

NOTICE OF REGULAR MEETING AND AGENDA

ALAMEDA LOCAL AGENCY FORMATION COMMISSION

THURSDAY, MARCH 10, 2022 2:00 P.M.

This meeting will be conducted by Teleconference
Written public comments may be submitted PRIOR to the meeting (Deadline March 9th 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 — Georgean Vonheeder-Leopold, Alternate — John Marchand, Alternate

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

Meeting ID: 812 0668 7795 Password (if prompted): 772214

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

ALAMEDA LAFCO March 10, 2022 Regular Meeting Agenda Page 2 of 6

- 4. Consent Items:
 - **a.** Approval of Meeting Minutes: January 13, 2022 Regular Meeting
 - **b.** 3rd Quarter Budget Report for Fiscal Year 2021-2022
 - c. Timeline Update for Countywide Fire MSR and Contract Amendment
- 5. Establish Ad Hoc Public Member Selection Committee The Alameda Local Agency Formation Commission (LAFCO) will consider establishing an Ad Hoc Selection Committee for its Public Member Seat set to expire in May 2022.
- **6. Draft Report on Alameda LAFCO's 20-Year Review of Measure D** (Public Hearing) The Alameda Local Agency Commission (LAFCO) will receive a draft report and presentation from consultant, Scott Gregory of Lamphier-Gregory on its 20-Year Review of Measure D. The draft has been prepared as part of the adopted work plan and independently examines the economic and open space needs of the eastern county area and the impacts that the measure has had on agriculture since the ballot measure passed in November of 2000.
 - **LAFCO Staff Recommendation:** Initial discussion and feedback ahead of a formal public review and comment period.
- 7. **Draft Budget and Workplan for FY 2022-2023** (Public Hearing) Alameda LAFCO will consider adopting a draft budget and workplan for fiscal year 2022-2023 in anticipation of taking final action at its next regular meeting. Proposed budget expenses total \$746,428, and represent an increase of \$91,093 or 13.9% from the current fiscal year. The increase is marked by expenses for professional services in the Service and Supplies Unit for additional LAFCO studies, and a rise in rent/moving costs for new LAFCO Office space.
 - **LAFCO Staff Recommendation:** Staff recommends adopting the draft resolution and initiating a formal public review and comment period.
- 8. Implementation of Municipal Service Review Recommendations (Business) Alameda LAFCO will consider directing staff to contact each affected agency and request a written response on how and when the agency plans to address the findings and/or implement the recommendations presented in its 2021 Countywide Municipal Service Review (MSR) on Water, Wastewater, Stormwater, and Flood Control Services and provide an explanation if the agency disagrees with a finding or does not plan to implement a recommendation.
 - **LAFCO Staff Recommendation:** Staff recommends approval.
- 9. New LAFCO Logo and Contract Amendment with Chase Designs for Professional Services (Business) The Commission will consider approving a contract amendment with Chase Designs to provide professional services in creating LAFCO brochures, pamphlets, and branding for its PowerPoint Presentations at a not-to-exceed cost of \$10,000.
 - **LAFCO Staff Recommendation:** Staff recommends to approval.
- **10. Request to Support SB 938** (Business) Alameda LAFCO will consider submitting a letter of support for Senate Bill 938 (Hertzberg) that seeks to amend protest provisions included in the Cortese-Knox-Hertzberg Reorganization Act of 2000 ("CKH").

ALAMEDA LAFCO March 10, 2022 Regular Meeting Agenda Page 3 of 6

LAFCO Staff Recommendation: Staff recommends the Commission take a "SUPPORT" Position on SB 938.

11. Matters Initiated by Members of the Commission

12. Executive Officer Report

a. LAFCO Website Update – www.alamedalafco.org

13. Informational Items

- a. Current and Pending Proposals
- b. Progress Report on Work Plan
- c. 2020-2021 Strategic Plan Performance Review
- d. Cancellation of 2022 CALAFCO Staff Workshop, March 23-25 in Newport Beach, Orange County
- e. Form 700: Due April 1
- **f.** Commissioners with terms ending May 2022:
 - 1. Sblend Sblendorio
 - 2. Dave Brown

14. Adjournment of Regular Meeting

Next Meetings of the Commission

Policy and Budget Committee Meeting

Thursday, April 7, 2022 at 2:00 p.m., Online Meeting

Regular Meeting

Thursday, May 12, 2022 at 2:00 p.m., To Be Determined

ALAMEDA LAFCO March 10, 2022 Regular Meeting Agenda Page 4 of 6

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 morein 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 underthe 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

T: 510.670.6267 W: alamedalafco.org

MEETING INFORMATION

<u>CORONAVIRUS (COVID-19) – Notice of Meeting Procedures</u>

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

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

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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 **March 9**, **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 **March 9**, **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.

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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?.

<u>ADA ACCESIBILITY:</u> 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.



AGENDA REPORT March 10, 2022 Item No. 3

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 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 meetings sooner, if desired. In order to continue to hold virtual meetings, the Commission will need to review and make findings every thirty 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.

Ralph Johnson, Regular

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 cancel the public meeting for Alameda LAFCO's March 10th 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-XX

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.

COMMISSION THEREFORE, THE **DOES** HEREBY RESOLVE, NOW. **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

PASSED AND ADOPTED 1	by the	Alameda	Local	Agency	Formation	Commission	on
March 10, 2022 by the following vote	:						

repealed by the Commission.
PASSED AND ADOPTED by the Alameda Local Agency Formation Commission or March 10, 2022 by the following vote:
AYES:
NOES:
ABSTAIN:
ABSENT:

APPROVED:	ATTEST:
Sblend Sblendorio Chair	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

January 13, 2022

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:

County Members: 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

Public Members: Sblend Sblendorio and alternate John Marchand

Not Present: Alternate Dave Brown

Staff present: Rachel Jones, Executive Officer, April Raffel, Clerk, and

Andrew Massey, Legal Counsel

2. Welcome New Commissioner: The Commission acknowledged the appointment of alternate Commissioner Dave Brown to Alameda LAFCO by the Alameda County Board of Supervisors on November 23, 2022.

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 was one public comment from Kelly Abreau of Fremont regarding <u>"Possible Urban Growth Boundary Change Considered for Livermore."</u> *"The Independent*, December 15, 2021. Mr. Abreau was concerned about urban growth boundary change in north Livermore based on urban sprawl.

- **4. Priority Item:** Approval of Resolution to Continue Virtual Meetings due to COVID-19 Pandemic (Public Hearing)
 - This item was for Alameda LAFCO to consider 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. Staff recommended approval.

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

Upon motion by Commissioner Woerner, second by Commissioner Haubert, the item was 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: November 18, 2021 Special Meeting
- **b.** 2nd Quarter Budget Report for the 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
- The Commission considered 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 wastewater to one unincorporated and developed single-family residential parcel that was approved due to a public health and safety threat. The subject parcel is located at 871 Sycamore Road and totals 0.94 acres in size. The parcel lies within the City of Pleasanton's sphere of influence. Staff coordinated with the City to issue an administrative approval on November 15, 2021. Approval was termed on the landowners filing a pre-annexation agreement. The Commission may include additional terms and conditions to the out of area service agreement that did not include administrative approval.

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

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

AYES: 7 Haubert, Miley, Hernandez, Woerner, Johnson, Wieskamp, and Sblendorio

NOES: 0 ABSENT: 0 ABSTAIN: 0

Request for Proposals | Community Services Municipal Service Review (Business) – The Alameda Local Agency Formation Commission (LAFCO) considered 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.

The staff distributed a Request for Proposals on December 13, 2021, for consultant services to complete a municipal service review on community services. The MSR will be used to inform the update of spheres of influence 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 requested the Policy and Budget Committee review the proposals submitted and direct the Committee to return to the Commission with a recommended contract at the next regular meeting. Staff recommended approval with standard terms.

Chair Sblendorio asked if there were any questions from the Commissioners before the public hearing. Commissioner Haubert asked if our most recent MSR included a review of broadband services, timing, and review expansion connectivity of those services? Executive Officer Jones mentioned this was the first review of broadband services, which will probably take about eight to twelve months and include a review of broadband connectivity and opportunities to expand throughout the entire County.

Chair Sblendorio was concerned that broadband services were only limited to the unincorporated areas. Some cities may have done an assessment but concerned some cities have not assessed their broadband capabilities. Therefore, he was concerned about getting an actual assessment of Alameda County that was a social justice issue.

Commissioner Wieskamp agreed with the Chair, stating, "If the data already exists, we'll add it into the report. If not, we will ask those that have not done it for that information to be included to get the whole picture".

Commissioner Woerner mentioned if the city did a report, the criteria should not be too old - maybe two to three years. LAFCO could encourage cities to do a proper assessment which would be appropriate.

Chair Sblendorio opened and closed the public hearing with one public comment.

One public comment by Kelly Abreau mentioned that the school districts have the expertise with broadband usage due to distance learning.

Upon motion by Commission Haubert, second by Commissioner Woerner with the provision of reviewing broadband services for the entire County, the item was approved.

AYES: 7 Haubert, Miley, Hernandez, Woerner, Johnson, Wieskamp, and Sblendorio

NOES: 0 ABSENT: 0 ABSTAIN: 0

7. Matters Initiated by Members of the Commission

There were none.

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

Chair Sblendorio asked Executive Officer to redouble efforts to send the draft report to the constituent interested parties and emphasize if you are going to comment, please do so ASAP.

Commissioner Miley asked if Executive Officer Jones had communicated with Community Development Agency (CDA). Executive Officer Jones sent a draft to stakeholders which included the CDA, received comments, and incorporated them into the draft report. The deadline was on January 28, 2022, so staff will follow up with CDA to let them know that the Commission would appreciate their input.

Chair Sblendorio was also surprised that some cities have not commented, especially in the Tri-Valley.

Commissioner Wieskamp suggested going to our local press, The Independent, and saying this is going on, and we would appreciate your comments by a specific time. This would give the public an opportunity to learn about it and express themselves. Commissioner Wieskamp mentioned she would like people to attend our meeting in March and learn more about it.

Executive Officer Jones responded that we typically do a press release, but we wanted to get the

stakeholder's input before releasing it to the public for public comment and period. Then it will be presented at a notice public hearing in March, and we could receive public comment and review. Executive Officer Jones would put out a notice and extra press outreach.

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

- a. Current and Pending Proposals
- **b.** Progress Report on Work Plan. Commissioner Miley referenced 9b, 2021-2022 Work Plan, under Collaboration regarding *Create homelessness initiatives with other agencies*. He felt this was ambitious on behalf of LAFCO due to other measures and objectives but will be discussed at the Strategic Plan workshop.
- **c.** The new LAFCO Logo may be presented at the March meeting.
- d. 2022 CALAFCO Staff Workshop, March 23-25 in Newport Beach, Orange County
- e. Form 700: Due April 1
- **f.** Commissioners with terms ending May 2022:
 - 1. Sblend Sblendorio
 - 2. Dave Brown

10. Adjournment of Regular Meeting

Chair Sblendorio adjourned the meeting at 2:37 p.m.

Next Meetings of the Commission

Policy and Budget Committee Meeting

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

Regular Meeting

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

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

Respectfully submitted,

April Raffel, Commission Clerk

Attest:

Rachel Jones Executive Officer



AGENDA REPORT

March 10, 2022 Item No. 4b

TO: Alameda Commissioners

FROM: Rachel Jones, Executive Officer

SUBJECT: Budget Update for Fiscal Year 2021-2022 | 3rd Quarter Report

The Alameda Local Agency Formation Commission (LAFCO) will review a report comparing budgeted to actual transactions through the third quarter of fiscal year 2021-2022. Actual expenses processed through the first nine months totaled \$387,081, an amount representing 59.1% of the budgeted total with a third 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 February. 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		Budgeted Revenue	es	Budgeted Year End Balance	
FY 21-22		FY 21-22		FY 20-21	
	\$655,335		\$655,335		(\$0)

Summary of Operating Expenses

The Commission's budgeted operating expense total for 2021-2022 is \$655,335. Actual expenses processed through the first nine months totaled \$387,081, an amount representing 59.1% of the budgeted total with a third of the fiscal year complete. Actuals through the first nine 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 nine months and related year-end projections follow.

Expense Units	Adopted	Actuals	Percent Expended	Remaining Balance
Salaries and Benefits	373,975	246,518	66%	127,458
Services and Supplies	169,610	123,717	73%	45,893
Internal Service Charges	61,750	16,846	27%	44,94
Contingencies	50,000	0	0%	50,000
	\$655,335	\$387,081	59%	\$282,254

Staffing Unit

The Commission budgeted \$373,975 in Staffing or Salaries and Benefits Unit for 2021-2022. Through the first nine months, the Commission's estimated expenses within the affected accounts totaled \$246,518 or 66% 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 nine months, the Commission's actual expenses within the affected 14 accounts totaled \$123,717 or 72.9% of the budgeted amount. Only two of the affected accounts – Memberships and Professional Consultant Services – finished with balances exceeding the proportional 66% threshold with explanations provided below. It was projected the unit will finish the fiscal year with an operating deficit of \$30,000 based on LAFCO's projects and studies, however a budget amendment of \$100,000 was applied to meet projected expenses.

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 February 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 February totaled \$108,293 or 108% of the budgeted amount and were tied to LAFCO's ongoing projects and studies. Expenses in this account that exceed the proportional 66% 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 the 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 nine months, the Commission's actual expenses within the four affected accounts totaled \$16,846, or 27.3% of the budgeted amount. None of the affected accounts finished with balances exceeding the proportional 66% threshold, and staff estimates the unit to finish the fiscal year with a balanced budget.

Summary of Operating Revenues

The Commission's budgeted operating revenue total for 2021-2022 at \$655,335. Actual revenues collected through the first nine months totaled \$549,571. This amount represents 83.9% of the budgeted total with a third of the fiscal year complete. A summary comparison of budgeted to actual operating revenue follows. Actuals through the first nine 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 nine months follows.

Revenue Units	Adopted	Actuals	Percent Expended	Remaining Balance
Agency Contributions	433,355	355,211	82%	78,124
Application Fees	30,000	5,443	18%	24,557
Interest	7,000	3,917	56%	3,083
Fund Balance Offset	185,000	185,000	100%	0
	\$655,335	\$549,571	84%	\$105,764

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 16 independent special districts as provided under State statute. Alameda LAFCO has received 82% of the agency apportionments and has notified the County Auditor to send a second invoice for LAFCO payments to three special districts.

Application Fees Unit

The Commission budgeted \$30,000 in the Application Fees Unit for 2021-2022. Through the first nine months, \$5,443 has been collected in this unit. Staff projects the Commission collect an additional \$6,000 in fees before the end of the fiscal year.

Interest Unit

The Commission budgeted \$7,000 in the Interest Unit for 2021-2022. Through the first nine months, \$3,917 has been collected in this unit by the County Treasurer.

Alternatives for Action

The following alternatives are available to the Commission:

<u>Alternative One (Recommended):</u>

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.

Procedures

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

Respectfully,

Rachel Jones
Executive Officer

Attachments:

1. 2021-2022 General Ledger through February 28, 2022

ALAMEDA LOCAL AGENCY FORMATION COMMISION

Regional Service Planning | Subdivision of the State of California

Expense Ledger		FY	2018-2019		FY 2019-2020	F	Y 2020-2021		FY2021-2	2022	
	A	dopted	Actuals	Adopted	Actuals	Adopted	Actuals	Adopted	Actuals	Difference	Percent of Budget
C.1 ID C.C.									As of 02-28-22		
Salary and Benefit Costs Account Description											
60001 Staff Salaries		321,692	263,373	308,307	263,373	234,254	172,085	250,564	165,372	(85,192)	66.0%
- (ACERA)		149,961	149,961	175,275	149,961	122,903	88,649	123,411	81,145	(42,266)	65.8%
		471,653	413,334	483,581	324,575	357,157	260,735	373,975	246,518	(127,458)	65.9%
Service and Supplies											
Account Description											
- 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	3,900	(4,600)	45.9%
610211 Mileage/Travel		200	2,628	1,300	1,300	1,300	-	500	-	-	-
610461 Training (Conferences and Wor	rkshops)	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	108,293	8,293	108.3%
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	-	
	2	243,500	215,854	200,876	187,351	186,662	73,357	169,610	123,717	(45,893)	72.9%
Internal Service Charges											
Account Description											
630051 Office Lease/Rent		3,200	3,200	25,000	35,000	32,500	32,500	32,500	2,025	(30,475)	6.2%
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	14,821	(11,049)	57.3%
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	16,846	(44,904)	27.3%
Contingencies		50,000		50,000		50,000		50,000	-	-	-
Account Description			- 1		ı		- 1				
- Operating Reserve		-	-		-	-	-	-	-	-	-
		-	-	<u> </u>	<u>-</u> _		<u>-</u> _	-	-	-	-
EXPENSE 7	TOTALS	796,843	666,670	793,880	581,349	656,892	395,742	655,335	387,081	(268,254)	59.1%

Revenue Ledger	F	Y2018-2019		FY2019-2020	F	FY2020-2021		FY2021-	2022	
	Adopted	Actuals	Adopted	Actuals	Adopted	Actuals	Adopted	Actuals As of 02-28-22	Difference	Percent of Budget
Intergovernmental								As 01 02-20-22		
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	144,445	-	100.0%
Special Districts	196,948	196,948	192,127	192,127	146,630	146,631	144,445	66,321	-	45.9%
	590,844	590,844	576,380	576,380	439,891	439,891	433,335	355,211	(78,124)	82.0%
Service Charges										
- Application Fees	30,000	10,000	30,000	25,000	30,000	38,643	30,000	5,443	(24,557)	18.1%
Investments										
- Interest	-	11,531	7,500	7,500	7,000	8,965	7,000	3,917	(3,083)	56.0%
Fund Balance Offset	176,000	176,000	180,000	-	180,000	-	185,000	185,000	-	-
REVENUE TOTALS	796,844	788,375	793,880	608,880	656,891	487,499	655,335	549,571	(105,764)	83.9%
OPERATING NET	-	121,705	-	27,531	(1)	91,757	-	162,490	-	-
INDESTRUCTED BUND DALANCE		74.4.200		744.020		022 507				
UNRESTRICTED FUND BALANCE As of June 30th		714,299		741,830		833,587				



AGENDA REPORT March 10, 2022 Item No. 4c

TO: Alameda Commissioners

FROM: Rachel Jones, Executive Officer

SUBJECT: Timeline Update for Countywide Fire MSR and Contract Amendment

This is a request for the Alameda Local Agency Commission (LAFCO) to receive a timeline update on its Countywide Fire Protection and Emergency Medical Services Municipal Service Review (MSR) and to consider extending its contract agreement to complete its MSR.

Information

At Alameda LAFCO's March 11, 2021 regular meeting, the Commission approved a 12-month contract with Policy Consulting Associates (PCA) to prepare a MSR on fire protection and emergency medical services with accompanying sphere of influence updates. The current agreement will expire on April 30, 2022 (Attachment 3).

In early September 2021, PCA received requests from several fire agencies to postpone the data collection phase of the report as a result of the added demands on the agencies during the extreme fire season (Attachment 2). PCA and LAFCO staff decided to extend the due date for the online survey instrument from September 18th to November 15th in order to not add any undue stress on the fire agencies at that time. As a result of delays in this phase and the initial contract approval, the project timeline needs to be adjusted and additional time is required to prepare the report.

The proposed contract amendment extends the contract for an additional 12-month period with an expiration date of April 30, 2023. The contract amount in the proposed amendment would not increase and would remain the same cost of \$99,710 (Attachment 1). LAFCO has the dedicated funds for the project to carry into the new fiscal year.

In consultation with PCA on a new contract extension, PCA provided an updated project timeline for the Countywide Fire Protection MSR. The final MSR report was scheduled for completion on March 17, 2022. The new project timeline estimates a final report by November 16, 2022, a delay of eight months.

Castro Valley Sanitary District

Ralph Johnson, Regular

Below is the new proposed timeline for the completion of the Fire MSR:

Milestone	Date
Task 1: Data Collection and Review	
Receive RFI responses from agencies	12/11/21
Phone interviews	Continuous
Analysis and drafting of agency chapters	12/11/21-5/18/22
Send chapters to agencies for review	Continuous
Task 2: Administrative Draft MSR	
Receive reviewed chapters from agencies	5/31/22
Administrative Draft MSR to LAFCO staff	6/15/22
Receive comments from LAFCO staff	7/15/22
Incorporate comments from LAFCO staff	8/1/22
Task 3: Public Review Draft MSR	
Release MSR for public review	8/1/22
Presentation at LAFCO meeting	9/14/22
Public comment period ends	9/16/22
Task 4: Final MSR	
Release of Draft Final	10/14/22
Presentation of Final Draft at LAFCO meeting	11/9/22
Finalize MSR and send to LAFCO	11/16/22

Discussion

This item is for the Commission to review the proposed new timeline for its Countywide MSR on Fire Protection and Emergency Medical Services and to extend the overall agreement through April 30, 2023 with no additional associated costs. If requested, PCA is also open to reducing the comment periods in order for the Commission to receive a final report by September 2022.

Alternatives for Action

The following alternatives are available to the Commission:

Alternative One (Recommended):

Extend the contract agreement with PCA to complete the MSR with any related comments or feedback to amend the proposed MSR timeline.

Alternative Two:

Continue the item to a future meeting and provide direction to staff.

Recommendation

It is recommended the Commission proceed with Alternative Action One.

Procedures

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

Respectfully,

Rachel Jones Executive Officer

Attachments:

- 1. Proposed Contract Extension with PCA Amendment
- 2. Postponement Request from City of Hayward Fire MSR
- 3. Contract Agreement with PCA

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CONTRACT EXTENSION FIRST AMENDMENT TO AGREEMENT

Reference is made to the contract entered into on the 1st April of 2021 by and between the Alameda Local Agency Formation Commission (LAFCO) and Policy Consulting Associates, LLC., dba PCA, (PCA) ("Contractor") ("the Agreement").

WHEREAS, pursuant to the Agreement, the CONTRACT PERIOD is from April 1, 2021 through April 30, 2022. This Agreement may be extended for an additional twelve-month period, if mutually agreed by both parties hereto, in writing not less than thirty (30) days prior to the expiration of this Agreement.

For valuable consideration, the receipt and sufficiency of which are hereby acknowledged, LAFCO and PCA agree to amend the Agreement in the following respects:

- 1. The term of the Agreement is currently scheduled to expire on April 30, 2022. The parties mutually agree that more time is necessary to complete the project including public hearings. Therefore, the parties mutually agree to extend the current term for twelve additional months from the current end date of April 30, 2022.
- 2. The term of the Agreement is extended from April 1, 2021 through April 30, 2022 to April 1, 2021 through April 30, 2023.
- 3. The schedule in Exhibit A is replaced with the revised schedule in Exhibit A-1 to the First Amendment.
- 4. There is no change in the Agreement amount of not to exceed \$99,710, and any current balance will continue through this Amendment.
- 5. Except as specifically and expressly modified by this amendment, all of the terms and conditions of the Agreement are and remain in full force and effect. This amendment is effective April 1, 2022.

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

ALAMEDA LAFCO	Policy Consulting Associates, LLC., dba PCA
By: Rachel Jones, Executive Officer Alameda Local Agency Formation Commission	By:Signature
	Name:(Printed)
	Title:
	Date: Address: 5050 Laguna Blvd., #112-711 Elk Grove, CA 95758
Approved as to Form:	
By:Andrew Massey, LAFCo Counsel	By signing above, signatory warrants and represents that he/she executed this Agreement in his/her authorized capacity and that by his/her signature on this Agreement, he/she or the entity upon behalf of which he/she acted, executed this Agreement

Exhibit A-1

Milestone	Date
Task 1: Data Collection and Review	
Receive RFI responses from agencies	12/11/21
Phone interviews	Continuous
Analysis and drafting of agency chapters	12/11/21-5/18/22
Send chapters to agencies for review	Continuous
Task 2: Administrative Draft MSR	
Receive reviewed chapters from agencies	5/31/22
Administrative Draft MSR to LAFCO staff	6/15/22
Receive comments from LAFCO staff	7/15/22
Incorporate comments from LAFCO staff	8/1/22
Task 3: Public Review Draft MSR	
Release MSR for public review	8/1/22
Presentation at LAFCO meeting	9/14/22
Public comment period ends	9/16/22
Task 4: Final MSR	
Release of Draft Final	10/14/22
Presentation of Final Draft at LAFCO meeting	11/9/22
Finalize MSR and send to LAFCO	11/16/22

Jones, Rachel, LAFCo

From: Jennifer Stephenson 🤟

Sent:

Jones, Rachel, LAFCo

Cc: Richard Berkson; Oxana Kolomitsyna; Jill Hetland

Subject: Request for Information Status

Hi Rachel,

Happy hump day! I hope you are doing well.

I wanted to give you an update on the status of the requests for information that we have circulated to the agencies over the last couple of months. We first circulated a request for documents that we could not find on the websites and then circulated an online questionnaire regarding fire operations requesting information that is not available in those documents. We have had nothing but pushback from a majority of the agencies. And now with the online survey! think that many of the agencies are overwhelmed, particularly because of fire season. The online survey has been available for almost 2 months now and only 4 agencies have submitted responses. I think the extreme fire season this year is really spreading these agencies thin.

We received the following email from the City of Hayward in response to a follow up request that I think you should be aware of ...

"Hello Ms. Hetland,

I first would like to apologize for our inability to complete the survey and questionnaire on your timeline. That said, I believe the timeline set was unrealistic, and not sensitive to the reality all fire service agencies are facing currently.

The original request for information was a discussion at our county fire chiefs association meeting. We had concerns about the turnaround time then, which was a much less invasive request.

Most fire agencies in our county are currently at drawdown, cancelling vacations, and just generally stretched too thin. We have numerous wildfires with personnel deployed all over the state. In addition, FEMA Task Force 4 has been activated fir hurricane Ida, taking an addition 80 personnel out of the county.

I share this with you to respectfully request you postpone the MSR until later in the year and give agencies time to put the proper effort into your review. I know as a contractor, you are not necessarily setting the timeline and expectations. If you prefer, we can send a formal request to the commissioners from all of the Fire Chiefs in our association. I will be placing this item on our agenda at our next monthly meeting. Currently, I only am speaking for Hayward. If other agencies are able to pull the info together sooner we will have that discussion, however the anecdotal conversations I have had with other agencies, all have shared similar frustrations.

Respectfully,
Chief Contreras

Perhaps instead of spinning our wheels and creating added demands on these fire agencies at this particular time, we can push back the timeline and follow up in the middle of October when fire season is nearing an end. What do you think? Please let me know if you want to all and discuss options.

Bis (White)

Take care, -Jennifer

Jennifer Stephenson Policy Consulting Associates Principal

www.pcateam.com

^{**} This email was sent from an external source. If you do not know the sender, do not click on links or attachments. **

Jones, Rachel, LAFCo

From:

Jennifer Stephenson

Sent:

Thursday, September 2, 2021 11:28 AM

To:

Jones, Rachel, LAFCo

Cc:

Oxana Kolomitsyna; Richard Berkson; Jill Hetland

Subject:

Updated Timeline for Alameda LAFCO Fire Municipal Service Review (MSR)

Good morning, MSR Agencies and Representatives,

We have heard from many of you that your agency is presently spread too thin due to an extreme fire season to respond to the online SoGo survey for the Countywide Fire Municipal Service Review that was released on July 20. We understand and do not want to add any undue stress on to your agency at this time. After discussions with the Alameda LAFCO Executive Officer, we have decided to extend the due date for the online survey instrument to November 15. We will be following up on the status of the survey responses and providing reminders starting the middle of October. We hope that this extension provides your agency sufficient time to respond. Thank you to those agencies that have already submitted their responses. We will proceed with drafting of the MSR report for these agencies in the interim.

In the meantime, please take a moment to ensure that you have an active link to the SoGo survey as the invitation email can sometimes end up in junk mail. If you cannot find the invitation, please let me know so we can resend it.

Please note that we have sent this email to all staff from your agency that has had contact with us during the course of this information request to ensure that everyone is on the same page. We ask that you ensure that one individual be identified as the point of contact for the duration of this project to ensure continuity.

We appreciate all that you do. Thank you for your time and effort in making this project comprehensive and accurate.

Sincerely,

-Jennifer

Jennifer Stephenson Policy Consulting Associates Principal

^{**} This email was sent from an external source. If you do not know the sender, do not click on links or attachments. **

Page	1	of	1	1
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P.O./Contract #	
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ALAMEDA LAFCO, ALAMEDA COUNTY, STATE OF CALIFORNIA STANDARD AGREEMENT

THIS AGREEMENT, made and entered into this 31ST day of March, by and between the ALAMEDA LOCAL AGENCY FORMATION COMMISSION, a public agency of the State of California, hereafter called the "Alameda LAFCO", and PCA,LLC, a business duly qualified in the State of California, whose principal place of business 5050 Laguna Blvd., #112-711, Elk Grove, CA 95758, is hereafter called the "Contractor."

WITNESSETH

WHEREAS, the Alameda LAFCO desires to obtain professional consulting services related to the completion of the State-mandated sphere of influence updates and municipal services reviews for fire protection and emergency medical services as described in Exhibit A attached hereto ("Services"); and

WHEREAS, Contractor is professionally qualified to provide such services; and

WHEREAS, the Alameda LAFCO desires to retain and employ the services of Contractor in connection with such work, and Contractor is agreeable with such employment.

NOW, THEREFORE, it is agreed that the Alameda LAFCO does hereby retain and employ Contractor to provide the Services in connection with such work, and Contractor accepts such employment, on the terms and conditions hereinafter specified in this Agreement and additional provisions attached hereto, and the following described exhibits, all of which are incorporated into this Agreement by this reference:

Exhibit A

Scope of Services

Exhibit B

Payment Terms

Exhibit C

Insurance Requirements

CONTRACT PERIOD will be a continuance from April 1, 2021 through April 30, 2022. This Agreement may be extended by mutual agreement of both parties hereto, in writing not less than thirty (30) days prior to the expiration of this Agreement.

COMPENSATION: The Alameda LAFCO agrees to pay Contractor, pursuant to the terms set forth in Exhibit B, for services performed hereunder in a total amount not to exceed \$99,710 for the term of the current agreement, including all expenses, contingencies, and other miscellaneous expenses.

ADDITIONAL PROVISIONS, pages 3 through 11, attached hereto constitute a part of this agreement.

A ⊵AM EDA LAFCØ	CONTRACTOR
Pu dalul	Jannifer Stephenson
Rachel Jones LAFCO EXECUTIVE OFFICER	CONTRACTOR
	By: Jennifer Stephenson, Principal
	Title
	5050 Laguna Blvd., #112-711 Elk Grove, CA 95758 Address
т	ax Payer I.D. # 27-2523069
APPROYED AS TO FORM:	
Andrew Massey, LAFCO LEGAL COUNSEL	
	at the Executive Officer of the Alameda LAFCO was on behalf of the Alameda LAFCo by a majority vote o
Date: 03.31-202)	ATTEST: Poll fore
	Alameda LAFCO County of Alameda
	State of California

By: Reachel Sones

ADDITIONAL PROVISIONS

- 1. EMPLOYER/EMPLOYEE RELATIONSHIP: No relationship of employer and employee is created by this Agreement, it being understood that Contractor shall act hereunder as an independent Contractor; that Contractor shall not have any claim under this Agreement or otherwise against the Alameda LAFCO for seniority, vacation time, vacation pay, sick leave, personal time off, overtime, health insurance, medical care, hospital care, retirement benefits, Social Security, disability, Workers' Compensation, or unemployment insurance benefits, civil service protection, or employee benefits of any kind; that Contractor shall be solely liable for and obligated to pay directly all applicable taxes. including, but not limited to, Federal and State income taxes, and in connection therewith Contractor shall indemnify and hold the Alameda LAFCO harmless from any and all liability which the Alameda LAFCO may incur because of Contractor's failure to pay such taxes; that Contractor does, by this Agreement, agree to perform his/her said work and functions at all times in strict accordance with currently approved methods and practices in his/her field and that the sole interest of the Alameda LAFCO is to ensure that said service shall be performed and rendered in a competent, efficient, timely and satisfactory manner and in accordance with the standards required by the agency concerned. Notwithstanding the foregoing, if the Alameda LAFCO determines that pursuant to state and federal law Contractor is an employee for purposes of income tax withholding, the Alameda LAFCO shall, upon two weeks notice to Contractor withhold from the payments to Contractor hereunder federal and state income taxes and pay said sums over to the Federal and State governments.
- 2. HOLD HARMLESS/INDEMNIFICATION: To the fullest extent permitted by law, Contractor shall hold harmless, defend and indemnify Alameda LAFCO, its Commissioners, employees and agents from and against any and all claims, losses, damages, liabilities and expenses, including but not limited to attorneys' fees, arising out of or resulting from the performance of services under this Agreement, provided that any such claim, loss, damage, liability or expense is attributable to bodily injury, sickness, disease, death or to injury to or destruction of property, including the loss therefrom, or to any violation of federal, state or municipal law or regulation, which arises out of or is any way connected with the performance of this agreement (collectively "Liabilities") except where such Liabilities are caused solely by the negligence or willful misconduct of any indemnitee. Alameda LAFCO may participate in the defense of any such claim without relieving Contractor of any obligation hereunder. The obligations of this indemnity shall be for the full amount of all damage to Alameda LAFCO, including defense costs, and shall not be limited by any insurance limits.
- 3. INSURANCE AND BOND: Contractor shall at all times during the term of the Agreement with Alameda LAFCO maintain in force those insurance policies as designated in the attached Exhibit C, "Insurance Requirements," and will comply with all those requirements as stated herein.
- 4. WORKERS' COMPENSATION: Contractor shall provide Workers' Compensation insurance at Contractor's own cost and expense and further, neither the Contractor nor its carrier shall be entitled to recover from the Alameda LAFCO any costs, settlements, or expenses of Workers' Compensation claims arising out of this agreement.

5. CONFORMITY WITH LAW AND SAFETY:

A. Contractor shall observe and comply with all applicable laws, ordinances, codes and regulations of governmental agencies, including federal, state, municipal, and local governing bodies, having jurisdiction over the scope of services or any part hereof, including all provisions of the Occupational Safety and Health Act of 1979 and all amendments thereto, and

all applicable federal, state, municipal, and local safety regulations. All services performed by Contractor must be in accordance with these laws, ordinances, codes and regulations. Contractor shall indemnify and hold Alameda LAFCO harmless from any and all liability, fines, penalties and consequences from any noncompliance or violations of such laws, ordinances, codes and regulations. If a provision of this Agreement is found to be invalid, the parties legally, commercially, and practicably can continue this Agreement without that provision, and the remainder of this Agreement shall continue in force and effect unless an essential purpose of this Agreement would be defeated by the loss of such provision. In the event any of the terms, conditions, or provisions of this Agreement are held to be illegal or otherwise unenforceable, such term, condition or provision shall be deemed severable from the remainder of this Agreement and shall not cause any other part or provision of this Agreement to be illegal or unenforceable.

- B. Accidents: If death, serious personal injury or substantial property damage occurs in connection with the performance of this agreement, Contractor shall immediately notify Alameda LAFCO by telephone. Contractor shall promptly submit to Alameda LAFCO a written report, in such form as may be required by Alameda LAFCO of all accidents which occur in connection with this Agreement. This report must include the following information: (1) name and address of the injured or deceased person(s); (2) name and address of Contractor's subcontractor, if any; (3) name and address of Contractor's liability insurance carrier; and (4) a detailed description of accident and whether any of LAFCO's equipment, tools, material, or staff were involved. Contractor further agrees that it shall take all reasonable steps to preserve all physical evidence and information which may be relevant to accidents or circumstances surrounding a potential claim, while maintaining public safety. Contractor shall provide Alameda LAFCO the opportunity to review and inspect such evidence, including the scene of the accident.
- 6. PAYMENT: Payment to Contractor will be made only upon presentation of proper invoice by Contractor subject to the approval of Alameda LAFCO, and in accordance with this Agreement and its Exhibit B.
- 7. ROYALTIES AND INVENTIONS: The Alameda LAFCO shall have a royalty-free, exclusive and irrevocable license to reproduce, publish and use the results produced in the course of or under this Agreement; and Contractor shall not publish any such material relating to Alameda LAFCO without prior consent of Alameda LAFCO.
- 8. CONFIDENTIALITY OF INFORMATION: Confidential information is defined as all information disclosed to Contractor which relates to Alameda LAFCO's past, present, and future activities, as well as activities under this Agreement. Contractor will hold all such information with the same degree of care which Contractor utilizes to protect its own data of a similar nature. Upon cancellation or expiration of this Agreement, Contractor will return to Alameda LAFCO all written or descriptive matter which contains any such confidential information.
- 9. CONFLICT OF INTEREST: No officer, member, or employee of Alameda LAFCO and no member of its governing body shall have any pecuniary interest, direct or indirect, in this Agreement or the proceeds thereof. No Contractor, nor any member of Contractor's family shall serve on the Alameda LAFCO, or hold any such position which either by rule, practice or action nominates, recommends, or supervises Contractor's operations, or authorizes funding to Contractor. Contractor shall immediately bring to Alameda LAFCO's attention any situation in which its client has, or is reasonably likely to have an application or other matter pending before Alameda LAFCO. The

provisions of this Agreement are not exclusive, and thus Alameda LAFCo may at its discretion appoint a different firm to serve as its consultant in the event of a conflict. Contractor agrees not to assign any of the key personnel identified in Exhibit A to any matter that is, or is likely to be pending before Alameda LAFCO regardless of whether Alameda LAFCO in its discretion decides to hire another firm to avoid a conflict.

- 10. USE OF ALAMEDA LAFCO PROPERTY: Contractor shall not use Alameda LAFCO premises or property (including equipment, instruments and supplies) or personnel for any purpose other than in the performance of his/her obligations under this Agreement.
- 11. EQUAL EMPLOYMENT OPPORTUNITY PRACTICES/PROVISIONS: Contractor assures that it will comply with Title VII of the Civil Rights Act of 1964 and that no person shall, on the grounds of race, creed, color, disability, sex, sexual orientation, national origin, age, religion, Vietnam era Veteran's status, political affiliation, or any other non-merit factor, be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination under this Agreement.
 - A. Contractor shall, in all solicitations or advertisements for applicants for employment placed as a result of this Agreement, state that it is an "Equal Opportunity Employer" or that all qualified applicants will receive consideration for employment without regard to their race, creed, color, disability, sex, sexual orientation, national origin, age, religion, Vietnam era Veteran's status, political affiliation, or any other non-merit factor.
 - B. Contractor shall, if requested to so do by Alameda LAFCO, certify that it has not, in the performance of this Agreement, discriminated against applicants or employees because of their race, creed, color, disability, sex, sexual orientation, national origin, age, religion, Vietnam era Veteran's status, political affiliation, or any other non-merit factor.
 - C. If requested to do so by Alameda LAFCO, Contractor shall provide Alameda LAFCO with access to copies of all of its records pertaining or relating to its employment practices, except to the extent such records or portions of such records are confidential or privileged under State or Federal law.
 - D. Contractor shall recruit vigorously and encourage minority- and women-owned businesses to bid its subcontracts.
 - E. Nothing contained in this contract shall be construed in any manner so as to require or permit any act which is prohibited by law.
 - F. The Contractor shall include the provisions set forth in paragraphs A through E (above) in each of its subcontracts.
- 12. ASSIGNMENT OF CONTRACT: Nothing contained in this Agreement shall be construed to permit assignment or transfer by Contractor of any rights under this Agreement and such assignment or transfer is expressly prohibited and void unless otherwise approved in writing by Alameda LAFCO.
- 13. DRUG-FREE WORKPLACE: Contractor and Contractor's employees shall comply with Alameda LAFCO's policy of maintaining a drug-free workplace. Neither Contractor nor Contractor's employees shall unlawfully manufacture, distribute, dispense, possess or use controlled substances, as defined in 21 U.S. Code section 812, including marijuana, heroin, cocaine, and amphetamines, at any LAFCO facility or work site. If Contractor or any employee of Contractor is convicted or pleads

- nolo contendere to a criminal drug statute violation occurring at an Alameda LAFCO facility or work site, the Contractor within five days thereafter shall notify the Executive Officer of Alameda LAFCO. Violation of this provision shall constitute a material breach of this Agreement.
- 14. FEDERAL AND STATE AUDITS: Until the expiration of five (5) years after the furnishing of any services pursuant to this Agreement, Contractor shall make available, upon written request, to the Federal/State government or any of their duly authorized representatives, this Agreement, and such books, documents, and records of Contractor that are necessary to certify the nature and extent of the reasonable cost of services to Alameda LAFCO. If Contractor enters into any Agreement with any related organization to provide services pursuant to this Agreement with value or cost of \$10,000 or more over a twelve-month period, such Agreement shall contain a clause to the effect that until the expiration of five years after the furnishing of services pursuant to such subcontract, the related organization shall make available, upon written request, to the Federal/State government or any of their duly authorized representatives, the subcontract, and books, documents and records of such organization that are necessary to verify the nature and extent of such costs. This paragraph shall be of no force and effect when and if it is not required by law. Alameda LAFCO shall have access to Contractor's financial records for purposes of auditing payments made to Contractor hereunder. Such records shall be complete and available for audit ninety (90) days after final payment is made to Contractor hereunder and shall be retained and available for audit purposes for five (5) years after said final payment hereunder.
- 15. TIME IS OF THE ESSENCE in each and all of the provisions of this agreement.
- 16. AMENDMENT: No change, alteration, variation, modification of the terms, termination or discharge of this Agreement shall be valid unless made in writing and signed by the parties hereto.
- 17. ASSURANCE OF PERFORMANCE: If at any time Alameda LAFCO believes Contractor may not be adequately performing its obligations under this Agreement, that Contractor may fail to complete the Services as required by this Agreement, or has provided written notice of observed deficiencies in Contractor's performance, Alameda LAFCO may request from Contractor prompt written assurances of performance and a written plan to correct the observed deficiencies in Contractor's performance. Contractor shall provide such written assurances and written plan within ten (10) calendar days of receipt of Alameda LAFCO's written request and shall thereafter diligently commence and fully perform such written plan. Contractor acknowledges and agrees that any failure to provide written assurances and a written plan to correct observed deficiencies, in the required time, to diligently commence and fully perform such written plan, is a material breach under this Agreement.
- 18. KEY PERSONNEL: Contractor shall identify himself as key personnel assigned to perform services in Exhibit A and obtain Alameda LAFCO approval of any substitution by the Contractor of key personnel.
- 19. SUBCONTRACTORS: Contractor shall identify and obtain Alameda LAFCO approval of all subcontractors. Nothing provided herein shall create any obligation on the part of Alameda LAFCO to pay or to see to the payment by Contractor of any monies to any subcontractor, supplier or vendor, nor create any relationship in contract or otherwise, express or implied between any such subcontractor, supplier or vendor and Alameda LAFCO. Approval by Alameda LAFCO of any subcontractor shall not constitute a waiver of any right of Alameda LAFCO to reject defective work, material or equipment, not in compliance with the requirements of this Agreement.

- 20. CHOICE OF LAW: This Agreement, and any dispute arising from the relationship between the parties to this Agreement, shall be governed by the laws of the State of California, excluding any laws that direct the application of another jurisdiction's laws, and its courts shall have jurisdiction (but not exclusive jurisdiction) to hear and determine all questions relating to this Agreement.
- 21. WAIVER: Any failure of a party to assert any right under this Agreement shall not constitute a waiver or a termination of that right, under this Agreement or any provisions of this Agreement.
- 22. ENTIRE AGREEMENT: This Agreement, including all attachments, exhibits, and any other documents specifically incorporated into this Agreement, shall constitute the entire Agreement between Alameda LAFCO and Contractor relating to the subject matter of this Agreement. As used herein, Agreement refers to any documents incorporated herein by reference and any exhibits or attachments. This Agreement supersedes and merges all previous understandings, and all other agreements, written or oral, between the parties and sets forth the entire understanding of the parties regarding the subject matter thereof. The Agreement may not be modified except by a written document signed by both parties.
- 23. TERMINATION: Alameda LAFCO may terminate this Agreement with or without cause by providing thirty (30) days notice, in writing, to the Contractor. Upon the expiration of said notice, this Agreement shall become of no further force or effect whatsoever and each of the parties hereto shall be relieved and discharged here from. Alameda LAFCo may terminate at any time without notice upon material breach of the terms of this Agreement and/or in the event that Alameda LAFCO determines that the Contractor's performance is substandard or unsatisfactory.
- 24. SURVIVAL: The obligations of this Agreement, which by their nature would continue beyond the termination or expiration of the Agreement, including without limitation, the obligations regarding Hold Harmless/Indemnification (paragraph 2), Confidentiality of Information (paragraph 9), and Conflict of Interest (paragraph 10), shall survive termination or expiration.
- 25. NOTICES: All notices, requests, demands, or other communications under this Agreement shall be in writing. Notices shall be given for all purposes as follows:
 - Personal delivery: When personally delivered to the recipient, notices are effective on delivery.
 - First Class Mail: When mailed first class to the last address of the recipient known to the party giving notice, notice is effective three mail delivery days after deposit in a United States Postal Service office or mailbox.
 - Certified Mail: When mailed certified mail, return receipt requested, notice is effective on receipt, if delivery is confirmed by a return receipt.
 - Overnight Delivery: When delivered by overnight delivery (Federal Express/United Parcel Service/DHL WorldWide Express/etc.) with charges prepaid or charged to the sender's account, notice is effective on delivery, if delivery is confirmed by the delivery service.
 - Telex or facsimile transmission: When sent by telex or fax to the last telex or fax number of
 the recipient known to the party giving notice, notice is effective on receipt, provided that (a) a
 duplicate copy of the notice is promptly given by first-class or certified mail or by overnight
 delivery, or (b) the receiving party delivers a written confirmation of receipt. Any notice given

by telex or fax shall be deemed received on the next business day if is received after 5:00 p.m. (recipients time) or on a non-business day.

Addresses for purpose of giving notice are as follows:

To LAFCO:

Alameda LAFCO

224 West Winton, Suite 110

Hayward, CA 94544

To Contractor:

PCA

5050 Laguna Blvd., #112-711

Elk Grove, CA 95758

Any correctly addressed notice that is refused, unclaimed, or undeliverable because of an act or omission of the party to be notified shall be deemed effective as of the first date that said notice was refused, unclaimed, or deemed undeliverable by the postal authorities, messenger, or overnight delivery service.

Any party may change its address or telex or facsimile number by giving the other party notice of the change in any manner permitted by this Agreement.

[END OF ADDITIONAL PROVISIONS]

EXHIBIT A - SCOPE OF SERVICES

PCA with subcontractor, Berkson Associates, will prepare a Municipal Service Review (MSR) for Fire Protection and Emergency Medical Services, along with information and analysis necessary for LAFCo to update the spheres of influence (SOis) for the subject local agencies covered in the MSR. The MSR will be prepared in accordance with California Government Code §56430 and Alameda LAFCo policies and procedures. In addition to reviewing the relevant public agencies, the scope ofworkmay involve reviewing private service providers or other service providers not subject to LAFCo review to the extent they relate to the overall provision of the municipal services under review. All work products are to be prepared in Word and Excel formats. Consultant will provide LAFCo with electronic copies of the report; one camera-ready copy for publication must be provided if requested.

