

Alameda Local Agency Formation Commission

NOTICE OF REGULAR MEETING AND AGENDA

ALAMEDA LOCAL AGENCY FORMATION COMMISSION

THURSDAY, JANUARY 13, 2022
2:00 P.M.

[This meeting will be conducted by Teleconference](#)

[Written public comments may be submitted PRIOR to the meeting \(Deadline January 12th at 5:00 P.M.\)](#)

[Public comments DURING the meeting:](#)

[See COVID-19 – Notice of Meeting Procedures on page 4 of the Agenda](#)

Sblend Sblendorio, Chair — Nate Miley — David Haubert — Melissa Hernandez — Bob Woerner — Ralph Johnson — Ayn Wieskamp
Dave Brown, Alternate — Karla Brown, Alternate — Georgan Vonheeder-Leopold, Alternate — John Marchand, Alternate

<https://us02web.zoom.us/j/81206687795?pwd=ckVnbTBDYWJkT0VkZXo1YnRsRnFZdz09>

Meeting ID: 812 0668 7795

Password (if prompted): 772214

*Join Teleconference Meeting by **Telephone**:*

Dial (669)-900-9128

Follow the prompts: Meeting ID: 812 0668 7795

Password (if prompted): 772214

Please avoid the speakerphone function to prevent echoing.

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**
2. **Welcome New Commissioner:** The Commission will acknowledge the appointment of alternate Commissioner Dave Brown to Alameda LAFCO by the Alameda County Board of Supervisors on November 23, 2021.
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. **Priority Item:** Approval of Resolution to Continue Virtual Meetings due to COVID-19 Pandemic
5. **Consent Items:**
 - a. Approval of Meeting Minutes: November 18, 2021 Special Meeting
 - b. 2nd Quarter Budget Report for Fiscal Year 2021-2022
 - c. Transfer of Jurisdiction | Proposed Annexation of 285 Lark Lane to EBMUD
 - d. Approval Request | Out of Area Service Agreement for 871 Sycamore Road
6. **Request for Proposals | Community Services Municipal Service Review (Business)** – The Alameda Local Agency Formation Commission (LAFCO) will consider a request from staff to select the Policy and Budget Committee to review Request for Proposals (RFP) initiating a municipal service review (MSR) on community services.

LAFCO Staff Recommendation: Staff recommends approval with standard terms.
7. **Matters Initiated by Members of the Commission**
8. **Executive Officer Report**
 - a. Update on LAFCO’s South Livermore Valley Area Specific Plan Study
 - b. Update on LAFCO’s Review of Measure D
9. **Informational Items**
 - a. Current and Pending Proposals
 - b. Progress Report on Work Plan
 - c. 2022 CALAFCO Staff Workshop, March 23-25 in Newport Beach, Orange County
 - d. Form 700: Due April 1
 - e. Commissioners with terms ending May 2022:
 1. Sblend Sblendorio
 2. Dave Brown
10. **Adjournment of Regular Meeting**

Next Meetings of the Commission

Policy and Budget Committee Meeting

Thursday, February 3, 2022 at 2:00 p.m., Online Meeting

Regular Meeting

Thursday, March 10, 2022 at 2:00 p.m., Online Meeting

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
W: acgov.org/lafco

MEETING INFORMATION

CORONAVIRUS (COVID-19) – Notice of Meeting Procedures

Join Teleconference Meeting ***Virtually*** (computer, tablet, or smartphone): click on the link below:

<https://us02web.zoom.us/j/81206687795?pwd=ckVnbTBdYWJkT0VhZkZlYnRsRnFZdz09>

Meeting ID: 812 0668 7795

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Dial (669)-900-9128

Follow the prompts: Meeting ID: 812 0668 7795

Password (if prompted): 772214

Please avoid the speakerphone function to prevent echoing.

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SUBMITTING WRITTEN COMMENTS TO BE READ AT THE MEETING

Any member of the public may submit a written comment to the Commission before the meeting by **January 12, 2022 at 5:00 P.M.** by email to rachel.jones@acgov.org or by mail to Alameda LAFCO 224 West Winton Avenue, Suite 110, Hayward, CA 94544. If you are commenting on a particular item on the agenda, please identify the agenda item number and letter. Any comments of 500 words or less (per person, per item) will be read into the record if: (1) the subject line includes “COMMENT TO COMMISSION – PLEASE READ”, and (2) it is received by the Executive Officer prior to the deadline of **January 12, 2022 at 5:00 P.M.**

SUBMITTING SPOKEN COMMENTS DURING THE COMMISSION MEETING

Electronically:

1. We request that you identify yourself by name as this will be visible online and will be used to notify you that it is your turn to speak.
2. When the Commission calls for the item on which you wish to speak, click “participants,” a menu will appear, click on the “raise hand” icon. Staff will activate and unmute speakers in turn.
3. When called, please limit your remarks to the time limit allotted (3 minutes).

By phone (landline):

1. Your phone number will appear but not your name.
2. When the Commission calls for the item on which you wish to speak, press *9 to “raise your hand”. Staff will activate and unmute speakers in turn. You will be called upon using the last four digits of your phone number, since your name is not visible.
3. When you are called upon to speak please provide your name for the record.

VIEWING RECORDING OF THE TELECONFERENCE MEETING

The Commission’s teleconference meeting will be recorded. Members of the public may access the teleconference

meeting and other archived Commission meetings by going to lafco.acgov.org/meetings.page?.

ADA ACCESIBILITY: Meetings are accessible to persons with disabilities. Requests for assistive listening devices or other considerations should be made 72 hours in advance through the Executive Officer at (510) 670-6267 or rachel.jones@acgov.org.

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AGENDA REPORT

January 13, 2022

Item No. 4

TO: Alameda Commissioners**FROM:** Rachel Jones, Executive Officer**SUBJECT: Resolution to Continue Virtual Meetings due to COVID-19 Pandemic**

The Alameda Local Agency Formation Commission (LAFCO) will consider adopting a resolution declaring its intent to continue remote video and teleconference meetings due to the Governor's Proclamation of State of Emergency and state regulations related to physical distancing due to the threat of COVID-19 consistent with California Assembly Bill (AB) 361 and amended California Government Code Section 54953.

Background

Alameda LAFCO switched from in-person Commission meetings to fully remote meetings following Governor Newsom's declaration of a state of emergency in March 2020 due to the COVID-19 pandemic. The transition was authorized by Executive Orders N-25-20, N-29-20, and N-35-20, which collectively modified requirements of the Ralph M. Brown Act, and the State's local agency public meeting law. On June 11, 2021, the Governor issued Executive Order N-08-21 which rescinds the prior executive orders modifying the Brown Act effective September 30, 2021. To accommodate the desire on the part of local governments to maintain virtual meetings as may be necessary during the pandemic, the Legislature approved Assembly Bill 361 (AB 361). AB 361 is an urgency statute and took effect upon the Governor's signature on September 16, 2021.

The Commission may continue to meet virtually until such time the Governor declares the State of Emergency due to Covid-19 over, and measures to promote social distancing are no longer recommended, or can return to in-person meeting sooner, if desired. In order to continue to hold virtual meetings, the Commission will need to review and make findings every 30 days to declare that the state of emergency continues to directly impact the ability of the members to meet safely in person, and that state and local officials continue to impose or recommend measures to promote social distancing.

Administrative Office

Rachel Jones, Executive Officer
224 West Winton Avenue, Suite 110
Hayward, California 94544
T: 510.670.6267
www.acgov.org/lafco

Nate Miley, Regular
County of Alameda

David Haubert, Regular
County of Alameda

Dave Brown, Alternate
County of Alameda

Bob Woerner, Regular
City of Livermore

Melissa Hernandez, Reg
City of Dublin

Karla Brown, Alternate
City of Pleasanton

Ralph Johnson, Regular
Castro Valley Sanitary District

Ayn Wieskamp, Regular
East Bay Regional Park District

Georgian Vonheeder-Leopold, Alternate
Dublin San Ramon Services District

Sblend Sblendorio, Chair
Public Member

John Marchand, Alternate
Public Member

Discussion

This item is for Alameda LAFCO to consider actions necessary to proceed with virtual meetings in accordance with AB 361. The attached resolution has been prepared accordingly and makes the necessary findings authorizing LAFCO to conduct virtual meetings of the Commission for the next 30 days. LAFCO will need to adopt a version of this resolution at each of its subsequent meetings if it desires to maintain fully remote meetings.

Alternatives for Action

The following alternatives are available to the Commission:

Alternative One (Recommended):

Approve the resolution authorizing the use of virtual meetings for a 30-day period.

Alternative Two:

Reject the resolution authorizing the use of virtual meetings for a 30-day period, and proceed to hold a public meeting for Alameda LAFCO's January 13th regular meeting.

Alternative Three:

Reject the resolution authorizing the use of virtual meetings for a 30-day period, and cancel the public meeting for Alameda LAFCO's January 13th regular meeting.

Recommendation

It is recommended the Commission proceed with Alternative Action One.

Respectfully,



Rachel Jones
Executive Officer

Attachments:

1. Resolution

ALAMEDA LOCAL AGENCY FORMATION COMMISSION**RESOLUTION NO. 2022-01****AUTHORIZING THE CONTINUANCE OF VIRTUAL MEETINGS OF THE COMMISSION**

WHEREAS, the Alameda Local Agency Formation Commission is committed to preserving and nurturing public access and participation in meetings of the Commissioners; and

WHEREAS, all meetings of the Commission's legislative bodies are open and public, as required by the Ralph M. Brown Act (California Government Code sections 54950-54963), so that any member of the public may attend, participate, and watch the Commission conduct its business; and

WHEREAS, the Brown Act, Government Code section 54953(e), makes provisions for virtual participation in meetings by members of a legislative body, without compliance with requirements of Government Code section 54953(b)(3), subject to the existence of certain conditions; and

WHEREAS, a required condition is that a state of emergency is declared by the Governor pursuant to Government Code section 8625, proclaiming the existence of conditions of disaster or of extreme peril to the safety of persons and property within the state caused by conditions as described in Government Code section 8558; and

WHEREAS, it is further required that state or local officials have imposed or recommended measures to promote social distancing; and

WHEREAS, such conditions now exist in the Alameda County, specifically, the Governor proclaimed a State of Emergency on March 4, 2020 due to COVID-19; and

WHEREAS, the Division of Occupational Safety and Health of California's (Cal/OSHA) issued Emergency Temporary Standards that require employers to train and instruct employees that the use of social distancing helps combat the spread of COVID-19 (8 Cal. Code Regs. 3205(c)(5)(D).); and

WHEREAS, on September 28, 2021, the Board of Supervisors of the County of Alameda accepted the recommendation of the Health Care Services Agency Director for continued social distancing at all meetings of the full Board of Supervisors and at all Board of Supervisors Committee meetings; and

WHEREAS, as a consequence of the state of emergency and the state and local public health guidance, the Commission does hereby find that the Commission, including all its Committees, shall conduct meetings without compliance with paragraph (3) of subdivision (b) of Government Code section 54953, as authorized by subdivision (e) of section 54953, and shall comply with the

requirements to provide the public with access to the meetings as prescribed in paragraph (2) of subdivision (e) of section 54953

WHEREAS, the Commission does hereby find that conducting virtual meetings present the best compromise between the competing goals of facilitating in-person, public meetings under the Brown Act and social distancing necessary to combat the spread of COVID-19; and

WHEREAS, members of the public will be able to participate remotely through the digital means listed on the meeting agenda, and for hybrid meetings, may also participate in person provided applicable social distancing and masking protocols are observed.

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

1. Recitals. The Recitals set forth above are true and correct and are incorporated into this Resolution by this reference.
2. The Commission finds that state and local officials have imposed or recommended measures to promote social distancing. The Commission has reconsidered the circumstances of the state of emergency and finds that state and local officials continue to impose or recommend measures to promote social distancing.
3. The Commission finds that as a result of the emergency, meeting in person would present imminent risks to the health or safety of attendees. The Commission has reconsidered the circumstances of the state of emergency and finds that the state of emergency continues to directly impact the ability of the members to meet safely in person.
4. The Commission therefore determines that it and its legislative bodies shall conduct their meetings by teleconferencing in accordance with Government Code section 54953(e).
5. This Resolution expires thirty (30) days after the date of its adoption only to the extent required by law. Otherwise, this Resolution shall remain in effect until repealed by the Commission.

PASSED AND ADOPTED by the Alameda Local Agency Formation Commission on January 13, 2022 by the following vote:

AYES:

NOES:

ABSTAIN:

ABSENT:

APPROVED:

Sblend Sblendorio
Chair

ATTEST:

Rachel Jones
Executive Officer

APPROVED TO FORM:

Andrew Massey
Legal Counsel

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SUMMARY ACTION MINUTES
ALAMEDA LOCAL AGENCY FORMATION COMMISSION
SPECIAL MEETING

Hosted by Zoom Video-Conference Service

November 18, 2021

Call to Order

Chair Sblendorio called the meeting to order at 2:00 p.m.

1. Roll Call.

The roll was called. A quorum was present of the following commissioners:

<u>County Members:</u>	David Haubert and Nate Miley
<u>City Members:</u>	Bob Woerner, Melissa Hernandez, and alternate Karla Brown
<u>Special District Members:</u>	Ayn Wieskamp, Ralph Johnson, and alternate Georgean Vonheeder-Leopold
<u>Public Members:</u>	Sblend Sblendorio and alternate John Marchand
<u>Not Present:</u>	
<u>Staff present:</u>	Rachel Jones, Executive Officer, April Raffel, Clerk, and Andrew Massey, Legal Counsel

2. Moment of Silence on the passing of LAFCO Commissioner Wilma Chan: The Commission reflected on the Alameda County Board of Supervisors' Chan legacy and her many contributions to the LAFCO Alameda County and her community at large.

- LAFCO Commissioner and County Board of Supervisor Wilma Chan served the Commission for over ten years, and her community and region, for over thirty years. Supervisor Chan provided tremendous public service. Her dedication to causes in public health and childcare should be a mold for others to follow. The benefits of her work will continue to live on. We take this moment of silence to honor her and her legacy, and we send our condolences to her family.
- Commissioner Miley, Commissioner Haubert, Commissioner Johnson, Commissioner Wieskamp, and Commissioner Hernandez also shared their reflections and experiences working with Commissioner Chan.
- Commissioner Haubert commented on December 8th at 2:00 p.m., and there will be a public service event at the Oakland Museum in honor of Supervisor Chan.
- The Board of Supervisors voted on establishing a Wilma Chan Memorial Fund, which will raise funds to support causes Supervisor Chan wanted in the community.

3. Public Comment

Chair Sblendorio invited members in the audience to address the Commission on any matter not listed on the agenda and within the jurisdiction of the Commission.

There were no public comments.

4. Priority Item: Approval of Resolution to Continue Virtual Meetings due to COVID-19 Pandemic

- Alameda LAFCO considered actions necessary to proceed with virtual meetings in accordance with AB 361. The resolution was prepared accordingly and made the necessary findings authorizing LAFCO to conduct virtual Commission meetings for the next 30 days.
- Commissioner Miley asked if we don't meet for another 30 days, will we have a special meeting to approve a resolution? Based on the Counsel's advice, Executive Officer Jones mentioned that we will have to approve or review a resolution before every meeting instead of having a special meeting. Legal Counsel Massey mentioned LAFCO would be looking at adopting a resolution when the body needs to meet. If we met in less than 30 days, another resolution would not have to be adopted. Still, we could adopt another resolution if we met at our next meeting in January 2022.

Staff recommended approval.

Upon motion by Commissioner Wieskamp, second by Commissioner Hernandez, the item is approved.

