



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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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, February 7, 2022, 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 February 7, 2022. Public comments DURING the meeting: See "COVID-19 – Notice of Meeting Procedures" on pages 3 through 5 of the agenda.

*Join Teleconference Meeting **Electronically** (computer, tablet, or smartphone):*
<https://countyofnapa.zoom.us/j/85740033908>

*Join Teleconference Meeting by **Telephone**:*
Dial: (669) 900-6833
Follow the prompts: Meeting ID: 85740033908#

1. CALL TO ORDER BY CHAIR; ROLL CALL

2. PLEDGE OF ALLEGIANCE

3. AB 361 REMOTE TELECONFERENCING ACTION

Pursuant to AB 361, the Commission will consider the status of the ongoing emergency and facts related to health and safety of meeting attendees due to COVID-19 and consider further findings related to holding this Commission meeting by teleconference pursuant to the provisions of subdivision (e) of Government Code Section 54953.

4. 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.

5. RECOGNITION OF SERVICE: Kathy Mabry

6. 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.

7. 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: December 6, 2021 Regular Meeting

Receive Report for Information Only:

b) Second Quarter Budget Report for Fiscal Year 2021-22

c) Legislative Report

d) Napa LAFCO Quarterly Newsletter

e) CALAFCO Quarterly Report

f) Current and Future Proposals

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 S Terrace Drive Reorganization and Associated CEQA Findings (Approx. 10 Minutes)

The Commission will consider approving a proposal submitted by landowner petition for annexation of one unincorporated parcel totaling approximately 0.1 acres in size to the City of Napa along with concurrent detachment from County Service Area No. 4. The affected territory is located at 2159 S Terrace Drive and identified by the County Assessor as 046-271-007. The City of Napa serves as lead agency under CEQA and has accordingly prepared an environmental impact report for the City of Napa General Plan addressing all potential environmental impacts associated with the proposed annexation. The recommended action is for the Commission to adopt a resolution approving the proposal with standard terms and conditions and making CEQA findings.

b) Proposed Orchard Avenue No. 5 Annexation to the Napa Sanitation District and Associated CEQA Findings (Approx. 10 Minutes)

The Commission will consider a proposal submitted by landowner petition for the annexation of one incorporated parcel totaling approximately 1.0 acres in size to NSD. The affected territory is located in the City of Napa at 1065 Orchard Avenue and identified by the County Assessor as 035-042-022. The annexation is intended to eliminate the onsite private septic system for the existing single-family residence. Annexation is exempt from CEQA under CEQA Guidelines Section 15282(k). The recommended action is for the Commission to adopt a resolution approving the proposal with standard terms and conditions and making CEQA findings.

c) Proposed Amendment to Policy on Conducting Commission Meetings and Business (Approx. 5 Minutes)

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

9. 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) Strategic Plan and Work Program Progress Report (Approx. 10 Minutes)

The Commission will receive a progress report on its adopted strategic plan and work program. The Commission will consider providing direction to staff with respect to timing and location for a future strategic planning session.

b) Legal Counsel Request for Proposal Update and Direction (Approx. 10 Minutes)

The Commission will receive an update on the status of its request for proposal for legal counsel. The Commission will consider providing direction to staff with respect to the selection process.

c) Direction on Future Commission Meetings (Approx. 5 Minutes)

The Commission will consider alternatives for holding future Commission meetings in person, remotely, or as a hybrid. The Commission is invited to provide direction to staff with respect to its preference for future Commission meetings.

10. 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.

11. ADJOURNMENT TO NEXT SCHEDULED MEETING

Monday, April 4, 2022 at 2:00 P.M. It is anticipated the meeting will be conducted by teleconference due to COVID-19 in compliance with California Assembly Bill 361. If the meeting is held in person the meeting location will be at the Napa County Board of Supervisors Chambers, located at 1195 Third Street, 3rd floor, Napa, CA 94559.

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/85740033908>

Join Teleconference Meeting by **Telephone**:

Dial: (669) 900-6833

Follow the prompts: Meeting ID: 85740033908#

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 **February 7, 2022 at 10:00 A.M.** by email to info@napa.lafco.ca.gov or by mail to Napa LAFCO at 1754 Second Street, Suite C, Napa, CA 94559-2450. If you are commenting on a particular item on the agenda, please identify the agenda item number and letter. Any comments of 500 words or less (per person, per item) will be read into the record if: (1) the subject line includes “COMMENT TO COMMISSION – PLEASE READ”; and (2) it is received by the Commission prior to the deadline of **February 7, 2022 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 LAFCO staff at (707) 259-8645 or info@napa.lafco.ca.gov.

POLITICAL REFORM ACT: Pursuant to Government Code Sections 56700.1 and 81000 et seq., any person or combination of persons who directly or indirectly contributes \$1,000 or more or expends \$1,000 or more in support of or in opposition to a change of organization or reorganization that will be, or has been, submitted to LAFCO must comply, to the same extent as provided for local initiative measures, with reporting and disclosure requirements of the California Political Reform Act of 1974. Additional information can be obtained by contacting the Fair Political Practices Commission. Pursuant to Government Code Section 84308, if you wish to participate in the proceedings indicated on this agenda, you or your agent is prohibited from making a campaign contribution of \$250 or more to any Commissioner or Alternate Commissioner. This prohibition begins on the date you begin to actively support or oppose an application before LAFCO and continues until 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 LAFCO staff at info@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 LAFCO staff at info@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 7a (Consent/Action)

TO: Local Agency Formation Commission

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

MEETING DATE: February 7, 2022

SUBJECT: Approval of Meeting Minutes:
December 6, 2021 Regular Meeting

DISCUSSION AND RECOMMENDATION

The Commission will consider approving the draft meeting minutes prepared by staff for the December 6, 2021 Regular Meeting, included as Attachment One.

Staff recommends approval.

ATTACHMENT

- 1) Draft Minutes for December 6, 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 DECEMBER 6, 2021**

1. WELCOME AND CALL TO ORDER; ROLL CALL (teleconference)

Chair Dillon called the regular meeting of Monday, December 6, 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	Brendon Freeman, Executive Officer
Margie Mohler, Vice Chair	Eve Kahn	DeeAnne Gillick, Commission Counsel
Brad Wagenknecht	Beth Painter	Dawn Mittleman Longoria, Analyst II
Mariam Aboudamous		Kathy Mabry, Secretary
Kenneth Leary		

2. PLEDGE OF ALLEGIANCE

Executive Officer Brendon Freeman led the Pledge of Allegiance.

3. AB 361 REMOTE TELECONFERENCING ACTION

Commission Counsel, DeeAnne Gillick provided an overview of this item.

Pursuant to AB 361, the Commission considered the status of the ongoing public emergency and facts related to health and safety of meeting attendees due to COVID-19 and considered further findings related to holding this Commission meeting by teleconference pursuant to the provisions of subdivision (e) of Government Code Section 54953.

The Commission discussed the state of emergency and the current circumstances and agreed that those conditions warrant continued teleconference meetings.

Note: This issue was also discussed in agenda item #9b Direction of Future Commission Meetings. Upon motion by Commissioner Mohler and second by Commissioner Aboudamous, the Commission agreed to continue holding Commission meetings by teleconference:

VOTE:

AYES: MOHLER, ABOUDAMOUS, DILLON, LEARY AND WAGENKNECHT

NOES: NONE

ABSENT: NONE

ABSTAIN: NONE

4. APPROVAL OF AGENDA

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

The Executive Officer announced that the applicant for agenda item #8a has requested a continuance of that agenda item until the Commission's April 4, 2022 meeting.

Upon motion by Commissioner Wagenknecht and second by Commissioner Mohler, the Commission adopted the agenda, with one amendment:

VOTE:

AYES: WAGENKNECHT, MOHLER, ABOUDAMOUS, DILLON AND LEARY

NOES: NONE

ABSENT: NONE

ABSTAIN: NONE

NOTE: At this time, agenda item #6 was presented with two special guests attending via Zoom:

6. SPECIAL PRESENTATION: CALAFCO Achievement Award Presentation, Proclamation for CALAFCO Executive

Director Pamela Miller, and Other CALAFCO Announcements

Staff arranged a special presentation involving several notable items related to the California Association of Local Agency Formation Commissions (CALAFCO):

❖ The Commission recently received a CALAFCO Achievement Award called the “Mike Gotch Excellence in Public Service Award” for its role in advancing the Napa Pipe project. The award honors Napa LAFCO, with special recognition for Commissioners Dillon and Wagenknecht, Senator Dodd, City of Napa, and Napa County.

This award was named for Mike Gotch who was a former Assembly Member, a LAFCO Commissioner, a LAFCO Executive Officer, and a CALAFCO Executive Director responsible for much of the foundations of LAFCO law and CALAFCO.

❖ LAFCO Vice Chair Mohler was re-elected to a third consecutive term on the CALAFCO Board of Directors as the Coastal Region City Member. Vice Chair Mohler’s current term on the CALAFCO Board expires in October 2023.

❖ LAFCO Analyst, Dawn Mittleman Longoria was appointed to the position of CALAFCO Coastal Region Deputy Executive Officer. The position includes a budget contribution of \$4,000 per year to offset staff time dedicated to CALAFCO business during this two-year assignment. Dawn thanked CALAFCO and said she appreciates their work for all LAFCOs. Senator Dodd thanked the Commission for this award and congratulated the other recipients. Mr. Dodd said he was honored to receive the Mike Gotch award, mentioning all who worked together on the Napa Pipe Project over the years.

Chair Dillon noted that it is very nice to be recognized for this work and for the special award.

Commissioner Wagenknecht commented it was not easy to get everybody together for this project and appreciates where we are today with the Napa Pipe Project.

At this time (3:00), CALAFCO Executive Director Pamela Miller joined the meeting:

❖ A proclamation was presented to CALAFCO Executive Director Pamela Miller and read aloud honoring her upon retirement as Executive Director. **(RESOLUTION #2021-23)**. Pamela Miller spoke to the Commission and thanked them for honoring her service.

Congratulations to the Commission, City of Napa and County of Napa, Senator Dodd, Pamela Miller, Commissioners Dillon, Wagenknecht and Mohler, as well as Dawn Mittleman Longoria on these outstanding accomplishments and appointments.

5. PUBLIC COMMENTS

Chair Dillon opened the public comment period.

Geoff Ellsworth provided public comment about Napa County water & wastewater and he advocated for providing presentations to the City Councils within Napa County.

A current municipal service review is available on LAFCO of Napa County’s website:

https://www.napa.lafco.ca.gov/uploads/documents/NapaCountywideWaterWastewaterMSR_Updated_10-4-21.pdf

Chair Dillon closed the public comment period.

7. CONSENT ITEMS**Action Items:**

- a) **Approval of Meeting Minutes: October 4, 2021 Regular Meeting**
- b) **Contract Extension with Brown Armstrong for Audit Services**
- c) **Meeting Calendar for 2022**

Information Items:

- a) **First Quarter Budget Report for Fiscal Year 2021-22**
- b) **Legislative Report**
- c) **Outreach Committee Update**
- d) **Current and Future Proposals**
- e) **Expiring Commissioner Terms in 2022**

Upon motion by Commissioner Wagenknecht and second by Commissioner Leary, the action items were approved:

VOTE:

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

8. PUBLIC HEARING ITEM

- a) **Sphere of Influence Amendment Request Involving the City of American Canyon, American Canyon Fire Protection District and 1661 Green Island Road**

This item was continued until April 4, 2022.

9. DISCUSSION ITEMS

- a) **CALAFCO U Course: Fire and Emergency Medical Services**

The Commission received an informative presentation by Analyst Dawn Mittleman Longoria on a recent four-part CALAFCO session titled *Fire and Emergency Medical Services Basics, Challenges and LAFCOs' Role and Responsibility*.

Following the presentation, the Commission conversed about existing services provided by CALFIRE, FireWise, etc., and suggested this matter be a topic for strategic planning sometime in 2022 or 2023, with respect to scheduling a future study related to countywide fire protection and emergency medical services.

The Commission thanked Dawn for the great presentation on this CALAFCO U Course.

- b) **Direction on Future Commission Meetings**

The Commission considered alternatives for holding future Commission meetings in person, remotely, or as a hybrid.

During today's agenda item #4, the Commission also discussed this matter.

The Commission reviewed the pros and cons of having in-person vs hybrid meetings, as well as what is best for the community during the on-going pandemic.

The Commission's preference will be discussed again at the February Commission meeting.

10. ACTION ITEMS**a) Appointments to the Fiscal Year 2022-23 Budget Committee**

The Commission considered appointing two members to advise the Executive Officer on the fiscal year 2022-23 Budget Committee.

The Executive Officer stated that the Budget Committee is an ad hoc subcommittee responsible for preparing a draft and final budget for review and adoption by the Commission at its April and June regular meetings, respectively.

The Commission also considered providing direction to the Budget Committee with respect to including appropriations in the budget for strategic planning.

Staff recommended the Commission appoint two members to the 2022-2023 Budget Committee.

Commissioners Mohler and Leary volunteered for the appointments.

Upon motion by Commissioner Aboudamous and second by Commissioner Gregory, the Commission agreed to appoint Commissioners Mohler and Leary to the FY 2022-2023 Budget Committee, and to include appropriations in the budget for strategic planning:

VOTE:

AYES: ABOUDAMOUS, GREGORY, DILLON, LEARY AND MOHLER

NOES: NONE

ABSENT: WAGENKNECHT

ABSTAIN: NONE

b) Consideration of Legal Counsel Contract

The Commission considered its options related to contracted legal services prior to the expiration of the contract term on June 30, 2022. The recommended action is for the Commission to provide direction to the Executive Officer with respect to contracted legal services.

The Executive Officer provided an overview of this item.

Chair Dillon stated it would be close to 7 years by the time the current contract with counsel expires, therefore, it would be good business practice to establish a committee and send out a Request For Proposal (RFP).

Commissioner Mohler agreed it is good government to periodically change legal counsel, and noted that current counsel can also apply, if an RFP goes out again.

Commissioner Leary agreed with Chair Dillon and Vice Chair Mohler to send out an RFP.

Commissioners Dillon and Aboudamous both volunteered to serve on the Legal Services RFP Committee.

No public comments were received.

Upon motion by Commissioner Gregory and second by Commissioner Mohler, the Commission gave direction to the Executive Officer to issue a Legal Services RFP, and appointed Commissioners Mohler and Aboudamous to serve on the committee to work with the Executive Officer:

VOTE:

AYES: GREGORY, MOHLER, ABOUDAMOUS, DILLON AND LEARY

NOES: NONE

ABSENT: WAGENKNECHT

ABSTAIN: NONE

10. ACTION ITEMS – continued:**c) Financial Audit for Fiscal Year Ending June 30, 2021**

The Commission received a financial audit prepared by Brown Armstrong for the fiscal year ending June 30, 2021.

The recommended action was for the Commission to receive and file the audit.

Tracy Schulze, Napa County Auditor-Controller, provided the Commission with a detailed overview of the written audit report, prepared by Brown Armstrong, CPA, showing the Commission is currently in a strong financial position.

Ms. Schulze commended LAFCO staff for the great work relating to a successful and clean audit again this year.

No public comments were received.

Upon motion by Commissioner Leary and second by Commissioner Gregory, the Commission unanimously agreed to accept and file the audit report:

VOTE:

AYES: LEARY, GREGORY, ABOUDAMOUS, DILLON AND MOHLER

NOES: NONE

ABSENT: WAGENKNECHT

ABSTAIN: NONE

d) Consideration of Appointment Procedure for Public Member

The Commission considered providing direction to staff with respect to appointment procedures for the Public Member. The term of the Public Member expires on May 2, 2022.

Commissioner Leary currently serves as the Public Member and is eligible to seek reappointment to a new four-year term. He is also eligible for an expedited re-appointment consistent with local policy.

The city and county commission members provided direction to the Executive Officer with respect to the appointment procedure for the Public Member position currently held by Kenneth Leary.

Commission Mohler made a motion to reappoint Commissioner Leary to a new four-year term, and recommended a public hearing date be scheduled before May 2, 2022 to re-appoint him to the Commission.

Upon motion by Commissioner Mohler and second by Commissioner Aboudamous, the Commission recommended the re-appointment of Commissioner Leary to the Public Member position:

VOTE:

AYES: MOHLER, ABOUDAMOUS, DILLON AND GREGORY

NOES: NONE

ABSENT: WAGENKNECHT

ABSTAIN: LEARY

11. COMMISSIONER COMMENTS/REQUESTS FOR FUTURE AGENDA ITEMS

There were no Commissioner comments.

12. ADJOURNMENT TO NEXT REGULAR SCHEDULED MEETING

The meeting was adjourned at 3:45 PM. The next regular LAFCO meeting is scheduled for Monday, February 7, 2022, at 2:00 PM.

It is anticipated the meeting will be conducted by teleconference due to COVID-19 in compliance with Executive Order N-29-20.

Diane Dillon, LAFCO Chair

ATTEST:

Dawn Mittleman Longoria, Analyst II

Prepared by:

Kathy Mabry, Commission Secretary

DRAFT



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Subdivision of the State of California

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

Agenda Item 7b (Consent/Information)

TO: Local Agency Formation Commission

PREPARED BY: Brendon Freeman, Executive Officer *BF*

MEETING DATE: February 7, 2022

SUBJECT: Second Quarter Budget Report for Fiscal Year 2021-22

BACKGROUND AND SUMMARY

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

The Commission will receive a second quarter budget report for fiscal year 2021-22 that compares budgeted versus actual transactions through December 31, 2021.

On June 7, 2021, the Commission adopted a final budget for fiscal year 2021-22.

On August 2, 2021, the Commission approved a budget adjustment to increase expenses related to staff salaries and benefits by \$15,825. This amount will be covered by drawing down the Commission's undesignated/unreserved fund balance ("reserves").

The Commission's adjusted budget totals \$569,966. This amount represents the total approved operating expenses divided between salaries and benefits, services and supplies, and contingencies. Budgeted revenues total \$540,270 and are divided between intergovernmental fees, service charges, and investments. An operating shortfall of \$29,696 is intentionally budgeted to reduce the burden on the Commission's funding agencies. The intentional shortfall is covered by drawing down reserves.

A second quarter budget sheet with year-end projections is included as Attachment One. Based on actual and anticipated expenses and revenues, staff projects the Commission will finish the year with a budget surplus of \$28,354 as summarized on the following page.

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

Operating Revenues

The Commission's operating revenues for 2021-22 are budgeted at \$540,270. Actual revenues collected through the second quarter totaled \$531,924. This amount represents 98.5% of the budgeted amount with 50% of the fiscal year complete. The majority of revenues collected to date are contributions from the Commission's funding agencies.

Actuals through the second quarter and related analysis suggest the Commission will finish the fiscal year with \$548,865 in total revenues, resulting in a surplus of \$8,595 or 1.6% relative to the amount in the adjusted budget.

See Attachment One for additional information on actual revenues through the second quarter and projected year-end revenues.

Operating Expenses

The Commission's operating expenses for 2021-22 are budgeted at \$569,966. Estimated expenses through the second quarter totaled \$277,108. This amount includes actuals in all accounts with the exception of Administration Services (Account No. 52100), which is an estimate at this time given the expenses have not yet been posted for the first or second quarters. This estimated total operating expenses amount represents 48.6% of the budgeted total with 50% of the fiscal year complete.

Actuals and estimates through the second quarter and related analysis suggest the Commission will finish the fiscal year with \$520,511 in total expenses and produce a savings/surplus of \$49,455 or 8.7% relative to the amount in the adjusted budget. The savings/surplus is predominantly attributed to a staff vacancy that is not expected to be filled until after the end of the current fiscal year.

See Attachment One for additional information on actual and estimated expenses through the second quarter and projected year-end expenses.

Reserves

Local policy directs the Commission to maintain reserves equal to a minimum of four months, or 33.3%, of budgeted operating expenses. The Commission's reserves totaled \$270,586 as of July 1, 2021, representing 47.4% of expenditures in the current budget. The Commission is projected to finish the fiscal year with a budget surplus of \$28,354, which would increase reserves to \$298,940, or 52.4%, of expenses in the current budget. These amounts are consistent with the aforementioned local policy directive.

ATTACHMENT

- 1) Second Quarter Budget Sheet for Fiscal Year 2021-22 with Year-End Projections

LAFCO FY 2021-22 Second Quarter Budget Report

Revenues and Expenses through 12/31/21 with Year-End Projections

Account	Category	Adopted Budget	Budget Adjustments	Adjusted Budget	Actual YTD	YTD Percent of Budget	Year-End Projection	Year-End Projection Percent of Budget
Revenues								
42690	Permits/Application Fees	20,000	-	20,000	18,150	90.8%	27,300	136.5%
43910	County of Napa	254,835	-	254,835	254,835	100.0%	254,835	100.0%
43950	Other-Governmental Agencies	254,835	-	254,835	254,835	100.0%	254,835	100.0%
45100	Interest	10,000	-	10,000	3,237	32.4%	6,728	67.3%
46800	Charges for Services	600	-	600	774	129.0%	1,074	179.0%
47900	Miscellaneous	-	-	-	93	0.0%	4,093	0.0%
Total Revenues		540,270	-	540,270	531,924	98.5%	548,865	101.6%
Expenses								
51210	Director/Commissioner Pay	12,500	-	12,500	5,836	46.7%	12,436	99.5%
51300	Medicare	250	-	250	83	33.3%	167	66.8%
51305	FICA	500	-	500	236	47.2%	472	94.4%
52100	Administration Services *	424,076	15,825	439,901	219,950	50.0%	409,535	93.1%
52125	Accounting/Auditing Services	7,500	-	7,500	5,417	72.2%	7,250	96.7%
52130	Information Technology Service	24,489	-	24,489	12,136	49.6%	24,489	100.0%
52131	ITS Communication Charges	1,837	-	1,837	919	50.0%	1,837	100.0%
52140	Legal Services	25,000	-	25,000	8,872	35.5%	20,000	80.0%
52345	Janitorial Services	300	-	300	150	50.0%	300	100.0%
52515	Maintenance-Software	1,930	-	1,930	390	20.2%	1,930	100.0%
52600	Rents and Leases - Equipment	4,000	-	4,000	1,321	33.0%	2,642	66.1%
52605	Rents and Leases - Bldg/Land	31,322	-	31,322	15,934	50.9%	27,934	89.2%
52700	Insurance - Liability	578	-	578	-	0.0%	578	100.0%
52800	Communications/Telephone	2,000	-	2,000	707	35.4%	1,714	85.7%
52830	Publications & Legal Notices	1,000	-	1,000	828	82.8%	1,928	192.8%
52835	Filing Fees	200	-	200	100	50.0%	200	100.0%
52900	Training/Conference Expenses	10,000	-	10,000	-	0.0%	1,000	10.0%
52905	Business Travel/Mileage	500	-	500	-	0.0%	250	50.0%
53100	Office Supplies	1,000	-	1,000	60	6.0%	500	50.0%
53110	Freight/Postage	500	-	500	50	10.0%	150	30.0%
53115	Books/Media/Subscriptions	-	-	-	119	0.0%	119	0.0%
53120	Memberships/Certifications	2,934	-	2,934	2,934	100.0%	2,934	100.0%
53205	Utilities - Electric	1,500	-	1,500	1,066	71.1%	1,921	128.1%
53415	Computer Software/License	225	-	225	-	0.0%	225	100.0%
Total Expenditures		554,141	15,825	569,966	277,108	48.6%	520,511	91.3%
Net Surplus (Deficit)		(13,871)	(15,825)	(29,696)	254,816	44.7%	28,354	5.0%

* Administration Services (52100) expenses in the first two quarters have not yet posted and are estimated at this time.



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 7c (Consent/Information)

TO: Local Agency Formation Commission

PREPARED BY: Brendon Freeman, Executive Officer *BF*

MEETING DATE: February 7, 2022

SUBJECT: Legislative Report

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 Senate Governance and Finance Committee prepared a summary of new legislation enacted in 2021, included as Attachment One.

Newly enacted legislation relevant to the Commission is highlighted by Senate Bill (SB) 13, authored by Senator Bill Dodd. SB 13 reauthorizes a pilot program until January 1, 2026, that allows the Commission to approve extensions of service outside of a local agency's sphere of influence based on determinations contained within a municipal service review. SB 13 also expands the pilot program to allow the Commission to approve service extensions to specified parcels in St. Helena if certain determinations are made.

ATTACHMENT

- 1) Senate Governance and Finance Committee 2021 Legislative Year Summary

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

**Senate Committee on Governance & Finance
Senator Mike McGuire, Committee Chair
State Capitol, Room 407
Sacramento, California 95814
(916) 651-4119**

<http://sgf.senate.ca.gov>

TO: People Interested in Public Finance and Governance Legislation
FROM: Senator Mike McGuire, Committee Chair
DATE: November 24, 2021
SUBJECT: Summary of significant legislation heard in 2021

Now that the legislative session has ended, I want you to know about some of the more interesting bills that the Senate Governance & Finance Committee reviewed during 2021. The following summary identifies and briefly describes the significant bills that the Committee has worked on this year. At the end of each description, the bill's status is indicated in *italics*.

If you want to read the Committee's bill analyses or get a copy of a bill listed below, please go to the Legislature's official website leginfo.legislature.ca.gov. You can also use that website to retrieve other bill analyses, official histories, voting records, and any veto messages.

The Senate Committee on Governance and Finance is responsible for hearing legislation pertaining to state and local government revenue mechanisms, taxes, local governance, and land use and development. The summary below groups bills by subject.

Cannabis Issues

[SB 398 \(Skinner\)](#) allows local agencies to enter into agreements with the Bureau of Cannabis Control to administer commercial cannabis licensing, permitting, or other regulatory activities on their behalf. *Senate Appropriations Committee.*

[SB 603 \(Bradford\)](#) requires cannabis-licensing agencies to develop a needs-based fee waiver and deferral program, upon appropriation in the annual budget or other statute for that purpose, and establishes a state and local cannabis fee tax credit for fees paid by local equity applicants and licensees. *Assembly Revenue & Taxation Committee.*

Excise Taxes

[SB 395 \(Caballero\)](#) enacts the Healthy Outcomes and Prevention Education Act, which imposes the California Electronic Cigarette Excise Tax on the sale of electronic cigarettes, and directs proceeds of the tax to various purposes. *Signed – Chapter 489, Statutes of 2021.*

Income Tax Form

[SB 347 \(Caballero\)](#) creates a new voluntary tax contribution fund, to be known as the California Community and Neighborhood Tree Voluntary Tax Contribution Fund, and continuously appropriates moneys from this fund to the Department of Forestry and Fire Prevention for the Urban and Community Forestry Grant Program. *Signed—Chapter 104, Statutes of 2021.*

[AB 742 \(Calderon\)](#) extends the sunset date for the School Supplies for Homeless Children Voluntary Tax Contribution Fund on the personal income tax return. *Signed—Chapter 96, Statutes of 2021.*

[AB 1065 \(Maienschein\)](#) establishes the Mental Health Crisis Prevention Voluntary Tax Contribution Fund on the personal income tax return. *Signed—Chapter 61, Statutes of 2021.*

Land Use Planning & Development

[SB 6 \(Caballero\)](#) enacts, until January 1, 2029, the Neighborhood Homes Act, which establishes housing as an allowable use on any parcel zoned for office or retail uses. *Assembly Housing & Community Development Committee.*

[SB 8 \(Skinner\)](#) extends the sunset on the Housing Crisis Act of 2019 (HCA) by five years, to January 1, 2030, and makes other changes. *Signed—Chapter 161, Statutes of 2021.*

[SB 9 \(Atkins\)](#) requires ministerial approval of a housing development of no more than two units in a single-family zone (duplex), the subdivision of a parcel zoned for residential use into two

parcels (lot split), or both. *Signed—Chapter 162, Statutes of 2021.*

[SB 10 \(Wiener\)](#) authorizes a city or county to pass an ordinance to zone any parcel for up to 10 units of residential density, at a height specified by the local government in the ordinance, if the parcel is located in a transit-rich area or an urban infill site. *Signed—Chapter 163, Statutes of 2021.*

[SB 12 \(McGuire\)](#) imposes certain fire hazard planning responsibilities on local governments and requires cities and counties to make specified findings on fire standards prior to permitting development in the very high fire hazard severity zone (VHFHSZ). *Assembly Housing & Community Development Committee.*

[SB 32 \(Cortese\)](#) requires cities and counties to identify goals, policies, objectives, targets, and feasible implementation strategies to decarbonize newly constructed commercial and residential buildings. *Senate Appropriations Committee.*

[SB 55 \(Stern\)](#) prohibits residential development in the VHFHSZ unless local agencies adopt a wildfire prevention strategy that mitigates significant risks of loss, injury, or death. *Senate Governance & Finance Committee.*

[SB 290 \(Skinner\)](#) 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. *Signed—Chapter 340, Statutes of 2021.*

[SB 318 \(Melendez\)*](#) requires that independent auditors be a certified public accountant, and prohibits local agencies from retaining an independent auditor that the local agency contracted with during the preceding 10 years. *Senate Governance & Finance Committee.*

[SB 319 \(Melendez\)](#) requires local agencies that do not comply with impact fee annual report requirements for three years to include each year they did not comply with these requirements in requested audits. *Signed—Chapter 385, Statutes of 2021.*

[SB 478 \(Wiener\)](#) prohibits a local government from imposing certain floor area ratio (FAR) standards on housing projects of 3 to 10 units. *Signed—Chapter 363, Statutes of 2021.*

[SB 499 \(Leyva\)*](#) prohibits the land use element of a general plan from designating land uses that have the potential to adversely impact health outcomes from being located within or adjacent to a disadvantaged community. *Senate Governance & Finance Committee.*

[SB 552 \(Hertzberg\)](#) enacts several recommendations to improve small water system emergency response contained in the “Small Water Systems and Rural Communities Drought and Water Shortage Contingency Planning and Risk Assessment” report produced by the Department of Water Resources. *Signed—Chapter 245, Statutes of 2021.*

[SB 556 \(Dodd\)](#) establishes permitting requirements for the placement of small wireless facilities on streetlight and traffic signal poles owned by local governments, including specified timelines

for approving and attaching infrastructure, limitations on fees for attachments, and restrictions on local governments' ability to prohibit small wireless facility attachments. *Vetoed*.

[SB 574 \(Laird\)](#) narrows the role of the Department of Conservation (DOC) in administering the Williamson Act. *Signed—Chapter 644, Statutes of 2021*.

[SB 617 \(Wiener\)](#) requires cities and counties to adopt an automated, online permitting system for solar energy systems and energy storage. *Senate Appropriations Committee*.

[SB 621 \(Eggman\)](#) establishes a ministerial approval process for hotel and motel conversions to multifamily housing. *Senate Governance & Finance Committee*.

[SB 695 \(Ochoa Bogh\)*](#) prohibits a local agency from imposing a housing impact requirement on a housing development project, unless specified requirements are satisfied by the local agency, including that the local agency prepare and adopt a nexus study. *Senate Governance & Finance Committee*.

[SB 719 \(Min\)](#) provides that land comprising the former Tustin Marine Corps Air Station is exempt surplus land for the purposes of the Surplus Land Act. *Assembly Local Government Committee*.

[SB 765 \(Stern\)](#) repeals the existing prohibition on a city or county imposing a requirement of a setback for an accessory dwelling unit (ADU) of more than four feet from the rear and side lot lines. *Senate Housing Committee*.

[SB 809 \(Allen\)*](#) authorizes a city or county to satisfy part of its requirement to identify zones suitable for residential development in its housing element by adopting and implementing a multijurisdictional regional agreement. *Senate Housing Committee*.

[AB 345 \(Quirk-Silva\)](#) requires cities and counties to allow a qualified nonprofit corporation to sell an accessory dwelling unit (ADU) separately from the primary dwelling unit on the property, and revises the conditions for a tenancy in common agreement entered into pursuant to such a sale. *Signed—Chapter 343, Statutes of 2021*.

[AB 500 \(Ward\)](#) requires local governments in the coastal zone to amend their local coastal programs by January 1, 2024, to provide streamlined permitting procedures for certain housing projects, as specified, among other provisions. *Senate Floor*.

[AB 571 \(Mayes\)](#) prohibits local governments from imposing affordable housing impact fees, including inclusionary zoning fees and in-lieu fees, on a housing development's affordable units in a density bonus project. *Signed—Chapter 346, Statutes of 2021*.

[AB 602 \(Grayson\)](#) adds new requirements to impact fee nexus studies prepared by cities, counties, and special districts, and makes other related changes. *Signed—Chapter 347, Statutes of 2021*.

