



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

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

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, April 4, 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 April 4, 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/87697301605>

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

Dial: (669) 900-6833

Follow the prompts: Meeting ID: 87697301605#

1. CALL TO ORDER BY CHAIR; ROLL CALL

2. PLEDGE OF ALLEGIANCE

3. APPROVAL OF AGENDA

The Chair will consider approving the agenda as prepared by the Executive Officer with any requests to remove or rearrange items by members of the Commission or staff. A vote of the Commission is not required for this item.

4. PUBLIC COMMENTS

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

5. CONSENT ITEMS

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

Action Items:

- a) **Approval of Meeting Minutes:** February 7, 2021 Regular Meeting and March 10, 2022 Special Meeting
- b) **Consider AB 361 Findings for Remote Teleconference Only Commission Meeting due to COVID-19 Emergency**

5. CONSENT ITEMS (CONTINUED)

Receive Report for Information Only:

- c) CALAFCO Quarterly Report**
- d) Chair Rotation**
- e) Current and Future Proposals**

6. PUBLIC HEARING ITEMS

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

a) Sphere of Influence Amendment Request Involving the City of American Canyon, American Canyon Fire Protection District, and 1661 Green Island Road (Approx. 45 Minutes)

The Commission will consider a landowner request to amend the spheres of influence for the City of American Canyon and American Canyon Fire Protection District involving 1661 Green Island Road (APN 058-030-041). The recommended action is for the Commission to adopt a resolution denying the sphere amendment request.

b) Proposed Budget for Fiscal Year 2022-23 (Approx. 20 Minutes)

The Commission will consider adopting a resolution to approve a proposed budget for the 2022-23 fiscal year. Proposed operating expenses and revenues each total \$663,588. The recommended actions are for the Commission to do the following: (1) adopt the proposed budget by resolution; (2) direct staff to circulate the proposed budget for public review and comment; and (3) direct the Budget Committee to return with recommendations for a final budget for adoption at a noticed public hearing on June 6, 2022.

c) Reappointment of Kenneth Leary as Public Member (Approx. 5 Minutes)

The city and county members of the Commission will consider approving the reappointment of Public Member Kenneth Leary to a new four-year term beginning May 2, 2022.

7. 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) Legislative Report (Approx. 15 Minutes)

The Commission will receive a report on legislative items directly or indirectly affecting LAFCOs. The recommended actions are for the Commission to do the following: (1) approve an amendment to the adopted Legislative Policy; (2) approve an amendment to the adopted Legislative Platform; (3) authorize the Executive Officer to submit a letter to the Legislature in support of Assembly Bill 2957; (4) authorize the Executive Officer to submit a letter to the Legislature in support of Assembly Bill 1773; and (5) discuss Senate Bill 938 and consider directing the Executive Officer to submit a position letter to the Legislature if appropriate.

8. 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) New Commissioner Orientation Process (Approx. 10 Minutes)

The Commission will receive a report on the standard orientation process for new Commissioners. The Commission will consider providing direction to staff with respect to any changes to the process or providing additional information at a future meeting.

b) 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.

9. COMMISSIONER COMMENTS/REQUESTS FOR FUTURE AGENDA ITEMS

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

10. ADJOURNMENT TO NEXT SCHEDULED MEETING

Monday, June 6, 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/87697301605>

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

Dial: (669) 900-6833

Follow the prompts: Meeting ID: 87697301605#

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 **April 4, 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 **April 4, 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 5a (Consent/Action)

TO: Local Agency Formation Commission

PREPARED BY: Dawn Mittleman Longoria, Analyst II/Interim Clerk *DML*

MEETING DATE: February 7, 2022

SUBJECT: Approval of Meeting Minutes:
February 7, 2022 Regular Meeting and March 10, 2022 Special Meeting

DISCUSSION AND RECOMMENDATION

The Commission will consider approving the draft meeting minutes prepared by staff for the February 7, 2022 Regular Meeting, included as Attachment One, and the March 10, 2022 Special Meeting, included as Attachment Two.

Staff recommends approval of both meeting minutes.

ATTACHMENTS

- 1) Draft Minutes for February 7, 2022 Regular Meeting
- 2) Draft Minutes for March 10, 2022 Special 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 FEBRUARY 7, 2022**

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

Chair Dillon called the regular meeting of Monday, February 7, 2022 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/Interim Clerk
Mariam Aboudamous		
Kenneth Leary		

2. PLEDGE OF ALLEGIANCE

Chair led the Pledge of Allegiance.

3. AB 361 REMOTE TELECONFERENCING ACTION

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 #9c Direction of Future Commission Meetings. The Commission requested guidance from Legal Counsel.

Commission Counsel, DeeAnne Gillick advised that, in compliance with the Brown Act, the Commission should make a motion confirming their decision.

Upon motion by Commissioner Wagenknecht and second by Commissioner Mohler, the Commission agreed to continue holding Commission meetings by teleconference:

VOTE:

AYES: MOHLER, WAGENKNECHT, ABOUDAMOUS, DILLON, AND LEARY

NOES: NONE

ABSENT: NONE

ABSTAIN: NONE

4. APPROVAL OF AGENDA

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

Upon motion by Commissioner Mohler and second by Commissioner Leary, the Commission adopted the agenda, without amendment:

VOTE:

AYES: MOHLER, LEARY, ABOUDAMOUS, DILLON, AND WAGENKNECHT

NOES: NONE

ABSENT: NONE

ABSTAIN: NONE

NOTE: At this time, agenda item #6 was presented with special guests attending via Zoom:**5. RECOGNITION OF SERVICE: Kathy Mabry**

The Commission's Secretary and Clerk retired after 21 years of service to Napa LAFCO. Executive Officer Freeman expressed appreciation for Mrs. Mabry's dedication and service to the organization. He noted various accomplishments over the years, including working under five separate Executive Officers, relocating the office three times and working on 20 clean audits. Executive Officer Freeman expressed best wishes to Mrs. Mabry in retirement. Pamela Miller, CALAFCO Executive Director presented a framed award from the CALAFCO Board and expressed appreciation for her service to CALAFCO.

Former Napa Executive Officer, Keene Simonds, spoke of accomplishments Mrs. Mabry made during his tenure.

Former Napa Executive Officer, Dan Swartz, stated that he was glad to have hired Mrs. Mabry.

The Commissioners each expressed their appreciation for Mrs. Mabry's assistance and dedication. They wished her all the best in her well-deserved retirement.

Analyst Dawn Mittleman Longoria stated that it had been a pleasure working with Mrs. Mabry and wished her a wonderful retirement.

6. PUBLIC COMMENTS

Chair Dillon invited members of the audience to provide public comment. No public comments were received. Chair Dillon closed the public comment period.

7. CONSENT ITEMS**Action Items:**

a) **Approval of Meeting Minutes:** December 6, 2021 Regular Meeting

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

VOTE:

AYES: MOHLER, LEARY, ABOUDAMOUS, DILLON, AND WAGENKNECHT

NOES: NONE

ABSENT: NONE

ABSTAIN: NONE

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**a) Proposed S Terrace Drive Reorganization and Associated CEQA Findings**

The Commission considered 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 was for the Commission to adopt a resolution approving the proposal with standard terms and conditions and making CEQA findings.

Dawn Mittleman Longoria, Analyst II presented this item. She explained that the request is due to a contaminated well. She also explained that the parcel is located within the *Imola/Parish* City of Napa island.

Commissioner Wagenknecht asked whether staff contacts neighbors to join the annexation.

Executive Officer Freeman explained that in this situation time was of the essence due to the contaminated well.

Commissioner Leary asked about the location of water pipes.

Executive Officer Freeman explained the location of water pipes.

The Commission discussed their priority to annex unincorporated island in the City of Napa. They questioned LAFCO's authority to clean up these islands. The Commission requested a report on LAFCO's authority and process regarding islands

Upon motion by Commissioner Mohler and second by Commissioner Aboudamous, the proposed reorganization was approved:

VOTE:

AYES: MOHLER, ABOUDAMOUS, DILLON, LEARY, AND WAGENKNECHT

NOES: NONE

ABSENT: NONE

ABSTAIN: NONE

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

The Commission considered 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 was for the Commission to adopt a resolution approving the proposal with standard terms and conditions and making CEQA findings.

Analyst Longoria presented this item. She explained that all potential future development was considered in the factors for consideration. This information was based solely on the City of Napa zoning and did not take into account site constraints.

Upon motion by Commissioner Wagenknecht and second by Commissioner Mohler, the annexation proposal was approved:

VOTE:

AYES: WAGENKNECHT, MOHLER, DILLON, ABOUDAMOUS, AND LEARY

NOES: NONE

ABSENT: NONE

ABSTAIN: NONE

c) Proposed Amendment to Policy on Conducting Commission Meetings and Business

The Commission considered 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

Executive Officer Freeman explained the purpose of the amendment is to provide consistency and transparency for applicants wishing to make a presentation to the Commission.

Upon motion by Commissioner Wagenknecht and second by Commissioner Leary, the proposed policy amendment was approved:

VOTE:

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

9. DISCUSSION ITEMS**a) Strategic Plan and Work Program Progress Report**

The Commission received a progress report on its adopted strategic plan and work program. The Commission discussed costs for a future strategic planning session and issues to review such as island annexations, municipal service reviews (MSRs), emergency services, and onboarding new Commissioners. The Commission decided to schedule the planning session after new Commissioners have been seated on the Commission. The Commission also directed staff to schedule at least one meeting to discuss islands and MSRs before the strategic planning session.

b) Legal Counsel Request for Proposal Update and Direction

The Commission received an update on the status of its request for proposal for legal counsel. The Commission's legal counsel, DeeAnne Gillick, removed herself during the discussion. The Commission determined that the ad-hoc legal counsel subcommittee should evaluate candidates and schedule a special meeting to interview the top candidates.

c) 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 #3, 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 decided to continue holding virtual meetings due to continued health concerns. The Commission's preference will be discussed again at the April Commission meeting.

10. COMMISSIONER COMMENTS/REQUESTS FOR FUTURE AGENDA ITEMS

The Commission noted the discussion that occurred for item 8a) S. Terrace Drive Reorganization, specifically outreach to neighbors in the *Imola/Parish* island. A survey of the area was conducted ten years ago with limited responses. The Commission requested that staff return with a succinct report providing the current process for outreach to neighbors when a landowner applies for annexation. Commissioner Painter suggested inviting staff from the City of Napa and possible from Napa Sanitation District. The Commission further explained that the general discussion of islands would be scheduled as part of the Strategic Planning session.

11. ADJOURNMENT TO NEXT REGULAR SCHEDULED MEETING

The meeting was adjourned at 3:30 PM. The next regular LAFCO meeting is scheduled for Monday, April 4, 2022, at 2:00 PM.

The meeting will be conducted by teleconference due to COVID-19 in compliance with California Assembly Bill 361.

Diane Dillon, LAFCO Chair

ATTEST:

Brendon Freeman, Executive Officer

Prepared by:

Dawn Mittleman Longoria, Analyst II/Interim Clerk



**LOCAL AGENCY FORMATION COMMISSION OF NAPA COUNTY
SPECIAL MEETING MINUTES OF MARCH 10, 2022**

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

Chair Dillon called the special meeting of Thursday, March 10, 2022 to order at 9:00 AM. At the time of roll call, the following Commissioners and staff were present:

Regular Commissioners	Alternate Commissioners	Staff
Diane Dillon, Chair	Eve Kahn	Brendon Freeman, Executive Officer
Margie Mohler, Vice Chair		DeeAnne Gillick, Commission Counsel
Brad Wagenknecht		Dawn Mittleman Longoria, Analyst II/ Interim Clerk

2. PLEDGE OF ALLEGIANCE

Chair led the Pledge of Allegiance.

3. AB 361 REMOTE TELECONFERENCING ACTION

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.

Upon motion by Commissioner Mohler and second by Commissioner Wagenknecht, the Commission agreed to continue holding Commission meetings by teleconference:

VOTE:

AYES: MOHLER, WAGENKNECHT, DILLON, AND KAHN

NOES: NONE

ABSENT: ABOUDAMOUS, GREGORY, LEARY, AND PAINTER

ABSTAIN: NONE

4. APPROVAL OF AGENDA

Chair Dillon asked if there were any requests to rearrange the agenda. None were expressed.

5. CLOSED SESSION:

a) Public Employee Appointment – (Government Code Section 54957(b)(1))

Title: General Counsel

There was no reportable action to report on this item.

Let the record reflect that it was necessary for Commissioner Wagenknecht to leave during the closed session.

6. ADJOURNMENT TO NEXT REGULAR SCHEDULED MEETING

The meeting was adjourned at 11:30 AM. The next regular LAFCO meeting is scheduled for Monday, April 4, 2022 at 2:00 P.M. The meeting will be conducted by teleconference due to COVID-19 in compliance with California Assembly Bill 361.

Diane Dillon, LAFCO Chair

ATTEST:
Brendon Freeman, Executive Officer

Prepared by:

Dawn Mittleman Longoria, Analyst II/Interim Clerk

DRAFT



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Agenda Item 5b (Consent/Action)

TO: Local Agency Formation Commission

FROM: Brendon Freeman, Executive Officer *BF*
DeeAnne Gillick, General Counsel *DG*

MEETING DATE: April 4, 2022

SUBJECT: Consider AB 361 Findings for Remote Teleconference Only
Commission Meeting due to COVID-19 Emergency

RECOMMENDATION

It is recommended that the Commission consider the circumstances of the state of emergency pursuant to the Governor's COVID-19 Emergency Proclamation and make further findings related to holding this meeting by teleconference only consistent with the provisions of subdivision (e) of Government Code section 54953.

BACKGROUND AND DISCUSSION

On October 4, 2021, the Commission approved Resolution No. 2021-22 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. The Commission has continued to make findings at each subsequent Commission meeting to allow for continued teleconference only meetings consistent with the provisions of Government Code (G.C.) Section 53953 enacted by Assembly Bill (AB) 361.

In order for the Commission to continue to meet utilizing the AB 361 relaxed teleconference meeting rules, the Commission must make ongoing findings every 30 days that the Commission has reconsidered the circumstances of the state of emergency and that the emergency continues to impact the ability to "meet safely in person," or that state or local officials continue to recommend measures to promote social distancing. G.C. Section 54953(e)(3).

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

COVID-19 health risks and impacts continue and are ever changing. In response to improving conditions, Governor Newsom issued Executive Order N-04-22 on February 25, 2022, which lifted many of the provisions related to the emergency while maintaining certain measures to support the ongoing response and recovery effort. Although a portion of the emergency provisions have been lifted, the Governor's state of emergency proclamation remains active related to COVID-19. The Governor's continued state of emergency order supports holding public meetings by teleconference only pursuant to the provisions of AB 361.

Recently local and state rules related to wearing face masks have also been updated. On February 15, 2022, Napa County Health Officer rescinded the prior local order requiring all persons wear face coverings while indoors, with limited exceptions. On February 28, 2022, the California Department of Public Health updated its Guidance for the Use of Face Masks. Although face masks are now recommended, and not required, in most indoor settings for vaccinated and unvaccinated individuals, in workplaces employers remain subject to the CalOSHA Emergency Temporary Standards. Section 3205 of the CalOSHA Emergency Temporary Standards continues to regulate close contacts, within 6 feet of another, and physical distancing continues to be recommended. These CalOSHA requirements continue to support the County of Napa's September 27, 2021 Memorandum to permit remote attendance at all boards and commission meetings. Based on these state and local orders, the findings to support teleconference only meetings pursuant to Section 54953(e)(1) can continue to be made.

Although there are indications that adverse cases and impacts are decreasing, there remains risks associated with COVID-19, the ability to meet in person, and the State regulations continue to impose or recommend measures to promote social distancing.

Staff will continue to monitor the conditions related to COVID-19 and provide updates to the Commission related to meeting accommodations as conditions change.

Now, therefore, it is recommended that the Commission make the following findings:

- 1) The Commission has reconsidered the circumstances of the state of emergency.
- 2) The state of emergency continues to directly impact the ability of the Commission to meet safely in person, and state and local officials continue to impose or recommend measures to promote social distancing.
- 3) The Commission meetings will continue to be held by teleconference in compliance with subdivision (e) of G.C. Section 53436 and the Commission will continue to monitor the circumstances related to COVID-19 and the state of emergency.



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Agenda Item 5c (Consent/Information)

TO: Local Agency Formation Commission

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

MEETING DATE: April 4, 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.

CALAFCO recently released a Quarterly Report dated February 2022, included as Attachment One, with a summary of matters that may be of interest to members of the Commission. Notably, the report includes an announcement for the retirement of the Commission's former Clerk, Kathy Mabry, after 21 years of service. In addition, the report includes an announcement that CALAFCO has selected René LaRoche as its new Executive Director. Additional information about the recruitment and selection process as well as Ms. LaRoche's background is provided in the report.

In addition, CALAFCO released a dashboard review of its adopted strategic plan, included as Attachment Two. Notably, CALAFCO U webinars are recorded and available for viewing on the CALAFCO website for registered members of CALAFCO. The following is a sample of webinar topics from 2021:

- *Four-session series on Fire & EMS*
- *Fiscal health indicators for cities & districts*
- *Forming a Community Services District*
- *Cyber & infrastructure security*
- *State of the State in terms of extreme weather, fire and water issues*
- *Throw out the historic water framework - what's next for LAFCO*

ATTACHMENTS

- 1) CALAFCO Quarterly Report (February 2022)
- 2) CALAFCO Strategic Plan 2021-2022 Dashboard Review

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

Attachment One

February 2022



A message from the Executive Director

Greetings from your CALAFCO Board of Directors and Executive Director. As 2022 is underway, there is a lot going on in Sacramento and in CALAFCO. We are happy to bring you all the latest news of the Association.

CALAFCO BOARD ACTIONS

CALAFCO BOARD SELECTS NEW EXECUTIVE DIRECTOR

At their January 21st meeting the CALAFCO Board of Directors selected **René LaRoche** as the new Executive Director. The Board, along with the CALAFCO Regional Officers, Administrator, Legal Counsel and current Executive Director interviewed two finalists before the Board made the selection. The finalists were recommended by the Board's Recruitment Committee (Mike Kelley, Anita Paque, Bill Connelly, Margie Mohler, Mike McGill, Clark Alsop and Steve Lucas) who interviewed five candidates forwarded by the professional recruiting firm of Koff & Associates before making the recommendation. The new Executive Director serves as a full-time, at-will employee under contract with the Association.



René LaRoche comes to CALAFCO with a diverse background that includes local government and private sector experience, as well as experience serving on Association Boards of Directors. Most recently, as Clerk of Board of Supervisors in Mariposa County since 2012, she serves as part of the executive management team working closely with the elected and appointed officials in the County. Among other things, she develops and administers the department's budget and acts as a liaison for the County with national, state, and local entities. Previously, René served as development and business manager for Runaway Holiday, LLC where she did software and business development, and served as a web developer for Mountain Arts Design.

René earned a Master's Degree in Public Management from Johns Hopkins University and a Bachelor's Degree in Public Administration from the University of Las Vegas Nevada. She is past President of the CA Clerk of the Board of Supervisors Association and an Institute Fellow of the CA State Association of Counties. René will be relocating to the Sacramento area and is scheduled to begin full-time on February 28, with a transition overlap with the current Executive Director of several days per week beginning mid-February through mid-March. She is looking forward to meeting LAFCo staff at the March Staff Workshop and connecting with all LAFCo staff and Commissioners in the near future. René can be reached at rlaroc@calafco.org.

NEW BOARD MEMBER APPOINTED

Also during the January 21 meeting, the Board appointed **Derek McGregor**, Orange LAFCo Public Member, to the CALAFCO Board. Derek fills the unexpired term (through October 2022) of former Board Member David West of Imperial LAFCo, who resigned his Board seat late last year.

OTHER RECENT BOARD ACTIONS

The Board met virtually on January 21 and in addition to conducting interviews for a new Executive Director in a lengthy closed session and appointing Derek McGregor to the Board, they also took the following actions:

- ✓ Adopted member LAFCo dues for FY 2022-23 (information distributed to member LAFCo staff on February 1)
- ✓ Conducted the 2021 annual dashboard review of the Strategic Plan
- ✓ Accepted the mid-year financial reports
- ✓ Approved amendments to the final section of the Association's Policies, completing the first ever comprehensive review and update of the Association's Policies
- ✓ Received and filed numerous other reports

Additionally, the Board received a report on the status of the Staff Workshop scheduled for March 23 - 25, 2022. It was reported that registration numbers are currently low, about half of what is normal, and unless facility contractual obligations can be reduced, CALAFCO is on track for a net loss of approx. \$36,000. Staff is working on negotiations with the facility to see what can be done to reduce those obligations.

All CALAFCO Board meeting documents are available for member access on the CALAFCO website.

Welcome to Our Newest Associate Members

CALAFCO is pleased to welcome two new Silver Associate Members.

We welcome **Sloan Sakai Yeung & Wong, LLP** as a Silver Associate member. **Sloan Sakai** focuses on public agency law, LAFCo law, employment law, and labor/personnel relations. They currently serve as general counsel to Sacramento and Napa LAFCos and have provided special counsel to LAFCos, special districts, cities, and counties throughout California.

To learn more about **Sloan Sakai**, visit their website at www.sloansakai.com or contact **DeeAnne Gillick** at dgillick@sloansakai.com.

Sloan Sakai

Sloan Sakai Yeung & Wong LLP

We also welcome **Terranomics Consulting (TC)** as a Silver Associate member. **TC** provides consulting services for



urban and environmental planning, community and economic development, and GIS. More specifically, their primary activities include urban land economics, business geography, market and feasibility studies, housing studies, grant development and air dispersion modeling. For more information about *TC*, contact *Vince Zaragoza* at 661-421-2312 or by email at terrnomics@hotmail.com.

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 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 are posted on the CALAFCO website.

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 are rescheduling** the webinar originally scheduled for **February 23** on **Best Practices for Hiring in the New World (Post-Pandemic)** to a date in the near future. 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. Watch for the new date and time of this great webinar coming soon.



Details for all CALAFCO University courses are on the CALAFCO website. We have a webinar on-demand library on the CALAFCO website inside the members section containing 16 webinars. CALAFCO members can access these webinars at any time for free using your member access website login credentials.

CALAFCO Administrative Update

A reminder the **2021 CKH Guides** are now available. You can download an electronic copy from the CALAFCO website or place an order for printed hard copies. You will



find all the details on the CALAFCO website at www.calafco.org.

CALAFCO is also doing the annual update of the **membership directory**, so please be sure to get your information to Jeni Tickler at jtickler@calafco.org.

STATEWIDE DUC MAPPING PROJECT COMPLETE

We are very pleased to report the update of the statewide map of disadvantaged unincorporated communities (DUCs) has been completed. The map will be updated every 5 years pursuant to statute. Further, the statewide map of LAFCos (by county) that links each county to your respective LAFCo website is also updated. CALAFCO is grateful to our Associate Member partner **RSG, Inc.** for undertaking this project. We especially thank **Jim Simon, Wesley Smith, Dianna Dunne-Vecchio** and **Jocelyn Sanchez**. We also thank **Seth Hendrick** of **Matson & Isom Technologies**, our web host, for their assistance with this mapping project.

You can find the DUC map on the [CALAFCO website here](#) and the [LAFCo-link map here](#).

LAFCos in the News

Congratulations to another retiree

After 21 years of serving Napa LAFCo as Commission Clerk, **Kathy Mabry** is retiring. Kathy has served Napa LAFCo with distinction over her long career with many accomplishments. She also served on many CALAFCO event planning teams for Staff Workshops and Conferences. We are grateful for her service and many contributions locally and statewide, and wish Kathy all the best in her retirement.



Los Angeles LAFCo Mourns the Loss of Former Commissioner Richard Close



Commissioner Close served on LA LAFCo from 1996-2021 in the special seat for the San Fernando Valley Area Member. He was a leader for years in the valley secession efforts. He is described by LA LAFCo as "bright, hard-working, and dedicated. He is remembered for his decades-long service to his local community, the San Fernando Valley, and the City of Los Angeles. The whole of Los Angeles County is a better place due, in many ways, to the work that [Commissioner Close] did for LAFCo, where his voice guided so many important decisions." CALAFCO's thoughts are with his family and LA LAFCo.



CALAFCO Legislative Update

January 3, 2022 marked 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 hit the ground running trying to move the large number of left-over 2-year bills through committee to meet deadlines. Looming deadlines left many of those leftover bills from 2021 on the cutting room floor and they are now designated as "dead". Now we will begin to see new bills for 2022 introduced.

For this legislative year the CALAFCO Board has identified several items as priority. First is the annual Omnibus bill which is authored by the Assembly Local Government Committee (ALGC) and sponsored by CALAFCO. Three proposals were approved by the Legislative Committee (Committee) and sent to the ALGC. Those proposals are now going through the broad stakeholder review process that occurs before the bill is introduced.

The second priority is to co-sponsor a legislative proposal with San Diego LAFCo to amend Gov. Code Sec. 56133 to explicitly state that exemptions pursuant to 56133(e) are to be approved by LAFCo. This is being done to curb agency self-exemptions which seem to be a growing problem across the state. For the past four months CALAFCO and San Diego LAFCo have been working on stakeholder outreach and attempting to secure an author. It is likely that CALAFCO will refocus these efforts to 2023. The Board will consider this at their April meeting.

The final priority as identified by the Board is to complete the work of the protest provisions rewrite working group. CALAFCO has been reporting to you for the past several years that we have been actively responding to several recommendations made in the 2017 Little Hoover Commission report (*Special Districts: Improving Oversight and Transparency*). Specifically, to address one of the recommendations, we initiated a working group of stakeholders in early 2019 to discuss the protest process for consolidations and dissolutions of special districts, specifically, the statutes related to LAFCo-initiated protest provisions and the 10% protest threshold while all other initiated actions have a 25% protest threshold.

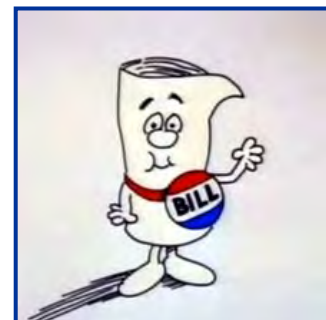
The 18-member working group consists of seven CALAFCO representatives (including CALAFCO/CSDA Board member **Jo MacKenzie**, CALAFCO ED **Pamela Miller**, LAFCo legal counsel **Holly Whatley**, and EOs representing all 4 regions of CALAFCO including **José Henríquez** (Sacramento), **Steve**

Lucas (Butte), **Kai Luoma** (Ventura) and **Paul Novak** (LA); seven CSDA representatives (including one of their lobbyists, legal counsel and five members representing water, fire, resource conservation and community services districts), representatives from the League of CA Cities and from the CA State Association of Counties, as well as the consultants from the Assembly Local Government and Senate Governance & Finance Committees.

We are pleased to report that after three years of work and extensive negotiations, the deliverables of the working group have been completed. The entire working group gave consensus on the redraft of existing scattered protest code sections within CKH into a single code section to simplify the reading of the code section. Further, agreement was reached on specific circumstances in which a LAFCo can initiate dissolution using the 25% protest threshold. The CALAFCO Board and Legislative Committee both unanimously approve and support this legislation and CSDA has also gone on record supporting the concept of the pending legislation.

CALAFCO issued a bulletin on the pending legislation and all deliverables for the working group on February 2, 2022. Senator Hertzberg will author the legislation and our lead co-author is Assemblymember Mayes. For more information on this CALAFCO sponsored legislation (pending bill introduction), please refer to the February 2 bulletin.

All the Legislative Committee meeting documents are located on the CALAFCO website and are available for those with member access. You can also find the CALAFCO tracked legislation on the website. This report is updated daily.





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.

Berkson Associates



A Silver Associate member since 2015, **Berkson Associates** provides clear, concise analysis for preparation of governance studies including district formation, consolidation and dissolutions, and has extensive experience completing incorporation studies. Expertise also includes market analysis, public agency budget forecasting and demographic/housing analysis in support of MSRs. Fiscal and financial analysis of water and wastewater systems, including Plans for Service for annexations and formations. For more information, contact **Richard Berkson** at richard@berksonassociates.com. You can also visit their website at www.berksonassociates.com.

Rosenow Spevacek Group, Inc.



A long-time Associate member (both Gold and now Silver), **RSG** performs fiscal and reorganizational studies for LAFcos and applicants with the goal of establishing a factual, transparent and credible basis for their clients to make informed decisions. **RSG** prepared Placer LAFco's comprehensive fiscal analysis for the most recent incorporation proposal in California (Olympic Valley, 2017), preliminary feasibility studies for incorporation in Malaga (Fresno County, 2018), as well as several reorganization proposals and MSRs. To learn more about **RSG**, visit their website at www.webrsg.com or contact **Jim Simon** at jsimon@webrsg.com.

CALAFCO wishes to thank all 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** are archived on the CALAFCO website and available at no cost for on-demand viewing? Visit the CALAFCO website in the CALAFCO Webinars section (log in as a member first). **There are 52 CALAFCO U courses archived**

and 16 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.

Career and Consulting Opportunities Posted Online

Did you know that **CALAFCO posts career opportunities for our member LAFcos and Associate Members on our website?** Did you know that **we also post consulting opportunities with our LAFcos for our Associate Members on the website?** Visit the Job Announcements page at <https://calafco.org/resources/job-announcements> for all the latest opportunities.



Mark Your Calendars For These Upcoming CALAFCO Events

- ❖ CALAFCO Leg meeting – 3/11 (virtual)
- ❖ CALAFCO Staff Workshop – 3/23 – 3/25 (Newport Beach)
- ❖ CALAFCO Board of Directors meeting – 4/22 (location TBD)
- ❖ CALAFCO Leg meeting – 4/29 (virtual)

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



CALIFORNIA ASSOCIATION OF LOCAL AGENCY FORMATION COMMISSIONS

2021 - 2022 Association Strategic Plan

2021 Dashboard Review

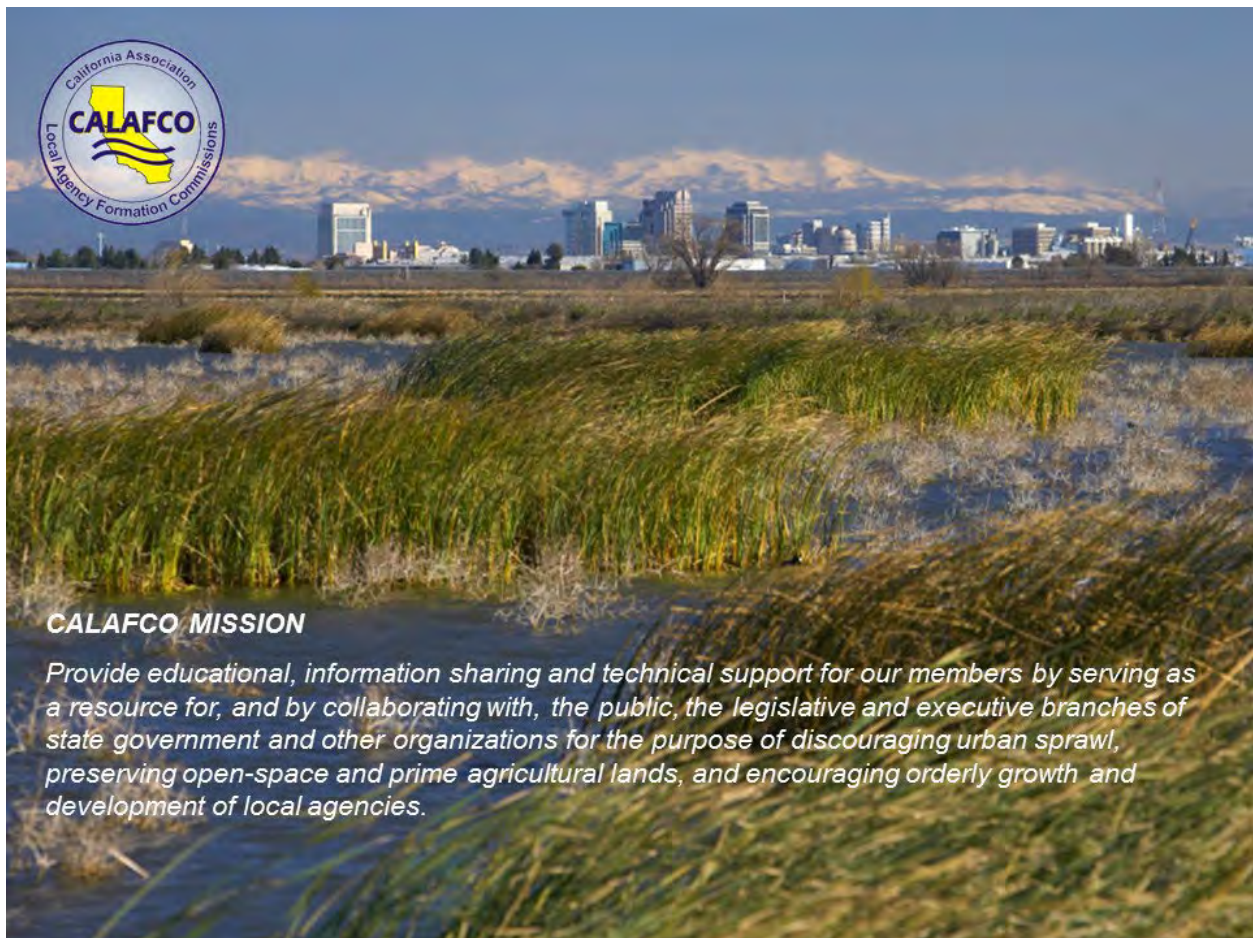


As adopted by the CALAFCO Board of Directors on April 30, 2021

CALAFCO MISSION

CALAFCO provides educational, information sharing and technical support for its members by serving as a resource for, and by collaborating with, the public, the legislative and executive branches of state government, and other organizations for the purpose of discouraging urban sprawl, preserving open-space and prime agricultural lands, and encouraging orderly growth and development of local agencies.

Reaffirmed by the Board of Directors on 11 January 2017.



CALAFCO MISSION

Provide educational, information sharing and technical support for our members by serving as a resource for, and by collaborating with, the public, the legislative and executive branches of state government and other organizations for the purpose of discouraging urban sprawl, preserving open-space and prime agricultural lands, and encouraging orderly growth and development of local agencies.

2021 - 2022 Association Strategies and Objectives

2021 Strategic Plan Performance Dashboard Review

- Indicates the objective was fully met in 2021.
 - Indicates the objective was partially met in 2021.
 - Indicates the objective was not met in 2021.
-

STRATEGIC AREA ONE

Serve as an educational resource to member LAFCo Commissioners, LAFCo staff, Associate Members, and stakeholders.

We will do this by offering a variety of educational forums, professional development and networking opportunities.

OBJECTIVES

Annual Conference

- 1. Provide an annual conference which includes superior professional development sessions and networking opportunities for all attendees.

The October 2021 Conference was cancelled. Low enrollment caused by the ongoing pandemic and member LAFCo budget cuts would have resulted in a loss of over \$30,000. Consequently, the Board approved the cancellation of the Conference and directed staff to transition program offerings to webinars.

Staff Workshop

- 1. Provide an annual staff workshop which includes superior professional development sessions and networking opportunities for all LAFCo staff and Associate Members.

The March 2021 Workshop was cancelled due to ongoing pandemic restrictions.

CALAFCO University

- 1. Hold University courses as needed throughout the year for staff, commissioners and stakeholders, which are focused on skill and professional development, important and timely topics, and technical issues.

A combination of CALAFCO U courses and special sessions (Conference topics) were held throughout 2021. In total, there were 9 webinars conducted with a total of 497 registered attendees. All of our educational offerings in 2021 were at no cost to the membership and all offered AICP credits.

Topics included:

- *Four-session series on Fire & EMS*
- *Fiscal health indicators for cities & districts*
- *Forming a Community Services District*
- *Cyber & infrastructure security*
- *State of the State in terms of extreme weather, fire and water issues*
- *Throw out the historic water framework - what's next for LAFCo*

Other Educational Opportunities

1. **Maintain coaching partnership with Cal-ICMA and offer no cost training and development resources to all member LAFCos through this program.**

There were several webinars presented during the year, all of which were provided to the membership at no cost. The coaching program remains a no-cost resource to all LAFCo staff and commissioners.

2. **Develop other educational opportunities as needed and resources allow.**

As noted above, several sessions planned in the 2021 Conference program were transitioned to a virtual format and offered October through December. (Two additional sessions are scheduled for the first quarter of 2022.) Additionally, CALAFCO hosted regional roundtables for all four regions in December 2021, and several virtual meetings for Executive Officers throughout the year.

STRATEGIC AREA TWO

Focus efforts on Association member relations, development, recognition and communication. Continue development of a strong and sustainable Association.

We will do this by implementing strategies that build stronger member LAFCos and a resilient and sustainable Association. CALAFCO will provide support, resources and timely, value-added communication tools for our LAFCo members and Associate Members.

OBJECTIVES**Member Development and Recognition**

1. **Assist and support all member LAFCos in fulfilling their statutory mission by identifying information, tools and resources they need. Create and distribute tools that do not exist. Update and re-publish or re-distribute those that currently exist.**

CALAFCO continues to host virtual meetings for Executive Officers, offering five (5) this year. Our toll-free conference bridge and Zoom accounts remain available for and are used by our member LAFCos. We continued to provide information about webinars, papers and other resources of interest to members.

This year we partnered with one of our Associate Members (RSG) on the project to update the DUC map on the website as well as add a statewide map linking all 58 LAFCo websites to the map. The project is near completion and the maps should be updated on the website in the first quarter of 2022.

- **2. Conduct study on shared services opportunities among member LAFCos.**
This study was to be rolled into the biennial member LAFCo survey which was not conducted.
- **3. Conduct member LAFCo survey in 2021 and distribute results to all member LAFCos.**
Survey not conducted.
- **4. Keep retired LAFCo personnel and commissioners connected and engaged as valuable resources through the exploration of an Emeritus program.**
CALAFCO staff and regional officers discussed the best way to do this, but other priorities prevented action. However, the ED interviewed several retirees who will be featured in the Special 50th Anniversary Edition of The Sphere.
- **5. Focus efforts to strengthen relations with existing Associate Members by continuing to highlight these efforts in Quarterly Reports, through personal outreach and inclusion in the planning and execution of CALAFCO events.**
CALAFCO continues to have the Associate Members' (AM) Corner in the Quarterly Reports and features several AMs in each edition. AMs were represented on four (4) webinar panels this year, two (2) are scheduled to participate on webinar panels in the first quarter of 2022. Several are participating on the program planning committee for the 2022 staff workshop.
- **6. Survey Associate Members to better understand how CALAFCO can create greater value for them.**
Survey completed and report provided to the Board on July 30. A low number of Associate Members participated (only 30% participation) and staff suggests follow-up is necessary to obtain more valuable information. Given other priorities during the second half of the year, this was not completed and should be considered for action in 2022.
- **7. Revise the Association's Achievement Awards Program and implement in 2021.**
Completed and implemented in 2021.

Association Communication

- **1. Provide a quarterly update to the members in the form of the Quarterly Report.**
Quarterly reports were distributed in February, May, August, and December 2021.
- **2. Provide written annual report to the membership.**
2020 Annual Report published in a new format in February 2021.

● **3. Maintain Association's list-serves.**

All 8 list serves continue to be updated. In February 2021, staff sent an email to each list serve reminding users the purpose and terms of use for each list serve.

● **4. Provide value-added and timely resources for members through the organization's website, maintaining the site's integrity and increasing its value.**

The website is updated regularly with new and updated information and resources. Several projects were completed or are in progress as noted in strategic area three below.

● **5. CALAFCO Executive Director to meet with LAFCoS as requested/needed.**

ED attended 10 LAFCo meetings during the year.

Association Administration

● **1. Update the Association's Policies and Procedures Manual.**

Project to be completed January 21, 2022. Four of the five Policy Manual sections updated in 2021 with the final section being presented to the Board in January 2022.

● **2. Develop Procedures Manuals for administrative processes, procedures and tasks performed.**

Most of the ED procedures have been documented with the remaining to be done before February 28, 2022. Administrator procedures to be completed in first quarter of 2022.

● **3. Work towards a balanced two-year budget to close the structural deficit without reliance on event net profits.**

Accomplished. On April 30, 2021 the Board adopted the Association's first two-year rolling budget. No event net profits were used to balance the budget, however a portion of the net balance carry-over was used to balance the budget.

STRATEGIC AREA THREE

Serve as an information resource to all Association members, work as a legislative and policy advocate for LAFCo issues and provide information to the Legislature and other stakeholders.

We will do this by supporting and sponsoring research which collaboratively shares the work and data from member LAFCos and serves as a resource to all Association members. The Association will also advocate for legislative needs and positions on behalf of our members, by serving as an objective resource to the Legislature, organizations seeking to improve local government and to state agencies on local government services.

OBJECTIVES

Information Resource

- 1. Enhance the CALAFCO Library resources for member LAFCoS. Develop a more robust database of documents, forms, videos, webinars, training resources and other resources of value on the Association's website for member access.

This year nine (9) new webinars were added for on-demand viewing. The AG Opinions section was updated. The LAFCo Litigation and Forms Library sections are still a work in progress and should be a priority to complete in 2022.
- 2. Complete White Papers and Briefs on topics of importance and value to member LAFCoS.

An updated version of The Metamorphosis of Special Districts was published July 2021.
- 3. Inform and educate external stakeholders by sharing and presenting on the role of LAFCo.

A LAFCo 101 was presented to Capitol staff through the Assembly Local Government Committee in February, and another LAFCo 101 was presented to the City Clerks Association of California in July. CALAFCO was not invited nor did we submit proposals to participate in any virtual or in-person conference this year. Instead, our educational resources were internally focused to meet the needs of our membership.

Legislative Advocate and Resource

- 1. Sponsor legislation that helps LAFCoS achieve their legislative goals pursuant to the Association's adopted Legislative Priorities and Policies and within resource capabilities.

Omnibus bill (AB 1581) with 13 items signed into law on June 28, 2021.
- 2. Facilitate the ongoing work of the Protest Provisions Rewrite Working Group throughout the 2021 - 2022 legislative years.

Some work was done early in the year with the group giving consensus on the removal of seven (7) obsolete provisions (and placed in the Omnibus bill). Later in the year conversations resumed resulting in CALAFCO's Legislative Committee unanimously supporting moving forward with consolidating and reorganizing existing protest provision language (consensus on the draft given by the full working group) and the proposed process for LAFCo-initiated dissolutions at 25% protest threshold. Work to be completed through legislative action in 2022.
- 3. Take positions and advocate for those positions on legislation pursuant to the Association's adopted Legislative Priorities and Policies. Encourage member LAFCoS to do the same when appropriate.

In 2021 CALAFCO tracked, engaged in and/or took positions on 33 bills. There were two calls for member legislative action. Our efforts resulted in amendments being taken on several bills that had statewide LAFCo implications.

- **4. Participate in statewide, regional, and local meetings, symposiums, and other events as appropriate.**

CALAFCO remained a member of the Department of Water Resources (DWR) County Drought Advisory Group (CDAG). The Group's Final Report was issued in March 2021 and is titled: Small Water Systems and Rural Communities Drought and Water Shortage Contingency Planning and Risk Assessment.

- **5. Work with peer Associations as appropriate on legislative matters.**

Done. Where appropriate, CALAFCO took positions on legislation that had broad implications. We worked with other stakeholders on legislation such as the CA Assn. of Sanitation Agencies (CASA), CA Special Districts Assn. (CSDA), CA State Assn. of Counties (CSAC) and Rural Counties Representatives of CA (RCRC). Additionally, CSDA, CSAC and the League are represented on the protest provision rewrite working group.



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 5d (Consent/Information)

TO: Local Agency Formation Commission

PREPARED BY: Brendon Freeman, Executive Officer *BF*

MEETING DATE: April 4, 2022

SUBJECT: Chair Rotation

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's *Policy on Establishing the Officers of the Commission* ("the Policy"), included as Attachment One, provides an annual rotational system for the appointment of the Chair and Vice Chair offices based on seat designations. Each regular Commissioner is assigned a seat designation. Alternate Commissioners do not have seat designations and are not eligible for the Chair or Vice Chair offices. The Chair and Vice Chair serve one-year terms that begin on the first Monday in May.

The Commission's current Chair and Vice Chair are Commissioners Dillon and Mohler, respectively.

Under the Policy, Commissioners Mohler (City Member II) and Wagenknecht (County Member II) will serve as Chair and Vice Chair, respectively, from May 2, 2022 through April 30, 2023.

A full listing of current Commissioners, seat designations, and schedules for the Chair and Vice Chair rotation is provided 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

Current Commissioners and Seat Designations

Current Member	Seat Designation
Mariam Aboudamous	City Member I
Margie Mohler	City Member II
Diane Dillon	County Member I
Brad Wagenknecht	County Member II
Kenneth Leary	Public Member
Beth Painter	Alternate City Member
Ryan Gregory	Alternate County Member
Eve Kahn	Alternate Public Member

Schedule for Chair and Vice Chair Rotation

Term	Chair	Vice Chair
May 2, 2022 through April 30, 2023	City Member II	County Member II
May 1, 2023 through May 5, 2024	County Member II	Public Member
May 6, 2024 through May 4, 2025	Public Member	City Member I
May 5, 2025 through May 3, 2026	City Member I	County Member I
May 4, 2026 through May 2, 2027	County Member I	City Member II

ATTACHMENT

- 1) Policy on Establishing the Officers of the Commission



LOCAL AGENCY FORMATION COMMISSION OF NAPA COUNTY

Policy on Establishing the Officers of the Commission

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

I. Background

The Cortese-Knox-Hertzberg Local Government Reorganization (“CKH”) Act of 2000 includes provisions specifying the composition of the Commission in [Chapter 2 \(commencing with Section 56325\)](#). In addition, these sections specify the procedures to select Commissioners, terms of office, and selection of the Chair of the Commission.

II. Purpose

It is the policy of the Commission to establish policies which provide for the smooth and consistent operations of Commission business. The selection of officers of the Commission is a regular occurrence and therefore should follow adopted policy.

III. Officers of the Commission

- A) The officers of LAFCO shall consist of a Chair, a Vice Chair, and a Clerk.
- B) The Chair and Vice Chair shall be appointed and serve terms in accordance with Section V “Appointment of Chair and Vice Chair.”
- C) The Executive Officer or the Executive Officer’s designee shall serve as the Clerk.

IV. Duties of Officers

- A) Duties of the Chair: The Chair shall preside at all meetings of the Commission and shall conduct the business of the Commission according to “Rosenberg’s Rules of Order.” The Chair shall preserve order and decorum and shall decide all questions of order subject to the action of a majority of the Commission.
- B) Duties of the Vice Chair: In the absence of the Chair, the Vice Chair shall assume all duties and responsibilities of the Chair's office.
- C) Duties of the Clerk: The Clerk shall call the roll, note approval of the minutes or corrections thereto, maintain record of testimony and action of the Commission on each item, and any other action deemed appropriate and necessary by the Commission to conduct its meetings and business.

V. Appointment of Chair and Vice Chair

- A) Term of Office: The terms of office of the Chair and Vice Chair shall be for one year, beginning on the first Monday in May.
- B) Rotation: The Chair and Vice Chair shall be appointed by the Commission according to the following annual rotational system, effective May 4, 2020, unless a temporary change is made pursuant to Section V(C):

<u>Chair Designations</u>	<u>Vice Chair Designations</u>
City Member I	County Member I
County Member I	City Member II
City Member II	County Member II
County Member II	Public Member
Public Member	City Member I

It shall be the responsibility of the Executive Officer to maintain a record of the seat designations and occupants, and to annually inform the Commission prior to the rotation.

- C) The Commission may create temporary changes to the rotation as part of an action item placed on a meeting agenda.

VI. Vacancy

The offices of Chair and Vice Chair shall reside with the particular appointing authority assigned to a designated seat. In the event that a Commissioner serving as Chair or Vice Chair is no longer able to serve on the Commission for any reason, the remainder of that Commissioner's term in office shall be fulfilled by the other Commissioner from the same appointing authority (for example, if the Commissioner designated as "City Member I" is removed from the office of Chair in January, the Commissioner designated "City Member II" shall serve as Chair through the day immediately prior to the first Monday in May), subject to the following:

- A) On the first Monday in May, the established rotation set forth in Section V(B) "Rotation," above, shall resume.
- B) Should the office of Chair or Vice Chair be vacated by the Public Member, the Commission shall appoint another Commissioner at its next meeting to fulfill the remainder of the officer's unexpired term.



Agenda Item 5e (Consent/Information)

TO: Local Agency Formation Commission
PREPARED BY: Brendon Freeman, Executive Officer *BF*
MEETING DATE: April 4, 2022
SUBJECT: Current and Future Proposals

SUMMARY

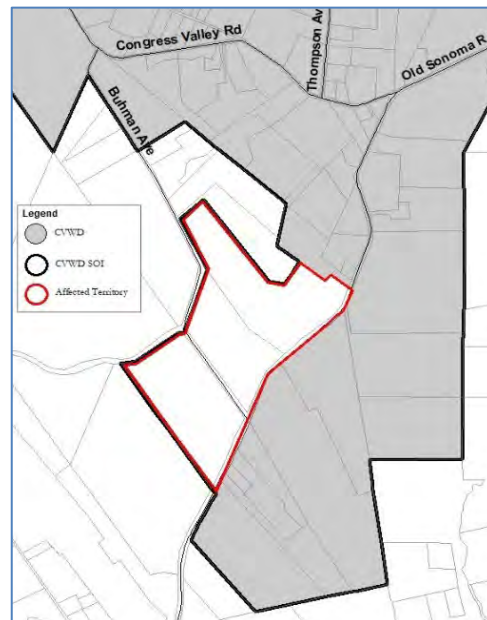
This is a consent item for information purposes only. Accordingly, if interested, the Commission is invited to pull this item for additional discussion with the concurrence of the Chair. No formal action will be taken as part of this item.

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

Active Proposals

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

A landowner previously 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, 047-030-020, and 047-080-001. Current land uses include two single-family residences and commercial vineyards with auxiliary structures and facilities. Two of the parcels already receive water service through grandfathered outside service agreements. Annexation would establish permanent water service to all three parcels. CVWD has requested, and the landowners have agreed, to postpone any LAFCO action until CVWD's water supply contract with the City of Napa, which expires in June 2022, is extended.



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

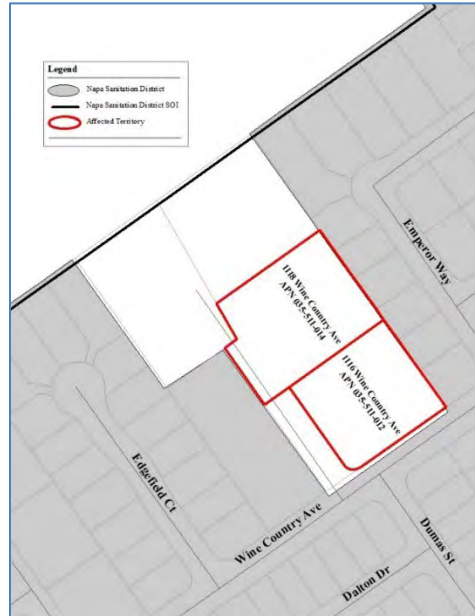
Eve Kahn, Alternate Commissioner
Representative of the General Public

Brendon Freeman
Executive Officer

Anticipated Proposals

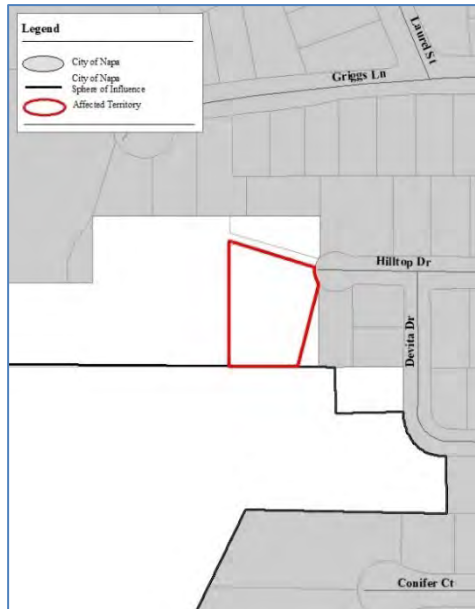
1118 Wine Country Avenue Annexation to the Napa Sanitation District (NSD)

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 June 6, 2022 meeting.



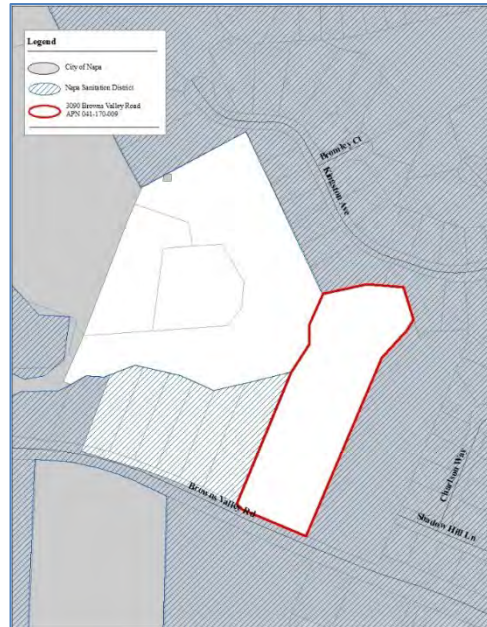
2991 Hilltop Drive Annexation to the City of Napa

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 County Service Area (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 August 1, 2022 meeting.



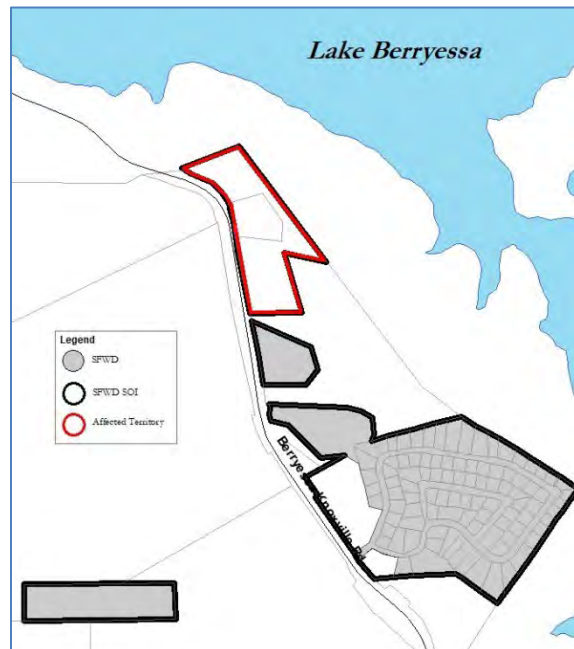
Browns Valley Road Reorganization

The City of Napa is expected to adopt a resolution of application to initiate the annexation of, at a minimum, one unincorporated parcel located at 3090 Browns Valley Road. Land use within the parcel is limited to one single-family residence. 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 proposal will involve annexation to the City, annexation to NSD, and detachment from County Service Area (CSA) No. 4. The City has invited other landowners within the island to join the annexation. The underlying purpose of annexation of 3090 Browns Valley Road is to facilitate a planned subdivision totaling 12 single-family residences consistent with the City’s rezoning assignments. The proposal is expected to be submitted within the next four to six months.



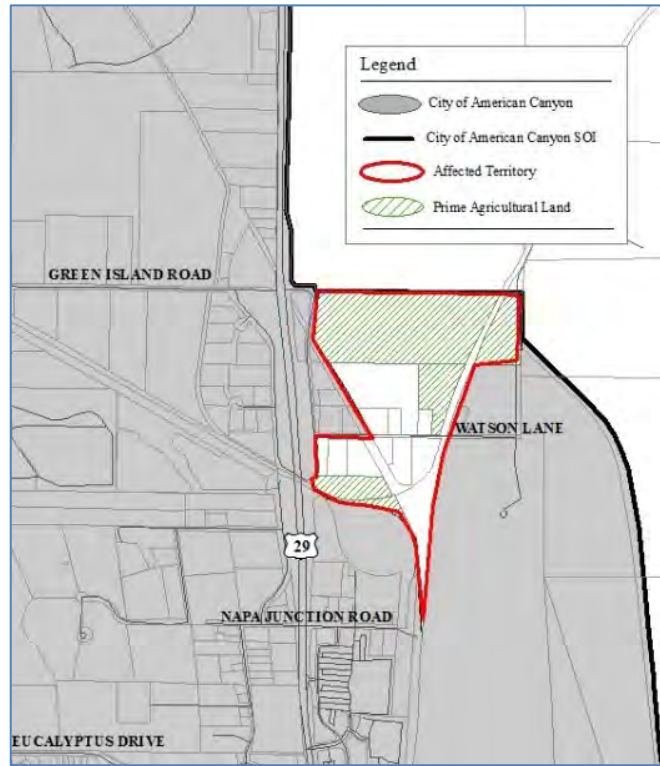
7140 & 7150 Berryessa-Knoxville Road Annexation to the Spanish Flat Water District (SFWD)

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



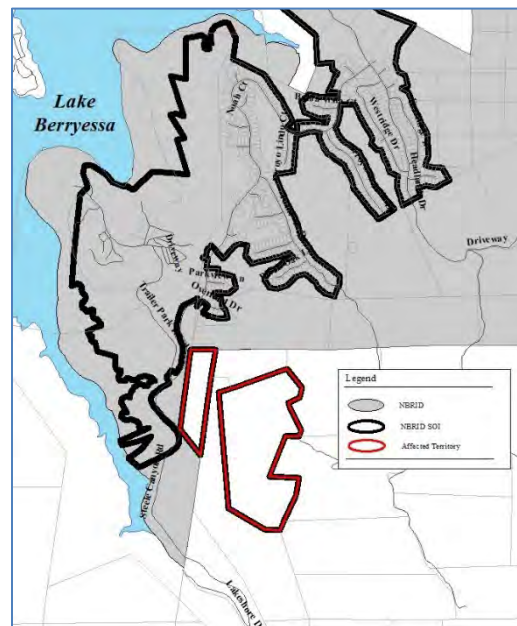
Watson Lane/Paoli Loop Annexation to the City of American Canyon

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.



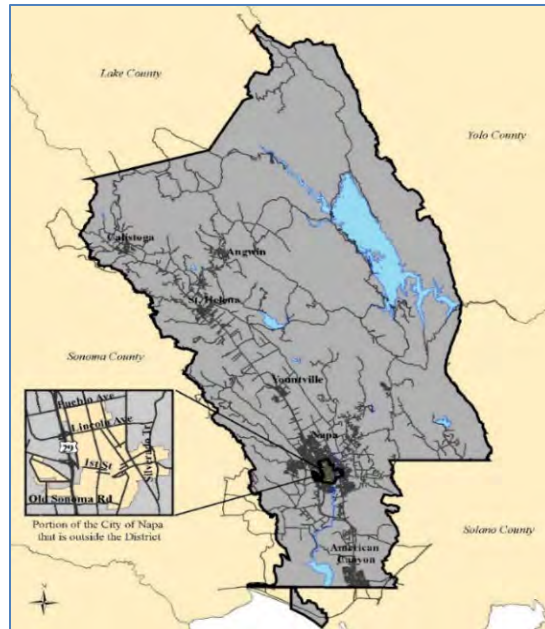
Wastewater Treatment Plant Annexation to the Napa Berryessa Resort Improvement District (NBRID)

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.



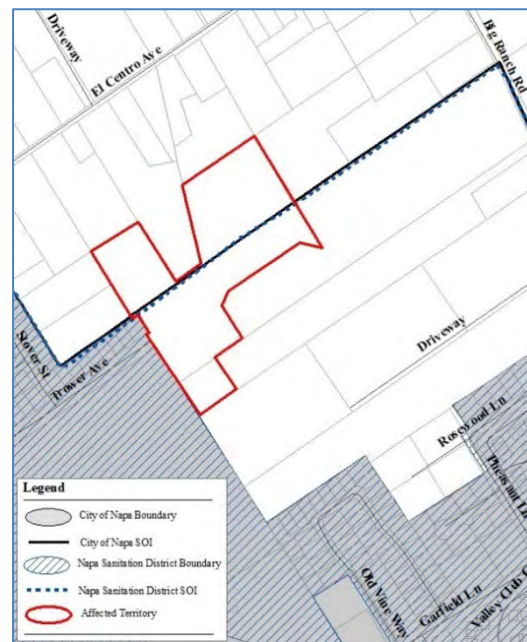
Napa County Resource Conservation District (NCRCD) Annexation

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

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

Agenda Item 6a (Public Hearing)

TO: Local Agency Formation Commission

PREPARED BY: Brendon Freeman, Executive Officer *BF*

MEETING DATE: April 4, 2022

SUBJECT: Sphere of Influence Amendment Request Involving the City of American Canyon, American Canyon Fire Protection District, and 1661 Green Island Road

RECOMMENDATION

It is recommended the Commission take the following actions:

- 1) Open the continued public hearing and take testimony;
- 2) Close the public hearing;
- 3) Deny the requested Sphere of Influence Amendment and adopt the Resolution of the Local Agency Formation Commission of Napa County Making Determinations – Sphere of Influence (SOI) Amendments Involving the City of American Canyon, American Canyon Fire Protection District, and 1661 Green Island Road (Attachment 13) denying the requested SOI amendments.

BACKGROUND

The landowners of 1661 Green Island Road have requested amendments to the SOIs for the City of American Canyon (“the City”) and the American Canyon Fire Protection District (ACFPD). The application materials are included as Attachment One and were submitted consistent with the Commission’s adopted *Policy on Spheres of Influence*, included as Attachment Two, as well as California Government Code (G.C.) Section 56428, included as Attachment Three.

On December 6, 2021, the Commission was scheduled to consider action on the SOI request as part of a duly noticed public hearing. Prior to the December 6, 2021 meeting and after the agenda had been posted, the applicant requested the Commission continue this item and defer all discussion to the Commission’s April 4, 2022 regular meeting. The Commission agreed to accommodate the applicant’s request and on December 6, 2021 continued the matter to today’s April 4, 2022 Commission meeting.

Margie Mohler, Vice Chair
Councilmember, Town of Yountville

Mariam Aboudamous, Commissioner
Councilmember, City of American Canyon

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Kenneth Leary, Commissioner
Representative of the General Public

Eve Kahn, Alternate Commissioner
Representative of the General Public

Brendon Freeman
Executive Officer

SUMMARY

The application includes a vineyard report, soils analysis, an economic viability report, and the opinions of soils and viticulture experts Paul Anamosa, Hal Huffsmith, and Robert Steinhauer. The application also includes letters of support from former City of Napa Mayor Ed Henderson and former City of American Canyon Mayor and LAFCO Commissioner Lori Luporini.

The affected territory is located on one unincorporated parcel totaling 157.15 acres in size and identified as Assessor Parcel Number 058-030-041. The affected territory is currently used as a commercial vineyard. The application materials include a vineyard report and soils analysis indicating the vineyard is no longer viable due to saltwater intrusion.

Surrounding lands to the west and south comprise wetlands owned by the State of California and are unincorporated. Lands to the north and east are predominantly within the City's jurisdictional boundary and comprise industrial and warehouse uses.

The application suggests the SOI amendments would be appropriate because they will promote the orderly expansion of the City in a manner that ensures the protection of the environment and agricultural and open space lands while also ensuring the effective efficient and economic provision of essential public services.

The application states it is not plausible for Napa County to provide public services to the affected territory given it is situated in the midst of American Canyon, and that inclusion within the City would ensure the affected territory pays its fair share of the costs of planned infrastructure upgrades for Green Island Road as part of a community facilities district.

Staff recommends the Commission deny the SOI request based on the factors described under the "Discussion" section of this report. This includes an evaluation of the mandatory factors under G.C. Section 56425, included as Attachment Four, as well as several other relevant considerations related to the affected territory. However, it may be appropriate for the Commission to approve the SOI request based on the additional key considerations that are summarized on pages 13 through 15 of this report. With this in mind, the Commission may consider any of the alternative actions identified on page 16 of this report.

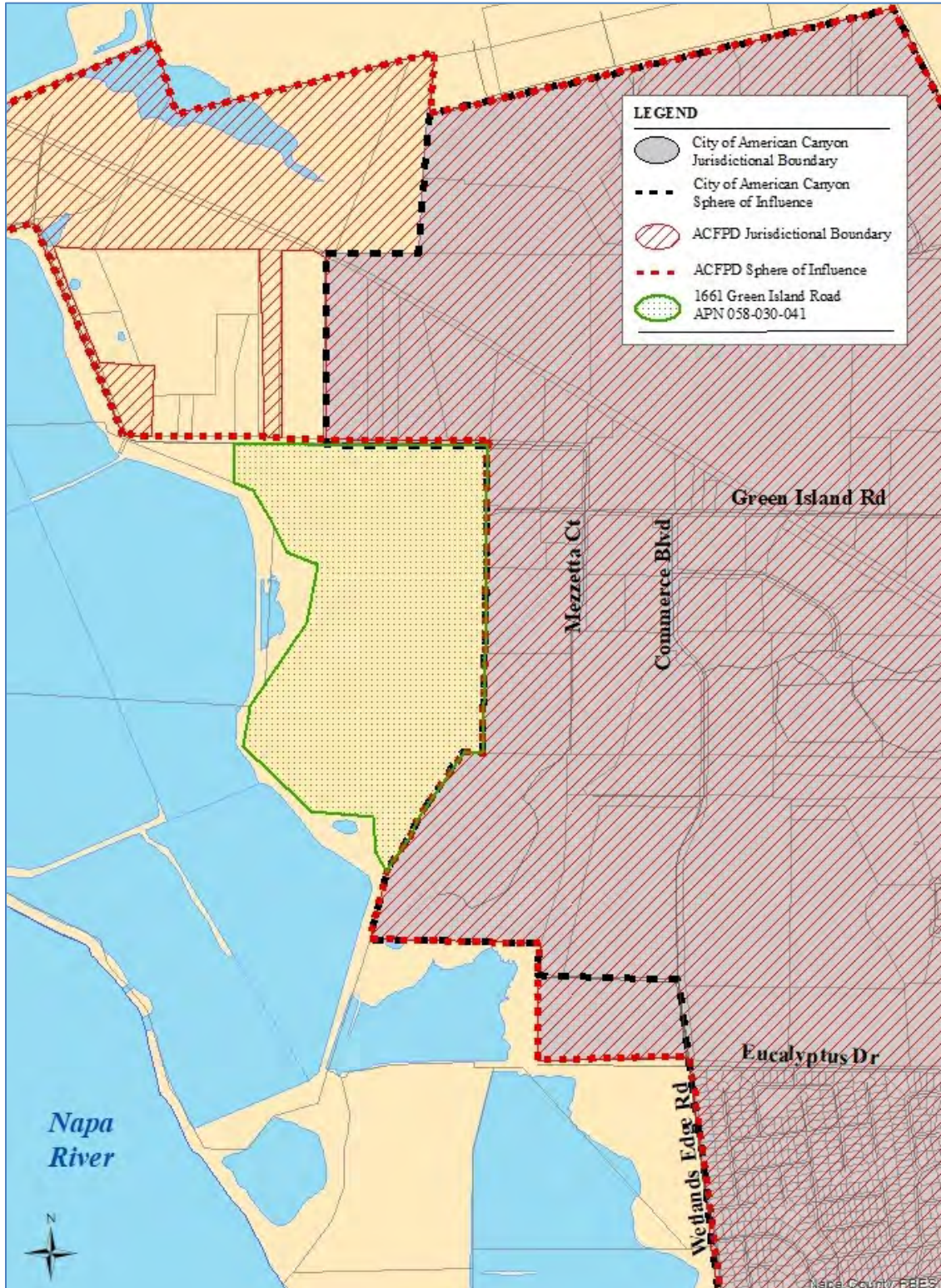
Maps of the affected territory and further discussion of the SOI request follow.

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

April 4, 2022

Page 3 of 17

The following vicinity map shows the affected territory along with the jurisdictional boundaries and SOIs of the City and ACFPD.

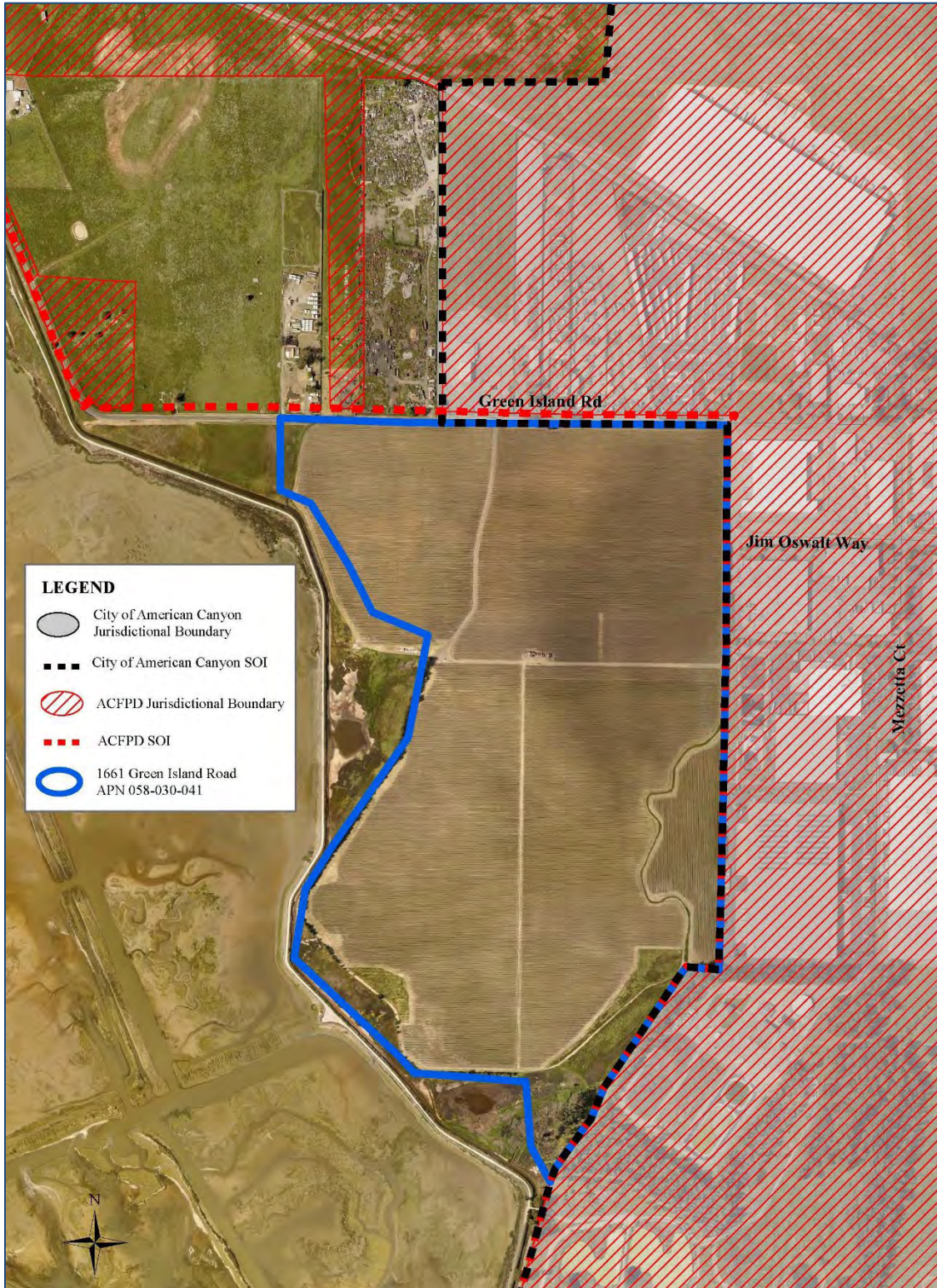


Sphere of Influence Amendment Request Involving the City of American Canyon, American Canyon Fire Protection District, and 1661 Green Island Road

April 4, 2022

Page 4 of 17

The following map shows an aerial view of the affected territory along with the jurisdictional boundaries and SOIs of the City and ACFPD.

