
Alameda Local Agency Formation Commission

NOTICE OF REGULAR MEETING AND AGENDA

ALAMEDA LOCAL AGENCY FORMATION COMMISSION

THURSDAY, NOVEMBER 14, 2019

2:00 P.M.

CITY OF DUBLIN COUNCIL CHAMBERS
100 CIVIC PLAZA, DUBLIN, CALIFORNIA

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

On behalf of the Chair, the Commission welcomes you to its meetings and your interest is appreciated. **If you wish to speak to a matter on the agenda, please complete a Speakers Card and submit it to staff.** When your name is announced, please come forward and give your name and address, and state your comments or questions. If you wish to speak on a matter not on the agenda, please wait until the Chair calls for Public Comment. Speakers may have a time limitation imposed at the discretion of the Chair. Alameda LAFCO meetings are wheelchair accessible. Call (510) 208-4949 (voice) or (510) 834-6754 (TDD) to request a sign-language interpreter. Five working days' notice is required.

Only those issues which are brought up at the public hearing described in this notice, or in written correspondence delivered to the LAFCO Commissioners at or prior to the hearing, may be raised in any legal challenge to the actions taken by the Commission.

1. **2:00 P.M. – Call to Order and Pledge of Allegiance**
2. **Roll Call**
3. **Public Comment:** Anyone from the audience may address the Commission on any matter not listed on the agenda and within the jurisdiction of the Alameda LAFCO. The Commission cannot act upon matters not appearing on the agenda. *Speakers are limited to three (3) minutes.*
4. **Consent Items**
 - a. Approval of Meeting Minutes: September 12, 2019 Regular Meeting
5. **Budget Update for Fiscal Year 2019-2020 and First Quarter Report (Regular)** – The Alameda Local Agency Formation Commission (LAFCO) will review a report comparing budgeted to actual transactions for fiscal year 2019-2020 through the first quarter. Alameda LAFCO is on pace to finish the fiscal year with a balanced budget. This includes a \$180,000 fund balance applied to offset agency apportionments. The report is being presented to the Commission to accept and file and to provide direction to staff as needed.

LAFCO Staff Recommendation: Accept and file the report as presented.

- 6. Annexation of Dumbarton Quarry Regional Park to Union Sanitary District (Public Hearing) –** The Commission will consider a change of organization proposal filed by Pacific States Environmental Contractors, Inc. with the Alameda Local Agency Formation Commission (LAFCO) on behalf of the East Bay Regional Park District (EBRPD) to annex approximately 91.01 acres of territory located within the City of Fremont to the Union Sanitary District (USD). The affected territory is within USD’s sphere of influence and includes 1 parcel. 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. Staff recommends approval with standard terms.

LAFCO Staff Recommendation: Adopt the draft resolution conditionally approving the annexation request of the Dumbarton Quarry Regional Park into USD and an addendum to the mitigated negative declaration.

- 7. Annexation of the City of Albany to the Alameda County Mosquito Abatement District (Public Hearing) –** The Commission will consider a change of organization proposal filed by the Alameda County Mosquito Abatement District (ACMAD) with the Alameda Local Agency Formation Commission (LAFCO) to annex the entire City of Albany into the District. The affected territory is within ACMAD’s sphere of influence and comprises of 394.4 acres and 5,741 parcels. The purpose of the proposal is to create a countywide mosquito abatement district covering all cities within the County of Alameda to streamline essential public health services. Staff recommends approval with standard terms.

LAFCO Staff Recommendation: Adopt the draft resolution conditionally approving the annexation request of the City of Albany to ACMAD and authorize the Executive Officer to conduct protest proceedings within 60 days.

- 8. Update and Report on Priority Conservation Areas (Regular) –** The Commission will receive an update and report back on Priority Conservation Areas (PCAs) within Alameda County from its last regular meeting held on September 12, 2019.

LAFCO Staff Recommendation: Accept and file.

- 9. Report on Attendance at the 2019 CALAFCO Annual Conference (Regular) –** The Commission will receive a report from attendees to the 2019 CALAFCO Annual Conference held in Sacramento from October 30th to November 1st. Verbal report only.

LAFCO Staff Recommendation: For Commission discussion.

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

11. Informational Items

- a. Current and Pending Proposals
- b. Progress Report on Work Plan
- c. Legislative Report
- d. CALAFCO Annual Report

- 12. Adjournment of Regular Meeting**

14. Next Meetings of the Commission

Policy and Budget Committee Meeting

Thursday, December 5, 2019 at 2:00 pm at Castro Valley Sanitary District, 21040 Marshall Street, Castro Valley, CA

Strategic Planning Workshop

Monday, December 16, 2019 at 10:00 am at the Martinelli Event Center, 3585 Greenville Road, Livermore, CA

Regular Meeting

Thursday, January 16, 2020 at 2:00 p.m. at City of Dublin, 100 Civic Plaza, Dublin, CA

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 arraignments or accommodations.

Alameda LAFCO
Administrative Office
1221 Oak Street,
Suite 555 Oakland,
California 94612
T: 510.272.3784
W: acgov.org/lafco

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SUMMARY ACTION MINUTES
ALAMEDA LOCAL AGENCY FORMATION COMMISSION
REGULAR MEETING

City of Dublin Council Chambers, 100 Civic Drive, Dublin, CA

September 12, 2019

1. Call to Order and Pledge of Allegiance

Chair Haggerty called the meeting to order at 2:00 p.m. The Pledge of Allegiance was recited.

2. Roll Call.

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

County Members: Scott Haggerty and Nate Miley (arrived 2:30, item 8)

City Members: John Marchand and alternate David Haubert

Special District Members: Ayn Wieskamp, Ralph Johnson, and alternate Georgan Vonheeder-Leopold

Public Members: Sblend Sblendorio and alternate Tom Pico

Not Present: Alternate County Member Richard Valle and City Member Jerry Thorne

Staff present: Rachel Jones, Executive Officer; Theresa Rude, Analyst; Andrew Massey, Legal Counsel; and Sandy Hou, Clerk

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

- a. Approval of Meeting Minutes: May 29, 2019 Special Meeting
- b. Approval of Meeting Minutes: July 18, 2019 Regular Meeting
- c. Approval of Meeting Dates of New Calendar Year 2020
- d. Request for Time Extension | Annexation of Tesla Road et al to City of Livermore
- e. Request for Time Extension | Reorganization of East Bay Municipal Utility District and City of Hayward

Upon motion by Commissioner Marchand, second by Commissioner Wieskamp, all consent items were approved.

AYES: 6 (Haggerty, Haubert, Johnson, Marchand, Sblendorio, Wieskamp)

NOES: 0

ABSENT: 2 (Miley, Thorne)

ABSTAIN: 0

5. End of Year Budget Report for Fiscal Year 2018-2019 (Regular)

Executive Officer Jones provided a summary of an end-of-year report comparing budgeted and actual transactions for fiscal year 2018-2019, noting that the Commission finished the fiscal year with a net operating surplus of \$246,269, which accounts for the \$176,000 fund balance applied to offset agency apportionments for the fiscal year.

Commissioner Marchand motioned, Commissioner Wieskamp seconded to accept and file the report. Motion passed.

AYES: 6 (Haggerty, Haubert, Johnson, Marchand, Sblendorio, Wieskamp)
NOES: 0
ABSENT: 2 (Miley, Thorne)
ABSTAIN: 0

6. CALAFCO Proposed New Membership Dues Structure (Regular) – Proposal by the California Association of Local Agency Formation Commissions (CALAFCO) of a new dues structure as a response to the organization’s ongoing structural budget deficit.

Executive Officer Jones summarized the written report, noting that the new dues structure involves a base-charge of \$1000 per LAFCO and a payment increase based upon 2020 population estimates along with a per capita rate set by the CALAFCO Board of Directors, resulting in an increase of Alameda LAFCO’s membership dues by \$1000 from \$9,662 to \$10,662. She also noted that the proposed dues structure is set to address equitable distribution of membership costs between rural, suburban and urban LAFCO’s, as well as reduce CALAFCO’S shortfall.

Coastal Region CALAFCO Board Member Michael McCill, Special District Commissioner from Contra Costa LAFCO and chair of the CALAFCO ad hoc committee that worked on the dues increase proposal then provided further information on the process used by CALAFCO to come up with the proposal. He attributed the need for dues increase in part to the increase of CALAFCO staff’s time from 3 days to 4 days a week several years back, required primarily because of all the state legislation concerning LAFCOs. He noted that CALAFCO has been using reserves to balance its budget, which it can no longer do.

Comments were offered from Commissioners Wieskamp, Marchand and Sblendorio in support of approving the dues increase, with each noting the value and importance of having CALAFCO staying on top of the increasing LAFCO-related state legislation.

Motion was made by Commissioner Marchand, seconded by Commissioner Sblendorio to approve the CALAFCO membership dues structure and to direct the Commission’s voting delegate to vote accordingly at the CALAFCO Annual Conference on October 31, 2019. Motion passed.

AYES: 6 (Haggerty, Haubert, Johnson, Marchand, Sblendorio, Wieskamp)
NOES: 0
ABSENT: 2 (Miley, Thorne)
ABSTAIN: 0

7. Financial Audit Report and Presentation for Fiscal Year Ending June 30, 2018 (Regular)

A report and presentation from Harshwal & Company LLP of Alameda LAFCO’s financial statements for 2017-2018.

Executive Officer Jones noted that the Commission had received a financial audit report prepared by Harshwal & Company at its last regular meeting held on July 18, 2019 and that the report concludes that Alameda LAFCO’s tested statements show no material weaknesses or omissions and shows the Commission’s financial standing with an unadjusted fund balance of \$594,309. She then introduced Adi Harshwal from Harshwal and Company who presented the audit findings to the Commission per the Commission’s request.

Mr. Harshwal highlighted two pages of the report, page 6 - *Changes in Net Position* and page 13 *Statement of Revenues, Expenditures, and Changes in Fund Balances*, and then, since there were no exceptions identified in the audit, proceeded to respond to questions from the Commission.

In response to Commissioner Vonheeder-Leopold's question as to what accounts for the large excess of revenue, he explained that is unknown since there is no previous year's audit to compare to, as this was the first audit done in a very long time (since 2006). In response to Commissioner Johnson, he said no issues were identified regarding LAFCO's check writing process.

At the request of Chair Haggerty, he explained the process they used to conduct the audit, noting that strict guidelines are in place that must be adhered to in conducting audits. They requested the entire general ledger for the fiscal year, did a sampling, and tested the sampling for supporting documents and accuracy. He responded that they did not meet with any Commissioners during the process either before or after the audit, because Alameda LAFCO's finances does not meet the threshold of \$750,000 that requires such meetings.

The conclusion of a discussion was that going forward with further audits – either with Harshwal or another company – Alameda LAFCO will have, apart from staff, selected members of the Commission meet with the auditors both before the audit is begun and after when the draft report is prepared. Mr. Harshwal suggested that 2-3 months after the close of the fiscal year would be a good time to have the pre-audit meeting.

- 8. Annexation of Dumbarton Quarry Regional Park to Union Sanitary District (Public Hearing)**
A change of organization proposal filed by Pacific States Environmental Contractors, Inc. on behalf of the East Bay Regional Park District to annex approximately 120.5 acres of territory located within the City of Fremont to the Union Sanitary District in order to provide wastewater services in support of the planned Dumbarton Quarry Regional Park restrooms, shower facilities, and laundry facility.

At staff's request, the Commission agreed to continue this item to the November regular meeting to allow staff time for clearing up any confusion with the District concerning misidentified parcels.

- 9. Priority Conservation Area (Regular)**
Consideration of staff's recommendation on adding the review of whether an affected territory is located within a priority conservation area as an additional factor of mandatory analysis for boundary change proposals under Government Code (G.C.) Section 56668.

Executive Officer Jones provided a summary of the written report, providing background information on the designation of unprotected places such as pastures, vacant lots, shorelines, and creeks as conservation priorities and the relatively new development of a mapping tool that allows the public to identify, map and measure Priority Conservation Areas. She noted that including consideration of location in a priority conservation area to its application reviews would be in conjunction with Alameda LAFCO's regional growth management duties.

Discussion:

Staff clarified that her suggestion to include consideration of location within a priority conservation area as an additional factor of proposal review was not requested by Commissioner Pico, but rather was in response to Commissioner Pico's concern on how climate change and sea level rise was considered in determining development projects, specifically, the annexation of the Bayside Newark Project to Union Sanitary District that was approved by the Commission at its May 9, 2019 regular meeting.

Staff also clarified that if the Commission approved, it would be adding this as a factor of consideration to the other existing 17 factors that LAFCOs must look at when reviewing applications, and that it would not be determinative, but rather just something to be aware of.

The conclusion of the discussion was a request that staff provide further information to the Commission about the location of the priority conservation areas in the county.

10. Matters Initiated by Members of the Commission

Commissioner Sblendorio reported that he had been receiving calls from brokers and property owners in the Remen Tract and Happy Valley Areas wishing to apply for out of area service agreements and being told by city staff that they cannot grant them because the County and LAFCO are in MOU negotiations concerning such. Surprised to hear that because he thought that issue had been dealt with, Commissioner Sblendorio asked staff to look into the matter and report back.

11. Informational Items Highlights noted below:

- a. **Current and Pending Proposals** - Change of organization proposal received from Alameda County Mosquito Abatement District requesting annexation of the City of Albany to provide mosquito abatement services to the entire county of Alameda. Application currently under administrative review and deemed incomplete at this time.
- b. **Progress Report on Work Plan** – QK Associates will present at the next meeting a draft report on the MSR for water, wastewater, storm water and flood control services. Staff is working on an RFP for the fire protections Services MSR to be presented at the next policy and budget committee meeting.
- c. **Strategic Planning Workshop Update** – Scheduled for Monday, December 16th at 10:00 am at the Martinelli Center in Livermore. Bill Chiat will facilitate.
- d. **CALAFCO Board of Directors Nominations and Achievement Awards** – Nominations are due by September 30th. If interested, contact staff.
- e. **CALAFCO 2019 Annual Conference October 30 - November 1, 2019 in Sacramento**
Commissioners Sblendorio, Johnson and Vonheeder-Leopold are registered to attend.

12. Adjournment of Regular Meeting

Chair Haggerty adjourned the meeting at 2:51 p.m.

13. Next Meetings of the Commission

Policy & Budget Committee

Thursday, October 3, 2019 @ 2:00 p.m. at City of Dublin, 100 Civic Plaza, Dublin, CA

Regular Meeting

Thursday, November 14, 2019 @ 2:00 p.m. at City of Dublin, 100 Civic Plaza, Dublin, CA

Respectfully submitted,

Sandy Hou, Commission Clerk

AGENDA REPORT
November 14, 2019
Item No. 5

TO: Alameda Commissioners

FROM: Rachel Jones, Executive Officer

SUBJECT: Budget Update for Fiscal Year 2019-2020 and First Quarter Report

The Alameda Local Agency Formation Commission (LAFCO) will review a report comparing budgeted to actual transactions for fiscal year 2019-2020 through the first quarter. Alameda LAFCO is on pace to finish the fiscal year with a balanced budget. This includes a \$180,000 fund balance applied to offset agency apportionments. The report is being presented to the Commission to accept and file and to provide direction to staff as needed.

Information

Alameda LAFCO’s (“Commission”) adopted final budget for 2019-2020 totals \$793,880. This amount represents the total approved operating expenditures for the fiscal year divided between three active expense units: salaries and benefits; services and supplies; and internal services. A matching revenue total was also budgeted to provide a year-end balance of \$0 and with a purposeful aid of a planned \$180,000 transfer from reserves. Budgeted revenues are divided between three active units: intergovernmental contributions, application fees, and investments.

Discussion

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

Budgeted Expenses	Budgeted Revenues	Budgeted Year End Balance
FY 19-20	FY 19-20	FY 19-20
\$793,880	\$793,880	\$0

Summary of Operating Expenses

The Commission's budgeted operating expense total for 2019-2020 is \$793,880. Actual expenses processed through the first four months totaled \$151,103; an amount representing 19.0% of the budgeted total with 25.0% of the fiscal year complete.

Actuals through the four months and related analysis suggest the Commission is on pace to finish the fiscal year with \$793,880 in total expenses and finish with an operating net of \$0. A discussion on budgeted and actual expenses through the first four months and related year-end projections follow.

Expense Units	Adopted	Actuals	Percent Expended	Remaining Balance
Salaries and Benefits	483,581	120,896	25%	362,685
Services and Supplies	200,876	23,295	12%	177,581
Internal Service Charges	59,423	6,912	12%	52,511
Contingencies	50,000	0	0%	50,000
	\$793,880	\$151,103	19%	\$642,777

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. Through the first four months the Commission's estimated expenses within the affected accounts totaled \$120,896 or 25% of the budgeted amount. It is projected the Commission will finish the fiscal year with an expenses total of \$483,581.

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. Through the first four months the Commission's actual expenses within the affected 14 accounts totaled \$23,295 or 12% of the budgeted amount. Two of the affected accounts – Training (Conferences and Workshops) and Memberships – finished with balances exceeding the proportional 25% threshold with explanations provided below. In the absence of subsequent amendments at this time, it is projected the Commission will finish the fiscal year with an expense total of \$200,876.

- Training (Conferences and Workshops)

This account covers the Commission's training costs. The Commission budgeted \$13,000 in this account for 2019-2020 based on recent actual trends. Actual expenses through October totaled \$3,489 and can be attributed to registration costs for the 2019 CALAFCO Annual

Conference held in Sacramento for October. Staff projects additional costs attributed to CALAFCO’s staff workshop to be held in 2020 and other CALAFCO University programs over the succeeding months.

- Memberships

This account covers the Commission’s annual dues for ongoing membership with several outside agencies and organizations as previously authorized by the members. This includes CALAFCO and the California Special Districts Association memberships. The Commission budgeted \$10,476 in this account for 2019-2020 based on recent actual trends. Actual expenses through October totaled \$10,376 or 99.0% of the budgeted amount and tied to providing full payment of all budgeted costs.

Internal Services and Supplies

The Commission budgeted \$31,690 in the Internal Services and Supplies Unit for 2019-2020 to provide funding for *indirect* support services necessary to operate Alameda LAFCO. Through the first four months the Commission’s actual expenses within the four affected accounts totaled \$6,912 or 12% of the budgeted amount. None of the affected accounts finished with balances exceeding the proportional 25% threshold.

Summary of Operating Revenues

The Commission budgeted operating revenue total for 2019-2020 at \$793,880. Actual revenues collected through the first four months totaled \$310,241. This amount represents 39.1% of the budgeted total with 25% of the fiscal year complete. A summary comparison of budgeted to actual operating revenue follows.

Actuals through the first four months and related analysis suggest the Commission’s year-end revenue totals will tally at \$793,880 and result in a balanced budget. An expanded discussion on the budgeted and actual revenues through the first four months follows.

Revenue Units	Adopted	Actuals	Percent Expended	Remaining Balance
Agency Contributions	576,380	305,510	53%	270,870
Application Fees	30,000	4,731	16%	25,269
Interest	7,500	0	0%	7,500
Fund Balance Offset	180,000	0	0%	180,000
	\$7793,880	\$310,241	4%	\$483,639

Agency Apportionments

The Commission budgeted \$576,380 in the Agency Apportionments Unit for 2019-2020. This total budgeted amount was to be divided in 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 is still awaiting payments with a total of \$305,510 of the total agency apportionments received. The Commission is expected to receive all agency contributions with a total of \$576,380 or 100% of the budgeted amount.

Application Fees Unit

The Commission budgeted \$30,000 in the Application Fees Unit for 2019-2020. Through the first four months \$4,731 have been collected in this unit. Staff anticipates – and at least for budgeting purposes – the account ultimately tallying at \$25,000 and result in a year-end shortfall of \$5,000.

Interest Unit

The Commission budgeted \$7,500 in the Interest Unit for 2019-2020. Through the first four months no monies have been collected in this unit by the County Treasurer. Staff anticipates – and at least for budgeting purposes – the account accruing at the current rate and ultimately tallying at \$7,500.

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,

A handwritten signature in blue ink, appearing to read "Rachel Jones". The signature is fluid and cursive, with a large initial "R" and "J".

Rachel Jones
Executive Officer

Attachments:

1. 2019-2020 General Ledger through October 28, 2019

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 10-28-19	Difference	Percent of Budget
Salary and Benefit Costs											
<u>Account</u>	<u>Description</u>										
60001	Staff Salaries	-	-	-	-	321,692	269,829	308,307	77,077	231,230	25.0%
-	Employee Benefits and Retirement (ACERA)	-	-	-	-	149,961	139,003	175,275	43,819	131,456	25.0%
		422,665	378,825	472,385	383,228	471,653	408,832	483,581	120,896	362,686	25.0%
Service and Supplies											
<u>Account</u>	<u>Description</u>										
-	Intern	1,600	-	1,600	-	1,600	-	1,600	0	1,600	0.0%
610077	Postage	1,000	2,000	1,000	1,000	1,000	707	1,000	57	943	5.7%
610141	Copier	1,800	4,000	2,000	2,503	3,000	859	3,000	143	2,857	4.8%
610191	Pier Diems	6,600	7,000	7,500	7,300	7,700	5,700	7,800	1,800	6,000	23.1%
610211	Mileage/Travel	-	-	-	89	200	1,308	1,300	115	1,185	8.9%
610461	Training (Conferences and Workshops)	18,500	12,000	20,000	17,171	20,000	11,153	13,000	3,489	9,511	26.8%
610241	Records Retention	1,000	1,100	1,000	1,000	1,000	300	1,000	117	883	11.7%
610261	Consultants	50,000	31,000	75,000	75,000	96,000	22,593	90,000	6,300	83,700	7.0%
610261	Mapping - County	5,000	6,000	5,000	5,000	5,000	595	5,000	0	5,000	0.0%
610261	Planning Services	60,000	75,000	25,000	10,000	25,000	4,121	5,000	315	4,685	6.3%
610261	Legal Services	30,000	50,000	40,000	35,000	40,000	26,210	30,000	0	30,000	0.0%
610311	CAO - County - Services	16,000	13,000	11,000	11,000	11,000	11,000	11,000	0	11,000	0.0%
610312	Audit Services	7,500	-	7,500	-	10,000	6,000	7,700	0	7,700	0.0%
610351	Memberships	8,157	8,157	8,675	8,774	9,000	9,026	10,476	10,376	100	99.0%
610421	Public Notices	5,000	2,000	5,000	2,000	5,000	2,363	5,000	310	4,690	6.2%
610441	Assessor - County - Services	-	-	5,000	-	2,500	-	2,500	0	2,500	0.0%
610461	Special Departmental	500	500	500	500	1,500	515	1,500	29	1,471	1.9%
620041	Office Supplies	3,000	1,500	3,000	500	4,000	592	4,000	245	3,755	6.1%
		215,657	213,257	218,775	176,837	243,500	103,042	200,876	23,295	177,581	11.6%
Internal Service Charges											
<u>Account</u>	<u>Description</u>										
630051	Office Lease/Rent	3,200	3,200	3,200	3,200	3,200	3,492	25,000	0	25,000	0.0%
630021	Communication Services	3,156	3,156	3,218	3,218	3,878	3,878	3,950	445	3,505	11.3%
630061	Information Technology	17,726	17,726	18,081	18,081	21,578	27,068	27,373	6,468	20,905	23.6%
630081	Risk Management	2,633	2,633	2,686	2,686	3,034	3,034	3,100	0	3,100	0.0%
		26,715	26,715	27,185	27,185	31,690	37,472	59,423	6,912	52,511	11.6%
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	151,103	592,777	19.0%

Revenue Ledger		FY2016-2017		FY2017-2018		FY2018-2019		FY2019-2020			
		Adopted	Estimate	Adopted	Estimate	Adopted	Actuals	Adopted	Actuals As of 10-28-19	Difference	Percent of Budget
Intergovernmental											
<u>Account</u>	<u>Description</u>										
-	Agency Contributions										
	County of Alameda	196,115	196,114	196,115	196,114	196,948	196,948	192,127	0	192,127	0.0%
	Cities	196,115	196,114	196,115	196,114	196,948	196,948	192,127	113,383	78,744	59.0%
	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	305,510	270,870	53.0%
Service Charges											
-	Application Fees	25,000	50,000	30,000	16,000	30,000	16,456	30,000	4,731	25,269	15.8%
Investments											
-	Interest	-	2,000	-	4,000	-	12,314	7,500	0	7,500	0.0%
Fund Balance Offset											
		150,000	150,000	150,000	150,000	176,000	176,000	180,000	0	180,000	0.0%
REVENUE TOTALS		715,037	742,037	768,345	758,344	796,844	795,614	793,880	310,241	483,639	39.1%
OPERATING NET		-	123,240	-	171,094	-	246,268	-	159,138	-	-

UNRESTRICTED FUND BALANCE

As of June 30th

AGENDA REPORT

November 14, 2019

Item No. 6

TO: Alameda Commissioners

FROM: Rachel Jones, Executive Officer

SUBJECT: Proposed Annexation of the “Dumbarton Quarry Regional Park” to the Union Sanitary District

The Commission will consider a change of organization proposal filed by Pacific States Environmental Contractors, Inc. with the Alameda Local Agency Formation Commission (LAFCO) on behalf of the Dumbarton Quarry Associates and East Bay Regional Park District (EBRPD) to annex approximately 91.01 acres of territory located within the City of Fremont to the Union Sanitary District (USD). The affected territory is within USD’s sphere of influence and includes 1 parcel. 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. Staff recommends approval with standard terms.

Background

Alameda LAFCO has received a request from the firm Pacific States Environmental Contractors, Inc. with landowner consent seeking approval of a change of organization to annex approximately 91.01 acres of incorporated territory to USD. As submitted, the affected territory is comprised of 1 parcel to be developed for a future campground and park. The project site is located along Road within the City of Fremont. The County of Alameda Assessor’s Office identifies the subject parcel as 537-0851-002-02.

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 is to provide wastewater services in support of a public park and campsite. The Dumbarton Quarry Regional Park would not be able to provide restroom, shower or laundry facilities for park visitors if the application is not approved.

Development Potential

The affected territory as proposed and detailed in Appendix A is located on a former quarry site that is being reclaimed for a future park developed pursuant to the approved reclamation plan and conditional use permit approved by 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.

The EBRPD will operate Dumbarton Quarry Regional Park in conjunction with Coyote Hills Regional Park. The park proposes to provide 26 cabins, a 20-car camping site, two camping areas to accommodate 225 campers, two restroom facilities, and a shower and laundry facility. Other uses include trails, parking, and an event area.

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.
- The City of Fremont's approval of the park and campsite development of the affected territory helps indicate the annexation to USD is appropriate by timing the boundary change with a known and pending development action.
- 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.

As for potential amendments to the proposal to modify the physical boundary, staff did find one that involves expanding the annexation boundary to include one additional incorporated lot immediately to the east of the affected territory totaling 96.7 acres. The underlying merits in pursuing this potential boundary amendment is tied to producing a more orderly boundary for USD that eliminates an "island" of non-jurisdictional land entirely surrounded by the District. The demerits in proceeding with this boundary amendment, however, are administratively significant and include the need for additional environmental review and the standalone uncertainty as to whether such an expansion would survive protest proceedings under LAFCO law. Staff has consulted with a representative of the adjoining property that is owned by Leslie Salt Company, and they do not plan or wish to connect to the District within the immediate future given the upfront expenses – namely a connection fee and related plumbing costs. Staff assigns deference to these latter considerations, and as such does not recommend proceeding with the referenced alternative amendment 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

The City of Fremont 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 campsite and park. The City has determined the action qualifies as a project and an Initial Study was prepared to further evaluate potential proposal impacts. The resulting initial study is attached and concludes the project would not result in any significant impacts and adopted a mitigated negative declaration along with an addendum to account for the proposed annexation. Staff independently concurs the City 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 as identified as Attachment 1 conditionally approving the annexation request of the Dumbarton Quarry Regional Park into USD and an addendum to the mitigated negative declaration for the proposal consistent with the conclusion of the associated initial study.

Alternative Two:

Continue consideration of the report to a future meeting and provide direction for more 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. Mitigated Negative Declaration and Addendum

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 91.01 acres and is considered uninhabited as the area contains 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 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. Total assessed value of the land is estimated at approximately \$0.115 million.

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 park and campground 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.

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. 2019-XX****APPROVAL OF ANNEXATION OF DUMBARTON QUARRY 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 on behalf of property owners by Pacific States Environmental Contractors, Inc. 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 Dumbarton Quarry Regional Park to Union Sanitary District Annexation; and

WHEREAS, the purpose of requesting approval of an annexation is to provide wastewater services to 91.01 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;

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 initial study and mitigated negative declaration approved by the lead agency, the City of Fremont; and

WHEREAS, the City of Fremont's initial study and mitigated negative declaration required further analysis of the specific impacts of a change in organization for which it prepared an addendum; and

WHEREAS, the Commission has reviewed and considered the addendum and determined that the addendum merely clarifies, amplifies or makes insignificant modifications to the negative declaration and thus recirculation of the negative declaration is not required; and

WHEREAS, a public meeting was held on November 14, 2019, 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 November 14, 2019.
2. The Commission certifies it has reviewed and considered environmental effects of the Dumbarton Quarry Regional Park to Union Sanitary District Annexation, and feasible mitigation measures and alternatives within the Commission's powers contained in the Initial Study and Mitigated Negative Declaration, as amended by the addendum, prepared for Dumbarton Quarry Regional Park and certified by the City of Fremont (Lead Agency), and, finding them to be adequate for its purposes in reviewing and approving the proposed annexation, in exercise of its independent judgement adopts as the Commission's own the findings the determinations outlined in the Mitigated Negative Declaration including the addendum to conclude that based upon substantial evidence in the record as a whole that the Dumbarton Quarry Regional Park to Union Sanitary District Annexation 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 determination are made are located at the office of the Commission at 1221 Oak Street, Suite 555, Oakland, California 94612.
4. The agreement will permit the provision of wastewater services to the Dumbarton Quarry 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 November 14, 2019 by the following vote:

AYES:

NOES:

ABSTAIN:

ABSENT:

APPROVED:

ATTEST:

Scott Haggerty
Chair

Rachel Jones
Executive Officer

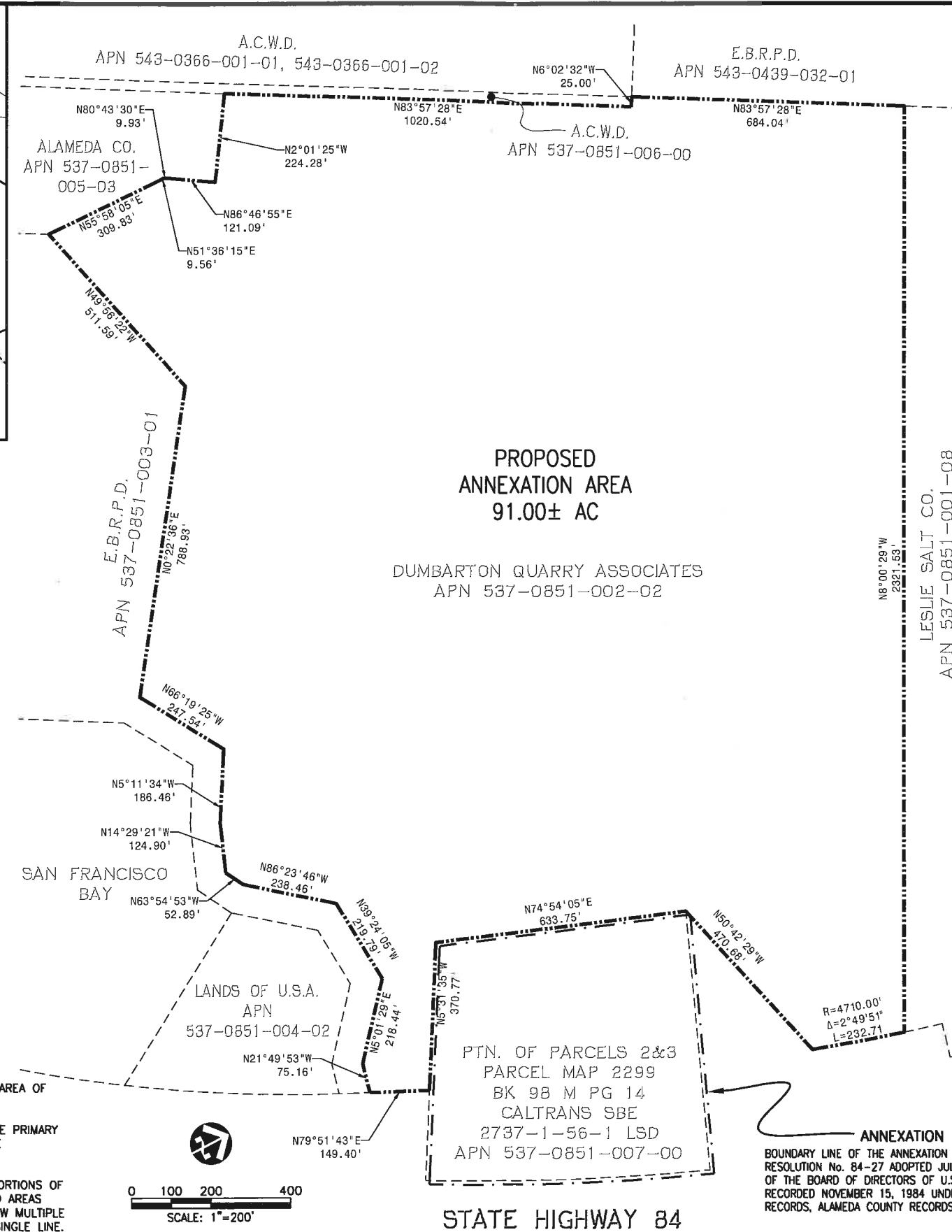
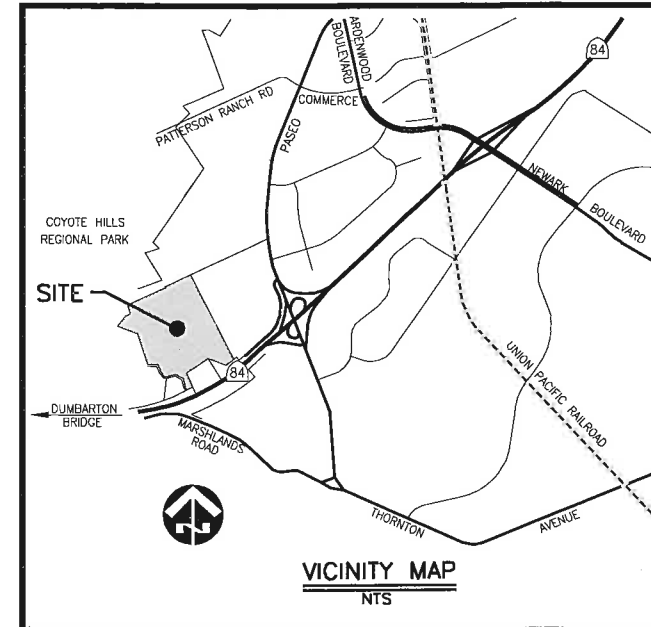


EXHIBIT "A"
ANNEXATION U-293
TO UNION SANITARY DISTRICT
BY LAFCO RESOLUTION No. _____ ON _____
CITY OF FREMONT
ALAMEDA COUNTY, CALIFORNIA
JUNE 10, 2014
 SCALE: 1" = 200'

Mackay & Somps
 CIVIL ENGINEERING • LAND PLANNING • LAND SURVEYING
 51428 FRANKLIN DR., PLEASANTON, CA 94588 (925) 225-0690

THIS MAP CONFORMS TO THE REQUIREMENTS OF THE LOCAL AGENCY FORMATION COMMISSION OF ALAMEDA COUNTY.

DANIEL WOLDESENBET, Ph.D., P.E.
 DIRECTOR OF PUBLIC WORKS

BY: _____ DATE: _____
 RUSSELL REID PENLAND, JR.
 COUNTY SURVEYOR
 L.S. 5726, EXPIRES 12/31/15

THIS MAP, WHEN FILED, WAS ACCOMPANIED BY A CERTIFICATE OF COMPLETION AND CERTIFIED COPY OF THE BOUNDARY DESCRIPTION DELINEATED HEREON, AS REQUIRED BY SECTION 57203 OF THE GOVERNMENT CODE.

