



Local Agency Formation Commission of Napa County

Subdivision of the State of California

We Manage Government Boundaries, Evaluate Municipal Services, and Protect Agriculture

■ Anne Cottrell, Chair ■ Kenneth Leary, Vice Chair ■ Margie Mohler ■ Beth Painter ■ Belia Ramos
■ Mariam Aboudamous, Alternate ■ Joelle Gallagher, Alternate ■ Eve Kahn, Alternate

Administrative Office
1754 Second Street, Suite C
Napa, California 94559
Telephone: 707-259-8645
www.napa.lafco.ca.gov

REGULAR MEETING AGENDA

Monday, August 5, 2024, 2:00 PM

County of Napa Administration Building

1195 Third Street, Board Chambers, 3rd Floor

Napa, California 94559

1. CALL TO ORDER BY CHAIR; ROLL CALL

2. PLEDGE OF ALLEGIANCE

3. APPROVAL OF AGENDA

The Chair will consider approving the Agenda as prepared by the Executive Officer with any requests to remove or rearrange items by members of the Commission or staff.

4. PUBLIC COMMENTS

The public may address the Commission concerning any matter not on the Agenda. The Commission is prohibited from discussing or taking action on any item not appearing on the posted Agenda.

5. CONSENT ITEMS

Action Items:

a) **Approval of Meeting Minutes:** June 3, 2024 Special Meeting

Receive Report for Information Only:

b) **Draft Year-End Budget Report for Fiscal Year 2023-24**

c) **Current and Future Proposals**

d) **Legislative Report**

e) **Update on Countywide Fire and Emergency Medical Services Municipal Service Review**

6. ACTION ITEMS

Items calendared for action do not require a public hearing before consideration by the Commission. Applicants may address the Commission. Any member of the public may provide comments on an item.

a) Proposed Devlin Road No. 6 Annexation to the Napa Sanitation District and Associated CEQA Findings

The Commission will consider a proposal for the annexation of one parcel totaling 27.55 acres in size to the Napa Sanitation District. The affected territory is identified as Assessor Parcel Number 057-170-024. The Commission will also consider whether the initial study and adopted a mitigated negative declaration certified by the County of Napa, as lead agency, is adequate for the Commission's use and for purposes of the California Environmental Quality Act.

b) Proposed Budget Adjustments for Fiscal Year 2023-24 and Fiscal Year 2024-25

The Commission will consider approving budget adjustments for fiscal year 2023-24 and fiscal year 2024-25.

6. ACTION ITEMS (CONTINUED)

c) Direction on Support Services Agreement with County of Napa

The Commission will consider providing direction to staff regarding the existing Support Services Agreement between LAFCO and the County of Napa. This may include establishing an ad hoc subcommittee with two appointed members to advise staff.

d) CALAFCO Nominations and Annual Conference Items

The Commission will consider appointing voting delegates to represent the agency at CALAFCO's Annual Conference scheduled for October 16 – 18 at the Tenaya Lodge near Yosemite. The Commission will also consider making nominations for the CALAFCO Board of Directors and achievement awards.

e) Consider Leadership Napa Valley Sponsorship

The Commission will consider becoming a sponsor for Leadership Napa Valley and participate in the program's government day.

7. EXECUTIVE OFFICER REPORT

8. COMMISSIONER COMMENTS/REQUESTS FOR FUTURE AGENDA ITEMS

9. ADJOURNMENT TO NEXT SCHEDULED MEETING

Monday, October 7, 2024, at 2:00 P.M. at the Napa County Board of Supervisors Chambers, located at 1195 Third Street, 3rd floor, Napa, CA 94559.

MEETING INFORMATION

AGENDA ITEMS: The Commission may reschedule items on the Agenda. The Commission will generally hear uncontested matters first, followed by discussions of contested matters, and staff announcements in that order.

CONDUCT OF HEARINGS: A contested matter is usually heard as follows: (1) discussion of the staff report and any related environmental document(s); (2) testimony of proponent; (3) public testimony; (4) rebuttal by proponent; (5) provision of additional clarification by staff as required; (6) close of the public hearing; (7) Commission discussion and Commission vote.

ADDRESSING THE COMMISSION: The Local Agency Formation Commission (LAFCO) of Napa County welcomes and encourages participation in its meetings. Any person who wishes to address the Commission should move to the front of the chambers when an item is called and, when recognized by the Chair, state their name, address, and affiliation. Please attempt to make your statements concise and to the point. It is most helpful if you can cite facts to support your contentions. Groups of people with similar viewpoints should appoint a spokesperson to represent their views to the Commission. The Commission appreciates your cooperation in this matter.

PUBLIC COMMENT TIME LIMITS: The Commission will hear public comment prior to the consideration of any item. (1) A principal proponent will be allowed up to a 5-minute statement; (2) other proponents will be allowed up to a 3-minute statement; (3) opponents are allowed up to a 3-minute statement with the exception of spokespersons for any group who shall be permitted up to 5-minutes; (4) the principal proponent shall have up to a 3-minute rebuttal; (5) staff will provide clarification, as required.

SUBMITTING WRITTEN COMMENTS TO BE READ AT THE MEETING: Any member of the public may submit a written comment to the Commission before the meeting by email to info@napa.lafco.ca.gov or by mail to Napa LAFCO at 1754 Second Street, Suite C, Napa, CA 94559-2450. If you are commenting on a particular item on the Agenda, please identify the Agenda item number and letter. Any comments of 500 words or less (per person, per item) will be read into the record if: (1) the subject line includes “COMMENT TO COMMISSION – PLEASE READ”; and (2) it is received by the Commission prior to the deadline of **August 5, 2024, at 10:00 A.M.**

SUBMITTING SUPPLEMENTAL WRITTEN COMMENTS: Any member of the public may submit supplemental written comments to the Commission, beyond the 500-word limit for comments read into the record, and those supplemental written comments will be made a part of the written record.

VOTING: A quorum consists of three members of the Commission. No action or recommendation of the Commission is valid unless a majority of the quorum of the Commission concurs therein.

OFF AGENDA ITEMS: Matters under the jurisdiction of the Commission and not on the posted Agenda may be addressed by the public under “Public Comments” on the Agenda. The Commission limits testimony on matters not on the Agenda to 500-words or less for a particular subject. The Commission cannot take action on any unscheduled items.

SPECIAL NEEDS: Meetings are accessible to persons with disabilities. Requests for assistive listening devices or other considerations should be made 72 hours in advance through LAFCO staff at (707) 259-8645 or info@napa.lafco.ca.gov.

POLITICAL REFORM ACT: Pursuant to Government Code Sections 56700.1 and 81000 et seq., any person or combination of persons who directly or indirectly contributes \$1,000 or more or expends \$1,000 or more in support of or in opposition to a change of organization or reorganization that will be, or has been, submitted to LAFCO must comply, to the same extent as provided for local initiative measures, with reporting and disclosure requirements of the California Political Reform Act of 1974. Additional information can be obtained by contacting the Fair Political Practices Commission. Pursuant to Government Code Section 84308, if you wish to participate in the proceedings indicated on this Agenda, you or your agent is prohibited from making a campaign contribution of \$250 or more to any Commissioner or Alternate Commissioner. This prohibition begins on the date you begin to actively support or oppose an application before LAFCO and continues until 12 months after a final decision is rendered by LAFCO. If you or your agent has made a contribution of \$250 or more to any Commissioner or Alternate Commissioner during the 12 months preceding the decision, that Commissioner or Alternate Commissioner must disqualify themselves from the decision in the proceeding. However, disqualification is not required if the Commissioner or Alternate Commissioner returns that campaign contribution within 30 days of learning both about the contribution and the fact that you are a participant in the proceedings.

MEETING MATERIALS: Any writings or documents provided to a majority of the members of the Commission regarding any item on this Agenda after the posting of the Agenda and not otherwise exempt from disclosure will be made available for public review at www.napa.lafco.ca.gov or by contacting LAFCO staff at info@napa.lafco.ca.gov or call the LAFCO office at (707) 259-8645. If supplemental materials are made available to the members of the Commission at the meeting, a copy will be available for public review at www.napa.lafco.ca.gov. Staff reports are available online at www.napa.lafco.ca.gov/staff-reports-2023 or upon request to LAFCO staff at info@napa.lafco.ca.gov or call the LAFCO office at (707) 259-8645.

VIEWING RECORDING OF MEETING: The Commission’s meeting will be recorded. Members of the public may access the meeting and other archived Commission meetings by going to <https://napa.lafco.ca.gov/2023-agendas-and-minutes>. Please allow up to one week for production time. Meetings are also broadcast on Napa TV on the second and fourth Tuesdays of each month at 8pm and second and fourth Wednesdays at 1pm (<http://napavalleytv.org/channel-28>).



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We Manage Local Government Boundaries, Evaluate Municipal Services, and Protect Agriculture

Agenda Item 5a (Consent/Action)

TO: Local Agency Formation Commission

PREPARED BY: Stephanie Pratt, Clerk/Jr. Analyst *SP*

MEETING DATE: August 5, 2024

SUBJECT: Approval of Meeting Minutes: June 3, 2024 Special Meeting

SUMMARY AND RECOMMENDATION

This is a consent item for formal action. Accordingly, if interested, the Commission is invited to pull this item for additional discussion with the concurrence of the Chair.

The Commission will consider approving the draft meeting minutes prepared by staff for the June 3, 2024 special meeting, included as Attachment 1.

Staff recommends approval of draft meeting minutes.

ATTACHMENT

- 1) Draft Minutes for June 3, 2024 Special Meeting

Margie Mohler, Commissioner
Councilmember, Town of Yountville

Beth Painter, Commissioner
Councilmember, City of Napa

Mariam Aboudamous, Alternate Commissioner
Councilmember, City of American Canyon

Anne Cottrell, Chair
County of Napa Supervisor, 3rd District

Belia Ramos, Commissioner
County of Napa Supervisor, 5th District

Joelle Gallagher, Alternate Commissioner
County of Napa Supervisor, 1st District

Kenneth Leary, Vice Chair
Representative of the General Public

Eve Kahn, Alternate Commissioner
Representative of the General Public

Brendon Freeman
Executive Officer



LOCAL AGENCY FORMATION COMMISSION OF NAPA COUNTY SPECIAL MEETING MINUTES OF MONDAY, JUNE 3, 2024

1. WELCOME AND CALL TO ORDER; ROLL CALL

Chair Cottrell called a special meeting of June 3, 2024, to order at 1:02 P.M.

At the time of roll call, the following Commissioners and staff were present:

Regular Commissioners	Alternate Commissioners	Staff
Anne Cottrell, Chair	Joelle Gallagher (<i>arrival 1:07 pm</i>)	Brendon Freeman, Executive Officer
Kenneth Leary, Vice Chair (<i>Absent</i>)	Eve Kahn (<i>Voting</i>)	Dawn Mittleman Longoria, Assistant Executive Officer
Margie Mohler	Mariam Aboudamous (<i>Absent</i>)	Gary Bell, Commission Counsel
Beth Painter		Stephanie Pratt, Clerk/Jr. Analyst
Belia Ramos (<i>arrival 1:04 pm</i>)		

2. PLEDGE OF ALLEGIANCE

Commissioner Mohler led the Pledge of Allegiance.

3. APPROVAL OF AGENDA

Chair Cottrell asked if there were any requests to rearrange the agenda. There were no requests.

Upon motion by Commissioner Mohler and second by Commissioner Painter, the Commission unanimously adopted the agenda as submitted by the following vote:

VOTE:

AYES: COTTRELL, KAHN, MOHLER, PAINTER, RAMOS

NOES: NONE

ABSENT: LEARY

ABSTAIN: NONE

4. PUBLIC COMMENTS

Chair Cottrell invited members of the audience to provide public comment. No public comments were received.

5. COMMISSION WORKSHOP

The Commission held a public workshop and discussion to provide direction to staff regarding: (1) the Support Services Agreement (SSA) with Napa County; and (2) becoming a more independent LAFCO. The Commission directed staff to return at the August regular meeting with additional information related to the scope of services provided under the SSA, current costs of those services, and potential areas of improvement. As part of this direction, Commission Counsel agreed to contact County Counsel to discuss parameters for potential amendments to the SSA and clarify the staffing model in which LAFCO employees are contracted County employees on loan to LAFCO.

6. CONSENT ITEMS

Action Items:

- Approval of Meeting Minutes: April 25, 2024 Special Meeting
- Budget Adjustment No. 2 for Fiscal Year 2023-24
- Rescind Resolution No. 2023-11

Receive Report for Information Only:

- Third Quarter Budget Report for Fiscal Year 2023-24
- Current and Future Proposals
- Legislative Report
- 2024 CALAFCO Staff Workshop Summary

Consent Item 6f Legislative Report was pulled for discussion. Assembly Bill 3277 related to ad valorem property taxes for newly formed special districts was discussed. In addition, the Commission discussed Ballot Initiative #1935, also known as the “Taxpayer Protection and Government Accountability Act”. The Commission requested staff return at the August meeting with informational updates on these items.

Upon motion by Commissioner Mohler and second by Commissioner Painter, all other consent items were approved by the following vote:

VOTE:

AYES: COTTRELL, KAHN, MOHLER, PAINTER, RAMOS
NOES: NONE
ABSENT: LEARY
ABSTAIN: NONE

7. PUBLIC HEARING ITEMS

a) Final Budget for Fiscal Year 2024-25, Amendment to the Schedule of Fees and Deposits, and Work Program for Fiscal Year 2024-25

Upon motion by Commissioner Mohler and second by Commissioner Kahn, the Commission unanimously adopted the Final Budget for Fiscal Year 2024-25 by resolution with a revision to draw down on reserves to fund the remaining consultant services expenses associated with the Countywide Fire and Emergency Medical Services Municipal Service Review, thereby reducing the LAFCO dues for each city proportionally which will appear in the budget as reducing intergovernmental revenues, by the following vote:

VOTE:

AYES: COTTRELL, KAHN, MOHLER, PAINTER, RAMOS
NOES: NONE
ABSENT: LEARY
ABSTAIN: NONE

Upon motion by Commissioner Painter and second by Commissioner Mohler, the Commission unanimously adopted the Amendment to the Schedule of Fees and Deposits and Work Program for Fiscal Year 2024-25 as submitted by the following vote:

VOTE:

AYES: COTTRELL, KAHN, MOHLER, PAINTER, RAMOS
NOES: NONE
ABSENT: LEARY
ABSTAIN: NONE

8. ACTION ITEMS

a) Proposed Redwood Road/Ruston Lane Annexation to the Napa Sanitation District and Associated CEQA Findings

The Commission approved a proposal for the annexation of one parcel totaling approximately 1.59 acres in size to the Napa Sanitation District. The affected territory is located at 2550 Redwood Road and identified as Assessor Parcel Number 007-261-003. The annexation is exempt from the California Environmental Quality Act.

Upon motion by Commissioner Painter and second by Commissioner Mohler, the Commission unanimously adopted the annexation as submitted by the following vote:

VOTE:

AYES: COTTRELL, KAHN, MOHLER, PAINTER, RAMOS
NOES: NONE
ABSENT: LEARY
ABSTAIN: NONE

9. DISCUSSION ITEMS

a) Report From University of California Berkeley on LAFCO and Water System Consolidation

The Commission received a report from the University of California Berkeley related to LAFCOs and water system consolidations.

Public members Gary Margadant addressed the Commission followed by Asia Jones from Water Audit CA.

The Commission requested staff contact the Napa County Groundwater Sustainability Agency to discuss how groundwater issues may be affected by any future consolidation efforts.

10. COMMISSIONER COMMENTS/REQUESTS FOR FUTURE AGENDA ITEMS

Commissioner Mohler was contacted by Senator Corazon who is taking over for Cecelia Aguiar-Curry and was looking to learn more about LAFCO.

11. ADJOURNED AT 3:24 PM TO NEXT SCHEDULED MEETING

Monday, August 5, 2024, at 2:00 P.M. at the Napa County Board of Supervisors Chambers, located at 1195 Third Street, 3rd floor, Napa, CA 94559.

Anne Cottrell, LAFCO Chair

ATTEST:

Brendon Freeman, Executive Officer

Prepared by:

Stephanie Pratt, Clerk/Jr. Analyst



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Agenda Item 5b (Consent/Information)

TO: Local Agency Formation Commission

PREPARED BY: Brendon Freeman, Executive Officer *BF*
Stephanie Pratt, Clerk/Jr. Analyst *SP*

MEETING DATE: August 5, 2024

SUBJECT: Draft Year-End Budget Report for Fiscal Year 2023-24

SUMMARY

This is a consent item for information purposes only. Accordingly, if interested, the Commission is invited to pull this item for additional discussion with the concurrence of the Chair. No formal action will be taken as part of this item.

The Commission will receive a draft year-end budget to actual report for the 2023-24 fiscal year, included as Attachment 1. All final numbers will be presented to the Commission at its December regular meeting as part of the annual audit report.

Following three mid-year budget adjustments, operating revenues and expenses were budgeted at \$709,436 and \$824,434, respectively. The intentional deficit totaling \$114,998 was primarily tied to drawing down reserves to finance a contract with AP Triton to prepare the Countywide Fire and Emergency Medical Services Municipal Service Review. The Commission budgeted \$100,000 for this project in fiscal year 2023-24. Only \$17,246 was paid during the year, resulting in a remaining balance totaling \$82,754.

The draft budget sheet, include as Attachment 1, shows actual revenues and expenses totaling \$741,963.88 and \$581,761.52, respectively. However, LAFCO staff salaries and benefits – which are combined under account 52100 (Administration Services) – for the fourth quarter haven't been charged to LAFCO by the County of Napa as of the date of this report. The fourth quarter charge will total \$164,392.03, resulting in year-end expenses totaling \$746,153.55.

A summary of recent and additional budget adjustments is provided on the next page.

Margie Mohler, Commissioner
Councilmember, Town of Yountville

Beth Painter, Commissioner
Councilmember, City of Napa

Mariam Aboudamous, Alternate Commissioner
Councilmember, City of American Canyon

Anne Cottrell, Chair
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County of Napa Supervisor, 1st District

Kenneth Leary, Vice Chair
Representative of the General Public

Eve Kahn, Alternate Commissioner
Representative of the General Public

Brendon Freeman
Executive Officer

Budget Adjustment No. 3 for Fiscal Year 2023-24

Consistent with local policy, the Executive Officer and the Chair approved a budget adjustment without requiring full Commission action. The budget adjustment, included as Attachment 2, resulted in an increase of \$1,000 to account 51210 (Director/Commissioner Pay) and a decrease of \$1,000 to account 52905 (Business Travel/Mileage).

This budget adjustment was needed due to a shortfall in the Salaries and Employee Benefits expense unit, which is specific to Commissioner per diem payments and associated Medicare and FICA expenses.¹ The shortfall was identified by staff only after the Commission's previous meeting held on June 3, 2024.

The oversight was due to deficiencies with staff's internal system for tracking and processing Commissioner per diems. Additionally, the Commission has two elected representatives on the CALAFCO Board of Directors, leading to numerous per diem requests throughout the year. These oversights occurred due to issues with staff's internal system for tracking and processing per diem requests. A new system has now been implemented. Additionally, staff set up year-end reminders to prevent similar budget emergencies from occurring in the future.

Additional Budget Adjustments Needed

It is important to note that actual year-end expenses within the Services and Supplies unit will exceed the budgeted amount for all accounts within this unit. A budget adjustment for fiscal year 2023-24 is needed that will increase the Services and Supplies unit by approximately \$6,000. Absent this budget adjustment, LAFCO will be unable to reimburse the County for the fourth quarter charges under account 52100 (Administration Services).

The Commission also needs to carry over the remaining \$82,754 balance that was specifically budgeted in fiscal year 2023-24 for the aforementioned AP Triton contract. This will require budget adjustments for fiscal years 2023-24 and 2024-25.

The additional budget adjustments are included on today's agenda as item 6b.

ATTACHMENTS

- 1) FY 2023-24 Draft Year-End Revenue & Expense Report
- 2) Budget Adjustment No. 3 for FY 23-24

¹ Notably, LAFCO staff salaries and benefits are all combined under expense account 52100 (Administration Services), which is part of the Services and Supplies expense unit. For budgeting purposes, the Salaries and Employee Benefits expense unit is separate from the Services and Supplies expense unit, meaning a shortfall in an individual expense *account* can only be covered by drawing from unspent funds that were budgeted for other accounts within the same *unit*.



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Agenda Item 5b (Consent/Information)

TO: Local Agency Formation Commission

PREPARED BY: Brendon Freeman, Executive Officer *BF*
Stephanie Pratt, Clerk/Jr. Analyst *SP*

MEETING DATE: August 5, 2024

SUBJECT: Draft Year-End Budget Report for Fiscal Year 2023-24

SUMMARY

This is a consent item for information purposes only. Accordingly, if interested, the Commission is invited to pull this item for additional discussion with the concurrence of the Chair. No formal action will be taken as part of this item.

The Commission will receive a draft year-end budget to actual report for the 2023-24 fiscal year, included as Attachment 1. All final numbers will be presented to the Commission at its December regular meeting as part of the annual audit report.

Following three mid-year budget adjustments, operating revenues and expenses were budgeted at \$709,436 and \$824,434, respectively. The intentional deficit totaling \$114,998 was primarily tied to drawing down reserves to finance a contract with AP Triton to prepare the Countywide Fire and Emergency Medical Services Municipal Service Review. The Commission budgeted \$100,000 for this project in fiscal year 2023-24. Only \$17,246 was paid during the year, resulting in a remaining balance totaling \$82,754.

The draft budget sheet, include as Attachment 1, shows actual revenues and expenses totaling \$741,963.88 and \$581,761.52, respectively. However, LAFCO staff salaries and benefits – which are combined under account 52100 (Administration Services) – for the fourth quarter haven't been charged to LAFCO by the County of Napa as of the date of this report. The fourth quarter charge will total \$164,392.03, resulting in year-end expenses totaling \$746,153.55.

A summary of recent and additional budget adjustments is provided on the next page.

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This budget adjustment was needed due to a shortfall in the Salaries and Employee Benefits expense unit, which is specific to Commissioner per diem payments and associated Medicare and FICA expenses.¹ The shortfall was identified by staff only after the Commission's previous meeting held on June 3, 2024.

The oversight was due to deficiencies with staff's internal system for tracking and processing Commissioner per diems. Additionally, the Commission has two elected representatives on the CALAFCO Board of Directors, leading to numerous per diem requests throughout the year. These oversights occurred due to issues with staff's internal system for tracking and processing per diem requests. A new system has now been implemented. Additionally, staff set up year-end reminders to prevent similar budget emergencies from occurring in the future.

Additional Budget Adjustments Needed

It is important to note that actual year-end expenses within the Services and Supplies unit will exceed the budgeted amount for all accounts within this unit. A budget adjustment for fiscal year 2023-24 is needed that will increase the Services and Supplies unit by approximately \$6,000. Absent this budget adjustment, LAFCO will be unable to reimburse the County for the fourth quarter charges under account 52100 (Administration Services).

The Commission also needs to carry over the remaining \$82,754 balance that was specifically budgeted in fiscal year 2023-24 for the aforementioned AP Triton contract. This will require budget adjustments for fiscal years 2023-24 and 2024-25.

The additional budget adjustments are included on today's agenda as item 6b.

ATTACHMENTS

- 1) FY 2023-24 Draft Year-End Revenue & Expense Report
- 2) Budget Adjustment No. 3 for FY 23-24

¹ Notably, LAFCO staff salaries and benefits are all combined under expense account 52100 (Administration Services), which is part of the Services and Supplies expense unit. For budgeting purposes, the Salaries and Employee Benefits expense unit is separate from the Services and Supplies expense unit, meaning a shortfall in an individual expense *account* can only be covered by drawing from unspent funds that were budgeted for other accounts within the same *unit*.



Statement of Revenues and Expenses Budget vs. Actual

Fiscal Year: 2024 Through Period: 12

Fund: 8400 - Local Agency Formation Comm

Object	Budget			Encumbrances	Actuals	Available Budget	% of Budget
	Adopted	Adjustments	Revised				
License, Permits and Franchises							
42690 - Permits Other/Application Fees	22,950.00	-	22,950.00	-	40,170.00	(17,220.00)	175.03 %
Total License, Permits and Franchises	22,950.00	-	22,950.00	-	40,170.00	(17,220.00)	175.03 %
Intergovernmental Revenues							
43910 - County of Napa	339,738.00	-	339,738.00	-	339,738.00	-	100.00 %
43950 - Other - Governmental Agencies	339,738.00	-	339,738.00	-	339,738.00	-	100.00 %
Total Intergovernmental Revenues	679,476.00	-	679,476.00	-	679,476.00	-	100.00 %
Revenue from Use of Money and Property							
45100 - Interest	6,500.00	-	6,500.00	-	18,167.88	(11,667.88)	279.51 %
Total Revenue from Use of Money and Property	6,500.00	-	6,500.00	-	18,167.88	(11,667.88)	279.51 %
Charges for Services							
46800 - Charges for Services	510.00	-	510.00	-	4,150.00	(3,640.00)	813.73 %
Total Charges for Services	510.00	-	510.00	-	4,150.00	(3,640.00)	813.73 %
Salaries and Employee Benefits							
51210 - Director/Commissioner Pay	15,000.00	1,000.00	16,000.00	-	15,750.00	250.00	98.44 %
51300 - Medicare	250.00	-	250.00	-	228.37	21.63	91.35 %
51305 - FICA	600.00	500.00	1,100.00	-	967.20	132.80	87.93 %
Total Salaries and Employee Benefits	15,850.00	1,500.00	17,350.00	-	16,945.57	404.43	97.67 %

Fund: 8400 - Local Agency Formation Comm

Object	Budget			Encumbrances	Actuals	Available Budget	% of Budget
	Adopted	Adjustments	Revised				
Services and Supplies							
52100 - Administration Services	548,598.00	10,417.00	559,015.00	-	410,405.08	148,609.92	73.42 %
52125 - Accounting/Auditing Services	7,500.00	-	7,500.00	-	8,039.25	(539.25)	107.19 %
52130 - Information Technology Svcs	34,309.00	-	34,309.00	-	32,014.67	2,294.33	93.31 %
52131 - ITS Communication Charges	2,000.00	-	2,000.00	-	2,000.00	-	100.00 %
52140 - Legal Services	35,000.00	-	35,000.00	-	36,195.00	(1,195.00)	103.41 %
52310 - Consulting Services	105,000.00	-	105,000.00	-	20,661.55	84,338.45	19.68 %
52345 - Janitorial Services	300.00	-	300.00	-	-	300.00	0.00 %
52515 - Maint - Software	3,062.00	-	3,062.00	-	1,762.00	1,300.00	57.54 %
52600 - Rents/Leases - Equipment	3,500.00	-	3,500.00	-	2,994.36	505.64	85.55 %
52605 - Rents/Leases - Buildings/Land	26,775.00	-	26,775.00	-	26,775.00	-	100.00 %
52700 - Insurance - Liability	716.00	-	716.00	-	-	716.00	0.00 %
52800 - Communications/Telephone	3,000.00	2,000.00	5,000.00	-	4,397.34	602.66	87.95 %
52830 - Publications and Legal Notices	750.00	-	750.00	-	1,132.66	(382.66)	151.02 %
52835 - Filing Fees	150.00	-	150.00	-	100.00	50.00	66.67 %
52900 - Training/Conference Expenses	15,000.00	(2,500.00)	12,500.00	-	11,182.66	1,317.34	89.46 %
52905 - Business Travel/Mileage	3,000.00	(1,000.00)	2,000.00	-	200.73	1,799.27	10.04 %
53100 - Office Supplies	2,000.00	-	2,000.00	-	1,192.26	807.74	59.61 %
53110 - Freight/Postage	100.00	-	100.00	-	-	100.00	0.00 %
53115 - Books/Media/Subscriptions	119.00	-	119.00	-	-	119.00	0.00 %
53120 - Memberships/Certifications	3,332.00	-	3,332.00	-	3,332.00	-	100.00 %
53205 - Utilities - Electric	2,400.00	-	2,400.00	-	1,837.11	562.89	76.55 %
53410 - Computer Equipment/Accessories	-	571.00	571.00	-	-	571.00	0.00 %
53415 - Computer Software/Licnsng Fees	225.00	-	225.00	-	-	225.00	0.00 %
53650 - Business Related Meals/Supply	260.00	500.00	760.00	-	594.28	165.72	78.19 %
Total Services and Supplies	797,096.00	9,988.00	807,084.00	-	564,815.95	242,268.05	69.98 %

33100 - Beginning Available Fund Balance				392,300.60		
Total Revenues	709,436.00		709,436.00	<u>741,963.88</u>	(32,527.88)	104.59 %
Total Expenditures	812,946.00	<u>11,488.00</u>	824,434.00	<u>581,761.52</u>	242,672.48	70.56 %
Net Surplus / (Deficit)	(103,510.00)	(11,488.00)	(114,998.00)	160,202.36		
33100 - Fiscal Year 2024 Transactions				19,656.50		
33100 - Current Available Fund Balance				572,159.46		

BUDGET ADJUSTMENT REQUEST
Increase/Decrease Between Expenses

Fiscal Year: 2023-2024

Date: 06/28/24
 Department: LAFCO
 Prepared By: Stephanie Prati
 Phone: 707-259-8645

Board # (if Appl): _____
 Budget Journal ID: _____
 Journal Entry ID: _____
 Date Posted: _____

Fund	Sub-division	Program	Account Code	Account Description	Increase	Decrease
8400	8400000		51210	Commissioner Per Diems	1,000.00	
8400	8400000		52905	Business Travel/Mileage		1,000.00
Adjustment Totals					1,000.00	1,000.00

Justification: Need to increase account 51210 to pay for Commissioner per diems in order to close payroll. Will be offsent by decreasing 52905, which has unspent funds remaining.

Department Authorization	Chair Authorization	Auditor-Controller	Board of Supervisor's Action
Budget Adjustment and Related Journal Entry, if applicable, reviewed and approved. <u>July 8, 2024</u> Date <i>Brandon Freeman</i> Department Head	<input checked="" type="checkbox"/> Approve <u>July 2, 2024</u> Date <input type="checkbox"/> Disapprove <i>Anne Cottrell</i> LAFCO Chair	Budget Adjustment and Related Journal Entry, if applicable, approved as to Accounting Form. _____ Date Auditor-Controller	<input type="checkbox"/> Approve _____ Date <input type="checkbox"/> Disapprove _____ Date Agenda Item Clerk of the Board of Supervisors



Agenda Item 5c (Consent/Information)

TO: Local Agency Formation Commission

PREPARED BY: Stephanie Pratt, Clerk/Jr. Analyst *SP*

MEETING DATE: August 5, 2024

SUBJECT: Current and Future Proposals

SUMMARY

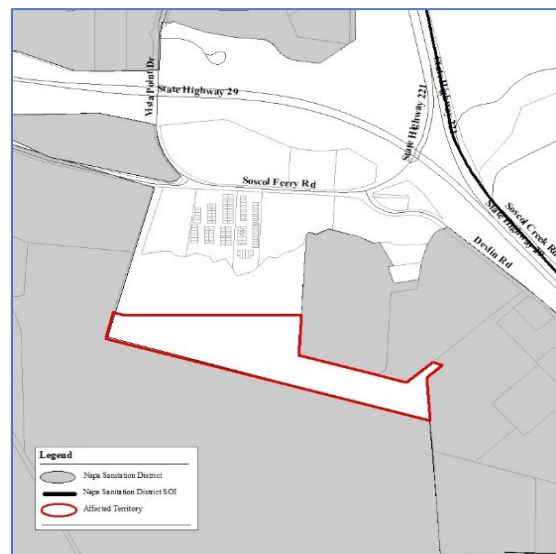
This is a consent item for information purposes only. Accordingly, if interested, the Commission is invited to pull this item for additional discussion with the concurrence of the Chair. No formal action will be taken as part of this item.

This report summarizes all current and future boundary change proposals. There are currently two active proposals on file and seven anticipated new proposals that are expected to be submitted in the future. A summary follows.

Active Proposals

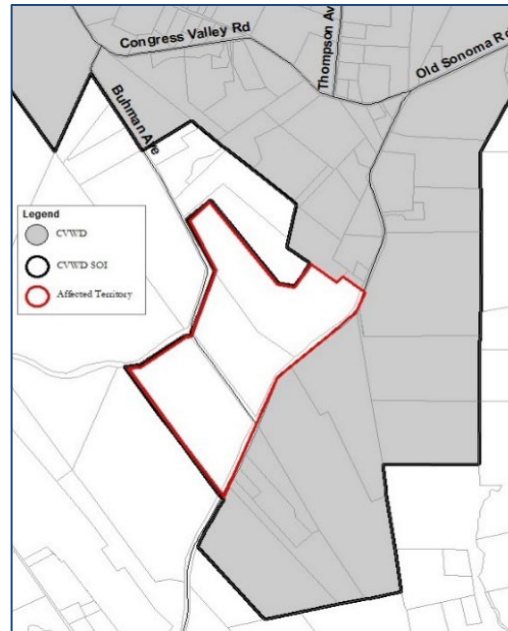
Devlin Road No. 6 Annexation to NSD

A representative for the landowner of one unincorporated parcel submitted an application to annex the parcel to the Napa Sanitation District (NSD). The parcel is undeveloped, identified as APN 057-170-024, has no situs address, and is 27.55 acres in size. The parcel is in NSD’s sphere of influence (SOI). Annexation to NSD would facilitate the Nova Business Park North project, which will include industrial land uses. The proposal is on today’s agenda as item 6a.



Old Sonoma Road/Buhman Avenue Annexation to CVWD

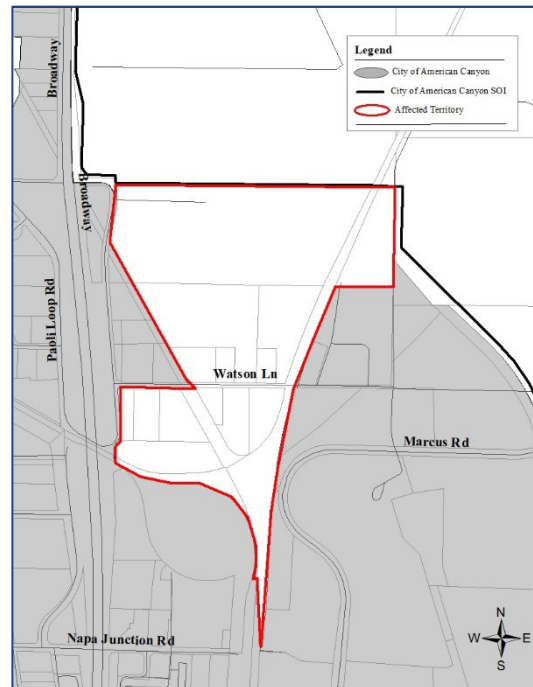
A landowner previously submitted a proposal to annex three unincorporated parcels totaling approximately 141.5 acres in size to the Congress Valley Water District (CVWD). The parcels are located along the northwestern side of Old Sonoma Road at its intersection with Buhman Avenue and identified as APNs 047-030-005, 047-030-020, and 047-080-001. Current land uses include two single-family residences and commercial vineyards with auxiliary structures and facilities. Two of the parcels already receive water service through grandfathered outside service agreements. Annexation would establish permanent water service to all three parcels. CVWD has requested, and the landowners have agreed, to postpone LAFCO action. There is no current timetable.



Anticipated Proposals

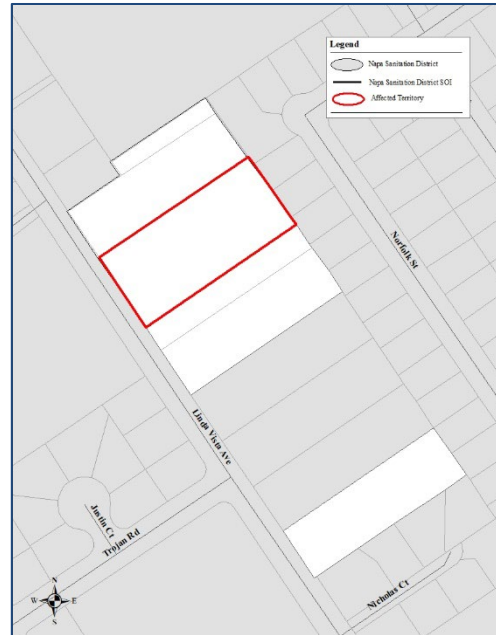
Paoli Loop/Watson Lane Reorganization Involving the City of American Canyon and County Service Area No. 4

A landowner submitted a preliminary application to annex 16 parcels and a portion of railroad totaling approximately 83 acres of unincorporated territory to the City of American Canyon. Concurrent detachment from County Service Area No. 4 is required under local policy. The area is located within the City's SOI near Watson Lane and Paoli Loop and identified as APNs 057-120-014, -015, -017, -028, -034, -036, -041, -045, -047, -048, -049, -050, & -051, 057-180-014 & -015, and 059-020-036. The purpose of annexation is to allow development of the area for industrial and residential purposes as well as help facilitate the extension of Newell Drive to South Kelly Road. The City of American Canyon, as lead agency under CEQA, certified a Final Environmental Impact Report for the Paoli/Watson Lane Annexation Project. It is anticipated a complete application for annexation will be submitted soon and the proposal will be on the Commission's October meeting agenda for formal action.



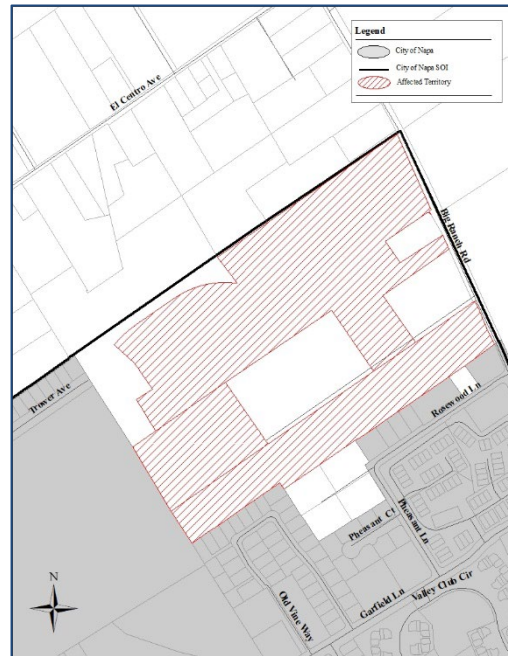
3750 Linda Vista Avenue Annexation to NSD

A landowner has inquired about annexation of one incorporated parcel to NSD. The parcel is located in NSD's SOI at 3750 Linda Vista Avenue in the City of Napa, approximately 1.2 acres in size, and identified as APN 007-231-006. Current land uses within the parcel are limited to one single-family residence that currently depends on a private onsite septic system for sewage disposal. Annexation would facilitate the development of the parcel for intensification of residential uses that will require connection to NSD's public sewer infrastructure. Staff will pursue expanding the annexation boundary to include additional parcels that are contiguous to 3750 Linda Vista Avenue and remain outside NSD's boundary. It is anticipated a complete application for annexation will be submitted soon and the proposal will be on the Commission's October or December meeting agenda for formal action.



Big Ranch Road/Trower Avenue Annexation to the City of Napa

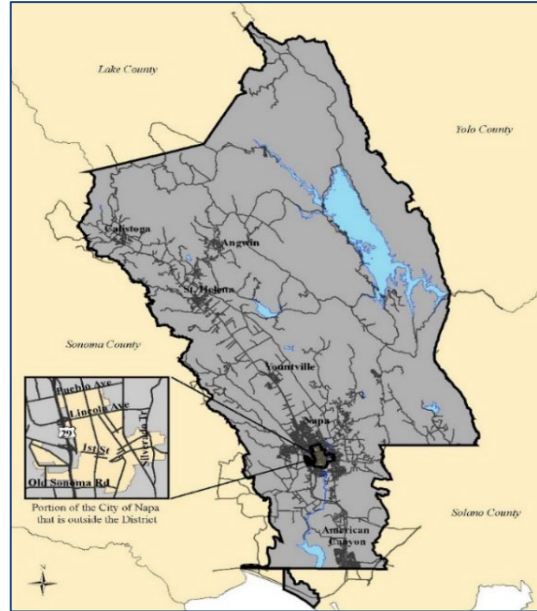
A landowner has submitted a preliminary application to the City of Napa for the annexation of three unincorporated parcels totaling approximately 46 acres. The parcels are located within the City's SOI near Big Ranch Road and Trower Avenue and identified as APNs 038-240-005, -014, & -022. Annexation to the City would allow the parcels to be developed consistent with the City's adopted Big Ranch Road Specific Plan. Annexation to NSD will also be recommended consistent with LAFCO policies. The preliminary application is under review by the City and considered incomplete at this time. Notably, the annexation as proposed can't be approved due to a statutory provision that prohibits the creation of new, entirely surrounded islands.¹ It is anticipated a proposal for annexation will be submitted to LAFCO in the foreseeable future, but there is no specific timetable.



¹ See [California Government Code §56744](#).

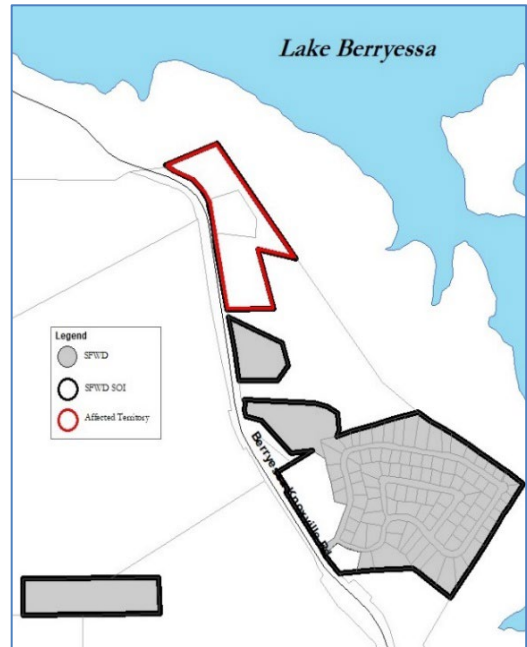
NCRCDD Donut Hole Annexation

Staff from the Napa County Resource Conservation District (NCRCDD) has inquired about annexation of approximately 1,300 acres of incorporated territory located in the City of Napa. This area comprises the only remaining territory located within NCRCDD’s SOI but outside its jurisdictional boundary and is commonly referred to as a “donut hole”. The purpose of annexation would be to allow NCRCDD to expand its service programs and hold public meetings within the affected territory; activities that are currently prohibited within the area. In February 2020, the Commission approved a request for a waiver of LAFCO’s proposal processing fees. The Commission recently completed a Municipal Service Review for NCRCDD that includes a recommendation for the District to annex the donut hole. It is anticipated a proposal for annexation will be submitted in the foreseeable future, but there is no specific timetable.



7140 & 7150 Berryessa-Knoxville Road Annexation to SFWD

A landowner has inquired about annexation of one entire unincorporated parcel and a portion of a second unincorporated parcel totaling approximately 7.9 acres in size to the Spanish Flat Water District (SFWD). The parcels were added to SFWD’s SOI in 2021, are located at 7140 and 7150 Berryessa-Knoxville Road, and identified as APNs 019-280-004 (entire) and 019-280-006 (portion). Current land uses within the parcels include a commercial boat and recreational vehicle storage facility (Lakeview Boat Storage), approximately 6,000 square feet of enclosed storage structures, an administrative office, and a detached single-family residence. The parcels are currently dependent on private water and septic systems to support existing uses. Annexation would facilitate the connection of existing uses to SFWD’s water and sewer services. It is anticipated a proposal for annexation will be submitted in the future, but there is no current timetable.



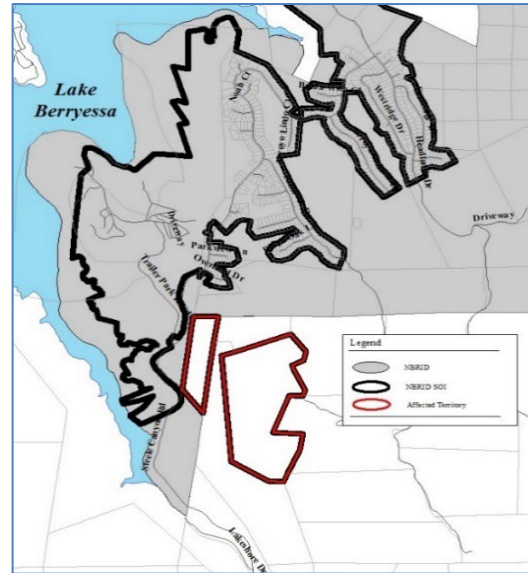
Materials Diversion Facility Annexation to the City of Napa

Staff from the City of Napa has inquired about annexation of approximately 2.9 acres of unincorporated territory comprising a portion of a parcel owned by the Napa-Vallejo Waste Management Authority. The APN of the entire parcel is 057-090-060. A property sale and a lot line adjustment are planned to create new parcels. The purpose of the property acquisition and future annexation is to expand the City’s existing materials diversion facility operations. The property is located outside the City of Napa’s SOI near the City of American Canyon. Annexation to the City of Napa is allowed given the property is owned by the City and soon will be used by the City for municipal purposes.² It is anticipated a proposal for annexation will be submitted in the future, but there is no current timetable.



Wastewater Treatment Plant Annexation to NBRID

Staff from the Napa Berryessa Resort Improvement District (NBRID) has inquired about annexation of two unincorporated parcels totaling approximately 101 acres in size that serve as the location of the District’s wastewater treatment plant facilities. The parcels were recently added to NBRID’s SOI, are owned by NBRID, and are identified as APNs 019-220-028 & -038. Annexation would be for purposes of reducing NBRID’s annual property tax burden. It is anticipated a proposal for annexation will be submitted in the future, but there is no current timetable.



² See [California Government Code §56742](#).



Local Agency Formation Commission of Napa County
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We Manage Local Government Boundaries, Evaluate Municipal Services, and Protect Agriculture

Agenda Item 5d (Consent/Information)

TO: Local Agency Formation Commission

PREPARED BY: Brendon Freeman, Executive Officer *BF*

MEETING DATE: August 5, 2024

SUBJECT: Legislative Report

BACKGROUND AND SUMMARY

This is a consent item for information purposes only. Accordingly, if interested, the Commission is invited to pull this item for additional discussion with the concurrence of the Chair. No formal action will be taken as part of this item.

On April 8, 2024, the Commission directed staff to submit letters to the Legislature supporting Assembly Bill (AB) 817 and Senate Bill (SB) 1209. The Commission also discussed AB 3277 and agreed to watch the bill. Staff submitted letters in support of AB 817 and SB 1209 to the Legislature. Staff recently submitted a second letter supporting SB 1209 as amended, included as Attachment 1.

AB 3277, included as Attachment 2, relates to LAFCO's role in performing ad valorem property tax financial analysis. The Governor signed AB 3277 into law on July 2, 2024.

On June 3, 2024, the Commission discussed Ballot Initiative 1935 and requested staff return with any pertinent updates. In the case *Legislature v. Weber*, a unanimous California Supreme Court ordered the Secretary of State not to place Initiative 1935 on the November 2024 statewide ballot because, rather than a lawful initiative amendment of the California Constitution, it is an improper revision. A revision can only be proposed by the Legislature or a constitutional convention.