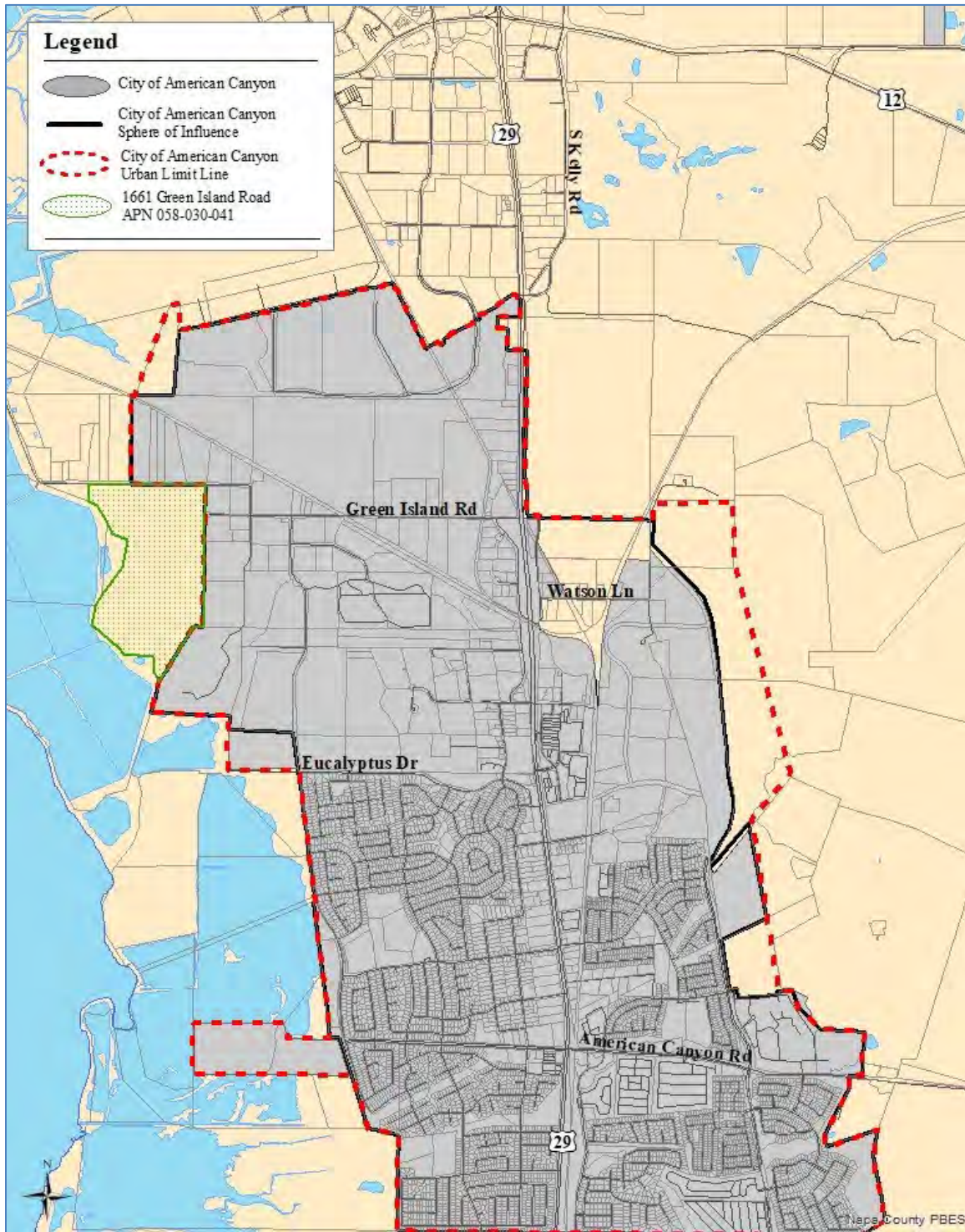


Sphere of Influence Amendment Request Involving the City of American Canyon, American Canyon Fire Protection District, and 1661 Green Island Road

April 4, 2022

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The following map shows the affected territory and the City's urban limit line (ULL).

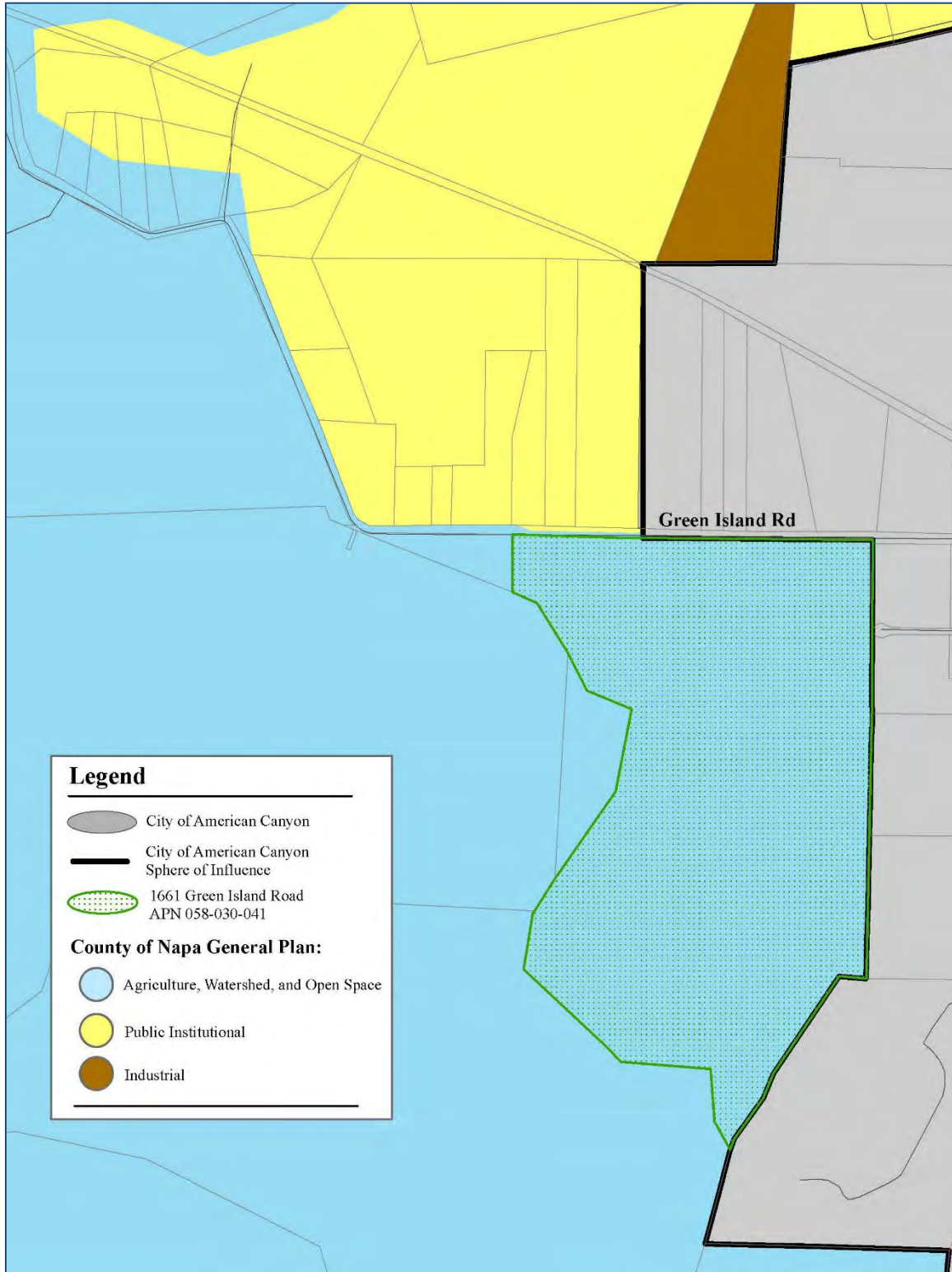


Sphere of Influence Amendment Request Involving the City of American Canyon, American Canyon Fire Protection District, and 1661 Green Island Road

April 4, 2022

Page 6 of 17

The following map shows the County of Napa's General Plan land use designations for the affected territory and surrounding areas.

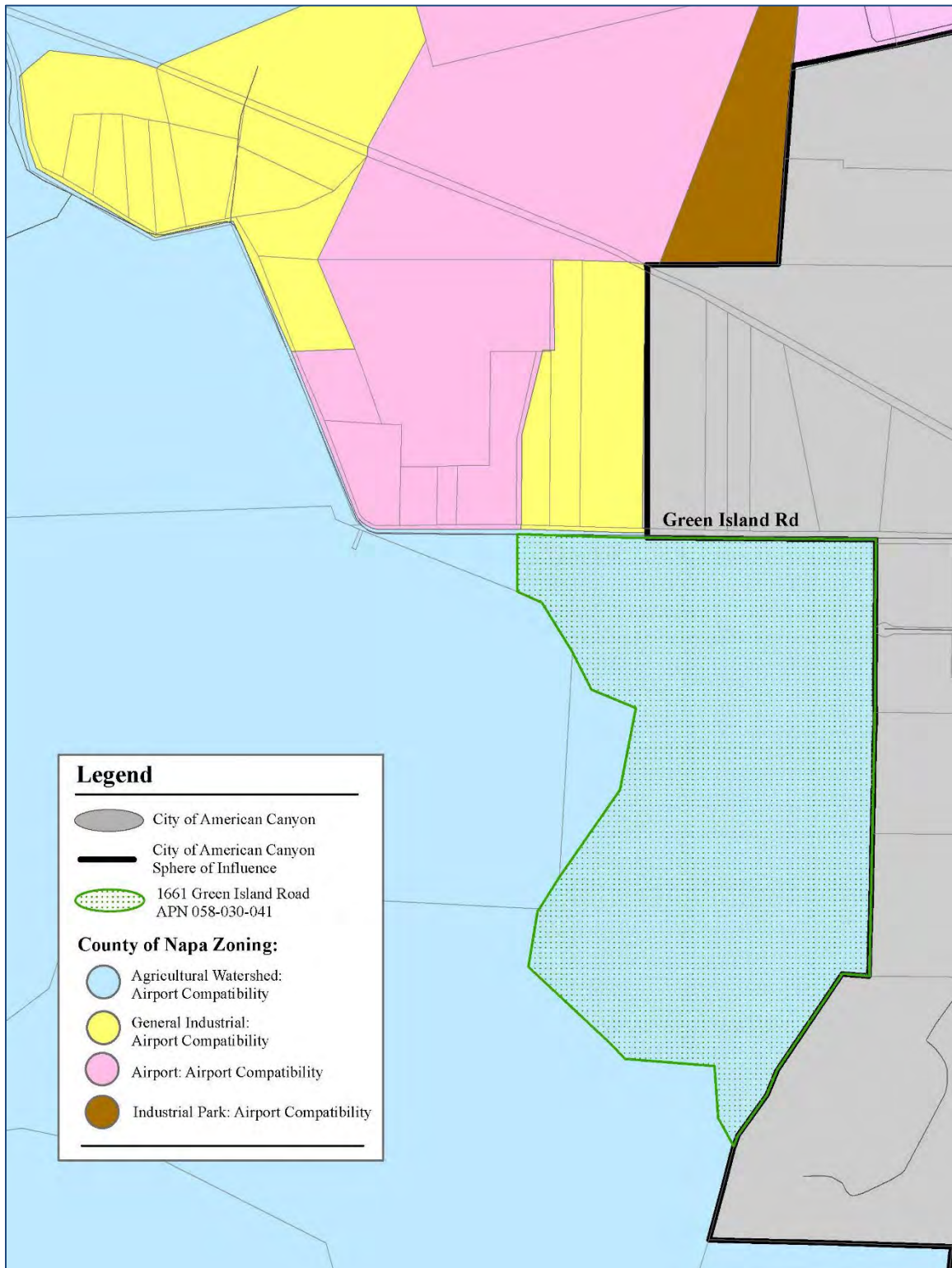


Sphere of Influence Amendment Request Involving the City of American Canyon, American Canyon Fire Protection District, and 1661 Green Island Road

April 4, 2022

Page 7 of 17

The following map shows the County of Napa's zoning assignments for the affected territory and surrounding areas.



DISCUSSION

Agreement Between the City and County

In 2008, the City entered into an agreement with the County of Napa related to the City's SOI and ULL, included as Attachment Five. The agreement is intended to recognize the importance of preserving agricultural and open space lands in the County to maintain a viable agriculture-based economy, preserve open space, prevent urban sprawl, and direct growth and development into already urbanized areas. The agreement designates a mutually agreed upon ULL to serve as the City's ultimate growth boundary until at least 2030. The parties agree the City's jurisdictional boundary and SOI shall not expand beyond the ULL prior to 2030 unless the citizens of the City first approve an expansion of the line.

LAFCO and the applicant are not parties to the agreement and therefore aren't bound to the terms of the agreement. The Commission retains discretion to approve or disapprove SOI requests irrespective of their consistency with the agreement. However, staff recommends the Commission give considerable weight to the agreement given that it designates a mutually agreed upon urban growth boundary for the City through 2030.

Previous SOI Request

In 2018, as part of the Commission's *South County Region Municipal Service Review and Sphere of Influence Updates* ("2018 MSR/SOI"), the City and ACFPD jointly requested amendments to their SOIs to include the affected territory. The 2018 MSR/SOI is available online at: https://www.napa.lafco.ca.gov/uploads/documents/SouthCountyRegion_MSR-SOI_FinalReport_12-3-18.pdf. The 2018 MSR/SOI includes the following relevant text:

The City and ACFPD have jointly submitted a formal request to the Commission for an SOI expansion involving a vineyard property located at 1661 Green Island Road (APN 058-030-041) that is located to the immediate west of the City's jurisdictional boundary, SOI, and ULL. The request is included as Appendix D. A map of the requested SOI amendment is provided as Exhibit 6-2. This property is currently planted with a vineyard and designated as Agriculture, Watershed, and Open Space in the County General Plan. In order to annex APN 058-030-041, the City would first have to amend the ULL with agreement from the County and voter approval. Further, Napa LAFCO policies direct the Commission to designate SOIs to guide orderly urban development in a manner that prevents the premature conversion of agricultural lands. Finally, correspondence from the Napa County Farm Bureau is included as part of Appendix B, which communicates opposition to the potential annexation of the subject parcel to the City. With all of this in mind, it would be appropriate to defer consideration of an expansion to the City's SOI to include APN 058- 030-041 until after the parcel has been included within the ULL. This process would also involve the City or the County serving as lead agency to address the requirements of CEQA for the potential SOI expansion and annexation.

Statutory Factors

In determining the SOI of each agency, the Commission is required to consider five specific factors consistent with G.C. Section 56425. A summary of the statutory factors as they relate to the SOI request follows.

- 1) Present and planned land uses in the area, including agricultural and open-space lands

The County General Plan assigns the affected territory a land use designation of *Agriculture, Watershed, and Open Space* and zoning standard of *Agricultural Watershed: Airport Compatibility*. These land use characteristics prescribe a minimum lot size of 160 acres. Actual land uses within the affected territory are currently limited to a commercial vineyard. There are no other planned land uses for the affected territory at this time. However, the discontinuation of existing vineyard operations is planned.

- 2) Present and probable need for public facilities and services in the area

The affected territory currently receives outside water service from the City through a grandfathered agreement consistent with G.C. Section 56133. This includes potable water during the summer months for the vineyard's frontage road located on Jim Oswalt Way. In addition, the City provides potable and reclaimed water for irrigation of the vineyard, with City meters historically showing very little potable use for this purpose. The affected territory also receives fire protection and law enforcement services from the County. Based on current and planned land uses, there is no need for additional public facilities or services within the affected territory at this time.

- 3) Present capacity of public facilities and adequacy of public services that the agency provides or is authorized to provide

Based on the 2018 MSR/SOI, the City and ACFPD have established adequate capacity to provide a full range of municipal services to the affected territory based on the current land use as a commercial vineyard.

- 4) Existence of any social or economic communities of interest in the area if the commission determines that they are relevant to the agency

There are no social or economic communities of interest that are relevant to any potential SOI amendments involving the affected territory.

- 5) Present and probable need for public facilities and services of any disadvantaged unincorporated communities within the existing sphere of influence

There are no disadvantaged unincorporated communities within the City's SOI or ACFPD's SOI.

Policy Considerations

Staff reviewed the SOI request as it relates to the Commission's *Policy on Spheres of Influence*. A summary of relevant policy considerations follows.

- Section III states: It is the intent of the Commission to determine appropriate SOIs that promote the orderly expansion of cities, towns, and special districts in a manner that ensures the protection of the environment and agricultural and open space lands while also ensuring the effective, efficient, and economic provision of essential public services, including public water, wastewater, fire protection and emergency response, and law enforcement.

Staff response: The SOI request would not ensure the protection of agricultural lands given it would allow for annexation to the City, thereby facilitating the future conversion of existing agricultural lands to an urban use. However, it should be noted the long-term viability of the existing agricultural land use is in question as described in the vineyard report and soils analysis included with the application materials. Notably, it appears the vineyard is decaying due to saltwater intrusion. The soils analysis suggests there are few viable agricultural products that could potentially replace the vineyard for long-term use. In the future, it may be appropriate for the affected territory to be converted to a use that is compatible with agricultural uses (e.g., wine warehousing) in a manner that protects the environment and agricultural lands elsewhere in Napa County. With this in mind, the SOI request could be consistent with Section III if appropriate planning activities occur. This would likely involve the City and the County amending their respective General Plans along with an expansion of the City's ULL.

- Section V(A)(1) states: Land defined or designated in the County of Napa General Plan land use map as agricultural or open space shall not be approved for inclusion within any local agency's SOI for purposes of new urban development unless the action is consistent with the objectives listed in Section III of this policy.

Staff response: The County General Plan land use map designates the affected territory as *Agriculture, Watershed, and Open Space*. As noted above, the SOI request could be consistent with Section III in the future if appropriate planning activities occur. However, based on current conditions and circumstances, staff believes the SOI request is inconsistent with Section III of this policy.

- Section V(A)(3) states: The Commission will consider the Agricultural Preserve and intent of voters in passing Measure J and Measure P in its decision making processes to the extent they apply, prior to taking formal actions relating to SOIs.

Staff response: The affected territory is subject to Measure P. Changing the land use designation in the County General Plan to non-agriculture requires approval by Napa County voters. It is important to note SOI amendments and annexations do not require Measure P votes.

- Section V(A)(6) states: A local agency's SOI shall generally be used to guide annexations within a five-year planning period. Inclusion of land within an SOI shall not be construed to indicate automatic approval of an annexation proposal.

Staff response: The City must prezone the affected territory prior to its annexation. There is currently no indication of whether the affected territory will be planned for annexation by the City, which would include rezoning. It appears unlikely these planning efforts will occur in the next five years.

- Section V(A)(8) states: A local agency's SOI should reflect existing and planned service capacities based on information collected by, or submitted to, the Commission. This includes information contained in current MSRs. The Commission shall consider the following municipal service criteria in determining SOIs:

- a) The present capacity of public facilities and adequacy of public services provided by affected local agencies within the current jurisdiction, and the adopted plans of these local agencies to address any municipal service deficiency, including adopted capital improvement plans.

Staff response: Based on the 2018 MSR/SOI and planned capital improvements, the City and ACFPD have established adequate capacities to serve their current jurisdictions and accommodate growth.

- b) The present and probable need for public facilities and services within the area proposed or recommended for inclusion within the SOI, and the plans for the delivery of services to the area.

Staff response: The affected territory presently receives outside water service from the City. However, the current land use appears to be unsustainable due to saltwater intrusion coupled with the use of recycled water from the City that is high in salinity. There are currently no plans for delivery of additional services to the affected territory.

- Section V(A)(9) states: The Commission shall consider, at a minimum, the following land use criteria in determining SOIs:

- a) The present and planned land uses in the area, including lands designated for agriculture and open-space.

Staff response: The present and planned land use in the affected territory is agriculture.

- b) Consistency with the County General Plan and the general plan of any affected city or town.

Staff response: The County General Plan designates the affected territory as *Agriculture, Watershed, and Open Space*. The City General Plan does not assign any land use designations for the affected territory.

- c) Adopted general plan policies of the County and of any affected city or town that guide future development away from lands designated for agriculture or open-space.

Staff response: The County General Plan includes the following relevant land use policies:

- Policy AG/LU-126: "...the County will work collaboratively with LAFCO in its reviews of spheres to encourage orderly, city-centered growth and development in Napa County and the preservation of agricultural land."
- Policy AG/LU-126.5: "The County seeks to engage incorporated jurisdictions and other agencies in collaborative planning efforts, particularly efforts aimed at ensuring adequate infrastructure capacity, vibrant city-centers, sufficient housing and agricultural lands and natural resource protection."
- Policy AG/LU-127: "The County will coordinate with the cities and town to establish land use policies for unincorporated lands located within their respective spheres of influence and will do likewise for unincorporated lands within any locally-adopted urban growth boundaries."
- Policy AG/LU-130: "The County recognizes the growth boundary for the City of American Canyon shown in Figure LU-5 and will support the City's annexation of unincorporated land located within the boundary..."

- d) Adopted policies of affected local agencies that promote infill development of existing vacant or underdeveloped land.

Staff response: The affected territory is currently developed with a vineyard and therefore not considered vacant or underdeveloped.

- e) Amount of existing vacant or underdeveloped land located within any affected local agency's jurisdiction and current SOI.

Staff response: The City does not maintain an inventory of vacant land within its jurisdiction. However, the 2018 MSR/SOI states most of the City's SOI is already built out, suggesting there is minimal vacant or underdeveloped land available for infill purposes.

- f) Adopted urban growth boundaries by the affected land use authorities.

Staff response: The City's ULL is its urban growth boundary, which is consistent with the City's agreement with the County adopted in 2008. The agreement states the City and County agree there will be no expansions to the City's ULL or SOI prior to 2030. The affected territory is located outside the City's ULL.

Additional Key Considerations

Staff recommends the Commission consider the following additional facts that are described further in the application materials and other attachments to this report:

- The affected territory is presently in agricultural land use as a grape vineyard. However, the application materials include soils analysis that shows the subject property soil is experiencing increased salinity that is toxic to agricultural use. The salinity of the soil jeopardizes the continued agricultural use of the property. Consequently, the landowners have already removed approximately 65 acres of vineyard from production, has no plans to replant that acreage, and expects to remove the remaining vineyards from production in the foreseeable future.
- Scientific analysis and the marketplace render the affected territory unsuitable for agricultural use. There has been minimal interest in a purchase of the property.
- There is no current project or plan for the future use of the affected territory. Surrounding lands are increasingly used for industrial and warehouse purposes. A similar use for the affected territory under the City's land use authority and with entitlements to services provided by the City may be appropriate in the future.

- If the struggling vineyard continues to be irrigated with a mix of potable and recycled water from the City, it would represent an inefficient use of water resources at a time when all water customers throughout Napa County are subject to varying levels of water conservation restrictions.
- Approval of the SOI request could potentially contribute to Napa County's industrial and warehouse land use inventory, thereby reducing the pressure to develop near prime agricultural land elsewhere throughout the County. Toward this end, the affected territory's agricultural use is arguably incompatible with surrounding industrial and warehouse uses to the north and east. Further, the affected territory may eventually be needed to improve traffic circulation given its proximity to Devlin Road and Green Island Road.
- G.C. Section 56016 defines "agriculture" for purposes of LAFCO law to mean "land currently used for the purpose of producing an agricultural commodity for commercial purposes, land left fallow under a crop rotational program, or land enrolled in an agricultural subsidy or set-aside program." The affected territory currently meets this definition of "agriculture" but will cease to meet the definition upon the anticipated discontinuation of vineyard production.
- G.C. Section 56064 defines "prime agriculture" for purposes of LAFCO law based on Storie index ratings and United States Department of Agriculture's Natural Resources Conservation Service land use capability classifications. The affected territory does not qualify as "prime agriculture" under this definition primarily due to poor soil quality ratings.
- The California Farm Bureau Federation and the Napa County Farm Bureau collectively submitted a letter opposing the SOI request, included as Attachment Six. The letter suggests the property can be used for other agricultural purposes or open space, and the SOI request would set a bad precedent in Napa County.
- The County of Napa submitted a letter opposing the SOI request, included as Attachment Seven. The letter states the SOI request is in direct conflict with the City General Plan, County General Plan, adopted agreement on growth boundaries between the City and County, and LAFCO's *Policy on SOIs*.
- The Napa Valley Grapegrowers submitted a letter opposing the SOI request, included as Attachment Eight. The letter states approval of the SOI request would set a risky precedent that could lead to more attempts to annex and convert agricultural land throughout Napa County.

- The Napa Valley Vintners submitted a letter opposing the SOI request, included as Attachment Nine. The letter recognizes the unique circumstances surrounding the affected territory. However, the letter states agricultural lands should be preserved, whether in the Agricultural Preserve, or in the Agricultural Watershed. The letter also recommends any change in land use should go through the existing process with Napa County, including a vote from the people.
- ACFPD submitted a letter supporting the SOI request, included as Attachment 10. The letter states ACFPD has been continuously serving the affected territory since 1957, including fire suppression and prevention, hazardous materials response, and emergency medical services.
- The City has not taken a formal position on the SOI request. Toward this end, the City submitted a “no position” letter, included as Attachment 11. If the Commission is considering approving the SOI request, staff recommends the Commission at a minimum require an official position from the City.

CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA)

If the Commission chooses to amend the City’s SOI and ACFPD’s SOI to include the affected territory, the action would be exempt from further review under CEQA pursuant to California Code of Regulations Section 15061(b)(3). The applicant submitted a letter related to CEQA, included as Attachment 12, with which staff and legal counsel concur. Notably, the proposed SOI amendments would not cause the direct, or reasonably foreseeable indirect, physical change in the environment and does not have the potential for causing a significant effect on the environment, as no new land use or municipal service authority would be provided. Further, the SOI amendments do not commit any local agency to take any definite course of action or to approve any specific project. Any future rezoning by the City or annexation of the affected territory would require environmental analysis to be performed by the appropriate lead agency. The staff recommendation to deny the SOI requires no CEQA related action by the Commission.

ALTERNATIVES FOR COMMISSION ACTION

The Commission may take any of the following actions as part of this item:

- 1) Deny the SOI request as recommended by staff by adopting the draft resolution included as Attachment 13. It is also recommended the Commission direct staff to request the City of American Canyon and the County of Napa discuss the SOI request in good faith and negotiate matters that include, but are not limited to, future land use, agricultural mitigation, transfer of regional housing needs allocations, and property tax exchange for future annexation.
- 2) Approve the SOI request by adopting the draft resolution included as Attachment 14. This alternative would require the Commission to file a Notice of Exemption upon the receipt of the appropriate Commission fee in compliance with CEQA.
- 3) Continue the public hearing to a future Commission's meeting. If this alternative is selected, it is also recommended the Commission direct staff to request the City of American Canyon and the County of Napa discuss the SOI request in good faith and negotiate matters that include, but are not limited to, future land use, agricultural mitigation, transfer of regional housing needs allocations, and property tax exchange for future annexation.

PROCEDURES FOR CONSIDERATION

This item has been agendized as a noticed public hearing. The applicant has requested an opportunity to make a presentation to the Commission as part of this item. The following procedures are recommended with respect to the Commission's consideration of this item:

- 1) Receive verbal report from staff;
- 2) Commission initial questions to staff;
- 3) Open the public hearing and receive presentation from applicant;
- 4) Receive public comments;
- 5) Close the public hearing; and
- 6) Discuss item and consider action on the SOI request.

ATTACHMENTS

- 1) Application Materials
- 2) LAFCO Policy on SOIs
- 3) Government Code Section 56428
- 4) Government Code Section 56425
- 5) Agreement Between the County of Napa and the City of American Canyon
- 6) Opposition Letter from the California Farm Bureau Federation and Napa County Farm Bureau
- 7) Opposition Letter from the County of Napa
- 8) Opposition Letter from the Napa Valley Grapegrowers
- 9) Opposition Letter from the Napa Valley Vintners
- 10) Support Letter from American Canyon Fire Protection District
- 11) No Position Letter from the City of American Canyon
- 12) CEQA Letter from Applicant
- 13) Draft Resolution Denying the SOI Request
- 14) Draft Resolution Approving the SOI Request

Local Agency Formation Commission of Napa County
1754 Second Street, Suite C
Napa, California 94559
(707) 259-8645 Telephone
<http://www.napa.lafco.ca.gov>

Questionnaire for Amending a Sphere of Influence

1. Applicant information:

Name: GIV, LLC (Will Nord, Ed Farver and David B. Gilbreth, Managers)

Address: 1661 Green Island Road, American Canyon, CA APN: 058-030-041

Telephone Number: Douglas Straus, Attorney 415 227-3553 (Primary) David B. Gilbreth, Manager 707 337-6412 (Secondary)

E-Mail Address: dstraus@buchalter.com; davidgnapa@icloud.com

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

See Attachment #2

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

See Attachment #3.

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

See Attachment #4.

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

The land is designated as Agriculture, Watershed and Open Space.

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

NO

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

Water: City of American Canyon


Sewer: City of American Canyon

Fire: City of American Canyon Fire Protection District

Police: City of American Canyon

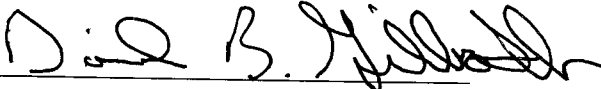
Print Name: Will Nord, Manager

Date: September 30 2021

Signature: 

Print Name: David B. Gilbreth, Manager

Date: September 30 2021

Signature: 

Print Name: Ed Farver, Manager

Date: September 30 2021

Signature: 
Application Materials for 1661 Green Island Road SOT Request

**ATTACHMENTS TO QUESTIONNAIRE FOR AMENDING A SPHERE OF
INFLUENCE
GIV, LLC
LOCAL AGENCY FORMATION COMMISSION OF NAPA COUNTY**

Attachment #2

The applicant property owner seeks this proposed sphere of influence amendment to bring the subject property within the City of American Canyon and American Canyon Fire Protection District spheres of influence pursuant to Local Consideration V(A)(2) in Napa County LAFCO's 6-7-21 policy on spheres of influence. Such an amendment is appropriate because it will promote the orderly expansion of the City of American Canyon in a manner that ensures the protection of the environment and agricultural and open space lands while also ensuring the effective efficient and economic provision of essential public services.

The subject property receives almost all essential public services (fire, water, sewer and police from the City of American Canyon or the American Canyon Fire Protection District. The subject property is bordered on three sides by the City of American Canyon. The fourth property boundary is the Napa River. It is not plausible for Napa County to provide public services to this "island" of County land situated in the midst of American Canyon.

The properties adjoining and near the subject property are being used for industrial and warehouse purposes. The City of American Canyon has plans to upgrade Green Island Road and Devlin Road, other roads in the vicinity of the subject property. Moving the subject property into the City of American Canyon's sphere of influence would give the City of American Canyon the ability to address land use planning for the property and ensure that the subject property pays its fair share of the costs of these infrastructure upgrades by including the property in the appropriate Community Facilities District.

This request for an amendment to the sphere of influence is *not* being brought by either the City of American Canyon or the American Canyon Fire Protection District—although property owner Green Island Vineyards, LLC ("GIV") anticipates that both government agencies may support this request. Thus, if there are any potential restrictions on the right of either of these government entities to seek sphere of influence amendments or changes to the Urban Limit Line, those restrictions do not prevent GIV from making this application. Nor do they prevent LAFCO from approving the request.

Attachment #3

The subject property is located at 1661 Green Island Road, American Canyon, California, 94503, APN 058-030-041. It is roughly 157 acres total. The subject property soil is experiencing increased salinity that is toxic to agricultural use.

Historically, the subject property has been used for vineyard purposes. However, the salinity of the soil precludes the possibility of continued agricultural use of the subject property. Consequently, the owner has removed 65 acres of vineyard from production, has no plans to

replant that acreage and expects to remove the remaining vineyards from production in the near future. The intolerably high level of salinity in subject property soil precluding future agricultural use is also confirmed by the reports of Vineyard Soil Technologies dated September 29, 2021 attached hereto as Exhibit A.

Vineyard Soil Technologies confirms that the vineyards on the property have entered a “death spiral” from which they will not recover. Vines are both stunted and blighted. These conditions are only going to get worse. As Vineyard Soil Technologies concludes, “the soils are unsustainable for wine grapes as a result of excessive accumulation of salts in the rootzones of the vines.” This report explains that this problem impacts all vineyard lands on the property.

Scientific analysis has confirmed that the subject property is no longer suitable for agricultural use. So has the marketplace. GIV has been marketing the property as agricultural land since 2012. *See* the letter from GIV Managers Will Nord and Ed Farver attached here as Exhibit B. GIV has used multiple brokers in its efforts to market the property, including some of the most experienced and successful vineyard brokers in Napa County. Only once has anyone expressed interest in acquiring this property.

And that prospective purchaser decided not to purchase the property due to concerns about excessive soil salinity. *See* the September 30, 2021 letter from Erik Roget at UBS Farmland Investors LLC attached hereto as Exhibit C. As Mr. Roget explains, UBS Farmland LLC declined to purchase the property after spending thousands of dollars on due diligence because of concerns including “that the vineyard was not likely to be viable in the future due to saline toxicity...”

The subject property is no longer suitable for agricultural use as vineyard land or otherwise. The current characteristics of this property make it suitable for including in the City of American Canyon and American Canyon Fire Protection District spheres of influence.

Attachment #4

The subject property is presently partially fallow land and partially failing vineyard land. As already noted, the portion of the property used for vineyard purposes is decreasing in size. In a very few years the property will be entirely unsuitable for agricultural uses.

There is no current specific project or plan for the future use of the subject property. The properties adjoining the subject property are increasingly used for industrial and warehouse purposes. It seems likely that a similar use for the subject property might be appropriate at some point, which should be determined by the City of American Canyon at the appropriate time given the property’s address within the City of American Canyon and the City’s current provision of services to the site.

Placing this property into the sphere of influence is entirely consistent with Objective III and Local Consideration V(A)(1) in Napa County LAFCO’s 6-7-21 policy on spheres of influence because the subject property is no longer suitable for agricultural use and inclusion in the sphere of influence helps promote effective, efficient and economic provision of essential public

services by harmonizing the subject property with surrounding lands and increasing the revenue base for relevant Community Facilities Districts.

Local Consideration V(A)(5) in Napa County LAFCO's 6-7-21 policy on spheres of influence supports this request because the City of American Canyon has very little vacant or underutilized land available for infill purposes. See Final Report, Napa County LAFCO, South County Region Municipal Service Review and Sphere of Influence Updates, December 3, 2018, Section 6-3 ["Most of the area within the City [of American Canyon]'s SOI is built out."]. Realistically, the only way for this relatively new city to grow is through appropriate expansion of its borders via annexation.

Local Consideration V(A)(5) in Napa County LAFCO's 6-7-21 policy on spheres of influence further supports this request as does Local Consideration V(A)(8) because no extension of urban facilities, utilities and services are required for the subject property. The subject property is already serviced by the City of American Canyon and the Fire District.

Of course, as noted in Local Consideration V(A)(6) in Napa County LAFCO's 6-7-21 policy on spheres of influence, granting the request to amend the sphere of influence to include the subject property is no guarantee of approval of annexation.

BN 47126236v1

EXHIBIT A



David Gilbreth, Manager
Ed Farver, Manager
Will Nord, Manager
Green Island Vineyard LLC

September 29, 2021

Site Visit Report
Green Island Vineyard
Project 21-178

The objective of the site visit was to qualify the current condition of the Green Island vineyard in light of the passage of time since the submission of the report regarding the irrigation water chemistry and soil chemistry of the vineyard: Anamosa-Gilbreth-Ghisletta-GIV-Geoff-Monk-CCA-15-179-Soil-Water-Chemistry-Review-June- 2018-Proj-18-136.

In summary, it is my professional opinion as a result of my analysis of the irrigation water chemistry, soil chemistry and condition of the vineyard, that the vineyard is continuing in death spiral and the soils are unsustainable for wine grapes as a result of excessive accumulation of salts in the rootzones of the vines. Consequently, as generally anticipated based on the data presented in my 2018 report, in 2021 the vineyard owners removed one-half of the most severely affected vineyard blocks. An additional one-quarter of the blocks will be removed at the termination of this season, and the remaining blocks will be removed in the very near future. The review of the ACRW indicates it is unsuitable for winegrapes. It is probably the repeated use of the ACRW on this vineyard that has caused the salinity, sodium, and chloride problems in the vineyard.

Introduction

Soil salinity issues with grapevines is not common in the North Coast California viticultural areas, but are becoming more common as continued pumping of ground water in the periphery of San Pablo Bay has caused saltwater intrusion into the ground water system, and vineyards have continued to use the ever increasingly salty water on vineyard. Much of scientific research and development of scientifically based "best practices" for management of vineyards with salinity, sodium, and chloride problems has been done in Australia. Shown below are photos provided in several Australian extension education bulletins for growers to identify and manage salt issues in vineyards. I am showing these photos to provide a baseline of the symptoms of winegrapes grown on soils with high salt accumulations.

Generally, the symptoms of excessive soil salinity are the development of necrotic (brown) tissue along the margin and/or quarter or half-sections of the leaves. The most severe symptom may envelop the entire leaf and all leaves on the vine. Severe necrotic leaf tissue damage will frequently weaken the vine for the following year due to the lack of carbohydrate storage into the roots and trunk for the next season's growth. Some vine may die and will not push buds the following season.



Figure 1. Highly salinity water damage to winegrapes (Best Management Practices for Irrigation Water Salinity and Salt Build-up in Vineyard Soils, Limestone Coast Grape and Wine Council, Government of South Australia, 2017.)



Figure 2. Highly salinity water damage to winegrapes (Best Management Practices for Irrigation Water Salinity and Salt Build-up in Vineyard Soils, Limestone Coast Grape and Wine Council, Government of South Australia, 2017.)



Figure 3. Managing Salinity in the Vineyard Factsheet; Rob Walker; CSIRO Plant Industry, Adelaide, Australia.

The general symptoms of salinity, will usually occur prior to the toxicity symptoms of either sodium or chloride, because in order to get to the toxic levels for sodium and/or chloride, the salinity is already above the minimally problematic value of 1.5 dS/m. The moderate to severe salinity toxicity symptoms occur around 2.0 to 2.5 dS/m and vine death is typical at 3.5 to 4.0 dS/m. Since the soil salinity impact on the vine is osmotic, only a few roots must be in soil with toxic salinity levels for the vine to become dehydrated and show symptoms. Osmosis is the movement of water from an area of low solute concentrations to an area of high solute concentration through a semi-permeable membrane. In the vineyard setting the semi-permeable membrane is the cell membrane in the root. So as the soil salinity increases water flows from the roots to the soil, instead of the preferred flow from the soil into the root. Even if the soils are quite wet, the water will not flow into the roots. This causes the vines leaves to dehydrate and leaf cell death starting around the periphery of the leaf even in the presence of moist soil.

Site Visit Protocols

A Site Visit to the Green Island Vineyard (GIV) was conducted on September 10, 2021.

Vineyard Layout: The vineyard is planted on 7-foot rows with 6 feet between vines. The vines are trained on bilateral cordon on a vertical trellis. The trellis has a drip hose wire, a fruiting wire, and two sets of two fruiting wires that vary by block in distance above the fruiting (cordon) wire 12-14 inches and 24-30 inches. Although the end-post and stakes are sufficiently tall, there is not a set of fruiting wires that would typically be found around 36" above the cordon. Many vineyard managers construct the trellis as needed, meaning that they add the drip, fruiting (cordon) and first set of foliage catch wires when the vines are planted, and then add additional wires if needed as the vineyard matures. The fact that this vineyard did not install the typical foliage catch wires at 36" above the cordon, indicates that the vines did not grow sufficiently to warrant the wires, and their consequent expense. Vines with shoots only to the 2nd wire are considered stunted

The qualitative evaluation of each block will be provided in the following parameters:

PV2W Percentage of vine shoots not reaching the second fruiting wire (24 to 30"). The lower the value, the more shoot growth there has been.

PLN Percentage of leaf area with necrosis. The higher the value, the more necrotic leaves there are.

Blocks A1, B5, B4-south, C1, C2, D3 and D4 have been pulled out and are fallow. These blocks were most affected, and vine growth and yields were well below economic profitability.

We have attached a block map and a 2017 EVI (Enhanced Vegetative Index) image of the vineyard, as well as our Electromagnetic scanner evaluation to a depth of 5-feet. The EVI image show the relative photosynthetic capacity of the vines. Those area represented by Blocks A3, B2, B3, and the eastern portion of D2 and D3, show the highest vigor. The areas represented by A1, A2 (young vines in 2016), B4-south, B-5, D3, D4 showed the lowest vigor and a but A2 have been pulled.

The map of the Electromagnetic Scanner (EM) shows patterns across the vineyard very similar to the EVI. Soil sampling has confirmed that those areas where the EM data showed the highest Electrical Conductivity values also have the highest electrical conductivity and salinity. Therefore, the patterns shown across the landscape of the EVI and EM data set have been confirmed by soil analysis.

Findings and Discussion

The photos take of vines in each block are attached in the following pages, along with the percentage of vines shoots not reaching the 2nd wire, and the percentage of leaf area with necrosis.

1. It should be expected that continued use of the high salt content ACRW will continue to accumulate in these soils and render the vineyard area unsuitable for continued vineyard operations in the upcoming years. It is just a matter of time, that the land is sufficiently toxified to kill the remaining vines if they are not pulled out first.
2. We have had two years (2020, and 2021) of lower than average rainfall that has reduced the leaching of salts, and an additional two years of application of water that is unsuitable for the irrigation of winegrapes. Even with near-normal rainfall, there will be inadequate leaching of salts to overcome the current salt load in the soil and the anticipated addition of more salts in the irrigation water that will be required to continue farming this vineyard.
3. These vineyard blocks are 20+ years old and cordon trained. They are also exhibiting fungal disease indicative of Eutypa (and similar canker wood rot diseases) . The symptoms of this disease appear as dead spur positions, dead cordons and eventually vine death. Vine death typically starts to occur once the vines are 20 to 40 years old. Although, some vine death may be occurring due to Eutypa, the cluster of dead vines along the western boundaries of Blocks C3, D1 and D2 are neighboring vines with severe toxic salinity symptoms. Therefore, even though Eutypa is present in this vineyard, it is most certainly not the cause of the majority of vine death in the most salt affected areas.
4. Only Block A3 (young vines) and the western portions of Blocks B2 and B3 showed minor damage.
5. All other blocks showed moderate to severe damage especially the western sides of Blocks C3, D1 and D2. These blocks showed upwards of 60% to 80% necrotic leaf area, and many dead vines.
6. The vines growing in the Green Island Vineyard are showing minor to severe toxicity symptoms from high salinity soils. Only a small portion of the south-central regions of the vineyard (west side of Blocks B2 and B3) are showing minor impact from the salinity. The rest of the blocks including the eastern sides of Blocks B2 and B3 are showing moderate to severe toxic symptoms from high salinity soil. The vines are showing the symptoms of high salts in the soil indicated by short shoot growth and necrotic tissue starting on the leave margins and may affect much of the leaf area. Vines showing 60% to 80% salinity damage are in a death spiral due to the inability to manufacture and store late season carbohydrates for the next season's bud-break. Therefore, increased rate of vine death should be expected, especially in those areas that are currently most severely affected by the high salt damage.
7. The American Canyon Recycled Water (AMCR) that is used to irrigate the vineyard is unsuitable for the irrigation of vineyards, and the salts in that water have been accumulating in the soils for many years. This salt accumulation has degraded the condition of the vineyard and will continue to do so into the future. Due to the proximity of the vineyard to San Pablo Bay it is unlikely that on-site well water would be an improvement over the ACRW.

Conclusion

In conclusion, it is my professional opinion as a result of my analysis of the irrigation water chemistry, soil chemistry and condition of the vineyard that the vineyard is continuing in death spiral and the soils are unsustainable for wine grapes as a result of excessive accumulation of salts in the rootzones of the vines.

Paul R. Anamosa

Paul R. Anamosa, Ph.D.
Soil Scientist & Viticulturist

Block A2

PV2W: 80%
PLN: 40%



Upper Left: Vines with most shoots below 2nd wire.
Upper Right: Readily visible 2nd wire with few shoots touching
Lower Left: Vines with 20% shoots above wire, and 30% to 40% leaf area necrosis.
Lower Right: Outline of white salts evaporation ring around beneath the emitter.

Block A3

PV2W: 60%
PLN: 20%



Left: Notice tape measure draped over netting showing second wire at about 20" above cordon. 60% of shoots below this wire.

Minor leaf damage.



Block A3 had many short shoots, but showed only minor leaf necrosis salinity symptoms.

Block B1

PV2W: 20%
PLN: 30%



Upper Left: This block shows the wire installed at 36" above the cordon. Only 20% of shoots were below the 2nd wire and most were between the second and the third wires.

Upper Right: Showing the impact of the necrosis equally on all of the vines down the rows.

Lower Left: Close up of leaf necrosis (40%) on leaf at 3rd wire.

Lower Right: Vine with nearly 90% necrotic tissue next to vines with 30% necrotic tissue.

Block B2

PV2W: 40%
PLN: 50%



Upper Left: Vines showing marginal leaf necrosis across rows.

Upper Right: Vine with about 60% of shoots above 2nd wire, 30% leaf necrosis.

Lower Left: Down the row showing consistent green leaves and moderate leaf necrosis.

Block B3-1 Pinot Noir

PV2W: 20%

PLN: 20%



Left: Vines with only 20% of shoots less than 24” and about 20% greater than 24”. Leaf necrosis was only about 20%.

Strongest part of vineyard.



Left: More vines with only 20% shoots less than 24” length and many over 24, but all less than 36”

Leaf area necrosis is between 10% and 20%.

Block B3-2 Malbec

PV2W: 60%

PLN: 80%



Left: Vines with short shoots and nearly all leaves necrotic. Some vines in neighboring rows with less necrosis.

Among the worst salinity damage on the vineyard.



Left: Vines far down the rows with 60 to 100% necrotic leaves.

Some of these vines may not make it to next season due to lack of leaves to power carbohydrate storage for next season's bud-break.

Block B3-3 Merlot

PV2W: 20%

PLN: 30%



Left: This block has the 3rd wire at 36".
*0% of wires at or above 26" wire, and 20% at or above 36" wire.

Longer shoot growth, but still 30% of leaf surface area has necrosis.



Left: This portion of B-3-3 Merlot has shorter shoots and 40% to 60% leaf area necrosis.

Block B-4

PV2W: 40%
PLN: 20%



**Left: 40% of short shoot
not above 2nd wire.**

**About 20% to 30% leaf
area necrotic.**



Block C3

PV2W: 40% to 100
PLN: 10% to 100



Left: 40% short shoot not up to 2nd wire at 26", but only about 10% to 20% leave area necrosis. This is from the east side of the blocks

One of the least affected areas.



Upper Left: Vines along the western block boundary at low elevations. Most vines with 80% to 100% necrosis.

Many dead vines from previous season with no leaves (no-budbreak).



Upper Right: Mid-way between east and west block boundary. About 40% to 50% leave necrosis. Many short shoots.

Block D1

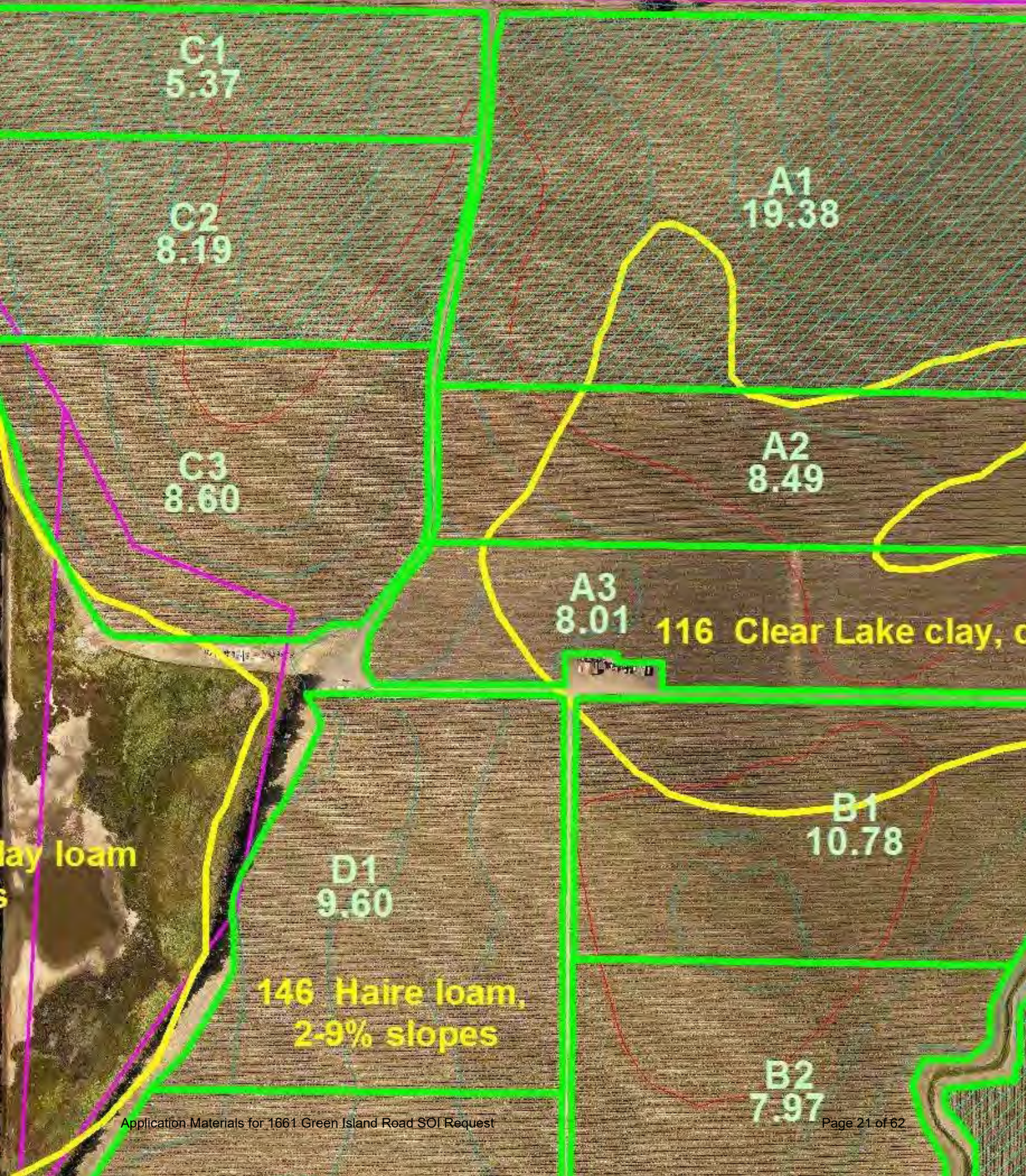
PV2W: 60%
PLN: 20%

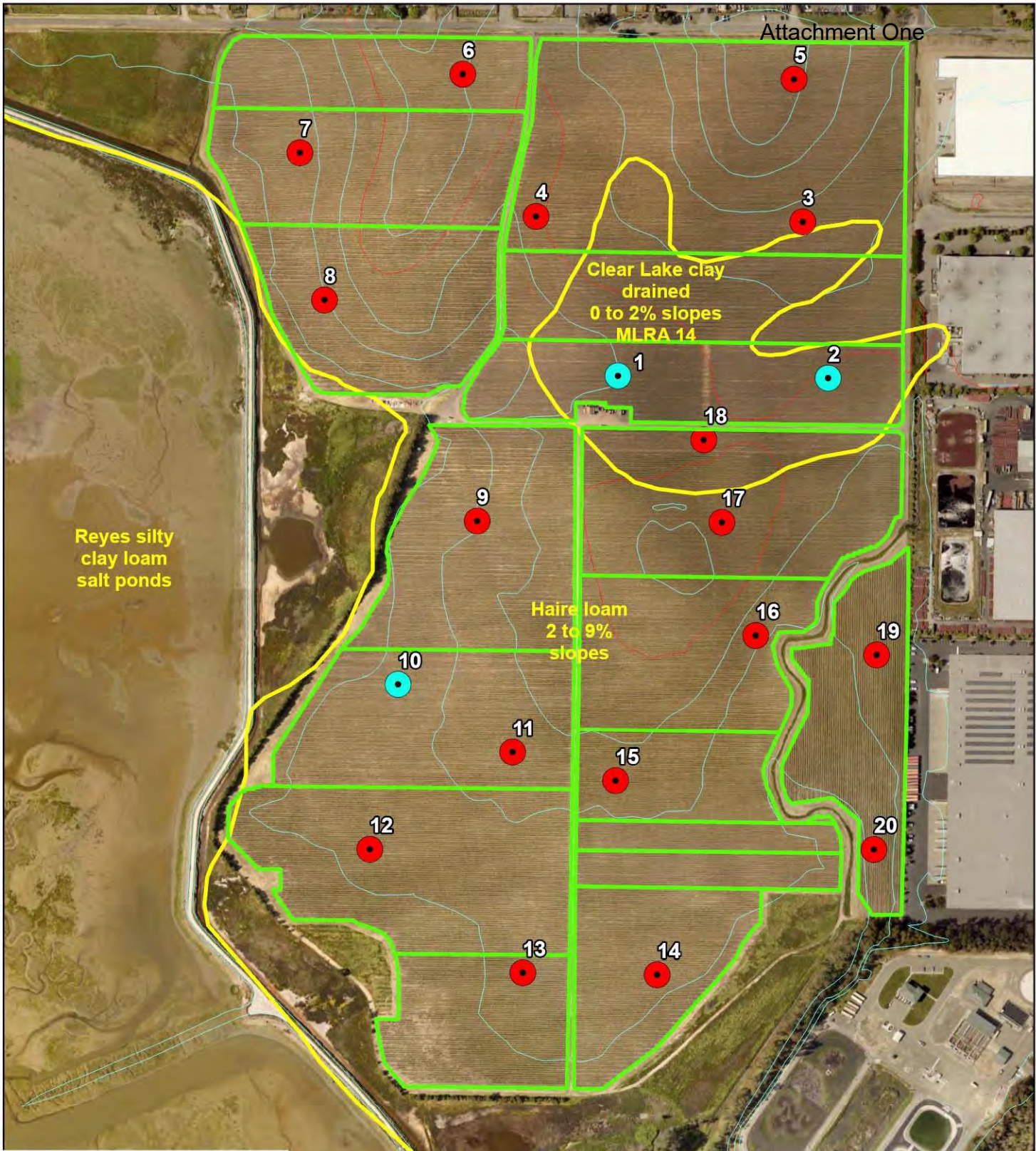


Left: Close up of leaf necrosis with some shoots above 2nd wire.



Left: Most vines with less than 60% of shoots up to 2nd wire. 20% to 30% leaf area necrosis.





Soil Series by Morphology

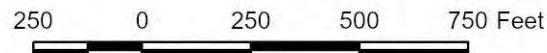
- Haire loam
- Clear Lake clay
- Study Area
- Napa County Soil Series

Elevation Contours

— 5 ft.

Application Materials for 1661 Green Island Road SOI Request

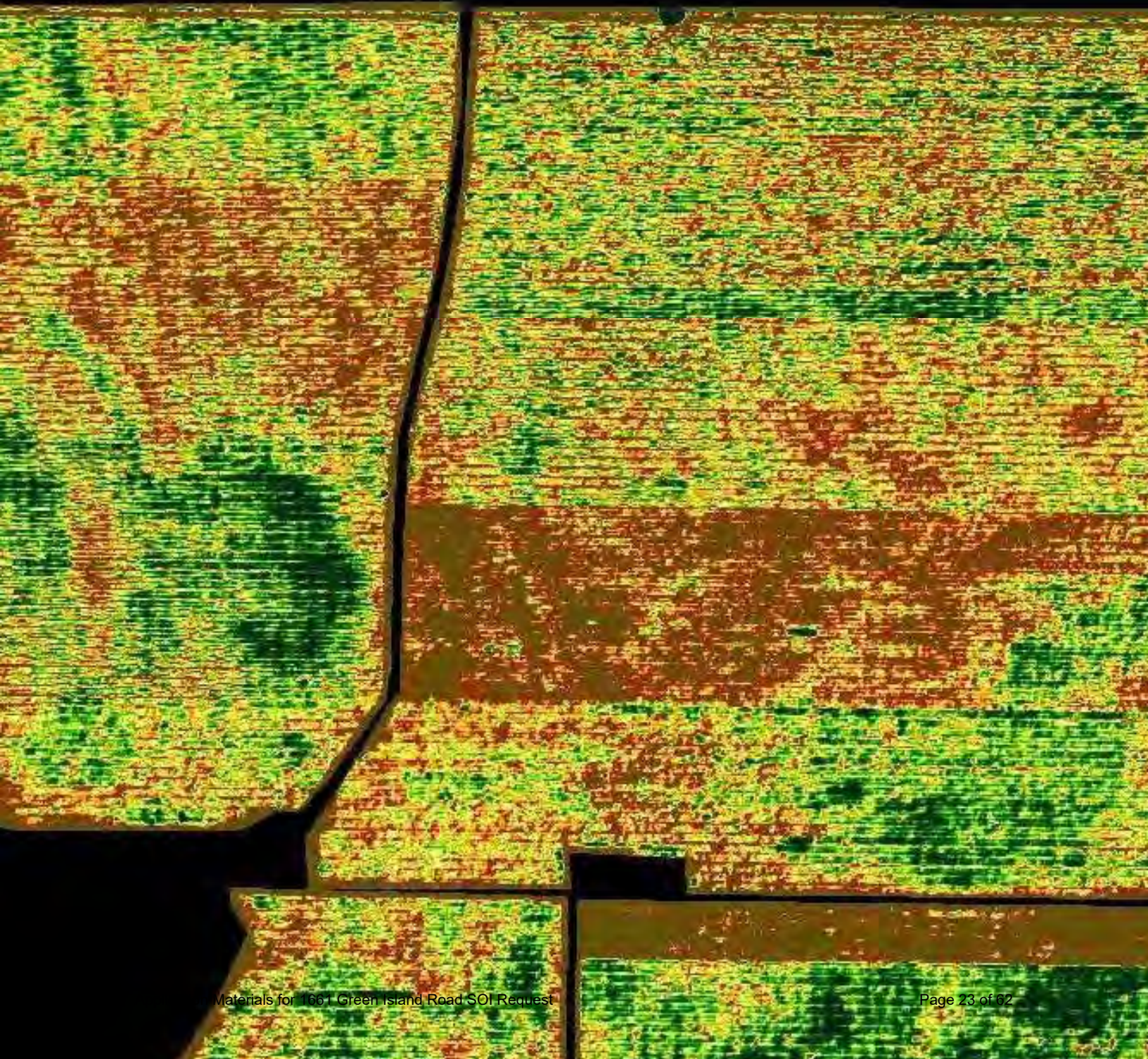
Ed Farver
 Green Island Vineyard
 American Canyon, CA.

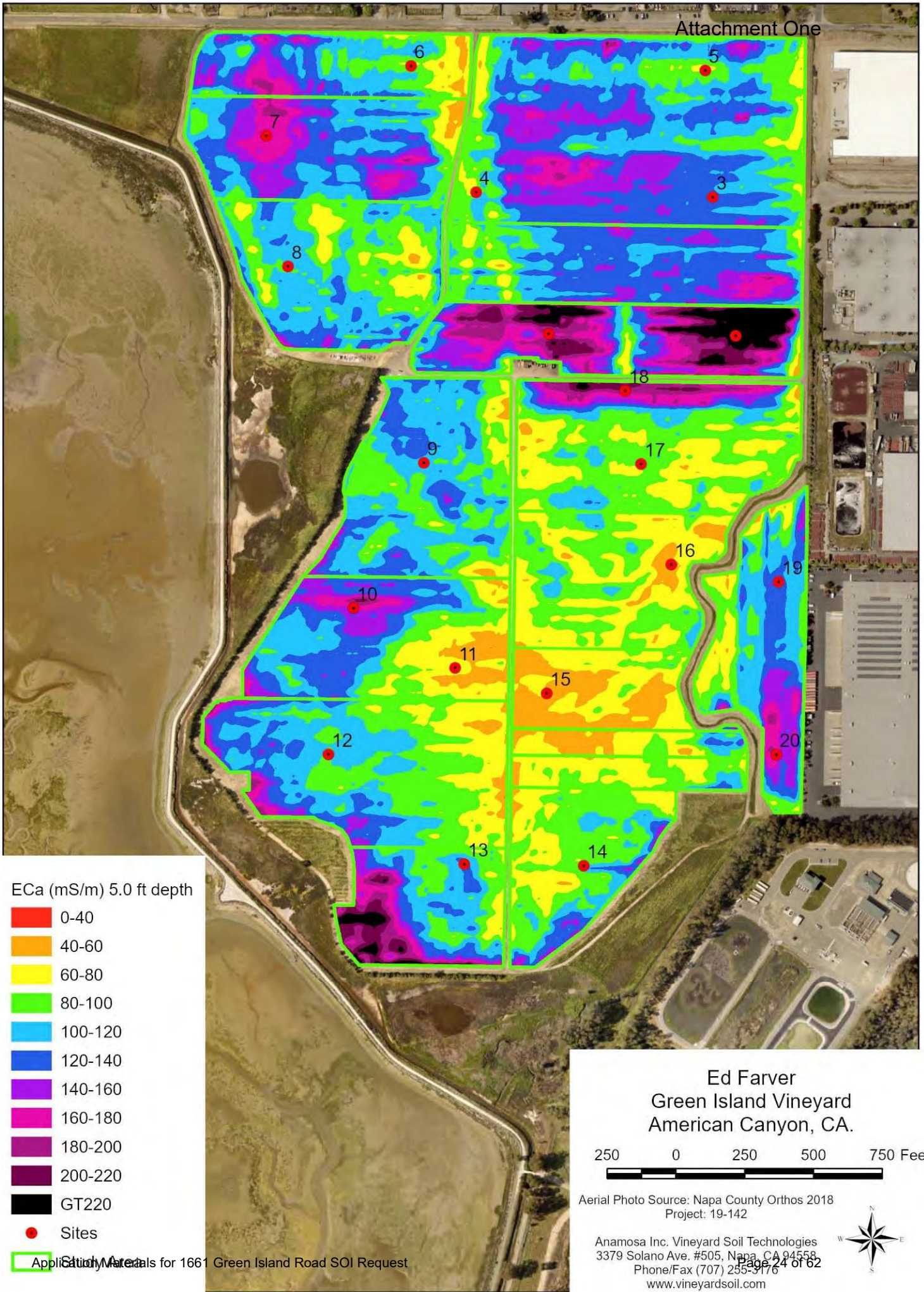


Aerial Photo Source: Napa County Orthos 2018
 Project: 19-142

Anamosa Inc. Vineyard Soil Technologies
 3379 Solano Ave. #505, Napa, CA 94558
 Phone/Fax (707) 255-3176
 www.vineyardsoil.com







ECa (mS/m) 5.0 ft depth

- 0-40
- 40-60
- 60-80
- 80-100
- 100-120
- 120-140
- 140-160
- 160-180
- 180-200
- 200-220
- GT220
- Sites

Application Materials for 1661 Green Island Road SOI Request

Ed Farver
Green Island Vineyard
American Canyon, CA.

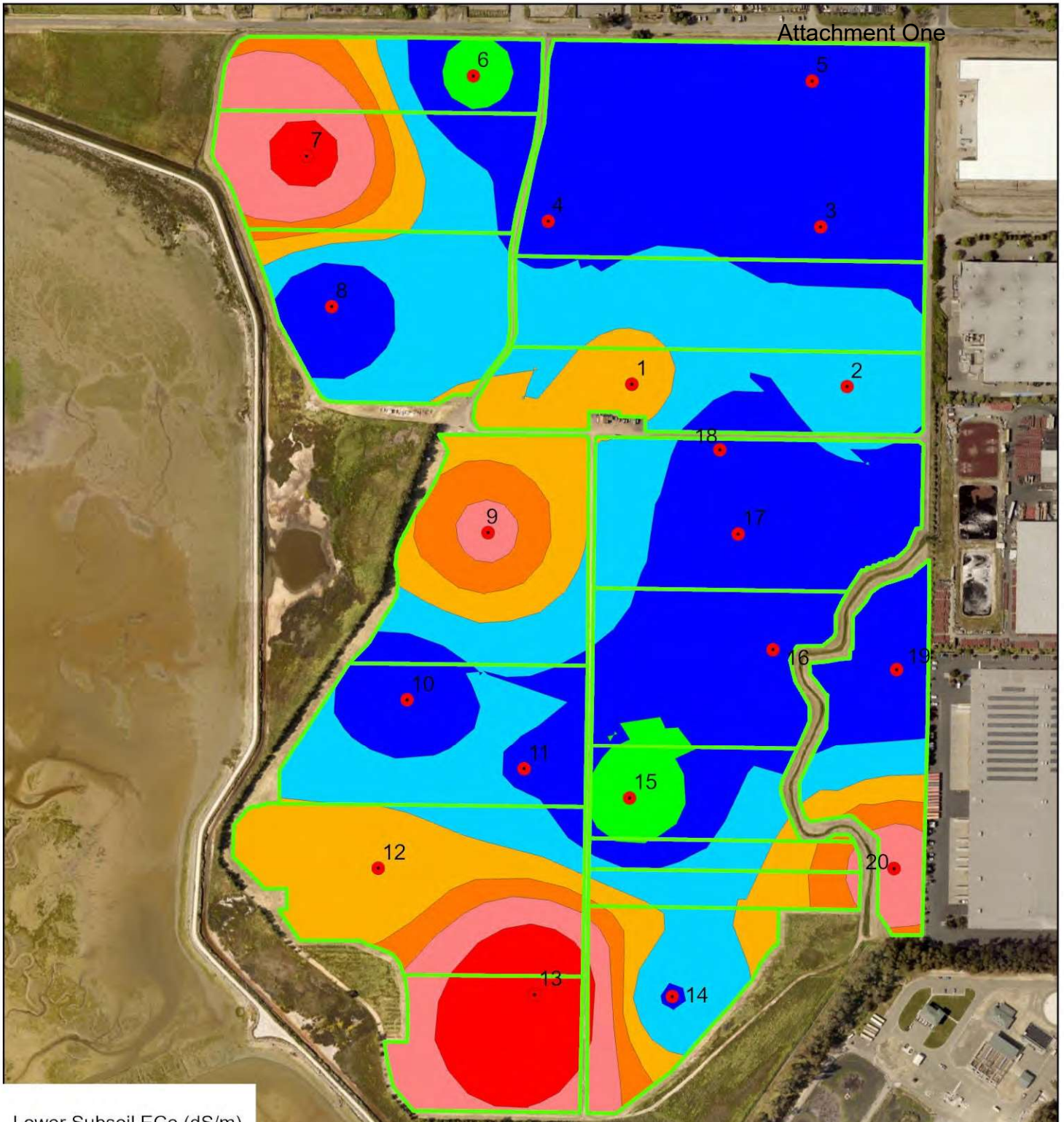
250 0 250 500 750 Feet



Aerial Photo Source: Napa County Orthos 2018
Project: 19-142

Anamosa Inc. Vineyard Soil Technologies
3379 Solano Ave. #505, Napa, CA 94558
Phone/Fax (707) 255-3176
www.vineyardsoil.com





Lower Subsoil ECe (dS/m)

- 0.0 - 0.2
- 0.2 - 1.0
- 1.0 - 1.5
- 1.5 - 2.0
- 2.0 - 2.5
- 2.5 - 3.0
- 3.0 - 4.0
- 4.0 - 8.0

● Sites

□ Study Area

Ed Farver
Green Island Vineyard
American Canyon, CA.