[AB 803 \(Boerner Horvath\)](#) requires cities and counties to allow development of single-family housing on small lots that are zoned for specified multifamily uses, so long as the development meets specified conditions regarding density, setbacks, dwelling size, and others. *Signed—Chapter 154, Statutes of 2021.*

[AB 970 \(McCarty\)](#) deems approved applications for electric vehicle charging stations after specified time periods. *Signed—Chapter 710, Statutes of 2021.*

[AB 989 \(Gabriel\)](#) establishes, until January 1, 2029, an Office of Housing Appeals (OHA) within the Department of Housing and Community Development (HCD). *Senate Floor.*

[AB 1124 \(Friedman\)](#) revises the definition of “solar energy system” to include all structural design features, whether mounted on the ground or on a roof. *Signed—Chapter 235, Statutes of 2021.*

[AB 1174 \(Grayson\)](#) makes several changes to the streamlined, ministerial approval process established by SB 35 (Wiener, Chapter 366, Statutes of 2017). *Signed—Chapter 160, Statutes of 2021.*

[AB 1180 \(Mathis\)](#) expands the definition of “exempt surplus land” to include surplus land that a local agency transfers to a federally recognized California Indian tribe. *Signed—Chapter 62, Statutes of 2021.*

[AB 1322 \(R. Rivas\)*](#) creates a process for the governing body of a city or county to seek judicial validation that a local measure approved by the voters is in conflict with state housing law. *Senate Environmental Quality Committee.*

[AB 1401 \(Friedman\)](#) prohibits public agencies from imposing parking minimums on developments within specified distances of high-quality public transit. *Senate Appropriations Committee.*

[AB 1409 \(Levine\)](#) requires cities and counties to update their safety element to identify evacuation locations. *Signed—Chapter 481, Statutes of 2021.*

Local Agency Formation Commissions (LAFCOs) & Boundary Changes

[SB 13 \(Dodd\)](#) reauthorizes a Napa and San Bernardino LAFCO pilot program until January 1, 2026, that allows LAFCOs to approve extensions of service outside of a local agency’s sphere of influence, and expands the program to allow Napa LAFCO to approve service extensions to specified parcels in St. Helena. *Signed—Chapter 482, Statutes of 2021.*

[AB 1021 \(Mayes\)](#) requires the LAFCOs in Imperial and Riverside Counties to conduct a study of governance options for the Imperial Irrigation District (IID) electrical service area. *Vetoed.*

Local Powers & Governance

[SB 60 \(Glazer\)](#) allows cities to impose a fine of up to \$5,000 for public and health and safety violations of a short-term rental ordinance. *Signed—Chapter 307, Statutes of 2021.*

[SB 271 \(Wiener\)](#) repeals eligibility requirements for an individual to run for county sheriff. *Senate Governance & Finance Committee.*

[SB 273 \(Hertzberg\)](#) authorizes a municipal wastewater agency to acquire, construct, expand, operate, maintain, and provide facilities to manage stormwater and dry weather runoff. *Signed—Chapter 241, Statutes of 2021.*

[SB 286 \(Min\)*](#) requires an election for an office that is determined by a plurality, with no possibility of a runoff, and is consolidated with a statewide election, to be consolidated with the statewide general election in November. *Senate Elections & Constitutional Amendments Committee.*

[SB 323 \(Caballero\)](#) establishes a 120-day statute of limitations for water and sewer rates. *Signed—Chapter 216, Statutes of 2021.*

[SB 342 \(Gonzalez\)](#) adds two additional seats to the South Coast Air Quality Management District (SCAQMD) Governing Board to be filled by persons residing in and working directly with pollution-burdened and vulnerable communities on issues of environmental justice in the South Coast Air Basin, and allows SCAQMD to create a Labor Advisory Panel to provide input on issues impacting labor in the South Coast Air Basin. *Senate Floor.*

[SB 378 \(Gonzalez\)](#) requires local governments to allow fiber installers to use microtrenching as a method for installing fiber unless the local government makes a specified finding that permitting microtrenching would adversely impact public health and safety. *Signed—Chapter 677, Statutes of 2021.*

[SB 403 \(Gonzalez\)](#) authorizes the State Water Resources Control Board (State Water Board) to order the consolidation of at-risk domestic wells and at-risk water systems. *Signed—Chapter 242, Statutes of 2021.*

[SB 427 \(Eggman\)](#) allows local agencies that provide water services to adopt an ordinance with enhanced penalties for water theft of up to \$3,000. *Signed—Chapter 137, Statutes of 2021.*

[SB 466 \(Wieckowski\)](#) allows the City of Santa Clara to sell or lease specified property for the purpose of economic development. *Assembly Local Government Committee.*

[SB 594 \(Glazer\)](#) makes various changes to state law governing candidate filing for the 2022 statewide primary election, redistricting in special districts following the 2020 census, and districting and redistricting for local governments. *Signed—Chapter 320, Statutes of 2021.*

[SB 679 \(Kamlager\)](#) establishes the Los Angeles County Affordable Housing Solutions Agency (LACAHSAs), and authorizes LACAHSAs to utilize specified local financing tools for the purpose of funding renter protections, and the preservation and production of housing units affordable to households earning up to 80% of the area median income. *Assembly Housing & Community Development Committee.*

[SB 712 \(Hueso\)](#) prohibits a local government from adopting or enforcing a resolution or ordinance that would prevent the local government from conducting a fair evaluation of a fee-to-trust application. *Signed—Chapter 291, Statutes of 2021.*

[AB 339 \(Lee\)](#) requires, until December 31, 2023, that city councils and county boards of supervisors in jurisdictions over 250,000 residents provide both in-person and teleconference options for the public to attend their meetings. *Vetoed.*

[AB 361 \(R. Rivas\)](#) creates, until January 1, 2024, an exemption to teleconferenced public meeting requirements for local legislative bodies during states of emergency, as specified; and, until January 31, 2022, a similar exemption to teleconferenced public meeting requirements for certain state bodies, as specified. *Signed—Chapter 165, Statutes of 2021.*

[AB 428 \(Mayes\)](#) requires term limits imposed on members of a board of supervisors to allow for at least two terms. *Signed—Chapter 462, Statutes of 2021.*

[AB 481 \(Chiu\)](#) requires specified law enforcement agencies to submit a military equipment use policy to the appropriate governing body before acquiring or using military equipment. *Signed—Chapter 406, Statutes of 2021.*

[AB 537 \(Quirk\)](#) updates existing law establishing a timeline and process through which wireless telecommunication siting facility permits will be deemed approved. *Signed—Chapter 467, Statutes of 2021.*

[AB 759 \(McCarty\)](#) requires counties to hold elections for district attorney and sheriff with the presidential primary, except as specified, starting on January 1, 2023. This bill also authorizes a county board of supervisors to adopt an ordinance to hold elections for other specified county officers with the presidential primary. *Senate Floor.*

[AB 844 \(Grayson\)](#) authorizes establishment of a Green Empowerment Zone (Green EZ) for the Northern Waterfront area of Contra Costa County and tasks the Green EZ with various duties. *Signed—Chapter 377, Statutes of 2021.*

[AB 850 \(Gallagher\)](#) extends the sunset on the authorization for the Cities of El Monte, Montebello, and Willows to sell their water utilities without voter approval under specified circumstances from January 1, 2022, to January 1, 2024. *Signed, Chapter 705, Statutes of 2021.*

[AB 903 \(Frazier\)](#) dissolves the Los Medanos Community Healthcare District on February 1, 2022. *Senate Governance & Finance Committee.*

[AB 959 \(Mullin\)](#) authorizes a regional park district, regional park and open-space district, or a regional open-space district to define encroachments onto park property as a nuisance and establish a procedure for the abatement of the nuisance through summary abatement and property liens. *Signed—Chapter 268, Statutes of 2021.*

[AB 1017 \(Quirk-Silva\)](#) requires local agencies to complete an inventory of public restrooms they own and maintain, and provide their findings to the Department of Public Health. *Senate Appropriations Committee.*

[AB 1195 \(Cristina Garcia\)*](#) creates the Southern Los Angeles County Human Right to Water Collaboration Act. Requires the State Water Resources Control Board to appoint a Commissioner to implement the Safe and Affordable Funding for Equity and Resilience (SAFER) Program in southern Los Angeles County. *Senate Environmental Quality Committee.*

[AB 1276 \(Carrillo\)](#) expands and revises the statute that requires single-use plastic straws only be distributed upon request to apply to specified single-use foodware accessories and standard condiments distributed by food facilities or third-party food delivery platforms. *Signed—Chapter 505, Statutes of 2021.*

Local Tax Authority

[SB 555 \(McGuire\)](#) enacts the Fair and Effective Collection of Due and Payable Transient Occupancy Taxes Derived from Short-term Rentals Arranged by Short-term Rental Facilitators Act of 2021, which allows local agencies to delegate collection of transient occupancy taxes from short-term rental facilitators to CDTFA by enacting an ordinance. *Assembly Appropriations Committee.*

Property Taxes

[SB 219 \(McGuire\)](#) allows a tax collector to cancel property tax delinquency penalties when the failure to pay is due to a documented hardship. *Signed—Chapter 131, Statutes of 2021.*

[SB 257 \(Skinner\)](#) states that property that museums make available for special events is considered property used exclusively for the museums' charitable purposes under the welfare exemption from property tax. *Senate Appropriations Committee.*

[SB 267 \(Hertzberg\)](#) provides that changes in ownership and profits interests in active solar energy systems financed by partnership flip transactions do not constitute changes in control of a legal entity for property tax purposes. *Signed—Chapter 424, Statutes of 2021.*

[SB 303 \(Borgeas\)](#) extends the time period for a taxpayer affected by a disaster to transfer their base year value to a replacement property until March 4, 2022, or the date the Governor terminates the COVID-19 pandemic emergency proclamation, whichever is earlier. *Signed – Chapter 540, Statutes of 2021.*

[SB 539 \(Hertzberg\)](#) enacts two new sections of property tax law to implement Proposition 19 (2020). *Signed – Chapter 427, Statutes of 2021.*

[SB 658 \(Grove\)](#) expands the disabled veterans' exemption to allow a reduced exemption for partially disabled veterans. *Senate Appropriations Committee.*

[SB 667 \(Roth\)](#) allows the executor, administrator, or personal legal representative of a claimant's estate to file a claim for the disabled veterans' exemption. *Signed – Chapter 430, Statutes of 2021.*

[SB 668 \(Bates\)](#) reenacts in statute the parent-child, grandparent-grandchild exclusion from change in ownership exclusion for two years that was effective before voters repealed the exclusion in the California Constitution when they approved Proposition 19 (2020). *Senate Governance & Finance Committee.*

[SB 675 \(Ochoa Bogh\)](#) authorizes a county board of supervisors to adopt a resolution or ordinance to implement a monthly property tax payment program, where qualified taxpayers can instead pay property taxes on a monthly basis. *Vetoed.*

[SB 706 \(Bates\)](#) provides that a change in ownership triggering a reassessment for property tax purposes occurs when 90% or more of the direct or indirect ownership interests in a legal entity are sold or transferred in a single transaction. *Senate Governance & Finance Committee.*

[AB 1203 \(Burke\)](#) changes the qualifications for a person to be eligible to be nominated to an assessment appeals board in Los Angeles County. *Signed – Chapter 418, Statutes of 2021.*

Redevelopment & Infrastructure Financing

[SB 438 \(Laird\)](#) makes specified loan agreements between the City of Atascadero and its former redevelopment agency (RDA) enforceable obligations. *Assembly Appropriations Committee.*

[SB 563 \(Allen\)](#) makes various changes to the Second Neighborhood Infill Finance and Transit Improvements Act (NIFTI-2), including: changing its formation process, recasting eligible expenditures, adding a state matching component, and expanding housing provisions. *Senate Appropriations Committee.*

[SB 734 \(Hueso\)](#) allows local agencies to modify specified redevelopment passthrough agreements, and to forgive up to the entire outstanding principal amount of a passthrough agreement. *Signed—Chapter 221, Statutes of 2021.*

[SB 780 \(Cortese\)](#) makes several changes to enhanced infrastructure financing districts (EIFDs) and community revitalization infrastructure authorities (CRIAs), including a clarification that directly elected mayors of charter cities can be members of EIFD and CRIA boards, as well as address chartering issues. *Signed—Chapter 391, Statutes of 2021.*

[AB 336 \(Villapudua\)](#) allows any member of a taxing entity’s legislative body serving on an enhanced infrastructure financing district (EIFD) board to concurrently serve as a board member of a joint powers authority (JPA) where the taxing entity is a member. *Signed—Chapter 22, Statutes of 2021.*

[AB 464 \(Mullin\)](#) expands the types of facilities and projects enhanced infrastructure financing districts (EIFDs) may fund to include small business structures impacted by the COVID-19 pandemic and nonprofit community organizations’ facilities. *Signed—Chapter 25, Statutes of 2021.*

[AB 758 \(Nazarian\)](#) expands the types of publicly-owned utilities that can issue rate reduction bonds to include those that provide electric service. *Signed—Chapter 233, Statutes of 2021.*

Sales & Use Taxes

[SB 542 \(Limón\)](#) enacts a state-only (3.9375%) sales and use tax exemption for purchases of qualified new medium or heavy-duty zero-emission trucks. *Senate Floor.*

[SB 771 \(Becker\)](#) enacts a state-only (3.9375%) sales and use tax exemption for zero emission or hybrid vehicles purchased under the Clean Cars 4 All Program. *Assembly Desk.*

[SB 792 \(Glazer\)](#) requires specified retailers to include with their sales tax returns a schedule that reports the gross receipts from sales of property for each local jurisdiction where it shipped or delivered to a purchaser in that jurisdiction. *Vetoed.*

[AB 296 \(Gipson\)](#) extends the sunset on the sales and use tax exemption for customers who repurchase their property from a pawnbroker until January 1, 2027. *Signed—Chapter 164, Statutes of 2021.*

State Bonds & Indebtedness

[SB 5 \(Atkins\)*](#) enacts the Affordable Housing Bond Act of 2022, which places a bond of \$6.5 billion before voters at the November, 2022, general election to fund affordable rental housing and homeownership programs. *Senate Housing Committee.*

[SB 22 \(Glazer\)](#) enacts the Public Preschool, K–12, and College Health and Safety Bond Act of 2022, which places a \$15.5 billion bond before voters at a statewide election in 2022 to fund facilities for K-12 schools as well as California’s public universities. *Assembly Education Committee.*

[SB 45 \(Portantino\)](#) enacts the Wildfire Prevention, Safe Drinking Water, Drought Preparation, and Flood Protection Bond Act of 2022, which places a bond of \$5.595 billion before voters at the November, 2022 general election for projects related to wildfire prevention, safe drinking water, drought preparation, and flood protection. *Senate Floor.*

[AB 75 \(O'Donnell\)*](#) enacts the Kindergarten-Community Colleges Public Education Facilities Bond Act of 2022 which places a bond of \$12 billion before voters at a statewide election in 2022 for K-12 and California Community Colleges school facilities construction and modernization projects. *Senate Education Committee.*

State Personal & Corporate Income Taxes

[SB 49 \(Umberg\)](#) provides a tax credit for eligible costs if the taxpayer ceased business operations temporarily for a minimum of 30 consecutive days during the taxable year as a result of an emergency order. *Senate Floor.*

[SB 104 \(McGuire\)](#) creates an elective tax that allows pass-through entities to pay tax on behalf of their owners and allows a credit to the owners of those pass-through entities. AB 150 (Committee on Budget) adopted provisions from SB 104 as the Small Business Relief Act, which the governor signed into law as a part of the Budget Act of 2021. *Senate Appropriations Committee.*

[SB 240 \(Eggman\)](#) extends the sunset on the Donated Fresh Fruits or Vegetables Credit for 5 years through the 2026 taxable year. AB 150 (Committee on Budget) adopted provisions from SB 240, which the governor signed into law as a part of the Budget Act of 2021. *Senate Floor.*

[SB 276 \(Ochoa Bogh\)](#) allows Earned Income Tax Credit (EITC) recipients to elect to use earned income from prior tax years when calculating EITC for the 2021 tax year. *Senate Appropriations Committee.*

[SB 408 \(Min\)](#) provides a tax credit for small businesses in certain industries that were closed for at least 30 consecutive days in either 2020 or 2021 as a result of an emergency order. *Senate Appropriations Committee.*

[SB 424 \(Durazo\)](#) creates a tax credit for certain employers that hire homeless individuals. *Senate Appropriations Committee; subsequently enacted as part of AB 150 (Committee on Budget)*

[SB 444 \(Hertzberg\)](#) provides a personal income tax exclusion for all education awards provided under the "California for All Education Award Program." *Senate Floor.*

[SB 485 \(Portantino\)](#) creates a new credit within the existing Film and TV credit for taxpayers who produce qualified motion pictures at certified studio construction projects. *Senate Floor; subsequently enacted in SB 144 (Committee on Budget and Fiscal Review)*

[SB 553 \(Limón\)](#) enacts a state Work Opportunity Tax Credit (WOTC) largely based on the same credit contained in federal law. *Senate Appropriations Committee.*

[SB 601 \(Ochoa Bogh\)](#) increases the income threshold of the current exclusion for taxpayers who sell their primary residence to a qualified first-time homeowner to \$300,000 for taxpayers who are single or married filing jointly, and \$600,000 for taxpayers who are married filing separately, a head of household, or a surviving spouse. *Assembly Revenue & Taxation Committee.*

[SB 610 \(Grove\)](#) creates a tax credit equal to 50 percent of qualified virtual learning costs — up to \$2,250 — for each qualified dependent. *Senate Appropriations Committee.*

[SB 611 \(Allen\)](#) allows taxpayers additional tax credit amounts under to the California's Film and Motion Picture Production tax credit program when hiring graduates of the Career Pathways Training program, or an equivalent program. *Assembly Appropriations Committee.*

[SB 691 \(Rubio\)](#) allows an additional \$100 in tax credits to all ITIN filers that receive the Earned Income Tax Credit and modifies the calculation of the Young Child Tax Credit. *Senate Appropriations Committee.*

[SB 777 \(Bradford\)](#) enacts the California Jumpstart Act, which directs the California Pollution Control Financing Authority to allocate up to \$300 million in credits against the gross premiums tax to investors in relief funds. *Assembly Jobs, Economic Development, & The Economy Committee.*

[AB 340 \(Ward\)](#) conforms the State's 529 college savings plan statute to recent changes in federal tax law that expand allowable withdrawals from 529 plans to include expenses associated with participation in a registered apprenticeship program and student loan repayment. *Signed—Chapter 557, Statutes of 2021.*

[AB 447 \(Grayson\)](#) makes changes to the state low income housing tax credit program administered by the California Tax Credit Allocation Committee in the State Treasurer's Office. *Signed – Chapter 344, Statutes of 2021.*

[AB 1219 \(Berman\)](#) renews the Natural Heritage Preservation Tax Credit for qualified contributions. *Signed—Chapter 419, Statutes of 2021.*

[AB 1515 \(Santiago\)](#) establishes the Earned Income Tax Credit (EITC) Outreach and Education and Free Tax Assistance Grant Program upon appropriations of the legislature. *Senate Governance & Finance Committee.*

State Tax Administration

[SB 491 \(Nielsen\)](#) prohibits the California Department of Tax and Fee Administration (CDTFA) from issuing a license to, and requires them to suspend or revoke the current tobacco license of,

retailers convicted of violations of Penal Code provisions relating to selling or distributing nitrous oxide. *Assembly Appropriations Committee.*

[AB 545 \(Quirk\)](#) requests the Regents of the University of California to perform a comprehensive assessment of major tax expenditures. *Senate Appropriations Committee.*

[AB 1402 \(Levine\)](#) requires marketplace facilitators currently required to collect sales and use taxes when selling property into California to also collect four fees imposed on sales of specific products. *Signed—Chapter 421, Statutes of 2021.*

* = Bill was never heard in the Senate Governance & Finance Committee

To read and retrieve copies of the Senate Governance & Finance Committee's detailed reference materials and other publications, please go to the Committee's website: <http://sgf.senate.ca.gov>



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 7d (Consent/Information)

TO: Local Agency Formation Commission

PREPARED BY: Brendon Freeman, Executive Officer *BF*

MEETING DATE: February 7, 2022

SUBJECT: Napa LAFCO Quarterly Newsletter

BACKGROUND AND SUMMARY

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

The Commission will receive a quarterly newsletter prepared by staff, included as Attachment One. The Commission's ad hoc Outreach Committee (Commissioners Leary and Painter) reviewed the January 2022 newsletter prior to its public distribution. The newsletter is posted to the Commission's website and was circulated to the Commission's email distribution list.

Staff will continue to prepare and circulate similar quarterly newsletters every January, April, July, and October unless the Commission requests any changes.

ATTACHMENT

- 1) Napa LAFCO Quarterly Newsletter (January 2022)

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 (LAFCO) of Napa County

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



What is LAFCO:

- LAFCOs are local agencies mandated by the State legislature to encourage the orderly formation of governmental agencies, preserve agricultural land resources, and discourage urban sprawl.

Recent News:

- Received a CALAFCO achievement award for the Napa Pipe development project.
- Commissioner Margie Mohler re-elected to CALAFCO Board of Directors and elected as Treasurer of the Board.
- Analyst II Dawn Mittleman Longoria appointed as CALAFCO Deputy Executive Officer for the Coastal Region.
- [Cortese-Knox-Hertzberg Act](#) updated to reflect changes in legislation enacted in 2021.

On the Horizon:

- Commission Clerk Kathy Mabry retiring on January 28, 2022.
- CALAFCO Staff Workshop in Newport Beach March 23-25.
- Initiate City of St. Helena MSR and SOI review in spring 2022.
- Initiate City of Napa MSR and SOI review in fall 2022.
- Review and update [Policy on Municipal Service Reviews](#).
- CALAFCO Executive Director recruitment.
- Next Meeting Monday, February 7, 2022 at 2:00 PM.

January 2022

Visit our Website:
www.napa.lafco.ca.gov

Contact Us:
Phone: (707) 259-8645 Email:
info@napa.lafco.ca.gov

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
Dawn Mittleman Longoria, Analyst II
Kathy Mabry, Commission Clerk
DeeAnne Gillick, Legal Counsel



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

Agenda Item 7e (Consent/Information)

TO: Local Agency Formation Commission

PREPARED BY: Brendon Freeman, Executive Officer *BF*

MEETING DATE: February 7, 2022

SUBJECT: CALAFCO Quarterly Report

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 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.

CALAFCO recently released a Quarterly Report dated December 2021, included as Attachment One, with a summary of matters that may be of interest to members of the Commission. Notably, the Quarterly Report includes the following information that is specific to Napa LAFCO:

- Announcement that the Commission recently began a quarterly newsletter
- Received the Mike Gotch Excellence in Public Service award for the Napa Pipe project with Senator Bill Dodd, the City of Napa, and the County of Napa
- Vice Chair Margie Mohler re-elected to CALAFCO Board of Directors, elected as CALAFCO Treasurer for 2022, and appointed as the alternate at-large member on the CALAFCO Legislative Committee for 2022
- Analyst II Dawn Mittleman Longoria appointed as CALAFCO Deputy Executive Officer serving the Coastal Region

ATTACHMENT

- 1) CALAFCO Quarterly Report (December 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



December 2021

A
message
from the
Executive
Director

Greetings from your CALAFCO Board of Directors and Executive Director. As we wind down 2021, the holidays and year-end are a great time to reflect on where we've been and look to the future. We wish you and your families all the best in the coming year.

This Fourth Quarterly Report of 2021 will begin by highlighting the news in our CALAFCO family first, followed by Association updates. It's been a very busy 4th quarter so there's lots of news to report. Happy reading!

LAFcos in the News

Congratulations on these retirements

This year we've seen a lot of retirements, and this quarter is no different. 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 35-year LAFCo career, **Roseanne Chamberlain**, Amador LAFCo Executive Officer (EO), is retiring. Roseanne began her LAFCo career as a public member Commissioner for Sacramento LAFCo. She served on the CALAFCO Board for 6 years with 2 of those years as Chair of the Board. Her distinguished career also includes work as EO and Interim EO for several LAFCos. In 2013, Roseanne was the recipient of CALAFCO's Distinguished Service Award.



Also calling it time to retire this month is San Mateo LAFCo Executive Officer (EO) **Martha Poyatos**. Her LAFCo career began 28 years ago in San Mateo and she's done it all there from commission clerk to analyst and EO. In 2008, Martha received CALAFCO's Outstanding LAFCo Professional Award. Martha also served two terms as CALAFCO Deputy Executive Officer for the coastal region from 2018-2021.



Los Angeles LAFCo Commissioner Retires

Long-time **LA LAFCo** commissioner **Richard Close**, the San Fernando Valley public member, retired after 25 years of service. Commissioner Close was re-appointed to consecutive four-year terms for more than two decades. He served with distinction, even surviving a challenge to his position on the Commission, given that he was a long-standing proponent of the proposed secession of the San Fernando Valley from the City of Los Angeles. Fellow commissioners lauded Commissioner Close's intellect, integrity, and independence in representing the San Fernando Valley.

Amador LAFCo Announces New Executive Officer

Amador LAFCo announced the hiring of **Kris Berry** as the new Executive Officer (EO). Kris retired earlier this year as the EO of Placer LAFCo.

San Mateo LAFCo Announces Interim Executive Officer

Rob Bartoli will transition to the Interim EO position for San Mateo LAFCo effective January 1, with the departure of Martha.

Napa LAFCo Announces New Quarterly Newsletter

Napa LAFCo began a Quarterly Newsletter earlier this year. The newsletter features local LAFCo news of note and what's on the horizon. You can find it on their website.

San Diego LAFCo Welcomes New Analyst

Carolanne Ieromnimon recently joined the San Diego LAFCo team. She started with San Diego LAFCo earlier this year as an intern and is now a full-time Analyst.



CALAFCO Educational Events

MARK YOUR CALENDARS FOR THESE UPCOMING CALAFCO EDUCATIONAL EVENTS!

CALAFCO 2022 STAFF WORKSHOP

Join us **March 23- 25** at the **Hyatt Regency Newport Beach John Wayne Airport** when we FINALLY get LAFCo staff together for the Workshop. It's been so long since we've gathered in person and the time is finally here! All Workshop details including info about the program, registration and hotel reservations will be posted on the CALAFCO website the first week of January.

Deadline to register for the Workshop is March 9 and hotel reservation cutoff date is February 22.

CALAFCO UNIVERSITY

We are pleased to continue offering webinars at no cost to our members. We have two **CALAFCO U webinars** scheduled for the first quarter 2022, so **mark your calendars!**



First up on **January 10** is ***The Property Tax Elements of Jurisdictional Changes and Fiscal Reviews***. Our property tax expert will share resource reports such as trends of value change, revenue calculations, and budget forecast tools that are useful resources for LAFcos when conducting MSRs. Other panelists will share case studies and perspectives on budget forecasting. Registration for this session closes January 5.

Scheduled for **February 23** is a session on ***Best Practices for Hiring in the New World (Post-Pandemic)***. We will feature a labor/employment law attorney, recruiting firm executive, and an Executive Officer, all of whom will share the myriad of things we need to know as we navigate the new (and wild) labor market seeking the best candidates in this post-pandemic world.

Details for all CALAFCO University courses are on the CALAFCO website.

2021 CALAFCO Achievement Award Recipients

CALAFCO Congratulates the 2021 Annual Achievement Award Recipients

We wish to congratulate all of this year's nominees, and especially those who received a 2021 Achievement Award.

- ❖ **Outstanding Commissioner** – **Olin Woods** (Yolo LAFCo)
- ❖ **Outstanding LAFCo Professional** – **Crystal Craig** (Riverside LAFCo)
- ❖ **Outstanding CALAFCO Associate Member** – **Planwest Partners**
- ❖ **Mike Gotch Excellence in Public Service** (protection of ag/open space land & urban sprawl prevention) – **Napa LAFCo, City and County of Napa and Senator Bill Dodd**
- ❖ **Mike Gotch Excellence in Public Service** (innovation, collaboration, outreach) – **Yolo LAFCo**
- ❖ **Lifetime Achievement** – **Jerry Gladbach** (LA LAFCo)



CALAFCO Board of Directors

CALAFCO Board and Regional Officer Changes

Results of the October CALAFCO Board of Directors elections netted several new Board members for 2022. Earlier this month, Board member **David West** (Imperial LAFCo) who held the southern region public member seat, resigned from the Board. With a term set to expire October 2022, at their January 21 meeting the Board will appoint a replacement to fill that unexpired term.

Current Board members include:

Northern: **Bill Connelly** (Butte), **Blake Inscore** (Del Norte), **Debra Lake** (Humboldt) and **Josh Susman** (Nevada).
Southern: **Mike Kelley** (Imperial), **Jo MacKenzie** (San Diego) and **Acquanetta Warren** (San Bernardino).
Coastal: **Chris Lopez** (Monterey), **Mike McGill** (Contra Costa), **Margie Mohler** (Napa) and **Shane Stark** (Santa Barbara).
Central: **Gay Jones** (Sacramento), **Daron McDaniel** (Merced), **Anita Paque** (Calaveras) and **Daniel Parra** (Fresno).

In October the Board said goodbye to **David Couch** (Humboldt) and **Tom Murray** (San Luis Obispo). We thank them for their service and many contributions to CALAFCO.

Additionally, at their November meeting the Board approved the new Coastal and Central region DEO appointments. We welcome **Dawn Mittleman Longoria** (Napa) and **José Henríquez** (Sacramento) to the team. We thank outgoing DEOs **Christine Crawford** (Yolo) and **Martha Poyatos** (San Mateo) for their service.

CALAFCO Board 2022 Officers and Committees

At the October 8 meeting, the CALAFCO Board elected their officers for 2022 as follows:

Chair – **Anita Paque** (Calaveras - central)
Vice Chair – **Bill Connelly** (Butte - northern)
Treasurer – **Margie Mohler** (Napa - coastal)
Secretary – **Acquanetta Warren** (San Bernardino - southern)

They also appointed members to the 2022 standing committees as follows:

Legislative Committee

Bill Connelly (North)
Anita Paque (Central)
Jo MacKenzie (South)
Mike McGill (Coastal)
Gay Jones (At-Large)
Margie Mohler (a) (At-Large)
Michael Kelley (a) (South)
Chris Lopez (a) (Coastal)
Daron McDaniel (a) (Central)
Josh Susman (a) (North)

Elections Committee

Bill Connelly
Jo MacKenzie (Chair)
Margie Mohler
Daniel Parra

Awards Committee

Blake Inscore (Chair)
Debra Lake
Daniel Parra
Shane Stark
Acquanetta Warren



2022 Annual Conference

Gay Jones
Daron McDaniel
Mike McGill
Josh Susman

CALAFCO BOARD ACTIONS

The Board met virtually on October 8 and appointed the staff members of the 2022 Legislative and Advisory Committees. In addition to the actions noted on page 2 of this Report, they also adopted their 2022 annual meeting calendar and approved the FY 2020-21 annual tax filings.



They met virtually on November 12 with a full agenda. Under the leadership of **Chair Anita Paque**, the Board took a number of actions.

- ✓ **The FY 2021-22 quarterly financial reports were received.** Revenues for the first quarter were mostly on track and expenses were far below the 24% point.
- ✓ **Received the annual Administrative and Operational Report.** This is an annual item as part of corporation best practice.
- ✓ **Approved amendments/updates to the CALAFCO Legislative Policies, Priorities and Issues of Interest.** All recommended changes by the Legislative Committee were approved and adopted.
- ✓ **Considered and reaffirmed legislative priorities for 2022.** The Board considered an additional proposal received from San Diego LAFCo to sponsor a bill making changes to Gov. Code Sec. 56430, requiring all LAFCos to consider Municipal Service Reviews (MSRs) in a 21-day noticed public hearing and all affected service providers to place the MSR on their meeting agenda for discussion. Given the Board previously approved the sponsorship of three (3) bills for 2022, this proposal was tabled for reconsideration again next year.

The Board's direction to staff in terms of 2022 legislative priorities include sponsoring the annual Omnibus bill, co-sponsoring changes to §56133 with San Diego LAFCo (an item tabled in 2021), and to proceed with wrapping up the work of the protest provision rewrite working group.

- ✓ **Closed session held to approve 2-month contract for Pamela Miller as Executive Director.** In closed session the Board approved a contract for Pamela Miller for Jan-Feb 2022 as a contract Executive Director (transitioning from employee), with limited hours of approx. 20 per week. There was also discussion about priorities during this critical transition period.

All Board meeting documents are on the CALAFCO website.

CALAFCO Administrative Update

The **2021 CKH Guides** are now available. You can download an electronic copy from the CALAFCO website. Pre-orders for printed hard copies are now being accepted. You will find all the details on the CALAFCO website at www.calafco.org.



We will be updating the **CALAFCO Member Directory** in the next two months, so watch for an email from us requesting your changes.

CALAFCO Legislative Update

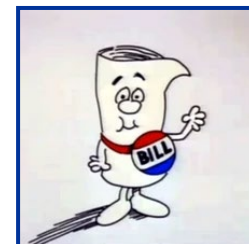


January 3, 2022 marks the start of the second year in the 2-year legislative cycle. Once again the year is expected to be wild and unpredictable. The State has a large budget surplus which is creating all kinds of early budget negotiating, as is the influx of Federal money.

Legislators will hit the ground running trying to move the large number of left-over 2-year bills through committee in January to meet deadlines. That action, along with introduction of new bills for the year, sets the table for a very busy January.

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 the two Local Government Committee and OPR year-end legislative reports 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.

We are pleased to acknowledge our **Gold Associate Members** in this edition and thank all our Associate Members for their support and partnership.



Best Best & Krieger



BEST BEST & KRIEGER
ATTORNEYS AT LAW

In meeting the needs of public and private sector clients, **BB&K** offers unique experiences in handling complex, multi-disciplinary issues and providing solutions of common interest to leaders of both business and government, including LAFCo law. **BB&K** has been CALAFCO's legal counsel since 1982. Visit www.bbklaw.com to learn more about the expert legal services provided by BBK.

Colantuono, Highsmith & Whatley, PC

Colantuono, Highsmith & Whatley, PC's attorneys are among just a few in California with deep expertise in the Cortese-Knox-Hertzberg Act. The firm currently serves as general counsel to Calaveras, San Diego and Yuba LAFCos and as alternate counsel to several other LAFCos on matters as to which their general counsels have conflicts of interest. The Firm's attorneys also serve as special counsel to LAFCos throughout the state and have deep litigation expertise representing LAFCos in court. **Colantuono, Highsmith & Whatley, PC** has been a Gold Associate member since July 2008. Learn more about them at www.chwlaw.us.

COLANTUONO
HIGHSMITH
WHATLEY, PC

CV Strategies

CV Strategies is a dedicated team helping companies with strategic planning, communications and training. **CV Strategies** joined the CALAFCO team as a Gold Associate Member in the fall of 2016. To learn more about their team and the services they offer, visit them at www.cvstrategies.com or contact Erin Kaiman at erin@cvstrat.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.

Did You Know??



CALAFCO Webinars & Courses Archived

Did you know that all **CALAFCO Webinar recordings** on 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 49 CALAFCO U courses archived and 15 webinars are archived and available for on-demand viewing!**

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.

Mark Your Calendars For These Upcoming CALAFCO Events

- ❖ CALAFCO U webinar on Rev & Tax Sharing - 1/10
- ❖ CALAFCO Board meeting - 1/21 (Sacto)
- ❖ CALAFCO Leg meeting - 1/28 (virtual)
- ❖ CALAFCO U webinar on Best Hiring Practices - 2/23
- ❖ CALAFCO Leg meeting - 3/11 (virtual)
- ❖ CALAFCO Staff Workshop - 3/23 - 3/25 (Newport Beach)



The **CALAFCO 2022 Calendar of Events** can be found on the CALAFCO website.





Agenda Item 7f (Consent/Information)

TO: Local Agency Formation Commission

PREPARED BY: Brendon Freeman, Executive Officer *BF*

MEETING DATE: February 7, 2022

SUBJECT: Current and Future Proposals

SUMMARY

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

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

Active Proposals

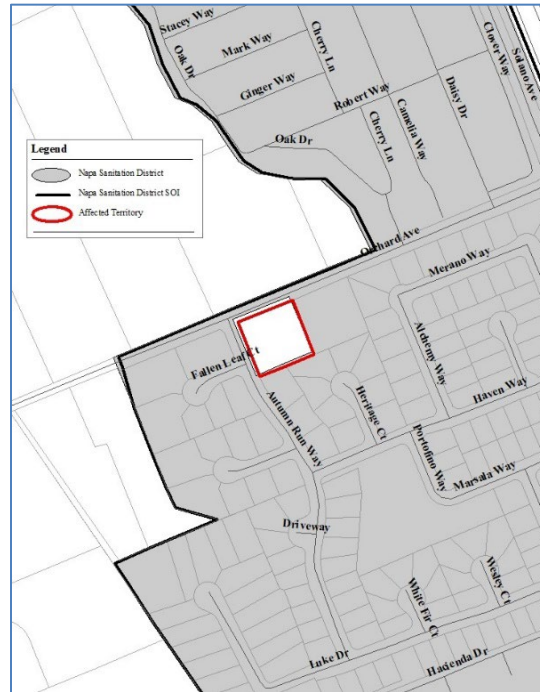
S Terrace Drive Reorganization (Agenda Item 8a)

The landowner of an unincorporated parcel located at 2159 S Terrace Drive submitted a proposal for annexation to the City of Napa along with concurrent detachment from County Service Area (CSA) No. 4. The parcel is approximately 0.12 acres in size, identified as Assessor Parcel Number 046-271-007, and located within an unincorporated island referred to as “Imola/Parrish”. The current land use is limited to one single-family residence. Annexation is needed to allow the residence to connect to the City’s public water system. The parcel is already within the Napa Sanitation District’s (NSD) jurisdictional boundary and connected to NSD’s public sewer infrastructure. This proposal is included on today’s agenda as item 8a.



