			
Task Number	Performance Measure	Timeline	Total Requested Grant Funds
<p>Task 1. Collaborative Outreach - Stakeholder Conduct meetings with potential stakeholders to identify stakeholder concerns and to build a comprehensive stakeholder coalition for the planning efforts relative to (a) agricultural land conservation in proximity to urban-growth boundaries, and (b) urban farm sighting within infill locations. A tiered approach to meetings will be undertaken depending on particular stakeholder needs. Particular subtasks will include: <i>Subtask A:</i> Write letters to agency directors and stakeholders to notify them about the project and objectives. <i>Subtask B:</i> Assign appropriate staff for the committee. <i>Subtask C:</i> After agency commitments are received, schedule meetings and state focus for each meeting. <i>Subtask D:</i> Create a list of questions for stakeholders. <i>Subtask E:</i> Create a summary of feedback from stakeholders as a basis for recommendations.</p>	<p>Deliverables: Invitation letter with objectives to each stakeholder group Meeting notes and surveys from stakeholders. Summary of feedback from stakeholders as a basis for recommendations.</p>	22 months	\$60,000 from grant
<p>Task 2. Identify gaps in cross-jurisdictional agricultural policy in Alameda County through stakeholder groups. Develop a comprehensive analysis of regulatory policies as they relate to agricultural land preservation in Alameda County. <i>Subtask A:</i> Identify relevant agricultural regulatory documents for Alameda County. <i>Subtask B:</i> Review relevant agricultural policy documents for Alameda County. <i>Subtask C:</i> Convene committee to discuss and address gaps in cross-jurisdictional policies relevant to agricultural land preservation in Alameda County. <i>Subtask D:</i> Draft summary resolution of findings.</p>	<p>Deliverables: List of agricultural regulations and policy documents pertaining to Alameda County. First draft of summary document describing gaps in cross-jurisdictional agricultural policy and regulations pertinent to Alameda County.</p>	6 months	\$30,000 from grant
<p>Task 3. Create criteria for ranking agricultural land parcels for preservation priority. Research and gather current sources of information to update inventories regarding lands under pressure of conversion from agricultural/working land use to more intensive land-use practices, as well as those that are protected.</p>	<p>Deliverables: Updated inventory of at-risk agricultural lands in Alameda County.</p>	3 months	\$30,000 from grant

<p><i>Subtask A:</i> For at-risk lands inventory, efforts will be concentrated on lands along urban growth boundaries, priority development areas within urban infill, and those of special environmental significance, e.g. areas of high carbon sequestration potential.</p> <p><i>Subtask B:</i> For protected lands inventory, efforts will be concentrated on lands including Williamson Act acquisitions and other specified open space lands within Alameda County.</p> <p><i>Subtask C:</i> Identify pertinent characteristics of targeted lands, per stakeholder feedback, and create a system for ranking land for Working Lands/Urban Growth Boundaries.</p> <p><i>Subtask D:</i> Identify pertinent characteristics of targeted lands, per stakeholder feedback, and create a system for ranking land for Infill Land Development to Benefit Disadvantaged Communities, Including Urban Gardens.</p>	<p>Develop updated inventory of protected agricultural lands in Alameda County.</p> <p>Develop priority ranking list of agricultural land parcels for preservation, with description of metrics informing ranking protocol.</p> <p>Develop priority ranking list of potential locations for urban garden placement, with description of metrics informing ranking protocol.</p>		
<p>Task 4. Create a draft map of relevant layers for land prioritization.</p> <p>Based on efforts in Task 3 and subtasks below, comprehensive priority draft maps will be developed.</p> <p><i>Subtask A:</i> Identify existing layers of GIS data, create layers from other pertinent digitizable information, create draft map with layers of GIS data for Working Lands/Urban Growth Boundaries.</p> <p><i>Subtask B:</i> Identify existing layers of GIS data, create layers from other pertinent digitizable information, create draft map with layers of GIS data for Infill Land Development to Benefit Disadvantaged Communities, Including Urban Gardens.</p>	<p>Deliverables:</p> <p>First draft map of high-priority parcels for conservation acquisition of agricultural lands in proximity to city urban growth boundaries and unincorporated areas within Alameda County.</p> <p>First draft map of optimal urban agricultural community garden locations within potential infill development areas of Alameda County.</p>	4 months	\$20,000 from grant
<p>Task 5. Collaborative Outreach</p> <p><i>Sub-Task A:</i> Conduct meetings with community groups to share ranking and incentive structures.</p> <p><i>Sub-Task B:</i> Create a summary of the second round of feedback from community groups as a basis for recommendations.</p> <p><i>Sub-Task C:</i> Integrate transportation agencies into community discussions.</p>	<p>Deliverables:</p> <p>Summary of community feedback from meeting, and ensuing recommendations.</p> <p>Bring community concerns back to stakeholder group.</p>	4 months	\$20,000 from grant

<p>Task 6. Completion of final map - Working Lands/ Urban Growth Boundaries Create and present final maps at Board of Supervisors Meeting for Working Lands/Urban Growth Boundaries and for Infill Land Development to Benefit Disadvantaged Communities, Including Urban Gardens. <i>Subtask A:</i> Create final priority parcel map for Working Lands/Urban Growth Boundaries. <i>Subtask B:</i> Create final priority parcel map for Infill Land Development to Benefit Disadvantaged Communities, Including Urban Gardens. <i>Subtask C:</i> Present final maps at Board of Supervisors Meeting.</p>	<p>Deliverables:</p> <p>Final map of high-priority parcels for conservation acquisition of agricultural lands in proximity to city urban growth boundaries and unincorporated areas within Alameda County.</p> <p>Final map of optimal urban agricultural community garden locations within potential infill development areas of Alameda County.</p>	<p>3 months</p>	<p>\$30,000 from grant; \$25,000 from match</p>
<p>Task 7. Final Plan Development and Review <i>Subtask A:</i> Complete policies. <i>Subtask B:</i> Finalize summary of plan and policy recommendations. <i>Subtask B:</i> Present recommendations at 3 meetings: 1) Board of Supervisors 2) LAFCO Board of Directors 3) ACRCO Board of Directors</p>	<p>Deliverables:</p> <p>Final presentation of planning document.</p>	<p>3 months</p>	<p>\$40,000 from grant</p>

Work Plan Schedule (schedule subject to change)

High Level Task	Start Date	End Date
1. Collaborative Outreach	04/01/2021	01/30/2023
2. Identify gaps in cross-jurisdictional agricultural policy in Alameda County	05/01/2021	10/31/2021
3. Create criteria for ranking agricultural land parcels for preservation priority	11/01/2021	01/31/2022
4. Create a draft map of relevant layers for land prioritization	02/01/2022	05/31/2022
5. Collaborative Outreach	06/01/2022	09/30/2022
6. Completion of final map - Working Lands/ Urban Growth Boundaries	10/01/2022	12/31/2022
7. Final Recommendations from Policy Review	01/01/2023	03/31/2023

Budget Item	Units (if applicable)	Rate (if applicable)	Program Reimbursement Request	Grantee Match	Grand Total
Task 1	(#hours)	(\$/hour)			
Executive Officer	320	93	\$29,760		
Project Biologist	300	59	\$17,700		
Project Assistants	200	38	\$7,600		
Additional Personnel			\$4,590		
Printing, Advertising, Postage, Other			\$350		
Subtotal			\$60,000	-	\$60,000
Task 2	(#hours)	(\$/hour)			
Executive Officer	100	93	\$9,300		
Project Biologist	140	59	\$8,260		
Project Assistant	200	38	\$7,600		
Additional Personnel			\$4,840		
Printing, Advertising, Postage, Other					
Subtotal			\$30,000	-	\$30,000
Task 3	(#hours)	(\$/hour)			
Executive Officer	60	93	\$5,580		
Project Biologist	60	59	\$3,540		
Project Assistant	120	38	\$4,560		
Mapping Support			\$15,000		
Printing, Advertising, Postage, Other			\$1,320		
Subtotal			\$30,000	-	\$30,000
Task 4	(#hours)	(\$/hour)			
Executive Officer	30	93	\$2,790		
Project Biologist	30	59	\$1,770		
Project Assistants	140	38	\$5,320		

Mapping Support			\$10,000		
Printing, Advertising, Postage, Other			\$120		
Subtotal			\$20,000	-	\$20,000
Task 5	(#hours)	(\$/hour)			
Executive Officer	80	93	\$7,440		
Project Biologist	70	59	\$4,130		
Project Assistant	80	38	\$3,040		
Additional Personnel					
Printing, Advertising, Postage, Other			\$5,390		
Subtotal			\$20,000	-	\$20,000
Task 6	(#hours)	(\$/hour)			
Executive Officer	80	93	\$7,440		
Project Biologist	80	59	\$4,720		
Project Assistant	120	38	\$4,560		
Mapping Support				\$20,000	
Printing, Advertising, Postage, Other			\$13,280	\$5,000	
Subtotal			\$30,000	\$25,000	\$55,000
Task 7	(#hours)	(\$/hour)			
Executive Officer	160	93	\$14,880		
Project Biologist	120	59	\$7,080		
Project Assistant	120	38	\$4,560		
Additional Personnel					
Printing, Advertising, Postage, Other			\$3,480		
Subtotal			\$30,000	-	\$30,000
Grand Total				\$25,000	\$275,000