BY: _____ DATE: _____
 CRYSTAL HISHIDA GRAFF
 LAFCO EXECUTIVE OFFICER

THIS MAP IS FILED AT THE REQUEST OF THE UNION SANITARY DISTRICT AT _____ MINUTES PAST _____ M. ON THE _____ DAY OF _____, 2014 IN BOOK _____ OF MAPS, AT PAGE _____, SERIES No. _____; THE CERTIFICATE OF COMPLETION AND BOUNDARY DESCRIPTION ARE RECORDED IN SERIES No. _____ OF OFFICIAL RECORDS, ALL IN THE OFFICE OF THE RECORDER OF ALAMEDA COUNTY, CALIFORNIA.

PATRICK J. O'CONNELL
 COUNTY RECORDER

BY: _____ DATE: _____
 DEPUTY COUNTY RECORDER

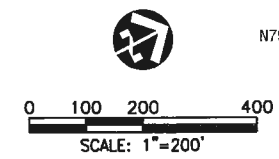
THIS MAP WAS PREPARED BY ME OR UNDER MY SUPERVISION.

BY: _____ DATE: _____
 MARK WEHBER, LS 7960
 LICENSE EXPIRES: 3/31/16

ANNEXATION No. 199 TO USD
 BOUNDARY LINE OF THE ANNEXATION TO THE UNION SANITARY DISTRICT BY LAFCO RESOLUTION No. 84-27 ADOPTED JULY 19, 1984 AND BY RESOLUTION NUMBER 1722 OF THE BOARD OF DIRECTORS OF U.S.D. ADOPTED OCTOBER 22, 1984 AND RECORDED NOVEMBER 15, 1984 UNDER SERIES No. 84-228839 OF OFFICIAL RECORDS, ALAMEDA COUNTY RECORDS.

- LEGEND**
- EXISTING UNION SANITARY DISTRICT BOUNDARY
 - BOUNDARY LINE OF NEW ANNEXATION
 - EXISTING LOTS AND R/W
 - U.P.R.R. UNION PACIFIC RAILROAD
 - ACFC & WCD ALAMEDA COUNTY FLOOD CONTROL AND WATER CONSERVATION DISTRICT
 - EBRPD EAST BAY REGIONAL PARK DISTRICT
 - ANGLE PT. ANGLE PT.
 - ⑤ COURSE NUMBER
 - ⊙ P.O.B. POINT OF BEGINNING
 - USD UNION SANITARY DISTRICT
 - PM PARCEL MAP

- NOTE:**
1. THE DIMENSIONS SHOWN HEREON WERE USED TO CALCULATE THE AREA OF REORGANIZATION.
 2. REFERENCE TO EXISTING UNION SANITARY DISTRICT BOUNDARIES ARE PRIMARY CALLS. ANY BEARINGS AND DISTANCES SHOWN HEREON SHOULD BE CONSIDERED SECONDARY.
 3. AS A DRAFTING CONVENTION, THE SMALL SEPARATIONS BETWEEN PORTIONS OF THE LINE WORK AROUND THE BOUNDARY OF THIS ANNEXATION AND AREAS OUTSIDE THIS BOUNDARY, IF APPLICABLE, WERE PROVIDED TO ALLOW MULTIPLE DESCRIPTIONS TO BE PLACED ON WHAT WOULD OTHERWISE BE A SINGLE LINE. THESE LINES ARE TO BE CONSIDERED COINCIDENT EXCEPT WHERE NOTED.



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: **Dumbarton Quarry Associates**

1. a. Name of Designated Agency Contact or Chief Petitioner. **Bob McCarrick, President of Pacific States Environmental Contractors, Inc.**

Address. **11555 Dublin Blvd. Dublin, CA 94566**

Phone. **925-803-4333** FAX. **925-803-4334** E-Mail. **bmccarrick@pacificstates.net**

1b. Name 2. **East Bay Regional Park District – Kim Fisher**, Phone: **510-544-2315**, E-Mail: **kfisher@ebparks.org**

Address. **2950 Peralta Oaks Court, Oakland, CA 94605-0381**

1c. Name 3. **Keith Donahue, PM of Construction for Pacific States Environmental Contractors, Inc.**

Phone: **925-361-1430** E-Mail: **kdonahue@pacificstates.net**

Address. **11555 Dublin Blvd. Dublin, CA 94566**

2. NAME/TITLE OF APPLICATION PROPOSAL – **Annexation U-293 Dumbarton Quarry Associates**

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

- | | | |
|---|--|--|
| <input checked="" type="checkbox"/> Annexation | <input type="checkbox"/> Consolidation | <input type="checkbox"/> Detachment |
| <input type="checkbox"/> Formation | <input type="checkbox"/> Incorporation | <input type="checkbox"/> Exercise of Latent Powers |
| <input type="checkbox"/> Disincorporation | <input type="checkbox"/> Merger | <input type="checkbox"/> Dissolution |
| <input type="checkbox"/> Reorganization | <input type="checkbox"/> Special Study | <input type="checkbox"/> Municipal Service Review |
| <input type="checkbox"/> SOI Amendment | <input type="checkbox"/> SOI Update | <input type="checkbox"/> Initial SOI Determination |
| <input type="checkbox"/> Establishment of Subsidiary District | | |

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

Annex approximately 91.01 acres to Unitary Sanitary District to provide wastewater treatment Services for approximately ## equivalent dwelling units (ESDs) in support of the future Dumbarton Quarry Regional Park restrooms, shower facilities, and laundry facility.

4. CERTIFIED RESOLUTION OR PETITION (Attach) **indenture agreement, CEQA approvals (park approval 2013)**

Application Initiated By:

Resolution of Application No.: _____

Date Adopted: _____

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).

Site address: 9600 Quarry Road, Fremont, CA 94555 APN#

Bounded by parcels under ownership of: Leslie or Cargil Salt Company, East Bay Regional Park District; Alameda County Water District; Alameda County; San Francisco??

5b. Number of acres: 91 +/- Square Miles 0.14 in project site.

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

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

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

5f. Assessed Valuation: Land \$100.00 from assessor's office Improvements 0, (see attached)
Total \$115,326.00

5g. Existing Land Uses

Former quarry site currently being reclaimed for future park development, pursuant to approved Reclamation Plan / Conditional Use Permit U-66-53

5h. Proposed Land Uses

Dumbarton Quarry Regional Park, to be operated by East Bay Regional Park District

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

General Plan Designation: Resource Conservation / Public Open Space, City of Fremont

Zoning: Planned District, Quarry Combining, P-81-12(Q). City of Fremont

Per CEQA documents prepared by the City of Fremont, the reclamation place is consistent with zoning, land use designation, and existing use permit and therefore, does not conflict with any applicable land use plan or policy (City of Fremont), Initial Study, Dumbarton Quarry Reclamation Plan Amendment, PLN2012-00143, page 16). The initial Study/Mitigated Negative Declaration for the Dumbarton Quarry Regional Park (PLN2013-00126, City of Fremont) proposed an amendment to the Planned District, Quarry Combining zoning designation to allow the proposed regional park use, and concluded that this amendment would not result in a conflict with any applicable land use plans or policies. (City of Fremont, Initial Study, Dumbarton Quarry Park PLN2013-00126, page 23).

5j. Regional Housing Needs Allocation (RHNA) Requirements and Number of Affordable Units Provided: Not Applicable

5k. Property Information.

Number of parcels in project site **1**

Number of landowners **1**

Source of information: [Assessor Parcel Map](#)

Names & Addresses of All Landowners & Associated Parcel Numbers:

Assessor's Parcel Number/s/Address	Landowner Name/ Address
1. 537-0851-002-02 9600 Quarry Road, Fremont, CA 94555	1. Dumbarton Quarry Associates 11555 Dublin Blvd. Dublin, CA 94568
2.	2.
3.	3.

Applicable Tax Rate Area(s):

Parcel Number/s	Tax Rate Area/s
537-0851-002-2	12-066

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.

[Current reclamation activity and future park use is consistent with Resource Conservation / Public Open Space, City of Fremont General Plan.](#)

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

[The Property is located within the Baylands Community Plan Area \(City of Fremont, Initial Study, Dumbarton Quarry Regional Park PLN2013-00126, page 2\). **Note:** There is no description or analysis regarding how the reclamation work or the park are consistent or inconsistent with this designation.](#)

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

[There is no residential population in the immediate vicinity of the property \(City of Fremont, Initial Study, Dumbarton Quarry Regional Park PLN2013-00126, page 2\).](#)

6e. What are the intended uses of the territory, over the next 5, 10 and 15 years (if different), if application is approved? **East Bay Regional Park District will operate Dumbarton Quarry Park, which is proposed to include 26 cabins; camping facilities for 63 recreational vehicle sites, 20 car camping sites, and two group camp areas to accommodate up to 225 campers; restroom, shower, and laundry facilities; children's playground, trails, parking, a small store and event area.**

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. NO**

- 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. **Not Applicable**

Has territory been pre-zoned? Yes X No If yes, what is the pre-zoning designation and what does it mean? **City of Fremont Approval**

6h. **Attach copy of certified City Resolution/ Ordinance Number: PLN2013-00126.**

Date Adopted: **9/27/2012**

6i. If applicant is a DISTRICT, what planning, zoning and subdivision changes are proposed, or have been approved by the city or county? **None**

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: _____

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

If yes, how many? 1 % of total landowners? 100%

If yes, attach originals of Signature Consent Forms. **Don't need since applicant is property owner?**

If no, explain.

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

The Property does not include agricultural lands.

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

Proposed change is not an urban development project. After the reclamation plan is implemented, property will be operated by East Bay Regional Park District as a regional Park.

6n. Adjacent Land Uses.

	Existing Land Uses	General Plan Designation	Zoning Designation
North	Park	Open Space	Open Sp. Resource Conservation
South	Freeway/Office Space	Right of Way	Right of Way, Public Space
East	Undeveloped	Industrial Tech	Industrial Tech
West	SF Bay	Open Space	Open Space

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

The proposed change is not expected to affect mutual social and economic interests of the adjacent areas. The ultimate use of the property as Regional Park is expected to be compatible with uses on adjacent properties. Camp sites may draw visitors from outside the region which is expected to positively impact economic interests of adjacent areas.

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 explain the support of initiating agency.

City of Fremont is in support.....

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

The Dumbarton Quarry Regional Park would not be able to provide restroom, shower, or laundry service for park visitors.

6r. Is territory contiguous to the district's 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.

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? **Fremont, USD, ACWD**
 Yes No

6u. For district formations, district consolidations, incorporations or city consolidations, provide a proposed agency name (optional). **Not Applicable**

6v. For district formations, provide the name of the Principal Act under which the proposed district would be governed. **Not Applicable**

6w. Provide a proposed appropriations limit (optional) if applicable. **Not Applicable**

7. PLAN FOR PROVIDING MUNICIPAL SERVICES

7a. Provide a plan for providing services. (See Guidelines, Policies and Procedures, Volume I, Part IV, Sections 1.6 & 1.7)

7b. Provide the name, address, and contact person for all school districts. **Fremont USD, Dr. Kim Wallace, Superintendent 4210 Technology Drive, Fremont, CA 94538**

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	City of Fremont	same
Fire	City of Fremont	same
Water	East Bay Regional Park District	same
Sewer	Union Sanitary District	same
Garbage	Union Sanitary District or Republic?	
Street Lighting	City of Fremont	same
Road Maintenance	City of Fremont	same
Flood Control	Alameda County	same
Parks & Recreation	EBRPD	same
Library Services	City of Fremont	same
Electricity	PG&E	same
Transit	none	Alameda County Transit
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

If yes, a Letter of Agreement from each agency assuming service responsibilities **must be included with the application.** (see notes) The letter must identify each agency's role and responsibilities as the new service provider and the method for funding additional services. (See Guidelines, Policies and Procedures, Volume I, Part IV, Sections 1.6 & 1.7)

If no, explain.

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

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 X No ___ If yes, describe how modifications will be financed. (See Guidelines, Policies and Procedures, Volume I, Part IV, Sections 1.6 & 1.7)

The proposed change will require widening/upgrading of existing streets, the construction of new streets, and utility infrastructure. New sewers will not be required, only connection to the existing system.

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

See attached

8. WILLIAMSON ACT LAND CONSERVATION CONTRACTS (agricultural preserves)

Are any agricultural preserves on project site? Yes ___ No X 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 X No ___ (see notes)

If yes, Explain.

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

Agency	Contact Name	Phone #
Fremont	Bill Roth	510-494-4450
ACWD	Dean Morshed	510-668-4475

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

If yes, which agency or agencies? Fremont, ACWD

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. **Not Applicable**

¹ See Volume I, Part VII. Glossary for a definition of this term.

NOTE: see note

10a. List all affected local taxing agencies.

Agency	Contact Name	Phone #

10b. Have all participating local taxing agencies reached agreement? Yes ___ No ___ **N/A**
(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? **Note ask USD**

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: **Park entrance & Camping fees**

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, Volume I, Part III, Section 2 – CEQA Compliance)

Identify the following:

Lead Agency [City of Fremont Community Development Department](#)

Responsible Agency/ies: [NOTE: I don’t see any listed in the CEQA documents. The District plus any state agencies from which permits are required could be listed here. The District’s Board has not formally approved this project and the District has not filed a NOD so I recommend checking in with Carol Victor before listing the District as a Responsible Agency.](#)

1. [Alameda Co. LAFCO](#)
2. [????? ACWD](#)

12a. If LAFCo is a **LEAD** Agency for this application, the applicant **must** submit [Not Applicable](#)
[LAFCo is not the Lead Agency for this application.](#)

- 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 type="checkbox"/> Final Environmental Impact Report |
| <input checked="" type="checkbox"/> Notice/s of Determination | <input type="checkbox"/> Mitigation Monitoring Program |
| <input type="checkbox"/> Findings of Fact & Statement of Overriding Considerations | |
| <input type="checkbox"/> State Fish & 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
Mitigated Negative Declaration Dumbarton Quarry Regional Park	Planned District Amendment to P-81-2013-11-19 12 (Q) for development of a 91 acre Regional Park facility which will become the camping and recreation area for the existing Coyote Hills Regional Park; Improvements include 26 cabins; camping facilities for 63 recreational	
Mitigated Negative Declaration Dumbarton Quarry		

Exhibit H - Sample Indemnification Agreement

Indemnification Agreement

As part of this application, applicant and real party in interest, if different, agree to defend, indemnify, hold harmless, and release the Alameda Local Agency Formation Commission, its agents, officers, attorneys, and employees from any claim, action, or proceeding brought against any of them, the purpose of which is to attack, set aside, void or annul the approval of this application or adoption of the environmental document which accompanies it. This indemnification obligation shall include, but not be limited to, damages, costs, expenses, attorney's fees, or expert witness fees that may be asserted by any person or entity, including the applicant, arising out of, or in connection with the approval of this application, whether or not there is concurrent passive or active negligence on the part of the Alameda Local Agency Formation Commission, its agents, officers, attorneys, and employees.

Executed at Dublin, California on the 24 day of September, 2019.

Applicant

By: 

Robert E. McCarrick

Title: President

Mailing Address: 11555 Dublin Blvd., Dublin, CA 94568

REAL PARTY IN INTEREST
(If Different From Applicant)

By: _____

Title: _____

Mailing Address:

APPLICANT: Dumbarton Quarry Associates

7g. List any proposed or required terms, conditions or mitigation measures for the proposal.

Mitigation and Monitoring Plan (MMP)
Dumbarton Quarry Reclamation Plan Amendment (PLN2012-00143)
Dumbarton Quarry Regional Park (PLN2013-00126)

Impact	Mitigation Measure	Implementation	Monitoring Responsibility	Status / Timing
<p>Potential air quality impacts due to grading and construction</p>	<p>Mitigation Measure 1: Dust Control Measures: Prior to the issuance of a grading permit, the following best management practices shall be included in a dust control plan and noted on construction plans with a designated contact person for on-site implementation of the dust control plan.</p> <ol style="list-style-type: none"> 1. Water all active construction and site preparation work areas at least twice daily and more often during windy periods. 2. Cover all hauling trucks or maintain at least two feet of freeboard. 3. Pave, apply water at least twice daily, or apply (non-toxic) soil stabilizers on all unpaved access roads, parking areas, and staging areas. 4. Sweep daily (with water sweepers) all paved access roads, parking areas, and staging areas and sweep streets daily (with water sweepers) if visible soil material is deposited onto the adjacent roads. 5. Hydroseed or apply non-toxic soil stabilizers to inactive construction areas 6. Enclose or cover securely exposed stockpiles. 7. Replant vegetation in disturbed areas as quickly as possible. 8. Suspend construction activities that cause visible dust plumes to extend beyond the construction site. 	<p>Applicant/Owner</p>	<p>City of Fremont Engineering Division</p>	<p>During grading, material import and site development work</p>

Impact	Mitigation Measure	Implementation	Monitoring Responsibility	Status / Timing
<p>Potential impacts on biological resources due to development</p>	<p>Mitigation Measure 2: Wetland Delineation - Prior to any disturbance to the Phase 1 site area, and in order to determine the presence or absence of jurisdictional waters of the U.S. and State, a formal wetland delineation shall be performed by a qualified wetland consultant and submitted to the USACE for verification since project related activities are to affect potential the wetland features in the northeast corner. A copy of the formal jurisdictional delineation report and map and USACE verification letter shall be provided to the City of Fremont.</p> <p>Mitigation Measure 3: Regulatory Agency Review - Prior to any disturbance to the Phase 1 site area, the project sponsor shall obtain permits under Sections 401 and 404 of the Clean Water Act for all grading or ground disturbance work to the identified probable wetland in the northeast corner of the site. These permits, administered by the RWQCB and USACE, respectively, would identify mitigation measures to be imposed on the project as permit conditions. A Wetland Mitigation and Monitoring Plan shall be prepared and submitted for agency review. Detailed wetland protection, replacement, and restoration plans shall be prepared by a qualified wetland restorationist hired by the City of Fremont and paid for by the project sponsor, or hired by the project sponsor and peer reviewed by the City. The plans shall accurately identify the total wetlands and other jurisdictional areas affected by the project. The plans shall provide for a one-to-one ratio of re-establishment, enhancement, and/or replacement of wetland habitat and vegetation, and be approved by the regulatory agencies; in certain instances, cash contributions earmarked specifically for wetland creation, enhancement or restoration offsite may be deemed appropriate and acceptable to the regulatory agencies. Wetland mitigation areas shall be monitored for five years following completion or as otherwise specified in the permit conditions. Annual reports shall be submitted to the City of Fremont, USACE, and RWQCB as part of the Surface Mining Annual Report as required by SMARA. Prior to disturbance of the Phase 1 site area and potential wetlands, the project sponsor shall provide evidence of the required approvals from the USACE and RWQCB to the City of Fremont.</p>	<p>Applicant/Owner and Qualified Biologist or Wetland Consultant</p>	<p>City of Fremont Planning Division</p>	<p>Prior to issuance of grading permit for Phase 1 site area.</p>

Impact	Mitigation Measure	Implementation	Monitoring Responsibility	Status / Timing
<p>Potential impacts on biological resources due to development</p>	<p>Mitigation Measure 4: Special Status Plant Survey - Two special-status plant species (Congdon's tarplant, and saline clover) were identified as having the potential to occur on the Property. Focused plant surveys shall be performed for these species during the appropriate blooming or survey period which is identified as May-October for the Congdon's tarplant and April-June for the saline clover. In order to provide a presence/absence determination, a single survey shall be performed in April, May and June. A survey report shall be prepared by a qualified botanist and submitted to the City of Fremont prior to disturbance of the Phase 1 site area.</p> <p>Mitigation Measure 5: Burrowing Owl Survey - To avoid impacts to Burrowing Owls, a site survey shall be performed prior to any disturbance to the Phase 1 site area. The burrowing owl survey shall be prepared 30 days prior to any disturbance of the Phase 1 site area by a qualified wildlife biologist and submitted to the City. An annual burrowing owl survey, submitted as part of the SMARA annual report, shall also be prepared for any areas that have been undisturbed for a period of 12 months or more.</p> <p>Mitigation Measure 6: Bird Nesting Survey - Although no trees are currently proposed for removal, any trees that may need to be removed shall be felled outside of the general bird nesting season (February 1 through August 31), or a pre-construction bird nesting survey shall be conducted prior to tree removal by a qualified biologist. If conducted during the early part of the breeding season (January to April), the survey shall be conducted no more than 14 days prior to initiation of demolition/construction activities; if conducted during the late part of the breeding season (May to August), the survey shall be performed no more than 30 days prior to initiation of these activities. A pre-construction report will be prepared and a copy submitted to the City of Fremont. If active nests are identified, a 200-foot fenced buffer (or an appropriate buffer zone determined in consultation with the California Department of Fish and Game) shall be established around the nest tree and the site shall be protected until September 1st or until the young have fledged.</p>	<p>Applicant/Owner</p>	<p>City of Fremont Planning Division</p>	<p>30 days prior to issuance of grading permit for Phase 1 site area.</p>

Impact	Mitigation Measure	Implementation	Monitoring Responsibility	Status / Timing
Potential impacts on biological resources due to development	<p>Mitigation Measure 7: Monarch Butterfly Survey - Although no trees are currently proposed for removal, to avoid impacts to monarch butterflies any eucalyptus tree removal that may be proposed shall occur outside the migratory season for this species. Any trees that need to be removed shall be felled outside of the general monarch butterfly migratory or wintering season (October 1 through February 28), or a pre-construction butterfly use survey shall be conducted no more than 14 days prior to tree removal by a qualified biologist. A pre-construction report shall be prepared by a qualified biologist and submitted to the City of Fremont prior to any proposed tree removal.</p>	Applicant/Owner and Qualified Biologist or Wetland Consultant	City of Fremont Planning Division	30 days prior to issuance of grading permit for Phase 1 site area.
Potential impacts on biological resources due to development	<p>Mitigation Measure 8: Revegetation – Upon completion of grading and site work to the Phase 1 site area, the area shall be revegetated with native plants and seed mix. Revegetation will be monitored until all success criteria are met. Monitoring data will include a list of species present, plant cover and composition estimates and an evaluation of the effectiveness of erosion control. Performance standards to be met will include a cover value of 90% and established diversity of five species. Revegetated areas shall be monitored for five years following completion or as otherwise specified in the permit conditions. Annual reports shall be submitted to the City of Fremont as part of the Surface Mining Annual Report as required by SMARA.</p>	Applicant/Owner and Qualified Biologist or Wetland Consultant	City of Fremont Planning Division	Immediately upon completion of Phase 1 site work

Impact	Mitigation Measure	Implementation	Monitoring Responsibility	Status / Timing
Potential impacts on water quality due to development	<p>Mitigation Measure 9: Stormwater Pollution Prevention Plan - All grading and construction activities are subject to existing regulatory requirements including the SWRCB statewide NPDES General Permit for Storm Water Discharge Associated with Construction Activity (Construction General Permit) (Order No. 2009 0009-DWQ, NPDES No. CAR000002). The NPDES General Construction Permit requires the development and implementation of a Stormwater Pollution Prevention Plan (SWPPP). The SWPPP must list BMP's that the discharger will use to protect stormwater runoff, including the placement and timing of those BMP's. Additionally, the SWPPP must contain a visual monitoring program; and a chemical monitoring program for nonvisible pollutants to be implemented if there is a failure of BMP's.</p>	Applicant/Owner	City of Fremont Planning and Engineering Division	Prior to issuance of any grading permit.

- 13d. Provide one copy of an indemnification agreement (See Appendix E, Exhibit H).
- 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.
- 13f. For city annexations only, provide a map of limiting addresses, and an alphabetical list of streets within the subject area to include the beginning and ending street numbers.

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.

Ernest D. Lampkin

Name of Applicant or Authorized Representative

Vice President

Title of Applicant or Authorized Representative

Ernest D. Lampkin VP

Signature of Applicant or Authorized Representative

4/9/19

Date

Environmental Impact Assessment Name. PLN2012-00143**MITIGATED NEGATIVE DECLARATION**

The following proposed project has been reviewed, pursuant to the provisions of Resolution No. 3231, as amended, of the City Council of the City of Fremont for the purpose of determining the likelihood of a significant adverse environmental impact occurring as a result of project completion.

NAME OF PROJECT: Dumbarton Quarry Reclamation Plan Amendment

PROJECT NO.: PLN2012-00143

DESCRIPTION OF PROJECT: The project consists of an amendment to an existing and previously approved Reclamation Plan for Dumbarton Quarry, California Mine ID#91-01-0001. The project sponsor has submitted applications for a Preliminary Grading Plan and amendment to Conditional Use Permit U-66-53 to import up to six million cubic yards of fill material that will be placed in the former quarry pit. Site grading, erosion control and revegetation measures are also included in the project. This analysis evaluates the potential on-site impacts from limited earthwork activities to move material into the pit and establish contour grades in areas outside of the pit. Up to one bulldozer, one grader and one water truck would be used on site for these activities.

LOCATION OF PROJECT: 9600 Quarry Road, 537-0851-002-02

GEOGRAPHIC LOCATION WITHIN CITY: Baylands Community Plan Area

NAME OF AUTHORIZED AGENT OF APPLICANT: Bob McCarrick, Dumbarton Quarry Associates

MAILING ADDRESS OF APPLICANT OR AGENT: 11155 Dublin Blvd, Dublin, CA 94568

TYPE OF ENTITLEMENT SOUGHT: Reclamation Plan Amendment involving a Conditional Use Permit Amendment and Preliminary Grading Plan

EXPLANATION OF REASONS FOR THE FINDING: A finding is proposed that this project will not have a significant effect on the environment because the project complies with development standards of the Fremont Municipal Code and General Plan and mitigations are incorporated into the project addressing potential significant impacts. The proposed project is located on site with convenient freeway access and is not located near existing homes, businesses or sensitive receptors further lessening potential impact to adjacent uses. The project includes grading and erosion control measures in conformance with the City codes and policies, as well as with other responsible agency regulations. Furthermore, the project includes mitigation measures addressing potential significant impacts to biological and wetland resources, water quality and air quality.

Public Hearing: The Planning Commission is tentatively scheduled to consider the project at its June 28, 2012 meeting. Planning Commission and City Council meetings are held in the City Council Chambers at 3300 Capitol Avenue. All environmental documents are available for review at 39550 Liberty Street, Fremont.

Any comments as to whether the draft negative declaration should become final or whether an EIR should be prepared for the project must be submitted within 30 days of the posting of this draft negative declaration. **The comment period begins May 22 and ends June 21, 2012.**

If this draft mitigated negative declaration becomes final by any approval agency other than the City Council, any person who wishes to protest such final action must do so within ten days of the date it becomes final by the filing of a written

Annexation of Dumbarton Quarry Regional Park to Union Sanitation District

Addendum to Initial Study/Mitigated Negative Declaration Prepared for the Dumbarton Quarry Regional Park (City of Fremont File Number: PLN2013-00126) and Related CEQA Findings

This Addendum has been prepared for the above-referenced project, in accordance with CEQA Guidelines Section 15164.

Background

The City of Fremont has prepared and adopted several prior environmental review documents relating to the mining operation and reclamation plans for the Dumbarton Quarry, one of which was Environmental Impact Report #76-6 (EIR 76-6) for the expansion of the existing quarry operations to remove an additional seven million cubic yards of material. Subsequent environmental documents evaluated changes to quarry operations and changes to the reclamation plan that were proposed during the intervening years. A Reclamation Plan Amendment was the subject of the Reclamation Plan Amendment Mitigated Negative Declaration (*2012 Rec Plan MND*), which evaluated changes to the prior 1997 Reclamation Plan to allow the import of fill material to fully backfill the quarry excavation pit to a final elevation of 36 feet above msl. The prior Reclamation Plan specified that the quarry pit would be filled with water for public recreation uses and conversion to a regional park. However, the planned lake had no identified water source or drainage outlet, and it was determined that procuring a water source and permitting an internally draining basin created obstacles in implementation due to changes in environmental and regulatory conditions. As such, the Reclamation Plan was amended in 2012 to allow the quarry pit to be filled with soil to create a meadow rather than a lake.

As subsequent Dumbarton Quarry Regional Park Mitigated Negative Declaration (*Park Plan MND*) was adopted by the City of Fremont on September 3, 2013. The project evaluated in the *Park Plan MND* was an evolution of the meadow concept of the 2012 Rec Plan MND, into use of the reclaimed quarry as a 91-acre regional park facility. As described in the *Park Plan MND*, "this facility will become the camping and recreation area for the existing Coyote Hills Regional Park, which is adjacent to the site along the northern boundary. The project includes formal picnic areas with BBQs, children's playground and play areas, trails, park furniture, parking areas, restroom facilities, and irrigated and non-irrigated turf meadows. The project also includes overnight camping facilities with 63 recreational vehicle (RV) sites, 17 walk-in camp sites and 20 car camp sites. In addition, a small store, laundry and shower facilities are proposed to serve the campsites. The project also includes construction of a 13,000 square-foot event center and 150-person outdoor amphitheater with outdoor campfire pit. A one-half acre corporation yard and maintenance facility is also proposed."

Following approval of the amendment to the 2012 Rec Plan MND and the 2013 Park Plan MND, the Reclamation Plan was amended again in December 2018 to allow the import of up to an additional four million cubic yards of fill to be placed atop the previously approved meadow to create a hill topography that more closely resembles the pre-mining conditions of the site.

The Reclamation Plan is now partially complete, as is the installation of necessary wastewater infrastructure, and conversion of the reclaimed eastern portion of the former quarry is on the verge of being transferred to the East Bay Regional Park District (EBRPD). Continued import of soil over the

western portion quarry pit area is anticipated to take approximately twelve to fourteen years to complete at which time the balance of the former quarry will be transferred to EBRPD.

Current Action

As a Responsible Agency pursuant to implementation of the Dumbarton Quarry Regional Park project, the Alameda Local Agency Formation Commission (LAFCo) is responsible for approval of annexation of the 91-acre Regional Park site to the Union Sanitary District. Pursuant to CEQA Guidelines Section 15096(f), Alameda County LAFCo must consider the environmental effects of its actions related to the project prior to reaching a decision on annexation, relying on the City of Fremont's *2013 Park Plan MND*.

Addendum

As specified in CEQA Guidelines Section 15164, a lead or responsible agency may prepare an addendum to an adopted mitigated negative declaration when only minor technical changes or additions to the prior CEQA analysis are necessary or none of the conditions described in CEQA Guidelines Section 15162 calling for the preparation of subsequent EIR or negative declaration have occurred. Finding this criteria applicable, LAFCo and the City of Fremont have prepared this Addendum.

The City of Fremont's *2013 Park Plan MND* evaluated the installation of utilities, including sanitary sewer, for the Quarry Park project, but did not state that the Dumbarton Quarry Plan requires approval by the Alameda County LAFCo for annexation of the project site to the Union Sanitary District. The Quarry Park project was subsequently approved by the City of Fremont and the contemplated utilities, including sanitary sewer, were installed. Therefore, no physical changes to the Park Plan as considered in the *Park Plan MND* and subsequently implemented by the applicant are proposed and the environmental analysis of the Park Plan remains unchanged except as set forth below. The following are minor amendments to the City of Fremont's *Park Plan MND* that would make that MND suitable for LAFCo's purposes. Text to be inserted is indicated by underscore:

Page 2:

The Project Characteristics presented on p. 1 of the Park Plan MND is modified as indicated below:

11. Other public agencies requiring approval: Regional Water Quality Control Board, California Department of Fish and Wildlife, Caltrans, Alameda County Flood Control District (ACFCD), Alameda County Water District (ACWD), Union Sanitary District (USD) and Alameda Local Agency Formation Commission (LAFCo).

Page 31:

Section XVII of the *Park Plan MND*, Utilities and Service Systems, is modified as indicated below:

The project intends to use surface flow through landscaped areas to existing and new storm drain outlets to convey stormwater across the site and into an existing retention pond and drainage channel. All installation will meet City of Fremont specifications for storm drains. The project also proposes to install new eight-inch water and sanitary sewer on-site. These facilities will connect to existing facilities to the north of the site and would be installed per the requirements and specifications of the Union Sanitary District (USD) and ACWD. The location, alignment, and construction of these lines would be subject to approval by the USD, ACWD, and City of Fremont Public Works Department. To provide wastewater service to the site, the property will be annexed to the Union Sanitary District (USD). Construction of these lines would not result in a significant impact.

The proposed use would not generate a significant increase in wastewater or stormwater runoff levels that could exceed the capacity of the sewer and storm drain lines serving the property, nor would it require excessive amounts of water that could not be provided by the existing water lines serving the site. Union Sanitary District (USD) staff indicates that the USD (the wastewater treatment provider) has adequate wastewater treatment and conveyance capacity to serve the expected wastewater flows from the future EBRPD park facility demands, in addition to other existing commitments.¹ As such, the existing and proposed sewer, storm drain, and water lines serving the site need are adequate to accommodate the proposed development. Thus, no impacts would occur. The extension of USD sewer lines to serve the park facility would not result in any significant environmental impacts.

Staff Recommendations - CEQA Determination / Findings

As a responsible agency and pursuant to CEQA Guidelines Section 15096(g)(1), the Alameda LAFCo has the responsibility for mitigating or avoiding any direct and indirect effects of only those portions of the project which it decides to carry out, finance or approve. In this case, the Alameda LAFCo is only responsible for approval of annexation of the 91-acre Regional Park site to the Union Sanitary District.

Therefore, as discussed herein, substantial evidence in the record supports that the project does not involve substantial changes to the project that was considered in the 2013 Park Plan MND, does not involve new significant impacts or more severe impacts that were not analyzed in the 2013 Park Plan MND, and does not require major revisions to the 2013 Park Plan MND.

Accordingly, based on staff's review of the Dumbarton Quarry Regional Park Mitigated Negative Declaration as adopted by the City of Fremont in 2013, and this Addendum as discussed above, and the entire administrative record concerning the project, staff recommends that the Commission make the following determinations and findings pursuant to CEQA prior to making any decision as to annexation of the site to the Union Sanitary District:

Whereas, the Union Sanitary District has adequate capacity to serve the uses proposed for the EBRPD Park at the former quarry site, no significant impacts would result from annexation of this site to the Union Sanitary District service area and no mitigation measures are required for this action; and

Whereas, as documented in the Addendum to the 2013 Dumbarton Quarry Regional Park Mitigated Negative Declaration and demonstrated elsewhere in the record, there are not constitute substantial changes to the project or the project circumstances that require major revisions to the 2013 Dumbarton Quarry Regional Park Mitigated Negative Declaration due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects, nor otherwise result in any of the conditions described in CEQA Guidelines Section 15162 calling for preparation of Subsequent MND or EIR; and

Whereas, Alameda LAFCo has considered the environmental effects of its action pursuant to the project as indicated in the 2013 Dumbarton Quarry Regional Park Mitigated Negative Declaration as amended per the Addendum prior to reaching its decision on annexation of the site to the Union Sanitary District;

Now, therefore be it resolved that:

¹ Personal communication with Rod Schurman, P.E., USD Customer Service, October 24, 2019

1. The above recitals are true and correct and adopted as Findings of the Alameda LAFCO Commission.

2. As required by CEQA and based on substantial evidence in the record, the Alameda LAFCo Commission does hereby adopt the 2013 Dumbarton Quarry Regional Park Mitigated Negative Declaration as adopted by the City of Fremont on September 3, 2013 and as updated and modified by this Addendum. 3. The custodian of the documents and other materials that constitute the record of proceedings for the project is the City of Fremont Community Development Department, 39550 Liberty Street - 1st Floor, in the City of Fremont, CA, 94538.

4. This Resolution shall take effect immediately upon its adoption, and the Executive Director is directed to file a Notice of Determination pursuant to CEQA.



October 25, 2019

Rachel Jones, Executive Officer
Alameda LAFCo

Date

TO: Alameda Commissioners
FROM: Rachel Jones, Executive Officer
SUBJECT: Proposed Annexation of the City of Albany to the Alameda County Mosquito Abatement District

The Commission will consider a change of organization proposal filed by the Alameda County Mosquito Abatement District (ACMAD) with the Alameda Local Agency Formation Commission (LAFCO) to annex the entire City of Albany into the District. The affected territory is within ACMAD's sphere of influence and consists of 394.4 acres and 5,741 parcels. The purpose of the proposal is to create a countywide mosquito abatement district covering all cities within the County of Alameda to streamline essential public health services. Staff recommends approval with standard terms.