AYES: 7 Haubert, Miley, Hernandez, Woerner, Johnson, Wieskamp, and Sblendorio
NOES: 0
ABSENT: 0
ABSTAIN: 0

5. Consent Items:

- a. Approval of Meeting Minutes: September 9, 2021, Regular Meeting
- b. First Quarter Budget Report for Fiscal Year 2021-2022
- c. Proposed Budget Amendment for Fiscal Year 2021-2022

- Staff would like to budget an amendment of \$100,000 from the fund balance to supplement current and additional LAFCO studies.

Chair Sblendorio and Commissioner Wieskamp noted a change in the spelling of the last name of Kelly Abreau of the September 9, 2021 Meeting Minutes.

Upon motion by Commissioner Haubert, second by Commissioner Wieskamp, the item is approved.

AYES: 7 Haubert, Miley, Hernandez, Woerner, Johnson, Wieskamp, and Sblendorio
NOES: 0
ABSENT: 0
ABSTAIN: 0

6. Proposed Annexation of Greenville Plaza and Northfront Road to City of Livermore (Public Hearing) – The Alameda Local Agency Formation Commission (LAFCO) considered a change of organization proposal filed by the City of Livermore to annex one unincorporated parcel in Alameda County comprising 2.52 acres, and a public right of way along Northfront Road comprising 4.37 acres, for a total annexation area of 6.89 acres. The purpose of the proposal is to provide municipal services to the affected territory to develop a commercial plaza

that includes a convenience store, drive-through restaurant, car wash, and gas station. The affected territory is within the City's sphere. Staff summarized the proposal and recommended approval.

- This item is for the Commission to consider approving – with or without modifications – the applicant's submitted change of organization proposal to annex the affected territory to the City of Livermore. The Commission may also consider applying conditions to approval so long as it does not directly regulate land use, property development, or subdivision requirements.
- Staff recommends the Commission adopt the draft resolution identified as Attachment 1. Staff will return the item to the Chair for Commission discussion and open the public hearing.
- Commissioner Marchand worked on this with the City of Livermore, and it's been a long time in the process and wanted to congratulate Ali Amidy and wish him the best on this project.

Chair Sblendorio opened and closed the public hearing with no public comments being offered.

Upon motion by Commission Woerner, second by Commissioner Haubert, the item is approved.

AYES: 7 Haubert, Miley, Hernandez, Woerner, Johnson, Wieskamp, and Sblendorio
NOES: 0
ABSENT: 0
ABSTAIN: 0

7. Approval of Proposed Fiscal Reserve Policy (Regular) – The Alameda Local Agency Formation Commission (LAFCO) considered approving a proposed fiscal reserve policy that sets to maintain an appropriate operational reserve level and establishes a protocol for crediting excess unassigned funds (surpluses). In its initial draft form, the proposed policy returns to the Commission from Alameda LAFCO's last regular meeting.

- This item is for Alameda LAFCO to consider approving a proposed fiscal reserve policy that sets to maintain an appropriate operational reserve level and establishes a protocol for crediting excess unassigned funds. The proposed policy adds discretionary standards and is marked by establishing a minimum reserve level of unassigned reserves equal to four months of budgeted expenses or a third of LAFCO's annual operating budget. In its initial draft form, the proposed policy returns to the Commission from Alameda LAFCO's last regular meeting. Staff recommends approval of the proposed policy with any desired revisions. Staff will return the item to the Chair for any questions, comments, or discussion.
- Chair Sblendorio and staff wanted to give special thanks to our Policy and Budget Committee Commissioners which includes Commissioner Vonheeder-Leopold, Commissioner Johnson, and Commissioner Woerner, for his staff to look at five years of LAFCO's fund balance and reserves.

- Commissioner Woerner thanked Rachel for bringing the matter to their attention that we needed to do something and that what they came up with made good sense and on a good path.

There were no public comments.

Staff recommended approval of the proposed policy. There were no questions or discussion.

Upon motion by Commission Woerner, second by Commissioner Johnson, the item is approved.

AYES: 7 Haubert, Miley, Hernandez, Woerner, Johnson, Wieskamp, and Sblendorio
 NOES: 0
 ABSENT: 0
 ABSTAIN: 0

8. Final Report and Sphere of Influence Updates | Countywide Municipal Service Review on Water, Wastewater, Stormwater, and Flood Control Services (Public Hearing) – Alameda LAFCO will receive a final report as prepared as part of its scheduled Municipal Service Review (MSR) on the provision of water, wastewater, flood control, and stormwater services throughout Alameda County.

- This item is for Alameda LAFCO to complete its scheduled municipal service review on its countywide water, wastewater, flood control, and stormwater services. This includes accepting a final report prepared by Quad Knopf Associates and highlighted by an Executive Summary outlining determinations and recommendations. This also includes adopting a resolution accepting the final report of the municipal service review and all determinations required for the Commission under the statute.
- A public review of the draft report, which included determinations, was presented to the Commission for discussion and feedback and made available to the public at Alameda LAFCO's regular meeting on July 8th of this year. The Commission provided thorough feedback and edited it to incorporate it in the final report. The draft was distributed to all affected agencies, and a 30-day public review and comment period followed. Notice was also published in the local newspaper and posted on the LAFCO website. LAFCO received 12 comments letters from the affected agencies that have been incorporated into the final report.
- Both MSR consultants and LAFCO staff recommend retaining existing spheres for all the affected agencies. Principal Planner Steve Brandt of Quad Knopf Associates, Inc provided a presentation of the final report.

Chair Sblendorio invited Commissioners and members in the audience to address the Commission by opening the public hearing for public comments.

- There was one public comment during the public hearing. Carol Mahoney, Zone 7, wanted

to highlight a few of the regional collaborations already taking place among the water and wastewater agencies around Alameda County, which includes the Bay Area Regional Reliability (BARR) partnership, Shared Water Access Program (SWAP), Tri-Valley Water Liaison Committee, Bay Area Water Agency Coalition, and locally, Zone 7 and our Tri-Valley partners are currently undertaking various studies to understand the potential benefits and impacts of potable reuse project. She requested that the Regional Committee proposed by LAFCO focus on supporting these existing regional efforts to avoid duplicative efforts and divert staff time from projects already underway.

- Commissioners provided feedback, questions, and recommendations on focus areas for the review, such as discussion about striking the term master plan and inserting Alameda LAFCO should create a Countywide Regional Water and Wastewater Committee that includes all affected agencies that provide water, wastewater, stormwater, and flood control services to explore opportunities and to share practices for collaboration on how the region can recycle water, or better utilize water that is already imported, so it is not only used once and discarded into the Bay. The Committee should also explore the costs and effectiveness of a regional desalination plant.
- Executive Officer Jones recommended having a consultant available to provide some kind of information on what some of the other affected or other agencies within the state are doing with desalination or recycled water.
- Alternate Commission Vonheeder-Leopold recommended not hiring a paid consultant but to contact Aqua Association of the California Water Agencies, or CASA, California Association of Sanitation Agencies. Both of these organizations know about 99 percent of what's going on throughout the state with their members.
- Commissioner Miley wanted to go on the record, "If we don't get the level of participation we need through whatever mechanism, LAFCO needs to make determinations on what we want to do next."
- The Executive Officer reported that staff recommended the Commission formally accept the final report with distribution to all the affected agencies and adopt a resolution codifying the associated determinations and recommendations.

Upon motion by Commission Woerner, second by Commissioner Johnson, the item is approved.

AYES: 6 Miley, Hernandez, Woerner, Johnson, Wieskamp, and Sblendorio
NOES: 0
ABSENT: 1 Haubert
ABSTAIN: 0

9. Matters Initiated by Members of the Commission

There were none.

10. Executive Officer Report

a. Update on LAFCO's South Livermore Valley Area Specific Plan Study

- With the Measure D Analysis now nearly complete, Lamphier-Gregory has moved on to more fully engage with the second assignment as related to South Livermore Specific Plan/Area Plan issues. The efforts to date have included:
- Gathering data related to prior residential housing growth and commensurate agricultural land preservation within the boundaries of these respective planning areas, assessing the relative effectiveness of these Plans in achieving their desired outcomes
- Quantifying the remaining residential development potential and remaining agricultural lands preservations yet to be realized pursuant to those Plans
- Getting better educated about general concerns over nitrate pollution of South Livermore Valley's groundwater from winery wastewater processes, and potential increased sedimentation from vineyard runoff
- Reviewing, and understanding the implications associated with the fairly recent January 2021 State Water Board's General Waste Discharge Requirements (WDRs) for winery process water (Winery Order) for wineries and other similar facilities. The Winery Order is applicable statewide and intended to streamline and improve permitting consistency and address new discharge standards applicable to viticulture operations.

b. Update on LAFCO's Review of Measure D

- Following the September 9th presentation to Alameda LAFCO of preliminary findings related to Measure D, Staff made the PowerPoint slides and preliminary report available to several identified stakeholders, providing them with 30 days to provide comments on the materials. Staff received and forwarded to Lamphier-Gregory three written comments on that draft report (from the Alameda Community Development Agency, Mr. Dick Schneider representing the Sierra Club, and Mr. Larry Gosselin and Mr. Chuck Moore representing the equine industry's interests). In response to these comments, as well as comments received during the LAFCO presentation, Lamphier-Gregory has initiated several changes and additions to the draft report, specifically to address the following topics:
- Providing a comparison of pre-and post-Measure D changes in agricultural soils, as reported by the Department of Conservation's Farmland Mapping and Monitoring Program (FMMP)
- Conducting spot-check validation of the FMMP's reported acreage in agricultural soils in East County, with additional effort to explain why some of FMMP's reported agricultural lands in East County may have changed designations (for example, from Prime Ag to Grazing), and whether these changes had anything to do with Measure D
- Casting a broader net to provide more comparisons of Ag zoning regulations pertaining to non-residential FAR and building envelopes, including comparisons to the additional counties of Mendocino, Marin, San Luis Obispo, and Monterey
- Providing a more comprehensive comparison of permitted development potential on Ag lands, using the FAR regulations of Alameda County compared to similar FAR regulations of those other counties that do have such regulations, and shows a relative sliding scale of development potential based on varying parcel sizes.
- Adding additional information on the equestrian-based industry in Alameda County

- Adding a comparative analysis of regulations from other Bay Area counties related to equestrian-based land uses (e.g., horse grazing and breeding, boarding stables, training facilities, and equestrian event facilities)

11. Informational Items -Staff offered brief remarks on the following items

- a. Current and Pending Proposals
- b. Progress Report on Work Plan
- c. CALAFCO Update (verbal report)

- Congratulations to all of the newly elected and re-elected CALAFCO Board members for the 2021-2022 fiscal year. CALAFCO thanks all the voting delegates, and a special thank you to Commissioner Vonheeder-Leopold for your participation at CALAFCO's annual business meeting. The following candidates have been elected to the CALAFCO Board of Directors.
 - Central Region City Member is ***Daniel Parra*** (Fresno), and Public Member is ***Anita Paque*** (Calaveras)
 - Coastal Region City Member is ***Margie Mohler*** (Napa), and Public Member is ***Shane Stark*** (Santa Barbara)
 - Northern Region County Member is ***Bill Connelly*** (Butte), and District Member is ***Debra Lake*** (Humboldt)
 - Southern Region County Member is ***Michael Kelley*** (Imperial), and District Member is ***Jo MacKenzie*** (San Diego)

CALAFCO also announced that the 2022 Staff Workshop would be held from March 23rd to 25th in Newport Beach.

12. Adjournment of Regular Meeting

Chair Sblendorio adjourned the meeting at 3:16 p.m.

13. Next Meetings of the Commission

Policy and Budget Committee Meeting
Thursday, December 2, 2021, at 2:00 p.m.

Regular Meeting
Thursday, January 13, 2022, at 2:00 p.m.

It is anticipated that both meetings will be held remotely up to our January 2022 Meeting.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "April Raffel".

April Raffel, Commission Clerk

Attest:

A handwritten signature in blue ink, appearing to read "Rachel Jones".

Rachel Jones
Executive Officer

DRAFT

AGENDA REPORT

January 13, 2022

Item No. 5b

TO: Alameda Commissioners**FROM:** Rachel Jones, Executive Officer**SUBJECT: Budget Update for Fiscal Year 2021-2022 | 2ND Quarter Report**

The Alameda Local Agency Formation Commission (LAFCO) will review a report comparing budgeted to actual transactions through the second quarter of fiscal year 2021-2022. Actual expenses processed through the first six months totaled \$303,394, an amount representing 46.3% of the budgeted total with half of the fiscal year complete. The report is being presented to the Commission to accept and file and to provide direction to staff as needed.

Information

Alameda LAFCO's adopted final budget for 2021-2022 totals \$655,335. This amount represents the total approved operating expenditures for the fiscal year divided between three active expense units: salaries and benefits; services and supplies; and internal services. A matching revenue total was also budgeted to provide a year-end balance of \$0 and with a purposeful aid of a planned \$185,000 transfer from reserves. Budgeted revenues are divided amongst three active units: intergovernmental contributions, application fees, and investments.

Discussion

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

Budgeted Expenses FY 21-22	Budgeted Revenues FY 21-22	Budgeted Year End Balance FY 20-21
\$655,335	\$655,335	(\$0)

Summary of Operating Expenses

The Commission's budgeted operating expense total for 2021-2022 is \$655,332. Actual expenses processed through the first six months totaled \$303,394, an amount representing 46.3% of the budgeted total with half of the fiscal year complete. Actuals through the first six months and related analysis suggest the Commission is ahead to finish the fiscal year with a balanced budget. A discussion on budgeted and actual expenses through the first six months and related year-end projections follows.

Expense Units	Adopted	Actuals	Percent Expended	Remaining Balance
Salaries and Benefits	373,975	186,988	50%	186,988
Services and Supplies	169,610	102,328	60%	67,282
Internal Service Charges	61,750	14,078	23%	47,672
Contingencies	50,000	0	0%	50,000
	\$655,335	\$303,394	46%	\$351,941

Staffing Unit

The Commission budgeted \$373,975 in Staffing or Salaries and Benefits Unit for 2021-2022. Through the first six months, the Commission's estimated expenses within the affected accounts totaled \$186,988 or 50% of the budgeted amount. It is projected the Commission finish the fiscal year with actuals equal to the budgeted amount.

Services and Supplies Unit

The Commission budgeted \$169,610 in the Services and Supplies Unit for 2021-2022 to provide funding for *direct* support services necessary to operate Alameda LAFCO. Through the first six months, the Commission's actual expenses within the affected 14 accounts totaled \$102,328 or 60.3% of the budgeted amount. Only two of the affected accounts – Memberships and Professional Consultant Services – finished with balances exceeding the proportional 50% threshold with explanations provided below. It is projected the unit will finish the fiscal year with an operating deficit of \$30,000 based on LAFCO's projects and studies, less any budget amendments are applied.

- Memberships

This account covers the Commission's annual dues for ongoing membership with several outside agencies and organizations as previously authorized by the members. This includes CALAFCO and the California Special Districts Association memberships. The Commission budgeted \$10,760 in this account for 2021-2022 based on recent trends. Actual expenses through December totaled \$10,760 or 100% of the budgeted amount and tied to providing full payment of all budgeted costs. Staff projects no additional expenses to this account.

▪ Professional Consulting Services

This account covers the Commission's outside planning and professional costs for applications, special projects, CEQA review, and consulting expertise. The Commission budgeted \$100,000 in this account for the fiscal year. Actual expenses through December totaled \$88,104 or 88.1% of the budgeted amount and were tied to LAFCO's ongoing projects and studies. Expenses in this account that exceed the proportional 50% threshold can be attributed to delays in processing LAFCO's contracts from the previous fiscal year. Staff projects an additional \$65,000 expensed to this account based on recent reports and invoices. Staff was granted a budget transfer at the Commission's November 2021 special meeting in the amount of \$100,000 to cover these costs for this fiscal year.