Map 1: Alameda County Agricultural Land Base & Areas At Risk of Development

Legend

At Risk of Urban Development 2017

- High Risk
- Medium Risk

County Boundaries

- Boundary

Priority Development Areas

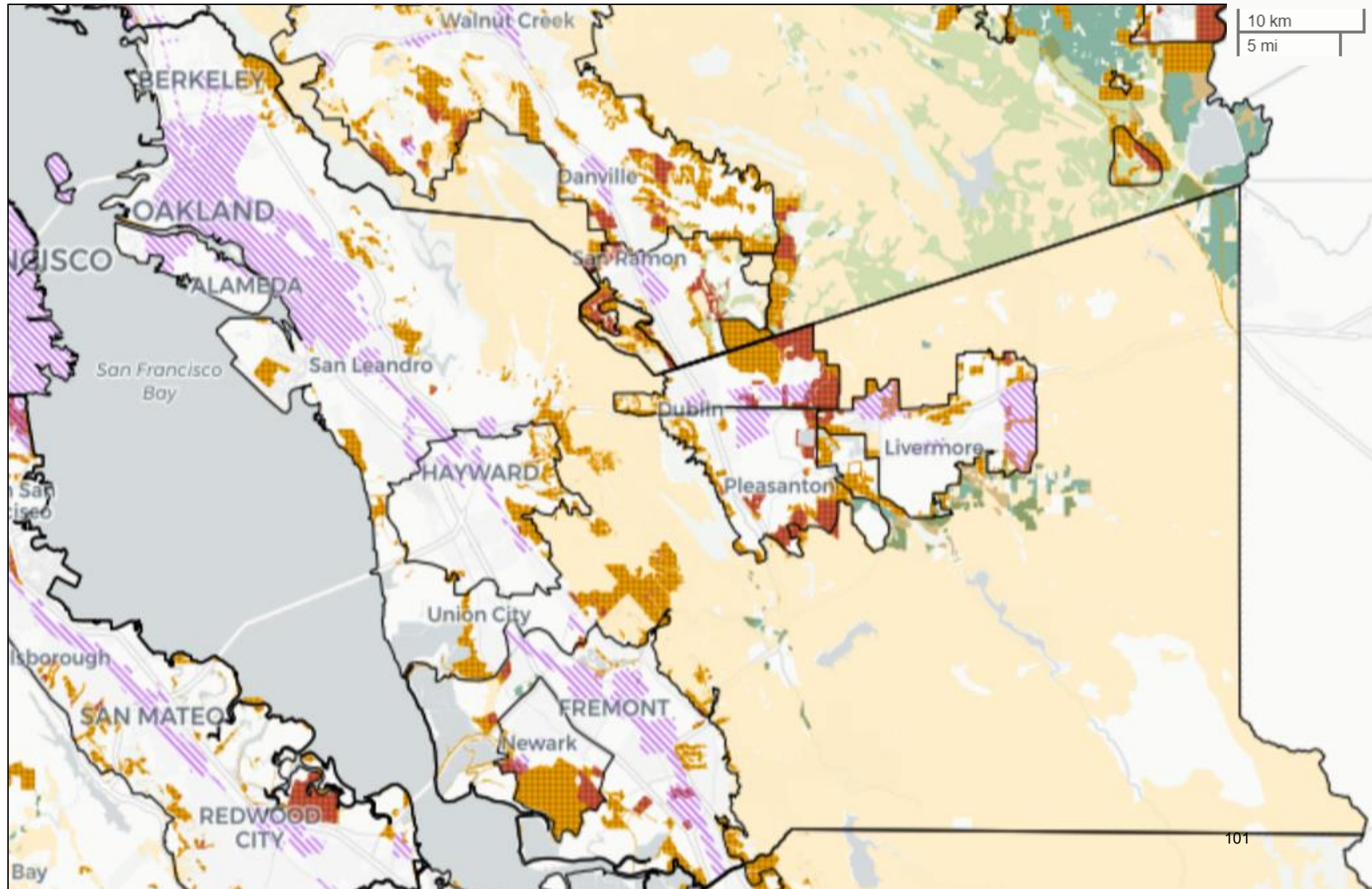
- Priority Development Area

Urban Growth Boundary

- Boundary

Agricultural Land i

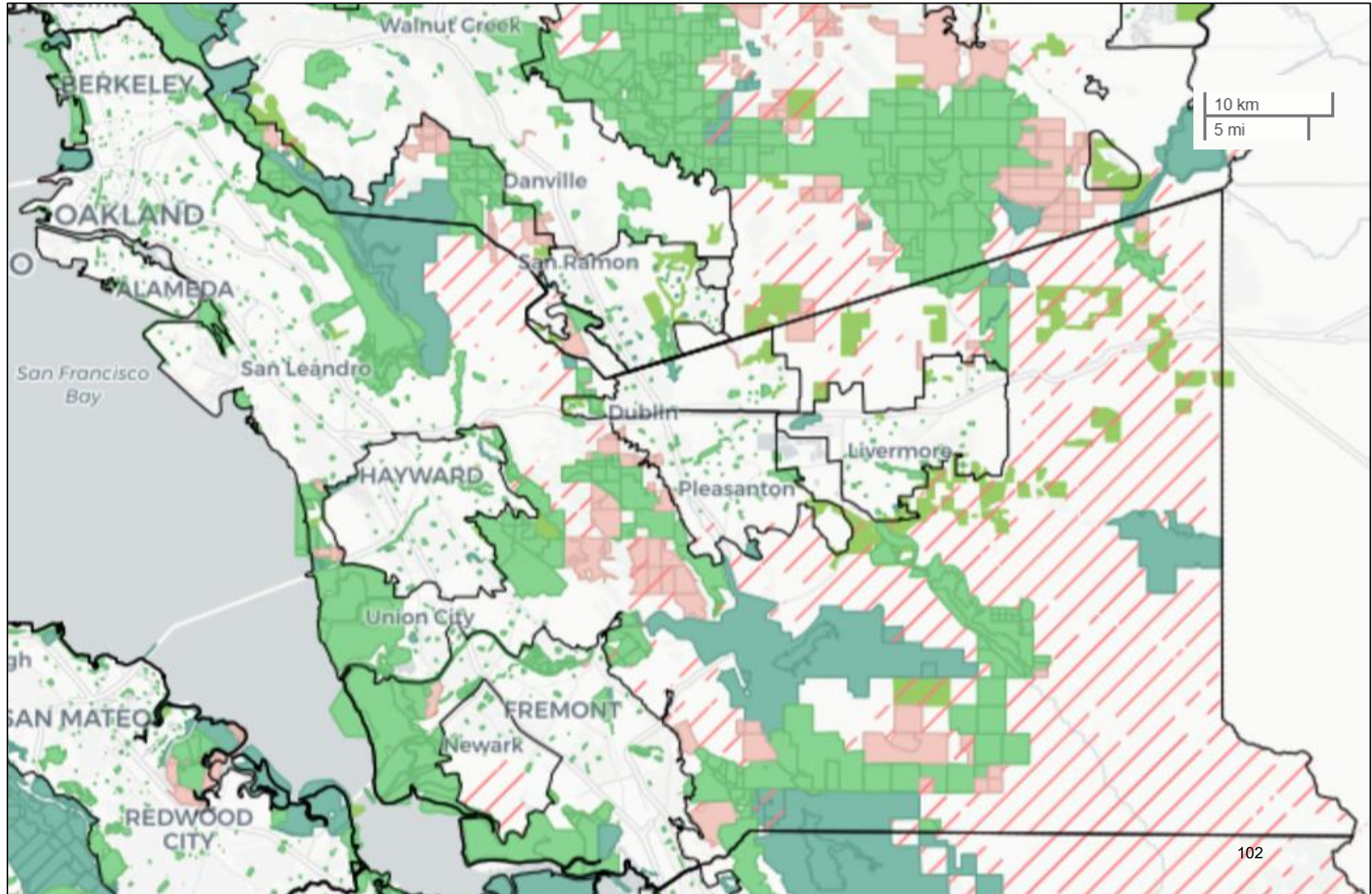
- Grazing Land
- Farmland of Local Importance
- Prime Farmland
- Farmland of Statewide Importance
- Unique Farmland



Map 2: Alameda County Protected Areas and Williamson Act Coverage

Legend

- County Boundaries**
 - Boundary
- Urban Growth Boundary**
 - Boundary
- Conservation Easements**
 - Protected Area, Easement
- Protected Lands by Fee** ⓘ
 - Protected Area, Fee - Open Access
 - Protected Area, Fee - Restricted Access
 - Protected Area, Fee - No Public Access
- Williamson Act Properties**
 - ▨ Williamson Act Property

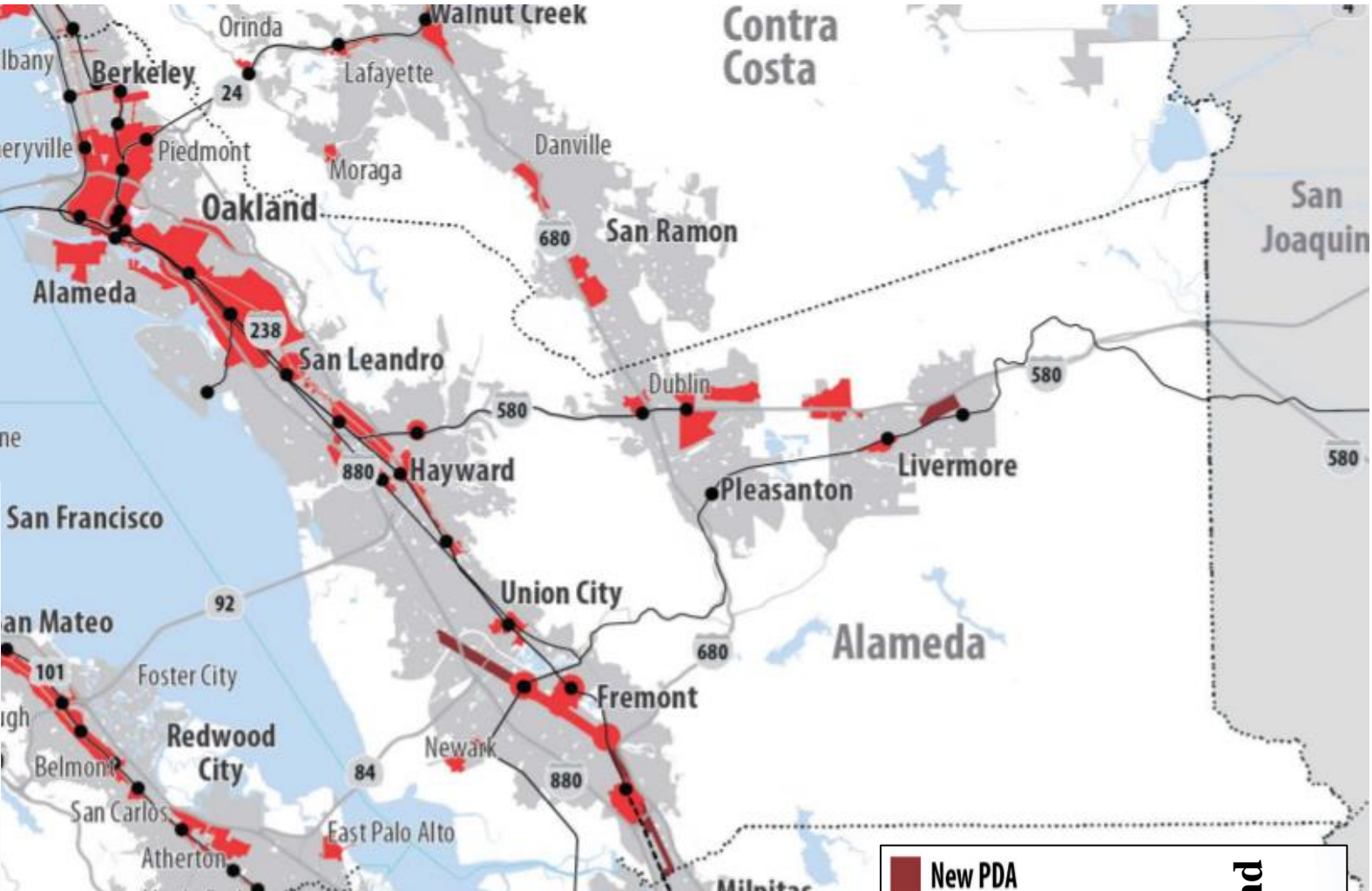


Source: Bay Area Green Print
<https://www.bayareagreenprint.org>

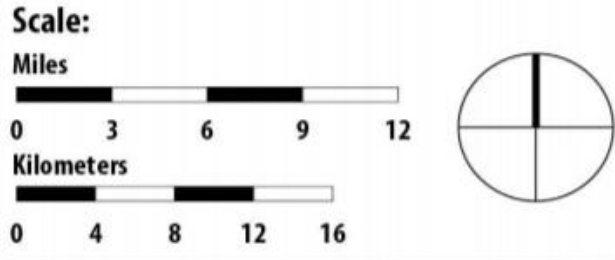
Map 3 Plan Bay Area: Alameda County Priority Development Areas

Priority Development Areas (PDAs) are defined as: a) locally nominated through a City Council or Board of Supervisors resolution; b) within an urbanized area; c) planned, or will be planned, for significant housing and job growth; and d) having at least 50% of its land within 1/2 mile of a rail station or ferry terminal, or a bus stop served by at least one route with peak weekday headways of 30 minutes or less. (Peak headways are defined as 7-11 AM and 3-7 PM).

PDAs identified as "new" will be included in Plan Bay Area 2050 pending ABAG Executive Board approval.



	Population
Oakland	Over 350,000
Sunnyvale	50,000 to 350,000
Albany	Below 50,000

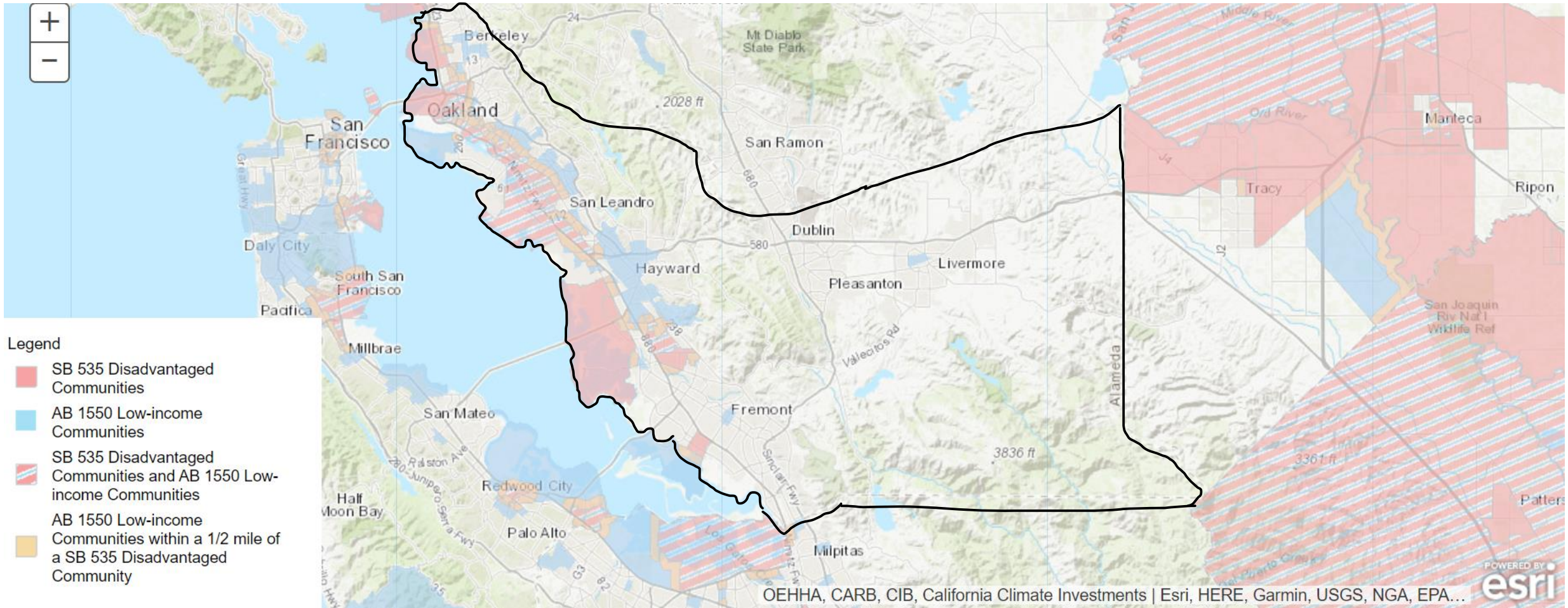


Legend

- New PDA
- Existing PDA
- Other Urbanized Area
- Regional Rail Station
- Regional Rail Transit (Existing)
- Regional Rail Transit (Under Construction)

Source: TomTom, MTC/ABAG, 511 Regional Transit Database 2017
 Map Author: JC, January 2020
 File Location: <https://mtcdrive.box.com/s/2fj92frlzzwybfw6jixj3ha83j17xl3w>

Map 4: Priority Populations in Alameda County



AGENDA REPORT
September 10, 2020
Item No. 9

TO: Alameda Commissioners

FROM: Rachel Jones, Executive Officer

SUBJECT: Presentation from Alameda County Resource Conservation District

The Alameda Local Agency Formation Commission (LAFCO) will receive an overview on services and projects provided by the Alameda County Resource Conservation District (ACRCD) and presented by the ACRCD Executive Director Katherine Boxer. A PowerPoint Presentation will be provided at the time of the meeting.

