



Local Agency Formation Commission of Napa County

Subdivision of the State of California

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

■ Diane Dillon, Chair ■ Margie Mohler, Vice Chair ■ Mariam Aboudamous ■ Kenneth Leary
■ Brad Wagenknecht ■ Ryan Gregory, Alternate ■ Eve Kahn, Alternate ■ Beth Painter, Alternate

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1754 Second Street, Suite C
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Consistent with California Assembly Bill 361 and California Government Code Section 54953 due to the COVID-19 State of Emergency and the recommendations for physical distancing, there will be no physical or in-person meeting location available to the public. Instead, the meeting will be conducted solely by teleconference. All staff reports for items on the meeting agenda are available on the Commission's website at https://www.napa.lafco.ca.gov/staff_reports.aspx. The meeting will be accessible for all members of the public to attend via the link and phone number listed below.

REGULAR MEETING AGENDA

Monday, October 4, 2021, 2:00 PM

This meeting will be conducted by teleconference. Written public comments may be submitted PRIOR to the meeting by 10:00 A.M. on October 4, 2021. Public comments DURING the meeting: See "COVID-19 – Notice of Meeting Procedures" on page 3 of the agenda.

*Join Teleconference Meeting **Electronically** (computer, tablet, or smartphone):*
<https://countyofnapa.zoom.us/j/85188827137>

*Join Teleconference Meeting by **Telephone**:*

Dial: (669) 900-6833

Follow the prompts: Meeting ID: 85188827137#

If you need assistance before or during the meeting, please contact Commission Clerk Kathy Mabry at: kmabry@napa.lafco.ca.gov or call the LAFCO office at (707) 259-8645.

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. A vote of the Commission is not required for this item.

4. PUBLIC COMMENTS

The public is encouraged to 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

All items calendared as consent are considered ministerial or non-substantive action or information items. As such, all consent items may be approved or accepted under one vote of the Commission. With the concurrence of the Chair, a Commissioner may request discussion of an item on the consent calendar.

Action Items:

a) **Approval of Meeting Minutes:** August 2, 2021 Regular Meeting

Receive Report for Information Only:

b) CALAFCO Annual Conference Cancellation and Update on Achievement Awards and Board Elections

c) CALAFCO Quarterly Report

d) Current and Future Proposals

6. PUBLIC HEARING ITEMS

Any member of the public may address the Commission with respect to a scheduled public hearing item.

a) Sphere of Influence Reviews for Circle Oaks County Water District, Congress Valley Water District, Los Carneros Water District, Napa County Flood Control and Water Conservation District, and Napa River Reclamation District No. 2109 (Approx. 20 Minutes)

The Commission will consider reviewing the spheres of influence (SOIs) for Circle Oaks County Water District (COCWD), Congress Valley Water District (CVWD), Los Carneros Water District (LCWD), Napa County Flood Control and Water Conservation District (NCFCWCD), and Napa River Reclamation District No. 2109 (NRRD) based on information in the adopted *Napa Countywide Water and Wastewater Municipal Service Review*. The recommended action is for the Commission to adopt a resolution affirming the SOIs for all five districts with no changes and find the SOI reviews are exempt from further review under the California Environmental Quality Act pursuant to California Code of Regulations Section 15061(b)(3).

7. DISCUSSION ITEMS

A member of the public may receive permission to provide comments on any item calendared for discussion at the discretion of the Chair. General direction to staff for future action may be provided by Commissioners.

a) Countywide Update on Housing and General Plans (Approx. 30 Minutes)

The Commission will receive a presentation on countywide housing and general plan activities. Guest speakers include City of Napa Assistant City Manager Molly Rattigan, City of Napa Housing Manager Lark Ferrell, and Napa Valley Community Housing President/CEO Erica Sklar.

b) CALAFCO U Course: Fire and Emergency Medical Services (Approx. 20 Minutes)

The Commission will receive a presentation on a recent four-part CALAFCO session titled *Fire and Emergency Medical Services Basics, Challenges and LAFCOs' Role and Responsibility*. The Commission is invited to consider providing direction to staff with respect to scheduling a future study related to fire protection and emergency medical services, if desired.

c) Discussion of Budget Alternatives (Approx. 10 Minutes)

The Commission will receive a report from the ad hoc Budget Committee with alternatives to balance the Commission's budget in the foreseeable future. It is recommended the Commission discuss the budget alternatives and provide direction to staff with respect to any appropriate future actions.

8. 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 Amendment to Policy on CEQA (Approx. 10 Minutes)

The Commission will consider a proposed amendment to its *Policy on CEQA* as prepared by the ad hoc Policy Committee. The recommended action is for the Commission to adopt a resolution approving the amendment.

b) Outreach Committee Update (Approx. 10 Minutes)

The Commission will consider a draft newsletter and accompanying outreach materials as prepared by the ad hoc Outreach Committee. The recommended action is for the Commission to provide direction to staff to circulate the newsletter and outreach materials with any desired changes to local government agencies and the general public.

c) Consider Adjustment to the Executive Officer's Compensation (Approx. 5 Minutes)

The Commission will consider a proposed adjustment to the Executive Officer's compensation based on the performance evaluation initiated during the Commission's June 7, 2021 regular meeting. The proposed annual salary of \$148,179 would be effective July 1, 2021. The Commission will also consider designating a matching \$1,000 contribution to a 401(a) retirement savings account for the Executive Officer in addition, to the Executive Officer's annual salary and regular benefits. The recommended action is for the Commission to adopt a resolution approving the adjustment to the Executive Officer's compensation, consenting to participation in the County of Napa 401(a) Retirement Savings Plan, and establishing an annual LAFCO match for all future calendar years.

d) Consider Resolution Approving Continued Remote Teleconference Commission Meetings due to COVID-19 Emergency (Approx. 5 Minutes)

The Commission will consider approving a resolution declaring its intent to continue remote teleconference only meetings due to the Governor's Proclamation of State of Emergency and state regulations related to physical distancing due to the threat of COVID-19 consistent with California Assembly Bill 361

9. COMMISSIONER COMMENTS/REQUESTS FOR FUTURE AGENDA ITEMS

This is an opportunity for Commissioners to comment on issues not listed on the agenda, provided that the subject matter is within the jurisdiction of the Commission. No discussion or action may occur or be taken, except to place the item on a future agenda if approved by a majority of the Commission.

10. ADJOURNMENT TO NEXT SCHEDULED MEETING

Monday, December 6, 2021 at 2:00 P.M. The meeting will be conducted by teleconference due to COVID-19 in compliance with California Assembly Bill 361.

MEETING INFORMATION

COVID-19 – Notice of Meeting Procedures

TELECONFERENCE MEETING: In order to slow the spread of the Coronavirus (COVID-19) pandemic, the Commission will conduct this meeting as a teleconference in compliance with California Assembly Bill 361 and California Government Code Section 54953 due to the COVID-19 State of Emergency and the recommendations for physical distancing, and members of the Commission or Commission staff may participate in this meeting telephonically or electronically. Members of the public may participate in the meeting, as described below.

*Join Teleconference Meeting **Electronically** (computer, tablet, or smartphone):*
<https://countyofnapa.zoom.us/j/85188827137>

*Join Teleconference Meeting by **Telephone**:*
Dial: (669) 900-6833
Follow the prompts: Meeting ID: 85188827137#

If you need assistance before or during the meeting, please contact Commission Clerk Kathy Mabry at: kmabry@napa.lafco.ca.gov or call the LAFCO office at (707) 259-8645.

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 **October 4, 2021 at 10:00 A.M.** by email to kmabry@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 Clerk prior to the deadline of **October 4, 2021 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.

SUBMITTING SPOKEN COMMENTS DURING THE COMMISSION MEETING:

Electronically:

1. We request that you identify yourself by name as this will be visible online and will be used to notify you that it is your turn to speak.
2. When the Commission calls for the item on which you wish to speak, click “participants”, a menu will appear. On computer or tablet: click on the “raise hand” icon or word. On a smartphone: click on your name in the list of participants, click on “raise hand”. Staff will unmute speakers in turn.
3. When you are called upon to speak, please provide your name and address for the record.
4. When called, please limit your remarks to the time limit allotted (3 minutes).

By phone (please avoid the speakerphone function to prevent echoing):

1. Your phone number will appear but not your name.
2. When the Commission calls for the item on which you wish to speak, press *9 to “raise your hand”. Staff will unmute speakers in turn. You will be called upon using the last four digits of your phone number, since your name is not visible. You will be prompted to press *6 to be unmuted.
3. When you are called upon to speak, please provide your name and address for the record.
4. When called, please limit your remarks to the time limit allotted (3 minutes).

VIEWING RECORDING OF TELECONFERENCE MEETING: The Commission’s teleconference meeting will be recorded. Members of the public may access the teleconference meeting and other archived Commission meetings by going to https://www.napa.lafco.ca.gov/cm_meeting_video.aspx. Please allow up to one week for production time.

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 the environmental document; (2) testimony of proponent; (3) testimony of opponent; (4) public testimony; (5) rebuttal by proponent; (6) provision of additional clarification by staff as required; (7) close of the public hearing; (8) Commission discussion and Commission vote.

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 and in conformance with the COVID-19-Notice of Meeting Procedures. 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 the Commission Clerk at (707) 259-8645 or kmabry@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 three 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 <https://www.napa.lafco.ca.gov> or by contacting the Commission Clerk at kmabry@napa.lafco.ca.gov or call the LAFCO office at (707) 259-8645. If the supplemental materials are made available to the members of the Commission at the meeting, a copy will be available for public review at <https://www.napa.lafco.ca.gov>. Staff reports are available online at https://www.napa.lafco.ca.gov/staff_reports.aspx or upon request to the Commission Clerk at kmabry@napa.lafco.ca.gov or call the LAFCO office at (707) 259-8645.



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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: Kathy Mabry, Commission Clerk *KM*

MEETING DATE: October 4, 2021

SUBJECT: Approval of Meeting Minutes:
August 2, 2021 Regular Meeting

DISCUSSION AND RECOMMENDATION

The Commission will consider approving the draft meeting minutes prepared by staff for the August 2, 2021 Regular Meeting, included as Attachment One.

Staff recommends approval.

ATTACHMENT

- 1) Draft Minutes for August 2, 2021 Regular Meeting

Margie Mohler, Vice Chair
Councilmember, Town of Yountville

Mariam Aboudamous, Commissioner
Councilmember, City of American Canyon

Beth Painter, Alternate Commissioner
Councilmember, City of Napa

Diane Dillon, Chair
County of Napa Supervisor, 3rd District

Brad Wagenknecht, Commissioner
County of Napa Supervisor, 1st District

Ryan Gregory, Alternate Commissioner
County of Napa Supervisor, 2nd District

Kenneth Leary, Commissioner
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
MEETING MINUTES OF AUGUST 2, 2021**

1. WELCOME AND CALL TO ORDER; ROLL CALL

Chair Dillon called the regular meeting of August 2, 2021 to order at 2:00 PM.
At the time of roll call, the following Commissioners and staff were present:

Regular Commissioners	Alternate Commissioners	Staff
Diane Dillon, Chair	Ryan Gregory – <i>Voting*</i>	Brendon Freeman, Executive Officer
Margie Mohler, Vice Chair	Eve Kahn	DeeAnne Gillick, Commission Counsel
Brad Wagenknecht – <i>Absent*</i>	Beth Painter	Dawn Mittleman Longoria, Analyst II
Mariam Aboudamous		Kathy Mabry, Secretary
Kenneth Leary		

2. PLEDGE OF ALLEGIANCE

Chair Dillon led the Pledge of Allegiance.

3. APPROVAL OF AGENDA

Chair Dillon asked if there were any requests to rearrange the agenda.

The Executive Officer announced that CALAFCO currently has a vacancy for the Board of Director's Coastal Region Public Member seat, and is seeking a nomination. Since agenda item #7d relates to CALAFCO, the Executive Officer recommended the Commission vote to add a nomination for a potential Public Member to #7d as an action item.

Upon motion by Commissioner Mohler and second by Commissioner Aboudamous, the Commission adopted the agenda, along with the stated addition to item #7d:

VOTE:

AYES: MOHLER, ABOUDAMOUS, DILLON, GREGORY AND LEARY
NOES: NONE
ABSENT: WAGENKNECHT
ABSTAIN: NONE

4. PUBLIC COMMENTS

Chair Dillon invited members of the audience to provide public comment.

Public comment was received by St. Helena Mayor, Geoff Ellsworth who encouraged the Commission to continue to advocate for regional or cross-jurisdictional water management and distribution in Napa County. He stated water availability to all is key to County-wide economic balance and the economies of scale that might be realized with a regional approach might help better sustain those economic and resource balances, and in balancing water rates and distributing volumes of our overall water resources.

5. CONSENT ITEMS

Action Item:

a) Approval of Meeting Minutes: June 7, 2021 Regular Meeting

Upon motion by Commissioner Mohler and second by Commissioner Leary, the action item was approved:

VOTE:

AYES: MOHLER, LEARY, ABOUDAMOUS, DILLON AND GREGORY
NOES: NONE
ABSENT: WAGENKNECHT
ABSTAIN: NONE

Information Items:

b) Draft Fiscal Year 2020-21 Budget to Actual Report

c) Legislative Report

d) Current and Future Proposals

Upon motion by Commissioner Mohler and second by Commissioner Leary, the information items were accepted:

VOTE:

AYES: MOHLER, LEARY, ABOUDAMOUS, DILLON AND GREGORY
NOES: NONE
ABSENT: WAGENKNECHT
ABSTAIN: NONE

6. PUBLIC HEARING ITEM

a) Sphere of Influence Reviews and Updates for Lake Berryessa Resort Improvement District, Napa Berryessa Resort Improvement District, and Spanish Flat Water District

The Commission considered reviewing and updating the spheres of influence (SOI) for Lake Berryessa Resort Improvement District (LBRID), Napa Berryessa Resort Improvement District (NBRID), and Spanish Flat Water District (SFWD) based on information in the adopted *Napa Countywide Water and Wastewater Municipal Service Review (2020)*.

The recommended actions were to adopt three resolutions that do the following:

(1) Affirm LBRID's sphere with no changes; (2) Expand NBRID's sphere to include two parcels identified as APNs 019-220-028 and 019-220-038; (3) Expand SFWD's sphere to include one entire parcel identified as APNs 019-280-004 and the portion designated as *Marine Commercial* of parcel APN 019-280-006; and (4) Find the sphere updates are exempt from further review under the California Environmental Quality Act.

Staff Analyst Dawn Mittleman Longoria provided a detailed presentation of the SOI review and update, conclusions, staff recommendations, as well as answered Commissioners questions.

Chair Dillon opened the public hearing.

The LAFCO Clerk read a submitted letter from Mr. Tom Aswald requesting to have SFWD service at his parcel ending in 004 (letter was presented to the Commission via email).

Public comment was received by Napa County Planning John McDowell regarding the County's Planning map and reviewed the zoning perspective. Mr. McDowell also thanked LAFCO staff for including the Planning staff early on in this SOI update process.

Chair Dillon closed the public hearing.

6. PUBLIC HEARING ITEM – *continued*:

b) Sphere of Influence Reviews and Updates for Lake Berryessa Resort Improvement District, Napa Berryessa Resort Improvement District, and Spanish Flat Water District

Upon motion by Commissioner Mohler and second by Commissioner Aboudamous, the Commission accepted the staff recommendations to receive and file the SOI Review and Update of the Lake Berryessa Region:

VOTE:

AYES: MOHLER, ABOUDAMOUS, DILLON, GREGORY AND LEARY
NOES: NONE
ABSENT: WAGENKNECHT
ABSTAIN: NONE

Upon motion by Commissioner Mohler and second by Commissioner Leary, the Commission adopted **Resolution No. 2021-15** to affirm LBRID’s sphere with no changes:

VOTE:

AYES: MOHLER, LEARY, ABOUDAMOUS, DILLON AND GREGORY
NOES: NONE
ABSENT: WAGENKNECHT
ABSTAIN: NONE

Upon motion by Commissioner Mohler and second by Commissioner Leary, the Commission adopted **Resolution No. 2021-16** to expand NBRID’s sphere to include APNs 019-220-028 and 019-220-038:

VOTE:

AYES: MOHLER, LEARY, ABOUDAMOUS, DILLON AND GREGORY
NOES: NONE
ABSENT: WAGENKNECHT
ABSTAIN: NONE

Upon motion by Commissioner Mohler and second by Commissioner Leary, the Commission adopted **Resolution No. 2021-17** to expand SFWD’s sphere to include APN 019-280-004 and the portion designated as *Marine Commercial* of parcel APN 019-280-006:

VOTE:

AYES: MOHLER, LEARY, ABOUDAMOUS, DILLON AND GREGORY
NOES: NONE
ABSENT: WAGENKNECHT
ABSTAIN: NONE

7. ACTION ITEMS

a) Strategic Plan and Work Program Progress Report

The Commission received a report on its adopted *Strategic Plan 2018-2022* and *Work Program for Fiscal Year 2021-2022*. Updated schedules for municipal service reviews, sphere of influence updates, and review of local policies were also presented as part of this item. The recommended actions for the Commission were to consider the following:

(1) Amend *Strategic Plan 2018-2022* to add the updated study schedule and policy review schedule along with any other desired changes; and (2) Provide direction to the Executive Officer with respect to timing for a future strategic planning session.

The Executive Officer provided an overview stating that on June 7, 2021, the Commission adopted the Work Program and directed staff to return with an updated study schedule to accompany the Strategic Plan. An updated study schedule was provided to the Commission in today's staff report, including new dates for recently completed studies and approximate target dates for the completion of new studies. Also included was an updated policy review schedule to reflect recently completed policies, as well as upcoming policy reviews.

Staff recommended the Commission discuss the study schedule and consider formally amending the Strategic Plan to include the updated study schedule with any desired changes.

A Work Program progress chart (including dates & links to recently completed studies) and a summary on key activities was provided to the Commission. The progress chart includes SOI updates and target dates for 5 Special Districts, Napa Sanitation District, MSR and SOI Updates for the City of St. Helena and the City of Napa, a report on the Communications and Outreach Committee (comprised of Commissioners Leary and Painter), and a Housing and General Plan Update (to be presented at the October meeting). The staff report summarizes the progress on all of these activities.

No action was required as part of this item, and no specific direction was provided to staff on this item.

b) Proposed Amendments to Policy on Records Retention and Destruction

The Commission considered a proposed amendment to its *Policy on Records Retention and Destruction* as prepared by the ad hoc Policy Committee (comprised of Commissioners Mohler and Wagenknecht). The recommended action was for the Commission to adopt a resolution approving the amendments.

On July 14, 2021, the Policy Committee met and agreed to recommend amendments to the Commission's Policy on Records Retention and Destruction. The proposed amendments are provided in the staff report and are included in the draft resolution.

Upon motion by Commissioner Gregory and second by Commissioner Leary, the Commission adopted **Resolution No. 2021-18** approving the amendments to the policy:

VOTE:

AYES: GREGORY, LEARY, ABOUDAMOUS, DILLON AND MOHLER
NOES: NONE
ABSENT: WAGENKNECHT
ABSTAIN: NONE

7. ACTION ITEMS

c) Budget Adjustment No. 1 for Fiscal Year 2021-22

The Commission considered a budget adjustment to increase the Administration Services expense account by \$15,825. The increase would be offset by drawn down agency reserves. The recommended action is for the Commission to approve Budget Adjustment No. 1 for fiscal year 2021-22.

It was also recommended the Commission provide direction to staff to return with budget alternatives at the next regular meeting.

On June 7, 2021, the Commission adopted a final budget for fiscal year 2021-22 that includes \$554,141 in total operating expenses. The adopted budget includes \$424,076 for Administration Services (Account No. 52100), which covers staff salaries and benefits. The Commission did not budget for a cost-of-living adjustment (COLA) for staff. Subsequent to the adoption of the final budget, staff was alerted that all County of Napa employees will receive a 4.0% COLA and a one-time \$1,500 bonus in fiscal year 2021-22. LAFCO staff are contracted County employees consistent with the Commission's support services agreement with the County. Employees are members of Service Employees International Union (SEIU) 1021. As such, the Commission has no discretion over the COLA or bonus given that they apply to all represented members of SEIU 1021.

The combined financial impact is \$15,825. With this in mind, staff recommended the Commission adjust the budget to increase Administration Services (Account No. 52100) by \$15,825 to be offset by drawing down the Commission's undesignated/unreserved fund balance ("reserves").

Staff recommended the Commission discuss this issue and provide direction to staff to return with budget alternatives at the next regular meeting, or establish a subcommittee to assist the Executive Officer with developing budget strategies. Staff proposed to appoint the former budget committee members consisting of Commissioners Mohler and Gregory.

Upon motion by Commissioner Mohler and second by Commissioner Aboudamous, the Commission approved staff's recommendation to approve Budget Adjustment No. 1 for Fiscal Year 2021-22 as reflected in the staff report, and re-establish the ad hoc budget committee to include Commissioners Mohler and Gregory:

VOTE:

AYES:	<u>MOHLER, ABOUDAMOUS, DILLON, GREGORY AND LEARY</u>
NOES:	<u>NONE</u>
ABSENT:	<u>WAGENKNECHT</u>
ABSTAIN:	<u>NONE</u>

d) CALAFCO Annual Conference Nominations for Achievement Awards

The Commission considered making nominations for achievement awards at CALAFCO’s Annual Conference scheduled for October 6th to 8th at the Hyatt Regency Newport Beach John Wayne Airport.

Staff noted that at its June 7th meeting, the Commission appointed Chair Dillon and Vice Chair Mohler as the regular and alternate voting delegates for the CALAFCO Conference. The conference will include Board of Directors elections and an achievement awards ceremony.

The recommended actions were for the Commission to:

- (1) If interested, nominate a person and/or project for an achievement award;
- (2) If interested, nominate a Public Member for the CALAFCO Board of Directors; and
- (3) Authorize the Chair to make any final decisions related to achievement awards.

Vice Chair Mohler nominated achievement awards for the Napa County LAFCO’s Agriculture Preserve and Countywide Municipal Services Review of 2020.

Chair Dillon also suggested authorizing the chair to make any final decisions related to achievement awards, in the interest of time.

Commissioner Gregory stated he would like to see Commissioners Wagenknecht and Dillon be recognized for their service either this year or next for an achievement award.

Upon motion by Commissioner Mohler, and second by Commissioner Aboudamous, Commissioner Leary was nominated for the CALAFCO Board of Director’s Coastal Region Public Member seat. Additionally, the Commission authorized the appointment of an ad hoc committee (Commissioners Dillon and Leary) to make any final decisions related to the CALAFCO achievement awards:

VOTE:

AYES: MOHLER, ABOUDAMOUS, DILLON, GREGORY AND LEARY
NOES: NONE
ABSENT: WAGENKNECHT
ABSTAIN: NONE

8. COMMISSIONER COMMENTS/REQUESTS FOR FUTURE AGENDA ITEMS

There was no discussion of this item.

9. CLOSED SESSIONS:

a) Public Employee Performance Evaluation – (Government Code Section 54957(b)(1)) Employee: Executive Officer

b) Conference with Labor Negotiators – (Government Code Section 54957.6)

Agency Designated Representative: Commission Chair

Unrepresented Employee: Executive Officer

There was no reportable action to report on this item.

10. ADJOURNMENT TO NEXT REGULAR SCHEDULED MEETING

The meeting was adjourned at 4:13 PM. The next regular LAFCO meeting is scheduled for Monday, October 4, 2021 at 2:00 PM is expected to be at the Napa County Board of Supervisors Chambers, located at 1195 Third Street, 3rd floor, Napa, CA 94559.

Diane Dillon, LAFCO Chair

ATTEST:
Dawn Mittleman Longoria, Analyst II

Prepared by:

K. Mabry

Kathy Mabry, Commission Secretary



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Agenda Item 5b (Consent/Information)

TO: Local Agency Formation Commission

PREPARED BY: Brendon Freeman, Executive Officer *BF*

MEETING DATE: October 4, 2021

SUBJECT: CALAFCO Annual Conference Cancellation and Update on Achievement Awards and Board Elections

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 2021 CALAFCO Annual Conference scheduled for October 6th through October 8th in Newport Beach has been canceled. The Board of Directors elections will occur by e-ballot. Election results will be reported out and achievement awards will be presented during the annual business meeting scheduled for October 7th as a virtual meeting. The business meeting agenda is included as Attachment One. All Commissioners and staff are encouraged to attend.

A brief summary of local considerations related to the Board elections and achievement awards follows.

Board Nominations

Board elections are conducted by regions (Central, Coastal, Northern, and Southern). Napa County is in the Coastal Region. The Coastal Region seats up for election this year are the City Member and Public Member.

Board members serve two-year terms with no term limits. A listing of current CALAFCO Board members is included as Attachment Two. Vice Chair Mohler is currently serving a second term as the Coastal Region's City Member with a term expiring in October 2021, and currently serves as Treasurer of the Board.

The Commission formally nominated Vice Chair Mohler for City Member (see Attachment Three) and Commissioner Leary for Public Member (see Attachment Four).

Margie Mohler, Vice Chair
Councilmember, Town of Yountville

Mariam Aboudamous, Commissioner
Councilmember, City of American Canyon

Beth Painter, Alternate Commissioner
Councilmember, City of Napa

Diane Dillon, Chair
County of Napa Supervisor, 3rd District

Brad Wagenknecht, Commissioner
County of Napa Supervisor, 1st District

Ryan Gregory, Alternate Commissioner
County of Napa Supervisor, 2nd District

Kenneth Leary, Commissioner
Representative of the General Public

Eve Kahn, Alternate Commissioner
Representative of the General Public

Brendon Freeman
Executive Officer

Achievement Awards

Each year, CALAFCO recognizes outstanding achievements by dedicated and committed individuals and/or organizations from throughout the state. The awards were established in 1997 and currently include eight categories ranging from “Outstanding Commissioner” to “Lifetime Achievement Award”. The Commission’s most recent award was in 2018 when Vice Chair Mohler received the “Outstanding Commissioner” award.

This year the Commission formally nominated the Napa Pipe project for the *Mike Gotch Excellence in Public Service – Protection of Agricultural and Open Space Lands and Prevention of Sprawl* award (see Attachment Five).

ATTACHMENTS

- 1) CALAFCO Annual Business Meeting Agenda (October 7, 2021)
- 2) CALAFCO Board of Directors Current Roster
- 3) CALAFCO Board of Directors Nomination Packet: Mohler for City Member
- 4) CALAFCO Board of Directors Nomination Packet: Leary for Public Member
- 5) CALAFCO Achievement Awards Nomination Packet: Napa Pipe Project for Mike Gotch Excellence in Public Service – Protection of Agricultural and Open Space Lands and Prevention of Sprawl



CALAFCO 2021 Annual Meeting

Thursday, October 7, 2021

ANNUAL MEETING

9:00 a.m. to 11:00 a.m.

Virtual via Zoom Webinar

<https://us02web.zoom.us/j/86955254717?pwd=N2xyWXNKZStVenBpbER0emJuczJ6Zz09>

Passcode: 449731

Phone: 669-900-6833

ANNUAL MEETING AGENDA

1. Call to Order/Roll Call of Member LAFCos Michael Kelley, Chair
2. Approve Minutes from the October 31, 2019 CALAFCO Business Meeting at the Hyatt Regency, Sacramento, CA.
3. Introduction of Board Members elected by e-ballot Gay Jones
Elections Committee Chair
4. Election for any at-large seats to the Board of Directors Gay Jones
Elections Committee Chair
 - 4.1. Nominations from the Floor
 - 4.2. Candidates Forum
 - 4.3. Voting Process
5. Acknowledgement of Associate Members Pamela Miller, Executive Director
6. Report from the Board of Directors on significant Association activities for 2020-21 Executive Board Members
7. New Business
8. Presentation of Annual Achievement Awards Anita Paque & Josh Susman
Awards Committee Chair & Member
9. Comments from CALAFCO Members
10. Announcements

Adjourn to the 2022 Annual Business Meeting, Thursday, October 20, 2022, at 9:00 a.m. at the Hyatt Regency Newport Beach John Wayne Airport, CA.

CALAFCO Board Members 2020-21 <i>(as of June 1, 2021)</i>		
Board Member Name	LAFCo - Region	Type <i>(Term Expires)</i>
Bill Connelly - Secretary	Butte - <i>Northern</i>	County (2021)
David Couch	Humboldt - <i>Northern</i>	District (2021)
Blake Inscore	Del Norte - <i>Northern</i>	City (2022)
Gay Jones	Sacramento - <i>Central</i>	District (2022)
Michael Kelley – Chair	Imperial - <i>Southern</i>	County (2021)
Christopher Lopez	Monterey – <i>Coastal</i>	County (2022)
Daron McDaniel	Merced – <i>Central</i>	County (2022)
Michael McGill – Immediate Past Chair	Contra Costa - <i>Coastal</i>	District (2022)
Jo MacKenzie	San Diego - <i>Southern</i>	District (2021)
Margie Mohler - Treasurer	Napa - <i>Coastal</i>	City (2021)
Tom Murray	San Luis Obispo - <i>Coastal</i>	Public (2021)
Anita Paque – Vice Chair	Calaveras - <i>Central</i>	Public (2021)
Daniel Parra	Fresno - <i>Central</i>	City (2021)
Josh Susman	Nevada - <i>Northern</i>	Public (2022)
Acquanetta Warren	San Bernardino – <i>Southern</i>	City (2022)
David West	Imperial - <i>Southern</i>	Public (2022)

CALIFORNIA ASSOCIATION OF
LOCAL AGENCY FORMATION
COMMISSIONS



Board of Directors 2021/2022 Nominations Form

Nomination to the CALAFCO Board of Directors

In accordance with the Nominations and Election Procedures of CALAFCO,

Napa LAFCo of the Coastal Region

Nominates Margie Mohler

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.

Diane Dillon
Diane Dillon (Jul 19, 2021 18:02 PDT)

LAFCo Chair

Jul 19, 2021
Date

NOTICE OF DEADLINE

Nominations must be received by **September 7, 2021** at 5:00 p.m. to be considered by the Election Committee. Send completed nominations to:
 CALAFCO Election Committee
 CALAFCO
 1020 12th Street, Suite 222
 Sacramento, CA 95814

Or email to: info@calafco.org

Date Received



**Board of Directors
2021/2022 Candidate Resume Form
(Complete both pages)**

Nominated By: Napa LAFCo Date: Jul 19, 2021

Region (please check one): Northern Coastal Central Southern

Category (please check one): City County Special District Public

Candidate Name Margie Mohler
Address [REDACTED]
Phone Office [REDACTED] Mobile [REDACTED]
e-mail MMohler@yville.com

Personal and Professional Background:

See attached

LAFCo Experience:

See attached

CALAFCO or State-level Experience:

See attached

Availability:

See attached

Other Related Activities and Comments:

See attached

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Sacramento, CA 95814

Or email to: info@calafco.org

Margie Mohler

Napa County LAFCO Commissioner
CALAFCO Board Member (Treasurer)



Candidate Statement:

“My first two terms as a CALAFCO Board Member have been a rich learning experience and a very rewarding opportunity. CALAFCO serves its members by providing education, legislative engagement, and information for orderly growth. During my current term, the Board has prepared strategic and financial plans, white papers, and legislation to support LAFCO grant funding. I ask for your vote for a third term to further advance CALAFCO’s mission that benefits all 58 LAFCOs.”

Personal and Professional Background:

Margie was first elected to the Yountville Town Council in 2008. The Town Council appointed Margie as Vice Mayor in 2016. Margie received a B.A in Microbiology at the University of Kansas followed by graduate work at the University of Kansas Medical Center. Following positions at major pharmaceutical companies, Margie founded a drug consulting firm in 2001. She has authored over 70 publications, book chapters, and technical books in her field. She served as an officer on the American Association of Pharmaceutical Scientists Executive Council for 7 years.

LAFCO Experience:

Margie was honored by CALAFCO as Outstanding Commissioner of the Year 2018. Margie has served as a City member on Napa County LAFCO since 2017 and has served on their policy, budget, and legislative subcommittees. Margie served as Napa LAFCO Chair from 2018-2019.

CALAFCO or State-level Experience:

Margie was first elected as a City member to represent the Coastal Region on the CALAFCO Board of Directors in 2017 and was re-elected in 2019 to a second term. Margie was elected to the CALAFCO Executive Committee in 2020 and currently serves as Treasurer. Margie has been an active member of the League of California Cities. She was appointed to, and has continuously served on, the League’s Environmental Quality Policy Committee since 2009.

Availability:

Margie attended all CALAFCO Board meetings, and is committed to attending all future Board meetings and being an active participant on its subcommittees.

Other Related Activities and Comments:

Margie is active in local history and historic preservation, and has represented the Town of Yountville and community on the following countywide boards and commissions: Upper Valley Waste Management Authority (Chair), Napa County LAFCO (City Member), Napa Valley Transportation Authority, League of California Cities, Water Information and Conservation Council, and Napa County Historical Board (Treasurer).

CALIFORNIA ASSOCIATION OF
LOCAL AGENCY FORMATION
COMMISSIONS



Board of Directors 2021/2022 Nominations Form

Nomination to the CALAFCO Board of Directors

In accordance with the Nominations and Election Procedures of CALAFCO,

Napa LAFCo of the Coastal Region

Nominates Kenneth Leary

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.

Diane Dillon
Diane Dillon (Aug 27, 2021 11:28 PDT)

LAFCo Chair

8/26/21
Date

NOTICE OF DEADLINE

Nominations must be received by **September 7, 2021** at 5:00 p.m. to be considered by the Election Committee. Send completed nominations to:
CALAFCO Election Committee
CALAFCO
1020 12th Street, Suite 222
Sacramento, CA 95814

Or email to: info@calafco.org

Date Received

CALIFORNIA ASSOCIATION OF
LOCAL AGENCY FORMATION
COMMISSIONS



**Board of Directors
2021/2022 Candidate Resume Form
(Complete both pages)**

Nominated By:

Region (please check Napa LAFCo Date: ~~XXXXXX~~ 8/13/21

one): Category (please Northern Coastal Central Southern

check one): Candidate City County Special District Public

Name Kenneth Leary

Address [REDACTED]

Phone [REDACTED] Mobile [REDACTED]

Office e-mail kil@sbcglobal.net

Personal and Professional Background:

See attached

LAFCo Experience:

See attached

CALAFCO or State-level Experience:

See attached

Availability:

See attached

Other Related Activities and Comments:

See attached

NOTICE OF DEADLINE

Nominations must be received by **September 7, 2021** at 5:00 p.m. to be considered by the Election Committee. Send completed nominations to:
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CALAFCO
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Sacramento, CA 95814

Or email to: info@calafco.org

Kenneth Leary

Napa County LAFCO Public Member



Candidate Statement:

"I must admit I didn't know much about LAFCO when I was first appointed back in 2016. What I did know made me want to learn more, so I registered for the LAFCO 101 workshop "Understanding & Applying the Basics". I could not believe as a second term City Council member the magnitude of LAFCO which was unknown to me and my City Council colleagues. I requested City Council introduction to LAFCO training be arranged as quickly as possible. I attended two additional CALAFCO educational sessions in 2018 and attended every annual conference since."

