

**ALAMEDA LOCAL AGENCY FORMATION COMMISSION
RESOLUTION NO. 2013-09**

**Adopting Municipal Service Review Determinations, Sphere of Influence Determinations, and
Updating the Sphere of Influence for the East Bay Regional Park District**

WHEREAS, Government Code Section 56425 et seq. requires the Local Agency Formation Commission (LAFCo) to develop and determine the sphere of influence (SOI) of each local governmental agency under LAFCo jurisdiction within the County; and

WHEREAS, Government Code Section 56425(g) requires that LAFCo review and update adopted SOI boundaries, as necessary, not less than once every five years; and

WHEREAS, Government Code Section 56430 requires that a municipal services review (MSR) be conducted prior to or in conjunction with a SOI update; and

WHEREAS, LAFCo conducted a municipal services review of the services provided by the East Bay Regional Park District (EBRPD); and

WHEREAS, EBRPD is a multi-county district that provides regional park services within Alameda and Contra Costa Counties; and

WHEREAS, Government Code Section 56066 defines the principal county for purposes of determining which LAFCo shall establish and update the SOI for a multi-county district; and

WHEREAS, Alameda County has the greatest proportion of assessed property value for the EBRPD; and

WHEREAS, the EBRPD has an SOI coterminous with the District's jurisdictional boundary in both Alameda and Contra Costa Counties; and

WHEREAS, no change in regulation, land use or development will occur as a result of updating the EBRPD SOI; and

WHEREAS, in the form and manner prescribed by law, the Executive Officer has given notice of a public hearing by this Commission regarding the SOI update action; and

WHEREAS, the MSR determinations, the SOI determinations and the SOI update was duly considered at a public hearing held on July 11, 2013; and

WHEREAS, the Alameda LAFCo heard and received all oral and written protests, objections and evidence that were made, presented or filed, and all persons present were given an opportunity to appear and be heard with respect to any matter pertaining to said action.

NOW, THEREFORE, BE IT RESOLVED, DETERMINED AND ORDERED that the Alameda LAFCo hereby:

1. Adopt the following MSR determinations:
 - a. *Growth and Population Projections*
 - i. East Bay Regional Park District's (EBRPD) population in 2010 as determined by GIS analysis of census data was 2,559,000.

- ii. Based on Association of Bay Area Governments (ABAG) growth projections and EBRPD's estimated 2010 Census population, the population of the area within EBRPD area is anticipated to reach 3,289,200 by 2035.
 - iii. EBRPD anticipates continued increasing population growth concentrated within development corridors per the Metropolitan Transportation Commission/ABAG Plan Bay Area.
- b. Location and Characteristics of Any Disadvantaged Unincorporated Communities Within or Contiguous to the Sphere of Influence
- i. Based on Census Designated Places, Alameda LAFCo determines that there are no disadvantaged unincorporated communities within Alameda County that meet the basic state-mandated criteria. Alameda LAFCo recognizes, however, that there are communities in the County that experience disparities related to socio-economic, health, and crime issues, but the subject of this review is municipal services such as water, sewer, and fire protection services to which these communities, for the most part, have access.
 - ii. Any disadvantaged unincorporated communities within the District's bounds in Contra Costa County would need to be identified pursuant to that LAFCo's policies in a future service review.
- c. Present and Planned Capacity of Public Facilities and Adequacy of Public Services, Including Infrastructure Needs and Deficiencies
- i. The National Recreation and Park Association (NRPA) recommends that a municipal park system be composed of at least 6.25 to 10.5 acres of developed open space per 1,000 residents. Total park acreage per 1,000 residents for the districtwide municipal park system in EBRPD is 43.7, which greatly exceeds the above mentioned service standards.
 - ii. Concerning water services, since 2002, EBRPD has had no monitoring or health violations.
 - iii. Between the time period January 1, 2007 and June 1, 2012, EBRPD's districtwide wastewater service had one recorded permit violation and has been issued one enforcement order; EBRPD reported two overflows during the period from January 1, 2008 thru June 1, 2012 throughout its boundaries.
 - iv. EBRPD Fire Department and Police Departments have satisfactory response times throughout the District's service area, considering the vast geography covered.
 - v. EBRPD will need to invest in and develop new parks and facilities, water and wastewater infrastructure, fire and police infrastructure and services in the future in order to meet the anticipated demand for services of the growing population in both Alameda and Contra Costa Counties.
 - vi. EBRPD staff have identified and reported infrastructure needs and potential improvements at all of the District's facilities, which can be found in in the respective sections for each service provided.
- d. Financial Ability of Agency to Provide Services
- i. EBRPD reported that current financial levels are inadequate to deliver services at a per-resident level, similar to the level of service provided in prior years. EBRPD noted that property tax revenues districtwide have fallen, while demand for services and cost of materials and utilities have all increased, forcing the District to make cost reductions. The District has made efforts to continue to operate with a surplus and not rely on reserve funds.
- e. Status and Opportunities for Shared Facilities
- i. EBRPD recreation and park services has a number of shared facilities and agreements within the District, including a tax sharing agreement with Livermore Area Recreation and Park District.
 - ii. The District identified working with the City of Concord and the National Park Service in Contra Costa County to acquire, restore and develop parkland at the former Concord Naval Weapons Station as an opportunity for collaboration.
 - iii. EBRPD does not participate in facility sharing practices with regard to water services.