General Scope-of-Work and Task Outline is proposed as follows:

Milestone	Date
Task & Data Collection and Review	
Kickoff Meeting	4/9/21
Website and document review	4/23/21
Send initial RFI	4/27/21
Receive RFI responses from agencies	5/18/21
Phone interviews	Continuous
Analysis and drafting of agency chapters	5/18/21-9/18/21
Send chapters to agencies for review	Continuous
Drafting determinations	10/1/21
Task 2: Administrative Draft MSR	
Receive reviewed chapters from agencies	10/1/21
Address agency corrections and draft Overview	10/15/21
Administrative Draft MSR to LAFCO stuff	10/22/21
Receive comments from LAFCO staff	11/19/21
Incorporate comments from LAFCO staff	12/10/21
Task 3: Public Review Draft MSR	
Release MSR for public review	12/10/21
Presentation at LAFCO meeting	1/13/22
Public comment period ends	1/13/22
Task 4: Final MSR	
Address public and Commission comments	2/11/22
Release of Draft Final	2/11/22
Presentation of Final Draft at LAFCO meeting	3/10/22
Finalize MSR and send to LAFCO	3/17/22

EXHIBIT B - CONTRACT PAYMENT TERMS

1. The Alameda LAFCO will pay Contractor for services provided herein, upon submittal of an invoice and summary report of services performed pursuant to this agreement. All services will be performed at the direction of, and with the prior authorization of, the LAFCo Executive Officer. Invoices will be approved by the Alameda LAFCo Executive Officer. Payments under the terms of this Agreement shall not exceed \$99,710. This amount includes all administrative expenses and costs, travel expenses and contingencies. For the purposes assigned in the proposal, the billing rates are as listed in the firm's proposal and shown below:

Jennifer Stephenson, Principal: \$155/hour Oxana Wolfson, Principal: \$155/hour Jill Hetland, Research Assistant: \$50/hour Richard Berkson, Principal: \$235/hour

- 2. Payments under the terms of this Agreement shall not exceed \$99,710. This amount includes: one revised draft in response to LAFCO staff review, attendance at two LAFCO hearings, all travel expenses, contingencies, and other miscellaneous expenses.
- 3. The term of this Agreement is April 1, 2021 to April 30, 2022.

EXHIBIT C - MINIMUM INSURANCE REQUIREMENTS

Without limiting any other obligation or liability under this Agreement, the Contractor, at its sole cost and expense, shall secure and keep in force during the entire term of the Agreement or longer, as may be specified below, the following minimum insurance coverage, limits and endorsements:

6 - 12500	TYPE OF INSURANCE COVERAGES	MINIMUM LIMITS
Α	Commercial General Liability Premises Liability; Products and Completed Operations; Contractual Liability; Personal Injury and Advertising Liability	\$1,000,000 per occurrence (CSL) Bodily Injury and Property Damage
В	Commercial or Business Automobile Liability All owned vehicles, hired or leased vehicles, non-owned, borrowed and permissive uses. Personal Automobile Liability is acceptable for individual contractors with no transportation or hauling related	\$1,000,000 per occurrence (CSL) Any Auto Bodily Injury and Property Damage
С	Workers' Compensation (WC) and Employers Liability (EL) Required for all contractors with employees	WC: Statutory Limits EL: \$1,000,000 per accident for bodily injury or disease

D Endorsements and Conditions:

- ADDITIONAL INSURED: All insurance required above with the exception of Commercial or Business Automobile Liability, Workers' Compensation and Employers Liability, shall be endorsed to name as additional insured: the Alameda Local Agency Formation Commission (LAFCO), the individual members thereof, and all Alameda LAFCO officers, agents, employees, volunteers, and representatives. The Additional Insured endorsement shall be at least as broad as ISO Form Number CG 20 38 04 13.
- 2. DURATION OF COVERAGE: All required insurance shall be maintained during the entire term of the Agreement. In addition, Insurance policies and coverage(s) written on a claims-made basis shall be maintained during the entire term of the Agreement and until 3 years following the later of termination of the Agreement and acceptance of all work provided under the Agreement, with the retroactive date of said insurance (as may be applicable) concurrent with the commencement of activities pursuant to this Agreement.
- 3. REDUCTION OR LIMIT OF OBLIGATION: All insurance policies, including excess and umbrella insurance policies, shall include an endorsement and be primary and non-contributory and will not seek contribution from any other insurance (or self- insurance) available to Alameda LAFCO. The primary and non-contributory endorsement shall be at least as broad as ISO Form 20 01 04 13. Pursuant to the provisions of this Agreement insurance effected or procured by the Contractor shall not reduce or limit Contractor's contractual obligation to indemnify and defend the Indemnified Parties.
- 4. INSURER FINANCIAL RATING: Insurance shall be maintained through an insurer with a A.M. Best Rating of no less than A:VII or equivalent, shall be admitted to the State of California unless otherwise waived by Risk Management, and with deductible amounts acceptable to Alameda LAFCO. Acceptance of Contractor's insurance by Alameda LAFCO shall not relieve or decrease the liability of Contractor hereunder. Any deductible or self-insured retention amount or other similar obligation under the policies shall be the sole responsibility of the Contractor.
- 5. SUBCONTRACTORS: Contractor shall include all subcontractors as an insured (covered party) under its policies or shall verify that the subcontractor, under its own policies and endorsements, has complied with the insurance requirements in this Agreement, including this Exhibit. The additional Insured endorsement shall be at least as broad as ISO Form Number CG 20 38 04 13.
- 6. **JOINT VENTURES:** If Contractor is an association, partnership or other joint business venture, required insurance shall be provided by one of the following methods:
 - Separate insurance policies issued for each individual entity, with each entity included as a "Named Insured" (covered party), or at minimum named as an "Additional Insured" on the other's policies. Coverage shall be at least as broad as in the ISO Forms named above.
 - Joint insurance program with the association, partnership or other joint business venture included as a "Named Insured".
- 7. CANCELLATION OF INSURANCE: All insurance shall be required to provide thirty (30) days advance written notice to Alameda LAFCo of cancellation.
- 8. CERTIFICATE OF INSURANCE: Before commencing operations under this Agreement, Contractor shall provide Certificate(s) of Insurance and applicable insurance endorsements, in form and satisfactory to Alameda LAFCO, evidencing that all required insurance coverage is in effect. Alameda LAFCO reserves the rights to require the Contractor to provide complete, certified copies of all required insurance policies. The required certificate(s) and endorsements must be sent as set forth in the Notices provision.

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AGENDA REPORT March 10, 2022 Item No. 5

TO: Alameda Commissioners

FROM: Rachel Jones, Executive Officer

SUBJECT: Establish Ad Hoc Public Member Selection Committee

The Alameda Local Agency Formation Commission (LAFCO) will consider directing the Chair to establish an Ad Hoc Selection Committee for its Public Member Seat set to expire in May 2022.

Information

The terms for Chair Sblendorio will expire in May 2022. A public member recruitment process will therefore need to be initiated.

In preparation of initiating the public member selection process, the Chair will consider establishing an ad hoc committee and appointing members to that committee. The purpose of the ad hoc committee is to provide input into the recruitment process, evaluate applications, interview selected applicants, and make a recommendation to the Commission. As recommended in the public member selection procedures (Attachment 1), members of that committee should include a City member, a County member, and a Special District member.

Below is a tentative member selection process timeline starting on March 14, 2022:

2022 Public Member Recruitment Timeline				
Date	Task			
January 21, 2022	Notice is mailed to each City, Special District, and the County, and			
	ad is sent to newspapers			
January 28 th or February 4 th	Ad appears in newspapers			
2022				
March 4, 2022	Application submittal deadline			
March 14, 2022	Applications mailed to ad hoc committee members for review			
Week of March 14 th	Ad hoc committee evaluates process and rate applicants			
Week of March 21st	Finalists notified and informed of interview date			
Week of March 28 th	Ad hoc committee members interview finalists			
May 12, 2022	Commission receives recommendation from the ad hoc committee			
	and appoints Public Member			

Ralph Johnson, Regular

Castro Valley Sanitary District

Alternatives for Action

The following alternatives are available to the Commission:

Alternative One (Recommended):

Direct LAFCO Chair to establish Ad Hoc Selection Committee in step with the Public Member Selection Procedures.

Alternative Two:

Continue the item to a future meeting and provide direction to staff.

Recommendation

It is recommended the Commission proceed with Alternative Action One.

Respectfully,

Rachel Jones Executive Officer

Attachments:

1. Public Member Selection Procedures

Proposed Public Member Selection Process

The regular and alternate public members of Alameda LAFCo are selected by the other members of the Commission. At least four affirmative votes are required to appoint the public members, and there must be at least one vote from each of the other appointing authority categories: City, County and Special District.

Unless the Commission gives alternative direction, the following procedure is used to recruit and select public members:

- The Executive Officer or Clerk shall notify the Commission in advance of a public member's term expiration or when such seat becomes vacant.
- The Commission may consider reappointment of a regular and/or alternate public member no more than twice. Subsequently, the Commission will conduct its regular recruitment process as noted below.
- The Commission Chair will appoint an ad hoc public member selection committee consisting of a City member, County member and Special District member.
- The Clerk will provide notice of a vacancy to the clerk or secretary of the legislative body of each city, special district, and the county; will distribute the notice to local media outlets and place a display ad in one or more newspapers of general circulation; will post the notice at the LAFCo office and on the LAFCo website. The notice shall include a summary of the qualifications for the position as specified in Government Code Section 56331 (e.g., can't be an officer or employee of the county, city, or district).
- Interested persons shall submit a written application form provided by LAFCo staff and return the form to the LAFCo office before the deadline. The deadline for applications shall be at least 21 days following the distribution of notice.
- The Clerk shall make and distribute a roster of all applicants and their applications to the members of the ad hoc committee.
- The ad hoc committee will evaluate applications, select candidates to interview, and conduct interviews of selected candidates.
- The ad hoc committee will make a recommendation to the full Commission.
- Alternatively, the ad hoc committee may recommend that all applicants be interviewed by the full Commission.
- The Commission will make a selection as part of the agenda of the first regularly scheduled meeting following the application deadline.
- If no candidate should receive the required votes, then a new recruitment shall be conducted.
- A candidate may withdraw an application before or after the application deadline. If a candidate withdraws an
 application after the deadline, the candidate shall not be considered for the appointment unless the
 Commission votes to reopen the process and the person reapplies.
- When a regular public member vacancy occurs, the Commission may consider appointing the alternate public member to the regular public member seat. If the alternate public member is so appointed, then the Commission will proceed with an alternate public member recruitment process.

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AGENDA REPORT March 10, 2022 Item No. 6

TO: Alameda Commissioners

FROM: Rachel Jones, Executive Officer

SUBJECT: Draft Report on Alameda LAFCO's 20-Year Review of Measure D

The Alameda Local Agency Commission (LAFCO) will receive a draft report and presentation from consultant, Scott Gregory of Lamphier-Gregory on its 20-Year Review of Measure D. The draft has been prepared as part of the adopted work plan and independently examines the economic and open space needs of the eastern county area and the impacts that the measure has had on agriculture since the ballot measure passed in November of 2000. The draft is being presented to the Commission for initial discussion and feedback ahead of staff initiating a formal public review and comment period.

Background

By November of 2000, Measure D passed on the Alameda countywide ballot that ultimately eliminated new urban development within unincorporated East County, increased restrictions on building intensities, established minimum parcel sizes, and outlined permitted uses in rural areas. After 20 years since the passage of Measure D, and at its January 14, 2021 regular meeting, Alameda LAFCO amended its study schedule to include a special study reviewing how Measure D has supported or constrained the agricultural viability of the eastern part of the County and its impacts on the delivery of efficient and effective services to the area and its surrounding communities.

A preliminary report of the study was provided to the Commission at its September 9, 2021 regular meeting, and a draft report was issued to relevant stakeholders for technical edits and comments in December of 2021. LAFCO received comments from the City of Livermore, and individuals from the public – Karl Wente and David Kent. LAFCO's special study is intended to provide Alameda LAFCO with objective information and data in an effort to inform key stakeholders and its own policies of the emerging agricultural and open space needs of East County.

Discussion

This item is for the Commission to receive and review the special study on Measure D consistent with the adopted work plan and ahead of staff initiating a formal 30-day public review and comment period.

Karla Brown, Alternate

City of Pleasanton

Agenda Item No. 6

Similarly, it is also an opportunity for staff to present the report's findings to key stakeholders and agencies in the region. Feedback will be incorporated by staff as appropriate into a final report presented for future action as early as May to formally accept and file.

Below is a list of stakeholders for staff presentations:

- City Councils of Livermore, Dublin, and Pleasanton
- Alameda County Transportation/Planning Committee
- Alameda County Planning Commission
- Tri-Valley Conservancy
- Alameda County Agricultural Advisory Committee (staff presentation provided on March 1st)

Analysis

The report has been commissioned to provide objective information and data that may better inform deliberations and potential future policy decisions pertaining to Measure D and Alameda County's East County Area Plan (ECAP). The purpose of the report is to review whether Measure D's land use policies and regulations may be contributing or suppressing agriculture and open space needs in the region.

A summary of key conclusions and findings follows:

Permissive Winery-Related Uses

Of the counties studied, Alameda County zoning regulations appear to have the broadest definition of permitted winery-related uses and activities than other counties (e.g. wine processing, wine production, and tasting rooms). These more permissive definitions result in a less restrictive permitting process for winery-related uses, whereby nearly all defined winery activities and uses are permitted by right and/or through administrative review, as opposed to a discretionary use permitting process.

Growth Within Boundaries

The East County has grown by nearly 70,000 people and 22,300 new housing units since 2000, nearly all of which has occurred within city boundaries, and nearly all (with the exception of certain incorporated city lands in Dublin) within the Urban Growth Boundary (UGB) as established by Measure D.

Effective in Preservation

Establishment of ECAP's UGB has reciprocally been highly effective in protecting and preserving those agricultural and open space lands that are located on the outside of the UGB. Since 2000, no changes to the UGB have occurred, and no urban development has displaced agricultural or open space lands on the outside of the UGB.

Restrictive Maximum Building Intensity

However, of the nine different counties studied, only four counties (Alameda, Sonoma, Marin, and Monterey) have regulations that restrict the maximum building intensity, or floor-to-area-ratio requirements (FAR), for non-residential uses in agriculturally designated or zoned lands. Of those other four counties that do have applicable FAR regulations, Alameda County's 1% FAR regulations are substantially more restrictive on the size of non-residential buildings. In comparison, Sonoma, Marin, and Monterrey County's regulations allow the potential for up to a maximum 5% FAR, and the other four counties included in this study have no FAR restriction at all.

Maximum Building Envelope

Similarly, Alameda County appears to be the only one of the counties studied in this report to define a maximum building envelope (generally, all agricultural land uses must be located on a contiguous development envelope not to exceed 2 acres). Instead, the other counties reviewed for this report approach building sites in a more individual and discretionary process, whereby development proposals are required, through a discretionary process, to limit development on agricultural soils and other natural resource values, and to ensure that these uses are secondary and incidental to agricultural production activities.

Stagnant Agricultural Economy

Despite significant losses in farm-based employment, the revenue from Easy County agricultural operations appears to remain stable, but not growing. The stability of overall agricultural business revenue is driven by continued strong growth in sales in wine grapes. The wine industry's revenue growth (in sales, but not a reflection of profit margin or increased acreage) eclipses the relatively sizable decline in sales revenue and productive agricultural use of other agricultural activities (e.g., crop harvesting and horse boarding) within East County.

Recommendation

It is recommended Alameda LAFCO discuss the draft report on its 20-Year Review of Measure D and provide related feedback to staff. This includes providing direction on desired revisions and/or additions ahead of staff circulating the draft for public review and comment and returning with a final version for action at the Commission's next regular meeting.

Alternatives for Action

The item is being presented to the Commission for discussion and feedback only.

Procedures

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

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

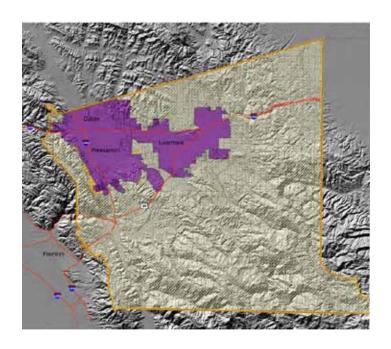
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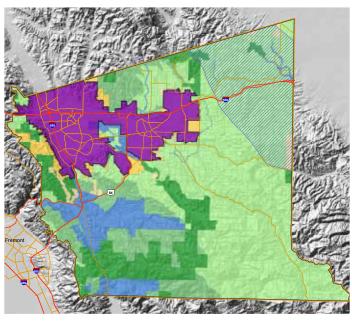
Rachel Jones

Executive Officer

Attachments:

- 1. Draft Report on Alameda LAFCO's 20-Year Review of Measure D
- 2. Comment Letters





20-Year Review of Measure D "Save Agriculture and Open Space Lands" Initiative

Prepared for:
Alameda County Local Agency Formation Comission (Alameda LAFCO)

Prepared by: Lamphier-Gregory and Economic and Planning Systems, Inc.



February 2022

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Chapter 1: Introduction

Measure D (known as the Save Agriculture and Open Space Lands Initiative) was placed on the Alameda countywide ballot in November of 2000. The primary components of the Measure D initiative included amending the County's Urban Growth Boundary; increasing restrictions on building intensity, minimum parcel sizes and permitted uses in rural areas of the County; establishing that all County planning policies and zoning regulations must be consistent with provisions of Measure D; and mandating that any changes to the land use designations, building intensity or minimum parcel sizes as established by Measure D be subject to a new vote of the County electorate.

Measure D passed with a 57% majority of Alameda County voters, and became effective as of December 22, 2000. By May of 2002, Alameda County completed and adopted its corresponding amendments to the applicable Alameda County General Plan (the East County Area Plan, or ECAP), effectively eliminating new urban development within unincorporated East County.

Purpose of this Study

Now, approximately 20 years since the passage of Measure D and the incorporation of Measure D provisions into ECAP, the Alameda County Local Agency Formation Commission (Alameda County LAFCO) has requested preparation of a special independent study to review how Measure D has affected agricultural and open space lands and the surrounding communities, and to consider how the implementation of Measure D has met its own LAFCO policies pertaining to agriculture and open space. These Alameda LAFCO policies principally include:

- Supporting urbanization in cities, not on prime agricultural land or important open space (Alameda LAFCO Policies 4.3 and 4.4)
- Identifying important agricultural lands and open space included in annexation and Sphere of Influence proposals, and protecting adjacent agricultural lands (Alameda LAFCO Policy 4.9)
- Conditioning approvals of annexations and Sphere of Influence changes on the retention of Measure D restrictions, as applicable (Alameda LAFCO Policy 4.11),
- Including only those territories within existing Spheres of Influence for urbanization needed within 10-15 years (Alameda LAFCO Policy 13.13), and
- Establishing incentives to support agricultural and open space viability (Alameda LAFCO Policy 4.10)

Alameda LAFCO understands and appreciates that it does not have land use regulatory authority, and has no means by which to directly affect any potential changes in Alameda County land use policy. However, as a State-mandated agency that acts on boundary matters as an independent agency, it is empowered to adopt and consider changes to its own policies to better reflect local conditions, and to assist in seeking a balance between competing interests. Accordingly, this special study report makes no recommendations about whether any of the Measure D policies as fully incorporated into ECAP should or should not be made. Nor does this study weigh-in on the question of whether any policy or regulatory changes to ECAP that might be considered would need to be processed pursuant to a new countywide ballot measure, or could be implemented by technical amendments to Measure D made by the Board of Supervisors.

Rather, this special study is intended to provide Alameda LAFCO with objective information and data to in an effort to better understand the economic and open space needs of the area, and to assess whether the current ECAP policies, as directed by Measure D, support or constrain these needs. Specifically, this report reviews the effectiveness of current ECAP policies related to the following key indicators:

- Have the current ECAP policies supported urbanization in cities and not on prime agricultural land or important open space, and have they focused new growth and development only in those territories within existing Spheres of Influence as needed for population growth and urbanization?
- Have the current ECAP policies identified and protected important agricultural lands and open spaces, especially as related to LAFCO considerations of annexations and Sphere of Influence change proposals?
- Have the current ECAP policies supported and established incentives for viable open space preservation and agricultural operations?

Additionally, this report provides objective comparative information as to:

- Are Alameda County's ECAP and its corresponding County zoning regulations that specifically
 pertain to agricultural uses more or less restrictive as compared to comparable regulations of
 other Bay Area and relevant counties?
- Do the policies of ECAP and its corresponding zoning regulations disadvantage Alameda County's agricultural businesses to a greater degree than the agricultural rules and regulation of other locations?

Background

The Alameda County Board of Supervisors has considered at least two amendments to ECAP since Measure D was adopted. In 2013, the Supervisors considered an amendment to increase the floor-to-area ratio (FAR) allowed for horse breeding and training facilities, and in 2020 the Supervisors considered an amendment to increase the permitted FAR for defined "agricultural buildings", in addition to the FAR allowed for "non-residential" buildings. Alameda County has convened a stakeholder group consisting of members of the public that represent differing, and potentially competing interests on these matters, to discuss issues related to Measure D and to identify potential approaches for addressing these issues. Among the interests that were represented in the stakeholder group include:

those interests of the drafters and supporters of the original Measure D language, who view
Measure D, as written, as being critical to the preservation of agricultural and open space lands,
and who do believe that any changes to Measure D cannot be initiated without a countywide
vote of the people, and

Alameda LAFCO Measure D Analysis

Alameda County Community Development Agency, Staff Report to the Board of Supervisors, "Proposed Amendments to East County Area Plan and Castro Valley General Plan to Increase the Floor Area Ratio Allowed for Equine Facilities", December 2012

Alameda County Community Development Agency, Staff Report to the Board of Supervisors, "Update on Proposed Amendments to Measure D to Increase the Floor Area Ratio Allowed for Agricultural Buildings", December 7, 2020

those interests of certain Alameda County agricultural property owners, local wineries and
equestrian facility operators that seek remedies to what they see as restrictions that are too
prohibitive and that do not support the county's agricultural businesses

However, these stakeholder groups have not reached agreement on these issues, nor have they found agreement on means by which these issues might be resolved (i.e., via a new ballot measure, or by technical amendments to Measure D). To date, the Alameda County Supervisors have similarly not reached agreement, and have not taken action on either of these two amendments.

Alameda LAFCO has also held meetings to discuss agriculture and open space preservation. At a Special Meeting held in 2013, Alameda LAFCO specifically reviewed it role in agriculture and open space preservation, and to better understanding how ECAP policies and the Urban Growth Boundary applies to Alameda LAFCO's decisions. That Special Meeting concluded that Alameda LAFCO has no direct land use regulatory authority, but as a State-mandated agency that acts on boundary matters as an independent agency, it is empowered to adopt local policies to reflect local conditions, and to seek a balance between competing interests.

In an effort to seek such a balance, Alameda LAFCO has commissioned this report to provide objective information and data that may help to better inform deliberations and potential future decisions on important policy matters pertaining to Measure D/ECAP and its effects on city-centered growth, open space and agricultural land preservation, and the viability of agricultural-based industry and land use.

Summary of Findings

As discussed in substantially greater detail in Chapter 2 of this report, the findings pertaining to the questions posed by Alameda LAFCO related to the effectiveness of Measure D can be summarized as follows:

- Measure D and its subsequent amendments to the County's ECAP have been highly effective in directing that urbanization occur in the East County cities of Dublin, Pleasanton and Livermore, and not on prime agricultural land or important open spaces outside of the Urban Growth Boundary (UGB). No amendments to the UGB have been made and no expansion of existing Spheres of Influence to support urbanization have occurred since the year 2000. Alameda LAFCO has worked with each of the East County cities to ensure that annexations of land into those cities retain the land use restrictions as established by Measure D.
- The East County has grown by nearly 70,000 people and 22,300 new housing units since 2000, nearly all of which has occurred within City boundaries, and nearly all (with the exception of certain incorporated City lands in Dublin) within the UGB as established by Measure D.
- Establishment of ECAP's UGB has reciprocally been highly effective in protecting and preserving
 those agricultural and open space lands that are located on the outside of the UGB. Since 2000,
 no changes to the UGB have occurred, and no urban development has displaced agricultural or
 open space lands on the outside of the UGB.
- Of the total increase of approximately 14,570 acres of urbanized lands in East County that has
 occurred over the past 34 years, approximately two-thirds of this increase in urbanization
 occurred in the nearly 20 years prior to Measure D. Only one-third of this increase in
 urbanization has occurred in the nearly 20 years post-Measure D, and this smaller increase in
 urbanized land has accommodated a relatively similar increase in population as occurred preMeasure D.

- According to the Department of Conservations' GIS database, more than 3,570 net acres of East
 County's farmlands were lost or converted to other land use categories between the years 1984
 to 2018. Nearly all of this net loss in farmland occurred after year 2000 (or post-Measure D).
 However, about 84% of this total loss in farmlands occurred in areas immediately adjacent to
 and within East County cities, in areas within the established UGB.
- Although the Department of Conservation's GIS database shows that the East County lost nearly 4,430 acres of Prime farmland over the 34-year period from 1984 to 2018, there was a concurrent increase of 1,854 acres in Farmland of Statewide Importance and Unique farmland. Much of this can be attributed to the Department of Conservation's re-designation of certain properties in the South Livermore Valley from Prime, to Statewide Important or Unique farmland, which are not a lesser designations, but rather a recognition that vineyards represent sustained production of a specific high-quality and high-yield crop of economic importance to California" (i.e., Statewide Important or Unique farmland).
- Despite significant losses in farm-based employment, the revenue from East County agricultural
 operations appears to remain stable, but not growing. The stability of overall agricultural
 business revenue is driven by continued strong growth in sales in wine grapes. The wine
 industry's revenue growth (in sales, but not a reflection of profit margin or increased acreage)
 eclipses the relatively sizeable decline in sales revenue and productive agricultural use of other
 agricultural activities (e.g., crop harvesting and horse boarding) within East County.

The relative economic viability of agriculture in East County is a function of multiple variables including macro-economic trends, micro-economic decisions and capabilities of local agricultural operators, climate, water availability, labor availability, other costs and regulations. This report's assessment of agricultural businesses in the County does not include an audit or appraisal of the costs associated with agricultural operations against total revenues, and does not make any assertions regarding the profitability of this business sector in Alameda County. However, LAFCO staff has made preliminary drafts of this report available to numerous stakeholders, including owners of winery, equestrian and other agricultural businesses within the County. These owners have reported that the sales revenue from agricultural businesses is not keeping pace with rising costs, and that regulatory provisions are preventing business growth that is necessary to maintain profitability.

Conclusions

The purpose of this report is to review whether Measure D's land use policies and regulations may be a contributing factor in the lack of growth in East County's agricultural industry, especially as compared to the regulations of other relative counties (see Chapter 4). These conclusions can be summarized as follows:

- Of those counties studied, Alameda County zoning regulations appear to have the broadest
 definition of permitted winery-related uses, including more types of uses and activities than
 other counties (e.g., wine processing, wine production and tasting rooms). These more
 permissive definitions result in a less restrictive permitting process for winery-related uses,
 whereby nearly all defined winery activities and uses are permitted by right and/or through
 administrative review, as opposed to a discretionary use permit processes.
- Similarly, of those counties studied, Alameda County zoning regulations appears to have the broadest definition of permitted equine uses, including more types of uses and activities than other counties (e.g., commercial stables, horse training and riding academies). These more

permissive definitions result in a less restrictive permitting process for equestrian-related uses, whereby nearly all equestrian activities and uses are permitted by right and/or through administrative review (Site Development Review by the Board of Zoning Adjustments), as opposed to a discretionary use permit processes.

- However, of the nine different counties studied, only four counties (Alameda, Sonoma, Marin and Monterrey) have regulations that restrict the maximum building intensity (or FAR) for non-residential uses in agriculturally designated or zoned lands. Of those other four counties that do have applicable FAR regulations, Alameda County 1% FAR regulations are substantially more restrictive on the size of non-residential buildings. In comparison, Sonoma, Marin and Monterrey County's regulations allow the potential for up to a maximum 5% FAR, and the other four counties included in this study have no FAR restriction at all.
- Similarly, Alameda County appears to be the only one of the counties studied in this report to define a maximum building envelope (generally, all agricultural land uses must be located on a contiguous development envelope not to exceed 2 acres). Instead, the other counties reviewed for this report approach building sites in a more individual and discretionary process, whereby development proposal are required, through a discretionary process, to limit development on agricultural soils and other natural resource values, and to ensure that these uses are secondary and incidental to agricultural production activities.

These differences in regulatory provisions between Alameda County and other relevant counties can be generally regarded as providing Alameda County applicants with more certainty over land use approvals, provided that proposed agricultural development fully complies with the more restrictive Alameda County standards intended to permit generally smaller-scaled agricultural development. Conversely, the other counties included in this study can be regarded as potentially providing more flexibility and greater development potential for larger-scaled agricultural-related uses, but subject to a more rigorous discretionary approval processes (including CEQA), and with uncertain outcomes.

Chapter 2: Overview of Measure D

2.1: Measure D – the "Save Agriculture and Open Space Lands" Initiative

Measure D (known as the Save Agriculture and Open Space Lands Initiative) was placed on the November 2000 countywide ballot by citizens' groups. The question that was posed to the voters of Alameda County was straightforward:

"Shall an ordinance amending the Alameda County General Plan to, among other things, revise the urban growth boundary in the East County to reserve less land for urban growth and more land for agriculture and open space, apply similar policies to rural Castro Valley, require new housing to be located primarily within existing cities, modify land use restrictions applicable to rural areas, and require a County-wide vote on changes to these policies, be adopted?" ¹

Measure D passed with a 57% majority of Alameda County voters, and became effective as of December 22, 2000.

By May of 2002, Alameda County completed and adopted its corresponding amendments to the applicable Alameda County General Plan (the East County Area Plan, or ECAP).² As noted in the Preface to the Goals, Policies and Programs of the 2002 amended ECAP, the purposes of these amendments (per the Initiative) were to, "preserve and enhance agriculture and agricultural lands, and to protect the natural qualities, the wildlife habitats, the watersheds and the beautiful open space of Alameda County from excessive, badly located and harmful development. The measure establishes a County Urban Growth Boundary which will focus urban-type development in and near existing cities where it will be efficiently served by public facilities, thereby avoiding high costs to taxpayers and users as well as to the environment. The ordinance is designed to remove the County government from urban development outside the Urban Growth Boundary."

The Initiative also resulted in the addition, deletion and revision of more than 60 policies and programs of the previously applicable ECAP, as well as establishment of and changes to the Urban Growth Boundary and the Land Use Diagram. Major changes to ECAP policy that were made in the 2002 ECAP and in response to Measure D included the following:

- The Urban Growth Boundary (UGB) was redrawn to remove North Livermore from urban development, and the County withdrew from a joint planning Settlement Agreement with the City of Livermore and North Livermore landowners. North Livermore west of Dagnino Road was delineated as an Intensive Agriculture area with the potential for 20-acre enhanced agricultural parcels upon demonstration of available water (among other requirements).
- The South Livermore Valley Area Plan was amended to place absolute limits on density and its geographical extent.
- Lands previously designated for Urban Reserve were re-designated as Large Parcel Agriculture.
 Land use policies for the Large Parcel Agriculture, Resource Management and Rural Residential designations became more restrictive, including changes related to standards for subdivisions and Site Development Review for Agricultural parcels.

League of Women Voters, accessed at: http://www.smartvoter.org/2000/11/07/ca/alm/meas/D/

Alameda County, *East County Area Plan*, as adopted by the Board May 2002

- The County was directed to meet State housing obligations for the East County area within the new County Urban Growth Boundary "to the maximum extent feasible." If State-imposed housing obligations made it necessary to go beyond the UGB, the voters of the county may approve an extension of the boundary, and the Board of Supervisors may approve housing outside the UGB for the purpose of meeting housing obligations if, subject to the requirements of the State housing law, criteria specified by the Initiative can be met.
- The County was prohibited from providing or authorizing expansion of public facilities or other
 infrastructure that would create more capacity than needed to meet the development allowed
 by the Initiative. The Initiative does not prohibit public facilities or other infrastructure that have
 no excessive growth-inducing effect on the East County area and have permit conditions to
 ensure that no service can be provided beyond that consistent with development allowed by the
 Initiative.
- No new quarry or open-pit mine may be approved outside the East County Urban Growth Boundary unless approved by the voters. Excavation not adjacent to an existing quarry site and on the same or adjoining parcel is regarded as a new quarry.
- While new regulations pursuant to Measure D do not affect existing parcels, development, structures or uses that were legal at the time they became effective, structures may not be enlarged or altered and uses expanded or changed inconsistent with the new ECAP policies, programs and regulations, except as authorized by State law.
- The portions of ECAP that were revised or enacted under the Initiative may not be amended except by voter approval, with the exception that the Board of Supervisors can impose more stringent restrictions on development and land use.

2.2: Generalized ECAP Land Use Strategy

As amended by Measure D, the ECAP clearly delineates areas suitable for urban development and open space areas for long-term protection of natural resources, agriculture, and public safety. It establishes a County Urban Growth Boundary (UGB) that divides areas inside the UGB and next to existing cities as generally suitable for urban development, and areas outside of the UGB as suitable for long-term protection of natural resources, agriculture, public health and safety, and buffers between communities.

ECAP's Land Use Diagram identifies urban designations (inclusive of incorporated and unincorporated areas of East County) that are expected to be sufficient to accommodate projected growth. The urban land use designations in unincorporated areas are contained within the UGB, and are not to be expanded to accommodate lower than planned densities. To achieve a balanced sub-region featuring compact communities, a diverse economic base, affordable housing and a full complement of public facilities and amenities, the ECAP requires that urban development be phased according to the availability of infrastructure and public services and in conformance with policies that encourage compact development. Accordingly, ECAP supports phased development in East Dublin to provide for efficient planning of infrastructure and prevent urban sprawl in the Dublin Hills. It requires the County to work with cities and service districts to plan adequate infrastructure capacity to accommodate new urban development within the UGB, but also to limit the level of new development based on the adequacy of transportation and infrastructure improvements and the extent to which these

improvements can be funded, and prohibits the County from providing or authorizing public facilities or other infrastructure in excess of that needed for permissible development.³

ECAP's residential goal is to provide an adequate supply of housing in a range of densities to meet State requirements, to accommodate projected housing growth, and to respond to the needs of all income groups.

ECAP's Land Use Diagram also identifies non-urban land use designations intended to protect regionally significant open space and agricultural land from further development. It calls on the County to work with East County cities to preserve a continuous open space system outside the Urban Growth Boundary, with priority given to the permanent protection of the Resource Management area between Dublin and North Livermore and the area north of the Urban Growth Boundary in North Livermore. The preserved open space areas are intended for the protection of public health and safety, the provision of recreational opportunities, production of natural resources (e.g., agriculture, wind power and mineral extraction), protection of sensitive viewsheds, preservation of biological resources, and the physical separation between neighboring communities. This open space system is to include a continuous band of various plant communities and wildlife habitats that provide for comprehensive, rather than piecemeal, habitat conservation. The open space for habitat conservation is to be located outside of the UGB and contiguous to large open space areas in neighboring Contra Costa, Santa Clara and San Joaquin Counties. To maintain this open space system, ECAP policies call for the following implementation strategies:

- Approve only open space, park, recreational, agricultural, limited infrastructure, public facilities (e.g., limited infrastructure, hospitals, research facilities, landfill sites, jails, etc.) and other similar and compatible uses outside the UGB
- Use zoning and other mechanisms such as purchase or dedication of easements through density transfer or density bonuses and fee purchase to preserve open space outside the UGB
- Require that all new developments dedicate or acquire land for open space and/or pay
 equivalent in-lieu fees to be committed to open space land acquisition and management, and to
 encourage the East County cities to impose similar open space requirements on development in
 incorporated areas
- Encourage the Alameda County Open Space Land Trust to acquire fee title or easements on strategic parcels that would permanently secure the UGB and complete the continuous open space system surrounding Eastern Dublin, North Livermore, South Livermore and the existing cities of Pleasanton, Dublin and Livermore.

To maximize the long-term productivity of East County's agricultural resources, ECAP calls for the conservation of prime agricultural soils (Class I and Class II, as defined by the USDA Soil Conservation Service Land Capability Classification) and Farmland of Statewide Importance and Unique Farmland (as defined by the California Department of Conservation Farmland Mapping and Monitoring Program) outside the Urban Growth Boundary. It also calls for the preservation of the Mountain House area near the San Joaquin County boundary for intensive agricultural use.

ECAP also seeks to protect unique visual resources and sensitive viewsheds by preserving the following major visually sensitive ridgelines largely in open space use:

-

[&]quot;Infrastructure" is defined as including public facilities, community facilities and all structures and development that is necessary for the provision of public services and utilities.

- The ridgelines of Pleasanton, Main, and Sunol Ridges west of Pleasanton
- The ridgelines of Schafer, Shell, Skyline, Oak and Divide Ridges west of Dublin, and the ridgelines above Doolan Canyon east of Dublin
- The ridgelines above Collier Canyon and Vasco Road, and the ridgelines surrounding Brushy Peak north of Livermore
- The ridgelines above the vineyards south of Livermore, and
- The ridgelines above Happy Valley south of Pleasanton

In the southerly portion of East County, ECAP seeks to protect important watershed land from the direct and indirect effects of development. To achieve this goal, ECAP encourages public water management agencies (e.g., the SFPUC) to explore recreational opportunities on watershed lands, particularly at reclaimed quarries where recreational use would not conflict with watershed protection objectives, and by encouraging the San Francisco Water Department to provide limited public access on trails that pass through the watershed lands surrounding San Antonio and Calaveras Reservoirs, Sunol Watershed, and the Arroyo de la Laguna.

Agricultural Land Use Designations

In general, the ECAP identifies three primary agricultural and/or open space-related land use designations on its Land Use Diagram (see **Figure 2-1**):

- Large Parcel Agricultural Lands: This land use designation generally applies to the majority of the easterly portions of unincorporated East County, and is primarily intended for low-intensity agricultural and grazing uses. This designation also permits agricultural processing facilities (e.g., wineries and olive presses), limited agricultural support service uses (e.g., animal feed facilities, silos, stables and feed stores), secondary residential units, visitor-serving commercial facilities (e.g., tasting rooms, fruit stands, bed and breakfast inns), recreational uses, public and quasi-public uses, solid waste landfills and related waste management facilities, quarries, windfarms, utility corridors, and similar uses compatible with agriculture. Specific policy limitations that apply within the Large parcel Agriculture land use include:
 - A minimum parcel size of 100 acres (with exceptions for smaller existing parcels)
 - A maximum building intensity for non-residential buildings of a .01 FAR (floor area ratio) but not less than 20,000 square feet. Where permitted, greenhouses shall have a maximum intensity of .025
 - One single-family home per parcel is allowed provided that all other County standards are met for adequate road access, sewer and water facilities, building envelope location, visual protection, and public services
 - Residential and residential accessory buildings shall have a maximum floor space of 12,000 square feet. Additional residential units may be allowed if they are occupied by farm employees required to reside on-site.
 - Apart from infrastructure, all buildings shall be located on a contiguous development envelope not to exceed 2 acres, except they may be located outside the envelope if necessary for security reasons or, if structures for agricultural use, necessary for agricultural use

- Resource Management: This land use designation applies to lands that surround Watershed Management lands, the area between Dublin and North Livermore, and the area north of the Urban Growth Boundary in North Livermore. This designation is intended mainly for land designated for long-term preservation as open space, but may include low intensity agriculture, grazing and very low-density residential use. The purpose of this land use designation is to permit agricultural uses, recreational uses, habitat protection, watershed management, public and quasi-public uses in areas typically unsuitable for human occupation. This includes areas subject to due to public health and safety hazards such as earthquake faults, floodways, unstable soils, or areas containing wildlife habitat and other environmentally sensitive features. This land use classification generally requires a minimum parcel size of 100 acres, and 1 single family home per parcel is allowed (provided that all other County standards are met for adequate road access, sewer and water facilities, building envelope location, visual protection, and public services).
- Water Management: This land use designation generally applies to the lands owned by the San Francisco Water Department and watershed lands surrounding San Antonio and Calaveras Reservoirs, the Sunol Watershed and the Arroyo de la Laguna. This land use designation is intended to provide for the protection of watershed land from the direct and indirect effects of development. The minimum parcel size is generally 100 acres, 1 single family home per parcel is allowed (provided that all other County standards are met for adequate road access, sewer and water facilities, building location, visual protection, and public services). This designation also provides for sand and gravel quarries, reclaimed quarry lakes, watershed lands, arroyos and similar and compatible uses.

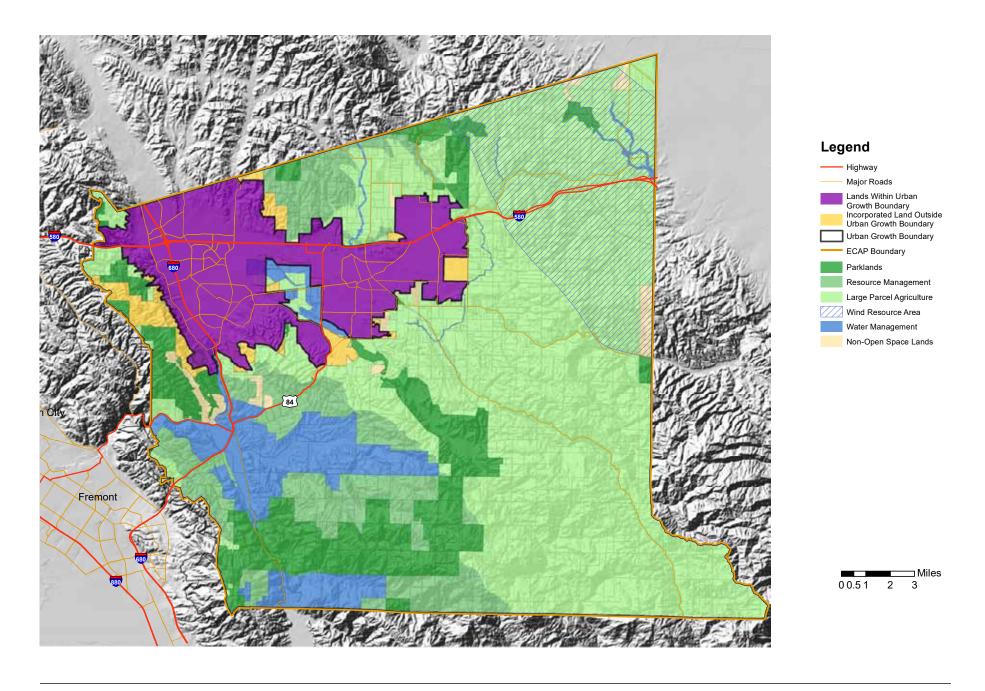


Figure 2-1
East County Area Plan (ECAP), Open Space Diagram and Urban Growth Boundary

2.3: South Livermore Valley Area Plan/Specific Plan

South Livermore Valley Area Plan – Unincorporated Alameda County

In 1987, in an effort to halt the gradual erosion of vineyards, the County of Alameda and the cities of Livermore and Pleasanton undertook a multi-year planning process aimed at protecting and rejuvenating the South Livermore Valley as a premium wine-producing region. Working with a wide range of interest groups and citizens, the County and the cities of Pleasanton and Livermore reached a consensus on a set of goals and objectives that could guide future land use activities in the South Livermore Valley. This process resulted in the preparation of the *South Livermore Valley Area Plan*, which was approved by the County Board of Supervisors in 1993. The South Livermore Valley Area Plan (SLVAP) area includes approximately 14,000 acres of unincorporated land that extends in a broad crescent around the southern edge of the cities of Livermore and Pleasanton, and encompasses the majority of the most suitable agricultural and viticulture land between Livermore' city limits and the ridgelands to the south, east and west (see **Figure 2-2**).

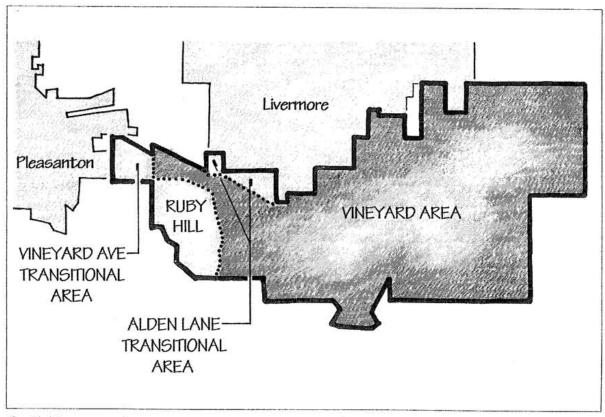
The SLVAP created no new entitlement for urban or other development, but rather created a framework for the consideration of future development, based on whether such development would further the agricultural preservation strategies of the Area Plan. The SLVAP recognized that agriculture cannot compete on an economic basis, on its own, with urban development. Therefore, the policies and implementation programs of the SLVAP direct new residential development to appropriate locations adjacent to cities, and requires that new urbanization provide much of the economic resources necessary to preserve and expand viticulture and other cultivated agriculture on the most important agricultural lands in the area.

The County's SLVAP includes land use policies intended to preserve existing vineyards and wineries; to enhance the recognition and image of the area as an important premium wine-producing region; create incentives for investment and expansion of vineyards and other cultivated agriculture; preserve the area's unique rural, scenic and historic qualities; and coordinate planning between the three jurisdictions to ensure that Plan goals are achieved. Among its goals, the South Livermore Valley Area Plan specifically calls for the expansion of cultivated agricultural acreage, particularly viticulture, from approximately 2,100 acres to a minimum of 5,000 acres. To achieve these goals, the SLVAP includes the following land use strategies:

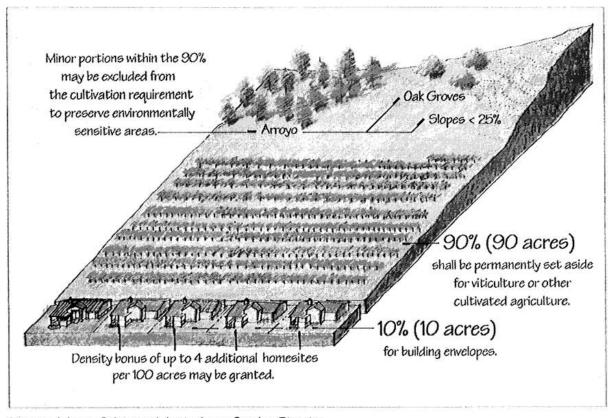
- It creates a density bonus system that provides economic incentives to encourage landowners
 to expand viticulture acreage. It permits the County to award property owners with a reduction
 in the minimum parcel size, provided that the landowner plants wine grapes and places the land
 under a permanent agricultural easement.
- It establishes an agricultural land trust capable of accepting donations or purchasing conservation easements to permanently protect productive agricultural lands.
- It also requires all new urban development in the area to directly and substantially contribute to the preservation, promotion and expansion of viticulture in the Valley. Contributions can include development of new vineyards, dedication of agricultural easements, financial contributions to the land trust, refurbishment of existing wineries, and the inclusion of wine country amenities such as golf courses, conference centers, and a wine museum.

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⁴ Alameda County, South Livermore Valley Area Plan, 1993



South Livermore subareas



Vineyard Area: Cultivated Agriculture Overlay District

The SLVAP encourages development of new wineries and other tourist-related projects that will attract tourists and increase recognition of the South Livermore Valley as a premium wine-producing region. The SLVAP suggests that such uses could include a wine museum, a culinary institute, conference center, or a resort hotel. These destination-type uses would be complemented by tourist-serving retail uses, such as restaurants, bicycle rentals, art galleries, or other small-scale uses that would contribute to the creation of an attractive, full-service destination for visitors to the wine country. Retail use and "for-profit" major attractions are subject to an agricultural mitigation fee, rather than the acre-for-acre mitigation required of residential development.

The SLVAP also recognizes that the City of Livermore will have primary responsibility for overseeing and implementing the urban component of the Area Plan, since the majority of the urban development that can occur must be annexed into and served by the City.

South Livermore Valley Specific Plan – City of Livermore

Following the County's adoption of the SLVAP, the City of Livermore amended its General Plan in 1993 to incorporate relevant policies from the County's SLVAP. In addition to providing a policy framework for the South Valley area that is consistent with that adopted by the County, the City's amended General Plan established a City Urban Growth Boundary, and policies intended to result in development of up to 1,600 new residential units within the South Livermore Valley's Urban Growth Boundary as a means of achieving expanded viticulture acreage south of the City's Urban Growth Boundary, via implementation of an agricultural mitigation program.