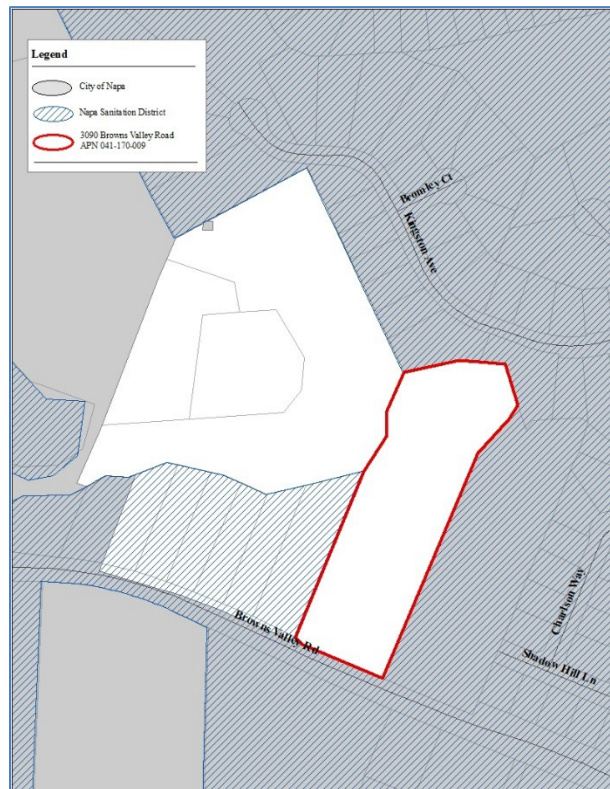
Orchard Avenue No. 5 Annexation to NSD (Agenda Item 8b)

The landowner of 1065 Orchard Avenue has submitted a proposal for annexation to NSD. The parcel is approximately 1.0 acres in size, located in the City of Napa, and identified as Assessor Parcel Number 035-042-022. The purpose of the proposal is to transition the existing single-family residence from a private septic system to public sewer service. Annexation could potentially facilitate the further development of the parcel to include up to six residential lots based on the City’s General Plan land use designations. However, the landowner has indicated no interest in pursuing development in the foreseeable future. This proposal is included on today’s agenda as item 8b.



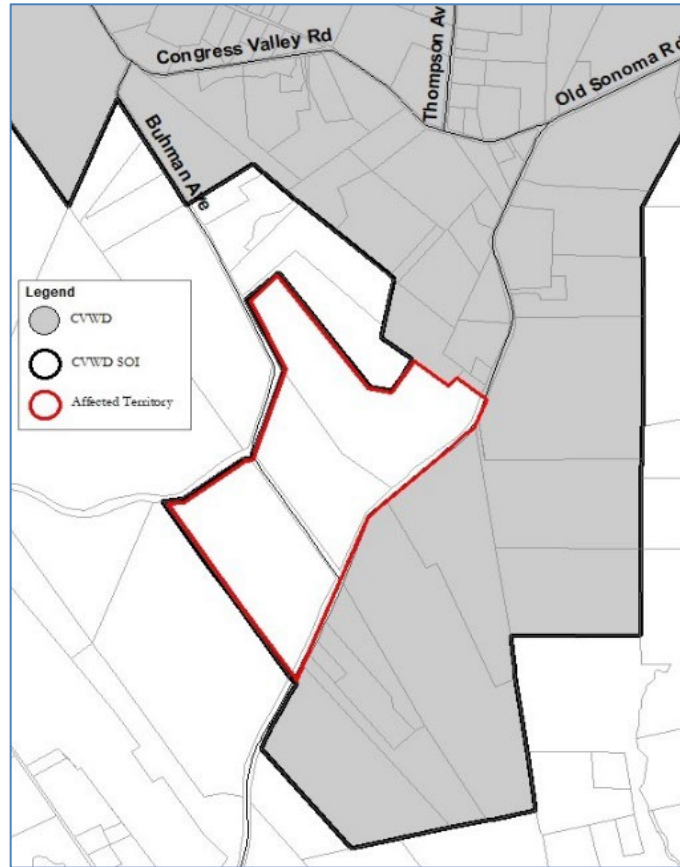
Browns Valley Road Reorganization

The landowner of an unincorporated parcel located at 3090 Browns Valley Road submitted a proposal for annexation to the City of Napa, annexation to NSD, and detachment from CSA No. 4. The parcel is approximately 3.77 acres in size, identified as Assessor Parcel Number 041-170-009, and located within an unincorporated island referred to as “Browns Valley/Kingston”. The current land use is limited to one single-family residence. The underlying purpose of annexation is to facilitate the subdivision of the affected territory to include a total of 12 single-family residences consistent with the City’s rezoning assignments. The proposal is expected to be presented at the Commission’s April 4, 2022 regular meeting for action.



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

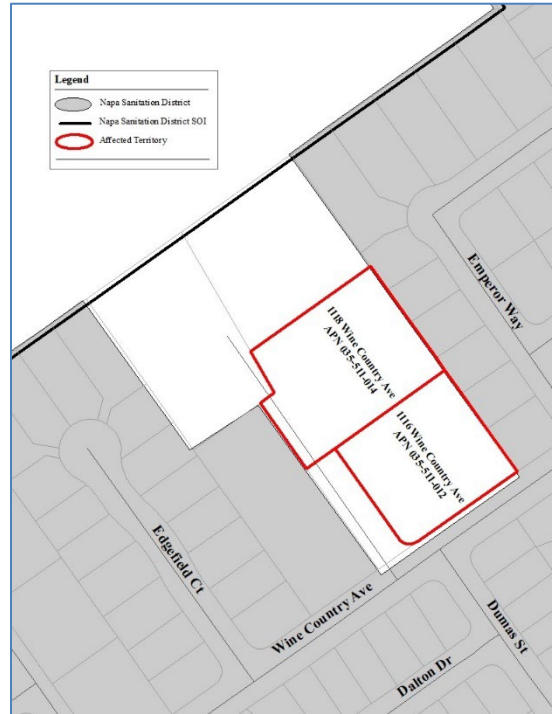
A landowner has submitted a proposal to annex three unincorporated parcels along with the adjacent portion of public right-of-way totaling approximately 141.5 acres in size to CVWD. The parcels are located along the northwestern side of Old Sonoma Road at its intersection with Buhman Avenue and identified 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. CVWD has requested, and the landowners have agreed, to postpone any LAFCO action on the annexation until issues related to CVWD's water supply contract with the City of Napa, which expires in June 2022, are discussed by the affected parties.



Anticipated Proposals

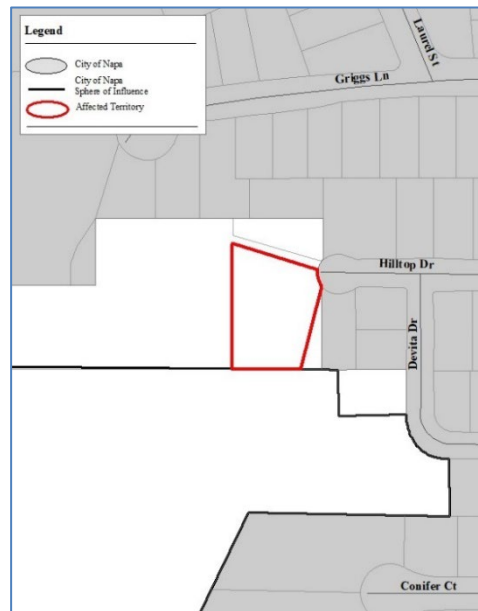
1118 Wine Country Avenue Annexation to NSD

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 requiring the landowner to annex the parcel to NSD. The landowner also owns the adjacent parcel located at 1116 Wine Country Avenue and identified as Assessor Parcel Number 035-511-012, which is also outside NSD's boundary. The two parcels are within the City of Napa and total approximately 2.5 acres in size. Annexation could potentially facilitate the further development of the parcel to include up to 15 residential lots based on the City's General Plan land use designations. However, the landowner has indicated no interest in pursuing development in the foreseeable future. A proposal is expected to be submitted in the near future and will be presented for action as early as the Commission's April 4, 2022 meeting.



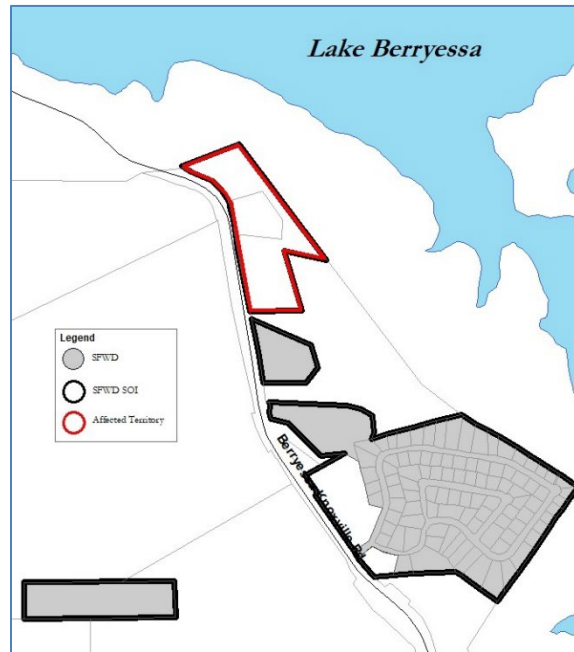
2991 Hilltop Drive Annexation to the City of Napa

The landowner of an unincorporated parcel located at 2991 Hilltop Drive is preparing to submit a proposal to annex the parcel to the City of Napa. The parcel is approximately 0.6 acres in size and identified as Assessor Parcel Number 043-020-008. The current land use is limited to a nine unit apartment complex. Annexation would facilitate the addition of an accessory dwelling unit that would be receive a full range of municipal services. The parcel is already within NSD's jurisdictional boundary and connected to NSD's public sewer infrastructure. Concurrent detachment from CSA No. 4 will be required. Staff will work with the landowner to contact neighboring landowners who may also be interested in annexation. The proposal is expected to be presented for action as early as the Commission's April 4, 2022 meeting.



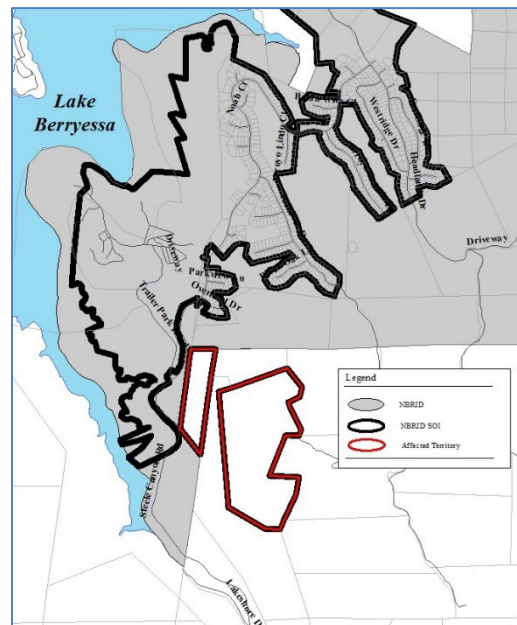
7140 & 7150 Berryessa-Knoxville Road Annexation to the Spanish Flat Water District (SFWD)

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.



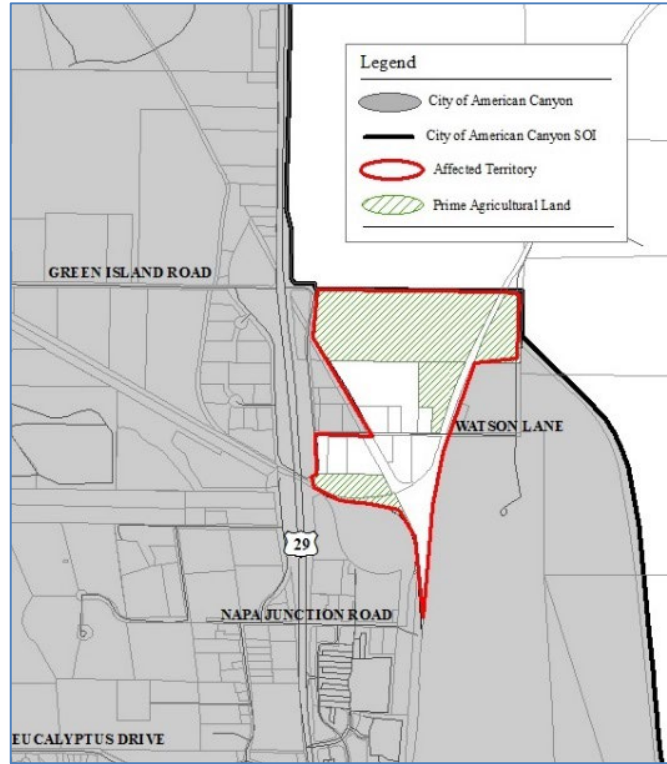
Wastewater Treatment Plant Annexation to the Napa Berryessa Resort Improvement District (NBRID)

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.



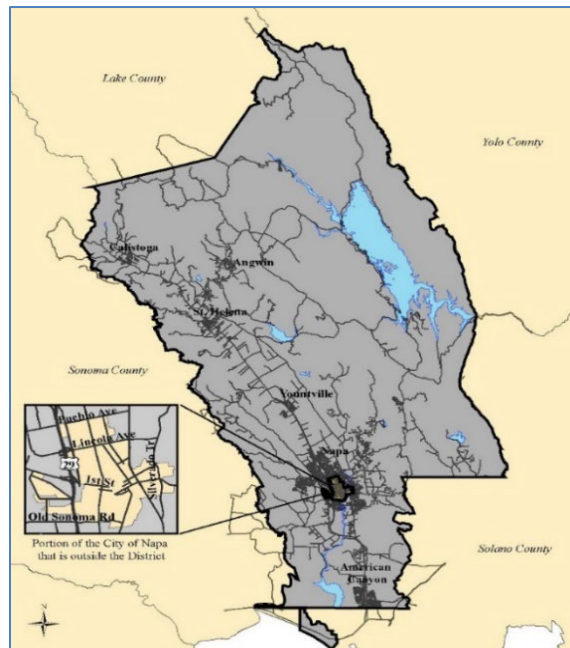
Watson Lane/Paoli Loop Annexation to the City of American Canyon

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.



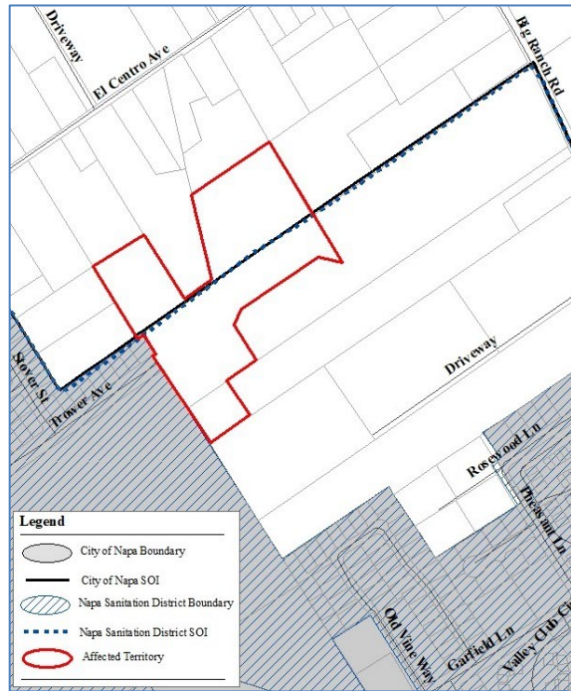
Napa County Resource Conservation District (NCRCD) Annexation

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) has inquired about an SOI amendment and annexation of approximately 12.8 acres of unincorporated territory involving NSD. The territory is contiguous to the City of Napa near the eastern terminus of Trower Avenue and identified as Assessor Parcel Number 038-240-020. The parcel is 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 the planned relocation of NVUSD's educational farm near Vintage High School. 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.



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 8a (Action)

TO: Local Agency Formation Commission
PREPARED BY: Brendon Freeman, Executive Officer BF
Dawn Mittleman Longoria, Analyst II DML
MEETING DATE: February 7, 2022
SUBJECT: Proposed S Terrace Drive Reorganization and Associated CEQA Findings

RECOMMENDATION

Adopt the Resolution of the Local Agency Formation Commission of Napa County Making Determinations – S Terrace Drive Reorganization (Attachment One) making California Environmental Quality Act (CEQA) findings and approving the proposed reorganization for annexation to the City of Napa (“City”) and detachment from County Service Area (CSA) No. 4. Standard conditions are also recommended.

BACKGROUND AND SUMMARY

Applicant: Landowner (petition)
Proposed Actions: Annexation to the City and detachment from CSA No. 4
APN: 046-271-007
Location: 2159 S Terrace Drive
Area Size: 0.11 acres
Jurisdiction: CSA No. 4 (unincorporated Napa County)

Sphere of Influence (SOI) Consistency: Yes – City of Napa
Policy Consistency: Yes
Tax Sharing Agreement: Yes – master tax exchange agreement
Landowner Consent: 100%
Protest Proceedings: Waived
CEQA: City of Napa General Plan
Current Land Uses: Single-family residence

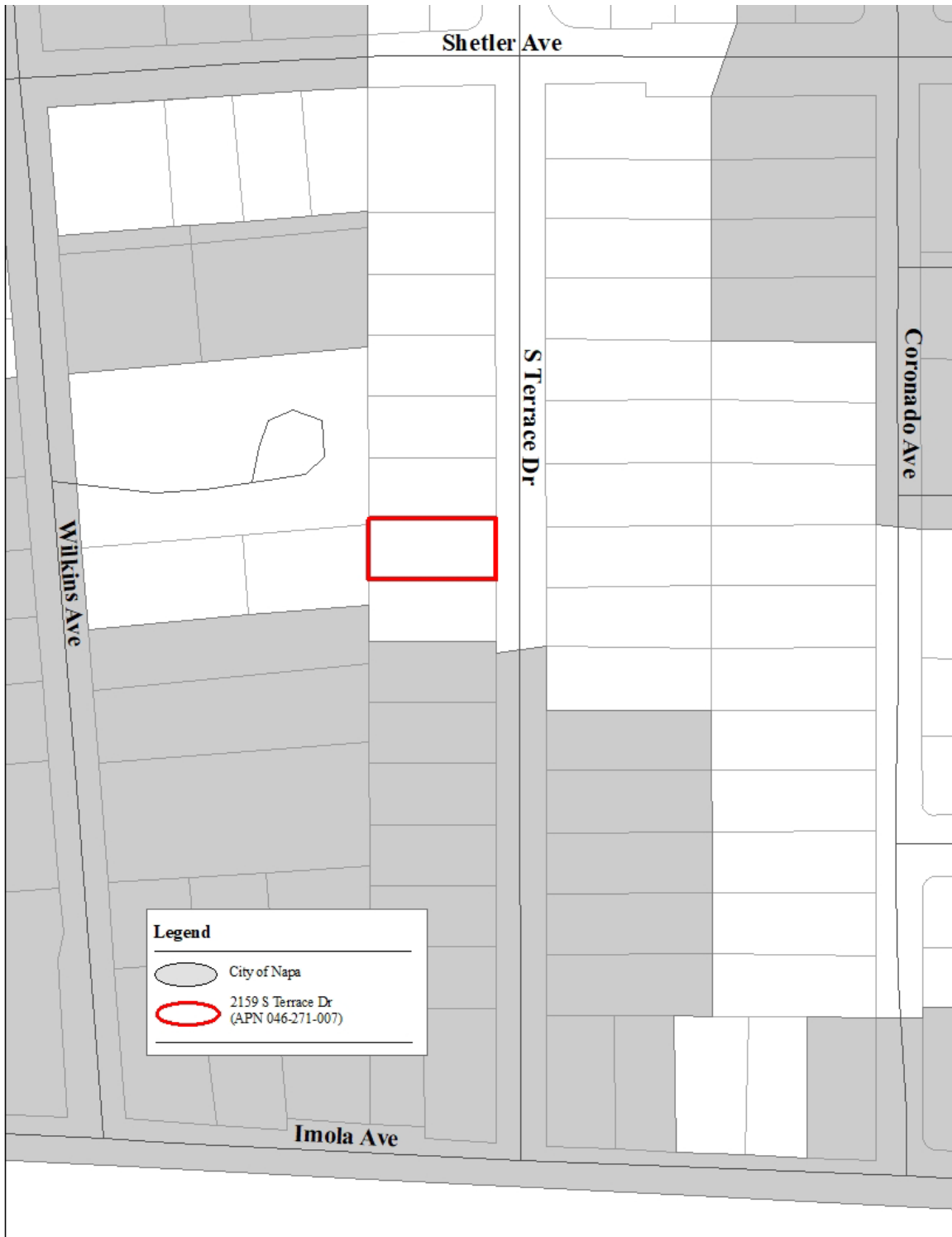
The purpose of the proposal is to receive municipal domestic water service from the City. The parcel contains one existing single-family residence. The application materials are included as Attachment Two.

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

A vicinity map and an aerial map of the affected territory are provided below.





DISCUSSION

The following is a discussion of key considerations that are relevant to the proposal.

Unincorporated Island

The affected territory lies within an unincorporated island referred to as “Imola/Parrish” that is substantially surrounded by the City. The island includes 213 unincorporated parcels totaling approximately 32.0 acres with an estimated 579 residents.¹ The proposed reorganization affects only one of these parcels totaling 0.11 acres. The Commission has discretion to expand the boundary of the affected territory to include additional parcels.

Toward this end, the Commission conducted a survey in 2012 to gauge the level of support for annexation among the landowners and residents within each unincorporated island surrounded by the City. Only 4.6% of landowners and residents within the Imola/Parrish island responded to the survey, with 1.8% in support of annexation to the City and 2.8% opposed to annexation. The low response rate indicates the need for public outreach before the City is prepared to annex the entire island.

Notably, the City will study the Imola/Parrish island and consider initiating outreach efforts to begin the annexation process for the entire island in the future. With this in mind, staff recommends the Commission approve the proposal without modifying the boundary of the affected territory to include additional parcels.

Policy on Concurrent Detachment from CSA No. 4

The affected territory is located in CSA No. 4’s jurisdictional boundary. The intent and function of CSA No. 4 is to sponsor a voter-approved special assessment on all assessor parcels in its jurisdiction that contain one acre or more of vineyards for purposes of funding farmworker housing services.

Section VI, Subsection C(3) of the *General Policy Determinations* (Attachment Three) requires all annexations to a city also include concurrent detachment from CSA No. 4 unless the affected territory contains, or is expected to contain, vineyards totaling one acre or more. There are no vineyards currently, nor expected to be, planted within the affected territory. Further, the affected territory is only 0.11 acres in size. Detaching the affected territory from CSA No. 4 is appropriate given the discontinuity between these lands’ current and expected future use as residential development, paired with the role of the CSA No. 4 in providing public farmworker housing services.

¹ This population estimate is based on multiplying the total number of parcels in the island (213) by the persons per household estimate (2.72) provided by the California Department of Finance.

Factors for Commission Determinations

See Attachment Four for an evaluation of the mandated factors for Commission determinations.

Property Tax Agreement

Revenue and Taxation Code Section 99(b)(6) requires adoption of a property tax exchange agreement by affected local agencies before the Commission can consider a proposed boundary change.² With this in mind, staff provided notice to the City and the County of the proposed jurisdictional change affecting both agencies and the need to apply a property tax exchange to the proceedings. Staff has advised the City and the County of its intent to apply a master property tax exchange agreement adopted by both governing boards in 1980 unless otherwise informed during the 30 day noticing period; an agreement specifying Napa shall receive 55% of the County's existing portion of property tax revenues generated from the affected territory. Neither agency has responded with any concerns to the approach outlined by staff.

Protest Proceedings

Protest proceedings shall be waived in accordance with G.C. Section 56662(a) given that the affected territory is legally uninhabited (i.e., less than 12 registered voters), all landowners have provided their written consent, and no written opposition to a waiver of protest proceedings has been received by any agency.

ENVIRONMENTAL REVIEW

The Commission serves as Responsible Agency for the annexation pursuant to CEQA Guidelines Section 15051(b)(2). The City, as Lead Agency, has certified an Environmental Impact Report (EIR) for the City of Napa General Plan (City of Napa General Plan, Final Environmental Impact Report, December 1, 1998), which identifies and addresses all potential environmental impacts associated with annexation of the affected territory. Staff concurs with the findings of the City of Napa's EIR and recommends the Commission adopt the City of Napa's Findings adopted as Resolution No. 98-238 and Resolution No. 98-239. If the proposal is approved, the Commission will submit a Notice of Determination stating that it has appropriately considered the EIR prepared by the City as required by CEQA Guidelines Section 15096(i). Complete copies of the EIR and the City of Napa's resolutions including its determinations and findings are available at the Commission office at 1754 Second Street, Suite C, Napa, California 94559 and can be viewed by clicking the links on the following page.

² CSA No. 4 was formed after Proposition 13 and therefore not eligible for property tax revenues.

City of Napa General Plan Final EIR (Part One):

http://www.napa.lafco.ca.gov/uploads/documents/NapaGeneralPlan_FEIR_Part1.pdf

City of Napa General Plan Final EIR (Part Two):

http://www.napa.lafco.ca.gov/uploads/documents/NapaGeneralPlan_FEIR_Part2.pdf

City of Napa General Plan Final EIR (Part Three):

http://www.napa.lafco.ca.gov/uploads/documents/NapaGeneralPlan_FEIR_Part3.pdf

City of Napa Resolution No. 98-238 Certifying the City General Plan Final EIR:

http://www.napa.lafco.ca.gov/uploads/documents/NapaGeneralPlan_Resolution98-238.pdf

City of Napa Resolution No. 98-239 Adopting the City General Plan:

http://www.napa.lafco.ca.gov/uploads/documents/NapaGeneralPlan_Resolution98-239.pdf

ATTACHMENTS

- 1) Draft Resolution Approving the Proposal and Making CEQA Findings
- 2) Application Materials
- 3) General Policy Determinations
- 4) Factors for Commission Determinations

RESOLUTION NO. ____

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

S TERRACE DRIVE REORGANIZATION

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

WHEREAS, the proposal seeks Commission approval to annex 0.11 acres of unincorporated land to the City of Napa along with concurrent detachment from County Service Area No. 4 and represents one entire parcel located at 2159 S Terrace Drive and identified by the County Assessor’s Office as 046-271-007; and

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

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

WHEREAS, the Commission heard and fully considered all the evidence presented at a public meeting held on the proposal on February 7, 2022; and

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

WHEREAS, the Commission found the proposal consistent with the sphere of influence established for the City of Napa; and

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

WHEREAS, in accordance with applicable provisions of the California Environmental Quality Act (hereinafter “CEQA”), the Commission serves as Responsible Agency for the annexation and has determined the annexation is a “project” subject to CEQA.

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

1. The Commission's determinations on the proposal incorporate the information and analysis provided in the Executive Officer's written report.
2. The Commission serves as Responsible Agency for the annexation pursuant to CEQA Guidelines Section 15051(b)(2). The City of Napa, as Lead Agency, has certified an Environmental Impact Report (EIR) for the City of Napa General Plan (City of Napa General Plan, Final Environmental Impact Report, December 1, 1998), which identifies and addresses all potential environmental impacts associated with the proposed reorganization. The Commission hereby adopts the City of Napa's Findings adopted as Resolution No. 98-238 and Resolution No. 98-239. Complete copies of the EIR and the City of Napa's resolutions including its determinations and findings are located at the Commission office at 1754 Second Street, Suite C, Napa, California 94559.
3. The proposal is APPROVED, which includes annexation of the affected territory to the City of Napa and detachment from County Service Area No. 4, subject to completion of item number 10 below.
4. The proposal is assigned the following distinctive short-term designation:

S TERRACE DRIVE REORGANIZATION

5. The affected territory is depicted in the attached vicinity map and more precisely described in Exhibit "A".
6. The affected territory is uninhabited as defined in Government Code Section 56046.
7. The City of Napa utilizes the regular assessment roll of the County of Napa.
8. Upon effective date of the proposal, the affected territory will be subject to all previously authorized charges, fees, assessments, and taxes that were lawfully enacted by the City of Napa. The affected territory will also be subject to all of the rates, rules, regulations, and ordinances of the City of Napa.
9. The Commission authorizes conducting authority proceedings to be waived in accordance with Government Code Section 56662(a).
10. Recordation of a Certificate of Completion is contingent upon the receipt of a final map and geographic description of the affected territory conforming to the requirements of the State Board of Equalization.
11. The effective date shall be the date of recordation of the Certificate of Completion. The Certificate of Completion must be filed within one calendar year from the date of approval unless a time extension is approved by the Commission.

- 12. The Commission hereby directs staff to file a Notice of Determination in compliance with CEQA.

The foregoing resolution was duly and regularly adopted by the Commission at a public meeting held on February 7, 2022, 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

DRAFT

EXHIBIT "A"
S TERRACE DRIVE REORGANIZATION
ANNEXATION TO THE CITY OF NAPA
DETACHMENT FROM COUNTY SERVICE AREA NO. 4
GEOGRAPHIC DESCRIPTION

All that real property being a portion of Tulocay Rancho, situate in the City of Napa, County of Napa, State of California described as follows:

COMMENCING at the Northwest corner of an existing Imola Avenue / South Terrace Drive Annexation to the City of Napa, per Resolution No. 93-097 filed in Document No. 1993-0017436 in the Office of the Napa County Recorder, more particularly described as follows:

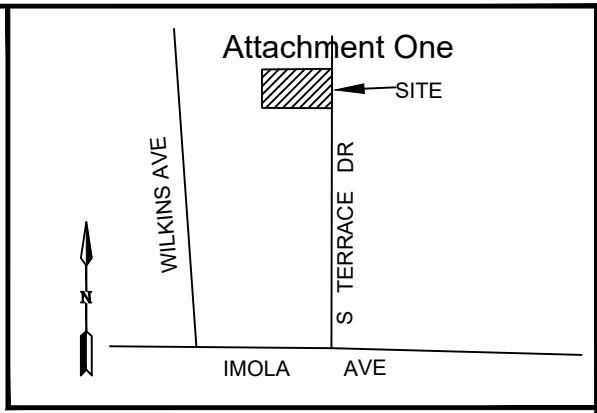
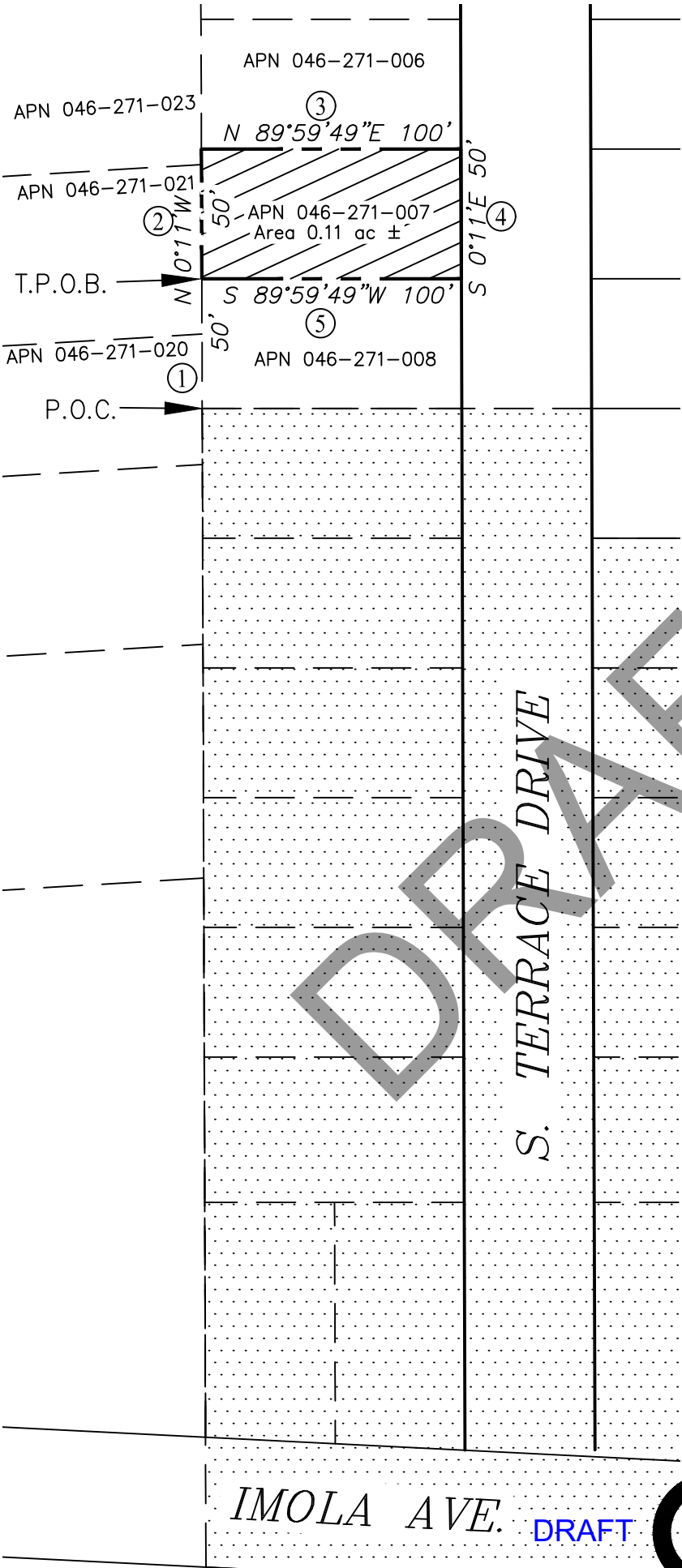
Course 1: thence; North 0° 11' West, 50 feet; to the TRUE POINT OF BEGINNING;
Course 2: thence; Continuing North 0° 11' West, 50.00 feet;
Course 3: thence; North 89° 59' 49" East, 100.00 feet to a point on the Western line of South Terrace Drive;
Course 4: thence; South 0° 11' East, 50.00 feet along said Western line of South Terrace Drive;
Course 5: thence departing from said Western line of South Terrace Drive; south 89° 59' 49" West, 100.00 feet to the POINT OF BEGINNING,

Containing 0.11 acres more or less.

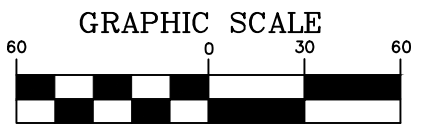
For assessment purposes only. This description of land is not a legal property description as defined the Professional land Surveyor's Act and may not be used as the basis for an offer for sale of the land described therein.

DRAFT

\\2021\21-11-034 Clay Street LLC - Terrace Dr\DWG\01EX2111034.dwg 12-09-21 05:06:16 PM





VICINITY MAP
NO SCALE



(IN FEET)
1 inch = 60 ft.

LEGEND

-  EXISTING NAPA CITY BOUNDARY
-  PROPOSED AREA TO BE ANNEXED

- T.P.O.B. TRUE POINT OF BEGINNING
- P.O.C. POINT OF COMMENCEMENT
- ① COURSE NUMBERS

DISCLAIMER:

THIS EXHIBIT IS FOR ASSESSMENT PURPOSES ONLY AND MAY NOT BE USED AS THE BASIS FOR A SALE OF THE LAND SHOWN HERON.