ATTACHMENTS

- 1) SB 1209 Support as Amended Letter to Legislature
- 2) AB 3277 Signed by Governor

Margie Mohler, Commissioner
Councilmember, Town of Yountville

Beth Painter, Commissioner
Councilmember, City of Napa

Mariam Aboudamous, Alternate Commissioner
Councilmember, City of American Canyon

Anne Cottrell, Chair
County of Napa Supervisor, 3rd District

Belia Ramos, Commissioner
County of Napa Supervisor, 5th District

Joelle Gallagher, Alternate Commissioner
County of Napa Supervisor, 1st District

Kenneth Leary, Vice Chair
Representative of the General Public

Eve Kahn, Alternate Commissioner
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Brendon Freeman
Executive Officer



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We Manage Local Government Boundaries, Evaluate Municipal Services, and Protect Agriculture

June 12, 2024

Honorable Juan Carrillo, Chair
 Assembly Local Government Committee
 1020 N St., Rm. 157
 Sacramento, CA 95814

RE: **SUPPORT, AS AMENDED - SB 1209 (Cortese): Local agency formation commission: indemnification**

Dear Chair Carrillo and Committee Members:

The Napa Local Agency Formation Commission (LAFCO) is pleased to **Support Senate Bill 1209**, sponsored by the California Association of Local Agency Formation Commissions (CALAFCO). **SB 1209** would add a new section into Government Code authorizing LAFCOs to enter into an indemnification agreement with an applicant, which would hold harmless the LAFCO or its agents from any action attacking a LAFCO approval. Counties and cities are already empowered to enter into, and require indemnification, and routinely do so with respect to discretionary land-use approvals. SB 1209 would provide LAFCOs with a similar authority in this situation.

This bill is in response to a 2022 decision of the Second District Court of Appeals, which found that existing State law does not provide explicit authority to LAFCOs to require indemnification in any situation. Absent indemnification authority - and because LAFCO funding is statutorily required in a specified ratio from the county, cities, and special districts within a county - the costs to defend litigation must be absorbed by all of LAFCO's funding agencies.

Consequently, **SB 1209** will provide LAFCOs with the ability to use a tool already in use by counties and cities, and prevent some costs to defend litigation from being shifted to a county, its cities, and its special districts.

Thus, for the above reasons, Napa LAFCO is in strong **Support of SB 1209** and respectfully requests your AYE vote.

Sincerely,

Brendon Freeman
 Executive Officer

cc: Members and All Consultants, Assembly Local Government Committee
 The Honorable Dave Cortese, California State Senate
 René LaRoche, Executive Director, CALAFCO

Margie Mohler, Commissioner
 Councilmember, Town of Yountville

Beth Painter, Commissioner
 Councilmember, City of Napa

Mariam Aboudamous, Alternate Commissioner
 Councilmember, City of American Canyon

Anne Cottrell, Chair
 County of Napa Supervisor, 3rd District

Belia Ramos, Commissioner
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Joelle Gallagher, Alternate Commissioner
 County of Napa Supervisor, 1st District

Kenneth Leary, Vice Chair
 Representative of the General Public

Eve Kahn, Alternate Commissioner
 Representative of the General Public

Brendon Freeman
 Executive Officer

Assembly Bill No. 3277

CHAPTER 70

An act to amend Section 56810 of the Government Code, relating to local government.

[Approved by Governor July 2, 2024. Filed with Secretary of State July 2, 2024.]

LEGISLATIVE COUNSEL'S DIGEST

AB 3277, Committee on Local Government. Local agency formation commission: districts: property tax.

Existing law, the Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000, establishes the sole and exclusive authority and procedures for the initiation, conduct, and completion of changes of organization and reorganization for cities and districts. Existing law requires proceedings for the formation of a district to be conducted as authorized by the principal act of the proposed district, and authorizes the local agency formation commission in each county to serve as the conducting authority, as specified. Existing law requires a commission to determine the amount of property tax revenue to be exchanged by an affected local agency, as specified, if the proposal includes the formation of a district, as defined.

This bill would, instead, require a commission to determine the amount of property tax revenue to be exchanged by an affected local agency if the proposal includes the formation of a district and the applicant is seeking a share of the 1% ad valorem property taxes. By adding to the duties of a local agency formation commission, the bill would impose a state-mandated local program.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that, if the Commission on State Mandates determines that the bill contains costs mandated by the state, reimbursement for those costs shall be made pursuant to the statutory provisions noted above.

The people of the State of California do enact as follows:

SECTION 1. Section 56810 of the Government Code is amended to read:

56810. (a) (1) If the proposal includes the incorporation of a city, as defined in Section 56043, the commission shall determine the amount of

property tax revenue to be exchanged by the affected local agency pursuant to this section and Section 56815.

(2) If the proposal includes the formation of a district, as defined in Section 2215 of the Revenue and Taxation Code, and if the applicant is seeking a share of the 1 percent ad valorem property taxes, the commission shall determine the amount of property tax to be exchanged by the affected local agency pursuant to this section.

(b) The commission shall notify the county auditor of the proposal and the services which the new jurisdiction proposes to assume within the area, and identify for the auditor the existing service providers within the area subject to the proposal.

(c) If the proposal would not transfer all of an affected agency's service responsibilities to the proposed city or district, the commission and the county auditor shall do all of the following:

(1) The county auditor shall determine the proportion that the amount of property tax revenue derived by each affected local agency pursuant to subdivision (b) of Section 93 of the Revenue and Taxation Code bears to the total amount of revenue from all sources, available for general purposes, received by each affected local agency in the prior fiscal year. For purposes of making this determination and the determination required by paragraph (3), "total amount of revenue from all sources available for general purposes" means the total amount of revenue which an affected local agency may use on a discretionary basis for any purpose and does not include any of the following:

(A) Revenue which, by statute, is required to be used for a specific purpose.

(B) Revenue from fees, charges, or assessments which are levied to specifically offset the cost of particular services and do not exceed the cost reasonably borne in providing these services.

(C) Revenue received from the federal government which is required to be used for a specific purpose.

(2) The commission shall determine, based on information submitted by each affected local agency, an amount equal to the total net cost to each affected local agency during the prior fiscal year of providing those services which the new jurisdiction will assume within the area subject to the proposal. For purposes of this paragraph, "total net cost" means the total direct and indirect costs that were funded by general purpose revenues of the affected local agency and excludes any portion of the total cost that was funded by any revenues of that agency that are specified in subparagraphs (A), (B), and (C) of paragraph (1).

(3) The commission shall multiply the amount determined pursuant to paragraph (2) for each affected local agency by the corresponding proportion determined pursuant to paragraph (1) to derive the amount of property tax revenue used to provide services by each affected local agency during the prior fiscal year within the area subject to the proposal. The county auditor shall adjust the amount described in the previous sentence by the annual tax increment according to the procedures set forth in Chapter 6

(commencing with Section 95) of Part 0.5 of Division 1 of the Revenue and Taxation Code, to the fiscal year in which the new city or district receives its initial allocation of property taxes.

(4) For purposes of this subdivision, in any county in which, prior to the adoption of Article XIII A of the California Constitution, and continuing thereafter, a separate fund or funds were established consisting of revenues derived from the unincorporated area of the county and from which fund or funds services rendered in the unincorporated area have been paid, the amount of property tax revenues derived pursuant to paragraph (3), may, at the discretion of the commission, be transferred to the proposed city over a period not to exceed 12 fiscal years following its incorporation. In determining whether the transfer of the amount of property tax revenues determined pursuant to paragraph (3) shall occur entirely within the fiscal year immediately following the incorporation of the proposed city or shall be phased in over a period not to exceed 12 full fiscal years following the incorporation, the commission shall consider each of the following:

(A) The total amount of revenue from all sources available to the proposed city.

(B) The fiscal impact of the proposed transfer on the transferring agency.

(C) Any other relevant facts which interested parties to the exchange may present to the commission in written form.

The decision of the commission shall be supported by written findings setting forth the basis for its decision.

(d) If the proposal would transfer all of an affected agency's service responsibilities to the proposed city or district, the commission shall request the auditor to determine the property tax revenue generated for the affected service providers by tax rate area, or portion thereof, and transmit that information to the commission.

(e) The executive officer shall notify the auditor of the amount determined pursuant to paragraph (3) of subdivision (c) or subdivision (d), as the case may be, and, where applicable, the period of time within which and the procedure by which the transfer of property tax revenues will be effected pursuant to paragraph (4) of subdivision (c), at the time the executive officer records a certificate of completion pursuant to Section 57203 for any proposal described in subdivision (a), and the auditor shall transfer that amount to the new jurisdiction.

(f) The amendments to this section enacted during the 1985–86 Regular Session of the Legislature shall apply to any proposal described in subdivision (a) for which a certificate of completion is recorded with the county recorder on or after January 1, 1987.

(g) For purposes of this section, "prior fiscal year" means the most recent fiscal year for which data on actual direct and indirect costs and revenues needed to perform the calculations required by this section are available preceding the issuance of the certificate of filing.

(h) An action brought by a city or district to contest any determinations of the county auditor or the commission with regard to the amount of property tax revenue to be exchanged by the affected local agency pursuant

to this section shall be commenced within three years of the effective date of the city's incorporation or the district's formation. These actions may be brought by any city that incorporated or by any district that formed on or after January 1, 1986.

(i) This section applies to any city that incorporated or district that formed on or after January 1, 1986.

(j) The calculations and procedures specified in this section shall be made prior to and shall be incorporated into the calculations specified in Section 56815.

SEC. 2. If the Commission on State Mandates determines that this act contains costs mandated by the state, reimbursement to local agencies and school districts for those costs shall be made pursuant to Part 7 (commencing with Section 17500) of Division 4 of Title 2 of the Government Code.



Local Agency Formation Commission of Napa County
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Agenda Item 5e (Consent/Information)

TO: Local Agency Formation Commission

PREPARED BY: Brendon Freeman, Executive Officer *B F*

MEETING DATE: August 5, 2024

SUBJECT: Update on Countywide Fire and Emergency Medical Services
Municipal Service Review and Sphere of Influence Reviews

BACKGROUND AND SUMMARY

This is a consent item for information purposes only. Accordingly, if interested, the Commission is invited to pull this item for additional discussion with the concurrence of the Chair. No formal action will be taken as part of this item.

On November 28, 2023, the Commission entered into a contract with AP Triton to prepare the Countywide Fire and Emergency Medical Services (EMS) Municipal Service Review (MSR) and Sphere of Influence (SOI) Reviews.

The AP Triton team assigned to the Napa County project is now in possession of the data elements required to initiate drafting the MSR. The data collection phase of the project proved time consuming and at times challenging. However, it was critical to compile complete and accurate data to provide the foundation of the study.

Site visits and stakeholder interviews are scheduled to occur in October.

It is anticipated that a draft MSR and SOI Reviews will be presented to the Commission in early 2025.

Margie Mohler, Commissioner
Councilmember, Town of Yountville

Beth Painter, Commissioner
Councilmember, City of Napa

Mariam Aboudamous, Alternate Commissioner
Councilmember, City of American Canyon

Anne Cottrell, Chair
County of Napa Supervisor, 3rd District

Belia Ramos, Commissioner
County of Napa Supervisor, 5th District

Joelle Gallagher, Alternate Commissioner
County of Napa Supervisor, 1st District

Kenneth Leary, Vice Chair
Representative of the General Public

Eve Kahn, Alternate Commissioner
Representative of the General Public

Brendon Freeman
Executive Officer



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Agenda Item 6a (Action)

TO: Local Agency Formation Commission
PREPARED BY: Brendon Freeman, Executive Officer BF
Stephanie Pratt, Clerk/Jr. Analyst SP
MEETING DATE: August 5, 2024
SUBJECT: Proposed Devlin Road No. 6 Annexation to the Napa Sanitation District and Associated CEQA Findings

RECOMMENDATION

Adopt the Resolution of the Local Agency Formation Commission of Napa County Making Determinations – Devlin Road No. 6 Annexation to the Napa Sanitation District (NSD) making California Environmental Quality Act (CEQA) findings and approving the proposed annexation (Attachment 1). Standard conditions are also recommended.

BACKGROUND AND SUMMARY

Applicant: Landowner (petition)
Proposed Action: Annexation to NSD
Assessor Parcel Numbers: 057-170-024
Location: No situs address
Area Size: 27.55 acres
Jurisdiction: County of Napa
Sphere of Influence Consistency: Yes
Policy Consistency: Yes
Tax Sharing Agreement: Yes – master tax exchange agreement
Landowner Consent: 100%
Protest Proceedings: Waived
CEQA: Nova Business Park North
Current Land Uses: Vacant

Purpose: Development of Nova Business Park North
Application: Attachment 2
Maps of Affected Territory: Following pages

Margie Mohler, Commissioner
Councilmember, Town of Yountville

Beth Painter, Commissioner
Councilmember, City of Napa

Mariam Aboudamous, Alternate Commissioner
Councilmember, City of American Canyon

Anne Cottrell, Chair
County of Napa Supervisor, 3rd District

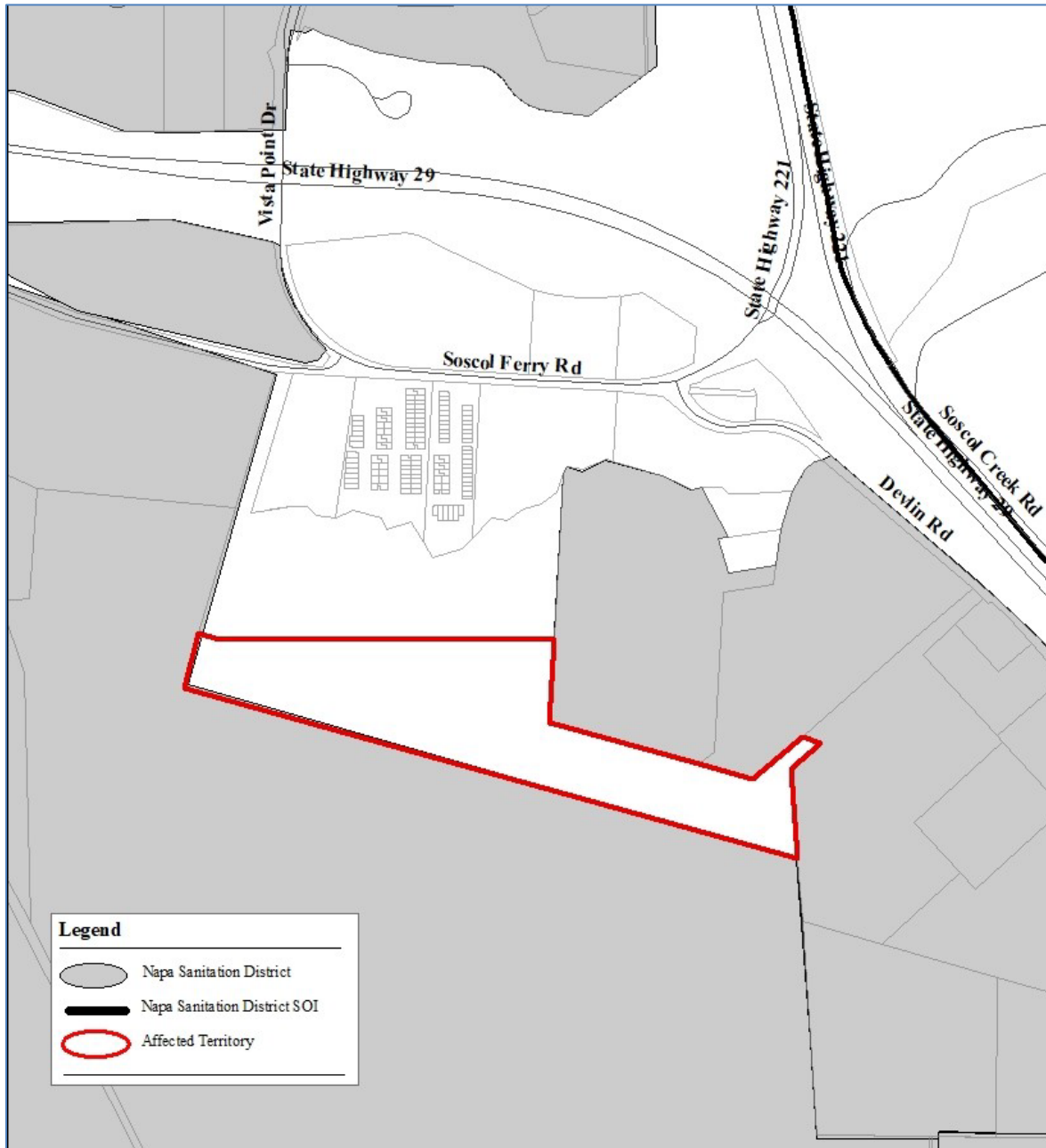
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Joelle Gallagher, Alternate Commissioner
County of Napa Supervisor, 1st District

Kenneth Leary, Vice Chair
Representative of the General Public

Eve Kahn, Alternate Commissioner
Representative of the General Public

Brendon Freeman
Executive Officer





DISCUSSION

Factors for Commission Determinations

Mandated Factors: Attachment 3¹

Property Tax Agreement

Master Property Tax Agreement: No change in allocation for annexations to NSD

Protest Proceedings

Waived: Legally uninhabited with 100% consent of property owners²

ENVIRONMENTAL REVIEW³

Lead Agency: County of Napa

Responsible Agency: Napa LAFCO

Project Title: Nova Business Park North

Documentation: Attachment 4

ATTACHMENTS

- 1) Draft Resolution Approving the Proposal and Making CEQA Findings
- 2) Application Materials
- 3) Factors for Commission Determinations
- 4) Initial Study and Mitigated Negative Declaration for Nova Business Park North

¹ California Government Code sections 56668 & 56668.3

² California Government Code section 56662(a): fewer than 12 registered voters

RESOLUTION NO. ____

**RESOLUTION OF
THE LOCAL AGENCY FORMATION COMMISSION OF NAPA COUNTY
MAKING DETERMINATIONS**

**DEVLIN ROAD NO. 6
ANNEXATION TO THE NAPA SANITATION DISTRICT**

WHEREAS, an application for a proposed reorganization has been filed with the Local Agency Formation Commission of Napa County, hereinafter referred to as “Commission,” pursuant to the Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000; and

WHEREAS, the proposal seeks Commission approval to annex approximately 27.55 acres of incorporated land to the Napa Sanitation District and represents one entire parcel with no situs address and identified by the County of Napa Assessor’s Office as 057-170-024; and

WHEREAS, the Commission’s Executive Officer has reviewed the proposal and prepared a report with recommendations; and

WHEREAS, the Executive Officer’s report and recommendations have been presented to the Commission in the manner provided by law; and

WHEREAS, the Commission heard and fully considered all the evidence presented at a public meeting held on the proposal on August 5, 2024; and

WHEREAS, the Commission considered all the factors required by law under Government Code sections 56668 and 56668.3 as well as adopted local policies and procedures; and

WHEREAS, the Commission finds the proposal consistent with the sphere of influence established for the Napa Sanitation District; and

WHEREAS, the Commission finds that all owners of land included in said proposal consent to the subject annexation; and

WHEREAS, in accordance with applicable provisions of the California Environmental Quality Act (hereinafter “CEQA”), the Commission considered available exemptions under CEQA, in accordance with Title 14 of the California Code of Regulations (hereinafter “CEQA Guidelines”); and

NOW, THEREFORE, THE COMMISSION DOES HEREBY RESOLVE, DETERMINE, AND ORDER as follows:

1. The Factors for Commission Determinations provided in the Executive Officer's written report are hereby incorporated herein by this reference and are adequate.
2. The Commission serves as a Responsible Agency for the proposal pursuant to CEQA and has reviewed and considered information contained in the County of Napa's Initial Study and Mitigated Negative Declaration for the Nova Business Park North and finds that there are no additional direct or indirect environmental effects that would result from the Commission's approval of the proposal; and therefore, no additional mitigation measures are required by the County of Napa.
3. The proposal is APPROVED subject to completion of item number 11 below.
4. This proposal is assigned the following distinctive short-term designation:

**DEVLIN ROAD NO. 6
ANNEXATION TO THE NAPA SANITATION DISTRICT**

5. The affected territory is shown on the map and described in the geographic description in the attached Exhibit "A".
6. The affected territory so described is uninhabited as defined in California Government Code section 56046.
7. The Napa Sanitation District utilizes the regular assessment roll of the County of Napa.
8. The affected territory will be taxed for existing general bonded indebtedness of the Napa Sanitation District.
9. The proposal shall be subject to the terms and conditions of the Napa Sanitation District.
10. The Commission waives conducting authority proceedings in accordance with California Government Code section 56662(a).
11. Recordation is contingent upon receipt by the Executive Officer of the following:
 - (a) All outstanding Commission fees.
 - (b) Written confirmation from the Napa Sanitation District that it is acceptable to record a Certificate of Completion.
12. The effective date shall be the date of recordation of the Certificate of Completion. The Certificate of Completion must be recorded within one calendar year unless an extension is requested and approved by the Commission.
13. The Commission hereby directs staff to file a Notice of Determination in compliance with CEQA.

The foregoing resolution was duly and regularly adopted by the Commission at a public meeting held on August 5, 2024, after a motion by Commissioner _____, seconded by Commissioner _____, by the following vote:

AYES: Commissioners _____

NOES: Commissioners _____

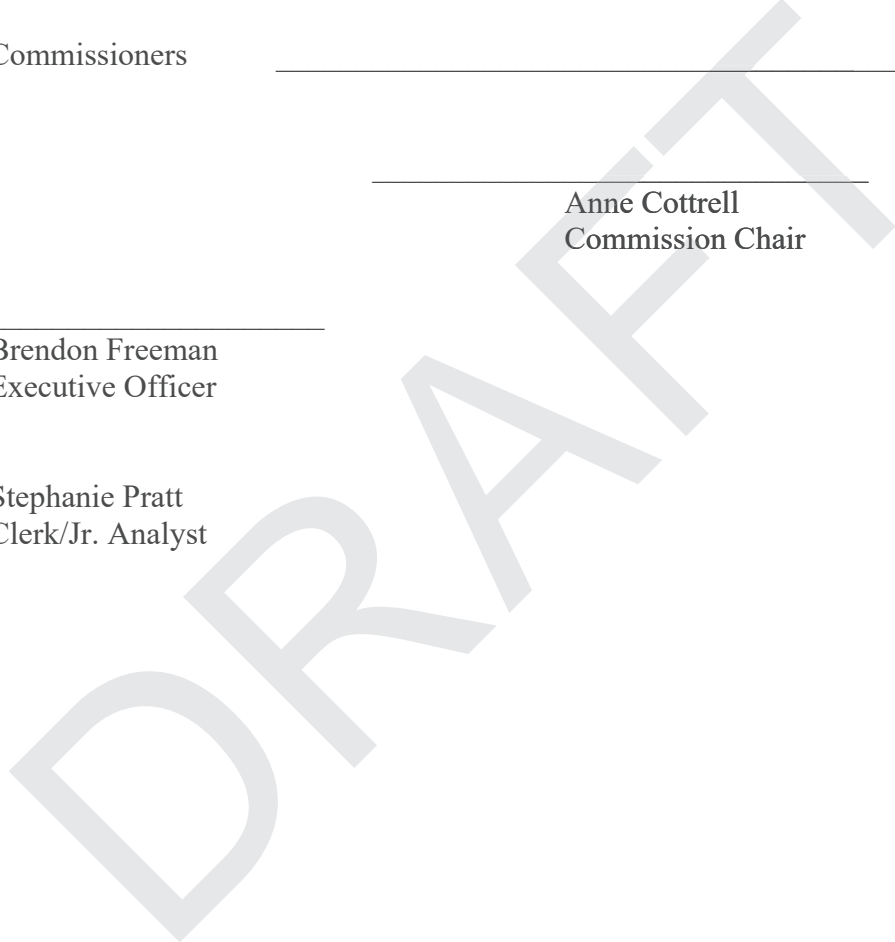
ABSENT: Commissioners _____

ABSTAIN: Commissioners _____

Anne Cottrell
Commission Chair

ATTEST: _____
Brendon Freeman
Executive Officer



Recorded by: Stephanie Pratt
Clerk/Jr. Analyst

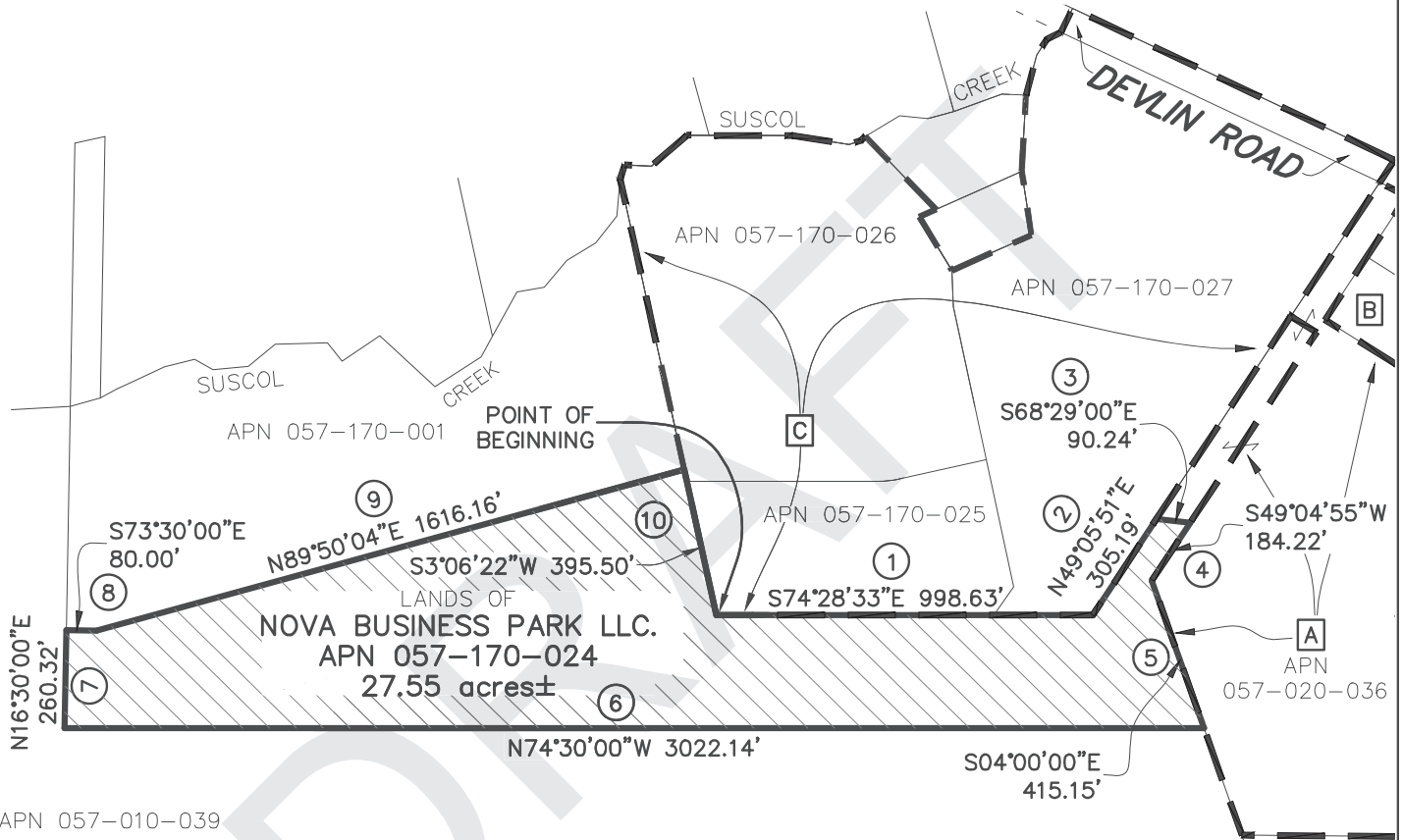
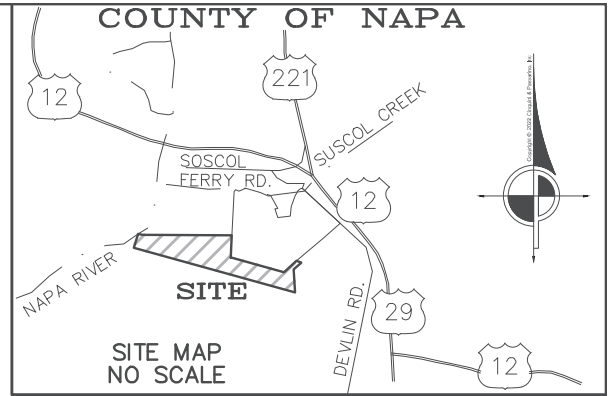


ANNEXATION DISTRICTS

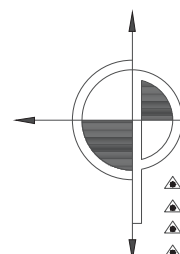
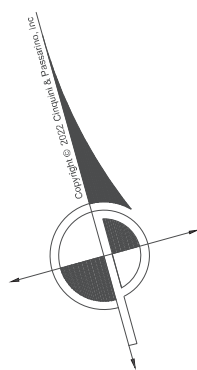
- A** DEVLIN ROAD ANNEXATION, 1983-8
(NSD RESOLUTION 6350)
- B** DEVLIN ROAD #2 DISTRICT ANNEXATION, 1986-10
(NSD RESOLUTION 6868)
- C** DEVLIN ROAD ANNEXATION #4 - ANNEX-000033
(NSD RESOLUTION 19-022)

LEGEND

-  EXISTING NSD BOUNDARY
-  PROPOSED NSD ANNEXATION (±27.55 ACRES)



DISCLAIMER:
"FOR ASSESSMENT PURPOSES ONLY. THIS DESCRIPTION OF LAND IS NOT A LEGAL PROPERTY DESCRIPTION AS DEFINED IN THE SUBDIVISION MAP ACT AND MAY NOT BE USED AS THE BASIS FOR AN OFFER FOR SALE OF THE AREA DESCRIBED."

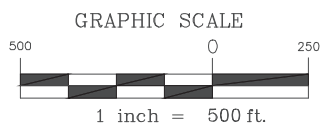


CINQUINI & PASSARINO, INC.
LAND SURVEYING

▲ BOUNDARY
▲ TOPOGRAPHIC
▲ CONSTRUCTION
▲ SUBDIVISIONS

1804 Soscol Avenue, Suite 202
Napa, CA. 94559
Phone: (707) 690-9025
Fax: (707) 542-2106

WWW.CINQUINIPASSARINO.COM



APN 057-170-024	DRAWN BY: CAF	CHECKED BY: DCS
DEVLIN ROAD NO.6 ANNEXATION TO NAPA SANITATION DISTRICT	SCALE: 1" = 500'	DATE: 08/05/2022
	JOB #: 8316-18	PAGE: 3 of 3

GEOGRAPHIC DESCRIPTION

DEVLIN ROAD NO. 6, ANNEXATION TO NAPA SANITATION DISTRICT

APN 057-170-024

All that certain real property, situate in portion of Section 35, Township 5 North, Range 4 West, Mount Diablo Base and Meridian, in the County of Napa, State of California, being more particularly described as follows:

BEGINNING at the southwest corner of Devlin Road No. 4 District Annexation ANNEX-000033, Napa Sanitary District Resolution Number 19-022;

thence along southerly and easterly boundaries of said annexation the following 2 (two) courses and distances:

(1) South 74°28'33" East 998.63 feet;

(2) North 49°05'51" East 305.19 feet;

thence leaving said annexation boundary,

(3) South 68°29'00" East 90.24 feet, to a point on the northerly boundary of the Devlin Road Annexation (1983-8), Napa Sanitary District Resolution Number 6350;

thence along northerly and northwesterly boundaries of said annexation the following 2 (two) courses and distances:

(4) South 49°04'55" West 184.22 feet;

(5) South 04°00'00" East 415.15 feet;

thence leaving said annexation boundary the following 4 (four) courses and distances:

(6) North 74°30'00" West 3022.14 feet;

(7) North 16°30'00" East 260.32 feet;

(8) South 73°30'00" East 80.00 feet;

(9) North 89°50'04" East 1616.16 feet, to a point on the westerly boundary of said Devlin Road No. 4 District Annexation;

thence along said westerly boundary,

(10) South 03°06'22" West 395.50 feet to the **POINT OF BEGINNING**.

Containing 27.55 acres of land more or less.

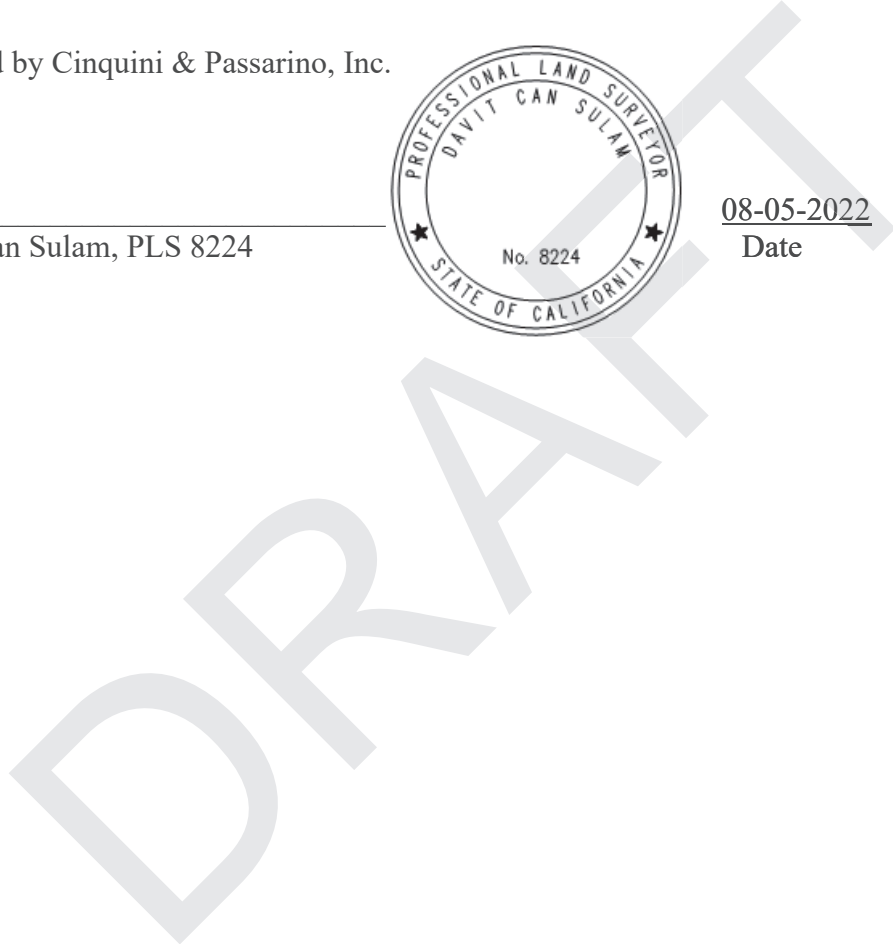
For assessment purposes only. This description of land is not a legal property description as defined in the Subdivision Map Act and may not be used as the basis for an offer for sale of the land described.

Prepared by Cinquini & Passarino, Inc.

Davit Can Sulam, PLS 8224



08-05-2022
Date



FORM D

Date Filed:

8/5/22

Received By:

BF

JUSTIFICATION OF PROPOSAL
Change of Organization/Reorganization

I. APPLICANT INFORMATION

A. Name:	Ron Fedrick	Nova Business Park LLC
	Contact Person	Agency/Business (If Applicable)
Address:	185 Devlin Road, Box 4050,	Napa, CA 94558
	Street Number Street Name	City Zip Code
Contact:	707.253.1990	rfedrick@novabpllc.com
	Phone Number Facsimile Number	E-Mail Address

B. Applicant Type: (Check One) Local Agency Registered Voter Landowner

II. PROPOSAL DESCRIPTION

A. Affected Agencies: Napa Sanitation District, C/O Andrew Damron, 1515 Soscol Ferry Rd, Napa CA 94558

Name	Address
Name	Address
Name	Address

Use Additional Sheets as Needed

B. Proposal Type: (Check as Needed)

<input type="checkbox"/> Annexation	<input type="checkbox"/> Detachment	<input type="checkbox"/> City Incorporation	<input type="checkbox"/> District Formation
<input type="checkbox"/> City/District Dissolution	<input type="checkbox"/> City/District Merger	<input type="checkbox"/> Service Activation (District Only)	<input type="checkbox"/> Service Divestiture (District Only)

C. Purpose Statement: (Specific) Purpose of annexation is to support development of "Nova Business Park North" project by connecting sewer and reclaimed water service to Napa Sanitation District sewer and reclaimed water lines.

III. GENERAL INFORMATION

A. Location:	Devlin Road	APN 057-170-02 ⁴	34.04 27.55
	Street Address	Assessor Parcel Number	Acres
	Street Address	Assessor Parcel Number	Acres
	Street Address	Assessor Parcel Number	Acres
	Street Address	Assessor Parcel Number	Acres
Total Location Size (Including Right-of-Ways)			44.84 27.55

B. Landowners:

(1) Assessor Parcel Number : 057-170-02⁴ Name: Nova Business Park LLC
 Mailing Address: 185 Devlin Road, Box 4050, Napa CA 94558
 Phone Number: 707.253.1990 E-mail: rfedrick@novabpllc.com

(2) Assessor Parcel Number : _____ Name: _____
 Mailing Address: _____
 Phone Number: _____ E-mail: _____

(3) Assessor Parcel Number : _____ Name: _____
 Mailing Address: _____
 Phone Number: _____ E-mail: _____

(4) Assessor Parcel Number : _____ Name: _____
 Mailing Address: _____
 Phone Number: _____ E-mail: _____

Use Additional Sheets As Needed

C. Population:

(1) Total Number of Residents: 0

(2) Total Number of Registered Voters: 0

D. Land Use Factors:

- | | |
|--|---------------------------------------|
| (1a) County General Plan Designation: | Industrial |
| (1b) County Zoning Standard: | Industrial Park:Airport Compatibility |
| (2a) Applicable City General Plan Designation: | NA |
| (2b) Applicable City Rezoning Standard: | NA |

E. Existing Land Uses: Vacant
(Specific)

F. Development Plans:

- (1a) Territory Subject to a Development Project? Yes No
- (1b) If Yes, Describe Project:
Project is map and infrastructure development of for 14 future parcels on roughly 113 acres.
- (1c) If No, When Is Development Anticipated?
NA

G. Physical Characteristics:

- (1) Describe Topography:
Topography is slightly sloped terrain at approximately 2% from the northeast to southwest.
- (2) Describe Any Natural Boundaries:
The natural boundary on the north and west property line is Suscol Creek.
- (3) Describe Soil Composition and Any Drainage Basins:
Soils are primarily gravelly clay loam. Site drains southwest eventually to Napa River.
- (4) Describe Vegetation:
Vegetation is annual grasses.

H. Williamson Act Contracts Yes No
(Check One)

IV. GOVERNMENTAL SERVICES AND CONTROLS

A. Plan For Providing Services:

- (1) Enumerate and Describe Services to Be Provided to the Affected Territory:
Approximately 2500 feet of sanitary sewer and reclaimed water are proposed for the project.

- (2) Level and Range of Services to Be Provided to the Affected Territory:
Standard commercial service (8" gravity sewer main and 8" pressurized reclaimed water) is proposed to site and along southern property boundary to serve proposed parcels 7-11 (sewer) and 1-14 (reclaimed water). See attached preliminary utility plan prepared for the tentative map.

- (3) Indication of When Services Can Feasibly Be Extended to the Affected Territory:
Reclaimed water services can feasibly be extended following easement agreement with APN 057-020-~~025~~
024.

- (4) Indication of Any Infrastructure Improvements Necessary to Extend Services to the Affected Territory:
Infrastructure to be approximately 800 feet of gravity sewer and reclaimed water through APN 057-010-039, owned by NSD, to APN 057-170-~~024~~
024.

- (5) Information On How Services to the Affected Territory Will Be Financed:
Owner will finance installation and maintenance of pressurized system to existing NSD gravity sewer.

Use Additional Sheets As Needed

V. ENVIRONMENTAL INFORMATION

A. Environmental Analysis

- (1) Lead Agency for Proposal: Napa County
Name
- (2) Type of Environmental Document Previously Prepared for Proposal:
- Environmental Impact Report
- Negative Declaration/Mitigated Negative Declaration
- Categorical/Statutory Exemption: _____
Type
- None

Provide Copies of Associated Environmental Documents

VI. ADDITIONAL INFORMATION

A. Approval Terms and Conditions Requested For Commission Consideration:

Napa County requires connection to Napa Sanitation District as part of project.

Use Additional Sheets As Needed

B. Identify Up to Three Agencies or Persons to Receive Proposal Correspondence:

(Does not include affected landowners or residents)

- (1) Recipient Name: Napa Sanitation District C/O Andrew Damron
- Mailing Address: 1515 Soscol Ferry Road, Napa, CA 94558
- E-Mail: adamron@napasan.com
- (2) Recipient Name: Napa Count PBES C/O Sean Trippi
- Mailing Address: 1195 Third St. STE 210, Napa CA 94558
- E-Mail: sean.trippi@countyofnapa.org
- (3) Recipient Name: CAB Consulting Engineers C/O Carl Butts
- Mailing Address: PO Box 140, Napa CA 94559
- E-Mail: cbutts@cabengineering.com

VII. CERTIFICATION

I certify the information contained in this application is correct. I acknowledge and agree the Local Agency Formation Commission of Napa County is relying on the accuracy of the information provided in my representations in order to process this application proposal.

Signature:  _____

Printed Name: Carl Butts _____

Title: Project Civil Engineer _____

Date: 2019.08.21 _____

Devlin Road No.6 Annexation to NSD
FACTORS FOR COMMISSION CONSIDERATION

Government Code §56668 requires the review of a proposal to include the following factors:

FACTOR TO CONSIDER	COMMENT
1. Population and density [§56668(a)]	Consistent: Zero
2. Land area and land use [§56668(a)]	Consistent: 27.55 acres, vacant Jurisdiction: County of Napa, <i>Industrial Park: Airport Compatibility (IP:AC)</i> ; Napa Valley Business Park Specific Plan
3. Assessed valuation [§56668(a)]	Consistent: Land: \$4,285,861 Structural improvements: Zero
4. Topography, natural boundaries and drainage basins [§56668(a)]	Consistent: Slightly sloped: 2 percent slopes northeast to southwest Natural boundary: north and west Suscol Creek Drainage basin: <i>Mouth of the Napa River</i> watershed and <i>Sheehy Creek</i> drainage basin
5. Proximity to other populated areas [§56668(a)]	Consistent: Area includes current and planned industrial uses
6. Likelihood of significant growth in the area, adjacent areas during next 10 years [§56668(a)]	Consistent: Reference - Napa Valley Business Park Specific Plan , South County Region MSR (2018) and Countywide Water & Wastewater MSR (2021)
7. Need for government services [§56668(b)]	Consistent: Reference - Napa Valley Business Park Specific Plan
8. Government services present cost, adequacy and controls in area [§56668(b)]	Consistent: Reference - South County Region MSR (2018) and Countywide Water & Wastewater MSR (2021)

<p>9. Government services effect of proposal on cost, adequacy and controls in area and adjacent areas [§56668(b)]</p>	<p>Consistent: Reference - South County Region MSR (2018) and Countywide Water & Wastewater MSR (2021)</p>
<p>10. Effects on adjacent areas, on mutual social and economic interests, and on local governmental structure in the County [§56668(c)]</p>	<p>Consistent: Area included in NSD SOI since 1975</p>
<p>11. Effects on planned efficient patterns of urban development [§56668(d)]</p>	<p>Consistent: Napa LAFCO Policy on Spheres of Influence; County General Plan land use designation: <i>Industrial</i>; planned industrial area</p>
<p>12. Effects on maintaining physical and economic integrity of agricultural lands [§56668(e)]</p>	<p>Consistent: County General Plan: <i>Industrial</i>; planned industrial area saves agriculture; not LAFCO defined “agricultural land”¹</p>
<p>13. Boundaries: logical, contiguous, not difficult to serve, definite and certain [§56668(f)]</p>	<p>Consistent: One entire parcel, planned industrial area</p>
<p>14. Conformance to lines of assessment, ownership [§56668(f)]</p>	<p>Consistent: One entire parcel: APN 057-170-024</p>
<p>15. Creation of islands, corridors, irregular boundaries [§56668(f)]</p>	<p>Consistent: One entire parcel located in planned industrial area.</p>
<p>16. Consistency with regional transportation plan [§56668(g)]</p>	<p>Consistent: No specific projects in regional transportation plan (RTP), <i>Plan Bay Area 2050</i></p>
<p>17. Consistency with city or county general and specific plans [§56668(h)]</p>	<p>Consistent: County General Plan designation: <i>Industrial</i> County Zoning: <i>Industrial Park: Airport Compatibility (IP:AC)</i></p>

¹ California Government Code section 56377

18. Consistency with spheres of influence [§56668(i)]	Consistent: Within NSD SOI since 1975
19. Comments from affected agencies and other public agencies [§56668(j)]	Consistent: No comments received
20. Ability of agency to provide service including sufficiency of revenues [§56668(k)]	Consistent: Reference - South County Region MSR (2018) and Countywide Water & Wastewater MSR (2021)
21. Timely availability of adequate water supply [§56668(l)]	Consistent: Reference - South County Region MSR (2018) and Countywide Water & Wastewater MSR (2021)
22. Fair share of regional housing needs [§56668(m)]	Consistent: County required development fee to reduce housing impacts
23. Information or comments from landowners, voters, or residents in proposal area [§56668(n)]	Consistent: 100% consent of landowners
24. Existing land use designations [§56668(o)]	Consistent: County General Plan designation: <i>Industrial</i> County Zoning: <i>Industrial Park: Airport Compatibility (IP:AC)</i>
25. Effect on environmental justice [§56668(p)]	Consistent: No documentation or evidence suggesting the proposal will have any implication
26. Safety Element of GP concerns; identified as very high fire hazard zone [§56668(q)]	Consistent: Located in a high fire hazard zone; project approval requires compliance with fire safety regulations
27. Special district annexations: for the interest of landowners or inhabitants within the district and affected territory [§56668.3(a)(1)]	Consistent: Landowners – benefit from urban services for development General public – benefit from planned industrial use

COUNTY OF NAPA
 PLANNING, BUILDING AND ENVIRONMENTAL SERVICES DEPARTMENT
 1195 THIRD STREET SUITE 210
 NAPA, CA 94559
 (707) 253-4417

Initial Study Checklist
 (form updated January 2019)

1. **Project Title:** Nova Business Park North, Tentative Map (#P22-00093-TM)
2. **Property Owner:** Nova Business Park, LLC (Ron Fedrick); 185 Devlin Road, Napa, CA 94558
3. **County Contact Person, Phone Number and email:** Sean Trippi, (707) 299-1353, sean.trippi@countyofnapa.org
4. **Project Location and Assessor's Parcel Number (APN):** The project is proposed on six lots totaling approximately 93.2 acres located on the west side of Devlin Road, south of Suscol Creek. APN's: 057-020-092; -093; -094 and 057-170-024 (SFAP); -025 (SFAP); -027. Napa.
5. **Project sponsor's name and address:** Carl Butts, CAB Consulting Engineers, P.O. Box 140, Napa, CA 94559
6. **General Plan description:** Industrial
7. **Zoning:** Industrial Park: Airport Compatibility (IP:AC)
8. **Background/Project History:**
 On May 1, 2019, The Planning Commission approved Use Permit (P16-00456) for a speculative light industrial building with approximately 400,500 square feet of floor area on a 16.18-acre lot, on what is now APN 057-0170-026, created through a lot line adjustment with what is now 057-170-027. No development was proposed as part of the use permit on APN 057-170-027. Access to APN 057-170-026 is provided through the boundaries of the proposed subdivision. A subsequent use permit modification (P21-00065) was approved by the Director on June 15, 2021, reducing the building floor area from 400,500 to 250,650 square feet. The building is currently under construction.
9. **Description of Project:**
 The project is a request to subdivide six lots totaling approximately 93.2-acres to create 13 new parcels ranging in size from 2.20 to 12.15 acres. The project includes street and infrastructure improvements including two new cul-de-sacs accessed from the existing main roadway from Devlin Road that provides access to APN 057-170-026. No specific land uses or buildings are proposed as part of this permit application, however potential building envelopes and parking layouts have been shown for future development of the proposed parcels.
10. **Describe the environmental setting and surrounding land uses.**
 Most of the site is currently vacant, has been previously graded for weed abatement and is located within a partially developed industrial/business park. The project area has been designated for industrial development for over 35 years. A small portion of the northern boundary of the site adjoins Suscol Creek. Nova Group Inc's., a general engineering contractor, home offices and fabrication facility are on a 15.16-acre parcel included within the project area. The development area is relatively flat with gentle slopes ranging from 0-7 percent from northeast to southwest and includes non-native grasses, a smattering of bushes, a row of small trees along a portion of the southern boundary of the project area, and a riparian area along Suscol Creek. The project area also contains 24 isolated seasonal wetlands ranging in size from 4.2 square feet up to 6,272 square feet. North of the project area is a commercial solar farm, the 250,650 square foot speculative light-industrial building, mentioned above, currently under construction, and two small lots developed with a partially built winery and a single-family home. Beyond these properties is Suscol Creek. West/southwest of the project area are six properties owned by the Napa Sanitation District (NSD) totaling a little over 649 acres. These properties include NSD's wastewater treatment facility, offices, spray fields and oxidation ponds. South/southeast of the project area is an approved but unbuilt 336-room Montalcino at Napa Resort and associated amenities situated on five properties totaling approximately 68 acres. To the east are a self-storage facility, light industrial building, office building, gasoline station, and a 20.23-acre property owned by the project applicant with an approved tentative map for 11 new lots, ranging in size from 0.91 to 2.81 acres.