The City's amended General Plan policies for the South Valley acknowledged the pressure for additional urban development, but specified that no new urban development would be permitted unless it met a number of specific criteria, including that the development:

- does not displace or destroy a significant amount of any actively farmed vineyards
- is contiguous to the existing boundaries of the City of Livermore, and is limited to areas under City jurisdiction
- can be serviced by all necessary public services and utilities
- contributes to the creation of a permanent boundary and open space buffer between the cities of Livermore and Pleasanton, and
- contributes substantially to the expansion of viticulture and mitigates for the loss of land suitable for vineyards

To ensure that new development will make a direct contribution to the expansion of viticulture in the South Valley, the General Plan amendment included a mitigation program that requires new urban development to plant one acre of new vineyard (or other appropriate cultivated agriculture, such as orchards) for every acre of urbanized land, and to plant one acre of new vineyard (or other appropriate crop) for every new home constructed. All new agricultural acreage planted under this mitigation program must be located within the SLVAP planning area, and must also be placed under permanent agricultural easement. Developers are also required to provide evidence of a long-term (8 years or more) maintenance contract for care of the vineyards. Thus, the mitigation program uses the increased economic value associated with new residential development to directly contribute to the expansion of viticulture in the South Valley.

The City's amended General Plan also indicated Livermore's intention to establish a more detailed Specific Plan, needed to establish the exact location of new urban development in the South Livermore Valley

South Livermore Valley Specific Plan

In 1997, the City of Livermore adopted the *South Livermore Valley Specific Plan* (SLVSP).⁵ The land use concept for the SLVSP is intended to protect and enhance open space and agricultural uses, as well as to create a logical and coherent pattern of new urban uses. Accordingly, lands that are critical to the Valley's future as a major wine-producing region are to be placed under permanent agricultural easements and planted with vineyards or other intensive agricultural crops. The easement-protected lands establish a permanent boundary to prevent future urban expansion, and an agricultural mitigation program secures under permanent agricultural easement, approximately 1,920 acres of newly planted vineyards and other intensive agriculture. New development within the SLVSP is intended to establish a permanent edge to the urban area, providing a gradual transition from urban to rural that allows agriculture to blend with developed areas, and integrate new development within an agricultural setting.

The SLVSP focuses on providing a relatively compact development pattern divided into a number of distinct "clusters", or sub-areas (see **Figure 2-3**) that allow for creation of well defined, pedestrian-scaled neighborhoods. Development in these clustered sub-areas is intended to have a rural character consistent with the area's scenic natural setting and the Valley's historic wine country character. Seven distinct and non-contiguous sub-areas are distributed along Livermore's southern boundary, within which 487 acres (or 26% of the total 1,891-acre SLVSP area) are designated for the development of up to 1,221 dwelling units. All of the units are to be single-family detached residences, with densities ranging from 1.5 to 3.5 units per acre. The SLVSP also designates 16 sites (nearly 60 acres) for possible commercial development that is intended to provide amenities that enhance the experience of visitors to the South Livermore Valley wine country, and only those commercial uses that support wine-related tourism are permitted.

In order to offset the impacts of development permitted under the Specific Plan, land that is critical to the Valley's future as a major wine producing region will be placed under permanent agricultural easements, and planted with vineyards or other intensive agricultural crops. By siting new development and directing the location of agricultural easements, the SLVSP establishes a permanent boundary that will prevent future urban expansion from threatening the viability of the South Livermore Valley wine region. In total, the agricultural mitigation program set forth in the SLVSP is intended to secure, under permanent agricultural easement, approximately 1,920 acres of newly planted vineyards and other intensive agriculture.

The SLVSP also seeks to preserve and manage the planning area's open space lands and natural resources for long-term benefits to residents, the Livermore community, the South Valley wine industry, visitors and the environment itself. The resources to be protected include agricultural lands, public parklands, sensitive habitat areas, scenic areas and areas with significant cultural/historic resources. The Specific Plan not only seeks to protect sensitive natural resources and valuable agricultural land, but also to incorporate open space resources so that they enhance community character and contribute to the wine-country character of the area. This includes protection of important visual and recreational assets that improve the quality of life for area residents and enhance enjoyment of the area by visitors.

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City of Livermore, South Livermore Valley Specific Plan (SLVSP), 1997

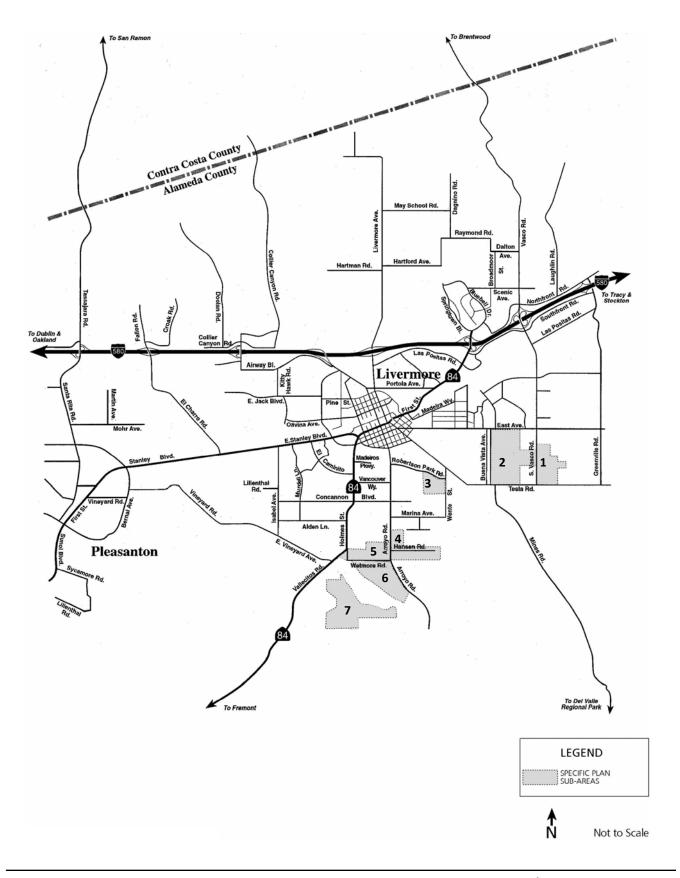


Figure 2-3
South Livermore Valley Specific Plan, Planning Sub-Areas

The permanent open space buffer along the southern edge of the City of Livermore also eliminates the potential for future urban expansion and preserves the area's scenic rural character.

SLVAP Policies Incorporated into ECAP

When the County's ECAP was amended in 2002 to ensure consistency with the provisions of Measure D, the County's SLVAP was incorporated into the amended ECAP, in its entirety. The SLVAP's goals, policies and programs that apply primarily to the unincorporated Vineyard Area of the South Livermore Valley provide for certain exceptions or differences in land use policies that apply elsewhere in County-designated Agricultural and/or Resource Management areas. Within the South Livermore Valley Area Plan's Vineyard area, The County establish a "Cultivated Agriculture Overlay District. The Overlay District provides for a base density of 100 acres per home site, but also allows a density bonus of up to 4 additional home sites per 100 acres (or fraction thereof) if it can be demonstrated that the density bonus will contribute substantially to the goal of promoting viticulture or other cultivated agriculture, and if the land meets certain criteria, including the following:

- adequate water supplies must be available to the proposed parcels for both domestic and irrigation needs, and all proposed home sites must be able to be served by individual septic systems
- the applicant must guarantee that a minimum of 90% of the parcel will be permanently set aside for viticulture or other cultivated agriculture, that the set-aside acreage will be planted in wine grapes or other cultivated agriculture, and that provisions (such as agricultural conservation easements) are in place to ensure its continued cultivated agricultural use
- the applicant must provide evidence that cultivated agriculture will be maintained for a minimum of eight years
- building site envelopes for homes and ancillary uses shall be designated on the 10%-portion of the parcel outside the required 90% set aside for agricultural areas, and no building site envelope may exceed a 25% slope

New commercial uses within the Cultivated Agricultural Overlay District must be appropriate, small-scale uses that promote the area's image as a wine region, and are subject to issuance of a conditional use permit. New commercial uses proposed as part of a bonus density application are limited to the 10% maximum area of each parcel not dedicated to cultivated agriculture, and should be sited to maximize efficient use of cultivated lands. Wineries and small bed-and-breakfast establishments are examples of appropriate commercial uses. Bed-and-breakfast establishments shall be limited to existing homes or homes permitted under the South Livermore Valley Area Plan, but construction of separate additional structures is not permitted. Proponents of new commercial development must show that development can be adequately served by a septic system, and that adequate water supplies are available for commercial needs.

The amended ECAP did not address the City of Livermore's SLVSP, as the ECAP only applies to lands within unincorporated East Alameda County.

Chapter 3: Measure D Effectiveness

As identified by Alameda LAFCO, one of the purposes of this study is to provide an overview of the relative effectiveness of Measure D and the amended East County Area Plan (ECAP) in achieving Measure D's primary goals as well as the complimentary policies of Alameda LAFCO related to the following:

- Supporting urbanization in cities and not on prime agricultural land or important open space (per LAFCO Policies 4.3 and 4.4), including only those territories within existing Spheres of Influence for needed urbanization (per LAFCO Policy 13.13), and conditioning approvals of annexations and Sphere of Influence changes on the retention of Measure D restrictions (per LAFCO Policy 4.11)
- Identifying and protecting important agricultural lands and open spaces when considering annexations and sphere of influence proposals (per LAFCO Policies 4.5 through 4.8), and
- Supporting and establishing incentives for viable open space preservation and agricultural operations (per LAFCO Policy 4.10)

The following section of this study provides a brief review of measurable performance indicators related to each of these Measure D goals and Alameda LAFCO policies.

3.1: Supporting City-Centered Growth

Measure D established an Urban Growth Boundary (UGB) for the East County, which is now fully incorporated into Alameda County's East County Area Plan (ECAP) and incorporated into each of the General Plans of the four cities within the East County, including Livermore, Pleasanton, Dublin and portions of Hayward (see **Figure 3.1**). The UGB is intended to focus urban-type development within these existing cities, where it will be efficiently served by public facilities.

Alameda County has land use jurisdiction over those unincorporated portions of East County outside the boundaries of an incorporated city. The UGB and supporting ECAP policies specifically preclude urban development within these unincorporated lands. Conversely, each of the four cities within the East County has land use jurisdiction within its own boundaries, and each has prepared its own General Plan, with maps and policies pertaining to urban growth and development, as well as open space and agricultural preservation. The planning efforts for each of these East County cities involve three different boundaries:

- The current City limits, which encompass the incorporated area, and where land use is controlled by each City
- Each City's Sphere of Influence (SOI), which includes both incorporated and unincorporated areas, and where Alameda LAFCO has determined is each City's probable ultimate physical boundaries and service area, and
- Each City's planning area boundary, which encompasses the area covered by each City's General Plan, and which may extend beyond the City's SOI¹

Although the unincorporated areas within a city's SOI and Planning Area may be of special interest to a City, the County retains control of land use in these areas unless or until they are annexed to a City.

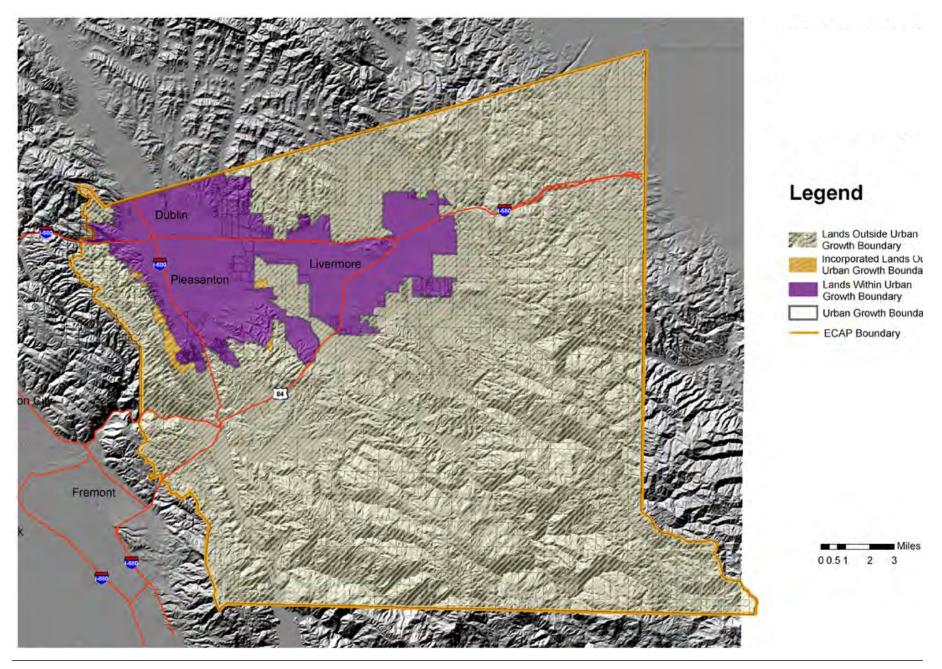


Figure 3-1
East County Area Plan Urban Growth Boundary

Measure D and ECAP policies support City annexation and incorporation of existing and proposed urban development within the UGB, and encourages the East County cities to achieve consistency with ECAP policies regarding the UGB, as well as open space protection and acquisition.

Whereas Alameda LAFCO is charged with determining the SOI for each City within the County and reviews these adopted SOI boundaries on a regular basis, LAFCO's periodic SOI reviews provide a good indication of whether each City's probable ultimate physical boundaries and service areas achieve consistency with the UGB and city-centered growth patterns. The following is a short summary of Alameda County LAFCO's SOI reviews for the years 2007 and 2017 (those review periods following implementation of Measure D), as well as an overview of the growth patterns and development that has occurred within each of the cities within East County. ²

City of Livermore

The City of Livermore's SOI was established by LAFCO in 1979 and was amended in 1981, 1984, 1988, 1992 and 1999, and once in 2005. Through the year 2007, Livermore had accepted as many as 83 annexations into the City boundary, and all but one of those annexations involved territory in their SOI.

In 2000, Livermore voters approved a City of Livermore Urban Growth Boundary (UGB) that limits urban development in the southern portion of the City, and in 2002 the City of Livermore adopted a North Livermore UGB (see **Figure 3.2**). The City's UGBs are co-terminus with the UGB established pursuant to Measure D, and only permit non-urban uses beyond the UGB line (both inside and outside of the incorporated City boundary), thereby promoting city-centered infill development and preservation of open space.

- As part of LAFCO's 2007 SOI review and update, the existing SOI for the City of Livermore was retained, with no expansions proposed or considered.
- As part of LAFCO's 2017 review and update, the existing SOI for the City of Livermore was
 reaffirmed, with no changes. Alameda LAFCO determined that present and planned land uses in
 Livermore are adequate for existing residents as well as future growth, as demonstrated in the
 2005 Livermore General Plan.

Whereas Livermore's SOI does extend beyond (outside of) the Measure D UGB, all lands outside of the UGB (but within the City's SOI) have General Plan land use designations of Large Parcel Agriculture, Agriculture, Viticulture, Sand and Gravel, or special South Livermore Valley Specific Plan designations, which preclude urban development.

Since the year 2000, the City of Livermore's population and housing supply has increased by approximately 23 percent, from approximately 73,200 people and 26,100 housing units in 2000, to approximately 90,200 people and 31,800 housing units in 2020.³

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² Alameda LAFCO - Cities MSR/SOI Updates, accessed at: https://pwainsp.acgov.org/LAFCO/municipal.htm

United States Census Bureau, Quickfacts, accessed at:
https://www.census.gov/quickfacts/fact/table/livermorecitycalifornia,pleasantoncitycalifornia,dublincitycalifornia/PST045219

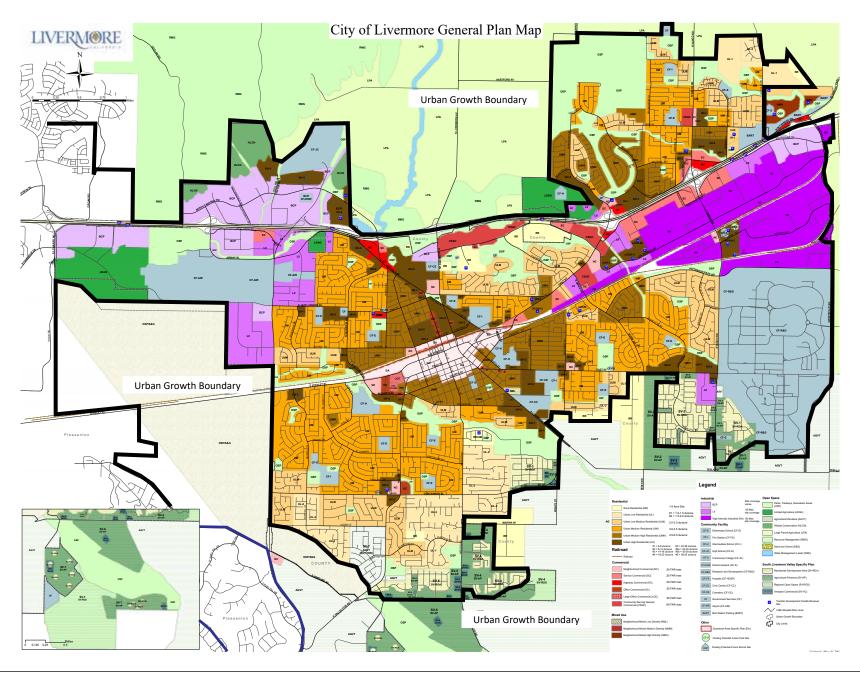


Figure 3-2
City of Livermore General Plan and Measure D UGB

All of this growth has been accommodated within Livermore's established UGB. According to Livermore's last Housing Element, the City of Livermore's land inventory showed a capacity for approximately 2,733 additional housing units within the General Plan Area and approximately 1,692 units within the Downtown Specific Plan Area. In total, the identified potential housing sites would provide approximately 4,425 units, exceeding that period's Regional Housing Need Allocation (RHNA) by 1,696 units, including the required number of housing units in each household income category. ⁴

The City of Livermore is currently in process toward preparation of a General Plan update, including a new State-mandated Housing Element. According to the 2021 ABAG Final RHNA Methodology and Draft Allocations, the City of Livermore has been assigned a draft allocation of an additional 4,570 housing units across all household income levels. ⁵

City of Pleasanton

The City of Pleasanton's SOI was established by LAFCO in 1976 and was amended in 1981, 1984, 1988, 1991, and in 1992 with the annexation of the Ruby Hill/Vineyard Avenue Corridor. Through 2007, Pleasanton accepted as many as 66 annexations into the City boundary, and all but one of those annexations involved territory in their SOI.

The orderly growth and development of Pleasanton, together with the preservation of an open-space greenbelt, has been a high priority for the Pleasanton community. The City has used several tools to attain this goal including the adoption of an Urban Growth Boundary and a Growth Management Program. As early as 1996, Pleasanton voters ratified a City Urban Growth Boundary to distinguish areas generally suitable for urban development and where urban public facilities and services are provided, from those areas not suitable for urban development. Areas outside the Urban Growth Boundary are generally suitable for the long-term protection of natural resources, large lot agriculture and grazing, parks and recreation, public health and safety, wildlands, buffers between communities and scenic ridgeline views. The Pleasanton UGB permanently defines the line beyond which urban development will not occur. The UGB established in year 2000 (pursuant to Measure D) is co-terminus with the City of Pleasanton's already existing UGB (see **Figure 3-3**).

- As part of LAFCO's 2007 SOI review and update, the existing SOI for the City of Pleasanton was retained, with no expansions proposed or considered.
- As part of LAFCO's 2017/18 SOI review and update, the existing SOI for the City of Pleasanton
 was reaffirmed, with no changes. Alameda LAFCO determined that present and planned land
 uses in Pleasanton are adequate for existing residents as well as future growth, as
 demonstrated in the 2009 Pleasanton General Plan.

The City of Pleasanton's SOI encompasses a substantially larger area than either the City boundaries or the City's UGB. The Pleasanton General Plan indicates that, "annexation of remaining contiguous parcels of unincorporated County land to the City is crucial to completing an efficient system of municipal services at General Plan buildout."

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City of Livermore General Plan, 2015 to 2022 Housing Element Update Initial Study for the City of Livermore, January 2015

Association of Bay Area Governments (ABAG), *Draft Regional Housing Needs Allocation (RHNA) Plan: San Francisco Bay Area, 2023-2031*, May 2021

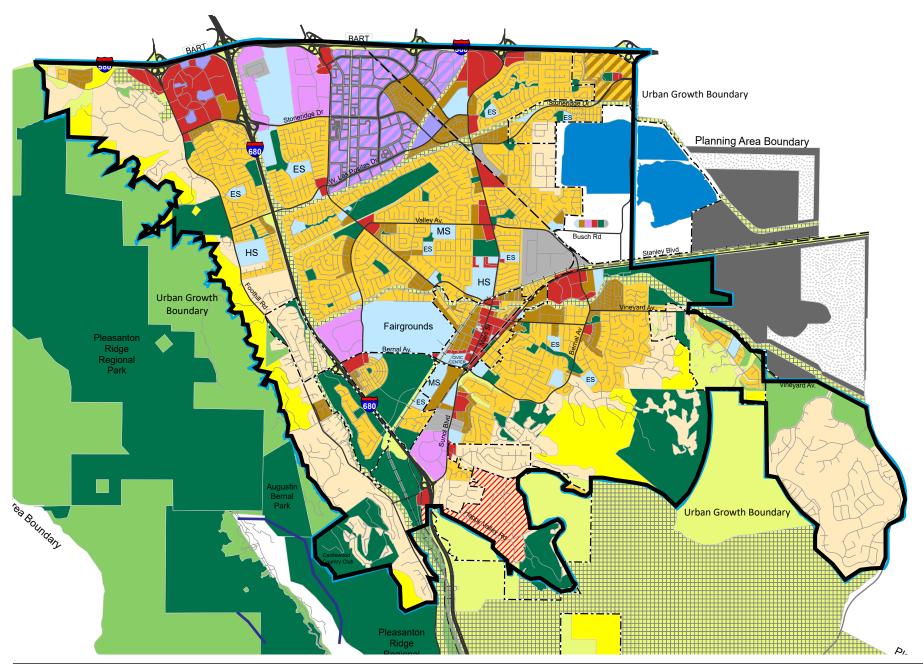


Figure 3-3 City of Pleasanton General Plan and Measure D UGB

Many of those areas within Pleasanton's SOI but outside of the UGB include the sand and gravel quarries and associated lakes on both sides of Stanly Boulevard, the Pleasanton Ridge Regional Park and its adjacent agricultural lands to the west (protected since 1993, when Pleasanton voters approved Measure F), and large areas of agriculture and open space south of Pleasanton and north of SR 84. All of those lands that are outside of the UGB but within Pleasanton's SOI have General Plan land use designations that provide for sand and gravel operation, agriculture and open space, and public health and safety, but that preclude any urban land uses.

Since the year 2000, the City of Pleasanton's population and housing supply has increased by approximately 28 percent and 25 percent respectively, from approximately 63,700 people and 23,300 housing units in 2000, to approximately 81,800 people and 29,000 housing units in 2020.⁶ All of this growth has been accommodated within Pleasanton's established UGB. According to Pleasanton's latest adopted 2015-2023 Housing Element, the City of Pleasanton's actions to facilitate the provision of newly constructed, rehabilitated or conserved housing was adequate to meet a total need of 2,112 new housing units across all income levels. ⁷

Like all jurisdictions in the Bay Area, Pleasanton is required to update its Housing Element by January 31, 2023. According to the 2021 ABAG Final RHNA Methodology and Draft Allocations, the City of Pleasanton has been assigned a draft allocation of an additional 5,965 housing units across all household income levels.⁸

City of Dublin

The City of Dublin's SOI was established by LAFCO in 1984 and amended only once (to detach the upper portion of Doolan Road from Dublin's boundary and SOI). Measure D established an Urban Growth Boundary at the eastern end of Dublin's planning area, which limits development outside that boundary, and Dublin's growth is expected to occur primarily in eastern Dublin.

- As part of LAFCO's 2007 SOI review and update, the existing SOI for the City of Dublin was retained, with no expansions proposed or considered.
- As part of LAFCO's 2017/18 SOI review and update, the existing SOI for the City of Dublin was reaffirmed, with no changes. Alameda LAFCO determined that present and planned land uses in Dublin are adequate for existing residents as well as future growth, as demonstrated in the Dublin General Plan (2015).

In 2000, the City of Dublin established an Urban Limit Line (ULL) along a portion of its Western Extended Planning Area that is coterminous with the City limit line and the Measure D UGB. In 2014, the City further adopted the Dublin Open Space Initiative, which established non-urban land use designations to protect open spaces and agricultural lands of its Western Extended Planning Area that are outside of the western ULL (see **Figure 3.4**).

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U.S. Census Bureau, *QuickFacts*, accessed at: United States Census Bureau, Quickfacts, accessed at: https://www.census.gov/quickfacts/fact/table/livermorecitycalifornia,pleasantoncitycalifornia,dublincitycalifornia/PST045219

⁷ City of Pleasanton General Plan, 2015-2023 Housing Element, accessed at: http://www.cityofpleasantonca.gov/gov/depts/cd/planning/new/housing.asp

⁸ ABAG, May 2021

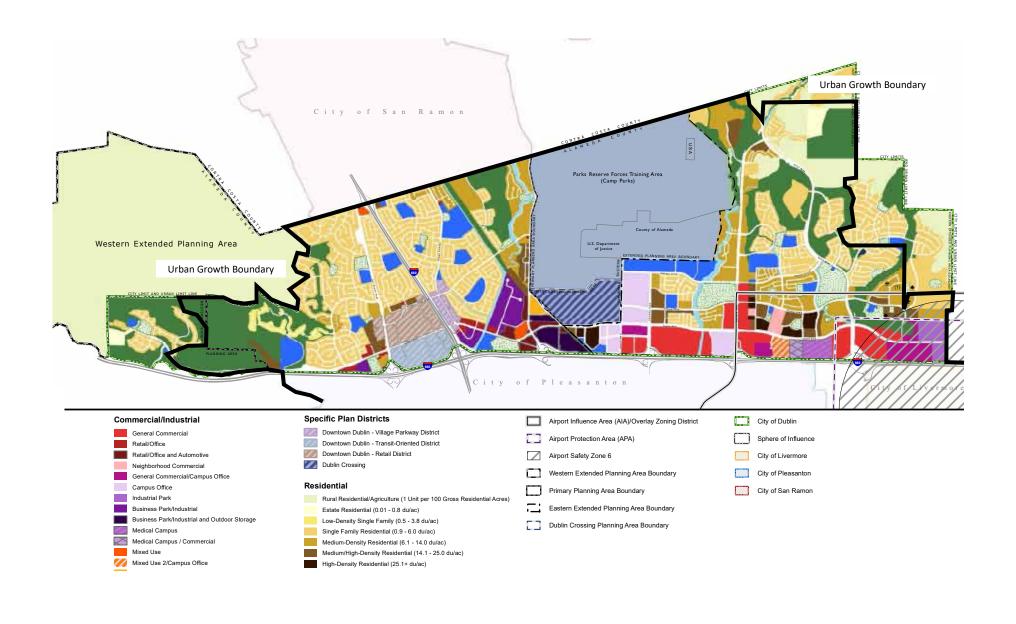


Figure 3-4
City of Dublin General Plan and Measure D UGB

The 2014 Dublin Open Space Initiative also established an additional ULL along the eastern edge of the City's Eastern Extended Planning Area. The eastern ULL was established to primarily to protect approximately 3,800 acres of lands known as the Doolan-Collier Canyons (located outside the City Limits and Dublin SOI) from development. The eastern ULL is co-terminus with the City boundary, but portions of this ULL occur outside of Measure D's UGB. In these areas, a Development Elevation Cap is established at the 770-foot elevation contour, where orderly and logical growth can occur without major impacts to visually sensitive ridgelands, biologically sensitive habitat areas, public services or infrastructure. Areas beyond the Development Elevation Cap are designated as open space and rural residential.

Since the year 2000, the City of Dublin's population and housing supply has more than doubled (116% growth), from approximately 30,000 people and 9,300 housing units in 2000, to approximately 64,800 people and 20,200 housing units in 2020. Much of this growth and development has occurred as transit-oriented development clustered around the Dublin/Pleasanton BART station (established in 1997), and as redevelopment of the former Camp Parks Reserve Forces Training Area pursuant to the Dublin Crossing Specific Plan.

The City is currently in the process of updating its General Plan Housing Element for the 2023-2031 planning period. According to the 2021 ABAG Final RHNA Methodology and Draft Allocations, the City of Dublin has been assigned a draft allocation of an additional 3,719 housing units across all household income levels.¹⁰

City of Hayward

The City of Hayward's SOI was established by LAFCO in 1978 and amended only once (to remove the Five Canyons development area north of the City from Hayward's SOI). Through 2007, the City of Hayward accepted as many as 53 annexations into the City boundary, all involving territory in the Hayward SOI. In 2004, the City filed an application to annex three of five islands in the Mt. Eden area to provide City services and infrastructure improvements.

- As part of LAFCO's 2007 SOI review and update, the existing SOI for the City of Hayward was retained, with no expansions proposed or considered.
- As part of LAFCO's 2017/18 SOI review and update, the existing SOI for the City of Hayward was reaffirmed, with no changes. Alameda LAFCO determined that present and planned land uses in Hayward are adequate for existing residents as well as future growth, as demonstrated in the Hayward General Plan.

Whereas the City of Hayward is primarily a West County city, it was included in the Measure D amendments to the East County Area Plan because its easterly boundary along the Pleasanton Ridge and Main Ridge (which generally separate East and West County areas) serves as a community separator/open space separating Hayward and Pleasanton(see **Figure 3.5**).

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U.S. Census Bureau, QuickFacts, accessed at: https://www.census.gov/quickfacts/dublincitycalifornia

¹⁰ ABAG, May 2021

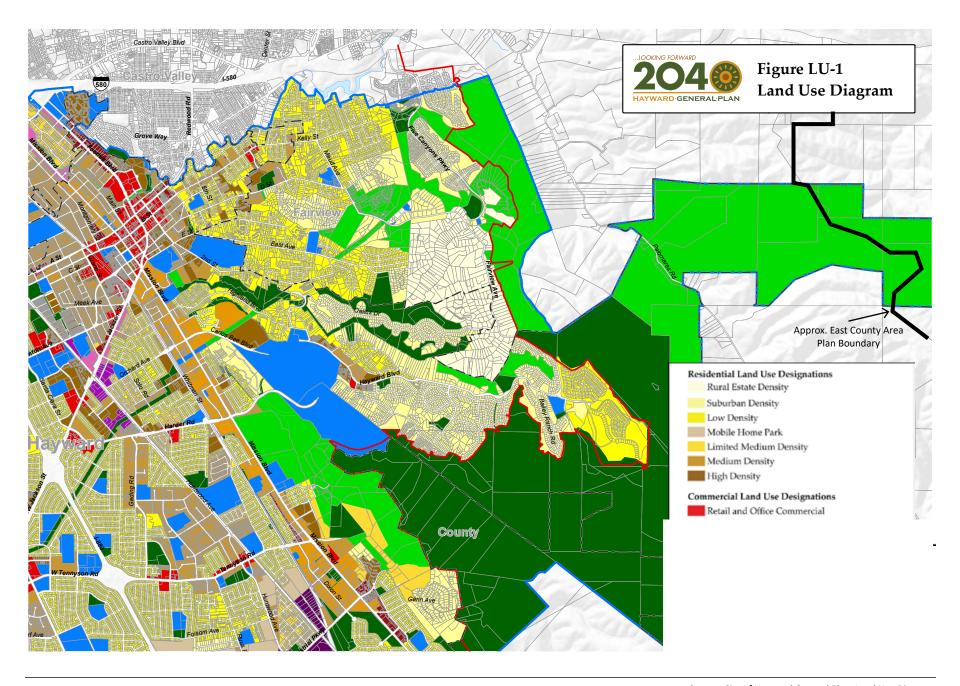


Figure 3-5 City of Hayward General Plan and Urban Limit Line

ECAP (Policy 65) calls for the County to work cooperatively with the cities of Pleasanton and Hayward, the Castro Valley community, the East Bay Regional Park District (EBRPD), and landowners to retain Pleasanton Ridge as permanent open space, and to oppose any City SOI expansions or annexations outside the UGB in this area for purposes of urban development.

The City of Hayward General Plan does include policies to maintain its established Urban Limit Line to protect the Hayward hillsides as natural open space and recreational resources, and to consider deannexing properties outside of the City's SOI (e.g., Pleasanton Ridgeline) if cooperative agreements with Alameda County, Pleasanton, and the East Bay Regional Park District are in place to permanently preserve the properties as open space or regional parkland.¹¹

Conclusions

Measure D and is subsequent amendments to the County's East County Area Plan have been highly effective in directing that urbanization occur in the East County cities of Dublin, Pleasanton and Livermore, and not on the prime agricultural land or important open spaces outside of the UGB. No amendments to the UGB have been made and no expansion of existing SOIs for the expansion of City boundaries to support urbanization have occurred since the year 2000. Alameda LAFCO has worked with each of the East County cities to ensure that annexations of land into those cities retain the land use restrictions established by Measure D.

As shown on **Table 3-1**, the East County has grown by nearly 70,000 people and 22,300 new housing units since 2000, nearly all of which has occurred within the City boundaries, and nearly all (with the exception of certain incorporated City lands in Dublin) within the UGB as established by Measure D.

¹¹ City of Hayward General Plan, Land Use Element, accessed at: https://www.hayward2040generalplan.com/goal/LU1

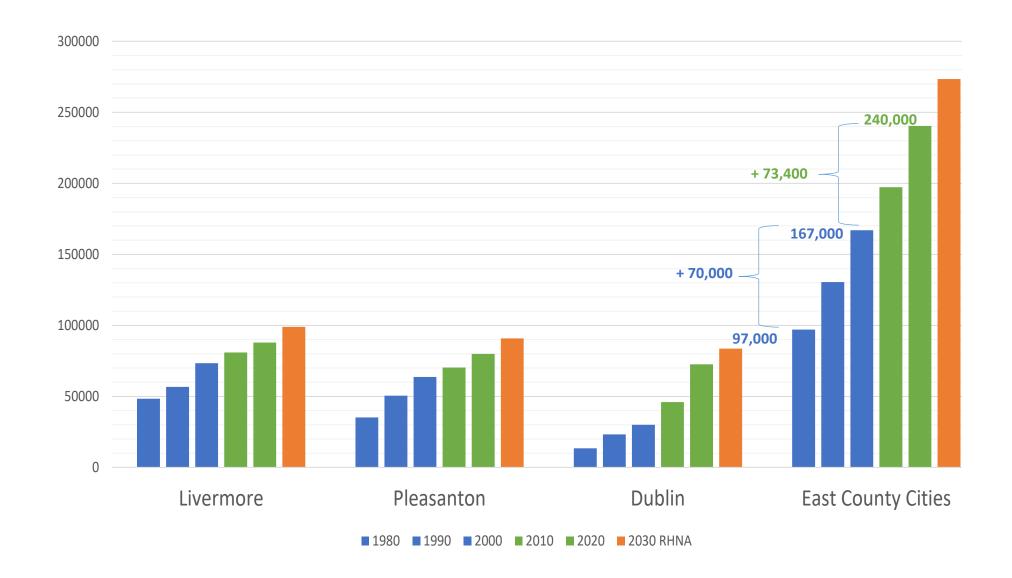


Table 3-1 Changes in East County Population by City, between 1990 and 2020 (plus Projected Year 2030 Share of Regional Housing Needs)

3.2: Protecting Important Open Space and Agricultural Lands

Maintaining the Open Space Greenbelt

Establishment of ECAP's UGB has reciprocally been highly effective in protecting and preserving those agricultural and open space lands that are located on the outside of the UGB. Since 2000, no changes to the UGB have occurred, and no urban development has displaced agricultural or open space lands on the outside of the UGB. Important open space areas that have remained as part of the continuous greenbelt outside the UGB include:

- the Pleasanton Ridgelands (with the cooperative efforts of Pleasanton, Hayward, the Castro Valley community, the East Bay Regional Park District, and private landowners)
- the upper portions of the Doolan and Collier Canyon Hills
- Brushy Peak Regional Preserve
- The North Livermore area
- Bethany Reservoir and State Recreation Area
- Sycamore Grove Regional Park,
- SFPUC properties and other properties in the watersheds surrounding of the San Antonio Reservoir and Lake del Valle, including the Del Valle Regional Park and Sunol Regional Wilderness, and
- the South Livermore Valley area (including the Ruby Hill Area, the Vineyard Avenue Area, the Alden Lane Area, and the Vineyard Area) crossing between the cities of Pleasanton and Livermore, and unincorporated County

Protecting Agricultural Lands/Agricultural Soils

The California Department of Conservation's Farmland Mapping and Monitoring Program (FMMP) provides data pertaining to California's agricultural land resources. This data is an inventory of agricultural soil resources, updated every two years. The vast majority of agricultural lands within Alameda County that are tracked by the FMMP fall within the categories of Prime Farmland, Farmland of Statewide Importance, Unique Farmland and Grazing Land. Other land use categories (primarily the Urban and Other Lands categories) are used for reporting changes in agricultural land use as required for FMMP's biennial farmland conversion report. These land use categories are more specifically described below: 13

 <u>Prime Farmland</u>: Farmland that is best suited for producing food, feed, forage, fiber and oilseed crops, with the best combination of physical and chemical features able to sustain long-term agricultural production, and also available for these uses. This land has the soil quality, growing season and moisture supply needed to produce sustained high yields. Land must have been

California Department of Conservation's Farmland Mapping and Monitoring Program, accessed at: https://maps.conservation.ca.gov/dlrp/

California Department of Conservation, at: https://www.conservation.ca.gov/dlrp/fmmp/Pages/Important-Farmland-Categories.aspx

- used for irrigated agricultural production at some time during the four years prior to the mapping date, to be considered "Prime".
- <u>Farmland of Statewide Importance</u>: Farmland that has a good combination of physical and chemical characteristics for producing food, feed, forage, and fiber and oilseed crops, and is available for these uses. Farmland of Statewide Importance is similar to Prime Farmland but with minor shortcomings, such as greater slopes or less ability to store soil moisture. Land must have been used for irrigated agricultural production at some time during the four years prior to the mapping date, to be considered of Statewide Importance.
- <u>Unique Farmland</u>: Unique Farmland is land other than Prime and Farmland of Statewide Importance that is currently used for the production of specific high value food and fiber crops. It has the special combination of soil quality, location, growing season and moisture supply needed to produce sustained high quality and/or high yields of a specific crop when treated and managed according to modern farming methods. These lands are currently producing crops of high economic importance to California (e.g., vineyards), is usually irrigated, but may include non-irrigated orchards or vineyards as found in some climatic zones in California. Land must have been cropped at some time during the four years prior to the mapping date, to qualify as being Unique Farmland.
- <u>Grazing Land</u>: Land on which the existing vegetation is suited to the grazing of livestock. This
 category was developed in cooperation with the California Cattlemen's Association, University
 of California Cooperative Extension, and other groups interested in the extent of grazing
 activities.
- <u>Urban and Built-up Land</u>: Land occupied by structures with a building density of at least 1 unit to 1.5 acres, or approximately 6 structures to a 10-acre parcel. This land is used for residential, industrial, commercial, construction, institutional, public administration, railroad and other transportation yards, cemeteries, airports, golf courses, sanitary landfills, sewage treatment, water control structures and other developed purposes.
- Other Land: Land not included in any other mapping category. Common examples include low
 density rural developments (at densities of less than 1 unit to 1.5 acres); brush, timber, wetland,
 and riparian areas not suitable for livestock grazing; confined livestock, poultry or aquaculture
 facilities; strip mines, borrow pits and quarries; and water bodies smaller than forty acres.
 Vacant and non-agricultural land greater than 40 acres and surrounded on all sides by urban
 development is mapped as Other Land.

The FMMP provides detailed Geographic Information System (GIS) data that pertains to Alameda County, starting in year 1984 (17 years prior to adoption of Measure D) through year 2018 (17 years after adoption of Measure D). This data enables a comparison of changes in farmland and agricultural soils that have occurred in East County, both pre- and post-Measure D. As in important note, the changes in farmland and other agricultural soils designations throughout the East County that occurred during the period from 2000 to 2018 are a function of many variables, and not necessarily attributable to Measure D.

Changes in East County Agricultural Lands Prior to 2000

Based on the detailed GIS data from the Department of Conservation for the year 1984 (see **Figure 3-6**), Alameda County's East County Area had:

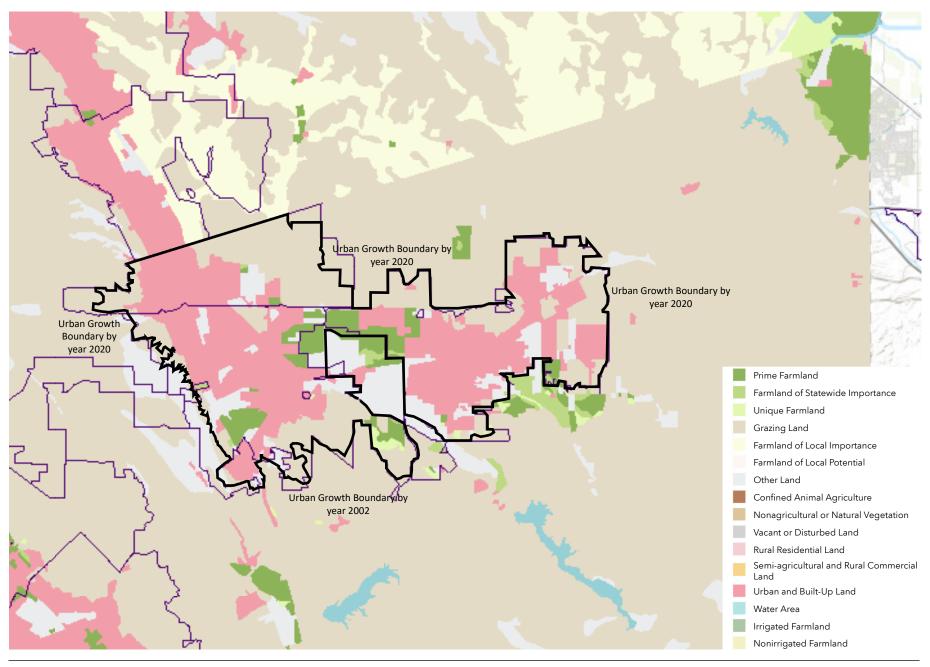


Figure 3-6 Important Farmland within East County - Year 1984

- Approximately 9,780 acres of land falling within the farmland soils categories of Prime Farmland, Farmland of Statewide Importance and Unique Farmland, comprising only approximately 3.7% of the entire 267,500-acre (or 418 square mile) East County area
- Approximately 226,210 acres (or nearly 85% of the East County) was identified as Grazing Land
- Approximately 18,770 acres (or about 7% of the East County) was Urban/Built-Up Lands, and
- Approximately 12,760 acres (or nearly 5% of East County) was represented as Other Lands

As shown in **Table 3-2**, the characteristics of East County's farmlands and other soils categories had changed substantially by year 2000 (see **Figure 3-7**). In year 2000, Alameda County's East County Area had:

- Approximately 9,470 acres of land within the agricultural soils categories of Prime Farmland, Farmland of Statewide Importance and Unique Farmland, comprising approximately 3.5% of the East County area. In total, the East County lost only about 310 net acres (or about 3%) of its total farmland soils during this period. However, these numbers reflected two significant and offsetting conditions:
 - The East County lost approximately 1,975 acres (or 23%) of its farmland as a result of new urban land uses developed primarily on former Prime Farmlands that were adjacent to and within the cities of Pleasant, Livermore and Dublin (within those areas that would become Measure D's Urban Growth Boundary), and additional losses of Farmland of Statewide Importance and Unique Farmland along the edges of these existing cities.
 - Conversely, the East County saw in increase of approximately 1,670 acres of lands, mostly within the category of Unique Farmland. Most of the increase in this farmland category occurred as a result of the FMMP's recognition of the growth in actively irrigated and managed viticulture production areas in the South Livermore Valley, and their re-designation of these lands as Unique Farmlands because of their conversion to sustained production of a specific high quality and high yield crop of economic importance to California (i.e., vineyards) (compare Figures 2-6 and 2-7).
- Approximately 208,370 acres (or nearly 80% of the East County) was identified as Grazing Land, representing a loss of 17,810 acres (or a 3% decrease) since 1984
- Approximately 28,340 acres (or nearly 11% of East County) was Urban/Built-Up lands, representing an increase of as much a 9,570 acres (or a 51% increase) in Urban Lands since 1984.
- Approximately 21,310 acres (or 8% of East County) was identified as Other Lands, representing an increase of 8,550 acres (or a 67% increase) in the Other Lands category since 1984.

