



LAFCO

Alameda Local Agency Formation Commission

NOTICE OF REGULAR MEETING AND AGENDA

ALAMEDA LOCAL AGENCY FORMATION COMMISSION

THURSDAY, JULY 11, 2024

2:00 P.M.

Karla Brown, Chair — Ralph Johnson, Vice Chair — Nate Miley — David Haubert — Mariellen Faria — Sblend Sblendorio
Lena Tam, Alternate — John Marchand, Alternate — Georgan Vonheeder-Leopold, Alternate — Bob Woerner, Alternate

In Person:

Council Chamber
Dublin City Hall
100 Civic Plaza
Dublin, CA 94568

Or from the following remote locations:

- Tampa Marriott, 510 Water Street, Tampa, FL 33602

Via Video-Teleconference Participation:

<https://us02web.zoom.us/j/82983511571?pwd=bi8xWkVsU2QxYjB3bzE2S2lubnN2Zz09>

Meeting ID: 829 8351 1571

Password (if prompted): lafco or 140331

(669)-900-9128

Remote participation by e-mail is also welcomed by sending comments to LAFCO staff at rachel.jones@acgov.org. All e-mails received before 4:00 P.M. one business day before the meeting will be forwarded to the Commission and posted online. These comments will also be referenced at the meeting.

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

1. **2:00 P.M. – Call to Order 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 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: May 9, 2024 Regular Meeting

5. **Reorganization of SMP 39 and 40 to the City of Livermore – (Public Hearing)**

The Alameda Local Agency Formation Commission (LAFCO) will consider a change of organization proposal filed by the City of Livermore requesting annexation and a sphere of influence (“sphere”) amendment of approximately 105.4 acres of unincorporated territory to the City to establish municipal services for the development of an industrial park. The proposal also seeks to concurrently detach the affected territory from the Alameda County Fire Department, Lead Abatement County Service Area (CSA), and Public Works CSA. A part of the affected territory lies outside the established sphere of influence of the City and a concurrent amendment is necessary to facilitate an annexation.

LAFCO Staff Recommendation: Staff recommends approval of a concurrent sphere amendment and proposed annexation with one additional term.

6. **Authorization to Execute Alternate Legal Counsel Contract – (Business)**

The Alameda Local Agency Formation Commission (LAFCO) will consider approving a draft contractual agreement hiring Best Best & Krieger as Alameda LAFCO’s alternate legal counsel during the negotiation process for a new Memorandum of Understanding (MOU) with the County of Alameda.

LAFCO Staff Recommendation: Staff recommends approval.

7. **CALAFCO Annual Conference and Achievement Award Nominations – (Business)**

The Alameda Local Agency Formation Commission (LAFCO) will consider action items relating to the California Association of Local Agency Formation Commissions (CALAFCO) Annual Conference scheduled for October 16th-18th in at the Tenaya Lodge outside of Yosemite.

LAFCO Staff Recommendation: Appoint a voting delegate and alternate voting delegate for the 2024 CALAFCO Annual Conference; and advise staff or the Chair on any nominations for the CALAFCO Board of Directors or Achievement Awards.

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

9. **Executive Officer Report**

10. **Informational Items**

- a. Current and Pending Proposals
- b. Progress Report on 2023-2024 Work Plan
- c. CALAFCO Annual Conference, October 16th – October 18th in Yosemite, California

11. **Adjournment of Regular Meeting**

Next Meetings of the Commission

Policy and Budget Committee Meeting

Thursday, August 1, 2024 at 2:00 p.m., Dublin City Hall, Bray Community Room

Regular Meeting

Thursday, September 12, 2024 at 2:00 p.m., Dublin City Hall, Council Chamber

DISCLOSURE OF BUSINESS OR CAMPAIGN CONTRIBUTIONS TO COMMISSIONERS

Government Code Section 84308 requires that a Commissioner (regular or alternate) disqualify herself or himself and not participate in a proceeding involving an "entitlement for use" application if, within the last twelve months, the Commissioner has received **\$250 or more in business or campaign contributions from an applicant, an agent of an applicant, or any financially interested person who actively supports or opposes a decision on the matter.** A LAFCo decision approving a proposal (e.g., for an annexation) will often be an "entitlement for use" within the meaning of Section 84308. Sphere of Influence determinations are exempt under Government Code Section 84308.

If you are an applicant or an agent of an applicant on such a matter to be heard by the Commission and if you have made business or campaign contributions totaling \$250 or more to any Commissioner in the past twelve months, Section 84308(d) requires that you disclose that fact for the official record of the proceeding. The disclosure of any such contribution (including the amount of the contribution and the name of the recipient Commissioner) must be made either: 1) In writing and delivered to the Secretary of the Commission prior to the hearing on the matter, or 2) By oral declaration made at the time the hearing on the matter is opened. Contribution disclosure forms are available at the meeting for anyone who prefers to disclose contributions in writing.

Pursuant to GC Section 84308, if you wish to participate in the above proceedings, you or your agent are prohibited from making a campaign contribution of \$250 or more to any Commissioner. This prohibition begins on the date you begin to actively support or oppose an application before LAFCO and continues until 3 months after a final decision is rendered by LAFCO. If you or your agent have made a contribution of \$250 or more to any Commissioner during the 12 months preceding the decision, in the proceeding that Commissioner must disqualify himself or herself from the decision. However, disqualification is not required if the Commissioner returns that campaign contribution within 30 days of learning both about the contribution and the fact that you are a participant in the proceedings. Separately, any person with a disability under the Americans with Disabilities Act (ADA) may receive a copy of the agenda or a copy of all the documents constituting the agenda packet for a meeting upon request. Any person with a disability covered under the ADA may also request a disability-related modification or accommodation, including auxiliary aids or services, in order to participate in a public meeting. Please contact the LAFCO office at least three (3) working days prior to the meeting for any requested arrangements or accommodations.

Alameda LAFCO Administrative Office
224 West Winton Avenue, Suite 110
Hayward, CA 94544
T: 510.670.6267
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LAFCO

Alameda Local Agency Formation Commission

AGENDA REPORT

July 11, 2024

Item No. 4a

TO: Alameda Commissioners

FROM: April L. Raffel, Commission Clerk

SUBJECT: May 9th Regular Meeting Minutes

The Alameda Local Agency Formation Commission (LAFCO) will consider draft minutes prepared for the meeting held on May 9, 2024. The minutes are in action-form and being presented for formal Commission approval.

Background

The Ralph M. Brown Act was enacted by the State Legislature in 1953 and – among other items – requires public agencies to maintain written minutes for qualifying meetings.

Discussion

This item is for Alameda LAFCO to consider approving action minutes for the May 9, 2024, regular meeting. The attendance record for the meeting follows.

- Commissioners Brown, Haubert, Hernandez, Johnson, Miley, and Sblendorio were present.
- Alternate Commissioners Marchand, Vonheeder-Leopold, and Woerner were present.
- Commissioner Faria was absent.
- Alternate Commissioner Tam was absent.

Alternatives for Action

The following alternatives are available to the Commission:

Alternative One (Recommended):

Approve the draft minutes prepared for Alameda LAFCO’s May 9, 2024, regular meeting (Attachment 1) with any desired corrections or clarifications.

Alternative Two:

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

Recommendation

It is recommended the Commission proceed with Alternative Action One.

Procedures

This item has been placed on Alameda LAFCO's agenda as part of the consent calendar. A successful motion to approve the consent calendar will include taking affirmative action on the staff recommendation as provided unless otherwise specified by the Commission.

Respectfully,



April L. Raffel
Commission Clerk

Attachments:

1. Draft Meeting Minutes for May 9, 2024, Regular Meeting

SUMMARY ACTION MINUTES
ALAMEDA LOCAL AGENCY FORMATION COMMISSION
May 9, 2024, Regular MEETING
City of Dublin Council Chambers, 100 Civic Drive, Dublin, CA

1. CALL TO ORDER AND PLEDGE OF ALLEGIANCE

2. ROLL CALL

The regular meeting was called to order at 2:00 p.m. by Chair Brown.
The Commission Clerk performed the roll call with the following attendance recorded.

Regulars Present: Karla Brown, City of Pleasanton (Chair)
David Haubert, County of Alameda
Melissa Hernandez, City of Dublin*
Ralph Johnson, Castro Valley Sanitary District (Vice Chair)
Nathan Miley, County of Alameda
Sblend Sblendorio, Public Member* (arrived at 3:06 p.m.)

Alternates Present: John Marchand, City of Livermore
Georgean Vonheeder-Leopold, Dublin San Ramon Services District (Voting)
Bob Woerner, Public Member (Voting)

Members Absent: Mariellen Faria, Eden Township Healthcare District
Lena Tam, Alternate, County of Alameda

*Attended by videoconference.

The Commission Clerk confirmed a quorum was present with seven voting members. Also present at the meeting were Executive Officer Rachel Jones, Commission Counsel Andrew Massey, and Commission Clerk April Raffel.

- 2a.** County Counsel, Andrew Massey confirmed that Commissioner Hernandez may appear remotely pursuant to the just cause or emergency circumstances exceptions under the Brown Act and would need to identify the reason that she would be appearing remotely. In the case of an emergency circumstances, that would require approval of the Commission. In the case of just cause, no Commission approvals are required. Commissioner Hernandez stated she called in remotely due to being sick and she did not have anyone over 18-years-old in the room.
- 3. WELCOME RETURNING/NEW COMMISSIONERS:** – The Commission acknowledged the reappointment of regular Commissioner Miley by the Alameda County Board of Supervisors on April 30, 2024, Chair Brown by the Alameda County Mayors' Conference on April 10, 2024, and Commissioner Johnson by the Independent Special Districts Selection Commission for the special district seat held on May 8, 2024.

4. PUBLIC COMMENT:

Chair Brown invited anyone from the public to address the Commission on any matter not listed on the agenda and within the jurisdiction of the Commission. The Commission Clerk confirmed there was one public comment to address the Commission from the following person:

- Kelly Abreu, Fremont Resident

Chair Brown closed the public comment.

5. CONSENT ITEMS

Item 5a

Approval Meeting Minutes for the March 14, 2024, Regular Meeting

The item presented to approve draft action minutes prepared for the Commission's regular meeting on March 14, 2024. Recommendation to approve.

Item 5b

Approval of Third Quarter Budget Report

The item presented to approve the Budget Report. Recommendation to approve.

Item 5c

Contract Amendment with Lamphier-Gregory

The item presented to approve the contract amendment with Lamphier-Gregory. Recommendation to approve.

Item 5d

Transfer of Jurisdiction to Contra Costa LAFCO for Castro Road Ranch Proposed Annexation to East Bay Municipal Utility District

The item presented is to approve the transfer of jurisdiction to Contra Costa LAFCO for Castro Road Ranch Proposed Annexation to East Bay Municipal Utility District. Recommendation to approve.

Item 5e

Request for Proposals for Health Services Municipal Service Review

The item was presented to request proposals for the Health Services Municipal Service Review. Recommendation to approve.

Chair Brown asked if the Commissioners would like to pull any items on the consent calendar.

Commissioner Haubert motioned with a second from Commissioner Johnson to approve the consent calendar.

AYES: Brown, Haubert, Hernandez, Johnson, Miley, Vonheeder-Leopold (voting for Faria), and Woerner (voting for Sblendorio)
NOES: None
ABSENT: Faria, Sblendorio
ABSTAIN: None

The motion was unanimously approved 7-0.

6. PRESENTATION FROM THE TRI-VALLEY CONSERVANCY – (BUSINESS)

The item presented for information and Commission discussion only. Alameda LAFCO received a PowerPoint presentation from Mark Triska, Chair of TVC, on any upcoming projects and endeavors of the organization.

Chair Brown invited Commissioner questions. Commissioner discussion followed.

Chair Brown invited public comments. The Commission Clerk confirmed there was one public comment to address the Commission from the following person:

- Kelly Abreu, Fremont Resident

Chair Brown proceeded to close the public hearing.

7. DRAFT REPORT ON COUNTYWIDE COMMUNITY SERVICES MUNICIPAL SERVICE REVIEW (PUBLIC HEARING)

The item presented to review the draft report on its Municipal Service Review (MSR) of community services throughout Alameda County, such as street, maintenance, lighting, library, parks and recreation, mosquito and vector abatement, lead abatement, and broadband services. The draft has been prepared as part of the Alameda LAFCO's adopted work plan and independently assesses the availability, need, and adequacy of key public services provided in the region. Recommendation is the draft is being presented for discussion and feedback ahead of staff initiating a 30-day public review and comment period and returning the item to the Commission at its September 12th regular meeting for final action.

Alameda LAFCO received a PowerPoint presentation from Monroe Roush, RSG Senior Analyst, on the Countywide Community Services Municipal Service Review.

Chair Brown invited Commissioner questions. Commission discussion continued.

Chair Brown invited public comments. The Commission Clerk confirmed there were public comments to address the Commission from the following persons:

- David Furst, Chair, Livermore Area Recreation and Park District
- Kelly Abreu, Fremont Resident
- Rick Hammel, President, Castlewood Property Owners Association

Chair Brown proceeded to close the public hearing.

8. ADOPTION OF FINAL OPERATING BUDGET AND WORK PLAN FOR FY 2024-2025 – (PUBLIC HEARING)

The item presented is to consider adopting a final budget and work plan for the fiscal year 2024-2025. Both items return following their adoption in draft form and subsequent public review period. The final budget and work plan remain intact from its initial draft. The final budget expenses total \$818,538, representing an increase of \$33,798, or 4.3 percent, from the current fiscal year. Recommendation to adopt the attached resolution approving the final budget and work plan for 2024-2025 with any desired changes.

Chair Brown invited Commissioner questions. There were none.

Chair Brown invited public comments. The Commission Clerk confirmed there were no public comments to address the Commission. Chair Brown proceeded to close the public hearing.

Commissioner Haubert motioned with a second from Commissioner Johnson to adopt the resolution approving the final budget and work plan for 2024-2025.

AYES: Brown, Haubert, Hernandez, Johnson, Miley, Vonheeder-Leopold (voting for Faria), and
Woerner (voting for Sblendorio)
NOES: None
ABSENT: Faria, Sblendorio
ABSTAIN: None

The motion was unanimously approved 7 – 0.

9. MATTERS INITIATED BY MEMBERS OF THE COMMISSION

- Alternate Commissioner Vonheeder-Leopold recommended if there is some way in the future contract agreements to include that the contractor must verify the numbers with the entities that exist for accuracy.
- Executive Officer Jones stated there is an administrative review period for all the cities and agencies to provide comments to make sure that we have the correct information, but we will make sure to follow-up and make sure that they check the numbers and tables in the future.
- Chair Brown mentioned there was a request from Tri-Valley Conservancy for support from LAFCO and wondered what kind of support we could provide. EO Jones could follow up on support for sewer extension project as a future agenda item.

10. EXECUTIVE OFFICER REPORT

- None

11. INFORMATIONAL ITEMS

- a. Current and Pending Proposals
- b. Progress Report on 2023-2024 Work Plan
- c. CALAFCO Staff Workshop from April 24 -26 in Pleasanton, California

12. APPOINT AGENCY DESIGNATED REPRESENTATIVE – COMMISSIONER WOERNER

13. ADJOURN TO CLOSED SESSION – CONFERENCE WITH LABOR NEGOTIATIONS

Chair Brown asked if there was anything to report from the closed session. Commission Counsel Massey stated that there was nothing to report out.

14. MEMORANDUM OF UNDERSTANDING (MOU) EXTENTION WITH COUNTY OF ALAMEDA – (BUSINESS)

The item presented to consider approving a six-month extension to its existing Memorandum of Understanding (MOU) agreement with the County of Alameda for contract services.

Recommendation to approve the extension of the current MOU with the County of Alameda for six months, with the option for up to six additional one-month extensions, not to exceed one year in total.

Chair Brown invited Commissioner questions. There were none.

Chair Brown invited public comments. The Commission Clerk confirmed there were no public comments to address the Commission. Chair Brown proceeded to close the public hearing.

Commissioner Haubert motioned with a second from Commissioner Sblendorio to approve the extension of the current MOU with the County of Alameda for six months, with the option for up to six additional one-month extensions, not to exceed one year in total.

AYES: Brown, Haubert, Johnson, Miley, Vonheeder-Leopold (voting for Faria), and Sblendorio
NOES: None
ABSENT: Faria, Hernandez
ABSTAIN: None

The motion was approved 6 – 0.

15. ADJOURNMENT OF REGULAR MEETING

Chair Brown adjourned the meeting at 4:09 p.m.

Next Meetings of the Commission

Policy and Budget Committee Meeting

Thursday, June 6, 2024, at 2:00 p.m., Dublin City Hall, Bray Community Room (Formerly known as RMR)

Regular Meeting

Thursday, July 11, 2024, at 2:00 p.m., Dublin City Hall, Council Chambers

I hereby attest the minutes above accurately reflect the Commission's deliberations at its May 9, 2024 meeting.

ATTEST,



April L. Raffel
Commission Clerk

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TO: Alameda Commissioners

FROM: Rachel Jones, Executive Officer

SUBJECT: Concurrent Sphere of Influence Amendment and Reorganization of SMP 39 and SMP 40 to the City of Livermore

The Alameda Local Agency Formation Commission (LAFCO) will consider a change of organization proposal filed by the City of Livermore requesting annexation and a sphere of influence (“sphere”) amendment of approximately 105.4 acres of unincorporated territory to the City to establish municipal services for the development of an industrial park. The proposal also seeks to concurrently detach the affected territory from the Alameda County Fire Department, Lead Abatement County Service Area (CSA), and Public Works CSA. A part of the affected territory lies outside the established sphere of influence of the City and a concurrent amendment is necessary to facilitate an annexation. Staff recommends approval of a concurrent sphere amendment and proposed annexation with one additional term. The subject parcels are identified by the County of Alameda’s Assessor’s Office as 904-0003-001-04, 904-0010-002-02, 904-0010-002-03, 904-0010-002-05, 904-0010-002-07, and 904-0010-002-08.

Background

Alameda LAFCO has received a proposal through a resolution of application from the City of Livermore, on behalf of Overton Moore Properties. The approximately 105-acre project site consists of six separate parcels identified by Assessor’s Parcel Numbers (APNs) 904-3-1-4 (SMP 39); 904-10-2-2 (SMP 40), and 904-10-2-3, -5, -7, and -8 (the Additional Annexation Only Parcels), all located in unincorporated Alameda County. The SMP numbers refer to Surface Mining Permit (SMP) numbers applicable to each site as approved by Alameda County in 2004, to allow for the extraction of sand and gravel. However, aggregate mining has not occurred within any of these sites. The project sites are located adjacent to the existing Oaks Business Park, which consists of eight light industrial warehouse buildings in the northwestern corner of the City of Livermore. The project sites are generally located west of Isabel Avenue/State Route (SR) 84, north of Stanley Boulevard, south of West Jack London Boulevard, and east of El Charro Road.

Approval of the project would supply the following municipal services to the affected territory: police protection, fire protection, water, wastewater services, flood control services, stormwater collection and treatment, street lighting, road maintenance, and library services.

Other Affected Agencies

The affected territory lies entirely within the unincorporated area of Alameda County. It also lies within the boundaries of the following special districts subject to Commission oversight.

- Zone 7 Water Agency
 - Alameda County Fire Department
 - East Bay Regional Park District
 - Livermore Area Recreation and Park District
 - Alameda County Vector Control Service District
 - Alameda County Mosquito Abatement District
- * The affected territory also lies within the Livermore Valley Joint Unified School District and within County Supervisorial District No. 1 (Supervisor David Haubert).

Discussion

This item is for the Commission to consider approving – with or without modifications – the applicant’s submitted reorganization proposal and sphere amendment of the affected territory to the City. 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 for the development of 1.5 million square feet of industrial buildings such as warehouses, distribution centers, research and development facilities, administrative offices, laboratories, and manufacturing.

Development Potential

The affected territory as detailed in Appendix A is designated as “Industrial” and zoned by the County of Alameda as “Agriculture” with an overlay permitting quarry operations. Approval of the annexation will support the development of six light industrial buildings, consisting of up to 755,500 square feet of new building space with associated internal roadways, parking, landscaping, utilities and other improvements. The development will occur on SMP 39 Assessor Parcel Number (APN) 904-3-1-4 and SMP 40 (APN 904-10-2-2). In addition, the proposal includes annexation of four additional parcels (APNs 904-10-2-3, -5, -7, and -8) located east of SMP 40. Development is not proposed on the four additional parcels, and they are to remain as open space.

The City of Livermore has pre-zoned the subject parcels of SMP 39 and 40 with the land use designation of “Planned Development – Industrial (PD-I)” to allow for low intensity industrial development. The remaining four parcels are pre-zoned as “Open Space Floodplain (OS-F) for

preservation of open space and protection of natural features and attributes, including the Arroyo Mocho River.



Analysis

Staff has identified three 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 (a) amending the City of Livermore’s sphere of influence (b) the timing of the annexation itself, and (c), applying discretionary boundary amendments or approval terms aimed at perfecting the action relative to member preferences in administering LAFCO law in Alameda County. A summary of the three sequential policy issues for the Commission to consider follows.

Amending the City of Livermore's Sphere of Influence

A portion of the affected territory (SMP 39) as proposed lies outside the City of Livermore's sphere of influence and therefore necessitates an amendment to include the subject lands to allow for an annexation. This specifically includes considering the factors prescribed by the Legislature as detailed in Government Code Sections 56375.5 and 56472 given CKH specifies all boundary changes comply with the affected agencies' spheres with limited exceptions. An affirmative response that the affected territory belongs in the City's sphere positions the Commission to proceed and consider the next policy question. A non-affirmative response compels the Commission to disapprove the proposal with any additional direction to the applicants and staff.

Timing of Annexation

If it is determined the affected territory merits inclusion into the City of Livermore's sphere, the Commission must next consider if the timing of the annexation itself is appropriate. This specifically includes whether the Commission collectively believes the timing of the boundary change is justified relative to the review of the multitude of factors prescribed by the Legislature and local policies.

Appropriate Boundary Amendments and/or Terms

If it is determined the annexation of the affected territory to the City of Livermore is merited, the Commission must next consider whether approval be tied to either discretionary amendments and or terms. This includes whether the Commission deems it appropriate to either expand or retract the annexation boundary itself to help improve and effectuate more orderly government boundaries. This also includes requiring approval terms to support the underlying boundary changes so long as they do not directly regulate land use as prohibited under CKH.

Sphere Amendment

Staff believes an amendment to the City of Livermore's sphere to include the affected territory as proposed (i.e., SMP 39) is sufficiently justified and supported by the deference to two related policy factors. First, the affected territory lies immediately adjacent to the City's existing industrial zone and therefore the amendment to the sphere to include the subject lands would be responsive to the City's existing infrastructure and economic needs of the area. It also lies within the City of Livermore South Livermore Urban Growth Boundary (UGB). Secondly, amending the City's sphere to include the affected territory (SMP 39) would maintain a Commission preference to direct developed or developing lands to urban services. An expanded justification addressing the factors required for review under State law is provided in Appendix A.

- The current sphere designation for the City of Livermore was last updated in 2018.

- Consistent with State law, it is the policy preference of the Commission to inform sphere changes by preparing municipal service reviews to independently assess the availability, adequacy, and performance of subject services relative to local needs. The Commission recently provided a public draft of its Community Services Municipal Service Review in May 2024 and assessed capacities and demands of all cities within Alameda County.

Annexation Timing

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 city. 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 City of Livermore has the available capacities to accommodate the projected service demands and needs for the affected territory's industrial and open space use without impacting existing residents.
- Annexation of the affected territory to the City is consistent with adopted land use policies of the City of Livermore and reflected in the Livermore Planning Commission's amendment of its zoning district map of the City to pre-zone the proposed project site and affected territory at its March 5, 2024 meeting.
- The City of Livermore's land use policies covering the affected territory were most recently reviewed and affirmed as part of its General Plan. This planning document along with conforming zoning assignments consider open space and industrial uses for the affected territory and at a density and intensity level that merits the Commission to authorize the extension of municipal services to the subject parcels.
- The City serves as the lead agency for assessing potential impacts of the proposal under the California Environmental Quality Act (CEQA). Currently, a lawsuit filed by the Carpenters Local Union seeks to enjoin the City of Livermore and the certification of the Environmental Impact Report, finding that the proposal would have potentially significant environmental impacts and is in violation of CEQA. However, this should not impede the Commission's consideration of the proposal according to Public Resources Code Section 21167.3(b). The section states that even with a pending court case, a responsible agency must assume that the environmental documentation complies with CEQA and must proceed forth with normal processing timelines unless an injunction is issued. Lastly, the lawsuit has been dismissed and a settlement agreement has been reached by both parties.

- The Environmental Impact Report (EIR) found that SMP 39 and SMP 40 have on-site soils that meet one or more of Alameda LAFCO’s criteria for being considered prime agricultural land, concluding that the conversion of these lands would be a significant and unavoidable impact of the project.
- The Draft EIR also noted that it is Alameda LAFCO’s General Proposal Policy to discourage city annexations of prime agricultural land, if such areas are not needed for urbanization within five years. The City has identified a need for additional industrial uses within the City of Livermore, and vacant land that would be viable for development of industrial uses similar to the SMP 39/SMP 40 project does not exist within current Livermore city limits. The City’s EIR finds that urbanization of the SMP 39/SMP 40 sites within the next five years is needed to allow for the development of additional light industrial uses within the City.

The timing of the change of organization of the affected territory appears sufficient given the referenced (a) planning consistency, (b) service need, and (c) agency capacity considerations tied to extending municipal services to the affected territory at its maximum allowable uses.



[Approval Amendments/Terms](#)

Staff has identified one potential amendment to the proposal that involves expanding the sphere area to include one additional unincorporated parcel immediately west of the affected territories totaling 111.7 acres. The rationale for this amendment stems from the goal of achieving a more organized boundary along West Jack London Boulevard within the City of Livermore’s sphere. However, proceeding with this amendment is challenging at this time because SMP 38 falls within the City of Pleasanton’s sphere of influence, and there are currently no development plans for SMP 38. According to the Commission’s Specific Proposal Policies:

- Spheres for cities and districts shall be used to promote long-term preservation and protection of the County’s agricultural and open space resources. LAFCOs shall not include territory to a sphere if:
 - It is not included in the land use element of a General Plan;
 - There is no compelling evidence that services will need to be provided within the next 10 to 15 years;
 - There is insufficient information to enable the commission to make determinations required in Government Code Section 56425; or
 - The territory is included in the sphere of another agency capable of providing services.

Staff assigns deference to these latter considerations, and as such does not recommend proceeding with the referenced alternative boundary amendment at this time.

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. The City of Livermore and the County of Alameda have adopted a property tax exchange agreement in step with the proposed reorganization based on the computed 1% share of the property tax revenue generated from the total assessed value of the parcels proposed for annexation, which totals \$7,498.18.

Environmental Review

The City serves as the lead agency for assessing potential impacts of the proposal under the California Environmental Quality Act (CEQA) given that the jurisdictional change is intended to facilitate the development of a city-approved development project. The City determined the proposed development and annexation qualify as a project under CEQA and prepared an Environmental Impact Report (EIR). The EIR found that SMP 39 and SMP 40 have on-site soils that meet one or more of Alameda LAFCO’s criteria for being considered prime agricultural land, concluding that the conversion of these lands would be a significant and unavoidable impact of the project. The Draft EIR also noted that it is Alameda LAFCO’s General Proposal Policy to discourage city annexations of prime agricultural land, if such areas are not needed for urbanization within five years.

The City has identified a need for additional industrial uses within the City of Livermore, and vacant land that would be viable for development of industrial uses similar to the SMP 39/SMP 40 project does not exist within current Livermore city limits. The City's EIR finds that urbanization of the SMP 39/SMP 40 sites within the next five years is needed to allow for the development of additional light industrial uses within the City. The other impacts of the project can be mitigated. Staff independently concurs with the City that it has made appropriate determinations, but recommends as a term and condition, if approved, the City must adopt a statement of overriding considerations for the conversion of prime agricultural land. Further CEQA Analysis is shown in Attachment 3.

Link to Environmental Impact Report:

<https://www.livermoreca.gov/home/showpublisheddocument/11225/638410755484800000>

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 mailed notice pursuant to Section 56157 has been given to landowners and registered voters within the affected territory and no written opposition to the proposal has been received before the conclusion of the commission proceedings on the proposal.

Alternatives for Action

The following alternatives are available to the Commission:

Alternative One (Recommended):

Adopt the draft resolution identified as Attachment 1 and 2 approving the reorganization proposal and sphere amendment of the affected territory to the City of Livermore with an additional term and condition that the City of Livermore shall adopt a statement of overriding considerations for the conversion of prime agricultural land.

Alternative Two:

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

Alternative Three:

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

Recommendation

It is recommended the Commission proceed with Alternative Action One.

Procedures for Consideration

This item has been placed on the agenda for action as part of a noticed public hearing. The following procedures are recommended for consideration.

- 1) Receive a verbal report from staff;
- 2) Invite questions from the Commission;
- 3) Open the public hearing and invite comments from audience (mandatory); and
- 4) Close the public hearing, discuss item, and consider recommendation

Respectfully,



Rachel Jones
Executive Officer

Attachments:

1. Draft Resolution of Approval
2. Draft Resolution of Sphere Amendment
3. LAFCO CEQA Analysis
4. Vicinity Maps
5. Application Materials

**APPENDIX A
SPHERE OF INFLUENCE AMENDMENT
ANALYSIS OF MANDATORY FACTORS
GOVERNMENT CODE SECTION 56425**

1) The present and planned land uses in the area, including agricultural and open space lands.

The affected territory as proposed consists of six parcels totaling approximately 105.4 acres. Parcel SMP 39 is vacant grassland and approximately 52 acres. The project includes off-site roadway, bicycle lane, and other public improvements adjacent to and east of SMP 40. The proposed Planned Development zoning for SMP 39 will allow some typical light industrial uses such as warehouse, distribution, research facilities, laboratories, manufacturing uses, and professional and administrative offices.

2) The present and probable need for public facilities and services in the area.

The affected territory is currently undeveloped, necessitating the extension of municipal services to support future development. The City of Livermore will provide public services, including police and fire protection, water, and wastewater services, stormwater management, street lighting and road maintenance. The anticipated industrial development will increase demand for these services, which the City is prepared to accommodate.

3) The present capacity of public facilities and adequacy of public services which the agency provides or is authorized to provide.

In step with the review of the proposed reorganization and annexation of the affected territory and the public draft of the Commission's Community Services Municipal Service Review in May 2024, staff has confirmed the City's existing service facilities have sufficient capacity to meet projected demands at maximum potential use.

4) The existence of any social or economic communities of interest in the area if the commission determines they are relevant to the agency.

The affected territory is adjacent to the existing Livermore Oaks Business Park and other urbanized areas within the City of Livermore. The reorganization will strengthen the economic and social integration of the territory with the City, enhancing community cohesion and supporting regional economic development objectives.

5) For agencies providing water, sewer, or fire protection, the present and probable need for those services within any disadvantaged unincorporated communities within the agency's existing sphere of influence.

There is no existing evidence indicating the presence of disadvantaged unincorporated communities within the City of Livermore's sphere.