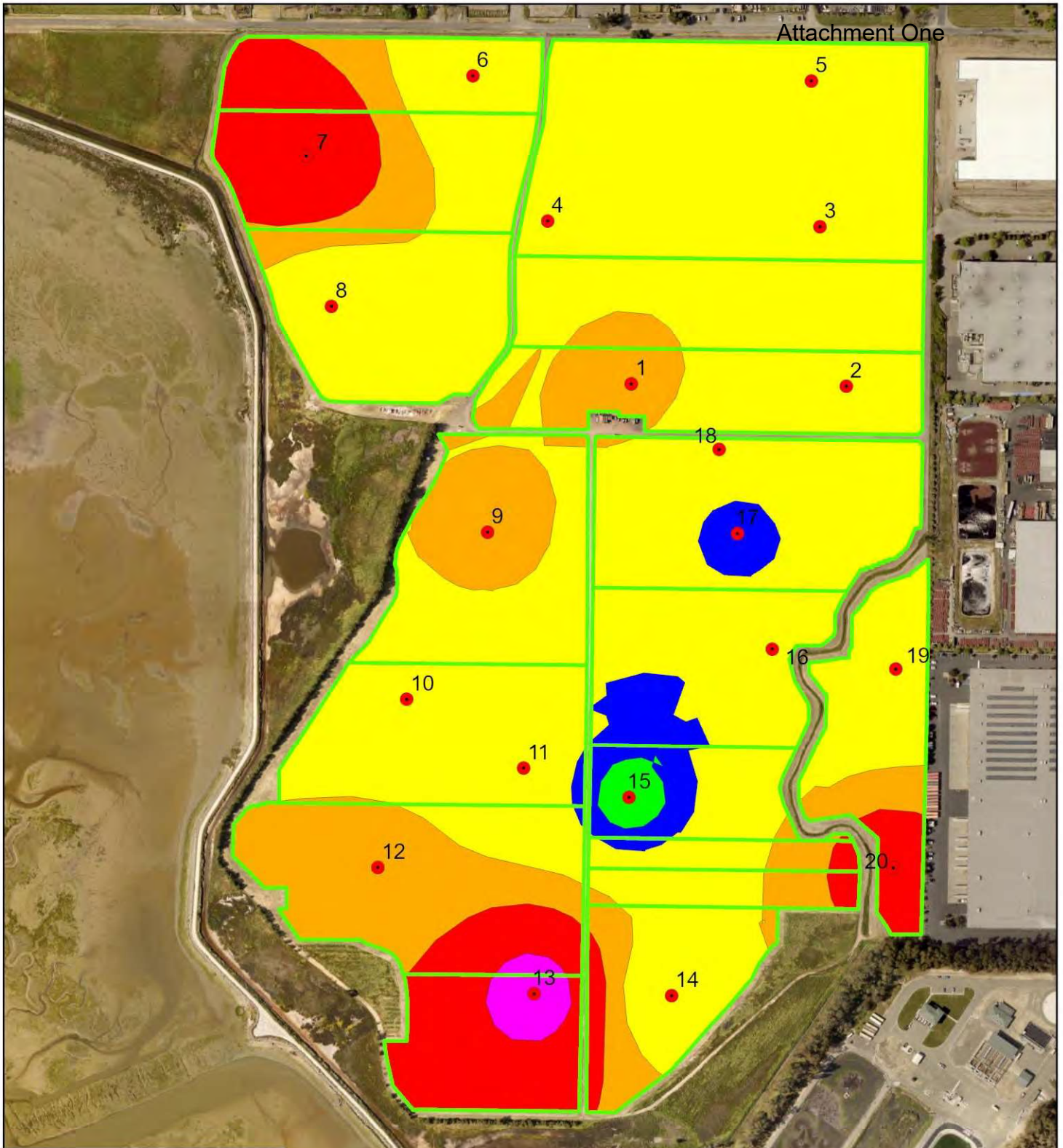
250 0 250 500 750 Feet



Aerial Photo Source: Napa County Orthos 2018
Project: 19-142

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Lower Subsoil Sodium (meq/l)

- 0 - 3
- 3 - 5
- 5 - 10
- 10 - 15
- 15 - 25
- GT 25
- Sites

Study Area Application Materials for 1661 Green Island Road SOI Request

Ed Farver
Green Island Vineyard
American Canyon, CA.

250 0 250 500 750 Feet

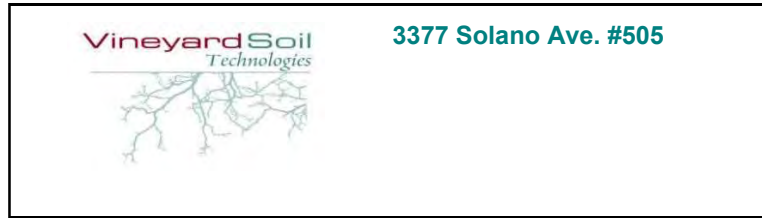


Aerial Photo Source: Napa County Orthos 2018
Project: 19-142

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Appendix Table A4



Date: 23-Aug-2019

For: Vineyard Soil Technologies
 Client: ED FARVER
 Property: GREEN ISLAND VINEYARD
 Project Number: 19-142

Log In #: 398610
 Date Sampled: 9-Aug-2019
 Date Submitted: 14-Aug-2019
 Date Reported: 23-Aug-2019

Report of Soil Analysis

Profile	Layer*	Method > Sample Depth (in)	Saturation Extract											Free Lime	Extractable Nutrients							Extractable Cations					
			S-1.00	S-1.10	S-2.30	S-1.60	S-1.60	S-1.60	Calc.	S-1.50	S-1.70	S-1.40	S-3.10		S-4.10	S-4.20	S-5.10	S-6.10	S-15.10	S-6.10	S-10.10	S-5.10	S-5.10	S-5.10	estm.		
			Sat%	pH	dS/m	meq/l	meq/l	meq/l	meq/l	mg/l	meq/l	meq/l	mg/kg		mg/kg	mg/kg	mg/kg	mg/kg	mg/kg	mg/kg	meq/100g	Ca	Mg	K	Na	H+Al	
1	1E	0	15	64	7.2	0.9	3.7	2.0	3.8	2.2	0.23	3.5	18.2	Med	8.6	55		348	2.7		1.3	36.2	68	27	2.5	3.0	0
1	1M	0	15	67	6.1	0.5	1.7	1.6	1.6	1.3	0.07	2.8		0	5.4	6		169	0.6		2.8	38.6	49	42	1.1	1.7	6
1	2M	15	30	68	6.1	1.0	2.7	3.3	4.6	2.7	0.05	7.7		0	2.3	3		152	0.5		2.5	38.3	42	48	1.0	4.2	5
1	3M	30	44	78	6.3	2.3	5.0	7.2	12.9	5.2	0.02	16.7	6.0	0	4.0	2		153	0.3		2.0	40.0	37	49	1.0	8.7	4
2	1E	0	15	66	7.1	1.1	4.8	3.0	4.2	2.1	0.26	5.7	2.2	Low	5.3	27		207	2.0		1.4	35.9	64	32	1.5	3.1	0
2	1M	0	15	61	6.1	0.6	2.4	2.1	1.9	1.3	0.05	4.4		0	3.2	4		154	0.4		2.3	37.2	53	39	1.1	1.6	5
2	2M	15	30	64	6.4	0.8	2.4	2.2	3.7	2.4	0.03	5.4		0	3.6	2		154	0.3		2.2	37.1	49	42	1.1	3.5	4
2	3M	30	43	68	6.5	1.7	4.3	4.4	8.7	4.1	0.02	11.1	4.3	0	3.4	2		150	0.3		1.8	35.9	48	44	1.1	6.6	0
3	1E	0	17	41	7.0	1.1	7.4	1.6	3.3	1.6	0.26	7.4	1.5	Low	4.6	12		200	1.2		0.6	13.5	82	12	3.8	2.6	0
3	1M	0	17	39	6.8	0.6	4.2	0.9	0.9	0.5	0.12	3.5		0	3.0	9		154	1.0		0.7	12.9	85	11	3.1	0.9	0
3	2M	17	29	72	5.7	0.9	3.6	2.4	3.3	1.9	0.03	7.7		0	1.6	2	3	163	0.3		0.5	29.1	56	32	1.4	2.9	8
3	3M	29	40	66	5.2	1.5	5.2	4.4	6.5	3.0	0.02	12.2	2.4	0	1.5	1	2	155	0.2		0.7	29.4	50	36	1.3	4.6	7
4	1E	0	15	42	6.8	1.2	4.2	2.1	6.6	3.7	0.41	7.5	2.5	Low	1.9	25		171	1.9		0.8	13.8	68	22	3.2	6.2	0
4	1M	0	15	38	6.1	0.6	2.7	1.5	2.1	1.4	0.18	3.5		0	4.2	8		120	1.1		1.2	12.2	59	22	2.5	2.2	14
4	2M	15	29	43	5.3	0.6	1.8	1.5	2.5	2.0	0.11	3.9		0	1.3	3	3	70	0.2		0.8	12.0	45	31	1.5	3.4	18
4	3M	29	40	85	4.2	1.3	2.4	3.0	7.5	4.6	0.03	7.4	4.5	0	1.0	2	2	140	0.4	283	4.0	35.1	30	43	1.0	7.5	19
5	1E	0	25	38	7.3	0.6	3.6	1.1	2.0	1.3	0.18	2.7		Low	2.3	37		245	3.1		1.2	14.1	80	13	4.5	1.8	0
5	1M	0	25	36	6.7	0.5	2.8	1.2	1.4	1.0	0.08	2.7		0	2.3	6		70	0.6		1.7	12.9	78	19	1.4	1.6	0
5	2M	25	35	69	5.7	0.8	2.2	1.9	4.2	3.0	0.02	6.4		0	1.4	2	4	148	0.3		2.4	30.6	49	37	1.2	4.5	8
5	3M	35	43	49	5.5	1.0	2.4	2.2	5.5	3.6	0.02	7.0	1.9	0	1.6	2	2	106	0.2		1.7	29.9	48	38	0.9	5.3	7
6	1E	0	20	38	7.4	1.2	5.2	1.8	5.0	2.6	0.31	5.9	2.2	Med	5.3	65		338	7.9		1.0	14.3	75	15	6.0	3.7	0
6	1M	0	20	35	6.2	0.6	2.6	1.4	2.3	1.6	0.18	3.5		0	3.7	7		72	1.5		2.3	12.2	63	21	1.5	2.5	13
6	2M	20	36	62	5.8	1.0	1.7	1.7	6.0	4.7	0.08	6.1		0	1.4	2	3	142	0.3		1.7	31.9	45	40	1.1	6.4	8
6	3M	36	52	38	5.7	0.8	1.4	1.4	5.1	4.4	0.04	4.3		0	1.7	1	1	69	0.2		1.1	27.3	47	41	0.6	5.6	6
7	1E	0	19	38	7.4	1.2	6.5	1.6	4.7	2.3	0.35	6.2	2.6	High	2.1	33		142	3.5		0.5	13.2	81	13	2.8	3.5	0
7	1M	0	19	40	6.4	1.5	10.5	3.2	5.0	1.9	0.28	13.4	1.8	0	2.3	10		81	1.8		1.0	13.6	73	14	1.5	3.2	8
7	2M	19	29	78	5.1	2.4	6.3	6.9	12.5	4.9	0.05	15.6	8.4	0	1.6	1	2	150	0.5		0.5	35.7	40	41	1.1	8.6	9
7	3M	29	42	84	4.9	4.3	12.6	16.9	22.8	5.9	0.02	30.5		0	1.2	1	1	153	0.4	30	0.4	43.5	38	43	0.9	11.1	8

Appendix Table A4

DATA PROCESSED BY WINE^{SOIL}.COM - VITICULTURAL SOIL AND WATER TECHNOLOGIES

VineyardSoil
Technologies



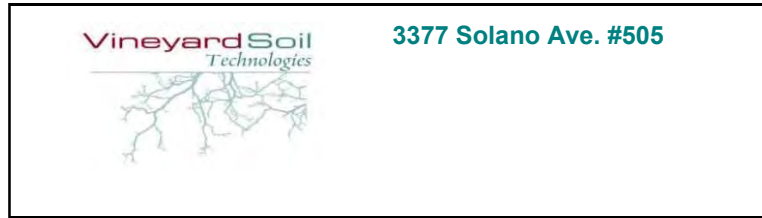
**3377 Solano Ave. #505
Napa, CA 94558**

ph/fax: (707)255-3176

www.VineyardSoil.com

Appendix Table A4 - 1

Appendix Table A4



Date: 23-Aug-2019

For: Vineyard Soil Technologies
 Client: ED FARVER
 Property: GREEN ISLAND VINEYARD
 Project Number: 19-142

Log In #: 398610
 Date Sampled: 9-Aug-2019
 Date Submitted: 14-Aug-2019
 Date Reported: 23-Aug-2019

Report of Soil Analysis

Profile	Layer*	Method > Sample Depth (in)	Saturation Extract											Free Lime	Extractable Nutrients							Extractable Cations					
			low		low		High		high		high		high		high		high		high		high		high				
			S-1.00	S-1.10	S-2.30	S-1.60	S-1.60	S-1.60	Calc.	S-1.50	S-1.70	S-1.40	S-3.10		S-4.10	S-4.20	S-5.10	S-6.10	S-15.10	S-6.10	S-10.10	S-5.10	S-5.10	S-5.10	estm.		
Sat%	pH	dS/m	meq/l	meq/l	meq/l	meq/l	mg/l	meq/l	meq/l	mg/kg	mg/kg	mg/kg	mg/kg	mg/kg	mg/kg	mg/kg	mg/kg	meq/100g	Ca	Mg	K	Na	H+Al				
1	1E	0	15	64	7.2	0.9	3.7	2.0	3.8	2.2	0.23	3.5	18.2	Med	8.6	55		348	2.7	1.3	36.2	68	27	2.5	3.0	0	
1	1M	0	15	67	6.1	0.5	1.7	1.6	1.6	1.3	0.07	2.8		0	5.4	6		169	0.6	2.8	38.6	49	42	1.1	1.7	6	
1	2M	15	30	68	6.1	1.0	2.7	3.3	4.6	2.7	0.05	7.7		0	2.3	3		152	0.5	2.5	38.3	42	48	1.0	4.2	5	
1	3M	30	44	78	6.3	2.3	5.0	7.2	12.9	5.2	0.02	16.7	6.0	0	4.0	2		153	0.3	2.0	40.0	37	49	1.0	8.7	4	
2	1E	0	15	66	7.1	1.1	4.8	3.0	4.2	2.1	0.26	5.7	2.2	Low	5.3	27		207	2.0	1.4	35.9	64	32	1.5	3.1	0	
2	1M	0	15	61	6.1	0.6	2.4	2.1	1.9	1.3	0.05	4.4		0	3.2	4		154	0.4	2.3	37.2	53	39	1.1	1.6	5	
2	2M	15	30	64	6.4	0.8	2.4	2.2	3.7	2.4	0.03	5.4		0	3.6	2		154	0.3	2.2	37.1	49	42	1.1	3.5	4	
2	3M	30	43	68	6.5	1.7	4.3	4.4	8.7	4.1	0.02	11.1	4.3	0	3.4	2		150	0.3	1.8	35.9	48	44	1.1	6.6	0	
3	1E	0	17	41	7.0	1.1	7.4	1.6	3.3	1.6	0.26	7.4	1.5	Low	4.6	12		200	1.2	0.6	13.5	82	12	3.8	2.6	0	
3	1M	0	17	39	6.8	0.6	4.2	0.9	0.9	0.5	0.12	3.5		0	3.0	9		154	1.0	0.7	12.9	85	11	3.1	0.9	0	
3	2M	17	29	72	5.7	0.9	3.6	2.4	3.3	1.9	0.03	7.7		0	1.6	2	3	163	0.3	0.5	29.1	56	32	1.4	2.9	8	
3	3M	29	40	66	5.2	1.5	5.2	4.4	6.5	3.0	0.02	12.2	2.4	0	1.5	1	2	155	0.2	0.7	29.4	50	36	1.3	4.6	7	
4	1E	0	15	42	6.8	1.2	4.2	2.1	6.6	3.7	0.41	7.5	2.5	Low	1.9	25		171	1.9	0.8	13.8	68	22	3.2	6.2	0	
4	1M	0	15	38	6.1	0.6	2.7	1.5	2.1	1.4	0.18	3.5		0	4.2	8		120	1.1	1.2	12.2	59	22	2.5	2.2	14	
4	2M	15	29	43	5.3	0.6	1.8	1.5	2.5	2.0	0.11	3.9		0	1.3	3	3	70	0.2	0.8	12.0	45	31	1.5	3.4	18	
4	3M	29	40	85	4.2	1.3	2.4	3.0	7.5	4.6	0.03	7.4	4.5	0	1.0	2	2	140	0.4	283	4.0	35.1	30	43	1.0	7.5	19
5	1E	0	25	38	7.3	0.6	3.6	1.1	2.0	1.3	0.18	2.7		Low	2.3	37		245	3.1	1.2	14.1	80	13	4.5	1.8	0	
5	1M	0	25	36	6.7	0.5	2.8	1.2	1.4	1.0	0.08	2.7		0	2.3	6		70	0.6	1.7	12.9	78	19	1.4	1.6	0	
5	2M	25	35	69	5.7	0.8	2.2	1.9	4.2	3.0	0.02	6.4		0	1.4	2	4	148	0.3	2.4	30.6	49	37	1.2	4.5	8	
5	3M	35	43	49	5.5	1.0	2.4	2.2	5.5	3.6	0.02	7.0	1.9	0	1.6	2	2	106	0.2	1.7	29.9	48	38	0.9	5.3	7	
6	1E	0	20	38	7.4	1.2	5.2	1.8	5.0	2.6	0.31	5.9	2.2	Med	5.3	65		338	7.9	1.0	14.3	75	15	6.0	3.7	0	
6	1M	0	20	35	6.2	0.6	2.6	1.4	2.3	1.6	0.18	3.5		0	3.7	7		72	1.5	2.3	12.2	63	21	1.5	2.5	13	
6	2M	20	36	62	5.8	1.0	1.7	1.7	6.0	4.7	0.08	6.1		0	1.4	2	3	142	0.3	1.7	31.9	45	40	1.1	6.4	8	
6	3M	36	52	38	5.7	0.8	1.4	1.4	5.1	4.4	0.04	4.3		0	1.7	1	1	69	0.2	1.1	27.3	47	41	0.6	5.6	6	
7	1E	0	19	38	7.4	1.2	6.5	1.6	4.7	2.3	0.35	6.2	2.6	High	2.1	33		142	3.5	0.5	13.2	81	13	2.8	3.5	0	
7	1M	0	19	40	6.4	1.5	10.5	3.2	5.0	1.9	0.28	13.4	1.8	0	2.3	10		81	1.8	1.0	13.6	73	14	1.5	3.2	8	
7	2M	19	29	78	5.1	2.4	6.3	6.9	12.5	4.9	0.05	15.6	8.4	0	1.6	1	2	150	0.5	0.5	35.7	40	41	1.1	8.6	9	
7	3M	29	42	84	4.9	4.3	12.6	16.9	22.8	5.9	0.02	30.5		0	1.2	1	1	153	0.4	30	0.4	43.5	38	43	0.9	11.1	8

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Date 23-Aug-2019

For Vineyard Soil Technologies

Client ED FARVER

Property GREEN ISLAND VINEYARD

Project Number 19-142



3377 Solano Ave. #505
Napa, CA 94558

ph/fax: (707)255-3176

www.VineyardSoil.com

Log In # 398610

Date Sampled 9-Aug-19

Date Submitted 14-Aug-19

Date Reported 23-Aug-19

Report of Soil Analysis

Profile	Layer*	Sample Depth (in)		Extractable Cations									%		tons/acre-ft			PARTICLE SIZE ANALYSIS				tons/acre per layer depth		
				S-5.10	S-5.10	S-5.10	S-5.10	estm.	S-6.10	S-6.10	S-6.10	S-9.10	Organic Matter	Active Lime	S2.50 Lime Req.		Gypsum Req. Ca to 60% of CEC	% Sand	% Silt	% Clay	Classification	Lime (pH6)	Gypsum (60%)	
				mg/kg	mg/kg	mg/kg	mg/kg	mg/kg	mg/kg	mg/kg	mg/kg	mg/kg			(pH 5.5)	(pH 6.0)								
1	1E	0	15	4934	1172	348	253	0	4.4	30	2.4	2.6	1											
1	1M	0	15	3823	1971	169	149	22	5.8	56	2.9	1.6				6.8								8.4
1	2M	15	30	3188	2238	152	367	20	4.9	48	2.6	1.2				11.8								14.7
1	3M	30	44	2989	2367	153	805	18	3.3	33	2.4	0.9				15.2	15	29	56	Clay				17.7
2	1E	0	15	4591	1376	207	253	0	5.5	28	2.4	2.4	1											
2	1M	0	15	3934	1771	154	140	20	4.6	40	2.6	1.4				4.5	15	33	52	Clay				5.5
2	2M	15	30	3637	1916	154	295	15	4.9	34	2.5	1.2				6.9								8.6
2	3M	30	43	3468	1926	150	541	0	3.6	32	2.4	1.1				7.1								7.6
3	1E	0	17	2207	192	200	81	0	6.4	27	1.3	2.1	0											
3	1M	0	17	2201	172	154	28	0	6.7	32	1.4	2.1												
3	2M	17	29	3246	1150	163	196	22	4.5	32	1.4	0.7			0.5	2.1	19	33	48	Clay	0.5	2.1		
3	3M	29	40	2965	1294	155	311	22	7.6	43	2.1	0.7			0.6	4.7								4.3
4	1E	0	15	1889	373	171	198	0	8.6	30	1.0	1.9	1											
4	1M	0	15	1439	321	120	61	18	16.3	37	1.2	1.7				0.2								0.2
4	2M	15	29	1086	458	70	95	22	9.0	25	0.7	0.6			0.4	3.0	39	37	24	Loam	0.5	3.4		
4	3M	29	40	2120	1818	140	609	66	25.2	69	1.6	0.6			5.1	17.5								16.1
5	1E	0	25	2268	228	245	58	0	5.2	25	0.7	2.2	0											
5	1M	0	25	2019	300	70	49	0	5.6	29	0.8	2.0												
5	2M	25	35	3003	1389	148	313	24	0.4	42	1.0	0.8			0.5	5.6	29	27	44	Clay	0.4	4.7		
5	3M	35	43	2895	1389	106	363	22	3.9	24	0.5	0.3			0.0	5.9								3.9
6	1E	0	20	2158	259	338	123	0	6.8	29	0.8	2.3	3											
6	1M	0	20	1534	310	72	70	15	9.4	61	1.0	2.0												
6	2M	20	36	2883	1547	142	470	24	0.5	35	0.8	0.7			0.3	8.0								10.6
6	3M	36	52	2563	1375	69	349	15	1.6	14	0.3	0.4			0.0	6.0	53	25	22	Sandy Clay Loam	0.0	8.0		
7	1E	0	19	2135	205	142	107	0	5.3	33	1.1	1.8	2											
7	1M	0	19	1980	236	81	101	11	9.7	46	1.2	2.4												
7	2M	19	29	2865	1784	150	703	33	3.8	51	1.2	0.8			1.0	11.9	21	27	52	Clay	0.8	9.9		
7	3M	29	42	3286	2262	153	1109	33	5.3	54	1.4	0.5			0.9	16.2								17.6

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Date 23-Aug-2019



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Napa, CA 94558
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Log In # 398610
Date Sampled 9-Aug-2019
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Date Reported 23-Aug-2019

For Vineyard Soil Technologies
Client ED FARVER
Property GREEN ISLAND VINEYARD
Project Number 19-142

Report of Soil Analysis

Profile	Layer*	Method > Sample Depth (in)	Saturation Extract											Extractable Nutrients								Extractable Cations					estm.
			S-1.00	S-1.10	S-2.30	S-1.60	S-1.60	S-1.60	Calc.	S-1.50	S-1.70	S-1.40	Free Lime	S-3.10	S-4.10	S-4.20	S-5.10	S-6.10	S-15.10	S-6.10	S-10.10	S-5.10	S-5.10	S-5.10	CEC		
			Sat%	pH	dS/m	meq/l	meq/l	meq/l		mg/l	meq/l	meq/l		mg/kg	mg/kg	mg/kg	mg/kg	mg/kg	mg/kg	mg/kg	meq/100g	Percentage of	Percentage of	Percentage of	H+Al		
8	1E	0	17	37	7.2	0.7	4.0	1.5	2.4	1.5	0.24	2.8		Low	2.9	21		166	1.6		0.8	14.2	77	17	3.0	2.5	0
8	1M	0	17	45	7.0	0.9	5.7	2.1	2.0	1.0	0.19	5.0		Low	4.8	16		141	1.8		1.1	16.0	77	19	2.2	1.7	0
8	2M	17	28	69	5.3	1.2	3.5	3.7	5.1	2.7	0.04	8.9	2.2	0	1.2	3	5	128	0.2		1.0	25.7	42	40	1.3	4.4	12
8	3M	28	39	37	5.1	1.0	2.5	2.4	5.4	3.5	0.04	6.6	2.5	0	1.4	1	2	74	0.2		0.5	18.3	41	41	1.0	6.1	11
9	1E	0	17	41	7.3	1.0	6.0	1.7	2.5	1.3	0.19	5.7		Med	4.7	53		272	5.2		0.7	15.1	79	14	4.6	2.0	0
9	1M	0	17	40	6.8	0.6	4.5	0.9	1.3	0.8	0.18	3.9		0	2.3	8		160	1.1		1.0	12.6	85	10	3.3	1.4	0
9	2M	17	28	65	5.4	1.4	5.5	4.1	5.4	2.5	0.08	11.2	2.4	0	1.5	2	3	206	0.2		1.5	29.8	52	33	1.8	3.8	10
9	3M	28	40	77	4.9	3.2	12.9	14.2	12.3	3.3	0.04	25.5	10.6	0	1.4	2	1	201	0.4	37	2.6	42.7	44	40	1.2	5.4	9
10	1E	0	18	54	7.2	1.1	6.5	2.2	3.5	1.7	0.20	7.3	0.8	High	5.7	49		443	2.4		0.7	27.0	73	20	4.2	2.6	0
10	1M	0	18	58	7.0	0.8	5.7	2.1	1.2	0.6	0.10	4.9		Low	4.2	36		293	2.4		1.1	28.1	75	22	2.7	0.9	0
10	2M	18	28	60	5.8	1.2	4.2	3.5	4.5	2.3	0.06	8.9	2.0	0	2.1	3	4	136	0.5		2.1	29.5	50	38	1.2	3.4	7
10	3M	28	44	65	6.1	1.1	2.8	2.6	5.1	3.1	0.03	7.7	1.8	0	1.5	2		144	0.3		2.1	30.9	47	41	1.2	5.0	6
11	1E	0	16	41	7.0	2.0	21.1	2.7	1.0	0.3	0.24	17.6	0.6	High	18.0	79		258	9.1		0.8	12.1	88	6	5.5	0.6	0
11	1M	0	16	39	7.3	0.6	5.0	0.8	0.4	0.3	0.12	2.7		Low	3.4	14		106	1.5		0.6	10.1	89	8	2.7	0.5	0
11	2M	16	27	36	6.7	0.4	1.9	0.7	1.3	1.2	0.09	2.5		0	1.5	4		40	0.1		0.5	6.8	79	17	1.5	2.5	0
11	3M	27	41	61	5.5	1.5	6.1	4.7	5.4	2.3	0.02	12.9	1.9	0	1.2	1	2	133	0.2		1.0	24.7	51	34	1.4	4.0	9
12	1E	0	17	36	7.6	1.0	4.3	1.2	2.3	1.4	0.17	5.9		Med	2.2	58		468	6.2		0.2	10.0	75	11	12.0	1.9	0
12	1M	0	17	31	6.0	0.6	3.7	1.2	0.7	0.4	0.20	3.9		0	2.1	7	11	75	0.7		0.3	7.3	66	13	2.6	1.0	18
12	2M	17	27	64	5.0	1.1	5.2	3.1	4.0	1.9	0.10	9.5	1.3	0	1.5	1	2	133	0.6	23	1.1	23.7	53	28	1.4	3.8	13
12	3M	27	36	64	5.3	2.2	6.0	5.4	12.2	5.1	0.06	17.2	5.1	0	1.4	1	1	93	0.4		0.3	21.9	43	35	1.1	10.0	11
13	1E	0	17	34	7.3	1.0	5.9	1.3	2.5	1.3	0.22	6.1		Med	1.7	45		213	3.9		0.3	8.4	81	11	6.5	2.3	0
13	1M	0	17	34	6.9	0.7	5.0	1.6	0.9	0.5	0.18	4.3		0	3.5	11		51	1.1		0.4	8.2	81	16	1.6	1.2	0
13	2M	17	28	33	5.8	2.6	8.8	4.4	13.4	5.2	0.03	13.0	11.6	0	1.3	3	4	37	0.1		0.5	8.3	53	21	1.1	11.4	13
13	3M	28	43	69	5.6	6.3	25.0	23.5	29.7	6.0	0.02	39.2	32.8	0	2.4	2	3	108	0.3		0.2	28.8	45	35	1.0	12.7	7
14	1E	0	14	30	7.6	1.4	4.7	1.2	6.1	3.5	0.30	8.0	2.2	High	2.8	58		399	5.0		0.3	7.9	72	9	12.9	5.2	0
14	1M	0	14	33	6.8	1.4	14.0	2.8	0.7	0.2	0.14	13.9	0.3	0	3.9	7		74	0.7		0.2	6.8	85	11	2.8	1.0	0
14	2M	14	25	28	7.0	0.4	2.5	0.5	1.0	0.8	0.06	2.3		0	1.5	5		46	0.1		0.2	5.3	88	8	2.2	1.8	0
14	3M	25	40	55	5.5	1.5	5.9	5.0	5.1	2.2	0.02	11.4	2.7	0	4.1	1	2	86	0.3		0.4	16.3	49	36	1.3	4.3	9

DATA PROCESSED BY WINE SOIL™.COM - VITICULTURAL SOIL AND WATER TECHNOLOGIES

Appendix Table A4 - 3

Appendix Table A4

Date: 23-Aug-2019
 For: Vineyard Soil Technologies
 Client: ED FARVER
 Property: GREEN ISLAND VINEYARD
 Project Number: 19-142



**3377 Solano Ave. #505
 Napa, CA 94558**
ph/fax: (707)255-3176
www.VineyardSoil.com

Log In #: 398610
 Date Sampled: 9-Aug-19
 Date Submitted: 14-Aug-19
 Date Reported: 23-Aug-19

Report of Soil Analysis

Profile	Layer*	Sample Depth (in)		Extractable Cations									%		tons/acre-ft			PARTICLE SIZE ANALYSIS				tons/acre per layer depth			
				S-5.10	S-5.10	S-5.10	S-5.10	estm.	S-6.10	S-6.10	S-6.10	S-9.10	Organic Matter	Active Lime	S2.50 Lime Req.		Gypsum Req. Ca to 60% of CEC	% Sand	% Silt	% Clay	Classification	Lime (pH6)	Gypsum (60%)		
				mg/kg	mg/kg	mg/kg	mg/kg	mg/kg	mg/kg	mg/kg	mg/kg	mg/kg			(pH 5.5)	(pH 6.0)									
8	1E	0	17	2203	294	166	83	0	5.2	19	0.8	1.6	1												
8	1M	0	17	2473	374	141	61	0	8.2	34	1.2	2.5	2												
8	2M	17	28	2173	1255	128	262	31	1.2	47	0.7	1.0			1.0	7.7							0.9	7.0	
8	3M	28	39	1509	909	74	255	20	0.5	24	0.7	0.3			0.0	5.7	47	33	20	Loam	0.0	5.3			
9	1E	0	17	2401	256	272	68	0	5.1	35	1.3	1.8	3												
9	1M	0	17	2142	158	160	41	0	6.3	40	1.4	1.9					35	45	20	Loam					
9	2M	17	28	3096	1192	206	262	29	6.6	39	1.5	0.9			0.8	4.0							0.7	3.7	
9	3M	28	40	3799	2086	201	528	37	13.0	64	2.3	0.6			0.9	11.1							0.9	11.1	
10	1E	0	18	3938	665	443	162	0	5.1	29	2.1	1.9	1												
10	1M	0	18	4189	749	293	56	0	4.4	35	2.0	3.1	0				23	37	40	Clay					
10	2M	18	28	2954	1363	136	232	22	4.7	37	2.2	1.1			0.0	4.9							0.0	4.1	
10	3M	28	44	2894	1557	144	355	18	3.4	25	1.9	0.7				6.9								9.1	
11	1E	0	16	2123	94	258	18	0	17.9	23	1.4	2.4	1												
11	1M	0	16	1806	98	106	12	0	6.8	28	1.3	2.0	0												
11	2M	16	27	1064	143	40	39	0	2.3	16	1.0	0.7					45	43	12	Loam					
11	3M	27	41	2547	1033	133	230	22	4.9	24	0.6	0.5			0.5	3.6							0.6	4.2	
12	1E	0	17	1503	133	468	44	0	5.2	41	1.3	1.4	2												
12	1M	0	17	954	112	75	16	13	7.8	40	1.6	1.2			0.0		49	37	14	Loam	0.0				
12	2M	17	27	2531	821	133	205	31	8.8	43	1.2	1.0			1.0	2.6							0.8	2.2	
12	3M	27	36	1899	919	93	502	24	0.9	44	1.2	0.7			0.4	6.1							0.3	4.6	
13	1E	0	17	1366	108	213	44	0	4.0	38	1.2	2.0	1												
13	1M	0	17	1338	161	51	22	0	6.8	38	1.5	1.5													
13	2M	17	28	879	212	37	216	11	3.9	22	1.2	0.7			0.0	1.0	47	37	16	Loam	0.0			0.0	0.9
13	3M	28	43	2595	1213	108	843	20	0.2	30	1.0	0.7			0.0	7.3							0.0	9.1	
14	1E	0	14	1148	91	399	94	0	5.6	19	1.4	1.1	1												
14	1M	0	14	1162	91	74	15	0	4.2	22	1.4	1.3													
14	2M	14	25	928	51	46	22	0	2.3	10	1.1	0.7													
14	3M	25	40	1596	714	86	162	15	0.4	25	0.4	0.6			0.0	3.0	45	23	32	Clay Loam	0.0			0.0	3.8

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Date Sampled: 9-Aug-2019

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Date Reported: 23-Aug-2019

Report of Soil Analysis



Profile	Layer*	Method > Sample Depth (in)		Saturation Extract										Free Lime	Extractable Nutrients								Extractable Cations					
				S-1.00	S-1.10	S-2.30	S-1.60	S-1.60	S-1.60	S-1.50	S-1.70	S-1.40	S-3.10		S-4.10	S-4.20	S-5.10	S-6.10	S-15.10	S-6.10	S-10.10	S-5.10	S-5.10	S-5.10	S-5.10	estm.		
				Sat%	pH	ECe	Ca	Mg	Na	SAR	B	SO ₄	Cl		mg/kg	mg/kg	mg/kg	mg/kg	mg/kg	mg/kg	mg/kg	mg/kg	Ca	Mg	K	Na	H+Al	
15	1E	0	16	39	7.5	0.6	2.9	1.0	1.8	1.3	0.21	2.8		Med	2.5	52		317	3.9		0.4	8.7	75	14	9.3	2.0	0	
15	1M	0	16	38	7.2	0.7	6.0	1.3	1.0	0.5	0.15	4.1		Med	3.4	24		123	1.9	0.6	8.9	86	9	3.5	1.1	0		
15	2M	16	24	31	6.9	0.5	2.8	0.7	1.3	0.9	0.11	3.0		0	3.3	7		58	0.3	0.5	7.3	83	13	2.0	1.9	0		
15	3M	24	32	29	6.5	0.5	1.8	0.8	1.7	1.5	0.06	2.9		0	1.2	4		38	0.1	0.4	5.9	71	24	1.6	3.2	0		
16	1E	0	14	37	7.6	1.3	4.0	1.2	6.1	3.8	0.26	5.2	2.9	High	4.8	55		489	7.5	0.8	12.9	73	13	9.7	5.0	0		
16	1M	0	14	43	7.0	0.9	6.3	1.7	1.5	0.7	0.10	5.5		Low	4.9	17		248	2.0	1.3	12.9	81	13	4.9	1.4	0		
16	2M	14	26	34	6.6	0.5	2.4	1.0	1.5	1.2	0.07	3.1		0	6.2	7		122	0.7	1.2	9.5	75	19	3.3	2.2	0		
16	3M	26	38	28	6.1	1.2	3.6	2.5	5.7	3.2	0.04	8.1	2.3	0	1.0	2		41	0.1	0.4	7.1	56	29	1.5	6.5	6		
17	1E	0	18	40	7.5	0.9	4.3	1.7	3.0	1.7	0.26	3.4		Med	2.8	44		198	3.6	1.0	14.4	75	19	3.5	2.5	0		
17	1M	0	18	41	6.7	0.8	4.0	1.9	2.1	1.2	0.14	4.4		0	3.9	13		100	1.6	1.8	12.5	74	21	2.0	2.1	0		
17	2M	18	31	37	6.3	0.7	2.2	1.3	2.7	2.1	0.07	4.3		0	1.8	6		76	0.3	0.9	20.5	61	29	0.9	3.0	6		
17	3M	31	52	44	5.9	1.1	3.9	3.1	4.1	2.2	0.02	7.0	3.1	0	1.0	4		81	0.3	1.2	25.6	55	34	0.8	3.4	6		
18	1E	0	17	46	7.0	1.6	7.6	2.8	6.6	2.9	0.37	8.8	2.5	High	14.6	249		614	6.0	1.6	16.0	70	16	9.8	4.3	0		
18	1M	0	17	43	6.8	0.7	5.0	1.6	1.0	0.6	0.23	2.8		0	12.1	15		141	2.0	1.4	14.5	80	17	2.5	1.0	0		
18	2M	17	30	59	5.4	0.6	2.2	1.7	2.2	1.6	0.06	4.7		0	1.1	2	2	150	0.3	2.0	23.4	48	35	1.6	2.5	12		
18	3M	30	52	61	4.7	1.2	3.1	3.0	5.7	3.2	0.05	7.9	3.0	0	1.0	2	4	157	0.4	0.7	27.5	41	38	1.5	5.2	14		
19	1E	0	18	36	7.6	1.3	5.3	1.4	5.8	3.1	0.32	5.9	2.2	High	4.0	32		349	3.8	0.3	8.8	74	11	10.2	4.7	0		
19	1M	0	18	33	7.4	0.5	4.1	0.7	0.4	0.3	0.13	2.5		Med	3.0	16		171	1.3	0.3	8.3	86	8	5.2	0.6	0		
19	2M	18	29	27	6.5	0.7	1.8	0.7	4.2	3.8	0.08	4.9		0	1.7	3		43	0.1	0.2	5.0	70	19	2.2	8.6	0		
19	3M	29	48	59	5.0	1.1	2.7	2.1	5.8	3.7	0.02	7.8	2.1	0	1.5	1	8	108	0.2	2.2	0.7	21.1	47	34	1.3	6.1	11	
20	1E	0	17	41	7.1	2.2	22.4	3.2	2.8	0.8	0.34	21.0	1.7	High	4.7	52		215	3.9	0.5	12.9	86	8	4.3	1.6	0		
20	1M	0	17	34	7.1	0.5	3.4	0.9	0.7	0.5	0.16	2.6		Low	2.1	6		76	0.4	0.3	11.0	85	13	1.8	0.9	0		
20	2M	17	35	72	7.0	0.8	2.3	1.9	4.2	2.9	0.02	4.2		Low	1.1	1		149	0.5	0.8	32.6	54	40	1.2	4.9	0		
20	3M	35	52	80	7.8	3.4	8.7	9.0	19.0	6.4	0.03	17.1	15.3	High	1.1	1		211	0.3	<100	<15	37.9	47	40	1.4	11.3	8	
Desired level for grapes				20-60	5.5-7.0	0.2-2.0	<5.0	<3.0	<5.0	<4	<1.5	<5.0	<5.0			2-10	15-30	15-30	125-300	>1.0	<100	<15	5-40	>60	20-40	2-4	<4	<20

*Layer 1 is Topsoil; Layer 2 is Upper Subsoil; Layer 3 is Lower Subsoil; Layer 4 is Deep Subsoil; E represents a sample from under the emitter; M from the midrow

In accompanying diagrams, critical criteria are shown as horizontal lines on the charts. These criteria are color coded according to "traffic light" logic:

It is desirable for data to pass through green critical criteria lines, while it is undesirable for data to pass through red or amber critical criteria lines.

Appendix Table A4

Date 23-Aug-2019

For Vineyard Soil Technologies

Client ED FARVER

Property GREEN ISLAND VINEYARD

Project Number 19-142



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Napa, CA 94558

ph/fax: (707)255-3176

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Log In # 398610

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Report of Soil Analysis

Profile	Layer*	Sample Depth (in)		Extractable Cations									%		tons/acre-ft			PARTICLE SIZE ANALYSIS				tons/acre per layer depth		
				S-5.10	S-5.10	S-5.10	S-5.10	estm.	S-6.10	S-6.10	S-6.10	S-9.10	Organic Matter	Active Lime	S2.50		Gypsum Req. Ca to 60% of CEC	% Sand	% Silt	% Clay	Classification	Lime (pH6)	Gypsum (60%)	
				mg/kg	mg/kg	mg/kg	mg/kg	mg/kg	mg/kg	mg/kg	mg/kg	mg/kg			Lime Req. (pH 5.5)	Lime Req. (pH 6.0)								
15	1E	0	16	1305	147	317	41	0	5.7	21	1.1	1.2	2											
15	1M	0	16	1537	98	123	23	0	7.1	22	1.2	1.7	2											
15	2M	16	24	1215	112	58	32	0	4.9	13	1.1	1.0												
15	3M	24	32	847	173	38	44	0	3.5	14	0.7	0.6					47	39	14	Loam				
16	1E	0	14	1876	198	489	147	0	7.5	24	1.2	2.0	4											
16	1M	0	14	2091	205	248	43	0	9.3	51	1.5	2.7	1											
16	2M	14	26	1432	219	122	48	0	6.2	27	1.3	1.5												
16	3M	26	38	805	255	41	107	4	3.8	12	0.6	0.6				0.4	45	39	16	Loam		0.4		
17	1E	0	18	2170	326	198	83	0	4.7	20	1.0	2.2	0											
17	1M	0	18	1870	327	100	60	0	8.3	34	1.2	2.2												
17	2M	18	31	2499	716	76	142	13	4.2	21	0.4	0.7												
17	3M	31	52	2830	1072	81	201	15	3.8	15	0.3	0.5			0.0	2.0	47	33	20	Loam	0.0	3.5		
18	1E	0	17	2240	309	614	157	0	16.4	39	1.8	2.3	1											
18	1M	0	17	2324	293	141	33	0	6.8	42	1.8	2.5					35	43	22	Loam				
18	2M	17	30	2271	1006	150	132	29	11.7	46	2.4	0.8			0.7	4.5						0.8	4.9	
18	3M	30	52	2255	1269	157	327	40	23.8	75	2.8	0.7			1.8	8.7						3.3	16.0	
19	1E	0	18	1305	114	349	95	0	6.5	19	0.9	1.6	2											
19	1M	0	18	1443	80	171	11	0	5.8	24	1.1	1.3	2											
19	2M	18	29	707	114	43	99	0	3.0	12	0.6	0.6					47	41	12	Loam				
19	3M	29	48	1987	879	108	294	24	1.3	46	0.9	0.6			0.5	4.6						0.8	7.3	
20	1E	0	17	2227	129	215	49	0	6.3	29	1.2	2.0	3											
20	1M	0	17	1856	171	76	22	0	2.4	18	1.2	0.9	2											
20	2M	17	35	3494	1599	149	368	0	1.9	23	2.1	0.7	0											5.3
20	3M	35	52	3596	1843	211	984	0	0.5	20	0.8	0.5	11											11.4

*Layer 1 is Topsoil; Layer 2 is Upper Subsoil; Layer 3 is Lower Subsoil; Layer 4 is Deep Subsoil; E represents a sample from under the emitter; M from the midrow
 In accompanying diagrams, critical criteria are shown as horizontal lines on the charts. These criteria are color coded according to "traffic light" logic
 It is desirable for data to pass through green critical criteria lines, while it is undesirable for data to pass through red or amber critical criteria lines.

EXHIBIT B

GREEN ISLAND VINEYARDS

1075 Ross Circle
Napa, CA 94558

September 30, 2021

Napa County LAFCO
Attn: Diane Dillon, Chair
1754 2nd Street, Suite C
Napa, CA 94559

Re: Green Island Vineyards, LLC Sphere of Influence Application

Dear Chair and Commissioners:

We are writing to provide you with important information regarding the Green Island Vineyards, LLC (GIV) Sphere of Influence Application.

Green Island Vineyards, LLC is the owner of property, located at 1661 Green Island Road, City of American Canyon. The property is essentially an "in-fill island" and surrounded on three sides by the City of American Canyon. GIV purchased the property in 1996, with the intention of farming the portion of the property that could support agriculture.

In 1997, GIV entered into an agreement with the City of American Canyon (City) to receive recycled water from the City as there was and still is no other option for water.

Over the next 20 years GIV planted up to 130 acres of vineyards. Unfortunately, GIV soon realized that some of the planted area could not support grapevines due to soil salinity and portions of the vineyard were removed.

In 2012, GIV listed the property for sale with Ghisletta Land & Investment/Wine Country Realty, an experienced Napa vineyard real estate broker. No offers were received. In 2014 GIV signed an Engagement Letter with Zepponi & CO, a leading wine/vineyard merger, acquisition and advisory firm, to assist GIV in the sale of the GIV property. With lead advisor Joe Ciatti, Zepponi & Co marketed the property from 2014 until 2018. During that time one offer was received which, after conducting due diligence, was withdrawn because the prospective purchaser, with their independent experts concluded that the soil, due to high levels of salt, would not and does not sustain winegrapes. Later the property was again listed with Ghisletta Land & Investment for portions of 2020 up to February 2021 and no offers were received.

After over 20 years of attempting to farm this property, GIV recognizes the futility of farming grape vines in soils that have seen increasing salinity not only from nearby salt water intrusion, but also from poor quality recycled irrigation water. Today GIV is farming only 67 vine acres and will be removing approximately 30 more vine acres in 2021. The

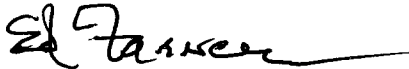
Napa County LAFCO
September 30, 2021

remaining vine acres will be removed in the next few years. GIV will not replant any of the property due to the toxicity of the soils.


Since the property is and can only be served by the City of American Canyon we believe that it should be included in the Sphere of Influence of the City of American Canyon.

Thank you for considering this information and our request.

Sincerely yours,



Ed Farver
Manager
Green Island Vineyards, LLC



Will Nord
Manager
Green Island Vineyards, LLC

cc: Brendon Freeman, Executive Officer

EXHIBIT C



UBS Farmland Investors LLC
1920 Tienda Drive, Suite 204
Lodi, CA 95242
Tel. +1-209-368 8874

Erik C. Roget, ARA, RPRA, AFM
Erik.Roget@ubs.com

www.ubs.com

Green Island Vineyard, LLC
Mr. Will Nord, Manager
Mr. Ed Farver, Manager
Mr. David B. Gilbreth, Manager
1152 Hardman Avenue
Napa, CA 94558

September 30, 2021

Re: Green Island Vineyard, TLH #1

Gentlemen:

This letter is intended to summarize our company's efforts in 2016 to acquire the above referenced vineyard in the City of American Canyon in Napa County on behalf of one of our clients. Part of our efforts included spending material client funds to undertake appropriate due-diligence activities of the property including but not limited to soil and vine testing by Crop Care Associates, a highly regarded local agricultural consulting firm. In addition, we spent time analyzing the water supply and conditions of the vineyard.

Importantly, under the UBS Farmland Investors business model, we do not directly operate any of the farms we manage but lease them out. The proposed tenant for this acquisition was the Mumm Napa winery which had been purchasing grapes from the vineyard for a number of years. The Crop Care report was, of course, provided to Mumm Napa for their review and comment along with other due-diligence materials. That combined with their noted concerns regarding the condition of the vineyard following the 2016 crop and extended drought conditions at that time resulted in Mumm Napa declining to enter into a long-term lease with our client.

With no other prospective tenants and because of the noted concerns, we concluded that the vineyard was not likely to be viable in the future due to saline toxicity and terminated our escrow. Looking back with the benefit of hindsight, I am relieved that the purchase was not completed and believe we avoided a potentially disastrous investment.

We appreciated your professional cooperation at the time and know like us that you are disappointed with the condition of the vineyard and soil.

Please feel free to contact me with any other questions you may have.



Attachment One

UBS Farmland Investors LLC

1920 Tienda Drive, Suite 204

Lodi, CA 95242

Tel. +1-209-368 8874

Erik C. Roget, ARA, RPRA, AFM

Erik.Roget@ubs.com

www.ubs.com

Sincerely,

UBS Farmland Investors LLC

A handwritten signature in black ink, appearing to read "Erik C. Roget". The signature is fluid and cursive, with a long horizontal stroke at the end.

Erik C. Roget
Director



David B. Gilbreth, Manager
 Ed Farver, Manager
 Will Nord, Manager
 Green Island Vineyard LLC

October 12, 2021

ADDENDUM ASSESSING FRUIT AND NUT TREES
Soils and Vineyard Report
Green Island Vineyard Project 21-178

The objective of this Addendum is to assess the feasibility of fruit trees and nut trees subject to the current condition of the Green Island Vineyard irrigation water chemistry, soil chemistry and condition of the vineyard and update the Site Visit Report Green Island Vineyard Project 21-178 dated September 29, 2021.

In summary, it is my professional opinion as a result of my analysis of the irrigation water chemistry, soil chemistry and condition of the vineyard, that the vineyard is continuing in death spiral and the soils are unsustainable for not only wine grapes but also for fruit trees and nut trees as a result of excessive accumulation of salts in the rootzones of the vines and most certainly an expected accumulation of salts in the rootzones if the fruit trees and nut trees would be planted. Consequently, as generally anticipated based on the data presented in my 2018 report, in 2021 the vineyard owners removed one-half of the most severely affected vineyard blocks. An additional one-quarter of the blocks will be removed at the termination of this season (2021), and the remaining blocks will be removed in the very near future. The review of the American Canyon Recycled Water (ACRW) indicates it is unsuitable for not only winegrapes but also for fruit trees and nut trees. It is probably the repeated use of the ACRW on this vineyard that has caused the salinity, sodium, and chloride problems in the vineyard.

Introduction

I am incorporating the Vineyard Site Visit Report Green Island Vineyard Project 21-178 dated September 29, 2021 and rather than reiterating it, I am attaching it because all of the data, soils analysis and conclusions are relevant to assessing the feasibility of fruit and nut trees. For reference I have attached the *University Of California Crop Salinity Tolerance And Yield Function - Salinity Management* table. The table presents the Threshold EC value at which yields will start to decline, and the slope of the decline. The document then presents a qualitative assessment of the sensitivity of each fruit and nut tree to salinity damage. This data indicates that most fruit and nut trees are moderately sensitive with EC-Thresholds 1.5 to 1.8 dS/m.

The Threshold EC value for fruit tree and nut trees clearly indicates that the salt tolerance, which is the level at which plant damage is initiated, is unsustainable for grape vineyards is also unsustainable for fruit trees and nut trees because the Threshold EC values are quite similar. Any replanting of grapevines, or fruit and/or nut trees, would start with soil already above these thresholds, and then compound the salinity issue by the necessary continued irrigation with high-salt water.

Crop		EC of saturated soil extract		Rating ²
Common name	Botanical name ²	Threshold ¹ dS/m	Slope (%)/ dS/m	
Almond	<i>Prunus dulcis</i>	1.5	19.0	S
Apple	<i>Malus sylvestris</i>			S
Apricot	<i>Prunus armeniaca</i>	1.6	24.0	S
Avocado	<i>Persea americana</i>			S
Blackberry	<i>Rubus sp.</i>	1.5	22.0	S
Boysenberry	<i>Rubus ursinus</i>	1.5	22.0	S
Castorbean	<i>Ricinus communis</i>			MS*
Cherimoya	<i>Annona cherimola</i>			S*
Cherry, sweet	<i>Prunus avium</i>			S*
Cherry, sand	<i>P. besseyi</i>			S*
Currant	<i>Ribes sp.</i>			S*
Date palm	<i>Phoenix dactylifera</i>	4.0	3.6	T
Fig	<i>Ficus carica</i>			MT*
Gooseberry	<i>Ribes sp.</i>			S*
Grape	<i>Vitis sp.</i>	1.5	9.6	MS
Grapefruit	<i>Citrus paradisi</i>	1.8	16.0	S
Guayule	<i>Parthenium argentatum</i>	15	13.0	T
Jobba	<i>Simmondsia chinensis</i>			T
Jujube	<i>Zizyphus jujuba</i>			MT*
Lemon	<i>Citrus A77011</i>			S
Lime	<i>C. aurantiifolia</i>			S*
Loquat	<i>Eriobotrya japonica</i>			S*
Mango	<i>Mangifera indica</i>			S*
Olive	<i>Olea europaea</i>			MT
Orange	<i>Citrus sinensis</i>	1.7	16.0	S
Papaya	<i>Carica papaya</i>			MT
Passion fruit	<i>Passiflora edulis</i>			S*
Peach	<i>Prunus persica</i>	1.7	21.0	S
Pear	<i>Pyrus communis</i>			S*
Persimmon	<i>Diospyros virginiana</i>			S*
Pineapple	<i>Ananas comosus</i>			MT*
Plum; prune	<i>Prunus domestica</i>	1.5	18.0	S
Pomegranate	<i>Punica granatum</i>			MT*
Pumelo	<i>Citrus maxima</i>			S*
Raspberry	<i>Rubus idaeus</i>			S
Rose apple	<i>Syzygium jambos</i>			S*
Sapote, white	<i>Casimiroa edulis</i>			S*
Tangerine	<i>Citrus reticulata</i>			S*

Conclusion

In conclusion, it is my professional opinion as a result of my analysis of the irrigation water chemistry, soil chemistry and condition of the vineyard that the vineyard is continuing in death spiral and the soils are unsustainable not only for wine grapes, but also for fruit trees and nut trees as a result of excessive accumulation of salts in the rootzones of the vines and most certainly an expected accumulation of salts in the rootzones of any future fruit trees and nut trees.

Paul R. Anamosa

Paul R. Anamosa, Ph.D.
Soil Scientist & Viticulturist

Hal Huffsmith

October 20, 2021

Mr. Will Nord
Mr. Ed Farver
Mr. David Gilbreth
1152 Hardman Avenue, Napa CA

Gentlemen,

Pursuant to a request from David Gilbreth to examine soil, irrigation water and related material associated with past and recent studies addressing vineyard productivity and longevity for the property located at 1661 Green Island Road, American Canyon, I offer the following opinion based on an examination of those studies and a recent walk-through evaluation of the property.

The referenced soil and irrigation water studies (Crop Care Associates Baseline Soil Analysis and Viticulture Assessment – September 30, 2015, Vineyard Soil Technologies Soil Water Chemistry Review – June 2018, Vineyard Soil Technologies Baseline Soil Analysis for Vineyard Problem Investigation – September 2019 and Vineyard Soil Technologies reexamination of previous studies and on site vineyard evaluation (Site Visit Reports) – September 15, 21 and 29, 2021) lead to the same conclusion that it is highly unlikely that this property will support a financially viable vineyard. The current “root zone” salinity levels and the continued use of the saline American Canyon Recycled Water (ACRW) for irrigation have rendered this property unsuitable for wine grape production.

Based on my experience as Senior Vice President of Vineyard Operations for Trinchero Family Estates (responsible for farming 9,500 acres of wine grapes across 10 California counties) I agree with Dr. Anamosa’s assessment and conclusion that, due to excessive salt accumulation with the continued use of ACRW for vineyard irrigation, the Green Island Vineyard is engaged in a “death spiral” leading to soil conditions that are toxic to grapevines.

Sincerely,



Hal Huffsmith, Retired - SVP Vineyard Operations, Trinchero Family Estates

ROBERT STEINHAUER
WINELAND CONSULTING, LLC

October 27, 2021

Napa County LAFCO
Attn: Diane Dillon, Chair
1754 2nd Street, Suite C
Napa, CA 94559

Re: Green Island Vineyards, LLC Sphere of Influence Application
Confirmation of Unsuitable Soils/Support for SOI Application Actually Protects Sustainable
Agriculture

Dear Chair and Commissioners:

I have been requested by the Green Island Vineyard LLC managers to independently provide my opinion of the soil, irrigation water and related material associated with various studies and opinions set forth below involving the agricultural viability of the property at 1661 Green Island Road, American Canyon. My opinion is a result of a site visit to the vineyard in the last week and a review of those studies.

I reviewed the following studies:

- Crop Care Associates Baseline Soil Analysis and Viticulture Assessment, dated September 30, 2015;
- Vineyard Soil Technologies Soil Water Chemistry Review, dated June 2018;
- Vineyard Soil Technologies Baseline Soil Analysis for Vineyard Problem Investigation - September 2019 and Vineyard Soil Technologies reexamination of previous studies and on site vineyard evaluation (Site Visit Reports) dated September 15, 21 and 29, 2021 respectively in which Dr. Anamosa reached the conclusion that it is highly unlikely that this property will support a financially viable vineyard. The current "root zone" salinity levels and the continued use of the saline American Canyon Recycled Water (ACRW) for irrigation have rendered this property unsuitable for wine grape production; and,
- Hal Huffsmith's confirming opinion dated October 20, 2021.
- Published reports and my technical files for reference for my comprehensive review.

As a result of my review of those studies, I clearly agree with the opinions and conclusions of Dr. Anamosa and Hal Huffsmith that there is toxic salt accumulation and that the Green Island Vineyard will not sustain a grape vine vineyard. Additionally, I note that there is no reasonable water source for any viable agricultural activity.

Respectfully, I urge you to accept and approve the application to include this property into the Sphere of Influence in the City of American Canyon for the following reasons:

The SOI Application actually protects sustainable agriculture and is a benefit to the Napa community.

The Napa Cities, Napa County and the State of California over a period of more than ten years have invested tens of millions of dollars of road infrastructure extending Devlin Road and connecting it to

Green Island Road with a goal of having a western traffic connector for truck traffic west of 29, keeping trucks off of 29 so they can go in and out of Jameson Canyon.

Importantly the goal includes providing warehousing in the City of American Canyon served by this infrastructure in order to protect viable agricultural lands. The GIV LLC property is clearly not viable agricultural land.

The infrastructure is essentially complete except for the improvements on Green Island Road. This property is served by this western traffic connector and if not included part of the overall goal and investment by local and state governments would certainly not be realized.

Respectfully submitted,

A handwritten signature in black ink that reads "Robert E. Steinhauer". The signature is fluid and cursive, with a long horizontal stroke at the end.

Robert Steinhauer
Wineland Consulting, LLC

Ed Henderson
269 Monte Vista Drive
Napa, CA 94558

November 9, 2021

Napa County LAFCO
Attn: Diane Dillon, Chair
1754 2nd Street, Suite C
Napa, CA 94559

Re: Support for Sphere of Influence Application by GIV, LLC

Dear Chair Diane Dillon & Members of the Commission:

I strongly, most respectfully, urge you to approve the GIV, LLC SOI Application because I think it is in the absolute best interest of the Napa community, is in compliance with applicable law, and is consistent with excellent planning which clearly preserves and supports the preservation of viable agriculture, logical boundaries, the delivery of services, and is needed to complete the road infrastructure regarding the extension of Devlin Road and the connection to Green Island Road.

If this land was out in the middle of nowhere of course I wouldn't support the application. But that's not the case here and this just makes overall classical good planning sense with logical boundaries.

Incidentally, I am troubled and dismayed that the authority of the City of American Canyon and the authority of Napa County LAFCO seems to be undermined by an agreement in 2008 that purports to limit the rights of the City to modify its Urban Limit Line for a period of about 22 years, i.e., to 2030. Fundamentally, among other items, in my view, there should be no such purported limitations and as a matter of reality it is impossible to tell the future. Proper planning should not restrain Cities or try to compel the City to foresee the future, especially over a 22 year period. Obviously it has been 13 years and there have been enormous changes including the construction of the Amazon Hub , IKEA warehouse and massive infrastructure improvements.

The land, as confirmed by the leading viticultural experts in Napa County, has no agricultural viability. All of the services come from the City of American Canyon and none come from the County of Napa. It appears to be a quarter of a mile or more south of the developed northern boundary of the City of American Canyon and a cut out piece surrounded on three sides by the City of American Canyon.

As some might know, it was my honor and pleasure to be the Mayor of the City of

Napa for eight years from 1997 to 2005.

I appointed council member JoAnn Busenbark to LAFCO so that she would independently and thoughtfully consider and make her decisions regarding the incorporation of the City of American Canyon and applications for SOI's and ultimate annexations.

I was proud of her thoughtful decisions in March 1998 to include non-viable agricultural lands and annex them into the City of American Canyon. She looked at the totality of the facts, including the non-viable agricultural aspect, the location adjacent to the City of American Canyon and the provision of services, the need to put housing there so that the housing didn't take up viable agricultural lands to the north and made her decision. She understood that the AW designation on the 157 acre parcel and the other parcel of 25 acres, under the circumstances, should and was considered but common sense and logical planning supported her decision to include non-viable agricultural lands (confirmed by soil samples and lack of a water source) which did in fact thoughtfully preserve viable agriculture. I believe that that's the case now and actually even stronger. Our Napa community has invested tens of millions of dollars to create an industrial area and put in the road extensions on Devlin Road to keep warehousing from the northern viable agricultural lands and truck traffic off of Highway 29. This land will contribute to those goals and pay for a portion of the last upgrades required on Green Island Road and preserve viable agriculture.

I believe GIV's proposal is logical and should be approved.

Thank you for your consideration.



Ed Henderson

Report on the Economic Viability of Agricultural Production on

1611 Green Island Road, American Canyon, CA

Prepared for GIV, LLC.

By Wenbiao Cai, Ph.D., Vega Economics

November 12, 2021

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I. QUALIFICATIONS AND ASSIGNMENT

1. My name is Wenbiao Cai. I am a Director at Vega Economics, a full-service economic consulting firm located in Berkeley, California. I hold a Ph.D. in Economics from the University of Iowa and a bachelor's degree in Finance from the University of Alberta. Prior to joining Vega, I was an associate professor of economics at the University of Winnipeg.
2. I am a specialist in agricultural economics. My doctoral dissertation was on agriculture and income differences across countries. My research on agricultural economics has been published in leading economics journals including *Economic Inquiry*, *Journal of Economic Dynamics and Control*, and *International Economic Review* and has received research funding from government agencies including the Social Science and Humanities Research Council of Canada.
3. I have been asked to provide my independent professional opinion on the economic feasibility of agricultural production on the real property located on 1611 Green Island Road, City of American Canyon, California (the "Subject Property").
4. It is my understanding that the owner of the Subject Property commissioned a report by Dr. Paul R. Anamosa (the "Anamosa Report"), who opined that the soil on the Subject Property is "not suitable for wine grapes as a result of excessive accumulation of salts in the rootzones of the vines."¹ In an addendum to his report, Dr. Anamosa further opined that the property is "unsuitable for not only wine grapes but also for fruit trees and nut trees."²
5. I relied on the Anamosa Report for the scientific assessment of soil salinity on the Subject Property. Because Dr. Anamosa has provided his professional opinion that it is not sustainable to grow wine grapes, fruit trees, or nut trees on the Subject Property, I did not evaluate the economic feasibility of growing these agricultural commodities on the Subject Property.
6. Instead, I evaluated whether the Subject Property soil can support growing other crops commonly planted in the Napa County region and, if so, whether such an operation would be economically viable. I also evaluated whether the Subject Property could support an economically viable ranching operation with cows.

¹ Anamosa, Paul R. Site Visit Report, Green Island Vineyard Project 21-178 (September 21, 2021) at 1.

² Anamosa, Paul R. Addendum Assessing Fruit and Nut Trees, Soils and Vineyard Report, Green Island Vineyard Project 21-178 (October 12, 2021) at 3.

7. Based on my review of Dr. Anamosa's soil report and my independent analysis of the costs and revenues of growing barley and running a beef cattle operation on the Subject Property, it is my professional opinion that agricultural production is not economically viable on the Subject Property.

II. AGRICULTURAL PRODUCTION IS NOT ECONOMICALLY VIABLE ON THE SUBJECT PROPERTY.

8. The Subject Property is comprised of 157 gross acres, although I understand from the property owner that excluding ditches and roads, only 135 net acres are suitable for agriculture. The Subject Property has been used as vineyard since it was purchased but has experienced unsustainable toxic salinity. As a result, the property owner removed 65 acres of vineyard from production with no plans to replant the acreage.³ I further understand from the property owner that another 35 acres are currently being taken out of production, with the remaining 35 acres to be taken out next year.
9. The Subject Property is within the boundaries of Napa County. Wine grapes are the dominant agricultural commodity in Napa County, accounting for more than 99 percent of the total value of agricultural commodities produced in 2019. Outside of wine grapes, agricultural commodities produced in the county include animal products (cattle and calves, sheep and lambs), nut and fruit trees, range pasture, vegetables, and hay.⁴

A. The Subject Property Soil Is Not Sustainable for Growing Vegetables.

10. Napa County produced a total \$171,500 in vegetables in 2019 and \$198,700 in 2020.⁵ Growing vegetables on the Subject Property, however, is not sustainable due to the high level of soil salinity. **Table 1: Salinity Tolerance of Vegetables Commonly Grown in California** below, which is based on information contained in a crop salinity tolerance and yield function table published by the University of California at Davis,⁶ summarizes the threshold salinity level for a variety of selected vegetables. For comparison, values for grapes, fruit trees, and nut trees are also included.

³ GIV, LLC. Sphere of Influence Amendment Attachment #3 (September 30, 2021).

⁴ "Napa County Agricultural Crop Report 2020." *Napa County Department of Agriculture and Weights and Measures* (2020) at 5. <<https://www.countyofnapa.org/DocumentCenter/View/21404/2020-Agricultural-Crop-Report-English?bidId=>> (accessed Nov. 10, 2021).

⁵ *Id.*

⁶ "Crop Salinity Tolerance and Yield Function." *Salinity Management, University of California at Davis.* <https://ucanr.edu/sites/Salinity/Salinity_Management/Effect_of_soil_salinity_on_crop_growth> (accessed Nov. 9, 2021).

11. Soil salinity is measured by the electrical conductivity of saturated soil extracts (EC_e in dS/m). The threshold indicates the level of salinity above which yield starts to decrease. The slope indicates the percentage yield decrease when the salinity level increases by one unit above the threshold.
12. Many vegetables commonly planted in California have salinity tolerance that is similar to that of grapes. The Anamosa Report has concluded that the Subject Property soil is not sustainable for growing wine grapes, fruit trees, or nut trees. Based on this conclusion from the report, and my analysis of the salinity tolerance of vegetables, I conclude that the Subject Property soil is not sustainable for growing vegetables commonly planted in California.

Table 1: Salinity Tolerance of Vegetables Commonly Grown in California

Vegetable	Threshold (dS/m)	Slope (% per dS/m)
Asparagus	4.1	2
Bean	1.0	19
Broccoli	2.8	9.2
Brussel sprouts	1.8	9.7
Cabbage	1.0	14
Cauliflower	1.8	6.2
Celery	2.5	13
Cucumber	1.1	6.9
Kohlrabi	1.3	13
Lettuce	1.7	12
Okra	1.2	16
Pea	1.5	14
Pepper	1.7	12
Pumpkin	1.2	13
Radish	2.0	7.6
Spinach	3.2	16
Squash, zucchini	1.0	33
Strawberry	1.5	11
Sweet potato	2.5	9.9
Tomato	0.9	9
Grape	1.5	9.6
Almond	1.5	19
Apricot	1.6	24
Orange	1.7	16

B. Growing Barley on the Subject Property Is Not Economically Viable.

13. Some agricultural commodities are more saline-tolerant than others. Barley is one of the most saline-tolerant crops with a threshold salinity level of $8 dS/m$. It is commonly grown in the Central Valley and surrounding foothills, but no significant production of barley has been reported for Napa County

during the 2019-2020 growing season.⁷ Nevertheless, because the prospect of growing barley on the Subject Property is supported by the plant's salinity tolerance, I fully evaluated this possibility.

14. I estimated the economic returns to an investor who purchases the Subject Property to grow barley. Two models of cultivation were considered—irrigated and non-irrigated. The expected yield from irrigated production is 65 bushels per acre, based on historical yields for the state of California.⁸ The expected yield from non-irrigated production is 32.5 bushels per acre, which was assumed to be half the expected yield from irrigated production. The total revenue from these yields was calculated, including both the sales of grains as the primary product as well as the sales of secondary products such as silage, straw, and grazing.
15. I relied on the October 2021 Costs and Returns report on barley production published by the United States Department of Agriculture (“USDA”) for the following information: (1) per-acre value of secondary product; (2) per-acre operating costs except for hired labor; and (3) per-acre allocated overhead costs except for the cost of land and the opportunity cost of unpaid labor.⁹
16. I made the following adjustments to the USDA cost estimates to reflect market conditions specific to California and Napa County. First, I estimated the cost of hired labor based on a labor requirement of two hours per acre (one hour for tilling and one hour for harvesting) and a cost of \$32 per acre. I estimated an opportunity cost of \$32 per acre for unpaid labor supplied by the owner (or family members). Second, for non-irrigated production, the cost of irrigation and straw baling was reduced by 80 percent and the costs of fuel, lube, electricity, repairs, and hired labor were reduced by 20 percent, relative to irrigated production. Third, capital recovery of machinery and equipment is scaled by the ratio of the assumed planted acres on the Subject Property (135 acres) to the benchmark acres used in the USDA estimates (289 acres).

⁷ “California Agricultural Statistics Review 2019-2020.” *California Department of Food and Agriculture* (2020). <https://www.cdfa.ca.gov/Statistics/PDFs/2020_Ag_Stats_Review.pdf> (accessed Nov. 10, 2021).

⁸ Lazicki, Patricia, Daniel Geissler, and William R. Horwath. “Barley Production in California.” *University of California at Davis* (June 2016) at 2. <https://apps1.cdfa.ca.gov/FertilizerResearch/docs/Barley_Production_CA.pdf> (accessed Nov. 10, 2021).

⁹ “Commodity Costs and Returns.” *United States Department of Agriculture*. <<https://www.ers.usda.gov/data-products/commodity-costs-and-returns/>> (accessed Nov. 9, 2021). Numbers cited in the table correspond to the “Fruitful Rim” region in the USDA report, which includes California.

17. Lastly, I calculated the cost of land by amortizing 80 percent of the purchase price over 30 years at an annual interest rate of 3.7 percent. The annual cost is \$81,384, which implies a per-acre cost of \$603 on a 135-acre production basis.¹⁰
18. **Table 2: Revenue and Cost Estimates of Hypothetical Barley Production** summarizes the estimated total revenue, operating costs, and overhead costs of the hypothetical barley production, for both the irrigated and non-irrigated scenarios.