Personal and Professional Background:

Ken was first elected to the American Canyon City Council in 2012 and reelected in 2016.. Ken received a B.S in Recreation and Leisure Studies at the California State University Hayward and a M.P.A Public Policy also from California State University Hayward. His professional employment include Navel Air Station Alameda, City of Oakland Parks and Recreation, and The Town of Yountville where he served as The Community Services Diretor.

LAFCO Experience:

In 2016 Ken was appointed to Napa County LAFCO as a City member and has served on their budget and outreach subcommittees. Ken served as Napa LAFCO Chair in 2020. When he chose not to seek a third term on City Council he left the Commission temporarily, and in 2021 he returned when he was appointed as Napa County LAFCO Public Member.

CALAFCO or State-level Experience:

Ken while on Council was an active member of the League of California Cities, Mayors and Council Members Department, North Bay Division. He served on the Community Services Policy Committee and the African American Caucus.

Availability:

Ken understands the time and commitment it takes to be the CALAFCO Public member and is looking forward to serving all of California with the same passion he has for Napa County.

Other Related Activities and Comments:

Ken is active in his local community is an active member of Kiwanis Club of American Canyon and has served as Club President and Board Member. He also serves as Kiwanis Advisor to the American Canyon High School Key Club a youth sponsored Kiwanis Organization. In addition, Ken severed three years as the Community Member on The Touro University of California Bio Safety Committee until he was hired by the University.



Achievement Award Nomination Form

NOMINEE - Person or Agency Being Nominated

Name:

Organization:

Address:

Phone:

E-mail:

NOMINATION CATEGORY (check one - see category criteria on attached sheet)

Outstanding CALAFCO Volunteer

Outstanding CALAFCO Associate Member

Outstanding Commissioner

Outstanding LAFCo Professional

Mike Gotch Excellence in Public Service (choose one category below)

Protection of agricultural and open space lands and prevention of sprawl

Innovation, collaboration, outreach and effective support of the evolution and viability of local agencies, promotion of efficient and effective delivery of municipal services

Legislator of the Year (must be approved by the full CALAFCO Board)

Lifetime Achievement Award

NOMINATION SUBMITTED BY:

Name:

Organization:

Address:

Phone:

E-mail:



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

Achievement Award Nomination: Napa Pipe Project, Napa LAFCO, Commissioners Diane Dillon and Brad Wagenknecht, the County of Napa, the City of Napa, and Senator Bill Dodd

The Napa Pipe Project is an outstanding example of a “smart-growth” community. It is a reuse of a WWII steel foundry site, on 150 acres along the Napa River. It will be a walkable community with a promenade along the river, outdoor entertainment areas, walking and bike trails, parks and open space, 945 housing units (including moderate, low and very low-income housing), senior housing, a school site, retail shops and a hotel.

The Napa Pipe Project is an exemplary example of coordination and collaboration among agencies, including Napa LAFCO, Commissioners Diane Dillon and Brad Wagenknecht, the County of Napa, the City of Napa, and Senator Bill Dodd. Even a vote of City residents was necessary to expand the City’s Rural Urban Limit Line¹. The project is also an example determination, over the past 15 years, to create an innovative approach to provide housing, control urban sprawl and to protect agricultural land and open space.

The project will go a long way in addressing Regional Housing Need Allocation (RHNA) numbers for the County and the City.² Agreements were reached to share the housing allocation numbers. Special legislation was necessary to achieve this goal (SB235).

The developer, Keith Rogal of Napa Redevelopment Partners stated, 'It is a beautiful place, and it is the single best opportunity Napa has had in decades, or ever will have, for truly substantial amounts of well-planned new housing,' Rogal wrote in an email. 'It was agonizing — working and waiting and wondering if it would happen — if that huge obsolete site would be allowed to be recycled in this badly needed way. And it was wonderful to see the community, the County and City and State leadership, pull together in the end to make it possible.'³

The developer originally submitted “overly ambitious” plans to the County for the unincorporated property (2007). The 2018-19 Grand Jury report stated that the City objected to a new “town center” removed from the City’s downtown.⁴ The City Council felt the City should be the lead for the development. Seven years of delays occurred with inconsistent input from the City and County. An ad-hoc committee of City and County electives was formed to reach a realistic solution (2013). Bill Dodd, LAFCO Commissioner and County Supervisor, served on the committee. As a result, the County and City entered into a “Memorandum of Understanding”

¹ Measure A. November 2014

² RHNA is the state-mandated process to identify the total number of housing units by affordability level that each jurisdiction must accommodate in its General Plan Housing Element.

³ Napa Valley Register. March 30, 2021

⁴ Napa County Grand Jury 2018-19. Final Report

“Where’s My Costco? A History of the Napa Pipe Project”

(MOU). The City would serve as lead agency and fulfill 80% of the County's RHNA obligations from 2022-2058. Property taxes, sales taxes and transient occupancy taxes would be split between the agencies. Also, the MOU required the annexation of the entire property by 2022.

An important element of the agreement would be annexation to the City, including SOI expansion and expansion of the Rural Urban Limit line (Measure A). City voters approved Measure A. The Commission's adopted policies clearly prioritize the protection of agricultural land and open space, directing urban development to the cities.⁵ LAFCO conducted the Central County Region MSR (2014) to determine that all service providers had the ability and planned capacity to provide the necessary services to the project. The SOI was updated to include the unincorporated project area into the City's SOI (September 22, 2015).

In 2015, LAFCO approved annexation of the Phase One (Eastern Parcel). The Commission authorized the City to provide the full range of municipal services to the balance of the project site that remained unincorporated.⁶ However, since the Western Parcel remained unincorporated, it meant the developer needed to comply with process, regulations and design requirements of both the City and the County. Further delays occurred. Previously approved permits expired.

At this point, it was determined that the agreed upon swapping of house credits was not legal under current state law. Former LAFCO Commissioner, now Senator Bill Dodd, introduced a bill to allow a onetime swap of housing credits.⁷ Of course, the bill had to pass both houses and be signed by the Governor. It became law in 2019. The new law enabled the one-time transfer of RHNA credits. The Code Section states that the Legislature recognized the unique circumstances stating; "Since the county approved the project, the project's intent has been for the county to help fund the construction of affordable units in the project while counting any constructed affordable and moderate-income housing units toward the county's regional housing need allocation before the annexation." The County was allowed to claim the RHNA credit, though the property had already been annexed to the City.

The 2018-19 Grand Jury recommended: *"...the City and County of Napa should move as quickly as possible to annex the balance of the Napa Pipe Property into the City so that the Developer only has to deal with one entity for permitting, zoning, design, and other related building issues. The annexation should take place no later than January 1, 2020."*

In November of 2019, Napa LAFCO held a special meeting to facilitate the final annexation of the remaining Napa Pipe Property. The Commission's action included special conditions, for the purpose of confirming the agreements between the County and City.⁸

All conditions were met and the annexation of Napa Pipe Property became final on December 23, 2019. The project could now proceed with one land use authority.

⁵ Supplemental Information attached

⁶ G. C. Section 56133

⁷ G.C. Section 65584.08 (SB 235)

⁸ Supplemental Information attached

CALAFCO 2021 Awards Nomination: Achievement Award Nomination: Napa Pipe Project, Napa LAFCO, Commissioners Diane Dillon and Brad Wagenknecht, the County of Napa, the City of Napa, and Senator Bill Dodd

Supporting Information

**A. Current Approved Uses and Proposed Modified Land Uses
City of Napa EIR Addendum 5, November 2019**



B. Napa LAFCO's Special Conditions (summary): Napa Pipe 2 Reorganization

A-1 The City of Napa (the City) and the County of Napa (the County) enter into a mutually acceptable agreement.

A-2 The City, County and Developer established a Memorandum of Understanding amending the Development agreement's Affordable Housing Plan.

A-3 The City and County agreed upon future Regional Needs for Future Housing Elements.

C. Napa LAFCO's relevant policies:

Commission Declarations (summary):

The Commission review shall be made in adherence to its policies and Napa County General Plan on proposals, projects, studies and to determine designated agricultural an open-space lands.

D. Letter of Support from Napa Farm Bureau (page 3):

~~Supplemental XXX~~



VIA ELECTRONIC MAIL

July 28, 2021

Brendon Freeman
Executive Officer
LAFCO of Napa County
bfreeman@napa.lafco.ca.gov

Dear Mr. Freeman:

I write to nominate Supervisor Diane Dillon in the CALAFCO award categories for "Lifetime Achievement Award" and "Excellence in Public Service – Protection of agricultural and open space lands and prevention of sprawl".

Throughout her career, Diane has tirelessly worked with the agricultural community to understand and address the complex issues we face. Diane is regarded as a passionate and dedicated elected official and has been recognized for her hard work to protect the scenic resources and beautiful lands of Napa County's agricultural industry. She is both an honorable example of what it means to be a hard-working elected official and a role model to many in leadership and the agricultural sector.

To that end, the Napa County Farm Bureau Board of Directors recently voted to name Diane Napa Valley's 2021 Friend of Agriculture to honor her many achievements on behalf of agriculture in Napa County.

Supervisor Dillon is the consummate choice to receive a CALAFCO award in both of these categories and I highly encourage her selection.

If I can be of further assistance, please do not hesitate to contact me.

Sincerely,

A handwritten signature in black ink, appearing to read 'Ryan Klobas', written over a white background.

Ryan Klobas
Chief Executive Officer



2021 Achievement Award Nominations
Due by Friday, August 13, 2021 at 3:00 p.m.

EXECUTIVE SUMMARY

In no more than 250 words, summarize why this recipient is the most deserving of this award.

Benefits of the Napa Pipe Project:

1. Smart-growth community: 945 (including moderate, low and very low-income housing), senior housing, a school site, retail shops, a hotel, walking and bike trails, parks and open space.
2. Reuse of a WWII steel foundry site
3. Location near transportation and full range of municipal services
4. Prevents urban sprawl, protects agricultural land and open space

Originally unincorporated with the County as land use authority, low and very-low income units approved. City desired to be lead agency. An ad-hoc committee was formed, including Bill Dodd, LAFCO Commissioner. An MOU was reached between City and County to share RHNA numbers, property tax, sales tax and transient occupancy tax. Annexation of total area to City required by 2022. This required SOI expansion and City voter approval to expand URL.

LAFCO conducted an MSR to determine ability and planned capacity to provide the necessary services. The SOI was updated to include the project area into the City's SOI. In 2015, LAFCO approved annexation of the Phase One (Eastern Parcel). The Commission authorized the City to provide the full range of municipal services to the balance of the project site that remained unincorporated.

Sharing the RHNA numbers required special legislation: G.C. Section 65584.08 (SB 235 Dodd)

Napa LAFCO held a special meeting to facilitate the final annexation. Commission approval included special conditions. All conditions were met and the annexation of Napa Pipe Property became final on December 23, 2019.



2021 Achievement Award Nominations
Due by Friday, August 13, 2021 at 3:00 p.m.

NOMINATION SUMMARY

Please indicate the reasons why this person or agency deserves to be recognized (this section must be no more than 1,000 words or 2 pages maximum).

attached (cut and paste wouldn't work)

The Napa Pipe Project is an outstanding example of a “smart-growth” community. It is a reuse of a WWII steel foundry site, on 150 acres along the Napa River. It will be a walkable community with a promenade along the river, outdoor entertainment areas, walking and bike trails, parks and open space, 945 housing units (including moderate, low and very low-income housing), senior housing, a school site, retail shops and a hotel.

The Napa Pipe Project is an exemplary example of coordination and collaboration among agencies, including Napa LAFCO, Commissioners Diane Dillon and Brad Wagenknecht, the County of Napa, the City of Napa, and Senator Bill Dodd. Even a vote of City residents was necessary to expand the City’s Rural Urban Limit Line . The project is also an example determination, over the past 15 years, to create an innovative approach to provide housing, control urban sprawl and to protect agricultural land and open space.

The project will go a long way in addressing Regional Housing Need Allocation (RHNA) numbers for the County and the City. Agreements were reached to share the housing allocation numbers. Special legislation was necessary to achieve this goal (SB235).

The developer, Keith Rogal of Napa Redevelopment Partners stated, 'It is a beautiful place, and it is the single best opportunity Napa has had in decades, or ever will have, for truly substantial amounts of well-planned new housing,' Rogal wrote in an email. 'It was agonizing — working and waiting and wondering if it would happen — if that huge obsolete site would be allowed to be recycled in this badly needed way. And it was wonderful to see the community, the County and City and State leadership, pull together in the end to make it possible. “

The developer originally submitted “overly ambitious” plans to the County for the unincorporated property (2007). The 2018-19 Grand Jury report stated that the City objected to a new “town center” removed from the City’s downtown. The City Council felt the City should be the lead for the development. Seven years of delays occurred with inconsistent input from the City and County. An ad-hoc committee of City and County electives was formed to reach a realistic solution (2013). Bill Dodd, LAFCO Commissioner and County Supervisor, served on the committee. As a result, the County and City entered into a “Memorandum of Understanding” (MOU). The City would serve as lead agency and fulfill 80% of the County’s RHNA obligations from 2022-2058. Property taxes, sales taxes and transient occupancy taxes would be split between the agencies. Also, the MOU required the annexation of the entire property by 2022.

An important element of the agreement would be annexation to the City, including SOI expansion and expansion of the Rural Urban Limit line (Measure A). City voters approved Measure A. The Commission’s adopted policies clearly prioritize the protection of agricultural land and open space, directing urban development to the



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

Agenda Item 5c (Consent/Information)

TO: Local Agency Formation Commission

PREPARED BY: Brendon Freeman, Executive Officer *BF*

MEETING DATE: October 4, 2021

SUBJECT: CALAFCO Quarterly Report

SUMMARY

This item is for information purposes only. Accordingly, if interested, the Commission is invited to pull this item for additional discussion with the concurrence of the Chair.

The California Association of Local Agency Formation Commissions (CALAFCO) was established in 1971 to assist member LAFCOs in fulfilling their mission. CALAFCO facilitates information sharing among members by organizing annual conferences and workshops as well as providing technical assistance through training classes. CALAFCO also serves as a resource to the Legislature and actively drafts and reviews new legislation.

Vice Chair Mohler currently serves as a member of the CALAFCO Board of Directors and Executive Committee.

CALAFCO recently released a Quarterly Report dated August 2021, included as Attachment One, with a summary of activities and events that may be of interest to members of the Commission.

ATTACHMENT

- 1) CALAFCO Quarterly Report (August 2021)

Margie Mohler, Vice Chair
Councilmember, Town of Yountville

Mariam Aboudamous, Commissioner
Councilmember, City of American Canyon

Beth Painter, Alternate Commissioner
Councilmember, City of Napa

Diane Dillon, Chair
County of Napa Supervisor, 3rd District

Brad Wagenknecht, Commissioner
County of Napa Supervisor, 1st District

Ryan Gregory, Alternate Commissioner
County of Napa Supervisor, 2nd District

Kenneth Leary, Commissioner
Representative of the General Public

Eve Kahn, Alternate Commissioner
Representative of the General Public

Brendon Freeman
Executive Officer

News from the Board of Directors

CALAFCO QUARTERLY



August 2021

A
message
from the
Executive
Director

Greetings from your CALAFCO Board of Directors and Executive Director. It's summer and a hot one it is.

As the drought continues, wildfires begin to rage, and we continue to deal with the pandemic, we hope everyone is staying healthy and safe

This Third Quarterly Report of 2021 will begin by highlighting the news in our CALAFCO family first, followed by Association updates. Happy reading!

LAFcos in the News

Congratulations on these retirements

We want to congratulate two long-time LAFCo leaders on their retirements. Their contributions to CALAFCO and to LAFcos statewide are far too numerous to list here. Needless to say, they both leave huge shoes to fill and will be greatly missed. We wish them both all the best in their retirement!



After a 33-year career in local government, **Don Lockhart**, Sacramento LAFCo Executive Officer, retired at the end of July. Don began his local government career in Calaveras, then after 12 years at the City of Sacramento (where he processed his first annexation), he joined the Sacramento LAFCo team in

2002. Don became the Executive Officer in 2017. Don also served as CALAFCO Deputy Executive Officer in 2008 and 2011.

Also calling it time to retire this month is Placer LAFCo Executive Officer **Kris Berry**. Her local government career began 36 years ago in Monterey County as a Planner, and after 17 years she joined the Monterey LAFCo team. She's been the Placer LAFCo EO for well over 16 years. Kris also served as CALAFCO Deputy Executive Officer in 2016-17.



Napa LAFCo moved offices



Napa LAFCo recently moved offices. The new address is 1754 Second Street, Suite C, Napa, CA 94559. Executive Officer **Brendon Freeman** thanks **Kathy Mabry**, Commission

Secretary, who he says, "Did most of the heavy lifting in terms of finding the office and coordinating moving logistics".

Sacramento LAFCo Welcomes New Executive Officer

Sacramento LAFCo announced the hiring of **José Henríquez** as the new Executive Officer. Most recently, José was the Executive Officer of El Dorado LAFCo.

El Dorado LAFCo Announces Interim Executive Officer

Erica Sanchez has transitioned to the Interim EO position for El Dorado LAFCo, with the departure of José.



CALAFCO Educational Events

MARK YOUR CALENDARS FOR THESE UPCOMING CALAFCO EDUCATIONAL EVENTS!

CALAFCO 2021 ANNUAL CONFERENCE

Join us **October 6-8** at the **Hyatt Regency Newport Beach John Wayne Airport** for the 2021 Annual Conference. It's been so long since we've gathered in person and the time is finally here! All Conference details including info about the program, registration and hotel reservations can be found on the CALAFCO website at www.calafco.org.



Deadline to register for the Conference is September 17 and hotel reservation cutoff date is September 6.

CALAFCO UNIVERSITY



We are pleased to continue offering webinars at no cost to our members. During the month of August we are featuring a very special 4-part series on **Fire and EMS Agencies: Basics, Challenges and LAFcos' Role & Responsibility**. The first three sessions feature diverse and highly experienced panels that are focusing on the various service models and types of services offered by these unique agencies, how to conduct a thorough evaluation of services, and what's involved in changing contracts (§56134). The final session will present three very different case studies from urban, suburban and rural LAFcos.



Join us on September 1 for another session on *Forming a CSD*. Details for all CALAFCO University courses are on the CALAFCO website.

CALAFCO Board of Directors

CALAFCO BOARD ACTIONS

The Board met virtually on July 30 with a full agenda. Under the leadership of *Chair Mike Kelley*, the Board took a number of actions.



- ✓ **The FY 2020-21 final year-end budget was presented.** The Board received the year-end fiscal report which includes a net balance of \$69,986. For the first time, CALAFCO had to sustain itself solely on member dues as there was no Staff Workshop, Conference or CALAFCO U revenue. Savings were realized in many operational areas.
- ✓ **Updated Policies for Sections III and IV of the current CALAFCO Policies were adopted.** One of the goals for 2021 is to conduct a comprehensive review of CALAFCO Policies, considering two sections per quarter. This is the second of a three-phase update process. The updated policies can be found on the CALAFCO website.
- ✓ **Associate member survey was presented.** CALAFCO recently conducted a survey of our Associate members to get feedback on membership services provided and how we can enhance our partnership value with them. Staff will continue to gather information from our Associate members as we work towards revitalizing and enhancing that program.
- ✓ **The Board received the Legislative Committee report and began discussion on legislative priorities for 2022.** An update on current legislative matters was provided, followed by a discussion about potential legislative priorities for 2022. The Board considered the extension of service proposal it tabled for 2021 and committed to revisit for 2022, along with supporting moving forward the consolidated language of existing protest provisions and an Omnibus bill.

Last quarter we reported to you on the Board's approval of CALAFCO filing an amicus letter to the CA Supreme Court requesting they review the decision in the case of *San Luis Obispo Local Agency Formation Commission v. City of Pismo Beach*. The letter was filed and the Court denied the request to review the decision, and further denied the request to de-publish the decision. While the Board acknowledges this is an important and unfavorable decision for LAFCoS, there is mixed sentiment amongst LAFCoS as to the overall impact of this decision. As a result, there will be

discussion of the matter during the Annual Conference at the legal counsel roundtable and during a topical roundtable breakout session.

- ✓ **Several other reports were received.** Including Elections Committee, Awards Committee, a CALAFCO U update and an update on the Conference.

All Board meeting documents are on the CALAFCO website.

CALAFCO Administrative Update

A reminder to all our members that September 1 is the deadline to remit your CALAFCO dues for FY 2021-22. We are pleased to report that all Associate Members have been transitioned to a FY cycle rather than calendar year cycle and thank them for their patience during that transition.



CALAFCO Legislative Update



This is the first year in the two-year legislative cycle, and wow has it been a busy one so far for CALAFCO.

This year, 2,721 bills were introduced which is about the average number. However, complicating the legislative process this year is the fact the Legislature has compressed their hearing schedule due to a shortage of hearing rooms that allow for social distancing. This means there is not the normal timeframe to negotiate amendments before bills get heard in committee and legislators are being required to seriously prioritize their bills for passage. (Only 12 bills per author were allowed to move from their house of origin to the other house.)

The Legislature returns from summer recess on August 16 and there will be the last minute flurry of amendments and pushing bills through the pipeline. Looming deadlines include: August 27 - last day for fiscal committees to meet and push out bills; September 3 - last day to amend bills on the floor; and September 10 - last day for the Legislature to pass bills. The last day for the Governor to sign bills is October 10, 2021.

This year, more than in past years, CALAFCO has been called on to work with legislators, their staff, and stakeholders in crafting amendments to bills. CALAFCO staff has done a large amount of negotiation on current



and potential legislation, beginning last November and continuing today.

This year alone, four subcommittees were created to work on various bills, including the Caballero water authority bill (never introduced), AB 1195 (C. Garcia), SB 403 (Gonzalez) and SB 96 (Dahle). CALAFCO wishes to thank all the Legislative Committee and Advisory Committee volunteers, and also those who serve on these various subcommittees.

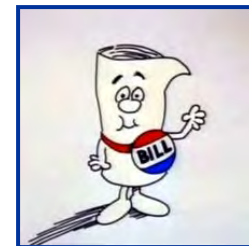
We are currently tracking 33 bills. Here are a few of the bills of importance we are tracking or have worked on:

- ✓ **AB 1581 (Assembly Local Government Committee Omnibus) CALAFCO Sponsor.** The annual Omnibus bill authored by the Assembly Local Government Committee (ALGC) and sponsored by CALAFCO was first introduced on March 9, 2021 and contained four proposals. Amended on April 19, the bill added two proposals originally approved by the Committee that required extended stakeholder review, and seven additional items that were a product of the Protest Working Group, eliminating obsolete special provisions. In total, the Omnibus bill this year contains thirteen (13) proposals. *The bill was signed into law by the Governor on June 28, 2021.*
- ✓ **AB 1195 (C. Garcia) CALAFCO Watch With Concerns.** Drinking water. Creates the So LA County Human Rights to Water Collaboration Act and gives the Water Board authority to appoint a Commissioner to oversee the Central Basin Municipal Water District. CALAFCO worked extensively with staff from both the author and Speaker's offices, as well as other stakeholders on crafting amendments that include a special pilot program for LA LAFCo. The bill passed the Assembly but given substantial pushback from stakeholders, it was *held over in the Senate as a two-year bill.*
- ✓ **SB 403 (Gonzalez) CALAFCO Neutral.** Drinking water consolidation. Authorizes the Water Board to order consolidation where a water system serving a disadvantaged community is an at-risk water system, as defined, or where a disadvantaged community is substantially reliant on at-risk domestic wells, as defined. All three of our requested amendments were accepted by the author and we removed our opposition as a result. After undergoing three rounds of amendments since introduction, the bill passed the Senate and is in the *Assembly Appropriations Suspense file.*
- ✓ **AB 897 (Mullin) CALAFCO Support.** Regional Climate Networks. The bill builds on existing programs through the Governor's Office of Planning and Research (OPR) by promoting regional collaboration in climate adaptation and resilience planning and providing guidance for regions to identify and prioritize projects necessary to respond to the climate vulnerabilities of their region. CALAFCO requested an amendment to explicitly state LAFCos are eligible entities for

participation in the regional climate networks, which was accepted. *The bill is now awaiting hearing in Senate Appropriations.*

All bills being tracked by CALAFCO can be found on the CALAFCO website inside the Legislation section of the site (log in with your member id first to access this section). CALAFCO's position on all bills is reflected there, and any letters issued by CALAFCO are posted. The CALAFCO Legislative Committee meets regularly and all meeting materials are located in the Legislation section of the CALAFCO website.

Watch for solicitation of legislative proposals for 2022 coming soon!



CALAFCO Associate Members' Corner



This section is dedicated to highlighting our Associate Members. The information below is provided to CALAFCO by the Associate member upon joining the Association. All Associate member information can be found in the CALAFCO Member Directory.

Economic & Planning Systems (EPS)

EPS is an urban economics consulting firm specializing in governance analysis; LAFCo special studies and service reviews; tax sharing; annexation; incorporation, and reorganization feasibility; fiscal analysis; public finance; demographic and regional forecasting. **EPS** has been an Associate member since June 2005. Learn more about **EPS** and their services at www.epsys.com, or contact **Ashleigh Kanat** at akanat@epsys.com.



News from the Board of Directors CALAFCO QUARTERLY

Attachment One

August 2021
Page 4



Goleta West Sanitary District

A Silver Associate Member since August 2011, **Goleta West Sanitary District** provides wastewater collection and treatment as well as street sweeping services. Formed in 1954, the district serves over 35,000 people. For more information, visit their website at www.goletawest.com, or email their General Manager **Mark Nation** at info@goletawest.com.



LACO Associates

LACO Associates has been a Silver Associate Member since February 2012. **LACO** provides integrated solutions for development, infrastructure and geo-environmental projects. Their services include planning, design, engineering and geo-environmental as well as CEQA compliance, GIS, MSRs and economic studies. For more information visit their website at www.lacoassociates.com, or email **Kevin Doble** at doblek@lacoassociates.com.



Griffith, Masuda & Hobbs

Griffith, Masuda & Hobbs has been a Silver Associate Member since March 2012. Founded in 1920, they specialize in water, energy, environmental and public law matters. They focus on serving public agencies and serve as general counsel or special water counsel to various agencies in the Central Valley. For more information, visit their website at www.calwaterlaw.com or email **David Hobbs** at dhobbs@calwaterlaw.com.

HdL Coren & Cone

HdL Coren & Cone has been a Silver Associate Member since July 2013. They assist local agencies by using property tax parcel data for developing specialized data reports, focused economic development strategies and revenue projections. HdLCC provides services to cities, counties and special districts in the state. For more information, visit them at www.hdlcompanies.com, or email **Paula Cone** at pcone@hdlccpropertytax.com.



Planwest Partners, Inc.

Planwest Partners Inc. has been a Silver Associate Member since August 2014. They provide contract LAFCo staffing services to multiple LAFCos. This includes preparing and conducting MSRs and SOI updates, public noticing, environmental documents, GIS, fiscal and economic studies, website management, application processing, facilitation and training. For more information, visit them at www.planwestpartners.com, or email **George Williamson** at georgew@planwestpartners.com.



CALAFCO wishes to thank all of our Associate Members for your ongoing support and partnership. We look forward to continuing to highlight you in future Quarterly Reports. Look for our next update to include short interviews featuring our Associate Members.

Did You Know??

Meeting Documents Online

Did you know that all **CALAFCO Board of Directors and Legislative Committee meeting documents are online?** Visit the Boards & Committees pages in the Members Section of the site. Board documents cover 2008 to present and Legislative Committee documents span 2007 to present.



CALAFCO Webinars & Courses Archived

Did you know that all **CALAFCO Webinar recordings are archived on the CALAFCO website and available at no cost for on-demand viewing?** Visit the CALAFCO website in the CALAFCO Webinars section (log in as a member first). There are now 30 CALAFCO U courses archived, and 8 webinars are archived and available for on-demand viewing.



IMPORTANT REMINDERS

Deadline to submit Achievement Award nominations is August 13, 2021 at 3:00 p.m.

Deadline to submit Board election nomination packets is September 7, 2021 at 5:00 p.m. and requests for absentee ballots must be received by September 7, 2021 at 5:00 p.m.

Mark Your Calendars For These Upcoming CALAFCO Events

- ❖ CALAFCO U webinar on Fire/EMS Agency series – 8/16, 8/23 and 8/26
- ❖ CALAFCO U webinar on Forming a CSD – 9/1
- ❖ CALAFCO Leg meeting – 9/10 (virtual)
- ❖ CALAFCO Annual Conference – 10/6 – 10/8 (Newport Beach)
- ❖ CALAFCO Board Meeting – 10/8 (Newport Beach)
- ❖ CALAFCO Leg meeting – 10/22 (location TBD)



The **CALAFCO 2021 Calendar of Events** can be found on the CALAFCO website.





Agenda Item 5d (Consent/Information)

TO: Local Agency Formation Commission
PREPARED BY: Brendon Freeman, Executive Officer *BF*
MEETING DATE: October 4, 2021
SUBJECT: Current and Future Proposals

SUMMARY

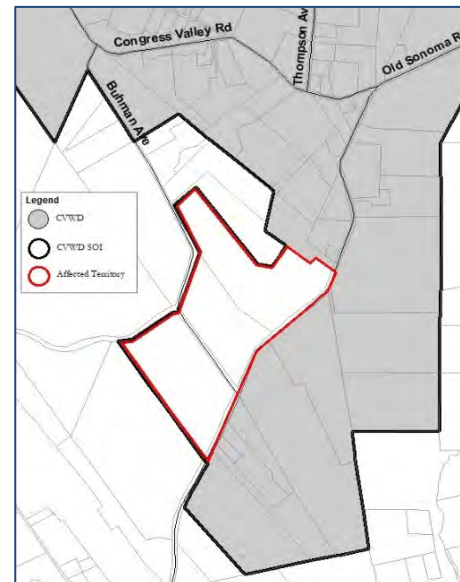
This is a consent item for information purposes only. Accordingly, if interested, the Commission is invited to pull this item for additional discussion with the concurrence of the Chair. No formal action will be taken as part of this item.

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

Active Proposals

Old Sonoma Road/Buhman Avenue Annexation to the Congress Valley Water District (CVWD)

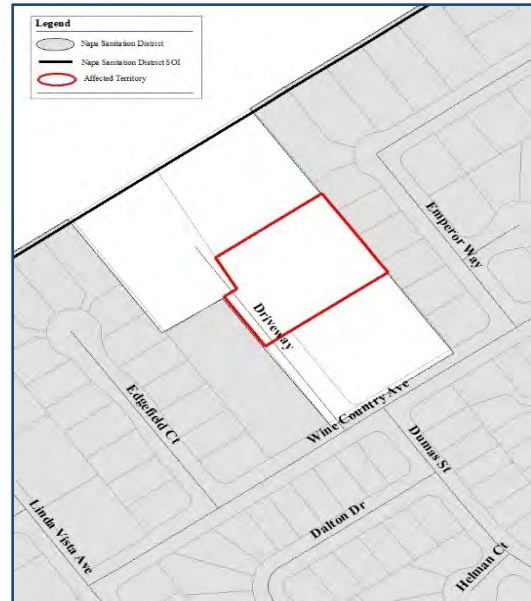
A landowner has submitted a proposal to annex three unincorporated parcels along with the adjacent portion of public right-of-way totaling approximately 141.5 acres in size to CVWD. The parcels are located along the northwestern side of Old Sonoma Road at its intersection with Buhman Avenue and identified as Assessor Parcel Numbers 047-030-005 & -020 and 047-080-001. Current land uses within the parcels 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. The purpose of annexation is to establish a permanent source of public water to all three parcels to serve agricultural land uses. It is anticipated the proposal will be presented for action on December 3, 2021.



Anticipated Proposals

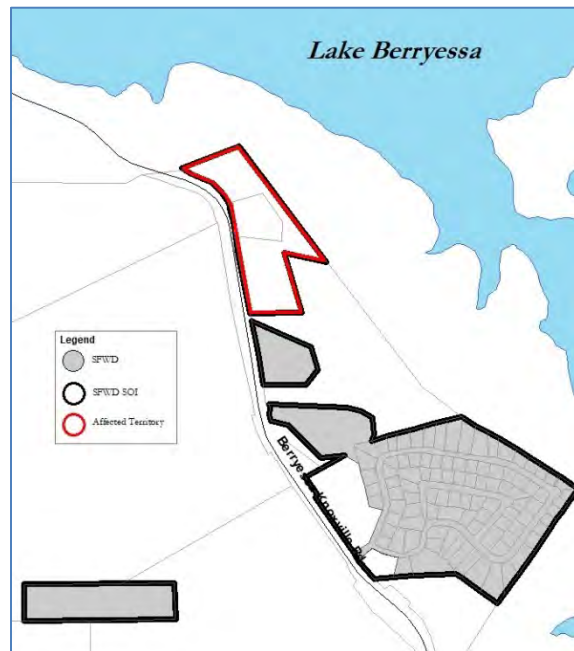
1118 Wine Country Avenue Annexation to NSD

The Commission previously approved an outside sewer service agreement involving NSD and one single-family residence located at 1118 Wine Country Avenue and identified as Assessor Parcel Number 035-511-014. The Commission's approval included a condition that requires the landowner to annex the parcel to NSD within one year. The parcel is approximately 1.2 acres in size and located in the City of Napa. Annexation would not be expected to facilitate any new development. Staff will work with the landowner to contact neighboring landowners who may also be interested in annexation. It is anticipated a proposal for annexation will be submitted within the next four months.