Background

Alameda LAFCO has received a request from ACMAD seeking approval for a change of organization to annex the entire city of Albany into ACMAD. The City of Albany lies on the San Francisco Bay and is bordered by the City of Berkeley on the south and east, and the City of El Cerrito in Contra Costa County on the north. As submitted, the affected territory consists of approximately 394.4 acres and 5,741 parcels.

Other Affected Agencies

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

- Alameda County Vector Control Services District
- East Bay Municipal Utility District
- East Bay Regional Park District
- Alameda County Flood Control and Water Conservation District
- Estuary Bridges County Service Area
- Emergency Medical Services County Service Area
- Lead Abatement County Service Area

- * The affected territory also lies within the Albany Unified School District and lies within County Supervisorial District No. 5 (Keith Carson).

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 ACMAD. 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 is to allow for the provision of a full range of mosquito control services to the City of Albany and the entire County of Alameda.

Throughout Alameda County, and including the City of Albany, vector control services are provided by the Alameda County Vector Control Services District (ACVCSD), a division of the Alameda County Environmental Health Department. The mission of the Vector Control Services District is to prevent the spread of vector-borne diseases, injury, and discomfort to the residents of the District by controlling insects, rodents, and other vectors and eliminating casual environmental conditions through education and integrated pest management practices.

The Alameda County Mosquito Abatement District (ACMAD) protects public health by carrying out a program of mosquito abatement which is responsive to the public, cost-effective, environmentally safe, and consistent with land use planning or zoning. ACMAD provides mosquito control services to residents of Alameda County, with the exception of the City of Albany, while ACVCSD provides mosquito abatement services only to the City of Albany.

Within the nine counties of the Bay Area, six counties (Contra Costa, Napa, San Francisco, San Mateo, Santa Clara, and Solano counties) provide countywide mosquito control services. Marin and Sonoma counties provide a joint mosquito control service district that encompasses all of the cities within Marin County and follows the school district boundaries within Sonoma County. AMCAD seeks to create one district that provides mosquito control services within Alameda County and eliminate a duplication of services.

Development Potential

The affected territory as proposed and detailed in Appendix A consists of the entire City of Albany. Land uses in the City include a mix of residential, commercial, mixed-use development, and public and open space. The City’s jurisdictional boundary is coterminous with its sphere of influence. Annexation to ACMAD would not alter or increase the development potential of the City given

the municipal service being provided does not directly induce growth and or conflict with the general and specific plans of the City.

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 and on the service and financial capacities of the receiving agency, ACMAD. 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 ACMAD as the appropriate long-term service provider of the affected territory through the inclusion of the affected territory within the District’s sphere of influence. Annexation now implements this expectation through a public process and accommodates the expressed interest of the applicant as evident in their decision to petition LAFCO for application proceedings.
- As part of Alameda LAFCO’s 2013 Municipal Service Review on Community Services, it was recommended for the Commission to continue to encourage annexation of the City of Albany to ACMAD. The report also stated the following:

Annexing territory of the City of Albany into ACMAD, would lessen the fiscal burden on other residents in the County, who are presently subsidizing additional services for the residents of Albany. Additionally, annexation by ACMAD would allow for more clearly delineated service areas for both ACMAD and ACVCSD.

- As part of Alameda LAFCO’s most recent Cities Municipal Service Review completed in 2018, the report recommended that LAFCO encourage the City of Albany to take the necessary steps to annex into the ACMAD.
- Approval of the proposal would extend an annual special tax and benefit assessment of \$1.74 per parcel in the form of a special tax, and \$2.50 per single family residence or family

equivalent property in benefit assessment for residents within the City of Albany in the same manner as applied to the District generally.

- Comments were received from the City of Albany, Alameda County Vector Control Services District and Alameda County Board Supervisor Keith Carson and are provided as attachments to this report. The comments raise financial and service-related concerns on a proposed annual special tax and benefit assessment given that the residents do not currently pay an added tax for mosquito controls services, and as stated in the comments, there are limited sources of mosquitos and response calls within the area. The comments also maintain that ACVCSD provides the same level of service.
- ACMAD claims that it will be better equipped to track and control mosquitos throughout the County and to the City of Albany residents with the same and consistent systems.
- The affected territory is substantially surrounded by the ACMAD jurisdictional boundary and the annexation of the subject territory would represent an anticipated and orderly expansion therein.

The timing of the change of organization of the affected territory to ACMAD is sufficiently merited under CKH and adopted local policy marked by the preceding analysis and given the referenced planning consistency and service capacity. 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. ACMAD agrees to a “no” tax exchange agreement for this proposal – i.e., ACMAD will not receive any new property tax allocation if annexation is approved and recorded with or without amendments.

Environmental Review

ACMAD serves as the lead agency for assessing potential impacts of the proposal under the California Environmental Quality Act (CEQA). The District has determined the action qualifies as a project and a Programmatic Environmental Impact Report (PEIR) was prepared to further evaluate potential proposal impacts. The resulting PEIR is attached and concludes the project

would provide mitigation measures as a condition of the approval of the project. Staff independently concurs the District has made appropriate determinations.

Conducting Authority Proceedings (Protest Hearings)

The affected territory is inhabited, and the proposal does not have consent from all property owners. Therefore, if approved, the Commission shall conduct a subsequent protest hearing. Pursuant to Government Code Section (G.C.) 57000 and Alameda LAFCO policies, the Commission may delegate to the Executive Officer to conduct the protest hearing.

Alternatives for Action

The following alternatives are available to the Commission:

Alternative One (Recommended):

Adopt the draft resolution as identified as Attachment 1 conditionally approving the annexation request of the City of Albany to ACMAD; and

Authorize the Executive Officer to conduct protest proceedings within 60 days in accordance with G.C. Section 57000.

Alternative Two:

Continue consideration of the report to a future meeting and provide direction to staff for more 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
2. Vicinity Map
3. Application Materials
4. Written Comments from the City of Albany, Alameda County Vector Control District, and Alameda County Board of Supervisor Keith Carson
5. Programmatic Environmental Impact Report
6. Proof of Publication
7. 2013 Municipal Service Review on Alameda County Mosquito Abatement District

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 5,741 parcels totaling 394.4 acres or 1.7 square miles and is considered inhabited with 11,535 registered voters. The City has a population density of 11,166 persons per square mile. The City of Albany is projected to grow at an annual rate of 0.6% to a population of 21,000 in 2030.

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 Albany acts as the primary purveyor of general services to the affected territory. As part of Alameda LAFCO's 2013 Municipal Service Review on Community Services, it was recommended for the Commission to continue to encourage annexation of the City of Albany to ACMAD. The report also encouraged for the two agencies to cooperatively determine the benefits of a consolidation. The proposed annexation of providing mosquito abatement services to the subject area is not expected to have any negative effects on the existing service area and recipients. The District intends to finance services through the extension of an annual special tax and benefit assessment of \$1.74 per parcel and \$2.50 per single family residence or family equivalent property respectively, in the same manner as applied to the District generally. Comments were received from the City of Albany, Alameda County Vector Control Services District and Alameda County Board Supervisor Keith Carson and are provided as attachments to this report. The comments raise financial and service-related concerns on a proposed annual special tax and benefit assessment given as stated in the comments the limited sources of mosquitos in the area. ACMAD claims that it will be better equipped to track and control mosquitos throughout the County and to City of Albany residents.

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 ACMAD 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 ACMAD's sphere of influence and signaling the lands would eventually warrant service from the District when appropriate. Approval of the proposal would also provide for the City of Albany to appoint a trustee to the governing body of the District that includes 14 other board members of the remaining cities in Alameda County. As stated above, the District intends to finance services through the extension of an annual special tax and benefit assessment of \$1.74 per parcel and \$2.50 per single family residence or family equivalent property respectively. The special tax and benefit assessment may pose as a financial concern to City of Albany residents given that they do not pay any associated taxes with mosquito control services.

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 proposal is consistent with LAFCO's policies relating to orderly and logical boundaries, developing and maintaining a high-quality environment, and ensuring efficient municipal services. The proposed annexation area is contiguous to the District's jurisdictional boundary. In addition, it furthers LAFCO's objective to favor service provision by the entity capable of providing the highest quality services in the most efficient, effective and inclusive manner.

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 and the affected territory includes the entire City of Albany.

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

The proposal does not change or have any effect on land use and does not appear to conflict with the general or specific plans in the City of Albany or County of Alameda.

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

The affected territory lies entirely within ACMAD'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 as required under LAFCO law. Comments were received from the City of Albany, Alameda County Vector Control Services District and Alameda County Board Supervisor Keith Carson and are provided as attachments to this report. These comments are marked by the City, ACVCSD and Supervisor Carson, and among other items, objecting to the proposal given the associated limited sources of mosquitos within the City that would warrant any addition or change in services currently provided. All comments state that ACVCSD has provided sufficient levels of services since 1984 and would obligate owners to pay an unnecessary tax. ACVCSD asserts that the level of service is equal to that ACMAD and the City of Albany provides an important training ground for vector control staff on mosquitos.

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.

The District intends to finance services through the extension of an annual special tax and benefit assessment of \$1.74 per parcel and \$2.50 per single family residence or family equivalent property respectively. Information collected and analyzed in the District's financial statements concluded ACMAD 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 ACMAD is not expected to have an impact on the timely availability of water supplies or demand.

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 project does not impact housing supply or demand.

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

Alameda LAFCO received no comments prior to issuance of this report.

14) Any information relating to existing land use designations.

The proposal does not change or have any effect on land use.

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

The proposed annexation would be expected to promote the fair treatment of people of all races, cultures, and incomes by extending public health protection services to communities which are likely receiving different levels of service.

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.

As stated above, the District intends to finance services through the extension of an annual special tax and benefit assessment of \$1.74 per parcel and \$2.50 per single family residence or family equivalent property respectively that may pose as a financial concern to City of Albany residents. The District will, however, extend local control to Albany residents by expanding the District Board of Trustees to include an Albany representative. Currently, City of Albany residents do not directly pay for mosquito control services from ACVCSD, which can be viewed as an interest to not annex into ACMAD. As part of Alameda LAFCO's 2013 Municipal Service Review on Community Services, the report determined that annexation of the City into ACMAD would actually lessen the fiscal burden on other residents in the County, who are presently subsidizing additional services for the residents of Albany. ACMAD maintains that mosquito control is a niche industry that requires specialized training and is inefficiently provided to residents on a small scale. ACVCSD notes that little specialization is needed for providing services to the City and the District is providing the same level of service. Approval of the change of organization would, however, provide equal access to services consistent throughout the County and coordination for potential environmental public health and safety hazards that would provide a benefit to present or future inhabitants of the territory proposed to be annexed.

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 City of Albany passed its Local Hazard Mitigation Plan on January 8, 2018. The highly urbanized portions of the City have relatively low wildfire risk exposure. There is, however, the potential for fire hazard throughout the Albany waterfront and on Albany Hill, much of which is covered by non-native eucalyptus forest that is at risk for wildfires.

ALAMEDA LOCAL AGENCY FORMATION COMMISSION

RESOLUTION NO. 2019-XX

**APPROVAL OF ANNEXATION OF CITY OF ALBANY TO THE ALAMEDA COUNTY
MOSQUITO ABATEMENT DISTRICT**

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 resolution application dated July 10, 2019 from the Alameda County Mosquito Abatement District was filed 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 City of Albany to Alameda County Mosquito Abatement District Annexation; and

WHEREAS, the purpose of requesting approval of an annexation is to provide mosquito control services to the entire City of Albany comprising of 394.4 acres; and

WHEREAS, Alameda County Mosquito Abatement District 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;

WHEREAS, a public meeting was held on November 14, 2019, 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 November 14, 2019.

2. The Commission certifies it has reviewed and considered the information and conclusions contained in the Programmatic Environmental Impact Report prepared for the proposed annexation of the City of Albany and certified by the Alameda County Mosquito Abatement District (Lead Agency), and finding it to be adequate for purposes of environmental review of the proposed annexation, in exercise of its independent judgement adopts as its own the findings the determinations outlined in the Programmatic Environmental Impact Report.
3. The agreement will permit the provision of mosquito abatement services to the City of Albany and provide efficient and effective services to residents throughout the County and the City of Albany with greater service capacities and consistent and logical jurisdictional boundaries.
4. Approval would be conditioned on a final map and geographic description conforming to the standards of the State Board of Equalization.
5. The subject territory is inhabited as it contains more than 12 registered voters and less than 100% property owners in the area have given written consent to the change of organization.
6. The Commission has authorized the Executive Officer to implement protest proceedings within 60 days in accordance with Sections 57000 of the Government Code.
7. Upon recording of a certificate of completion, the territory annexed to the Alameda County Mosquito Abatement District shall be subject to the levying or fixing and collection of any previously authorized taxes, benefit assessments, fees, or charges of the district.
8. 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 November 14, 2019 by the following vote:

AYES:

NOES:

ABSTAIN:

ABSENT:

APPROVED:

Scott Haggerty
Chair

ATTEST:

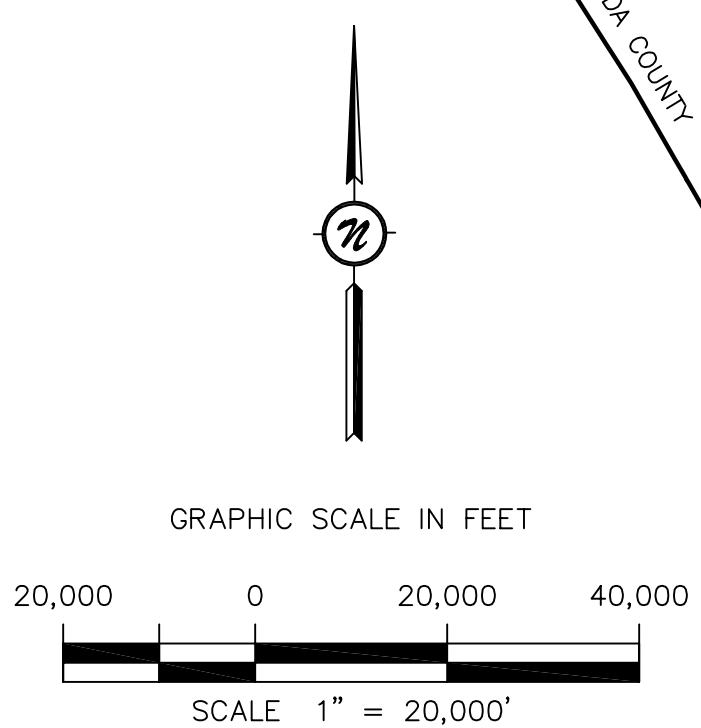
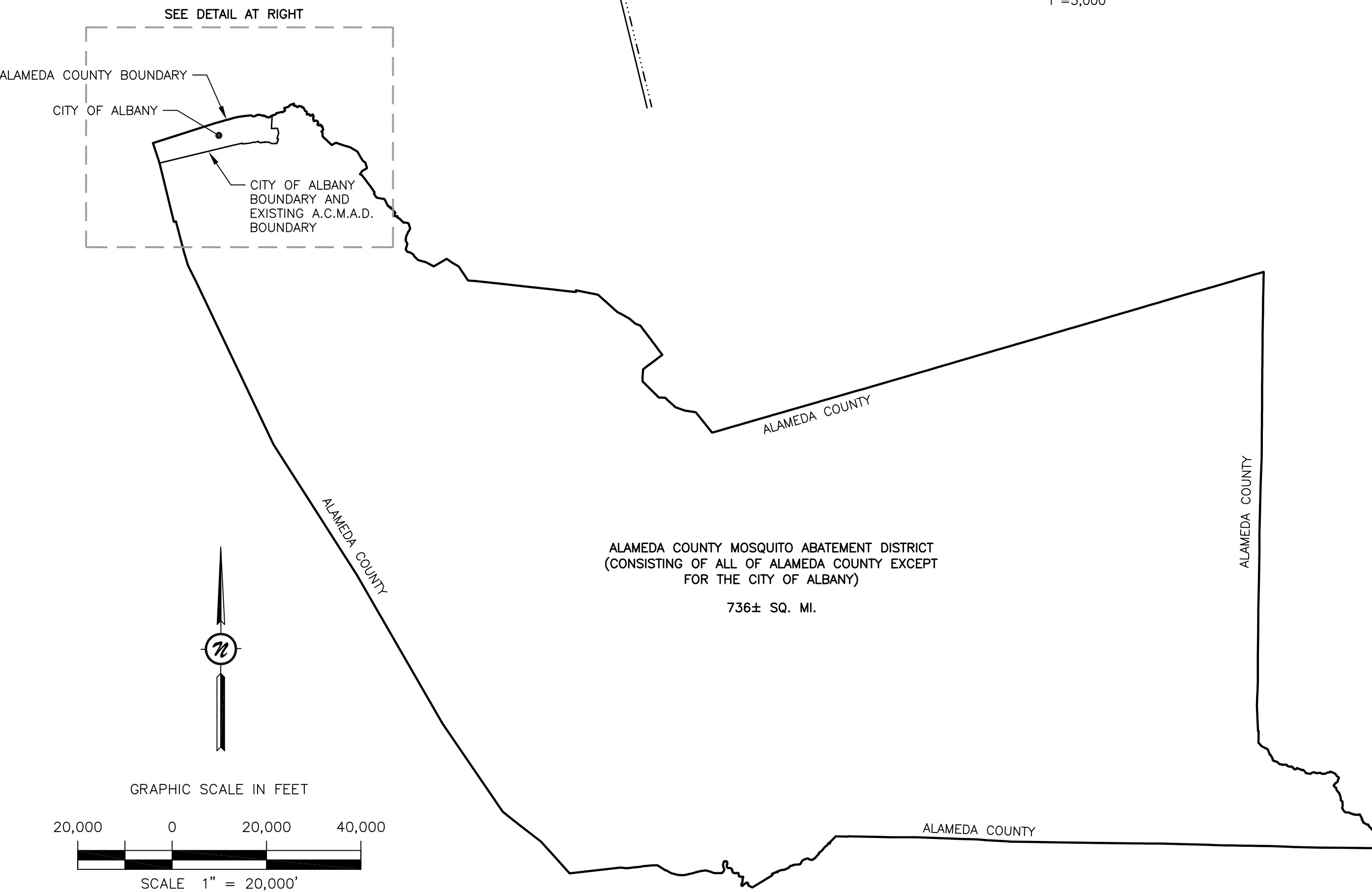
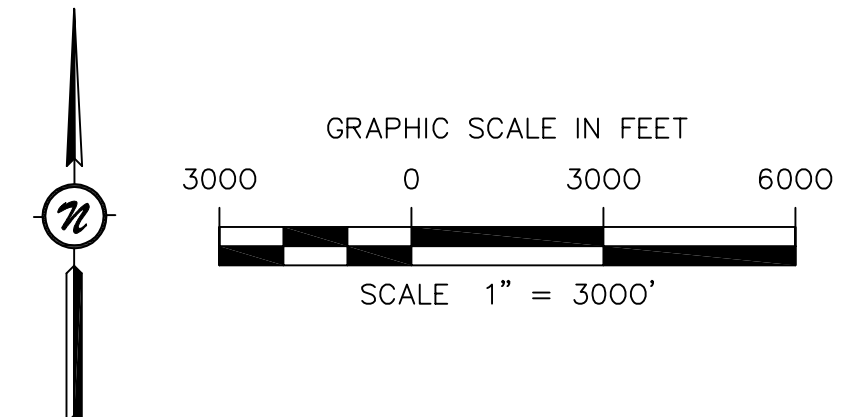
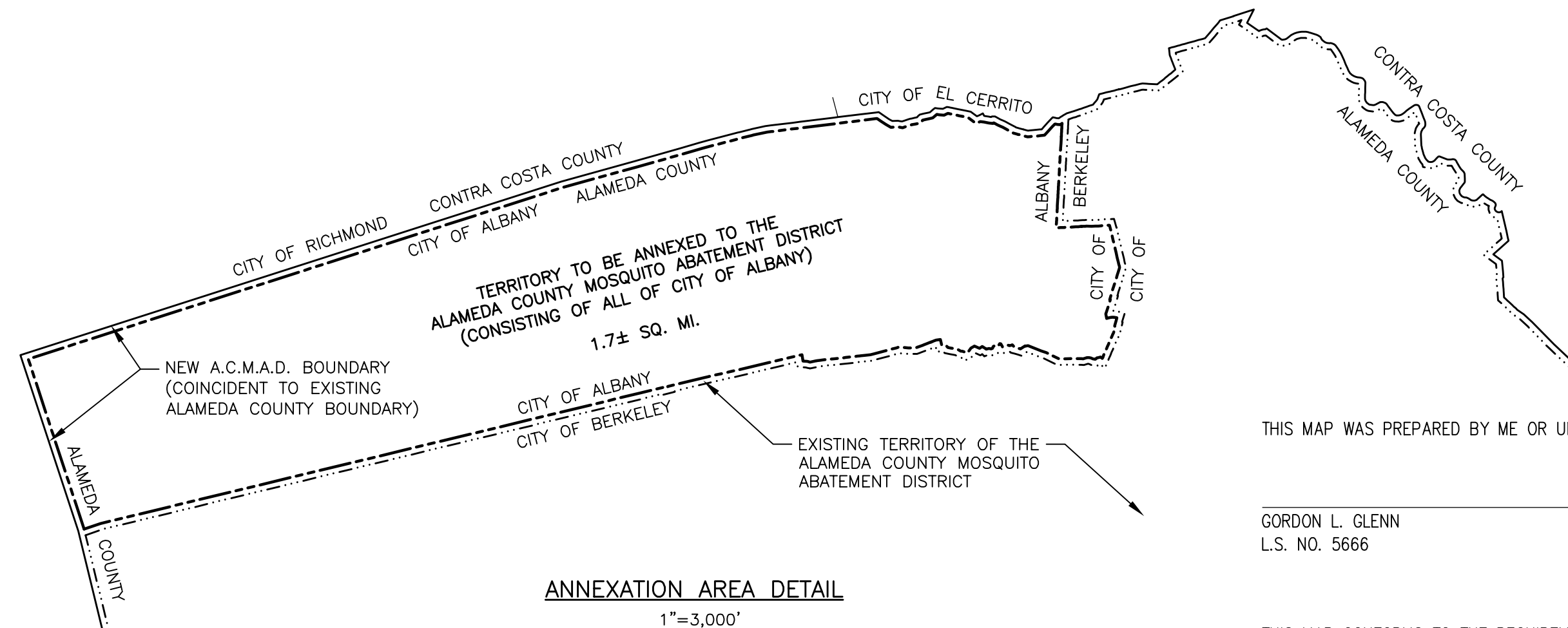
Rachel Jones
Executive Officer

LEGEND:

- ALAMEDA COUNTY MOSQUITO ABATEMENT DISTRICT A.C.M.A.D.
- EXISTING A.C.M.A.D. BOUNDARY
- EXISTING ALAMEDA COUNTY BOUNDARY
- BOUNDARY OF TERRITORY TO BE ANNEXED TO A.C.M.A.D. (ALSO EXISTING CITY OF ALBANY BOUNDARY)

NOTES:

1. AS A DRAFTING CONVENTION, THE SMALL SEPARATION BETWEEN PORTIONS OF THE LINE WORK AROUND THE BOUNDARY OF THIS ANNEXATION AND AREAS OUTSIDE THIS BOUNDARY, IF APPLICABLE, WERE PROVIDED TO ALLOW MULTIPLE DESCRIPTIONS TO BE PLACED ON WHAT WOULD OTHERWISE BE A SINGLE LINE. THESE LINES ARE TO BE CONSIDERED COINCIDENT EXCEPT WHERE NOTED OTHERWISE.



THIS MAP WAS PREPARED BY ME OR UNDER MY DIRECTION.

GORDON L. GLENN _____ DATE _____
L.S. NO. 5666

THIS MAP CONFORMS TO THE REQUIREMENTS OF THE LOCAL AGENCY FORMATION COMMISSION OF ALAMEDA COUNTY.

DANIEL WOLDESENBET, PH.D., P.E.
DIRECTOR OF PUBLIC WORKS

BY: _____ DATE _____
ACTING COUNTY SURVEYOR

THIS MAP, WHEN FILED, WAS ACCOMPANIED BY A CERTIFICATE OF COMPLETION AND CERTIFIED COPY OF THE BOUNDARY DESCRIPTION DELINEATED HEREON, AS REQUIRED BY SECTION 57203 OF THE GOVERNMENT CODE.

RACHEL JONES _____ DATE _____
LAFCO EXECUTIVE OFFICER

THIS MAP IS FILED AT THE REQUEST OF THE ALAMEDA COUNTY MOSQUITO ABATEMENT DISTRICT AT _____ MINUTES PAST _____ M. ON THE _____ DAY OF _____, 2019 IN BOOK _____ OF MAPS, AT PAGE _____, SERIES NO. 2019 _____. THE CERTIFICATE OF COMPLETION AND LEGAL DESCRIPTION ARE RECORDED IN SERIES NO. 2019 _____ OF OFFICIAL RECORDS, ALL IN THE OFFICE OF THE COUNTY RECORDER OF ALAMEDA COUNTY, CALIFORNIA.

MELISSA WILK
COUNTY RECORDER

BY: _____
DEPUTY COUNTY RECORDER

EXHIBIT "A"
ANNEXATION NO. XXX

TO ALAMEDA COUNTY MOSQUITO ABATEMENT DISTRICT
BY LAFCO RESOLUTION NO. 2019-XX, XXXXXXXXXXXX, 2019
CITY OF ALBANY, ALAMEDA COUNTY, CALIFORNIA

GREENWOOD & MOORE, INC. · CASTRO VALLEY, CA
OCTOBER 2019

PRELIMINARY

OVERALL ANNEXATION BOUNDARY MAP
1"=20,000'

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: Alameda County Mosquito Abatement District

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

Ryan Clausnitzer, General Manager

Address. 23187 Connecticut Street Hayward, CA 94545

Phone. 510-925-1756 FAX. 510-783-3903 E-Mail. ryan@mosquitoes.org

2.NAME/TITLE OF APPLICATION PROPOSAL

Annexation of The City of Albany Territory to the Alameda County Mosquito Abatement District

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

- | | | |
|---|--|--|
| <input checked="" type="checkbox"/> Annexation | <input type="checkbox"/> Consolidation | <input type="checkbox"/> Detachment |
| <input type="checkbox"/> Formation | <input type="checkbox"/> Incorporation | <input type="checkbox"/> Exercise of Latent Powers |
| <input type="checkbox"/> Disincorporation | <input type="checkbox"/> Merger | <input type="checkbox"/> Dissolution |
| <input type="checkbox"/> Reorganization | <input type="checkbox"/> Special Study | <input type="checkbox"/> Municipal Service Review |
| <input type="checkbox"/> SOI Amendment | <input type="checkbox"/> SOI Update | <input type="checkbox"/> Initial SOI Determination |
| <input type="checkbox"/> Establishment of Subsidiary District | | |

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

4. CERTIFIED RESOLUTION OR PETITION (Attach)

Application Initiated By:

(X) Resolution of Application No.: 1070-1

Date Adopted: July 10th, 2019

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). City of Albany

5b. Number of acres 394.4; Square Miles 5.46 in project site.

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

5d. Number of dwelling units _____ Source of information _____

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

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

5g. Existing Land Uses NA

5h. Proposed Land Uses NA

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

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

5k. Property Information.

Number of parcels in project site _____ Number of landowners _____

Source of information: _____

Names & Addresses of All Landowners & Associated Parcel Numbers:

Assessor's Parcel Number/s/Address	Landowner Name/ Address
1.	1.
2.	2.
3.	3.

Applicable Tax Rate Area(s):

Parcel Number/s	Tax Rate Area/s

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 _____

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

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

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

ACMAD will implement its integrated mosquito management program in the City for long-range, intelligent, and environmentally sound mosquito control. The abundance and species of adult and immature mosquitoes, and mosquito-borne disease occurrence over time and space will be monitored. A combination of physical, biological, and chemical control methods along with public education will be implemented to abate mosquitoes to levels that allow a comfortable and healthful existence while protecting and maintaining the environment. A more in-depth description of activities is provided in the Annexation Plan for Services.

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: 1070-1

Date Adopted: July 10th, 2019.

6i. If applicant is a DISTRICT, what planning, zoning and subdivision changes are proposed, or have been approved by the city or county? No planning, zoning, or subdivision changes will be necessary.

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

At end of 5 years 20,615 At end of 15 years 22,107 At end of 10 years 21,348

Source of Information Based on the average % change in the 2014-2018 United States Census Bureau population estimates for the City of Albany. <https://www.census.gov/data/tables/time-series/demo/popest/2010s-total-cities-and-towns.html#tables>

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

If yes, how many? _____ % of total landowners? _____

If yes, attach originals of Signature Consent Forms.

If no, explain.

Obtaining landowner consent will occur later in the LAFCo application process.

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

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

6n. Adjacent Land Uses.

	Existing Land Uses	General Plan Designation	Zoning Designation
North			
South			
East			
West			

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

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.

Alameda LAFCo has recommended this action for the lead agency to take, and they also recommended it for each affected agency in their most recent Municipal Service Reviews (MSR) There has been no formal opposition rather than concerns over a possible loss of training opportunities by Alameda County Vector Control County Service Area District staff.

6q. What is the effect of proposal denial on proposed or approved development if any? Mosquito abatement programs would continue to be subsidized by Alameda County Vector Control County Service Area District

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.

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). NA

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

6w. Provide a proposed appropriations limit (optional) if applicable. NA

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.

Albany Unified School District

Superintendent Frank Wells

1200 Solano Ave.,

Berkeley, CA 94706

510-558-3750

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>
Mosquito Abatement	Alameda County Vector Control County Service Area District*	Alameda County Mosquito Abatement District*

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 **X**

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.

*There will be no official change in service provider as Albany is the only city, or unincorporated area, in Alameda County that does not pay for mosquito control services. In this vacuum, Alameda County Mosquito Abatement District provided mosquito related services exclusively from 1930-1984, jointly with the County of Alameda from 1984-2006. From 2006 to present, the County of Alameda has been the sole provider of mosquito-related services.

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

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 **X**

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

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

8. WILLIAMSON ACT LAND CONSERVATION CONTRACTS (agricultural preserves)

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

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 **X**

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 **X** No ___

If yes, which agency or agencies? Alameda County Vector Control County Service Area

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. **None, as this annexation will not include re-proportioning the County ad valorem tax therefore there is no impact on other 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.

None, as this annexation will not include re-proportioning the County ad valorem tax therefore there is no impact on other local taxing agencies.

11. SPECIAL REVENUES

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

Yes ___ No **X** If yes, please describe:

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

Yes **X** No ___ If yes, please describe:

Extension existing annual special of tax and benefit assessment that currently charge \$1.74 and \$2.50 per single family residence or equivalent property, respectively.

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: Alameda County Mosquito Abatement District

Our CEQA Board Resolutions and Notice of Determination are provided with the application. The full EIR is available on our website, <https://www.mosquitoes.org/environmental-documents>.

Responsible Agency/ies:

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:

- Notice/s of Exemption
- Draft Environmental Impact Report
- Notice/of Determination
- Findings of Fact and Statement of Overriding Considerations
- State Fish and Game Determinations & Fee Receipt
- Notice of Exemption
- Negative Declaration
- Final Environmental Impact Report
- Mitigation Monitoring Program
- Other _____

Type of CEQA Review (IS/DEIR/Exemption/other)	Project Description (Actions approved)	Date approved/certified
EIR	Mosquito Control Activities	June 8th, 2016

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>).

- No Effect Documentation
- Environmental Impact Report
- Negative/Mitigated Negative Declaration
- Clerk Recorder’s Fee

13. PUBLIC NOTICE, DISCLOSURE AND OTHER REQUIREMENTS

13a. Provide an 8 ½” 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).

Exhibit H - Sample Indemnification Agreement

Indemnification Agreement

As part of this application, applicant and real party in interest, if different, agree to defend, indemnify, hold harmless, and release the Alameda Local Agency Formation Commission, its agents, officers, attorneys, and employees from any claim, action, or proceeding brought against any of them, the purpose of which is to attack, set aside, void or annul the approval of this application or adoption of the environmental document which accompanies it. This indemnification obligation shall include, but not be limited to, damages, costs, expenses, attorney's fees, or expert witness fees that may be asserted by any person or entity, including the applicant, arising out of, or in connection with the approval of this application, whether or not there is concurrent passive or active negligence on the part of the Alameda Local Agency Formation Commission, its agents, officers, attorneys, and employees.

Executed at Hayward, California on the 21st day of August, 2019.

Applicant

By: Ryan Clausitzer

Title: General Manager

Mailing Address:

23107 Connecticut St.
Hayward, CA 94545
REAL PARTY IN INTEREST
(If Different From Applicant)

By: _____

Title: _____

Mailing Address:



**Alameda County Mosquito Abatement District
Annexation Plan for Services for the
City of Albany
July 2019**

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Victor Aguilar

San Leandro

Subru Bhat

Union City

Ryan Clausnitzer

General Manager

A. Purpose Statement

The purpose of this Plan for Services (PFS) is to provide an analysis and background information for the proposed annexation of the City of Albany to the Alameda County Mosquito Abatement District (ACMAD, or District), which provides mosquito control to most of Alameda County. This report will provide information to assist Alameda Local Agency Formation Commission (LAFCo) in determining whether mosquito control provided to the affected territory can be reasonably provided, maintained, and financed by the District.

The Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000 (CKH Act) requires that a PFS be prepared prior to "Changes of Organization or Reorganization". The PFS is a tool LAFCo uses to consider an update to the physical boundary and service area of a local agency. The PFS describes the services to be extended, the level and range of the services, timing for the services, improvements and facility upgrades associated with the services, and how the services would be financed.

This document serves as a PFS for the annexation of approximately 5.46 mi² into ACMAD. This additional area is equal to 0.6% of the current 819.30 mi² service area of ACMAD, or, an additional 20,143 residents which is 1.2% of the population of Alameda County's 1,663,000 residents.

see Figure 1.

