SUMMARY ACTION MINUTES  
ALAMEDA LOCAL AGENCY FORMATION COMMISSION  
REGULAR MEETING  

Dublin San Ramon Services District Board Room, 7051 Dublin Blvd, Dublin, CA  

January 14, 2016

1. Call to Order and Pledge of Allegiance  
Chair Marchand called the meeting to order at 4:32 p.m. The Pledge of Allegiance was recited.

2. Roll Call.  
Roll was called. A quorum was present of the following commissioners:

**County Members:** Scott Haggerty (arrived 4:42 during item 5/6)  
**City Members:** John Marchand and Jerry Thorne  
**Special District Members:** Ayn Wieskamp, Ralph Johnson and alternate Georgean Vonheeder-Leopold  
**Public Members:** Sblend Sblendorio and alternate Tom Pico  

**Not Present:** Nate Miley, County Member; David Haubert, alternate City Member; and Wilma Chan, alternate County Member  

**Staff present:** Mona Palacios, Executive Officer; Andrew Massey, Legal Counsel, Nat Taylor, Planner, and Sandy Hou, Clerk

3. Public Comment  
Commission Chair Marchand invited members in the audience to address the Commission on any matter not listed on the agenda and within the jurisdiction of the Commission. There were no comments.

4. Approval/Correction of Minutes – November 12, 2015  
Upon motion by Commissioner Thorne, second by Commissioner Wieskamp, the minutes of the November 12, 2015 meeting were approved.

**AYES:** 5 (Johnson, Marchand, Sblendorio, Thorne, Wieskamp)  
**NOES:** 0  
**ABSENT:** 1 (Haggerty, Miley)  
**ABSTAIN:** 0

Upon recommendation by Chair Marchand, the following two items (items 5 and 6) were considered together.

5. City of Pleasanton Out-of-Area Service Agreement: Boggs/Jung  
Application filed by the City of Pleasanton to provide sewer and water services to property located at 753 Sycamore Road in the Happy Valley area of unincorporated Alameda County.

6. City of Pleasanton Out-of-Area Service Agreement: Navai  
Application filed by the City of Pleasanton to provide sewer and water services to property located at Assessor Parcel Number 949-7-16-2 on Sycamore Road in the Happy Valley area of unincorporated Alameda County.

Staff provided a summary of the written reports for both proposals and recommended approval.

Commission Discussion:  
Responding to a question from Commissioner Sblendorio, staff clarified that the a threat to public health or safety, the area proposed to be served
must be both outside the service provider’s boundary and outside the provider’s sphere of influence (SOI) as well, and that such was not the case with these two proposals, both of which were outside the city of Pleasanton’s boundary, but within its SOI.

In response to another question from Commissioner Sblendorio, staff noted that 15 properties in the Happy Valley area have signed out-of-area service agreements, 28 service connections have been identified and there are 122 parcels.

Commissioner Thorne informed the Commission that Pleasanton had waived its processing fees for these proposals, as had been recommended by LAFCo.

There was discussion, initiated by Commissioner Pico, concerning the importance of ensuring that future owners of these properties and other such properties involved in OASAs be made aware of the existence of the signed service agreement and understand that it requires that they would support annexation should it be proposed. He said he would like to see it on the deed itself and that it would show up on a title report. Larissa Seto from the City of Pleasanton explained that when the city council approves the out-of-area service agreement, it is recorded against the property which serves as a legal notice to the property owner.

Commissioner Pico wanted to know how it could be ensured that, in the event of an annexation proposal going to a vote, these property owners would vote for annexation, in light of the fact that voting is confidential. Would their votes be automatically cast as a positive for annexation? The Commission requested Counsel to research and report back what the Cortese-Knox-Hertzberg Act says about counting votes from property owners that have signed pre-annexation agreements that require annexation if the city requests it.

Commissioner Haggerty expressed his dissatisfaction with the “piecemeal” approach that the Commission was taking in approving OASAs in the Happy Valley area.

**MOTION:**
Upon motion by Commissioner Sblendorio and second by Commissioner Wieskamp, the Commission approved both proposals.