Internal Services and Supplies

The Commission budgeted \$61,750 in the Internal Services and Supplies Unit for 2021-2022 to provide funding for *indirect* support services necessary to operate Alameda LAFCO. Through the first six months the Commission's actual expenses within the four affected accounts totaled \$14,078, or 22.8% of the budgeted amount. None of the affected accounts finished with balances exceeding the proportional 50% threshold, and staff estimates the unit to finish the fiscal year with a balanced budget.

Summary of Operating Revenues

The Commission budgeted operating revenue total for 2021-2022 at \$655,335. Actual revenues collected through the first six months totaled \$303,450. This amount represents 46% of the budgeted total with half of the fiscal year complete. A summary comparison of budgeted to actual operating revenue follows. Actuals through the first six months and related analysis suggest the Commission's year-end revenue totals will tally at \$655,335, and result in a balanced budget. An expanded discussion on the budgeted and actual revenues through the first six months follows.

Revenue Units	Adopted	Actuals	Percent Expended	Remaining Balance
Agency Contributions	433,355	296,105	68%	137,230
Application Fees	30,000	5,087	17%	24,913
Interest	7,000	2,258	32%	4,742
Fund Balance Offset	185,000	0	0%	185,000
	\$655,335	\$303,450	46%	\$351,885

Agency Apportionments

The Commission budgeted \$433,355 in the Agency Apportionments Unit for 2021-2022. This total budgeted amount was to be divided in three equal shares at \$144,445 and invoiced among the County of Alameda, 14 cities, and 15 independent special districts as provided under State statute. Alameda

LAFCO has received 68% of the agency apportionments and has notified the County Auditor to send a second invoice for LAFCO payments to one remaining agency.

Application Fees Unit

The Commission budgeted \$30,000 in the Application Fees Unit for 2021-2022. Through the first six months, \$5,087 has been collected in this unit.

Interest Unit

The Commission budgeted \$7,000 in the Interest Unit for 2021-2022. Through the first six months, \$2,258 has been collected in this unit by the County Treasurer.

Alternatives for Action

The following alternatives are available to the Commission:

Alternative One (Recommended):

Accept and file the report as presented and provide direction as needed to staff with respect to any related matters for future consideration.

Alternative Two:

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

Recommendation

It is recommended the Commission proceed with Alternative Action One.

Respectfully,



Rachel Jones
Executive Officer

Attachments:

1. 2021-2022 General Ledger through December 31, 2021

ALAMEDA LOCAL AGENCY FORMATION COMMISION

Regional Service Planning | Subdivision of the State of California

Expense Ledger

		FY 2018-2019		FY 2019-2020		FY 2020-2021		FY2020-2021			
		Adopted	Actuals	Adopted	Actuals	Adopted	Actuals	Adopted	Actuals As of 12-31-21	Difference	Percent of Budget
Salary and Benefit Costs											
<u>Account</u>	<u>Description</u>										
60001	Staff Salaries	321,692	263,373	308,307	263,373	234,254	137,130	250,564	125,282	(125,282)	50.0%
-	(ACERA)	149,961	149,961	175,275	149,961	122,903	59,751	123,411	61,706	(61,706)	50.0%
		471,653	413,334	483,581	324,575	357,157	260,735	373,975	186,988	(186,988)	50.0%
Service and Supplies											
<u>Account</u>	<u>Description</u>										
-	Intern	1,600	-	1,600	-	1,600	-	-	-	-	-
610077	Postage	1,000	1,000	1,000	1,000	1,000	1,000	500	-	-	-
610141	Copier	3,000	3,000	3,000	3,000	3,000	-	1,000	-	-	-
610191	Pier Diems	7,700	7,700	7,800	7,800	8,000	7,100	8,500	2,700	(5,800)	31.8%
610211	Mileage/Travel	200	2,628	1,300	1,300	1,300	-	500	-	-	-
610461	Training (Conferences and Workshops)	20,000	20,000	13,000	6,000	5,000	-	2,500	-	-	-
610241	Records Retention	1,000	1,000	1,000	1,000	1,000	303	350	210	(140)	60.1%
610261	Consultants	96,000	90,000	90,000	90,000	96,000	42,527	100,000	88,104	(11,896)	88.1%
610261	Mapping - County	5,000	5,000	5,000	5,000	5,000	-	500	-	-	-
610261	Planning Services	25,000	5,000	5,000	6,000	5,000	-	5,000	-	-	-
610261	Legal Services	40,000	40,000	30,000	21,775	25,000	-	20,000	-	-	-
610311	CAO/CDA - County - Services	11,000	11,000	11,000	11,000	1,000	7,700	1,000	-	-	-
610312	Audit Services	10,000	7,500	7,700	10,000	10,000	-	10,000	-	-	-
610351	Memberships	9,000	9,026	10,476	10,476	10,762	10,662	10,760	10,760	-	100.0%
610421	Public Notices	5,000	5,000	5,000	5,000	5,000	2,149	3,000	293	(2,707)	9.8%
610441	Assessor - County - Services	2,500	2,500	2,500	2,500	2,500	-	500	-	-	-
610461	Special Departmental	1,500	1,500	1,500	1,500	1,500	1,000	1,500	233	(1,267)	15.5%
620041	Office Supplies	4,000	4,000	4,000	4,000	4,000	916	4,000	28	-	-
		243,500	215,854	200,876	187,351	186,662	73,357	169,610	102,328	(67,282)	60.3%
Internal Service Charges											
<u>Account</u>	<u>Description</u>										
630051	Office Lease/Rent	3,200	3,200	25,000	35,000	32,500	32,500	32,500	1,412	(31,088)	4.3%
630021	Communication Services	3,878	3,878	3,950	3,950	100	-	100	-	-	-
630061	Information Technology	21,578	23,370	27,373	27,373	27,373	25,870	25,870	12,666	(13,204)	49.0%
630081	Risk Management	3,034	3,034	3,100	3,100	3,100	3,280	3,280	-	-	-
		31,690	37,482	59,423	69,423	63,073	61,650	61,750	14,078	(47,672)	22.8%
Contingencies		50,000	-	50,000	-	50,000	-	50,000	-	-	-
<u>Account</u>	<u>Description</u>										
-	Operating Reserve	-	-	-	-	-	-	-	-	-	-
		796,843	666,670	793,880	581,349	656,892	395,742	655,335	303,394	(351,941)	46.3%

Revenue Ledger		FY2018-2019		FY2019-2020		FY2019-2020		FY2020-2021			
		Adopted	Actuals	Adopted	Actuals	Adopted	Actuals	Adopted	Actuals As of 12-31-21	Difference	Percent of Budget
Intergovernmental											
Account	Description										
-	Agency Contributions										
	County of Alameda	196,948	196,948	192,127	192,127	146,630	146,631	144,445	144,445	-	100.0%
	Cities	196,948	196,948	192,127	192,127	146,630	146,631	144,445	85,339	-	-
	Special Districts	196,948	196,948	192,127	192,127	146,630	146,631	144,445	64,406	-	-
		590,844	590,844	576,380	576,380	439,891	439,891	433,335	296,105	(137,230)	68.3%
Service Charges											
-	Application Fees	30,000	10,000	30,000	25,000	30,000	38,643	30,000	5,087	(24,913)	17.0%
Investments											
-	Interest	-	11,531	7,500	7,500	7,000	8,965	7,000	2,258	(4,742)	32.3%
Fund Balance Offset		176,000	176,000	180,000	-	180,000	-	185,000		-	-
REVENUE TOTALS		796,844	788,375	793,880	608,880	656,891	487,499	655,335	303,450	(351,885)	46.3%
OPERATING NET		-	121,705	-	27,531	(1)	91,757	-	56	-	-
UNRESTRICTED FUND BALANCE		714,299		741,830		833,587					
As of June 30th											

AGENDA REPORT

January 13, 2022

Item No. 5c

TO: Alameda Commissioners

FROM: Rachel Jones, Executive Officer

SUBJECT: **Transfer of Jurisdiction | Proposed Annexation of 285 Lark Lane to East Bay Municipal Utility District**

The Alameda Local Agency Formation Commission (LAFCO) will consider a request from Contra Costa LAFCO to transfer principal county responsibility from Alameda LAFCO to Contra Costa LAFCO for a change of organization proposal.

Information

Pursuant to Government Code Section 56124, Contra Costa LAFCO has submitted a request to Alameda LAFCO to transfer jurisdiction for the purpose of considering an annexation proposal and corresponding sphere of influence amendment (Attachment 1). The subject proposal is to annex territory located in Contra Costa County into the East Bay Municipal Utility District (EBMUD).

Discussion

For multi-county districts such as EBMUD, Government Code Section 56123 provides that exclusive jurisdiction to consider proposals for changes of organization (including annexations) resides with the LAFCO located in the principal county. Section 56066 defines the principal county to be that county which contains the largest portion of assessed property value within the district's boundary. For EBMUD, Alameda County has the largest portion of assessed value. Government Code Section 56124 provides a mechanism to transfer exclusive jurisdiction if all the following occur:

1. The commission of the principal county agrees to have the exclusive jurisdiction vested in the commission of another county.
2. The commission of the principal county designates the commission of another county which shall assume exclusive jurisdiction.
3. The Commission of the county so designated agrees to assume exclusive jurisdiction.

Contra Costa LAFCO has received an annexation application from a landowner located in the unincorporated community of Alamo to connect to EBMUD for municipal water services. The proposed annexation area is approximately 18.3 acres and includes three parcels. The applicant intends to build one single-family residential unit.

Administrative Office

Rachel Jones, Executive Officer
224 West Winton Avenue, Suite 110
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www.acgov.org/lafco

Nate Miley, Regular
County of Alameda

David Haubert, Regular
County of Alameda

Dave Brown, Alternate
County of Alameda

Bob Woerner, Regular
City of Livermore

Melissa Hernandez, Reg
City of Dublin

Karla Brown, Alternate
City of Pleasanton

Ralph Johnson, Regular
Castro Valley Sanitary District

Ayn Wieskamp, Regular
East Bay Regional Park District

Georgian Vonheeder-Leopold, Alternate
Dublin San Ramon Services District

Sblend Sblendorio, Chair
Public Member

John Marchand, Alternate
Public Member

Alameda LAFCO and Contra Costa LAFCO adopted procedures in July 1997 to establish a framework for processing multi-county district spheres of influence and change of organization proposals. In accordance with these procedures, the Executive Officer of both LAFCOs consulted and reviewed the proposed annexation and reached consensus regarding the transfer of jurisdiction. Contra Costa LAFCO's request to transfer jurisdiction indicates that they agree to assume exclusive jurisdiction for the change of organization proposal. Upon approval by Alameda LAFCO, the proposal will be placed on the next available Contra Costa LAFCO agenda for consideration.

Alternatives for Action

The following alternatives are available to the Commission:

Alternative One (Recommended):

Approve Contra Costa LAFCO's transfer of jurisdiction request to consider the proposed 285 Lark Lane annexation and sphere of influence amendment of approximately 18.3 acres to EBMUD

Alternative Two:

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

Recommendation

It is recommended the Commission proceed with Alternative Action One.

Respectfully,



Rachel Jones
Executive Officer

Attachments:

1. Contra Costa LAFCO staff report requesting transfer of jurisdiction dated November 10, 2021



CONTRA COSTA LOCAL AGENCY FORMATION COMMISSION

40 Muir Road, 1st Floor • Martinez, CA 94553

e-mail: LouAnn.Teixeira@lafco.cccounty.us

(925) 313-7133

Lou Ann Teixeira
Executive Officer

MEMBERS

Candace Andersen
County Member

Donald A. Blubaugh
Public Member

Tom Butt
City Member

Igor Skaredoff
Special District Member

Federal Glover
County Member

Michael R. McGill
Special District Member

Rob Schroder
City Member

ALTERNATE MEMBERS

Diane Burgis
County Member

Stanley Caldwell
Special District Member

Charles R. Lewis, IV
Public Member

Edi Birsan
City Member

November 10, 2021 (Agenda)

Contra Costa Local Agency Formation Commission
40 Muir Road, 1st Floor
Martinez, CA 94553

November 10, 2021
Agenda Item 8

Request to Transfer Principal County Responsibility from Alameda LAFCO to Contra Costa LAFCO – Sphere of Influence Amendment and Corresponding Annexation to East Bay Municipal Utility District – 285 Lark Lane – Alamo

Dear Members of the Commission:

When a change of organization (e.g., annexation) to a multi-county special district is proposed, the Cortese-Knox-Hertzberg Act (CKH) vests exclusive jurisdiction with the commission of the principal county, that is, the commission in the county having the largest portion of assessed value within the subject district.

The CKH (i.e., §§56123, 56124, 56387, 56388) provides a mechanism to transfer jurisdiction of such proposals to a commission other than the commission of the principal county. In order to transfer exclusive jurisdiction over a change of organization, the commission of the principal county must agree to relinquish jurisdiction and designate a specific commission to assume jurisdiction. The commission so designated must agree to assume exclusive jurisdiction.

Alameda and Contra Costa LAFCOs have several special districts which cross county boundary lines. In addition to State laws that govern boundary changes and the transfer of jurisdiction, Alameda and Contra Costa LAFCOs adopted *Procedures for Processing Multi-County Changes of Organization or Reorganization – Alameda and Contra Costa LAFCOs* in 1997. Alameda and Contra Costa LAFCOs have a history of transferring jurisdiction for both boundaries and spheres of influence (SOIs) in accordance with the adopted procedures.

On September 27, 2021, Contra Costa LAFCO received applications to amend the SOI and annex property to the East Bay Municipal Utility District (EBMUD). The parcel is located in Alamo (unincorporated Contra Costa County) and totals 18.34± acres. The landowner/applicant proposes to annex a portion of the parcel (3.14± acres). Municipal water is needed to support a proposed single-family home. Numerous attempts have been made at local well digging with no success.

The adopted Alameda and Contra Costa LAFCO procedures provide for an initial review and consultation by the LAFCO Executive Officers. The Executive Officers have consulted and conclude that transferring jurisdiction for these proposals would greatly simplify processing.

RECOMMENDATION – It is recommended that Contra Costa LAFCO agree to assume exclusive jurisdiction for these proposals and authorize LAFCO staff to send a letter (Attachment 2) to Alameda LAFCO requesting a transfer of jurisdiction in conjunction with these proposals.

Sincerely,

LOU ANN TEXEIRA
EXECUTIVE OFFICER

Attachment 1 - Draft Letter to Alameda LAFCO Requesting Transfer of Jurisdiction

c: Rachel Jones, Executive Officer, Alameda LAFCO
Jack Flynn, Customer Services Manager, EBMUD
Taso Tsakos, Landowner
John Mellar, Aliquot Engineers



CONTRA COSTA LOCAL AGENCY FORMATION COMMISSION

40 Muir Road, 1st Floor • Martinez, CA 94553

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Lou Ann Teixeira
Executive Officer

MEMBERS

Candace Andersen
County Member

Donald A. Blubaugh
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Tom Butt
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Igor Skaredoff
Special District Member

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Michael R. McGill
Special District Member

Rob Schroder
City Member

ALTERNATE MEMBERS

Diane Burgis
County Member

Stanley Caldwell
Special District Member

Charles R. Lewis, IV
Public Member

Edi Birsan
City Member

November 10, 2021

Attachment 1

Rachel Jones, Executive Officer
Alameda LAFCO
224 West Winton, Suite 110
Hayward, California 94544

Dear Ms. Jones:

Contra Costa LAFCO recently received applications to amend the sphere of influence (SOI) for the East Bay Municipal Utility District (EBMUD) and a corresponding annexation application. The subject parcel (Assessor Parcel Number 198-230-017) is located at 285 Lark Lane in unincorporated Alamo. The parcel totals 18.34± acres. Municipal water is needed to support a proposed single-family home. Numerous attempts have been made at local well digging with no success.