THE EFFECTED TERRITORY IS SHOWN ON THE MAP AND DESCRIBED IN THE GEOGRAPHIC DESCRIPTION IN THE ATTACHED EXHIBIT "A"

EXHIBIT "B"

S TERRACE DRIVE REORGANIZATION
ANNEXATION TO THE CITY OF NAPA
BEING A PORTION OF TULOCAY RANCHO

APPLICANT
CLAY STREET, LLC
2159 S. TERRACE DRIVE
NAPA, CA 94559

IMOLA AVE. DRAFT



CHAUDHARY & ASSOCIATES, INC.
ENGINEERS SURVEYORS INSPECTORS

211 GATEWAY ROAD WEST, SUITE 204
NAPA, CALIFORNIA 94558
Tel: (707) 255-2729 FAX: (707) 255-5021 WWW.CHAUDHARY.COM
Page 5 of 5
December 2, 2021

For Staff Use	Attachment Two
Date Filed:	12/2/21
Proposal Name:	S Terrace Reorg

FORM B

PETITION FOR PROPOSAL

For Filing with the Local Agency Formation Commission of Napa County

A proposal for a change of organization made by a landowner or registered voter shall be initiated by petition. The petition shall state the nature of the proposal and all associated proposed changes of organization. It shall also state the reason for the proposal and enumerate and include supporting information as required under Government Code Section 56700. The petition must be submitted to the Executive Officer for filing within 60 days after the last signature is affixed. Applicants are encouraged to use this form.

Nature of Proposal and All Associated Changes of Organization:

Annex to City of Napa and Detachment from County Service Area No.4

Description of Boundaries of Affected Territory Accompanied by Map:

Yes - see attached draft map and geographic description

Reason for Proposal and Any Proposed Conditions:

Connect to City of Napa Domestic Water

Type of Petition:

Landowner

Registered Voter

Sphere of Influence Consistency:

Yes

No

If Landowner Petition, Complete the Following:

- 1) Name: Clay Street, LLC
Mailing Address: 2159 S Terrace Drive, Napa, CA 94559
Assessor Parcel: 046-271-007
Signature: _____ Date: _____

- 2) Name: _____
Mailing Address: _____
Assessor Parcel: _____
Signature: _____ Date: _____

- 3) Name: _____
Mailing Address: _____
Assessor Parcel: _____
Signature: _____ Date: _____

If Registered Voter Petition, Complete the Following:

- 1) Name: N/A
Mailing Address: _____
Resident Address: _____
Signature: _____ Date: _____

- 2) Name: _____
Mailing Address: _____
Resident Address: _____
Signature: _____ Date: _____

- 3) Name: _____
Mailing Address: _____
Resident Address: _____
Signature: _____ Date: _____

FORM D

For Staff Use Attachment Two
Date Filed: 12/2/21
Proposal Name: S Terrace Reorg

PROPOSAL APPLICATION
Change of Organization/Reorganization

I. APPLICANT INFORMATION

A. Name: Clay Street, LLC
Contact Person Agency/Business (If Applicable)
Address: 2159 S Terrace Street, Napa, CA, 94559
Street Number Street Name City Zip Code
Contact: 415-730-6918 acedrillingsf@gmail.com
Phone Number Facsimile Number E-Mail Address

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

II. PROPOSAL DESCRIPTION

A. Affected Agencies:
City of Napa 1600 First Street, Napa, CA 94559
Name Address
County Service Area No. 4 1195 Third St, Napa, CA 94559
Name Address

Use Additional Sheets as Needed

B. Proposal Type: (Check as Needed)
 Annexation Detachment City Incorporation District Formation
 City/District Dissolution City/District Merger Service Activation (District Only) Service Divestiture (District Only)

C. Purpose Statement: (Specific)
Connect to City of Napa domestic water

III. GENERAL INFORMATION

A. Location:	2159 S Terrace Dr	046-271-007	0.11
	Street Address	Assessor Parcel Number	Acres
	Street Address	Assessor Parcel Number	Acres
	Street Address	Assessor Parcel Number	Acres
	Street Address	Assessor Parcel Number	Acres
	Total Location Size (Including Right-of-Ways)		0.11

B. Landowners:

- (1) Assessor Parcel Number : 046-271-007 Name: Clay Street, LLC
 Mailing Address: 2159 S Terrace Dr
 Phone Number: 415-730-6918 E-mail: acedrillingsf@gmail.com
- (2) Assessor Parcel Number : _____ Name: _____
 Mailing Address: _____
 Phone Number: _____ E-mail: _____
- (3) Assessor Parcel Number : _____ Name: _____
 Mailing Address: _____
 Phone Number: _____ E-mail: _____
- (4) Assessor Parcel Number : _____ Name: _____
 Mailing Address: _____
 Phone Number: _____ E-mail: _____

Use Additional Sheets As Needed

C. Population:

- (1) Total Number of Residents: 2
- (2) Total Number of Registered Voters: 2

D. Land Use Factors:

(1a) County General Plan Designation:

Rural Residential

(1b) County Zoning Standard:

Residential Single: Urban Reserve

(2a) Applicable City General Plan Designation:

Single Family Residential

(2b) Applicable City Pre-zoning Standard:
(Required for City Annexations)

Residential Infill (min 5,000 sq. ft. lot size)

E. Existing Land Uses:
(Specific)

Residential

F. Development Plans:

(1a) Territory Subject to a Development Project?

Yes

No

(1b) If Yes, Describe Project:

(1c) If No, When Is Development Anticipated?

Existing residence

G. Physical Characteristics:

(1) Describe Topography:

Existing residence, front and back yard
landscaped

(2) Describe Any Natural Boundaries:

None

(3) Describe Soil Composition and Any Drainage Basins:

Clay

City of Napa public drainage system

(4) Describe Vegetation:

Residential landscape

H. Williamson Act Contracts
(Check One)

Yes

No

IV. GOVERNMENTAL SERVICES AND CONTROLS

A. Plan For Providing Services:

(1) Enumerate and Describe Services to Be Provided to the Affected Territory:

Domestic water service

(2) Level and Range of Services to Be Provided to the Affected Territory:

Connect to existing water line

(3) Indication of When Services Can Feasibly Be Extended to the Affected Territory:

Immediately

(4) Indication of Any Infrastructure Improvements Necessary to Extend Services to the Affected Territory:

No

(5) Information On How Services to the Affected Territory Will Be Financed:

Personal funds

V. ENVIRONMENTAL INFORMATION

A. Environmental Analysis (City annexations require pre-zoning.)

(1) Lead Agency for Proposal: City of Napa
Name

(2) Type of Environmental Document Previously Prepared for Proposal:

- Environmental Impact Report
- Negative Declaration/Mitigated Negative Declaration
- Categorical/Statutory Exemption: _____
Type
- None

Provide Copies of Associated Environmental Documents

VI. ADDITIONAL INFORMATION

A. Approval Terms and Conditions Requested For Commission Consideration:

Use Additional Sheets As Needed

B. Identify Up to Three Agencies or Persons to Receive Proposal Correspondence:
(Does not include affected landowners or residents)

(1) Recipient Name: City of Napa

Mailing Address: 1600 First Street, Napa, CA 94559

E-Mail: _____

(2) Recipient Name: _____

Mailing Address: _____

E-Mail: _____

(3) Recipient Name: _____

Mailing Address: _____

E-Mail: _____

VII. CERTIFICATION

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

Signature: Seosamh O'Brian
Printed Name: Seosamh O'Brian
Title: Property Owner
Date: 12/2/21

EXHIBIT "A"
SOUTH TERRACE DRIVE REORGANIZATION
ANNEXATION TO THE CITY OF NAPA
DETACHMENT FROM COUNTY SERVICE AREA NO. 4
GEOGRAPHIC DESCRIPTION

All that real property being a portion of Tulocay Rancho, situate in the City of Napa, County of Napa, State of California described as follows:

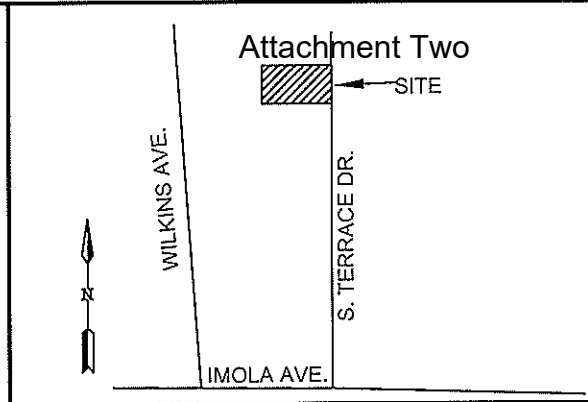
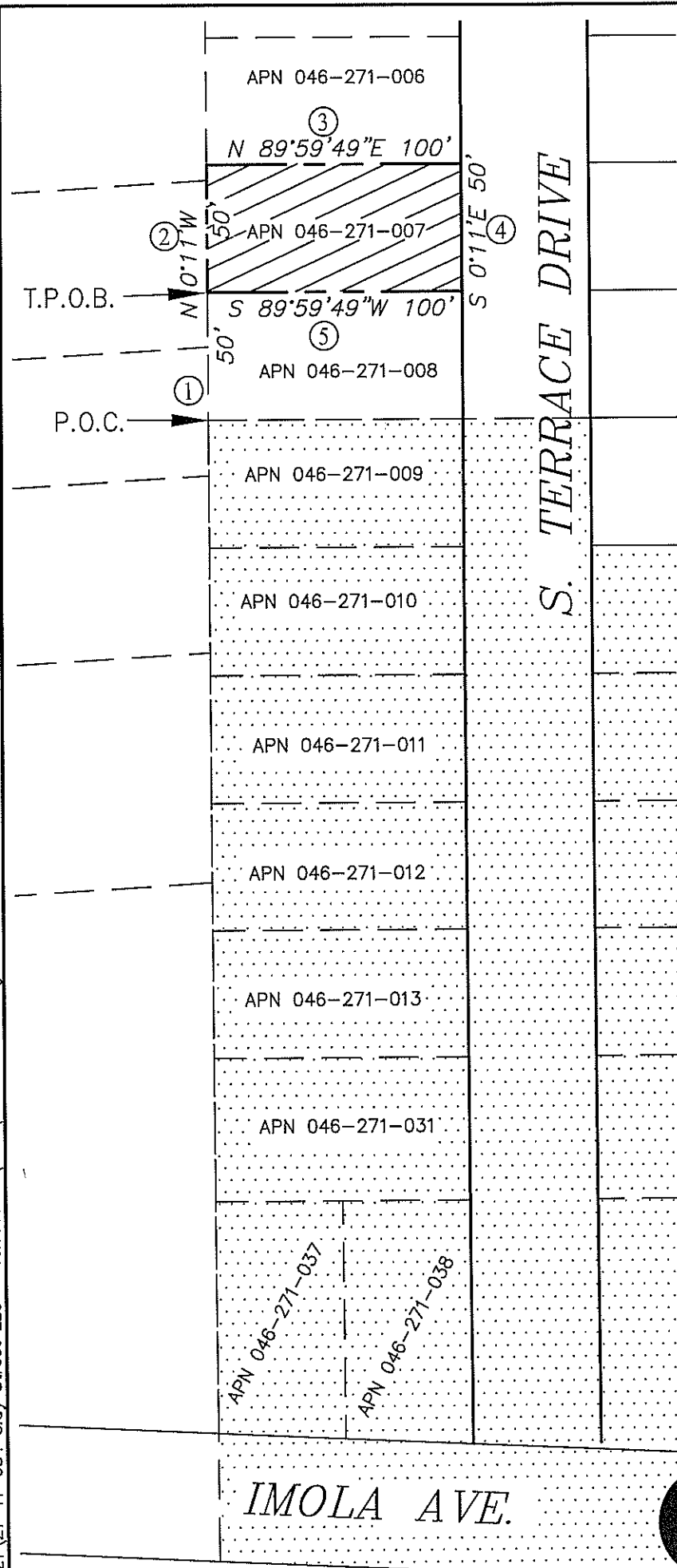
COMMENCING at the Southeast corner of an existing Imola Avenue / South Terrace Drive Annexation to the City of Napa, per Resolution No. 93-097 filed in Document No. 1993-017436 in the Office of the Napa County Recorder, more particularly described as follows:

Course 1: thence; North 0° 11' West, 50 feet; to the TRUE POINT OF BEGINNING;
Course 2: thence; Continuing North 0° 11' West, 50.00 feet;
Course 3: thence; North 89° 59' 49" East, 100.00 feet;
Course 4: thence; South 0° 11' East, 50.00 feet;
Course 5: thence; south 89° 59' 49" West, 100.00 feet to the POINT OF BEGINNING,

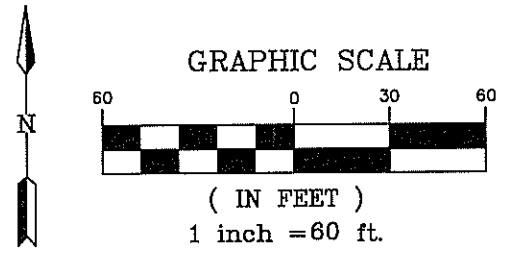
Containing 0.11 acres more or less.

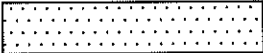
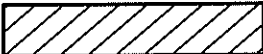
For assessment purposes only. This description of land is not a legal property description as defined the Professional land Surveyor's Act and may not be used as the basis for an offer for sale of the land described therein.

Q:\2021\21-11-034 Clay Street LLC - Terrace Dr\DWG\01EX2111034.dwg 12-01-21 05:20:52 PM



VICINITY MAP
NO SCALE



- LEGEND**
-  EXISTING NAPA CITY BOUNDARY
 -  PROPOSED AREA TO BE ANNEXED

- T.P.O.B. TRUE POINT OF BEGINNING
- P.O.C. POINT OF COMMENCEMENT
- ① COURSE NUMBERS

DISCLAIMER:
THIS EXHIBIT IS FOR ASSESSMENT PURPOSES ONLY AND MAY NOT BE USED AS THE BASIS FOR A SALE OF THE LAND SHOWN HERON.

THE EFFECTED TERRITORY IS SHOWN ON THE MAP AND DESCRIBED IN THE GEOGRAPHIC DESCRIPTION IN THE ATTACHED EXHIBIT "A"

EXHIBIT "B"
S. TERRACE DRIVE REORGANIZATION
ANNEXATION TO THE CITY OF NAPA
BEING A PORTION OF TULOCAY RANCHO

APPLICANT
CLAY STREET, LLC
2159 S. TERRACE DRIVE
NAPA, CA 94559



CHAUDHARY & ASSOCIATES, INC.
ENGINEERS SURVEYORS INSPECTORS

211 GATEWAY ROAD WEST, SUITE 204
NAPA, CALIFORNIA 94558
Tel: (707) 255-2729 FAX: (707) 255-5021 WWW.CHAUDHARY.COM
December 2, 2021



LOCAL AGENCY FORMATION COMMISSION OF NAPA COUNTY

General Policy Determinations

(Adopted: August 9, 1972; Last Amended: June 7, 2021)

I. Background

The Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000 specifies the Commission's principal objectives are discouraging urban sprawl, preserving open-space and agricultural resources, and encouraging the orderly formation and development of cities and special districts and their municipal services based on local conditions. Regulatory duties include approving or disapproving proposals involving the formation, reorganization, expansion, and dissolution of cities and special districts. The Commission's regulatory actions must be consistent with its adopted written policies and procedures. The Commission must also inform its regulatory duties through a series of planning activities, which includes establishing and updating spheres of influence.

II. General Policies

The intent of these policies is to serve as the Commission's constitution with regards to outlining clear goals, objectives, and requirements in uniformly fulfilling its prescribed duties. The Commission reserves discretion in administering these policies, however, to address special conditions and circumstances as needed.

A) Legislative Declarations

The Commission acknowledges and incorporates into its own policies, the policies of the Legislature regarding the promotion of orderly, well-planned development patterns that avoid the premature conversion of agricultural and open-space lands and ensure effective, efficient, and economic provision of essential public services. The Commission wishes to specifically note the following declarations and policies contained in the Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000:

- (1) The Legislature recognizes that the logical formation and determination of local agency boundaries is an important factor in promoting orderly development and in balancing that development with sometimes competing state interests of discouraging urban sprawl, preserving open-space and prime agricultural lands, and efficiently extending government services. (G.C. §56000)
- (2) It is the intent of the Legislature that each commission, not later than January 1, 2002, shall establish written policies and procedures and exercise its powers pursuant to this part in a manner consistent with those policies and procedures, and that encourages and provides planned, well-ordered, efficient urban development patterns with appropriate consideration of preserving open-space lands within those patterns. (G.C. §56300)

- (3) In reviewing and approving or disapproving proposals which could reasonably be expected to induce, facilitate, or lead to the conversion of existing open-space lands to uses other than open-space uses, the commission shall consider all of the following policies and priorities:
 - a) Development or use of land for other than open-space uses shall be guided away from existing prime agricultural lands in open-space use toward areas containing nonprime agricultural lands, unless that action would not promote the planned, orderly, efficient development of an area.
 - b) Development of existing vacant or nonprime agricultural lands for urban uses within the existing jurisdiction of a local agency or within the sphere of influence of a local agency should be encouraged before any proposal is approved which would allow for or lead to the development of existing open-space lands for non-open-space uses which are outside of the existing jurisdiction of the local agency or outside of the existing sphere of influence of the local agency. (G.C. §56377)

B) Commission Declarations

The Commission declares its intent not to permit the premature conversion of designated agricultural or open-space lands to urban uses. The Commission shall adhere to the following policies in the pursuit of this intent, and all proposals, projects, and studies shall be reviewed with these policies as guidelines.

- (1) Use of County General Plan Designations:
In evaluating a proposal, the Commission will use the Napa County General Plan to determine designated agricultural and open-space lands. The Commission recognizes that inconsistencies may occur between the County General Plan and the affected city general plan with respect to agricultural and open-space designations. Notwithstanding these potential inconsistencies, the Commission will rely on the Napa County General Plan in recognition of the public support expressed in both the incorporated and unincorporated areas of Napa County for the County's designated agricultural and open-space lands through enactment of Measure "J" in 1990 and Measure "P" in 2008.
- (2) Location of Urban Development:
The Commission shall guide urban development away from designated agricultural or open-space lands until such times as urban development becomes an overriding consideration as determined by the Commission.

- (3) Timing of Urban Development:
The Commission discourages proposals involving the annexation of undeveloped or underdeveloped lands to cities and special districts that provide potable water, sewer, fire protection and emergency response, or police protection services. This policy does not apply to proposals in which the affected lands are subject to a specific development plan or agreement under consideration by a land use authority. This policy does not apply to city annexation proposals in which the affected lands are part of an unincorporated island.
- (4) Factors for Evaluating Proposals Involving Agricultural or Open-Space Lands:
The Commission recognizes there are distinct and varying attributes associated with agricultural and open-space designated lands. A proposal which includes agricultural or open-space designated land shall be evaluated in light of the existence of the following factors:
- a) "Prime agricultural land", as defined by G.C. §56064.
 - b) "Open-space", as defined by G.C. §56059.
 - c) Land that is under contract to remain in agricultural or open-space use, such as a Williamson Act Contract or Open-Space Easement.
 - d) Land which has a County General Plan agricultural or open-space designation (Agricultural Resource or Agriculture, Watershed and Open-Space).
 - e) The adopted general plan policies of the County and the affected city.
 - f) The agricultural economic integrity of land proposed for conversion to urban use as well as adjoining land in agricultural use.
 - g) The potential for the premature conversion of adjacent agricultural or open-space designated land to urban use.
 - h) The potential of vacant non-prime agricultural land to be developed with a use that would then allow the land to meet the definition of prime agricultural land under the Williamson Act.
- (5) Encouragement of Reorganizations:
The Commission encourages reorganization proposals as a means of coordinating actions of local governmental agencies involving, but not limited to, annexation of land to two or more public agencies. The Commission recognizes the usefulness of the reorganization concept as a vehicle designed to simplify and expedite such actions.

III. Policies Concerning the County Of Napa

A) Location of Urban Development

- (1) Development of an urban character and nature should be located within areas designated as urban areas by the County General Plan in close proximity to a city or special district which can provide essential public services.
- (2) Urban development should be discouraged if it is apparent that essential services necessary for the proposed development cannot readily be provided by a city or special district.
- (3) The Commission shall review and comment, as appropriate, on the extension of services or the creation of new service providers to furnish services into previously unserved territory within unincorporated areas.

B) Use of County Service Areas and Community Services Districts

- (1) In those unincorporated urban areas where essential urban services are being provided by the County, the Board of Supervisors should consider the establishment of county service areas or community services districts so that area residents and landowners pay their fair and equitable share for the services received.

IV. Policies Concerning Cities

A) Incorporations

- (1) The Commission discourages proposals to incorporate communities unless substantial evidence suggests the County and any affected special district are not effectively meeting the needs of the community.
- (2) The Commission discourages proposals to incorporate communities involving land that is not already receiving essential public services from a special district.
- (3) Any community proposed for incorporation in Napa County shall have at least 500 registered voters residing with the affected area at the time proceedings are initiated with the Commission as required under G.C. §56043.

V. Policies Concerning Special Districts

A) In Lieu of New District Creation

- (1) Where a limited-purpose special district exists and additional services are required for an unincorporated area designated as urban by the County General Plan, the Commission encourages reorganizations to provide the extended services of the existing limited services special district.

B) Preference for Districts Capable of Providing All Essential Services

- (1) All new special districts proposed for formation in the unincorporated urban areas as designated under the County General Plan should be capable of providing essential urban type services which include, but are not limited to, water, sanitation, fire protection, and police protection.

C) Establishing New Services or Divestiture of Existing Service Powers

- (1) Commission approval is required for a special district to establish new services or divest existing service powers within all or parts of its jurisdictional boundary. Requests by a special district shall be made by adoption of a resolution of application and include all the information required and referenced under G.C. §56824.12.
- (2) The Commission incorporates the following definitions in administering these policies:
 - a) “New” shall mean activating a latent service not previously authorized.
 - b) “Divestiture” shall mean deactivating a service power previously authorized.
- (3) The Commission shall consider the effect of the proposal in supporting planned and orderly growth within the affected territory.

VI. Policies Concerning Annexations

A) General Policies Concerning Annexations to a City

- (1) Inclusion in Sphere of Influence:
The affected territory shall be included within the affected city sphere of influence prior to issuance of the Executive Officer's certificate of filing for the subject annexation proposal. The Executive Officer may amend both a sphere of influence amendment and annexation application for Commission consideration and action at the same meeting.

B) Policies Concerning Annexation of Municipally-Owned Land

- (1) Restricted Use Lands Owned by Public Agencies:
The Commission shall disapprove annexation of publicly-owned land designated agricultural or open-space or subject to a Williamson Act contract unless the land will be used for a municipal purpose and no suitable alternative site reasonably exists within the affected city's sphere of influence.
- (2) Facilities Exempt from Policy:
Municipal purpose shall mean a public service facility which is urban in nature such as water and sewage treatment facilities and public buildings, but shall not include land which is vacant or used for wastewater reclamation irrigation, a reservoir, or agricultural, watershed or open-space.

C) Concurrent Annexation Policies

It is the intent of the Commission to promote concurrent annexations to cities and special districts whenever appropriate. The Commission may waive its concurrent annexation policies based on unique conditions or circumstances surrounding the annexation proposal which make application of the policy impractical and will not result in the annexation of lands designated agricultural or open-space by the applicable city or County General Plan.

- (1) City of Napa and Napa Sanitation District
 - a) Annexations to the District:

All annexation proposals to the Napa Sanitation District located outside of the City of Napa shall first be required to annex to the City if the affected territory is located within the City's sphere of influence as adopted by the Commission, is located within the City Residential Urban Limit Line (RUL) as adopted by the City, and annexation is legally possible.
 - b) Annexations to the City:

All 100% consent annexation proposals to the City of Napa located outside of the Napa Sanitation District shall be required to annex to the Napa Sanitation District if the affected territory is located within the District's sphere of influence and if sanitation service is available.
- (2) City of American Canyon and American Canyon Fire Protection District
 - a) Annexations to the District:

All annexation proposals to the American Canyon Fire Protection District located outside of the City of American Canyon shall be required to annex to the City if the affected territory is located within the City's sphere of influence as adopted by the Commission and if annexation is legally possible.
 - b) Annexations to the City:

All annexation proposals to the City of American Canyon located outside of the American Canyon Fire Protection District shall be required to annex to the District if the affected territory is located within the District's sphere of influence.
- (3) County Service Area No. 4
 - a) Annexations to Cities:

All annexation proposals to a city shall be required to concurrently detach from County Service Area No. 4 unless the affected territory has been, or is expected to be, developed to include planted vineyards totaling one acre or more in size.



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

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 Napa, California 94559
 Phone: (707) 259-8645
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We Manage Local Government Boundaries, Evaluate Municipal Services, and Protect Agriculture

**S Terrace Drive Reorganization:
 Annexation to the City of Napa and Detachment from County Service Area No. 4
 Factors for Commission Determinations**

California Government Code (G.C.) Section 56668 requires the Commission to consider the following specific factors for a change of organization or reorganization involving annexation to a city. No single factor is determinative and the intent is to provide a uniform baseline for LAFCOs with respect to considering boundary changes in context with locally adopted policies and practices.

(1) Population and population density; land area and land use; assessed valuation; topography, natural boundaries, and drainage basins; proximity to other populated areas; the likelihood of significant growth in the area, and in adjacent areas, during the next 10 years.

Total population within the affected territory is two. The affected territory is legally uninhabited given there are fewer than 12 registered voters.¹

The affected territory is approximately 0.11 acres in size, located in unincorporated Napa County, and lies within a residential area that is designated under the City of Napa General Plan as *Terrace/Shurtleff*. The affected territory is currently developed with a single-family residence.

The current assessment value of the affected territory totals \$228,627.²

The affected territory is located within the *Napa River – Lower Napa City Reach* drainage basin and is in a groundwater deficient area. Topography is relatively level.

The affected territory has a City General Plan land use designation of SFI-178 (*Single Family Infill*) and zoning standards of RI-5 (*Residential Infill, minimum lot size 5,000 sq. ft.*).

These designations would not allow further subdivision of the parcel. Therefore, population is projected to remain low at approximately two residents. The parcel is located in the Imola/Parish unincorporated island, which is developed with residential uses. With this in mind, significant growth is unlikely within the affected territory and adjacent areas during the next 10 years.

¹ The County Assessor's Office reports there are two registered voters residing in the affected territory.

² The assessed value of the affected territory is \$95,874 for land and \$132,753 for structural improvements.

(2) The need for municipal services; the present cost and adequacy of municipal services and controls in the area; probable future needs for those services and controls; probable effect of the proposed incorporation, formation, annexation, or exclusion and of alternative courses of action on the cost and adequacy of services and controls in the area and adjacent areas.

Core municipal services already provided or available to the affected territory include fire protection and emergency medical, law enforcement, and sewer. There is a need for public water service within the affected territory.

A review of estimated demands for municipal services within the affected territory indicates the City and the Napa Sanitation District (NSD) have sufficient capacities and controls to reasonably accommodate a full range of municipal services within the foreseeable future. This statement is based on information collected and analyzed in the Commission's *Central County Region Municipal Service Review* adopted in 2014 as well as the Commission's *Napa Countywide Water and Wastewater Municipal Service Review* adopted in 2020.³ No service deficiencies for the area were identified in the Municipal Service Reviews. Additional information regarding estimated service demands within the affected territory follows.

Water

The affected territory currently relies on a private well for water service. Proposal approval would result in new annual potable water demands totaling approximately 0.2 acre-feet or 76,650 gallons. This amount is based on the City's current average daily water demands of 210 gallons per single-family residence or apartment unit. The City has established adequate capacities and controls to accommodate these demands into the foreseeable future.

Fire Protection and Emergency Medical

Proposal approval would not result in new annual service calls related to fire protection and medical emergencies given the affected territory is built out. The City already provides first response to the affected territory based on an existing automatic aid agreement with the County of Napa. Current annual service calls within the affected territory are estimated at 0.24 based on the City's current ratio of 0.12 annual fire protection and emergency medical service calls per resident. The City has established adequate capacities and controls to continue accommodating these demands into the foreseeable future.

³ The *Central County Region Municipal Service Review* is available online at: http://www.napa.lafco.ca.gov/uploads/documents/MSR_CentralCounty_FinalReport_2014.pdf. The *Napa Countywide Water and Wastewater Municipal Service Review* is available online at: https://www.napa.lafco.ca.gov/uploads/documents/NapaCountywideWaterWastewaterMSR_Updated_10-4-21.pdf.

Law Enforcement

Proposal approval would not result in new annual law enforcement service calls given the affected territory is built out. The City already provides first response to the affected territory based on an agreement with the County of Napa. Current annual service calls within the affected territory are estimated at 1.6 based on the City's current ratio of 0.8 annual law enforcement service calls per resident. The City has established adequate capacities and controls to continue accommodating these demands into the foreseeable future.

Sewer

The affected territory is within NSD's jurisdictional boundary and currently receives public sewer service from NSD. Therefore, proposal approval would not result in new annual potable sewer demands. Current daily sewer flows are estimated at 150 gallons per day. This amount is based on current average sewer demands of approximately 150 gallons per day per single-family residence or apartment unit. NSD has established adequate capacities and controls to continue accommodating these demands into the foreseeable future.

(3) The effect of the proposed action and of alternative actions, on adjacent areas, on mutual social and economic interests, and on local governmental structure.

The proposal would recognize and strengthen existing social and economic ties between the City and the affected territory. These ties were initially established in 1972 when the Commission included the affected territory in the City's SOI, marking an expectation the site would eventually develop for urban type uses and require a full range of public services from the City. These ties are further strengthened based on the affected territory's inclusion within the City's Rural Urban Limit (RUL) and inclusion within the City's SOI.

The proposed concurrent detachment of the affected territory from CSA No. 4 supports mutual social and economic interests. Specifically, detaching the affected territory from CSA No. 4 would recognize the discontinuity between current and planned urban uses and the role of the District in providing farmworker housing.

(4) The conformity of the proposal and its anticipated effects with both the adopted commission policies on providing planned, orderly, efficient patterns of urban development, and the policies and priorities set forth in G.C. Section 56377.

The proposal is consistent with the Commission's adopted policies based on the affected territory's urban land use designations under the City and County General Plans and consistency with the City's SOI. Further, the affected territory does not qualify as "open-space" under LAFCO law and therefore does not conflict with G.C. Section 56377. Specifically, the affected territory is neither substantially unimproved nor devoted to an open-space use under the County General Plan. Proposal approval would be consistent with planned, orderly, efficient patterns of urban development.

(5) The effect of the proposal on maintaining the physical and economic integrity of agricultural lands, as defined by G.C. Section 56016.

The affected territory does not contain any “agricultural land” as defined by G.C. Section 56016.

(6) The definiteness and certainty of the boundaries of the territory, the nonconformance of proposed boundaries with lines of assessment or ownership, the creation of islands or corridors of unincorporated territory, and other similar matters affecting the proposed boundaries.

The affected territory includes all of the property identified by the County of Napa Assessor’s Office as 046-271-007. The applicant has submitted a draft map and geographic description of the affected territory that are undergoing review by the County Surveyor to ensure conformance with the requirements of the State Board of Equalization. Approval of the proposal would reduce the size of an existing unincorporated island and would not create any new islands or corridors of unincorporated territory.

(7) Consistency with a regional transportation plan adopted pursuant to G.C. Section 65080.

The Metropolitan Transportation Commission’s regional transportation plan (RTP), *Plan Bay Area 2040*, was updated in 2017 and outlines specific goals and objectives to direct public transportation infrastructure in the Bay Area through 2040.⁴ No specific projects are included in the RTP involving the affected territory. Accordingly, the proposal impact is neutral with respect to the RTP.

(8) Consistency with the city or county general and specific plans.

Approval of the proposal would affirm the long-term need for a full range of municipal services to the affected territory. The availability of these municipal services is consistent with the City’s General Plan, which designates and prezones the affected territory for single-family residential land use.

(9) The sphere of influence of any local agency affected by the proposal.

The affected territory is located entirely within the City’s SOI, which was most recently comprehensively updated by the Commission in February 2014.⁵

⁴ *Plan Bay Area 2040* is a long-range integrated transportation and land-use/housing strategy through 2040 for the San Francisco Bay Area. *Plan Bay Area 2040* includes the region’s Sustainable Communities Strategy and the 2040 Regional Transportation Plan.

⁵ The *City of Napa Sphere of Influence Review and Update* adopted in 2014 is available online at: https://www.napa.lafco.ca.gov/uploads/documents/SOI_Napa_FinalReport_2014.pdf.

(10) The comments of any affected local agency or other public agency.

Staff provided notice of the proposal to all affected agencies, transportation agencies, and school districts inviting comments as required under G.C. Section 56658. No comments were received.

(11) The ability of the newly formed or receiving entity to provide the services which are the subject of the application to the area, including the sufficiency of revenues for those services following the proposed boundary change.

Information collected and analyzed as part of the Commission's *Napa Countywide Water and Wastewater Municipal Service Review* adopted in 2020 concluded the City has developed overall adequate financial resources and controls relative to current and projected water service commitments. The *Napa Countywide Water and Wastewater Municipal Service Review* is relied upon and sufficient for this reorganization proposal regarding the plan for services required by G.C. Section 56653.

(12) Timely availability of water supplies adequate for projected needs as specified in G.C. Section 65352.5.

Proposal approval will result in minimal new annual water demands for the City given that the affected territory is already built out. Annual water demands are estimated at 0.2 acre-feet or 76,650 gallons. This amount is based on the City's current average daily water demands of 210 gallons per single-family residence or apartment unit. The City's water supplies are generated from three sources: (1) Lake Hennessey; (2) Milliken Reservoir; and (3) State Water Project. Total supplies vary according to hydrologic conditions. A table depicting the City's existing water service demands relative to supplies follows. As reflected in the following table, adequate water supplies exist for the projected needs of the City, including the affected territory.

Baseline (Amounts in Acre-Feet)			
Category	Normal Year	Multiple Dry	Single Dry
Annual Supply	39,410	26,870	18,840
Annual Demand	12,015	12,015	12,015
Difference	27,395	14,855	6,825

(13) The extent to which the proposal will affect a city or cities and the county in achieving their respective fair shares of the regional housing needs as determined by the appropriate council of governments.

The proposal would be neutral for the City with respect to achieving its fair share of the regional housing needs during the foreseeable future given that the affected territory is already built out based on the City's existing land use designations.

(14) Any information or comments from the landowner or owners, voters, or residents of the affected territory.

The landowners of the affected territory are the interested parties seeking annexation. They are also the current residents and registered voters within the affected territory.

(15) Any information relating to existing land use designations.

The County's General Plan designation for the entire affected territory is *Rural Residential*, which allows for residential use in neighborhoods that are in proximity to existing urbanized areas.

The County's zoning standard for 2159 S Terrace Drive is *Residential Single: Urban Reserve*, which allows for residential uses to meet the housing needs of present and future population in the unincorporated area. The *Urban Reserve* classification is intended to identify properties inside the SOI of a city and a city-adopted urban limit, such as the City of Napa's RUL, whose continued or future urbanization is contingent upon annexation to the city.

The City's General Plan land use designation for 2159 S Terrace Drive is *Single-Family Infill (SFI-178)*, which prescribes a range of development from three to seven residential units per acre. This property is rezoned *Residential Infill (RI-5)*, which allows for residential development with a minimum lot size of 5,000 square feet or 0.11 acres. The current parcel size is 0.11 acres. Therefore, additional subdivision would not be allowed.

(16) The extent to which the proposal will promote environmental justice. As used in this subdivision, "environmental justice" means the fair treatment of people of all races, cultures, and incomes with respect to the location of public facilities and the provision of public services.