Commission Review

The item is being presented for information only and Commission discussion.

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AGENDA REPORT

September 10, 2020

Item No. 10

TO: Alameda Commissioners

FROM: Rachel Jones, Executive Officer

SUBJECT: CALAFCO Update | Annual Conference, Board Nominations and Quarterly Report

The Alameda Local Agency Formation Commission (LAFCO) will receive updates from the California Association of Local Agency Formation Commissions (CALAFCO) on its current and planned activities. This includes CALAFCO's recent cancellation of its Annual Conference previously scheduled for October 21st to 23rd in Monterey due to the COVID-19 pandemic. Board elections will also transition to mail ballots with nominations due no later than September 22nd. Requested actions include the appointment of voting delegates and board nominations for county and special district member seats. It is recommended the Commission advise staff to make the requested appointments and or nominations before the associated deadlines.

Information

Annual Conference

The CALAFCO Annual Conference scheduled from October 21st to 23rd in Monterey has been canceled by the CALAFCO Board of Directors due to the ongoing COVID-19 pandemic. On July 24, 2020, the CALAFCO Board met and voted against holding a virtual conference based on feedback from its membership and other professional associations.

Achievement Awards

Each year prior to the Annual Conference, CALAFCO issues a call for Board candidates and Achievement Award nominations. Given there will be no in-person conference this year, the CALAFCO Board voted to postpone the Achievement Awards until 2021. During this time, the Awards Committee will revise and update the Achievement Awards program. The updated Achievement Awards program will be presented at the end of 2020 and implemented in 2021. The 2021 awards will cover the two-year period from 2020 to 2021.

Board Nominations

Due to the cancellation of the Annual Conference, the Board has transitioned the elections to mail ballots with individual nominations due no later than September 22nd. Ballots will be subsequently distributed to LAFCOs on October 7th and due back to CALAFCO by October 21st. There are eight seats up for election this fall, two from each of the four regions. The Coastal Region seats include a

County Member and Special District Member. For further details please find the nomination packet in Attachment 2.

Designation of Voting Delegate

The CALAFCO bylaws require each member LAFCO to designate a voting delegate to vote on behalf of their Commission. LAFCO may also designate an alternate voting delegate. Voting delegates may be a commissioner, alternate commissioner, or executive officer. Voting delegate names must be submitted to CALAFCO by September 22, 2020.

CALAFCO Quarterly Report

CALAFCO's most recent quarterly report was issued in June and highlights topics of interest and news and updates from LAFCOs throughout the state. A copy of the report can be found in Attachment 3.

Alternatives for Action

The following alternatives are available to the Commission:

Alternative One (Recommended):

Advise staff or the Chair as to any Board nominations and voting delegate designee(s).

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. CALAFCO Notice of Annual Conference Cancellation
2. July 7, 2020 CALAFCO Board Nominations Packet
3. CALAFCO Quarterly Report

August 11, 2020

Dear CALAFCO Membership:

As a follow up to our announcement last month that the 2020 in-person Annual Conference has been canceled due to the pandemic, we want to share an update on events and recent decisions made by the Board. We want to thank those of you who provided feedback as we requested – it was given great consideration during the thoughtful discussions and decision-making process.

No Virtual Conference Event

The Board unanimously decided not to hold a formal, virtual Conference event. After careful research, it was clear the use of a professional virtual event firm to support this model would likely create a financial loss for the Association. At a time when all of us are working to tighten up financials, we felt this was a responsible decision (along with a number of other reasons supporting this decision).

Other Virtual Options – Feedback will be Requested

The Board directed staff to get feedback from the membership on the interest level of attending stand-alone virtual sessions for several specific session topics as identified by the Conference Program Planning Team. The level of interest to attend a 90-minute session will determine whether CALAFCO will hold one or more of those sessions.

You are requested to take 1 minute and respond to the Survey Monkey request for feedback as to your interest level of attending any one or all of those sessions BY FRIDAY, SEPTEMBER 4.

The session topics are:

- *Tackling pension and OPEB obligations – how should agencies be handling them, including your LAFCo*
- *The “new normal” – recession outlooks and impacts*
- *LAFCo in a proactive role – working with agencies as a local government champion for solutions and rebuilding communities in crisis*

Board of Directors Elections

As you have been advised, elections will be conducted via email ballot. The Elections Committee will meet on October 22 to count the ballots and verify results. An email announcement will be made shortly thereafter. Please see all election information provided to you in letters dated June 19 and July 7, 2020. This information is also posted on the CALAFCO website.

Annual Achievement Awards

The Board unanimously approved taking a one-year hiatus of the Annual Achievement Awards this year. With the assistance of staff, the Awards Committee will use this time to review and revise the awards program. This includes looking at streamlining award categories, creating clear selection criteria for each category and revising the nomination process. The Committee’s recommendations will be brought before the full Board for consideration and adoption, then provided to the membership as adopted.

Given no awards this year, the 2021 awards will allow for consideration of work done in 2020 and 2021. This will be the only year this exception will be made.

Annual Business Meeting

No decision has been made yet on whether there will be an Annual Business Meeting. Our Association Bylaws and Policies do not require one, and CALAFCO is researching the law to determine if one is required as a 501(c)3. Watch for an announcement on an Annual Business Meeting coming soon. If one is to be held, it will be held virtually with stringent participation guidelines, and be scheduled for the same date and time the in-person one would have occurred – October 22 at 9:00 a.m.

Regional Roundtables

CALAFCO will host regional roundtables for each of the four regions, likely the same week the Conference would have occurred. Watch for announcements on that to come soon.

If you have questions, please let Executive Director Pamela Miller know. You can reach her at pmiller@calafco.org.

On behalf of the Board, we thank you for your unwavering leadership and the integrity you continue to demonstrate as local government leaders every day, and especially in difficult times such as these.

Yours sincerely,



Mike McGill
Chair of the Board



Pamela Miller
Executive Director

CC: CALAFCO Board of Directors

July 7, 2020

To: Local Agency Formation Commission
Members and Alternate Members

From: Shiva Frentzen, Committee Chair
CALAFCO Board Election Committee
CALAFCO Board of Directors



RE: IMPORTANT UPDATE - Elections for 2020/2021 CALAFCO Board of Directors

As you know, nominations are now open for the fall elections of the CALAFCO Board of Directors. Please refer to the announcement and nomination packet sent out to you on June 19, 2020 for details on which seats are open and other important information.

In that announcement we advised you that if we are unable to have an in-person annual conference due to the COVID-19 pandemic, the elections will be conducted by all mail ballot. **As the in-person annual conference has been cancelled, the 2020 Board of Directors elections will be an electronic ballot procedure.**

- ✓ We will use the timelines outlined in CALAFCO policies as detailed in the June 19 announcement with some slight modifications as provided below.
- ✓ CALAFCO still needs the name of your voting delegate. Please also provide their title and email address as the ballot will be emailed directly to your voting delegate. The voting delegate will also cast votes on behalf of your LAFCo at whatever virtual annual business meeting we may have.

Since there will be no caucus, there is no ability to nominate a candidate from the floor. All nominations must come from the nomination packets submitted and acknowledged as received by the deadline of September 22, 2020 at 5:00 p.m.

Please inform your Commission that the CALAFCO Election Committee is accepting nominations until Tuesday, September 22, 2020 at 5:00 p.m. and that this is the only way to get your name on the ballot and be considered for election.

The election committee and CALAFCO staff will meet virtually the morning of October 22 for purposes of tabulating the results and certifying the election. All election documents will be available for member LAFCo inspection upon request.

- **June 19** – Nomination Announcement and packet sent to LAFCo membership and posted on the CALAFCO website.
- **September 22** – Completed Nomination packet due
- **September 22** – Voting delegate name and email address due to CALAFCO
- **October 7** – Distribution of the Election Committee Report (includes all completed/submitted nomination papers)
- **October 7** – Distribution of ballots by email to voting delegate
- **October 21** - Ballots due to CALAFCO by 4:00 p.m. – **NO LATE BALLOTS WILL BE ACCEPTED**
- **October 22** – Elections tabulated by the Elections Committee and an announcement made to the membership

Please direct any questions you have about the election process to Executive Director Pamela Miller at pmiller@calafco.org or by calling her at 916-442-6536; or to the Election Committee Chair Shiva Frentzen at sfrentzen@calafco.org or by calling her at 530-621-5390.

June 19, 2020

To: Local Agency Formation Commission
Members and Alternate Members

From: Shiva Frentzen, Committee Chair
CALAFCO Board Election Committee
CALAFCO Board of Directors



RE: Nominations for 2020/2021 CALAFCO Board of Directors

Nominations are now open for the fall elections of the CALAFCO Board of Directors. Serving on the CALAFCO Board is a unique opportunity to work with other commissioners throughout the state on legislative, fiscal and operational issues that affect us all. The Board meets four to five times each year at alternate sites around the state. Any LAFCo commissioner or alternate commissioner is eligible to run for a Board seat.

CALAFCO's Election Committee is accepting nominations for the eight (8) seats noted below on the CALAFCO Board of Directors. There are two (2) open in each region as follows:

<u>Central Region</u>	<u>Southern Region</u>	<u>Northern Region</u>	<u>Coastal Region</u>
County Member	City Member	City Member	County Member
District Member	Public Member	Public Member	District Member

The election will be conducted during Regional Caucuses at the CALAFCO Annual Conference prior to the Annual Membership Meeting on Thursday, October 22, 2020 at the Hyatt Regency in Monterey, CA. *If we are unable to have an in-person annual conference due to the COVID-19 pandemic, the elections will be conducted by all mail ballot. This means there will be no nominations from the floor as part of the usual caucus procedures.*

Please inform your Commission that the CALAFCO Election Committee is accepting nominations for the above-cited seats until *Tuesday, September 22, 2020 at 5:00 p.m.*

Incumbents are eligible to run for another term. Nominations received by September 22 will be included in the Election Committee's Report and will be on the ballot. The Report will be distributed to LAFCo members no later than October 7, 2020 and ballots made available to Voting Delegates at the Annual Conference. Nominations received after this date will be returned; however, nominations will be permitted from the floor during the Regional Caucuses or during at-large elections, if required, at the Annual Membership Meeting.

For those member LAFCos who cannot send a representative to the Annual Meeting an electronic ballot will be made available if requested in advance. **The ballot request must be made no later than Tuesday, September 22, 2020. Completed absentee ballots must be returned by 8:00 a.m., Monday, October 19, 2020.**

Should your Commission nominate a candidate, the Chair of your Commission must complete the attached Nomination Form and the Candidate's Resume Form or provide the specified information in another format other than a resume. Commissions may also include a letter of recommendation or resolution in support of their nominee.

The nomination forms and materials must be received by the CALAFCO Executive Director no later than Tuesday, September 22, 2020 at 5:00 p.m. Here is a summary of the deadlines for this year's nomination process:

- **June 23** – Nomination Announcement and packet sent to LAFCo membership and posted on the CALAFCO website.
- **September 22** – Completed Nomination packet due
- **September 22** – Request for an absentee/electronic ballot due
- **September 22** – Voting delegate name due to CALAFCO
- **October 7** – Distribution of the Election Committee Report (includes all completed/submitted nomination papers)
- **October 7** – Distribution of requested absentee/electronic ballots.
- **October 19** – Absentee ballots due to CALAFCO
- **October 22** - Elections

Returning the nomination form prior to the deadline ensures your nominee is placed on the ballot. Names will be listed in the order nominations were received should there be multiple candidates. Electronic filing of nomination forms and materials is encouraged to facilitate the recruitment process. Please send e-mails with forms and materials to info@calafco.org. Alternatively, nomination forms and materials can be mailed or faxed to the address or fax number below. Please forward nominations to:

CALAFCO Election Committee c/o Executive Director
California Association of Local Agency Formation Commissions
1020 12th Street, Suite 222
Sacramento, California 95814
FAX: 916-442-6535
EMAIL: info@calafco.org

Questions about the election process can be sent to the Chair of the Committee, Shiva Frentzen, at sfrentzen@calafco.org or by calling her at 530-621-5390. You may also contact CALAFCO Executive Director Pamela Miller at pmiller@calafco.org or by calling 916-442-6536.