Since Alameda is the principal county for EBMUD, this is a formal request, pursuant to Government Code §§56387 and 56388 and our *Procedures for Processing Multi-County Changes of Organization or Reorganization – Alameda and Contra Costa LAFCOs*, that Alameda LAFCO grant exclusive jurisdiction to Contra Costa LAFCO for the proposed SOI amendment and corresponding boundary change. This request for transfer of jurisdiction was approved by Contra Costa LAFCO on November 10, 2021 at which time the Commission agreed to assume exclusive jurisdiction for the proposed SOI amendment and boundary change subject to Alameda LAFCO's approval of a transfer of jurisdiction.

We previously sent the landowner's payment to Alameda LAFCO of \$300 for the transfer of jurisdiction. We respectfully request that this matter be placed on your next available LAFCO agenda for consideration. Please contact me if you have any questions. Thank you for your assistance.

Sincerely,

LOU ANN TEXEIRA
EXECUTIVE OFFICER

c: Jack Flynn, Customer Services Manager, EBMUD
Taso Tsakos, Landowner

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AGENDA REPORT

January 13, 2022

Item No. 5d

TO: Alameda Commissioners**FROM:** Rachel Jones, Executive Officer**SUBJECT:** Approval Request |
Out of Area Service Agreement for 871 Sycamore Road and City of Pleasanton

The Alameda Local Agency Formation Commission (LAFCO) will consider making a temporary administrative approval by the Executive Officer permanent for an out of area service agreement for wastewater services involving the City of Pleasanton. The agreement authorizes the City to provide public wastewater service to one unincorporated and developed single-family residential parcel that was approved by the Executive Officer consistent with policies of a documented public health and safety threat involving a failed septic system. Approval has been termed on receipt of the landowners filing a pre-annexation agreement with the affected territory. Staff recommends approval.

Background**State and Policy Direction**

Government Code (G.C.) Section 56133 prohibits cities or special districts from providing new or extended services by contracts or agreements outside of their jurisdictional boundaries without LAFCO review and approval less certain limited exemptions. In addition, cities or districts may only provide services by contract or agreement outside of their jurisdictional boundaries and within their spheres of influence in anticipation of later changes of organization to annex the affected territory. If the affected territory lies outside the subject agencies' sphere of influence, out of area services may only be extended in response to documented threats to health and safety of the public or residents.

Alameda LAFCO's adopted policies outline procedures to consider requests for cities and districts to provide out of area service agreements. These policies include providing the Executive Officer with administrative authority to approve temporary services in response to public health and safety threats. Applicants provided substantiating documentation from the Alameda County Department of Environmental Health (ACDEH) for the administrative approval.

Administrative Office

Rachel Jones, Executive Officer
224 West Winton Avenue, Suite 110
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Nate Miley, Regular
County of Alameda

David Haubert, Regular
County of Alameda

Dave Brown, Alternate
County of Alameda

Bob Woerner, Regular
City of Livermore

Melissa Hernandez, Reg
City of Dublin

Karla Brown, Alternate
City of Pleasanton

Ralph Johnson, Regular
Castro Valley Sanitary District

Ayn Wieskamp, Regular
East Bay Regional Park District

Georgian Vonheeder-Leopold, Alternate
Dublin San Ramon Services District

Sblend Sblendorio, Chair
Public Member

John Marchand, Alternate
Public Member

Administrative Approval

Alameda LAFCO received a request from one landowner – Terry and Aaron Dubord – in October of 2021 for approval to enter into an out of area service agreement for wastewater service with the City of Pleasanton in advance of processing a change of organization. The service agreement involves the connection of one contiguous unincorporated and developed single-family residential parcel to the City’s public wastewater system to respectively remedy a failing onsite septic system. The subject parcel is located at 871 Sycamore Road and 0.94 acres in size. The parcel lies within the City’s sphere of influence. Staff coordinated with the City and the Executive Officer proceeded to issue an administrative approval on November 15th. Approval was termed on the landowners filing a pre-annexation agreement with the City.

Discussion

This item is for the Commission to approve an earlier administrative approval by the Executive Officer involving an out of area service agreement allowing the City of Pleasanton to extend wastewater service to 871 Sycamore Road. The item also provides the Commission the opportunity to offer related direction in processing these types of requests proceeding forward consistent with membership preferences. Lastly, the Commission may include terms and conditions to the OASA that were not included in the administrative approval.

Analysis

The Executive Officer’s administrative approval allowing the City of Pleasanton to contractually extend wastewater service beyond its jurisdictional boundary to 871 Sycamore Road conforms to Alameda LAFCO policies and practices. Approval expedites the connection of the developed residential subject parcel to the City’s public wastewater system and follows coordination with ACDEH attesting to the public health and safety threat associated with the failing septic system. Approval has also been termed on the receipt of a pre-annexation agreement with the City to ultimately align with the Commission’s preference for services to conform to jurisdictional boundaries. Permanent approval of the temporary service agreement serves to formalize the approval under statute and clarifies the Commission’s interest in the Executive Officer administratively processing future requests similarly.

Alternatives for Action

The following alternatives are available to the Commission:

Alternative One (Recommended):

Approve an out of area service agreement between the City of Pleasanton and 871 Sycamore Road, making permanent the temporary out of area service agreement dated November 15, 2021 as provided in Attachment 1.

Alternative Two:

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

Alternative Three:

Disapprove of the permanent approval.

Recommendation

It is recommended the Commission proceed with Alternative Action One.

Respectfully,



Rachel Jones
Executive Officer

Attachments:

1. Draft Resolution
2. Application Materials
3. Certificate of Administrative Approval

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ALAMEDA LOCAL AGENCY FORMATION COMMISSION

RESOLUTION NO. 2022-02

**APPROVAL ANNEXATION OF OUT OF AREA SERVICE AGREEMENT BETWEEN
THE CITY OF PLEASANTON AND 871 SYCAMORE ROAD FOR THE PROVISION
OF WASTEWATER SERVICES**

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 (Resolution No. 21-, dated November 2, 2021) was filed with the Executive Officer of the Alameda Local Agency Formation Commission by the City Council of Pleasanton, pursuant to Title 5, Division 3, commencing with Section 56000 of the California Government Code; and

WHEREAS, said resolution is for the purpose of requesting approval of an out of area service agreement (OASA) to extend wastewater services outside the City of Pleasanton’s jurisdictional boundary to the affected territory located at 871 Sycamore Road; 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 56133 and adopted local policies and procedures; and

WHEREAS, a public meeting was held on January 13, 2022, 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 January 13, 2022.
2. The City of Pleasanton serves as the lead agency under the California Environmental Quality Act (CEQA) in considering the impacts of the proposal. The City finds the action is a project under CEQA Guidelines, but exempt from further review under Section 15061(b)(3). The Commission independently concurs with the City’s findings.

3. The agreement will permit the permanent provision of wastewater services to the property located at 871 Sycamore Road in the unincorporated community of Happy Valley in Alameda County.
4. The service agreement will not facilitate a change of land use, promote or induce growth on the property or surrounding properties, or facilitate the delivery of other types of services or functions; and
5. That, the City of Pleasanton requests an out of area service agreement between the City of Pleasanton and the subject property owners for the provision of wastewater service to the property located at 871 Sycamore Road in the unincorporated community of Happy Valley is hereby approved and authorized subject to any and all terms and conditions as set forth in the service agreement between the City of Pleasanton and the subject property owners.
6. As allowed under Government Code 56107, the Commission authorizes the Executive Officer to make non-substantive corrections to this resolution to address any technical defect, error, irregularity, or omission.

PASSED AND ADOPTED by the Alameda Local Agency Formation Commission on January 13, 2021 by the following vote:

AYES:

NOES:

ABSTAIN:

ABSENT:

APPROVED:

“ ”

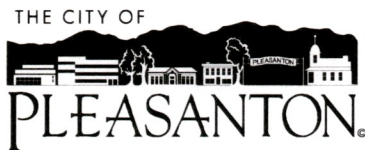
Chair

ATTEST:

Rachel Jones
Executive Officer

APPROVED TO FORM:

Andrew Massey
Legal Counsel



CITY COUNCIL AGENDA REPORT

November 2, 2021
Community Development Department
Planning

TITLE: CONSIDER ADOPTION OF A RESOLUTION APPROVING A PREANNEXATION AGREEMENT WITH ZOLU LLC FOR A SANITARY SEWER CONNECTION FOR AN EXISTING RESIDENCE WITH A FAILING SEPTIC SYSTEM LOCATED AT 871 SYCAMORE ROAD IN UNINCORPORATED HAPPY VALLEY

SUMMARY

Zolu LLC, property owner of 871 Sycamore Road, is requesting a connection to the City's sanitary sewer system because the existing septic system that serves the residence is failing. The subject site is located in the Happy Valley Specific Plan (HVSP) area but is outside of the City limits. Prior to allowing properties outside of the City limits to connect to City utilities, the City requires the property owner enter into a preannexation agreement. If approved, a party (the City, the County or the property owner) must apply for and receive an out-of-area service agreement from the Alameda County Local Agency Formation Commission (LAFCo) as well as the approval of the Livermore-Amador Valley Water Management Agency (LAVWMA).

RECOMMENDATION

1. Approve the Preannexation Agreement between Zolu LLC and the City of Pleasanton, subject to modifications approved by the City Manager and City Attorney and authorize the City Manager to execute the agreement.
2. Authorize an application be filed with LAFCo for the extension of sanitary sewer service to this property.
3. Authorize connection of 871 Sycamore Road (APN 949-0006-009) to the City's sanitary sewer system, provided: all connection work is done to the satisfaction of the City Engineer; all fees are paid and costs are borne by the property owner; and the proposed extension of City services is approved by LAFCo and LAVWMA.

FINANCIAL STATEMENT

The property owner would be required to pay all costs associated with extending the sanitary sewer system, including City, County, and LAFCo permitting costs, and other agency fees and connection charges.

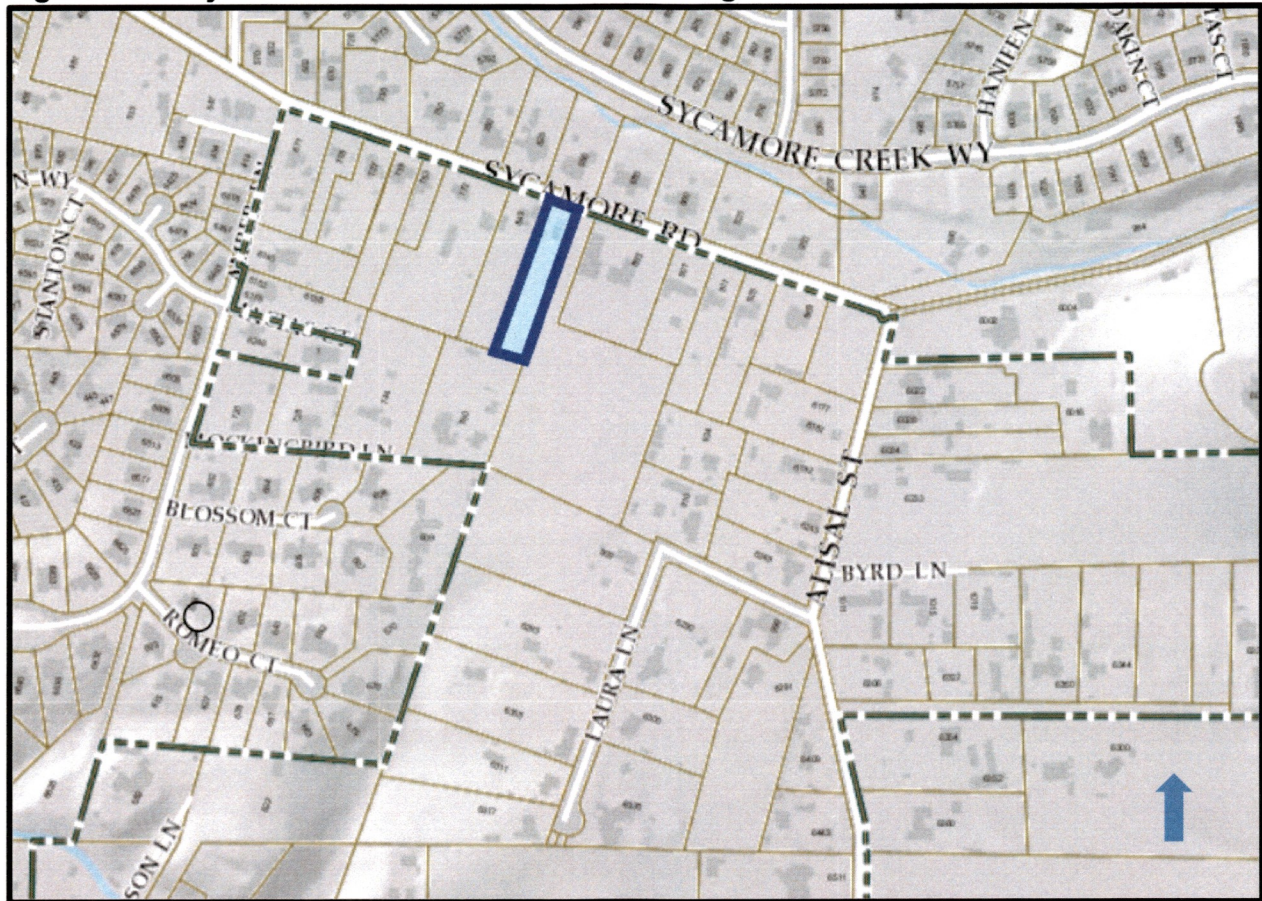
BACKGROUND

In the Happy Valley area of southern Pleasanton, some properties are within the City limits, and other properties remain in unincorporated Alameda County. The City provides municipal water and sewer services to properties within the City limits. Properties in unincorporated Alameda County typically have private water wells and private septic systems. However, due to the Alameda County Department of Public Health's concerns about high nitrate concentrations from private septic systems and livestock contaminating groundwater, the Alameda County Department of Environmental Health (ACDEH) does not permit new septic systems in unincorporated Happy Valley area. Rather, the ACDEH encourages owners of property in unincorporated Happy Valley to connect to City water and sewer services. This can be done by an out-of-area service agreement approved by the City, the Alameda County Local Agency Formation Commission (LAFCo) and Livermore-Amador Valley Water Management Agency (LAVWMA).

In September 2014, the LAFCo Board of Commissioners voted to delay approval of such out-of-area service agreements and requested that the City conduct a study to analyze the feasibility and financial impact to extend water and sanitary services throughout the entire Happy Valley area of Alameda County. The City had RMC Engineering conduct the study (the *Technical Memorandum Happy Valley Water & Sewer Study* Nov. 2016) to determine how and at what cost City water and sanitary sewer services could be extended into the Happy Valley area so every property could connect if desired, not just the properties close to existing City water and sanitary sewer pipelines. The RMC study determined the cost (in 2014) to extend water and sanitary sewer would be approximately \$5.7 million. The study was presented to LAFCo and Alameda County. Alameda County has advised that funding is not available to construct the water and sanitary sewer extensions to properties in unincorporated Happy Valley as identified in the study. The City subsequently adopted a policy to allow properties within the unincorporated areas of Happy Valley that are within the City's urban growth boundary to apply for City water and sanitary sewer connections on a case-by-case basis [see City Council Resolution No. 17-961 (Res. 17-961), provided as Attachment 2]. If pursuant to Res. 17-961 the City approves a preannexation agreement, the property owner must still petition LAFCo for approval of an out-of-area service agreement, as well as obtain consent of LAVWMA.