APPENDIX B

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 six parcels totaling 105.4 acres. The area is currently uninhabited, with no registered voters residing within its boundaries. The territory consists of vacant land with a mix of industrial and open space designations. The topography is generally flat, with natural drainage facilitated by the adjacent Arroyo Mocho River. Given its proximity to existing urban development, population density is expected to increase but remain only transient as the land use is designated for light manufacturing uses. The assessed value of the affected territory totals \$749,818.

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 affected territory is substantially surrounded by the City of Livermore and an established commercial area with urban services. The proposed development and annexation are consistent with the present and probable uses of the area. The requested change of organization would facilitate urban development under the City's land use authority and clearly distinguish the City's responsibility to provide urban and municipal services including police and fire protection, wastewater, and other governmental services. The area is surrounded by urbanized land within the City of Livermore and the existing Livermore Oaks Business Park. The City has adequate service capacities, including police, fire, water, wastewater, and flood control services to accommodate the annexation without negatively impacting service delivery to existing residents. Future development in the annexed area will require coordinate municipal services, which the City of Livermore is prepared to provide.

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 the City of Livermore would recognize and strengthen existing economic and social ties between the City and the affected territory given that the proposed development is consistent with uses already established in the surrounding area and clarify municipal service responsibility. It would also change the area from mining operations to light industrial for job growth and economic development to the surrounding area.

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 proposed annexation and recommended sphere conforms to Alameda LAFCO's policies regarding the provision of orderly growth and efficient municipal services in the unincorporated area that is currently substantially surrounded by the City of Livermore with nearly overlapping service jurisdictions. The affected territory is in keeping with the Commission's policy of providing urban municipal services to urban areas given that the development territory is currently commercial or industrial in nature and surrounded by industrial uses. The proposal is consistent with the City of Livermore's General Plan and zoning designations for light industrial and open space uses, promoting efficient use of land and resources. Given the size of the development and use of land, if the proposed project was developed in an area containing nonprime agricultural lands, it would result in development that was not orderly, efficient, or planned. Disapproval will discourage orderly and timely urban development as no feasible alternative exists.

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

The Initial Study prepared for the project determined that development of the project would result in no impact or a less than significant impact related to the following:

- No conversion of Prime Farmland, Unique Farmland, or Farmland of Statewide Importance (Farmland), as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to non-agricultural use;
- No conflict with existing zoning for, or cause rezoning of, forest land, timberland, or timberland zoned Timberland Production, and
- No loss of forest land, or conversion of forest land to non-forest use.

The Initial Study's analysis of Prime Farmland, Unique Farmland, or Farmland of Statewide Importance relied on the USDA Soil Conservation Service's Farmland Mapping and Monitoring

Program (FMMP) land inventory. Based on the FMMP, both SMP 39 and SMP 40 consist entirely of land classified as Grazing Land, and not Prime, Unique or Statewide Important Farmland.¹ The Draft EIR provided further evaluation of other agricultural thresholds, concluding less than significant impacts related to the following:

- No portions of the project site (SMP 39, SM 40 and the Additional Annexation Only Parcels) are under a Williamson Act contract, such that the project would not conflict a Williamson Act contract
- The entirety of the SM 39/SMP 40 sites are currently zoned for agricultural uses by Alameda County. However, the EIR recognizes that Alameda County previously approved surface mining permits for each of these SMP sites, and thus anticipated that these sites would be used for mining, rather than for agricultural uses.²

This additional analysis relied on the definition of prime agricultural land per Government Code Section 56064, as “an area of land, whether a single parcel or contiguous parcels, that has not been developed for a use other than an agricultural use and that meets any of the following qualifications”:

- Land that qualifies, if irrigated, for rating as class I or class II in the USDA Natural Resources Conservation Service land use capability classification, whether or not land is actually irrigated, provided that irrigation is feasible All soils within SMP 39 and nearly all of the soils within SMP 40 meet this criteria
- Land that qualifies for rating 80 through 100 Storie Index Rating All soils within SMP 39 and SMP 40 meet this criteria
- Land that supports livestock used for the production of food and fiber and that has an annual carrying capacity equivalent to at least one animal unit per acre as defined by the United States Department of Agriculture in the National Range and Pasture Handbook, Revision 1, December 2003 Lands within SMP 39 and SMP 40 do not meet this criteria
- Land planted with fruit or nut-bearing trees, vines, bushes, or crops that have a non-bearing period of less than five years and that will return during the commercial bearing period on an annual basis from the production of unprocessed agricultural plant production not less than four hundred dollars (\$400) per acre. Lands within SMP 39 and SMP 40 do not meet this criteria

¹ Livermore, *SMP 38/SMP 39/SMP 40 Project, Initial Study*, page 38

² Livermore, *SMP 38/SMP 39/SMP 40 Project Draft EIR*, page 4.1-12

- Land that has returned from the production of unprocessed agricultural plant products an annual gross value of not less than four hundred dollars (\$400) per acre for three of the previous five calendar years. Lands within SMP 39 and SMP 40 are assumed to have met this criteria

Based on this evaluation, the City’s EIR found that SMP 39 and SMP 40 have on-site soils that meet one or more of Alameda LAFCO’s criteria for being considered prime agricultural land, concluding that the conversion of these lands would be a significant and unavoidable impact of the project.

The Draft EIR also noted that it is Alameda LAFCO’s General Proposal Policy to discourage city annexations of prime agricultural land, if such areas are not needed for urbanization within five years. The City has identified a need for additional industrial uses within the City of Livermore, and vacant land that would be viable for development of industrial uses similar to the SMP 39/SMP 40 project does not exist within current Livermore city limits. The City’s EIR finds that urbanization of the SMP 39/SMP 40 sites within the next five years is needed to allow for the development of additional light industrial uses within the City.

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 proposed annexation is consistent with the City of Livermore’s General Plan (Planned Development – Industrial and Open Space) and the East County Area Plan of Alameda County (Industrial and Agriculture).

The proposal does not conflict with the regional transportation plan maintained by the Metropolitan Transportation Commission. The proposed project would include frontage improvements along SMP 39 and right-of-way dedication for the ultimate buildout of West Jack London Boulevard, which would include an at-grade, paved shared-use path along the project frontage, consistent with the City of Livermore’s Active Transportation Plan (ATP). Similarly, a paved at-grade, on-site trail would be provided along the boundaries of the SMP 40 site, consistent

with the City's ATP. The proposed on-site trails would provide connection between SMP 39 to the existing path along the western boundary of the Oaks Business Park, SMP 40, and eventually to the Arroyo Mocho Trail. The proposed project would include a new off-site trail connection to the existing Arroyo Mocho Trail located on the east side of Isabel Avenue/SR 84.

The area does not lie within a Priority Conservation Area (PCA) as identified by the Association of Bay Area Governments.

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

The proposal to annex SMP 39 to the City of Livermore necessitates a concurrent sphere amendment and has been incorporated into the staff analysis. No other agency spheres necessitate amendment 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. One comment letter was received by Alameda County's Community Development Agency requesting that the Commission add a condition of approval to notify future residents that the property is adjacent to an existing mining operation and that such new uses should mitigate any potential conflict with the quarry. The comment letter is shown in Attachment 5.

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 City of Livermore, by approving the proposed annexation via Resolution Number 2024-044 adopted on March 25, 2024 attests to its ability to provide the full range of municipal services following the proposed boundary change.

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

Water Delivery Infrastructure

Two separate utilities provide water supply to the City of Livermore. Livermore Municipal Water (LMW) is the City's water utility and serves the northwest, northeast and easterly portions of the City. The California Water Service (Cal Water) is a private utility company that serves districts throughout the state, as well as to downtown, central and southern Livermore. Both LMW and Cal Water purchase water from the Zone 7 Water Agency to provide service to customers within

the City limits, and they own the distribution water pipes in their respective service areas. As demonstrated in the City of Livermore EIR (Figure 4.7-1), the SMP 39 and SMP 40 sites are currently located within LMW's Zone 1 Water Service Area on the westerly side of the City of Livermore. Following annexation into the City, LMW would provide water to the SMP 39 and SMP 40 sites.

Water service for SMP 39 would be provided to the site by LMW via an existing potable water line within West Jack London Boulevard that currently runs to within 1,250 feet of the SMP 39 boundary, at which point the line proceeds north through the Livermore Municipal Airport. As part of the SMP 39 project, this line would be extended west to serve the SMP 39 parcel. Water service for SMP 40 would be provided by an extension of the existing LMW water lines within Atlantis Street and Challenger Street. Installation of the new water supply infrastructure would occur either in existing road rights-of-way and/or in areas proposed for disturbance as part of development. SMP 39 and SMP 40 would not require or result in the relocation or construction of new or expanded water facilities, whose construction would could cause significant environmental effects. All necessary water conveyance infrastructure would be financed by the project applicant. This impact was found to be less than significant.

Water Supply

The City of Livermore (LMW) receives potable water and raw water from a number of different sources, but primarily via purchase from the Zone 7 Water Agency and reclaimed water from the Livermore Water Reclamation Plant. The Zone 7 Water Agency provides wholesale water for the entire Tri-Valley, including the cities of Livermore, Pleasanton, Dublin, and through special agreement to the Dougherty Valley area. Zone 7 Water Agency anticipates providing all of LMW's potable water over the next 20 years. The Zone 7 Water Agency acquires more than 80 percent of its raw water supply from the California State Water Project.

The City's EIR estimates the combined potable and recycled water demands for the SMP 39/SMP 40 project to be approximately 78,900 and 19,000 gpd (or 88 and 21 AFY), respectively.

A Water Supply Assessment (WSA) prepared for the City's EIR projects the water supplies available for development served by LMW, as well as the anticipated demand (existing plus future cumulative development) during normal, single dry, and multiple dry years. According to the WSA, the LMW's combined potable and raw water demand in 2020 was approximately 6,549 AFY. Potable and raw water demands are projected to reach 6,945 AFY by year 2040 (or a 6% increase). These projected water demands do not specifically include the projected water demands for the SMP 39/ SMP 40 project, which have an estimated potable water demand of 88 AFY. This additional demand represents an approximately 1.3 percent increase in the City's total projected potable water demands, which the EIR considers to be well within the margin of error for water supply planning purposes. Furthermore, Zone 7's 2020 UWMP indicates that Zone 7 will have a water supply surplus greater than 88 AFY under all hydrologic conditions through year 2045. Therefore, water demand within the LMW's

service area (including the SMP 39/SMP 40 project) is not expected to exceed supplies in any year, or under any hydrologic condition.

In addition, the WSA determined that the recycled water demand associated with the SMP 39/SMP 40 project would be approximately 21 AFY, or about one percent of the City's annual projected recycled water demand through 2045. This small increment of demand would not exceed anticipated recycled water supplies. Given the high reliability of the City's recycled water supply and the relatively small demand for recycled water associated with these projects, the WSA concluded the City would be capable of meeting the recycled water demand associated with the project under all hydrologic conditions.

Based on the analysis presented in the City's EIR, Zone 7 Water Agency and LMW would have sufficient water supplies available to serve buildout of the SMP 39/SMP 40 project and other reasonably foreseeable future development during normal, dry and multiple dry years, and a less than significant impact would occur.

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 proposal would not impact any local agencies in accommodating regional housing needs. The affected territory and proposed development do not consist of residences, and as such, current and future housing allocations made by the Association of Bay Area Governments are not applicable.

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 (12 registered voters or less). The City of Livermore has provided documentation that the four of the six landowners support the underlying reorganization and have provided their written consent to the proceedings.

14) Any information relating to existing land use designations.

See analysis on the preceding page of the agenda report.

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

There is no documentation or evidence suggesting the proposal will have a measurable effect with respect to promoting environmental justice. The proposal project includes measures to mitigate environmental impacts and supports equitable access to municipal services.

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 reorganization would remain in step with the existing uses of the surrounding area and provide additional services and industrial uses to present and future inhabitants of the City.

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 does not lie within a high fire area or wildfire severity zone according to the County of Alameda's Fire and Resource Assessment Plan and the Tri-Valley Local Hazard Mitigation Plan.

ALAMEDA LOCAL AGENCY FORMATION COMMISSION

RESOLUTION _____

**APPROVING SPHERE OF INFLUENCE AMENDMENT
THE CITY OF LIVERMORE**

(LAFCO File No. 2024-01)

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 of application, by the City of Livermore, proposing the annexation of certain unincorporated territory to the City of Livermore has been filed with the Commission’s Executive Officer, hereinafter referred to as “Executive Officer,” in a manner provided by law; and

WHEREAS, the proposal seeks approval to annex approximately 105.4 acres of unincorporated land to the City of Livermore; and

WHEREAS, the affected territory includes one legal parcel, referred to as SMP 39, located along West Jack London boulevard and identified by the County of Alameda Assessor’s Office as 904-0003-001-04; and

WHEREAS, the affected territory as proposed currently lies outside of the City of Livermore’s established sphere of influence, and as a result requires a conforming amendment to accommodate the requested reorganization under Government Code Section 56375.5; and

WHEREAS, the Executive Officer’s report and recommendations on the proposal and need for concurrent sphere of influence amendment involving the City of Livermore have been presented to the Commission in the manner provided by the law; and

WHEREAS, the Commission heard and fully considered all the evidence presented at a public meeting held on July 11, 2024;

WHEREAS, the Commission considered all the factors required by law under Government Code Section 56425 and adopted local policies and procedures on the sphere of influence amendments.

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

1. The Commission’s determinations on the sphere of influence amendments to the City of Livermore proposal incorporate the information and analysis provided in the Executive Officer’s written report presented on July 11, 2024.
2. The Commission serves as the responsible agency under the California Environmental Quality Act (CEQA) in considering the impacts of the sphere of influence amendments. The Commission certifies it has reviewed and considered the environmental effects of the Oak

Business Project Reorganization No. 1, and feasible mitigation measures and alternatives within the Commission's powers contained in the Environmental Impact Report (EIR) and related environmental documentation prepared for the SMP 39 and SMP 40 development and certified by the City (Lead Agency), and, finding them to be adequate for its purposes in reviewing and approving the proposed reorganization, the Commission in exercise of its independent judgement adopt as its own the findings and determinations outlined in the EIR to conclude that based upon substantial evidence in the record as a whole that the Oak Business Project Reorganization No. 1 have found that the affected territory have on-site soils that meet one or more of Alameda LAFCO's criteria for being considered prime agricultural land, concluding that the conversion of these lands would be a significant and unavoidable impact of the project. The other impacts of the project can be mitigated and the City shall adopt a statement of overriding considerations for the conversion of prime agricultural land.

3. The sphere of influence amendment involving the City of Livermore as provided below are APPROVED:
 - a) SMP 39 to the City of Livermore sphere of influence
4. Approval of the sphere of influence amendments are CONDITIONED on the following terms being satisfied within one calendar year – or July 11, 2025 – unless a prior written request for a time extension is received and approved by the Commission.
 - a) Approval and completion of the reorganization of the affected territory – with or without boundary modifications made by the Commission – to annex SMP 39 to the City of Livermore.
 - b) The City shall adopt a statement of overriding considerations for the conversion of prime agricultural land.
5. The affected territory as designated by the Commission is shown in Exhibit “A.”
6. The statements of the Commission addressing the mandatory factors required for consideration anytime sphere of influence are amended or updated under Government Code Section 56425 is provided as Exhibit “B.”
7. The effective date of the sphere of influence amendments shall be determined by the Executive Officer and based on successful completion of the conditions outlined in this resolution.
8. As allowed under Government Code 56883, 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 July 11, 2024 by the following vote:

AYES:

NOES:

ABSTAIN:

ABSENT:

APPROVED:

ATTEST:

Karla Brown
Chair

Rachel Jones
Executive Officer

APPROVED TO FORM:

Andrew Massey
Legal Counsel

ALAMEDA LOCAL AGENCY FORMATION COMMISSION

RESOLUTION NO. 2024-XX

REORGANIZATION AND WAIVER OF PROTEST PROCEEDINGS

“Oak Business Project Reorganization No. 1 – City of Livermore”

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 of application dated March 25, 2024 was filed by the City of Livermore (“City”), 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; and

WHEREAS, said application shall be referred to as the N. Oak Business Project Reorganization No. 1; and

WHEREAS, the purpose of requesting approval of an reorganization provide municipal services to 105.4 acres of unincorporated territory in Alameda County; and

WHEREAS, the subject territory is uninhabited as it contains zero registered voters under Government Code Section 56046 and that no affected agency has submitted written opposition to a waiver of protest proceedings; and

WHEREAS, the City and County of Alameda have reached agreement on an exchange of property tax revenues in accordance with the 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 reorganization; and

WHEREAS, the Commission has reviewed and considered an Environmental Impact Report approved by the lead agency, the City; and

WHEREAS, a public meeting was held on July 11, 2024, 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 July 11, 2024.
2. The Commission certifies it has reviewed and considered the environmental effects of the Oak Business Project Reorganization No. 1, and feasible mitigation measures and alternatives within the Commission's powers contained in the Environmental Impact Report (EIR) and related environmental documentation prepared for the SMP 39 and SMP 40 development and certified by the City (Lead Agency), and, finding them to be adequate for its purposes in reviewing and approving the proposed reorganization, the Commission in exercise of its independent judgement adopt as its own the findings and determinations outlined in the EIR to conclude that based upon substantial evidence in the record as a whole that the Oak Business Project Reorganization No. 1 have found that the affected territory have on-site soils that meet one or more of Alameda LAFCO's criteria for being considered prime agricultural land, concluding that the conversion of these lands would be a significant and unavoidable impact of the project. The other impacts of the project can be mitigated and the City shall adopt a statement of overriding considerations for the conversion of prime agricultural land.
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 224 West Winton Avenue, Suite 110, Hayward, California 94544.
4. The agreement will permit the provision of municipal services to the subject parcels identified by the County of Alameda Assessor's Office as (904-0003-001-04, 904-0010-002-02, 904-0010-002-03, 904-0010-002-05, 904-0010-002-07, and 904-0010-002-08) located in the unincorporated area of Alameda County.
7. Approval would be conditioned on a final map and geographic description conforming to the standards of the State Board of Equalization and the adoption of a statement of overriding considerations for the conversion of prime agricultural land.
8. The subject territory is uninhabited as it contains zero registered voters under Government Code Section 56663 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
9. As allowed under Government Code 56883, 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 July 11, 2024 by the following vote:

AYES:

NOES:

ABSTAIN:

ABSENT:

APPROVED:

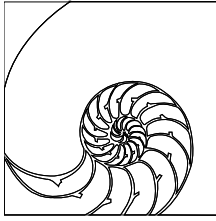
ATTEST:

Karla Brown
Chair

Rachel Jones
Executive Officer

APPROVED TO FORM:

Andrew Massey
Legal Counsel



LAMPHIER-GREGORY

Memo

TO: Rachel Jones, Executive Officer
Alameda Local Agency Formation Commission (Alameda LAFCo)
224 West Winton Avenue, Suite 110
Hayward, California 94544
Via email at: Rachel.Jones@acgov.org

FROM: Scott Gregory, President – Lamphier-Gregory

SUBJECT: Review of the City of Livermore EIR for the SMP 39 / SMP 40 Project (SCH #2023010091)

DATE: June 25, 2044

Per your request, Lamphier-Gregory has reviewed the Environmental Impact Report (EIR) prepared by the City of Livermore for the proposed Surface Mining Permit (SMP) 39 and SMP 40 development project. Our review has included the following:

- the City's Notice of Preparation of an Environmental Impact Report (NOP) for the Proposed SMP 38/SMP 39/SMP 40 Project and attached Initial Study of January 6, 2023
- the City's Draft EIR for the SMP 38/SMP 39/SMP 40 Project dated August 2023
- the City's Final EIR for the SMP 39/SMP 40 Project dated January 2024 ¹
- and numerous Exhibits and Attachments as included in the City of Livermore's City Council hearing to consider a request for an Annexation/Pre-zoning, Pre-Annexation and Development Agreements, General Plan Amendment, Zoning Map Amendment, Development Code Amendment, Vesting Tentative Parcel Map, Planned Development, and Site Plan Development Review for the SMP 39 and 40 Projects to zone for and develop light industrial uses near the northwest part of the City.

The purpose of our review is to provide Alameda LAFCo with an assessment of whether these environmental review documents prepared by the City of Livermore are adequate for use by Alameda LAFCo, as a Responsible Agency under CEQA, to reach its own conclusions on whether and how to approve those elements of the SMP 39/SMP 40 Project that are within Alameda LAFCo's jurisdiction and authority.

¹ The Draft EIR included environmental review for an additional property known as SMP 38. Between publication of the Draft EIR and the Final EIR, the City of Livermore chose to remove all components of the project related SMP 38 from the project, primarily because specific development proposals for SMP 38 were not available at that time. According to the Final EIR (page 1-2), the City of Pleasanton has agreed to participate in a discussion of a Sphere of Influence (SOI) amendment for SMP 38 at such time as a development proposal is brought forth.

As identified in the following summary review of the SMP 39/SMP 40 EIR, the environmental documents prepared by the City of Livermore provide a thorough and comprehensive review of those environmental issues of greatest concern to Alameda LAFCo, per Alameda LAFCo's General City Annexation and Detachment Policies and Standards, including:

- a brief description of the proposed SMP 39/SMP 40 Project
- Alameda LAFCo's role as a Responsible Agency for the environmental review of proposed change of organization
- consideration of whether proposed changes in organization encourage and provide planned, well ordered, efficient development patterns
- consideration of appropriate preservation and conservation of open space and prime agricultural lands, and
- demonstration that the annexing agency is capable of providing governmental and municipal services, and that a plan for providing such services exists

It is Lamphier-Gregory's opinion that the environmental review documents prepared by the City of Livermore are fully adequate for use by Alameda LAFCo as a Responsible Agency under CEQA.

This memorandum provides no opinions or advise to Alameda LAFCO as to whether it should or should not approve those elements of the SMP 39/SMP 40 Project that are within its jurisdiction. Those elements of the SMP 39/SMP 40 project within Alameda LAFCo's jurisdiction include consideration of a City of Livermore application for a Sphere of Influence (SOI) Amendment for SMP 39, annexation of SMP 39 into the City of Livermore, annexation of SMP 40 into the City of Livermore, and annexation of those properties identified as "Additional Annexation Only Parcels" into the City of Livermore.

SMP 39/SMP 40 Project

Project Location

The approximately 105-acre project site consists of six separate parcels identified by Assessor's Parcel Numbers (APNs) 904-3-1-4 (SMP 39); 904-10-2-2 (SMP 40), and 904-10-2-3, -5, -7, and -8 (the Additional Annexation Only Parcels), all located in unincorporated Alameda County. The SMP numbers refer to Surface Mining Permit (SMP) numbers applicable to each site as approved by Alameda County in 2004, to allow for the extraction of sand and gravel. However, aggregate mining has not occurred within any of these sites. The project sites are located adjacent to the existing Oaks Business Park, which consists of eight light industrial warehouse buildings in the northwestern corner of the City of Livermore. The project sites are generally located west of Isabel Avenue/State Route (SR) 84, north of Stanley Boulevard, south of West Jack London Boulevard, and east of El Charro Road.²

Development Plan

On SMP 39, the proposed project would include development of up to six light industrial buildings, consisting of up to approximately 755,500 square feet (sf) of new building space, and associated internal roadways, parking, landscaping, utilities, and other improvements.

On SMP 40, the proposed project would include development of two industrial buildings containing up to approximately 759,275 sf of new building space with related internal roadways, parking, landscaping, utilities, and other improvements.

² Livermore, City of, *SMP 38/SMP 39/SMP 40 Draft EIR*, 8/2023, page 3-1; and *Final EIR*, Chapter 3

The EIR presumes that the likelihood for any future development on the Additional Annexation Only Parcels is low due to physical constraints to development present on the parcels, and their small size. The analysis of the EIR assumes that development on the Additional Annexation Only Parcels would be limited to cooperating with the project applicant regarding development of proposed trails and trail connections.

The proposed project would include frontage improvements along SMP 39 and right-of-way dedication for the ultimate buildout of West Jack London Boulevard, which would include an at-grade, paved shared-use path along the project frontage, consistent with the City of Livermore's Active Transportation Plan (ATP). Similarly, a paved at-grade, on-site trail would be provided along the boundaries of the SMP 40 site, consistent with the City's ATP. The proposed on-site trails would provide connection between SMP 39 to the existing path along the western boundary of the Oaks Business Park, SMP 40, and eventually to the Arroyo Mocho Trail. The proposed project would include a new off-site trail connection to the existing Arroyo Mocho Trail located on the east side of Isabel Avenue/SR 84.³

Jurisdictional Boundaries

SMP 39, SMP 40, and the Additional Annexation Only Parcels are located within unincorporated Alameda County, but within the City of Livermore South Livermore Urban Growth Boundary (UGB). Accordingly, annexation of SMP 39, SMP 40, and the Additional Annexation Only Parcels into the City of Livermore is proposed, to bring these properties within the jurisdiction of the City of Livermore.

SMP 39 is also within the City of Pleasanton's Sphere of Influence (SOI). Accordingly, an SOI Amendment for SMP 39 is proposed in order to modify the City of Pleasanton SOI, align the SOI and South Livermore UGB boundaries to be consistent with one another, and provide a contiguous division of land between the cities of Livermore and Pleasanton.⁴

Existing Project Approvals

At its March 25, 2024 hearing, the Livermore City Council introduced an ordinance to pre-zone SMP 39 and SMP 40 to Planned Development - Industrial, and to pre-zone the Additional Annexation Only Parcels to Open Space – Floodplain (see attached **Exhibit B**). The City of Livermore also authorized an application to the Alameda County LAFCo to initiate a Sphere of Influence amendment and Annexation proceedings for the subject properties (see attached **Figures 3-3 and 3-4**).⁵

Lead Agency and Responsible Agencies

As defined by CEQA Guidelines Section 15367, a Lead Agency is the public agency that has the primary responsibility for carrying out or approving a project. As defined by CEQA Guidelines Section 15381, a Responsible Agency means a public agency which proposes to carry out or approve a project for which a Lead Agency is preparing or has prepared an EIR or negative declaration. The term "Responsible Agency" includes all public agencies, other than the Lead Agency, which have discretionary approval power over the project.

- ✓ For the SMP 30 and 40 Project, the City's EIR clearly identifies City of Livermore is the Lead Agency, and identifies the Alameda LAFCo as a Responsible Agency.⁶ Other responsible agencies include the Alameda County Airport Land Use Commission, Alameda County, City of Pleasanton, PG&E, the Bay

³ Livermore, *SMP 38/SMP 39/SMP 40 Draft EIR*, 8/2023, page 3-7

⁴ Ibid, page 3-26

⁵ Livermore City Council *Staff Report and Exhibits*, March 25, 2024

⁶ Livermore, *SMP 38/SMP 39/SMP 40 Draft EIR*, pages 1-1 and 1-2

Area Air Quality Management District, the San Francisco Regional Water Quality Control Board, Zone 7 Water Agency, and Caltrans

The City's EIR identifies the following roles and responsibilities of Alameda County LAFCo as a Responsible Agency in regards to approvals necessary for the project:

- Alameda LAFCo's consideration of a City of Livermore application for a SOI Amendment for SMP 39, and Annexation of SMP 39 into the City of Livermore
- Alameda LAFCo's consideration of a City of Livermore application for Annexation of SMP 40 into the City of Livermore
- Alameda LAFCo's consideration of a City of Livermore application for Annexation of the Additional Annexation Only Parcels into the City of Livermore

CEQA Guidelines for a Responsible Agency/Project Impacts

Responsible agencies that take discretionary actions regarding a project (e.g., approvals of annexations and SOI amendments) are required to comply with CEQA. For efficiency, CEQA allows Responsible Agencies to rely on a CEQA document prepared by the Lead Agency to meet their CEQA compliance requirements. However, Responsible Agencies must independently review and approve the CEQA document, and not rely automatically on the Lead Agency's judgments. According to CEQA Guidelines Section 15096, a Responsible Agency complies with CEQA "by considering the EIR prepared by the Lead Agency and by reaching its own conclusions on whether and how to approve the project involved."

As a Responsible Agency under CEQA, Alameda LAFCo must ensure that environmental documents prepared for its use adequately address LAFCo matters. LAFCOs were created to oversee local agency changes of organization, and are authorized by the Cortese-Knox-Hertzberg Act to consider reservation of open space and agricultural lands, as well as the efficient provision of municipal services in making their determinations regarding changes of organizations. While Alameda LAFCo has the power to impose conditions on changes of organization, they may only act within the powers granted by the statute. Alameda LAFCo may approve, disapprove or approve with conditions, the proposed SOI changes or annexation, but no condition may directly regulate land use. LAFCO may reduce boundaries to lessen an impact, or may require an agency with land use authority to implement a mitigation measure to reduce an impact.

Logical Extension of Urban Development

Although not a CEQA threshold topic, the City of Livermore's EIR documents do provide detailed information relative to whether proposed changes in organization that are necessary for the SMP 39/SMP 40 project encourage and provide for planned, well ordered and efficient development patterns. The following information is presented in text and figures in the City's EIR:⁷

- SMP 39, SMP 40 and the Additional Annexation Only Parcels are all located within the Urban Growth Boundary (UGB) as defined pursuant to Alameda County Measure D and the East County Area Plan, and within the coterminous City of Livermore South Livermore UGB. At SMP 39, the UGB is coterminous with the SMP 39 southerly property line. At SMP 40 and at the Additional Annexation Only Parcels, the UGB runs along Stanley Boulevard. The approximately 41-acre SMP 40 project site is separated from the UGB by Arroyo Mocho (immediately to the south of the SMP 40 project) and by an approximately 29-acre remainder portion of the SMP 40 property that would not be developed or annexed.

⁷ Livermore, *SMP 39/SMP 40 Final EIR*, page 3-5 and Figures 3-2, 3-3 and 3-4

- SMP 40 and the Additional Annexation Only Parcels are located within the City of Livermore's Sphere of Influence, which runs along Stanley Boulevard and along the SMP 40's westerly property line.
- SMP 39 is located within the City of Pleasanton's Sphere of Influence, which runs along West Jack London Boulevard and along the SMP 39 northerly property line. At this location (and for the majority of the adjacent Chain of Lakes area of existing and former aggregate quarries), the City of Pleasanton's Sphere of Influence and the City of Livermore's existing City limits are coterminous. The Project proposes a SOI Amendment for SMP 39 to bring this property out of Pleasanton's SOI and within Livermore's SOI.
- The northerly property line of SMP 40 is contiguous to the Livermore City Limits.
- The northerly and easterly property line of SMP 39 is contiguous to the Livermore City Limits.
- The northerly property line of SMP 40 is adjacent to the southerly portion of the Oaks Business Park (which consists of eight light industrial warehouse buildings), and thus contiguous to other urban development.
- The easterly property line of SMP 39 is adjacent to the westerly portion of the Oaks Business Park, and thus similarly contiguous to other urban development. The Livermore Municipal Airport is located approximately 100 feet north of SMP 39.