Members of the 2020/2021 CALAFCO Election Committee are:

Shiva Frentzen, Chair sfrentzen@calafco.org	El Dorado LAFCo (Central Region) 530-621-5390
David Couch dcouch@cityofarcata.org	Humboldt LAFCo (Northern Region) 530-242-1112
Jo MacKenzie jmackenzie@calafco.org	San Diego LAFCo (Southern Region) 858-614-7755
Tom Murray tmurray@calafco.org	San Luis Obispo LAFCo (Coastal Region) 805-781-5795

Attached please find a copy of the CALAFCO Board of Directors Nomination and Election Procedures as well as the current listing of Board Members and corresponding terms of office.

Please consider joining us!

Enclosures

Board of Directors Nomination and Election Procedures and Forms

The procedures for nominations and election of the CALAFCO Board of Directors [Board] are designed to assure full, fair and open consideration of all candidates, provide confidential balloting for contested positions and avoid excessive demands on the time of those participating in the CALAFCO Annual Conference.

The Board nomination and election procedures shall be:

1. APPOINTMENT OF AN ELECTION COMMITTEE:

- a. Following the Annual Membership Meeting the Board shall appoint an Election Committee of four members of the Board. The Election Committee shall consist of one member from each region whose term is not ending.⁸
- b. The Board shall appoint one of the members of the Election Committee to serve as Chairman. The CALAFCO Executive Officer shall appoint a CALAFCO staff member to serve as staff for the Election Committee in cooperation with the CALAFCO Executive Director.⁸
- c. Each region shall designate a regional representative to serve as staff liaison to the Election Committee.⁸
- d. Goals of the Committee are to provide oversight of the elections process and to encourage and solicit candidates by region who represent member LAFCoS across the spectrum of geography, size, and urban suburban and rural population if there is an open seat for which no nominations papers have been received close to the deadline.⁸

2. ANNOUNCEMENT TO ALL MEMBER LAFCoS:

- a. No later than three months prior to the Annual Membership Meeting, the Election Committee Chair shall send an announcement to each LAFCo for distribution to each commissioner and alternate. The announcement shall include the following:⁸
 - i. A statement clearly indicating which offices are subject to the election.
 - ii. A regional map including LAFCoS listed by region.
 - iii. The dates by which all nominations must be received by the Election Committee. The deadline shall be no later than 30 days prior to the opening of the Annual Conference. Nominations received after the closing date shall be returned to the proposing LAFCo marked "Received too late for Elections Committee action."⁸
 - iv. The names of the Election Committee members with the Committee Chairman's LAFCo address and phone number, and the names and contact information for each of the regional representatives.⁸
 - v. The address to send the nominations forms.
 - vi. A form for a Commission to use to nominate a candidate and a candidate resume form of no more than one page each to be completed for each nominee.
- b. No later than four months before the annual membership meeting, the Election Committee Chairman shall send an announcement to the Executive Director for distribution to each member LAFCo and for publication in the newsletter and on the web site. The announcement shall include the following:⁸

**Key Timeframes for
Nominations Process**

<u>Days*</u>	
90	Nomination announcement
30	Nomination deadline
14	Committee report released

*Days prior to annual membership meeting

- i. A statement clearly indicating which offices are subject to the election.
 - ii. The specific date by which all nominations must be received by the Election Committee. Nominations received after the closing dates shall be returned to the proposing LAFCo marked "Received too late for Election Committee action."⁸
 - iii. The names of the Election Committee members with the Committee Chair's LAFCo address and phone number, and the names and contact information for each of the regional representatives.⁸
 - iv. Requirement that nominated individual must be a commissioner or alternate commissioner from a member in good standing within the region.
- c. A copy of these procedures shall be posted on the web site.

3. THE ELECTION COMMITTEE:

- a. The Election Committee and the regional representatives have the responsibility to monitor nominations and help assure that there are adequate nominations from each region for each seat up for election. No later than two weeks prior to the Annual Conference, the Election Committee Chair shall distribute to the members the Committee Report organized by regions, including copies of all nominations and resumes, which are received prior to the end of the nomination period.⁸
- b. At the close of the nominations the Election Committee shall prepare regional ballots. Each region will receive a ballot specific to that region. Each region shall conduct a caucus at the Annual Conference for the purpose of electing their designated seats. Caucus elections must be held prior to the annual membership meeting at the conference. The Executive Director or assigned staff along with a member of the Election Committee shall tally ballots at each caucus and provide the Election Committee the names of the elected Board members and any open seats. In the event of a tie, the staff and Election Committee member shall immediately conduct a run-off ballot of the tied candidates.⁸
- c. Make available sufficient copies of the Committee Report for each Voting Delegate by the beginning of the Annual Conference.
- d. Make available blank copies of the nomination forms and resume forms to accommodate nominations from the floor at either the caucuses or the annual meeting (if an at-large election is required).
- e. Advise the Executive Director to provide "CANDIDATE" ribbons to all candidates attending the Annual Conference.⁸
- f. Post the candidate statements/resumes organized by region on a bulletin board near the registration desk.
- g. Regional elections shall be conducted as described in Section 4 below. The representative from the Election Committee shall serve as the Presiding Officer for the purpose of the caucus election.⁸
- h. Following the regional elections, in the event that there are open seats for any offices subject to the election, the Election Committee Chair shall notify the Chair of the Board of Directors that an at-large election will be required at the annual membership meeting and to provide a list of the number and category of seats requiring an at-large election.⁸

4. ELECTRONIC BALLOT FOR LAFCO IN GOOD STANDING NOT ATTENDING ANNUAL MEETING⁶

Limited to the elections of the Board of Directors

- a. Any LAFCo in good standing shall have the option to request an electronic ballot if there will be no representative attending the annual meeting.
- b. LAFCos requesting an electronic ballot shall do so in writing no later than 30 days prior to the annual meeting.
- c. The Executive Director shall distribute the electronic ballot no later than two weeks prior to the annual meeting.
- d. LAFCo must return the ballot electronically to the executive director no later than three days prior to the annual meeting.
- e. LAFCos voting under this provision may discard their electronic ballot if a representative is able to attend the annual meeting.
- f. LAFCos voting under this provision may only vote for the candidates nominated by the Election Committee and may not vote in any run-off elections.⁸

5. AT THE TIME FOR ELECTIONS DURING THE REGIONAL CAUCUSES OR ANNUAL MEMBERSHIP MEETING:

- a. The Election Committee Chairman, another member of the Election Committee or the Chair's designee (hereafter called the Presiding Officer) shall:⁸
 - i. Review the election procedure with the membership.
 - ii. Present the Election Committee Report (previously distributed).
 - iii. Call for nominations from the floor by category for those seats subject to this election:
 1. For city member.
 2. For county member.
 3. For public member.
 4. For special district member.
- b. To make a nomination from the floor, a LAFCo, which is in good standing, shall identify itself and then name the category of vacancy and individual being nominated. The nominator may make a presentation not to exceed two minutes in support of the nomination.
- c. When there are no further nominations for a category, the Presiding Officer shall close the nominations for that category.
- d. The Presiding Officer shall conduct a "Candidates Forum". Each candidate shall be given time to make a brief statement for their candidacy.
- e. The Presiding Officer shall then conduct the election:
 - i. For categories where there are the same number of candidates as vacancies, the Presiding Officer shall:
 1. Name the nominees and offices for which they are nominated.
 2. Call for a voice vote on all nominees and thereafter declare those unopposed candidates duly elected.

- ii. For categories where there are more candidates than vacancies, the Presiding Officer shall:
 - 1. Poll the LAFCoS in good standing by written ballot.
 - 2. Each LAFCo in good standing may cast its vote for as many nominees as there are vacancies to be filled. The vote shall be recorded on a tally sheet.
 - 3. Any ballots submitted electronically for candidates included in the Election Committee Report shall be added to the tally.⁸
 - 4. With assistance from CALAFCO staff, tally the votes cast and announce the results.
- iii. Election to the Board shall occur as follows:
 - 1. The nominee receiving the majority⁶ of votes cast is elected.
 - 2. In the case of no majority, the two nominees receiving the two highest number of votes cast shall face each other in a run-off election. Electronic ballots are not included in the tally for any run-off election(s).⁶
 - 3. In case of tie votes⁶:
 - a. A second run-off election shall be held with the same two nominees.
 - b. If there remains a tie after the second run-off, the winner shall be determined by a draw of lots.
 - 4. In the case of two vacancies, any candidate receiving a majority of votes cast is elected.⁶
 - a. In the case of no majority for either vacancy, the three nominees receiving the three highest number of votes cast shall face each other in a run-off election.
 - b. In the case of no majority for one vacancy, the two nominees receiving the second and third highest number of votes cast shall face each other in a run-off election.
 - c. In the event of a tie, a second run-off election shall be held with the tied nominees. If there remains a tie after the second run-off election the winner shall be determined by a draw of lots.

6. ADDITIONAL PROCEDURES

- a. For categories where there are more candidates than vacancies, names will be listed in the order nominated.
- b. The Election Committee Chair shall announce and introduce all Board Members elected at the Regional Caucuses at the annual business meeting.⁸
- c. In the event that Board seats remain unfilled after a Regional Caucus, an election will be held immediately at the annual business meeting to fill the position at-large. Nominations will be taken from the floor and the election process will follow the procedures described in Section 4 above. Any commissioner or alternate from a member LAFCo may be nominated for at-large seats.
- d. Seats elected at-large become subject to regional election at the expiration of the term. Only representatives from the region may be nominated for the seat.
- e. As required by the Bylaws, the members of the Board shall meet as soon as possible after

election of new board members for the purpose of electing officers, determining meeting places and times for the coming year, and conducting any other necessary business.

7. LOSS OF ELECTION IN HOME LAFCO

Board Members and candidates who lose elections in their home office shall notify the Executive Director within 15 days of the certification of the election.

8. FILLING BOARD VACANCIES

Vacancies on the Board of Directors may be filled by appointment by the Board for the balance of the unexpired term. Appointees must be from the same category as the vacancy, and should be from the same region.

These policies and procedures were adopted by the CALAFCO Board of Directors on 12 January 2007 and amended on 9 November 2007¹, 8 February 2008², 13 February 2009³, 12 February 2010⁴, 18 February 2011⁵, 29 April 2011⁶, 11 July 2014⁷ and 27 October 2017⁸. They supersede all previous versions of the policies.

CALAFCO Regions

FOUR REGIONS



The counties in each of the four regions consist of the following:

Northern Region

Butte
Colusa
Del Norte
Glenn
Humboldt
Lake
Lassen
Mendocino
Modoc
Nevada
Plumas
Shasta
Sierra
Siskiyou
Sutter
Tehama
Trinity
Yuba

CONTACT: Steve Lucas
Butte LAFCo
slucas@buttecounty.net

Southern Region

Orange
Los Angeles
Imperial
Riverside
San Bernardino
San Diego

CONTACT: Gary Thompson
Riverside LAFCo
gthompson@lafco.org

Coastal Region

Alameda
Contra Costa
Marin
Monterey
Napa
San Benito
San Francisco
San Luis Obispo
San Mateo
Santa Barbara
Santa Clara
Santa Cruz
Solano
Sonoma
Ventura

CONTACT: Martha Poyatos
San Mateo LAFCo
mpoyatos@smcgov.org

Central Region

Alpine
Amador
Calaveras
El Dorado
Fresno
Inyo
Kern
Kings
Madera
Mariposa
Merced
Mono
Placer
Sacramento
San Joaquin
Stanislaus
Tulare
Tuolumne
Yolo

CONTACT: Christine Crawford, Yolo LAFCo
christine.crawford@yolocounty.org

Board of Directors 2020/2021 Nominations Form

Nomination to the CALAFCO Board of Directors

In accordance with the Nominations and Election Procedures of CALAFCO,

_____ LAFCo of the _____ Region

Nominates _____

for the (check one) City County Special District Public

Position on the CALAFCO Board of Directors to be filled by election at the next Annual Membership Meeting of the Association.