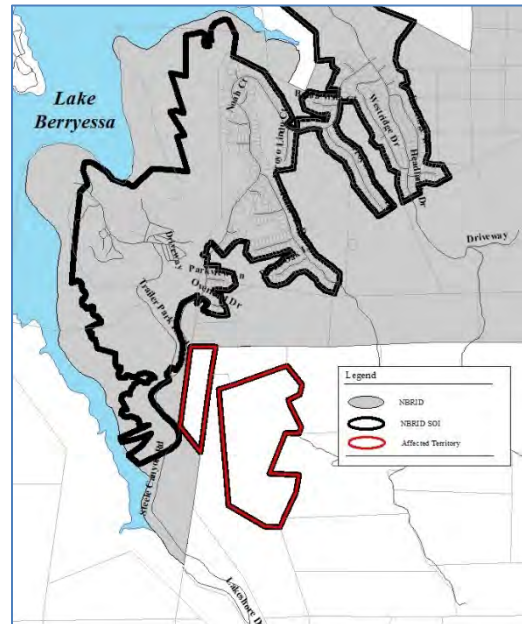
7140 & 7150 Berryessa-Knoxville Road Annexation to the Spanish Flat Water District (SFWD)

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 SFWD. The parcels were recently added to SFWD's sphere of influence (SOI), are located at 7140 and 7150 Berryessa-Knoxville Road, and identified as Assessor Parcel Numbers 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.



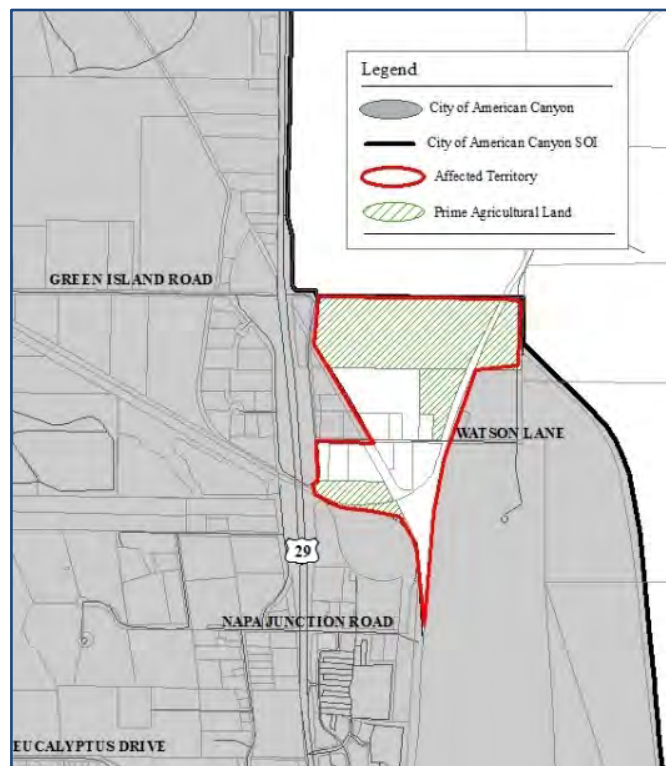
Wastewater Treatment Plant Annexation to the Napa Berryessa Resort Improvement District (NBRID)

Staff from 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 Assessor Parcel Numbers 019-220-028 and 019-220-038. Annexation would reduce 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.



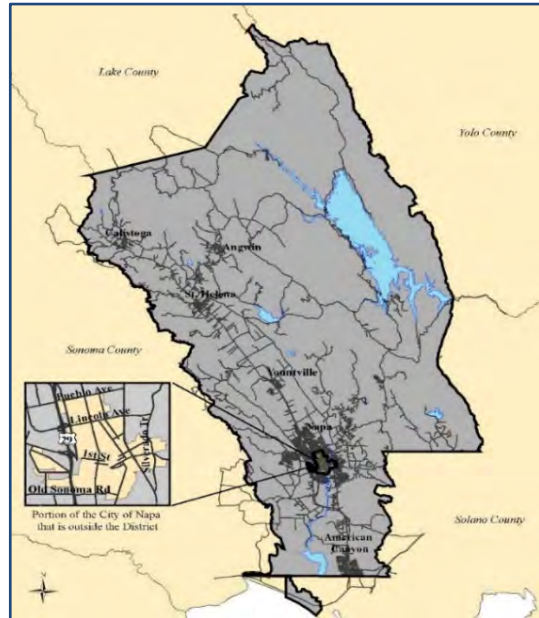
Watson Lane/Paoli Loop Annexation to the City of American Canyon

A landowner previously submitted a notice of intent to circulate a petition to annex 16 parcels and a portion of railroad totaling approximately 77.7 acres of unincorporated territory to the City of American Canyon. The area is located within the City’s SOI near Watson Lane and Paoli Loop and identified as Assessor Parcel Numbers 057-120-014, -015, -017, -028, -034, -036, -041, -045, -047, -048, -049, -050, & -051, 057-180-014 & -015, and 059-020-036. The area is within the American Canyon Fire Protection District’s boundary. 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. It is anticipated a proposal for annexation will be submitted in the future, but there is no current timetable.



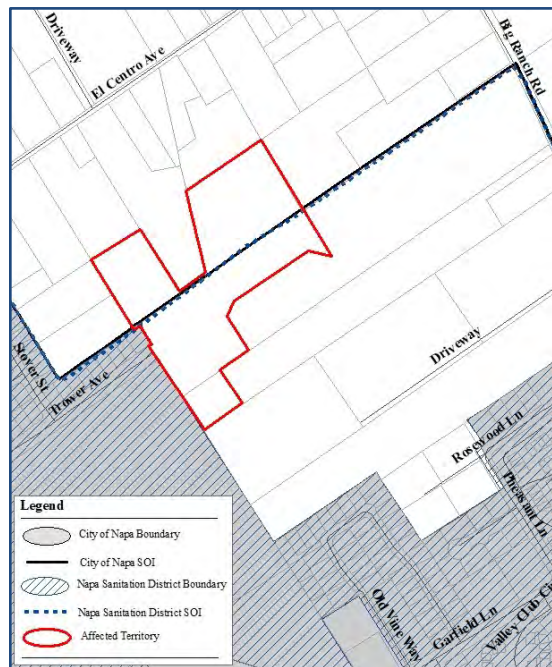
Napa County Resource Conservation District (NCRCD) Annexation

Staff from NCRCD 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 NCRCD’s SOI but outside its jurisdictional boundary. The purpose of annexation would be to allow NCRCD 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. It is anticipated a proposal for annexation will be submitted in the future, but there is no current timetable.



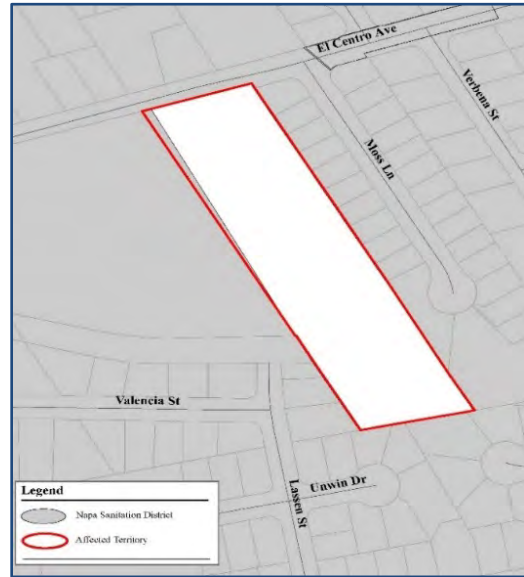
Vintage High School Farm Sphere of Influence Amendment and Annexation to NSD

The Napa Valley Unified School District (NVUSD) previously submitted a preliminary application for an SOI amendment and annexation of approximately 12.8 acres of territory involving NSD. The affected territory is unincorporated, contiguous to the City of Napa near the eastern terminus of Trower Avenue, and comprises one entire parcel identified as Assessor Parcel Number 038-240-020. The parcels are currently undeveloped and designated for residential land use under the County of Napa General Plan. The purpose of the SOI amendment and annexation is to facilitate NVUSD’s planned relocation of the educational farm and retain proximity to Vintage High School. The preliminary application is deemed incomplete until additional information and documents are submitted by NVUSD. It is important to note in February 2020, without taking formal action, the Commission signaled to NVUSD a willingness to waive its local policy requiring concurrent annexation to the City of Napa. It is anticipated a proposal for annexation will be submitted in the future, but there is no current timetable.



El Centro Avenue Annexation to NSD

On September 6, 2017, the landowner of 1583 El Centro Avenue in the City of Napa submitted a Notice of Intent to annex the parcel to NSD. The parcel is approximately 4.5 acres in size and is identified as Assessor Parcel Number 038-361-010. Current land uses within the subject parcel include a single-family residence and a planted vineyard. The purpose of annexation would be to facilitate a residential development project under the City's land use authority. Based on parcel size and the City's land use designation, annexation to NSD could potentially facilitate the future development of the subject parcel to include up to 36 total single-family residential units. The City has indicated an environmental impact report will be prepared for the residential development project. It is anticipated a proposal for annexation will be submitted in the future, but there is no current timetable.



ATTACHMENTS

None



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 6a (Public Hearing)

TO: Local Agency Formation Commission
PREPARED BY: Brendon Freeman, Executive Officer BF
Dawn Mittleman Longoria, Analyst II DML
MEETING DATE: October 4, 2021
SUBJECT: Sphere of Influence Reviews for Circle Oaks County Water District, Congress Valley Water District, Los Carneros Water District, Napa County Flood Control and Water Conservation District, and Napa River Reclamation District No. 2109

RECOMMENDATION

It is recommended the Commission take the following actions:

- 1) Open the public hearing and take testimony;
2) Close the public hearing;
3) Receive and file the Sphere of Influence (SOI) Review for Circle Oaks County Water District (COCWD), Congress Valley Water District (CVWD), Los Carneros Water District (LCWD), Napa County Flood Control and Water Conservation District (NCFCWCD), and Napa River Reclamation District No. 2109 (NRRD), included as Attachment One; and
4) Adopt the Resolution of the Local Agency Formation Commission of Napa County Making Determinations – SOI reviews for COCWD, CVWD, LCWD, NCFCWCD, and NRRD, and making California Environmental Quality Act (CEQA) findings, included as Attachment Two.

SUMMARY

In accordance with the Commission’s adopted Work Program for fiscal year 2021-22, staff has prepared a report representing the scheduled SOI reviews for COCWD, CVWD, LCWD, NCFCWCD, and NRRD. These SOI reviews were conducted in conjunction with the recently adopted Napa Countywide Water and Wastewater Municipal Service Review (MSR). The SOI report will serve as an appendix to the MSR.

Margie Mohler, Vice Chair
Councilmember, Town of Yountville
Mariam Aboudamous, Commissioner
Councilmember, City of American Canyon
Beth Painter, Alternate Commissioner
Councilmember, City of Napa

Diane Dillon, Chair
County of Napa Supervisor, 3rd District
Brad Wagenknecht, Commissioner
County of Napa Supervisor, 1st District
Ryan Gregory, Alternate Commissioner
County of Napa Supervisor, 2nd District

Kenneth Leary, Commissioner
Representative of the General Public
Eve Kahn, Alternate Commissioner
Representative of the General Public
Brendon Freeman
Executive Officer

The report succeeds the last SOI reviews for COCWD (completed in 2016), CVWD (completed in 2017), LCWD (completed in 2016), NCFCWCD (completed in 2016), and NRRD (completed in 2016). The report recommends affirming each district's SOI with no changes. The report also includes determinations addressing the factors required of the Commission whenever it takes any SOI actions consistent with California Government Code Section 56425. Further, the recommendations in the report are consistent with local policies, including the Commission's recently adopted *Policy on Spheres of Influence*, included as Attachment Three.

CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA)

The staff recommendation to affirm the SOIs for all five special districts would be exempt from further review under CEQA pursuant to California Code of Regulations Section 15061(b)(3). This finding would be based on the Commission determining with certainty that these SOI actions would have no possibility of significantly effecting the environment given no new land use or municipal service authority is granted.

PROCEDURES FOR CONSIDERATION

This item has been agendized as a noticed public hearing. The following procedures are recommended with respect to the Commission's consideration of this item:

- 1) Receive verbal report from staff;
- 2) Open the public hearing (mandatory) and take testimony;
- 3) Close the public hearing; and
- 4) Discuss item and consider action on recommendations.

ATTACHMENTS

- 1) SOI Reviews for COCWD, CVWD, LCWD, NCFCWCD, and NRRD
- 2) Draft Resolution Affirming the SOIs for COCWD, CVWD, LCWD, NCFCWCD, and NRRD, and Making CEQA Findings
- 3) LAFCO Policy on SOIs

APPENDIX A
SPHERE OF INFLUENCE REVIEWS
CIRCLE OAKS COUNTY WATER DISTRICT
CONGRESS VALLEY WATER DISTRICT
LOS CARNEROS WATER DISTRICT
NAPA COUNTY FLOOD CONTROL AND WATER CONSERVATION DISTRICT
NAPA RIVER RECLAMATION DISTRICT NO. 2109
IN CONJUNCTION WITH
NAPA COUNTYWIDE WATER AND WASTEWATER MUNICIPAL SERVICE REVIEW (2020)

OCTOBER 4, 2021

PREPARED BY NAPA LAFCO STAFF

SPHERE OF INFLUENCE CONSIDERATIONS

This appendix includes sphere of influence (SOI) analysis and recommendations for each of the following special districts that are subject to the Napa Countywide Water and Wastewater Municipal Service Review (MSR): Circle Oaks County Water District (COCWD); Congress Valley Water District (CVWD); Los Carneros Water District (LCWD); Napa County Flood Control and Water Conservation District (NCFCWCD); and Napa River Reclamation District No. 2109 (NRRD).

The MSR sections of this report include thorough research and analysis of the current and future operations of each subject agency. This appendix reviewing each subject agency's SOI is based on the work completed in the MSR sections. Relevant sections are referenced should the reader wish to review the detailed analysis.

CKH requires LAFCO to adopt an SOI for each city and special district located within the County. An SOI is defined in Government Code Section 56076 as "a plan for the probable physical boundary and service area of a local agency or municipality as determined by the Commission." LAFCO must make determinations with respect to the following factors when amending, establishing, reviewing, or updating an SOI:

Present and planned land uses in the area, including agricultural and open space lands. This factor consists of a review of current and planned land uses based on planning documents to include agricultural and open-space lands.

Present and probable need for public facilities and services. This factor includes a review of the services available in the area and the need for additional services.

Present capacity of public facilities and adequacy of public services provided by the agency. This factor includes an analysis of the capacity of public facilities and the adequacy of public services that the agency provides or is authorized to provide.

Social or economic communities of interest. This factor discusses the existence of any social or economic communities of interest in the area if the Commission determines that they are relevant to the agency. These are areas that may be affected by services provided by the agency or may be receiving services in the future.

Present and probable need for services to disadvantaged unincorporated communities. This factor requires the Commission to consider services to disadvantaged unincorporated communities, which are defined as inhabited areas within the SOI whose median household income is less than or equal to 80 percent of the statewide median income.

The following sections provide an evaluation of these factors along with recommendations for each subject agency.

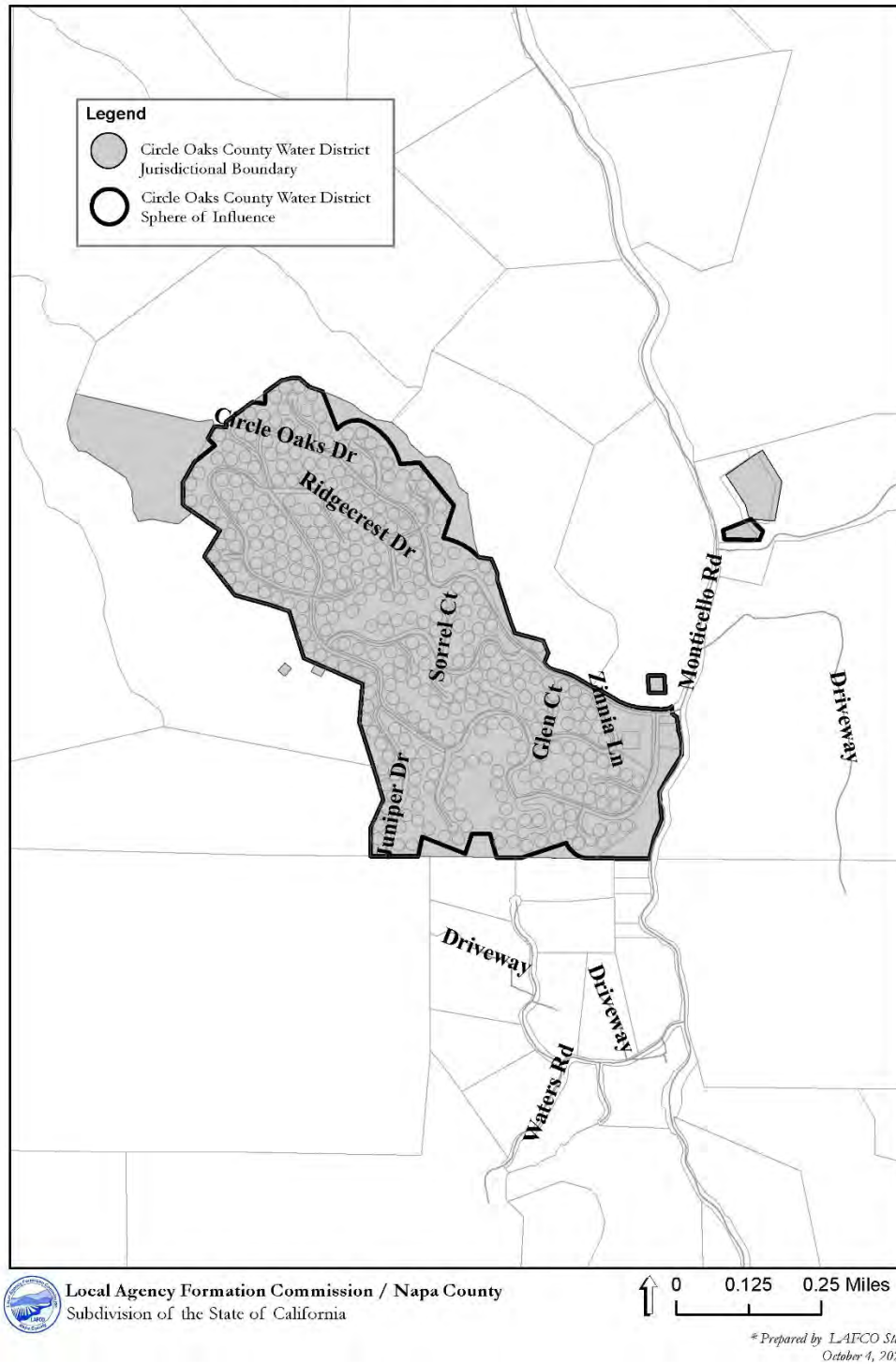
Circle Oaks County Water District (COCWD)

COCWD's SOI encompasses approximately 0.34 square miles, or 216 acres, entirely within its jurisdictional boundary. The SOI was reviewed and updated to include approximately 1.6 acres of jurisdictional lands in 2016. The SOI excludes approximately 36 jurisdictional acres representing the location of COCWD's groundwater wells, spring source, sewer ponds, and wastewater treatment plant, none of which will require public services from COCWD within the timeframe of this review.

The following map provides a visual of the District (Figure One).

Figure One: COCWD Map

Circle Oaks County Water District



Recommendation and Determinative Statements

It is recommended the Commission retain the current SOI designation of COCWD. Accordingly, the following written statements support the recommendation and address the five specific factors the Commission must prepare anytime it makes an SOI determination under G.C. Section 56425.

Present and planned land uses in the area, including agricultural and open space lands. The present and future land uses in COCWD's SOI are planned for by the County of Napa as the affected land use authority. The County General Plan and associated Zoning regulations provide for the current and future residential uses that characterize the majority of the SOI. These policies help to ensure that future land uses adjacent to the area will remain agricultural and open space within the foreseeable future.

Present and probable need for public facilities and services. COCWD provides water and sewer services within the existing SOI. These services are vital in supporting existing and future residential uses and protecting public health and safety in the area. Future growth within the SOI is expected to be insignificant within the timeframe of this review.

Present capacity of public facilities and adequacy of public services provided by the agency. COCWD has demonstrated its ability to provide an adequate level of water and sewer service within the existing SOI. These services were comprehensively evaluated by the Commission as part of the MSR.

Social or economic communities of interest. The existing SOI includes the entire Circle Oaks residential community. This community shares social and economic interdependences that are distinct from neighboring areas and enhanced by its relatively isolated location.

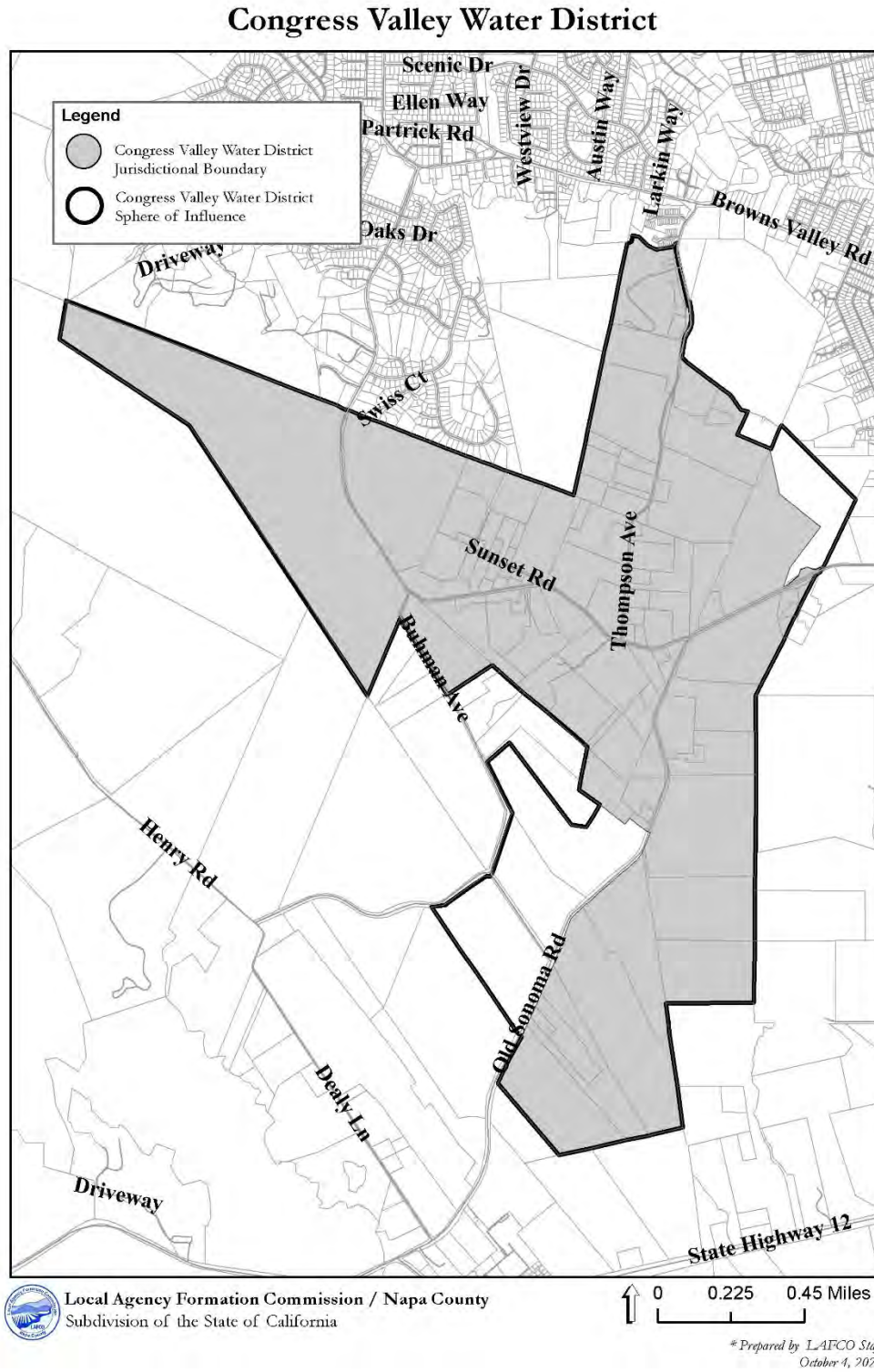
Present and probable need for services to disadvantaged unincorporated communities. According to adopted local policy, there are currently no disadvantaged unincorporated communities in COCWD's SOI.

Congress Valley Water District (CVWD)

CVWD's SOI encompasses approximately 2.45 square miles, or 1,568 acres, consisting of the entirety of CVWD's jurisdictional boundary and four parcels outside of the District's jurisdiction that are eligible for annexation. CVWD's SOI was most recently updated in 2017, when 10.6 acres were removed. The four non-jurisdictional parcels within CVWD's SOI either have received water service from the District through outside service agreements or their landowners have expressed interest in receiving water service in the foreseeable future. Therefore, staff recommends retaining the four parcels in CVWD's SOI.

The following map provides a visual of the District (Figure Two).

Figure Two: CVWD Map



Recommendation and Determinative Statements

It is recommended the Commission retain the current SOI designation of CVWD. Accordingly, the following written statements support the recommendation and address the five specific factors the Commission must prepare anytime it makes an SOI determination under G.C. Section 56425.

Present and planned land uses in the area, including agricultural and open space lands. The present and future land uses in CVWD's SOI are planned for by the County of Napa as the affected land use authority. The County General Plan and associated Zoning regulations provide for the current and future agricultural and rural residential uses within the SOI. These policies help to ensure that future land uses adjacent to the area will remain agricultural and open space within the foreseeable future.

Present and probable need for public facilities and services. CVWD provides water service within the existing SOI through an agreement with the City of Napa. These services are vital in supporting existing and future agricultural and rural residential uses in the area. Future growth within the SOI is expected to be insignificant within the timeframe of this review.

Present capacity of public facilities and adequacy of public services provided by the agency. CVWD has demonstrated its ability to provide an adequate level of water service within the existing SOI. These services were comprehensively evaluated by the Commission as part of the MSR.

Social or economic communities of interest. Lands within CVWD's SOI are part of a distinct community separated from the City of Napa by hills to the north and east. The area shares similar social, economic, geographic, and land use characteristics with the Carneros region located south of the Sonoma Highway. Lands within CVWD's SOI include similar agricultural and rural residential land uses that strengthen communities of interests with CVWD's SOI.

Present and probable need for services to disadvantaged unincorporated communities. According to adopted local policy, there are currently no disadvantaged unincorporated communities in CVWD's SOI.

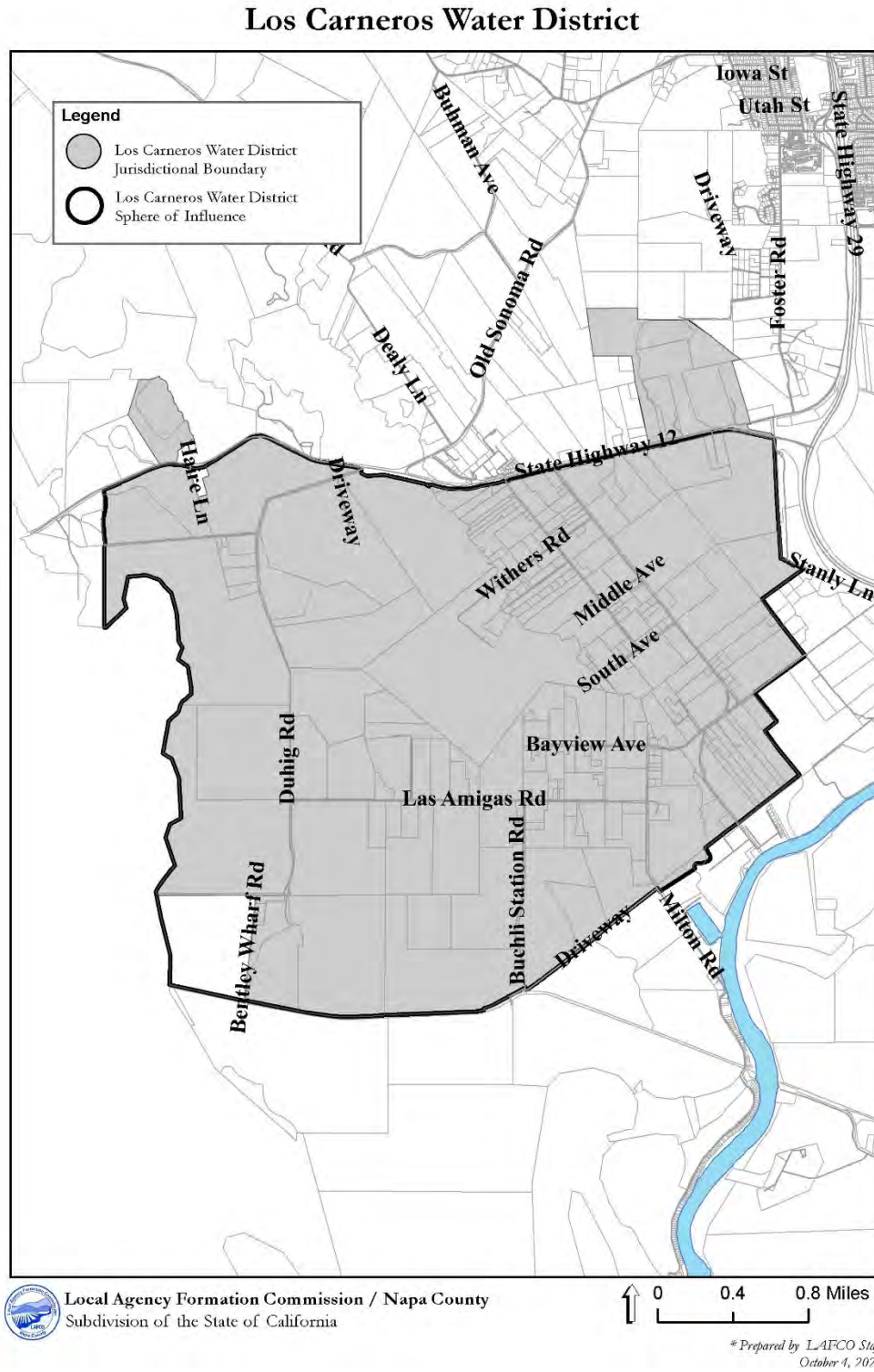
Los Carneros Water District (LCWD)

LCWD's SOI encompasses approximately 8.77 square miles, or 5,614 acres, including the majority of its jurisdictional boundary. The SOI was reviewed and affirmed with no changes in 2016. Excluded from the SOI but within LCWD's jurisdiction are ten parcels located north of State Highway 12, one of which is partially within the SOI, totaling approximately 300 acres. In 1984, those parcels were recommended for detachment from the District, noting that the approximately 305 acres would be substantially more costly to serve than the areas south of the Highway. These areas have not been detached to date and are not recommended for inclusion within the SOI.

There are two parcels within the SOI that are not included in LCWD's jurisdiction. One of these parcels is 160.5 acres in size and located in the southwest corner of LCWD's SOI. The second parcel is 6.7 acres in size and located adjacent to State Highway 12 along the northern border of LCWD's SOI. These two parcels are not included in the assessed area to receive services from LCWD. However, there is no immediate benefit to removing them from the SOI and instead it would be appropriate for the Commission to comprehensively review SOI options for LCWD during the next review cycle in approximately five years. This would allow LCWD to pay off its loan associated with its assessment district prior to any LAFCO action related to the SOI

The following map provides a visual of the District (Figure Three).

Figure Three: LCWD Map



Recommendation and Determinative Statements

It is recommended the Commission retain the current SOI designation of LCWD. Accordingly, the following written statements support the recommendation and address the five specific factors the Commission must prepare anytime it makes an SOI determination under G.C. Section 56425.

Present and planned land uses in the area, including agricultural and open space lands. The present and future land uses in LCWD's SOI are planned for by the County of Napa as the affected land use authority. The County General Plan and associated Zoning regulations provide for the current and future uses that characterize the majority of the SOI, which includes agricultural use, primarily vineyards, along with rural single-family residences and small wineries. These policies help to ensure that future land uses adjacent to the area will remain agricultural and open space within the foreseeable future.

Present and probable need for public facilities and services. LCWD provides recycled water service within the existing SOI through an agreement with the Napa Sanitation District. These services are vital in supporting existing and future agricultural and rural residential uses in the area. Future growth within the SOI is expected to be insignificant within the timeframe of this review.

Present capacity of public facilities and adequacy of public services provided by the agency. LCWD has demonstrated its ability to provide an adequate level of recycled water service within the existing SOI. These services were comprehensively evaluated by the Commission as part of the MSR.

Social or economic communities of interest. Lands within LCWD's SOI are located in a rural, agricultural area of southwest Napa County and does not contain any social or economic communities of interest. The nearest community is the City of Napa located northeast of LCWD.

Present and probable need for services to disadvantaged unincorporated communities. According to adopted local policy, there are currently no disadvantaged unincorporated communities in LCWD's SOI.

