

**ALAMEDA LOCAL AGENCY FORMATION COMMISSION
RESOLUTION NO. 2012-04**

**Adopting Municipal Service Review Determinations, Sphere of Influence Determinations, and
Updating the Sphere of Influence for the Curbside Recycling 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 Curbside Recycling County Service Area (CSA); and

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

WHEREAS, the CSA anticipates submitting a reorganization application to LAFCo in the near term to dissolve the Curbside Recycling CSA and annex that territory into the Oro Loma Sanitary District which will provide the same or a higher level of service to properties within the subject territory; 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 Curbside Recycling County Service Area (CRCSA) was 2,529.
- ii. Based on Association of Bay Area Governments (ABAG) growth projections, the population of CRCSA is anticipated to be 3,429 by 2035.
- iii. There are no current or potential growth areas within CRCSA, as its boundaries match exactly the neighborhoods receiving service, which are built out.

(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. CRCSA does not own or operate any landfills, materials recovery facilities or waste transfer stations.
- ii. Waste Management, Inc. disposes at Altamont, Vasco Road and Redwood landfills.
- iii. Altamont Landfill has an alternative daily cover violation; however, this does not reflect on the adequacy of services offered by CRCSA.

(d) Financial Ability of Agency to Provide Services

- i. CRCSA does not collect revenues nor does it have expenditures; therefore, no funds are administered by the County for this CSA.
- ii. Through the franchise agreement, residents pay service fees directly to the private hauler—Waste Management, Inc.

(e) Status and Opportunities for Shared Facilities

- i. CRCSA participates in facility sharing by contracting with a private provider that makes use of local landfills.
- ii. CRCSA explored contracting with Oro Loma Sanitary District (OLSD) for services.
- iii. CRCSA does not directly participate in regional planning efforts.

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

- i. CRCSA 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. The agency demonstrated accountability in its cooperation with the LAFCo information requests.
- iii. CRCSA has indicated its intent to apply to LAFCo to dissolve and have the service provided by another entity, most likely OLSD.

2. Adopt a zero SOI for the Curbside Recycling CSA in anticipation of reorganization to dissolve this CSA and annex that territory into the Oro Loma Sanitary District.

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 – CRCSA provides curbside recycling services, by administering a franchise agreement with a private provider, for

three separate unincorporated residential neighborhoods—one in the Fairview area and two areas just north of the City of Hayward. Services are not provided by CRCSA outside of its bounds.

- (b) Present and planned land uses, including agricultural and open-space lands – Existing land uses within CRCSA include small pockets of residential communities. No significant open space and agricultural land is in the CRCSA’s SOI. County land use policies support the provision of adequate curbside recycling services for CRCSA residents. CRCSA has no authority over land use. The County is the land use authority in all unincorporated areas.
- (c) Present and probable need for public facilities and services – Services are currently being provided by a contract private provider through CRCSA. CRCSA renewed its contract with Waste Management, but CRCSA’s long term goal is to dissolve and have its territory annexed into Oro Loma Sanitary District.
- (d) Present capacity of public facilities and adequacy of public services that the agency provides or is authorized to provide – CRCSA does not own or maintain any facilities. Services are provided under contract by a private waste hauler, which has the capacity to serve the area and serves a number of other jurisdictions in the County. The unincorporated area as a whole meets the state required 50 percent diversion rate for solid waste, but does not meet the county goal of 75 percent. It is challenging to make a determination regarding the adequacy of services that are provided by CRCSA, as the CSA does not provide any services directly. Additionally, diversion rates are not tracked separately for the area within the CSA. However, the contract provider (Waste Management, Inc.) appears to be providing adequate services based on a lack of complaints to the CSA and minimal landfill violations issued by the State.
- (e) Existence of any social or economic communities of interest –CRCSA was formed to serve pockets of unserved residential neighborhoods in the unincorporated County.

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.

