

Livermore Area Recreation and Park District

Staff Report

TO: Chair Boswell and Board of Directors

FROM: Mathew L. Fuzie, General Manager

PREPARED BY: Linda VanBuskirk, Executive Assistant to the General Manager

DATE: February 22, 2023

SUBJECT: Notice of Regular Special District Seat on Alameda LAFCO

RECOMMENDATION: That the Board of Directors approve Resolution No. ____, nominating a member of the Board to run for the Regular Special District non-enterprise seat for the upcoming election to the Local Agency Formation Commission (LAFCo) Board of Directors.

BACKGROUND: The District received the attached letter, dated February 6, 2023, from Alameda Local Agency Formation Commission (LAFCo) announcing a vacancy for the Regular Special District non-enterprise seat on LAFCo. The seat may be filled with an elected director of a non-enterprise special district (LARPD is a non-enterprise special district), who must also meet eligibility requirements that are attached to the letter. Candidate nominations are due by **Friday, May 5, 2023**.

This item is designed to check to see if the Board wishes to nominate one of their own members and affirm that nomination with a resolution of support, or determine that there is no interest by any members of the Board and take no action.

Lastly, the selection to LAFCo for this position is delegated by LAFCo to the Independent Special District Selection Committee (ISDSC), made up of the chairs of the Boards of the members of the Alameda County Special Districts Association (ACSDA). This election is scheduled to take place on **Wednesday, May 10, 2023** at 10 a.m., following the regular Alameda County Special District Association (ACSDA) meeting. The chair, or their designee, should plan to attend to cast the vote representing the District.

The attached letter and information was provided by LAFCo.

ATTACHMENTS:

LAFCo Letter Dated February 6, 2023 with attachments
Draft Board Resolution

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LAFCO

Alameda Local Agency Formation Commission

February 6, 2023

Board Presidents
Independent Special District Selection Committee

SUBJECT: Notice of Regular Special District Seat on Alameda LAFCO

Dear Committee Members:

This letter serves as notice that the Special District Member Seat on the Alameda Local Agency Formation Commission (LAFCO) is vacant and will expire on May 8, 2023. Therefore, Alameda LAFCO, in conjunction with the Alameda County Chapter of the California Special Districts Association, is calling a meeting of the Alameda County Independent Special District Selection Committee (ISDSC) for **Wednesday, May 10, 2023 at 10:00 a.m.**, following the regular ACSDA meeting. Candidate nominations are due **Friday, May 5, 2023**.

Alameda LAFCO is a political subdivision of the State of California and currently operates under authority of the Cortese-Knox-Hertzberg Local Government Reorganization Act of 2001 (Government Code Section 56000). LAFCO is delegated regulatory and planning responsibilities to coordinate the efficient and responsive delivery of local governmental services and highlighted by overseeing the formation, expansion and related changes involving cities and special districts. There are presently 14 cities and 29 special districts subject to LAFCO's jurisdiction in Alameda County.

Decision-making at Alameda LAFCO is directly vested with its 11-member Commission. The Commission is divided between seven regular voting members and four alternate voting members. Representation on the Commission is also divided between four distinct appointee categories: (a) three appointees from the County of Alameda, (b) three appointees from the cities/towns, (c) three appointees from the independent special districts, and (d) two appointees from the general public. State law specifies all Commission members shall exercise their independent judgment on behalf of the interests of the public as a whole and not on behalf of their appointing authorities.

The purpose of the ISDSC is to elect special district members to LAFCO. The ISDSC consists of the presiding officers of the legislative bodies of each independent special district in Alameda County. Pursuant to Government Code Section 56332 and the ISDSC rules, a special district's board of directors may appoint one of its members to attend the meeting if the presiding officer is unable to attend. Please find the ISDSC's rules and the Government Code Section 56332 enclosed (Attachment 1 and Attachment 2).