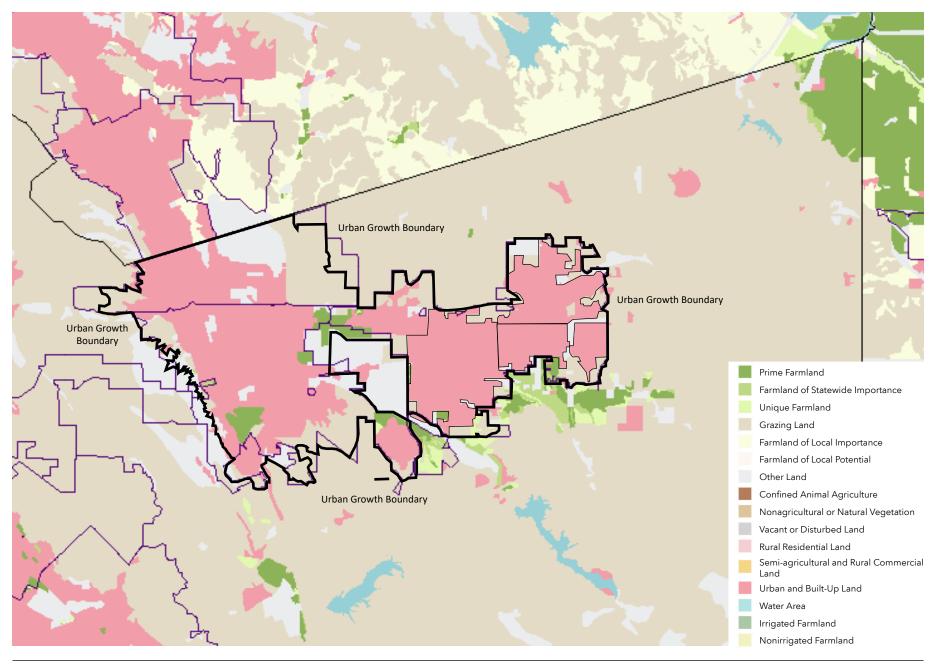


Figure 3-7
Important Farmland within East County - Year 2000

Table 3-2: Changes in Farmland and Grazing Land Soils, 1984 to 2000 (pre-Measure D)

	<u>Year 1984</u>		<u>Year 2000</u>		Change, 1984 to 2000	
	<u>Acres</u>	<u>% Total</u>	<u>Acres</u>	<u>% Total</u>	<u>Acres</u>	<u>Relative</u> Change (%)
Agricultural Lands						
Prime Farmland	7,563	2.8%	5,788	2.2%	(1,775)	(23%)
Outside of Future UGB	4,375		4,268		(107)	
Within Future UGB	3,188		1,520		(1,668)	
Farmland of Statewide Importance	1,589	0.6%	2,054	0.8%	+465	+29%
Outside of Future UGB	1,359		2,005		+646	
Within Future UGB	230		50		(180)	
Unique Farmland	630	0.2%	1,633	0.6%	+1.003	+ 159%
Outside of Future UGB	389		1,521		+1,132	
Within Future UGB	241		113		(128)	
Subtotal, Farmlands:	9,782	3.7%	9,475	3.5%	(307)	(3%)
Outside of Future UGB	6,123		7,779		+1,671	+27%
Within Future UGB	3,659		1,683		(1,976)	(54%)
Grazing Land	226,206	84.6%	208,396	77.9%%	(17,810)	(8%)
Outside of Future UGB	212,042		198,934		(13,108)	(6%)
Within Future UGB	14,164		9,457		(4,707)	(33%)
Other Lands	12,762	4.8%	21,312	8.0%	+8,550	+67%
Outside of Future UGB	7,709		18,254		+10,545	+137%
Within Future UGB	5,053		3,061		(1,993)	-39%
Urban/Built-Up Lands	18,770	7.0%	28,337	10.6%	+9,567	+51%
Outside of Future UGB	997		1,890		+893	+90%
Within Future UGB	17,773		26,449		+8,676	+49%
Total:	267,520		267,520		267,520	
Outside of Future UGB	226,871		226,871		226,871	
Within Future UGB	40,649		40,649		40,649	

<u>Source</u>: As aggregated for Alameda County East County, from California Department of Conservation's California Important Farmland: 1984-2018, accessed at: https://maps.conservation.ca.gov/dlrp/ciftimeseries/

Changes in East County Agricultural Lands Since 2000

As of 2018 (the most current year in which data is available), the same FMMP GIS database shows that the East County area (see **Table 3-3** and **Figure 3-8**) had:

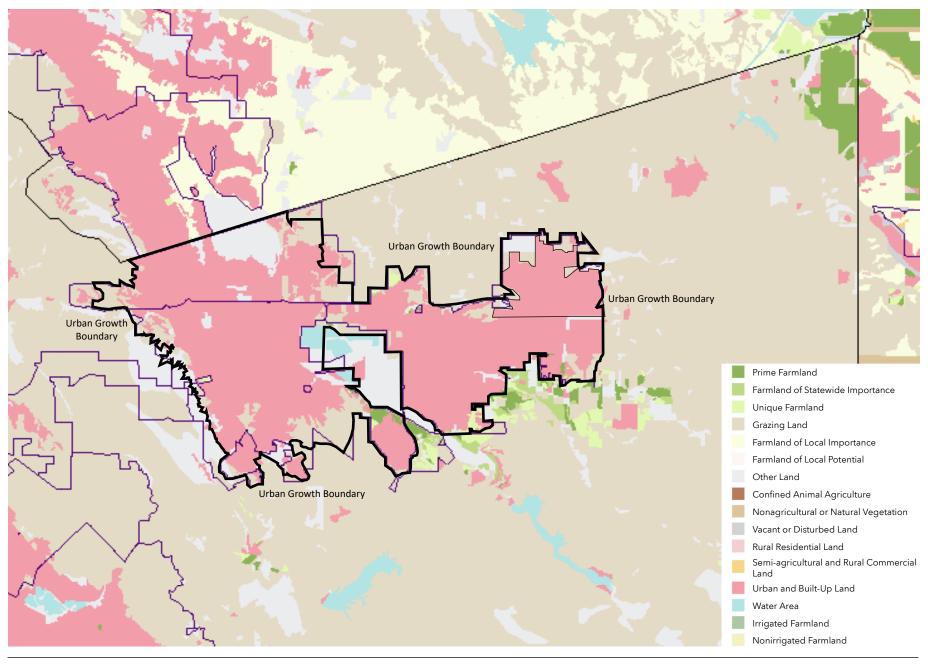


Figure 3-8
Important Farmland within East County - Year 2018

Source: California Dept. of Conservation, Farmland Mapping and Monitoring Program, accessed at: https://maps.conservation.ca.gov/dlrp/ciftimeseries/

- Approximately 6,210 acres of land within the agricultural lands categories of Prime Farmland,
 Farmland of Statewide Importance and Unique Farmland, comprising approximately 2.3% of the
 entire East County area. In total, the East County lost nearly 3,270 net acres (or about 34%) of its
 remaining farmland soils during this period. These numbers reflect a continuation of urban
 development within the UGB, and a general decline in active agricultural use on lands outside of
 the UGB.
 - About one-third of this loss in farmland (or 1,020 acres) was a result of continued planned development of urban land uses on former farmlands that were within the cities of Pleasant, Livermore and Dublin, and within Measure D's Urban Growth Boundary.
 - About two-thirds of this loss in farmland (or approximately 2,240 acres) occurred on the
 outside of the Urban Growth Boundary, partially as conversions to the "Other Lands"
 category of the FMMP (which includes rural development at densities of less than 1 unit
 to 1.5 acres), but mostly consisting of open space (or vacant) lands of greater than 40
 acres in size that are no longer in active agricultural use.
 - The East County also saw a continued trend in increased land in the Unique Farmland category, mostly as a result of the FMMP's re-designation of additional actively irrigated and managed viticulture production areas in the South Livermore Valley, reflecting the continued conversion of these lands to sustained production as vineyards.
- Approximately 197,980 acres (or 74% of the East County) was identified as Grazing Land, representing a loss of 10,420 acres since year 2000.
- Approximately 33,340 acres (or 12.5% of the East County) was Urban Lands, representing an increase of just over 5,000 acres since year 2000. In comparison, the East County had seen an increase of nearly 9,570 acres in Urban Lands in the years between 1984 and 2000.
- Nearly 30,000 acres (or 11% of East County) was indicted as Other Lands, representing an increase of 8,680 acres of this soils type since year 2000, or approximately the same increase in Other Lands as was seen between 1984 and 2000.

Table 3-3: Changes in Farmland and Grazing Land Soils, 2000 to 2018 (post-Measure D)

	<u>Year 2000</u>		<u>Year 2018</u>		Change, 2000 to 2018	
	<u>Acres</u>	<u>% Total</u>	<u>Acres</u>	<u>% Total</u>	<u>Acres</u>	Relative Change (%)
Agricultural Lands						
Prime Farmland	5,788	2.2%	3,137	1.2%	(2,651)	(46%)
Outside of UGB	4,268		2,917		(1,351)	
Within UGB	1,520		220		(1,300)	
Farmland of Statewide Importance	2,054	0.8%	1,088	0.4%	(966)	(47%)
Outside of UGB	2,005		1,065		(940)	
Within UGB	50		24		(26)	
Unique Farmland	1,633	0.6%	1,983	0.7%	+351	+21%
Outside of UGB	1,521		1,568		+47	
Within UGB	<u>113</u>		<u>416</u>		<u>+303</u>	
Subtotal, Farmlands:	9,475	3.5%	6,209	2.3%	(3,266)	(34%)
Outside of UGB	7,779		5,550		(2,244)	(29%)
Within UGB	1,683		660		(1,023)	(61%)
Grazing Land	208,396	77.9%%	197,979	74%	(10,417)	(5%)
Outside of UGB	198,934		193,579		(13,108)	(3%)
Within UGB	9,457		4,400		(4,707)	(53%)
Other Lands	21,312	8.0%	29,988	11.2%	+8,676	+41%
Outside of UGB	18,254		25,357		+7,130	+39%
Within UGB	3,061		4,631		+1,571	+51%
Urban/Built-Up Lands	28,337	10.6%	33,345	12.5%	+5,008	+18%
Outside of UGB	1,890		2,386		+496	+26%
Within UGB	26,449		30,958		+4,509	+17%
Total:	267,520		267,520		267,520	
Outside of Future UGB	226,871		226,871		226,871	
Within Future UGB	40,649		40,649		40,649	

<u>Source</u>: As aggregated for Alameda County East County, from California Department of Conservation's California Important Farmland: 1984-2018, accessed at: https://maps.conservation.ca.gov/dlrp/ciftimeseries/

Comparative Changes, Pre- and Post-Measure D

The Department of Conservations' GIS database shows that between 1984 and 2018, more than 3,570 net acres of East County's farmland soils (Prime Farmland, Farmland of Statewide Importance and Unique Farmland) were lost or converted to other land use categories, and nearly all of these net losses

in farmland soils occurred after year 2000, or post-Measure D (see **Table 3-4**). About 84% (or approximately 3,000 acres) of this total loss in farmland soils occurred in areas adjacent to and within the cities of Pleasanton, Livermore and Dublin, in areas now identified as being within the UGB. As can be seen by comparing Figure 2-6 and Figure 2-7, the largest individual losses of farmland soils prior to year 2000 occurred as a result of conversion of certain farmlands that were within the area eventually defined as the Urban Growth Boundary to planned Urban/Built-Up Lands and Other Lands, fragmentation of farmland within South Livermore and the Vineyard area with interspersed Other Lands (i.e., interspersed low density rural developments), and similar fragmentation of farmlands in the Mountain House Road area of northeast East County.

Although the FMMP shows that the East County lost nearly 4,430 acres of Prime Farmland over the 34-year period from 1984 to 2018, there is a concurrent increase of 1,854 acres in Farmland of Statewide Importance and Unique Farmland. Much of this can be attributed to the FMMP's re-designation of properties in the South Livermore Valley from Prime to Statewide or Unique farmland, which recognizes vineyards as being sustained production of a specific high quality and high yield crop of economic importance to California.

Of the total increase of 14,570 acres of urbanized lands that has occurred over the past 34 years, approximately two-thirds of this increase in urbanization occurred prior to Measure D (see **Figure 3-9**), and only one-third of the increase in urbanization occurred post-Measure D, while still accommodating a relatively similar increase in population.

These statistics do not, and cannot show how much more farmland and grazing lands might otherwise have been lost since year 2000 if urbanization patterns had not been constrained by Measure D's Urban Growth Boundary.

Table 3-4: Changes in Farmland and Grazing Land Soils, 1984 to 2018

				Change, 1984 to 2018		
	<u>1984 Acres</u>	2000 Acres	2018 Acres	<u>Acres</u>	Relative Change (%)	
Agricultural Lands						
Prime Farmland	7,563	5,788	3,137	(4,426)	(59%)	
Outside of UGB	4,375	4,268	2,917	(1,458)		
Within UGB	3,188	1,520	220	(2,968)		
Farmland of Statewide Importance	1,589	2,054	1,088	(501)	(32%)	
Outside of UGB	1,359	2,005	1,065	(294)		
Within UGB	230	50	24	(206)		
Unique Farmland	630	1,633	1,983	1,353	+ 215%	
Outside of UGB	389	1,521	1,568	1,179		
Within UGB	<u>241</u>	<u>113</u>	<u>416</u>	<u>175</u>		
Subtotal, Farmlands:	9,782	9,475	6,209	(3,573)	(37%)	
Outside of UGB	6,123	7,779	5,550	(574)	(9)%	
Within UGB	3,659	1,683	660	(2,999)	(82%)	
Grazing Land	226,206	208,396	197,979	(28,227)	(12%)	
Outside of UGB	212,042	198,934	193,579	(18,463)		
Within UGB	14,164	9,457	4,400	(9,764)		
Other Lands	12,762	21,312	29,988	17,226	+135%	
Outside of UGB	7,709	18,254	25,357	17,648		
Within UGB	5,053	3,061	4,631	(422)		
Urban/Built-Up Lands	18,770	28,337	33,345	14,575	+78%	
Outside of UGB	997	1,890	2,386	1,389		
Within UGB	17,773	26,449	30,958	13,185		
Total:	267,520	267,520	267,520			
Outside of Future UGB	226,871	226,871	226,871			
Within Future UGB	40,649	40,649	40,649			

<u>Source</u>: As aggregated for Alameda County East County, from California Department of Conservation's California Important Farmland: 1984-2018, accessed at: https://maps.conservation.ca.gov/dlrp/ciftimeseries/

3.3: On-Going Efforts to Protect Agricultural Lands

South Livermore Valley Area Plan and the South Livermore Valley Specific Plan

The South Livermore Valley Area Plan and the South Livermore Valley Specific Plan represent a coordinated strategy between the County of Alameda and the City of Livermore to preserve existing vineyards and wineries in the South Livermore region, to enhance the recognition and image of the area as an important premium wine-producing region, to create incentives for investment and expansion of vineyards and other cultivated agriculture, and to preserve the area's unique rural, scenic and historic qualities.

Alameda County's South Livermore Valley Area Plan (Area Plan) includes three key elements of this strategy: ¹⁴

- It establishes a density bonus system that provides economic incentives to encourage
 landowners to expand viticulture by awarding property owners with a reduction in minimum
 parcel sizes, provided that the landowner plants wine grapes and places the land under a
 permanent agricultural easement.
- It establishes an agricultural land trust (see Tri-Valley Conservancy, below) capable of accepting donations or purchasing easements to permanently protect productive agricultural lands. By purchasing easements, the land trust is able to provide agricultural landowners with funds that can be used for capital improvements needed for vineyards and wineries.
- It also requires that all new urban development in the area contribute to the preservation, promotion and expansion of viticulture in the South Livermore Valley through development of new vineyards, dedication of agricultural easements, financial contributions to the land trust, refurbishment of existing wineries, and the inclusion of wine country amenities.

The South Livermore Valley Specific Plan (Specific Plan) is part of an on-going effort by the City of Livermore, in conjunction with Alameda County and the City of Pleasanton, to halt the gradual erosion of agricultural lands, and represents the urban component of a comprehensive strategy to preserve existing vineyards and wineries. The Specific Plan permits limited development in the South Livermore Valley as a means of achieving expanded viticulture acreage south of the city, through implementation of an Agricultural Mitigation program. This Mitigation program requires preservation of one acre of agricultural land for every house built, and for every acre built on, an additional acre must be preserved (i.e. five houses built on one acre = six acres to be preserved) as the primary vehicle for providing permanent protection for agricultural lands. All new development pursuant to the Specific Plan (included within or annexed to the City of Livermore) is required to mitigate the loss of agricultural and open space lands through the dedication of agricultural or open space easements, and the planting of agricultural crops. Based on the development anticipated pursuant to the Specific Plan, the Agricultural Mitigation Program is envisioned as securing approximately 1,944 acres of agricultural vineyard land in the greater South Livermore Valley area, including approximately 860 acres of new agricultural lands to be secured and planted.

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¹⁴ Alameda County, South Livermore Valley Area Plan, February 1993, page 2

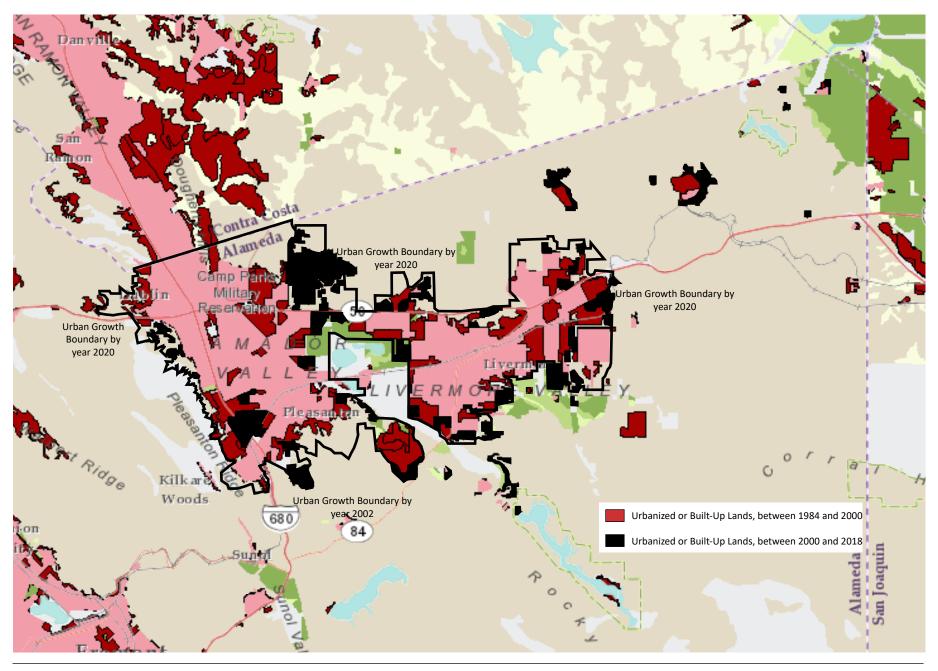


Figure 3-9 Changes in Urban and Built-Up Lands, 1984 through 2018

Today, nearly 8,000 acres of vineyards, orchards, farms, ranches and parks have been protected through the strategies identified in the South Livermore Valley Area Plan and the South Livermore Valley Specific Plan.¹⁵

Tri-Valley Conservancy

Originally established in 2003 as the South Livermore Valley Agricultural Land Trust and now known as the Tri-Valley Conservancy, the Tri-Valley Conservancy helps to preserve open space lands for agriculture and parks. The Tri-Valley Conservancy acquires lands with the help of Conservancy funds and grants, and also acquires property development rights through the legal arrangement of a conservation easement that protects properties from future development. Today, the Tri-Valley Conservancy has acquired more than 500 acres and holds conservation easements on more than 4,500 acres across over one hundred properties in East County.¹⁶

Williamson Act

The Williamson Act has been the state's primary agricultural land protection program since its enactment in 1965, when the California Legislature passed the California Land Conservation (Williamson) Act to preserve agricultural and open-space lands by discouraging "premature and unnecessary conversion to urban uses." More than 16 million of the State's 31.4 million acres of farm and ranch land have participated in the program. Of California's 58 counties, 52 (including Alameda County) have executed contracts with landowners. The Act authorizes cities and counties to enter into contracts with private landowners to restrict specific parcels of land to agricultural and open-space uses. In return, landowners receive reduced property tax assessments based upon the land's farming and open-space uses, as opposed to its full market value. Landowners can place prime agricultural land and non-prime agricultural land under contract, typically for 10-year terms that are automatically renewed on an annual basis. In 2014, approximately 135,647 acres of land in Alameda County, the majority of which were in East County) were enrolled in Williamson Act contracts. ¹⁷

Alameda County Resource Conservation District

The Alameda County Resource Conservation District is an independent, non-regulatory special district that works directly with local landowners and managers to implement conservation practices and to help enhance local watersheds. This District enables the US Department of Agriculture (USDA) Natural Resources Conservation Service (NRCS) to provide Farm Bill cost-share programs and other technical assistance for local landowners and users.

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Tri-Valley Conservancy, accessed at: https://trivalleyconservancy.org/what-we-do/protect-land/preserving-land/

¹⁶ Ibid

¹⁷ California Department of Conservation, 2014. The California Land Conservation Act 2014 Status Report, p.34.

3.4: Supporting Viable Agricultural Operations

In accordance with the California Food and Agricultural Code, the Alameda County Community Development Agency's Department of Agriculture, Weights and Measures prepares an annual Alameda County Crop Report. These crop reports provide statistical information on acreage, yield, and gross value of all agricultural products produced in Alameda County. This statistical information also provides a comparative assessment of the relative viability of Alameda County's agricultural operations, based on whether harvested acreage and/or agricultural product number are increasing or decreasing over time, and whether the value of the County's agricultural products is rising or declining.

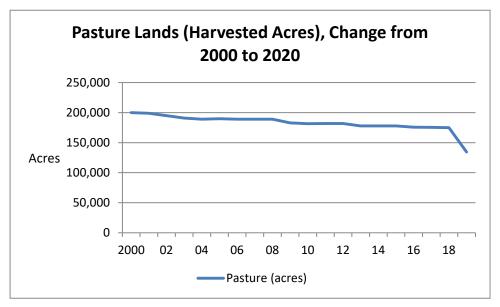
In addition to pasture, field crops and wine grapes (as reported below), Alameda County's agricultural products include fruits and nuts, nursery products (including ornamental trees and shrubs), vegetable crops, and poultry and other farm livestock (sheep, goats, pigs, bee pollination, etc.). The following is a summary of information obtained from the Alameda County Crop Reports for the years 2000 through 2019, focused primarily on field crops, pasture and livestock, and wine grapes.¹⁸

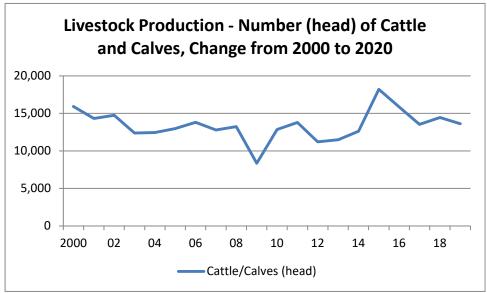
Field Crops, Pasture and Livestock

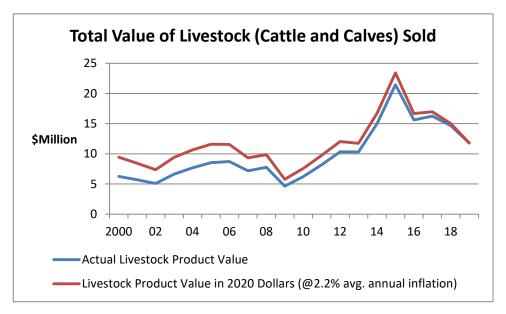
On an acreage basis, the County's largest agricultural operations (by a substantial margin) are in rangeland pasture and the production of field crops (e.g., hay, alfalfa, wheat, barley, etc.). A shown on **Table 3-5**:

- Between the years 2000 to 2012, the County maintained between 182,000 to 200,000 acres of harvested rangeland pasture supporting an average of about 13,000 head of cattle, and another 6,000 acres of field crops.
- Starting around year 2013, the total acres of harvested rangeland pastures and field crops began
 to decline, with only about 135,000 acres of harvested pasture and approximately 2,000 acres of
 field crops by year 2019. A significant contributor to this trend has been drought, resulting in
 generally poorer forage conditions throughout East County.
- The decline in pasture does not seem to have substantially affected cattle numbers, which have fluctuated over time but remain above the 20-year average of about 13,400 head during the past 5 years.

Alameda County Community Development Agency's Department of Agriculture, Weights and Measures, Annual Alameda County Crop Reports, years 2000 through 2019, accessed at: https://www.acgov.org/cda/awm/resources/stats.htm







Economic Values

The total value of field crops sold has declined from approximately \$6.3 million (as adjusted for inflation to 2020 dollars)¹⁹ in year 2000, to approximately \$3.35 million in 2019, with declining rainfall as a major contributing factor.

Although the total numbers of livestock production in the County has generally remained steady since 2000, the total value of cattle and other livestock sold has increased from about \$9.87 million in 2000 (as adjusted for inflation to 2020 dollars), to as high as \$23.4 million (as adjusted for inflation to 2020 dollars) in 2015, and then back down to about \$11.8 million in 2019. A substantial factor in the relative ups and downs of cattle production values is the variable market price per pound of beef. As also noted in each annual Crop Report, the sales numbers presented in the Crop Reports are gross values only, and do not reflect costs related to production, harvesting, marketing, transportation or herd replacement costs. Increased gross revenues do not necessarily reflect increased profit margins for ranchers.

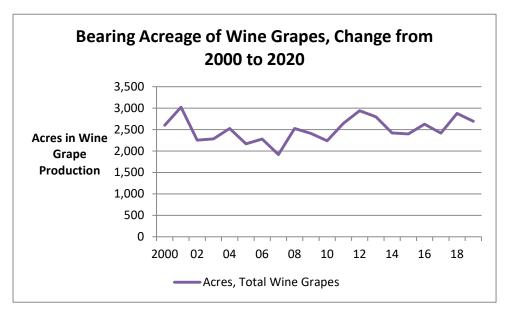
Wine Grapes

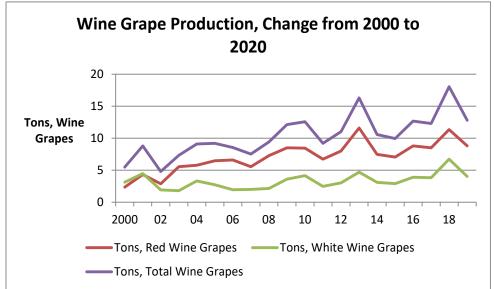
Alameda County's viticulture businesses/wine grape growers generate, by far, the greatest total economic value among all agricultural products in the County. As shown in **Table 3-6**:

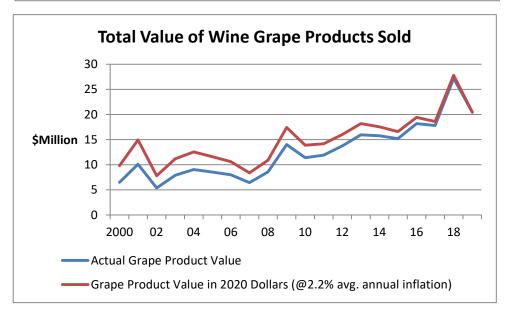
- Between the years 2000 and 2020, the County maintained a relatively steady average of approximately 2,500 acres of agricultural lands bearing red and white wine grapes, with the highest acreage of wine grape-bearing acreage of approximately 3,000 acres occurring in 2001, 2012 and 2018. The split between white wine grapes and red wine grapes was about even in the early 2000s, but has now shifted to about one-third of all grape-bearing acreage in white, and two-thirds in red wine grapes.
- Wine grape production throughout the County has been on a steadily increasing rate. In year 2000, the County's harvest was approximately 5,500 tons of grapes (at between 1.8 and 2.4 tons per acre), whereas the year 2019 harvest was as high as 12,810 tons of wine-producing grapes (at an increased rate of approximately 4.8 tons of grapes per acre). As the Crop Reports clearly describes, each year's harvest is a function of numerous variables in addition to acreage (e.g., weather, relative crop value, per-acre production capability, etc.), but the simple comparison of total tons of grapes produced during these two time periods demonstrates more than a doubling (234%) in the tons of grapes produced in year 2019, as compared to tons of grapes produced in year 2000.

 $\frac{\text{https://www.in2013dollars.com/us/inflation/2000?amount=1\#:} \sim : text=Value\%20of\%20\%241\%20 from\%202}{000, cumulative\%20price\%20 increase\%20of\%2057.78\%25}.$

Assuming a 20-year inflation factor of 1.58 (\$1 in year 2000 = \$1.58 in year 2020), or an average annual rate of inflation of 2.2 percent, per







Economic Value

On a similar, but even increased trajectory as compared to grape production, the total value of wine grape sales has increased from approximately \$10.3 million in year 2000 (as adjusted for inflation to 2020 dollars), to a peak approximately \$27.2 million in 2018, showing more than a doubling in the relative cash value of wine grape crops grown in Alameda County. Wine grape production levels peaked in 2018 with high yields, high prices and more acres planted.

The \$27.2 million dollar gross production value of wine grapes during that peak in 2018 represented about 50 percent of the year 2018's estimated total gross value of all of Alameda County's agricultural production. As noted in each annual Crop Report, these economics numbers represent gross values only and do not reflect the wine grower's costs related to production, harvesting, marketing or transportation.

Equine Industry

For the first time, the 2003 Alameda County Crop Report presented data related to the equine industry. According to that report, there was a total of 13,634 horses in Alameda County, spread across approximately 25,300 acres of land (lands not included in the livestock category). According to the subsequent 2008 and 2010 Crop Reports, the County's horse population had declined down to approximately 9,500 horses (including about 5,000 horses kept for recreation and pleasure, 1,500 ranch horses, 2,000 racehorses, and about 1,000 other competition horses).

According to a study conducted by the County in 2013,²⁰ "County records show that the number of horse-boarding facilities with use permits increased substantially from 1985 to 2005, at an apparent rate of 5 percent increase in the number of use permits for horse-boarding facilities per year. Based on past permits and some aerial photo observations also conducted in 2013, the County identified a total of 64 horse-boarding facilities, with an estimated total capacity of 2,620 horse stalls, boarding about one-quarter of the estimated County horse population." Based on these estimates, the County's horse population in 2013 was therefore about 10,500 horses.

There are no other identified sources of data to provide a more current estimate of the County's horse population, but the drop from 13,630 horses in 2003, to 9,500 horses in 2010 represents about a 30 percent decrease in Countywide horse population. Even if as many as 1,000 horses had been added back to this population by 2013, the equine industry had still had a substantial decline in total numbers from 2003 to 2013. According to anecdotal information from local horse industry experts, the horse industry in Alameda County remains in decline.

Economic Value

The equine (or horse service) industry consists of facilities that specialize in breeding, training and boarding of horses, and riding and competition, often in combination with recreational and draft horse services. Agricultural and recreational users in Alameda County have access to the products and services of these facilities as well as a large multi-use trail system. The industry supports local feed, clothing, equipment and tack retailers, veterinarians, farriers, hay growers and others. It also supports the community at large by helping to preserve rural western character, by providing recreational

Alameda County, Draft MND for ECAP / CVP General Plan Amendments for Equine Breeding and Training Facilities, June 13, 2012 pages 7-8

opportunities in the open space. Ensuring that stables remain economically viable reduces pressure for more intense development.²¹

Conclusions

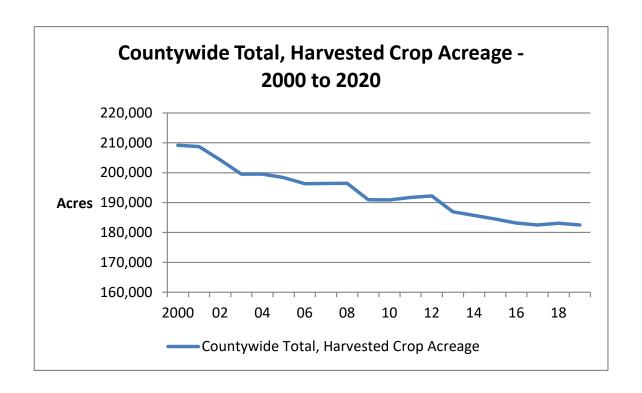
As to whether the policies and recommendations of Measure D have resulted in supporting viable agricultural operations throughout East County, the following statistical measures (see **Table 3-7**) are likely the most pertinent:

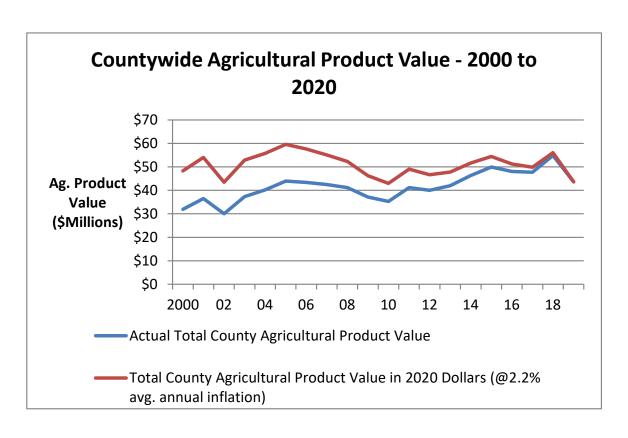
- On the basis of total acreage, Alameda County has lowered its total harvested crop acreage by approximately 26,700 acres since 2000, from 209,170 harvested acres in year 2000 to 182,488 harvested acres in 2020 (or nearly a 13% reduction in acreage). This downward trend in harvested acreage has been relatively consistent throughout this 20-year period.
- On the basis of agricultural product value, Alameda County's total gross value of agricultural production has remained relatively stable, averaging at approximately \$51 million dollars per year (as adjusted each year for inflation to 2020 dollars). Peak total agricultural product values occurred in the mid 2000's (2004-2007) spurred by high sales of ornamental trees and shrubs and bedding plants, high per-acre yields of wine grapes and olives, and strong market prices for cattle and vegetable crops. The more recent (2018/2019) drop in total agricultural product values are likely attributable to a continued lack of adequate rainfall that resulted in lower peracre yields of wine grapes and poor forage conditions, along with lower prices for cattle.
- As report in the "Equine CUP Streamlining Project Report" of October 2003, "the equine industry has been increasingly challenged over the years to accommodate the business and regulatory changes in the County. Although there is no definitive horse or facility census for a trend analysis, it is apparent that many facilities have closed. Facilities close for many reasons, including retirement, lack of profitability, displacement by development, competition with other outdoor activities, and the costs of meeting new regulatory demands." Although the number of horse-related facilities appear to have decreased, the demand for equine-industry products and services continues to grow, evidenced by the growing miles of equine and multi-use trails and trail plans in the Bay Area, and horse owners relate the need to travel outside the County to find boarding vacancies.
- The California Employment Development Department (EDDs) Labor Market Information Division provides statistics for industry employment and labor force. According to this data, Alameda County had 1,400 total "Farm" jobs in 1990, was down to 800 total Farm jobs in year 2000, and has dropped to an average of between 500 and 700 total Farm jobs between 2010 and 2020.²³

²¹ Alameda County Resource Conservation District, *The Equine CUP Streamlining Project*, October 2003, p. 1

²² Ibid, page

EDD Labor Market Information Division, Industry Employment & Labor Force statistics for Alameda County, accessed at: https://www.labormarketinfo.edd.ca.gov/data/employment-by-industry.html





Generally, despite losses in employment, East County agricultural operations appear to remain economically stable, but this economic stability is primarily driven by continued strong growth in the total value of wine grape sales. The wine industry's economic growth eclipses the relative decline in value of most other productive agricultural use (i.e., crop harvesting and horse boarding) within the East County. The relative viability of agriculture in East County is a function of multiple variable including macro-economic trends, micro-economic decisions and capabilities of local agricultural operators, climate, water availability, labor availability, costs and regulations. The extent to which Measure D's land use policies and regulations may be a contributing factor in the lack of growth in East County's agricultural industry as a whole is further reviewed in the following chapter of this Report.

Chapter 4: Comparison to Agricultural Land Use Regulations of Other Selected Bay Area Counties

An additional purposes of this report as identified by Alameda LAFCO is to establish a benchmark of how those land use policies and zoning regulations applicable to the development and use of land in unincorporated East Alameda County compare to similar policies and zoning regulations of other Bay Area counties. This study provides a comparative assessment against four other Bay Area counties including Napa, Sonoma, Solano and Contra Costa. The following provides a brief overview of the broad land use strategies and agricultural land preservation goals of each of these other four counties. The subsequent section provides an assessment of Alameda County's rules and regulations for agricultural and open space lands, as compared to similar regulations of each of these other four counties, considering key indicators of comparable regulations related to:

- Minimum parcel sizes and residential densities
- Limitation on the intensity of development on agricultural lands (i.e., floor-to-area ratios, lot coverage and building envelopes)
- Types of permitted and conditionally permitted land uses within agricultural and open space land use categories (e.g., residential uses, wineries and winery-related uses, equestrian uses, overnight accommodations, and cannabis-related uses).

4.1: Sonoma County

Sonoma County is the largest of the nine Bay Area counties in land area, with a size of approximately 1,768 square miles (nearly 2.4 times larger than Alameda County), but has a population of only approximately 494,300 people (or about 30 percent as many people as Alameda County). Sonoma County has nine incorporated cities, and approximately 73 percent of its population lives within those city boundaries.

Sonoma County is known for the Sonoma Valley wine region as well as other notable winemaking areas including Dry Creek and Alexander Valley. According to the Sonoma County Crop Report for year 2019, Sonoma County had 59,326 acres of land planted in wine grape production (reds and whites), yielding 229,811 tons of grapes and generating a total production value of over \$654 million¹ (or nearly 18 times the grape production and almost 21 times the total production value of Alameda County's wine crop in 2019).

Generalized Countywide Land Use Strategy

The Sonoma County General Plan recognizes there are unique circumstances associated with nine planning areas of that County, and each of these planning areas have their own unique land use policies and guidance for development and preservation. Both the Land Use and the Housing Elements of the Sonoma County General Plan reinforce growth patterns within the County as being "city and community-centered" by reserving residential lands within designated Urban Service Areas for affordable and higher-density housing, whereas lower density housing is primarily accommodated on residential lands within the remainder of the County and where urban services are not available. The County's defined Urban Service Area boundaries serve as an important growth management tool

Sonoma County - Department of Agriculture / Weights & Measures, 2019 Sonoma County Crop Report

intended to avoid urban sprawl. The extension of sewer or water services outside of designated Urban Service Areas is precluded, and each Urban Service Area is surrounded by lands designated as Community Separators. Community Separators function to separate cities and other communities, to contain the limits of urban development, and to provide city and community identity by providing visual relief from continuous urbanization. The boundaries of Urban Service Areas for unincorporated communities cannot be amended to include lands within designated Community Separators until year 2036, unless such an amendment is approved by the voters of Sonoma County. Land use decisions for properties within designated Community Separators must conform to a voter-approved Community Separators Protection Ordinance.²

Lands within Community Separators have a mix of General Plan land use designations, but generally maintain maximum residential densities at one unit per ten acres. Lands outside of the Community Separators are generally reserved for Timber Production, Resources and Rural Development, Land Intensive Agriculture and Land Extensive Agriculture. Much of the lands outside of the Community Separators are also identified as Scenic Landscape Units. These Scenic Landscape Units include coastal bluffs, vineyards, the San Pablo Bay, the Laguna de Santa Rosa and other landscapes of special importance to the quality of life of County residents, as well as the tourist and agricultural economy. These Scenic landscapes have little capacity to absorb new development without significant visual impacts, and thus are zoned with very low densities.

Agriculture is a major part of Sonoma County's economy, including vineyards, orchards, dairies, forage crops, specialty crops, livestock and horses. Farms are both full time and part time operations. Agricultural production in some areas is threatened both by pressures of urban development and by creation of small residential lots in the midst of agricultural lands. Land use policy for the County's agricultural areas seeks to consider the extent to which small residential lots should be allowed, the need for agricultural support uses in rural areas, and the extent of visitor serving uses that may be supportive of, and compatible with farming.

Policies for agricultural support activities seek to balance the need for such uses with the continued preservation of the rural character and agricultural diversity of the County. General Plan policies also support products grown in Sonoma County over those produced elsewhere. Substantial growth in Sonoma County's wine industry has resulted in a trend towards larger processing facilities, and facilities that may appear more industrial than rural in character. The apparent increase in the reliance of County processing facilities on raw agricultural products imported from outside Sonoma County highlights the importance of, "demonstrating connection to local production in order to avoid County agricultural lands becoming de facto "industrial lands."

Agricultural Land Use Categories and Zoning Districts

The Sonoma County General Plan Land Use Element and Land Use Diagram includes three primary agricultural and/or resource-based land use categories; "Land Intensive Agriculture", "Land Extensive Agriculture", and "Resources and Rural Development" (see **Figure 4-1**). Each of these land categories permit a wide range of agricultural uses.

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Sonoma County, Sonoma County General Plan 2020 Land Use Element, as amended December 2016, Policy LU-3e, page LU-34

Sonoma County, Sonoma County General Plan 2020 – Agricultural Resources Element, August 2016, page AR-4

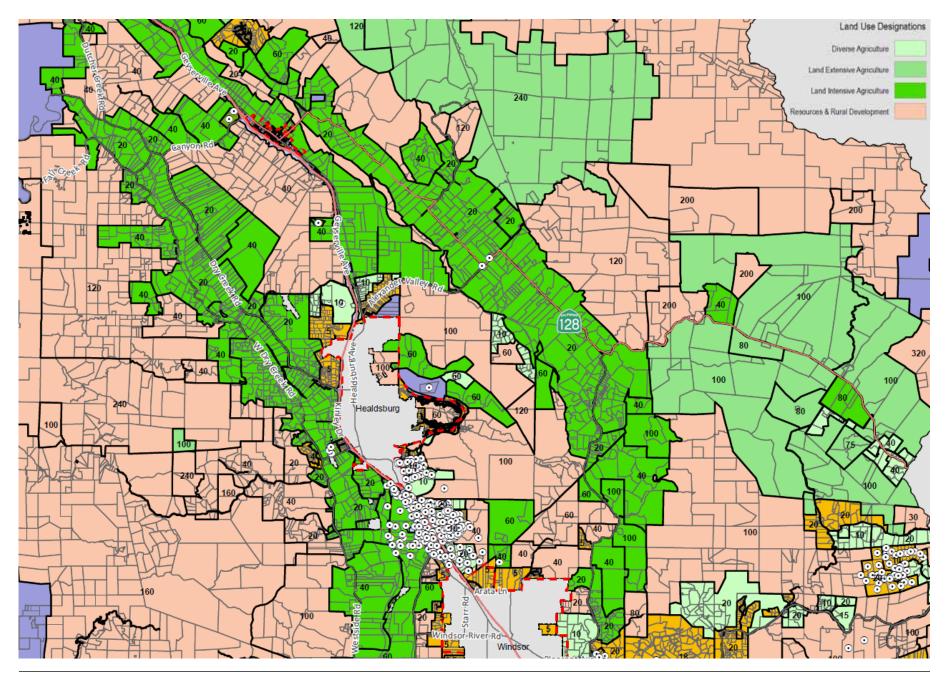


Figure 4-1 Sonoma County General Plan Land Use Map (portion)

Source: Sonoma County General Plan 2020 Land Use Element, Accessed at: https://sonomacounty.ca.gov/PRMD/Long-Range-Plans/General-Plan/Land-Use-The-Nine-Sub-County-Planning-Areas/

Allowable residential densities on parcels in these land use categories is generally based on consideration of the amount of land that it would take to create an economically viable agricultural parcel, and other factors such as availability of infrastructure, distances from public services, access, conflicts with resource conservation and production, and topographic and environmental constraints. These three agricultural and resource-based land use categories differ primarily by the types and intensities of agricultural support uses, visitor serving uses and residential densities permitted. In general, the Sonoma County General Plan's agricultural land use designations include the following:

- Land Extensive Agriculture: This land use category is intended to enhance and protect lands capable of, and generally used for animal husbandry and the production of food, fiber and plant materials, but where soil and climate conditions typically result in relatively low production yield per acre of land. Primary land uses in this land use category include agricultural production, agricultural support uses and visitor serving uses, as well as farm worker, farm family and other agricultural employee housing. Permitted residential densities vary between 60 to 320 acres per unit (generally, higher densities are applied in areas with existing lots in that range, the middle range is used in the southeastern portion of the county where soil and water conditions make larger acre parcels productive, and the lowest densities are applied in the northwestern parts of the county).
- Land Intensive Agriculture: This land use category is also intended to enhance and protect lands capable of and generally used for animal husbandry and the production of food, fiber and plant materials. The soil type and climate support relatively high production yields per acre of land. Primary land uses in this land use category include agricultural production, agricultural support uses and visitor serving uses, as well as farm worker, farm family and other agricultural employee housing. Permitted residential densities vary between 20 and 100 acres per residential unit (generally, densities between 20 and 60 acres are applied in areas with existing lots in that range and where soil and water conditions make farming highly productive, and those between 60 and 100 acres are used where soil and water necessitate larger parcels.) New parcels are limited to a minimum size of 20 acres.
- Resources and Rural Development: This land use category is primarily intended to protect timberlands, geothermal resources and aggregate resource production, protect natural resource lands including watershed, habitats and biotic areas, and to accommodate limited agricultural production activities. This land use category allows for very-low density residential development that ranges from 20 to 320 acres per dwelling unit, due to a lack of infrastructure, greater distance from public services, poor access, conflicts with resource conservation and production goals, and significant physical constraints and hazards. The intent of this land use category is for natural resources to be managed and conserved so that resource production activities avoid depletion and promote replenishment of renewable resources.

Corresponding Zoning

Development standards for agricultural and resource-based land use are included in the County Development Code and Subdivision Ordinance, as well as in Specific Plan and Area Plans and Local Area Development Guidelines.

 Those areas of Sonoma County with a General Plan land use designation of Land Extensive Agriculture generally have a corresponding zoning district of Land Extensive Agriculture (LEA) per Chapter 26.06 of the Sonoma Code, • Those areas of Sonoma County with a General Plan land use designation of Land Intensive Agriculture also have a corresponding zoning district of Land Intensive Agriculture (LIA) per Chapter 26.04 of the Sonoma Code.

Those areas of Sonoma County with a General Plan land use designation of Resources and Rural Development have a corresponding zoning district of Resources and Rural Development (RRD) or Timberland Production District (TP) per Chapter 26.14 of the Sonoma Code.

4.2: Napa County

Napa County is approximately 789 square miles in size, just slightly larger than Alameda County (about 1.1 times larger), but has a population of only approximately 55,600 people (or less than 10 percent as many people as Alameda County). Napa County has five incorporated cities, and approximately 82 percent of its population lives within those city boundaries.

Napa County identifies itself as a cornerstone of the California wine industry, and the Napa Valley was the first officially designated American Viticulture Area in California, designated in 1981. According to the Napa County Crop Report for year 2019, Napa County had 44,210 acres of land in wine grape production (reds and whites), yielding 159,722 tons of grapes, and generating a total production value of nearly \$938 million, just lower than the previous year's record-breaking numbers of over \$1 billion dollars in 2018⁴ (or more than 12 times the grape production and almost 38 times the total production value of Alameda County's wine crop in 2019). The wine and vineyard sector remains Napa County's largest employer, directly and indirectly providing nearly half of the County's total employment.

Generalized Countywide Land Use Strategy

In 1968, Napa County first established an "Agricultural Preserve" zoning designation and land use policy that was guided by two complementary principles: 1) that agricultural lands should be protected, and 2) that development should occur in urban areas. Those principles remain the overall land use strategy of the current County General Plan and corresponding zoning regulations. In 1990 (ten years prior to Alameda County's Measure D initiative), the voters of Napa County adopted Measure J, intended to protect the County's agricultural, watershed and open space lands; strengthen the local agricultural economy; and preserve the County's rural quality of life. Measure J established and maintained minimum agricultural parcel sizes, and required voter approval before agricultural property could be converted to other uses. Measure J amended the Napa County General Plan to ensure that designated agricultural, watershed and open space lands could not be re-designated and made available for more intensive development without a vote of the people. In 2008, the voters of Napa County reaffirmed their commitment to Measure J, passing a continuation of the provisions of Measure J (now known as Measure P), intended to last for the next 50 years, or until year 2058.

The most recent update of the Napa County General Plan (adopted in 2013) reflects the prominence of agriculture in Napa County through the Agricultural Preservation and Land Use Element. As indicated in this General Plan Element, the County's vision for the future is described as, "Napa County will be a place where agriculture is the primary land use, where a vast majority of the county is open space, and where residential and employment growth is concentrated in the incorporated cities and town and existing urbanized areas of the county. Urban centers will be livable communities with compact forms that maximize the preservation of rural landscapes, and those rural landscapes will be both productive and ecologically diverse, with abundant and healthy natural resources." Other issues that are addressed in land use policies include affordable housing, the desire for additional high-wage employment, the need for industrial land to support the agricultural industry, and the potential for continuing annexations by the incorporated cities and towns. However, all of these issues are framed by a policy

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Napa County - Department of Agriculture and Weights & Measures, Napa County Agricultural Crop Report for 2019

framework that, "sets agricultural preservation as the immovable foundation for sound decision-making within Napa County." ⁵

Agricultural Land Use Categories and Zoning Districts

The Napa County General Plan Land Use Map designates nine separate areas of the unincorporated County for non-agricultural uses pursuant to detailed land use policies, and three pre-existing commercial areas are designated on the Land Use Map for agricultural uses with unique policies pertaining to these locations. The Land Use Map designates the remainder of unincorporated land in Napa County as one of two primarily agricultural land use categories (see **Figure 4-2**):

- Agriculture, Watershed and Open Space: These areas are indicated where the predominant use is agriculturally oriented; where watersheds are protected and enhanced; where reservoirs, floodplain tributaries, geologic hazards, soil conditions, and other constraints make the land relatively unsuitable for urban development; where urban development would adversely impact all such uses; and where the protection of agriculture, watersheds and floodplain tributaries from fire, pollution and erosion is essential. Primary land uses in this land use category include agriculture, processing of agricultural products and single-family dwellings. The minimum parcel size in this land use classification is 160 acres, and the maximum building intensity is one dwelling per parcel.
- <u>Agricultural Resource</u>: These areas are indicated in the fertile valley and foothill areas of the county where agriculture is, and should continue to be the predominant land use; where uses incompatible with agriculture should be precluded; and where the development of urban type uses would be detrimental to the continuance of agriculture and the maintenance of open space, which are economic and aesthetic attributes and assets of Napa County. Primary land uses in this land use category include agriculture, processing of agricultural products and single-family dwellings. The minimum parcel size in this land use classification is 40 acres, and the maximum building intensity is one dwelling per parcel.