- iv. EBRPD and Union Sanitary District (USD) jointly handle water sampling and decisions about the amount of flow discharged by USD into the man-made marsh at Hayward Shoreline Regional Park. EBRPD also discharges wastewater to other facilities for treatment.
 - v. EBRPD Fire Department engages in a number of shared facilities and regional collaboration efforts throughout the District's service area as seen in the associated section.
 - vi. EBRPD Police Department has policing agreements to serve park areas in McLaughlin Eastshore State Park, in the cities of Emeryville, Berkeley, Pleasanton and Alameda. EBRPD serves by contract non-park lands for EBMUD and for the San Francisco Water Department in the Sunol wilderness area. EBRPD police helicopters also frequently assist any police or fire agency requesting mutual aid in either county served. The Police Department is a part of the East Bay Regional Communications System Authority.
- f. Accountability for Community Services, Including Governmental Structure and Operational Efficiencies
- i. EBRPD practices good governance and accountability. EBRPD makes efforts to engage constituents through outreach activities in addition to legally required activities such as agenda posting and public meetings. EBRPD has a defined complaint process designed to handle all issues to resolution. EBRPD is transparent as indicated by cooperation with the MSR process and information disclosure.
 - ii. It appears that EBRPD currently has an effective and sound governmental structure as well as operational efficiencies.
 - iii. A customer survey to assess satisfaction and guide park planning efforts was conducted in 2011.
2. Retain the SOI for the East Bay Regional Park District which is coterminous with its jurisdictional boundary that covers all of Alameda and Contra Costa Counties as generally depicted in Exhibit A attached hereto.
3. Consider the criteria set forth in Government Code Section 56425(e) and determine as follows:
- a. *The present and planned land uses in the area, including agricultural and open-space lands* – EBRPD's boundary area is approximately 1,457.6 square miles. EBRPD is not a land use authority, and does not hold primary responsibility for implementing growth strategies. EBRPD bounds encompass a wide variety of land uses (all designated land uses within Alameda and Contra Costa Counties); however, in the District's 65 regional parks the primary land use is open space, recreation and natural resource management.

In the unincorporated, less developed areas of Alameda County, land is generally designated as large parcel agriculture. This designation permits only agricultural uses and recreation or open space uses. Similarly, in Contra Costa County, a large majority of the less developed unincorporated areas are designated for agricultural or park and recreation uses.

- b. *The present and probable need for public facilities and services in the area* – Results of the 2011 community survey, the number and size of EBRPD's parks and facilities, and review of water, wastewater, fire and police services provided indicate an existing demand for the services provided by EBRPD throughout its boundaries.