The subject site at 871 Sycamore Road is located in unincorporated Alameda County, but within Pleasanton's Happy Valley Specific Plan (HVSP) urban growth boundary area (see Figure 1). The site is currently occupied by a single-family residence, supported by an on-site groundwater well and septic system. An existing City-owned sanitary sewer main is located directly in the front of the site.

Figure 1: Subject Site Location and Surroundings



DISCUSSION

Res. 17-961 allows Happy Valley properties within the City's urban growth boundary to apply for City water and sanitary sewer services on a case-by-case basis subject to the following factors:

Property owner(s) executing and having recorded against the property a pre-annexation agreement which provides that the owner(s) shall (as applicable):

- a. pay sanitary sewer connection fees;
- b. pay all costs associated with making physical connections to City sanitary sewer service in a manner consistent with City standards in the determination of the City Engineer or designee;
- c. abandon the existing septic system on the property;
- d. pay pro-rata share of previously constructed City sanitary sewer infrastructure in Happy Valley;
- e. pay pro-rata share of future frontage improvements along the property if the County or City in the future undertake public street frontage improvements (including, but not limited to, curb, gutter/stormdrain system, sidewalk, street lights, etc.);
- f. agree to (or vote in favor if) any future proposed annexation of the property to the City;

- g. obtain City design review approval for any future addition or alteration to the property requiring a building permit from the County;
- h. agree to not subdivide the property;
- i. pay all City and County processing fees for LAFCo;
- j. obtain approval of LAVWMA, as applicable.

As part of the request, the property owner submitted an inspection report for the existing septic tank system, prepared by Superior Construction Service and dated July 23, 2021. The inspection report states the existing septic system and leach field appeared to be approximately 50 years old, and the leach field has collapsed and plugged. The report further states, "It is my opinion that the system needs to be upgraded with new piping and leach fields. It could be possible to re-use the septic tank at this time but not advisable." (see Attachment 3). Instead of upgrading the existing septic system as suggested, the property owner requests a sanitary sewer connection with the City to replace the existing on-site failing septic tank system. As noted above, the ACDEH has traditionally supported the replacement of septic systems with connections to the City's sewer system.

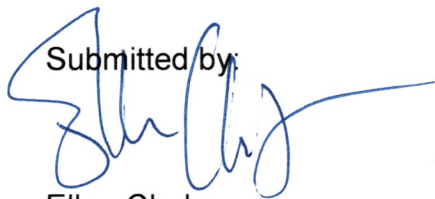
The City's sewer system shows there is a sanitary sewer line within Sycamore Road located directly in front of the site. Engineering Department staff indicate the sewer line within Sycamore Road has the capacity to handle the anticipated wastewater discharge from the subject residence. As such, staff supports the request for a sewer connection, and recommends the City Council approve the requested sanitary sewer connection and authorize the City Manager to execute a preannexation agreement with the property owner including the service provisions listed in Res. 17-961. The draft preannexation agreement (Attachment 1) includes language reflecting these provisions. If the Council approves the requested connection, a hearing must be scheduled before LAFCo. While per Cal. Government Code §56133 the City's past practice has been to apply to LAFCo on behalf of the property owner located outside of City limits, the applicant will be asked to submit their request to the LAFCo Board.

Staff has shared Res. 17-961 with the property owner; no objection to any of its requirements was received. Additionally, City staff conferred with LAFCo staff, who support the requested connection for health and safety reasons due to the failing septic system and the availability of City sanitary sewer service.

In addition to LAFCo's approval on service extensions, the request needs to be supported by LAVWMA. In November 2018, the LAVWMA Board of Directors preapproved up to ten (10) extensions each in the unincorporated Happy Valley and Remen Tract areas, subject to LAFCo approval and a four-year sunset limitation. If approved, the requested sanitary sewer connection would be the fourth of the pre-approved ten connections.

The owner is not requesting to connect to the City water system at this time. Future water connection request will require the same pre-annexation process, and review and approval by the City Council prior to LAFCo and LAVWMA boards' approval.

Submitted by:



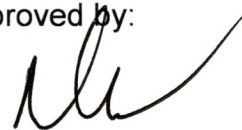
Ellen Clark
Director of
Community Development

Fiscal Review:



Tina Olson
Director of Finance

Approved by:



Nelson Fialho
City Manager

Attachment:

1. Draft Resolution with preannexation agreement
2. City Council Resolution No. 17-961
3. Inspection Report by Superior Construction Services

RESOLUTION NO. 21-**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PLEASANTON APPROVING A PREANNEXATION AGREEMENT TO PROVIDE A SANITARY SEWER CONNECTION FOR 871 SYCAMORE ROAD (ZOLU, LLC) AND AUTHORIZING AN APPLICATION TO THE LOCAL AGENCY FORMATION COMMISSION FOR AN OUT-OF-AREA SERVICE AGREEMENT**

WHEREAS, at the meeting of November 2, 2021, the City Council received a report from the Director of Community Development regarding the request from Zolu, LLC for a sanitary sewer connection to an existing residence located at 871 Sycamore Road in the unincorporated Happy Valley area of Alameda County; and

WHEREAS, Cal. Government Code §56133 requires that a city make an application to the Local Agency Formation Commission (LAFCo) for an Out-of-Area Service Agreement before connecting any property outside the city limits to city sanitary sewer service; and

WHEREAS, the request meets the criteria for out-of-area service prior to annexation due to: the property being located within the City's sphere of influence, the failure of the existing septic system, and the owner's consent to enter into an agreement which meet the City's interests; and

WHEREAS, the request additionally meets the criteria for the provision of out-of-area sanitary sewer service prior to annexation as the property owners agree to: a) pay sanitary sewer connection fees; b) pay all costs associated with making physical connections to City sanitary sewer system in a manner consistent with City standards in the determination of the City Engineer or designee; c) abandon the existing septic system on the property; d) pay pro-rata share of previously constructed City sanitary sewer infrastructure in Happy Valley; e) pay pro-rata share of future frontage improvements along the property if the County or City in the future undertake public street frontage improvements (including, but not limited to, curb, gutter/stormdrain system, sidewalk, street lights, etc.); f) agree to (or vote in favor if) any future proposed annexation of the property to the City; g) obtain City design review approval for any future addition or alteration to the property requiring a building permit from the County; h) agree to not subdivide the property; i) pay all City and County processing fees for LAFCo; receive approval from LAFCO; and (j) receive approval from the Livermore Amador Valley Water Management Agency (LAVWMA), as applicable.

NOW, THEREFORE BE IT RESOLVED THAT THE CITY COUNCIL OF THE CITY OF PLEASANTON DOES RESOLVE, DECLARE, DETERMINE AND ORDER THE FOLLOWING:

SECTION 1. That this request is categorically exempt from review under the California Environmental Quality Act pursuant to Title 14 California Code of Regulations §15303(d) for new sewage extension.

SECTION 2. Approves the request for sanitary sewer service connection to the property at 871 Sycamore Road, which connection is conditioned on LAFCo approval, and authorizes the City Manager to execute a Preannexation Agreement with Zolu, LLC in generally the form shown in the attached Exhibit A, subject to minor modifications approved by the City Manager and City Attorney.

SECTION 3. Authorizes staff to coordinate with the property owner and Alameda County to file an application with LAFCo for its consideration of an Out-of-Area Service Agreement for the City to provide sanitary sewer service to the existing residence located at 871 Sycamore Road after receipt of the requisite filing fees.

SECTION 4. This resolution shall become effective immediately upon its passage and adoption.

PASSED, APPROVED AND ADOPTED by the City Council of the City of Pleasanton at a regular meeting held on November 2, 2021.

I, Jocelyn Kwong, Acting City Clerk of the City of Pleasanton, California, certify that the foregoing resolution was adopted by the City Council at a regular meeting held on the 2nd day of November, 2021, by the following vote:

Ayes:

Noes:

Absent:

Abstain:

Jocelyn Kwong, Acting City Clerk

Dated: _____

APPROVED AS TO FORM:

Daniel G. Sodergren, City Attorney

RECORDING REQUESTED BY and
When Recorded, Return to:

Office of the City Clerk
City of Pleasanton
P.O. Box 520
Pleasanton, CA 94566

Recording requested Pursuant to
Government Code Sections
27383 & 6103

**PREANNEXATION AND PROVISION OF SEWERAGE
FACILITY AND SERVICE AGREEMENT**

This Preannexation and Provision of Sewerage Facility and Service Agreement (the "Agreement") is made _____, 2021 between the City of Pleasanton, a municipal corporation (the "City") and Zolu LLC (the "Owner").

RECITALS

A. Owner is the owner of certain real property commonly known as 871 Sycamore Road (APN 949-0006-009), Pleasanton, CA, and more particularly described in Exhibit A (the "Property") and incorporated by this reference.

B. Owner wishes to remove the existing septic system on the Property and instead connect the existing home on the Property to the City's sanitary sewer system, even though the Property is located in the unincorporated area of Alameda County and not within the corporate limits of the City of Pleasanton.

C. Generally, City policy requires property to be annexed prior to extending City utility services.

D. Owner is willing to annex the Property to the City in the future either as part of a larger annexation or as part of a smaller annexation involving other property contiguous to the City.

E. City is willing to extend its sanitary sewer service to the Property only if there are assurances that the Property will not be further subdivided without City approval, any new residence and any future additions to structures on the Property are subject to City review and approval of the design, Owner will construct frontage improvements when the City or Alameda County proceed with such work, Owner pays all required fees, and approvals from other agencies are received.

NOW, THEREFORE, in consideration of the mutual covenants and conditions in this Agreement, City and Owner agrees as follows:

1. Sanitary Sewer Service. Owner may connect the existing residence on the Property to the City's sanitary sewer system prior to the City's annexation of the Property upon the satisfaction of all of the following conditions:

(a) Owner shall pay applicable Dublin San Ramon Services District (DSRSD) and City sanitary sewer connection fees.

(b) Owner shall connect to City sanitary sewer service in a manner consistent with City standards in the determination of the City Engineer or designee.

(c) Owner shall abandon the septic system on the Property in accordance with the requirements of the Alameda County Department of Environmental Health, and any other regulatory agencies, and shall provide the City a copy of such County and/or other regulatory agency approval upon City request.

(d) Owner shall pay a pro-rata share of previously constructed City sanitary sewer infrastructure in Happy Valley.

(e) Owner shall pay a pro-rata share of future frontage improvements along the Property if the County or City in the future undertake public street frontage improvements (including, but not limited to, curb, gutter/storm drain system, sidewalk, street lights, etc.).

(f) Owner acknowledges that Owner, via City as applicant, must receive approval from the Alameda County Local Agency Formation Commission (LAFCo), as well as pay all fees related to LAFCo for an application for the extension of sanitary sewer service to the Property.

Owner acknowledges that Owner may be required to receive approval from the Livermore-Amador Valley Water Management Agency (LAVWMA) for the extension of sanitary sewer service to the Property. If such approval is required, Owner agrees to pay all fees related to any such LAVWMA application.

2. Agreement to Annex. Owner shall consent to annexation of the Property to the City of Pleasanton at such time as the City may require. This Agreement, State and County laws, and City ordinances and resolutions shall control the responsibilities of both parties at the time of annexation. Owner shall cooperate with City in the annexation of the Property, whether as part of a larger area or as part of a smaller area; Owner expressly waives the right to protest said annexation and shall agree to do no act calculated or tending to prevent, impede, or defeat the successful annexation of the Property. More specifically, by signing this Agreement, Owner acknowledges and agrees that if: (a) any annexation is subject to an election, the Owner deems Owner's vote as counted as a vote in favor of annexation; or (b) Owner shall sign as consenting to any annexation application if annexation is for a smaller area.

3. No Further Subdivision. Owner shall not subdivide the Property without the prior approval of the City, unless preempted by State law.

4. Design Review Approval. Owner shall submit any future plans for the development of the Property to the City for the City's review and approval. Assuming the Property is still in the unincorporated area of Alameda County at the time the Owner intends to apply for a building permit for the Property, Owner shall neither apply for nor obtain a building permit from the County of Alameda unless and until City has approved the design of the plans for any proposed redevelopment, additions, and new construction on the Property, excepting an accessory dwelling unit which shall not be subject to City design review.

5. Bonded Debt. Owner consents that, upon annexation of the Property to the City, said Property shall be taxed to pay their share of existing bonded indebtedness of City. This Agreement shall serve as such consent, and a copy shall be filed with Treasurer-Tax Collector of Alameda County, if evidence of such consent is required.

6. Benefit or Assessment Districts. Owner shall cooperate with City in the formation of any mutual benefit districts or assessment districts which City deems necessary for the installation of public improvements serving, in whole or in part, the Property, whether such districts are formed at the time of annexation or some time in the future. In this regard, Owner waives their right to protest the formation of any of said districts and shall do no act calculated or tending to prevent, impede, or defeat the successful formation thereof; provided, however, that this waiver is not intended, nor shall it be construed, to affect or limit the rights of the Owner to participate in the hearings and/or other aspects of the district formation proceedings to the extent necessary and appropriate to protect and further the Owner's interest or the public interests so long as said action does not tend to prevent or defeat the formation of the districts.

7. Covenants Running with the Land. All of the provisions contained in this Agreement shall be binding upon the Owner and Owner's respective heirs, successors and assigns, representatives, lessees, and all other persons acquiring all or a portion of the Property, or any interest therein, whether by operation of law or in any manner whatsoever. All of the provisions contained in this Agreement shall be enforceable as equitable servitudes and shall constitute covenants running with the land pursuant to California law including, without limitation, California Civil Code §1468.

8. Recording. The execution of this Agreement shall be acknowledged before a Notary Public, and the Agreement shall be recorded with the Recorder of Alameda County.

IN WITNESS WHEREOF, the parties have executed this Agreement on the day set forth above.

CITY OF PLEASANTON

OWNER – ZOLU, LLC

Nelson Fialho, City Manager

Terence R. Dubord, Manager

ATTEST:

Jocelyn Kwong, Acting City Clerk

APPROVED AS TO FORM:

Daniel G. Sodergren, City Attorney



RESOLUTION NO. 17-961

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PLEASANTON RESCINDING RESOLUTION 16-828 (INTERIM POLICY), AND ALLOWING PROPERTIES WITHIN THE UNINCORPORATED HAPPY VALLEY TO: APPLY FOR CITY WATER AND/OR CITY SEWER SERVICES, WHICH APPLICATIONS WILL BE CONSIDERED ON A CASE-BY-CASE BASIS USING SPECIFIED FACTORS; OR APPLY FOR ANNEXATION

WHEREAS, at its February 21, 2017 meeting, the City Council accepted the report of the Department of Engineering regarding the *Technical Memorandum Happy Valley Water & Sewer Study* (RMC Nov. 2016) evaluating existing water and sewer facilities in Happy Valley, improvements needed to serve the area's future development, and estimated capital costs of such improvements; and

WHEREAS, after forwarding the *Technical Memorandum* to the County of Alameda the City received a letter dated June 7, 2017 from the County advising that "the County does not have the resources available to provide the City of Pleasanton with its requested funding of \$5 million to extend the proposed utility services [in Happy Valley as described in the *Technical Memorandum*]" and

WHEREAS, based on continued interest from property owners within the unincorporated Happy Valley area seeking to receive City water and/or City sewer services, the City Council will allow such applications to be received and considered on a case-by-case basis (similar to the preceding December 3, 2002 policy), subject to the factors described in this resolution, and will also allow for annexation applications.