LAFCo Chair

Date

NOTICE OF DEADLINE

Nominations must be received by **September 22, 2020** at 5:00 p.m. to be considered by the Election Committee. Send completed nominations to:
CALAFCO Election Committee
CALAFCO
1020 12th Street, Suite 222
Sacramento, CA 95814

Board of Directors 2020/2021 Candidate Resume Form

Nominated By: _____ LAFCo Date: _____

Region (please check one): Northern Coastal Central Southern

Category (please check one): City County Special District Public

Candidate Name _____

Address _____

Phone Office _____ Mobile _____

e-mail _____

Personal and Professional Background:

LAFCo Experience:

CALAFCO or State-level Experience:

Availability:

Other Related Activities and Comments:

NOTICE OF DEADLINE

Nominations must be received by **September 22, 2020** at 5:00 p.m. to be considered by the Election Committee. Send completed nominations to:
CALAFCO Election Committee
CALAFCO
1020 12th Street, Suite 222
Sacramento, CA 95814

CALAFCO Board Members 2019-20 (as of June 19, 2020)		
Board Member Name	LAFCo - Region	Type (Term Expires)
Cheryl Brothers	Orange - <i>Southern</i>	City (2020)
Bill Connelly - Treasurer	Butte - <i>Northern</i>	County (2021)
David Couch	Humboldt - <i>Northern</i>	District (2021)
Shiva Frentzen	El Dorado - <i>Central</i>	County (2020)
Blake Inscore	Del Norte - <i>Northern</i>	City (2020)
Gay Jones	Sacramento - <i>Central</i>	District (2020)
Michael Kelley – Vice Chair	Imperial - <i>Southern</i>	County (2021)
Michael McGill - Chair	Contra Costa - <i>Coastal</i>	District (2020)
Jo MacKenzie	San Diego - <i>Southern</i>	District (2021)
Margie Mohler	Napa - <i>Coastal</i>	City (2021)
Tom Murray	San Luis Obispo - <i>Coastal</i>	Public (2021)
Anita Paque - Secretary	Calaveras - <i>Central</i>	Public (2021)
Jane Parker	Monterey - <i>Coastal</i>	County (2020)
Daniel Parra	Fresno - <i>Central</i>	City (2021)
Josh Susman	Nevada - <i>Northern</i>	Public (2020)
David West	Imperial - <i>Southern</i>	Public (2020)



News from the Board of Directors

CALAFCO QUARTERLY

June 2020

A
message
from the
Executive
Director

So much has changed in our world since the last Quarterly Report in February of this year. Each of us have dealt personally with changes and health matters related to the COVID-19 pandemic; we've professionally dealt with

keeping LAFCo business going while striving to keep ourselves, each other and our communities healthy and safe; and been faced with understanding and responding to the fiscal fallout of the pandemic and the recent calls for racial and social justice...it can all overwhelm us if we let it.

This Quarterly Report will begin differently. We are highlighting the good news in our CALAFCO family first, followed by Association updates. Happy reading!

Welcome New LAFCo Family Members

We welcome two new babies to the CALAFCO family!

San Mateo LAFCo Mgmt. Analyst Rob Bartoli and his wife Michelle welcomed (10 days early) **Luca Robert Bartoli** on March 30, 2020. Luca weighed in at 7 lbs., 11 oz. The family is all well, healthy and enjoying the comforts of home.



Not to be outdone, Napa LAFCo Executive Officer Brendon Freeman and family welcomed **Noah Campos Freeman** into the world on April 6, 2020. Noah tipped the scales at 8 lbs., 11 oz. upon his release from quarantine. Mom Isabel, Noah and Dad are all doing fine. Although neither set of parents are getting much sleep right now!

Congratulations to the Freemans and Bartoli's on bringing two future LAFCo EOs into the world!

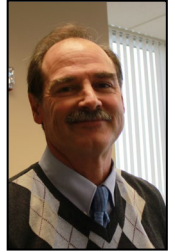
Congratulations on Upcoming Retirements

We want to congratulate two long-time LAFCo leaders on their upcoming retirements. Their contributions to CALAFCO and to LAFCos statewide are far too numerous to list here. Needless to say, they both leave huge shoes to fill and will be greatly missed. We wish them both all the best in their retirement!

After a distinguished near 20-year career with Sonoma LAFCo, Asst. EO **Carole Cooper** is retiring at the end of June. Carole spent 12 years on the CALAFCO Legislative Committee and was the recipient of the CALAFCO Project of the Year Award as part of the team that revised the definition section of CKH, and received the Outstanding LAFCo Professional Award.



San Luis Obispo LAFCo EO **David Church** is also calling it time to retire. David has been with his LAFCo for almost 19 years and will be retiring in July. David also spent a number of years contributing to CALAFCO on the Legislative Committee and as the Deputy EO representing the coastal region for four years. David received several CALAFCO Achievement Awards including the Mike Gotch Courage & Innovation in Local Government Leadership Award and the Outstanding LAFCo Professional Award.



LAFCos in the News

Tuolumne LAFCo Adds Special Districts

For the first time since 2012, special districts have been added to a LAFCo! CALAFCO acknowledges the hard work of **Tuolumne LAFCo** and congratulates them on adding special districts to their LAFCo. This is no easy feat and their process was a long one. We will learn more about it from EO **Quincy Yaley** in our next edition of *The Sphere*. As of today, 31 of the 58 LAFCos have special district representation. Way to go Tuolumne LAFCo!

Santa Clara LAFCo Receives Award for Communication and Outreach Plan

Earlier this month, **Santa Clara LAFCo** received the American Planning Association - California Northern Chapter's "Award of Excellence - Communication Initiative" for their communication and outreach plan. The APA highlighted the plan as one of the outstanding winners for its "fresh ideas that are transferable to other communities and represent guidebooks toward a more inclusive, accessible and equitable planning future."

Los Angeles LAFCo Receives Award of Excellence

In May, the Los Angeles Chapter of the American Planning Association awarded its "Award of Excellence: Hard Won Victories" for "Rescuing the Sativa Water System" to **LA LAFCo**, the County of Los Angeles, and the SWRCB for their collaborative work on the Agency.

CALAFCO congratulates **Tuolumne, Santa Clara** and **Los Angeles** LAFCos on their achievements!

Congratulations!

News from the Board of Directors

CALAFCO QUARTERLY

June 2020

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CALAFCO BOARD UPDATE

The CALAFCO Board met February 21 and May 1. Here is a summary of the actions taken by the Board at these respective meetings.



February 21

As a follow up to the December 2019 meeting, the Board continued the discussion of transitioning the two primary contractors to employees to comply with AB 5. In executive session, the Board accepted the retirement announcement of Executive Director Pamela Miller, developed a recruitment plan and timeline and discussed the transition.

The Board considered the Tulare LAFCo proposed dues structure. After much discussion, they unanimously approved the convening of an ad hoc committee sometime in the summer to once again look at the dues structure that was adopted by the membership in October 2019. It is likely that this ad hoc committee will also include several member LAFCos outside of the Board.

Other actions the Board took at this meeting included:

- ✓ Reconfirmed no CPI increase (pursuant to Bylaws) for the FY 2020-21 LAFCo dues;
- ✓ Approved a request from Contra Costa LAFCo to prepare and file an amicus brief
- ✓ Conducted the annual dashboard review of the 2019 Strategic Plan objectives; and
- ✓ Accepted a series of reports including the 2020 conflict of interest filings, quarterly financial and investment reports, and the legislative report.

May 1

After careful consideration, the Board adopted a balanced budget for FY 2020-21. There are several notable differences in this budget as compared to past budgets, including:

- The Annual Conference revenue and expenses were adjusted for a smaller attendance and for a break-even model due to the pandemic;
- We are now budgeting for employer expenses such as employer's insurance, payroll services and payroll taxes, workers' compensation and overtime for the Administrator which is a non-exempt position; and
- For the first time, the operational costs of the Association are covered by member LAFCo dues, so there is no budget deficit. This is a result of the membership approving the new dues structure at the October 31, 2019 annual business meeting.

The Board also received a report from the Executive Director (ED) Recruitment Committee on the progress of the recruitment. During this report current ED Pamela Miller shared that given the uncertain times we are currently in and will be facing for the unforeseen future, she did not see

this is not a good time for a change in leadership for the Association and offered to stay on as the ED. The Recruitment Committee then took this under advisement.

Other actions taken by the Board at the May 1 meeting included:

- ✓ Received and filed the quarterly financial and investment reports;
- ✓ Received and filed the Legislative Committee report; and
- ✓ Received a verbal update on the Annual Conference from the Conference Chair and Program Chair.

All Board meeting packets are posted on the CALAFCO website.

EXECUTIVE DIRECTOR PAMELA MILLER STAYING WITH CALAFCO

As was announced in early June, Pamela Miller will be staying with the Association as Executive Director. To comply with the requirements of AB 5, both Pamela and Jeni Tickler, CALAFCO's Administrator, will be transitioning to employee status effective September 1. Both will remain as part-time employees.

2020 STAFF WORKSHOP AND ANNUAL CONFERENCE

Staff Workshop

Due to the COVID-19 pandemic, CALAFCO's Staff Workshop was cancelled. The workshop was scheduled for March 25-27 in Newport Beach. As it turned out, this was the right call, and done ahead of the March 19 stay-at-home order issued by the Governor.

CALAFCO staff was able to negotiate a revision in the facility contract to avoid a cancellation fee of over \$36,000. The workshop for 2020 has been booked at the same facility with only a slight increase in the food and beverage minimum and room rates. Further, all deposits (hotel, bus, boat, and caterer for the mobile workshop) were successfully moved forward to next year without penalty.

We wish to thank our Workshop hosts, *Imperial* and *Orange LAFCos* and their staff who worked so hard to prepare a fabulous workshop, and Program Chair *Gary Thompson*. His team did such an outstanding job that the program as planned will be moved forward to the 2021 Workshop.

Annual Conference

The Annual Conference is currently scheduled for October 21-23 in Monterey at the Hyatt Regency. Due to the ongoing restrictions on gatherings because of COVID-19, and due to shrinking local agency budgets, CALAFCO staff is currently exploring viable options for the Conference. The Program Planning Committee is already hard at work and planning session topics that are extremely relevant for the times. Details about the Conference will be announced as soon as a decision is made. We want to thank Conference Chair

News from the Board of Directors

CALAFCO QUARTERLY

June 2020

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Jane Parker and Program Chair *Christine Crawford*, as well as the entire program planning team for their work thus far.

Your Board's top priority is ensuring the health and safety of all of you, our Association members, your families, and those at the hotel facility. Our decision will be based with that in mind as priority #1.

CALAFCO UNIVERSITY

Under the leadership of *Martha Poyatos*, the format of the CALAFCO University is being revised. For the remainder of the year, we will be offering all CALAFCO U sessions virtually. We are currently planning a series of short online sessions including LAFCo 101 for staff, Clerk 101 (to include Public Records Requests and BOE info), and a LAFCo Primer for Commissioners. This series will be offered at no cost to all member LAFCo staff and commissioners, and will be recorded and placed online for on-demand access to our members. A number of other courses are also being planned, so keep an eye open for announcements coming soon.



CALAFCO LEGISLATIVE UPDATE

This has been a legislative year like no other given the pandemic. As we have been reporting, the Legislature went into recess to comply with the Governor's stay at home orders and was out for several months without bills moving. Upon return, both houses adopted revised calendars and cut

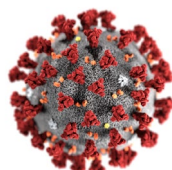
back their bill count significantly.

As you are all aware, the state is now grappling with a \$54 billion deficit and Legislators are having to make difficult decisions on how to close that deficit gap. One thing is certain – even if there is federal funding assistance, local governments throughout the state will be operating in fiscal crisis for several years to come.

As a result, the CALAFCO legislative priorities for the year have all but vanished. The LAFCo funding bill not be moving forward and our work with the Protest Provisions Rewrite Working Group has been put on pause. Staff hopes to reconvene that working group in late summer.

CALAFCO'S COVID-19 RESPONSE AND MEMBER SUPPORT

As all of you were forced to quickly pivot and revise the way you conduct business in March, so was CALAFCO staff. We have been working remotely since mid-March and monitor the office mail and voicemails. Both Pamela and Jeni continue to do everything as usual, just from home.



Seeing a need to support LAFCo staff as they navigated the difficult waters of caring for themselves, their commissions, and the public so that business would be seamless, CALAFCO began hosting weekly meetings for Executive Officers and another for Clerks. These meetings create a space in which LAFCo staff can discuss the unusual issues they are dealing with, share ideas and collectively develop solutions. Over three months later, the meetings are now transitioning to bi-weekly.

CALAFCO staff also issued a number of special bulletins to the full membership over the past several months, sharing critical information and resources as appropriate. In addition, we are sharing a variety of resources and educational opportunities from other resources on things like conducting virtual meetings, fiscal impacts of COVID, etc.

Seeing a need for remote meeting resources for our member LAFCos, CALAFCO offered our toll free conference calling system for you to conduct your meetings and in May purchased several Zoom licenses, one specifically for use by our member LAFCos to conduct your meetings virtually at no cost to you.

We hope you have found these resources useful and we will continue to work in providing you the support you need.

CALAFCO ADMINISTRATIVE UPDATE

We successfully migrated to a new email server at the end of February and are happy to report the transition was seamless and has resolved all of CALAFCO staff's email issues.