The project site is near the Napa County Airport. Most of the project area is located in Zone C of the Airport Land Use Compatibility Plan, which is Extended (runway) Approach/Departure Zone where aircraft will be below 300-feet above ground level as determined by the type of approach (Zone C). The southeast and northwest portions of the project area are located within Zone D, the Common Traffic Pattern. These are areas where aircraft will be about 1,000 feet above ground to as low as 300-feet above the ground.

11. **Other agencies whose approval is required** (e.g., permits, financing approval, or participation agreement).

Discretionary approval required by Napa County consist of the tentative subdivision map. The project would also require various discretionary and/or ministerial approvals by the County and responsible agencies related to proposed street and infrastructure improvements for storm drainage, sewer, water, power, etc. A Storm Water Pollution Prevention Plan (SWPPP) is required to meet San Francisco Regional Water Quality Control Board standards and is administered by the Engineering Services Division.

The proposed project does involve modifications to several small seasonal wetlands not connected or adjacent to navigable waters that may be regulated by the Regional Water Quality Control Board. The proposed project does not involve modifications to any streambeds, and thus does not require a streambed alteration agreement from the California Department of Fish and Wildlife. The proposed project does not involve the fill of waters of the United States, and thus does not require a dredge-and-fill permit from the U.S. Army Corps of Engineers. The proposed project does not involve the "take" of listed endangered or threatened species, and thus does not require a "take permit" from the Department of Fish and Wildlife, the U.S. Fish and Wildlife Service, or the National Marine Fisheries Service.

Responsible (R) and Trustee (T) Agencies

City of American Canyon
 Napa Sanitation District
 California Department of Fish and Wildlife
 U.S. Army Corps of Engineers
 Regional Water Quality Control Board

Other Agencies Contacted

12. **Tribal Cultural Resources.** Have California Native American tribes traditionally and culturally affiliated with the project area requested consultation pursuant to Public Resources Code section 21080.3.1? If so, is there a plan for consultation that includes, for example, the determination of significance of impacts to tribal cultural resource, procedures regarding confidentiality, etc.?

On October 3, 2023, County Staff sent invitations to consult on the proposed project to Native American tribes who had a cultural interest in the area and who as of that date had requested to be invited to consult on projects, in accordance with the requirements of Public Resources Code section 21080.3.1. No comments were received, and the consultation period subsequently closed on November 6, 2023. Pursuant to Public Resources Code section 21080.3.1, invitation for tribal consultation was completed.

Note: Conducting consultation early in the CEQA process allows tribal governments, lead agencies, and project proponents to discuss the level of environmental review, identify and address potential adverse impacts to tribal cultural resources, and reduce the potential for delay and conflict in the environmental review process. (See Public Resources Code section 21080.3.2.) Information may also be available from the California Native American Heritage Commission's Sacred Lands File per Public Resources Code section 5097.96 and the California Historical Resources Information System administered by the California Office of Historic Preservation. Please also note that Public Resources Code section 21082.3(c) contains provisions specific to confidentiality.

ENVIRONMENTAL IMPACTS AND BASIS OF CONCLUSIONS:

The conclusions and recommendations contained herein are professional opinions derived in accordance with current standards of professional practice. They are based on a review of the Napa County Environmental Resource Maps, the other sources of information listed in the file, and the comments received, conversations with knowledgeable individuals; the preparer's personal knowledge of the area; and, where necessary, a visit to the site. For further information, see the environmental background information contained in the permanent file on this project.

On the basis of this initial evaluation:

- I find that the proposed project COULD NOT have a significant effect on the environment, and a NEGATIVE DECLARATION will be prepared.
- I find that although the proposed project could have a significant effect on the environment, there will not be a significant effect in this case because revisions in the project have been made by or agreed to by the project proponent. A MITIGATED NEGATIVE DECLARATION will be prepared.
- I find that the proposed project MAY have a significant effect on the environment, and an ENVIRONMENTAL IMPACT REPORT is required.
- I find that the proposed project MAY have a "potentially significant impact" or "potentially significant unless mitigated" impact on the environment, but at least one effect 1) has been adequately analyzed in an earlier document pursuant to applicable legal standards, and 2) has been addressed by mitigation measures based on the earlier analysis as described on attached sheets. An ENVIRONMENTAL IMPACT REPORT is required, but it must analyze only the effects that remain to be addressed.
- I find that although the proposed project could have a significant effect on the environment, because all potentially significant effects (a) have been analyzed adequately in an earlier EIR or NEGATIVE DECLARATION pursuant to applicable standards, and (b) have been avoided or mitigated pursuant to that earlier EIR or NEGATIVE DECLARATION, including revisions or mitigation measures that are imposed upon the proposed project, nothing further is required.

Sean Trippi

November 15, 2023

Signature

Date

Name: Sean Trippi, Supervising Planner
Napa County Planning, Building and Environmental Services Department

I. AESTHETICS. Except as provided in Public Resources Code Section 21099, would the project:	Potentially Significant Impact	Less Than Significant With Mitigation Incorporation	Less Than Significant Impact	No Impact
a) Have a substantial adverse effect on a scenic vista?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) Substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a state scenic highway?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) In non-urbanized areas, substantially degrade the existing visual character or quality of public views of the site and its surroundings? (Public views are those that are experienced from a publicly accessible vantage point.) If the project is in an urbanized area, would the project conflict with applicable zoning and other regulations governing scenic quality?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d) Create a new source of substantial light or glare which would adversely affect day or nighttime views in the area?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Discussion:

a-c. The proposed project would not be located within an area which would damage any known scenic vista, or damage scenic resources, trees, rock outcroppings, or historic buildings. The proposed project site has been maintained over the years for weed abatement and contains scattered vegetation and a row of small trees along the southern boundary of the site. The project area is predominantly undeveloped, save for the one industrial building. No new structures are proposed as part of this project. The only visual difference with the existing conditions is the construction of the proposed streets and associated curb, gutter, and sidewalk.

The land currently is designated for industrial development. Subdivision of the property into additional parcels itself would not result in changes to aesthetics within the project vicinity. Future development of the parcels will be subject to environmental review prior to approval of a proposed development application.

d. The proposed project would not result in the creation of a substantial new source of light and glare as no new buildings are included in this proposal. In accordance with County standards, all future exterior lighting will be the minimum necessary for operational and security needs. Light fixtures will be required to be kept as low to the ground as possible and required to include shields to deflect the light downward. Avoidance of highly reflective surfaces will also be required, as well as standard adherence to County conditions to prevent light from being cast skyward. This is an area routinely overflowed by low flying aircraft which necessitates strong controls on skyward nighttime lighting. As subject to standard conditions of approval, future development will not create a significant impact from light or glare.

Mitigation Measures: None Required

II.	AGRICULTURE AND FOREST RESOURCES. ¹ Would the project:	Potentially Significant Impact	Less Than Significant With Mitigation Incorporation	Less Than Significant Impact	No Impact
	a) Convert Prime Farmland, Unique Farmland, or Farmland of Statewide Important (Farmland) as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to non-agricultural use?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
	b) Conflict with existing zoning for agricultural use, or a Williamson Act contract?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
	c) Conflict with existing zoning for, or cause rezoning of, forest land as defined in Public Resources Code Section 12220(g), timberland as defined in Public Resources Code Section 4526, or timberland zoned Timberland Production as defined in Government Code Section 51104(g)?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
	d) Result in the loss of forest land or conversion of forest land to non-forest use in a manner that will significantly affect timber, aesthetics, fish and wildlife, biodiversity, water quality, recreation, or other public benefits?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
	e) Involve other changes in the existing environment which, due to their location or nature, could result in conversion of Farmland to non-agricultural use?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Discussion:

- a/b. The project site is located within a developing industrial park. The project would not result in the conversion of Prime Farmland, Unique Farmland, or Farmland of Statewide Important as shown on the Napa County GIS map (*Farmland Mapping and Monitoring Program*.) According to Napa County GIS the property is categorized as Farmland of Local Importance. Although the site, as well as other undeveloped land in the NVBPSP area, is classified as locally important, the site has been designated for industrial park uses for over 35 years. Undeveloped lands within the boundary of the NVBPSP are designated as Farmland of Local Importance because they include areas of soils that meet all the characteristics of Prime Farmland or of additional Farmland of Statewide Importance except for irrigation. As development in the NVBPSP area continues, the surrounding developed parcels have been reclassified as Urban and Built-up Land. The project site is not subject to a Williamson Act contract.
- c/d. The project site is zoned Industrial Park (IP), which allows light industrial, manufacturing, office and business park uses upon grant of a use permit and is located within the Napa Valley Business Park Specific Plan. According to the Napa County Environmental Resource Maps (based on the following layers – Sensitive Biotic Oak Woodlands, Riparian Woodland Forest, and Coniferous Forest) the project site does not contain woodland or forested areas. Therefore, the proposed project would not conflict with existing zoning for, or cause rezoning of, forest land, timberland, or timberland zoned Timberland Production
- e. The project site is within an area of developing industrial park land. Although farming activities occurred on these lands in the past, the area has been designated for industrial development for over 35 years. The project will not result in the conversion of existing farmland.

Mitigation Measures: None required.

¹ "Forest land" is defined by the State as "land that can support 10-percent native tree cover of any species, including hardwoods, under natural conditions, and that allows for management of one or more forest resources, including timber, aesthetics, fish and wildlife, biodiversity, water quality, recreation, and other public benefits." (Public Resources Code Section 12220(g)) The Napa County General Plan anticipates and does not preclude conversion of some "forest land" to agricultural use, and the program-level EIR for the 2008 General Plan Update analyzed the impacts of up to 12,500 acres of vineyard development between 2005 and 2030, with the assumption that some of this development would occur on "forest land." In that analysis specifically, and in the County's view generally, the conversion of forest land to agricultural use would constitute a potentially significant impact only if there were resulting significant impacts to sensitive species, biodiversity, wildlife movement, sensitive biotic communities listed by the California Department of Fish and Wildlife, water quality, or other environmental resources addressed in this checklist.

III.	AIR QUALITY. Where available, the significance criteria established by the applicable air quality management or air pollution control district may be relied upon to make the following determinations. Would the project:	Potentially Significant Impact	Less Than Significant With Mitigation Incorporation	Less Than Significant Impact	No Impact
a)	Conflict with or obstruct implementation of the applicable air quality plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b)	Result in a cumulatively considerable net increase of any criteria pollutant for which the project region is non-attainment under an applicable federal or state ambient air quality standard?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c)	Expose sensitive receptors to substantial pollutant concentrations?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d)	Result in other emissions (such as those leading to odors adversely affecting a substantial number of people)?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Discussion:

On June 2, 2010, the Bay Area Air Quality Management District's (BAAQMD) Board of Directors unanimously adopted thresholds of significance to assist in the review of projects under the California Environmental Quality Act. These Thresholds are designed to establish the level at which BAAQMD believed air pollution emissions would cause significant environmental impacts under CEQA and were posted on BAAQMD's website and included in BAAQMD's updated CEQA Guidelines (updated May 2012). The Thresholds are advisory and may be followed by local agencies at their own discretion.

The Thresholds were challenged in court. Following litigation in the trial court, the court of appeal, and the California Supreme Court, all of the Thresholds were upheld. However, in an opinion issued on December 17, 2015, the California Supreme Court held that CEQA does not generally require an analysis of the impacts of locating development in areas subject to environmental hazards unless the project would exacerbate existing environmental hazards. The Supreme Court also found that CEQA requires the analysis of exposing people to environmental hazards in specific circumstances, including the location of development near airports, schools near sources of toxic contamination, and certain exemptions for infill and workforce housing. The Supreme Court also held that public agencies remain free to conduct this analysis regardless of whether it is required by CEQA.

In view of the Supreme Court's opinion, local agencies may rely on Thresholds designed to reflect the impact of locating development near areas of toxic air contamination where such an analysis is required by CEQA or where the agency has determined that such an analysis would assist in making a decision about the project. However, the Thresholds are not mandatory, and agencies should apply them only after determining that they reflect an appropriate measure of a project's impacts. These Guidelines may inform environmental review for development projects in the Bay Area, but do not commit local governments or BAAQMD to any specific course of regulatory action.

The Air District published a new version of the Guidelines dated May 2017, which includes revisions made to address the Supreme Court's 2015 opinion in *Cal. Bldg. Indus. Ass'n vs. Bay Area Air Quality Mgmt. Dist.*, 62 Ca 4th 369.

On April 20, 2022, the BAAQMD adopted updated thresholds of significance for climate impacts: CEQA Thresholds for Evaluating the Significance of Climate Impacts, BAAQMD April 2022. The proposed thresholds to evaluate GHG and climate impacts from land use projects are qualitative, therefore there is no bright-line (quantitative) level to mitigate below. Projects that decline to integrate qualitative design elements can alternatively demonstrate consistency with a local Greenhouse Gas (GHG) Reduction Strategy that meets the criteria of the State CEQA Guidelines section 15183.5(b).

There is no proposed construction-related climate impact threshold at this time. Greenhouse gas (GHG) emissions from construction represent a very small portion of a project's lifetime GHG emissions. The proposed thresholds for land use projects are designed to address operational GHG emissions which represent the vast majority of project GHG emissions.

In short, these thresholds of significance changes can be used by agencies as guidelines for determining climate impacts from projects subject to CEQA. However, agencies are not required to abide by these thresholds, as they are only guidelines. Refer to Section VIII, Greenhouse Gas Emissions.

- a/b. The mountains bordering Napa Valley block much of the prevailing northwesterly winds throughout the year. Sunshine is plentiful in Napa County, and summertime can be very warm in the valley, particularly in the northern end. Winters are usually mild, with cool temperatures overnight and mild-to-moderate temperatures during the day. Wintertime temperatures tend to be slightly cooler in the northern end of the valley. Winds are generally calm throughout the county. Annual precipitation averages range from about 24 inches in low elevations to more than 40 inches in the mountains.

Ozone and fine particle pollution, or PM_{2.5}, are the major regional air pollutants of concern in the San Francisco Bay Area. Ozone is primarily a problem in the summer, and fine particle pollution in the winter. In Napa County, ozone rarely exceeds health standards, but PM_{2.5} occasionally does reach unhealthy concentrations. There are multiple reasons for PM_{2.5} exceedances in Napa County. First, much of the county is wind-sheltered, which tends to trap PM_{2.5} within the Napa Valley. Second, much of the area is well north of the moderating temperatures of San Pablo Bay and, as a result, Napa County experiences some of the coldest nights in the Bay Area. This leads to greater fireplace use and, in turn, higher PM_{2.5} levels. Finally, in the winter easterly winds often move fine-particle-laden air from the Central Valley to the Carquinez Strait and then into western Solano and southern Napa County (BAAQMD, In Your Community: Napa County, April 2016)

The impacts associated with implementation of the project were evaluated consistent with guidance provided by BAAQMD. Ambient air quality standards have been established by state and federal environmental agencies for specific air pollutants most pervasive in urban environments. These pollutants are referred to as criteria air pollutants because the standards established for them were developed to meet specific health and welfare criteria set forth in the enabling legislation. The criteria air pollutants emitted by development, traffic and other activities anticipated under the proposed development include ozone, ozone precursors oxides of nitrogen and reactive organic gases (NO_x and ROG), carbon monoxide (CO), nitrogen dioxide (NO₂), and suspended particulate matter (PM₁₀ and PM_{2.5}). Other criteria pollutants, such as lead and sulfur dioxide (SO₂), would not be substantially emitted by the proposed development or traffic, and air quality standards for them are being met throughout the Bay Area.

BAAQMD has not officially recommended the use of its thresholds in CEQA analyses and CEQA ultimately allows lead agencies the discretion to determine whether a particular environmental impact would be considered significant, as evidenced by scientific or other factual data. BAAQMD also states that lead agencies need to determine appropriate air quality thresholds to use for each project they review based on substantial evidence that they include in the administrative record of the CEQA document. One resource BAAQMD provides as a reference for determining appropriate thresholds is the *California Environmental Quality Act Air Quality Guidelines* developed by its staff in 2010 and as updated through May 2017. These guidelines outline substantial evidence supporting a variety of thresholds of significance.

As mentioned above, in 2010, the BAAQMD adopted and later incorporated into its 2011 CEQA Guidelines project screening criteria (Table 3-1 – Operational-Related Criteria Air Pollutant and Precursors Screening Level Sizes) and thresholds of significance for air pollutants, which have now been updated by BAAQMD through May 2017. Since the project does not include any new buildings or uses that would generate operational air pollutants or precursors the project will not significantly impact air quality and does not require further study (BAAQMD CEQA Guidelines, May 2017 Pages 3-2 & 3-3.). Given the limited scope of the project and the fact that subsequent development of the proposed parcels will require environmental review as required by CEQA, the project would contribute an insignificant amount of air pollution and would not result in a conflict or obstruction of an air quality plan. The project falls well below the screening criteria as noted above, and consequently will not significantly affect air quality individually or contribute considerably to any cumulative air quality impacts.

- c/d. In the short term, potential air quality impacts are most likely to result from earthmoving and construction activities required for project construction related to road and infrastructure improvements. Earthmoving and construction emissions would have a temporary effect; consisting mainly of dust generated during grading and other construction activities, exhaust emissions from construction related equipment and vehicles, and relatively minor emissions from paints and other architectural coatings, if applicable. The proposed grading plan has been designed to balance cut and fill resulting no off or on-haul of soils. If grading were to result in off or on-haul of soils, these potential construction impacts would be temporary in nature and subject to standard conditions of approval from the Engineering Division as part of the grading permit or building permit review process.

The Air District recommends incorporating feasible control measures as a means of addressing construction impacts. If the proposed project adheres to these relevant best management practices identified by the Air District and the County's standard conditions of project approval, construction-related impacts will not expose sensitive receptors to substantial pollutant concentrations and are considered less than significant:

7.1 SITE IMPROVEMENT

c. AIR QUALITY

During all construction activities the permittee shall comply with the most current version of BAAQMD Basic

Construction Best Management Practices including but not limited to the following, as applicable:

1. Post a publicly visible sign with the telephone number and person to contact at the lead agency regarding dust complaints. The BAAQMD's phone number shall also be visible.
2. Water all exposed surfaces (e.g., parking areas, staging areas, soil piles, grading areas, and unpaved access roads) two times per day.
3. Cover all haul trucks transporting soil, sand, or other loose material off-site.
4. Remove all visible mud or dirt tracked onto adjacent public roads by using wet power vacuum street sweepers at least once per day. The use of dry power sweeping is prohibited.
5. All vehicle speeds on unpaved roads shall be limited to 15 mph.
6. All roadways, driveways, and sidewalks to be paved shall be completed as soon as possible. Building pads shall be laid as soon as possible after grading unless seeding or soil binders are used.
7. Idling times shall be minimized either by shutting off equipment when not in use or reducing the maximum idling time to five (5) minutes (as required State Regulations). Clear signage shall be provided for construction workers at all access points.

All construction equipment shall be maintained and properly tuned in accordance with manufacturer's specifications. All equipment shall be checked by a certified visible emissions evaluator. Any portable engines greater than 50 horsepower or associated equipment operated within the BAAQMD's jurisdiction shall have either a California Air Resources Board (ARB) registration Portable Equipment Registration Program (PERP) or a BAAQMD permit. For general information regarding the certified visible emissions evaluator or the registration program, visit the ARB FAQ http://www.arb.ca.gov/portable/perp/perpfaq_04-16-15.pdf or the PERP website <http://www.arb.ca.gov/portable/portable.htm>

Furthermore, while earthmoving and construction on the site will generate dust particulates in the short-term, the impact would be less than significant with dust control measures as specified in Napa County's standard condition of approval relating to dust:

7.1. SITE IMPROVEMENT
 b. DUST CONTROL

Water and/or dust palliatives shall be applied in sufficient quantities during grading and other ground disturbing activities on-site to minimize the amount of dust produced. Outdoor construction activities shall not occur when average wind speeds exceed 20 mph.

Mitigation Measures: None required.

IV. BIOLOGICAL RESOURCES. Would the project:	Potentially Significant Impact	Less Than Significant With Mitigation Incorporation	Less Than Significant Impact	No Impact
a) Have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Wildlife or the U.S. Fish and Wildlife Service?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b) Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, regulations or by the California Department of Fish and Wildlife or U.S. Fish and Wildlife Service?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

- c) Have a substantial adverse effect on state or federally protected wetlands (including, but not limited to, marsh, vernal pool, Coastal, etc.) through direct removal, filling, hydrological interruption, or other means?
- d) Interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites?
- e) Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance?
- f) Conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan?

Discussion:

Most of the site is currently vacant, has been previously graded for weed abatement and contains primarily ruderal vegetation, dominated by non-native weeds. The project area has been designated for industrial development for over 35 years. A small portion of the northern boundary of the site adjoins Suscol Creek. No improvements or construction activity is proposed within the riparian area along the creek or within bed or bank. Nova Group Inc's. home offices and fabrication facility are on a 20.34-acre portion of the project area. The Nova facility generally separates the northern and southern portions of the proposed subdivision. The development area is relatively flat with gentle slopes ranging from 0-7 percent from northeast to southwest and includes non-native grasses, a smattering of bushes, a row of small trees along a portion of the southern boundary of the project area, and a riparian area along Suscol Creek. The project area also contains 24 isolated seasonal wetlands ranging in size from 4.2 square feet up to 6,272 square feet.

As noted above, north of the project area is a commercial solar farm, a 250,650 square foot speculative light-industrial building currently under construction, and two small lots developed with a partially built winery and a single-family home. Beyond these properties is Suscol Creek. West/southwest of the project area are six properties owned by the Napa Sanitation District (NSD) totaling a little over 649 acres. These properties include NSD's wastewater treatment facility, offices, spray fields and oxidation ponds. South/southeast of the project area is an approved but unbuilt 336-room Montalcino at Napa Resort and associated amenities situated on five properties totaling approximately 68 acres. To the east are a self-storage facility, light industrial building, office building, gasoline station, and a 20.23-acre property owned by the project applicant with an approved tentative map for 11 new lots, ranging in size from 0.91 to 2.81 acres.

a/b. A Biological Evaluation of the subject property, dated March 2022 (Revised), was prepared by Zentner Planning & Ecology (*Zentner, 2022*). The analysis identifies special status species, habitats, and other biological resources within the project site as well as potential project impacts, if any, to biological resources and recommended mitigation measures as needed. Site surveys were conducted on October 5 & 7, 2021, and February 7 & 22, 2022. At the time of the report, the project included a total of approximately 109 acres. After preparation of the report, a 16.18-acre property (APN 057-170-026) within the original boundaries of the proposed tentative subdivision map was sold to another party, reducing the total acreage of the project to approximately 93 acres. The 16.18-acre property is home to the previously approved 250,650 square foot speculative warehouse currently under construction. According to the evaluation, the site is dominated by annual grasslands with scattered coyote bush and other relatively small stature trees and shrubs. There are several seasonal wetlands scattered throughout the southern portion of the project area. A wetland constructed to provide mitigation for a previous project is located in the southeastern part of the project area and is bound by a raised berm. An offsite tributary and surrounding landscaping provide flows to the wetland. According to the Evaluation, there are six plant communities on the project site: annual grassland, ruderal, seasonal wetlands, ephemeral tributaries, riparian woodland, and Suscol Creek. Annual grasslands comprise the majority of the property with the other habitat types comprising only a small fraction of the remaining property. (*Zentner, 2022, p. 3*)

Annual grassland is the dominant habitat on the project site. The annual grasslands are dominated by non-native annual species with occasional coyote bush scattered throughout. The coyote bush are relatively large and generally solitary. These annual grasslands are characteristic of the region and are common throughout the region's open spaces generally in sites that have a history of grazing and land use disturbances. Brome fescue (*Festuca bromoides*), ripgut (*Bromus diandrus*), wild oats (*Avena fatua*), medusa head (*Elymus caput-medusae*), and soft chess (*Bromus hordeaceus*) are generally dominant, though other forbs including bindweed (*Concolculus arvensis*), red-stem filaree (*Erodium cicutarium*) and wild geranium (*Geranium dissectum*) are also common. Native species including salt grass (*Distichlis spicata*) and purple needle grass (*Stipa pulchra*) also occur at low densities within the grasslands. Several large blue gums are growing along the eastern border of the project site. The blue gum (*Eucalyptus globulus*), which are tall mature trees,

were likely planted as wind breaks. A subcommunity of the annual grassland is mixed non-native annual grassland - coyote bush scrub. This sub-community is found predominantly on the Nova south portion of the project site. (*Zentner, 2022, p. 4*)

The ruderal vegetation plant communities are scattered throughout the Property. The ruderal vegetation communities are dominated by Italian thistle (*Carduus pycnocephalus*), black mustard (*Brassica nigra*), radish (*Raphanus sativus*), teasel (*Dipsacus sp.*), Harding grass (*Phalaris aquatica*), and Himalayan blackberry (*Rubus armeniacus*). Other vegetation in the ruderal areas include stinkwort (*Dittrichia graveolens*), red-stem filaree, cut-leaved geranium and other non-native annual grasses and forbs. Most of these plants rank from moderate to high on the California Invasive Plant Council Inventory of invasive plants, except for radish, red stem filaree and cut leaved geranium, which rank limited (CAL IPC 2019) (*Zentner, 2022, p. 4*).

There are numerous seasonal wetlands scattered throughout the project site, some of which are associated with the ephemeral channels, while the remainder are isolated. There are a total of 24 small seasonal wetlands, which total 0.607 acres (shown on Figures 2 and 3 of the Zentner report). These wetlands are mostly dominated by annual grasses such as Mediterranean barley (*Hordeum marinum*; FAC) and Italian ryegrass (*Festuca perennis*; FAC). Most of these seasonal wetlands are very shallow depressions caused by differential settling on site fills. These wetlands have very small watersheds and are primarily filled by direct rainfall and remain inundated a short time after heavy rainfall, though saturation may continue for longer periods during the rainy season. The dominant vegetation within the wetlands, Italian ryegrass, Mediterranean barley, and hyssop loosestrife (*Lythrum hyssopifolia*), with occasional salt grass (*Distichlis spicata*), and rush (*Juncus xiphioides* and *balticus*) (*Zentner, 2022, pp. 4,5*)

There are two ephemeral tributaries and one ephemeral drainage ditch on the project site. The main ephemeral tributary on site (A1) runs 635.8 feet-long through Nova south and has a number of seasonal wetlands that are associated with it, as noted above. This channel drains from a culvert on Nova south's northeastern border and continues through the site to its southwestern border and totals 0.040 acres. Drainage ditch B1 (0.017 acres; 443.8 lf) and Tributary C1 (0.008 acres; 69.7 lf) meet each other adjacent to Nova south's western border and drain into the existing mitigation channel terrace (shown on Figures 2 and 3 of the Zentner report). (*Zentner, 2022, p. 5*)

The property contains only a very small area of riparian woodland habitat adjacent to Suscol Creek in the property's northeastern corner. The creek has a moderately dense band of riparian vegetation. The riparian woodland is dominated by valley oaks (*Quercus lobata*) with sandbar willow (*Salix lasiolepis*), yellow willow (*Salix lasiandra*), and white alder (*Alnus rhombifolia*) near the creek and buckeye (*Aesculus californica*), coast live oak (*Quercus agrifolia*) and invading black locust (*Robinia pseudoacacia*) away from the creek. The non-native locust was planted as a windbreak downstream of the site but has been methodically spreading along the riparian zone and now composes a good portion of the existing tree cover within the riparian zone. Ruderal vegetation is dominant in the understory vegetation and contains the same suite of species described in the ruderal plant community discussion above. (*Zentner, 2022, p. 5*)

A small portion of Suscol Creek, an intermittent tributary, touches the far northeastern corner of the Nova north border of the project site and totals 0.008 acres. Suscol Creek is a relatively natural but incised intermittent creek. Suscol Creek flows from the hills to the east beneath State Highway 29 and west before passing the corner of the project site and flowing another approximately 2,750 feet west into the Napa River. West of the project site, the creek has been channelized. The channel bed is predominantly unvegetated with cobble with earthen banks. (*Zentner, 2022, p. 5*)

According to CNPS Inventory, USFWS database, and CDFW's California Natural Diversity database (CNDDDB), a total of 28 special status wildlife and 29 special status plant species are known to occur within the general region of the project area (USGS 7.5 minute Quadrangles surrounding the project area), with 27 wildlife and 23 plants species known to occur within a five mile radius of the project site. A complete list and description of all special status wildlife and plant species that may occur within the project's region is provided in the Zentner report in Tables 1 and 2, respectively. Appendices A and B list plant and wildlife species, respectively, observed during the site visits.

No special-status plant species were observed during the field surveys by Zentner. The majority of the plant species occurring within the region are highly unlikely to occur on the project site because the site is not within their range, the site lacks suitable habitat or local occurrences, or they were not observed on the project site during vegetation surveys on the site during their blooming period. Although no special-status plant species were observed during the field surveys, the project site provides potentially suitable habitat for the following 14 special-status plant species; Henderson's bent grass (*Agrostis hendersonii*), Franciscan onion (*Allium peninsulare* var. *franciscanum*), Alkali milk-vetch (*Astragalus tener* var. *tener*), Johnny-nip (*Castilleja ambigua* var. *ambigua*), Dwarf downingia (*Downingia pusilla*), St. Helena fawn lily (*Erythronium helenaiae*), Brewer's western flax (*Hesperolinon breweri*), Contra Costa goldfields (*Lasthenia conjugens*), Bristly leptosiphon (*Leptosiphon acicularis*), Jepson's leptosiphon (*Leptosiphon jepsonii*), Marin knotweed (*Polygonum marinense*), Lobb's aquatic buttercup (*Ranunculus lobbii*), Two-fork clover (*Trifolium amoenum*), and Saline Clover (*Trifolium hydrophilum*).

The original evaluation included a mitigation measure to address potential impacts to the 14 plant species listed above because the site surveys were conducted outside the blooming periods for these species. However, a subsequent survey was conducted on May 9, 2022, in order to capture the blooming period of all 14 of these species and when the species would be most readily identifiable. No special status plant species were observed within the project area during the subsequent survey. Consequently, all botanical surveys of the site have been completed and no special status plant species have been observed or are likely to occur within the project area. Therefore, the recommended mitigation measure is no longer applicable.

The proposed project will result in the loss of non-native, grassland and ruderal habitats. Both of these habitats are dominated by weedy, non-native species, though a small number of common native plants are present. This habitat is relatively degraded due to extensive and lengthy disturbance. The loss of this habitat is not a significant impact as there is an abundance of non-native ruderal grassland habitats in the region. Similarly, impacts to common wildlife species that may potentially use this habitat are not significant as these species are common and capable of using adjacent lands. (Zentner, 2022, p. 38)

Wildlife at the site appears limited primarily to common suburban/rural species. Mammals could include coyote (*Canis latrans*), mule deer (*Odocoileus hemionus*), raccoon (*Procyon lotor*), striped skunk (*Mephitis mephitis*), and lagomorphs (rabbits) such as black-tailed jackrabbit (*Lepus californicus*). Small mammals on the site likely include California vole (*Microtus californicus*) and deer mouse (*Peromyscus maniculatus*). Predatory birds such as red-tailed hawks (*Buteo jamaicensis*), red-shouldered hawks (*Buteo lineatus*), American kestrels (*Falco sparverius*), white-tailed kites (*Elanus leucurus*), and Swainson's hawks (*Buteo swainsoni*) are known from the region. Other birds commonly found in this type of grassland habitat include mourning dove (*Zenaidura macroura*), turkey vulture (*Cathartes aura*), red-winged black bird (*Agelaius phoeniceus*), and barn swallow (*Hirundo rustica*). Common reptiles likely present include western fence lizard (*Sceloporus occidentalis*), southern alligator lizard (*Gerrhonotus multicarinatus*), gopher snake (*Pituophis melanoleucus*), and western rattle snake (*Crotalus viridis*). A full list of species observed on site is attached in Appendix B. The dominant ruderal vegetation is tall and dense which makes it difficult for small mammal predators, such as coyotes and the previously listed predatory birds, to hunt the small mammals within the grassland. Therefore, foraging most likely takes place in adjacent areas where vegetation is primarily shorter grassland with fewer ruderal species because hunting would be easier. However, mammals may pass through or otherwise utilize the site. (Zentner, 2022, pp. 5,6)

No special-status animal species were observed on the site or within the project's vicinity during the field surveys. As is the case with the potential occurrence of special status plants, the majority of the 28 special-status animal species occurring within the region are highly unlikely to occur on the project site because the site is not within their range, the site lacks suitable habitat or local occurrences, or they were not observed on the project site. The Zentner report notes that although not seen on the site, only Swainson's hawks (*Buteo swainsoni*) and white-tailed kites (*Elanus leucurus*) have been observed in proximity to the site during previous site surveys by Zentner (Zentner and Zentner 2016). Further, several species have at least some potential to nest on-site at some time, move through the site, or otherwise depend on the site for some function given the presence of potentially suitable habitat and known occurrences in the surrounding area. Of these species, the American Badger (*Taxidea taxus*), Western Bumblebee (*Bombus occidentalis*), and the Vernal pool fairy shrimp (*Branchinecta lynchi*) were determined to be unlikely to occur on the site for the reasons enumerated previously and survey data (see Zentner evaluation for additional details regarding these species). Six additional species were discussed in the report as having at least some potential to nest or move through the project area. These species are the California red-legged frog (*Rana aurora draytonii*; CRLF), Golden Eagle (*Aquila chrysaetos*), Burrowing Owl (*Athene cunicularia*), Northern harrier (*Circus cyaneus*), Pallid Bat (*Antrozous pallidus*), and Western Pond Turtle (*Actinemys marmorata*).

According to CNDDDB, there have been three observations of CRLF within five miles of the project site. All three occurrences are located south of the project site between approximately 3 to 5 miles from the site in areas with either perennial water and/or emergent vegetation. There is no habitat on the property that provides potential breeding habitat for the CRLF. Neither the ephemeral tributary nor the seasonal wetlands on the site hold sufficient water to support CRLF breeding. As well, Suscol Creek, a small part of which passes through the property, is relatively shallow and bare, with a few short-lived ponds. Suscol Creek, therefore, does not contain suitable CRLF breeding habitat. As noted in the report, there are no known occurrences of (CRLF) on the project site or within Suscol Creek. Though there is no breeding habitat on the property, there is a small potential for the species to pass through or otherwise utilize the property. The project biologist recommends a pre-construction survey to ensure that there are no CRLF in the project vicinity when work commences in the unlikely event that a stray CRLF moves along the creek corridor. Mitigation measure BIO-1, below, will reduce potential impacts to the CRLF to a level of less than significant.

There is one CNDDDB record of a golden eagle within five miles of the project site. The occurrence is located nearly 2 miles northwest of the site. At this CNDDDB observation, birds were observed in a nest from 2003 to 2005, no birds were observed in the nest in 2006, the nest was no longer present in the tree in 2008, and the tree was removed in 2008. The CNDDDB presence is listed as "possibly extirpated." Since 2005 there have been no recorded observations of golden eagles within five miles of the project site and the previous observation is listed as possibly extirpated. Additionally, no golden eagles have been seen during recent site surveys and

there are no trees on the property that could support golden eagle nesting. However, there are a number of large trees in the vicinity that could support nesting. Though it is unlikely that a golden eagle occurs in the vicinity of the project site a pre-construction survey should be completed to ensure the species is not impacted by the proposed project.

CNDDDB has one observation of a northern harrier approximately 4 miles southwest of the project from March 1, 2004 to June 15, 2004. Although the project site contains moderately suitable foraging habitat and potential nesting habitat, no northern harriers have been observed on or in the vicinity of the project site. Additionally, no northern harriers have been observed on the project site during recent site visits. However, a pre-construction survey should be completed to determine the presence/absence of the species within the project vicinity and to ensure no impacts to the species result from the project.

There is one CNDDDB record of a white-tailed kite within five miles of the project site. The occurrence, recorded in 2018, was located roughly 2 miles north of the project site. The record notes two nests, both near ruderal grassland. One nest was observed in an oak tree in 2017 with a nesting pair and four fledglings. The other nest was observed in a pine tree in 2018 with a nesting pair and two fledglings. The project site does not contain suitable nesting or breeding habitat for the white-tailed kite. Though several of the adjacent and nearby properties contain trees that could support nesting white-tailed kites. Though there are not any recorded observations of the bird within the immediate vicinity of the project site, the species was observed flying over the site during the February 7, 2022 site survey. A pre-construction survey should be completed to ensure the species is absent from the vicinity of the project and will not be impacted by the project.

The site contains moderately suitable foraging habitat for raptor species though it lacks suitable nesting habitat. However, there is potential nesting habitat on the adjacent properties and, therefore, project related work could cause indirect impacts to nesting raptors if they are located in proximity to the site. The project site also provides suitable habitat for nesting birds protected by the MBTA, primarily within the smaller trees and shrubs on site. Accordingly, there is some limited potential for migratory nesting birds to nest on or adjacent to the site. Consequently, a preconstruction nesting bird survey should be completed to determine the presence/absence of nesting raptors and other migratory nesting birds; protected by the MBTA on and in the vicinity of the project, prior to the start of construction.

According to CNDDDB, there have been seven observations of Swainson's hawks within five miles of the project site. Three of the occurrences are located north of the project site and four are located south of the project site. The closest occurrence is located within one quarter mile of the project site along Suscol Creek. The CNDDDB record for this occurrence states, "nesting suspected in 2003 but no nest found. One pair nested, a 2nd pair may have nested nearby in 2005; nest-building, copulation, & courtship display observed, 1st-14th May 2005. Nest fledged three young in 2012 and two in 2013." The second closest CNDDDB occurrence was within a mile of the project site and describes two adults and a nest from 2008 in a eucalyptus grove south of the project site near open wastewater spray fields. Another CNDDDB occurrence describes the presence of a nesting pair in early 2012 approximately within a mile northeast of the project site in Suscol creek. Three of the remaining CNDDDB records are located within two and a half miles of the project site along the railroad tracks north of the Napa County Airport (2008), approximately 0.3 miles north of Sheehy Creek (2007 & 2012), and approximately 0.2 miles south of highway junction 12 and 29 (2013). The furthest observation is approximately four miles away in Carneros Creek, about 0.25 miles southeast of highway 12 (2013). The project site contains only a few trees that provide suitable potential nesting habitat for the Swainson's hawk.

As noted above, the proposed project will result in the loss of non-native, grassland and ruderal habitats. These habitats provide relatively poor-quality, potential foraging habitat for Swainson's hawk. The site contains few trees that could provide potential nesting habitats and there are currently no known, active nests in the area. Studies of Swainson's hawks have shown that nesting birds can forage up to 18 miles from their nest (Estep 1989, Babcock 1993) or approximately 1,018 square miles of foraging habitat per nest. The project site would provide well under 1% of this area in a region that has large tracks of grasslands that provide better quality foraging habitat for this species. (Zentner, 2022, p. 38)

While the populations of Swainson's hawks were once declining, their populations more recently have been expanding into additional areas outside of the Central Valley where they were historically concentrated. This recovery success and expansion of SWHA range has been well-documented in other environmental documents from projects in the region, which have not been required to provide SWHA mitigation for foraging habitat. While Swainson's hawk's nests are protected, foraging habitat mitigation has generally not been required in the business park area. LSA noted that they were "not aware of any projects in Napa County that have required mitigation for loss of Swainson's hawk foraging habitat" (LSA 2015). Therefore, given the relatively small amount of relatively poor-quality potential habitat, which would not make a significant contribution to the loss of foraging habitat for the Swainson's hawk, the loss of ruderal and grassland habitat is not a significant impact to this species. (Zentner, 2022, p. 38)

The adjacent properties directly east and south of the southeast corner contain potential trees that could provide potential nesting habitat. The SR 29/221 Soscol Junction Improvement Project EA/EIR (Caltrans 2015), which is located approximately 0.50 miles north

of the project site, concluded that 23.66 acres of Swainson's hawk foraging habitat accounted for just 0.16% of their potential foraging habitat. Further it found that the loss of this small amount of vegetation relative to the Swainson's hawk territory size would not have a substantial adverse effect, either directly or indirectly, on the Swainson's hawk or its habitat, nor would it substantially reduce the number or restrict the range of that species. The proposed project would affect a relatively small potential foraging area (approximately 93 acres), which is still well below 1% of the potential foraging area for a Swainson's hawk. In addition, Napa Sanitation District owns approximately 453 acres within $\frac{3}{4}$ of a mile of the project site that they utilize as spray fields. Further, the quality and extent of foraging habitat approximately 3-3/4 miles to the southeast, which includes the 620-acre Newall Open Space, the 1,039 acre Lynch Canyon Open Space Park, and the 308 acre American Canyon California red-legged frog preserve, provide ample foraging habitat. The site also provides a very small amount of potential nesting and roosting habitat for the Swainson's hawk. Therefore, there is no evidence that this species may be significantly impacted by the proposed project. However, to ensure that no nesting birds are disrupted by the project, a preconstruction nesting season survey should be conducted to determine the presence/absence of this species in proximity to the proposed work on the site.

As noted above, no golden eagles, or northern harriers, or Swainson's hawks have been observed within the vicinity of the project site or observed during the site surveys and white-tailed kite was seen flying over the site during a site survey in 2022. However, the project biologist recommends that a pre-construction survey be conducted to determine the presence or absence of these species due to potential nesting habitat nearby. The pre-construction survey would also address other nesting raptors and migratory birds. To ensure no adverse impacts occur to Swainson's hawk, other protected raptors, and migratory birds protected under the Migratory Bird Treaty Act. Mitigation measure BIO-2, below, will reduce impacts to any special-status raptor species and migratory birds to a level of less than significant.

According to CNDDDB, there have been three observations of burrowing owls within five miles of the project site. All three occurrences are located south of the project site. The closest occurrence is located less than one mile away. The CNDDDB record lists this occurrence as a "wintering site...no burrow or whitewash observed; owl may have flushed from concrete utility box partly covered with plywood." The other two occurrences are approximately 5 miles southwest of the site near the Napa River marshes. A single burrowing owl has been recorded in proximity to the project site, though this observation was a wintering site and not a breeding site. There are no known occurrences of burrowing owls on the project site and there have not been any observed on the project site during recent site surveys. As well, the project site is not ideal burrowing owl habitat because the grassland vegetation is relatively tall and dense and the site's soil are generally hardened and compact making it difficult for animals burrows. Additionally, no ground squirrels or ground squirrel burrows were observed on site during recent surveys; ground squirrel burrows are commonly used by burrowing owls. Finally, the site's history of farming and tilling reduces the likelihood of this species, and no burrows of any kind were noted on the project. For these reasons, burrowing owls are unlikely to be found on the site. However, because the species is known from the region, a pre-construction survey should be completed in accordance with the 2012 CDFW Staff Report on Burrowing Owl Mitigation, prior to commencing the proposed project to ensure the species is not impacted by the proposed project. Mitigation measure BIO-3, below, will reduce potential impacts to burrowing owls to less-than-significant levels.

The CNDDDB lists seven records of the pallid bat within five miles of the project site. Five of the records are located west of the project site and two of the records are located north of the project site. The records describe the presence of maternity and bachelor roosts, breeding habitats, and foraging areas within the project vicinity. Several of the records describe multi-species assemblages of bats. The pallid bat is not likely to occur on the project site, as CNDDDB has no records of the species on the site nor have any been observed during recent site visits. However, the property contains a small amount of potential roosting habitat in the trees along Suscol Creek, though no observations or indications of this species have been made on-site. Therefore, a pre-construction survey should be conducted to ensure that the pallid bat is not impacted by the proposed project. Mitigation Measure BIO-4, below, will reduce potential impacts to the pallid bat to a level of less than significant.

There are six CNDDDB records of the western pond turtle within five miles of the project site. Three of the records are north of the project site, two of which were observed in 1996. The records in 1996 include an observation of two adults in a pond between the Napa River and highway 12, and an observation of four adults in South Napa east of the Napa River. The third observation north of the project site was described in Lake Camille, in small artificial lakes, where two adults were observed in 2011 and one adult was observed in 2016. The last three observations include over 15 adults west of elkhorn point in 2001, two juvenile male turtles in a northern slough channel in 2002, and at Tulucay creek where two adults were seen in 2003 and two adults were observed in 2016. The project site contains moderately suitable habitat for the western pond turtle. The species could use the ephemeral tributary, which runs through the project site. Therefore, a preconstruction survey should be conducted for to ensure that no western pond turtles are in the vicinity when work commences. Mitigation Measure BIO-5, below, will reduce potential impacts to the western pond turtle to a level of less than significant.

- c. There are numerous seasonal wetlands scattered throughout the project site, some of which are associated with the ephemeral channels, while the remainder are isolated. There are a total of 24 small seasonal wetlands, which total 0.607 acres (shown on Figures

2 and 3 of the Zentner report). These wetlands are mostly dominated by annual grasses such as Mediterranean barley (*Hordeum marinum*; FAC) and Italian ryegrass (*Festuca perennis*; FAC). Most of these seasonal wetlands are very shallow depressions caused by differential settling on site fills. These wetlands have very small watersheds and are primarily filled by direct rainfall and remain inundated a short time after heavy rainfall, though saturation may continue for longer periods during the rainy season. The dominant vegetation within the wetlands, Italian ryegrass, Mediterranean barley, and hyssop loosestrife (*Lythrum hyssopifolia*), with occasional salt grass (*Distichlis spicata*), and rush (*Juncus xiphioides* and *balticus*) (Zentner, 2022, pp. 4,5)

There are two ephemeral tributaries and one ephemeral drainage ditch on the project site. The main ephemeral tributary on site (A1) runs 635.8 feet-long through Nova south and has a number of seasonal wetlands that are associated with it, as noted above. This channel drains from a culvert on Nova south's northeastern border and continues through the site to its southwestern border and totals 0.040 acres. Drainage ditch B1 (0.017 acres; 443.8 lf) and Tributary C1 (0.008 acres; 69.7 lf) meet each other adjacent to Nova south's western border and drain into the existing mitigation channel terrace (shown on Figures 2 and 3 of the Zentner report). (Zentner, 2022, p. 5).

