

**ALAMEDA LOCAL AGENCY FORMATION COMMISSION
RESOLUTION NO. 2006-06**

**APPROVING AN UPDATE TO THE SPHERE OF INFLUENCE FOR THE
EAST BAY MUNICIPAL UTILITY 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 within the County; and

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

WHEREAS, Government Code Section 56430 requires that a municipal services review 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 Municipal Utility District and adopted written determinations as required by Government Code Section 56430 on November 10, 2005; and

WHEREAS, EBMUD is a multi-county District providing water and wastewater treatment services in Alameda and Contra Costa counties; and

WHEREAS, the District's SOI is not coterminous with its boundary; and

WHEREAS, the District's SOI was established in 1983 and includes only the City of San Leandro and the unincorporated areas of Ashland, Cherryland, Castro Valley, Fairview and San Lorenzo. The cities of Alameda, Albany, Berkeley, Emeryville, Oakland, and Piedmont are not included in the SOI, even though EBMUD provides water and sewer service in these cities; and

WHEREAS, the exclusion of these cities was consistent with LAFCo Guidelines and county planning areas at that time; and

WHEREAS, since that time, LAFCo has adopted new SOI Guidelines that define SOIs in a manner consistent with State law, but did not update EBMUD's SOI to be consistent with this change; and

WHEREAS, the District's boundaries should be updated to reflect these changes in statute and local policy, and

WHEREAS, no change in regulation, land use or development will occur as a result of adopting an SOI which is coterminous with the District's current service boundary; 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 location of this SOI map;

WHEREAS, the SOI update was duly considered at a public hearing held on January 12, 2006; 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. Expand the SOI to include the cities of Oakland, Emeryville, Alameda, Albany, Berkeley and Piedmont to correspond with the current service area of EBMUD as generally depicted in Exhibit A attached hereto.
2. Adopt the following SOI policies:
 - Policy Recommendation #1: LAFCO to encourage EBMUD to identify and annex, where appropriate, various unserved islands and fringe areas including those currently receiving service.
 - Policy Recommendation #2: LAFCo to evaluate during the next MSR cycle SOI boundary issues pertaining to land within EBMUD's SOI that extends into the Bay and marshlands, where service is unlikely.
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* – City and County policies support the provision of adequate water and wastewater services for city and County residents. . Considerable open space not planned for development is included in the District's SOI in order to create a logical boundary. The County policies limit growth east of Castro Valley and the Upper San Leandro Reservoir area. Expansion of this SOI will not adversely affect agricultural or open space land or be growth inducing. No change to the present or planned uses will result from expansion of this SOI.
 - b. *The present and probable need for public facilities and services in the area* – Services are currently being provided and need to be continued. No changes in public facilities or services provided by the District will result from this SOI update.
 - c. *The present capacity of public facilities and adequacy of public services that the agency provides or is authorized to provide* – District water supply may not be sufficient to meet long-term customer demands during a drought. The District is fully compliant with nine of the 14 water conservation practices set by the CUWCC. Water quality, treatment effectiveness, emergency preparedness, planning efforts, distribution system integrity and water pressure are adequate. The District has enhanced drought preparedness by acquiring supplemental water for use in a drought. The District has adequate wastewater treatment capacity. The District needs to investigate options to improve peak wet weather treatment and enhance peak storage capacity. Treatment effectiveness and planning efforts are adequate. The MSR identified several infrastructure deficiencies, including seismic vulnerability and needed upgrades (water and wastewater), needed water treatment plant improvements, and old and deteriorating pipelines in need of replacement. Adoption of the SOI update will not affect the present capacity of public facilities and adequacy of public services or the services provided by the District.
 - d. *The existence of any social or economic communities of interest in the area if the commission determines that they are relevant to the agency* - EBMUD was formed to serve the residents of northern Alameda County as well as a large portion of Contra Costa County. The northern cities make up 74% of the residents served in Alameda County. There are various communities where District services are expected to expand, including Alameda Point and the UC Village in Albany. The SOI update will not affect the existence of any social or economic communities of interest in the area that are relevant to the District.
 - e. *The existence of agricultural preserves or other important agricultural or open space land in the area which could be considered within an agency's SOI, and the effect on maintaining the physical and economic integrity of such resources in the event that such resources are within a*

SOI of a local governmental agency – There is agricultural and open space land within the District's service area, thus the concern for potential impacts to these lands. The District currently serves mostly urban areas where services are already being provided. Water and wastewater services will be needed in all areas of the proposed SOI, are already being provided. The SOI update will not adversely affect agricultural or open space land or be growth inducing. No Williamson Act contracts will be adversely affected.

f. Nature, location, extent, functions & classes of services to be provided - The District provides water production, treatment, conveyance and retail services, water recycling, conservation and restoration, public education, wastewater treatment, collection and disposal services to the cities of Alameda, Albany, Berkeley, Emeryville, Oakland, Piedmont and San Leandro and portions of Hayward. Unincorporated areas in the District's service area include Ashland, Cherryland, Castro Valley, Fairview, San Lorenzo and the watershed lands east of Oakland. The Contra Costa County area served includes the cities of Richmond, San Pablo, El Cerrito, Pinole, Hercules, Orinda, Lafayette, Moraga, Walnut Creek, Danville, and San Ramon and unincorporated areas including Alamo.