NOW, THEREFORE BE IT RESOLVED THAT THE CITY COUNCIL OF THE CITY OF PLEASANTON DOES RESOLVE, DECLARE, DETERMINE AND ORDER THE FOLLOWING:

SECTION 1. The City Council rescinds Resolution No. 16-828 (interim policy).

SECTION 2. The City Council authorizes staff to accept applications from property owners within the unincorporated Happy Valley area for City water service and/or City sewer service which will be considered on a case-by-case basis subject to the following factors:

- A. Property owner(s) executing and having recorded against the property a pre-annexation agreement which provides that the owner(s) shall (as applicable):
 - a. pay water and/or sewer connection fees;
 - b. pay all costs associated with making physical connections to City water service and/or City sewer service in a manner consistent with City standards in the determination of the City Engineer or his or her designee;
 - c. abandon the existing septic system on the property if connecting to City sewer service;
 - d. pay pro-rata share of previously constructed City water and/or City sewer infrastructure in Happy Valley;
 - e. pay pro-rata share of future frontage improvements along the property if the County or City in the future undertake public street frontage improvements

- (including, but not limited to, curb, gutter / stormdrain system, sidewalk, street lights, etc.);
- f. agree to (or vote in favor of) any future proposed annexation of the property to the City;
 - g. obtain City design review approval for any future proposed addition or alteration to the property requiring a building permit from the County; and
 - h. does not represent City approval of any future subdivision of the property.
- B. The Local Agency Formation Commission (LAFCo)'s approval of an out of area service agreement and owner(s) payment of all City and County processing fees;
- C. The residence(s) on the property generally must be within the City's urban growth boundary;
- D. The (proposed) use of the property is consistent with the General Plan and Happy Valley Specific Plan .

SECTION 3. The City Council authorizes staff to accept applications for annexation from property owners within the unincorporated Happy Valley area, subject to the requirements of the General Plan and Happy Valley Specific Plan, and payment of all requisite City, County, and LAFCo processing fees and costs related to such applications.

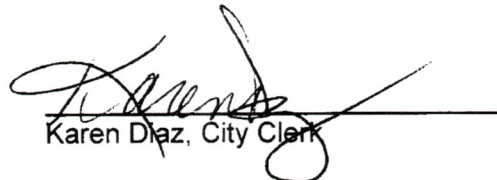
SECTION 4. The factors described in Section 2, above, are not required to be considered in emergency situations involving an existing or pending public health and safety threat as determined by the Director of Engineering or his or her designee, LAFCo policies and California Government Code §56133(c).

SECTION 5. Finds that the rescission of Res. 16-828 and adoption of the specified factors for case-by-case consideration of applications by properties in the unincorporated Happy Valley area for City water service and/or City sewer service are exempt from the California Environmental Quality Act (CEQA) as there is no possibility that the actions may have a significant effect on the environment per Title 14 Cal. Code of Regs. §15061(b)(3), as future applications for service will each be subject to separate environmental review unless exempted as an individual utility connection per Title 14 Cal. Code of Regs. §15268(b)(4).

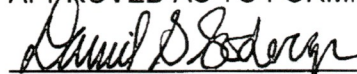
PASSED, APPROVED AND ADOPTED by the City Council of the City of Pleasanton at a regular meeting held on July 18, 2017.

I, Karen Diaz, City Clerk of the City of Pleasanton, California, certify that the foregoing resolution was adopted by the City Council at a regular meeting held on the 18th day of July, 2017, by the following vote:

Ayes: Councilmembers Brown, Narum, Olson, Pentin, Mayor Thorne
Noes: None
Absent: None
Abstain: None


Karen Diaz, City Clerk

APPROVED AS TO FORM:


Daniel G. Sodergren, City Attorney

**ALAMEDA LOCAL AGENCY FORMATION COMMISSION
RESOLUTION NO. 2016-09
(AMENDMENT OF RESOLUTION NO. 2016-06)**

**RETROACTIVE APPROVAL OF OUT-OF-AREA SERVICE AGREEMENTS FOR THE
PROVISION OF SEWER AND WATER SERVICES TO PROPERTIES LOCATED IN
UNINCORPORATED HAPPY VALLEY, REMEN TRACT,
AND WEST OF FOOTHILL/SUNOL AREAS**

WHEREAS, Resolution No. 16-842 dated April 19, 2016 from the City of Pleasanton was filed with the Alameda Local Agency Formation Commission (LAFCo) on May 20, 2016;

WHEREAS, said resolution is for the purpose of requesting retroactive approval of out-of-area service agreements (OASAs) to extend water and sewer services outside city boundaries to properties located in the unincorporated communities of Happy Valley, Remen Tract and West of Foothill/Sunol areas as listed in Exhibit A;

WHEREAS, LAFCo's Executive Officer has reviewed the application and prepared a report, including her recommendations thereon, noting that, in accordance with the provisions of the California Environmental Quality Act (CEQA), LAFCo staff finds the subject project exempt pursuant to §15061(b)(3) of the CEQA Guidelines because the application is for retroactive approval of existing water and sewer service and §15061(b)(3) states that a project is exempt from CEQA where it can be seen with certainty that there is no possibility that the activity in question will have a significant effect on the environment;

WHEREAS, subject properties are located both within and without Pleasanton's sphere of influence;

WHEREAS, for the properties located within the sphere of influence, Pleasanton has indicated that it is not seeking annexation at this time because:

1. As concerns properties in the Happy Valley area, the City is conducting a comprehensive study of water and sewer service at the Commission's insistence that will provide information and guidance on a comprehensive solution for solving this community's water and sewer needs that may include annexation; and
2. As concerns properties in the Remen Tract, the property owners are opposed to annexation and there are significant infrastructure needs beyond water and sewer service that impose barriers to annexation; and
3. As concerns properties in the West of Foothill/Sunol area, many properties are not contiguous to the existing city boundary, and the properties are scattered such that annexation would not promote a logical boundary for the City;

WHEREAS, the necessity of continued provision of water and sewer services to subject properties in the West of Foothill/Sunol area outside of the City's sphere of influence constitutes an existing or impending threat to the health or safety of the public or the residents of the affected territory, to wit:

1. The City has provided documentation establishing that denial of the application will result in termination of water and sewer services to the affected properties because there is no other logical service provider, resulting in a health concern for residents of these properties; and
2. Staff have concluded there exist no alternative service providers to whom notice could be given; and
3. No water corporation has filed a map and a statement of its service capabilities with the Commission;

WHEREAS, in the form and manner prescribed by law, as well as direction from the Commission to mail notice to property owners that are the subject of this application, the Executive Officer has given notice of a public meeting by this Commission upon said application; and

WHEREAS, at a public meeting held on July 14, 2016, the Alameda LAF Co 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.

WHEREAS, the Commission heard and fully considered all the evidence presented at a public meeting held on July 14, 2016 on said proposal and adopted Resolution No. 2016-06 partially and conditionally approving Pleasanton's request for retroactive approval of OASAs to extend water and sewer services outside city boundaries to properties located in the unincorporated communities of Happy Valley, Remen Tract and West of Foothill/Sunol areas; and

WHEREAS, the Commission fully considered Commissioner Sblendorio's request to reconsider condition 2(b) in Resolution No. 2016-06 and received all oral and written testimony at a noticed public meeting held on September 8, 2016 and upon motion approved the request for reconsideration;

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

1. That the request of the City of Pleasanton for retroactive approval of out-of-area service agreements between the City and the subject property owners for the provision of sewer and water services to properties listed in Exhibit A in the unincorporated Pleasanton area is hereby approved and authorized with respect to those properties within the West of Foothill/Sunol and Happy Valley areas, in accordance with the following finding and orders:
 - a) That, having considered the existing agreements and other documentation regarding the existing service connections, the Commission finds that the OASAs in the West of Foothill/Sunol and Happy Valley areas are exempt from further CEQA review pursuant §15061(b)(3) of the CEQA Guidelines;
 - b) That the service agreements meet the requirements of Government Code §56133, as well as Alameda LAFCo's policies and procedures in that the City's rationale for not seeking annexation at this time is reasonable under the circumstances presented;
 - c) That the agreements will permit the provision of sanitary sewer and/or water services to the properties listed in Exhibit A in unincorporated Pleasanton in the West of Foothill/Sunol and Happy Valley areas, and to no other properties;
 - d) That the service agreements in the West of Foothill/Sunol and Happy Valley areas located within the City's sphere of influence will not facilitate a change of land use, promote or induce growth on the property or surrounding properties, or facilitate the delivery of other types of services or functions; and that the circumstances are such that annexation of said properties to the City of Pleasanton is not immediately feasible or requested;
 - e) With respect to properties in the West of Foothill/Sunol area outside of the City of Pleasanton's sphere of influence the City has provided documentation establishing that denial

of the application will result in termination of water and sewer services to the affected properties because there is no other logical service provider, resulting in a health concern for residents of these properties; there exist no alternative service providers to whom notice could be given; and no water corporation has filed a map and a statement of its service capabilities with the Commission.

2. Said retroactive approval of the OASAs in the West of Foothill/Sunol and Happy Valley areas is conditioned upon the following:
 - a) Any and all terms and conditions as set forth in the service agreements between Pleasanton and the subject property owners; and
 - b) The City of Pleasanton shall obtain any required retroactive approvals from the Livermore-Amador Valley Water Management Agency for OASAs providing for sewer service;
3. For the approved service connections that are outside Pleasanton's existing sphere of influence, LAFCo encourages Pleasanton to obtain pre-annexation agreements from property owners at the time that those properties are added to Pleasanton's sphere of influence.
4. Consideration of the OASAs in the Remen Tract is continued until after Staff works with the City of Pleasanton and the County of Alameda to conduct a community meeting to discuss possible annexation.
5. This resolution supersedes the prior Resolution No. 2016-06.

* * * * *

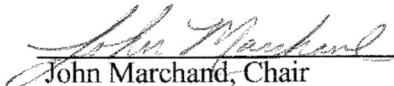
This Resolution was approved and adopted by the Alameda Local Agency Formation Commission at a regular meeting held on September 8, 2016 at the Dublin San Ramon Services District Board Room, located at 7051 Dublin Boulevard in Dublin, California on the motion made by Commissioner Sblendorio, seconded by Commissioner Thorne, and duly carried.

Ayes: 5 (Johnson, Marchand, Sblendorio, Thorne, Wieskamp)

Noes: 0

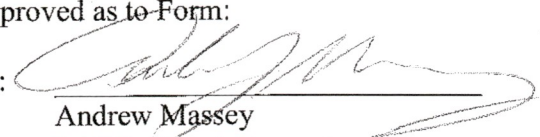
Abstain: 0

Absent: 2 (Haggerty, Miley)



John Marchand, Chair
Alameda Local Agency Formation Commission

Approved as to Form:

By: 

Andrew Massey
LAFCo Legal Counsel

CERTIFICATION:

I hereby certify that the foregoing is a correct copy of a resolution adopted by the Alameda Local Agency Formation Commission.