Each of the wetlands meet the Corps three technical criteria for wetlands, though because they are not connected or adjacent to navigable waters, they are outside of the Corps jurisdiction. These areas are however regulated by the County and likely by the Regional Water Quality Control Board. The majority of the sites wetlands occur in shallow depressions within the otherwise, generally, flat property. However, several of the wetlands (wetland areas W, X, and Y, shown on Figures 2 and 3 of the Zentner report) occur in wide parts of the site's main ephemeral tributary. As well, several wetlands (wetland areas O, P, Q, R, and S, shown on Figures 2 and 3 of the Zentner report) occur in what was formerly a channelized ditch, that was re-routed into the site's existing wetland mitigation area.

Grading for the lots, roads, and other infrastructure will impact a total of 12 isolated, seasonal wetlands for a total of 0.436 acres. The remaining tributaries and seasonal wetlands associated with the tributaries would be preserved. Any utility work within the easements that cross these tributaries, would be completed by jack-and-bore, so as not to result in any impacts to the tributaries. Figures 6 and 7 of the Zentner report illustrate the impacted and preserved areas as a result of the project. The project proposes to mitigate impacts to the isolated seasonal wetlands at a 1:1 ratio of created to impacted (see Mitigation Measure BIO-6). The proposed wetland mitigation areas will be created in areas adjacent to existing intermittent drainages as well as existing wetland mitigation areas. This will create a complex system of preserved and created tributaries, wetlands, riparian, and native grassland habitats along the natural drainages within the property. The potential wetland mitigation areas are shown in Figure 8 of the Zentner report. Currently, the mitigation areas are slightly larger than those that are impacted and will allow the mitigation wetlands to be refined within these areas. (Zentner, 2022, p. 32)

- d. Wildlife corridors are generally described as pathways or habitat linkages that connect discrete areas of natural open space otherwise separated or fragmented by topography, changes in vegetation, and other natural or human induced factors such as urbanization. The fragmentation of natural habitat creates isolated "islands" of vegetation that may not provide sufficient area or resources to accommodate sustainable populations for a number of species and thus, adversely affecting both genetic and species diversity. Corridors often partially or largely eliminate the adverse effects of fragmentation by 1) allowing animals to move between remaining habitats to replenish depleted populations and increase the gene pool available; 2) providing escape routes from fire, predators, and human disturbances, thus reducing the risk that catastrophic events (such as fire or disease) will result in population or species extinction; and 3) serving as travel paths for individual animals moving throughout their home range in search of food, water, mates, and other needs, or for dispersing juveniles in search of new home ranges. The majority of the project site is open grassland habitat with little canopy to provide refuge and cover for wildlife. The project site is also located between Devlin Road and Sanitary District Spray fields without clear linkages to open lands. As well, Suscol Creek and Sheehy Creek located just north and south of the project site contain water sources as well as shade, structure, and potential hiding spots for both predators and prey. These two Creeks provide much more obvious and likely movement corridors for wildlife moving through the area. The project site is therefore unlikely to be utilized as a wildlife movement corridor. However, a small portion of Suscol Creek passes through the property, the project does not propose any work within the Creek, riparian woodland or within the Creek's top of bank. 32 Therefore, the proposed project is unlikely to impact wildlife that may utilize Suscol Creek as a movement corridor; no significant impact would occur. (Zentner, 2022, p. 31)
- e. The project would not conflict with any local policies protecting biological resources, such as tree preservation or the County's Conservation Regulations. The site is within an business park/industrial are lot with little to no native vegetation. The project does not conflict with any County ordinance or requirement to preserve existing trees, and therefore is considered as not having potential for a significant impact thereto.
- f. The proposed project would not conflict with the provisions of adopted Habitat Conservation Plans, Natural Community Conservation Plans or other approved local, regional or state habitat conservation plans. There are no plans applicable to the subject parcel.

Mitigation Measures:

BIO-1: Within 48 hours prior to the commencement of construction activities, a qualified biologist shall conduct a preconstruction CRLF survey to ensure that no CRLF are located on or in proximity to the site. If CRLF are found, the CDFW and USFW will be contacted to determine appropriate mitigation measures and the work shall be halted until the consultations are completed.

Method of Mitigation Monitoring: The permittee shall have a CRLF survey completed prior to any construction/earth disturbing activities scheduled to occur on the site. The survey results shall be provided to the Napa County Planning, Building and Environmental Services. In the event CRLF are found to occur on-site consultation will be sought with CDFW to develop appropriate measures to reduce potential impacts CRLF.

BIO-2: If construction would commence anytime during the nesting/breeding season of the Swainson's hawk, golden eagle, white tailed kite northern harrier, or other raptor or bird species listed in the Migratory Bird Treaty Act (typically February 1 through September 15), a pre-construction survey of the project vicinity for nesting birds should be conducted. This survey should be conducted by a qualified biologist (experienced with the nesting behavior of bird species of the region) within 14 days prior to the commencement of construction activities that would occur during the nesting/breeding season. The intent of the survey should be to determine if active nests are present within or adjacent to the construction zone within approximately 250 feet. The surveys should be timed such that the last survey is concluded no more than two weeks prior to initiation of construction. If ground disturbance activities are delayed following a survey, then an additional pre-construction survey should be conducted such that no more than two weeks will have elapsed between the last survey and the commencement of ground disturbance activities.

If active nests are found in areas that could be directly or indirectly affected by the project, a no-disturbance buffer zone should be created around active nests during the breeding season or until a qualified biologist determines that all young have fledged. The size of the buffer zones and types of construction activities restricted within them should be determined through consultation with the CDFW depending on the species, taking into account factors such as the following:

- Noise and human disturbance levels at the construction site at the time of the survey and the noise and disturbance expected during the construction activity;
- Distance and amount of vegetation or other screening between the construction site and the nest; and sensitivity of individual nesting species and behaviors of the nesting birds.

The buffer zone around an active nest should be established in the field with orange construction fencing or another appropriate barrier and construction personnel should be instructed on the sensitivity of nest areas. The qualified biologist should serve as a construction monitor during those periods when construction activities would occur near active nest areas of special status bird species to ensure that no impacts on these nests occur.

Method of Mitigation Monitoring: The permittee shall have a nesting bird survey completed prior to any construction/earth disturbing activities scheduled to occur on the site from February 1 through September 15. The survey shall also be conducted in accordance with the protocol of the Swainson's Hawk Technical Advisory Committee's (TAC) *Recommended Timing and Methodology for Swainson's Hawk Nesting Surveys in California's Central Valley*. The survey results shall be provided to the Napa County Planning, Building and Environmental Services. In the event any special-status or other protected nesting birds are found to occur on-site construction activities will be scheduled to avoid nesting and breeding periods and consultation will be sought with CDFW to develop appropriate measures to reduce potential impacts to nesting birds protected under the MBTA.

BIO-3: Prior to the commencement of construction activities, a qualified biologist shall conduct a focused survey to determine if burrowing owls are present on the site. This survey shall be conducted in accordance with the 2012 CDFW Staff Report on Burrowing Owl Mitigation within 14 days prior to the commencement of construction activities. The survey should include the project site and environs. If a burrowing owl is identified on the project site all work shall be put on pause until the CDFW has been consulted regarding avoidance and minimization measures.

Method of Mitigation Monitoring: The permittee shall have a burrowing owl survey completed prior to any construction/disturbing activities scheduled to occur within 14 days prior to any construction/earth disturbing activities. The survey results shall be provided to the Napa County Planning, Building and Environmental Services. In the event any burrowing owls are found to occur on-site construction activities will be scheduled to avoid nesting and breeding periods and consultation will be sought with CDFW to develop appropriate measures to reduce potential impacts to burrowing owls.

BIO 4: For construction activities between October 16 and August 14: Prior to the commencement of construction activities, a qualified biologist shall conduct a focused survey to determine the presence/absence of any special status bat species. If bats are found, then a plan for removal or exclusion between October 16 and August 14 will be developed by a qualified biologist and in consultation with CDFW.

For construction activities between August 15 and October 15: If trees are to be removed between August 15 and October 15, they will be trimmed and removed in a two-phased system conducted over two consecutive days under the supervision of a qualified biologist. The first day (afternoon), limbs, branches and trunks without cavities, crevices and deep bark fissures are removed by chainsaw. Limbs and trunks with cavities, crevices and bark fissures would be avoided. On the second day, the remainder of the tree may be removed.

Method of Mitigation Monitoring: The permittee shall have a bat habitat assessment and survey, as applicable, prior to any tree removal as specified above. In the event special-status bat species are detected, a tree removal plan will be developed by a qualified biologist and in consultation with CDFW.

BIO 5: Within 5 days of construction, a qualified biologist shall conduct a preconstruction survey of all areas that would be impacted by construction activities that are within 100 feet of potential western pond turtle habitat. If any western pond turtles or eggs observed within the construction zone, the CDFW shall be consulted.

Method of Mitigation Monitoring: The permittee shall have a western pond turtle survey completed prior to any construction activities scheduled to occur on the site. The survey results shall be provided to the Planning Division. In the event western pond turtles or eggs are found to occur, on-site consultation will be sought with CDFW to develop appropriate measures to reduce potential impacts.

BIO-6: The project will construct a total of at least 0.436 acres of seasonal wetlands or 1:1 mitigation, in order to mitigate for those that are impacted by the project.

Method of Mitigation Monitoring: Prior to any earth disturbing activities a mitigation plan describing the constructed wetland locations, construction methods, and monitoring and success criteria will be submitted to the applicable permitting agencies for review and approval.

V.	CULTURAL RESOURCES. Would the project:	Potentially Significant Impact	Less Than Significant With Mitigation Incorporation	Less Than Significant Impact	No Impact
	a) Cause a substantial adverse change in the significance of a historical resource pursuant to CEQA Guidelines §15064.5?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
	b) Cause a substantial adverse change in the significance of an archaeological resource pursuant to CEQA Guidelines §15064.5?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
	c) Disturb any human remains, including those interred outside of dedicated cemeteries?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Discussion:

a/b. As noted above, most of the site is currently vacant, has been previously graded for weed abatement and is located within a partially developed industrial/business park. The project area has been designated for industrial development for over 35 years. A small portion of the northern boundary of the site adjoins Suscol Creek. No improvements or construction activity is proposed within the riparian area along the creek or within bed or bank. Nova Group Inc's. home offices and fabrication facility are on a 20.34-acre portion of the project area. A Cultural Resources Study was prepared by Tom Origer and Associates, dated March 25, 2022. The study was conducted to determine the presence or absence of archaeological resources, and potential impacts, if any, as a result of the proposed project. According to the study, the field survey found no archaeological sites within the project site. Further, there is a very low potential for buried archaeological sites. The Nova Group's facility was developed in the early 1980s and is therefore too recently constructed to be considered historically important. The report noted that there is an approximately five-acre area in the southern

portion of the study area that is obscured with fill. No improvements are proposed in this area. If plans for development of this area should arise, an archaeologist who meets the Secretary of the Interior’s standards should examine this area after the fill is removed and before any construction. The report concluded that no further study is recommended to look for buried sites. However, if any previously undiscovered resources are found during grading of the project, construction of the project is required to cease, and a qualified archaeologist will be retained to investigate the site in accordance with the following standard condition of approval that will be imposed on the project:

7.2 ARCHEOLOGICAL FINDING

In the event that archeological artifacts or human remains are discovered during construction, work shall cease in a 50-foot radius surrounding the area of discovery. The permittee shall contact the PBES Department for further guidance, which will likely include the requirement for the permittee to hire a qualified professional to analyze the artifacts encountered and to determine if additional measures are required.

If human remains are encountered during project development, all work in the vicinity must be halted, and the Napa County Coroner informed, so that the Coroner can determine if an investigation of the cause of death is required, and if the remains are of Native American origin. If the remains are of Native American origin, the permittee shall comply with the requirements of Public Resources Code Section 5097.98.

- c. No human remains have been previously encountered on the property; no information has been encountered that would indicate that this project would encounter human remains. If human remains are encountered during project development, construction of the project is required to cease, and the requirements of Condition of Approval 7.2, listed above, would apply. No impacts would occur.

Mitigation Measures: None required.

VI.	ENERGY. Would the project:	Potentially Significant Impact	Less Than Significant With Mitigation Incorporation	Less Than Significant Impact	No Impact
	a) Result in potentially significant environmental impact due to wasteful, inefficient or unnecessary consumption of energy resources during project construction or operation?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
	b) Conflict with or obstruct a state or local plan for renewable energy or energy efficiency?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Discussion:

- a. Project construction includes street and infrastructure improvements including two new cul-de-sacs accessed from the existing main roadway from Devlin Road. No specific land uses or buildings are proposed as part of this permit application. During construction of the proposed project, the use of construction equipment, truck trips for hauling materials, and construction workers’ commutes to and from the project site would consume fuel. Construction activities and corresponding fuel energy consumption would be temporary and localized. In addition, there are no unusual project characteristics that would cause the use of construction equipment or haul vehicles that would be less energy efficient when compared with other similar construction sites within Napa County. Once construction of the roadways and infrastructure is complete, equipment and energy use would only be necessary for the maintenance of the road and infrastructure improvements which would not include any unusual maintenance activities that would cause a significant difference in energy efficiency compared to the surrounding developed land uses. In addition, subsequent development of the proposed parcels will require environmental review as required by CEQA. Thus, the proposed project would not result in wasteful, inefficient, or unnecessary energy use. This impact would be less than significant.
- b. During construction of the roadways and infrastructure, construction vehicles and equipment will need to comply with State requirements designed to minimize idling and associated emissions, which also minimizes use of fuel. Specifically, idling of commercial vehicles and off-road equipment would be limited to five minutes in accordance with the Commercial Motor Vehicle Idling Regulation and the Off-Road Regulation. The proposed project would comply with these State requirements and the Air Quality conditions of approval presented in Section III (Air Quality). Subsequent development on the site would comply with Title 24 energy

use requirements of the California Building Code. Napa County has not implemented an energy action plan. Therefore, the proposed project would not conflict with or obstruct a state or local plan for renewable energy or energy efficiency or impede progress towards achieving goals and targets, and impacts would be less than significant.

Mitigation Measures: None required.

VII.	GEOLOGY AND SOILS. Would the project:	Potentially Significant Impact	Less Than Significant With Mitigation Incorporation	Less Than Significant Impact	No Impact
	a) Directly or indirectly cause potential substantial adverse effects, including the risk of loss, injury, or death involving:				
	i) Rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area or based on other substantial evidence of a known fault? Refer to Division of Mines and Geology Special Publication 42.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
	ii) Strong seismic ground shaking?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
	iii) Seismic-related ground failure, including liquefaction?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
	iv) Landslides?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
	b) Result in substantial soil erosion or the loss of topsoil?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
	c) Be located on a geologic unit or soil that is unstable, or that would become unstable as a result of the project, and potentially result in on- or off-site landslide, lateral spreading, subsidence, liquefaction or collapse?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
	d) Be located on expansive soil creating substantial direct or indirect risks to life or property? Expansive soil is defined as soil having an expansive index greater than 20, as determined in accordance with ASTM (American Society of Testing and Materials) D 4829.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
	e) Have soils incapable of adequately supporting the use of septic tanks or alternative waste water disposal systems where sewers are not available for the disposal of waste water?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
	f) Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Discussion:

- a.
 - i.) There are no known faults that run beneath the project site on the most recent Alquist-Priolo Earthquake Fault Zoning Map. As such, the proposed project would result in a less than significant impact with regards to rupturing of a known fault. Impacts would be less than significant.
 - ii.) All areas of the Bay Area are subject to strong seismic ground shaking. Construction of the project would be required to comply with the latest standards and codes, including the California Building Code that would reduce any potential impacts to a less than significant level in relation to seismic ground shaking.
 - iii.) No subsurface conditions have been identified on the project site that indicated a susceptibility to seismic-related ground failure or

liquefaction. Compliance with the latest edition of the California Building Code for seismic stability would reduce any impacts to a less than significant level.

- iv.) The Napa County GIS Sensitivity Maps (Landslides line, polygon, and geology layers) did not indicate the presence of landslides within the project area.
- b. The project would require incorporation of best management practices and would be subject to the Napa County Stormwater Ordinance which addresses sediment and erosion control measures and dust control, as applicable. Impacts would be less than significant.
- c/d. According to the Napa County GIS Sensitivity Maps (based on the following layers - Geology, Surficial deposits, and Soil Type), the project area is composed of Coombs gravelly loam (2 to 5% slopes), Haire loam and Haire clay loam (2 to 9% slopes), and Sobrante loam (5 to 30% slopes). The project area is underlain by Early or mid-Pleistocene fan or terrace deposits. Based Napa County GIS Sensitivity Maps (Liquefaction layer) the project site has very low susceptibility for liquefaction. All proposed construction will be required to comply with all the latest building standards and codes at the time of construction. The project is not proposed on an unstable geologic unit or soil that would become unstable or would create direct or indirect risks to life or property. Compliance with the latest editions of the California Building Code for seismic stability would reduce any potential impacts to the maximum extent possible, resulting in less than significant impacts. Project approval will require incorporation of best management practices and will be subject to the Napa County Stormwater Ordinance which addresses sediment and erosion control measures and dust control, as applicable, to ensure that development does not impact adjoining properties, drainages, and roadways
- e. Future development on the project site will connect to municipal water service provided by the City of American Canyon and sewer service by Napa Sanitation District. "Will Serve" letters have been provided by the affected jurisdictions indicating that they have sufficient capacity to accommodate the water and wastewater demand of this project. (see Section XVII Utilities and Service Systems (d), below.)
- f. No paleontological resources or unique geological features have been identified on the property or were encountered on the property when the site was originally graded for development of the Nova Groups facility. However, if resources are found during any earth disturbing activities associated with the project, construction of the project is required to cease, and a qualified archaeologist will be retained to investigate the site in accordance with the standard condition of approval stated above.

Mitigation Measures:

VIII.	GREENHOUSE GAS EMISSIONS. Would the project:	Potentially Significant Impact	Less Than Significant With Mitigation Incorporation	Less Than Significant Impact	No Impact
	a) Generate a net increase in greenhouse gas emissions in excess of applicable thresholds adopted by the Bay Area Air Quality Management District or the California Air Resources Board which may have a significant impact on the environment?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
	b) Conflict with a county-adopted climate action plan or another applicable plan, policy or regulation adopted for the purpose of reducing the emissions of greenhouse gases?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Discussion:

On April 20, 2022, the Bay Area Air Quality Management District (BAAQMD) adopted new recommended thresholds for determining the significance of individual projects' greenhouse gas impacts under CEQA. Under the new thresholds, proposed land use projects may be analyzed for consistency with a qualified greenhouse gas (GHG) reduction strategy in the event one has been adopted. To date, Napa County has not adopted a qualified GHG reduction strategy pursuant to CEQA Guidelines section 15183.5. Absent an adopted strategy, BAAQMD recommends that a land use project must include specified minimum design elements to ensure that the project is contributing its "fair share" toward achieving the state's key climate goal of carbon neutrality by 2045. Napa County has not adopted a qualified GHG reduction strategy or an air quality plan, therefore projects will be evaluated per the BAAQMD recommended minimum design elements.

- a-b. Overall increases in Greenhouse Gas (GHG) emissions in Napa County were assessed in the Environmental Impact Report (EIR) prepared for the Napa County General Plan Update and certified in June 2008. GHG emissions were found to be significant and unavoidable in that document, despite the adoption of mitigation measures incorporating specific policies and action items into the General Plan. Note: Pursuant to State CEQA Guidelines Section 15183, because this initial study assesses a project that is consistent with an adopted General Plan for which an environmental impact report (EIR) was prepared, it appropriately focuses on impacts which are "peculiar to the project," rather than the cumulative impacts previously assessed.

Consistent with the General Plan action items, Napa County participated in the development of a community-wide GHG emissions inventory and "emission reduction framework" for all local jurisdictions in the County in 2008-2009. This planning effort was completed by the Napa County Transportation and Planning Agency in December 2009 and served as the basis for development of a refined inventory and emission reduction plan for unincorporated Napa County. During our ongoing planning effort, the County requires project applicants to consider methods to reduce GHG emissions consistent with Napa County General Plan Policy CON-65(e). For the purposes of this analysis potential GHG emissions associated with construction of roadways and infrastructure.

Greenhouse gas (GHG) emissions from construction represent a very small portion of a project's lifetime GHG emissions. The BAAQMD recommended thresholds do not include a construction-related climate impact threshold at this time. One time "Construction Emissions" associated with the project include: emissions associated with the energy used to develop and prepare the project area, construction, and construction equipment, and worker vehicle trips (hereinafter referred to as Equipment Emissions). If the proposed project adheres to relevant best management practices identified by the BAAQMD and the County's standard conditions of project approval, construction-related impacts are considered less than significant. See Section III. Air Quality for additional information.

The BAAQMD proposed thresholds for land use projects are designed to address "Operational" GHG emissions which represent the vast majority of project GHG emissions. Operational emissions associated with a light industrial uses generally include: i) any reduction in the amount of carbon sequestered by existing vegetation that is removed as part of the project compared to a "no project" scenario; and ii) ongoing emissions from the energy used to maintain and operate the light industrial uses, including vehicle trips associated with employee and visitor trips. As noted above, Napa County has not adopted a qualified GHG reduction strategy or an air quality plan, therefore projects will be evaluated per the BAAQMD recommended minimum design elements.

As indicated above the County is currently preparing a CAP and as the part of the first phase of development and preparation of the CAP has released Final Technical Memorandum #1 (2014 Greenhouse Gas Emissions Inventory and Forecast, April 13, 2016). Table 1 of the Technical Memorandum indicates that 2% of the County's GHG emissions in 2014 were a result of land use change. Since the proposal does not include development of the proposed lots that would be created by the subdivision, there are no Operational GHG emissions to evaluate at this time. Subsequent development will be subject to analysis under the CEQA, including an analysis of GHG emissions.

The increase in emissions anticipated as a result of construction of the roadways and infrastructure would be minor and the project is in compliance with the County's efforts to reduce emissions as described above. Accordingly, the project's impacts would be less than significant.

Mitigation Measures: None required.

IX.	HAZARDS AND HAZARDOUS MATERIALS. Would the project	Potentially Significant Impact	Less Than Significant With Mitigation Incorporation	Less Than Significant Impact	No Impact
	a) Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
	b) Create a significant hazard to the public or the environment through reasonable foreseeable upset and accident conditions involving the release of hazardous materials into the environment?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

- | | | | | |
|---|--------------------------|--------------------------|-------------------------------------|-------------------------------------|
| c) Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| d) Be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and, as a result, would it create a significant hazard to the public or the environment? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| e) For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project result in a safety hazard or excessive noise for people residing or working in the project area? | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| f) Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan? | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| g) Expose people or structures, either directly or indirectly, to a significant risk of loss, injury or death involving wild-land fires? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |

Discussion:

- a. The proposed project would not involve the transport of hazardous materials other than those small amounts normally use I the construction of infrastructure improvements. Impacts would be less than significant.
- b. Hazardous materials such as diesel and maintenance fluids would potentially be used onsite during construction. Should they be stored onsite, these materials would be stored in secure locations to reduce the potential for upset or accident conditions. Therefore, it would not be reasonably foreseeable for the proposed project to create upset or accident conditions that involve the release of hazardous materials into the environment. Impacts would be less than significant.
- c. There are no schools located within one-quarter mile from the project area. No impacts would occur.
- d. Based on a search of the California Department of Toxic Substances Control database, the project site does not contain any known EPA National Priority List sites, State response sites, voluntary cleanup sites, or any school cleanup sites. No impact would occur as the project site is not on any known list of hazardous materials sites.
- e. The project site is located within two miles of the Napa County Airport and is therefore subject to the requirements of the County's Airport Compatibility Combination zoning district and the requirements of the Napa County Airport Land Use Compatibility Plan (ALUCP). The project site is located within compatibility Zones C and D of the ALUCP. Zone C is an extended approach/departure zone with aircraft overflight below 300-feet above ground level and Zone D which is an area of common overflight and moderate risk. County development regulations have been certified as meeting ALUCP compatibility requirements, and consequently the project is not subject to separate review by the Airport Land Use Commission because it has been designed to comply with County airport compatibility land use requirements. In addition, recordation of an aircraft overflight easement will be required as part of the final map that provides for the right of aircraft operation, overflight and related noises, and for the regulation of light emissions, electrical emissions, or the release of substances such as steam or smoke which could interfere with aircraft operations.
- f. The Napa County Emergency Operations Plan (EOP) outlines procedures, including establishing leadership roles and responsibilities of various agency staff, that guide local preparedness, response, recovery, and resource management efforts associated with occurrence of a natural disaster, significant emergency, or other threat to public safety. The project would not result in closure or permanent obstruction of adjacent public rights-of-way. No component of the implementation of the EOP would otherwise be impaired by the proposed subdivision. Access to the prosed lots will meet County standards. The proposed subdivision would not obstruct an emergency response or evacuation plan. Impacts would be less than significant.
- g. According to the Napa County Environmental resource maps (based on the following GIS layer – SRA) the project area is located within a Local Response Area for fire protection services and has a low risk of damage from wildland fires. Subsequent development on the proposed lots created by the subdivision would be subject to review by the Fire Department for compliance with the Uniform Fire Code. The proposed subdivision does not increase the potential for significant loss, injury or death due to wild-land fires. See section XX. Wildfire for additional detail. Impacts of the project would be less than significant.

Mitigation Measures: None required.

X.	HYDROLOGY AND WATER QUALITY. Would the project:	Potentially Significant Impact	Less Than Significant With Mitigation Incorporation	Less Than Significant Impact	No Impact
	a) Violate any water quality standards or waste discharge requirements or otherwise substantially degrade surface or groundwater quality?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
	b) Substantially decrease groundwater supplies or interfere substantially with groundwater recharge such that the project may impede sustainable groundwater management of the basin?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
	c) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river or through the addition of impervious surfaces which would:				
	i) result in substantial erosion or siltation on- or off-site?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
	ii) substantially increase the rate or amount of surface runoff in a manner which would result in flooding on- or off-site?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
	iii) create or contribute runoff water which would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
	iv) impede or redirect flood flows?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
	d) In flood hazard, tsunami, or seiche zones, risk release of pollutants due to project inundation?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
	e) Conflict with or obstruct implementation of a water quality control plan or sustainable groundwater management plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Discussion:

On April 21, 2021, Governor Gavin Newsom declared a drought emergency in the state of California and as of July 8, 2021, 50 counties are under the drought state of emergency, including Napa County. The Governor directed the Department of Water Resources to increase resilience of water supplies during drought conditions. On June 8, 2021, the Napa County Board of Supervisors adopted a resolution declaring a Proclamation of Local Emergency due to drought conditions which are occurring in Napa County. On October 19, 2021, the Governor issued a proclamation extending the drought emergency statewide. The County requires all discretionary permit applications (such as use permits and ECPAs) to complete necessary water analyses in order to document that sufficient water supplies are available for the proposed project and to implement water saving measures to prepare for periods of limited water supply and to conserve limited groundwater resources.

In March 2022, Governor Newsom enacted Executive Order N-7-22, which requires prior to approval of a new groundwater well (or approval of an alteration to an existing well) in a basin subject to the Sustainable Groundwater Management Act and that is classified as medium- or high-priority, obtaining written verification from the GSA (Groundwater Sustainability Agency) managing the basin that groundwater extraction would not be inconsistent with any sustainable groundwater management program established in any applicable GSP (Groundwater Sustainability Plan) and would not decrease the likelihood of achieving sustainability goals for the basin covered by a GSP, or that the it is determined first that extraction of groundwater from the new/proposed well is (1) not likely to interfere with the production and functioning of existing nearby wells, and (2) not likely to cause subsidence that would adversely impact or damage nearby infrastructure.

On March 28, 2022, August 9, 2022, and November 8, 2022, the Napa County Board of Supervisors adopted resolutions proclaiming a continued state of Local Emergency due to the 2021-2022 drought. On June 7, 2022, the Napa County Board of Supervisors provided direction regarding interim procedures to implement Executive Order N-7-22 for issuance of new, altered or replacement well permits and discretionary projects that would increase groundwater use during the declared drought emergency. The direction limits a parcel's groundwater allocation to 0.3 acre-feet per acre per year, or no net increase in groundwater use if that threshold is exceeded already for parcels located in the GSA Subbasin. For parcels not located in the GSA Subbasin (i.e., generally located in the hillsides), a parcel-specific Water Availability Analysis would suffice to assess potential impacts on groundwater supplies. Because the project will be provided water by the City of American Canyon, Executive Order N-7-22 does not apply.

- a. The proposed project will not violate any known water quality standards or waste discharge requirements. The project will discharge stormwater runoff into an approved on-site storm drainage system designed to accommodate the drainage from this site. The applicant is required to obtain a stormwater permit from the Regional Water Quality Control Board (RWQCB) which is administered in part by the County Engineering Services Division on behalf of the RWQCB. Given the essentially level terrain, and the County's Best Management Practices, which comply with RWQCB requirements, the project does not have the potential to significantly impact water quality and discharge standards.
- b. The project will receive water from the City of American Canyon. The project is located within an area designated for urban development by the City of American Canyon. The City has acquired water rights to provide adequate water for all areas within their service area. The City has reviewed the proposed project and determined that in order to comply with the City's Zero Water Footprint (ZWF) Policy the applicant shall contribute to the City's water conservation fund and has issued a Will Serve letter for the proposal. No groundwater wells are associated with this property. (see Section XIX Utilities and Service Systems (d), below.)
- c. The project would not substantially alter the drainage pattern on site or cause a significant increase in erosion or siltation on or off the project site. Improvement plans prepared prior to the issuance of a grading permit would ensure that the proposed project does not increase runoff flow rate or volume as a result of project implementation. General Plan Policy CON-50 c) requires discretionary projects, including this project, to meet performance standards designed to ensure peak runoff in 2-, 10-, 50-, and 100-year events following development is not greater than predevelopment conditions. The preliminary grading and drainage plan has been reviewed by the Engineering Division. The proposed project would implement standard stormwater quality treatment controls to treat runoff prior to discharge from the project site. The incorporation of these features into the project would ensure that the proposed project would not create substantial sources of polluted runoff. In addition, the proposed project does not have any unusual characteristics that create sources of pollution that would degrade water quality. Impacts would be less than significant.
- d. The site lies outside the boundaries of the 100 and 500 year flood hazard boundaries. The parcel is not located in an area that is subject to inundation by tsunamis, seiches, or mudflows. No impacts would occur.
- e. The proposed project would not conflict with a water quality control plan or sustainable groundwater management plan. No impacts would occur.

Mitigation Measures: None required.

XI.	LAND USE AND PLANNING. Would the project:	Potentially Significant Impact	Less Than Significant With Mitigation Incorporation	Less Than Significant Impact	No Impact
	a) Physically divide an established community?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
	b) Cause a significant environmental impact due to a conflict with any land use plan, policy, or regulation adopted for the purpose of avoiding or mitigating an environmental effect?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Discussion:

- a/b. The proposed project would not occur within an established community, nor would it result in the division of an established community. The proposed project complies with the Napa County General Plan, the Napa County Zoning Ordinance, applicable County Code

sections, the Napa Valley Business Park Specific Plan, and all other applicable regulations.

Mitigation Measures: None required.

XII.	MINERAL RESOURCES. Would the project:	Potentially Significant Impact	Less Than Significant With Mitigation Incorporation	Less Than Significant Impact	No Impact
	a) Result in the loss of availability of a known mineral resource that would be of value to the region and the residents of the state?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
	b) Result in the loss of availability of a locally-important mineral resource recovery site delineated on a local general plan, specific plan or other land use plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Discussion:

a/b. Historically, the two most valuable mineral commodities in Napa County in economic terms have been mercury and mineral water. More recently, building stone and aggregate have become economically valuable. Mines and Mineral Deposits mapping included in the Napa County Baseline Data Report (Mines and Mineral Deposits, BDR Figure 2-2) indicates that there are no known mineral resources nor any locally important mineral resource recovery sites located on the project site. No impacts would occur.

Mitigation Measures: None required.

XIII.	NOISE. Would the project result in:	Potentially Significant Impact	Less Than Significant With Mitigation Incorporation	Less Than Significant Impact	No Impact
	a) Generation of a substantial temporary or permanent increase in ambient noise levels in the vicinity of the project in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
	b) Generation of excessive groundborne vibration or groundborne noise levels?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
	c) For a project located within the vicinity of a private airstrip or an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project expose people residing or working in the project area to excessive noise levels?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Discussion:

a/b. The proposed project will result in a temporary increase in noise levels during the construction of the roadways and infrastructure. Construction activities will be limited to daylight hours using properly muffled vehicles. Noise generated during this time is not anticipated to be significant. The proposed project would not result in long-term significant permanent construction noise impacts or operational impacts. Furthermore, construction activities would generally occur during the period of 7am-7pm on weekdays, during normal hours of human activity. All construction activities will be conducted in compliance with the Napa County Noise Ordinance (N.C.C. Chapter 8.16) which would ensure the proposed project would not result in adverse noise impacts.

- c. The proposed project site is located within compatibility Zones C and D of the Napa County Airport Land Use Compatibility Plan. Zone C is an extended approach/departure zone with aircraft overflight below 300-feet above ground level. Zone D of the Napa County Airport, which is an area of common aircraft overflight. As such, persons on the project site will be exposed to noise from regular aircraft overflight. The Napa County Zoning Code, section 8.16.070 Exterior noise limits, lists the maximum allowable level for Industrial areas as 75 dBA. Based on the County General Plan Community Character Element, figure CC-1: Napa County Airport Projected Noise Levels (dBA CNEL), the project site is located outside of the airport area projected to have levels of 65 dBA or less, which is less than the maximum allowed in the Industrial area. Therefore the location of the project within the airport land use area will have a less than significant impact on people working in the project area. The nature of the uses allowed in the Industrial Park (IP) zoning is not sensitive to increased noise levels from aircraft and is considered compatible with aircraft operations.

Mitigation Measures: None required.

XIV. POPULATION AND HOUSING. Would the project:	Potentially Significant Impact	Less Than Significant With Mitigation Incorporation	Less Than Significant Impact	No Impact
a) Induce substantial unplanned population growth in an area, either directly (for example, by proposing new homes and businesses) or indirectly (for example, through extension of roads or other infrastructure)?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) Displace substantial numbers of existing people or housing, necessitating the construction of replacement housing elsewhere?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Discussion:

The Association of Bay Area Governments' *Projections 2003* figures indicate that the total population of Napa County is projected to increase some 23% by the year 2030 (*Napa County Baseline Data Report*, November 30, 2005). Additionally, the County's *Baseline Data Report* indicates that total housing units currently programmed in county and municipal housing elements exceed ABAG growth projections by approximately 15%. In addition, the project would be subject to the County's housing impact mitigation fee, which provides funding to meet local housing needs.

Cumulative impacts related to population and housing balance were identified in the 2008 General Plan EIR. As set forth in Government Code §65580, the County of Napa must facilitate the improvement and development of housing to make adequate provision for the housing needs of all economic segments of the community. Similarly, CEQA recognizes the importance of balancing the prevention of environment damage with the provision of a "decent home and satisfying living environment for every Californian." (See Public Resources Code §21000(g).) The 2008 General Plan sets forth the County's long-range plan for meeting regional housing needs, during the present and future housing cycles, while balancing environmental, economic, and fiscal factors and community goals. The policies and programs identified in the General Plan Housing Element function, in combination with the County's housing impact mitigation fee, to ensure adequate cumulative volume and diversity of housing. Cumulative impacts on the local and regional population and housing balance would be less than significant.

- a. The project site is currently vacant and located in a developing industrial area, save for Nova Group Inc's., a general engineering contractor, home offices and fabrication facility. The project will increase the number of jobs within the industrial park once development occurs on the lots created by the proposed subdivision. However, given the size of the project, the new jobs are considered to be relatively small compared to the overall business park and nearby communities; therefore, this increase in jobs will not contribute to a cumulatively considerable increase in the demand for housing units within Napa County and the general vicinity. As noted above, the County has adopted a Housing Element which identifies locations for new affordable housing and adopted a development impact fee. The fee provides funds for constructing affordable housing to off-set the cumulative existing affordable housing shortage in the County. The fee is paid at the time building permits are issued. This fee is charged to all new non-residential developments based on the gross floor area of non-residential space multiplied by the applicable fee by type of use as required under Chapter 18.107, of the Napa County Code and is considered to reduce housing impacts to a less than significant level.

- b. There are no existing homes on, or adjacent to, the project site. The project will not result in the displacement of any housing units or people.

Mitigation Measures: None required.

XV.	PUBLIC SERVICES. Would the project result in:	Potentially Significant Impact	Less Than Significant With Mitigation Incorporation	Less Than Significant Impact	No Impact
	a) Substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for any of the public services:				
	i) Fire protection?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
	ii) Police protection?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
	iii) Schools?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
	iv) Parks?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
	v) Other public facilities?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Discussion:

- a. Public services are currently provided to the project area and the additional demand placed on existing services as a result of the proposed project would be minimal. The property is located within the service areas of both the Napa County Sheriff's Department as well as the Napa County Fire Department. Subsequent development on the lots within the proposed subdivision, if approved, would be inspected by County building inspectors and fire officials in order to ensure that construction occurs in accordance with current Building and Fire Codes applicable at the time of submittal of any requisite building permit application(s). The proposed project does not include construction of any new residential units nor accompanying introduction of new residents that would utilize existing parks or potentially increase student enrollment in schools located in the area of the project site. School impact fees, which assist local school districts with capacity building measures, would be levied pursuant to future building permit submittal. No new parks or other public recreational amenities or institutions are proposed to be built with the proposed subdivision. County revenue resulting from any building permit fees and property tax increases will help meet the costs of providing public services to the property. The proposed project will have a less than significant impact on public services.

- b. Mitigation Measures: None required.

XVI.	RECREATION. Would the project:	Potentially Significant Impact	Less Than Significant With Mitigation Incorporation	Less Than Significant Impact	No Impact
a)	Increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b)	Does the project include recreational facilities or require the construction or expansion of recreational facilities which might have an adverse physical effect on the environment?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Discussion:

- a. The requested tentative subdivision map does not include any residential component and is not likely to lead to the accompanying introduction of new residents to the site or area that would utilize existing parks in the area. The tentative subdivision map would create new lots for future light industrial development that would lead to new employees, some of whom might visit regional recreational facilities on the way to or from their place of employment. However, given that the purpose of employees' trips are to and from the work place as the primary destination, such visits to area recreational facilities are anticipated to be infrequent and would not drastically accelerate the deterioration of the park amenities. This impact would be less than significant.
- b. No new public recreational amenities are proposed to be built with, or as a result of, the requested tentative subdivision map. The proposed project would have no impact.

Mitigation Measures: None required.

XVII.	TRANSPORTATION. Would the project:	Potentially Significant Impact	Less Than Significant With Mitigation Incorporation	Less Than Significant Impact	No Impact
a)	Conflict with a program, plan, ordinance or policy addressing the circulation system, including transit, roadway, bicycle and pedestrian facilities?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b)	Would the project conflict or be inconsistent with CEQA Guidelines section 15064.3, subdivision (b)?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c)	Substantially increase hazards due to a geometric design feature, (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d)	Result in inadequate emergency access?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
e)	Conflict with General Plan Policy CIR-14, which requires new uses to meet their anticipated parking demand, but to avoid providing excess parking which could stimulate unnecessary vehicle trips or activity exceeding the site's capacity?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Discussion:

- a./c./d. Access will be provided by an existing roadway off Devlin Road and two new cul-de-sacs. The access road and cul-de-sacs are designed to comply with all County standards including emergency vehicle access. The project will not result in any changes to levels of service or cause any new safety risks.

There is currently bus service on Devlin Road and Airport Blvd., with a bus stop on the east side of Devlin Road and the north side of Airport Blvd., a little over a mile south of the project area. The proposed project would not impair use of public transit facilities in its vicinity. The Napa Countywide Bicycle Plan, adopted by the Board of Supervisors in June 2012, identifies Devlin Road as an existing Class II bicycle facility (on-street bike lane) and a proposed Class I multi use path, which includes a segment of the Vine Trail. The proposed project would maintain existing bicycle facilities in its vicinity.

- b. As part of the statewide implementation of Senate Bill (SB) 743, the Governor's Office of Planning and Research (OPR) settled upon automobile vehicle miles of travel (VMT) as the preferred metric for assessing passenger vehicle-related impacts under CEQA and issued revised *CEQA Guidelines* in December 2018, along with a *Technical Advisory on Evaluating Transportation Impacts in CEQA* to assist practitioners in implementing the *CEQA Guidelines* revisions.

The County's General Plan Circulation Element contains a policy statement (Policy CIR-7) indicating that the County expects development projects to achieve a 15% reduction in project-generated VMT to avoid triggering a significant environmental impact. Specifically, the policy directs project applicants to identify feasible measures that would reduce their project's VMT and to estimate the amount of VMT reduction that could be expected from each measure. The policy states that "projects for which the specified VMT reduction measures would not reduce unmitigated VMT by 15 or more percent shall be considered to have a significant environmental impact." That policy is followed by an action item (CIR-7.1) directing the County to update its CEQA procedures to develop screening criteria for projects that "would not be considered to have a significant impact to VMT" and that could therefore be exempted from VMT reduction requirements.

The new CEQA Guidelines and the OPR Technical Advisory note that CEQA provides a categorical exemption (Section 15303) for additions to existing structures of up to 10,000 square feet, so long as the project is in an area that is not environmentally sensitive and where public infrastructure is available. OPR determined that "typical project types for which trip generation increases relatively linearly with building footprint (i.e., general office building, single tenant office building, office park, and business park) generate or attract 110-124 trips per 10,000 square feet". They concluded that, absent substantial evidence otherwise, the addition of 110 or fewer daily trips could be presumed to have a less than significant VMT impact.

The County maintains a set of Transportation Impact Study Guidelines (TIS Guidelines) that define situations and project characteristics that trigger the need to prepare a TIS. The purpose of a TIS is to identify whether the project is likely to cause adverse physical or operational changes on a County roadway, bridge, bikeway or other transportation facility, to determine whether the project should be required to implement or contribute to improvement measures to address those changes, and to ensure that the project is developed consistent with the County's transportation plans and policies. Per the County's current TIS Guidelines, a project is required to prepare a TIS if it generates 110 or more net new daily vehicle trips.

The TIS Guidelines also include VMT analysis requirements for projects based on trip generation, which includes a screening approach that provides a structure to determine what level of VMT analysis may be required for a given project. For a new project that would generate less than 110 net new daily vehicle and truck trips, not only is the project not required to prepare a TIS, it is also presumed to have a less than significant impact for VMT. However, applicants are encouraged to describe the measures they are taking and/or plan to take that would reduce the project's trip generation and/or VMT.

Projects that generate more than 110 net new passenger vehicle trips must conduct a VMT analysis and identify feasible strategies to reduce the project's vehicular travel; if the feasible strategies would not reduce the project's VMT by at least 15%, the conclusion would be that the project would cause a significant environmental impact.

Since no development is proposed as part of the tentative subdivision map, no further analysis is required. The project would not conflict or be inconsistent with CEQA Guidelines section 15064.3, subdivision (b). Impacts would be less than significant.

- d. Developers of new or expanded land uses are required to provide adequate parking or demonstrate that adequate parking exists to meet their anticipated parking demand. Excess parking that could stimulate unnecessary vehicle trips or commercial activity exceeding the site's capacity is discouraged. As noted above, no development is proposed as part of the tentative subdivision map. Subsequent development would be required to provide parking in accordance with the parking requirements specified in the Napa Valley Business Park Specific Plan.

Mitigation Measures: None required.

XVIII. TRIBAL CULTURAL RESOURCES. Would the project cause a substantial adverse change in the significance of a tribal cultural resource, defined in Public Resources Code section 21074 as either a site, feature, place, cultural landscape that is geographically defined in terms of the size and scope of the landscape, sacred place, or object with cultural value to a California Native American tribe, and that is:	Potentially Significant Impact	Less Than Significant With Mitigation Incorporation	Less Than Significant Impact	No Impact
a) Listed or eligible for listing in the California Register of Historical Resources, or in a local register of historical resources as defined in Public Resources Code section 5020.1(k); or	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) A resource determined by the lead agency, in its discretion and supported by substantial evidence, to be significant pursuant to criteria set forth in subdivision (c) of Public Resources Code section 5024.1? In applying the criteria set forth in subdivision (c) of Public Resources Code section 5024.1, the lead agency shall consider the significance of the resource to a California Native American tribe.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Discussion:

a/b. On October 3, 2023, County Staff sent invitations to consult on the proposed project to Native American tribes who had a cultural interest in the area and who as of that date had requested to be invited to consult on projects, in accordance with the requirements of Public Resources Code section 21080.3.1. No consultations were requested and the consultation period closed on November 6, 2023. If any resources are found during earth disturbing activities, construction of the project would be required to cease and the appropriate individuals contacted in accordance with standard conditions of approval, as noted above in **Section V. Cultural Resources**.

Mitigation Measures: None required.

Mitigation Measures:

XIX. UTILITIES AND SERVICE SYSTEMS. Would the project:	Potentially Significant Impact	Less Than Significant With Mitigation Incorporation	Less Than Significant Impact	No Impact
a) Require or result in the relocation or construction of a new or expanded water, wastewater treatment or storm water drainage, electric power, natural gas or telecommunications facilities, the construction or relocation of which could cause significant environmental effects?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) Have sufficient water supplies available to serve the project and reasonably foreseeable future development during normal, dry and multiple dry years?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) Result in a determination by the wastewater treatment provider which serves or may serve the project that it has adequate capacity to serve the project's projected demand in addition to the provider's	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

existing commitments?

- d) Generate solid waste in excess of State or local standards, or in excess of the capacity of local infrastructure, or otherwise impair the attainment of solid waste reduction goals?
- e) Comply with federal, state, and local management and reduction statutes and regulations related to solid waste?

Discussion:

a-c. The project would not require the construction of a new or expanded water, wastewater treatment or storm water drainage, electric power, natural gas or telecommunications facilities, the construction or relocation of which could cause significant environmental effects. The project site is located in an area planned for industrial development and existing water and wastewater treatment facilities have been sized to accommodate the proposed project.

On January 14, 2014, Governor Jerry Brown declared a drought emergency in the state of California. That declaration was followed up on April 1, 2015, when the Governor directed the State Water Resources Control Board to implement mandatory water reductions in cities and town across California to reduce water usage by 25 percent. However, on April 7, 2017, Governor Jerry Brown signed an executive order lifting California's drought emergency in all but four counties (Fresno, Kings, Tulare and Tuolumne).

The project will receive water from the City of American Canyon. On October 23, 2007, the City of American Canyon adopted a Zero Water Footprint (ZWF) Policy which defines a ZWF as "no net loss of water service reliability or increase in water rates to the City of American Canyon's existing water service customers due to requested increase demand for water within the City's water service area." The City prepared a Water Supply Report (WSR) dated August 22, 2023, incorporated herein by reference, to determine if the requested water service is consistent with City ordinances, policies and practices; whether the City's water supply is sufficient to grant the request; and, establish a water allocation for the property. The WSR indicates the property has a baseline water footprint of zero gallons per day (gpd) because the project site is undeveloped and has no historic water use. The request includes an anticipated water demand of 22,867 gpd annualized average-day demand (AADD) and 45,735 gpd maximum day demand (MDD.) The City has determined that in order to comply with the City's Zero Water Footprint (ZWF) Policy the applicant must offset the new AADD. According to the WSR, the applicant has committed to a financial contribution to the City's Zero Water Footprint Mitigation Fund which is the primary funding source for the City's Water Conservation Program. Payment of the mitigation funds offset the property's increased AADD. In accordance with the WSR, the City has issued a will-serve letter for water service subject the ZWF offset described above and other conditions outlined in the City's letter dated August 22, 2023, and incorporated as conditions of project approval.

