



Local Agency Formation Commission of Napa County

Subdivision of the State of California

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

■ Margie Mohler, Chair ■ Brad Wagenknecht, Vice Chair ■ Mariam Aboudamous ■ Diane Dillon
■ Kenneth Leary ■ 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(e), due to the COVID-19 State of Emergency and the recommendations for physical distancing, there will be no physical or in-person meeting location available to the public. Instead, the meeting will be conducted solely by teleconference. All staff reports for items on the meeting agenda are available on the Commission's website at https://www.napa.lafco.ca.gov/staff_reports.aspx. The meeting will be accessible for all members of the public to attend via the link and phone number listed below.

REGULAR MEETING AGENDA

Monday, October 3, 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 October 3, 2022. Public comments DURING the meeting: See "COVID-19 – Notice of Meeting Procedures" on pages 3 and 4 of the agenda.

*Join Teleconference Meeting **Electronically** (computer, tablet, or smartphone):*

<https://countyofnapa.zoom.us/j/86824961804>

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

Dial: (669) 900-6833

Follow the prompts: Meeting ID: 868 2496 1804#

1. CALL TO ORDER BY CHAIR; ROLL CALL

2. PLEDGE OF ALLEGIANCE

3. APPROVAL OF AGENDA

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

4. PUBLIC COMMENTS

The public 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 Resolution Authorizing Continued Teleconference Meetings under Government Code Section 54953\(e\) \(AB 361\)**](#)
- b) [**Approval of Meeting Minutes: August 1, 2022 Regular Meeting**](#)
- c) [**Approval of Amendment to Policy on Indemnification**](#)

Receive Report for Information Only:

- d) [**Countywide Update on Housing and General Plans**](#)
- e) [**CALAFCO Quarterly Newsletter**](#)
- f) [**Legislative Report**](#)
- g) [**Current and Future Proposals**](#)

6. PUBLIC HEARING ITEMS

A member of the public may receive permission to provide comments on any item calendared for information at the discretion of the Chair.

a) **[Final Municipal Service Review and Sphere of Influence Review for the Silverado Community Services District](#)**

The Commission will receive and discuss the final Municipal Service Review and Sphere of Influence Review for the Silverado Community Services District. The Commission will consider adopting a resolution confirming the determinative statements and making no changes to the District's sphere.

b) **[Big Ranch Road/Garfield Lane No. 2 Annexation to the Napa Sanitation District](#)**

The Commission will consider a proposal submitted by landowner petition for the annexation of six incorporated parcels and the adjacent rights-of-way totaling approximately 7.5 acres in size to the Napa Sanitation District. The affected territory is located in the City of Napa at 2023, 2033, 2157, 2159 & 2175 Big Ranch Road, and 56 Garfield Lane, and identified as Assessor Parcel Numbers 038-170-008, 038-170-007, 038-160-009, 038-160-008, 038-160-006 & 038-160-014, respectively.

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) **[Penny Lane No. 5 Reorganization](#)**

The Commission will consider approving a proposal submitted by landowner petition for the annexation of one unincorporated parcel and the adjacent right-of-way totaling approximately 0.37 acres in size to the City of Napa along with concurrent detachment from County Service Area No. 4. The affected territory is located at 2165 Penny Lane and identified as Assessor Parcel Number 046-422-018.

b) **[Darling Street No. 7 Annexation to the Napa Sanitation District](#)**

The Commission will consider a proposal submitted by landowner petition for the annexation of one incorporated parcel and the adjacent right-of-way totaling approximately 0.65 acres in size to the Napa Sanitation District. The affected territory is located in the City of Napa at 1239 Darling Street and identified as Assessor Parcel Number 038-471-005.

c) **[Wine Country Avenue No. 6 Annexation to the Napa Sanitation District](#)**

The Commission will consider a proposal submitted by landowner petition for the annexation of two incorporated parcels totaling approximately 2.5 acres in size to the Napa Sanitation District. The affected territory is located in the City of Napa at 1116 & 1118 Wine Country Avenue and identified as Assessor Parcel Numbers 035-511-012 & 035-511-014, respectively.

8. INFORMATION ITEMS

A member of the public may receive permission to provide comments on any item calendared for information at the discretion of the Chair.

a) **[Informational Report and Discussion Regarding Executive Officer's Evaluation and Cost of Living Adjustments and County's Management Equity Study Related to Compensation and Benefits for Commission Personnel and County Employees](#)**

9. COMMISSIONER COMMENTS/REQUESTS FOR FUTURE AGENDA ITEMS

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

10. ADJOURNMENT TO NEXT SCHEDULED MEETING

Monday, December 5, 2022 at 2:00 P.M. The meeting may be conducted by teleconference 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: The Commission will conduct this meeting as a teleconference in compliance with California Assembly Bill 361 and California Government Code Section 54953(e) due to the COVID-19 State of Emergency and the recommendations for physical distancing, and members of the Commission or 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/86824961804>

*Join Teleconference Meeting by **Telephone**:*
Dial: (669) 900-6833
Follow the prompts: Meeting ID: 868 2496 1804#

SUBMITTING WRITTEN COMMENTS TO BE READ AT THE MEETING: Any member of the public may submit a written comment to the Commission before the meeting by **October 3, 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 **October 3, 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) public testimony; (4) rebuttal by proponent; (5) provision of additional clarification by staff as required; (6) close of the public hearing; (7) Commission discussion and Commission vote.

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

FROM: Brendon Freeman, Executive Officer *BF*
Gary Bell, General Counsel *GBB*

MEETING DATE: October 3, 2022

SUBJECT: Approval of Resolution Authorizing Continued Teleconference Meetings under Government Code Section 54953(e) (AB 361)

RECOMMENDATION

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

BACKGROUND AND DISCUSSION

The Commission has been making findings at each meeting to allow for continued teleconference only meetings consistent with the provisions of G.C. section 54953 enacted by 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 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.

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.

Margie Mohler, Chair
Councilmember, Town of Yountville

Mariam Aboudamous, Commissioner
Councilmember, City of American Canyon

Beth Painter, Alternate Commissioner
Councilmember, City of Napa

Brad Wagenknecht, Vice Chair
County of Napa Supervisor, 1st District

Diane Dillon, Commissioner
County of Napa Supervisor, 3rd 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 and state regulations have been updated related to use of facemasks, but social distancing is still recommended and in some situations required pursuant to the Cal/OSHA Emergency Temporary Standards Section 3205. These Cal/OSHA 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 G.C. Section 54953(e)(1) can continue to be made.

In coordination with the Chair, staff recommends the Commission continue to meet in a remote teleconference format due to ongoing COVID-19 infections in the Napa region. Staff will continue to monitor the conditions related to COVID-19 and provide updates to the Commission related to meeting accommodations as conditions change.

ATTACHMENT

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

RESOLUTION NO. _____

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

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

WHEREAS, all meetings of Commission are open and public, as required by the Ralph M. Brown Act (California Government Code sections 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 of the State of California 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 Omicron subvariants 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 a 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 shall conduct its meetings without compliance with paragraph (3) of subdivision (b) of Government Code section 54953, as authorized by subdivision (e) of Government Code section 54953, and 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. Findings. The Commission hereby finds and declares the following, as required by Government Code section 54953(e)(3):

- A. The Commission has reconsidered the circumstances of the state of emergency declared by the Governor of the State of California pursuant to his authority under Government Code section 8625;
- B. The state of emergency continues to directly impact the ability of members of the Commission and the public to meet safely in person;
- C. State and local officials have imposed or recommended measures to promote social distancing;
- D. Meeting in person would present imminent risks to the health or safety of attendees; and

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, but not limited to, 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 future meetings 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 3, 2022, after a motion by Commissioner _____, seconded by Commissioner _____, by the following vote:

AYES: Commissioners _____

NOES: Commissioners _____

ABSENT: Commissioners _____

ABSTAIN: Commissioners _____

Margie Mohler
Commission Chair

ATTEST: _____
Brendon Freeman
Executive Officer

Recorded by: Dawn Mittleman Longoria
Interim Commission Clerk

DRAFT



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Agenda Item 5b (Consent/Action)

TO: Local Agency Formation Commission

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

MEETING DATE: October 3, 2022

SUBJECT: Approval of Meeting Minutes:
August 1, 2022 Regular Meeting

DISCUSSION AND RECOMMENDATION

The Commission will consider approving the draft meeting minutes prepared by staff for the August 1, 2022 Regular Meeting, included as Attachment One.

Staff recommends approval.

ATTACHMENT

- 1) Draft Minutes for August 1, 2022 Regular Meeting

Margie Mohler, Chair
Councilmember, Town of Yountville

Mariam Aboudamous, Commissioner
Councilmember, City of American Canyon

Beth Painter, Alternate Commissioner
Councilmember, City of Napa

Brad Wagenknecht, Vice Chair
County of Napa Supervisor, 1st District

Diane Dillon, Commissioner
County of Napa Supervisor, 3rd 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
DRAFT MEETING MINUTES OF AUGUST 1, 2022**

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

Chair Mohler called the regular meeting of August 1, 2022, to order at 2:05 PM.

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

Regular Commissioners	Alternate Commissioners	Staff
Margie Mohler, Chair	Ryan Gregory	Brendon Freeman, Executive Officer
Brad Wagenknecht, Vice Chair	Eve Kahn	Gary Bell, Commission Counsel
Mariam Aboudamous	Beth Painter	Dawn Mittleman Longoria, Analyst II and Interim Clerk
Diane Dillon		
Kenneth Leary		

Chair Mohler read the agenda section regarding the authority to conduct the meeting via teleconference due to the COVID-19 state of emergency.

Chair Mohler welcomed LAFCO's new legal counsel, Gary Bell of the legal firm, Colantuono, Highsmith & Whatley. Mr. Bell expressed enthusiasm to serve as the Commission's legal counsel.

2. PLEDGE OF ALLEGIANCE

Chair Mohler led the Pledge of Allegiance.

3. APPROVAL OF AGENDA

Chair Mohler asked if there were any requests to rearrange the agenda. There were no requests. Upon motion by Commissioner Leary and second by Vice Chair Wagenknecht, the Commission unanimously adopted the agenda as submitted:

VOTE:

AYES: LEARY, WAGENKNECHT, ABOUDAMOUS, AND MOHLER

NOES: NONE

ABSENT: NONE

ABSTAIN: NONE

4. PUBLIC COMMENTS

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

Commissioner Dillon joined the meeting after technical issues were resolved, at 2:08

5. CONSENT ITEMS

Action Items:

- a) **Approval of Resolution Authorizing Continued Teleconference Meetings under Government Code Section 54953(e) (AB 361)**
- b) **Approval of Meeting Minutes:** June 6, 2022, Regular Meeting
- c) **Close Imprest Cash Fund**
- d) **Approval of Policy Amendments**

Receive Report for Information Only:

- e) **Fiscal Year 2021-22 Budget to Actual Report**
- f) **Napa LAFCO Quarterly Newsletter**
- g) **Current and Future Proposals**

Chair Mohler asked if Commissioners wanted to discuss any of the consent items, no requests were made.

Upon motion by Commissioner Aboudamous and second by Vice Chair Wagenknecht, the consent items were approved by roll call vote:

VOTE:

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

6. INFORMATION ITEMS

Updates on Napa Countywide Water and Wastewater Municipal Service Review

Executive Officer Freeman introduced the presenters for this item. He explained that these agencies have taken actions consistent with recommendations included in the Commission's Napa Countywide Water and Wastewater Municipal Service Review (MSR). These agencies have achieved increased resource management and shared services.

Joy Eldridge, Deputy Utilities Director, City of Napa, provided an overview of the City's implemented water shortage regulations including limitations on the trucking of water. She noted that the City's Urban Water Management Plan has been updated for long term planning and reviewed their Drought Contingency Plan which provides countywide regional cooperation.

Chair Mohler requested questions or comments from the Commission.

Alternate Commissioner Kahn questioned why potable rather than recycled water is used for construction.

Ms. Eldridge responded that requirement may be necessary in the future, but at this time onsite use of onsite hydrants reduces truck traffic on the roads that would occur with collection of recycled water.

Commissioner Leary referred to City of Napa's plans to buy into the Sites reservoir, noting that City of American was an early purchaser of Sites reservoir.

Ms. Eldridge explained that the City's process is in the initial stages with the City on a waiting list along with other agencies.

Chair Mohler commended the City's current efforts and long-range planning. She asked if the water use restrictions are voluntary or mandatory.

Ms. Eldridge replied that restrictions are mandatory, the majority of the community has been responsive, and staff has tagged violators last year resulting in increased compliance this year.

Chair Mohler requested further comments from the Commission and then from the public, none were received.

Andrew Damron, Technical Services Director and District Engineer, Napa Sanitation District (NapaSan), provided background on the formation of the District, area of services and explained the extent of their recycled water service.

John Ferons, Public Works Director, Town of Yountville, provided background regarding the Town's wastewater treatment facility, which was constructed as a shared facility with the Veterans Home.

Mr. Damron explained that the MSR recognized NapaSan's level of expertise and facilities. The MSR recommended that NapaSan partner with smaller sanitation agencies for economies of scale, efficiency and shared resources. This recommendation led to the Town to contact the District for the development of shared services.

Mr. Ferons explained that State law requires plant supervision by highly trained operator. The Town attempted to hire a replacement for the retired operator but were not successful in the current tight job market. The Town and District formed a Joint Powers Agreement (JPA) for supervisor level plant operator. The JPA agreement includes the flexibility to expand services in the future. The agreement is not a cost for District ratepayers.

Chair Mohler expressed appreciation to the presenters. She then asked for questions from the Commissioners.

Vice Chair Wagenknecht complimented the agencies for their cooperation to achieve a "win-win" for the community.

Steve Rogers, Yountville Town Manager, referenced the Town's involvement in the MSR creation process. He expressed appreciation to the District. He stated that these types of cooperative agreements, which were recommended in the MSR, provide a method for agencies to work smarter at meeting their needs, provide more practical solutions for each agency and for the ratepayers. He emphasized that expanded coordination among agencies in the County can provide significant benefits.

Chair Mohler requested comments from the public.

Gary Margadant expressed appreciation and support for this type of cooperation in the County, stating the benefit to the community as a whole.

Chair Mohler expressed appreciation for this wonderful informational item.

7. ACTION ITEMS

a) CALAFCO Nominations and Annual Conference Items

Executive Officer Freeman reviewed his staff report including the details of the upcoming CALAFCO Annual Conference. He noted that the Commission appoints voting delegate at the conference. In addition, the Commission may consider making nominations for a County representative on the CALAFCO Board of Directors and achievement awards.

Upon motion by Vice Chair Wagenknecht and second by Commissioner Dillon, the Commission unanimously appointed Chair Mohler as regular voting delegate and Commissioner Leary as alternate:

VOTE:

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

The Commission chose not to nominate a candidate for the Board or to make an achievement award nomination.

Chair Mohler requested comments from the public; none were received.

b) Legislative Report

Executive Officer Freeman reviewed his staff report including the Commission's *Legislative Policy, Platform* and the structure of the Legislative Committee. He summarized the status of bills reviewed by the Committee and their recommendations, including support of Senate Bill 1449 (SB 1449). The bill proposes support for infrastructure funding for annexation of surrounded unincorporated islands,

Chair Mohler requested comments from the Commission.

Commissioner Painter urged support of SB 1449, reiterating the support of the League of California Cities.

Chair Mohler requested comments from the public; none were received.

Upon motion by Commissioner Dillon and second by Commissioner Aboudamous, to support Senate Bill 1449 was approved by roll call vote:

VOTE:

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

Chair Mohler provided an update of the CALAFCO Legislative Committee. She stated that priority will be given to the exemptions for outside service agreements (Government Code section 56133, subsection (e)). The proposed language would require LAFCO to determine when exemptions apply.

8. DISCUSSION ITEMS

a) **Draft Municipal Service Review and Sphere of Influence Review for the Silverado Community Services District (SCSD MSR/SOI)**

Dawn Mittleman Longoria, LAFCO Analyst II/Interim Clerk, provided an overview of the Draft Report. She stated that it is a review of the MSR conducted in 2014 and the SOI conducted in 2015. Staff advised that the Draft Report includes the legally required determinations for Commission consideration. She provided background information regarding the District's structure, governance, funding and services provided. The District is a dependent district with the Board of Supervisors as the governing body and County employees providing staff through funding from the District. Input and guidance are provided by Municipal Advisory Committee comprised of District residents. Staff analysis concluded that the District operates in a transparent manner, services are provided efficiently to meet the needs of current residents and projected future needs of the community.

Staff expressed appreciation for the assistance and cooperation received from County staff, especially to Steven Lederer, District Manager and Michael Karath, Staff Services Analyst. She noted that they were in attendance at the meeting should there be additional questions.

Staff noted that public comment had been submitted in a letter from Gary Margadant. His concern regarded the golf course's use of potable water instead of recycled water. He felt that the SOI should be amended to exclude the golf course. Staff advised that water is not provided by the District, but by the City of Napa since 1977.

Staff advised that no formal action by the Commission is necessary at this time. The Draft Report will be distributed for public comment and will be brought back to LAFCO for formal action at its October meeting.

Chair Mohler requested comments from the Commission.

Alternate Commissioner Kahn made comments regarding the determinations in the Draft Report. She recommended additional focus regarding the impact of climate change on the District's operations.

Chair Mohler requested comments from District staff.

Michael Karath, Staff Services Analyst referenced the letter from Mr. Margadant. He noted that water service to the golf course is provided by the City of Napa, rather than dependence on groundwater. He noted that the District does not use groundwater or creek water. The District uses only City of Napa water.

Chair Mohler requested comments from the public; none were received.

Executive Officer Freeman referenced the comments from Alternate Commissioner Kahn. He requested guidance from the Commission.

Commissioner Dillon agreed on the need for additional focus on the issue of climate change. She felt an appropriate question would be "How have district operations been affected by climate change?". Also, "Is climate change expected to affect district operations in the future?".

Chair Mohler agreed with the recommendation.

Commission Leary that catastrophic climate adaptation should be reviewed regarding impacts on our environment. He also asked if the MAC has reviewed this matter.

Alternate Commissioner Painter agreed with comments from Alternate Commissioner Kahn. She suggested that this matter be discussed at the Commission's Strategic Planning Session, noting that other LAFCOs are including climate change impacts in their MSRs.

Chair Mohler noted that climate change impacts were a discussion during the Policy Committee update of the *MSR Policy*. She agreed that it is a very important issue to address. Also, she noted that numerous agencies are developing methods to address this matter. Chair Mohler suggested that the Commission could leverage its efforts by using one of these methods as a basis to delve into the subject.

b) Strategic Plan and Work Program Progress Report

Executive Officer Freeman reviewed the Commission's Strategic Plan and the Work Program. He noted that the timing on MSRs is a guideline rather than mandatory. Regarding island annexations, he advised that the City of Napa is currently understaffed and focused on completing a General Plan Update. The Executive Officer recommended delaying LAFCO's focus on this matter until the City is better able to focus on the matter. In addition, possible legislation (SB 1449) could provide grant funding to cities for infrastructure needs in the islands. He provided an update of Commission recommended amendments to the Support Services Agreement (SSA) with the County. Mr. Freeman also referenced the future Strategic Plan as previously discussed by the Commission. He noted that, regarding a facilitator, Pamela Miller, former CALAFCO Executive Director is interested in serving in this capacity. Staff requested guidance from the Commission.

Chair Mohler stated that Pamela Miller would be an excellent facilitator since she is extremely knowledgeable about LAFCO and Napa County.

Vice Chair Wagenknecht supported scheduling the Strategic Planning session next year since there will be new County Supervisors seated. Also, he agreed that Pamela Miller would be an excellent choice for facilitator with her extensive knowledge of LAFCO.

Chair Mohler requested that the Executive Officer schedule this discussion for next year when the new Commissioners have been appointed.

c) Direction on Future Commission Meetings

Executive Officer Freeman noted that the Commission has previously discussed this matter and expressed a preference for in-person, hybrid meetings. He explained that Chair Mohler and LAFCO staff met with Board of Supervisor's staff to review the hybrid meeting process in the Supervisor's chambers. Apparently, it requires four staff members to operate the six computer monitors, camera views, audio equipment and possible technical difficulties during the meeting. LAFCO's staff of two would not be able to address all the necessary functions for a hybrid meeting. Executive Officer Freeman extended his compliments to County Clerk of the Board staff for mastering the hybrid meetings and making it appear easy. He requested guidance from the Commission.

Vice Chair Wagenknecht also complimented County staff for operating hybrid meetings. He referenced his involvement with other agencies conducting hybrid meetings. He stated that they use "OWL" software to assist since the staff is small. He agreed that at this point a virtual meeting would be preferable to a poorly run hybrid meeting.

Chair Mohler stated that she was amazed by what it requires for County staff to operate a hybrid meeting. It was apparent that they do an admirable job. Chair Mohler stated that she watches the CDC guidelines regarding COVID-19. She recommended that LAFCO address the situation meeting by meeting as conditions change.

Chair Mohler requested any comments from Commissioners; none were received.

9. COMMISSIONER COMMENTS/REQUESTS FOR FUTURE AGENDA ITEMS

Chair Mohler opened the meeting to Commission comments/requests; none were received.

10. CLOSED SESSIONS:

The Commission adjourned to the following closed sessions:

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

b) Conference with Labor Negotiators – (Government Code Section 54957.6)
Agency Designated Representative: Commission Chair
Unrepresented Employee: Executive Officer

Following the closed sessions, Chair Mohler reconvened the meeting and stated that no reportable actions had occurred during the closed session.

10. ADJOURNMENT TO NEXT REGULAR SCHEDULED MEETING

The meeting was adjourned at 4:18 PM. The next regular LAFCO meeting is scheduled for Monday, October 3, 2022, at 2:00 PM. The meeting may be conducted by teleconference 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.

Margie Mohler, LAFCO Chair

ATTEST:

Brendon Freeman, Executive Officer

Prepared by:

Dawn Mittleman Longoria, Interim Commission Clerk



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

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

Agenda Item 5c (Consent/Action)

TO: Local Agency Formation Commission

PREPARED BY: Brendon Freeman, Executive Officer *BF*

MEETING DATE: October 3, 2022

SUBJECT: Approval of Amendment to Policy on Indemnification

RECOMMENDATION

It is recommended the Commission adopt the Resolution of the Local Agency Formation Commission of Napa County Amending the *Policy on Indemnification*, included as Attachment One.

SUMMARY

The Policy Committee met and agreed to recommend an amendment to the Commission's *Policy on Indemnification*. The proposed amendment is non-substantive in nature and limited to formatting changes.

A clean version of the proposed amendment to the *Policy on Indemnification* is an exhibit to the draft resolution, included as Attachment One. A tracked change version of the amendment is included as Attachment Two.

ATTACHMENTS

- 1) Draft Resolution Amending the *Policy on Indemnification*
- 2) Proposed Amendments to *Policy on Indemnification* (Tracked Changes)

Margie Mohler, Chair
Councilmember, Town of Yountville

Mariam Aboudamous, Commissioner
Councilmember, City of American Canyon

Beth Painter, Alternate Commissioner
Councilmember, City of Napa

Brad Wagenknecht, Vice Chair
County of Napa Supervisor, 1st District

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

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

Kenneth Leary, Commissioner
Representative of the General Public

Eve Kahn, Alternate Commissioner
Representative of the General Public

Brendon Freeman
Executive Officer

RESOLUTION NO. _____

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

WHEREAS, on May 5, 2008, the Local Agency Formation Commission of Napa County (the "Commission") adopted a *Policy on Indemnification*; and

WHEREAS, the Commission most recently amended the *Policy on Indemnification* on October 6, 2014; and

WHEREAS, the Commission considered a proposed amendment to the *Policy on Indemnification* at its regular meeting on October 3, 2022; and

NOW, THEREFORE, BE IT RESOLVED that the Commission hereby amends the *Policy on Indemnification* as attached hereto as "Exhibit A".

This Resolution shall take effect immediately.

The foregoing resolution was duly and regularly adopted by the Commission at a public meeting held on October 3, 2022, after a motion by Commissioner _____, seconded by Commissioner _____, by the following vote:

AYES: Commissioners _____

NOES: Commissioners _____

ABSENT: Commissioners _____

ABSTAIN: Commissioners _____

Margie Mohler
Commission Chair

ATTEST: _____
Brendon Freeman
Executive Officer

Recorded by: Dawn Mittleman Longoria
Interim Commission Clerk



LOCAL AGENCY FORMATION COMMISSION OF NAPA COUNTY

Policy on Indemnification

(Adopted: May 5, 2008; Last Amended: October 3, 2022)

I. PURPOSE

The purpose of this policy is to guide the Local Agency Formation Commission (LAFCO) of Napa County in the indemnification process when processing applications.

II. PROCEDURES

As part of any application, the applicant and the real party in interest shall agree to indemnify the Local Agency Formation Commission of Napa County (LAFCO) in the following circumstances:

- A change of organization or reorganization which shall include all actions listed under [California Government Code \(G.C.\) §56021](#)
- A request for a sphere of influence amendment under [G.C. §56425](#)
- A request for an outside service agreement under [G.C. §56133](#), [§56133.5](#), or [§56133.6](#)
- Other applications as deemed necessary by the Executive Officer or Commission Counsel

A real party in interest includes the landowner of the property subject to the application and/or registered voter.

LAFCO may additionally require an applicant and/or real party in interest to execute an additional indemnity agreement as a condition of approval for any application.

Commission Counsel shall prescribe the terms and conditions of the indemnification agreement that shall be part of the application or subsequent conditions of approval.



LOCAL AGENCY FORMATION COMMISSION OF NAPA COUNTY

Policy on Indemnification

(Adopted: May 5, 2008; Last Amended: October ~~6, 2014~~, 2022)

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- ~~A request for a sphere of influence amendment under California Government Code G.C. §56425~~
- A request for an outside service agreement under G.C. §56133, §56133.5, or §56133.6
- Other applications as deemed necessary by the Executive Officer or ~~Legal Commission~~ Counsel

A real party in interest includes the landowner of the property subject to the application and/or registered voter.

LAFCO may additionally require an applicant and/or real party in interest to execute an additional indemnity agreement as a condition of approval for any application.

~~LAFCO's Legal Commission~~ Counsel shall prescribe the terms and conditions of the indemnification agreement that shall be part of the application or subsequent conditions of approval.



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

Agenda Item 5d (Consent/Information)

TO: Local Agency Formation Commission

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

MEETING DATE: October 3, 2022

SUBJECT: Countywide Update on Housing and General Plans

RECOMMENDATION

Discussion item: No formal action required

BACKGROUND

LAFCO’s adopted strategic plan relevant guiding principles:

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

SUMMARY

General Plan Housing Element

Annual Progress Report:

- Local government required to submit annual report on status of General Plan Housing Element¹
- Provides update of housing permits issued during planning period 2015-2021

Regional Housing Need Allocation

Regional Housing Need Allocation (RHNA): local government required to revise Housing Element to accommodate its portion of the region’s housing need.²

Bay Area, the "projection period": 2015-2023

¹ California Government Code section 65400

² California Department of Housing and Community Development (HCD) identifies the total housing need for the San Francisco Bay Area for an eight-year period. The Association of Bay Area Governments (ABAG) and the Metropolitan Transportation Commission (MTC) develop a methodology to distribute this need to local governments consistent with Sustainable Communities Strategies.

Margie Mohler, Chair
Councilmember, Town of Yountville

Brad Wagenknecht, Vice Chair
County of Napa Supervisor, 1st District

Kenneth Leary, Commissioner
Representative of the General Public

Mariam Aboudamous, Commissioner
Councilmember, City of American Canyon

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

Eve Kahn, Alternate Commissioner
Representative of the General Public

Beth Painter, Alternate Commissioner
Councilmember, City of Napa

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

Brendon Freeman
Executive Officer

Countywide RHNA and General Plan Status

Napa County

	Very Low	Low	Moderate	Above Moderate	Total
RHNA (2015-2023)	51	30	32	67	180
Permits Issued (2015-2021)	10	10	54	101	175

General Plan theme: preserve agricultural lands, direct growth to urban areas
 Current activity: update Housing and Safety elements
 Public input: Housing Element Advisory Committee
 LAFCO input: comment letter on County’s draft Housing Element Update (Attachment One)

City of American Canyon

	Very Low	Low	Moderate	Above Moderate	Total
RHNA (2015-2023)	116	54	58	164	392
Permits Issued (2015-2021)	182	109	143	144	578

Current activity: comprehensive update of General Plan³

City of Calistoga

	Extremely Low	Very Low	Low	Moderate	Above Moderate	Total
RHNA (2015-2023)	3	3	2	4	15	27
Permits Issued (2015-2021)	3	20	12	8	40	83

City of Napa

	Very Low	Low	Moderate	Above Moderate	Total
RHNA (2015-2023)	185	106	141	403	835
Permits Issued (2015-2021)	96	128	106	1,051	1,381

Current activity: General Plan update
 Public input: General Plan Advisory Committee and dedicated web site.⁴
 Timing: City Council reviewed on September 20, 2022; final adoption in October

³ The City of American Canyon General Plan update website is available online at: <https://www.cityofamericancanyon.org/government/community-development/planning-zoning/general-plan-update>.

⁴ The City of Napa General Plan update website is available online at: <https://napa2040.com/>.

