

SUMMARY ACTION MINUTES
ALAMEDA LOCAL AGENCY FORMATION COMMISSION
SPECIAL MEETING

January 10, 2013

1. Call to Order and Pledge of Allegiance

Vice Chair Sblendorio called the meeting to order at 4:30 p.m. The Pledge of Allegiance was recited.

2. Roll Call.

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

City Members: John Marchand and Tim Sbranti (arrived 4:33, item 4)

County Members: Scott Haggerty and Nate Miley (arrived at 4:51, item 7)

Special District Members: Ayn Wieskamp, Ralph Johnson and alternate Louis Andrade (arrived 4:37, item 6)

Public Members: Sblend Sblendorio

Staff present: Mona Palacios, Executive Officer; Andrew Massey, Legal Counsel; and Sandy Hou, Clerk

3. Welcome to New Regular City Member, John Marchand

Vice Chair Sblendorio welcomed Commissioner Marchand as the newly appointed regular city member, filling the seat vacated by Jennifer Hosterman.

4. Appreciation to Jennifer Hosterman and David Haubert

Vice Chair Sblendorio acknowledged the service of former Commissioner David Haubert and on behalf of the Commission presented him a plaque of appreciation. Other commissioners and Staff offered words of praise and appreciation towards Mr. Haubert's contributions on the Commission and noted that he would be missed. Mr. Haubert thanked the Commission and expressed his appreciation for the opportunity to have served together with them.

Ms. Hosterman was unable to attend the meeting today. It was noted that a plaque of appreciation would be mailed to her.

5. Public Comment

Vice Chair Sblendorio invited members in the audience to address the Commission on any matter not listed on the agenda and within the jurisdiction of the Commission. There were no comments.

6. Approval/Correction of Minutes

Upon motion by Commissioner Marchand and second by Commissioner Wieskamp, the minutes of November 29, 2012 were approved.

7. **Sphere of Influence (SOI) Update/Municipal Service Review (MSR)** – consideration of adoption of the MSR and SOI determinations and SOI update for the following six special districts: Alameda County Mosquito Abatement District; Alameda County Resource Conservation District; Castlewood County Service Area; City of Alameda Health Care District; Livermore Area Recreation and Park District; Vector Control County Service Area

Following Staff's summary of the written report, Commissioner Sblendorio suggested the Commission consider Livermore Area Recreation and Park District (LARPD) separately from the other districts, as the General Manager of LARPD was present and wished to speak on some concerns about the review of the district.

Alameda County Mosquito Abatement District, Alameda County Resource Conservation District, Castlewood County Service Area, City of Alameda Health Care District, Vector Control County Service Area:

Commissioner Haggerty's inquiry into the historical background behind the Alameda County Mosquito Abatement District's (ACMAD) serving every city in the County except for the city of Albany initiated a rather lengthy discussion concerning the matter. Dr. Chindi Peavey, General Manager of the District was present and provided information and answered questions. She noted that ACMAD would be willing to work with Albany to educate property owners about the need for mosquito control services and to gauge the property owners' willingness to pay the assessment to cover those services. Staff noted that a meeting had occurred with city of Albany staff together with representatives from the ACMAD and Alameda County Vector Control County Service Area (Vector Control CSA) to discuss the possibility of Albany being annexed into the ACMAD, and that city of Albany staff did not embrace the idea, since it would mean an assessment to property owners to pay for the service – a service they have been receiving at no charge from Vector Control. The consensus among the Commission was that it was an issue of fairness and that Albany homeowners should pay for the service just as every other property owner in the County does. Lucia Hui, Director of Vector Control, responded to questions and indicated that the district will continue to provide mosquito abatement services to Albany until its governing board – the Board of Supervisors – directs them not to. Commissioner Haggerty indicated that he would talk to his colleague on the Board of Supervisors whose district the city of Albany is in about the matter. He recommended, and the Commission agreed, to request Vector Control to return to the Commission in 6 months to report on its progress to end the subsidy of mosquito abatement services in Albany. Commissioner Sblendorio suggested that Albany also report to the Commission on its efforts to have property owners pay for mosquito abatement services. Commissioner Wieskamp suggested that if Vector Control continues to provide the service then they should be paid for it.