There is no documentation or evidence suggesting the proposal will have any implication for environmental justice in Napa County.

(17) Information contained in a local hazard mitigation plan, information contained in a safety element of a general plan, and any maps that identify land as a very high fire hazard zone pursuant to Section 51178 or maps that identify land determined to be in a state responsibility area pursuant to Section 4102 of the Public Resources Code, if it is determined that such information is relevant to the area that is the subject of the proposal.

There is no documentation or evidence suggesting a local hazard mitigation plan or safety element of a general plan is relevant to the proposal. Further, the affected territory is not located in a very high fire hazard zone or a state responsibility area.



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 8b (Action)

TO: Local Agency Formation Commission
PREPARED BY: Brendon Freeman, Executive Officer BF
Dawn Mittleman Longoria, Analyst II DML
MEETING DATE: February 7, 2022
SUBJECT: Proposed Orchard Avenue No. 5 Annexation to the Napa Sanitation District and Associated CEQA Findings

RECOMMENDATION

Adopt the Resolution of the Local Agency Formation Commission of Napa County Making Determinations – Orchard Avenue No. 5 Annexation to the Napa Sanitation District (NSD) making California Environmental Quality Act (CEQA) findings and approving the proposed annexation (Attachment One). Standard conditions are also recommended.

BACKGROUND AND SUMMARY

Applicant: Landowner (petition)
Proposed Action: Annexation to NSD
APN: 035-042-022
Location: 1065 Orchard Avenue
Area Size: 1.0 acre
Jurisdiction: City of Napa ("City")
Sphere of Influence (SOI) Consistency: Yes – NSD
Policy Consistency: Yes
Tax Sharing Agreement: Yes – master tax exchange agreement
Landowner Consent: 100%
Protest Proceedings: Waived
CEQA: Exempt
Current Land Uses: one single-family residence, zoning allows up to six residences and six ADUs

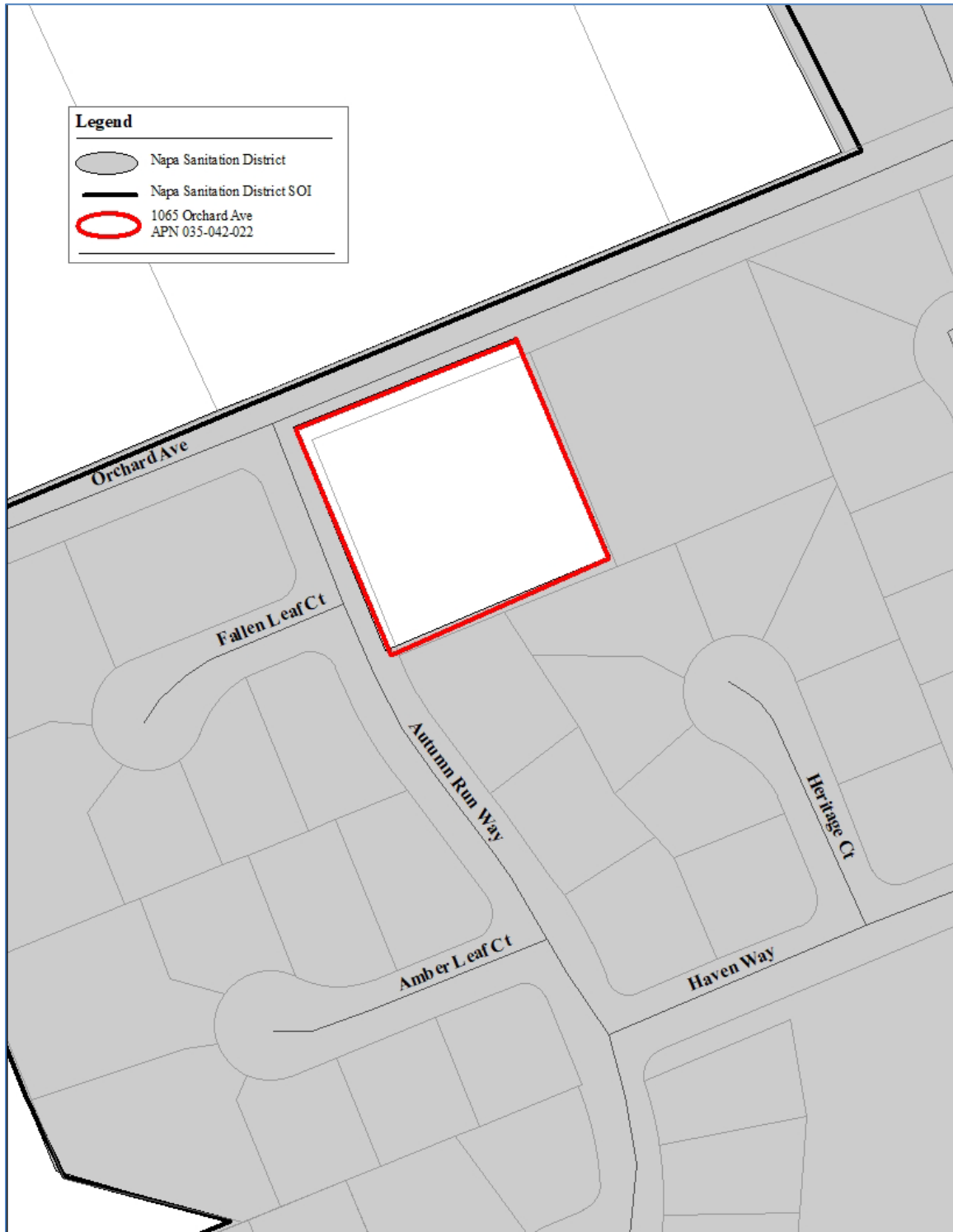
The proposed action involves a landowner petition for annexation of one incorporated parcel to NSD. The purpose of the proposal is to allow the existing single-family residence to transition from a private onsite septic system to NSD's public sewer infrastructure. The application materials are included as Attachment Two.

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

A vicinity map and an aerial map of the affected territory are provided below.





DISCUSSION

Factors for Commission Determinations

See Attachment Three for an evaluation of the mandated factors for Commission determinations.

Property Tax Agreement

California Revenue and Taxation Code Section 99(b)(6) requires the adoption of a property tax exchange agreement by the affected local agencies before LAFCO can consider a change of organization. This statute states jurisdictional changes affecting the service areas or service responsibilities of districts must be accompanied by a property tax exchange agreement, which shall be negotiated by the affected county on behalf of the districts. In 1980, the County of Napa adopted a resolution on behalf of NSD specifying no adjustment in the allocation of property taxes shall result from annexations involving the District. This resolution has been applied to all subsequent annexations involving NSD. In processing this proposal, staff provided notice to the affected agencies that the Commission would again apply this resolution unless otherwise informed. No affected agency responded with any concerns to the approach outlined by staff.

Protest Proceedings

Protest proceedings shall be waived in accordance with G.C. Section 56662(a) given that the affected territory is legally uninhabited (i.e., under 12 registered voters), all landowners have provided their written consent, and no written opposition to a waiver of protest proceedings has been received by any agency.

ENVIRONMENTAL REVIEW

The proposed annexation qualifies for a statutory exemption from further review under CEQA Guidelines Section 15282(k), which exempts the installation of new pipeline as long as the project does not exceed one mile in length. Staff believes this exemption is appropriate given any existing and future residential units within the affected territory would connect to NSD by way of a lateral connection to the existing sewer main located in Orchard Avenue, which will involve less than one total mile of new pipeline.

ATTACHMENTS

- 1) Draft Resolution Approving the Proposal and Making CEQA Findings
- 2) Application Materials
- 3) Factors for Commission Determinations

RESOLUTION NO. ____

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

**ORCHARD AVENUE NO. 5
ANNEXATION TO THE NAPA SANITATION DISTRICT**

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

WHEREAS, the proposal seeks Commission approval to annex approximately 1.0 acre of incorporated land to the Napa Sanitation District and represents one entire parcel located at 1065 Orchard Avenue and identified by the County of Napa Assessor’s Office as 035-042-022; and

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

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

WHEREAS, the Commission heard and fully considered all the evidence presented at a public meeting held on the proposal on February 7, 2022; and

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

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

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

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

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

1. The Factors for Commission Determinations provided in the Executive Officer’s written report are hereby incorporated herein by this reference and are adequate.
2. The underlying activity, annexation of the affected territory, is exempt from further review pursuant to CEQA Guidelines Section 15282(k), which exempts the installation of new pipeline as long as the project does not exceed one mile in length. The records upon which these findings are made are located at the Commission’s administrative office located at 1754 Second Street, Suite C, Napa, California 94559.
3. The proposal is APPROVED subject to completion of item number 11 below.
4. This proposal is assigned the following distinctive short-term designation:

**ORCHARD AVENUE NO. 5
ANNEXATION TO THE NAPA SANITATION DISTRICT**

5. The affected territory is shown on the map and described in the geographic description in the attached Exhibit “A”.
6. The affected territory so described is uninhabited as defined in California Government Code Section 56046.
7. The Napa Sanitation District utilizes the regular assessment roll of the County of Napa.
8. The affected territory will be taxed for existing general bonded indebtedness of the Napa Sanitation District.
9. The proposal shall be subject to the terms and conditions of the Napa Sanitation District.
10. The Commission authorizes conducting authority proceedings to be waived in accordance with California Government Code Section 56662(a).
11. Recordation is contingent upon receipt by the Executive Officer of written confirmation from the Napa Sanitation District that it is acceptable to record a Certificate of Completion.
12. The effective date shall be the date of recordation of the Certificate of Completion. The Certificate of Completion must be recorded within one calendar year unless an extension is requested and approved by the Commission.

- 13. The Commission hereby directs staff to file a Notice of Exemption in compliance with CEQA.

The foregoing resolution was duly and regularly adopted by the Commission at a public meeting held on February 7, 2022, 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

DRAFT

5400
Annex – EX-A
01-25-2022

EXHIBIT A
ORCHARD AVENUE NO. 5
ANNEXATION TO NAPA SANITATION DISTRICT
GEOGRAPHICAL DESCRIPTION

All that certain property, situated in a portion of Section 20, Township 5 North, Range 4 West, Mount Diablo Base Meridian, in the County of Napa, State of California, described as follows:

Beginning on the southern line of Orchard Avenue at the northwest corner of the Orchard Avenue No. 3 Annexation to Napa Sanitation District as described in the Certificate of Completion recorded March 03, 2003 as Series Number 2003-0011345, Napa County Records, State of California,

- (1) Thence along the existing boundary South 23° 28' 10" East 207.14 feet to the boundary of Orchard Avenue District Annexation to Napa Sanitation District approved by action of the Napa County Local Agency Formation Commission June 12, 1996 Resolution #96-02;
- (2) thence continuing along said Orchard Avenue District Annexation South 66° 16' 50" West 210.29 feet;
- (3) thence continuing along said Orchard Avenue District Annexation North 23° 28' 10" West 207.14 feet to the southern line of Orchard Avenue;
- (4) thence continuing along said Orchard Avenue District Annexation North 66° 16' 50" East 210.29 feet to the **Point of Beginning**.

1.0+/- Acres

Basis of Bearing

Being the north line of Parcel B per I3 Record of Survey 56, Napa County Records.

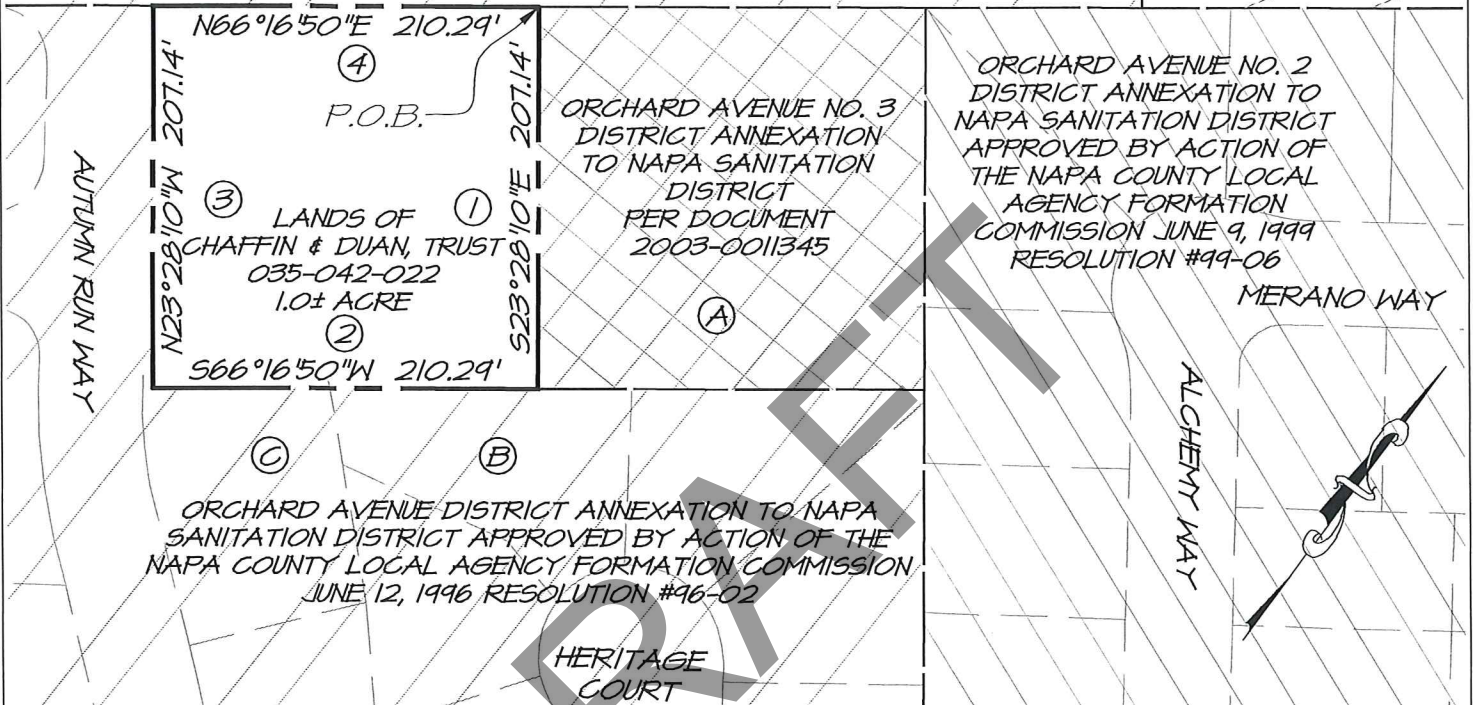
For assessment purposes only. This legal description of land is not a legal property description as defined in the Subdivision Map Act and may not be used as a basis for an offer for sale of the land described.

DRAFT

MAP DELINEATING THE BOUNDARY OF ORCHARD AVENUE NO. 5 ANNEXATION TO NAPA SANITATION DISTRICT

SOLANO AVENUE /
ORCHARD AVENUE
DISTRICT ANNEXATION
TO THE NAPA
SANITATION DISTRICT.
RECORDED JUNE 28,
1990 ON BOOK 1750
OR 301 N.C.R.

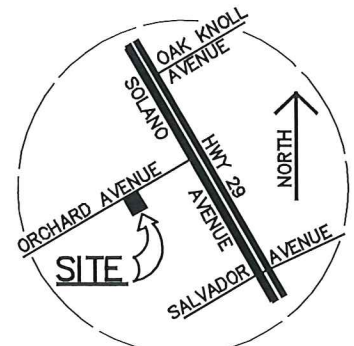
ORCHARD AVENUE



APN	PROPERTY OWNER
A 035-042-021	LAWRENCE NIBBI TR
B 035-531-005	THE NEILL J ALLEN TRUST
C 035-531-011	MARTIN & HARRIET SPITZ TR

LEGEND

- — — — — PROPERTY LINE
- — — — — EXISTING ANNEXATION BOUNDARIES
- — — — — ADJACENT PROPERTY LINES



LOCATION MAP

NO SCALE

GRAPHIC SCALE



1 inch = 100 FT

BEING A PORTION
SEC. 20, T., 6 N., R. 4 W., M.D.B.#M.



1/25/22

BASIS OF BEARING
BEING THE NORTH LINE OF PARCEL B PER 13
RECORD OF SURVEY 56, NAPA COUNTY RECORDS.
Resolution for Orchard Avenue No. 5 Annexation to NSD

RSA+ 1515 FOURTH STREET
NAPA, CALIF. 94559
OFFICE | 707 | 252.3301
+ www.RSAcivil.com +

RSA+ | CONSULTING CIVIL ENGINEERS + SURVEYORS + EST. 1980

FORM B

Date Filed:

Proposal Name:

Orchard Ave #5

PETITION FOR PROPOSAL

For Filing with the Local Agency Formation Commission of Napa County

A proposal for a change of organization made by a landowner or registered voter shall be initiated by petition. The petition shall state the nature of the proposal and all associated proposed changes of organization. It shall also state the reason for the proposal and enumerate and include supporting information as required under Government Code Section 56700. The petition must be submitted to the Executive Officer for filing within 60 days after the last signature is affixed. Applicants are encouraged to use this form.

Nature of Proposal and All Associated Changes of Organization:

Annexation to NSD

Description of Boundaries of Affected Territory Accompanied by Map:

Orchard Ave (South side) at Autumn Run Way (East side)

Reason for Proposal and Any Proposed Conditions:

Connection to sewer system for existing single family residence.

Type of Petition:

Landowner

Registered Voter

Sphere of Influence Consistency:

Yes

No

If Landowner Petition, Complete the Following:

1) Name: Steven R Chaffin & Penny Y Duan Trustees
 Mailing Address: 1065 Orchard Ave Napa, CA 94558
 Assessor Parcel: 035-042-022
 Signature: *Steven R Chaffin & Penny Y Duan* Trustees Date: 1/4/2022

2) Name: _____
 Mailing Address: _____
 Assessor Parcel: _____
 Signature: _____ Date: _____

3) Name: _____
 Mailing Address: _____
 Assessor Parcel: _____
 Signature: _____ Date: _____

If Registered Voter Petition, Complete the Following:

1) Name: _____
 Mailing Address: _____
 Resident Address: _____
 Signature: _____ Date: _____

2) Name: _____
 Mailing Address: _____
 Resident Address: _____
 Signature: _____ Date: _____

3) Name: _____
 Mailing Address: _____
 Resident Address: _____
 Signature: _____ Date: _____

FORM D

PROPOSAL APPLICATION
 Change of Organization/Reorganization

I. APPLICANT INFORMATION

A. Name: Steven R Chaffin & Penny Y Duan Trustees

Contact Person _____ Agency/Business (If Applicable) _____

Address: 1065 Orchard Ave Napa 94558

Street Number _____ Street Name _____ City _____ Zip Code _____

Contact: 415-596-8906 schaffin2000@gmail.com

Phone Number _____ Facsimile Number _____ E-Mail Address _____

B. Applicant Type: (Check One)

Local Agency
 Registered Voter
 Landowner

II. PROPOSAL DESCRIPTION

A. Affected Agencies: NSD 1515 Soscol Ferry Road, Napa, CA

Name _____ Address _____

Name _____ Address _____

Name _____ Address _____

Use Additional Sheets as Needed

B. Proposal Type: (Check as Needed)

Annexation
 Detachment
 City Incorporation
 District Formation
 City/District Dissolution
 City/District Merger
 Service Activation (District Only)
 Service Divestiture (District Only)

C. Purpose Statement: (Specific) Connection for sewer service for existing

single family residence

III. GENERAL INFORMATION

A. Location:	1065 Orchard Ave.	035-042-022	1
	Street Address	Assessor Parcel Number	Acres
	Street Address	Assessor Parcel Number	Acres
	Street Address	Assessor Parcel Number	Acres
	Street Address	Assessor Parcel Number	Acres

Total Location Size (Including Right-of-Ways) 1 acre

B. Landowners:

- (1) Assessor Parcel Number : 035-042-022 Name: Steven R Chaffin & Penny Y Duan Living Trust
 Mailing Address: 1819 Diamond St San Francisco, CA 94558
 Phone Number: 415-596-8906 E-mail: schaffin2000@gmail.com
- (2) Assessor Parcel Number : _____ Name: _____
 Mailing Address: _____
 Phone Number: _____ E-mail: _____
- (3) Assessor Parcel Number : _____ Name: _____
 Mailing Address: _____
 Phone Number: _____ E-mail: _____
- (4) Assessor Parcel Number : _____ Name: _____
 Mailing Address: _____
 Phone Number: _____ E-mail: _____

Use Additional Sheets As Needed

C. Population:

- (1) Total Number of Residents: 0
- (2) Total Number of Registered Voters: 0

D. Land Use Factors:

(1a) County General Plan Designation:

City

(1b) County Zoning Standard:

(2a) Applicable City General Plan Designation:

SFR-2(Single Family Residential)

(2b) Applicable City Pre-zoning Standard:
(Required for City Annexations)

RS-10(Residential Single Family, min lot 10,000)

E. Existing Land Uses:
(Specific)

Single family residence and garage

F. Development Plans:

(1a) Territory Subject to a Development Project?

Yes
No

(1b) If Yes, Describe Project:

(1c) If No, When Is Development Anticipated? Necessary approval required by City of Napa

G. Physical Characteristics:

(1) Describe Topography: 0 to 2% slopes

(2) Describe Any Natural Boundaries: Single family homes on three sides, vineyard across Orchard Ave.

(3) Describe Soil Composition and Any Drainage Basins: Haire loam

Salvador channel

(4) Describe Vegetation: grass, walnut and pine trees

H. Williamson Act Contracts
(Check One)

Yes
No

IV. GOVERNMENTAL SERVICES AND CONTROLS

A. Plan For Providing Services:

- (1) Enumerate and Describe Services to Be Provided to the Affected Territory:

Sewer

- (2) Level and Range of Services to Be Provided to the Affected Territory:

Sewer for existing single family residence

- (3) Indication of When Services Can Feasibly Be Extended to the Affected Territory:

Upon annexation

- (4) Indication of Any Infrastructure Improvements Necessary to Extend Services to the Affected Territory:

No, there are already three sewer laterals stubbed to the parcel.

- (5) Information On How Services to the Affected Territory Will Be Financed:

Financed by property owner

V. ENVIRONMENTAL INFORMATION

A. Environmental Analysis (City annexations require pre-zoning.)

(1) Lead Agency for Proposal: _____
Name

(2) Type of Environmental Document Previously Prepared for Proposal:

Environmental Impact Report

Negative Declaration/Mitigated Negative Declaration

Categorical/Statutory Exemption: Statutory: CEQA Guidelines Section 15282(k)
Type

None

Provide Copies of Associated Environmental Documents

VI. ADDITIONAL INFORMATION

A. Approval Terms and Conditions Requested For Commission Consideration:

Standard NSD terms and conditions

Use Additional Sheets As Needed

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

(Does not include affected landowners or residents)

(1) Recipient Name: Steven Heun Coldwell Banker
Mailing Address: 1775 Lincoln Ave Napa, CA 94558
E-Mail: steve@cbnapavalley.com

(2) Recipient Name: _____
Mailing Address: _____
E-Mail: _____

(3) Recipient Name: _____
Mailing Address: _____
E-Mail: _____

VII. CERTIFICATION

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

Signature:

Steven R. Chaffin & Penny Y. Duan, Trustees

Printed Name:

Steven R Chaffin & Penny Y Duan, Trustees

Title:

Landowner

Date:

12/20/21

5400
Annex – EX-A
12-20-2021

EXHIBIT A
ORCHARD AVENUE NO. 4 DISTRICT
ANNEXATION TO NAPA SANITATION DISTRICT
GEOGRAPHICAL DESCRIPTION

All that certain property, situated in a portion of Sections 20, Township 5 North, Range 4 West, Mount Diablo Base Meridian, in the County of Napa, State of California, described as follows:

Beginning on the southern line of Orchard Avenue at the northwest corner of the Orchard Avenue No. 3 Annexation to Napa Sanitation District as described in the Certificate of Completion recorded March 03, 2003 as Series Number 2003-0011345, Napa County Records, State of California,

- (1) Thence along the existing boundary South 23° 28' 10" East 207.14 feet to the boundary of Orchard Avenue District Annexation to Napa Sanitation District approved by action of the Napa County Local Agency Formation Commission June 12, 1996 Resolution #96-02;
- (2) thence continuing along said Orchard Avenue District Annexation South 66° 16' 50" West 210.29 feet;
- (3) thence continuing along said Orchard Avenue District Annexation North 23° 28' 10" West 207.14 feet to the southern line of Orchard Avenue;
- (4) thence continuing along said Orchard Avenue District Annexation North 66° 16' 50" East 210.29 feet to the **Point of Beginning**.

1.0+/- Acres

Basis of Bearing

Being the north line of Parcel B per 13 Record of Survey 56, Napa County Records.



5400
Annex Clos
12-20-2021

North: 6692.3463' East: 8887.8111'

Segment #1 : Line

Course: S23°28'10"E Length: 207.14'

North: 6502.3425' East: 8970.3067'

Segment #2 : Line

Course: S66°16'50"W Length: 210.29'

North: 6417.7516' East: 8777.7807'

Segment #3 : Line

Course: N23°28'10"W Length: 207.14'

North: 6607.7554' East: 8695.2851'

Segment #4 : Line

Course: N66°16'50"E Length: 210.29'

North: 6692.3463' East: 8887.8111'

Perimeter: 834.86' Area: 43559.06 Sq. Ft.

Error Closure: 0.0000 Course: N90°00'00"E

Error North: 0.00000 East: 0.00000

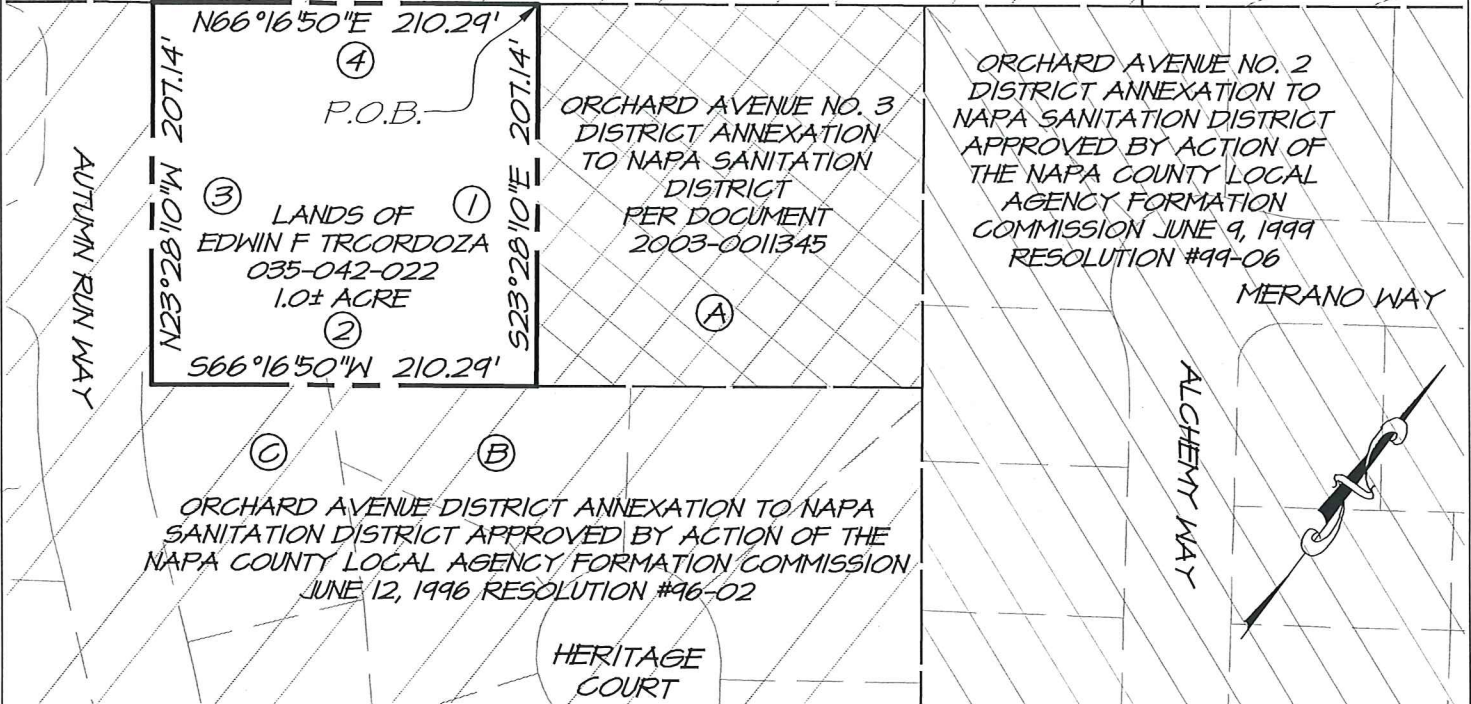
Precision 1: 834,860,000.00



MAP DELINEATING THE BOUNDARY OF ORCHARD AVENUE NO. 4 DISTRICT ANNEXATION TO NAPA SANITATION DISTRICT

SOLANO AVENUE /
ORCHARD AVENUE
DISTRICT ANNEXATION
TO THE NAPA
SANITATION DISTRICT
RECORDED JUNE 28,
1990 ON BOOK 1750
OR 301 N.C.R.

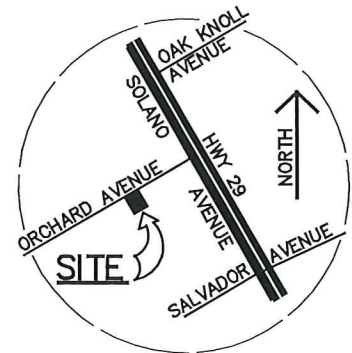
ORCHARD AVENUE



APN	PROPERTY OWNER
A 035-042-021	LAWRENCE NIBBI TR
B 035-531-005	THE NEILL J ALLEN TRUST
C 035-531-011	MARTIN & HARRIET SPITZ TR

LEGEND

- PROPERTY LINE
- EXISTING ANNEXATION BOUNDARIES
- ADJACENT PROPERTY LINES



LOCATION MAP

NO SCALE

GRAPHIC SCALE



1 inch = 100 FT

BEING A PORTION
SEC. 20, T., 6 N., R. 4 W., M.D.B. & M.



BASIS OF BEARING
BEING THE NORTH LINE OF PARCEL B PER 13
RECORD OF SURVEY 56, NAPA COUNTY RECORDS.

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+ www.RSAcivil.com +

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Orchard Avenue No. 5 Annexation to the Napa Sanitation District (NSD) Factors for Commission Determinations

California Government Code (G.C.) Sections 56668 and 56668.3 require the Commission to consider the following specific factors for a change of organization involving annexation to a special district. No single factor is determinative, and the intent is to provide a uniform baseline for LAFCOs to consider boundary changes in context with local policies.

(1) Population and population density; land area and land use; assessed valuation; topography, natural boundaries, and drainage basins; proximity to other populated areas; the likelihood of significant growth in the area, and in adjacent areas, during the next 10 years.

Total population within the affected territory is zero. The affected territory is legally uninhabited given there are fewer than 12 registered voters.

The affected territory is approximately 1.0 acre in size, incorporated within the City of Napa's jurisdictional boundary, and lies within a residential area designated under the City of Napa General Plan as *Linda Vista*. The affected territory is currently developed with one single-family residence. The current assessment value of the affected territory totals \$89,221.¹

The affected territory is located within the *Salvador Channel* drainage basin. Soil within the affected territory is classified as Haire Loam, with 0 to 2 percent slopes.

The affected territory has a City General Plan land use designation of SFR-2 (*Single Family Residential, 2 to 6 units/acre*) and zoning standards of *RS-10 (Residential, minimum lot size 10,000 sq. ft.)*. The affected territory is currently developed with one single-family residence and could potentially be further built out to include up to six single-family residential units and six accessory dwelling units (ADUs) in the future.²

Adjacent lands on three sides of the affected territory are within the City's jurisdictional boundary and are developed or have residential use designations in the General Plan. The parcels to the north across Orchard Avenue are located in unincorporated Napa County.

¹ The assessed value of the affected territory is divided into land at \$37,517 and structural improvements at \$58,704, minus \$7,000 homeowners' exemption.

² At buildout, the projected resident population of the affected territory is 33 based on the California Department of Finance's population per household estimate of 2.73 for the City of Napa. Maximum possible buildout is based on the City General Plan designation. These estimates do not take into account setbacks and other limitations such as topography.

(2) The need for municipal services; the present cost and adequacy of municipal services and controls in the area; probable future needs for those services and controls; probable effect of the proposed incorporation, formation, annexation, or exclusion and of alternative courses of action on the cost and adequacy of services and controls in the area and adjacent areas.

Core municipal services already provided within the affected territory by the City include water, fire protection and emergency medical, and law enforcement. These services are provided at adequate levels for the existing single-family residence.

The need for additional municipal services for the affected territory includes the extension of public sewer from NSD to allow the existing residential unit to eliminate the existing private onsite septic system. If the proposal is approved, septic system setback requirements will be eliminated and therefore additional residential development can occur. The maximum buildout potential of the affected territory is six residential units and six ADUs with a projected population of 33 residents at maximum buildout. This report analyzes the proposal with these potential future buildout impacts in mind.

A review of estimated demands for municipal services within the affected territory indicates the City and NSD have sufficient capacities and controls to reasonably accommodate current and future needs. This statement is based on information collected and analyzed in the Commission's *Central County Region Municipal Service Review* adopted in 2014 and *Napa Countywide Water and Wastewater Municipal Service Review* adopted in 2020.³ No service deficiencies for the area were identified in the Municipal Service Reviews. Additional information regarding estimated service demands within the affected territory at buildout follows.

Water

The existing residential unit within the affected territory currently receives water service from the City. City zoning of *RS-10 (Residential, minimum lot size 10,000 sq. ft.)* could allow a maximum of six single-family residences and six ADUs. Therefore, annual potable water demands within the affected territory at buildout are projected at 2.8 acre-feet or 919,800 gallons. This amount is based on the City's current average daily water demands of 210 gallons per residence. The City has established adequate capacities and controls to accommodate these demands.

Fire Protection and Emergency Medical

The affected territory currently receives fire protection and emergency medical service from the City. At buildout, annual service calls within the affected territory are projected at 4.0 based on the City's current ratio of 0.12 annual fire protection and emergency medical service calls per resident. The City has established adequate capacities and controls to accommodate these demands into the foreseeable future.

³ The *Central County Region Municipal Service Review* is available online at:

https://www.napa.lafco.ca.gov/uploads/documents/MSR_CentralCounty_FinalReport_2014.pdf

The *Napa Countywide Water and Wastewater Municipal Service Review* is available online at:

https://www.napa.lafco.ca.gov/uploads/documents/NapaCountywideWaterWastewaterMSR_Updated_10-4-21.pdf

Law Enforcement

The affected territory currently receives law enforcement service from the City. At buildout, annual service calls within the affected territory are projected at 26.4 based on the City's current ratio of 0.8 annual law enforcement service calls per resident. The City has established adequate capacities and controls to accommodate these demands into the foreseeable future.

Sewer

The affected territory needs sewer service from NSD. Proposal approval would result in new immediate sewer flows totaling approximately 150 gallons per day within the affected territory. This amount is based on NSD's design standard of 150 gallons per day per residence. If six additional homes and six ADUs are constructed and all connect to NSD, the affected territory would result in sewer flows totaling approximately 1,800 gallons per day. NSD has established adequate capacities and controls to accommodate these immediate and potential buildout demands into the foreseeable future.