The City's EIR indicates that Livermore has identified a need for additional industrial uses within the City of Livermore, and vacant land that would be viable for development of industrial uses similar to the SMP 39/SMP 40 project does not exist within current Livermore city limits. Given the existing surrounding land uses, the SMP 39/SMP 40 sites are generally suitable locations for the proposed project, and a reasonable assumption can be made that other properties within or near the City may not be as well suited for industrial development as these sites. The EIR indicates that urbanization of the SMP 39 and SMP 40 project sites within the next five years is needed to allow for the development of additional light industrial uses within the City.

Agricultural Resources

The Initial Study prepared for the project determined that development of the project would result in no impact or a less than significant impact related to the following:

- No conversion of Prime Farmland, Unique Farmland, or Farmland of Statewide Importance (Farmland), as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to non-agricultural use;
- No conflict with existing zoning for, or cause rezoning of, forest land, timberland, or timberland zoned Timberland Production, and
- No loss of forest land, or conversion of forest land to non-forest use.

The Initial Study's analysis of Prime Farmland, Unique Farmland, or Farmland of Statewide Importance relied on the USDA Soil Conservation Service's Farmland Mapping and Monitoring Program (FMMP) land inventory. Based on the FMMP, both SMP 39 and SMP 40 consist entirely of land classified as Grazing Land, and not Prime, Unique or Statewide Important Farmland.⁸

⁸ Livermore, *SMP 38/SMP 39/SMP 40 Project, Initial Study*, page 38

The Draft EIR provided further evaluation of other agricultural thresholds, concluding less than significant impacts related to the following:

- No portions of the project site (SMP 39, SM 40 and the Additional Annexation Only Parcels) are under a Williamson Act contract, such that the project would not conflict a Williamson Act contract
- The entirety of the SM 39/SMP 40 sites are currently zoned for agricultural uses by Alameda County. However, the EIR recognizes that Alameda County previously approved surface mining permits for each of these SMP sites, and thus anticipated that these sites would be used for mining, rather than for agricultural uses.⁹

Alameda LAFCo Policies for Agricultural Resources

- ✓ In addition to the CEQA thresholds identified above, the City's EIR evaluated the project according to the agricultural resource policies and standards established by Alameda LAFCo, recognizing LAFCo's intent to discourage urban sprawl and preserve open space and prime agricultural lands.¹⁰

This additional analysis relied on the definition of prime agricultural land per Government Code Section 56064, as "an area of land, whether a single parcel or contiguous parcels, that has not been developed for a use other than an agricultural use and that meets any of the following qualifications":

- | | |
|--|--|
| • Land that qualifies, if irrigated, for rating as class I or class II in the USDA Natural Resources Conservation Service land use capability classification, whether or not land is actually irrigated, provided that irrigation is feasible | All soils within SMP 39 and nearly all of the soils within SMP 40 meet this criteria |
| • Land that qualifies for rating 80 through 100 Storie Index Rating | All soils within SMP 39 and SMP 40 meet this criteria |
| • Land that supports livestock used for the production of food and fiber and that has an annual carrying capacity equivalent to at least one animal unit per acre as defined by the United States Department of Agriculture in the National Range and Pasture Handbook, Revision 1, December 2003 | Lands within SMP 39 and SMP 40 do not meet this criteria |
| • Land planted with fruit or nut-bearing trees, vines, bushes, or crops that have a non-bearing period of less than five years and that will return during the commercial bearing period on an annual basis from the production of unprocessed agricultural plant production not less than four hundred dollars (\$400) per acre | Lands within SMP 39 and SMP 40 do not meet this criteria |
| • Land that has returned from the production of unprocessed agricultural plant products an annual gross value of not less than four hundred dollars (\$400) per acre for three of the previous five calendar years | Lands within SMP 39 and SMP 40 are assumed to have met this criteria |

⁹ Livermore, *SMP 38/SMP 39/SMP 40 Project Draft EIR*, page 4.1-12

¹⁰ *Ibid*, page 4.1-14

Based on this evaluation, the City's EIR found that SMP 39 and SMP 40 have on-site soils that meet one or more of Alameda LAFCo's criteria for being considered prime agricultural land, concluding that the conversion of these lands would be a significant and unavoidable impact of the project.

No Mitigation

The City's EIR discussed that the potential mitigation for impacts related to the conversion prime agricultural land to non-agricultural uses could include purchasing agricultural conservation easements on other agricultural lands not within the SMP 39/SM 40 sites (for example, the City of Livermore's South Livermore Valley Specific Plan includes such a requirement, in recognition of the City and County's desire to protect and preserve important viticulture lands). The EIR noted that this mitigation would not create new agricultural land, but would "simply preserve existing agricultural land elsewhere". No feasible mitigation measures were found to reduce this impact to a less than significant level, and the impact was determined to remain a significant and unavoidable effect of the SMP 39/SM 40 project.

The Draft EIR also noted that it is Alameda LAFCo's General Proposal Policy to discourage city annexations of prime agricultural land, if such areas are not needed for urbanization within five years. The City has identified a need for additional industrial uses within the City of Livermore, and vacant land that would be viable for development of industrial uses similar to the SMP 39/SMP 40 project does not exist within current Livermore city limits. The City's EIR finds that urbanization of the SMP 39/SMP 40 sites within the next five years is needed to allow for the development of additional light industrial uses within the City.

The City's EIR concluded that annexation is ultimately subject to approval by Alameda LAFCo and LAFCo's consideration of General and Specific City Annexation and Detachment Policies and Standards, including those policies related to appropriate preservation and conservation of prime agricultural lands.

Municipal Services

Water Delivery Infrastructure

- ✓ Two separate utilities provide water supply to the City of Livermore. Livermore Municipal Water (LMW) is the City's water utility and serves the northwest, northeast and easterly portions of the City. The California Water Service (Cal Water) is a private utility company that serves districts throughout the state, as well as to downtown, central and southern Livermore. Both LMW and Cal Water purchase water from the Zone 7 Water Agency to provide service to customers within the City limits, and they own the distribution water pipes in their respective service areas. As demonstrated in the City of Livermore EIR (Figure 4.7-1), the SMP 39 and SMP 40 sites are currently located within LMW's Zone 1 Water Service Area on the westerly side of the City of Livermore. Following annexation into the City, LMW would provide water to the SMP 39 and SMP 40 sites.¹¹

Water service for SMP 39 would be provided to the site by LMW via an existing potable water line within West Jack London Boulevard that currently runs to within 1,250 feet of the SMP 39 boundary, at which point the line proceeds north through the Livermore Municipal Airport. As part of the SMP 39 project, this line would be extended west to serve the SMP 39 parcel. Water service for SMP 40 would be provided by an extension of the existing LMW water lines within Atlantis Street and Challenger Street. Installation of the new water supply infrastructure would occur either in existing road rights-of-way and/or in areas proposed for disturbance as part of development. SMP 39 and SMP 40 would not require or result in the relocation or construction of new or expanded water facilities, whose construction would could cause significant environmental effects. All necessary water conveyance

¹¹ Ibid, page 4.7-5

infrastructure would be financed by the project applicant. This impact was found to be less than significant.¹²

Water Supply

The City of Livermore (LMW) receives potable water and raw water from a number of different sources, but primarily via purchase from the Zone 7 Water Agency and reclaimed water from the Livermore Water Reclamation Plant. The Zone 7 Water Agency provides wholesale water for the entire Tri-Valley, including the cities of Livermore, Pleasanton, Dublin, and through special agreement to the Dougherty Valley area. Zone 7 Water Agency anticipates providing all of LMW's potable water over the next 20 years. The Zone 7 Water Agency acquires more than 80 percent of its raw water supply from the California State Water Project.¹³

The City's EIR estimates the combined potable and recycled water demands for the SMP 39/SMP 40 project to be approximately 78,900 and 19,000 gpd (or 88 and 21 AFY), respectively.¹⁴

A Water Supply Assessment (WSA) prepared for the City's EIR projects the water supplies available for development served by LMW, as well as the anticipated demand (existing plus future cumulative development) during normal, single dry, and multiple dry years. According to the WSA, the LMW's combined potable and raw water demand in 2020 was approximately 6,549 AFY. Potable and raw water demands are projected to reach 6,945 AFY by year 2040 (or a 6% increase). These projected water demands do not specifically include the projected water demands for the SMP 39/ SMP 40 project, which have an estimated potable water demand of 88 AFY. This additional demand represents an approximately 1.3 percent increase in the City's total projected potable water demands, which the EIR considers to be well within the margin of error for water supply planning purposes. Furthermore, Zone 7's 2020 UWMP indicates that Zone 7 will have a water supply surplus greater than 88 AFY under all hydrologic conditions through year 2045. Therefore, water demand within the LMW's service area (including the SMP 39/SMP 40 project) is not expected to exceed supplies in any year, or under any hydrologic condition.

In addition, the WSA determined that the recycled water demand associated with the SMP 39/SMP 40 project would be approximately 21 AFY, or about one percent of the City's annual projected recycled water demand through 2045. This small increment of demand would not exceed anticipated recycled water supplies. Given the high reliability of the City's recycled water supply and the relatively small demand for recycled water associated with these projects, the WSA concluded the City would be capable of meeting the recycled water demand associated with the project under all hydrologic conditions.

Based on the analysis presented in the City's EIR, Zone 7 Water Agency and LMW would have sufficient water supplies available to serve buildout of the SMP 39/SMP 40 project and other reasonably foreseeable future development during normal, dry and multiple dry years, and a less than significant impact would occur.¹⁵

Wastewater Conveyance

- ✓ Upon annexation into the City of Livermore, the SMP 39 and SMP 40 sites would be within the sewer service area of the City of Livermore. Existing development near the SMP 39/SMP 40 projects is

¹² Ibid, page 4.7-26

¹³ Ibid, page 4.7-5

¹⁴ Ibid, page 4.7-19

¹⁵ Ibid, page 4.7-29, and *SMP 39/SMP 40 Final EIR*, January 2024 revisions for pages 4.7-29 and -30

served by the Airport Lift Station located north of West Jack London Boulevard, to the north of the SMP 39.¹⁶

Sanitary sewer service for SMP 39 would be provided through a new connection to the existing public sanitary sewer main within West Jack London Boulevard, and sanitary sewer service for SMP 40 would include construction of new sanitary sewer lines that would extend to the existing line in Atlantis Street. All wastewater generated by SMP 39/SMP 40 would then be conveyed to the Airport Lift Station. The lift station also serves Doolan Road, the area located southwest of I-580, Livermore Municipal Airport, Las Positas Golf Course, Airway Boulevard, and the area south of West Jack London Boulevard between Discovery Drive and Voyager Street. The Airport Lift Station has adequate firm capacity to accommodate the additional flows that would be generated from buildout of SMP 39 and SMP 40. Installation of the new sewer infrastructure would occur either in existing road ROWs or in areas proposed for disturbance as part of development. All necessary sewer conveyance infrastructure for the proposed project would be financed by the project applicant.

Wastewater Treatment

- ✓ Upon annexation into the City of Livermore, the SMP 39 and SMP 40 sites would be within the sewer service area of the City of Livermore. Sewage generated within the City limits is typically routed for treatment at the Livermore Water Reclamation Plant, which is located near the SMP 39 and SMP 40 sites, northwest of the intersection of Isabel Avenue/SR 84 and West Jack London Boulevard. The Livermore Water Reclamation Plant is owned and maintained by the City's Water Resources Division.

The Livermore Water Reclamation Plant is designed to treat 8.5 mgd average daily flow, whereas the current daily flow is 5.5 mgd. Following treatment, effluent is either used as recycled water or sent to the Livermore Amador Valley Water Management Agency (LAVWMA) to be routed to and disposed of in the San Francisco Bay by way of a deep-water outfall. The City has confirmed that sufficient sewer treatment and disposal capacity exists to accommodate flows from the SMP 39 and SMP 40.

During peak flow periods, the influent pumps at the Livermore Water Reclamation Plant have a pumping limit of approximately 12 mgd, and the Livermore Water Reclamation Plant is equipped with an influent holding basin that would be used in the event influent flows exceed the 12 mgd pumping limit. Any flows above 12 mgd are directed straight to the holding basin. The City has confirmed that the addition of peak flows generated by SMP 39 and SMP 40 would not cause an exceedance of the 12 mgd pumping limit of the influent pumps, and the holding basin would have adequate volume to accommodate their peak wet weather flows.

SMP 39 and SMP 40 would be subject to the City's wastewater connection fee, which assures that new development within the City pays a fair share towards the cost of constructing and expanding the City's wastewater system. Revenues generated by payment of the connection fee would ensure the project pays a fair share towards any expansions to the wastewater system deemed necessary by the City. Based on the above, development of the SMP 39 and SMP 40 projects would not result in a determination by the City that it does not have adequate wastewater treatment capacity to serve additional demand of these projects, and this impact was found to be less than significant.¹⁷

Solid Waste

- ✓ Upon annexation into the City of Livermore, the SMP 39 and SMP 40 sites would be provided with solid waste services by the City of Livermore. Solid waste, recyclable materials, and compostable

¹⁶ Livermore, *SMP38/39/40 Draft EIR, August 2023*, page 4.7-21

¹⁷ *Ibid*, page 4.7-31

material collection within the City of Livermore is provided through a franchise agreement with Livermore Sanitation, Inc.

Solid waste from the City is ultimately disposed of at the Republic Services Vasco Road Landfill, and recyclables are collected and processed by Livermore Sanitation, Inc. and bundled and transported to recycling centers.

Operational solid waste generation from the SMP 39 and SMP 40 projects was estimated to be 6.6 tons/day. The Vasco Road Landfill has a remaining capacity of 29 percent and a maximum permitted throughput of 2,518 tons/day, and the operational waste generated by these projects would represent an incremental contribution to the waste received at the landfill. The SMP 39 and SMP 40 projects would not generate solid waste in excess of State or local standards, or in excess of the capacity of local infrastructure, or otherwise impair the attainment of solid waste reduction goals, and this impact was found to be less than significant.¹⁸

Fire Protection Services

- ✓ The SMP 39 and SMP 40 sites are currently located within unincorporated Alameda County, with fire protection services provided by the Alameda County Fire Department. Upon annexation into the City of Livermore, the sites would be served by the Livermore-Pleasanton Fire Department (LFPD) Joint Powers Authority (JPA).¹⁹

Following annexation into the City of Livermore, the LFPD would provide fire prevention, fire suppression, emergency medical care, rescue services, and public education services to the SMP 39 and SMP 40 sites. Station 10 is the nearest LFPD station, located 0.43-mile to the north of SMP 39 at 330 Airway Boulevard. Given the proximity of SMP 39 and SMP 40 to LFPD Station 10, the LFPD is anticipated to be capable of responding to emergency medical and fire incidents at SM 39 or SM 40 within seven minutes. The LFPD also maintains automatic and mutual aid agreements with other fire protection providers in Alameda County and adjacent areas, which would ensure the most efficient fire protection service is available to the project sites.

Buildout of SMP 39 and SMP 40 would be subject to applicable taxes and fees, including, but not limited to property taxes, franchise taxes, business license taxes, and license and permit fees. Employees residing in the area would also be subject to local sales taxes. Revenues generated through payment of applicable taxes and fees by the SMP 39/SMP 40 project would ensure the project pays a fair share for fire protection and emergency medical services. This impact was determined by the City's EIR to be less than significant.²⁰

Law Enforcement Services

- ✓ The SMP 39 and SMP 40 sites are currently located within the unincorporated portion of Alameda County, with law enforcement services provided by the Alameda County Sheriff's Office. Upon annexation into the City of Livermore, the sites would be served by the City of Livermore Police Department (LPD).²¹

The LPD headquarters are located at 1110 South Livermore Avenue, 2.8 miles to the east of SMP 40. According to the City's General Plan, the LPD has indicated current response times are acceptable. Development of SMP 39 and SMP 40 is estimated to result in approximately 1,478 employees. Conservatively estimating that all permanent positions associated with SMP 39 and SMP 40 would be

¹⁸ Ibid, page 4,7-32

¹⁹ Ibid, page 4.7-2

²⁰ Ibid, page 4.7-23

²¹ Ibid, page 4.7-3

filled by new Livermore residents, this would result in a 1.7% percent increase to the existing Livermore population.

Revenues generated by the SMP 39 and SMP 40 project through payment of applicable taxes and fees would ensure that these projects pay a fair share for police protection services from the LPD. The payment of applicable taxes and fees by the SMP 39 and SMP 40 projects would contribute towards any necessary LPD improvements identified in the City's Capital Improvement Plan. This impact was determined by the City's EIR to be less than significant.²²

Schools, Parks and Other Public Facilities

The Initial Study prepared for the SMP 38/SMP 39/SMP 40 Project determined that development of these projects would result in no impact or a less than significant impact related to substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities for schools, parks and other public facilities.²³

Conclusions

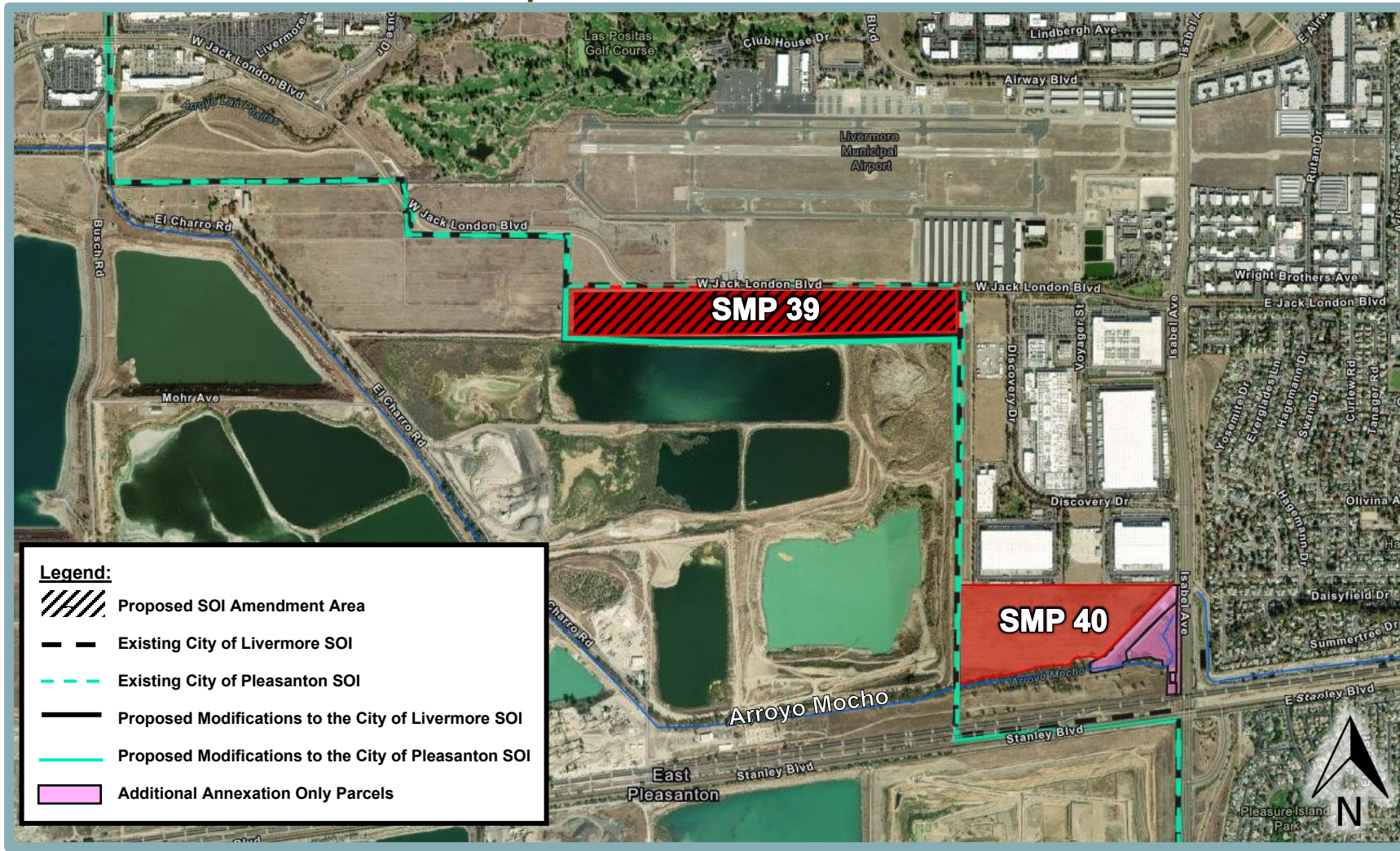
The environmental documents prepared by the City of Livermore for the proposed SMP 39/SMP 40 project provide a thorough and comprehensive review of those environmental issues of greatest concern to Alameda LAFCo, per Alameda LAFCo's General City Annexation and Detachment Policies and Standards.

- The City's EIR includes a description of the proposed SMP 39/SMP 40 Project that adequately and appropriately defines Alameda LAFCo's jurisdictional authority pertaining to proposed changes in SOI and proposed annexations.
- The City's EIR defines and acknowledges Alameda LAFCo's role as a Responsible Agency for environmental review of the proposed change of organization.
- The City's EIR presents information that allows Alameda LAFCo to make an informed decision of whether the proposed changes in municipal organization will encourage and provide for planned, well-ordered and efficient development patterns.
- CEQA Guidelines suggest that lead agencies may rely on maps prepared pursuant to the Farmland Mapping and Monitoring Program (FMMP) of the California Resources Agency for assessing impacts to agricultural lands. Based on these maps only, the SMP 39/SMP 40 project would not convert prime agricultural lands to urban use. However, the City's EIR also discloses impacts of the SMP 39/SMP 40 project on agricultural lands in comparison to the more rigorous Alameda LAFCo definition of Prime Agricultural Land pursuant to Government Code Section 56064. Based on these more rigorous definitions, the SMP 39/SMP 40 project would result in a significant and unavoidable conversion of prime agricultural lands to urban use.
- Information contained in the City's EIR clearly demonstrates that, once annexed to the City of Livermore, the City would be capable of providing municipal services (i.e., water, wastewater, solid waste, fire, and police services) without exceeding the capacity of these services for existing and other anticipated cumulative development within the City.

²² Livermore, SMP38/39/40 Draft EIR, August 2023, page 4.7-24

²³ Livermore, SMP38/39/40 Draft EIR, August 2023, page 4.7-18

**Figure 3-3
 Proposed SOI Amendment Area**



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: City of Livermore

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

Ashley Vera, Senior Planner City of Livermore

Address. 1052 S. Livermore Ave. Livermore CA 94550

Phone. 925-960-4450 FAX. _____ E-Mail. ASVera@livermoreca.gov

1b. Name 2. Jennifer Jimenez Cruz

Address. 1459 18th St. #317, San Francisco CA 94107

Ph: 415-624-4301 email: jenjimenezcruz@gmail.com

1c. Name 3. Timur Tecimer

Address. 19700 S. Vermont, Suite 101, Torrance CA 90502

Ph: 310-503-6727 email: TTecimer@omprop.com

2. NAME/TITLE OF APPLICATION PROPOSAL

SMP 39/40 Project

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 checked="" 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.

*More detailed description can be found in the Final EIR as part of CEQA review with City of Livermore.

SMP 39 - SOI amendment to include in City of Livermore SOI and Annexation

SMP 40 & Additional Parcels - Annexation only

4. CERTIFIED RESOLUTION OR PETITION (Attach)

Application Initiated By: City of Livermore

(x) Resolution of Application No.: 2024-044 (Project approval) Date Adopted: March 25, 2024

OR 2024-043 (Final EIR Certification)

~~(-) 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

See NOP and Final EIR for additional information on location

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

SMP 39 is generally bound by Livermore Municipal Airport to the north, Oaks Business Park to the east, quarries to the south, and El Charro Road to the west.

SMP 40 and the additional annexation only parcels are bound by Oaks Business Park to north, Isabel Ave/SR 84 to the east, Stanley Blvd. to the south and quarries to the west. Refer to the environmental documents for additional location information.

5b. Number of acres ~ 105.37; Square Miles ~ 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

SMP 39 & 40 - Undeveloped grassland. Properties are designated as Industrial by Alameda County and Open Space/Sand & Gravel by City of Livermore. Properties are zoned Agriculture by Alameda County with an overlay permitting quarry operations. Additional Annexation Only Parcels are primarily vacant grassland with the exception of Zone 7 flood control facilities and PG&E infrastructure. Additional parcels are designated as Industrial by Alameda County and Open Space/Sand & Gravel by City of Livermore. Additional parcels are zone Agriculture by Alameda County.

5h. Proposed Land Uses

SMP 39 - up to 755,000 SF of advanced manufacturing/ light industrial use; New Zoning PD-I

SMP 40 - up to 759,000 SF of warehouse/ distribution industrial use; New Zoning PD-I

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

SMP 39 & 40 - City of Livermore General Plan designation of Open Space/Sand & Gravel, no current City zoning designation. Within the ECAP for

Alameda County General Plan which designates SMP 39 and 40 as Industrial. SMP 39 and 40 are currently zoned as Agriculture by Alameda County.

New zoning for SMP 39 and 40 will be PD-I (PD-Industrial). "Annexation Only" parcels- City of Livermore General Plan designation of Open Space/Sand

& Gravel by the City of Livermore, no current City zoning designation. Within the ECAP for Alameda County General Plan which designates the annexation only parcels as Industrial. The annexation only parcels are zoned Agriculture by Alameda County.

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

5k. Property Information.

Number of parcels in project site 6 Number of landowners 6

Source of information: Assessor's information

Names & Addresses of All Landowners & Associated Parcel Numbers:

Assessor's Parcel Number/s/Address	Landowner Name/ Address
1. See Exhibit 5k. SMP APN Index	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.

See Exhibits: 6a. Alameda County GP and Zoning Map; City of Livermore GP and zoning map amendment; and pre-zoning documents

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

Will require General Plan amendment to modify city's land use designation as follows: SMP 39 & 40 will be modified from Open Space/ Sand & Gravel to Low Intensity Industrial (LII) and the Additional Annexation parcels will be modified from Open Space/Sand & Gravel to Parks, Trailways, and Recreation Areas

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

Properties are not within a Community or Specific Plan

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

SMP 39 bound to north by Livermore Airport; Terminal is approx. 2,255' away and located approx. 900+' west of Oaks Business Park

SMP 40 approximately 850' to 1000' away from residential to East (of Isabel), and located just south of Existing Oaks Business Park Industrial development.

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

SMP 39 would include development of up to six light industrial buildings consisting of up to 755,500 SF and associated internal roadways, parking, landscaping utilities and other improvements. SMP 40 would include development of two industrial buildings consisting of up to 759,275 SF of new building space with related internal roadways, parking, landscaping, utilities and other improvements. The proposed project would include frontage improvements along SMP 39 and West Jack London Blvd. At SMP 40, public improvements will include a trail connection to the existing Arroyo Mocho Trail. Development of the Additional Annexation Only Parcels is not proposed at this time; the Zone 7 parcel will continue to function as flood control and PG&E houses a power substation.

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 (x) 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 x No ___ If yes, what is the pre-zoning designation and what does it mean?

SMP 39 & 40 Pre-zoned as Planned Development - Industrial (PD-I) 22-001 to allow for low intensity Industrial development and the additional annexation only parcels are pre-zoned as Open-Space Floodplain (OS-F) for preservation of open space and protection of natural features and attributes, such as the Arroyo Mocho.

6h. Attach copy of certified City Resolution/ Ordinance Number: Will be submitted after second reading of ordinance at 4/15 City Council Meeting

Date Adopted: April 15, 2024

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

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 Commercial Designation, no residential proposed

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

If yes, how many? 4 of 6 % of total landowners? 98%

If yes, attach originals of Signature Consent Forms.

If no, explain.

Consent Forms included for PGC, City of Livermore, and Zone 7; collectively representing 98% of total land ownership based on gross land area. PG&E, and CalTrans have not provided consents at this time, however they have expressed they are working on providing signatures. They represent 0.20 acres and 1.57 (< 2% of total land area being annexed)

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

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

6n. Adjacent Land Uses.

	Existing Land Uses	General Plan Designation	Zoning Designation
North	SEE EXHIBIT 6N. FOR DETAILS		
South			
East			
West			

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

Change of use from mining operations to light industrial will bring jobs and positive economic impacts to City of Livermore and surrounding area. In addition to tax revenues for the City, Project will provide indirect benefits including permit & development impact fees of over \$14M, a portion of which benefits park facilities, school district. As part of project, trail connection will be made across Isabel, providing an important (safer) path for bikers and pedestrians.

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.

During NOP process, interested resident from Livermore inquired about sustainability measures like solar and EV; Also expressed interest in bike path connection planned as part of current scope of project. Comment letters received both in support and in opposition to the project have been included in the Final EIR, along with consultant responses.

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

Will continue to be surface mining and would allow for mining reclamation activities for the next 20-30 years.

Mining operations and hours are Mon - Saturday 7 am to 6 pm, 250 days per year. Would require 400-500 truck loads per day.

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). _____~~

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

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

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.)

The City of Livermore will now provide Police, Fire, Sewer, Street/ Road maintenance, and Library Services to the newly annexed properties per 7c. below.

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

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	<u>Alameda County</u>	<u>City of Livermore</u>
Fire	<u>Alameda County</u>	<u>Livermore-Pleasanton Fire District</u>
Water	<u>Cal Water</u>	<u>Cal Water</u>
Sewer	<u>N/A</u>	<u>City of Livermore</u>
Garbage	<u>Livermore Sanitation</u>	<u>Livermore Sanitation</u>
Street Lighting	<u>Alameda County</u>	<u>City of Livermore</u>
Road Maintenance	<u>Alameda County</u>	<u>City of Livermore</u>
Flood Control	<u>Zone 7</u>	<u>Zone 7</u>
Parks & Recreation	<u>Livermore Area Rec & Park District</u>	<u>Livermore Area Rec & Park District</u>
Library Services	<u>Alameda County</u>	<u>City of Livermore</u>
Electricity	<u>PGE</u>	<u>PGE</u>
Transit	<u>Livermore-Amador Transit Authority</u>	<u>Livermore-Amador Transit Authority</u>
Other	<u></u>	<u></u>

~~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. The letter must identify each agency's role and responsibilities as the new service provider and the method for funding additional services (See Part III, Sections 2.24 and 2.25).~~

~~If no, explain.~~

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

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

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

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

As part of SMP 39 development, Jack London Blvd. will be widened and improved. Street improvements from the center line south will be financed by property owner/developer.

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

Conditions of Approval and Mitigation Monitoring and Reporting Program attached.

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 X No ___

If yes, Explain.

SMP 39 will require a SOI change from City of Pleasanton into City of Livermore. See Figure 3-3 of the Final EIR (attached) for detail. SMP 40 and the additional "Annexation Only" parcels are already within Livermore's SOI.

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

Agency	Contact Name	Phone #
City of Livermore	Ashley Vera, Planning Division	925-960-4450

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? City of Pleasanton (SMP 39)/ City of Livermore (SMP 40 and Additional Parcels)

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.

Final EIR address all of these items, and is included as supplemental to this application.

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

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

~~**10. COUNTY/CITY/DISTRICT PROPERTY TAX EXCHANGE AGREEMENT**~~

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

~~10a. List all affected local taxing agencies.~~

Agency	Contact Name	Phone #

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

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

Draft tax exchange agreement between Livermore/ County included in City Council approval

Local Agency	Resolution Number	Adoption Date

If No, Explain.