City of St. Helena

	Very Low	Low	Moderate	Above Moderate	Total
RHNA (2015-2023)	8	5	5	13	31
Permits Issued (2015-2019)	7	9	4	90	110

Current activity: Housing and Safety Elements update

Timing: Housing Element draft expected to be submitted to HCD in August for initial review

Town of Yountville

	Very Low	Low	Moderate	Above Moderate	Total
RHNA (2015-2023)	4	2	3	8	17
Permits Issued (2015-2021)	1	1	13	15	30

The Town is on target in meeting its regional housing needs allocation numbers, issuance of permits for lower income category units remains a goal

Cost of Housing

Napa County median home sale price: \$903,000⁵; 23% increase from previous year

Napa County median household income: \$92,219⁶; the high cost of housing in Napa County places significant pressure on households earning less than the median income

⁵ Annual Historical Data Summary <https://www.car.org/marketdata/data> published by the California Association of Realtors (March 2022)

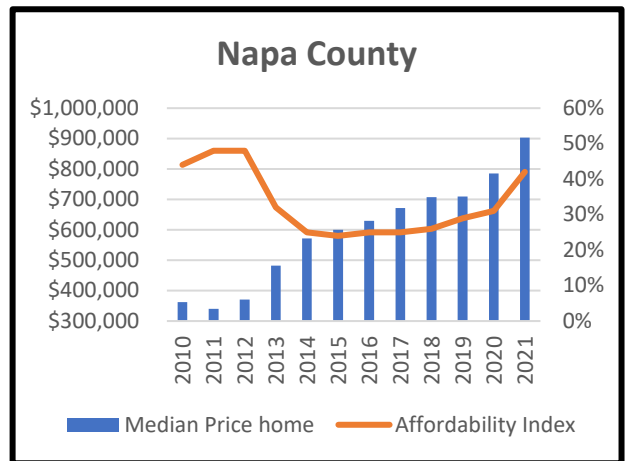
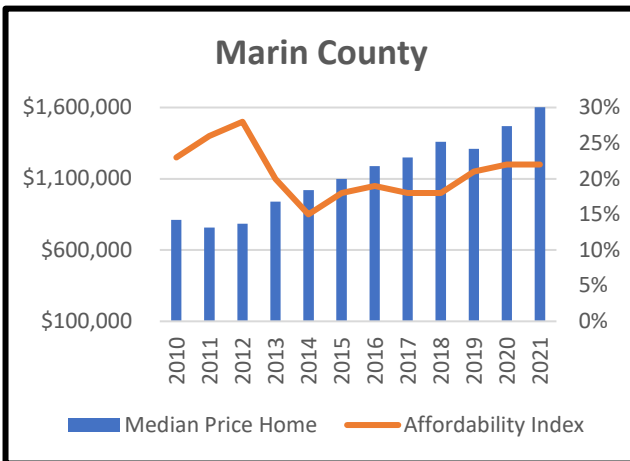
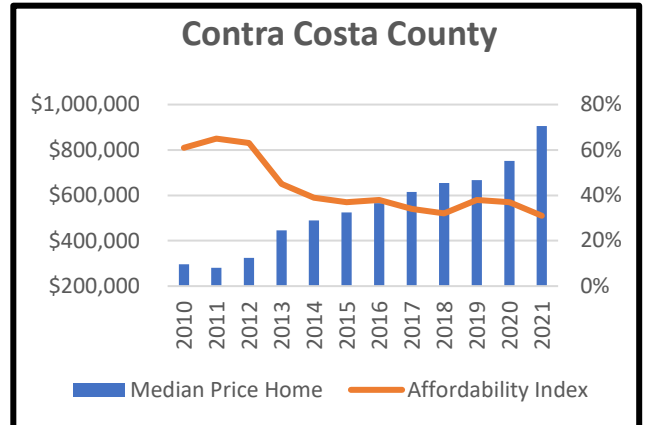
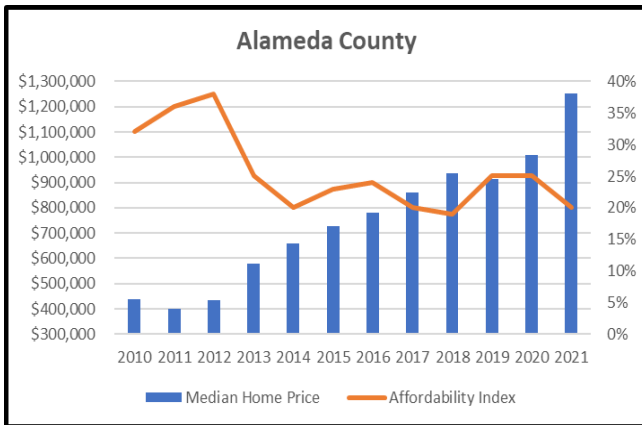
⁶ United States Census Bureau American Community Survey reports the annual median household income based on five-year estimates from 2016 to 2020.

Affordability Index

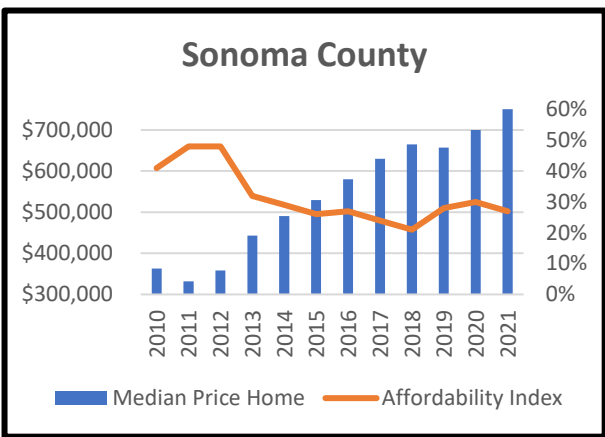
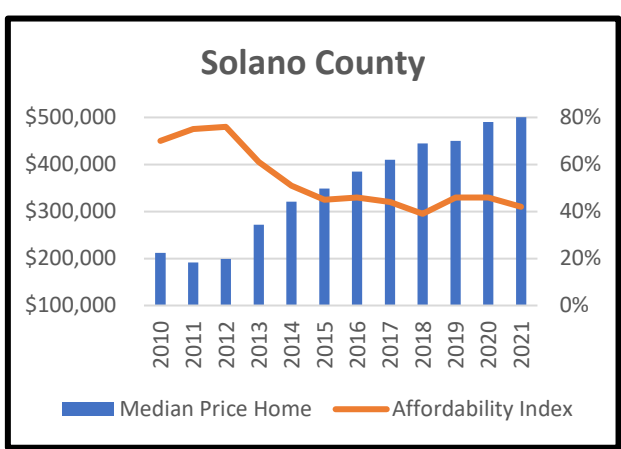
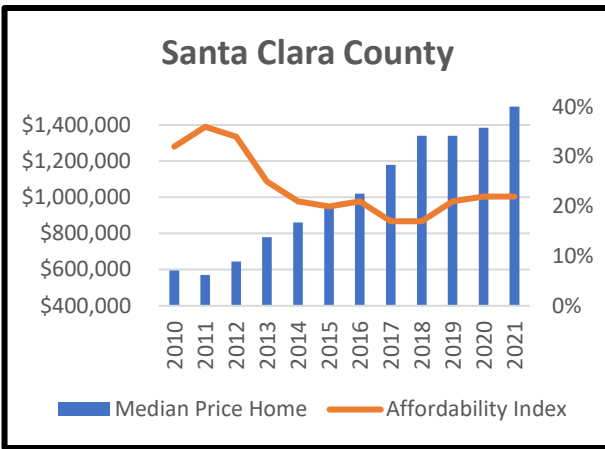
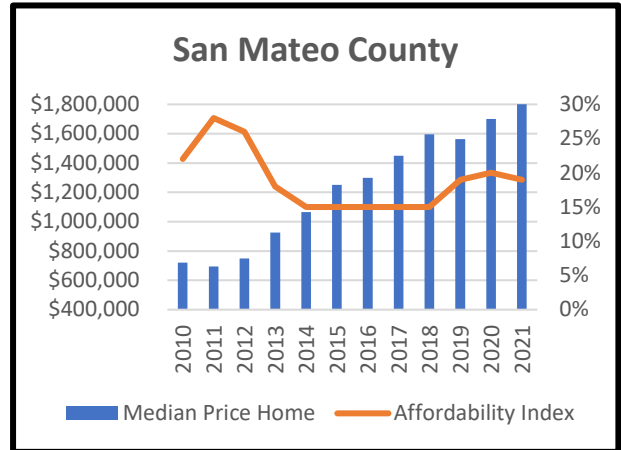
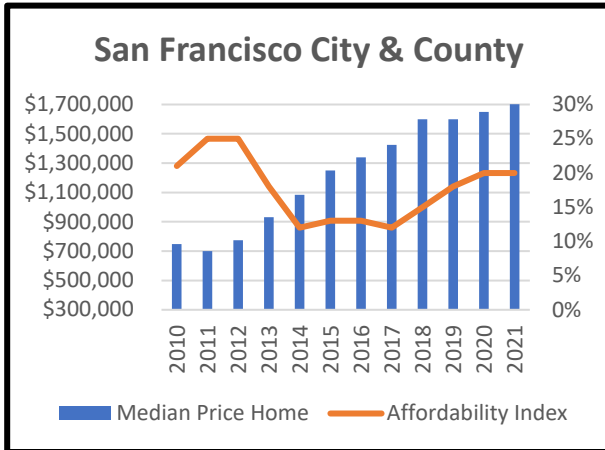
Developed by the California Association of Realtors⁷

Purpose: determine percentage of households that can afford to purchase a median-priced home

Charts: provide comparison of Napa County to other Bay Area counties; maximum home price varies by county



⁷ The methodology to determine the “affordability index” includes factors such as median home price, down payment, interest rate, monthly payment (principal, interest, taxes and insurance), and income distribution.



Housing Crisis

The Governor emphasized housing crisis as focus of current administration.

Contributing factors: undersupply of housing, loss of homes due to wildfire, increased cost of housing and building materials

Legislative bills: various bill to increase housing stock, allow for Accessory Dwelling Units, allow increased multifamily units, building on surplus State lands

ABAG and MTC

ABAG and MTC initiative: “[Horizon](#)”, to explore the pressing issues and possible challenges Bay Area residents may face through 2050

Initiative includes: “CASA – the Committee to House the Bay Area”; recommended policies to address the housing crisis

Local Government Working Group: local government officials advise on housing-related bills; <https://mtc.ca.gov/planning/housing/committee-house-bay-area-casa>

Senate Bill 35

Streamlined approval process for infill in areas that have failed to meet RHNA numbers.⁸ HCD provides an [interactive map](#) to determine which jurisdictions are subject to SB 35.

ATTACHMENTS

- 1) LAFCO Comments on County Draft Housing Element Update

⁸ When jurisdictions have insufficient progress toward their Above Moderate income RHNA and/or have not submitted the most recent Annual Progress Report, these jurisdictions are subject to SB 35 streamlining for proposed developments with at least 10% affordability (does not apply to any local jurisdictions according to HCD). When jurisdictions have insufficient progress toward their Very Low and Low income RHNA, but have made sufficient progress toward their Above Moderate income RHNA, these jurisdictions are subject to SB 35 streamlining for proposed developments with at least 50% affordability (applies to Napa County, City of Napa, City of St. Helena, and Town of Yountville according to HCD).



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

July 11, 2022

DELIVERED BY E-MAIL

Mr. Trevor Hawkes, Project Planner
 Napa County Planning, Building and Environmental Services Department
 1195 Third Street, 2nd Floor, Suite 210
 Napa, CA 94559
trevor.hawkes@countyofnapa.org

SUBJECT: Comments on Draft Napa County Housing Element Update

Mr. Hawkes:

The Local Agency Formation Commission (LAFCO) of Napa County appreciates the opportunity to comment on the Draft Napa County Housing Element Update. The following comments are offered based on LAFCO's regulatory and planning responsibilities under the authority of the Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000. These duties include, but are not limited to, regulating governmental boundary changes through annexations or detachments, approving new or extended governmental services, preserving agricultural and open space lands, and forming, consolidating, or dissolving special districts.

Housing Sites Inventory

The Draft Housing Element Update identifies six sites for potential housing development in the 2023-2031 planning period. Any future housing development within any of the sites will require public water and wastewater service.

Site 1 is located within the jurisdictional boundary of the Spanish Flat Water District (SFWD), which provides both water and wastewater services throughout its boundary. However, SFWD has informed LAFCO that the District lacks the available wastewater system capacity to serve the 100 new housing units that are contemplated for Site 1.

Sites 2, 3, 4, 5, and 6 do not currently have access to public water or wastewater services. The nearest providers of public water and wastewater services for these sites are the City of Napa ("City") and the Napa Sanitation District (NSD), respectively. Sites 2, 3, 4, and 5 are located outside the jurisdictional boundaries and spheres of influence of the City and NSD. Site 6 is located within the spheres of the City and NSD, but outside their jurisdictional boundaries.

Margie Mohler, Chair
 Councilmember, Town of Yountville

Mariam Aboudamous, Commissioner
 Councilmember, City of American Canyon

Beth Painter, Alternate Commissioner
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Brad Wagenknecht, Vice Chair
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Eve Kahn, Alternate Commissioner
 Representative of the General Public

Brendon Freeman
 Executive Officer

The Draft Housing Element Update states Sites 2, 3, and 4 are located within the City's Water Service area, where City water may be provided upon approval of the City Council. However, this is misleading given the City may only provide water to these sites if LAFCO first approves a separate action. Specifically, water or wastewater provision would first require LAFCO approval of either of the following alternative actions: (1) sphere of influence amendments and annexations; or (2) outside service agreements. These alternatives and discussion of key LAFCO considerations are summarized below.

1) Sphere Amendments and Annexations:

Annexation of Sites 2, 3, 4, 5, and 6 to the City and NSD would enable the agencies to provide public services to the sites. A prerequisite to annexation is consistency with the affected agency's sphere. Site 6 is already located within the spheres of the City and NSD and therefore eligible for annexation to each agency. Sphere amendments would be required for Sites 2, 3, 4, and 5 before they could be annexed.

State law provides LAFCO with sole discretion in designating local agency spheres, including consideration of sphere amendment requests. LAFCO's sphere policies are oriented towards facilitation of orderly growth and development, prevention of urban sprawl, and preservation of agricultural and open space lands. Sphere amendments for purposes of urban development are strongly discouraged for any territory designated for an agricultural or open space land use under the County General Plan.

Notably, Sites 2 and 3 are non-contiguous to the City's boundary and sphere, which suggests their inclusion within the sphere would not facilitate the orderly growth and development of the City. In addition, NSD's existing sewer line in this area was intentionally undersized to limit growth inducing impacts. NSD's sewer line in this area lacks additional capacity, which suggests NSD would be unable to serve the 158 maximum new housing units that are contemplated for Sites 2 and 3.

2) Outside service agreements:

Local agencies may provide public services outside their jurisdictional boundaries under limited circumstances if they first request and receive approval from LAFCO.

This alternative is problematic for Sites 2, 3, 4, and 5 under LAFCO law (California Government Code Section 56133). Specifically, outside service agreements for territory that is located outside the service providing agency's sphere are limited to situations in which the service will remedy a threat to public health or safety. Based on present land uses, it appears unlikely a determination can be made that any of these sites are subject to a threat to public health or safety involving a need for public water or wastewater service.

This alternative appears feasible for Site 6 given its location within the spheres of the City and NSD. Outside service agreements for territory that is located within the service providing agency's sphere may be approved by LAFCO in anticipation of a later annexation. Site 6's inclusion within the spheres of the City and NSD suggests annexation to each agency in the future is anticipated by LAFCO.

Comments on the Draft Napa County Housing Element Update

July 11, 2022

Page 3 of 3

These comments are intended to convey LAFCO's role in the process and associated challenges with respect to the provision of public water and wastewater services to the sites identified in the Draft Housing Element Update. Please contact me with any questions by telephone at (707) 259-8645 or by e-mail at bfreeman@napa.lafco.ca.gov.

Sincerely,

A handwritten signature in blue ink that reads "Brendon Freeman".

Brendon Freeman
Executive Officer

cc: Margie Mohler, LAFCO Chair
Vin Smith, City of Napa Community Development Director
Phil Brun, City of Napa Utilities Director
Tim Healy, Napa Sanitation District General Manager



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Agenda Item 5e (Consent/Information)

TO: Local Agency Formation Commission

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

MEETING DATE: October 3, 2022

SUBJECT: CALAFCO Quarterly Newsletter

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 Newsletter dated August 2022, included as Attachment One, with a summary of matters that may be of interest to members of the Commission.

ATTACHMENT

- 1) CALAFCO Quarterly Newsletter (August 2022)

Margie Mohler, Chair
Councilmember, Town of Yountville

Mariam Aboudamous, Commissioner
Councilmember, City of American Canyon

Beth Painter, Alternate Commissioner
Councilmember, City of Napa

Brad Wagenknecht, Vice Chair
County of Napa Supervisor, 1st District

Diane Dillon, Commissioner
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County of Napa Supervisor, 2nd District

Kenneth Leary, Commissioner
Representative of the General Public

Eve Kahn, Alternate Commissioner
Representative of the General Public

Brendon Freeman
Executive Officer



CALAFCO

NEWSLETTER

August, 2022 Edition

BOARDROOM Brief

AT ITS VIRTUAL meeting on July 22, the Board received the year-end financial reports from our accountant, considered a revised FY 22-23 budget, and resumed their discussion of the Government Code Section 56133 legislative amendment proposal.

The Fourth Quarter financial report found that the association is sound financially. It also disclosed an FY 21-22 net balance that was slightly larger than had been expected in April. Consequently, a revised FY 22-23 budget was also presented to the Board to capture the higher carryover, as well as to remove an erroneously duplicated stipend calculation from the Executive Director's salary line for the upcoming year. Those adjustments, along with another that the Board made to the payroll tax line, resulted in a revised FY 22-23 budget. The differences from the original version approved in April were increased carryover and contingency lines, and reductions to the ED salary and payroll tax lines. The revised budget can be found on the Board meeting portion of the website.

The last action item considered was the reconsideration of the legislative proposal from San Diego LAFCo regarding Government Code §56133. As many will recall, the topic has been a continuing one having been discussed and tabled at the January and April Board meetings. In April, the Board sent the proposal back to the Legislative Committee to complete additional research. Ultimately, the Board approved adding the endeavor to the list of CALAFCO projects, as well as approving a White Paper to guide the effort.

Reports were also received regarding CALAFCO U and the fall conference - including Elections. It was noted that Achievement Awards have an upcoming **deadline of AUGUST 12TH** - so get those nomination packets in ASAP!

The next Board meeting is scheduled for October 21st during the conference.

All agendas, staff reports, and minutes can be found on the CALAFCO website at www.calafco.org. Any questions should be directed to the Executive Director at rlaroche@calafco.org.

SBA 938 Chaptered



Screen shot of Senator Hertzberg presenting SB 938 on the Senate Floor on June 23, 2022

AS MOST of you already know, SB 938 (the Protest Provisions bill) has been successfully concluded. It passed the Senate Floor on June 23rd with a 38-0 vote, and was signed by the Governor on July 1st.

Thank you to the many LAFCOs who rushed to get letters submitted to the Governor after that June 23rd passage.

Given that this is the culmination of an effort that began in 2017, special thanks must again go to the Protest Provisions Working Group members for the YEARS of work on this bill.

The Board of Directors - and all of CALAFCO - extends its sincerest thanks and gratitude to **Jo MacKenzie, José Henriquez, Kai Luoma, Steve Lucas, Paul Novak, Holly Whatley** and, of course, **Pamela Miller** (who stayed on to work the bill in a volunteer capacity.)

Other Legislative Updates

AB 2957, the CALAFCO sponsored Omnibus bill has also been successfully completed. It was passed by the Senate on June 9th, and signed by the Governor on June 21, 2022. Thank you to all of the Legislative Committee members and EOs who submitted proposed changes for the bill. Special thanks to Joe Serrano who had the unenviable task of logging all of those changes!

See **OTHER UPDATES** on Page 3



A Message from the
Executive Director

It's been a busy few months in the office.

We've held two successful and well-received CALAFCO U webinars. Like much of what we do, these could not exist without the volunteerism of our panelists. Thanks to Carolyn Emery (OC), Alison Alpert (BB&K), and Gary Phillips (Bob Murray and Associates) for participating in our June webinar on recruitments and hiring in a post pandemic world. Also, kudos to David Ruderman (Colantuono, Highsmith & Whatley) for organizing our July offering regarding R&T 99, with thanks to panelists José Henriquez (Sacramento), Israel Guevara (OC Auditor-Controller) and Holly Whatley (CHW). I hear time and again how much our members appreciate these offerings!

Our next CALAFCO U is scheduled in September, then they will go on hiatus through the conference and holidays. The target month for our first session in 2023 is February. Thanks to Dawn Mittleman Longoria (Napa) who has been my wing person on these. I could NOT have made it without her!!

Jeni and I are now in full conference mode. Registration opened on July 5th and they have been coming in steadily. If you missed the July 31st Early Bird deadline, the next date to watch is **August 31st** which will be the last day to get the Standard Registration Fee. After that it will be Late Fee only.

Sponsorship packets were sent out and we're seeing some new and returning sponsors already! However, I would ask and encourage you all to send a packet to those in your networks as well.

Our conference planning committee is working hard and the program is taking shape. Many thanks to José Henriquez who is spearheading that effort. Look for more specifics to be announced soon.

Also, a reminder that **ACHIEVEMENT AWARD NOMINATIONS** are due no later than **August 12th at 5:00 PM** so

See **ED**, column right

IN MEMORIAM

JERRY GLADBACH, Los Angeles LAFCo Commissioner

Sad news from Los Angeles LAFCo who lost long-time commissioner, Jerry Gladbach, on July 14th. Commissioner Gladbach was a representative of the Santa Clarita Valley Water Agency and had held a seat on the L.A. LAFCo where he had served as its Chair for 16 years. Commissioner Gladbach also served as a CALAFCO Director from 2005 to 2013, held the position of CALAFCO Board Chair in 2012, received the Most Outstanding Commissioner Award in 2013, as well as the prestigious and well-deserved Lifetime Achievement Award in 2021.



A resident of the Santa Clarita Valley since 1968, Commissioner Gladbach was a do-er who had also served on boards of the National Water Resources Association and the California Water Agencies Joint Powers Insurance Authority. He was renowned for his knowledge, dedication, kindness, and friendliness and will be missed by all.

CALAFCO sends its deepest condolences to Commissioner Gladbach's family, friends, and co-workers.



Contra Costa LAFCo bid farewell to Commissioner Igor Skaredoff

(Contra Costa Resource Conservation District) who served as a Special District member since 2014. During Commissioner Skaredoff's tenure, Contra Costa LAFCo competed numerous Municipal Service Reviews covering fire/emergency medical, reclamation, healthcare, parks & recreation, cemetery, and city services; and acted on over 75 proposals including dozens of boundary changes and reorganizations, and four district dissolutions. Also, during Commissioner Skaredoff's tenure, Contra Costa LAFCO Commissioners were named "Most Effective Commission" at the 2019 annual CALAFCO conference.

See **CONNECTIONS** on Page 4

ED, Continued from left column

get those nominations in to Steve Lucas today!

Another date to note is **September 19th** at 5:00 PM - which is when Director Nominations, Requests for Absentee/Electronic Ballots, and names of voting delegates must be **received**.

And if that wasn't enough, Absentee Ballots are due **October 14th**.

Lastly, a special shout out to Gary Thompson (Riverside) who will be presenting at the CSDA conference in balmy Palm Desert on August 24th. Many thanks, Gary!

Okay, folks, I know that's a lot of dates but you'll also find them all on the Calendar of Events on Page 3.

As usual, please feel free to reach out to me any time that you have any questions or concerns. Enjoy the summer, be safe, and see you at the Conference!!

Upcoming EVENTS



CALAFCO 2022 ANNUAL CONFERENCE

October 19 - 21, 2022

Join us at the **Hyatt Regency Newport Beach John Wayne Airport** on



October 19-21, 2022 for our long-awaited, long-overdue Annual Conference! The program planning committee is finalizing what is sure to be a great program. Go

to calafco.org for more details. *See you in Newport Beach!*

2023 STAFF WORKSHOP

April 26 - 28, 2023

Learn technical topics in a beautiful setting! Don't miss next year's Staff Workshop on the beautiful grounds of Ironstone Vineyards in Murphys, California.



CALAFCO U explores topics of interest to LAFcos and are offered at no cost to our members.

Sep. 19, 2022: **Two Agencies in Dispute: LAFco's Role in Assisting in Resolving the Conflict**
1:00 PM

TBD, 2023: **The Dirty Dozen: Things I Wish I Knew About The Act**

BOARD MEETINGS:

Oct. 21, 2022 LOCATION: Newport Beach (Conference)

Dec. 2, 2022 LOCATION: Virtual

LEGISLATIVE COMMITTEE MEETINGS:

Sept. 16, 2022 **CANCELLED**

Oct. 7, 2022 LOCATION: Virtual

Nov. 4, 2022 LOCATION: TBD

OTHER IMPORTANT DATES:

Aug. 12, 2022 ACHIEVEMENT AWARD NOMINATIONS DUE

Sept. 19, 2022 BOARD OF DIRECTOR NOMINATIONS DUE

Sept. 19, 2022 ABSENTEE/ELECTRONIC BALLOT REQUESTS DUE

Sept. 19, 2022 NAME OF VOTING DELEGATE DUE

Oct. 14, 2022 ABSENTEE BALLOTS ARE DUE

Oct. 20, 2022 ELECTIONS

OTHER UPDATES

Continued from Page 1

CALAFCO is currently tracking a total of 29 bills. Included among those are:

AB 897 (Mullin), establishment of a regional climate network. This bill has stalled and is in its second year.

AB 1640 (Ward), would authorize the creation of regional climate networks, as well as set up guidelines. Referred to the Senate Appropriations suspense file.

AB 1773 (Patterson), return of Williamson Act subvention funding. Held under submission in Assembly Appropriations on May 19th.

SB 739 (Cortese), was a gut and amend seeking to create ministerial processes for the annexations of unused golf courses to be used for the development of high rise buildings with 600-700 residences. The author's office notes that it will not be pursuing this bill this year.

SB 852 (Dodd), is similar to AB 1640 in that it addresses the formation of climate resilience districts, however, this bill focuses on enhanced infrastructure financing to fund public capital facilities including projects that address climate change impacts. Scheduled for third reading in the Assembly on August 8th.

SB 1100 (Cortese), which would amend the Brown Act to include provisions and procedures regarding meeting disruptions has passed both houses and is now in Engrossing and Enrolling.

SB 1490, 1491, and 1492, the annual Validation Acts, have now been chaptered.

The legislative season is now nearing a close with August 12th being the last day for fiscal committees to meet and report bills. After that, the remainder of the month will be Floor sessions only, with August 25th being the last day to amend bills on the floor. August 31st is the deadline for each house to pass bills, and the Final Recess will begin upon adjournment on that date.

It is fitting to note at this time that this important work does not happen in a vacuum. The Legislative Committee is composed of 32 members who have committed to give generously of their time and expertise. CALAFCO could not do what it does without them, so our sincerest thanks to the following:

Board Appointees - Bill Connelly, Gay Jones, Mike Kelley, Chris Lopez, Jo MacKenzie, Daron McDaniel, Mike McGill, Margie Mohler, Anita Paque, and Josh Susman.

Staff Voting Members - Clark Alsop, Gary Bell, Mark Bramfitt, Scott Browne, Carolyn Emery, René LaRoche, Steve Lucas, Kai Luoma, Jennifer Stephenson, and Gary Thompson.

Staff Alternates - Rob Fitzroy, Paula Graf, Joe Serrano, and Paula de Sousa.

Advisory - Tara Bravo, Crystal Craig, Brandon Fender, Sara Lytle-Pinhey, Priscilla Mumpower, Erica Sanchez, Jim Simon, and Luis Tapia.

CONNECTIONS

Continued from Page 2

Contra Costa also welcomed Commissioner Patricia Bristow in June as its new Special District member. Commissioner Bristow currently serves as Board Member on both the Byron-Brentwood-Knightsen Union Cemetery District and the Byron Sanitary District and serves on the Contra Costa County Transportation Authority Citizen Advisory. Commissioner Bristow has lived in Brentwood and Byron her entire life and was a teacher and counselor in the Brentwood Unified School District for 34 years. Her family has farmed in the community for over 100 years.

NEW Roles

LUIS TAPIA promotes to OC AEO

Orange County LAFCo announced the promotion of Luis Tapia to the Assistant Executive Officer position. Luis brings a great deal of experience to the role having been with Orange LAFCo since 2016 and is an Advisory member to the CALAFCO Legislative Committee.

NATASHA CARBAJAL hired as Santa Barbara's new Analyst-Clerk

Santa Barbara LAFCo is pleased to welcome Natasha Carbajal as its new Analyst/Clerk. Natasha had been providing clerking services for

about 10 months while she was with the Santa Barbara Clerk of the Board's Office. She comes to LAFCo with a broad range of skills and abilities, including great local government experience and all around good public service skills. Natasha has a Master of Public Administration from California State University Northridge and a Bachelor of Arts, Sociology from University Channel Islands.

MORGAN BING welcomed as SLO Clerk Analyst

Morgan Bing has joined San Luis Obispo LAFCo as their new Clerk Analyst. She comes to SLO LAFCo with a Bachelors and Masters degree from Cal Poly San Luis Obispo and four years of experience. SLO LAFCo is very excited to have her on their team!