(3) The effect of the proposed action and of alternative actions, on adjacent areas, on mutual social and economic interests, and on local governmental structure.

The proposal would recognize and strengthen existing social and economic ties between NSD and the affected territory. These ties were initially established in 1975 when the Commission included the affected territory in NSD's SOI, marking an expectation the site would require public sewer from the District as the region's sole service provider.

(4) The conformity of the proposal and its anticipated effects with both the adopted commission policies on providing planned, orderly, efficient patterns of urban development, and the policies and priorities set forth in G.C. Section 56377.

The proposal is consistent with the Commission's adopted policies based on the affected territory's urban land use designation and consistency with NSD's SOI. Further, the affected territory does not qualify as "open-space" under LAFCO law and therefore does not conflict with G.C. Section 56377.⁴ Proposal approval would be consistent with planned, orderly, efficient patterns of urban development.

(5) The effect of the proposal on maintaining the physical and economic integrity of agricultural lands, as defined by G.C. Section 56016.

The proposal will not have an adverse effect on agricultural lands. The affected territory is located within the City of Napa Rural Urban Limit Line (RUL) and jurisdictional boundary.

⁴ The affected is not devoted to an open-space use under the City General Plan.

(6) The definiteness and certainty of the boundaries of the territory, the nonconformance of proposed boundaries with lines of assessment or ownership, the creation of islands or corridors of unincorporated territory, and other similar matters affecting the proposed boundaries.

The affected territory includes all of the property located at 1065 Orchard Avenue and identified by the County of Napa Assessor's Office as 035-042-022. The applicant has submitted a map and geographic description of the affected territory in conformance with the requirements of the State Board of Equalization. Approval of the proposal would have no impact with respect to unincorporated islands or corridors of unincorporated territory.

(7) Consistency with a regional transportation plan adopted pursuant to G.C. Section 65080.

The Metropolitan Transportation Commission's regional transportation plan (RTP), *Plan Bay Area 2040*, was updated in 2017 and outlines specific goals and objectives to direct public transportation infrastructure in the Bay Area through 2040.⁵ No specific projects are included in the RTP involving the affected territory. Accordingly, the proposal impact is neutral with respect to the RTP.

(8) Consistency with the city or county general and specific plans.

Approval of the proposal would allow for public sewer service to be provided to the affected territory to serve existing and future planned uses. The availability and provision of this municipal service is consistent with the City's General Plan land use designation and zoning assignment for the affected territory, both of which contemplate single-family residential development.

(9) The sphere of influence of any local agency affected by the proposal.

The affected territory is located entirely within NSD's SOI, which was most recently reviewed and updated by the Commission in October 2015.⁶

(10) The comments of any affected local agency or other public agency.

Staff provided notice of the proposal to all affected agencies, transportation agencies, and school districts inviting comments as required under G.C. Section 56658. No comments were received.

⁵ *Plan Bay Area 2040* is a long-range integrated transportation and land-use/housing strategy through 2040 for the San Francisco Bay Area. *Plan Bay Area 2040* includes the region's Sustainable Communities Strategy and the 2040 Regional Transportation Plan.

⁶ The *Napa Sanitation District Sphere of Influence Review and Update* adopted in 2015 is available online at: https://www.napa.lafco.ca.gov/uploads/documents/NSD_SOI_RevisedFinalReport_2015.pdf.

(11) The ability of the newly formed or receiving entity to provide the services which are the subject of the application to the area, including the sufficiency of revenues for those services following the proposed boundary change.

Information collected and analyzed as part of the Commission’s *Napa Countywide Water and Wastewater Municipal Service Review* adopted in 2020 concluded NSD has developed overall adequate financial resources and controls relative to current and projected service commitments. This includes regularly reviewing and amending, as needed, NSD’s two principal rates and fees to ensure the sewer system remains solvent and sufficiently capitalized to accommodate future demands: (a) capacity charge for new connections and (b) annual service charge. The capacity charge is currently \$9,959 and serves as NSD’s buy-in charge for new customers to contribute their fair share for existing and future facilities necessary to receive sewer service. The annual service charge for a single-family unit is currently \$738.60 and intended to proportionally recover NSD’s ongoing maintenance and operation expenses. The *Napa Countywide Water and Wastewater Municipal Service Review* adopted in 2020 is relied upon and sufficient for this annexation proposal regarding the plan for services required by G.C. Section 56653.

(12) Timely availability of water supplies adequate for projected needs as specified in G.C. Section 65352.5.

The maximum future buildout of the affected territory would result in annual water demands for the City totaling approximately 2.8 acre-feet or 919,800 gallons. This amount is based on current average water demands within the City of approximately 210 gallons per day per residence. The City’s water supplies are generated from three sources: (1) Lake Hennessey; (2) Milliken Reservoir; and (3) State Water Project. Total supplies vary according to hydrologic conditions. A table depicting the City’s existing water service demands relative to supplies follows. As reflected in the following table, adequate water supplies exist for the projected needs of the City, including any planned future development of the affected territory.

Baseline (Amounts in Acre-Feet)			
Category	Normal Year	Multiple Dry	Single Dry
Annual Supply	39,410	26,870	18,840
Annual Demand	12,015	12,015	12,015
Total Surplus	27,395	14,855	6,825

(13) The extent to which the proposal will affect a city or cities and the county in achieving their respective fair shares of the regional housing needs as determined by the appropriate council of governments.

Approval of the proposal could facilitate achieving the City’s fair share of the regional housing needs since the affected territory could be developed with six single-family residences and six ADUs.⁷

⁷ A recent report with information on local regional housing needs allocations is available online at: https://www.napa.lafco.ca.gov/uploads/documents/10-4-21_7a_Housing-GeneralPlans.pdf.

(14) Any information or comments from the landowner or owners, voters, or residents of the affected territory.

The landowners of the affected territory are the petitioners seeking annexation. No additional information or comments were submitted.

(15) Any information relating to existing land use designations.

The affected territory has a designation within the City General Plan of *SFR-2 (Single Family Residential)* and a zoning standard of *RS-10 (Residential, minimum lot size 10,000 sq. ft.)*. The affected territory is currently developed with one single-family residence. The proposed annexation to NSD is consistent with these existing land use designations.

(16) The extent to which the proposal will promote environmental justice. As used in this subdivision, "environmental justice" means the fair treatment and meaningful involvement of people of all races, cultures, incomes, and national origins, with respect to the location of public facilities and the provision of public services, to ensure a healthy environment for all people such that the effects of pollution are not disproportionately borne by any particular populations or communities.

There is no documentation or evidence suggesting the proposal will have any implication for environmental justice in Napa County.

(17) Information contained in a local hazard mitigation plan, information contained in a safety element of a general plan, and any maps that identify land as a very high fire hazard zone pursuant to Section 51178 or maps that identify land determined to be in a state responsibility area pursuant to Section 4102 of the Public Resources Code, if it is determined that such information is relevant to the area that is the subject of the proposal.

There is no documentation or evidence suggesting a local hazard mitigation plan or safety element of a general plan is relevant to the proposed annexation to NSD. Further, the affected territory is not located in a high fire hazard zone or a state responsibility area.

(18) For annexations involving special districts, whether the proposed action will be for the interest of the landowners or present or future inhabitants within the district and within the territory proposed to be annexed to the district.

Proposal approval would benefit current and future landowners and residents within the affected territory by providing permanent access to public sewer service. Public sewer service eliminates the need for septic systems in an area in which any failings could pose a public health and safety threat for immediate and adjacent residents.



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 8c (Action)

TO: Local Agency Formation Commission

PREPARED BY: Brendon Freeman, Executive Officer *BF*

MEETING DATE: February 7, 2022

SUBJECT: Proposed Amendment to Policy on Conducting Commission Meetings and Business

RECOMMENDATION

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

SUMMARY

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

On January 14, 2022, the Policy Committee met to review the Policy and agreed to recommend an amendment that would add Section III(A)(9) stating the following: “If an applicant would like to speak to the Commission during an item, they will arrange the amount of time allotted in conjunction with the Executive Officer and the Chair prior to the meeting.” The purpose of this proposed amendment is to establish a consistent and transparent procedure for applicants to provide information at Commission meetings beyond the standard three minutes per speaker during the public comment period. The proposed amendment also involves several non-substantive changes.

A clean version of the Policy with the proposed amendment is included as an exhibit to Attachment One. A tracked change version of the Policy is included as Attachment Two.

ATTACHMENTS

- 1) Draft Resolution Amending the *Policy on Conducting Commission Meetings and Business*
- 2) Proposed Amendments to *Policy on Conducting Commission Meetings and Business* (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 CONDUCTING COMMISSION MEETINGS AND BUSINESS**

WHEREAS, on August 9, 2001, the Local Agency Formation Commission of Napa County (the “Commission”) adopted a *Policy on Conducting Commission Meetings and Business*; and

WHEREAS, the Commission considered a proposed amendment to the *Policy on Conducting Commission Meetings and Business* at its regular meeting on February 7, 2022, and invited public comment at that meeting; and

NOW, THEREFORE, BE IT RESOLVED that the Commission hereby amends the *Policy on Conducting Commission Meetings and Business* as attached hereto as “Exhibit A”.

This Resolution shall take effect immediately.

The foregoing resolution was duly and regularly adopted by the Commission at a public meeting held on February 7, 2022, 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



LOCAL AGENCY FORMATION COMMISSION OF NAPA COUNTY

Policy on Conducting Commission Meetings and Business

(Adopted: August 9, 2001; Last Amended: February 7, 2022)

I. Background

The Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000 (“CKH”), pursuant to California Government Code Section 56300, directs the Commission to exercise its regulatory and planning responsibilities consistent with its written policies and procedures.¹ This includes establishing written rules to help ensure all meetings and related business occurs in an orderly and transparent manner.

II. Purpose

The purpose of this policy is to provide clear and concise direction to Commissioners and staff with regard to conducting Commission meetings and related business involving the preparation of agendas, issuance of per diems, and reimbursement for member expenses.

III. Rules and Procedures in Conducting Business

A. Conducting Meetings

- 1) The Commission acknowledges and affirms the conducting of its meetings and related business are subject to applicable California laws, most notably the provisions of CKH and the Ralph M. Brown Act (“Brown Act”).
- 2) Three members of the Commission constitute a quorum. In the absence of a regular member, their alternate member (city, county, or public member as applicable) may serve and vote. In the absence of a quorum, the members present shall adjourn the meeting to a stated time and place of their choosing. If all members are absent, the Executive Officer or their designee may adjourn the meeting to a stated time and place. In such case, the Executive Officer shall cause written notice of adjournment to be given and shall post a notice of adjournment, consistent with the requirements of the Brown Act.
- 3) A regular and/or special meeting of the Commission may be adjourned to any day prior to the date established for the next succeeding regular meeting of the Commission.
- 4) If there is no business for the Commission's consideration five days before any regular scheduled meeting, the Executive Officer shall have the power to cancel the meeting by notifying the Chair and members there is no business before the Commission and the meeting has been cancelled.

¹ Hereinafter all section references are to the California Government Code unless otherwise noted.

- 5) Special meetings may be called by the Chair at their discretion. Special meetings may also be called upon the written request of a majority of the members of the Commission submitted to the Chair. Notice of special meetings shall be given in accordance with the Ralph M. Brown Act.
- 6) The Commission shall conduct its meetings in accordance with the rules of procedure set forth in the edition of "Rosenberg's Rules of Order" that is most current at the time of the meeting.
- 7) On all roll call votes, the names of the Commissioners shall be called in alphabetical order with the Chair voting last.
- 8) It is the responsibility of the Executive Officer to ensure that adequate staff and related resources are available for all Commission meetings.
- 9) If an applicant would like to speak to the Commission during an item, they will arrange the amount of time allotted in conjunction with the Executive Officer and the Chair prior to the meeting.

B. Meeting Agendas

- 1) It is the responsibility of the Executive Officer to prepare an agenda and all supporting documents for the Commission, and to distribute these materials to the Commission and all affected and interested parties not less than five days prior to a scheduled regular meeting.
- 2) Meeting agenda items, except for consent items, shall concisely list the various items being considered and include a formal title along with a brief description of the underlying action or discussion and the Executive Officer's recommendation, if applicable.
- 3) The Executive Officer shall ensure items are agendized in an appropriate and timely manner relative to the Commission meeting its regulatory and planning responsibilities under CKH.
- 4) Each meeting agenda shall provide an opportunity for Commissioners to identify and request a matter for future discussion or action with the concurrence of the majority of the voting membership present. The Chair shall also have discretion to direct the Executive Officer to agendize a matter for the next available meeting to address an urgent or otherwise time-sensitive issue in which applicable legal notice can be provided.
- 5) It is the responsibility of the Executive Officer to see that legal notice for all agenda items to be considered by the Commission is given in accordance with the provisions of CKH and all other applicable laws.

C. Commissioner Stipends

- 1) Each Commissioner shall receive a stipend of \$150.00 per day for time and attendance at the following meetings:
 - a) Regular and special meetings of the Commission.
 - b) Meetings of standing or ad hoc committees of the Commission.
 - c) Attendance at the annual conference held by the California Association of Local Agency Formation Commissions (CALAFCO).
 - d) Meetings of CALAFCO when a Commissioner is a member of the CALAFCO Board of Directors.
 - e) Up to four days per year for other trainings, classes, or activities that are mandated or related to LAFCO business, with prior authorization from the Commission or Chair.
- 2) A Commissioner shall receive no more than five stipends per month pursuant to this policy.

D. Commissioner Reimbursement for Expenses

- 1) Each Commissioner may claim reimbursement for the actual amount of reasonable and necessary expenses incurred in performing the duties of their office, to be approved by the Executive Officer in accordance with Section D.2., below, and the Commission's approved budget for such expenses, including:
 - a) Attending conferences, workshops, and training programs of CALAFCO.
 - b) Attending CALAFCO meetings if the member is on the Board.
 - c) Attending other Commission related meetings, trainings, classes, or activities that are mandated or related to LAFCO business, with prior authorization from the Commission or Chair.
- 2) All reimbursement of expenses for Commissioners shall be provided in accordance with the same rules and manner as provided for Commission staff.²

² Refer to the current agreement for staff support services between the Commission and County of Napa, calling for reimbursement pursuant to the travel expense policy approved by the County Board of Supervisors in effect on the date of travel.



LOCAL AGENCY FORMATION COMMISSION OF NAPA COUNTY

Policy on Conducting Commission Meetings and Business

(Adopted: August 9, 2001; Last Amended: June 4, 2018; Proposed Amendment: February 7, 2022)

I. Background

The Cortese-Knox-Hertzberg Local Government Reorganization (~~“CKH”~~) Act of 2000 (~~“CKH”~~), pursuant to California Government Code Section 56300, directs the Commission to exercise its regulatory and planning responsibilities consistent with its written policies and procedures.¹ This includes establishing written rules to help ensure all meetings and related business occurs in an orderly and transparent manner.

II. Purpose

The purpose of this policy is to provide clear and concise direction to Commissioners and staff with regard to conducting Commission meetings and related business involving the preparation of agendas, issuance of per diems, and reimbursement for member expenses.

III. Rules and Procedures in Conducting Business

A. Conducting Meetings

~~1.1~~ 1.1 The Commission acknowledges and affirms the conducting of its meetings and related business are subject to applicable California laws, most notably the provisions of ~~Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000 (“CKH”)~~ and the Ralph M. Brown Act (“Brown Act”).

~~2.2~~ 2.2 Three members of the Commission constitute a quorum. In the absence of a regular member, ~~his or her~~their alternate member (city, county, or public member as applicable) may serve and vote. In the absence of a quorum, the members present shall adjourn the meeting to a stated time and place of their choosing. If all members are absent, the Executive Officer or ~~his or her~~their designee may adjourn the meeting to a stated time and place. In such case, the Executive Officer shall cause written notice of adjournment to be given and shall post a notice of adjournment, consistent with the requirements of the Brown Act.

~~3.3~~ 3.3 A regular and/or special meeting of the Commission may be adjourned to any day prior to the date established for the next succeeding regular meeting of the Commission.

~~4.4~~ 4.4 If there is no business for the Commission's consideration five days before any regular scheduled meeting, the Executive Officer shall have the power to cancel the meeting by notifying the Chair and members there is no business before the Commission and the meeting has been cancelled.

¹ Hereinafter all section references are to the California Government Code unless otherwise noted.

- ~~5.5)~~ Special meetings may be called by the Chair at ~~his or her~~their discretion. Special meetings may also be called upon the written request of a majority of the members of the Commission submitted to the Chair. Notice of special meetings shall be given in accordance with the Ralph M. Brown Act.
- ~~6.6)~~ The Commission shall conduct its meetings in accordance with the rules of procedure set forth in the edition of “Rosenberg’s Rules of Order” that is most current at the time of the meeting.
- ~~7.7)~~ On all roll call votes, the names of the Commissioners shall be called in alphabetical order with the Chair voting last.
- 8) It is the responsibility of the Executive Officer to ensure that adequate staff and related resources are available for all Commission meetings.
- ~~8.9)~~ If an applicant would like to speak to the Commission during an item, they will arrange the amount of time allotted in conjunction with the Executive Officer and the Chair prior to the meeting.

B. Meeting Agendas

- ~~1.1)~~ It is the responsibility of the Executive Officer to prepare an agenda and all supporting documents for the Commission, and to distribute these materials to the Commission and all affected and interested parties not less than five days prior to a scheduled regular meeting.
- ~~2.2)~~ Meeting agenda items, except for consent items, shall concisely list the various items being considered and include a formal title along with a brief description of the underlying action or discussion and the Executive Officer’s recommendation, if applicable.
- ~~3.3)~~ The Executive Officer shall ensure items are agendized in an appropriate and timely manner relative to the Commission meeting its regulatory and planning responsibilities under CKH.
- ~~4.4)~~ Each meeting agenda shall provide an opportunity for Commissioners to identify and request a matter for future discussion or action with the concurrence of the majority of the voting membership present. The Chair shall also have discretion to direct the Executive Officer to agendize a matter for the next available meeting to address an urgent or otherwise time-sensitive issue in which applicable legal notice can be provided.
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We Manage Local Government Boundaries, Evaluate Municipal Services, and Protect Agriculture

Agenda Item 9a (Discussion)

TO: Local Agency Formation Commission

PREPARED BY: Brendon Freeman, Executive Officer *BF*

MEETING DATE: February 7, 2022

SUBJECT: Strategic Plan and Work Program Progress Report

RECOMMENDATION

This item is for discussion purposes only. No formal action is required as part of this item. It is recommended the Commission consider providing direction to the Executive Officer with respect to timing and location for a future strategic planning session.

BACKGROUND AND SUMMARY

The Commission will receive a report on its adopted *Strategic Plan 2018-2022* (“Strategic Plan”) and *Work Program for Fiscal Year 2021-22* (“Work Program”).

On February 5, 2018, the Commission adopted the Strategic Plan, included as Attachment One, which includes comprehensive schedules for municipal service reviews (MSRs), sphere of influence (SOI) updates, and review of local policies. The Strategic Plan provides the foundation for the Commission’s Work Programs during this time. The Strategic Plan includes a set of core guiding principles that underlie Napa LAFCO’s activities, as follows:

- 1) Active, in-depth communication and outreach
- 2) Review and update Commission policies
- 3) Prepare MSRs and SOI updates

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.

On August 2, 2021, staff presented an updated study schedule and policy review schedule, included as Attachment Two.

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

A Work Program progress chart is included as Attachment Three. A summary of progress on key activities in the Strategic Plan and Work Program follows.

MSRs and SOI Updates

- SOI Updates for Lake Berryessa Districts
This activity involves updating the SOIs for Lake Berryessa Resort Improvement District, Napa Berryessa Resort Improvement District, and Spanish Flat Water District based on information contained in the *Napa Countywide Water and Wastewater MSR*. The SOI updates were completed on August 2, 2021.
- SOI Updates for Other 5 Napa Countywide Water and Wastewater MSR Districts
This activity involves updating 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 based on information contained in the *Napa Countywide Water and Wastewater MSR*. The SOI updates were completed on October 4, 2021.
- SOI Update for the Napa Sanitation District
This activity involves updating the SOI for the Napa Sanitation District based on information contained in the *Napa Countywide Water and Wastewater MSR*. The SOI update will be included as part of an appendix to the MSR. Discussions with staff from affected local agencies suggest it would be preferable for this activity to be delayed until more information is known about the upcoming housing element cycle, which may create housing development pressures in areas that could require expansions to the District's SOI and service area.
- MSR and SOI Update for the City of St. Helena
This MSR and SOI Update will be partially based on information contained in the *Napa Countywide Water and Wastewater MSR*. A preliminary draft MSR and SOI Update for St. Helena was completed by a former consultant in August 2017. The City requested numerous revisions along with an indefinite delay to allow the City to first complete its General Plan Update, which has since been completed. Recent communication with City staff indicates it would be appropriate to resume this activity in winter or spring 2022. The Commission is invited to discuss and consider providing direction to staff with respect to initiating this activity.
- MSR and SOI Update for the City of Napa
This MSR and SOI Update will be partially based on information contained in the *Napa Countywide Water and Wastewater MSR* and will follow the City's General Plan update. Recent communication with City staff indicates it would be appropriate to resume this activity in fall or winter 2022, pending the completion of the City's General Plan update.

Applications: Boundary Changes and Outside Service Agreements

- Annexation Proposals
There are currently four active proposals on file and seven anticipated proposals. A report on current and future proposals is included on today's agenda as item 7f.

- Island Annexation Program
The City of Napa has initiated a public outreach campaign to survey interest among unincorporated island landowners and residents with respect to possible future annexation to the City. LAFCO staff will assist the City with public outreach. Notably, the Commission's website has a page dedicated to information about islands and their possible annexation, which is available online at: https://www.napa.lafco.ca.gov/r_island_annexation.aspx.

- Outside Service Agreements
There are presently no active or anticipated requests for outside service agreement approvals.

Policy Review

As previously mentioned, an updated policy review schedule to accompany the Strategic Plan is included with Attachment Two. Notably, a proposed amendment to the *Policy on Conducting Commission Meetings and Business* is included on today's agenda as item 8c.

It is anticipated the following policies will be reviewed by the Policy Committee (Commissioners Mohler and Wagenknecht) and will be presented at future Commission meetings by the end of 2022:

- 1) *Policy on Scheduling of Commission Meetings*
- 2) *Policy on Municipal Service Reviews*
- 3) *Policy on Annexations (new standalone policy needed)*
- 4) *Policy on Indemnification*
- 5) *Policy on Conducting Authority Proceedings*
- 6) *Policy on the Appointment of Commission Counsel*

Communications and Outreach

The Commission's ad hoc Outreach Committee (Commissioners Leary and Painter) recently developed a quarterly newsletter. Staff will prepare and distribute newsletters in January, April, July, and October each year. The most recent issue of the quarterly newsletter was distributed in January 2022 and is included on today's agenda as item 7d.

Housing and General Plan Updates

This activity was requested by the Commission to assist in its decision making as it relates to best serving the diverse needs of all local municipalities. A countywide report on housing and general plan activities was most recently presented to the Commission on October 4, 2021, and is available online at: https://www.napa.lafco.ca.gov/uploads/documents/10-4-21_7a_Housing-GeneralPlans.pdf.

Support Services Agreement with the County of Napa

LAFCO staff continues to work with County staff to prepare comprehensive amendments to the existing support services agreement between the two agencies. This process is occurring parallel to the budget process. Staff anticipates the amendments will be available for Commission consideration within the next four to six months.

Future Strategic Planning

The Commission previously discussed scheduling a future strategic planning session to guide its activities into the foreseeable future after the current Strategic Plan is no longer relevant. The Commission indicated a preference for an in-person strategic planning session and directed the Budget Committee (Commissioners Mohler and Wagenknecht) to include funding for strategic planning in the fiscal year 2022-23 budget.

Staff recommends the Commission discuss the timing, logistics, and any other important matters related to a future strategic planning session. The Commission may give direction to staff regarding a desired date and time for a special meeting, location, expenses associated with hiring a facilitator, desired topics and outcomes, or any other matter related to the Commission's preferences for a strategic planning session.

In terms of potential strategic planning topics, the Commission previously discussed a staff recommendation to initiate a countywide fire protection and emergency medical services MSR and agreed this topic should be included on the next strategic planning agenda. The Commission is invited to discuss additional projects of interest in advance of the next strategic planning session.

The Commission may wish to consider establishing an ad hoc subcommittee for purposes of assisting the Executive Officer in making decisions related to the items listed above.

ATTACHMENTS

- 1) Strategic Plan 2018-2022
- 2) Updated Study Schedule and Policy Review Schedule (Originally Presented on August 2, 2021)
- 3) Work Program 2021-22 Progress Chart



LOCAL AGENCY FORMATION COMMISSION OF NAPA COUNTY

Strategic Plan 2018-2022
(Adopted: February 5, 2018)

Mission Statement

The Local Agency Formation Commission (LAFCO) of Napa County is committed to serving the citizens and government agencies of its jurisdiction by encouraging the preservation of agricultural lands and open-space and coordinating the efficient delivery of municipal services.

Focus of Napa LAFCO

The following core guiding principles underlie Napa LAFCO's activities. Each of these principles is centered on Napa LAFCO having in-depth, active communication with respect to all relevant constituents.

- Municipal Service Reviews based on local agency, Napa County, & LAFCO needs
 - Study Schedule for 2018-2022 included as Exhibit A
- Re-writing policies (on a schedule) to be comprehensive, effective, and transparent
 - Policy Review Schedule for 2018-2020 included as Exhibit B
- Forecasting issues relating to local services and boundaries, as well as State legislation
- Active involvement of agency constituents in problem-solving local agency sustainability
- Engagement with local city/town general plan updates
- Active with local agencies in managing housing growth and related issues including transportation



LOCAL AGENCY FORMATION COMMISSION OF NAPA COUNTY

STUDY SCHEDULE (2018-2022)

Municipal Service Reviews (Government Code §56430)
Sphere of Influence Updates (Government Code §56425)
Major Boundary Change Projects

Adopted: February 5, 2018

2018

South County Region MSR and SOIs

Municipal Service Review will examine the governmental services provided by the City of American Canyon, American Canyon Fire Protection District, and County Service Area No. 3. The Municipal Service Review will inform Sphere Of Influence Updates for all three local agencies.

City of St. Helena MSR and SOI

Municipal Service Review will examine the governmental services provided by the City of St. Helena. The Municipal Service Review will inform a Sphere Of Influence Update.

Napa County Regional Park and Open Space District MSR and SOI

Municipal Service Review will examine the governmental services provided by the Napa County Regional Park and Open Space District and inform a Sphere Of Influence Update.

Island Annexation Program

The Commission will seek to partner with the City of Napa and the County of Napa to develop an island annexation program.

2019

Island Annexation Program

The Commission will seek to partner with the City of Napa and the County of Napa to develop an island annexation program.

Countywide Water and Wastewater Services MSR

Municipal Service Review will examine all municipal water and wastewater services provided throughout Napa County and will inform Sphere Of Influence Updates for each agency under review.

2020

Island Annexation Program

The Commission will seek to partner with the City of Napa and the County of Napa to develop an island annexation program.

City of Napa MSR and SOI

Municipal Service Review will examine the governmental services provided by the City of Napa and inform a Sphere Of Influence Update.

Lake Berryessa Resort Improvement District SOI

Sphere Of Influence Update for the Lake Berryessa Resort Improvement District will be informed by the Countywide Water and Wastewater Services Municipal Service Review.

Napa Berryessa Resort Improvement District SOI

Sphere Of Influence Update for the Napa Berryessa Resort Improvement District will be informed by the Countywide Water and Wastewater Services Municipal Service Review.

Spanish Flat Water District SOI

Sphere Of Influence Update for the Spanish Flat Water District will be informed by the Countywide Water and Wastewater Services Municipal Service Review.

Napa Sanitation District SOI

Sphere Of Influence Update for the Napa Sanitation District will be informed by the Countywide Water and Wastewater Services Municipal Service Review.

2021

Napa County Resource Conservation District MSR and SOI

Municipal Service Review will examine the governmental services provided by the Napa County Resource Conservation District and inform a Sphere Of Influence Update.

Napa County Flood Control and Water Conservation District SOI

Sphere Of Influence Update for the Napa County Flood Control and Water Conservation District will be informed by the Countywide Water and Wastewater Services Municipal Service Review.

Silverado Community Services District MSR and SOI

Municipal Service Review will examine the governmental services provided by the Silverado Community Services District and inform a Sphere Of Influence Update.

Public Cemetery Districts MSR and SOIs

Municipal Service Review will examine the governmental services provided by the Monticello Public Cemetery District and Pope Valley Cemetery District and inform Sphere Of Influence Updates for both agencies.

Los Carneros Water District SOI

Sphere Of Influence Update for the Los Carneros Water District will be informed by the Countywide Water and Wastewater Services Municipal Service Review.

Napa River Reclamation District No. 2109 SOI

Sphere Of Influence Update for the Napa River Reclamation District No. 2109 will be informed by the Countywide Water and Wastewater Services Municipal Service Review.

City of Calistoga MSR and SOI

Municipal Service Review will examine the governmental services provided by the City of Calistoga and inform a Sphere Of Influence Update.

2022

Congress Valley Water District SOI

Sphere Of Influence Update for the Congress Valley Water District will be informed by the Countywide Water and Wastewater Services Municipal Service Review.

Circle Oaks County Water District SOI

Sphere Of Influence Update for the Circle Oaks County Water District will be informed by the Countywide Water and Wastewater Services Municipal Service Review.

County Service Area No. 4 MSR and SOI

Municipal Service Review will examine the governmental services provided by County Service Area No. 4 and inform a Sphere Of Influence Update.

Napa County Mosquito Abatement District MSR and SOI

Municipal Service Review will examine the governmental services provided by the Napa County Mosquito Abatement District and inform a Sphere Of Influence Update.

Town of Yountville MSR and SOI

Municipal Service Review will examine the governmental services provided by the Town of Yountville and inform a Sphere Of Influence Update.

Recent MSRs and SOI Updates / Study Schedule 2018-2022				
Local Agencies	Last MSR	Next MSR	Last SOI Update	Next SOI Update
CITIES/TOWN				
American Canyon	June 2009	April 2018	June 2010	April 2018
Calistoga	December 2016	December 2021	December 2016	December 2021
Napa	December 2013	April 2020	February 2014	December 2020
St. Helena	May 2008	October 2018	August 2008	December 2018
Yountville	April 2017	October 2022	April 2017	October 2022
SPECIAL DISTRICTS				
American Canyon Fire Protection District (ACFPD)	June 2009	April 2018	August 2010	April 2018
Circle Oaks County Water District (COCWD)	August 2016	December 2019	August 2016	April 2022
Congress Valley Water District (CVWD)	December 2017	December 2019	December 2017	February 2022
County Service Area No. 3 (CSA 3)	June 2009	April 2018	October 2012	April 2018
County Service Area No. 4 (CSA 4)	December 2017	June 2022	December 2017	June 2022
Lake Berryessa Resort Improvement District (LBRID)	April 2011	December 2019	December 2012	August 2020
Los Carneros Water District (LCWD)	August 2016	December 2019	August 2016	August 2021
Monticello Public Cemetery District (MPCD)	July 2016	June 2021	July 2016	June 2021
Napa Berryessa Resort Improvement District (NBRID)	April 2011	December 2019	April 2013	August 2020
Napa County Flood Control & Water Conservation District (NCFCWCD)	June 2016	December 2019	June 2016	April 2021
Napa County Mosquito Abatement District (NCMAD)	June 2017	June 2022	June 2017	June 2022
Napa County Regional Park and Open Space District (NCRPOSD)	December 2010	December 2018	December 2010	December 2018
Napa County Resource Conservation District (NCRCD)	April 2016	February 2021	April 2016	February 2021
Napa River Reclamation District No. 2109 (NRRD)	December 2016	December 2019	December 2016	October 2021
Napa Sanitation District (NSD)	April 2014	December 2019	October 2015	December 2020
Pope Valley Cemetery District (PVCD)	July 2016	June 2021	July 2016	June 2021
Silverado Community Services District (SCSD)	April 2014	April 2021	October 2015	April 2021
Spanish Flat Water District (SFWD)	April 2011	December 2019	August 2013	August 2020

South County Region MSR and SOI Updates

Public Cemetery Districts MSR and SOI Updates

Countywide Water and Wastewater Services MSR

Policy	Priority	Adopted or Last Amended	Complete Review
Legislation	1	N/A	December 2017
Unincorporated Islands *	1	October 2011	February 2018
Outside Service Agreements	1	April 2016	April 2018
Conflict of Interest Code	1	October 2016	August 2018
Spheres of Influence *	1	October 2011	October 2018
Municipal Service Reviews	1	October 2015	December 2018
Annexations *	2	October 2011	February 2019
Disadvantaged Unincorporated Communities	2	N/A	April 2019
Definitions *	2	October 2011	June 2019
CEQA	3	December 2006	August 2019
Appointment of Public Members	3	April 2008	October 2019
Appointment of Chair and Vice-Chair	3	June 2015	October 2019
Budget	3	June 2016	December 2019
Budget Contributions and Collection of Funds	3	April 2001	December 2019
Establishing Officers of the Commission	3	August 2004	February 2020
Executive Officer Performance Review	3	October 2014	February 2020
Executive Officer Purchasing Authority	3	October 2014	February 2020
Records Retention and Destruction	3	December 2015	April 2020
Social Media	3	October 2011	April 2020
Conducting Meetings and Business	3	December 2015	June 2020
Scheduling of Meetings	3	June 2016	June 2020
Indemnification	3	October 2014	August 2020
Conducting Authority Proceedings	3	December 2008	August 2020
Appointment of Commission Counsel	3	April 2001	October 2020
Work Schedule	3	June 2002	October 2020
Telecommuting	3	July 1997	December 2020
Travel Policy	3	November 2009	December 2020

* Currently Part of General Policy Determinations



LOCAL AGENCY FORMATION COMMISSION OF NAPA COUNTY

UPDATED STUDY SCHEDULE

Municipal Service Reviews (Government Code §56430)
Sphere of Influence Updates (Government Code §56425)
Major Boundary Change Projects

Presented: August 2, 2021

2018

South County Region MSR and SOIs (COMPLETED IN 2018)

Municipal Service Review will examine the governmental services provided by the City of American Canyon, American Canyon Fire Protection District, and County Service Area No. 3. The Municipal Service Review will inform Sphere Of Influence Updates for all three local agencies.

City of St. Helena MSR and SOI (TO BE COMPLETED IN 2022)

Municipal Service Review will examine the governmental services provided by the City of St. Helena. The Municipal Service Review will inform a Sphere Of Influence Update.

Napa County Regional Park and Open Space District MSR and SOI (COMPLETED IN 2019)

Municipal Service Review will examine the governmental services provided by the Napa County Regional Park and Open Space District and inform a Sphere Of Influence Update.

Island Annexation Program (PENDING CITY OF NAPA OUTREACH CAMPAIGN)

The Commission will seek to partner with the City of Napa and the County of Napa to develop an island annexation program.

2019

Island Annexation Program (PENDING CITY OF NAPA OUTREACH CAMPAIGN)

The Commission will seek to partner with the City of Napa and the County of Napa to develop an island annexation program.