Commissioner Haggerty noted that the reviews on Castlewood and Vector Control need to have updated terms of service for the Supervisors and that the Alameda County Resource Conservation District has a new Executive Director. He recommended that the Boards of all six districts be reviewed and updated as needed. Commissioner Marchand pointed out a typo in the Vector Control MSR on page 9 under Liabilities and Assets, and requested that "\$2,989,120 million" be changed to "\$2,989,120" unless the consultants intended the original statement.

PUBLIC HEARING: Vice Chair Sblendorio opened the Public Hearing. There were no comments. The Public Hearing was closed.

Upon motion by Commissioner Haggerty and second by Commissioner Sbranti, the Commission, on condition the updates noted above were incorporated into the report, unanimously approved the

recommendation of Option 1, as stated in the staff report for the following five special districts: Alameda County Mosquito Abatement District; Alameda County Resource Conservation District; Castlewood County Service Area, City of Alameda Health Care District and Vector Control County Service area, namely the Commission:

1. Determined that the MSR/SOI update project is Categorically Exempt pursuant to §15306, Class 6 and §15061(b)(3) of the California Environmental Quality Act (CEQA) Guidelines;
2. Accepted the MSR reports for the five districts;
3. Adopted resolutions making MSR and SOI determinations and updating the SOI for each agency;
4. Directed staff and consultants to prepare and distribute the final MSR report to each subject agency and all interested parties; and
5. Directed staff to file Notices of Exemption as lead agency under §15062 of the CEQA guidelines.

Livermore Area Recreation and Park District:

Tim Barry, General Manager of Livermore Area Recreation and Park District (LARPD), addressed the Commission requesting a wording change in two locations in the report to correctly reflect the district's financing:

- On page 23, under the "Financial Ability of Agency to Provide Services" section, 1st bullet point, change wording (as is noted in the report), i.e., replace "LARPD reported that current financial levels are inadequate to deliver services" with "Due to the general economic downturn beginning in 2008, LARPD reported that current financial levels are not adequate to deliver services in the same manner as prior to 2008."
- In attachment 3 – Highlighted MSR findings and SOI recommendations, page 2, Livermore Area Recreation and Park District (LARPD) row (bottom of the page), 2nd column ("Highlighted Findings" column), 5th bullet point, replace "Current financial levels are reportedly inadequate to deliver services." with "LARPD reported that current financial levels are not adequate to deliver services in the same manner as prior to 2008."

– SOI Options

Mr. Barry commented on the three SOI options listed in the report, indicating that LARPD supported a combination of Options #1 and #2 – retain the existing SOI in the northeast corner of the County, but reduce the SOI to exclude the areas within the city of Pleasanton. The District indicated its desire to have Pleasanton pick up any costs associated with detaching territory from the District. The District opposes reduction of its SOI in the northeast because they may annex that area at some future time. Additionally, Mr. Barry stated that while the District hasn't taken steps to annex that territory, it informally depicts the District to the public as having a jurisdictional boundary that goes to the city limits of Pleasanton and Dublin and out to the county boundaries with Contra Costa, San Joaquin, and Santa Clara Counties and that taking the area out of the SOI prohibits the district from annexing it in the future. Commissioner Sblendorio asked Mr. Barry why the district hasn't annexed the area yet. Mr. Barry responded that it hasn't been a priority yet, but philosophically it is consistent with how the district sees itself. Regarding Option #3 (SOI reduction so that 70 percent of LARPD's territory lies within the City of Livermore's bounds) – Mr. Barry stated that the District was strongly opposed to that option, as both LARPD and the city of Livermore are against a reorganization that would make LARPD a subsidiary district to the City. Commissioners Sblendorio and Wieskamp suggested adding a condition to LARPD's SOI update that if, at the time of the next round of SOI updates, the area in the northeast SOI but outside the jurisdictional boundary is not annexed by the District, LARPD should provide to LAFCo a plan for annexation of the area.

PUBLIC HEARING: Vice Chair Sblendorio opened the Public Hearing. There were no comments. The Public Hearing was closed.