Corresponding Zoning

Development standards for agricultural and resource-based land use are included in the County Zoning Code and specific General Plan policies for different geographic locations throughout the County.

- Those areas of Napa County with a General Plan land use designation of Agriculture, Watershed
 and Open Space generally have a corresponding zoning district (per Title 18: Zoning, of the Napa
 Code of Ordinances) of either Agricultural Watershed (AW) per Chapter 18.20 of the Napa Code,
 or Timber Preserve (TP) per Chapter 18.68 of the Napa Code.
- Those areas of Napa County with a General Plan land use designation of Agricultural Resource generally have a corresponding zoning district of Agricultural Preserve (AP) per Chapter 18.16 of the Napa Code.

Alameda LAFCO Measure D Analysis

Napa County, Napa County General Plan - Agricultural Preservation and Land Use Element, June 2013, page AG/LU-8 through -11

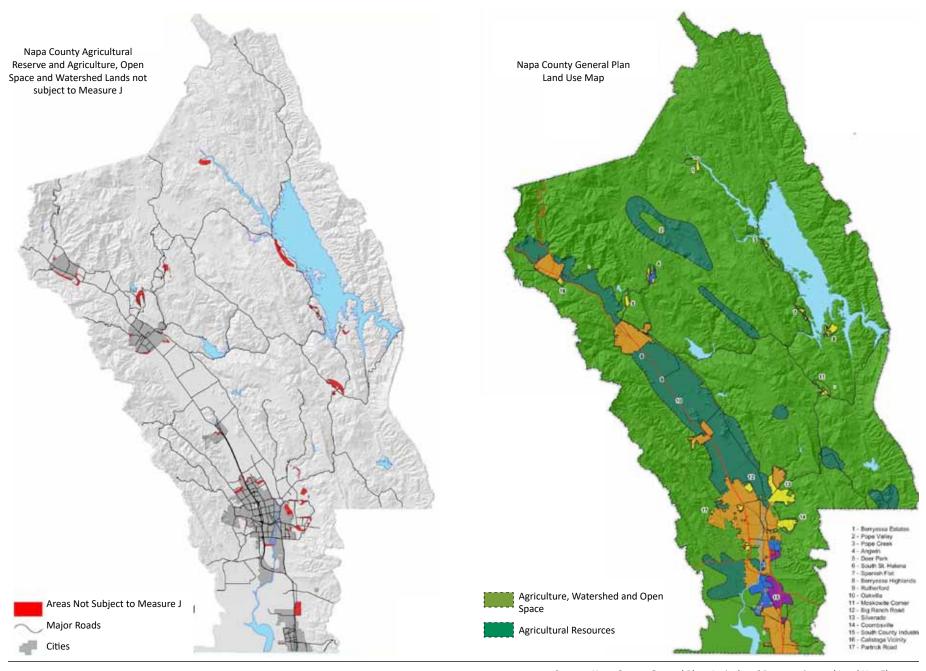


Figure 4-2 Napa County General Plan Land Use

Source: Napa County General Plan, Agricultural Preservation and Land Use Element, June 2008 and as amended through June 2013

4.3: Solano County

Solano County is approximately 830 square miles in size, just slightly larger than Alameda County, and has a population of only approximately 447,650 people (or about 27 percent as many people as Alameda County). Solano County has seven incorporated cities, and because of Solano County's commitment to focus development within urban areas, about 95 percent of the county's population lives in these cities.

Solano County has a diverse agricultural base. According to the 2018 Solano County Crop and Livestock Report, high crop diversity allows the County's agricultural industry to remain competitive as market demands change. Ranked by gross value, the County's agricultural products included nursery products, cattle and calves, tomatoes, alfalfa, wine grapes, sunflower seeds, almonds and walnuts, and wheat. Of the County's total land area, nearly 60 percent was identified as being within farms, of which 43 percent was identified as cropland and 33 percent was identified as irrigated cropland. ⁶

Generalized Countywide Land Use Strategy

According to the Solano County General Plan, "a diverse and desirable balance of land uses can help to support the County's fiscal viability and promote a desirable community in which people work, shop, live, visit, and recreate. A diversity of land uses also has positive effects on community livability and quality of life." Based on this desire for diversity, Solano County's cities contain most of the county's urban development, and the unincorporated areas include primarily agricultural and open space land, along with some rural residential, commercial, and industrial areas. The unincorporated county is particularly well suited for uses such as agricultural-related industries that are not appropriate within more densely populated areas due to noise, odor and other effects. Maximizing benefits to county residents, taking advantage of new economic opportunities, and protecting valuable environmental resources are the driving forces behind the County's land use plans.⁷

Solano County's General Plan also includes a clear description of the roles and purposes of municipal service areas (MSAs) pursuant to land use decisions. The MSAs define the area of a city's current and/or future jurisdictional responsibility, within which a city must provide the necessary services to support urban land uses. The MSAs reflect each city's planned urban growth areas, and are based on County review of city general plans and spheres of influence established by the Solano LAFCO. Current land uses within MSAs may continue under County jurisdiction until the land is annexed to the city for conversion to urban uses. A change in land use of unincorporated lands within MSAs should be permitted only for agricultural uses which do not conflict with planned land uses until annexed for urban development. Unincorporated lands within the MSAs that are designated Agriculture will continue in agricultural use until annexed to a city for urban development.

In support of this overall strategy, Solano County's voters adopted Measure A in 1984, the provisions of Measure A were extended with the adoption of the Orderly Growth Initiative in 1994, and now represent a cornerstone principle of the current General Plan. These principles direct new urban development and growth toward municipal areas to assure the continued preservation of those lands designated Agriculture, Watershed, Marsh, Park & Recreation, or Water Bodies & Courses. These

Solano County Department of Agriculture, Weights & Measures, *Solano County Crop and Livestock Report* 2018 (as amended 2020)

Solano County, Solano County General Plan Land Use Element, Page LU-9

⁸ Ibid, page LU-12

provisions of the General Plan shall continue to be included in the General Plan until December 31, 2028, unless earlier repealed or amended by the voters of the County.

Agricultural Land Use Categories and Zoning Districts

The Solano County General Plan (see **Figure 4-3**) identifies two primary agricultural-related land use designations on its Land Use Diagram:

- Watershed (WS): This land use designation provides for the protection of water quality by limiting development where such development could significantly degrade surface water quality. It comprises hills and mountains in areas used primarily for grazing. Watershed areas typically feature hazardous site characteristics such as steep slopes with high soil erosion potential, fire hazards and unstable soils, and may be undevelopable. Watershed areas also provide wildlife habitat. Uses in this area are restricted to agricultural or passive open space uses, with residential densities of 1 dwelling unit per 160 acres.
- Agriculture (AG): This land use designation provides areas for the practice of agriculture as the primary use, including areas that contribute significantly to the local agricultural economy, and allows for secondary uses that support the economic viability of agriculture. Agricultural land use designations protect these areas from intrusion by non-agricultural uses and other uses that do not directly support the economic viability of agriculture. Agricultural areas within Solano County are identified within one of 10 geographic regions. Within these regions, uses include both irrigated and dryland farming and grazing activities. Agriculture-related housing is also permitted within areas designated for agriculture to provide farm residences and necessary residences for farm labor housing. Minimum lot sizes are determined by agricultural region, and range from 20 to 160-acre parcel sizes.

The Solano County General Plan also includes three agriculture and open space overlay districts:

- <u>Vacaville-Fairfield-Solano Greenbelt Overlay</u>: Identifies the area of Solano County subject to the Vacaville-Fairfield-Solano Greenbelt Authority agreement to provide a permanent separation between the urban areas of Fairfield and Vacaville and to maintain the area in agriculture and open space uses consistent with the provisions of that agreement.
- Agricultural Reserve Overlay: Encourages private landowners to voluntarily participate in agricultural conservation easements and establishes new methods of acquiring land conservation easements that encourage cooperation by landowners. The overlay district is established as an agricultural mitigation bank for development projects, subject to County and city agricultural mitigation programs. Projects having a significant impact on valued agricultural resources in other areas of the county or participating cities would be able to mitigate this impact by paying in-lieu fees used to purchase agricultural conservation easements from landowners in the overlay area. Conservation easements would be held by the County or relevant land trusts, and the landowner would maintain ownership and management control.
- Resource Conservation Overlay: Identifies and protects areas of the county with special resource
 management needs. This designation recognizes the presence of certain important natural
 resources in the county while maintaining the validity of underlying land use designations. The
 overlay protects resources by requiring study of potential effects if development is proposed in
 these locations, and by providing mitigation to support urban development in cities. Resources
 to be protected through this overlay are those identified through technical studies as the
 highest priority areas within the habitat conservation planning process.

Corresponding Zoning

Development standards for agricultural and resource-based land use are included in the County Zoning Code and specific General Plan policies for different geographic locations throughout the County.

- Those areas of Solano County with a General Plan land use designation of Watershed generally have corresponding zoning districts (per Chapter 28: Zoning, of the Solano County Code) of either Watershed and Conservation (W) per Chapter 28.51 of the Solano County Code, Resource Conservation per Chapter 28.50 of the Solano County Code), or Marsh Protection (MP) per Chapter 28.52 of the Solano County Code.
- Those areas of Solano County with a General Plan land use designation of Agriculture generally have a corresponding zoning district of Exclusive Agricultural (A) per Chapter 28.21, which includes individual regulations for separate A-20, A-40, A-80 and A-160 zoning districts, generally corresponding to minimum parcel sizes.
- The Solano County Code also includes specialized zoning districts pertaining to Suisun Marsh (the A-SM district per Chapter 28.22), and the Suisun Valley (the A-SV-20, ATC and ATC-NC zoning districts per Chapter 28.23 of the County Code).

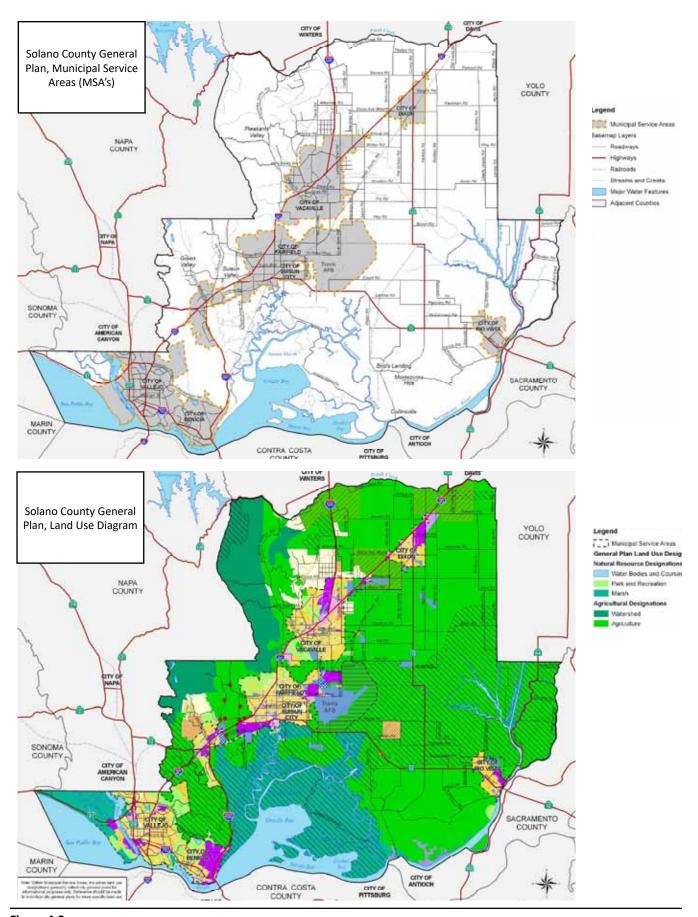


Figure 4-3 Solano County General Plan- MSA's and Land Use Diagram

4.4: Contra Costa County

Contra Costa County is approximately 716 square miles in size, just slightly smaller than Alameda County, and has a population of approximately 1,153,500 people (or about 70 percent as many people as Alameda County). Similar to Alameda County, Contra Costa has distinctly different regions, including West and Central County, and East County. The West and Central County regions include 10 incorporated cities plus numerous unincorporated communities along the I-880, I-680 and SR24 corridors, and accommodate approximately 75% of the County's population. Development in the East County is primarily concentrated in four cities along the SR 4 corridor, accommodates approximately 25% of the County's population, and surrounding land uses are predominantly residential, agricultural, recreational and open space uses.

According to the Contra Costa County Agricultural Crop Report for year 2019, the County's gross agricultural production value exceeded \$100 million dollars, and agricultural products were well diversified based on their production value, with about 35% in vegetable and seed crops, 22% in fruit and nut crops (including grapes), 21% as livestock, 12% as field crops and 10 % as nursery products. Over 185,500 acres within the County were considered cultivated agricultural lands, about 94% of which were in the field crop category (primarily rangeland).

Generalized Countywide Land Use Strategy

Fundamental features of the Contra Costa General Plan are the interrelationship between the County's adopted Urban Limit Line (ULL), the County's 65/35 Land Preservation Standard, and it's Growth Management Program.

- The ULL was originally established by county voters through their adoption of Measure C in 1990, and ensures the preservation of non-urban agricultural, open space and other areas by establishing a line beyond which no urban land uses can be designated during the term of the General Plan. Factors which contribute to properties being located outside the ULL included properties with high agricultural soils ratings (Class I and Class II) under the National Resource Conservation System Land Capability Classification, open space, parks and other recreation areas, lands with steep slopes, wetlands and other areas not appropriate for urban growth because of physical unsuitability. Properties that are located outside the ULL may not obtain General Plan amendments that would re-designate them for an urban land use, and any General Plan amendment that seeks to expand the ULL by more than 30 acres requires voter approval following a four-fifths vote of the Board of Supervisors. Lands outside of the ULL may be subject to various agricultural and open space preservation measures intended to preserve open space and agricultural lands, and contribute to the continued economic viability of agricultural property. Development of property within the ULL is restricted by the limitations imposed by the County's Growth Management Program.
- The 65/35 Land Preservation Standard limits urban development to no more than 35 percent of the land in the county, and requires at least 65 percent of all land in the county to be preserved for agriculture, open space, wetlands, parks and other non-urban uses. The 65/35 Standard operates on a countywide basis and therefore includes urban and non-urban uses within cities as well as unincorporated areas. The ULL works in conjunction with the 65/35 Standard to ensure that both inside and outside the ULL, a maximum of not more than 35 percent urban development could occur in the county.

The Growth Management Element of the General Plan seeks to responsibly manage new
development to ensure that development projects bear their appropriate share of the adverse
burdens and impacts they impose on public facilities and services (primarily transportation
impacts, but also impacts on public services and facilities). The timing of the potential physical
development contemplated pursuant to the General Plan is partly determined by the
achievement of policies and standards defined in the Growth Management Element.

The ULL and the 65/35 Land Preservation Standard work together with the Growth Management Element to ensure that growth occurs in a responsible manner, and strikes appropriate balances between many competing values and interests. Moreover, by establishing an inter-jurisdictional land supply and a program for development monitoring, the Growth Management Element coordinates implementation of the County General Plan with those of the county's 19 cities.

Agriculture Land Use Designations

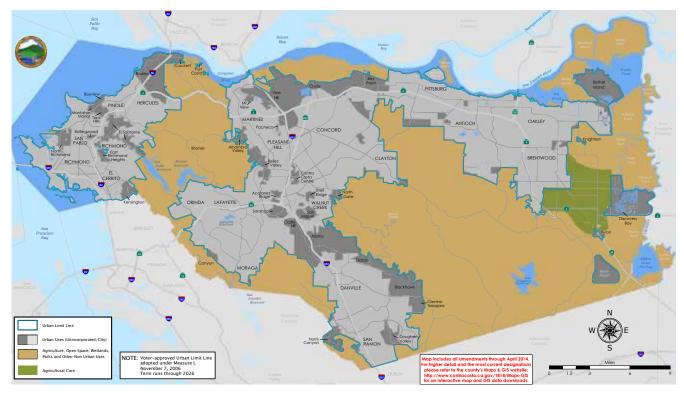
In general, the Contra Costa General Plan identifies two primary agricultural-related land use designations and two open space land use designation on its Land Use Diagram (see also **Figure 4-4**):

- Agricultural Lands (AL): This land use designation includes most of the privately owned rural lands in the county, excluding private lands that are composed of prime soils or lands located in or near the Delta. Most of these lands are in hilly portions of the county and are used for grazing livestock or dry grain farming, and also includes non-prime agricultural lands in flat East County areas that are planted in orchards. The purpose of the Agricultural Lands designation is to preserve and protect lands capable of and generally used for the production of food, fiber, and plant materials. The maximum allowable density in this land use classification is 1 dwelling unit per 5 acres, and land uses that are allowed in the Agricultural Lands designation include all land-dependent and non-land dependent agricultural production and related activities.
- Agricultural Core (AC): This designation applies to agricultural lands that are composed primarily
 of prime agricultural soils, mostly located in East County outside the ULL to the east and south
 of the City of Brentwood. Much of the land in this designation is under active cultivation of
 intensive row crops, orchards, and vineyards. The purpose of the Agricultural Core designation is
 to preserve and protect the farmlands of the county that are the most capable of, and generally
 used for production of food, fiber, and plant materials. Agricultural operations in the
 Agricultural Core require a larger (40-acre) minimum parcel size than the Agricultural Lands
 designation, to maintain economically viable, commercial agricultural units.
- Watershed (WS): Areas designated Watershed includes much of the land owned by EBMUD and
 the Contra Costa Water District. In order to safeguard public water supplies, only a very limited
 number of uses are allowed in Watershed areas. These uses include extensive agriculture
 (primarily grazing of livestock), intensive agriculture that does not rely upon pesticides or other
 chemical fertilizers, low-intensity recreational uses such as hiking and biking, and small-scale
 commercial uses that support picnicking, boating and fishing activities on adjacent reservoirs.
- <u>Parks and Recreation:</u> The Parks and Recreation designation includes publicly owned park facilities (including the Mount Diablo State Park in the center of the County), as well as golf courses, whether publicly- or privately-owned.

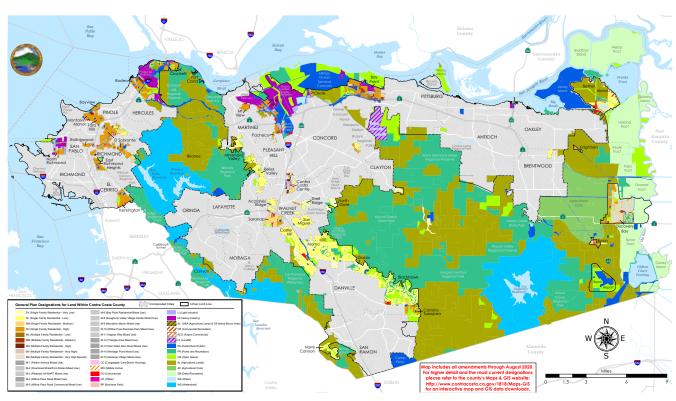
Corresponding Zoning Districts

Development standards for agricultural and resource-based land use are included in the County Zoning Code. Generally, lands within the unincorporated County have been zoned with a zoning district that corresponds to the General Plan land use designation.

- Those areas of Contra Costa County with a General Plan land use designation of Agricultural Lands (AL) generally have a corresponding zoning district of Agricultural Preserve (A-80) per Chapter 84-84 of the County Zoning Ordinance.
- Those areas of Contra Costa County with a General Plan land use designation of Agricultural Core (AC) generally have a corresponding zoning district of Agricultural Preserve (A-40 or A-20) per Chapter 84-82 and 84-80 of the County Zoning Ordinance.
- Those areas of Contra Costa County with a General Plan land use designation of Watershed or Parks and Recreation generally have corresponding zoning districts of either General Agriculture (A-2), Heavy Agriculture (A-3) or Agriculture Preserve (A-4) per Chapters 84-38, 84-40 and 84-42 of the County Zoning Ordinance.



Contra Costa County Urban Limit Line (ULL)



Contra Costa County General Plan - Land Use Diagram

Figure 4-4
Contra Costa County General Plan- ULL and Land Use Diagram

4.5: Comparative Land Use Regulations

Each of the counties reviewed for purposes of this study provide land use policies and/or zoning regulations that prescribe allowable land uses and provide development standards intended to accommodate development in a manner that is protective of agricultural resources. Some counties, like Alameda County and its Measure D provisions, embed these standards into their General Plan. Other counties include these standards in their respective zoning regulations, and some counties include a mix of zoning regulations with specific citations to General Plan policies. The following provides a comparative summary of many of the more important standards and regulations of these counties as related to agricultural land use, as compared to Alameda County.

Minimum Lot Size / Maximum Residential Density / Building Site

Every land use in an Agriculture (A) district within Alameda County shall be on a building site having an area not less than 100 acres. The County honors building sites on existing parcels of less than 100 acres if the parcel is consistent with zoning standards for legal building sites.

The Alameda County Cultivated Agriculture (CA) combining district is combined with the A district to implement the land use policies and standards for the vineyard area of the South Livermore Valley Area Plan. The maximum dwelling unit density in the CA combining district is one unit per 20 acres, and the minimum building site area is 17 acres, provided a number of additional criteria are met at the time of tentative map approval.

- Sonoma County's General Plan Land Use Map defines the maximum residential densities permitted within each of its land use designations, and these vary by location. Within the Resources and Rural Development designation and RRD zone, residential densities vary between 20 and 320 acres per unit. Within the Land Extensive Agriculture designation and LEA zone, residential densities vary between 60 and 320 acres per unit. Within the Land Intensive designation and LIA zone, residential densities vary between 20 and 100 acres per unit. Within the Diverse Agriculture designation and DA zone, residential density varies between 10 and 60 acres per dwelling unit.⁹
- Napa County's Agricultural Preserve zoning district has a minimum lot size of 40 acres, and the Agricultural Watershed zoning district has a minimum size of 160 acres.
- Solano County has several Exclusive Agriculture zoning districts including A-20, A-40, A-80 and A-160 zoning districts, and minimum lot sizes are established at 20 acres, 40 acres, 80 acres and 160 acres respectively.
- Contra Costa County has three Exclusive Agriculture zoning districts including A-20, A-40 and A-80 zoning districts, and minimum lot sizes are established at 20 acres, 40 acres and 80 acres respectively.

Comparison

In general, Alameda County's lot size and residential density regulations provide less variety in parcel size or residential density than many other counties, and does not include provisions for very large minimum lot sizes (of 160 or 320-acre minimums). By honoring building sites on existing parcels of less

Sonoma County Code of Ordinances, Chapter 26 (Zoning), Sec. 26-06-040. - Development standards, Table 6-2: Development Standards in Agriculture and Resource Zones

than 100 acres, the practical results of this regulation likely yields a similar variety of parcel sizes in the less than 100-acre minimum categories.

Maximum Building Intensity – Residential and Non-Residential Uses

Alameda County ECAP policies provide a maximum building intensity for non-residential buildings. The permitted building intensity within the Agricultural (A) district is based on a floor: area ratio (or FAR). The A district's FAR is 0.01 (or 1% of the lot area), but not less than 20,000 square feet. For example, a 100-acre lot with a 1% FAR would have a maximum non-residential building limit of 43,560 square feet (1% of 100 acres). Where permitted, greenhouses have a maximum FAR of .025 (or 2.5% of the lot area). Residential and residential accessory buildings have a maximum allowable floor space of 12,000 square feet.

- Sonoma County General Plan policies (Policy AR-5a and-5b) seek to ensure that agriculturerelated support and processing uses are only allowed on agricultural lands when "demonstrated to be necessary for, and proportional to agricultural production on-site or in the local area." Sonoma County's Land Intensive and Land Extensive zoning districts further prescribe maximum lot coverage limitations that vary with the size of the parcel. On parcels greater than 20 acres in size, the maximum lot coverage (residential and non-residential, combined) is either 5% of the lot area or 85,000 square feet, whichever is greater.¹⁰
- Napa County Zoning Ordinance, Table 18.104.010 indicates that the Agricultural Preserve and Agricultural Watershed zoning districts do not have an applicable non-residential maximum building coverage limit.
- Solano County's Exclusive Agriculture zoning districts do not prescribe building intensity limits for non-residential buildings, or a total maximum building coverage limit. Solano County does establish a maximum size for secondary dwelling units at 1,800 square feet.
- Contra Costa County's Agriculture districts do not prescribe building intensity limits for nonresidential buildings, or a total maximum building coverage limit.

Given the relative interest in this regulation, four additional counties were also reviewed for FAR limitations:

The Marin Countywide Plan's Agricultural Production Zones (AG1 through AG3) have nonresidential FAR limitations of between 0.01 (1%) and 0.09 (9%), and the corresponding zoning districts A3 through A60 (e.g., A60 applies to 60-acre properties) provides for an FAR of 0.05 (or 5%). These regulations also not that, "the maximum non-residential and non-agricultural floor area for that portion or portions of properties with sensitive habitat or within the Ridge and Upland Greenbelt or the Baylands Corridor, and properties that lack public water or sewer systems, shall be calculated at the lowest end of the floor area ratio range as established by the governing Countywide Plan Land Use Designation, except for projects that provide significant public benefits, as determined by the Review Authority." ¹¹ Homes, roads, residential support facilities, and other non-agricultural development, shall be clustered on no more than five percent (5%) of the gross acreage, to the extent feasible, with the remaining acreage retained in

¹⁰ Sonoma County Code of Ordinances, Chapter 26 (Zoning), Sec. 26-06-040: Development Standards, Table 6-2: Development Standards in Agriculture and Resource Zones

¹¹ Marin County Development Code, Section 22.08.040: Agricultural District Development Standards, Table 2-2

- agricultural production and/or open space. Agricultural and open space land use categories with minimum lot sizes of greater than 60 acres do not have a corresponding FAR limit.
- Monterrey County's Zoning Ordinance includes three comparable agricultural-related zoning districts: Farmlands (F), Rural Grazing (RG) and Permanent Grazing (PG), each of which includes a maximum of 5% lot coverage (which is different than FAR as it does not account for building height).¹³
- Mendocino County's agricultural zoning districts include Agriculture (AG), Rangeland (RL) and Forest Land (FL) – all of which include standards pertaining to setback, building height and lot sizes, but no development regulations pertaining to maximum non-resident building size.
- San Luis Obispo County's zoning regulations are disaggregated among numerous individual
 planning areas, communities and villages within that county, each of which contain unique
 regulations pertaining to allowable land uses, site planning and design. None of these
 regulations indicate a maximum non-residential building size within agricultural-based zoning
 areas.¹⁴

Comparisons

Of those nine counties studied, four counties (Alameda, Sonoma, Marin and Monterrey) have regulations for maximum building intensities that apply to agriculturally designated or zoned lands. In comparison, Alameda County's regulations are more protective of agricultural lands and/or more restrictive on development potential. The following **Table 4-1** compares the results for comparably sized properties per Alameda County, Sonoma County and Marin County regulations:

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Marin County Development Code, Section 22.08.040: Agricultural District Development

¹³ Monterrey County Code of Ordinances, Secs 21.30.060, 21.32.060 and 21.34.060

San Luis Obispo County Land Use Ordinance, Chapters 22-04 through 22-08

Table 4-1: Comparative Building Intensity (e.g., FAR) Regulations

Parcel Size:	Alameda 12,000 sf Residential + 20,000 sf minimum, or 1% non-Residential FAR ¹	Sonoma 5% of the lot area, or 85,000 square feet min.	Marin maximum 5% FAR ²	Monterrey maximum 5% building site coverage ³
40 acres	32,000 12,000 sf residential, plus 20,000 (minimum) non-residential	87,120	87,120	87,120
80 acres	46,848 12,000 sf residential, plus 1% (34,848 sf) non-residential	174,240	NA	174,240
100 acres	55,560 12,000 sf residential, plus 1% (43,560 sf) non-residential	217,800	NA	217,800
160 acres	81,696 12,000 sf residential, plus 1% (69,696 sf) non-residential	348,480	NA	348,480

Notes:

- 1. Non-residential use permitted at the greater of either 20,000, or 1% FAR
- 2. Marin A3 through A60 zoning districts provide FAR requirements that apply to lots of between 3 and 60 acres, only
- 3. Assumes all 1-story buildings at 5% of lot coverage. Taller buildings at the same lot coverage would increase effective FAR

Building Envelope

Alameda ECAP policies require that all buildings located in an Agriculture or Resource Management land use category must be located on a contiguous development envelope not to exceed 2 acres, except they may be located outside the envelope if necessary for security reasons or if structures are necessary for agricultural use.

- Sonoma County zoning regulations for Land Intensive and Land Extensive zoning districts do not provide for a maximum building envelop, but the Sonoma County General Plan (Policy AR-6d) provides guidelines for approval of visitor-serving uses in agricultural areas, which include the requirement that such uses must be compatible with, and secondary and incidental to agricultural production activities in the area. The Sonoma County zoning ordinance limits permitted agricultural support services (including incidental sales of products related to the agricultural use, but not including walk-in, over-the-counter retail sales) to not more than one employee and occupying no more than one-half acre of land.¹⁵
- Napa County, Solano County and Contra Costa County do not have regulations that establish a
 maximum building envelope, other than applicable building setback requirements and General
 Plan policies which seek to limit development on agricultural soils and other natural resource
 values.

Sonoma County Code, Sec. 26-18-050: Agricultural support services

Comparisons

Alameda County appears to be the only one of the counties studied in this report to have a defined maximum building envelope.

Permitted Residential Uses

Alameda County's Agriculture zoning district permits one single-family dwelling or one single-family mobilehome per building site, plus one secondary dwelling unit per building site on parcels 25 acres in size or larger. Occupancy of agricultural caretaker dwellings and agricultural employee housing is subject to site development review.

• Each of the other counties included in this study have relatively similar regulations pertaining to residential uses.

The following **Table 4-2** provides a comparative summary of the permitting requirements for residential use in Alameda County's "A" district, as compared to each of the other four counties included in this study. Because each county has its own unique set of definitions for different residential use types, and different regulatory processes, the residential use types and permit types have been grouped into similar categories as best determined for this comparison.

Table 4-2: Comparison of Permitted Residential Land Uses and Types (A2, A3, A4 and A20 thru A-Contra Costa Ag. Districts LIA, LEA and RRD Zones) (A-20 thru A-160 Zones) Sonoma Ag Districts Alameda Ag District Solano Ag Districts AP and AW Zones) Napa Ag Preserve (A Zone) 80 Zones) Р Р Р Р Р Single Family Dwelling Secondary (Accessory) Dwelling P (25-acre min Ρ Ρ UP Unit lot, with SDR) Р Agricultural Caretaker's SDR Ρ (Farmworker) Dwelling Agricultural/Farmworker Employee P (different Ρ SDR for up to P (6 emp., or ΑP Housing 36 beds or 12 standards for 36 beds, or 12 units designed seasonal and units designed as singleas singleyear-round) family units family units C for greater UP – greater number of number of beds or units beds or units Farm Family Dwelling Unit P (with C Williamson Act or Ag. Easement) Accessory and Jr. Accessory P (not on Ρ **Dwelling Unit** Williamson

SDR (Site Development Review) and AP (Administrative Permit) = permitted pursuant to an administrative use permit; C or UP = conditionally permitted pursuant to conditional use permit (CUP) or use permit (UP) as a discretionary action;

Act)

Wineries

Alameda County's zoning ordinance (17.04.010 – Definitions) defines a Winery as, "a commercial, bonded facility for the fermentation and processing of grapes or other produce into wine, or the refermentation of still wine into sparkling wine." Section 17.06.030 of the zoning ordinance lists wineries

P = permitted or allowed by right

^{- =} not permitted or not an identified permitted use

as a principal use permitted in the County's Agriculture (A) zoning district, ¹⁶ further described as including "accessory uses such as administrative offices, visitor centers, on-site tasting rooms, production and maintenance facilities, cooperage, and marketing activities." Visitor center uses are further defined as, "winery tours and on-site tasting, retail sales of wine, olive oil and related items, the display of historical or educational items related to the wine region or art, - not to exceed 30 percent of the floor area of the production facility of the winery. Permanent kitchen facilities are not allowed, but permitted activities include, "the sale of food, complementary food service or provision of picnic facilities limited to cold foods prepared off-site (such as bread, cheese, crackers, sandwiches or salads) in conjunction with wine tasting and sales, provided such food service remains incidental and subordinate to the wine tasting and sales." An administrative conditional use permit (ACUP) may be requested for a temporary mobile outdoor business as an accessory or incidental use to a winery.

Section 17.06.040 of the Alameda County zoning ordinance lists "winery related uses" as conditionally permitted in an A district, only if approved by the Board of Zoning Adjustments. Winery-related uses means "various uses accessory to a winery, which must be clearly incidental and subordinate to the primary winery use." The term also includes "various temporary, cultural and social events (catered banquets, receptions, concerts, food and wine festivals, races, etc.), that would not compromise the primary agricultural or appearance of the property. The term includes wine marketing activities that are otherwise disallowed by the definition of winery or olive oil mill. The term includes up to two overnight room accommodations for use by winery business associates."

The following **Table 4-3** provides a comparative summary of the regulations and permitting requirements for wineries in Alameda County, as compared to each of the other four counties included in this study. Because each county has its own unique set of definitions for wineries and winery-related uses, and different regulatory processes, the use types and permit types for wineries have been grouped into similar categories as best determined for this comparison.

Section 17.30.160 establishes a CA (Cultivated Agriculture) combining district, which is combined with the A (Agricultural) district to implement the land use policies and standards for the Vineyard Area of the South Livermore Valley Area Plan. The CA combining zone does list certain exceptions and differences between the A and CA districts, but CA regulations pertaining to wineries remain the same as the regulations in the A district.

Table 4-3: Comparison of Permitted Winery and Winery-Related Uses					
	Alameda Ag District (A Zone)	Sonoma Ag Districts (LIA, LEA and DA Zones)	Napa Ag Preserve (AP and AW Zones)	Solano Ag Districts (A-20 thru A-160 Zones)	Contra Costa Ag. Districts (A2, A3, A4 and A20 thru A- 80 Zones)
Outdoor Crops (vines)	Р	Р	Р	Р	Р
Wineries	Р	C ¹	C ²		С
Small wineries				Р	
Medium wineries				АР	
Large wineries				С	
Wine Processing, Production and Storage			С	Based on size (see Wineries, above)	
Tasting Rooms, Sales, Marketing		С	С	Based on size (see Wineries, above)	
Office/Lab			С	Based on size (see Wineries, above)	
Winery-Related Uses	С	С	С	Based on size (see Wineries, above)	
Business Accommodations		С	С	-	
Catered and Social Events		С	-	-	
Accessory Buildings	Р	Р	Р	-	Р

P = permitted or allowed by right;

AP = permitted pursuant to an administrative use permit;

C = conditionally permitted pursuant to conditional use permit (CUP) or use permit (UP) as a discretionary action;

^{* =} uses included within the definition of small, medium or large winery

^{1.} Sonoma County definition of Agricultural Processing – "Preparation of agricultural products which are not grown on site, processing of agricultural product of a type grown or produced primarily on site or in the local area, storage of agricultural products grown or processed on site, and bottling or canning of agricultural products grown or processed on site"

^{2.} Napa County definition of Agricultural Processing - "A facility used for the fermenting and processing of grape juice into wine, or the re-fermenting of still wine into sparkling wine."

Comparisons

Of those counties studied, Alameda County appears to have the broadest definition of a "winery", including more types of uses and activities than other counties (e.g., wine processing, wine production and tasting rooms), and has the least restrictive permitting process for wineries (nearly all defined winery activities and uses are permitted by right, as opposed to separate administrative or discretionary use permit processes). In comparison, Alameda County's regulations pertaining to permitted (as opposed to conditionally permitted) appear to be more supportive of the winery business (or with less regulator process) than the regulations of those other counties included in this study.

Overnight Accommodations

Alameda County's zoning ordinance Sections 17.06.030 and 17.06.040 do not list bed and breakfasts establishments as either permitted or conditionally permitted facilities in the County's Agriculture (A) zoning district. However, in May of 2019, the Board of Supervisors approved amendments to the East County Area Plan and the County Zoning Ordinance related to visitor accommodation and services. Within the CA combining district (which applies only to the SLVAP), bed and breakfast establishments (if conducted within an existing or permitted dwelling and with a maximum of 14 rooms available for guests) and restaurants (with seated service only, and a maximum of 49 permanent indoor seats, and that feature agricultural products of the South Livermore Valley Area) are permitted if approved by the County Board of Zoning Adjustments.

The following **Table 4-4** provides a comparative summary of the regulations and permitting requirements for overnight guest accommodations in Alameda County, as compared to each of the other four counties included in this study.

Table 4-4: Comparison of Overnight Accommodation Uses						
	Alameda Ag District (A Zone)	Sonoma Ag Districts (LIA, LEA and DA Zones)	Napa Ag Preserve (AP and AW Zones)	Solano Ag Districts (A-20 thru A-160 Zones)	Contra Costa Ag. Districts (A2, A3, A4 and A20 thru A-80 Zones)	
Vacation Rentals	-	P (not permitted in LIA zone)	C (in A-20 only)	C (A-20 district only)	-	
Bed & Breakfast	P (CA combining district, only) – 14 rooms	C (not permitted in LIA zone)	-	AP (A-20 district only) – 10 guest rooms	-	
Lodging: Hosted Rental	-	Р	-	AP (in A-20 only)	-	
Lodging: Agricultural Farmstay/Homestay/Guest Cottage	-	Р	Р	А	-	
Lodging: Agricultural Marketing Accommodations	Р	C (not permitted in	С	-	-	

P = permitted or allowed by right;

RRD zone)

Comparisons

Of those counties studied, Alameda County appears to have the among the fewest opportunities for agricultural tourism overnight accommodations, allowing such uses in the CA combining district of the South Livermore Valley, only. Other counties studied in this report (except for Contra Costa County) appear to have a broader list of permitted or conditionally permitted overnight accommodation opportunities.

Horses, Boarding Stables and Riding Academies

Pursuant to Alameda County Zoning Section 17.06.030, the grazing, breeding or training of horses are permitted uses in the Agriculture (A) zoning district. However, boarding stables and riding academies are subject to additional permit procedure and review, including the County's Site Development Review (SDR) process specific to equine facilities, which includes the following:

• The appropriate Board of Zoning Adjustments shall decide applications for SDR under this section, and a public hearing is required.

AP or SDR = permitted pursuant to an administrative use permit or administrative Site Development Review;

C = conditionally permitted pursuant to conditional use permit (CUP) or use permit (UP) as a discretionary action;

^{- =} not permitted or not a listed use

- Where the holder of an existing conditional use permit is found to be in compliance with all
 conditions of the existing conditional use permit, the Planning Director shall recommend to the
 appropriate Board of Zoning Adjustments that SDR for the facility be approved, except as
 allowed by the County Policy for Equine Facilities in the A (Agricultural) district.
- The Planning Director may modify the standard SDR requirements, and specifically may waive
 the requirement that the site plan be prepared by licensed civil engineer, land surveyor,
 architect, landscape architect, or a registered building designer.¹⁷

Boarding stables are subject to, and must be consistent with the provisions of the County Policy for Equine Facilities in the A (Agricultural) District (see below). Site development reviews for equine facilities do not have an expiration date, but are subject to periodic reviews for compliance with conditions of approval and with other relevant county ordinances. Any changes in the scope of the boarding stable operation shall require a modification to the SDR permit. SDR approval does not confer any exemption from any health, nuisance, or public safety ordinances or their subsequent enforcement, or confer any other unique privileges for a stable.

- In Sonoma County, the keeping of farm animals (including horses) is a permitted use, but
 commercial horse facilities and stables are allowed only with a Conditional Use Permit.
 Commercial horse facilities and stables are defined as, "facilities for the boarding and/or training
 of horses not owned by the property owner or occupant of an on-site residence, related shows,
 group lessons and clinics, and similar activities including commercial equestrian facilities,
 education or instruction facilities for horsemanship, riding academies, and equestrian riding and
 driving clubs."
- In Solano County's Agricultural zoning districts, permitted uses include grazing or pastured livestock (including horses), and private stables. Public stables (with or without horse shows) are permitted upon issuance of a Use Permit. Public stables with horse shows are considered a "Public Assembly Use" (per Section 28.73.30) subject to development standards pertaining to minimum distance from any dwelling unit, minimum distance from side and rear property lines, and minimum distance from front property lines, as well as operational standards related to parking, traffic hazards, emergency response, and nuisance or hazards due to trespass, odor, dust, noise and drainage.
- Napa County's definition of "agriculture" as a permitted use in their Ag Preserve (AP) and Ag/Watershed (AW) zoning districts includes the breeding and raising of horses. Horse boarding and/or training stables are not permitted in the AP districts, but are permitted in all AW districts upon granting of a Use Permit.¹⁸
- In Contra Costa County, livestock production and animal breeding (including horses) are
 permitted uses in all of the County's Agricultural districts. "Dude" ranches, riding academies and
 stables are allowed in the Ag-2, Ag-3 and A-20 Exclusive Ag District's upon the issuance of a land
 use permit. "Dude" ranches, riding academies and stables are not allowed in the A-40 or A-80
 Excusive Ag Districts.

The County's Site Development Review process specific to equine facilities was enacted pursuant to the County's *Policy for Equine Facilities in the A District*, adopted by the Board of Supervisors March 4, 2004, revising prior zoning requirements for Conditional Use Permits (CUPs) for boarding stables and riding academies

Per Napa County Code definitions (18.08.490), "stable" or "public stable" means a facility for the commercial boarding of horses or for the housing of horses for rental, or both.

The following **Table 4-5** provides a comparative summary of the permitting requirements for equestrian facilities in Alameda County, as compared to each of the other four counties included in this study.

Table 4-5: Comparison of Equestrian Facility Permitting Requirements					
	Alameda Ag District (A Zone)	Sonoma Ag Districts (LIA, LEA and DA Zones)	Napa Ag Preserve (AP and AW Zones)	Solano Ag Districts (A-20 thru A-160 Zones)	Contra Costa Ag. Districts (A2, A3, A4 and A20 thru A-80 Zones)
Grazing and Breeding Horses (including private stables)	Р	Р	Р	Р	Р
Commercial Stables, Horse Training and Riding Academies	SDR	С	AP Zone (–) AW Zone - C	С	A2, A3, A4 and A20 Zones – C A40-A80 Zones (-)

P = permitted or allowed by right;

SDR = permitted pursuant to Site Development Review;

Comparisons

Of those counties studied, Alameda County appears to have the most permissive permitting process for commercial stables, horse training and riding academies than other counties, providing for an administrative Site Development Review process before the Zoning Adjustment Board, rather than requiring discretionary conditional use permits (CUPs) for these types of uses, as do all other counties studied in this report. Alameda County's regulations pertaining to permitted (as opposed to conditionally permitted) uses appear to be more supportive of the equine business (or with less regulatory process) than the regulations of those other counties included in this study.

Commercial Cannabis

Alameda County's Agriculture (A) zoning district requires a CUP approved by the County Board of Zoning Adjustments for all cannabis cultivation and associated cannabis distribution, cannabis retailers, combined cannabis operations, and testing labs (all subject to additional regulations). The following **Table 4-6** provides a comparative summary of the regulations and permitting requirements for cannabis-related land uses in Alameda County, as compared to each of the other four counties included in this study.

C = conditionally permitted pursuant to conditional use permit (CUP) or use permit (UP) as a discretionary action;

^{- =} not permitted or not listed as a permitted or conditionally permitted use

Table 4-6: Comparison of Cannabis-Related Permitted Uses

	Alameda Ag District (A Zone)	Sonoma Ag Districts (LIA, LEA and DA Zones)	Napa Ag Preserve (AP and AW Zones)	Solano Ag Districts (A-20 thru A-160 Zones)	Contra Costa Ag. Districts (A2, A3, A4 and A20 thru A-80 Zones)
Cultivation	С	C (10 acres minimum lot)		C ²	C (not permitted in Cannabis Exclusion areas)
Distribution	С	С		-	- (not permitted
Retail	С	-	- (not permitted) ¹	-	- (not permitted outside of ULL)
Testing labs, manufacturing and combined operations	С	C (10 acres minimum lot)		C ²	C-(not permitted in Cannabis Exclusion areas)

C= Conditional Use Permit, plus all other applicable regulatory requirements and associated permits;

Notes:

- 1. Per Napa Code of Ordinances, Section 8.10.025, "all forms of commercial cannabis activity shall be prohibited and shall not be an allowable use in any zone of the unincorporated area of Napa County and shall not be permitted for any purpose"
- 2. Per Solano County Code, Section 2.2-130, "Hemp cultivation, including seed production, may only be eligible for a hemp cultivation permit within the geographical area of unincorporated Solano County bounded by: (1) The western boundary shall be a north to south line running one (1) mile east of Highway 113 between Midway Road on the north to a point three (3) miles north of Highway 12; (2) The eastern boundary shall be the eastern county boundary line; (3) The southern boundary shall be a line running west to east three (3) miles north of Highway 12 from one (1) mile east of Highway 113 and extending to the eastern county boundary line; and (4) The northern boundary line shall be Midway Road as it extends from one (1) mile east of highway 113 on the west to the eastern County boundary.

Comparisons

Of those counties studied, Alameda County appears to have the broadest list of conditionally permitted cannabis-related uses. No other county studied in this report has any provisions for cannabis sales within its agricultural zoning districts. Napa County appears to be the most restrictive, not permitting any forms of commercial cannabis activity in any zone of the unincorporated area of Napa County. Other counties included in this study appear to be similar to Alameda County as pertains to cannabis cultivation, but more restrictive as to other cannabis-related activities and uses.

⁻ not permitted

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LAFCO MEASURE D REPORT FEEDBACK

Although this report is very informative, several of the report's conclusions are at odds with the information presented. The report would also benefit from a summary, such as...

Pre-Measure D, East County lost 307 net acres of farmland as 1,975 acres within the future UGB were removed from production but 1,670 acres - mostly vineyards in the SLVAP – were added. Post-Measure D, East County lost 3,270 net acres of farmland, but vineyard development stalled so there was no offset to these losses. This report examines why did vineyard development stall far short of its 5,000-acre goal and did any provisions of Measure D contribute to this failure.

Farmland was preserved, but for what purpose?

On pg1-3, the report concludes that substantial farmland outside the UGB has been preserved by Measure D, but it omits the fact later disclosed on pg3-20 that agricultural activity on these lands has diminished. The report finds that Alameda County's FAR is "substantially more restrictive" than other wine counties but fails to tie-back this fact with the reduction in agricultural activity. The most pertinent example is Sonoma's permitted FAR on a 20-acre parcel of 85,000 SF versus Alameda's FAR of just 20,000 SF. The UC-Davis report cites Alameda County's lack of mid-sized wineries – and their associated demand for locally grown grapes – as a primary factor for why so much prime vineyard land is currently fallow. A mid-size winery typically requires 45,000-60,000 SF to efficiently operate, but new facilities such as these are essentially prohibited in East County on all but the largest, most cost-prohibitive parcels.

The report confuses economic profitability with revenue.

On pg1-4, the report concludes that Ag operations "remain economically stable, but not growing" based solely on the perceived "doubling" of total value of wine grape sales between 2000 and 2018. There are two issues here: 1) a conclusion of economic stability cannot be made without an analysis of Grower Returns. The UC-Davis study found the vineyards planted under the Mitigation Program (two-thirds of all planted acres) have a negative grower return of ~\$3,000 per acre based on high farming costs with relatively low yields and current grape market prices. 2) The "doubling" of total grape revenue is based on point-to-point analysis of the early 2000s depressed grape market and the record high yields of 2018 prior to substantial yield reductions in 2020 and 2021. A more appropriate interpretation of the chart would be that grape revenue has remained relatively flat at \$15M per year over the past 20 years, which is in line with no net additions to acres under vine during this period.

Winery permitted uses are less regulated, but can these uses be built?