Attest: Mona Palacios
Mona Palacios, LAFCo Executive Officer

Date: 9/15/2016

Chart Identifying Subject Properties

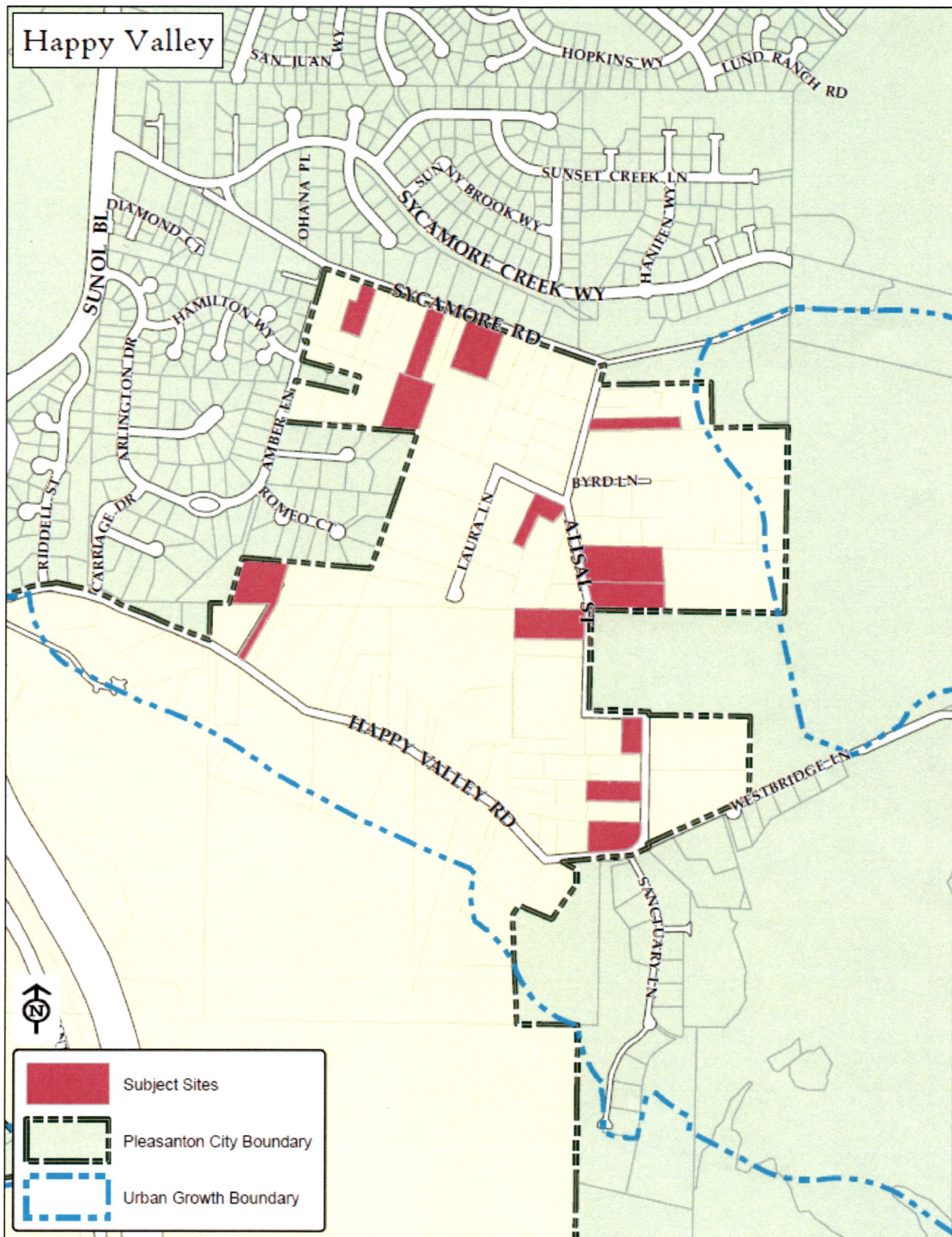
ATTACHMENT 1

	Geographic Area	APN	Address	Street Name	Owner(s) when service approved / connected	Date Agreement Signed	Type of Connection (water, sewer, or both)	Dates of Connection	Has Recorded Agreement ?	In PTCWD?	In Sphere of Influence?
1	Happy Valley	949 001500108	6034	Alisal Street	Tom and Barbara Daggett	11/13/2009	Both	Water: 12/03/2009 Sewer: 12/01/2009	Yes	No	Yes
2	Happy Valley	949 001500502	6352	Alisal Street	Daniel and Cindy Marks	10/04/2007	Sewer Only	10/04/2007	Yes	No	Yes
3	Happy Valley	949 001500501	6360	Alisal Street	Steve and Darlene Mix	07/17/2012	Both	Water: 08/06/2013 Sewer: 07/17/2013	No	No	Yes
4	Happy Valley	949 000700500	6511	Alisal Street	Marc and Deanna Fey	Unknown	Both	Water: 07/01/2010 Sewer: 07/01/2010	No	No	Yes
5	Happy Valley	949 000700800	6651	Alisal Street	K. Holmes; W. & B. Howell	03/26/2007	Sewer Only	09/01/2007	Yes	No	Yes
6	Happy Valley	949 000700914	6745	Alisal Street	Robert and Susan Dees	10/05/2004	No current account	Unknown	No	No	Yes
7	Happy Valley	949 000800303	582	Happy Valley Road	Ken and Kim Larson	07/20/2004	Both	Water: 10/06/2004 Sewer: 12/01/2004	Yes	No	Yes
8	Happy Valley	949 000701001	1070	Happy Valley Road	Tom and Carol Smith	07/17/2012	Sewer Only	05/01/2013	No	No	Yes
9	Happy Valley	949 000600101	760	Mockingbird Lane	Charles and Delores Gragg	10/03/2006	Sewer Only	01/01/2004	No	No	Yes
10	Happy Valley	949 000700314	999	East Mockingbird Lane	Mark and Colette Pellowski	12/06/2011	Both	Water: 07/07/2012 Sewer: 06/01/2012	No	No	Yes
11	Happy Valley	949 000600503	727	Sycamore Road	Ella Coffin	07/17/2012	No current account	Unknown	No	No	Yes
12	Happy Valley	949 000600800	849	Sycamore Road	Frank and Marie Silveira	Unknown	Both	Water: Unknown Sewer: 04/06/2006	No	No	Yes
13	Happy Valley	949 000701603	893	Sycamore Road	Ronald, Russey, and Roby Guerra	08/19/2008	No current account	Unknown	No	No	Yes
14	Remen Tract	946 170600600	332	Linden Way	Christopher and Elise Faber and HDF partnership	06/07/2011	Both	Water: 09/01/2012 Sewer: 09/01/2012	No	Yes	Yes
15	Remen Tract	946 170600900	368	Linden Way	Vincent and Nicole Eagan	Unknown	Both	Water: 07/16/2014 Sewer: 01/01/2014	No	Yes	Yes
16	Remen Tract	946 170401500	373	Linden Way	John and Kristin Neves	Unknown	Both	Water: 08/28/2013 Sewer: 01/01/2013	No	Yes	Yes
17	Remen Tract	946 170800500	3500	Vine Street	Edward and Wilma Shannon	Unknown	No current account	Unknown	No	Yes	Yes
18	Remen Tract	946 170800203	3548	Vine Street	John Cimino and Michelle Sifuentes	Unknown	Both	Water: 10/09/2006 Sewer: 01/01/2006	No	Yes	Yes
19	Remen Tract	946 170800400	3552	Vine Street	Timothy and Donna Scheele	Unknown	Both	Water: 01/15/2006 Sewer: 01/01/2006	No	Yes	Yes
20	Remen Tract	946 170401203	3689	Vine Street	Thomas Zanon & Cornelia Piokzanon	02/07/2006	No current account	Unknown	No	Yes	Yes
21	Remen Tract	946 170401303		Vine Street	Unknown	Unknown	No Current account	Unknown	No	Yes	Yes
22	Remen Tract	946 170800302		Vineyard Avenue	Guy Votaw	05/22/2000	No current account	Unknown	Yes	Yes	Yes
23	Remen Tract	946 170600700	411	Virginia Way	Richard and Rhonda Hempy	07/16/2008	Both	Water: 09/15/2011 Sewer: 01/01/2011	Yes	Yes	Yes
24	West of Foothill/Sunol	946 439100200	100	Castlewood Drive	Thomas and Bobbie Jorgenson	Unknown	Water Only	01/01/2012	No	Yes	Yes
25	West of Foothill/Sunol	946 439102902	105	Castlewood Drive	Scott Williams and Anatasie Martin	Unknown	Water Only	01/01/2013	No	Yes	Yes
26	West of Foothill/Sunol	946 439102800	109	Castlewood Drive	Thomas Krause	Unknown	Water Only	04/12/2006	Yes	Yes	Yes
27	West of Foothill/Sunol	946 444001100	7749	Country Lane	Ambrish and Hasmita Patel	Unknown	Water Only	Unknown	No	Yes	Yes
28	West of Foothill/Sunol	941 275000113	10633	Dublin Canyon Road	Ronald and Janice Staley	Unknown	Water Only	04/08/2005	No	No	Yes
29	West of Foothill/Sunol	941 260000206		Dublin Canyon Road	Mabel Lester	Unknown	No current account	Unknown	Yes	No	Yes

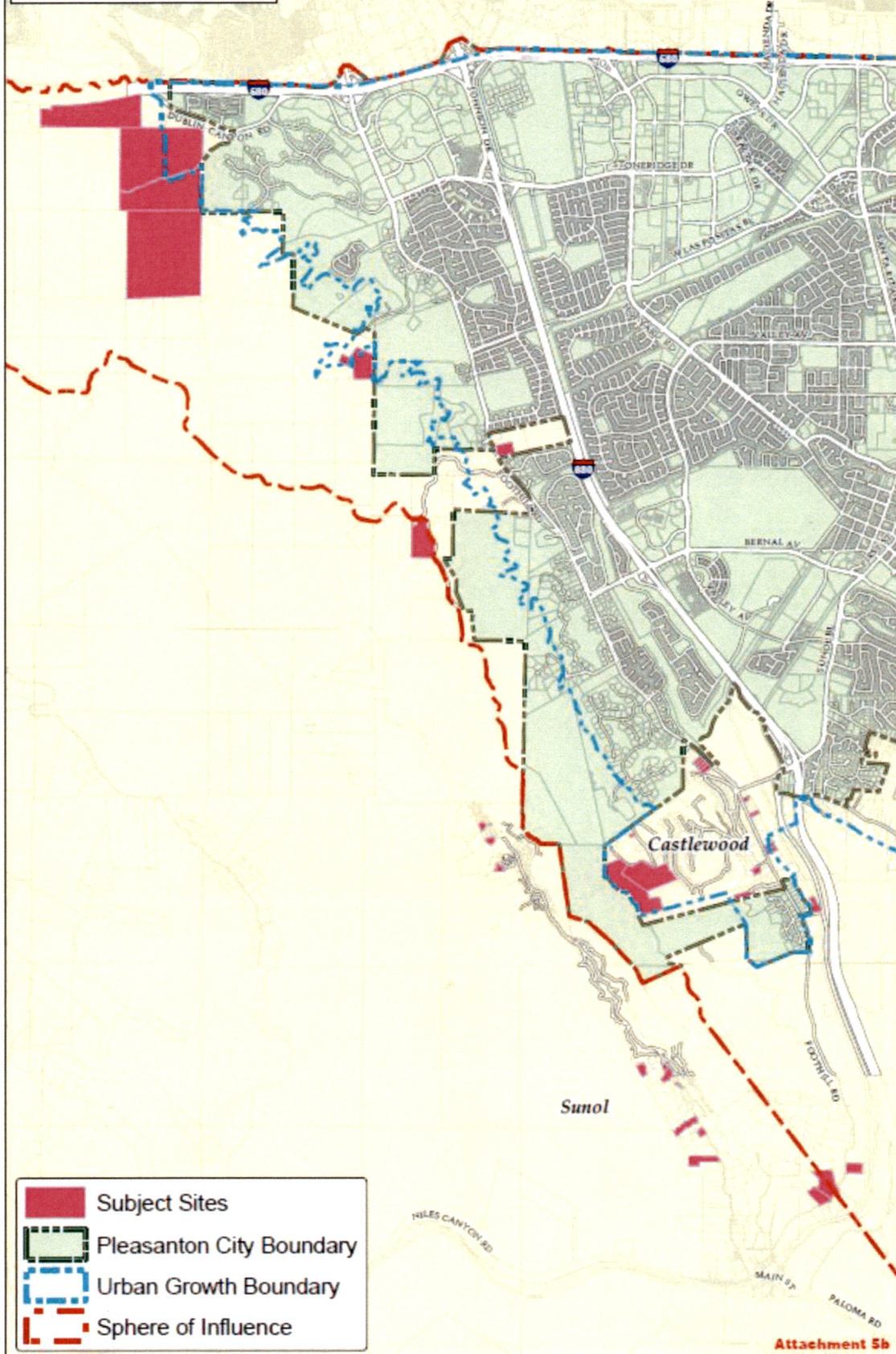
Chart Identifying Subject Properties

ATTACHMENT 1

	Geographic Area	APN	Address	Street Name	Owner(s) when service approved / connected	Date Agreement Signed	Type of Connection (water, sewer, or both)	Dates of Connection	Has Recorded Agreement ?	In PTCWD?	In Sphere of Influence?
30	West of Foothill/Sunol	941 260000209	11025	Dublin Canyon Road	East Bay Regional Park District	Unknown	No current account	Unknown	Yes	No	Yes
31	West of Foothill/Sunol	941 260000303		Dublin Canyon Road	East Bay Regional Park District	Unknown	No current account	Unknown	No	No	Yes
32	West of Foothill/Sunol	941 095000303	4131	Foothill Road	De Silva Group LLC	Unknown	Water Only	Unknown	No	Yes	Yes
33	West of Foothill/Sunol	946 376001600	7090	Foothill Road	Thomas Coleman	Unknown	Water Only	Unknown	No	Yes	Yes
34	West of Foothill/Sunol	946 376002100	7190	Foothill Road	Mathhew and Karen Abbruscato	Unknown	Water Only	Unknown	No	Yes	Yes
35	West of Foothill/Sunol	946 376000304	7450	Foothill Road	Badraddin Agarwala	Unknown	Water Only	Unknown	No	Yes	Yes
36	West of Foothill/Sunol	946 376000305	7582	Foothill Road	John and Terri Pribela	Unknown	Water Only	Unknown	No	Yes	Yes
37	West of Foothill/Sunol	096 031000700	10420	Foothill Road	Julian and Kathleen Kalama	Unknown	Water Only	Unknown	No	No	Yes
38	West of Foothill/Sunol	096 031001607	10727	Foothill Road	Kenneth and Janice Hatch	Unknown	Water Only	Unknown	No	Yes	SOI bisects property
39	West of Foothill/Sunol	096 031001608	10833	Foothill Road	Constance DeGrange and Conover Smith	Unknown	Water Only	Unknown	No	Yes	No
40	West of Foothill/Sunol	941 230000111	50	Tehan Canyon	Frank M. Lehne	Unknown	No current account	Unknown	Yes	No	Yes
41	West of Foothill/Sunol	946 443600700	407	Oak Lane	Majid and Atoosa Yekan	Unknown	Water Only	Unknown	No	Yes	Yes
42	West of Foothill/Sunol	946 405200500	899	Oak Manor Way	Robert Yeh	Unknown	Water Only	08/09/2003	No	Yes	Yes
43	West of Foothill/Sunol	946 405200600	919	Oak Manor Way	Clement Lam and Claudia Wong	Unknown	Water Only	09/21/2001	No	Yes	Yes
44	West of Foothill/Sunol	946 405200700	939	Oak Manor Way	Jay and Valli Doraiswami	Unknown	Water Only	Unknown	No	Yes	Yes
45	West of Foothill/Sunol	946 405200800	959	Oak Manor Way	Jose Bautista	Unknown	Water Only	Unknown	No	Yes	Yes
46	West of Foothill/Sunol	946 380000409	9550	Santos Ranch Road	Geno Tolari	Unknown	Water Only	Unknown	No	Yes	No
47	West of Foothill/Sunol	946 378500101	1	Verona Road	Richard and Christa Scarlott	Unknown	Water Only	Unknown	No	Yes	Yes
48	West of Foothill/Sunol	096 054402902	12091	Glenora Way	Paul and Claire Dentinger	Unknown	Water Only	Unknown	No	Yes	No
49	West of Foothill/Sunol	096 019501710	680	Kilkare Road	Kimberly and Colin Albertson	Unknown	Water Only	02/26/2003	No	Yes	No
50	West of Foothill/Sunol	096 053002303	790	Kilkare Road	Stephen and Susanne Barnett	Unknown	Water Only	Unknown	No	Yes	No
51	West of Foothill/Sunol	096 053002601	866	Kilkare Road	Robert and Jacqueline Tornoe	Unknown	Water Only	Unknown	No	Yes	No
52	West of Foothill/Sunol	096 053101800	1077	Kilkare Road	Pat Madden	Unknown	Water Only	Unknown	No	Yes	No
53	West of Foothill/Sunol	096 053301001	1180	Kilkare Road	Dale Seavey	Unknown	Water Only	Unknown	No	Yes	No
54	West of Foothill/Sunol	096 053300804	1200	Kilkare Road	Lynn Kozma	Unknown	Water Only	Unknown	No	Yes	No
55	West of Foothill/Sunol	096 053300400	1220	Kilkare Road	J D Ball	Unknown	Water Only	Unknown	No	Yes	No
56	West of Foothill/Sunol	096 053600100	2155	Kilkare Road	Laura Mirkarimi	Unknown	Water Only	Unknown	No	Yes	No
57	West of Foothill/Sunol	096 054604000	2511	Kilkare Road	Aaron Wallace	Unknown	Water Only	Unknown	No	Yes	No
58	West of Foothill/Sunol	096 054604900	2539	Kilkare Road	Edward Gallagher	Unknown	Water Only	Unknown	No	Yes	No
59	West of Foothill/Sunol	096 054604800	2547	Kilkare Road	Shawn Robertson	Unknown	Water Only	Unknown	No	Yes	No
60	West of Foothill/Sunol	096 054200700	2814	Kilkare Road	John O'Neil	Unknown	Water Only	Unknown	No	Yes	No
61	West of Foothill/Sunol	096 054202700	2866	Kilkare Road	Klay Kunkel	Unknown	Water Only	Unknown	No	Yes	No
62	West of Foothill/Sunol	096 054001101	2886	Kilkare Road	Karen Newcomb	Unknown	Water Only	Unknown	No	Yes	No



West of Foothill & Sunol



RESOLUTION NO. 16-842

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PLEASANTON
AUTHORIZING STAFF TO SUBMIT AN OUT-OF-AREA SERVICE AGREEMENT
APPLICATION TO LAFCO FOR PROPERTIES ALREADY CONNECTED TO CITY
SEWER AND/OR WATER UTILITIES**

WHEREAS, effective 2001, California law has required that the City make an application to the Alameda County Local Agency Formation Commission (LAFCo) for an Out-of-Area Service Agreement (OASA) before connecting any property outside the city limits to city sewer and/or water utilities; and

WHEREAS, when making an application for an OASA to LAFCo at their meeting on September 11, 2014 for a property located in unincorporated Happy Valley, it was discovered that many properties within the Happy Valley area have been connected to the City utilities without the requisite OASA in place; and

WHEREAS, during the research of utility billing records to determine when the connections were made, staff discovered many properties had connected post 2001, and that this situation was not confined to the Happy Valley area, but also included properties in the Remen Tract and in unincorporated areas west of Foothill Road; and

WHEREAS, City staff presented these findings to LAFCo staff, who in turn took the information to the LAFCo Board on July 9, 2015; and

WHEREAS, the LAFCo Board directed their staff to work with City staff to retroactively approve the connections made to date; and

WHEREAS, City staff, in working with LAFCo staff, has prepared the required application materials to retroactively process the OASAs for the properties already connected; and

WHEREAS, the application requires that City Council adopt a resolution authorizing the application be submitted to LAFCo; and

NOW, THEREFORE, BE IT RESOLVED THAT THE CITY COUNCIL OF THE CITY OF PLEASANTON DOES RESOLVE, DECLARE, DETERMINE, AND ORDER THE FOLLOWING:

SECTION 1: Staff is authorized to submit an Out-of-Area Service Agreement application to LAFCo for properties already connected to City sewer and/or water utilities.