Table 2: Revenue and Cost Estimates of Hypothetical Barley Production¹¹

	Irrigated	Non-Irrigated
Gross value of production		
Yield (bushels per planted acre)	65.0	32.5
Price (dollars per bushel at harvest)	\$4.8	\$4.8
Primary product, grain	\$313.3	\$156.7
Secondary product, silage/straw/grazing	\$20.1	\$20.1
Total, gross value of production	\$333.4	\$176.7
Operating costs		
Seed	\$29.4	\$29.4
Fertilizer	\$57.0	\$57.0
Chemicals	\$19.1	\$19.1
Custom services	\$28.3	\$28.3
Fuel, lube, and electricity	\$40.6	\$32.5
Repairs	\$45.0	\$36.0
Irrigation and straw baling	\$18.5	\$3.7
Interest on operating inputs	\$0.5	\$0.5
Hired labor	\$32.0	\$25.6
Total, operating costs	\$270.4	\$232.1
Allocated overhead		
Cost of land	\$603	\$603
Opportunity cost of unpaid labor	\$32.0	\$32.0
Capital recovery of machinery and equipment	\$63.4	\$63.4
Taxes and insurance	\$10.9	\$10.9
Total, allocated overhead	\$709.2	\$709.2
Costs listed		
Total, costs listed	\$979.6	\$941.3
Net value		
Value of production less total costs listed (per-acre)	-\$646.2	-\$764.6
Value of production less total costs listed (annual)	-\$87,241	-\$103,219

¹⁰ The 2021 assessed land value for the Subject Property is \$1,841,670, as reported by the Napa County Assessor. <<https://common1.mptsweb.com/mbap/napa/asr>> (accessed Nov. 12, 2021).

¹¹ Unless otherwise noted, dollar values are expressed in units of dollars per acre.

19. Based on my calculations, irrigated barley production on the Subject Property would generate a total revenue of \$333.4 per acre at a cost of \$979.6 per acre, resulting in a loss of \$646.2 per acre. On a 135-acre production basis, the annual total loss would be \$87,241.
20. Based on my calculations, non-irrigated barley production on the Subject Property would generate a total revenue of \$176.7 per acre at a cost of \$941.3 per acre, resulting in a loss of \$764.6 per acre. On a 135-acre production basis, the annual total loss would be \$103,219.
21. My estimate of the net revenue from the hypothetical barley production is conservative. First, the implied wage of \$16 per hour for hired labor is likely unattainable in the current market, given the severe labor shortage many sectors face at present. Higher labor cost reduces net revenue. Second, the Subject Property currently relies on salty recycled water supplied by the City of American Canyon for irrigation. Growing barley with salty recycled water reduces yield once soil salinity reaches the threshold. That would also reduce net revenue.
22. Based on these analyses, I conclude that barley production on the Subject Property is not economically viable.

C. A Sheep and Lamb Operation on the Subject Property Is Not Economically Viable.

23. To determine the economic prospect of a sheep and lamb operation on the Subject Property, I reviewed a cost of production analysis published by the American Sheep Industry Association. The report shows, based on most recent estimates, that a representative operation in the western U.S. would produce a loss of \$15.67 per ewe.¹²
24. The report also indicates that hired labor and pasture are the two largest operating costs for a sheep and lamb operation. Considering that the Subject Property currently has no irrigated pasture and higher labor costs in California than in other western states, I conclude that a sheep and lamb operation on the Subject Property would not be economically viable either.

¹² “U.S. Baseline Lamb Cost of Production Analysis, 2018 Update.” *American Sheep Industry Association* (November 27, 2019) at 15. <<https://www.sheepusa.org/wp-content/uploads/2019/12/2018-ASI-Budget-Project.pdf>> (accessed. Nov. 11, 2021).

D. A Beef Cattle Operation on the Subject Property Is Not Economically Viable.

25. In 2019, Napa County produced roughly \$3 million of animal products, among which beef represents the largest value of production. I estimated the economic returns to an investor who purchases the Subject Property to run a beef cattle operation.
26. The hypothetical operation I considered involves purchasing twenty yearling heifers in the spring and feeding them on grass from April to October until they reach 1,100 pounds in weight. The animals would then be harvested, processed, and packaged at a USDA-inspected processing plant. Revenue is generated through sales of packaged beef products to consumers.
27. I relied on a 2017 cost study of a 20-head beef cattle operation in the Northern Sacramento Valley, published by the University of California at Davis, for the following information: (1) average hanging carcass weight for 1,100-pound cattle; (2) operating costs; and (3) overhead costs except for land cost, opportunity cost of unpaid labor, interest on working capital, and fencing cost.¹³
28. I made the following adjustments to those costs. First, unit variable costs and cash overhead costs were adjusted for inflation at an annual rate of three percent. Second, the purchase cost of heifers and the unit wholesale price of beef were updated to reflect current market rates. The purchase price of heifers was based on a February 2021 report from Shasta Livestock Auction Yard.¹⁴ The wholesale price per pound is estimated using the average beef wholesale price reported by the USDA between 2015 and 2020.¹⁵ Third, working capital is calculated as the sum of operating cost and the purchase price of heifers, of which 40 percent is assumed to be borrowed at an annual interest rate of six percent. Fourth, it is assumed that the property owner provides unpaid labor on a part-time basis, with an opportunity cost of \$5,376.¹⁶ Fifth, I estimated a land cost of \$81,384, based on amortizing 80 percent of the purchase price over 30 years at an annual interest rate of 3.7 percent.
29. Lastly, an amortized fencing cost was added to the overhead cost. Fences provide protection for the cattle and are necessary for a ranching operation on the Subject Property that borders busy roads on three sides and the Napa River on the fourth. At present, the Subject Property is not fenced. I

¹³ “Current Cost and Return Studies.” *University of California at Davis* (June 11, 2020). <<https://coststudies.ucdavis.edu/en/current/>> (accessed Nov. 9, 2021).

¹⁴ “Current Market Report.” *Shasta Livestock Auction Yard* (February 12, 2021) <<https://shastalivestock.com/current-market-report/>> (accessed Nov. 9, 2021).

¹⁵ “Meat Price Spreads.” *Economic Research Service, United States Department of Agriculture* (November 10, 2021). <<https://www.ers.usda.gov/data-products/meat-price-spreads/>> (accessed Nov. 10, 2021).

¹⁶ Calculated based on forgone wage rate of \$32 per hour and 7 hours per week from April to October.

estimated the total cost of installing barbed wire fences around the Subject Property, based on an estimated cost of \$2.72 per linear foot and an estimated perimeter length of 12,196 feet. The total cost is amortized over an assumed working life of ten years.¹⁷

30. **Table 3: Revenue and Cost Estimates of Hypothetical Beef Cattle Operation** summarizes the returns to the hypothetical beef cattle operation on the Subject Property. The operation would generate a total revenue of \$22,031 at a cost of \$115,033, resulting in an annual total loss of -\$93,002.

Table 3: Revenue and Cost Estimates of Hypothetical Beef Cattle Operation

		Animals	Weight	Dollar Value	Gross Value
Gross Value of Production¹⁸					
Carcasses sold		20	627	\$3.4	\$42,511
Calves purchased		20	800	\$1.3	\$20,480
Total, gross value of production					\$22,031
Operating Cost	Units		Animals	\$/Unit	Total Costs
Pasture lease	AUM	6.00	20	\$33.8	\$4,052
Salt/mineral supplements	Tons	0.50	20	\$270.1	\$135
Hay	Tons	1.00	20	\$135.1	\$135
Veterinary/Medical	Each		20	\$4.4	\$89
Death loss (1% of purchased price)				\$204.8	\$205
Brand inspection	Each		20	\$1.4	\$28
Marketing order promotion	Each		20	\$1.1	\$23
Harvest costs	Carcass		20	\$112.6	\$2,251
Cut and wrap	Pounds	627	20	\$1.1	\$14,114
Marketing advertisement costs	Each		20	\$39.4	\$788
1-Ton pickup truck	Miles	1,000		\$0.6	\$608
Stock trailer	Miles	400		\$0.2	\$90
ATV-4WD	Miles	1,000		\$0.4	\$394
Horse (shoes, vet, & feed)	Each		1	\$225.1	\$225
Total, operating costs					\$23,136
Allocated Overhead					
Cost of land					\$81,384
Opportunity cost of unpaid labor					\$5,376
Amortized fencing cost					\$3,311
Interest on working capital					\$521
Insurance (Liability)					\$1,021
Office expenses					\$281
Total, allocated overhead					\$91,897
Total Cost					
Total, costs listed					\$115,033
Net Revenue					
Value of production less total costs listed (annual)					-\$93,002

¹⁷ “Estimated Costs for Livestock Fencing.” *Ag Decision Maker, File B1-75. Iowa State University Extension and Outreach* (February 2012). < <https://www.extension.iastate.edu/agdm/livestock/html/b1-75.html> > (accessed. Nov. 10, 2021). The reported estimates are adjusted for inflation at an annual rate of five percent and an average labor cost of \$32 per hour.

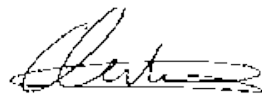
¹⁸ The purchased heifer’s weight is on the hoof whereas the carcass’s sold weight is the hanging weight.

31. My calculation of net revenue is conservative because a 20-head operation may exceed the maximum number of animals the Subject Property can support. A general rule of thumb is that 15 to 18 acres of non-irrigated rangeland is needed for each animal,¹⁹ which suggests that the 157-acre Subject Property can support, at most, 10 animals. Since a smaller number of animals reduces revenue proportionately—but not costs—the expected loss would be larger if the actual number of animals in the operation were lower.
32. Based on these calculations, I conclude that a beef cattle operation on the Subject Property is not economically viable.

III. CONCLUSION

33. Based on my independent review of Dr. Anamosa's soil report, I conclude that the Subject Property soil is not sustainable for growing vegetables. Based on my review of cost studies published by the American Sheep Industry Association, I conclude that a sheep and lamb operation on the Subject Property would not be economically viable. Based on my analysis of costs and revenues, I further conclude that growing barley or running a beef cattle operation on the Subject Property would not be economically viable.
34. It is therefore my professional opinion that agricultural production is not economically viable on the Subject Property. Given the lack of economic profits, it is against the economic interest of a rational investor to purchase the Subject Property for the purpose of agricultural production.

Dated: November 12, 2021



Wenbiao Cai, Ph.D.

¹⁹ Dan Macon and Hannah Meyer. "How Many Cows Can My Property Support? Basics of Carrying Capacity, Stocking Rate, and Pasture Irrigation." *University of California, Agriculture and Natural Resources, Cooperative Extension, publication number 31-1005* (June 2018). <<https://projects.sare.org/wp-content/uploads/Pub-31-1005-Carrying-Capacity-and-Stocking-Rate.pdf>> (accessed Nov. 10, 2021).

Lori Luporini
November 25th, 2021

Dear LAFCO Commissioners,

I have had the honor of being on the City of American Canyon Planning Commission from 1994 to 1996 and the City of American Canyon City Council from 1996 to 2006 as a Council Member and a two term mayor.

The voters of the community, City Council and myself identified the critical importance of the green island road, lighting and landscaping improvements and how to pay for them over 25 years ago and we are unfortunately still waiting. We need your help.

The GIF lands, which clearly have no viable agricultural use or really anything else except for growing weeds, should respectfully be included in the sphere of influence for the City of American Canyon.

The inclusion of these lands are extremely important to the historical Napa County plans, the voters of the City of American Canyon and the voters of Napa County.

If approved, the City of American Canyon, can responsibly plan and implement the appropriate assessment district to pay for these improvements, which necessarily fiscally needs to include these lands, to get the nightmare traffic off of Highway 29 which goes through the heart of the City. This is what the voters have always wanted.

The community and Napa County have struggled with each other regarding the issues involving incorporation and other issues.

I believe and hope that your approval will provide for a very harmonious cooperative future together.

Thank you,
Lori Luporini

A handwritten signature in black ink that reads "Lori Luporini". The signature is written in a cursive style and is positioned to the right of the typed name "Lori Luporini".



LOCAL AGENCY FORMATION COMMISSION OF NAPA COUNTY

Policy on Spheres of Influence

(Adopted on June 7, 2021)

I. BACKGROUND

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

II. PURPOSE

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

III. OBJECTIVE

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

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

IV. DEFINITIONS

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

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

V. LOCAL CONSIDERATIONS

A. General Guidelines for Determining Spheres of Influence

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

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

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

B. Scheduling Sphere of Influence Reviews and Updates

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

C. Environmental Review

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

VI. REQUESTS FOR SPHERE OF INFLUENCE AMENDMENTS

A. Form of Request

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

B. Review of Request

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

C. Consideration of Request

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

Local Agency Formation Commission of Napa County
1754 Second Street, Suite C
Napa, California 94559
(707) 259-8645 Telephone
www.napa.lafco.ca.gov

Questionnaire for Amending a Sphere of Influence

1. Applicant information:

Name: _____

Address: _____

Telephone Number: _____ (Primary) _____ (Secondary)

E-Mail Address: _____

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

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

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

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

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

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

Water: _____

Sewer: _____

Fire: _____

Police: _____

Print Name: _____

Date: _____

Signature: _____



State of California

GOVERNMENT CODE

Section 56428

56428. (a) Any person or local agency may file a written request with the executive officer requesting amendments to a sphere of influence or urban service area adopted by the commission. The request shall state the nature of the proposed amendment, state the reasons for the request, include a map of the proposed amendment, and contain any additional data and information as may be required by the executive officer.

(b) After complying with the California Environmental Quality Act, Division 13 (commencing with Section 21000) of the Public Resources Code, the executive officer shall place the request on the agenda of the next meeting of the commission for which notice can be given. The executive officer shall give notice in the manner provided by Section 56427. On the date and time provided in the notice, the commission may do either of the following:

- (1) Without further notice, consider the amendments to a sphere of influence.
- (2) Set a future date for the hearing on the request.

(c) The executive officer shall review each requested amendment and prepare a report and recommendation. The report shall be completed not less than five days before the date specified in the notice of hearing. The executive officer shall send copies of the report to the person or agency making the request, each affected local agency, and each person who has filed a request for a report.

(d) At its meeting, the commission shall consider the request and receive any oral or written testimony. The consideration may be continued from time to time, but not to exceed 70 days from the date specified in the original notice. The person or agency which filed the request may withdraw it at any time prior to the conclusion of the consideration by the commission.

(e) At the conclusion of its consideration, the commission may approve with or without amendment, wholly, partially, or conditionally, or disapprove the request. The commission shall follow the procedures in Section 56425.

(f) The commission may require the person or agency making a request pursuant to this section to pay a fee to cover the commission's costs. The fee shall not exceed the estimated reasonable cost of providing the service and shall be set pursuant to Section 56383. The commission may waive the fee if it finds that the request can be considered and studied as part of the periodic review of spheres of influence required by Section 56425. In addition, the commission may waive the fee if it finds that payment would be detrimental to the public interest.

(g) The commission and executive officer may review and act on any request to amend a sphere of influence or urban service area concurrently with their review and

determination on any related change of organization or reorganization. In case of a conflict between the provisions of this section and any other provisions of this part, the other provisions shall prevail.

(Amended by Stats. 2011, Ch. 300, Sec. 69. (AB 1430) Effective January 1, 2012.)



State of California

GOVERNMENT CODE

Section 56425

56425. (a) In order to carry out its purposes and responsibilities for planning and shaping the logical and orderly development and coordination of local governmental agencies subject to the jurisdiction of the commission to advantageously provide for the present and future needs of the county and its communities, the commission shall develop and determine the sphere of influence of each city and each special district, as defined by Section 56036, within the county and enact policies designed to promote the logical and orderly development of areas within the sphere.

(b) Prior to a city submitting an application to the commission to update its sphere of influence, representatives from the city and representatives from the county shall meet to discuss the proposed new boundaries of the sphere and explore methods to reach agreement on development standards and planning and zoning requirements within the sphere to ensure that development within the sphere occurs in a manner that reflects the concerns of the affected city and is accomplished in a manner that promotes the logical and orderly development of areas within the sphere. If an agreement is reached between the city and county, the city shall forward the agreement in writing to the commission, along with the application to update the sphere of influence. The commission shall consider and adopt a sphere of influence for the city consistent with the policies adopted by the commission pursuant to this section, and the commission shall give great weight to the agreement to the extent that it is consistent with commission policies in its final determination of the city sphere.

(c) If the commission's final determination is consistent with the agreement reached between the city and county pursuant to subdivision (b), the agreement shall be adopted by both the city and county after a noticed public hearing. Once the agreement has been adopted by the affected local agencies and their respective general plans reflect that agreement, then any development approved by the county within the sphere shall be consistent with the terms of that agreement.

(d) If no agreement is reached pursuant to subdivision (b), the application may be submitted to the commission and the commission shall consider a sphere of influence for the city consistent with the policies adopted by the commission pursuant to this section.

(e) In determining the sphere of influence of each local agency, the commission shall consider and prepare a written statement of its determinations with respect to each of the following:

(1) The present and planned land uses in the area, including agricultural and open-space lands.

(2) The present and probable need for public facilities and services in the area.

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

(4) The existence of any social or economic communities of interest in the area if the commission determines that they are relevant to the agency.

(5) For an update of a sphere of influence of a city or special district that provides public facilities or services related to sewers, municipal and industrial water, or structural fire protection, that occurs pursuant to subdivision (g) on or after July 1, 2012, the present and probable need for those public facilities and services of any disadvantaged unincorporated communities within the existing sphere of influence.

(f) Upon determination of a sphere of influence, the commission shall adopt that sphere.

(g) On or before January 1, 2008, and every five years thereafter, the commission shall, as necessary, review and update each sphere of influence.

(h) In determining a sphere of influence, the commission may assess the feasibility of governmental reorganization of particular agencies and recommend reorganization of those agencies when reorganization is found to be feasible and if reorganization will further the goals of orderly development and efficient and affordable service delivery. The commission shall make all reasonable efforts to ensure wide public dissemination of the recommendations.

(i) When adopting, amending, or updating a sphere of influence for a special district, the commission shall establish the nature, location, and extent of any functions or classes of services provided by existing districts.

(j) When adopting, amending, or updating a sphere of influence for a special district, the commission may require existing districts to file written statements with the commission specifying the functions or classes of services provided by those districts.

(Amended by Stats. 2012, Ch. 62, Sec. 2. (AB 2698) Effective January 1, 2013.)

Napa County Agreement No. 7070
American Canyon Agreement No. 2008-93

**AGREEMENT
BETWEEN THE COUNTY OF NAPA
AND
THE CITY OF AMERICAN CANYON**

This Agreement (hereafter "Agreement") is entered into and effective as of July 3, 2008 by and between the County of Napa, a political subdivision of the State of California (hereafter "County"), and the City of American Canyon, a municipal corporation (hereafter "City").

WHEREAS, the parties recognize the importance of agricultural preservation and open space in the County and desire to preserve agricultural and open space lands in the County so as to maintain a viable agriculture-based economy, preserve open space, prevent urban sprawl, and direct growth and development into already urbanized areas; and

WHEREAS, the parties desire to implement the planned development of the City and adjacent lands within the County; and

WHEREAS, the parties recognize the importance of the Napa County Airport ("Airport") to the economy of the County and have a longstanding interest in protecting the Airport from the encroachment of incompatible land uses; and

WHEREAS, the parties recognize that citizens, businesses and employees within both jurisdictions benefit when the parties collaborate successfully and solve disagreements amicably; and

WHEREAS, the parties seek to provide a solid footing for future planning and decision-making by recognizing a mutually agreed upon City urban growth boundary that will remain in place without change until 2030; and

WHEREAS, the parties are taking such steps as may be necessary to ensure that an adjusted urban growth boundary in the form of an amended City Urban Limit Line will not be changed until the year 2030; and

WHEREAS, in the County's view, industrial development within the County Airport Industrial Area Specific Plan ("Airport Specific Plan") boundaries supports agricultural uses in the County, benefits the local economy, and will contribute to the construction of necessary infrastructure improvements; and

WHEREAS, the parties recognize that upon incorporation in 1992, the City assumed the rights and responsibilities of the former American Canyon County Water District; and

WHEREAS, the parties recognize that the City provides water service to properties located within the City's Water Service Area, which includes the Airport Specific Plan area, and

that it is essential for the City to continue to provide water service to these properties in an environmentally sensitive, reasonable and fair manner.

NOW, THEREFORE, THE PARTIES AGREE AS FOLLOWS:

PART I. AGREEMENT DEFINITIONS

When used in this Agreement, the following words or phrases shall have the following meanings unless the context clearly indicates otherwise:

“Airport Industrial Area Specific Plan” or “Airport Specific Plan” shall mean the 1986 Napa County Airport Industrial Area Specific Plan, as amended through the effective date of this Agreement.

“CEQA” shall mean the California Environmental Quality Act, Public Resources Code section 21000 *et seq.*

“City” shall mean the City of American Canyon.

“City Customers” shall mean all persons and entities presently receiving water service from the City, and all persons and entities that are requesting or in the future request new or increased water service from the City, for parcels that are located within City’s incorporated limits.

“City’s Water Service Area” shall mean all lands within the area depicted in Exhibit H, attached hereto and incorporated herein by this reference.

“County” shall mean the County of Napa.

“LAFCO” shall mean the Napa County Local Agency Formation Commission.

“Outside Customers” shall mean all persons and entities presently receiving water service from the City, and all persons and entities that are requesting or in the future request new or increased water service from the City for parcels that are located outside the City’s limits but within the Airport Industrial Area Specific Plan boundaries.

“Panattoni Property” shall mean that real property described by Assessor Parcel Numbers 057-090-075 and 057-090-076, consisting of approximately 16.30 acres and 34.40 acres, respectively, as is more fully described in Exhibit A, attached hereto and incorporated herein by this reference.

“Subject Parcels” shall mean:

1. The parcel commonly known as the “Headwaters property,” Assessor Parcel Number 057-090-069 consisting of approximately 218.06 acres as is more fully described in Exhibit B, attached hereto and incorporated herein by this reference.
2. The parcel commonly known as the “Atkins property,” Assessor Parcel Number 057-040-007 consisting of approximately 25.44 acres as is more fully described in Exhibit C, attached hereto and incorporated herein by this reference.

“Sphere of Influence” shall mean the LAFCO-approved plan for the probable physical boundary and service area of the City of American Canyon, as defined in Government Code section 56076.

“Urban Limit Line” or “ULL” shall mean that line which describes the boundaries described in Exhibit D, attached hereto and incorporated herein by this reference, beyond which the City and the City’s Sphere of Influence shall not expand prior to 2030 unless the citizens of the City first approve an expansion of the line.

**PART II. PRE-CONDITIONS TO THE AGREEMENT TAKING EFFECT;
ANNEXATION OF PANATTONI PROPERTY**

A. Preconditions to Agreement Effectiveness

This Agreement, excluding Agreement Section II.B, shall become effective only if each and every one of the following events occurs within its respective time frame. Therefore, if any one of the preconditions fails to occur within the time frame set forth in this Agreement for that precondition, then this Agreement and the obligations of the parties as set forth in Agreement Section III shall automatically become null and void.

1. *Industrial Easements.*

The City shall ensure that the owners of the Subject Parcels and the Panattoni Property, prior to amendment of the City’s sphere of influence and completion of annexation of the Subject Parcels and the Panattoni Property to the City:

a. Grant and record industrial easements in favor of the County in perpetuity, in a form acceptable to the County Counsel and the City Attorney, ensuring that the Subject Parcels and the Panattoni Property may be developed in accordance with the uses permitted for those parcels by the Airport Specific Plan, and

b. Deed restrict, in a form acceptable to the County Counsel and the City Attorney, the Subject Parcels and Panattoni Property prior to development or use of the same, ensuring that the Subject Parcels and the Panattoni Property shall be developed in accordance with the uses permitted for those parcels in the Airport Specific Plan.

c. The City shall ensure that any development approvals sought by the owners of the Subject Parcels and the Panattoni Property in the City shall be conditioned by the City to be industrial uses as permitted for those parcels by the Airport Specific Plan and that the owners of these parcels grant and record avigation (flight) easements in favor of the County, in a form acceptable to the County Counsel and the City Attorney.

2. *Standards for Providing Water Service.* On or before September 1, 2008 the City shall take the following actions:

a. Revise its water policies to confirm that the City will provide water service to all Outside Customers upon request under all of the same terms and conditions under which the City provides water service to City Customers, and that the City will not impose any term or condition on any water service to any Outside Customer that is different from the terms and conditions that the City imposes on City Customers, except that the City may continue to

impose higher water rates on Outside Customers consistent with *Hansen v. City of San Buenaventura* (1986) 42 Cal.3d 1172; and

b. Amend City Municipal Code sections 13.10.010, 13.10.020, and 13.10.040, and all other related Municipal Code provisions, implementing resolutions and policies, so that they will be consistent with Agreement Sections II.A.2.a, III.E, and Exhibit E. The City shall schedule a public hearing for this purpose. The City shall make all of the revisions and amendments referenced in Agreement Section II.A.1 and II.A.2 before the City files any requests for any amendment of the City's Sphere of Influence or any annexations of the Subject Parcels and the Panattoni Property.

3. ***Preconditions Are Prerequisite to Sphere of Influence Amendment and Annexation.*** Satisfaction of the requirements set forth in Agreement Section II.A.1 (Industrial Easements) and II.A.2 (Standards for Providing Water Service) are preconditions to this Agreement. If these preconditions are not satisfied, this Agreement shall be null and void.

B. Immediate Annexation of Panattoni Property

Notwithstanding any other provision of this Agreement, as an indication of good faith of both parties, the County shall, upon execution of this Agreement and upon satisfaction of the requirements set forth in Agreement Sections II.A.1 (Industrial Easements), II.A.2 (Standards for Providing Water Service) and III.F.2 (Property Tax Revenue Sharing Agreement), provide written support of that portion of City's application before LAFCO involving a sphere amendment or annexation of the Panattoni Property to the City.

PART III. AGREEMENT OBLIGATIONS

A. City's Urban Limit Line

The parties agree that the City's growth boundary shall not expand beyond the ULL described and depicted in Exhibit D until at least 2030. To implement this ULL agreement, the parties will take one or more of the following actions which are intended to ensure that the ULL will not change prior to 2030.

1. If a citizen's initiative is circulated that establishes an ULL as a part of the City General Plan that is consistent with Exhibit D and that cannot be changed without a vote of the people until 2030, and if that initiative gathers a sufficient number of valid signatures to require the City to either adopt the initiative or place the matter on the ballot, then the City shall either: (a) adopt the initiative without alteration at the regular meeting at which the certification of the initiative petition is presented to the City Council or within 10 days after it is submitted; or (b) place the matter on the ballot. Otherwise, this Agreement shall become null and void, except that the parties may agree otherwise concerning the 60 foot strip in the unincorporated territory separating Area 1 from Area 2, as described and depicted in Exhibit D.

2. If a notice of intent to circulate a citizen's initiative to establish an ULL consistent with Agreement Section III.A.1 is not filed with the City elections official on or before June 30, 2008, then a ballot measure that will establish an ULL in the City General Plan that is consistent with Exhibit D and cannot be changed without a vote of the people until 2030 shall be placed on

the November 2008 municipal ballot by the City Council. The order of election shall be adopted by the City Council no later than August 8, 2008. Any such ballot measure shall expressly provide that any further changes to the ULL described and depicted in Exhibit D prior to 2030 shall take effect only following the approval by a majority of the voters of the City at a regularly scheduled municipal election. If the City fails to place such a measure on the ballot, this Agreement shall automatically become null and void, except that the parties may agree otherwise concerning the 60 foot strip in the unincorporated territory separating Area 1 from Area 2, as described and depicted in Exhibit D.

3. If a notice of intent to circulate a citizen's initiative to establish an ULL in the City's General Plan that is consistent with Exhibit D and cannot be changed without a vote of the people until 2030 is filed with the City election official on or before June 30, 2008, and the initiative is circulated but fails to achieve the necessary number of signatures to qualify for the November 2008 ballot, then a ballot measure that will establish an ULL as a part of the City's General Plan that is consistent with Exhibit D and cannot be changed without a vote of the people until 2030 shall be placed on the November 2008 municipal ballot by the City Council. The order of election shall be adopted by the City Council no later than August 8, 2008. Any such ballot measure shall expressly provide that changes to the ULL depicted in Exhibit D that cannot be changed without a vote of the people prior to 2030 shall take effect only following the approval by a majority of the voters of the City at a regularly scheduled municipal election. If the City fails to place such a measure on the ballot, or if a referendum successfully repeals action of the City, this Agreement shall automatically become null and void, except that the parties may agree otherwise concerning the 60 foot strip in the unincorporated territory separating Area 1 from Area 2, as described and depicted in Exhibit D.

4. If the City fails to satisfy the requirements of Section III.A of this Agreement, or if the City is successfully challenged in court on its action as authorized in Agreement Section III.A, this Agreement shall automatically become null and void, excepting the obligations of Agreement Section II.B.

5. If Agreement Section III.A.1 is applicable and the City Council places the matter on the November 2008 ballot rather than adopting the initiative measure without alteration and the initiative does not pass, then this Agreement shall automatically become null and void, excepting the obligations of Agreement Section II.B.

6. If Agreement Section III.A.2 or III.A.3 is applicable, and Agreement Section III.A.1 is not, and if a majority of the voters of the City do not approve the ULL depicted in Exhibit D with the condition that it cannot be changed without a vote of the people until 2030, then this Agreement shall automatically become null and void, excepting the obligations of Agreement Section II.B.

7. Area 4 as described and depicted in Exhibit D (commonly known as "Clark Ranch West") is currently in an Agriculture, Watershed and Open Space land use designation. As a condition of this Agreement, the City will keep this area in open space, recreation, and/or wildlife conservation when the area is annexed to the City and will take all actions necessary to ensure that this property remains in open space, recreation and/or wildlife conservation.

B. Sphere of Influence Amendments of the Subject Parcels

Within ten days of execution of this Agreement, City shall amend its pending application for an amendment of its Sphere of Influence, which was filed with LAFCO in 2007, so that the application is consistent with this Agreement. City shall not pursue any applications with LAFCO for a Sphere of Influence amendment and/or annexation of any properties, other than the Panattoni Property as set forth in Agreement Section II.B, until the preconditions in Agreement Section II.A have been satisfied.

The parties recognize that any expansion of City's Sphere of Influence must be heard and approved by LAFCO. County agrees to provide written support of City's application to expand its Sphere of Influence to include the Subject Parcels described in Exhibits B and C but only if the voters of the City, or the City, as the case may be, first approves adoption of the ULL described in Exhibit D, with the condition that the approval occurred in such a manner that the approved ULL cannot be changed prior to 2030 except by the voters of the City. Otherwise, the County reserves the right to oppose including such parcels within the City's Sphere of Influence. This County obligation to support the City's application to expand its Sphere of Influence for the Subject Parcels is in addition to, and separate from the County's obligation to support any Sphere of Influence amendment necessary to complete the annexation of the Panattoni Property, as required by Agreement Section II.B.

C. Annexation of the Subject Parcels

The parties recognize that expansion of the City by annexation is a matter to be heard and approved by LAFCO. County agrees to provide written support of the City's application to LAFCO for annexation of the Subject Parcels described in Exhibits B and C only if the voters of the City, or the City, as the case may be, have first approved adoption of the ULL described in Exhibit D and further providing that the approval occurred in such a manner that the approved ULL cannot be changed prior to 2030 unless first approved by the voters of the City. Otherwise, the County reserves the right to oppose the annexation of the Subject Parcels. This obligation in support of the City's applications to annex the Subject Parcels is in addition to, and separate from, the obligation to support the annexation of the Panattoni Property as required by Agreement Section II.B.

It is further understood and agreed that nothing contained in this Agreement shall be construed as requiring the County to support annexations of parcels located within the ULL to the City or the inclusion of those parcels in the City's Sphere of Influence, other than the Subject Parcels and the Panattoni Property.

D. Parties to Amend Their Respective General Plans

1. *County Requirements Following Voter Approval of the ULL Depicted in Exhibit D.* The County will amend the Goals, Policies and implementing measures of all applicable maps, tables and diagrams of its General Plan to reflect the City adjusted ULL in a manner that is consistent with Exhibit D, concurrent with the completion of City's obligations described in Agreement Section III.A.

2. ***City Requirements if an Initiative Adopting the ULL Depicted in Exhibit D is successful.*** The City will amend the Goals, Policies and implementing measures of all applicable maps, tables and diagrams of its General Plan to reflect the City adjusted ULL in a manner that is consistent with Exhibit D, concurrent with the completion of City's obligations described in Agreement Section III.A.

E. City Water Services to the Airport Industrial Specific Plan Area

The City shall continue to provide water service to existing Outside Customers and, upon request, the City shall provide new or increased water service to all Outside Customers under the same terms and conditions under which the City provides water service to City Customers, as provided in Agreement Section II.A.2.a. The City shall provide all new City Customers and all new Outside Customers with water service under the conditions in Exhibit E, attached hereto and incorporated herein by this reference. Nothing in this Agreement shall limit or affect the rights of City water customers for parcels that are located outside the City's limits and the Airport Specific Plan area but within the City's Water Service Area.

F. Property Tax Revenue Sharing Agreements

1. Within 120 days of execution of this Agreement and as a condition of County's support of annexation of the Subject Parcels to City, the parties will enter into an agreement setting forth the method of sharing those incremental real property taxes (the "Tax Revenue Sharing Agreement") generated by the Subject Parcels subsequent to annexation of those parcels to the City. This Tax Revenue Sharing Agreement will become effective only upon annexation of the Subject Parcels to the City. The Tax Revenue Sharing Agreement shall provide that the City and County will each receive forty-seven and one-half percent (47.5%) of the property tax increment, with the American Canyon Fire Protection District, a subsidiary special district of the City receiving five percent (5%). The Agreement shall expressly provide that the City's proposed annexation of parcels within the voter approved ULL, other than the Subject Parcels and the Panattoni Property, are not subject to the Tax Revenue Sharing Agreement.

2. Within 120 days of execution of this Agreement and as a condition of County's support of annexation of the Panattoni Property to City, the parties will enter into a separate Tax Revenue Sharing Agreement setting forth the method of sharing those incremental real property taxes generated by the Panattoni Property subsequent to annexation of those parcels to the City. This Tax Revenue Sharing Agreement will become effective only upon annexation of the Panattoni Property to the City. The Tax Revenue Sharing Agreement shall provide that the City and County will each receive forty-seven and one-half percent (47.5%) of the property tax increment, with the American Canyon Fire Protection District, a subsidiary special district of the City receiving five percent (5%). The Agreement shall expressly provide that the City's proposed annexation of parcels within the approved ULL, other than the Subject Parcels and the Panattoni Property, are not subject to the Tax Revenue Sharing Agreement.

G. Return of Tax Revenues

1. Any party who violates one or more of the provisions contained in Agreement Section III.G.2. shall return to the other party the following incremental property tax revenues the offending party has received and will receive pursuant to the Tax Revenue Sharing

Agreements referenced in Agreement Section III.F.1 and III.F.2:

- a. All such property tax revenues received for the four (4) fiscal years prior to the fiscal year in which the violation occurred; and
- b. All such property tax revenues received for the fiscal year in which the violation occurred; and
- c. All such property tax revenues received in all future fiscal years following the fiscal year in which the violation occurred (i.e. in perpetuity).

2. A violation of the Agreement triggering Agreement Section III.G shall be deemed to have occurred if any of the following occurs:

- a. The ULL described and depicted in Exhibit D is changed on or before January 1, 2030, by the City, by the passage of an initiative measure placed on the ballot by the City, or by the passage of an initiative measure which resulted from a successful petition circulated by registered voters of the City which qualifies for the ballot.
- b. The City files an application with LAFCO prior to January 1, 2030 seeking to expand the City's Sphere of Influence to include parcels outside the ULL described and depicted in Exhibit D.
- c. The County fails to support the City's Sphere of Influence application and related annexation of the Subject Parcels in the manner and within the timeframes contemplated by this Agreement. Notwithstanding the foregoing, nothing in this Agreement shall be interpreted to require any member of the County Board of Supervisors to vote in any certain manner when sitting as a Commissioner on LAFCO.
- d. The City fails to provide a water service will-serve letter to any person or entity requesting such a letter in a manner that is consistent with the terms of this Agreement. If City fails to provide such a will-serve letter within 90 days after receiving a request for such a letter, and if a mutual agreement between the City and the property owner making the request to extend that 90 day period for up to an additional 180 days has not been executed within the original 90 day period, then it shall be conclusively presumed that the City has violated the requirement to provide water service will-serve letters upon request. This paragraph shall not apply if during that entire 90 day period the City has in effect a policy of refusing to provide water service to all new City Customers, and of refusing to provide increased levels of water to all existing City Customers, due to factors relating to water shortages encountered by the City. When said policy ceases to be applied, a requirement to provide the requested will-serve letters within the 90 day period following the termination of the policy shall automatically go into effect.
- e. The City fails to provide water service to, or unlawfully discriminates against any Outside Customer in the provision of water services, or the City otherwise does not provide water service to any Outside Customer in a manner that is consistent with this Agreement. However, the amount of water service that the City is obligated to provide shall be subject to the City's Zero Water Footprint Methodology, provided the City applies this Zero

Water Footprint Methodology equally to City Customers and Outside Customers in a manner that does not result in conditions of approval that differ between similarly situated Outside Customers and City Customers. The list of Water Conditions that the City will impose on all parcels for which new water service is requested is attached to this Agreement as Exhibit E, and a copy of the Zero Water Footprint Methodology is attached to this Agreement as Exhibit F. The process for Outside Customers to appeal conditions imposed by the City as a result of implementing the Zero Water Footprint Methodology is described in Exhibit G to this Agreement. Exhibits E, F and G are incorporated herein by this reference and may only be changed upon mutual consent of the parties.

f. The City imposes a requirement that any future Outside Customer, other than the owner or owners of record of the Subject Parcels, must consent to, or waive objection to, annexation of his, her, or its parcel to the City as a condition of receiving water services from the City.

g. The County amends its Airport Specific Plan prior to 2030 to allow residential uses in the Airport Specific Plan area.

II. Development of Parcels

As a precondition to the grant of final entitlements to any of the Subject Parcels or the Panattoni Property that are not challenged within the applicable statute of limitations, the party having land use authority over that parcel shall ensure that all of the following are accomplished conditions of approval, either through a development agreement or a reimbursement agreement:

1. Subject to any claims the County is obligated to perform related to the Montalcino Project (Napa County Use Permit #98177-UP and #P05-0220-MOD), traffic mitigation fees attributable to the Subject Parcels and the Panattoni Property that the County receives pursuant to its Airport Industrial Area Traffic Mitigation Program, to the extent those parcels are developed in the unincorporated area shall be placed in a restricted account, if not already appropriated and expended by the County. All such fees shall be placed in a segregated account by the County Auditor and may only be disbursed to construct improvements to and/or extend Devlin Road from Tower Road to Airpark Road, as depicted in Exhibit I (attached to this Agreement and incorporated herein by this reference), including the construction of a two lane bridge ("Bridge") including pedestrian and bike lanes across Fagan Creek. If any of the Subject Parcels or the Panattoni Property is annexed to the City prior to development same, then the City shall pay to the County the amount of fees the County would have collected under the Airport Industrial Area Traffic Mitigation Program had that parcel been developed in the unincorporated area. City's obligation to pay those fees shall be due and payable within ten days of (1) issuance of the building permit or (2) whenever development would have triggered payment of the traffic mitigation fee under the County's Airport Industrial Area Traffic Mitigation Program had the parcel been developed in the unincorporated area, whichever date is earlier. The fees shall be used by the County to offset costs to construct improvements to and/or extend Devlin Road as described in this Agreement, or to reimburse County for expenditures it may have previously made toward the design and construction of Devlin Road in the event development on these parcels lags any portion of the development of Devlin Road.

2. The County shall take appropriate steps to ensure that the Devlin Road and Bridge are completed prior to 2018. This shall include the design, acquisition of right-of-way and construction of the Devlin Road extension and Bridge (including pedestrian and bike lanes) over Fagan Creek.

3. Development of the Headwaters property shall be conditioned upon dedication of a secondary public access road to support the Airport. That access road shall at a minimum be a Type H Collector including two travel lanes, parallel parking, and consisting of 56 feet of public right-of-way in accordance with Napa County Road and Street Standards.

4. The parties further agree that in order to implement the provisions of Agreement Sections III.H.1, III.H.2 and III.H.3, the Public Works Directors of the City and the County shall annually report to their respective entities with respect to the generation of all traffic revenue within the affected area and their expenditures to accomplish the described improvements.

PART IV. GENERAL PROVISIONS

A. Warranty of Legal Authority

Each party warrants and covenants that it has the present legal authority to enter into this Agreement and to perform the acts required of it hereunder. If any party is found to lack the authority to perform the acts required of it hereunder or is prevented from performing the acts by a court of competent jurisdiction, then this Agreement shall be null and void.

B. Assignment/Delegation

Neither party hereto shall assign or transfer any benefit or obligation of this Agreement without the prior written consent of the other, and no assignment shall be of any force or effect whatsoever unless and until the other party shall have so consented.

C. Severability

In the event any provision of this Agreement is held to be invalid or unenforceable, the remaining provisions of this Agreement will remain in full force and effect.

D. Waiver

Any waiver (express or implied) by either party of any breach of this Agreement shall not constitute a waiver of any other or subsequent breach.

E. Venue

This Agreement shall be governed and construed in accordance with the laws of the State of California. Any claim, action, arbitration or other proceeding arising from this Agreement shall be initiated and conducted only in the County of Napa.

F. 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 addresses 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.

City of American Canyon:
City Manager
300 Crawford Way
American Canyon, California 94503

With copy to:
City Attorney
Law Offices of William Ross
400 Lambert Street
Palo Alto, California 94306

County of Napa:
Napa County Executive Officer
1195 Third Street, Suite 310
Napa, CA 94559

With copy to:
Napa County Counsel
County of Napa
1195 Third Street, Suite 301
Napa, CA 94559

G. Amendment

This Agreement may only be amended in writing by an amendment authorized by the City Council and County Board of Supervisors, except as provided in Agreement Section IV.K below.

H. Recitals Adopted

The parties hereby agree to, and adopt, the Agreement recitals as portions of the Agreement.

I. Termination for Cause

Either party may terminate this Agreement for cause of non-performance. Such termination shall be based upon ninety (90) days notice given to the other party in the manner set forth in Agreement Section IV.F. Such notice shall also constitute a notice of default, which shall provide the defaulting party with an automatic right to cure the default within sixty (60) days.

J. Joint Defense in Event of Third Party Challenges to the Agreement

In the event of a third party challenge of any type to this Agreement, the parties agree to jointly

defend the validity and implementation of the Agreement.

K. Extension of Dates by Mutual Agreement

The dates provided for the performance of any of the terms of this Agreement may be changed and/or extended by mutual written agreement of the parties, the City acting through its City Manager and the County acting through its County Executive Officer.

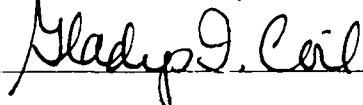
L. Entire Agreement

This document is intended both as the final expression of the agreement between the parties hereto with respect to the included terms and as a complete and exclusive statement of the terms of the Agreement. This Agreement may be executed in two counterparts, each of which shall constitute an original.

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

COUNTY OF NAPA
By: 
BRAD WAGENKNECHT,
Chair of the Board

ATTEST: Gladys I. Coil
Clerk of the Board of Supervisors

By: 

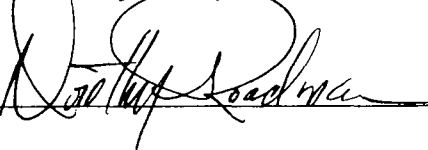
APPROVED AS TO FORM:
ROBERT WESTMEYER, County Counsel

By: 

CITY OF AMERICAN CANYON

By: 
LEON GARCIA,
Mayor

ATTEST: Dorothy Roadman
American Canyon City Clerk

By: 

APPROVED AS TO FORM:
WILLIAM D. ROSS, City Attorney

By: 

EXHIBIT A

Legal Description of Panattoni Parcel

Commencing at the southwest corner of the 0.504 acre parcel of land described in the Deed to the State of California, recorded January 27, 1949 in Book 301 at page 69 of Official Records of Napa County; thence along the western line of the lands of said State of California; northerly along a curve to the left, from a tangent that bears N 0°12'55.6"W having a radius of 9910 feet, through a central angle of 2°16'39.4" an arc distance of 393.94 feet; thence N02°29'35"W 16.21 feet to a point on the south line of a 0.16 acre parcel of land described in Exhibit "B" of the Grant Deed recorded at series number 1993-037831 in the office of the Napa County Recorder; thence N63°49'30"W along the south line of said parcel 31.32 feet; thence N84°18'26"W along said south line 35.36 feet; thence N02°26'14"W to the centerline of Kelly Road South as shown on Exhibit "B" as shown on the Grant Deed recorded at series number 1993-037831 in the office of the Napa County Recorder; thence S87°25'31"W along said centerline 28.33 feet to a curve concave to the south, having a radius of 250 feet; thence westerly and southerly along said curve through a central angle of 33°41'24" an arc length of 147.00 feet; thence S53°44'07"W 376.66 feet to the beginning of a curve concave to the northwest, having a radius of 1000.00 feet; thence southerly and westerly along said curve through a central angle of 12°48'50" an arc length of 223.64 feet; thence S66°32'57"W 117.18 feet to the eastern line of a 35.29 acre parcel of land described in Exhibit "A" of the Grant Deed recorded at series number 1993-037831 in the Office of the Napa County Recorder; thence S08°41'22"E along said eastern line 65.93 feet to the southeast corner of said parcel; thence S61°04'46"W along the southern line of said parcel, 36.24 feet; thence S8°35'53"E 115.44 feet to the beginning of a curve concave to the west having a radius of 1000.00 feet; thence southerly along said curve through a central angle of 13°38'08" an arc length of 237.99 feet; thence S05°02'15"W 494.58 feet to the beginning of a curve concave to the northwest having a radius of 475.00 feet; thence southerly along said curve through a central angle of 51°02'54" an arc length of 423.21 feet; thence S56°05'09"W 312.76 feet to the northeastern line of the Napa Valley Branch of the Southern Pacific Railroad and/or the San Francisco, Napa and Calistoga Railway; thence S27°45'25"E along the northeastern line of said railway 282.16 feet to the south line of the 397.75 acre tract of land described as Parcel One in the Deed to Louis Gonsalves, et ux, recorded July 13, 1944 in Book 211 at Page 476 of Official Records of Napa County; thence east along the south line of said 397.75 acre parcel of land to the southwestern corner of the parcel of land described in the Deed to Ray L. Welch, et ux, recorded December 7, 1953 in Book 428 at page 398 of Official Records of Napa County; thence along the western line of the land of said Welch, N00°36'30"E 582.14 feet to the southwestern corner of the 2.5 acre parcel of land described in the Deed to Arthur C. Pollard, et ux, recorded June 23, 1947 in Book 271 at page 168 of Official Records of Napa County; thence along the western line of the Land of Pollard, N28°36'W 124.4 feet and N17°04'E 302.3 feet to the southwestern corner of the 3.54 acre parcel of land described in the Deed to James K. Pendery, et ux, recorded November 13, 1947 in Book 278 at page 403 of Official Records of Napa County; thence along the western line of the lands of said Pendery N00°36'E 468.30 feet, more or less, to the southeastern corner of the 1 acre parcel of land described in the Deed to William Gonsalves, et ux, recorded November 13, 1961 in Book 640 at page 583 of Official Records of Napa County; thence along the southern line of the land of said Gonsalves, N89°24'W 208 feet to the southwestern corner thereof; thence along the western line of said land N00°36'E, 208 feet to the northwestern corner thereof; thence along the northern line of said land S89°24'E 208 feet to the northeastern corner thereof, said corner also being the northwestern corner of the land of James K. Pendery, above referred to; thence along the northern line of the land of said Pendery S89°24'E, 203.76 feet, more or less, to the point of beginning.

APN 057-090-076

Commencing at the southeasterly corner of the lands of the South Napa Waste Management Authority (S.N.W.M.A.) Exhibit "A" recorded November 19, 1993 as Instrument Number 1993-037831 in the office of the Napa County Recorder and shown on the Record of Survey of a portion of the lands of South Napa Waste Management Authority (S.N.W.M.A.) recorded February 25, 1997 in Book 31 of Surveys at Pages 8-10 in the office of the Napa County Recorder; thence South $61^{\circ} 04' 46''$, 36.24 feet to the TRUE POINT OF BEGINNING; thence from said true point of beginning South $08^{\circ} 35' 53''$ East 115.44 feet to the beginning of a curve concave to the west having a radius of 1000.00 feet; thence southerly along said curve through a central angle of $13^{\circ} 38' 08''$ an arc length of 237.99 feet; thence South $05^{\circ} 02' 15''$ West 494.58 feet to the beginning of a curve concave to the northwest having a radius of 475.00 feet; thence southerly along said curve through a central angle of South $51^{\circ} 02' 54''$ an arch length of 423.21 feet; thence South $56^{\circ} 05' 09''$ West to the northeastern line of the Napa Valley Branch of the Southern Pacific Railroad and/or the San Francisco, Napa and Calistoga Railway; thence northwest along the northeastern line of the Napa Valley Branch of the Southern Pacific Railroad and/or the San Francisco, Napa and Calistoga Railway to the southerly corner of the said South Napa Waste Management Authority parcel; thence northeasterly along the southeasterly boundary of the South Napa Waste Management Authority to the TRUE POINT OF BEGINNING.

APN 057-090-075

EXHIBIT B

Legal Description of Headwaters Parcel

Beginning at the intersection of the south line of the land described in the Deed to the County of Napa recorded December 31, 1986 in Book 1489 at page 213 in the office of the Napa County Recorder and the southwest line of the Napa Valley Branch of the Southern Pacific Railroad and/or the San Francisco, Napa, and, Calistoga Railway; thence South 75°30'04"West along the south line of the said lands of Napa County 4509.24 feet to the southwest corner of said lands of Napa County, said corner also being a point on the western line of the Lands of Louis Gonsalves described as Parcel One in the deed to Louis Gonsalves, et ux, recorded July 13, 1944 in Book 211 at page 476 of official records of Napa County; thence southerly along the western line of said land to the southwestern corner thereof, thence east along the south line of said 397.75 acre parcel of land to the southwestern line said Railway; thence northwesterly along the southwestern line of said Railway to the Point of Beginning.

APN 057-090-069

EXHIBIT C

Legal Description of Atkins Parcel

Commencing at the Southeastern corner of the 140.04 acre tract of land described in the Deed to Steve O. Atkins, et al, recorded January 4, 1954, in book 430, Page 186 Official Records of Napa County, running thence South 87 degrees 54 minutes 30 seconds West, along the Southern line of said tract, 859.82 feet to the Northeastern Right of Way line of the Santa Rosa Branch of the Southern Pacific Railroad; thence North 68 degrees 44 minutes 48 seconds West, along said Northeastern line, 90.77 feet to the most Southerly corner of that certain 52.95 acre tract of land described in the Deed to County of Napa recorded August 16, 1956, in book 521 of Official Records at page 292; thence along the Easterly line of said 52.95 acre tract of land, North 21 degrees 38 minutes East 1919.15 feet to the most Northerly corner of said 52.95 acre tract; being a point in the Southern line of the Napa County Airport as described in the Judgment of Condemnation recorded April 12, 1944 in book 208, page 364, Official Records of Napa County; thence North 76 degrees 08 minutes 23 seconds East along said Southern line, 281.89 feet to the Northeastern corner of the 140.04 acre tract above referred to; thence South 1 degree 03 minutes 57 seconds West, along the Eastern line of said tract, 1859.55 feet to the point of commencement.

Excepting from said Parcel One an undivided 1/2 interest in and to all of the oil, gas and other minerals and mineral rights of whatsoever nature, as granted to Charles I. Joens, et ux, in Deed recorded March 17, 1967, in book 762 of Official Records, at page 759, Napa County Records.

APN 057-040-007

EXHIBIT D

Legal Description - Proposed Urban Limit Line for American Canyon, CA

AREA #1:

A portion of Township 4 North, Range 3, 4, and 5 West, Mount Diablo Base and Meridian (and also being shown on the attached plat entitled "Plat of Description - Proposed American Canyon, CA. Urban Limit Line" attached hereto, for illustrative purposes only, as EXHIBIT "D-1"), more particularly described as follows:

BEGINNING at a t-bar and tag stamped "R.C.E. 6250", marking the westernmost corner of Parcel B-1, as shown on the map entitled "Survey and Division of the Madigan Ranch in Napa County and Solano County, California", filed December 17, 1971 in Book 3 of Parcel Maps at Page 67-68 in the office of the County Recorder of Napa County, California, all further references to filing or recording being made to said Napa County Recorder unless otherwise stated for purposes of this description; said Point of Beginning being a point on the Napa - Solano County line; thence westerly along said Napa - Solano County line 9460± feet to the southwest corner of Parcel A as shown on the map entitled "Final Map of Napa Meadows Unit 8" filed July 27, 2000 in Book 22 of Record Maps at Page 10-15 in the office of the County Recorder of Napa County, California; thence northerly along the extended westerly line of Parcels A, C & B as shown on said "Final Map of Napa Meadows Unit 8" 1900± feet to the southeast corner of the lands known as "Napa Meadows Unit 7" as shown on the map entitled "Final Map of Napa Meadows Unit 7" filed October 26, 2000 in Book 22 of Record Maps at Page 27-33 in the office of the County Recorder of Napa County, California; thence westerly and northwesterly along the southerly and extended westerly lines of said "Napa Meadows Unit 7" to a t-bar and tag stamped "R.C.E. 6250" at the easterly terminus of a line labeled "N87°45'00"W 187.83'" marking a point on the easterly line of the lands of Pauline Burastero, et al, as shown on the map entitled "Record of Survey of the lands of American Canyon Sanitary Land Fill Co., Inc., and the lands of Pauline Burastero, et al" filed May 31, 1974 in Book 18 of Surveys at Page 71; thence westerly, northerly and westerly along the lines of said lands of Pauline Burastero, et al 9700± feet to a ¾" iron pipe stamped "R.C.E. 3389" marking the northwest corner thereof, said point being also the southwest corner of the 58.49 acre parcel of land described in the Judgment and Final Order of Condemnation filed February 15, 2006 and recorded as Document No. 2006-0005485; thence northerly and easterly along the lines of said 58.49 acre parcel of land 2016± feet to a ¾" iron pipe stamped "R.C.E. 11649" marking the southwest corner of Parcel 1 as shown on the map entitled "Parcel Map of the lands of Louis O. Wurz Jr., et al and Covenant Presbyterian Church of Napa" filed December 1, 1986 in Book 15 of Parcel Maps at Page 20; thence northerly along the westerly line of said Parcel 1, 2280± feet to the northwest corner thereof, said northwest corner being also the southwest corner of Parcel One as shown on the map entitled "Parcel Map of the Lands of Napa Mill Development Company..." filed October 12, 2006 in Book 25 of Parcel Maps at Page 29-32; thence northerly along the West line of said Parcel One 575± feet to the southerly right of way line of Green Island Road; thence westerly along said southerly right of way line of Green Island Road 1510± feet to the intersection with the extended westerly line of the lands of All Technical Engineering & Construction, Inc, as shown on the map entitled "Record of Survey of the lands of All Technical Engineering & Construction, Inc.", filed October 6, 1978 in Book 20 of Surveys at Page 88; thence northerly along the extended westerly line of said lands of All Technical Engineering & Construction, Inc. 1820± feet to the southerly line of the lands described in the Grant Deed filed October 11, 2005 and recorded as Document No. 2005-0041461; thence northwesterly and northeasterly along said lands 2010± feet to the northwest corner thereof; thence northeasterly along the northerly line of said lands 282± feet to the northeast corner thereof; thence southerly along the easterly line of said lands 545± feet to the northwest corner of the lands described in the Grant Deed filed September 7, 2006 and recorded as Document No. 2006-0031319; thence northeasterly along the northerly line of said lands 4510± feet to the northeastern corner thereof; said

corner being a point on the southwesterly right of way line of the Napa Valley Branch of the Southern Pacific Railroad right of way; thence southeasterly along said southwesterly right of way line 1510± feet to the intersection with the extended southerly line of the lands of S.N.W.M.A. as shown on the map entitled "Record of Survey of South Napa Waste Management Authority..." filed February 25, 1997 in Book 31 of Surveys at Page 8-10; thence northeasterly along said southerly line 1250± feet to the southerly right of way line of Kelly Road South, as shown on the same map entitled "Record of Survey of South Napa Waste Management Authority..."; thence northeasterly along said southerly right of way line 850± feet to the westerly right of way line of State Highway 29; thence southerly along said westerly right of way line 350± feet to the northeast corner of the lands described in the Grant Deed filed August 16, 2007 and recorded as Document No. 2006-0028706; thence westerly along the northerly line of said lands 225± feet to the northwestern corner thereof; said northwestern corner being also the northeastern corner of the lands described in the Grant Deed filed November 13, 1961 and recorded in Book 640 at Page 583; thence westerly along the northerly line of said lands 208± feet to the northwestern corner thereof; thence southerly 208± feet to the southwesterly corner thereof; thence easterly 208± feet to the southeasterly corner thereof, said southeasterly corner being also a point on the westerly line of the aforementioned lands described in the Grant Deed filed August 16, 2007 and recorded as Document No. 2006-0028706; thence southerly along said westerly line 468± feet to the southwestern corner thereof; thence easterly along the extended southerly line of said lands 380± feet to a point on the easterly right of way line of State Highway 29, said easterly right of way line of State Highway 29 being also the westerly line of Parcel C as shown on the map entitled "Parcel Map of the lands of Security Owners Corporation..." filed August 24, 1995 in Book 21 of Parcel Maps at Page 50-51; thence southerly along said westerly line of Parcel C 3460± feet to the southwestern corner thereof; thence easterly along the southerly line of said Parcel C 2500± feet to the southeastern corner thereof, said southeastern corner being also a point on the westerly line of Parcel One as described in the Corporation Grant Deed filed December 31, 1997 and recorded as Document No. 1997-031470; thence northerly along said westerly line 375± feet to the northwestern corner thereof; thence easterly along the northerly line of said Parcel One 1678± feet to the northeastern corner thereof; thence southerly along the extended easterly line of said Parcel One 3580± feet to a point on the northerly line of the lands of John D. & Lorraine D. Cantoni as shown on the map entitled "Record of Survey of the lands of John D. & Lorraine D. Cantoni" filed April 23, 1980 in Book 21 of Surveys at Page 69; thence leaving said northerly line 2200± feet to a nail and tag stamped "R.C.E. 15390" in a corner post at the northerly terminus of a line labeled "N40°13'46"E 2463.39'" on said map; thence southwesterly along the last mentioned line 1300± feet to the point of intersection with the northerly extension of the line labeled "N9°56'50"W 1007.63'" shown on the map entitled "Record of Survey of the lands of Amcan Land Holdings Inc..." filed February 18, 1999 in Book 32 of Surveys at Page 34; thence southerly along said extended line labeled "N9°56'50"W 1007.63'" 3460± feet to the southerly terminus thereof, said line terminus being also a point on the easterly line of Parcel One as described in the Grant Deed filed January 25, 2007 and recorded as Document No. 2007-0002762; thence southeasterly along said easterly line 2600± feet to a point on the southerly line of said Parcel One, said point being also the northwest corner of the lands of Palm, marked by a ½" rebar and tag stamped "L.S. 4510" as shown on the map entitled "Parcel Map of the lands of a portion of the lands of Mary C. Avilla" filed December 10, 1986 in Book 15 of Parcel Maps at Page 23-24; thence southerly along the extended westerly line of said lands of Palm 350± feet to the southerly right of way line of American Canyon Road; thence westerly along said southerly right of way line of American Canyon Road 170± feet to a t-bar and tag stamped "R.C.E. 6250", marking the northeastern corner of Parcel B, as shown on the map entitled "Survey and Division of the Madigan Ranch in Napa County and Solano County, California", filed December 17, 1971 in Book 3 of Parcel Maps at Page 67-68; thence southwesterly, northeasterly, southerly and southwesterly along the eastern line of said Parcel B 5100± feet to a t-bar and tag stamped "R.C.E. 6250", marking the westernmost corner of Parcel B-1 as shown on said map entitled "Survey and Division of the Madigan Ranch in Napa County and Solano County, California", said point being the TRUE POINT OF BEGINNING.

AREA #2 :

BEING that 62.779 acre parcel designated "American Canyon County Water District" as shown on the map entitled "Record of Survey of the lands of American Canyon Sanitary Land Fill Co., Inc., and the lands of Pauline Burastero, et al" filed May 31, 1974 in Book 18 of Surveys at Page 71 in the office of the County Recorder at Napa County, California.

AREA #4 :

A portion of the lands of Pauline Burastero, et al as the same is shown on the map entitled "Record of Survey of the lands of American Canyon Land Fill Co. ...and of the lands of Pauline Burastero, et al" filed May 31, 1974 in Book 18 of Surveys at Page 71 in the office of the Recorder of Napa County, California, more particularly described as follows:

BEGINNING at a ¾" iron pipe tagged "R.C.E. 3389" marking the northeast corner of the lands of Pauline Burastero, et al as shown on the map entitled "Record of Survey of the lands of American Canyon Land Fill Co. ...and of the lands of Pauline Burastero, et al" filed May 31, 1974 in Book 18 of Surveys at Page 71 in the office of the Recorder of Napa County, California; thence along the northerly line of said lands of Burastero N 89°14'40" W 1318.94 feet to an angle point on said northerly line; thence leaving said northerly line S 3°46'32" E 790.22 feet to a point on the northerly right of way line of Eucalyptus Drive; thence along said northerly right of way line of Eucalyptus Drive S 89°46'10" E 1365.83 feet to the intersection of the northerly right of way line of Eucalyptus Drive with the easterly line of said lands of Burastero; thence along the easterly line of the lands of Burastero N 7°16'00" W 782.90 feet to the POINT OF BEGINNING.

EXHIBIT E**Water Conditions To Be Imposed On All Parcels
(City Customers and Outside Customers) For Which New Water Service is Requested**

The City of American Canyon ("City") may impose the conditions listed below on new water services for Outside Customers by including these conditions in the "will-serve" letters that the City provides to such Outside Customers, but only if the City also imposes the same conditions on all new water services for parcels with similar uses within the City's limits. The County shall include these same conditions in all new land use development permits for parcels within the Airport Industrial Area Specific Plan area.

1. **City Capacity Fees and Conditions of Approval for Water Service.** Capacity Fees charged for parcels within the City's Water Service Area shall be established by the City and will be periodically reviewed and updated. Capacity Fees (also known as Connection Fees) will be uniform throughout the Water Service Area, regardless of whether the parcel to which the fee applies is inside or outside the City's Limits. The Capacity Fee and any conditions on new water service will be determined based on the Water Supply Report, which shall contain the analysis described in Part II.C. of Exhibit "F" of this Agreement, and which will be consistent with the City's Zero Water Footprint Policy, adopted by the City on October 23, 2007.

2. **Cost of Water Service.** The cost of new water service shall be imposed through the capacity fees in the City's Ordinance 2007-09 or through new capacity fees approved by the County and enacted in a new City ordinance. However, if the Water Supply Report finds, consistent with the City's Zero Water Footprint Policy (see Exhibit F), that the City will have to obtain additional water supplies to meet "dry year" shortfalls, then the cost of water to meet such "dry year" shortfalls will be the sole responsibility of the Applicant. In determining whether or not such "dry year" shortfalls will occur, the City shall include in the base supplies available to the City during "dry years" the new water supplies that have been or will be included in the calculations used to set the City's Capacity Fees and water rates. The City will conclude that "dry year" shortfalls will occur only if such base supplies will not be adequate to meet anticipated "dry year" demands. The City may not impose any costs on the Applicant under this section to reimburse the City for any capital or operating costs that have been or will be included in the calculations used to set the City's Capacity Fees or water rates. The City may impose the additional costs described in the preceding sentence on Outside Customers only if the City also imposes such additional costs uniformly on City Customers.

3. **Maximum Allowable Water Use.** Water received from the City for use on parcels within the Airport Industrial Area Specific Plan area and on parcels with similar uses within the City's limits shall be limited to an average of 650 gallons of water per day per acre (measured monthly), and Applicants for new or increased City water service for all such parcels shall be required to demonstrate to the City while the City is preparing the Water Supply Report for the Applicant the maximum extent to which the Applicant can further reduce its water consumption by applying the following best management practices:

- No Flow or Low Flow Fixtures. These Applicants shall be required to install no flow or low flow water fixtures, and to implement other reasonable water conservation measures that are described in the City's Water Conservation Guidelines adopted in the City's Resolution No. 2008-08 or in new City water conservation guidelines approved by the County and adopted in a new City ordinance or resolution.
- Drought Tolerant Landscape & Irrigation with Recycled Water. These Applicants shall be required to use only drought tolerant landscaping, and they may only irrigate landscaped areas with recycled water, when it is available.
- Purple Pipe. These Applicants shall be required to dual plumb their buildings and install "purple pipe" in all landscape areas in anticipation of the availability of recycled water and shall use the recycled water when available.
- These Applicants shall follow the water conservation methods that are described in the Water Conservation Guidelines adopted in the City's Resolution No. 2008-08 or in new City water conservation guidelines approved by the County and adopted in a new City ordinance or resolution.

The City may apply the provisions of this Paragraph 3 to Applicants for new or increased City water service for parcels within the Airport Industrial Area Specific Plan area only if the City also uniformly applies these provisions to all Applicants for new or increased City water service for parcels with similar uses within the City's limits.

4. **Water Offsets.** Applicants for City water service for parcels within the Airport Industrial Area Specific Plan area and for parcels with similar uses within the City's limits that wish to use more than an average of 650 gallons of water per day per acre (measured monthly) shall offset the proposed water use over 650 gallons per day per acre (measured monthly) through the use of one or more options that are made available by the City to the Applicants. These options include, but are not limited to, retrofitting of existing residences with low flow fixtures, purchase of otherwise developable land as permanent open space, or acquisition of other water supply resources as provided for by a water supply analysis that follows the Zero Water Footprint Methodology described in Exhibit F. The City shall make all such options available uniformly to Applicant for City water service for parcels within the Airport Industrial Area Specific Plan area and for parcels with similar uses within the City's limits, and that seek such offsets.

5. **Drought Restrictions.** To the extent permitted by law, the City may curtail or ration the use of water provided by the City below the limit of 650 gallons per day per acre (measured monthly) in dry years through the imposition of drought restrictions that are uniformly applied throughout the City's Water Service Area.

EXHIBIT F

Zero Water Footprint and Water Supply Report Methodology

I. PURPOSE

To implement the Zero Water Footprint Policy adopted by the City Council on October 23, 2007. In this policy, "Zero Water Footprint" is defined as:

"No loss in reliability or increase in water rates for existing water service customers due to requested increased demand for water within the City's Water Service Area."

II. PROCEDURES

- A) Initial Request.** Applicants for all projects requiring additional water supplies from the City of American Canyon, either inside City limits or in the City's Water Service Area but outside of City limits, shall complete a water supply worksheet estimating average and peak use for indoor and outdoor uses and provide the completed worksheet to the City's Engineering Division.
- B) Evaluation of Water Footprint.** The Engineering Division shall evaluate the water footprint of the project, using the water supply worksheet provided by the Applicant, to determine whether a Water Supply Report is required. A Water Supply Report will not be required if the project meets the adopted Zero Water Footprint definition. This can be accomplished by projects with no additional water demand or by projects which offset increased water demand by off-site conservation measures.
- C) Water Supply Report.** A Water Supply Report shall be prepared for all projects that do not meet the adopted Zero Water Footprint definition. The Water Supply Report shall be prepared by the City of American Canyon at the cost of the project applicant. The Water Supply Report shall be substantially in the form of the report approved in the City's Resolution No. 2008-02, or in a new form approved by the County and approved by the City in a new resolution and shall include the following analysis:
- 1) Water service request
 - a) Description of project
 - b) Water service request
 - (i) Average Daily Demand
 - (ii) Peak Day Demand
 - c) Conservation Measures Included in Project
 - 2) Consistency
 - a) Urban Water Management Plan
 - b) Recycled Water Facilities Plan
 - c) Water Conservation Implementation Guidelines
 - 3) Water footprint
 - a) Zero Water Footprint Definition
 - b) Project's impact on reliability
 - c) Project's impact on rates

- d) Project's water footprint
- 4) Project's contribution
 - a) Capacity fee
 - b) Reimbursable improvements
- 5) Capital program status
 - a) Summary
 - b) System planning status
 - c) Water supply
 - (i) Water supply implementation status
 - (ii) Water supply alternatives
 - d) Water treatment
 - (i) Water treatment implementation status
 - (ii) Water treatment alternatives
 - e) Water storage, transmission, and distribution status
 - f) Water capital program financial status
- 6) Vineyards analysis
 - a) Vineyards decision
 - b) Facts with respect to solutions to water supply problems
 - c) Water supply over the life of the project
 - d) Impacts of likely future water sources
 - e) Possible replacement sources and their impacts
- 7) Recommended mitigations
 - a) Long term water mitigations
 - b) Short term water mitigations
- 8) Opportunities to reduce project's water footprint
 - a) On-site conservation opportunities
 - b) Off-site conservation opportunities

D) Applicant Review of Water Supply Report. The Water Supply Report, once approved by the City, will be furnished to the project applicant. If the applicant elects to revise the project to reduce the water footprint, the Water Supply Report may be revised at the applicant's cost.

E) Water Will Serve Letter. Water will-serve letters are required for projects outside of the Napa Valley Gateway project limits that are requesting increased water services from the City. The Napa Valley Gateway project is subject to the terms and conditions of a will-serve letter for the entire project agreed upon between the City of American Canyon and Charles Slutzkin of Napa Valley Gateway Limited in a will-serve letter agreement dated December 13, 2002. So long as the terms and conditions of that will-serve letter agreement are complied with, developments of parcels within the Napa Valley Gateway project limits will not require any Water Supply Report or additional will-serve letters.

EXHIBIT G

Appeal Procedure: Zero Water Footprint Methodology

1. **Grounds for Appeal- Conditions of Approval.** If the water service application is for a parcel outside the City's limits, then the City shall, within 30 days of receipt of such application, provide to the Applicant and the County any conditions of approval that the City proposes to impose on the parcel at least 90 days before imposing the conditions of approval.