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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: 

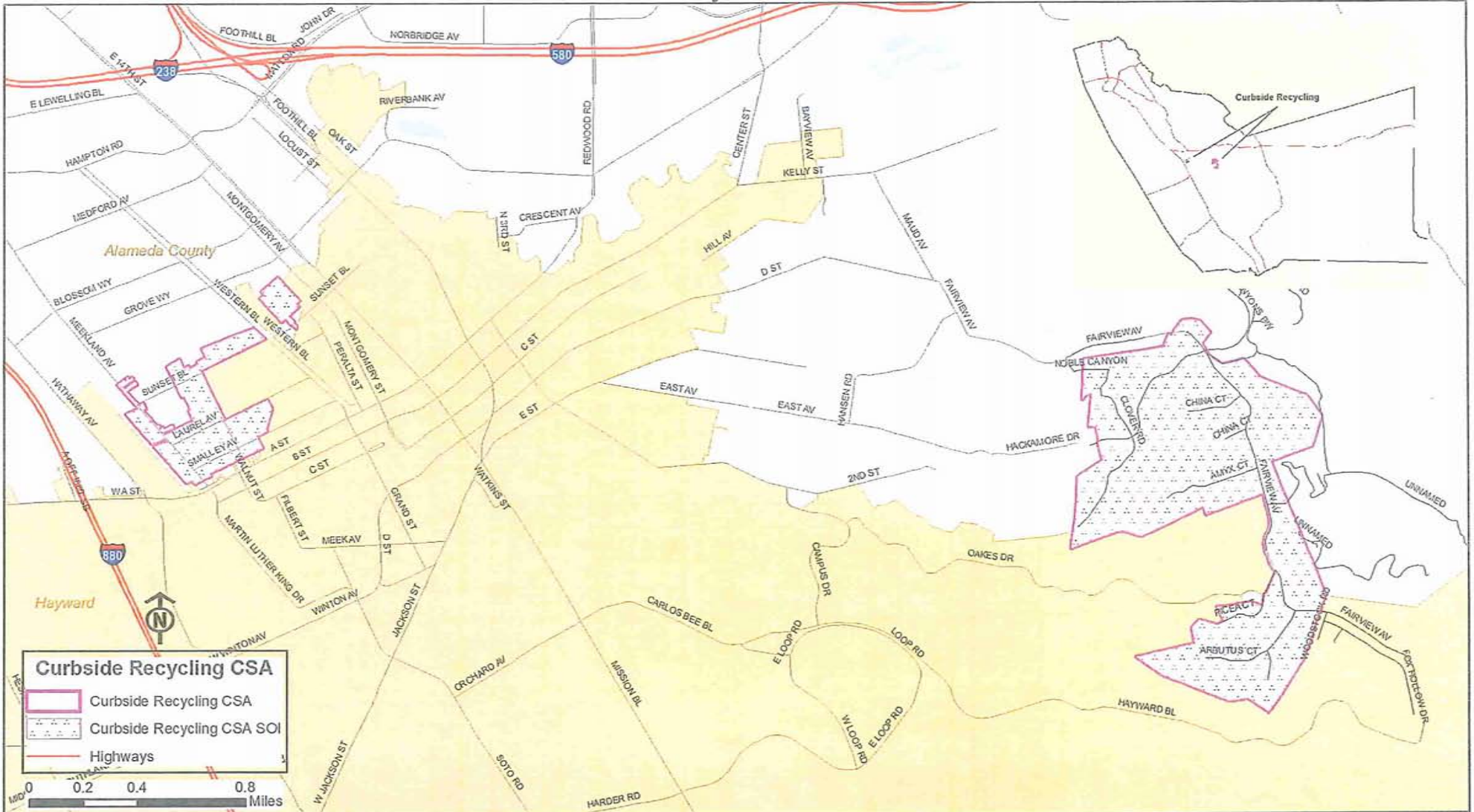
Brian Washington, LAFCo Legal Counsel

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
Mona Palacios, LAFCo Executive Officer

Date: 12/17/2012

Curbside Recycling CSA Service Boundary and SOI* May 2012



*Agency sphere of equals the service area boundary

Created for Alameda LAFCo by the Alameda County Community Development Agency