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<th>AYES</th>
<th>6 (Haggerty, Johnson, Marchand, Sblendorio, Thorne, Wieskamp)</th>
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<tbody>
<tr>
<td>NOES</td>
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<tr>
<td>ABSENT</td>
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Following further discussion initiated by Commissioner Haggerty, the Commission directed staff to request the City of Pleasanton to come to the March LAFCo meeting to provide an update on Pleasanton’s study concerning the provision of water and sewer services to residents in the Happy Valley area and to also report on what conditions the city would require to consider annexation of the area.

7. **City of Hayward Out-of-Area Service Agreement: Kahlon**

Staff provided a summary of the written report regarding this application filed by the City of Hayward to provide water services to property located at 26526 Fairview Avenue in the Fairview area of unincorporated Alameda County, and recommended approval.

**Commission Discussion:**
Commissioner Sblendorio inquired about whether the subject out-of-area service agreement was connected to a main that served other properties further away from Hayward, essentially “filling in the dots.” Hayward staff confirmed that was the case.

Commissioner Marchand asked about whether there are properties in the area served by wells or if they are all on city water. Hayward staff responded he believed the majority were on city water.
MOTION:
Upon motion by Commissioner Thorne and second by Commissioner Haggerty, the Commission approved the proposal.

AYES: 6 (Haggerty, Johnson, Marchand, Sblendorio, Thorne, Wieskamp)
NOES: 0
ABSENT: 1 (Miley)
ABSTAIN: 0

8. Fairview Fire Protection District Follow up: Information Request

This was a request from staff that the Commission consider making an information request of the Fairview Fire Protection District (FFPD) to support sphere of influence determinations that the Commission will consider at its May 12, 2016 meeting. Staff provided a summary of the written report, highlighting that the District experienced significant governance and operational challenges, including the November 12, 2015 resignation of another board member resulting in the Board’s inability to reach a quorum. The request to the District would be regarding Board member absences and vacancies, conducting the District’s business, and Brown Act compliance among other issues. She further noted that she had received, just the day before, two emails from Ms. Carden-Ortiz, a previous FFPD board member regarding information she wished to share concerning the District and that copies were provided to the Commissioners as handouts at the meeting today. She asked if the list of possible questions provided in the staff report was adequate or if they desired changes.

Commission Discussion:
Chair Marchand expressed support of sending the request with a recommendation that identifying the website provider be an additional question added to the list. He suggested that the Commission’s FFPD ad hoc committee also be asked if they had any questions they would like to be included.

Commissioner Haggerty expressed that, in his opinion, the District should not exist, that the Fairview residents would be better served by having fire services provided by Hayward or by the County or a combination of both. He noted this was a long standing issue that has been discussed for many years now and that he would like to see it resolved, and that it’s important at times to take a stand for the best interest of residents, even if it is difficult and met with opposition. He also wondered if they should wait to consider the sphere of influence until it’s known if the Grand Jury will be looking into possible Brown Act violations by the District. Counsel clarified that the Grand Jury has authority to look into Brown Act violations. Commissioner Marchand said he agreed that the District should not exist. Commissioner Vonheeder-Leopold said that she felt any meeting that the Commission might have with the County and Hayward Fire departments should include the District, that it would be inappropriate to not include them. After further discussion, the Commission agreed to authorize staff to send the request for additional information.

MOTION:
Upon motion by Commissioner Marchand and second by Commissioner Wieskamp, the Commission approved sending the request for information to the Fairview Fire Protection District (FFPD) as drafted, with one additional request to identify the District’s website services provider, plus any additional questions that the LAFCo FFPD ad hoc committee might suggest.

AYES: 6 (Haggerty, Johnson, Marchand, Sblendorio, Thorne, Wieskamp)
NOES: 0
ABSENT: 1 (Miley)
ABSTAIN: 0

9. Presentation on Countywide Storm Water Services

In her introductory remarks, staff noted that the Alameda Countywide Clean Water Program protects creeks, wetlands and the San Francisco Bay by educating the public about reducing storm water pollution and
pollution prevention programs. Program Manager James Scanlin then provided an overview of the Clean Water Program. Following his presentation, Mr. Scanlin responded to various questions from the Commission.

10. Policy and Budget Committee Recommendations

Staff provided a summary of the written report, noting that the Commission's Policy and Budget Committee was recommending changes to the sphere of influence (SOI) policies of the Commission in order to make the policies more user friendly, reduce the amount of repetition of state law, and to clarify the impact of local circumstances and conditions on the decisions made by Alameda LAFCo. She went over the proposed changes listed in the written report. Committee member Marchand added further explanation concerning some of the proposed changes.