Conditions of approval that result from the Water Supply Report and that the City proposes to include in a water service will-serve letter that will be issued by the City for a parcel outside of the City's limits may be appealed by an Applicant under the process described in Section 3 below.

2. **Exceptions:** An appeal may not challenge water rates imposed by the City that are consistent with *Hansen v. City of San Buenaventura* (1986) 42 Cal.3d 1172, and the City's Ordinance 2007-13. An appeal also may not challenge Capacity Fees that are set pursuant to the City's Ordinance 2007-09, or new capacity fees approved by the County and enacted in a new City ordinance.

3. **Appeal Process and Appeal Panel.** An appeal of water service conditions of approval that the City proposes for a parcel outside the City's limits may be filed within ninety (90) days after the proposed conditions are forwarded to the Applicant and the County for inclusion in a development permit. The appeal will be heard by the panel described in the following paragraph, and this panel will determine whether any of the conditions under appeal is inconsistent with any provision of this Agreement.

The Appeal Panel will be made up of one member selected by the County Executive Officer, one member selected by the City Manager and one member selected by the two appointed members. If the two appointed members cannot agree on the third member, the name of each candidate shall be placed in a hat to be drawn for selection. The decision of the Appeal Panel will be final, but subject to judicial review pursuant to Code of Civil Procedure section 1094.5. The reasonable cost of the Appeal Panel shall be borne by the Applicant.

EXHIBIT H

City's Water Service Area

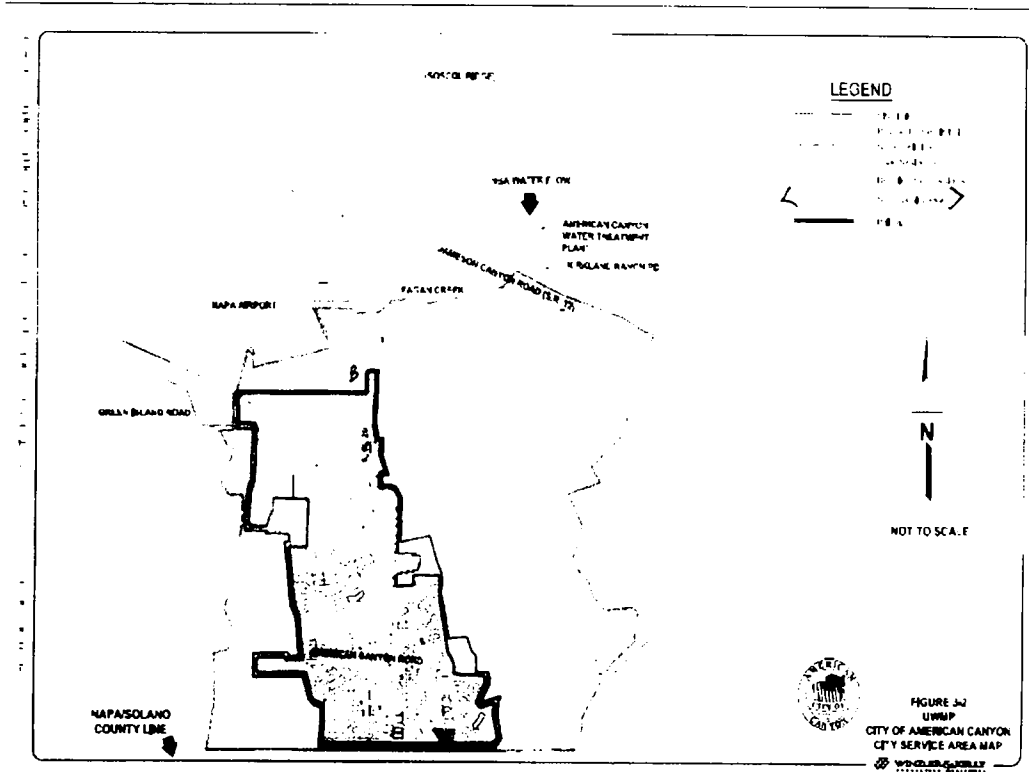
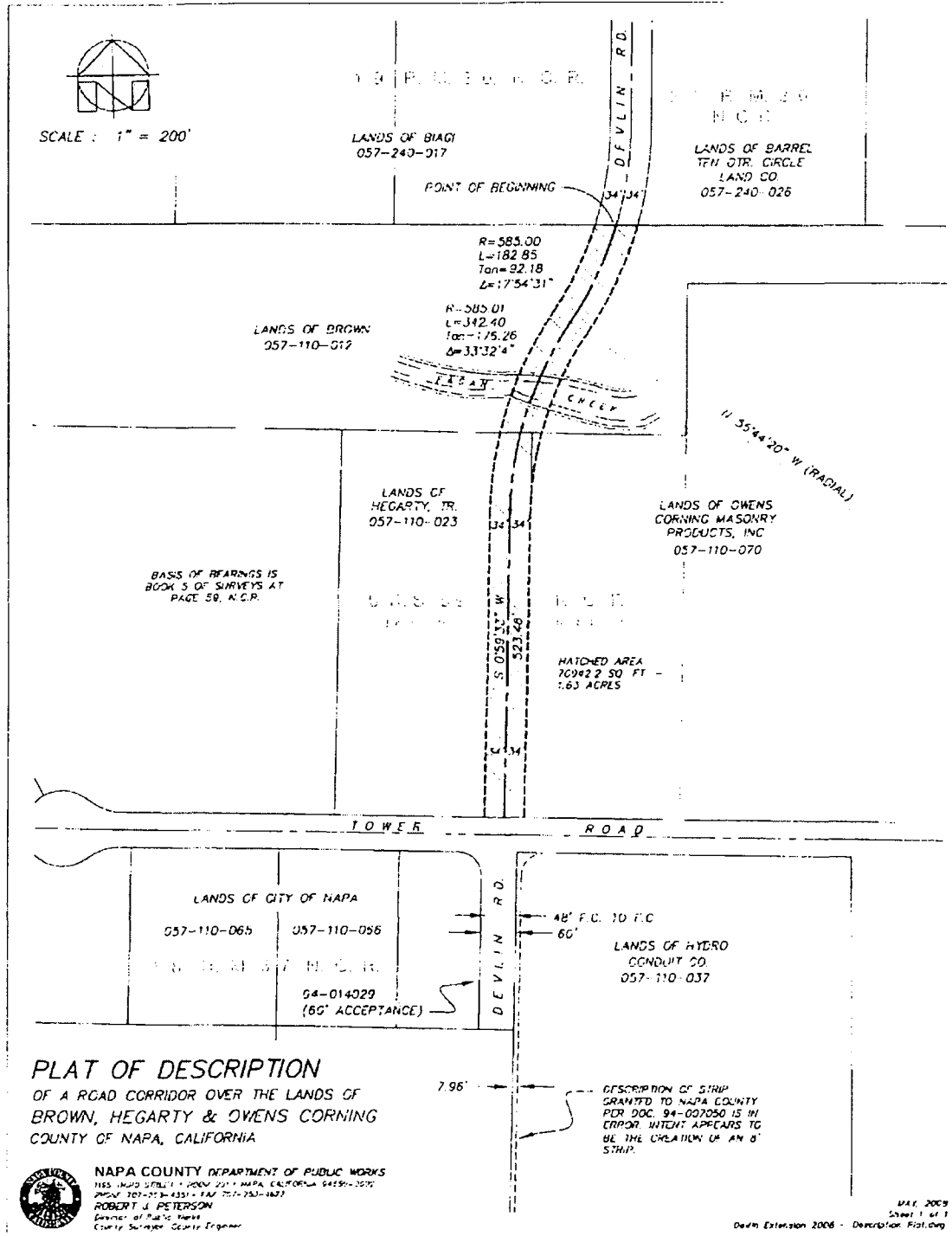


EXHIBIT I

Devlin Road Extension



Being a portion of that parcel of land conveyed to the Brown Trust by deed filed November 4, 1987 and recorded in Book 1547 of Official Records at Page 932 in the office of the Recorder of Napa County, California; being also a portion of Parcel "B" as shown on the Record of Survey filed February 24, 1960 and recorded in Book 5 of Surveys at Page 59 in the office of the Recorder of Napa County, California, and also shown on the "Plat of Description" attached hereto and made a part hereof by reference; more particularly described as follows:

A STRIP OF LAND, 68 feet wide, the centerline of which is described as follows:

BEGINNING at a point on the northerly line of the aforementioned lands of Brown, said point being also the southerly terminus of the centerline of "Devlin Road", as shown on the Final Map filed February 19, 1999 and recorded in Book 21 of Record Maps at Page 30 - 33 in the office of the Recorder of Napa County, California; said point being also a point on a compound curve concave to the northwest having a radius of 585.00; thence southerly 182.85 feet along said curve through a central angle of $17^{\circ}54'31''$ to the beginning of a reverse curve concave to the southeast having a radius of 585.00 feet and to which beginning a radial line bears $N 55^{\circ}44'20'' W$; thence southerly 342.40 feet through a central angle of $33^{\circ}32'04''$; thence leaving said curve along a line parallel to and 34 feet westerly of the easterly line of Parcel "B" as shown on the aforementioned Record of Survey filed February 24, 1960 and recorded in Book 5 of Surveys at Page 59 in the office of the Recorder of Napa County, California, $S 00^{\circ}59'33'' W$ 523.46 feet more or less to the northerly right of way line of Tower Road.

The sidelines of the above described 68 foot strip to be extended or shortened to terminate at the northerly line of that parcel of land conveyed to the Brown Trust by deed filed November 4, 1987 and recorded in Book 1547 of Official Records at Page 932 in the office of the Recorder of Napa County, California, and the northerly right of way line of Tower Road.

A portion of Napa County Assessor's Parcel Numbers 057-110-012, 023 & 070

Containing 70942 square feet or 1.63 Acres, more or less.

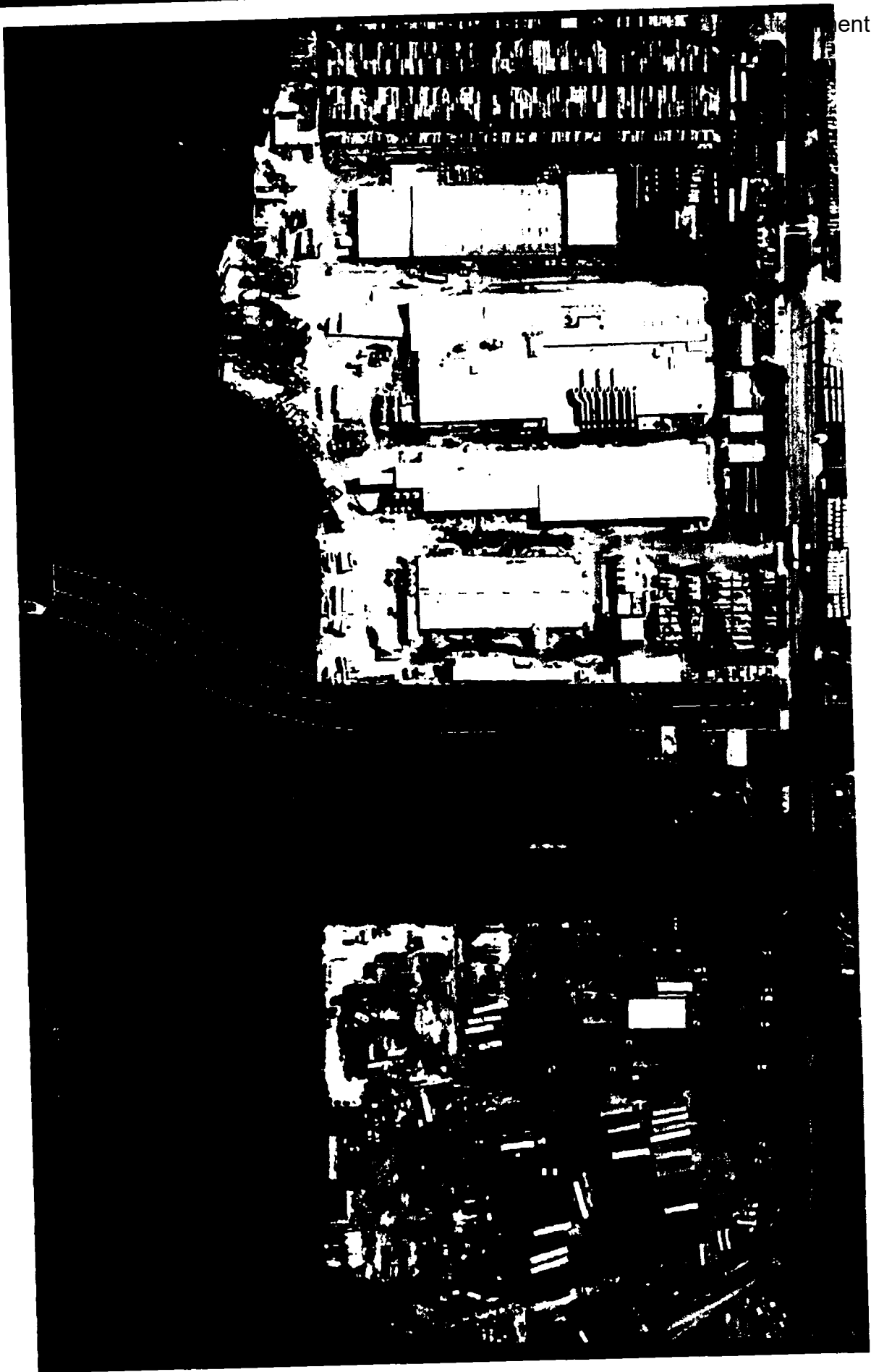


EXHIBIT LIST

- EXHIBIT A** Legal Description of Panattoni Parcel
- EXHIBIT B** Legal Description of Headwaters Parcel
- EXHIBIT C** Legal Description of Atkins Parcel
- EXHIBIT D** Legal Description - Proposed Urban Limit Line for American Canyon, CA
- EXHIBIT E** Water Conditions To Be Imposed On All Parcels (City Customers and Outside Customers) For Which New Water Service is Requested
- EXHIBIT F** Zero Water Footprint and Water Supply Report Methodology
- EXHIBIT G** Appeal Procedure: Zero Water Footprint Methodology
- EXHIBIT H** City's Water Service Area
- EXHIBIT I** Devlin Road Extension



Via Email

bfreeman@napa.lafco.ca.gov

November 23, 2021

Brendon Freeman
 LAFCO Executive Officer
 Local Agency Formation Commission
 of Napa County
 1754 Second Street, Suite C
 Napa, CA 94559

Re: **OPPOSITION – Proposed Sphere of Influence Amendment
 1661 Green Island Road**

Dear Executive Officer Freeman and Members of the Commission:

The California Farm Bureau Federation and the Napa County Farm Bureau (collectively “Farm Bureau”)¹ write to express our continued opposition to the proposed sphere of influence amendment for the property located at 1661 Green Island Road in American Canyon. We attach our 2018 letter to the Napa County Board of Supervisors on this matter and urge the Commission to deny this application as the request arises again in 2021.

It is apparent from the application that the owners have been disappointed in the property’s potential as a vineyard. Nothing within the project application materials rules out the use of the property for all other agricultural purposes as a matter of course², however, or takes away from the property’s ancillary value as open space. It would set a bad precedent in Napa County for an annexation request or sphere amendment to be approved simply because the agricultural land in question was deemed unfit for an owner’s best expectations of particular crop return, or because the owner had difficulty marketing the land on the basis of that particular crop expectation.³

¹ The California Farm Bureau is a non-governmental, non-profit, voluntary membership California corporation whose purpose is to protect and promote agricultural interests throughout the state of California and to find solutions to the problems of the farm, the farm home, and the rural community. Farm Bureau is California's largest farm organization, comprised of 53 county Farm Bureaus currently representing more than 22,000 agricultural members in 56 counties, including over 1,000 members within the County of Napa. Farm Bureau strives to protect and improve the ability of farmers and ranchers engaged in production agriculture to provide a reliable supply of food and fiber through responsible stewardship of California's resources.

² In point of fact, there are a number of agricultural crops which are tolerant of high-salinity soils, including hay, oats and rye. These crops are grown with success in neighboring Sonoma County, as an example.

³ The attachments to the application seem mainly to indicate that the land is not good for a vineyard. The “Site Visit Report” by Vineyard Soil Technologies *does not* broadly conclude, as the applicants state, that future agricultural use is precluded; it is overwhelmingly focused on the land as a *vineyard*. Similarly, applicants overstate their difficulties in marketing the land for *vineyard purposes* as support for the much broader proposition that the property is “no longer suitable for agricultural use.”

Brendon Freeman
1661 Green Island Road
November 23, 2021

We appreciate your careful consideration of the foregoing and thank the Commission for the opportunity to comment as set forth above.

Very Truly Yours,



Ryan Klobas
CEO
Napa County Farm Bureau



Christian C. Scheuring
Managing Counsel
California Farm Bureau

Enclosure:

CC: County of Napa Board of Supervisors:

Alfredo.Pedroza@countyofnapa.org
Diane.Dillon@countyofnapa.org
Ryan.Gregory@countyofnapa.org
Belia.Ramos@countyofnapa.org
Brad.Wagenknecht@countyofnapa.org

City of American Canyon City Council:

Mariam Aboudamous - maboudamous@cityofamericancanyon.org
David Oro - doro@cityofamericancanyon.org
Pierre Washington - pwashington@cityofamericancanyon.org
Mark Joseph - mjoseph@cityofamericancanyon.org
Leon Garcia - lgarcia@cityofamericancanyon.org

David Morrison, County of Napa
David.Morrison@countyofnapa.org

Minh Tran, County of Napa
Minh.Tran@countyofnapa.org

Jason Holley, City of American Canyon
jholley@cityofamericancanyon.org

Bill Ross, City of American Canyon
wross@lawross.com



July 19, 2018

Board of Supervisors
County of Napa
1195 Third Street, 3rd Floor
Napa, CA 94559

Dear Board of Supervisors:

On July 18, 2018, the Napa County Farm Bureau Board of Directors took under advisement the issue of annexation of 1661 Green Island Road to the City of American Canyon. After careful consideration, the Board of Directors voted unanimously to oppose annexation of the parcel to the City of American Canyon.

The Napa County Farm Bureau has studied this issue closely. We have received information from the interested parties and realize the inherent issues with the parcel. We recognize that the owners of the parcel believe the parcel is no longer viable for agricultural use and wish to annex the parcel into the City of American Canyon. However, we strongly disagree that the parcel is no longer viable for agricultural use. While grape growing may be the property owners' preferred use, it is certainly not exhaustive of all other forms of agriculture that can be conducted on the property. In accordance with Farm Bureau's land use policies, we believe annexing this parcel to the City of American Canyon sets a very unwise precedent for agricultural zoning in Napa County and we remain strongly opposed to its annexation.

Thank you for your time and attention to this matter.

Sincerely,

A handwritten signature in cursive script that reads 'Johnnie White'.

Johnnie White
President
Napa County Farm Bureau

cc: Brendon Freeman, LAFCO
Minh Tran, County of Napa
David Morrison, County of Napa
Jason Holley, City of American Canyon



A Tradition of Stewardship
A Commitment to Service

Planning, Building & Environmental Services

1195 Third Street, Suite 210
Napa, CA 94559
www.countyofnapa.org

David Morrison
Director

December 1, 2021

Brendon Freeman, Executive Officer
Napa County Local Agency Formation Commission (LAFCO)
1754 Second Street, Suite C
Napa, California 94559

RE: **GREEN ISLAND VINEYARD SPHERE OF INFLUENCE AMENDMENT APPLICATION**

Dear Mr. Freeman:

Napa County (County) would like to express our appreciation to LAFCO Commissioners and staff for considering our critical concerns over the proposed Green Island Vineyards Sphere of Influence (SOI). This proposal seeks to amend the SOI for the City of American Canyon (City) and American Canyon Fire District (District) to include this property, which is the first step toward annexation and urbanization. This action would be in direct conflict with the City General Plan, County General Plan, adopted Memorandum of Understanding on growth boundaries between the City and County, and ultimately, LAFCO's Sphere of Influence Policy. Consideration and approval of this SOI amendment is extremely premature by designating an area for future annexation well in advance of any evaluation of the land use and environmental consequences.

The County and the cities/town have a long history of thoughtful and balanced consideration of urban boundary expansion and protection of agricultural lands. To that end, in 2008, the City and County entered into an agreement on the growth boundary for the City. Among other commitments between the agencies, the agreement set forth that the County would support certain annexations of unincorporated properties located within the growth boundary in turn for the City ensuring that additional properties beyond the boundary would not be considered for inclusion within the City prior to 2030, absent voter approval. This proposal is outside of the growth boundary described in that agreement. This proposal should not be considered until at least 2030, and not until the City has taken steps to include this site within their General Plan and various master plans for the provision of urban services. LAFCO should therefore deny this request.

The Objective of LAFCO's Sphere of Influence Policy (Section III) is to "promote the orderly expansion of cities, towns, and special districts in a manner that ensures the protection of the environment and agricultural and open space lands while also ensuring the effective, efficient, and economic provision of essential public services, including public water, wastewater, fire protection and emergency response, and law enforcement." This proposal does not conform to that objective for the following reasons:

- American Canyon's General Plan, including its plans for expansion, does not contemplate inclusion of this property within the City.
- No review of the potential environmental impacts has been conducted, and no project commitments have been put forth to ensure protection of the environment.

Green Island Vineyard SOI
Amendment Application
November 30, 2021

MSR or the City's General Plan and water and sewer master plans. All of these documents will require amendment/updating, including evaluation of potential environmental impacts under CEQA.

- Policy V.A.9 directs that the following land use criteria shall be considered in determining SOI's:
 - a. Land designated for agriculture and open space – The project site is designated for agricultural land use.
 - b. Consistency with the County and City General Plans – The project conflicts with County General Plan Policy AG/LU-130 which recognizes and supports the City's currently adopted urban growth boundary that does not include the subject property. The City has not taken a position to either support or oppose the SOI Amendment, and thus has not provided comments on the proposal's consistency with their General Plan. Adopted policies of affected agencies promoting infill development – As noted previously, the project conflicts with the City/County growth boundary agreement, which implements and supports both agencies General Plans and their overarching goals to direct non-agricultural development into urbanized areas and limit conversion of agricultural lands.
 - c. Amount of existing vacant or undeveloped land located within the affected agency – The applicant's submittal materials do not address this. Furthermore, the City has not taken a position to either support or oppose the SOI Amendment, and thus has not provided any information on the extent of vacant or undeveloped land within its boundaries.
 - d. Adopted urban growth boundaries – As noted previously, the project conflicts with the adopted City/County growth boundary agreement.

Please also note that Section C. of LAFCO's SOI Policy states that SOI amendments will be subject to the California Environmental Quality Act (CEQA). This policy is consistent with the State CEQA Guidelines and supporting case law. This project represents the first step toward inclusion of the property within the City of American Canyon and thus enabling its conversion to urban land uses. Should LAFCO proceed with this application, the CEQA evaluation should occur prior to any final decision. Typically, before LAFCO would see an application of this nature, the City would have prepared a thorough environmental review, (likely an Environmental Impact Report) in concert with required changes to their General Plan and facilities master plans.. Without the environmental review, LAFCO does not have sufficient information to adequately evaluate the potential impacts of this proposal.

As detailed in this letter, there is a strong and compelling argument for LAFCO to deny this request. Agriculture is the foundation of our community identity and the local economy within Napa County. Any loss of farmland needs to be carefully considered in the context of available alternatives and the cumulative effect on the larger land use strategy shared by the City, County, and LAFCO. None of this context is provided with the proposal, which instead has been provided an accelerated process that prevents the thoughtful and deliberative consideration needed when addressing incremental impacts to the future of agriculture.

Thank you for providing an opportunity to review and comment on the document. If you should have any questions regarding any of the items listed above, please feel free to contact me at 707-253-4805 or by email at david.morrison@countyofnapa.org,

Sincerely,



David Morrison

Planning, Building and Environmental Service Director

cc: Board of Supervisors
Minh Tran, Napa County CEO
Jason Holley, American Canyon City Manager



December 3, 2021

Brendon Freeman
LAFCO Executive Officer
Local Agency Formation Commission of Napa County
1754 Second Street, Suite C
Napa, CA 94559

Re: Comment to Commission – Please Read: Proposed Sphere of Influence Amendment to 1661 Green Island Road

Dear LAFCO Executive Officer Freeman and Members of the Commission,

On Behalf of the Napa Valley Grapegrowers’ 700 members, with a mission to preserve and promote Napa Valley’s world-class vineyards, I write to express our opposition to the proposed amendment to the sphere of influence (SOI) for 1661 Green Island Road, which would be a step in the direction of annexation. Preservation is one of the key foundations of who we are as an organization, and as such, NVG has continuously supported policies that protect land zoned for agriculture. This history of commitment to ag preservation has defined Napa County and distinguished us from other regions that have lost farmland at staggering rates to urban development and other pressures.

As such, NVG urges you to deny the SOI amendment. To allow this would set a risky precedent that could lead to more attempts to annex and convert ag land throughout Napa County. Furthermore, the purpose of protections such as the Ag Preserve and Ag Watershed zoning policies is to protect all kinds of agriculture—not only vineyard land; so, while this site may pose unique challenges for growing grapes, this does not mean that it is unsuitable for all forms of agriculture. To amend the SOI for this reason would also set a bad precedent for protecting all types of ag land moving forward. We believe this also against LAFCO’s own stated policy “to promote the orderly expansion of cities, towns, and special districts in a manner that ensures the protection of the environment and agricultural and open space lands...”

We greatly appreciate LAFCO Commissioners and staff for taking these concerns into consideration.

Sincerely,

A handwritten signature in black ink that reads "Michael Silacci".

Michael Silacci, President, Napa Valley Grapegrowers



napa valley vintners

March 7, 2022

Via Electronic Mail
Bfreeman@napa.lafco.ca.gov

Brendon Freeman, Executive Officer
Local Agency Formation Commission of Napa County
1754 Second Street, Suite C
Napa, CA 94559

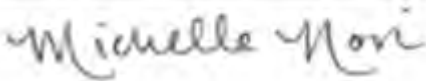
Re: GIV, LLC Application for Sphere of Influence Amendment

Dear Mr. Freeman

After consideration by our Community and Industry Issues Committee and the Board of Directors, the Napa Valley Vintners (NVV) submits the following comments regarding the possible inclusion of 1661 Green Island Road into the American Canyon Sphere of Influence:

It has always been the position of the Napa Valley Vintners that Agricultural lands in Napa County should be preserved, whether in the Agricultural Preserve, or in the Agricultural Watershed. The NVV recognizes the unique circumstances surrounding the parcel at 1661 Green Island Road in American Canyon; however, we feel that any change in land use should go through the existing process with Napa County, including a vote from the people.

Sincerely,

A rectangular box containing a handwritten signature in cursive that reads "Michelle Novi".

Michelle Novi
Industry Relations and Regulatory Affairs Director
Napa Valley Vintners
707-968-4206



AMERICAN CANYON FIRE PROTECTION DISTRICT

Michael P. Cahill
Fire Chief

911 DONALDSON WAY, EAST
AMERICAN CANYON, CA. 94503
Phone 707-551-0650 Fax 707-642-0201

Geoff Belyea
Assistant Fire Chief

March 23, 2022

VIA E-MAIL

Diane.DILLON@countyofnapa.org

The Honorable Diane Dillon, Chair
and Commission Members
Napa County Local Agency Formation Commission
1754 Second Street, Suite C
Napa, CA 94559-2450
Attn: Brendan Freeman, Executive Officer
bfreeman@napa.lafco.ca.gov

Re: Napa County LAFCO Application No. 2109-30; GIV, LLC Request for Sphere of Influence Amendment of American Canyon Fire Protection District

Dear Chair Dillon and Commission Members:

At a properly noticed March 22, 2022 meeting of the American Canyon Fire Protection District ("District") Board of Directors ("Board"), the Board by unanimous vote of Board Members present (4-0), endorsed the Application of GIV, LLC (now known as Green Island Property, LLC), for an Amendment of the District Sphere of Influence ("SOI") to include the Green Island Property, LLC property (the "affected property") within the District SOI.

The District respectfully notes that affected property has been continuously served by the American Canyon Formation District since its formation in 1957 for the services authorized in the District's principle Act, the Fire Protection District Law of 1987, including fire suppression and prevention, hazardous materials response and emergency medical services.

Should you have any questions, please contact District Chief Mike Cahill at: (707) 551-0651.

Sincerely yours,

A handwritten signature in blue ink that reads "Leon Garcia".

Leon Garcia, Board Chair
American Canyon Fire Protection District

March 23, 2022

Page 2

cc: Mark Joseph, Board Member
Pierre Washington, Board Member
David Oro, Board Member

Mike Cahill, Chief
Geoff Belyea, Assistant Chief
Martha Banuelos, Fire Executive Assistant/Office Administrator

Jason Holley, City Manager, City of American Canyon

David Gilbreth, Comanager, Green Island Property, LLC



December 2, 2021

Sent Via Email to:

bfreeman@napa.lafco.ca.gov

Brendon Freeman, Executive Officer
Local Agency Formation Commission of Napa County
1754 2nd St, Suite C
Napa, California 94559

Subject: Green Island Vineyards landowner request to amend the City of American Canyon and American Canyon Fire Protection District Spheres of Influence involving 1661 Green Island Road (APN 058-030-041)

Dear Mr. Freeman:

Thank you for the public hearing notice and staff report informing the City that on December 6, 2021, the Napa County LAFCO Board will consider a landowner request to amend of the City of American Canyon and American Canyon Fire Protection District spheres of influence (SOI).

As explained in the public hearing notice and staff report, the application includes approximately 157.15 acres of unincorporated territory located at 1661 Green Island Road (APN 058-030-041). The staff report notes the property is located outside the boundaries of the 2008 SOI and Urban Limit Line (ULL) Agreement between the City of American Canyon and Napa County.

This letter is intended to inform the LAFCO Board that the City of American Canyon takes "no position" on the proposed application. If you have any questions, I may be contacted at (707) 647-4335 or by e-mail at bcooper@cityofamericancanyon.org.

Sincerely,

A handwritten signature in black ink, appearing to read "Brent Cooper".

Brent Cooper, AICP
Community Development Director

Copies to:

Jason Holley, City Manager
Mike Cahill, Fire Chief, American Canyon Fire Protection District
Bill Ross, City Attorney



Andrea A. Matarazzo

Partner

andrea@pioneerlawgroup.net

direct: (916) 287-9502

September 15, 2021

Via Electronic Mail

bfreeman@napa.lafco.ca.gov

dgillick@sloansakai.com

Brendon Freeman, Executive Officer
Local Agency Formation Commission of Napa County
1754 Second Street, Suite C
Napa, CA 94559-2450

DeeAnne Gillick, Senior Counsel
Sloan Sakai Yeung & Wong, LLP
555 Capitol Mall, Suite 600
Sacramento, CA 95814

Re: GIV, LLC Application to Napa County LAFCO for Sphere of
Influence Amendment (Napa County APN 058-030-041)

Dear Mr. Freeman and Ms. Gillick:

Pioneer Law Group, LLP represents GIV, LLC, owner of the above-referenced property located at 1661 Green Island Road, American Canyon, California, 94503.

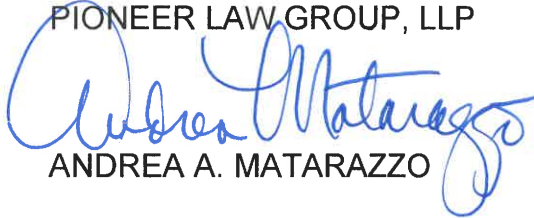
As you may know, GIV, LLC is preparing an application to amend the sphere of influence of the City of American Canyon to include this property. GIV, LLC expects to timely file its application on or before October 1, 2021, so that Napa County LAFCO may consider the request at its meeting scheduled for Monday, December 6, 2021, at 2:00 p.m. Accordingly, we enclose for your review and use our analysis of GIV, LLC's proposed amendment in relation to the provisions of the California Environmental Quality Act ("CEQA").

GIV, LLC's proposed SOI amendment is exempt from CEQA and no environmental review is required because it continues the status quo of existing conditions and results in no new land use or municipal service authority.

Re: GIV, LLC Application to Napa County LAFCO for Sphere of Influence
Amendment (Napa County APN 058-030-041)
September 15, 2021
Page 2

Thank you for reviewing this information as you prepare for LAFCO's
consideration of the GIV, LLC application.

Very truly yours,

PIONEER LAW GROUP, LLP

ANDREA A. MATARAZZO

AAM:jl
Enclosure

cc: Doug Straus, Counsel, GIV, LLC
Will Nord, Manager, GIV, LLC
Ed Farver, Manager, GIV, LLC
David B. Gilbreth, Manager, GIV, LLC

TO: Brendon Freeman, Executive Officer
Local Agency Formation Commission of Napa County

DeeAnne Gillick, Senior Counsel
Sloan Sakai Yeung & Wong, LLP

cc: Doug Straus, Counsel, GIV, LLC
Will Nord, Manager, GIV, LLC
Ed Farver, Manager, GIV, LLC
David B. Gilbreth, Manager, GIV, LLC

FROM: Andrea A. Matarazzo

DATE: September 15, 2021

RE: CEQA Review of Proposed SOI Amendment

QUESTION PRESENTED: Is GIV's proposed amendment to the City of American Canyon's sphere of influence ("SOI") subject to environmental review under the California Environmental Quality Act ("CEQA")?

SHORT ANSWER: GIV's proposed SOI amendment is exempt from CEQA and no environmental review is required because it continues the status quo of existing conditions and results in no new land use or municipal service authority.

DISCUSSION:

GIV proposes an amendment to the City of American Canyon's SOI for its property located at 1661 Green Island Road, American Canyon, California, 94503 (Napa County APN 058-030-041). The SOI amendment would reflect the fact that the property address is in the City of American Canyon, and for many years, the City has contracted to provide and continues to provide potable and recycled water to the property. The City also provides fire protection and law enforcement services to the property, which is bordered on three sides by the City limits and is located approximately 1,000 yards south of major City development by Amazon, IKEA and Kendall Jackson Winery wine storage. We understand that Napa County does not now and has not in the past provided any

municipal services to the property, and has no infrastructure to provide water, wastewater, or other municipal services.

Accordingly, GIV's proposed SOI amendment requests LAFCO to formally recognize that the City, as the property's current and future municipal service provider, should have an opportunity to address land use planning for the property.

The Cortese-Knox-Hertzberg Act governs all types of all types of boundary changes, including SOI amendments. Under section 56428 of the Act:

- (a) Any person or local agency may file a written request with the executive officer requesting amendments to a sphere of influence or urban service area adopted by the commission. The request shall state the nature of the proposed amendment, state the reasons for the request, include a map of the proposed amendment, and contain any additional data and information as may be required by the executive officer.
- (b) After complying with the California Environmental Quality Act, Division 13 (commencing with Section 21000) of the Public Resources Code, the executive officer shall place the request on the agenda of the next meeting of the commission for which notice can be given.

(Gov. Code, § 56428.)

Compliance with CEQA does not always require an environmental document, however. "Environmental review is required under CEQA only if a public agency concludes that a proposed activity is a project and does not qualify for an exemption." (*Union of Medical Marijuana Patients, Inc. v. City of San Diego* (2019) 7 Cal.5th 1171, 1199.) Only if a public agency determines that a proposed action is both a project and not exempt from CEQA does that agency undertake an initial study (after which it determines which type of environmental document is appropriate). (*Id.* at p. 1187.)

A "project" under CEQA is "the whole of an action, which has a potential for resulting in either a direct physical change in the environment, or a reasonably foreseeable indirect physical change in the environment, and as relevant here is:

An activity directly undertaken by any public agency including but not limited to public works construction and related activities clearing or

grading of land, improvements to existing public structures, enactment and amendment of zoning ordinances, and the adoption and amendment of local General Plans or elements thereof pursuant to Government Code Sections 65100–65700.

(CEQA Guidelines, § 15378(a); see also Pub. Resources Code, § 21065.)

As California’s Supreme Court recently held, “a proposed activity is a CEQA project if, by its general nature, the activity is capable of causing a direct or reasonably foreseeable indirect physical change in the environment.” (*Union of Medical Marijuana Patients, supra*, 7 Cal.5th at p. 1197.) The appropriate inquiry is “not whether the activity will affect the environment, . . . but whether the activity’s potential for causing environmental change is sufficient to justify the further inquiry into its actual effects that will follow from an application of CEQA.” (*Id.* at p. 1198.)

Under the circumstances presented here, “further inquiry into actual effects” of the proposed SOI amendment is fundamental to the questions of whether and to what extent CEQA could apply. “Not all of LAFCO’s decisions, particularly sphere of influence determinations, require an EIR or negative declaration.” (*City of Agoura Hills v. Local Agency Formation Commission* (1988) 198 Cal.App.3d 480, 494.) Rather, case law distinguishes between two types of LAFCO actions: a decision “which constitutes an essential step culminating in action which may affect the environment and [a decision] which portends no particular action affecting the environment.” (*Fullerton Joint Union High School District v. State Board of Education* (1982) 32 Cal.3d 779, 796-797.) “The evaluation process contemplated by CEQA relates to the effect of proposed changes in the physical world which a public agency is about to either make, authorize or fund, not to every change of organization or personnel which may affect future determinations relating to the environment.” (*Simi Valley Recreation & Park District v. Local Agency Formation Commission of Ventura County* (1975) 51 Cal.App.3d 648, 666.)

The fact that SOI determinations are important factors in development “does not compel the conclusion” that they are “per se” subject to environmental review under CEQA. (*City of Agoura Hills, supra*, 198 Cal.App.3d at pp. 495-496.) This is consistent with case law recognizing that impacts which are speculative or unlikely to occur are not reasonably foreseeable under CEQA and therefore do not trigger environmental review. (See, e.g., *Aptos Council v. County of Santa Cruz* (2017) 10 Cal.App.5th 266 [potential impacts of local ordinance amending hotel zoning limits were not reasonably foreseeable

because future hotel developments were wholly speculative at the time of adoption].)

Likewise here, GIV's proposed SOI amendment does not commit any local agency to take any definite course of action or to approve any specific project; it does not foreseeably impact the physical environment in any way and therefore is not subject to CEQA review. CEQA analysis should not be undertaken when it would be speculative to do so; there must be some proposed project before CEQA analysis is required. (CEQA Guidelines, § 15004(b) [CEQA documents "should be prepared as early as feasible in the planning process to enable environmental considerations to influence project program and design yet late enough to provide meaningful information for environmental assessment"]; § 15352 [CEQA is triggered when approval commits the agency to a definite course of action]; see, e.g., *No Oil, Inc. v. City of Los Angeles* (1974) 13 Cal.3d 68, 77, fn. 5; *Lake County Energy Council v. County of Lake* (1977) 70 Cal.App.3d 851, 854; *Center for Biological Diversity v. County of San Bernardino* (2016) 247 Cal.App.4th 326, 349; see also *Kaufman & Broad-South Bay, Inc. v. Morgan Hill Unified School District* (1992) 9 Cal.App.4th 464 [agency action that establishes funding for potential future projects but does not commit the agency to proceed with them is not subject to CEQA];¹ *Citizens to enforce CEQA v. City of Rohnert Park* (2005) 131 Cal.App.4th 1594 [city's agreement to fund infrastructure to support proposed casino was not approval of a project because it merely established a funding source for improvements that the city might approve if the proposed casino were built]; *Chung v. City of Monterey Park* (2012) 210 Cal.App.4th 394, 406 [ballot measure requiring competitive bidding for city's trash collection franchise agreements was not a project because it did not commit city to a specific course of action that would affect the environment]; *Parchester Village Neighborhood Council v. City of Richmond* (2010) 182 Cal.App.4th 305, 315 [CEQA does not apply to agency actions that are merely procedural precursors to potential projects that may be modified or not implemented at all depending on a number of factors, including environmental review by the lead agency with primary responsibility for evaluating and approving it].)

Possible later phases of a project need not be considered if no commitment has been made to future actions. (See *El Dorado County*

¹ / The California Supreme Court approvingly cited *Kaufman & Broad-South Bay, Inc.* as an example of a case where, as here, the causal link between the activity (formation of the community facilities district) and potential changes in the environment (construction of a specific project) was missing. (*Union of Medical Marijuana Patients, Inc.*, *supra*, 7 Cal.5th at p. 1197.)

Taxpayers for Quality Growth v. County of El Dorado (2004) 122 Cal.App.4th 1591, 1600 [future expansion was not foreseeable consequence of project approval because decision to allow future expansion was speculative depending on environmental, social, and political factors].) CEQA recognizes that no purpose would be served in requiring speculation about the environmental consequences of uncertain future development. (*Pala Band of Mission Indians v. County of San Diego* (1998) 68 Cal.App.4th 556, 575 [because future use of tentatively reserved landfill sites was speculative, tentative reservation of such sites in county solid-waste plan was not substantial evidence of potential impact]; *Lucas Valley Homeowners Association v. County of Marin* (1991) 233 Cal.App.3d 130, 162 [because use permit to convert residence to synagogue required new or amended permit before growth or expansion, previous expansion plans were not substantial evidence that future expansion was reasonably foreseeable]; *Perley v. Board of Supervisors* (1982) 137 Cal.App.3d 424, 434, fn. 6 [county properly treated use permit for open-pit mining operation as separate for CEQA purposes from an underground mine that applicant hoped eventually to open subject to later review if application was submitted].)

So it is here. A sphere of influence amendment is a plan for possible future annexations, not a commitment. It continues the status quo without change in regard to the physical environment.² A subsequent annexation to the government responsible for delivery of services is necessary and, even then, annexations are commonly categorically exempt from CEQA review. (CEQA Guidelines, § 15319(b) [annexations of areas containing structures developed to the density allowed by current zoning are exempt as long as any utility services are designated to serve only the existing development]; § 15320 [exemption for changes in organization of local agencies].) An SOI amendment is very rarely ripe for environmental review unless it is made in conjunction with an annexation

² / Under CEQA, the potential “impacts of a proposed project are ordinarily to be compared to the actual environmental conditions existing at the time of CEQA analysis.” (*Communities for a Better Environment v. South Coast Air Quality Management District* (2010) 48 Cal.4th 310, 321–322; see also *Citizens for East Shore Parks v. State Lands Commission* (2011) 202 Cal.App.4th 549, 558–559 [same]; *Riverwatch v. County of San Diego* (1999) 76 Cal.App.4th 1428, 1453 [“environmental impacts should be examined in light of the environment as it exists when a project is approved”].)

that will lead to changes in the environment – such as new development or different government services.³

Accordingly, LAFCO agencies typically require CEQA review of sphere of influence amendments only if directly connected with a development project. In that case, CEQA review is performed by the lead agency for the project, typically a city.⁴ When engaging in routine SOI determinations, LAFCOs commonly rely on the commonsense exemption in CEQA Guidelines section 15061(b)(3), which applies when “it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment” because no new land use or municipal service authority is granted. (See, e.g., Napa County LAFCO SOI Review and Update of the Lake Berryessa Region (August 2, 2021, Agenda item 6a).)⁵

^{3/} Napa County LAFCO’s “Policy on Spheres of Influence,” adopted June 7, 2021, specifically notes that a sphere of influence amendment is simply a condition precedent to annexation, but “[i]nclusion of land within an SOI shall not be construed to indicate automatic approval of an annexation proposal.” An SOI is only one of several factors considered by LAFCO when evaluating changes of organization or reorganization.

^{4/} See, e.g. San Bernardino LAFCO Resolution No. 3293 (Nov. 20, 2019) [available at the following weblink: <http://www.sbcounty.gov/uploads/LAFCO/Proposals/3235/LAFCOResolution3293.pdf>].

In certain unique circumstances, LAFCO will serve as lead agency. For example, Santa Cruz LAFCO did so when adjusting the City of Scotts Valley’s sphere of influence in 2016. This was done in response to a request from the City of Scotts Valley due to an expected future annexation and development. (Santa Cruz LAFCO Resolution No. 2016-13 (December 7, 2016) [available at the following weblink: <https://www.santacruzlafco.org/wp-content/uploads/2016/12/12-7-16-Agenda-Packet-Reduced-Size.pdf>].)

^{5/} See also Alameda LAFCO Resolution No. 2006-43 (Sept. 22, 2006) [available at the following weblink: https://www.acgov.org/lafco/documents/soi_Pleasanton.pdf]; Santa Cruz LAFCO Resolution No. 2021-11 (May 5, 2021) [available at the following weblink: <https://www.santacruzlafco.org/wp-content/uploads/2021/04/5a.4-Attachment-Draft-Reso-No.-2021-11.pdf>]; El Dorado LAFCO Notice of Exemption (Jan. 28, 2010) [available at the following weblink:

Here, even if LAFCO desired to treat GIV's proposed SOI amendment as a CEQA event and prepare an environmental analysis of potential future development, it would be a speculative and essentially meaningless exercise. LAFCO would have no ability, beyond mere speculation, to identify appropriate land uses, analyze their environmental impacts, formulate mitigation measures, or consider alternatives. GIV's proposed SOI amendment therefore is exempt from CEQA, and no environmental review is required.

https://www.edlafco.us/files/c1920684e/10Jan_Item6_StaffMemo_Attachment_B_NOE.pdf].

RESOLUTION NO. ____

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

**SPHERE OF INFLUENCE AMENDMENTS INVOLVING THE CITY OF AMERICAN CANYON,
AMERICAN CANYON FIRE PROTECTION DISTRICT, AND 1661 GREEN ISLAND ROAD**

WHEREAS, a landowner seeking sphere of influence (SOI) amendments involving the City of American Canyon (“the City”), American Canyon Fire Protection District (ACFPD), and unincorporated territory located at 1661 Green Island Road has filed an application 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 application seeks Commission approval to amend the spheres of influence of the City and ACFPD to include approximately 157.15 acres of territory comprising one entire parcel identified by the County of Napa Assessor’s Office as 058-030-041; and

WHEREAS, the Executive Officer prepared a written report of the application; and

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

WHEREAS, the Commission heard and fully considered all the evidence presented at a properly noticed public hearing held on December 6, 2021 and April 4, 2022; and

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

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

The requested SOI amendments involving the City and ACFPD are hereby denied as the SOI is inconsistent with the following Commission Policies: Sections III, V(A)(1), V(A)(3), V(A)(6), V(A)(8)(b), V(A)(9)(a), V(A)(9)(b), V(A)(9)(c), and V(A)(9)(f). The SOI request would not ensure the protection of agricultural lands and would facilitate the conversion of agricultural lands to an urban use. The SOI request would not promote orderly development and would allow for the premature conversion of agricultural lands. The County General Plan land use map designates the affected territory as *Agriculture, Watershed, and Open Space*. The affected territory is subject to Measure P and is limited to agriculture land use unless voter approval occurs and including this territory in the SOI promotes conversion of agricultural land. Furthermore, the affected territory is located outside the City’s urban limit line.

The foregoing resolution was duly and regularly adopted by the Commission at a public meeting held on April 4, 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

RESOLUTION NO. ____

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

**SPHERE OF INFLUENCE AMENDMENTS INVOLVING THE CITY OF AMERICAN CANYON,
AMERICAN CANYON FIRE PROTECTION DISTRICT, AND 1661 GREEN ISLAND ROAD**

WHEREAS, a landowner seeking sphere of influence (SOI) amendments involving the City of American Canyon (“the City”), American Canyon Fire Protection District (ACFPD), and unincorporated territory located at 1661 Green Island Road has filed an application 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 application seeks Commission approval to amend the spheres of influence of the City and ACFPD to include approximately 157.15 acres of territory comprising one entire parcel identified by the County of Napa Assessor’s Office as 058-030-041; and

WHEREAS, the Executive Officer prepared a written report of the application; and

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

WHEREAS, the Commission heard and fully considered all the evidence presented at a noticed public hearing held on December 6, 2021, and April 4, 2022; and

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

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

1. The SOIs of the City and ACFPD are hereby amended to include all areas within their current SOIs as of the date of this resolution plus the area shown in Exhibit One.
2. The Commission finds that the SOI is consistent with Commission Policy Sections III, V(A)(1), V(A)(3) , V(A)(6), V(A)(8)(b), V(A)(9)(a), V(A)(9)(b), V(A)(9)(c), and V(A)(9)(f) based on the following: [Commission will determine facts and findings to support approval]

3. The Commission finds the SOI amendments are exempt from further review under the California Environmental Quality Act pursuant to Title 14 of the California Code of Regulations Section 15061(b)(3). This finding is based on the Commission determining with certainty the SOI amendments would not cause the direct, or reasonably foreseeable indirect, physical change in the environment and does not have the potential for causing a significant effect on the environment, as no new land use or municipal service authority would be provided. This finding is based on its independent judgment and analysis. The Executive Officer is the custodian of the records upon which this determination is based and such records are located at the Commission office located at 1754 Second Street, Suite C, Napa, California.
4. Pursuant to California Government Code Section 56425, the Commission adopts the statement of determinations as shown in Exhibit Two.
5. The Commission hereby directs staff to file a Notice of Exemption upon the receipt of the appropriate Commission fee in compliance with CEQA.
6. The effective date of this sphere of influence update shall be immediate upon the Executive Officer's receipt of the appropriate Commission fee.
7. The Executive Officer shall revise the official records of the Commission to reflect the SOI amendments upon the receipt of the appropriate Commission fee.

The foregoing resolution was duly and regularly adopted by the Commission at a public meeting held on April 4, 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

EXHIBIT ONE

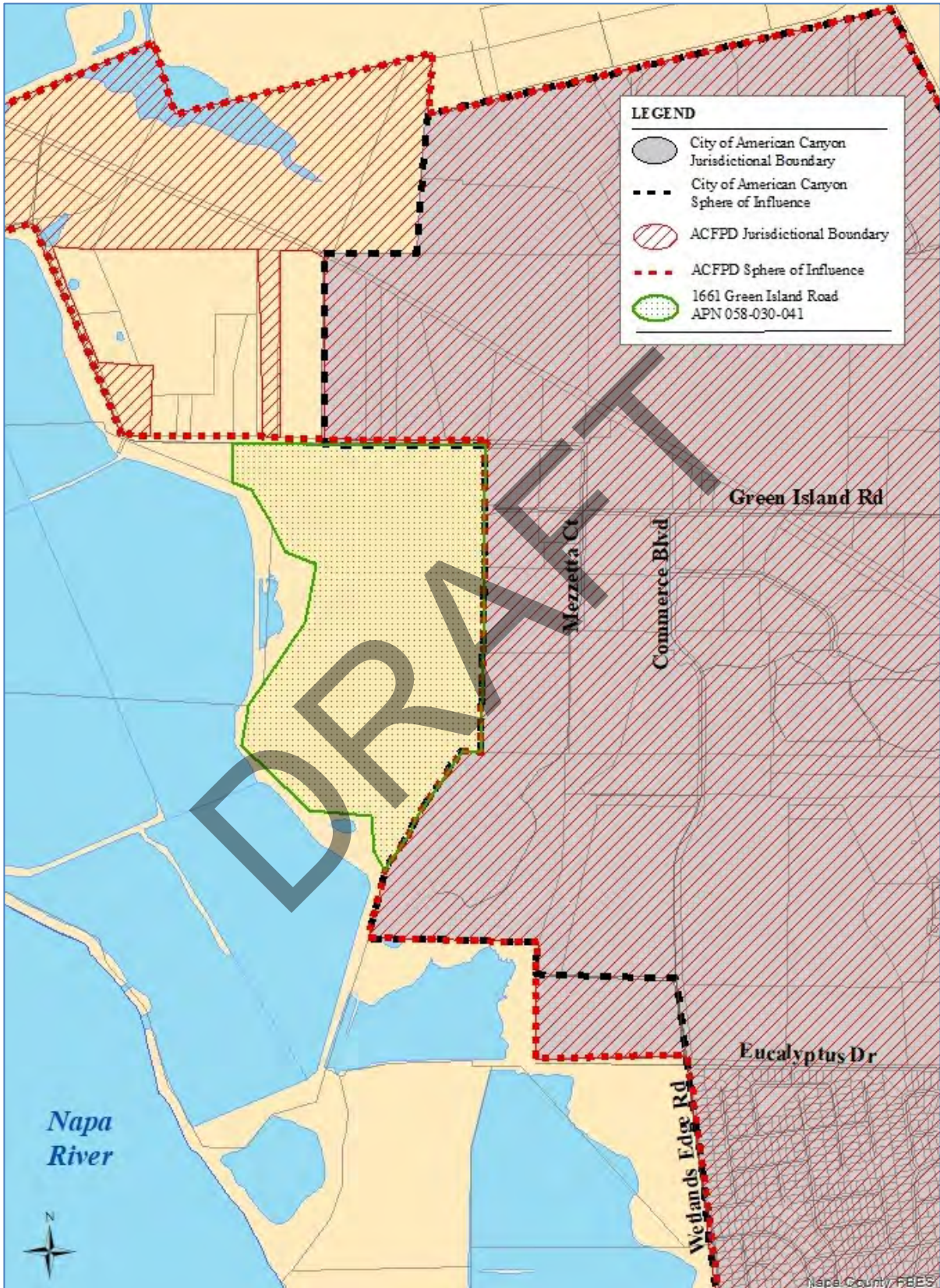


EXHIBIT TWO

STATEMENT OF DETERMINATIONS

SPHERE OF INFLUENCE AMENDMENTS INVOLVING THE CITY OF AMERICAN CANYON, AMERICAN CANYON FIRE PROTECTION DISTRICT, AND 1661 GREEN ISLAND ROAD

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

The County General Plan assigns the affected territory a land use designation of *Agriculture, Watershed, and Open Space* and zoning standard of *Agricultural Watershed: Airport Compatibility*. These land use characteristics prescribe a minimum lot size of 160 acres. Actual land uses within the affected territory are currently limited to a commercial vineyard. There are no other planned land uses for the affected territory at this time. However, the discontinuation of existing vineyard operations is planned.

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

The affected territory currently receives outside water service from the City through a grandfathered agreement consistent with G.C. Section 56133. This includes potable water during the summer months for the vineyard's frontage road located on Jim Oswalt Way. In addition, the City provides potable and reclaimed water for irrigation of the vineyard, with City meters historically showing very little potable use for this purpose. The affected territory also receives fire protection and law enforcement services from the County. Based on current and planned land uses, there is no need for additional public facilities or services within the affected territory at this time.

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

Based on the Commission's *South County Region Municipal Service Review and Sphere of Influence Updates* adopted in 2018, the City and ACFPD have established adequate capacity to provide a full range of municipal services to the affected territory based on the current land use as a commercial vineyard.

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

There are no social or economic communities of interest that are relevant to any potential SOI amendments involving the affected territory.

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

There are no disadvantaged unincorporated communities within the City's SOI or ACFPD's SOI.



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 6b (Public Hearing)

TO: Local Agency Formation Commission

PREPARED BY: Brendon Freeman, Executive Officer *BF*

MEETING DATE: April 4, 2022

SUBJECT: Proposed Budget for Fiscal Year 2022-23

RECOMMENDATION

It is recommended the Commission take the following actions:

- 1) Open the public hearing and take testimony;
- 2) Close the public hearing;
- 3) Adopt the Resolution of the Local Agency Formation Commission of Napa County Adopting a Proposed Budget for the 2022-23 Fiscal Year (Attachment One);
- 4) Direct staff to circulate the adopted proposed budget to each of the funding agencies as well as the general public for review and comment; and
- 5) Direct the Budget Committee to return with recommendations for a final budget for adoption at a noticed public hearing on June 6, 2022.

BACKGROUND AND SUMMARY

LAFCOs are responsible for annually adopting a proposed budget by May 1st and a final budget by June 15th pursuant to California Government Code Section 56381. This statute specifies the proposed and final budgets shall – at a minimum – be equal to the budget adopted for the previous fiscal year unless LAFCO finds the reduced costs will nevertheless allow the agency to fulfill its prescribed regulatory and planning duties.

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

Budgeting Policies

On December 6, 2021, consistent with the Commission’s *Budget Policy* (“the Policy”), included as Attachment Two, the Commission appointed Commissioners Mohler and Leary to serve on an ad hoc Budget Committee (“the Committee”) to inform the Commission’s decision-making process in adopting an annual operating budget. The Commission is directed to control operating expenses by utilizing its available undesignated/unreserved fund balance (“reserves”) whenever possible and appropriate. The Commission is also directed to retain sufficient reserves to equal no less than one third (i.e., four months) of budgeted operating expenses in the affected fiscal year.

Prescriptive Funding Sources

The Commission’s annual operating expenses are principally funded by the County of Napa and the Cities of American Canyon, Calistoga, Napa, St. Helena, and Town of Yountville. State law specifies the County is responsible for one-half of the Commission’s operating expenses while the remaining amount is to be apportioned among the cities and town. The current formula for allocating the cities’ shares of the Commission’s budget was adopted by the municipalities in 2003 and is based on a weighted calculation of population (60%) and general tax revenues (40%). Additional funding – typically less than 10% of total revenues – is budgeted from anticipated application fees and interest earnings.

Proposed Budget

The Commission will consider approving a proposed budget for fiscal year 2022-23 with operating expenses and revenues each totaling \$663,588. This amount represents a notable increase over previous fiscal years in which the Commission’s practice was to budget for sizeable deficits with little flexibility to address changes in circumstances. In addition, the proposed budget reflects rising costs associated with recent inflation figures.¹

The proposed budget positions the Commission to finish the 2022-23 fiscal year with available reserves totaling \$285,777 or 43.1% of proposed operating expenses. Therefore, the proposed budget would result in sufficient reserves to meet the Policy directive to retain reserves equal to no less than one-third of operating expenses.

Proposed Operating Expenses

The Committee proposes an increase in budgeted operating expenses from \$569,966 to \$663,588; a difference of \$93,622 compared to the current fiscal year. The following table summarizes operating expenses in the proposed budget.

Expense Unit	FY21-22	FY22-23	Change \$
1) Salaries/Benefits	\$13,250	\$15,950	\$2,700
2) Services/Supplies	\$556,716	\$647,638	\$90,922
Total	\$569,966	\$663,588	\$93,622

¹ The U.S. Labor Department reports the annual inflation rates for the United States were 7.5% for the 12 months preceding February 2021 and 7.9% for the 12 months preceding February 2022. These inflation rates were not considered in the Commission’s previous fiscal year budgets.

Notable proposed changes to budgeted operating expenses are summarized as follows.

Salaries and Benefits Unit

This budget unit is proposed to increase from \$13,250 to \$15,950, representing a total increase of \$2,700. This amount is associated with Commissioner per diems for attendance at meetings and other activities related to LAFCO business. Notably, consistent with the Commission's Support Services Agreement with the County of Napa, the Commission's staff salaries and benefits are categorized under Administration Services (Account No. 52100) within the Services and Supplies budget unit as summarized below.

Services and Supplies Unit

This budget unit is proposed to increase from \$556,716 to \$647,638, representing a total increase of \$90,922 compared to the current fiscal year. The following is a summary of changes involving a difference of at least \$1,000 in an individual expense account:

- 1) Increase Administration Services (Account No. 52100) from \$439,901 to \$509,844 to reflect anticipated adjustments to staff position titles and classifications, including salary ranges, as part of ongoing efforts to revise the Commission's Support Services Agreement with the County of Napa.
- 2) Increase Legal Services (Account No. 52140) from \$25,000 to \$35,000 in anticipation of the need for counsel on island annexations, policy updates, municipal service reviews, and sphere of influence updates.
- 3) Increase Consulting Services (Account No. 52310) from \$0 to \$10,000 in anticipation of hiring an outside facilitator and other expenses related to a strategic planning session.
- 4) Decrease Rents and Leases: Building/Land (Account No. 52605) from \$31,322 to \$25,995 to reflect cost savings associated with the recent relocation of the Commission's office.
- 5) Increase Communications/Telephone (Account No. 52800) from \$2,000 to \$3,000 in anticipation of the Commission returning to in-person meetings, which involve a meeting recording cost of \$150 per hour.
- 6) Increase Training/Conference (Account No. 52900) from \$10,000 to \$15,000 in anticipation of in-person training and conference opportunities for staff and Commissioners.

Notably, consistent with prior fiscal years, the proposed budget includes \$1,000 for the 401A Employer Contribution under Administration Services (Account No. 52100). The Executive Officer is authorized to participate in the County of Napa's 401(a) retirement savings plan. The Commission has budgeted \$1,000 for this purpose in each of the last eight fiscal years.

Proposed Operating Revenues

The Committee proposes an increase in operating revenues from \$540,270 to \$663,588; a difference of \$123,318 compared to the current fiscal year. The following table summarizes operating revenues in the proposed budget.

Revenue Unit	FY21-22	FY22-23	Change \$
1) Agency Contributions	\$509,670	\$627,588	\$117,918
(a) County of Napa	\$254,835	\$313,794	\$58,959
(b) City of Napa	\$166,432	\$209,259	\$42,827
(c) City of American Canyon	\$45,843	\$54,374	\$8,531
(d) City of St. Helena	\$18,608	\$21,293	\$2,685
(e) City of Calistoga	\$13,976	\$16,992	\$3,016
(f) Town of Yountville	\$9,976	\$11,876	\$1,900
2) Service Charges	\$20,600	\$30,000	\$9,400
3) Interest Earnings	\$10,000	\$6,000	(\$4,000)
Total	\$540,270	\$663,588	\$123,318

* Agency contributions reflect general tax revenues provided by the State Controller's Office's (SCO) Cities Annual Report as well as population estimates provided by the State Department of Finance's (DOF) Population Estimates. Agency contributions will be updated prior to adoption of a final budget to reflect new information from the SCO and the DOF.

The Committee proposes the majority of operating revenues to be collected – \$627,588 – would be drawn from agency contributions and would represent a \$117,918 increase compared to the current fiscal year. Service charges (i.e., proposal application fees) are proposed to total \$30,000 and would represent a \$9,400 increase compared to the current fiscal year. Interest earnings on the Commission's fund balance are proposed to total \$6,000 based on recent trends and would represent a \$4,000 decrease compared to the current fiscal year.

ATTACHMENTS

- 1) Draft Resolution Adopting a Proposed Budget for Fiscal Year 2022-23
- 2) Budget Policy

RESOLUTION NO. ____

**RESOLUTION OF
THE LOCAL AGENCY FORMATION COMMISSION OF NAPA COUNTY
ADOPTING A PROPOSED BUDGET FOR THE 2022-23 FISCAL YEAR**

WHEREAS, the Local Agency Formation Commission of Napa County (hereinafter referred to as “Commission”) is required by the Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000 (Government Code Sections 56000 et seq.) to adopt a proposed budget for the next fiscal year; and

WHEREAS, Government Code Section 56381 requires the Commission to adopt a proposed budget by May 1 and a final budget by June 15; and

WHEREAS, the Commission appoints and utilizes an ad hoc subcommittee (“Budget Committee”) to help inform and make decisions regarding the agency’s funding requirements; and

WHEREAS, the Executive Officer prepared a report concerning the Budget Committee’s recommended proposed budget; and

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

WHEREAS, the Commission heard and fully considered all the evidence presented at its public hearing on the proposed budget held on April 4, 2022; and

WHEREAS, the Commission determined the proposed budget projects the staffing and program costs of the Commission as accurately and appropriately as is possible.

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

1. The proposed budget as outlined in Exhibit “A” is approved.
2. The proposed budget provides the Commission sufficient resources to fulfill its regulatory and planning responsibilities in accordance with Government Code Section 56381(a).

The foregoing resolution was duly and regularly adopted by the Commission at a public meeting held on April 4, 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



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

FY 2022-23 PROPOSED BUDGET

Proposed for Adoption on April 4, 2022

Expenses

		FY 2019-20		FY 2020-21		FY 2021-22		FY 2022-23
		Final Budget	Actual	Final Budget	Actual	Final Budget	Estimate	Proposed Budget
Salaries and Benefits								
<u>Account</u>	<u>Description</u>							
51210	Commissioner Per Diems	15,000	10,980	14,500	12,720	12,500	12,436	15,200
51300	Medicare - Commissioners	225	158	250	181	250	167	250
51305	FICA - Commissioners	500	506	500	512	500	472	500
	Total Salaries & Benefits	15,725	11,644	15,250	13,413	13,250	13,075	15,950
Services and Supplies								
<u>Account</u>	<u>Description</u>							
52100	Administration Services	424,278	404,710	415,869	421,287	439,901	409,535	509,844
52125	Accounting/Auditing Services	8,000	6,710	7,500	6,593	7,500	7,250	7,500
52130	Information Technology Services	24,590	24,590	24,323	24,323	24,489	24,489	23,974
52131	ITS Communication Charges	-	-	-	-	1,837	1,837	1,685
52140	Legal Services	30,000	30,000	25,500	24,286	25,000	20,000	35,000
52310	Consulting Services	112,624	79,623	25,551	25,550	-	-	10,000
52345	Janitorial Services	300	300	300	225	300	150	300
52515	Maintenance-Software	2,000	1,929	1,930	1,929	1,930	1,930	1,930
52600	Rents and Leases: Equipment	5,500	4,969	5,500	3,220	4,000	4,000	4,000
52605	Rents and Leases: Building/Land	29,523	29,523	30,409	30,408	31,322	29,800	25,995
52700	Insurance: Liability	4,554	380	813	-	578	578	638
52800	Communications/Telephone	3,000	3,591	3,500	1,428	2,000	1,812	3,000
52830	Publications and Notices	1,500	1,440	1,500	814	1,000	1,120	1,000
52835	Filing Fees	250	154	50	100	200	200	200
52900	Training/Conference	12,295	8,348	989	200	10,000	1,000	15,000
52905	Business Travel/Mileage	3,000	1,449	1,000	-	500	250	1,000
53100	Office Supplies	2,000	1,193	1,250	1,179	1,000	500	1,000
53110	Freight/Postage	300	158	350	100	500	150	150
53115	Books/Media/Subscriptions	-	-	-	-	-	119	119
53120	Memberships/Certifications	3,261	3,261	3,060	3,060	2,934	2,934	3,078
53205	Utilities: Electric	1,300	1,306	1,500	1,389	1,500	1,921	2,000
53415	Computer Software/License	-	-	-	150	225	225	225
	Total Services & Supplies	669,275	604,373	551,144	546,274	556,716	509,800	647,638
EXPENSE TOTALS		685,000	616,017	566,394	559,687	569,966	522,875	663,588

Revenues		FY 2019-20		FY 2020-21		FY 2021-22		FY 2022-23
		Final Budget	Actual	Final Budget	Actual	Final Budget	Estimate	Proposed Budget
Intergovernmental								
<u>Account</u>	<u>Description</u>							
43910	County of Napa	235,631	235,631	242,700	242,700	254,835	254,835	313,794
43950	Other Governmental Agencies	235,631	235,631	242,700	242,700	254,835	254,835	313,794
----	<i>City of Napa</i>	154,514	154,514	162,800	162,800	166,432	166,432	209,259
----	<i>City of American Canyon</i>	38,707	38,707	41,166	41,166	45,843	45,843	54,374
----	<i>City of St. Helena</i>	15,357	15,357	15,159	15,159	18,608	18,608	21,293
----	<i>City of Calistoga</i>	15,575	15,575	14,515	14,515	13,976	13,976	16,992
----	<i>Town of Yountville</i>	11,478	11,478	9,060	9,060	9,976	9,976	11,876
	Total Intergovernmental	471,261	471,261	485,400	485,400	509,670	509,670	627,588
Service Charges								
<u>Account</u>	<u>Description</u>							
42690	Application/Permit Fees	25,000	26,964	21,060	37,356	20,000	18,000	25,000
46800	Charges for Services	500	781	624	593	600	924	1,000
47900	Miscellaneous	-	-	-	-	-	2,845	4,000
	Total Service Charges	25,500	27,745	21,684	37,949	20,600	21,769	30,000
Investments								
<u>Account</u>	<u>Description</u>							
45100	Interest	7,000	15,128	12,000	6,817	10,000	6,728	6,000
	Total Investments	7,000	15,128	12,000	6,817	10,000	6,728	6,000
	REVENUE TOTALS	503,761	514,134	519,084	530,166	540,270	538,167	663,588
OPERATING DIFFERENCE		(181,239)	(101,883)	(47,310)	(29,521)	(29,696)	15,292	0
Fund Balances								
			2019-20	2020-21	2021-22	2022-23		
RESTRICTED FUND BALANCE (EQUIPMENT REPLACEMENT RESERVE)								
	Beginning:		19,657	19,657	19,657	19,657		19,657
	Ending:		19,657	19,657	19,657	19,657		19,657
UNDESIGNATED/UNRESERVED FUND BALANCE ("RESERVES")								
	Beginning:		401,889	300,006	270,485	285,777		285,777
	Ending:		300,006	270,485	285,777	285,777		285,777
TOTAL FUND BALANCE								
	Beginning:		421,546	319,663	290,142	305,434		305,434
	Ending:		319,663	290,142	305,434	305,434		305,434
MINIMUM FOUR MONTH RESERVE GOAL			228,333	188,798	189,989	221,196		



LOCAL AGENCY FORMATION COMMISSION OF NAPA COUNTY

Budget Policy

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

I. Background

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

II. Purpose

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

III. Preparation of Annual Budget

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

IV. Budget Contributions and Collection of Funds

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

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

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

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

V. Executive Officer Purchasing and Budget Adjustment Authority

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

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

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



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

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

Agenda Item 6c (Public Hearing)

TO: Local Agency Formation Commission

PREPARED BY: Brendon Freeman, Executive Officer *BF*

MEETING DATE: April 4, 2022

SUBJECT: Reappointment of Kenneth Leary as Public Member

RECOMMENDATION

It is recommended the Commission take the following actions:

- 1) Open the public hearing and take testimony;
- 2) Close the public hearing; and
- 3) Reappoint Kenneth Leary as Public Member to a new four-year term beginning May 2, 2022.

BACKGROUND AND SUMMARY

Under Government Code (G.C.) Section 56325(d), the composition of Local Agency Formation Commissions (LAFCOs) includes one member representing the general public, who is appointed to a four-year term by the city and county members of the Commission. The city and county members may also appoint one Alternate Public Member who shall serve pursuant to G.C. Section 56331.