SAFARINA MALUKI becomes Clerk in Monterey

Monterey LAFCo has welcomed Safarina Maluki as their new Clerk to the Commission/Office Administrator. Safarina has a wide range of responsibilities in support of the Commission and staff, and she looks forward to getting to know her colleagues around the State!

Congratulations one and all!

Associate Member SPOTLIGHT

The information below is provided by the Associate member upon joining the Association. All Associate Member information can be found in the CALAFCO Member Directory

E MULBERG & ASSOCIATES

Services include Municipal Service Reviews, Sphere of Influence updates, changes in organization, staff support, CEQA analysis, and assistance with applications to LAFCo.

To learn more about E Mulberg & Associates, visit their website at www.emulberg.com, or contact Elliot Mulberg at Elliot@emulberg.com.



LOS ANGELES COUNTY SANITATION DISTRICTS

Provides sewer service to 78 cities and unincorporated areas of LA County. Before a district can provide sewage service to a territory, it must be within its jurisdictional boundaries. Donna Curry administers the annexation program, including processing applications for annexation.

To learn more about LACSD visit their website at www.lacsd.org, or contact Donna Curry at dcurry@lacsd.org

CALAFCO wishes to thank all of our Associate Members for your ongoing support and partnership. We look forward to highlighting you all in future Newsletters.



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 5f (Consent/Information)

TO: Local Agency Formation Commission

PREPARED BY: Brendon Freeman, Executive Officer *BF*

MEETING DATE: October 3, 2022

SUBJECT: Legislative Report

SUMMARY

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

On June 6, 2022, the Commission directed staff to submit a letter to the Legislature in support of Senate Bill (SB) 1449, included as Attachment One. SB 1449 was subsequently ordered to engrossing and enrolling, prompting staff to submit a letter to the Governor requesting signature on the bill, included as Attachment Two.

The California Association of LAFCOs (CALAFCO) continues to track legislation affecting LAFCOs. The current CALAFCO legislative tracking report is dated September 26, 2022 and included as Attachment Three.

ATTACHMENTS

- 1) SB 1449 Support Letter to Legislature
- 2) SB 1449 Letter Requesting Governor Signature
- 3) CALAFCO Legislative Report (Dated September 26, 2022)

Margie Mohler, Chair
Councilmember, Town of Yountville

Mariam Aboudamous, Commissioner
Councilmember, City of American Canyon

Beth Painter, Alternate Commissioner
Councilmember, City of Napa

Brad Wagenknecht, Vice Chair
County of Napa Supervisor, 1st District

Diane Dillon, Commissioner
County of Napa Supervisor, 3rd 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



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

August 2, 2022

The Honorable Cecilia Aguiar-Curry, Chair
 California State Assembly Local Government Committee
 State Capitol, Room 157
 Sacramento, California 95814

SUBJECT: Support for Senate Bill 1449 as Amended on April 19, 2022

Dear Chair Aguiar-Curry:

The Local Agency Formation Commission (LAFCO) of Napa County is pleased to join the California Association of Local Agency Formation Commissions (CALAFCO) in support of Senate Bill (SB) 1449 as amended on April 19, 2022, which will establish the Unincorporated Area Annexation Incentive Grant Program and provide resources to cities for infrastructure projects related to the annexation of substantially surrounded unincorporated areas.

Substantially surrounded unincorporated areas (also known as “islands”), have long been a concern for LAFCOs because of the problems that they create for cities, counties, the various agencies and special districts responsible for providing the area with urban services and facilities and, of course, the residents. Annexation of these islands in a transparent and public process results in better and sustainable infrastructure that efficiently delivers services such as water, sewer, trash collection, etc. We are particularly supportive of the provisions that would make the program applicable to both proposed and completed annexations since many LAFCOs have been diligently working with small cities on island annexations for some time.

By providing grant funds to help alleviate the cost of infrastructure build-outs, SB 1449 will provide much-needed assistance for the cities that would be annexing these areas. This is a common-sense approach that aligns with, and supports, the statutory intent under which LAFCOs operate. Consequently, Napa LAFCO is pleased to support SB 1449 as amended.

Yours sincerely,

Brendon Freeman
 Executive Officer

cc: Members, Assembly Local Government Committee
 Jimmy MacDonald, Assembly Local Government Committee Principal Consultant
 Anton Favorini-Csorba, Senate Governance and Finance Committee Consultant
 William Weber, Assembly Republican Caucus Consultant
 René LaRoche, Executive Director, California Association of Local Agency Formation Commissions

Margie Mohler, Chair
 Councilmember, Town of Yountville

Mariam Aboudamous, Commissioner
 Councilmember, City of American Canyon

Beth Painter, Alternate Commissioner
 Councilmember, City of Napa

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 County of Napa Supervisor, 1st District

Diane Dillon, Commissioner
 County of Napa Supervisor, 3rd 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



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

September 1, 2022

The Honorable Gavin Newsom
 Governor, State of California
 State Capitol
 Sacramento, CA 95814

SUBJECT: Request for Signature: Senate Bill 1449

Dear Governor Newsom:

The Local Agency Formation Commission (LAFCO) of Napa County respectfully **requests your signature on *Senate Bill 1449*** by Senator Anna Caballero, which will establish the Unincorporated Area Annexation Incentive Grant Program and provide resources to cities for infrastructure projects related to the annexation of substantially surrounded unincorporated areas.

Substantially surrounded unincorporated areas (also known as “islands”), have long been a concern for LAFCOs because of the problems that they create for cities, counties, the various agencies and special districts responsible for providing the area with urban services and facilities and, of course, the residents. Annexation of these islands in a transparent and public process results in better and sustainable infrastructure that efficiently delivers services such as water, sewer, trash collection, etc. We are particularly supportive of the provisions that would make the program applicable to both proposed and completed annexations since many LAFCOs have been diligently working with small cities on island annexations for some time.

By providing grant funds to help alleviate the cost of infrastructure build-outs, SB 1449 will provide critical assistance for the cities that would be annexing these areas. This is a common-sense approach that aligns with, and supports, the statutory intent under which LAFCOs operate.

Napa LAFCO appreciates your most positive consideration of ***SB 1449*** when it comes before you for action.

Sincerely,

Brendon Freeman
 Executive Officer

cc: The Honorable Anna Caballero, California State Senate
 Ms. Ronda Paschal, Deputy Legislative Secretary to the Governor
 Ms. René LaRoche, Executive Director, CALAFCO
 Ms. Margie Mohler, Chair, Napa LAFCO

Margie Mohler, Chair
 Councilmember, Town of Yountville

Mariam Aboudamous, Commissioner
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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

CALAFCO Daily Legislative Report as of Monday, September 26, 2022

[AB 1195](#) (Garcia, Cristina D) Limited Eligibility and Appointment Program: lists.

Current Text: Enrollment: 9/13/2022 [html](#) [pdf](#)

Introduced: 2/18/2021

Last Amended: 8/17/2022

Status: 9/13/2022-Enrolled and presented to the Governor at 4 p.m.

Desk	Policy	Fiscal	Floor	Desk	Policy	Fiscal	Floor	Conf. Conc.	Enrolled	Vetoed	Chaptered
1st House				2nd House							

Summary:

Current law creates the Limited Examination and Appointment Program (LEAP), which the Department of Human Resources administers, to provide an alternative to the traditional civil service examination and appointment process to facilitate the hiring of persons with disabilities. Current law requires the Department of Human Resources, when an appointing power seeks to fill a vacant position by using an employment list, to provide the appointing power with a certified list of the names and addresses of all eligible candidates, as specified. Current law requires the department to provide a single certified list of eligible candidates if more than one employment list or LEAP referral list exists, and the department is required to combine the names and addresses of all eligible candidates. This bill, as an alternative to receiving a combined list of eligible candidates, would require the department, upon request of an appointing power, to provide a list of eligibles that includes only the names and addresses of candidates, if any, on a LEAP referral list and the names and addresses of candidates, if any, on any applicable reemployment or State Restriction of Appointment list. The bill would authorize the appointing power to notify individuals listed of the opportunity to apply for a vacant position, to screen applications for candidates' eligibility, and to hire from among those eligible applicants whose names appear on the list. The bill would authorize the board to adopt or amend regulations, if necessary, to ensure these procedures are implemented in a manner consistent with merit principles and the California Constitution.

Attachments:

[CALAFCO Letter of Concern - April 2021](#)

[AB 1195 Fact Sheet](#)

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.

GUTTED AND AMENDED on 5/18/2022 to remove previous verbiage regarding water. The bill now addresses the State Department of Human Resources and the Limited Eligibility and Appointment Program (LEAP), which the Department of Human Resources administers, to provide an alternative to the traditional civil service examination and appointment process to facilitate the hiring of persons with disabilities. Downgraded to Watch, from Watch with Concerns. Changed priority to "None."

AB 2957 (Committee on Local Government) Local government: reorganization.

Current Text: Chaptered: 6/21/2022 [html](#) [pdf](#)

Introduced: 3/2/2022

Last Amended: 4/18/2022

Status: 6/21/2022-Approved by the Governor. Chaptered by Secretary of State - Chapter 37, Statutes of 2022.

Desk	Policy	Fiscal	Floor	Desk	Policy	Fiscal	Floor	Conf. Conc.	Enrolled	Vetoed	Chaptered
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 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.

April 18, 2022 bill amended with additional changes requested by CALAFCO. Amendments include grammatical changes, the correction of a PUC citation in GC Sec 56133(e)(5) from 9604 to 224.3, the extension of the sunset date within R&T Section 99(b)(8)(B) to January 1, 2028, and it renumbers remaining provisions as needed due to the above changes.

SB 739 (Cortese D) Private golf courses: conversion to housing.

Current Text: Amended: 6/13/2022 [html](#) [pdf](#)

Introduced: 2/19/2021

Last Amended: 6/13/2022

Status: 8/31/2022-Failed Deadline pursuant to Rule 61(b)(18). (Last location was NAT. RES. on 6/20/2022)

Desk	Policy	Fiscal	Floor	Desk	Dead	Fiscal	Floor	Conf. Conc.	Enrolled	Vetoed	Chaptered
1st House				2nd House							

Summary:

Would authorize a development proponent to submit an application to convert land that was previously used as a golf course to market-rate and affordable housing and would provide that the application is subject to a streamlined, ministerial approval process, and not subject to a conditional use permit, if the development satisfies specified objective planning standards. In this regard, the bill would require a development subject to the provisions to be located on a site that was used as a golf course, but has been closed for at least 5 years before the effective date of these provisions and would require that the development include at least 600 housing units. The bill would require the development to dedicate at least 30% of the new housing units to lower income households and persons and families of moderate income, as specified. By requiring local governments to approve development applications submitted under these provisions, the bill would impose a state-mandated local program.

Attachments:

[SB 738 - Author's Fact Sheet](#)

Position: Oppose unless amended

Subject: Ag/Open Space Protection, Annexation Proceedings, Growth Management, Housing, LAFCo Administration, Municipal Services, Planning, Sustainable Community Plans

CALAFCO Comments: SB 739 was gutted and amended on June 13th and now seeks to add provisions to the Government Code to allow for a rapid, and ministerial, conversion of golf courses that have been closed for at least 5 years to housing developments of at least 600 units. As proposed, the bill is to be in effect until January 1, 2030, authorizes a development proponent to submit an application and receive streamlined, ministerial approvals of both county CUPs and the LAFCo process to speed development. Additionally, while not expressly called out in the bill, it contains provisions that address contracting requirements which discuss high rise developments; the implication being that high rise developments of at least 600 housing units would have to be ministerially approved on all levels. CALAFCO is currently in discussions with the author's office.

The Fact Sheet can be found in the attachments section.

SB 938 (Hertzberg D) The Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000: protest proceedings: procedural consolidation.

Current Text: Chaptered: 7/1/2022 [html](#) [pdf](#)

Introduced: 2/8/2022

Last Amended: 6/9/2022

Status: 7/1/2022-Approved by the Governor. Chaptered by Secretary of State. Chapter 89, Statutes of 2022.

Desk	Policy	Fiscal	Floor	Desk	Policy	Fiscal	Floor	Conf. Conc.	Enrolled	Vetoed	Chaptered
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 existing law, in each county there is a local agency formation commission (commission) that oversees these changes of organization

and reorganization. Current law authorizes a commission to dissolve an inactive district if specified conditions are satisfied. This bill would also authorize a commission to initiate a proposal for the dissolution of a district, as described, if the commission approves, adopts, or accepts a specified study that includes a finding, based on a preponderance of the evidence, that, among other things, the district has one or more documented chronic service provision deficiencies, the district spent public funds in an unlawful or reckless manner, or the district has shown willful neglect by failing to consistently adhere to the California Public Records Act. The bill would require the commission to adopt a resolution of intent to initiate a dissolution based on these provisions and to provide a remediation period of at least 12 months, during which the district may take steps to remedy the stated deficiencies.

Attachments:

[SB 938 Senate Floor Alert](#)

[SB 938 CALAFCO Support Letter dated 5-25-2022](#)

[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: Chaptered: 7/1/2022 [html](#) [pdf](#)

Introduced: 2/28/2022

Status: 7/1/2022-Approved by the Governor. Chaptered by Secretary of State. Chapter 94, Statutes of 2022.

Desk	Policy	Fiscal	Floor	Desk	Policy	Fiscal	Floor	Conf. Conc.	Enrolled	Vetoed	Chaptered
1st House				2nd House							

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.

Attachments:

[SB 1490-1491-1492, CALAFCO Letter of Support - March 2022](#)

Position: Support

Subject: LAFCo Administration

CALAFCO Comments: This is the first of three annual validating acts. The CALAFCO Support letter is posted in our attachments.

SB 1491 (Committee on Governance and Finance) Validations.

Current Text: Chaptered: 7/1/2022 [html](#) [pdf](#)

Introduced: 2/28/2022

Status: 7/1/2022-Approved by the Governor. Chaptered by Secretary of State. Chapter 95, Statutes of 2022.

Desk	Policy	Fiscal	Floor	Desk	Policy	Fiscal	Floor	Conf. Conc.	Enrolled	Vetoed	Chaptered
1st House				2nd House							

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.

Attachments:

[SB 1490-1491-1492, CALAFCO Letter of Support - March 2022](#)

Position: Support

Subject: LAFCo Administration

CALAFCO Comments: This is the second of three annual validating acts. The CALAFCO Support letter is posted in our attachments.

SB 1492 (Committee on Governance and Finance) Validations.

Current Text: Chaptered: 7/1/2022 [html](#) [pdf](#)

Introduced: 2/28/2022

Status: 7/1/2022-Approved by the Governor. Chaptered by Secretary of State. Chapter 96, Statutes of 2022.

Desk	Policy	Fiscal	Floor	Desk	Policy	Fiscal	Floor	Conf. Conc.	Enrolled	Vetoed	Chaptered
1st House				2nd House							

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.

Attachments:[SB 1490-1491-1492, CALAFCO Letter of Support - March 2022](#)**Position:** Support**Subject:** LAFCo Administration**CALAFCO Comments:** This is the third of three annual validating acts. The CALAFCO Support letter is posted in our attachments.**AB 1640 (Ward D) Office of Planning and Research: regional climate networks: regional climate adaptation and resilience action plans.****Current Text:** Amended: 5/19/2022 [html](#) [pdf](#)**Introduced:** 1/12/2022**Last Amended:** 5/19/2022**Status:** 8/12/2022-Failed Deadline pursuant to Rule 61(b)(15). (Last location was APPR. SUSPENSE FILE on 8/2/2022)

Desk	Policy	Fiscal	Floor	Desk	Policy	Dead	Floor	Conf. Conc.	Enrolled	Vetoed	Chaptered
1st House				2nd House							

Summary:

Current law establishes the Integrated Climate Adaptation and Resiliency Program to be administered by the Office of Planning and Research 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:[AB 1640, CALAFCO Letter of Support - March 2022](#)[AB 1640 Author Fact](#)**Position:** Support**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, as well as the CALAFCO Support letter.

Amended 3/23/2022 to provide that regional climate networks MAY be developed rather than the former requirement. Minor clean ups of other superfluous language.

Amended 5/19/2022 to remove the deadline for OPR to develop and publish guidelines for eligible entities to establish regional climate networks, removed an exemption to cover multiple counties

when population was greater than 2 million people, removed requirements for membership and biennial reports to OPR.

[AB 1773](#) (Patterson R) Williamson Act: subvention payments: appropriation.

Current Text: Introduced: 2/3/2022 [html](#) [pdf](#)

Introduced: 2/3/2022

Status: 8/31/2022-Failed Deadline pursuant to Rule 61(b)(18). (Last location was APPR. SUSPENSE FILE on 5/4/2022)

Desk	Policy	Dead	Floor	Desk	Policy	Fiscal	Floor	Conf. Conc.	Enrolled	Vetoed	Chaptured
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. Current 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.

Attachments:

[AB 1773 CALAFCO Letter of Support - March 2022](#)

[AB 1773 Author Fact Sheet](#)

Position: Support

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, along with the CALAFCO Support letter.

[AB 1944](#) (Lee D) Local government: open and public meetings.

Current Text: Amended: 5/25/2022 [html](#) [pdf](#)

Introduced: 2/10/2022

Last Amended: 5/25/2022

Status: 7/5/2022-Failed Deadline pursuant to Rule 61(b)(14). (Last location was S. GOV. & F. on 6/8/2022)

Desk	Policy	Fiscal	Floor	Desk	Dead	Fiscal	Floor	Conf. Conc.	Enrolled	Vetoed	Chaptured
1st House				2nd House							

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. The act contains specified provisions regarding the timelines for posting an agenda and providing for the ability of the public to observe and provide comment. The act allows for meetings to occur via teleconferencing subject to certain requirements, particularly that the legislative body notice each teleconference location of each member that will be participating in the public meeting, that each teleconference location be accessible to the public, that members of the public be allowed to address the legislative body at each teleconference location, that the legislative body post an agenda at each teleconference location, and that at least a quorum of the legislative body participate from locations within the boundaries of the local agency's jurisdiction. The act provides an exemption to the jurisdictional requirement for health authorities, as defined. This bill would require the agenda to identify any member of the legislative body that will participate in the meeting remotely.

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.

Amended 5/25/2022 to add that for this provision to apply, no less than a quorum of members of the legislative body must participate from a single physical location that is identified on the agenda, open to the public, and situated within the boundaries of the legislative body.

7/5/2022: Bill failed deadline and is now DEAD.

AB 2081 (Garcia, Eduardo D) Municipal water districts: water service: Indian lands.

Current Text: Chaptered: 9/23/2022 [html](#) [pdf](#)

Introduced: 2/14/2022

Last Amended: 5/12/2022

Status: 9/23/2022-Approved by the Governor. Chaptered by Secretary of State - Chapter 480, Statutes of 2022.

Desk	Policy	Fiscal	Floor	Desk	Policy	Fiscal	Floor	Conf. Conc.	Enrolled	Vetoed	Chaptered
1st House				2nd House							

Summary:

Current law permits a municipal water districts 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, among other things, would extend the above provisions regarding the application to the applicable local agency formation commission to January 1, 2027.

Attachments:

[AB 2081 CALAFCO Oppose Letter, dated 5-26-2022](#)

[AB 2081 CALAFCO Oppose 03-16-2022](#)

[AB 2081 Author Fact Sheet](#)

Position: Oppose

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, as well as the CALAFCO letter in opposition.

AB 2449 (Rubio, Blanca D) Open meetings: local agencies: teleconferences.

Current Text: Chaptered: 9/13/2022 [html](#) [pdf](#)

Introduced: 2/17/2022

Last Amended: 8/8/2022

Status: 9/13/2022-Approved by the Governor. Chaptered by Secretary of State - Chapter 285, Statutes of 2022.

Desk	Policy	Fiscal	Floor	Desk	Policy	Fiscal	Floor	Conf. Conc.	Enrolled	Vetoed	Chaptered
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. The act generally requires posting an agenda at least 72 hours before a regular meeting that contains a brief general description of each item of business to be transacted or discussed at the meeting, and prohibits any action or discussion from being undertaken on any item not appearing on the posted agenda. This bill would revise and recast those teleconferencing provisions and, until January 1, 2026, would authorize a local agency to use teleconferencing without complying with the teleconferencing requirements that each teleconference location be identified in the notice and agenda and that each teleconference location be accessible to the public if at least a quorum of the members of the legislative body participates in person from a singular physical location clearly identified on the agenda that is open to the public and situated within the local agency's jurisdiction.

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: Enrollment: 8/29/2022 [html](#) [pdf](#)

Introduced: 2/18/2022

Last Amended: 8/4/2022

Status: 8/29/2022-Enrolled and presented to the Governor at 3:30 p.m.

Desk	Policy	Fiscal	Floor	Desk	Policy	Fiscal	Floor	Conf. Conc.	Enrolled	Vetoed	Chaptered
1st House				2nd House							

Summary:

Current law, the California Public Records Act, requires state agencies and local agencies to make public records available for inspection, subject to specified criteria, and with specified exceptions. Current law, 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. 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 and list the address of the office or location on the agenda for all meetings of the legislative body of the agency unless the local agency meets certain requirements, including the local agency immediately posts 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.

Amended on April 19, 2022, to add a provision that agendas will note the physical location from which hard copies of such post-agenda documents can be retrieved.

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: Chaptered: 9/9/2022 [html](#) [pdf](#)

Introduced: 1/18/2022

Last Amended: 8/8/2022

Status: 9/9/2022-Approved by the Governor. Chaptered by Secretary of State. Chapter 266, Statutes of 2022.

Desk	Policy	Fiscal	Floor	Desk	Policy	Fiscal	Floor	Conf. Conc.	Enrolled	Vetoed	Chaptered
1st House				2nd House							

Summary:

Current law authorizes the legislative body of a city or a county to establish an enhanced infrastructure financing district to finance public capital facilities or other specified projects of communitywide significance, including projects that enable communities to adapt to the impacts of climate change. Current law also requires the legislative body to establish a public financing authority, defined as the governing board of the enhanced infrastructure financing district, prior to the adoption of a resolution to form an enhanced infrastructure district and adopt an infrastructure financing plan. 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, as defined, for the purposes of raising and allocating funding for eligible projects and the operating expenses of eligible projects. The bill would deem each district to be an enhanced infrastructure financing district and would require each district to comply with existing law concerning enhanced infrastructure financing districts, except as specified. The bill would require a district to finance only specified projects that meet the definition of an eligible project. 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.

Amended 5/18/2022 to impose requirements on projects undertaken or financed by a district, including requiring a district to obtain an enforceable commitment from the developer that contractors and subcontractors performing the work use a skilled and trained workforce, and would expand the crime of perjury to these certifications.

SB 1100 (Cortese D) Open meetings: orderly conduct.**Current Text:** Chaptered: 8/22/2022 [html](#) [pdf](#)**Introduced:** 2/16/2022**Last Amended:** 6/6/2022**Status:** 8/22/2022-Approved by the Governor. Chaptered by Secretary of State. Chapter 171, Statutes of 2022.

Desk	Policy	Fiscal	Floor	Desk	Policy	Fiscal	Floor	Conf. Conc.	Enrolled	Vetoed	Chaptered
1st House				2nd House							

Summary:

Current law authorizes the members of the legislative body conducting the meeting to order the meeting room cleared and continue in session, as prescribed, if a group or groups have willfully interrupted the orderly conduct of a meeting and order cannot be restored by the removal of individuals who are willfully interrupting the meeting. This bill would authorize the presiding member of the legislative body conducting a meeting or their designee to remove, or cause the removal of, an individual for disrupting the meeting. The bill, except as provided, would require removal to be preceded by a warning to the individual by the presiding member of the legislative body or their designee that the individual's behavior is disrupting the meeting and that the individual's failure to cease their behavior may result in their removal. The bill would authorize the presiding member or their designee to then remove the individual if the individual does not promptly cease their disruptive behavior. The bill would define "disrupting" for this purpose.

Attachments:[SB 1100 - CALAFCO Letter of Support](#)[SB 1100 Author Fact Sheet](#)**Position:** Support**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.

The CALAFCO support letter is in the attachments section.

SB 1449 (Caballero D) Office of Planning and Research: grant program: annexation of unincorporated areas.**Current Text:** Enrollment: 9/6/2022 [html](#) [pdf](#)**Introduced:** 2/18/2022**Last Amended:** 4/19/2022**Status:** 9/6/2022-Enrolled and presented to the Governor at 3:30 p.m.

Desk	Policy	Fiscal	Floor	Desk	Policy	Fiscal	Floor	Conf. Conc.	Enrolled	Vetoed	Chaptered
1st House				2nd House							

Summary:

Current law requires the Office of Planning and Research to, among other things, accept and allocate or expend grants and gifts from any source, public or private, for the purpose of state planning and undertake other planning and coordinating activities, as specified, and encourage the formation and proper functioning of, and provide planning assistance to, city, county, district, and regional planning agencies. This bill would require the office to, upon appropriation by the Legislature, establish the Unincorporated Area Annexation Incentive Program, authorizing the office to issue a grant to a city for the purpose of funding infrastructure projects related to the proposed or completed annexation of a substantially surrounded unincorporated area, as defined, subject to approval by the director after the city submits an application containing specified information. The bill would require the office to match, on a dollar-for-dollar basis, any dollar contribution a city makes toward a project funded by the program, subject to a maximum funding threshold as determined by the director.

Attachments:[SB 1449 - CALAFCO Letter of Support](#)

Position: Support

Subject: Annexation Proceedings

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.)

Amended 3/16/2022 to remove spot holder language, add definitions and other language tying to CKH, and add language more specific to a grant program.

LAFcos added in to assist OPR develop the program guidelines.

The CALAFCO letter of support can be found in the 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: 8/12/2022-Failed Deadline pursuant to Rule 61(b)(15). (Last location was APPR. SUSPENSE FILE on 8/16/2021)

Desk	Policy	Fiscal	Floor	Desk	Policy	Dead	Floor	Conf. Conc.	Enrolled	Vetoed	Chaptered
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.

8/12/2022. Bill failed deadline and is now DEAD.

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: 7/5/2022-Failed Deadline pursuant to Rule 61(b)(14). (Last location was S. 2 YEAR on 7/14/2021)

Desk	Policy	Fiscal	Floor	Desk	Dead	Fiscal	Floor	Conf. Conc.	Enrolled	Vetoed	Chaptered
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.

Failed deadline. DEAD as of 7/5/2022.

AB 975 (Rivas, Luz D) Political Reform Act of 1974: filing requirements and gifts.

Current Text: Amended: 6/16/2022 [html](#) [pdf](#)

Introduced: 2/18/2021

Last Amended: 6/16/2022

Status: 8/31/2022-Failed Deadline pursuant to Rule 61(b)(18). (Last location was INACTIVE FILE on 8/22/2022)

Desk	Policy	Fiscal	Floor	Desk	Policy	Fiscal	Dead	Conf. Conc.	Enrolled	Vetoed	Chaptered
1st House				2nd House							

Summary:

The Political Reform Act of 1974 generally requires elected officials, candidates for elective offices, and committees formed primarily to support or oppose a candidate for public office or a ballot measure, along with other persons and entities, to file periodic campaign statements and certain reports concerning campaign finances and related matters. Current law permits a report or statement that has been on file for at least two years to be retained by a filing officer as a copy on microfilm or other space-saving materials and, after the Secretary of State certifies an online filing and disclosure system, as an electronic copy. This bill would permit a filing officer to retain a report or statement filed in a paper format as a copy on microfilm or other space-saving materials or as an electronic copy, as specified, without a two-year waiting period. The bill would also permit a filing officer to retain a report or statement as an electronic copy before the Secretary of State certifies an online filing and disclosure system.

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 1757 (Garcia, Cristina D) California Global Warming Solutions Act of 2006: climate goal: natural and working lands.

Current Text: Chaptered: 9/16/2022 [html](#) [pdf](#)

Introduced: 2/2/2022

Last Amended: 8/28/2022

Status: 9/16/2022-Approved by the Governor. Chaptered by Secretary of State - Chapter 341, Statutes of 2022.

Desk	Policy	Fiscal	Floor	Desk	Policy	Fiscal	Floor	Conf. Conc.	Enrolled	Vetoed	Chaptered
1st House				2nd House							

Summary:

The California Global Warming Solutions Act of 2006 requires the State Air Resources Board to approve a statewide greenhouse gas emissions limit equivalent to the statewide greenhouse gas emissions level in 1990 to be achieved by 2020 and to ensure that statewide greenhouse gas emissions are reduced to at least 40% below the 1990 level no later than December 31, 2030. The act requires the state board to prepare and approve a scoping plan for achieving the maximum technologically feasible and cost-effective reductions in greenhouse gas emissions and to update the scoping plan at least once every 5 years. Current law requires, no later than July 1, 2023, the Natural Resources Agency, in coordination with the state board, the California Environmental Protection Agency, the Department of Food and Agriculture, and other relevant state agencies, to establish the Natural and Working Lands Climate Smart Strategy and, in developing the strategy, to create a framework to advance the state's climate goals. Current law requires the state board, as part of its scoping plan, to establish specified carbon dioxide removal targets for 2030 and beyond. This bill would require the Natural Resources Agency, in collaboration with specified entities including the state board and the expert advisory committee as specified, to determine on or before January 1, 2024, an ambitious range of targets for natural carbon sequestration, and for nature-based climate solutions, that reduce greenhouse gas emissions for 2030, 2038, and 2045 to support state goals to achieve carbon neutrality and foster climate adaptation and resilience. The bill would require these targets to be integrated into the above-described scoping plan and other state policies.