Administrative Office

Rachel Jones, Executive Officer
224 West Winton Avenue, Suite 110
Hayward, California 94544
T: 510.670.6267
www.alamedalafco.org

Nate Miley, Regular
County of Alameda

David Haubert, Regular
County of Alameda

Vacant, Alternate
County of Alameda

Karla Brown, Regular
City of Pleasanton

Melissa Hernandez, Reg
City of Dublin

John Marchand, Alternate
City of Livermore

Ralph Johnson, Regular
Castro Valley Sanitary District

Vacant, Regular
Special District Member

Georgian Vonheeder-Leopold, Alternate
Dublin San Ramon Services District

Sblend Sblendorio, Chair
Public Member

Vacant, Alternate
Public Member

For this election each independent special district is entitled to nominate one board member for the LAFCO special district non-enterprise seat. The nominees must meet the eligibility requirements outlined in Section VI of the ISDC's rules (Attachment 1). A nomination and voting delegate form is enclosed (Attachment 3). Eligible nominees may circulate a statement of qualifications prior to or at the May 10th ISDSC meeting.

Any district nominating a candidate must ratify that nomination by board resolution. Furthermore, upon nomination, the nominating district must notify in writing all other districts of their candidate selection. No resolution is needed from a district that does not wish to nominate a candidate. Attached is a list of each district's contact information (Attachment 4).

Please note the following timeline:

Friday, May 5, 2023

Nominations due from each district. Please complete and return the attached form to Alameda LAFCO. Please note that pursuant to Government Code Section 56332, "if only one candidate is nominated for a vacant seat, that candidate shall be deemed selected, with no further proceedings."

Friday, May 5, 2023

Each district submits the name of the presiding officer or designee who will be voting at the May 10th meeting. Please complete and return the attached form to Alameda LAFCO.

Before, Wednesday, May 10, 2023

All nominating agencies must ratify their district's nominee via board resolution and send notice of the nomination to the presiding officers of all the other districts (see attached contact information). Please submit a copy of the resolution to Alameda LAFCO.

Wednesday, May 10, 2023

Independent Special District Selection Committee meeting at same location as the ACSDA meeting.

Should you have any questions, please contact me directly by telephone at 510.670.6267 or by e-mail at rachel.jones@acgov.org.

Sincerely,



Rachel Jones

Attachments:

1. ISDSC Rules
2. Government Code Section 56332
3. Nomination and Voting Delegate Form Special District Contact Information
4. Special District Contact List

Revised 1/14/04

**RULES
FOR THE LAFCO
INDEPENDENT SPECIAL DISTRICT SELECTION COMMITTEE**

Adopted April 13, 1994

By: Alameda County Chapter, California Special Districts Association

SECTION I **PURPOSE**

The purpose of the Independent Special District Selection Committee (ISDSC) shall be to appoint the regular and alternate special district members to the Alameda County Local Agency Formation Commission (LAFCo) whenever a vacancy exists among members representing independent special districts (Government Code Section 56332).

SECTION II **MEMBERSHIP**

The ISDSC shall be composed of the presiding officer of the legislative body of each independent special district either located wholly within Alameda County or containing territory within Alameda County that represents 50% or more of the assessed value of taxable property of the district. The district may appoint one of its members as an alternate ISDSC member in the event the presiding officer is unavailable (Government Code Section 56332).

SECTION III **MEETINGS**

The LAFCo Executive Officer shall give written notice to the presiding officer of each eligible independent special district that a meeting of the ISDSC will be held on a specified date and at a specified time and place pursuant to:

- A. A vacancy existing among the members or alternate member representing independent special districts upon the Commission; or
- B. Receipt of a written request by one or more members of the ISDSC representing districts having 10% or more of the assessed value of taxable property within Alameda County (Government Code Section 56332).

All meetings of the ISDSC shall be open meetings and comply with all applicable provisions of the Ralph M. Brown Act.