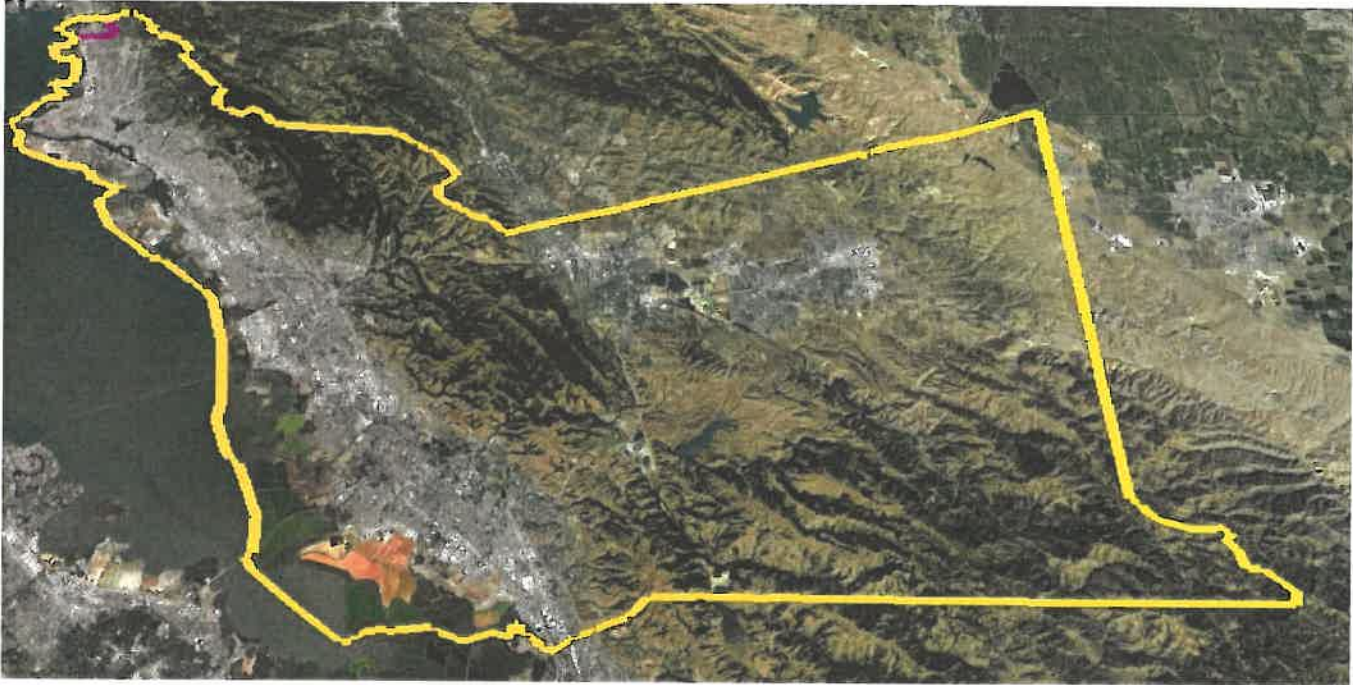


Figure 1. ACMAD District Boundary in yellow, proposed annexation area in purple (Albany city limits)

A PFS demonstrates that adequate services will be provided within the time frame needed by the inhabitants of the area included within the annexed boundary. Government Code Section 56653 states the following requirements for the Plan for Services:

1. Whenever a local agency or school district submits a resolution of application for a change of organization or reorganization pursuant to this part, the local agency shall submit with the resolution of application a plan for providing services within the affected territory.
2. The plan for providing services shall include all of the following information and any additional information required by the commission or the executive officer:
 - a. An enumeration and description of the services to be extended to the affected territory.
 - b. The level and range of those services.
 - c. An indication of when those services can feasibly be extended to the affected territory.
 - d. An indication of any improvement or upgrading of structures, roads, sewer or water facilities, or other conditions the local agency would impose or require within the affected territory if the change of organization or reorganization is completed.

- e. Information with respect to how those services will be financed.

The City of Albany is within ACMAD’s Sphere of Influence. The purpose of the annexation is to allow ACMAD to supply the full range of mosquito control services to the City of Albany in a manner that is consistent with the ACMAD and LAFCO policies. This annexation is a logical step for ACMAD and the City of Albany as it would complete the annexation of the last Alameda County city into the District, and it would allow the City of Albany to have local control over its mosquito control activity by way of representation on the ACMAD Board of Trustees. In 2016, the District certified a Final Programmatic Environmental Impact Report (EIR) for its Integrated Mosquito Management Program. The EIR evaluated the potential environmental impacts associated with continuing the Integrated Mosquito Management Program. Even though the City of Albany was not located within the District boundaries at that time, the District included the Albany territory within the scope of the project area analyzed under the EIR.

B. Formation and Annexation History

At the request of the Public Health Center of Alameda County, Professor W. B. Herms, Head of the Division of Entomology and Parasitology, College of Agriculture, University of California, prepared an article entitled "*What Should Be Done in Alameda County Toward Promoting Mosquito Abatement?*" which was published in the November, 1925 issue of the *Alameda County Public Health News*. As a result, a campaign was launched during January 1926 in San Leandro, which led to the formation of ACMAD. A required resolution of endorsement from the city councils of each municipality proposed to be included in the District was secured during 1928-1930. The City Council of Albany declined to act on the resolution of endorsement and no effort was made to include the towns of Pleasanton and Livermore in the eastern part of Alameda County at that time, as the migratory salt-marsh mosquitoes did not particularly affect them. Figure 2 displays the timeline of when Alameda County cities were added to the District

Year	City (or unincorporated area)
1930	Alameda, Berkeley, County of Alameda, Emeryville, Hayward, Oakland, Piedmont, San Leandro
1945	Pleasanton
1956	Fremont, Newark
1959	Union City
1967	Livermore
1981	Dublin

Figure 2. ACMAD City annexation timeline

While the City of Albany was not part of the District, mosquito control services were regularly provided by ACMAD to this area from 1930 to the late 2000's. Mosquito-related services have also been supplied by the Alameda County Vector Control Services District, a division of the County of Alameda Environmental Health Department, since its formation in 1983. The Alameda County Vector Control Services District is separate and distinct from ACMAD.

C. Annexation justification

The District provides mosquito control services for 99.4% of Alameda County (i.e., the entire County except the City of Albany). The service that ACMAD provides is robust, relying on sophisticated data collection and analysis to produce efficient and effective results for the residents of the District. The annexation proposal is based on LAFCo's recommendation to the District, specifically from the District's 2013 Municipal Service Review (MSR):

Annexing the territory of the City of Albany into ACMAD would lessen the fiscal burden on other residents in the County, who are presently subsidizing additional services for the residents of Albany.

Additionally, annexation by ACMAD would allow for more clearly delineated service areas for both ACMAD and VCCSA. It is recommended that the Commission continue to encourage annexation of the City of Albany to ACMAD, as it did during the 2006 SOI updates.

A more recent LAFCo recommendation came during 2017 in the MSR for the City of Albany:

This report also recommends that LAFCo encourage the City of Albany to take the necessary steps to annex into the Alameda County Mosquito Abatement District.

The annexation timing is based on a change of management that occurred in 2015. Current management needed time to determine if the District should move forward with these LAFCo recommendations. A determination to apply for LAFCO annexation was made based on several factors including:

- Clarity
 - Residents of Alameda County would benefit from a single agency for mosquito-related services. Having one District cover 99.4% of Alameda

County, and the County of Alameda providing the other 0.6% leads to confusing messaging to stakeholders, both locally and statewide.

- **Efficiency**
 - Besides its share of *ad valorem* property tax revenue (.0009% of property tax assessed value), the District only collects \$1.74 per parcel in the form of a special tax, and a \$2.50 per family equivalent (PFE) in benefit assessment. The annexed area would be subject to the same special tax and benefit assessment as the remainder of the District, but otherwise would require no added taxes to existing residents.
 - Mosquito control is a niche industry that requires specialized training, licensing, and equipment. The current mosquito control services provided to Albany are inefficient at this small of a scale, such as the 5 square miles in the proposed annexed area.
- **Effectiveness**
 - Mosquitoes do not recognize municipal boundaries. The District currently shares three contiguous boundaries with other full-county mosquito control districts (Santa Clara, Contra Costa, and San Joaquin) that utilize similar control methods.
- **Accountability**
 - The City of Albany would have some local control over the mosquito control activities for the first time in its history. The Albany City Council would appoint a Trustee to the governing body of the District (Board of Trustees) for a two- or four-year term. This Trustee would join the other 14 members of the Board whom represent the other cities in Alameda County and the County of Alameda in governing the District.
- **Transparency**
 - The District was awarded the District Transparency Certificate of Excellence by the Special District Leadership Academy in both 2016, and again in 2018. ACMAD is one of only a few mosquito control districts in the State of California to be recognized by this voluntary program. On the

District's website, a visitor can find current monthly financial statements, budgets and audits for the past several years, compensation reports, District policies, an organizational chart, and direct contact information for staff.

- Resiliency and Planning
 - The District has been proactive in its strategic planning efforts to ensure risks related to mosquitoes in Alameda County have been identified and mitigated. To plan for financial risks, the District has fully-funded its Other-Post Employment Benefits (OPEB), invested in interest-earning reserve accounts for its capital asset replacement plan, saved for future pension liabilities, and is working to create a mutual aid cost-sharing program for mosquito control districts in the region. The District is also on the forefront of research and planning for impacts to service, due to climate change and sea-level rise. It is sensible to study and apply these long-term resiliency plans across the entire shoreline of Alameda County.

D. Plan for Services Requirements

a. Service Level and Range

Alameda County Mosquito Abatement District is committed to improving the health and comfort of Alameda County residents by controlling mosquitoes and limiting the transmission of mosquito-borne diseases. The full range of mosquito abatement services would be provided to the City of Albany at the same level as services that are provided to the residents and properties within the District's current boundaries. The services in Albany would be provided in accordance with the District Integrated Mosquito Management Program, as the program may be amended from time to time. The program objectives to deliver these services are detailed in the District's 2016 EIR which include:

- Reduce the potential for human and animal disease caused by mosquitoes
- Reduce the potential for human and animal discomfort or injury from mosquitoes
- Accomplish effective and environmentally sound mosquito management by
 - Surveying for mosquito abundance/human contact
 - Establishing treatment criteria

- Appropriately selecting from a wide range of Program tools or components

These objectives are accomplished through an Integrated Vector Management (IVM) framework (Figure 3).

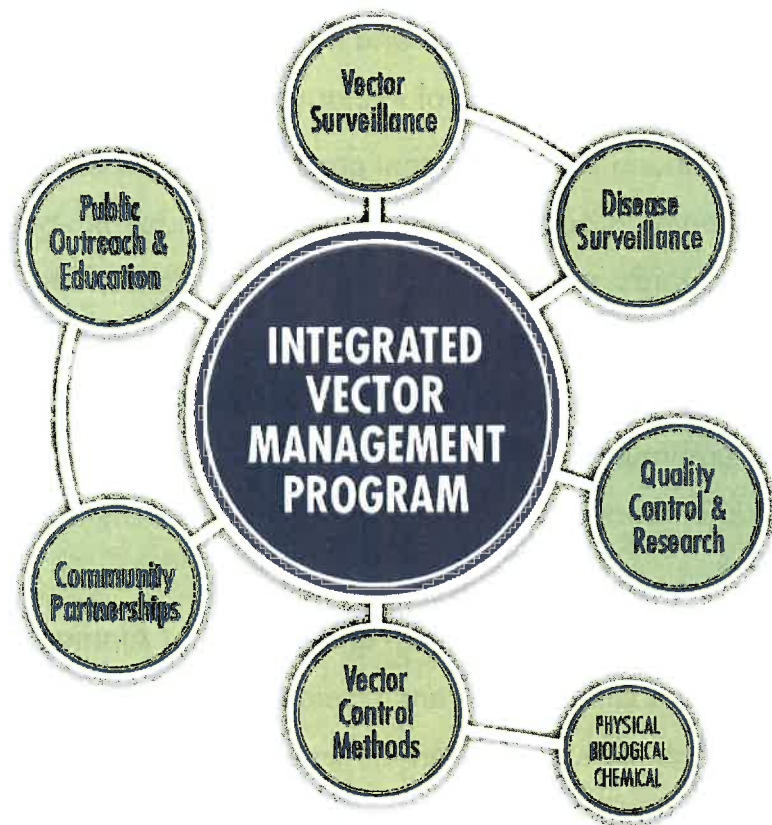


Figure 3: Integrated Vector Management

Beginning on the top circle of Figure 3, the District must first identify the mosquitoes to understand best on how to control them. This occurs through a robust insect surveillance and disease testing program. The District checks over 800 mosquito surveillance traps monthly with a full-time staff of three, and a seasonal staff of three. Different trap types monitor mosquitoes seeking a host and after biting a host using various lures such as odors, lights, and gases. The District's laboratory ensures effective mosquito abatement through quality control measures such as pesticide resistance testing and post-treatment inspections. The District also uses unmanned aircraft systems (drone) technology to survey wild landscapes for standing water conducive for mosquito growth.

Modern vector control includes the use of physical, biological, and chemical methods. An example of physical control used by the District is tidal marsh ditch-clearing using hand-tools. This method, done from September to February every year, allows natural tidal

actions to eliminate any possible mosquito breeding in marsh habitats. Biological control is using naturally occurring bacteria, such as *Bacillus thuringiensis* serotype *israelensis* (*Bti*), our most commonly used mosquito larval control product. *Bti* is a preferred product as it is host-specific and non-residual. Chemical control is traditional “fogging” of adult mosquitoes. While this control method can be effective and necessary in the interest of public health, the District rarely relies on this method of vector control.

Community partnerships, such as working with other local government agencies, are essential to a complete mosquito control program. Lastly, since most mosquito breeding sources are found in residents’ backyards, work is often directed by calls from the public and a sound public outreach program is vital. The District participates in over twenty community events annually in all areas of Alameda County. Community outreach staff evaluate the impact and equity of community events and adjust accordingly. ACMAD uses social media to reach community members along with surveying users of District services to aid in performance management.

The District carries out its mission of improving the health and comfort of Alameda County residents by controlling mosquitoes and limiting the transmission of mosquito-borne diseases to the public through the work of its seventeen full-time and eight seasonal employees (Figure 4).

Alameda County Mosquito Abatement District-2018

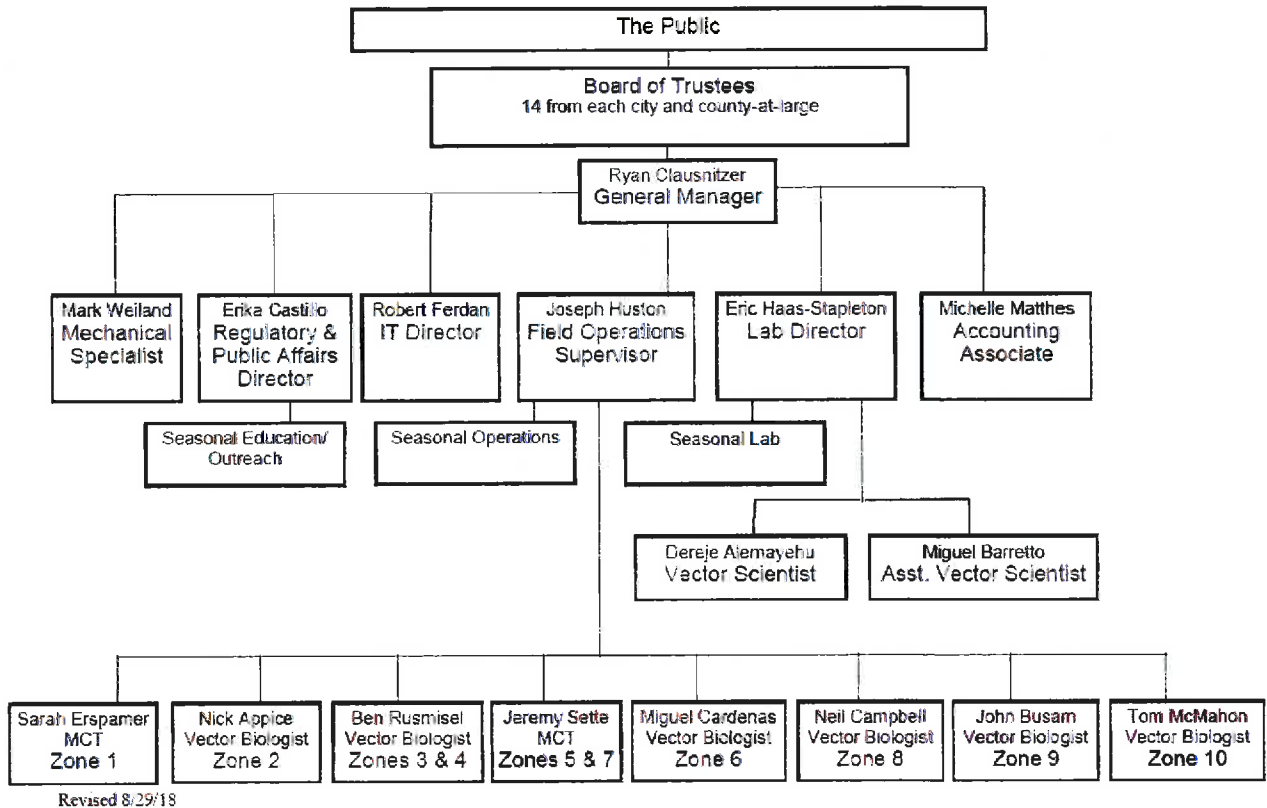


Figure 4: Alameda County Mosquito Abatement District Organizational Chart

Alameda County residents approved a \$5.00 PFE benefit assessment rate in 2008 to fund the enhanced services the District was proposing to offer, but the Board of Trustees decided that it only needed \$2.50 of that amount. The District has kept the benefit assessment level at \$2.50 PFE for over ten years regardless of their authority to raise that amount to over \$7.00 PFE (as the benefit assessment increases according to the consumer price index). Figure 5 illustrates how the District has balanced its budget over the past four years—prioritizing reserve planning for future liabilities while maintaining the current level of service with cost controls:

REVENUES	Budget 19/20	% budget change	Budget 18/19	Actual 17/18	Budget 17/18	A vs B	Actual 16/17	Budget 16/17	A vs B
Ad Valorem Property Taxes	\$2,494,800	0%	\$2,268,000	\$2,054,120	\$2,007,044	-2%	\$2,029,076	\$1,823,588	11%
Special Tax (net of Admin)	\$941,491	0%	\$844,239	\$2,026,463	\$612,884	149%	\$621,876	\$802,259	2%
Benefit Assessment (net of Admin)	\$1,145,315	0%	\$1,150,260		\$1,110,182	-100%	\$1,128,235	\$1,090,828	3%
Redevelopment interest earned	\$30,000	0%	\$30,000	\$236,382	\$0		\$180,474	\$0	
Charges for Services	\$0		\$0	\$25,505	\$5,000	219%	\$34,158	\$8,000	327%
Sale of Property and Equipment, misc	\$5,000		\$5,000	\$0	\$0		\$0	\$0	
Reimburse Retiree Health Benefits from OPEB	\$163,830		\$5,000	\$88,661	\$5,000	1633%	\$20,824	\$5,000	316%
Reimburse Management fees for OPEB	\$25,000		\$22,000	\$178,000			\$170,229	\$173,909	0%
Total Revenues	\$4,705,236	5%	\$4,276,228		\$3,949,690	-100%	\$4,366,803	\$3,828,713	11%
EXPENDITURES									
Salaries (including deferred comp.)	\$2,036,781	5%	\$1,630,182	\$1,744,412	\$1,761,305	-1%	\$1,677,409	\$1,700,594	-1%
CalPERS Retirement	\$360,538	19%	\$301,812	\$282,107	\$253,682	3%	\$219,892	\$222,589	-1%
Medicare & Social Security	\$30,843	10%	\$28,031	\$23,594	\$25,881	-6%	\$21,388	\$24,659	-13%
Fringe Benefits	\$502,043	-1%	\$508,680	\$440,954	\$508,388	-1%	\$453,877	\$500,000	-9%
Total Salaries, Retirement, & Benefits (pgs. 2,3)	\$2,929,215	6%	\$2,771,705	\$2,489,937	\$2,547,216	-3%	\$2,372,606	\$2,447,842	-3%
Clothing and personal supplies (purchased)	\$8,000	33%	\$8,000	\$7,309	\$8,500	-14%	\$8,955	\$8,500	5%
Laundry service and supplies (rented)	\$12,750	34%	\$8,500	\$8,819	\$9,000	6%	\$8,840	\$9,000	-2%
Utilities	\$12,600	-6%	\$38,500	\$29,830	\$39,000	-22%	\$27,094	\$35,000	-25%
Communications-IT	\$117,100	-4%	\$122,200	\$102,850	\$108,000	-6%	\$54,128	\$83,650	-15%
Maintenance: structures & improvements	\$25,000	0%	\$25,000	\$21,375	\$28,600	-25%	\$19,503	\$15,000	30%
Maintenance of equipment	\$35,000	0%	\$35,000	\$43,585	\$45,000	-3%	\$27,051	\$45,000	-40%
Transportation, travel, training, & board	\$134,280	0%	\$134,210	\$131,330	\$150,910	-18%	\$124,827	\$178,800	-29%
Professional services	\$169,320	-11%	\$100,620	\$100,583	\$184,770	-18%	\$82,082	\$142,000	-42%
Memberships, dues, & subscriptions	\$22,655	6%	\$21,402	\$19,933	\$22,130	-28%	\$20,191	\$22,935	-12%
Insurance - VCJPA	\$132,668	8%	\$120,471	\$131,393	\$133,810	-3%	\$113,887	\$115,139	-1%
Community education	\$40,000	21%	\$33,000	\$64,109	\$53,000	31%	\$40,222	\$33,000	22%
Operations	\$228,500	-2%	\$234,000	\$178,129	\$263,800	-32%	\$178,758	\$240,000	-28%
Household expenses	\$15,850	-18%	\$19,350	\$18,101	\$20,010	-10%	\$17,373	\$5,000	247%
Office expenses	\$14,500	-4%	\$15,100	\$10,753	\$13,050	-16%	\$18,500	\$14,480	28%
Laboratory supplies	\$137,000	16%	\$118,148	\$113,961	\$105,000	0%	\$80,008	\$83,444	-4%
Small tools and instruments	\$3,000	20%	\$2,500	\$8,376	\$8,500	-1%	\$2,513	\$2,600	1%
Total Staff Budget (pg. 4)	\$1,108,204	-1%	\$1,125,001	\$987,421	\$1,173,588	-16%	\$821,993	\$1,078,397	-24%
Contingency	\$50,000	0%	\$50,000	\$1,039	\$25,000	-96%	\$1,039	\$25,000	-96%
Total Expenditures	\$4,087,416	4%	\$3,946,706	\$3,468,457	\$3,985,796	13%	\$3,649,516	\$4,046,239	-10%
SURPLUS (DEFICIT)	\$617,820	17%	\$530,821						
CASH CARRIED OVER (pg. 5)	\$485,619	-82%							
SURPLUS (DEFICIT) AFTER ADDING THE CASH CARRIED OVER	\$1,103,439	-30%	\$1,759,803						
RESERVE ACCOUNT ALLOCATIONS									
VCJPA Contingency Fund(s)	\$51,332	52%	\$0	\$0	\$50,000		\$50,000		
PARS: Rate Stabilization	\$500,000	57%	\$500,000	\$500,000	\$500,000		\$500,000		
CAMP: Public Health Emergency	\$0	100%	\$0	\$0	\$500,000		\$500,000		
CAMP: Repair and Replace (pg. 6)	\$1,198,000	40%	\$183,853	\$1,000,000	\$1,000,000		\$1,000,000		
CAMP: Operating reserve	\$592,581	53%	\$855,680	\$855,680	\$1,000,000		\$1,000,000		
CAMP: Capital reserve	\$51,332	148%	\$121,752	\$0	\$0		\$0		
Total reserve allocations (pg. 7)	\$1,103,439	75%	\$1,759,803						
SURPLUS (DEFICIT) AFTER RESERVE ALLOCATIONS	\$0		\$0						

Figure 5: Alameda County Mosquito Abatement District Budget: 2016-2020

b. Service Extension Timing

The District would be able to immediately extend its services to the City of Albany after the conclusion of the LAFCo annexation process. The only substantial changes would include adding a Trustee from the City of Albany which would require an appointment and resolution by the City Council. Existing staff could absorb the additional workload such as requests for services, mosquito control treatments, and mosquito surveillance activities. The District already conducts public outreach events in Albany such as the annual Solano Stroll.

c. Planned Improvements or Upgrades of Services

Albany residents would immediately benefit from the local control and transparency of their services. Besides the financial transparency, residents could request trap and treatment data, or, read monthly reports found on the District's website. Requests for services would typically be responded to within 24 hours using a simple online submission process, or a phone call to a live staff-member. They would also begin to see outreach

into classrooms and at public events. City staff would be introduced to District staff to better coordinate public work planning, such as stormwater management.

d. Financial Plan

Albany residents would fund mosquito control in their city through the extension of an existing annual special tax and benefit assessment that currently charge \$1.74 and \$2.50 per single family residence or equivalent property, respectively. The special tax and benefit assessment in Albany would be subject to the same resolutions, procedures, amounts, rates, and increases that are applied by the District to all territory within the District. Revenue from the annexed area would be collected through the County tax roll at the start of the fiscal year after the conclusion of the LAFCo process (e.g., July 1st, 2020).

RESOLUTION NO. 1070-1

**A RESOLUTION OF APPLICATION BY THE BOARD OF TRUSTEES
OF ALAMEDA COUNTY MOSQUITO ABATEMENT DISTRICT
REQUESTING LOCAL AGENCY FORMATION COMMISSION OF ALAMEDA
COUNTY TO TAKE PROCEEDINGS FOR THE ANNEXATION OF THE CITY OF
ALBANY TERRITORY TO THE DISTRICT**

WHEREAS, the Board of Trustees of the Alameda County Mosquito Abatement District ("District") desires to initiate proceedings pursuant to the Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000 (commencing with Government Code section 56000; the "Act") for the annexation of the City of Albany territory to the District;

WHEREAS, the District has prepared an Annexation Plan for Services for the City of Albany dated June 2019 (the "Plan"), which describes the District services to be extended to Albany, the level and range of the services, timing for the services, any improvements and facility upgrades associated with the services, and how the services would be financed; and,

WHEREAS, notice of intent to adopt this resolution of application has not been given to each interested and subject agency;

NOW, THEREFORE, BE IT RESOLVED by the Board of Trustees of the Alameda County Mosquito Abatement District as follows:

1. The District makes and submits this annexation proposal to the Local Agency Formation Commission of Alameda County ("Commission") pursuant to part 3 (commencing with section 56650) of the Act. This resolution of application is adopted pursuant to Government Code sections 56650 and 56654.
2. This resolution of application proposes to annex the City of Albany territory to the District. The proposal involves a single change of organization, which is annexation of territory to the District.
3. The boundaries of the City of Albany territory proposed to be annexed are described and shown in the attached Exhibit A. The annexation area is inhabited territory within the meaning of the Act.
4. The District proposes and requests that the Commission approve the annexation subject to the following term and condition:

On and after the effective date of the annexation of the City of Albany territory to the Alameda County Mosquito Abatement District, the territory annexed to the District and all inhabitants, registered voters, and property owners within that territory shall be subject to the levying and collection of the previously-authorized District special tax and the District mosquito and disease control assessment in the same manner as applied to the District generally. The District is authorized to

apply, levy, and collect the previously-authorized District special tax and assessment in the annexation territory in accordance with the same resolutions, procedures, amounts, rates, and increases that are applied by the District to all territory within the District.

5. The principal reasons for the proposed annexation are as follows: to extend District mosquito control and related services to the City of Albany territory and its residents and businesses; to create a countywide District covering all cities within Alameda County; to improve the efficiency and effectiveness of mosquito control within Albany; to extend some local control to Albany by expanding the District Board of Trustees to include an Albany representative; and, to implement Commission recommendations from 2013 and 2017. The reasons are further elaborated in the Plan.

6. The District requests that the Commission undertake proceedings for the annexation of the City of Albany territory (as described and shown on Exhibit A) to the District pursuant to part 3 of the Act.

7. This annexation proposal is consistent with the Commission-approved sphere of influence for the District.

8. The District does not request the exchange or transfer of any property tax revenue pursuant to Revenue and Taxation Code sections 99 and 99.01. The District agrees to accept a zero exchange of property tax revenue from the annexation territory.

9. CEQA Finding

a. In 2016, the District certified a Final Programmatic Environmental Impact Report for its Integrated Mosquito Management Program (the "Final EIR"). The Final EIR evaluated the potential environmental impacts associated with continuing the District Integrated Mosquito Management Program (the "Program"). Even though the City of Albany was not located within the District boundaries at that time, the District included the Albany territory within the scope of the Program area analyzed under the Final EIR.

b. In accordance with Public Resources Code section 21166 (part of the California Environmental Quality Act) and CEQA Guidelines section 15162, the Board of Trustees finds and determines as follows: (1) the potential environmental effects of the annexation and mosquito control services within the annexation territory have been fully and adequately analyzed, considered, and mitigated through the Final EIR; (2) the approval and implementation of the proposed annexation are consistent with the Program as evaluated and approved in the Final EIR; (3) there have not been any substantial changes to the Program, substantial changes with respect to the Program circumstances, or new information that necessitate major revisions to the Final EIR; and, (4) therefore, the Final EIR remains adequate and no subsequent or supplemental environmental impact report or additional environmental review is required under CEQA in connection with the annexation.

10. The Board authorizes and directs the General Manager to (a) submit this resolution together with the Plan to the Commission Executive Officer, (b) complete and submit the Commission annexation application and other Commission application-related materials in

accordance with applicable Commission requirements, and (c) approve and execute such other agreements, documents, and certificates as may be necessary or appropriate to effectuate the annexation of the City of Albany territory to the District.

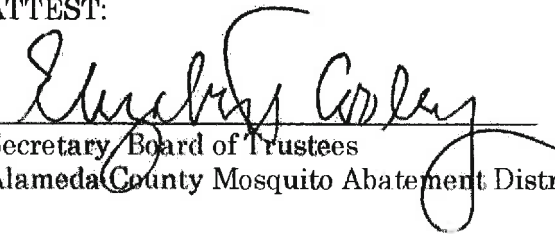
PASSED AND ADOPTED by the Board of Trustees of the Alameda County Mosquito Abatement District at a regular meeting held on the 10th day of July, 2019, by the following vote:

AYES: 11
NOES: 0
ABSTAIN: 0
ABSENT: 3



President, Board of Trustees
Alameda County Mosquito Abatement District

ATTEST:



Secretary Board of Trustees
Alameda County Mosquito Abatement District

Exhibit A.



ACMAD District Boundary in yellow, proposed annexation area in purple (Albany city limits)

Exhibit H - Sample Indemnification Agreement

Indemnification Agreement

As part of this application, applicant and real party in interest, if different, agree to defend, indemnify, hold harmless, and release the Alameda Local Agency Formation Commission, its agents, officers, attorneys, and employees from any claim, action, or proceeding brought against any of them, the purpose of which is to attack, set aside, void or annul the approval of this application or adoption of the environmental document which accompanies it. This indemnification obligation shall include, but not be limited to, damages, costs, expenses, attorney's fees, or expert witness fees that may be asserted by any person or entity, including the applicant, arising out of, or in connection with the approval of this application, whether or not there is concurrent passive or active negligence on the part of the Alameda Local Agency Formation Commission, its agents, officers, attorneys, and employees.

Executed at Hayward, California on the 21st day of August, 2019.

Applicant

By: Ryan Clausitzer

Title: General Manager

Mailing Address:

23107 Connecticut St.
Hayward, CA 94545
REAL PARTY IN INTEREST
(If Different From Applicant)

By: _____

Title: _____

Mailing Address:

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.**

NA

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.**

NA

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.**

NA

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? No**

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

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 X

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.

Ryan Clausnitzer, General Manager, Alameda County Mosquito Abatement District
Name/Title and Number of Application (Please print or type)

Alameda County Mosquito Abatement District
Name of Applicant (Please print or type)



Signature of Applicant

8/16/19

Date

Urban Village by the Bay

ALBANY CALIFORNIA



CITY OF ALBANY
1000 SAN PABLO AVENUE
ALBANY, CA 94706
www.AlbanyCA.org

Rachel Jones, Executive Officer
Alameda Agency Formation Commission
1221 Oak Street, Suite 555
Oakland, CA 94612

September 16, 2019

Ms. Jones:

The City of Albany is in receipt of the letter from your agency dated August 22, 2019 that formally acknowledges the Receipt of Application – LAFCo 2019-5, for Annexation of the City of Albany Territory to the Alameda County Mosquito Abatement District.

This letter is provided by the Albany City Council to express the City Council’s opposition to the proposed annexation. This application for annexation is new information to the City of Albany, and as such, the Albany City Council has not had the opportunity to fully analyze the issues that could be associated with such an annexation. Further, the findings included in the application as submitted by the Alameda County Mosquito Abatement District fail to acknowledge that the City of Albany has been receiving more than sufficient mosquito management and abatement services from Alameda County Vector Control for over thirty years (since 1984) , and that there are not any significant sources of mosquitos within the City that would warrant any addition to or change in services currently provided. When reviewing the proposed annexation, LAFCO is required to consider the present cost and adequacy of governmental services, as well as comments submitted by other local public agencies. (Government Code Section 56668 (b) & (j).)

In addition, the proposed annexation would obligate City of Albany property owners to an unnecessary and duplicative tax for services that are already being received. While we support the interest of ensuring quality and consistency of services are provided throughout Alameda County, we oppose the proposed annexation of the City of Albany by the Alameda County Mosquito Abatement District as unnecessary.

Yours sincerely,

Rochelle Nason
Rochelle Nason

Mayor, City of Albany



BOARD OF SUPERVISORS

KEITH CARSON
SUPERVISOR, FIFTH DISTRICT

Rachel Jones, Executive Officer
Alameda Agency Formation Commission
1221 Oak Street, Suite 555
Oakland, CA 94612

September 18, 2019

Dear Ms. Jones:

It has come to my attention that the Alameda County Mosquito Abatement District has made an application to LAFCo for Annexation of the City of Albany.

I am writing to you today to express my opposition to the proposed annexation. As the County Supervisor elected to represent Albany, I agree with the City Council's September 16th vote to oppose the proposed annexation. Albany feels they have been receiving adequate service from Alameda County Vector Control since 1984 and they do not require any additions or changes to service as they do not have a significant source of mosquitos.

Alameda County Vector Control averages 9 calls per year from Albany and Albany residents do not need to be levied an additional parcel tax for this level of service and it is not anticipated that their service needs will increase as they do not have a major mosquito issue due to their unique geography and climate, as well as few sources of standing water.

Thank you very much for your consideration, please let me know if there is additional information I can provide.

Sincerely,

Keith Carson
Supervisor, Fifth District

cc: City of Albany
Alameda County Vector Control

August 28, 2019

Subject: ACMAD Annexation of Albany

Dear LAFCO,

We reviewed the Alameda County Mosquito Abatement District's (ACMAD) plan to annex Albany into their special district, though we do not dispute their right to make this effort, we believe they will not add any benefit to the residents of Albany by providing another tax on property owners and would be an inefficient and wasteful duplication of services already being provided.

In their attached plan they state that they have been providing mosquito abatement service to Albany up to the late 2000's. I do dispute this since we have been providing mosquito abatement services since the City joined Alameda County Vector Control Services District (ACVCSD) in 1984. I began working for ACVCSD in 1990 and was assigned to Albany, with duties that included mosquito surveillance and control. In 2002, with the impending spread of West Nile Virus (WNV) across the country and California, I designed and implemented our formal West Nile Virus Surveillance Program for Albany, which has been enhanced and fine-tuned over the years. We have 16 locations throughout the City where we place Encephalitis Vector Survey (EVS) CO² baited traps in a grid throughout Albany, that are deployed every 2-weeks during the mosquito breeding season. Our district takes WNV very seriously and our model is a state of the art program based on the California Department of Public Health's and the Mosquito and Vector Control Association of California's WNV surveillance guidelines. I provided detailed periodic reports to the city staff and elected officials during this period when were unsure of the reach WNV into the Bay Area.

Their attached plan suggests that mosquito control in Albany is a burden on us, and Alameda County residents. This is not the case. One major reason we consider our mosquito surveillance and control program in Albany a significant asset, is it allows our staff of Vector Biologists the ability to stay current in evolving mosquito control practices and helps keep us prepared to assist our region if there is an outbreak of mosquito-borne disease in Alameda County or the Bay Area.

Any implication that our mosquito surveillance and control ability is subpar compared to ACMAD, is just not the case. We have a state of the art laboratory; our manager, Robert Gay has been deeply involved in mosquito control in his career in the US Navy, all around the world, and was the manager of San Mateo Mosquito and Vector Control District for 18 years. We have several staff with decades of experience in mosquito surveillance and control. ACMAD's previous manager told us repeatedly that our mosquito surveillance in Albany was overkill.

Below is our request for service numbers for mosquitoes from Albany for the last 14 years (the life of our present database), that average under 9 requests for service per year. Some of the calls were for mosquitoes, or mosquito larvae, though at least 30% were for mosquito fish for ponds. The majority of mosquito control is the surveillance portion where staff visit historically mosquito breeding sites, and either drain the water, place mosquito fish, or use biorational larvicides, and the EVS trapping. There has never been, nor likely will be a situation where adulticides (pesticides to kill adult mosquitoes) are warranted in Albany.

Year	Mosquito Requests for Service from Albany
2006	18
2007	16
2008	14
2009	19
2010	8
2011	3
2012	4
2013	7
2014	8
2015	4
2016	8
2017	4
2018	5
2019	3

Sincerely,

Daniel Wilson
Community Relations
Alameda County Department of Environmental Health
Vector Control Division

ACMAD's "Annexation justification"

Recommendation by LAFCO "lessen the fiscal burden on the other residents of the County..."

