

SUMMARY ACTION MINUTES
ALAMEDA LOCAL AGENCY FORMATION COMMISSION
SPECIAL MEETING

March 14, 2013

1. Call to Order and Pledge of Allegiance

Chair Miley 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

County Members: Nate Miley and Scott Haggerty (arrived at 4:34, item 6)

Special District Members: Ayn Wieskamp, Ralph Johnson and alternate Louis Andrade

Public Members: Sblend Sblendorio

Excused: Tim Sbranti, City Member; Jerry Thorne, Alternate City Member; Wilma Chan, Alternate County Member

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

3. Welcome to New Alternate City Member Jerry Thorne

Staff noted that Commissioner Thorne, recently appointed by the City Selection Committee, was unable to attend the meeting today due to a previously planned trip.

4. Public Comment

Chair Miley 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.

5. Approval/Correction of Minutes

Upon motion by Commissioner Marchand and second by Commissioner Sblendorio, the minutes of January 10, 2013 were approved.

6. Appointment of Alternate Public Member

Staff reported that the ad hoc selection committee (Commissioners Wieskamp, Haggerty and Marchand) had reviewed the 13 submitted applications, interviewed selected candidates and was recommending the appointment of Tom Pico as the Commission's new Alternate Public member.

Members of the ad hoc committee offered brief remarks concerning the recommendation. Upon motion by Commissioner Marchand and second by Commissioner Wieskamp, Mr. Pico was unanimously approved as the Alternate Public Member, whose term will expire in 2016.

7. City of Pleasanton Reorganization: Balch Annexation No. 153 (P12-0577)

Staff provided a summary of the written report. Al Baez, City of Pleasanton, responded to Commissioner Haggerty's inquiry about the accuracy of item 7.c. on the application questionnaire, concurring that the wording was in error, that it should indicate the City of Pleasanton would be the provider of street lighting and road maintenance post annexation, not Alameda County, the current provider of these services.

Commissioner Sblendorio, noting that the city of Pleasanton still had unincorporated islands within its boundaries, initiated a discussion about the Commission's policy regarding encouraging cities to annex island areas. He stated that although he was not opposed to the current application proposal, he wanted to use this occasion to once again bring to the Commission's attention that encouraging efficient, non-duplicative delivery of services was a charge given to LAFCOs and the elimination of unincorporated islands would contribute to that requirement. He questioned the point of having a policy if they would not enforce it.

Upon request by Commissioner Miley, Staff reviewed the Commission's policy towards encouraging island annexations, namely offering reduced fees as an incentive to jurisdictions to annex islands. Additionally, the Cortese-Knox-Hertzberg law currently allows the elimination of a protest hearing in order to expedite these annexation proposals; a law that is due to sunset in January, 2014 (but may possibly be extended). Staff noted that LAFCo cannot initiate an annexation. The only enforcement possibility would be to condition subsequent annexation applications.

Mr. Baez provided an update on the remaining island areas in the City of Pleasanton – Remon Tract and the smaller, currently uninhabited Merritt area. He noted that residents of Remon Tract area, in spite of pre-annexation agreements with Pleasanton, for the most part remain in opposition to annexation. Commissioner Miley indicated his awareness of such. Nelson Fialho, Pleasanton City Manager, also mentioned Castlewood and Happy Valley as island areas, but it was clarified by Commissioner Wieskamp and staff that those two areas are not actually islands. Staff suggested that the Commission consider what their stance might be towards out-of-area service agreements coming forward from Happy Valley area should that happen in the future.

Commissioner Haggerty motioned to approve the annexation proposal on the condition that item 7.c., as noted above, would be corrected. Commissioner Wieskamp seconded the motion and the motion carried unanimously.

8. Proposed Fiscal Year 2013-2014 Budget and Work Plan

Staff provided a summary of the written report and inquired if the Commission might be in favor of establishing an executive committee rather than ad hoc committees, as is the current practice.

Commissioner Haggerty commented on the detail regarding the travel budget, suggesting that it not be worded so specifically so as to avoid discouraging commissioners who wish to attend the annual conference from doing so.

Staff responded to Commissioner Miley's inquiries regarding the likelihood of proposals coming forward from Zone 7, Doolan Canyon, and/or Fairview Fire Protection District. Staff noted that Livermore has already submitted an application for Doolan Canyon that is currently on hold and that there is no present indication that proposals would be coming forward from Zone 7 or Fairview Fire

Protection District (FFPD) in FY 2013-2014. Staff further clarified that LAFCo could initiate a proposal of dissolution for FFPD if it so chose.

Staff concurred with Commissioner Sblendorio's comment that outside counsel might be needed when/if Zone 7 comes forward with a proposal to avoid the perception of conflict.

Regarding Staff's inquiry regarding establishing an Executive Committee, the Commission, after discussion, directed Staff to report back to the Commission at a future meeting on the pros and cons of having standing committees versus an executive committee.

9. Agricultural Land Preservation Policy Workshop Update

Staff provided a summary of the written report, which provided the status of preparations for the workshop to date and requested the Commission to consider finalizing the date, budget, and invitee list.

There was an extensive discussion among the Commissioners about the workshop as proposed, including various viewpoints regarding whether the Commission should adopt its own local policy on agricultural and open space land preservation. Consensus was reached that rather than begin the process with a public workshop as proposed, staff should organize a special meeting for the Commission that would focus on educating the Commissioners about the many and varied issues that need to be considered towards development of a local policy.

The discussion concluded with Commissioner Wieskamp motioning and Commissioner Andrade seconding that the Commission hold a special meeting. Invitees are to include Bob Coomber, representatives of the Agriculture Advisory Committee and the wine growers and cattlemen associations, and County staff to discuss Measure D. Staff will provide information on the agricultural and open space land preservation policies that some other LAFCos have. Commissioner Haggerty requested to amend the motion to include a request that staff provide information from other LAFCos regarding whether or not there are voter-approved open space preservation policies in those particular counties. Commissioners Wieskamp and Andrade accepted the amendment. The motion passed unanimously.

Chair Miley directed Staff to report back to the Commission at a future meeting with a proposed meeting date, time and content for the special meeting, a meeting that will be open to the public and noticed.

10. Matters Initiated by Members of the Commission – Commissioner Sblendorio inquired about the status of the Municipal Service Review project. Staff responded that work on this project would continue into the next fiscal year.

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

- a. Application Update
- b. Legislative Update *Staff mentioned that she would be hosting the CALAFCo Legislative Committee in Oakland on Friday, March 22nd.*
- c. Newspaper Articles *Staff pointed out that the articles were concerning Zone 7 water agency*
- d. 2013 CALAFCo Staff Workshop in Davis, April 10-12 *Staff informed the Commission that Alameda LAFCo most likely will be hosting the 2014 CALAFCo Staff Workshop, possibly at a venue in Berkeley.*

- e. 2013 CALAFCO Annual Conference at Squaw Creek Resort, August 28-30
- f. Commissioners with terms ending May 2013:
 - 1. Tim Sbranti, City Regular Member
 - 2. Lou Andrade, Special District Alternate Member

12. **Adjournment of Regular Meeting** – The meeting was adjourned at 6:00 pm.

13. **Next Meetings of the Commission**
Thursday, May 9, 2013 at 4:30 pm

Respectfully submitted,



Sandy Hou, LAFCo Clerk

These minutes were approved by the Commission on May 9, 2013

Attest:



Mona Palacios, LAFCo Executive Officer