The Commission's *Policy on the Appointment of a Public Member and Alternate Public Member* ("the Policy") is included as Attachment One. The policy directs the Executive Officer to notify the Commission no less than 120 days prior to an impending vacancy and whether the incumbent is eligible to seek reappointment. Upon notification, the Commission must direct the Executive Officer to (a) recruit candidates and schedule a hearing to make an appointment or (b) schedule a hearing to expedite the reappointment of the incumbent if they are eligible and have served no more than one full term in the public member position.

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

On December 6, 2021, staff provided notice that Commissioner Kenneth Leary's term as Public Member expires on Monday, May 2, 2022. Commissioner Leary has served less than one full term as the Public Member after having been appointed to the position on April 5, 2021, to fill a midterm vacancy. As allowed under the Policy, the Commission's voting city and county members elected to forgo an open recruitment and directed staff to schedule a public hearing to formally reappoint Commissioner Leary to a new four-year term.

With this in mind, staff recommends the city and county members approve the expedited reappointment of Public Member Kenneth Leary to a new four-year term beginning May 2, 2022. If approved, the reappointment of Commissioner Leary will be the fourth use by the Commission of its policy option to expedite the reappointments of incumbent public members since adopting the underlying provision.

ATTACHMENT

- 1) Policy on the Appointment of a Public Member and Alternate Public Member



LOCAL AGENCY FORMATION COMMISSION OF NAPA COUNTY

Policy on the Appointment of a Public Member and Alternate Public Member

(Adopted: October 11, 2001; Last Amended: November 18, 2019)

I. Background

The Cortese-Knox-Hertzberg Local Government Reorganization (CKH) Act of 2000 includes provisions for the composition of the Commission including the Public Member as follows:

The composition of the Commission shall include one member representing the general public, hereinafter referred to as “public member.” The Commission may designate one alternate public member. The selection of the public member and alternate public member shall be subject to the affirmative vote of at least one of the members appointed by each of the appointing authorities ([California Government Code \(G.C.\) §56325\(d\)](#)).

II. Purpose

It is the intent of the Commission to establish a policy for the appointment of a public member and alternate public member which is consistent with CKH. This policy also includes procedures to address a vacancy in the position and other relevant matters.

III. Eligibility

The public member and alternate public member shall be a resident of Napa County. No person may serve as public member or alternate public member if at the same time they are an officer or employee of the County, a city, town or district within Napa County.¹ For purposes of this policy, an officer of a local government agency is a member of a local public board, commission, committee, or council with the authority to make advisory or final decisions relative to land use or the provision of municipal services.

IV. Term of Office

The term of office for Public Member and Alternate Public Member shall be four years and shall end on the first Monday in May of the year in which the term expires. The Public Member and Alternate Public Member shall continue to serve until a successor is appointed.

¹ The term “district” is defined in [G.C. §56036](#).

V. Appointment Procedures

A) New Term for Public Member or Alternate Public Member

It is the policy of the Commission that in anticipation of the expiration of a four-year term for the Public Member or Alternate Public Member, the following procedures will be taken:

At a regular meeting at least 120 days prior to the scheduled expiration of the Public Member or Alternate Public Member's term, the Executive Officer shall inform the Commission of the impending vacancy and whether the incumbent is eligible to seek reappointment. The Commission shall take one of the following two actions as set forth in the following subsection 1 or 2 below.

- 1) Direct the Executive Officer to recruit candidates and schedule a public hearing to consider making an appointment to the position. Tasks of the Executive Officer shall include, but not limited to, the following:
 - (a) At least 60 days prior to the scheduled hearing for the appointment, issue a notice announcing the vacancy and that the Commission is accepting applications for the position. The notice shall be posted at the LAFCO office and on its website, sent to all local agencies, and published in a newspaper of general circulation in Napa County.² The notice shall indicate if the incumbent is eligible for reappointment.
 - (b) Determine the filing period to receive applications for the position. All applications shall be made available to each city and county member on the Commission at least 14 days prior to the scheduled hearing for the appointment.
 - (c) If it becomes necessary for the Commission to cancel or reschedule the meeting at which the hearing for the appointment has been scheduled, the Executive Officer shall reschedule the hearing for the next regular meeting.
- 2) If the incumbent is eligible and has served no more than one four-year term, the Commission may direct the Executive Officer to schedule a public hearing to consider approving reappointment. Tasks of the Executive Officer shall include, but not limited to, the following:
 - (a) Issue a notice announcing the scheduled reappointment of the incumbent. The notice shall be posted at the LAFCO office and on its website and sent to all local agencies. The notice shall be posted at least 21 days prior to the hearing for which the reappointment has been scheduled.
 - (b) If it becomes necessary for the Commission to cancel or reschedule the meeting at which the hearing for the reappointment has been scheduled, the Executive Officer shall reschedule the hearing for the next regular meeting.

² For purposes of this policy, notice to local agencies is fulfilled by sending a copy of the notice to the clerk or secretary of the legislative body of each local agency in Napa County. Publishing in a newspaper of general circulation in Napa County shall be conducted by publishing, at minimum, a prominently placed display ad.

B) Mid-Term Vacancies

An appointment to fill an unexpired term for the position of Public Member or Alternate Public Member shall be preceded by posting a notice of vacancy. The notice will be posted at the LAFCO office and on its website and sent to all local agencies. The notice will be posted at least 21 days prior to the meeting at which time the Commission will consider taking action to fill the unexpired term. An appointment to fill an unexpired term will occur as follows:

- 1) Public Member: If the position of Public Member becomes vacant prior to the expiration of the term, it is the policy of the Commission that it may fill the unexpired term through one of the following:
 - (a) Appoint the Alternate Public Member.
 - (b) Fill the position in the manner prescribed in Section V(A) “New Term for Public Member or Alternate Public Member” for the appointment of the Public Member to a new term.
- 2) Alternate Public Member: If the position of Alternate Public Member becomes vacant prior to the expiration of the term, it is the policy of the Commission that it may fill the unexpired term in the manner prescribed in Section V(A) “New Term for Public Member or Alternate Public Member” for the appointment of the Alternate Public Member to a new term.

C) Conducting Public Hearings for Appointing a Public Member or Alternate Public Member

It is the policy of the Commission that a public hearing to appoint either the Public Member or Alternate Public Member shall be conducted as follows:

The Chair shall open the public hearing and first invite candidates to address the Commission. The Commission may ask questions of the candidates. The Chair shall then invite public comments from the audience. Upon the close of the public comment period, the Public Member or Alternate Public Member will be selected based upon a motion and second followed by an affirmative vote.



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 7a (Action)

TO: Local Agency Formation Commission

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

MEETING DATE: April 4, 2022

SUBJECT: Legislative Report

RECOMMENDATION

It is recommended the Commission take the following actions:

- 1) Approve the draft amendment to the *Legislative Policy*, included as Attachment One;
- 2) Approve the draft amendment to the *Legislative Platform*, included as Attachment Two;
- 3) Authorize the Executive Officer to submit a letter to the Legislature in support of Assembly Bill (AB) 2957;
- 4) Authorize the Executive Officer to submit a letter to the Legislature in support of AB 1773; and
- 5) Discuss Senate Bill (SB) 938 and consider submitting a position letter to the Legislature if appropriate.

BACKGROUND AND SUMMARY

Vice Chair Dillon, Alternate Commissioner Painter, and the Executive Officer currently serve on the Commission's Legislative Committee ("the Committee"), which is a standing subcommittee responsible for reviewing proposed legislation affecting LAFCOs and making recommendations to the Commission with respect to taking formal positions.

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

Legislative Committee Meeting

On March 15, 2022, the Committee held a noticed public meeting and reviewed 24 bills tracked by the California Association of LAFCOs (CALAFCO) as of March 10, 2022 that affect LAFCOs. CALAFCO's legislative summary of these bills with links to the current bill text is included as Attachment Three.

Following discussion of the bills and consideration of the formal positions taken by other key stakeholder organizations, the Committee agreed to recommend the following items for the Commission's consideration at today's meeting:

- Amend the *Legislative Policy* to clarify that in the event proposed legislation affecting LAFCO cannot be considered by the full Commission due to timing, the Executive Officer, with the approval of the Chair, is authorized to submit written correspondence to the appropriate entity. See Attachment One for the proposed amendment showing tracked changes.
- Amend the *Legislative Platform* to simplify the Committee's process with respect to considering the positions and reasons for stated positions, of other key stakeholder organizations. See Attachment Two for the proposed amendment showing tracked changes.
- AB 2957 (Committee on Local Government): Submit a letter to the Legislature in support. This is the annual Omnibus bill sponsored by CALAFCO and would make three technical, non-substantive changes to the Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000 ("CKH"). The bill text is included as Attachment Four.
- AB 1773 (Patterson): Submit a letter to the Legislature in support. This bill would resurrect funding for the Williamson Act for the 2022-23 budget year. The bill text is included as Attachment Five.
- SB 938 (Hertzberg): Discuss and consider taking a formal position and, if the Commission agrees to take a formal position, submit a position letter to the Legislature. This bill is sponsored by CALAFCO and represents a collaborative three-year effort by an 18-member working group (including representatives from special districts) to consolidate, clarify, and improve existing statutory provisions associated with consolidations and dissolutions, including protest proceedings. Notably, this bill codifies the conditions under which a LAFCO may initiate dissolution of a special district at the 25 percent protest threshold. The bill text is included as Attachment Six.

- Watch and return with updates as appropriate at future Commission meetings:
 - AB 1640 (Ward)
 - AB 1944 (Lee)
 - AB 2449 (Rubio, Blanca)
 - AB 2647 (Levine)
 - SB 852 (Dodd)
 - SB 1100 (Cortese)
 - AB 897 (Mullin)
 - AB1195(Garcia, Cristina)
 - AB 2041 (Garcia, Eduardo)
 - SB 12 (McGuire)
 - SB 1449 (Caballero)

No Position: The Committee recommends the Commission take no position on all other bills that were reviewed during this meeting.

Notably, several of the bills reviewed by the Committee relate to either public meetings or climate action. Several of these bills are expected to be consolidated into fewer bills by the Legislature. Staff will return with updates at future Commission meetings as appropriate.

ATTACHMENTS

- 1) Draft Amendment to the Legislative Policy
- 2) Draft Amendment to the Legislative Platform
- 3) CALAFCO Legislative Report (Dated March 10, 2022)
- 4) AB 2957 Bill Text
- 5) AB 1773 Bill Text
- 6) SB 938 Bill Text



LOCAL AGENCY FORMATION COMMISSION OF NAPA

Legislative Policy

(Adopted: December 4, 2017; Last Amended: April 4, 2022)

- 1) The Local Agency Formation Commission (LAFCO) of Napa County (“the Commission”) shall establish a standing committee to review proposed legislation (“Legislative Committee”). At the beginning of each two-year legislative session, the Commission shall appoint (or re-appoint) two members to the Legislative Committee, in addition to LAFCO’s Executive Officer. Meetings of the Legislative Committee must be noticed in accordance with the Ralph M. Brown Act.
- 2) The Legislative Committee shall, at least annually, review the California Association of LAFCOs’ legislative platform as well as the Commission’s adopted legislative platform if applicable and determine what action is needed in terms of adopting or amending a local legislative platform. The Legislative Committee shall present recommendations to the full Commission with respect to actions related to the local legislative platform.
- 3) The Legislative Committee shall, at least annually, review proposed legislation affecting LAFCO. The Executive Officer shall continue monitoring proposed legislation and present recommendations to the full Commission with respect to formal positions on proposed legislation.
- 4) In the event that proposed legislation affecting LAFCO cannot be considered by the full Commission due to timing, the Executive Officer is authorized to submit written correspondence to the ~~legislation’s author~~ appropriate entity regarding the Commission’s position if the position is consistent with the adopted legislative platform of the Commission. The Chair, or the Vice-Chair if the Chair is unavailable, shall review and approve the written correspondence prior to it being submitted by the Executive Officer.
- 5) All submitted correspondence pursuant to this policy will be included on the next available Commission agenda.



LOCAL AGENCY FORMATION COMMISSION OF NAPA

Legislative Platform

(Adopted: February 5, 2018; Last Amended: ~~May~~ April 4, ~~2020~~ 2022)

The following core guiding principles underlie the Local Agency Formation Commission (LAFCO) of Napa County'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
- Re-writing policies (on a schedule) to be comprehensive, effective, and transparent
- 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

The following serves as Napa LAFCO's Legislative Platform for purposes of informing actions relating to proposed legislation. Napa LAFCO will first review and consider the positions of the California Association of Local Agency Formation Commissions (CALAFCO), the League of California Cities, and the California State Association of Counties, ~~and the California Special Districts Association, including their stated reasons for their positions,~~ before recommending the full Commission take a formal position on proposed legislation.

1. LAFCO Purpose and Authority

- 1.1 Support legislation which enhances Napa LAFCO's authority and powers to carry out the legislative findings and authority in Government Code §56000 et seq., and oppose legislation which diminishes Napa LAFCO's authority.
- 1.2 Support authority for Napa LAFCO to establish local policies to apply Government Code §56000 et seq. based on local needs and conditions, and oppose any limitations to that authority.
- 1.3 Oppose additional Napa LAFCO responsibilities which require expansion of current local funding sources. Oppose unrelated responsibilities which dilute Napa LAFCO's ability to meet its primary mission.
- 1.4 Support alignment of responsibilities and authority of Napa LAFCO and regional agencies which may have overlapping responsibilities in orderly growth, preservation, and service delivery, and oppose legislation or policies which create conflicts or hamper those responsibilities.

- 1.5 Oppose grants of special status to any individual agency or proposal to circumvent the Napa LAFCO process.
- 1.6 Support individual commissioner responsibility that allows each commissioner to independently vote their conscience on issues affecting their own jurisdiction.
- 1.7 Support the independence of Napa LAFCO from local agencies.
- 1.8 Support recognition of Napa LAFCO's spheres of influence by other agencies involved in determining and developing long-term growth and infrastructure plans.
- 1.9 Support efforts to acquire funding for local projects if the funding efforts are supported by the CALAFCO Board of Directors.

2. Agricultural, Watershed, and Open Space Protection

- 2.1. Support legislation which clarifies Napa LAFCO's authority to identify, encourage, and ensure the preservation of agricultural, watershed, and open space lands.
- 2.2. Support policies which encourage cities, counties and special districts to direct development away from agricultural, watershed, and open space lands.
- 2.3. Support policies and tools which protect agricultural, watershed, and open space lands.
- 2.4. Support the continuance of the Williamson Act and restoration of program funding through State subvention payments.
- 2.5. Support the recognition and use of spheres of influence as a management tool to provide better planning of growth and development, and to preserve agricultural, watershed, and open space lands.

CALAFCO Daily Legislative Report as of Thursday, March 10, 2022

1

[AB 2957](#) (Committee on Local Government) Local government: reorganization.

Current Text: Introduced: 3/2/2022 [html](#) [pdf](#)

Introduced: 3/2/2022

Status: 3/3/2022-From printer. May be heard in committee April 2.

Desk	Policy	Fiscal	Floor	Desk	Policy	Fiscal	Floor	Conf. Conc.	Enrolled	Vetoed
1st House				2nd House						

Summary:

The Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000 provides the authority and procedure for the initiation, conduct, and completion of changes of organization, reorganization, and sphere of influence changes for cities and districts, as specified. Current law requires that an applicant seeking a change of organization or reorganization to submit a plan for providing services within the affected territory. Current law requires a petitioner or legislative body desiring to initiate proceedings to submit an application to the executive officer of the local agency formation commission, and requires the local agency formation commission, with regard to an application that includes an incorporation, to immediately notify all affected local agencies and any applicable state agency, as specified. This bill would define the term "successor agency," for these purposes to mean the local agency a commission designates to wind up the affairs of a dissolved district.

Attachments:

[LAFCo Support letter template](#)

[CALAFCO Support letter](#)

Position: Sponsor

Subject: CKH General Procedures

CALAFCO Comments: This is the annual Omnibus bill sponsored by CALAFCO. As introduced it makes 3 minor, technical non-substantive changes in CKH: (1) Replaces "to be completed and in existence" with "take effect" under GCS 56102; (2) Adds GCS 56078.5: "Successor Agency" means the local agency the Commission designates to wind up the affairs of a dissolved district; and (3) Replaces "proposals" with "applications" within GCS 56653(a), 56654(a), (b), and (c), and 56658(b)(1) and (b)(2).

CALAFCO support letter and LAFCo support letter template are in the attachments section.

[SB 938](#) ([Hertzberg D](#)) The Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000: protest proceedings: procedural consolidation.

Current Text: Introduced: 2/8/2022 [html](#) [pdf](#)

Introduced: 2/8/2022

Status: 2/16/2022-Referred to Com. on GOV. & F.

Desk	Policy	Fiscal	Floor	Desk	Policy	Fiscal	Floor	Conf. Conc.	Enrolled	Vetoed
1st House				2nd House						

Summary:

The Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000 provides the exclusive authority and procedure for the initiation, conduct, and completion of changes of organization and reorganization for cities and districts, except as specified. Under current law, in each county there is a local agency formation commission that oversees these changes of organization and reorganization. With a specified exception, current law provides for protest proceedings for a change of organization or reorganization following adoption of a resolution making certain determinations by the commission, as provided. Current law sets forth required procedures for the commission following a protest hearing depending on the nature of the conducting authority, as defined, the type of change of organization or reorganization, and the results of the protest proceeding. The bill would reorganize and consolidate the above-described procedures. The bill would make conforming changes and remove obsolete provisions.

Attachments:

[SB 938 LAFCo support letter template](#)

[SB 938 CALAFCO Support letter](#)

[SB 938 CALAFCO Fact Sheet](#)

[SB 938 Author Fact Sheet](#)

Position: Sponsor

Subject: CKH General Procedures, Other

CALAFCO Comments: CALAFCO is the sponsor of this bill. SB 839 represents a collaborative three-year effort (by an 18-member working group) to clean up, consolidate, and clarify existing statutory provisions associated with consolidations and dissolutions, as well as codify the conditions under which a LAFCo may initiate dissolution of a district at the 25 percent protest threshold. In response to a recommendation made in the 2017 Little Hoover Commission report (Special Districts: Improving Oversight and Transparency), CALAFCO initiated a working group of stakeholders in early 2019 to discuss the protest process for dissolutions of special districts.

The bill's current format (dated 2/8/22) represents the restructuring of existing protest provisions scattered throughout CKH. There have been some minor technical language added for clarifications. These changes are all minor in nature (by legislative standards).

The bill will be amended to reflect the newly designed process that codifies the ability for LAFCo to initiate a district dissolution at 25% protest threshold. The conditions under which this can occur include one or more of the following, any/all of which must be documented via determinations in a Municipal Service Review (MSR):

1. The agency has one or more documented chronic service provision deficiencies that substantially deviate from industry or trade association standards or other government regulations and its board or management is not actively engaged in efforts to remediate the documented service deficiencies;
2. The agency spent public funds in an unlawful or reckless manner inconsistent with the principal act or other statute governing the agency and has not taken any

action to prevent similar future spending;

3. The agency has consistently shown willful neglect by failing to consistently adhere to the California Public Records Act and other public disclosure laws the agency is subject to;
4. The agency has failed to meet the minimum number of times required in its governing act in the prior calendar year and has taken no action to remediate the failures to meet to ensure future meetings are conducted on a timely basis;
5. The agency has consistently failed to perform timely audits in the prior three years, or failed to meet minimum financial requirements under Government Code section 26909 over the prior five years as an alternative to performing an audit, or the agency's recent annual audits show chronic issues with the agency's fiscal controls and the agency has taken no action to remediate the issues.

The proposed process is:

1. LAFCo to present the MSR in a 21-day noticed public hearing. At that time the LAFCo may choose to adopt a resolution of intent to dissolve the district. The resolution shall contain a minimum 12-month remediation period.
2. The district will have a minimum of 12 months to remediate the deficiencies.
3. Half-way through the remediation period, the district shall provide LAFCo a written report on the progress of their remediation efforts. The report is to be placed on a LAFCo meeting agenda and presented at that LAFCo meeting.
4. At the conclusion of the remediation period, LAFCo conducts another 21-day noticed public hearing to determine if district has remedied deficiencies. If the district has resolved issues, commission rescinds the resolution of intent to dissolve the district and the matter is dropped. If not, commission adopts a resolution making determinations to dissolve the district.
5. Standard 30-day reconsideration period.
6. Protest proceedings at 25% threshold can be noticed with a required 60-day protest period.
7. Protest hearing is held and amount of qualified protests determined based on 25% threshold. LAFCo either orders dissolution, election, or termination.

As this bill - when amended - adds requirements for LAFCos and districts, it will likely be keyed fiscal (for now it is not). An author fact sheet and CALAFCO fact sheet are posted in our attachments section as well as the CALAFCO Support letter and LAFCo support letter template.

SB 1490 (Committee on Governance and Finance) Validations.

Current Text: Introduced: 2/28/2022 [html](#) [pdf](#)

Introduced: 2/28/2022

Status: 3/9/2022-Referred to Com. on GOV. & F.

Desk	Policy	Fiscal	Floor	Desk	Policy	Fiscal	Floor	Conf. Conc.	Enrolled	Vetoed
1st House				2nd House						

Calendar:

3/17/2022 Upon adjournment of Session - John L. Burton Hearing Room (4203) SENATE GOVERNANCE AND FINANCE, CABALLERO, Chair

Summary:

Would enact the First Validating Act of 2022, which would validate the organization, boundaries, acts, proceedings, and bonds of the state and counties, cities, and specified districts, agencies, and entities.

Position: Watch

Subject: LAFCo Administration

CALAFCO Comments: This is the first of three annual validating acts.

SB 1491 (Committee on Governance and Finance) Validations.

Current Text: Introduced: 2/28/2022 [html](#) [pdf](#)

Introduced: 2/28/2022

Status: 3/9/2022-Referred to Com. on GOV. & F.

Desk	Policy	Fiscal	Floor	Desk	Policy	Fiscal	Floor	Conf. Conc.	Enrolled	Vetoed
1st House				2nd House						

Calendar:

3/17/2022 Upon adjournment of Session - John L. Burton Hearing Room (4203) SENATE GOVERNANCE AND FINANCE, CABALLERO, Chair

Summary:

Would enact the Second Validating Act of 2022, which would validate the organization, boundaries, acts, proceedings, and bonds of the state and counties, cities, and specified districts, agencies, and entities.

Position: Watch

Subject: LAFCo Administration

CALAFCO Comments: This is the second of three annual validating acts

SB 1492 (Committee on Governance and Finance) Validations.

Current Text: Introduced: 2/28/2022 [html](#) [pdf](#)

Introduced: 2/28/2022

Status: 3/9/2022-Referred to Com. on GOV. & F.

Desk	Policy	Fiscal	Floor	Desk	Policy	Fiscal	Floor	Conf. Conc.	Enrolled	Vetoed
1st House				2nd House						

Calendar:

3/17/2022 Upon adjournment of Session - John L. Burton Hearing Room (4203) SENATE GOVERNANCE AND FINANCE, CABALLERO, Chair

Summary:

Would enact the Third Validating Act of 2022, which would validate the organization, boundaries, acts, proceedings, and bonds of the state and counties, cities, and specified districts, agencies, and entities.

Position: Watch

Subject: LAFCo Administration

CALAFCO Comments: This is the third of three annual validating acts.

AB 1640 (Ward D) Office of Planning and Research: regional climate networks: regional climate adaptation and resilience action plans.

Current Text: Introduced: 1/12/2022 [html](#) [pdf](#)

Introduced: 1/12/2022

Status: 1/20/2022-Referred to Com. on NAT. RES.

Desk	Policy	Fiscal	Floor	Desk	Policy	Fiscal	Floor	Conf. Conc.	Enrolled	Vetoed
1st House				2nd House						

Calendar:

3/21/2022 2:30 p.m. - State Capitol, Room 447 ASSEMBLY NATURAL RESOURCES, RIVAS, LUZ, Chair

Summary:

Current law requires, by July 1, 2017, and every 3 years thereafter, the Natural Resources Agency to update, as prescribed, the state's climate adaptation strategy, known as the Safeguarding California Plan. Existing law establishes the Office of Planning and Research in state government in the Governor's office. Current law establishes the Integrated Climate Adaptation and Resiliency Program to be administered by the office to coordinate regional and local efforts with state climate adaptation strategies to adapt to the impacts of climate change, as prescribed. This bill would authorize eligible entities, as defined, to establish and participate in a regional climate network, as defined. The bill would require the office, through the program, to encourage the inclusion of eligible entities with land use planning and hazard mitigation planning authority into regional climate networks.

Attachments:

[AB 1640 Author Fact](#)

Subject: Climate Change

CALAFCO Comments: This bill is a follow up and very similar to AB 897 (2021). The bill would authorize eligible entities, as defined (including LAFCo), to establish and participate in a regional climate network, as defined. The bill would authorize a regional climate network to engage in activities to address climate change, as specified. Further, it requires a regional climate network to develop a regional climate adaptation and resilience action plan and to submit the plan to OPR for review, comments, and certification. The bill would require OPR to: (1) encourage the inclusion of eligible entities with land use planning and hazard mitigation planning authority into regional climate networks; (2) develop and publish guidelines on how eligible entities may establish regional climate networks and how governing boards may be established within regional climate networks by 7-1-23; and (3) provide technical assistance to regions seeking to establish a regional climate network, facilitate coordination between regions, and encourage regions to incorporate as many eligible entities into one network as feasible.

The difference between this bill and AB 897 is this bill removes requirements for OPR to develop guidelines and establish standards and required content for a regional climate adaptation and resilience action plan (to be produced by the network), and removes some specified technical support requirements by OPR. Those requirements were covered in SB 170, a budget trailer bill from 2021.

The bill is author-sponsored and keyed fiscal. An author fact sheet is included in our attachments area.

[AB 1773](#) ([Patterson R](#)) Williamson Act: subvention payments: appropriation.

Current Text: Introduced: 2/3/2022 [html](#) [pdf](#)

Introduced: 2/3/2022

Status: 2/10/2022-Referred to Coms. on AGRI. and L. GOV.

Desk	Policy	Fiscal	Floor	Desk	Policy	Fiscal	Floor	Conf. Conc.	Enrolled	Vetoed
1st House				2nd House						

Summary:

The Williamson Act, also known as the California Land Conservation Act of 1965, authorizes a city or county to enter into contracts with owners of land devoted to agricultural use, whereby the owners agree to continue using the property for that purpose, and the city or county agrees to value the land accordingly for purposes of property taxation. Existing law sets forth procedures for reimbursing cities and counties for property tax revenues not received as a result of these contracts and continuously appropriates General Fund moneys for that purpose. This bill, for the 2022–23 fiscal year, would appropriate an additional \$40,000,000 from the General Fund to the Controller to make subvention payments to counties, as provided, in proportion to the losses incurred by those counties by reason of the reduction of assessed property taxes. The bill would make various findings in this regard.

Attachments:

[AB 1773 Author Fact Sheet](#)

Position: Watch

Subject: Ag Preservation - Williamson

CALAFCO Comments: AB 1773 resurrects funding the Williamson Act for the 2022-2023 budget year. The Williamson Act was created to preserve open space and conserve agricultural land. For many years, the state funded the Act at around \$35-\$40 million per year. This funding ceased during the recession, and has not been reinstated since. AB 1773 would allocate \$40 million from the General Fund to the Williamson Act for the purpose of subvention payments.

The bill is author-sponsored, has a general-fund appropriation, and is keyed fiscal. An author fact sheet is posted in our attachments section.

[AB 1944](#) (Lee D) Local government: open and public meetings.

Current Text: Introduced: 2/10/2022 [html](#) [pdf](#)

Introduced: 2/10/2022

Status: 2/18/2022-Referred to Com. on L. GOV.

Desk	Policy	Fiscal	Floor	Desk	Policy	Fiscal	Floor	Conf. Conc.	Enrolled	Vetoed
1st House				2nd House						

Summary:

Current law, the Ralph M. Brown Act, requires, with specified exceptions, that all meetings of a legislative body of a local agency, as those terms are defined, be open and public and that all persons be permitted to attend and participate. Current law, until January 1, 2024, authorizes a local agency to use teleconferencing without complying with those specified teleconferencing requirements in specified circumstances when a declared state of emergency is in effect, or in other situations related to public health. This bill would specify that if a member of a legislative body elects to teleconference from a location that is not public, the address does not need to be identified in the notice and agenda or be accessible to the public when the legislative body has elected to allow members to participate via teleconferencing.

Attachments:[AB 1944 Author Fact Sheet](#)**Position:** Watch**Subject:** Brown Act

CALAFCO Comments: This bill would delete the requirement that an individual participating in a Brown Act meeting remotely from a non-public location must disclose the address of the location. If the governing body chooses to allow for remote participation, it must also provide video streaming and offer public comment via video or phone.

The bill is author sponsored and keyed fiscal. The author's fact sheet is posted in our attachments area.

[AB 2081](#) ([Garcia, Eduardo D](#)) **Municipal water districts: water service: Indian lands.****Current Text:** Introduced: 2/14/2022 [html](#) [pdf](#)**Introduced:** 2/14/2022**Status:** 2/24/2022-Referred to Com. on L. GOV.

Desk	Policy	Fiscal	Floor	Desk	Policy	Fiscal	Floor	Conf. Conc.	Enrolled	Vetoed
1st House				2nd House						

Summary:

Te Municipal Water District Law of 1911 provides for the formation of municipal water districts and grants to those districts specified powers. Current law permits a district to acquire, control, distribute, store, spread, sink, treat, purify, recycle, recapture, and salvage any water for the beneficial use of the district, its inhabitants, or the owners of rights to water in the district. Current law, upon the request of certain Indian tribes and the satisfaction of certain conditions, requires a district to provide service of water at substantially the same terms applicable to the customers of the district to the Indian tribe's lands that are not within a district, as prescribed. Current law also authorizes a district, until January 1, 2023, under specified circumstances, to apply to the applicable local agency formation commission to provide this service of water to Indian lands, as defined, that are not within the district and requires the local agency formation commission to approve such an application. This bill would extend the above provisions regarding the application to the applicable local agency formation commission to January 1, 2025.

Attachments:[AB 2081 Author Fact Sheet](#)**Position:** Watch**Subject:** Water

CALAFCO Comments: This bill extends the sunset date created in AB 1361 (2017). Current law, upon the request of certain Indian tribes and the satisfaction of certain conditions, requires a district to provide service of water at substantially the same terms applicable to the customers of the district to the Indian tribe's lands that are not within a district, as prescribed. Current law also authorizes a district, under specified circumstances, to apply to the applicable LAFCo to provide this service of water to Indian lands, as defined, that are not within the district and requires the LAFCo to approve such an application. This bill extends the sunset date from January 1, 2023 to January 1, 2025.

CALAFCO opposed AB 1361 in 2017 as the process requires LAFCo to approve the extension of service, requires the district to extend the service, and does not require annexation upon extension of service. CALAFCO reached out to the author's office requesting information as to the reason for the extension and we have not been given a reason.

The bill is keyed fiscal. An author fact sheet is included in the attachments area.

AB 2449 (Rubio, Blanca D) Open meetings: local agencies: teleconferences.

Current Text: Introduced: 2/17/2022 [html](#) [pdf](#)

Introduced: 2/17/2022

Status: 3/3/2022- Referred to Com. on L. GOV.

Desk	Policy	Fiscal	Floor	Desk	Policy	Fiscal	Floor	Conf. Conc.	Enrolled	Vetoed
1st House				2nd House						

Summary:

Current law, until January 1, 2024, authorizes a local agency to use teleconferencing without complying with specified teleconferencing requirements in specified circumstances when a declared state of emergency is in effect, or in other situations related to public health. This bill would authorize a local agency to use teleconferencing without complying with those specified teleconferencing requirements if at least a quorum of the members of the legislative body participates in person from a singular location clearly identified on the agenda that is open to the public and situated within the local agency's jurisdiction. The bill would impose prescribed requirements for this exception relating to notice, agendas, the means and manner of access, and procedures for disruptions. The bill would require the legislative body to implement a procedure for receiving and swiftly resolving requests for reasonable accommodation for individuals with disabilities, consistent with federal law.

Position: Watch

Subject: Brown Act

CALAFCO Comments: This bill authorizes the use of teleconferencing without noticing and making available to the public teleconferencing locations if a quorum of the members of the legislative body participate in person from a singular location that is noticed and open to the public and require the legislative body to offer public comment via video or phone.

CALAFCO reached out to the author's office for information and we've not yet heard back. The bill is not keyed fiscal.

AB 2647 (Levine D) Local government: open meetings.

Current Text: Introduced: 2/18/2022 [html](#) [pdf](#)

Introduced: 2/18/2022

Status: 2/19/2022-From printer. May be heard in committee March 21.

Desk	Policy	Fiscal	Floor	Desk	Policy	Fiscal	Floor	Conf. Conc.	Enrolled	Vetoed
1st House				2nd House						

Summary:

The Ralph M. Brown Act requires the meetings of the legislative body of a local agency to be conducted openly and publicly, with specified exceptions. Current law makes agendas of public meetings and other writings distributed to the members

of the governing board disclosable public records, with certain exceptions. Current law requires a local agency to make those writings distributed to the members of the governing board available for public inspection at a public office or location that the agency designates. This bill would instead require a local agency to make those writings distributed to the members of the governing board available for public inspection at a public office or location that the agency designates or post the writings on the local agency’s internet website in a position and manner that makes it clear that the writing relates to an agenda item for an upcoming meeting.

Position: Watch

Subject: Brown Act

CALAFCO Comments: This bill seeks to amend the law to make clear that writings that have been distributed to a majority of a local legislative body less than 72 hours before a meeting can be posted online in order to satisfy the law.

The bill is sponsored by the League of Cities and is not keyed fiscal.

SB 852 (Dodd D) Climate resilience districts: formation: funding mechanisms.

Current Text: Amended: 3/9/2022 [html](#) [pdf](#)

Introduced: 1/18/2022

Last Amended: 3/9/2022

Status: 3/9/2022-From committee with author's amendments. Read second time and amended. Re-referred to Com. on GOV. & F.

Desk	Policy	Fiscal	Floor	Desk	Policy	Fiscal	Floor	Conf. Conc.	Enrolled	Vetoed
1st House				2nd House						

Summary:

Current law authorizes certain local agencies to form a community revitalization authority (authority) within a community revitalization and investment area, as defined, to carry out provisions of the Community Redevelopment Law in that area for purposes related to, among other things, infrastructure, affordable housing, and economic revitalization. Current law provides for the financing of these activities by, among other things, the issuance of bonds serviced by property tax increment revenues, and requires the authority to adopt a community revitalization and investment plan for the community revitalization and investment area that includes elements describing and governing revitalization activities. This bill would authorize a city, county, city and county, special district, or a combination of any of those entities to form a climate resilience district for the purposes of raising and allocating funding for eligible projects and the operating expenses of eligible projects. The bill would define “eligible project” to mean projects that address sea level rise, extreme heat, extreme cold, the risk of wildfire, drought, and the risk of flooding, as specified.

Attachments:

[SB 852 Author Fact Sheet](#)

Position: Watch

Subject: Special District Principle Acts

CALAFCO Comments: This bill creates the Climate Resilience Districts Act. The bill completely bypasses LAFCo in the formation and oversight of these new districts because the districts are primarily being created as a funding mechanism for local climate resilience projects (as a TIF or tax increment finance district - for which LAFCos also have no involvement).

The bill authorizes a city, county, city and county, special district, or a combination of any of those entities to form a climate resilience district for the purposes of raising and allocating funding for eligible projects and the operating expenses of eligible projects. The bill defines “eligible project” to mean projects that address sea level rise, extreme heat, extreme cold, the risk of wildfire, drought, and the risk of flooding, as specified. The bill authorizes a district created pursuant to these provisions to have boundaries that are identical to the boundaries of the participating entities or within the boundaries of the participating entities. The bill also authorizes specified local entities to adopt a resolution to provide property tax increment revenues to the district. The bill would also authorize specified local entities to adopt a resolution allocating other tax revenues to the district, subject to certain requirements. The bill would provide for the financing of the activities of the district by, among other things, levying a benefit assessment, special tax, property-related fee, or other service charge or fee consistent with the requirements of the California Constitution. It requires 95% of monies collected to fund eligible projects, and 5% for district administration. The bill would require each district to prepare an annual expenditure plan and an operating budget and capital improvement budget, which must be adopted by the governing body of the district and subject to review and revision at least annually.

Section 62304 details the formation process, Section 62305 addresses the district's governance structure, and 62307 outlines the powers of the district.

This bill is sponsored by the Local Government Commission and is keyed fiscal. A fact sheet is included in our attachments section.

SB 1100 (Cortese D) Open meetings: orderly conduct.

Current Text: Amended: 3/9/2022 [html](#) [pdf](#)

Introduced: 2/16/2022

Last Amended: 3/9/2022

Status: 3/9/2022-From committee with author's amendments. Read second time and amended. Re-referred to Com. on GOV. & F.

Desk	Policy	Fiscal	Floor	Desk	Policy	Fiscal	Floor	Conf. Conc.	Enrolled	Vetoed
1st House				2nd House						

Calendar:

3/17/2022 Upon adjournment of Session - John L. Burton Hearing Room (4203) SENATE GOVERNANCE AND FINANCE, CABALLERO, Chair

Summary:

The Ralph M. Brown Act requires, with specified exceptions, that all meetings of a legislative body of a local agency, as those terms are defined, be open and public and that all persons be permitted to attend and participate. Current law requires every agenda for regular meetings of a local agency to provide an opportunity for members of the public to directly address the legislative body on any item of interest to the public, before or during the legislative body's consideration of the item, that is within the subject matter jurisdiction of the legislative body. This bill would authorize the members of the legislative body conducting a meeting to remove an individual for willfully interrupting the meeting. The bill, except as provided, would require removal to be preceded by a warning by the presiding member of the legislative body that the individual is disrupting the proceedings, a request that the individual curtail their disruptive behavior or be subject to removal, and a reasonable opportunity to respond to the warning.

Attachments:
[SB 1100 Author Fact Sheet](#)

Position: Watch
Subject: Brown Act
CALAFCO Comments: This bill would authorize the removal of an individual from a public meeting who is “willfully interrupting” the meeting after a warning and a request to stop their behavior. “Willfull interrupting” is defined as intentionally engaging in behavior during a meeting of a legislative body that substantially impairs or renders infeasible the orderly conduct of the meeting in accordance with law.

The bill is author-sponsored and keyed fiscal. An author fact sheet is posted in our attachments section.

3

[AB 897](#) (Mullin D) Office of Planning and Research: regional climate networks: regional climate adaptation and resilience action plans.

Current Text: Amended: 7/14/2021 [html](#) [pdf](#)

Introduced: 2/17/2021

Last Amended: 7/14/2021

Status: 8/27/2021-Failed Deadline pursuant to Rule 61(a)(12). (Last location was APPR. SUSPENSE FILE on 8/16/2021)(May be acted upon Jan 2022)

Desk	Policy	Fiscal	Floor	Desk	Policy	2 year	Floor	Conf. Conc.	Enrolled	Vetoed	
1st House				2nd House							

Summary:
 Current law requires, by July 1, 2017, and every 3 years thereafter, the Natural Resources Agency to update, as prescribed, the state’s climate adaptation strategy, known as the Safeguarding California Plan. Current law establishes the Office of Planning and Research in state government in the Governor’s office. Current law establishes the Integrated Climate Adaptation and Resiliency Program to be administered by the office to coordinate regional and local efforts with state climate adaptation strategies to adapt to the impacts of climate change, as prescribed. This bill would authorize eligible entities, as defined, to establish and participate in a regional climate network, as defined. The bill would require the office, through the program, to encourage the inclusion of eligible entities with land use planning and hazard mitigation planning authority into regional climate networks. The bill would authorize a regional climate network to engage in activities to address climate change, as specified.

Attachments:
[CALAFCO Support July 2021](#)
[AB 897 Fact Sheet](#)

Position: Support

Subject: Climate Change

CALAFCO Comments: As introduced, the bill builds on existing programs through OPR by promoting regional collaboration in climate adaptation planning and providing guidance for regions to identify and prioritize projects necessary to respond to the climate vulnerabilities of their region.

As amended, the bill requires OPR to develop guidelines (the scope of which are outlined in the bill) for Regional Climate Adaptation Action Plans (RCAAPs) by 1-1-23 through their normal public process. Further the bill requires OPR to make recommendations to the Legislature on potential sources of financial assistance for the creation & implementation of RCAAPs, and ways the state can support the creation and ongoing work of regional climate networks. The bill outlines the authority of a regional climate network, and defines eligible entities. Prior versions of the bill kept the definition as rather generic and with each amended version gets more specific. As a result, CALAFCO has requested the author add LAFCOs explicitly to the list of entities eligible to participate in these regional climate networks.

As amended on 4/7, AB 11 (Ward) was joined with this bill - specifically found in 71136 in the Public Resources Code as noted in the amended bill. Other amendments include requiring OPR to, before 7-1-22, establish geographic boundaries for regional climate networks and prescribes requirements in doing so.

This is an author-sponsored bill. The bill necessitates additional resources from the state to carry out the additional work required of OPR (there is no current budget appropriation). A fact sheet is posted in the tracking section of the bill.

As amended 4/19/21: There is no longer a requirement for OPR to include in their guidelines how a regional climate network may develop their plan: it does require ("may" to "shall") a regional climate network to develop a regional climate adaptation plan and submit it to OPR for approval; adds requirements of what OPR shall publish on their website; and makes several other minor technical changes.

As amended 7/1/21, the bill now explicitly names LAFCo as an eligible entity. It also adjusts several timelines for OPR's requirements including establishing boundaries for the regional climate networks, develop guidelines and establish standards for the networks, and to make recommendations to the Legislature related to regional adaptation. Give the addition of LAFCo as an eligible entity, CALAFCO is now in support of the bill.

Amendments of 7/14/21, as requested by the Senate Natural Resources & Water Committee, mostly do the following: (1) Include "resilience" to climate adaptation; (2) Prioritize the most vulnerable communities; (3) Add definitions for "under-resourced" and "vulnerable" communities; (4) Remove the requirement for OPR to establish geographic boundaries for the regional climate networks; (5) Include agencies with hazard mitigation authority and in doing so also include the Office of Emergency Services to work with OPR to establish guidelines and standards required for the climate adaptation and resilience plan; and (6) Add several regional and local planning documents to be used in the creation of guidelines.

2/24/22 UPDATE: It appears this bill is being replaced with AB 1640 (Ward, Mullin, etc.). CALAFCO will keep this bill on Watch and follow the new bill.

AB 903 (**Frazier D**) **Los Medanos Community Healthcare District.**

Current Text: Amended: 4/19/2021 [html](#) [pdf](#)

Introduced: 2/17/2021

Last Amended: 4/19/2021

Status: 7/14/2021-Failed Deadline pursuant to Rule 61(a)(11). (Last location was GOV. & F. on 5/19/2021)(May be acted upon Jan 2022)

Desk	Policy	Fiscal	Floor	Desk	2 year	Fiscal	Floor	Conf. Conc.	Enrolled	Vetoed
1st House				2nd House						

Summary:

Would require the dissolution of the Los Medanos Community Healthcare District, as specified. The bill would require the County of Contra Costa to be successor of all rights and responsibilities of the district, and require the county to develop and conduct the Los Medanos Area Health Plan Grant Program focused on comprehensive health-related services in the district's territory. The bill would require the county to complete a property tax transfer process to ensure the transfer of the district's health-related ad valorem property tax revenues to the county for the sole purpose of funding the Los Medanos Area Health Plan Grant Program. By requiring a higher level of service from the County of Contra Costa as specified, the bill would impose a state-mandated local program.

Position: Watch

CALAFCO Comments: This bill mandates the dissolution of the Los Medanos Community Healthcare District with the County as the successor agency, effective 2-1-22. The bill requires the County to perform certain acts prior to the dissolution. The LAFCo is not involved in the dissolution as the bill is written. Currently, the district is suing both the Contra Costa LAFCo and the County of Contra Costa after the LAFCo approved the dissolution of the district upon application by the County and the district failed to get enough signatures in the protest process to go to an election.

The amendment on 4/5/21 was just to correct a typo in the bill.

As amended on 4/19/21, the bill specifies monies received by the county as part of the property tax transfer shall be used specifically to fund the Los Medanos Area Health Plan Grant Program within the district's territory. It further adds a clause that any new or existing profits shall be used solely for the purpose of the grant program within the district's territory.

The bill did not pass out of Senate Governance & Finance Committee and will not move forward this year. It may be acted on in 2022.

2022 UPDATE: Given Member Frazier is no longer in the Assembly and the appellate court overturned the lower court's decision, it is likely the bill will not move forward. CALAFCO will retain WACTH on the bill.

AB 975 (Rivas, Luz D) Political Reform Act of 1974: statement of economic interests and gifts.

Current Text: Amended: 5/18/2021 [html](#) [pdf](#)

Introduced: 2/18/2021

Last Amended: 5/18/2021

Status: 2/1/2022-In Senate. Read first time. To Com. on RLS. for assignment.

Desk	Policy	Fiscal	Floor	Desk	Policy	Fiscal	Floor		Enrolled	Vetoed
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1st House	2nd House	Conf. Conc.			
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Summary:

The Political Reform Act of 1974 regulates conflicts of interests of public officials and requires that public officials file, with specified filing officers, periodic statements of economic interests disclosing certain information regarding income, investments, and other financial data. The Fair Political Practices Commission is the filing officer for statewide elected officers and candidates and other specified public officials. If the Commission is the filing officer, the public official generally files with their agency or another person or entity, who then makes a copy and files the original with the Commission. This bill would revise and recast these filing requirements to make various changes, including requiring public officials and candidates for whom the Commission is the filing officer to file their original statements of economic interests electronically with the Commission.

Position: Watch

Subject: FPPC

CALAFCO Comments: As introduced, this bill makes two notable changes to the current requirements of gift notification and reporting: (1) It increases the period for public officials to reimburse, in full or part, the value of attending an invitation-only event, for purposes of the gift rules, from 30 days from receipt to 30 days following the calendar quarter in which the gift was received; and (2) It reduces the gift notification period for lobbyist employers from 30 days after the end of the calendar quarter in which the gift was provided to 15 days after the calendar quarter. Further it requires the FPPC to have an online filing system and to redact contact information of filers before posting.

The amendment on 4/21/21 just corrects wording (technical, non-substantive change).

The amendments on 5/18/21 clarify who is to file a statement of economic interest to include candidates (prior text was office holders).

UPDATE AS OF 2/24/22 - The author's office indicates they are moving forward with the bill this year and are planning amendments. They are not clear what those amendments will be so CALAFCO will retain a WATCH position on the bill.

AB 1195 (Garcia, Cristina D) Drinking water.

Current Text: Amended: 5/24/2021 [html](#) [pdf](#)

Introduced: 2/18/2021

Last Amended: 5/24/2021

Status: 7/14/2021-Failed Deadline pursuant to Rule 61(a)(11). (Last location was N.R. & W. on 6/9/2021)(May be acted upon Jan 2022)

Desk	Policy	Fiscal	Floor	Desk	2 year	Fiscal	Floor	Conf. Conc.	Enrolled	Vetoed	
1st House				2nd House							

Summary:

Current law establishes the Safe and Affordable Drinking Water Fund in the State Treasury to help water systems provide an adequate and affordable supply of safe drinking water in both the near and long terms. Current law authorizes the state board to provide for the deposit into the fund of certain moneys and continuously appropriates the moneys in the fund to the state board for grants, loans,

contracts, or services to assist eligible recipients. This bill would prohibit a public water system from transferring or abandoning a water right held by the public water system except upon approval of the state board, as prescribed.

Attachments:

[CALAFCO Letter of Concern - April 2021](#)

[AB 1195 Fact Sheet](#)

Position: Watch With Concerns

Subject: Water

CALAFCO Comments: As amended on 4-6-21, the bill was gut and amended and now creates the So LA County Human Rights to Water Collaboration Act. It requires the Water Board to appoint a commissioner to implement the Safe & Affordable Funding for Equity & Resilience Program and gives the commissioner certain authorities (although they are not clearly spelled out). It requires the commissioner by 12-31-24 to submit to the Water Board a plan for the long-term sustainability of public water systems in southern LA County and prescribes what shall be included in the plan. The bill also creates a technical advisory board and requires the commissioner to oversee the Central Basin Municipal Water District.

In its current form the bill creates numerous concerns. CALAFCO's letter of concern is posted in the tracking section of the bill, and includes: (1) Focus of the bill is very broad as is the focus of the commissioner; (2) In an attempt to prevent privatization of water systems there is language regarding severing water rights. That language could be problematic should a consolidation be ordered; (3) Diminishing local control that is being invested in the state (an ongoing concern since SB 88); (4) A clear distinction needs to be made between an Administrator and Commissioner; (5) The poorly written section on the technical advisory board; and (6) The lack of LAFCo involvement in any consolidation process.

As amended on 5-24-21, the bill changes the water rights provision now requiring approval by the water Board; uses the definitions of "at risk system" and "at risk domestic well" found in SB 403 (Gonzalez) as well as the 3,300 connect cap; requires the commissioner appointed by the board to be from the local area; requires the commissioner to do certain things prior to completing the regional plan; and requires the commissioner to apply to LA LAFCo for extension of service, consolidation or dissolution as appropriate. The bill also creates a pilot program for LA LAFCo giving them the authority to take action rather than the water board, providing it is within 120 days of receipt of a completed application. If the LAFCo fails to take action within that time, the matter goes to the water board for their action.

The pilot program also gives LA LAFCo the authority to approve, approve with conditions or deny the application; further giving LAFCo authority to consider consolidation or extension of service with a local publicly owned utility that provides retail water, a private water company or mutual; the bill also waives protest proceedings, gives the LAFCo authority to address governance structure and CEQA is waived, provides full LAFCo indemnification and funding.

There are still issues with the proposed technical advisory board section of the bill, and questions about timing of some of the processes. CALAFCO continues to work with the author and speakers' offices as well as other stakeholders on ongoing amendments.

The bill is author-sponsored and we understand there is currently no funding

source. A fact sheet is posted in the tracking section of the bill. CALAFCO's letter of concern is also posted there.

THIS IS NOW A 2-YEAR BILL.

UPDATE AS OF 2/10/22 - According to the author's office, the author is not intending to move the bill forward at this time. CALAFCO will continue to WATCH and monitor the bill. As a result, the bill was downgraded from a P-1 to a P-3.

AB 1935 (Grayson D) Resource conservation districts: formation.

Current Text: Introduced: 2/10/2022 [html](#) [pdf](#)

Introduced: 2/10/2022

Status: 2/18/2022-Referred to Com. on L. GOV.

Desk	Policy	Fiscal	Floor	Desk	Policy	Fiscal	Floor	Conf. Conc.	Enrolled	Vetoed
1st House				2nd House						

Summary:

Current law authorizes the formation of a resource conservation district in accordance with prescribed procedures for the control of runoff, the prevention or control of soil erosion, the development and distribution of water, and the improvement of land capabilities. Under current law, a proposal to form a district may be made by a petition of registered voters, as specified. Current law requires, within 30 days after the date of filing a petition, the executive officer of the local agency formation commission to cause the petition to be examined and prepare a certificate of sufficiency, as provided. Current law authorizes, within 15 days after a notice of insufficiency, the chief petitioners to file with the executive officer a supplemental petition, as provided. Current law requires, within 10 days after the date of filing a supplemental petition, the executive officer to examine the supplemental petition and certify in writing the results of their examination. This bill would increase the amount of time, from 30 to 45 days after the date of filing a petition, for the executive officer of the local agency formation commission to cause the petition to be examined and prepare a certificate of sufficiency.

Position: Placeholder - Spot Bill

Subject: LAFCo Administration

CALAFCO Comments: According to the author's office, this is a spot bill and the topic will change. CALAFCO was unaware of the bill prior to introduction.

AB 2041 (Garcia, Eduardo D) California Safe Drinking Water Act: primary drinking water standards: compliance.

Current Text: Introduced: 2/14/2022 [html](#) [pdf](#)

Introduced: 2/14/2022

Status: 2/24/2022-Referred to Com. on E.S. & T.M.

Desk	Policy	Fiscal	Floor	Desk	Policy	Fiscal	Floor	Conf. Conc.	Enrolled	Vetoed
1st House				2nd House						

Calendar:

3/22/2022 1:30 p.m. - State Capitol, Room 444 ASSEMBLY ENVIRONMENTAL SAFETY AND TOXIC MATERIALS, QUIRK, Chair

Summary:

Would require the State Water Resources Control Board to take specified actions if the state board adopts a primary drinking water standard with a compliance period

for which public water systems are given a designated period of time to install necessary measures, including, but not limited to, installation of water treatment systems, to comply with the primary drinking water standard without being held in violation of the primary drinking water standard. Those actions would include, among other actions, developing a financial plan to assist public water systems that will require financial assistance in procuring and installing the necessary measures.

Attachments:

[AB 2041 Author Fact Sheet](#)

Position: Watch

Subject: Water

CALAFCO Comments: This bill would require the SWRCB to take specified actions if the SWRCB adopts a primary drinking water standard with a compliance period for which public water systems are given a designated period of time to install necessary measures, including, but not limited to, installation of water treatment systems, to comply with the primary drinking water standard without being held in violation of the primary drinking water standard. Those actions would include, among other actions, developing a financial plan to assist public water systems that will require financial assistance in procuring and installing the necessary measures.

CALAFCO reached out to the author's office for information on the bill and has not heard back. The bill is keyed fiscal. An author fact sheet is attached.

SB 12 (McGuire D) Local government: planning and zoning: wildfires.

Current Text: Amended: 7/1/2021 [html](#) [pdf](#)

Introduced: 12/7/2020

Last Amended: 7/1/2021

Status: 7/14/2021-Failed Deadline pursuant to Rule 61(a)(11). (Last location was H. & C.D. on 6/24/2021)(May be acted upon Jan 2022)

Desk	Policy	Fiscal	Floor	Desk	2 year	Fiscal	Floor	Conf. Conc.	Enrolled	Vetoed	
1st House				2nd House							

Summary:

Current law requires that the Office of Planning and Research, among other things, coordinate with appropriate entities, including state, regional, or local agencies, to establish a clearinghouse for climate adaptation information for use by state, regional, and local entities, as provided. This bill would require the safety element, upon the next revision of the housing element or the hazard mitigation plan, on or after July 1, 2024, whichever occurs first, to be reviewed and updated as necessary to include a comprehensive retrofit strategy to reduce the risk of property loss and damage during wildfires, as specified, and would require the planning agency to submit the adopted strategy to the Office of Planning and Research for inclusion into the above-described clearinghouse.

Position: Watch

Subject: Growth Management, Planning

CALAFCO Comments: UPDATE 2/24/22: According to the author's office, they do plan to move this bill forward in 2022 and no other details are available at this time.

SB 418 (Laird D) Pajaro Valley Health Care District.

Current Text: Chaptered: 2/4/2022 [html](#) [pdf](#)

Introduced: 2/12/2021

Last Amended: 1/24/2022

Status: 2/4/2022-Approved by the Governor. Chaptered by Secretary of State. Chapter 1, Statutes of 2022.

Desk	Policy	Fiscal	Floor	Desk	Policy	Fiscal	Floor	Conf. Conc.	Enrolled	Vetoed	C
1st House				2nd House							

Summary:

Would create the Pajaro Valley Health Care District, as specified, except that the bill would authorize the Pajaro Valley Health Care District to be organized, incorporated, and managed, only if the relevant county board of supervisors chooses to appoint an initial board of directors.

Position: Watch

Subject: Special District Principle Acts

CALAFCO Comments: Gut and amended on 1/14/22, this bill forms the Pajaro Valley Health Care District within Santa Cruz and Monterey counties. The formation, done by special legislation, bypasses the LAFCo process, with language explicitly stating upon formation, LAFCo shall have authority. The bill requires that within 5 years of the date of the first meeting of the Board of Directors of the district, the board of directors shall divide the district into zones. The bill would require the district to notify Santa Cruz LAFCo when the district, or any other entity, acquires the Watsonville Community Hospital. The bill requires the LAFCo to order the dissolution of the district if the hospital has not been acquired by January 1, 2024 through a streamlined process, and requires the district to notify LAFCo if the district sells the Watsonville Community Hospital to another entity or stops providing health care services at the facility, requiring the LAFCo to dissolve the district under those circumstances in a streamlined process.

Given the hospital has filed bankruptcy and this is the only hospital in the area and serves disadvantaged communities and employs a large number of people in the area, the bill has an urgency clause.

Several amendments were added on 1/24/22 by the ALGC and SGFC all contained within Section 32498.7.

CALAFCO worked closely with the author's office, Santa Cruz County lobbyist and the Santa Cruz and Monterey LAFCos on this bill. We have requested further amendments which the Senator has agreed to take in a follow-up bill this year. Those amendments include requiring Santa Cruz LAFCo to adopt a sphere of influence for the district within 1 year of formation; the district filing annual progress reports to Santa Cruz LAFCo for the first 3 years, Santa Cruz LAFCo conducting a special study on the district after 3 years, and representation from both counties on the governing board.

The bill is sponsored by the Pajaro Valley Healthcare District Project and is not keyed fiscal.

SB 969 (Laird D) Pajaro Valley Health Care District.

Current Text: Amended: 3/2/2022 [html](#) [pdf](#)

Introduced: 2/10/2022

Last Amended: 3/2/2022

Status: 3/9/2022-Re-referred to Com. on GOV. & F.

Desk	Policy	Fiscal	Floor	Desk	Policy	Fiscal	Floor	Conf. Conc.	Enrolled	Vetoed
1st House				2nd House						

Summary:

Current law creates the Pajaro Valley Health Care District, as specified, and authorizes the Pajaro Valley Health Care District to be organized, incorporated, and managed, only if the relevant county board of supervisors chooses to appoint an initial board of directors. Current law requires, within 5 years of the date of the first meeting of the Board of Directors of the Pajaro Valley Health Care District, the board of directors to divide the district into zones and number the zones consecutively. Current law requires the Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000 to govern any organizational changes for the district after formation. Current law requires the district to notify the County of Santa Cruz local agency formation commission (LAFCO) when the district, or any other entity, acquires the Watsonville Community Hospital. Existing law requires the LAFCO to dissolve the district under certain circumstances. This bill would require the LAFCO to develop and determine a sphere of influence for the district within one year of the district's date of formation, and to conduct a municipal service review regarding health care provision in the district by December 31, 2025, and by December 31 every 5 years thereafter.

Position: Watch

Subject: Other

CALAFCO Comments: This bill is a follow up to SB 418 (Laird) and contains some of the amendments requested by CALAFCO and Monterey and Santa Cruz LAFcos. As introduced the bill requires Santa Cruz LAFco to adopt a sphere of influence for the district within 1 year of formation; the district filing annual progress reports to Santa Cruz LAFco for the first 2 years, Santa Cruz LAFco conducting a Municipal Service Review on the district every 5 years with the first being conducted by 12-31-25. Our final requested amendment, ensuring representation from both counties on the governing board, is still being worked on and not reflected in the introduced version of the bill.

SB 1449 (Caballero D) Unincorporated areas.

Current Text: Introduced: 2/18/2022 [html](#) [pdf](#)

Introduced: 2/18/2022

Status: 3/9/2022-Referred to Com. on RLS.

Desk	Policy	Fiscal	Floor	Desk	Policy	Fiscal	Floor	Conf. Conc.	Enrolled	Vetoed
1st House				2nd House						

Summary:

Would state the intent of the Legislature to establish the policy of the state to ensure that the living standards within unincorporated areas of the state are consistent with standards of cities within the same county and funding mechanisms to support the financial investments required by cities and counties to accomplish this goal.

Position: Placeholder - Spot Bill

Subject: Other

CALAFCO Comments: This is currently a spot bill. According to the author's office, they are working on state funding to incentivize annexation of inhabited territory (when the VLF was taken away, so too was any financial incentive to annex inhabited territory). For many years bills have been run to reinstate funding, none of which have ever successfully passed. There is no other information available on this bill at this time. CALAFCO will continue conversations with the author's office as this is an important topic for LAFCos. (The bill will remain a P-3 until amended.)

[SB 1489](#) (Committee on Governance and Finance) Local Government Omnibus Act of 2022.

Current Text: Introduced: 2/28/2022 [html](#) [pdf](#)

Introduced: 2/28/2022

Status: 3/9/2022-Referred to Coms. on GOV. & F. and HOUSING.

Desk	Policy	Fiscal	Floor	Desk	Policy	Fiscal	Floor	Conf. Conc.	Enrolled	Vetoed
1st House				2nd House						

Summary:

Current law sets forth requirements for the passage of city ordinances. Current law requires ordinances to be read in full either at the time of introduction or passage except when, after reading the title, further reading is waived by regular motion adopted by majority vote of the legislative body. This bill would provide that a reading of the title or ordinance is not required if the title is included on the published agenda and a copy of the full ordinance is made available to the public online and in print at the meeting prior to the introduction or passage.

Position: Watch

CALAFCO Comments: This is the Senate Governance & Finance Committee annual omnibus bill.

Total Measures: 24

Total Tracking Forms: 24

3/10/2022 8:31:05 AM

ASSEMBLY BILL**No. 2957****Introduced by Committee on Local Government**

March 2, 2022

An act to amend Sections 56102, 56653, 56654, and 56658 of, and to add Section 56078.5 to, the Government Code, relating to local government.

LEGISLATIVE COUNSEL'S DIGEST

AB 2957, as introduced, Committee on Local Government. Local government: reorganization.

Existing law, the Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000, provides the authority and procedure for the initiation, conduct, and completion of changes of organization, reorganization, and sphere of influence changes for cities and districts, as specified. Existing law requires that an applicant seeking a change of organization or reorganization to submit a plan for providing services within the affected territory.

Existing law requires a petitioner or legislative body desiring to initiate proceedings to submit an application to the executive officer of the local agency formation commission, and requires the local agency formation commission, with regard to an application that includes an incorporation, to immediately notify all affected local agencies and any applicable state agency, as specified.

This bill would define the term “successor agency,” for these purposes to mean the local agency a commission designates to wind up the affairs of a dissolved district. This bill would also make clarifying changes to the above provisions.

Vote: majority. Appropriation: no. Fiscal committee: no.
State-mandated local program: no.

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

1 SECTION 1. Section 56078.5 is added to the Government
2 Code, to read:
3 56078.5. “Successor Agency” means the local agency the
4 commission designates to wind up the affairs of a dissolved district.
5 SEC. 2. Section 56102 of the Government Code is amended
6 to read:
7 56102. For the purpose of any action to determine or contest
8 the validity of any change of organization or reorganization, the
9 change of organization or reorganization shall be deemed to be
10 ~~completed and in existence~~ *take effect* upon the date of execution
11 of the certificate of completion.
12 SEC. 3. Section 56653 of the Government Code, as amended
13 by Section 1 of Chapter 43 of the Statutes of 2017, is amended to
14 read:
15 56653. (a) ~~If a proposal~~ *an application* for a change of
16 organization or reorganization is submitted pursuant to this part,
17 the applicant shall submit a plan for providing services within the
18 affected territory.
19 (b) The plan for providing services shall include all of the
20 following information and any additional information required by
21 the commission or the executive officer:
22 (1) An enumeration and description of the services currently
23 provided or to be extended to the affected territory.
24 (2) The level and range of those services.
25 (3) An indication of when those services can feasibly be
26 extended to the affected territory, if new services are proposed.
27 (4) An indication of any improvement or upgrading of structures,
28 roads, sewer or water facilities, or other conditions the local agency
29 would impose or require within the affected territory if the change
30 of organization or reorganization is completed.
31 (5) Information with respect to how those services will be
32 financed.
33 (c) (1) In the case of a change of organization or reorganization
34 initiated by a local agency that includes a disadvantaged,
35 unincorporated community as defined in Section 56033.5, a local

1 agency may include in its resolution of application for change of
2 organization or reorganization an annexation development plan
3 adopted pursuant to Section 99.3 of the Revenue and Taxation
4 Code to improve or upgrade structures, roads, sewer or water
5 facilities, or other infrastructure to serve the disadvantaged,
6 unincorporated community through the formation of a special
7 district or reorganization of one or more existing special districts
8 with the consent of each special district's governing body.

9 (2) The annexation development plan submitted pursuant to this
10 subdivision shall include information that demonstrates that the
11 formation or reorganization of the special district will provide all
12 of the following:

13 (A) The necessary financial resources to improve or upgrade
14 structures, roads, sewer, or water facilities or other infrastructure.
15 The annexation development plan shall also clarify the local entity
16 that shall be responsible for the delivery and maintenance of the
17 services identified in the application.

18 (B) An estimated timeframe for constructing and delivering the
19 services identified in the application.

20 (C) The governance, oversight, and long-term maintenance of
21 the services identified in the application after the initial costs are
22 recouped and the tax increment financing terminates.

23 (3) If a local agency includes an annexation development plan
24 pursuant to this subdivision, a local agency formation commission
25 may approve the proposal for a change of organization or
26 reorganization to include the formation of a special district or
27 reorganization of a special district with the special district's
28 consent, including, but not limited to, a community services district,
29 municipal water district, or sanitary district, to provide financing
30 to improve or upgrade structures, roads, sewer or water facilities,
31 or other infrastructure to serve the disadvantaged, unincorporated
32 community, in conformity with the requirements of the principal
33 act of the district proposed to be formed and all required formation
34 proceedings.

35 (4) Pursuant to Section 56881, the commission shall include in
36 its resolution making determinations a description of the annexation
37 development plan, including, but not limited to, an explanation of
38 the proposed financing mechanism adopted pursuant to Section
39 99.3 of the Revenue and Taxation Code, including, but not limited

1 to, any planned debt issuance associated with that annexation
2 development plan.

3 (d) This section shall not preclude a local agency formation
4 commission from considering any other options or exercising its
5 powers under Section 56375.

6 (e) This section shall remain in effect only until January 1, 2025,
7 and as of that date is repealed.

8 SEC. 4. Section 56653 of the Government Code, as amended
9 by Section 2 of Chapter 43 of the Statutes of 2017, is amended to
10 read:

11 56653. (a) If ~~a proposal~~ *an application* for a change of
12 organization or reorganization is submitted pursuant to this part,
13 the applicant shall submit a plan for providing services within the
14 affected territory.

15 (b) The plan for providing services shall include all of the
16 following information and any additional information required by
17 the commission or the executive officer:

18 (1) An enumeration and description of the services currently
19 provided or to be extended to the affected territory.

20 (2) The level and range of those services.

21 (3) An indication of when those services can feasibly be
22 extended to the affected territory, if new services are proposed.

23 (4) An indication of any improvement or upgrading of structures,
24 roads, sewer or water facilities, or other conditions the local agency
25 would impose or require within the affected territory if the change
26 of organization or reorganization is completed.

27 (5) Information with respect to how those services will be
28 financed.

29 (c) This section shall become operative on January 1, 2025.

30 SEC. 5. Section 56654 of the Government Code is amended
31 to read:

32 56654. (a) ~~A proposal~~ *An application* for a change of
33 organization or a reorganization may be made by the adoption of
34 a resolution of application by the legislative body of an affected
35 local agency, except as provided in subdivision (b).

36 (b) Notwithstanding Section 56700, ~~a proposal~~ *an application*
37 for a change of organization that involves the exercise of new or
38 different functions or classes of services, or the divestiture of the
39 power to provide particular functions or classes of services, within
40 all or part of the jurisdictional boundaries of a special district, shall

1 only be initiated by the legislative body of that special district in
2 accordance with Sections 56824.10, 56824.12, and 56824.14.

3 (c) At least 21 days before the adoption of the resolution, the
4 legislative body may give mailed notice of its intention to adopt
5 a resolution of application to the commission and to each interested
6 agency and each subject agency. The notice shall generally describe
7 the ~~proposal~~ *application* and the affected territory.

8 (d) Except for the provisions regarding signers and signatures,
9 a resolution of application shall contain all of the matters specified
10 for a petition in Section 56700 and shall be submitted with a plan
11 for services prepared pursuant to Section 56653.

12 SEC. 6. Section 56658 of the Government Code is amended
13 to read:

14 56658. (a) Any petitioner or legislative body desiring to initiate
15 proceedings shall submit an application to the executive officer of
16 the principal county.

17 (b) (1) Immediately after receiving an application and before
18 issuing a certificate of filing, the executive officer shall give mailed
19 notice that the application has been received to each affected local
20 agency, the county committee on school district organization, and
21 each school superintendent whose school district overlies the
22 affected territory. The notice shall generally describe the ~~proposal~~
23 *application* and the affected territory. The executive officer shall
24 not be required to give notice pursuant to this subdivision if a local
25 agency has already given notice pursuant to subdivision (c) of
26 Section 56654.

27 (2) It is the intent of the Legislature that ~~a proposal~~ *an*
28 *application* for incorporation or disincorporation shall be processed
29 in a timely manner. With regard to an application that includes an
30 incorporation or disincorporation, the executive officer shall
31 immediately notify all affected local agencies and any applicable
32 state agencies by mail and request the affected agencies to submit
33 the required data to the commission within a reasonable timeframe
34 established by the executive officer. Each affected agency shall
35 respond to the executive officer within 15 days acknowledging
36 receipt of the request. Each affected local agency and the officers
37 and departments thereof shall submit the required data to the
38 executive officer within the timelines established by the executive
39 officer. Each affected state agency and the officers and departments
40 thereof shall submit the required data to the executive officer within

1 the timelines agreed upon by the executive officer and the affected
2 state departments.

3 (3) If a special district is, or as a result of a proposal will be,
4 located in more than one county, the executive officer of the
5 principal county shall immediately give the executive officer of
6 each other affected county mailed notice that the application has
7 been received. The notice shall generally describe the proposal
8 and the affected territory.

9 (c) Except when a commission is the lead agency pursuant to
10 Section 21067 of the Public Resources Code, the executive officer
11 shall determine within 30 days of receiving an application whether
12 the application is complete and acceptable for filing or whether
13 the application is incomplete.

14 (d) The executive officer shall not accept an application for
15 filing and issue a certificate of filing for at least 20 days after giving
16 the mailed notice required by subdivision (b). The executive officer
17 shall not be required to comply with this subdivision in the case
18 of an application which meets the requirements of Section 56662
19 or in the case of an application for which a local agency has already
20 given notice pursuant to subdivision (c) of Section 56654.

21 (e) If the appropriate fees have been paid, an application shall
22 be deemed accepted for filing if no determination has been made
23 by the executive officer within the 30-day period. An executive
24 officer shall accept for filing, and file, any application submitted
25 in the form prescribed by the commission and containing all of
26 the information and data required pursuant to Section 56652.