SECTION IV QUORUM

Each presiding officer or alternate member attending the meeting shall be required to register their attendance. Members representing a majority of the eligible districts shall constitute a quorum for the conduct of the ISDSC business. No meeting shall be convened by the LAFCo Executive Office prior to establishing a quorum.

SECTION V VOTING

Each member of the ISDSC shall be entitled to one vote for each independent special district of which he or she is the presiding officer (Government Code Section 56332).

SECTION VI ELIGIBILITY

To be eligible for nomination and selection to the Alameda County Local Agency Formation Commission, an individual:

- A. Must be an elected or appointed independent special district officer within Alameda County (Government Code Section 563323);
- B. Must be a resident of Alameda County (Government Code Section 563323);
- C. Must not be a member of the legislative body of a city or county (Government Code Section 563323);
- D. Must act in such a manner so as to represent the diverse interests of all agencies, not his or her individual district; and
- E. Must be willing to make a time commitment to fulfilling his or her county-wide role representing all special districts.

An elected or appointed independent special district board member who is an employee of the State of California, a county, a city, or a special district is eligible for nomination and selection to the Commission as a special district representative (Government Code Section 563323).

SECTION VII SEATING DESIGNATION

The seating of special district representatives on the Alameda County Local Agency Formation Commission shall be in accordance with the following designations:

- 1. One regular seat shall be designated as an "Enterprise District" seat;
- 2. One regular seat shall be designated as a "Non-Enterprise District" seat; and

3. One alternate seat shall be designated from either an Enterprise or Non-Enterprise district.

An "Enterprise" district is defined as any jurisdiction that derives the majority of its total revenues from user fees and/or service charges.

A "Non-Enterprise" district is defined as any jurisdiction that derives the majority of its total revenues from property taxes.

SECTION VIII NOMINATING PROCESS

Each independent special district shall be entitled to nominate a maximum of one board member from any district.

Each special district board shall determine its own internal process for selecting a name to be placed in nomination and for ensuring said nominee meets the eligibility criteria as set forth in Section VI.

- Districts are required to ratify said nominee by adoption of a board resolution.

Upon selection of a district nominee, the presiding officer of the district shall provide written notification of their nominee to the presiding officers of all other independent special districts.

An eligible district nominee may circulate a statement of his/her qualifications prior to the date of the ISDSC meeting.

SECTION IX BALLOTING PROCESS

At the meeting of the ISDSC, the balloting shall be conducted in accordance with the following:

- A. If vacant, the first balloting shall be for selection of the "Enterprise District" representative. The candidate receiving a simple majority shall be declared the winner. In the event of a tie or no majority winner, a run-off ballot(s) shall be conducted.
- B. If vacant, the second balloting shall be for selection of the "Non-Enterprise District" representative. The candidate receiving a simple majority shall be declared the winner. In the event of a tie or no majority winner, a run-off ballot(s) shall be conducted.
- C. If vacant, the third balloting shall be for selection of the alternate representative. The candidate receiving a simple majority shall be declared the winner. In the event of a tie or no majority winner, a run-off ballot(s) shall be conducted.

When previous balloting has taken place for Enterprise and/or Non-Enterprise vacancies, the ballot for the alternate representative shall also include the names of all non-winning candidates from the other ballots, if the candidate so desires.

Upon completion of the balloting, the ISDSC shall provide written notification to the LAFCo Executive Officer of the name(s) of the Committee's appointment(s) to the Commission.

SECTION X ALTERNATE NOMINATING AND BALLOTING PROCESS

In the event that the LAFCo Executive Officer determines that securing a quorum of ISDSC members for a meeting is not feasible, the LAFCo Executive Officer may conduct business of the ISDSC in writing (Government Code Section 56332).

SECTION XI TERMS OF OFFICE

Regular representatives shall serve staggered four year terms. The alternate representative shall serve a four year term.

If a representative or alternate is unable to complete a full term, and more than one year is remaining in the uncompleted term, a nominating and balloting process shall be conducted in accordance with these bylaws.

