

**SUMMARY ACTION MINUTES**  
**ALAMEDA LOCAL AGENCY FORMATION COMMISSION**  
**REGULAR MEETING**

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

**September 8, 2016**

**1. Call to Order and Pledge of Allegiance**

Chair Marchand called the meeting to order at 2:01 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 2:30, item 8) and Nate Miley (arrived 2:30, item 8)

City Members: John Marchand, Jerry Thorne and alternate David Haubert

Special District Members: Ayn Wieskamp, Ralph Johnson and alternate Georgean Vonheeder-Leopold

Public Members: Sblend Sblendorio

Not Present: Tom Pico, alternate Public 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**

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 – July 14, 2016**

Upon motion by Commissioner Wieskamp and second by Commissioner Thorne, the minutes of the July 14, 2016 meeting were approved.

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

NOES: 0

ABSENT: 2 (Haggerty, Miley)

ABSTAIN: 0

**5. East Bay Municipal Utility District Larabell Annexation**

Staff provided summary remarks of the staff report concerning this application by the property owner to annex a portion of her property – 2800 square feet – to the East Bay Municipal Utility District (EBMUD) for the purpose of obtaining water service.

Following staff's remarks, upon motion by Commissioner Thorne, second by Commissioner Sblendorio, the annexation was approved.

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

NOES: 0

ABSENT: 2 (Haggerty, Miley)

ABSTAIN: 0

**6. East Bay Municipal Utility District Morris Annexation**

A summary of the written report was provided by staff concerning this application by property owners Mr. and Mrs. Morris to annex their 40 acre parcel to EBMUD for the purpose of obtaining a valid water service connection to serve the existing structures on the property.

Following staff's remarks, upon motion by Commissioner Wieskamp, second by Commissioner Johnson, the annexation was approved.

AYES: 5 (Johnson, Marchand, Sblendorio, Thorne, Wieskamp)  
NOES: 0  
ABSENT: 2 (Haggerty, Miley)  
ABSTAIN: 0

**7. Reconsideration of Pleasanton Out-of-Area Service Agreement Retroactive Approval from July 14, 2016**

Staff gave a summary of the written report, noting that the Commission, at its July 14, 2016 meeting, had partially and conditionally approved Pleasanton's application for retroactive approval of water and sewer service extensions to properties outside city limits in the Happy Valley and West of Foothill/Sunol unincorporated areas. Subsequently, Commissioner Sblendorio had a conversation with legal counsel resulting in Commissioner Sblendorio's request that the Commission reconsider the condition they had approved at the July 14<sup>th</sup> meeting. Prior to reconsideration, staff advised the Commission to suspend the reconsideration rule in Rosenberg's Rules of Order that states that a motion to reconsider be made at the meeting where the item was first voted upon.

Upon motion by Commissioner Wieskamp, second by Ralph Johnson, the Commission approved suspending the reconsideration rule in Rosenberg's Rules of Order.

AYES: 5 (Johnson, Marchand, Sblendorio, Thorne, Wieskamp)  
NOES: 0  
ABSENT: 2 (Haggerty, Miley)  
ABSTAIN: 0

Legal Counsel then explained the concerns he had with the condition the Commission approved at its July 14<sup>th</sup> meeting for the out-of-area service agreements that are outside the city's sphere of influence (SOI) in the West of Foothill/Sunol Areas, namely, that 1) the condition regulates property development because it conditions the issuance of any kind of development requiring a building permit to require the property owner to sign a pre-annexation agreement with the City of Pleasanton, which is a problem because the Commission is prohibited by CKH Act from imposing conditions that regulate land use, property development, and subdivision requirements and 2) it would be illogical for the Commission to require a pre-annexation agreement for those properties outside the city's SOI when it has already decided, through establishing the SOI, that such properties should not be annexed into the city.

After offering brief comments, Commissioner Sblendorio motioned to remove the condition from the previous motion and replace it with a recommendation that the City of Pleasanton encourage owners of those properties in the West of Foothill/Sunol areas to sign pre-annexation agreements from property owners at the time that those properties are added to Pleasanton's sphere of influence. Motion seconded by Commissioner Thorne and passed.

AYES: 5 (Johnson, Marchand, Sblendorio, Thorne, Wieskamp)  
NOES: 0  
ABSENT: 2 (Haggerty, Miley)  
ABSTAIN: 0

## 8. Health Care Services in Alameda County – Presentation

Staff introduced Rebecca Gebhart, Interim Director of the Alameda County Health Care Services Agency, and noted that the agency's mission is to provide fully integrated health care services through a comprehensive network of public and private partnerships to ensure optimal health and well-being while respecting the diversity of all residents.

Ms. Gebhart, using PowerPoint slides, provided an informative overview of the healthcare system in Alameda County with a focus on safety net services. During her discussion of slide 13 (Inpatient Visit Payer Source: Alameda County Acute Care Facilities, 2014) Ms. Gebhart remarked that the 2015 data was not yet available, but that when it became available, she could share the information with the Commission.