On pg1-5 another conclusion states that Alameda County regulatory provisions provide "applicants with more certainty over land use approvals," without mentioning that Alameda County Planning rarely approves any land use such as a resort hotel or destination restaurant that cannot be adequately serviced by a septic system. Since there is no sanitary sewer service outside the UGB, many of the permitted uses presented in the report are not relevant.

Karl D. Wente 5565 Tesla Road Livermore CA 94550

Re: Alameda LAFCo Measure D Review

To Whom it May...

My name is Karl Wente, reside in unincorporated Alameda County. I am writing this letter as an individual citizen and the views reflected in this letter are mine alone. I currently serve in the following roles:

- COO & Chief Winemaker, Wente Vineyards
- Chair, Alameda County Agriculture Advisory Committee (AAC)
- Vice President, Board of Directors, Livermore Valley Winegrower's Association (LVWA),

My family has been ranching and farming here beginning the 1880s and continues through present day. We believe in community involvement and have demonstrated a long-term commitment to agriculture in Alameda County; clearly, we have a vested financial interest in a successful agricultural economy

Simply put, I do not believe that this report properly recognizes the current dire threat to our agricultural economy and the true economic conditions of the local wine industry. Certainly, Measure D has been highly effective in protecting agricultural land (as open space) outside the urban growth boundaries. However, if the land is not being actively used for agriculture, it is really agricultural land?

Measure D is titled: Save Agriculture and Open Space Lands. Please note it does not say "agricultural lands" in the title, since its intent was to save agriculture. A significant part of this conservation strategy requires economically viable agriculture, supported with agritourism infrastructure.

Several Conclusions are at odds with reality

'Despite significant losses in farm-based employment, overall operations appear to remain economically stable, but not growing...driven by total value of wine grape sales, which eclipses the sizeable decline in other agricultural activities.' The loss of farming diversity is rarely a good thing (don't place all your eggs in one basket—I can hear my great-grandfather say). More importantly, the Total Value of Wine Grapes Products Sold (Table 3-6) is not necessarily relevant or sustainable if the grower returns are negative. The total tonnage is up (in good years) due to increase in vineyard density and better clone selection, but who cares when it costs more than the district average price to farm?

'Alameda has the broadest list of winery-related uses...', but there is a need for clear understanding and differentiation between winery and winery-related uses and are these uses permitted with sufficient scale as to be economically sustainable. The wine business is extremely scale-driven, and many Measure D restrictions prevent the construction of winery and winery-related uses that can be reasonably competitive with other regions.

A general lack of clarity on land use regulations has clearly stymied investment in our region. This confusion pervades through land-owners, permit seekers, and it seems to me, the Planning Department. So, while there may be a longer list of Conditionally Permitted uses, if one cannot get them through the system due to a set of conflicting provisions between Zoning and Measure D, they are of limited value. I think the substantial loss of prime farmland without an associated increase in new vineyard plantings clearly point to the fact that something is NOT working.

As it relates to the equine permitted and conditional use, the process is NOT working. I encourage LAFCo and the authors of this study to coordinate with the AAC. Specifically, to reach out to Milly Kimboro, who Chairs the Equine Permit Streamlining sub-committee of the AAC. She can share the challenges the equine industry has with CUPs (and/or SDRs). While this study states that Alameda County has the broadest definition of permitted uses and less restrictive permitting process...'. This is NOT the reality. Please contact the AAC and review the work done by Millie's committee. The reality is the Alameda County's permitting process is NOT viewed as less restrictive, rather amongst worst in the state with regards to customer service and approvals. Please reference the independent review of the ALCO PERMITTING PROCESS by Ivy Allen (Consultant), which is public domain and available on request.

Lastly, the report clearly states that AlCo FAR (0.01) is substantially more restrictive than other counties and that AlCo 'appears to be the ONLY county (in this study) to have the restrictive 2-acre building envelope for winery-related uses, such as Agritourism. Agriculture, by definition, requires harvesting and in most cases, some level of processing, packaging and storage that cannot be accommodated within the AFR restrictions on most parcels. And many of the anticipated wine country uses, such as a resort hotel & spa, cannot be reasonably be contained within the 2-acre building envelope mandated for visitor-serving uses.

Chapter 3. Measure D Effectiveness

It is critical to recognize that of the ~2500 acres under vine, ~1500 of those acres were planted around the time of the inception of the SLVAP (1995 – 2000) as part of mitigation programs connected to home building. Grapevines generally experience decline after ~25 years so these vineyards are in their last stages of economic life. Per the TVC-commissioned UC Davis economic study, there is little economic incentive for these acres to be replanted, so wine grape production will likely see a significant decline in the future unless action is taken. This potentially precipitous cliff must be recognized and that the relatively steady ~2500 acres under vine is not sustainable under current market conditions.

I strongly urge the authors of this study and the members to LAFCo to explicitly state that these restrictive land use policies are explicitly hurting our agricultural economy and immediate action must be taken.

Regards

Karl D. Wente



January 28, 2022

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

Subject:

20-Year Review of Measure D

Dear Ms. Jones:

Thank you for the opportunity to review the 20-Year Review of Measure D prepared by the Alameda Local Agency Formation Commission (LAFCo). The report provides a review of the effectiveness of Measure D, as incorporated into the East County Area Plan (ECAP), in meeting its objectives to preserve and protect agricultural land and open spaces.

The report concludes that the Measure D policies have protected agriculture and open space areas outside of identified urban growth boundaries (UGBs) by precluding the expansion of urban development beyond the boundaries. It should be noted that the UGBs adopted by Livermore have also contributed to the protection of agriculture and open space areas adjacent to the city.

The report also notes the expansion of viticulture in the South Livermore Valley area over the last twenty years. This is largely due to the cooperative efforts of Alameda County, the City of Livermore and stakeholders in the area through the implementation of the county's South Livermore Valley Area Plan (SLVAP) and the city's South Livermore Valley Specific Plan (SLVSP). Both of these plans were in place prior to the approval of Measure D and the SLVAP is incorporated into Measure D.

Livermore supports the establishment and protection of viable agriculture and the preservation of valuable open space in the east county area. Livermore will continue to work with the county and stakeholders to support agricultural and open space uses.

Sincerely

Steve Stewart

Planning Manager



AGENDA REPORT

March 10, 2022 Item No. 7

TO: Alameda Commissioners

FROM: Rachel Jones, Executive Officer

SUBJECT: Draft Budget and Workplan for FY 2022-2023

The Alameda Local Agency Formation Commission (LAFCO) will consider adopting a draft budget and workplan for fiscal year 2022-2023 in anticipation of taking final action at its next regular meeting. Proposed budget expenses total \$746,428, and represent an increase of \$91,093 or 13.9% from the current fiscal year. The increase is marked by expenses for professional services in the Service and Supplies Unit for additional LAFCO studies, and a rise in rent/moving costs for new LAFCO Office space. Proposed budget revenues are matched to expenses with an increase in agency contributions by \$8,868, or 6%, in step with a fund balance offset of \$250,000, applied in the same manner as the previous fiscal year with a \$65,000 increase in total amount. The draft budget and fund balance offset would produce an estimated change in the fund balance from \$833,587 to \$558,337. Adoption will precede a formal public review and comment period, and conclude with final action taken at the next regular meeting scheduled for May 12, 2022.

Background

Alameda LAFCO is responsible under State law to adopt a proposed budget by May 1st and a final budget by June 15th. A mandatory review by all local funding agencies is required between the two adoption periods. Alameda LAFCO's ("Commission") annual operating costs are primarily funded by proceeds collected from 29 local public agencies operating within Alameda County. State law specifies the Commission's operating costs shall be divided in one-third increments between the (a) County of Alameda, (b) 14 cities, and (c) 15 independent special districts with the latter two categories apportioned based on total revenues as provided in the most recent annual report published by the State Controller's Office. A relatively small portion, typically representing less than one-tenth of total revenues, is also funded from application fees and interest earnings.

Adopted 2021-2022 Budget

The Commission's adopted final budget for fiscal year 2021-2022 totals \$655,335. This amount represents the total approved operating expenditures divided between three active expenses units: salaries and benefits; services and supplies; and internal service charges. A matching revenue total was also budgeted to provide an operating net of \$0 with the purposeful transfer of \$185,000 from reserves. Budgeted revenues are divided between three active units: agency contributions, application fees; and interest earnings. The total unaudited fund balance as of July 1, 2021 was \$833,587.

Karla Brown, Alternate

Ralph Johnson, Regular

Castro Valley Sanitary District

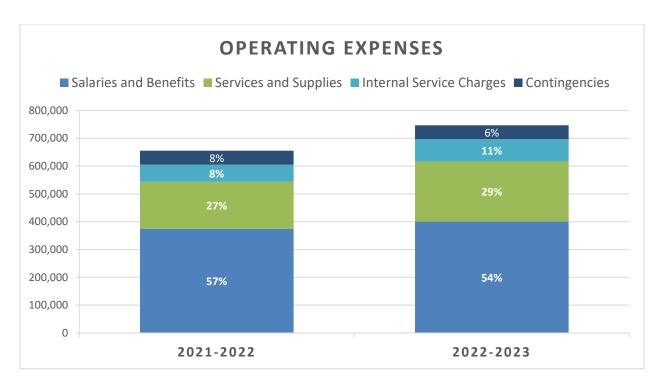
Budgeted Expenses	Budgeted Revenues	Budgeted Year End Balance	Fund Balance
FY 20-21	FY 20-21	FY 20-21	FY 20-21
\$655,335	\$655,335	\$0	\$833,587

Discussion

This item is for the Commission to consider adopting a proposed (a) operating budget and (b) workplan for the upcoming fiscal year. Adoption of these documents would immediately precede a formal public review and comment period, including providing copies of the proposed budget to the 29 local funding agencies, with final actions scheduled for the Commission's May 12th regular meeting. A summary of the proposed budget and accompanying work plan follows.

Proposed Operating Budget for FY 2022-2023

The proposed operating budget developed by the Executive Officer sets operating expenses at \$746,429; a net increase of \$91,094, or 13.9% from the current fiscal year. The operating expenses total, divided between labor and non-labor costs, are at an 54% to 40% split, with 6% dedicated to contingencies. Proposed operating revenues match operating expenses and is covered by drawing down reserves consistent with the practice to help offset and phase sizable increases to agency contributions. The net effect would be an increase in contributions of \$26,094 or 6% from \$433,335 to \$459,429.



Operating Expenses

It is proposed the **Salaries and Benefits Unit** will increase by \$26,516 or 7.1% over the next fiscal year from \$373,975 to \$400,491. The unit covers labor costs tied to staffing 2.0 full-time employees: Executive Officer and Commission Clerk. Notable adjustments proposed may be reviewed below.

 Salary increases of no less than 5% are contemplated for all budgeted positions to accommodate merit and or cost of living adjustments that may be approved during the fiscal year.

It is proposed the **Services and Supplies Unit** will increase by 46,377 or 27.3% over the next fiscal year from \$169,610 to \$215,987. The unit provides for direct support services necessary to operate Alameda LAFCO. Notable adjustments proposed may be reviewed below.

- Adds \$50,000 in the professional services account; a difference of 50% over the next fiscal year. The increase is based on the Commission's work plan for additional municipal service reviews and special studies.
- Reduces \$1,000 in the public notices services account to decrease the total line item from \$3,000 to \$2,000; a difference of 33% over the next fiscal year. The decrease is based on recent demands.

It is proposed the **Internal Service Charges Unit** will increase by \$18,020 or 29.5% over the next fiscal year from \$61,750 to \$79,950. The unit provides for indirect support services necessary to operate Alameda LAFCO. Notable adjustments proposed may be reviewed below.

Adds \$18,050 from the office lease and rent services account to increase the total line item from \$32,500 to \$50,550, a difference of 55% over the next fiscal year. The increase is attributable to LAFCO staff requesting to move into permanent office space as outlined in its MOU with the County and Community Development Agency in order to ultimately increase its workspace for additional staff.

Operating Revenues

It is proposed the **Intergovernmental Unit** will increase by \$26,094, or 6% over the next fiscal year from \$433,335 to \$459,429. The unit provides payments received from the 29 local government agencies responsible under State law for funding Alameda LAFCO with apportionments divided in three equal shares among the County of Alameda, 14 cities and 15 independent special districts. Actual invoice amounts for cities and special districts would be determined by the County Auditor's Office consistent with the allocation formula outlined under Government Code Section 56383 and based on local revenue tallies.

It is proposed the **Service Charge Unit** remain as is at \$30,000. This unit covers payments received from outside applicants to process change of organizations (annexations, detachments, formations, etc.), outside service extensions, and sphere of influence amendments.

It is proposed the **Interest Earnings Unit** will remain as is at \$7,000. This total is consistent with recent quarters.

Proposed Work Plan for FY 2022-2023

The proposed work plan draws on a review of Alameda LAFCO's needs and goals by the Executive Officer and ahead of receiving input and direction from the Commission. It outlines 20 specific projects divided between statutory (legislative directives) and administrative (discretionary) activities. The projects are listed in sequence by assigned priority between high, moderate, and low. The majority of the projects are rollover from this current fiscal year with several additional items. A summary of notable high-priority projects follows.

Community Services Municipal Service Review

The project involves a countywide study on 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 any accessibility issues within the region.

Create Countywide Regional Water and Wastewater Committee

This item aims to follow the Commission's adopted recommendation from its 2021 Countywide Municipal Service Review to create a committee that includes all affected agencies that provide water, wastewater, stormwater, and flood control services to explore opportunities and share practices for collaboration on how the region can recycle water, or better utilize water that is already imported.

LAFCO Office Move

Staff is requesting to enter into a long-term rental agreement with the Community Development Agency for permanent office space. The Commission currently leases loft space from the CDA that supports two offices, and a small meeting area. Staff seeks to move into an office space located in the CDA Administration Building that offers at least three work-stations and a large conference space to eventually accommodate a LAFCO Analyst.

Conclusion

The proposed operating budget and work plan affirmatively responds to the feedback provided by the Commission along with the functional needs in meeting the agency's existing and expanding duties under State law. This includes advancing the Commission's outreach and educational opportunities throughout the community and region, conducting municipal service reviews to inform spheres of influence updates, and creating stakeholder groups to determine growth management policies.

The principal difference in the proposed budget is largely tied to the adjustments made in salaries and benefits and services and supplies units to account for cost-of-living adjustments and the demand for more professional services to conduct LAFCO special studies and MSRs.

Alternatives for Action

The following alternatives are available to the Commission:

Alternative One (Recommended):

Adopt the attached resolution approving the proposed budget and work plan for 2022-2023 with any desired changes;

Direct the Executive Officer to circulate the proposed budget for 2022-2023 for review and comment by the funding agencies and general public; and

Direct staff to return with a final budget for 2022-2023 for adoption as part of a noticed public hearing on May 12, 2022.

Alternative Two:

Continue consideration of the item to a special meeting scheduled no later than the legislative deadline of May 1, 2022, and provide direction to staff with respect to any additional information requests.

Recommendation

It is recommended the Commission proceed with Alternative Action One.

Procedures for Consideration

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

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

Respectfully,

Rachel Jones Executive Officer

Attachments:

- 1. Draft Resolution Adopting the Proposed Budget and Work Plan for FY 2022-2023
- 2. Proposed Budget for FY 2022-2023
- 3. Proposed Work Plan for FY 2022-2023

ALAMEDA LOCAL AGENCY FORMATION COMMISSION

RESOLUTION OF THE ALAMEDA LOCAL AGENCY FORMATION COMMISSION ADOPTING A PROPOSED WORK PLAN AND BUDGET FOR FISCAL YEAR 2022-2023

WHEREAS, the Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000 requires the Alameda Local Agency Formation Commission ("Commission") to perform certain regulatory and planning duties for purposes of facilitating efficient and accountable local government; and

WHEREAS, the Commission is required to adopt proposed and final budgets each year by May 1st and June 15th, respectively; and

WHEREAS, the Commission's Executive Officer prepared a written report outlining recommendations with respect to anticipated work activities and budgetary needs in 2022-2023; and

WHEREAS, the Commission has heard and fully considered all evidence on a proposed work plan and budget for 2022-2023 presented at a public hearing held on March 10, 2022; and

WHEREAS, the adoption of a work plan and budget are not projects under the California Environmental Quality Act;

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

- 1. The proposed operating budget for 2022-2023 shown as Exhibit A is APPROVED.
- 2. The proposed work plan for 2022-2023 shown as Exhibit B is APPROVED

PASSED AND ADOPTED by	the Alameda	Local Agency	Formation	Commission on
March 10, 2022 by the following vote:				

March	10, 2022 by the following vote:	the Alameda	Local Agency	romation	Commission o
AYES:	:				
NOES:	:				
ABST	AIN:				
ABSE	NT:				

APPROVED:	ATTEST:
Sblend Sblendorio Chair	Rachel Jones Executive Officer
APPROVED TO FORM:	
Andrew Massey Legal Counsel	

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ALAMEDA LOCAL AGENCY FORMATION COMMISION

Regional Service Planning | Subdivision of the State of California

Expense Ledger		FY	7 2019-2020	F	FY 2020-2021		FY 2021-2022		FY 2022-2023	
		Adopted	Actuals	Adopted	Projected	Adopted	Projected	Proposed		Difference
Salary a	nd Benefit Costs									
•										
60001	<u>Description</u> Staff Salaries	308,307	263,373	234,254	172,085	250,564	250,564	275,933	25,369	
-	(ACERA)	175,275	149,961	122,903	88,649	123,411	81,145	124,558	1,147	
	(Telliet)	483,581	324,575	357,157	260,735	373,975	373,975	400,491	26,516	7.1%
Service	and Supplies	,	32.,610	551,350			3,0,7,0	,	,	
Account	Description									
-	Intern	1,600	-	1,600	-	-	-	-	-	-
610077	Postage	1,000	1,000	1,000	1,000	500	500	500	-	
610141	Copier	3,000	3,000	3,000	-	1,000	500	500	(500.00)	-50.0%
610191	Pier Diems	7,800	7,800	8,000	7,100	8,500	7,000	7,500	(1,000.00)	-11.8%
610211	Mileage/Travel	1,300	1,300	1,300	-	500	-	600	100.00	20.0%
610461	Training (Conferences and Workshops)	13,000	6,000	5,000	-	2,500	-	2,500	-	0.0%
610241	Records Retention	1,000	1,000	1,000	300	350	350	350	-	0.0%
610261	Consultants	90,000	90,000	96,000	42,527	100,000	160,000	150,000	50,000.00	50.0%
610261	Mapping - County	5,000	5,000	5,000	-	500	-	-	-	-
610261	Planning Services	5,000	6,000	5,000	-	5,000	5,000	5,000	-	0.0%
610261	Legal Services	30,000	21,775	25,000	-	20,000	2,000	20,000	-	0.0%
610311	CAO/CDA - County - Services	11,000	11,000	1,000	7,700	1,000	1,000	1,000	-	0.0%
610312	Audit Services	7,700	10,000	10,000	-	10,000	-	10,000	-	0.0%
610351	Memberships	10,476	10,476	10,762	10,662	10,760	10,760	11,287	527.00	4.9%
610421	Public Notices	5,000	5,000	5,000	2,149	3,000	750	2,000	(1,000.00)	-33.3%
610441	Assessor - County - Services	2,500	2,500	2,500	-	500	-	250	(250.00)	-50.0%
610461	Special Departmental	1,500	1,500	1,500	1,000	1,500	500	1,500	-	0.0%
620041	Office Supplies	4,000	4,000	4,000	916	4,000	500	3,000	(1,000.00)	-25.0%
		200,876	187,351	186,662	73,354	169,610	188,860	215,987	46,377	27.3%
Internal	Service Charges									
Account	Description									
630051	Office Lease/Rent	25,000	35,000	32,500	32,500	32,500	32,500	50,550	18,050	55.5%
630021	Communication Services	3,950	3,950	100	-	100	100	100	-	0.0%
630061	Information Technology	27,373	27,373	27,373	25,780	25,870	25,870	26,000	130	0.5%
630081	Risk Management	3,100	3,100	3,100	3,280	3,280	3,280	3,300	20	0.6%
		59,423	69,423	63,073	61,560	61,750	61,750	79,950	18,200	29.5%
Conting	gencies	50,000	-	50,000		50,000	-	50,000	-	0.0%
Account	Description		ı				İ			153
-	Operating Reserve	-	-	-	-	-	-	-	-	153_

	-	-		-	-	-	-	-	-
EXPENSE TOTALS	793,880	581,349	656,892	395,649	655,335	624,585	746,428	91,093	13.9%

Revenue Ledger	FY	2019-2020	F	Y 2020-2021	F	Y 2021-2022	F	Y 2022-2023	
	Adopted	Actuals	Adopted	Projected	Adopted	Projected	Proposed		Difference
Intergovernmental									
Account Description									
- Agency Contributions									
County of Alameda	192,127	192,127	146,464	146,464	144,445	144,445	153,143	8,698	6.0%
Cities	192,127	192,127	146,464	146,464	144,445	144,445	153,143	8,698	6.0%
Special Districts	192,127	192,127	146,464	146,464	144,445	144,445	153,143	8,698	6.0%
	576,380	576,380	439,392	439,392	433,335	433,335	459,429	26,094	6.0%
Service Charges									
- Application Fees	30,000	25,000	30,000	38,643	30,000	10,000	30,000	-	0.0%
Investments									
- Interest	7,500	7,500	7,500	8,965	7,000	6,500	7,000	-	0.0%
Fund Balance Offset	180,000		180,000	-	185,000	185,000	250,000	65,000	35.1%
REVENUE TOTALS	793,880	608,880	656,892	487,000	655,335	634,835	746,429	91,094	13.9%
OPERATING NET	-	27,531	-	91,351	-	10,250	-	-	-
UNRESTRICTED FUND BALANCE		741,830		833,587		558,337			
As of June 30th									

Priority	Urgency	Туре	Project	Key Issues
1	High	Statutory	Community Services Municipal Service Review	Service Specific MSR Identify Accessibility Issues for Broadband Services
2	High	Statutory	General MSR on Fire Protection and Emergency Services	Second MSR on Fire and Emergency Services sine 2006 Address Shared Opportunities
3	High	Statutory	Alameda County Resource Conservation District MSR	MSR on resource conservation in Alameda County
4	High	Administrative	LAFCO Office Move	Fulfill Long-Term Lease in MOU with CDA; Aid in Hiring LAFCO Analyst
5	High	Statutory	Countywide MSR on Police Services	Examine Current Provision and Need for Police Services and Related Financial and Governance Considerations
6	High	Administrative	South Livermore Valley Area Specific Plan	Provide a LAFCO Update on Plan and Review Current Trends
7	High	Administrative	2018-2021 Audits	Verify Fund Balance; Perform Regular Audits
8	Moderate	Administrative	Alameda LAFCO Brochure	Create and Distribute Pamphlet for LAFCO Outreach and Education
9	Moderate	Statutory	Informational Report on Island Annexations	Map all Unincorporated Islands and Examine Island Annexation Implementation Issues in Alameda County
10	Moderate	Administrative	Create Countywide Regional Water and Wastewater Committee	Explore Opportunities and Share Practices for Collobaration on Recycled Water for the Region and Better Utilization of Imported Water
11	Moderate	Statutory	Unincorporated Areas Incorporation Feasbility Report	Prepare a Feasibility Report on the Incorporation of Castro Valley and surrounding areas of Ashland, Cherryland, and San Lorenzo
12	Moderate	Administrative	SALC Grant Award	Continue Two-Year Process on Grant Project and Track Agricultural Trends
13	Moderate	Administrative	Prepare Informational Report on JPAs	Post Enactment of SB 1266; Enhance Repository on Local Government Services
14	Low	Administrative	Review of County Transfer of Jurisdiction Policies	Ensure Policies are Consistent with CKH
15	Low	Administrative	Update Application Packet and Mapping Requirements	Streamline LAFCO Application and County Mapping Requirements; Make User Friendly
16	Low	Administrative	Informational Report on Remen Tract	Special Report on Service Delivery
17	Low	Administrative	Bay Area LAFCO Meetings	Attend Meetings with Other Bay Area LAFCOs for Projects/Training 155

18	Low	Administrative	Host Alameda County Special District Association Meeting	Communicate LAFCO's Mission and Goals to the Community
18	Low	Administrative	Social Media	Expand Alameda LAFCO's Social Media Presence
19	Ongoing	Statutory	Policy Review on Agricultural Protection and Out of Area Service Agreements	Periodical review of exisitng policies relative to practices and trends, and determine whether changes are appropriate to better reflect current preferences



AGENDA REPORT March 10, 2022 Item No. 8

TO: Alameda Commissioners

FROM: Rachel Jones, Executive Officer

SUBJECT: Implementation of Municipal Service Review Recommendations

The Alameda Local Agency Formation Commission (LAFCO) will consider directing staff to contact each affected agency and request a written response on how and when the agency plans to address the findings and/or implement the recommendations presented in its 2021 Countywide Municipal Service Review (MSR) on Water, Wastewater, Stormwater, and Flood Control Services and provide an explanation if the agency disagrees with a finding or does not plan to implement a recommendation.

Background

Municipal Service Reviews

The Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000 (California Government Code §56000 et seq.) requires that each LAFCO conduct service reviews prior to or in conjunction with the 5-year mandated sphere of influence (SOI) updates. A service review is a comprehensive review of municipal services in a designated geographic area in order to obtain information about services, evaluate provision of services, and recommend actions when necessary, to promote the efficient provision of those services.

MSR Recommendations

At its November 18, 2021 special meeting, Alameda LAFCO adopted its final report on its Countywide Municipal Service Review on Water, Wastewater, Stormwater and Flood Control services. The Report provided recommendations to promote efficient service delivery and improvement in the transparency, accountability and governance of the affected agencies.

The report identified several opportunities and included several recommendations for improving the services provided by the affected agencies. The following recommendations / findings are extracted from the report in order to facilitate LAFCO's follow-up and monitoring of the agencies' implementation efforts and / or to explore potential infrastructure alternatives, where applicable.

Ralph Johnson, Regular

Castro Valley Sanitary District

City of Oakland

The following is a recommendation that the City of Oakland should implement in order to improve the accountability and effectiveness of the City:

- The City of Oakland should create a Sewer Master Plan and provide a report to LAFCO once that plan has been completed.
- The Alameda County Clean Water Program (ACCWP) and its member agencies should investigate proper financing measures to repair and maintain their corresponding systems. By doing so, all agencies would be prepared for various flooding events as well as be more equipped to deal with climate change impacts.

City of Pleasanton

The following is a recommendation that the City should implement in order to improve the accountability and effectiveness of the affected agency:

- Alameda LAFCO and the City of Pleasanton should continue their coordination on producing a feasibility study for wastewater services to the unincorporated community of Remen Tract.
- The ACCWP and its member agencies should investigate proper financing measures to repair and maintain their corresponding systems. By doing so, all agencies would be prepared for various flooding events as well as be more equipped to deal with climate change impacts.

Castlewood County Services Area

The following is a recommendation that the District should implement in order to improve the accountability and effectiveness of the District

• The Castlewood County Service Area should update its Water Master Plan and provide a presentation to LAFCO once that has been completed.

Cities of Alameda, Berkeley, Dublin, Hayward, Livermore, Newark, Piedmont, San Leandro, and Union City, and the Alameda County Flood Control and Water Conservation District and Zone 7 Water Agency

The following is a recommendation that the agencies should implement in order to improve the accountability and effectiveness of the affected agencies:

■ The ACCWP and its member agencies should investigate proper financing measures to repair and maintain their corresponding systems. By doing so, all agencies would be prepared for various flooding events as well as be more equipped to deal with climate change impacts.

East Bay Municipal Utility District, Dublin San Ramon Services District, Oro Loma Sanitary District, and Union Sanitary District

The following is a recommendation that the districts should implement in order to improve the coordination and effectiveness of the districts:

Treatment plant operating agencies should coordinate with their partner cities' public works
departments in order to prevent roadways and other rights of way from being excavated
multiple times to maintain conveyance infrastructure.

Discussion

If directed by the Commission, staff will contact each agency and request a written response from them on how they plan to address the findings and / or implement the recommendations in the Countywide MSR on water, wastewater, stormwater, and flood control services, and if they disagree with any findings or do not plan to implement any recommendation, to provide an explanation. Staff will update LAFCO on each agency's response, monitor their implementation efforts, and seek further direction from the Commission, as necessary. Per the letter, staff is requesting a written response from each agency no later than June 10, 2022 (Attachment1). Staff will provide those responses to LAFCO at its July 14, 2022 regular meeting.

Alternatives for Action

The following alternatives are available to the Commission:

Alternative One (Recommended):

Direct staff to contact each affected agency with recommendations in its the 2021 Countywide MSR on Water, Wastewater, Stormwater, and Flood Control Services.

Alternative Two:

Continue the item to a future meeting and provide direction to staff.

Alternative Two:

Disapprove of the implementation of the MSR recommendations.

Recommendation

It is recommended the Commission proceed with Alternative Action One.

Respectfully,

Rachel Jones Executive Officer

Attachments:

- 1. Draft Example Letter to Affected Agencies: Implementation of the Recommendations of LAFCO's Countywide MSR on Water, Wastewater, Stormwater, and Flood Control Services
- 2. MSR Recommendations Resolution

DRAFT - Example Letter

March 15, 2022

Ed Reiskin City Manager City of Oakland One Frank Ogawa Plaza, 3rd Floor Oakland, California 94612

SUBJECT: Implementation of the Recommendations:

LAFCO's Countywide Municipal Service Review on Water, Wastewater,

Stormwater and Flood Control Services

Dear Mr. Reiskin:

The Alameda Local Agency Formation Commission (LAFCO) recently adopted its Countywide Municipal Service Review (MSR) on Water, Wastewater, Stormwater, and Flood Control Services. The report is available on the Alameda LAFCO website (www.alamedalafco.org) under "SOIs/MSRs". The report identifies opportunities and recommendations for improving municipal services in the county. Specifically, the report provides recommendations for improving the accountability, transparency, and efficiency of agencies through changes in their operations, facilitation, and recommendations on potential infrastructure improvements and alternatives, where applicable.

Agency Response is Requested

In an effort to follow-up on these recommendations, LAFCO is requesting that the City of Oakland:

- 1. Review the chapter of the MSR pertaining to the City and provide a written response to LAFCO on how the City plans to implement the recommendation(s) presented in the MSR Report and summarized in Attachment A, along with a time-frame for that implementation, and
- 2. Provide an explanation if the agency does not plan to implement a recommendation.

Response Due No Later Than June 10, 2022

Please provide a written response to LAFCO as soon as possible and no later than **June 10, 2022.** If you have any questions or concerns, or would like to meet to discuss the City's plans, please contact me directly at (510) 670-6267 or rachel.jones@acgov.org.

Ralph Johnson, Regular

Lastly, I would like to thank you and the City for participating in LAFCO's Countywide Municipal Service Review on Water, Wastewater, Stormwater, and Flood Control services, and your consideration and timely response to this request.

Respectfully,

Rachel Jones Executive Officer

Attachments:

A. MSR Recommendations - City of Oakland

ATTACHMENT A

City of Oakland

The following is a recommendation that the City of Oakland should implement in order to improve the accountability and effectiveness of the City:

- The City of Oakland should create a Sewer Master Plan and provide a report to LAFCO once that plan has been completed.
- The ACCWP and its member agencies should investigate proper financing measures to repair and maintain their corresponding systems. By doing so, all agencies would be prepared for various flooding events as well as be more equipped to deal with climate change impacts.

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ALAMEDA LOCAL AGENCY FORMATION COMMISSION

RESOLUTION NO. 2021-09

ADOPTING DETERMINATIONS OF THE COUNTYWIDE MUNICIPAL SERVICE REVIEW ON WATER, WASTEWATER, FLOOD CONTROL AND STORMWATER 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, Government Code Section 56430 requires LAFCO to conduct municipal service reviews in order to prepare and update spheres of influence pursuant to Government Code Section 56425; and

WHEREAS, the Commission previously authorized the Countywide Municipal Service Review on Water, Wastewater, Flood Control and Stormwater services report to be prepared; and

WHEREAS, the Commission set November 18, 2021 as a public hearing date to consider the Countywide Municipal Service Review on Water, Wastewater, Flood Control and Stormwater services; and

WHEREAS, the Commission considered the comments received in writing and presented at the November 18, 2021 public hearing; and

WHEREAS, adoption of the Countywide Municipal Service Review on Water, Wastewater, Flood Control and Stormwater services is statutorily exempt from the California Environmental Quality Act (CEQA), as Municipal Service Reviews are feasibility and planning studies for possible future actions that have not been approved adopted or funded pursuant to Section 15262 of the CEQA Guidelines. Furthermore, as set forth in CEQA exemption Section 15061(b)(3) approval of a sphere of influence update is not subject to CEQA because it can be seen with certainty that there is no possibility that the sphere of influence update will have a significant effect on the environment.

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

- 1. The Commission finds the Countywide Municipal Service Review on Water, Wastewater, Flood Control and Stormwater services and determinations are exempt from further CEQA review pursuant to Section 15262 and 15061(b)(3) of the CEQA Guidelines.
- 2. The service review adopts the following MSR Recommendations:

a. 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

b. The City of Oakland should create a Sewer Master Plan and provide a report to LAFCO once that plan has been completed.

c. Alameda LAFCO, in coordination with the Sunol Citizens Advisory Committee, should discuss wastewater feasibility to the unincorporated community of Sunol.

d. Alameda LAFCO and the City of Pleasanton should continue their coordination on

producing a feasibility study for wastewater services to the unincorporated community of Remen Tract.

desalination plant.

e. The Castlewood County Services Area should update its Water Master Plan and

provide a presentation to LAFCO once that plan has been completed.

f. The ACCWP and its member agencies should investigate proper financing measures to repair and maintain their corresponding systems. By doing so, all agencies would be prepared for various flooding events as well as be more equipped to deal with

climate change impacts.

g. Treatment plant operating agencies should coordinate with their partner cities' public works departments in order to prevent roadways and other rights of way from being

excavated multiple times to maintain conveyance infrastructure.

3. The Commission adopts the statement of written determinations generated from information presented in the Executive Summary of the final report on the municipal

service review as set forth in Exhibit "A" and incorporated herein are hereby adopted.

PASSED AND ADOPTED by the Alameda Local Agency Formation Commission on November 18, 2021 by the following vote:

AYES: Hernandez, Johnson, Miley, Sblendorio, Wieskamp, and Woerner

NOES:

ABSTAIN:

ABSENT: Haubert

APPROVED:

Sblend Sblendorio

Chair

ATTEST:

Rachel Jones

Executive Officer

APPROVED TO FORM:

Andrew Massey Legal Counsel

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AGENDA REPORT March 10, 2022 Item No. 9

TO: Alameda Commissioners

FROM: Rachel Jones, Executive Officer

SUBJECT: New LAFCO Logo and

Contract Amendment with Chase Designs for Professional Services

The Alameda Local Agency Formation Commission (LAFCO) has a new logo created by Chase Designs, Inc. The Commission will consider approving a contract amendment with Chase Designs to provide professional services in creating LAFCO brochures, pamphlets for MSR reports, and branding for its PowerPoint Presentations at a not-to-exceed cost of \$10,000.

Background

On September 10, 2021, LAFCO Executive Officer contacted the LAFCO Chair after receiving a proposal from a brand design company – Chase Design, Inc. – to create a new logo for Alameda LAFCO. Under the Commission's *Small Contract Authority Policy*, the LAFCO Executive Officer entered into a contract with Chase Design on September 17, 2021 that was processed and approved on November 20, 2021.

SMALL CONTRACT AUTHORITY POLICY

The Executive Officer is authorized to negotiate contracts up to \$5,000 on behalf of the Commission within the authority conferred by the adopted budget. The Executive Officer shall obtain concurrence of the Chair and consult with the LAFCO legal counsel prior to entering into any contract outside the usual course of Commission business, including contract for legal, consulting or other professional services. Staff shall promptly notify the members of the Commission regarding contracts made on the Commission's behalf.

Both San Diego and Orange LAFCOs had used Chase Design for their LAFCO logos and served as references for the company. The design proposal included 2-3 design concepts for the new logo with a total contract cost of \$5,000. Staff notified the Commission of this new contract agreement at its January 13, 2022 regular meeting.

Ralph Johnson, Regular

New LAFCO Logo

Creative Director, Chris Chase of Chase Design, Inc. worked with staff to create a new logo that encompasses the dynamism of Alameda County and LAFCO's role of balancing local circumstances and conditions in evaluating the delivery of municipal services for orderly growth and development (Attachment 1).

The new logo illustrates the blend of agricultural and urban areas of Alameda County with emphasis on interstate highway-580 as a path, showcasing the connectivity of both the western and eastern parts of the County. The hills are used to demonstrate LAFCO's ability in redirecting urban uses away from agricultural and open space lands for preservation, while on the other side of the highway, the County's diverse housing needs are highlighted. The Bay Bridge and windmill from Altamont Pass are used as markers, or landmarks, to indicate the County's access points from both eastern and western regions. The sun shown in the middle of the logo highlights how dynamic Alameda County is and its "bright" future in making the County a great place to live and work by sustaining its quality of life. Lastly, the blue circle that encompasses the logo represents LAFCO's planning tool – the sphere of influence – that underscores LAFCO's duty to facilitate change when merited.

Brand Consulting

Chase Design specializes in brand consulting for businesses throughout the United States and has built an impressive reputation for producing effective design for other LAFCOs such as San Diego and Orange. Their projects range from advertisements, catalogs, brochures, publication design, and product illustrations. Chase Design has also created LAFCO MSR Summary brochures, LAFCO pamphlets, and recruitment flyers (Attachment 3).

Staff finds that useful and illustrative brochures/pamphlets will assist LAFCO in better outreach and engagement with the public. Brief summaries of LAFCO's MSR reports, may prove valuable in making the information from these studies easily digestible for wider audiences. Staff seeks to amend the original contract with Chase Designs to include at least 1 branded LAFCO PowerPoint presentation, 3 MSR Summary reports, 2 LAFCO brochures, and 2 LAFCO flyers at a not-to-exceed cost of \$10,000. The operating budget for the current fiscal year has sufficient funds for the proposed contract amendment after a transferal of \$100,000 from LAFCO's fund balance in its Services and Supplies Units to accommodate special projects.

Discussion

This item is for the Commission to consider approving a contract amendment with Chase Designs to provide professional services in creating LAFCO brochures, pamphlets for MSR reports, and branding for its PowerPoint Presentations at a not-to-exceed cost of \$10,000.

Alternatives for Action

The following alternatives are available to the Commission:

Alternative One (Recommended):

Approve the contract amendment with Chase Designs to provide additional professional services in graphic design at a not-to-exceed cost of \$10,000 (Attachment 2).

Alternative Two:

Continue the item to a future meeting and provide direction to staff.

Alternative Three:

Deny the contract amendment with Chase Designs.

Recommendation

It is recommended the Commission proceed with Alternative Action One.

Respectfully,

Rachel Jones Executive Officer

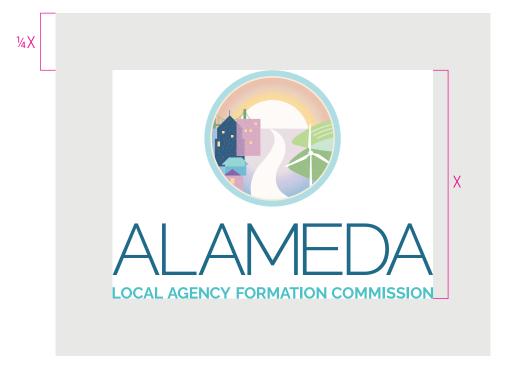
Attachments:

- 1. Alameda LAFCO Brand Identity Sheet
- 2. Chase Designs Contract Agreement Amendment
- 3. Design Proposal and Examples
- 4. 1st Contract Agreement Chase Designs

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CLEARSPACE (STACKED)





Raleway



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AGREEMENT AMENDMENT

Reference is made to the contract entered into on the 17th day of September 2021, by and between the Alameda Local Agency Formation Commission and Chase Designs ("the Agreement).

Said Agreement is hereby amended as follows:

- 1. The term of the Agreement shall be amended to extend the end date from September 17, 2021 to April 30, 2023 with an increase for a total contract not-to-exceed amount of \$10,000.
- 2. The Definition of Services (Exhibit A) shall be amended to add supplemental scope of work to complete Alameda LAFCO's flyers, brochures, and presentations as more fully described in Exhibit A-1, attached hereto and incorporated as if set forth more fully herein.
- 3. Exhibit B is replaced with a revised Exhibit B, attached hereto and incorporated as if set forth more fully herein.

This amendment is effective March 10, 2022. Except as specifically amended, the remaining provisions of the Agreement remain in full force and effect.

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

ALAMEDA LAFCO	Chase Designs
By: Rachel Jones, Executive Officer Alameda Local Agency Formation Commission	By:Signature
	Name:(Printed)
	Title:
	Date:Address: 2011 Palomar Airport Road, Suite 304 Carlsbad, CA 92011
Approved as to Form:	
By:Andrew Massey, LAFCo Counsel	By signing above, signatory warrants and represents that he/she executed this Agreement in his/her authorized capacity and that by his/her signature on this Agreement, he/she or the entity upon behalf of which he/she acted, executed this Agreement

Exhibit A-1

Kick off meeting: The Contractor will gather info from staff on the design project so both parties will know the direction to go in terms of deliverables for brochures, flyers, Powerpoint presentations, MSR summary reports, and social media graphics.

Price estimates for the Alameda LAFCO pieces.

LAFCO_MSRSummaryReport_ $8.5 \times 11 = 3-5 \text{ Hours } \times \$150/\text{hr} = \$450 - \750

LAFCO_RecruitmentFlyer_8.5x11 = 3-4 Hours x \$150/hr = \$450 - \$600

LAFCO_brochure_ $9.75 \times 9.75 \text{_4Panel} = 20-25 \text{ Hours } \times \$150/\text{hr} = \$3,000 - 3,750$

Chris Chase - Creative Director: \$150/hour

Exhibit B

1. The Alameda LAFCO will pay Contractor for services provided herein, upon the submittal of an invoice and summary report of services performed pursuant to this agreement. All services will be performed at the direction of, and with the prior authorization of, the LAFCO Executive Officer. Invoices will be approved by the Alameda LAFCO Executive Officer. Payments under the terms of this Agreement shall not exceed \$10,000. This amount includes all administrative expenses and costs, travel expenses and contingencies. For the purposes assigned in the proposal, the billing rates are as listed in the firm's proposal and shown below:

Logo Design:

Payment shall be made in lump sum as follows: Deposit of \$2,500 at start of contract agreement and \$2,500 once LAFCO approves of the logo design and receives the identity sheet.

Document Design:

Payment shall be made at hourly rates as follows:

Chris Chase – Creative Director: \$150/hour

LAFCO_MSRSummaryReport_ $8.5 \times 11 = 3-5 \text{ Hours } \times \$150/\text{hr} = \$450 - \750

LAFCO_RecruitmentFlyer_8.5x11 = 3-4 Hours x \$150/hr = \$450 - \$600

LAFCO brochure $9.75 \times 9.75 \times 4$ Panel = 20-25 Hours $\times \$150$ /hr = \$3,000 - 3,750

- 2. Payments under the terms of this Agreement shall not exceed \$10,000. This amount includes: 1 LAFCO branded Powerpoint presentation, 3 MSR Summary Reports, 2 LAFCO Flyers, and 2 LAFCO brochures.
- 3. The term of this Agreement is April 30, 2022 to April 30, 2023.

Alameda LAFCO

Graphic Design Services March 2nd, 2022



Chris Chase and Company Bio

Chris Chase is a graduate of San Diego State University where he received his BA degree in graphic design. After graduating, Chris established his own San Diego based design firm, Chase Design, Inc. As CEO and Creative Director of the company, Chris brings over 20 years of graphic design and industry experience.

Chase Design, Inc. specializes in branding consulting for businesses throughout the United States. The firm has built an impressive reputation for producing effective design and has received several awards for excellence in the industry. Chase Design, Inc. has worked for small and large startup firms as well as more established ones. Some of their more prominent clients have included Callaway Golf, Ashworth Golf, The Los Angeles Triathlon, The Nation's Triathlon, Scripps Hospital and Palomar Health. Projects range from advertisements, catalogs, brochures, corporate identity, publication design, product illustrations, 3D design, motion graphics, SEO, web design and development.

Chase Design, Inc. currently employs a team of 4 staff along with several contractors who encompass a wide range of design and programming skills.

Chase Design Team on the project:

Chris Chase - Creative Director

Chase Design Production Team



Graphic Design Services for Alameda LAFCO

When we do design we usually follow a process that goes like this:

Kick off meeting: We gather info on the design project so we know the direction we need to go.

For example with SD LAFCO we literally design whatever they need. Flow charts, flyers, brochures, PPT templates, social media graphics etc. So if you want it to be branded just ask and I can bid it out.

Here are some ballpark prices for the Alameda LAFCO pieces. See examples in the email.

LAFCO_PowayRegionMSR_8.5x11 = 3-5 Hours x 150/hr = 450 - 750 (MSR's are faster once the initial one is created because they all have the same look. Stock images are 1-3 credits each at 2 each.)

LAFCO_RecruitmentFlyer_8.5x11 = 3-4 Hours x \$150/hr = \$450 - \$600

LAFCO_brochure_ $9.75x9.75_4$ Panel = 20-25 Hours x \$150/hr = \$3,000 - 3,750 (Printing is separate)

Estimate: We will plan to work with your budget of \$10,000 to start working on the design pieces for Alameda LAFCO. We will track the budget with Rachel as we work on pieces.

We will be at \$150/hr and estimate the jobs as we do them.

Thank you!



Know And Go Interested in attending a San Diego LAFCO monthly meeting? Join us, or watch our video recordings online at sdlafco.org. Our website also includes past and current agendas, policies and procedures, application materials, and more. All regular meetings include an opportunity for public comment and the ability to directly speak to decision-makers.

San Diego LAFCO Regular Meetings

Monthly, First Mondays at 9 a.m. 1600 Pacific Highway County Administration Center, Room 302 San Diego, California 92101

Contact Us

Twitter: @sdlafco

San Diego LAFCO Administrative Office 9335 Hazard Way, Suite 200 San Diego, CA 92123 Hours: M-F, 8 a.m. – 4:30 p.m. Phone: **858.614.7755** Web: sdlafco.org

E-Mail: lafco@sdcounty.ca.gov

Appointments are Encouraged

San Diego LAFCO

Who Are the Commissioners?

Decisions at San Diego LAFCO are made by a 13-member "Commission" primarily consisting of appointed local elected officials that include county supervisors, city council members and special district board members. These officials also appoint two general members of the public. The Commission meets monthly and are tasked with implementing LAFCO law with broad discretion to reflect local conditions. The Commission is overseen by the California Assembly Committee on Local Government.

All members of the Commission serve four-year terms and must exercise their independent judgment on behalf of the interests of residents, landowners, and the general public. They are subject to standard disclosure requirements and must file annual statements of economic interests. The Commission has sole authority in administering its legislative responsibilities, and decisions therein are not subject to an outside appeal process.

Administration and Funding

San Diego LAFCO is administered by an appointed Executive Officer and they are responsible for overseeing day-to-day activities. This includes supervising a professional staff of eight to ten employees and implementation of an annual workplan that outlines specific project goals for the fiscal year as determined by the Commission.

Funding for San Diego LAFCO is prescribed under State law based on membership categories on the Commission with the largest apportionment of 28.6% assigned to the County of San Diego. The independent special districts and cities less the City of San Diego are also apportioned 28.6% with individual amounts divided thereafter based on total revenue shares in the past fiscal year. The City of San Diego – and based on special legislation that ensures the City is always represented on the Commission – is responsible for the remaining 14.3% of annual operating costs.

At A Glance...