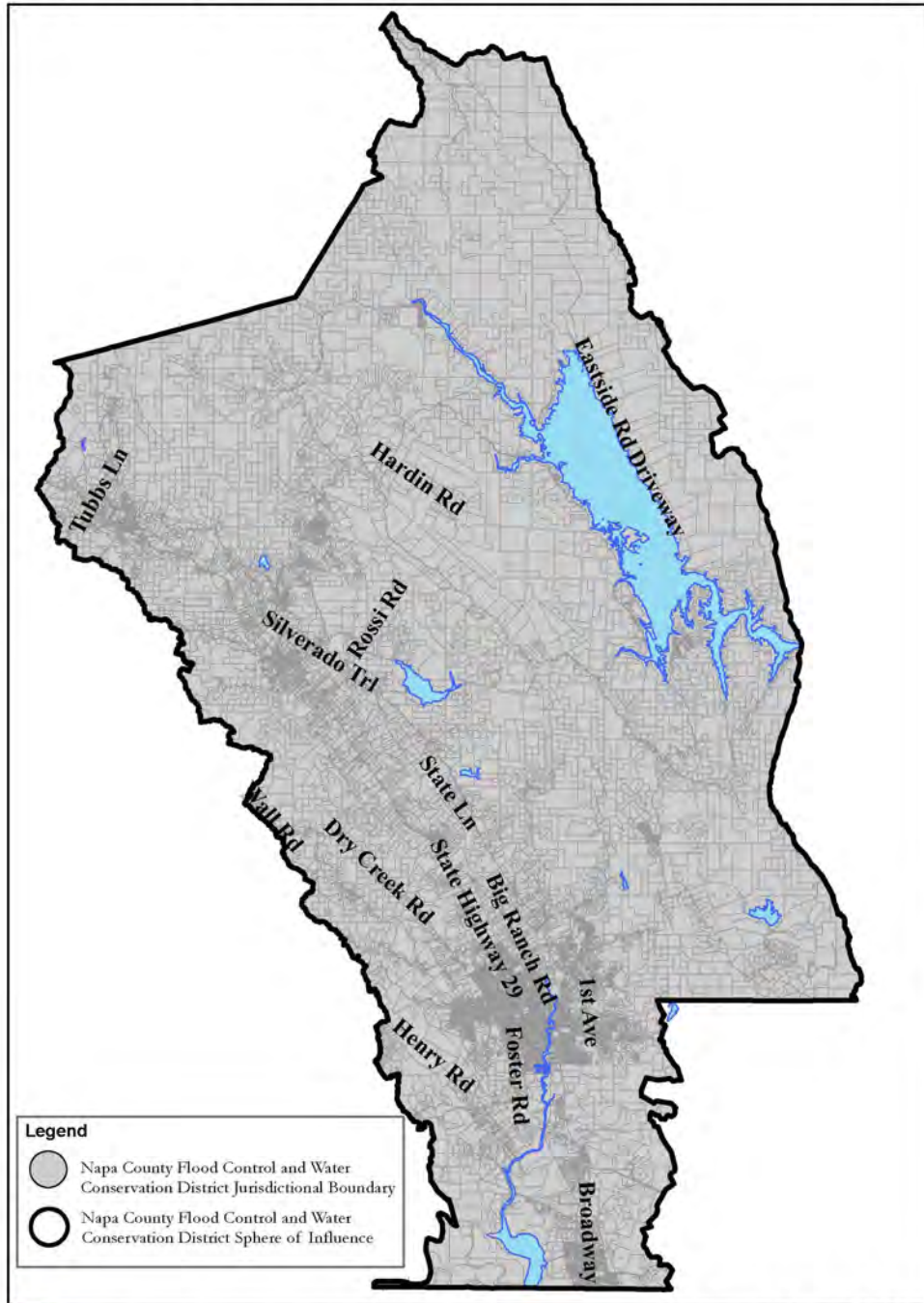
Napa County Flood Control and Water Conservation District (NCFCWCD)


NCFCWCD's SOI encompasses approximately 791.4 square miles, or 506,517 acres, and is coterminous with its jurisdictional boundary. The SOI was reviewed and affirmed with no changes in 2016.

The following map provides a visual of the District (Figure Four).

Figure Four: NCFCWCD Map

Napa County Flood Control and Water Conservation District



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

0 3.25 6.5 Miles

* Prepared by LAFCO Staff
October 4, 2021

Recommendation and Determinative Statements

It is recommended the Commission retain the current SOI designation of NCFCWCD. Accordingly, the following written statements support the recommendation and address the five specific factors the Commission must prepare anytime it makes an SOI determination under G.C. Section 56425.

Present and planned land uses in the area, including agricultural and open space lands. The present and future land uses in NCFCWCD's SOI are planned for in the general plans prepared by the six land use authorities whose jurisdictions overlap the jurisdictional boundary of the District. The exercise of NCFCWCD's services, which benefit both urban and non-urban areas, will not affect the level or type of development identified in the general plans of the land use authorities.

Present and probable need for public facilities and services. NCFCWCD's provision of flood control and water conservation services helps to ensure adequate water supply and the protection from inundation of flood waters which are essential to the social, fiscal, and economic well-being within the existing SOI.

Present capacity of public facilities and adequacy of public services provided by the agency. NCFCWCD has developed policies, service plans, and revenue streams to provide adequate and effective conservation services for the area within the existing SOI. These services were comprehensively evaluated by the Commission as part of the MSR.

Social or economic communities of interest. The social and economic well-being of the area within the existing SOI is measurably enhanced by the services provided by NCFCWCD.

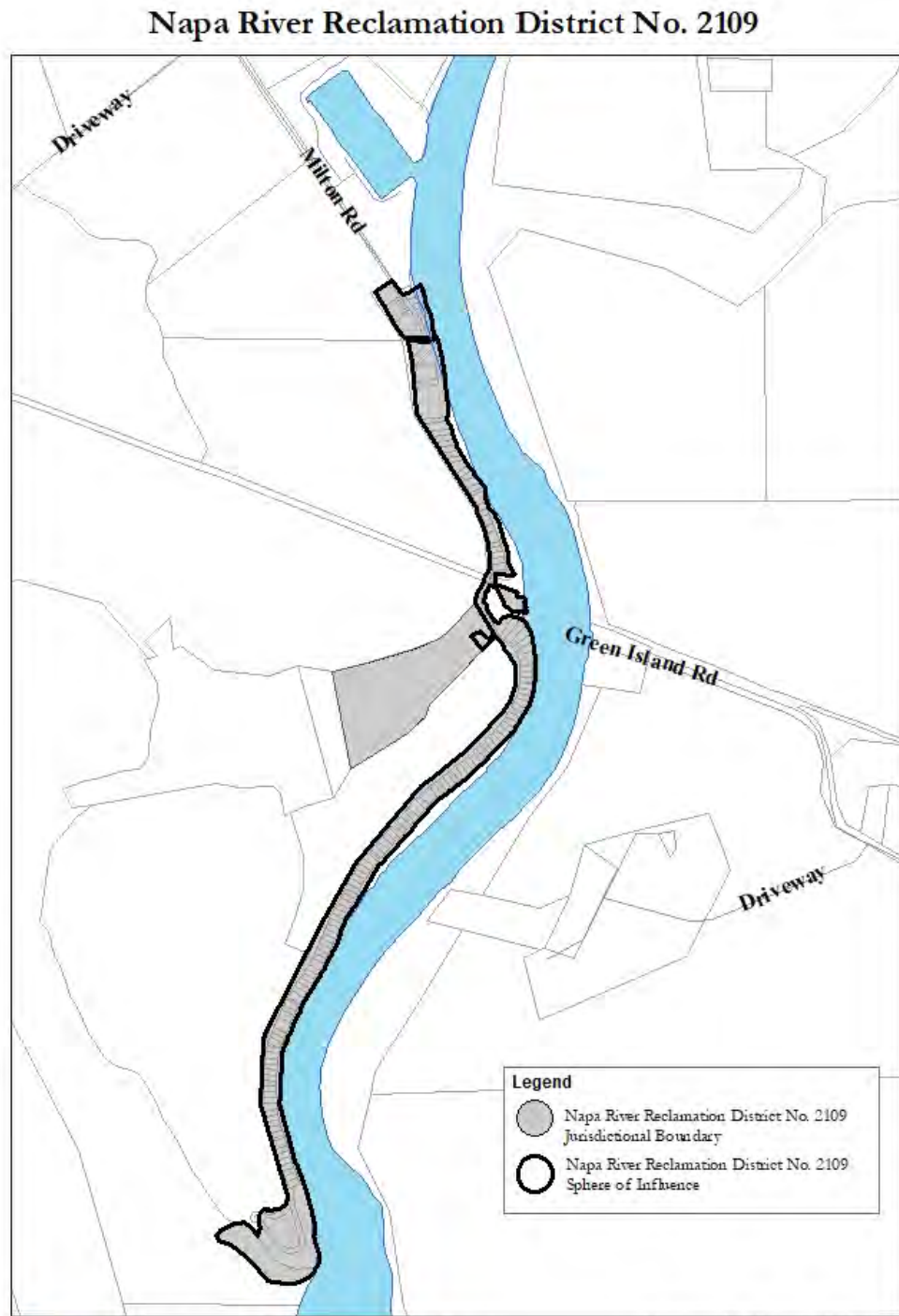
Present and probable need for services to disadvantaged unincorporated communities. According to adopted local policy, there are currently no disadvantaged unincorporated communities in NCFCWCD's SOI.


Napa River Reclamation District No. 2109 (NRRD)

NRRD's SOI encompasses approximately 0.08 square miles, or 54 acres, entirely within its jurisdictional boundary. The SOI was reviewed and updated to include approximately 0.4 acres of jurisdictional lands in 2016. The SOI excludes approximately 20 jurisdictional acres representing the location of NRRD's wastewater ponds, which will not require public services from NRRD within the timeframe of this review.

The following map provides a visual of the District (Figure Five).

Figure Five: NRRD Map



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

0 0.125 0.25 Miles

*Prepared by LAFCO Staff
October 4, 2021*

Recommendation and Determinative Statements

It is recommended the Commission retain the current SOI designation of NRRD. Accordingly, the following written statements support the recommendation and address the five specific factors the Commission must prepare anytime it makes an SOI determination under G.C. Section 56425.

Present and planned land uses in the area, including agricultural and open space lands. The present and future land uses in NRRD's SOI are planned for by the County of Napa as the affected land use authority. The County General Plan and associated Zoning regulations provide for the current and future residential uses that characterize the majority of the SOI. These policies help to ensure that future land uses adjacent to the area will remain agricultural and open space within the foreseeable future.

Present and probable need for public facilities and services. NRRD provides sewer and limited reclamation services within the existing SOI. These services are vital in supporting existing and future residential uses and protecting public health and safety in the area. The NRRD does not have a formal reclamation plan and primarily provides sewer services given the District does not have power over the resident-owned levees and, consequently, does not have "uniform levee control." Property owners are responsible for maintaining their own levees. Future growth within the SOI is expected to be insignificant within the timeframe of this review.

Present capacity of public facilities and adequacy of public services provided by the agency. NRRD has demonstrated its ability to provide an adequate level of sewer service to the area. NRRD's sewer services were comprehensively evaluated by the Commission as part of the MSR.

Social or economic communities of interest. The existing SOI includes the entire Edgerly Island and Ingersoll Subdivisions. These two subdivisions share common social and economic characteristics that underlie the governance and service provision of NRRD.

Present and probable need for services to disadvantaged unincorporated communities. According to adopted local policy, there are currently no disadvantaged unincorporated communities in NRRD's SOI.

RESOLUTION NO. _____

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

**SPHERE OF INFLUENCE REVIEWS FOR
CIRCLE OAKS COUNTY WATER DISTRICT, CONGRESS VALLEY WATER DISTRICT,
LOS CARNEROS WATER DISTRICT, NAPA COUNTY FLOOD CONTROL AND WATER
CONSERVATION DISTRICT, AND NAPA RIVER RECLAMATION DISTRICT NO. 2109**

WHEREAS, the Local Agency Formation Commission of Napa County, hereinafter referred to as the “Commission”, adopted a schedule to conduct studies of the provision of municipal services in conjunction with reviewing the spheres of influence (SOIs) of the local governmental agencies whose jurisdictions are within Napa County as provided under the Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000; and

WHEREAS, the Commission’s Executive Officer prepared SOI reviews for Circle Oaks County Water District (COCWD), Congress Valley Water District (CVWD), Los Carneros Water District (LCWD), Napa County Flood Control and Water Conservation District (NCFCWCD), and Napa River Reclamation District No. 2109 (NRRD) pursuant to said schedule and California Government Code Section 56425; and

WHEREAS, the Executive Officer prepared a written report of the review, including the recommendation to retain the current SOI designations; and

WHEREAS, said Executive Officer’s report has 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 hearing held on October 4, 2021; and

WHEREAS, the Commission considered all the factors required under California Government Code Section 56425.

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

1. This SOI reviews have been appropriately informed by the Commission’s earlier Napa Countywide Water and Wastewater Municipal Service Review; a study that conducted an independent evaluation of the level and range of governmental services provided by COCWD, CVWD, LCWD, NCFCWCD, and NRRD, and formally accepted by the Commission on November 2, 2020.
2. The SOIs for COCWD, CVWD, LCWD, NCFCWCD, and NRRD are reviewed and affirmed with no changes as identified in the corresponding report by the Executive Officer and shown in Exhibit One.

3. The Commission, as lead agency, finds the SOI reviews for COCWD, CVWD, LCWD, NCFWCWD, and NRRD are exempt from further review under the California Environmental Quality Act pursuant to Title 14 of the California Code of Regulations Section 15061(b)(3). This finding is based on the Commission determining with certainty the reviews will have no possibility of significantly affecting the environment given no new land use or municipal service authority is granted. This finding is based on its independent judgment and analysis. The Executive Officer is the custodian of the records upon which this determination is based and such records are located at the Commission office located at 1754 Second Street, Suite C, Napa, California.
4. Pursuant to Government Code Section 56425, the Commission makes the statements of determinations in the attached Exhibit Two.
5. The effective date of the SOI reviews shall be the date of adoption set forth below.
6. The Commission hereby directs staff to file a Notice of Exemption for the SOI reviews in compliance with CEQA.

The foregoing resolution was duly and regularly adopted by the Commission at a public meeting held on October 4, 2021, after a motion by Commissioner _____, seconded by Commissioner _____, by the following vote:

AYES: Commissioners _____

NOES: Commissioners _____

ABSENT: Commissioners _____

ABSTAIN: Commissioners _____

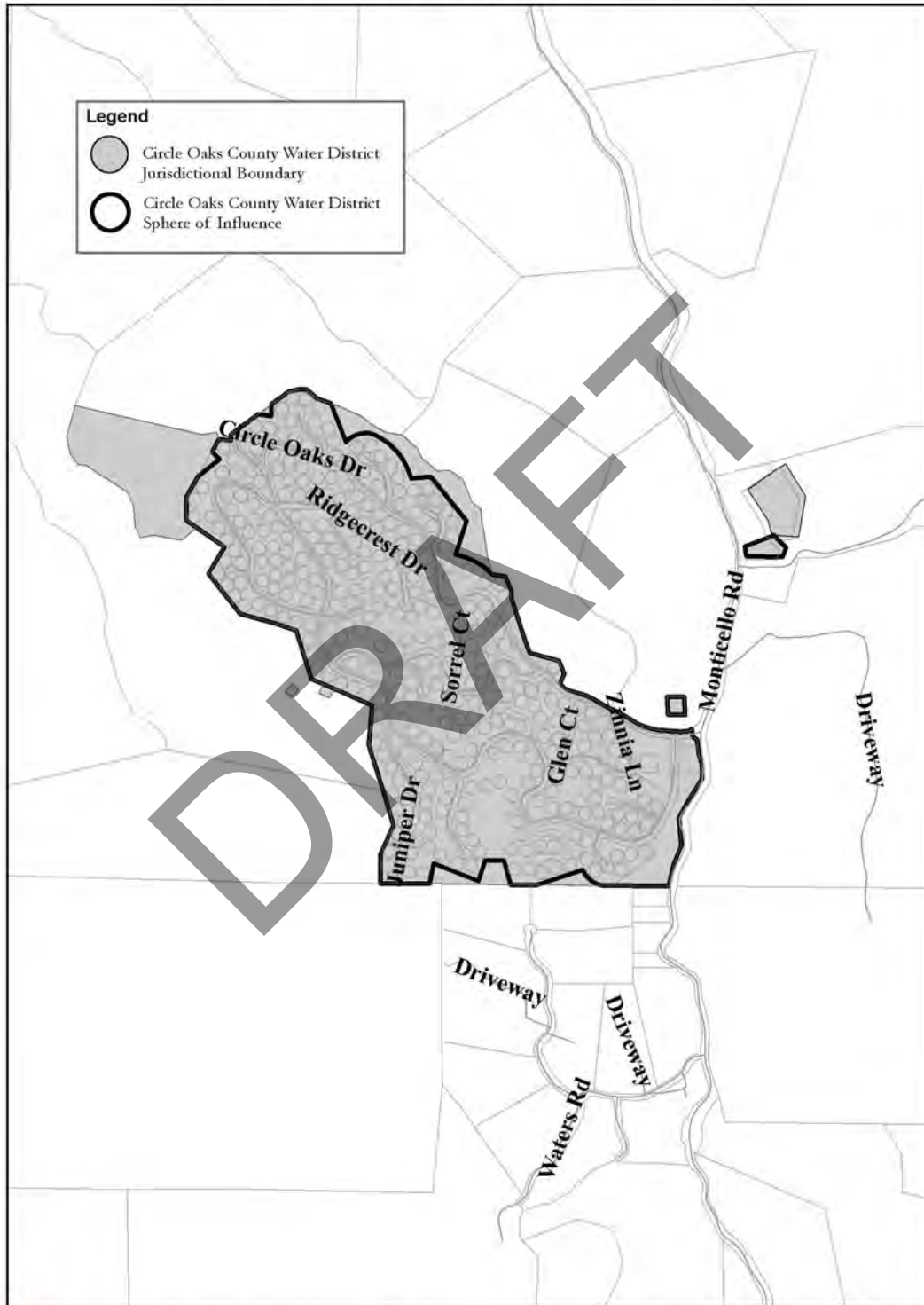
Diane Dillon
Commission Chair

ATTEST: _____
Brendon Freeman
Executive Officer

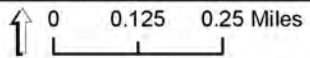
Recorded by: Kathy Mabry
Commission Clerk

EXHIBIT ONE

Circle Oaks County Water District

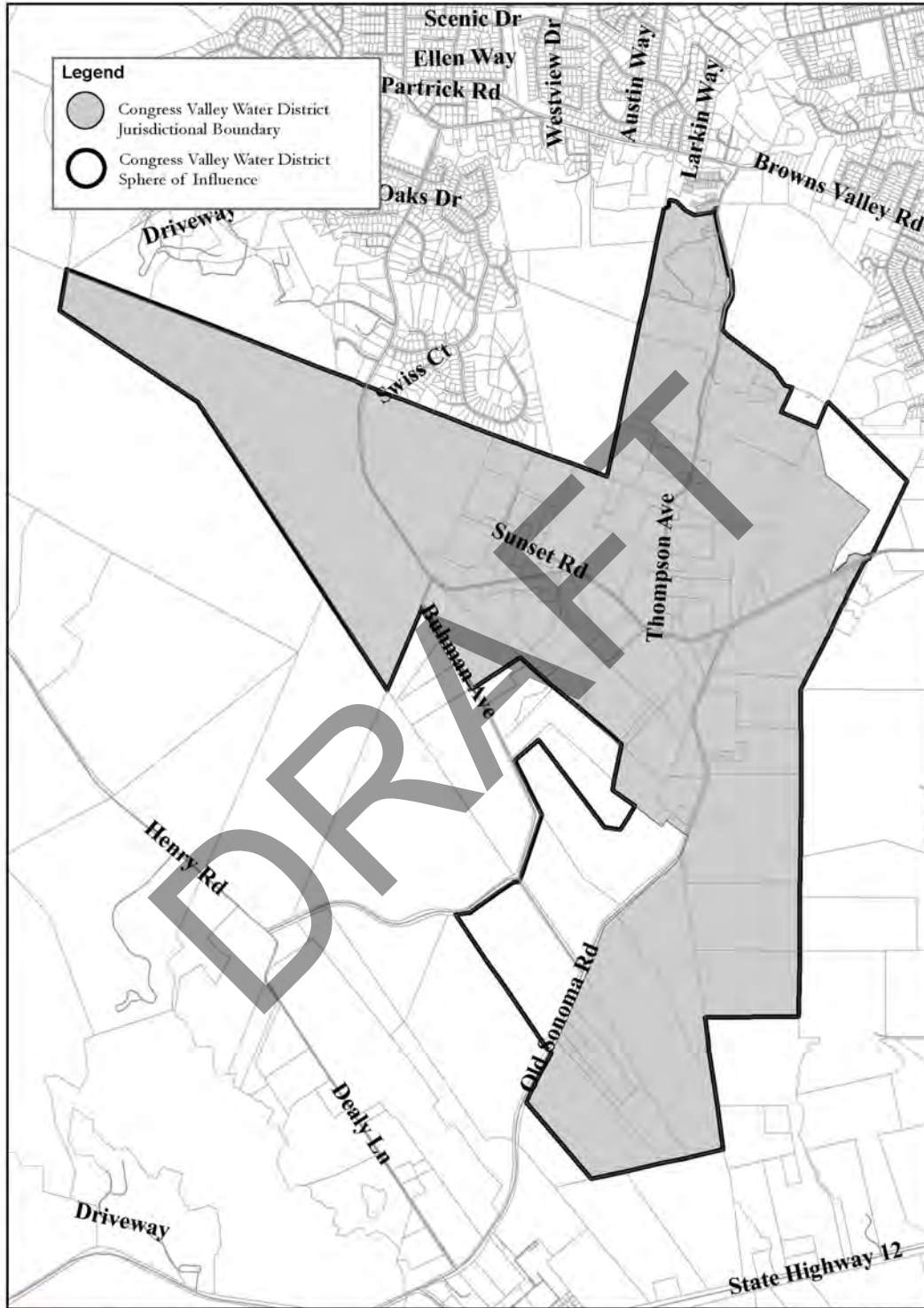


Local Agency Formation Commission / Napa County
Subdivision of the State of California

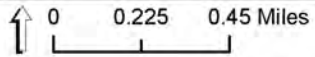


* Prepared by LAFCO Staff
October 4, 2021

Congress Valley Water District

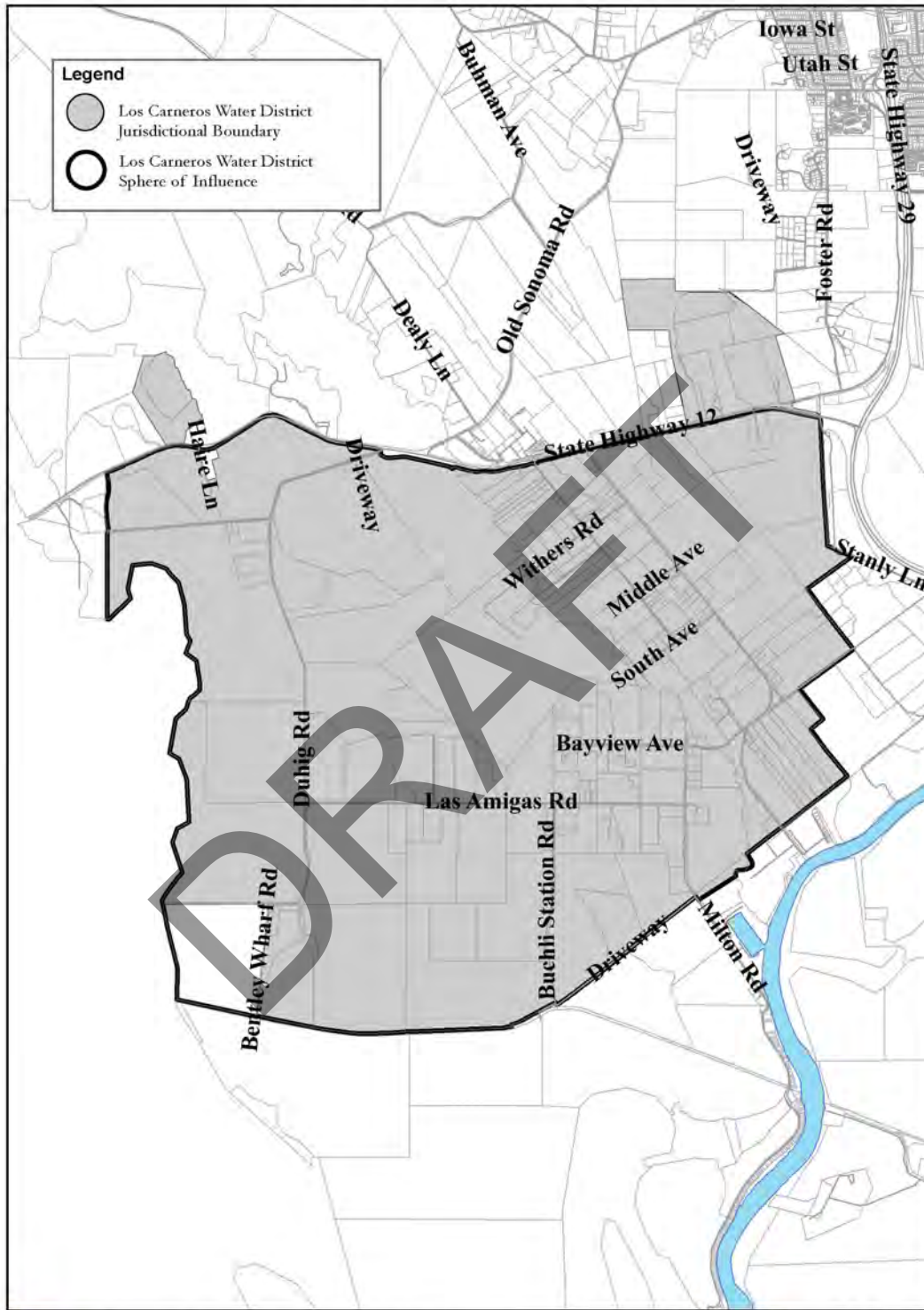


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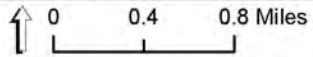


* Prepared by LAFCO Staff
October 4, 2021

Los Carneros Water District

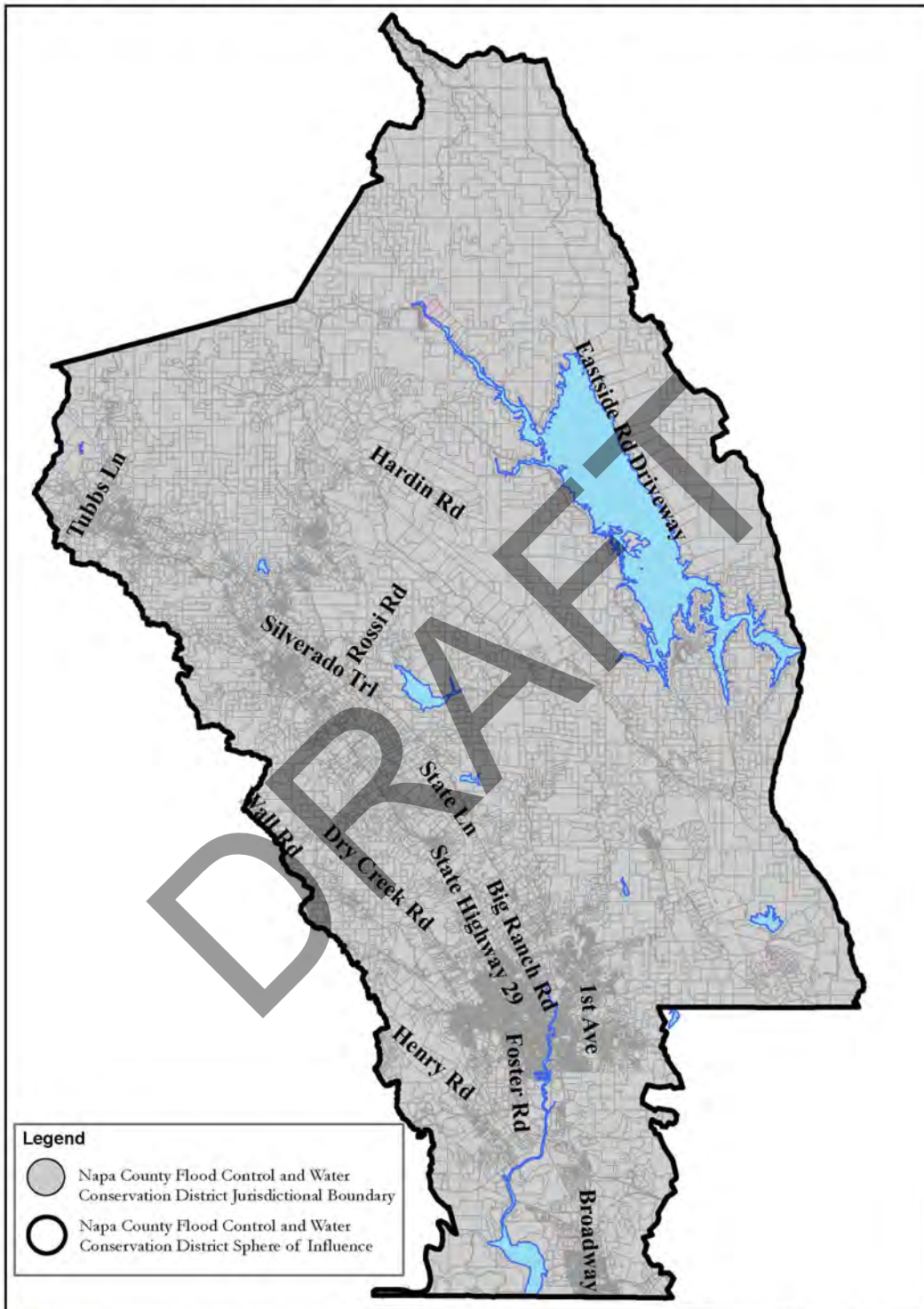


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Subdivision of the State of California

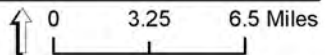


* Prepared by LAFCO Staff
October 4, 2021

Napa County Flood Control and Water Conservation District

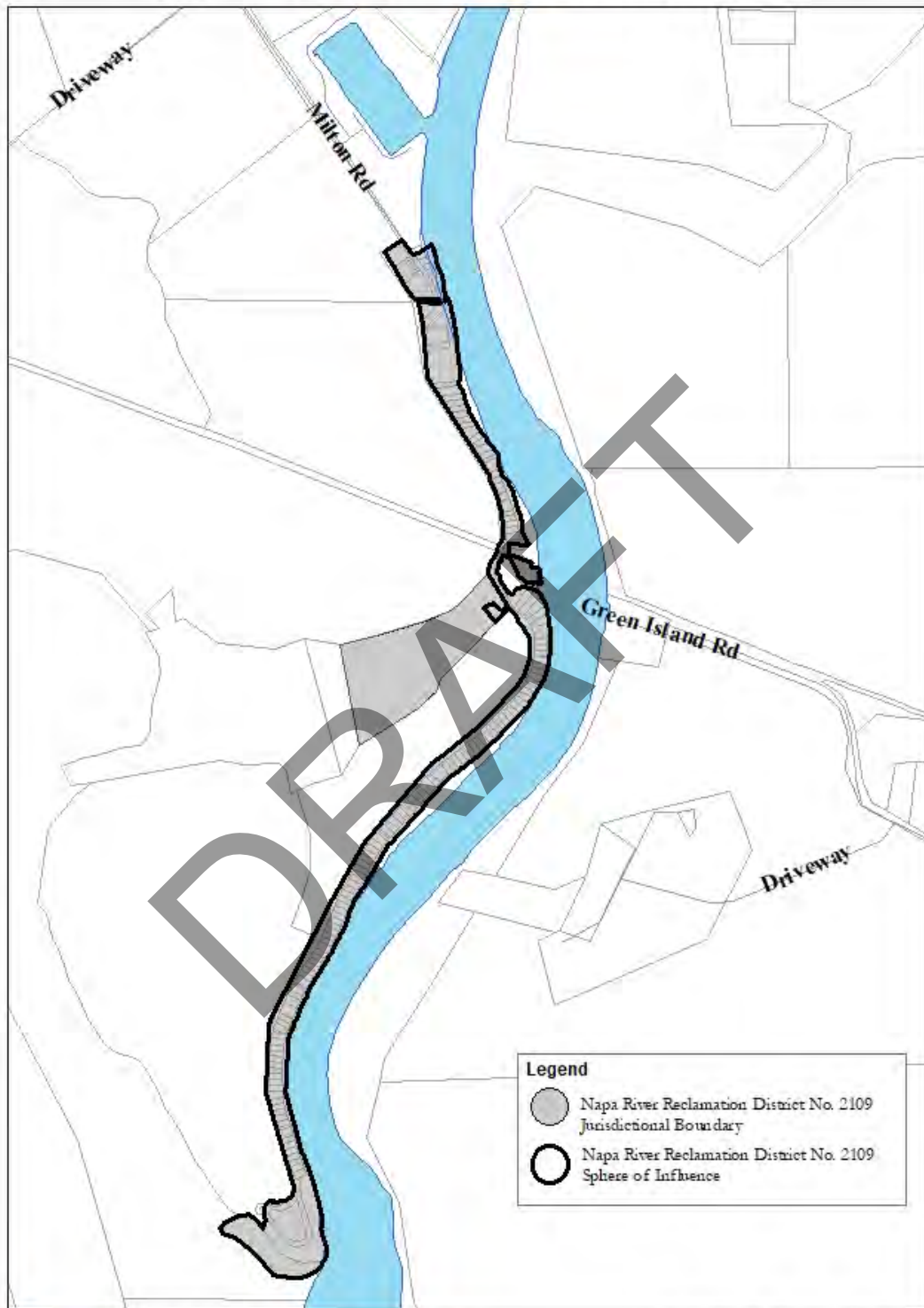


Local Agency Formation Commission / Napa County
Subdivision of the State of California

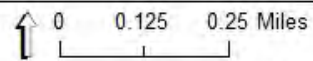


* Prepared by LAFCO Staff
October 4, 2021

Napa River Reclamation District No. 2109



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



Prepared by LAFCO Staff
October 4, 2021

EXHIBIT TWO
STATEMENTS OF DETERMINATIONS
CIRCLE OAKS COUNTY WATER DISTRICT
SPHERE OF INFLUENCE REVIEW

1. Present and planned land uses in the sphere, including agricultural and open-space lands (Government Code 56425(e)(1)):

The present and future land uses in COCWD's SOI are planned for by the County of Napa as the affected land use authority. The County General Plan and associated Zoning regulations provide for the current and future residential uses that characterize the majority of the SOI. These policies help to ensure that future land uses adjacent to the area will remain agricultural and open space within the foreseeable future.

2. The present and probable need for public facilities and services in the sphere (Government Code 56425(e)(2)):

COCWD provides water and sewer services within the existing SOI. These services are vital in supporting existing and future residential uses and protecting public health and safety in the area. Future growth within the SOI is expected to be insignificant within the timeframe of this review.

3. The present capacity of public facilities and adequacy of public services that the agency provides or is authorized to provide (Government Code 56425(e)(3)):

COCWD has demonstrated its ability to provide an adequate level of water and sewer service within the existing SOI. These services were comprehensively evaluated by the Commission as part of the MSR.

4. The existence of any social or economic communities of interest in the sphere if the Commission determines that they are relevant to the agency (Government Code 56425(e)(4)):

The existing SOI includes the entire Circle Oaks residential community. This community shares social and economic interdependences that are distinct from neighboring areas and enhanced by its relatively isolated location.