Countywide Water and Wastewater Services MSR (COMPLETED IN 2020)

Municipal Service Review will examine all municipal water and wastewater services provided throughout Napa County and will inform Sphere Of Influence Updates for each agency under review.

2020

Island Annexation Program (PENDING CITY OF NAPA OUTREACH CAMPAIGN)

The Commission will seek to partner with the City of Napa and the County of Napa to develop an island annexation program.

City of Napa MSR and SOI (TO BE COMPLETED IN 2023)

Municipal Service Review will examine the governmental services provided by the City of Napa and inform a Sphere Of Influence Update.

Lake Berryessa Resort Improvement District SOI (TO BE COMPLETED IN 2021)

Sphere Of Influence Update for the Lake Berryessa Resort Improvement District will be informed by the Countywide Water and Wastewater Services Municipal Service Review.

Napa Berryessa Resort Improvement District SOI (TO BE COMPLETED IN 2021)

Sphere Of Influence Update for the Napa Berryessa Resort Improvement District will be informed by the Countywide Water and Wastewater Services Municipal Service Review.

Spanish Flat Water District SOI (TO BE COMPLETED IN 2021)

Sphere Of Influence Update for the Spanish Flat Water District will be informed by the Countywide Water and Wastewater Services Municipal Service Review.

Napa Sanitation District SOI (TO BE COMPLETED IN 2022)

Sphere Of Influence Update for the Napa Sanitation District will be informed by the Countywide Water and Wastewater Services Municipal Service Review.

2021

Napa County Resource Conservation District MSR and SOI (TO BE COMPLETED IN 2022)

Municipal Service Review will examine the governmental services provided by the Napa County Resource Conservation District and inform a Sphere Of Influence Update.

Napa County Flood Control and Water Conservation District SOI (TO BE COMPLETED IN 2021)

Sphere Of Influence Update for the Napa County Flood Control and Water Conservation District will be informed by the Countywide Water and Wastewater Services Municipal Service Review.

Silverado Community Services District MSR and SOI (TO BE COMPLETED IN 2022)

Municipal Service Review will examine the governmental services provided by the Silverado Community Services District and inform a Sphere Of Influence Update.

Public Cemetery Districts MSR and SOIs (TO BE COMPLETED IN 2023)

Municipal Service Review will examine the governmental services provided by the Monticello Public Cemetery District and Pope Valley Cemetery District and inform Sphere Of Influence Updates for both agencies.

Los Carneros Water District SOI (TO BE COMPLETED IN 2021)

Sphere Of Influence Update for the Los Carneros Water District will be informed by the Countywide Water and Wastewater Services Municipal Service Review.

Napa River Reclamation District No. 2109 SOI (TO BE COMPLETED IN 2021)

Sphere Of Influence Update for the Napa River Reclamation District No. 2109 will be informed by the Countywide Water and Wastewater Services Municipal Service Review.

City of Calistoga MSR and SOI (TO BE COMPLETED IN 2023)

Municipal Service Review will examine the governmental services provided by the City of Calistoga and inform a Sphere Of Influence Update.

2022

Congress Valley Water District SOI (TO BE COMPLETED IN 2021)

Sphere Of Influence Update for the Congress Valley Water District will be informed by the Countywide Water and Wastewater Services Municipal Service Review.

Circle Oaks County Water District SOI (TO BE COMPLETED IN 2021)

Sphere Of Influence Update for the Circle Oaks County Water District will be informed by the Countywide Water and Wastewater Services Municipal Service Review.

County Service Area No. 4 MSR and SOI (TO BE COMPLETED IN 2023)

Municipal Service Review will examine the governmental services provided by County Service Area No. 4 and inform a Sphere Of Influence Update.

Napa County Mosquito Abatement District MSR and SOI (TO BE COMPLETED IN 2023)

Municipal Service Review will examine the governmental services provided by the Napa County Mosquito Abatement District and inform a Sphere Of Influence Update.

Town of Yountville MSR and SOI (TO BE COMPLETED IN 2023)

Municipal Service Review will examine the governmental services provided by the Town of Yountville and inform a Sphere Of Influence Update.

Updated Study Schedule

Local Agencies	Last MSR	Next MSR	Last SOI Update	Next SOI Update
CITIES/TOWN				
American Canyon	2018	2024	2018	2024
Calistoga	2016	2023	2016	2023
Napa	2014	2023	2014	2023
St. Helena	2008	2022	2008	2022
Yountville	2017	2023	2017	2023
SPECIAL DISTRICTS				
American Canyon Fire Protection District (ACFPD)	2018	2024	2018	2024
Circle Oaks County Water District (COCWD)	2020	2025	2016	2021
Congress Valley Water District (CVWD)	2020	2026	2017	2021
County Service Area No. 3 (CSA 3)	2018	2024	2018	2024
County Service Area No. 4 (CSA 4)	2017	2023	2017	2023
Lake Berryessa Resort Improvement District (LBRID)	2020	2026	2012	2021
Los Carneros Water District (LCWD)	2020	2025	2016	2021
Monticello Public Cemetery District (MPCD)	2016	2023	2016	2023
Napa Berryessa Resort Improvement District (NBRID)	2020	2026	2013	2021
Napa County Flood Control & Water Conservation District (NCFCWCD)	2020	2025	2016	2021
Napa County Mosquito Abatement District (NCMAD)	2017	2023	2017	2023
Napa County Regional Park and Open Space District (NCRPOSD)	2019	2026	2019	2026
Napa County Resource Conservation District (NCRCD)	2016	2022	2016	2022
Napa River Reclamation District No. 2109 (NRRD)	2020	2026	2016	2021
Napa Sanitation District (NSD)	2020	2026	2015	2022
Pope Valley Cemetery District (PVCD)	2016	2023	2016	2023
Silverado Community Services District (SCSD)	2014	2022	2015	2022
Spanish Flat Water District (SFWD)	2020	2026	2013	2021

Updated Policy Review Schedule

Policy	Complete Review	Comments
Legislation	2017	New policy prepared by Committee
Outside Service Agreements	2018	Reviewed and revised by Committee
Conflict of Interest Code	2018	Reviewed by Committee; no changes needed
Disadvantaged Unincorporated Communities	2018	New policy prepared by Committee
Conducting Meetings and Business	2018	Reviewed and revised by Committee
Appointment of Public Members	2019	Reviewed and revised by Committee
Appointment of Chair and Vice-Chair	2019	Reviewed and revised by Committee; combined with other policies
Budget	2019	Reviewed and revised by Committee; combined with other policies
Budget Contributions and Collection of Funds	2019	Reviewed and revised by Committee; combined with other policies
Establishing Officers of the Commission	2019	Reviewed and revised by Committee; combined with other policies
Executive Officer Purchasing Authority	2019	Reviewed and revised by Committee; combined with other policies
Telecommuting	2019	Reviewed and revised by Committee
Unincorporated Islands	2020	New policy prepared by Committee
Spheres of Influence	2021	New policy prepared by Committee
Executive Officer Performance Review	2021	Reviewed and revised by Committee
Social Media	2021	Reviewed and revised by Committee
Records Retention and Destruction	2021	Reviewed and revised by Committee; pending Commission approval
CEQA	2021	Review by Committee needed
Scheduling of Meetings	2021	Review by Committee needed
Municipal Service Reviews	2022	Review by Committee needed
Annexations (General Policy Determinations)	2022	Review by Committee needed
Indemnification	2022	Review by Committee needed
Conducting Authority Proceedings	2022	Review by Committee needed
Appointment of Commission Counsel	2022	Review by Committee needed

Napa LAFCO Work Program for Fiscal Year 2021-22				
		Timeline	Lead	Comments
STUDIES	Lake Berryessa Districts SOI Updates	1/21 - 8/21	Staff	Complete on 8/2/21
	Napa Sanitation District SOI Update	TBD	Staff	On hold for City & County housing element progress
	SOI updates for COCWD, CVWD, LCWD, NCFWCWD & NRRD	1/21 - 10/21	Staff	Complete on 10/4/21
	City of Napa MSR & SOI Update	TBD	Staff	On hold while City completes its General Plan update
	City of St. Helena MSR & SOI Update	TBD	Staff	Will resume at request of City and/or Commission
APPLICATIONS	Change of Organization/Reorganization Proposals	Ongoing	Staff	4 active & 7 anticipated proposals
	Island Annexation Program	TBD	Staff	City of Napa is the lead on island annexation outreach and infrastructure needs analysis
	Outside Service Agreement Requests	Ongoing	EO & Chair	None at this time
	Completion Proceedings for Approved Annexations	Ongoing	Staff	Staff continues processing annexations previously approved by Commission (6 approved in 2021)
PUBLIC OUTREACH	Conduct LAFCO Outreach; Agencies & Community Groups	Ongoing	Staff	Quarterly newsletters were distributed in October 2021 & January 2022
	Comments on Local Agency Projects	Ongoing	Staff	None at this time
	Respond to Grand Jury Reports	Ongoing	Staff & Commission	None at this time
	Annual Countywide Update on Housing and General Plans	10/21	Staff	Annual report was presented on 10/4/21
	Conduct Informational Workshops & Meetings	Ongoing	Staff	Future meetings may occur in partnership with City of Napa for island annexation outreach
	Public Records Requests	Ongoing	Staff	None at this time
	Website Maintenance and Updates	Ongoing	Staff	Recently added FY20-21 audit, quarterly newsletters, press releases related to CALAFCO, legal counsel RFP, etc.
	Social Media: Meetings Notices and Announcements	Ongoing	Staff	Staff posts meeting info, public notices, press releases, and other relevant info on Commission's Facebook page
COMMISSION	Expiring Commissioner Terms	5/22	Staff	Terms for Commissioners Dillon & Leary expire 5/2/22; Commission voted on 12/6/21 to formally reappoint Commissioner Leary prior to expiration
	Chair and Vice Chair Designation	5/21 - 5/22	Staff	Commissioners Dillon & Mohler are Chair & Vice Chair, respectively, until 5/2/22; Commissioners Mohler & Wagenknecht will be Chair & Vice Chair, respectively, from 5/2/22 until 5/1/23
	Statement of Economic Interest (Form 700)	4/22	Clerk	Required for all Commissioners & EO upon entering office, leaving office, and annually by April 1
	Ethics Training	Biennially	Clerk	Required for all Commissioners & staff every two years
	Develop Budget for FY 2022-23	12/21 - 6/22	Budget Committee	Commissioners Mohler & Leary serve on the FY 22-23 Budget Committee; Committee held a meeting on 1/11/22 to develop a draft budget
	State Legislation Monitoring and Position Letters	Ongoing	Legislative Committee	CALAFCO will track new legislation & summarize all bills related to LAFCOs; Legislative Committee will meet to review new legislation and present recommendations for formal positions on specific bills at a future meeting
	Policy Review and Revisions	Ongoing	Policy Committee	Proposed amendment to Policy on Conducting Commission Meetings & Business on today's agenda
ADMINISTRATION	Audit for FY 2020-21	8/21 - 12/21	Staff	Final audit was presented by the County Auditor-Controller on 12/6/21
	Update Support Services Agreement with County of Napa	4/21 - 6/22	Staff	Staff working with County to update SSA, more details to be presented at a future meeting
	Fiscal Year-End Contracts Close-Out	6/22	Staff	Staff closes out & re-encumbers all the Commission's contracts in June each year
	Quarterly Budget Reports	Quarterly	Staff	2nd quarter budget report for FY 21-22 on today's agenda
	Provide Strategic Plan Updates	Semiannually	Staff	Progress report on today's agenda
	Verify Median Household Income Data to Identify DUCs	7/21	Staff	No DUCs in Napa County at this time
	Work Program for FY 2022-23	6/22	Staff	Work Program for FY 22-23 will be presented on 6/7/22
	Electronic Document Management System Maintenance Geographic Information System Mapping Updates	Ongoing Ongoing	Staff Staff	Digitalization of historical & current agency records GIS boundary layer edits for completed annexations
OTHER	2021 CALAFCO Annual Conference (Newport Beach)	N/A	Staff & Commission	Conference canceled
	2022 CALAFCO Staff Workshop (Newport Beach)	3/21	Staff	Location changed from Monterey to Newport Beach; staff not attending
	Statewide LAFCO EO Teleconference Meetings	Bimonthly	EO & Analyst	Sharing information with other LAFCOs statewide
	Statewide LAFCO Clerks Teleconference Meetings	Discontinued	Clerk	These meetings have been canceled

February 7, 2022 Progress Report



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 9b (Discussion)

TO: Local Agency Formation Commission

PREPARED BY: Brendon Freeman, Executive Officer *BF*

MEETING DATE: February 7, 2022

SUBJECT: Legal Counsel Request for Proposal Update and Direction

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 update on the legal counsel request for proposal (RFP) process and consider providing direction to the Executive Officer with respect to selecting a candidate and entering into a contract.

BACKGROUND AND SUMMARY

The Commission's current contract with Sloan Sakai for professional legal services expires on June 30, 2022.

On December 6, 2021, the Commission established an ad hoc subcommittee ("RFP Committee") and appointed Commissioners Dillon and Aboudamous to advise the Executive Officer in preparing and circulating a legal counsel RFP.

On January 6, 2022, the RFP Committee met and prepared an RFP, included as Attachment One. The RFP was issued to approximately 40 professional law firms and attorneys on January 7, 2022. The RFP's proposal period closed on February 3, 2022.

As part of this item, the Commission will receive an update from staff on the number of proposals that were received that meet the requirements of the RFP. The Commission will consider providing direction to staff with respect to the selection process. Toward this end, the Commission is invited to consider timing for a final decision to be made, which may involve scheduling interviews with top candidates and/or delegating final decision-making authority to the Executive Officer with assistance from the RFP Committee.

ATTACHMENT

- 1) Legal Counsel RFP (Issued January 7, 2022)

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

REQUEST FOR PROPOSAL (RFP) LEGAL COUNSEL

RFP Circulation Date:
January 7, 2022

Proposal Submission Deadline:
February 3, 2022

LAFCO of Napa County
1754 Second Street, Suite C
Napa, California 94559
<https://www.napa.lafco.ca.gov>

Committed to serving the citizens and government agencies of its jurisdiction by encouraging the preservation of agricultural lands and open-space and coordinating the efficient delivery of municipal services.

Diane Dillon, Chair, County Member
Margie Mohler, Vice Chair, City Member
Mariam Aboudamous, Commissioner, City Member
Kenneth Leary, Commissioner, Public Member
Brad Wagenknecht, Commissioner, County Member
Ryan Gregory, Alternate Commissioner, County Member
Eve Kahn, Alternate Commissioner, Public Member
Beth Painter, Alternate Commissioner, City Member
Brendon Freeman, Executive Officer
Dawn Mittleman Longoria, Analyst II
Kathy Mabry, Commission Clerk



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Attachment: Existing Professional Services Agreement¹	A

¹ Attachment is for informational purposes only.

I. PROPOSAL OBJECTIVE

The Local Agency Formation Commission (LAFCO) of Napa County is inviting proposals from qualified firms and individual attorneys to provide legal counsel to the Commission. The objective of this RFP process is to provide the Commission with alternative proposals for reliable and effective legal counsel available on-call and as-needed.

II. AGENCY PROFILE

LAFCO of Napa County has five Commissioners composed of two members from the Board of Supervisors, two members from city councils, and one member of the general public. Additionally, for each category represented on LAFCO, there is an alternate member. LAFCO is currently staffed by two full-time employees and one part-time employee with an annual operating budget of approximately \$575,000.

Meeting agendas, staff reports, policies and procedures, forms and other information are posted on our website (www.napa.lafco.ca.gov).

III. ANTICIPATED PROJECTS

As required by the Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000, Napa LAFCO processes boundary change proposals for cities and special districts in Napa County and regularly updates municipal service reviews and spheres of influence for each agency under its authority. Currently, there are no outstanding legal issues or present or anticipated litigation pertaining to the Commission's activities.

IV. PROPOSAL TIMELINE

Proposals must be submitted to the LAFCO office no later than 5:00 p.m. pacific standard time (PST) on February 3, 2022. Proposals received after this date will not be considered unless the Commission decides to recirculate the RFP.

At its February 7, 2022 meeting, the Commission will be asked to provide direction to the Executive Officer on how to proceed with the submitted proposals. A more specific timeline should become available after that meeting.

Napa LAFCO will review submitted proposals as soon as conveniently possible and pursuant to direction from the Commission. It is anticipated that a decision will be made no later than June 30, 2022.

LAFCO reserves the right to adjust this timeline as it deems necessary. Notification of adjustments to the timeline shall be provided to all respondents.

V. SCOPE OF SERVICES

Legal counsel rendered to Napa LAFCO would include:

- Serve as LAFCO legal counsel and representative in all Commission matters, including litigation and administrative proceedings as necessary;
- Provide general legal advice to the Commission or the Executive Officer when requested typically on matters of general municipal or administrative law, including CEQA, and on matters relating to the Cortese-Knox-Hertzberg Act or case law specifically involving local government boundaries or organizations in California;
- Serve as on-call legal counsel to the Commission, mainly from a remote location, unless attendance at meetings is requested in advance;
- Attend in-person meetings with the Executive Officer and/or Commission committees when required or maintain telephone and e-mail contact as needed;
- Review and comment upon monthly agendas, staff reports, resolutions, correspondence, administrative policies, and other documents prepared by LAFCO staff as requested and in a timely manner;
- Prepare legal opinions on specified issues;
- Prepare and/or review contracts and indemnification agreements on request;
- Prepare occasional reports and present information at public hearings and represent the Commission as legal counsel during meetings as needed.

VI. PROPOSAL FORMAT AND CONTENT

All proposals must be accompanied by a cover letter. The letter must identify the complete name of the respondent submitting the proposal. The letter must summarize the proposal in terms of scope of work to be provided along with associated costs. The letter must specify that the proposal remains firm and irrevocable for at least 90 days following the proposal submission deadline. The letter must state whether a possible conflict of interest exists and, if so, the nature of the conflict. The letter must also include a statement acknowledging the respondent has reviewed LAFCO's existing professional services agreement (Attachment A) and confirm its ability to perform the services described therein. If qualifications are involved, those items requiring adjustments or modifications must be identified along with suggested changes. If no qualifications are noted, LAFCO will assume the respondent is capable of performing all normal tasks and services outlined in the agreement without reservations or qualifications.

As for the actual proposal, it should address the categories presented below in narrative format. Information should be as concise as possible. Any supporting material included with the proposal should be directly related to one of these categories:

- **Description and Summary of Qualifications**
Provide a description of the respondent and summarize the specific experience of the person(s) who will be assigned to provide legal counsel as needed by Napa LAFCO.
- **Related Work Experience and References**
Provide a summary of the respondent's previous work experience with legal issues and practices described under Section V above. Identify no fewer than three examples of legal analysis or other service relating to local government boundaries or organization in California. Also provide no fewer than two client references. References of local governmental agencies are preferred. The reference list must include the client name, location, and contact person with phone number.
- **Approach**
Provide information on the approach to providing legal counsel and commitment to the Scope of Services, described in Section V above.
- **Project Cost**
Identify a rate/fee schedule for all proposed services that would be the basis for respondent's invoices during the course of this contract. Define any reimbursable expenses that respondent will be asking LAFCO to pay.

VII. EVALUATION AND SELECTION

The evaluation will be based on the factors enumerated below. No one factor shall be determinative.

- Expertise and experience of the respondent, including key individual(s). This includes respondent's experience in comparable government engagements; the quality, experience, expertise, and depth of the professional personnel to be assigned to the engagement; and respondent's relevant continuing professional education program for its professional personnel. Greater weight in the selection process will be given to respondents with LAFCO experience and expertise.
- Cost/rates
- Availability of appropriate professional(s) as needed for special circumstances
- Completeness of responses to specific requirements of the solicitation
- References

At its February 7, 2022 meeting, the Commission is anticipated to review the selection process and provide direction to the Executive Officer.

A negotiated contract will be awarded to the respondent that best meets the proposed needs of LAFCO at a reasonable price based on the evaluation criteria listed above. Although cost is a factor, the selected proposal may not be the lowest cost option. LAFCO is under no obligation to award the project to the respondent offering the lowest price.

LAFCO reserves the right to do the following at any time:

- Terminate failed negotiations with a respondent without liability and negotiate with other respondents.
- Accept all or a portion of a respondent's proposed services.

VIII. OTHER PROPOSAL INFORMATION

The following information applies to this RFP:

- **Questions**
All questions regarding this RFP should be e-mailed to LAFCO Executive Officer Brendon Freeman at bfreeman@napa.lafco.ca.gov or by phone at (707) 259-8645. Questions must be submitted and received before 5:00 p.m. PST on January 27, 2022. The questions and answers pertaining to this RFP will be posted on LAFCO's website at www.napa.lafco.ca.gov no later than January 31, 2022.
- **Agreement**
The selected respondent's proposal may be incorporated into the agreement. Price quotations and other time dependent information contained in any proposal shall remain firm for a minimum of 90 days from the proposal submission deadline.
- **Property of LAFCO**
All proposals received will become the property of LAFCO and will not be returned. LAFCO reserves the right to copy the materials for evaluation purposes.
- **Acknowledgement of Amendments**
Each respondent receiving a copy of this RFP shall acknowledge receipt of any amendment by signing and returning the amendments with their completed proposal.
- **Collusion Among Respondents**
Each respondent, by submitting a proposal, certifies that it is not party to any collusive action relating to this RFP.
- **Exceptions**
A respondent taking exception to any part of this RFP shall indicate such exceptions in a separate section of their submitted proposal. Failure to indicate any exception will be interpreted as the respondent's intent to comply fully with the requirements of this RFP as written.

- **Expenses Incurred**
There is no expressed or implied obligation for LAFCO to reimburse respondents for any expenses associated with this RFP.

- **Late Submissions**
Any proposal received after 5:00 p.m. PST on February 3, 2022 will not be considered unless the Commission decides to recirculate the RFP.

- **Nonconforming Terms and Conditions**
Any proposal that includes terms and conditions that do not conform to this RFP is subject to rejection as non-responsive. LAFCO reserves the right to waive any informalities or minor irregularities in connection with proposals received. LAFCO reserves the right to permit a respondent to withdraw non-conforming terms and conditions from their proposal prior to the Commission taking action.

- **Withdrawal of Proposal**
Respondents may withdraw their proposals at any time prior to the RFP submission deadline. A withdrawal request must be signed by the respondent's duly authorized representative and sent to the LAFCO Executive Officer.

- **Withdrawal of RFP**
LAFCO retains the right to withdraw, modify, or amend this RFP at any time. LAFCO further reserves the right to reject any or all of the proposals submitted.

LOCAL AGENCY FORMATION COMMISSION OF NAPA COUNTY**AMENDED AND RESTATED
PROFESSIONAL SERVICES AGREEMENT NO. 2015-05**

THIS AMENDED AND RESTATED PROFESSIONAL SERVICES AGREEMENT (“Amended and Restated Agreement”) is made and entered into as of August 1, 2017, by and between the Local Agency Formation Commission of Napa County, a political subdivision of the State of California, hereinafter referred to as “LAFCO”, and Renne Sloan Holtzman Sakai LLP (“Contractor”), whose mailing address is 555 Capitol Mall, Sacramento, CA 95814.

RECITALS

WHEREAS, LAFCO wishes to receive reliable and effective legal services; and

WHEREAS, LAFCO entered into an agreement for legal services to be provided by Miller & Owen, effective March 16, 2015 (“Agreement”); and

WHEREAS, LAFCO approved the assignment of the Agreement to RSHS, which was effective October 1, 2015; and

WHEREAS, LAFCO’s Executive Officer approved a brief extension of the Agreement to extend the time for performance through LAFCO’s August 2017 meeting, but not increasing the total not-to-exceed amount under the Agreement;

WHEREAS, CONTRACTOR represents that it remains qualified and willing to provide such specialized services to LAFCO; and

WHEREAS, LAFCO and CONTRACTOR now wish to enter into this Amended and Restated Agreement to further extend the time for performance for up to two additional years, and to reflect CONTRACTOR’s updated billing rates.

TERMS

NOW, THEREFORE, LAFCO hereby engages the services of CONTRACTOR, and CONTRACTOR agrees to serve LAFCO in accordance with the terms and conditions set forth herein:

1. **Term of the Agreement.** The term of this Agreement shall commence on the date first above written and shall expire on June 30, 2018, unless terminated earlier in accordance with Paragraph 9 (Termination) or 23(a) (Covenant of No Undisclosed Conflict), except that the obligations of the parties under Paragraphs 7 (Insurance) and 8 (Indemnification) shall continue in full force and effect after said expiration date or early termination in relation to acts or omissions occurring prior to such dates during the term of the Agreement, and the obligations of CONTRACTOR to LAFCO shall also continue after said expiration date or early termination in

relation to the obligations prescribed by Paragraphs 15 (Confidentiality), 20 (Taxes) and 21 (Access to Records/Retention).

The term of this Agreement shall be automatically renewed for one additional year at the end of the fiscal year, under the terms and conditions then in effect, unless either party gives the other party written notice of intention not to renew no less than thirty (30) days prior to the expiration of the then current term. Such notice of nonrenewal may be given on behalf of LAFCO by the Napa LAFCO Executive Officer or designee thereof. For purposes of this Agreement, "fiscal year" shall mean the period commencing on July 1 and ending on June 30.

2. **Scope of Services.** CONTRACTOR shall provide LAFCO those services set forth in Exhibit "A", attached hereto and incorporated by reference herein. All work performed by CONTRACTOR under this Agreement shall be in accordance with all applicable legal requirements and shall meet the standard of quality ordinarily to be expected of competent professionals in CONTRACTOR's field of expertise.

3. **Compensation.**

(a) **Rates.** In consideration of CONTRACTOR's fulfillment of the promised work, LAFCO shall pay CONTRACTOR at the rates set forth in Exhibit "B-1", attached hereto and incorporated by reference herein.

(b) **Expenses.** Travel and other expenses will be reimbursed by LAFCO upon submission of an invoice in accordance with Paragraph 4 at the rates and/or in accordance with the provisions set forth in Exhibit "B-1."

(c) **Maximum Amount.** Notwithstanding subparagraphs (a) and (b), the maximum payments under this Agreement shall not exceed twenty-six thousand, five hundred dollars (\$26,500) per fiscal year; provided, however, that such amounts shall not be construed as guaranteed sums, and compensation shall be based upon services actually rendered and expenses actually incurred. In no instance shall LAFCO be liable for any payments or costs for work in excess of this amount, nor for any unauthorized or ineligible costs. CONTRACTOR shall be paid at the times and in the manner set forth in this Agreement. The consideration to be paid CONTRACTOR, as provided in this Agreement, shall be in compensation for all of CONTRACTOR's expenses incurred in the performance of work under this Agreement, including travel and expenses, unless otherwise expressly so provided.

4. **Method of Payment.**

(a) **Invoices.** All payments for compensation and reimbursement for expenses shall be made only upon presentation by CONTRACTOR to LAFCO of an itemized billing invoice in a form acceptable to the LAFCO Executive Director which indicates, at a minimum, CONTRACTOR's name, address, Social Security or Taxpayer Identification Number, itemization of the hours worked or, where compensation is on a per-task basis, a description of the tasks completed during the billing period, the person(s) actually performing the services and the position(s) held by such person(s), and the approved hourly or task rate. Invoices shall also indicate the number of hours worked by each of CONTRACTOR's personnel and reimbursable costs incurred to the date of such billing since the date of the preceding billing, if any. The invoices shall include documentation of reimbursable expenses and other invoiced items

sufficient for LAFCO, in its opinion, to substantiate billings.

(b) CONTRACTOR shall submit invoices not more often than monthly to the Executive Officer. Approved invoices shall be submitted to the Napa County Auditor for payment no later than fifteen (15) calendar days following receipt. CONTRACTOR shall be notified within fifteen (15) calendar days following receipt of its invoice by LAFCO of any circumstances or data identified by LAFCO in CONTRACTOR's written billing which would cause withholding of approval and subsequent payment. LAFCO reserves the right to withhold payment of disputed amounts.

(c) Legal status. So that LAFCO may properly comply with its reporting obligations under federal and state laws pertaining to taxation, if CONTRACTOR is or becomes a corporation during the term of this Agreement, proof that such status is currently recognized by and complies with the laws of both the state of incorporation or organization and the State of California, if different, shall be provided to the LAFCO Executive Director upon request in a form satisfactory to the LAFCO Executive Director. Such proof shall include, but need not be limited to, a copy of any annual or other periodic filings or registrations required by the state of origin or California, the current address for service of process on the corporation or limited liability partnership, and the name of any agent designated for service of process by CONTRACTOR within the State of California.

5. **Independent Contractor.** CONTRACTOR shall perform this Agreement as an independent contractor. CONTRACTOR and the officers, agents and employees of CONTRACTOR are not, and shall not be deemed, LAFCO employees for any purpose, including workers' compensation and employee benefits. CONTRACTOR shall, at CONTRACTOR's own risk and expense, determine the method and manner by which duties imposed on CONTRACTOR by this Agreement shall be performed; provided, however, that LAFCO may monitor the work performed by CONTRACTOR. LAFCO shall not deduct or withhold any amounts whatsoever from the compensation paid to CONTRACTOR, including, but not limited to amounts required to be withheld for state and federal taxes. As between the parties to this Agreement, CONTRACTOR shall be solely responsible for all such payments.

6. **[Reserved]**

7. **Insurance.** CONTRACTOR shall obtain and maintain in full force and effect throughout the term of this Agreement, and thereafter as to matters occurring during the term of this Agreement, the following insurance coverage:

(a) Workers' Compensation insurance. To the extent required by law during the term of this Agreement, CONTRACTOR shall provide workers' compensation insurance for the performance of any of CONTRACTOR's duties under this Agreement, including but not limited to, coverage for workers' compensation and employer's liability and a waiver of subrogation, and shall provide LAFCO with certification of all such coverages as set forth in subsection (c), below.

(b) Liability insurance. CONTRACTOR shall obtain and maintain in full force and effect during the term of this Agreement the following liability insurance coverages, issued by a company admitted to do business in California and having an A.M. Best rating of A:VII or better or equivalent self-insurance:

(1) General Liability. Commercial general liability [CGL] insurance coverage

(personal injury and property damage) of not less than ONE MILLION DOLLARS (\$1,000,000) combined single limit per occurrence, covering liability or claims for any personal injury, including death, to any person and/or damage to the property of any person arising from the acts or omissions of CONTRACTOR or any officer, agent, or employee of CONTRACTOR under this Agreement. If the coverage includes an aggregate limit, the aggregate limit shall be no less than twice the per occurrence limit.

(2) Professional Liability/Errors and Omissions. Professional liability [or errors and omissions] insurance for all activities of CONTRACTOR arising out of or in connection with this Agreement in an amount not less than ONE MILLION DOLLARS (\$1,000,000) per claim.

(3) Comprehensive Automobile Liability Insurance. Comprehensive automobile liability insurance (Bodily Injury and Property Damage) on owned, hired, leased and non-owned vehicles used in conjunction with CONTRACTOR's business of not less than FIVE HUNDRED THOUSAND DOLLARS (\$500,000) combined single limit per occurrence.

(c) Certificates. All insurance coverages referenced in 7(a) and (b), above, shall be evidenced by one or more certificates of coverage or, with the consent of LAFCO's Risk Manager, demonstrated by other evidence of coverage acceptable to LAFCO's Risk Manager, which shall be filed by CONTRACTOR with LAFCO's Executive Officer prior to commencement of performance of any of CONTRACTOR's duties. Such certificate(s) shall (1) reference this Agreement by its LAFCO number or title; (2) shall provide that LAFCO shall be given no less than thirty (30) days prior written notice of any non-renewal, cancellation, other termination, or material change, except that only ten (10) days prior written notice shall be required where the cause of non-renewal or cancellation is non-payment of premium; and (3) shall provide that the inclusion of more than one insured shall not operate to impair the rights of one insured against another insured, the coverage afforded applying as though separate policies had been issued to each insured, but the inclusion of more than one insured shall not operate to increase the limits of the company's liability.

(d) For the commercial general liability insurance coverage referenced in 7(b)(1) and the comprehensive automobile liability insurance coverage referenced in 7(b)(3), CONTRACTOR shall also file with the evidence of coverage, an endorsement from the insurance provider naming LAFCO, its officers, employees, agents and volunteers as additional insureds and waiving subrogation. The certificate or other evidence of coverage shall also provide that if the same policy applies to activities of CONTRACTOR not covered by this Agreement then the limits in the applicable certificate relating to the additional insured coverage of LAFCO shall pertain only to liability for activities of CONTRACTOR under this Agreement, and that the insurance provided is primary coverage to LAFCO with respect to any insurance or self-insurance programs maintained by LAFCO. The additional insured endorsements for the general liability coverage shall use Insurance Services Office (ISO) Form No. CG 20 09 11 85 or CG 20 10 11 85, or equivalent, including (if used together) CG 2010 10 01 and CG 2037 10 01; but shall not use the following forms: CG 20 10 10 93 or 03 94. Upon request by LAFCO's Risk Manager, CONTRACTOR shall provide or arrange for the insurer to provide within thirty (30) days of the request, certified copies of the actual insurance policies or relevant portions thereof.

(e) Deductibles/Retentions. Any deductibles or self-insured retentions shall be declared to, and be subject to approval by, LAFCO's Risk Manager, which approval shall not be denied unless the LAFCO's Risk Manager determines that the deductibles or self-insured

retentions are unreasonably large in relation to compensation payable under this Agreement and the risks of liability associated with the activities required of CONTRACTOR by this Agreement. At the option of and upon request by LAFCO's Risk Manager, if the Risk Manager determines that such deductibles or retentions are unreasonably high, either the insurer shall reduce or eliminate such deductibles or self-insurance retentions as respects LAFCO, its officers, employees, agents and volunteers, or CONTRACTOR shall procure a bond guaranteeing payment of losses and related investigations, claims administration and defense expenses.

8. Hold Harmless/Defense/Indemnification.

(a) In General. To the full extent permitted by law, CONTRACTOR shall hold harmless, defend at its own expense, and indemnify LAFCO and the officers, agents, employees and volunteers of LAFCO from any and all liability, claims, losses, damages or expenses, including reasonable attorney's fees, arising from all acts or omissions of CONTRACTOR or its officers, agents, employees, volunteers, contractors and subcontractors in rendering services under this Agreement, including any patent or copyright infringements, but excluding, however, such liability, claims, losses, damages or expenses arising from the sole negligence or willful acts of LAFCO or its officers, agents, employees, volunteers, or other contractors or their subcontractors. Each party shall notify the other party immediately in writing of any claim or damage related to activities performed under this Agreement. The parties shall cooperate with each other in the investigation and disposition of any claim arising out of the activities under this Agreement, providing that nothing shall require either party to disclose any documents, records or communications that are protected under peer review privilege, attorney-client privilege, or attorney work product privilege.

(b) Employee Character and Fitness. CONTRACTOR accepts responsibility for determining and approving the character and fitness of its employees (including volunteers, agents or representatives) to provide the services required of CONTRACTOR under this Agreement, including completion of a satisfactory criminal/background check and periodic rechecks to the extent permitted by law. Notwithstanding anything to the contrary in this Paragraph, CONTRACTOR shall hold LAFCO and its officers, agents and employees harmless from any liability for injuries or damages resulting from a breach of this provision or CONTRACTOR's actions in this regard.