Position: Watch

Subject: Water

AB 2041 (Garcia, Eduardo D) California Safe Drinking Water Act: primary drinking water standards: compliance.

Current Text: Amended: 4/18/2022 [html](#) [pdf](#)

Introduced: 2/14/2022

Last Amended: 4/18/2022

Status: 5/20/2022-Failed Deadline pursuant to Rule 61(b)(8). (Last location was A. APPR. SUSPENSE FILE on 5/11/2022)

Desk	Policy	Dead	Floor	Desk	Policy	Fiscal	Floor	Conf. Conc.	Enrolled	Vetoed	Chaptered
1st House				2nd House							

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 comply with the primary drinking water standard without being held in violation of the primary drinking water standard. Specifically, the bill would require the state board to determine which public water system may not be able to comply with the primary drinking water standard without receiving financial assistance and develop a compliance plan, including a financial plan to assist that public water system in complying with the primary drinking water standard. The bill would also require the state board, if a public water system is in violation of the primary drinking water standard after the compliance period, to take into consideration whether or not the public water system implemented the compliance plan.

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.

Failed deadline. DEAD as of 5/20/2022.

AB 2201 (Bennett D) Groundwater sustainability agency: groundwater extraction permit: verification.

Current Text: Amended: 8/11/2022 [html](#) [pdf](#)

Introduced: 2/15/2022

Last Amended: 8/11/2022

Status: 8/31/2022-Failed Deadline pursuant to Rule 61(b)(18). (Last location was CONCURRENCE on 8/30/2022)

Desk	Policy	Fiscal	Floor	Desk	Policy	Fiscal	Floor	Dead	Enrolled	Vetoed	Chapted
1st House				2nd House							

Summary:

Current law authorizes a groundwater sustainability agency to request of the county, and requires a county to consider, that the county forward permit requests for the construction of new groundwater wells, the enlarging of existing groundwater wells, and the reactivation of abandoned groundwater wells to the agency before permit approval. Current law also authorizes the State Water Resources Control Board to designate a high- or medium-priority basin as a probationary basin under certain conditions for specified purposes. This bill would instead require a county to forward permit requests for the construction of new groundwater wells, the enlarging of existing groundwater wells, and the reactivation of abandoned groundwater wells to the groundwater sustainability agency before permit approval. The bill would prohibit a county, city, or any other water well permitting agency from approving a permit for a new groundwater well or for an alteration to an existing well in a basin subject to the act and classified as medium- or high-priority unless specified conditions are met, including that it obtains a written verification, from the groundwater sustainability agency that manages the basin or area of the basin where the well is proposed to be located, determining that, among other things, the extraction by the proposed well is consistent with any sustainable groundwater management program established in any applicable groundwater sustainability plan adopted by that groundwater sustainability agency or an alternate plan approved or under review by the Department of Water Resources.

Position: Watch

Subject: Water

CALAFCO Comments: 2/15/2022: As introduced, a spot holder.

3/17/2022: As amended, this bill now seeks to add a new section into the Water Code that would require, after July 1, 2023, designated extraction facilities to procure permits from the Department of Water Resources (DWR.) Extraction facilities are defined as those located in a basin that has already been designated by DWR as subject to critical overdraft conditions. It would also define times when permits are not needed, including for "de minimis extractors" (as defined by Section 10721), for replacement extractors, when drinking water is needed by a water system for public health purposes, for habitat and wetlands conservation, for photovoltaic or wind energy generation when less than 75 acre feet of groundwater is needed annually, when required by an approved CEQA document, and for facilities constructed to ensure a sustain water supply to consolidated public water systems. This bill would also require groundwater sustainability agencies (GSAs) to develop a process for the issuance of groundwater extraction permits which considers demonstrations of need, adherence to a groundwater sustainability plan, a showing that the extraction will not contribute to an undesirable result, and other procedural requirements. Additionally, the bill would require notification to all groundwater users within one mile of the proposed groundwater extraction facility, and to the DWR when the proposed extraction is within one mile of a disadvantaged community or a domestic well user, and other procedural steps. Also allows those GSAs in a basin not designated as subject to critical conditions of overdraft to adopt an ordinance that establishes their own process, in accordance with this section, for the issuance of groundwater extraction permits, and allows imposition of fees as long as they do not exceed reasonable agency costs. DWR shall provide technical assistance to assist GSA implement this section. This bill would further amend Water Code Section 10728 to require annual reports by GSA to include information regarding the number, location, and volume of water encompassed by permits issued under this section.

Unfunded mandate, now reimbursements provided. Keyed: fiscal.

Amended 4/27/2022 to removes all provisions regarding groundwater extraction facilities, adds in provisions regarding local agencies, which are defined as cities, counties, districts, agencies, or other entities with the authority to issue a permit for a a new groundwater well or for an alteration to an existing well.

AB 2442 (Rivas, Robert D) California Disaster Assistance Act: climate change.

Current Text: Amended: 8/11/2022 [html](#) [pdf](#)

Introduced: 2/17/2022

Last Amended: 8/11/2022

Status: 8/31/2022-Failed Deadline pursuant to Rule 61(b)(18). (Last location was INACTIVE FILE on 8/30/2022)

Desk	Policy	Fiscal	Floor	Desk	Policy	Fiscal	Dead	Conf. Conc.	Enrolled	Vetoed	Chaptored
1st House				2nd House							

Summary:

The California Disaster Assistance Act requires the Director of Emergency Services to authorize the replacement of a damaged or destroyed facility, whenever a local agency and the director determine that the general public and state interest will be better served by replacing a damaged or destroyed facility with a facility that will more adequately serve the present and future public needs than would be accomplished merely by repairing or restoring the damaged or destroyed facility. Current law also authorizes the director to implement mitigation measures when the director determines that the measures are cost effective and substantially reduce the risk of future damage, hardship, loss, or suffering in any area where a state of emergency has been proclaimed by the Governor. This bill would specify that mitigation measures for climate change and disasters related to climate, may include, but are not limited to, measures that reduce emissions of greenhouse gases and investments in natural infrastructure, as defined, including, but not limited to, the preservation of natural and working lands, as described, improved forest management, and wildfire risk reduction measures.

Position: Watch

Subject: Ag/Open Space Protection

CALAFCO Comments: Seeks to add climate change to California Disaster Assistance Act and adds, as noted cost effective mitigation measures, the preservation of open space, improved forest management and wildfire risk reduction measures, and other investments in natural infrastructure (in line with definition of a "natural infrastructure" in GC Section 65302(g)(4)(C)(v).) Also would amend GC Sec 65302 to require General Plans to include "a set of measures designed to reduce emissions of greenhouse gases resulting in climate change, and natural features and ecosystem processes in or near identified at-risk areas threatened by the impacts attributable."

SB 12 (McGuire D) Local government: planning and zoning: wildfires.

Current Text: Amended: 6/6/2022 [html](#) [pdf](#)

Introduced: 12/7/2020

Last Amended: 6/6/2022

Status: 7/5/2022-Failed Deadline pursuant to Rule 61(b)(14). (Last location was A. H. & C.D. on 5/24/2022)

Desk	Policy	Fiscal	Floor	Desk	Dead	Fiscal	Floor	Conf. Conc.	Enrolled	Vetoed	Chaptored
1st House				2nd House							

Summary:

The Planning and Zoning Law requires the legislative body of a city or county to adopt a comprehensive, long-term general plan that includes various elements, including, among others, a housing element and a safety element for the protection of the community from unreasonable risks associated with the effects of various geologic and seismic hazards, flooding, and wildland and urban fires. Current law requires the housing element to be revised according to a specific schedule. Current law requires the planning agency to review and, if necessary, revise the safety element upon each revision of the housing element or local hazard mitigation plan, but not less than once every 8 years to identify new information relating to flood and fire hazards and climate adaptation and resiliency strategies applicable to the city or county that was not available during the previous revision of the safety element. 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.

This bill failed to make deadlines and is DEAD as of 7/5/2022.

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	Chaptered
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: Chaptered: 7/1/2022 [html](#) [pdf](#)

Introduced: 2/10/2022

Last Amended: 3/2/2022

Status: 7/1/2022-Approved by the Governor. Chaptered by Secretary of State. Chapter 90, Statutes of 2022.

Desk	Policy	Fiscal	Floor	Desk	Policy	Fiscal	Floor	Conf. Conc.	Enrolled	Vetoed	Chaptered
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. Existing law requires the Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000 to govern any organizational changes for the district after formation. Existing 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 1405 (Ochoa Bogh R) Community service districts: Lake Arrowhead Community Service District: covenants, conditions, and restrictions: enforcement.

Current Text: Chaptered: 9/13/2022 [html](#) [pdf](#)

Introduced: 2/18/2022

Last Amended: 4/18/2022

Status: 9/13/2022-Approved by the Governor. Chaptered by Secretary of State. Chapter 309, Statutes of 2022.

Desk	Policy	Fiscal	Floor	Desk	Policy	Fiscal	Floor	Conf. Conc.	Enrolled	Vetoed	Chaptered
1st House				2nd House							

Summary:

Would authorize the Lake Arrowhead Community Services District to enforce all or part of the covenants, conditions, and restrictions for tracts within that district, and to assume the duties of the Arrowhead Woods Architectural Committee for those tracts, as provided.

Position: Watch

Subject: Other

SB 1425 (Stern D) Open-space element: updates.

Current Text: Enrollment: 8/30/2022 [html](#) [pdf](#)

Introduced: 2/18/2022

Last Amended: 4/18/2022

Status: 8/30/2022-Enrolled and presented to the Governor at 3 p.m.

Desk	Policy	Fiscal	Floor	Desk	Policy	Fiscal	Floor	Conf. Conc.	Enrolled	Vetoed	Chaptered
1st House				2nd House							

Summary:

Existing law requires cities and counties to prepare, adopt, and amend general plans and elements of those plans, as specified. Existing law requires the general plan to include a housing element and an open-space element, which is also called an open-space plan. Existing law sets forth various deadlines for updates to the housing element. This bill would require every city and county to review and update its local open-space plan by January 1, 2026. The bill would require the local open-space plan update to include plans and an action program that address specified issues, including climate resilience and other cobenefits of open space, correlated with the safety element. By imposing additional duties on local officials, the bill would create a state-mandated local program. This bill contains other related provisions and other existing laws.

Position: Watch

Subject: Other**SB 1489 (Committee on Governance and Finance) Local Government Omnibus Act of 2022.****Current Text:** Chaptered: 9/19/2022 [html](#) [pdf](#)**Introduced:** 2/28/2022**Last Amended:** 6/20/2022**Status:** 9/18/2022-Approved by the Governor. Chaptered by Secretary of State. Chapter 427, Statutes of 2022.

Desk	Policy	Fiscal	Floor	Desk	Policy	Fiscal	Floor	Conf. Conc.	Enrolled	Vetoed	Chaptered
1st House				2nd House							

Summary:

Current law, including the Professional Land Surveyors' Act, the Mello-Roos Community Facilities Act of 1982, the Subdivision Map Act, provisions relating to official maps of counties and cities, and provisions relating to maps of certain special assessment districts, prescribe requirements for the identification, storage, access, and preservation of maps. This bill would revise requirements for storage, access, and preservation of maps, in connection with the above-described laws, to authorize alternative methods by which maps may be identified, kept safe and reproducible, and to which they may be referred, and would generally eliminate the requirement that they be fastened and stored in books.

Position: Watch**CALAFCO Comments:** This is the Senate Governance & Finance Committee annual omnibus bill.

Total Measures: 29

Total Tracking Forms: 29

9/26/2022 8:30:42 AM



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

Agenda Item 5g (Consent/Information)

TO: Local Agency Formation Commission
PREPARED BY: Brendon Freeman, Executive Officer *BF*
MEETING DATE: October 3, 2022
SUBJECT: Current and Future Proposals

SUMMARY

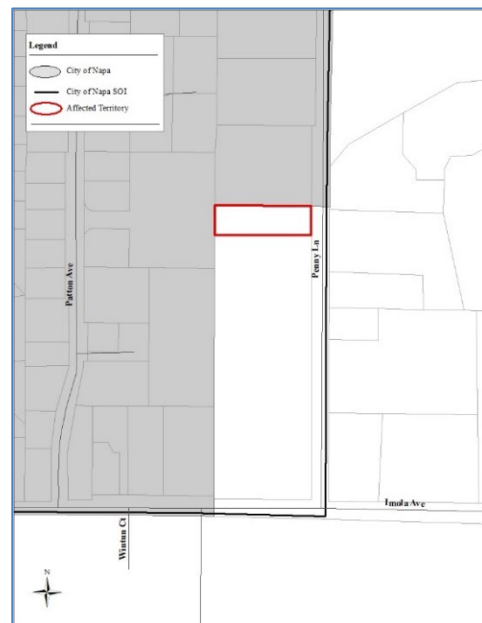
This is a consent item for information purposes only. Accordingly, if interested, the Commission is invited to pull this item for additional discussion with the concurrence of the Chair. No formal action will be taken as part of this item.

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

Active Proposals

Penny Lane No. 5 Reorganization

A landowner has submitted an application to annex one parcel along with the adjacent portion of public right-of-way to the City of Napa. Concurrent detachment from County Service Area (CSA) No. 4 is also included in the application. The parcel is located at 2165 Penny Lane and identified as Assessor Parcel Number 046-422-018. The affected territory totals approximately 0.4 acres in size. The existing residence currently receives water from a private onsite well, which is experiencing quality and quantity issues. The underlying purpose of the proposal is to connect to the City’s public water infrastructure. The proposal is included on today’s agenda as item 7a.



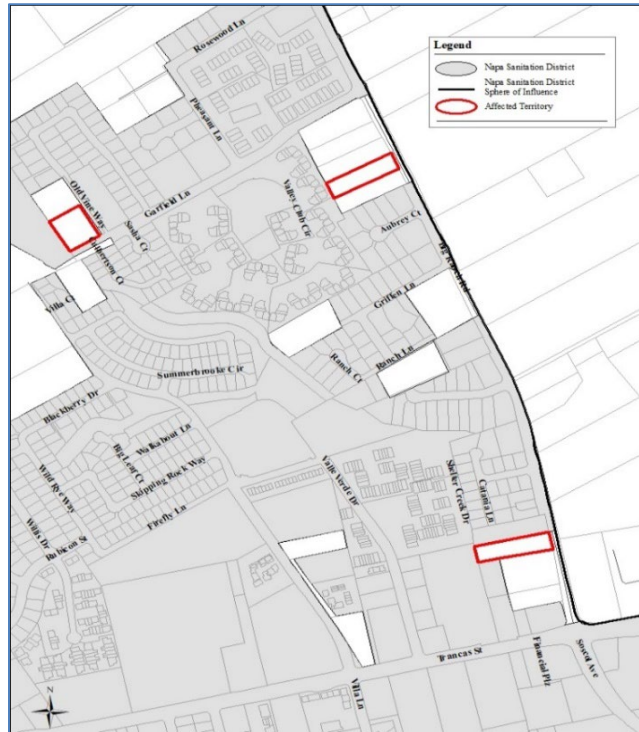
Margie Mohler, Chair
Councilmember, Town of Yountville
Mariam Aboudamous, Commissioner
Councilmember, City of American Canyon
Beth Painter, Alternate Commissioner
Councilmember, City of Napa

Brad Wagenknecht, Vice Chair
County of Napa Supervisor, 1st District
Diane Dillon, Commissioner
County of Napa Supervisor, 3rd 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

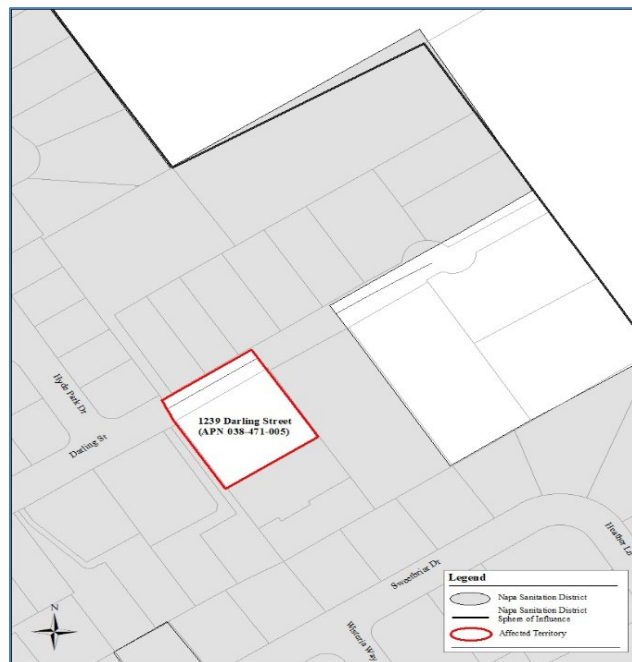
Big Ranch Road/Garfield Lane No. 2 Annexation to the Napa Sanitation District (NSD)

A representative for the landowners of six parcels has submitted an application to annex the six parcels along with the adjacent portions of public rights-of-way to NSD. The parcels are located in the City of Napa at 2023, 2033, 2157, 2159 & 2175 Big Ranch Road, and 56 Garfield Lane. The parcels are identified as Assessor Parcel Numbers 038-170-008, 038-170-007, 038-160-009, 038-160-008, 038-160-006 & 038-160-014, respectively. The affected territory totals approximately 7.5 acres in size and is located within three separate, non-contiguous areas. The proposal is included on today's agenda as item 6b.



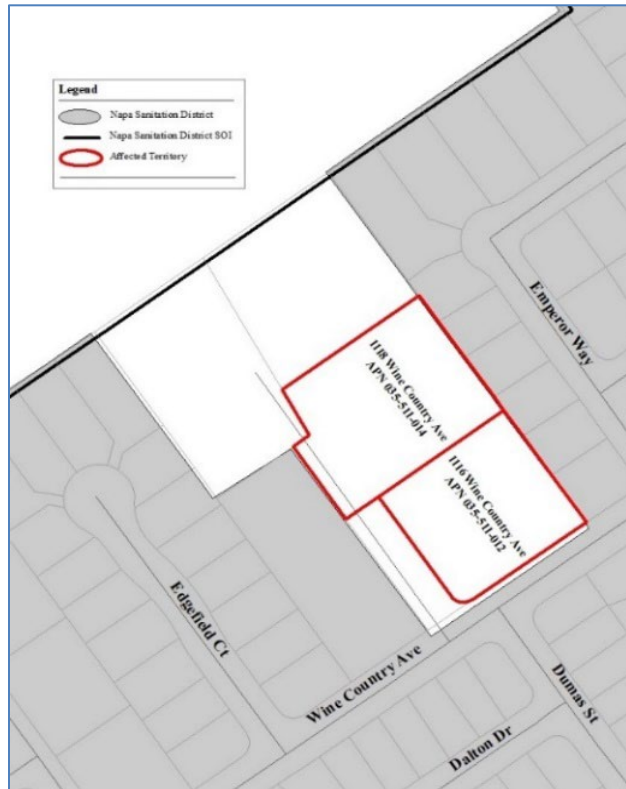
Darling Street No. 7 Annexation to NSD

A landowner has submitted an application to annex one parcel along with the adjacent portion of public right-of-way to NSD. The parcel is located at 1239 Darling Street in the City of Napa and identified as Assessor Parcel Number 038-471-005. The affected territory totals approximately 0.6 acres in size. Annexation could potentially facilitate the subdivision of the parcel to include up to three residential lots based on the City's General Plan land use designation. The landowner has indicated interest in developing a second residential unit on the parcel. The proposal is included on today's agenda as item 7b.



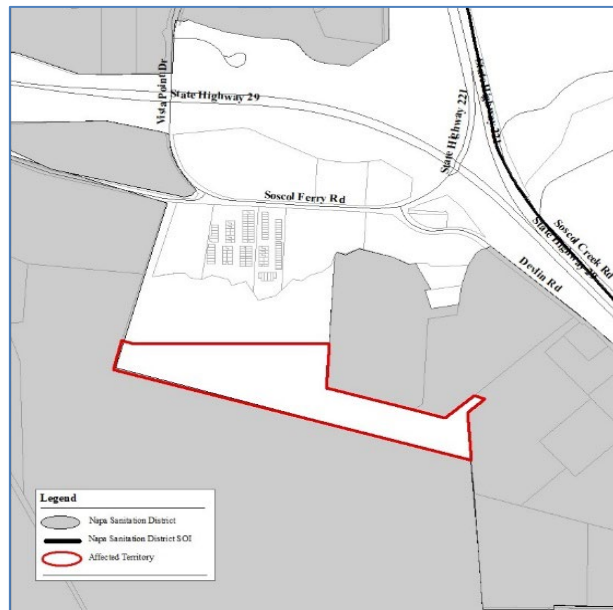
Wine Country Avenue No. 6 Annexation to NSD

A landowner has submitted an application to annex two parcels to NSD. The parcels are located at 1116 and 1118 Wine Country Avenue in the City of Napa and identified as Assessor Parcel Numbers 035-511-012 and -014, respectively. The affected territory totals approximately 2.5 acres in size. Annexation could potentially facilitate the subdivision of the parcels to include up to 15 residential lots based on the City's General Plan land use designation. However, the landowner has indicated no interest in pursuing development in the foreseeable future. The underlying purpose of the proposal is to allow the existing residences connect to NSD's public sewer infrastructure. The proposal is included on today's agenda as item 7c.



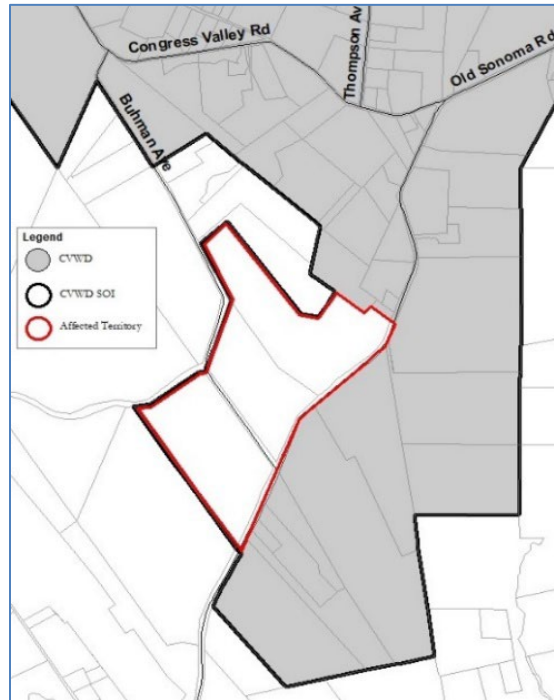
Devlin Road No. 6 Annexation to NSD

A representative for the landowner of one unincorporated parcel has submitted an application to annex the parcel to NSD. The parcel is identified as Assessor Parcel Number 057-170-024, has no situs address, and is approximately 27.5 acres in size. The parcel is currently undeveloped. Annexation to NSD would facilitate the Nova Business Park North project, which will include industrial land uses. The proposal is on hold until CEQA requirements related to the proposed annexation have been satisfied.



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

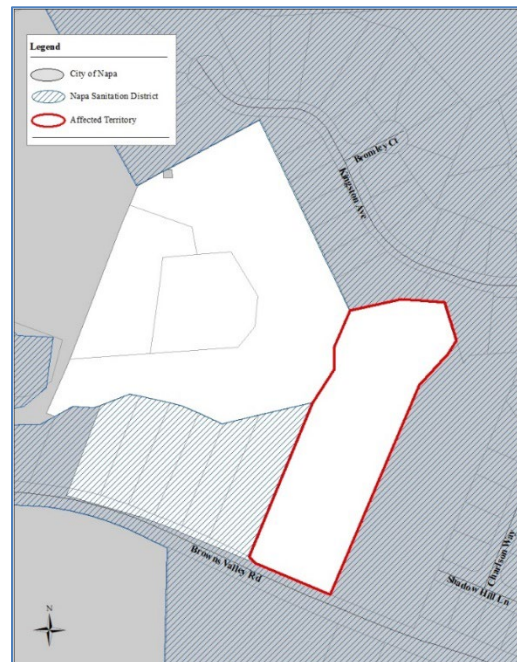
A landowner previously submitted a proposal to annex three unincorporated parcels totaling approximately 141.5 acres in size to CVWD. The parcels are located along the northwestern side of Old Sonoma Road at its intersection with Buhman Avenue and identified as Assessor Parcel Numbers 047-030-005, 047-030-020, 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 a CVWD's water supply contract with the City of Napa receives a long-term extension.



Anticipated Proposals

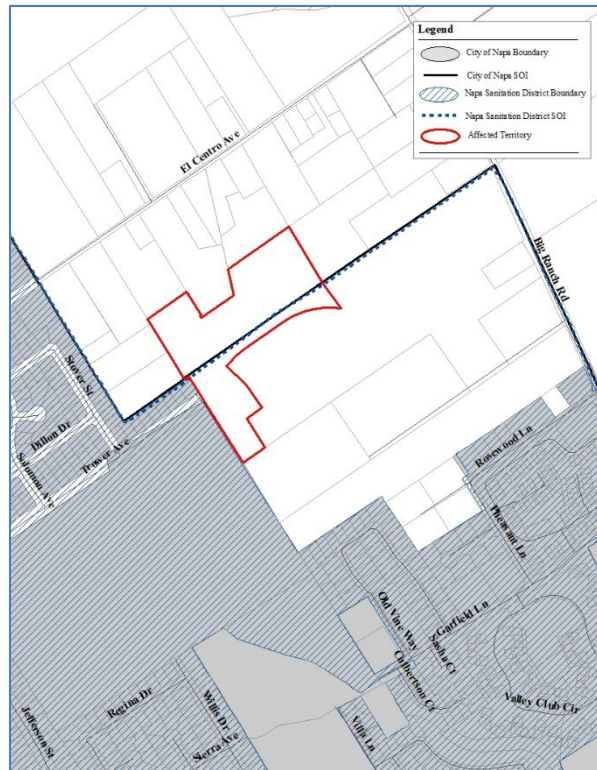
3090 Browns Valley Road Annexation to the City of Napa and NSD

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 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 in the near future.



Vintage High School Farm Sphere of Influence Amendment and Annexation Involving the City of Napa and 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 the City of Napa and 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. It is anticipated a proposal for annexation will be submitted in the future, but there is no current timetable.



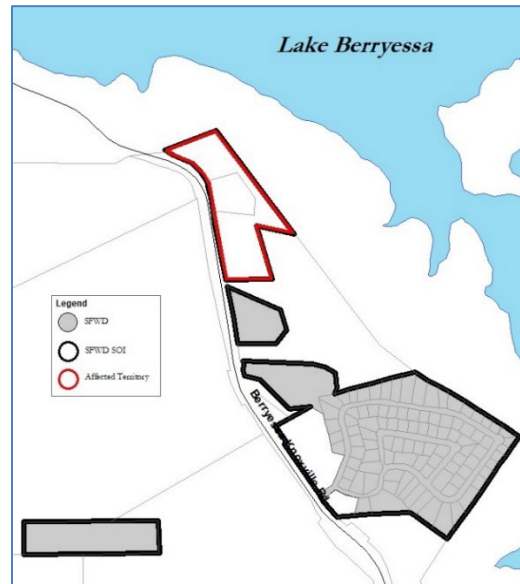
Vintage High School Former Farm Site Annexation to NSD

A development project representative has inquired about annexation of approximately 10.4 acres of territory to NSD. The territory is located in the City of Napa (no situs addresses) and identified as Assessor Parcel Numbers 038-250-035 & -037. The parcels were previously used as the Vintage High School’s former farm site. The purpose of the annexation is to facilitate a residential subdivision. It is anticipated a proposal for annexation will be submitted in the future, but there is no current timetable.



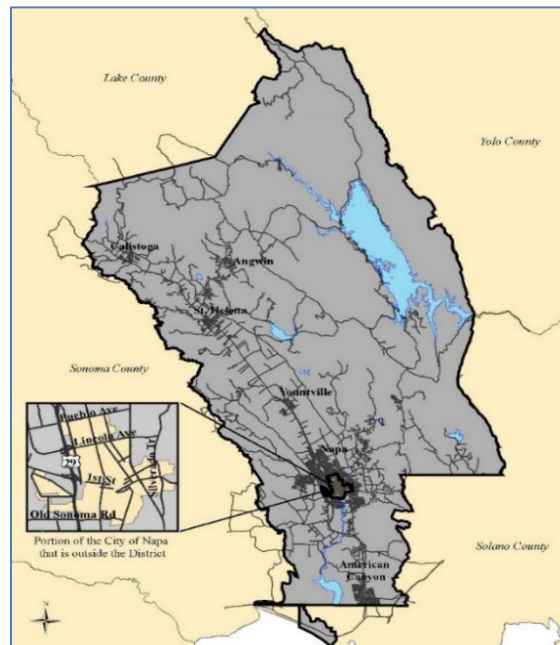
7140 & 7150 Berryessa-Knoxville Road Annexation to the Spanish Flat Water District (SFWD)

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.



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.