The project will occur within an urbanized area and connect to a publicly maintained wastewater treatment system. The wastewater provider, Napa Sanitation District, has provided a Conditional Will Serve letter indicating the district will provide sewer services once the project area is annexed within the district's boundaries. NSD has found the project to be in compliance with district master plans. The District's wastewater treatment plant complies with all water quality discharge requirements, and therefore the project will comply with regional water quality control standards and therefore has a less than significant impact.

The proposed project includes self-treating and self-retaining areas, as well as bioretention areas that in combination would serve as both stormwater quality and runoff management measures. Grading for construction of the bioretention basins, storm drain pipelines, wastewater and water system infrastructure improvements would occur concurrently with site grading associated construction of the roadways serving the proposed new lots. Construction activities would be subject to the dust suppression measures listed in section III, Air Quality, of this initial study. The new drainage system will be designed by a qualified engineer and is subject to review and approval by the Engineering Services Division. The Engineering Services Division has included conditions of approval requiring that the drainage system be designed to avoid diversion or concentration of storm water runoff onto adjacent properties.

d/e. Non-recyclable and non-organic waste generated on the property is collected by Napa Recycling and Waste Services (NRWS) and ultimately deposited at the Keller Canyon Landfill (located in unincorporated eastern Contra Costa County), which, having reached roughly 15 percent of its capacity in the first 12 years of its approximated 50 years of operation (which began in 1992), and extrapolating that same rate of material to date, has adequate capacity remaining to accommodate any non-recyclable and non-organic waste generated from future development on the property. Beginning in 2016, all establishments that would generate organic waste are required to participate in NRWS's food composting program, as a means to support efforts to achieve State mandates for reductions of greenhouse gas emissions generated from decomposition of material into landfills.

Mitigation Measures: None required.

XX.	WILDFIRE. If located in or near state responsibility areas or lands classified as very high fire hazard severity zones, would the project:	Potentially Significant Impact	Less Than Significant With Mitigation Incorporation	Less Than Significant Impact	No Impact
	a) Substantially impair an adopted emergency response plan or emergency evacuation plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
	b) Due to slope, prevailing winds and other factors, exacerbate wildfire risks and thereby expose project occupants to pollutant concentrations from a wildfire or the uncontrolled spread of a wildfire?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
	c) Require the installation or maintenance of associated infrastructure (such as roads, fuel breaks, emergency water sources, power lines or other utilities) that may exacerbate fire risk or that may result in temporary or ongoing impacts to the environment?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
	d) Expose people or structures to significant risks, including downslope or downstream flooding or landslides, as a result of runoff, post-fire slope instability, or drainage changes?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Discussion:

a-d. The subject property is not located in a State Responsibility Area of very high fire hazard severity zone. The project would not increase exposure of people and/or structures to a significant loss, injury, or death involving wildland fires. There are no project features that would impair an adopted emergency response plan or evacuation plan. The project would comply with current California Department of Forestry and California Building Code requirements for fire safety. No new overhead power line infrastructure would be required for the development of the project. Therefore, impacts would be less than significant.

Mitigation Measures:

XXI.	MANDATORY FINDINGS OF SIGNIFICANCE	Potentially Significant Impact	Less Than Significant With Mitigation Incorporation	Less Than Significant Impact	No Impact
	a) Does the project have the potential to substantially degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, substantially reduce the number or restrict the range of a rare or endangered plant or animal or eliminate important examples of the major periods of California history or prehistory?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

- b) Does the project have impacts that are individually limited, but cumulatively considerable? ("Cumulatively considerable" means that the incremental effects of a project are considerable when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects)?
- c) Does the project have environmental effects that will cause substantial adverse effects on human beings, either directly or indirectly?

Discussion:

- a. The site has been previously disturbed and does not contain any known listed plant or animal species. The project will not degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, or reduce the number or restrict the range of a rare or endangered plant or animal. As discussed in Section IV above, although no special-status species were found during site surveys, mitigation measures are proposed to conduct pre-construction surveys in the event that special-status species inhabit the site prior to construction. All potential biological related impacts would be less than significant, with mitigation. As identified in Section V above, no known historically sensitive sites or structures, archaeological or paleontological resources, sites of unique geological features have been identified within the project site. No historic or prehistoric resources are anticipated to be affected by the proposed project nor will the proposed project eliminate important examples of the major periods of California history or prehistory. In the event archaeological artifacts are found, a standard condition of approval and mitigation measure would be incorporated into the project. Impacts would be less than significant.
- b. The project does not have impacts that are individually limited but cumulatively considerable. Potential air quality, greenhouse gas emissions, hydrology, and traffic impacts are discussed in the respective sections above. The analysis determined that all potential impacts were less than significant and would not contribute significantly to cumulative impacts. The project does not propose new development that would have a significant impact on the environment or substantially change the existing conditions. With the imposition of standard and project specific conditions of approval, the project does not have impacts that are individually limited, but cumulatively considerable.
- c. There are no schools or hospitals housing sensitive receptors within a quarter mile of the project site. Noise from construction that would occur with construction and installation of the proposed site improvements would be temporary and would be limited to day time hours, and would be subject to best management practices intended to limit fugitive dust and protect stormwater quality.

Mitigation Measures:



Local Agency Formation Commission of Napa County
Subdivision of the State of California

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We Manage Local Government Boundaries, Evaluate Municipal Services, and Protect Agriculture

Agenda Item 6b (Action)

TO: Local Agency Formation Commission

FROM: Brendon Freeman, Executive Officer **B F**

MEETING DATE: August 5, 2024

SUBJECT: Proposed Budget Adjustments for Fiscal Year 2023-24 and Fiscal Year 2024-25

RECOMMENDATION

Staff recommends the Commission approve the following actions:

- 1) Budget Adjustment No. 4 for fiscal year 2023-24, included as Attachment 1; and
- 2) Budget Adjustment No. 1 for fiscal year 2024-25, included as Attachment 2.

SUMMARY

It is recommended the Commission approve the proposed Budget Adjustment No. 4 for fiscal year 2023-24 as reflected in Attachment 1 and the proposed Budget Adjustment No. 1 for fiscal year 2024-25 as reflected in Attachment 2. If both adjustments are approved, the adjusted budget for fiscal year 2023-24 is reflected in Attachment 3 and the adjusted budget for fiscal year 2024-25 is reflected in Attachment 4. A summary follows.

Summary of Key Issues

The Commission's contract with AP Triton to prepare a Countywide Fire and Emergency Medical Services Municipal Service Review has a maximum total cost of \$143,718. The Commission budgeted \$100,000 in fiscal year 2023-24 and \$45,000 in fiscal year 2024-25 for this project under expense account 52310 (Consulting Services). Due to delays related to data acquisition as described in item 5e on today's agenda, actual expenses for this contract through the end of fiscal year 2023-24 totaled only \$17,246. The remaining fiscal year 2023-24 balance of \$82,754 needs to be carried forward to fiscal year 2024-25 by way of two budget adjustments.

Margie Mohler, Commissioner
Councilmember, Town of Yountville

Beth Painter, Commissioner
Councilmember, City of Napa

Mariam Aboudamous, Alternate Commissioner
Councilmember, City of American Canyon

Anne Cottrell, Chair
County of Napa Supervisor, 3rd District

Belia Ramos, Commissioner
County of Napa Supervisor, 5th District

Joelle Gallagher, Alternate Commissioner
County of Napa Supervisor, 1st District

Kenneth Leary, Vice Chair
Representative of the General Public

Eve Kahn, Alternate Commissioner
Representative of the General Public

Brendon Freeman
Executive Officer

Further, fourth quarter LAFCO staff salaries and benefits – which are combined under expense account 52100 (Administration Services) within the Services and Supplies expense unit – as well as annual insurance liability haven't been charged to LAFCO by the County of Napa as of the date of this report. These expenses will total \$165,108. Following the aforementioned carryover balance of \$82,754 within expense account 52310 (Consulting Services), the Services and Supplies expense unit will exceed the total budgeted amount for all accounts within this unit by approximately \$6,000. Therefore, LAFCO will be unable to reimburse the County for fourth quarter expenses until a budget adjustment is approved that increases appropriations within the Services and Supplies expense unit by approximately \$6,000.

Budget Adjustment No. 4 for Fiscal Year 2023-24

Staff recommends the Commission approve a budget adjustment for fiscal year 2023-24 as reflected in Attachment 1 and summarized below:

- Decrease expense account 52310 (Consulting Services) by \$82,754
- Increase expense account 52100 (Administration Services) by \$6,000

Budget Adjustment No. 1 for Fiscal Year 2024-25

Staff recommends the Commission approve a budget adjustment for fiscal year 2024-25 as reflected in Attachment 2 and summarized below:

- Increase expense account 52310 (Consulting Services) by \$82,754

ATTACHMENTS

- 1) Budget Adjustment No. 4 for FY 2023-24
- 2) Budget Adjustment No. 1 for FY 2024-25
- 3) FY 2023-24 Budget with Adjustment No. 4
- 4) FY 2024-25 Budget with Adjustment No. 1

BUDGET ADJUSTMENT REQUEST
Increase/Decrease Between Expenses

Attachment 1

Fiscal Year: 2023-2024

Date: 08/05/24
 Department: LAFCO
 Prepared By: Stephanie Pratt
 Phone: 707-259-8645

Board # (If Appl): _____
 Budget Journal ID: _____
 Journal Entry ID: _____
 Date Posted: _____

Fund	Sub-division	Program	Account Code	Account Description	Increase	Decrease
8400	8400000		52100	Administration Services	6,000.00	
8400	8400000		52310	Consulting Services		82,754.00
Adjustment Totals					6,000.00	82,754.00

Justification: Need to increase account 52100 Administration Services to reimburse County for staff salaries and benefits. Need to decrease account 52310 Consulting Services to carry over the remaining balance allocated to a consultant contract.

LAFCO Authorization	Chair Authorization	Auditor-Controller	Board of Supervisor's Action
Budget Adjustment and Related Journal Entry, if applicable, reviewed and approved. Date _____	[] Approve [] Disapprove _____ Date _____	Budget Adjustment and Related Journal Entry, if applicable, approved as to Accounting Form. Date _____	[] Approve [] Disapprove _____ Date _____ Agenda Item _____
LAFCO Executive Officer	LAFCO Chair	Auditor-Controller	Clerk of the Board of Supervisors

BUDGET ADJUSTMENT REQUEST
Increase/Decrease Between Expenses

Fiscal Year: 2024-2025

Date: 08/05/24
 Department: LAFCO
 Prepared By: Stephanie Pratt
 Phone: 707-259-8645

Board # (If Appl): _____
 Budget Journal ID: _____
 Journal Entry ID: _____
 Date Posted: _____

Fund	Sub-division	Program	Account Code	Account Description	Increase	Decrease
8400	8400000		52310	Consulting Services	82,754.00	
Adjustment Totals					82,754.00	0.00

Justification: Need to increase account 52310 Consulting Services to carry over the remaining balance that was allocated to a consultant contract in 2023-24.

LAFCO Authorization	Chair Authorization	Auditor-Controller	Board of Supervisor's Action
Budget Adjustment and Related Journal Entry, if applicable, reviewed and approved. _____ Date	<input type="checkbox"/> Approve <input type="checkbox"/> Disapprove _____ Date	Budget Adjustment and Related Journal Entry, if applicable, approved as to Accounting Form. _____ Date	<input type="checkbox"/> Approve <input type="checkbox"/> Disapprove _____ Date Agenda Item
LAFCO Executive Officer	LAFCO Chair	Auditor-Controller	Clerk of the Board of Supervisors



Local Agency Formation Commission of Napa County
 Subdivision of the State of California

FY 2023-24 ADJUSTED BUDGET

Adjustment No. 4 Proposed on August 5, 2024

Expenses

Salaries and Benefits

Account Description

		FY 2020-21		FY 2021-22		FY 2022-23		FY 2023-24
		Final Budget	Actual	Final Budget	Actual	Final Budget	Actual	Adjusted Budget
51210	Commissioner Per Diems	14,500	12,720	12,500	12,300	15,200	12,690	16,000
51300	Medicare - Commissioners	250	181	250	205	250	181	250
51305	FICA - Commissioners	500	512	500	525	500	583	1,100
Total Salaries & Benefits		15,250	13,413	13,250	13,030	15,950	13,454	17,350

Services and Supplies

Account Description

		FY 2020-21		FY 2021-22		FY 2022-23		FY 2023-24
		Final Budget	Actual	Final Budget	Actual	Final Budget	Actual	Adjusted Budget
52100	Administration Services	415,869	421,287	439,901	408,954	509,844	429,510	565,015
52125	Accounting/Auditing Services	7,500	6,593	7,500	6,847	7,500	7,742	7,500
52130	Information Technology Services	24,323	24,323	24,489	24,489	23,974	23,974	34,309
52131	ITS Communication Charges	-	-	1,837	1,837	1,685	1,692	2,000
52140	Legal Services	25,500	24,286	25,000	22,000	35,000	32,402	35,000
52310	Consulting Services	25,551	25,550	-	-	10,000	-	22,246
52345	Janitorial Services	300	225	300	150	300	150	300
52515	Maintenance-Software	1,930	1,929	1,930	1,930	1,930	629	3,062
52600	Rents and Leases: Equipment	5,500	3,220	4,000	2,784	4,000	2,740	3,500
52605	Rents and Leases: Building/Land	30,409	30,408	31,322	28,234	25,995	25,995	26,775
52700	Insurance: Liability	813	-	578	578	638	638	716
52800	Communications/Telephone	3,500	1,428	2,000	1,485	3,000	1,667	5,000
52830	Publications and Notices	1,500	814	1,000	1,100	1,000	1,282	750
52835	Filing Fees	50	100	200	150	200	-	150
52900	Training/Conference	989	200	10,000	-	15,000	8,937	12,500
52905	Business Travel/Mileage	1,000	-	500	-	1,000	-	2,000
53100	Office Supplies	1,250	1,179	1,000	400	1,000	1,282	2,000
53110	Freight/Postage	350	100	500	100	150	-	100
53115	Books/Media/Subscriptions	-	-	-	119	119	119	119
53120	Memberships/Certifications	3,060	3,060	2,934	2,934	3,078	3,078	3,332
53205	Utilities: Electric	1,500	1,389	1,500	1,950	2,000	1,540	2,400
53410	Computer Equipment/Accessories	-	-	-	38	-	-	571
53415	Computer Software/License	-	150	225	225	225	-	225
53650	Business Related Meal/Supplies	500	122	250	33	-	316	760
Total Services & Supplies		551,394	546,363	556,966	506,337	647,638	543,693	730,330
EXPENSE TOTALS		566,644	559,776	570,216	519,367	663,588	557,147	747,680

Revenues

		FY 2020-21		FY 2021-22		FY 2022-23		FY 2023-24
		Final Budget	Actual	Final Budget	Actual	Final Budget	Actual	Adjusted Budget
Intergovernmental								
<u>Account</u>	<u>Description</u>							
43910	County of Napa	242,700	242,700	254,835	254,835	313,794	313,794	339,738
43950	Other Governmental Agencies	242,700	242,700	254,835	254,835	313,794	313,794	339,738
----	<i>City of Napa</i>	162,800	162,800	166,432	166,432	207,969	207,969	222,680
----	<i>City of American Canyon</i>	41,166	41,166	45,843	45,843	56,307	56,307	61,235
----	<i>City of St. Helena</i>	15,159	15,159	18,608	18,608	20,381	20,381	22,609
----	<i>City of Calistoga</i>	14,515	14,515	13,976	13,976	16,885	16,885	20,342
----	<i>Town of Yountville</i>	9,060	9,060	9,976	9,976	12,252	12,252	12,872
	Total Intergovernmental	485,400	485,400	509,670	509,670	627,588	627,588	679,476
Service Charges								
<u>Account</u>	<u>Description</u>							
42690	Application/Permit Fees	21,060	37,356	20,000	25,450	25,000	30,110	22,950
46800	Charges for Services	624	593	600	1,074	1,000	2,667	510
47900	Miscellaneous	-	-	-	2,845	4,000	-	-
	Total Service Charges	21,684	37,949	20,600	29,369	30,000	32,777	23,460
Investments								
<u>Account</u>	<u>Description</u>							
45100	Interest	12,000	6,817	10,000	5,700	6,000	7,243	6,500
	Total Investments	12,000	6,817	10,000	5,700	6,000	7,243	6,500
	REVENUE TOTALS	519,084	530,166	540,270	544,739	663,588	667,608	709,436
OPERATING DIFFERENCE		(47,560)	(29,610)	(29,946)	25,372	0	110,461	(38,244)

Reserves

	2020-21	2021-22	2022-23	2023-24
Undesignated/Unreserved Fund Balance ("Reserves")				
Beginning:	329,616	300,006	325,378	455,496
Ending:	300,006	325,378	435,839	417,252
MINIMUM FOUR MONTH RESERVE GOAL	188,881	190,072	221,196	249,227



Local Agency Formation Commission of Napa County
 Subdivision of the State of California

Fiscal Year 2024-25 Adjusted Budget

Adjustment No. 1 Proposed on August 5, 2024

Expenses

Salaries and Benefits

Account Description

		FY 2021-22		FY 2022-23		FY 2023-24		FY 2024-25
		Final Budget	Actual	Final Budget	Actual	Adjusted Budget	Estimate	Adjusted Budget
51210	Commissioner Per Diems	12,500	12,300	15,200	12,690	16,000	15,750	18,000
51300	Medicare - Commissioners	250	205	250	181	250	228	300
51305	FICA - Commissioners	500	525	500	583	1,100	967	700
Total Salaries & Benefits		13,250	13,030	15,950	13,454	17,350	16,946	19,000

Services and Supplies

Account Description

52100	Administration Services	439,901	408,954	509,844	429,510	565,015	574,797	614,588
52125	Accounting/Auditing Services	7,500	6,847	7,500	7,742	7,500	8,039	7,500
52130	Information Technology Services	24,489	24,489	23,974	23,974	34,309	32,015	27,746
52131	ITS Communication Charges	1,837	1,837	1,685	1,692	2,000	2,000	2,757
52140	Legal Services	25,000	22,000	35,000	32,402	35,000	36,195	35,000
52310	Consulting Services	-	-	10,000	-	22,246	20,662	127,754
52345	Janitorial Services	300	150	300	150	300	-	300
52515	Maintenance-Software	1,930	1,930	1,930	629	3,062	1,762	1,512
52600	Rents and Leases: Equipment	4,000	2,784	4,000	2,740	3,500	2,994	3,000
52605	Rents and Leases: Building/Land	31,322	28,234	25,995	25,995	26,775	26,775	27,570
52700	Insurance: Liability	578	578	638	638	716	716	922
52800	Communications/Telephone	2,000	1,485	3,000	1,667	5,000	4,397	3,000
52830	Publications and Notices	1,000	1,100	1,000	1,282	750	1,133	1,000
52835	Filing Fees	200	150	200	-	150	100	200
52900	Training/Conference	10,000	-	15,000	8,937	12,500	11,183	20,000
52905	Business Travel/Mileage	500	-	1,000	-	2,000	201	1,000
53100	Office Supplies	1,000	400	1,000	1,282	2,000	1,192	2,500
53110	Freight/Postage	500	100	150	-	100	-	100
53115	Books/Media/Subscriptions	-	119	119	119	119	-	119
53120	Memberships/Certifications	2,934	2,934	3,078	3,078	3,332	3,332	3,411
53205	Utilities: Electric	1,500	1,950	2,000	1,540	2,400	1,837	2,500
53410	Computer Equipment/Accessories	-	38	-	-	571	-	-
53415	Computer Software/License	225	225	225	-	225	-	225
53650	Business Related Meal/Supplies	250	33	-	316	760	594	1,000
Total Services & Supplies		556,966	506,337	647,638	543,693	730,330	729,924	883,704

EXPENSE TOTALS

	570,216	519,367	663,588	557,147	747,680	746,870	902,704
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Revenues

		FY 2021-22		FY 2022-23		FY 2023-24		FY 2024-25
		Final Budget	Actual	Final Budget	Actual	Adjusted Budget	Estimate	Adjusted Budget
Intergovernmental								
<u>Account</u>	<u>Description</u>							
43910	County of Napa	254,835	254,835	313,794	313,794	339,738	339,738	368,975
43950	Other Governmental Agencies	254,835	254,835	313,794	313,794	339,738	339,738	368,975
----	<i>City of Napa</i>	166,432	166,432	207,969	207,969	222,680	222,680	241,028
----	<i>City of American Canyon</i>	45,843	45,843	56,307	56,307	61,235	61,235	64,258
----	<i>City of St. Helena</i>	18,608	18,608	20,381	20,381	22,609	22,609	25,171
----	<i>City of Calistoga</i>	13,976	13,976	16,885	16,885	20,342	20,342	22,963
----	<i>Town of Yountville</i>	9,976	9,976	12,252	12,252	12,872	12,872	15,554
	Total Intergovernmental	509,670	509,670	627,588	627,588	679,476	679,476	737,950
Service Charges								
<u>Account</u>	<u>Description</u>							
42690	Application/Permit Fees	20,000	25,450	25,000	30,110	22,950	40,170	25,000
46800	Charges for Services	600	1,074	1,000	2,667	510	4,150	1,000
47900	Miscellaneous	-	2,845	4,000	-	-	-	4,000
	Total Service Charges	20,600	29,369	30,000	32,777	23,460	44,320	30,000
Investments								
<u>Account</u>	<u>Description</u>							
45100	Interest	10,000	5,700	6,000	7,243	6,500	18,168	7,000
	Total Investments	10,000	5,700	6,000	7,243	6,500	18,168	7,000
	REVENUE TOTALS	540,270	544,739	663,588	667,608	709,436	741,964	774,950
OPERATING DIFFERENCE		(29,946)	25,372	0	110,461	(38,244)	(4,906)	(127,754)

Reserves

	2021-22	2022-23	2023-24	2024-25 *
Undesignated/Unreserved Fund Balance ("Reserves")				
Beginning:	271,330	296,702	407,163	421,914
Ending:	296,702	407,163	402,257	294,161
Minimum Reserves Goal Under Local Policy (33.3% Expenses)	190,072	221,196	249,227	300,901

* Reserves increased by \$19,567 on July 1, 2024 due to the Commission discontinuing the use of its fully depreciated Laserfiche electronic document management system.



Local Agency Formation Commission of Napa County
Subdivision of the State of California

1754 Second Street, Suite C
Napa, California 94559
Phone: (707) 259-8645
www.napa.lafco.ca.gov

We Manage Local Government Boundaries, Evaluate Municipal Services, and Protect Agriculture

Agenda Item 6c (Action)

TO: Local Agency Formation Commission

FROM: Brendon Freeman, Executive Officer *BF*
Stephanie Pratt, Clerk/Jr. Analyst *SP*

MEETING DATE: August 5, 2024

SUBJECT: Direction on Support Services Agreement with County of Napa

RECOMMENDATION

It is recommended the Commission provide direction to staff to pursue amendments to the Commission's existing Support Services Agreement (SSA) with the County of Napa, included as Attachment 1. This may include establishing an ad hoc subcommittee with two appointed members to advise staff.

BACKGROUND AND SUMMARY

On June 3, 2024, the Commission held a public workshop related to issues with the SSA and possible next steps. At this meeting, the Commission directed Commission Counsel to consult with County Counsel to better understand the terms and parameters of the SSA, particularly as they relate to the current contractual staffing model, and to initiate discussions of possible amendments to the SSA. The intent is to amend and restate the SSA to update terms and include provisions both parties find acceptable.

As part of the requested consultation, the County reiterated that LAFCO staff are County employees on loan to LAFCO and subject to the County's classification structure. The County is not interested in creating a separate classification structure or unit for County employees who are on loan to LAFCO and, therefore, the Commission will not have direct control over matters such as employee compensation. Further, the County communicated financial concerns about any potential future efforts by LAFCO to increase its number of staff, given the County's current share of these costs.

Margie Mohler, Commissioner
Councilmember, Town of Yountville

Beth Painter, Commissioner
Councilmember, City of Napa

Mariam Aboudamous, Alternate Commissioner
Councilmember, City of American Canyon

Anne Cottrell, Chair
County of Napa Supervisor, 3rd District

Belia Ramos, Commissioner
County of Napa Supervisor, 5th District

Joelle Gallagher, Alternate Commissioner
County of Napa Supervisor, 1st District

Kenneth Leary, Vice Chair
Representative of the General Public

Eve Kahn, Alternate Commissioner
Representative of the General Public

Brendon Freeman
Executive Officer

Separate from staffing concerns, certain inefficiencies do exist within some elements of the SSA. However, staff believes all other aspects of the SSA are, at minimum, acceptable relative to alternative options. Any cost differential to transition County services to other providers would be insignificant, and therefore staff does not recommend eliminating any current services provided under the existing SSA.

With all of this in mind, staff is now seeking feedback from the Commission as well as direction on next steps. Staff believes it would be appropriate to continue engaging with the County with a goal of restating and amending the current SSA. At minimum, the SSA should be simplified and modernized to produce a more easily understood document.

To assist with these efforts, staff recommends the Commission consider establishing an ad hoc subcommittee with two appointed members to advise staff in the process of pursuing amendments to the SSA in consultation with the County.

ATTACHMENT

- 1) SSA with County of Napa

NAPA COUNTY AGREEMENT NO. 4433LAFCO OF NAPA COUNTY AGREEMENT NO. 03-02

**AGREEMENT FOR THE PROVISION OF SUPPORT SERVICES
BY THE COUNTY OF NAPA TO THE NAPA COUNTY
LOCAL AGENCY FORMATION COMMISSION**

THIS AGREEMENT is entered into as of this 1st day of July, 2003, by and between the COUNTY OF NAPA (hereinafter "County"), a political subdivision of the State of California, and the LOCAL AGENCY FORMATION COMMISSION OF NAPA COUNTY (hereinafter "LAFCO"), a local public agency formed pursuant to the Cortese-Knox-Hertzberg Local Government Reorganization Act (Government Code Section 56000 et. seq.);

RECITALS

WHEREAS, pursuant to Government Code Section 56380 of the Cortese-Knox-Hertzberg Local Government Reorganization Act (enacted effective January 1, 2001 and hereinafter referred to as "Act"), LAFCO is authorized to contract with any public agency for necessary personnel, facilities, and equipment to carry out and effect its functions and responsibilities; and

WHEREAS, pursuant to Government Code Section 56380, LAFCO must make its own provisions for independent staffing and operations; and

WHEREAS, LAFCO has need of specified personnel, accounting and legal services for its independent operations which County is willing and able to provide under the terms and conditions set forth herein below; and

WHEREAS, the County and LAFCO have entered into agreements for the provision of support services for fiscal years 2001-2002 and fiscal year 2002-2003;

TERMS

NOW THEREFORE, in consideration of the foregoing and the mutual promises hereinafter expressed, the parties mutually agree as follows:

1. **TERM.** The term of this Agreement shall become effective upon the date first written above and shall expire on June 30, 2004, unless terminated earlier in accordance with Paragraph 14 (Termination); except that the obligations of the parties under Paragraph 8 (Indemnification) and 10 (Confidentiality) shall continue in full force and effect after said expiration date or early termination in relation to acts or omissions occurring prior to such dates during the term of the Agreement. The term of this Agreement shall be automatically renewed for an additional year at the end of each fiscal year, under the same terms and conditions, unless terminated pursuant to Paragraph 14. For purposes of this Agreement, "fiscal year" shall mean the period commencing on July 1 and ending on June 30.

2. SERVICES TO BE PROVIDED BY COUNTY. County shall provide the following services subject to LAFCO abiding by County policies and procedures governing such services, except that whenever such policies and procedures provide for the Board of Supervisors to approve the appropriation of funds, or to approve the acquisition of services, goods or assets, or to make any other legislative decisions to carry out such services, the LAFCO Commission shall act in lieu of the Board of Supervisors:

(a) **Executive Officer.** County shall designate its at-will employee Daniel Schwarz to serve as LAFCO Executive Officer (hereinafter "Executive Officer"). The Executive Officer shall perform the duties as specified in the Act and other applicable laws and such other duties as specified by LAFCO. County agrees that the LAFCO Commission, as the appointing authority of the LAFCO Executive Officer, shall have the responsibility for evaluating the performance and setting compensation for the Executive Officer, so long as these actions are implemented in a manner consistent with County personnel policies, rules and regulations. The duties to be provided by the Executive Officer shall include, but not be limited to:

- Preparing staff analyses, reports, proposed findings and other agenda materials for LAFCO relating to boundary proposals, contracts for provision of new and extended services outside city and district jurisdictional boundaries, sphere of influence amendments, periodic review of sphere of influence designations and any other matters that are within LAFCO's authority under the Act.
- Calling and noticing LAFCO meetings in accordance with the Act and LAFCO policies and procedures.
- Preparing, mailing, filing, publishing and keeping records of agendas, notices and other required official documents on behalf of LAFCO.
- Responding to inquiries and providing information and technical assistance to interested public agencies and individuals.
- Providing supporting fiscal services such as the development of the annual LAFCO budget, management of LAFCO financial accounts, including the processing of LAFCO fees and charges, the processing of payment of LAFCO charges and expenses, and the preparation of required fiscal reports.
- Informing LAFCO Commissioners of new legislation, correspondence to LAFCO, CALAFCO activities, current events and matters of interest relating to LAFCO.

(b) **Support Staff.** County shall provide part-time clerical staff (.5 F.T.E.) and one full-time analyst to assist the Executive Officer in carrying out the day-to-day operations of

LAFCO and such other staff as the LAFCO Commission deems necessary, appropriates funds for, and directs County to provide, as set forth in (c).

(c) **Additional Services.** County, through its departments and divisions, shall further provide LAFCO those services set forth in Attachments "A" through "G", attached hereto and incorporated by reference as if set forth herein. It is the intention of both parties that the level of service provided shall be at least equal to that provided in County fiscal year 2002-2003 unless otherwise specifically agreed to by LAFCO and County.

3. **OFFICE SPACE.** It is the understanding of the parties that LAFCO has made direct arrangements with third parties to secure and maintain office space and such services are therefore not included within this Agreement.

4. **REIMBURSEMENT.**

(a) **Rates.** In consideration of County's fulfillment of the promised services and personnel, LAFCO shall reimburse County for the actual costs (including the costs of labor, equipment, supplies, materials, and incidental travel/transportation) incurred by County and its departments and divisions in providing these services. The rates shall be determined and mutually agreed to by the parties as follows:

(1) **FY 2003-2004.** The rates for fiscal year 2003-2004 are set forth in Attachment "AA" and hereby attached and incorporated by reference.

(2) **Procedure for Subsequent Annual Determination of Rates.** During the fourth quarter of each fiscal year of this Agreement the County Executive Officer, or his designee, and the Executive Officer of LAFCO shall meet prior to adoption of the respective annual County and LAFCO budgets to determine and calculate the proposed rates for County staff and services to be furnished during the succeeding fiscal year which will be necessary to achieve the cost reimbursement provided for in (a), subject to the additional factors set forth in (b) through (f), below. The annual adjustment of these reimbursement rates so determined shall be approved in writing by the County Executive Officer and the Executive Officer of LAFCO and when so approved shall become effective for the subsequent fiscal year unless this Agreement is not renewed or otherwise terminated by the County and/or LAFCO.

(b) **LAFCO Staffing Reimbursement.** LAFCO shall reimburse County for the salary and benefits of County staff primarily assigned to serve LAFCO, including any increases in salary and benefits that County provides such staff during the term of this Agreement.

(c) **LAFCO-Requested Travel Expense Reimbursement.** LAFCO shall reimburse County for expenses incurred by County departments and divisions for travel by their assigned personnel when such travel has been requested by LAFCO in writing. Such reimbursement shall be in accordance with the travel expense policy approved by County's Board of Supervisors in effect on the date of the travel. Notwithstanding the foregoing, travel costs incurred through use of a County vehicle shall be reimbursed in accordance with the County Equipment Pool rates in effect at the time of the travel.

(d) **Bank Analysis Pass-through Charge.** LAFCO shall reimburse County on a pass-through basis for the costs incurred by County for bank charges relating to LAFCO activities.

(e) **General Liability Coverage/Workers' Compensation Coverage:** LAFCO shall reimburse County for general liability coverage and workers' compensation coverage at the rates established by County each fiscal year.

(f) **Adjustment for Additional LAFCO-Requested Services.** LAFCO shall reimburse County for the actual costs (including the costs of labor, equipment, supplies, materials, and incidental travel/transportation) incurred by County in providing any new or increased services requested by LAFCO. Such additions or increases in services shall be permitted only if approved in writing by the County Executive Officer and LAFCO Executive Officer, including approval of the applicable reimbursement rates.

5. METHOD OF REIMBURSEMENT. Reimbursement for the costs of services, related supplies, and authorized travel incurred by County under this Agreement shall be made only upon presentation by the performing County department or division to LAFCO of an itemized billing invoice in a form acceptable to the Executive Officer of LAFCO and to the Napa County Auditor which indicates, at a minimum, an itemization of the services provided, the costs of any LAFCO-requested travel, and any documentation relating to adjustments in maximum compensation authorized in the manner provided in Paragraph 4 above. If the Executive Officer of LAFCO requires further information regarding the invoice, County shall make a good faith effort to provide such information, including documentation that the Executive Officer requests to justify the invoice charges. County shall submit such invoices quarterly to the Executive Officer of LAFCO who shall review each invoice for compliance with the requirements of this Agreement and shall, within ten working days of receipt, either approve or disapprove the invoice in light of such requirements. If the invoice is approved, the Executive Officer of LAFCO shall direct reimbursement be made by journal entry from the LAFCO Operations Fund to the account designated by the submitting County department or division as of the first day of the County fiscal year quarter immediately succeeding the quarter in which the services were rendered. Notwithstanding the foregoing, the final quarterly invoices for the fourth quarter reimbursement shall be submitted no later than the first working day following the close of the County fiscal year (June 30) and, if approved, shall be paid on or before July 15 of the next County fiscal year.

6. ADMINISTRATION OF SERVICES. The provision of services under this Agreement shall be under the administrative supervision and direction of the Executive Officer of LAFCO on behalf of LAFCO, and the County Executive Officer on behalf of County.

7. APPROPRIATIONS. LAFCO shall be responsible for operating within the appropriations budgeted for the current fiscal year. The process for reimbursement of expenses that exceed the given appropriation shall involve review and approval by LAFCO prior to County approval by the Board of Supervisors of a contingency transfer. Any County appropriations in

excess of LAFCO's budget for the current fiscal year shall be charged as an expense in LAFCO's current fiscal budget and shall be reimbursed to County in the following fiscal year.

8. TAXES. As between LAFCO and County, County agrees to be solely liable and responsible for all required tax withholdings and other obligations including, without limitation, those for state and federal income and FICA taxes relating to employees or subcontractors retained by County to provide the services provided to LAFCO under this Agreement. County agrees to indemnify and hold LAFCO harmless from any liability either may incur to the United States or the State of California as a consequence of County's failure to withhold or pay such amounts when due. In the event that LAFCO is audited for compliance regarding any such withholding or payment of taxes, County agrees to furnish LAFCO with proof of the withholding or payment action by County.

9. ACCESS TO RECORDS/RETENTION. LAFCO shall have access to any books, documents, papers and records of County which are directly pertinent to the subject matter of this Agreement for the purpose of making audit, examination, excerpts and transcriptions. Except where longer retention is required by any federal or state law, County shall maintain all required records for seven (7) years after LAFCO makes final reimbursement for any of the services provided hereunder and all pending matters are closed, whichever is later. County shall cooperate with LAFCO in providing all necessary data in a timely and responsive manner to comply with all LAFCO reporting requirements.

10. CONFLICT OF INTEREST. The parties to the Agreement acknowledge that they are aware of the provisions of the Government Code Section 1090 et seq., and Section 87100 et seq., relating to conflict of interest of public officers and employees. During the term of this Agreement, the Executive Officer of LAFCO and all other LAFCO staff shall not perform any work under this Agreement that might reasonably be considered detrimental to LAFCO's interests. LAFCO staff shall take such measures as are deemed necessary in the performance of this Agreement to prevent actual conflicts of interest. County hereby covenants that it presently has no interest not disclosed to LAFCO and shall not acquire any interest, direct or indirect, which would conflict in any manner or degree with the performance of its services or confidentiality obligation hereunder, except such as LAFCO may consent to in writing.

11. COMPLIANCE WITH LAWS. In providing the services required by this Agreement, County shall observe and comply with all applicable federal, state and local laws, ordinances, codes, and regulations. Such laws shall include, but not be limited to, the following, except where prohibited by law:

(a) **Non-Discrimination.** During the performance of this Agreement, County and its subcontractors shall not deny the benefits thereof to any person on the basis of sex, race, color, ancestry, religion or religious creed, national origin or ethnic group identification, sexual orientation, marital status, age (over 40), mental disability, physical disability or medical condition (including cancer, HIV and AIDS), nor shall they discriminate unlawfully against any employee or applicant for employment because of sex, race, color, ancestry, religion or religious creed, national origin or ethnic group identification, sexual orientation, marital status, age (over

40), mental disability, physical disability or medical condition (including cancer, HIV and AIDS), or use of family care leave. County shall ensure that the evaluation and treatment of employees and applicants for employment are free of such discrimination or harassment. In addition to the foregoing general obligations, County shall comply with the provisions of the Fair Employment and Housing Act (Government Code section 12900, et seq.), the regulations promulgated thereunder (Title 2, California Code of Regulations, section 7285.0, et seq.), the provisions of Article 9.5, Chapter 1, Part 1, Division 3, Title 2 of the Government Code (sections 11135-11139.5) and any state or local regulations adopted to implement any of the foregoing, as such statutes and regulations may be amended from time to time. To the extent this Agreement subcontracts to County services or works required of LAFCO by the State of California pursuant to agreement, state or federal regulations or statutes, the applicable regulations of the Fair Employment and Housing Commission implementing Government Code section 12990 (a) through (f), set forth in Chapter 5 of Division 4 of Title 2 of the California Code of regulations are expressly incorporated into this Agreement by reference and made a part hereof as if set forth in full, and County and any of its subcontractors providing services under this Agreement shall give written notice of their obligations thereunder to labor organizations with which they have collective bargaining or other MOUs.

(b) **Documentation of Right to Work.** County agrees to abide by the requirements of the Immigration and Control Reform Act pertaining to assuring that all newly-hired employees of County performing any services under this Agreement have a legal right to work in the United States of America, that all required documentation of such right to work is inspected, and that INS Form 1-9 (as it may be amended from time to time) is completed and on file for each employee. County shall make the required documentation available upon request to LAFCO for inspection.

(c) **Inclusion in Subcontracts.** To the extent any of the services required of County under this Agreement are subcontracted to a third party, County shall include the provisions of (a) and (b), above, in all such subcontracts as obligations of the subcontractor.

12. INDEPENDENT CONTRACTOR. County shall perform this Agreement as an independent contractor. While the County employee assigned to serve as the Executive Officer of LAFCO shall operate as an officer of LAFCO, County and its officers, agents and employees are not, and shall not be deemed, LAFCO employees for any purpose, including workers' compensation and employee benefits. County shall determine, at its own risk and expense, the method and manner by which duties imposed on County in general and its officers, agents and employees in particular by this Agreement shall be performed, provided, however, that LAFCO may monitor the work performed, and LAFCO rather than County shall be responsible for directing the actions of the Executive Officer of LAFCO when such person is acting on behalf of LAFCO. LAFCO shall not deduct or withhold any amounts whatsoever from the reimbursement paid to County, including, but not limited to amounts required to be withheld for state and federal taxes or employee benefits. County alone shall be responsible for all such payments.

13. INDEMNIFICATION. County and LAFCO shall each defend, indemnify and hold harmless each other as well as those of their respective officers, agents and employees who

perform any services or duties under this Agreement from any claims, loss or liability, including without limitation, those for personal injury (including death) or damage to property, arising out of or connected with any aspect of the performance by that party or its officers, agents, or employees, of the services or obligations required of that party under this Agreement.

Notwithstanding the foregoing, LAFCO shall defend, indemnify and hold harmless County from any claims, loss or liability, including those for personal injury (including death) or damage to property, arising out of or connected with any act or omission of the Executive Officer of LAFCO when such act or omission is the pursuant to specific direction by LAFCO.

14. TERMINATION. This Agreement may be terminated prior to the expiration date only with the mutual written consent of both County and LAFCO. The sole remedy for default by County relating to provision of the services required under this Agreement shall be through the equitable remedy of specific performance and the sole remedy for default by LAFCO relating to reimbursement for the cost of the services provided shall be through legal action for damages.

15. WAIVER. Waiver by either party of any breach or violation of any requirement of this Agreement shall not be deemed to be a waiver of any such breach in the future, or of the breach of any other requirement of this Agreement.

16. NOTICES. All notices required or authorized by this Agreement shall be in writing and shall be delivered in person; or by deposit in the United States mail, first class postage, prepaid; or by deposit in a sealed envelope in County's internal mail system, when available; or by fax transmission; or by electronic mail. Such notices shall be addressed as noted below, in accordance with the mode of communication selected or, where desired to be sent to a specific County department or division, at the address noted in the applicable Attachment. Either party may change its addresses by notifying the other party of the change. Any notice delivered in person shall be effective as of the date of delivery. Any notice sent by fax transmission or electronic mail shall be deemed received as of the recipient's next working day. Any notice sent by U.S. mail or County internal mail shall be deemed to have been received as of the date of actual receipt or five days following the date of deposit, which ever is earlier.

LAFCO	County
Mail: LAFCO Executive Officer 1804 Soscol Ave., Suite 205A Napa CA. 94559-1346	Napa County Executive Officer 1195 Third Street, Suite 310 Napa CA. 94559
Fax: (707) 251-1053	(707) 253-4176
E-Mail: dschwarz@napa.lafco.ca.gov	bchiat@co.napa.ca.us

17. CONFIDENTIALITY. Confidential information is defined as all information disclosed to either party by the other in the course of County's performance of services under this Agreement, where such information relates to that party's past, present, and future activities, as well as activities under this Agreement. Each party and its officers, agents and employees

providing services or performing activities under this Agreement shall use their best efforts to hold all such information as they may receive, if any, in trust and confidence, except with the prior written approval of each party's Executive Officer. Notwithstanding the foregoing, nothing in this Paragraph or Agreement shall be construed to abrogate the independent authority and responsibilities of the County, any of its elected or appointed officers and the members of their respective County departments or divisions.

18. ASSIGNMENTS AND DELEGATION. Neither party may delegate its obligations hereunder, either in whole or in part, without the prior written consent of the other party; provided, however, that obligations undertaken by County pursuant to this Agreement may be carried out by means of subcontract, provided such subcontracts are approved in writing by LAFCO, meet the requirements of this Agreement as they relate to the service or activity under subcontract, and include any other provision that LAFCO may require. No subcontract shall terminate or alter the responsibilities of either party pursuant to this Agreement. LAFCO may not assign its rights hereunder, either in whole or in part, without prior written consent of the County.

19. AUTHORITY TO CONTRACT. LAFCO and County each warrant hereby that they are respectively legally permitted and otherwise have the authority to enter into and perform this Agreement.

20. THIRD PARTY BENEFICIARIES. Nothing contained in this Agreement shall be construed to create any rights in third parties and the parties do not intend to create such rights.

21. ATTORNEY'S FEES. In the event that either party commences legal action of any kind or character to either enforce the provisions of this Agreement or to obtain damages for breach thereof, the prevailing party in such litigation shall be entitled to all costs and reasonable attorney's fees incurred in connection with such action.

22. AMENDMENT/MODIFICATION. Except as otherwise provided herein, this Agreement may be modified or amended only in writing and with the prior written consent of both parties. Except where otherwise provided in this Agreement only LAFCO, through its Chair or, where permitted by law and LAFCO policy, through its Executive Officer, in the form of an amendment of this Agreement, may authorize extra or changed work if beyond the scope of services prescribed by this Agreement. Failure of County to secure such authorization in writing in advance of performing any such extra or changed work shall constitute a waiver of any and all rights to a corresponding adjustment in the reimbursement maximum or rates and no reimbursement shall be due and payable for such extra work.

23. INTERPRETATION. The headings used herein are for reference. The terms of the Agreement are set out in the text under the headings. This Agreement shall be governed by the laws of the State of California. The venue for any legal action filed by either party in state Court to enforce any provision of this Agreement shall be Napa County, California. The venue for any legal action filed by either side in federal court to enforce any provision of this Agreement lying within the jurisdiction of the federal courts shall be the Northern District of California. The

appropriate venue for arbitration, mediation or similar legal proceedings under this Agreement shall be Napa County, California; however, nothing in this sentence shall obligate either party to submit to mediation or arbitration any dispute arising under this Agreement.

24. SEVERABILITY. If any provision of this Agreement, or any portion thereof, is found by any court of competent jurisdiction to be unenforceable or invalid for any reason, such provision shall be severable and shall not in any way impair the enforceability of any other provision of this Agreement.

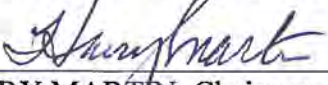
25. DUAL REPRESENTATION. LAFCO consents to the Napa County Counsel's dual representation of both the County and LAFCO with regards to the preparation of this Agreement.

26. ENTIRE AGREEMENT. This Agreement contains the entire and complete understanding of the parties and supersedes any and all other agreements, oral or written, with respect to the provision of administrative services under this Agreement.

IN WITNESS WHEREOF, this Agreement was executed by the parties hereto as of the date first above written.

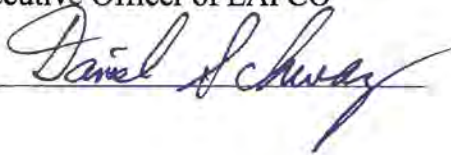
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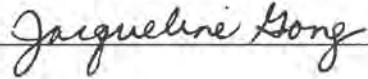
LOCAL AGENCY FORMATION COMMISSION OF NAPA COUNTY

By 
HARRY MARTIN, Chairman of the Local Agency Formation Commission

ATTEST: DANIEL SCHWARZ,
Executive Officer of LAFCO

APPROVED AS TO FORM:
LAFCO Legal Counsel

By 

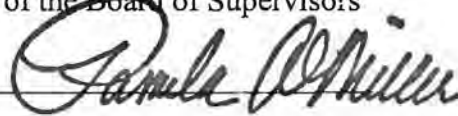
By 

"County":

COUNTY OF NAPA, a political subdivision of the State of California

By 
Mark Luce, Chair of the Board of ~~Supervisors~~

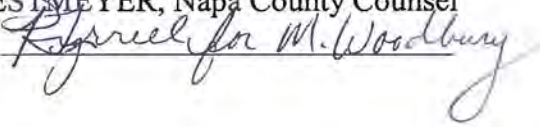
ATTEST: PAMELA A. MILLER,
Clerk of the Board of Supervisors


By 

APPROVED BY THE BOARD
OF SUPERVISORS:

Date 1-27-04

APPROVED AS TO FORM: ROBERT
WESTMEYER, Napa County Counsel

By  for M. Woodbury

Processed by: 
Deputy Clerk of the Board

ATTACHMENT A

PROVISION OF STAFFING, INSURANCE, PURCHASING, ADMINISTRATION, SUPERVISION, COORDINATION AND MANAGEMENT ASSISTANCE SERVICES TO LAFCO BY THE NAPA COUNTY EXECUTIVE OFFICER

1. SCOPE OF SERVICES

The Napa County Executive Officer (NCEO) shall provide, at a minimum, the following services to LAFCO under this Attachment:

(a) **Administration and Supervision:** NCEO shall administer and supervise all County departments or divisions providing services to LAFCO.