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Subdivision of the State of California



An appointed Executive Officer manages day-to-day activities and makes recommendations to the Commission



Facilitates smart and responsive growth and development



Regulates and plans local government boundaries and associated service areas throughout San Diego County



Promotes public accountability and transparency of local



Comprises locally elected officials – including County Supervisors and City Mayors/ Councilmembers

San Diego County

By The Numbers...

County is the



INCORPORATED

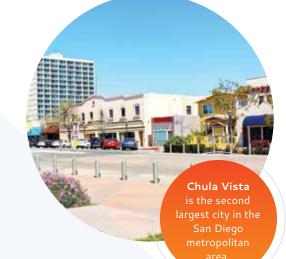
these cities.

More than four-fifths of

residents live in one of



There are 1.22 million total household units in San Diego County.



San Diego County is expected to add nearly 365,000 new residents

by 2050.







COMMUNITIES

These areas are census designated places in San Diego County.



NEW HOMES PER DAY

To maintain the same personto-household ratio, 130,357 new homes are needed through 2050.





Local Agency Formation Commissions – or LAFCOs – are boundary makers that oversee the creation and expansion of cities and special districts in all 58 counties of California. LAFCOs exercise regulatory and planning powers to coordinate publicly provided services, such as water or fire protection, and match them with community needs. The goal of every LAFCO is to facilitate smart growth while avoiding urban sprawl.

Why Were LAFCOs Formed?

LAFCOs were established in 1963 by the California Legislature. Initial tasks included approving or disapproving proposals for the incorporation of new cities and creation of new special districts in 57 of the 58 counties in California. (San Francisco City/County did not have a LAFCO until 2001.)

The motivation leading to the establishment of LAFCOs began several years earlier when the newly elected Governor Edmund (Pat) Brown created the Commission on Metropolitan Area Problems and directed this blueribbon group to make recommendations to coordinate the management of statewide growth and development.

At the time, county governments in California were largely empowered to form and expand cities and special districts without any real oversight. The prior decade highlighted the need for coordinated management as California's population increased between 1950 and 1960 by 50 percent – from 10.6 million to 15.9 million – and more than 100 cities and special districts were formed, often with irrational and overlapping boundaries.

The Commission on Metropolitan Area Problems and its findings led to a unique comprise between the State and local government with respect to assigning regional growth management responsibilities in California. This compromise remains largely intact today. It involves the Legislature setting policies and procedures with regard to the formation and post-formation development of local agencies while delegating implementation and decision-making to a consortium of locally elected officials through LAFCOs.

The authority and power of LAFCOs have increasingly expanded since 1963 through additional legislation and in respect to the state's ongoing interest to ensure effective local governance relative to local needs. The primary result of the additional legislation over the past six decades is the delineation of two distinct LAFCO duties:

- 1. Regulation: Regulating the physical development of cities and special districts and their respective service areas
- 2. Planning: Informing such decisions through various planning activities



(Pat) Brown formed the Commission on Metropolitan Area Problems to study and make recommendations on the misuse of land resources and inefficient service boundaries. These efforts ultimately led to the creation of LAFCO in 1963.

In 1959, California Governor Edmund

What does LAFCO do?

San Diego LAFCO is a subdivision of the State of California and is responsible for administering a section of State law currently known as the Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000.

The statute delegates the authority to regulate and plan the location of cities and most special districts and their municipal service areas to LAFCOs in all 58 counties in California.

This includes establishing, expanding, and reorganizing cities and special districts in meeting LAFCOs' underlying directive from the State to facilitate smart and sustainable growth and development.

Decisions are made with consideration to legislative objectives as well as local conditions and circumstances and include all of the following duties:

- Incorporate cities and form special districts
- Annex and detach lands to cities and special districts
- Activate or deactivate special districts' service powers
- Consolidate two or more cities or special districts into one
- Merge special districts into cities
- Disincorporate cities and dissolve special districts
- Establish spheres of influence for all cities and special districts thereby delineating areas eligible for annexation
- Regularly prepare studies to independently assess the availability, demand and performance of local government services
- Authorize cities and districts to provide new or extended services outside their boundaries by contracts







Who does LAFCO oversee?

San Diego LAFCO has direct jurisdiction over 101 local government agencies located throughout San Diego County. These local agencies are currently divided between 18 cities as well as 83 special districts that provide various services in support of existing development, such as water, wastewater, police and fire protection, cemeteries, healthcare and resource conservation.

Most special districts subject to LAFCO are independent with their own directly elected board of directors. The remaining local special districts are dependent with appointed board of directors made by other government agencies.

- Eighteen incorporated communities in San Diego County
- The first incorporation was the City of San Diego in 1850, and the last incorporation was the City of Encinitas in 1988
- The last disapproved incorporation attempt was the community of Rancho Santa Fe in 1987
- City boundaries and service areas are determined by LAFCO
- City services are determined by the agencies
- Primary functions are land use control and police protection

Special Districts

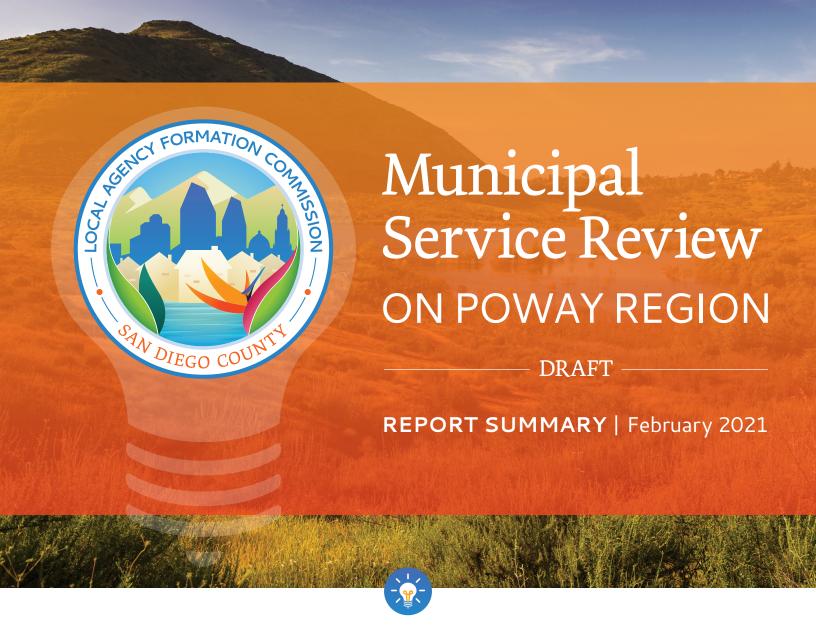
- Eighty-three special districts in San Diego County subject to LAFCO.
- The first formation was Helix Water District (formerly La Mesa, Lemon Grove, and Spring Valley Irrigation District) formed in 1897
- Special district boundaries and service areas are determined by LAFCO
- Service functions and classes are also determined by LAFCO
- Primary functions are providing urban services in support of development approved by the county and/or one of the 18 cities

San Diego LAFCO also has indirect oversight of joint-power authorities (JPAs). JPAs are legally created entities that allow two or more public agencies to provide contracted municipal services such as wastewater treatment, emergency dispatch or clean energy, often with the intent to deliver services more efficiently or cost-effectively. All JPAs providing a local municipal service as defined by LAFCO must file their agreements and any amendments with LAFCO. LAFCOs are similarly encouraged to include JPAs in preparing municipal service reviews.

*School and college districts are currently not subject to LAFCO oversight.

Hiking Trail on Point Loma, CA





General Themes and Conclusions

The Poway region encompasses a geographically distinct area and captures both "East" and "North" elements of San Diego County and their different social and economic interests. The region's development, accordingly, reflects both rural and urban landscapes paired with significant open-space resources and codified in the City of Poway's official maxim as the "City in the Country." The region's development also differs from other local municipalities given the impetus to incorporate the City of Poway was less about breaking from the County of San Diego and more about preserving its existing characteristics - developed under the County - and protecting against annexation to the City of San Diego. These characteristics are further defined by the slow-growth orientation of the City of Poway as the focal point of the region and as successor agency to five special districts; the latter of which – significantly – enables the City to directly

sync services (i.e. water, wastewater, fire, etc.) with development within its jurisdictional boundary. Also serving to define the region is the high-performing Poway Unified School District and extensive cultural and recreational amenities.

A review of the City of Poway relative to the Commission's growth management tasks and interests produces eight central themes or conclusions. These conclusions collectively address the availability, need, and adequacy of services within the City of Poway as the consolidated service provider in the region and range in substance from addressing demand—to—capacity relationships to overall financial standing. The conclusions also address potential sphere changes. The conclusions are independently drawn and sourced to information collected and analyzed by the Commission between 2015 and 2019 and detailed in the agency profile.

No. 1

Introductory Municipal Service Review

This report represents San Diego LAFCO's inaugural municipal service review dedicated to the Poway region and the lone subject agency of record - City of Poway. Consequently, the report serves as a dual introduction. This is marked by addressing relatively new LAFCO statute and responsibilities to the City of Poway in real-time while proceeding with an otherwise unfamiliar and relatively detailed service review process. The introduction similarly reorients the municipal service review for the Commission to focus on establishing baseline information with the intention of expanding and/or redirecting the analysis in future reports.

No. 2 Successful Reorganization

This report separately marks the first formal opportunity for San Diego LAFCO to revisit its approval in 1980 to comprehensively reorganize municipal services in the Poway region with the incorporation of the City of Poway and the concurrent dissolution of five special districts. The report confirms the reorganization has met Commission expectations 40 years later in effectively consolidating land use and municipal service planning within one local governmental entity and in doing so eliminating duplicative and fragmented government.

No. 3 An Atypical Suburb

The region's geographic setting encompasses both "East County" and "North County" orientations and contributes to a unique growth footprint leading to an atypical suburban community in metropolitan San Diego County. This footprint equally blends rural and urban uses and purposefully guided by the region's social and economic anchor in the City of Poway and its adopted tagline as the "City in the Country." A tangible outcome of this footprint is measurably slower growth and development in the region compared to other suburban communities in San Diego County despite proximity to major transportation corridors.

No. 4 Creation of a Municipal Greenbelt

Close to one-third of the City of Poway jurisdictional boundary has been purchased by the City and dedicated as open space with compatible recreational uses. A considerable portion of this open space lies along Poway's eastern perimeter and – among other outcomes – produces a municipal greenbelt controlled by the City and protects against otherwise unwanted encroachment from the adjacent unincorporated areas – including Ramona.

Sitting on Potato

Chip Rock near the

top of Mt. Woodson

in Poway, California



No. 5 Distinguishing Demographics

Demographic information for the region shows increasing affluency within its social and economic anchor — City of Poway — and headlined by substantially higher and rising household incomes paired with substantially lower and falling poverty rates relative to overall averages in San Diego County. Relatedly, Poway is increasingly home to white—collar workers with more than one—half of all adults 25 years of age or older in Poway having bachelor's degrees, almost double the countywide average.

No. 6 Housing and Impact on Orderly Growth

Only 385 new housing units have been constructed in the region and specially within the City of Poway since 2010 and represents an overall increase of 2.3%. This housing production is more than two times lower than the equivalent amount of new construction for the entire San Diego County – 5.9% – and underlies an increasing affordability challenge with the average monthly housing cost in Poway being one–half higher than the remainder of the county. It also – significantly – counters the Leqislature's notion of orderly growth in LAFCO statute.

No. 7 Adequate Municipal Service Capacities

The City of Poway is the municipal service hub for the region and through the end of the report period has established adequate capacities to meet current demands relative to its core growth–supporting functions: fire protection and emergency medical; wastewater; potable water; parks and recreation; and community development. Notably, no substantive deficiencies have been identified and all core functions have excess capacities to accommodate anticipated growth within the immediate future.

No. 8 Positive Finances with One Exception

The City of Poway improved its financial standing during the report period as measured by its audited net position with an overall 10% increase. This improvement has been aided by achieving an average total margin of 2% over the corresponding 60-month period and contributes to an ending General Fund balance sufficient to meet 12 months of operating expenses. A key exception involves underfunded pension program with CalPERs and reflected in a low composite funded ratio of 70% at the end of the report period.



The following recommendations call for specific action either from San Diego LAFCO, City of Poway, or other local agencies based on information generated as part of this report and outlined below. LAFCO action are dependent on a subsequent directive from the Commission and through the adopted workplan.

 San Diego LAFCO should update its statutory program on disadvantaged unincorporated communities and concurrently revisit the eligibility of lands immediately to the north of the City of Poway's sphere of influence in San Pasqual Valley and the potential merit therein to extend municipal services consistent with the associated legislation.

2. It would be timely for the City of Poway to perform an update to the General Plan (1991) to reflect changes in State planning law as well as to reflect potential changes in community vision. An update to the General Plan also – pertinently – would aid San Diego LAFCO align its regulatory and planning duties going forward in step with current local conditions.

3. The limited progress in building new housing in the City of Poway suggests
City policies and/or procedures should be revisited and revised to more effectively meet the needs for persons and families of all incomes and in doing so promote orderly development.

4. San Diego LAFCO should expand the analysis of this introductory document as part of the next scheduled municipal service review covering the City of Poway to more fully address other key service functions — including law enforcement, flood control, etc. — to provide a more complete accounting of public services in the City consistent with statutory intent.

 San Diego LAFCO should revisit fire protection and emergency medical services in the City of Poway as part of an expected update to the Commission's countywide fire service study.



- 6. No reorganization alternatives have been identified by San Diego LAFCO that merit analysis at this time. It would be appropriate, nonetheless, for LAFCO to revisit potential reorganization opportunities in conjunction with completing future projects, including upcoming municipal service reviews on other local agencies in the region.
- 7. San Diego LAFCO should proceed to update the City of Poway's sphere of influence with no changes at this time. LAFCO should relatedly defer consideration of any individual sphere amendment requests to the next update unless special circumstances warrant otherwise.



It's Your Time to Shine with LAFCO

Position At-A-Glance

- Recruitment for two Local Government Analyst I and/or II
- Great opportunity for recent graduates or newcomers to local government
- Ideal candidates are interested in public policy and regional planning
- Full-time employment with excellent benefits through County of San Diego
- Annual salary range is \$48,838 to \$76,773 (Analyst I) and \$57,845 to \$91,021 (Analyst II)

The Agency

The San Diego County Local Agency Formation Commission (LAFCO) is a subdivision of the State of California with broad regulatory and planning powers to oversee the establishment and development of cities and special districts throughout San Diego County. LAFCO is governed by a 13–member Commission and tasked with facilitating orderly growth and development by aligning municipal services with current and future community needs.

The Culture

At San Diego LAFCO, we thrive together in a work environment that revolves around curiosity, cooperation, innovation, focus, flexibility and respect. All staff contribute to our mission of making government boundaries matter and meaningful in San Diego County. We believe good information leads to good decisions. Our work is serious, but we don't take ourselves too seriously. So if you bring a sense of humor, we appreciate that, too.

The Position

San Diego LAFCO is recruiting for two full-time Local Governmental Analyst I and/or II to support the agency in fulfilling its prescribed regulatory and planning responsibilities under state law. The incumbents will be directly supervised by the executive officer or designee, and primarily tasked with serving as project manager for assigned studies to evaluate the availability, adequacy, and performance of local governmental services relative to current and future community needs. This includes performing entry- to intermediate-analysis in evaluating and projecting demographic, service, and financial trends. The incumbents will also be tasked with performing general staff support services ranging from processing boundary change proposals to representing the agency before other boards and organizations. Training and related development will be provided and duties will expand consistent with acumen and experience.

Minimum Qualifications

Local Government Analyst I

Graduate (or equivalent) of a four-year college with major course work in public policy, planning, political science, or related field required. A graduate degree in a related field is desirable but not required. Previous employment or internship in urban/regional planning or local government is desirable but not necessary.

Local Government Analyst II

Graduate (or equivalent) of a four-year college with major course work in public policy, planning, political science, or related field required. A graduate degree in a related field is desirable but not required. Three years of experience in urban/regional planning or local government is expected.

Ideal Candidates

The ideal candidates for these positions will have a strong interest in public policy and regional planning; effective analytical and problem-solving skills; and – most importantly – curiosity with respect to understanding how local government works and how to make it better. Ideal candidates will also have strong written and verbal communication skills and be processoriented while keeping track of desired outcomes. Specific competencies expected of both positions include all of the following:

- Perform basic to intermediate qualitative and quantitative analysis
- Provide critical thinking and objective reporting
- Direct and conduct special studies, projects, and public meetings
- Prepare clear, concise reports and other written materials
- Organize and manage projects and programs efficiently
- Establish and maintain effective working relationships with others
- Exercise sound independent judgment in performing assignments

Compensation

The Local Governmental Analyst I and/or II positions are at-will and assigned broad salary ranges of 48,838 to \$76,773 (Analyst I) and \$57,845 to \$91,021 (Analyst II), based on 40-hour workweeks. Flexible scheduling – including telework – is available. Appointment to class and pay is based on qualifications at the time of hire. Incumbents also receive generous benefit packages that include health and dental insurance coverage through the County of San Diego, as well as pension participation with the San Diego County Employees Retirement Association.

Application Process

Interested applicants are encouraged to apply immediately with the submittal of a cover letter and resume directed to Executive Officer Keene Simonds, preferably by e-mail to keene.simonds@sdcounty.ca.gov. An initial review of applications will be performed on Friday, July 24, 2020 and will inform San Diego LAFCO's decision whether to close or extend the recruitment process. Once recruitment is closed, those

determined to be most qualified will be invited to participate in one or more interviews.

Any offers of employment will be subject to the completion of background checks.

Learn More

Thank you for considering San Diego LAFCO for employment. We look forward to finding more bright minds to join our talented team. To learn more about our agency, visit sdlafco.org.



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P.	O./Contract #					

ALAMEDA LAFCO, ALAMEDA COUNTY, STATE OF CALIFORNIA STANDARD AGREEMENT

THIS AGREEMENT, made and entered into this *** day of *****, by and between the ALAMEDA LOCAL AGENCY FORMATION COMMISSION, a public agency of the State of California, hereafter called the "Alameda LAFCO", and Chase Design, Inc. a business duly qualified in the State of California, whose principal place of business 7965 Camino Alvaro, Carlsbad, CA 92009, is hereafter called the "Contractor."

<u>WITNESSETH</u>

WHEREAS, the Alameda LAFCO desires to obtain professional consulting services for a new logo that is a part of LAFCO's workplan for fiscal year 2021-2022 and the proposal can be viewed in Exhibit A attached hereto ("Services"); and

WHEREAS, Contractor is professionally qualified to provide such services; and

WHEREAS, the Alameda LAFCO desires to retain and employ the services of Contractor in connection with such work, and Contractor is agreeable with such employment.

NOW, THEREFORE, it is agreed that the Alameda LAFCO does hereby retain and employ Contractor to provide the Services in connection with such work, and Contractor accepts such employment, on the terms and conditions hereinafter specified in this Agreement and additional provisions attached hereto, and the following described exhibits, all of which are incorporated into this Agreement by this reference:

Exhibit A Scope of Services
Exhibit B Payment Terms

Exhibit C Insurance Requirements

CONTRACT PERIOD will be a continuance from September 17, 2021 through April 30, 2022. This Agreement may be extended by mutual agreement of both parties hereto, in writing not less than thirty (30) days prior to the expiration of this Agreement.

COMPENSATION: The Alameda LAFCO agrees to pay Contractor, pursuant to the terms set forth in Exhibit B, for services performed hereunder in a total amount not to exceed \$5,000 for the term of the current agreement, including all expenses, contingencies, and other miscellaneous expenses.

ADDITIONAL PROVISIONS, pages 3 through 11, attached hereto constitute a part of this agreement.

IN WITNESS WHEREOF, the parties he year first above written.	ereto have executed this agreement as of the day and
By: Rachel Jones LAFCO EXECUTIVE OFFICER	CONTRACTOR Chris Chase CONTRACTOR By: Title
	7965 Camino Alvaro Carlsbard, CA 92009 Address Tax Payer I.D. # 830488359
APPROVED AS TO FORM: Andrew Massey, LAFCO LEGAL COUNSEL	
	that the Executive Officer of the Alameda LAFCO was nent on behalf of the Alameda LAFCo by its Small per 17, 2021.
Date:	ATTEST:
	Alameda LAFCO County of Alameda State of California
	Bv.

ADDITIONAL PROVISIONS

- EMPLOYER/EMPLOYEE RELATIONSHIP: No relationship of employer and employee is created by this Agreement, it being understood that Contractor shall act hereunder as an independent Contractor; that Contractor shall not have any claim under this Agreement or otherwise against the Alameda LAFCO for seniority, vacation time, vacation pay, sick leave, personal time off, overtime, health insurance, medical care, hospital care, retirement benefits, Social Security, disability, Workers' Compensation, or unemployment insurance benefits, civil service protection, or employee benefits of any kind; that Contractor shall be solely liable for and obligated to pay directly all applicable taxes, including, but not limited to, Federal and State income taxes, and in connection therewith Contractor shall indemnify and hold the Alameda LAFCO harmless from any and all liability which the Alameda LAFCO may incur because of Contractor's failure to pay such taxes: that Contractor does. by this Agreement, agree to perform his/her said work and functions at all times in strict accordance with currently approved methods and practices in his/her field and that the sole interest of the Alameda LAFCO is to ensure that said service shall be performed and rendered in a competent. efficient, timely and satisfactory manner and in accordance with the standards required by the agency concerned. Notwithstanding the foregoing, if the Alameda LAFCO determines that pursuant to state and federal law Contractor is an employee for purposes of income tax withholding, the Alameda LAFCO shall, upon two weeks notice to Contractor withhold from the payments to Contractor hereunder federal and state income taxes and pay said sums over to the Federal and State governments.
- 2. HOLD HARMLESS/INDEMNIFICATION: To the fullest extent permitted by law, Contractor shall hold harmless, defend and indemnify Alameda LAFCO, its Commissioners, employees and agents from and against any and all claims, losses, damages, liabilities and expenses, including but not limited to attorneys' fees, arising out of or resulting from the performance of services under this Agreement, provided that any such claim, loss, damage, liability or expense is attributable to bodily injury, sickness, disease, death or to injury to or destruction of property, including the loss therefrom, or to any violation of federal, state or municipal law or regulation, which arises out of or is any way connected with the performance of this agreement (collectively "Liabilities") except where such Liabilities are caused solely by the negligence or willful misconduct of any indemnitee. Alameda LAFCO may participate in the defense of any such claim without relieving Contractor of any obligation hereunder. The obligations of this indemnity shall be for the full amount of all damage to Alameda LAFCO, including defense costs, and shall not be limited by any insurance limits.
- 3. INSURANCE AND BOND: Contractor shall at all times during the term of the Agreement with Alameda LAFCO maintain in force those insurance policies as designated in the attached Exhibit C, "Insurance Requirements," and will comply with all those requirements as stated herein.
- 4. WORKERS' COMPENSATION: Contractor shall provide Workers' Compensation insurance at Contractor's own cost and expense and further, neither the Contractor nor its carrier shall be entitled to recover from the Alameda LAFCO any costs, settlements, or expenses of Workers' Compensation claims arising out of this agreement.

5. CONFORMITY WITH LAW AND SAFETY:

A. Contractor shall observe and comply with all applicable laws, ordinances, codes and regulations of governmental agencies, including federal, state, municipal, and local governing bodies, having jurisdiction over the scope of services or any part hereof, including all provisions of the Occupational Safety and Health Act of 1979 and all amendments thereto, and

all applicable federal, state, municipal, and local safety regulations. All services performed by Contractor must be in accordance with these laws, ordinances, codes and regulations. Contractor shall indemnify and hold Alameda LAFCO harmless from any and all liability, fines, penalties and consequences from any noncompliance or violations of such laws, ordinances, codes and regulations. If a provision of this Agreement is found to be invalid, the parties legally, commercially, and practicably can continue this Agreement without that provision, and the remainder of this Agreement shall continue in force and effect unless an essential purpose of this Agreement would be defeated by the loss of such provision. In the event any of the terms, conditions, or provisions of this Agreement are held to be illegal or otherwise unenforceable, such term, condition or provision shall be deemed severable from the remainder of this Agreement and shall not cause any other part or provision of this Agreement to be illegal or unenforceable.

- B. Accidents: If death, serious personal injury or substantial property damage occurs in connection with the performance of this agreement, Contractor shall immediately notify Alameda LAFCO by telephone. Contractor shall promptly submit to Alameda LAFCO a written report, in such form as may be required by Alameda LAFCO of all accidents which occur in connection with this Agreement. This report must include the following information: (1) name and address of the injured or deceased person(s); (2) name and address of Contractor's subcontractor, if any; (3) name and address of Contractor's liability insurance carrier; and (4) a detailed description of accident and whether any of LAFCO's equipment, tools, material, or staff were involved. Contractor further agrees that it shall take all reasonable steps to preserve all physical evidence and information which may be relevant to accidents or circumstances surrounding a potential claim, while maintaining public safety. Contractor shall provide Alameda LAFCO the opportunity to review and inspect such evidence, including the scene of the accident.
- 6. PAYMENT: Payment to Contractor will be made only upon presentation of proper invoice by Contractor subject to the approval of Alameda LAFCO, and in accordance with this Agreement and its Exhibit B.
- 7. ROYALTIES AND INVENTIONS: The Alameda LAFCO shall have a royalty-free, exclusive and irrevocable license to reproduce, publish and use the results produced in the course of or under this Agreement; and Contractor shall not publish any such material relating to Alameda LAFCO without prior consent of Alameda LAFCO.
- 8. CONFIDENTIALITY OF INFORMATION: Confidential information is defined as all information disclosed to Contractor which relates to Alameda LAFCO's past, present, and future activities, as well as activities under this Agreement. Contractor will hold all such information with the same degree of care which Contractor utilizes to protect its own data of a similar nature. Upon cancellation or expiration of this Agreement, Contractor will return to Alameda LAFCO all written or descriptive matter which contains any such confidential information.
- 9. CONFLICT OF INTEREST: No officer, member, or employee of Alameda LAFCO and no member of its governing body shall have any pecuniary interest, direct or indirect, in this Agreement or the proceeds thereof. No Contractor, nor any member of Contractor's family shall serve on the Alameda LAFCO, or hold any such position which either by rule, practice or action nominates, recommends, or supervises Contractor's operations, or authorizes funding to Contractor. Contractor shall immediately bring to Alameda LAFCO's attention any situation in which its client has, or is reasonably likely to have an application or other matter pending before Alameda LAFCO. The

provisions of this Agreement are not exclusive, and thus Alameda LAFCo may at its discretion appoint a different firm to serve as its consultant in the event of a conflict. Contractor agrees not to assign any of the key personnel identified in Exhibit A to any matter that is, or is likely to be pending before Alameda LAFCO regardless of whether Alameda LAFCO in its discretion decides to hire another firm to avoid a conflict.

- 10. USE OF ALAMEDA LAFCO PROPERTY: Contractor shall not use Alameda LAFCO premises or property (including equipment, instruments and supplies) or personnel for any purpose other than in the performance of his/her obligations under this Agreement.
- 11. EQUAL EMPLOYMENT OPPORTUNITY PRACTICES/PROVISIONS: Contractor assures that it will comply with Title VII of the Civil Rights Act of 1964 and that no person shall, on the grounds of race, creed, color, disability, sex, sexual orientation, national origin, age, religion, Vietnam era Veteran's status, political affiliation, or any other non-merit factor, be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination under this Agreement.
 - A. Contractor shall, in all solicitations or advertisements for applicants for employment placed as a result of this Agreement, state that it is an "Equal Opportunity Employer" or that all qualified applicants will receive consideration for employment without regard to their race, creed, color, disability, sex, sexual orientation, national origin, age, religion, Vietnam era Veteran's status, political affiliation, or any other non-merit factor.
 - B. Contractor shall, if requested to so do by Alameda LAFCO, certify that it has not, in the performance of this Agreement, discriminated against applicants or employees because of their race, creed, color, disability, sex, sexual orientation, national origin, age, religion, Vietnam era Veteran's status, political affiliation, or any other non-merit factor.
 - C. If requested to do so by Alameda LAFCO, Contractor shall provide Alameda LAFCO with access to copies of all of its records pertaining or relating to its employment practices, except to the extent such records or portions of such records are confidential or privileged under State or Federal law.
 - D. Contractor shall recruit vigorously and encourage minority- and women-owned businesses to bid its subcontracts.
 - E. Nothing contained in this contract shall be construed in any manner so as to require or permit any act which is prohibited by law.
 - F. The Contractor shall include the provisions set forth in paragraphs A through E (above) in each of its subcontracts.
- 12. ASSIGNMENT OF CONTRACT: Nothing contained in this Agreement shall be construed to permit assignment or transfer by Contractor of any rights under this Agreement and such assignment or transfer is expressly prohibited and void unless otherwise approved in writing by Alameda LAFCO.
- 13. DRUG-FREE WORKPLACE: Contractor and Contractor's employees shall comply with Alameda LAFCO's policy of maintaining a drug-free workplace. Neither Contractor nor Contractor's employees shall unlawfully manufacture, distribute, dispense, possess or use controlled substances, as defined in 21 U.S. Code section 812, including marijuana, heroin, cocaine, and amphetamines, at any LAFCO facility or work site. If Contractor or any employee of Contractor is convicted or pleads

- nolo contendere to a criminal drug statute violation occurring at an Alameda LAFCO facility or work site, the Contractor within five days thereafter shall notify the Executive Officer of Alameda LAFCO. Violation of this provision shall constitute a material breach of this Agreement.
- 14. FEDERAL AND STATE AUDITS: Until the expiration of five (5) years after the furnishing of any services pursuant to this Agreement, Contractor shall make available, upon written request, to the Federal/State government or any of their duly authorized representatives, this Agreement, and such books, documents, and records of Contractor that are necessary to certify the nature and extent of the reasonable cost of services to Alameda LAFCO. If Contractor enters into any Agreement with any related organization to provide services pursuant to this Agreement with value or cost of \$10,000 or more over a twelve-month period, such Agreement shall contain a clause to the effect that until the expiration of five years after the furnishing of services pursuant to such subcontract, the related organization shall make available, upon written request, to the Federal/State government or any of their duly authorized representatives, the subcontract, and books, documents and records of such organization that are necessary to verify the nature and extent of such costs. This paragraph shall be of no force and effect when and if it is not required by law. Alameda LAFCO shall have access to Contractor's financial records for purposes of auditing payments made to Contractor hereunder. Such records shall be complete and available for audit ninety (90) days after final payment is made to Contractor hereunder and shall be retained and available for audit purposes for five (5) years after said final payment hereunder.
- 15. TIME IS OF THE ESSENCE in each and all of the provisions of this agreement.
- 16. AMENDMENT: No change, alteration, variation, modification of the terms, termination or discharge of this Agreement shall be valid unless made in writing and signed by the parties hereto.
- 17. ASSURANCE OF PERFORMANCE: If at any time Alameda LAFCO believes Contractor may not be adequately performing its obligations under this Agreement, that Contractor may fail to complete the Services as required by this Agreement, or has provided written notice of observed deficiencies in Contractor's performance, Alameda LAFCO may request from Contractor prompt written assurances of performance and a written plan to correct the observed deficiencies in Contractor's performance. Contractor shall provide such written assurances and written plan within ten (10) calendar days of receipt of Alameda LAFCO's written request and shall thereafter diligently commence and fully perform such written plan. Contractor acknowledges and agrees that any failure to provide written assurances and a written plan to correct observed deficiencies, in the required time, to diligently commence and fully perform such written plan, is a material breach under this Agreement.
- 18. KEY PERSONNEL: Contractor shall identify himself as key personnel assigned to perform services in Exhibit A and obtain Alameda LAFCO approval of any substitution by the Contractor of key personnel.
- 19. SUBCONTRACTORS: Contractor shall identify and obtain Alameda LAFCO approval of all subcontractors. Nothing provided herein shall create any obligation on the part of Alameda LAFCO to pay or to see to the payment by Contractor of any monies to any subcontractor, supplier or vendor, nor create any relationship in contract or otherwise, express or implied between any such subcontractor, supplier or vendor and Alameda LAFCO. Approval by Alameda LAFCO of any subcontractor shall not constitute a waiver of any right of Alameda LAFCO to reject defective work, material or equipment, not in compliance with the requirements of this Agreement.

- 20. CHOICE OF LAW: This Agreement, and any dispute arising from the relationship between the parties to this Agreement, shall be governed by the laws of the State of California, excluding any laws that direct the application of another jurisdiction's laws, and its courts shall have jurisdiction (but not exclusive jurisdiction) to hear and determine all questions relating to this Agreement.
- 21. WAIVER: Any failure of a party to assert any right under this Agreement shall not constitute a waiver or a termination of that right, under this Agreement or any provisions of this Agreement.
- 22. ENTIRE AGREEMENT: This Agreement, including all attachments, exhibits, and any other documents specifically incorporated into this Agreement, shall constitute the entire Agreement between Alameda LAFCO and Contractor relating to the subject matter of this Agreement. As used herein, Agreement refers to any documents incorporated herein by reference and any exhibits or attachments. This Agreement supersedes and merges all previous understandings, and all other agreements, written or oral, between the parties and sets forth the entire understanding of the parties regarding the subject matter thereof. The Agreement may not be modified except by a written document signed by both parties.
- 23. TERMINATION: Alameda LAFCO may terminate this Agreement with or without cause by providing thirty (30) days notice, in writing, to the Contractor. Upon the expiration of said notice, this Agreement shall become of no further force or effect whatsoever and each of the parties hereto shall be relieved and discharged here from. Alameda LAFCo may terminate at any time without notice upon material breach of the terms of this Agreement and/or in the event that Alameda LAFCO determines that the Contractor's performance is substandard or unsatisfactory.
- 24. SURVIVAL: The obligations of this Agreement, which by their nature would continue beyond the termination or expiration of the Agreement, including without limitation, the obligations regarding Hold Harmless/Indemnification (paragraph 2), Confidentiality of Information (paragraph 9), and Conflict of Interest (paragraph 10), shall survive termination or expiration.
- 25. NOTICES: All notices, requests, demands, or other communications under this Agreement shall be in writing. Notices shall be given for all purposes as follows:
 - Personal delivery: When personally delivered to the recipient, notices are effective on delivery.
 - First Class Mail: When mailed first class to the last address of the recipient known to the party giving notice, notice is effective three mail delivery days after deposit in a United States Postal Service office or mailbox.
 - Certified Mail: When mailed certified mail, return receipt requested, notice is effective on receipt, if delivery is confirmed by a return receipt.
 - Overnight Delivery: When delivered by overnight delivery (Federal Express/United Parcel Service/DHL WorldWide Express/etc.) with charges prepaid or charged to the sender's account, notice is effective on delivery, if delivery is confirmed by the delivery service.
 - Telex or facsimile transmission: When sent by telex or fax to the last telex or fax number of the recipient known to the party giving notice, notice is effective on receipt, provided that (a) a duplicate copy of the notice is promptly given by first-class or certified mail or by overnight delivery, or (b) the receiving party delivers a written confirmation of receipt. Any notice given

by telex or fax shall be deemed received on the next business day if is received after 5:00 p.m. (recipients time) or on a non-business day.

Addresses for purpose of giving notice are as follows:

To LAFCO:

Alameda LAFCO

224 West Winton, Suite 110

Hayward, CA 94544

To Contractor:

Chase Design, Inc. 7965 Camino Alvaro Carlsbad, CA 92009

Any correctly addressed notice that is refused, unclaimed, or undeliverable because of an act or omission of the party to be notified shall be deemed effective as of the first date that said notice was refused, unclaimed, or deemed undeliverable by the postal authorities, messenger, or overnight delivery service.

Any party may change its address or telex or facsimile number by giving the other party notice of the change in any manner permitted by this Agreement.

[END OF ADDITIONAL PROVISIONS]

EXHIBIT A - SCOPE OF SERVICES

Kick off meeting: The Contractor will gather info on the logo so we know the direction we need to go.

Research: The Contractor will do research to try and capture the feeling LAFCO wants the new brand to convey. In the research stage the Contractor will also do a font study to be sure we capture the exact font for the brand. Sometimes the Contractor will even do custom typography, so the font research is a must to determine the direction of the brand.

Black & White Concepts: Usually 2-3 concepts are made to present based on our research and internal sketches by November 30, 2021.

Color Concepts: Usually 2-3 concepts are made to present based on the approved black & white concepts by December 30, 2021.

Final Delivery of Logo: Based on the last round of the color concepts by January 31, 2022.

Final Delivery of an Identity Doc and logo files by March 31, 2022: I've attached a sample of an Identity Doc in the email the Contractor will put together for you once the logo project is done.

Chris Chase - Creative Director: \$150 /hour

EXHIBIT B - CONTRACT PAYMENT TERMS

1. The Alameda LAFCO will pay Contractor for services provided herein, upon submittal of an invoice and summary report of services performed pursuant to this agreement. All services will be performed at the direction of, and with the prior authorization of, the LAFCo Executive Officer. Invoices will be approved by the Alameda LAFCo Executive Officer. Payments under the terms of this Agreement shall not exceed \$5,000. This amount includes all administrative expenses and costs, travel expenses and contingencies. For the purposes assigned in the proposal, the billing rates are as listed in the firm's proposal and shown below:

Deposit of \$2,500 at start of contract agreement and \$2,500 once LAFCO approves of the logo design and receives the identity sheet.

- 2. Payments under the terms of this Agreement shall not exceed \$5,000. This amount includes: 2-3 logo concepts and final delivery of an identity document and logo files.
- 3. The term of this Agreement is September 17, 2021 to April 30, 2022.

EXHIBIT C - MINIMUM INSURANCE REQUIREMENTS

Without limiting any other obligation or liability under this Agreement, the Contractor, at its sole cost and expense, shall secure and keep in force during the entire term of the Agreement or longer, as may be specified below, the following minimum insurance coverage, limits and endorsements:

	TYPE OF INSURANCE COVERAGES	MINIMUM LIMITS
A	Commercial General Liability Premises Liability; Products and Completed Operations; Contractual Liability; Personal Injury and Advertising Liability	\$1,000,000 per occurrence (CSL) Bodily Injury and Property Damage
В	Commercial or Business Automobile Liability All owned vehicles, hired or leased vehicles, non-owned, borrowed and permissive uses. Personal Automobile Liability is acceptable for individual contractors with no transportation or hauling related	\$1,000,000 per occurrence (CSL) Any Auto Bodily Injury and Property Damage
С	Workers' Compensation (WC) and Employers Liability (EL) Required for all contractors with employees	WC: Statutory Limits EL: \$1,000,000 per accident for bodily injury or disease

D Endorsements and Conditions:

- ADDITIONAL INSURED: All insurance required above with the exception of Commercial or Business Automobile Liability,
 Workers' Compensation and Employers Liability, shall be endorsed to name as additional insured: the Alameda Local Agency
 Formation Commission (LAFCO), the individual members thereof, and all Alameda LAFCO officers, agents, employees,
 volunteers, and representatives. The Additional Insured endorsement shall be at least as broad as ISO Form Number CG 20 38
 04 13.
- 2. DURATION OF COVERAGE: All required insurance shall be maintained during the entire term of the Agreement. In addition, Insurance policies and coverage(s) written on a claims-made basis shall be maintained during the entire term of the Agreement and until 3 years following the later of termination of the Agreement and acceptance of all work provided under the Agreement, with the retroactive date of said insurance (as may be applicable) concurrent with the commencement of activities pursuant to this Agreement.
- 3. REDUCTION OR LIMIT OF OBLIGATION: All insurance policies, including excess and umbrella insurance policies, shall include an endorsement and be primary and non-contributory and will not seek contribution from any other insurance (or self- insurance) available to Alameda LAFCO. The primary and non-contributory endorsement shall be at least as broad as ISO Form 20 01 04 13. Pursuant to the provisions of this Agreement insurance effected or procured by the Contractor shall not reduce or limit Contractor's contractual obligation to indemnify and defend the Indemnified Parties.
- 4. INSURER FINANCIAL RATING: Insurance shall be maintained through an insurer with a A.M. Best Rating of no less than A:VII or equivalent, shall be admitted to the State of California unless otherwise waived by Risk Management, and with deductible amounts acceptable to Alameda LAFCO. Acceptance of Contractor's insurance by Alameda LAFCO shall not relieve or decrease the liability of Contractor hereunder. Any deductible or self-insured retention amount or other similar obligation under the policies shall be the sole responsibility of the Contractor.
- 5. SUBCONTRACTORS: Contractor shall include all subcontractors as an insured (covered party) under its policies or shall verify that the subcontractor, under its own policies and endorsements, has complied with the insurance requirements in this Agreement, including this Exhibit. The additional Insured endorsement shall be at least as broad as ISO Form Number CG 20 38 04 13.
- 6. **JOINT VENTURES:** If Contractor is an association, partnership or other joint business venture, required insurance shall be provided by one of the following methods:
 - Separate insurance policies issued for each individual entity, with each entity included as a "Named Insured" (covered
 party), or at minimum named as an "Additional Insured" on the other's policies. Coverage shall be at least as broad as in the
 ISO Forms named above,
 - Joint insurance program with the association, partnership or other joint business venture included as a "Named Insured".
- 7. CANCELLATION OF INSURANCE: All insurance shall be required to provide thirty (30) days advance written notice to Alameda LAFCo of cancellation.
- 8. CERTIFICATE OF INSURANCE: Before commencing operations under this Agreement, Contractor shall provide Certificate(s) of Insurance and applicable insurance endorsements, in form and satisfactory to Alameda LAFCO, evidencing that all required insurance coverage is in effect. Alameda LAFCO reserves the rights to require the Contractor to provide complete, certified copies of all required insurance policies. The required certificate(s) and endorsements must be sent as set forth in the Notices provision.



AGENDA REPORT March 10, 2022 Item No. 10

TO: Alameda Commissioners

FROM: Rachel Jones, Executive Officer

SUBJECT: Request to Support SB 938

The Alameda Local Agency Formation Commission (LAFCO) will consider submitting a letter of support for Senate Bill 938 (Hertzberg) that seeks to amend protest provisions included in the Cortese-Knox-Hertzberg Reorganization Act of 2000 ("CKH"). Staff recommends the Commission take a "SUPPORT" Position on SB 938.

Background

Senator Hertzberg introduced SB 938 on February 8, 2022. The bill is set for a hearing in the Senate Governance and Finance Committee and represents a collaborative three-year effort to clean up, consolidate, and clarify existing protest provisions specifically for consolidations and dissolutions of special districts. SB 938 is sponsored by the California Association of Local Agency Formation Commissions (CALAFCO).

During the 2018-19, legislative session, CALAFCO, in collaboration with the California Special Districts Association, formed a working group, consisting of CALAFCO, CDSA, League of California Cities, California State Association of Counties (CSAC), and consultants of the Senate Governance and Finance Committee and Assembly Local Government Committee, to discuss several areas of protest provisions included in CKH. These provisions outline the procedures for registered voters and landowners to submit written protests to a Commission's actions involving changes of organization and reorganizations.

During the three-year period, the working group agreed on three main deliverables:

- (1) Review protest provisions within CKH for relevance and to delete any obsolete provisions, which was accomplished through AB 1581.
- (2) Redraft existing scattered protest code sections within CKH into a single code section to simplify the reading of the code section.
- (3) Examine the differing protest thresholds relating to LAFCO-initiated actions and all other related actions.

The statues related to protest provisions and the disparate protest thresholds established for LAFCO-initiated actions (10%) and all other initiated actions (25%) make addressing necessary and appropriate special district consolidations and dissolutions considerably more difficult when initiated by LAFCO. Further, they serve as a deterrent for LAFCO to initiate action, even if meaningful efficiencies in the

provision of public services could be achieved or if a district is failing to meet its statutory

requirements.

As drafted, the bill proposes the following changes to CKH:

Redraft the existing protest code sections into one main section to simplify the reading of the

section and to add minor, non-substantive clarifications; and

• Create specific circumstances under which a LAFCO may initiate dissolution of a district from

the current ten percent (10%) to twenty-five percent (25%) threshold, with determinations

documented in a Municipal Service Review (MSR) and presented at a 21-day noticed public

hearing; and

Allow for a minimum 12-month remediation period for the district with a progress report

provided by the district to LAFCO halfway through the remediation period; and

• A second 21-day noticed public hearing to determine if the identified issues have been

mitigated, which would result in LAFCO either terminating the dissolution or moving forward with the dissolution using the 25% protest threshold under the standard protest hearing process

already in the statute, with a public notice period of 60 days.

Discussion

This item is for the Commission to consider providing a letter of support for SB 938 to ensure that LAFCOs have the tools they need to carry out their statutory obligations to maintain orderly and

functioning local government services and to create greater consistency in the statute.

Alternatives for Action

The following alternatives are available to the Commission:

<u>Alternative One (Recommended):</u>

Authorize staff to submit a letter of support for SB 938

Alternative Two:

Continue the item to a special meeting and provide direction to staff on its position.

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Alternative Two:

Disapprove of the letter of support for SB 938.

Recommendation

It is recommended the Commission proceed with Alternative Action One.

Respectfully,

Rachel Jones

Executive Officer

Attachments:

- 1. Support Letter for SB 938 Draft
- 2. SB 938
- 3. Protest Threshold Process Outline

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LAFCO SUPPORT LETTER TEMPLATE FOR SB 938

March 18, 2022

Honorable Robert Hertzberg California State Senate 1021 O Street, Room 8610 Sacramento, CA 95814

RE: SUPPORT of SB 938: The Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000: protest proceedings: procedural consolidation.

Dear Senator Hertzberg:

The Alameda Local Agency Formation Commission (LAFCO) is pleased to join the California Association of Local Agency Formation Commissions (CALAFCO) in support of your bill, SB 938, which makes changes to the Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000 (The Act). SB 938 represents a collaborative three-year effort led by CALAFCO to clean up, consolidate, and clarify existing statutory provisions associated with consolidations and dissolutions, as well as codify the conditions under which LAFCo may initiate dissolution of a district at the 25% protest threshold (the latter of which are proposed and pending amendments).

The statutes related to protest provisions and the disparate protest thresholds established for LAFCo-initiated actions (10%) and all other initiated actions (25%) make addressing necessary and appropriate special district consolidations and dissolutions considerably more difficult when initiated by a LAFCo. Further, they serve as a deterrent for LAFCo to initiate action, even if meaningful efficiencies in the provision of public services could be achieved or if a district is failing to meet its statutory requirements.

As introduced, the bill represents the redraft of existing protest statutes with some minor technical clarifications added. The pending proposed amendments from CALAFCO allow LAFOs to initiate dissolution of a district at the 25% protest threshold under specific circumstances. All of this work is in response to a recommendation made in the 2017 Little Hoover Commission report after a year-long study (Special Districts: Improving Oversight and Transparency) and the formation of a working group by CALAFCO of stakeholders in early 2019. The intent was to examine the protest process for consolidations and dissolutions of special districts, and after three years of work (delayed due to the pandemic), the working group came to consensus on the redraft of existing protest statutes (representative of SB 938 as introduced) and a new process that allows LAFCOs to initiate dissolution of a district at the 25% protest threshold under specific circumstances (pending amendment into SB 938).

The overarching goal of these changes is to ensure that LAFCOs have the tools we need to carry out our statutory obligations to ensure orderly and functioning local government services and to create greater consistency in the statute. The specific circumstances under which a dissolution may be initiated are more than reasonable and the subsequent process includes three noticed public hearings, a minimum 12-month remediation period, and a 60day protest period, all of which are extremely practical. Additionally, the proposed process for LAFCo-initiated actions at the 25% protest threshold applies only to dissolutions, making the scope of use exceptionally narrow.

SB 938 makes much needed and long-awaited improvements to The Act through the restructure and clarification of existing protest provisions, and addition of a fair and appropriate process that offers LAFCOs additional tools necessary to effectively fulfill their statutory obligations.

We thank you for your authorship of this critical legislation and for continuing your long support of the work of LAFCOs. For all these reasons, we are pleased to support your bill SB 938.