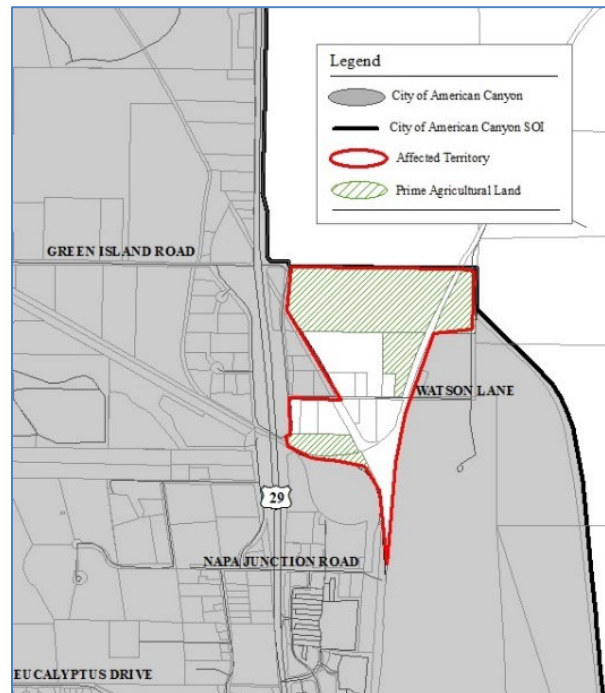
Materials Diversion Facility Annexation to the City of Napa

Staff from the City of Napa has inquired about annexation of approximately 2.9 acres of unincorporated territory comprising a portion of an approximate 35.0-acre parcel currently owned by the Napa-Vallejo Waste Management Authority. The current Assessor Parcel Number is 057-090-060. A property sale and a lot line adjustment are contemplated to create new parcels. The purpose of the property acquisition and future annexation is to expand the City's existing materials diversion facility operations. The property is located outside the City of Napa's SOI near the City of American Canyon. Annexation to the City of Napa is allowed given the property is owned by the City and soon will be used by the City for municipal purposes.¹ 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

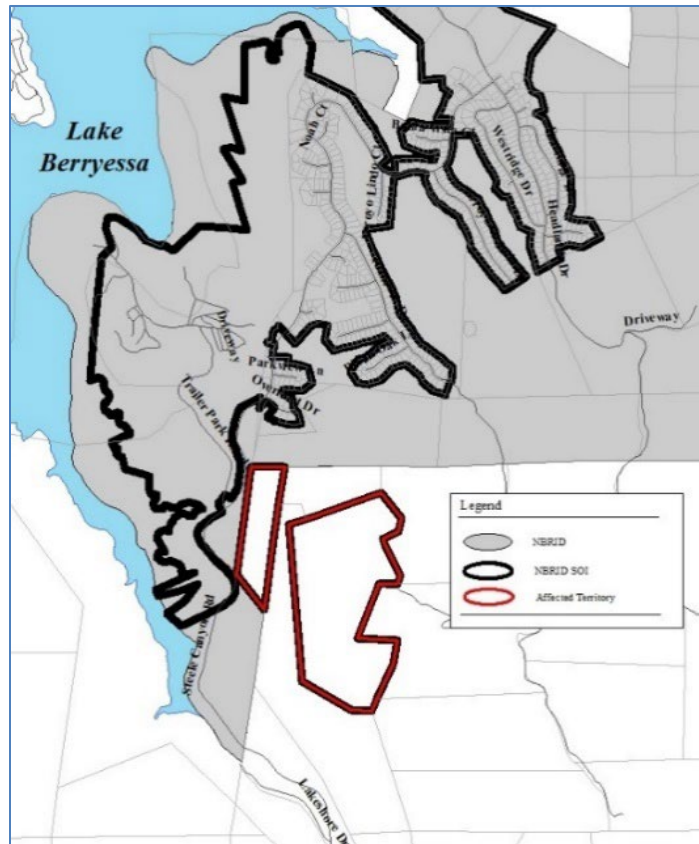
A landowner previously submitted a notice of intent to circulate a petition to annex 16 parcels and a portion of railroad totaling approximately 77.7 acres of unincorporated territory to the City of American Canyon. The area is located within the City's SOI near Watson Lane and Paoli Loop and identified 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.



¹ See [California Government Code section 56742](#).

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.



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*
Dawn Mittleman Longoria, Analyst II/Interim Clerk *DML*

MEETING DATE: October 3, 2022

SUBJECT: Municipal Service Review and Sphere of Influence Review for Silverado Community Services District

RECOMMENDATION

It is recommended the Commission take the following actions:

- 1) Open the public hearing and take testimony;
- 2) Close the public hearing;
- 3) Receive and file the Municipal Service Review (MSR) and Sphere of Influence (SOI) Review for Silverado Community Services District (SCSD), included as Attachment One; and
- 4) Adopt the Resolution of the Local Agency Formation Commission of Napa County Making Determinations – SOI Review for SCSD, and making California Environmental Quality Act (CEQA) findings, included as Attachment Two.

SUMMARY

- Work Program for fiscal year 2022-23: scheduled MSR and SOI review for SCSD
- Update of recent studies:

[Central County Region MSR April 2014](#)
[SCSD SOI October 2015](#)

- MSR/SOI SCSD: succeeds previous studies of SCSD
- Report recommendations: affirm SOI with no changes
- Report determinations: Factors required by California Government Code sections 56425 and 56430, as well as local policies.

Margie Mohler, Chair
Councilmember, Town of Yountville

Mariam Aboudamous, Commissioner
Councilmember, City of American Canyon

Beth Painter, Alternate Commissioner
Councilmember, City of Napa

Brad Wagenknecht, Vice Chair
County of Napa Supervisor, 1st District

Diane Dillon, Commissioner
County of Napa Supervisor, 3rd 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

PUBLIC COMMENTS

Written Comments from Gary Margadant (Attachment Three):

Questioned why water use at Silverado Resort is not included in the study. Resort uses potable water to irrigate golf course.

Staff Response:

SCSD does not provide water service to Resort. MSR evaluates only those services provided by the District.

CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA)

MSR and SOI: exempt from further review under CEQA (California Code of Regulations sections 15306 and 15061(b)(3)).

PROCEDURES FOR CONSIDERATION

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

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

ATTACHMENTS

- 1) Final MSR/SOI SCSD
- 2) Draft Resolution Adopting Determinations, Affirming SCSD's SOI, and Making CEQA Findings
- 3) Written Comments from Gary Margadant



LOCAL AGENCY FORMATION COMMISSION OF NAPA COUNTY

Political Subdivision of the State of California

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

Final Report Presented on October 3, 2022

**MUNICIPAL SERVICE REVIEW AND
SPHERE OF INFLUENCE REVIEW**

SILVERADO COMMUNITY SERVICES DISTRICT



Commissioners

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

Staff

Brendon Freeman, Executive Officer
Dawn Mittleman Longoria, Analyst II/Interim Clerk
Gary Bell, Commission Counsel

Administrative Office and Website

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www.napa.lafco.ca.gov

We wish to express appreciation to the following County of Napa staff for their assistance:

Steven Lederer, District Manager

Michael Karath, Staff Services Analyst

INTRODUCTION

The purpose of a municipal service review, sometimes called a “service review” or “MSR”, is to provide an inventory and analysis for improving efficiency, cost-effectiveness, accountability, and reliability of public services provided by cities and special districts. A service review evaluates the structure and operation of these agencies, highlights agency accomplishments, and discusses possible areas for improvement and coordination. A service review is used by the Local Agency Formation Commission (LAFCO) when reviewing and, as appropriate, updating a sphere of influence (SOI), and can be used by subject agencies when considering changes in their operations.

This report represents an update of the most recent MSR and SOI review for the Silverado Community Services District (SCSD). The most recent MSR was conducted by Napa LAFCO in 2014 and concluded SCSD appeared to be operating efficiently and in a fiscally sound manner with no significant infrastructure needs or deficiencies identified. The MSR also noted the unique governance structure of SCSD with the Board of Supervisors serving as the District Board of Directors while ultimately concluding the arrangement – while not traditional for these types of special districts – appears satisfactory given the active involvement of the Municipal Advisory Council (MAC). The most recent SOI review was conducted in 2015 and resulted in Napa LAFCO affirming SCSD’s existing SOI.



LAFCOs are required by law to provide a written statement of determinations as part of any MSR.¹ Napa LAFCO’s MSR policies provide additional determinations for consideration. The review of these determinations are listed in this update.

LAFCO’s are also required by law to provide a written statement of determinations as part of any SOI determination.² It is Napa LAFCO’s policy to review SOIs in conjunction with MSRs to inform any appropriate SOI changes.

¹ California Government Code Section 56430(a).

² California Government Code Section 56425(e).

AGENCY PROFILE

OVERVIEW

SCSD was formed in 1967 and originally authorized to provide a full range of municipal services to the Silverado area, consisting largely of a planned resort community located northeast of the City of Napa. Services actually activated following formation, however, were limited to water, street lighting, street sweeping, and landscape maintenance services. SCSD ceased providing water in 1977 when the City of Napa purchased and assumed full control of the District's water distribution system. SCSD expanded its services in 2010 with the approval of the Commission to include sidewalk improvements and maintenance; activities previously the responsibility of property owners.



GOVERNANCE, ADMINISTRATION, AND SERVICES PROVIDED

Silverado Community Services District	
Date Formed	1967
Enabling Legislation	Government Code 6100 et. seq.
Active Services	Street Lighting Street Sweeping Street Landscaping Sidewalk Improvements
Estimated Service Population	1,321 (year-round) 2,829 (with second homes)
District Structure	Dependent Special District
Governing Body	County Board of Supervisors
Municipal Advisory Committee (MAC)	Appointed registered voters Limited decision-making
Administration	County Public Works
Website	https://www.countyofnapa.org/2565/Silverado-Community-Services-District

AGENCY BOUNDARY

Jurisdictional Boundary Characteristics	
Total Jurisdictional Acreage	1,159
Approximate Square Miles	1.8
Total Jurisdictional Parcels	1,158
Percent of Jurisdictional Boundary Developed	96%
Corporate or Nonprofit Owned Undeveloped Lots	57

A map of SCSD’s jurisdictional boundary and sphere of influence is included as **Appendix A**.

GROWTH AND POPULATION ESTIMATES

There are no specific population counts within SCSD’s jurisdictional boundary. The community includes both permanent and temporary residents. Various homes are owned as second-homes and are not occupied year-round. The County General Plan designates the area *Urban Residential*. The County of Napa has zoned the area as *Planned Development*. The County is currently updating its Housing Element of the General Plan. The process includes compliance with Regional Housing Needs Allocation (RHNA). Future housing sites must be determined to comply with this requirement. None of the proposed housing sites are located within SCSD.

LAFCO’s study *Central County Region Municipal Service Review*, completed in 2014, separated population numbers into permanent and temporary categories. The total population was estimated at 2,829 residents, including both primary and secondary homes. The report made an estimate of permanent residents representing an overall projected growth rate of 1.2% over the last 10-year period or 0.1% annually. However, the 2017 wildfires destroyed 34 homes in the community. It is unknown when these homes will be rebuilt. It is reasonable to assume SCSD’s growth rate will be nominal over the next 10 years.

FINANCIAL

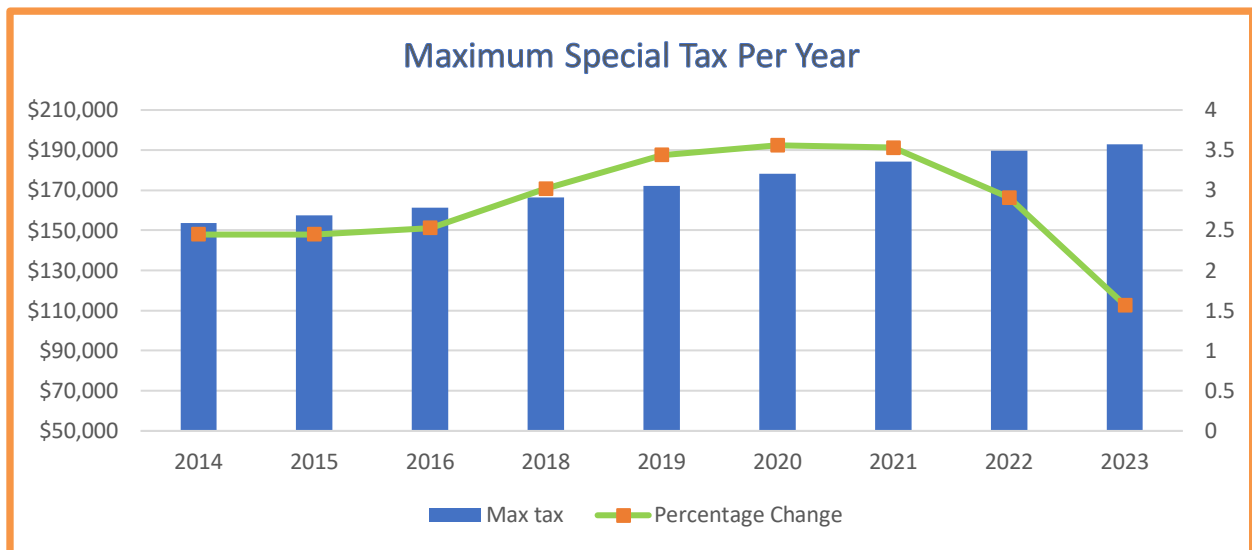
SCSD practices an annual budget process consistent with legal requirements with oversight provided by the County Auditor-Controller's office. An annual audit is conducted by Brown Armstrong, Accountancy Corporation. The County Auditor-Controller's office provides annual Special District Financial Reports.³

The MAC provides recommendations regarding community needs. Once the service needs are determined for the fiscal year, the budget is established. District expenses during the year have consistently remained within the budgeted amount. The District's employees are provided by contract with the County, and therefore SCSD does not have pension liabilities.

The District's FY 2022-23 budget is \$200,400. SCSD's current unrestricted/unreserved fund balance is \$155,447 and is sufficient to cover over nine months of general operating expenses.

Revenues

SCSD's revenues are derived from an annual special tax on each parcel. The District does not participate in the 1% general property tax revenue. For each fiscal year, SCSD determines the total tax requirement for the District based on the required level of services to be provided. The total tax requirement cannot exceed the established maximum tax for a given fiscal year. The following chart provides the maximum dollar amount per fiscal year.⁴



³ Available on the District web site.

⁴ Source: County Department of Public Works.

Each parcel in SCSD is assigned to one of six special tax categories based upon the property's development intensity: vacant residential lots are assigned one tax unit; condominiums and single-family residences with limited services are assigned two units; properties on Silver Trail are assigned two and one-half units; and single-family residences with full service are assigned four units. The remaining amount is apportioned among seven large and primarily vacant parcels, including the Silverado Resort, based on their acreage. The following table shows the special tax rate per parcel for each category.⁵

Parcel Category & Land Use	Maximum Special Tax	Proposed Special Tax ⁶
A: Large Vacant Land	\$32,121.26	\$32,121.20
B: Vacant Land	5,071.48	5,070.72
C: Condominium	73,269.61	73,269.54
D: Single-Family Residence (Limited Service)	28,293.55	28,293.52
E: Silver Trail	5,838.88	5,838.70
F: Single-Family Residence	58,188.62	58,188.56
N: Non-Taxable	0	0



⁵ Source: County Department of Public Works.

⁶ Slight variance due to installment rounding necessary to place amounts on the County tax roll.

DETERMINATIONS

1. GROWTH AND POPULATION

Growth and population projections for the affected area.	YES	MAYBE	NO
a) Is the agency's territory or surrounding area expected to experience any significant population change or development over the next 5-10 years?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Will population changes have an impact on the subject agency's service needs and demands?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) Will projected growth require a change in the agency's service boundary?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Determinations:

1. Wildfires destroyed 34 homes in the Silverado community. Rebuilding has been slow with some homeowners moving away from the area.
2. SCSD serves a planned community with no additional subdivision allowed. Current County of Napa zoning would not allow further subdivisions in the area.
3. The draft County Housing Element Update has not designated the area as a future housing site.
4. The population estimates include primary and second home residents.
5. It is reasonable to assume SCSD's growth rate will be nominal and follow recent patterns over the next 10 years.

2. CAPACITY AND ADEQUACY OF PUBLIC FACILITIES AND SERVICES

Present and planned capacity of public facilities, adequacy of public services, and infrastructure needs or deficiencies including needs or deficiencies related to sewers, municipal and industrial water, and structural fire protection in any disadvantaged unincorporated communities within or contiguous to the sphere of influence.

	YES	MAYBE	NO
a) Are there any deficiencies in agency capacity to meet service needs of existing development within its existing territory?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Are there any issues regarding the agency's capacity to meet the service demand of reasonably foreseeable future growth?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) Are there any concerns regarding public services provided by the agency being considered adequate?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d) Are there any significant infrastructure needs or deficiencies to be addressed?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
e) Are there changes in state regulations on the horizon that will require significant facility and/or infrastructure upgrades?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
f) Are there any service needs or deficiencies for disadvantaged unincorporated communities related to sewers, municipal and industrial water, and structural fire protection within or contiguous to the agency's sphere of influence?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Determinations:

1. SCSD's infrastructure system is sufficient to provide needed services to meet present and future demands.
2. Services provided include street lighting, street sweeping, landscape maintenance, and sidewalk improvement and maintenance services within its jurisdictional boundary.
3. There are no disadvantaged unincorporated communities located within or contiguous to SCSD's sphere of influence.
4. The resort and golf course benefit from SCSD's services in exchange for the special tax paid to the District. The City of Napa provides water service to the resort.

3. FINANCIAL ABILITY

Financial ability of agencies to provide services.

	YES	MAYBE	NO
a) Does the organization routinely engage in budgeting practices that may indicate poor financial management, such as overspending its revenues, failing to commission independent audits, or adopting its budget late?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Is the organization lacking adequate reserve to protect against unexpected events or upcoming significant costs?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) Is the organization's rate/fee schedule insufficient to fund an adequate level of service, and/or is the fee inconsistent with the schedules of similar service organizations?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d) Is the organization unable to fund necessary infrastructure maintenance, replacement and/or any needed expansion?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
e) Is improvement needed in the organization's financial policies to ensure its continued financial accountability and stability?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
f) Is the organization's debt at an unmanageable level?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Discussion:

SCSD, as a dependent district, is managed in accordance with County of Napa financial management and budgeting policies.

Determinations:

1. Calculations performed assessing SCSD's liquidity, capital, and profitability indicate the District finished fiscal year 2021-22 with sufficient resources to remain operational into the foreseeable future. Short-term liquidity remained high given SCSD finished the fiscal year with sufficient current assets to cover its current liabilities. SCSD finished the fiscal year with no long-term debt and a neutral operating margin as revenues and expenses were nearly identical.
2. It is recommended that the annual audit conducted by Brown Armstrong CPAs be included on the SCSD website.

4. SHARED SERVICES AND FACILITIES

Status of, and opportunities for, shared facilities.

	YES	MAYBE	NO
a) Is the agency currently sharing services or facilities with other organizations? If so, describe the status of such efforts.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b) Are there any opportunities for the organization to share services or facilities with neighboring or overlapping organizations that are not currently being utilized?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) Are there any governance options that may produce economies of scale and/or improve buying power in order to reduce costs?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d) Are there governance options to allow appropriate facilities and/or resources to be shared, or making excess capacity available to others, and avoid construction of extra or unnecessary infrastructure or eliminate duplicative resources?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Determinations:

1. SCSD shares facilities and services with the County of Napa, which both governs SCSD as a dependent special district and operates SCSD facilities under various contracts with private vendors. The purpose of these arrangements for governance and provision of service is cost efficiency gained from elimination of election costs and the ability to provide service on an as-needed, contractual basis rather than through permanent staff. Please refer to the Agency Profile for additional information.
2. SCSD benefits from shared administrative staff and oversight provided by the County.
3. SCSD procures its own contractors for projects and therefore, does not benefit from the County's purchasing power.

5. ACCOUNTABILITY, STRUCTURE, AND EFFICIENCIES

Accountability for community service needs, including governmental structure and operational efficiencies.

	YES	MAYBE	NO
a) Are there any issues with meetings being accessible and well publicized? Any failures to comply with disclosure laws and the Brown Act?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Are there any issues with filling board vacancies and maintaining board members?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) Are there any issues with staff turnover or operational efficiencies?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d) Is there a lack of regular audits, adopted budgets and public access to these documents?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
e) Is the agency involved in any Joint Powers Agreements/Authorities (JPAs)?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
f) Are there any recommended changes to the organization's governance structure that will increase accountability and efficiency?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
g) Are there any governance restructure options to enhance services and/or eliminate deficiencies or redundancies?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
h) Are there any opportunities to eliminate overlapping boundaries that confuse the public, cause service inefficiencies, unnecessarily increase the cost of infrastructure, exacerbate rate issues and/or undermine good planning practices?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Discussion:

The Napa County Board of Supervisors serves as the District Board of Directors. The appointed Municipal Advisory Committee (MAC) makes recommendations to staff. Services and staff are provided by the County Department of Public Works. Please refer to the Agency Overview Section for additional information.

Determinations:

1. SCSD's existing form, as a dependent special district, is aimed at maximizing efficiency through the use of County Department of Public Works staff and avoidance of election costs. The efficacy of the existing governance arrangement depends on low costs and the County's responsiveness to the direction the SCSD MAC. There are alternative sources of both governance and services available to the Silverado community if the County's performance with respect to the maintenance of streets, sidewalks, paths, and landscaping were to fall short of community expectations.
2. Transparency of SCSD meetings and business are consistent with Napa County Board of Supervisors policy and are available on the SCSD website, as a function of the County of Napa.
3. The MAC conducts quarterly meetings. These meeting are noticed and open to the public.
4. The County Auditor-Controller oversees the financial operations of the District. Special District Financial Transaction Reports for each fiscal year, are available on the District's web site. Annual financial audits are conducted by Brown Armstrong, CPA.



6. OTHER ISSUES

Any other matter related to effective or efficient service delivery, as required by commission policy.

	YES	MAYBE	NO
a) Are there negative impacts on the Agricultural Preserve and the voter approved Measure P?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Are there existing outside service agreements?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) Are there joint power agreements involving the direct provision of public services?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d) Is the District in conformance with growth goals and policies of the land use authorities in Napa County?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
e) Have the District's operations been affected by climate change and/or is climate change expected to affect the District's operations in the future?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
f) Does the District enhance or hinder housing goals, including affordable housing and workforce housing?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
g) Is the District identified in regional transportation plans?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
h) Are there negative cumulative service impacts related to current and planned development?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Determinations:

1. SCSD is located within a planned development approved by the County in 1966.
2. Expansion of the area is not contemplated within the next 10 years.
3. The district currently benefits from shared administrative services.

SPHERE OF INFLUENCE REVIEW

It is recommended that the Commission affirm SCSD's existing sphere. There are no current plans to amend the SOI boundary. Pursuant to California Government Code Section 56425(e), the following statements have been prepared in support of the recommendation:

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

The present and planned land uses in SCSD are subject to the County General Plan. The County General Plan and adopted zoning standards provide for the current and future residential and resort uses that characterize the majority of the jurisdictional boundary and sphere of influence.

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

SCSD provides street lighting, street sweeping, landscape maintenance, and sidewalk improvement and maintenance services within its jurisdictional boundary and sphere of influence. These public services support the present and planned urban and resort uses within the area as contemplated in the County General Plan. Constituents of SCSD have confirmed their desire for these public services by approving a special assessment to fund the District's operations.

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

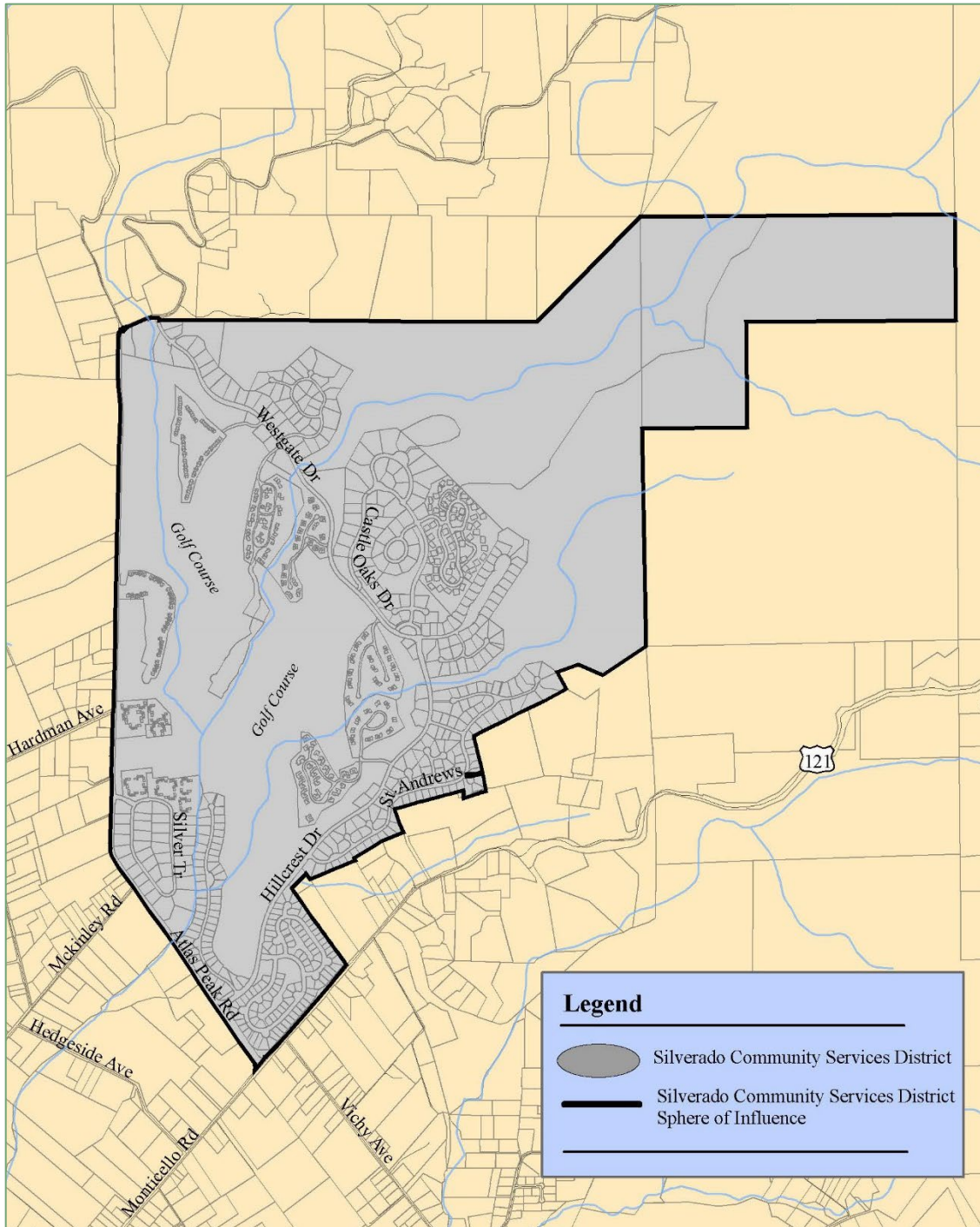
SCSD has demonstrated its ability to provide an adequate level of street lighting, street sweeping, landscape maintenance, and sidewalk improvement and maintenance services within its jurisdictional boundary and sphere of influence.

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.

SCSD fosters social and economic interdependencies within the area by providing public services in support of the present and planned development of the Silverado Resort.

APPENDIX A

SCSD CURRENT BOUNDARY AND SOI



RESOLUTION NO. _____

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

**MUNICIPAL SERVICE REVIEW AND SPHERE OF INFLUENCE REVIEW FOR
SILVERADO COMMUNITY SERVICES DISTRICT**

WHEREAS, the Local Agency Formation Commission of Napa County, hereinafter referred to as the “Commission”, adopted a schedule to conduct studies of the provision of municipal services within Napa County and studies of spheres of influence of the local governmental agencies whose jurisdictions are within Napa County; and

WHEREAS, a “Municipal Service Review and Sphere of Influence Review” has been prepared for Silverado Community Services District (SCSD) pursuant to said schedule and the Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000, commencing with section 56000 of the California Government Code; and

WHEREAS, a written report on the municipal service review has been prepared that includes considering the adequacy of governmental services provided by SCSD and the Executive Officer recommends affirming the existing sphere of influence of SCSD with no changes; 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 meetings concerning the Municipal Service Review and Sphere of Influence Review for SCSD on August 1, 2022, and October 3, 2022;

WHEREAS, as part of the Municipal Service Review, the Commission is required pursuant to California Government Code section 56430 to make a statement of written determinations with regards to certain factors; and

WHEREAS, in considering the review of SCSD’s sphere of influence, the Commission also 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 Commission finds and determines the Municipal Service Review is exempt from further environmental review under the California Environmental Quality Act (hereinafter “CEQA”) pursuant to California Code of Regulations Section, Title 14, 15306. This finding is based on the Commission determining with certainty that the Municipal Service Review is limited to basic data collection, research, and resource evaluation activities which do not result in a serious or major disturbance to any environmental resource.
2. Having reviewed the municipal services provided by SCSD, pursuant to California Government Code section 56430, the Commission adopts the statement of determinations prepared as part of the municipal service review as set forth in Exhibit One, which is attached hereto and hereby incorporated by reference.
3. In determining the sphere of influence for SCSD, pursuant to California Government Code section 56425, the Commission adopts the statement of determinations set forth in Exhibit Two, which is attached hereto and hereby incorporated by reference.
4. The Commission hereby affirms the sphere of influence of SCSD without modification, as shown in Exhibit Three.
5. The Commission finds and determines the affirmation of SCSD’s existing sphere of influence with no changes is exempt from further review under the California Environmental Quality Act pursuant to California Code of Regulations Section 15061(b)(3). This finding is based on the Commission determining with certainty that the affirmation of the existing sphere will have no possibility of significantly effecting the environment given no new land use or municipal service authority is granted.
6. The effective date of this sphere of influence review shall be the date of adoption set forth below.
7. The Commission hereby directs staff to file a Notice of Exemption for the Municipal Service Review and Sphere of Influence Review for SCSD in compliance with CEQA.