This may be true, although the amount of mosquito control services provided to the City of Albany are so minimal, this cost is negligible... (So tax property holders \$4.24/year – soon to be 5.24/year, for an average of nine calls?) It's not unusual for one city or cities to subsidize another city: we receive tax dollars from Livermore residents that have no Norway rats, and \$ is spent on services in Oakland...

The City of Albany provides an important training ground for vector control staff. As such, our staff are more knowledgeable about mosquito biology, ecology, disease surveillance, etc and are better equipped to provide emergency back up support if need be

"...allow for more clearly delineated service..."

This is a weak justification. There are several examples of counties that receive multiple services by different agencies, eg., mosquito control in Fresno County.

"Clarity"

Things are quite clear the way currently are. I doubt that ACMAD receives more than a handful of mosquito calls per year from Albany residents. Changes services at this time will create more confusion and likely resentment from Albany residents (charging a tax for services that are rarely needed).

"Efficiency"

"...,mosquito control is a niche industry that requires specialized training...the mosquito control services provided to Albany are inefficient at this small a scale..."

This statement is an exaggeration. There is little "specialization" needed for providing services to Albany.

"Effectiveness"

Vector Control uses these same control measures in the city of Albany

"Accountability"

The appointment of a trustee to ACMAD board is likely viewed as an unwanted burden.

RESOLUTION 1034-2

**A RESOLUTION OF THE ALAMEDA COUNTY MOSQUITO
ABATEMENT DISTRICT CERTIFYING THE FINAL
PROGRAMMATIC ENVIRONMENTAL IMPACT REPORT
FOR ITS INTEGRATED MOSQUITO MANAGEMENT
PROGRAM**

WHEREAS, the Alameda County Mosquito Abatement District “District” issued a Notice of Preparation of a Programmatic Environmental Impact Report (PEIR) on May 11th, 2012 to the State Clearinghouse and reviewing agencies and interested parties, and notice was appropriately posted and published; and held a public scoping meeting on June 6th, 2012, and three comments were received from one federal agency, and two local agencies for consideration in preparing a PEIR under the California Environmental Quality Act (CEQA); and

WHEREAS, the District prepared a Draft PEIR (SCH #2012052037) and released it with a Notice of Availability on July 16th, 2015 to the State Clearinghouse and to other interested agencies and individuals for a 45-day public review period that concluded on September 4th, 2015; and

WHEREAS, the District held a public hearing before District staff, and consultants on August 5th, 2015 to allow for formal public testimony; and

WHEREAS, the District received three comments from the public, including one responsible agency, on the Draft PEIR by the due date and also considered late comment letters from Citizens Committee to Complete the Refuge on September 9, 2015 and the California Department of Fish and Wildlife on September 17th, 2015; and

WHEREAS, the District prepared responses to comments and text changes and additions in wording to the Draft PEIR recommended by the District’s consultant for the Final PEIR which is comprised of the Responses to Comments/Text Changes document (Exhibit A) and the 2015 Draft PEIR (Exhibit B); and

WHEREAS the District distributed written responses to each public agency and others who commented on the Draft PEIR, and also provided an opportunity for review of the Final PEIR by the public, for a 10-day review prior to this meeting today; and

WHEREAS, the District finds that all of the responses to comments and the text changes and additions for the Final PEIR provide additional usable information and elaborate on or provide clarifications to the material contained in the Draft PEIR without substantially changing the District’s proposed Program, or changing the conclusions contained in the Draft PEIR regarding impacts of the Program, such that no renoticing or recirculation of the Draft PEIR is required; and

NOW THEREFORE, BE IT RESOLVED BY THE BOARD OF TRUSTEES,

that the District, as the Lead Agency under CEQA for the proposed Program's PEIR, hereby certifies that:

SECTION 1. The foregoing recitals are true and correct, and, together with the staff report, Final PEIR and the administrative record, form the basis for the determinations set forth below.

SECTION 2. The Board further finds, determines, and orders as follows:

- A. The Final PEIR has been completed in compliance with CEQA.
- B. The Final PEIR was presented to the Board, who has thoroughly reviewed and carefully considered the information contained in the Final PEIR.
- C. The Board agrees with the conclusions contained in the Final PEIR and finds that the Final PEIR reflects the Board's independent judgment and analysis.
- D. Having found that it is adequate and complete and in full compliance with the requirements of CEQA, the Board certifies the IMMP PEIR.

SECTION 3. This Resolution shall take effect immediately.


PASSED AND ADOPTED June 8, 2016, at a regular meeting of the Alameda County Mosquito Abatement District Board by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:



Board President
Vice President

ATTEST:



Scott Donahue

Board Secretary

RESOLUTION 1034-3

**A RESOLUTION OF THE ALAMEDA COUNTY MOSQUITO
ABATEMENT DISTRICT ADOPTING FINDINGS OF FACT,
APPROVING THE MITIGATION MONITORING PROGRAM,
AND APPROVING ITS INTEGRATED MOSQUITO
MANAGEMENT PROGRAM**

WHEREAS, the Board of Trustees (Board) of the Alameda County Mosquito Abatement District (District), pursuant to its authority under State law, needs to continue with and expand upon its Integrated Mosquito Management Program into 2016 and beyond in order to protect the public health and the health of domestic animals from disease and discomfort caused by mosquitoes within the District's Service Area and within adjacent counties upon request by the County or vector control district; and

WHEREAS, the District prepared a Final Programmatic Environmental Impact Report (Final PEIR) (SCH #2012052037) as Lead Agency under the California Environmental Quality Act ("CEQA") and certified the Final PEIR by Resolution No. 1034-2 on June 8th, 2016; and

WHEREAS the District has made Findings of Fact and a Statement of Overriding Consideration under CEQA on the IMMP's significant environmental impacts and commitments to implement mitigation measures to reduce these impacts to less than significant (Exhibit A) considered in the Final PEIR; and

WHEREAS, the District has also made findings on the alternatives considered in the Final PEIR and has determined the preferred Program (Exhibit A) for adoption; and

WHEREAS, the District has prepared a monitoring program to ensure these mitigation measures and the District's best management practices that are included in the Program are implemented over the conduct of the Program (Exhibit B); and

WHEREAS, the District will maintain the documents and other materials that constitute the record of proceedings on which the District's findings are based are located at the District's office: 23187 Connecticut Street, Hayward, CA 94545; and this information is provided in compliance with Public Resources Code Section 21081.6(a)(2) and 14 Cal. Code Regs. Section 15091(e).

NOW THEREFORE, BE IT RESOLVED BY THE BOARD OF TRUSTEES, that the District hereby finds, orders, and determines as follows:

SECTION 1. The foregoing recitals are true and correct, and, together with the staff report and entire administrative record, form the basis for the determinations set forth below.

SECTION 2. Based on substantial evidence contained in the Final PEIR and Exhibits attached to this Resolution, and the entire administrative record, the Board finds, determines, and orders as follows:

- A. The preferred Program described in the Final PEIR and in Exhibit A is hereby approved.
- B. The Board adopts Findings of Fact as set forth in Exhibit A, including the mitigation measures set forth therein.
- C. The Board adopts the Mitigation Monitoring Program contained in Exhibit B.
- D. The District General Manager is directed to file a Notice of Determination with the appropriate counties and to pay the California Department of Fish and Wildlife filing fee.

SECTION 3. This Resolution shall take effect immediately.

PASSED AND ADOPTED _____, at a regular meeting of the Alameda County Mosquito Abatement District Board by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:



~~Board President~~
Vice President

ATTEST:



Board Secretary

*ENVIRONMENTAL DECLARATION

(CALIFORNIA FISH AND GAME CODE SECTION 711.4)

LEAD AGENCY NAME AND ADDRESS

FOR COUNTY CLERK USE ONLY

Alameda County Mosquito Abatement District

**ENDORSED
FILED
ALAMEDA COUNTY**



State of California - Department of Fish and Wildlife

2016 ENVIRONMENTAL FILING FEE CASH RECEIPT

DFW 753.5a (Rev. 12/15/15) Previously DFG 753.5a

Receipt # 2179403

RECEIPT NUMBER:

01 — 06092016 — 225

STATE CLEARINGHOUSE NUMBER (If applicable)

2012052037

SEE INSTRUCTIONS ON REVERSE. TYPE OR PRINT CLEARLY.

LEAD AGENCY ALAMEDA COUNTY MOSQUITO ABATEMENT DISTRICT	LEAD AGENCY EMAIL -	DATE 6/9/2016
COUNTY/STATE AGENCY OF FILING Alameda	DOCUMENT NUMBER 16-225	

PROJECT TITLE
INTEGRATED MOSQUITO MANAGEMENT PROGRAM

PROJECT APPLICANT NAME RYAN CLAUSNITZER	PROJECT APPLICANT EMAIL -	PHONE NUMBER (510) 783-7744
PROJECT APPLICANT ADDRESS 23187 CONNECTICUT ST.	CITY HAYWARD	STATE CA
		ZIP CODE 94545

PROJECT APPLICANT (Check appropriate box)

- Local Public Agency
 School District
 Other Special District
 State Agency
 Private Entity

CHECK APPLICABLE FEES:

- | | | |
|---|------------|-------------|
| <input checked="" type="checkbox"/> Environmental Impact Report (EIR) | \$3,070.00 | \$ 3,070.00 |
| <input type="checkbox"/> Mitigated/Negative Declaration (MND)(ND) | \$2,210.25 | \$ 0.00 |
| <input type="checkbox"/> Certified Regulatory Program document (CRP) | \$1,043.75 | \$ 0.00 |
|
 | | |
| <input type="checkbox"/> Exempt from fee | | |
| <input type="checkbox"/> Notice of Exemption (attach) | | |
| <input type="checkbox"/> CDFW No Effect Determination (attach) | | |
| <input type="checkbox"/> Fee previously paid (attach previously issued cash receipt copy) | | |

- | | | |
|---|----------|----------|
| <input type="checkbox"/> Water Right Application or Petition Fee (State Water Resources Control Board only) | \$850.00 | \$ 0.00 |
| <input checked="" type="checkbox"/> County documentary handling fee | | \$ 50.00 |
| <input type="checkbox"/> Other | | \$ |

PAYMENT METHOD:

- Cash
 Credit
 Check
 Other

TOTAL RECEIVED \$ 3,120.00

SIGNATURE <i>X [Signature]</i>	AGENCY OF FILING PRINTED NAME AND TITLE LCortez/DEPUTY CLERK
-----------------------------------	---

***ENVIRONMENTAL DECLARATION**

(CALIFORNIA FISH AND GAME CODE SECTION 711.4)

LEAD AGENCY NAME AND ADDRESS

Alameda County Mosquito Abatement
District
23157 Connecticut St.
Hayward, CA 94545

FOR COUNTY CLERK USE ONLY

**ENDORSED
FILED
ALAMEDA COUNTY**

JUN 09 2016

FILE NO: 16-225 **STEVE MANNING**, County Clerk
By *[Signature]* Deputy

**CLASSIFICATION OF ENVIRONMENTAL DOCUMENT:
(PLEASE MARK ONLY ONE CLASSIFICATION)**

1. NOTICE OF EXEMPTION / STATEMENT OF EXEMPTION

- A - STATUTORILY OR CATEGORICALLY EXEMPT
\$ 50.00 - COUNTY CLERK HANDLING FEE

2. NOTICE OF DETERMINATION (NOD)

- A - NEGATIVE DECLARATION (OR MITIGATED NEG. DEC.)
\$ 2,210.25 - STATE FILING FEE
\$ 50.00 - COUNTY CLERK HANDLING FEE

- B - ENVIRONMENTAL IMPACT REPORT (EIR)
\$ 3,070.00 - STATE FILING FEE
\$ 50.00 - COUNTY CLERK HANDLING FEE

***A COPY OF THIS FORM MUST BE COMPLETED AND SUBMITTED WITH EACH COPY OF AN ENVIRONMENTAL DECLARATION BEING FILED WITH THE ALAMEDA COUNTY CLERK.**

FOUR (4) COPIES OF ALL NECESSARY DOCUMENTS ARE REQUIRED FOR FILINGS SUBMITTED BY MAIL. FIVE (5) COPIES ARE REQUIRED FOR IN-OFFICE FILINGS.

ALL APPLICABLE FEES MUST BE PAID AT THE TIME OF FILING.

FEES ARE EFFECTIVE JANUARY 1, 2016

MAKE CHECKS PAYABLE TO: ALAMEDA COUNTY CLERK

Notice of Determination

Appendix D

To:
Office of Planning and Research
U.S. Mail: P.O. Box 3044 Sacramento, CA 95812-3044
Street Address: 1400 Tenth St., Rm 113 Sacramento, CA 95814

County Clerk
County of: Alameda
Address: 1106 Madison St. Oakland, CA 94607

From:
Public Agency: Alameda County Mosquito Abatement
Address: 23187 Connecticut St. Hayward, CA 94545
Contact: Ryan Clausnitzer
Phone: 510-783-7744

ENDORSED
Lead Agency (if different from above): FILED
ALAMEDA COUNTY
Address:
Contact:
Phone:
JUN 09 2016

STEVE MANNING, County Clerk
Deputy
211520

SUBJECT: Filing of Notice of Determination in compliance with Section 21108 or 21152 of the Public Resources Code.

State Clearinghouse Number (if submitted to State Clearinghouse): 2012052037

Project Title: Integrated Mosquito Management Program

Project Applicant: Alameda County Mosquito Abatement District

Project Location (include county): Alameda County

Project Description:

The District undertakes mosquito control activities through its program to control mosquitoes, vectors of disease and/or discomfort in the program areas. The District has, since its inception in 1930, taken a proactive integrated systems approach to mosquito control, utilizing a suite of tools that consist of public education, surveillance, and physical (e.g., source reduction, vegetation management, water management), biological, and chemical control. The District also performs vegetation management (including control of noxious and/or invasive plants) to facilitate access to mosquito sources.

This is to advise that the Alameda County Mosquito Abatement District has approved the above (X) Lead Agency or () Responsible Agency

described project on June 8, 2016 and has made the following determinations regarding the above described project. (date)

- 1. The project (X) will () will not have a significant effect on the environment.
2. (X) An Environmental Impact Report was prepared for this project pursuant to the provisions of CEQA. () A Negative Declaration was prepared for this project pursuant to the provisions of CEQA.
3. Mitigation measures (X) were () were not made a condition of the approval of the project.
4. A mitigation reporting or monitoring plan (X) was () was not adopted for this project.
5. A statement of Overriding Considerations (X) was () was not adopted for this project.
6. Findings (X) were () were not made pursuant to the provisions of CEQA.

This is to certify that the final EIR with comments and responses and record of project approval, or the negative Declaration, is available to the General Public at:

http://www.mosquitoes.org/environmental-documents/

Signature (Public Agency): [Signature] Title: District Manager

Date: June 9, 2016 Date Received for filing at OPR: 6/10/16

Authority cited: Sections 21083, Public Resources Code. Reference Section 21000-21174, Public Resources Code.

Revised 2011

ALAMEDA COUNTY CLERK-RECORDER
1106 MADISON STREET
OAKLAND, CA 94607
(510)272-6362

ISSUED TO:

ALAMEDA COUNTY MOSQUITO ABATE

RECEIPT # 2179403
06/09/2016 01:28:24 PM

SERVICE	PAGES	QTY	FEE
GENERAL BUS 1	1	1	3,120.00

Total Amount Due \$3,120.00

CASH 3,120.00

Total Payments: \$3,120.00

STEVE MANNING
CLERK RECORDER
Deputy: LCORTEZ

Notice of Completion & Environmental Document Transmittal

Mail to: State Clearinghouse, P.O. Box 3044, Sacramento, CA 95812-3044 (916) 445-0613
For Hand Delivery/Street Address: 1400 Tenth Street, Sacramento, CA 95814

SCH #2012052037

Project Title: Integrated Mosquito Management Program

Lead Agency: Alameda County Mosquito Abatement District

Contact Person: Ryan Clausnitzer

Mailing Address: 23187 Connecticut St.

Phone: 510-783-7744

City: Hayward

Zip: 94545

County: Alameda

Project Location: County: Alameda

City/Nearest Community: _____

Cross Streets: _____

Zip Code: _____

Longitude/Latitude (degrees, minutes and seconds): _____ ° _____ ' _____ " N / _____ ° _____ ' _____ " W Total Acres: _____

Assessor's Parcel No.: _____

Section: _____

Twp.: _____

Range: _____

Base: _____

Within 2 Miles: State Hwy #: _____

Waterways: _____

Airports: _____

Railways: _____

Schools: _____

Document Type:

CEQA: NOP

Early Cons

Neg Dec

Mit Neg Dec

Draft EIR

Supplement/Subsequent EIR

(Prior SCH No.) _____

Other: _____

NEPA: NOI

EA

Draft EIS

FONSI

Other: Joint Document

Final Document

Other: NOD

Local Action Type:

General Plan Update

General Plan Amendment

General Plan Element

Community Plan

Specific Plan

Master Plan

Planned Unit Development

Site Plan

Rezone

Prezone

Use Permit

Land Division (Subdivision, etc.)

Annexation

Redevelopment

Coastal Permit

Other: _____

Development Type:

Residential: Units _____ Acres _____

Office: Sq.ft. _____ Acres _____ Employees _____

Commercial: Sq.ft. _____ Acres _____ Employees _____

Industrial: Sq.ft. _____ Acres _____ Employees _____

Educational: _____

Recreational: _____

Water Facilities: Type _____ MGD _____

Transportation: Type _____

Mining: Mineral _____

Power: Type _____ MW _____

Waste Treatment: Type _____ MGD _____

Hazardous Waste: Type _____

Other: _____

Project Issues Discussed in Document:

Aesthetic/Visual

Agricultural Land

Air Quality

Archeological/Historical

Biological Resources

Coastal Zone

Drainage/Absorption

Economic/Jobs

Fiscal

Flood Plain/Flooding

Forest Land/Fire Hazard

Geologic/Seismic

Minerals

Noise

Population/Housing Balance

Public Services/Facilities

Recreation/Parks

Schools/Universities

Septic Systems

Sewer Capacity

Soil Erosion/Compaction/Grading

Solid Waste

Toxic/Hazardous

Traffic/Circulation

Vegetation

Water Quality

Water Supply/Groundwater

Wetland/Riparian

Growth Inducement

Land Use

Cumulative Effects

Other: _____

Present Land Use/Zoning/General Plan Designation:

Project Description: *(please use a separate page if necessary)*

The District undertakes mosquito control activities through its program to control mosquitoes, vectors of disease and/or discomfort in the program areas. The District has, since its inception in 1930, taken a proactive integrated systems approach to mosquito control, utilizing a suite of tools that consist of public education, surveillance, and physical (e.g., source reduction, vegetation management, water management), biological, and chemical control. The District also performs vegetation management (including control of noxious and/or invasive plants) to facilitate access to mosquito sources.

Note: The State Clearinghouse will assign identification numbers for all new projects. If a SCH number already exists for a project (e.g. Notice of Preparation or previous draft document) please fill in.

Reviewing Agencies Checklist

Lead Agencies may recommend State Clearinghouse distribution by marking agencies below with and "X".
If you have already sent your document to the agency please denote that with an "S".

<input checked="" type="checkbox"/> Air Resources Board	<input type="checkbox"/> Office of Historic Preservation
<input type="checkbox"/> Boating & Waterways, Department of	<input type="checkbox"/> Office of Public School Construction
<input type="checkbox"/> California Emergency Management Agency	<input checked="" type="checkbox"/> Parks & Recreation, Department of
<input checked="" type="checkbox"/> California Highway Patrol	<input checked="" type="checkbox"/> Pesticide Regulation, Department of
<input checked="" type="checkbox"/> Caltrans District #4	<input type="checkbox"/> Public Utilities Commission
<input type="checkbox"/> Caltrans Division of Aeronautics	<input checked="" type="checkbox"/> Regional WQCB #2
<input type="checkbox"/> Caltrans Planning	<input checked="" type="checkbox"/> Resources Agency
<input type="checkbox"/> Central Valley Flood Protection Board	<input type="checkbox"/> Resources Recycling and Recovery, Department of
<input type="checkbox"/> Coachella Valley Mtns. Conservancy	<input checked="" type="checkbox"/> S.F. Bay Conservation & Development Comm.
<input checked="" type="checkbox"/> Coastal Commission	<input type="checkbox"/> San Gabriel & Lower L.A. Rivers & Mtns. Conservancy
<input type="checkbox"/> Colorado River Board	<input type="checkbox"/> San Joaquin River Conservancy
<input type="checkbox"/> Conservation, Department of	<input type="checkbox"/> Santa Monica Mtns. Conservancy
<input type="checkbox"/> Corrections, Department of	<input type="checkbox"/> State Lands Commission
<input checked="" type="checkbox"/> Delta Protection Commission	<input type="checkbox"/> SWRCB: Clean Water Grants
<input type="checkbox"/> Education, Department of	<input type="checkbox"/> SWRCB: Water Quality
<input type="checkbox"/> Energy Commission	<input type="checkbox"/> SWRCB: Water Rights
<input checked="" type="checkbox"/> Fish & Game Region #3	<input type="checkbox"/> Tahoe Regional Planning Agency
<input checked="" type="checkbox"/> Food & Agriculture, Department of	<input checked="" type="checkbox"/> Toxic Substances Control, Department of
<input type="checkbox"/> Forestry and Fire Protection, Department of	<input checked="" type="checkbox"/> Water Resources, Department of
<input type="checkbox"/> General Services, Department of	<input type="checkbox"/> Other: _____
<input type="checkbox"/> Health Services, Department of	<input type="checkbox"/> Other: _____
<input type="checkbox"/> Housing & Community Development	
<input checked="" type="checkbox"/> Native American Heritage Commission	

Local Public Review Period (to be filled in by lead agency)

Starting Date _____ Ending Date _____

Lead Agency (Complete if applicable):

Consulting Firm: <u>Cardno</u>	Applicant: _____
Address: <u>2300 Clayton Rd.</u>	Address: _____
City/State/Zip: <u>Concord, CA 94520</u>	City/State/Zip: _____
Contact: <u>Susan Hootkins</u>	Phone: _____
Phone: <u>925-935-9920</u>	

Signature of Lead Agency Representative:  Date: 7/10/16

Authority cited: Section 21083, Public Resources Code. Reference: Section 21161, Public Resources Code.

Reviewing Agencies Checklist

Lead Agencies may recommend State Clearinghouse distribution by marking agencies below with and "X".
If you have already sent your document to the agency please denote that with an "S".

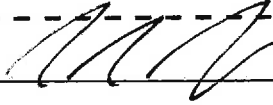
- | | |
|---|---|
| <input checked="" type="checkbox"/> Air Resources Board | <input type="checkbox"/> Office of Historic Preservation |
| <input type="checkbox"/> Boating & Waterways, Department of | <input type="checkbox"/> Office of Public School Construction |
| <input type="checkbox"/> California Emergency Management Agency | <input checked="" type="checkbox"/> Parks & Recreation, Department of |
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| <input type="checkbox"/> General Services, Department of | <input type="checkbox"/> Other: _____ |
| <input type="checkbox"/> Health Services, Department of | <input type="checkbox"/> Other: _____ |
| <input type="checkbox"/> Housing & Community Development | |
| <input checked="" type="checkbox"/> Native American Heritage Commission | |

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City/State/Zip: <u>Concord, CA 94520</u>	City/State/Zip: _____
Contact: <u>Susan Hootkins</u>	Phone: _____
Phone: <u>925-935-9920</u>	

Signature of Lead Agency Representative:  Date: 7/10/16

Authority cited: Section 21083, Public Resources Code. Reference: Section 21161, Public Resources Code.

2000613

ALAMEDA, COUNTY OF
LAFCO/SANDY HOU
1221 OAK STREET #555
OAKLAND, CA 94612-4224

PROOF OF PUBLICATION
FILE NO. PHN-11-14-19

In the matter of

Oakland Tribune

The Oakland Tribune

I am a citizen of the United States; I am over the age of eighteen years, and not a party to or interested in the above-entitled matter. I am the Legal Advertising Clerk of the printer and publisher of The Oakland Tribune, a newspaper published in the English language in the City of Oakland, County of Alameda, State of California.

I declare that The Oakland Tribune is a newspaper of general circulation as defined by the laws of the State of California as determined by this court's order, dated December 6, 1951, in the action entitled In the Matter of the Ascertainment and Establishment of the Standing of The Oakland Tribune as a Newspaper of General Circulation, Case Number 237798. Said order states that "The Oakland Tribune is a newspaper of general circulation within the City of Oakland, and the County of Alameda, and the State of California, within the meaning and intent of Chapter 1, Division 7, Title 1 [§§ 6000 et seq.], of the Government Code of the State of California." Said order has not been revoked, vacated, or set aside.

I declare that the notice, of which the annexed is a printed copy, has been published in each regular and entire issue of said newspaper and not in any supplement thereof on the following dates, to wit:

10/25/2019

I certify (or declare) under penalty of perjury that the foregoing is true and correct.

Dated: October 25, 2019



Public Notice Advertising Clerk

**NOTICE OF PUBLIC HEARING
ALAMEDA LOCAL AGENCY FORMATION COMMISSION**

NOTICE IS HEREBY GIVEN that the Alameda Local Agency Formation Commission will hold a public hearing at its regular meeting on **Thursday, November 14, 2019 at 2:00 p.m.** at the City of Dublin Council Chamber located at 100 Civic Plaza, Dublin, California.

At the hearing, the Commission will discuss the following items:

- **Proposed Annexation of Dumbarton Quarry to Union Sanitary District** - The Alameda Local Agency Formation Commission (LAFCO) will consider approving the annexation of 9600 Quarry Road (537-002-02) located in the City of Fremont to Union Sanitary District. The affected territory totals 91.0 acres and is currently under development for a public park and camp site. The stated purpose of the proposal is to provide public wastewater service in support of the park.
- **Proposed Annexation of the City of Albany to Alameda Mosquito Abatement District** - The Alameda Local Agency Formation Commission (LAFCO) will consider approving the annexation of the City of Albany to the Alameda County Mosquito Abatement District (ACMAD). The affected territory totals 394.4 acres. The stated purpose of the proposal is to create a countywide mosquito abatement district covering all cities within the County of Alameda and to improve the efficiency and effectiveness of mosquito control services. Approval of the proposal would extend an annual special tax and benefit assessment of \$1.74 and \$2.50 per single family residence or equivalent property, respectively for residents within the City.

At the meeting, the Commission will consider all oral and written testimony of any interested persons or affected agencies. Only those issues which are brought up at the public hearing described in this notice or in written correspondence delivered to LAFCO at or prior to the hearing may be raised in any legal challenge to the actions taken by the Commission with respect to the above listed item.

Copies of the Commission agenda, staff reports and supporting information will be available and may be examined at the LAFCO office, located in the Alameda County Administration Building, 1221 Oak Street, Suite 555, Oakland, CA, or on the Alameda LAFCo website at www.acgov.org/lafco at least five days prior to the meeting date. For additional information concerning the agenda or copies of staff reports, please call (510) 271-5142.

RACHEL JONES
EXECUTIVE OFFICER
ALAMEDA LAFCO

OT/DR #6415067; Oct. 25, 2019



***ALAMEDA COUNTY MOSQUITO
ABATEMENT DISTRICT
MUNICIPAL SERVICE REVIEW FINAL***

January 10, 2013

Prepared for the
Local Agency Formation Commission of Alameda County
by
Baracco and Associates,
Policy Consulting Associates, LLC

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MOSQUITO ABATEMENT SERVICES.....	11
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1. AGENCY OVERVIEW

The Alameda County Mosquito Abatement District (ACMAD) provides mosquito abatement services in Alameda County.

The most recent municipal service review for ACMAD was adopted in May 2006.

FORMATION

ACMAD was formed on March 11, 1930 as an independent special district. ACMAD was created to provide mosquito abatement in Alameda County.

The principal act that governs ACMAD is the Mosquito Abatement and Vector Control District Law, originally called Mosquito Abatement Act of California of 1915, that was revised in 2003 (SB 1588).¹ The principal act empowers such districts to conduct surveillance programs and other studies of vectors and vector-borne diseases, take appropriate actions to prevent the occurrence of vectors and vector-borne diseases, and take necessary actions to abate or control vectors and vector-borne diseases.² All districts must apply and obtain LAFCo approval to exercise latent powers or, in other words, those services authorized by the principal act but not provided by the district at the end of 2000.³

BOUNDARY

ACMAD's boundary area includes all of Alameda County except for the City of Albany. The total land area within the boundary of ACMAD is 736 square miles. There have been no boundary changes since district formation.

Extra-territorial Services

Mosquito abatement services are provided throughout the unincorporated area and in all of the cities of Alameda County except for the City of Albany, which is provided mosquito abatement services by Alameda County Vector Control County Service Area (VCCSA). ACMAD does not typically provide mosquito abatement service outside its bounds, although it is allowed to cross agency boundaries in order to prevent mosquito populations

¹ California Health and Safety Code § 2000-2093

² California Health and Safety Code §2000-2093.

³ Government Code §56824.10.

from dispersing into the District. ACMAD also supplies mosquito fish to the Alameda County Vector Control CSA for use in the City of Albany as needed, although no requests for mosquito fish have been made since 2005.

Unserved Areas

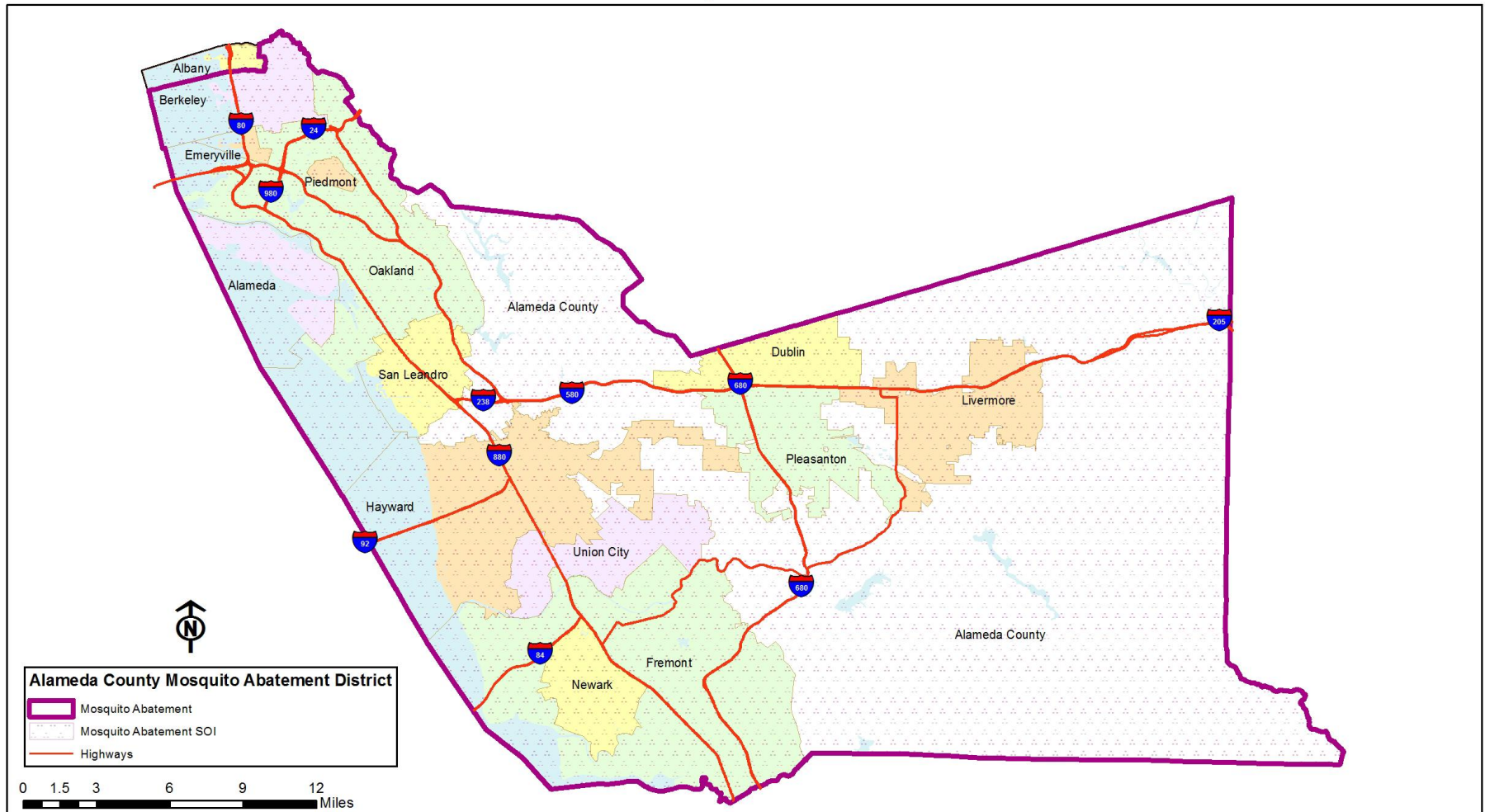
There are no areas within ACMAD's bounds that lack mosquito abatement services.

SPHERE OF INFLUENCE

ACMAD's SOI was established on April 19, 1984 as coterminous with the County of Alameda. No changes have been made to the SOI since its creation. During the 2006 SOI updates the Commission elected to reaffirm ACMAD's countywide SOI. Consequently, as the SOI exists now, it extends outside of the ACMAD's bounds to include the City of Albany. During the last round of SOI updates, the Commission also adopted a policy encouraging ACMAD to initiate annexation of the City of Albany.

Figure 1-1: AC Mosquito Abatement District Boundaries and SOI

Alameda County Mosquito Abatement District Boundary and SOI*
July 2012



*Agency sphere differs from the service area boundary

Created for Alameda LAFCo by the Alameda County Community Development Agency

ACCOUNTABILITY AND GOVERNANCE

Accountability of a governing body is signified by a combination of several indicators. The indicators chosen here are limited to 1) agency efforts to engage and educate constituents through outreach activities, in addition to legally required activities such as agenda posting and public meetings, 2) a defined complaint process designed to handle all issues to resolution, and 3) transparency of the agency as indicated by cooperation with the MSR process and information disclosure.

ACMAD is governed by a 14-member Board of Trustees. Each city, except Albany, and the County Board of Supervisors appoint a member to the Board to a two-year term. Each member appointed by the cities represents their respective constituency, and the County appointee represents the County at large and traditionally has been the County Agricultural Commissioner. Board members do not receive any compensation, but get an in-lieu of travel expense of \$100 per month for attending business meetings of the Board. Current board member names, positions, and term expiration dates are shown in Figure 1-2.

The Board of Trustees meets once a month on the second Wednesday of the month at five in the afternoon at the district office in Hayward. The meetings are not broadcast on local television. Agendas and minutes for each meeting are available on ACMAD’s website and upon request. The agency also discloses plans and other documents via the internet.

Alameda County Mosquito Abatement District				
<i>District Contact Information</i>				
Contact:	Chindi Peavey, General Manager			
Address:	23187 Connecticut Street, Hayward, CA 94545			
Telephone:	(510)783-774			
Fax	(510)670-3903			
Email/website:	www.mosquitoes.org			
<i>Board of Directors</i>				
Member Name	Position	Term Expiration	Manner of Selection	Length of Term
Dennis Bray	County at large	January 2015	Appointed	2 years
Vacant	Pleasanton	January 2015	Appointed	2 years
James M. Doggett	Livermore	January 2015	Appointed	2 years
Ryan Clausnitzer	Alameda	January 2015	Appointed	2 years
Vacant	Oakland	January 2014	Appointed	2 years
Barbara Halliday	Hayward	January 2014	Appointed	2 years
Jim Golden	Emeryville	January 2014	Appointed	2 years
Abe Gupta	Dublin	January 2014	Appointed	2 years
George Young	Fremont	January 2015	Appointed	2 years
Denny A. McLeod	Piedmont	January 2014	Appointed	2 years
Jim Prola, VP	San Leandro	January 2014	Appointed	2 years
Ronald E. Quinn	Union City	January 2015	Appointed	2 years
William M. Spinola	Newark	January 2014	Appointed	2 years
Jan Washburn, President	Berkeley	January 2015	Appointed	2 years
<i>Meetings</i>				
Date:	Second Wednesday of each month at 5pm.			
Location:	ACMAD administrative office at 23187 Connecticut St. Hayward			
Agenda Distribution:	Posted on website and upon request			
Minutes Distribution:	Posted on website and upon request			

ACMAD provides extensive public education including representation at the Alameda County Fair, Home and Garden Shows, school presentations, presentations to city councils and specific service groups. ACMAD prints and distributes thousands of brochures annually and publishes stories in local media. Informational brochures and other educational materials are provided on the ACMAD website.