5. Present and probable need for public services for disadvantaged unincorporated communities (Government Code 56425(e)(5)):

According to adopted local policy, there are currently no disadvantaged unincorporated communities in COCWD's SOI.

**CONGRESS VALLEY WATER DISTRICT
SPHERE OF INFLUENCE REVIEW**

1. Present and planned land uses in the sphere, including agricultural and open-space lands (Government Code 56425(e)(1)):

The present and future land uses in CVWD's SOI are planned for by the County of Napa as the affected land use authority. The County General Plan and associated Zoning regulations provide for the current and future agricultural and rural residential uses within the SOI. These policies help to ensure that future land uses adjacent to the area will remain agricultural and open space within the foreseeable future.

2. The present and probable need for public facilities and services in the sphere (Government Code 56425(e)(2)):

CVWD provides water service within the existing SOI through an agreement with the City of Napa. These services are vital in supporting existing and future agricultural and rural residential uses in the area. Future growth within the SOI is expected to be insignificant within the timeframe of this review.

3. The present capacity of public facilities and adequacy of public services that the agency provides or is authorized to provide (Government Code 56425(e)(3)):

CVWD has demonstrated its ability to provide an adequate level of water service within the existing SOI. These services were comprehensively evaluated by the Commission as part of the MSR.

4. The existence of any social or economic communities of interest in the sphere if the Commission determines that they are relevant to the agency (Government Code 56425(e)(4)):

Lands within CVWD's SOI are part of a distinct community separated from the City of Napa by hills to the north and east. The area shares similar social, economic, geographic, and land use characteristics with the Carneros region located south of the Sonoma Highway. Lands within CVWD's SOI include similar agricultural and rural residential land uses that strengthen communities of interests with CVWD's SOI.

5. Present and probable need for public services for disadvantaged unincorporated communities (Government Code 56425(e)(5)):

According to adopted local policy, there are currently no disadvantaged unincorporated communities in CVWD's SOI.

**LOS CARNEROS WATER DISTRICT
SPHERE OF INFLUENCE REVIEW**

1. Present and planned land uses in the sphere, including agricultural and open-space lands (Government Code 56425(e)(1)):

The present and future land uses in LCWD's SOI are planned for by the County of Napa as the affected land use authority. The County General Plan and associated Zoning regulations provide for the current and future uses that characterize the majority of the SOI, which includes agricultural use, primarily vineyards, along with rural single-family residences and small wineries. These policies help to ensure that future land uses adjacent to the area will remain agricultural and open space within the foreseeable future.

2. The present and probable need for public facilities and services in the sphere (Government Code 56425(e)(2)):

LCWD provides recycled water service within the existing SOI through an agreement with the Napa Sanitation District. These services are vital in supporting existing and future agricultural and rural residential uses in the area. Future growth within the SOI is expected to be insignificant within the timeframe of this review.

3. The present capacity of public facilities and adequacy of public services that the agency provides or is authorized to provide (Government Code 56425(e)(3)):

LCWD has demonstrated its ability to provide an adequate level of recycled water service within the existing SOI. These services were comprehensively evaluated by the Commission as part of the MSR.

4. The existence of any social or economic communities of interest in the sphere if the Commission determines that they are relevant to the agency (Government Code 56425(e)(4)):

Lands within LCWD's SOI are located in a rural, agricultural area of southwest Napa County and does not contain any social or economic communities of interest. The nearest community is the City of Napa located northeast of LCWD.

5. Present and probable need for public services for disadvantaged unincorporated communities (Government Code 56425(e)(5)):

According to adopted local policy, there are currently no disadvantaged unincorporated communities in LCWD's SOI.

**NAPA COUNTY FLOOD CONTROL AND WATER CONSERVATION DISTRICT
SPHERE OF INFLUENCE REVIEW**

1. Present and planned land uses in the sphere, including agricultural and open-space lands (Government Code 56425(e)(1)):

The present and future land uses in NCFCWCD's SOI are planned for in the general plans prepared by the six land use authorities whose jurisdictions overlap the jurisdictional boundary of the District. The exercise of NCFCWCD's services, which benefit both urban and non-urban areas, will not affect the level or type of development identified in the general plans of the land use authorities.

2. The present and probable need for public facilities and services in the sphere (Government Code 56425(e)(2)):

NCFCWCD's provision of flood control and water conservation services helps to ensure adequate water supply and the protection from inundation of flood waters which are essential to the social, fiscal, and economic well-being within the existing SOI.

3. The present capacity of public facilities and adequacy of public services that the agency provides or is authorized to provide (Government Code 56425(e)(3)):

NCFCWCD has developed policies, service plans, and revenue streams to provide adequate and effective conservation services for the area within the existing SOI. These services were comprehensively evaluated by the Commission as part of the MSR.

4. The existence of any social or economic communities of interest in the sphere if the Commission determines that they are relevant to the agency (Government Code 56425(e)(4)):

The social and economic well-being of the area within the existing SOI is measurably enhanced by the services provided by NCFCWCD.

5. Present and probable need for public services for disadvantaged unincorporated communities (Government Code 56425(e)(5)):

According to adopted local policy, there are currently no disadvantaged unincorporated communities in NCFCWCD's SOI.

NAPA RIVER RECLAMATION DISTRICT NO. 2109
SPHERE OF INFLUENCE REVIEW

1. Present and planned land uses in the sphere, including agricultural and open-space lands (Government Code 56425(e)(1)):

The present and future land uses in NRRD's SOI are planned for by the County of Napa as the affected land use authority. The County General Plan and associated Zoning regulations provide for the current and future residential uses that characterize the majority of the SOI. These policies help to ensure that future land uses adjacent to the area will remain agricultural and open space within the foreseeable future.

2. The present and probable need for public facilities and services in the sphere (Government Code 56425(e)(2)):

NRRD provides sewer and limited reclamation services within the existing SOI. These services are vital in supporting existing and future residential uses and protecting public health and safety in the area. The NRRD does not have a formal reclamation plan and primarily provides sewer services given the District does not have power over the resident-owned levees and, consequently, does not have "uniform levee control." Property owners are responsible for maintaining their own levees. Future growth within the SOI is expected to be insignificant within the timeframe of this review.

3. The present capacity of public facilities and adequacy of public services that the agency provides or is authorized to provide (Government Code 56425(e)(3)):

NRRD has demonstrated its ability to provide an adequate level of sewer service to the area. NRRD's sewer services were comprehensively evaluated by the Commission as part of the MSR.

4. The existence of any social or economic communities of interest in the sphere if the Commission determines that they are relevant to the agency (Government Code 56425(e)(4)):

The existing SOI includes the entire Edgerly Island and Ingersoll Subdivisions. These two subdivisions share common social and economic characteristics that underlie the governance and service provision of NRRD.

5. Present and probable need for public services for disadvantaged unincorporated communities (Government Code 56425(e)(5)):

According to adopted local policy, there are currently no disadvantaged unincorporated communities in NRRD's SOI.



LOCAL AGENCY FORMATION COMMISSION OF NAPA COUNTY

Policy on Spheres of Influence

(Adopted on June 7, 2021)

I. BACKGROUND

The Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000, beginning with [California Government Code \(G.C.\) §56425](#), requires the Local Agency Formation Commission (LAFCO or “Commission”) to establish and maintain spheres of influence for all local agencies within its jurisdiction. A sphere of influence (SOI) is defined by statute as a “plan for the probable physical boundary and service area of a local government agency as determined by the commission” ([G.C. §56076](#)). Every determination made by LAFCO shall be consistent with the SOIs of the local agencies affected by that determination ([G.C. §56375.5](#)). The Commission encourages cities, towns, and the County of Napa (“County”) to meet and agree to SOI changes. The Commission shall give “great weight” to these agreements to the extent they are consistent with its policies ([G.C. §56425\(b\) and \(c\)](#)). Local agency SOIs are established and changed in part based on information in municipal service reviews, including adopted determinative statements and recommendations ([G.C. §56430](#)).

II. PURPOSE

The purpose of these policies is to guide the Commission in its consideration of SOI amendment requests as well as SOI reviews and updates initiated by LAFCO. This includes establishing consistency with respect to the Commission’s approach in the scheduling, preparation, and adoption of SOI reviews and updates. Requests to amend an SOI may be made by any person or local agency as described in Section VI of this policy. Requests to amend an SOI are encouraged to be filed with LAFCO’s Executive Officer as part of the Commission’s municipal service review (MSR) and SOI review process.

III. OBJECTIVE

It is the intent of the Commission to determine appropriate SOIs that promote the orderly expansion of cities, towns, and special districts in a manner that ensures the protection of the environment and agricultural and open space lands while also ensuring the effective, efficient, and economic provision of essential public services, including public water, wastewater, fire protection and emergency response, and law enforcement. The Commission recognizes the importance of considering local conditions and circumstances in implementing these policies. An SOI is primarily a planning tool that will:

- Serve as a master plan for the future organization of local government within the County by providing long range guidelines for the efficient provision of services to the public;
- Discourage duplication of services by two or more local governmental agencies;
- Guide the Commission when considering individual proposals for changes of organization;
- Identify the need for specific reorganization studies, and provide the basis for recommendations to particular agencies for government reorganizations.

IV. DEFINITIONS

Recognizing that an SOI is a plan for the probable physical boundary and service area of a local government agency as determined by LAFCO, the Commission incorporates the following definitions:

- A. “Agricultural lands” are defined as set forth in [G.C. §56016](#).
- B. “Open space” are defined as set forth in [G.C. §56059](#).
- C. “Prime agricultural land” is defined as set forth in [G.C. §56064](#).
- D. “Infill” is defined as set forth in [Public Resources Code §21061.3](#).
- E. “Underdeveloped land” is defined as land that lacks components of urban development such as utilities or structure(s).
- F. “Vacant land” is defined as land that has no structure(s) on it and is not being used. Agricultural and open space uses are considered a land use and therefore the underlying land is not considered vacant land.
- G. “SOI establishment” refers to the initial adoption of a city or special district SOI by the Commission.
- H. “SOI amendment” refers to a single change to an established SOI, typically involving one specific geographic area and initiated by a landowner, resident, or local agency.
- I. “SOI review” refers to a comprehensive review of an established SOI conducted as part of an MSR. Based on information collected in the SOI review component of an MSR, the Commission shall determine if an SOI update is needed.
- J. “SOI update” refers to a single change or multiple changes to an established SOI, typically initiated by the Commission and based on information collected in the SOI review.
- K. “Zero SOI” when determined by the Commission, indicates a local agency should be dissolved and its service area and service responsibilities assigned to one or more other local agencies.
- L. “Study area” refers to territory evaluated as part of an SOI update for possible addition to, or removal from, an established SOI. The study areas shall be identified by the Commission in consultation with all affected agencies.

V. LOCAL CONSIDERATIONS

A. General Guidelines for Determining Spheres of Influence

The following factors are intended to provide a framework for the Commission to balance competing interests in making determinations related to SOIs. No single factor is determinative. The Commission retains discretion to exercise its independent judgment as appropriate:

- 1) Land defined or designated in the County of Napa General Plan land use map as agricultural or open space shall not be approved for inclusion within any local agency's SOI for purposes of new urban development unless the action is consistent with the objectives listed in Section III of this policy.
- 2) The Commission encourages residents, landowners, and local agencies to submit requests for changes to SOIs to the LAFCO Executive Officer as part of the LAFCO-initiated MSR and SOI review process.
- 3) The first Agricultural Preserve in the United States was created in 1968 by the Napa County Board of Supervisors. The Agricultural Preserve protects lands in the fertile valley and foothill areas of Napa County in which agriculture is and should continue to be the predominant land use. Measure J was passed by voters in 1990 and Measure P was passed by voters in 2008 and requires voter approval for any changes that would re-designate unincorporated agricultural and open-space lands. The Commission will consider the Agricultural Preserve and intent of voters in passing Measure J and Measure P in its decision making processes to the extent they apply, prior to taking formal actions relating to SOIs.
- 4) In the course of an SOI review for any local agency as part of an MSR, the Commission shall identify all existing outside services provided by the affected agency. For any services provided outside the affected agency's jurisdictional boundary but within its SOI, the Commission shall request the affected agency submit an annexation plan or explanation for not annexing the territory that is receiving outside services. For any services provided outside an agency's jurisdictional boundary and SOI, the Commission encourages a dialogue between the County and the affected agency relating to mutually beneficial provisions.
- 5) In the course of reviewing a city or town's SOI, the Commission will consider the amount of vacant land within the affected city or town's SOI. The Commission discourages SOI amendment requests involving vacant or underdeveloped land that requires the extension of urban facilities, utilities, and services where infill development is more appropriate.

- 6) A local agency's SOI shall generally be used to guide annexations within a five-year planning period. Inclusion of land within an SOI shall not be construed to indicate automatic approval of an annexation proposal.
- 7) When an annexation is proposed outside a local agency's SOI, the Commission may consider both the proposed annexation and SOI amendment at the same meeting. The SOI amendment to include the affected territory, however, shall be considered and resolved prior to Commission action on the annexation.
- 8) A local agency's SOI should reflect existing and planned service capacities based on information collected by, or submitted to, the Commission. This includes information contained in current MSRs. The Commission shall consider the following municipal service criteria in determining SOIs:
 - a) The present capacity of public facilities and adequacy of public services provided by affected local agencies within the current jurisdiction, and the adopted plans of these local agencies to address any municipal service deficiency, including adopted capital improvement plans.
 - b) The present and probable need for public facilities and services within the area proposed or recommended for inclusion within the SOI, and the plans for the delivery of services to the area.
- 9) The Commission shall consider, at a minimum, the following land use criteria in determining SOIs:
 - a) The present and planned land uses in the area, including lands designated for agriculture and open-space.
 - b) Consistency with the County General Plan and the general plan of any affected city or town.
 - c) Adopted general plan policies of the County and of any affected city or town that guide future development away from lands designated for agriculture or open-space.
 - d) Adopted policies of affected local agencies that promote infill development of existing vacant or underdeveloped land.
 - e) Amount of existing vacant or underdeveloped land located within any affected local agency's jurisdiction and current SOI.
 - f) Adopted urban growth boundaries by the affected land use authorities.

B. Scheduling Sphere of Influence Reviews and Updates

[G.C. §56425\(g\)](#) directs the Commission to update each SOI every five years, as necessary. Each year, the Commission shall adopt a Work Program with a schedule for initiating and completing MSRs and SOI reviews based on communication with local agencies. This includes appropriate timing with consideration of city, town, and County general plan updates. The Commission shall schedule SOI updates, as necessary, based on determinations contained in MSRs.

C. Environmental Review

SOI establishments, amendments, and updates will be subject to the review procedures defined in the California Environmental Quality Act (CEQA) and the Napa LAFCO CEQA Guidelines. If an environmental assessment or analysis is prepared by an agency for a project associated with an SOI establishment, amendment, or update, and LAFCO is afforded the opportunity to evaluate and comment during the Lead Agency's environmental review process, then LAFCO can act as a Responsible Agency under CEQA for its environmental review process. All adopted environmental documents prepared for the project, a copy of the filed Notice of Determination/Notice of Exemption, and a copy of the Department of Fish and Wildlife fee receipt must be submitted as part of the application. Completion of the CEQA review process will be required prior to action by the Commission.

VI. REQUESTS FOR SPHERE OF INFLUENCE AMENDMENTS

A. Form of Request

Any person or local agency may file a written request with the Executive Officer requesting amendments to an SOI pursuant to [G.C. §56428\(a\)](#). Requests shall be made using the form provided in Attachment A and be accompanied by a cover letter and a map of the proposed amendment. Requests shall include an initial deposit as prescribed under the Commission's adopted Schedule of Fees and Deposits. The Executive Officer may require additional data and information to be included with the request. Requests by cities, towns, and special districts shall be made by resolution of application.

B. Review of Request

The Executive Officer shall review and determine within 30 days of receipt whether the request to amend an agency's SOI is complete. If a request is deemed incomplete, the Executive Officer shall immediately notify the applicant and identify the information needed to accept the request for filing.

C. Consideration of Request

Once a request is deemed complete, the Executive Officer will prepare a written report with a recommendation. The Executive Officer will present his or her report and recommendation at a public hearing for Commission consideration. The public hearing will be scheduled for the next meeting of the Commission for which adequate notice can be given. The Commission may approve, approve with conditions, or deny the request for an SOI amendment. The Commission's determination and any required findings will be set out in a resolution that specifies the area added to, or removed from, the affected agency's SOI. While the Commission encourages the participation and cooperation of the subject agencies, the determination of an SOI is a LAFCO responsibility and the Commission is the sole authority as to the sufficiency of the documentation and consistency with law and LAFCO policy.

Local Agency Formation Commission of Napa County
1030 Seminary Street, Suite B
Napa, California 94559
(707) 259-8645 Telephone
<http://www.napa.lafco.ca.gov>

Questionnaire for Amending a Sphere of Influence

1. Applicant information:

Name: _____

Address: _____

Telephone Number: _____ (Primary) _____ (Secondary)

E-Mail Address: _____

2. What is the purpose for the proposed sphere of influence amendment?

3. Describe the affected territory in terms of location, size, topography, and any other pertinent characteristics.

4. Describe the affected territory's present and planned land uses.

- 5. Identify the current land use designation and zoning standard for the affected territory.

- 6. Is the affected territory subject to a Williamson Act contract? If yes, please provide a copy of the contract along with any amendments.

- 7. If applicable, identify the governmental agencies currently providing the listed municipal services to the affected territory.

Water: _____

Sewer: _____

Fire: _____

Police: _____

Print Name: _____

Date: _____

Signature: _____



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

1754 Second Street, Suite C
Napa, California 94559
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We Manage Local Government Boundaries, Evaluate Municipal Services, and Protect Agriculture

Agenda Item 7a (Discussion)

TO: Local Agency Formation Commission

PREPARED BY: Brendon Freeman, Executive Officer *BF*
Dawn Mittleman Longoria, Analyst II *DML*

MEETING DATE: October 4, 2021

SUBJECT: Countywide Update on Housing and General Plans

RECOMMENDATION

This item is for discussion purposes only. No formal action is required as part of this item. It is recommended the Commission receive the guest speaker presentations, discuss the report on housing and general plans, and consider providing direction to staff with respect to any appropriate future actions.

BACKGROUND

LAFCO's adopted strategic plan includes the following core guiding principles related to housing and general plans:

- Engagement with local city/town general plan updates
- Active with local agencies in managing housing growth and related issues including transportation

This information is intended to assist the Commission in its future decision-making as it relates to encouraging logical and orderly growth and development throughout Napa County. This information is relevant to the Commission's municipal service reviews, sphere of influence reviews, annexation proposals, and outside service agreement requests.

Margie Mohler, Vice Chair
Councilmember, Town of Yountville

Mariam Aboudamous, Commissioner
Councilmember, City of American Canyon

Beth Painter, Alternate Commissioner
Councilmember, City of Napa

Diane Dillon, Chair
County of Napa Supervisor, 3rd District

Brad Wagenknecht, Commissioner
County of Napa Supervisor, 1st District

Ryan Gregory, Alternate Commissioner
County of Napa Supervisor, 2nd District

Kenneth Leary, Commissioner
Representative of the General Public

Eve Kahn, Alternate Commissioner
Representative of the General Public

Brendon Freeman
Executive Officer

SUMMARY

As part of this item, the Commission will receive presentations from City of Napa Assistant City Manager Molly Rattigan, City of Napa Housing Manager Lark Ferrell, and Napa Valley Community Housing President/CEO Erica Sklar. The Commission is invited to ask questions and consider providing direction to staff for any appropriate future actions related to housing issues.

General Plan Housing Element

State law recognizes the vital role local governments play in the supply and affordability of housing. Each local government in California is required to adopt a Housing Element as part of its General Plan that shows how the community plans to meet the existing and projected housing needs of people at all income levels. Government Code Section 65400 mandates that certain cities and all 58 counties submit an annual report on the status of the General Plan and progress in its implementation to their legislative bodies, the Governor's Office of Planning and Research (OPR), and the California Department of Housing and Community Development (HCD) by April 1 of each year. Only charter cities are exempt from the requirement to prepare Annual Progress Reports unless the charter stipulates otherwise (Government Code Section 65700).

Regional Housing Need Allocation

The Regional Housing Need Allocation (RHNA) is the state-mandated process to identify the total number of housing units by affordability level that each jurisdiction must accommodate in its General Plan Housing Element. As part of this process, HCD identifies the total housing need for the San Francisco Bay Area for an eight-year period. The Association of Bay Area Governments (ABAG) and the Metropolitan Transportation Commission (MTC) develop a methodology to distribute this need to local governments consistent with Sustainable Communities Strategies. Once a local government has received its final RHNA, it must revise its Housing Element to demonstrate how it plans to accommodate its portion of the region's housing need.

Certain actions related to RHNAs are required of the local land use authorities, and certain other actions are strictly advisory. Specifically, jurisdictions are required to zone a sufficient amount of land to accommodate their respective RHNA totals. However, it is only advised that each of these agencies issue housing permits to accommodate their respective RHNA totals.

For the Bay Area, the "projection period", or the time period for which the Regional Housing Need is calculated, is 2014 to 2022. The "planning period", or the timeframe between the due date for one Housing Element and the due date for the next Housing Element, is 2015 to 2023.

Countywide RHNA and General Plan Status

Each city and county is required to submit an Annual Housing Element Progress Report to HCD by April 1. These reports provide updates on each jurisdiction's 2015-2023 RHNA and total number of housing permits issued during the current planning period. The following tables summarize the 2015-2023 RHNA and permits issued from 2015 through 2020 at each income level for the six local land use authorities.

Napa County

	Very Low	Low	Moderate	Above Moderate	Total
RHNA (2015-2023)	51	30	32	67	180
Permits Issued (2015-2020)	4	6	51	88	149

Since the adoption of Napa County’s current General Plan in 2008, the County has maintained a comprehensive list of implementation action items. The overarching theme of the General Plan is a long-standing commitment to preservation of agricultural lands for agricultural uses, with emphasis to work with the cities and town of Napa County to direct urban growth toward urban areas. The County has put great effort into promoting and supporting housing development within the cities, town, and unincorporated urbanized areas of Napa County. The County continues to update its various General Plan Elements on an ongoing basis.

City of American Canyon

	Very Low	Low	Moderate	Above Moderate	Total
RHNA (2015-2023)	116	54	58	164	392
Permits Issued (2015-2020)	58	43	141	143	385

American Canyon’s current General Plan was adopted in 1994. The City Council approved a contract to comprehensively update the General Plan in 2019. As part of the process a web site has been developed to inform the public and receive input.¹ It is anticipated the overall update will take two to three years.

City of Calistoga

	Extremely Low	Very Low	Low	Moderate	Above Moderate	Total
RHNA (2015-2023)	3	3	2	4	15	27
Permits Issued (2015-2020)	3	20	12		40	5

The City has exceeded its share of regional housing needs. Calistoga’s current General Plan was adopted in 2003. Since that time, approximately half of the elements have been updated. During 2020 the Infrastructure Element was rewritten. Also, the Land Use Element was reviewed, however, no revisions were required.

¹ The City of American Canyon General Plan update website is available online at: <https://www.cityofamericancanyon.org/government/community-development/planning-zoning/general-plan-update>.

City of Napa

	Very Low	Low	Moderate	Above Moderate	Total
RHNA (2015-2023)	185	106	141	403	835
Permits Issued (2015-2020)	83	94	63	930	1170

The City of Napa is currently updating its General Plan, which was originally adopted in 1998. The City has formed a General Plan Advisory Committee to guide policy development and visioning. As part of the process a web site has been developed to inform the public and receive input.² Public review of the Draft General Plan is expected to start soon.

City of St. Helena

	Very Low	Low	Moderate	Above Moderate	Total
RHNA (2015-2023)	8	5	5	13	31
Permits Issued (2015-2019)	2	14	4	71	91

St. Helena’s current General Plan was adopted in 1993. In 2007, St. Helena initiated a comprehensive update to its General Plan (2040 General Plan Update). Throughout the process, the City conducted extensive community outreach. Study sessions were held and committees were formed to address water, circulation, new zoning designations, and study areas. Included in the study areas are properties served by the City but outside its jurisdictional boundary and sphere of influence. LAFCO staff submitted a comment letter during this process. The City Council adopted the 2040 General Plan and certified the Program EIR (May 14, 2019).

Town of Yountville

	Very Low	Low	Moderate	Above Moderate	Total
RHNA (2015-2023)	4	2	3	8	17
Permits Issued (2015-2019)	1	1	13	14	29

On May 7, 2019, the Town of Yountville completed a comprehensive update of its General Plan. The project titled “Envision Yountville General Plan Update” provided extensive community outreach including community meetings, surveys and polls, speaker series, an interactive web site, Board and Commission meetings, Town Council Study sessions and a Community Open House. In addition, a Town Advisory Group was established to review the existing 1992 General Plan, including policies and programs. LAFCO staff attended one General Plan scoping meeting.

Cost of Housing

As of February 2021, the median sale price for a home in Napa County was \$867,000 (24% increase from the prior year) according to the *Napa Valley Register* published on February 16, 2021. The *Annual Historical Data Summary* published by the California Association of Realtors (March 2021) stated that the median sale price for a home in Napa County in 2020 was \$785,000. That amount is an increase of 10.6% over the previous year.

² The City of Napa General Plan update website is available online at: <https://napa2040.com/>.

An eviction moratorium has been in place since September 4, 2020. The State Legislature also passed legislation prohibiting landlords, of certain types of rentals, from refusing to renew leases if lack of payments were due to COVID-19. The emergency measure is expected to be rescinded October 3, 2021. At this time, there are very few rental vacancies. In 2019, the average monthly rents in Napa County were \$2,514 according to Crown Realty Property Management owner Randy Gularte. Several factors effected rental rates in 2020. The pandemic, lockdown and downturn in the economy, resulted in the passage of legislation to provide relief. The following provides a partial list of this legislation:

- COVID-19 Tenant Relief Act (AB 3088, 2020): prohibits landlords, of certain types of rentals, from refusing to renew leases if lack of payments were due to COVID-19.
- SB 91 and SB 832 (2021): Extended the eviction moratorium to September 30, 2021 and created a State agency to distribute Federal Rental Assistance funds (H.R. 133, \$1.5 billion) which pay up to 80% of past due rent to landlords.

Staff reviewed online sources to determine average rentals broken down by one and two-bedroom apartments. One-bedroom apartments were \$1,935 on average (3.7% decrease from the prior year) and two-bedroom apartments were \$2,367 on average (a 6.6% decrease from the prior year) according to [RentJungle.com](https://rentjungle.com).

The City of Napa's rental apartment vacancy rate remains low (1.7%), even after the completion of the 218-unit Braydon apartment complex. The vacancy rate only increased by 0.3% from 2020. City zoning law defines anything below 3% as a severe rental housing shortage.³

The cost of housing is difficult to project in the foreseeable future due to uncertainties related to the economic and social impacts of the COVID-19 pandemic. There are two conflicting forces influencing real estate markets. Spending more time in one's home, especially with the prospect of prolonged telework over many months, may increase demand for larger homes with more amenities. During an economic contraction, however, workers face uncertainty over their next paycheck and demand for houses typically decreases. In addition, there are significant practical difficulties associated with searching for a new home during a pandemic. However, "urban flight" is occurring from San Francisco because of the significant increase in telecommuting. Numerous corporations are shifting their workforce to permanent telecommuting and "work from anywhere" arrangements, which provide even more flexibility in where workers reside. The need to live in the City, or to be in commute distance to an office in the City, is diminishing. The result may be more pressure for housing in counties such as Napa. However, "work from anywhere" has allowed workers to migrate out of California. This trend appears as "bidding wars" occur in states that normally don't experience this type of activity in their housing market.

Median Household Income

The United States Census Bureau American Community Survey reports the annual median household income for Napa County residents was \$88,596 based on five-year estimates from 2015 to 2019. The high cost of housing in Napa County places significant pressure on households earning less than the median income.

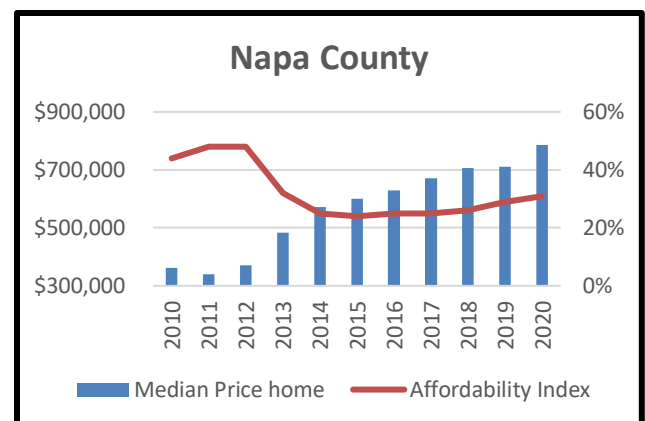
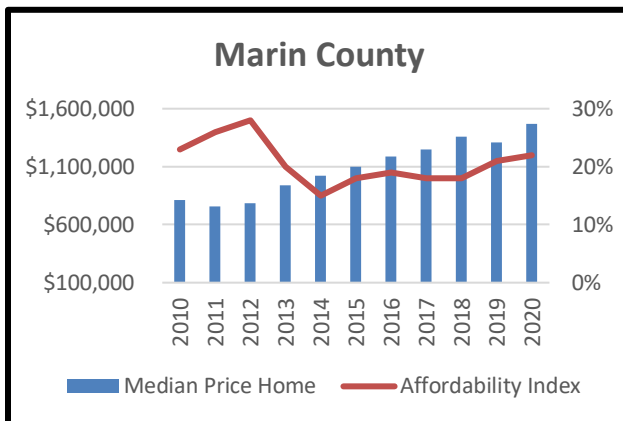
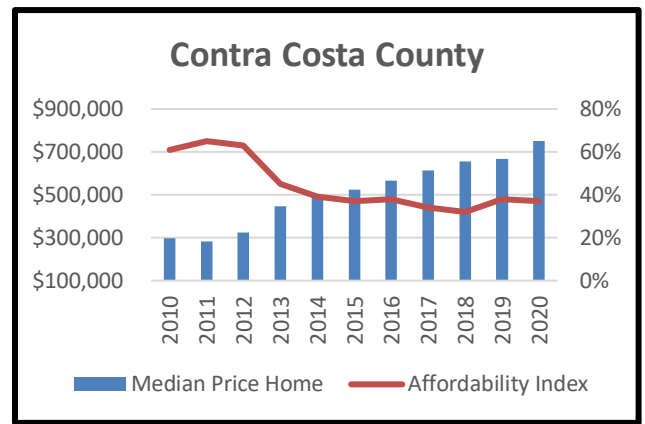
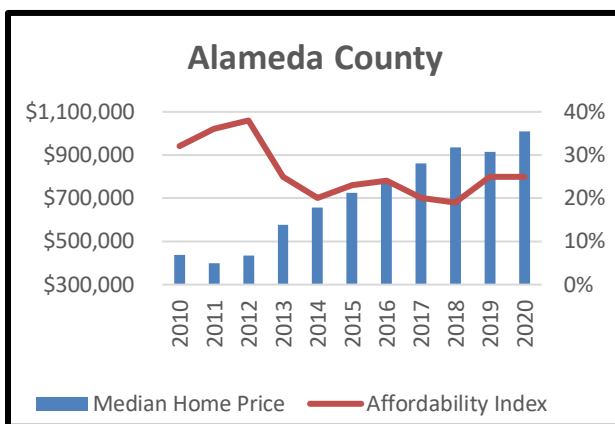
³ Napa Valley Register, September 5, 2021

Affordability Index

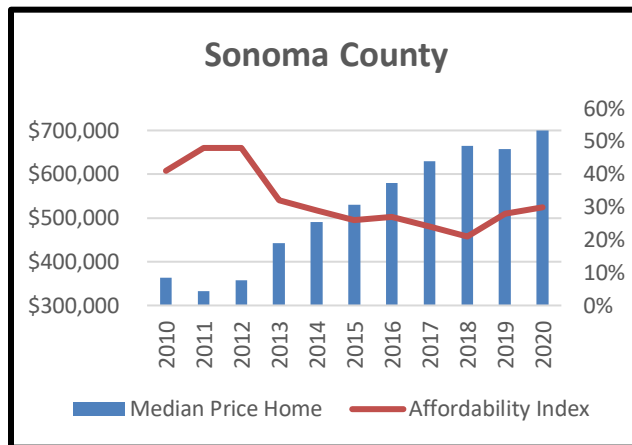
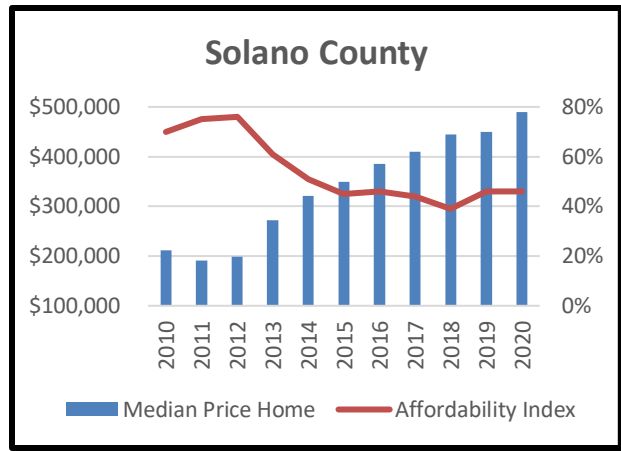
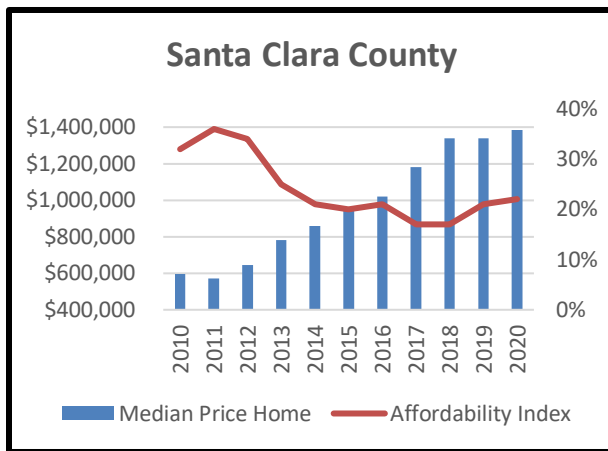
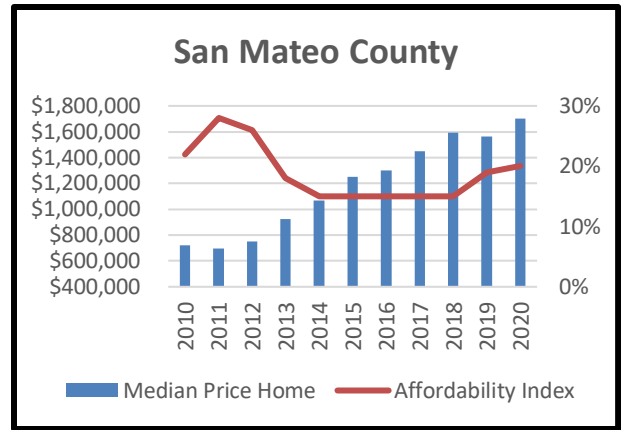
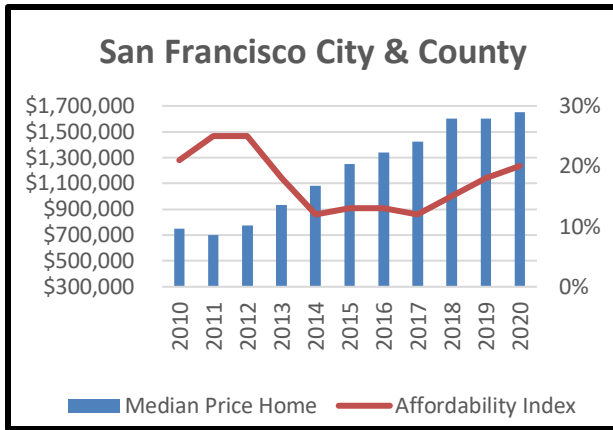
The California Association of Realtors has developed an affordability index.⁴ The purpose of the index is to determine the percentage of households who can afford to purchase a median-priced home. The data is available by county and region.