The foregoing resolution was duly and regularly adopted by the Commission at a public meeting held on October 3, 2022, after a motion by Commissioner _____, seconded by Commissioner _____, by the following vote:

AYES: Commissioners _____

NOES: Commissioners _____

ABSENT: Commissioners _____

ABSTAIN: Commissioners _____

Margie Mohler
Commission Chair

ATTEST: _____
Brendon Freeman
Executive Officer

Recorded by: Dawn Mittleman Longoria
Interim Commission Clerk

DRAFT

EXHIBIT ONE

STATEMENT OF DETERMINATIONS

**SILVERADO COMMUNITY SERVICES DISTRICT
MUNICIPAL SERVICE REVIEW**

1. Growth and population projections for the affected area (Government Code 56430(a)(1)):
 - a) Wildfires destroyed 34 homes in the Silverado community. Rebuilding has been slow with some homeowners moving away from the area.
 - b) SCSD serves a planned community with no additional subdivision allowed. Current County of Napa zoning would not allow further subdivisions in the area.
 - c) The draft County Housing Element Update has not designated the area as a future housing site.
 - d) The population estimates include primary and second home residents.
 - e) It is reasonable to assume SCSD's growth rate will be nominal and follow recent patterns over the next 10 years.
2. The location and characteristics of any disadvantaged unincorporated communities within or contiguous to spheres of influence (Government Code 56430(a)(2)):
 - a) There are no disadvantaged unincorporated communities within or contiguous to SCSD's sphere of influence.
3. Present and planned capacity of public facilities and adequacy of public services, including infrastructure needs or deficiencies (Government Code 56430(a)(3)):
 - a) SCSD's infrastructure system is sufficient to provide needed services to meet present and future demands.
 - b) Services provided include street lighting, street sweeping, landscape maintenance, and sidewalk improvement and maintenance services within its jurisdictional boundary.
 - c) The resort and golf course benefit from SCSD's services in exchange for the special tax paid to the District. The City of Napa provides water service to the resort.

4. Financial ability of agencies to provide services (Government Code 56430(a)(4)):
 - a) Calculations performed assessing SCSD's liquidity, capital, and profitability indicate the District finished fiscal year 2021-22 with sufficient resources to remain operational into the foreseeable future. Short-term liquidity remained high given SCSD finished the fiscal year with sufficient current assets to cover its current liabilities. SCSD finished the fiscal year with no long-term debt and a neutral operating margin as revenues and expenses were nearly identical.
 - b) It is recommended that the annual audit conducted by Brown Armstrong CPAs be included on the SCSD website.
5. Status of, and opportunities for, shared facilities (Government Code 56430(a)(5)):
 - a) SCSD shares facilities and services with the County of Napa, which both governs SCSD as a dependent special district and operates SCSD facilities under various contracts with private vendors. The purpose of these arrangements for governance and provision of service is cost efficiency gained from elimination of election costs and the ability to provide service on an as-needed, contractual basis rather than through permanent staff. Please refer to the Agency Profile for additional information.
 - b) SCSD benefits from shared administrative staff and oversight provided by the County.
 - c) SCSD procures its own contractors for projects and therefore, does not benefit from the County's purchasing power.
6. Accountability for community service needs, including governmental structure and operational efficiencies (Government Code 56430(a)(6)):
 - a) SCSD's existing form, as a dependent special district, is aimed at maximizing efficiency through the use of County Department of Public Works staff and avoidance of election costs. The efficacy of the existing governance arrangement depends on low costs and the County's responsiveness to the direction the SCSD Municipal Advisory Committee (MAC). There are alternative sources of both governance and services available to the Silverado community if the County's performance with respect to the maintenance of streets, sidewalks, paths, and landscaping were to fall short of community expectations.
 - b) Transparency of SCSD meetings and business are consistent with Napa County Board of Supervisors policy and are available on the SCSD website, as a function of the County of Napa.

- c) The MAC conducts quarterly meetings. These meeting are noticed and open to the public.
 - d) The County Auditor-Controller oversees the financial operations of the District. Special District Financial Transaction Reports for each fiscal year, are available on the District's web site. Annual financial audits are conducted by Brown Armstrong, CPA.
7. Any other matter related to effective or efficient service delivery, as required by commission policy (Government Code 56430(a)(7)):
- a) SCSD is located within a planned development approved by the County in 1966.
 - b) Expansion of the area is not contemplated within the next 10 years.
 - c) The district currently benefits from shared administrative services.

DRAFT

EXHIBIT TWO

STATEMENT OF DETERMINATIONS

**SILVERADO COMMUNITY SERVICES DISTRICT
SPHERE OF INFLUENCE REVIEW**

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

The present and planned land uses in SCSD are subject to the County General Plan. The County General Plan and adopted zoning standards provide for the current and future residential and resort uses that characterize the majority of the jurisdictional boundary and sphere of influence.

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

SCSD provides street lighting, street sweeping, landscape maintenance, and sidewalk improvement and maintenance services within its jurisdictional boundary and sphere of influence. These public services support the present and planned urban and resort uses within the area as contemplated in the County General Plan. Constituents of SCSD have confirmed their desire for these public services by approving a special assessment to fund the District's operations.

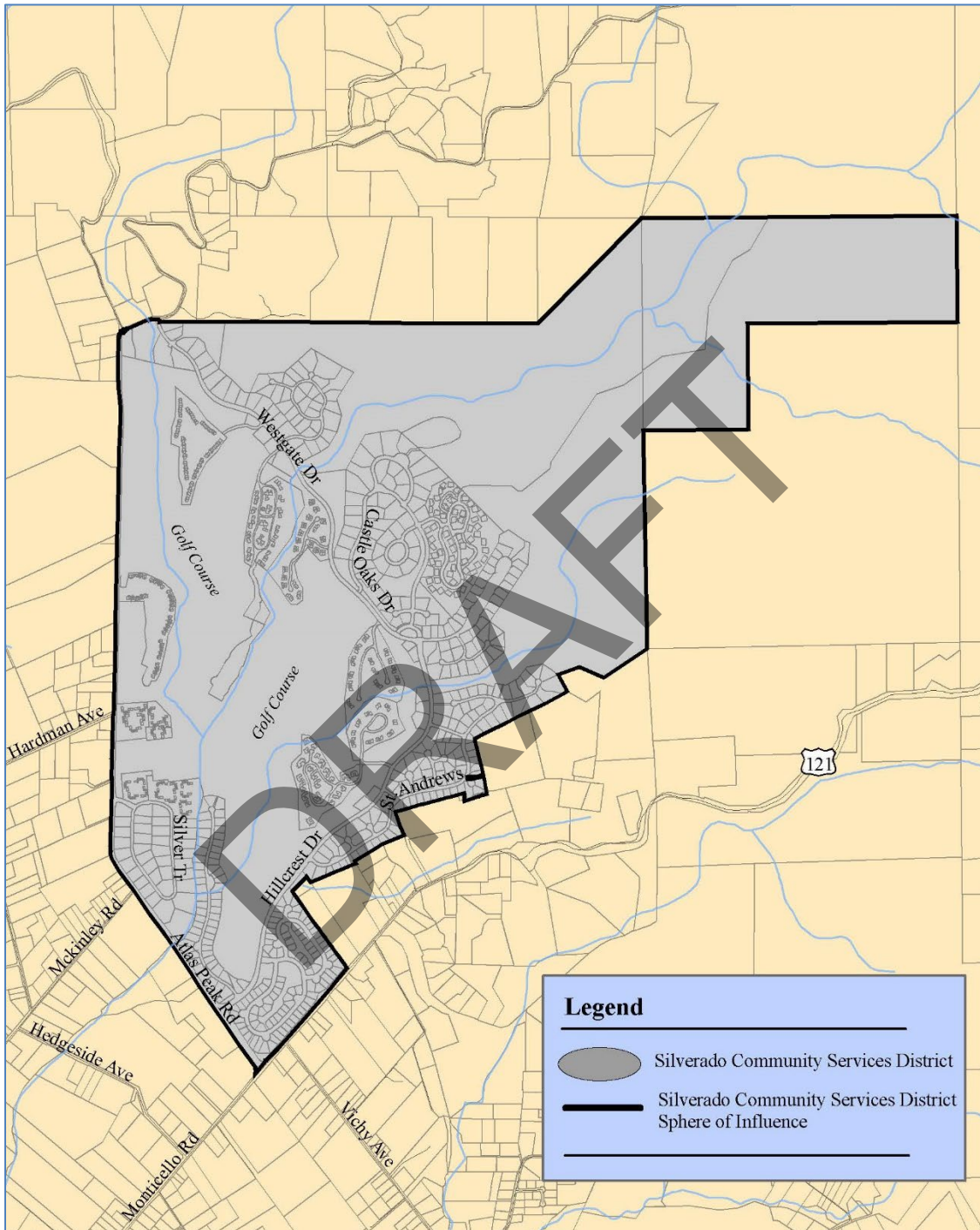
3. The present capacity of public facilities and adequacy of public services that the agency provides or is authorized to provide (Government Code 56425(e)(3)):

SCSD has demonstrated its ability to provide an adequate level of street lighting, street sweeping, landscape maintenance, and sidewalk improvement and maintenance services within its jurisdictional boundary and sphere of influence.

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)):

SCSD fosters social and economic interdependencies within the area by providing public services in support of the present and planned development of the Silverado Resort.

EXHIBIT THREE



From: [Gary Margadant](#)
To: [Freeman, Brendon](#)
Subject: Public Comment on SCSD draft MSR, 8/1/22 Lafco Meeting
Date: Thursday, July 28, 2022 10:51:19 PM
Attachments: [2014 MSR Silverado Community special district.pdf](#)
[8-1-22 8a SCSD DraftMSR-SOI SILVERADO MSD.pdf](#)

[External Email - Use Caution]

Hi Brendon

Please accept my comment on the Draft MSR for Silverado Community Services District (Silverado Country Club)

I believe there are several avenues and history of Water Review that were not included in this report. I also checked the 2014 MSR for SCSD and found little discussion on the history of water from all sources, which I feel are pertinent to the current MSR review. Within the district, water is sourced from many different supplies other than just Napa City.-

The current drought, groundwater use and aquifer depletion, riparian water rights-consumption and history and the use of Napa Sanitation Recycled Water, should all be part of this report if a full picture of water consumption, supplies and needs within the district are to be recognized in an accurate review.

I refer you to charts in the draft MSR. Chart 2. CAPACITY AND ADEQUACY OF PUBLIC FACILITIES AND SERVICES, a) should have been a YES. c) should have been a MAYBE. e) should have been a YES. f) is a possible MAYBE.

This draft report does not take into consideration the Country Club use and management of Riparian Water from Milliken Creek, Ground Water from Wells, or the use of Recycled Water, and the drought response from Napa City, the main supplier of Potable water to the district.

The Country Club use of riparian water from Milliken Creek was stopped by the California Water Resources Control Board due to a continued pumping rate that consumed all flowing water in the creek. The CC then moved to full use of Pumped Groundwater to irrigate the golf course grounds.

If the drought continues to restrict water recharge into the underground aquifers, and undesirable results become evident to the Napa County Sustainable Groundwater Agency (SGA) then the Agency may restrict Underground pumpings by the CC. What is their alternative supply?

The CC has refused to use Recycled water for Grounds irrigation, but that attitude may change if the other available water supplies are greatly compromised. Napa Valley Golf Course is currently using Recycled water on their course irrigation with no problems. The CC may be forced into a change of heart that may burden other supplies.

During a water shortage, will Napa City allow their potable water supply to be used for CC golf course irrigation? Will the ground irrigation needs force the CC to explore alternate water supplies that are not mentioned in this Letter or the MSR and will this need put

additional pressure on the current water supply from Napa City? I think the report should have started to address this quandary.

The next MSR is 5 years out, and that could be 5 additional years of drought and the continued depletion of all water sources.

Gary Margadant

4042 Mount Veeder Road

C [707.291.0361](tel:707.291.0361)

D. Silverado Community Services District

1.0 Overview

The Silverado Community Services District (SCSD) was formed in 1967 and originally authorized to provide a full range of municipal services to the Silverado area, consisting largely of a planned resort community located northeast of the City of Napa. Services actually activated following formation, however, were limited to water, street lighting, street sweeping, and landscape maintenance services. SCSD ceased providing water in 1977 when Napa purchased and assumed full control of the District’s water distribution system. SCSD expanded its services in 2010 with the approval of the Commission to include sidewalk improvements and maintenance; activities previously the responsibility of property owners.

SCSD currently has an estimated permanent resident service population of 1,321 within an approximate 1.8 square mile jurisdictional area. Given the majority of the community is used as vacation/second homes, it is estimated the resident service population more than doubles to 2,829 when fully occupied. An additional 870 guests add to the overnight population when the Silverado Resort is fully occupied.⁸⁴

Date Formed	1967
Enabling Legislation	Government Code 6100 et. seq.
Active Services	Street Lighting Street Sweeping Street Landscaping Sidewalk Improvements
Estimated Residential Service Population	1,321 (year-round) 2,829 (with second homes)

SCSD is presently organized as a dependent special district with the County Board of Supervisors serving as the official governing authority. However, and as provided under the principal act, the Board of Supervisors has established a municipal advisory committee (MAC) consisting of appointed registered voters to provide input and – in some areas – assume decision-making authority. County Public Works provides administrative services on behalf of SCSD and oversees all contracts with outside vendors for authorized services. The current operating budget is \$186,192. SCSD’s current unrestricted/unreserved fund balance is \$60,159 and is sufficient to cover nearly four months of general operating expenses.

2.0 Formation and Development

2.1 Community Need

Silverado was relatively undeveloped with the exception of a small number of adobe residential structures dating back to the early 1800s. A large residential estate was later built and served exclusively as a residence for various owners until it was purchased in the early 1950s by the Markovich Family for purposes of developing an 18-hole golf course on the surrounding grounds. The golf course was completed by the end of the decade and the residence converted to a clubhouse. The Markovich Family later sold the property – which at this date included the clubhouse and golf course – to Westgate Factors in early 1966 in anticipation of submitting a development plan with the County for subdivision of the remaining grounds into single-family residences. The subsequent development plan was approved by the County later the same year and provided for the construction of 1,393 private residential units. At the time of development, residential units were expected to be evenly divided between fulltime and seasonal occupancy along with the addition of extensive

⁸⁴ The Silverado Resort currently includes 435 overnight guestrooms.

commercial uses anchored by a year-round guest resort. The existing golf course was also reconfigured as part of the development plan to include two separate 18-hole sites: “North Course” and “South Course.”

2.2 Formation Proceedings

SCSD’s formation was approved by the Commission in January 1967 to facilitate the planned development of the Silverado area. The District was initially authorized to provide a wide range of municipal services including by water, sewer, and fire protection. Actual services activated following formation, however, were limited to water, street lighting, street sweeping, and landscape maintenance services. Sewer service was extended to the community through subsequent annexations to NSD as phases of the development were completed. As part of the formation proceedings, the County Board of Supervisors agreed to serve as the initial governing body of the District and assign Department Public Works staff to oversee service delivery within SCSD by entering into contracts with outside providers.⁸⁵ This included entering into an agreement with the City of Napa to furnish potable water supplies by means of an intertie between the two agencies’ distribution systems. This contract was later amended in 1970 to allow the City to assume full control of the water distribution system within SCSD.

2.3 Development Activities

Silverado’s planned development commenced in phases beginning in the late 1960s. Ten years after SCSD’s formation, there were an estimated 700 private residential units divided between single-family residences and condominiums with a projected fulltime resident population of 910. The Silverado Resort and its 435 guestrooms had also been constructed and officially opened in 1967. Subsequent revisions to the original development plan – which has changed twice over the last two decades – were approved at the request of the landowners and have reduced the total number of private residential units permitted for development from 1,393 to 1,095.

2.4 Previous Municipal Service Review

The Commission’s inaugural municipal service review on SCSD was completed in 2005 as part of a countywide lighting and landscaping services study. The municipal service review concluded SCSD appeared to be operating efficiently and in a fiscally sound manner with no significant infrastructure needs or deficiencies identified. The municipal service review also noted the unique governance structure of SCSD with the Board of Supervisors serving as the District Board while ultimately concluding the arrangement – while not traditional for these types of special districts – appears satisfactory given the active involvement of the MAC.

⁸⁵ Records also indicate the Napa County Flood Control and Water Conservation District provided staffing services on behalf of SCSD.

5.2 Population Density

SCSD's population density is estimated at 739 permanent residents per square mile. (Density increases to 1,572 when accounting for both primary and secondary residences.) This amount exceeds the average density rate for the entire unincorporated area of Napa County by twenty-fold while falling 83% below the average density rate for the City of Napa.

SCSD's population density is estimated at 739 residents for every square mile.

5.3 Social and Economic Indicators

A review of recent demographic information compiled by the United States Census Bureau indicates SCSD serves a significantly wealthier community given the median household income is \$151,000 and is more than double the median household income for all of Napa County. SCSD residents are also predominately homeowners with less than one-fifth currently renting. Further, residents are older with greater educational attainment than the population of the County as a whole based on a median age rate of 63 and a bachelor's degree completion rate of 70%.

Social and Economic Indicators within SCSD (American Community Surveys: Five Year Averages Between 2007-2011 / Napa LAFCO)		
Category	SCSD	County Average
Median Household Income	\$151,000	\$68,641
Owner-Occupied Residences	82.8%	63.3%
Renter-Occupied Residences	17.2%	36.7%
Median Housing Rent	n/a	\$1,279
Median Age	63.1	39.5
Prime Working Age (25-64)	43.6	52.9%
Unemployment Rate (Labor)	6.4%	5.2%
Persons Below Poverty Rate	0.0%	9.8%
Adults with Bachelor Degrees	70.0%	28.0%

* SCSD's jurisdictional boundary lies entirely within a stand-alone census designated place, Silverado CDP

6.0 Organizational Structure

6.1 Governance

SCSD's governance authority is provided under the Community Services District Act of 2006 ("principal act") and empowers the District to provide a full range of municipal services with the notable exception of exercising land use control.⁹⁰ The following list identifies the most common services community service districts are authorized to provide under the principal act with accompanying notations – active or latent – with regards to SCSD.

- Acquire, construct, improve, maintain and operate street lighting (active)
- Acquire, construct, improve, maintain, and operate street landscaping (active)
- Provide street cleaning (active)
- Acquire, construct, improve, and maintain streets, roads, bridges, curbs, drains, and sidewalks (active specific to sidewalks only)

⁹⁰ The principal act was originally enacted in 1951.

- Treat, store, and distribute water supplies (latent)
- Collect, treat, and dispose of sewage and storm water (latent)
- Drain and reclaim lands (latent)
- Provide police protection (latent)
- Provide fire protection (latent)
- Acquire, construct, improve, and operate recreation facilities and related services (latent)
- Collect, transfer, and dispose of solid waste (latent)
- Provide for the prevention, abate, and control of vectors and vector diseases (latent)
- Provide animal control services (latent)

SCSD has been governed since its formation in 1967 as a dependent special district with the County Board of Supervisors serving as its governing body. This arrangement – which is relatively unusual among community services districts – results in SCSD residents only electing one of the five District Board members given County Supervisors are elected by district. Regular meetings of the District Board are held quarterly on the first Tuesday of each applicable month and during scheduled adjournments of the Board of Supervisors at the County Administration Building. A current listing of Board members along with respective years experience follows.

Current SCSD Board Roster (Provided by SCSD)			
Member	Position	Background	Years on Board
Brad Wagenknecht	President	Educator	14
Mark Luce	Vice President	Chemical Engineer	7
Keith Caldwell	Member	Public Safety	5
Diane Dillon	Member	Attorney	10
Bill Dodd	Member	Business	12
<i>Average Years of Board Experience</i>			<i>10</i>

SCSD elections are based on a registered resident-voter system. The principal act specifies operations can be financed through user charges, general taxes, and voter-approved assessments.

As referenced in the preceding sections, SCSD has established a municipal advisory committee (MAC) to assist and inform the Board’s decisions with respect to District finances, policies, programs, and operations. The SCSD MAC includes 33 members, each of whom are appointed by a corresponding homeowner association within Silverado. SCSD MAC holds regular quarterly meetings open to the public on the third Friday at the Silverado Clubhouse. While not exercising any independent authority, in practice the SCSD MAC has significant influence with their recommendations generally followed by the Board of Supervisors acting as the SCSD Board. A current listing of SCSD MAC members follows.



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
Dawn Mittleman Longoria, Analyst II/Interim Clerk DML
MEETING DATE: October 3, 2022
SUBJECT: Proposed Big Ranch Road/Garfield Lane No. 2 Annexation to the
Napa Sanitation District and Associated CEQA Findings

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) Adopt the Resolution of the Local Agency Formation Commission of Napa County Making Determinations – Big Ranch Road/Garfield Lane No. 2 Annexation to the Napa Sanitation District (NSD) making California Environmental Quality Act (CEQA) findings and approving the proposed annexation (Attachment One). Standard conditions are also recommended.

BACKGROUND AND SUMMARY

Applicant: Landowner (petition)
Proposed Action: Annexation to NSD
Assessor Parcel Numbers: 038-170-008, 038-170-007, 038-160-009, 038-160-008, 038-160-006 & 038-160-014
Location: 2023, 2033, 2157, 2159 & 2175 Big Ranch Road, and 56 Garfield Lane
Area Size: 7.5 acres
Jurisdiction: City of Napa (“City”)
Sphere of Influence Consistency: Yes
Policy Consistency: Yes
Application: Attachment Two
Tax Sharing Agreement: Yes – master tax exchange agreement

Landowner Consent: 100%
Protest Proceedings: Waived
CEQA: Exempt
Current Land Uses: single-family residences, max development potential is 23 total lots
Purpose: Permanent connection to sewer service
Development Plans: Yes – additional residential units
Maps of Affected Territory: Following pages

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

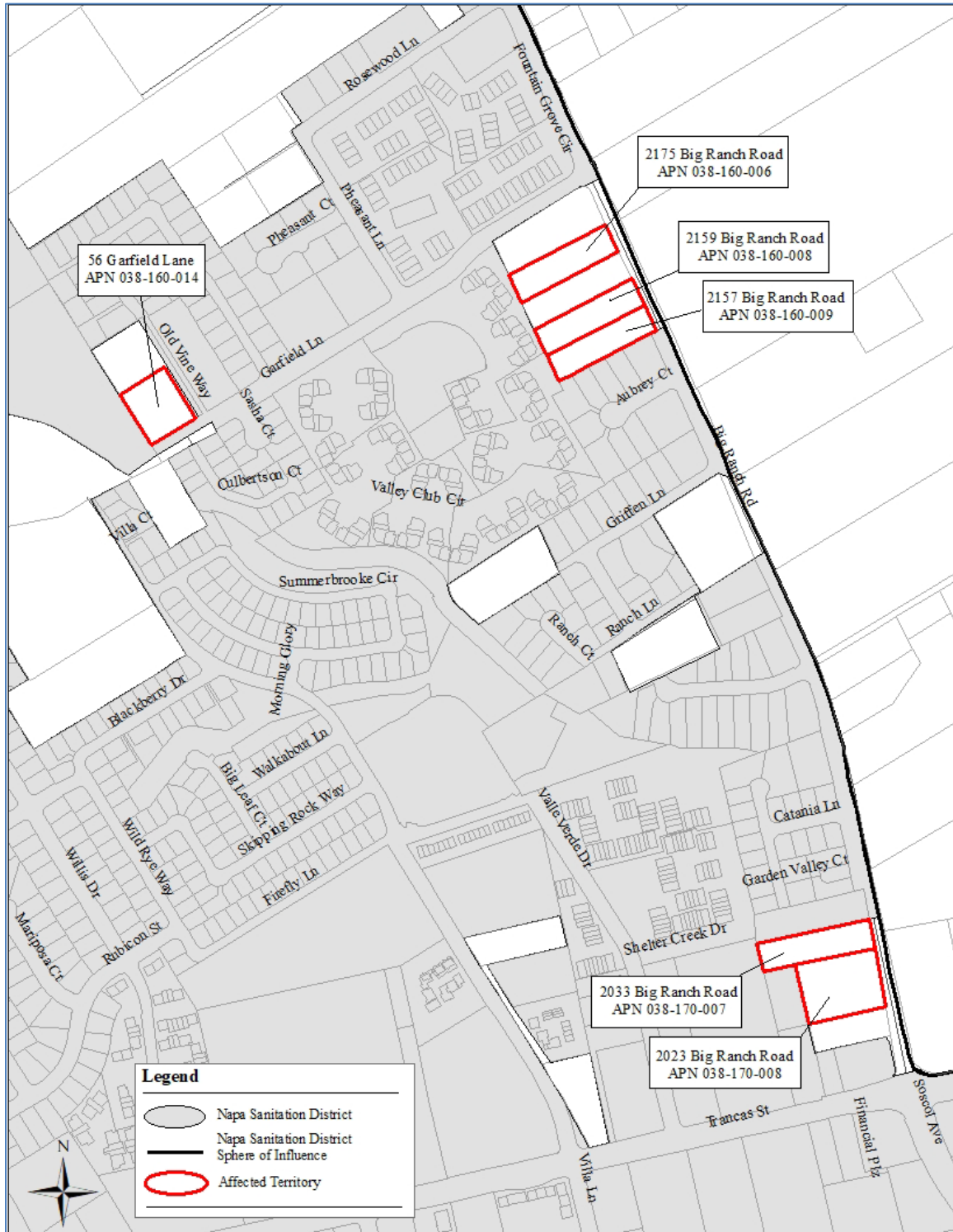
Brad Wagenknecht, Vice Chair
County of Napa Supervisor, 1st District
Diane Dillon, Commissioner
County of Napa Supervisor, 3rd District
Ryan Gregory, Alternate Commissioner
County of Napa Supervisor, 2nd District

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

Proposed Big Ranch Road/Garfield Lane No. 2 Annexation to the Napa Sanitation District

October 3, 2022

Page 2 of 6









DISCUSSION

Factors for Commission Determinations

Mandated Factors: Attachment Three¹

Property Tax Agreement

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

Protest Proceedings

Waived: 100% consent of property owners²

ENVIRONMENTAL REVIEW

Exemptions:

1. Installation of new pipeline less than one mile³
 - a. Current and future residential units would connect via sewer mains and/or laterals from existing sewer mains
2. Existing structures developed to density allowed in current zoning⁴
 - a. Any future development would require review and approval by the City

PROCEDURES FOR CONSIDERATION

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

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

ATTACHMENTS

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

¹ California Government Code sections 56668 & 56668.3

² California Government Code section 56663

³ CEQA Guidelines section 15282(k)

⁴ CEQA Guidelines section 15319

RESOLUTION NO. ____

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

**BIG RANCH ROAD/GARFIELD LANE NO. 2
ANNEXATION TO THE NAPA SANITATION DISTRICT**

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

WHEREAS, the proposal seeks Commission approval to annex approximately 7.5 acres of incorporated land to the Napa Sanitation District and represents six entire parcels located at 2023, 2033, 2157, 2159 & 2175 Big Ranch Road and 56 Garfield Lane, and identified by the County of Napa Assessor’s Office as 038-170-008, 038-170-007, 038-160-009, 038-160-008, 038-160-006 & 038-160-014, respectively, along with the adjacent portions of public rights-of-way on Big Ranch Road; and

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

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

WHEREAS, the Commission heard and fully considered all the evidence presented at a public meeting held on the proposal on October 3, 2022; and

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

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

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

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

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

1. The Factors for Commission Determinations provided in the Executive Officer’s written report are hereby incorporated herein by this reference and are adequate.
2. The underlying activity, annexation of the affected territory, is exempt from further review pursuant to CEQA Guidelines Section 15282(k), which exempts the installation of new pipeline as long as the project does not exceed one mile in length. The proposed annexation also qualifies for the statutory exemption from further review under CEQA Guidelines Section 15319, which exempts annexations to a city or special district of areas containing existing public or private structures developed to the density allowed by the current zoning or rezoning of either the gaining or losing environmental agency, whichever is more restrictive, provided, however, that the extension of utility services to the existing facilities would have a capacity to serve only the existing facilities. The records upon which these findings are made are located at the Commission’s administrative office located at 1754 Second Street, Suite C, Napa, California 94559.
3. The proposal is APPROVED subject to completion of item number 11 below.
4. This proposal is assigned the following distinctive short-term designation:

**BIG RANCH ROAD/GARFIELD LANE NO. 2
ANNEXATION TO THE NAPA SANITATION DISTRICT**

5. The affected territory is shown on the map and described in the geographic descriptions in the attached Exhibit “A”.
6. The affected territory so described is inhabited as defined in California Government Code section 56046.
7. The Napa Sanitation District utilizes the regular assessment roll of the County of Napa.
8. The affected territory will be taxed for existing general bonded indebtedness of the Napa Sanitation District.
9. The proposal shall be subject to the terms and conditions of the Napa Sanitation District.
10. The Commission waives conducting authority proceedings in accordance with California Government Code section 56663.