9. Termination.

(a) LAFCO shall have the right to terminate this Agreement for any reason, with or without cause, at any time, by giving CONTRACTOR fifteen (15) days written notice. The notice shall be deemed served and effective for all purposes on the date it is deposited in the U.S. mail, certified, return receipt requested, addressed to CONTRACTOR at the address indicated in Section 13.

(b) If LAFCO issues a notice of termination:

(1) Contractor shall immediately cease rendering services pursuant to this Agreement.

(2) Contractor shall deliver to LAFCO copies of all Writings, whether or not completed, which were prepared by Contractor, its employees or its subcontractors, if any,

pursuant to this Agreement. The term "Writings" shall include, but not be limited to, handwriting, typesetting, computer files and records, drawings, blueprints, printing, photostating, photographs, and every other means of recording upon any tangible thing, any form of communication or representation, including, letters, works, pictures, sounds, symbols computer data, or combinations thereof. Unless otherwise expressly provided in this Agreement, any copyrightable or patentable work created by CONTRACTOR under this Agreement shall be deemed a "work made for hire" for purposes of copyright or patent law and only LAFCO shall be entitled to claim or apply for the copyright or patent thereof.

(3) LAFCO shall pay Contractor for work actually performed up to the effective date of the notice of termination, subject to the limitations in Section 3, less any compensation to LAFCO for damages suffered as a result of Contractor's failure to comply with the terms of this Agreement. Such payment shall be in accordance with Section 4. However, if this Agreement is terminated because the work of Contractor does not meet the terms or standards specified in this Agreement, then LAFCO shall be obligated to compensate Contractor only for that portion of Contractor's services which is of benefit to LAFCO. LAFCO may withhold any payments not yet made to CONTRACTOR for purpose of setoff until such time as the exact amount of damages due to LAFCO from CONTRACTOR is determined.

10. **Time.** Time is of the essence in this Agreement.

11. **Campaign Contribution Disclosure.** Contractor has complied with the campaign contribution disclosure provisions of the California Levine Act (Government Code § 84308) and has completed the Levine Act Disclosure Statement attached hereto as Exhibit "C."

12. **No Waiver.** The waiver by either party of any breach or violation of any requirement of this Agreement shall not be deemed to be a waiver of any such breach in the future, or of the breach of any other requirement of this Agreement.

13. **Notices.** All notices required or authorized by this Agreement shall be in writing and shall be delivered in person or by deposit in the United States mail, by certified mail, postage prepaid, return receipt requested. Any mailed notice, demand, request, consent, approval or communication that either party desires to give the other party shall be addressed to the other party at the address set forth below. Either party may change its address by notifying the other party of the change of address. Any notice sent by mail in the manner prescribed by this paragraph shall be deemed to have been received on the date noted on the return receipt or five days following the date of deposit, whichever is earlier.

LAFCO

Brendon Freeman
Executive Officer
LAFCO of Napa County
1030 Seminary Street, Suite B
Napa, CA 94559-2814

CONTRACTOR

Nancy C. Miller
Renne Sloan Holtzman Sakai LLP
555 Capitol Mall, Suite 600
Sacramento, CA 95814

14. **National Labor Relations Board Certification.** CONTRACTOR, by signing this Agreement, does swear under penalty of perjury that no more than one final unappealable finding of contempt of court by a federal court has been issued against CONTRACTOR within the immediately preceding two-year period because of CONTRACTOR's failure to comply with an order of a federal court which orders CONTRACTOR to comply with an order of the National Labor Relations Board (Public Contract Code § 10296).

15. **Confidentiality.** Confidential information is defined as all information disclosed to CONTRACTOR which relates to LAFCO's past, present, and future activities, as well as activities under this Agreement. CONTRACTOR shall hold all such information as CONTRACTOR may receive, if any, in trust and confidence, except with the prior written approval of LAFCO, expressed through its Executive Officer. Upon cancellation or expiration of this Agreement, CONTRACTOR shall return to LAFCO all written and descriptive matter which contains any such confidential information, except that CONTRACTOR may retain for its files a copy of CONTRACTOR's work product if such product has been made available to the public by LAFCO.

16. **No Assignments or Subcontracts.**

(a) In general. A consideration of this Agreement is the personal reputation of CONTRACTOR; therefore, CONTRACTOR shall not assign any interest in this Agreement or subcontract any of the services CONTRACTOR is to perform hereunder without the prior written consent of LAFCO, which shall not be unreasonably withheld. The inability of the assignee to provide personnel equivalent in experience, expertise, and numbers to those provided by CONTRACTOR, or to perform any of the remaining services required under this Agreement within the same time frame required of CONTRACTOR shall be deemed to be reasonable grounds for LAFCO to withhold its consent to assignment. For purposes of this subparagraph, the consent of LAFCO may be given by the Executive Officer.

(b) Effect of Change in Status. If CONTRACTOR changes its status during the term of this Agreement from or to that of a corporation, limited liability partnership, limited liability company, general partnership, or sole proprietorship, such change in organizational status shall be viewed as an attempted assignment of this Agreement by CONTRACTOR. Failure of CONTRACTOR to obtain approval of such assignment under this Paragraph shall be viewed as a material breach of this Agreement.

17. **Amendment/Modification.** Except as specifically provided herein, this Agreement may be modified or amended only in writing and with the prior written consent of both parties. In particular, only LAFCO, through its Executive Officer, in the form of an amendment of this Agreement, may authorize extra and/or changed work if beyond the scope of services prescribed by Exhibit "A". Failure of CONTRACTOR to secure such authorization in writing in advance of performing any of the extra or changed work shall constitute a waiver of any and all rights to adjustment in the contract price or contract time and no compensation shall be paid for such extra work.

18. **Interpretation; Venue.**

(a) Interpretation. The headings of the various sections of this Agreement are intended solely for convenience of reference and are not intended to explain, modify, or place

any interpretation upon any of the provisions of this Agreement. This Agreement shall be governed by the laws of the State of California without regard to the choice of law or conflicts.

(b) Venue. This Agreement is made in Napa County, California. The venue for any legal action in state court filed by either party to this Agreement for the purpose of interpreting or enforcing any provision of this Agreement shall be in the Superior Court of California, County of Napa, a unified court. The venue for any legal action in federal court filed by either party to this Agreement for the purpose of interpreting or enforcing any provision of this Agreement lying within the jurisdiction of the federal courts shall be the Northern District of California. The appropriate venue for arbitration, mediation or similar legal proceedings under this Agreement shall be Napa County, California; however, nothing in this sentence shall obligate either party to submit to mediation or arbitration any dispute arising under this Agreement.

19. **Compliance with Laws.** CONTRACTOR shall observe and comply with all applicable Federal, State and local laws, ordinances, and codes. Such laws shall include, but not be limited to, the following, except where prohibited by law:

(a) Non-Discrimination. During the performance of this Agreement, CONTRACTOR and its subcontractors shall not deny the benefits thereof to any person on the basis of race, color, ancestry, national origin or ethnic group identification, religion or religious creed, gender or self-identified gender, sexual orientation, marital status, age, mental disability, physical disability or medical condition (including cancer, HIV and AIDS), or political affiliation or belief nor shall they discriminate unlawfully against any employee or applicant for employment because of race, color, ancestry, national origin or ethnic group identification, religion or religious creed, gender or self-identified gender, sexual orientation, marital status, age, mental disability, physical disability or medical condition (including cancer, HIV and AIDS), use of family care leave or political affiliation or belief. CONTRACTOR shall ensure that the evaluation and treatment of employees and applicants for employment are free of such discrimination or harassment. In addition to the foregoing general obligations, CONTRACTOR shall comply with the provisions of the Fair Employment and Housing Act (Government Code section 12900, et seq.), the regulations promulgated thereunder (Title 2, California Code of Regulations, section 7285.0, et seq.), the provisions of Article 9.5, Chapter 1, Part 1, Division 3, Title 2 of the Government Code (sections 11135-11139.5) and any state or local regulations adopted to implement any of the foregoing, as such statutes and regulations may be amended from time to time. To the extent this Agreement subcontracts to CONTRACTOR services or works required of LAFCO by the State of California pursuant to agreement between LAFCO and the State, the applicable regulations of the Fair Employment and Housing Commission implementing Government Code section 12990 (a) through (f), set forth in Chapter 5 of Division 4 of Title 2 of the California Code of Regulations are expressly incorporated into this Agreement by reference and made a part hereof as if set forth in full, and CONTRACTOR and any of its subcontractors shall give written notice of their obligations thereunder to labor organizations with which they have collective bargaining or other agreements.

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

available upon request to LAFCO for inspection.

(c) Americans with Disabilities Act (ADA) of 1990. By signing this Agreement, CONTRACTOR assures LAFCO that it complies with the Americans with Disabilities Act (ADA) of 1990 (42 U.S.C. § 12101, et seq.), which prohibits discrimination on the basis of disability, as well as all applicable regulations and guidelines issued pursuant to the ADA, including but not limited to those found within the Code of Federal Regulations, title 49, parts 27, 37, and 38.

(d) Drug-Free Certification. By signing this Agreement, CONTRACTOR hereby certifies under penalty of perjury under the laws of the State of California that Contractor will comply with the requirements of the Drug-Free Workplace Act of 1990 (Government Code § 8350, et seq.) and will provide a drug-free workplace by taking the following actions:

(1) Publish a statement notifying employees that unlawful manufacture, distribution, dispensation, possession, or use of a controlled substance is prohibited, and specifying actions to be taken against employees for violations.

(2) Establish a Drug-Free Awareness Program to inform employees about:

- i. The dangers of drug abuse in the workplace;
- ii. The person's or the organization's policy of maintaining a drug-free workplace;
- iii. Any available counseling, rehabilitation, and employee assistance programs; and
- iv. Penalties that may be imposed upon employees for drug abuse violations.

(3) Every employee of CONTRACTOR who works under this Agreement shall:

- i. Receive a copy of CONTRACTOR's Drug-Free Workplace Policy Statement; and
- ii. Agree to abide by the terms of Contractor's Statement as a condition of employment on this Agreement.

(e) Union Organizing: By signing this Agreement, CONTRACTOR hereby acknowledges the applicability of Government Code § 16645 through § 16649 to this Agreement, excluding § 16645.2 and § 16645.7.

(1) CONTRACTOR will not assist, promote, or deter union organizing by employees performing work on this Agreement if such assistance, promotion, or deterrence contains a threat of reprisal or force, or a promise of benefit.

(2) CONTRACTOR will not meet with employees or supervisors on LAFCO or state property if the purpose of the meeting is to assist, promote, or deter union organizing, unless the property is equally available to the general public for meetings.

(3) No funds received from LAFCO under this Agreement shall be used to assist, promote, or deter union organizing.

(f) Inclusion in Subcontracts. To the extent any of the services required of CONTRACTOR under this Agreement are subcontracted to a third party, CONTRACTOR shall include all of the provisions of this Paragraph in all such subcontracts as obligations of the subcontractor.

20. **Taxes.** CONTRACTOR agrees to file federal and state tax returns or applicable withholding documents and to pay all applicable taxes or make all required withholdings on

amounts paid pursuant to this Agreement and shall be solely liable and responsible to make such withholdings and/or pay such taxes and other obligations including, without limitation, state and federal income and FICA taxes. CONTRACTOR agrees to indemnify and hold LAFCO harmless from any liability it may incur to the United States or the State of California as a consequence of CONTRACTOR's failure to pay or withhold, when due, all such taxes and obligations. In the event that LAFCO is audited for compliance regarding any withholding or other applicable taxes or amounts, CONTRACTOR agrees to furnish LAFCO with proof of payment of taxes or withholdings on those earnings.

21. **Access to Records/Retention.** LAFCO, any federal or state grantor agency funding all or part of the compensation payable hereunder, the State Controller, the Comptroller General of the United States, or the duly authorized representatives of any of the above, shall have access to any books, documents, papers and records of CONTRACTOR which are directly pertinent to the subject matter of this Agreement for the purpose of making audit, examination, excerpts and transcriptions. Except where longer retention is required by any federal or state law, CONTRACTOR shall maintain all required records for at least seven (7) years after LAFCO makes final payment for any of the work authorized hereunder and all pending matters are closed, whichever is later.

22. **Authority to Contract.** CONTRACTOR and LAFCO each warrant hereby that they are legally permitted and otherwise have the authority to enter into and perform this Agreement.

23. **Conflict of Interest.**

(a) **Covenant of No Undisclosed Conflict.** The parties to the Agreement acknowledge that they are aware of the provisions of Government Code section 1090, et seq., and section 87100, et seq., relating to conflict of interest of public officers and employees. CONTRACTOR hereby covenants that it presently has no interest not disclosed to LAFCO and shall not, during the term of this Agreement, acquire any interest, direct or indirect, which would conflict in any material manner or degree with the performance of its services or confidentiality obligation hereunder, except as such as LAFCO may consent to in writing prior to the acquisition by CONTRACTOR of such conflict. CONTRACTOR further warrants that it is unaware of any financial or economic interest of any public officer or employee of LAFCO relating to this Agreement. CONTRACTOR agrees that if such financial interest does exist at the inception of this Agreement, LAFCO may terminate this Agreement immediately upon giving written notice without further obligation by LAFCO to CONTRACTOR under this Agreement.

(b) **Statements of Economic Interest.** CONTRACTOR acknowledges and understands that LAFCO has developed and approved a Conflict of Interest Code as required by state law which requires CONTRACTOR to file with the Elections Division of the Napa County Assessor-Clerk Recorder "assuming office", "annual", and "leaving office" Statements of Economic Interest as a "consultant", as defined in section 18701(a)(2) of Title 2 of the California Code of Regulations, unless it has been determined in writing that CONTRACTOR, although holding a "designated" position as a consultant, has been hired to perform a range of duties so limited in scope as to not be required to fully comply with such disclosure obligation.

By authorizing its Chair to execute this Agreement on its behalf, LAFCO's Commission hereby determines in writing on behalf of LAFCO that CONTRACTOR has been hired to perform a

range of duties so limited in scope as to not be required to comply with such disclosure obligation.

24. **Non-Solicitation of Employees.** Each party agrees not to solicit for employment the employees of the other party who were directly involved in the performance of the services hereunder for the term of this Agreement and a period of six (6) months after termination of this Agreement except with the written permission of the other party, except that nothing in this Paragraph shall preclude either party from publishing or otherwise distributing applications and information regarding that party's job openings where such publication or distribution is directed to the public generally.

25. **Ownership; Permission.**

- a. CONTRACTOR agrees that all work products, including but not limited to, notes, designs, drawings, reports, memoranda, and all other tangible personal property produced in the performance of this Agreement, shall be the sole property of LAFCO, provided that CONTRACTOR may retain file copies of said work products. CONTRACTOR shall provide said work products to LAFCO upon request.
- b. CONTRACTOR represents and warrants that: (i) all materials used or work products produced in the performance of this Agreement, including, without limitation, all computer software materials and all written materials, are either owned by or produced by CONTRACTOR or that all required permissions and license agreements have been obtained and paid for by CONTRACTOR; and (ii) LAFCO is free to use, reuse, publish or otherwise deal with all such materials or work products except as otherwise specifically provided in Exhibit "A." CONTRACTOR shall defend, indemnify and hold harmless LAFCO and its directors, officers, employees, and agents from any claim, loss, damage, cost, liability, or expense to the extent of any violation or falsity of the foregoing representation and warranty.

26. **Third Party Beneficiaries.** Nothing contained in this Agreement shall be construed to create any rights in third parties and the parties do not intend to create such rights.

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

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

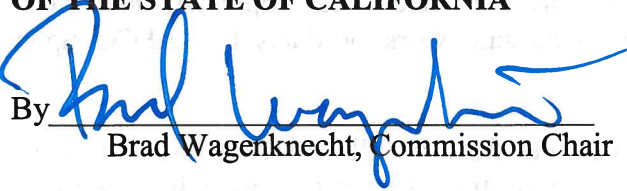
29. **Entirety of Contract.** This Agreement, including any documents expressly incorporated

by reference whether or not attached hereto, constitutes the entire agreement between the parties relating to the subject of this Agreement and supersedes all previous agreements, promises, representations, understandings and negotiations, whether written or oral, among the parties with respect to the subject matter hereof.

30. **Counterparts.** This Agreement may be signed in one or more counterparts, each of which shall constitute an original and all of which taken together shall constitute one and the same instrument.

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

**LOCAL AGENCY FORMATION COMMISSION
OF NAPA COUNTY, A POLITICAL SUBDIVISION
OF THE STATE OF CALIFORNIA**

By 
Brad Wagenknecht, Commission Chair

ATTEST:

By: 
Clerk of LAFCO

RENNE SLOAN HOLTZMAN SAKAI LLP

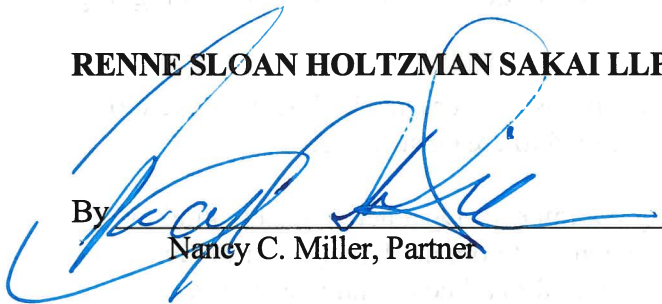
By 
Nancy C. Miller, Partner

EXHIBIT "A"**Scope of Work****I. CONTRACTOR shall provide LAFCO with the following services:**

CONTRACTOR shall provide all aspects of legal representation and legal services to LAFCO, including but not limited to legal advice and document drafting and representation of LAFCO in its operations, as requested by LAFCO.

II. Compliance with Government Code Section 7550: As required by Government Code 7550, each document or report prepared by CONTRACTOR for or under the direction of LAFCO pursuant to this Agreement shall contain the numbers and dollar amounts of the Agreement and all subcontracts under the Agreement relating to the preparation of the document or written report. The Agreement and subcontract dollar amounts shall be contained in a separate section of the document or written report. If multiple documents or written reports are the subject of the Agreement or subcontracts, the disclosure section may also contain a statement indicating that the total contract amount represents compensation for multiple documents or written reports.

EXHIBIT "B-1"**Rates of Compensation and Expense Reimbursement**

[Effective August 1, 2017]

A. Hourly Rates

Renne Sloan Holtzman Sakai takes pride in providing the most cost-effective services possible to its clients. Our commitment to serve public agencies is reflected in lower hourly rates for public agencies, rates below those charged by attorneys with comparable experience and backgrounds. Rates are subject to change no more than once annually. The following is a list of the hourly rates charged:

Nancy C. Miller	\$295
Paul J. Chrisman	\$280
Christiane E. Layton	\$280
Jennifer V. Gore	\$260
Madeline E. Miller	\$260
Other Partners	\$275 – 350
Other Associates	\$185 – 250
Paralegals	\$120

B. Reimbursable Expenses

The firm will not charge Napa LAFCO for travel time. The firm charges actual costs for any travel related expenses.

In addition to paying legal fees, the firm requests reimbursement for all costs and expenses incurred by the firm (at actual cost, no markup) including, but not limited to, fees fixed by law or assessed by courts or other agencies, courier service, computerized legal research, postage, facsimile charges, parking, mileage (at the current IRS rate), out of town travel expenses, investigation expenses, consultants' fees, court reporter's fees, registered copy service fees, and other similar items. All costs and expense are fully itemized, along with a description of services rendered and the time devoted to described tasks. The firm does not charge an administrative fee.

EXHIBIT "C"
LEVINE ACT DISCLOSURE STATEMENT

(To be completed by all proposers on LAFCO consultant contracts)

California Government Code § 84308, commonly referred to as the "Levine Act," precludes an Officer of a local government agency from participating in the award of a contract if he or she receives any political contributions totaling more than \$250 in the 12 months preceding the pendency of the contract award, and for three months following the final decision, from the person or company awarded the contract. This prohibition applies to contributions to the Officer, or received by the Officer on behalf of any other Officer, or on behalf of any candidate for office or on behalf of any committee. The Levine Act also requires disclosure of such contributions by a party to be awarded a specified contract. Please refer to the attachment for the complete statutory language.

Current members of the Napa County LAFCO are:

- | | |
|--------------------------|---------------------------|
| Juliana Inman | Diane Dillon |
| Brian Kelly | Brad Wagenknecht |
| Margie Mohler | Ryan Gregory, Alternate |
| Kenneth Leary, Alternate | Gregory Rodeno, Alternate |

1. Have you or your company, or any agent on behalf of you or your company, made any political contributions of more than \$250 to any LAFCO Commissioner(s) in the 12 months preceding the date of the issuance of this request for proposal or request for qualifications? YES NO

If yes, please identify the Commissioner(s): _____

2. Do you or your company, or any agency on behalf of you or your company, anticipate or plan to make any political contributions of more than \$250 to any LAFCO Commissioner(s) in the three months following the award of the contract?

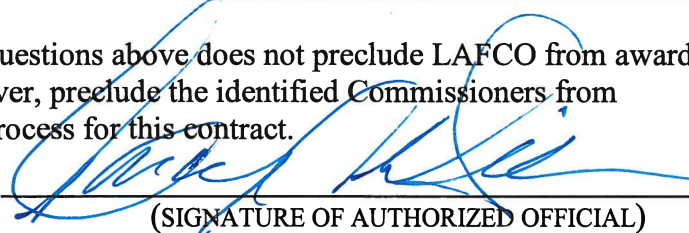
YES NO

If yes, please identify the Commissioner(s): _____

Answering yes to either of the two questions above does not preclude LAFCO from awarding a contract to your firm. It does, however, preclude the identified Commissioners from participating in the contract award process for this contract.

8/7/2017

DATE



(SIGNATURE OF AUTHORIZED OFFICIAL)

Nancy Miller, Partner

(TYPE OR WRITE APPROPRIATE NAME, TITLE)

Renne Sloan Holtzman Sakai LLP

(TYPE OR WRITE NAME OF COMPANY)

**AMENDMENT NO. 1 TO
AMENDED AND RESTATED PROFESSIONAL SERVICES AGREEMENT NO. 2015-05
BETWEEN THE LOCAL AGENCY FORMATION COMMISSION OF NAPA COUNTY
AND RENNE SLOAN HOLTZMAN SAKAI LLP
AND ASSIGNMENT TO
SLOAN SAKAI YEUNG & WONG LLP**

This Amendment No. 1 to the August 1, 2017, Amended and Restated Professional Services Agreement No. 2015-05 (“Agreement”) between the Local Agency Formation Commission of Napa County, a political subdivision of the State of California (hereinafter “LAFCO”), and Renne Sloan Holtzman Sakai LLP (hereinafter “RSHS”), and Assignment of Agreement to Sloan Sakai Yeung & Wong LLP (hereinafter “SSYW”), shall be effective March 1, 2018.

WHEREAS, LAFCO entered into the Agreement for legal services to be provided by RSHS, effective August 1, 2017;

WHEREAS, RSHS is changing the law firm name to Sloan Sakai Yeung & Wong LLP effective March 1, 2018;

WHEREAS, pursuant to Sections 16 and 17 of the Agreement, RSHS may assign the Agreement to SSYW with the prior written consent of LAFCO’s Executive Officer;

WHEREAS, the attorneys and support personnel currently providing legal services to LAFCO shall remain the same; and

WHEREAS, LAFCO and SSYW now wish to enter into this Amendment to change the law firm name and to increase the not-to-exceed amount under the Agreement.

NOW, THEREFORE, the parties agree as follows:

1. Amendment of the Agreement:

a. Section 13 of the Agreement (“Notices”), is hereby amended to reflect that, effective March 1, 2018, all notices, demands, requests, consent, approval, or other communication to Sloan Sakai Yeung & Wong LLP (formerly Renne Sloan Holtzman Sakai LLP) shall be directed to:

Nancy C. Miller
Sloan Sakai Yeung & Wong LLP
555 Capitol Mall, Suite 600
Sacramento, CA 95814

b. The first sentence only of Section 3, subsection (c), of the Agreement (“Compensation; Maximum Amount”) is hereby deleted and replaced with the following:

“(c) Notwithstanding subparagraphs (a) and (b), the maximum, payments under this Agreement shall not exceed a total of thirty-five thousand dollars (\$35,000) for professional services and expenses, per fiscal year; provided, however, such amounts shall not be construed as guaranteed sums, and compensation shall be based upon services actually rendered and reimbursable expenses actually incurred.”

2. Assignment of the Agreement:

a. Renne Sloan Holtzman Sakai LLP warrants and represents that the Agreement is in full force and effect and is fully assignable, with the prior approval of LAFCO.

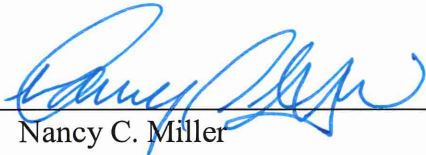
b. As of March 1, 2018, RSHS assigns and transfers all rights and interest in the Agreement to SSYW. Payments for services provided on or after March 1, 2018, shall be made payable to Sloan Sakai Yeung & Wong LLP.

c. SSYW hereby assumes and agrees to perform all obligations of RSHS.

3. Except as expressly amended herein, all terms and conditions of the Agreement shall remain in full force and effect.

IN WITNESS WHEREOF, THE PARTIES HAVE ENTERED INTO THIS AMENDMENT AS OF THE DATE HEREIN ABOVE APPEARING.

RENNE SLOAN HOLTZMAN SAKAI LLP

By: 

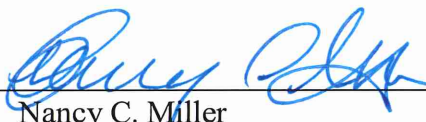
Nancy C. Miller
Partner

LAFCO OF NAPA COUNTY

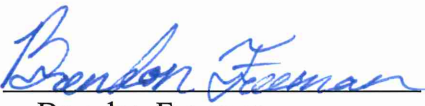
By: 

Brad Wagenknecht
LAFCO Chair

SLOAN SAKAI YEUNG & WONG LLP

By: 

Nancy C. Miller
Partner

By: 

Brendon Freeman
LAFCO Executive Officer

**AMENDMENT NO. 2 TO
AMENDED AND RESTATED PROFESSIONAL SERVICES AGREEMENT NO. 2015-05
BETWEEN THE LOCAL AGENCY FORMATION COMMISSION OF NAPA COUNTY
AND SLOAN SAKAI YEUNG & WONG LLP
(formerly RENNE SLOAN HOLTZMAN SAKAI LLP)**

This Amendment No. 2 to the August 1, 2017, Amended and Restated Professional Services Agreement No. 2015-05 (“Agreement”) between the Local Agency Formation Commission of Napa County, a political subdivision of the State of California (hereinafter “LAFCO”), and Sloan Sakai Yeung & Wong LLP (formerly Renne Sloan Holtzman Sakai LLP) (hereinafter “SSYW,”), shall be effective July 1, 2019.

WHEREAS, LAFCO entered into the Agreement for legal services to be provided by the predecessor of SSYW, effective August 1, 2017;

WHEREAS, the Amendment No. 1. (Amendment No. 1”) to the Agreement was entered into by LAFCO and SSYW effective March 1, 2018, to change the law firm name and to increase the not-to-exceed amount under the Agreement.

WHEREAS, the parties now wish to enter into this Amendment No. 2 to extend the term of the Agreement.

NOW, THEREFORE, the parties agree as follows:

1. Term of the Agreement.

Section 1. Term of the Agreement, is hereby amended to extend the term of the Agreement an additional one year from July 1, 2019 through June 30, 2020, and shall be automatically renewed for one additional year at the end of the fiscal year, under the terms and conditions then in effect, unless either party gives the other party written notice of intention not to renew no less than thirty (30) days prior to the expiration of the ten current term. All other provisions of Section 1 of the Agreement shall remain in full force and effect.

2. Except as expressly amended herein, all terms and conditions of the Agreement as amended by Amendment No. 1, shall remain in full force and effect.

IN WITNESS WHEREOF, THE PARTIES HAVE ENTERED INTO THIS AMENDMENT AS OF THE DATE HEREIN ABOVE APPEARING.


SLOAN SAKAI YEUNG & WONG LLP



By: _____
Nancy C. Miller
Partner

LAFCO OF NAPA COUNTY

By:  _____
Gregory Rodeno
LAFCO Chair

By:  _____
Brendon Freeman
LAFCO Executive Officer

**AMENDMENT NO. 3 TO
AMENDED AND RESTATED PROFESSIONAL SERVICES AGREEMENT NO. 2015-05
BETWEEN THE LOCAL AGENCY FORMATION COMMISSION OF NAPA COUNTY
AND SLOAN SAKAI YEUNG & WONG LLP**

This Amendment No. 3 to the Amended and Restated Professional Services Agreement No. 2015-05 (“Agreement”) between the Local Agency Formation Commission of Napa County, a political subdivision of the State of California (hereinafter “LAFCO”), and Sloan Sakai Yeung & Wong LLP (hereinafter “SSYW”), shall be effective February 1, 2021.

WHEREAS, LAFCO entered into the Agreement for legal services to be provided by SSYW, effective August 1, 2017;

WHEREAS, Amendment No. 1 to the Agreement was entered into by LAFCO and SSYW effective March 1, 2018, to change the law firm name and increase the not-to-exceed amount under the Agreement;

WHEREAS, Amendment No. 2 to the Agreement was entered into by LAFCO and SSYW effective July 1, 2019, to extend the term of the agreement; and

WHEREAS, LAFCO and SSYW wish to enter into this Amendment No. 3 to the Agreement to extend the term of the Agreement.

NOW, THEREFORE, the parties agree as follows:

1. Term of the Agreement:

Section 1. Term of the Agreement, is hereby amended to extend the term of the Agreement an additional one year from July 1, 2021 to June 30, 2022. All other provisions of Section 1 of the Agreement shall remain in full force and effect.

2. Except as expressly amended herein, all terms and conditions of the Agreement as amended by Amendment No. 1 and Amendment No. 2 shall remain in full force and effect.

IN WITNESS WHEREOF, THE PARTIES HAVE ENTERED INTO THIS AMENDMENT AS OF THE DATE HEREIN ABOVE APPEARING.

SLOAN SAKAI YEUNG & WONG LLP



By: _____
Nancy C. Miller
Partner

LAFCO OF NAPA COUNTY



By: Margie Mohler (Feb 3, 2021 15:36 PST)
Margie Mohler
LAFCO Chair



By: _____
Brendon Freeman
LAFCO Executive Officer

MAY 31 2019

NAPA COUNTY
LAFCO

May 29, 2019

Nancy C. Miller
916-258-8817
nmiller@sloansakai.com

Brendon Freeman
Napa Local Agency Formation Commission
1030 Seminary Street, Suite B
Napa, CA 94559

Via U.S. Mail

Re: *Legal Services for Napa Local Agency Formation Commission*

Dear Brendon:

The purpose of this letter is to give you advance written notice of a modification to our hourly rates. The new hourly rates are shown on the attached rate schedule and will be effective July 1, 2019.

I hope you will appreciate that we make every effort to keep our rates as low as possible. We also exercise great discretion in our billing practices, and we make every effort to provide the highest quality legal services as cost effectively as possible. We hope that you will contact us if you ever have concerns regarding any of our invoices.

We enjoy working with you and please contact me if you have any questions regarding these changes.

Sincerely,



Nancy C. Miller

Enclosure

Brendon Freeman

May 29, 2019

Page 2

Exhibit A

Effective July 1, 2019

RATE SCHEDULE

Nancy C. Miller	\$300.00
Christiane E. Layton	\$285.00
Paul J. Chrisman	\$285.00
DeeAnne Gillick	\$275.00
Madeline E. Miller	\$275.00
Osman I. Mufti	\$260.00
Susan Yoon	\$230.00
Other Associates / Sr. Counsel	\$230-\$285
Other Partners / Of Counsel	\$285-\$335
Paralegals	\$125.00



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 9c (Discussion)

TO: Local Agency Formation Commission

PREPARED BY: Brendon Freeman, Executive Officer *BF*

MEETING DATE: February 7, 2022

SUBJECT: Direction on Future Commission Meetings

RECOMMENDATION

This item is for discussion purposes only. No formal action is required as part of this item. It is recommended the Commission consider alternatives for holding future Commission meetings in-person, remotely, or as a hybrid. The Commission is invited to provide direction to staff with respect to its preference for future Commission meetings.

BACKGROUND AND SUMMARY

On October 4, 2021, the Commission adopted a resolution, included as Attachment One, to continue remote teleconference meetings. The action was in response the Executive Order declaring a State of Emergency by Governor of California March 4, 2020, and the passage of Assembly Bill (AB) 361, which allows continued flexibility for public meetings following the expiration of the Governor's Executive Orders. The extension of remote meetings is in response to the continued health threat posed by the Delta and other COVID variants. AB 361 requires the Commission to adopt a resolution every 30 days regarding its intent to hold optional meeting formats.

On December 6, 2021, the Commission discussed its preference for future Commission meetings. The majority of Commissioners expressed concerns about in-person or hybrid meetings at this time due to the continued COVID health threat. Several Commissioners indicated their interest in eventually returning to in-person or hybrid meetings when it becomes more safe to do so. The Commission directed staff to schedule today's meeting as a teleconference meeting and include an item on the agenda to allow the Commission to discuss its preferences for future meetings.

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

ALTERNATIVES AND DISCUSSION

Staff has identified the following three alternatives for Commission consideration.

1. Virtual teleconference meetings: The Commission has used this format since the State of Emergency was declared. Virtual meetings of government bodies have allowed for increased public participation without the necessity for individuals to take lengthy blocks of time off work or other commitments. Staff of other agencies are able to attend without significant time commitment and with reduction of carbon emissions and traffic congestion resulting from necessary travel. There are no expenses associated with recording meetings.
2. In-person meetings: This format is a possible option, provided health concerns are addressed. It would be necessary to comply with imposed or recommended measures to promote social distancing as required by California Division of Occupational Safety and Health (“Cal/OSHA”) regulations. Staff has already coordinated with the County to reserve the Board of Supervisors Chambers on the first Monday of each even-numbered month for this purpose. Notably, this option involves expenses associated with Napa Valley TV recording meetings at a cost of \$150 per hour. The Commission’s current budget includes sufficient appropriations for this purpose through the end of the current fiscal year.
3. Hybrid meetings: The hybrid option combines both in-person and virtual meeting attendance formats. Commission staff has contacted County staff regarding this option and it is possible to conduct hybrid meetings with their assistance. It would be necessary to comply with advised health and safety requirements. This option also involves expenses associated with Napa Valley TV recording meetings at a cost of \$150 per hour.

Staff recommends the Commission discuss the options outlined above and provide direction to staff with respect to scheduling future Commission meetings.

ATTACHMENT

- 1) Resolution #2021-22 Approving Continued Teleconference Meetings (adopted on October 4, 2021)

RESOLUTION NO. 2021-22

**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 Mohler, seconded by Commissioner Wagenknecht, by the following vote:

AYES: Commissioners WAGENKNECHT, MOHLER, ABOUDAMOUS, DILLON AND LEARY

NOES: Commissioners NONE

ABSENT: Commissioners NONE

ABSTAIN: Commissioners NONE

Diane Dillon

Diane Dillon (Oct 5, 2021 23:02 PDT)

Diane Dillon
Commission Chair

ATTEST: *Brendon Freeman*
Brendon Freeman
Executive Officer

Recorded by: Kathy Mabry
Commission Clerk