After her presentation, Ms. Gebhart responded to various questions/comments from the Commission. In reply to a question from Commissioner Sblendorio concerning the reason for the omission of the VA on slide 13, she noted that was because the VA (in Alameda County) is outpatient only and slide 13 indicated inpatient providers. Commissioner Wieskamp noted that ValleyCare Hospital is now called Stanford ValleyCare Hospital. Commissioner Johnson inquired if there were other hospitals besides Alta Bates that may have to close due to seismic deficiencies. Ms. Gebhart responded that St. Rose Hospital will be out of compliance in 2030 and that she didn't see any action being taken to get them into compliance. Terry Lightfoot, Director of Government Relations for Alameda Health System, was present and added that San Leandro Hospital is in seismic compliance, but that the Rehab Center at Fairmont Hospital in San Leandro is out of compliance. Commissioner Wieskamp stated that she would like to see the update to slide 13 when the information is available. LAFCo Staff noted that Ms. Gebhart's presentation would be posted on the LAFCo website and slide 13 updated when available. Mr. Lightfoot responded to Commissioner Wieskamp's question concerning what ambulatory wellness centers are by explaining that acute care is inpatient hospital care whereas ambulatory care is for outpatient primary care. He noted that they would be putting focus on ambulatory care services, as that is where preventive services are provided.

Staff and the Commission thanked Ms. Gebhart for her presentation.

## 9. Eden Township Healthcare District Special Study Update

Staff provided summary remarks of the staff report, noting that the Commission, at its July 14<sup>th</sup> meeting, had approved the city of Hayward's request for LAFCo to conduct a special study of the Eden Township Healthcare District (ETHD), and had authorized staff to enter into a contract with Berkson Associates to conduct the study. She noted the report provided a summary of the steps taken to date regarding the special study, including that the consultant had begun work on the study. Staff requested direction concerning the suggestion discussed at the July meeting to ask other interested parties such as the cities of Hayward and San Leandro, Alameda County, and ETHD to help pay for the study. After noting that AB 2471, Assembly Member Quirk's legislation concerning the district, died on the Senate Floor on August 31, she requested that the Commission consider possible dates and times to hold public meetings requested by the Commission to obtain feedback from the district's constituents.

There was a lengthy discussion among the commission concerning the best way to obtain input from the community concerning the district.

### Public Comment

- Pauline Cutter, Mayor of San Leandro, said that her city is willing to pay its fair share for the cost of the study, if the cost is split up among the interested parties; expressed that 80% of the district's constituents are unaware of what the district does; and agreed to host a meeting in San Leandro.
- Tom Lorentzen, Board Member of ETHD, said that he thought LAFCo had done a good job in its most recent Municipal Service Review of the district and urged the Commission to not let the process get

politicized. He further stated that the district is heading in the direction of inspiring better health outcomes.

Further discussion among the Commissioners resulted in agreement to hold three special meetings: in cooperation and separately with San Leandro and Hayward, perhaps in conjunction with their City Council meetings, and in Castro Valley in conjunction with the Castro Valley Municipal Advisory Council (CV MAC). The meetings should be widely noticed, and the consultant conducting the special study of the district should attend the meetings to help inform the study. Staff was also directed to send a letter to the affected agencies (cities of Hayward and San Leandro, the County, and the district) requesting that they share the cost of the study.

#### **10. Response to the Alameda County Grand Jury Final Report 2015-2016**

Staff provided a summary of the written report, noting that the draft response was based on input the Commission provided at their July 14, 2016 meeting as follows:

- Disagree with Finding 16-22 concerning oversight of the Eden Township Healthcare District since LAFCo's oversight of local agencies primarily rests with the adoption of a sphere of influence and conducting periodic municipal service reviews (MSRs);
- State that Recommendation 16-16 has been implemented via the MSR conducted of the District in 2013;
- State that Recommendation 16-17 will not be implemented because the recommendation suggests that LAFCOs provide greater scrutiny and oversight of the district, which the Commission considers unwarranted and unreasonable;
- State that Recommendation 16-18 is being implemented because LAFCo is currently conducting a special study of the district.

Following staff's comments, Commissioner Haubert recommended some stylistic changes in the response.

Commissioner Haggerty motioned to approve the response as drafted by staff, with the formatting changes recommended by Commissioner Haubert; seconded by Commissioner Wieskamp. Motion passed.

AYES: 5 (Johnson, Marchand, Sblendorio, Thorne, Wieskamp)  
NOES: 0  
ABSENT: 0  
ABSTAIN: 0

#### **11. 2017 Commission Meeting Schedule**

Staff suggested that the Commission consider an alternate date for the September 2017 meeting, since September 14<sup>th</sup> (the second Thursday) would conflict with the 2017 League of California Cities annual conference. Commissioners Marchand and Thorne requested the September 14<sup>th</sup> date be changed to the following Thursday, i.e., September 21<sup>st</sup>.

Upon motion by Commissioner Sblendorio and second by Commissioner Thorne, the following dates were unanimously approved for Commission meetings in 2017:

January 12, March 9, May 11, July 13, September 21, and November 9.

AYES: 7 (Haggerty, Johnson, Marchand, Miley, Sblendorio, Thorne, Wieskamp)  
NOES: 0  
ABSENT: 0  
ABSTAIN: 0

The meetings will continue to be held at 2:00 pm at the same location – Dublin San Ramon Services District board room in Dublin.

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

There were none.

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

- a. CALAFCO Legislative Committee Update
- b. CALAFCO Board of Directors update – verbal report
- c. CALAFCO Little Hoover Commission Testimony – August 25, 2016
- d. Application/Project Update
- e. 2016 Annual Conference October 26 – 28, 2016 in Santa Barbara

*The following Commissioners confirmed that they would be attending the conference: Johnson, Marchand, Sblendorio, and Vonheeder-Leopold*

**13. Adjournment of Regular Meeting**

The meeting was adjourned at 3:39 p.m.

**14. Next Meeting of the Commission**

**Thursday, November 10, 2016 at 2:00 p.m.**

Respectfully submitted,



Sandy Hou, Commission Clerk

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

Attest:



Mona Palacios, LAFCo Executive Officer