

SUMMARY ACTION MINUTES
ALAMEDA LOCAL AGENCY FORMATION COMMISSION
July 11, 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)
Mariellen Faria, Eden Township Healthcare District
David Haubert, County of Alameda*
Ralph Johnson, Castro Valley Sanitary District (Vice Chair)
John Marchand, City of Livermore
Nathan Miley, County of Alameda (arrived at 2:09 p.m.)
Sblend Sblendorio, Public Member

Alternates Present: Georgean Vonheeder-Leopold, Dublin San Ramon Services District
Bob Woerner, Public Member

Members Absent: Lena Tam, Alternate, County of Alameda

*Attended by videoconference.

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

3. 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 were no public comments to address the Commission.

Chair Brown closed the public comment.

4. CONSENT ITEMS

Item 4a

Approval Meeting Minutes for the May 9, 2024, Regular Meeting

The item presented to approve draft action minutes prepared for the Commission's regular meeting on May 9, 2024. Recommendation to approve.

Chair Brown moved on to consent Item 4a to approve the May 9, 2024, regular meeting minutes.

Commissioner Marchand motioned with a second from Commissioner Sblendorio to approve the consent calendar.

AYES: Brown, Johnson, Marchand, and Sblendorio
NOES: None
ABSENT: Haubert, Miley
ABSTAIN: Faria

The motion was approved 4-0.

5. REORGANIZATION OF SMP 39 AND 40 TO THE CITY OF LIVERMORE – (Public Hearing)

Executive Officer Jones provided the staff report to 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. Recommendation to approve concurrent sphere amendment and proposed annexation be approved with one additional term.

Chair Brown invited Commissioner questions. Commissioner discussion followed.

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

- Jason Lindsey, Ironworkers Local 378
- Brandon Phillips, NorCal Carpenters Union, Local 713
- Timothy Cooper, Lam Research
- Kelly Lynch, Overton Moore Properties
- Ashley Vera, City of Livermore
- Paul Spence, Assistant City Manager, City of Livermore
- Kelly Abreu, Fremont Resident

Chair Brown proceeded to close the public hearing.

Chair Brown invited further questions or comments from the Commission.

Commissioner Sblendorio provided a history of findings, facts in support of findings, and a statement of overriding consideration regarding the Environmental Impact Report (EIR) for the SMP 39/SMP40 project.

Commissioner Marchand motioned with a second from Commissioner Sblendorio to 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 LAFCO adopts the City of Livermore’s statement of overriding considerations for the conversion of prime agricultural land, due to the EIR having identified significant and unavoidable environmental impacts.

Chair Brown mentioned that the goal of moving things forward for transportation is also balanced with urban separators, which is clearly stated in the city's general plan and important for the community.

AYES: Brown, Faria, Haubert, Johnson, Marchand, Miley, and Sblendorio
NOES: None
ABSENT: None
ABSTAIN: None

The motion was unanimously approved 7-0.

6. AUTHORIZATION TO EXECUTE ALTERNATE LEGAL COUNSEL CONTRACT – (BUSINESS)

The item presented is to 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.

Executive Officer Jones asked the Commission to 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, as needed, for alternate legal services during the negotiation process. Recommendation to approve the contract agreement with the distinction that no conflict of interest exists with current legal counsel for the MOU negotiations and the approval of a contract with Best Best and Krieger.

Commissioner Johnson mentioned the subcommittee reviewed the proposal from Best Best and Krieger and stated they have a lot of experience in working with LAFCOs to be independent, and they are best suited to work well with current Commission Counsel and guiding us into the right thing to do.

Chair Brown invited Commissioner questions. There were none.

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.

Alternate Commissioner Woerner stated Andrew Massey, Commission Counsel, has done a great job, and going forward in negotiating with the County he was in full support of Andrew Massey supplementing outside Counsel by being involved during the MOU negotiation process.

Commissioner Johnson motioned with a second from Commissioner Marchand to approve the contract agreement with the distinction that no conflict of interest exists with current legal counsel for the MOU negotiations and the approval of a contract with Best Best and Krieger.

AYES: Brown, Faria, Haubert, Johnson, Marchand, Miley, and Sblendorio
NOES: None
ABSENT: None
ABSTAIN: None

The motion was unanimously approved 7-0.

7. CALAFCO ANNUAL CONFERENCE AND ACHIEVEMENT AWARD NOMINATIONS (BUSINESS)

Executive Officer Jones reported that the California Association of Local Agency Formation Commissions (CALAFCO) will host the Annual Conference, scheduled for October 16th-18th, at the Tenaya Lodge outside Yosemite. Recommendation to appoint a voting delegate and alternate voting delegate for the 2024 CALAFCO Annual Conference and advise staff on any nominations for the CALAFCO Board of Directors or Achievement Awards.

Chair Brown asked if anyone was interested in attending the CALAFCO Annual Conference. Commissioners Johnson, Sblendorio, and Vonheeder-Leopold will be attending.

Commissioner Sblendorio motioned with a second from Commissioner Marchand to appoint Commissioner Johnson as the voting delegate and Alternate Commissioner Vonheeder-Leopold as the alternate voting delegate.

AYES: Brown, Faria, Haubert, Johnson, Marchand, Miley, and Sblendorio
NOES: None
ABSENT: None
ABSTAIN: None

The motion was unanimously approved 7 – 0.

8. MATTERS INITIATED BY MEMBERS OF THE COMMISSION

- None

9. EXECUTIVE OFFICER REPORT

- County of Alameda Memorandum of Understanding for Contract Services update
- University of California Berkeley on LAFCO Water System Consolidation Report update

10. INFORMATIONAL ITEMS

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

11. ADJOURNMENT OF REGULAR MEETING

Chair Brown adjourned the meeting at 3:07 p.m.

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 Chambers

I hereby attest the minutes above accurately reflect the Commission's deliberations at its July 11, 2024 meeting.

ATTEST,



April L. Raffel
Commission Clerk

Blank for Photocopying