11. SPECIAL REVENUES

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

~~Yes ___ No ___ If yes, please describe:~~

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

~~Yes ___ No ___ If yes, please describe:~~

12. ENVIRONMENTAL REVIEW

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

Identify the following:

Lead Agency: City of Livermore

Responsible Agency/ies:

LAFCo is responsible agency. Final EIR found here: <https://www.livermoreca.gov/departments/community-development/planning/environmental-documents>.
Refer to Exhibit 12 for a copy of the NOD.

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

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

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

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

Type of CEQA Review (IS/DEIR/Exemption/other)	Project Description (Actions approved)	Date approved/ certified
Final EIR	Adopt a resolution certifying the Final Environmental Impact Report pursuant to the California Environmental Quality Act (CEQA); and	3/25/2024
Project Approval	Adopt a resolution approving Annexation/Rezoning (APZ) 21-003, Pre-Annexation and Development Agreement (DA) 21-001, Pre-Annexation and Development Agreement (DA) 23-002, General Plan Amendment (GPA) 21-001, Zoning Map Amendment (ZMA) 21-002, Development Code Amendment (DCA) 21-005, Planned Development-Industrial (PD-I) 22-001, Vesting Tentative Parcel Map (SUB) 21-008, Vesting Tentative Tract Map (SUB) 21-009, and Site Plan Design Review (SPDR) 21-008.	3/25/2024

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

- | | |
|---|--|
| <input type="checkbox"/> No Effect Documentation | <input type="checkbox"/> Negative/Mitigated Negative Declaration |
| <input checked="" type="checkbox"/> Environmental Impact Report | <input type="checkbox"/> 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).

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

14. Final Comments

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

15. Applicant's Certification

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

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

Ashley Vera

Name of Applicant or Authorized Representative

Senior Planner, City of Livermore

Title of Applicant or Authorized Representative

Ashley Vera

Signature of Applicant or Authorized Representative

3/29/2024

Date



ALAMEDA COUNTY COMMUNITY DEVELOPMENT AGENCY

PLANNING DEPARTMENT

Sandra Rivera
Agency Director

Albert Lopez
Planning Director

224 West Winton Ave
Room 111

Hayward, California
94544-1215

phone
510.670.5400

fax
510.785-8793

www.acgov.org/cda

May 6, 2024

Rachel Jones
Executive Director
Alameda Local Agency Formation Commission
224 West Winton Ave, Room 110
Hayward, CA 94544

SUBJECT: COMMENT REGARDING APPLICATION LAFCO-2024-21

Dear Ms. Jones,

Thank you for copying me with the Acknowledgment of Receipt of Application-LAFCO 2024-21 by the City of Livermore. This project involves the annexation and sphere of influence amendment of the parcel known as SMP-39 and the annexation of the parcel known as SMP-40. Currently located in unincorporated Alameda County, these parcels are adjacent to the Vulcan Materials' (Vulcan) Pleasanton Quarry (SMP-16). SMP-39 is a narrow parcel located north of SMP-16 while SMP-40 is located east of the portion of the site located North of Stanley Boulevard. Please see Figure 1, "Site Location."

SURFACE MINING PERMITS

Neither of these parcels to be annexed into the City of Livermore are active Surface Mining Permits (SMPs). On September 30, 2014, the landowner, Rhodes & Jamieson (R&J), filed an application for the County to mine several parcels north and east of SMP-16. Table 1, "SMP-38, SMP -39 and SMP -40 Property Information," outlines the proposed SMPS, parcels, and landowners.

Table 1
SMP-38, SMP -39 and SMP -40 Property Information

SMP/Parcel	Acreages	Ownership
SMP-38		
APN 904-1-(2-12)	5.24	Rancho Del Charro, LLC
APN 904-1-(7-21)	3.65	Rancho Del Charro, LLC
APN 904-1(7-32)	103.45	Rancho Del Charro, LLC
TOTAL ACREAGE	112.34	
SMP-39		
APN 904-3-1(1-4)	52.18	Jamieson Company, LLC
TOTAL ACREAGE	52.18	
SMP-40		
APN 904-10-(2-2)	70.11	Pleasanton Gravel Co., a California Corporation
APN 904-10-7	1.09	Pleasanton Gravel Co., a California Corporation
TOTAL ACREAGE	71.20	
PLANT SITE (OPTIONAL)		
APN 946-1350-(5-2)	32.56	Jamieson Company, LLC
TOTAL ACREAGE	32.56	

SMP/Parcel	Acreages
Property Acreage (mining)	235.72
Property Acreage (plant)	32.56
TOTAL	268.28
Total Mining Footprint	182.09

According to the application, SMP-38 has vested mining rights under Quarry Permit Q-2. The application noted that SMP-40 had vested mining rights under Q-14, but those rights have expired, and SMP-39 has not been permitted for mining. On March 16, 2015, R&J requested that the application for SMP 38, 39 and 40 be placed on hold.

Over the last nine years there has been no additional action, and these three parcels are not permitted mine sites and are not included within the approved reclamation plan boundary for SMP-16. The California State Department of Conservation has not assigned a mine identification number for these parcels and they are not recognized as mine sites under the state’s reporting system. According to the September 30, 2014, application, there is a mining restriction declaration between Vulcan and R&J that prohibits R&J from mining the subject properties while Vulcan is mining SMP-16.

LIVERMORE-AMADOR VALLEY QUARRY AREA RECLAMATION (LAVQAR) AND THE CHAIN OF LAKES

In 1981, Alameda County adopted the LAVQAR Specific Plan as a master reclamation plan that would shape mined pit areas into a “Chain of Lakes” and return the remaining mined lands to productive uses after the removal of sand and gravel reserves (see Figure 2, “Chain of Lakes”). SMP-38 and SMP-39 were not envisioned as part of the Chain of Lakes. SMP-40 was not a part of the formal Chain of Lakes as shown on Figure 2. However, when the County adopted the LAVQAR Specific Plan, the County specified that SMP-40 could be incorporated into the Chain of Lakes as Lake K. However, the use of SMP-40 was considered optional. (see Figure 3, “Lake K”). The specific plan provided:

“Lakes J and K are not necessary for operation of the Chain of Lakes, and are designated as areas where mining is optional. If mined, Lake J could be an extension of Shadow Cliffs Regional Park. If mined, Lake K could be available to capture polluted runoff water from urban development, acting independently of the groundwater basin.” LAVQAR Specific Plan at page 4.

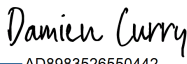
CONCLUSION

The Community Development Agency (CDA) appreciates the opportunity to comment on the above-referenced application. As SMP-39 and SMP-40 are not included as mandatory elements of the Chain of Lakes, CDA believes that the City of Livermore’s annexation and sphere of influence amendment of the parcel known as SMP-39 and the annexation of the parcel known as SMP-40 is not inconsistent with the LAVQAR Specific Plan. Therefore, CDA and has no objection to the process outlined under LAFCO-2024-21.

The two properties are adjacent to state-designated Regional Significant Construction Aggregate Resources (SMP-16). Therefore, CDA encourages the City of Livermore to include conditions of approval that notify future residents that the property is adjacent to an existing mining operation and that such new uses should mitigate for any potential conflict with the Quarry (See Attachment 1, East County Area Plan Resource Protections Policies). CDA recognizes that the East County Area Plan policies will not be applicable once the properties are annexed into the City of Livermore's boundaries. However, future constraints on the continued use of SMP-16 should be limited to the extent possible.

If you have questions, please do not hesitate to contact Damien Curry at 510-670-6684 or damien.curry@acgov.org.

Respectfully,

DocuSigned by: for

AD8983526550442...

Sandra Rivera
Agency Director

Alameda County Community Development Agency

ATTACHMENTS

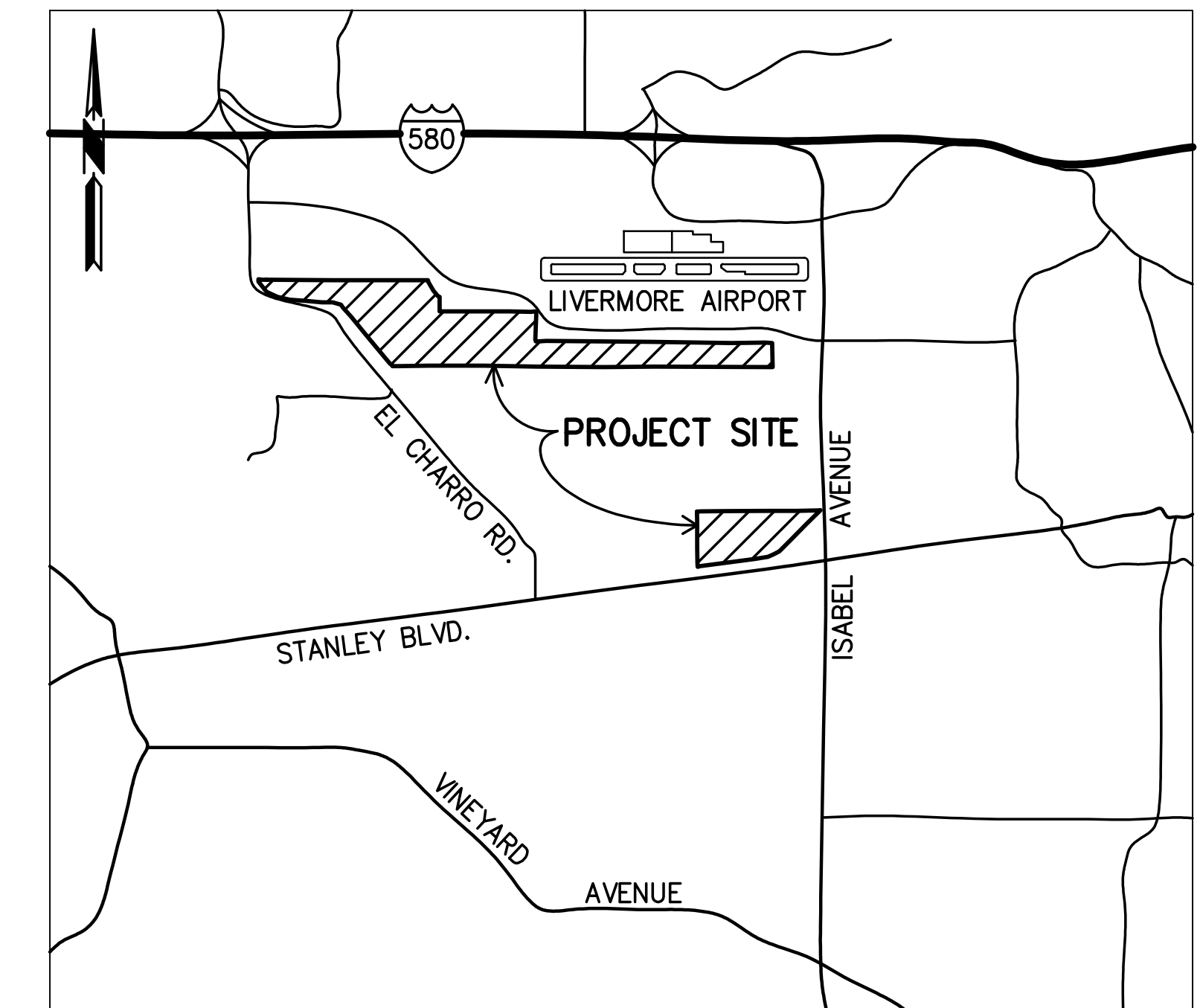
Figure 1, "Site Location."

Figure 2, "Chain of Lakes"

Figure 3, "Lake K"

Attachment 1, "East County Area Plan Resources Protection Policies"

RHODES & JAMIESON SMP-38, SMP-39, SMP-40 MINING AND RECLAMATION PLAN PLEASANTON, CALIFORNIA



VICINITY MAP

NOTES

1. OWNER: RHODES & JAMIESON, LLC
959 NATOMA ST.
SAN FRANCISCO, CA 94103
2. LOCATION: RHODES & JAMIESON, LLC
501 EL CHARRO ROAD
PLEASANTON, CA
3. THE EXISTING TOPOGRAPHY SHOWN ON THESE PLANS IS BASED ON SURVEYS DATED 03-28-2002 PREPARED BY AERIAL PHOTOMAPPING SERVICES, INC. THE SCREENED CONTOURS REPRESENT GROUND ELEVATIONS AS MEASURED AT THE TIME OF SAID SURVEY.
4. THE EXISTING PROPERTY LINES SHOWN ON THESE PLANS WERE DEVELOPED BASED UPON BOUNDARY RESEARCH PERFORMED BY KIER & WRIGHT IN MARCH 2014.
5. ALL SURVEY WORK PERFORMED FOR THESE PLANS WAS BASED ON CALIFORNIA STATE PLANE 1983 COORDINATES, ZONE III.
6. AERIAL PHOTOGRAPHY OBTAINED FROM GOOGLE MAP SERVICE, DATED 2013.

SHEET INDEX

SHEET NO.	DESCRIPTION
1	TITLE SHEET
2	MINING PLAN & SECTIONS SMP-38
3	MINING PLAN & SECTIONS SMP-39
4	MINING PLAN & SECTIONS SMP-40
5	RECLAMATION PLAN SMP-38, SMP-39, SMP-40
6	RECLAMATION PLAN SECTIONS SMP-38, SMP-39, SMP-40

Spinardi Associates
Civil and Environmental
Engineering
265 Sea View Ave., Piedmont, CA 94610

CALIFORNIA

TITLE SHEET

SMP-38, SMP-39, SMP-40

RHODES & JAMIESON

SCALE: AS SHOWN

DATE: SEPT. 2014

DESIGN BY: KDS

DRAWN BY: DAR

CHECKED BY: KDS

BY: KDS

DESCRIPTION:

SHEET NUMBER

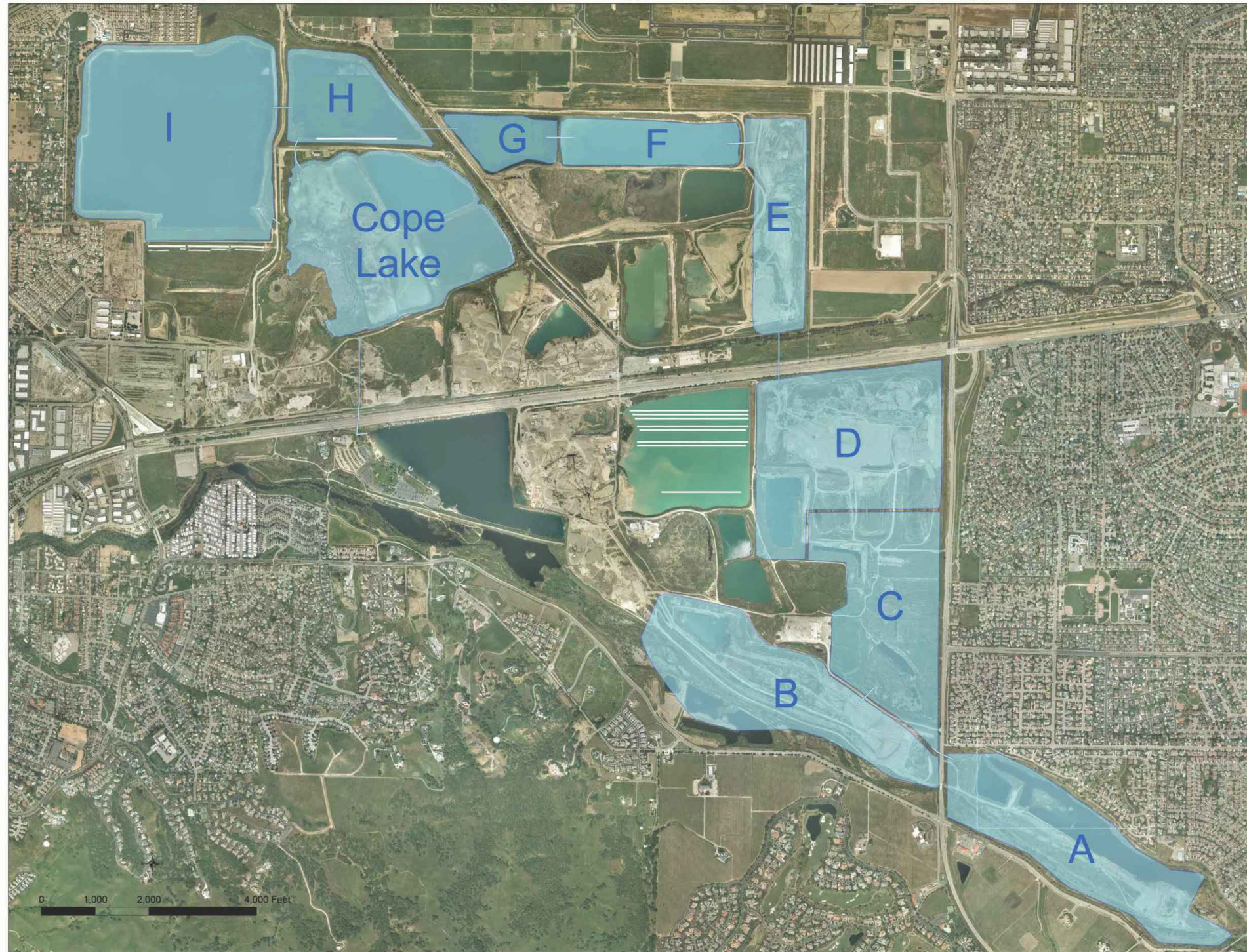
1

OF 6 SHEETS

JOB NUMBER

174.00

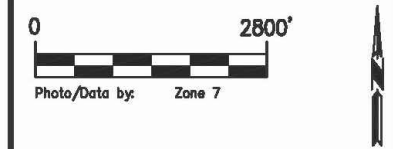
PLEASANTON



SOURCE: ZONE 7 WATER AGENCY

LEGEND

 PONDS/LAKES



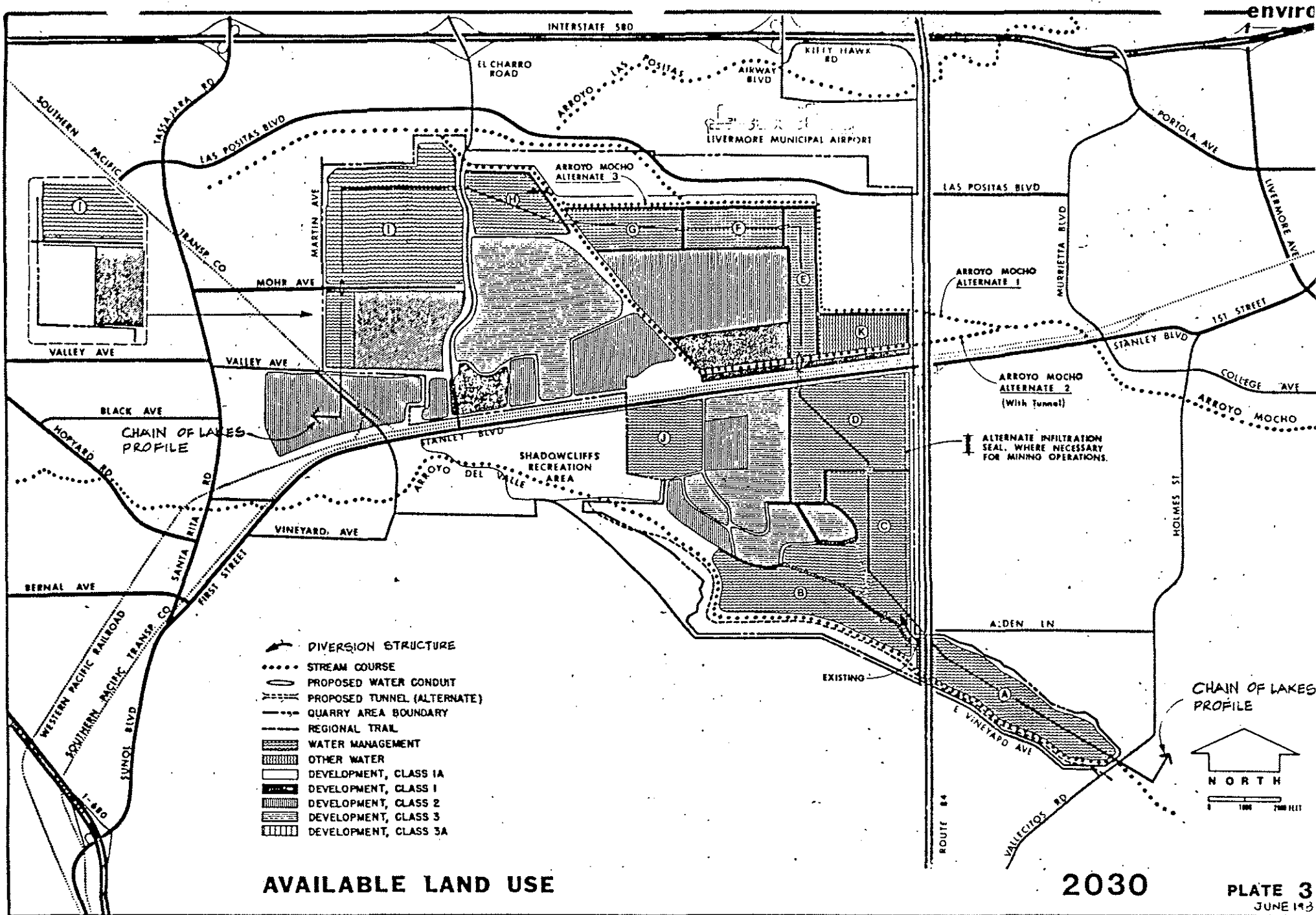
**CHAIN OF LAKES
ZONE 7**

CEMEX SMP-23
PLEASANTON, CA

AUGUST 2014

 Spinardi Associates
285 Sea View Ave., Piedmont, CA 94610

Figure **2**



AVAILABLE LAND USE

2030

PLATE 3
JUNE 1963

Attachment 1: Resource Protection Policies

Development on State-Designated Regionally Significant Construction Aggregate Resource Areas:

- Policy 157:** The County shall review proposals for development within or adjacent to state-designated Regionally Significant Construction Aggregate Resource Sectors. If the development is proposed on unincorporated land, the County shall consider the effects of such development on the future or continued extraction of the resource and shall approve such development only if conditions are applied to minimize the potential of the new use to preclude continued or future access to the resource. If the development is proposed within a city, the County shall encourage the city to do the same.

Minimizing Conflicts

- Policy 158:** The County shall require that, where conflicts between a new use and existing quarry are anticipated, notifying future residents and mitigating the conflict shall be the responsibility of the new use.

Protection of Nearby Uses

- Policy 159:** The County shall impose conditions on approval of new Surface Mining Permits and Reclamation Plans to protect nearby uses from potential traffic, noise, dust, health and safety, visual and other impacts generated by sand and gravel quarries. Conversely, the County shall not approve land uses adjacent to any existing quarry or Regionally Significant Construction Aggregate Resource Sector if the development of the new uses would result in exposure of residential or other sensitive uses to possible adverse impacts of the quarry, unless the new uses can effectively mitigate the significant adverse impacts and notify potential homeowners of the risk, as required by Policy 158.

Reclamation for Water Management

- Policy 160:** The County shall ensure that where quarry operations are located in areas designated as Water Management, extraction of the aggregate resource shall be allowed in the short-term. Reclamation of the land for water management and other compatible uses shall occur subject to conditions of Surface Mining Permits and Reclamation Plans and consistent with the Specific Plan for Livermore-Amador Valley Quarry Area Reclamation or the comparable plan prepared for the Sunol Valley/San Francisco Water Department watershed lands pursuant to Policy 161 and Program 71, whichever is applicable.

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LAFCO

Alameda Local Agency Formation Commission

AGENDA REPORT

July 11, 2024

Item No. 6

TO: Alameda Commissioners

FROM: Rachel Jones, Executive Officer

SUBJECT: **Authorization to Execute Alternate Legal Counsel Contract**

The Alameda Local Agency Formation Commission (LAFCO) will consider approving a draft contractual agreement hiring Best Best & Krieger as Alameda LAFCO’s alternate legal counsel during the negotiation process for a new Memorandum of Understanding (MOU) with the County of Alameda.

Background

At the Commission’s May 9th regular meeting, Alameda LAFCO agreed to extend its existing Memorandum of Understanding (MOU) with the County of Alameda for a six-month period. The extension includes the possibility of up to six additional one-month extensions, if necessary, and not to exceed a total extension period of one year. During this period, LAFCO will work with a consultant to conduct a comprehensive assessment of LAFCO’s operational needs and negotiate with the County on the terms and conditions of a new MOU agreement.

Discussion

Government Code Section 56384(b) requires the Commission to appoint legal counsel to advise it on LAFCO-related actions. If the Commission’s counsel is subject to a conflict of interest on a matter before LAFCO, the Commission is required to appoint an alternate legal counsel to advise it. Based on LAFCO law, and in conjunction with the MOU negotiations with the County, staff recommends that the Commission hire alternate counsel, not County counsel, to lead in the MOU negotiations during this six-month period and not to exceed one year.

On April 17, 2024, staff contacted the following two law firms to determine their interest in serving as Alameda LAFCO’s alternate legal counsel:

1. Colantuono Highsmith & Whatley
2. Best Best & Krieger

Each firm was selected based on recommendations from other LAFCOs. Staff emailed each firm to request a proposal. Due to a possible conflict of interest, Colantuono Highsmith & Whatley indicated that they would not be interested.

Best Best & Krieger (“BB&K”) submitted a proposal to Alameda LAFCO on June 6, 2024. BB&K serves as the general counsel to the California Association of Local Agency Formation Commissions (CALAFCO) and seven other LAFCOs: El Dorado, Merced, Marin, Orange, San Bernardino, Santa Clara, and Santa Cruz. BB&K has in-depth knowledge on a variety of LAFCO-related categories including but not limited to the Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000 (“CKH”), California Environmental Quality Act (CEQA), special taxes and propositions, intergovernmental relations, and litigation matters relating to LAFCOs. If selected, BB&K has identified Scott Smith and Mala Subramanian as Special Counsel and primary contacts to the Commission. The rates are as follows:

Partners and Of Counsel **\$380.00**
Associates, Directors of Govt. Affairs (if utilized) **\$335.00**
Paralegals, Law Clerks, Analysts, Pension Consultants (if utilized) **\$185.00**

Based on their client index, the Commission is not adverse to any clients in this matter. The draft contractual agreement with BB&K is shown in Attachment 1 for Commission consideration.

Alternatives for Action

The following alternatives are available to the Commission:

Alternative One (Recommended):

Authorize the Executive Officer to execute an agreement with Best Best and Krieger for a one-year period in an amount not exceeding \$60,000 for as-needed alternate legal counsel services.

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.

Procedures

This item has been placed on Alameda LAFCO's agenda as part of the business calendar. The following procedures are recommended in consideration of this item:

1. Receive verbal presentation from staff unless waived.
2. Invite any comments from the public
3. Provide feedback on the item as needed.

Respectfully,



Rachel Jones
Executive Officer

Attachments:

1. Draft Contractual Agreement with Best Best and Krieger

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Scott C. Smith
Partner
(949) 263-6561
scott.smith@bbklaw.com

June 11, 2024

Rachel Jones
Executive Officer
Alameda Local Agency Formation Commission
224 West Winton Avenue, Suite 110
Hayward, California 94544

Re: Engagement for Special Counsel Services

Dear Ms. Jones:

ABOUT OUR REPRESENTATION

Best Best & Krieger LLP (“BBK”) is pleased to make itself available to represent the Alameda Local Agency Formation Commission (the “Commission”) in providing specialized legal services with regard to negotiations, development and adoption of a restated Memorandum of Understanding with the County of Alameda in its transition to an independent Local Agency Formation Commission (the “MOU”). This letter constitutes our agreement setting the terms of our representation. If you want us to represent you and agree to the terms set forth in this letter, after you review the letter please sign it and return the signed copy to us.

CONFIDENTIALITY AND ABSENCE OF CONFLICTS

An attorney-client relationship requires mutual trust between the client and the attorney. It is understood that communications exclusively between counsel and the client are confidential and protected by the attorney-client privilege.

To also assure mutuality of trust, we have maintained a conflict of interest index. The California Rules of Professional Conduct defines whether a past or present relationship with any party prevents us from representing the Commission. Similarly, the Commission will remain in our list of clients to ensure we comply with the Rules of Professional Conduct with respect to the Commission.

We have checked the following names against our client index: Alameda Local Agency Formation Commission, Rachel Jones, and County of Alameda. Please review this list to see if any other persons or entities should be included. If you do not tell us to the contrary, we will assume that this list is complete and accurate. We request that you update this list for us if there are any changes in the future.

Based on the review of our client index, the Commission is not adverse to any clients in this matter.

Best Best & Krieger LLP | 18101 Von Karman Avenue, Suite 1000, Irvine, California 92612
Phone: (949) 263-2600 | Fax: (949) 260-0972 | WWW.BBK.LAW.COM

YOUR OBLIGATIONS ABOUT FEES AND BILLINGS

Mala Subramanian and myself will serve as Special Counsel and primary contacts to the Commission. The Commission may call upon us to provide services with regard to the MOU as the need arises and/or with regard to related legal matters on which the Commission prefers our representation as Special Counsel. Our hourly rates for these non-routine contract negotiations are as follows:

Partners and Of Counsel	\$380.00
Associates, Directors of Govt. Affairs (if utilized)	\$335.00
Paralegals, Law Clerks, Analysts, Pension Consultants (if utilized)	\$185.00

Our rates are reviewed annually and may be increased from time to time with advance written notice to the client.

The billing policies are described in the memorandum attached to this letter, entitled “Best Best & Krieger LLP’s Billing Policies.” You should consider the Billing Policies memorandum part of this agreement as it binds both of us. For that reason, you should read it carefully.

INSURANCE

We understand that you are not now insured or have any insurance that may cover potential liability or attorneys’ fees in this case. If you think you may have such insurance, please notify me immediately.

We are also pleased to let you know that Best Best & Krieger LLP carries errors and omissions insurance with Lloyd’s of London. After a standard deductible, this insurance provides coverage beyond what is required by the State of California.

NEW MATTERS

When we are engaged by a new client on a particular matter, we are often later asked to work on additional matters. You should know that each matter will be the subject of a new signed supplement to this agreement with its individual scope. Similarly, this agreement does not cover and is not a commitment by either of us that we will undertake any appeals or collection procedures. Any such future work would also have to be agreed upon in a signed supplement.

CIVILITY IN LITIGATION

In litigation, courtesy is customarily honored with opposing counsel, such as extensions to file pleadings or responses to other deadlines. In our experience, the reciprocal extension of such courtesies saves our clients’ time and money. By signing this letter you will be confirming your approval of this practice with regard to our representation of the Commission.

HOW THIS AGREEMENT MAY BE TERMINATED

You, of course, have the right to end our services at any time. If you do so, you will be responsible for the payment of fees and costs accrued but not yet paid, plus reasonable fees and costs in transferring the case to you or your new counsel. By the same token, we reserve the right to terminate our services to you upon written notice, order of the court, or in accordance with our attached Billing Policies memorandum. This could happen if you fail to pay our fees and costs as agreed, fail to cooperate with us in this matter, or if we determine we cannot continue to represent you for ethical or practical concerns.