ACMAD receives few complaints regarding its abatement services or staff in any given year. When a complaint is received, it is reviewed by the district manager and referred to the operations supervisor. Complaints are accepted via phone and in writing. ACMAD strives to respond to all service calls and complaints within one business day. In FY 10-11, ACMAD received 1,112 service requests and no formal complaints. The public is encouraged to call the district if they are experiencing mosquito bites, observe standing water, or would like information.

ACMAD demonstrated full accountability and transparency in its disclosure of information and cooperation with Alameda LAFCo during the MSR process. ACMAD responded to questionnaires and cooperated with document requests.

MANAGEMENT AND STAFFING

While public sector management standards vary depending on the size and scope of the organization, there are minimum standards. Well-managed organizations evaluate employees annually, track employee and agency productivity, periodically review agency performance, prepare a budget before the beginning of the fiscal year, conduct periodic financial audits to safeguard the public trust, maintain relatively current financial records, conduct advanced planning for future service needs, and plan and budget for capital needs.

ACMAD currently employs a full-time staff of 14. Managerial positions include the the district manager. Support staff employed by ACMAD consists of an administrative/financial manager, an entomologist, environmental specialist, mechanical specialist, systems specialist, and field operations supervisor. Control personnel consist of two mosquito control technicians and five vector biologist.

The district manager is accountable to the Board of Trustees and oversees the rest of the staff. Support staff report to the district manager. Control staff report to the district manager, administrative and financial manager and field operations supervisor.

Field employees are certified by the California Department of Public Health in mosquito and vector control. The certification requires a minimum of 40 hours of continuing education every two years. Five ACMAD staff have degrees in Entomology (two with Ph.D. degrees), four others have biology degrees (one with a masters), and one has an M.B.A. District personnel also receive training in First Aid, driving safety, cardiopulmonary resuscitation (CPR), equipment and maintenance and operation of district shop equipment. ACMAD also sends employees to special training that is of immediate operational use or long-term skill development such as GIS mapping, environmental impact analysis, special equipment maintenance, welding, computer programing, etc.

All of ACMAD's field personnel have assigned zones and also team up to share efforts when needed or to serve as a substitute when the primary assigned person is not available. Thus, the work load on each person is kept more balanced. Zone assignments occasionally change, and many of ACMAD's personnel have worked in different zones, giving them a broader knowledge of the whole District. In addition to zone assignments, many district personnel have specialized skills for serving the whole District. These skills include operation of specialized treatment equipment, making public presentations, repairing equipment, welding, working on data systems, doing needed research, maintaining reference insect collections, maintaining disease monitoring chicken flocks and creating maps or graphic and photographic work.

ACMAD's management practices include performance measures, such as number of sources checked and trap results, and annual financial audits. The District does not conduct benchmarking or performance-based budgeting.

ACMAD evaluates its performance by annually reviewing the number of service requests received for various species of mosquitoes. ACMAD sets a goal each year on the number of service requests received based on rainfall level (a strong determinant of mosquito population levels).

ACMAD monitors productivity by tracking the number of service calls received. Mosquito abatement is seasonal (different species are active at different times of the year), and up-to-date District monitoring allows informed decisions to be made on the required amount of work needed in the various areas of the County. ACMAD's workload is divided into 10 zones, and each reflects the amount of work necessary to provide adequate services with available zone staff. Productivity is also measured by number of sources of standing water inspected and number of adult mosquitos found in traps. Because the District focuses on controlling mosquitoes in the immature stages, good performance/productivity is indicated by a high number of sources checked and/or treated and fewer adult mosquitoes captured in traps. Because service requests will increase following the publication of news articles or press releases on West Nile Virus cases, they do not always indicate the presence of biting mosquitoes.

ACMAD has adopted a mission statement, a Pesticide Application Plan and control program. ACMAD's financial statements are audited annually. ACMAD does not have a formal Capital Improvement Plan (CIP). Instead, future capital needs are addressed by a long-range planning committee.

ACMAD has received numerous awards for its public education displays at the County Fair and for having the lowest injury rate among other vector control agencies in its workers compensation insurance group.

All special districts are required to submit annual audits to the County within 12 months of the completion of the fiscal year, unless the Board of Supervisors has approved a biennial or five-year schedule.⁴ In the case of ACMAD, the District must submit audits annually. ACMAD has submitted its audit to the County for FY 10-11 within the required 12-month period.

GROWTH AND POPULATION PROJECTIONS

This section discusses the factors affecting service demand, such as land uses, and historical and anticipated population growth.

Land Use

ACMAD's boundary area is approximately 736 square miles. The County is the land use authority for the unincorporated areas. Cities are the land use authorities within the respective city boundaries. ACMAD encompasses every land use designated by the County and cities.

Existing Population

As of 2010, the population of the area in ACMAD was 1,491,618. Its population density—2,027 residents per square mile—is higher than the countywide density of 1,840 people per square mile.

Projected Growth and Development

Based on Association of Bay Area Governments (ABAG) growth projections, the population of the area within ACMAD is anticipated to grow by 27 percent and reach 1,894,355 by 2035, with an average annual growth rate of one percent. Per ABAG population projections, the rate of growth in ACMAD is expected to be similar to the countywide growth rate through 2035. From 2010 to 2035, the population of the County as a whole is anticipated to grow by 27 percent while the unincorporated area of Alameda County is estimated to grow by 21.6 percent.

ACMAD's requests for services usually parallel the growth of the human population and the vector populations (fleas, flies, mosquitoes, rodents, ticks, etc.). ACMAD reported that growth patterns have not affected service demand for the District's services in the last few years, as there has been a general lack of population growth within the County. Similarly,

⁴ Government Code §26909.

in recent years, demand for ACMAD's services has remained relatively stable. ACMAD pays close attention to population growth in each city and forecasts the future level of demand.

The vector population depends upon the existence of food, water and harborage. Any major changes in weather, food supplies or habitat modifications have an impact on the local vector populations (increase or decrease). ACMAD routinely monitors and surveys the mosquitoes in the County, and places control measures accordingly on an as-needed basis.

According to ABAG growth projections, future growth is anticipated to be concentrated in the cities of Dublin, Emeryville and Livermore over the next 25 years. While Dublin, Emeryville and Livermore are considered high growth areas, those cities with the highest demand for ACMAD's services with the most request for services include Oakland, Fremont and Berkeley.

FINANCING

The financial ability of agencies to provide services is affected by available financing sources and financing constraints. This section discusses the major financing constraints faced by ACMAD and identifies the revenue sources currently available to the District.

ACMAD reported that the current financing levels were adequate to deliver services. According to ACMAD, foreclosures and declining property values have resulted in uncollected benefit assessments and reduced property tax revenue, which has lessened ACMAD's overall revenue by five percent over the past few years. However, this decrease in funding has not had a significant impact on ACMAD's budget yet. In FY 10-11, expenditures exceeded revenues as ACMAD made a substantial deposit into its OPEB fund for which it had been saving over the past few years. ACMAD continues to maintain a healthy fund balance to cover any excess expenditures over the next few years, if necessary. After some reserves have been depleted, ACMAD will need to begin making cost cuts to stay within budget, should revenues continue to decline.

Revenues

The District received \$3.5 million in revenue in FY 10-11. ACMAD relies primarily on property tax revenues (45 percent) and special taxes and benefit assessments (54 percent). The remainder of income comes from governmental aid, interest and miscellaneous sources.

ACMAD has three primary sources of revenue. The first is a share of the ad valorem property taxes. The second source of revenue is from a special tax passed by more than two-thirds of the voters in 1982 (Measure K). This special tax allows ACMAD to assess a tax on each parcel in the County. The maximum allowable rates are \$1.75 per parcel, \$3.50 per multiple unit (2-4 units), and \$8.75 per multiple unit (5 or more units) or mobile home park. The third is from a benefit assessment passed by more than two-thirds of the voters in 2008. This assessment has a built in cost of living adjustment that can change the assessed fee overtime. The maximum allowable rates (including cost of living adjustments) of the original assessment are \$5 per single family residence, and \$1.60 for multiple

dwelling units for the first 20 units then \$0.50 a unit thereafter. Agricultural properties may be assessed up to \$.01 per 1/4 acre and dry pasture and timberlands were assessed at \$.0021 per 1/4 acre. In 2010, single family residences were assessed at a rate of \$1.74 for the special tax plus \$2.50 for the benefit assessment.

Expenditures

ACMAD expenditures in FY 10-11 were about \$4 million and consisted mostly of salaries and benefits (84 percent). Other expenses included materials, supplies and services, debt service and capital outlay.

In FY 10-11, total expenditures exceeded total revenues by \$546,407, because ACMAD made a substantial deposit into its OPEB fund. ACMAD makes use of its reserve balance to cover this excess in expenditures.

Liabilities and Assets

ACMAD operates on a relatively high level of reserve funds and a relatively low level of long-term debt. By the way of reserves, ACMAD had \$2,680,932 of unrestricted net assets at the end of FY 10-11, which is equivalent to about eight months of district operations.

ACMAD obtained a \$1,000,000 loan with an annual interest rate of 3.9 percent, from Municipal Finance Corporation in Calabasas, California on July 13, 2005. Proceeds from this loan were used for the remodeling of ACMAD's building. ACMAD committed to making ten principal and interest payments of \$111,035 each, on March 26 and December 31 of each year, starting on March 26, 2006. The debt has been paid in full as of June 30, 2011.

Additionally, ACMAD carries a defined benefit post-employment healthcare plan. The District has created an Other Post-Employment Benefits (OPEB) Trust, which it plans to fund at a rate of \$500,000 per fiscal year until the actuary determines that it is adequate to fund future OPEB liability. According to ACMAD, this should be accomplished in about five years.

Financing Efficiencies

ACMAD engages in joint financing arrangements related to insurance. As a member of the Vector Control Joint Powers Agency, ACMAD receives workers compensation and excess liability insurance coverage. Employees are eligible to participate in pension plans offered by the California Public Employees Retirement System—a multiple-employer defined benefit pension plan. ACMAD relies on the County for accounting and investment services, and is not charged for these County services.

2. MUNICIPAL SERVICES

MOSQUITO ABATEMENT SERVICES

Service Overview

ACMAD provides monitoring, control and treatment of mosquito sources and infection levels (specifically for West Nile Virus, Western Equine Encephalitis and St Louis Encephalitis) in mosquitos and birds, coordinates activities with other public health agencies, and distributes educational materials on mosquito biology and control to the public.

ACMAD coordinates its activities with a number of outside agencies. The California Department of Health Services Vector-borne Disease Section (VBDS) provides laboratory testing of mosquitoes, blood samples and bird carcasses. VBDS distributes virus and mosquito information to county health agencies and mosquito abatement districts throughout the state. The Center for Vector-borne Disease Research and the Arbovirus Research Unit at the University of California Davis help ACMAD monitor pesticide resistance levels and assist the District in determining the most effective pesticide use.

Control of mosquito larval breeding is conducted through identification and inventory of larval sources and treatment of sources including catch basins, utility vaults, untended swimming pools, and freshwater marshes.

Mosquito monitoring and assessment of virus infection transmission potential to humans is conducted through environmental and biological surveillance. Environmental measuring includes rainfall and temperature patterns. Biological monitoring consists of measuring mosquito population density and monitoring virus incidence in wild birds, sentinel chicken flocks and water bodies with high mosquito populations.

Mosquito abatement services are provided by Vector Control County Service Area (VCCSA) only within the City of Albany by resolution of the City Council. There does not appear to be any records of a formal agreement between VCCSA and the City to provide these services. VCCSA also provides vector control services to the entire County of Alameda. ACMAD provides mosquito abatement services for the remainder of the County. When ACMAD was originally formed in 1930, the City of Albany chose not to join. The City chose to receive mosquito monitoring/control from VCCSA when it was established in 1984. Although the two districts' (VCCSA and ACMAD) category of services are alike, services provided by VCCSA and ACMAD do not appear to duplicate each other, but instead complement one another. These differing service areas are clearly delineated to mitigate any potential for duplication of services by the two districts—ACMAD focuses entirely on mosquito populations and the monitoring of diseases in that population, while VCCSA addresses illnesses transmitted in other vector species. There have been discussions between the districts on the potential of transferring responsibility for mosquito

abatement in the City of Albany to ACMAD. Such a transfer would require property owners to approve the ACMAD benefit assessment that is levied in all other areas of the County.

East Bay Regional Park District also conducts a pest management program throughout the parks within its boundaries in Contra Costa and Alameda Counties. EBRPD’s pest control services target only certain vectors—the California ground squirrel, yellowjackets, gophers, black legged ticks and aquatic snails.⁵

Demand for Services

A major factor influencing service demand is the presence of vectors (in particular mosquitos) and vector-borne disease agents within the County and neighboring areas. Although there have been no recent public health advisories for vector-borne diseases in Alameda County, ACMAD monitors for vector-borne viruses known to exist within the County. The demand for surveillance and control efforts increases as a result of vector-borne virus detection within the State of California and neighboring counties.

ACMAD had 1,112 service requests from Alameda County residents in FY 10-11. Most of the requests for services were from the cities of Oakland, Fremont, Berkeley, and Livermore. The number of service requests for each area is shown in Figure 1-3.

The most frequently requested service was to supply mosquito fish to ponds and other water bodies; these made up 50 percent of service requests. Other service requests included reports of standing water (30 percent), reports of mosquito biting activity (17 percent), requests for information about other insects (one percent), and other requests for information (two percent).

Figure 1-3: Number of Service Requests by Area

City	Number of service requests
Oakland	239
Fremont	139
Berkeley	148
Livermore	132
Hayward	89
Pleasanton	62
City of Alameda	53
Newark	32
Union City	36
San Leandro	41
Dublin	32
Piedmont	24
San Lorenzo	15
Emeryville	7
County Unincorporated	63
Total	1,112

⁵ CCMVCD, *Five Year Plan*, 2006, p. 30.

Since the last municipal service review, the number of service requests fell from 3,106 in FY 04-05 to 1,112 in FY 10-11, which equates to a 64 percent decline in requests. At the time of the last review, West Nile Virus was widely reported on in the media and ACMAD experienced a peak in preventative calls during that period, due to enhanced public awareness. The number of service requests reported in FY 10-11 is more consistent with what ACMAD experiences on a regular basis.

It should be noted that ACMAD runs a preventative program, which controls larval mosquitoes before they emerge. When the program runs efficiently, the public rarely sees biting adult mosquitoes and few cases of vector borne disease occur. Consequently, service requests alone are not a good indicator of the level of demand for the District's services. The preventative work that ACMAD does helps keep the number of calls related to mosquito biting activity low and prevents cases of disease.

Infrastructure and Facilities

ACMAD has a fleet of specialized mosquito control vehicles including four Argo All-Terrain Vehicles for marsh inspections and treatments, two right-side-steering vehicles for treating stormdrains, and one six-wheeled Polaris All-Terrain Vehicle for inspections and treatments.

In 1984, ACMAD relocated to a centralized facility and sold three smaller branch facilities. The new facility had an office, laboratory, shop for maintenance, parking for District vehicles, pesticide storage building, employee and guest parking and fish holding tanks. In 2007, the building was remodeled and 3,700 square feet were added. The addition included a new laboratory, technician room, library, wood shop, and additional support staff offices.

Infrastructure Needs or Deficiencies

ACMAD recently remodeled its building and expanded its laboratory and offices. The current building should fulfill the District's needs for the next 30 to 40 years. ACMAD reports that it does not have any additional major building projects planned for the near future. ACMAD will be upgrading its computerized database system used in tracking mosquito control activities.

Shared Facilities and Regional Collaboration

ACMAD is one of 63 agencies that conduct mosquito control in California and belong to the Mosquito and Vector Control Association of California (MVCAC). ACMAD participates in the activities of the MVCAC, the Society of Vector Ecologists (SOVE) and the American Mosquito Control Association (AMCA) to promote coordination of common activities and to increase ACMAD knowledge of mosquito control.

ACMAD collaborates with eight other mosquito and vector control agencies in the coastal region and 65 districts in the State, as well as the California Department of Public Health, Vector-borne Disease Division on NPDES permitting. MVCAC members have pooled resources and an environmental consulting firm to assist in complying with NPDES permit requirements. MVCAC appointed a statewide committee, which includes members from a number of different mosquito and vector control districts, as well as the California Department of Public Health. In addition, ACMAD is currently pooling resources with other mosquito and vector control agencies in the coastal region to pay the firm for compilation of a programmatic environmental impact report.

As ACMAD is the primary provider of mosquito control services countywide, governance structure options are limited. One alternative identified may be consolidation with the Contra Costa Mosquito and Vector Control District (CCMVCD). CCMVCD is a countywide district, which provides both mosquito abatement and vector control services.

A study was conducted in 1995 to analyze the efficiencies of CCMVCD consolidating with ACMAD. The study found that a consolidation could result in a combined savings of \$135,000 annually, or two percent of the two districts' combined expenditures. According to the report, the two agencies must come to an agreement on the following issues in order to successfully consolidate: 1) the size and composition of the new board, 2) reserves for known liabilities, and 3) notable differences in employee benefits.

Potential positive impacts of a consolidation may include the ability to share and exchange personnel, a uniform bi-county program, reduced personnel and operating costs, improved reserves, and greater public visibility, which could create an improved image of program accountability. Such a consolidation may also have negative impacts such as increased operational complexities, particularly in light of the difference in services provided by each agency, and a potentially oversized Board.⁶

In response to the report, the ACMAD Board voted against consolidation, while the CCMVCD Board did not take action but indicated that they are willing to review the matter again at a later date if needed. The two agencies have not had any further discussions on the potential to consolidate.

Another governance structure alternative may be consolidation with VCCSA. Many other counties have districts that offer both mosquito and vector abatement services. Offering these services through a single entity may enhance efficiency and reduce administrative costs. ACMAD and VCCSA have not considered consolidation to date. When asked, ACMAD indicated that it was not interested in joining with VCCSA becoming a dependent special district of the County; however, the District would be amenable to taking on additional vector control services with appropriate financing.

⁶ CCMVCD and ACMAD, *Report on Consolidation of ACMAD and CCMVCD*, 1995, p. 1.

Service Adequacy

This section reviews indicators of service adequacy, including success rate in reducing the outbreak of illnesses and response time to service requests.

As of the drafting of this report in early 2012, there had been no present or recent public health advisories concerning mosquito or vector-borne illnesses in the areas served by ACMAD. ACMAD, like those in most other areas of the country, has been successful in reducing the outbreak of illnesses, including plague and encephalitis. However, more recently, in 2012, there have been two cases of West Nile Virus in humans and several birds that have tested positive for the virus.

Response times are another indicator of service adequacy. ACMAD reported that it responds to its service calls within one business day. Exact response times were not available.

3. MSR DETERMINATIONS

Growth and Population Projections

- ❖ As of 2010, the population within Alameda County Mosquito Abatement District (ACMAD) was 1,491,618.
- ❖ Based on ABAG growth projections, the population of ACMAD is anticipated to be 1,894,355 by 2035.
- ❖ Most growth within ACMAD's boundaries is anticipated in the Tri Valley area in the cities of Livermore, Dublin and Pleasanton.

Location and Characteristics of Any Disadvantaged Unincorporated Communities Within or Contiguous to the Sphere of Influence

- ❖ Based on Census Designated Places, Alameda LAFCo determines that there are no disadvantaged unincorporated communities that meet the basic state-mandated criteria. Alameda LAFCo recognizes, however, that there are communities in the county that experience disparities related to socio-economic, health, and crime issues, but the subject of this review is municipal services such as water, sewer, and fire protection services to which these communities, for the most part, have access.

Present and Planned Capacity of Public Facilities and Adequacy of Public Services, Including Infrastructure Needs and Deficiencies

- ❖ Demand for mosquito abatement services is driven by growth of the human and vector populations. ACMAD routinely monitors human and vector populations in the County, and places control measures accordingly on an as-needed basis.
- ❖ ACMAD experienced a 64 percent decline in the number of service requests between fiscal years 2005 and 2011.
- ❖ Based on ACMAD's reported speed of response to requests and its success in keeping mosquito-borne illnesses at bay, the District's services appear to be adequate.
- ❖ In 2007, the ACMAD building was significantly remodeled. Renovations included an addition of 3,700 square feet, which added a new laboratory, technician room, library, wood shop, and additional support staff offices. No existing infrastructure needs related to ACMAD's building and vehicle fleet were identified.

- ❖ Capital improvement projects are planned by the long-range planning committee. Infrastructure needs include upgrading ACMAD's computerized database system used in tracking mosquito control activities.

Financial Ability of Agency to Provide Services

- ❖ ACMAD reported that its financing levels were adequate to deliver services. According to the District, the recession has not had a major impact on ACMAD's budget; although there has been a reduction in funding due to foreclosures and lower property assessments.
- ❖ At the end of FY 10-11, ACMAD had \$2,680,932 of unrestricted net assets, which is equivalent to about eight months of district operations.
- ❖ In FY 10-11, ACMAD expenses exceeded revenues by about half a million dollars. The District is able to finance this deficit from its reserve.

Status and Opportunities for Shared Facilities

- ❖ As a member of the Vector Control Joint Powers Agency, ACMAD receives workers compensation and excess liability insurance coverage. Additionally, ACMAD employees are eligible to participate in pension plans offered by California Public Employees Retirement System.
- ❖ ACMAD collaborates with eight other mosquito and vector control agencies in the coastal region and 65 districts in the State, as well as the California Department of Public Health, Vector-borne Disease Division on NPDES permitting
- ❖ ACMAD relies on the County for accounting and investment services.
- ❖ ACMAD belongs to the Mosquito and Vector Control Association of California (MVCAC), the Society of Vector Ecologists (SOVE) and the American Mosquito Control Association (AMCA).

Accountability for Community Services, Including Governmental Structure and Operational Efficiencies

- ❖ ACMAD demonstrates accountability by updating its constituents on district activities, broadcasting its meetings, soliciting constituent input, disclosing its finances and other public documents on the ACMAD website, and cooperating with LAFCo information requests during the course of this MSR process.
- ❖ During the 2006 SOI updates, the Commission adopted a policy to encourage ACMAD to initiate annexation of the territory within the City of Albany. ACMAD has recently expressed strong interest in the annexation. Should ACMAD decide to start the annexation process it would anticipate funding comparable to the special tax

and benefit assessment to be approved prior to the initiation of service.⁷ Approving an assessment within the City could present a challenge, as city residents currently receive mosquito abatement services from VCCSA without paying any additional fees.

- ❖ A study was conducted in 1995 to analyze the efficiencies of ACMAD consolidating with Contra Costa Mosquito and Vector Control District (CCMVCD). The study found that a consolidation could result in a combined savings of \$135,000 annually. In response to the report, the ACMAD Board voted against consolidation, while the CCMVCD Board did not take action but indicated that they are willing to review the matter again at a later date if needed. The two agencies have not had any further discussions on the potential to consolidate.
- ❖ Another potential governance structure option is consolidation with VCCSA. Such a consolidation may offer savings by eliminating some administration costs. A challenge to consolidation may be the differing revenue levels and sources of each of the agencies.

⁷ ACMAD Audited Financial Statements FY 10-11, Management Discussion and Analysis, p. 6.

4. SPHERE OF INFLUENCE UPDATE

Existing Sphere of Influence Boundary

ACMAD's existing SOI is larger than its boundaries and is coterminous with the boundaries of Alameda County.

SOI Options

Three options were identified with respect to ACMAD's SOI.

Option #1 – Maintain existing countywide SOI

If the Commission determines that ACMAD should ultimately serve the entire County and include the City of Albany, retention of the existing countywide SOI is appropriate.

Option #2 – Reduce SOI to be coterminous with district boundaries

If the Commission elects for the SOI to reflect ACMAD's current service area, reducing the SOI to exclude Albany and be coterminous with the existing boundaries would be appropriate. This option would remove the City of Albany from the sphere of influence.

Option #3 – Adopt a zero SOI

If LAFCo wants to indicate that ACMAD and VCCSA should consolidate, a zero SOI may be appropriate.

Recommended Sphere of Influence Boundary

Alameda County Mosquito Abatement District provides mosquito abatement services throughout the entire territory of Alameda County with the exception of the City of Albany. Mosquito abatement services within the City of Albany are provided by Vector Control County Service Area.

As it is likely that ACMAD will pursue adding the City of Albany within its boundaries, it is recommended that the Commission reaffirm a countywide SOI. Annexing the territory of the City of Albany into ACMAD would lessen the fiscal burden on other residents in the County, who are presently subsidizing additional services for the residents of Albany. Additionally, annexation by ACMAD would allow for more clearly delineated service areas for both ACMAD and VCCSA. It is recommended that the Commission continue to encourage annexation of the City of Albany to ACMAD, as it did during the 2006 SOI updates.

The potential for consolidation of ACMAD with VCCSA has been identified as an option that may provide efficiencies and reduce administration costs. In light of the fact that consolidation has not been proposed by the affected agencies and sufficient analysis has not been completed to identify what (if any) efficiencies could be gained from this consolidation, it appears that a zero SOI would be premature. Additionally, the SOI would depend on which agency LAFCo determines should be the successor agency following consolidation. For example, should it be determined that ACMAD would be the successor agency taking on the functions of both districts, the VCCSA would have a zero SOI and ACMAD's SOI would remain unchanged. It is recommended that the two districts work cooperatively to determine what the benefits of consolidation would be.

Proposed Sphere of Influence Determinations

Nature, location, extent, functions, and classes of services provided

- ❖ Alameda County Mosquito Abatement District provides monitoring, control and treatment of mosquito sources and infection levels in mosquitos and birds, coordinates activities with other public health agencies, and distributes educational materials on mosquito biology and control to the public within the district boundaries which encompass all of Alameda County, except for the City of Albany.

Present and planned land uses, including agricultural and open-space lands

- ❖ County policies support the provision of adequate mosquito abatement services for County residents.
- ❖ Land use plans in the County and its cities include land uses and population growth, which will require continued mosquito abatement services. The recommended SOI does not conflict with planned land uses.
- ❖ Mosquito abatement services are needed in all areas, and do not, by themselves, induce or encourage growth on agricultural or open space lands. No impacts upon Williamson Act protected land will occur.

Present and probable need for public facilities and services

- ❖ Demand for ACMAD's services is generally correlated with the growth of the human population and vector populations.
- ❖ Any major changes in weather, food supplies or habitat modifications have an impact on the local vector populations.

Present capacity of public facilities and adequacy of public services that the agency provides or is authorized to provide

- ❖ ACMAD's service capacity is not limited by infrastructure but more so by staffing, which appears to be sufficient to provide services to the existing level of demand.
- ❖ Based on ACMAD's reported speed of response to requests and its success in keeping mosquito-borne illnesses at bay, the District's services appear to be adequate.
- ❖ ACMAD conducts performance evaluations and monitors productivity to improve service efficiency.

Existence of any social or economic communities of interest

- ❖ ACMAD serves residents countywide, with the exception of Albany; however, the City of Albany is also considered a community of interest, as it has a strong possibility of becoming a part of ACMAD.

TO: Alameda Commissioners

FROM: Rachel Jones, Executive Officer
Theresa Rude-Smith, Analyst

SUBJECT: Update and Report on Priority Conservation Areas

The Commission will receive an update and report back on Priority Conservation Areas (PCAs) within Alameda County from its last regular meeting held on September 12, 2019. The report is being presented to accept and file and to provide direction to staff as needed.

Background

Priority Conservation Areas (PCAs) were assembled in 2008, when the Association of Bay Area Governments (ABAG) asked local interests and agencies around the region to suggest unprotected places such as pastures, forests, vacant lots, creeks, and shorelines to be identified as a conservation priority. A relatively new mapping tool, known as Bay Area Greenprint developed by the Greenbelt Alliance, the Nature Conservancy, Bay Area Open Space Council, American Farmland Trust, and the Green Info Network, allows for the public to identify, map, and measure ecosystem values. It also allows users to visually display and share a range of data about their project location – including PCAs. Currently, there are 26 identified PCAs located throughout the County (Attachment 1). The majority of the PCAs are designated as natural landscapes or recreational areas.

The Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000 under G.C. Section 56668 provides the authority and procedures for the initiation, conduct, and completion of changes of organization and reorganization of cities and districts. The act specifies the factors that LAFCOs are required to consider in the review of a proposal for a change of organization, including, among other things, per capita assessed valuation and the proposal's consistency with city or county general and specific plans.

Discussion

At its last regular meeting held on September 12, 2019, staff initially recommended to include the review of PCAs as an additional factor of mandatory analysis for boundary change proposals as a requirement under Government Code (G.C.) Section 56668. The item was in response to concerns on how climate change and sea level rise was considered in determining impacts to development

projects. Staff proposed moving forward to review whether a proposed change of organization lies within a high priority conservation area as one of its mandatory factors in review of boundary proposals and in conjunction with Alameda LAFCO's regional growth management duties.

After a subsequent review of the statute, the assessment on whether an affected territory is located within a PCA for boundary change proposals is already inferred under G.C. Section 56668 (g), when the Commission is tasked to consider the consistency of a regional transportation plan. The statute calls into question if the affected territory is consistent with the city or county general plans, specific plans and adopted regional transportation plan. Under G.C. Section 56668 (g), the Commission is already required to determine if a proposal conflicts with the regional transportation plan maintained by the Metropolitan Transportation Commission. This includes noting if the affected territory is part of either a Priority Development Area (PDA) or a PCA. Therefore, no additional or standalone factor under G.C. Section 56668 is warranted.

Alternatives for Action

The following alternatives are available to the Commission:

Alternative One (Recommended):

Accept and file the report.

Alternative Two:

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

Alternative Three:

Take no action.

Recommendation

It is recommended the Commission proceed with Alternative Action One.

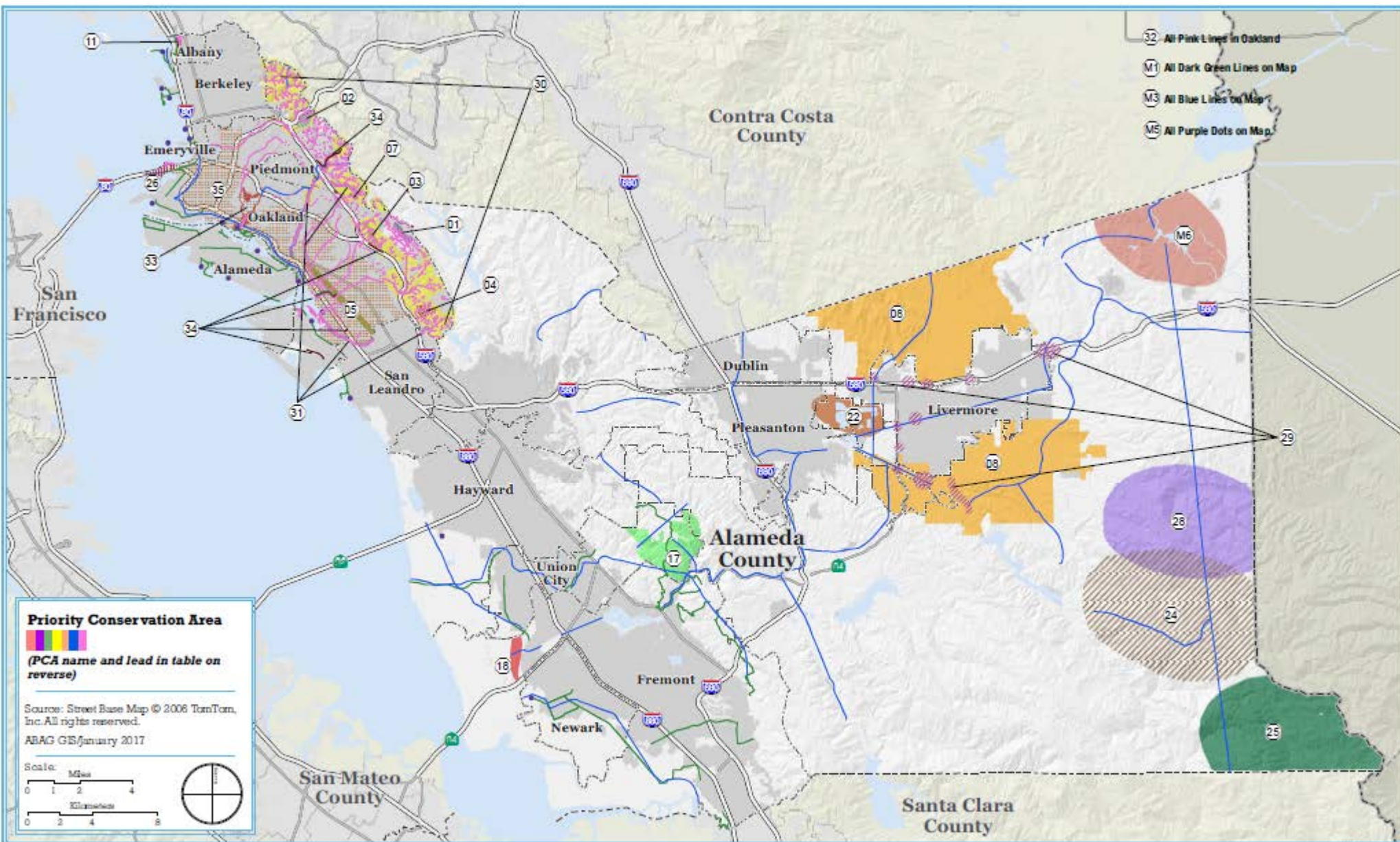
Respectfully,



Rachel Jones
Executive Officer

Attachments:

1. Map of Plan Bay Area Priority Conservation Areas in Alameda County



Map IDs are numeric portion of Priority Conservation Area (PCA) key. Numbers are non-sequential due to either PCAs being withdrawn by lead or proposed PCAs being rejected for inclusion in program.
Map IDs starting with M designate multi-county PCAs.

ID	PCA Name	PCA Lead	Designation
01	Leona Canyon Creek Tributaries	City of Oakland	Natural Landscapes
02	Temescal Creek/North Oakland	City of Oakland	Natural Landscapes
03	Ridgmont West	City of Oakland	Natural Landscapes
04	South Hills, San Leandro Creek	City of Oakland	Natural Landscapes
05	East Bay Greenway	City of Oakland	Natural Landscapes
07	Butters Canyon/Headwaters of Peralta Creek	Butters Land Trust	Natural Landscapes
08	North Livermore, South Livermore Valley	City of Livermore	Natural Landscapes/Agricultural Lands/Regional Recreation
11	Albany Hill	City of Albany	Agricultural Lands
17	Union City Hillside Area	City of Union City	Natural Lands/Regional Recreation
18	Site 1-Coyote Hills	City of Fremont	Natural Landscapes
22	Chain of Lakes Area	East Bay Regional Parks District (EBRPD)	Natural Landscapes/Regional Recreation
24	Cedar Mountain Area	East Bay Regional Parks District (EBRPD)	Natural Landscapes/Regional Recreation
25	Duarte Canyon Area	East Bay Regional Parks District (EBRPD)	Natural Landscapes/Regional Recreation

ID	PCA Name	PCA Lead	Designation
28	Potential Oakland Gateway Area	East Bay Regional Parks District (EBRPD)	Natural Landscapes/Regional Recreation
28	Potential Tesla Area	East Bay Regional Parks District (EBRPD)	Natural Landscapes/Regional Recreation
29	Livermore Arroyos, Parks and Trails	City of Livermore	Urban Greening/Regional Recreation
30	Oakland Natural Landscapes	City of Oakland	Natural Landscapes
31	Oakland Priority Creek Trails	City of Oakland	Natural Landscapes/Urban Greening/Regional Recreation
32	Oakland Priority Creeks	City of Oakland	Natural Landscapes/Urban Greening
33	Oakland Priority Estuaries	City of Oakland	Natural Landscapes/Regional Recreation
34	Oakland Recreational Trails	City of Oakland	Regional Recreation
35	Oakland Urban Greening	City of Oakland	Urban Greening
M36	San Francisco Bay Trail - Bay Area Ridge Trail	San Francisco Bay Trail Project	Natural Landscapes
M38	Regional Trails System Gaps	East Bay Regional Parks District (EBRPD)	Regional Recreation
M39	San Francisco Bay Area Water Trail	San Mateo County, on behalf of the California State Coastal Conservancy	Regional Recreation
M5	Bethany Reservoir Area	East Bay Regional Parks District (EBRPD)	Natural Landscapes/Regional Recreation

AGENDA REPORT

November 14, 2019

Item No. 11a

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

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

Information / Discussion

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

Current Proposals | Approved and Awaiting Term Completions

The following proposals were previously approved by Alameda LAFCO, but remain active given that not all approval terms established by the membership have been met. CKH provides applicants one calendar year to complete approval terms or receive extension approvals before the proposals are automatically terminated.