(b) **Purchasing:** Upon request by the LAFCO Executive Officer or his duly-authorized representatives, NCEO shall provide purchasing services for LAFCO, including solicitation and evaluation of proposals for goods and services, issuance of purchase orders and/or development of purchase agreements, and processing of payment upon receipt of the purchased good/services. LAFCO will abide by County purchasing policies and procedures when using such services, except that LAFCO, in lieu of the County Board of Supervisors, shall appropriate funds for and approve the acquisition of goods and services, including fixed assets. County shall purchase and provide LAFCO at cost with copier paper in the same manner as such material is purchased and supplied to County departments and divisions. Nothing in this section shall preclude LAFCO from purchasing goods or services without utilizing the services of NCEO or County.

(c) **Insurance:** NCEO shall obtain for LAFCO, its Commissioners, staff and operations the same type and level of insurance coverage provided by County for its own boards, commissions, staff and operations, and shall provide claims/litigation administration. General liability coverage shall be provided for LAFCO and its employees under County's currently existing self insurance and liability insurance program with LAFCO allocated and obligated to reimburse County for the portion of the total net premium as determined by County for the then current Fiscal Year . Workers' compensation coverage shall be obtained through County's carrier and program, with the cost thereof payable each pay period at the rate/\$100 of covered payroll for LAFCO Budget Unit employees as established by County's Board of Supervisors for the County workers' compensation program generally, including the costs of self-insurance, excess insurance coverage premiums, and claims management.

2. STAFFING

In providing the above services, County shall provide LAFCO with the services of the following specific County staff or positions:

- **Administration and Supervision:** County Executive Officer and Assistant County Executive Officer

- **Coordination/Management:** Principal Management Analyst
- **Purchasing:** Purchasing Agent and/or Assistant Purchasing Agent.

3. **NCEO CONTACT:**

Mail: Napa County Executive Office
Suite 310, Co. Admin. Bldg.
1195 Third Street
Napa, California 94559

Fax: (707) 253-4176

Email: mstoltz@co.napa.ca.us

ATTACHMENT B

PROVISION OF SERVICES TO LAFCO BY THE NAPA COUNTY AUDITOR-CONTROLLER

1. SCOPE OF SERVICE

Under the financial and policy direction of LAFCO, County (through the Napa County Auditor-Controller, hereinafter referred to as "Auditor") shall provide LAFCO with the following services relating to LAFCO financial operations:

- Accounts payable, purchasing and contract payment processing services
- Accounts receivable (deposit) services
- Services relating to preparation, adoption and administration of LAFCO's budget
- Accounting services
- Payroll services
- Audit services upon request by LAFCO
- Assistance in determining the apportionment of costs and collection of payments in support of LAFCO pursuant to Government Code Section 56831.
- Audit services requested by LAFCO

2. LEVEL AND MANNER OF SERVICE

The foregoing services shall be provided in accordance with the following provisions:

(a) The LAFCO Operations Fund shall be administered in accordance with all applicable provisions of the Government Code.

(b) All expenditures made from this Fund shall be made only at the direction of LAFCO's Executive Officer or designee with no requirement for approval by County's Board of Supervisors.

(c) At LAFCO's request, Auditor shall make diligent efforts to assist in the development of accounting policies and procedures that increase the efficiency and effectiveness of the administration of LAFCO, including policies and procedures including the electronic interchange of data and efforts to minimize reliance on County services.

(d) Auditor shall provide LAFCO with all requested revenue and expenditure information necessary to effectively manage LAFCO's fiscal affairs and perform all financial reporting to LAFCO and other applicable agencies. Such information shall be provided in a responsive and timely manner and include clear and concise cash flow reporting.

(e) All needed corrections to financial reports shall be completed within two working days of notification of Auditor. Auditor shall correct all payroll errors within one working day. For purposes of this Attachment B, "working days" shall mean Monday through Friday, 8:00 a.m. to 5:00 p.m., County holidays excluded.

(f) Auditor shall provide all necessary equipment and electronic interface to fully utilize Auditor's financial systems, including electronic access to view and print all requested financial reports.

3. AUDITOR CONTACT:

Mail: Pamela Kindig
Napa County Auditor-Controller
1195 Third Street, Suite B-10
Napa, California 94559

Fax: (707) 226-9065

E-mail: pkindig@co.napa.ca.us

ATTACHMENT C

PROVISION OF LEGAL SERVICES TO LAFCO BY THE NAPA COUNTY COUNSEL

1. SERVICES TO BE PROVIDED BY COUNTY COUNSEL

County, through the Napa County Counsel ("County Counsel"), shall provide legal services to LAFCO including, but not necessarily limited to, legal advice, document drafting, and representation of LAFCO in its operations pursuant to the Cortese-Knox-Hertzberg Local Government Reorganization Act (Government Code Section 56000 et. seq.). County Counsel hereby designates Jacqueline M. Gong to serve as LAFCO Counsel for fiscal year 2003-2004. Upon written notification to and assent by the governing board of LAFCO, County Counsel may designate other attorney members of his office to serve as LAFCO Counsel.

2. LEGAL SERVICES COUNTY COUNSEL SHALL NOT PROVIDE

County Counsel shall not provide legal services to LAFCO in the following situations, County and LAFCO understanding that in such situations LAFCO will obtain the necessary legal assistance at LAFCO's own expense from other legal counsel retained directly by LAFCO:

- Legal services to LAFCO regarding contracts to which LAFCO and County are both parties unless LAFCO's Executive Officer and Chair have given express written consent to dual representation of County and LAFCO by County Counsel.
- Legal services determined by LAFCO to present a conflict of interest for its LAFCO Counsel (in accordance with LAFCO Policy for the Appointment of Counsel).

3. COUNTY COUNSEL CONTACT:

Mail: Napa County Counsel
Suite 301, Co. Admin. Bldg.
1195 Third Street
Napa, California 94559

Fax: (707) 259-8245

Email: rwestmey@co.napa.ca.us

ATTACHMENT D

PROVISION OF TELECOMMUNICATIONS, MAIL, INFORMATION TECHNOLOGY SERVICES AND RECORD MANAGEMENT SERVICES TO LAFCO BY THE NAPA COUNTY EXECUTIVE OFFICER

1. TELECOMMUNICATION SERVICES

The Napa County Executive Officer, through the Communications Division shall provide LAFCO with installation, maintenance and repair of, and maintenance of service records and inventory for, all telecommunications equipment involved in any of the following systems used by LAFCO:

- telephone systems, including voice mail
- data cabling and terminations
- CCTV monitors and cameras
- intercom and PA systems
- all wireless communications, i.e. pagers, cellular phones, two way radios, security alarm systems

2. MAIL SERVICES

The Napa County Executive Officer shall provide the following mail services to LAFCO:

- Pickup, delivery of all interdepartmental (LAFCO) and County/LAFCO internal mail
- Pickup, metering and delivery to the Post Office of all LAFCO outgoing USPS mail

3. RECORDS MANAGEMENT SERVICES FOR LAFCO RECORDS

The Napa County Executive Officer, through the records management division, shall provide LAFCO with records management services for LAFCO records, including storage, retrieval and interfiling of LAFCO records at the Napa County Records Center; destruction of LAFCO records stored at the Napa County Records Center when such destruction is authorized by LAFCO; and shall assist LAFCO in developing policies and procedures that increase the efficiency and effectiveness by which LAFCO records are archived, retrieved and disposed.

4. INFORMATION TECHNOLOGY SERVICES

The Napa County Executive Officer, through the Information Technology Services (ITS) division, shall provide LAFCO with information technology services at a level at least equivalent to that by provided by County on February 15, 2001. The services shall include installation, maintenance, upgrades and repair of hardware and software provided by County to LAFCO, including, but not limited to: Geographic Information Systems, Financial Information Systems, Personnel Systems and the electronic mail service, calendaring, and task manager systems

maintained by the County. LAFCO shall have access to County's Helpdesk for information technology assistance and to computer training offered by County. Special projects outside the scope of routine information technology services shall be provided only upon request by LAFCO and prior approval by the Director of the Information Technology Services Division. Use of the systems, hardware, and software provided by County to LAFCO under this Attachment shall be subject to compliance by LAFCO and its officers, agents, employees and consultants with the Napa County Information Technology Use and Security Policy in effect at the time of the use.

5. SUPPLIES AND EQUIPMENT TO BE DIRECTLY PURCHASED

There shall be no separate reimbursement for supplies and equipment provided under this Attachment because LAFCO shall be responsible for directly purchasing any systems and equipment to be installed by the foregoing departments and divisions (other than fixtures which shall remain owned by County).

6. NCEO/DIVISION CONTACT:

Mail: Napa County Executive Officer
Suite 310, Co. Admin. Bldg.
1195 Third Street
Napa, California 94559

Fax: (707) 253-4176

Email: mstoltz@co.napa.ca.us

ATTACHMENT E

PROVISION OF PERSONNEL SERVICES TO LAFCO BY THE HUMAN RESOURCES DIVISION OF THE NAPA COUNTY EXECUTIVE OFFICE

1. SCOPE OF SERVICES

The Human Resources division ("HR") of the Napa County Executive Office shall provide the following services to LAFCO within the financial, personnel and policy guidelines established by the LAFCO Commission, so long as such guidelines are not in conflict with County personnel policies, rules and regulations. The HR Director shall act to oversee and carry out the following services upon direction by the LAFCO Commission:

- ***Recruitment and selection:*** shall include consultation regarding hiring procedures, advertising (costs of certain advertisements will be the responsibility of LAFCO), screening of applications, and development of a hiring list.
- ***Personnel transactions:*** shall include implementation of PARs (hires, releases, promotions, salary increases, etc.), benefit sign-ups and coordination (health, wellness program, dental, etc.); as authorized and directed by the LAFCO Commission, HR shall implement salary surveys and adjustments, job allocations, reclassifications, performance review processes, and changes (including increases) in personnel staffing appointed to serve LAFCO, so long as such implementation is consistent with and not in conflict with County policies and regulations. County agrees that the LAFCO Commission, as the appointing authority of the LAFCO Executive Officer, shall have the responsibility for evaluating the performance and setting compensation for the LAFCO Executive Officer.
- ***Labor Relations:*** shall include implementing salaries and other terms and conditions of compensation and performance established for LAFCO staff by the LAFCO Commission, so long as such implementation is consistent with and not in conflict with County policies and regulations; negotiations with employee union representatives regarding wages, hours, terms and conditions of employment; consultation and assistance with disciplinary and grievance issues; administration and coordination of worker's compensation cases.
- ***Training:*** shall include County workshops for employees and supervisors when attended at LAFCO direction by LAFCO employees or by County employees whose primary responsibilities involve providing services to LAFCO.
- ***Staffing:*** HR shall provide staffing as requested by LAFCO and agreed to by County, including staff as described in Paragraph 2 of the Agreement.

2. **HR CONTACT:**

Mail: Human Resources Director
Suite 110, Co. Admin.Bldg.
1195 Third Street
Napa, California 94559

Fax: (707) 259-8189

Email: dmorris@co.napa.ca.us

ATTACHMENT F

PROVISION OF CLERKING SERVICES TO LAFCO BY THE CLERK OF THE NAPA COUNTY BOARD OF SUPERVISORS

1. SCOPE OF SERVICES

As requested by the LAFCO Executive Officer, the Clerk of the Napa County Board of Supervisors ("COTB"), or her designee, shall serve as Clerk to the LAFCO Commission. Services shall include, but not be limited to, maintaining records of all LAFCO meetings, hearings and other proceedings and minutes for such proceedings as directed by LAFCO.

2. COTB CONTACT:

Mail: Pamela Miller
Napa County Clerk of the Board of Supervisors/
Rm. 310, Co. Admin. Bldg.
1195 Third Street
Napa, California 94559

Fax: (707) 253-4176

Email: pmiller @co.napa.ca.us

ATTACHMENT G

PROVISION OF SERVICES TO LAFCO BY THE NAPA COUNTY TREASURER-TAX COLLECTOR

1. SERVICES TO BE PROVIDED

(a) The Napa County Treasurer-Tax Collector ("Treasurer") shall provide LAFCO with banking and investment services at a level of service at least equivalent to that provided to LAFCO during County fiscal year 2001-2002, except that bank processing services shall be provided by County's banking provider on a cost pass-through basis. The scope of services shall include:

- Banking services for LAFCO funds, including warrant processing and bank reconciliation.
- Portfolio Management for all LAFCO accounts, including receipt, safeguarding, investment and disbursement.

(b) The services shall be provided in accordance with the following provisions:

(1) Treasurer shall notify LAFCO within three (3) working days of receipt of all funds received and deposited into the LAFCO Operations Fund. For purposes of this Attachment, "working days" shall mean Monday through Friday, 8 a.m. to 5 p.m., County holidays excluded.

(2) LAFCO shall be permitted electronic access through County's PeopleSoft computerized systems to all reports detailing deposits received and interest earned. These reports shall specify amount and source of revenue, as well as the date of deposit.

2. STAFFING TO BE PROVIDED

Treasurer the staffing in order to provide the foregoing services:

<u>Service</u>	<u>Position</u>
Banking Services	Account Clerk I-II
Portfolio Mgmt	Treas/Tax Collector Treasury Supervisor Senior Account Clerk Account Clerk II

3. TREASURER CONTACT:

Mail: Marcia Humphrey Hull
Napa County Treasurer-Tax Collector
1195 Third Street, Room 108
Napa, California 94559

Fax: (707) 253-4337

Email: mhumphre@co.napa.ca.us

ATTACHMENT AA

SERVICES REIMBURSEMENT RATES FOR FISCAL YEAR 2003-2004

Services of the Napa County Executive Office:

- Executive Officer's hourly rate: \$159.50
- Assistant Executive Officer's hourly rate: \$126.10
- Principal Management Analyst's hourly rate: \$ 81.12
- Assistant Purchasing Agent's hourly rate: \$ 55.70
- Telecommunications staff:
 - Hourly rate: \$ 58.73
 - Plus actual cost of materials
- Mail Service staff:
 - Hourly rate: \$ 49.39
 - Postage shall be recovered at cost.
- Records Management staff:
 - Hourly rate: \$ 49.39
 - Document Shredding is \$1.75 per box (1 cubic foot) plus \$0.10 per pound.
- Personnel (Human Resources) staff:
 - Human Resource Director: \$ 97.37
 - Human Resource Principal Analyst: \$ 75.81
 - Benefits Administrator: \$ 62.30
 - Other Human Resource Services;
 - Recruitment Advertisement shall be recovered at cost
 - Training services shall be prorated by the ratio of the attendees who are LAFCO employees or County employees primarily providing LAFCO services to the total number of attendees during each training hour for which reimbursement is sought.]
- Deputy Clerk of the Board's hourly rate: \$ 64.42

Services of the County Auditor-Controller:

1. Hourly labor rates, by position:
 - Auditor-Controller: \$ 96.00
 - Assistant Auditor-Controller (Step 5) \$ 91.00
 - Assistant Auditor-Controller (Step 1) \$ 74.00
 - Supervising Accountant-Auditor (Step 5 – CPA) Audits \$ 65.00
 - Supervising Accountant-Auditor (Step 5) Acctg. \$ 62.00
 - Accountant-Auditor III (Step 5) Acctg. \$ 56.00
 - Accountant-Auditor III (Step 4) Acctg. \$ 54.00
 - Accountant-Auditor II (Step 5) Acctg. \$ 54.00
 - Accountant-Auditor II (Step 3) Audits \$ 48.00
 - Accountant-Auditor I (Step 2) Acctg \$ 40.00

• Accounting Technician (Step 5) Acctg.	\$ 46.00
• Administrative Secretary I (Step 4) Adm.	\$ 35.00
2. <u>Weighted hourly labor rates by service:</u>	
• Administration	\$74.00
• Audits	\$53.00
• Accounting	\$52.00
3. <u>Unit Rates:</u>	
• Per Voucher	\$0.83
• Per Payroll Warrant	\$5.15
<u>Services of the County Counsel:</u>	
• Deputy County Counsel – Jacqueline Gong’s hourly rate:	\$107.15
<u>Services of the Treasurer-Tax Collector:</u>	
• Account Clerk II’s hourly rate:	\$ 37.55
• Treasurer/Tax Collector’s hourly rate:	\$114.87
• Treasury Manager’s hourly rate:	\$ 68.59
• Senior Account Clerk’s hourly rate:	\$ 40.91
<u>Services of Information Technology (annual rate):</u>	\$12,900.00

AMENDMENT NO. 1 OF**NAPA COUNTY AGREEMENT NO. 4433
LAFCO OF NAPA COUNTY AGREEMENT NO. 03-02****SUPPORT SERVICES BY THE COUNTY OF NAPA TO THE
LOCAL AGENCY FORMATION COMMISSION OF NAPA COUNTY**

THIS AMENDMENT NO. 1 OF NAPA COUNTY AGREEMENT NO. 4433 is made and entered into as of this 1st day of September, 2007, by and between the COUNTY OF NAPA, a political subdivision of the State of California, hereinafter referred to as "County", and the LOCAL AGENCY FORMATION COMMISSION OF NAPA COUNTY (hereinafter "LAFCO"), a local public agency formed pursuant to the Cortese-Knox-Hertzberg Local Government Reorganization Act (Government Code Section 56000 et. seq.);

RECITALS

WHEREAS, on or about July 1, 2003, County and LAFCO entered into Napa County Agreement No. 4433 (hereinafter referred to as "MA") for the provision by County of support services needed for LAFCO's performance of its functions and responsibilities, including information technology services; and

WHEREAS, the parties now desire to amend the MA to modify the scope of the information technology services provided under the MA and make corresponding changes in the compensation for such services, and to make technical corrections to the provisions relating to term and executive officer;

TERMS

NOW, THEREFORE, County and LAFCO hereby amend the Agreement as follows:

1. Paragraph 1 of the Agreement is hereby amended to read in full as follows:
 1. **TERM.** The term of this Agreement shall become effective on July 1, 2003 and shall expire on June 30, 2004, unless terminated earlier in accordance with Paragraph 14 (Termination); except that the obligations of the parties under Paragraph 8 (Indemnification) and 10 (Confidentiality) shall continue in full force and effect after the date of expiration or early termination in relation to acts or omissions occurring prior to such dates during the term of the Agreement or any extension thereof. The term of this Agreement shall be automatically renewed for an additional year at the end of each fiscal year, under the terms and conditions then in effect, unless either party gives written notice to the other, no less than thirty (30) days prior to the end of the fiscal year, of that party's intention not to renew the Agreement. For purposes of this Agreement, "fiscal year" shall mean the year beginning on July 1 and ending on the succeeding June 30.

2. The first sentence of subparagraph (a) of Paragraph 2 of the Agreement is hereby amended to read in full as follows:

(a) Executive Officer. County shall designate and make available to LAFCO the services of an at-will employee of County for appointment by LAFCO as its LAFCO Executive Officer (hereinafter "Executive Officer").

3. Section 4 of Attachment D is hereby amended to read in full as follows for information technology services provided by County to LAFCO on and after September 1, 2007:

4. INFORMATION TECHNOLOGY SERVICES

County shall provide LAFCO with County personnel to perform the following information technology services and functions for LAFCO:

a. **In general.** County's ITS Department ("ITS") shall provide LAFCO with a total information technology support package. This includes technical support, development, technology evaluation, RFPs, project management and consulting services on an as needed basis during the term of this Agreement in order to provide a reliable, cost effective as well as innovative technology infrastructure. All service requests for existing products and services shall be managed through SRMS (Service Request Management Systems). Any requests for new products and services shall be handled through in ITS' normal project architecture for County ITS projects, but ITS shall create a requirements document for LAFCO approval prior to ITS performing any significant work on such new projects.

b. **Description of Specific Services:**

Countywide network connectivity: high-speed local area networking and wide area network digital access to each major County and LAFCO location.

Infrastructure support: data and phone wiring/cabling, full copper and fiber warranty/ troubleshooting, and repair/replacement service.

Network & Server Administration and Monitoring: 24/7 automated network monitoring with on call emergency technician to respond to critical service outages.

File Services: File system server storage space and management. IE, H: etc drives. Daily tape backup, fault tolerance, and data recovery services.

Desktop and Server Virus scanning: automated virus updates will be enabled to the desktop and servers. Monitoring of services for reliability, performance, and updates.

Print Services: Printer and print queue management.

Email/Scheduling Service: Includes Countywide (including LAFCO) Exchange/Outlook email and scheduling system, Remote WEB access, resource scheduling, Internet email connectivity, and countywide address book.

Security/Firewall Services: Firewall, proxy services, intrusion detection system, reporting system, and monitoring software on Windows 2000/2003 Servers.

Internet Access: High speed Internet access from all County and LAFCO facilities.

Enterprise Resource Planning (ERP): Access to PeopleSoft Financial and HRMS (Human Resource Management Systems), including time and labor, project costing, purchasing, etc.

Enterprise Content Management: Access to document management systems to manage digital content. This includes eform solutions to automate internal and external forms.

Remote Access: Remote modem dial-in, and Internet VPN (Virtual Private Network) access for mobile/remote workers and third party vendor support.

Helpdesk: Provide a dedicated full time person on Helpdesk phone from 7:00 a.m. to 5:00 p.m., Monday thru Friday. On call emergency technician available 24/7 via after-hours voice mail/pager. Expanded IS Helpdesk Intranet site for problem reporting, system status, product purchasing, training class registration and self-help resources.

Training Center: Dedicated 12 seat plus instructor PC training room. Fully multimedia with overhead projector, DVD and VCR for multimedia training/presentations. AGENCY can schedule and use the facility for any type of training/meetings/etc.

Internet site hosting and development: Hosting Services for Internet and Intranet Web Sites. Access to Chardonay for enterprise intranet, Sharepoint "My Site" for personalized information. Full backup and recover services, security, virus/phishing, and firewall services. WEB monitoring, filtering, reporting and statistics.

User Account administration: End user account setup and administration. Security and all core services accounts.

Access to Enterprise Systems and data: Property, permitting, recorded documents, code compliance, etc.

Server management and hosting services: Physical Server management, HW (Hardware) management, Operating System management, virus protection, version maintenance, patches, service packs, tape backup, disaster recovery, third party vendor coordination, uninterruptible battery backups, 24/7 SNMP (Simple Network Managed Protocol) monitoring and pager alarms.

Geographical Information Systems (GIS): Turn key GIS services including training, user support, and access to the enterprise spatial data warehouse and web applications. Limited map production services. Large-format plotters. Data hosting, management and distribution.

4. "Services of the Information Technology (annual rate)" of Attachment AA is hereby amended to read in full as follows:

Services of Information Technology (annual rate):

- a. Calculation of Annual Fee and Method of Payment. The parties acknowledge that compensation of County by LAFCO for the information technology services provided by County under Section 4 of Attachment D of this Agreement are calculated utilizing the ITS Cost Allocation Method for County's own departments and agencies which was approved by the Napa County Board of Supervisors on June 19, 2001, a copy of which is attached to Amendment No. 1 of the Agreement as Attachment "BB". At the option of LAFCO, the Annual Fee shall be payable either in advance in a single payment due on or before July 1 of the applicable fiscal year or in monthly payments in arrears, each payment due on or before the first of the month succeeding the month of service, with the payable monthly rate being 1/12 of the Annual Fee then in effect.
- b. Amount of Annual Fee. The Annual Fee shall be as follows:

<u>Fiscal Year</u>	<u>Annual Rate (payable in advance on July 1)</u>
2003-2004	\$12,900.00
2004-2005	\$12,999.96
2005-2006	\$13,377.96
2006-2007	\$17,799.00
Beginning 2007-2008*	\$16,387.00

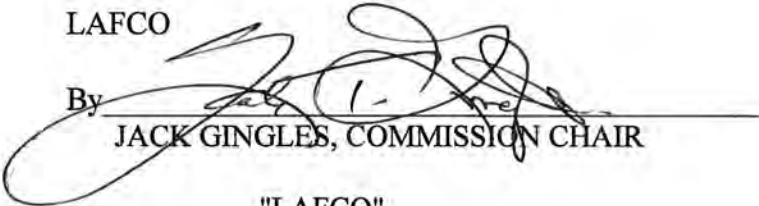
- * Future Modifications. Notwithstanding the foregoing, it is anticipated that County and LAFCO may need to amend this Agreement to conform subsequent fiscal year compensation amounts beginning with Fiscal Year 2008-2009 to the above-referenced Cost Allocation Method or such other Method as the parties may have agreed to by amendment, or may amend this Agreement within Fiscal Year 2007-2008 or any subsequent fiscal year during the term of this Agreement or extension thereof to reflect additional services requested by LAFCO.

5. This Amendment No. 1 of the MA shall be effective as of September 1, 2007.

6. Except as provided in (1) through (5), above, the terms and provisions of the MA shall remain in full force and effect as originally approved.

IN WITNESS WHEREOF, the parties hereto have approved this Amendment No. 1 of Napa County Agreement No. 4433 through their duly authorized representatives as of the date first above written.

LAFCO

By  _____
JACK GINGLES, COMMISSION CHAIR

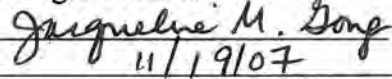
ATTEST:

"LAFCO"

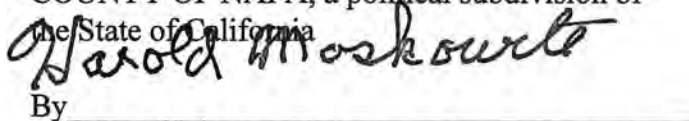
By _____

APPROVED AS TO FORM:

LAFCO Legal Counsel

By: 
Date: 11/19/07

COUNTY OF NAPA, a political subdivision of
the State of California


By _____

HAROLD MOSKOWITE, Chair of the Board of
Supervisors

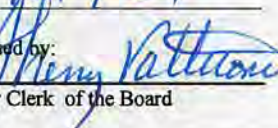
"County"

ATTEST: GLADYS I. COIL
Clerk of the Board of Supervisors

By: 

APPROVED AS TO FORM
Office of County Counsel

By: Margaret L. Woodbury,
Chief Deputy County Counsel
(by e-signature)
Date: August 31, 2007

**APPROVED BY THE NAPA COUNTY
BOARD OF SUPERVISORS**
Date: 12-4-07
Processed by: 
Deputy Clerk of the Board

ATTACHMENT BB**ITS COST ALLOCATION METHOD**

In 2001, the Napa County Board of Supervisors approved a comprehensive cost allocation method prepared by an independent auditing agency, Bartig, Basler & Ray, for the calculation of ITS charges. This method, used for all departments, is based on a formula that incorporates ten ITS functional categories and the client usage associated with them. These categories include: Network Services, Financials, Human Resources, CJIMS, Helpdesk, Departmental Services, Overhead, Administrative Services, Assigned Staff and Training. Usage charges are reviewed annually for the purpose of determining appropriate cost allocation.

ITS uses four factors in its cost allocation plan used to determine an Agency's share of the ITS budget:

- Number of agency personnel (# of Napa County payroll checks)
- Size of agency's last fiscal years expenditure
- Number of ITS managed agency personal computers
- Number of hours enhanced support for last fiscal year (usually application development of an agency specific program)

ITS collects and distributes its costs in the following service areas:

Service Area	Distribute Cost to	Cost Factor
Network Services-Communication lines and equipment, remote access, internet access, email, etc. and staff	All agencies	Number of personal computers
Financials-including PS intranet, budget module, etc. HW/SW and staff	All agencies who utilize financial services	Percentage of total budget
HR-HW/SW and staff	All agencies receiving Napa County payroll checks	Number of staff
CJIMS-HW/SW and staff	Criminal justice agencies	Number of PCs and staff
Help Desk-staff and supplies	All agencies	Number of PCs
Departmental Services-HW/SW and staff for non-Enterprise applications (Megabyte, HMS, etc.)	Individual agencies utilizing the application	Actual expenditures: material, services and labor
Overhead-non project/service related expenses (vacation, training, expenses, etc.)	All agencies	Number of PCs

Administrative Services-IT support activities: contracts, asset mgmt, policies, etc.	All agencies	Number of PCs
Assigned Staff-ITS staff assigned reporting to departmental locations	Agency where staff is assigned	Actual personnel cost
Training-Training room and instruction	All agencies	Number of staff

Sample Cost Drivers and Calculations

Cost Drivers	County	Sample Agency
Number of PCs	1050	20
Staff	1400	25
Actual Expenditures	\$175,000,000	\$500,000
Departmental Services	n/a	40 hours
ITS Budget	\$6,000,000	n/a
Application Maintenance	\$250,000	n/a
Assigned Staff	\$250,000	0

ITS Service Spread (Sample) in Hours (65,000 total)

Network Services	15,000
Financials	5,000
Human Resources	4,300
Criminal Justice Applications	4,500
Help Desk	10,000
Departmental Services	8,900
Training	1,800
Overhead	8,000
Administrative Services	7,500

Total dollars to spread = $6,000,000 - 250,000$ (maintenance) - $250,000$ (assigned) = $\$5,500,000$

Sample Agencies ITS Charges

Service Area	Cost	Calculation
Network Services	\$24,175	$15000\text{hrs}/65000\text{hrs} * 20\text{pc}/1050\text{pc} * \$5,500,000$
Financials	\$12,088	$5000\text{hrs}/65000\text{hrs} * \$5,500,000 / \$1,750,000,000 * 1,550,000$
HR	\$6,497	$4300\text{hrs}/65000\text{hrs} * 25\text{fte}/1400\text{fte} * \$5,500,000$
Criminal Justice	\$0	
Help Desk	\$16,117	$10000\text{hrs}/65000\text{hrs} * 20\text{pc}/1050\text{pc} * \$5,500,000$
Dept Services	\$3,385	$40\text{hrs}/8900\text{hrs} * 8900\text{hrs}/65000\text{hrs} * \$5,500,000$
Overhead	\$12,894	$8000\text{hrs}/65000\text{hrs} * 20\text{pc}/1050\text{pc} * \$5,500,000$
Admin Services	\$12,088	$7500\text{hrs}/65000\text{hrs} * 20\text{pc}/1050\text{pc} * \$5,500,000$
Assigned Staff	0	
Training	\$2,720	$1800\text{hrs}/65000\text{hrs} * 25\text{fte}/1400\text{fte} * \$5,500,000$

Total ITS Charges = $\$89,964$

AMENDMENT NO. 2 OF
NAPA COUNTY AGREEMENT NO. 4433
LOCAL AGENCY FORMATION COMMISSION OF
NAPA COUNTY AGREEMENT NO. 03-02

**SUPPORT SERVICES BY THE COUNTY OF NAPA TO THE LOCAL AGENCY
FORMATION COMMISSION OF NAPA COUNTY**

THIS AMENDMENT NO. 2 OF NAPA COUNTY AGREEMENT NO. 4433 is made and entered into as of this 1st day of July, 2008 by and between the COUNTY OF NAPA, a political subdivision of the State of California, hereinafter referred to as "County", and the LOCAL AGENCY FORMATION COMMISSION OF NAPA COUNTY (hereinafter "LAFCO"), a local public agency formed pursuant to the Cortese-Knox-Hertzberg Local Government Reorganization Act (Government Code Section 56000 et. seq.);

RECITALS

WHEREAS, on or about July 1, 2003, County and LAFCO entered into Napa County Agreement No. 4433 (hereinafter referred to as "MA"), subsequently amended on or about September 1, 2007, for the provision by County of support services needed for LAFCO's performance of its functions and responsibilities, including information technology services; and

WHEREAS, the parties now desire to amend the MA to modify the annual rates of compensation to County for services provided by its Information Technology Services Department ("ITS") to reflect changes in the costs to County to provide such services;

TERMS

NOW, THEREFORE, County and LAFCO hereby amend the Agreement as follows:

1. The portion entitled "Services of Information Technology (annual rate)" of Attachment AA of the Agreement is hereby amended to read in full as follows:

1. **Services of Information Technology (annual rate):**

- a. **Calculation of Annual Fee and Method of Payment.** The parties acknowledge that reimbursement of County by LAFCO for the costs of providing the information technology services required of County under Section 4 of Attachment D of this Agreement are calculated utilizing the ITS Cost Allocation Method for County's own departments and agencies which was approved by the Napa County Board of Supervisors on June 19, 2001, a copy of which is attached to Amendment No. 1 of the Agreement as Attachment "BB". At the option of LAFCO, the Annual Fee shall be payable either in advance in a single payment due on or before July 1 of the applicable fiscal year or in monthly payments in arrears, each payment due on

or before the first of the month succeeding the month of service, with the payable monthly rate being 1/12 of the Annual Fee then in effect.

- b. Amount of Annual Fee. The Annual Fee shall be as follows:

<u>Fiscal Year</u>	<u>Annual Rate</u>
2003-2004	\$12,900.00
2004-2005	\$12,999.96
2005-2006	\$13,377.96
2006-2007	\$17,799.00
2007-2008	\$16,387.00
Beginning 2008-2009*	\$17,768.00

* Future Modifications. Notwithstanding the foregoing, it is anticipated that County and LAFCO may amend this Agreement, beginning with Fiscal Year 2009-2010, to conform subsequent fiscal year compensation amounts to the above-referenced Cost Allocation Method or such other Method as the parties may subsequently agree to by amendment, or may amend this Agreement within Fiscal Year 2008-2009 or any subsequent fiscal year during the term of this Agreement or extension thereof to reflect additional services requested by LAFCO.

2. This Amendment No. 2 of the MA shall be effective as of July 1, 2008.
3. Except as provided in (1) through (2), above, the terms and provisions of the MA shall remain in full force and effect as originally approved.

IN WITNESS WHEREOF, this Amendment No. 2 of Napa County Agreement No.

////

4433 as of the date first above written.

LOCAL AGENCY FORMATION COMMISSION OF
NAPA COUNTY

By *Brad Wagenknecht*
BRAD WAGENKNECHT, Chair of the Local Agency
Formation Commission of Napa County

ATTEST: KEENE SIMONDS,
Executive Director/Clerk of LAFCO

"LAFCO"

By: *Keene Simonds*

APPROVED AS TO FORM:
Commission Counsel
By: Jacqueline M. Gong
(By e-signature)
Date: 5/23//08

COUNTY OF NAPA, a political subdivision of
the State of California

By *Brad Wagenknecht*
BRAD WAGENKNECHT, Chair of the Board of
Supervisors

"COUNTY"

ATTEST: GLADYS I. COIL
Clerk of the Board of Supervisors

By: *Gladys I. Coil*

APPROVED AS TO FORM
Office of County Counsel
By: *Margaret L. Woodbury*,
Chief Deputy
(by e-signature)
Date: May 23, 2008

**APPROVED BY THE NAPA COUNTY
BOARD OF SUPERVISORS**
Date: *6-17-08*
Processed by: *Shen Vattione*
Deputy Clerk of the Board

**AMENDMENT NO. 3 OF
NAPA COUNTY AGREEMENT NO. 4433
LOCAL AGENCY FORMATION COMMISSION OF
NAPA COUNTY AGREEMENT NO. 03-02**

**SUPPORT SERVICES BY THE COUNTY OF NAPA TO THE LOCAL AGENCY
FORMATION COMMISSION OF NAPA COUNTY**

THIS AMENDMENT NO. 3 OF NAPA COUNTY AGREEMENT NO. 4433 is made and entered into as of this 1st day of July, 2009 by and between the COUNTY OF NAPA, a political subdivision of the State of California, hereinafter referred to as "County", and the LOCAL AGENCY FORMATION COMMISSION OF NAPA COUNTY (hereinafter "LAFCO"), a local public agency formed pursuant to the Cortese-Knox-Hertzberg Local Government Reorganization Act (Government Code Section 56000 et. seq.);

RECITALS

WHEREAS, on or about July 1, 2003, County and LAFCO entered into Napa County Agreement No. 4433 (hereinafter referred to as "MA"), amended on or about September 1, 2007, and amended on June 17, 2008, for the provision by County of support services needed for LAFCO's performance of its functions and responsibilities, including information technology services; and

WHEREAS, the parties now desire to amend the MA to modify the annual rates of compensation to County for services provided by its Information Technology Services Department ("ITS") to reflect changes in the costs to County to provide such services;

TERMS

NOW, THEREFORE, County and LAFCO hereby amend the Agreement as follows:

1. The portion entitled "Services of Information Technology (annual rate)" of Attachment AA of the Agreement is hereby amended to read in full as follows:

1. **Services of Information Technology (annual rate):**

- a. **Calculation of Annual Fee and Method of Payment.** The parties acknowledge that reimbursement of County by LAFCO for the costs of providing the information technology services required of County under Section 4 of Attachment D of this Agreement are calculated utilizing the ITS Cost Allocation Method for County's own departments and agencies which was approved by the Napa County Board of Supervisors on June 19, 2001, a copy of which is attached to Amendment No. 1 of the Agreement as Attachment "BB". At the option of LAFCO, the Annual Fee shall be payable either in advance in a single payment due on or before July 1 of

the applicable fiscal year or in monthly payments in arrears, each payment due on or before the first of the month succeeding the month of service, with the payable monthly rate being 1/12 of the Annual Fee then in effect.

- b. Amount of Annual Fee. The Annual Fee shall be as follows:

<u>Fiscal Year</u>	<u>Annual Rate</u>
2003-2004	\$12,900.00
2004-2005	\$12,999.96
2005-2006	\$13,377.96
2006-2007	\$17,799.00
2007-2008	\$16,387.00
2008-2009	\$17,768.00
Beginning 2009-2010*	\$18,705.00

* Future Modifications. Notwithstanding the foregoing, it is anticipated that County and LAFCO may amend this Agreement, beginning with Fiscal Year 2010-2011, to conform subsequent fiscal year compensation amounts to the above-referenced Cost Allocation Method or such other Method as the parties may subsequently agree to by amendment, or may amend this Agreement within Fiscal Year 2009-2010 or any subsequent fiscal year during the term of this Agreement or extension thereof to reflect additional services requested by LAFCO.

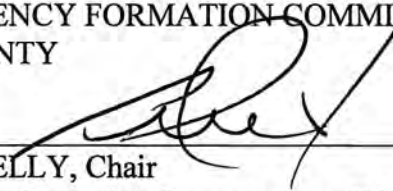
2. This Amendment No. 3 of the MA shall be effective as of July 1, 2009.
3. Except as provided in (1) through (2), above, the terms and provisions of the MA shall remain in full force and effect as originally approved.

IN WITNESS WHEREOF, this Amendment No.3 of Napa County Agreement No.

/////

4433 as of the date first above written.

LOCAL AGENCY FORMATION COMMISSION OF
NAPA COUNTY

By 
BRIAN J. KELLY, Chair
Local Agency Formation Commission of Napa County

ATTEST: KEENE SIMONDS,
Executive Director/Clerk of LAFCO

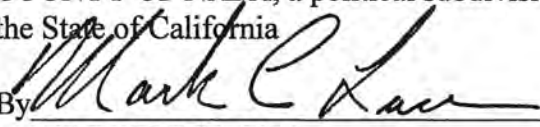
"LAFCO"

By: 

APPROVED AS TO FORM:
Commission Counsel
By: E-Signature Jackie Gong

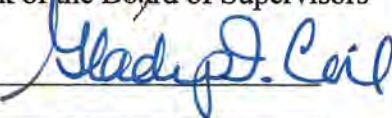
Date: 6/17/09

COUNTY OF NAPA, a political subdivision of
the State of California


By 
MARK LUCE, Chair
Napa County Board of Supervisors

"COUNTY"

ATTEST: GLADYS I. COIL
Clerk of the Board of Supervisors

By: 

APPROVED AS TO FORM
Office of County Counsel
By: P. Tyrrell (by e-signature)
Date: June 11, 2009

**APPROVED BY THE NAPA COUNTY
BOARD OF SUPERVISORS**
Date: 8-11-09
Processed by: 
Deputy Clerk of the Board

AMENDMENT NO. 4 OF

**NAPA COUNTY AGREEMENT NO. 4433
LOCAL AGENCY FORMATION COMMISSION OF
NAPA COUNTY AGREEMENT NO. 03-02**

**SUPPORT SERVICES BY THE COUNTY OF NAPA TO THE LOCAL AGENCY
FORMATION COMMISSION OF NAPA COUNTY**

THIS AMENDMENT NO. 3 OF NAPA COUNTY AGREEMENT NO. 4433 is made and entered into as of this 1st day of July, 2010 by and between the COUNTY OF NAPA, a political subdivision of the State of California, hereinafter referred to as "County", and the LOCAL AGENCY FORMATION COMMISSION OF NAPA COUNTY (hereinafter "LAFCO"), a local public agency formed pursuant to the Cortese-Knox-Hertzberg Local Government Reorganization Act (Government Code Section 56000 et. seq.);

RECITALS

WHEREAS, on or about July 1, 2003, County and LAFCO entered into Napa County Agreement No. 4433 (hereinafter referred to as "MA"), amended on or about September 1, 2007, June 17, 2008, and amended on July 1, 2009 for the provision by County of support services needed for LAFCO's performance of its functions and responsibilities, including information technology services; and

WHEREAS, the parties now desire to amend the MA to modify the annual rates of compensation to County for services provided by its Information Technology Services Department ("ITS") to reflect changes in the costs to County to provide such services;

TERMS

NOW, THEREFORE, County and LAFCO hereby amend the Agreement as follows:

1. The portion entitled "Services of Information Technology (annual rate)" of Attachment AA of the Agreement is hereby amended to read in full as follows:

1. **Services of Information Technology (annual rate):**

a. Calculation of Annual Fee and Method of Payment. The parties acknowledge that reimbursement of County by LAFCO for the costs of providing the information technology services required of County under Section 4 of Attachment D of this Agreement are calculated utilizing the ITS Cost Allocation Method for County's own departments and agencies which was approved by the Napa County Board of Supervisors on June 19, 2001, a copy of which is attached to Amendment No. 1 of the Agreement as Attachment "BB". At the option of LAFCO, the Annual Fee shall be payable either in advance in a single payment due on or before July 1 of

the applicable fiscal year or in monthly payments in arrears, each payment due on or before the first of the month succeeding the month of service, with the payable monthly rate being 1/12 of the Annual Fee then in effect.

- b. Amount of Annual Fee. The Annual Fee shall be as follows:

<u>Fiscal Year</u>	<u>Annual Rate</u>
2003-2004	\$12,900.00
2004-2005	\$12,999.96
2005-2006	\$13,377.96
2006-2007	\$17,799.00
2007-2008	\$16,387.00
2008-2009	\$17,768.00
2009-2010	\$18,705.00
2010-2011*	\$14,945.00

* Future Modifications. Notwithstanding the foregoing, it is anticipated that County and LAFCO may amend this Agreement, beginning with Fiscal Year 2010-2011, to conform subsequent fiscal year compensation amounts to the above-referenced Cost Allocation Method or such other Method as the parties may subsequently agree to by amendment, or may amend this Agreement within Fiscal Year 2009-2010 or any subsequent fiscal year during the term of this Agreement or extension thereof to reflect additional services requested by LAFCO.


2. This Amendment No. 4 of the MA shall be effective as of July 1, 2010.
3. Except as provided in (1) through (2), above, the terms and provisions of the MA shall remain in full force and effect as originally approved.

IN WITNESS WHEREOF, this Amendment No.4 of Napa County Agreement No.

//////

4433 as of the date first above written.

LOCAL AGENCY FORMATION COMMISSION OF
NAPA COUNTY

By 
JULIANA INMAN, Chair of the Local Agency
Formation Commission of Napa County

ATTEST: KEENE SIMONDS,
Executive Director/Clerk of LAFCO

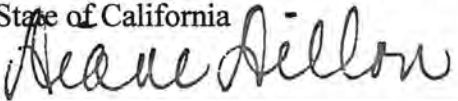
"LAFCO"

By: Jackie Gong (E-Signature)
Date: 6/3/10

APPROVED AS TO FORM:
Commission Counsel
By:


Date:

COUNTY OF NAPA, a political subdivision of
the State of California

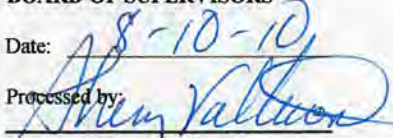
By 
DIANE DILLON, Chair
Napa County Board of Supervisors

"COUNTY"

ATTEST: GLADYS I. COIL
Clerk of the Board of Supervisors

By: 

APPROVED AS TO FORM
Office of County Counsel
By: 
Date: 8/9/10

**APPROVED BY THE NAPA COUNTY
BOARD OF SUPERVISORS**
Date: 8-10-10
Processed by: 
Deputy Clerk of the Board

AMENDMENT NO. 5 OF

**NAPA COUNTY AGREEMENT NO. 4433
LOCAL AGENCY FORMATION COMMISSION OF
NAPA COUNTY AGREEMENT NO. 03-02**

**SUPPORT SERVICES BY THE COUNTY OF NAPA TO THE LOCAL AGENCY
FORMATION COMMISSION OF NAPA COUNTY**

THIS AMENDMENT NO. 5 OF NAPA COUNTY AGREEMENT NO. 4433 is made and entered into as of this 1st day of July, 2011 by and between the COUNTY OF NAPA, a political subdivision of the State of California, hereinafter referred to as "County", and the LOCAL AGENCY FORMATION COMMISSION OF NAPA COUNTY (hereinafter "LAFCO"), a local public agency formed pursuant to the Cortese-Knox-Hertzberg Local Government Reorganization Act (Government Code Section 56000 et. seq.);

RECITALS

WHEREAS, on or about July 1, 2003, County and LAFCO entered into Napa County Agreement No. 4433 (hereinafter referred to as "MA"), amended on or about September 1, 2007, June 17, 2008, July 1, 2009, and amended on July 1, 2010 for the provision by County of support services needed for LAFCO's performance of its functions and responsibilities, including information technology services; and

WHEREAS, the parties now desire to amend the MA to modify the annual rates of compensation to County for services provided by its Information Technology Services Department ("ITS") to reflect changes in the costs to County to provide such services;

TERMS

NOW, THEREFORE, County and LAFCO hereby amend the Agreement as follows:

1. The portion entitled "Services of Information Technology (annual rate)" of Attachment AA of the Agreement is hereby amended to read in full as follows:

1. **Services of Information Technology (annual rate):**

a. Calculation of Annual Fee and Method of Payment. The parties acknowledge that reimbursement of County by LAFCO for the costs of providing the information technology services required of County under Section 4 of Attachment D of this Agreement are calculated utilizing the ITS Cost Allocation Method for County's own departments and agencies which was approved by the Napa County Board of Supervisors on June 19, 2001, a copy of which is attached to Amendment No. 1 of the Agreement as Attachment "BB". At the option of LAFCO, the Annual Fee shall be payable either in advance in a single payment due on or before July 1 of

the applicable fiscal year or in monthly payments in arrears, each payment due on or before the first of the month succeeding the month of service, with the payable monthly rate being 1/12 of the Annual Fee then in effect.

- b. Amount of Annual Fee. The Annual Fee shall be as follows:

<u>Fiscal Year</u>	<u>Annual Rate</u>
2003-2004	\$12,900.00
2004-2005	\$12,999.96
2005-2006	\$13,377.96
2006-2007	\$17,799.00
2007-2008	\$16,387.00
2008-2009	\$17,768.00
2009-2010	\$18,705.00
2010-2011	\$14,945.00
2011-2012	\$20,261.00

* Future Modifications. Notwithstanding the foregoing, it is anticipated that County and LAFCO may amend this Agreement, beginning with Fiscal Year 2011-2012, to conform subsequent fiscal year compensation amounts to the above-referenced Cost Allocation Method or such other Method as the parties may subsequently agree to by amendment, or may amend this Agreement within Fiscal Year 2010-2011 or any subsequent fiscal year during the term of this Agreement or extension thereof to reflect additional services requested by LAFCO.

2. This Amendment No. 5 of the MA shall be effective as of July 1, 2011.
3. Except as provided in (1) through (2), above, the terms and provisions of the MA shall remain in full force and effect as originally approved.

IN WITNESS WHEREOF, this Amendment No.5 of Napa County Agreement No.

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4433 as of the date first above written.