4. Determine, as lead agency for the purposes of the California Environmental Quality Act (CEQA), this SOI update which expands the District's SOI to include the cities Oakland, Emeryville, Alameda, Albany, Berkeley and Piedmont to correspond with the District's current service area is categorically exempt under Section 15061(b)(3) 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 regular meeting held on January 12, 2006, at 7051 Dublin Boulevard in Dublin, California on the motion made by Commissioner Foulkes, seconded by Commissioner Hosterman, and duly carried.

Ayes: 6 (Commissioners Butler, Crowle, Foulkes, Hosterman, Lockhart and Miley)
Noes: 0
Excused: 3 (Commissioners Combs, Kamena and Steele)

/Robert Butler/

Robert Butler, 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.

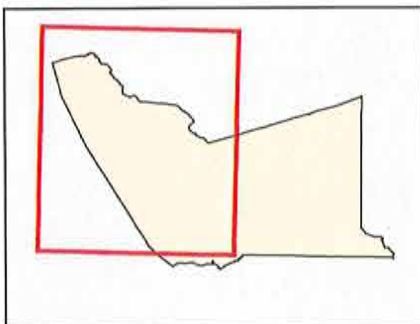
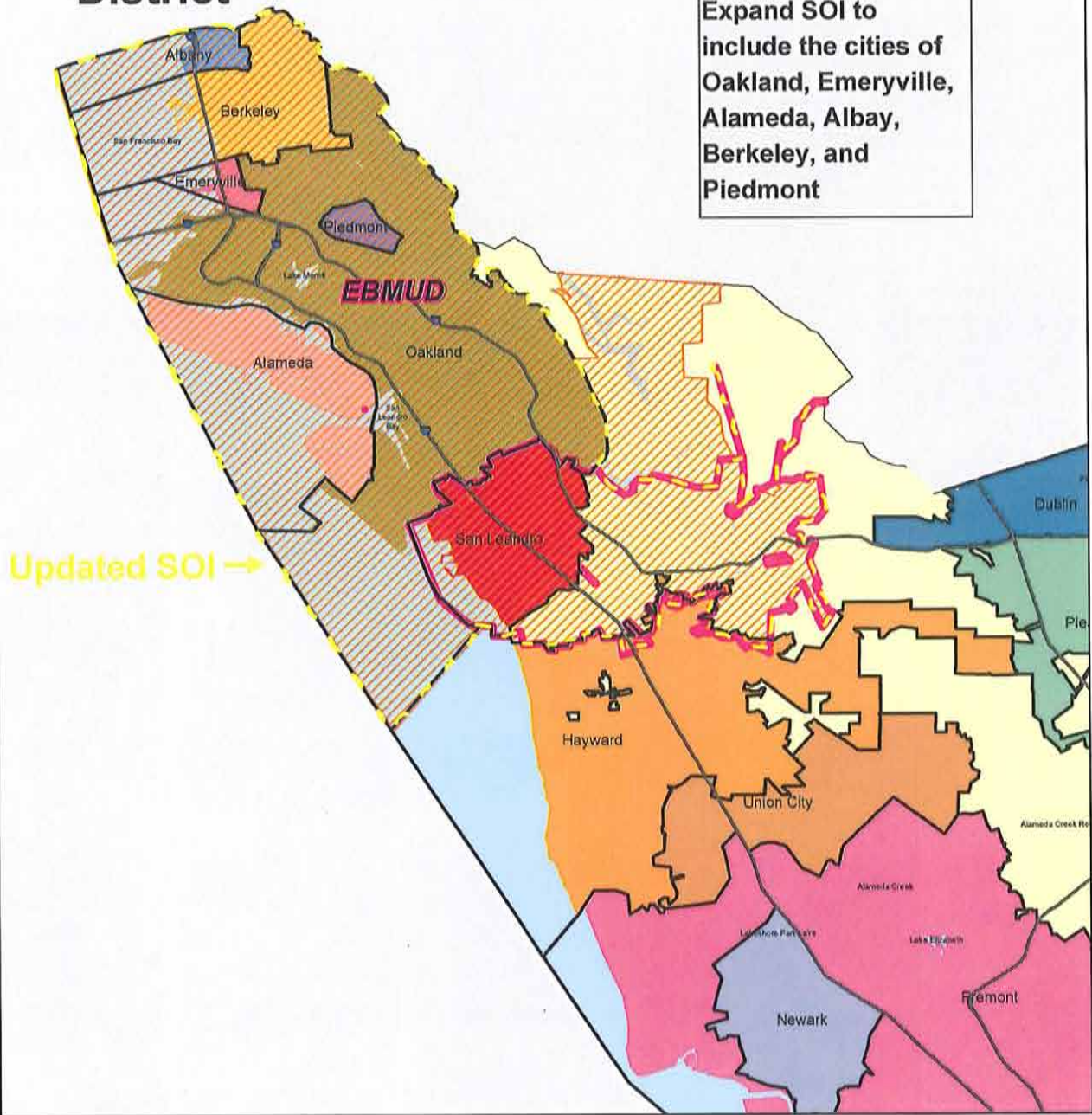
Attest: 
Crystal Hishida Graff, LAFCo Executive Officer

Date: 2/3/06

East Bay Municipal Utility District

SOI Update

Expand SOI to include the cities of Oakland, Emeryville, Alameda, Albany, Berkeley, and Piedmont



Legend

- Interstates
- EBMUD boundary
- EBMUD existing SOI
- City Limits
- Hydrology
- Alameda Uncorporated