- **Reorganization of East Bay Municipal Utility District and City of Hayward**
The Commission has approved a proposal filed by the East Bay Municipal Utility District (EBMUD) involving 273 parcels within the City of Hayward and the unincorporated communities of San Lorenzo and Fairview totaling 269.8 acres. The purpose of the proposal is to align EBMUD’s existing service area with its jurisdictional boundary and formalize public water services provided within the affected territory to the correct service provider. The Commission approved the proposal without amendments on November 11, 2018 and subsequently granted a one-year time extension at its September 12, 2019 meeting. Terms

remain outstanding as to date and therefore remains active.

▪ **Annexation of 4592 Tesla Road et al to the City of Livermore**

The Commission has approved a proposal filed by the City of Livermore involving three unincorporated parcels totaling 79.4 acres. The purpose of the proposal is to stop the discharge of industrial and domestic waste due to a failing septic system and to alleviate budding environmental health concerns. The Commission approved the proposal with amendments on September 20, 2018 and subsequently granted a one-year time extension at its September 12, 2019 meeting. Terms remain outstanding as to date and therefore remains active.

▪ **Annexation of Bayside Newark | Union Sanitary District**

The Commission has received a proposal by developer (Lennar Homes) on behalf of the affected landowners requesting annexation approval of 297 parcels located within the city of Newark to the Union Sanitary District. The affected territory is approximately 57.5 acres in size and is currently in the development of 2,500 mixed-use housing units. The purpose of the annexation is to provide wastewater services to a planned residential area. The Commission approved the proposal without amendments on May 9, 2019. Terms remain outstanding as to date and therefore remains active.

Current Proposals | Under Review and Awaiting Hearing

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

Pending Proposals

There are 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 2019-2020 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 2019-2020. 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 September 22, 2017. 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 goals and their attendant objectives, which premise individual implementation strategies, are summarized below.

1. Island Annexations
2. Water Supply, Availability and Alternative Options
3. Accommodate Population Growth while Maintaining Quality of Life
4. Agriculture and Open Space Preservation and Urban Growth Boundaries
5. Climate Change Adaptation
6. LAFCO Independence and Other Operational Improvements
7. Comprehensive Study of Unincorporated Areas Focusing on Disadvantaged Unincorporated Communities (DUCs)

On May 9, 2019, 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 2018-2020 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 thirteen of the two-dozen plus projects and has completed five projects included in the adopted work plan. This includes the completion of high priority projects and highlighted by conducting the 2017-2018 audit, the dissolution of inactive special districts, and adopting a study schedule. Other notable items underway include the general municipal service review on water, wastewater, and stormwater services, GIS mapping project, an informational report on disadvantaged unincorporated communities, the digitizing of LAFCO files, and the creation of a new agency logo.

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 more information as needed.

Recommendation

It is recommended the Commission proceed with Alternative Action One.

Respectfully,



Rachel Jones
Executive Officer

Attachments:

1. 2019-2020 Work Plan

Priority	Urgency	Type	Status	Project	Key Issues	Status
1	High	Administrative	Rollover	MOU Update with County of Alameda	Update existing MOU with the County of Alameda to reflect current agency relationships/needs	C
2	High	Statutory	Rollover	General MSR on Water, Wastewater, and Stormwater Services	First Service Specific MSR since 2006 Address Infrastructure Needs and Efficiencies and Sustainability	U
3	High	Administrative	New	Staff Recruitment, Placement and Training	Recruitment and Training of LAFCO Commission Clerk and Analyst	P
4	Moderate	Administrative	New	2017-2018 Audit	Verify Fund Balance; First Audit in Ten Years	C
5	Moderate	Statutory	New	Dissolutions of Inactive Special Districts	Implement Regulatory Functions; SB 448	C
6	Moderate	Statutory	New	Special District Member Elections	Conduct Special District Member Elections to Ensure LAFCO Representation	C
7	Moderate	Statutory	New	Study Schedule Update	Improve Efficiency and Effectiveness of Commission Operations and Transparency	C
8	Moderate	Statutory	New	General MSR on Fire Protection and Emergency Services	Second MSR on Fire and Emergency Services since 2006 Address Shared Opportunities	U
9	Moderate	Statutory	Rollover	Sphere Update for City of Pleasanton	Implement Planning Functions; Update SOIs of Local Government Agencies; Cities MSR	P
10	Moderate	Statutory	Rollover	Informational Report on Disadvantaged Unincorporated Communities	Develop and Implement Special Study of Unincorporated Areas focusing on DUCs; Consider Policies	U
11	Moderate	Administrative	New	Prepare Informational Report on JPAs	Post Enactment of SB 1266; Enhance Repository on Local Government Services	P
12	Moderate	Administrative	New	LAFCO Presentations	Introductory Overview of LAFCO's Duties and Responsibilities to Boards, Councils, Community Groups	U
13	Moderate	Administrative	New	Update Application Packet	Current Application Dated; Make User Friendly	P
14	Moderate	Administrative	Rollover	Prepare Informational Report on Unincorporated Islands	Map all Unincorporated Islands and Examine Island Annexation Implementation Issues in Alameda County	P
15	Moderate	Statutory	New	Alameda County Resource Conservation MSR	Last MSR conducted in 2013; Open space land preservation	P
16	Moderate	Administrative	Rollover	Informational Report on Fairview Fire Protection District	Status Report on District Activities	U
17	Low	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	P
18	Low	Statutory	New	Master Property Tax Exchange Agreement	Improve Efficiency and Effectiveness of Application Process	P
19	Low	Administrative	Rollover	Informational Report on Remen Tract	Special Report on Service Delivery Feasibility	P
20	Low	Administrative	Rollover	Digital Archiving	Continue Project to Digitize LAFCO Records	U
21	Low	Administrative	Rollover	CALAFCO Legislative Committee	Enhance and Clarify LAFCO Authority and Powers to Perform its State-Mandated Responsibilities	U
22	Low	Administrative	New	Host Alameda County Special District Association Meeting	Communicate LAFCO's Mission and Goals to the Community	P
23	Low	Administrative	New	LAFCO Annual Report on Status of County	Evaluate LAFCO's Mission and Goals Relative to Local Conditions; Identify Strategies to Achieve Shared Objectives	P
24	Low	Administrative	New	GIS Mapping Project	CDA to Create a LAFCO GIS Layer for All Local Agencies under LAFCO Purview	U
25	Low	Administrative	New	LAFCO Agency Logo	Establish New Agency Logo for Branding (Website, Publications, etc.)	P
26	Low	Administrative	New	Local Agency Directory	User Friendly Publication Identifying and Summarizing Local Government Agencies and Services in Alameda County	P

Status Notations: C: Completed U: Underway P: Pending

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AGENDA REPORT
November 14, 2019
Item No. 11c

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

The Alameda Local Agency Formation Commission (LAFCO) will receive an update from the Legislative Committee provided at CALAFCO's 2019 Annual Conference in Sacramento as it relates to proposals impacting LAFCOs. 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

This item is for Alameda LAFCO to receive a summary of bills and related matters of interests generated as part of the first year of the State Legislature's 2019-2020 session. It also highlights potential items to consider in the next year. Commission discussion and feedback is welcome.

The following are the final status on bills that the Commission approved during the calendar year and other bills affecting local public agencies.

AB 1822 (Assembly Local Government Committee) | Omnibus

This is an annual omnibus bill sponsored by CALAFCO that makes technical edits to LAFCO law highlighted by a standard definition of a "municipal service review" and the further improvement of streamlining existing out of area service agreement statutes. The Commission approved CALAFCO's recommended support position and authorized the Executive Officer to submit a letter to the author. The bill has been signed by the Governor.

Position: Support; Status: Chaptered

AB 213 (Reyes) | Local Government Finance: Vehicle License Fee Adjustments

This bill restores funding for inhabited annexations through the vehicle license fee adjustment amount. Alameda LAFCO has submitted a letter of support as CALAFCO has historically supported the bill each year. The bill has been placed on the Suspense File and may be acted upon by January of next year.

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Position: Support; Status: Appropriations Committee

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). Grant funds will be used specifically for conducting special studies to identify and support opportunities to create greater efficiencies in the provision of municipal services. The Strategic Growth Council will administer the grant program and the program would sunset on July 31, 2024. Alameda LAFCO has submitted a letter of support on behalf of CALAFCO's call for legislative action.

Position: Support; Status: Senate Governance and Finance Committee

AB 1389 (Eggman) | Special Districts – Mitigation of Revenue Loss

This bill would amend existing statute of the LAFCO approval process and allow LAFCOs when authorizing special districts to activate latent powers to propose that the districts provide payments to any affected local agency for taxes, fees, or any other lost revenue as a result of the new service being provided.

Position: Watch; Status: Referred to Committee

SB 414 (Caballero) | Small System Water Authority Act of 2019

This bill is sponsored by Eastern Municipal Water District and California Municipal Utilities Association. SB 414 gives the State Water Resources Control Board (SWRCB) authority to mandate dissolution of existing drinking water systems (public, mutual, and private) and authorize 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 water systems, this bill 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 a new water authority. LAFCO will have the ability to approve with modifications the application, and the new agency will have to report to LAFCO annually for the first three years. CALAFCO supports this bill and it may be acted upon in 2020.

Position: Support; Status: Referred to Committee

SB 272 (Morrell) | Fire Protection District Law of 1987

This bill amends the Health & Safety Code regarding the formation of zones within a fire protection district by requiring the district hold an election, regardless of the protest level if the district wants to substantially expand services outside the zone.

Position: Watch; Status: Referred to Committee

Other Related Items

CALAFCO, in conjunction with tracking and sponsoring bills, has formed an ad hoc committee to develop recommendations on a comprehensive rewrite of protest proceedings for a potential bill proposal by 2020. This proposal would simplify the navigation of statutes along with establishing a standard threshold of landowner and registered voter consent on proposals.

Staff is also represented on the CALAFCO Legislative Committee as an alternate member for the coastal region and will continue to monitor and track legislation that impact LAFCOs or other related government agencies in coordination with CALAFCO. The next committee meeting is scheduled for November 15th in Sacramento.

Attachments:

1. CALAFCO Tracking Report

CALAFCO Daily Legislative Report as of Tuesday, November 05, 2019

1

AB 315 (Garcia, Cristina D) Local government: lobbying associations: expenditure of public funds.

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

Introduced: 1/30/2019

Last Amended: 7/5/2019

Status: 9/13/2019-Re-referred to Com. on RLS. pursuant to Assembly Rule 96.

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

Summary:

Current law authorizes the legislative body of a local agency, defined as a county, city, or city and county, or a district, defined broadly to include other political subdivisions or public corporations in the state other than the state or a county, city and county, or city, to attend the Legislature and the Congress of the United States, and any committees thereof, and to present information regarding legislation that the legislative body or the district deems to be beneficial or detrimental to the local agency or the district. Current law also authorizes the legislative body of a local agency or a district to enter into an association for these purposes and specifies that the cost and expense incident to the legislative body's or district's membership in the association and the activities of the association are proper charges against the local agencies or districts comprising the association. This bill, with respect to moneys paid to or otherwise received by an association from a local agency or district member of the association, would prohibit an association of local agencies or districts from expending those moneys for any purpose other than the above-described activities and educational activities.

Position: Watch

CALAFCO Comments: As gut and amended, this bill appears to have significant impact to CALAFCO in the uses of member LAFCO and certain Associate Member dues being limited to only direct educational activities. CALAFCO will engage with stakeholders and the author's office as the bill moves forward in the next legislative year.

AB 508 (Chu D) Drinking water: consolidation and extension of service: domestic wells.

Current Text: Chaptered: 9/27/2019 [html](#) [pdf](#)

Introduced: 2/13/2019

Last Amended: 8/12/2019

Status: 9/27/2019-Approved by the Governor. Chaptered by Secretary of State - Chapter 352, Statutes of 2019.

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

Summary:

The California Safe Drinking Water Act requires the state board, before ordering consolidation or extension of service, to, among other things, obtain written consent from any domestic well owner for consolidation or extension of service. The act makes any domestic well owner within the consolidation or extended service area that does not provide written consent ineligible, until consent is provided, for water-related grant funding, as specified. The act also requires the state board, before ordering consolidation or extension of service, to make a finding that consolidation of the receiving water system and subsumed water system or extension of service to the subsumed water system is appropriate and technically and economically feasible. The act defines "subsumed water system" for these purposes as the public water system, state small water system, or affected residences consolidated into or receiving service from the receiving water system. This bill would modify the provision that authorizes consolidation or extension of service if a disadvantaged community is reliant on a domestic well described above to instead authorize consolidation or extension of service if a disadvantaged community, in whole or in part, is substantially reliant on domestic wells that consistently fail to provide an adequate supply of safe drinking water.

Position: Watch

Subject: Disadvantaged Communities, Water

CALAFCO Comments: This bill allows the SWRCB to order an extension of service in the case a disadvantaged community has at least one residence that are reliant on a domestic well that fails to provide safe drinking water. It allows members of the disadvantaged community to petition the SWRCB to initiate the process and requires the SWRCB to develop policies for this process by July 1, 2020. The bill allows the owner of the property to opt out of the extension. The bill also places limitations on fees, charges and terms and conditions imposed as a result of the extension of service. Finally, the extension of service does not require annexation in the cases where that would be appropriate.

AB 600 (Chu D) Local government: organization: disadvantaged unincorporated communities.

Current Text: Chaptered: 10/8/2019 [html](#) [pdf](#)

Introduced: 2/14/2019

Last Amended: 9/4/2019

Status: 10/8/2019-Approved by the Governor. Chaptered by Secretary of State - Chapter 612, Statutes of 2019.

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 provides the authority and procedure for the initiation, conduct, and completion of changes of organization, reorganization, and sphere of influence changes for cities and districts, as specified. Existing law prohibits a local agency formation commission from approving an annexation to a city of any territory greater than 10 acres, or as determined by commission policy, where there exists a disadvantaged unincorporated community that is contiguous to the area of proposed annexation, unless an application to annex the disadvantaged unincorporated community into the subject city has been filed. This bill would clarify that the prohibition on approving an annexation involving a disadvantaged unincorporated community, as described above, applies to the annexation of territory greater than 10 acres, or smaller as determined by commission policy. The bill would also provide that the existing approval prohibition and the exemptions to the application requirement apply to the annexation of two or more contiguous areas that take place within 5 years of each other and that are individually less than 10 acres but cumulatively more than 10 acres.

Attachments:

- [LAFCo Removal of opposition with concerns template 09 19](#)
- [CALAFCO Removal of opposition but concerns 09 19](#)
- [CALAFCO Oppose letter 05 07 19](#)
- [LAFCo Oppose letter template 05 07 19](#)
- [CALAFCO Oppose Letter REV April 19, 2019](#)
- [LAFCo Oppose letter template REVISED](#)
- [CALAFCO Oppose Letter April 16, 2019](#)
- [LAFCo Oppose letter template](#)

Position: Watch With Concerns

Subject: Disadvantaged Communities, Water

CALAFCO Comments: UPDATE: As amended September 4, 2019, the bill removes all of CALAFCO's direct policy concerns. The bill now provides clean up and clarification to 8(B) and 8(B) (i) by adding "disadvantaged" to unincorporated community; and prohibits the approval of an annexation of two or more contiguous areas that take place within 5 years of each other and are individually less than 10 acres but cumulatively greater than 10 acres. As a result of the changes in this version of the bill, CALAFCO has removed our opposition. We do, however, remain concerned over the lack of a holistic approach by the Legislature to address service delivery issues to DUCs and the definition of a DUC.

AB 1253 (Rivas, Robert D) Local agency formation commissions: grant program.

Current Text: Introduced: 2/21/2019 [html](#) [pdf](#)

Introduced: 2/21/2019

Status: 7/10/2019-Failed Deadline pursuant to Rule 61(a)(10). (Last location was GOV. & F. on 6/6/2019)(May be acted upon Jan 2020)

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

Summary:

This bill would require the Strategic Growth Council, until July 31, 2025, to establish and administer a local agency formation commissions grant program for the payment of costs associated with initiating and completing the dissolution of districts listed as inactive, the payment of costs associated with a study of the services provided within a county by a public agency to a

disadvantaged community, as defined, and for other specified purposes, including the initiation of an action, as defined, that is limited to service providers serving a disadvantaged community and is based on determinations found in the study, as approved by the commission. The bill would specify application submission, reimbursement, and reporting requirements for a local agency formation commission to receive grants pursuant to the bill. The bill would require the council, after consulting with the California Association of Local Agency Formation Commissions, to develop and adopt guidelines, timelines, and application and reporting criteria for development and implementation of the program, as specified, and would exempt these guidelines, timelines, and criteria from the rulemaking provisions of the Administrative Procedure Act. The bill would make the grant program subject to an appropriation for the program in the annual Budget Act, and would repeal these provisions on January 1, 2026. This bill contains other existing laws.

Attachments:

- [LAFCo Support Letter Template](#)
- [CALAFCO Support letter Feb 2016](#)

Position: Sponsor

Subject: Disadvantaged Communities, LAFCo Administration, Municipal Services, Special District Consolidations

CALAFCO Comments: This is a CALAFCO sponsored bill following up on the recommendation of the Little Hoover Commission report of 2017 for the Legislature to provide LAFCos one-time grant funding for in-depth studies of potential reorganization of local service providers. Last year, the Governor vetoed AB 2258 - this is the same bill. The Strategic Growth Council (SGC) will administer the grant program. Grant funds will be used specifically for conducting special studies to identify and support opportunities to create greater efficiencies in the provision of municipal services; to potentially initiate actions based on those studies that remove or reduce local costs thus incentivizing local agencies to work with the LAFCo in developing and implementing reorganization plans; and the dissolution of inactive districts (pursuant to SB 448, Wieckowski, 2017). The grant program would sunset on July 31, 2024.

The bill also changes the protest threshold for LAFCo initiated actions, solely for the purposes of actions funded pursuant to this new section. It allows LAFCo to order the dissolution of a district (outside of the ones identified by the SCO) pursuant to Section 11221 of the Elections code, which is a tiered approach based on registered voters in the affected territory (from 30% down to 10% depending).

The focus is on service providers serving disadvantaged communities. The bill also requires LAFCo pay back grant funds in their entirety if the study is not completed within two years and requires the SGC to give preference to LAFCOs whose decisions have been aligned with the goals of sustainable communities strategies.

We were unsuccessful in getting the \$1.5 M into the budget so the author has decided to make this a 2-year bill and try again in the next budget. As this is a new Governor we are unsure about his willingness to make General Fund appropriations for items not in the budget.

AB 1389 (Eggman D) Special districts: change of organization: mitigation of revenue loss.

Current Text: Introduced: 2/22/2019 [html](#) [pdf](#)

Introduced: 2/22/2019

Status: 5/3/2019-Failed Deadline pursuant to Rule 61(a)(3). (Last location was L. GOV. on 3/14/2019)(May be acted upon Jan 2020)

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

Summary:

Would authorize the commission to propose, as part of the review and approval of a proposal for the establishment of new or different functions or class of services, or the divestiture of the power to provide particular functions or class of services, within all or part of the jurisdictional boundaries of a special district, that the special district, to mitigate any loss of property taxes, franchise fees, and other revenues to any other affected local agency, provide payments to the affected local agency from the revenue derived from the proposed exercise of new or different functions or classes of service.

Position: Watch

Subject: CKH General Procedures

CALAFCO Comments: This bill allows LAFCo, when approving a proposal for new or different functions or class of service for a special district, to propose the district provide payments to any

affected local agency for taxes, fees or any other revenue that may have been lost as a result of the new service being provided.

AB 1628 (Rivas, Robert D) Environmental justice.

Current Text: Chaptered: 9/27/2019 [html](#) [pdf](#)

Introduced: 2/22/2019

Last Amended: 8/26/2019

Status: 9/27/2019-Approved by the Governor. Chaptered by Secretary of State - Chapter 360, Statutes of 2019.

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

Summary:

Current law requires the Office of Planning and Research to be the coordinating agency in state government for environmental justice programs. Current law requires the Director of State Planning and Research to, among other things, coordinate its efforts and share information regarding environmental justice programs with various federal agencies. Existing law defines "environmental justice" for these purposes to mean the fair treatment of people of all races, cultures, and incomes with respect to the development, adoption, implementation, and enforcement of environmental laws, regulations, and policies. This bill would revise the definition of "environmental justice" to also include the meaningful involvement of people of all races, cultures, incomes, and national origins with respect to those same actions, and would provide that "environmental justice" includes, among other things, the availability of a healthy environment for all people.

Position: Watch

Subject: Environmental Justice

CALAFCO Comments: Amended on August 26 to reflect work between CALAFCO, the author and sponsors of the bill, the definition change in section 56668 now contains a definition specific to the context of the section rather than the same definition contained in 30107.3 of the Public Resources Code (which has been amended via this bill). It expands the scope of the definition of environmental justice (as one of the factors to be considered in the review of a proposal) to include national origins and a reference to the effects of pollution not being disproportionately borne by any particular population or community.

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: 8/30/2019-Failed Deadline pursuant to Rule 61(a)(12). (Last location was APPR. SUSPENSE FILE on 8/12/2019)(May be acted upon Jan 2020)

Desk	Policy	Fiscal	Floor	Desk	Policy	2 year	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.

AB 1822 (Committee on Local Government) Local Government: omnibus.

Current Text: Chaptered: 6/26/2019 [html](#) [pdf](#)

Introduced: 3/11/2019

Last Amended: 4/8/2019

Status: 6/26/2019-Approved by the Governor. Chaptered by Secretary of State - Chapter 20, Statutes of 2019.

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

Summary:

Current law requires a commission to develop and determine the sphere of influence of each city and each special district within the county and enact policies designed to promote the logical and orderly development of areas within each sphere. Current law requires the commission, in order to prepare and update spheres of influence in accordance with this requirement, to conduct a service review of the municipal services provided in the county or other appropriate area designated by the commission, as specified. Current law defines "sphere of influence" to mean a plan for the probable physical boundaries and service area of a local agency. Current law defines the term "service" for purposes of the act to mean a specific governmental activity established within, and as a part of, a general function of the special district, as specified. This bill would revise the definition of the term "service" for these purposes to mean a specific governmental activity established within, and as a part of, a function of the local agency.

Attachments:

[CALAFCO Support letter April 16, 2019](#)

[LAFCo Support letter template](#)

Position: Sponsor

Subject: LAFCo Administration

CALAFCO Comments: This is the annual Omnibus bill.

SB 272 (Morrell R) Fire Protection District Law of 1987.

Current Text: Amended: 4/4/2019 [html](#) [pdf](#)

Introduced: 2/13/2019

Last Amended: 4/4/2019

Status: 5/3/2019-Failed Deadline pursuant to Rule 61(a)(3). (Last location was GOV. & F. on 2/21/2019)(May be acted upon Jan 2020)

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

Summary:

The Fire Protection District Law of 1987 provides that whenever a district board determines that it is in the public interest to provide different services, to provide different levels of service, or to raise additional revenues within specific areas of the district, it may form one or more service zones by adopting a resolution that includes specified information, fixing the date, time, and place for public hearing on the formation of the zone, publishing notice, as specified, hearing and considering any protests to the formation of the zone at the hearing, and, at the conclusion of the hearing, adopting a resolution ordering the formation of the zone. If a resolution adopted after the public hearing would substantially expand the provision of services outside of an existing service zone and the extension of service would result in those persons in the expanded area paying charges for the expansion of services, this bill would provide that the resolution does not become effective unless approved by a majority of the voters within the expanded service area.

Position: Watch

CALAFCO Comments: As amended, the bill amends the Health & Safety code regarding the formation of zones within a fire protection district by requiring the district hold an election, regardless of the protest level, if the district wants to substantially expand (as defined in the bill) services outside the zone. This is unrelated to 56133. CALAFCO will retain a Watch position.

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: 8/30/2019-Failed Deadline pursuant to Rule 61(a)(12). (Last location was APPR. SUSPENSE FILE on 8/21/2019)(May be acted upon Jan 2020)

Desk	Policy	Fiscal	Floor	Desk	Policy	2 year	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.

Position: Support

Subject: Water

CALAFCO Comments: 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 646 (Morrell R) Local agency utility services: extension of utility services.

Current Text: Chaptered: 7/10/2019 [html](#) [pdf](#)

Introduced: 2/22/2019

Last Amended: 5/7/2019

Status: 7/10/2019-Approved by the Governor. Chaptered by Secretary of State. Chapter 78, Statutes of 2019.

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

Summary:

The Mitigation Fee Act, among other things, requires fees for water or sewer connections, or capacity charges imposed by a local agency to not exceed the estimated reasonable cost of providing the service for which the fee or charge is imposed, unless a question regarding the amount of the fee or charge imposed in excess of the reasonable cost of providing the service or materials is submitted to and approved by 2/3 of the electors voting on the issue. The Mitigation Fee Act defines the term "fee" for these purposes. This bill would revise the definition of "fee" to mean a fee for the physical facilities necessary to make a water connection or sewer connection, and that the estimated reasonable cost of labor and materials for installation of those facilities bears a fair or reasonable relationship to the payor's burdens on, or benefits received from, the water connection or sewer connection.

Position: Neutral

Subject: CKH General Procedures

CALAFCO Comments: UPDATE AS OF THE 4/11/19 AMENDMENTS: These amendments address all of our concerns and the bill now only addresses fees.

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: 8/30/2019-Failed Deadline pursuant to Rule 61(a)(12). (Last location was APPR. SUSPENSE FILE on 8/19/2019)(May be acted upon Jan 2020)

Desk	Policy	Fiscal	Floor	Desk	Policy	2 year	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 last year.

[AB 818](#) (Cooley D) Local government finance: vehicle license fee adjustment amounts.

Current Text: Introduced: 2/20/2019 [html](#) [pdf](#)

Introduced: 2/20/2019

Status: 5/17/2019-Failed Deadline pursuant to Rule 61(a)(5). (Last location was APPR. SUSPENSE FILE on 4/3/2019)(May be acted upon Jan 2020)

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

Summary:

Current property tax law, for the 2006–07 fiscal year, and for each fiscal year thereafter, requires the vehicle license fee adjustment amount to be the sum of the vehicle license fee adjustment amount for the prior fiscal year, if specified provisions did not apply, and the product of the amount as so described and the percentage change from the prior fiscal year in the gross taxable valuation within the jurisdiction of the entity. Current law establishes a separate vehicle license fee adjustment amount for a city that was incorporated after January 1, 2004, and on or before January 1, 2012. This bill would establish a separate vehicle license fee adjustment amount for a city incorporating after January 1, 2012, including an additional separate vehicle license fee adjustment amount for the first fiscal year of incorporation and for the next 4 fiscal years thereafter.

Attachments:

[LAFCo Support letter template](#)

[CALAFCO Support March 2019](#)

Position: Support

Subject: Financial Viability of Agencies

CALAFCO Comments: Sponsored by the League, this bill will reinstate ERAF funding for cities incorporating after 2018. This is the same bill as AB 2491 from 2018.

[AB 1304](#) (Waldron R) Water supply contract: Native American tribes.

Current Text: Amended: 5/6/2019 [html](#) [pdf](#)

Introduced: 2/22/2019

Last Amended: 5/6/2019

Status: 7/12/2019-Failed Deadline pursuant to Rule 61(a)(11). (Last location was N.R. & W. on 5/29/2019)(May be acted upon Jan 2020)

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

Summary:

Current law provides for the establishment and operations of various water districts. This bill would specifically authorize a water district, as defined, to enter into a contract with a Native American tribe to receive water deliveries from an infrastructure project on tribal lands. The bill would repeal its provisions on January 1, 2025.

Position: Watch

Subject: Municipal Services, Water

CALAFCO Comments: This bill amends the water code to allow a Native American tribe to sell/deliver water to a water district (as defined in the water code section 20200). The bill sunsets on January 1, 2025.

SB 379 (Committee on Governance and Finance) Validations.

Current Text: Chaptered: 7/10/2019 [html](#) [pdf](#)

Introduced: 2/20/2019

Status: 7/10/2019-Approved by the Governor. Chaptered by Secretary of State. Chapter 74, Statutes of 2019.

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

Summary:

This bill would enact the First Validating Act of 2019, which would validate the organization, boundaries, acts, proceedings, and bonds of the state and counties, cities, and specified districts, agencies, and entities.

Attachments:

[CALAFCO Support March 2019](#)

Position: Support

Subject: LAFCo Administration

CALAFCO Comments: This is one of three annual validating acts.

SB 380 (Committee on Governance and Finance) Validations.

Current Text: Chaptered: 7/10/2019 [html](#) [pdf](#)

Introduced: 2/20/2019

Status: 7/10/2019-Approved by the Governor. Chaptered by Secretary of State. Chapter 75, Statutes of 2019.

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 2019, which would validate the organization, boundaries, acts, proceedings, and bonds of the state and counties, cities, and specified districts, agencies, and entities.

Attachments:

[CALAFCO Support March 2019](#)

Position: Support

Subject: LAFCo Administration

CALAFCO Comments: This is one of three annual validating acts.

SB 381 (Committee on Governance and Finance) Validations.

Current Text: Chaptered: 7/10/2019 [html](#) [pdf](#)

Introduced: 2/20/2019

Status: 7/10/2019-Approved by the Governor. Chaptered by Secretary of State. Chapter 76, Statutes of 2019.

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 2019, which would validate the organization, boundaries, acts, proceedings, and bonds of the state and counties, cities, and specified districts, agencies, and entities.

Attachments:

[CALAFCO Support March 2019](#)

Position: Support

Subject: LAFCo Administration

CALAFCO Comments: This is one of three annual validating acts.

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: 7/10/2019-Failed Deadline pursuant to Rule 61(a)(10). (Last location was E.Q. on 6/12/2019)(May be acted upon Jan 2020)

Desk	Policy	Fiscal	Floor	Desk	2 year	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 530 (Aguiar-Curry D) The Fairfield-Suisun Sewer District.

Current Text: Chaptered: 7/10/2019 [html](#) [pdf](#)

Introduced: 2/13/2019

Last Amended: 4/22/2019

Status: 7/10/2019-Approved by the Governor. Chaptered by Secretary of State - Chapter 69, Statutes of 2019.

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

Summary:

The Fairfield-Suisun Sewer District Act creates the Fairfield-Suisun Sewer District and grants to the district various powers relating to the treatment and disposal of sewage. The current act provides for the election of a board of directors for the district and administrative procedures for the operation of the district. Violation of regulations adopted by the board is a misdemeanor. This bill would make various administrative changes to the act, including removing the requirement that the district appoint a clerk and changing the posting requirements for regulations.

Position: Watch

Subject: Special District Powers, Special Districts Governance

CALAFCO Comments: This bill makes administrative changes to this special act district. It also allows for an extension of service pursuant to 56133 (keeping that LAFCo process intact).

AB 948 (Kalra D) Coyote Valley Conservation Program.

Current Text: Chaptered: 9/27/2019 [html](#) [pdf](#)

Introduced: 2/20/2019

Last Amended: 8/12/2019

Status: 9/27/2019-Approved by the Governor. Chaptered by Secretary of State - Chapter 356, Statutes of 2019.

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

Summary:

Current law creates the Santa Clara Valley Open-Space Authority, and prescribes the jurisdiction and functions and duties of the authority. Current law authorizes the authority, among other things, to acquire, hold, and dispose of real and personal property, within the authority’s jurisdiction, necessary to the full exercise of its powers. This bill would authorize the authority to establish and administer the Coyote Valley Conservation Program to address resource and recreational goals of the Coyote Valley, as defined. The bill would authorize the authority to collaborate with state, regional, and local partners to help achieve specified goals of the program. The bill would authorize the authority to, among other things, acquire and dispose of interests and options in real property.

Attachments:

[CALAFCO Support Letter 06 27 19](#)

Position: Support

AB 1053 (Dahle R) Fallen Leaf Lake Community Service District.

Current Text: Amended: 3/25/2019 [html](#) [pdf](#)

Introduced: 2/21/2019

Last Amended: 3/25/2019

Status: 7/12/2019-Failed Deadline pursuant to Rule 61(a)(11). (Last location was GOV. & F. on 5/22/2019)(May be acted upon Jan 2020)

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

Summary:

Would prohibit, on and after January 1, 2020, the Fallen Leaf Lake Community Services District from providing any services or facilities except fire protection, including medical response and emergency services, and parks and recreation services or facilities.

Position: Watch

CALAFCO Comments: CALAFCO will watch this bill to determine if the outcome of the State Audit on this district will have an impact on all CSDs.

AB 1457 (Reyes D) Omnitrans Transit District.

Current Text: Amended: 5/24/2019 [html](#) [pdf](#)

Introduced: 2/22/2019

Last Amended: 5/24/2019

Status: 7/10/2019-Failed Deadline pursuant to Rule 61(a)(10). (Last location was GOV. & F. on 6/25/2019)(May be acted upon Jan 2020)

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

Summary:

Would create the Omnitrans Transit District in the County of San Bernardino. The bill would provide that the jurisdiction of the district would initially include the Cities of Chino, Chino Hills, Colton, Fontana, Grand Terrace, Highland, Loma Linda, Montclair, Ontario, Rancho Cucamonga, Redlands, Rialto, San Bernardino, Upland, and Yucaipa, and specified portions of the unincorporated areas of the County of San Bernardino. The bill would authorize other cities in the County of San Bernardino to subsequently join the district.

Attachments:

[CALAFCO Oppose unless amended letter April 2019](#)

Position: Neutral

CALAFCO Comments: This is a special act district formation. The bill takes what is currently a JPA and transforms it into a special district. CALAFCO has been working with the author and sponsor on amendments and the May 24 version addresses the vast majority of concerns. CALAFCO continues to work with the author and sponsor on minor technical amendments.

SB 654 (Moorlach R) Local government: planning.

Current Text: Introduced: 2/22/2019 [html](#) [pdf](#)

Introduced: 2/22/2019

Status: 3/14/2019-Referred to Com. on RLS.

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

Summary:

Current law, the Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000, makes certain findings and declarations relating to local government organizations, including, among other things, the encouragement of orderly growth and development, and the logical formation and modification of the boundaries of local agencies, as specified. This bill would make nonsubstantive changes to these findings and declarations.

Position: Watch

CALAFCO Comments: This is a spot bill. The author indicates he has no plans to use this for LAFCo law.

SB 780 (Committee on Governance and Finance) Local Government Omnibus Act of 2019.

Current Text: Chaptered: 9/20/2019 [html](#) [pdf](#)

Introduced: 2/28/2019

Last Amended: 8/12/2019

Status: 9/20/2019-Approved by the Governor. Chaptered by Secretary of State. Chapter 329, Statutes of 2019.

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

Summary:

Current law requires the governing body of a public agency, within 70 days after the commencement of the agency's legal existence, to file with the Secretary of State, on a form prescribed by the secretary, and also with the county clerk of each county in which the public agency maintains an office, a specified statement of facts about the agency. Current law requires this information to be updated within 10 days of a change in it. Current law requires the Secretary of State and each county clerk to establish and maintain an indexed Roster of Public Agencies that contains this information. This bill would instead require the Secretary of State and each county clerk to establish and maintain an indexed Registry of Public Agencies containing the above-described information.