Commission Discussion:
Commissioner Sbjendorio had questions/comments/recommendations about several of the proposed changes. Commissioner Haggerty also had some concerns and expressed that he was unwilling to consider the policy revisions without seeing the out-of-area service agreement policies. The Commission agreed that they wanted to consider all policy change recommendations at one time.

11. First Modification to Memorandum of Understanding (MOU) with Alameda County Related to Implementation of an Electronic Document Storage and Management System

Staff gave a summary of the written report, noting that this was a request for the Commission to approve an amendment to the memorandum of understanding with Alameda County to include development and implementation of an electronic document storage and management system by the Alameda County Information Technology Department. The proposed system will allow LAFCo to scan and index documents so that stored records are searchable and can be retrieved more easily, enabling staff to respond more efficiently to requests for information. Staff also noted that funds are available in the current budget to cover the costs of implementing the system.

MOTION:
Upon motion by Commissioner Sbjendorio and second by Commissioner Wieskamp, the Commission approved the amendment to its MOU with Alameda County.

AYES: 6 (Haggerty, Johnson, Marchand, Sbjendorio, Thorne, Wieskamp)
NOES: 0
ABSENT: 1 (Miley)
ABSTAIN: 0


Staff provided a summary of the written report. She noted that due to a delay in billing and processing of prior year legal expenses, staff was working with the County Auditor's Office to process those expenses in the current fiscal year, and that should any budget modification be required, staff would bring that request to the Commission for approval at the March meeting. She further explained that those legal expenses are related to the Castro Valley Sanitary District annexation, and that staff was putting together an invoice for all processing costs. If the initial application fee did not cover all costs, LAFCo would bill the County.

MOTION:
Upon motion by Commissioner Wieskamp and second by Commissioner Sbjendorio, the Commission approved receiving and filing the report.

AYES: 6 (Haggerty, Johnson, Marchand, Sbjendorio, Thorne, Wieskamp)
NOES: 0
ABSENT: 1 (Miley)
ABSTAIN: 0
13. **Matters Initiated by Members of the Commission**

14. **Informational Items** – Discussion, if any, or further information is noted after the item.

   a. CALAFCO Update

      • Board of Directors

      Staff reported that Commissioners Sblendorio and Marchand had attended the November CALAFCO board meeting in Sacramento, and that Commissioner Marchand was appointed to the nomination committee and Commissioner Sblendorio to the legislative committee as the coastal region alternate. The first in-person legislative committee meeting was in Sacramento in December; the next one will be in January in San Diego. Staff noted also that Commissioner Sblendorio was appointed as the 2016 CALAFCO Annual Conference chairperson.

      • Legislative Update

   b. Application/Project Update

      Staff asked the Commission what their noticing preference would be for the City of Pleasanton’s application for the unapproved service connections that includes connections in the Happy Valley area, noting that the Commission had previously directed staff to provide notice to each property owner in Happy Valley when there is something on the agenda pertaining to that area, but that for this application it could possibly be confusing because the properties are already connected, so the Commission would be considering retroactively approving. Following discussion, the Commission recommended noticing widely, with the wording clearly explaining that the action being considered is for retroactive approval and not annexation.

   c. Clarification of LAFCo’s authority to apply Government Code Sections 56824.12 and 56824.14 to direct injection of reverse osmosis treated wastewater into a groundwater basin and the proposed expansion of the State of California’s Carnegie State Vehicular Recreation Area

   d. Commissioners with terms ending May 2016:

      1. John Marchand
      2. Ralph Johnson
      3. Tom Pico

   e. 2016 CALAFCO Staff Workshop March 30 – April 1, 2016 in Universal City

   f. 2016 Annual Conference October 26 – 28, 2016 in Santa Barbara

12. **Adjournment of Regular Meeting**

    The meeting was adjourned at 6:08 p.m.

13. **Next Meeting of the Commission**

    Thursday, March 10, 2016 at 4:30 p.m.

Respectfully submitted,

Sandy Hou, Commission Clerk

These minutes were approved by the Commission on March 10, 2016.

Attest: Mona Palacios, LAFCo Executive Officer

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