LOCAL AGENCY FORMATION COMMISSION OF
NAPA COUNTY

By *Bill Dodd*
BILL DODD, Chairman of the Local Agency
Formation Commission of Napa County

ATTEST: KEENE SIMONDS,
Executive Director/Clerk of LAFCO

"LAFCO"

By: *Keene Simonds*

APPROVED AS TO FORM:
Commission Counsel
By: Jackie Gong (E-Signature)

Date: 3/28/11

COUNTY OF NAPA, a political subdivision of
the State of California

By *Bill Dodd*
BILL DODD, Chairman
Napa County Board of Supervisors

"COUNTY"

ATTEST: GLADYS I. COIL
Clerk of the Board of Supervisors

By: *Gladys I. Coil*

APPROVED AS TO FORM
Office of County Counsel
By: *Thomas S. Capriola*
(by e-signature)
Date: *March 28, 2011*

**APPROVED BY THE NAPA COUNTY
BOARD OF SUPERVISORS**
Date: *6-21-11*
Processed by *Sherry Valtierra*
Deputy Clerk of the Board

AMENDMENT NO. 6
NAPA COUNTY AGREEMENT NO. 4433
LOCAL AGENCY FORMATION COMMISSION OF
NAPA COUNTY AGREEMENT NO. 03-02

**SUPPORT SERVICES BY THE COUNTY OF NAPA TO THE LOCAL AGENCY FORMATION
COMMISSION OF NAPA COUNTY**

THIS AMENDMENT NO. 6 OF NAPA COUNTY AGREEMENT NO. 4433 is made and entered into as of this 1st day of July, 2012, by and between NAPA COUNTY, a political subdivision of the State of California, hereinafter referred to as "COUNTY", and the LOCAL AGENCY FORMATION COMMISSION OF NAPA COUNTY (hereinafter "LAFCO"), a local public agency formed pursuant to the Cortese-Knox-Hertzberg Local Government Reorganization Act (Government Code Section 56000et.seq.);

RECITALS

WHEREAS, on or about July 1, 2003, COUNTY and LAFCO entered into Napa County Agreement No. 4433 (hereinafter referred to as "MA"), amended on or about September 1, 2007, June 17, 2008, July 1, 2009, July 1, 2010 and amended on July 1, 2011 for the provision by COUNTY of support services needed for LAFCO's performance of its functions and responsibilities, including information technology services; and

WHEREAS, the parties now desire to amend the MA to modify the scope of the Information Technology Services provided under the MA and to modify annual rates of compensation to COUNTY for services provided by its Information Technology Services Department ("ITS") to reflect changes in the costs to COUNTY to provide such services;

TERMS

NOW, THEREFORE, COUNTY and LAFCO hereby amend the Agreement as follows:

1. Section 4 of Attachment D is hereby amended to read in full as follows for those Information Technology Services and functions to be provided to LAFCO on and after July 1, 2012:

4. INFORMATION TECHNOLOGY SERVICES

COUNTY shall provide LAFCO with COUNTY personnel to perform the following services and functions for LAFCO, including access to the products and product licenses noted:

Napa County ITS shall provide a total information technology support package. This includes technical support, development, technology evaluation, RFPs, project management and consulting services on an as needed basis during the term of this Agreement in order to provide a reliable, cost effective as well as innovative technology infrastructure. All service requests for existing products and services shall be managed through SRMS (Service Request Management Systems) and request for new products and services in ITS project architecture. ITS shall create a requirements document for customer approval prior to ITS performing any significant work. Purchases of products or licenses for applications not noted in this Exhibit shall be made by LAFCO by separate agreement with COUNTY or third parties unless this Agreement is expressly amended to add such items to this Scope of Services.

Included services:

Countywide network connectivity: existing County local area networking and wide area network digital access to appropriate County location. COUNTY reserves the right to restrict internet access to appropriate uses. Examples of inappropriate uses included, but are not limited to, activities that would weaken the COUNTY's security or increases in the use of COUNTY bandwidth that results in impacts to COUNTY's services, including additional costs, slower

access to users of the COUNTY system, or impacts of similar magnitude. LAFCO is responsible for any cost associated with connection from LAFCO to COUNTY infrastructure (LAN/WAN).

Infrastructure Support: Troubleshooting and support of LAFCO access and use of COUNTY LAN/WAN.

COUNTY Network & Server Administration and Monitoring: 24/7 automated network monitoring with on call emergency technician to respond to critical service outages of COUNTY LAN/WAN.

File Services: File system server storage space and management. IE, H: etc drives. Daily tape backup of supported data and systems, fault tolerance, and data recovery services of all servers located at COUNTY Data Center(s).

Desktop and Server Virus scanning: Automated virus updates will be enabled to the COUNTY supported desktop and servers. Monitoring of services for reliability, performance, and updates.

Print Services: Printer and print queue management of COUNTY supported printers.

Email/Scheduling Service: Includes Countywide Exchange/Outlook email and scheduling system, Remote WEB access, resource scheduling, Internet email connectivity, and countywide address book.

Security/Firewall Services: Firewall, proxy services, intrusion detection system, reporting system, and monitoring software on COUNTY supported Servers.

Internet Access: Minimum 10/100 Internet access from appropriate COUNTY facilities (County Data Center to ISP). Access to the Internet will be restricted to business use only. Non business sites and activity including access to sites that may possibly contain improper content, deemed a security or privacy risk, or other such designations will be restricted.

Enterprise Resource Planning (ERP): Access to PeopleSoft Financial and HRMS (Human Resource Management Systems), including time and labor, project costing, purchasing, etc.

Enterprise Content Management: Access to document management systems to manage digital content. This includes eform solutions to automate internal and external forms.

Remote Access: Internet VPN (Virtual Private Network or other COUNTY ITS approved method) access for mobile/remote workers and limited access of third party vendor support. Remote access user must meet all COUNTY security and privacy policies and agreements and abide by its user defined processes and practices.

Helpdesk: Provide Helpdesk phone access from 7:00 a.m. to 5:00 p.m., Monday thru Friday. Limited on call phone access will be available 24/7 via after-hours via voice mail. COUNTY will provide a (non-emergency) IS Helpdesk Intranet site for problem reporting, system status, product purchasing, training class registration and self-help resources.

Training Center: Dedicated 16 seat plus instructor PC training room. Multimedia room with overhead projector for training/presentations. LAFCO can schedule and use the facility for any type of training/meetings/etc. Training courses and associated costs are not included in this agreement.

Internet Site Hosting and Development: Hosting Services for Napa 'ITS developed' Internet and Intranet Web Sites. Access to Chardonnay for enterprise intranet, SharePoint "My Site" for

personalized information. Full backup and recovery services, security, virus/phishing, and firewall services of Hosted Web Sites. WEB monitoring, filtering, reporting and statistics.

User Account Administration: End user account setup and administration within County Active Directory system. Security and all core services accounts.

Access to Enterprise Systems and Data: Property, permitting, recorded documents, code compliance, etc.

Server management and hosting services for servers hosted at COUNTY Data Center(s): Physical Server management, HW (Hardware) management, Operating System management, virus protection, version maintenance, patches, service packs, tape backup, disaster recovery, third party vendor coordination, uninterruptible battery backups, 24/7 SNMP (Simple Network Managed Protocol) monitoring.

Geographical Information Systems (GIS): Turnkey GIS services including training, user support, and access to the enterprise spatial data warehouse and web applications. Limited map production services. Large-format plotters. Data hosting, management and distribution.

Pre-approval of Technology Purchases: All LAFCO technology systems intended to be installed within COUNTY technology assets and supported by COUNTY must be reviewed and pre-approved by COUNTY prior to LAFCO purchase.

Limitations to this agreement: Services provided by COUNTY are limited to only those technologies that COUNTY is deemed capable and trained to provide and that is residing on or connected to the COUNTY network infrastructure. Any LAFCO technology assets not deemed to be sufficiently secure and not placed on COUNTY network will be excluded from this agreement. Additionally, any services, hardware, process, or system implemented by LAFCO that does not meet and/or comply with any 'in effect' standards and/or COUNTY prescribed best practices will be excluded from this agreement. COUNTY will, unilaterally, have final authority on any discussions regarding the meaning of any terms contained within this agreement.

What is not included in the services contracted unless specifically addressed in the agreement and the cost allocation method:

Because physical location is not at the discretion of the County Board of Supervisors, connectivity installation costs such as T-1 connection will be solely the responsibility of LAFCO.

COUNTY will not support nor install any non-COUNTY standard technology deployed by LAFCO independent from COUNTY ITS approval and acceptance.

LAFCO will not deploy non-COUNTY approved and/or non-COUNTY standard technology, software, database, peripheral devices, mobile device, wireless devices, or any other technology asset on COUNTY owned equipment without approval of COUNTY ITS. Any deviation from this requirement will be considered a material breach of this agreement.

Servers hosted at LAFCO or LAFCO servers that are non-COUNTY standard operating systems and applications will not be supported by COUNTY ITS nor will they be physically connected to COUNTY infrastructure without written approval from COUNTY ITS.

COUNTY ITS will disconnect and/or make any LAFCO device, software, or device/software configurations that attached to or communicate through the COUNTY network unusable if COUNTY ITS deems such action necessary to protect the security and/or integrity of COUNTY operational assets including any device or software that impact the operational status of COUNTY users, as a whole. This is at the sole discretion of COUNTY ITS.

COUNTY ITS does not service any non-COUNTY asset including non-COUNTY PC's and printers nor allow non-COUNTY assets to be physically connected to COUNTY infrastructure. ITS may supply LAFCO with software such as VPN or Terminal software that allows secure connection through the Internet to COUNTY network in support of the agreement.

Web sites developed and supported by outside vendors will not be allowed to be hosted on COUNTY Web servers.

LAFCO must provide their own DSL (or other type connection) outside of COUNTY network traffic for any bandwidth intensive processes or applications such as video conferencing.

Training course costs and other associated training costs are not included in this agreement.

LAFCO is responsible for all data and telecom wiring at their location. If COUNTY ITS is available to provide such services then materials and labor will be billed to LAFCO outside of this agreement.

2. The portion entitled "Services of Information Technology (annual rate)" of Attachment AA of the Agreement is hereby amended to read in full as follows:

1. Services of Information Technology (annual rate):

a. Background. County allocates Internet Technology Service (ITS) costs to all of the County's internal departments each year as part of its budgeting process. The County performs this task by breaking out all ITS costs – into subdivisions, which align with the major services being provided: Administration, Land Use Application, Network Operations, Development, Help Desk, Enterprise Resource Planning, Customer Management and Enterprise Architecture. County then allocates ITS costs throughout the County's departments based on either the number of personal computers ("PCs") or full-time equivalent employees ("FTE"). It is the intent and understanding of the parties that County shall calculate LAFCO's Annual Fee by multiplying the total costs per PC or FTE County utilized for setting the County's own departmental budgets by the number of LAFCO's PCs or FTE.

b. Payment. The Annual Fee shall be payable in arrears on or before the first of the month succeeding the month of service, with the payable monthly rate being 1/12 of the annual rate in effect on the first date of the month of service.

c. Amount of Annual Fee. The Annual Fee shall be as follows:

<u>Fiscal Year</u>	<u>Annual Rate</u>
2003-2004	\$12,900.00
2004-2005	\$12,999.96
2005-2006	\$13,377.96
2006-2007	\$17,799.00
2007-2008	\$16,387.00
2008-2009	\$17,768.00
2009-2010	\$18,705.00
2010-2011	\$14,945.00
2011-2012	\$20,261.00
2012-2013	\$22,009.00


The Annual Fee for Fiscal Year 2013-2014 and thereafter shall remain \$22,009.00 until this Agreement is amended.

3. This Amendment No. 6 of the MA shall be effective as of July 1, 2012.

4. Except as set forth in (1) through (2), above, the terms and provisions of the MA shall remain in full force and effect as previously approved.


IN WITNESS WHEREOF, this Amendment No. 6 of Napa County Agreement No. 4433 was executed by the parties hereto as of the date first above written.

**LOCAL AGENCY FORMATION COMMISSION OF
NAPA COUNTY**

By 
LEWIS CHILTON, Chair of the Agency Board

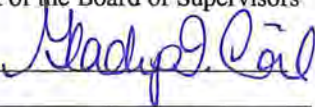
"LAFCO"

**COUNTY OF NAPA, a political subdivision of
the State of California**


By 
KEITH CALDWELL, Chairman of the Board of
Supervisors

"COUNTY"

ATTEST: GLADYS I. COIL,
Clerk of the Board of Supervisors

By: 

<p>APPROVED AS TO FORM Office of County Counsel By: <u>Thomas S. Capriola</u> Date: <u>May 25, 2012</u></p>
<p>APPROVED AS TO FORM Commission Counsel By: <u>Jackie Gong</u> Date: <u>May 29, 2012</u></p>

<p>APPROVED BY THE NAPA COUNTY BOARD OF SUPERVISORS Date: <u>June 26, 2012</u> Processed by: <u></u> Deputy Clerk of the Board</p>

**AMENDMENT NO. 7
NAPA COUNTY AGREEMENT NO. 4433
LOCAL AGENCY FORMATION COMMISSION OF
NAPA COUNTY AGREEMENT NO. 03-02**

**SUPPORT SERVICES BY THE COUNTY OF NAPA TO THE LOCAL AGENCY
FORMATION COMMISSION OF NAPA COUNTY**

THIS AMENDMENT NO. 7 OF NAPA COUNTY AGREEMENT NO. 4433 is made and entered into as of this 1st day of July, 2013, by and between NAPA COUNTY, a political subdivision of the State of California, hereinafter referred to as "COUNTY", and the LOCAL AGENCY FORMATION COMMISSION OF NAPA COUNTY (hereinafter "LAFCO"), a local public agency formed pursuant to the Cortese-Knox-Hertzberg Local Government Reorganization Act (Government Code Section 56000et.seq.);

RECITALS

WHEREAS, on or about July 1, 2003, COUNTY and LAFCO entered into Napa County Agreement No. 4433 (hereinafter referred to as "MA"), amended on or about September 1, 2007, June 17, 2008, July 1, 2009, July 1, 2010, July 1, 2011 and amended on July 1, 2012 for the provision by COUNTY of support services needed for LAFCO's performance of its functions and responsibilities, including information technology services; and

WHEREAS, the parties now desire to amend the MA to modify the annual rates of compensation to COUNTY for services provided by its Information Technology Services Department ("ITS") to reflect changes in the costs to COUNTY to provide such services;

TERMS

NOW, THEREFORE, COUNTY and LAFCO hereby amend the Agreement as follows:

1. The portion entitled "Services of Information Technology (annual rate)" of Attachment AA of the Agreement is hereby amended to read in full as follows:

1. **Services of Information Technology (annual rate):**

- a. **Background.** County allocates Internet Technology Service (ITS) costs to all of the County's internal departments each year as part of its budgeting process. The County performs this task by breaking out all ITS costs – into subdivisions, which align with the major services being provided: Administration, Land Use Application, Network Operations, Development, Help Desk, Enterprise Resource Planning and Customer Management. County then allocates ITS costs throughout the County's departments based on either the number of personal computers ("PCs") or full-time equivalent employees ("FTE"). It is the intent and understanding of the parties that County shall calculate LAFCO's Annual Fee by multiplying the total costs per PC or FTE County utilized for setting the County's own departmental budgets by the number of LAFCO's

PCs or FTE.

b. Payment.

The Annual Fee shall be payable in arrears on or before the first of the month succeeding the month of service, with the payable monthly rate being 1/12 of the annual rate in effect on the first date of the month of service.

c. Amount of Annual Fee. The Annual Fee shall be as follows:

<u>Fiscal Year</u>	<u>Annual Rate</u>
2003-2004	\$12,900.00
2004-2005	\$12,999.96
2005-2006	\$13,377.96
2006-2007	\$17,799.00
2007-2008	\$16,387.00
2008-2009	\$17,768.00
2009-2010	\$18,705.00
2010-2011	\$14,945.00
2011-2012	\$20,261.00
2012-2013	\$22,009.00
2013-2014	\$22,374.00

The Annual Fee for Fiscal Year 2014-2015 and thereafter shall remain \$22,374.00 until this Agreement is amended.

2. This Amendment No. 7 of the MA shall be effective as of July 1, 2013.

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3. Except as set forth in (1) through (2), above, the terms and provisions of the MA shall remain in full force and effect as previously approved.

IN WITNESS WHEREOF, this Amendment No. 7 of Napa County Agreement No. 4433 was executed by the parties hereto as of the date first above written.

**LOCAL AGENCY FORMATION COMMISSION OF
NAPA COUNTY**

By *Brad Wagenknecht*
BRAD WAGENKNECHT, Chair of the Agency Board

"LAFCO"

**NAPA COUNTY, a political subdivision of
the State of California**

By *Brad Wagenknecht*
BRAD WAGENKNECHT, Chairman of the Board of
Supervisors

"COUNTY"

ATTEST: GLADYS I. COIL,
Clerk of the Board of Supervisors

By: *Gladys I. Coil*

APPROVED AS TO FORM
Office of County Counsel
By: *Thomas S. Capriola*
Date: *March 4, 2013*

**APPROVED BY THE NAPA
COUNTY
BOARD OF SUPERVISORS**
Date: *6/13/2013*
Processed by: *[Signature]*
Deputy Clerk of the Board

APPROVED AS TO FORM
Commission Counsel
By: *Yukui Song*
Date: *6/3/13*

**AMENDMENT NO. 8
NAPA COUNTY AGREEMENT NO. 4433
LOCAL AGENCY FORMATION COMMISSION OF
NAPA COUNTY AGREEMENT NO. 03-02**

**SUPPORT SERVICES BY THE COUNTY OF NAPA TO THE LOCAL AGENCY
FORMATION COMMISSION OF NAPA COUNTY**

THIS AMENDMENT NO. 8 OF NAPA COUNTY AGREEMENT NO. 4433 is made and entered into as of this 1st day of July, 2014, by and between NAPA COUNTY, a political subdivision of the State of California, hereinafter referred to as "COUNTY", and the LOCAL AGENCY FORMATION COMMISSION OF NAPA COUNTY (hereinafter "LAFCO"), a local public agency formed pursuant to the Cortese-Knox-Hertzberg Local Government Reorganization Act (Government Code Section 56000et.seq.);

RECITALS

WHEREAS, on or about July 1, 2003, COUNTY and LAFCO entered into Napa County Agreement No. 4433 (hereinafter referred to as "MA"), amended on or about September 1, 2007, June 17, 2008, July 1, 2009, July 1, 2010, July 1, 2011, July 1, 2012 and amended on July 1, 2013 for the provision by COUNTY of support services needed for LAFCO's performance of its functions and responsibilities, including information technology services; and

WHEREAS, the parties now desire to amend the MA to modify the annual rates of compensation to COUNTY for services provided by its Information Technology Services Department ("ITS") to reflect changes in the costs to COUNTY to provide such services;

TERMS

NOW, THEREFORE, COUNTY and LAFCO hereby amend the Agreement as follows:

1. The portion entitled "Services of Information Technology (annual rate)" of Attachment AA of the Agreement is hereby amended to read in full as follows:
 1. **Services of Information Technology (annual rate):**
 - a. **Background.** County allocates Internet Technology Service (ITS) costs to all of the County's internal departments each year as part of its budgeting process. The County performs this task by breaking out all ITS costs – into subdivisions, which align with the major services being provided: Administration, Land Use Application, Network Operations, Development, Help Desk, Enterprise Resource Planning and Customer Management. County then allocates ITS costs throughout the County's departments based on either the number of personal computers ("PCs") or full-time equivalent employees ("FTE"). It is the intent and understanding of the parties that County shall calculate LAFCO's Annual Fee by multiplying the total costs per PC or FTE County utilized for setting the County's own departmental budgets by the number of LAFCO's

PCs or FTE.

b. Payment.

The Annual Fee shall be payable in arrears on or before the first of the month succeeding the month of service, with the payable monthly rate being 1/12 of the annual rate in effect on the first date of the month of service.

c. Amount of Annual Fee. The Annual Fee shall be as follows:

<u>Fiscal Year</u>	<u>Annual Rate</u>
2003-2004	\$12,900.00
2004-2005	\$12,999.96
2005-2006	\$13,377.96
2006-2007	\$17,799.00
2007-2008	\$16,387.00
2008-2009	\$17,768.00
2009-2010	\$18,705.00
2010-2011	\$14,945.00
2011-2012	\$20,261.00
2012-2013	\$22,009.00
2013-2014	\$22,374.00
2014-2015	\$23,663.00

The Annual Fee for Fiscal Year 2015-2016 and thereafter shall remain \$23,663.00 until this Agreement is amended.

2. This Amendment No. 8 of the MA shall be effective as of July 1, 2014.

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3. Except as set forth in (1) through (2), above, the terms and provisions of the MA shall remain in full force and effect as previously approved.


IN WITNESS WHEREOF, this Amendment No. 8 of Napa County Agreement No. 4433 was executed by the parties hereto as of the date first above written.

**LOCAL AGENCY FORMATION COMMISSION OF
NAPA COUNTY**

By 
BRIAN J. KELLY, Chair of the Agency Board


"LAFCO"

**NAPA COUNTY, a political subdivision of
the State of California**

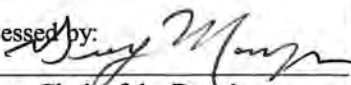
By 
MARK LUCE, Chairman of the Board of
Supervisors

"COUNTY"

ATTEST: GLADYS I. COIL,
Clerk of the Board of Supervisors

By: 

APPROVED AS TO FORM
Office of County Counsel
By: Thomas S. Capriola
Date: March 17, 2014

**APPROVED BY THE NAPA
COUNTY
BOARD OF SUPERVISORS**
Date: 6/10/14
Processed by: 
Deputy Clerk of the Board

APPROVED AS TO FORM
Commission Counsel
By: Jackie Gong
(E-Signature)
Date: 3/18/14

**AMENDMENT NO. 9
NAPA COUNTY AGREEMENT NO. 4433
LOCAL AGENCY FORMATION COMMISSION OF
NAPA COUNTY AGREEMENT NO. 03-02**

**SUPPORT SERVICES BY NAPA COUNTY TO THE LOCAL AGENCY FORMATION
COMMISSION OF NAPA COUNTY**

THIS AMENDMENT NO. 9 OF NAPA COUNTY AGREEMENT NO. 4433 is made and entered into as of this 1st day of July, 2015, by and between NAPA COUNTY, a political subdivision of the State of California, hereinafter referred to as "COUNTY,, and the LOCAL AGENCY FORMATION COMMISSION OF NAPA COUNTY (hereinafter "LAFCO"), a local public agency formed pursuant to the Cortese-Knox-Hertzberg Local Government Reorganization Act (Government Code Section 56000et.seq.).

RECITALS

WHEREAS, on or about July 1, 2003, COUNTY and LAFCO entered into Napa County Agreement No. 4433 (hereinafter referred to as "MA"), amended on or about September 1, 2007, June 17, 2008, July 1, 2009, July 1, 2010, July 1, 2011, July 1, 2012, July 1, 2013 and amended on July 1, 2014 for the provision by COUNTY of support services needed for LAFCO's performance of its functions and responsibilities, including information technology services; and

WHEREAS, the parties now desire to amend the MA to modify the annual rates of compensation to COUNTY for services provided by its Information Technology Services Department ("ITS") to reflect changes in the costs to COUNTY to provide such services;

TERMS

NOW, THEREFORE, COUNTY and LAFCO hereby amend the Agreement as follows:

1. The portion entitled "Services of Information Technology (annual rate)" of Attachment AA of the Agreement is hereby amended to read in full as follows:

1. **Services of Information Technology (annual rate):**

- a. **Background.** County allocates Internet Technology Service (ITS) costs to all of the County's internal departments each year as part of it budgeting process. The County performs this task by breaking out all ITS costs – into subdivisions, which align with the major services being provided: Administration, Land Use Application, Network Operations, Development, Help Desk, Enterprise Resource Planning and Customer Management. County then allocates ITS costs throughout the County's departments based on either the number of personal computers ("PCs") or full-time equivalent employees ("FTE"). It is the intent and understanding of the parties that County shall

calculate LAFCO's Annual Fee by multiplying the total costs per PC or FTE County utilized for setting the County's own departmental budgets by the number of LAFCO's PCs or FTE.

b. Payment.

The Annual Fee shall be payable in arrears on or before the first of the month succeeding the month of service, with the payable monthly rate being 1/12 of the annual rate in effect on the first date of the month of service.

c. Amount of Annual Fee. The Annual Fee shall be as follows:

<u>Fiscal Year</u>	<u>Annual Rate</u>
2003-2004	\$12,900.00
2004-2005	\$12,999.96
2005-2006	\$13,377.96
2006-2007	\$17,799.00
2007-2008	\$16,387.00
2008-2009	\$17,768.00
2009-2010	\$18,705.00
2010-2011	\$14,945.00
2011-2012	\$20,261.00
2012-2013	\$22,009.00
2013-2014	\$22,374.00
2014-2015	\$23,663.00
2015-2016	\$24,052.00

The Annual Fee for Fiscal Year 2016-2017 and thereafter shall remain \$24,052.00 until this Agreement is amended.

2. This Amendment No. 9 of the MA shall be effective as of July 1, 2015.
3. Except as set forth in (1) through (2), above, the terms and provisions of the MA shall remain in full force and effect as previously approved.

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IN WITNESS WHEREOF, this Amendment No. 9 of Napa County Agreement No. 4433 was executed by the parties hereto as of the date first above written.

LOCAL AGENCY FORMATION COMMISSION OF NAPA COUNTY

By *Joan Bennett*
JOAN BENNETT, Chair of the Agency Board

"LAFCO"

NAPA COUNTY, a political subdivision of the State of California

By *Diane Dillon*
DIANE DILLON, Chair of the Board of Supervisors

"COUNTY"

ATTEST: GLADYS I. COIL,
Clerk of the Board of Supervisors

By: *Gladys I. Coil, Deputy*

APPROVED AS TO FORM
Office of County Counsel
By: *Janice Killion (e-sign)*
Date: March 10, 2015

APPROVED BY THE NAPA COUNTY BOARD OF SUPERVISORS
Date: 6/9/15
Processed by: *[Signature]*
Deputy Clerk of the Board

APPROVED AS TO FORM
Commission Counsel
By: *Silva Darbinian (e-sign)*
Date: *March 26, 2015*

Napa County Agreement No. 190289B

AMENDMENT NO. 10
NAPA COUNTY AGREEMENT NO. 4433
LOCAL AGENCY FORMATION COMMISSION OF
NAPA COUNTY AGREEMENT NO. 03-02

**SUPPORT SERVICES BY NAPA COUNTY TO THE LOCAL AGENCY FORMATION
COMMISSION OF NAPA COUNTY**

THIS AMENDMENT NO. 10 OF NAPA COUNTY AGREEMENT NO. 4433 is made and entered into as of this 1st day of July, 2018, by and between NAPA COUNTY, a political subdivision of the State of California (hereinafter referred to as "COUNTY"), and the LOCAL AGENCY FORMATION COMMISSION OF NAPA COUNTY (hereinafter referred to as "LAFCO"), a local public agency formed pursuant to the Cortese-Knox-Hertzberg Local Government Reorganization Act (Government Code Section 56000, *et seq.*).

RECITALS

WHEREAS, COUNTY and LAFCO entered in an agreement on or about July 1, 2003 – Napa County Agreement No. 4433 (hereinafter referred to as "MA") which has subsequently been amended on nine occasions – for COUNTY to provide support services needed for LAFCO's performance of its functions and responsibilities, including information technology services; and

WHEREAS, the parties now desire to amend the MA to modify the annual rate of compensation to COUNTY for services provided by its Information Technology Services Division ("ITS") to reflect changes in the costs to COUNTY to provide such services.

TERMS

NOW, THEREFORE, COUNTY and LAFCO hereby amend the MA as follows:

1. Section 4 of the MA is hereby amended to read in full as follows:

4. REIMBURSEMENT

(a) **Rates**. In consideration of County's fulfillment of the promised services and personnel, LAFCO shall reimburse County for the actual costs (including the costs of labor, equipment, supplies, materials, and incidental travel/transportation) incurred by County and its departments and divisions in providing these services. The rates shall be determined and mutually agreed to by the parties in accordance with Attachment "AA" of the Agreement, including any and all amendments.

(b) **LAFCO Staffing Reimbursement**. LAFCO shall reimburse County for the salary and benefits of County staff primarily assigned to serve LAFCO, including any

increases in salary and benefits that County provides such staff during the term of this Agreement.

(c) **LAFCO-Requested Travel Expense Reimbursement.** LAFCO shall reimburse County for expenses incurred by County departments and divisions for travel by their assigned personnel when such travel has been requested by LAFCO in writing. Such reimbursement shall be in accordance with the travel expense policy approved by County's Board of Supervisors in effect on the date of the travel. Notwithstanding the foregoing, travel costs incurred through use of a County vehicle shall be reimbursed in accordance with the County Equipment Pool rates in effect at the time of the travel.

(d) **Bank Analysis Pass-through Charge.** LAFCO shall reimburse County on a pass-through basis for the costs incurred by County for bank charges relating to LAFCO activities.

(e) **General Liability Coverage/Workers' Compensation Coverage.** LAFCO shall reimburse County for general liability coverage and workers' compensation coverage at the rates established by County each fiscal year.

(f) **Adjustment for Additional LAFCO-Requested Services.** LAFCO shall reimburse County for the actual costs (including the costs of labor, equipment, supplies, materials, and incidental travel/transportation) incurred by County in providing any new or increased services requested by LAFCO. Such additions or increases in services shall be permitted only if approved in writing by the County Executive Officer and LAFCO Executive Officer, including approval of the applicable reimbursement rates.

2. The portion entitled "Services of Information Technology (annual rate)" of Attachment "AA" of the MA is hereby amended to read in full as follows:

1. Services of Information Technology (annual rate):

- a. **Annual Fee.** The Parties acknowledge that compensation of COUNTY under this Agreement is calculated utilizing the ITS Cost Allocation Method for COUNTY's own departments and agencies. On or before April 1 of each year during which the MA is in effect, COUNTY shall provide to LAFCO an invoice setting forth the Annual Fee for the following fiscal year. COUNTY allocates Internet Technology Service ("ITS") costs to all of COUNTY's internal departments each year as part of its budgeting process. COUNTY performs this task by breaking out all ITS costs – into subdivisions, which align with the major services being provided: Administration, Land Use Application, Network Operations, Development, Help Desk, Enterprise Resource Planning and Customer Management. COUNTY then allocates ITS costs throughout COUNTY's departments based on either the number of personal computers ("PCs") or full-time equivalent employees ("FTE"). It is the intent and understanding of the parties that COUNTY shall calculate LAFCO's Annual Fee by multiplying the total costs per PC or FTE COUNTY utilized for setting COUNTY's own departmental budgets by the number

of LAFCO's PCs or FTE.

b. Payment.

The Annual Fee shall be payable on or before the first of the month preceding the quarter of service, with the payable quarterly rate being 1/4 of the annual rate in effect on the first date of the quarter of service.

c. Future Modifications

(1) Procedure for Subsequent Annual Determination of Rates. During the fourth quarter of each fiscal year of this Agreement, the County Executive Officer, or designee, and the Executive Officer of LAFCO shall meet prior to adoption of the respective annual County and LAFCO budgets to determine and calculate the proposed rates for County staff and services to be furnished during the succeeding fiscal year. The rates shall be those necessary to achieve the cost reimbursement provided for in Paragraph 4(a) of the Agreement, subject to the additional factors set forth in Paragraph 4(b) through 4(f) of the Agreement. The annual adjustment of these reimbursement rates so determined shall be approved in writing by the County's Chief Information Officer and the Executive Officer of LAFCO. When so approved, these rates shall become effective for the subsequent fiscal year unless this Agreement is not renewed or otherwise terminated by the County and/or LAFCO.

(2) Modification of Annual Fee Only. The Parties agree and understand that the Annual Fee may fluctuate from fiscal year to fiscal. Based on this understanding, the Parties agree that the Annual Fee each fiscal year shall be determined by the formula specified in Paragraph (c)(1) of this Attachment. This annual fluctuation of the Annual Fee shall not alter, amend, negate, or otherwise affect any other provision or term of the MA, amendments to the MA, or any of the exhibits attached to the MA. Any amendment or alteration to any other provision or term of the MA, its amendments, and/or its exhibits must be done pursuant to Section 22 of the MA.

3. This Amendment No. 10 of the MA shall be effective as of July 1, 2018.

4. Except as set forth in (1) through (3), above, the terms and provisions of the MA shall remain in full force and effect as previously approved.

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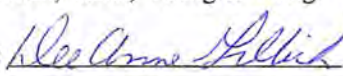
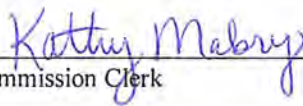

SIGNATURE PAGE FOLLOWS

^(new) **IN WITNESS WHEREOF**, this Amendment No. 10 of Napa County Agreement No. 4433 was executed by the parties hereto as of the date first above written.

LOCAL AGENCY FORMATION COMMISSION OF
NAPA COUNTY

By 
MARGIE MOHLER, Chair of LAFCO

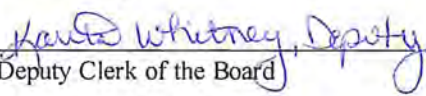
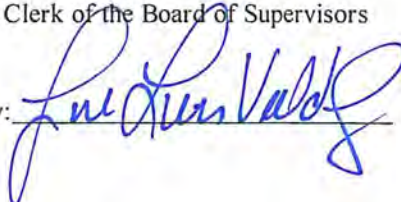
“LAFCO”

<p>APPROVED AS TO FORM Sloan, Sakai, Yeung & Wong</p> <p>By: <u></u></p> <p>Date: <u>8/21/18</u></p>	<p>APPROVED BY LAFCO</p> <p>Date: <u>8/8/18</u></p> <p><u></u> Commission Clerk</p>	<p>ATTEST: BRENDON FREEMAN LAFCO Executive Officer</p> <p>By: <u></u></p>
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NAPA COUNTY, a political subdivision of
the State of California

By 
~~BRAD WAGENKNECHT, Chair~~ Ryan Gregory,
Board of Supervisors Vice Chair

“COUNTY”

<p>APPROVED AS TO FORM Office of County Counsel</p> <p>By: <u>John L. Myers (e-sign)</u> County Counsel</p> <p>Date: <u>7/13/18</u></p>	<p>APPROVED BY THE NAPA COUNTY BOARD OF SUPERVISORS</p> <p>Date: <u>9/11/18</u></p> <p>Processed By: <u></u> Deputy Clerk of the Board</p>	<p>ATTEST: JOSE LUIS VALDEZ Clerk of the Board of Supervisors</p> <p>By: <u></u></p>
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Local Agency Formation Commission of Napa County
Subdivision of the State of California

1754 Second Street, Suite C
Napa, California 94559
Phone: (707) 259-8645
www.napa.lafco.ca.gov

We Manage Local Government Boundaries, Evaluate Municipal Services, and Protect Agriculture

Agenda Item 6d (Action)

TO: Local Agency Formation Commission

PREPARED BY: Brendon Freeman, Executive Officer *BF*
Stephanie Pratt, Clerk, Jr. Analyst *SP*

MEETING DATE: August 5, 2024

SUBJECT: CALAFCO Nominations and Annual Conference Items

RECOMMENDATION

Staff recommends the Commission take the following actions:

- 1) Appoint a voting delegate and an alternate voting delegate for the 2024 California Association of Local Agency Formation Commissions (CALAFCO) Conference;
- 2) If interested, nominate a County Member for the CALAFCO Board of Directors;
and
- 3) If interested, nominate any persons and/or projects for achievement awards.

BACKGROUND AND SUMMARY

The 2024 CALAFCO Annual Conference is scheduled for October 16 – 18 at the **Tenaya Lodge at Yosemite**, 1122 Highway 41, Fish Camp, CA 93623. The Annual Conference will include Board of Directors elections and an achievement awards ceremony.

The Commission will consider appointing voting delegates to represent the agency at the CALAFCO Annual Conference. The Commission will also consider making nominations for the Board as well as achievement awards. A summary of voting delegate appointments and possible nominations follows.

Voting Delegates

Each LAFCO is responsible for appointing a delegate and alternate delegate to participate in the Board elections and business meeting held on the second day of the Annual Conference. Board elections are conducted by the four regions: Central; Coastal; Northern; and Southern. Napa County is in the Coastal Region. Voting delegates may be commissioners (including alternates) and/or staff.

Margie Mohler, Commissioner
Councilmember, Town of Yountville

Anne Cottrell, Chair
County of Napa Supervisor, 3rd District

Kenneth Leary, Vice Chair
Representative of the General Public

Beth Painter, Commissioner
Councilmember, City of Napa

Belia Ramos, Commissioner
County of Napa Supervisor, 5th District

Eve Kahn, Alternate Commissioner
Representative of the General Public

Mariam Aboudamous, Alternate Commissioner
Councilmember, City of American Canyon

Joelle Gallagher, Alternate Commissioner
County of Napa Supervisor, 1st District

Brendon Freeman
Executive Officer

Board Nominations

Board elections for the Coastal Region’s County and Special District seats will occur at the Annual Conference on Thursday, October 17. Nominations for these seats must be signed by the respective LAFCO Chair and include a completed resume form for the candidate. Although not advised, candidates may also be nominated from the floor. Board members serve two-year terms, and there are no term limits. The incumbent CALAFCO Coastal Region County and Special District Members are Wendy Root Askew (Monterey) and Michael McGill (Contra Costa), respectively.

The Commission may nominate any of its regular or alternate County Members for the Coastal Region County seat. The Commission does not have special district representation.

Notably, Commissioners Leary and Mohler currently serve on the Board as the Coastal Region’s Public and City members, respectively. Commissioner Mohler also currently serves as Board Chair. With this in mind, staff does *not* recommend nominating a County member given that the Commission already has ample representation on the Board. Nevertheless, the Commission has an opportunity to make a nomination by submitting a nomination packet, included as Attachment 1, by Monday, September 16. Further, this discussion serves as an opportunity for a County member to signal their interest in a future nomination.

Achievement Award Nominations

CALAFCO invites individual LAFCOs to nominate persons or projects for various achievement awards ranging from “Lifetime Achievement Award” to “Outstanding Commissioner”. Award winners will be announced during the banquet dinner scheduled for Thursday, October 17. If the Commission would like to nominate any persons or projects for awards, the deadline to submit a nomination packet, included as Attachment 2, is Saturday, August 31.

The Commission’s most recent achievement awards were in 2023 when the Commission received the Mike Gotch Agricultural Preservation Award, the Commission’s legal counsel firm received the Associate Member Achievement Award, and Napa LAFCO Assistant Executive Officer Dawn Mittleman Longoria received the Lifetime Achievement Award.

Staff does not have a recommendation for any persons or projects to nominate for awards. Nevertheless, the Commission is invited to consider making any desired nominations.

ATTACHMENTS

- 1) CALAFCO Invitation for Board Nominations
- 2) CALAFCO Invitation for Achievement Award Nominations

Date: May 21, 2024	
To: Local Agency Formation Commission Members and Alternate Members	
From: Kenneth Leary, Committee Chair CALAFCO Board Election Committee CALAFCO Board of Directors	
RE: Nomination Period Now Open for 2024/2025 CALAFCO Board of Directors	

The Nomination Period is now open for the fall elections of the CALAFCO Board of Directors for the following seats:

CENTRAL REGION	COASTAL REGION	NORTHERN REGION	SOUTHERN REGION
County Member	County Member	City Member	City Member
District Member	District Member	Public Member	Public Member

Please inform your Commission that the CALAFCO Election Committee will be accepting nominations for the above-cited seats until:

MONDAY, SEPTEMBER 16, 2024

<p><i>Serving on the CALAFCO Board is a unique opportunity to work with other commissioners throughout the state on legislative, fiscal, and operational issues that affect us all. The Board meets four to five times each year, generally virtually. However, strategic plan retreats and other meetings may be scheduled in-person and will alternate around the state. A job description is attached that more fully discusses director responsibilities and time commitment.</i></p>	<p><i>Board terms span a two-year period, with no term limits, and any LAFCO commissioner or alternate commissioner is eligible to run for a Board seat.</i></p> <p><i>Elections will be conducted during Regional Caucuses at the CALAFCO Annual Conference prior to the Annual Membership Meeting on Thursday, October 17, 2024 at the Tenaya Lodge in Fish Camp, California.</i></p>
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Should your Commission nominate a candidate, please return the completed Nomination Form and Candidate’s Résumé Form by the deadline. Completed nomination forms and all materials must be RECEIVED by CALAFCO by the deadline.

Electronic filing of nomination forms is **highly encouraged** to facilitate the recruitment process. Please email to info@calafco.org. However, hard copy forms and materials may also be mailed to:

Election Committee c/o Executive Director
California Association of Local Agency Formation Commissions
1451 River Park Drive, Suite 185
Sacramento, CA 95815

Complete nominations received by the September 16th deadline will be included in the Election Committee's Report that will be distributed to LAFCO members. Candidate names will be listed in the report, and on the ballot, in the order nominations are received. The Election Committee Report will be distributed no later than October 3, 2024, with ballots made available to Voting Delegates at the Annual Conference.

Nominations received after the deadline will be returned; however, nominations may be made from the floor during the Regional Caucuses or during at-large elections, if required, at the Annual Membership Meeting.

For those member LAFCOs who cannot send a representative to the Annual Meeting, an electronic ballot will be made available *if requested in advance*. **Ballot requests must also be received no later than Monday, September 16, 2024, with completed absentee ballots due by no later than Thursday, October 10, 2024.**

NOMINATION/ELECTION PROCESS DEADLINES AND TIMELINES

- **May 21** – Nomination Announcement and packet sent to LAFCO membership and posted on the CALAFCO website.
- **September 16** – Completed Nomination packet due
- **September 16** – Request for an absentee/electronic ballot due
- **September 16** – Voting delegate name due to CALAFCO
- **October 3** – Distribution of the Election Committee Report (includes all completed/submitted nomination papers)
- **October 3** – Distribution of requested absentee/electronic ballots.
- **October 10** – Absentee ballots due to CALAFCO
- **October 17** - Elections

If you have any questions about the election process, please contact CALAFCO Executive Director René LaRoche at rlaroche@calafco.org or by calling 916-442-6536.

Members of the 2024/2025 CALAFCO Election Committee are:

Kenneth Leary, Committee Chair	Napa LAFCO (Coastal Region)
Bill Connelly	Butte LAFCO (Northern Region)
Kimberly Cox	San Bernardino LAFCO (Southern Region)
Anita Paque	Calaveras LAFCO (Central Region)

To assist you in this consideration, you will find attached for your reference a copy of the CALAFCO Board Member Job Description, the CALAFCO Board of Directors Nomination and Election Procedures and Forms, and the current listing of Board Members and corresponding terms of office.

I sincerely hope that you will consider joining us!

Attachments.



Board Member Job Description

California Association of Local Agency Formation Commissions (CALAFCO) Member of the Board of Directors

Mission

As a 501(c)(3) nonprofit organization, CALAFCO supports LAFCOs by *promoting efficient and sustainable government services based on local community values through legislative advocacy and education.*

For more information, please see CALAFCO's website at www.calafco.org.

Values

The underlying values that define our organization are: *dependability, efficiency, honesty, and transparency.*

Duties

Board members have the following legal duties:

1. **Duty of Care:** *Ensuring prudent use of all assets including financial, facility, people, and good will.*
2. **Duty of Loyalty:** *Ensuring that the association's activities and transactions are, first and foremost, advancing its mission; Recognizing and disclosing conflicts of interest; Making decisions that are in the best interest of the association and not in the best interest of an individual board member, or any other individual or entity.*
3. **Duty of Obedience:** *Ensuring that the association obeys applicable laws and regulations; follows its own bylaws and policies; and that it adheres to its stated corporate purposes/mission.*

Position

The Board is a governing body and is expected to support the work of CALAFCO by providing mission-based leadership and strategic governance. While day-to-day operations are led by CALAFCO's Executive Director (ED), the Board-ED relationship is a partnership and the appropriate involvement of the Board is both critical and expected. Board Members are tasked with the Leadership, Governance, and Oversight of the association. Responsibilities include, but are not limited to:

- Representing CALAFCO to stakeholders; acting as an ambassador for the organization to regional members and California legislators.

Board Member Job Description

- Approving policies that provide the appropriate authority and guidance for/to the ED in the administration of the organization.
- Serving as a trusted advisor to the ED.
- Participating in strategic planning retreats.
- Reviewing agenda and supporting materials, and communicating question to the Executive Director, prior to board and committee meetings.
- Weighing the organization's outcomes against strategic plan initiatives.
- Approving CALAFCO's annual budget, financial reports, and business decisions; being informed of, and meeting all, legal and fiduciary responsibilities.
- Assisting the ED and board chair in identifying and recruiting other Board Members to ensure CALAFCO's commitment to a diverse board and staff that recognizes the differing perspectives among LAFCOs.
- Partnering with the ED and other board members to ensure that board resolutions are carried out.
- Serving on committees or task forces and taking on special assignments, as needed.

Board Terms/Expected Participation

CALAFCO's Board Members are elected during regional caucuses held at the association's annual meeting, and serve two-year terms.

Regular board meetings are held quarterly, special meetings are called as needed, strategic planning retreats are held every two years, committee meetings are called at different times during the year, and legislative canvassing in Sacramento may be needed. Two absences, within a calendar year, from any regularly scheduled board meetings constitutes a resignation of the Board member.

Qualifications

Board Members must be seated LAFCO Commissioners at their local level.

This is an extraordinary opportunity for an individual who is passionate about the importance of the role that LAFCOs play in the sustainable growth of a region, and who has a track record of leadership. His/her accomplishments will allow him/her to interface effectively with the state legislature, as well as attract other well-qualified, high-performing Board Members.

Remuneration

Service on CALAFCO's Board of Directors is without remuneration. Administrative support, travel, and accommodation costs are typically provided by a director's home LAFCO.



Board of Directors Nomination and Election Procedures and Forms

The procedures for nominations and election of the CALAFCO Board of Directors [Board] are designed to assure full, fair and open consideration of all candidates, provide confidential balloting for contested positions and avoid excessive demands on the time of those participating in the CALAFCO Annual Conference.

The Board nomination and election procedures shall be:

1. APPOINTMENT OF AN ELECTION COMMITTEE:

- a. Following the Annual Membership Meeting the Board shall appoint an Election Committee of four members of the Board. The Election Committee shall consist of one member from each region whose term is not ending.
- b. The Board Chair shall appoint one of the members of the Election Committee to serve as Committee Chair. The CALAFCO Executive Director shall either serve as staff to the Election Committee or appoint a CALAFCO regional officer to serve as staff in cooperation with the Executive Director.
- c. Each regional officer shall serve as staff liaison to the Election Committee specifically to assist in conducting the election as directed by the Executive Director and Committee.
- d. Goals of the Committee are to encourage and solicit candidates by region who represent member LAFCOs across the spectrum of geography, size, and urban-suburban-rural population, and to provide oversight of the elections process.

2. ANNOUNCEMENT TO ALL MEMBER LAFCOs:

- a. No later than four months prior to the Annual Membership Meeting, the Election Committee Chair shall send an announcement to each LAFCO for distribution to each commissioner and alternate. The announcement shall include the following:
 - i. A statement clearly indicating which offices are subject to the election.
 - ii. A regional map including LAFCOs listed by region.
 - iii. The specific date by which all nominations must be received by the Election Committee. The deadline shall be no later than 30 days prior to the opening of the Annual Conference. Nominations received after the closing date shall be returned to the proposing LAFCO marked "Received too late for Election Committee action."
 - iv. The names of the Election Committee members and the name of their LAFCO, regional representation, email address and phone number. The name, email address and phone number of the Executive Director shall also be included.
 - v. The email address and physical address to send the nominations forms.
 - vi. A form for a Commission to use to nominate a candidate and a candidate resume form of no more than one page each to be completed for each nominee.
 - vii. The specific date by which all voting delegate names are due.
 - viii. The specific date by which absentee ballots must be requested, the date CALAFCO will

Key Timeframes for Nominations Process

Days*	
120	Nomination announcement
30	Nomination deadline
14	Committee report released

*Days prior to annual membership meeting

distribute the absentee ballots, and the date by which they must be received by the Executive Director.