The expiration date of the term of office of each member shall be the first Monday in May in the year in which the term of the member expires (Government Code Section 56334).

Any district member may be removed at any time and without cause by a majority vote of the ISDSC, as the appointing body (Government Code Section 56334). Failure to attend three regular Commission meetings in a calendar year may be grounds for possible removal by the ISDSC.

SECTION XII MEMBER DISQUALIFICATION

At the time of appointment of a regular member or alternate, the ISDSC may, by majority vote, provide that the member or alternate is disqualified from voting as a member of the Commission on any proposal affecting the district of which the member is a representative (Government Code Section 56332).

State of California**GOVERNMENT CODE****Section 56332**

56332. (a) The independent special district selection committee shall consist of the presiding officer of the legislative body of each independent special district. However, if the presiding officer of an independent special district is unable to participate in a meeting or election of the independent special district selection committee, the legislative body of the district may appoint one of its members as an alternate to participate in the selection committee in the presiding officer's place. Those districts shall include districts located wholly within the county and those containing territory within the county representing 50 percent or more of the assessed value of taxable property of the district, as shown on the last equalized county assessment roll. Each member of the committee shall be entitled to one vote for each independent special district of which he or she is the presiding officer or his or her alternate as designated by the governing body. Members representing a majority of the eligible districts shall constitute a quorum.

(b) The executive officer shall call and give written notice of all meetings of the members of the selection committee. A meeting shall be called and held under one of the following circumstances:

(1) Whenever the executive officer anticipates that a vacancy will occur within the next 90 days among the members or alternate member representing independent special districts on the commission.

(2) Whenever a vacancy exists among the members or alternate member representing independent special districts upon the commission.

(3) Upon receipt of a written request by one or more members of the selection committee representing districts having 10 percent or more of the assessed value of taxable property within the county, as shown on the last equalized county assessment roll.

(c) The selection committee shall appoint two regular members and one alternate member to the commission. The members so appointed shall be elected or appointed members of the legislative body of an independent special district residing within the county but shall not be members of the legislative body of a city or county. If one of the regular district members is absent from a commission meeting or disqualifies himself or herself from participating in a meeting, the alternate district member may serve and vote in place of the regular district member for that meeting. Service on the commission by a regular district member shall not disqualify, or be cause for disqualification of, the member from acting on proposals affecting the special district on whose legislative body the member serves. The special district selection committee may, at the time it appoints a member or alternate, provide that the member or alternate

is disqualified from voting on proposals affecting the district on whose legislative body the member serves.

(d) If the office of a regular district member becomes vacant, the alternate member may serve and vote in place of the former regular district member until the appointment and qualification of a regular district member to fill the vacancy.

(e) A majority of the independent special district selection committee may determine to conduct the committee's business by mail, including holding all elections by mailed ballot, pursuant to subdivision (f).

(f) If the independent special district selection committee has determined to conduct the committee's business by mail or if the executive officer determines that a meeting of the special district selection committee, for the purpose of appointing the special district members or filling vacancies, is not feasible, the executive officer shall conduct the business of the committee by mail. Elections by mail shall be conducted as provided in this subdivision.

(1) The executive officer shall prepare and deliver a call for nominations to each eligible district. The presiding officer, or his or her alternate as designated by the governing body, may respond in writing by the date specified in the call for nominations, which date shall be at least 30 days from the date on which the executive officer mailed the call for nominations to the eligible district.

(2) At the end of the nominating period, if only one candidate is nominated for a vacant seat, that candidate shall be deemed appointed. If two or more candidates are nominated, the executive officer shall prepare and deliver one ballot and voting instructions to each eligible district. The ballot shall include the names of all nominees and the office for which each was nominated. Each presiding officer, or his or her alternate as designated by the governing body, shall return the ballot to the executive officer by the date specified in the voting instructions, which date shall be at least 30 days from the date on which the executive officer mailed the ballot to the eligible district.