In 2020, only 31 percent of Napa households could afford to buy a median-priced home of \$785,000. At one point during the period between 2009-2011, after home prices dropped by 32.2% in 2008, nearly half of Napa households could have purchased a median-priced home of \$360,000.

The following charts provide a comparison of Napa County versus the other Bay Area counties’ median price home affordability.

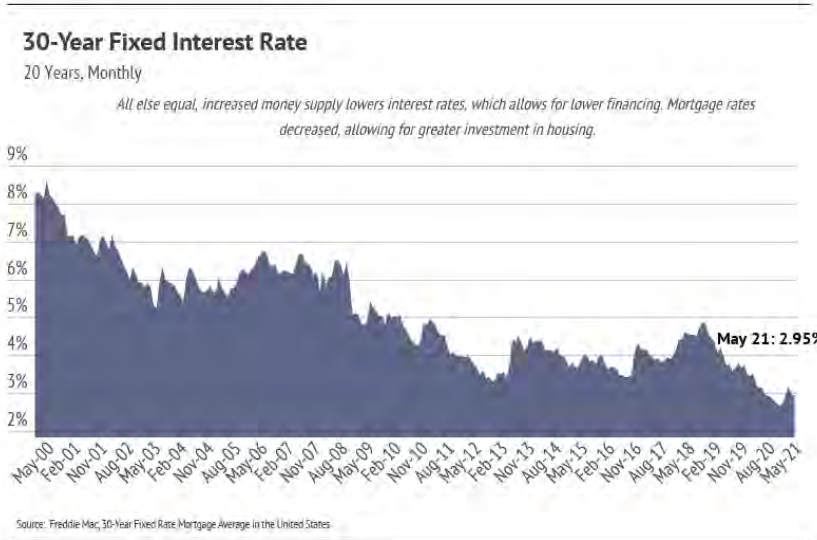


⁴ The methodology to determine the “affordability index” includes factors such as median home price, down payment, interest rate, monthly payment (principal, interest, taxes and insurance) at no more than 30% of household income and income distribution figures.

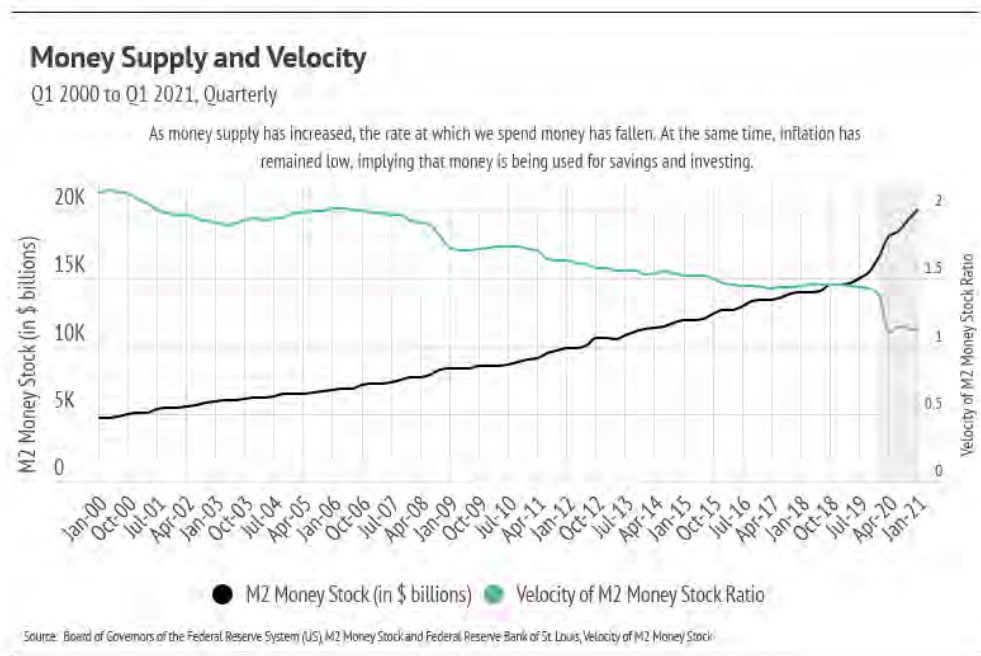


Seller's Market

There are a number of factors that have contributed to the seller's market. One predominate factor is low interest rates. The chart below shows interest rates over the past 30 years. The current rate is at an historic low.⁵



The money supply has been increasing since 2000 and, for most of that period, inflation has been low. This indicates that there is more money in circulation, as shown in the chart below.



⁵ Source: LevelUp Brokerage, *Greater Bay Area Market Update*, June 2021

However, the pandemic of 2020 restricted buyer's options. Now the market is flooded with homebuyers anxious to buy. The majority tend to be highly qualified buyers with substantial cash and excellent credit scores. The result is moderate-income buyers, that require a loan, have an extremely difficult time competing.

There are indications of a strong housing market in 2021. However, there is an undersupply of housing. One contributing factor is the recognized housing crisis in California. Another factor is the loss of homes due to wildfires.

California in Crisis

The October 2017 Northern California wildfires burned nearly 100,000 acres and destroyed approximately 650 homes in Napa County, representing approximately five percent of the total housing stock and exacerbating an existing housing shortage. The majority of the homes were located in the unincorporated area. In 2020, two separate wildfires burned over 200,000 acres and destroyed over 600 residences. Napa County continues to rebuild as efficiently as possible based on available resources and building conditions. Building material costs have increased dramatically in the past year, further effecting homeowners' ability to rebuild. The rebuilding process represents a measurable impact on Napa County's ability to meet its RHNA.

In 2019, California Governor Gavin Newsom emphasized the housing crisis in California as a focus of the current administration. However, in 2020 the pandemic and police violence protests caused a shift in priorities for the Governor's office. This shift in priorities has also been reflected in legislative action; the focus of the State decision makers was on the health care system, fire prevention and response, police reform and the economic impacts of the pandemic. The reopening of the State has resulted in renewed focus on the housing crisis. Various bills have been introduced to increase the housing stock. Some of these bills would circumvent the local planning process to allow for Accessory Dwelling Units on existing parcels, to allow multifamily units in areas zoned for single-family homes and lot splits. Some states and California jurisdictions are prohibiting single-family zoning.

ABAG and MTC

ABAG and MTC have developed an initiative, called "[Horizon](#)", to explore the pressing issues and possible challenges Bay Area residents may face through 2050. Part of the initiative includes "CASA – the Committee to House the Bay Area". CASA has recommended policies to address the housing crisis. The Local Government Working Group, comprised of local government officials, was convened to advise MTC and ABAG on housing-related bills. County Supervisor and Alternate LAFCO Commissioner Ryan Gregory serves on the Working Group along with City Councilmembers Mary Luros (City of Napa) and Anna Chouteau (City of St. Helena).

Senate Bill 35

Senate Bill (SB) 35 was signed by the Governor in 2017 and created a streamlined, ministerial approval process for infill developments in localities that have failed to meet their RHNA numbers.⁶ HCD provides an [interactive map](#) to determine which jurisdictions are subject to SB 35.

Commission Considerations

The Commission will receive brief presentations from three guest speakers as part of this item. The Commission is invited to discuss the presentations and content of this report, and consider providing direction to staff for future actions if appropriate. For example, the Commission may be interested in revising some of its adopted local policies to emphasize any specific issues related to housing or general plans. Further, the Commission may be interested in conducting targeted public outreach or scheduling a special study. However, no action is required as part of this item.

ATTACHMENTS

None

⁶ When jurisdictions have insufficient progress toward their Above Moderate income RHNA and/or have not submitted the most recent Annual Progress Report, these jurisdictions are subject to SB 35 streamlining for proposed developments with at least 10% affordability (does not apply to any local jurisdictions according to HCD). When jurisdictions have insufficient progress toward their Very Low and Low income RHNA, but have made sufficient progress toward their Above Moderate income RHNA, these jurisdictions are subject to SB 35 streamlining for proposed developments with at least 50% affordability (applies to Napa County, City of Napa, City of St. Helena, and Town of Yountville according to HCD).



2021 Signed Housing Legislation Summary

This document provides a high-level summary of bills recently signed by Governor Newsom related to housing policy and production. Many of these bills contain nuances or definitions specific to the chaptered legislation. Please contact Molly Rattigan at mrattigan@cityofnapa.org if you would like more detail about one or more of the bills listed below. The direct impact to the City of Napa and any necessary actions required to implement this legislation is still under review.

- AB 68 (Quirk-Silva; D-Fullerton) – Revises and modernizes the quadrennial Statewide Housing Plan and expands the requirements of the annual report from the Department of Housing and Community Development (HCD). Beginning January 23, 2023, HCD will be required to report the number of affordable units necessary to meet the housing need, make recommendations for modernizing statutory and regulatory terminology, and provide a list of land use oversight actions file and taken against a city or county.
- AB 215 (Chiu; D-San Francisco) – Provides the Department of Housing and Community Development (HCD) with additional enforcement authority over local agency violations of specified housing laws (housing elements) and increases public review for housing elements. The bill authorizes HCD to appoint other counsel to represent the department if the Attorney General declines to represent the department and specifies the applicable statute of limitations for actions or proceedings brought by the Attorney General or other counsel pursuant to those provisions.
- AB 345 (Quirk-Silva; D-Fullerton) – Requires local agencies to allow an accessory dwelling unit to be sold or conveyed separately from the primary residence to a qualified buyer if certain conditions are met, and that the property is held pursuant to a recorded tenancy in common agreement. Also allows for the unit to be sold or conveyed separately if the property was built or developed by a qualified nonprofit corporation
- AB 447 (Grayson; D-Concord) – Makes changes to the state low-income housing tax credit (LIHTC) program at the California Tax Credit Allocation Committee (TCAC) in the State Treasurer’s Office. It adds missing programs from the Preservation Notice Law into the LIHTC statutes to facilitate the preservation of all at-risk properties by allowing TCAC to fund currently omitted at-risk properties and making these developments eligible for TCAC’s at-risk set aside and, it defines new construction to include adaptive reuse, thereby allowing adaptive reuse developments to utilize these additional state credits.
- AB 491 (Ward; D-San Diego) – Requires that, for mixed income multifamily structures, the occupants of the affordable housing units within the mixed-income multifamily structure shall have the same access to the common entrances, areas, and amenities as the occupants of the market-rate housing units. Prohibits a mixed-income multifamily structure from isolating the affordable housing units within that structure to a specific floor or an area on a specific floor.



- AB 571 (Mayes; I-Rancho Mirage) – Prohibits a local government from charging affordable housing impact fees, including inclusionary zoning fees, public benefit fees, and in-lieu fees on deed-restricted affordable units that are part of a project eligible for a density bonus under Density Bonus Law (DBL).
- AB 602 (Grayson; D-Concord) – Beginning January 1, 2022, a local agency that conducts an impact fee nexus study must follow specific standards and practices, including, but not limited to, (1) that prior to the adoption of an associated development fee, an impact fee nexus study be adopted, (2) that the study identify the existing level of service for each public facility, identify the proposed new level of service, and include an explanation of why the new level of service is necessary, and (3) if the study is adopted after July 1, 2022, either calculate a fee levied or imposed on a housing development project proportionately to the square footage of the proposed units, or make specified findings explaining why square footage is not an appropriate metric to calculate the fees. Local agencies must demonstrate a valid method to establish a reasonable relationship between the fee charged and the burden posed by the development.
- AB 634 (Carrillo; D-Los Angeles) – Allows a local government to require an affordability period longer than 55 years for units that qualify a developer for a density bonus, if the local government has an inclusionary housing ordinance that requires a percentage of residential units affordable to lower income households for longer than 55 years. Excludes developments funded using Low Income Housing Tax Credits (LIHTC)
- AB 721 (Bloom; D-Santa Monica) – Makes covenants, restrictions, or private limits on the residential density of a property unenforceable against a property owner who is developing a housing project consisting entirely of affordable units (as defined in the legislation).
- AB 787 (Gabriel; D-Encino) – Authorizes a planning agency to include in its annual report, for up to 25% of a jurisdiction’s moderate-income regional housing need allocation, the number of units in an existing multifamily building that were converted to deed-restricted rental housing for moderate-income households by the imposition of affordability covenants and restrictions for the unit, as specified. The bill would apply only to converted units that meet specified requirements, including that the rent for the unit prior to conversion was not affordable to very low, low-, or moderate-income households and the initial post conversion rent for the unit is at least 10% less than the average monthly rent charged over the 12 months prior to conversion.
- AB 838 (Friedman; D-Glendale) – Requires local governments to respond to lead hazard and substandard building complaints from tenants and specified other parties and to provide free copies of inspection reports and citations to the requestor and others who may be impacted.
- AB 948 (Holden; D-Pasadena) – Makes various reforms to safeguard against discrimination during the property appraisal process; requires the collection of information in order to provide data in regard to demographics and other relevant evidence to analyze the appraiser's practices.



- AB 1029 (Mullin; D-South San Francisco) – Adds preservation of affordable housing units as a pro-housing, local policy that the Department of Housing and Community Development (HCD) can consider in developing a pro-housing designation.
- AB 1043 (Bryan; D-Los Angeles) – Adds “acutely low income households” to the list of income categories for purposes of defining affordable rents. Defines “acutely low income households” as persons and families whose incomes do not exceed 15% AMI, adjusted for family size and revised annually. The limits shall be published by the Department of Housing and Community Development in the California Code of Regulations for all geographic areas of the state.
- AB 1095 (Cooley; D-Rancho Cordova) – Clarifies that projects eligible for Affordable Housing Sustainable Communities (AHSC) funding include owner-occupied housing, in addition to rental housing. Requires the Strategic Growth Council (SGC) to adopt guidelines or selection criteria that include both affordable housing rental units and owner-occupied affordable housing units. Provides that for notices of funding availability released after July 1, 2022, SGC may include guidelines or criteria for the award of funds to projects that provide home ownership opportunities for low-income individuals.
- AB 1174 (Grayson; D-Concord) – SB 35 (Wiener) of 2017 created a streamlined approval process for infill projects with two or more residential units in localities that have failed to produce sufficient housing to meet their regional housing needs allocation. This bill makes a series of technical changes to SB 35. These changes would be applicable to existing projects, including making changes that are retroactively applicable to previous decisions. Collectively, these changes are designed to enable these and future projects to avoid some of the pitfalls identified in this still relatively new process.
- AB 1297 (Holden; D-Pasadena) – The California Infrastructure and Economic Development Bank (IBank) was established in 1996 for the purpose of financing public improvements, economic development activities, and private job creation strategies that enhance the ability of California to compete in the global economy. This bill expands the financing authority of the IBank to include housing projects when that housing is necessary for the operation of the financed project. This new authority would apply to economic development facilities and public development facilities financed through any of the IBank's financing programs or authorities.
- AB 1304 (Santiago; D-Los Angeles) – In 2018, AB 686 was enacted and required local governments to develop and implement their housing plans in a manner that affirmatively furthers fair housing. As local governments have begun to implement these requirements, recent incidents have revealed that a number of jurisdictions across the state are either in noncompliance or superficial compliance with the original law. AB 1304 will further ensure that local governments must affirmatively further fair housing in their jurisdictions. Specifically, this bill would clarify enforcement language and make clear that local governments must analyze racial segregation patterns within their own jurisdiction as well as within the broader region, in addition to historical factors and current policies that contribute to fair housing issues.



- AB 1398 (Bloom; D-Santa Monica) – Requires a local government that fails to adopt a housing element that the Department of Housing and Community Development has found to be in substantial compliance with state law within 120 days of the statutory deadline to complete this rezoning no later than one year from the statutory deadline for the adoption of the housing element. Prohibits a jurisdiction that adopts a housing element more than one year after the statutory deadline from being found in substantial compliance, as described above, until required rezoning is completed, as specified.
- AB 1466 (McCarty; D-Sacramento) – Requires a title insurance company involved in any transfer of real property and that provides a deed or other documents to identify whether any of the documents contain unlawfully restrictive covenants and, if found, record a specified modification document with the county recorder. Makes changes to the existing process of recording a restrictive covenant modification.
- AB 1584 (Committee on Housing and Community Development) Makes non-controversial and non-policy changes to sections of law relating to housing. This is essentially a clean-up of technical or chartering issues identified in the implementation of previous legislation.
- SB 8 (Skinner; D-Berkeley) –SB 330, the Housing Crisis Act of 2019, is scheduled to expire in 2025. SB 8 allows SB 330 to continue for five additional years by extending SB 330’s provisions until 2030, and adding clarifying language to ensure that the bill’s original intent of streamlining the production of housing that meets a local jurisdiction’s existing zoning and other rules is met.
- SB 9 (Atkins; D-San Diego) – Requires a proposed housing development containing no more than 2 residential units within a single-family residential zone to be considered ministerially, without discretionary review or hearing, if the proposed housing development meets certain requirements. Requires a local agency to ministerially approve a parcel map for an urban lot split that meets certain requirements, including, but not limited to, that the urban lot split would not require the demolition or alteration of housing that is subject to a recorded covenant, ordinance, or law that restricts rents to levels affordable to persons and families of moderate, low, or very low income, that the parcel is located within a single-family residential zone, and that the parcel is not located within a historic district, is not included on the State Historic Resources Inventory, or is not within a site that is legally designated or listed as a city or county landmark or historic property or district. Sets forth what a local agency can and cannot require in approving an urban lot split. Requires an applicant to sign an affidavit stating that they intend to occupy one of the housing units as their principal residence for a minimum of 3 years from the date of the approval of the urban lot split, unless the applicant is a community land trust or a qualified nonprofit corporation, as specified. Prohibits a local agency from imposing any additional owner occupancy standards on applicants.



- SB 10 (Wiener; D-San Francisco) –Authorizes a local government to adopt an ordinance to zone any parcel for up to 10 units of residential density per parcel, at a height specified in the ordinance, if the parcel is located in a transit-rich area or an urban infill site. Imposes specified requirements on a zoning ordinance adopted under these provisions, including a requirement that the zoning ordinance clearly demarcate the areas that are subject to the ordinance and that the legislative body make a finding that the ordinance is consistent with the city or county’s obligation to affirmatively further fair housing. Requires an ordinance to be adopted by a $\frac{2}{3}$ vote of the members of the legislative body if the ordinance supersedes any zoning restriction established by local initiative.
- SB 263 (Rubio; D-Baldwin Park) – Revises the real estate practice course for an applicant for a real estate broker or salesperson license to include a component on implicit bias, as specified, and would revise the legal aspects of real estate course for that applicant to include a component on state and federal fair housing laws.
- SB 290 (Skinner; D-Berkeley) – Makes various changes to Density Bonus Law (DBL), including providing additional benefits to housing developments that include low-income rental and for-sale housing units, and moderate-income for-sale housing units. Allows projects for student housing to be eligible for a bonus or concession.
- SB 381 (Portantino; D-La Cañada Flintridge) – Makes changes to the Roberti Act (the Act) to encourage the sale of homes owned by the California Department of Transportation for low- and moderate-income housing in the State Route 710 corridor in South Pasadena
- SB 478 (Wiener; D-San Francisco) – Prohibits local agency, as defined, from imposing a floor area ratio standard that is less than 1.0 on a housing development project that consists of 3 to 7 units, or less than 1.25 on a housing development project that consists of 8 to 10 units. Prohibits a local agency from imposing a lot coverage requirement that would physically preclude a housing development project from achieving the floor area ratios described above. Finally, makes void and unenforceable any covenant, restriction, or condition contained in any deed, contract, security instrument, or other instrument affecting the transfer or sale of any interest in a planned development, and any provision of a governing document, that effectively prohibits or unreasonably restricts a housing development project from using the floor area ratio standards authorized under the provisions described above.



- SB 591 (Becker; D-Menlo Park) –Existing law requires the covenants, conditions, and restrictions or other documents or written policy of a senior citizen housing development to set forth the limitations on occupancy, residency, or use based on age. Existing law requires that the limitations on age require, at a minimum, that the persons commencing any occupancy of a dwelling unit include a senior citizen who intends to reside in the unit as their primary residence on a permanent basis. This bill authorizes the establishment of an intergenerational housing development that includes senior citizens along with caregivers and transition age youth, if specified conditions are satisfied. rental housing to restrict occupancy to senior citizens, caregivers, and transition age youth, as specified.
- SB 728 (Hertzberg; D-Van Nuys) – Existing law, commonly referred to as the Density Bonus Law, requires a city or county to provide a developer that proposes a housing development within the city or county with a density bonus and other incentives or concessions, as specified, if the developer agrees to construct, among other options, specified percentages of units for moderate-income or, lower, or very low-income households and meets other requirements. Existing law requires the developer and the city or county to ensure that the initial occupant of a for-sale unit that qualified the developer for the award of the density bonus is a person or family of very low, low, or moderate income. This bill authorizes a qualified nonprofit housing organization to purchase a unit constructed under the Density Bonus Law and use for moderate-income or, lower, or very low-income households.
- SB 791 (Cortese; D-San Jose) – Establishes the California Surplus Land Unit within the Department of Housing and Community Development with the primary purpose of facilitating the development and construction of residential housing on local surplus land. This unit would: facilitate agreements between housing developers and local agencies that seek to dispose of surplus land; provide advice, technical assistance, and consultative and technical service to local agencies with surplus land and developers that seek to develop housing on the surplus land; and collaborate with specified state agencies to assist housing developers and local agencies with obtaining grants, loans, tax credits, credit enhancements, and other types of financing that facilitate the construction of housing on surplus land.



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

Agenda Item 7b (Discussion)

TO: Local Agency Formation Commission

PREPARED BY: Dawn Mittleman Longoria, Analyst II *DML*

MEETING DATE: October 4, 2021

SUBJECT: **CALAFCO U Course: Fire and Emergency Medical Services**

RECOMMENDATION

This item is for discussion purposes only. No formal action is required as part of this item. It is recommended the Commission discuss the report on fire and emergency medical services (EMS) and consider providing direction to staff with respect to any appropriate future actions. Staff recommends the Commission give consideration to scheduling a future countywide fire and EMS municipal service review, which would involve a review of operational area mutual aid plans and response capability within these plans.

DISCUSSION

California Wildfires: the Numbers

- County of Napa (2020): over 200,000 acres burned, loss of over 600 residences¹
- The 1964 wildfire in Calistoga took four days to reach Santa Rosa. The 2017 wildfire travelled that same distance in four hours.
- Half of largest wildfires in California's history have occurred in the past four years.²
- Acreage burned across the state (2020): 4.2 million (map counties: LA, Orange, Santa Clara and Santa Cruz) or larger than Connecticut.
- Lightning strikes (15,000) on August 15, 2020. California made 935 requests for help, but only received 193, due to fires out of state.
- Air pollution from smoke (2020): more than 120 times the total amount of all of cars, buses and trucks in California that year.
- Cost to fight the fires (2020): Cal Fire more than \$1 billion
- Dixie Fire (2021): "urban sprawl" over 950,000 acres (map SF, Sacramento, LA)

¹ County of Napa Planning, Building and Environmental Services

² Sacramento Bee

Margie Mohler, Vice Chair
Councilmember, Town of Yountville

Mariam Aboudamous, Commissioner
Councilmember, City of American Canyon

Beth Painter, Alternate Commissioner
Councilmember, City of Napa

Diane Dillon, Chair
County of Napa Supervisor, 3rd District

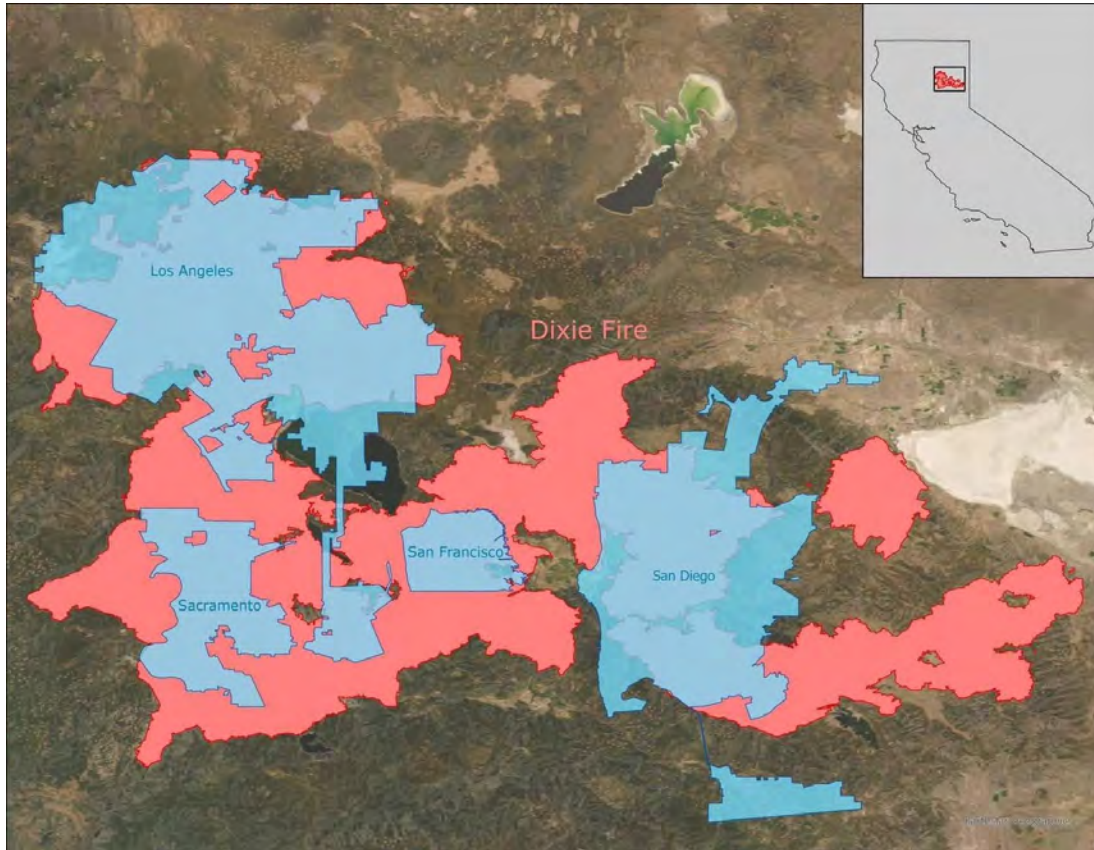
Brad Wagenknecht, Commissioner
County of Napa Supervisor, 1st District

Ryan Gregory, Alternate Commissioner
County of Napa Supervisor, 2nd District

Kenneth Leary, Commissioner
Representative of the General Public

Eve Kahn, Alternate Commissioner
Representative of the General Public

Brendon Freeman
Executive Officer



CALAFCO U Course: Fire and Emergency Medical Services (EMS)

Purpose: Create municipal service reviews (MSRs) with information and determinations that have meaning and create value both short-and-long term.

First CALAFCO U four-part series. Deep dive into Fire and EMS services with each session building on the previous one.

The Course is recorded and available for CALAFCO members on the website along with the course materials.

Panelists included Dawn Mittleman Longoria (Napa LAFCO), Mark Bramfitt (Sonoma LAFCO), Kurt Lapitow (AP Triton), Richard Berkson (Berkson Associates), Martha Poyatos (San Mateo LAFCO), Holly Whatley (San Diego LAFCO), Tom Cooley (Plumas LAFCO), and Mike McMurry (Monterey LAFCO).

A brief summary of each of the four sessions follows. A more detailed overview of the four sessions will be provided by staff during the presentation of this item.

Consultant's Method

- 1) Wait until the study is complete to draw conclusions
- 2) Don't just count number of agencies (i.e. 15 agencies/2 = 7.5 agencies)
- 3) Goal: efficient delivery of government services; current and future
- 4) Sample Request for Information tailored to paid/combination or volunteer organization (samples provided)
- 5) Interview stakeholders
 - a. Include representatives of all agency groups
 - b. Include community representatives
 - c. Consistent questions for each group (samples provided)

Session One:

- 1) Services of an all-risk agency
 - a) More than fire suppression and wildfire response
 - b) Delineated differences between urban/rural, paid/combination/all volunteer agencies
 - c) Provided extensive list of terms and acronyms
- 2) Standards that apply to all-risk agencies
 - a) Summarized applicable standards
 - b) Provided links to standards and agencies that established standards
- 3) The MSR: Getting the information needed:
 - a) Emphasis on LAFCO neutral party; no conclusions before end of study
 - b) Provided consultants process to obtain information
 - c) Included samples, both urban and rural, requests for information and stakeholder interview questions
- 4) Evaluation of community needs
 - a) Risk assessment necessary
 - b) Everyone wants urban level of service
 - c) What service can the community afford?

Session Two:

- 1) Evaluation of current staffing, training, facilities, operations and equipment.
 - a) Critical staffing by risk type explained and charts provided
 - b) Training requirements for various services explained
 - c) Criteria for evaluating facilities and equipment with sample charts provided
 - d) Response reliability and unit hour utilization explained charts provided

- 2) Growth and projected need for services
 - a) Population is not the only factor for increased service needs.
 - b) Call volume and call types are indicators
 - c) Type of new development can increase call volume (i.e. senior care facility, hospital, multi-story building, tourist serving, parks and recreation, etc.)
- 3) Financial ability to provide services
 - a) Provided financial indicators of service provision
 - b) Financial best practices included
 - c) Analysis of revenue trends and possible sources of revenue
 - d) Analysis of expense trends
 - e) Reserves best practices and Asset Management provided
 - f) References provided regarding financial ability to provide services

Session Three:

- 1) Evaluation of governance
 - a) Fire and EMS governance options explained
 - b) Board operations (compliance to legal requirements, staff and public interaction)
 - c) Board members role and understanding of chain of command
- 2) Opportunities for shared services
 - a) Advance auto-aid reviewed
 - b) Functional consolidation: options for shared services
 - c) Operational consolidation and Joint Powers Authority explained
 - d) Review of legal unification options
- 3) Service to disadvantaged unincorporated communities
- 4) Evaluation of SOIs
 - a) Current and future funding sources need to be identified
 - b) Should result in continued or improved services
 - c) Address all required determinations
- 5) Evaluation of contracts for service
 - a) Union must be notified for new service
 - b) Application to LAFCO and independent fiscal analysis required

Session Four:

Case studies provided:

- 1) San Diego LAFCO
- 2) Plumas LAFCO
- 3) Monterey LAFCO

SUMMARY

The stakeholders of Napa County are responding in a variety of ways to the threat of fires. Senator Bill Dodd, the Board of Supervisors and FireSafe Council, to name a few, are addressing fire safety and emergency preparedness in the County. These efforts should be included in a LAFCO MSR.

The Commission's last comprehensive countywide MSR of fire service was conducted 14 years ago (2007). A lot has changed since then. Climate change and multiple year droughts have increased fire risks across the country. No single agency can handle massive fires alone. The mutual aid system was developed to address these situations. However, the current reality of numerous large fires occurring simultaneously results in limited responses to requests for aid.

Wildfires do not respect jurisdictional boundaries. The fires of 2017 and 2020 were examples of fires occurring in Napa County that crossed the County line into Sonoma and Solano Counties. Wind conditions could result in the opposite occurrence; fires originating in Sonoma, Solano or Lake County could cross the line into Napa County. California fire service is divided into operational areas. These areas have operational mutual aid plans.

The recent catastrophic fires in Napa County suggest there is value to LAFCO conducting a new countywide fire and EMS MSR. Notably, a regional review of fire services in collaboration with neighboring counties may be warranted. At the least, a review of operational area mutual aid plans would be of substantial benefit. Part of this review should include response capability within these plans.

ATTACHMENTS

None



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

Agenda Item 7c (Discussion)

TO: Local Agency Formation Commission

PREPARED BY: Brendon Freeman, Executive Officer *BF*

MEETING DATE: October 4, 2021

SUBJECT: Discussion of Budget Alternatives

RECOMMENDATION

This item is for discussion purposes only. No formal action is required as part of this item. It is recommended the Commission discuss the budget alternatives described in this report and provide feedback to staff with respect to any appropriate future actions.

BACKGROUND AND SUMMARY

The Commission's annual budget is adopted consistent with the *Budget Policy* ("the Policy"), included as Attachment One. The Commission appointed Commissioners Mohler and Gregory to serve with the Executive Officer on the Fiscal Year 2021-22 Budget Committee ("the Committee").

Under the Policy, the Commission is directed to maintain its undesignated/unreserved fund balance ("reserves") equal to no less than 33.3% of budgeted operating expenses. Based on projected future budgets using reasonable baseline assumptions for revenues and expenses, it is anticipated the Commission's reserves will fall below the minimum 33.3% threshold by fiscal year 2023-24 and will not return to consistency with the Policy until fiscal year 2027-28.