CLIENT FILE

If you do not request the return of your file, we will retain your file for five years. After five years, we may have your file destroyed. If you would like your file maintained for more than five years or returned, you must make separate arrangements with us.

THANK YOU

On a personal note, we are pleased that you have again selected Best Best & Krieger LLP to represent the Commission. We value our continuing relationship and appreciate the opportunity to service the Commission in this capacity. If you have any questions at any time about our services or billings, please do not hesitate to call me.

If this letter meets with your approval, please sign and date it, and return the original to us. Unless you sign, date and return the original by June 30, 2024, we will not represent the Commission in any capacity, and we will assume that you have made other arrangements for legal representation. We have enclosed a separate signed copy of this letter for your records.

Sincerely,



Scott C. Smith
of BEST BEST & KRIEGER LLP

SCS:nrw

AGREED AND ACCEPTED:

By: _____

Dated: _____

BEST BEST & KRIEGER LLP'S BILLING POLICIES

Our century of experience has shown that the attorney-client relationship works best when there is mutual understanding about fees, expenses, billing and payment terms. Therefore, this statement is intended to explain our billing policies and procedures. Clients are encouraged to discuss with us any questions they have about these policies and procedures. Clients may direct specific questions about a bill to the attorney with whom the client works or to our Accounts Receivable Department (accounts.receivable@bbklaw.com). Any specific billing arrangements different from those set forth below will be confirmed in a separate written agreement between the client and the firm.

INVOICE AND PAYMENT OPTIONS

Best Best & Krieger strives to meet our clients' needs in terms of providing a wide variety of invoice types, delivery and payment options. Please indicate those needs including the preferred method of invoice delivery (Invoice via Email; or USPS). In addition, accounts.receivable@bbklaw.com can provide a W-9 upon request and discuss various accepted payment methods.

FEES FOR PROFESSIONAL SERVICES

Unless a flat fee is set forth in our engagement letter with a client, our fees for the legal work we will undertake will be based in substantial part on time spent by personnel in our office on that client's behalf. In special circumstances which will be discussed with the client and agreed upon in writing, fees will be based upon the novelty or difficulty of the matter, or the time or other special limitations imposed by the client.

Hourly rates are set to reflect the skill and experience of the attorney or other legal personnel rendering services on the client's behalf. All legal services are billed in one-tenth of an hour (0.10/hour) or six-minute increments. Our attorneys are currently billed at rates from \$235 to \$895 per hour, and our administrative assistants, research assistants, municipal analysts, litigation analysts, paralegals, paraprofessionals and law clerks are billed at rates from \$175 to \$300 per hour for new work. These rates reflect the ranges in both our public and our private rates. These hourly rates are reviewed annually to accommodate rising firm costs and to reflect changes in attorney status as lawyers attain new levels of legal experience. Any increases resulting from such reviews will be instituted automatically and will apply to each affected client, after advance notice.

Non-Attorney Personnel: BBK may employ the services of non-attorney personnel under the supervision of 09977.00001\42371351.2

a BBK attorney in order to perform services called for in the legal services agreement. The most common non-attorney personnel utilized are paralegals. Other types of non-attorney personnel include, but are not limited to, case clerks, litigation analysts, and specialty consultants. The client agrees that BBK may use such non-attorney personnel to perform its services when it is reasonably necessary in the judgment of the responsible BBK attorney. Hourly fees for non-attorney personnel will be charged at the rate then in effect for such personnel. A copy of BBK's current rates and titles for non-attorney personnel will be provided upon request.

FEES FOR ELECTRONICALLY STORED INFORMATION ("ESI") SUPPORT AND STORAGE

BBK provides Electronically Stored Information ("ESI") services for matters requiring ESI support – typically litigation or threatened litigation matters. BBK provides services for basic ESI processing and storage at the following rates per month based on the number of gigabytes of data ("GB") processed and stored:

1GB -250GB:	\$10 per GB
251GB - 550GB:	\$8 per GB
551GB - 750GB:	\$6 per GB
751GB - 1TB:	\$4 per GB

The amount BBK charges for basic processing and storage of ESI allows BBK to recover the costs of providing such services, plus a net profit for BBK. BBK believes that the rates it charges for processing and storage are lower than comparable services available from third party vendors in the market. If you wish to contract separately with a third party vendor for processing and storage costs, please notify BBK in writing. BBK shall not incur costs for ESI support on a particular matter without first confirming by email or written correspondence with the client that the client agrees such services are necessary for the matter at hand.

FEES FOR OTHER SERVICES, COSTS AND EXPENSES

We attempt to serve all our clients with the most effective support systems available. Therefore, in addition to fees for professional legal services, we also charge separately for some other services and expenses to the extent of their use by individual clients. These charges include but are not limited to, mileage at the current IRS approved rate per mile from our nearest office, extraordinary telephone and document delivery charges, copying charges, computerized research, court filing fees and other court-related expenditures including court reporter and

transcription fees. No separate charge is made for secretarial or word processing services; those costs are included within the above hourly rates.

We may need to advance costs and incur expenses on your behalf on an ongoing basis. These items are separate and apart from attorneys' fees and, as they are out-of-pocket charges, we need to have sufficient funds on hand from you to pay them when due. We will advise the client from time to time when we expect items of significant cost to be incurred, and it is required that the client send us advances to cover those costs before they are due.

ADVANCE DEPOSIT TOWARD FEES AND COSTS

Because new client matters involve both a substantial undertaking by our firm and the establishment of client credit with our accounting office, we require an advance payment from clients. The amount of this advance deposit is determined on a case-by-case basis discussed first with the client, and is specified in our engagement letter.

Upon receipt, the advance deposit will be deposited into the firm's client trust account. Our monthly billings will reflect such applications of the advance deposit to costs and not to attorney's fees (unless otherwise noted in our accompanying engagement letter). At the end of engagement, we will apply any remaining balance first to costs and then to fees. We also reserve the right to require increases or renewals of these advanced deposits.

By signing the initial engagement letter, each client is agreeing that trust account balances may be withdrawn and applied to costs as they are incurred and to our billings, when we issue our invoice to the client. If we succeed in resolving your matter before the amounts deposited are used, any balance will be promptly refunded.

MONTHLY INVOICES AND PAYMENT

Best Best & Krieger LLP provides our clients with monthly invoices for legal services performed and expenses incurred. Invoices are due and payable upon receipt.

Each monthly invoice reflects both professional and other fees for services rendered through the end of the prior month, as well as expenses incurred on the client's behalf that have been processed by the end of the prior month. Processing of some expenses is delayed until the next month and billed thereafter.

Our fees are not contingent upon any aspect of the matter and are due upon receipt. All billings are due and payable within ten days of presentation unless the full

amount is covered by the balance of an advance held in our trust account.

It is our policy to treat every question about a bill promptly and fairly. It is also our policy that if a client does not pay an invoice within 60 days of mailing, we assume the client is, for whatever reason, refusing to pay. We reserve the right to terminate our engagement and withdraw as attorney of record whenever our invoices are not paid. If an invoice is 60 days late, however, we may advise the client by letter that the client must pay the invoice within 14 days or the firm will take appropriate steps to withdraw as attorney of record. If the delay is caused by a problem in the invoice, we must rely upon the client to raise that with us during the 14-day period. This same policy applies to fee arrangements which require the client to replenish fee deposits or make deposits for anticipated costs.

From time to time clients have questions about the format of the bill or description of work performed. If you have any such questions, please ask them when you receive the bill so we may address them on a current basis.

CHANGES IN FEE ARRANGEMENTS AND BUDGETS

It may be necessary under certain circumstances for a client to increase the size of required advances for fees after the commencement of our engagement and depending upon the scope of the work. For example, prior to a protracted trial or hearing, the firm may require a further advance payment to the firm's trust account sufficient to cover expected fees. Any such changes in fee arrangements will be discussed with the client and mutually agreed in writing.

Because of the uncertainties involved, any estimates of anticipated fees that we provide at the request of a client for budgeting purposes, or otherwise, can only be an approximation of potential fees.

BEST BEST & KRIEGER LLP

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LAFCO

Alameda Local Agency Formation Commission

AGENDA REPORT

July 11, 2024

Item No. 7

TO: Alameda Commissioners

FROM: Rachel Jones, Executive Officer

SUBJECT: CALAFCO Annual Conference and Achievement Award Nominations

The Alameda Local Agency Formation Commission (LAFCO) will consider action items relating to the California Association of Local Agency Formation Commissions (CALAFCO) Annual Conference scheduled for October 16th-18th in at the Tenaya Lodge outside of Yosemite.

Summary

Voting Delegates

CALAFCO requires each member LAFCO to designate a voting delegate to vote on behalf of their Commission. LAFCOs may also designate an alternate voting delegate. Voting delegates may be a commissioner, alternate commissioner, or executive officer. Voting delegate names must be submitted to CALAFCO by Monday, September 16th. Delegates may vote electronically.

Board Nominations

Nominations for the CALAFCO Board of Directors are now being accepted until September 16th. There are eight seats up for election, two from each of the four regions. Alameda LAFCO is a member of the Coastal Region. The Coastal Region seats up for election include the County member and Special District member seat. See the nomination packet for details in Attachment 1. CALAFCO Board elections for the Coastal Region’s County and Special District member seats will occur at the Annual Conference on Thursday, October 17th.

If an eligible member indicates interest in serving on the CALAFCO Board of Directors, staff recommends the Commission consider a formal nomination of that member. Staff also recommends authorizing the Chair to make final decisions related to nominations for CALAFCO Board of Directors if a decision cannot be made at this meeting.

Achievement Award Nominations

CALAFCO invites individual LAFCOs to nominate persons or projects for various achievement awards. See the nomination packet for details in Attachment 2.

The awards were established in 1997 and currently include eight categories, ranging from “Most Outstanding LAFCO Commissioner” to “Legislator of the Year.” The Commission’s most recent award was in 2017 when Chair Sblendorio received the “Outstanding CALAFCO Member” award. Award winners will be announced during the banquet dinner scheduled for Thursday, October 17th. If the Commission would like to nominate any persons or projects for awards, the deadline to submit nominations to CALAFCO is Saturday, August 31st.

If a member of the Commission indicates interest in nominating a person and/or project for any awards, staff recommends the Commission consider a formal nomination of that person and/or project. Staff also recommends authorizing the Chair to make final decisions related to nominations for achievement awards if a decision cannot be made at this meeting.

Alternatives for Action

The following alternatives are available to the Commission:

Alternative One (Recommended):

Appoint a voting delegate and alternate voting delegate for the 2024 CALAFCO Annual Conference; and advise staff or the Chair on any nominations for the CALAFCO Board of Directors or Achievement Awards.

Alternative Two:

Continue consideration of the report to a future meeting and provide direction to staff for additional information as needed ahead of the September 16th deadline.

Recommendation

It is recommended the Commission proceed with Alternative Action One.

Procedures

This item has been placed on Alameda LAFCO’s agenda as part of the business calendar. The following procedures are recommended in consideration of this item:

1. Receive verbal presentation from staff unless waived.
2. Invite any comments from the public
3. Provide feedback on the item as needed.

Respectfully,



Rachel Jones
Executive Officer

Attachments:

1. CALAFCO Board Nominations
2. CALAFCO Achievement Award Nominations

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Date: May 21, 2024	
To: Local Agency Formation Commission Members and Alternate Members	
From: Kenneth Leary, Committee Chair CALAFCO Board Election Committee CALAFCO Board of Directors	
RE: Nomination Period Now Open for 2024/2025 CALAFCO Board of Directors	

The Nomination Period is now open for the fall elections of the CALAFCO Board of Directors for the following seats:

CENTRAL REGION	COASTAL REGION	NORTHERN REGION	SOUTHERN REGION
County Member	County Member	City Member	City Member
District Member	District Member	Public Member	Public Member

Please inform your Commission that the CALAFCO Election Committee will be accepting nominations for the above-cited seats until:

MONDAY, SEPTEMBER 16, 2024

<p><i>Serving on the CALAFCO Board is a unique opportunity to work with other commissioners throughout the state on legislative, fiscal, and operational issues that affect us all. The Board meets four to five times each year, generally virtually. However, strategic plan retreats and other meetings may be scheduled in-person and will alternate around the state. A job description is attached that more fully discusses director responsibilities and time commitment.</i></p>	<p><i>Board terms span a two-year period, with no term limits, and any LAFCO commissioner or alternate commissioner is eligible to run for a Board seat.</i></p> <p><i>Elections will be conducted during Regional Caucuses at the CALAFCO Annual Conference prior to the Annual Membership Meeting on Thursday, October 17, 2024 at the Tenaya Lodge in Fish Camp, California.</i></p>
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Should your Commission nominate a candidate, please return the completed Nomination Form and Candidate’s Résumé Form by the deadline. Completed nomination forms and all materials must be RECEIVED by CALAFCO by the deadline.

Electronic filing of nomination forms is **highly encouraged** to facilitate the recruitment process. Please email to info@calafco.org. However, hard copy forms and materials may also be mailed to:

Election Committee c/o Executive Director
 California Association of Local Agency Formation Commissions
 1451 River Park Drive, Suite 185
 Sacramento, CA 95815

Complete nominations received by the September 16th deadline will be included in the Election Committee’s Report that will be distributed to LAFCO members. Candidate names will be listed in the report, and on the ballot, in the order nominations are received. The Election Committee Report will be distributed no later than October 3, 2024, with ballots made available to Voting Delegates at the Annual Conference.

Nominations received after the deadline will be returned; however, nominations may be made from the floor during the Regional Caucuses or during at-large elections, if required, at the Annual Membership Meeting.

For those member LAFCOs who cannot send a representative to the Annual Meeting, an electronic ballot will be made available *if requested in advance*. **Ballot requests must also be received no later than Monday, September 16, 2024, with completed absentee ballots due by no later than Thursday, October 10, 2024.**

NOMINATION/ELECTION PROCESS DEADLINES AND TIMELINES

- **May 21** – Nomination Announcement and packet sent to LAFCO membership and posted on the CALAFCO website.
- **September 16** – Completed Nomination packet due
- **September 16** – Request for an absentee/electronic ballot due
- **September 16** – Voting delegate name due to CALAFCO
- **October 3** – Distribution of the Election Committee Report (includes all completed/submitted nomination papers)
- **October 3** – Distribution of requested absentee/electronic ballots.
- **October 10** – Absentee ballots due to CALAFCO
- **October 17** - Elections

If you have any questions about the election process, please contact CALAFCO Executive Director René LaRoche at rlaroche@calafco.org or by calling 916-442-6536.

Members of the 2024/2025 CALAFCO Election Committee are:

Kenneth Leary, Committee Chair	Napa LAFCO (Coastal Region)
Bill Connelly	Butte LAFCO (Northern Region)
Kimberly Cox	San Bernardino LAFCO (Southern Region)
Anita Paque	Calaveras LAFCO (Central Region)

To assist you in this consideration, you will find attached for your reference a copy of the CALAFCO Board Member Job Description, the CALAFCO Board of Directors Nomination and Election Procedures and Forms, and the current listing of Board Members and corresponding terms of office.

I sincerely hope that you will consider joining us!

Attachments.

Board Member Job Description

California Association of Local Agency Formation Commissions (CALAFCO) Member of the Board of Directors

Mission

As a 501(c)(3) nonprofit organization, CALAFCO supports LAFCOs by *promoting efficient and sustainable government services based on local community values through legislative advocacy and education.*

For more information, please see CALAFCO's website at www.calafco.org.

Values

The underlying values that define our organization are: *dependability, efficiency, honesty, and transparency.*

Duties

Board members have the following legal duties:

1. **Duty of Care:** *Ensuring prudent use of all assets including financial, facility, people, and good will.*
2. **Duty of Loyalty:** *Ensuring that the association's activities and transactions are, first and foremost, advancing its mission; Recognizing and disclosing conflicts of interest; Making decisions that are in the best interest of the association and not in the best interest of an individual board member, or any other individual or entity.*
3. **Duty of Obedience:** *Ensuring that the association obeys applicable laws and regulations; follows its own bylaws and policies; and that it adheres to its stated corporate purposes/mission.*

Position

The Board is a governing body and is expected to support the work of CALAFCO by providing mission-based leadership and strategic governance. While day-to-day operations are led by CALAFCO's Executive Director (ED), the Board-ED relationship is a partnership and the appropriate involvement of the Board is both critical and expected. Board Members are tasked with the Leadership, Governance, and Oversight of the association. Responsibilities include, but are not limited to:

- Representing CALAFCO to stakeholders; acting as an ambassador for the organization to regional members and California legislators.

- Approving policies that provide the appropriate authority and guidance for/to the ED in the administration of the organization.
- Serving as a trusted advisor to the ED.
- Participating in strategic planning retreats.
- Reviewing agenda and supporting materials, and communicating question to the Executive Director, prior to board and committee meetings.
- Weighing the organization’s outcomes against strategic plan initiatives.
- Approving CALAFCO’s annual budget, financial reports, and business decisions; being informed of, and meeting all, legal and fiduciary responsibilities.
- Assisting the ED and board chair in identifying and recruiting other Board Members to ensure CALAFCO’s commitment to a diverse board and staff that recognizes the differing perspectives among LAFCOs.
- Partnering with the ED and other board members to ensure that board resolutions are carried out.
- Serving on committees or task forces and taking on special assignments, as needed.

Board Terms/Expected Participation

CALAFCO’s Board Members are elected during regional caucuses held at the association’s annual meeting, and serve two-year terms.

Regular board meetings are held quarterly, special meetings are called as needed, strategic planning retreats are held every two years, committee meetings are called at different times during the year, and legislative canvassing in Sacramento may be needed. Two absences, within a calendar year, from any regularly scheduled board meetings constitutes a resignation of the Board member.

Qualifications

Board Members must be seated LAFCO Commissioners at their local level.

This is an extraordinary opportunity for an individual who is passionate about the importance of the role that LAFCOs play in the sustainable growth of a region, and who has a track record of leadership. His/her accomplishments will allow him/her to interface effectively with the state legislature, as well as attract other well-qualified, high-performing Board Members.

Remuneration

Service on CALAFCO’s Board of Directors is without remuneration. Administrative support, travel, and accommodation costs are typically provided by a director’s home LAFCO.



Board of Directors Nomination and Election Procedures and Forms

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

The Board nomination and election procedures shall be:

1. APPOINTMENT OF AN ELECTION COMMITTEE:

- a. Following the Annual Membership Meeting the Board shall appoint an Election Committee of four members of the Board. The Election Committee shall consist of one member from each region whose term is not ending.
- b. The Board Chair shall appoint one of the members of the Election Committee to serve as Committee Chair. The CALAFCO Executive Director shall either serve as staff to the Election Committee or appoint a CALAFCO regional officer to serve as staff in cooperation with the Executive Director.
- c. Each regional officer shall serve as staff liaison to the Election Committee specifically to assist in conducting the election as directed by the Executive Director and Committee.
- d. Goals of the Committee are to encourage and solicit candidates by region who represent member LAFCOs across the spectrum of geography, size, and urban-suburban-rural population, and to provide oversight of the elections process.

2. ANNOUNCEMENT TO ALL MEMBER LAFCOs:

- a. No later than four months prior to the Annual Membership Meeting, the Election Committee Chair shall send an announcement to each LAFCO for distribution to each commissioner and alternate. The announcement shall include the following:
 - i. A statement clearly indicating which offices are subject to the election.
 - ii. A regional map including LAFCOs listed by region.
 - iii. The specific date by which all nominations must be received by the Election Committee. The deadline shall be no later than 30 days prior to the opening of the Annual Conference. Nominations received after the closing date shall be returned to the proposing LAFCO marked "Received too late for Election Committee action."
 - iv. The names of the Election Committee members and the name of their LAFCO, regional representation, email address and phone number. The name, email address and phone number of the Executive Director shall also be included.
 - v. The email address and physical address to send the nominations forms.
 - vi. A form for a Commission to use to nominate a candidate and a candidate resume form of no more than one page each to be completed for each nominee.
 - vii. The specific date by which all voting delegate names are due.
 - viii. The specific date by which absentee ballots must be requested, the date CALAFCO will

Key Timeframes for Nominations Process	
Days*	
120	Nomination announcement
30	Nomination deadline
14	Committee report released
*Days prior to annual membership meeting	

distribute the absentee ballots, and the date by which they must be received by the Executive Director.

- b. A copy of these procedures shall be posted on the web site.

3. THE ELECTION COMMITTEE:

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

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

Limited to the elections of the Board of Directors

- a. Any LAFCO in good standing shall have the option to request an electronic ballot if there will be no representative attending the annual meeting.
- b. LAFCOs requesting an electronic ballot shall do so in writing to the Executive Director no later than 30 days prior to the annual meeting.
- c. The Executive Director shall distribute the electronic ballot no later than two weeks prior to the

annual meeting.

- d. LAFCO must return the ballot electronically to the Executive Director no later than three working days prior to the annual meeting.
- e. LAFCOs voting by electronic ballot may discard their electronic ballot if a representative is able to attend the annual meeting.
- f. LAFCOs voting under this provision may only vote for the candidates nominated by the Election Committee as noted on the ballot and may not vote in any run-off elections.

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

- a. The Presiding Officer shall:
 - i. Review the election procedure with the membership of their region.
 - ii. Present the Election Committee Report (previously distributed).
 - iii. Call for nominations from the floor by category for those seats subject to this election:
 - 1. For city member.
 - 2. For county member.
 - 3. For public member.
 - 4. For special district member.
- b. To make a nomination from the floor, a LAFCO, which is in good standing, shall identify itself and then name the category of vacancy and individual being nominated. The nominator may make a presentation not to exceed two minutes in support of the nomination.
- c. When there are no further nominations for a category, the Presiding Officer shall close the nominations for that category.
- d. The Presiding Officer shall conduct a "Candidates Forum". Each candidate shall be given time to make a brief statement for their candidacy. If a candidate is absent from the regional caucus, they may ask someone in their region to make a brief statement on their behalf.
- e. The Presiding Officer shall then conduct the election:
 - i. For categories where there are the same number of candidates as vacancies, the Presiding Officer shall:
 - 1. Name the nominees and offices for which they are nominated.
 - 2. Call for a voice vote on all nominees and thereafter declare those unopposed candidates duly elected.
 - ii. For categories where there are more candidates than vacancies, the Presiding Officer shall:
 - 1. Poll the LAFCOs in good standing by written ballot.
 - 2. Each LAFCO in good standing may cast its vote for as many nominees as there are vacancies to be filled. The vote shall be recorded on a tally sheet.

3. Any ballots submitted electronically for candidates included in the Election Committee Report shall be added to the tally.
 4. With assistance from the regional officer, tally the votes cast and announce the results.
- iii. Election to the Board shall occur as follows:
1. A majority of the total number of LAFCOs in a given region are required for a quorum. Returned absentee ballots shall count towards the total required for a quorum.
 2. The nominee receiving the majority of votes cast is elected.
 3. In the case of no majority, the two nominees receiving the two highest number of votes cast shall face each other in a run-off election. Electronic ballots are not included in the tally for any run-off election(s).
 4. In case of tie votes:
 - a. A second run-off election shall be held with the same two nominees.
 - b. If there remains a tie after the second run-off, the winner shall be determined by a draw of lots.

6. ADDITIONAL PROCEDURES

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

7. LOSS OF ELECTION IN HOME LAFCO

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

8. FILLING BOARD VACANCIES

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

CALAFCO's Four Regions



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

Northern Region

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

CONTACT: Steve Lucas
Butte LAFCO
slucas@buttecounty.net

Southern Region

Orange
Los Angeles
Imperial
Riverside
San Bernardino
San Diego

CONTACT: Gary Thompson
Riverside LAFCO
gthompson@LAFCO.org

Coastal Region

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

CONTACT: Dawn Longoria
Napa LAFCO
dawn.longoria@napa.lafco.ca.gov

Central Region

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

CONTACT: José Henriquez
Sacramento LAFCO
henriquezj@sacounty.net

CURRENT BOARD MEMBERS AND TERMS

NAME	REGION	TYPE & TERM
Bill Connelly	Butte <i>Northern</i>	County (2025)
Kimberly Cox	San Bernardino Southern	District (2025)
Rodrigo Espinosa	Merced <i>Central</i>	County (2024)
Yxstian Gutierrez	Riverside Southern	County (2025)
Blake Inscore, Secretary	Del Norte <i>North</i>	City (2024)
Gay Jones, Treasurer	Sacramento <i>Central</i>	District (2024)
Kenneth Leary	Napa Coastal	Public (2025)
Gordon Mangel	Nevada <i>Northern</i>	District (2025)
Michael McGill	Contra Costa <i>Coastal</i>	District (2024)
Derek McGregor	Orange <i>Southern</i>	Public (2024)
Margie Mohler, Chair	Napa <i>Coastal</i>	City (2025)
Anita Paque	Calaveras <i>Central</i>	Public (2025)
Wendy Root Askew	Monterey <i>Coastal</i>	County (2024)
Josh Susman	Nevada <i>Northern</i>	Public (2024)
Tamara Wallace	El Dorado Central	City (2025)
Acquanetta Warren, Vice-Chair	San Bernardino <i>Southern</i>	City (2024)

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Board of Directors

2024/2025 Nomination Form
(Must accompany the Candidate Résumé Form)

Nomination to the CALAFCO Board of Directors

In accordance with the Nominations and Election Procedures of CALAFCO,

_____ LAFCO of the _____ Region

Nominates _____

for the (check one) [] City [] County [] Special District [] Public

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

LAFCO Chair

Date

NOTICE OF DEADLINE

Nomination Packets must be received by September 16, 2024 to be considered by the Election Committee.

Send completed nominations to
info@calafco.org

Or, mail to:

CALAFCO Election Committee
CALAFCO
1451 River Park Drive, Ste. 185
Sacramento, CA 95815

Date Received



Board of Directors
2024/2025 Candidate Résumé Form
(Complete both pages)

Nominated By: _____ LAFCO Date: _____

Region (please check one): Northern Coastal Central Southern

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

Candidate Name _____

Address _____

Phone Office _____ Mobile _____

e-mail _____

Personal and Professional Background:

LAFCO Experience:

CALAFCO or State-level Experience:

Availability:

Other Related Activities and Comments:

NOTICE OF DEADLINE

Complete Nomination Packets must be received by **September 16, 2024** to be considered by the Election Committee.

Send completed nominations to
info@calafco.org

Or, mail to:

CALAFCO Election Committee
CALAFCO
1451 River Park Drive, Ste. 185
Sacramento, CA 95815



1451 River Park Drive, Ste 185
Sacramento, CA 95815
(916) 442-6536

NOMINATION OF 2024 CALAFCO VOTING DELEGATE

The Local Agency Formation Commission of the below named county, hereby nominates and names the following Commissioners as its duly authorized voting delegate and alternate for purposes of the 2024 CALAFCO Board of Directors election to be held on Thursday, October 17, 2024, during the CALAFCO Regional Caucus and Annual Meeting in Fish Camp, California.

County Name:

Delegate:

Alternate:

Appointment Authorized by:

Name of individual completing form on behalf of the LAFCo:

Will your delegate or alternate be attending the CALAFCO Annual Conference?

Yes:

No:

PLEASE RETURN COMPLETED FORM BY **SEPTEMBER 16, 2024 TO:**

René LaRoche via email to: rlaroche@calafco.org

Late submissions will NOT be accepted.



SUPPORTING SUSTAINABLE
COMMUNITY GROWTH

Date: May 13, 2024

To: CALAFCO Members
LAFCO Commissioners and Staff
Other Interested Organizations

From: Blake Inscore, Committee Chair
CALAFCO Achievement Awards Committee
CALAFCO Board of Directors

Subject: 2024 CALAFCO Achievement Award Nominations
Period Open



Deadline: Saturday, August 31, 2024

On behalf of the Association, I am pleased to announce that the nomination period for the 2024 CALAFCO Achievement Awards is now open!

Each year, CALAFCO is honored to recognize outstanding achievements by dedicated and committed individuals and/or organizations from throughout the state at its Annual Conference Achievement Awards Ceremony. This year's ceremony will be held at the gorgeous Tenaya Lodge just outside Yosemite National Park on October 17th, during the awards banquet.

Recognizing individual and organizational achievements is an important responsibility. It provides visible recognition and support to those who have gone ***above and beyond*** over the last year to advance the principles and goals of the Cortese-Knox-Hertzberg Act. We invite you to use this opportunity to nominate the individuals and organizations you feel deserve this important recognition based on the criteria outlined.

Before submitting a nomination, ***please carefully review the nomination instructions and the criteria for each award as incomplete nominations, and nominations that do not adhere to the submission guidelines, will not be considered by the Committee.***

ACHIEVEMENT AWARDS NOMINATION PROCEDURE:

1. Most nominations may be made by an individual, a LAFCO, a CALAFCO Associate Member, or any other organization.
2. Each nomination must meet the specific award category criteria for consideration.
3. With the exception of the Lifetime Achievement Award, all nominated projects or acts of service must have occurred or been completed between August 18, 2023, and August 15, 2024.
4. Nominations ***must be submitted with a completed nomination form.*** Please use a separate form for each

nomination. The form is your opportunity to highlight the most important points of your nomination.

5. Nomination *Executive Summaries* must be **limited to no more than 250 words in length**. Nomination *Summaries* must be **limited to no more than 1,000 words or 2 pages in length maximum**. You are encouraged to write them in a clear, concise and understandable manner. If the Awards Committee members require additional information, you will be contacted with that request. Any nomination received that exceeds this amount **will not be considered by the Committee**.
6. All supporting information (e.g. reports, news articles, etc.) must be submitted with the nomination. **Limit supporting documentation to no more than 3 pages**. If the Awards Committee members require additional information, you will be contacted with that request. Any nomination received that exceeds this amount **will not be considered by the Committee**.
7. All nomination materials must be submitted at one time and must be received by the deadline. No late nominations will be accepted – no exceptions. Electronic submittals are required and must be submitted as pdf document, using the fillable pdf document provided.
8. **Nominations and all supporting materials must be received no later than Saturday, August 31, 2024**. Send nominations via e-mail to:

Stephen Lucas, CALAFCO Executive Officer
slucas@buttecounty.net

You may contact Steve Lucas, CALAFCO Executive Officer, at slucas@buttecounty.net or (530) 538-7784 with any questions.