27 (f) When an application is accepted for filing, the executive
28 officer shall immediately issue a certificate of filing to the
29 applicant. A certificate of filing shall be in the form prescribed by
30 the executive officer and shall specify the date upon which the
31 proposal shall be heard by the commission. From the date of
32 issuance of a certificate of filing, or the date upon which an
33 application is deemed to have been accepted, whichever is earlier,
34 an application shall be deemed filed pursuant to this division.

35 (g) If an application is determined not to be complete, the
36 executive officer shall immediately transmit that determination to
37 the applicant specifying those parts of the application which are
38 incomplete and the manner in which they can be made complete.

39 (h) Following the issuance of the certificate of filing, the
40 executive officer shall proceed to set the proposal for hearing and

1 give published notice thereof as provided in this part. The date of
2 the hearing shall be not more than 90 days after issuance of the
3 certificate of filing or after the application is deemed to have been
4 accepted, whichever is earlier. Notwithstanding Section 56106,
5 the date for conducting the hearing, as determined pursuant to this
6 subdivision, is mandatory.

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ASSEMBLY BILL**No. 1773**

Introduced by Assembly Member Patterson
(Coauthors: Assembly Members Choi, Gallagher, Mathis, and
Smith)
(Coauthors: Senators Grove, Jones, and Nielsen)

February 3, 2022

An act to amend Section 16148 of the Government Code, relating to agricultural land, and making an appropriation therefor.

LEGISLATIVE COUNSEL'S DIGEST

AB 1773, as introduced, Patterson. Williamson Act: subvention payments: appropriation.

The Williamson Act, also known as the California Land Conservation Act of 1965, authorizes a city or county to enter into contracts with owners of land devoted to agricultural use, whereby the owners agree to continue using the property for that purpose, and the city or county agrees to value the land accordingly for purposes of property taxation. Existing law sets forth procedures for reimbursing cities and counties for property tax revenues not received as a result of these contracts and continuously appropriates General Fund moneys for that purpose.

This bill, for the 2022–23 fiscal year, would appropriate an additional \$40,000,000 from the General Fund to the Controller to make subvention payments to counties, as provided, in proportion to the losses incurred by those counties by reason of the reduction of assessed property taxes. The bill would make various findings in this regard.

Vote: $\frac{2}{3}$. Appropriation: yes. Fiscal committee: yes.
State-mandated local program: no.

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

1 SECTION 1. The Legislature finds and declares all of the
2 following:

3 (a) The preservation of our limited supply of agricultural land
4 helps to protect the state's economic resources, not only for the
5 maintenance of the agricultural economy of the state but also for
6 the assurance of adequate, healthful, and nutritious food for future
7 residents of this state and nation.

8 (b) The discouragement of premature and unnecessary
9 conversion of agricultural land to urban uses is a matter of public
10 interest, and benefits to urban residents because it discourages
11 noncontiguous urban development patterns that increase the cost
12 of community services and vehicle miles traveled.

13 (c) The preservation of agricultural lands as open space is also
14 a public benefit, and agricultural production on such lands
15 constitutes an important physical, social aesthetic, and economic
16 asset to existing and future residents of the state.

17 (d) The preservation of agricultural land within scenic highway
18 corridors and wildlife habitat areas is also of great value to the
19 state because of its scenic beauty and as habitat for wildlife that
20 contributes to biological diversity.

21 (e) Recent research has found that an acre of urban land emits
22 70 times as much greenhouse gases as an acre of irrigated cropland.
23 The Williamson Act (Chapter 7 (commencing with Section 51200)
24 of Part 1 of Division 1 of Title 5 of the Government Code) helps
25 keep farmland and open space from being converted to urban use.

26 (f) The open-space subvention program (Chapter 3 (commencing
27 with Section 16140) of Part 1 of Division 4 of Title 2 of the
28 Government Code) is crucial not only to counties' continued
29 participation in preserving agricultural land, but also to the state's
30 continued role in overseeing California's most important land
31 conservation program.

32 SEC. 2. Section 16148 of the Government Code is amended
33 to read:

34 16148. ~~Zero dollars (\$0)~~ *Forty million dollars (\$40,000,000)*
35 is appropriated for the ~~2010-11~~ 2022-23 fiscal year from the
36 General Fund to the Controller to make subvention payments to
37 counties pursuant to Section 16140 in proportion to the losses

- 1 incurred by those counties by reason of the reduction of assessed
- 2 property taxes.

O

SENATE BILL**No. 938**

Introduced by Senator Hertzberg
(Coauthor: Assembly Member Mayes)

February 8, 2022

An act to amend Sections 56824.14, 57075, 57077.1, 57077.2, 57077.3, 57077.4, and 57090 of, to add Sections 57077.5 and 57077.6 to, to add Chapter 4.5 (commencing with Section 57091) to Part 4 of Division 3 of Title 5 of, and to repeal Sections 57076, 57107, and 57113 of, the Government Code, and to amend Section 116687 of the Health and Safety Code, relating to local government.

LEGISLATIVE COUNSEL'S DIGEST

SB 938, as introduced, Hertzberg. The Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000: protest proceedings: procedural consolidation.

Existing law, the Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000, provides the exclusive authority and procedure for the initiation, conduct, and completion of changes of organization and reorganization for cities and districts, except as specified. Under existing law, in each county there is a local agency formation commission (commission) that oversees these changes of organization and reorganization.

With a specified exception, existing law provides for protest proceedings for a change of organization or reorganization following adoption of a resolution making certain determinations by the commission, as provided. Existing law sets forth required procedures for the commission following a protest hearing depending on the nature of the conducting authority, as defined, the type of change of organization or reorganization, and the results of the protest proceeding.

The bill would reorganize and consolidate the above-described procedures. The bill would make conforming changes and remove obsolete provisions.

Vote: majority. Appropriation: no. Fiscal committee: no.
State-mandated local program: no.

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

1 SECTION 1. Section 56824.14 of the Government Code is
2 amended to read:

3 56824.14. (a) The commission shall review and approve with
4 or without amendments, wholly, partially, or conditionally, or
5 disapprove proposals for the establishment of new or different
6 functions or class of services, or the divestiture of the power to
7 provide particular functions or class of services, within all or part
8 of the jurisdictional boundaries of a special district, after a public
9 hearing called and held for that purpose. The commission shall
10 not approve a proposal for the establishment of new or different
11 functions or class of services within the jurisdictional boundaries
12 of a special district unless the commission determines that the
13 special district will have sufficient revenues to carry out the
14 proposed new or different functions or class of services except as
15 specified in paragraph (1).

16 (1) The commission may approve a proposal for the
17 establishment of new or different functions or class of services
18 within the jurisdictional boundaries of a special district where the
19 commission has determined that the special district will not have
20 sufficient revenue to provide the proposed new or different
21 functions or class of services, if the commission conditions its
22 approval on the concurrent approval of sufficient revenue sources
23 pursuant to Section 56886. In approving a proposal, the
24 commission shall provide that if the revenue sources pursuant to
25 Section 56886 are not approved, the authority of the special district
26 to provide new or different functions or class of services shall not
27 be established.

28 (2) Unless otherwise required by the principal act of the subject
29 special district, or unless otherwise required by Section ~~57075~~ or
30 ~~57076~~, 57075, the approval by the commission for establishment
31 of new or different functions or class of services, or the divestiture

1 of the power to provide particular functions or class of services,
2 shall not be subject to an election.

3 (b) At least 21 days prior to the date of that hearing, the
4 executive officer shall give mailed notice of the hearing to each
5 affected local agency or affected county, and to any interested
6 party who has filed a written request for notice with the executive
7 officer. In addition, at least 21 days prior to the date of that hearing,
8 the executive officer shall cause notice of the hearing to be
9 published in accordance with Section 56153 in a newspaper of
10 general circulation that is circulated within the territory affected
11 by the proposal proposed to be adopted.

12 (c) The commission may continue from time to time any hearing
13 called pursuant to this section. The commission shall hear and
14 consider oral or written testimony presented by any affected local
15 agency, affected county, or any interested person who appears at
16 any hearing called and held pursuant to this section.

17 SEC. 2. Section 57075 of the Government Code is amended
18 to read:

19 ~~57075. In the case of registered voter districts or cities, where~~
20 *Where* a change of organization or reorganization consists solely
21 of annexations, detachments, the exercise of new or different
22 functions or class of services or the divestiture of the power to
23 provide particular functions or class of services within all or part
24 of the jurisdictional boundaries of a special district, or any
25 combination of those proposals, the commission, not more than
26 30 days after the conclusion of the hearing, shall make a finding
27 regarding the value of written protests filed and not withdrawn,
28 ~~and take one of the following actions, except as provided in~~
29 ~~subdivision (b) of Section 57002:~~ *take the action set forth in either*
30 *subdivision (a) of Section 57091, in the case of registered voter*
31 *districts or cities, or subdivision (b) of Section 57091, in the case*
32 *of landowner-voter districts.*

33 ~~(a) In the case of inhabited territory, take one of the following~~
34 ~~actions:~~

35 ~~(1) Terminate proceedings if a majority protest exists in~~
36 ~~accordance with Section 57078.~~

37 ~~(2) Order the change of organization or reorganization subject~~
38 ~~to confirmation by the registered voters residing within the affected~~
39 ~~territory if written protests have been filed and not withdrawn by~~
40 ~~either of the following:~~

1 (A) At least 25 percent, but less than 50 percent, of the registered
2 voters residing in the affected territory.

3 (B) At least 25 percent of the number of owners of land who
4 also own at least 25 percent of the assessed value of land within
5 the affected territory.

6 ~~(3) Order the change of organization or reorganization without
7 an election if paragraphs (1) and (2) of this subdivision do not
8 apply.~~

9 ~~(b) In the case of uninhabited territory, take either of the
10 following actions:~~

11 ~~(1) Terminate proceedings if a majority protest exists in
12 accordance with Section 57078.~~

13 ~~(2) Order the change of organization or reorganization if written
14 protests have been filed and not withdrawn by owners of land who
15 own less than 50 percent of the total assessed value of land within
16 the affected territory.~~

17 SEC. 3. Section 57076 of the Government Code is repealed.

18 ~~57076. In the case of landowner-voter districts, where a change
19 of organization or reorganization consists solely of annexations
20 or detachments, the exercise of new or different functions or class
21 of services or the divestiture of the power to provide particular
22 functions or class of services within all or part of the jurisdictional
23 boundaries of a special district, or any combination of those
24 proposals, the commission, not more than 30 days after the
25 conclusion of the hearing, shall make a finding regarding the value
26 of written protests filed and not withdrawn, and take one of the
27 following actions, except as provided in subdivision (b) of Section
28 57002:~~

29 ~~(a) Terminate proceedings if a majority protest exists in
30 accordance with Section 57078.~~

31 ~~(b) Order the change of organization or reorganization subject
32 to an election within the affected territory if written protests that
33 have been filed and not withdrawn represent either of the following:~~

34 ~~(1) Twenty-five percent or more of the number of owners of
35 land who also own 25 percent or more of the assessed value of
36 land within the territory.~~

37 ~~(2) Twenty-five percent or more of the voting power of
38 landowner voters entitled to vote as a result of owning property
39 within the territory.~~

1 ~~(e) Order the change of organization or reorganization without~~
2 ~~an election if written protests have been filed and not withdrawn~~
3 ~~by less than 25 percent of the number of owners of land who own~~
4 ~~less than 25 percent of the assessed value of land within the~~
5 ~~affected territory.~~

6 SEC. 4. Section 57077.1 of the Government Code is amended
7 to read:

8 57077.1. (a) If a change of organization consists of a
9 dissolution, the commission shall order the dissolution without
10 confirmation of the voters, except if the proposal meets the
11 requirements of subdivision (b), the commission shall order the
12 dissolution subject to confirmation of the voters.

13 (b) The commission shall order the dissolution subject to the
14 confirmation of the voters as follows:

15 (1) If the proposal was not initiated by the commission, and if
16 a subject agency has not objected by resolution to the proposal,
17 the commission has found that protests meet ~~one of the following~~
18 ~~the applicable~~ protest ~~thresholds; thresholds set forth in Section~~
19 ~~57093.~~

20 ~~(A) In the case of inhabited territory, protests have been signed~~
21 ~~by either of the following:~~

22 ~~(i) At least 25 percent of the number of landowners within the~~
23 ~~affected territory who own at least 25 percent of the assessed value~~
24 ~~of land within the territory.~~

25 ~~(ii) At least 25 percent of the voters entitled to vote as a result~~
26 ~~of residing within, or owning land within, the affected territory.~~

27 ~~(B) In the case of a landowner-voter district, that the territory~~
28 ~~is uninhabited and that protests have been signed by at least 25~~
29 ~~percent of the number of landowners within the affected territory~~
30 ~~owning at least 25 percent of the assessed value of land within the~~
31 ~~territory.~~

32 (2) If the proposal was not initiated by the commission, and if
33 a subject agency has objected by resolution to the proposal, written
34 protests have been submitted ~~as follows; that meet the applicable~~
35 ~~protest thresholds set forth in Section 57094.~~

36 ~~(A) In the case of inhabited territory, protests have been signed~~
37 ~~by either of the following:~~

38 ~~(i) At least 25 percent of the number of landowners within any~~
39 ~~subject agency within the affected territory who own at least 25~~
40 ~~percent of the assessed value of land within the territory.~~

1 ~~(ii) At least 25 percent of the voters entitled to vote as a result~~
2 ~~of residing within, or owning land within, any subject agency~~
3 ~~within the affected territory.~~

4 ~~(B) In the case of a landowner-voter district, that the territory~~
5 ~~is uninhabited and protests have been signed by at least 25 percent~~
6 ~~of the number of landowners within any subject agency within the~~
7 ~~affected territory, owning at least 25 percent of the assessed value~~
8 ~~of land within the subject agency.~~

9 (3) If the proposal was initiated by the commission, and
10 regardless of whether a subject agency has objected to the proposal
11 by resolution, written protests have been submitted that meet the
12 requirements of Section ~~57113~~. 57077.6.

13 (c) Notwithstanding subdivisions (a) and (b) and Sections 57102
14 and 57103, if a change of organization consists of the dissolution
15 of a district that is consistent with a prior action of the commission
16 pursuant to Section 56378, 56425, or 56430, the commission may
17 do either of the following:

18 (1) If the dissolution is initiated by the district board,
19 immediately approve and order the dissolution without an election
20 or protest proceedings pursuant to this part.

21 (2) If the dissolution is initiated by an affected local agency, by
22 the commission pursuant to Section 56375, or by petition pursuant
23 to Section 56650, order the dissolution after holding at least one
24 noticed public hearing, and after conducting protest proceedings
25 in accordance with this part. Notwithstanding any other law, the
26 commission shall terminate proceedings if a majority protest exists
27 in accordance with Section 57078. If a majority protest is not
28 found, the commission shall order the dissolution without an
29 election.

30 SEC. 5. Section 57077.2 of the Government Code is amended
31 to read:

32 57077.2. (a) If the change of organization consists of a
33 consolidation of two or more districts, the commission shall order
34 the consolidation without confirmation by the voters, except that
35 if the proposal meets the requirements of subdivision (b), the
36 commission shall order the consolidation subject to confirmation
37 of the voters.

38 (b) The commission shall order the consolidation subject to the
39 confirmation of the voters as follows:

1 (1) If the commission has approved a proposal submitted by
2 resolution of a majority of the members of the legislative bodies
3 of two or more local agencies pursuant to Section 56853, and the
4 commission has found that protests meet ~~one of the following~~ *the*
5 *applicable protest thresholds; thresholds set forth in Section 57093.*

6 ~~(A) In the case of inhabited territory, protests have been signed~~
7 ~~by either of the following:~~

8 ~~(i) At least 25 percent of the number of landowners within the~~
9 ~~territory subject to the consolidation who own at least 25 percent~~
10 ~~of the assessed value of land within the territory.~~

11 ~~(ii) At least 25 percent of the voters entitled to vote as a result~~
12 ~~of residing within, or owning land within, the territory.~~

13 ~~(B) In the case of a landowner-voter district, the territory is~~
14 ~~uninhabited and protests have been signed by at least 25 percent~~
15 ~~of the number of landowners within the territory subject to the~~
16 ~~consolidation, owning at least 25 percent of the assessed value of~~
17 ~~land within the territory.~~

18 (2) If the commission has approved a proposal not initiated by
19 the commission and if a subject agency has not objected by
20 resolution to the proposal, written protests have been submitted
21 that meet the requirements specified in subparagraph (A) or (B)
22 of paragraph (1). *applicable protest thresholds set forth in Section*
23 *57093.*

24 (3) If the proposal was not initiated by the commission, and if
25 a subject agency has objected by resolution to the proposal, written
26 protests have been submitted ~~as follows:~~ *that meet one of the*
27 *protest thresholds set forth in Section 57094.*

28 ~~(A) In the case of inhabited territory, protests have been signed~~
29 ~~by either of the following:~~

30 ~~(i) At least 25 percent of the number of landowners within any~~
31 ~~subject agency within the affected territory who own at least 25~~
32 ~~percent of the assessed value of land within the territory.~~

33 ~~(ii) At least 25 percent of the voters entitled to vote as a result~~
34 ~~of residing within, or owning land within, any subject agency~~
35 ~~within the affected territory.~~

36 ~~(B) In the case of a landowner-voter district, the territory is~~
37 ~~uninhabited, and protests have been signed by at least 25 percent~~
38 ~~of the number of landowners within any subject agency within the~~
39 ~~affected territory, owning at least 25 percent of the assessed value~~
40 ~~of land within the subject agency.~~

1 (4) If the commission has approved a proposal initiated by the
2 commission, and regardless of whether a subject agency has
3 objected to the proposal by resolution, written protests have been
4 submitted that meet the requirements of Section ~~57113~~: 57077.6.

5 SEC. 6. Section 57077.3 of the Government Code is amended
6 to read:

7 57077.3. (a) If a proposal consists of a reorganization not
8 described in Section 57075, ~~57076~~, 57077, 57077.4, or 57111, the
9 commission shall order the reorganization without confirmation
10 by the voters except that if the reorganization meets the
11 requirements of subdivision (b), the commission shall order the
12 reorganization subject to confirmation of the voters.

13 (b) The commission shall order the reorganization subject to
14 confirmation of the voters as follows:

15 (1) If the commission has approved a proposal submitted by
16 resolution of a majority of the members of the legislative bodies
17 of two or more local agencies pursuant to Section 56853, and the
18 commission has found that protests meet ~~one of the following~~ *the*
19 *applicable* protest ~~thresholds~~: *thresholds set forth in Section 57093*.

20 (A) ~~In the case of inhabited territory, protests have been signed~~
21 ~~by either of the following:~~

22 (i) ~~At least 25 percent of the number of landowners within the~~
23 ~~affected territory who own at least 25 percent of the assessed value~~
24 ~~of land within the territory.~~

25 (ii) ~~At least 25 percent of the voters entitled to vote as a result~~
26 ~~of residing within, or owning land within, the affected territory.~~

27 (B) ~~In the case of a landowner-voter district, that the territory~~
28 ~~is uninhabited, and that protests have been signed by at least 25~~
29 ~~percent of the number of landowners within the affected territory,~~
30 ~~owning at least 25 percent of the assessed value of land within the~~
31 ~~territory.~~

32 (2) If the commission has approved a proposal not initiated by
33 the commission, and if a subject agency has not objected by
34 resolution to the proposal, a written protest has been submitted
35 that meets ~~the requirements specified in subparagraph (A) or (B)~~
36 ~~of paragraph (1)~~: *the applicable protest thresholds set forth in*
37 *Section 57093*.

38 (3) If the commission has approved a proposal not initiated by
39 the commission, and if a subject agency has objected by resolution

1 to the proposal, written protests have been submitted as follows:
2 *that meet one of the protest thresholds set forth in Section 57094.*

3 ~~(A) In the case of inhabited territory, protests have been signed~~
4 ~~by either of the following:~~

5 ~~(i) At least 25 percent of the number of landowners within any~~
6 ~~subject agency within the affected territory who own at least 25~~
7 ~~percent of the assessed value of land within the territory.~~

8 ~~(ii) At least 25 percent of the voters entitled to vote as a result~~
9 ~~of residing within, or owning land within, any subject agency~~
10 ~~within the affected territory.~~

11 ~~(B) In the case of a landowner-voter district, the territory is~~
12 ~~uninhabited, and protests have been signed by at least 25 percent~~
13 ~~of the number of landowners within any subject agency within the~~
14 ~~affected territory, owning at least 25 percent of the assessed value~~
15 ~~of land within the subject agency.~~

16 (4) If the commission has approved a proposal initiated by the
17 commission, and regardless of whether a subject agency has
18 objected to the proposal by resolution, written protests have been
19 submitted that meet the requirements of Section ~~57113. 57077.6.~~

20 ~~(e) This section shall not apply to reorganizations governed by~~
21 ~~Sections 56853.5 and 56853.6.~~

22 SEC. 7. Section 57077.4 of the Government Code is amended
23 to read:

24 57077.4. (a) If a reorganization consists of the dissolution of
25 one or more districts and the annexation of all or substantially all
26 the territory to another district not initiated pursuant to Section
27 56853 or by the commission pursuant to Section 56375, the
28 commission shall order the reorganization without confirmation
29 by the voters except that if the reorganization meets the
30 requirements of subdivision ~~(b)~~, *(b) or (c)*, the commission shall
31 order the reorganization subject to confirmation by the voters.

32 (b) The commission shall order the reorganization subject to
33 confirmation by the ~~voters as follows:~~ *voters, if written protests*
34 *have been submitted that meet the applicable protest thresholds*
35 *set forth in Section 57094.*

36 ~~(1) In the case of inhabited territory, protests have been signed~~
37 ~~by either of the following:~~

38 ~~(A) At least 25 percent of the number of landowners within any~~
39 ~~subject agency within the affected territory who own at least 25~~
40 ~~percent of the assessed value of land within the territory.~~

1 ~~(B) At least 25 percent of the voters entitled to vote as a result~~
2 ~~of residing within, or owning land within, any subject agency~~
3 ~~within the affected territory.~~

4 ~~(2) In the case of a landowner-voter district, the territory is~~
5 ~~uninhabited, and protests have been signed by at least 25 percent~~
6 ~~of the number of landowners within any subject agency within the~~
7 ~~affected territory, owning at least 25 percent of the assessed value~~
8 ~~of land within the subject agency.~~

9 ~~(3) If~~

10 ~~(c) The commission shall order the reorganization subject to~~
11 ~~confirmation by the voters if the reorganization has been initiated~~
12 ~~by the commission pursuant to Section 56375, 56375 and protests~~
13 ~~have been submitted that meet the requirements of Section 57113.~~
14 ~~57077.6.~~

15 SEC. 8. Section 57077.5 is added to the Government Code, to
16 read:

17 57077.5. (a) In any resolution ordering a merger or
18 establishment of a subsidiary district, the commission shall approve
19 the change of organization without an election except that if the
20 change of organization meets the requirements of subdivision (b),
21 the commission shall order the change of organization subject to
22 confirmation of the voters.

23 (b) The commission shall order the change of organization
24 subject to confirmation of the voters within any subject agency as
25 follows:

26 (1) If the proposal was not initiated by the commission, and if
27 a subject agency has not objected by resolution to the proposal,
28 the commission has found that protests meet the applicable protest
29 thresholds set forth in Section 57093.

30 (2) If the proposal was not initiated by the commission, and if
31 a subject agency has objected by resolution to the proposal, written
32 protests have been submitted that meet the applicable protest
33 thresholds set forth in Section 57094.

34 (3) If the proposal was initiated by the commission, and
35 regardless of whether a subject agency has objected to the proposal
36 by resolution, written protests have been submitted that meet the
37 requirements of Section 57077.6.

38 (c) Notwithstanding subdivision (a) or (b), the commission shall
39 not order the merger or establishment of a subsidiary district
40 without the consent of the subject city.

1 SEC. 9. Section 57077.6 is added to the Government Code, to
2 read:

3 57077.6. Notwithstanding Section 57102, 57108, or 57111,
4 for any proposal that was initiated by the commission pursuant to
5 subdivision (a) of Section 56375, the commission shall forward
6 the change of organization or reorganization for confirmation by
7 the voters if the commission finds written protests have been
8 submitted that meet the applicable protest thresholds set forth in
9 Section 57094.

10 SEC. 10. Section 57090 of the Government Code is amended
11 to read:

12 57090. (a) Except as otherwise provided in subdivision (b), if
13 proceedings are terminated, either by majority protest as provided
14 in Sections ~~57075, 57076~~, 57075 and 57077, or if a majority of
15 voters do not confirm the change of organization or reorganization
16 as provided in Section 57179, no substantially similar proposal
17 for a change of organization or reorganization of the same or
18 substantially the same territory may be filed with the commission
19 within two years after the date of the certificate of termination if
20 the proposal included an incorporation or city consolidation and
21 within one year for any other change of organization or
22 reorganization.

23 (b) The commission may waive the requirements of subdivision
24 (a) if it finds these requirements are detrimental to the public
25 interest.

26 SEC. 11. Chapter 4.5 (commencing with Section 57091) is
27 added to Part 4 of Division 3 of Title 5 of the Government Code,
28 to read:

29

30 CHAPTER 4.5. PROTEST THRESHOLDS

31

32 57091. (a) For purposes of Section 57075, relating to
33 annexations, detachments, and latent powers, in the case of
34 registered voter districts or cities:

35 (1) For inhabited territory, the commission shall take one of the
36 following actions:

37 (A) Terminate proceedings if a majority protest exists in
38 accordance with Section 57078.

39 (B) Order the change of organization or reorganization subject
40 to confirmation by the registered voters residing within the affected

1 territory if written protests have been filed and not withdrawn by
2 either of the following:

3 (i) At least 25 percent, but less than 50 percent, of the registered
4 voters residing in the affected territory.

5 (ii) At least 25 percent of the number of owners of land who
6 also own at least 25 percent of the assessed value of land within
7 the affected territory.

8 (C) Order the change of organization or reorganization without
9 an election if subparagraphs (A) and (B) of this paragraph do not
10 apply.

11 (2) For uninhabited territory, the commission shall take either
12 of the following actions:

13 (A) Terminate proceedings if a majority protest exists in
14 accordance with Section 57078.

15 (B) Order the change of organization or reorganization if written
16 protests have been filed and not withdrawn by owners of land who
17 own less than 50 percent of the total assessed value of land within
18 the affected territory.

19 (b) For purposes of Section 57075, in the case of
20 landowner-voter districts, the commission shall take one of the
21 following actions:

22 (1) Terminate proceedings if a majority protest exists in
23 accordance with Section 57078.

24 (2) Order the change of organization or reorganization subject
25 to an election within the affected territory if written protests that
26 have been filed and not withdrawn represent either of the following:

27 (A) Twenty-five percent or more of the number of owners of
28 land who also own 25 percent or more of the assessed value of
29 land within the affected territory.

30 (B) Twenty-five percent or more of the voting power of
31 landowner voters entitled to vote as a result of owning property
32 within the affected territory.

33 (3) Order the change of organization or reorganization without
34 an election if written protests have been filed and not withdrawn
35 by less than 25 percent of the number of owners of land who own
36 less than 25 percent of the assessed value of land within the
37 affected territory.

38 57092. For purposes of Sections 57077.1, relating to
39 dissolution, 57077.2, relating to consolidation, 57077.3, relating
40 to reorganization, 57077.4, relating to dissolution and annexation,

1 and 57077.5, relating to merger or establishment of a subsidiary
2 district, the following protest thresholds shall apply:

3 (a) In the case of inhabited territory, protests have been signed
4 by either of the following:

5 (1) At least 25 percent of the number of landowners within the
6 affected territory who own at least 25 percent of the assessed value
7 of land within the affected territory.

8 (2) At least 25 percent of the voters entitled to vote as a result
9 of residing within, or owning land within, the affected territory.

10 (b) In the case of a landowner-voter district, that the territory
11 is uninhabited and that protests have been signed by at least 25
12 percent of the number of landowners within the affected territory
13 owning at least 25 percent of the assessed value of land within the
14 affected territory.

15 57093. For proposals not initiated by the commission and where
16 a subject agency has objected by resolution to the proposal, for
17 purposes of Sections 57077.1, relating to dissolution, 57077.2,
18 relating to consolidation, 57077.3, relating to reorganization,
19 57077.4, relating to dissolution and annexation, and 57077.5,
20 relating to merger or establishment of a subsidiary district, the
21 following protest thresholds shall apply:

22 (a) In the case of inhabited territory, protests have been signed
23 by either of the following:

24 (1) At least 25 percent of the number of landowners within any
25 subject agency within the affected territory who own at least 25
26 percent of the assessed value of land within the affected territory.

27 (2) At least 25 percent of the voters entitled to vote as a result
28 of residing within, or owning land within, any subject agency
29 within the affected territory.

30 (b) In the case of a landowner-voter district, that the territory
31 is uninhabited and protests have been signed by at least 25 percent
32 of the number of landowners within any subject agency within the
33 affected territory, owning at least 25 percent of the assessed value
34 of land within the subject agency.

35 57094. For purposes of Section 57077.6, relating to proposals
36 initiated by the commission, the following protest thresholds shall
37 apply:

38 (a) In the case of inhabited territory, protests have been signed
39 by either of the following:

1 (1) At least 10 percent of the number of landowners within any
2 subject agency within the affected territory who own at least 10
3 percent of the assessed value of land within the territory. However,
4 if the number of landowners within a subject agency is less than
5 300, the protests shall be signed by at least 25 percent of the
6 landowners who own at least 25 percent of the assessed value of
7 land within the affected territory of the subject agency.

8 (2) At least 10 percent of the voters entitled to vote as a result
9 of residing within, or owning land within, any subject agency
10 within the affected territory. However, if the number of voters
11 entitled to vote within a subject agency is less than 300, the protests
12 shall be signed by at least 25 percent of the voters entitled to vote.

13 (b) In the case of a landowner-voter district, the territory is
14 uninhabited and protests have been signed by at least 10 percent
15 of the number of landowners within any subject agency within the
16 affected territory, who own at least 10 percent of the assessed value
17 of land within the territory. However, if the number of landowners
18 entitled to vote within a subject agency is less than 300, protests
19 shall be signed by at least 25 percent of the landowners entitled to
20 vote.

21 SEC. 12. Section 57107 of the Government Code is repealed.

22 ~~57107. (a) In any resolution ordering a merger or establishment~~
23 ~~of a subsidiary district, the commission shall approve the change~~
24 ~~of organization without an election except that if the change of~~
25 ~~organization meets the requirements of subdivision (b), the~~
26 ~~commission shall order the change of organization subject to~~
27 ~~confirmation of the voters.~~

28 ~~(b) The commission shall order the change of organization~~
29 ~~subject to confirmation of the voters within any subject agency as~~
30 ~~follows:~~

31 ~~(1) If the proposal was not initiated by the commission, and if~~
32 ~~a subject agency has not objected by resolution to the proposal,~~
33 ~~the commission has found that protests meet one of the following~~
34 ~~protest thresholds:~~

35 ~~(A) In the case of inhabited territory, protests have been signed~~
36 ~~by either of the following:~~

37 ~~(i) At least 25 percent of the number of landowners within the~~
38 ~~affected territory who own at least 25 percent of the assessed value~~
39 ~~of land within the territory.~~

1 ~~(ii) At least 25 percent of the voters entitled to vote as a result~~
2 ~~of residing within, or owning land within, the affected territory.~~

3 ~~(B) In the case of a landowner-voter district, that the territory~~
4 ~~is uninhabited and that protests have been signed by at least 25~~
5 ~~percent of the number of landowners within the affected territory~~
6 ~~owning at least 25 percent of the assessed value of land within the~~
7 ~~territory.~~

8 ~~(2) If the proposal was not initiated by the commission, and if~~
9 ~~a subject agency has objected by resolution to the proposal, written~~
10 ~~protests have been submitted as follows:~~

11 ~~(A) In the case of inhabited territory, protests have been signed~~
12 ~~by either of the following:~~

13 ~~(i) At least 25 percent of the number of landowners within any~~
14 ~~subject agency within the affected territory who own at least 25~~
15 ~~percent of the assessed value of land within the territory.~~

16 ~~(ii) At least 25 percent of the voters entitled to vote as a result~~
17 ~~of residing within, or owning land within, any subject agency~~
18 ~~within the affected territory.~~

19 ~~(B) In the case of a landowner-voter district, that the territory~~
20 ~~is uninhabited and protests have been signed by at least 25 percent~~
21 ~~of the number of landowners within any subject agency within the~~
22 ~~affected territory, owning at least 25 percent of the assessed value~~
23 ~~of land within the subject agency.~~

24 ~~(3) If the proposal was initiated by the commission, and~~
25 ~~regardless of whether a subject agency has objected to the proposal~~
26 ~~by resolution, written protests have been submitted that meet the~~
27 ~~requirements of Section 57113.~~

28 ~~(e) Notwithstanding subdivision (a) or (b), the commission shall~~
29 ~~not order the merger or establishment of a subsidiary district~~
30 ~~without the consent of the subject city.~~

31 SEC. 13. Section 57113 of the Government Code is repealed.

32 ~~57113. Notwithstanding Section 57102, 57108, or 57111, for~~
33 ~~any proposal that was initiated by the commission pursuant to~~
34 ~~subdivision (a) of Section 56375, the commission shall forward~~
35 ~~the change of organization or reorganization for confirmation by~~
36 ~~the voters if the commission finds either of the following:~~

37 ~~(a) In the case of inhabited territory, protests have been signed~~
38 ~~by either of the following:~~

39 ~~(1) At least 10 percent of the number of landowners within any~~
40 ~~subject agency within the affected territory who own at least 10~~

1 percent of the assessed value of land within the territory. However,
2 if the number of landowners within a subject agency is less than
3 300, the protests shall be signed by at least 25 percent of the
4 landowners who own at least 25 percent of the assessed value of
5 land within the territory of the subject agency.

6 ~~(2) At least 10 percent of the voters entitled to vote as a result
7 of residing within, or owning land within, any subject agency
8 within the affected territory. However, if the number of voters
9 entitled to vote within a subject agency is less than 300, the protests
10 shall be signed by at least 25 percent of the voters entitled to vote.~~

11 ~~(b) In the case of a landowner-voter district, the territory is
12 uninhabited and protests have been signed by at least 10 percent
13 of the number of landowners within any subject agency within the
14 affected territory, who own at least 10 percent of the assessed value
15 of land within the territory. However, if the number of landowners
16 entitled to vote within a subject agency is less than 300, protests
17 shall be signed by at least 25 percent of the landowners entitled to
18 vote.~~

19 SEC. 14. Section 116687 of the Health and Safety Code is
20 amended to read:

21 116687. (a) For purposes of this section, the following terms
22 have the following meanings:

23 (1) "District" means the Sativa-Los Angeles County Water
24 District.

25 (2) "Commission" means the Local Agency Formation
26 Commission for the County of Los Angeles.

27 (b) To provide affordable, safe drinking water to disadvantaged
28 communities, the state board shall order the district to accept
29 administrative and managerial services, including full management
30 and control, from an administrator selected by the state board, as
31 prescribed in Section 116686, except that the state board is not
32 required to conduct a public meeting as described in paragraph (2)
33 of subdivision (b) of Section 116686.

34 (c) (1) Upon the appointment of an administrator, all of the
35 following apply:

36 (A) Notwithstanding Article 1 (commencing with Section
37 30500) of Chapter 1 of Part 3 of Division 12 of the Water Code,
38 the district's board of directors shall surrender all control to the
39 appointed administrator and shall thereafter cease to exist.

1 (B) The members of the board of directors of the district shall
2 have no standing to represent the district's ratepayers, and a
3 member of the board of directors shall have no claim for benefits
4 other than those the member actually received while a member of
5 the board of directors.

6 (C) Any action by the board of directors to divest the district of
7 its assets shall be deemed tampering with a public water system
8 pursuant to Section 116750 and is subject to the criminal penalties
9 provided for in that section.

10 (2) Within 90 days of the appointment of an administrator, the
11 Controller shall perform a desk audit or financial review of the
12 district. The state board shall exercise its legal authority to facilitate
13 the desk audit or financial review, including, but not limited to,
14 its authority to take possession of the district's financial records.

15 (3) Any decision by the commission about the dissolution or
16 consolidation of the district is not subject to the provisions of
17 ~~Section 57113~~ 57077.6 of the Government Code, nor to any other
18 requirement for a protest proceeding or election. The commission
19 shall not impose any condition on the successor agency that
20 requires a protest proceeding or an election, as described in Part
21 4 (commencing with Section 57000) and Part 5 (commencing with
22 Section 57300) of Division 3 of Title 5 of the Government Code,
23 respectively.

24 (4) If the commission approves a dissolution of the district
25 initiated by the commission, a successor agency designated in the
26 dissolution by the commission, in consultation with the
27 commission, may solicit proposals, evaluate submittals, and select
28 any public water system to be the receiving water system and
29 subsume all assets, liabilities, adjudicated water rights,
30 responsibilities, and service obligations to provide retail water
31 service to existing and future ratepayers within the former territory
32 of the district. The successor agency shall represent the interests
33 of the public and the ratepayers in the former territory of the
34 district.

35 (d) The state board may provide additional funding to the
36 administrator or the Water Replenishment District of Southern
37 California or the successor agency designated by the commission
38 for urgent infrastructure repairs to the public water system of the
39 district without regard to the future ownership of any facilities
40 affected by this funding. For purposes of this section, "urgent

1 infrastructure repairs” are those that are immediately necessary to
2 protect the public health, safety, and welfare of those served by
3 the district.

4 (e) If the district is consolidated with a receiving water system
5 as prescribed in Sections 116682 and 116684, the subsumed
6 territory of the district may include both unincorporated territory
7 of the County of Los Angeles and incorporated territory of the
8 City of Compton.

9 (f) (1) Any administrator appointed pursuant to subdivision
10 (b), any successor agency to the district designated by the
11 commission to take over the district, any receiving operator of a
12 public water system that provides service to the territory of the
13 district, any water corporation that acquires the district, and the
14 commission shall not be held liable for claims by past or existing
15 district ratepayers or those who consumed water provided through
16 the district concerning the operation and supply of water from the
17 district during the interim operation period specified in subdivision
18 (g) for any good faith, reasonable effort using ordinary care to
19 assume possession of the territory of, to operate, or to supply water
20 to the ratepayers within the territory of, the district.

21 (2) Any administrator appointed pursuant to subdivision (b),
22 any successor agency to the district designated by the commission
23 to take over the district, any receiving operator of a public water
24 system that provides service to the territory of the district, any
25 water corporation that acquires the district, and the commission
26 shall not be held liable for claims by past or existing district
27 ratepayers or those who consumed water provided through the
28 district for any injury that occurred prior to the commencement of
29 the interim operation period specified in subdivision (g).

30 (g) (1) Notwithstanding subdivision (d) of Section 116684, for
31 any successor agency to the district designated by the commission
32 to take over the district, any receiving operator of a public water
33 system that provides service to the territory of the district, or any
34 water corporation that acquires the district, the interim operation
35 period shall commence upon the execution of an agreement or
36 designation by the commission to provide water services to the
37 district and shall end one year later. Upon the showing of good
38 cause, the interim operation period shall be extended by the
39 commission for up to three successive one-year periods at the
40 request of an entity described in this paragraph.



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

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

Agenda Item 8a (Discussion)

TO: Local Agency Formation Commission

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

MEETING DATE: April 4, 2022

SUBJECT: New Commissioner Orientation Process

RECOMMENDATION

This item is for discussion purposes only. No formal action is required as part of this item. The Commission is invited to provide comments and direction to staff with respect to any changes to the process or providing additional information at a future meeting.

SUMMARY

The Commission requested a report on the process for orientation of new Commissioners. Staff reviewed Napa LAFCO's process as well as the process of other LAFCOs.

Various LAFCOs provide a New Commissioner's Handbook. A sample from Santa Barbara LAFCO is included as Attachment One and provides basic information about LAFCOs, Commissioner roles and responsibilities, agency specific policies, budget and financial procedures, CALAFCO membership, and CEQA introduction.

Napa LAFCO takes a personal approach to welcoming new Commissioners. The Executive Officer contacts the individual via phone and email. These communications are meant to reach out with initial information and request to schedule a meeting. Our Commissioners generally have extensive professional experience. The County and City/Town representatives are versed on land use and local government matters. In these situations, the Executive Officer tailors the reference materials specific to Napa LAFCO, such as:

- Napa LAFCO Policies and Procedures
- Cortese-Knox-Hertzberg Act ("CKH")
- *Growth Within Bounds*
- *What Is LAFCO* (one page summary)
- *LAFCO 101* (slides from Napa LAFCO workshop)
- CALAFCO membership information
- List of Commission subcommittees
- Commission meeting schedule

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

In the past, these materials were provided as hardcopies. It is now possible to make this information available electronically. The Napa LAFCO website has various useful resource materials.

If the representative is not familiar with local government and land use matters, additional information can be provided, such as:

- Brown Act requirements
- Conflict of Interest code
- Rosenberg's Rules of Order

The administrative onboarding is another aspect of welcoming new Commissioners. The Clerk conducts this outreach. Various information is required to include the individual in the County system. These materials include the following:

- Form W-9 Request taxpayer ID
- Form 700 Conflict of Interest form (filed within 30 days of assuming office).
- Ethics Training (required every two years)
- Harassment Prevention Training
- Contact information
- County Human Resources process
- Napa LAFCO website Commissioner information
- Oath of Office
- Meeting name plate ordered
- Agenda packet preferences (hardcopy or electronic, delivered or pickup hardcopy)

The Commission is invited to provide comments and direction to staff with respect to any changes to the process or providing additional information at a future meeting.

ATTACHMENT

- 1) Santa Barbara LAFCO Commissioner Handbook

SANTA BARBARA
LOCAL AGENCY
FORMATION COMMISSION

COMMISSIONER
HANDBOOK

105 EAST ANAPAMU STREET
SANTA BARBARA CA 93101

(805) 568-3391
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COMMISSION ROSTER

**WHY LAFCO?
HISTORICAL PERSPECTIVE**

ROLE OF THE COMMISSIONER

MEMBERSHIP

POWERS AND DUTIES

RULES AND PROCEDURES

POLICY GUIDELINES AND STANDARDS

CONFLICT OF INTEREST CODE

BUDGET

STAFFING

CALIFORNIA ASSOCIATION OF LAFCOS

ADMINISTRATIVE SUPPLEMENT TO CEQA

**SANTA BARBARA LAFCO MEMBERSHIP
SINCE 1963**

**ROSTER OF CITIES AND SPECIAL
DISTRICTS**

SANTA BARBARA LAFCO

105 East Anapamu Street, Room 407
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WHY LAFCO? - HISTORICAL PERSPECTIVE

During the post-war 1940s and 1950s, California experienced a tremendous population increase. Attendant to the surge in population was a land speculation-development boom of variety and magnitude never witnessed before in California or anywhere else in the nation. The ranch and orchard lands of the Los Angeles and San Francisco basins were converted into residential tracts literally overnight.

As a result of this era of growth, the traditional purpose and structure of local government in California also underwent significant change. The reasons included (1) the speculative nature of development which precipitated opening low-cost, "rural areas" located away from existing urban centers, (2) increased mobility due to reliance on automobiles rather than walking or the traditional use of streetcars and (3) developers seeking the most expeditious, economical means of providing basic services and facilities such as water, roads, fire protection and sewers. The answer to these criteria was often the use of special districts.

Prior to this period of time, special districts in California had been agriculturally oriented. During this growth and development era, however, that orientation changed drastically and hundreds of special districts were formed to provide urban types of services in all locales as they became necessary.

As special districts became the local government of suburbia, municipalities suffered. With development moving away, many cities experienced a deteriorating revenue base. Major industry and commerce concerns withdrew and a residue population of lower economic status remained.

To counteract, the cities began grabbing whatever territory they could manage to annex. Because of the restrictive nature of California's annexation statutes, often the territory cities could annex was undeveloped and located beyond developing suburbia. This type of annexation gave further fuel to the development spiral because it led to even further premature, unplanned development, irregular city boundaries and conversion loss of agricultural lands.

During the late 1950s and early 1960s, the results of this era of growth became evident as California's agricultural industry dwindled and core cities began to seek State assistance in correcting their blighted conditions.

With this testimony, the State became concerned about the misuse of land resources and the resulting growth and complexity of our local government institutions. In 1958, in response to these concerns, newly elected Governor Edmund G. Brown, Sr. appointed a blue-ribbon commission of academics and local and State officials to examine causes and effects of these related happenings and to formulate solutions for restraining and correcting the situation. That commission was complemented by study committees of the State Assembly and Senate.

In 1961, as a result of these studies, the Legislature formed the California Boundary Commission. This Commission was organized at the State level and given review and comment authority only over the boundaries of city annexations and incorporations.

The functioning of this State Commission proved unsatisfactory from the beginning. It was unable to understand and analyze the various and complex local issues that surrounded

numerous city annexations, it offered no handle on special districts and its "Review and Comment" was not enough authority to change trends.

In response to the ineffectiveness of the State Boundary Commission, the Assembly Committee on Municipal and County Government continued its study, holding several lengthy hearings during 1961 and 1962. All segments of local government participated in this study and the following principles were developed:

- To preserve the essence of "home rule," the problem had to be dealt with at the local county level;
- Whatever institution was formed had to have decisive, regulatory power in order to realistically have a beneficial effect; and
- Local answers to the problems of urban sprawl and proliferation of local agencies within each county required equal participation by the county and the cities because only then would workable, practical solutions be derived.

These principles became the cornerstone of the Knox-Nisbet Act, which was enacted in 1963 and created a Local Agency Formation Commission (LAFCO) in each county in the State except San Francisco.

The Knox-Nisbet Act adopted in 1963, its successor, the Cortese/Knox Local Government Reorganization Act adopted in 1985, and its successor the Cortese/Knox/ Hertzberg Local Government Reorganization Act in 2000 represent a unique California experiment in rationalizing growth and development through local control of the formation, expansion and alteration of agencies within each county.

Shortly after LAFCOs' creation, Governor Brown summarized their potential when he heralded the Commissions as California's "test of the capacity of local government to deal effectively with urban growth."

*Adopted July 7, 1994
Revised May 8, 2003*

ROLE OF THE LAFCO COMMISSIONER

A Commissioner's role cannot be separated from the role of the Commission itself.

A. Legislative Intent

Enabling statutes set forth Statewide purposes and policies for LAFCOs. Among these basic purposes are:

Discouraging urban sprawl, preserving open-space and prime agricultural lands, efficiently providing government services and encouraging the orderly formation and development of local governmental agencies based upon local conditions and circumstances. . .

With regard to urban development patterns and the preservation of open space lands, the intent of the Legislature is that LAFCO:

Establish written policies and procedures and exercise its powers in a manner that encourages and provides planned, well-ordered, efficient urban development patterns with appropriate consideration of preserving open-space lands within those patterns.

The Commission is also subject to CEQA, the California Environmental Quality Act and the Ralph M. Brown Act, the State's open meeting law.

B. Countywide Decision Maker

The members of the Commission, by majority action, establish public policy in the areas of governmental boundaries, urban form, the provision of public services and jurisdictional relationships between local agencies.

This requires each LAFCO Commissioner to weigh evidence and render:

- Policy decisions regarding such matters as urban sprawl, agricultural preservation and orderly governmental boundaries; and
- Technical decisions based upon factors such as the need and adequacy of public services, compatibility of proposals with adopted plans and the effects of alternate actions.

C. Balanced Membership

The Legislature has established a balanced membership on LAFCO consisting of City, County, Public and Special District members.

Members are not, however, appointed to be representative of a particular "city", "county" or "special district" viewpoint. The mixed membership is to ensure that various backgrounds and appreciations are reflected on the Commission.

Government Code Section 56325.1 states that while serving on the Commission all members shall exercise their independent judgment on behalf of the interests of residents, property owners and the public as a whole. Members appointed by local governments shall represent the interests of the public as a whole and not solely the interests of the appointing authority.

Commissioners should rely upon their expertise and experience while on LAFCO and exercise responsibility through a countywide, LAFCO perspective in making decisions.

D. Independence

LAFCO is established as an independent commission. It is not a part of the County government nor are its decisions appealable to local agencies.

Each Commissioner is independent in weighing and reviewing information and making a determination based upon the particular matter under review and in consideration of LAFCO's underlying purposes.

E. LAFCO Operations

The Commission is responsible for establishing policies and objectives and adopting an annual budget which is adequate and appropriate to achieve LAFCO's legal and programmatic responsibilities.

It is the responsibility of Commission to appoint an Executive Officer to fulfill LAFCO's managerial and staff needs and who will ensure required information is presented to support the decisions which are made and who will administer the LAFCO operation efficiently and effectively.

F. Ethics Training

Each member of the Commission, and the Executive Officer, shall comply with the statutory requirement that local agency officials receive at least two hours of training in general ethics principles and ethics laws relevant to his or her public service every two years. Public officials assuming office are to receive required training no later than a year after the first day of service.

County, city or district members of LAFCO may submit a certificate of compliance that has been submitted to his or her respective public entity.

*Adopted July 7, 1994
Revised October 6, 1994
Revised May 8, 2003
Revised June 7, 2012*

LAFCO MEMBERSHIP

A. Selection of Members

The authority and procedures for selecting LAFCO members are contained in the Cortese/Knox/Hertzberg Act.

1. City Members

The two regular City members and one alternate member must be members of a city council during the time they serve. They are chosen by, and serve at the pleasure of, the City Selection Committee

City Selection Committee meetings are open to the public. The Clerk of the Board of Supervisors serves as the secretary and recording officer.

The Committee consists of each mayor in the County. In the absence of the Mayor another member of that City Council may be appointed to attend and vote in place of the Mayor.

2. County members

The two regular County members and one alternate member must be County Supervisors when they serve. They are appointed by, and serve at the pleasure of the Board.

3. Special District Members

The two regular Special District members and one alternate member are appointed by the Special District Selection Committee. It consists of the presiding officer of each independent special district in the County. Its meetings are open to the public. The Executive Officer calls meetings of the Committee. Special District Commissioners must be members of the governing board of an independent special district while they serve.

4. Public members

The regular Public member and alternate member are appointed by, and serve at the pleasure of, the regular City, County and Special District members of the Commission.

It is the intent of the City, County and Special District members that the position of Public Member be rotated on a regular basis to allow qualified members of the community to serve on the Commission.

5. Selection of Public members

Government Code Section 56325 requires that selection of the public member and alternate public member be supported by at least one of the members in each of the other categories, i.e., City, County and Special District members.

It is the intent that an individual not hold two consecutive four-year terms as the Public Member or as the Alternate Public Member. It is recognized that an individual may serve the remainder of an unexpired term of office as the Public Member or the Alternate Public Member before serving a full four-year term in that position.

It is the intent that an individual after serving as the Alternate Public Member be appointed to the position of Public Member. Coincident with that appointment, a new Alternate Public Member shall be selected and appointed.

The method for selecting Public members is determined by the regular City, County and Special District members, as follows.

- a. A public announcement of the vacancy to solicit letters of interest.
- b. A committee appointed by the Chair consisting of a City member, County member and Special District member screens applications and letters of interest.
- c. Finalists are selected and interviewed by the committee, which shall recommend an appointment to the Commission.
- d. The Commission, in open session, considers the recommendation and appoints an individual as the Alternate Public Member.

B. Alternate Members

1. Alternates assure qualified Commissioners are entitled to vote when regular members are disqualified or absent.
 - a. The alternate City member may vote only in the place of a regular City member.
 - b. The alternate County member may vote only in the place of a regular County member.
 - c. The alternate Special District member may vote only in the place of a regular Special District member.
 - d. The alternate Public member may vote only in the place of the regular Public member.

2. Alternate members participate fully in LAFCO proceedings with the exception they vote only in the absence or disqualification of a regular member.
3. Alternate members are authorized to receive the same per diem stipend and expense reimbursement as regular members for their attendance.
4. Alternates are encouraged to attend and participate in LAFCO meetings and CALAFCO conferences and workshops.

C. Disqualification from Participating

A member who is disqualified is prohibited from voting on the matter or discussing the matter at the Commission meeting as a member of LAFCO

1. Campaign Contributions

LAFCO Commissioners are affected by certain Political Reform Act rules which apply specifically to LAFCOs.

LAFCO members must submit annual conflict of interest disclosure statements with the LAFCO office for filing with the County Clerk.

LAFCO members are disqualified and are not able to participate in any proceeding involving an "entitlement for use" if, within the 12 months preceding the LAFCO decision, the Commissioner received \$250 or more in campaign contributions from the applicant, an agent of the applicant or any financially interested person who actively supports or opposes the LAFCO decision on the matter.

2. Disqualification of City Members

The City Selection Committee, when appointing City members to LAFCO, may provide that such members are disqualified from voting on annexations to their own individual cities.

3. Disqualification of Special District Members

The Special District Selection Committee, when appointing Special District members to LAFCO, may provide that such members are disqualified from voting on proposals affecting their individual districts.

4. Local Disqualification Rules and Regulations

Each LAFCO may adopt local rules and regulations with respect to disqualification of members, provided such rules do not provide for automatic disqualification of City or Special District members from participating in matters affecting their own individual agencies.

D. Terms of Office

Terms of office expire on March 1.

The Commission on May 6, 2004 pursuant to Government Code Section 56334 determined the expiration date of the term of office of members appointed after January 1, 2005 will expire March 1 of the year the term of that member expires and for members appointed prior to January 1, 2005, the term of office shall be extended from the first Monday in May in the year that member's current term expires to March 1 of the following year.

*Adopted July 7, 1994
Revised October 6, 1994
Revised April 12, 1995
Revised May 8, 2003
Revised May 6, 2004
Revised December 16, 2004
Revised March 6, 2008*

LAFCO POWERS AND DUTIES

A. General Provisions

LAFCO enabling statute is the Cortese/Knox/Hertzberg Local Government Reorganization Act (Government Code §56000 et seq.). This law establishes the basic purposes, composition and funding of the Commission and sets forth the procedures for boundary changes.

The State's purposes for LAFCO are found in §56301:

"Among the purposes of a local agency formation commission are discouraging urban sprawl, preserving open space and prime agricultural lands, efficiently providing government services and encouraging the orderly formation and development of local agencies based upon local conditions and circumstances.

"One of the objects of the commission is to make studies and to obtain and furnish information which will contribute to the logical and reasonable development of local governments in each county and to shape the development of local governmental agencies so as to advantageously provide for present and future needs of each county and its communities."

B. Boundary Review and Regulation

There are two variations of local government boundary change: a "change of organization" is defined as an annexation, detachment, dissolution, merger or other boundary change taken by itself. A "reorganization" is defined as two or more boundary changes combined in one proceeding.

In regard to regulating boundaries LAFCO's basic authority is to "approve or disapprove, with or without amendment, wholly, partially or conditionally."

- Annexations of territory to cities and districts.
- Detachments of territory from cities and districts.
- Incorporations, disincorporations, consolidations of cities
- Formations, dissolutions, consolidations of special districts.
- Mergers of cities and special districts.
- The development of unincorporated "new communities"

C. Out-of-Agency Service Agreements

The Government Code Section 56133 provides that cities and special districts may provide new or extended services outside of their boundaries only if they first request and receive approval from LAFCO.

D. Spheres of Influence

A basic LAFCO responsibility is to prepare and adopt a sphere of influence for each city and special district. A sphere is defined by §56076 as a “plan for the probable physical boundaries and service area of a local agency, as determined by the commission.”

LAFCO’s regulatory decisions must be consistent with spheres of Influence which influence matters of urban form, the local government structure, public services and infrastructure and government finances

E. Municipal Service Reviews

Government Code Section 56430 requires LAFCO to study local governments and their services prior to, or in conjunction with, but not later than updating or establishing a sphere of influence.

These studies are called Municipal Service Reviews and LAFCO in adopting a MSR is required to make a number of specific written determinations

F. Initiation of Special District Reorganizations

LAFCO may initiate proposals for consolidations, dissolutions, mergers and the establishment of subsidiary districts, or a reorganization that includes any of these changes of organization, provided the proposal is consistent with a recommendation or conclusion of a study prepared by the Commission including an adopted sphere of influence.

G. Miscellaneous Other Powers

Other LAFCO powers and duties are to:

- Adopt standards and procedures for the evaluation of proposals and plans of reorganization.
- Make and enforce rules and regulations for the orderly and fair conduct of hearings.
- Appoint and assign staff personnel and employ or contract for professional or consulting services to carry out and give effect to the functions of the Commission.

H. Environmental Policies and Procedures

LAFCOs are public agencies subject to the California Environmental Quality Act (Public Resources Code 21000 et seq).

This statute contains environmental policies, requires environmental review and reporting procedures and provides opportunities for public participation in the decision-making process.

I. Factors That Must Be Considered

Specific criteria upon which LAFCO must evaluate and approve or deny proposals are not specified in the law. Rather, the Commission is guided by its broad statutory purposes; any locally adopted policies and the California Environmental Quality Act.

The Cortese/Knox/Hertzberg Act lists specific factors that must be considered by the Commission in reaching its determinations. These are listed as an appendix to this Handbook. LAFCO staff reports are designed to provide information relevant to these factors.

J. LAFCO Imposed Conditions

LAFCO has the authority to attach binding conditions to its approval of boundary changes. As examples, LAFCO can:

- Amend proposed boundaries by adding or deleting territory. Once approved by LAFCO, no changes can be made in a proposal's boundaries without LAFCO's approval.
- Approve one proposal subject to initiation, conduct or completion of proceedings of another proposal. (i.e., an annexation to a city, LAFCO can be made subject to the concurrent annexation or detachment of the territory to or from other agencies.
- Require the approval of bonds or other long-term indebtedness or the formation of assessment or improvement districts to finance capital facilities.
- Impose conditions relative to the distribution of assets, financial contracts or obligations among affected agencies.
- Designate the successor agency when an agency is being dissolved or consolidated.

*Adopted July 7, 1994
Revised May 8, 2003*

RULES AND PROCEDURESA. Authority

These rules are adopted pursuant to the Cortese/Knox/Hertzberg Local Government Reorganization Act (Government Code Section 56000 et seq.) and apply to the Santa Barbara Local Agency Formation Commission and to all proceedings conducted before that Commission.

B. Officers

Selection of Officers -- The members of the Commission shall elect a Chair and Vice Chair at the first meeting of the Commission held in February of each year or as soon thereafter as practicable. The Chair and Vice Chair shall serve for one-year terms, with the Vice Chair automatically assuming the Chair at the end of the term. Officers shall be selected from the categories of members in the following order: Public, County, Special District and City.

Chair -- The Chair shall preside at all meetings of the Commission and shall conduct the business of the Commission in the manner prescribed by State law and by these rules. The Chair shall preserve order and decorum and decide all questions or order, subject to the action of a majority of the Commission.

Vice Chair -- In the event that the Chair is absent or for any reason unable to act, the Vice Chair shall act as Chair and exercise all the powers and duties of the Chair.

Chair Pro Tem -- In the event both the Chair and Vice Chair are absent or for any reason unable to act, the members of the Commission present shall select one of the members to act as Chair Pro Tem, said selection to be entered into the minutes.

The Chair Pro Tem shall have all of the powers and duties of the Chair while the Chair and Vice Chair are absent or for any reason unable to act.

C. Meetings

Date of Regular Meetings -- The regular meetings of the Commission shall be held the first Thursday of each month commencing at 2:00 p.m.

Location of Regular Meetings -- Regular meetings in the months of January, March, May, July, September and November shall be held at the Board of Supervisors Hearing Room, 105 East Anapamu Street, Santa Barbara, California. Regular meetings in the months of February, April, June, August, October and December shall be held at the County Hearing Room, Betteravia Government Center, 511 East Lakeside Parkway, Santa Maria, California.

Special Meetings -- Special meetings may be called by the Chair or a majority of the members of the Commission in a manner provided by State law. The notice shall be provided 24 hours in advance of the meeting to all of the Commission members and to all media outlets who have requested notification and shall be posted. The order calling the special meeting shall specify the time and place of the meeting and the business to be transacted at such meeting and no other business shall be considered. Where the notice of the special meeting is given by the Executive Officer, the notice shall specify that the meeting is being called by either the Chair or a majority of the members of the Commission.

Major Hearings -- Where possible, meetings regarding major or significant agenda items, especially those which will require lengthy or multiple hearings, should be held in proximity to the affected project area. The determination of what constitutes a major agenda item shall be made by the Executive Officer and is subject to modification by the Commission.

D. Conduct of Meetings

Order of Business The business of each regular meeting of the Commission shall be transacted to the extent practicable in the following order:

- 1) Call to order and roll call.
- 2) Approval of minutes of previous meeting or meetings.
- 3) Public comment period
- 4) Proposed boundary changes
- 5) Business items
- 6) Information items
- 7) Commissioner and staff announcements
- 8) Adjournment

Quorum. Four members of the Commission constitute a quorum and no act of the Commission shall be valid or binding unless at least four members concur therein.

Roll Call Voting

- 1) The roll need not be called in voting upon a motion except when requested by a member of the Commission.
- 2) If the roll is not called, and if there is no objection, the Chair may order the motion unanimously approved.
- 3) When the roll is called on any motion, any member present who does not vote in an audible voice shall be recorded as "aye."
- 4) Each roll call shall be in alphabetical order, except that the Chair shall be called last.

Review of Record

- 1) A member shall not participate in a final vote on a matter on which a hearing has been held at which such member was not in attendance, until that member has familiarized himself with the substance of such hearing.
- 2) This may be done by reviewing the written material presented at the hearing and by listening to the tape recording of such hearing or reading a transcript of the proceeding if one has been prepared.
- 3) In cases where the Minutes purport to report the hearing in detail the member may review such Minutes in lieu of reviewing the tape recording or transcript.

Public Comment

- 1) At each regular and special meeting the Commission shall allow any member of the public to address the Commission on a matter within its jurisdiction.
- 2) The Chair may establish reasonable regulations including, but not limited to, limiting the amount of time allocated for public testimony on particular issues and for each speaker.

- 3) If determined by the Chair, any person wishing to address the Commission must complete and submit a "Request to Speak" form prior to the time that the Public Comment period commences; the form shall identify the subject the speaker wishes to address.
- 4) A speaker shall not be heard during the "Public Comment" portion of the meeting on a matter listed on the Agenda. Comments on Agenda items are appropriate when the item is being discussed by the Commission.
- 5) The Commission shall only act on items appearing on the Agenda unless the action is authorized by Section 54954.2 of the Government Code. The Chair may refer matters raised during the "Public Comment" period to the appropriate staff.

E. Environmental Procedures

Section 1. The Commission hereby adopts pursuant to Section 21082 of the Public Resources Code as its objectives, criteria and procedures for the evaluation of projects and the preparation of environmental impact reports and negative declarations pursuant to the California Environmental Quality Act, the Guidelines for the Implementation of the California Environmental quality Act of 1970, as Amended, adopted by the Santa Barbara County Board of Supervisors on September 12, 1988.

Section 2. No application for any change of organization or reorganization, or amendment or revision of a sphere of influence shall be deemed accepted for filing by the Executive Officer unless the application is accompanied by a Statement of Exemption, Negative Declaration or Environmental Impact Report determined by the County Division of Environmental Review to be adequate covering he proposed action or actions.

Section 3. If the Commission is the lead agency, the environmental document must have been reviewed by the Santa Barbara County Resource Management Department Division of Environmental Review pursuant to the County's Guidelines for Implementation of the California Environmental Quality Act. If the Commission is not the lead agency, the environmental document

must have been approved by the lead agency pursuant to that agency's guidelines and CEQA.

F. Conducting Authority Proceedings

Section 1. The Commission delegates to the Executive Officer the responsibility to conduct protest hearings as provided for in Government Code §57000 (c) and to order a change of organization or reorganization that complies with Government Code Section 57075 (a)(3) or 57075(b)(2).

Section 2. The purpose is to increase scheduling flexibility, to avoid extending Commission meetings to conduct non-discretionary procedures and to expedite the boundary change process.

Section 3. The staff will comply with statutory requirements respecting noticing, scheduling and conducting protest hearings. The notice of hearing will be accompanied by or those receiving the notice shall be directed to a standardized "protest form" which solicits all required information. The enclosed protest form may be periodically modified by staff as necessary.

Section 4. At the conclusion of the hearing the Executive Officer shall determine the value of written protests filed and not withdrawn.

Section 5. Within thirty (30) days of the hearing the Executive Officer shall based on the value of protests filed either order the change, terminate the proposal request the County or city to call and conduct an election. After taking such action the Executive Officer shall report the action taken to the Commission at its next regularly scheduled meeting.

Section 6. The Executive Officer shall report to the Commission at its next meeting the outcome of any protest hearings that are conducted.

G. Amendment

These Rules and Procedures may be amended at a regular or special meeting on the Commission by a four-fifths vote of the members.

Adopted July 7, 1994
Revised October 4, 2001
Revised May 8, 2003
Revised September 4, 2003
Revised November 2, 2006
Revised February 7, 2008
Revised July 3, 2009
Revised March 5, 2009
Revised January 7, 2010

POLICY GUIDELINES AND STANDARDS

LAFCO's are charged with establishing policies and exercising their powers ". . . in a manner that encourages and provides planned, well-ordered, efficient urban development patterns with appropriate consideration of preserving open-space lands within those patterns" and with ". . . the discouragement of urban sprawl and the encouragement of the orderly formation and development of local agencies based upon local conditions and circumstances." (Government Code Sections 56300 and 56301) In carrying out its responsibilities, each LAFCO must conduct various studies and review and make determinations on changes of organization, reorganizations and spheres of influence. The following policies and standards have been adopted by the Santa Barbara LAFCO to assist in the review of proposals and the preparation of studies as necessary.

I. POLICIES ENCOURAGING ORDERLY FORMATION AND DEVELOPMENT OF AGENCIES

1. Any proposal for a change or organization or reorganization shall contain sufficient information to determine that adequate services, facilities, and improvements can be provided and financed by the agencies responsible for the provision of such services, facilities, and improvements.
2. All lands proposed for annexation to cities shall be rezoned prior to the submission of an application to the Local Agency Formation Commission. The City shall be lead agency for environmental review in such cases, and environmental documentation shall accompany the application.
3. Reorganization of overlapping and competing agencies or the correction of illogical boundaries dividing agency service areas is recommended. The Commission encourages reorganizations, consolidations, mergers, or dissolutions where the result will be better service, reduced cost, and/or more efficient and visible administration or services to the citizens.
4. In order to minimize the number of agencies providing services proposals for formation of new agencies shall be discouraged unless there is evidenced a clear need for the agency's services from the landowners and/or residents; there are no other existing agencies that are able to annex and provide similar services; and there is an ability of the new agency to provide for an finance the needed new services.

II. SPHERE OF INFLUENCE POLICIES

A sphere of influence establishes the probably ultimate physical boundaries and service area of each governmental agency within the county. Once adopted, these spheres of influence are to be used by the Commission as one factor in making decision on proposal over which it has jurisdiction and as a basis for recommendations on governmental reorganization. A proposal shall not be approved solely because the area falls within the sphere of influence of an agency.

Sphere of Influence determinations are to be reviewed periodically and changed or updated as circumstances may require in the opinion of LAFCO. Such periodic review should be made approximately every five years.

The Commission will generally apply the following policy guidelines in spheres of influence determinations while also taking into account local conditions and needs.

1. The plans and objectives contained within the adopted General Plans of the cities and the county will be supported. In cases where these plans are inconsistent, the Commission will adopt findings relative to its decision.
2. Community-centered urban development will be encouraged wherever justified on the basis of reduced cost of desired levels of community services, energy conservation, and preservation of agricultural and open space resources.
3. Duplication of authority to perform similar service functions in the same territory will be avoided.
4. Multiple-service agencies will be preferred to a number of limited services districts. In this regard, city provision of multiple services will be preferred where possible because of the substantially broader authority and responsibility to provide services and controls to their constituencies, including land-use planning controls.
5. Where possible, a single larger agency rather than a number of adjacent smaller ones, established for a given service in the same general area, will be preferred.
6. An economically sound base for financing services without including territories which will not benefit from the services will be promoted.
7. Sphere of influence lines shall seek to preserve community identity and boundaries and will urge the political and functional consolidation of local government agencies that cross-cut those affected communities.

8. Sphere of influence lines may be larger or smaller than existing local agency boundaries and may lead to recommendations for changes of organization.
9. Agencies which do not have major impact upon land, road, or capital facilities planning (such as cemetery districts) shall general have a sphere of influence which is coterminous with their existing jurisdictional boundaries.
10. Agricultural resources and support facilities should be given special consideration in sphere of influence designations. High value agriculture areas, including areas of established crop production, with soils of high agricultural capability should be maintained in agriculture, and in general should not be included in an urban service sphere of influence.
11. The Commission will consider area-wide needs for governmental services and evaluate individual districts serving the area as they relate to the total system of the existing local government in the community and alternative arrangements.

Environmental Review

A LAFCO sphere of influence determination is subject to review under the provision of the California Environmental Quality Act (CEQA). In order to enable environmental considerations to be effectively integrated into a sphere of influence determination, and environmental review will be conducted concurrently with the development of the sphere of influence determination.

Inasmuch as a sphere of influence determination represents the potential extension of the services of a local governmental agency, the environmental impacts associated with a sphere of influence are of a long-range nature. Thus the "Degree of Specificity" of the environmental review reflects the regional nature of a sphere decision. It is necessary of a general nature, focusing on the secondary, indirect impacts associates with the future extension of services within a sphere boundary.

The determination of whether or not an Environmental Impact Report (EIR) is necessary for a sphere of influence determination, i.e., the "Level of Significance" associated with a sphere determination, will necessarily vary according to the environmental resources affected by a sphere designation.

1. All environmental documents shall be prepared in accordance with the California Environmental Quality Act and implementing CEQA Guidelines, including applicable implementing guides of LAFCO, and the lead agency preparing the environmental document.