(3) The call for nominations, ballot, and voting instructions shall be delivered by certified mail to each eligible district. As an alternative to the delivery by certified mail, the executive officer, with prior concurrence of the presiding officer or his or her alternate as designated by the governing body, may transmit materials by electronic mail.

(4) If the executive officer has transmitted the call for nominations or ballot by electronic mail, the presiding officer, or his or her alternate as designated by the governing body, may respond to the executive officer by electronic mail.

(5) Each returned nomination and ballot shall be signed by the presiding officer or his or her alternate as designated by the governing body of the eligible district.

(6) For an election to be valid, at least a quorum of the special districts must submit valid ballots. The candidate receiving the most votes shall be elected, unless another procedure has been adopted by the selection committee. Any nomination and ballot received by the executive officer after the date specified is invalid, provided, however, that if a quorum of ballots is not received by that date, the executive officer shall extend the date to submit ballots by 60 days and notify all districts of the extension.

The executive officer shall announce the results of the election within seven days of the date specified.

(7) All election materials shall be retained by the executive officer for a period of at least six months after the announcement of the election results.

(g) For purposes of this section, "executive officer" means the executive officer or designee as authorized by the commission.

(Amended by Stats. 2015, Ch. 114, Sec. 8. (AB 1532) Effective January 1, 2016.)

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Alameda LAFCO Special District Non-Enterprise Seat Election 2023

Please complete the following information and
return by **Friday, May 5, 2023 to:**

Rachel Jones, Executive Officer
Alameda LAFCO
224 West Winton, Suite 110
Hayward, CA 94544

Telephone: (510) 670-6267
Email: rachel.jones@acgov.org

Name of presiding officer or designee who will attend and vote at the
May 10, 2023 ISDSC election meeting at 10 am, following the Alameda
County Special Districts Association meeting.

NAME: _____

DISTRICT: _____

NOMINATING DISTRICTS ONLY

You may nominate a maximum of one Board member for the
LAFCO special district non-enterprise seat and the nomination
must be ratified by a Board resolution prior to May 10, 2023.*

Candidate Name for Non-Enterprise Seat:

**** If your district is nominating a candidate, you must notify all 14
other independent district presiding officers by mail, fax or e-mail
(see enclosed list of contact information).***

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Special District Contact Information*

December 15, 2022

	District	Address	Fax #	Contact/E-Mail
1	Alameda County Mosquito Abatement District	23187 Connecticut St. Hayward, CA 94545	510-925-1756	Ryan Clausnitzer, General Manager ryan@mosquitoes.org
2	Alameda County Resource Conservation District	3585 Greenville Rd., Suite 2 Livermore, CA 94550	925-371-0154	Katherine Boxer, Executive Officer Katherine.boxer@acrcd.org
3	Alameda County Water District	P.O. Box 5110 Fremont, CA 94537	510-668-4201	Ed Stevenson, General Manager ed.stevenson@acwd.com
4	Castro Valley Sanitary District	21040 Marshall Street Castro Valley, CA 94546	510-537-0757	Roland Williams, General Manager Roland@cvsan.org
5	City of Alameda Health Care District	2070 Clinton Avenue Alameda, CA 94501	510-263-8223	Debi Stebbins, General Manager dstebbins125@gmail.com
6	Dublin San Ramon Services District	7051 Dublin Boulevard Dublin, CA 94568	925-875-2200	Daniel McIntyre, General Manager mcintyre@dsrsd.com
7	East Bay Municipal Utility District	PO Box 24055, MS 804 Oakland, CA 94623	510-287-0101	Clifford Chan, General Manager clifford.chan@ebmud.com
	East Bay Regional Park District	2950 Peralta Oaks Ct. Oakland, CA 94605	510-544-2001	Sabrina Landreth, General Manager slandreth@ebparks.org
9	Eden Township Healthcare District	20400 Lake Chabot Rd, Suite 303 Castro Valley, CA 94546	510- 538-2031 x 203	Mark Friedman, CEO mark@ethd.org
10	Fairview Fire Protection District	777 B Street Hayward, CA 94541	510-386-2151	Michael Preston, General Manager mike.preston@fairviewfiredistrict.org
11	Hayward Area Recreation & Park District	1099 E Street Hayward, CA 94541	510-881-6710	James Wheeler, General Manager whej@haywardrec.org
12	Livermore Area Recreation & Park District	4444 East Avenue Livermore, CA 94550	925-373-5727 (w) 831-206-5724 (c)	Mathew Fuzie, General Manager mfuzie@larpd.org
13	Oro Loma Sanitary District	2600 Grant Avenue San Lorenzo, CA 94580	510-755-7956	Jimmy Dang, General Manager jdang@oroloma.org
14	Union Sanitary District	5072 Benson Road Union City, CA 94587	510-477-7502	Paul Eldredge, General Manager paul_eldredge@unionsanitary.com
15	Washington Hospital Health Care District	2000 Mowry Avenue Fremont, CA 94538	510-818-4813	Kimberly Hartz, CEO kimberly_hartz@whhs.org