Yours sincerely,

Rachel Jones

Alameda LAFCO Executive Officer

cc: Members, Senate Governance and Finance Committee
Anton Favorini-Csorba, Consultant, Senate Governance and Finance Committee

Ryan Eisberg, Consultant, Senate Republican Caucus

Rene LaRoche, Executive Director, California Association of Local Agency Formation Commissions

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Introduced by Senator Hertzberg

(Coauthor: Assembly Member Mayes)

February 8, 2022

An act to amend Sections 56824.14, 57075, 57077.1, 57077.2, 57077.3, 57077.4, and 57090 of, to add Sections 57077.5 and 57077.6 to, to add Chapter 4.5 (commencing with Section 57091) to Part 4 of Division 3 of Title 5 of, and to repeal Sections 57076, 57107, and 57113 of, the Government Code, and to amend Section 116687 of the Health and Safety Code, relating to local government.

LEGISLATIVE COUNSEL'S DIGEST

SB 938, as introduced, Hertzberg. The Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000: protest proceedings: procedural consolidation.

Existing law, the Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000, provides the exclusive authority and procedure for the initiation, conduct, and completion of changes of organization and reorganization for cities and districts, except as specified. Under existing law, in each county there is a local agency formation commission (commission) that oversees these changes of organization and reorganization.

With a specified exception, existing law provides for protest proceedings for a change of organization or reorganization following adoption of a resolution making certain determinations by the commission, as provided. Existing law sets forth required procedures for the commission following a protest hearing depending on the nature of the conducting authority, as defined, the type of change of organization or reorganization, and the results of the protest proceeding.

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The bill would reorganize and consolidate the above-described procedures. The bill would make conforming changes and remove obsolete provisions.

Vote: majority. Appropriation: no. Fiscal committee: no. State-mandated local program: no.

The people of the State of California do enact as follows:

SECTION 1. Section 56824.14 of the Government Code is amended to read:

56824.14. (a) The commission shall review and approve with or without amendments, wholly, partially, or conditionally, or disapprove proposals for the establishment of new or different functions or class of services, or the divestiture of the power to provide particular functions or class of services, within all or part of the jurisdictional boundaries of a special district, after a public hearing called and held for that purpose. The commission shall not approve a proposal for the establishment of new or different functions or class of services within the jurisdictional boundaries of a special district unless the commission determines that the special district will have sufficient revenues to carry out the proposed new or different functions or class of services except as specified in paragraph (1).

- (1) The commission may approve a proposal for the establishment of new or different functions or class of services within the jurisdictional boundaries of a special district where the commission has determined that the special district will not have sufficient revenue to provide the proposed new or different functions or class of services, if the commission conditions its approval on the concurrent approval of sufficient revenue sources pursuant to Section 56886. In approving a proposal, the commission shall provide that if the revenue sources pursuant to Section 56886 are not approved, the authority of the special district to provide new or different functions or class of services shall not be established.
- (2) Unless otherwise required by the principal act of the subject special district, or unless otherwise required by Section-57075 or 57076, 57075, the approval by the commission for establishment of new or different functions or class of services, or the divestiture

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of the power to provide particular functions or class of services, shall not be subject to an election.

- (b) At least 21 days prior to the date of that hearing, the executive officer shall give mailed notice of the hearing to each affected local agency or affected county, and to any interested party who has filed a written request for notice with the executive officer. In addition, at least 21 days prior to the date of that hearing, the executive officer shall cause notice of the hearing to be published in accordance with Section 56153 in a newspaper of general circulation that is circulated within the territory affected by the proposal proposed to be adopted.
- (c) The commission may continue from time to time any hearing called pursuant to this section. The commission shall hear and consider oral or written testimony presented by any affected local agency, affected county, or any interested person who appears at any hearing called and held pursuant to this section.
- SEC. 2. Section 57075 of the Government Code is amended to read:
- 57075. In the case of registered voter districts or cities, where Where a change of organization or reorganization consists solely of annexations, detachments, the exercise of new or different functions or class of services or the divestiture of the power to provide particular functions or class of services within all or part of the jurisdictional boundaries of a special district, or any combination of those proposals, the commission, not more than 30 days after the conclusion of the hearing, shall make a finding regarding the value of written protests filed and not withdrawn, and take one of the following actions, except as provided in subdivision (b) of Section 57002: take the action set forth in either subdivision (a) of Section 57091, in the case of registered voter districts or cities, or subdivision (b) of Section 57091, in the case of landowner-voter districts.
- (a) In the case of inhabited territory, take one of the following actions:
- (1) Terminate proceedings if a majority protest exists in accordance with Section 57078.
- (2) Order the change of organization or reorganization subject to confirmation by the registered voters residing within the affected territory if written protests have been filed and not withdrawn by either of the following:

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(A) At least 25 percent, but less than 50 percent, of the registered voters residing in the affected territory.

- (B) At least 25 percent of the number of owners of land who also own at least 25 percent of the assessed value of land within the affected territory.
- (3) Order the change of organization or reorganization without an election if paragraphs (1) and (2) of this subdivision do not apply.
- (b) In the case of uninhabited territory, take either of the following actions:
- (1) Terminate proceedings if a majority protest exists in accordance with Section 57078.
- (2) Order the change of organization or reorganization if written protests have been filed and not withdrawn by owners of land who own less than 50 percent of the total assessed value of land within the affected territory.
 - SEC. 3. Section 57076 of the Government Code is repealed.
- 57076. In the case of landowner-voter districts, where a change of organization or reorganization consists solely of annexations or detachments, the exercise of new or different functions or class of services or the divestiture of the power to provide particular functions or class of services within all or part of the jurisdictional boundaries of a special district, or any combination of those proposals, the commission, not more than 30 days after the conclusion of the hearing, shall make a finding regarding the value of written protests filed and not withdrawn, and take one of the following actions, except as provided in subdivision (b) of Section 57002:
- (a) Terminate proceedings if a majority protest exists in accordance with Section 57078.
- (b) Order the change of organization or reorganization subject to an election within the affected territory if written protests that have been filed and not withdrawn represent either of the following:
- (1) Twenty-five percent or more of the number of owners of land who also own 25 percent or more of the assessed value of land within the territory.
- (2) Twenty-five percent or more of the voting power of landowner voters entitled to vote as a result of owning property within the territory.

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(c) Order the change of organization or reorganization without an election if written protests have been filed and not withdrawn by less than 25 percent of the number of owners of land who own less than 25 percent of the assessed value of land within the affected territory.

- SEC. 4. Section 57077.1 of the Government Code is amended to read:
- 57077.1. (a) If a change of organization consists of a dissolution, the commission shall order the dissolution without confirmation of the voters, except if the proposal meets the requirements of subdivision (b), the commission shall order the dissolution subject to confirmation of the voters.
- (b) The commission shall order the dissolution subject to the confirmation of the voters as follows:
- (1) If the proposal was not initiated by the commission, and if a subject agency has not objected by resolution to the proposal, the commission has found that protests meet one of the following the applicable protest thresholds: thresholds set forth in Section 57093.
- (A) In the case of inhabited territory, protests have been signed by either of the following:
- (i) At least 25 percent of the number of landowners within the affected territory who own at least 25 percent of the assessed value of land within the territory.
- (ii) At least 25 percent of the voters entitled to vote as a result of residing within, or owning land within, the affected territory.
- (B) In the case of a landowner-voter district, that the territory is uninhabited and that protests have been signed by at least 25 percent of the number of landowners within the affected territory owning at least 25 percent of the assessed value of land within the territory.
- (2) If the proposal was not initiated by the commission, and if a subject agency has objected by resolution to the proposal, written protests have been submitted as follows: that meet the applicable protest thresholds set forth in Section 57094.
- (A) In the case of inhabited territory, protests have been signed by either of the following:
- (i) At least 25 percent of the number of landowners within any subject agency within the affected territory who own at least 25 percent of the assessed value of land within the territory.

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(ii) At least 25 percent of the voters entitled to vote as a result of residing within, or owning land within, any subject agency within the affected territory.

- (B) In the case of a landowner-voter district, that the territory is uninhabited and protests have been signed by at least 25 percent of the number of landowners within any subject agency within the affected territory, owning at least 25 percent of the assessed value of land within the subject agency.
- (3) If the proposal was initiated by the commission, and regardless of whether a subject agency has objected to the proposal by resolution, written protests have been submitted that meet the requirements of Section-57113. 57077.6.
- (c) Notwithstanding subdivisions (a) and (b) and Sections 57102 and 57103, if a change of organization consists of the dissolution of a district that is consistent with a prior action of the commission pursuant to Section 56378, 56425, or 56430, the commission may do either of the following:
- (1) If the dissolution is initiated by the district board, immediately approve and order the dissolution without an election or protest proceedings pursuant to this part.
- (2) If the dissolution is initiated by an affected local agency, by the commission pursuant to Section 56375, or by petition pursuant to Section 56650, order the dissolution after holding at least one noticed public hearing, and after conducting protest proceedings in accordance with this part. Notwithstanding any other law, the commission shall terminate proceedings if a majority protest exists in accordance with Section 57078. If a majority protest is not found, the commission shall order the dissolution without an election.
- SEC. 5. Section 57077.2 of the Government Code is amended to read:
- 57077.2. (a) If the change of organization consists of a consolidation of two or more districts, the commission shall order the consolidation without confirmation by the voters, except that if the proposal meets the requirements of subdivision (b), the commission shall order the consolidation subject to confirmation of the voters
- (b) The commission shall order the consolidation subject to the confirmation of the voters as follows:

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(1) If the commission has approved a proposal submitted by resolution of a majority of the members of the legislative bodies of two or more local agencies pursuant to Section 56853, and the commission has found that protests meet one of the following the applicable protest thresholds: thresholds set forth in Section 57093.

- (A) In the case of inhabited territory, protests have been signed by either of the following:
- (i) At least 25 percent of the number of landowners within the territory subject to the consolidation who own at least 25 percent of the assessed value of land within the territory.
- (ii) At least 25 percent of the voters entitled to vote as a result of residing within, or owning land within, the territory.
- (B) In the case of a landowner-voter district, the territory is uninhabited and protests have been signed by at least 25 percent of the number of landowners within the territory subject to the consolidation, owning at least 25 percent of the assessed value of land within the territory.
- (2) If the commission has approved a proposal not initiated by the commission and if a subject agency has not objected by resolution to the proposal, written protests have been submitted that meet the requirements specified in subparagraph (A) or (B) of paragraph (1). applicable protest thresholds set forth in Section 57093.
- (3) If the proposal was not initiated by the commission, and if a subject agency has objected by resolution to the proposal, written protests have been submitted as follows: that meet one of the protest thresholds set forth in Section 57094.
- (A) In the case of inhabited territory, protests have been signed by either of the following:
- (i) At least 25 percent of the number of landowners within any subject agency within the affected territory who own at least 25 percent of the assessed value of land within the territory.
- (ii) At least 25 percent of the voters entitled to vote as a result of residing within, or owning land within, any subject agency within the affected territory.
- (B) In the case of a landowner-voter district, the territory is uninhabited, and protests have been signed by at least 25 percent of the number of landowners within any subject agency within the affected territory, owning at least 25 percent of the assessed value of land within the subject agency.

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(4) If the commission has approved a proposal initiated by the commission, and regardless of whether a subject agency has objected to the proposal by resolution, written protests have been submitted that meet the requirements of Section-57113. 57077.6.

SEC. 6. Section 57077.3 of the Government Code is amended to read:

- 57077.3. (a) If a proposal consists of a reorganization not described in Section 57075, 57076, 57077, 57077.4, or 57111, the commission shall order the reorganization without confirmation by the voters except that if the reorganization meets the requirements of subdivision (b), the commission shall order the reorganization subject to confirmation of the voters.
- (b) The commission shall order the reorganization subject to confirmation of the voters as follows:
- (1) If the commission has approved a proposal submitted by resolution of a majority of the members of the legislative bodies of two or more local agencies pursuant to Section 56853, and the commission has found that protests meet one of the following the applicable protest thresholds: thresholds set forth in Section 57093.
- (A) In the case of inhabited territory, protests have been signed by either of the following:
- (i) At least 25 percent of the number of landowners within the affected territory who own at least 25 percent of the assessed value of land within the territory.
- (ii) At least 25 percent of the voters entitled to vote as a result of residing within, or owning land within, the affected territory.
- (B) In the case of a landowner-voter district, that the territory is uninhabited, and that protests have been signed by at least 25 percent of the number of landowners within the affected territory, owning at least 25 percent of the assessed value of land within the territory.
- (2) If the commission has approved a proposal not initiated by the commission, and if a subject agency has not objected by resolution to the proposal, a written protest has been submitted that meets the requirements specified in subparagraph (A) or (B) of paragraph (1). the applicable protest thresholds set forth in Section 57093.
- 38 (3) If the commission has approved a proposal not initiated by the commission, and if a subject agency has objected by resolution

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to the proposal, written protests have been submitted as follows: that meet one of the protest thresholds set forth in Section 57094.

- (A) In the case of inhabited territory, protests have been signed by either of the following:
- (i) At least 25 percent of the number of landowners within any subject agency within the affected territory who own at least 25 percent of the assessed value of land within the territory.
- (ii) At least 25 percent of the voters entitled to vote as a result of residing within, or owning land within, any subject agency within the affected territory.
- (B) In the case of a landowner-voter district, the territory is uninhabited, and protests have been signed by at least 25 percent of the number of landowners within any subject agency within the affected territory, owning at least 25 percent of the assessed value of land within the subject agency.
- (4) If the commission has approved a proposal initiated by the commission, and regardless of whether a subject agency has objected to the proposal by resolution, written protests have been submitted that meet the requirements of Section-57113. 57077.6.
- (c) This section shall not apply to reorganizations governed by Sections 56853.5 and 56853.6.
- SEC. 7. Section 57077.4 of the Government Code is amended to read:
- 57077.4. (a) If a reorganization consists of the dissolution of one or more districts and the annexation of all or substantially all the territory to another district not initiated pursuant to Section 56853 or by the commission pursuant to Section 56375, the commission shall order the reorganization without confirmation by the voters except that if the reorganization meets the requirements of subdivision (b), (b) or (c), the commission shall order the reorganization subject to confirmation by the voters.
- (b) The commission shall order the reorganization subject to confirmation by the voters as follows: voters, if written protests have been submitted that meet the applicable protest thresholds set forth in Section 57094.
- (1) In the case of inhabited territory, protests have been signed by either of the following:
- (A) At least 25 percent of the number of landowners within any subject agency within the affected territory who own at least 25 percent of the assessed value of land within the territory.

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(B) At least 25 percent of the voters entitled to vote as a result of residing within, or owning land within, any subject agency within the affected territory.

- (2) In the case of a landowner-voter district, the territory is uninhabited, and protests have been signed by at least 25 percent of the number of landowners within any subject agency within the affected territory, owning at least 25 percent of the assessed value of land within the subject agency.
 - (3) If

- (c) The commission shall order the reorganization subject to confirmation by the voters if the reorganization has been initiated by the commission pursuant to Section-56375, 56375 and protests have been submitted that meet the requirements of Section-57113. 57077.6.
- SEC. 8. Section 57077.5 is added to the Government Code, to read:
- 57077.5. (a) In any resolution ordering a merger or establishment of a subsidiary district, the commission shall approve the change of organization without an election except that if the change of organization meets the requirements of subdivision (b), the commission shall order the change of organization subject to confirmation of the voters.
- (b) The commission shall order the change of organization subject to confirmation of the voters within any subject agency as follows:
- (1) If the proposal was not initiated by the commission, and if a subject agency has not objected by resolution to the proposal, the commission has found that protests meet the applicable protest thresholds set forth in Section 57093.
- (2) If the proposal was not initiated by the commission, and if a subject agency has objected by resolution to the proposal, written protests have been submitted that meet the applicable protest thresholds set forth in Section 57094.
- (3) If the proposal was initiated by the commission, and regardless of whether a subject agency has objected to the proposal by resolution, written protests have been submitted that meet the requirements of Section 57077.6.
- (c) Notwithstanding subdivision (a) or (b), the commission shall not order the merger or establishment of a subsidiary district without the consent of the subject city.

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SEC. 9. Section 57077.6 is added to the Government Code, to read:

57077.6. Notwithstanding Section 57102, 57108, or 57111, for any proposal that was initiated by the commission pursuant to subdivision (a) of Section 56375, the commission shall forward the change of organization or reorganization for confirmation by the voters if the commission finds written protests have been submitted that meet the applicable protest thresholds set forth in Section 57094.

SEC. 10. Section 57090 of the Government Code is amended to read:

57090. (a) Except as otherwise provided in subdivision (b), if proceedings are terminated, either by majority protest as provided in Sections 57075, 57076, 57075 and 57077, or if a majority of voters do not confirm the change of organization or reorganization as provided in Section 57179, no substantially similar proposal for a change of organization or reorganization of the same or substantially the same territory may be filed with the commission within two years after the date of the certificate of termination if the proposal included an incorporation or city consolidation and within one year for any other change of organization or reorganization.

- (b) The commission may waive the requirements of subdivision (a) if it finds these requirements are detrimental to the public interest.
- SEC. 11. Chapter 4.5 (commencing with Section 57091) is added to Part 4 of Division 3 of Title 5 of the Government Code, to read:

Chapter 4.5. Protest Thresholds

- 57091. (a) For purposes of Section 57075, relating to annexations, detachments, and latent powers, in the case of registered voter districts or cities:
- (1) For inhabited territory, the commission shall take one of the following actions:
- (A) Terminate proceedings if a majority protest exists in accordance with Section 57078.
- (B) Order the change of organization or reorganization subject to confirmation by the registered voters residing within the affected

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territory if written protests have been filed and not withdrawn by either of the following:

- (i) At least 25 percent, but less than 50 percent, of the registered voters residing in the affected territory.
- (ii) At least 25 percent of the number of owners of land who also own at least 25 percent of the assessed value of land within the affected territory.
- (C) Order the change of organization or reorganization without an election if subparagraphs (A) and (B) of this paragraph do not apply.
- (2) For uninhabited territory, the commission shall take either of the following actions:
- (A) Terminate proceedings if a majority protest exists in accordance with Section 57078.
- (B) Order the change of organization or reorganization if written protests have been filed and not withdrawn by owners of land who own less than 50 percent of the total assessed value of land within the affected territory.
- (b) For purposes of Section 57075, in the case of landowner-voter districts, the commission shall take one of the following actions:
- (1) Terminate proceedings if a majority protest exists in accordance with Section 57078.
- (2) Order the change of organization or reorganization subject to an election within the affected territory if written protests that have been filed and not withdrawn represent either of the following:
- (A) Twenty-five percent or more of the number of owners of land who also own 25 percent or more of the assessed value of land within the affected territory.
- (B) Twenty-five percent or more of the voting power of landowner voters entitled to vote as a result of owning property within the affected territory.
- (3) Order the change of organization or reorganization without an election if written protests have been filed and not withdrawn by less than 25 percent of the number of owners of land who own less than 25 percent of the assessed value of land within the affected territory.
- 57092. For purposes of Sections 57077.1, relating to dissolution, 57077.2, relating to consolidation, 57077.3, relating to reorganization, 57077.4, relating to dissolution and annexation,

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and 57077.5, relating to merger or establishment of a subsidiary district, the following protest thresholds shall apply:

- (a) In the case of inhabited territory, protests have been signed by either of the following:
- (1) At least 25 percent of the number of landowners within the affected territory who own at least 25 percent of the assessed value of land within the affected territory.
- (2) At least 25 percent of the voters entitled to vote as a result of residing within, or owning land within, the affected territory.
- (b) In the case of a landowner-voter district, that the territory is uninhabited and that protests have been signed by at least 25 percent of the number of landowners within the affected territory owning at least 25 percent of the assessed value of land within the affected territory.
- 57093. For proposals not initiated by the commission and where a subject agency has objected by resolution to the proposal, for purposes of Sections 57077.1, relating to dissolution, 57077.2, relating to consolidation, 57077.3, relating to reorganization, 57077.4, relating to dissolution and annexation, and 57077.5, relating to merger or establishment of a subsidiary district, the following protest thresholds shall apply:
- (a) In the case of inhabited territory, protests have been signed by either of the following:
- (1) At least 25 percent of the number of landowners within any subject agency within the affected territory who own at least 25 percent of the assessed value of land within the affected territory.
- (2) At least 25 percent of the voters entitled to vote as a result of residing within, or owning land within, any subject agency within the affected territory.
- (b) In the case of a landowner-voter district, that the territory is uninhabited and protests have been signed by at least 25 percent of the number of landowners within any subject agency within the affected territory, owning at least 25 percent of the assessed value of land within the subject agency.
- 57094. For purposes of Section 57077.6, relating to proposals initiated by the commission, the following protest thresholds shall apply:
- 38 (a) In the case of inhabited territory, protests have been signed by either of the following:

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(1) At least 10 percent of the number of landowners within any subject agency within the affected territory who own at least 10 percent of the assessed value of land within the territory. However, if the number of landowners within a subject agency is less than 300, the protests shall be signed by at least 25 percent of the landowners who own at least 25 percent of the assessed value of land within the affected territory of the subject agency.

- (2) At least 10 percent of the voters entitled to vote as a result of residing within, or owning land within, any subject agency within the affected territory. However, if the number of voters entitled to vote within a subject agency is less than 300, the protests shall be signed by at least 25 percent of the voters entitled to vote.
- (b) In the case of a landowner-voter district, the territory is uninhabited and protests have been signed by at least 10 percent of the number of landowners within any subject agency within the affected territory, who own at least 10 percent of the assessed value of land within the territory. However, if the number of landowners entitled to vote within a subject agency is less than 300, protests shall be signed by at least 25 percent of the landowners entitled to vote.
- SEC. 12. Section 57107 of the Government Code is repealed. 57107. (a) In any resolution ordering a merger or establishment of a subsidiary district, the commission shall approve the change of organization without an election except that if the change of organization meets the requirements of subdivision (b), the commission shall order the change of organization subject to confirmation of the voters.
- (b) The commission shall order the change of organization subject to confirmation of the voters within any subject agency as follows:
- (1) If the proposal was not initiated by the commission, and if a subject agency has not objected by resolution to the proposal, the commission has found that protests meet one of the following protest thresholds:
- (A) In the case of inhabited territory, protests have been signed by either of the following:
- (i) At least 25 percent of the number of landowners within the affected territory who own at least 25 percent of the assessed value of land within the territory.

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(ii) At least 25 percent of the voters entitled to vote as a result of residing within, or owning land within, the affected territory.

- (B) In the case of a landowner-voter district, that the territory is uninhabited and that protests have been signed by at least 25 percent of the number of landowners within the affected territory owning at least 25 percent of the assessed value of land within the territory.
- (2) If the proposal was not initiated by the commission, and if a subject agency has objected by resolution to the proposal, written protests have been submitted as follows:
- (A) In the case of inhabited territory, protests have been signed by either of the following:
- (i) At least 25 percent of the number of landowners within any subject agency within the affected territory who own at least 25 percent of the assessed value of land within the territory.
- (ii) At least 25 percent of the voters entitled to vote as a result of residing within, or owning land within, any subject agency within the affected territory.
- (B) In the case of a landowner-voter district, that the territory is uninhabited and protests have been signed by at least 25 percent of the number of landowners within any subject agency within the affected territory, owning at least 25 percent of the assessed value of land within the subject agency.
- (3) If the proposal was initiated by the commission, and regardless of whether a subject agency has objected to the proposal by resolution, written protests have been submitted that meet the requirements of Section 57113.
- (c) Notwithstanding subdivision (a) or (b), the commission shall not order the merger or establishment of a subsidiary district without the consent of the subject city.
 - SEC. 13. Section 57113 of the Government Code is repealed.
- 57113. Notwithstanding Section 57102, 57108, or 57111, for any proposal that was initiated by the commission pursuant to subdivision (a) of Section 56375, the commission shall forward the change of organization or reorganization for confirmation by the voters if the commission finds either of the following:
- (a) In the case of inhabited territory, protests have been signed by either of the following:
- (1) At least 10 percent of the number of landowners within any subject agency within the affected territory who own at least 10

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percent of the assessed value of land within the territory. However, if the number of landowners within a subject agency is less than 300, the protests shall be signed by at least 25 percent of the landowners who own at least 25 percent of the assessed value of land within the territory of the subject agency.

- (2) At least 10 percent of the voters entitled to vote as a result of residing within, or owning land within, any subject agency within the affected territory. However, if the number of voters entitled to vote within a subject agency is less than 300, the protests shall be signed by at least 25 percent of the voters entitled to vote.
- (b) In the case of a landowner-voter district, the territory is uninhabited and protests have been signed by at least 10 percent of the number of landowners within any subject agency within the affected territory, who own at least 10 percent of the assessed value of land within the territory. However, if the number of landowners entitled to vote within a subject agency is less than 300, protests shall be signed by at least 25 percent of the landowners entitled to vote.
- SEC. 14. Section 116687 of the Health and Safety Code is amended to read:
- 116687. (a) For purposes of this section, the following terms have the following meanings:
- (1) "District" means the Sativa-Los Angeles County Water District.
- (2) "Commission" means the Local Agency Formation Commission for the County of Los Angeles.
- (b) To provide affordable, safe drinking water to disadvantaged communities, the state board shall order the district to accept administrative and managerial services, including full management and control, from an administrator selected by the state board, as prescribed in Section 116686, except that the state board is not required to conduct a public meeting as described in paragraph (2) of subdivision (b) of Section 116686.
- (c) (1) Upon the appointment of an administrator, all of the following apply:
- (A) Notwithstanding Article 1 (commencing with Section 30500) of Chapter 1 of Part 3 of Division 12 of the Water Code, the district's board of directors shall surrender all control to the appointed administrator and shall thereafter cease to exist.

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(B) The members of the board of directors of the district shall have no standing to represent the district's ratepayers, and a member of the board of directors shall have no claim for benefits other than those the member actually received while a member of the board of directors.

- (C) Any action by the board of directors to divest the district of its assets shall be deemed tampering with a public water system pursuant to Section 116750 and is subject to the criminal penalties provided for in that section.
- (2) Within 90 days of the appointment of an administrator, the Controller shall perform a desk audit or financial review of the district. The state board shall exercise its legal authority to facilitate the desk audit or financial review, including, but not limited to, its authority to take possession of the district's financial records.
- (3) Any decision by the commission about the dissolution or consolidation of the district is not subject to the provisions of Section-57113 57077.6 of the Government Code, nor to any other requirement for a protest proceeding or election. The commission shall not impose any condition on the successor agency that requires a protest proceeding or an election, as described in Part 4 (commencing with Section 57000) and Part 5 (commencing with Section 57300) of Division 3 of Title 5 of the Government Code, respectively.
- (4) If the commission approves a dissolution of the district initiated by the commission, a successor agency designated in the dissolution by the commission, in consultation with the commission, may solicit proposals, evaluate submittals, and select any public water system to be the receiving water system and subsume all assets, liabilities, adjudicated water rights, responsibilities, and service obligations to provide retail water service to existing and future ratepayers within the former territory of the district. The successor agency shall represent the interests of the public and the ratepayers in the former territory of the district.
- (d) The state board may provide additional funding to the administrator or the Water Replenishment District of Southern California or the successor agency designated by the commission for urgent infrastructure repairs to the public water system of the district without regard to the future ownership of any facilities affected by this funding. For purposes of this section, "urgent

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infrastructure repairs" are those that are immediately necessary to protect the public health, safety, and welfare of those served by the district.

- (e) If the district is consolidated with a receiving water system as prescribed in Sections 116682 and 116684, the subsumed territory of the district may include both unincorporated territory of the County of Los Angeles and incorporated territory of the City of Compton.
- (f) (1) Any administrator appointed pursuant to subdivision (b), any successor agency to the district designated by the commission to take over the district, any receiving operator of a public water system that provides service to the territory of the district, any water corporation that acquires the district, and the commission shall not be held liable for claims by past or existing district ratepayers or those who consumed water provided through the district concerning the operation and supply of water from the district during the interim operation period specified in subdivision (g) for any good faith, reasonable effort using ordinary care to assume possession of the territory of, to operate, or to supply water to the ratepayers within the territory of, the district.
- (2) Any administrator appointed pursuant to subdivision (b), any successor agency to the district designated by the commission to take over the district, any receiving operator of a public water system that provides service to the territory of the district, any water corporation that acquires the district, and the commission shall not be held liable for claims by past or existing district ratepayers or those who consumed water provided through the district for any injury that occurred prior to the commencement of the interim operation period specified in subdivision (g).
- (g) (1) Notwithstanding subdivision (d) of Section 116684, for any successor agency to the district designated by the commission to take over the district, any receiving operator of a public water system that provides service to the territory of the district, or any water corporation that acquires the district, the interim operation period shall commence upon the execution of an agreement or designation by the commission to provide water services to the district and shall end one year later. Upon the showing of good cause, the interim operation period shall be extended by the commission for up to three successive one-year periods at the request of an entity described in this paragraph.

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1 (2) For the administrator appointed pursuant to subdivision (b),
2 the interim operation period commences upon being appointed by
3 the state board and ends when a successor agency has been
4 designated by the commission to provide water service to
5 ratepayers of the district, when a receiving water agency is
6 consolidated with or extends service to ratepayers of the district,
7 when a water corporation acquires the district with the approval
8 of the Public Utilities Commission, or when the administrator's
9 obligation to provide interim administrative and managerial
10 services has otherwise ended.

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PROTEST THRESHOLD RESOLUTION PROPOSAL (To be amended into SB 938)

PROCESS OUTLINE

PROCESS OUTLINE	Commission	
	Commission Proceedings	
	LAFCo Initiated Dissolution	
2	Current Process	Proposed Process
Step 1:	Commission adopts a resolution	Commission approves, adopts or
Resolution of application	of application for dissolution of	accepts the MSR and
	district (§ 56375(a)(2))	determinations in a 21-day
NEW Proposed process Step 1:		noticed public hearing.
Adoption/acceptance/approval		(6)
of MSR with any		(Changes to be made in 56375)
determinations described in		
the required conditions list.		
Step 2:		Should the determinations point
		to a condition described in the
NEW Doorses doorses store 2:		required conditions list, the
NEW Proposed process step 2:		LAFCo may also adopt a resolution of intent to initiate
Adopt resolution of intent to initiate dissolution.		
initiate dissolution.		dissolution of the district.
		Resolution must contain the
		prescribed remediation period
		(of not less than 12 months). This does not trigger the dissolution
		process. Instead, it gives the
		district the remediation period to
		resolve. This can be done at the
		same hearing, a separate 21-day
		noticed public hearing following
		the previous action, or at a later
		time.
Step 3:		Remediation period – district
Step 3.		takes steps to remedy
NEW Remediation Period Mid-		deficiencies in the time frame
Point Check-In		identified by commission.
- Child Children		, a continue a , a continue a c
		District provides LAFCo a
		progress report at the half-way
		point of the remediation period
		(as adopted in the resolution) at
		a regularly scheduled commission
		meeting.
Step 4:		Public Hearing – Commission
NEW Public Hearing to		holds 21-day noticed public
determine final action at end		hearing at the end of the
of remediation period		remediation period to determine

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		if district has remedied
		deficiencies.
		If district has resolved issues,
		commission rescinds the
		resolution of intent to dissolve
		the district and the matter is
		dropped.
		If not, commission adopts a
		resolution making
		determinations to dissolve the
		district
Step 5:	Reconsideration - Approval of	Same
3334 31	dissolution begins 30-day	
	reconsideration period (§	
	56895)	
Step 6:	Protest – Initiate protest	Same
Step 5.	proceedings (can be initiated	Same
	prior to end of reconsideration	
	period)	
Conducting Authority (Protest) Proce		edings
	Proposed Process	
Step 6:	Current Process Protest hearing is scheduled,	60 days only for these specific
Protest process	and public notice given. Public	instances. (All others remain at
Trotest process	notice begins protest period of	21-60 days.)
	21 to 60 days (§ 57002).	21 00 days.,
	Protest hearing must be held in	
	affected territory (§ 57008)	
Step 7:	Protest hearing is held and	Protest hearing is held and
Protest hearing	amount of qualified protests	amount of qualified protests
1 Total fical file	determined, pursuant to §	determined, pursuant to §
	57113 (10% threshold)	57077.1 (at 25% threshold)
Step 8:	Order dissolution, election, or	Same
Dissolution ordered	termination	Saine
טומטוענוטוו טועפופע	termination	

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REQUIRED CONDITIONS

If a final MSR approved by the Commission in an open and public meeting per the process above includes findings, based on a preponderance of the evidence, that one or more of the following conditions have been met, then the LAFCO may utilize a new LAFCO-initiated dissolution process with a 25 percent protest threshold:

- The agency has one or more documented chronic service provision deficiencies that substantially deviate from industry or trade association standards or other government regulations and its board or management is not actively engaged in efforts to remediate the documented service deficiencies.
- 2. The agency spent public funds in an unlawful or reckless manner inconsistent with the principal act or other statute governing the agency and has not taken any action to prevent similar future spending.
- 3. The agency has consistently shown willful neglect by failing to consistently adhere to the California Public Records Act and other public disclosure laws the agency is subject to.
- 4. The agency has failed to meet the minimum number of times required in its governing act in the prior calendar year and has taken no action to remediate the failures to meet to ensure future meetings are conducted on a timely basis.
- 5. The agency has consistently failed to perform timely audits in the prior three years, or failed to meet minimum financial requirements under Government Code section 26909 over the prior five years as an alternative to performing an audit, or the agency's recent annual audits show chronic issues with the agency's fiscal controls and the agency has taken no action to remediate the issues.

Last Updated: 12/2/21

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AGENDA REPORT March 10, 2022

Item No. 13a

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.

Ayn Wieskamp, Regular

Agenda nem 100. 13a

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

Annexation of West Jack London Boulevard | City of Livermore

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

Alternatives for Action

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 March 10, 2022 Item No. 13b

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.

- 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 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 completed two items on its 2021-2022 Workplan – its study on Measure D and a new LAFCO Agency logo. The Commission has initiated work on six of the twenty projects included in the adopted work plan. This includes progress on high-to-moderate-priority projects, such as the municipal service review (MSR) on Fire Protection and Emergency Medical Services, the LAFCO Review of the South Livermore Valley Area Specific Plan, Alameda County Resource Conservation District Municipal Service Review, SALC Grant Project, Local Agency Directory, and updating LAFCO's mapping requirements.

Alternatives for Action

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:

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

ALAMEDA LOCAL AGENCY FORMATION COMMISSION

STRATEGIC PLAN

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 servces

	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 intiatives with other agencies

Attachment 2

ALAMEDA LAFCO WORKPLAN | 2021-2022

Priority	Urgency	Туре	Status	Project	Key Issues
1	High	Statutory	Rollover	General MSR on Fire Protection and Emergency Services	Second MSR on Fire and Emergency Services sine 2006 Address Shared Opportunities
2	High	Administrative	Rollover	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
3	High	Statutory	New	Measure D Study	Review Impacts on Measure D and Provide Recommendations
4	High	Statutory	New	South Livermore Valley Area Specific Plan	Provide a LAFCO Update on Plan and Review Current Trends
5	High	Statutory	New	Community Services Municipal Service Review	Service Specific MSR Last MSR completed in 2013
6	High	Statutory	New	Alameda County Resource Conservation District Muncipal Service Review	MSR on resource conservation in Alameda County
7	High	Administrative	Rollover	2018-2021 Audits	Verify Fund Balance; Perform Regular Audits
8	Moderate	Administrative	New	Joint Workshops	Facilitate Joint Workshops with Other LAFCOs and Local Agencies
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	Moderate	Administrative	Rollover	LAFCO Presentations	Introductory Overview of LAFCO's Duties and Responsibilities to Boards, Councils, Community Groups
12	Moderate	Administrative	Rollover	LAFCO Agency Logo	Establish New Agency Logo for Branding (Website, Publications, etc.)
13	Moderate	Statutory	New	SALC Grant Award	Begin Two-Year Process on Grant Project
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 Remen Tract	Special Report on Service Delivery Feasability
17	Low	Administrative	Rollover	Host Alameda County Special District Association Meeting	Communicate LAFCO's Mission and Goals to the Community
18	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 236

19	Low	Administrative	Rollover	Local Agency Directory	User-Friendly Publication Identifying and Summarizing Local Government Agencies and Services in Alameda County
20	Low	Administrative	New	Social Media	Expand Alameda LAFCO's Social Media Presence

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AGENDA REPORT March 10, 2022 Item No. 13c

TO: Alameda Commissioners

FROM: Rachel Jones, Executive Officer

SUBJECT: 2020-2021 Strategic Plan Performance Review

The Alameda Local Agency Commission (LAFCO) will receive a report on its adopted *Strategic Plan* 2020-2021, and its performance on key goals and objectives for the two-year period.

Information

On December 16, 2019, the Commission adopted its Strategic Plan, which provides the foundation for the Commission's work plan through a set of core objectives and target outcomes with overarching themes identified as education, facilitation, and collaboration.

While successfully adapting to the changing priorities and challenges of this two-year period due to the ongoing Covid-19 pandemic and limited staffing resources to meet demands in parts of 2020 and 2021, the Commission completed many of its core objectives in each of its themes.

Discussion

As we finish the two-year period, it is time for reflection and see how aligned our organizational performance was with our stated objectives. As you will see in the attached dashboard review, each objective has been given a performance rating. A green block next to the objective indicates it was fully met, yellow indicates the objective was partially met, and red is an indication the objective was not met. In virtually every case where an objective was not met is related to either the pandemic or a lack of staffing resources.

Strategic Area 1 focuses on serving as a resource to the public and to local agencies to support orderly growth, and logical sustainable service provision. Alameda LAFCO has yet to create a definitive role in housing, however the majority of its target outcomes were met. One target outcome from this section is for LAFCO to understand local agriculture issues and then consider a study, which it has with its *Impacts on Measure D Study* and its *Review on the South Livermore Valley Area Specific Plan*.

Ralph Johnson, Regular

Strategic Area 2 encourages 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. LAFCO has yet to create a five-year island annexation plan and continues to review the financial constraints of agencies in its MSRs, but was able to process at least 5 change of organization proposals and another 5 out of area service agreements to indirectly support and regulate land uses.

Strategic Area 3 states that Alameda LAFCO should 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 the quality of life. While LAFCO was unable to conduct a joint workshop with other LAFCOs or create homelessness initiatives with other agencies, it is coordinating with other local agencies to determine high-need areas and is promoting inter-agency special projects and partnerships through its awarded Sustainable Agricultural Lands Conservation (SALC) Planning Grant for \$250,000 in partnership with the Alameda Resource Conservation District (ACRCD) to create a regional agricultural and open space repository for Alameda County.

Alternatives to Action

No formal action is required as part of this item. 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:

- 1. 2020-2021 Strategic Plan Performance Review
- 2. 2020-2021 Strategic Plan



2020-2021 STRATEGIC PLAN PERFORMANCE REVIEW

- Indicates the objective was fully met in 2020 2021
- Indicates the objective was partially met in 2020 2021
- Indicates the objective was not met in 2020 2021

STRATEGIC AREA 1

Serve as a resource to the public and to local agencies to support orderly growth and logical, sustainable service provision.

We will do this by engaging with the community through LAFCO outreach as well as presentations from outside stakeholders and local agencies to understand issues.

OBJECTIVES

1. Review growth boundaries and governance

A combination of studies that Alameda LAFCO has completed or is currently conducting to review governance options and each agency's jurisdictional boundary:

- Countywide Municipal Service Review on Water, Wastewater, Stormwater, and Flood Control Services
- LAFCO Review on the Impacts of Measure D
- South Livermore Valley Area Plan Study
- Countywide Fire Protection and Emergency Medical Services Municipal Service Review

2. Provide Presentations to City Councils, Special Districts, and the County on upcoming projects and LAFCO's role.

Staff gave over 13 presentations between the 2020-2021 period to City Councils, Special Districts and Alameda County committees that included LAFCO 101s, project updates, and an overview of growth management issues within the region.

Ralph Johnson, Regular

3. Understand local agriculture issues and then consider a study

Alameda LAFCO contracted with consultant Lamphier-Gregory to prepare a report on the agricultural and economic impacts of Ballot Measure D in the Tri-Valley region and an additional review on the South Livermore Valley Area Specific Plan.

4. Identify emerging issues, i.e. water treatment changes

At its November 18, 2021 special meeting, LAFCO completed its Countywide MSR on Water, Wastewater, Stormwater, and Flood Control Services with one of its recommendations requesting that LAFCO should create a Countywide Regional Water and Wastewater Committee that includes all affected agencies that provide such 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 is encouraged to also explore the costs and effectiveness of a regional desalination plant.

5. Educate the public on service costs

As mentioned above, Alameda LAFCO's Countywide Water, Wastewater, Stormwater, and Flood Control Services MSR presented the rates, connection fees, and service costs of agencies providing only these public utilities. LAFCO must conduct more reports to provide information on service costs for other municipal services.

6. Determine LAFCO's role in housing

Alameda LAFCO has not established its definitive role in housing.

STRATEGIC AREA 2

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.

Use LAFCO authority through municipal service reviews and change of organizations to promote change in the region aligned with its mission.

OBJECTIVES

1. Regulate land use through the extension of services

Alameda LAFCO processed 5 annexations, 5 out of area service agreements, and 1 sphere of influence amendment during the 2020-2021 period. LAFCO staff continues to review preliminary boundary and growth management questions from the public, special districts and cities.

2. Provide more guidance on regional issues

Alameda LAFCO continues to work with outside agencies such as Plan Bay Area to inform stakeholders about LAFCO's growth management duties and planning responsibilities to assist in creating a more comprehensive policy for the region that relates to sustainability, housing and transportation.

Staff has also spoken with the unincorporated communities such as the County's Unincorporated Services Committee and Agricultural Advisory Committee in response to their interest for additional service and infrastructure options.

3. Create a five-year island annexation plan

The five-year annexation plan has not been conducted.

4. Prepare a comprehensive study on climate change

As part of LAFCO's Countywide Water, Wastewater, Stormwater, and Flood Control Services MSR, the Commission included a section regarding climate change resiliency of all the affected agencies and reviewed each agency's climate change preparedness. Staff expects each future MSR to now incorporate a climate change section.

5. Encourage consolidations or review shared opportunities

The Commission reviewed and encouraged more shared opportunities amongst the agencies included in its Countywide Water, Wastewater, Stormwater, and Flood Control Services MSR.

6. Unfunded liabilities in services – do more to encourage future planning

In its 2021 Countywide MSR on Water, Wastewater, Stormwater, and Flood Control Services, LAFCO reviewed 22 of the 29 local public agencies operating in Alameda County and their financial constraints along with cost restructuring to plan for future services.

STRATEGIC AREA 3

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 the quality of life.

Always seek, determine, and question if any regional issues are opportunities for partnerships.

OBJECTIVES

7. Coordinate with other agencies to determine high-need areas (DUCs)

Alameda LAFCO was awarded the Sustainable Agricultural Lands Conservation (SALC) Planning Grant for \$250,000 in partnership with the Alameda Resource Conservation District (ACRCD) to identify and map priority sites for installation of urban gardens within infill development areas with specific focus on disadvantaged low-income and unincorporated communities within Alameda County.

8. Promote inter-agency special projects and partnerships

LAFCO's partnership with ACRCD for the SALC project will develop prioritization criteria to identify and map priority parcels of agricultural lands at risk of conversion to more intensive greenhouse gas emitting land uses in proximity to urban growth boundaries of cities and within unincorporated areas of Alameda County. The SALC project will also use ranking criteria identified from stakeholder outreach meetings from the County, cities, other regional organizations to draft comprehensive priority GIS maps.

9. Work with stakeholders to identify issues under LAFCO jurisdiction related to economic viability of agriculture

The Commission has included two special projects – Impacts of Measure D on Agriculture and the LAFCO Review of South Livermore Valley Area Specific Plan. Both special studies will examine the economic and open space needs of the Tri-Valley region and its surrounding areas and better understand any emerging trends that can affect LAFCO's agricultural and open space policies.

10. Establish policies and standards to address sustainability of adequate and reliable water supplies, including the use of recycled water

Please refer to Objective No. 4.

11. Conduct joint LAFCO workshops

Marin LAFCO was unable to host a joint workshop in April 2021 with Alameda LAFCO due to the specificity of their needs at that time.

12. Create homelessness initiatives with other agencies

Homeless initiatives with other agencies have not yet been conducted.

ALAMEDA LOCAL AGENCY FORMATION COMMISSION

STRATEGIC PLAN

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 servces

	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 intiatives with other agencies



February 23, 2022

Dear CALAFCO Membership:

We are two years into the pandemic and find ourselves still living in challenging times, dealing with the myriad of disruptive changes thrust upon us and our agencies as we deal with what seems to be a place of "permanent in-betweenness" caused by the pandemic.

As we planned our 2022 Staff Workshop in Newport Beach for March 23 - 25 this year, and time marched on, it became very clear with only five weeks until the Workshop that our registration numbers are at an all-time low, with less than half of our normal attendance. After hearing from many of you, we understand there is still hesitancy to travel and gather in large numbers due to lingering impacts of COVID-19 and financial and organizational changes to many LAFCos have resulted reduced training and travel in your budgets.

After careful thought and consideration, the CALAFCO Board unanimously decided to cancel this year's inperson Staff Workshop which was scheduled for March 23 - 25 in Newport Beach.

The Board conducted a special e-meeting on February 22, 2022, and after considering all the facts and options, they unanimously voted to cancel the in-person Workshop this year. This was a difficult decision as there are no clear good choices. Undoubtedly this thrice scheduled Workshop, with less than half the normal average attendance, is the anomaly due to the pandemic. The timing this year finds us in that suspended "in-between" space - between living with restrictions and the state opening up and life returning to some sense of "normalcy".

Several factors were considered in the decision including: (1) the current transition of Executive Directors and the unrealistic responsibility for the new Executive Director (who will have been in the role only 3 weeks before the start of the Workshop) to lead and execute a Workshop with very limited resources and very few in attendance; and (2) the preservation of the integrity of the Workshop experience. There is concern that holding an event with approx. 45 people (meaning a very small percentage of the total membership) presents a variety of challenges not the least of which is the inability to capitalize on the vast intellectual capacity of LAFCo staff statewide. We know you have come to expect a certain level of quality professional and social experience at our Workshops (and Conferences and CALAFCO U sessions), and it is difficult to see, in the current circumstances, how this can realistically and effectively be executed at that high-quality level, even though the program planning team has done an outstanding job creating a valuable program.

We thank those of you who registered or planned to register and attend the Workshop. We thank all of you who chose to sponsor this year's Workshop. We thank the amazing program planning team and all our speakers who were busy preparing and working on their presentations. As we take our mission seriously and the program planned was a good one, the program planning team's great work will not go idle. They've created a strong program and several of the planned sessions for the March Workshop are being placed into the Annual Conference program this October, while other sessions will be transitioned to webinars and offered via CALAFCO U over the course of the next several months, with a few other sessions being placed into the 2023 Workshop program.

So, what's next? Before the end of March 2022:

- Any registrations paid by check in 2020 and rolled over will be refunded in full. CALAFCO will mail a check directly to the LAFCo office associated with those registrations.
- > We will work with each of you to refund all registration payments made online in their entirety including the service fees.
- Any registrations received in the mail this year with a check, we will return the check. We will mail the check directly to the LAFCo office associated with those registrations.
- > We will also work with all our sponsors to do the same.
- > All hotel reservations at the Hyatt have been cancelled.
- ➤ We will celebrate CALAFCO's 50th + 1 this year at the Annual Conference
- ➤ Annual Conference is scheduled for October 19 21, 2022 at the Hyatt Regency Newport Beach John Wayne Airport

If you have any questions, please contact Executive Director Pamela Miller. You can reach her at pmiller@calafco.org. For questions about refunds, please contact our Administrator Jeni Tickler at jtickler@calafco.org.

On behalf of the Board, we thank you for your understanding, patience and support of the Association. We are proud to be of service to you, our members.

Yours sincerely,

Anita Paque Chair of the Board Pamela Miller Executive Director

CC: CALAFCO Board of Directors