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2. In cases where it is deemed appropriate, LAFCO may designate the affected agency as the lead agency. The level of environmental review shall be determined through the scoping process as provided by CEQA and shall involve all applicable agencies.
 3. If the environmental document is prepared jointly by two or more agencies, there shall be a Memorandum of Understanding prepared setting forth the project description, scope of work to be accomplished and the responsibilities of each governmental agency involved. Said Memorandum shall be approved by LAFCO prior to commencing work on the environmental document.
 4. Environmental documents prepared for use by LAFCO in the decision making process shall be summarized in a manner directly related to said process. Procedure shall be set forth by LAFCO and distributed to all governmental agencies within LAFCO's jurisdiction.
- III. POLICIES ENCOURAGING CONSISTENCY WITH SPHERES OF INFLUENCE
1. All proposals approved by the Commission shall be consistent with adopted spheres of influence and Commission policies. Within the sphere of influence each agency should implement an orderly, phased annexation program.
 2. Already developed unincorporated lands located within the established sphere of influence boundary of a city and which benefit from municipal services provided by such city should be annexed to that city. Vacant land in the same position should be annexed prior to development. LAFCO recognizes that costs for serving some developed unincorporated areas, when studied independently, may exceed revenues. In other cases, revenues will exceed service costs. To the fullest extent possible, cities should develop programs that propose annexation of several areas which, if combined together, achieve a net balance in city costs and revenues.
 3. Districts within a city's sphere of influence should develop plans for orderly detachment of territory from the district or merger of the district as territory is annexed to the city and should plan capital improvements according, except where the type of district services provided are not provided by the city. The county shall be encouraged to ensure that development within a sphere of influence and area of interest meets city standards for public facilities and improvements by providing for city review of all county proposals within the city's area of interest.

IV. POLICIES ENCOURAGING ORDERLY URBAN DEVELOPMENT AND PRESERVATION OF OPEN SPACE PATTERNS

1. The Commission encourages will planned, orderly, and efficient urban development patterns for all developing areas. Also, the county, cities, and those districts providing urban services, are encouraged to develop and implement plans and policies which will provided for well-planned, orderly and efficient urban development patterns, with consideration of preserving permanent open space lands within those urban patterns.
2. Development of existing vacant non open space, and nonprime agricultural land within an agency's boundaries is encouraged prior to further annexation and development. However, where open land adjacent to the agencies are of low agricultural, scenic, or biological value, annexation of those lands may be considered over development of prime agricultural land already existing within an agency's jurisdiction.
3. Proposals to annex undeveloped or agricultural parcels to cities or districts providing urban services shall demonstrate that urban development is imminent for all or a substantial portion of the proposal area; that urban development will be contiguous with existing or proposed development; and that a planned, orderly, and efficient urban development pattern will result. Proposals resulting in a leapfrog, non-contiguous urban pattern will be discouraged.
4. Consideration shall be given to permitting sufficient vacant land within each city and/or agency in order to encourage economic development, reduce the cost of housing, and allow timing options for physical and orderly development.

V. POLICIES ENCOURAGING CONSERVATION OF PRIME AGRICULTURAL LANDS AND OPEN SPACE AREAS

1. Proposals which would conflict with the goals of maintaining the physical and economic integrity of open space lands, agricultural lands, or agricultural preserve areas in open space uses, as indicated on the city or county general plan, shall be discouraged.
2. Annexation and development of existing vacant non-open space lands, and nonprime agricultural land within an agency's sphere of influence is encouraged to occur prior to development outside of an existing sphere of influence.
3. A sphere of influence revision or update for an agency providing urban services where the revision includes prior agricultural land shall be discouraged. Development shall be guided towards areas containing nonprime agricultural lands, unless such action will promote disorderly, inefficient development of the community or area.

4. Loss of agricultural lands should not be a primary issue for annexation where city and county general plans both indicate that urban development is appropriate and where there is consistency with the agency's sphere of influence. However, the loss of any primer agricultural soils should be balanced against other LAFCO policies and a LAFCO goal of conserving such lands.

COMMISSION STANDARDS FOR REVIEW OF PROPOSALS

As authorized by State law, the Commission has adopted the following standards for review of city annexations, district annexation, city incorporation and district formation proposals. Factors are given for both approval and disapproval. The presence of individual positive or negative factors do not dictate approval or denial, but a preponderance of positive or negative factors should be the determinant of approval or denial.

VI. STANDARDS FOR ANNEXATIONS TO CITIES

Factors Favorable to Approval:

1. Proposal would eliminate islands, corridors, or other distortion of existing boundaries.
2. Proposed area is urban in character or urban development is imminent, requiring municipal or urban-type services.
3. Proposed area can be provided all urban services by agency as shown by agency service plan and proposals would enhance the efficient provision of urban services.
4. Proposal is consistent with the adopted spheres of influence and adopted general plans.
5. Request is by an agency for annexation of its publicly-owned property, used for public purposes.

Factors Unfavorable to Approval:

6. Proposal would create islands, corridors or peninsulas of city or district area or would otherwise cause or further the distortion of existing boundaries.
7. The proposal would result in a premature intrusion of urbanization into a predominantly agricultural or rural area.

8. For reasons of topography, distance, natural boundaries, or like considerations, the extension of services would be financially infeasible, or another means of supplying services by acceptable alternatives is preferable.
9. Annexation would encourage a type of development in an area which due to terrain, isolation, or other economic or social reason, such development is not in the public interest.
10. The proposal appears to be motivated by inter-agency rivalry, land speculation, or other motives not in the public interest.
11. Boundaries of proposed annexation do not include logical service area or are otherwise improperly drawn.
12. The proposal is inconsistent with adopted spheres of influence and adopted general plans.

VII. STANDARDS FOR CITY INCORPORATION

Factors Favorable to Approval:

1. Need for organized municipal or urban-type services.
2. A relatively dense population in a well-defined reasonably compact area.
3. Adequate property tax revenue and a sufficiently high base for sales tax, highway users tax, motor vehicle in lieu tax, and similar State-collected and disbursed funds, in relation to anticipated costs of required services as to make incorporation financially feasible.
4. The likelihood of continued substantial growth within the proposed area and adjacent areas during the next ten years.
5. Remoteness from other highly populated areas and particularly from an existing city to which the area proposed for incorporation could be annexed.
6. Alternate means of furnishing required services are infeasible or undesirable.
7. No adverse effect upon long-range provision for adequate local governmental services by other agencies to a larger region of which the area proposed for incorporation is an integral part.
8. Is consistent with adopted spheres of influence and the county adopted general plan.

Factors Unfavorable to Approval:

9. Relatively low population density.
10. No or slight need for municipal urban-type services.
11. Population not in a reasonably compact or defined community.
12. Low property tax revenue, low retail sales of gasoline and other retail sales in relation to anticipated costs of services as to make incorporation financially infeasible.
13. Area proposed for incorporation is in close proximity to an existing city to which it could be annexed.
14. Incorporation is premature in view of lack of anticipated substantial growth within the next ten years.
15. Property boundaries do not include all urbanized areas or are otherwise improperly drawn.
16. Incorporation would have an adverse effect upon the long-range provision of local governmental services to a larger region of which the area proposed for incorporation forms an integral part.
17. The proposal is not consistent with adopted spheres of influence and adopted general plans.

VIII. STANDARDS FOR DISTRICT FORMATIONFactors Favorable to Approval:

1. Development requires one or more urban-type services, and by reason of location or other consideration such service or services may not be provided by any of the following means in descending order of preference:
 - a) Annexation to an existing city.
 - b) Annexation to an existing district of which the Board of Supervisors is the governing body.
 - c) Annexation to an existing district with an independent governing body.
2. The proposal is for a primarily rural or agricultural area and is for a limited non-urban type services which cannot be provided by an existing dependent or independent district.
3. The proposal is consistent with adopted spheres of influence and does not conflict with city or county general plans.

Factors Unfavorable to Approval:

4. Slight need for urban-type services or required services may be provided by alternates in descending order of preference:
 - a) Annexation to an existing city.
 - b) Annexation to an existing district of which the Board of Supervisors is the governing body.
 - c) Annexation to an existing district with an independent governing body.
5. By reason of relatively low revenue base in relationship to the cost of desired services, the proposal is financially infeasible and not in the public interest.
6. Due to topography, isolation from existing developments, premature intrusion or urban-type developments into a predominantly agricultural area or other pertinent economic or social reasons, urban-type development which would be fostered by proposal is not in the public interest.
7. Boundaries of the proposal do not include all of the service areas or potential service area or are otherwise improperly drawn.
8. Proposal would result in a multiplication of public districts making difficult the ultimate provision of adequate full local governmental services to a larger region of which the area proposed is an integral part.
9. District proposed is not the best suited to the purpose and better alternate types are not available.
10. Proposal is inconsistent with adopted spheres of influence and adopted general plans.

IX. STANDARDS FOR OUT-OF-AGENCY SERVICE AGREEMENTSConsiderations for Approving Agreements

Annexations to cities and special districts are generally preferred for providing public services, however, out-of-agency service agreements can be an appropriate alternative.

While each proposal must be decided on its own merits, the Commission may favorably consider such agreements in the following situations:

1. Services will be provided to a small portion of a larger parcel and annexation of the entire parcel would be inappropriate in terms of orderly

boundaries, adopted land use plans, open space/greenbelt agreements or other relevant factors.

2. Lack of contiguity makes annexation infeasible given current boundaries and the requested public service is justified based on adopted land use plans or other entitlements for use.
3. Where public agencies have a formal agreement defining service areas, provided LAFCO has formally recognized the boundaries of the agreement area
4. Emergency or health related conditions mitigate against waiting for annexation.
5. Other circumstances which are consistent with the statutory purposes and the policies and standards of the Santa Barbara LAFCO.

Agreements Consenting to Annex

Whenever the affected property may ultimately be annexed to the agency, a standard condition for approval of an out-of-agency service agreement is recordation of an agreement by the landowner consenting to annex the territory, which agreement shall inure to future owners of the property.

Approval by Chair

The Chair may authorize cities and special districts to provide services outside of their boundaries as specified herein.

1. A request and application is received from the affected local agency, including the requisite processing fee.
2. The situation involves public health, safety or welfare to such a degree that delaying the approval of the service agreement until the next LAFCO meeting is deemed by the Chair to represent an intolerable delay or risk to the public health, safety or welfare.
3. The property to which the out-of-agency services will be extended or provided is within the sphere of influence of the affected agency.
4. If the affected property may ultimately be annexed to the service agency, the landowner shall execute and record an agreement consenting to annex the territory to the affected district and shall deposit with LAFCO or the service agency funds sufficient to process said future annexation.
5. In the absence of the Chair or if the Chair is not available to act, the Vice Chair is authorized to exercise the authorities set forth in this resolution.

6. The Executive Officer shall provide a report to the Commission at the next LAFCO meeting of any out-of-agency service agreements that were approved.

It is intended that the authority delegated to the Chair or Vice-Chair to approve out-of-agency service agreements be exercised in a manner consistent with the Commission's adopted standards.

X. RECONSIDERATION OF LAFCO DECISIONS

Content of requests for reconsideration

Requests for reconsideration of LAFCO resolutions making determinations will be evaluated for approval only when the applicant meets the statutory deadline for submitting the request, the request sets forth the specific modification being sought, a processing fee is paid and

- a) Reconsideration is required to correct a procedural defect in its earlier action; or
- b) Newly discovered evidence, material to the request for reconsideration and relevant to the Commission's decision on the boundary change, is available which could not, with reasonable diligence, have been discovered and produced at the time of initial LAFCO consideration.

Payment and Refund of Processing Fee

A request for reconsideration shall not be accepted as being complete until a processing fee is received. The fee to request reconsideration shall be as set forth in the LAFCO fee schedule, as it is amended from time to time.

The fee paid shall be returned to an applicant for reconsideration in the event the Commission determines that reconsideration is required to correct a procedural defect in its earlier action.

XI. STATE REVIEW OF COMPREHENSIVE FISCAL ANALYSIS (CFA)

Request for Review

Requests for State Controller review of a Comprehensive Fiscal Analysis (CFA) filed pursuant to Government Code §56833.3 must be made in writing not later than 30 calendar days from the date notice is published that the CFA is available for public review. Requests shall specify in writing the elements of the CFA the Controller is requested to review and the reasons the Controller is requested to review them.

Persons requesting the review shall be responsible for costs incurred in obtaining the review and shall deposit with the Executive Officer, at the time the request is filed and before it is found to be valid, the amount estimated by the

Executive Officer as necessary to cover the costs of the State Controller's review.

Within 30 days of issuance of the State Controller's report, the Executive Officer shall refund any amount of the deposit remaining after costs have been paid. In the event the amount to be paid exceeds the deposit, the requesting party shall be liable for the balance due.

XII. EXTENDING URBAN UTILITY SERVICES TO AGRICULTURAL PARCELS

It is the policy of the Commission to protect and preserve agriculture by avoiding the extension of potable water or wastewater services (sewers) to agriculturally zoned land because this fosters uses other than agriculture.

Any LAFCO approval of a change of organization or out of agency service agreement that allows the extension of potable water or wastewater services to a parcel zoned for agricultural use will only be approved, if at all, if the approval is limited to that portion of the parcel that includes an approved use that needs potable water or wastewater services, provided the use does not compromise agricultural viability.

This policy shall not be construed as indicating the Commission will approve proposals that lead to non-agricultural uses on agricultural parcels but rather indicates that should such approval be granted it is to be restricted to the specific area in which an approved land use requiring potable water or wastewater services is to occur.

XIII. LAPSED OR ABANDONED PROPOSALS

When the Executive Officer deems an application to be incomplete he/she shall notify the applicant in writing either by personal service or via certified mail. The applicant shall have 180 days from receipt of such notice to submit additional information and/or revised documents. If the applicant does not resubmit the application to the Executive Officer within 180 days, the application shall be considered abandoned. The proposal may be reinitiated through a new application consistent with the requirements of applicable law and LAFCO policies and fee schedule.

XIV. COST ACCOUNTING AND INDEMNIFICATION AGREEMENT

- A. As part of any application, the Executive Officer is authorized and shall require any applicant and/or jurisdiction to execute a Cost Accounting and Indemnification Agreement.
- B. The following policy shall be applied to any applicant and/or jurisdiction that is not in compliance with an existing LAFCO Cost Accounting and Indemnification Agreement as determined by the Executive Officer and Legal Counsel:

1. The Executive Officer, in consultation with Legal Counsel, shall determine, on review of an application, whether an applicant and/or jurisdiction has previously failed to comply with the LAFCO Indemnification Policy and/or the LAFCO Cost Accounting and Indemnification Agreement.
2. Prior to acceptance for processing of an application from an applicant and/or jurisdiction, which the Executive Officer determines to have failed to comply with the Policy and Agreement referenced in paragraph 1 of this policy above, the LAFCO Executive Officer shall advise the Commission at a regularly scheduled meeting regarding the applicant's prior breach of the obligations of the Policy, Agreement, or both. The Executive Officer, in consultation with Legal Counsel, shall make a recommendation to the Commission regarding the amount of a bond or other commercially reasonable undertaking to be required of the applicant before the application will be accepted.
3. On the basis of the Executive Officer's recommendation, the Commission shall establish a bond or other commercially reasonable undertaking as a condition for acceptance of the application. The purpose of this security requirement is to indemnify LAFCO from future liability in connection with the application. In addition, the applicant shall be required to satisfy any past due obligation owed to LAFCO from previous applications, prior to processing any new application.

Compliance with this policy does not relieve the applicant of responsibility to submit other information as requested by LAFCO to process the application, to otherwise comply with applicable law and these policies, or cure any outstanding non-compliance with the Policy and Agreement referenced in paragraph a. of this policy above.

*Adopted June 16, 1988
Revised December 13, 1996
Revised November 4, 1999
Revised September 3, 2009
Revised July 7, 2011
Revised August 7, 2014*

CONFLICT OF INTEREST CODE

- A. The Political Reform Act, Government Code Sections 81,000 et seq., requires state and local government agencies to adopt and promulgate Conflict of Interest Codes.
- B. The Fair Political Practices Commission has adopted a regulation, 2 California Code of Regulations Section 18730, which contains the terms of a standard Conflict of Interest Code, which can be incorporated by reference, and which may be amended by the Fair Political Practices to conform to amendments to the Political Reform Act after public notice and hearing.
- C. The provisions Section 18730, and any amendments to it duly adopted by the Fair Political Practices Commission are hereby incorporated by reference, and along with the attached Appendix "A" in which officials and employees are designated and Appendix B which sets forth disclosure categories, constitute the Conflict of Interest Code of the Santa Barbara Local Agency Formation Commission.
- D. Pursuant to Section 4 of the standard Code, designated officers and employees shall file statements of economic interest with the Executive Officer. Upon receipt of the statements filed, a copy shall be retained and the original shall be forwarded to the Elections Division of the Santa Barbara County Clerk-Recorder.

Adopted April 7, 1994

APPENDIX A

Persons occupying the following positions are designated employees and must disclose financial interests in those categories described in Appendix B which are listed opposite their respective designated positions.

<u>Designated Positions</u>	<u>Disclosure Categories</u>
Commissioners and Alternate Commissioners	1,2,3,4
Executive Officer	1,2,3,4
Legal Counsel	1,2,3,4

APPENDIX B

CATEGORIES OF DISCLOSURE

Officers and employees shall report investments, interest in real property, income, and any business entity in which the person is an owner, director, officer, partner, trustee, employee, or holds any position of management which materially by any decision made or participated in by an officer or employee by virtue of his or her position with the Commission.

Category 1

Interests in real property which is located in whole or in part within the jurisdiction of Santa Barbara County, including any leasehold, beneficial or ownership interest or option to acquire such interest in real property, if the fair market value of the interest is \$1,000 or more.

Category 2

Business positions or investments in or income from persons or business entities engaged in the appraisal, acquisition, or disposal of real property within the jurisdiction of the Commission.

Category 3

Business positions or investments in business entities and income from any source or sources of income, if the business entities or the source of sources of income are of the type which, within the previous two years, have provided or contracted to provide, or in the future with reasonable foreseeability might provide or contract to provide services, supplies, materials, machinery or equipment to or for the use of the Commission.

Category 4

Business positions or investments in business entities and income from any source or sources of income, if the business entities or source or sources of income are of the type which are subject to the regulation or supervision of the Commission and the designated officer or employee's duties involve the supervision or regulation (including, but not limited to, the issuance or granting or franchise, building permits or other use or business permits or any other land use control or regulation) of that type of business entity or source of income.

LAFCO BUDGET AND FINANCIAL PROCEDURES

A. Authority to Develop and Adopt the Budget

The Cortese/Knox/Hertzberg Act creates the funding relationship between the County, cities, special districts and LAFCO. Pertinent sections of the Government Code are appended as Exhibit A to this section of the Commissioner Handbook:

B. LAFCO as a Separate Fund

For administrative purposes the LAFCO budget is a separate fund within the County's financial accounting system. Unspent appropriations are retained in the fund as available financing for the following year.

C. Processing Fee Schedule

The Act permits LAFCO to levy processing fees to cover the cost of verifying petitions, processing boundary change requests, amending spheres of influence and so forth.

The fee schedule is reviewed in conjunction with adoption of the annual budget.

D. Financial Status Reports

The budget adopted by LAFCO is an estimate of expenditures and revenues. The staff keeps the Commission informed of aspects of the financial program that deserve review and adjustment through periodic financial status reports.

E. Per Diem Stipends for Commission members

Members and alternative members are eligible to receive a stipend of \$150 for attendance at the following meetings:

1. Regular and special meetings of the Commission.
2. Meetings of standing committees and ad hoc committees of the Commission when appointed by the Commission or the Chair of the Commission.
3. Meetings of governmental agencies and committees when appointed to such entities by the Commission or the Chair of the Commission.
4. Meetings of the Board of Directors of the California Association of LAFCOs when the Commissioner is a member of the Board of Directors having been nominated to that position by the Commission.

Payment of stipends is limited to no more than five (5) per member in any month.

F. Reimbursement of Commissioner Expenses

Commission members and alternates may claim reimbursement for reasonable and necessary expenses incurred in performing the duties of their office. This includes:

1. Attending the annual CALAFCO Conference and CALAFCO University classes.
2. Attending CALAFCO committee meetings such as the Legislative Committee or Conference Planning Committee if they are a member of the committee.
3. Attending the annual UCLA Extension Land Use Law and Planning Conference.
4. Attending other LAFCO-related conferences, meeting and events with preapproval by the Commission or the Chair of the Commission.
5. Commission members and alternates shall be reimbursed for expenses in the same manner as staff. The Executive Officer is responsible for reviewing and approving each request for Commission reimbursement. Disputed reimbursements may be appealed to the Commission.

The Commission will not generally reimburse Commissioners for workshops or training that is directed or oriented primarily for LAFCO staff and only with prior approval.

G. Reimbursement of Staff and Legal Counsel Expenses

1. The Executive Officer and Legal Counsel shall be reimbursed for all reasonable and necessary expenses in connection with the conduct of LAFCO business including but not limited to office expenses, training, travel, lodging, meals, gratuities and other related costs.
2. The Executive Officer is responsible for reviewing and approving requests for Legal Counsel reimbursement.
3. The Chair, Vice Chair, or other Commissioners authorized to sign claim forms with the County Auditor Controller are responsible for reviewing and approving requests for Executive Officer reimbursement.

H. Reimbursement Policies

1. Expense reimbursement requests should be submitted monthly, although flexibility is permitted if the claimable amount is not deemed to be significant.
2. Claims for reimbursement of costs related to LAFCO meetings, conferences and seminars should be submitted not later than 60 days following completion of the event for which reimbursement is being claimed.

3. Expense claims for costs incurred in one fiscal year should be, whenever practical, submitted for reimbursement during the same fiscal year.
4. Reimbursement for Private Automobiles
 - a. Use of private automobiles to conduct LAFCO business shall be reimbursed at the IRS allowable rate.
 - b. This rate shall be considered full and complete payment for actual expenses for use of private automobiles, including insurance, maintenance and all other automobile-related costs.
 - c. LAFCO does not provide insurance for private automobiles used for LAFCO business. The owner is responsible for personal liability and property damage insurance when vehicles are used on LAFCO business.
5. Receipts or vouchers which verify the claimed expenses are required for reimbursement of all items of expense except private automobile mileage and taxis or streetcars, buses, bridge and road tolls and parking fees
6. Reimbursement of expenses is not allowed for personal items such as, but not limited to, entertainment, clothing, laundering, etc.
7. The general rule for selecting a mode of transportation for reimbursement is that method which represents the lowest reasonable expense to LAFCO and the individual Commissioner or staff member.

I. Recognition by the Commission

Nominal amounts may be expended for the purchase of plaques or certificates of appreciation for those to whom such expressions are deemed to be appropriate by the Commission.

J. LAFCO Credit Card

The Executive Officer is authorized to secure a credit card in the name of the Commission for the purchase of travel and expenses for Commissioners and staff. All unauthorized charges placed on the card must be reimbursed within 15 calendar days of the date the credit card statement is received.

K. Investment Policy

It is the policy of the Santa Barbara Local Agency Formation Commission to keep its funds in the County Treasury as the basis to implement and manage a prudent, conservative investment program.

It is the practice of the County Treasurer to invest public funds in a manner which provides the maximum security of principal invested with secondary emphasis on achieving the highest return, while meeting the daily cash flow needs of the Investment Pool participants and conforming to all applicable State statutes and County resolutions governing the investment of public funds.

L. Disclosure of Budget and Compensation

Documentation shall be posted on the Commission website and made available to members of public who submit requests for information showing:

1. Most recently adopted Commission budget
2. Authorized Commissioner stipend per meeting. Members of the Commission do not receive pensions, deferred compensation, vehicle allowance or health/dental/vision programs or insurance.
3. Total compensation paid to staff as shown on the most recent W-2 form or 1099 plus any pensions and/or contributions for deferred compensation, health/dental/vision programs or insurance and vehicle allowance.

*Revised October 10, 2002
Adopted July 7, 1994
Revised May 8, 2003
Revised December 4, 2003
Revised February 2, 2006
Revised April 5, 2007
Revised March 3, 2011
Revised November 1, 2012*

LAFCO STAFFING

A. Executive Officer Appointment

The manner of recruiting and appointing the Executive Officer is a matter of Commission discretion. The position serves at the pleasure of the Commission who may choose an Executive Officer whenever a vacancy occurs or at any time the services of the incumbent are not deemed satisfactory.

The Santa Barbara Executive Officer is employed under contract to the Commission and provides all immediate managerial, analytical and clerical support.

B. Executive Officer Responsibilities

The Executive Officer implements the policies and directives established by the Commission, manages the LAFCO office, prepares and administers the budget, represents the Commission at meetings, et cetera.

The Cortese/Knox Act sets forth the following specific statutory responsibilities:

- Conduct and perform the day-to-day business of the Commission.
- Review each application which is filed and prepare a report, including recommendations thereon, and
- Prepare impartial analyses of ballot propositions for approval by the Commission when required.

C. Other Commission Support

The County Counsel provides legal advice and support for LAFCO. If a conflict of interest ever occurs between LAFCO and the County the Commission can obtain outside counsel.

In addition, the Cortese/Knox Act directs the County Surveyor (or other such County officer or employee as the Board of Supervisors may designate), to examine and report on the boundaries of applications submitted to LAFCO, on request by the Commission or Executive Officer.

Adopted July 7, 1994

CALIFORNIA ASSOCIATION OF LAFCOS (CALAFCO)

A. General Provisions

The California Association of LAFCOs, or CALAFCO, was formed in 1971 as a voluntary association. It provides a means of sharing information, coordinating LAFCO activities and representing LAFCO interests before the Legislature.

Commissioners are encouraged to participate in CALAFCO activities depending upon their interests to ensure closer coordination and information exchange with the Statewide association.

B. CALAFCO Board of Directors, Staff and Dues

In accordance with its Bylaws, the Association is governed by a Board composed of 13 LAFCO Commissioners -- there are four City members, four County members, three Public members and two Special District members.

A CALAFCO Executive Director manages Association affairs with assistance from staff volunteers from individual LAFCOs.

Annual membership dues are specified in the Association Bylaws according to CSAC's classification system for Rural, Suburban and Urban counties.

C. CALAFCO Newsletter "The Sphere"

The Association's quarterly newsletter details matters of interest to LAFCOs including significant legislative changes, litigation and activities in individual LAFCOs. Copies are distributed to all members of the Commission.

CALAFCO encourages newsletter articles by Commissioners and staff and is interested in knowing what subjects would be of interest for future articles.

D. Conferences and Workshops

The CALAFCO Annual Conference is held in the Fall alternating between locations in northern and southern California. There are discussions, workshops, presentations and informal activities.

The Association also sponsors an annual Staff Workshop, special issue workshops and other classes and seminars as needed.

E. Annual Business Meeting

The annual business meeting is held in conjunction with the Annual Conference. Each LAFCO in good standing has one vote when members of the Board are selected and other items of Association business decided.

Adopted July 7, 1994

HISTORY OF SANTA BARBARA LAFCO MEMBERSHIP since 1963

City Members and Alternates

Roger Aceves (Goleta)	Thomas N. Lewis (Carpinteria)
John F. Adam, Jr. (Santa Maria)	Sheila Lodge (Santa Barbara)
Lupe Alvarez (Guadalupe)	Marvin D. Loney (Lompoc)
Carol Anders (Solvang)	W. Don Macgillivray (Santa Barbara)
Ed Andrisek (Solvang)	Mark Martinez (Carpinteria)
Sam Arca (Guadalupe)	James A. May (Santa Maria)
Joe Armendariz (Carpinteria)	Ray Okamoto (Guadalupe)
Allen R. Coates (Carpinteria)	Robert Orach (Santa Maria)
George L. Cotsenmeyer (Lompoc)	Victoria Pointer (Buellton)
Dick DeWees (Lompoc)	Vince Pollard (Santa Maria)
Charles Draper (Guadalupe)	Jim Richardson (Solvang)
Gerald Firestone (Santa Barbara)	Andrew Salazar (Lompoc)
Jeanne Graffy (Santa Barbara)*	Raymond E. Seider (Carpinteria)
Jack Hawxhurst (Goleta)	David T. Shiffman (Santa Barbara)
George Hobbs, Jr. (Santa Maria)	David Smyser (Solvang)
Mark King (Carpinteria)	Eugene Stevens (Lompoc)
Casey Kyle (Santa Maria)	Thomas Urbanske (Santa Maria)*
Elinor Langer (Santa Barbara)	Ernest Wullbrandt (Carpinteria)

County Members and Alternates

Francis Beattie	David Grant	Susan Rose
Veril Campbell	Robert L. Hedlund	James M. Slater
Joe Centeno	DeWayne Holmdahl	Timothy Staffel
William B. Chamberlin**	Robert E. Kallman	Michael B. Stoker
George Clyde	Steve Lavagnino	Tom Urbanske*
Doreen Farr	Gail Marshall	William Wallace
Brooks Firestone	Toru Miyoshi	Janet Wolf
Harrell Fletcher	Gloria Ochoa	David Yager
Frank Frost	Dianne Owens	
Jeanne Graffy*	Tom Rogers	

Public Members and Alternates

Richard Carl Brenneman	Carol Nash (Lompoc)
William B. Chamberlin (Santa Ynez)**	Janet B. Severson (Santa Ynez)
Bess Christensen	Bob Short (Montecito)
Paul Floyd	Bernice Stableford (Goleta)
Rita Green (Santa Maria)	J. Tim Terry (Santa Barbara)
Donald Lahr (Santa Maria)	R. Lockwood Tower
Penny Leich (Santa Maria)	Thomas Umenhofer (Goleta)
Marty Mariscal (Santa Maria)	Roger Welt (Santa Maria)

Special District Members and Alternates

Walter Burnett (Mission Hills CSD)	Carey Rogers (Goleta Water District)
Tim Campbell (Montecito Water District)	Cathy Schlottmann (Mission Hills CSD)
Craig Geyer (Goleta West Sanitary District)	Phyllis White (Vandenberg Village CSD)
John Fox (Goleta Sanitary District)	Larry Wilson (Montecito Water District)
Jeff Moorhouse (Carpinteria Sanitary District)	

* Commissioners who as both City and County Members ** Commissioner who has served as both a County and Public Member

CITY OF BUELLTON
General Law City

Location of office	107 West Highway 246 Buellton, CA
Mailing address (if different)	P.O. Box 1819 Buellton, CA 93427
Telephone number	686-0137
FAX number	686-0086
Web page	www.cityofbuellton.com
E-mail address	johnk@cityofbuellton.com

City Council: (Self-governing, elected in November of even-numbered years, 4-year terms)

Meets: 2nd and 4th Thursdays of each month, 6:00 PM, City Council Chambers

STAFF

John Kunkel	City Manager x5
Linda Reid	City Clerk x5
Ralph Hansen	City Attorney
Marc Bierdzinski	Planning Director

INFORMATION

<u>Incorporated</u>	1992
<u>Population</u>	4,740 (Calif. Dept. of Finance -1/09)
<u>Registered Voters</u>	2,513 registered voters as of 1/19/10

CITY OF CARPINTERIA
General Law City

Location of office and mailing address	5775 Carpinteria Avenue Carpinteria, CA 93013
Telephone number	684-5405
FAX number	684-5304
Web page	www.carpinteria.ca.us
E-mail address	daved@ci.carpinteria.ca.us

City Council: Self-governing, elected in November of even-numbered years, 4-year terms

Meets: 2nd and 4th Mondays of each month, 5:30 PM, City Council Chambers

STAFF

Dave Durflinger	City Manager
Jayne Diaz	City Clerk
Peter Brown	City Attorney
Jackie Campbell	Community Development Director

INFORMATION

<u>Incorporated</u>	1965
<u>Population</u>	14,409 (Calif. Dept. of Finance -1/09)
<u>Registered Voters</u>	6,597 registered voters as of 1/19/10

CITY OF GOLETA
General Law City

Location of office and Mailing Address	130 Cremona Drive, Suite B Goleta, CA 93117
Telephone number	961-7500
FAX number	685-2635
Web page	www.cityofgoleta.org
E-mail address	cityhall@cityofgoleta.org

City Council: Self-governing, elected in November of even-numbered years, 4-year terms

Meets: 1st and 3rd Tuesdays, 1:30 PM and 6:00 PM
City Council Chamber

STAFF

Dan Singer	City Manager
Deborah Constantino	City Clerk
Tim Giles	City Attorney
Steve Chase	Planning Director

INFORMATION

<u>Incorporation</u>	2002
<u>Population</u>	30,476 (Calif. Dept. of Finance - 1/09)
<u>Registered Voters</u>	16,116 registered voters as of 1/19/10

CITY OF GUADALUPE
General Law City

Location of office and mailing address	918 Obispo Street Guadalupe, CA 93434
Telephone number	356-3891
FAX number	343-5512
E-mail address	rc@ci.guadalupe.ca.us

City Council: Self-governing, elected in November of even-numbered years, 4-year terms

Meets: 2nd and 4th Tuesday, monthly, 6:00 PM, City Council Chambers

STAFF

Andrew Carter	City Administrator
Brenda Hoff	City Clerk and Clerk of the Board
Dave Fleishman	City Attorney
Rincon Associates	Contract Planning Director
Jaime Casso	Legal Counsel

INFORMATION

<u>Incorporated</u>	1946
<u>Population</u>	6,534 (Calif. Dept. of Finance - 1/09)
<u>Registered voters</u>	1,894 registered voters as of 1/19/10

CITY OF LOMPOC
General Law City

Location of office	100 Civic Center Plaza Lompoc, CA
Mailing address (if different)	P.O. Box 8001 Lompoc, CA 93438
Telephone number	736-1261
FAX number	736-5347
Web page	www.ci.lompoc.ca.us
E-mail address	

City Council: Self-governing, elected in November of even-numbered years, 4-year terms

Meets: 1st and 3rd Tuesdays, 7:00 PM, City Council Chambers

STAFF

Laurel Barcelona	City Administrator
Stacey Alvarez	City Clerk
Joe Pannone	Acting City Attorney
Arleen Pelster	Community Development Director

INFORMATION

<u>Incorporation</u>	1888
<u>Population</u>	42,892 (Calif. Dept. of Finance - 1/09)
<u>Registered voters</u>	15,000 registered voters as of 1/19/10

CITY OF SANTA BARBARA
Charter City

Location of office	735 Anacapa St, Santa Barbara
Mailing address (if different)	P.O. Box 1990 Santa Barbara, CA 93102-1990
Telephone number	564-5301
FAX number	897-1993
Web page	www.ci.santa-barbara.ca.us
E-mail address	

City Council: Self-governing, elected in November of even-numbered years, taking office in January, 4-year terms

Meets: Weekly on Tuesdays, 2:00 PM, City Council Chambers

STAFF

James L. Armstrong	City Manager
Cyndi Rodriquez	City Clerk
Steve Wiley	City Attorney
Paul Casey	Planning Director

INFORMATION

<u>Incorporation</u>	1850
<u>Population</u>	90,308 (Calif. Dept. of Finance - 1/09)
<u>Registered voters</u>	46,712 registered voters as of 1/19/10

CITY OF SANTA MARIA
General Law City

Location of office and mailing address	110 East Cook Street Santa Maria, CA 93454
Telephone number	925-0951 Ext. 200
FAX number	349-0657
Web page	www.ci.santa-maria.ca.us
E-mail address	prodriguez@ci.santa-maria.ca.us

City Council: Self-governing, elected in November of even-numbered years, 4-year terms

Meets: 1st and 3rd Tuesdays of each month, 6:30 PM, City Council Chambers

STAFF

Rick Haydon	City Manager
Patti M. Rodriguez	City Clerk
Gil Trujillo	City Attorney
Larry Appel	Director of Community Development

INFORMATION

<u>Incorporation</u>	1905
<u>Population</u>	92,542 (Calif. Dept. of Finance - 1/09)
<u>Registered voters</u>	26,832 registered voters as of 1/19/10

CITY OF SOLVANG
Charter City

Location of office and mailing address	1644 Oak Street Solvang, CA 93463
Telephone number	688-5575
FAX number	686-2049
E-mail address	BradV@cityofsolvang.com

City Council: Self-governing, elected in November of even-numbered years, 4-year terms, elected mayor serving 2 year terms)

Meets: 2nd and 4th Mondays, 7:00 PM, City Council Chambers

STAFF

Brad Vidro	City Manager
Mary Ellen Rio	City Clerk
Roy A. Hanley	City Attorney
Arlene Pelster	Community Development Director

INFORMATION

<u>Incorporation</u>	1985
<u>Population</u>	5,446 (Calif. Dept. of Finance - 1/09)
<u>Registered voters</u>	3,100 registered voters as of 1/19/10

Public Airport District

SANTA MARIA PUBLIC AIRPORT DISTRICT

(California Airport District Act, Public Utilities Code §22001 et seq.)

Location of office and mailing address	3217 Terminal Drive Santa Maria, CA 93455
Telephone number	922-1726
FAX number	922-0677
Web page	www.fly2SMX.com
E-mail address	santamariaairport@santamariaairport.com

Board of Directors: Self-governing, elected in November of even-numbered years, 4-year terms

Meets: 2nd and 4th Thursdays of each month, 7:00 PM, District Board Room

STAFF

Chris Hastert	General Manager
Christine C. Freitas	Clerk of the Board
Ray Beiring	Legal Counsel

INFORMATION

Formation: 1962

Services provided:

The District owns and operates Santa Maria Airport, a commercial and general aviation airport located within the City of Santa Maria.

Cemetery District

CARPINTERIA CEMETERY DISTRICT

(Health and Safety Code §8890 et seq.)

Location of office and mailing address	1501 Cravens Lane Carpinteria, CA 93013
Telephone number	684-2466
FAX number	566-0898
Web page	www.carpcemetry.com
E-mail address	carpcemetery@yahoo.com

Board of Directors: Five member board of directors appointed by the Board of Supervisors

Meets: 1st Monday of November, February, May and August; 4:00 PM

STAFF

Michael Damron	General Manager
Michael Damron	Clerk of the Board
County Counsel	Legal Counsel

INFORMATION

Formation: 1914

Services provided:

The District owns and maintains a public cemetery and provides burial services.

Cemetery District

GOLETA CEMETERY DISTRICT

(Health and Safety Code §8890 et seq.)

Location office and mailing address	44 South San Antonio Road Santa Barbara, CA 93110
Telephone number	967-3608
FAX number	964-8268
Web page	www.goletacemetery.com
E-mail address	Rdbower52@aol.com

Board of Directors: Three member board of directors appointed by the Board of Supervisors

Meets: 2nd Tuesday, monthly, 4:00 PM, District Office

STAFF

Rick Bower	General Manager
Rick Bower	Clerk of the Board
County Counsel	Legal Counsel

INFORMATION

Formation 1910

Services provided:

The District owns and maintains a public cemetery and provides burial services.

Cemetery District

LOMPOC CEMETERY DISTRICT

(Health and Safety Code §8890 et seq.)

Location of office	600 South C Street Lompoc, CA
Mailing address	P.O. Box 972 Lompoc, CA 93438
Telephone number	735-1817
FAX number	735-4977
E-mail address	mpowers@dslextreme.com

Board of Directors: Five member board of directors appointed by the Board of Supervisors

Meets: 4th Wednesday, monthly, 11:45 AM

STAFF

Mark E. Powers	Superintendent
Carrie Troup	Clerk of the Board
County Counsel	Legal Counsel

INFORMATION

Formation 1909

Services provided:

The District owns and maintains a public cemetery and provides burial services.

Cemetery District

LOS ALAMOS CEMETERY DISTRICT

(Health and Safety Code §8890 et seq.)

Location of office 4777 Drum Canyon Road
Los Alamos, CA

Mailing address P.O. Box 702
Los Alamos, CA 93440

Telephone number Cemetery:
344-4441
George Shaw:
868-9944
Kerry (Secretary):
937-0511

E-mail address losalamoscem@sbceo.org

Board of Directors: Five member board of directors appointed by the Board of Supervisors

Meets: Quarterly

STAFF

George Shaw	Director
Candayce Clark	Clerk of the Board
Richard Battles, Howell Moore & Gough LLP	Legal Counsel

INFORMATION

Formation 1920

Services provided:

The District owns and maintains a public cemetery and provides burial services.

Community Services District

CASMALIA COMMUNITY SERVICES DISTRICT

(Community Services District Law, Government Code §61000 et seq.)

Location of office and mailing address	3325 Point Sal Road Casmalia, CA 93429
Telephone number	937-6151
FAX number	
E-mail address	Terri2@ix.netcom.com

Board of Directors: Five member board of directors elected at-large

Meets: 2nd Thursdays, 5:00 PM, Casmalia School

STAFF

Luis Meza	General Manager
Terri Stricklin	Clerk of the Board
Richard Adam	Legal Counsel

INFORMATION

Formation: 1981

Services provided:

The District provides water service for the community of Casmalia, serving approximately 50 water connections.

Community Services District

CUYAMA COMMUNITY SERVICES DISTRICT

(Community Services District Law, Government Code §61000 et seq.)

Location of office	4885 Primero Street New Cuyama, CA
Mailing address	P.O. Box 368 New Cuyama, CA 93254-0368
Telephone number	(661) 766-2780 (Office) (661) 619-1873 (Cell phone)
FAX number	(661) 766-2632
E-mail address	ccsd@inreach.com

Board of Directors: Five member board of directors elected at-large

Meets: 2nd Wednesday, monthly, 7:00 PM, Montgomery Hall, New Cuyama

STAFF

U. S. Wilson	General Manager
Vivian Vickery	Clerk of the Board

INFORMATION

Formation: 1977

Services provided:

The District provides water service and wastewater collection and treatment for the New Cuyama area, serving approximately 240 water and wastewater connections.

Community Services District**LOS ALAMOS COMMUNITY SERVICES DISTRICT***(Community Services District Law, Government Code §61000 et seq.)*

Location of office	82 North Saint Joseph Street Los Alamos, CA
Mailing address (if different)	P.O. Box 675 Los Alamos, CA 93440
Telephone number	344-4195
FAX number	344-2908
E-mail address	kbarnard@dock.net

Board of Directors: Five member board of directors elected at-large

Meets: 4th Wednesday of each month, 7:30 PM, District Office

STAFF

Kevin M. Barnard	General Manager
Candyce J. Clark	Office Manager
Richard Battles Howell Moore & Gough LLP	Legal Counsel

INFORMATION

Formation: 1956

Services provided:

The District provides water treatment and distribution, the collection and treatment of wastewater serving approximately 550 water and wastewater connections and maintenance and operation of a park.

Community Services District**MISSION HILLS COMMUNITY SERVICES DISTRICT***(Community Services District Law, Government Code §61000 et seq.)*

Location of office and mailing address	1550 East Burton Mesa Blvd. Lompoc, CA 93436
Telephone number	733-4366 x201
FAX number	733-4188
E-mail address	mr@mhcsd.org

Board of Directors: Five member board of directors elected at-large

Meets: 2nd Wednesday, monthly, 7:00 PM, District office

STAFF

Michael Riley	District Manager
Casey Fowler	District Secretary
Timothy C. Carmel, Lyon and Carmel	Legal Counsel

INFORMATION

Formation: 1979

Services provided:

The District provides retail water service, wastewater collection and treatment, and street sweeping, serving approximately 1,100 water and 1,070 wastewater connections.

Community Services District

SANTA RITA HILLS COMMUNITY SERVICES DISTRICT

(Community Services District Law, Government Code §61000 et seq.)

Location of office and mailing address	P.O. Box 991 Buellton, CA 93427
Telephone number	544-4011
FAX number	544-4294

Board of Directors: Five member board of directors elected at-large

Meets: 1st Thursday of each month, 7:00 PM
Santa Barbara County Administrative Office Building, Lompoc

STAFF

John Wallace	General Manager johnw@wallacegroup.us
Casey Fowler	Secretary to the Board
Michael Seitz	Legal Counsel

INFORMATION

Formation: 2009

Services provided:

The District is authorized to construct, improve, and maintain roads, rights-of-way, bridges, culverts, drains, curbs, gutters, sidewalks and incidental works, convert overhead electric and communications facilities to underground locations, and install underground electric and communications facilities within its boundaries.

Community Services District

SANTA YNEZ COMMUNITY SERVICES DISTRICT

(Community Services District Law, Government Code §61000 et seq.)

Location of office	1070 Faraday Street Santa Ynez, CA 93460
Mailing address	P.O. Box 667 Santa Ynez, CA 93460-0667
Telephone number	688-3008
FAX number	688-3006
E-mail address	Jeff Hodge jhodge@syicsd.com Wendy Berry wendy@syicsd.com

Board of Directors: Five member board of directors elected at-large

Meets: 3rd Wednesday, monthly, 7:00 PM, District Office

STAFF

Jeff Hodge	General Manager
Wendy Berry	Board Secretary
Richard G. Battle, Howell Moore & Gough LLP	Legal Counsel

INFORMATION

Formation: 1971

Services provided:

The District provides wastewater collection and transportation and street lighting, serving approximately 688 wastewater connections. Effluent collected by the District is treated at the City of Solvang's wastewater treatment plant.

Community Services District**VANDENBERG VILLAGE COMMUNITY SERVICES
DISTRICT***(Community Services District Law, Government Code §61000 et seq.)*

Location of office and mailing address	3757 Constellation Lompoc, CA 93436
Telephone number	733-2475
FAX number	733-2109
Web page	vvcsd.org
E-mail address	administration@vvcsd.org jbarget@vvcsd.org

Board of Directors: Five member board of directors elected at-large

Meets: 1st Tuesday, monthly, 7:00 PM, District Office

STAFF

Joe Barget	General Manager
Stephanie Vlahos	Clerk of the Board
County Counsel	Legal Counsel

INFORMATION

Formation: 1988

Services provided:

The District provides water service and wastewater collection and transportation for the Vandenberg Village area, serving approximately 2,400 water and wastewater connections. The effluent is treated at the City of Lompoc's regional wastewater treatment plant.

Fire Protection District

CARPINTERIA/SUMMERLAND FIRE PROTECTION DISTRICT

(Fire Protection District Law of 1987, Health & Safety Code §13800 et seq.)

Location of office and mailing address	1140 Eugenia Place, Suite A Carpinteria, CA 93013
Telephone number	684-4591
FAX number	684-8242
E-mail address	m.mingee@csfd.net

Board of Directors Five member board of directors elected at-large

Meets: 3rd Tuesday, monthly, District Office

STAFF

Michael Mingee	Fire Chief
Joyce Reed	Clerk of the Board
Mark Manion Price, Postel & Parma	Legal Counsel

INFORMATION

Formation: 1934

Services provide:

The District provides fire prevention, suppression and emergency medical services. It operates two fire stations, in Carpinteria and in Summerland.

Fire Protection District**MONTECITO FIRE PROTECTION DISTRICT**

(Fire Protection District Law of 1987, Health & Safety Code §13800 et seq.)

Location of office and mailing address	595 San Ysidro Road Montecito, CA 93108
Telephone number	969-7762
FAX number	969-3598
Web page	www.montecitofire.com
E-mail address	kwallace@montecitofire.com

Board of Directors: Three member board of directors elected at-large

Meets: 3rd Monday, monthly, 8:30 AM, District Office

STAFF

Chip Hickman	Fire Chief
Geri Ventura	Clerk of the Board
Eric Hvolboll, Price, Postel & Parma	Legal Counsel

INFORMATION

Formation: 1917

Services provided:

The District provides fire prevention and suppression, search and rescue, paramedic services, plan review, business and residential inspections, public education and wild land fire protection planning. It operates two fire stations.

Fire Protection District

SANTA BARBARA COUNTY FIRE PROTECTION DISTRICT

(Fire Protection District Law of 1987, Health and Safety Code §13800 et seq.)

Location of office and mailing address	4410 Cathedral Oaks Road Santa Barbara, CA 93110
Telephone number	681-5500
FAX number	681-5563
Web page	www.countyofsb.org
E-mail address	

Board of Directors: The Board of Supervisors as ex officio board of directors for the District

Meets: Tuesdays, 9:00 AM, Board of Supervisors Hearing Room

STAFF

Michael Dyer	Fire Chief
Michael Brown	Clerk of the Board
County Counsel	Legal Counsel

INFORMATION

Formation 1957

Services provided:

The District provides fire prevention, suppression, emergency medical services and hazardous materials response. It operates fifteen fire stations.

Health Care District

LOMPOC VALLEY MEDICAL CENTER

(A California Health Care District)

(Local Health Care District Act, Health and Safety Code §32000 et seq.)

Location of office and mailing address	1515 East Ocean Avenue Lompoc, CA 93436
Telephone number	737-3301
FAX number	737-3326
Web page	www.lompocvmc.com
E-mail address	raggioJ@lompocvmc.com

Board of Directors: Five member board of directors elected at-large

Meets: 4th Thursday, monthly, 5:30 PM, Board Room

STAFF

Jim Raggio	Chief Executive Officer
	Clerk of the Board
Les Johnson	Legal Counsel

INFORMATION

Formation: 1946

Services provided:

The District provides health care services. It owns and operates a 60-bed acute care hospital and a 110-bed skilled nursing facility.

Lighting District

NORTH COUNTY LIGHTING DISTRICT

(Highway Lighting District Act, Streets & Highways Code §19000 et seq.)

Location of office and mailing address	620 West Foster Road Santa Maria, CA 93455
Telephone number	739-8750
FAX number	739-8753
Web page	www.publicworkssb.org/swud/streetlight.html
E-mail address	

Board of Directors: Board of Supervisors

Meets: Tuesdays, 9:00 AM, Board of Supervisors Hearing Room

STAFF

Public Works Director	General Manager
County Executive	Clerk of the Board
County Counsel	Legal Counsel

INFORMATION

Formation: 1994

Services provided: The District provides street lighting and energizes 2,816 street lights in the unincorporated Casmalia, Los Alamos, Mission Hills, Orcutt, Santa Maria and Vandenberg Village areas.

Municipal Improvement District**EMBARCADERO MUNICIPAL IMPROVEMENT DISTRICT**

(Embarcadero Municipal Improvement District Act, Chapter 81, Stats. 1960)

Location of office and mailing address	224 Vereda Leyenda Goleta, CA 93117
Telephone number	968-5885
FAX number	685-1081
E-mail address	emid@emidsb.org

Board of Directors: Five member board of directors elected at-large

Meets: 2nd Wednesday, monthly, 7:30 PM, District office

STAFF

Susan Paxton	General Manager
Susan Paxton	Clerk of the Board
Richard Battles, Howell Moore & Gough LLP	Legal Counsel

INFORMATION

Formation: 1960

Services provided:

The District collects and transports wastewater, provides local recreation services, conducts architectural plan approval, enforces development standards (i.e. CC&Rs) and addresses community needs such as undergrounding utilities, animal control, and abatement of road and drainage hazards.

Vector Control District

**MOSQUITO AND VECTOR MANAGEMENT DISTRICT OF
SANTA BARBARA COUNTY**

(Pest Abatement District Law, Health & Safety Code §2200 et seq.)

Location of office	2450 Lillie Ave Summerland, CA
Mailing address	P.O. Box 1389 Summerland, CA 93067
Telephone number	969-5050
FAX number	969-5643
Web page	www.mvmdistrict.org
E-mail address	mvmdistrict@mvmdistrict.org

Board of Directors: Eight member Board of Trustees appointed by the Board of Supervisors and/or City Councils.

Meets: 2nd Thursday, monthly, Hope School District Board Room

STAFF

Brian Passaro	General Manager
Jessica Sprig	Clerk of the Board
Richard Battles	Legal Counsel

INFORMATION

Formation: 1959

Services provided:

The District provides abatement of mosquitoes and other disease vectors and routine surveillance of vector-borne disease.

Recreation and Park District

CUYAMA VALLEY RECREATION AND PARK DISTRICT

(Recreation and Park District Act, Public Resources Code §5780 et seq.)

Location of office	4885 Primero Street, New Cuyama
Mailing address	P.O. Box 270 New Cuyama, CA 93254
Telephone number	(661) 766-2270
FAX number	(661) 766-2632
E-mail address	cuyamarec@gmail.com

Board of Directors: Five member board of directors elected at large

Meets: Third Thursday, Monthly, 6:00 PM, District Office

STAFF

Dorothy Batiste	General Manager
County Counsel	Legal Counsel

INFORMATION

Formation: 1958

Services provided:

The District provides local recreation and park services.

Recreation and Park District

ISLA VISTA RECREATION AND PARK DISTRICT

(Recreation and Park District Act, Public Resources Code §5780 et seq.)

Location of office and mailing address	961 Embarcadero Del Mar Isla Vista, CA 93117
Telephone number	968-2017
FAX number	968-2829
Web page	www.ivparks.org
E-mail address	plesage@ivparks.org

Board of Directors: Five member board of directors elected at large

Meets: 2nd Thursday, monthly, 6:30 PM, District Office

STAFF

Jeff Lindgren	General Manager x27
Jeff Lindgren	Clerk of the Board
Roxanne Diaz	Legal Counsel

INFORMATION

Formation: 1972

Services provided:

The District provides local recreation and park services.

Resource Conservation District

CACHUMA RESOURCE CONSERVATION DISTRICT

(Public Resources Code §9074 et seq.)

Location of office and mailing address	920 East Stowell Road Santa Maria, CA 93454
Telephone number	928-9269 Ext. 110
FAX number	928-9644
Web page	www.carcd.org
E-mail address	Tom.lockhart@ca.nacdnet.net

Board of Directors: Nine member board of directors, appointed by the Board of Supervisors

Meets: 2nd Thursday, monthly, 1:00 PM, Swiss Chalet
Santa Maria

STAFF

Anne Coates	Executive Board
Anne Coates	Clerk of the Board
County Counsel	Legal Counsel

INFORMATION

Formation: 1992

Services provided:

The District provides technical assistance to landowners and services related to the improvement of land capabilities, conservation of resources, conservation of water through services of the Irrigation Mobile Lab, prevention and control of soil erosion and public education.

Sanitary District

LAGUNA COUNTY SANITATION DISTRICT

(County Sanitation Law, Health & Safety Code §4700 et seq.)

Location of office and mailing address	620 West Foster Road Santa Maria, CA 93455
Telephone number	739-8750
FAX number	739-8753
Web page	www.publicworkssb.org/swud/streetlight.html
E-mail address	

Board of Directors: The Board of Supervisors as ex officio board of directors of the District

Meets: Tuesdays, 9:00 AM, Board of Supervisors Hearing Room

STAFF

Public Works Director	General Manager
County Executive	Clerk of the Board
County Counsel	Legal Counsel

INFORMATION

Formation: 1958

Services provided:

The District collects, treats and disposes of wastewater.

Sanitary District**CARPINTERIA SANITARY DISTRICT***(Sanitary District Act of 1923, Health & Safety Code §6400 et seq.)*

Location of office and mailing address	5300 Sixth Street Carpinteria, CA 93013
Telephone number	684-7214
FAX number	684-7213
E-mail address	craigm@carpsan.com

Board of Directors: Five member board of directors elected at large

Meets: 1st and 3rd Tuesdays, 5:30 PM, District Office

STAFF

Craig Murray	General Manager - ext 12
Jeff Moorhouse	Board Secretary
Tony Trembly Nordman, Cormany, Hair & Compton	Legal Counsel

INFORMATION

Formation: 1928

Services provided:

The District provides wastewater collection and treatment for the greater Carpinteria area, serving approximately 4,200 wastewater connections.

Sanitary District**GOLETA SANITARY DISTRICT**

(Sanitary District Act of 1923, Health & Safety Code §6400 et seq.)

Location of office and mailing address	One William Moffett Place, Goleta, CA 93117
Telephone number	967-4519
FAX number	964-3583
Web page	goletasanitary.org
E-mail address	kazoury@goletasanitary.org

Board of Directors: Five member board of directors elected at large

Meets: 1st and 3rd Mondays, 7:30 PM, District Board Room

STAFF

Kamil S. Azoury	General Manager
Kamil Azoury	Clerk of the Board
Richard Battles, Howell Moore & Gough LLP	Legal Counsel

INFORMATION

Formation: 1942

Services provided:

The District provides wastewater collection, treatment and reclamation serving approximately 10,700 wastewater connections within its boundaries.

It also treats wastewater from more than 4,800 connections in Goleta West Sanitary District, UCSB campus and Santa Barbara Airport.

Sanitary District**GOLETA WEST SANITARY DISTRICT***(Sanitary District Act of 1923, Health & Safety Code §6400 et seq.)*

Location of office	Campus, Parking Lot 32 Santa Barbara CA 93106
Mailing address	P.O. Box 4 Goleta, CA 93116-0004
Telephone number	968-2617
FAX number	562-8987
Web page	goletawest.com
E-mail address	info@goletawest.com

Board of Directors: Five member board of directors elected at large

Meets: 1st and 3rd Tuesdays (odd numbered months)
1st Tuesday (even numbered months)
7:15 PM, District Office

STAFF

Mark Nation	General Manager/Superintendent
Diane P. Powers	Clerk of the Board
Steven A. Amerikaner Brownstein, Hyatt, Farber, Schreck	Legal Counsel

INFORMATION

Formation: 1954

Services provided:

The District provides wastewater collection and street sweeping services. It serves approximately 5,000 wastewater connections.

Sanitary District

MONTECITO SANITARY DISTRICT

(Sanitary District Act of 1923, Health & Safety Code §6400 et seq.)

Location of office and mailing address	1042 Monte Cristo Lane Santa Barbara, CA 93108
Telephone number	969-4200
FAX number	969-9049
E-mail address	tmcdonald@montsan.org

Board of Directors: Five member board of directors elected at large

Meets: 2nd and last Mondays, monthly, 1:15 PM, District Office

STAFF

Diane Gabriel	General Manager/ District Engineer
Toni McDonald	Office Manager/ Clerk of the Board
Mark Manion	Legal Counsel
Price, Postel & Parma	

INFORMATION

Formation: 1947

Services provided:

The District provides wastewater collection, treatment and disposal, serving approximately 3,050 wastewater connections.

Sanitary District**SUMMERLAND SANITARY DISTRICT***(Sanitary District Act of 1923, Health & Safety Code §6400 et seq.)*

Location of office	2435 Wallace Avenue Summerland, CA
Mailing address	P.O. Box 417 Summerland, CA 93067
Telephone number	969-4344
FAX number	969-5794
E-mail address	msouza@summerland.org

Board of Directors: Five member board of directors elected at large

Meets: 2nd Thursday, monthly, 5:00 PM, District Office

STAFF

Michael J. Sullivan (Mike)	General Manager
Marjon Souza	Office Manager/Clerk of the Board
Nordman, Compton, Cormany & Hair	Legal Counsel

INFORMATION

Formation: 1957

Services provided:

The District provides wastewater collection, treatment and disposal for the Summerland area, serving approximately 472 wastewater connections.

Metropolitan Transit District

SANTA BARBARA METROPOLITAN TRANSIT DISTRICT

*(Santa Barbara Metropolitan Transit District Act of 1965,
Public Utilities Code §95000 et seq.)*

Location of office and mailing address	550 Olive Street Santa Barbara, CA 93101
Telephone number	963-3364
FAX number	963-3365
Web page	www.sbmtd.gov
E-mail address	administration@sbmtd.gov

Board of Directors: Seven member board of directors – two appointed by Board of Supervisors, one by the Carpinteria City Council, one by the Goleta City Council and two by the Santa Barbara City Council and one by the other six members

Meets: Every other Tuesday, 8:30 AM, District Board Room

STAFF

Sherrie Fisher	General Manager
Imelda Martin	Clerk of the Board
_____	Legal Counsel

INFORMATION

Formation: 1966

Services provided:

The District provides public transit services.

Water District

GOLETA WATER DISTRICT

(County Water District Law, Water Code §30000 et seq.)

Location of office and mailing address	4699 Hollister Avenue Goleta, CA 93110-1999
Telephone number	964-6761
FAX number	964-7002
Web page	www.goletawater.com
E-mail address	info@goletawater.com

Board of Directors: Five member board of directors elected at large

Meets: 2nd Tuesday, monthly, 5:30 PM, District Board Room

STAFF

John McInnes	General Manager ext
Beth Horn	Board Secretary ext 621
Francis M. Farina	Legal Counsel

INFORMATION

Formation: 1944

Services provided:

The District provides retail water service, serving approximately 14,385 water connections.

Water District

MONTECITO WATER DISTRICT

(County Water District Law, Water Code §30000 et seq.)

Location of office and mailing address	583 San Ysidro Road Montecito, CA 93108-2124
Telephone number	969-2271
FAX number	969-7261
Web page	www.montecitowater.com
E-mail address	webmaster@montecitowater.com

Board of Directors: Five member board of directors elected at large

Meets: 3rd Tuesday, monthly, 2:00 PM, District Board Room

STAFF

Thomas R. Mosby	General Manager
Thomas R. Mosby	Clerk of the Board
C.E. Chip Wullbrandt Price, Postel & Parma	Legal Counsel

INFORMATION

Formation: 1921

Services provided:

The District provides domestic and agricultural water service, serving approximately 4,500 water connections.

Flood Control and Water Conservation District

***SANTA BARBARA COUNTY FLOOD CONTROL AND
WATER CONSERVATION DISTRICT***

*(Santa Barbara County Flood Control and Water Conservation District
Act, California Water Code, Chapter 74)*

Location of office and mailing address	123 East Anapamu Street Santa Barbara, CA 93101
Telephone number	568-3440
FAX number	568-3434
Web page	www.publicworkssb.org/water/flood. html
E-mail address	

Board of Directors: The Board of Supervisors as ex officio board of directors of the District

Meets: Tuesdays, 9:00 AM, Board of Supervisors Hearing Room

STAFF

Public Works Director	General Manager
County Executive	Clerk of the Board
County Counsel	Legal Counsel

INFORMATION

Formation: 1955

Services provided:

The District provides flood control and water conservation services and flood control zones both within and outside of cities.

Water Agency

SANTA BARBARA COUNTY WATER AGENCY

(Santa Barbara County Water Agency Act, California Water Code, Chapter 51)

Location of office and mailing address	123 East Anapamu Street Santa Barbara, CA 93101
Telephone number	568-3440
FAX number	568-3434
Web page	www.publicworkssb.org/water/agency.html
E-mail address	

Board of Directors: The Board of Supervisors as ex officio board of directors of the District

Meets: Tuesdays, 9:00 AM, Board of Supervisors Hearing Room

STAFF

Public Works Director	General Manager
County Executive	Clerk of the Board
County Counsel	Legal Counsel

INFORMATION

Formation: 1945

Services provided:

The District provides water project contracting, water conservation, hydrologic data collection, assessment and dissemination and cloud seeding.

Water Conservation District

**SANTA MARIA VALLEY WATER CONSERVATION
DISTRICT**

(Water Conservation District Law, Water Code §74000 et seq.)

Location of office	110 South Lincoln, Suite 101 Santa Maria, CA
Mailing address (if different)	P.O. Box 364 Santa Maria, CA 93456
Telephone numbers	925-5212
FAX number	739-0763
E-mail address	Smv.waterconservation@verizon.net

Board of Directors: Seven member board of directors elected by division

Meets: 3rd Thursday, monthly, 6:00 PM, District Office

STAFF

	General Manager
Christy Griesemer	Board Secretary
Kevin O'Brien, Downey Brand	Legal Counsel

INFORMATION

Formation: 1937

Services provided:

The District provides water conservation and groundwater basin recharge, flood control, groundwater recharge, operations at Twitchell Dam

Water Conservation District

SANTA YNEZ RIVER WATER CONSERVATION DISTRICT

(Water Conservation District Law, Water Code §74000 et seq.)

Location of office	3669 Sagunto Street, Suite 108 Santa Ynez, CA
Mailing address	P.O. Box 719 Santa Ynez, CA 93460
Telephone number	693-1156
FAX number	688-8065
E-mail address	bwales@syrwcd.com

Board of Directors: Five member board of directors elected by division

Meets: 1st Wednesday – March, June, September, December, 6:30 PM

STAFF

Bruce A. Wales	General Manager
Bruce A. Wales	Board Secretary
Ernest Conant	Legal Counsel
Young Wooldridge	

INFORMATION

Formation: 1939

Services provided:

The District protects water rights and supplies within the Santa Ynez River watershed, manages releases of water from Bradbury Dam to replenish downstream basins along the River and on the Lompoc Plain and provides water management throughout the area.

Water Conservation District

**SANTA YNEZ RIVER WATER CONSERVATION DISTRICT
IMPROVEMENT DISTRICT NO. 1**

(Water Conservation District Law, Water Code §74000 et seq.)

Location of office	3622 Sagunto Street Santa Ynez
Mailing address	P.O. Box 157 Santa Ynez, CA 93460
Telephone number	688-6015
FAX number	688-3078
E-mail address	general@syrwd.org

Board of Trustees: Five member board of trustees elected by division

Meets: Third Tuesday, District office Conference Room
November –March meetings begin at 5:30 PM
April – October meetings begin at 6:30 PM

STAFF

Chris Dahlstrom	General Manager
Chris Dahlstrom	Secretary of the Board
Gary Kvistad Brownstein, Hyatt, Farber, Schreck	Legal Counsel

INFORMATION

Formation: 1959

Services provided:

The District provides retail water service, serving approximately 2,596 water connections.

County Service Area

**COUNTY SERVICE AREA NO. 11
(Summerland and Carpinteria Area)**

(County Service Area Law, Government Code §25210 et seq.)

Location of office 620 West Foster Road
 Santa Maria, CA 93455

Telephone number 739-8750

FAX number 739-8753

Web page www.publicworkssb.org/swud/streetlight.html

E-mail address

Board of Directors: Board of Supervisors

Meets: Tuesdays, 9:00 AM, Board of Supervisors Hearing Room

STAFF

Public Works Director	General Manager
County Executive	Clerk of the Board
County Counsel	Legal Counsel

INFORMATION

Formation: 1962

Services provided:

The District provides street lighting and currently energizes 73 street lights.

County Service Area

**COUNTY SERVICE AREA NO. 3
(Goleta Valley)**

(County Service Area Law, Government Code §25210 et seq.)

Location of office 620 West Foster Road
 Santa Maria, CA 93455

Telephone number 739-8750

FAX number 739-8753

Web page www.publicworkssb.org/swud/streetlight.html

E-mail address

Board of Directors: Board of Supervisors

Meets: Tuesdays, 9:00 AM, Board of Supervisors Hearing Room

STAFF

Public Works Director	General Manager
County Executive	Clerk of the Board
County Counsel	Legal Counsel

INFORMATION

Formation: 1962

Services provided:

The District provides street lighting, acquisition and maintenance of parks and open space, special tax support for enhanced library services. It currently energizes 1,387 street lights.

County Service Area

**COUNTY SERVICE AREA NO. 31
(Isla Vista)**

(County Service Area Law, Government Code §25210 et seq.)

Location of office 620 West Foster Road
 Santa Maria, CA 93455

Telephone number 739-8750

FAX number 739-8753

Web page www.publicworkssb.org/swud/streetlight.html

E-mail address

Board of Directors: Board of Supervisors

Meets: Tuesdays, 9:00 AM, Board of Supervisors Hearing Room

STAFF

Public Works Director	General Manager
County Executive	Clerk of the Board
County Counsel	Legal Counsel

INFORMATION

Formation: 1963

Services provided:

The District provides street lighting, currently energizing 272 street lights, maintains and repairs of sidewalks, curbs and gutters and is responsible for planting, maintenance and care of street trees.

County Service Area

**COUNTY SERVICE AREA NO. 4
(North Lompoc)**

(County Service Area Law, Government Code §25210 et seq.)

Location of office	300 Goodwin Road Santa Maria, CA 93455
Telephone number	934-6145
FAX number	934-6213
E-mail address	www.sbparks.org

Board of Directors: The Board of Supervisors as ex officio board of directors of the District

Meets: Tuesdays, 9:00 AM, Board of Supervisors Hearing Room

STAFF

County Parks Director	General Manager
County Executive	Clerk of the Board
County Counsel	Legal Counsel

INFORMATION

Formation: 1962

Services provided:

The District maintains approximately 52 acres of open space.

County Service Area

**COUNTY SERVICE AREA NO. 5
(Orcutt)**

(County Service Area Law, Government Code §25210 et seq.)

Location of office	300 Goodwin Road Santa Maria, CA 93455
Telephone number	934-6145
FAX number	934-6213
Web page	www.sbparks.org
E-mail address	

Board of Directors: The Board of Supervisors as ex officio board of directors of the District

Meets: Tuesdays, 9:00 AM, Board of Supervisors Hearing Room

STAFF

County Parks Director	General Manager
County Executive	Clerk of the Board
County Counsel	Legal Counsel

INFORMATION

Formation: 1962

Services provided:

The District maintains approximately 104 acres of parks and open space, including a portion of Waller Park.

County Service Area

**COUNTY SERVICE AREA NO. 41
(Rancho Santa Rita)**

(County Service Area Law, Government Code §25210 et seq.)

Location of office 620 West Foster Road
 Santa Maria, CA 93455

Telephone number 739-8750

FAX number 739-8753

Web page www.publicworkssb.org/swud/streetlight.html

E-mail address

Board of Directors: The Board of Supervisors as ex officio board of directors of the District

Meets: Tuesdays, 9:00 AM, Board of Supervisors Hearing Room

STAFF

Public Works Director	General Manager
County Executive	Clerk of the Board
County Counsel	Legal Counsel

INFORMATION

Formation: 1984

Services provided:

The District provides maintenance of roadways in the large-lot Rancho Santa Rita subdivision.

County Service Area

**COUNTY SERVICE AREA NO. 12
(Mission Canyon)**

(County Service Area Law, Government Code §25210 et seq.)

Location of office 620 West Foster Road
 Santa Maria, CA 93455

Telephone number 739-8750

FAX number 739-8753

Web page www.publicworkssb.org/swud/streetlight.html

E-mail address

Board of Directors: Board of Supervisors

Meets: Tuesdays, 9:00 AM, Board of Supervisors Hearing Room

STAFF

Public Works Director	General Manager
County Executive	Clerk of the Board
County Counsel	Legal Counsel

INFORMATION

Formation: 1986

Services provided:

The CSA provides collection of sewage effluent and inspection of septic tanks. The City of Santa Barbara, by contract, maintains the roadway, sewer system, 2 lift stations and disposes of the effluent.

1 (2) For the administrator appointed pursuant to subdivision (b),
2 the interim operation period commences upon being appointed by
3 the state board and ends when a successor agency has been
4 designated by the commission to provide water service to
5 ratepayers of the district, when a receiving water agency is
6 consolidated with or extends service to ratepayers of the district,
7 when a water corporation acquires the district with the approval
8 of the Public Utilities Commission, or when the administrator's
9 obligation to provide interim administrative and managerial
10 services has otherwise ended.

O



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 8b (Discussion)

TO: Local Agency Formation Commission

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

MEETING DATE: April 4, 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 February 7, 2022, 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 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