The CALAFCO website is being updated to enhance the library archives and member forms sections. So far over the past several months the following updates have occurred:

- ✓ CALAFCO University session archives are fully updated with all prior CALAFCO U session materials online
- ✓ Attorney General Opinions section is fully updated with all AG Opinions posted
- ✓ CALAFCO Directories have all been indexed, reorganized and updated
- ✓ In CALAFCO Publications, The Sphere section has been fully updated with a more usable indexing
- ✓ In the Resources section, all of the Useful Weblinks have been updated.

Future updates (some currently in progress) include a full update and re-indexing of the Forms Library and updating of the LAFCo litigation section.



CALAFCO BOARD OF DIRECTORS NOMINATION PERIOD OPEN

The nomination period for the 2020 CALAFCO Board of Directors election is open. Nominations are being accepted through 5:00 p.m. September 22, 2020. Nomination packets were emailed to all LAFCo EOs, are placed on the CALAFCO website, and hard copies will be mailed to each LAFCo office.



CALAFCO Associate Members' Corner

This section highlights our Associate Members. The information below is provided to CALAFCO by the Associate member upon joining the Association. All Associate member information can be found in the CALAFCO Member Directory.

Our last edition featured our Gold Associate Members. In our next several editions we will highlight our Silver Associate Members.

Berkson Associates **Berkson Associates**

provides clear, concise analysis for preparation of governance studies including district formation, consolidation and dissolutions. Extensive experience completing incorporation studies. Expertise also includes market analysis, public agency budget forecasting and demographic/housing analysis in support of MSRs. For more information, contact **Richard Berkson** at richard@berksonassociates.com. You can also visit their website at www.berksonassociates.com.



Santa Ynez Community Services District



SANTA YNEZ
COMMUNITY SERVICES DISTRICT

Founded in 1971, **the Santa Ynez Community Services District** provides wastewater collection and transportation and street lighting, serving approximately 688 wastewater connections. Effluent collected by the District is treated at the City of Solvang wastewater treatment plant. For more information about the District, visit their website at www.sycsd.com, or contact the Secretary/Treasurer **Wendy Berry** at wendy@sycsd.com.

Rosenow Spevacek Group, Inc.

RSG is a creatively charged counterpart to California public agencies. They work with the people responsible for vibrant places and propel them to their goals. Better Communities. Bolder futures. To learn more about them visit their website at www.webrsg.com or contact **Jim Simon** at jsimon@webrsg.com.



City of Fontana



City of Fontana is responsible for managing the City's annexation program, which includes coordinating annexation meetings, meeting with landowners and developers concerning the benefits of annexation, preparing Plans for Services, overseeing preparation of environmental documents pertaining to rezoning and annexation, and presenting them to the Planning Commission, City Council and LAFCo for review and consideration. In addition, oversee the preparation of out-of-agency service agreements for sewer and other municipal services. Visit them at www.fontana.org.

CALAFCO wishes to thank all of our Associate Members for your ongoing support and partnership. We look forward to continue highlighting you in future Quarterly Reports.

Mark Your Calendars For These Upcoming CALAFCO Events

- ❖ CALAFCO Legislative Committee meeting – July 17, 2020 via conference call
- ❖ CALAFCO Board of Directors meeting – July 24, 2020 – Location TBD



The full revised CALAFCO 2020 Calendar of Events can be found on the CALAFCO website. It is being updated regularly as events and meetings are cancelled or changed.

All CALAFCO Board and Legislative Committee meeting packets are available online at www.calafco.org.

Your CALAFCO Board and Staff wish all of you a safe and healthy summer. We continue to face both known and unknown challenges. As we do, keeping ourselves, our families, our work teams, and our communities healthy and safe remains a priority. Please, be well.



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 Dumbarton Quarry | Union Sanitary District**

The Commission has received a proposal by the firm Pacific States Environmental Contractors, Inc. on behalf of the East Bay Regional Park District (EBRPD) to annex approximately 91.0 acres of territory located within the City of Fremont to the Union Sanitary District (USD) for wastewater services. The purpose of the proposal is to provide wastewater services in support of the future Dumbarton Quarry Regional Park restrooms, shower facilities, and laundry facility. The Commission approved the proposal without amendments on November 14, 2019. Terms remain outstanding as to date and therefore remains active.

Current Proposals | Under Review and Awaiting Hearing

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

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

Staff is in review of a pending proposal to be 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 potential new proposals at the moment that staff believes may be submitted to the Commission from local agencies based on ongoing discussions with proponents within the last two years.

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 as well as provide direction to staff as needed.

Background

Alameda LAFCO's current strategic plan was adopted following a planning session on December 16, 2019. The plan defines each of LAFCO's priorities through overall goals, core objectives and target outcomes with overarching themes identified as education, facilitation, and collaboration. The strategic plan is anchored by seven key priorities that collectively orient the Commission to proactively fulfill its duties and responsibilities under the Cortese-Knox-Hertzberg Act of 2000 in a manner responsive to local conditions and needs. These pillars and their 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 feasibly provide necessary governmental services and housing for persons and families of all incomes.
3. Collaboration – Be proactive and act as a catalyst for change as a way to contribute to making Alameda County a great place to live and work by sustaining its quality of life.

On May 14, 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 seven 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 with a specific emphasis on the “top ten” projects that represent the highest priority to complete during the fiscal year as determined by the membership. This includes identifying the projects already completed, underway, or pending in the accompanying attachment. The report and referenced attachment are being presented for the Commission to formally receive and file while also providing additional direction to staff as appropriate.

Discussion

The Commission has initiated work on five of the two-dozen plus projects and has completed seven projects included in the adopted work plan. This includes the high priority projects of creating a fund balance policy, GIS Mapping Project and policy review on agricultural protection and open space use. Other notable items underway include the general municipal service review on water, wastewater, and stormwater services.

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

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

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

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AGENDA REPORT

September 10, 2020

Item No. 13c

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

The Commission will receive an update from California Association of Local Agency Formation Commissions' (CALAFCO) Legislative Committee as it relates to proposals impacting member agencies. The report is being presented to the Commission for information with the opportunity to provide feedback on related items for possible action at future meetings.

Information

In response to the COVID-10 pandemic, the Legislature met briefly in June to adopt a budget and address several critical bills related to COVID-19, education, homelessness, fire protection, and public safety. The Legislature adjusted its priorities and many bills that affected LAFCOs were suspended or withdrawn. An update on the bills CALAFCO is currently monitoring and with the potential of impacting LAFCOs are described below.

AB 1253 (Rivas) | LAFCO Funding

This bill seeks one-time grant funding for LAFCOs as a follow up to the Little Hoover Commission report in 2017. It also calls for the reimbursement for the mandatory dissolution of inactive district pursuant to AB 448 (Wieckowski). In early July 2020, CALAFCO learned that Assemblymember Rivas does not plan to move this bill forward and will assign the bill to another Legislator for their use as a gut and amend.

SB 414 (Caballero) | Small System Water Authority Act of 2020

On July 23, 2020, CALAFCO issued an urgent call to action requesting that each LAFCO send a letter opposing the proposed amendments to *SB 414 (Caballero) – Small System Water Authority Act of 2020*. CALAFCO's Legislative Committee has reviewed the amendments and asserts the legislation would have a negative impact to LAFCOs and set a dangerous precedent by removing LAFCO's existing authority from the formation process of a public agency service provider while also imposing new unfunded mandates on LAFCO. In response to CALAFCO's request, and in accordance with Commission policy¹, staff sent letters of opposition of SB 414 to the Assembly Appropriations Committee and to the author Senator Caballero (Attachment 2 and 3).

¹ The Executive Officer is authorized to submit position letters that do not support unfunded mandates in accordance with the CALAFCO's annual legislative platform.

On August 21, 2020, CALAFCO notified staff that SB 414 did not pass out of the Assembly Appropriations Committee and will remain there at least until the end of the calendar year.

Attachments:

1. CALAFCO Tracking Report
2. Letter of Opposition SB 414 – Appropriations Committee
3. Letter of Opposition SB 414 – Senator Caballero

CALAFCO Daily Legislative Report as of Thursday, September 03, 2020

1

[AB 1751](#) (Chiu D) Water and sewer system corporations: consolidation of service.

Current Text: Amended: 7/5/2019 [html](#) [pdf](#)

Introduced: 2/22/2019

Last Amended: 7/5/2019

Status: 8/21/2020-Failed Deadline pursuant to Rule 61(b)(15). (Last location was S. 2 YEAR on 8/30/2019)

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

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 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 2019, 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 that has fewer than 3,300 service connections and serves a disadvantaged community, or to implement rates for the subsumed water system.

Position: Watch

Subject: Water

CALAFCO Comments: This bill would authorize a water or sewer system corporation to file an application and obtain approval from the PUC through an order authorizing the water or sewer system corporation to consolidate with a public water system or state small water system that has fewer than 3,300 service connections and serves a disadvantaged community, or to implement rates for the subsumed water system. The bill would require the commission to approve or deny the app. Unless the commission designates a different procedure because it determines a consolidation warrants a more comprehensive review, the bill would authorize a water or sewer system corporation to instead file an advice letter and obtain approval from the commission through a resolution authorizing the water or sewer system corporation to consolidate with a public water system or state small water system that has fewer than 3,300 service connections and serves a disadvantaged community, or to implement rates for the subsumed water system.

[SB 414](#) (Caballero D) Small System Water Authority Act of 2019.

Current Text: Amended: 6/25/2019 [html](#) [pdf](#)

Introduced: 2/20/2019

Last Amended: 6/25/2019

Status: 8/21/2020-Failed Deadline pursuant to Rule 61(b)(15). (Last location was A. APPR. SUSPENSE FILE on 8/18/2020)

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

Summary:

Would create the Small System Water Authority Act of 2019 and state legislative findings and declarations relating to authorizing the creation of small system water authorities that will have powers to absorb, improve, and competently operate noncompliant public water systems. The bill, no later than March 1, 2020, would require the state board to provide written notice to cure to all public agencies, private water companies, or mutual water companies that operate a public water system that has either less than 3,000 service connections or that serves less than 10,000 people, and are not in compliance, for the period from July 1, 2018, through December 31, 2019, with one or more state or federal primary drinking water standard maximum contaminant levels, as specified.

Attachments:

[LAFCO Template Oppose Pending Amendment to Author CALAFCO Oppose Pending Amendments to AESTM](#)

- [CALAFCO Oppose Pending Amendments to Author](#)
- [CALAFCO Oppose Pending Amendments to SGFC](#)
- [CALAFCO Oppose Pending Amendments to SEQ](#)
- [LAFCo Template Oppose Pending Amendments to Assm Appropriations](#)
- [CALAFCO Oppose Pending Amendments to ALGC](#)
- [CALAFCO Oppose Pending Amendments to Assm Appropriations](#)

Position: Oppose Pending Amendments
Subject: Water

CALAFCO Comments: UPDATE AS OF 8/10/20. After discussions with the author's staff and sponsors regarding CALAFCO's concerns, additional amendments are expected that address some but not all of our concerns. The primary concerns of LAFCo exclusion from the formation process, LAFCo exclusion from the dissolution process, and unclear funding language are still cause for great concern and CALAFCO will retain an OPPOSE position. Further, CALAFCO has not yet reviewed the pending amendments to ensure they are as stated by the sponsors. Changes specific to LAFCo are to be as follows:

- o Added language clarifying that LAFCos are on the list of notified entities under Section 78033(a) (1) when the State Board intends to form a SSWA;
- o Added language in 78033(a)(2)(A) to make sure the LAFCo is notified when an entity wishes to voluntarily join a SSWA;
- o Added language in 78033(a)(2)(B) to notify a LAFCo when the public issues a petition to join a SSWA;
- o Added language in 78033(b) to notify a LAFCo when a dependent special district wishes to opt-in to an authority;
- o Added language identifying the "interim operator" in 78037 (a)(4) as the entity to whom the service, assets and liabilities should be transferred;
- o Added language in 78035(c) requiring comments received by the LAFCo be considered by the SWRCB and formation coordinator on the draft conceptual formation plan prior to the document being made public;
- o Added language in Section 78038 requiring the State board to respond to the contents of the report; and
- o Removed reference to "extraordinary" costs to all allow all LAFCo costs to be funded by the SWRCB and added language in the Safe Drinking Water Fund Expenditure Plan clarifying that these costs are an eligible expense.

UPDATE AS OF 07/23/20. There are currently proposed pending amendments not yet in print being negotiated by the author and sponsors with Assm. Appropriations that remove LAFCo authority in the formation of the new water authority and give that quasi-legislative authority to the SWRCB. Further LAFCO will no longer have any authority in the dissolution of a public water supplier as part of the formation of the new authority, and all LAFCo funding for what is required to be done by LAFCo is being eliminated. There are numerous other issues with the pending amendments, all of which are detailed in our opposition letter.