Based on current demand and anticipated population growth, it is concluded there will be continued future demand for EBRPD parks, facilities and services.

- c. *The present capacity of public facilities and adequacy of public services that the agency provides or is authorized to provide* – EBRPD owns and/or maintains 112,000 acres of parks, facilities and open spaces equaling over 43.7 acres per 1,000 residents districtwide for the

municipal park system. This exceeds service guidelines. The District does not adopt its own criteria with regard to a minimum park acreage per capita to be maintained.

Water and wastewater services are sufficient based on the demand and service adequacy standards analyzed as part of this review.

EBRPD Fire and Police Departments have satisfactory capacity though the District identified some facilities as being in poor or fair condition. Emergency response times are above average and staffing levels are generally low. Both departments rely on agreements and relationships with other service providers to adequately provide fire and police services to the constituents in EBRPD.

- d. *The existence of any social or economic communities of interest in the area* – The residents of Alameda and Contra Costa Counties and the cities within those counties are considered the primary communities of interest, which make use of the parks and facilities owned and/or operated by EBRPD and the related water, wastewater, fire and police services. The residents and property owners of the area pay taxes and fees for the operation of the services provided by EBRPD and thus have an interest in the District's functions and activities.
- e. *Nature, location, extent, functions & classes of services to be provided* – EBRPD maintains and operates regional parks, shorelines, trails, recreational areas, rental facilities, and golf courses. EBRPD provides recreational programs at its facilities including fishing, boating, swimming, camping, golf, hiking, arts and craft activities, and environmental education activities. EBRPD provides maintenance of its natural areas, park areas, trees, landscaping, buildings, and other structures at the District's park sites and facilities.

EBRPD provides water services for the following uses: drinking water, irrigation, livestock watering and domestic use at park facilities. Maintenance services include well and plumbing maintenance. EBRPD also monitors groundwater and surface sources for water quality.

EBRPD provides wastewater service to its regional parks in the form of septic system maintenance, operation of wastewater treatment ponds at Del Valle Regional Park, the provision of vault and chemical toilets and maintenance services. EBRPD relies on septic systems at some park facilities, and on central treatment systems (operated by other agencies) at other park facilities.

EBRPD provides fire protection services to the regional parks within Contra Costa and Alameda Counties. The fire services provided by EBRPD include fire prevention and suppression, emergency medical services (EMS), lifeguard services, response and management of hazardous materials incidents, search and rescue, and resource management and habitat improvement through a program of prescribed burning, hand crew work, mechanical treatments and grazing.

EBRPD Police Department provides full police services to all EBRPD parklands and other park areas via agreements with other agencies.

4. Determine, as lead agency for the purposes of the California Environmental Quality Act (CEQA), that update of the agency's SOI and the related MSR are categorically exempt under Sections 15061(b)(3) and 15306, Class 6 of the CEQA Guidelines.
5. Direct staff to file a Notice of Exemption as lead agency under Section 15062 of the CEQA Guidelines.

This Resolution was approved and adopted by the Alameda Local Agency Formation Commission at the public hearing held on July 11, 2013, at 7051 Dublin Blvd., Dublin, California on the motion made by Commissioner Haggerty, seconded by Commissioner Wieskamp, and duly carried.

Ayes: 6 (Commissioners Haggerty, Wieskamp, Sbranti, Miley, Johnson, Sblendorio)
Noes: 0
Excused: 0

/Sblend Sblendorio/

Sblend Sblendorio, Chair, Alameda LAFCo

Approved as to Form:

By:



Andrew Massey, LAFCo Legal Counsel

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

Attest:

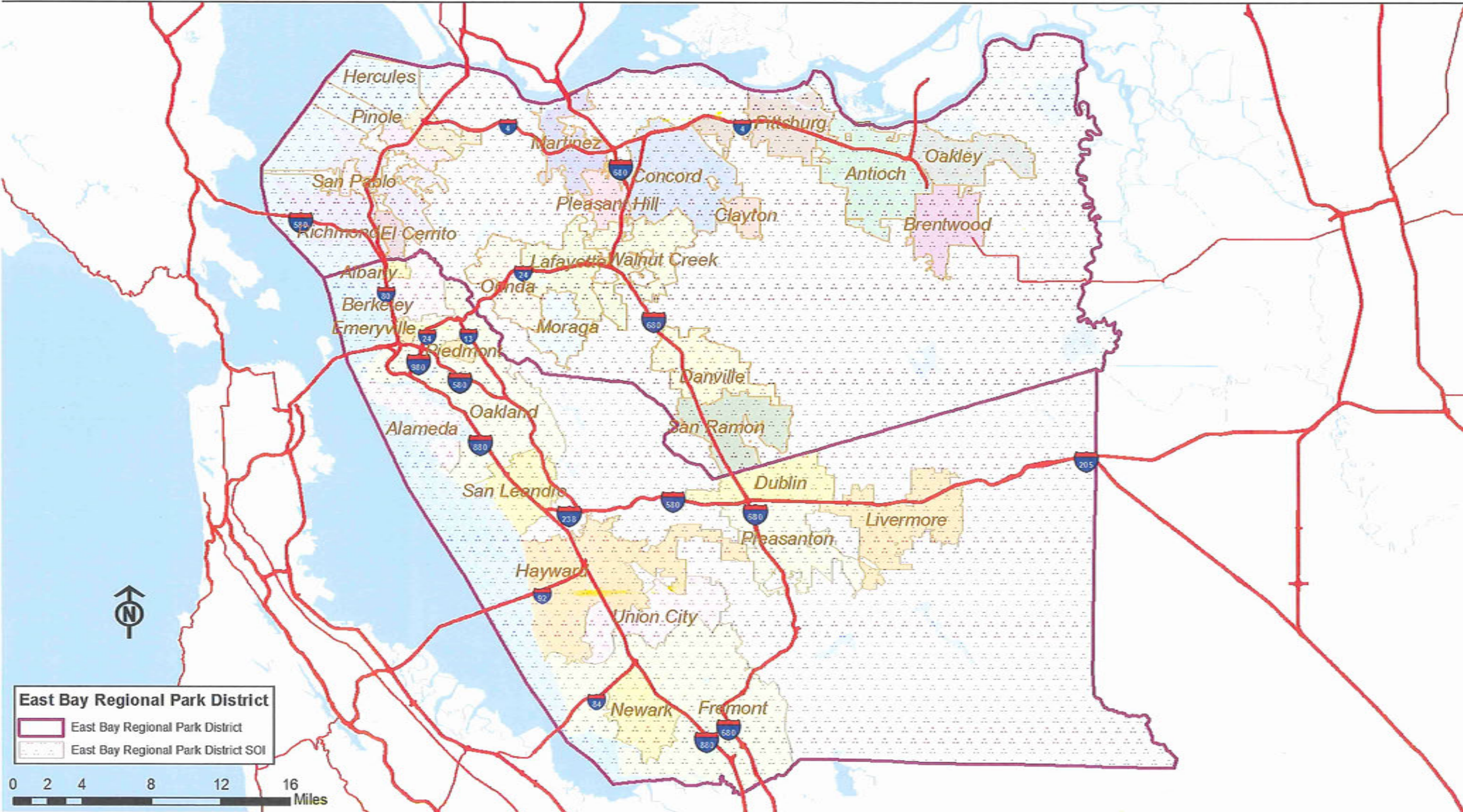


Mona Palacios, LAFCo Executive Officer

Date:

8/16/2013

East Bay Regional Park District Boundary and SOI* July 2013



East Bay Regional Park District
East Bay Regional Park District
East Bay Regional Park District SOI

0 2 4 8 12 16 Miles

*Agency sphere equals the service area boundary