*Districts not listed do not participate in the LAFCo election process.

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Independent Special Districts: Enterprise/Non-enterprise Status

	District	Enterprise	Non-Enterprise
1	Alameda County Mosquito Abatement District		X
2	Alameda County Resource Conservation District		X
3	Alameda County Water District	X	
4	Castro Valley Sanitary District	X	
5	City of Alameda Health Care District		X
6	Dublin San Ramon Services District	X	
7	East Bay Municipal Utility District	X	
8	East Bay Regional Park District		X
9	Eden Township Healthcare District		X
10	Fairview Fire Protection District		X
11	Hayward Area Recreation & Park District		X
12	Livermore Area Recreation & Park District		X
13	Oro Loma Sanitary District	X	
14	Union Sanitary District	X	
15	Washington Hospital Health Care District		X

From the State Controllers website

(<http://www.sco.ca.gov/ard/local/locprep/districts/forms/0708/distinstruct.pdf>)

The following types of district activities should be reported as non-enterprise activities.

- Air Pollution Control
- Ambulance Service
- Animal Control
- Cemetery
- Drainage and Drainage Maintenance
- Financing and Constructing Facilities
- Fire Protection
- Flood Control and Water Conservation
- Governmental Services
- Health
- Land Reclamation and Levee Maintenance
- Library Services
- Lighting and Lighting Maintenance
- Local and Regional Planning or Development
- Memorial
- Parking
- Pest Control

- Police Protection and Personal Safety
- Recreation and Park
- Resource Conservation
- Self Insurance
- Streets and Roads – Construction and Maintenance
- Television Translator Station Facility
- Underground Electric and Communication Facilities

Enterprise activities include:

- Airport
- Electric
- Harbor and Port
- Hospital
- Waste Disposal
- Water

**THE BOARD OF DIRECTORS
OF THE
LIVERMORE AREA RECREATION AND PARK DISTRICT**

DRAFT RESOLUTION NO. 27xx

**A RESOLUTION NOMINATING BOARD MEMBER _____
TO RUN FOR THE
ALAMEDA LOCAL AGENCY FORMATION COMMISSION
SPECIAL DISTRICT NON-ENTERPRISE SEAT**

BE IT RESOLVED, by the Board of Directors, as the governing body of the Livermore Area Recreation and Park District, that _____ is hereby nominated to run for the Alameda Local Agency Formation Commission Special District Non-Enterprise Seat, and that _____ is hereby designated to vote on behalf of the District.

ON MOTION of Director _____, seconded by Director _____, the foregoing resolution was passed and adopted this 22nd day of February, 2023, by the following roll call vote:

AYES: *Directors*
NOES:
ABSTENTIONS:
ABSENT:

Approved this 22nd day of February, 2023

James Boswell
Chair, Board of Directors

ATTEST:

Mathew L. Fuzie
General Manager and ex-officio Clerk
to the Board of Directors