This bill is very similar to AB 2050 (Caballero) from 2018. Several changes have been made. This bill is sponsored by Eastern Municipal Water District and the CA Municipal Utilities Assoc. The intent is to give the State Water Resources Control Board (SWRCB) authority to mandate the dissolution of existing drinking water systems (public, mutual and private) and authorize the formation of a new public water authority. The focus is on non contiguous systems. The SWRCB already has the authority to mandate consolidation of these systems, this will add the authority to mandate dissolution and formation of a new public agency.

LAFCo will be responsible for dissolving any state mandated public agency dissolution, and the formation of the new water authority. The SWRCB's appointed Administrator will act as the applicant on behalf of the state. LAFCo will have ability to approve with modifications the application, and the new agency will have to report to the LAFCo annually for the first 3 years.

SB 928 (Committee on Governance and Finance) Validations.

Current Text: Enrollment: 8/30/2020 [html](#) [pdf](#)

Introduced: 2/5/2020

Status: 8/30/2020-Read third time. Urgency clause adopted. Passed. (Ayes 63. Noes 0.) Ordered to the Senate. In Senate. Ordered to engrossing and enrolling.

Desk	Policy	Fiscal	Floor	Desk	Policy	Fiscal	Floor	Conf. Conc.	Enrolled	Vetoed	Chapters
1st House				2nd House							140

Summary:

This bill would enact the First Validating Act of 2020, which would validate the organization, boundaries, acts, proceedings, and bonds of the state and counties, cities, and specified districts, agencies, and entities.

Position: Support

CALAFCO Comments: This is the first of three annual validating acts.

SB 929 (Committee on Governance and Finance) Validations.

Current Text: Enrollment: 8/30/2020 [html](#) [pdf](#)

Introduced: 2/5/2020

Status: 8/30/2020-Read third time. Urgency clause adopted. Passed. (Ayes 63. Noes 0.) Ordered to the Senate. In Senate. Ordered to engrossing and enrolling.

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 2020, which would validate the organization, boundaries, acts, proceedings, and bonds of the state and counties, cities, and specified districts, agencies, and entities.

Position: Support

CALAFCO Comments: This is the second of three annual validating acts.

SB 930 (Committee on Governance and Finance) Validations.

Current Text: Enrollment: 8/30/2020 [html](#) [pdf](#)

Introduced: 2/5/2020

Status: 8/30/2020-Read third time. Passed. (Ayes 63. Noes 0.) Ordered to the Senate. In Senate. Ordered to engrossing and enrolling.

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 2020, which would validate the organization, boundaries, acts, proceedings, and bonds of the state and counties, cities, and specified districts, agencies, and entities.

Position: Support

CALAFCO Comments: This is the third of three annual validating acts.

AB 213 (Reyes D) Local government finance: property tax revenue allocations: vehicle license fee adjustments.

Current Text: Introduced: 1/15/2019 [html](#) [pdf](#)

Introduced: 1/15/2019

Status: 8/21/2020-Failed Deadline pursuant to Rule 61(b)(15). (Last location was S. 2 YEAR on 8/30/2019)

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

Summary:

Would, for the 2019–20 fiscal year, require the vehicle license fee adjustment amount to be the sum of the vehicle license fee adjustment amount in the 2018–19 fiscal year, the product of that sum and the percentage change in gross taxable assessed valuation within the jurisdiction of that entity between the 2018–19 fiscal year to the 2018–19 fiscal year, and the product of the amount of specified motor vehicle license fee revenues that the Controller allocated to the applicable city in July 2010 and 1.17.

Attachments:

[CALAFCO Support Letter](#)

Position: Support

Subject: Tax Allocation

CALAFCO Comments: Sponsored by the League, this bill will reinstate ERAF funding for inhabited annexations. This bill is the same as AB 2268 (Reyes) from 2018.

AB 134 (Bloom D) Safe Drinking Water Restoration.

Current Text: Amended: 5/20/2019 [html](#) [pdf](#)

Introduced: 12/5/2018

Last Amended: 5/20/2019

Status: 8/18/2020-Failed Deadline pursuant to Rule 61(b)(13). (Last location was E.Q. on 6/12/2019)

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

Summary:

Would require the State Water Resources Control Board to report to the Legislature by July 1, 2025, on its progress in restoring safe drinking water to all California communities and to create an internet website that provides data transparency for all of the board’s activities described in this measure. The bill would require the board to develop metrics to measure the efficacy of the fund in ensuring safe and affordable drinking water for all Californians.

Position: Watch

Subject: Water

AB 2370 (Limón D) Ventura Port District: aquaculture plots: federal waters.

Current Text: Amended: 3/16/2020 [html](#) [pdf](#)

Introduced: 2/18/2020

Last Amended: 3/16/2020

Status: 3/17/2020-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:

Under the Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000, a city or district may only provide new or extended services by contract or agreement outside of its jurisdictional boundary if it requests and receives written approval, as provided, from the local agency formation commission in the county in which the extension of service is proposed. This bill would, notwithstanding the Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000, authorize the Ventura Port District, to the extent permitted by federal law, to construct, maintain, operate, lease, and grant permits to others for the installation, maintenance, and operation of aquaculture plots in federal waters off the coast of California the County of Ventura, as prescribed, in order to aid in the development or improvement of navigation or commerce to the port district.

Position: Watch

Subject: Special District Powers

CALAFCO Comments: This is a local bill authorizing Ventura Port District to extend operations into federal waters. CALAFCO will work with Ventura LAFCo.

UPDATE: CALAFCO learned that the author has pulled the bill for 2020.

AB 3312 (Gray D) Local agency formation: annexation: City of Merced.

Current Text: Enrollment: 8/31/2020 [html](#) [pdf](#)

Introduced: 2/21/2020

Last Amended: 8/13/2020

Status: 8/31/2020-Enrolled and presented to the Governor at 5 p.m.

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

Summary:

The Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000 generally requires that a territory to be annexed be contiguous to the city at the time the proposal is initiated. The act also requires each commission to develop and determine the sphere of influence of each city and special district within the county. The act defines sphere of influence, for purposes of these provisions, as a plan for the probable physical boundaries and service area of the local agency, as determined by the commission. This bill would authorize the annexation of territory comprising the main campus of the University of California, Merced, as specified, and the road strip, as defined, to the City of Merced, notwithstanding the requirement that the territory be contiguous with the city, if other

conditions are met, including that the territory is within the city’s sphere of influence. The bill would prohibit the commission from approving a subsequent annexation to the road strip pursuant to these provisions unless the territory proposed to be annexed is contiguous to the property comprising the main campus of the University of California, Merced or the boundaries of the City of Merced as it existed on January 1, 2021.

Attachments:

- [CALAFCO Removal of Opposition](#)
- [CALAFCO Oppose as amended](#)

Position: Watch

Subject: Annexation Proceedings

CALAFCO Comments: UPDATE AS OF AUGUST 14, 2020 - As amended on 8/13, the bill addressed the necessary technical correction and CALAFCO has removed our opposition and moved back to Watch.

UPDATE AS OF AUGUST 1, 2020. The bill was amended on the Senate floor, however there was an error in the language. The amendments prohibited annexations of road strips subsequent to the original annexation allowed in this bill. However, this provision was intended to prohibit subsequent annexations to the road strip to prevent so-called checkerboard annexations that undermine orderly growth and development patterns. With this correction, we will remove our opposition.

UPDATE: The amendments of 7/23/20 change the bill so that all territory adjacent to the road strip (rather than just tot he campus) are eligible for annexation. This will create a wide swath of checkerboard annexations and sets a precedent. Further, the City has been working on an annexation feasibility study for 2 years that is supposed to be presented to the City Council within the next month or two, so this legislation is premature to that study. CALAFCO is now opposed to the bill as amended.

This is a local bill for Merced. It allows a defined section of the UC Merced campus and access road to be annexed if certain conditions are met and keeps the LAFCo process intact. CALAFCO will watch the bill to ensure the LAFCo process remains protected and work with Merced LAFCo.

[SB 625](#) ([Bradford D](#)) **Central Basin Municipal Water District: receivership.**

Current Text: Amended: 6/8/2020 [html](#) [pdf](#)

Introduced: 2/22/2019

Last Amended: 6/8/2020

Status: 6/18/2020-Re-referred to Com. on RLS. pursuant to Senate Rule 29.10(d).

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

Summary:

Would dissolve the board of directors of the Central Basin Municipal Water District (CBMWD) and would provide that the November 3, 2020, election for directors of CBMWD shall not occur. The bill would require the Water Replenishment District of Southern California (WRD) to act as the receiver for CBMWD, would vest WRD with all necessary powers under the Municipal Water District Law of 1911 to take control of CBMWD, and would transfer all powers vested in the board of directors of CBMWD to the board of directors of WRD, except as specified. The bill would require CBMWD’s board of directors to surrender all control of CBMWD and its resources to WRD.

Attachments:

- [LAFCo Support letter template](#)
- [CALAFCO Support June 12, 2020](#)

Position: Support

Subject: Municipal Services

[SB 806](#) ([Grove R](#)) **Worker status: employees: independent contractors.**

Current Text: Amended: 4/29/2020 [html](#) [pdf](#)

Introduced: 1/9/2020

Last Amended: 4/29/2020

Status: 5/18/2020-May 14 set for first hearing. Failed passage in committee. (Ayes 1. Noes 4.) Reconsideration granted.

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

Summary:

Would establish a new test that, for purposes of specific provisions of the Labor Code governing the

relationship of employer and employees, a person providing labor or services for remuneration is considered an employee rather than an independent contractor, unless the hiring entity demonstrates that the person is (1) free from the control and direction of the hiring entity in connection with the performance of the work, both under the contract for the performance of the work and in fact, determined by a preponderance of factors, with no single factor of control being determinative, and either that (2) the person performs work that is outside the usual course of the hiring entity's business, or the work performed is outside the place of business of the hiring entity, or the worker is responsible for the costs of the place of the business where the work is performed, or that (3) the person is customarily engaged in an independently established trade, occupation, or business of the same nature as that involved in the work performed.

Position: Watch

Subject: Other

CALAFCO Comments: This bill proposes amendments to AB 5 in terms of the exemption tests which may impact the contractual/employee relationship of CALAFCO and its two primary contractors.

Total Measures: 11

Total Tracking Forms: 11

9/3/2020 3:18:18 PM

LAFCO*Alameda* Local Agency Formation Commission

August 6, 2020

The Honorable Lorena Gonzalez
 Chair, Appropriations Committee
 California State Assembly
 State Capitol, Room 2114
 Sacramento, CA 95814

SUBJECT: SB 414 - Small System Water Authority Act 2020 – OPPOSE PROPOSED AMENDMENTS

Dear Chair Gonzalez:

The Alameda Local Agency Formation Commission (LAFCO) joins the California Association of Local Agency Formation Commissions (CALAFCO) to oppose the proposed pending amendments for SB 414 (Caballero). The bill is currently being held in your committee. While there are vast policy issues with the proposed amendments, this letter will focus our concerns to you and your committee on the fiscal issues of the proposed amendments.

According to the sponsors, in an effort to reduce costs associated with the bill, the role of LAFCOs that exist in the current version of the bill (dated June 25, 2019) is being drastically reduced. The proposed amendments strip LAFCOs of their authority in the formation of the new water authority – a public agency that would otherwise be formed at the discretion of and by the authority of LAFCO. Additionally, they remove LAFCOs' authority to dissolve a public water system as authorized by the State Water Resources Control Board (SWRCB) and as part of the formation process of the new authority.

The sponsors have also indicated the proposed amendments that change numerous processes in SB 414 are intended to reflect closer alignment with processes and SWRCB authority existing in SB 88 (2015, Committee on Budget and Fiscal Review) and AB 2501 (2018, Chiu). These laws deal with consolidation of existing water systems, whereas SB 414 creates a new type of public water system and reflects the formation of a new public entity (as well as dissolving existing public and private systems). One simply should not be compared to the other.

The current version of the bill, as noted in the last fiscal analysis on August 21, 2019 in your committee, reflects a cost of up to \$10.65 million to LAFCOs for authority formations, which represents only 11.5% of the total cost estimate of \$89.15 million. Using the fiscal projections in the current bill, costs associated with LAFCO are far below every other entity and related provision (with one exception) of the dissolutions; formations; administration; SWRCB support and support for the authorities once formed. The cost for LAFCOs to perform the dissolution of public water systems and to form the new authority are far likely to be less than having the SWRCB perform these functions. Consequently, we believe this creates a false perception that overall cost will be reduced by removing LAFCO from the process. Transitioning these processes to a state agency rather than keeping them at the local level does not in fact reduce costs – it simply transfers the cost from the local level to the state level. Further, we would assert the cost is less at the LAFCO level.