11. Recordation is contingent upon receipt by the Executive Officer of the following:
 - (a) A final map and geographic description of the affected territory determined by the County Surveyor to conform to the requirements of the State Board of Equalization.
 - (b) All outstanding Commission fees.
 - (c) Written confirmation from the Napa Sanitation District that it is acceptable to record a Certificate of Completion.
12. The effective date shall be the date of recordation of the Certificate of Completion. The Certificate of Completion must be recorded within one calendar year unless an extension is requested and approved by the Commission.
13. The Commission hereby directs staff to file a Notice of Exemption in compliance with CEQA.

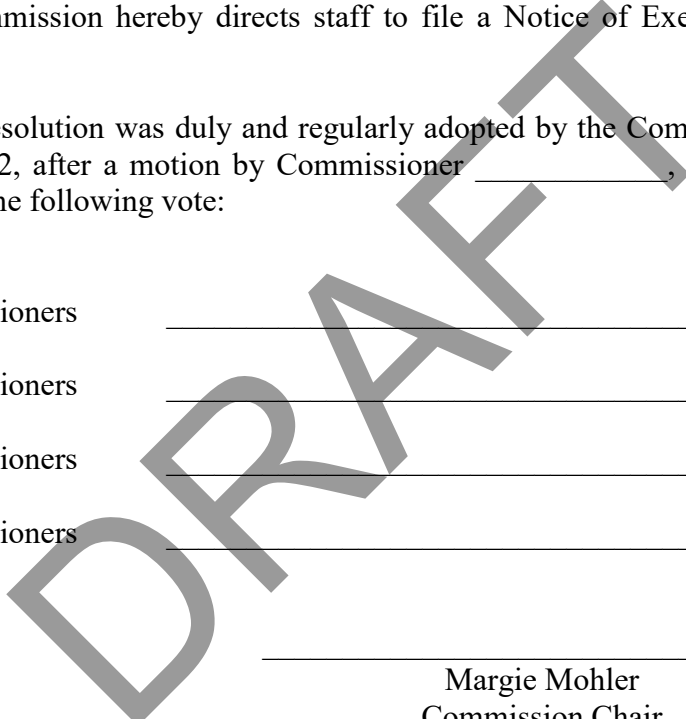
The foregoing resolution was duly and regularly adopted by the Commission at a public meeting held on October 3, 2022, after a motion by Commissioner _____, seconded by Commissioner _____, by the following vote:

AYES: Commissioners _____

NOES: Commissioners _____

ABSENT: Commissioners _____

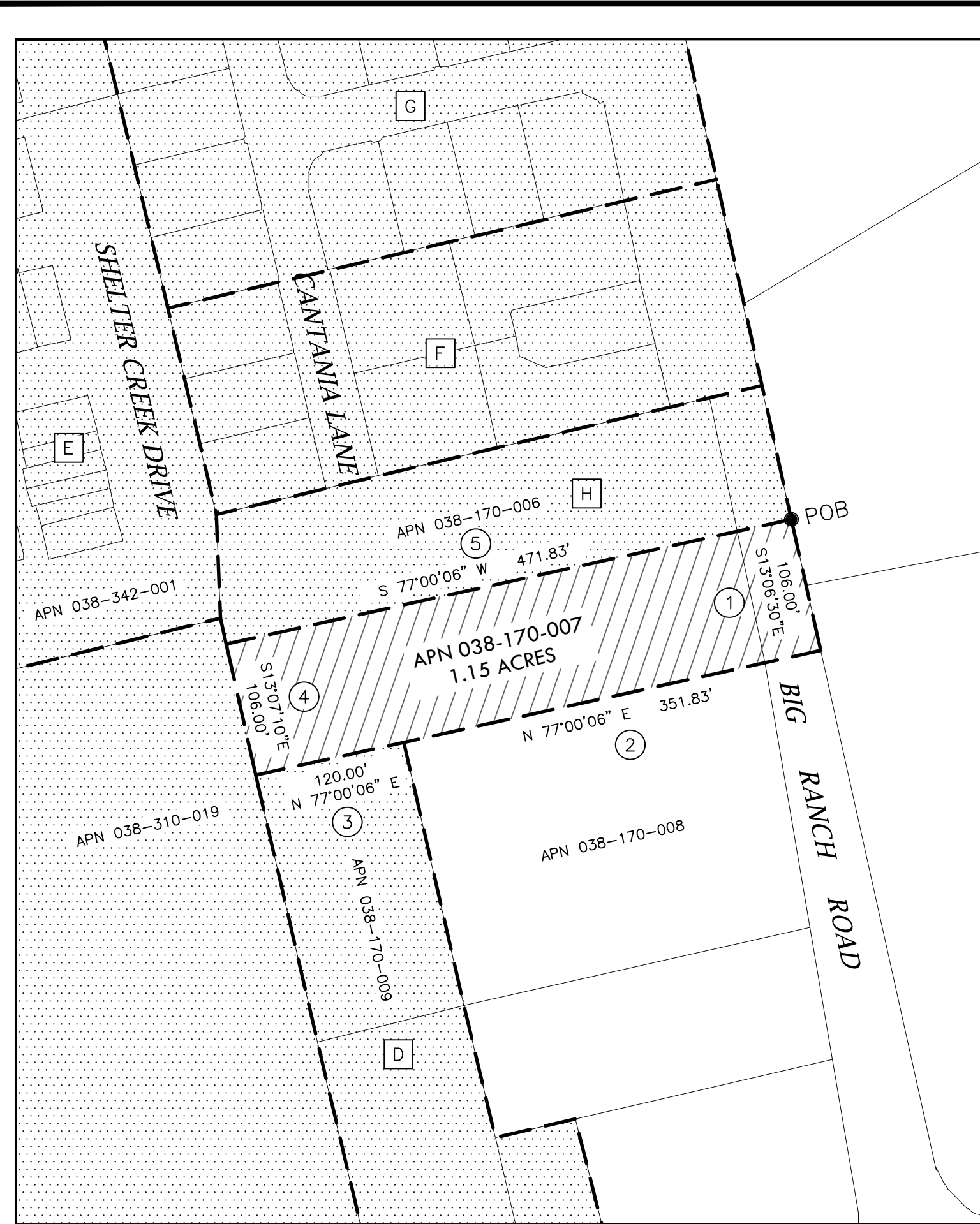
ABSTAIN: Commissioners _____



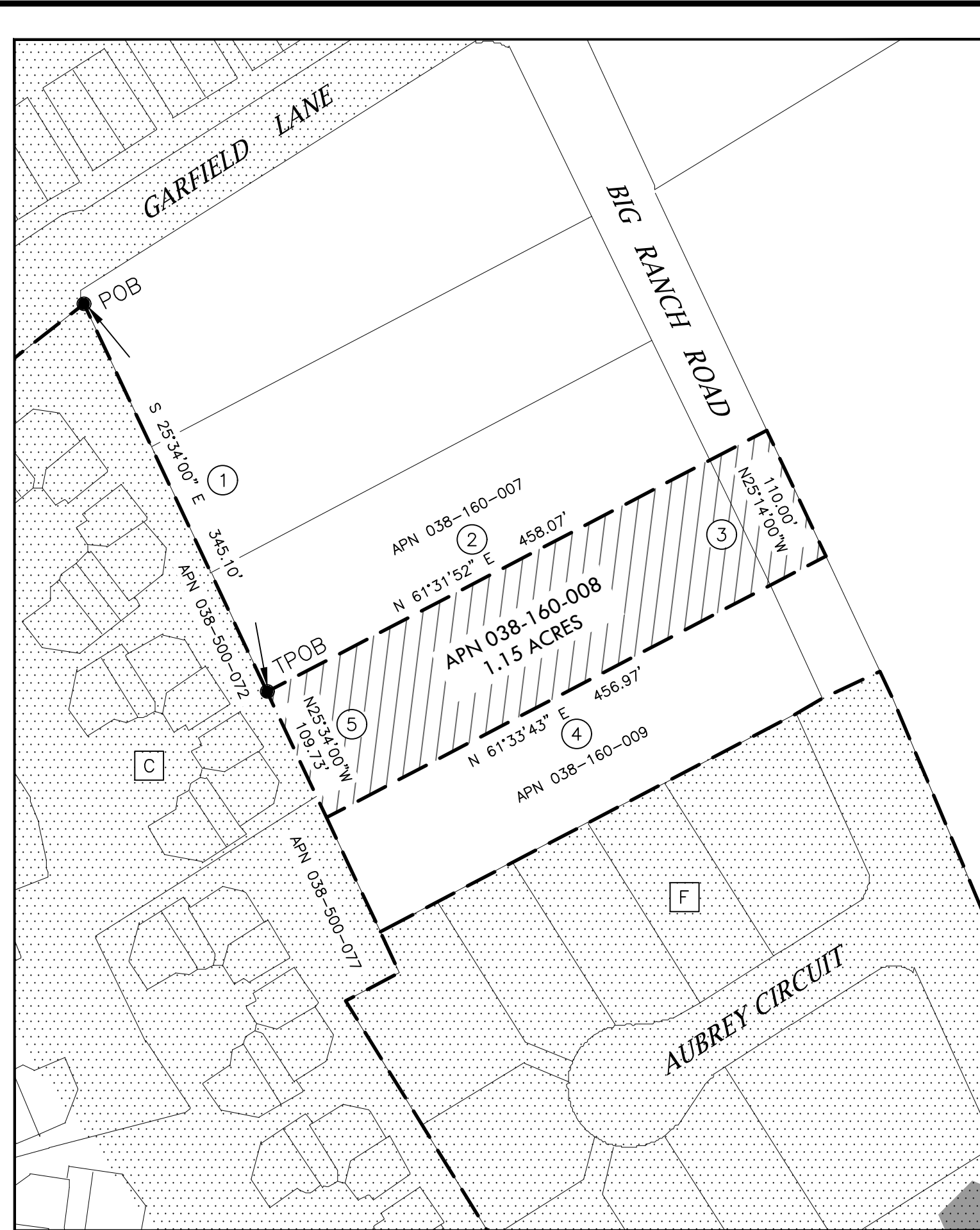
 Margie Mohler
 Commission Chair

ATTEST: _____
 Brendon Freeman
 Executive Officer

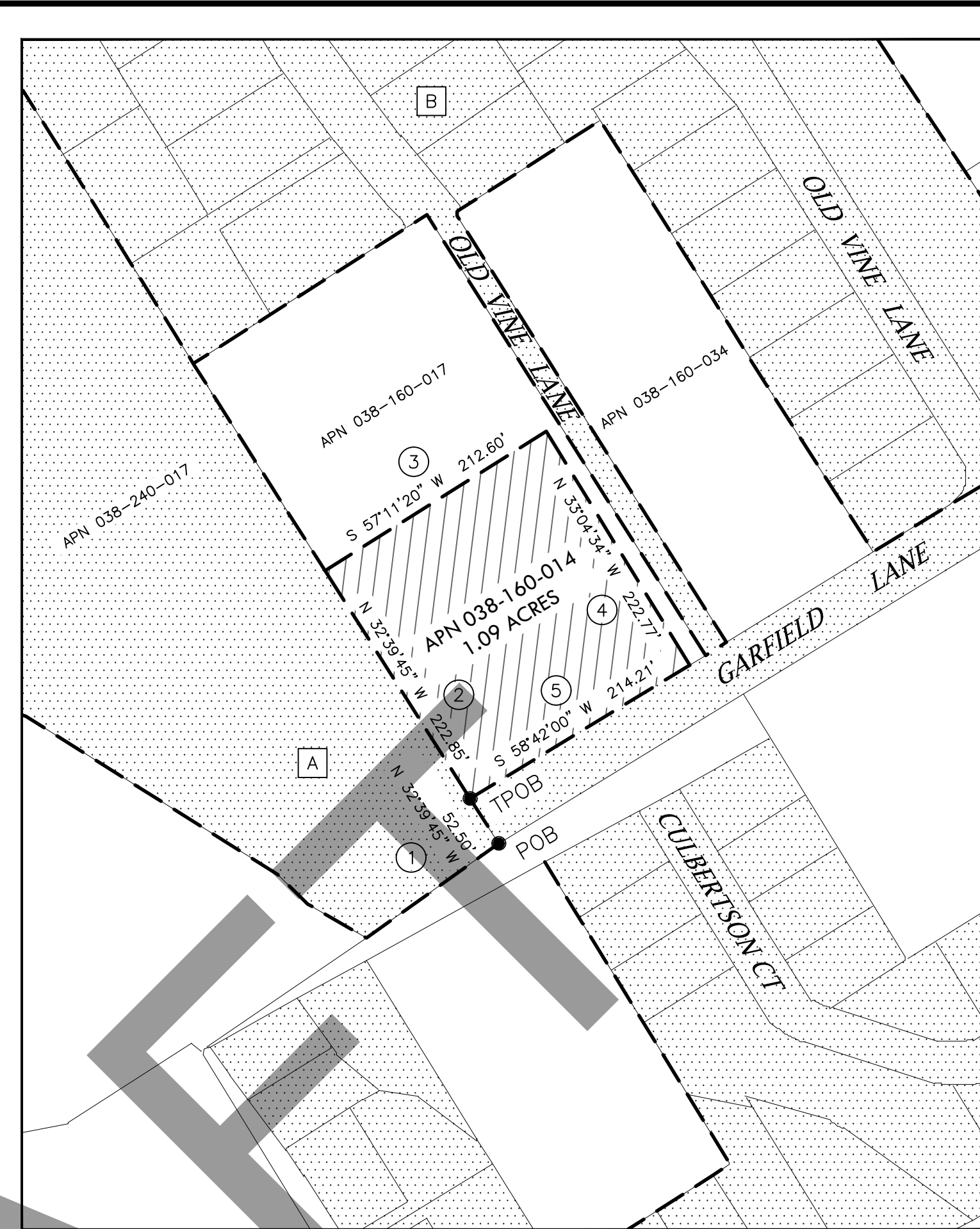
Recorded by: Dawn Mittleman Longoria
 Interim Commission Clerk



AREA 'A'
2033 BIG RANCH ROAD
APN 038-170-007



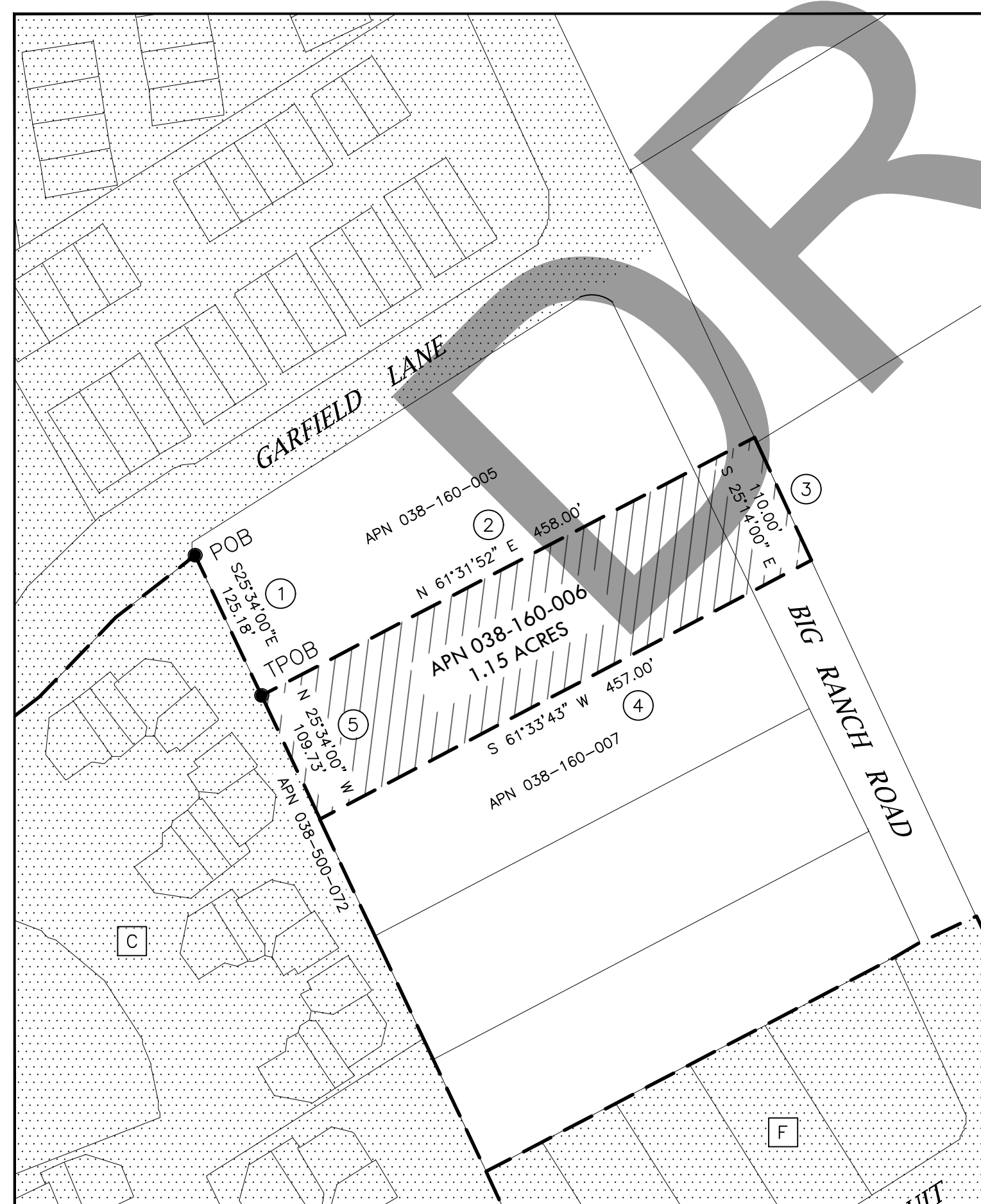
AREA 'B'
2159 BIG RANCH ROAD
APN 038-160-008



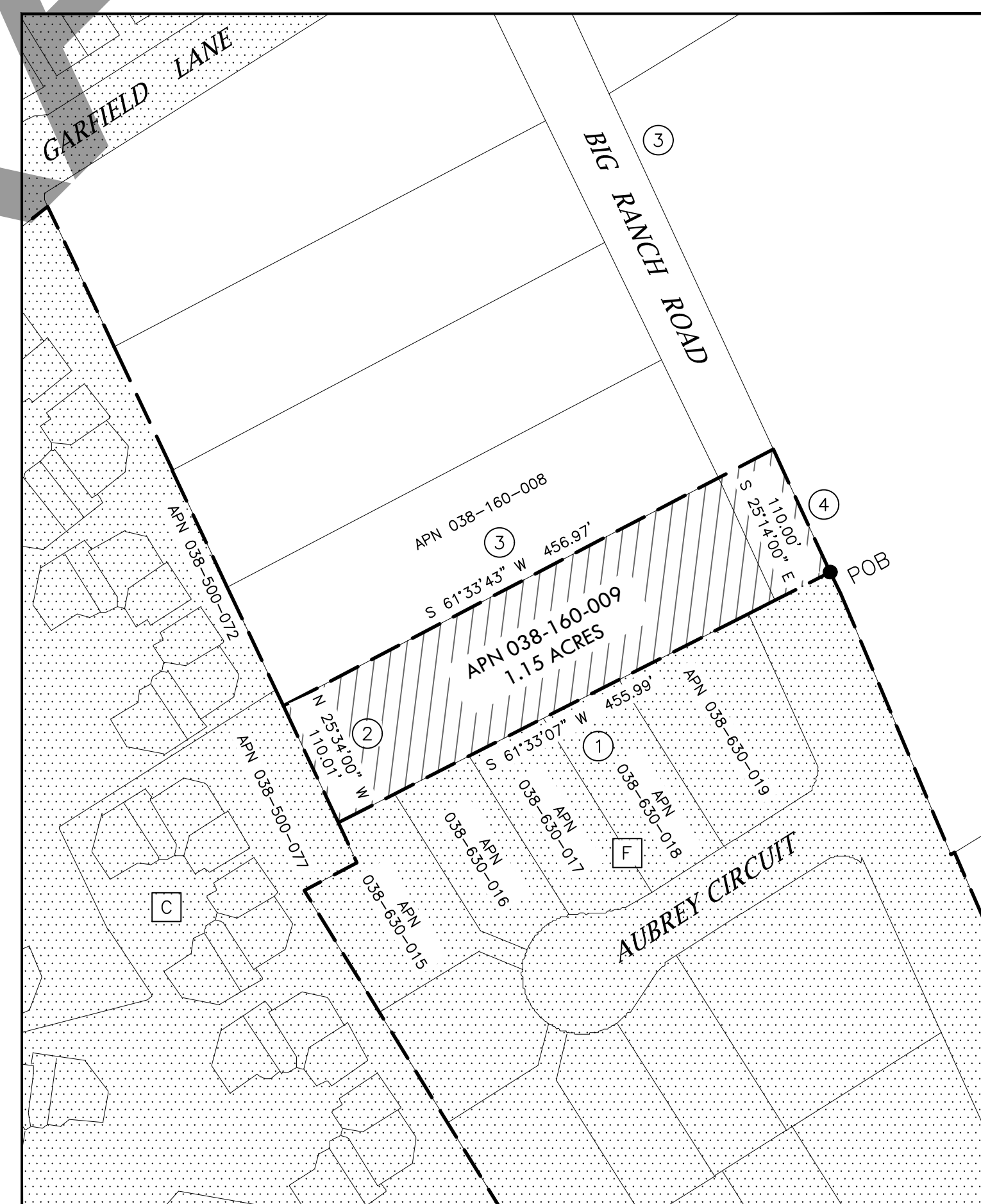
AREA 'C'
56 GARFIELD LANE
APN 038-160-014



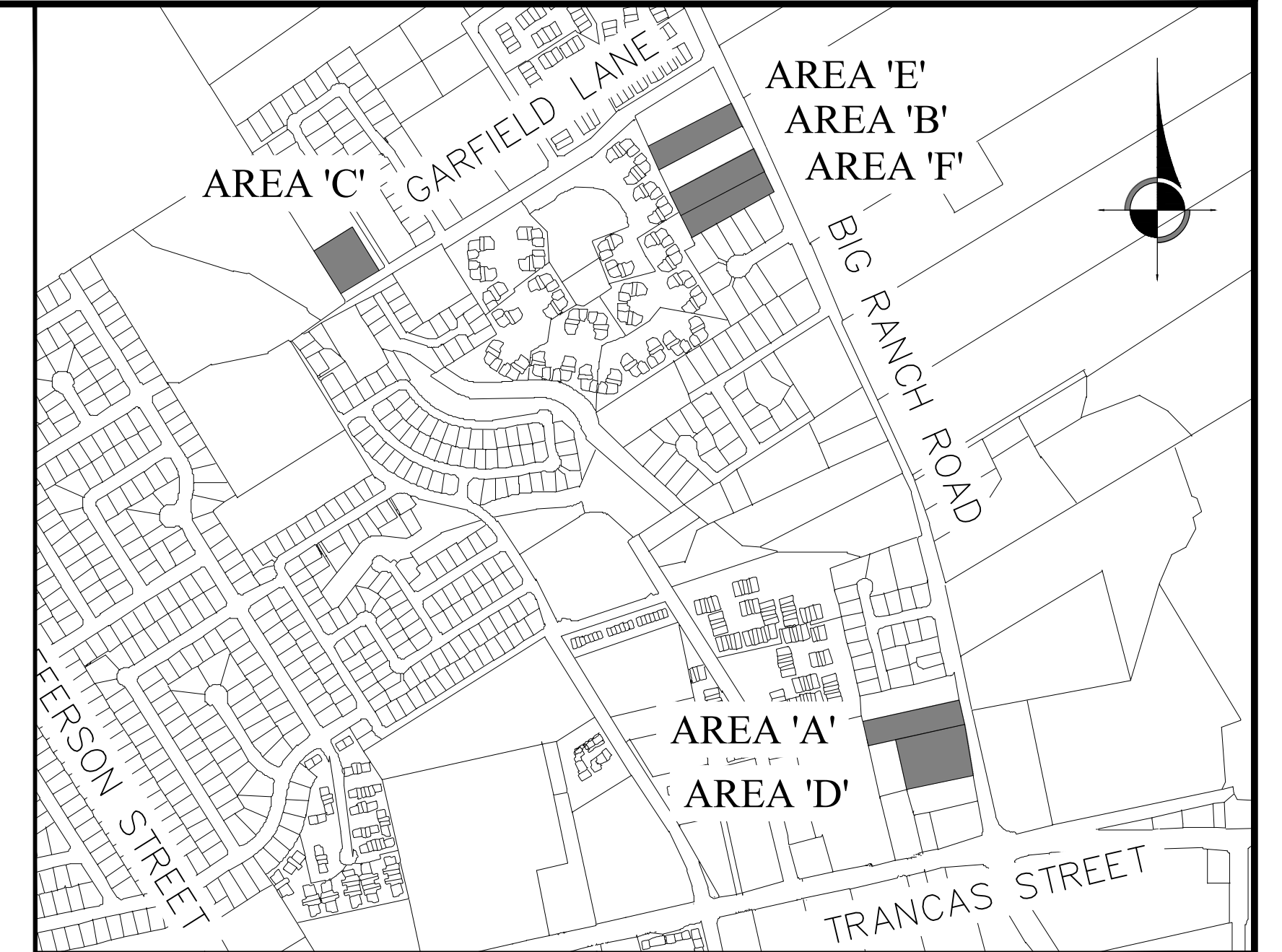
AREA 'D'
2033 BIG RANCH ROAD
APN 038-170-008



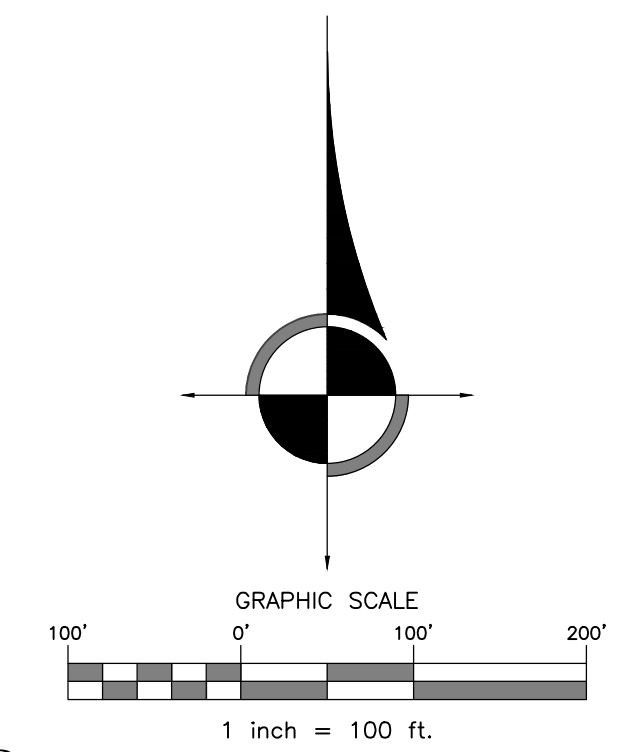
AREA 'E'
2175 BIG RANCH ROAD
APN 038-160-006



AREA 'F'
2157 BIG RANCH ROAD
APN 038-160-009



VICINITY MAP - SCALE 1" = 600'



LEGEND

- ADJACENT ANNEXATION BOUNDARY
- PROPOSED NSD ANNEXATION
- EXISTING NSD AREA
- POB POINT OF BEGINNING
- POC POINT OF COMMENCEMENT
- TPOB TRUE POINT OF BEGINNING

DISCLAIMER

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

ANNEXATION DISTRICTS:

- A** Garfield Lane/Salvador Channel #2 District Annexation-NSD (NSD resolution No. 6315)
- B** Garfield Lane District Annexation - NSD (LAFCO resolution 01-05)
- C** Garfield Lane/Salvador Channel District Annexation-NSD (NSD resolution No. 6663)
- D** Norris Annexation (1970 NO.9)
- E** Schrette Annexation District (1969)
- F** Big Ranch Road District Annexation - NSD (LAFCO resolution 01-06)
- G** Big Ranch Road No. 2 District Annexation Napa Sanitation district (LAFCO resolution 03-16)
- H** Big Ranch Road No. 3 Napa Sanitation District (LAFCO resolution 05-24)
- I** Big Ranch Road No. 4 Napa Sanitation District (LAFCO resolution 10-07)

Job Name: BIG RANCH ROAD/GARFIELD LANE NO 2 ANNEXATION	CHECKED BY: AHS
Description: ANNEXATION PLAT CITY OF NAPA, COUNTY OF NAPA PORTION OF NAPA RANCHO	PROJECT NUMBER: 2022-___-NAP
	SCALE: 1" = 100'
	DATE: JUL 30, 2022
	SHEET: 1 of 1

RIECHERS ENGINEERING
572 GATEWAY DRIVE, NAPA CA 94558
707-690-4425
WWW.RIECHERSENGINEERING.COM

Big Ranch Road/Garfield Lane No. 2 annexation

Annexation to the Napa Sanitation District

Geographic Description

All that certain real property situated in the City of Napa, County of Napa, State of California, described as follows:

Beginning at the most northern corner of the existing Big Ranch Road District Annexation to the Napa Sanitation District recorded on February 15, 2002 at series 2002-0006727 in the office of the Napa County Recorder, said point being on the east line of Big Ranch Road;

Thence, (1) S 61° 49' W, 455.71 feet more or less, along the northern line of said Big Ranch Road District Annexation to a point on the east side of the Garfield Lane/Salvador Channel District Annexation;