Members of the 2024 CALAFCO Board of Directors Awards Committee

Board Members:

Blake Inscore, Committee Chair (Del Norte LAFCO, Northern Region)
Rodrigo Espinosa (Merced LAFCO, Central Region)
Kenneth Leary (Napa LAFCO, Coastal Region)
Anita Paque (Calaveras LAFCO, Central Region)

Regional Officer Members:

<i>Steve Lucas</i> , CALAFCO Executive Officer (Northern Region)	slucas@buttecounty.net
<i>José Henriquez</i> , CALAFCO Deputy Executive Officer (Central Region)	henriquezj@saccounty.net
<i>Dawn Longoria</i> , CALAFCO Deputy Executive Officer (Coastal Region)	dlongoria@napa.lafco.ca.gov
<i>Gary Thompson</i> , CALAFCO Deputy Executive Officer (Southern Region)	gthompson@lafco.org

Attachments:

- Achievement Award categories, nomination and selection criteria
- Listing of prior Achievement Award recipients
- 2024 Achievement Award nomination form (separate file)



CALAFCO ACHIEVEMENT AWARD CATEGORIES, NOMINATION & SELECTION CRITERIA

Every year, CALAFCO recognizes excellence within the LAFCO community, and among the full membership, by presenting *Achievement Awards* at the CALAFCO Annual Conference. Nominations are now open and being accepted until **Saturday, August 31, 2024** in the following categories:

OUTSTANDING CALAFCO VOLUNTEER

Award Summary:

Recognizes a CALAFCO volunteer who has provided exemplary service **during the year past**. Exemplary service is service which clearly goes above and beyond that which is asked or expected in the charge of their responsibilities. This category may include a CALAFCO Board member, regional officer, program volunteer, or any other requested volunteer.

Nomination criteria:

1. Nominee must have volunteered for the Association during the year in which the nomination is being made.
2. Nominee does not have to be a CALAFCO member.
3. Volunteer efforts must have demonstrated the individual going above and beyond what was asked/expected with positive and effective results.
4. Nominee can be a CALAFCO Board member, regional officer, program volunteer or any other volunteer.

Selection criteria:

1. Must meet all nomination criteria requirements for consideration.
2. Equal consideration shall be given to each nominee, regardless of their position or role as a volunteer. Only the contributions and outcomes shall be considered, not the individual's position.
3. The extent of the volunteerism and the overall impact to the statewide Association and membership based on that volunteerism shall be considered.
4. Preference may be given to individuals who have not previously received this award and meet all the required criteria.

OUTSTANDING CALAFCO ASSOCIATE MEMBER

Award Summary:

Presented to an active CALAFCO Associate Member (person or agency) that has advanced or promoted the cause of LAFCOs by consistently producing distinguished work that upholds the mission and goals of LAFCOs and has helped elevate the role and mission of LAFCOs through its work. Recipient consistently demonstrates a collaborative approach to LAFCO stakeholder engagement.

Further, the individual or firm has a proven commitment to the Association membership through volunteering time and resources to further the cause of LAFCO and CALAFCO.

Nomination criteria:

1. Nominee must be a CALAFCO Associate Member in good standing with the Association.
2. Nominee shall be an Associate Member for the full year in which the nomination is being made.
3. The Associate Member nominated shall have been an Associate Member in good standing with the Association for at least one year prior to the year for which the nomination is being made.
4. As an Associate Member, the nominee may be an individual, firm or agency.
5. The nominee may be an individual within an Associate Member firm or agency.
6. Nominee shall demonstrate that through their work as an Associate Member, the role and mission of LAFCO has been upheld and furthered.
7. Nominee must have proven cooperative and collaborative approaches to situations and solutions that affect LAFCOs statewide as an Associate Member.
8. Proven commitment to the Association's membership as an Associate Member by volunteering resources to the Association during the year in which the nomination is made.

Selection criteria:

1. Must meet all nomination criteria requirements for consideration.
2. Equal consideration shall be given to all nominees that meet the nominating criteria.
3. The level of volunteering time and resources to the Association shall be a consideration with all other nomination criteria.

OUTSTANDING COMMISSIONER

Award Summary:

Presented to an individual Commissioner for extraordinary service to his or her Commission. Extraordinary service is considered actions above and beyond those required in the course of fulfilling their statutory responsibilities as a Commissioner. It requires consistently demonstrating independent judgment on behalf of the interest of the entire county, developing innovative and collaborative solutions to local issues, and leading the commission and community by example.

Nomination criteria:

1. Nominee must be a Commissioner of a LAFCO in good standing with the Association.
2. Nominee shall be a Commissioner for the full year in which the nomination is being made.
3. Proven demonstration of consistently exercising independent judgment for the greater good of the County is required.
4. Proven leadership of the commission and the community through collaborative, innovative and creative solutions to local issues is required.
5. Proven effective results and outcomes shall be demonstrated in the nomination.

Selection criteria:

1. Must meet all nomination criteria requirements for consideration.
2. Equal consideration shall be given to all nominees that meet the nominating criteria.
3. Representation type (city-county-district-public) shall not be a consideration nor shall be the size or geographic area of the LAFCO on which the Commissioner serves.

4. The overall impact of the leadership of the Commissioner shall be considered.
5. Preference may be given to individuals who have not previously received this award and meet all the required criteria.

OUTSTANDING LAFCO PROFESSIONAL

Award Summary:

Recognizes an Executive Officer, Staff Analyst, Clerk, Legal Counsel or any other LAFCO staff person for exemplary service during the past year. Exemplary service is considered actions which clearly go above and beyond that which is asked, expected, or required in the charge of their LAFCO responsibilities.

Nomination criteria:

1. Nominee must be a staff person of a LAFCO in good standing with the Association.
2. Nominee shall be a staff person for the full year in which the nomination is being made.
3. As a staff person, the nominee can be either an employee of the LAFCO or a contractor providing employee-type services to the LAFCO.
4. Efforts must be demonstrated that the individual has consistently gone above and beyond or outside the scope of their role or job responsibilities, with proven results that otherwise would not have occurred.

Selection criteria:

1. Must meet all nomination criteria requirements for consideration.
2. Equal consideration shall be given to all nominees that meet the nominating criteria.
3. Position within a LAFCO shall not be a consideration, nor shall be the size or geographic area of the LAFCO.
4. The overall impact of the LAFCO professional to their LAFCO and the greater community shall be considered.
5. Preference may be given to individuals who have not previously received this award and meet all the required criteria.

LIFETIME ACHIEVEMENT AWARD

Award Summary:

Recognizes any individual who has made extraordinary contributions to the statewide LAFCO community in terms of longevity of service, exemplary advocacy of LAFCO-related legislation, proven leadership in approaching a particular issue or issues, and demonstrated support in developing and implementing innovative and creative ways to support the goals of LAFCOs throughout California. At a minimum, the individual should be involved in the LAFCO community for at least twenty (20) years.

Nomination criteria:

1. Nomination must be received from a member LAFCO or Associate Member in good standing with the Association.
2. A minimum of 20 years direct involvement with the LAFCO community is required for

- consideration.
3. During that time, nominee shall have a proven positive impact and effect on the support and evolution of LAFCOs statewide.
 4. This includes advocacy of LAFCOs statewide through legislation, developing creative and innovative solutions to LAFCO issues that serve beyond their LAFCO to the greater good, and collaborative stakeholder approaches to issues and opportunities to further the cause and mission of LAFCO.

Selection criteria:

1. Must meet all nomination criteria requirements for consideration.
2. Preference may be given to nominees who also have proven experience volunteering for CALAFCO through a regional officer role, serving on committees, serving on the CALAFCO Board, or any other method of volunteering for the Association that serves to promote and support the mission and work of LAFCOs throughout the state.

LEGISLATOR OF THE YEAR

Award Summary:

Presented to a member of the California State Senate or Assembly in recognition of leadership and valued contributions in support of LAFCO goals that have a statewide effect. The recipient shall have demonstrated clear support and effort to further the cause and ability of LAFCOs to fulfill their statutory mission. Selected by CALAFCO Board by super majority.

Nomination criteria:

1. Nominee shall be a California State legislator during the full year in which the nomination was made.
2. Nominee must have demonstrated extraordinary leadership in the Legislature on behalf of LAFCOs statewide, with efforts resulting in a positive impact for all LAFCOs.

Selection criteria:

1. Must meet all nomination criteria requirements for consideration.
2. All Legislator of the Year nominations shall be forwarded by the Achievement Awards Committee to the Board for consideration.
3. Selection of the recipient of this award shall be done with a super majority approval of the Board (present at the time of the vote).

MIKE GOTCH EXCELLENCE IN PUBLIC SERVICE AWARD

Award Summary:

Awarded to an individual, group or agency for actions that rise above expected or common functions or actions that are LAFCO-related; *and* reduce or eliminate common institutional roadblocks; *and* result in a truly extraordinary public service outcome. Individuals, a LAFCO, or collaborative effort among multiple LAFCOs or a LAFCO with other entities are eligible. Other entities shall be decision-making bodies at the local, regional or state level. This award has two distinct categories, each focusing on a specific area:

1. *Protection of agricultural and open space lands and prevention of sprawl*

2. *Innovation, collaboration, outreach and effective support of the evolution and viability of local agencies, promotion of efficient and effective delivery of municipal services*

Award categories:

- **Protection of agricultural and open space lands and prevention of sprawl**

Includes the development and implementation of programs or other actions associated with agriculture, water, flood control, parks and recreation, habitat conservation plans and public lands. Demonstrates the recipient has identified, encouraged and ensured the preservation of agricultural and open space lands. Proven actions that encourage cities, counties and special districts to direct development away from all types of agricultural lands, including prime agricultural lands and open space lands. Includes demonstrated consideration given in decisions to Regional Transportation Plans, including sustainable communities strategies and other growth plans to ensure reliable services, orderly growth, and sustainable communities.

- **Innovation, collaboration, outreach and effective support of the evolution and viability of local agencies, promotion of efficient and effective delivery of municipal services**

Includes the development and implementation of innovate support and systems within internal LAFCO operations in the support of local agencies. Actions produce systemic and sustainable improvements and innovation of local government. Proven facilitation of constructive discussions with local and regional agencies and proactive outreach to local and regional agencies as well as local stakeholders and communities to identify issues and solutions and demonstrated action as a coordinating agency in offering and supporting unique local solutions to meet local challenges. Successful demonstration of development of capacities and abilities of local agencies. Provide tools and resources to local agencies to address aging infrastructure, fiscal challenges and the maintenance of existing services. Demonstrated action to streamline the provision of local services with proven results that services are consistent or have been improved as a result, with little to no increased cost to the consumer. Focused efforts and proven results to ensure delivery of services to all communities, especially disadvantaged communities.

Nomination criteria:

1. Clear demonstration that the actions rise above expected or common functions or actions.
2. The actions reduced or eliminated common institutional roadblocks.
3. The actions clearly proven a truly extraordinary public service outcome that is systemic and sustainable.
4. Identified unique circumstances and factors leading to the solution/project.
5. The innovative steps taken by the LAFCO or entity/entities/individual to solve the problem, overcome the situation, or to take action.
6. Clear description of the results/outcomes of the work and the short- and long-term effects.
7. How this work can be promoted as a LAFCO best practice.
8. Clear demonstration how this nomination meets all criteria.

Selection Criteria:

1. Must meet all nomination criteria requirements for consideration.
2. Equal consideration shall be given to each nominee within each category. The size or geographic area of the LAFCO within a given category shall not be a consideration.
3. The overall impact of the actions and outcomes to the greater community being served shall be considered.
4. The level of impact based on the required nomination criteria shall be considered.

QUALIFYING PERIOD: *With the exception of the Lifetime Achievement Award, all nominated projects or acts of service must have occurred or been completed between August 18, 2023, and August 15, 2024.*



PREVIOUS CALAFCO ACHIEVEMENT AWARD RECIPIENTS

2023

Lifetime Achievement Award:	Dawn Mittleman Longoria , Napa LAFCO
Outstanding Commissioner	Richard Bettencourt , San Benito LAFCO
Outstanding LAFCO Professional	Two-Way Tie: José C. Henriquez , Sacramento LAFCO Andrea Ozdy , Ventura LAFCO
Outstanding Associate Member	Colantuono, Highsmith & Whatley
Outstanding Volunteer	Anita Paque , Calaveras LAFCO
Mike Gotch Award - Agriculture Innovation	Napa LAFCO Tom Cooley , Plumas LAFCO

2022

Outstanding Commissioner	Don Saylor , Yolo LAFCO
Outstanding LAFCO Professional	Carolyn Emery , Orange LAFCO
Mike Gotch Award - Innovation, Collaboration, And Outreach	Two-Way Tie: Cristine Crawford , Yolo LAFCO, and Erica Sanchez , El Dorado LAFCO & Amanda Ross , South Fork Consulting, LLC

2020 – 2021 (2 year period due to the pandemic)

Outstanding Associate Member	Planwest Partners
Outstanding Commissioner	Olin Woods , Yolo LAFCO
Outstanding LAFCO Professional	Crystal Craig , Riverside LAFCO
Mike Gotch Protection of Ag and Open Space Lands & Prevention of Urban Sprawl	Napa LAFCO
Mike Gotch Courage & Innovation in Local Government Leadership Award	Yolo LAFCO
Lifetime Achievement Award	Jerry Glabach , Los Angeles LAFCO

2019

Distinguished Service Award	Charley Wilson , Orange LAFCO
Most Effective Commission	Contra Costa LAFCO
Outstanding Commissioner	Jim DeMartini , Stanislaus LAFCO
Outstanding LAFCO Professional	David Church , San Luis Obispo LAFCO
Project of the Year	Orange LAFCO , for <i>San Juan Capistrano Utilities MSR</i>
Government Leadership Award	CA State Water Resources Control Board, Los Angeles County and Los Angeles LAFCO , for <i>Sativa Water District</i>
Mike Gotch Courage & Innovation in Local Government Leadership Award	Butte LAFCO
Legislator of the Year	Assembly Member Mike Gipson
Lifetime Achievement Award	John Benoit , various LAFCOs, Jurg Heuberger , Imperial LAFCO

2018

Distinguished Service Award	John Withers , Orange LAFCO
Most Effective Commission	Santa Clara LAFCO
Outstanding Commissioner	Margie Mohler , Napa LAFCO
Outstanding LAFCO Professional	George Williamson , Del Norte LAFCO
Outstanding LAFCO Clerk	Elizabeth Valdez , Riverside LAFCO
Outstanding CALAFCO Associate Member	Best Best & Krieger
Project of the Year	Lake LAFCo , water services consolidation
Government Leadership Award	City of Porterville, County of Tulare, Dept. of Water Resources, State Water Resources Control Board, Governor’s Office of Emergency Services, Self Help Enterprises, Community Water Center for East Porterville water supply project
Mike Gotch Courage & Innovation in Local Government Leadership Award	Mike Ott , San Diego LAFCO
Legislator of the Year	Assembly Member Anna Caballero
Lifetime Achievement Award	Pat McCormick , Santa Cruz LAFCO, George Spiliotis , Riverside LAFCO

2017

Most Effective Commission	Los Angeles LAFCO
Outstanding CALAFCO Member	Sblend Sblendorio , Alameda LAFCO
Outstanding Commissioner	John Marchand , Alameda LAFCO
Outstanding LAFCO Professional	Paul Novak , Los Angeles LAFCO
Outstanding LAFCO Clerk	Richelle Beltran , Ventura LAFCO
Outstanding CALAFCO Associate Member	Policy Consulting Associates
Project of the Year	County Services MSR , Butte LAFCO, and Santa Rosa Annexation , Sonoma LAFCO
Government Leadership Award	San Luis Obispo County Public Works Dept.
Lifetime Achievement Award	Kathy Rollings McDonald (San Bernardino)

2016

Distinguished Service Award	Peter Brundage , Sacramento LAFCO
Most Effective Commission	San Luis Obispo LAFCO
Outstanding CALAFCO Member	John Leopold , Santa Cruz LAFCO
Outstanding Commissioner	Don Tatzin , Contra Costa LAFCO
Outstanding LAFCO Professional	Steve Lucas , Butte LAFCO
Outstanding LAFCO Clerk	Cheryl Carter-Benjamin , Orange LAFCO
Project of the Year	Countywide Water Study , (Marin LAFCO)
Government Leadership Award	Southern Region of CALAFCO
Lifetime Achievement Award	Bob Braitman (retired Executive Officer)

2015

Mike Gotch Courage & Innovation in Local Government Leadership Award	Yuba County Water Agency
Distinguished Service Award	Mary Jane Griego , Yuba LAFCO
Most Effective Commission	Butte LAFCO
Outstanding CALAFCO Member	Marjorie Blom , formerly of Stanislaus LAFCO
Outstanding Commissioner	Matthew Beekman , formerly of Stanislaus LAFCO
Outstanding LAFCO Professional	Sam Martinez , San Bernardino LAFCO
Outstanding LAFCO Clerk	Terri Tuck , Yolo LAFCO
Project of the Year	Formation of the Ventura County Waterworks District No. 38 (Ventura LAFCO) and 2015 San Diego County Health Care Services five-year sphere of influence and service review report (San Diego LAFCO)
Government Leadership Award	The Cities of Dublin, Pleasanton, Livermore and San Ramon, the Dublin San Ramon Services District and the Zone 7 Water Agency
CALAFCO Associate Member of the Year	Michael Colantuono of Colantuono, Highsmith & Whatley
Legislators of the Year Award	Assembly member Chad Mayes
Lifetime Achievement Award	Jim Chapman (Lassen LAFCO) and Chris Tooker (formerly of Sacramento LAFCO)

2014

Mike Gotch Courage & Innovation in Local Government Leadership Award	David Church , San Luis Obispo LAFCO
Distinguished Service Award	Kate McKenna , Monterey LAFCO
Most Effective Commission	Santa Clara LAFCO
Outstanding CALAFCO Member	Stephen Lucas , Butte LAFCO
Outstanding Commissioner	Paul Norsell , Nevada LAFCO
Outstanding LAFCO Professional	Kate McKenna , Monterey LAFCO
Outstanding LAFCO Clerk	Paige Hensley , Yuba LAFCO
Project of the Year	LAFCo Procedures Guide: 50th Year Special Edition , San Diego LAFCO
Government Leadership Award	Orange County Water District, City of Anaheim, Irvine Ranch Water District, and Yorba Linda Water District
Legislators of the Year Award	Assembly member Katcho Achadjian
Lifetime Achievement Award	Susan Wilson , Orange LAFCO

2013

Mike Gotch Courage & Innovation in Local Government Leadership Award	Simón Salinas , Commissioner, Monterey LAFCO
Distinguished Service Award	Roseanne Chamberlain , Amador LAFCO
Most Effective Commission	Stanislaus LAFCO
Outstanding CALAFCO Member	Harry Ehrlich , San Diego LAFCO
Outstanding Commissioner	Jerry Gladbach , Los Angeles LAFCO
Outstanding LAFCO Professional	Lou Ann Texeira , Contra Costa
LAFCO Outstanding LAFCO Clerk	Kate Sibley , Contra Costa LAFCO
Project of the Year	Plan for Agricultural Preservation , Stanislaus LAFCO
Government Leadership Award	Orange County LAFCO Community Islands Taskforce , Orange LAFCO

Legislators of the Year Award
Lifetime Achievement Award

Senators Bill Emmerson and Richard Roth
H. Peter Faye, Yolo LAFCO; **Henry Pellissier**, Los Angeles LAFCO; **Carl Leverenz**, Butte LAFCo; **Susan Vicklund-Wilson**, Santa Clara LAFCO.

2012

Mike Gotch Courage & Innovation in Local Government Leadership Award
Distinguished Service Award
Most Effective Commission
Outstanding CALAFCO Member

Bill Chiat, CALAFCO Executive Director

Outstanding Commissioner
LAFCO Outstanding LAFCO Professional
Outstanding LAFCO Clerk
Project of the Year

Marty McClelland, Commissioner, Humboldt LAFCO
Sonoma LAFCO

Stephen A. Souza, Commissioner, Yolo LAFCO and CALAFCO Board of Directors

Sherwood Darington, Monterey

Carole Cooper, Sonoma LAFCO

Gwenna MacDonald, Lassen LAFCO

Countywide Service Review & SOI Update, Santa Clara LAFCO

Government Leadership Award
Lifetime Achievement Award

North Orange County Coalition of Cities, Orange LAFCO

P. Scott Browne, Legal Counsel LAFCOs

2011

Mike Gotch Courage & Innovation in Local Government Leadership Award
Distinguished Service Award
LAFCo Most Effective Commission
Outstanding CALAFCO Member
Outstanding Commissioner
Outstanding LAFCO Professional
Outstanding LAFCO Clerk
Project of the Year

Martin Tuttle, Deputy Director for Planning, Caltrans

Mike McKeever, Executive Director, SACOG

Carl Leverenz, Commissioner and Chair, Butte

San Bernardino LAFCO

Keene Simonds, Executive Officer, Napa LAFCO

Louis R. Calcagno, Monterey LAFCO

June Savala, Deputy Executive Officer, Los Angeles LAFCO

Debbie Shubert, Ventura LAFCO

Cortese-Knox-Hertzberg Definitions Revision

Bob Braitman, Scott Browne, Clark Alsop, Carole Cooper, and George Spiliotis

Government Leadership Award

Contra Costa Sanitary District

Elsinore Water District and Elsinore Valley Municipal Water District

2010

Mike Gotch Courage & Innovation in Local Government Leadership Award
Distinguished Service Award

Helen Thompson, Commissioner, Yolo LAFCO

Kathleen Rollings-McDonald, Executive Officer, San Bernardino LAFCO

Bob Braitman, Executive Officer, Santa Barbara LAFCO

Tulare LAFCO

Most Effective Commission
Outstanding CALAFCO Member
Outstanding Commissioner
Outstanding LAFCO Professional
Outstanding LAFCO Clerk

Roger Anderson, Ph.D., CALAFCO Chair, Santa Cruz LAFCO

George Lange, Ventura LAFCO

Harry Ehrlich, Government Consultant, San Diego LAFCO

Candie Fleming, Fresno LAFCO

Project of the Year

Butte LAFCo

Sewer Commission - Oroville Region Municipal Service Review

Government Leadership Award

Nipomo Community Services District and the County of San Luis Obispo

Special Achievement

Chris Tooker, Sacramento LAFCO and CALAFCO Board of Directors

2009

Mike Gotch Courage & Innovation in Local Government Leadership Award

Paul Hood, Executive Officer, San Luis Obispo LAFCO

Distinguished Service Award

William Zumwalt, Executive Officer, Kings LAFCO

Most Effective Commission

Napa LAFCO

Outstanding CALAFCO Member

Susan Vicklund Wilson, CALAFCO Vice Chair
Jerry Gladbach, CALAFCO Treasurer

Outstanding Commissioner

Larry M. Fortune, Fresno LAFCO

Outstanding LAFCO Professional

Pat McCormick, Santa Cruz LAFCO Executive Officer

Outstanding LAFCO Clerk

Emmanuel Abello, Santa Clara LAFCO

Project of the Year

Orange LAFCO Boundary Report

Government Leadership Award

Cities of Amador City, Jackson, Lone, Plymouth & Sutter Creek; Amador County; Amador Water Agency; Pine Grove CSD – Countywide MSR Project

Legislator of the Year Award

Assembly Member Jim Silva

2008

Distinguished Service Award

Peter M. Detwiler, Senate Local Government Committee Chief Consultant

Most Effective Commission

Yuba LAFCO

Outstanding Commissioner

Dennis Hansberger, San Bernardino LAFCO

Outstanding LAFCO Professional

Michael Ott, San Diego LAFCO Executive Officer
Martha Poyatos, San Mateo Executive Officer

Outstanding LAFCO Clerk

Wilda Turner, Los Angeles LAFCO

Project of the Year

Kings LAFCO
City and Community District MSR and SOI Update

Government Leadership Award

San Bernardino Board of Supervisors

Legislator of the Year Award

Assembly Member Anna M. Caballero

2007

Outstanding CALAFCO Member

Kathy Long, Board Chair, Ventura LAFCo

Distinguished Service Award

William D. Smith, San Diego Legal

Counsel Most Effective Commission

Santa Clara LAFCO

Outstanding Commissioner

Gayle Uilkema, Contra Costa LAFCO

Outstanding LAFCO Professional

Joyce Crosthwaite, Orange LAFCO Executive Officer

Outstanding LAFCO Clerk

Debby Chamberlin, San Bernardino LAFCO

Project of the Year

San Bernardino LAFCo and City of Fontana
Islands Annexation Program

Government Leadership Award

City of Fontana - Islands Annexation Program

Lifetime Achievement

John T. "Jack" Knox

2006

Outstanding CALAFCO Member

Everett Millais, CALAFCO Executive Officer and Executive Officer of Ventura LAFCO

Distinguished Service Award	Clark Alsop , CALAFCO Legal Counsel
Most Effective Commission Award	Alameda LAFCO
Outstanding Commissioner Award	Ted Grandsen , Ventura LAFCO Chris Tooker , Sacramento LAFCO
Outstanding LAFCO Professional Award	Larry Calemine , Los Angeles LAFCO Executive Officer
Outstanding LAFCO Clerk Award	Janice Bryson , San Diego LAFCO Marilyn Flemmer , Sacramento LAFCO
Project of the Year Award	Sacramento Municipal Utility District Sphere of Influence Amendment and Annexation; Sacramento LAFCO
Outstanding Government Leadership Award	Cities of Porterville, Tulare, and Visalia and Tulare LAFCO Island Annexation Program
Legislator of the Year Award	Senator Christine Kehoe

2005

Outstanding CALAFCO Member	Peter Herzog , CALAFCO Board, Orange LAFCO
Distinguished Service Award	Elizabeth Castro Kemper , Yolo LAFCO
Most Effective Commission Award	Ventura LAFCO
Outstanding Commissioner Award	Art Aseltine , Yuba LAFCO Henri Pellissier , Los Angeles LAFCO
Outstanding LAFCO Professional Award	Bruce Baracco , San Joaquin LAFCO
Outstanding LAFCO Clerk Award	Danielle Ball , Orange LAFCO
Project of the Year Award	San Diego LAFCO MSR of Fire Protection and Emergency Medical Services
Outstanding Government Leadership Award	Sacramento Area Council of Governments (SACOG)

2004

Outstanding CALAFCO Member	Scott Harvey , CALAFCO Executive Director
Distinguished Service Award	Julie Howard , Shasta LAFCO
Most Effective Commission Award	San Diego LAFCO
Outstanding Commissioner Award	Edith Johnsen , Monterey LAFCO
Outstanding LAFCO Professional Award	David Kindig , Santa Cruz LAFCO
Project of the Year Award	San Luis Obispo LAFCO Nipomo CSD SOI Update, MSR, and EIR

2003

Outstanding CALAFCO Member	Michael P. Ryan , CALAFCO Board Member
Distinguished Service Award	Henri F. Pellissier , Los Angeles LAFCO
Most Effective Commission Award	San Luis Obispo LAFCO
Outstanding Commissioner Award	Bob Salazar , El Dorado LAFCO
Outstanding LAFCO Professional Award	Shirley Anderson , San Diego LAFCO
Outstanding LAFCO Clerk Award	Lori Fleck , Siskiyou LAFCO
Project of the Year Award	Napa LAFCo Comprehensive Water Service Study
Special Achievement Award	James M. Roddy

2002

Outstanding CALAFCO Member	Ken Lee , CALAFCO Legislative Committee Chair
Most Effective Commission Award	San Diego LAFCO Outstanding
Commissioner Award	Ed Snively , Imperial LAFCO
Outstanding LAFCO Professional Award	Paul Hood , San Luis Obispo LAFCO
Outstanding LAFCO Clerk Award	Danielle Ball , Orange LAFCO

Project of the Year Award
 Outstanding Government Leadership Award

San Luis Obispo LAFCO
Napa LAFCo, Napa County Farm Bureau, Napa Valley Vintners Association, Napa Valley Housing Authority, Napa County Agricultural Commissioner's Office, Napa County Counsel Office, and Assembly Member Patricia Wiggins

2001

Outstanding CALAFCO Member
 Distinguished Service Award
 Outstanding Commissioner Award
 Outstanding LAFCO Professional Award
 Project of the Year Award
 Outstanding Government Leadership Award
 Legislator of the Year Award

SR Jones, CALAFCO Executive Officer
David Martin, Tax Area Services Section, State Board of Equalization
H. Peter Faye, Yolo LAFCO
Ingrid Hansen, San Diego LAFCO
Santa Barbara LAFCO
Alameda County Board of Supervisors, Livermore City Council, Pleasanton City Council
Senator Jack O'Connell

2000

Outstanding CALAFCO Member
 Distinguished Service Award
 Most Effective Commission Award
 Outstanding Commissioner
 Outstanding LAFCO Professional Award
 Outstanding LAFCO Clerk Award
 Project of the Year Award
 Legislator of the Year Award

Ron Wootton, CALAFCO Board Chair
Ben Williams, Commission on Local Governance for the 21st Century
Yolo LAFCO
Rich Gordon, San Mateo LAFCO
Annamaria Perrella, Contra Costa LAFCO
Susan Stahmann, El Dorado LAFCO
San Diego LAFCO
Robert Hertzberg, Assembly Member

1999

Distinguished Service Award
 Most Effective Commission Award
 Outstanding Executive Officer Award
 Outstanding LAFCO Clerk Award
 Most Creative Solution to a Multi-Jurisdictional Problem
 Outstanding Government Leadership Award
 Legislator of the Year Award

Marilyn Ann Flemmer-Rodgers, Sacramento LAFCO
Orange LAFCO
Don Graff, Alameda LAFCO
Dory Adams, Marin LAFCO
San Diego LAFCO
Assembly Member John Longville
Assembly Member Robert Hertzberg

1998

Outstanding CALAFCO Member
 Distinguished Service Award
 Most Effective Commission Award
 Outstanding Executive Officer Award
 Outstanding Staff Analysis
 Outstanding Government Leadership Award

Dana Smith, Orange LAFCO
Marvin Panter, Fresno LAFCO
San Diego LAFCO
George Spiliotis, Riverside LAFCO
Joe Convery, San Diego LAFCO
Joyce Crosthwaite, Orange LAFCO
Santa Clara County Planning Department

1997

Most Effective Commission Award
 Outstanding Executive Officer Award

Orange LAFCO
George Finney, Tulare LAFCO

Outstanding Staff Analysis

Annamaria Perrella, Contra Costa LAFCO

Outstanding Government Leadership Award

South County Issues Discussion Group

Most Creative Solution to a Multi-Jurisdictional Problem

Alameda LAFCO and Contra Costa LAFCO

Legislator of the Year Award

Assembly Member Tom Torlakson



Achievement Award Nomination Form

NOMINEE - Person or Agency Being Nominated

Name: _____

Organization: _____

Address: _____

Phone: _____

E-mail: _____

NOMINATION CATEGORY (check one – see category criteria on attached sheet)

- Outstanding CALAFCO Volunteer
- Outstanding CALAFCO Associate Member
- Outstanding Commissioner
- Outstanding LAFCo Professional

Mike Gotch Excellence in Public Service (choose one category below)

- Protection of agricultural and open space lands and prevention of sprawl*
- Innovation, collaboration, outreach and effective support of the evolution and viability of local agencies, promotion of efficient and effective delivery of municipal services*
- Legislator of the Year (must be approved by the full CALAFCO Board)
- Lifetime Achievement Award

NOMINATION SUBMITTED BY:

Name: _____

Organization: _____

Address: _____

Phone: _____

E-mail: _____

EXECUTIVE SUMMARY

In no more than 250 words, summarize why this recipient is the most deserving of this award.

NOMINATION SUMMARY

Please indicate the reasons why this person or agency deserves to be recognized (this section must be no more than 1,000 words or 2 pages maximum. Attach 2nd page, if needed.)