Finally, the proposed pending amendments require LAFCOs to (1) review the proposed plan and provide recommendations to the SWRCB; (2) hold a public hearing to allow for public comment on the dissolution of the public water system mandated by the SWRCB for dissolution and provide all comments to the SWRCB; (3) hold two public hearings to receive input on the proposed plan for new authority, summarize comments received

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 County of Alameda

Nate Miley, Regular
 County of Alameda

Richard Valle, Alternate
 County of Alameda

John Marchand, Regular
 City of Livermore

Jerry Thorne, Regular
 City of Pleasanton

David Haubert, Alternate
 City of Dublin

Ralph Johnson, Regular
 Castro Valley Sanitary District

Ayn Wieskamp, Regular
 East Bay Regional Park District

Georgian Vonheeder-Leopold, Alternate
 Dublin San Ramon Services District

Sblend Sblendorio, Regular
 Public Member

Tom Pico, Alternate
 Public Member

provide a report to the SWRCB; (4) review a report on the authority’s performance for the first three years; (5) hold a public hearing as directed by the SWRCB if the new authority is failing to comply with the plan to review the authority’s performance and provide a report back to the SWRCB on comments received at the hearing.

The proposed pending amendments remove all the funding for LAFCO for all the actions still required by the bill as noted above. Section 78038(a) adds a clause to address funding for only the two public hearings to consider the draft conceptual plan and prepare the required report – and only if – they (LAFCO) “incur extraordinary costs over and above its normal budgeted operating expenses for conducting the public hearing and preparing the report to the state board.” All of the LAFCO expenses related to SB 414 are over and above normal operating budget costs in order to cover them should the state not, it is likely we will have to increase fees to the local government agencies that pay into the LAFCO annually (cities, counties, and special districts).

LAFCOs need to be added to the language in Section 78115(a)(1). All other entities, including the Public Utilities Commission, have some level of funding in the proposed pending amendments. To eliminate the funding for the one local agency involved and retain funding for all state agencies involved is inappropriate and puts the collection of that funding on the backs of local government.

For these fiscal reasons, we oppose the proposed pending amendments to SB 414 and strongly urge your committee to reject the amendments and hold the bill.

Please do not hesitate to contact me if you have any questions about our OPPOSE position to the proposed amendments on SB 414.

Respectfully,



Rachel Jones
Executive Officer

cc: Members, Assembly Appropriations Committee
Honorable Senator Caballero
Jennifer Galehouse, Assembly Appropriations Committee Deputy Chief Consultant
Suzanne Sutton, Consultant, Senate Republican Caucus
Pamela Miller, Executive Director, CALAFCO

Alameda Local Agency Formation Commission

August 6, 2020

The Honorable Anna Caballero
 California State Senate
 State Capitol, Room 5052
 Sacramento, CA 95814

SUBJECT: SB 414 - Small System Water Authority Act 2020 – OPPOSE PROPOSED AMENDMENTS

Dear Senator Caballero:

The Alameda Local Agency Formation Commission (LAFCO) joins the California Association of Local Agency Formation Commissions (CALAFCO) in opposing the proposed pending amendments for your bill SB 414. It is our understanding you are planning amendments to be done in Assembly Appropriations where the bill is currently held in Suspense.

We support efforts to ensure all Californians have safe, affordable drinking water. However, the proposed amendments have such a substantive negative impact to local agency formation commission (LAFCOs) that we must now oppose them.

It is our understanding these changes are an effort to reduce the cost of the bill, and to closer align processes and State Water Resources Control Board (SWRCB) authority existing in SB 88 (2015, Committee on Budget and Fiscal Review) and AB 2501 (2018, Chu). These laws deal with consolidation of existing water systems, whereas SB 414 creates a new type of public water system and reflects the formation of a new public entity (as well as dissolving existing public and private systems). One simply should not be compared to the other.

The proposed amendments strip LAFCOs of their part and authority in the formation of the new water authority – a public agency that would otherwise be formed at the discretion of and by the authority of LAFCO. Additionally, they remove LAFCOs’ authority to dissolve a public water system as authorized by SWRCB and as part of the formation process of the new authority to dissolve a public water system as authorized by the SWRCB and as part of the formation process of the new authority. As you know, formation of a new, local public agency has been the authority of LAFCO since 1963 when the Legislature created them. To now turn that authority over to the SWRCB in an effort to “save money” or “streamline the process,” we believe, creates a false perception that the cost will be reduced sets a dangerous precedent.

Section 1 of the bill is being completely stricken and therefore divests LAFCO of all involvement in the formation process and removes LAFCO from the process of dissolving any public water system identified by the SWRCB as mandated for dissolution and inclusion into the new authority except for holding a public hearing on the matter. Not only does this removal divest LAFCO of their authority and give it to the SWRCB, it eliminates the Plan for Service requirements to be included in the draft conceptual formation plan. All other public agencies are subject to submit a comprehensive Plan for Service when applying to provide services and exempting the authority from doing so sets a precedent.

Code Section 78038(b) proposes to give quasi-legislative authority to the SWRCB in the action to form the new authority. The Legislature created LAFCO as a quasi-legislative body decades ago to do this very thing. While

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the Legislature has exercised its authority to create new service providers in the past, until now there has been no state agency with that authority. We fail to understand the need to create an entity at the state level to do something LAFCOs have been effectively doing 57 years – forming new districts – that happen at the local level.

LAFCO is being excluded from several critical notification points:

- Code Section 78033(a)(1) excludes LAFCO from the list of entities the SWRCB is to notify of their intent to form the authority. LAFCO needs to be included in the list of other local agencies receiving such notification (such as cities, county, water districts, etc.). Further, this section allows the SWRCB to invite other public water suppliers to consider dissolving and join the authority. Without including LAFCO on the notification under section, we would be in the dark regarding those local districts (both independent and dependent) that may consider dissolving.
- Code Section 78033(a)(2)(A) excludes LAFCO notification from an entity wishing to join a proposed authority petition the SWRCB directly. Not only does this keep LAFCO in the dark, it is a run-around of the current service provider as there appears to be no notification to them.
- Code Section 78033(b) allows the governing board of a county or city dependent special district to notify the formation coordinator they wish to opt into the new authority. Here again, without LAFCO receiving this notification there is no way for us to know of the pending dissolution.

In addition to removing LAFCO’s existing authority from the formation process of a public agency service provider, we are concerned about Code Section 78037(a)(3) which requires the LAFCO to hold a public hearing to allow for public comment on the dissolution of the public water system mandated for consideration (without the funding to do either). The section also states the dissolution shall be ordered upon completion of the public hearing. We question the purpose of reporting back the public comments to the SWRCB for consideration if the dissolution is ordered immediately upon closure of the public hearing.

If one of the goals of these amendments is closer to align processes with SB 88, then it would stand to reason the SWRCB would be the entity conducting the public hearing (pursuant to Code Section 116682 of the Health and Safety Code), especially given the fact that with these amendments, the LAFCO no longer has any other part in the actual dissolution.

Ordering a dissolution for a service provider who is currently providing service requires a successor agency to assume the delivery of a service as well as all the assets and liabilities of the entity being dissolved. Code Section 78037(a)(4) requires the order of dissolution to make appropriate equitable arrangements for the interim operation of the public water system until the formation of the authority is complete, and they are prepared to take over service delivery. While that “interim” service provider may be identified in the draft conceptual formation plan, 78037(a)(4) does not explicitly state to whom the service, assets, and liabilities should be transferred. We suggest language be added to explicitly state the interim operator as identified in the approved conceptual formation plan.

Proposed amendments to the draft conceptual plan

We have a few concerns relating to the draft conceptual plan as noted below.

- Code Section 78035(c) requires the formation coordinator to submit the draft conceptual formation plan to the SWRCB and any applicable LAFCO for comments within 60 days of its receipt. Further, the formation coordinator shall finalize the plan for public comment no later than 30 days after receiving comments from the SWRCB. What is left out of this section are the comments on the plan from LAFCO.

Undoubtedly, as the local agency who is responsible for the formation of public agencies, LAFCO know what to look for and consider when reviewing formation plans. The LAFCO comments need to be considered by the SWRCB and the formation coordinator before the document is available for public comment.

- Code Section 78038 requires LAFCO to hold two public hearings on the draft conceptual formation plan and to subsequently submit a report to the SWRCB summarizing public comment and any recommendations the LAFCO may have for the SWRCB on the plan. We would like to see amendments requiring the SWRCB to specifically adopt or reject each of our recommendation on the draft plan and explain their response for those decisions.

Removing funding for LAFCO mandates

The current funding of the bill reflects a cost of up to \$10.65 million to LAFCOs for authority formations, which represents only 11.5% of the total cost estimate of \$89.15 million. Using these projections, the costs associated with LAFCO are far below every other entity and related provision (with one exception) of the dissolutions; formations; administration; SWRCB support and support for the authorities once formed. The cost for LAFCOs to perform the dissolution of public water systems and to form the new authority are far likely to be less than having the SWRCB perform these functions. Consequently, we believe this creates a false perception that the overall cost will be reduced by removing LAFCO from the process. Transitioning these processes to a state agency rather than skipping them at the local level does not in fact reduce costs – it simply transfers the cost from the local level to the state level. Further, we would assert the cost is less at the LAFCO level.

Finally, the proposed amendments require LAFCOs to (1) review the proposed plan and provide recommendations to the SWRCB; (2) hold a public hearing to allow for public comment on the dissolution of the public water system mandated by the SWRCB for dissolution and provide all comments to the SWRCB; (3) hold two public hearings to receive input on the proposed plan for the new authority, summarize comments received and provide a report to the SWRCB; (4) review a report on the authority’s performance for the first three years; and (5) hold a public hearing as directed by the SWRCB if the new authority is failing to comply with the plan to review the authority’s performance and provide a report back to the SWRCB on comments received at the hearing.

The proposed pending amendments remove all funding for LAFCOs for all the actions still required by the bill as noted above. Section 78038(a) adds a clause to address funding for only the two public hearings to consider the draft conceptual plan and prepare the required report – and only if – they (LAFCO) “incur extraordinary costs over and above its normal budgeted operating expenses for conducting the public hearing and preparing the report to the state board.” All of the LAFCO expenses related to SB 414 are over and above normal operating budget costs and in order to cover them should the state not, it is highly likely we will have to increase fees to local government agencies that pay into LAFCO annually (cities, counties, and special districts).

We strongly believe LAFCOs need to be added to the language in Section 78115(a)(1). All other entities, including the Public Utilities Commission, have some level of funding in the proposed pending amendments. To eliminate the funding for the one local agency involved and retain funding for all state agencies involved puts the collection of that funding on the backs of local government.

Please do not hesitate to contact me if you have any questions about our OPPOSE position to the proposed amendments on SB 414.

Respectfully,



Rachel Jones
Executive Officer

cc: Assembly Local Government Committee
Assembly Environmental Safety & Toxic Materials Committee
Senate Governance and Finance Committee
Senate Environmental Quality Committee
Pamela Miller, Executive Director, CALAFCO

AGENDA REPORT

September 10, 2020

Item No. 13d

TO: Alameda Commissioners**FROM:** Rachel Jones, Executive Officer**SUBJECT: Update on Countywide Water, Wastewater, Stormwater and Flood Control
Municipal Service Review**

The Alameda Local Agency Formation Commission (LAFCO) will receive an update on work to date in preparing its scheduled municipal service review on Countywide water, wastewater, stormwater and flood control services. This update is being presented for information only and in anticipation of holding a noticed public hearing on an administrative draft review at its next regular meeting.

Background

The Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000 (“CKH”) directs LAFCOs to regularly prepare municipal service reviews in conjunction with establishing and updating each local agency’s sphere of influence. In conducting a municipal service review, LAFCOs must review all agencies that provide each local service within a designated geographic area. MSRs assist LAFCOs to establish a series of findings on the effectiveness of the existing local government agencies in providing each service.

At its May 2018 regular meeting, Alameda LAFCO awarded QK Consultants a contract to conduct its municipal service review on water, wastewater, stormwater and flood control services.

Discussion

On 7 July 2020, Alameda LAFCO received an administrative draft from QK Consultants on the MSR that included agency profiles along with population projections and estimates. The draft did not include any determinations or recommendations to provide opportunity for agency feedback.

Staff presented the draft at the Commission’s August 6th Policy and Budget Committee Meeting for initial observations and comments. Following the meeting, staff contacted each General Manager and City Manager of the affected agencies to determine any technical edits or key metrics that should be analyzed and or modified in the report. Staff is in the process of meeting with each affected agency to discuss the draft and has requested to make formal presentations to the agency’s governing boards if permitted.

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This item provides notice of work to date by staff and consultants in preparing the scheduled MSR for a public hearing of a complete draft of the MSR followed by a public review and comment period. Work to date suggests staff will have the Commission review the administrative draft with edits and feedback from the affected agencies at its next regular meeting. The scheduled Countywide MSR is proceeding ahead and it appears reasonable to assume a complete draft and public review and comment period at the Commission's January 2021 regular meeting.

Commission Review

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.