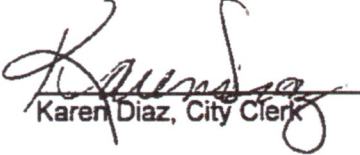
SECTION 2: The \$10,500 LAFCo fee shall be covered through an allocation from the General Fund Unallocated Reserve

SECTION 3: This resolution shall become effective immediately upon its passage and adoption.

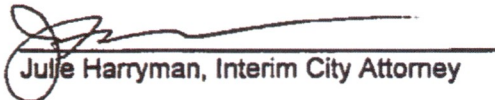
PASSED, APPROVED, AND ADOPTED by the City Council of the City of Pleasanton at a regular meeting held on April 19, 2016.

I, Karen Diaz, City Clerk of the City of Pleasanton, certify that the foregoing resolution was adopted by the City Council at a regular meeting held on the 19th day of April, 2016, by the following vote:

Ayes: Councilmembers Brown, Narum, Olson, Mayor Thorne
Noes: None
Absent: Councilmember Pentin
Abstain: None

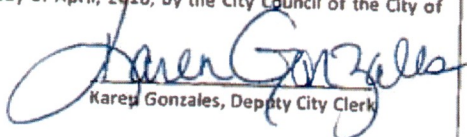

Karen Diaz, City Clerk

APPROVED AS TO FORM:


Julie Harryman, Interim City Attorney

I, Karen Gonzales, Deputy City Clerk of the City of Pleasanton, do hereby certify that the foregoing is a true and correct copy of Resolution 16-842 adopted on the 19th day of April, 2016, by the City Council of the City of Pleasanton.

Dated: May 2, 2016


Karen Gonzales, Deputy City Clerk



To whom it may concern:

July 23, 2021

I was called out to Terry Dubord's residence 871 Sycamore Rd Pleasanton to inspect a failing sewer line and possibly septic system. The existing septic system and leach field appears to be over 50 years old. The under-ground pipe leading from the house to the septic tank and from the septic tank to the leach fields was installed using old style Orangeburg piping which over time becomes like waxed cardboard. One piece was replaced from the house to the septic tank previously but the leach field lines are collapsed and plugged. It is my opinion that the system needs to be upgraded with new piping and leach fields. It could be possible to re-use the septic tank at this time but not advisable.

Steve Coffin

Contractor

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**CERTIFICATE OF ADMINISTRATIVE APPROVAL OF AN
OUT OF AREA SERVICE AGREEMENT FOR WASTEWATER SERVICES**

**City of Pleasanton / Terry and Aaron Dubord
(LAFCO File No. OASA21-1)**

I hereby certify that I have examined the above-cited agreement and have found it to be substantially in compliance with Government Code Section 56133 and the Commission's policies and procedures. This Certificate of Administrative Approval of an Out of Area Service Agreement for wastewater services is therefore issued contingent on the City of Pleasanton's execution of a Pre-Annexation Agreement with the property owner, which will need to be provided before this temporary approval can be made permanent by the Commission. The name of each city and/or district included in the pre-annexation agreement, all located within Alameda County, and the type of service(s) to be provided is/are as follows:

<u>City or District</u>	<u>Service(s) to be Provided</u>
City of Pleasanton	Wastewater

A legal description and map of the boundaries of the above-cited out of area service agreement area as well a copy of the agreement signed by all parties are available in the LAFCO office (attached). The terms and conditions, if any, are contained in the agreement. The affected territory totals approximately 0.94 acres and includes one unincorporated parcel (APN 949-000-600-900) developed with one single-family residence with a situs address of 871 Sycamore Road, Pleasanton, CA. The existing residence utilizes an on-site septic for wastewater use that is experiencing failure. The Alameda County Department of Environmental Health (ACDEH) has recommended the residence be connected to public wastewater service. The property is located within the sphere of influence of the City of Pleasanton.

Administrative approval to provide wastewater service through an out of area service agreement has been granted by the ACDEH documented in a letter dated June 4, 2021, that the property's existing on-site septic system is within 200 feet of a sewer main and recommended connection to the City of Pleasanton's wastewater system.

Accordingly, the request by the City of Pleasanton for approval of a temporary out of area service agreement in advance of the pending pre-annexation agreement and Commission approval at LAFCO's January 13th regular meeting is warranted to resolve the emergency threat to the health and safety of residents.

Respectfully,

A handwritten signature in blue ink, appearing to read "Rachel Jones", with a stylized flourish extending from the end.

Rachel Jones
Executive Officer

AGENDA REPORT

January 13, 2022

Item No. 6

TO: Alameda Commissioners**FROM:** Rachel Jones, Executive Officer**SUBJECT:** Request for Proposals | Community Services Municipal Service Review

The Alameda Local Agency Formation Commission (LAFCO) will consider a request from staff to select the Policy and Budget Committee to review Request for Proposals (RFP) initiating a municipal service review (MSR) on community services. Staff recommends approval.

Discussion

As part of the Commission's 2021-2022 work plan, Alameda LAFCO is soliciting proposals from qualified consultants to prepare municipal service reviews (MSRs) that will be used to inform the update of sphere of influences (SOIs) along with possible reorganizations such as consolidations, dissolutions or mergers of local public agencies that provide community services such as street maintenance and lighting, parks and recreation, mosquito and vector abatement, and lead abatement in Alameda County. The MSR will also review broadband services and unincorporated areas that lack accessibility.

Staff has distributed the RFP on December 13, 2021 for consultant services to complete the MSR on community services. Staff compiled a list of potential bidders and circulated the RFP to these firms. In addition, the RFP was posted on the Alameda LAFCO, CALAFCO and California Special District Association websites.

The proposed selection process includes a review of written proposals using criteria outlined in the RFP (i.e., experience and qualifications, understanding the required tasks, experience and familiarity with MSRs on fire protection services, cost, etc.). A selection committee comprised of the Commission's Policy and Budget Committee is recommended to screen the written proposals, conduct interviews and make recommendations in accordance with the timeline below. The goal is to present a recommendation to the Commission at the March 10, 2022 regular meeting.

Administrative Office

Rachel Jones, Executive Officer
224 West Winton Avenue, Suite 110
Hayward, California 94544
T: 510.670.6267
www.acgov.org/lafco

Nate Miley, Regular
County of Alameda

David Haubert, Regular
County of Alameda

Dave Brown, Alternate
County of Alameda

Bob Woerner, Regular
City of Livermore

Melissa Hernandez, Reg
City of Dublin

Karla Brown, Alternate
City of Pleasanton

Ralph Johnson, Regular
Castro Valley Sanitary District

Ayn Wieskamp, Regular
East Bay Regional Park District

Georgian Vonheeder-Leopold, Alternate
Dublin San Ramon Services District

Sblend Sblendorio, Chair
Public Member

John Marchand, Alternate
Public Member

Action	Dates
RFP Issued	Monday, December 13, 2021
... Deadline for Questions	December 20, 2021
... Deadline for Responses	December 24, 2021
Deadline to Submit Proposals	Friday, January 21, 2022
Interviews with Selected Candidates	Monday, January 31 to Thursday, February 3, 2022
Contract Award	March 10, 2022
Start Date	Monday, April 4, 2022

Financing

Adequate funding is included in the LAFCO budget to cover costs associated with the MSR and use of professional services.

Alternatives for Action

The following alternatives are available to the Commission:

Alternative One (Recommended):

Appoint the Policy and Budget Committee to review RFPs; and direct the Committee to return to the Commission with a recommended contract award at the March 10, 2022 regular meeting.

Alternative Two:

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

Alternative Three:

Take no action.

Recommendation

It is recommended the Commission proceed with Alternative Action One.

Respectfully,



Rachel Jones
Executive Officer

Attachments: none

AGENDA REPORT

January 13, 2022

Item No. 9a

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 one proposal on file previously approved awaiting term completions. CKH provides applicants one calendar year to complete approval terms or receive extension approvals before the proposals are automatically terminated.

- **Annexation of Greenville Plaza and Northfront Road | City of Livermore**

The Commission has approved a proposal submitted by the City of Livermore to annex approximately 6.9 acres of unincorporated territory in Alameda County to the City for municipal services. The purpose of the proposal is for commercial retail development that includes a convenience store, drive-through restaurant, car wash, and gas station. The Commission approved the proposal without amendments at its November 18, 2021 special meeting. Terms remain outstanding and therefore the proposal remains active.

Administrative Office

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224 West Winton Avenue, Suite 110
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T: 510.670.6267
www.acgov.org/lafco

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Melissa Hernandez, Reg
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City of Pleasanton

Ralph Johnson, Regular
Castro Valley Sanitary District

Ayn Wieskamp, Regular
East Bay Regional Park District

Georgian Vonheeder-Leopold, Alternate
Dublin San Ramon Services District

Sblend Sblendorio, Regular
Public Member

John Marchand, Alternate
Public Member

Current Proposals | Under Review and Awaiting Hearing

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

Pending Proposals

There are currently no new potential proposals at the moment that staff believes may be submitted to the Commission from local agencies based on ongoing discussions with proponents.

The Commission is invited to discuss the item and provide direction to staff on any related matter as needed for future discussion and or action.

Attachments: none

AGENDA REPORT

January 13, 2022

Item No. 9b

TO: Alameda Commissioners

FROM: Rachel Jones, Executive Officer

SUBJECT: Progress Report on 2021-2022 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 2021-2022. 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 December 16, 2019. 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 attendant strategies, which premise individual implementation outcomes, are summarized in Attachment 1.

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 13, 2021, 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 2020-2021 Strategic Plan. Further, while it is a standalone document, the work plan should be reviewed in

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Dublin San Ramon Services District

Sblend Sblendorio, Chair
Public Member

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Public Member

relationship to the adopted operating budget given the planned goals and activities are facilitated and or limited accordingly.

The item provides the Commission with a status update on two-dozen plus targeted projects established for the fiscal year with a specific emphasis on the “top ten” projects that represent the highest priority to complete during the fiscal year as determined by the membership. This includes identifying the projects already completed, underway, or pending in the accompanying attachment. The report and referenced attachment are being presented for the Commission to formally receive and file while also providing additional direction to staff as appropriate.

Discussion

The Commission has initiated work on four of the twenty projects included in the adopted work plan. This includes progress on high-priority projects, such as the municipal service review (MSR) on Fire Protection and Emergency Medical Services, Measure D Study, updating LAFCO’s logo, and the LAFCO Review of the South Livermore Valley Area Specific Plan.

Alternatives for Action

The following alternatives are available to the Commission:

Alternative One (Recommended):

Accept and file the report as presented.

Alternative Two:

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

Recommendation

It is recommended the Commission proceed with Alternative Action One.

Respectfully,



Rachel Jones
Executive Officer

Attachments:

1. 2020-2021 Strategic Plan
2. 2021-2022 Work Plan

ALAMEDA LOCAL AGENCY FORMATION COMMISSION

STRATEGIC PLAN

FY 2020 -2021

MISSION STATEMENT: Alameda LAFCO provides oversight over local governments to make Alameda County a great place to live and work by balancing the preservation of agriculture and open space with the provision of sustainable municipal services

	EDUCATION	FACILITATION	COLLABORATION
STRATEGIC PILLARS	Serve as a resource to the public and to local agencies to support orderly growth and logical, sustainable service provision	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 for all incomes.	Be proactive and act a catalyst for change as a way to contribute to making Alameda County a great place to live and work by sustaining the quality of life.
CORE STRATEGIES	Enagage with the community through LAFCO outreach as well as receive presentations from outside stakeholders and local agencies to understand issues	Use LAFCO authority through municipal services reviews and change of organizations to promote the change in the region aligned with its mission	Always seek, determine, and question if any regional issues are opportunities for partnerships
TARGET OUTCOMES	Review growth boundaries and governance	Regulate land use through the extension of services	Coordinate with other agencies to determine high-need areas (DUCs)
	Provide Presentations to City Councils, Special Districts, and the County on upcoming projects and LAFCO's role	Provide more guidance on regional issues	Promote inter-agency special projects and partnerships
	Understand local agricultural issues and then consider a study	Create a five-year island annexation plan	Work with stakeholders to identify issues under LAFCO jurisdiction related to economic viability of agriculture
	Identify emerging issues, i.e. water treatment changes	Prepare comprehensive study on climate change	Establish policies and standards to address sustainability of adequate and reliable water supplies, including the use of recycled water
	Educate public on service costs	Encourage consolidations or review shared opportunities	Conduct joint LAFCO workshops
	Determine LAFCO's role in housing	Unfunded liabilities in services - do more to encourage future planning	Create homelessness initiatives with other agencies

Priority	Urgency	Type	Status	Project	Key Issues
1	High	Statutory	Rollover	General MSR on Water, Wastewater, and Stormwater Services	First Service Specific MSR since 2006 Address Infrastructure Needs and Efficiencies and Sustainability
2	High	Administrative	Rollover	Staff Recruitment, Placement and Training	Recruitment and Training of LAFCO Commission Clerk and Analyst
3	High	Statutory	Rollover	General MSR on Fire Protection and Emergency Services	Second MSR on Fire and Emergency Services sine 2006 Address Shared Opportunities
4	High	Administrative	New	2018-2020 Audits	Verify Fund Balance; Perform Regular Audits
5	High	Administrative	Rollover	Fund Balance	Establish a reserve policy
6	Moderate	Administrative	Rollover	LAFCO Presentations	Introductory Overview of LAFCO's Duties and Responsibilities to Boards, Councils, Community Groups
7	Moderate	Administrative	New	Policy Review on Agricultural Protection and Out of Area Service Agreements	Periodical review of existing policies relative to practices and trends, and determine whether changes are appropriate to better reflect current preferences
8	Moderate	Administrative	New	Host more informative presentations from outside local agencies	Provide more up to date knowledge on local issues
9	Moderate	Administrative	Rollover	Prepare Informational Report on Unincorporated Islands	Map all Unincorporated Islands and Examine Island Annexation Implementation Issues in Alameda County
10	Moderate	Administrative	Rollver	Update Application Packet and Mapping Requirements	Current Application Dated; Make User Friendly
11	Low	Administrative	Rollover	GIS Mapping Project	CDA to Create a LAFCO GIS Layer for All Local Agencies under LAFCO Purview
12	Low	Administrative	Rollover	LAFCO Agency Logo	Establish New Agency Logo for Branding (Website, Publications, etc.)
13	Low	Statutory	Rollover	Master Property Tax Exchange Agreement	Improve Efficiency and Effectiveness of Application Process
14	Low	Administrative	Rollover	Prepare Informational Report on JPAs	Post Enactment of SB 1266; Enhance Repository on Local Government Services
15	Low	Statutory	Rollover	Sphere Update for City of Pleasanton	Implement Planning Functions; Update SOIs of Local Government Agencies; Cities MSR
16	Low	Administrative	Rollover	Informational Report on Fairview Fire Protection District	Status Report on District Activites
17	Low	Administrative	Rollover	Informational Report on Remen Tract	Special Report on Service Delivery Feasability
18	Low	Administrative	Rollover	Host Alameda County Special District Association Meeting	Communicate LAFCO's Mission and Goals to the Community
19	Low	Administrative	Rollover	LAFCO Annual Report on Status of County	Evaluate LAFCO's Mission and Goals Relative to Local Conditions; Identify Strategies to Achieve Shared Objectives

20	Low	Administrative	Rollover	Local Agency Directory	User-Friendly Publication Identifying and Summarizing Local Government Agencies and Services in Alameda County
21	Low	Administrative	Rollover	Digital Archiving	Continue Project to Digitize LAFCO Records