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

The Commission will receive an update from the Alameda LAFCO Executive Officer. The report is being presented for discussion and feedback only.

Information

County of Alameda

Memorandum of Understanding (MOU) for Contract Services

The Alameda County Community Development Agency (CDA) seeks approval for the July 9th Board of Supervisors meeting to do the following:

- a. Approve First Amendment to MOU between LAFCO and the County to extend the term retroactively from 07/01/209 – 06/30/2024 by six months to 12/31/2024 to negotiate a new MOU; and
- b. Authorize the County Administrator or Community Development Agency Director to extend the MOU by up to six 1-month extensions to 06/30/2025 if the negotiation of a new MOU is productive.

Sustainable Agricultural Lands Conservation (SALC) Program Planning Presentation

Alameda LAFCO Executive Officer participated in a workshop to assist new SALC grantees in their projects. SALC grants are available from the Department of Conservation for projects that develop plans to protect agricultural lands or to conserve such lands directly. In November 2023, Alameda LAFCO completed its SALC grant project, titled the Alameda County Agricultural Resiliency Project (ACARP) that identified high priority areas for land conversion and conservation. LAFCO was awarded \$250,000 for the project.

The interactive workshop gave a chance for grantees to her from previous grant recipients, create peer-to-peer learning opportunities, and share resources with each other.

Report from University of California Berkeley on LAFCO Water System Consolidation

In January 2024, the University of California Berkeley Division of Agriculture and Natural Resources published a report titled, “LAFCO and Water System Consolidation: Bridging the gap between local and state regulators to stop and reverse water system fragmentation.”

In summary, the report expounds on the legislative efforts of the State involving the human right to water and ongoing discussions involving the consolidation of small water systems in California. The report also acknowledges the lack of communication and coordination amongst state and local regulators, including LAFCO. During the preparation of the report, LAFCOs and state regulators participated in surveys and interviews with university personnel. The report has been distributed to each of the 58 LAFCOs and to drinking water stakeholders throughout California. The university personnel are giving presentations on the report upon request. Last communicated, they have given a presentation to the California Public Utilities Commission (CPUC) and are planning to share the report findings with staff from the State Water Resources Control Board (SWRCB) Division of Drinking Water.

Key highlights of the report follow:

There is a lack of coordination and sharing of information between LAFCOs, CPUC, and drinking water regulators, in particular the SWRCB and a need to improve communication amongst these agencies and regulators involving the sustainability and governance of local water systems.

The report offers the following key recommendations to improve in this area:

Transmission and connecting of information from MSRs and the annual state drinking water needs assessment prepared by the SWCRB.

Early coordination of state regulators and LAFCOs involving water system consolidation projects.

Standardizing the assessment of consolidation feasibility as part of the MSR process and recommend consolidation, as appropriate.

There is ambiguity about the role of LAFCOs in addressing the fragmentation of water systems and consolidation because of their lack of oversight involving investor-owned utilities.

To address this, LAFCOs were granted the ability to include a discussion of private water systems in MSRs. However, this is often inhibited by resource and information constraints that may lead to a water system most suitable for consolidation falling through the cracks.

Staff is working with other LAFCOs to provide recommendations to improve coordination and water quality through consolidation efforts and MSRs.

Attachments:

1. CDA Board Letter for MOU Extension
2. LAFCO and Water System Consolidation Report, UC Berkeley

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ALAMEDA COUNTY COMMUNITY DEVELOPMENT AGENCY

Sandra Rivera
Agency Director

Agenda Item _____ July 9, 2024

June 25, 2024

224 West Winton Ave
Room 110

Hayward, California
94544-1215

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510.670.6374

www.acgov.org/cda

Honorable Board of Supervisors
Administration Building
1221 Oak Street, Suite 536
Oakland, California 94612

Dear Board Members:

SUBJECT: **APPROVE FIRST AMENDMENT TO A MEMORANDUM OF UNDERSTANDING WITH THE ALAMEDA LOCAL AGENCY FORMATION COMMISSION FOR STAFF AND SERVICES**

RECOMMENDATION:

- A. Approve First Amendment to a Memorandum of Understanding (MOU) between the Alameda Local Agency Formation Commission (LAFCo) and the County of Alameda to extend the term retroactively from 7/1/19 – 6/30/24 by 6 months to 12/31/24 to negotiate a new MOU; and
- B. Authorize the County Administrator or the Community Development Agency Director to extend the MOU by up to six 1-month extensions to 6/30/25 if the negotiation of a new MOU are productive.

DISCUSSION/SUMMARY:

Established in 1963 by State law, Local Agency Formation Commissions (LAFCOs) regulate the boundaries of cities and special districts in each of California's 58 counties. LAFCOs are empowered to approve local government changes of organizations, including city incorporations, annexations to cities and special districts, establishing and amending spheres of influence, and consolidation of cities and special districts. Their objectives encompass promoting efficient service areas, guiding urban development away from prime agricultural and open space lands, and promoting orderly growth while deterring urban sprawl.

Since July 1, 2001, Alameda LAFCo has operated as an independent agency pursuant to the Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000 (Government Code Section 56000 et seq). LAFCo is responsible for its own operations, adopting its own budget, and arranging for its own staffing and support. LAFCo is jointly funded by the County of Alameda (County), the cities and independent special districts of Alameda County.

Government Code §56380, states, "The commission shall make its own provision for necessary quarters, equipment, and supplies as well as personnel. The commission may choose to contract with any public or private agency for personnel and facilities." Since

2001, Alameda LAFCo has contracted with the County for its operational support through a Memorandum of Understanding (MOU). This support includes County services for personnel, facilities, procurement, general accounting and payroll services, and participation in the County's financial management system. The Community Development Agency (CDA) Director has been designated to act for the County Administrator given LAFCo is located at the CDA Hayward facility.

On June 18, 2019 (Item no. 27), an MOU was approved by your Board for the period of July 1, 2019 through June 30, 2024. LAFCo has requested an extension to the current MOU. LAFCo seeks this extension to facilitate engagement with a consultant by the LAFCo Ad Hoc MOU Committee tasked with assessing LAFCo's operational needs. CDA is recommending a 6-month extension with the potential for six additional 1-month extensions not to exceed a total of 1 year so long as negotiations are productive. This extension aims to allow negotiation and drafting of a new MOU and to prevent implementation delays should LAFCo choose to maintain its relationship with CDA and the County.

During this extension, LAFCo will operate within the County's regulatory framework. The option for monthly extensions, not surpassing 1 year in total, is available contingent upon productive negotiations.

LAFCo shall pay the County the usual rents and related charges paid for similar space and equipment by County agencies and departments. Additionally, the County will continue to provide LAFCo services from various County departments in accordance with County policies and procedures.

FINANCING:

Approval of this item will have no impact on Net County Cost.

VISION 2026 GOAL:

The LAFCo MOU extension meets the 10X goal pathway of **Fiscal Stewardship** and supports of our shared vision of **Safe and Livable Communities**.

Very truly yours,

Sandra Rivera, Director
Community Development Agency

cc: Susan S. Muranishi, County Administrator
Donna R. Ziegler, County Counsel
Melissa Wilk, Auditor-Controller
Peilin Chen, County Administrator's Office
Lucy Romo, Community Development Agency
Rachel Jones, LAFCo Executive Director

FIRST AMENDMENT TO
MEMORANDUM OF UNDERSTANDING
BETWEEN
THE ALAMEDA LOCAL AGENCY FORMATION COMMISSION
AND
THE COUNTY OF ALAMEDA

THIS FIRST AMENDMENT, entered into on the day of July____, 2024, modifies the Memorandum of Understanding (MOU) entered into on the 1st day of July 2019 between the Alameda Local Agency Formation Commission (LAFCo), and the County of Alameda (County) for staff and services.

WHEREAS, the County and LAFCo desire to amend the MOU to extend the current term; and

WHEREAS, the extension is predicated upon the parties negotiating substantive changes to the MOU regarding the working relationship of the parties;

NOW, THEREFORE, for valuable consideration, the receipt and sufficiency of which are hereby acknowledged, the County and LAFCo agree as follows:

A. Paragraph #11 of the MOU is amended to read as follows:

11. Term. Effective July 1, 2024, the Term of this Agreement shall be extended for a period of six months, from July 1, 2024 to December 31, 2024. By mutual agreement the term may be extended on a monthly basis for up to six additional one-month extensions to June 30, 2025. The County will agree to further extensions only if negotiations for a new MOU are productive.

B. Except as provided for in this First Amendment, all other terms and conditions of the MOU remain in full force and effect.

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

For the County of Alameda

For Alameda Local Agency Formation Commission

Sandra Rivera, Community Development
Agency Director

Rachel Jones, LAFCo Executive Director

Date

Date

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LAFCo and Water System Consolidation:

*Bridging the gap between
local and state regulators
to stop and reverse
water system fragmentation*

JANUARY 2024



Authors

Kristin Dobbin, Assistant Professor of Cooperative Extension at the University of California Berkeley and the Division of Agriculture and Natural Resources

Justin McBride, PhD Candidate in Urban Planning at the University of California Los Angeles

Acknowledgements

This report was made possible by generous funding from the University of California Agriculture and Natural Resources (Award# 23-7000). We thank Emily Scott for the design of this report and Sunny Singhal for his help with editing. We would also like to thank the following participants in the consolidations research advisory committee for helping to inform the design and implementation of the project: Michael Claiborne, Nataly Escobedo Garcia, Blanca Surgeon, Sara Luquin, Carlos Bravo, Janaki Anagha, Katrina Hiott, Sergio Carranza, Reyna Rodriguez, Bryan Potter, Allisa Hastie, Khalid Osman, and Greg Pierce. Many additional external reviewers from around the state provided valuable feedback on our initial draft for which we are extremely grateful. Any errors are ours alone.

For more information contact Kristin Dobbin at kbdobbin@berkeley.edu

Introduction

In 2012, California passed AB 685 enshrining the human right to water into state law. Achieving this vision is not a simple task, instead it requires ongoing commitment and investment by state legislators and regulators. Water system consolidation, or the merging of two or more water systems, has increasingly become a focus of these efforts due to a wide array of potential benefits. This is particularly true for the state's very small water systems, many of which struggle to achieve consistent regulatory compliance. In the hopes of halting and reversing the proliferation of small water systems, California has implemented policy changes including developing financial incentives for larger water systems to consolidate small systems, introducing new powers to mandate consolidation under specific circumstances, and working to limit permits for new water systems in favor of extending existing systems. With these efforts as well as unprecedented financial investments in consolidation through the new Safe and Affordable Funding for Equity and Resilience (SAFER) program, the state has reduced the total number of public water systems by more than 3% in the last 9 years.¹

Despite these successes, implementing consolidations in an efficient and equitable manner continues to be a difficult task. A large array of challenges from local politics to funding regularly delay and sometimes prevent consolidations, both between existing systems and for systems intended to serve new industrial or residential development. This report focuses on one such challenge, the need to coordinate and align actions by state and local regulators. Under the Federal Safe Drinking Water Act, the state of California is responsible for ensuring compliance among public water systems. This role has put the State Water Resources Control Board (SWRCB) at the forefront of efforts to reduce the number of small water systems. Nonetheless, changes to drinking water services often implicate changes to local government, thus requiring consultation with, and sometimes the approval of, local regulators.

In particular, in California, county Local Agency Formation Commissions, known as LAFCo, are regional planning and regulatory agencies tasked with “coordinating logical and timely changes in local government boundaries, conducting special studies that review ways to reorganize, simplify and streamline governmental structure and preparing a sphere of influence for each city and special district within each county.”² In this capacity, they have a critical role to play in promoting and implementing water system consolidations for existing and proposed water systems. Because LAFCos regulate boundaries between most public agencies, they often have the final say over water system consolidation projects that involve a local government entity including special districts and cities. Yet in practice, many water system consolidations are conceived of and planned without input from local planners and may only come before LAFCo for formal review after significant resources have already been invested in the project. Much the same can be said for local development plans. To the extent a new development relies on a new public water system, local project proponents may find themselves at odds with state regulators who wish to avoid the creation of additional small water systems they perceive as unsustainable. In these cases, there is significant potential for frustration on all sides when plans are delayed or must be changed due to inadequate coordination, conflicting policies and/or competing priorities.

These examples highlight what can be a wide gulf between drinking water regulators and LAFCos when implementing water system consolidations, whether for existing or new systems. Though intertwined in practice, the two often approach questions of water system fragmentation with distinct perspectives and priorities. Such differences can reverberate beyond individual projects, impacting broader efforts to rationalize drinking water services, increase equitable access, and ensure sustainability under a changing climate. Overwhelmingly LAFCos and state drinking water regulators share goals for promoting equitable,

efficient, and sustainable local drinking water service. Yet we are a long way from the policy alignment necessary to stop, let alone reverse, the proliferation of small water systems.

Drawing on interviews with state regulators and LAFCo representatives, input from state technical assistance providers, and a survey of county LAFCo Executive Officers, this report

aims to: 1) Highlight important intersections between LAFCos' local planning and regulatory roles and state policies and programs that prioritize water system consolidation as a safe drinking water solution; 2) Identify challenges at these intersections that limit progress on shared goals; and 3) Provide recommendations to begin to address these challenges.

Section I: Understanding LAFCos and Their Role in Water System Consolidation

About LAFCos

Local Agency Formation Commissions (LAFCos) are county-specific independent governmental agencies charged with conducting studies to evaluate, reorganize, and streamline local government functions and services. LAFCos were first created by the State of California in 1963 to manage sprawl. Subsequent legislative updates have gradually increased the scope of LAFCo powers and authorities over time. The most important of these updates occurred in 2000 with the passage of the [Cortese-Knox-Hertzberg Act](#) (CKH).³ Though amended periodically, the CKH Act remains the most important reference for understanding LAFCo powers and processes.

Each LAFCo is governed by a commission comprised of elected and appointed individuals. Every LAFCo includes representatives of the county's Board of Supervisors and city councils from cities within the county boundaries along with one appointed member of the general public.

Many LAFCos also include board members from special districts within the county. The exact structure of individual LAFCo commissions varies, but a typical commission has at least five, and up to seven, members who serve four-year terms. Though geographically coterminous with every county, LAFCos are politically independent from the county government where they operate. Commission decisions are not subject to oversight, review, or approval by the County Board of Supervisors.

LAFCo commission meetings are public meetings, and as such must be regularly held, open to the public, and are subject to the Ralph M. Brown Act.⁴ The work of the commission is carried out by staff, led by an Executive Officer. Staffing levels vary substantially between counties. Some have full-time Executive Officers and up to eight additional full-time staff members, and others have only part-time Executive Officers and minimal, or even no, additional staff ([See Appendix](#)).

The Cortese-Knox-Hertzberg Act of 2000

The Cortese-Knox-Hertzberg Act of 2000 was the most recent major overhaul of LAFCo powers. It establishes procedures for local government changes of organization, including city incorporations, annexations to a city or special district, and city and special district consolidations. In carrying out these functions, the Act specifically directs LAFCos to:

- Limit urban sprawl;
- Ensure orderly boundaries between governmental agencies;
- Preserve open space and agricultural lands.

Though LAFCos may have other priorities related to local political preferences, these three mandates are shared to some extent by all LAFCos in accordance with state law.

LAFCoS are funded from two primary sources. First, all LAFCoS receive annual funding from the local governments represented on the commission (county, cities, and sometimes special districts). The size of these contributions varies by county, as each LAFCo sets its own budget. Second, LAFCoS may charge fees for some types of applications or services. These fees are typically borne by the relevant agencies or other applicants (such as landowners) applying for the action in question, for example, an adjustment to a district's jurisdictional boundary.

LAFCoS and water system consolidations

To avoid the duplication of services and ensure that growth occurs in an orderly fashion, one of LAFCoS' primary roles is to regulate and approve changes to the jurisdictional boundaries and planning boundaries of all cities and most special districts (the most notable exception is school districts). As a result, LAFCo will be involved in any consolidation project if one or more of the systems — either consolidating or receiving — is a public agency, specifically a city or a special district.⁵ If a consolidation project involves no such water systems, there is no formal role for LAFCo, although if the consolidation involves one or more Investor-Owned Utilities, the California Public Utilities Commission (CPUC) will play a similar oversight role. If a project involves both public and private water systems, LAFCo may only be involved in certain components. For example, if an Investor-Owned Utility takes over water provision in a community previously served by a local agency (as in the case of the Sativa Water District in Los Angeles County), LAFCo would be involved in the dissolution of the public district but not in the “annexation” by the Investor-Owned Utility of the new service area which would instead be approved by the CPUC.

It is important to keep in mind that while a LAFCo's purview includes districts that provide drinking water, LAFCoS do not primarily regulate drinking water providers or their day-to-day operations. Rather, their role is to ensure that drinking water provision happens in an orderly manner that does not create additional burdens on residents, does not conflict with established

local policies or encourage unwanted urban sprawl, and does not create wasteful duplication of services. In other words, in many cases LAFCoS will be concerned with the question: How will this consolidation fit into our broader planning priorities for the county?

The answer to this question will largely depend on the structure of the proposed consolidation. Water system consolidation can be accomplished in many ways including not only district or city consolidation but also through extensions of service, annexations, etc. (See ‘*Bridging differences in terminology*’ box). Any one of these procedures may also trigger reorganizations or dissolutions, all of which may have distinct procedures and requirements for implementation. In some cases, LAFCoS have a preferred pathway for how to accomplish consolidations that will need to be adhered to in order to receive the necessary approvals. However, in other cases, LAFCoS may prefer to make recommendations or determinations based on the specifics of an individual project. We recently surveyed LAFCoS across the state and received responses from 23 of the state's 58 LAFCoS. Nearly 40% of respondents indicated they preferred outright annexation to extraterritorial service agreements whereas 52% reported having no pre-set preference.

Even when a LAFCo has a preference, however, they may still approve exceptions based on specific circumstances. For example, under California law, LAFCoS may (but are not required to) approve a request for a service extension outside of a service providers' jurisdictional boundary and sphere of influence to respond to an “existing or impending threat to the health and safety of the public or the residents of the affected territory”.⁶ More than two thirds of survey respondents indicated they had approved such a request in their county. Notably the requirements for doing so vary between counties. Some counties require only a letter from an affected local government body, while others require expert documentation of the threat.

Beyond the need to coordinate with LAFCo on the structure of a proposed consolidation, LAFCo involvement has another important implication: Fees. Given that LAFCoS are authorized to collect

Bridging Differences In Terminology

This report uses the term “consolidation” in a broad sense to mean the formal merging of some or all functions of drinking water provision between two or more water providers or communities. Consolidation, in this drinking-water focused sense, can happen through a variety of different pathways that vary in not only their implementation but also outcomes (for more information see the 2022 guide [Designing Water System Consolidations](#)). Under this definition, consolidation can include the physical interconnection of existing water system infrastructure (physical consolidation) but it does not have to. Consolidation may instead entail merging only the governance and management functions of two pre-existing systems (managerial consolidation) or extending a water system to serve a domestic well community or new development. This inclusive definition is informed by, and aligned with, the definition state drinking water regulators and community water advocates employ.

However, for a LAFCo, the term consolidation refers to a narrowly defined legal process, closely constrained by state law. The CKH Act defines consolidation as “the uniting or joining of two or more cities located in the same county into a single new successor city or two or more districts into a single new successor district.” Consolidation in a LAFCo sense always entails the creation of an entirely new district.

While largely semantic, this difference can cause confusion. Projects such as the extension of a community water system to serve residents previously reliant on a state small water system or where a special district like a County Service Area is absorbed into a neighboring city would both be commonly referred to as consolidations among drinking water stakeholders. To a LAFCo representative, however, many such “consolidations” are instead understood as extensions of service, annexations, reorganizations, and/or dissolutions.

fees for services and studies and that some rely on these fees to cover the associated costs of those additional reviews, those seeking to consolidate drinking water services may have to bear the cost of any related study required by state law. LAFCOs have some degree of autonomy in setting fees to compensate for staff time. As such, relevant fees vary significantly between counties. Of the 23 LAFCOs that responded to our survey, estimated total fees associated with a consolidation project ranged from \$0 to \$50,000, depending on the LAFCo and the complexity of the project. Seventy percent of survey respondents said that they waive fees under specific circumstances, the remainder indicated that fee waivers were not available.

Municipal Service Reviews

Beyond regulating local government boundaries, LAFCOs also play an important role in evaluating municipal services within their county and making recommendations for improvements. The CKH Act mandates that every five years, as necessary, LAFCOs review and update the designated sphere of influence for each city and special district under their jurisdiction.⁷ Prior to establishing or updating a sphere of influence, LAFCOs must

perform a special study called a Municipal Service Review (MSR). MSRs are comprehensive studies designed to better inform LAFCo, local agencies, and the community about the provision of municipal services. MSRs can be conducted individually for specific cities or districts, covering all services, or on a county-wide or regional basis focused on specific services.

Based on these requirements, some LAFCOs conduct regular MSRs while others do so only when necessary, such as when a sphere of influence issues arise. Budget and capacity constraints are a major factor influencing how frequently MSRs are conducted. Some LAFCOs reported in interviews that they did not conduct MSRs as frequently as they would like due to high costs.

The requirements related to MSR contents are also loosely bounded, meaning that in practice, the content and level of detail varies by county. Ideally an MSR will have insights into the kinds of things those pursuing consolidation would likely be interested in — water quality, water source reliability, fiscal stability, managerial capacity, and technical expertise. Take for example the recent [Countywide Water Service and Sphere Review](#) by Santa Cruz County which provides significant detail

on system finances, water rates, transparency and local accountability among other items.⁸ In other cases, MSRs may have few of these details and thus provide little in the way of local insights either supporting or challenging consolidation efforts (capacity can also be a factor here). By statute, LAFCos are authorized to request information from privately owned water systems as part of their reviews including from mutual water companies.⁹ Notably, very few LAFCos currently do so and some LAFCos report mutual water companies have failed to respond to requests for information when they have attempted to include them in MSRs.

Approval of new public water systems

Recognizing the importance of stopping the further proliferation of potentially unsustainable small water systems throughout the state, recent regulatory changes now require that all applications for new public water systems¹⁰ must be approved by the SWRCB. Applicants wishing to construct a new system must apply at least six months before initiating water-related development with an accompanying “preliminary technical report.” The preliminary technical report must analyze the feasibility of connecting to any public water systems within three miles, assess the twenty-year costs of operating the proposed system, and evaluate the sustainability and

38% of LAFCos report that they evaluate the feasibility of consolidation as part of their MSR process and 61% report that they recommend consolidation in MSR findings where warranted.

resilience of the proposed system long-term. As part of the assessment of consolidation feasibility, an applicant needs to document contact with LAFCo regarding the identified existing water systems. Approval of non-water system related development (e.g., a warehouse facility to be served by the proposed water system), however, remains a local decision and LAFCos retain final authority on areas where services can be provided by the existing water systems of cities and special districts. Thus, there is potential for inconsistent determinations between state and local authorities, which could cause delays and/or lead to potential litigation. These changes increase the need for coordination between state drinking water regulators and local authorities regarding when and where the creation of new water systems is appropriate.

Section II: Challenges

Based on our interviews and survey results, in this section we describe seven key challenges that limit effective coordination between state and local regulators with respect to water system consolidation, both among existing and new systems.

Lack of communication and information sharing between LAFCos and drinking water regulators

Although LAFCos, the State Water Resources Control Board (SWRCB), and the California Public Utilities Commission (CPUC) all play key roles relevant to drinking water system consolidations, each has a unique niche in the enforcement patchwork, and

communication between these agencies is limited.

While, in many cases, LAFCos rely on publicly available SWRCB data in developing their MSRs for water services, the MSR process also often generates new information about the status of local water providers, especially regarding the state of system governance and finances. This information can be highly relevant to understanding the potential of a system to encounter future challenges. Yet only 30% of surveyed LAFCos report sharing their MSR findings with drinking water regulators. And while some SWRCB staff do independently seek out and use MSRs when working with a system, not all MSRs are publicly available online.

This lack of information sharing mirrors a general lack of communication between local planners and state drinking water regulators. Nearly all LAFCo Executive Officers we interviewed reported only infrequent contact with state drinking water regulators. The lack of communication creates issues in both directions. On the one hand, the SWRCB may have information about the challenges of local agencies unavailable to LAFCos who often only have infrequent communications with the small water providers under their jurisdiction. Similarly, a LAFCo might be aware of issues which could merit consolidation in the future. These systems might be good candidates for SWRCB intervention, but intervention is unlikely if information does not flow between agencies. On the other hand, the SWRCB may pursue solutions such as consolidation without a clear understanding of locally specific challenges such as conflicting policies, or potential political barriers.

California's other key water agency, the CPUC, regulates Investor-Owned Utilities. The CPUC communicates even less frequently with LAFCos than the SWRCB. This is not surprising, given that LAFCos do not regulate private utilities. But in some cases, LAFCos might be ignorant of potential privately-owned consolidation partners for troubled local government systems or vice-versa, of struggling private systems where governmental systems could expand their service area. Additionally, consolidations involving Investor-Owned Utilities (referred to by the CPUC as acquisitions) can significantly impact local development. Currently there are no specific mechanisms for LAFCos to provide feedback to the CPUC on these matters except to file a motion for party status in an acquisition proceeding which is subject to approval and conditions by a judge.

Lack of shared language and vision

Sometimes, when drinking water stakeholders interested in water system consolidations encounter LAFCos, they find the experience to be frustrating. Often, part of the problem is that LAFCos do not share a common vision or even use the same language to talk about consolidations. As previously mentioned, for LAFCo staff the term

“consolidation” refers to a specific legal process, not a broad suite of options. Conversations that casually use the term consolidation can thus create confusion, since many water system consolidation projects fall under LAFCo descriptions for annexations, dissolutions, extraterritorial service agreements, or other arrangements.

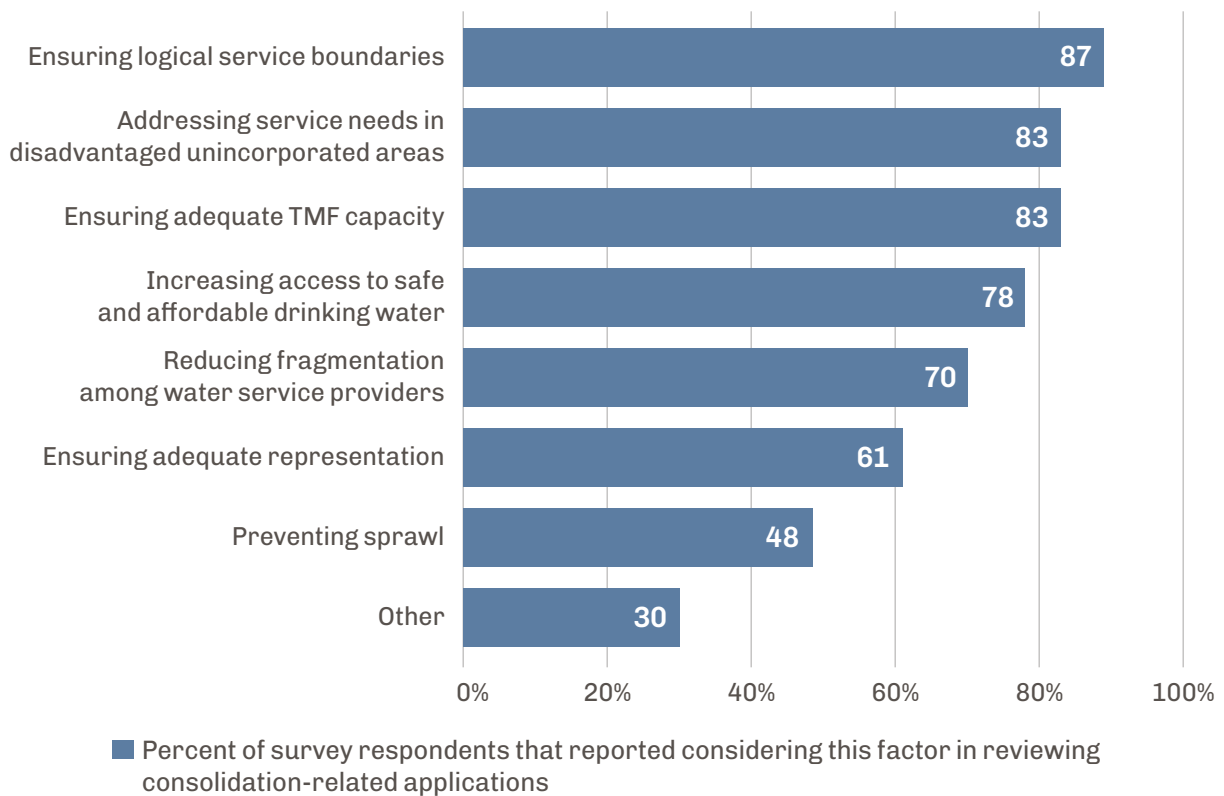
But this challenge is not only semantic. While all parties share a commitment to ensuring efficient, equitable local services, the goals that motivate system consolidation and the metrics by which “success” is assessed in these projects can also vary. State regulators tend to prioritize projects on the basis of Safe Drinking Water Act compliance, cost, and improving system sustainability (i.e., targeting “at-risk” systems). Overall LAFCos take a broader perspective, including considering impacts to different community services as well as county-wide impacts and consistency in long-term planning. This is well demonstrated by the fact that surveyed LAFCos reported considering, on average, more than five different factors when reviewing consolidation-related applications (*Figure 1*). Among these considerations, 30% of LAFCos reported that ensuring adequate Technical, Managerial, and Financial (TMF) capacity was the most important, followed by ensuring logical service boundaries and increasing access to safe and affordable drinking water, each of which was voted most important 26% of respondents. Notably, whereas preventing and reversing water system fragmentation is a top priority of the SWRCB, this consideration did not rise to the top among LAFCos, only 70% of which said they consider system fragmentation when reviewing consolidation-related applications.

Diversity in local implementation

All LAFCos are governed by the CKH Act, but policy occurs just as much in implementation as in statute. Because the CKH leaves substantial autonomy for local LAFCos to tailor their operations to local conditions, implementation varies substantially from LAFCo to LAFCo. The state's rules have few hard guidelines except when it comes to specific procedural actions.

For example, according to statute, LAFCos are supposed to interpret any requests to

Figure 1. LAFCo considerations in reviewing consolidation related applications by frequency.



accommodate a system consolidation based on the potential costs and savings, as well as other impacts to local residents. This open-ended set of criteria leaves room for interpretation leading LAFCos to review a wide range of factors as mentioned above. This statute language also allows for LAFCos to have different local policies leading some LAFCos to prioritize specific planning goals, like the prevention of urban sprawl or addressing service needs in unincorporated areas.