Following discussion among the Commission, Commissioner Wieskamp motioned, Commissioner Haggerty seconded, and it was unanimously approved to

1. Determine that the MSR/SOI update project is Categorically Exempt pursuant to §15306, Class 6 and §15061(b)(3) of the California Environmental Quality Act (CEQA) Guidelines;
2. Accept the MSR report, incorporating the change in language as requested by Mr. Barry (noted above)
3. Adopt a resolution making MSR and SOI determinations and updating the SOI with changes as follows
 - Retain the existing SOI with the exception of the areas of Pleasanton, which are to be excluded from the SOI.
 - Add wording to the resolution to require the District, if it has not annexed territory within the District's SOI but outside its jurisdictional boundary by the time of the next SOI update cycle, to provide LAFCo at that time with a plan to annex and provide services to that territory.
4. Direct staff and consultants to prepare and distribute the final MSR report to the subject agency and all interested parties; and
5. Direct staff to file a Notice of Exemption as lead agency under §15062 of the CEQA guidelines.

Commissioner Sblendorio recommended and then motioned that the Commission, in order to encourage detachment of the noted areas of the City of Pleasanton from LARPD's boundary, waive the application processing fees "to the extent that can be absorbed within the Commission's budget." The amended motion was then unanimously approved.

8. Public Member Alternate Recruitment Update

Staff provided an update on the status of the recruitment process for the alternate public member, noting that 13 applications had been received and distributed to the ad hoc committee members. After some discussion about the next steps, it was agreed that Staff would meet with the ad hoc selection committee – Commissioners Wieskamp, Haggerty and Marchand (replaced Sbranti) – to discuss the selection process. It is expected that a candidate will be selected at the Commission's March 14, 2013 meeting.

9. Agricultural Land Preservation Policy Update

Staff provided an update on possible venues and dates for the proposed workshop. Discussion by the Commission resulted in the recommendation to use the Martinelli Center in Livermore, preferably a Saturday morning in April or May, 9 am – 1:00 pm, with lunch to be included. The Commission favored the workshop agenda allowing plenty of time for feedback from the participants. There were also suggestions to add an agenda item to describe what LAFCo is and another item for discussion about how LAFCo can help the agriculture and open space communities. Several Commissioners suggested additional invitees, including Zone 7 Water Agency, the San Francisco Public Utility Commission, the state Department of Water Resources, the Farm Bureau, and the US Department of Agriculture's National Resource Conservation Service. Commissioner Sblendorio recommended asking invitees to pass along the workshop invitation to their contacts lists.

10. Matters Initiated by Members of the Commission

Commissioner Wieskamp shared that a tour of Doolan Canyon was being organized by East Bay Regional Park District and invited any interested commissioners to participate, noting that she would inform them once the date was decided.

Commissioner Miley shared that discussions have been underway with Fairview Fire Protection District regarding possible dissolution of the district and annexation to the Alameda County Fire Department. Staff reported that she would be attending a District Board meeting on February 5th, and will report back to the Commission on the results of that meeting. It does appear that there is a willingness on the part of the District to consider dissolution.

11. Informational Items – Discussion, if any, or further info is noted after the item.

a. Application Update

Referencing an update via email from Dublin City Manager Joni Patillo, Staff noted that Dublin and Livermore have been making efforts to discuss possible land use of Doolan Canyon.

b. Legislative Update

c. Newspaper Articles – None at this time.

d. Commissioners with terms ending May 2013

1. Tim Sbranti, City Regular Member

2. Lou Andrade, Special District Alternate Member

Staff noted that she would inform the Mayors Conference and the Special Districts Association of the ending terms.

e. Reconsideration Request – San Lorenzo Library County Service Area

Staff pointed out that Howard Beckman, who had addressed the Commission at the November 29, 2012 meeting, had submitted a letter to the Commission requesting that the determinations approved for the San Lorenzo Library County Service Area be reconsidered (copy of letter was included in the agenda packet). He is opposed to elimination of the CSA. Staff pointed out that the Commission's policies stipulate a fee of \$1250 to file a reconsideration request and noted that Mr. Beckman might possibly request a waiver of that fee. Commissioner Haggerty commented that he would not be inclined to waive the fee. Commissioner Wieskamp inquired if there was any new information to be presented. Staff responded that her understanding was there was not.

f. Other

- CALAFCo Staff Workshop will be held April 10-12, 2013 in Davis
- Ad Hoc Budget Committee – Commissioners Sblendorio and Johnson volunteered to serve on this committee

12. Adjournment of Regular Meeting – The meeting was adjourned at 5:59 pm.

13. Next Meetings of the Commission

Thursday, March 14, 2013 at 4:30 pm

Respectfully submitted,


Sandy Hou, LAFCo Clerk

These minutes were approved by the Commission on March 14, 2013

Attest: 
Mona Palacios, LAFCo Executive Officer