On June 7, 2021, the Commission adopted a final budget for fiscal year 2021-22. Subsequent to the adoption of the final budget, staff was alerted that actual expenses associated with staff salaries and benefits would be \$15,825 higher than expected. Toward this end, some expenses associated with staff salaries and benefits occasionally change after the adoption of the budget. The Commission does not budget for contingencies and instead relies on drawing down reserves to cover any unexpected cost increases.

Margie Mohler, Vice Chair
Councilmember, Town of Yountville

Mariam Aboudamous, Commissioner
Councilmember, City of American Canyon

Beth Painter, Alternate Commissioner
Councilmember, City of Napa

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Brendon Freeman
Executive Officer

On August 2, 2021, the Commission approved a budget adjustment to increase appropriations for operating expenses by \$15,825 and offset the amount by drawing down the Commission's reserves. The adjusted budget is included as Attachment Two. The Commission also re-established the Committee for purposes of identifying strategies to balance the budget while maintaining adequate reserves.

Committee Actions

The Committee met on August 18, 2021 and identified budget alternatives for the Commission's consideration. The Committee also discussed the Commission's existing support services agreement (SSA) with the County of Napa, which limits the Commission's ability to choose its own staff position classifications and salary ranges, and assigned Committee member Gregory to attend a future meeting with LAFCO staff and County staff. Further, the Committee discussed the adequacy of the Policy directive to maintain reserves equal to no less than 33.3% of budgeted expenses.

The following is a summary of the budget alternatives identified by the Committee:

1) Increase agency contributions in fiscal year 2022-23 and future fiscal years (recommended):

The majority of the Commission's operating revenues are generated by agency contributions provided by the County and the five cities and town. Agency contributions have risen by approximately 2.4% annually over the last 10 years. The Committee recommends drawing down reserves in the current fiscal year (2021-22) consistent with the aforementioned August 2nd budget adjustment. An increase in agency contributions for fiscal year 2022-23 will balance the budget, maintain adequate reserves, and eliminate the Commission's practice of budgeting for intentional shortfalls by drawing down reserves. Agency contributions could increase 10% in fiscal year 2022-23 depending on projected expenses and revenue.

2) Request supplemental agency contributions in fiscal year 2021-22 and increase contributions in future fiscal years:

The Committee considered requesting supplemental agency contributions in the current fiscal year and the remainder in fiscal year 2022-23 to balance the budget and maintain adequate reserves. This would serve to frontload some of the burden on the funding agencies and prevent the need for a significant increase in agency contributions in a single year. However, the Committee recommends alternative one over this approach.

3) Reduce various expense accounts:

The Committee considered the merits of reducing expenses tied to some combination of staff salaries and benefits, legal services, Commissioner per diems, conferences, trainings, and scheduled Commission meetings. The Committee agreed none of these options are desirable and does not recommend this alternative.

It is important to note that CALAFCO recently canceled its annual conference, which was not known at the time of the Committee meeting. The conference cancellation will result in a cost savings totaling approximately \$7,000 to \$8,000 based on planned attendance by members of the Commission and staff. This will result in agency contributions increasing in future fiscal years by less than anticipated in the alternatives listed on the prior page.

The Commission is invited to discuss the budget alternatives and provide feedback to staff as appropriate. This may involve directing staff to return at future meetings with additional information or taking future actions related to the budget.

It should also be noted LAFCO staff met with County staff on September 1, 2021 to discuss the aforementioned SSA. Committee member Gregory attended the meeting. Staff from both agencies agreed to continue working on amendments to the SSA in the near term, including possible changes to LAFCO staff job descriptions, classifications, and salary ranges. Updates will be provided to the Commission as progress is made.

ATTACHMENTS

- 1) Budget Policy
- 2) Adjusted Budget for FY 21-22 (Adjusted on August 2, 2021)



LOCAL AGENCY FORMATION COMMISSION OF NAPA COUNTY

Budget Policy

(Adopted: August 9, 2001; Last Amended: November 18, 2019)

I. Background

The Cortese-Knox-Hertzberg Local Government Reorganization (CKH) Act of 2000 includes provisions for establishing a budget and for the receipt of funds. [Government Code \(G.C.\) §56381](#) establishes that the Commission shall annually adopt a budget for the purpose of fulfilling its duties under CKH.

II. Purpose

It is the intent of the Commission to adopt a policy for budget purposes which establishes procedures for compiling, adopting and administering the budget. The Commission is committed to providing transparency of its operations including its fiscal activities. The Commission follows recognized accounting principles and best practices in recognition of its responsibility to the public.

III. Preparation of Annual Budget

- A) An annual budget shall be prepared, adopted and administered in accordance with [\(G.C.\) §56381](#).
- B) The Commission should annually consider the Fee Schedule, including any anticipated changes, and Work Program in conjunction with the budget process.
- C) The Commission is committed to ensuring the agency is appropriately funded each fiscal year to effectively meet its prescribed regulatory and planning responsibilities. The Commission is also committed to controlling operating expenses to reduce the financial obligations on the County of Napa, the cities and town, hereafter referred to as the “funding agencies,” whenever possible and appropriate.
- D) The budget shall include an undesignated/unreserved fund balance equal to a minimum of one-third (i.e., four months) of annually budgeted operating expenses.
- E) The Commission shall establish an ad-hoc budget committee at the last meeting of each calendar year comprising of two Commissioners which will terminate with the adoption of the final budget. Commissioners appointed to a budget committee shall receive a regular per diem payment for each meeting attended.
- F) The adopted final budget should be posted on the Commission’s website for public viewing for a minimum of five years.
- G) The Executive Officer shall provide quarterly budget reports to the Commission for informational purposes.

IV. Budget Contributions and Collection of Funds

[G.C. §56381](#) establishes that the Commission shall adopt annually a budget for the purpose of fulfilling its duties under CKH. It further establishes that the County Auditor shall apportion the operating expenses from this budget in the manner prescribed by [G.C. §56381\(b\)](#), or in a manner mutually agreed upon by the agencies responsible for the funding of the Commission's budget [G.C. §56381\(c\)](#) states that:

After apportioning the costs as required in subdivision (b), the auditor shall request payment from the Board of Supervisors and from each city no later than July 1 of each year for the amount that entity owes and the actual administrative costs incurred by the auditor in apportioning costs and requesting payment from each entity. If the County or a city does not remit its required payment within 60 days, the Commission may determine an appropriate method of collecting the required payment, including a request to the auditor to collect an equivalent amount from the property tax, or any fee or eligible revenue owed to the County or city. The auditor shall provide written notice to the County or city prior to appropriating a share of the property tax or other revenue to the Commission for the payment due the Commission pursuant to this section.

It is the intent of the Commission that all agencies provide the costs apportioned to them from the LAFCO budget. Pursuant to [G.C. §56381\(c\)](#), the policy of the Commission is:

- A) If the County or a city or a town does not remit its required payment within 45 days of the July 1 deadline, the County Auditor shall send written notice to the agency in question that pursuant to [G.C. §56381\(c\)](#) and this policy, the Auditor has the authority to collect the amount of the Commission's operating expenses apportioned to that agency after 60 days from the July 1 deadline.
- B) If the County or a city or a town does not remit its required payment within 60 days of the July 1 deadline, the County Auditor shall collect an amount equivalent to the cost apportioned to that agency from the property tax owed to that agency, or some other eligible revenue deemed appropriate or necessary by the County Auditor. The County Auditor shall send written notice of the action taken to the agency and to the Commission.

V. Executive Officer Purchasing and Budget Adjustment Authority

Pursuant to [G.C. §56380](#), the Commission shall make its own provision for necessary quarters, equipment, supplies, and services. The associated operating costs are provided for through the Commission's adoption of its annual budget in the manner prescribed in [G.C. §56381](#).

It is the intent of the Commission to charge the LAFCO Executive Officer with the responsibility and authority for coordinating and managing the procurement of necessary quarters, equipment, supplies, and services, and to adjust the annual budget as necessary under certain circumstances. The policy of the Commission is:

- A) The Executive Officer is charged with the responsibility and authority for coordinating and managing the procurement of necessary quarters, equipment, supplies, and services in accordance with applicable laws, regulations and policies.
- B) The Executive Officer is authorized to act as the agent for LAFCO in procuring necessary quarters, equipment, supplies, and services.
- C) Only the Commission itself or the Executive Officer may commit LAFCO funds for the purchase of any necessary quarters, equipment, supplies, or services for LAFCO use.
- D) The Executive Officer is delegated purchasing authority on behalf of LAFCO for necessary quarters, equipment, supplies, and services not to exceed \$5,000 per transaction. The Commission must approve any purchase of necessary quarters, equipment, supplies, and services that exceed the monetary limits set forth in this policy.
- E) Following review and approval by the Chair, the Executive Office is authorized to make adjustments and administrative corrections to the budget without Commission action provided the adjustments and corrections are within the total budget allocations adopted by the Commission.
- F) Following review and approval by the Chair, the Executive Officer is authorized to adjust the budget for purposes of carrying over to the new fiscal year any encumbered funds that have been approved by the Commission in a prior fiscal year and involve unspent balances. Said funds include committed contracts for services that were not completed in the prior fiscal year and must be re-encumbered by way of a budget adjustment in the new fiscal year.



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

FY 2021-2022 ADJUSTED BUDGET
 Adjusted on August 2, 2021

Expenses		FY 2018-19		FY 2019-20		FY 2020-21		FY 2021-22	Difference from Prior FY		
		Final Budget	Actual	Final Budget	Actual	Final Budget	Estimate	Adjusted Budget			
Salaries and Benefits											
<u>Account</u>	<u>Description</u>										
51210	Commissioner Per Diems	15,000	12,150	15,000	10,980	14,500	12,720	12,500	(2,000)	-13.8%	
51300	Medicare - Commissioners	-	173	225	158	250	181	250	-	0.0%	
51305	FICA - Commissioners	500	550	500	506	500	512	500	-	0.0%	
	Total Salaries & Benefits	15,500	12,873	15,725	11,644	15,250	13,413	13,250	(2,000)	-13.1%	
Services and Supplies											
<u>Account</u>	<u>Description</u>										
52100	Administration Services	371,069	319,297	424,278	404,710	415,869	422,039	443,372	27,503	6.6%	
52125	Accounting/Auditing Services	8,000	7,394	8,000	6,710	7,500	6,593	7,500	-	0.0%	
52130	Information Technology Services	17,301	16,653	24,590	24,590	24,323	24,323	24,489	166	0.7%	
52131	ITS Communication Charges	-	-	-	-	-	-	1,837	1,837	NEW	
52140	Legal Services	35,000	27,152	30,000	30,000	25,500	24,286	25,000	(500)	-2.0%	
52310	Consulting Services	188,050	80,339	112,624	79,623	25,551	25,550	-	(25,551)	-100.0%	
52345	Janitorial Services	150	165	300	300	300	150	300	-	0.0%	
52515	Maintenance-Software	2,000	1,779	2,000	1,929	1,930	1,929	1,930	-	0.0%	
52600	Rents and Leases: Equipment	5,500	4,585	5,500	4,969	5,500	4,129	4,000	(1,500)	-27.3%	
52605	Rents and Leases: Building/Land	27,828	28,663	29,523	29,523	30,409	30,408	31,322	913	3.0%	
52700	Insurance: Liability	70	70	4,554	380	813	813	578	(235)	-28.9%	
52800	Communications/Telephone	3,000	3,124	3,000	3,591	3,500	1,428	2,000	(1,500)	-42.9%	
52830	Publications and Notices	2,000	967	1,500	1,440	1,500	814	1,000	(500)	-33.3%	
52835	Filing Fees	500	200	250	154	50	100	200	150	300.0%	
52900	Training/Conference	9,000	13,770	12,295	8,348	989	200	10,000	9,011	911.1%	
52905	Business Travel/Mileage	1,000	2,265	3,000	1,449	1,000	-	500	(500)	-50.0%	
53100	Office Supplies	2,000	2,265	2,000	1,193	1,250	1,156	1,000	(250)	-20.0%	
53110	Freight/Postage	300	100	300	158	350	100	500	150	42.9%	
53120	Memberships/Certifications	2,805	2,805	3,261	3,261	3,060	3,060	2,934	(126)	-4.1%	
53205	Utilities: Electric	1,300	1,121	1,300	1,306	1,500	1,389	1,500	-	0.0%	
53415	Computer Software/License	-	270	-	-	-	150	225	225	NEW	
56350	Business Related Meal/Supplies	750	479	500	122	250	33	-	(250)	-100.0%	
	Total Services & Supplies	678,673	514,108	669,275	604,373	551,144	548,650	560,187	9,043	1.6%	
EXPENSE TOTALS		694,173	526,981	685,000	616,017	566,394	562,063	573,437	7,043	1.2%	

Revenues

		FY 2018-19		FY 2019-20		FY 2020-21		FY 2021-22			
		Final Budget	Actual	Final Budget	Actual	Final Budget	Estimate	Adjusted Budget	<i>Difference from Prior FY</i>		
Intergovernmental											
<u>Account</u>	<u>Description</u>										
43910	County of Napa	224,410	224,410	235,631	235,631	242,700	242,700	254,835	12,135	5.0%	
43950	Other Governmental Agencies	224,410	224,410	235,631	235,631	242,700	242,700	254,835	12,135	5.0%	
----	<i>City of Napa</i>	148,793	148,793	154,514	154,514	162,800	162,800	166,432	3,632	2.2%	
----	<i>City of American Canyon</i>	35,803	35,803	38,707	38,707	41,166	41,166	45,843	4,677	11.4%	
----	<i>City of St. Helena</i>	14,897	14,897	15,357	15,357	15,159	15,159	18,608	3,449	22.8%	
----	<i>City of Calistoga</i>	13,673	13,673	15,575	15,575	14,515	14,515	13,976	(539)	-3.7%	
----	<i>Town of Yountville</i>	11,243	11,243	11,478	11,478	9,060	9,060	9,976	916	10.1%	
	Total Intergovernmental	448,820	448,820	471,261	471,261	485,400	485,400	509,670	24,270	5.0%	
Service Charges											
<u>Account</u>	<u>Description</u>										
42690	Application/Permit Fees	20,000	41,451	25,000	26,964	21,060	37,356	20,000	(1,060)	-5.0%	
46800	Charges for Services	500	500	500	781	624	593	600	(24)	-3.8%	
	Total Service Charges	20,500	41,951	25,500	27,745	21,684	37,949	20,600	(1,084)	-5.0%	
Investments											
<u>Account</u>	<u>Description</u>										
45100	Interest	7,000	12,367	7,000	15,128	12,000	7,414	10,000	(2,000)	-16.7%	
	Total Investments	7,000	12,367	7,000	15,128	12,000	7,414	10,000	(2,000)	-16.7%	
	REVENUE TOTALS	476,320	503,138	503,761	514,134	519,084	530,763	540,270	21,186	4.1%	
OPERATING DIFFERENCE		(217,853)	(23,843)	(181,239)	(101,883)	(47,310)	(31,300)	(33,167)			

Fund Balances

	2018-19	2019-20	2020-21	2021-22
RESTRICTED FUND BALANCE (EQUIPMENT REPLACEMENT RESERVE)				
Beginning:	19,657	19,657	19,657	19,657
Ending:	19,657	19,657	19,657	19,657
UNDESIGNATED/UNRESERVED FUND BALANCE ("RESERVES")				
Beginning:	425,831	401,988	300,105	268,805
Ending:	401,988	300,105	268,805	235,638
TOTAL FUND BALANCE				
Beginning:	445,488	421,645	319,762	288,462
Ending:	421,645	319,762	288,462	255,295
MINIMUM FOUR MONTH RESERVE GOAL	231,391	228,333	188,798	191,146



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 8a (Action)

TO: Local Agency Formation Commission

PREPARED BY: Brendon Freeman, Executive Officer *BF*

MEETING DATE: October 4, 2021

SUBJECT: Proposed Amendment to Policy on CEQA

RECOMMENDATION

It is recommended the Commission adopt the Resolution of the Local Agency Formation Commission of Napa County Amending the *Policy on CEQA* (“the Policy”), included as Attachment One.

SUMMARY

The Commission’s adopted Strategic Plan includes a schedule for the Commission’s Policy Committee (Mohler and Wagenknecht) to comprehensively review all local policies.

On July 14, 2021 and September 3, 2021, the Policy Committee met to review the Policy and agreed to recommend significant revisions. The proposed revisions involve restructuring and simplifying the Policy to eliminate confusion for all parties and streamline the review process for projects subject to the California Environmental Quality Act (CEQA). Notably, this involves adopting the CEQA Guidelines to determine the appropriate course of Commission action for projects subject to the requirements of CEQA.

The Committee’s proposed Policy is included as an exhibit to Attachment One. The current version of the Policy is included as Attachment Two for reference.

ATTACHMENTS

- 1) Draft Resolution Amending the *Policy on CEQA*
- 2) Current *Policy on CEQA* (Tracked Changes)

Margie Mohler, Vice Chair
Councilmember, Town of Yountville

Mariam Aboudamous, Commissioner
Councilmember, City of American Canyon

Beth Painter, Alternate Commissioner
Councilmember, City of Napa

Diane Dillon, Chair
County of Napa Supervisor, 3rd District

Brad Wagenknecht, Commissioner
County of Napa Supervisor, 1st District

Ryan Gregory, Alternate Commissioner
County of Napa Supervisor, 2nd District

Kenneth Leary, Commissioner
Representative of the General Public

Eve Kahn, Alternate Commissioner
Representative of the General Public

Brendon Freeman
Executive Officer

RESOLUTION NO. _____

RESOLUTION OF
THE LOCAL AGENCY FORMATION COMMISSION OF NAPA COUNTY
AMENDING ITS POLICY ON CEQA

WHEREAS, on December 4, 2006, the Local Agency Formation Commission of Napa County (the "Commission") adopted a *Policy on CEQA*; and

WHEREAS, the Commission considered a proposed amendment to the *Policy on CEQA* at its regular meeting on October 4, 2021, and invited public comment at that meeting; and

NOW, THEREFORE, BE IT RESOLVED that the Commission hereby amends the *Policy on CEQA* as attached hereto.

This Resolution shall take effect immediately.

The foregoing resolution was duly and regularly adopted by the Commission at a public meeting held on October 4, 2021, after a motion by Commissioner _____, seconded by Commissioner _____, by the following vote:

AYES:	Commissioners	_____
NOES:	Commissioners	_____
ABSENT:	Commissioners	_____
ABSTAIN:	Commissioners	_____

Diane Dillon
Commission Chair

ATTEST: _____
Brendon Freeman
Executive Officer

Recorded by: Kathy Mabry
Commission Clerk



LOCAL AGENCY FORMATION COMMISSION OF NAPA COUNTY

Policy on CEQA

(Adopted on December 4, 2006; Last Amended: October 4, 2021)

I. BACKGROUND

Under Public Resources Code Section 15022, each public agency shall adopt objectives, criteria, and specific procedures consistent with the California Environmental Quality Act (CEQA) and the Guidelines for Implementation of the California Environmental Quality Act (“the Guidelines”) for administering its responsibilities under CEQA, including the orderly evaluation of projects and preparation of environmental documents.

In adopting procedures to implement CEQA, a public agency may adopt the State CEQA Guidelines through incorporation by reference. The agency may then adopt only those specific procedures or provisions which are necessary to tailor the general provisions of the guidelines to the specific operations of the agency. A public agency may also choose to adopt a complete set of procedures identifying in one document all the necessary requirements.

II. PURPOSE

The Guidelines are the regulations that explain and interpret the law for both the public agencies required to administer CEQA and for the public generally. They are found in Chapter 3 of Title 14 in the California Code of Regulations. The Guidelines provide objectives, criteria and procedures for the orderly evaluation of projects and the preparation of environmental impact reports, negative declarations, and mitigated negative declarations by public agencies. The fundamental purpose of the Guidelines is to make the CEQA process comprehensible to those who administer it, to those subject to it, and to those for whose benefit it exists. To that end, the Guidelines are more than mere regulations which implement CEQA as they incorporate and interpret both the statutory mandates of CEQA and the principles advanced by judicial decisions. The Governor's Office of Planning and Research prepares and develops proposed amendments to the Guidelines and transmits them to the Secretary for Resources. The Secretary for Resources is responsible for certification and adoption of the Guidelines and amendments thereto.

Revision of the CEQA Guidelines is an on-going process. By statute, the Secretary of Resources is required to review and consider amendments to the Guidelines every two years. Annual changes to CEQA and evolving case law make revisions to the Guidelines necessary on a continual basis.

III. CEQA GUIDELINES AND COMMISSION LOCAL INTEREST POLICIES

It is the Commission’s policy to adopt the Guidelines approved by the State Department of Resources and as amended from time to time, in the preparation of all environment documentation. Whenever an agency other than the Commission is involved in the approval of a project, the Commission prefers that the other agency be designated as the “Lead Agency.” For annexations and/or reorganizations involving annexation to a city, the city shall act as the Lead Agency under CEQA for the proposal. CEQA processing shall be undertaken in accordance with the most recent version of CEQA, the Guidelines, and the Commission’s adopted policies.

Notably, the Commission has identified additional areas of local interest that shall be addressed by the Lead Agency in the preparation of any CEQA document. These include:

- A. Cumulative and regional impacts;
- B. Impacts to public services, including but not limited to, water supply and distribution systems; wastewater treatment and sewer collection systems; solid waste disposal capacity and collection; public school districts, fire and police protection; and public facilities, including discussion on the ability of the receiving entities (i.e. water district, sewer district, school district) to provide the services to the proposed boundary change area;
- C. Conversion of prime agricultural lands to urban uses and protection/preservation of prime agricultural lands and resources;
- D. Consistency with general and specific plans; and
- E. Availability of affordable housing.

DRAFT

**CEQA POLICY
OF
THE LOCAL AGENCY FORMATION COMMISSION OF NAPA COUNTY**
(Effective December 4, 2006)

SECTION 1. INTRODUCTION

Section 15022 of the State CEQA Guidelines requires public agencies to adopt objectives, criteria and specific procedures consistent with the California Environmental Quality Act (CEQA) and the State CEQA Guidelines for administering CEQA. The CEQA (Sections 21000 et seq. of the Public Resources Code) and the State CEQA Guidelines (Sections 15000 et seq. of Title 14 of the California Administrative Code) are hereby incorporated by reference into this CEQA Policy of the Local Agency Formation Commission of Napa County (hereinafter "Policy").

This Policy establishes the Napa County LAFCO procedures for the Commission acting as both a Responsible Agency and as a Lead Agency with respect to complying with the State CEQA requirements. The Commission shall conform to any statutory change in CEQA regardless of whether this Policy contains the amended procedures.

SECTION 2. PURPOSE

The purpose of the Commission's Policy is to set forth the specific procedures and provisions adopted by the Commission to implement and comply with the requirements of CEQA and the State CEQA Guidelines.

SECTION 3. LAFCO AS A RESPONSIBLE AGENCY

3.1 LAFCO as Responsible Agency: A Responsible Agency is a public agency other than the Lead Agency that has responsibility for carrying out or approving a project and for complying with CEQA.

3.1.1. In the case of projects initiated by a land use authority, such as a city or county, where annexations are required as a condition of approval, LAFCO will assume the Responsible Agency role unless the Lead Agency did not consult with LAFCO as the Responsible Agency.

3.1.2. LAFCO will assume the Responsible Agency role for annexations that include a prezone by a city unless the Lead Agency did not consult with LAFCO as the Responsible Agency.

3.1.3. LAFCO will assume the Responsible Agency role for changes in organizations for a district which include infrastructure development by a district unless that agency did not consult with LAFCO as the Responsible Agency.

3.2 Comment Period for Lead Agency Environmental Documents: Lead agencies shall comply with the State CEQA Guidelines requirements (Section 15086 to 15087) for distributing draft environmental documents to Responsible Agencies when forwarding draft environmental documents to LAFCO. The Executive Officer will transmit written comments to the lead agency within the noticed public review period. The Executive Officer, or his/her designee, shall respond in writing as to the adequacy of the proposed environmental document, including any specific areas of concern or disagreement, within the time specified in the lead agency's notice. LAFCO shall also identify, in writing, any significant environmental effects that it believes could result from the project. Comments should be limited to LAFCO's scope and responsibilities for review of the project. The lead agency should incorporate and address all LAFCO comments in the final environmental document.

Issues that are particularly important for an environmental document that is being prepared for a subsequent LAFCO action include the following:

- (1) Cumulative and Regional Impacts
- (2) Impacts to public services, including but not limited to, water supply and distribution systems; wastewater treatment and sewer collection systems; solid waste disposal capacity and collection; public school districts, fire and police protection; and public facilities, including discussion on the ability of the receiving entities (i.e. water district, sewer district, school district) to provide the services to the proposed boundary change area.
- (3) Conversion of prime agricultural lands to urban uses and protection/preservation of prime agricultural lands and resources.
- (4) Consistency with General and Specific Plans
- (5) Affordable Housing

3.3 Lead Agency Preparation of Environmental Documents: The following procedures apply when a city, special district or other entity assumes the role of lead agency (as defined in CEQA Section 21067 and CEQA Guidelines Section 15051) for preparation of the appropriate environmental document. Generally, this involves a lead agency's environmental review and document for a project where subsequent LAFCO action is anticipated.

3.3.1 Lead agencies shall, as a result of any comments received by LAFCO, prepare environmental documents in a manner that would permit their use by LAFCO in considering subsequent boundary change proposals. References to any boundary changes required to implement the underlying project shall be included on the title page and accurately described in the project description.

3.3.2 All notices of determination or exemption shall be submitted to LAFCO. Additionally, copies of the final environmental document and the lead agency's adopted Statement of Facts and Findings (CEQA Guidelines Section 15091), Statement of Overriding Considerations, and adopted mitigation measures (CEQA Guidelines Section 15096[g]), shall be submitted to LAFCO with the application, if applicable. The lead agency shall also include for an approved project its adopted Mitigation Monitoring and Reporting Program (MMRP) and any conditions of project approval that mitigate or avoid significant effects on the environment.

3.4 LAFCO Use of Lead Agency Environmental Documents: LAFCO shall, in making determinations on boundary change proposals, utilize the environmental document prepared by the lead agency in accordance with these procedures and the State CEQA Guidelines. The Commission shall certify that it has reviewed and considered the information contained in the environmental document prior to approval of a proposal. LAFCO shall, when utilizing a lead agency's environmental document for a project where significant effects are identified, make or incorporate, by reference, findings required by Section 15091 for each significant effect of the project.

3.4.1 If LAFCO approves a proposal supported by an EIR, it must adopt a Statement of Overriding Considerations when a lead agency (pursuant to State CEQA Guidelines Section 15093) has adopted a Statement of Overriding Considerations for significant effects, which cannot be wholly mitigated. LAFCO may adopt a Statement of Overriding Considerations by incorporating the lead agency's Statement by reference.

3.4.2 When an EIR has been prepared, LAFCO shall not approve the project as proposed if it finds feasible alternatives or feasible mitigation measures within its powers that would substantially lessen any significant effect the project would have on the environment.

3.4.3 LAFCO can also require an applicant to prepare a subsequent environmental document, including a supplemental environmental impact report or an addendum to an

environmental impact report, pursuant to CEQA Guidelines Sections 15162 and 15163. Additionally, in some instances LAFCO may assume the role of lead agency pursuant to CEQA Guidelines Section 15052.

3.4.4 The Executive Officer will deem an application incomplete, for processing purposes, until the required environmental documentation has been received.

SECTION 4. LAFCO AS LEAD AGENCY

4.1 Lead Agency Criteria: Public Resources Code Section 21067 defines lead agency as the public agency that has the principal responsibility for carrying out or approving a project that may have a significant impact upon the environment. LAFCO will assume the Lead Agency role when:

- (1) A petitioner submits a project application to LAFCO.
- (2) The Commission initiates and determines that it is the lead agency for a sphere of influence update pursuant to Government Code Section 56425.
- (3) The Commission initiates and determines that it is the lead agency for conducting a service review pursuant to Government Code Section 56430.
- (4) The Commission initiates a proposal pursuant to Government Code Section 56375(a).
- (5) Another public agency was the appropriate lead agency, but pursuant to CEQA Guidelines Section 15052, a shift in the lead agency designation is required.

4.2 Determination of the Applicability of CEQA: The Executive Officer or his/her designee shall, when LAFCO is the Lead Agency, determine whether an environmental document will be required (CEQA Guidelines Section 15060) or whether the project is exempt from CEQA (CEQA Guidelines Section 15061). The Executive Officer will also be responsible for determining whether a project normally considered exempt from CEQA may require preparation of an environmental document because the project may actually have a significant impact on the environment (CEQA Guidelines Section 15300.2.).

4.2.1 The Executive Officer shall, within 30 days from the date of receiving an application, such as a petition, or the initiation of a project for which LAFCO is the lead agency, determine whether an activity is subject to CEQA (CEQA Guidelines Section 15060) before conducting an Initial Study. If the proposal is considered to be subject to CEQA, and is not considered to be exempt from the State CEQA Guidelines (Section 15061), the Executive Officer shall prepare an initial study, or cause an initial study to be prepared.

4.3 Categorical or Other Exemptions: The Executive Officer shall determine whether the project qualifies for an exemption under State CEQA Guidelines (Section 15061). If the project

qualifies for an exemption, no further environmental documentation is necessary other than the filing of the “Notice of Exemption” form with the Napa County Clerk.

4.3.1 Common LAFCO Exemptions. The following categories of exemptions are frequently relevant to projects before LAFCO:

- (1) New Construction or Conversion of Small Structures as specified in State CEQA Guidelines (Section 15303).
- (2) Information Collection as specified in State CEQA Guidelines (Section 15306).
- (3) Annexation of Existing Facilities and Lots for Exempt Facilities as specified in State CEQA Guidelines (Section 15319).
- (4) Changes in Organization of Local Agencies as specified in State CEQA Guidelines (Section 15320).
- (5) Where it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment as specified in State CEQA Guidelines (Section 15061(b)(3)).

4.3.2. Limitations on Use of Exemptions: All exemptions for these categories are inapplicable when any of the following occur (State CEQA Guidelines Section 15300.2):

- (1) Due to particular circumstances relating to the specific project, such as a particularly sensitive project environment, a project that is ordinarily insignificant in its impact on the environment may be significant.
- (2) The cumulative impact of successive projects of the same type, in the same place, over time, is significant.
- (3) An exemption shall not be used for a project where there is a reasonable possibility that the activity will have a significant effect on the environment due to unusual circumstances.

4.4 Costs of Preparation of Environmental Documents: For projects submitted by petition, or where LAFCO is serving as lead agency on behalf of another public agency, the full costs of preparing all environmental documents, including the preparation of an initial study and either a Negative Declaration, Mitigated Negative Declaration or an Environmental Impact Report shall be the responsibility of the petitioners or the public agency involved. The petitioners or public agency will be required to submit a deposit fee and a reimbursement agreement committing to payment of the entire costs for preparation of all environmental documents prior to the preparation of an initial study.

4.5 Preparation of Environmental Documents: The Executive Officer will determine if LAFCO staff will prepare the initial study and/or other environmental documents, or whether the initial study and/or other environmental documents will be prepared by independent consultants hired by LAFCO. Any independent consultants shall serve solely at the direction of the Executive Officer.

The Executive Officer may require project proponents to submit special studies or other information necessary to adequately evaluate potential impacts of a project.

4.6 Initial Study Preparation:

4.6.1. Any initial study shall be completed in a timely fashion and within the time limits required by law.

4.6.2. Responsible Agencies, Trustee Agencies and Affected Agencies may be consulted and advice and recommendations may be solicited from other public agencies/persons or organizations.

4.6.3. The Initial Study Checklist and Initial Study Assessment Guidelines currently in use by the County of Napa Planning Department will be utilized unless LAFCO prepares and adopts its own, separate, Initial Study Checklist and Assessment Guidelines.

4.6.4. The initial study shall take into consideration all aspects and phases of the project, the purposes, policies, rules, regulations and standards set forth in CEQA, the CEQA Guidelines, this Administrative Supplement, and, as appropriate, other LAFCO policies and procedures and the plans and policies of the County and/or affected cities and/or special districts, as appropriate.

4.7 Determination of Appropriate Environmental Document:

4.7.1 Based on a completed initial study the Executive Officer shall determine the appropriate environmental document to be prepared.

4.7.2 The Executive Officer shall prepare or cause to be prepared a Negative Declaration or Mitigated Negative Declaration for those projects that have been found to have no significant effect on the environment pursuant to State CEQA Guidelines Sections 15070 through 15075.

4.7.3 The Executive Officer shall prepare or cause to be prepared an Environmental Impact Report for those projects that may have a significant effect on the environment pursuant to State CEQA Guidelines Sections 15080 - 15179.5.

4.8 Fish and Game Fees: Additional fees may be required by the California Department of Fish and Game pursuant to California Fish and Game Code Section 711.4 and Title 14 California Code of Regulations Section 753.5 to defray the cost of managing and protecting fish and wildlife. If the Initial Study determines that a project has a significant impact on fish and wildlife resources, the applicant must pay the state mandated fees. These fees apply to both public and private projects. No project shall be vested, or final, until these fees are paid.

4.9 Public Notice and Review: The Executive Officer shall provide or cause to be provided, public notification and shall make Negative Declarations, Mitigated Negative Declarations and Environmental Impact Reports available for public review, pursuant to State CEQA Guidelines Section 15073 et. seq. (Negative Declarations/Mitigated Negative Declarations) or Sections 15087 - 15088.5 (EIRs).

4.10 Adoption of Environmental Documents: LAFCO shall adopt Negative Declarations, Mitigated Negative Declarations and Environmental Impact Reports in accordance with the State CEQA Guidelines.

SECTION 5. POLICY REGARDING SIGNIFICANT AND ADVERSE ENVIRONMENTAL IMPACTS

When evaluating environmental impacts during its environmental review process, LAFCO may identify such impacts as significant and adverse if:

5.1 Build out of the proposed project may cause service levels to decline below established standards, or cause costs of service provision to rise substantially to the detriment of service levels, or cause those currently receiving service to receive reduced or inadequate services, especially when such change may cause adverse health and safety or other physical impacts.

5.2 Build out of the proposed project may cause the infrastructure capacity of a service provider to exceed planned and safe limits especially when such change may cause adverse health and safety or other physical impacts.