- b. A copy of these procedures shall be posted on the web site.

3. THE ELECTION COMMITTEE:

- a. The Election Committee and the Executive Director have the responsibility to monitor nominations and help assure that there are adequate nominations from each region for each seat up for election. No later than two weeks prior to the Annual Conference, the Election Committee Chair shall distribute to the members the Committee Report organized by regions, including copies of all nominations and resumes, which are received prior to the end of the nomination period.
- b. At the close of the nomination period, the Election Committee shall prepare regional ballots. Each region will receive a ballot specific to that region. Each region shall conduct a caucus at the Annual Conference for the purpose of electing their designated representatives. Caucus elections must be held prior to the annual membership meeting at the Conference. The assigned regional officers along with a member of the Election Committee shall tally ballots at each caucus and provide the Election Committee the names of the elected Board members and any open seats. In the event of a tie, the regional officer and Election Committee member shall immediately conduct a run-off ballot of the tied candidates.
- c. Make available sufficient copies of the Committee Report for each Voting Delegate by the beginning of the Annual Conference. Only the designated Voting Delegate, or the designated Alternate Voting Delegate shall be allowed to pick up the ballot packet at the Annual Conference.
- d. Make available blank copies of the nomination forms and resume forms to accommodate nominations from the floor at either the caucuses or the annual meeting (if an at-large election is required).
- e. Advise the Executive Director to provide "CANDIDATE" ribbons to all candidates attending the Annual Conference.
- f. Advise the Executive Director to provide "VOTING DELEGATE" ribbons to all voting delegates attending the Annual Conference.
- g. Post the candidate statements/resumes organized by region on a bulletin board or other easily accessible location near the registration desk.
- h. Regional elections shall be conducted as described in Section 4 below. The representative from the Election Committee shall serve as the Presiding Officer for the purpose of the caucus election and shall be assisted by a regional officer from a region other than their own, as assigned by the Executive Director
- i. Following the regional elections, in the event that there are open seats for any offices subject to the election, the Election Committee Chair shall notify the Chair of the Board of Directors that an at-large election will be required at the annual membership meeting and to provide a list of the number and category of seats requiring an at-large election.

4. ELECTRONIC BALLOT FOR LAFCO IN GOOD STANDING NOT ATTENDING ANNUAL MEETING

Limited to the elections of the Board of Directors

- a. Any LAFCO in good standing shall have the option to request an electronic ballot if there will be no representative attending the annual meeting.
- b. LAFCOs requesting an electronic ballot shall do so in writing to the Executive Director no later than 30 days prior to the annual meeting.
- c. The Executive Director shall distribute the electronic ballot no later than two weeks prior to the

annual meeting.

- d. LAFCO must return the ballot electronically to the Executive Director no later than three working days prior to the annual meeting.
- e. LAFCOs voting by electronic ballot may discard their electronic ballot if a representative is able to attend the annual meeting.
- f. LAFCOs voting under this provision may only vote for the candidates nominated by the Election Committee as noted on the ballot and may not vote in any run-off elections.

5. AT THE TIME FOR ELECTIONS DURING THE REGIONAL CAUCUSES OR ANNUAL MEMBERSHIP MEETING:

- a. The Presiding Officer shall:
 - i. Review the election procedure with the membership of their region.
 - ii. Present the Election Committee Report (previously distributed).
 - iii. Call for nominations from the floor by category for those seats subject to this election:
 - 1. For city member.
 - 2. For county member.
 - 3. For public member.
 - 4. For special district member.
- b. To make a nomination from the floor, a LAFCO, which is in good standing, shall identify itself and then name the category of vacancy and individual being nominated. The nominator may make a presentation not to exceed two minutes in support of the nomination.
- c. When there are no further nominations for a category, the Presiding Officer shall close the nominations for that category.
- d. The Presiding Officer shall conduct a "Candidates Forum". Each candidate shall be given time to make a brief statement for their candidacy. If a candidate is absent from the regional caucus, they may ask someone in their region to make a brief statement on their behalf.
- e. The Presiding Officer shall then conduct the election:
 - i. For categories where there are the same number of candidates as vacancies, the Presiding Officer shall:
 - 1. Name the nominees and offices for which they are nominated.
 - 2. Call for a voice vote on all nominees and thereafter declare those unopposed candidates duly elected.
 - ii. For categories where there are more candidates than vacancies, the Presiding Officer shall:
 - 1. Poll the LAFCOs in good standing by written ballot.
 - 2. Each LAFCO in good standing may cast its vote for as many nominees as there are vacancies to be filled. The vote shall be recorded on a tally sheet.

3. Any ballots submitted electronically for candidates included in the Election Committee Report shall be added to the tally.
 4. With assistance from the regional officer, tally the votes cast and announce the results.
- iii. Election to the Board shall occur as follows:
1. A majority of the total number of LAFCOs in a given region are required for a quorum. Returned absentee ballots shall count towards the total required for a quorum.
 2. The nominee receiving the majority of votes cast is elected.
 3. In the case of no majority, the two nominees receiving the two highest number of votes cast shall face each other in a run-off election. Electronic ballots are not included in the tally for any run-off election(s).
 4. In case of tie votes:
 - a. A second run-off election shall be held with the same two nominees.
 - b. If there remains a tie after the second run-off, the winner shall be determined by a draw of lots.

6. ADDITIONAL PROCEDURES

- a. For categories where there are more candidates than vacancies, names shall be listed on the ballot in the order the nomination was received and deemed complete.
- b. The Election Committee Chair shall announce and introduce all Board Members elected during the Regional Caucuses at the annual business meeting.
- c. In the event that Board seats remain unfilled after a Regional Caucus, an election will be held immediately at the annual business meeting to fill the position at-large. Nominations will be taken from the floor and the election process will follow the procedures described in Section 4 above. Any commissioner or alternate from a member LAFCO may be nominated for at-large seats.
- d. Seats elected at-large become subject to regional election at the expiration of the term. Only representatives from the region may be nominated for the seat.
- e. As required by the Bylaws, the members of the Board shall meet as soon as possible after election of new Board members for the purpose of electing officers, determining meeting places and times for the coming year, and conducting any other necessary business.

7. LOSS OF ELECTION IN HOME LAFCO

Board Members and candidates who lose elections in their home office shall notify the Executive Director within 15 days of the certification of the election.

8. FILLING BOARD VACANCIES

Vacancies on the Board of Directors may be filled by appointment by the Board for the balance of the unexpired term. Appointees must be from the same category as the vacancy, and should be from the same region.

CALAFCO's Four Regions



The counties in each of the four regions consist of the following:

Northern Region

Butte
Colusa
Del Norte
Glenn
Humboldt
Lake
Lassen
Mendocino
Modoc
Nevada
Plumas
Shasta
Sierra
Siskiyou
Sutter
Tehama
Trinity
Yuba

CONTACT: Steve Lucas
Butte LAFCO
slucas@buttecounty.net

Southern Region

Orange
Los Angeles
Imperial
Riverside
San Bernardino
San Diego

CONTACT: Gary Thompson
Riverside LAFCO
gthompson@LAFCO.org

Coastal Region

Alameda
Contra Costa
Marin
Monterey
Napa
San Benito
San Francisco
San Luis Obispo
San Mateo
Santa Barbara
Santa Clara
Santa Cruz
Solano
Sonoma
Ventura

CONTACT: Dawn Longoria
Napa LAFCO
dawn.longoria@napa.lafco.ca.gov

Central Region

Alpine
Amador
Calaveras
El Dorado
Fresno
Inyo
Kings
Madera
Mariposa
Merced
Mono
Placer
Sacramento
San Joaquin
Stanislaus
Tulare
Tuolumne
Yolo

CONTACT: José Henriquez
Sacramento LAFCO
henriquezj@sacounty.net

CURRENT BOARD MEMBERS AND TERMS

NAME	REGION	TYPE & TERM
Bill Connelly	Butte <i>Northern</i>	County (2025)
Kimberly Cox	San Bernardino Southern	District (2025)
Rodrigo Espinosa	Merced <i>Central</i>	County (2024)
Yxstian Gutierrez	Riverside Southern	County (2025)
Blake Inscore, Secretary	Del Norte <i>North</i>	City (2024)
Gay Jones, Treasurer	Sacramento <i>Central</i>	District (2024)
Kenneth Leary	Napa Coastal	Public (2025)
Gordon Mangel	Nevada <i>Northern</i>	District (2025)
Michael McGill	Contra Costa <i>Coastal</i>	District (2024)
Derek McGregor	Orange <i>Southern</i>	Public (2024)
Margie Mohler, Chair	Napa <i>Coastal</i>	City (2025)
Anita Paque	Calaveras <i>Central</i>	Public (2025)
Wendy Root Askew	Monterey <i>Coastal</i>	County (2024)
Josh Susman	Nevada <i>Northern</i>	Public (2024)
Tamara Wallace	El Dorado Central	City (2025)
Acquanetta Warren, Vice-Chair	San Bernardino <i>Southern</i>	City (2024)



Board of Directors

2024/2025 Nomination Form

*(Must accompany the Candidate Résumé Form)**Nomination to the CALAFCO Board of Directors*

In accordance with the Nominations and Election Procedures of CALAFCO,

_____ LAFCO of the _____ Region

Nominates _____

for the (check one) City County Special District Public

Position on the CALAFCO Board of Directors to be filled by election at the next Annual

Membership Meeting of the Association.

LAFCO Chair_____
Date**NOTICE OF DEADLINE**Nomination Packets must be received by **September 16, 2024** to be considered by the Election Committee.Send completed nominations to
info@calafco.org

Or, mail to:

CALAFCO Election Committee
CALAFCO
1451 River Park Drive, Ste. 185
Sacramento, CA 95815

Date Received



Board of Directors 2024/2025 Candidate Résumé Form

(Complete both pages)

Nominated By: _____ LAFCO Date: _____

Region (please check one): Northern Coastal Central Southern

Category (please check one): City County Special District Public

Candidate Name _____

Address _____

Phone Office _____ Mobile _____

e-mail _____

Personal and Professional Background:

LAFCO Experience:

CALAFCO or State-level Experience:

Availability:

Other Related Activities and Comments:

NOTICE OF DEADLINE

Complete Nomination Packets must be received by **September 16, 2024** to be considered by the Election Committee.

Send completed nominations to
info@calafco.org

Or, mail to:

CALAFCO Election Committee
CALAFCO
1451 River Park Drive, Ste. 185
Sacramento, CA 95815



SUPPORTING SUSTAINABLE
COMMUNITY GROWTH

Date: May 13, 2024

To: CALAFCO Members
LAFCO Commissioners and Staff
Other Interested Organizations

From: Blake Inscore, Committee Chair
CALAFCO Achievement Awards Committee
CALAFCO Board of Directors

Subject: 2024 CALAFCO Achievement Award Nominations
Period Open



Deadline: Saturday, August 31, 2024

On behalf of the Association, I am pleased to announce that the nomination period for the 2024 CALAFCO Achievement Awards is now open!

Each year, CALAFCO is honored to recognize outstanding achievements by dedicated and committed individuals and/or organizations from throughout the state at its Annual Conference Achievement Awards Ceremony. This year's ceremony will be held at the gorgeous Tenaya Lodge just outside Yosemite National Park on October 17th, during the awards banquet.

Recognizing individual and organizational achievements is an important responsibility. It provides visible recognition and support to those who have gone ***above and beyond*** over the last year to advance the principles and goals of the Cortese-Knox-Hertzberg Act. We invite you to use this opportunity to nominate the individuals and organizations you feel deserve this important recognition based on the criteria outlined.

Before submitting a nomination, ***please carefully review the nomination instructions and the criteria for each award as incomplete nominations, and nominations that do not adhere to the submission guidelines, will not be considered by the Committee.***

ACHIEVEMENT AWARDS NOMINATION PROCEDURE:

1. Most nominations may be made by an individual, a LAFCO, a CALAFCO Associate Member, or any other organization.
2. Each nomination must meet the specific award category criteria for consideration.
3. With the exception of the Lifetime Achievement Award, all nominated projects or acts of service must have occurred or been completed between August 18, 2023, and August 15, 2024.
4. Nominations ***must be submitted with a completed nomination form***. Please use a separate form for each

nomination. The form is your opportunity to highlight the most important points of your nomination.

5. Nomination *Executive Summaries* must be **limited to no more than 250 words in length**. Nomination *Summaries* must be **limited to no more than 1,000 words or 2 pages in length maximum**. You are encouraged to write them in a clear, concise and understandable manner. If the Awards Committee members require additional information, you will be contacted with that request. Any nomination received that exceeds this amount **will not be considered by the Committee**.
6. All supporting information (e.g. reports, news articles, etc.) must be submitted with the nomination. **Limit supporting documentation to no more than 3 pages**. If the Awards Committee members require additional information, you will be contacted with that request. Any nomination received that exceeds this amount **will not be considered by the Committee**.
7. All nomination materials must be submitted at one time and must be received by the deadline. No late nominations will be accepted – no exceptions. Electronic submittals are required and must be submitted as pdf document, using the fillable pdf document provided.
8. **Nominations and all supporting materials must be received no later than Saturday, August 31, 2024**. Send nominations via e-mail to:

Stephen Lucas, CALAFCO Executive Officer
slucas@buttecounty.net

You may contact Steve Lucas, CALAFCO Executive Officer, at slucas@buttecounty.net or (530) 538-7784 with any questions.

Members of the 2024 CALAFCO Board of Directors Awards Committee

Board Members:

Blake Inscore, Committee Chair (Del Norte LAFCO, Northern Region)
Rodrigo Espinosa (Merced LAFCO, Central Region)
Kenneth Leary (Napa LAFCO, Coastal Region)
Anita Paque (Calaveras LAFCO, Central Region)

Regional Officer Members:

<i>Steve Lucas</i> , CALAFCO Executive Officer (Northern Region)	slucas@buttecounty.net
<i>José Henriquez</i> , CALAFCO Deputy Executive Officer (Central Region)	henriquezj@saccounty.net
<i>Dawn Longoria</i> , CALAFCO Deputy Executive Officer (Coastal Region)	dlongoria@napa.lafco.ca.gov
<i>Gary Thompson</i> , CALAFCO Deputy Executive Officer (Southern Region)	gthompson@lafco.org

Attachments:

- Achievement Award categories, nomination and selection criteria
- Listing of prior Achievement Award recipients
- 2024 Achievement Award nomination form (separate file)



CALAFCO ACHIEVEMENT AWARD CATEGORIES, NOMINATION & SELECTION CRITERIA

Every year, CALAFCO recognizes excellence within the LAFCO community, and among the full membership, by presenting *Achievement Awards* at the CALAFCO Annual Conference. Nominations are now open and being accepted until **Saturday, August 31, 2024** in the following categories:

OUTSTANDING CALAFCO VOLUNTEER

Award Summary:

Recognizes a CALAFCO volunteer who has provided exemplary service **during the year past**. Exemplary service is service which clearly goes above and beyond that which is asked or expected in the charge of their responsibilities. This category may include a CALAFCO Board member, regional officer, program volunteer, or any other requested volunteer.

Nomination criteria:

1. Nominee must have volunteered for the Association during the year in which the nomination is being made.
2. Nominee does not have to be a CALAFCO member.
3. Volunteer efforts must have demonstrated the individual going above and beyond what was asked/expected with positive and effective results.
4. Nominee can be a CALAFCO Board member, regional officer, program volunteer or any other volunteer.

Selection criteria:

1. Must meet all nomination criteria requirements for consideration.
2. Equal consideration shall be given to each nominee, regardless of their position or role as a volunteer. Only the contributions and outcomes shall be considered, not the individual's position.
3. The extent of the volunteerism and the overall impact to the statewide Association and membership based on that volunteerism shall be considered.
4. Preference may be given to individuals who have not previously received this award and meet all the required criteria.

OUTSTANDING CALAFCO ASSOCIATE MEMBER

Award Summary:

Presented to an active CALAFCO Associate Member (person or agency) that has advanced or promoted the cause of LAFCOs by consistently producing distinguished work that upholds the mission and goals of LAFCOs and has helped elevate the role and mission of LAFCOs through its work. Recipient consistently demonstrates a collaborative approach to LAFCO stakeholder engagement.

Further, the individual or firm has a proven commitment to the Association membership through volunteering time and resources to further the cause of LAFCO and CALAFCO.

Nomination criteria:

1. Nominee must be a CALAFCO Associate Member in good standing with the Association.
2. Nominee shall be an Associate Member for the full year in which the nomination is being made.
3. The Associate Member nominated shall have been an Associate Member in good standing with the Association for at least one year prior to the year for which the nomination is being made.
4. As an Associate Member, the nominee may be an individual, firm or agency.
5. The nominee may be an individual within an Associate Member firm or agency.
6. Nominee shall demonstrate that through their work as an Associate Member, the role and mission of LAFCO has been upheld and furthered.
7. Nominee must have proven cooperative and collaborative approaches to situations and solutions that affect LAFCOs statewide as an Associate Member.
8. Proven commitment to the Association's membership as an Associate Member by volunteering resources to the Association during the year in which the nomination is made.

Selection criteria:

1. Must meet all nomination criteria requirements for consideration.
2. Equal consideration shall be given to all nominees that meet the nominating criteria.
3. The level of volunteering time and resources to the Association shall be a consideration with all other nomination criteria.

OUTSTANDING COMMISSIONER

Award Summary:

Presented to an individual Commissioner for extraordinary service to his or her Commission. Extraordinary service is considered actions above and beyond those required in the course of fulfilling their statutory responsibilities as a Commissioner. It requires consistently demonstrating independent judgment on behalf of the interest of the entire county, developing innovative and collaborative solutions to local issues, and leading the commission and community by example.

Nomination criteria:

1. Nominee must be a Commissioner of a LAFCO in good standing with the Association.
2. Nominee shall be a Commissioner for the full year in which the nomination is being made.
3. Proven demonstration of consistently exercising independent judgment for the greater good of the County is required.
4. Proven leadership of the commission and the community through collaborative, innovative and creative solutions to local issues is required.
5. Proven effective results and outcomes shall be demonstrated in the nomination.

Selection criteria:

1. Must meet all nomination criteria requirements for consideration.
2. Equal consideration shall be given to all nominees that meet the nominating criteria.
3. Representation type (city-county-district-public) shall not be a consideration nor shall be the size or geographic area of the LAFCO on which the Commissioner serves.

4. The overall impact of the leadership of the Commissioner shall be considered.
5. Preference may be given to individuals who have not previously received this award and meet all the required criteria.

OUTSTANDING LAFCO PROFESSIONAL

Award Summary:

Recognizes an Executive Officer, Staff Analyst, Clerk, Legal Counsel or any other LAFCO staff person for exemplary service during the past year. Exemplary service is considered actions which clearly go above and beyond that which is asked, expected, or required in the charge of their LAFCO responsibilities.

Nomination criteria:

1. Nominee must be a staff person of a LAFCO in good standing with the Association.
2. Nominee shall be a staff person for the full year in which the nomination is being made.
3. As a staff person, the nominee can be either an employee of the LAFCO or a contractor providing employee-type services to the LAFCO.
4. Efforts must be demonstrated that the individual has consistently gone above and beyond or outside the scope of their role or job responsibilities, with proven results that otherwise would not have occurred.

Selection criteria:

1. Must meet all nomination criteria requirements for consideration.
2. Equal consideration shall be given to all nominees that meet the nominating criteria.
3. Position within a LAFCO shall not be a consideration, nor shall be the size or geographic area of the LAFCO.
4. The overall impact of the LAFCO professional to their LAFCO and the greater community shall be considered.
5. Preference may be given to individuals who have not previously received this award and meet all the required criteria.

LIFETIME ACHIEVEMENT AWARD

Award Summary:

Recognizes any individual who has made extraordinary contributions to the statewide LAFCO community in terms of longevity of service, exemplary advocacy of LAFCO-related legislation, proven leadership in approaching a particular issue or issues, and demonstrated support in developing and implementing innovative and creative ways to support the goals of LAFCOs throughout California. At a minimum, the individual should be involved in the LAFCO community for at least twenty (20) years.

Nomination criteria:

1. Nomination must be received from a member LAFCO or Associate Member in good standing with the Association.
2. A minimum of 20 years direct involvement with the LAFCO community is required for

consideration.

3. During that time, nominee shall have a proven positive impact and effect on the support and evolution of LAFCOs statewide.
4. This includes advocacy of LAFCOs statewide through legislation, developing creative and innovative solutions to LAFCO issues that serve beyond their LAFCO to the greater good, and collaborative stakeholder approaches to issues and opportunities to further the cause and mission of LAFCO.

Selection criteria:

1. Must meet all nomination criteria requirements for consideration.
2. Preference may be given to nominees who also have proven experience volunteering for CALAFCO through a regional officer role, serving on committees, serving on the CALAFCO Board, or any other method of volunteering for the Association that serves to promote and support the mission and work of LAFCOs throughout the state.

LEGISLATOR OF THE YEAR

Award Summary:

Presented to a member of the California State Senate or Assembly in recognition of leadership and valued contributions in support of LAFCO goals that have a statewide effect. The recipient shall have demonstrated clear support and effort to further the cause and ability of LAFCOs to fulfill their statutory mission. Selected by CALAFCO Board by super majority.

Nomination criteria:

1. Nominee shall be a California State legislator during the full year in which the nomination was made.
2. Nominee must have demonstrated extraordinary leadership in the Legislature on behalf of LAFCOs statewide, with efforts resulting in a positive impact for all LAFCOs.

Selection criteria:

1. Must meet all nomination criteria requirements for consideration.
2. All Legislator of the Year nominations shall be forwarded by the Achievement Awards Committee to the Board for consideration.
3. Selection of the recipient of this award shall be done with a super majority approval of the Board (present at the time of the vote).

MIKE GOTCH EXCELLENCE IN PUBLIC SERVICE AWARD

Award Summary:

Awarded to an individual, group or agency for actions that rise above expected or common functions or actions that are LAFCO-related; *and* reduce or eliminate common institutional roadblocks; *and* result in a truly extraordinary public service outcome. Individuals, a LAFCO, or collaborative effort among multiple LAFCOs or a LAFCO with other entities are eligible. Other entities shall be decision-making bodies at the local, regional or state level. This award has two distinct categories, each focusing on a specific area:

1. *Protection of agricultural and open space lands and prevention of sprawl*

2. *Innovation, collaboration, outreach and effective support of the evolution and viability of local agencies, promotion of efficient and effective delivery of municipal services*

Award categories:

• **Protection of agricultural and open space lands and prevention of sprawl**

Includes the development and implementation of programs or other actions associated with agriculture, water, flood control, parks and recreation, habitat conservation plans and public lands. Demonstrates the recipient has identified, encouraged and ensured the preservation of agricultural and open space lands. Proven actions that encourage cities, counties and special districts to direct development away from all types of agricultural lands, including prime agricultural lands and open space lands. Includes demonstrated consideration given in decisions to Regional Transportation Plans, including sustainable communities strategies and other growth plans to ensure reliable services, orderly growth, and sustainable communities.

• **Innovation, collaboration, outreach and effective support of the evolution and viability of local agencies, promotion of efficient and effective delivery of municipal services**

Includes the development and implementation of innovate support and systems within internal LAFCO operations in the support of local agencies. Actions produce systemic and sustainable improvements and innovation of local government. Proven facilitation of constructive discussions with local and regional agencies and proactive outreach to local and regional agencies as well as local stakeholders and communities to identify issues and solutions and demonstrated action as a coordinating agency in offering and supporting unique local solutions to meet local challenges. Successful demonstration of development of capacities and abilities of local agencies. Provide tools and resources to local agencies to address aging infrastructure, fiscal challenges and the maintenance of existing services. Demonstrated action to streamline the provision of local services with proven results that services are consistent or have been improved as a result, with little to no increased cost to the consumer. Focused efforts and proven results to ensure delivery of services to all communities, especially disadvantaged communities.

Nomination criteria:

1. Clear demonstration that the actions rise above expected or common functions or actions.
2. The actions reduced or eliminated common institutional roadblocks.
3. The actions clearly proven a truly extraordinary public service outcome that is systemic and sustainable.
4. Identified unique circumstances and factors leading to the solution/project.
5. The innovative steps taken by the LAFCO or entity/entities/individual to solve the problem, overcome the situation, or to take action.
6. Clear description of the results/outcomes of the work and the short- and long-term effects.
7. How this work can be promoted as a LAFCO best practice.
8. Clear demonstration how this nomination meets all criteria.

Selection Criteria:

1. Must meet all nomination criteria requirements for consideration.
2. Equal consideration shall be given to each nominee within each category. The size or geographic area of the LAFCO within a given category shall not be a consideration.
3. The overall impact of the actions and outcomes to the greater community being served shall be considered.
4. The level of impact based on the required nomination criteria shall be considered.

QUALIFYING PERIOD: *With the exception of the Lifetime Achievement Award, all nominated projects or acts of service must have occurred or been completed between August 18, 2023, and August 15, 2024.*

PREVIOUS CALAFCO ACHIEVEMENT AWARD RECIPIENTS

2023

Lifetime Achievement Award:	Dawn Mittleman Longoria , Napa LAFCO
Outstanding Commissioner	Richard Bettencourt , San Benito LAFCO
Outstanding LAFCO Professional	Two-Way Tie: José C. Henriquez , Sacramento LAFCO Andrea Ozdy , Ventura LAFCO
Outstanding Associate Member	Colantuono, Highsmith & Whatley
Outstanding Volunteer	Anita Paque , Calaveras LAFCO
Mike Gotch Award - Agriculture Innovation	Napa LAFCO Tom Cooley , Plumas LAFCO

2022

Outstanding Commissioner	Don Saylor , Yolo LAFCO
Outstanding LAFCO Professional	Carolyn Emery , Orange LAFCO
Mike Gotch Award - Innovation, Collaboration, And Outreach	Two-Way Tie: Cristine Crawford , Yolo LAFCO, and Erica Sanchez , El Dorado LAFCO & Amanda Ross , South Fork Consulting, LLC

2020 – 2021 *(2 year period due to the pandemic)*

Outstanding Associate Member	Planwest Partners
Outstanding Commissioner	Olin Woods , Yolo LAFCO
Outstanding LAFCO Professional	Crystal Craig , Riverside LAFCO
Mike Gotch Protection of Ag and Open Space Lands & Prevention of Urban Sprawl	Napa LAFCO
Mike Gotch Courage & Innovation in Local Government Leadership Award	Yolo LAFCO
Lifetime Achievement Award	Jerry Glabach , Los Angeles LAFCO

2019

Distinguished Service Award	Charley Wilson , Orange LAFCO
Most Effective Commission	Contra Costa LAFCO
Outstanding Commissioner	Jim DeMartini , Stanislaus LAFCO
Outstanding LAFCO Professional	David Church , San Luis Obispo LAFCO
Project of the Year	Orange LAFCO , for <i>San Juan Capistrano Utilities MSR</i>
Government Leadership Award	CA State Water Resources Control Board, Los Angeles County and Los Angeles LAFCO , for <i>Sativa Water District</i>
Mike Gotch Courage & Innovation in Local Government Leadership Award	Butte LAFCO
Legislator of the Year	Assembly Member Mike Gipson
Lifetime Achievement Award	John Benoit , various LAFCOs, Jurg Heuberger , Imperial LAFCO

2018

Distinguished Service Award	John Withers , Orange LAFCO
Most Effective Commission	Santa Clara LAFCO
Outstanding Commissioner	Margie Mohler , Napa LAFCO
Outstanding LAFCO Professional	George Williamson , Del Norte LAFCO
Outstanding LAFCO Clerk	Elizabeth Valdez , Riverside LAFCO
Outstanding CALAFCO Associate Member	Best Best & Krieger
Project of the Year	Lake LAFCo , water services consolidation
Government Leadership Award	City of Porterville, County of Tulare, Dept. of Water Resources, State Water Resources Control Board, Governor’s Office of Emergency Services, Self Help Enterprises, Community Water Center for East Porterville water supply project
Mike Gotch Courage & Innovation in Local Government Leadership Award	Mike Ott , San Diego LAFCO
Legislator of the Year	Assembly Member Anna Caballero
Lifetime Achievement Award	Pat McCormick , Santa Cruz LAFCO, George Spiliotis , Riverside LAFCO

2017

Most Effective Commission	Los Angeles LAFCO
Outstanding CALAFCO Member	Sblend Sblendorio , Alameda LAFCO
Outstanding Commissioner	John Marchand , Alameda LAFCO
Outstanding LAFCO Professional	Paul Novak , Los Angeles LAFCO
Outstanding LAFCO Clerk	Richelle Beltran , Ventura LAFCO
Outstanding CALAFCO Associate Member	Policy Consulting Associates
Project of the Year	County Services MSR , Butte LAFCO, and Santa Rosa Annexation , Sonoma LAFCO
Government Leadership Award	San Luis Obispo County Public Works Dept.
Lifetime Achievement Award	Kathy Rollings McDonald (San Bernardino)

2016

Distinguished Service Award	Peter Brundage , Sacramento LAFCO
Most Effective Commission	San Luis Obispo LAFCO
Outstanding CALAFCO Member	John Leopold , Santa Cruz LAFCO
Outstanding Commissioner	Don Tatzin , Contra Costa LAFCO
Outstanding LAFCO Professional	Steve Lucas , Butte LAFCO
Outstanding LAFCO Clerk	Cheryl Carter-Benjamin , Orange LAFCO
Project of the Year	Countywide Water Study , (Marin LAFCO)
Government Leadership Award	Southern Region of CALAFCO
Lifetime Achievement Award	Bob Braitman (retired Executive Officer)

2015

Mike Gotch Courage & Innovation in Local Government Leadership Award	Yuba County Water Agency
Distinguished Service Award	Mary Jane Griego , Yuba LAFCO
Most Effective Commission	Butte LAFCO
Outstanding CALAFCO Member	Marjorie Blom , formerly of Stanislaus LAFCO
Outstanding Commissioner	Matthew Beekman , formerly of Stanislaus LAFCO
Outstanding LAFCO Professional	Sam Martinez , San Bernardino LAFCO
Outstanding LAFCO Clerk	Terri Tuck , Yolo LAFCO
Project of the Year	Formation of the Ventura County Waterworks District No. 38 (Ventura LAFCO) and 2015 San Diego County Health Care Services five-year sphere of influence and service review report (San Diego LAFCO)
Government Leadership Award	The Cities of Dublin, Pleasanton, Livermore and San Ramon, the Dublin San Ramon Services District and the Zone 7 Water Agency
CALAFCO Associate Member of the Year	Michael Colantuono of Colantuono, Highsmith & Whatley
Legislators of the Year Award	Assembly member Chad Mayes
Lifetime Achievement Award	Jim Chapman (Lassen LAFCO) and Chris Tooker (formerly of Sacramento LAFCO)

2014

Mike Gotch Courage & Innovation in Local Government Leadership Award	David Church , San Luis Obispo LAFCO
Distinguished Service Award	Kate McKenna , Monterey LAFCO
Most Effective Commission	Santa Clara LAFCO
Outstanding CALAFCO Member	Stephen Lucas , Butte LAFCO
Outstanding Commissioner	Paul Norsell , Nevada LAFCO
Outstanding LAFCO Professional	Kate McKenna , Monterey LAFCO
Outstanding LAFCO Clerk	Paige Hensley , Yuba LAFCO
Project of the Year	LAFCo Procedures Guide: 50th Year Special Edition , San Diego LAFCO
Government Leadership Award	Orange County Water District, City of Anaheim, Irvine Ranch Water District, and Yorba Linda Water District
Legislators of the Year Award	Assembly member Katcho Achadjian
Lifetime Achievement Award	Susan Wilson , Orange LAFCO

2013

Mike Gotch Courage & Innovation in Local Government Leadership Award	Simón Salinas , Commissioner, Monterey LAFCO
Distinguished Service Award	Roseanne Chamberlain , Amador LAFCO
Most Effective Commission	Stanislaus LAFCO
Outstanding CALAFCO Member	Harry Ehrlich , San Diego LAFCO
Outstanding Commissioner	Jerry Gladbach , Los Angeles LAFCO
Outstanding LAFCO Professional	Lou Ann Texeira , Contra Costa
LAFCO Outstanding LAFCO Clerk	Kate Sibley , Contra Costa LAFCO
Project of the Year	Plan for Agricultural Preservation , Stanislaus LAFCO
Government Leadership Award	Orange County LAFCO Community Islands Taskforce , Orange LAFCO

Legislators of the Year Award
Lifetime Achievement Award

Senators Bill Emmerson and Richard Roth
H. Peter Faye, Yolo LAFCO; **Henry Pellissier**, Los Angeles LAFCO; **Carl Leverenz**, Butte LAFCo; **Susan Vicklund-Wilson**, Santa Clara LAFCO.

2012

Mike Gotch Courage & Innovation in Local Government Leadership Award
Distinguished Service Award
Most Effective Commission
Outstanding CALAFCO Member

Outstanding Commissioner
LAFCO Outstanding LAFCO Professional
Outstanding LAFCO Clerk
Project of the Year

Government Leadership Award
Lifetime Achievement Award

Bill Chiat, CALAFCO Executive Director

Marty McClelland, Commissioner, Humboldt LAFCO
Sonoma LAFCO
Stephen A. Souza, Commissioner, Yolo LAFCO and CALAFCO Board of Directors
Sherwood Darington, Monterey
Carole Cooper, Sonoma LAFCO
Gwenna MacDonald, Lassen LAFCO
Countywide Service Review & SOI Update, Santa Clara LAFCO
North Orange County Coalition of Cities, Orange LAFCO
P. Scott Browne, Legal Counsel LAFCOs

2011

Mike Gotch Courage & Innovation in Local Government Leadership Award
Distinguished Service Award
LAFCo Most Effective Commission
Outstanding CALAFCO Member
Outstanding Commissioner
Outstanding LAFCO Professional
Outstanding LAFCO Clerk
Project of the Year

Government Leadership Award

Martin Tuttle, Deputy Director for Planning, Caltrans
Mike McKeever, Executive Director, SACOG
Carl Leverenz, Commissioner and Chair, Butte **San Bernardino LAFCO**
Keene Simonds, Executive Officer, Napa LAFCO
Louis R. Calcagno, Monterey LAFCO
June Savala, Deputy Executive Officer, Los Angeles LAFCO
Debbie Shubert, Ventura LAFCO
Cortese-Knox-Hertzberg Definitions Revision
Bob Braitman, Scott Browne, Clark Alsop, Carole Cooper, and George Spiliotis
Contra Costa Sanitary District
Elsinore Water District and Elsinore Valley Municipal Water District

2010

Mike Gotch Courage & Innovation in Local Government Leadership Award
Distinguished Service Award

Most Effective Commission
Outstanding CALAFCO Member
Outstanding Commissioner
Outstanding LAFCO Professional
Outstanding LAFCO Clerk

Project of the Year

Helen Thompson, Commissioner, Yolo LAFCO

Kathleen Rollings-McDonald, Executive Officer, San Bernardino LAFCO
Bob Braitman, Executive Officer, Santa Barbara LAFCO
Tulare LAFCO
Roger Anderson, Ph.D., CALAFCO Chair, Santa Cruz LAFCO
George Lange, Ventura LAFCO
Harry Ehrlich, Government Consultant, San Diego LAFCO
Candie Fleming, Fresno LAFCO

Butte LAFCo
Sewer Commission - Oroville Region Municipal Service Review

Government Leadership Award	Nipomo Community Services District and the County of San Luis Obispo
Special Achievement	Chris Tooker , Sacramento LAFCO and CALAFCO Board of Directors

2009

Mike Gotch Courage & Innovation in Local Government Leadership Award	Paul Hood , Executive Officer, San Luis Obispo LAFCO
Distinguished Service Award	William Zumwalt , Executive Officer, Kings LAFCO
Most Effective Commission	Napa LAFCO
Outstanding CALAFCO Member	Susan Vicklund Wilson , CALAFCO Vice Chair Jerry Gladbach , CALAFCO Treasurer
Outstanding Commissioner	Larry M. Fortune , Fresno LAFCO
Outstanding LAFCO Professional	Pat McCormick , Santa Cruz LAFCO Executive Officer
Outstanding LAFCO Clerk	Emmanuel Abello , Santa Clara LAFCO
Project of the Year	Orange LAFCO Boundary Report
Government Leadership Award	Cities of Amador City, Jackson, Lone, Plymouth & Sutter Creek; Amador County; Amador Water Agency; Pine Grove CSD – Countywide MSR Project
Legislator of the Year Award	Assembly Member Jim Silva

2008

Distinguished Service Award	Peter M. Detwiler , Senate Local Government Committee Chief Consultant
Most Effective Commission	Yuba LAFCO
Outstanding Commissioner	Dennis Hansberger , San Bernardino LAFCO
Outstanding LAFCO Professional	Michael Ott , San Diego LAFCO Executive Officer Martha Poyatos , San Mateo Executive Officer
Outstanding LAFCO Clerk	Wilda Turner , Los Angeles LAFCO
Project of the Year	Kings LAFCO City and Community District MSR and SOI Update
Government Leadership Award	San Bernardino Board of Supervisors
Legislator of the Year Award	Assembly Member Anna M. Caballero

2007

Outstanding CALAFCO Member	Kathy Long , Board Chair, Ventura LAFCO
Distinguished Service Award	William D. Smith , San Diego Legal
Counsel Most Effective Commission	Santa Clara LAFCO
Outstanding Commissioner	Gayle Uilkema , Contra Costa LAFCO
Outstanding LAFCO Professional	Joyce Crosthwaite , Orange LAFCO Executive Officer
Outstanding LAFCO Clerk	Debby Chamberlin , San Bernardino LAFCO
Project of the Year	San Bernardino LAFCO and City of Fontana Islands Annexation Program
Government Leadership Award	City of Fontana - Islands Annexation Program
Lifetime Achievement	John T. “Jack” Knox

2006

Outstanding CALAFCO Member	Everett Millais , CALAFCO Executive Officer and Executive Officer of Ventura LAFCO
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Distinguished Service Award	Clark Alsop , CALAFCO Legal Counsel
Most Effective Commission Award	Alameda LAFCO
Outstanding Commissioner Award	Ted Grandsen , Ventura LAFCO Chris Tooker , Sacramento LAFCO
Outstanding LAFCO Professional Award	Larry Calemine , Los Angeles LAFCO Executive Officer
Outstanding LAFCO Clerk Award	Janice Bryson , San Diego LAFCO Marilyn Flemmer , Sacramento LAFCO
Project of the Year Award	Sacramento Municipal Utility District Sphere of Influence Amendment and Annexation; Sacramento LAFCO
Outstanding Government Leadership Award	Cities of Porterville, Tulare, and Visalia and Tulare LAFCO Island Annexation Program
Legislator of the Year Award	Senator Christine Kehoe

2005

Outstanding CALAFCO Member	Peter Herzog , CALAFCO Board, Orange LAFCO
Distinguished Service Award	Elizabeth Castro Kemper , Yolo LAFCO
Most Effective Commission Award	Ventura LAFCO
Outstanding Commissioner Award	Art Aseltine , Yuba LAFCO Henri Pellissier , Los Angeles LAFCO
Outstanding LAFCO Professional Award	Bruce Baracco , San Joaquin LAFCO
Outstanding LAFCO Clerk Award	Danielle Ball , Orange LAFCO
Project of the Year Award	San Diego LAFCO MSR of Fire Protection and Emergency Medical Services
Outstanding Government Leadership Award	Sacramento Area Council of Governments (SACOG)

2004

Outstanding CALAFCO Member	Scott Harvey , CALAFCO Executive Director
Distinguished Service Award	Julie Howard , Shasta LAFCO
Most Effective Commission Award	San Diego LAFCO
Outstanding Commissioner Award	Edith Johnsen , Monterey LAFCO
Outstanding LAFCO Professional Award	David Kindig , Santa Cruz LAFCO
Project of the Year Award	San Luis Obispo LAFCO Nipomo CSD SOI Update, MSR, and EIR

2003

Outstanding CALAFCO Member	Michael P. Ryan , CALAFCO Board Member
Distinguished Service Award	Henri F. Pellissier , Los Angeles LAFCO
Most Effective Commission Award	San Luis Obispo LAFCO
Outstanding Commissioner Award	Bob Salazar , El Dorado LAFCO
Outstanding LAFCO Professional Award	Shirley Anderson , San Diego LAFCO
Outstanding LAFCO Clerk Award	Lori Fleck , Siskiyou LAFCO
Project of the Year Award	Napa LAFCo Comprehensive Water Service Study
Special Achievement Award	James M. Roddy

2002

Outstanding CALAFCO Member	Ken Lee , CALAFCO Legislative Committee Chair
Most Effective Commission Award	San Diego LAFCO Outstanding
Commissioner Award	Ed Snively , Imperial LAFCO
Outstanding LAFCO Professional Award	Paul Hood , San Luis Obispo LAFCO
Outstanding LAFCO Clerk Award	Danielle Ball , Orange LAFCO

Project of the Year Award
 Outstanding Government Leadership Award

San Luis Obispo LAFCO
Napa LAFCo, Napa County Farm Bureau, Napa Valley Vintners Association, Napa Valley Housing Authority, Napa County Agricultural Commissioner's Office, Napa County Counsel Office, and Assembly Member Patricia Wiggins

2001

Outstanding CALAFCO Member
 Distinguished Service Award

 Outstanding Commissioner Award
 Outstanding LAFCO Professional Award
 Project of the Year Award
 Outstanding Government Leadership Award

 Legislator of the Year Award

SR Jones, CALAFCO Executive Officer
David Martin, Tax Area Services Section, State Board of Equalization

H. Peter Faye, Yolo LAFCO
Ingrid Hansen, San Diego LAFCO
Santa Barbara LAFCO
Alameda County Board of Supervisors, Livermore City Council, Pleasanton City Council
Senator Jack O'Connell

2000

Outstanding CALAFCO Member
 Distinguished Service Award

 Most Effective Commission Award
 Outstanding Commissioner
 Outstanding LAFCO Professional Award
 Outstanding LAFCO Clerk Award
 Project of the Year Award
 Legislator of the Year Award

Ron Wootton, CALAFCO Board Chair
Ben Williams, Commission on Local Governance for the 21st Century

Yolo LAFCO
Rich Gordon, San Mateo LAFCO
Annamaria Perrella, Contra Costa LAFCO
Susan Stahmann, El Dorado LAFCO
San Diego LAFCO
Robert Hertzberg, Assembly Member

1999

Distinguished Service Award
 Most Effective Commission Award
 Outstanding Executive Officer Award
 Outstanding LAFCO Clerk Award
 Most Creative Solution to a Multi-Jurisdictional Problem
 Outstanding Government Leadership Award
 Legislator of the Year Award

Marilyn Ann Flemmer-Rodgers, Sacramento LAFCO
Orange LAFCO
Don Graff, Alameda LAFCO
Dory Adams, Marin LAFCO
San Diego LAFCO

Assembly Member John Longville
Assembly Member Robert Hertzberg

1998

Outstanding CALAFCO Member
 Distinguished Service Award
 Most Effective Commission Award
 Outstanding Executive Officer Award
 Outstanding Staff Analysis

 Outstanding Government Leadership Award

Dana Smith, Orange LAFCO
Marvin Panter, Fresno LAFCO
San Diego LAFCO
George Spiliotis, Riverside LAFCO
Joe Convery, San Diego LAFCO
Joyce Crosthwaite, Orange LAFCO

Santa Clara County Planning Department

1997

Most Effective Commission Award
 Outstanding Executive Officer Award

Orange LAFCO
George Finney, Tulare LAFCO

Outstanding Staff Analysis

Annamaria Perrella, Contra Costa LAFCO

Outstanding Government Leadership Award

South County Issues Discussion Group

Most Creative Solution to a Multi-Jurisdictional Problem

Alameda LAFCO and Contra Costa LAFCO

Legislator of the Year Award

Assembly Member Tom Torlakson





Local Agency Formation Commission of Napa County
Subdivision of the State of California

1754 Second Street, Suite C
Napa, California 94559
Phone: (707) 259-8645
www.napa.lafco.ca.gov

We Manage Local Government Boundaries, Evaluate Municipal Services, and Protect Agriculture

Agenda Item 6e (Action)

TO: Local Agency Formation Commission
FROM: Brendon Freeman, Executive Officer **B F**
MEETING DATE: August 5, 2024
SUBJECT: Consider Leadership Napa Valley Sponsorship

RECOMMENDATION

Staff recommends the Commission consider the invoice from Leadership Napa Valley (LNV), included as Attachment 1, and provide direction to staff with respect to participating in the program this year or in future years.

SUMMARY

The Commission will consider becoming a sponsor for LNV at a cost of \$3,000 and participate in the program's government day.

LNV is a nationally recognized program that provides leadership development for community-minded individuals who want to make the Napa Valley a better place to live, work, and do business.

Participating in LNV would serve the purpose of providing outreach and education about LAFCO to aspiring community leaders throughout Napa County.

If the Commission wishes to sponsor LNV, it is recommended the Commission provide formal direction to the Executive Officer by motion. The expense would impact the Commission's Training/Conference budget account, which includes \$20,000 in total allocations during the current fiscal year.

Margie Mohler, Commissioner
Councilmember, Town of Yountville

Beth Painter, Commissioner
Councilmember, City of Napa

Mariam Aboudamous, Alternate Commissioner
Councilmember, City of American Canyon

Anne Cottrell, Chair
County of Napa Supervisor, 3rd District

Belia Ramos, Commissioner
County of Napa Supervisor, 5th District

Joelle Gallagher, Alternate Commissioner
County of Napa Supervisor, 1st District

Kenneth Leary, Vice Chair
Representative of the General Public

Eve Kahn, Alternate Commissioner
Representative of the General Public

Brendon Freeman
Executive Officer

Staff does *not* recommend sponsoring LNV *this year* based on the following:

- The \$3,000 expense would represent an impact for Napa County and the five cities/town given that these six agencies fund most of LAFCO's budget.
- The Commission's current strategic plan does not include outreach and education activities. On the other hand, the Commission's current work program does call for "proactive engagement with local agencies" which is arguably consistent with a sponsorship for LNV.
- Participating in LNV's government day would represent a burden on staff that could negatively impact the Commission's other strategic initiatives. Toward this end, staff is currently operating at reduced capacity with the extended absence of the Assistant Executive Officer.

With all of this in mind, staff recommends the Commission discuss its interest in participating in LNV in *future years* and consider providing direction to staff to communicate the Commission's intent to the County and five cities/town as part of the budget and work program process.

If the Commission chooses to sponsor LNV this year, it is recommended that the Commission also provide formal direction to staff to alert the six funding agencies along with any other desired outreach efforts, which may involve a prominent announcement on the Commission's website and/or publishing a press release in local newspapers.

ATTACHMENT

- 1) Leadership Napa Valley Invoice

Invoice

INVOICE

[View invoice online](#)

Leadership Napa Valley
P.O. Box 636
Napa, CA 94559

Invoice number: 02270
Issued: July 01, 2024

Bill to:
Brendon Freeman

LAFCO

Item	Amount
2024-2025 Annual Sponsorship	\$3,000.00

Total: \$3,000.00
Balance Due: \$3,000.00

Thank you for your support of Leadership Napa Valley

Please make checks payable to:
Leadership Napa Valley, PO Box 636 Napa, CA 94559

For inquiries please email treasurer@leadershipnapavalley.org

Nonprofit Organization under IRS code 501(c)(3)
Taxpayer ID: 94-3142933

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