LAFCos vary substantially in their preferences regarding consolidation pathways. Technical assistance providers may select a consolidation pathway which they think will best suit the needs of the community they work with. LAFCos will tend to take a more holistic view and measure the proposed benefits of any consolidation project against the potential impact on development and services county-wide. For example, if a consolidation of private wells into a nearby municipal system would extend that city's sphere of influence into

an area slated for non-development purposes, the LAFCo may oppose the project for fear of losing open space. In many cases there are workable compromises that can be found if these goals and constraints are clearly communicated, for example pursuing an Extraterritorial Service Agreement (also called Out-of-Agency, Out-of-Boundary or Outside Service Agreements depending on the county).¹¹

Unclear roles and responsibilities

While the SWRCB is committed to stopping and reversing the proliferation of small water systems as part of advancing the Human Right to Water (AB 685), precisely because of the planning and local government implications, there are practical and political limits to their ability to do this work on their own. Yet there is ambiguity, and even disagreement, regarding what the role and responsibilities of local planners such as LAFCos is, or should be, with respect to advancing the same mission.

Generally, LAFcos rely on the SWRCB to flag struggling systems and initiate consolidation processes rather than do so themselves (although in certain counties, LAFcos do sometimes play a more central role in promoting projects). However, LAFcos do not necessarily view this as a positive from a local policy standpoint. Several LAFcos indicated that state-level policymakers and agencies generally lacked an understanding of the intricacies of local implementation of consolidations. Some also regarded state-initiated projects without adequate state financial support as unfunded burdens for the affected communities and for LAFcos themselves.

But locally initiating projects has its own challenges. California state law is clear that, in some circumstances, LAFcos have the power to initiate water system consolidations through district dissolution, even without the consent of targeted district.¹² These types of consolidations are rare, however, for several reasons. Perhaps unsurprisingly, LAFco commissioners are often reluctant to go against locally elected political leaders—some of whom may even sit on the LAFco commission themselves. Second, such actions are subject to public hearings and can be blocked by formal protests from residents, an outcome which is more likely because the threshold for popular motions to block the action is lower in LAFco-initiated proceedings. Third, LAFcos are generally reluctant to force other systems to take

Nearly 40% of LAFcos report facilitating or supporting local consolidation projects whereas less than 9% report initiating consolidation projects.

on new customers, even if the receiving system is best suited to serve those communities. LAFcos generally operate under tight budgets and with limited staff, and thus generally require a project proponent to fund any necessary studies to proceed with a dissolution rather than take on the cost from their own budget. Additionally, LAFcos are prohibited from initiating certain consolidation pathways, such as annexations. Thus, even if a LAFco knows consolidation is the best choice, they rarely act as proponents. An exception to this trend is when a local scandal erupts, either around system governance or water quality.

This does not mean, however, that LAFcos do not view themselves as having any role in consolidations. For some LAFcos, considering consolidation options is already a part of their standard operations. Thirty-two percent of surveyed LAFcos reported assessing the feasibility of consolidations as part of MSRs for drinking water service providers. Sixty percent reported recommending system consolidation as part of

Consolidating Sativa County Water District Post-Scandal

When some Compton residents began to notice discolored water in their taps in the spring of 2018, popular protests erupted. One entity was not surprised. Los Angeles (LA) LAFco had flagged the water provider, the Sativa County Water District, as struggling in multiple categories as early as 2005, and staff had recommended outright dissolution of the agency to the commission in 2012. However, despite these red flags, the agency continued to operate, and no consolidation efforts were formally initiated, either locally or by the SWRCB. When the protests began, however, LA LAFco was prepared to spring into action. With the changed political winds following the fallout from the scandal, the commission was able to initiate a dissolution process for Sativa just two months after complaints first arose and soon thereafter work with the state to allow the county to temporarily takeover operations while all parties looked for a new permanent provider.

The case of Sativa highlights just how effective a well-resourced LAFco can be in dealing with a local crisis. But the case also provides an example of how a lack of coordination around system dissolution priorities and political inertia can lead to a crisis in the first place. A more aggressive approach locally, or better coordination from the SWRCB, might have dealt with the issues at Sativa before brown water flowed out of residents' taps. Nonetheless, LA LAFco's quick response and effective collaboration between local and state regulators headed off the problem before things got worse.

MSRs based on assessments of water supply, governance, proximity to other systems, or other factors. In these cases, our interviews reveal that most LAFCoS view the initiative to then fall on the individual system boards to explore possible options for consolidations or alternatively, for the SWRCB to intervene if a system is underperforming to such a degree to require consolidation.

As a result, most consolidation projects in California are initiated by, or in partnership with, the SWRCB. Due to the SWRCB's responsibilities under the Safe Drinking Water Act, these consolidations tend to target existing or imminent health and safety concerns. A more proactive approach to other types of potentially challenged systems — such as small systems with governance issues, those unable to raise capital or with retiring staff or those particularly vulnerable to climate disasters — has so far not been on the agenda for lack of a clear responsible party or champion.

Gaps in relevant authorities

In addition to ambiguity about the role of LAFCoS in reversing water system fragmentation, the fact that not all water systems are subject to the jurisdiction of LAFCoS limits even the potential for LAFCoS to support consolidation projects. Water systems are regulated by a patchwork of state and local agencies, depending on the structure of the system and other key factors. Because of this, some of the systems most suitable for consolidation fall between the cracks.

LAFCoS only regulate and review cities and special districts, not private firms. Yet many struggling water systems are private systems, like mobile home parks or mutual water companies, which unlike Investor-Owned Utilities, are not regulated by the CPUC. State policymakers have noticed this oversight and granted LAFCoS the ability to include information for private water systems operating in their county in MSRs. However, doing so is optional, and often inhibited by resource and information constraints. Because most LAFCoS have their hands full performing MSRs for the public agencies under their jurisdiction, very few have included mutual water companies, mobile home parks, or other small systems in their MSR cycles, and most do not anticipate doing so in

Resident Support Is Often Non-Negotiable

Most LAFCo actions, such as district dissolutions and annexations, are subject to protest by registered voters and landowners in the affected territory. Generally, if more than 25% of the voters or landowners representing 25% of the assessed value of land in the area submit written protests, the change must then be approved by voters in an election which is a costly and time-consuming undertaking. In some instances, namely if LAFCo initiates the boundary change itself, this threshold is lowered to 10%. Moreover, some LAFCo actions that can be needed for a consolidation project, like the creation of new special district, always require a local election. This means that regardless of whether a consolidation project is initiated by the state or a local proponent, resident support is usually critical to successful implementation.

the future. While LAFCoS might seem to be natural agencies to promote consolidation for these types of systems, they ultimately do not have either the statutory mandate, funding, or powers to do so.

Competing local priorities

LAFCoS are political organizations primarily composed of elected officials. As such, local politics matter a lot. If a local agency's board does not favor consolidation, even for a consolidation that is logical and feasible, LAFCo commissioners may be reluctant to force the issue to avoid controversy or protect local relationships. The same can be true for supporting new development. To the extent that a new water system is tied to a politically favored development project or powerful local interests, LAFCoS may be subject to significant political pressure to support the preliminary technical report required by the SWRCB.

County specific priorities and policies can also impede consolidation efforts. One such example is the issue of limiting urban sprawl. If a consolidation project is seen to have the potential for increasing development in an area the county has earmarked for light or no development, a LAFCo might be unlikely to approve the consolidation. Notably, such concerns are county specific. Only 48% of survey respondents listed preventing sprawl as a factor for approving consolidation-related

applications. However, it is increasingly common for municipalities or special districts to implement their own moratoriums on new connections. Such moratoriums serve to arrest new development, but they can also prevent the consolidation of water services for existing peripheral residents.

Importantly, local priorities and interests can also have positive effects on efforts to increase water system consolidation. When locals identify system fragmentation as a major concern, LAFCo staff can work effectively to foster consolidation in unique ways. Tulare County, for example, has completed more than 16 consolidations since 2015, in part due to the active involvement and support from the Board of Supervisors.

Limited and uneven LAFCo resources

LAFCos have uneven funding levels across the state. Because represented agencies are a primary source of funds, counties with small numbers of cities,

special districts, or both, typically have small LAFCo budgets. In some of these counties, LAFCo work may be handled on a contract basis by the county planning department or be contracted out to a private firm. By contrast, counties with large amounts of regulated agencies, like San Diego or Los Angeles, often have relatively large LAFCo budgets.

In many cases, funding levels can directly correspond to staffing levels. LAFCos in counties with low staffing levels may be harder to contact and necessary procedures may take longer, especially if there is no full-time staff. MSRs in such counties may also be updated less frequently than would be preferred if local capacity was higher. Limited resources can also lead to over-reliance on fees associated with studies and applications, which can in turn increase costs and impede a county's ability to offer fee waivers. As previously mentioned, only about two-thirds of the 23 LAFCos who responded to our survey offered fee waivers for studies.

Section III: Recommendations

Based on the challenges outlined in the previous section, the following recommendations highlight potential pathways for addressing the existing gaps and improving alignment between local and state regulators organized around three key themes: Improving information sharing and communication between regulators; Identifying consolidation opportunities; and Advancing locally-driven consolidation projects.

Improving information sharing and communication between regulators

- **Ensure regular, sustained communication between LAFCos and state drinking water regulators:** Locally, LAFCo, the SWRCB, and the CPUC (as applicable) should routinely meet to discuss failing and at-risk systems within each county. Such meetings would present the opportunity for each party to share the information on specific systems as well as identify promising partnerships across a range of system types that are consistent with local plans and policies. When distinct from LAFCo staff, county planners

should also be included. At the state-level, biannual LAFCo conferences and SWRCB's internal staff training programs present opportunities for cross-learning on relevant topics with the potential to increase collaboration. Regular communication would go a long way to increasing mutual understanding of relevant priorities and limitations as well as overcoming terminology and other barriers.

- **Transmit and connect information from MSRs and the annual state drinking water needs assessment:** Currently, both MSRs and the annual SWRCB drinking water needs assessments contain information helpful for assessing the functioning and sustainability of community water systems operated by cities and special districts. Systematically sharing these findings would help connect relevant knowledge from the local and state agencies and align with the Open and Transparent Water Data Act. At a minimum, MSRs should be readily accessible online and county-level meetings can support their use by the SWRCB. Most LAFCos that responded to the

survey support this type of information sharing (See Figure 2). In the future, the SWRCB could create formal pathways for integrating MSR data and/or the state legislature could consider changes to require information sharing and coordination.

- **Clarify and message relevant state goals:** Many LAFCoS are eager to support state efforts for advancing safe, accessible, and affordable drinking water and climate resilience but do not have a clear understanding of state priorities on these topics nor the type of performance metrics they could use to assess and advance these goals locally. The state should develop clear resources that can guide LAFCoS in the development of MSRs and inform local decision-making about service boundaries.
- **Ensure early coordination on system consolidation projects:** For project proponents, ensuring early coordination between communities, the SWRCB, technical assistance providers and LAFCo staff is essential. Consolidation can be accomplished through many potential pathways that must be matched with local conditions. It is therefore important to learn what pathways are preferred or even possible locally and why. If a LAFCo has formal or informal policies related to consolidation, they should be shared as soon as possible. Having this information as a project is developed will help ensure alignment with local planning and promote success. Early communication can also help avoid unnecessary delays in planning or implementation by anticipating fees, processing times, etc.
- **Ensure early coordination on proposals that implicate new public water systems:** State regulators, LAFCoS, and counties should communicate as early as possible about development proposals that explicitly or implicitly could lead to the creation of a new public water system. Early coordination on priorities and limitations at both levels will help prevent inconsistencies that could lead to conflict and delay.

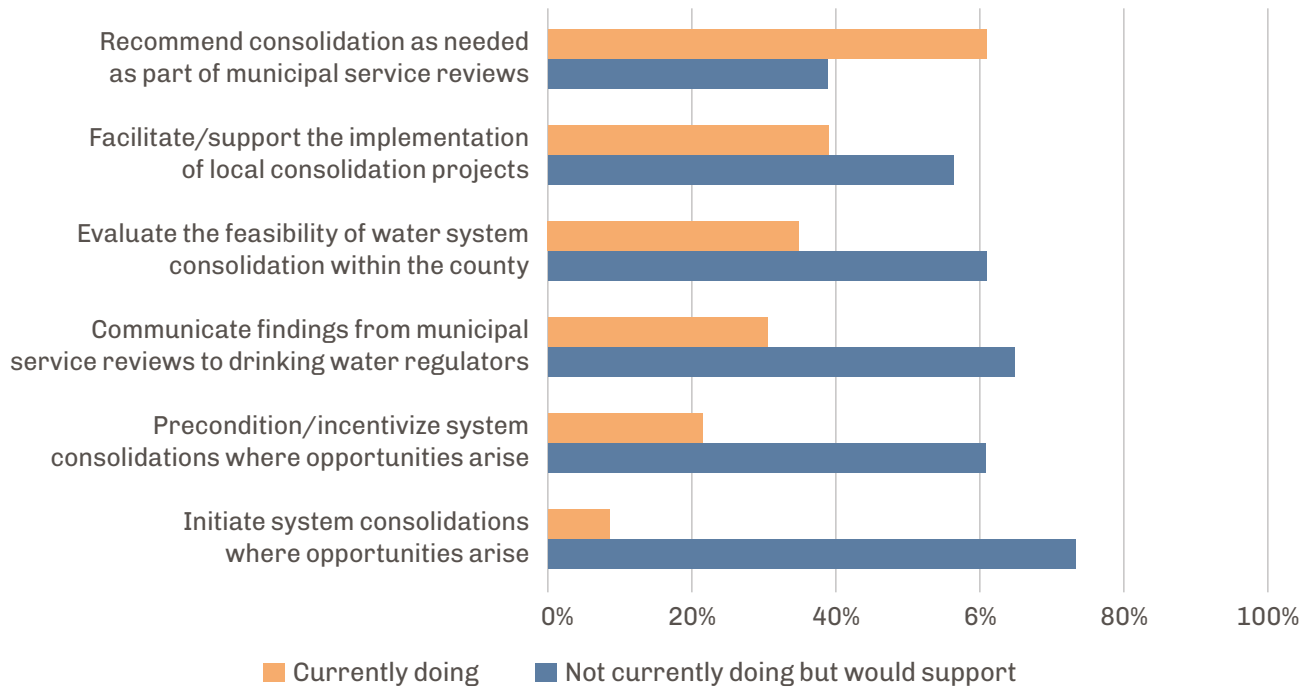
Identifying consolidation opportunities

- **Ensure robust and regular MSRs for drinking**

water service providers: Municipal Service Reviews (MSRs) are a valuable opportunity to both assess the functioning of local service providers and make recommendations for improvements. Ensuring that thorough MSRs are conducted regularly throughout the state could go a long way towards identifying and advancing consolidations. Importantly, identifying funding sources to support this work is likely key to achieving this goal.

- **Standardize assessment of consolidation feasibility as a part of the MSR process and recommend consolidation, as appropriate, in the findings:** California state law requires that LAFCoS explore “opportunities for shared facilities” for public water systems as a part of their MSR process. Some LAFCoS go beyond this requirement to assess consolidation opportunities for some or all systems under their jurisdiction. All LAFCoS should do so with an eye not only for physical consolidations but also managerial consolidations and water system partnerships (e.g., shared staff). Where appropriate based on these findings, LAFCoS should make formal recommendations for consolidation as part of their MSR findings. While not all counties responded to our survey, the results demonstrate unanimous support for both actions among those who did.
- **Fill data and oversight gaps for under-regulated water systems:** LAFCoS collect and maintain important information about the water systems operated by municipalities and special districts in their jurisdictions. The CPUC maintains similar information for the state’s Investor-Owned Utilities. For other private water systems like mutual water companies and mobile home parks data collection is limited to the drinking water needs assessment which necessarily provides very limited insights on system governance and management. Figuring out how to fill this gap should be a state priority. For example, these systems could be subject to reporting and oversight by the CPUC or included in MSRs.
- **Proactively identify priority consolidations and tie these into other opportunities for boundary expansion:** Some systems are reluctant to receive

Figure 2. Existing practices and policy preferences among surveyed LAFCoS for addressing local water challenges.



customers from struggling systems but are happy to expand with greenfield development. Working with both state drinking water regulators and local water managers (e.g. Groundwater Sustainability Agencies), LAFCoS should develop and maintain a list of priority consolidation projects in their county. LAFCoS should then use their existing authorities to tie these projects to locally promoted boundary changes, for example, annexations or sphere of influence updates, when feasible. More than 80% of LAFCoS that responded to the survey support this type of approach.

- **Clarify roles for identifying and promoting potential consolidations:** Currently the SWRCB is the primary entity identifying potential consolidation projects and initiating conversations with a particular focus on “failing systems” with pressing health and safety concerns and those at-risk of failing. There is a need to clarify who else, if anyone, should take responsibility for identifying and initiating potential consolidations among different subsets of systems such as

privately-owned non-Investor-Owned Utilities and low-hanging fruit consolidations (e.g., based on proximity or where system managers wish to retire).

Advancing locally-driven consolidation projects

- **Reduce financial impediments to locally-driven consolidations:** Proposed consolidations entail LAFCo related costs to be borne by a project proponent and/or the LAFCo itself. As such, promising projects can languish if they are not financially supported by the SWRCB and/or a local government proponent. Establishing a funding source to support LAFCoS or other local proponents to advance consolidation projects could help increase the number of locally initiated projects. Similarly, state and federal funding and technical assistance is often essential to make consolidation feasible. Creating clear pathways for accessing these resources for locally-initiated projects could similarly increase local leadership on the issue.

- **Reduce administrative and procedural hurdles to implementing consolidations:** Consolidation is a complicated and difficult process constrained by convoluted statutes with significant limitations and even contradictions. Often a single consolidation project may trigger several concurrent actions which only further increases the administrative burden and associated costs. To every extent possible, the associated statutory requirements should be clarified and streamlined.
- **Create local pathways for consolidation of mutual water companies, mobile home park systems, and other small private systems:** LAFcos do not have authority over private water systems and therefore cannot initiate consolidation among them. Thus, the state must explore possibilities to promote the consolidation of small private systems that are not Investor-Owned Utilities.
- **Allow LAFcos to initiate annexations:** Currently LAFcos can initiate dissolutions but not annexations. Given that annexation is a common and often preferred mechanism for consolidating water systems, granting LAFcos the ability to initiate annexations could increase the number of projects advanced locally.
- **Ensure technical assistance providers working on consolidations have a clear understanding of work plan elements and project requirements related to LAFco:** The SWRCB should provide technical assistance providers clear guidance for addressing the local planning dimensions of consolidations including working with LAFco. Ensuring that LAFco tasks and expenses are accounted for in work plans and budgets will streamline implementation.

Resources and Further Reading

Assembly Committee on Local Government. (2023). Guide to the Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000. <https://alcl.assembly.ca.gov/system/files/2024-01/ckh-local-goverment-reorganization-act-of-2000-2023.pdf>

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Dobbin, K., McBride, J. & Pierce, G. (2022). Designing Water Systems Consolidation Projects. <https://innovation.luskin.ucla.edu/wp-content/uploads/2022/10/Designing-Water-System-Consolidation-Projects.pdf>

Senate Governance and Finance Committee. (2013). 50 Years of LAFCos: A guide to LAFCos. https://caLAFCo.org/sites/default/files/resources/50%20Years%20of%20LAFCos%20%282013%29%20-%20A%20guide%20to%20LAFCos_0.pdf

State Water Resources Control Board (SWRCB). (2021). Permits for Water Systems. https://www.waterboards.ca.gov/drinking_water/certlic/drinkingwater/Permits.html

State Water Resources Control Board (SWRCB). (2023). Drinking water system partnerships and consolidations. https://www.waterboards.ca.gov/drinking_water/certlic/drinkingwater/waterpartnership.html

US Water Alliance. (2022). Catalyzing Community-Driven Utility Consolidations and Partnerships. https://uswateralliance.org/wp-content/uploads/2023/09/Catalyzing-Community-Driven-Utility-Consolidations-and-Partnerships-PAGES_0.pdf

Appendix

LAFCo information and select survey results by county

County	# of Staff	Offers Fee Waivers?	Approx. Range for Consolidation-Related Fees
Alameda	2	N	\$6,500 - \$13,000
Alpine	1	Did not respond to survey	Did not respond to survey
Amador	4	Did not respond to survey	Did not respond to survey
Butte	4	Y	\$1,000 – \$25,000
Calaveras	2	Did not respond to survey	Did not respond to survey
Colusa	2	Did not respond to survey	Did not respond to survey
Contra Costa	2	Y	\$4,000 - \$8,500
Del Norte	2	Did not respond to survey	Did not respond to survey
El Dorado	2	Y	\$1,000 – \$50,000
Fresno	5	Did not respond to survey	Did not respond to survey
Glenn	1	Did not respond to survey	Did not respond to survey
Humboldt	3	Did not respond to survey	Did not respond to survey
Imperial	4	Did not respond to survey	Did not respond to survey
Inyo	2	Did not respond to survey	Did not respond to survey
Kern	3	Did not respond to survey	Did not respond to survey
Kings	2	Did not respond to survey	Did not respond to survey
Lake	2	Did not respond to survey	Did not respond to survey
Lassen	3	Did not respond to survey	Did not respond to survey
Los Angeles	7	Y	\$6,000 - \$30,000
Madera	2	N	\$3,000 - \$6,000
Marin	2	Did not respond to survey	Did not respond to survey
Mariposa	1	Did not respond to survey	Did not respond to survey
Mendocino	2	Did not respond to survey	Did not respond to survey
Merced	2	N	\$2,000 - \$5,000
Modoc	2	Did not respond to survey	Did not respond to survey
Mono	1	Did not respond to survey	Did not respond to survey
Monterey	4	Did not respond to survey	Did not respond to survey
Napa	2	Y	\$8,500 - \$34,000

County	# of Staff	Offers Fee Waivers?	Approx. Range for Consolidation-Related Fees
Nevada	2	Did not respond to survey	Did not respond to survey
Orange	5	N	\$10,000 - \$30,000
Placer	2	Y	\$20,000 - \$40,000
Plumas	2	Did not respond to survey	Did not respond to survey
Riverside	5	Did not respond to survey	Did not respond to survey
Sacramento	2	Y	\$3,000 - \$10,000
San Benito	2	Did not respond to survey	Did not respond to survey
San Bernardino	4	Did not respond to survey	Did not respond to survey
San Diego	10	Y	\$6,500 - \$25,000
San Francisco	1	Did not respond to survey	Did not respond to survey
San Joaquin	3	N	\$2,000 - \$2,500
San Luis Obispo	3	Y	\$3,000 - \$7,500
San Mateo	3	Y	\$2,000 - \$10,000
Santa Barbara	2	Y	\$2,000 - \$6,000
Santa Clara	2	Y	\$4,000 - \$8,500
Santa Cruz	2	Y	\$1,000 - \$2,000
Shasta	2	Did not respond to survey	Did not respond to survey
Sierra	1	Did not respond to survey	Did not respond to survey
Siskiyou	2	Did not respond to survey	Did not respond to survey
Solano	3	N	\$7,500 - \$35,000
Sonoma	3	Y	\$4,000 - \$6,000
Stanislaus	3	Y	\$500 - \$3,500
Sutter	3	Did not respond to survey	Did not respond to survey
Tehama	1	Did not respond to survey	Did not respond to survey
Trinity	2	Did not respond to survey	Did not respond to survey
Tulare	3	Y	\$3,500 - \$4,000
Tuolumne	2	Did not respond to survey	Did not respond to survey
Ventura	3	Did not respond to survey	Did not respond to survey
Yolo	2	Y	\$1,500 - \$6,500
Yuba	2	Did not respond to survey	Did not respond to survey

References and Notes

- 1 Dobbin, K. B., McBride, J., & Pierce, G. (2023). Panacea or placebo? The diverse pathways and implications of drinking water system consolidation. *Water Resources Research*, 59(12), <https://doi.org/10.1029/2023WR035179>.
- 2 CALAFCo website, What Are LAFCos responsibilities? Accessed 11/6/23. <https://caLAFCo.org/LAFCo-law/faq/what-are-LAFCos-responsibilities>
- 3 CA Government Code §56000 et seq.
- 4 CA Government Code §54950 et seq.
- 5 A consolidating water system is a system that will stop providing drinking water service after a consolidation is completed. In contrast, a receiving water system is a system that continues to provide drinking water service including to new customers/territory added through the consolidation.
- 6 CA Government Code §56133(c)
- 7 CA Government Code §56425(g); A sphere of influence or SOI is a planning boundary outside of an agency's jurisdictional boundary (such as the city limit line or water service area) that designates the agency's probable future boundary and service area.
- 8 Countywide Water Service and Sphere Review. Local Agency Formation Commission of Santa Cruz County. Accessed 01/22/24. <https://santacruzlafco.org/wp-content/uploads/2022/09/Countywide-Water-MSR-Adopted-Version.pdf>
- 9 CA Government Code §56430(7)(d)
- 10 A public water system is a water system serving at least 15 connections or 25 people for a minimum of 60 days per year. This is the body of water systems that is regulated by the SWRCB under the Federal Safe Drinking Water Act.
- 11 Extraterritorial, Out-of-Agency, Out-of-Boundary or Outside service agreements all refer to situations where a city or special district extend services outside of their jurisdictional boundaries. For drinking water service this means outside of their approved service area. Prior to 1994 service extensions only required LAFCo approval if they involved annexation. Since 1994 service extensions always require approval by LAFCo (with some exceptions such as the transfer of non-treated water).
- 12 CA Government Code §56035; For a LAFCo, a dissolution entails the “disincorporation, extinguishment, or termination of the existence of a district and the cessation of all its corporate powers.”

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LAFCO

Alameda Local Agency Formation Commission

AGENDA REPORT

July 11, 2024

Item No. 10a

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

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

Information / Discussion

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

Current Proposals | Approved and Awaiting Term Completions

Alameda LAFCO currently has no proposals on file that were previously approved and awaiting term completions. CKH provides applicants one calendar year to complete approval terms or receive extension approvals before the proposals are automatically terminated.

Current Proposals | Under Review and Awaiting Hearing

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

- **Annexation of West Jack London Boulevard | City of Livermore**

The City of Livermore plans to annex two parcels on West Jack London Boulevard that total 71 acres within the unincorporated area of Alameda County. The purpose of the annexation is to facilitate the Oaks Business Park for the development of offices, research institutions, warehousing, manufacturing, and limited business supporting commercial uses. The application currently has a hearing date and awaits Commission action.

Pending Proposals

There is currently one new potential proposal at the moment that staff believes may be submitted to the Commission from local agencies based on ongoing discussions with proponents.

- **Reorganization of Appian Way/Louis Ranch Property | ACWD and USD**
The Alameda County Water District (ACWD) and Union Sanitary District (USD) are evaluating a plan to annex one parcel totaling approximately 30 acres within the City of Union City. The purpose of the annexation is to develop 325 single-family residential units on nine parcels totaling 98.6 acres.

Alternatives for Action

This item is for informational purposes only. No formal action will be taken as part of this item.

Attachments: none



LAFCO

Alameda Local Agency Formation Commission

AGENDA REPORT

July 11, 2024

Item No. 10b

TO: Alameda Commissioners

FROM: Rachel Jones, Executive Officer

SUBJECT: Progress Report on 2024-2025 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 2024-2025. 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 June 23, 2023. The plan defines each of LAFCO’s priorities through overall goals, core objectives, and target outcomes with overarching themes identified as education, facilitation, and collaboration. The strategic plan is anchored by seven key priorities that collectively orient the Commission to proactively fulfill its duties and responsibilities under the Cortese-Knox-Hertzberg Act of 2000 in a manner responsive to local conditions and needs. These pillars and their related strategies, which premise individual implementation outcomes, are summarized below.

1. Education – Serve as a resource to the public and local agencies to support orderly growth and logical sustainable service provision.
2. Facilitation – Encourage orderly growth and development through the logical and efficient provision of municipal services by local agencies best suited to feasibly provide necessary governmental services and housing for persons and families of all incomes.
3. Collaboration – Be proactive and act as a catalyst for change as a way to contribute to making Alameda County a great place to live and work by sustaining its quality of life.

On May 9, 2024, Alameda LAFCO adopted the current fiscal year work plan at a noticed public hearing. The work plan is divided into two distinct categories – statutory and administrative – with one of three priority rankings: high; moderate; or low. The underlying intent of the work plan is to serve as a management tool to allocate Commission resources in an accountable and transparent manner over the corresponding 12-month period that pulls from the key priorities in the Commission’s 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.

This item provides the Commission with a status update on nineteen 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 three of the nineteen projects included in the adopted work plan. This includes progress on projects, such as Countywide Regional Water and Wastewater Committee, MSR Implementation Program, and the Countywide Municipal Service Review on Health and EMS/Ambulance Services.

Alternatives for Action

This item is for informational purposes only. No formal action will be taken as part of this item.

Attachments:

1. 2024-2025 Work Plan

Priority	Urgency	Type	Project	Key Issues
1	High	Statutory	Countywide MSR on Health and EMS/Ambulance Services	Consider accessibility of healthcare (including mental health) services to all residents within Alameda County
2	High	Statutory	Countywide Regional Water and Wastewater Committee	Develop a Framework for Creating a Countywide Regional Water and Wastewater Committee
3	High	Statutory	Countywide MSR on Police Services	Examine Current Provision and Need for Police Services and Related Financial and Governance Considerations
4	High	Administrative	LAFCO Office Move	Fulfill Long-Term Lease in MOU with CDA; Aid in Hiring LAFCO Analyst
5	High	Statutory	Application Proposals and Requests	Utilize resources to address all application proposals and boundary issues (ex. South Livermore Sewer Extension Project)
6	High	Administrative	Informational Report on Island Annexations	Map all Unincorporated Islands and Examine Island Annexation Implementation Issues in Alameda County
7	High	Administrative	2023-2024 Audit	Verify Fund Balance; Perform Regular Audits
8	Moderate	Administrative	Local Agency Directory Update and MSR Summary Report	Continue Producing LAFCO Graphic Design Materials for Transparency and Outreach
9	Moderate	Statutory	MSR Implementation Program	Ensure MSR Recommendations are Reviewed and Considered by Agencies
10	Moderate	Administrative	Agricultural Land Use Designation Project	Work in Partnership with the County to Review and Evaluate Land Use Designations for Agricultural and Open Space Areas
11	Moderate	Statutory	Participate and Facilitate Ongoing MSR Fire Service Discussions	Work with Fire Agencies in Providing Possible Boundary Solutions and Shared Facilities
12	Moderate	Administrative	Explore SALC Agricultural Conservation Acquisition Grants	Apply for SALC Grants to permanently protect croplands, rangelands, and lands utilized for the cultivation of traditional resources from conversion to non-agricultural uses
13	Moderate	Administrative	Prepare Informational Report on JPAs	Post Enactment of SB 1266; Enhance Repository on Local Government Services
14	Low	Administrative	Review of County Transfer of Jurisdiction Policies	Ensure Policies are Consistent with CKH
15	Low	Administrative	Update Application Packet and Mapping Requirements	Streamline LAFCO Application and County Mapping Requirements; Make User Friendly
16	Low	Administrative	Informational Report on Remen Tract	Special Report on Service Delivery

17	Low	Administrative	Bay Area LAFCO Meetings	Attend Meetings with Other Bay Area LAFCOs for Projects/Training
18	Low	Administrative	Website Content Update	Update Relevant Information on LAFCO Website and Create New Mapping Page
18	Low	Administrative	Social Media	Expand Alameda LAFCO's Social Media Presence
19	Ongoing	Statutory	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