Position: Watch

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

Total Measures: 24

Total Tracking Forms: 24

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AGENDA REPORT

November 14, 2019

Item No. 11d

TO: Alameda Commissioners

FROM: Rachel Jones, Executive Officer

SUBJECT: CALAFCO Annual Report to the Membership

The Alameda Local Agency Formation Commission (LAFCO) will receive CALAFCO's annual report on current and pending activities of interest to the 58-members LAFCOs. The annual report is part of a journal prepared by the Executive Director and highlights, among other items, current legislative themes and priorities as well as case studies involving special district consolidations. The annual report is being presented to the Commission for information only.

Information

The item is for Alameda LAFCO ("Commission") to review the annual report prepared by CALAFCO to its 58-member LAFCOs. Items of interest include the following:

- Financial outlook for CALAFCO and discussion on membership fees
- CALAFCO training and educational programs
- Case Study of Yolo LAFCO special district reorganizations

Commission Review

The item has been placed on the agenda for information only. The Commission is also invited to discuss and provide direction to staff on any related matter as needed.

Attachments:

1. CALAFCO Annual Report

October 2019

Legislature Turns Toward Housing Policy

Written by: Michael Colantuono and Aleks R. Giragosian, Colantuono, Highsmith & Whatley, PC

ANNUAL CONFERENCE EDITION

New Housing Legislation – Are we
Paying Attention?

Making sense of Reclamation
Districts in Yolo County

Doing more than surviving at
San Luis Obispo LAFCo

2019 Report to the Membership

Message from the Chair

Thank You to our
Associate Members

Message from the Executive Director



Governor Newsom recently signed AB 101, a budget trailer bill designed to address California's housing crisis. Many of its provisions are of interest to cities, counties, and LAFCOs.

Grant Programs. AB 101 incentivizes housing by authorizing the Infill Infrastructure Grant Program of 2019 and the Local Government Planning Support Grants Program. Applications by cities and counties with compliant housing elements that the Department of Housing and Community Development (HCD) has designated as "pro-housing" will receive preference. AB 101's Infill Infrastructure Grant Program of 2019 authorizes \$410 million for any city within a county with a population over 250,000 and \$90 million for any city within a county with a population less than 250,000.

The notice of funding availability will be published by November 30, 2019. For the \$410 million grant, an eligible infill project is a mixed-use residential project in an urbanized area on a site previously developed, or on a vacant site adjoining parcels developed with urban uses on 75% of its perimeter. Cities may apply individually, or jointly with a developer, to fund infrastructure to support eligible projects, including:

- Water, sewer, or other utility service improvements;
- Streets, roads, or transit facilities;
- Site preparation or demolition; and
- Sidewalk or streetscape improvements.

To qualify for an Infill Grant, a city or county must:

- Have a compliant housing element;
- Have submitted its annual housing element progress reports since 2017;

Continued on Page 9

The Sphere

CALAFCO Journal

October 2019

The Sphere is a publication of the California Association of Local Agency Formation Commissions.

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To submit articles, event announcements, comments or other materials noteworthy to LAFCo commissioners and staff, please contact the Editor at 916-442-6536 or info@calafco.org.

The contents of this newsletter do not necessarily represent the views of CALAFCO, its members, or their professional or official affiliations.

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Josh Susman
Chair of the Board
CALAFCO

A MESSAGE FROM THE CHAIR OF CALAFCO

Greetings to my fellow California LAFCo members. It has been my privilege and honor to serve as your CALAFCO Chair of the Board this past year.

Our accomplishments would not have been possible without your support - the CALAFCO membership and all who volunteer on committees, your CALAFCO Board, the volunteer regional EOs and the tireless commitment and dedication of CALAFCO's Executive Director, Pamela Miller.

It has been a tumultuous year and it would be great for me to say it has been smooth sailing and that all our sponsored and supported legislation was approved and adopted and there were no challenges for CALAFCO or for all LAFCos throughout our great state. But, alas, this would be "fake news".

Issues and pressures are everywhere...from the Federal government to our own statewide challenges, our individual LAFCo issues and our own CALAFCO priorities. The one thing we all have in common is the strength of one voice we enjoy, the unity of all California LAFCos through CALAFCO. As we each take on our own LAFCo challenges, we have the opportunity to come together and be connected through CALAFCO.

Allow me to be honest for a moment. I've been honored to be on the CALAFCO Board of Directors for 12 years. What has consumed me for the last five years as a member of the CALAFCO Executive Committee (two years as Treasurer) and now as current Chair, has been the sustainability of the CALAFCO Association. Believe it or not, I was on the Board when the current dues structure based on categories of rural, suburban and urban was created. That structure has served the Association well, yet we've outgrown it since it was implemented. Your CALAFCO Board has been discussing this in-depth for the past two years and to that end, the Board's been working to create a contemporary plan and dues structure to better reflect the growing organization, both regionally and statewide, to maintain a sustainable organization.

After almost two years in the making, your Board has reviewed, vetted, discussed and now released for our members' consideration and approval what will be before you at the Annual Business Meeting. I assure you, the Board has considered the significance of this request. One may ask, "Are there improvements to this proposal going forward that could be made?" I know I speak for the Board when I say we are open to new information and feedback. And, time is important if we want to stay financially healthy and not rely on Fund Reserves to balance the budget in future years, and maintain the level of service CALAFCO is providing.

As your Chair, and on behalf of the Board, I ask you at this time for your support as we take the crucial steps forward into the future for a stronger and sustainable CALAFCO organization, representing all of California's LAFCos.

Thanks to all of you for your professionalism in moving CALAFCO forward. I look forward to a bright future for our Association and the magic to be created by the power of our collective voice.

A Message from the CALAFCO Executive Director

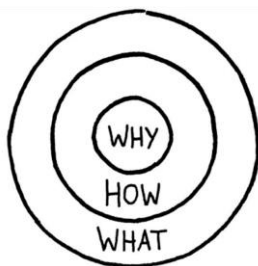


Pamela Miller
Executive Director

What's Your "Why"?

Do you know WHY you do what you do? Everyone knows WHAT they do and most can explain HOW they do it. Few fully understand and can articulate WHY they do what they do. This is true for us as individuals, for teams and for organizations. Yet the WHY is what connects the "what" and "how" to the greater purpose of the work and who we are in the world. Individuals who understand and live their WHY are inspiring and motivating and organizations who operate from their WHY are far more successful than those who don't.

In his book *Start With Why*, Simon Sinek shares the concept of the "Golden Circle". Here's the concept: he asserts that every organization and every person's career operates on three levels as shown in the diagram: **What** we



do, **how** we do it and **why** we do it. In our conversations, that is typically the order or flow in which we present that information. We think, act and communicate from the outside in. We start with the clearest and easiest thing to communicate and move to the more difficult and "squishiest" thing. How compelling and inspiring is that?

Yet, it's the "squishy" that creates connection. Inspiring leaders and successful organizations think, act and communicate from the inside out. They start with the WHY. It's not very compelling and inspiring to hear what I do and why you should care...if I spoke first about why I care and compel you to care then talk about the WHAT...what a shift in perspective and interest that would create.

How often do you think – and I mean really think – about WHY you do what you do?

Our WHY is what inspires and motivates us...it's why we get out of bed every day and go to work or make positive contributions in the world. It is our belief, our cause. Our WHY is what connects us with others and to the work we do. It's not "to make money" or "to

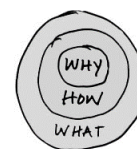
get a promotion" – those are results of our why. Teams that understand their WHY are more easily able to connect their work and how they do it to the greater purpose of the organization and as a result, find greater satisfaction in their work, are more loyal to each other as a team and to the organization. Organizations who know WHY they exist are more successful in fulfilling their vision, mission and purpose.

Do you know what your **WHY** is?

All of us are frequently asked, "What does LAFCo do?" And, how quickly into our response do people's eyes glaze over? It is well before we get to the WHY what we do is important. Imagine if we reversed the order of the response and began with **WHY** the work of LAFCo is important, and move into the how and what...the story would be much more compelling and interesting for people.

Now don't take my word for it...Sinek's Golden Circle concept contains some science about the human brain and how these connections are made. The outer section of the circle, the WHAT, corresponds to the outer section of the brain – the neocortex. This is the part of the brain that controls rational and analytical thought. It helps us to understand facts, figures and controls language.

The middle two sections of the circle, the HOW and WHY, correspond to the middle section of the brain, the limbic system. This part of the brain is what is responsible for our decision making and behaviors. This part of the brain has no capacity for language...therefore this is where "gut feelings" come from.



<<Limbic Brain

<<Neocortex

So, if we want to truly connect with others, we must start with the **WHY**. Only there can we inspire, motivate and create connection.

What's your LAFCo's **WHY**?

What's your **WHY**?



CALAFCO 2019 Annual Report to the Membership

Dear CALAFCO Members:

The CALAFCO Board of Directors is proud to report the highlights of our Association during the past year, which was another full year. CALAFCO continues to be a valuable educational resource to our members and an advocate for LAFCo and LAFCo principles to statewide decision makers. Highlights of the year include our 2019 Annual Conference in Sacramento, Staff Workshop in San Jose, and our continued strong presence across the state as an advocate for LAFCo and LAFCo principles to the Legislature.

We are pleased to report that all 58 member LAFCos have renewed their membership for the 2019-20 fiscal year, and today we have five (5) Gold Associate members and twenty-one (21) Silver Associate members.

Once again this year CALAFCO earned the *GuideStar Exchange Platinum Seal* in recognition of our transparency and completeness in documentation. This is the highest recognition any nonprofit can receive from Guidestar.

Our achievements are the result of the dedicated efforts of the many volunteer LAFCo staff from around the state who contribute their time and expertise. The Board is grateful to the Commissions who support their staff as they serve in the CALAFCO educational and legislative roles on behalf of all LAFCos. We are also grateful to the Associate members and event Sponsors that help underwrite the educational mission of the Association and allow us to keep registration fees as low as possible.

EDUCATIONAL SERVICES AND COMMUNICATION

CALAFCO educational and information sharing-services continue to be the Board's top priority for member services. Under this umbrella, the Association focuses its resources in four areas: the Staff Workshop, Annual Conference, CALAFCO University courses and electronic resources including the web site, quarterly reports and the member list-serves.

2019 Staff Workshop

We continued the tradition of quality education programming with the Staff Workshop held in San Jose in April and the Annual Conference in Sacramento this October. The Workshop, hosted by *Santa Clara LAFCo*, brought together 100 LAFCo staff and guests from around the state, representing 40 LAFCos and four Associate member organizations.

We would like to thank the Program Planning Committee members and Chair *Keene Simonds* (San Diego LAFCo), our host, *Santa Clara LAFCo*, led by *Neelima Palacherla* and all who worked to make this an outstanding Staff Workshop. We also acknowledge and thank the sponsors of this year's Staff Workshop: *Best Best & Krieger; Colantuono Highsmith & Whatley; Open Space Authority of Santa Clara; RSG and De Novo Planning Group*.

All workshop materials were posted to the CALAFCO website prior to the start of the Workshop.

The 2020 Staff Workshop is set for March 25 – 27, 2020 at the beautiful Hyatt Regency Newport Beach John Wayne Airport and will be co-hosted by *Orange and Imperial LAFCos*.

2019 Annual Conference

Approximately 250 LAFCo commissioners, staff and guests are expected at the 2019 Annual Conference in Sacramento as CALAFCO connects California.



The program is rich in content with general and breakout sessions focusing on topics essential to LAFCos as we all continue to tackle the many challenges we face in fulfilling the mission of LAFCo.

We acknowledge and thank the Conference Committee Chair *Anita Paque* (Calaveras), the Program Committee Co-Chairs *Christine Crawford* (Yolo) and *Keene Simonds* (San Diego) and all who worked on the Program Committee to make this an outstanding Conference.

We wish to also thank all of our sponsors for this year's Annual Conference, without whom this special event would not be possible: *Best Best & Krieger; CV Strategies; Streamline; Colanuto, Highsmith & Whatley; Cucamonga Valley Water District; Eastern Municipal Water District; Imperial LAFCo; Irvine Ranch Water District and Western Municipal Water District*.



A special thank you to *CV Strategies* who is sponsoring our first Conference app! They will also be sponsoring the Workshop app for our 2020 Staff Workshop.

Conference presentation materials are posted on the CALAFCO website in advance of the Conference as they are received from presenters. You can find presentation materials for all prior Conferences on the CALAFCO website.

Next year's Conference will be hosted by CALAFCO and held at the *Hyatt Regency Monterey*. Dates are October 21 – 23, 2020.

CALAFCO University



There has been one CALAFCO U course so far this year in Sacramento held on July 15. The topic was *A deep dive into MSRs: One size does not fit all*. A diverse panel of speakers offering varying perspectives of the process, content and value of MSRs was presented.

The next CALAFCO U session is scheduled for January 13, 2020 in Orange County with the topic being *Demystifying legacy costs associated with City and Special District reorganizations*. Once again an all-star panel of experts has been assembled for this session. Registration is open for this unique CALAFCO University course.

Materials for all CALAFCO U sessions can be found on the CALAFCO website.

Accreditations

CALAFCO's educational activities continue to be accredited by the American Planning Association to provide AICP credits for certified planners. This benefit is provided at no cost to LAFCo staff and helps them maintain their certifications. In addition, both the Conference and Workshop have sessions for LAFCo counsel that have been accredited for MCLE credits by the California Bar.

Web Site

The CALAFCO web site is a vital resource for both LAFCos and the community with questions about local government in California. The site consistently attracts between 5,500 and 6,500 visits per week. The vast majority of the visits are for the reference and resource materials found on the site and referral information to member LAFCos.

List-Serves

The list-serves maintained by the Association continue to be an important communication and information sharing tool among LAFCo staff. In total, we maintain eight list serves to help members share information, materials, and expertise. The List-Serves for executive officers, analysts, clerks and counsel discussions remain the most popular and serve to foster the sharing of information and resources. It is important for you to advise CALAFCO when your staff changes so the list serves can be kept up to date.

Special Projects

As a follow up to the 2017 Little Hoover Commission report and recommendations and in light of growing pressure from the Legislature, this year CALAFCO formed a working group to look at potential rewrites of various Protest Provision statutes within CKH. This is a multi-agency and diverse working group with 19 people. CALAFCO member representatives include: *Pamela Miller* (CALAFCO), *José Henríquez* (El Dorado, Central region), *Steve Lucas* (Butte, Northern region), *Kai Luoma* (Ventura, Coastal region), *Paul Novak* (Los Angeles, Southern region), *Holly Whatley* (Colantuono, Highsmith & Whatley), special advisor *Harry Ehrlich* (San Diego), and joint CALAFCO/CSDA Board Member *Jo MacKenzie* (San Diego). Representatives from CSDA include *Anthony Tannehill* and *Mustafa Hessabi* (CSDA staff), *Danielle Coates* (Eastern Municipal Water District), *Christine Compton* (Irvine Ranch Water District), *Lindsey Liebig* (Herald Fire Protection District), *Noelle Mattock* (El Dorado CSD) and *Elliot Mulberg* (Florin RCD & Elk Grove Water District). Other representatives include *Geoff Neill* (CSAC), *Betsy Strauss* (League of CA Cities), *Anton Favorini-Csorba* (Senate Governance & Finance Committee) and *Jimmy MacDonald* (Assembly Local Government Committee).

To date the working group has had two in-person meetings and one phone conference and is in the data gathering stage. The working group is committed to a long process (originally thinking it would be two years). An update on the working group will be provided at the legislative session during the Conference.

LEGISLATIVE PROGRAM

The 2019 legislative year began with excitement and apprehension as we acclimated to a new Governor and new agenda in Sacramento. Of the 2,625 total legislative proposals that were introduced this year, about 40 percent (1,042 bills) made it to Governor Newsom's desk. He signed 870 and vetoed 172.



The CALAFCO Legislative Committee (Committee) began work in October 2018 and met regularly through July 2019.

CALAFCO ended the year tracking a total of twenty-four (24) bills, sponsoring two (2) bills and taking formal positions on nine (9) bills. In addition, we worked closely with authors' offices on several other bills to successfully avoid harmful LAFCo related amendments on bills moving through the Legislature.

CALAFCO also participates on the Department of Water Resources' County Drought Advisory Group (CDAG) and convened the working group on the protest provisions rewrite.

Thorough legislative updates are provided throughout the year via email and are available daily on the CALAFCO website in Capitol Track. In this Annual Report we will summarize the two CALAFCO sponsored bills. A broader legislative discussion on the most critical of bills affecting LAFCo will occur during the Annual Conference – check your program for details. For a complete list of CALAFCO bills, please visit the CALAFCO website Legislation section. Information is updated daily.

On June 26, 2019, the Governor signed **AB 1822**, the Omnibus bill. The bill contained seven (7) updates to CKH. We are grateful for the efforts of Committee member **Sam Martinez** (San Bernardino LAFCo) and Assembly Local Government Committee (ALGC) consultant **Jimmy MacDonald** for their efforts on shepherding this bill, and to all of you who did the work of submitting proposals for insertion into the Omnibus.

The other CALAFCO sponsored bill this year was **AB 1253** (R. Rivas), which provides state funding for LAFCo. Since Governor Brown vetoed **AB 2258** last year, the Board unanimously supported making this a priority again this year. With the potential of \$2 million on the table for LAFCos to study and potentially reorganize service providers with documented known service and governance concerns serving disadvantaged communities and all LAFCos getting reimbursement for the unfunded mandate related to SB 448 (mandatory dissolution of inactive districts), we felt it was important to try again with a new Governor.

Ultimately the funding did not make it into the FY 2019-20 budget and the author decided to hold off one more year and try to secure the funds in the FY 20-21 budget. Additionally, the Department of Conservation expressed an interest in assisting CALAFCO in

securing funds to reimburse LAFCos for the mandated dissolutions in a separate piece of legislation.

The Board decided this will be a priority one last and final time for the 2020 legislative year.

The CALAFCO Board and Executive Director wish to thank everyone who responded to the calls for legislative action throughout the year. Our collective voice really does have an impact and makes a difference in Sacramento.

We also want to thank all of the people who volunteer to be a part of the Legislative Committee and the Legislative Advisory Committee. They work hard for a large portion of the year on behalf of the entire membership.

FINANCIAL POLICIES AND REPORTING

The Board maintains policies and current filings which are in compliance with all federal and state requirements for 501(c)(3) organizations. The CALAFCO Policy Manual, IRS Form 990 and other key Association documents are available on the CALAFCO web site. The Association also maintains its records with the national nonprofit reporting organization, GuideStar (www.guidestar.com). In 2019 CALAFCO earned the *GuideStar Exchange Platinum Seal* in recognition of our transparency and completeness in documentation. This is the highest level of achievement seal an entity can earn from GuideStar.

All financial records are reviewed quarterly by an outside CPA with reports to the Treasurer and the Board. The Board also reviews the annual IRS Form 990 tax filing prepared by the CPA and staff.

2019-20 Budget

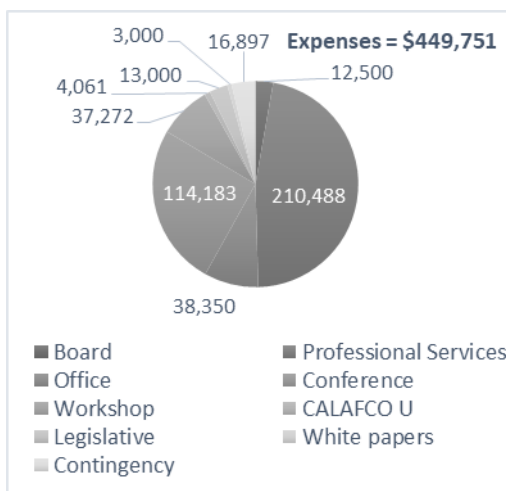
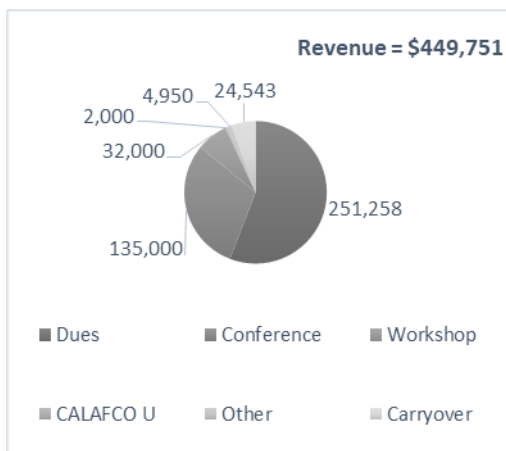
The Board and Executive Director continue to manage the financial resources of the Association closely. As was reported the past two years, we continue to have an unhealthy and unsustainable reliance on the Conference net profit and prior years' net balance to balance the budget. The member dues have never covered the operational costs of the Association and as those costs increase, the increase in dues has not kept pace causing the gap to continue to grow.

In May, the Board adopted a balanced budget. This is due mostly to the large net profit realized for the 2018 Annual Conference (42%), with some savings in the budget realized by staff. As a result of this net profit, we did not have to rely on the \$18,153 of Reserve Funds needed to balance last year's budget. The net surplus allowed us to cover that deficit, cover \$35,591 of the



approx. \$69,000 structural deficit for FY 2019-20, have a surplus carryover balance of \$24,543 and hold almost \$17,000 in the Contingency Fund for FY 2019-20. The remaining portion of the anticipated structural deficit of FY 2019-20 was shared with a one-year cost-sharing increase in member LAFCo dues of 16.25%.

Revenues for FY 2019-20 are budgeted at \$425,208 with an additional \$24,543 in net surplus for a total of \$449,751. Member LAFCo dues comprise \$239,358 of this amount. Expenses are budgeted at \$432,854 with an additional \$16,897 budgeted for Contingency. Total operational expenses are budgeted at \$277,338 (excludes Conference, Workshop and CALAFCO U expenses). This means for FY 2019-20 there is a structural deficit of \$37,980 (difference between member LAFCo dues and operational costs of the Association).



This deficit is being covered by the 15% Conference net profit built into the budget as well as the net surplus. It is the hope of the Board that this year's Conference will realize the budgeted net profit.

The Board spent a great portion of the year discussing the dues structure and the structural deficit, as it promised the membership last year. The financial ad hoc committee did a tremendous amount of work in creating and considering eleven (11) various options of new dues structure before forwarding two to the Board. The Board considered several options over a number of months and in early August presented the membership with a proposal for consideration at the 2019 Annual Business Meeting. Over the past several months, Board members and CALAFCO staff have reached out to our members and made ourselves available to answer questions about the new proposed dues structure. We look forward to this discussion on October 31.

Restricted Fund Reserve

Since 2005 an important goal established by the Board has been to grow and maintain a Fund Reserve to support member services in uncertain economic times and to avoid the need to tap members for additional funds, as had been done in the past. The current balance in our Fund Reserve account is \$162,754, about 58% of the annual operations budget outside of the Conference, Workshop and CALAFCO U. The reserve is not part of the annual budget and requires a vote of the Board to use its funds. The Association has not used the fund reserve since the early 2000s.

CALAFCO maintains its funds with the Local Agency Investment Fund (LAIF). Interest rates have turned and are slowly on the increase.

All financial reports, including budgets and annual tax filings, are available to the membership on the CALAFCO website as well as on GuideStar's website.

ASSOCIATION MANAGEMENT

Earlier this year CALAFCO had to unexpectedly relocate our offices. After eleven years subleasing office space from the Rural County Representatives of California (RCRC), they expanded and needed the space for their own use. With only 45 days to find a new home and move (around the same time as the staff workshop!), staff quickly researched new locations and narrowed the field to several affordable options. Staff presented the information to the Board and a decision was made. The offices were relocated in downtown effective May 1. While there have been numerous challenges associated with the new location, staff continues to work getting settled into the new CALAFCO home.



A FINAL THANK YOU

We wish to recognize the leadership of our Executive Director **Pamela Miller** and Executive Officer **Steve Lucas** (Butte). Added to that is our appreciation for all the contributions of Executive Assistant **Jeni Tickler** in the CALAFCO office, DEOs **Christine Crawford** (Yolo), **Martha Poyatos** (San Mateo) and **Keene Simonds** (San Diego), Legal Counsel **Clark Alsop** (BB&K), and CPA **Jim Gladfelter** (Alta Mesa Group). These people, along with many other volunteers, Associate members and members of the Board have all worked together this year to bring many achievements and a strong Association to you, our member LAFCoS and Associate members.

Sincerely Yours,
The CALAFCO Board of Directors

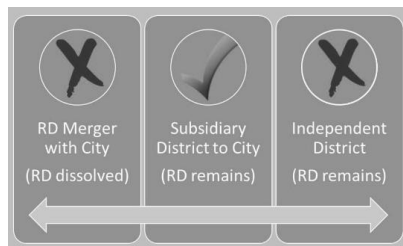
Making Sense of Reclamation Districts in Yolo County

Written by Christine Crawford, Yolo LAFCo

Yolo’s fifteen (15) reclamation districts (RDs) were formed roughly 100 years ago back in a time when counties sold an acre of land for a mere \$1 to anyone who was willing to “reclaim” it from the swamps by building up levees. Surprisingly, in Yolo County there have been few governance changes in the last century (except for some previously existing RDs going defunct) despite the significant changes in development and community patterns.

Yolo LAFCo currently has seventeen (17) state and local agencies maintaining portions of the Sacramento River Levee System. With heightened interest after Hurricane Katrina and the State’s efforts with the Central Valley Flood Protection Plan, Yolo LAFCo embarked on a comprehensive MSR to

solve this critical governance problem: levees are only as strong as the weakest link and with so many RDs (and some



underperforming), something needed to be done. Therefore, the primary goal of the MSR was to encourage consolidations and determine the best agency to become the lead for each of Yolo’s five hydrologic basins.

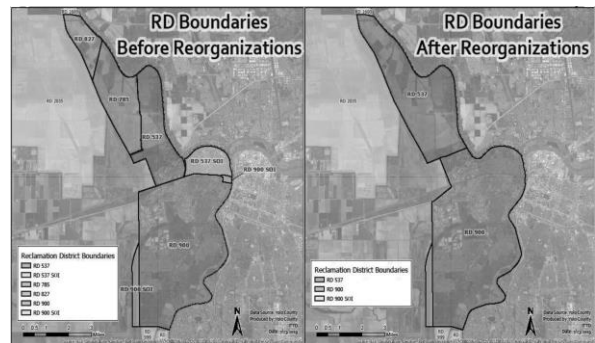
The 2018 MSR resulted in governance recommendations for each of the five hydrologic basins. In particular, the West Sacramento Basin recommendation was controversial with the local reclamation district (RD 900) fighting to retain independent control. However, because the district was completely within City boundaries, LAFCo ultimately recommended in its MSR the district be established as a subsidiary district to the City of West Sacramento. The graphic shows the range of alternatives considered in the MSR.

LAFCo’s recommendation was fought by RD 900 and became the subject of a Yolo County Grand Jury investigation with a report issued June 28, 2019, awkwardly, while the proposal application was still pending.

Steadfast in its mission, at its May 23 and July 25, 2019 meetings Yolo LAFCo approved two proposals resulting from the 2018 MSR to achieve what is illustrated in the “before and after” maps below. Four RDs became two, which are now aligned to each hydrologic basin and unique urban versus rural needs. In addition, two areas (one of them disadvantaged) previously not covered by the RD were annexed.

There was no protest filed to the proposal to dissolve and annex the RDs to the north into RD 537 and the protest process for RD 900 concludes on November 13, 2019. Assuming all the terms and conditions are successfully completed, the reorganizations will become effective on July 1, 2020.

I am very proud of the Commission’s persistent leadership over the past three years to bring much needed governance changes to ensure critical public safety along the Sacramento River Levee System in Yolo County and a more sensible governance configuration.



Legislature Turns Toward Housing Policy

Continued from front cover

- Apply the funds toward a project
 - with at least 15% affordable units;
 - in an area zoned for mixed-use or residential development;
 - with an average residential density of 30 or more units per acre for a jurisdiction in a metropolitan county.

The Local Government Planning Support Grants Program funds local planning activities to accelerate housing projects and housing element compliance. It authorizes:

- \$125 million for councils of governments; and,
- \$125 million for cities and counties.

The funds may only be used for housing-related planning, including:

- Rezoning and updating planning documents, such as general plans, including housing elements, community plans, specific plans, and sustainable communities strategies;
- Program level CEQA compliance to eliminate the need for project-level review;
- Establishing a Workforce Housing Opportunity Zone (Gov. Code, § 65620 et seq.) or a Housing Sustainability District (Gov. Code, § 66200 et seq.);
- Infrastructure planning, as for sewers, water, transit, roads, or other public facilities to support new housing and residents;
- Partnering with other local entities to identify and prepare excess property for residential development;
- Revamping local planning processes;
- Developing or improving an accessory dwelling unit ordinance; or
- Covering the costs of temporary staffing for these efforts.

HCD will accept applications for Planning Program grants through July 1, 2020.

Housing Elements. Courts may apply a broad range of existing remedies if a city's or county's housing element is non-compliant, such as:

- Suspending a city's or county's authority to issue building, zoning and map approvals;
- Mandating approval of certain housing projects; or

- Forbidding denial of certain affordable developments.

AB 101 creates a new means to enforce housing element requirements. First, HCD will post on its website and update monthly a list of cities and counties that have not adopted compliant housing elements. Second, HCD will notify the city or county of its non-compliance, offer two opportunities to meet in person or via telephone to discuss the violation, and provide written guidance after the meeting. Then, HCD may:

1. Ask the Attorney General to request a court order directing the city or county to bring its housing element into substantial compliance.
2. If the local agency does not comply within 12 months of the order, the court must impose a fine ranging from \$10,000 to \$100,000 per month to be deposited into SB 2's Building Homes and Jobs Trust Fund. If the local agency fails to pay its fines, the court may require the State Controller to intercept any state and local funds to cover it.
3. If the local agency does not comply within 3 months of the imposition of the fine, the court may triple the fine.
4. If the local agency does not comply within 6 months of the original fine, the court may increase the fine six-fold or appoint a receiver to bring the agency's housing element into compliance.



By December 31, 2022, HCD and the Office of Planning and Research will develop a revised RHNA process “that promotes and streamlines housing development and substantially addresses California’s housing shortage.” It is unclear how the revision will affect, if at all, the sixth cycle RHNA allocation plan, which is scheduled to be adopted by the Southern California Association of Governments for its region in October 2020.

Zoning Standards. AB 101 defines a “Low Barrier Navigation Center” facility as a housing-first, low-barrier, service-enriched shelter focused on moving people into permanent housing that provides temporary living facilities while case managers connect homeless people to income, public benefits, health services, shelter, and housing. “housing-first” providers offer services as needed and requested on a voluntary basis and do not make housing contingent on participation in services. A city or county has 30 days to notify a developer proposing such a use that its application is complete, and 60 days to act on a complete application.

Cities and counties must treat this use as a use by right in mixed use and nonresidential zones which allow multi-family uses, approving it on a ministerial, or “over the counter,” basis — without CEQA review. The statute applies to charter cities and expires January 1, 2027.

Conclusion. Housing and homelessness are pressing concerns for Californians and therefore have received sustained legislative attention. Further developments are likely in the next legislative session. In the meantime, there is much for local governments — and the LAFCoS which serve them — to get up to speed on.

Doing More Than Surviving in San Luis Obispo

Written by: David Church, San Luis Obispo LAFCo

Staff Transitions. Life happens, and SLO LAFCo’s Clerk, Ms. Donna Bloyd retired at the end of June. Donna has been the glue of our organization for over 15 years. She wrote procedures, organized the office, worried about the details and took great care to ensure SLO LAFCo achieved its mission. Donna cared deeply about us doing a great job and we wish her well in retirement!

In September, we hired Imelda Marquez as our new Clerk. Imelda came to us via Fresno LAFCo where she was an intern. She has enthusiasm, tenacious curiosity and a Bachelor’s in Geography. In her first month she has clerked a meeting, prepared and sent out the agenda, paid the bills, and basically hit the ground running. It is evident that Imelda also cares deeply about doing great work! Welcome aboard Imelda—we are so thankful for you! Also, thanks to Fresno LAFCo for pointing out Imelda’s outstanding skills and talents.

We also saw the retirement of Ray Biering, our steadfast legal counsel and advocate for almost 20 years. Ray’s excellent public agency experience kept us moving in the right direction. Brian Pierik of Burke, Sorensen and Williams has joined us and has been exceptional over his first year. Welcome Brian!

Opting-In, Opting-Out. The two California Water Districts that were formed to help landowners comply with SGMA in the Paso Robles Groundwater Basin were created on the principal of voluntary participation. In other words, as a landowner you could opt-in to the District and conversely opt-out if you wanted to have the County be your GSA instead. Well, the 140,000 acre Shandon-San Juan Water District, which is a GSA under SGMA, had a 33,000 acre detachment (opt-out/Ranch) in September, 2019. This decreased the funding for the District by around \$7,000

overall. The District, while not excited about the detachment, did not oppose it and LAFCo approved the proposal. Interesting to see how things work out in an impacted and polarized groundwater basin that is under SGMA’s bright light.

Commission Pulls Together. The last couple years our Commission has really done a great job of pulling on the same end of the rope. By that I mean, we have tackled some challenging issues with a respectful and listening attitude towards the public, applicants and each other. This has created a good decision making climate for all parties. Special thanks to our Chair, County Representative, Lynn Compton for running an efficient and civil ship. Kudos to the Commission for giving your patient and thoughtful effort to those involved in the work we do for the County, Cities and Special Districts.

SOI/MSR/MOA Updates. It would be easy to take for granted that we have now, for the third time in 17 years, updated the Spheres of Influence, Municipal Service Reviews and the Memorandum of Agreements for the Cities of Pismo and Atascadero. We started this journey back in 2002 with Pismo Beach and have carried on consistently throughout the years with regular updates and an annual work plan. The updates have not been completed exactly every five years, but they have been done “as needed”. Thank goodness we have some flexibility written into the CKH Act. The key SOI’s now have embedded in them conditions regarding the preservation of prime agricultural land, having a sustainable, adequate and reliable water supply, and we even tackled the negotiated property tax process. We are so appreciative of Mike Prater, Deputy Executive Officer, who expertly manages this program and herds the cats towards the finish line! Great Job Mike!

In Memory of Jim Gray

Placer LAFCo lost a long time Commissioner when Jim Gray passed away August 21. Jim was serving as the Alternate Public Member and had previously served as a City member, having served on the Commission for approximately eleven years. He had attended several CALAFCo Conferences.



Jim had been on the Roseville City Council for nine years, including two terms as Mayor, and was an active Rotarian and volunteer in the community. Jim volunteered his time coaching youth sports and participating in numerous community organizations. Jim was the Personnel Director for Placer County prior to his retirement.



Thank You to All of Our Associate Members

CALAFCO GOLD ASSOCIATE MEMBERS



CALAFCO SILVER ASSOCIATE MEMBERS

*Berkson Associates
 City of Fontana
 City of Rancho Mirage
 County Sanitation Districts of L. A. County
 Cucamonga Valley Water District
 Dudek
 E. Mulberg & Associates
 Economic & Planning Systems (EPS)
 Goleta West Sanitary District
 Griffith & Matsuda, a Professional Law Corp.
 HdL Coren & Cone*

*LACO Associates
 Lamphier-Gregory
 P. Scott Browne
 Pacific Gold Agriculture, LLC
 Planwest Partners, Inc.
 Policy Consulting Associates
 QK
 Rancho Mission Viejo
 Rosenow Spevacek Group (RSG)
 Santa Ynez Community Services District*

LOOKING AHEAD....



CALAFCO 2020 Staff Workshop
 March 25 - 27
 Hyatt Regency Newport Beach, John Wayne Airport
 Hosted by Orange & Imperial LAFcos

CALAFCO 2020 Annual Conference
 October 21 - October 23
 Hyatt Regency
 Monterey, CA

The Sphere

CALAFCO Journal

CALIFORNIA ASSOCIATION OF LOCAL AGENCY
FORMATION COMMISSIONS

1020 12th Street, Suite 222
Sacramento, CA 95814

www.calafco.org



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

Sharing Information and Resources

The Year In Pictures - Scenes from CALAFCO Activities

CALAFCO Annual Conference 2018

Yosemite, CA



CALAFCO Annual Staff Workshop 2019

San Jose, CA

