

**ALAMEDA LOCAL AGENCY FORMATION COMMISSION
RESOLUTION NO. 2012-10**

**Adopting Municipal Service Review Determinations, Sphere of Influence Determinations, and
Updating the Sphere of Influence for the Lead Abatement County Service Area**

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 Lead Abatement County Service Area (CSA); and

WHEREAS, the CSA's SOI is currently coterminous with its service boundaries; and

WHEREAS, no change in regulation, land use or development will occur as a result of updating the CSA's 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 November 29, 2012; 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. As of 2010, the population within the Lead Abatement County Service Area (LACSA) was 658,559.
- ii. Based on Association of Bay Area Governments (ABAG) growth projections, the population of LACSA is anticipated to be 839,039 by 2035, which is equivalent to 27 percent growth over that period.

(b) Location and Characteristics of Any Disadvantaged Unincorporated Communities Within or Contiguous to the Sphere of Influence

- i. Using Census Designated Places, Alameda LAFCo determines that there are no disadvantaged unincorporated communities that meet the basic state-mandated criteria within the County. 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.

(c) Present and Planned Capacity of Public Facilities and Adequacy of Public Services, Including Infrastructure Needs and Deficiencies

- i. Demand for lead abatement services is driven by the quantity of housing that pre-dates 1978, limitations on the use of lead-based paint, and by the volume of construction and rehabilitation activity on pre-1978 housing stock.
- ii. Older housing is more prevalent in the northern portion of the County, particularly in Berkeley, Oakland, San Lorenzo and Piedmont. In newer growth areas, there is less housing that pre-dates the 1978 prohibition on the use of lead-based paint.
- iii. LACSA has been making cutbacks in response to the economic downturn.
- iv. No significant infrastructure needs were noted.

(d) Financial Ability of Agency to Provide Services

- i. LACSA is primarily financed by assessments, and secondarily by public agency and private grants.
- ii. Given that lead poisoning and risk factors are more prevalent in low-income communities, there are limited opportunities to impose assessments to recoup program costs.
- iii. The economic downturn and reductions in state and federal funding have been negatively affecting LACSA financing.
- iv. LACSA has been aggressively retooling its services and attempting to reduce costs by applying best practices and educating staff on new guidelines and protocols.
- v. Financing opportunities include increased grant funding. Other opportunities include increased assessments which would require 2/3 majority voter approval.

(e) Status and Opportunities for Shared Facilities

- i. LACSA economizes on office costs by sharing space with other agencies and departments.
- ii. LACSA engages in joint financing arrangements related to insurance.
- iii. There may be opportunities for further collaboration between LACSA and the building permit and code enforcement functions within the cities served by LACSA.

(f) Accountability for Community Services, Including Governmental Structure and Operational Efficiencies

- i. LACSA is governed by the Alameda County Board of Supervisors. The Board updates constituents, broadcasts its meetings, solicits constituent input, discloses its finances, and posts public documents on its website.
- ii. LACSA demonstrated accountability in its cooperation with the LAFCo information requests.
- iii. No alternative governance structure options with regard to LACSA were identified.

2. Reduce the SOI for the Lead Abatement CSA to exclude areas annexed to non-member cities and make the SOI coterminous with its service boundary 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) Nature, location, extent, functions, and classes of services provided –LACSA serves as a financing mechanism for services provided by Alameda County Lead Poisoning Prevention Program (ACLPPP) in the cities of Alameda, Berkeley, Oakland, and Emeryville. Services provided by ACLPPP include a direct information line, public outreach and education, in-home consultations, lead evaluation site visits, State Unsafe Work Practices classes, direct case management services to lead-poisoned children and their families throughout Alameda County, advocacy for blood lead screening via collaboration with other health programs, and marketing and consultations to the medical provider community and MediCal managed care organizations, lead hazard reduction services, and increases local capacity to address lead hazards and promote lead-safe practices, expands capacity of housing rehabilitation programs, housing authorities, and property owners to safely remediate lead hazards in low-income rental housing in the cities of Alameda, Berkeley and Oakland, as well as federal renovation, repair, and painting classes.
 - (b) Present and planned land uses, including agricultural and open-space lands –The boundary area includes a diverse mix of land uses including agricultural and open-space lands. The SOI is consistent with planned land uses. While some agricultural and open space lands exist in the area, there are no impacts on agricultural and open space lands or Williamson Act contracts as lead abatement services are not considered growth inducing.
 - (c) Present and probable need for public facilities and services –There is a present and probable need for lead abatement services as shown by the level of demand for LACSA’s services which is correlated with the amount of housing stock built before 1978 when stricter lead-based paint policies went into effect, and with the level of remodeling done on that housing stock. The future demand for lead abatement services relates to redevelopment efforts within older cities. LACSA’s boundaries include many older cities that are expected to continue to grow and older housing may be remodeled or redeveloped to accommodate the expected population increase.
 - (d) Present capacity of public facilities and adequacy of public services that the agency provides or is authorized to provide – LACSA appears to have sufficient capacity to provide an adequate level of services based on sufficient funding levels, types of services and efforts to improve service provision through adopting best practices. LACSA conducts performance evaluations, productivity monitoring and performance-based budgeting to improve service efficiency.
 - (e) Existence of any social or economic communities of interest –LACSA was formed to provide lead abatement services to unincorporated Alameda County and the cities in the County that wish to participate. Within its boundaries, there are various neighborhoods and incorporated cities that comprise social and economic interests.
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 a public hearing held on November 29, 2012, at 200 Old Bernal Avenue, Pleasanton, California on the motion made by Commissioner Marchand, seconded by Commissioner Wieskamp, and duly carried.

Ayes: 5 (Commissioners Miley, Sblendorio, Wieskamp, Andrade, and Marchand)
Noes: 0
Excused:

/Nate Miley/
Nate Miley, Chair, Alameda LAFCo

Approved as to Form:

By: 
Brian Washington, 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: 12/17/2012

Lead Abatement CSA Service Boundary and SOI* May 2012