5.3 Inclusion of the proposed territory into the boundaries of the service agency exceeds the ability of the service provider to provide service to the proposed or existing development within that territory with either existing or proposed service capacity.

5.4 The proposed project includes or plans for infrastructure capacity, especially water and sewer lines, that exceed the needs of the proposed project and may be used to serve areas not presently planned for development, especially those containing prime agricultural and resource land, mineral, sensitive plant and wildlife or other important resources.

5.5 The proposed project could cause health and safety or physical impacts because a service provider is incapable of providing service, the proposal has an illogical boundary, or elements needed to provide service (water supply, treatment facilities, equipment, energy) are not available, or stressed beyond capacity.

5.6 The proposed project may result in substantial loss of prime agricultural land or important open space, timberland, mining or other resource lands. Land use zones adopted by a city or the County shall be used to judge appropriate land use.

5.7 The proposed project may cause premature, ill-planned, illogical or inefficient conversion of prime agricultural, timberland, open space, mineral resource or other important resource areas not presently planned for development.

5.8 The proposed project is substantially inconsistent with applicable Sphere of Influence plans; or General Plan or Specific Plan, area service plans, phased land use plans of any city or County; or resource conservation plans of the state or federal government.

5.9 The proposed project may induce substantial growth on important agricultural, resource and open space lands because it would:

- Permit the extension of, or require, infrastructure such as flood control levees or water diversions, electrical, water or sewer lines, especially trunk lines, roadways or public facilities that would permit new development in a substantial area currently constrained from development.
- Encourage or foster development by permitting uses that adversely impact adjacent agricultural, timberland, mining or other resource operations, significantly increase property values of adjacent or proximate agricultural or resource land, or remove man-made or natural buffers between urban and agricultural, timber, mining or conservation uses.
- Be adversely and substantially inconsistent with the agricultural, open space, resource conservation or preservation, growth management, or other plans or policies of General Plan or Specific Plan of the land use jurisdiction responsible for the project site or vicinity.

5.10 The proposed project, when considered in conjunction with other recent, present and reasonably foreseeable projects, may cause significant adverse cumulative impacts.



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

Agenda Item 8b (Action)

TO: Local Agency Formation Commission

PREPARED BY: Brendon Freeman, Executive Officer *BF*
Dawn Mittleman Longoria, Analyst II *DML*

MEETING DATE: October 4, 2021

SUBJECT: Outreach Committee Update

RECOMMENDATION

The recommended action is for the Commission to provide direction to staff to circulate the draft newsletter and outreach materials with any desired changes to local government agencies and/or the general public.

BACKGROUND AND SUMMARY

In 2020, the Commission established an ad hoc Outreach Committee (“the Committee”). Commissioners Leary and Kahn were originally appointed to develop an Outreach Plan, included as Attachment One.

The Committee evaluated several outreach strategies along with the resources needed to implement those strategies. The Committee discussed available resources and the intended audiences for various outreach efforts. The Committee agreed to prioritize outreach strategies that eliminate or minimize financial impacts, staff time, and printed materials.

In 2021, the Commission appointed Commissioners Leary and Painter to the Committee.

Margie Mohler, Vice Chair
Councilmember, Town of Yountville

Mariam Aboudamous, Commissioner
Councilmember, City of American Canyon

Beth Painter, Alternate Commissioner
Councilmember, City of Napa

Diane Dillon, Chair
County of Napa Supervisor, 3rd District

Brad Wagenknecht, Commissioner
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Ryan Gregory, Alternate Commissioner
County of Napa Supervisor, 2nd District

Kenneth Leary, Commissioner
Representative of the General Public

Eve Kahn, Alternate Commissioner
Representative of the General Public

Brendon Freeman
Executive Officer

Committee Update

- The Outreach Plan was revised to reflect the realities of outreach during the pandemic. In-person workshops have been tabled until general attendance can be safely increased.
- Emphasis was given to LAFCO's recent *Napa Countywide Water and Wastewater Municipal Service Review (MSR)*. The Committee recognized the importance MSRs as a LAFCO function and the importance of this particular study. The proposed goal is to inform elected officials, affected agencies and stakeholders about the MSR, rather than it "sitting on a shelf". A letter to local agencies and elected officials that briefly summarizes this MSR was prepared by the Committee and is included as Attachment Two.
- The CALAFCO relevancy handout, included as Attachment Three, was reviewed. The handout was prepared as an educational piece, which explains the ways LAFCO can assist local agencies struggling with pandemic-related issues. The Committee agreed to attach this handout to the aforementioned letter to local agencies.
- Contact the Napa Valley Register and Napa TV to leverage outreach efforts.
- LAFCO staff updated the previous flyer for the City of Napa island annexation project. The Committee discussed the flyer and felt it was better for the document to be developed and distributed by the City. LAFCO staff could serve as a neutral resource to the City.

Committee Recommendations

- Request Commission direction to staff and/or the Committee.
- Develop a LAFCO newsletter with bullet points regarding recent activity. See Attachment Four for an example.
- The newsletter should include the CALAFCO relevancy handout as an attachment.
- Distribution should include Napa elected officials, affected agencies, stakeholders, and members of the email subscription list.
- Leverage outreach efforts through local media.
- LAFCO should retain and emphasize its role as a neutral resource.
- Serve as a resource to the City of Napa regarding island annexations.

ATTACHMENTS

- 1) Outreach Plan
- 2) Letter to Local Agencies and Elected Officials
- 3) CALAFCO Relevancy Handout: Revitalizing Our Communities – LAFCO is Here to Help
- 4) Napa LAFCO Newsletter October 2021



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

Napa LAFCO at a Glance

Program Status: Pilot Program

Goals:

1. Build trust in the community
2. Provide transparency – it is our duty to tell people what we do
3. Make Napa LAFCO more visible and less obscure
4. Provide reliable, consistent, and neutral information and facts
5. Bring groups together to facilitate synergies and information sharing

Target Audience:

1. Elected and appointed officials (especially newly elected/appointed)
2. Local agencies (especially agencies we regularly coordinate with)
3. Real estate and land use professionals
4. Agricultural industry
5. Hospitality industry
6. Miscellaneous interest groups and organizations
7. News media
8. General public

Principles:

1. Factual and neutral information
2. Environmentally sensitive outreach program
3. Cost effective
4. Leverage efforts

Implementation Strategy

The following are examples of outreach strategies discussed by the Committee. The Commission is invited to discuss these strategies and potential alternative strategies. With respect to available financial resources, it is important to note the Commission's adopted budget for fiscal year 2020-2021 does not include any dedicated funds for outreach efforts.

- **Municipal Service Reviews (Budget Impact: \$0 to \$250)**
Municipal service reviews are LAFCO's main tool to provide accurate information, determinations, and recommendations. The Committee recommends preparing more brief and focused executive summaries that will include a link to the full report and be circulated to all affected parties along with a cover letter. Staff will coordinate with local newspapers to alert the public to these executive summaries, which may take the form of press releases or classified ads.
- **Islands Education and Outreach: New Page on Website (Budget Impact: \$49.50)**
The Committee recommends performing dedicated education and outreach efforts related to annexation of unincorporated islands. Toward this end, staff recently authorized the Commission's website host, Planeteria, to add a new page dedicated to island annexation information on the agency's website. Staff expeditiously proceeded with this activity given the timely nature of island annexation discussions with City of Napa staff. The next step is for staff to add content to the new page. The Committee recommends additional outreach efforts including, but not limited to, conducting virtual public workshops, updating the Commission's informational flyer on island annexation, and potentially mailing a copy of the flyer to all landowners and residents within the islands. Staff will be contacting agencies that have conducted island workshops and developed informational documents. The website update and flyer components of this activity have been completed. The City has taken the lead on island outreach. LAFCO staff will be available as a neutral resource. The flyer will be revised to show it is coming from the City and will include a link to LAFCO's website.
- **Social Media Engagement (Budget Impact: \$0)**
Staff and interested members of the Commission would collectively allocate up to three hours per week creating social media content and engaging with the public. Examples of content include short videos of staff or members of the Commissioner explaining why LAFCOs are important and can provide a forum for discussion of local governmental issues. A student intern could be a valuable resource in the development a social media program.
- **Informational Handouts (Budget Impact: \$0)**
Staff has been attending regular teleconference meetings hosted by CALAFCO and the Commission's Executive Officer expressed concern that LAFCO's relevance would be scrutinized in response to COVID-19's impact on the economy. Several other LAFCOs shared the same concern and agreed to form a committee to focus on the right messaging for LAFCOs throughout the state to demonstrate the importance and potential of LAFCOs. The Commission's Executive Officer and

Analyst II both served on the CALAFCO committee, which held several meetings and produced high quality informational handouts that are currently in draft form. Once finalized, the Outreach Committee recommends electronically disseminating CALAFCO's handouts as part of the Commission's outreach efforts.

- Utilize LAFCO's Neutral Role (Budget Impact: \$0)

LAFCO is uniquely positioned to collaborate with other local government agencies and look outside the typical silos. In this role LAFCO can facilitate cooperation, sharing of resources, and dissemination of information. The Countywide Water and Wastewater Municipal Service Review (MSR) has identified various agencies, some with robust resources and others struggling to survive. Implementation of the MSR can include identifying "warning signs" that an agency is in crisis. Although LAFCO does not have the authority to resolve all issues, it does have the mandate to shine a light on these issues. LAFCO can serve as a "clearinghouse" of information, studies, and solutions from across the state and across agency silos. The Commission may consider building on this recent success by scheduling more countywide MSRs for specific services as opposed to MSRs for individual agencies. This can be accomplished in the annual Work Program or through a future strategic planning workshop. The Commission is also invited to discuss preferences and strategies to disseminate information about MSRs and other relevant LAFCO activities to the target audience groups.
- Leveraging Efforts (Budget Impact: \$0)

The Committee determined leveraging efforts of other agencies and organizations would be both cost effective and provide an opportunity to reach a wider audience. Methods to accomplish this include:

 1. Dedicated efforts to proactively schedule Executive Officer presentations (virtual) to various organizations such as service clubs and local groups
 2. Interviews and/or press releases to local media (e.g., Napa Valley Register, Napa Valley Marketplace Magazine)
 3. Request other agencies to include a link to the LAFCO website on their websites
- Additional Outreach Methods (Budget: \$0):

The Committee recognized that outreach regarding LAFCO has several challenges. The first challenge is making people aware that LAFCO exists. The next challenge is explaining what LAFCO does and why. Generally, an individual would not know to visit the LAFCO website. With this in mind, proactive methods of outreach were discussed by the Committee. The following provides a list of possible actions:

 1. Biannual Napa LAFCO open house for newly elected officials (when physical gatherings are allowed)
 2. Electronic distribution of the LAFCO Directory of Local Agencies
 3. Develop and electronically distribute a Napa LAFCO newsletter (annually or quarterly)



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

DATE

Napa elected officials are courageously facing serious challenges; economic recovery from the pandemic, wildfire preparedness, housing shortages, and drought. LAFCO can assist with addressing these issues.

LAFCO conducts unbiased studies with recommended solutions. LAFCOs can break down the silos of local government by convening cross sections of agencies for coordinated solutions. Representation on the Commission reflects this approach since it is comprised of various local governments; Napa cities and town, Board of Supervisors, and public members.

The Department of Water Resources indicates this is the fourth driest year in California history. The Board of Supervisors has declared a local emergency due to drought conditions. All Napa cities and town have declared water emergencies. Normal annual rainfall for Napa is 27 inches; however, this year it has been a mere 10 inches. Where do you look for non-biased information on water service within the County?

Napa LAFCO has conducted a study of water and wastewater issues: [*Napa Countywide Water and Wastewater Municipal Service Review \(MSR\)*](#). The MSR provides a comprehensive review of all public water and wastewater providers throughout the County. It includes an overview of potential effects of climate shifts on utility systems and potential impacts to water supply and water resources management. Numerous hydrological and climatological studies informed the MSR to provide the baseline from which to forewarn policy makers. The MSR includes several key recommendations related to the governance structure and shared service opportunities for many of the subject agencies.

The attached flyer highlights various ways LAFCO can assist local governments. LAFCO could work with you cooperatively to convene workshops, act as an informational clearinghouse, and facilitate shared services. Our legal mandate requires the preservation of agricultural land and open space while allowing for orderly growth. The Commission's regional perspective can assist with issues facing the County as a whole.

Should you or your staff have any questions, please contact me at BFreeman@napa.lafco.ca.gov.

Respectfully,

Brendon Freeman
 Executive Officer

Attachment: Revitalizing Our Communities – LAFCO is Here to Help Handout

Margie Mohler, Vice Chair
 Councilmember, Town of Yountville

Mariam Aboudamous, Commissioner
 Councilmember, City of American Canyon

Beth Painter, Alternate Commissioner
 Councilmember, City of Napa

Diane Dillon, Chair
 County of Napa Supervisor, 3rd District

Brad Wagenknecht, Commissioner
 County of Napa Supervisor, 1st District

Ryan Gregory, Alternate Commissioner
 County of Napa Supervisor, 2nd District

Kenneth Leary, Commissioner
 Representative of the General Public

Eve Kahn, Alternate Commissioner
 Representative of the General Public

Brendon Freeman
 Executive Officer

REVITALIZING OUR COMMUNITIES

LAFCO IS HERE TO HELP

We understand how difficult the COVID-19 pandemic has been on the staff and operations of cities and special districts, and we are looking forward to emerging from this very difficult period in our collective history. LAFCo is here to help guide the recovery process through proven leadership and fair decision-making that acknowledges and balances competing interests. LAFCo uses its regulatory and planning powers to manage growth and development and promote efficient service delivery. LAFCo has the tools and resources that can help your organization through the next steps.

LAFCOS ARE COMMITTED TO:



1. LEADING THE CONVERSATION WITHOUT BIAS

- Facilitating a constructive discussion with local and regional agencies
- Reaching out to local and regional agencies to identify issues and solutions
- Coordinating agency access to information, programs and resources
- Bringing agencies together by building relationships
- Offering unique local solutions to meet local challenges



2. DEVELOPING MORE EFFICIENT SERVICES

- Building on interagency strengths
- Developing options for efficient and effective services in the new normal
- Connecting agencies to each other for service streamlining
- Giving great weight to proposals that promote improved service delivery to underserved communities while achieving orderly growth patterns



3. PARTNERING TO REBUILD LOCAL ECONOMY IN A BALANCED WAY

- Considering the impacts of LAFCo decisions
- Facilitating economic opportunities based on local circumstances
- Balancing economic growth and conservation of open space and agricultural lands



4. TAKING CRISIS ACTIONS TOGETHER WITH STRESSED AGENCIES

- Helping agencies look at key health indicators (i.e. fiscal, governance)
- Working with agencies to identify internal solutions
- Exploring alternative service delivery options

WE OFFER:

- ✓ Email lists and contacts
- ✓ Connections to other agencies
- ✓ Local stakeholder access
- ✓ Professional affiliations
- ✓ SOI/MSRs/Special Studies
- ✓ Key agency health indicators
- ✓ LAFCo actions: Annexations, activation powers, reorganizations, applications, etc.



Local Agency Formation Commission of Napa County

TOP STORIES

Work completed:

- Completed the [Napa Countywide Water and Wastewater Municipal Service Review \(MSR\)](#).
- Adopted a new [Policy on Spheres of Influence \(SOIs\)](#). SOIs are at the heart of what we do at LAFCO.
- Completed [SOI reviews for Lake Berryessa Resort Improvement District, Napa Berryessa Resort Improvement District, and Spanish Flat Water District](#).
- Office relocated! Find us at 1754 Second Street, Suite C in Napa.

On the horizon:

- Review the SOIs for Circle Oaks County Water District, Congress Valley Water District, Los Carneros Water District, Napa County Flood Control and Water Conservation District, and Napa River Reclamation District No. 2109.
- Provide support to our local districts and jurisdictions. For example, lend support to the City of Napa to evaluate the process to annex unincorporated islands.
- Nominated Margie Mohler and Kenneth Leary to the CALAFCO Board of Directors.
- Nominated the Napa Pipe development project for a CALAFCO achievement award.
- Next Meeting Monday, December 6, 2021 at 2:00 PM.

Napa LAFCO meetings are held in the Board of Supervisors Chambers
Third Floor, County Administration Building
1195 Third Street, Napa, CA 94559



October 2021
Volume 1, Issue 1

Website:
www.napa.lafco.ca.gov

Phone:
(707) 259-8645

Commission Roster

Diane Dillon, Chair, County Member
Margie Mohler, Vice Chair, City Member
Mariam Aboudamous, City Member
Kenneth Leary, Public Member
Brad Wagenknecht, County Member
Beth Painter, Alternate City Member
Ryan Gregory, Alternate County Member
Eve Kahn, Alternate Public Member

Agency Staff

Brendon Freeman, Executive Officer
bfreeman@napa.lafco.ca.gov
Dawn Mittleman Longoria, Analyst II
dlongori@napa.lafco.ca.gov
Kathy Mabry, Commission Clerk
kmabry@napa.lafco.ca.gov
DeeAnne Gillick, Legal Counsel



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

Agenda Item 8c (Action)

TO: Local Agency Formation Commission

FROM: Diane Dillon, Chair

MEETING DATE: October 4, 2021

SUBJECT: Consider Adjustment to Executive Officer's Compensation

RECOMMENDATION

It is recommended the Commission adopt the Resolution of the Local Agency Formation Commission of Napa County approving a step adjustment to the Executive Officer's compensation to establish an annual salary of \$148,179 effective July 1, 2021, consenting to the Executive Officer's participation in the County of Napa 401(a) retirement savings plan, and establishing a \$1,000 matching 401(a) retirement contribution for the Executive Officer for all future calendar years, included as Attachment One.

BACKGROUND

Mr. Freeman has served as the Executive Officer to Napa County LAFCO since July 2015. The Commission started the performance evaluation process of the Executive Officer in May 2021, noticed a closed session evaluation on June 7, 2021, and August 2, 2021. The Commission policy on evaluating the Executive Officer's Performance provides that, "at the completion of the performance review, the Commission will consider any appropriate action with respect to the compensation of the Executive Officer." The Commission directed Chair Dillon to negotiate the Executive Officer's compensation and return with a recommendation for the full Commission's consideration.

SUMMARY

Having completed the review of the Executive Officer's performance, it is recommended that the Executive Officer's salary be increased from step 4 to step 5 effective July 1, 2021, consistent with the commencement of the evaluation and subsequent negotiations. Prior to taking action, the Commission must orally report the recommended action to increase the Executive Officer's salary to \$148,179 annually. All other benefits shall remain the same consistent with the benefits provided by the County of Napa.

Margie Mohler, Vice Chair
Councilmember, Town of Yountville

Mariam Aboudamous, Commissioner
Councilmember, City of American Canyon

Beth Painter, Alternate Commissioner
Councilmember, City of Napa

Diane Dillon, Chair
County of Napa Supervisor, 3rd District

Brad Wagenknecht, Commissioner
County of Napa Supervisor, 1st District

Ryan Gregory, Alternate Commissioner
County of Napa Supervisor, 2nd District

Kenneth Leary, Commissioner
Representative of the General Public

Eve Kahn, Alternate Commissioner
Representative of the General Public

Brendon Freeman
Executive Officer

Also as part of this item, it is recommended the Commission authorize the Executive Officer to participate in the County of Napa 401(a) Retirement Savings Plan and establish a \$1,000 matching 401(a) retirement contribution for the Executive Officer in all future calendar years, including approval for calendar year 2022. Both recommended actions are consistent with the Commission's adopted budget for fiscal year 2021-22.

ATTACHMENT

- 1) Resolution of the Local Agency Formation Commission of Napa County Approving a Step Adjustment to the Executive Officer's Compensation Effective July 1, 2021, Consenting to the Participation of LAFCO Management Staff in the County of Napa 401(a) Retirement Savings Plan, and Establishing the LAFCO Match for all Future Calendar Years

RESOLUTION NO. _____

**RESOLUTION OF
THE LOCAL AGENCY FORMATION COMMISSION OF NAPA COUNTY
APPROVING A STEP ADJUSTMENT TO THE EXECUTIVE OFFICER'S
COMPENSATION EFFECTIVE JULY 1, 2021, CONSENTING TO THE
PARTICIPATION OF LAFCO MANAGEMENT STAFF IN THE COUNTY OF NAPA
401(a) RETIREMENT SAVINGS PLAN, AND ESTABLISHING THE LAFCO MATCH
FOR ALL FUTURE CALENDAR YEARS**

WHEREAS, the Local Agency Formation Commission of Napa County (“Commission”) hires an Executive Officer to serve at the Commission’s pleasure;

WHEREAS, the Commission hired Brendon Freeman to be the Commission’s Executive Officer effective July 4, 2015, with a salary of \$102,419 per year consistent with step 1 of the salary schedule along with the standard benefits provided to the County of Napa’s “Management Non-Classified (Other)” employees;

WHEREAS, on August 3, 2015, the Commission approved an increase to the Executive Officer’s salary to \$103,000 per year effective July 18, 2015;

WHEREAS, on July 1, 2016, the Executive Officer’s salary increased to \$106,246 per year as a result of a cost of living adjustment;

WHEREAS, on August 1, 2016, the Commission approved an increase to the Executive Officer’s salary to \$111,571 per year consistent with step 2 of the salary schedule and effective July 2, 2016;

WHEREAS, on July 1, 2017, the Executive Officer’s salary increased to \$116,043 per year as a result of a cost of living adjustment;

WHEREAS, on July 1, 2018, the Executive Officer’s salary increased to \$120,682 per year as a result of a cost of living adjustment;

WHEREAS, on October 1, 2018, the Commission approved an increase to the Executive Officer’s salary to \$126,693 per year consistent with step 3 of the salary schedule and effective July 1, 2018;

WHEREAS, on July 1, 2019, the Executive Officer’s salary increased to \$129,230 per year as a result of a cost of living adjustment;

WHEREAS, on October 7, 2019, the Commission approved an increase to the Executive Officer’s salary to \$135,720 per year consistent with step 4 of the salary schedule and effective July 1, 2019;

WHEREAS, on July 1, 2021, the Executive Officer’s salary increased to \$141,149 per year as a result of a cost of living adjustment;

WHEREAS, the Commission has conducted a performance evaluation of the Executive Officer for which the evaluation commenced in May of 2021, and was noticed for closed session consideration by the Commission at its June 7, 2021, and August 2, 2021 meetings;

NOW, THEREFORE, BE IT RESOLVED that the Commission **DOES HEREBY RESOLVE, DETERMINE AND ORDER**, the Executive Officer’s salary shall be increased to \$148,179 per year consistent with step 5 of the salary schedule and effective July 1, 2021.

BE IT FURTHER RESOLVED that the Commission does hereby resolve, determine and order the Executive Officer is authorized to participate in the County of Napa 401(a) Retirement Savings Plan and establishes a \$1,000 matching 401(a) retirement contribution for the Executive Officer in all future calendar years, including approval for calendar year 2022.

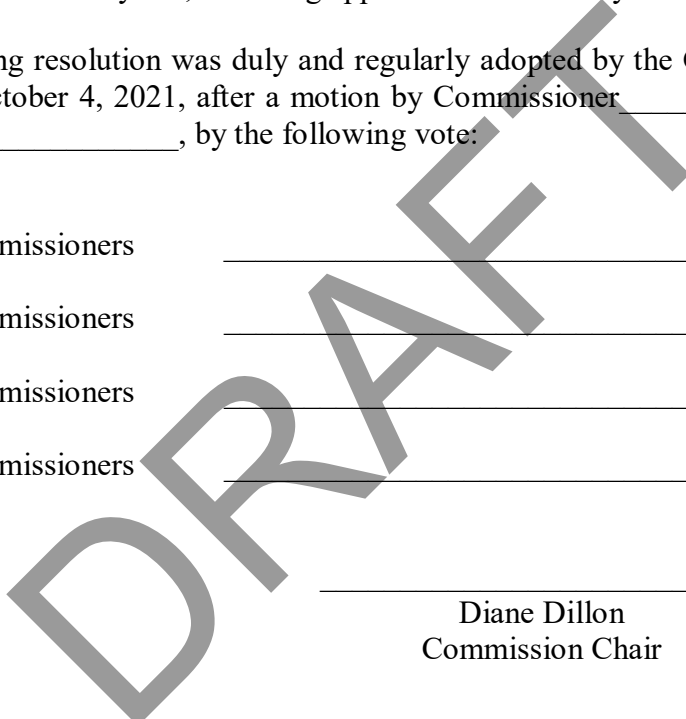
The foregoing resolution was duly and regularly adopted by the Commission at a public meeting held on October 4, 2021, after a motion by Commissioner _____, seconded by Commissioner _____, by the following vote:

AYES: Commissioners _____

NOES: Commissioners _____

ABSENT: Commissioners _____

ABSTAIN: Commissioners _____



Diane Dillon
Commission Chair

ATTEST: _____
Brendon Freeman
Executive Officer

Recorded by: Kathy Mabry
Commission Clerk



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 8d (Action)

TO: Local Agency Formation Commission
FROM: Brendon Freeman, Executive Officer
DeeAnne Gillick, General Counsel
MEETING DATE: October 4, 2021
SUBJECT: Consider Resolution Approving Continued Remote Teleconference Commission Meetings due to COVID-19 Emergency

RECOMMENDATION

It is recommended the Commission adopt the Resolution of the Local Agency Formation Commission of Napa County declaring its intent to continue remote teleconference only meetings due to the Governor's Proclamation of State Emergency and state regulations related to physical distancing due to the threat of COVID-19 consistent with California Assembly Bill (AB) 361 and amended California Government Code section 54953.

BACKGROUND

We have been conducting our Commission meetings under the Governor's Executive Orders issued in connection with the COVID-19 pandemic and its related health and safety risks. The Executive Orders modified certain requirements of the Brown Act. Specifically, the Executive Orders did the following:

- Waived the requirement that there be a physical meeting location open to the public to attend Commission meetings and comment during the meeting;
• Waived the requirement that the agenda identify and notice each teleconference location of each member of the Commission that is participating by teleconference;
• Waived the requirement that each teleconference location be accessible to the public;
• Waived the requirement that members of the public be able to address the Commission at each teleconference location;
• Waived the requirement that local agencies post agendas at all teleconference locations;
• Waived the requirement that at least a quorum of the Commission participate from within the boundaries of the territory of the Commission's jurisdiction;

Margie Mohler, Vice Chair
Councilmember, Town of Yountville

Mariam Aboudamous, Commissioner
Councilmember, City of American Canyon

Beth Painter, Alternate Commissioner
Councilmember, City of Napa

Diane Dillon, Chair
County of Napa Supervisor, 3rd District

Brad Wagenknecht, Commissioner
County of Napa Supervisor, 1st District

Ryan Gregory, Alternate Commissioner
County of Napa Supervisor, 2nd District

Kenneth Leary, Commissioner
Representative of the General Public

Eve Kahn, Alternate Commissioner
Representative of the General Public

Brendon Freeman
Executive Officer

The Governor's Executive Orders expired on September 30, 2021. The Legislature approved as an urgency matter AB 361, which was signed by the Governor on September 16, 2021, which amends the Brown Act to allow continued flexibility for public meetings following the expiration of the Governor's Executive Orders.

Similar to the Executive Orders, AB 361 provides similar modified requirements listed above with some additional requirements which are as follows:

- Agencies cannot require that written comments be submitted in advance of a meeting and agencies may only close the comment period at the same time it is closed during the meeting.
- Agencies must clearly advertise the means by which the public can observe the meeting and offer comment during the meeting via either a call in or internet based option. The public must be given an opportunity for the public to comment directly during the meeting.
- In the event of a disruption in broadcasting the meeting, the legislative body shall take no further action until meeting access is restored to the public.

In order for the Commission to continue the relaxed teleconference meeting rules under AB 361, the Commission meetings must meet one of the following provisions:

- (A) The local agency is holding a meeting during a proclaimed state of emergency, and state or local officials have imposed or recommended measures to promote social distancing; or
- (B) The local agency is holding a meeting during a proclaimed state of emergency for the purpose of determining, by majority vote, whether as a result of the emergency, meeting in person would present imminent risks to the health or safety of attendees; or
- (C) The local agency is holding a meeting during a proclaimed state of emergency and has determined, by majority vote, that, as a result of the emergency, meeting in person would present imminent risks to the health or safety of attendees.

AB 361 allows for remote only meetings due to immediate health and safety concerns. The AB 361 modified meeting rules can only be used in the event there is a Governor issued state of emergency. The Governor's COVID-19 state of emergency satisfies this requirement.

The second prong of item (A) above is satisfied currently as state officials imposed and recommended measures to promote social distancing. California Division of Occupational Safety and Health ("Cal/OSHA") regulations related to COVID-19 recommend physical distancing and regulates "close contact" which occurs when individuals are within six feet of another in certain circumstances. Staff prepared the agenda and noticed this October 4, 2021 Commission meeting due to satisfying these provisions of AB 361 authorizing remote only teleconference meetings.

DISCUSSION

If the Commission desires to continue to meet only remotely, the Commission needs to formally vote and adopt a resolution providing direction to staff and finding that the provisions of AB 361 exist. In addition, AB 361 requires the Commission to continually evaluate the COVID-19 emergency and determine if teleconference only meetings will continue due the circumstances of the state of the emergency and facts related to the potential risks to the health and safety of meeting attendees.

COVID-19 continues to pose significant health risks and is highly contagious. Deaths and illnesses due to the virus continue and modified procedures and restrictions apply due to these health and safety concerns. The proliferation of the Delta variant of the virus continues to pose significant risks.

It is recommended that the Commission approve the resolution directing staff to continue to hold remote only Commission meetings during the current COVID-19 State of Emergency and state regulations promoting physical distancing and regulating close encounters in certain situations in which people are within six feet of another. Furthermore, at the next regularly scheduled Commission meeting on December 6, 2021, the Commission will consider the status of the ongoing emergency and facts related to the health and safety of meeting attendees and provide further direction related to future Commission meetings pursuant to the provisions of AB 361.

ATTACHMENT

- 1) Resolution of the Local Agency Formation Commission of Napa County Declaring its Intent to Continue Remote Teleconference Only Meetings

RESOLUTION NO. _____

**RESOLUTION OF
THE LOCAL AGENCY FORMATION COMMISSION OF NAPA COUNTY
DECLARING ITS INTENT TO CONTINUE REMOTE TELECONFERENCE ONLY
MEETINGS DUE TO THE GOVERNOR’S PROCLAMATION OF STATE EMERGENCY
AND STATE REGULATIONS RELATED TO PHYSICAL DISTANCING DUE TO THE
THREAT OF COVID-19**

WHEREAS, the Local Agency Formation Commission of Napa County (“Commission”) is committed to preserving and nurturing public access and participation in meetings of the Commission;

WHEREAS, all meetings of Commission are open and public, as required by the Ralph M. Brown Act (Cal. Gov. Code 54950 – 54963), so that any member of the public may attend, participate, and observe the Commission conduct its business; and

WHEREAS, the Brown Act, Government Code section 54953(e), makes provisions for remote teleconferencing participation in meetings by members of a legislative body, without compliance with the requirements of Government Code section 54953(b)(3), subject to the existence of certain conditions; and

WHEREAS, a required condition is that a state of emergency is declared by the Governor pursuant to Government Code section 8625, proclaiming the existence of conditions of disaster or of extreme peril to the safety of persons and property within the state caused by conditions as described in Government Code section 8558; and

WHEREAS, a proclamation is made when there is an actual incident, threat of disaster, or extreme peril to the safety of persons and property within the State; and

WHEREAS, such conditions now exist in the State, specifically, the Governor of the State of California proclaimed a state of emergency on March 4, 2020, related to the threat of COVID-19, which remains in effect; and

WHEREAS, the California Division of Occupational Safety and Health (“Cal/OSHA”) regulations at Title 8 Section 3205 recommends physical distancing in the workplace as precautions against the spread of COVID-19 and imposes certain restrictions and requirements due to a “close contact” which occurs when individuals are within six feet of another in certain circumstances; and

WHEREAS, the proliferation of the Delta variant of the virus continues to pose imminent risk to health and safety and directly impacts the ability of the public and the Commission to meet safely in person, accordingly, the Commission hereby recognizes the proclamation of state of emergency by the Governor of the State of California and the regulations of Cal/OSHA recommending physical distancing; and

WHEREAS, as a consequence of the emergency related to COVID-19, the Commission does hereby find that the Commission shall conduct their meetings without compliance with paragraph (3) of subdivision (b) of Government Code section 54953, as authorized by subdivision (e) of section 54953, and that the Commission shall comply with the requirements to provide the public with access to the meetings as prescribed in paragraph (2) of subdivision (e) of section 54953; and

WHEREAS, the Commission meetings will be accessible to the public to attend electronically or via phone.

NOW, THEREFORE, BE IT RESOLVED THAT THE COMMISSION DOES HEREBY RESOLVE, DETERMINE AND ORDER AS FOLLOWS:

1. Recitals. The Recitals set forth above are true and correct and are incorporated into this Resolution by this reference.

2. State of Emergency due to COVID-19. The Board hereby recognizes the imminent threat to the health and safety of attendees at public meetings due to the impacts of COVID-19 and the importance of physical distancing to minimize any potential adverse health and safety risks.

3. Remote Teleconference Meetings. The Executive Officer is hereby authorized and directed to take all actions necessary to carry out the intent and purpose of this Resolution including, conducting open and public meetings of the Commission in accordance with Government Code section 54953(e) and other applicable provisions of the Brown Act for remote only teleconference meetings.

4. Reoccurring Evaluation by the Commission. The Executive Officer is hereby directed to continue to monitor the conditions and health and safety conditions related to COVID-19, the status of the Governor's state of emergency, and the state regulations related to social distancing, and present to the Commission at its next regularly scheduled meeting the related information and recommendations for remote only meetings pursuant to the provisions of Government Code section 54953(e)(3) and to extend the time during which the Commission may continue to teleconference without compliance with paragraph (3) of subdivision (b) of section 54953.

The foregoing resolution was duly and regularly adopted by the Commission at a public meeting held on October 4, 2021, after a motion by Commissioner _____, seconded by Commissioner _____, by the following vote:

AYES: Commissioners _____

NOES: Commissioners _____

ABSENT: Commissioners _____

ABSTAIN: Commissioners _____

Diane Dillon
Commission Chair

ATTEST: _____
Brendon Freeman
Executive Officer

Recorded by: Kathy Mabry
Commission Clerk

DRAFT