Thence, along said east line (2) N 25° 34' W, 109.96 feet;

Thence, leaving said eastern line (3) N 61° 33' 43 E, 456.97 feet more or less to the east side of Big Ranch Road;

Thence, (4) along said east side of Big Ranch Road S 25° 14' W, 110 feet more or less to the **Point of Beginning**,

Containing 1.15 acres of land more or less

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

Big Ranch Road/Garfield Lane No. 2 annexation

Annexation to the Napa Sanitation District

Geographic Description

All that certain real property situated in the City of Napa, County of Napa, State of California, described as follows:

Commencing at the most eastern corner of the existing Garfield Lane/Salvador Channel #2 District Annexation to the Napa Sanitation District recorded on November 29, 1984 in volume 1365 at page 851 in the office of the Napa County Recorder;

Thence, (1) N 32° 39' 46" W, along the east line of said Garfield Lane/Salvador #2 Channel District Annexation to the north side of Garfield Lane, said point being **True Point of Beginning**;

Thence, continuing along said east line (2) N 32° 39' 46" W, 222.85 feet;

Thence, leaving said east line of said Garfield Lane/Salvador #2 Channel District Annexation (3) N 57° 11' 20" E, 212.60 feet;

Thence, (4) S 33° 04' 34" E, 222.77 feet to a point on the north side of the Garfield Lane;

Thence (5) S 57° 10' W, 214.21 feet, along the north side of Garfield Lane to the **Point of Beginning**,

Containing 1.09 acres of land more or less

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

Big Ranch Road/Garfield Lane No.2

Annexation to the Napa Sanitation District

Geographic Description

All that certain real property situated in the City of Napa, County of Napa, State of California, described as follows:

Beginning at the most northern corner of the existing Norriss Annexation (1970 No.9) to the Napa Sanitation District;

Thence, (1) N 77° E, 352 feet to a point on the east line of Big Ranch Road;

Thence, along said east line of Big Ranch Road (2) S 13° 15' E, 226.35 feet;

Thence, (3) S 77° W, 352 feet to a point on the existing Norriss Annexation,;

Thence, (4) along the east line of the Norriss Annexation, N 13' 15' W, 226.35 feet to the **Point of Beginning**,

Containing 1.83 acres of land more or less

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

Big Ranch Road/Garfield Lane No. 2 annexation

Annexation to the Napa Sanitation District

Geographic Description

All that certain real property situated in the City of Napa, County of Napa, State of California, described as follows:

Commencing at the northeast corner of the existing Garfield Lane/Salvador Channel District Annexation to the Napa Sanitation District recorded on August 7, 1986 in volume 1459 at page 148 in the office of the Napa County Recorder, said point being on the south line of Garfield Lane;

Thence, (1) S25° 34' E, 125.18 feet along said east line of said Garfield Lane/Salvador Channel District Annexation to the **True Point of Beginning** ;

Thence, leaving said east line (2) N 61° 31' 52" E, 458 feet more or less to the east side of Big Ranch Road;

Thence, (3) S 25° 14' E, 110 feet along the east side of Big Ranch Road;

Thence, (4) leaving said east side of Big Ranch Road S 61° 33' 43" W, 457 feet more or less to a point on the east side of the Garfield Lane/Salvador Channel District Annexation;

Thence (5) N25°34' W, 109.73 feet, along said existing district boundary to the **Point of Beginning**,

Containing 1.15 acres of land more or less

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

Big Ranch Road/Garfield Lane No. 2 annexation

Annexation to the Napa Sanitation District

Geographic Description

All that certain real property situated in the City of Napa, County of Napa, State of California, described as follows:

Commencing at the northeast corner of the existing Garfield Lane/Salvador Channel District Annexation to the Napa Sanitation District recorded on August 7, 1986 in volume 1459 at page 148 in the office of the Napa County Recorder, said point being on the south line of Garfield Lane;

Thence, (1) S25° 34' E, 345.10 feet along said east line of said Garfield Lane/Salvador Channel District Annexation to the **True Point of Beginning** ;

Thence, leaving said east line (2) N 61° 31' 52" E, 458.07 feet to the east side of Big Ranch Road;

Thence, (3) S 25° 14' E, 110 feet along the east side of Big Ranch Road;

Thence, (4) leaving said east side of Big Ranch Road S 61° 33' 43" W, 456.97 feet to a point on the east side of the Garfield Lane/Salvador Channel District Annexation;

Thence (5) N25°34' W, 109.73 feet, along said existing district boundary to the **Point of Beginning**,

Containing 1.15 acres of land more or less

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

Big Ranch Road/Garfield Lane No.2

Annexation to the Napa Sanitation District

Geographic Description

All that certain real property situated in the City of Napa, County of Napa, State of California, described as follows:

Beginning at the most eastern corner of the existing Big Ranch Road No. 4 Annexation to the Napa Sanitation District recorded on May 26 2010 in series 2010-0011797 in the office of the Napa County Recorder, also said point being on the east line of Big Ranch Road;

Thence, (1) S13° 06' 30" E, 106 feet along said east line of Big Ranch Road;

Thence, leaving said east line (2) S 77° 00' 06" W, 351.83 feet to the northeast corner of the existing Norriss Annexation;

Thence, (3) S 77° 00' 06"W, 120 feet to the northwest corner of the existing Norriss Annexation, said point being on the existing E.V. Tobin Property Annexation;

Thence, (4) N 13' 07' 10" W, 106 feet along said existing district boundary to the southwest corner of the existing Big Ranch Road No. 4 Annexation District;

Thence (5) N77° 00'06" E, 471.83 feet, along said existing district boundary to the **Point of Beginning**,

Containing 1.15 acres of land more or less

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

For Staff Use

FORM D

Date Filed: 7/29/22
Proposal Name: Big Ranch/Garfield #2

PROPOSAL APPLICATION
Change of Organization/Reorganization

I. APPLICANT INFORMATION

A. Name: Peter Riechers Riechers Engineering
 Contact Person Agency/Business (If Applicable)
 Address: 572 Gateway Drive Napa 94558
 Street Number Street Name City Zip Code
 Contact: 707-690-4425 Peter@RiechersEngineering.com
 Phone Number Facsimile Number E-Mail Address

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

II. PROPOSAL DESCRIPTION

A. Affected Agencies: Napa Sanitation District 1515 Soscol Ferry Road, Napa, CA 94558
 Name Address
 Name Address
 Name Address

Use Additional Sheets as Needed

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

C. Purpose Statement: (Specific)
 Annex certain real property to the Napa Sanitation District

D. Land Use Factors:

- (1a) County General Plan Designation: N/A
- (1b) County Zoning Standard: N/A
- (2a) Applicable City General Plan Designation: SFR-33
- (2b) Applicable City Pre-zoning Standard:
(Required for City Annexations) RS-5 & RS-10

E. Existing Land Uses: Residential
(Specific)

F. Development Plans:

- (1a) Territory Subject to a Development Project? Yes No

(1b) If Yes, Describe Project: SB9 Urban Lot Split
Dividing the parcel into two parcels

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

G. Physical Characteristics:

(1) Describe Topography: Flat

(2) Describe Any Natural Boundaries: Big Ranch Road to the east

(3) Describe Soil Composition and Any Drainage Basins: Napa River Drainage basin
Soil is generally silty clay

(4) Describe Vegetation: scrubby oak lands

H. Williamson Act Contracts
(Check One)

Yes

No

III. GENERAL INFORMATION

A. Location:	2023 Big Ranch Road	038-170-008	1.83
	Street Address	Assessor Parcel Number	Acres
	2157 Big Ranch Road	038-160-009	1.15
	Street Address	Assessor Parcel Number	Acres
	Street Address	Assessor Parcel Number	Acres
	Street Address	Assessor Parcel Number	Acres
			Total Location Size (Including Right-of-Ways) <u>2.98</u>

B. Landowners:

- (1) Assessor Parcel Number : 038-170-008 Name: Todd Morse
 Mailing Address: 2023 Big Ranch Road
 Phone Number: 650-823-3435 E-mail: tjmorse@aol.com
- (2) Assessor Parcel Number : 038-160-009 Name: Mitchell Davis
 Mailing Address: 2157 Big Ranch Road
 Phone Number: 707-687-8698 E-mail: deliwynm@yahoo.com
- (3) Assessor Parcel Number : _____ Name: _____
 Mailing Address: _____
 Phone Number: _____ E-mail: _____
- (4) Assessor Parcel Number : _____ Name: _____
 Mailing Address: _____
 Phone Number: _____ E-mail: _____

Use Additional Sheets As Needed

C. Population:

- (1) Total Number of Residents: 4
- (2) Total Number of Registered Voters: 4

III. GENERAL INFORMATION

A. Location:	Street Address	Assessor Parcel Number	Acres
	2033 Big Ranch Road	038-170-007	1.15
	2159 Big Ranch Road	038-160-008	1.15
	56 Garfield Lane	038-160-014	1.09
	2175 Big Ranch Road	038-160-006	1.15
Total Location Size (Including Right-of-Ways)			4.54

B. Landowners:

- (1) Assessor Parcel Number : 038-170-007 Name: MAYEN H SHUEH
 Mailing Address: 2033 Big Ranch Road
 Phone Number: 707-363-2174 E-mail: jn42@comcast.net
- (2) Assessor Parcel Number : 038-160-008 Name: Eric Schmitt
 Mailing Address: 2159 Big Ranch Road
 Phone Number: 707-552-0739 E-mail: Eric@Schmittcompany.com
- (3) Assessor Parcel Number : 038-160-014 Name: Robert Lockhart
 Mailing Address: 56 Garfield Lane
 Phone Number: 707-337-9412 E-mail: TheLockhart77@gmail.com
- (4) Assessor Parcel Number : 038-160-006 Name: Maria Ruggirello
 Mailing Address: 2175 Big Ranch Road
 Phone Number: 707-287-6242 E-mail: Ruggirello1@yahoo.com

Use Additional Sheets As Needed

C. Population:

- (1) Total Number of Residents: 8
- (2) Total Number of Registered Voters: 8

IV. GOVERNMENTAL SERVICES AND CONTROLS

A. Plan For Providing Services:

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

Sanitary sewer hookup and service

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

Standard sewer service typical of residential buildings

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

service can be extended as soon as annexation is complete

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

Construct extension of 6" or 8" sanitary sewer mains

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

Private donations

V. ENVIRONMENTAL INFORMATION

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

(1) Lead Agency for Proposal: LAFCO
Name

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

Environmental Impact Report

Negative Declaration/Mitigated Negative Declaration

Categorical/Statutory Exemption: Statutory exemption: CEQA Guidelines Section 15282(k) and Categorical exemption 15319
Type

None

Provide Copies of Associated Environmental Documents

VI. ADDITIONAL INFORMATION

A. Approval Terms and Conditions Requested For Commission Consideration:

Use Additional Sheets As Needed

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

(1) Recipient Name: _____

Mailing Address: _____

E-Mail: _____

(2) Recipient Name: _____

Mailing Address: _____

E-Mail: _____


(3) Recipient Name: _____

Mailing Address: _____

E-Mail: _____

VII. CERTIFICATION

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

Signature: 

Printed Name: PETER RIECHERS

Title: APPLICANT

Date: 7-23-2022

FACTORS FOR COMMISSION CONSIDERATION

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

FACTOR TO CONSIDER	COMMENT
1. Population and density [§56668(a)]	Consistent: Population 12 (legally inhabited)
2. Land area and land use [§56668(a)]	Consistent: 7.5 acres, single-family residences Jurisdiction: City of Napa, <i>Vintage</i> Planning Area
3. Assessed valuation [§56668(a)]	Consistent: Land: \$3,670,087 Structural improvements: \$2,782,465
4. Topography, natural boundaries and drainage basins [§56668(a)]	Consistent: Relatively flat: 2 to 9 percent slopes Drainage basin: <i>Napa River – Salvador Channel</i>
5. Proximity to other populated areas [§56668(a)]	Consistent: Adjacent lands surrounding the affected territory are generally in the City of Napa and are developed or have residential use designations in the General Plan
6. Likelihood of significant growth in the area, adjacent areas during next 10 years [§56668(a)]	Consistent: City General Plan designation and zoning could allow up to 23 total residential lots; future subdivision would require analysis and approval by the City
7. Need for government services [§56668(b)]	Consistent: Existing City services provided at adequate levels: Water, fire and emergency protection, law enforcement Additional service: Connection to sewer to reduce dependence on septic systems and facilitate future development
8. Government services present cost, adequacy and controls in area [§56668(b)]	Consistent: Analysis: Central County Region Municipal Service Review adopted in 2014 and Napa Countywide Water Wastewater MSR Updated 10-4-21
9. Government services probable future needs and controls in area [§56668(b)]	Consistent: Analysis: Central County Region Municipal Service Review adopted in 2014 and Napa Countywide Water Wastewater MSR Updated 10-4-21

<p>10. Government services effect of proposal on cost, adequacy and controls in area and adjacent areas [§56668(b)]</p>	<p>Consistent: Analysis: Central County Region Municipal Service Review adopted in 2014 and Napa Countywide Water Wastewater MSR Updated 10-4-21</p>
<p>11. Effects on adjacent areas, on mutual social and economic interests, and on local governmental structure in the County [§56668(c)]</p>	<p>Consistent: Area included in NSD SOI since 1975</p>
<p>12. Effects on planned efficient patterns of urban development [§56668(d)]</p>	<p>Consistent: City General Plan land use designation: <i>SFR-33C, -33J, -33K & -33L (Single Family Residential, 3 to 6, 0 to 3, 0 to 2 & 3 to 6 lots per acre, respectively)</i></p>
<p>13. Effects on maintaining physical and economic integrity of agricultural lands [§56668(e)]</p>	<p>Consistent: Within City RUL, not designated for agricultural or open space use</p>
<p>14. Boundaries: logical, contiguous, not difficult to serve, definite and certain [§56668(f)]</p>	<p>Consistent: Six total parcels located within three separate areas, existing residences</p>
<p>15. Conformance to lines of assessment, ownership [§56668(f)]</p>	<p>Consistent: Six parcels: APNs 038-160-006, 038-160-008, 038-160-009, 038-160-014, 038-170-007 & 038-170-008</p>
<p>16. Creation of islands, corridors, irregular boundaries [§56668(f)]</p>	<p>Consistent: Would reduce the size of three existing pockets of territory surrounded by NSD's boundary</p>
<p>17. Consistency with regional transportation plan [§56668(g)]</p>	<p>Consistent: No specific projects in regional transportation plan (RTP), <i>Plan Bay Area 2050</i></p>
<p>18. Consistency with city or county general and specific plans [§56668(h)]</p>	<p>Consistent: City General Plan designation: <i>SFR-33C, -33J, -33K & -33L (Single Family Residential, 3 to 6, 0 to 3, 0 to 2 & 3 to 6 lots per acre, respectively)</i> City Zoning: <i>RS-5, -10 & -20 (Residential Single, minimum lot size 5,000, 10,000 & 20,000 sq. ft., respectively)</i></p>

19. Consistency with spheres of influence [§56668(i)]	Consistent: Within NSD SOI since 1975
20. Comments from affected agencies and other public agencies [§56668(j)]	Consistent: No comments received
21. Ability of agency to provide service including sufficiency of revenues [§56668(k)]	Consistent: Analysis: Central County Region Municipal Service Review adopted in 2014 and Napa Countywide Water Wastewater MSR Updated 10-4-21
22. Timely availability of adequate water supply [§56668(l)]	Consistent: Analysis: Central County Region Municipal Service Review adopted in 2014 and Napa Countywide Water Wastewater MSR Updated 10-4-21
23. Fair share of regional housing needs [§56668(m)]	Consistent: Neutral until possible future subdivisions
24. Information or comments from landowners, voters, or residents in proposal area [§56668(n)]	Consistent: 100% consent of landowners
25. Existing land use designations [§56668(o)]	Consistent: City General Plan designation: <i>SFR-33C, -33J, -33K & -33L (Single Family Residential, 3 to 6, 0 to 3, 0 to 2 & 3 to 6 lots per acre, respectively)</i> City Zoning: <i>RS-5, -10 & -20 (Residential Single, minimum lot size 5,000, 10,000 & 20,000 sq. ft., respectively)</i>
26. Effect on environmental justice [§56668(p)]	Consistent: No documentation or evidence suggesting the proposal will have any implication
27. Safety Element of GP concerns; identified as very high fire hazard zone [§56668(q)]	Consistent: Not located in a high fire hazard zone or a state responsibility area
28. Special district annexations: for the interest of landowners or inhabitants within the district and affected territory [§56668.3(a)(1)]	Consistent: Proposal approval would benefit current and future inhabitants by providing permanent access to public sewer service



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 7a (Action)

TO: Local Agency Formation Commission
PREPARED BY: Brendon Freeman, Executive Officer BF
Dawn Mittleman Longoria, Analyst II/Interim Clerk DML
MEETING DATE: October 3, 2022
SUBJECT: Proposed Penny Lane No. 5 Reorganization and Associated CEQA Findings

RECOMMENDATION

Adopt the Resolution of the Local Agency Formation Commission of Napa County Making Determinations – Penny Lane No. 5 Reorganization (Attachment One) making California Environmental Quality Act (CEQA) findings and approving the proposed reorganization for annexation to the City of Napa (“City”) and detachment from County Service Area (CSA) No. 4. Standard conditions are also recommended.

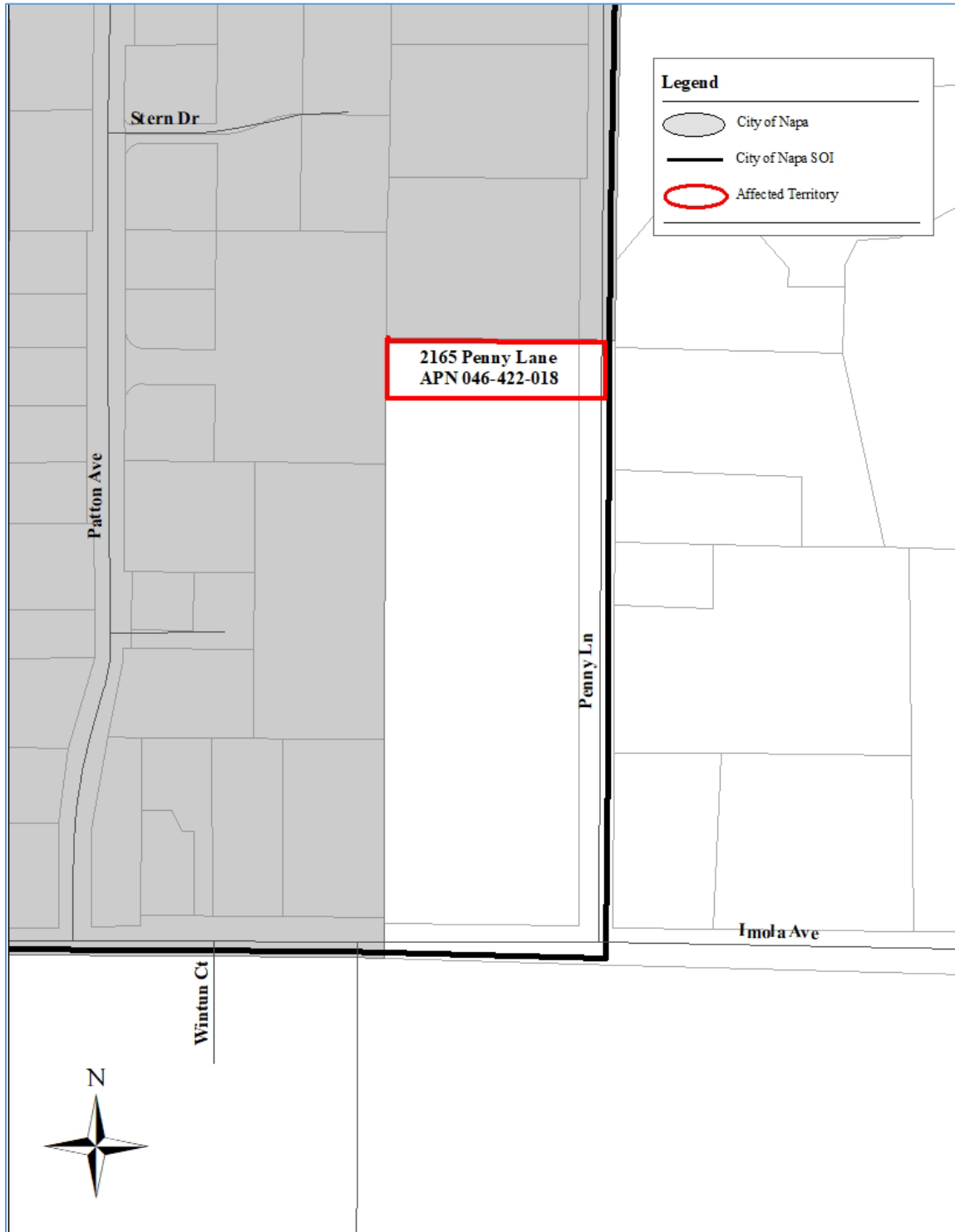
BACKGROUND AND SUMMARY

Applicant: Landowner (petition)
Proposed Actions: Annexation to the City and detachment from CSA No. 4
Assessor Parcel Number: 046-422-018
Location: 2165 Penny Lane and adjacent portion of public right-of-way
Area Size: 0.37 acres
Jurisdiction: Unincorporated
Sphere of Influence Consistency: Yes
Policy Consistency: Yes
Tax Sharing Agreement: Yes – master tax exchange agreement
Landowner Consent: 100%
Protest Proceedings: Waived
CEQA: Exempt
Current Land Uses: Residential
Purpose: Permanent connection to water service
Development Plans: None at this time
Application: Attachment Two
Maps of Affected Territory: Following pages

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

Brad Wagenknecht, Vice Chair
County of Napa Supervisor, 1st District
Diane Dillon, Commissioner
County of Napa Supervisor, 3rd 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





DISCUSSION

Policy on Concurrent Detachment from CSA No. 4

The affected territory is located in CSA No. 4's jurisdictional boundary.¹ Local policy requires that all annexations to a city also include concurrent detachment from CSA No. 4 unless the affected territory contains, or is expected to contain, vineyards totaling one acre or more. Detaching the affected territory from CSA No. 4 is appropriate.

Factors for Commission Determinations

Mandated Factors: Attachment Three²

Property Tax Agreement

Master Property Tax Agreement: The City shall receive 55% of the County's existing portion of property tax revenues generated from the affected territory.³

Protest Proceedings

Waived: Legally uninhabited with 100% consent of property owners⁴

ENVIRONMENTAL REVIEW

Exemptions:

1. Installation of new pipeline less than one mile⁵
 - a. Current and future residential units would connect via water main and/or laterals from existing water main
2. Existing structures developed to density allowed in current zoning⁶
 - a. Any future development would require review and approval by the City

ATTACHMENTS

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

¹ The intent and function of CSA No. 4 is to sponsor a voter-approved special assessment on all parcels in its jurisdiction containing one acre or more of vineyards to fund farmworker housing services.

² California Government Code section 56668

³ CSA No. 4 was formed after Proposition 13 and therefore not eligible for property tax revenues.

⁴ California Government Code section 56662(a): fewer than 12 registered voters

⁵ CEQA Guidelines section 15282(k)

⁶ CEQA Guidelines section 15319

RESOLUTION NO. ____

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

PENNY LANE NO. 5 REORGANIZATION

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

WHEREAS, the proposal seeks Commission approval to annex 0.37 acres of unincorporated land to the City of Napa along with concurrent detachment from County Service Area No. 4 and represents one entire parcel located at 2165 Penny Lane and identified by the County Assessor’s Office as 046-422-018 along with the adjacent portion of public right-of-way on Penny Lane; and

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

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

WHEREAS, the Commission heard and fully considered all the evidence presented at a public meeting held on the proposal on October 3, 2022; and

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

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

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

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

1. The Commission's determinations on the proposal incorporate the information and analysis provided in the Executive Officer's written report.
2. The underlying activity, annexation of the affected territory, is exempt from further review pursuant to CEQA Guidelines Section 15282(k), which exempts the installation of new pipeline as long as the project does not exceed one mile in length. The proposed annexation also qualifies for the statutory exemption from further review under CEQA Guidelines Section 15319, which exempts annexations to a city or special district of areas containing existing public or private structures developed to the density allowed by the current zoning or rezoning of either the gaining or losing environmental agency, whichever is more restrictive, provided, however, that the extension of utility services to the existing facilities would have a capacity to serve only the existing facilities. The records upon which these findings are made are located at the Commission's administrative office located at 1754 Second Street, Suite C, Napa, California 94559.
3. The proposal is APPROVED subject to completion of item number 10 below.
4. The proposal is assigned the following distinctive short-term designation:

PENNY LANE NO. 5 REORGANIZATION

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

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

The foregoing resolution was duly and regularly adopted by the Commission at a public meeting held on October 3, 2022, after a motion by Commissioner _____, seconded by Commissioner _____, by the following vote:

AYES: Commissioners _____

NOES: Commissioners _____

ABSENT: Commissioners _____

ABSTAIN: Commissioners _____

Margie Mohler
Commission Chair

ATTEST: _____
Brendon Freeman
Executive Officer

Recorded by: Dawn Mittleman Longoria
Interim Commission Clerk

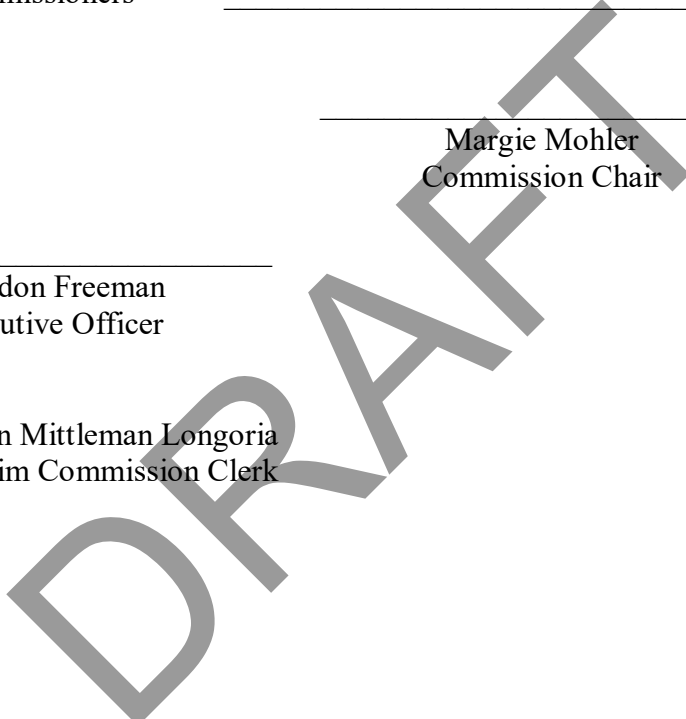


EXHIBIT "A"
PENNY LANE NO. 5 REORGANIZATION
ANNEXATION TO THE CITY OF NAPA AND DETACHMENT AND DETACHMENT FROM COUNTY
SERVICE AREA NO. 4

GEOGRAPHIC DESCRIPTION

All that real property situate in portions of Tulocay Rancho, in the County of Napa, State of California described as follows:

BEGINNING at a point on the easterly right of way line of Penny Lane, said point also being at the Southeast corner of an existing Penny Lane No. 4 Annexation District to the City of Napa, per Resolution No. 2017-05, recorded on 9-06-2017 in Document No. 2017-0020143 more particularly described as follows:

Course 1: thence from said Point of Beginning and along said easterly right of way line of Penny Lane, South, 61.00 feet;

Course 2: thence; West, 266.88 feet; to a point on the easterly boundary of the Patton Avenue and Stern Drive Annexation No.2;

Course 3: thence along said Patton Avenue / Stern Drive, Annexation No.2 to the southwest corner of said Penny Lane No. 4 Annexation; North, 61.00 feet;

Course 4: thence along the southerly line of said Penny Lane No. 4 Annexation; East 265.18 feet to the POINT OF BEGINNING,

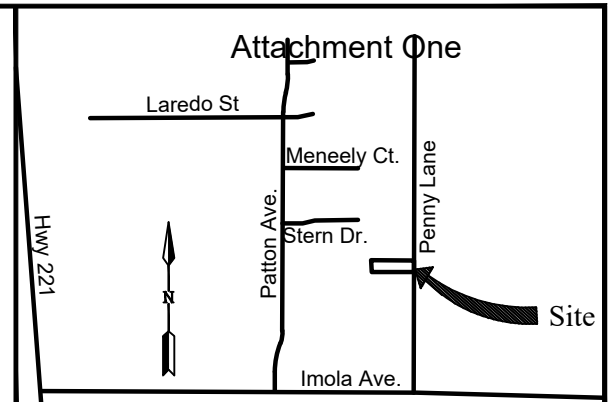
Containing 16,280 Square Feet, more or less.

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

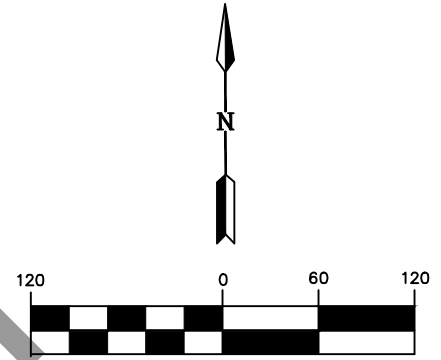
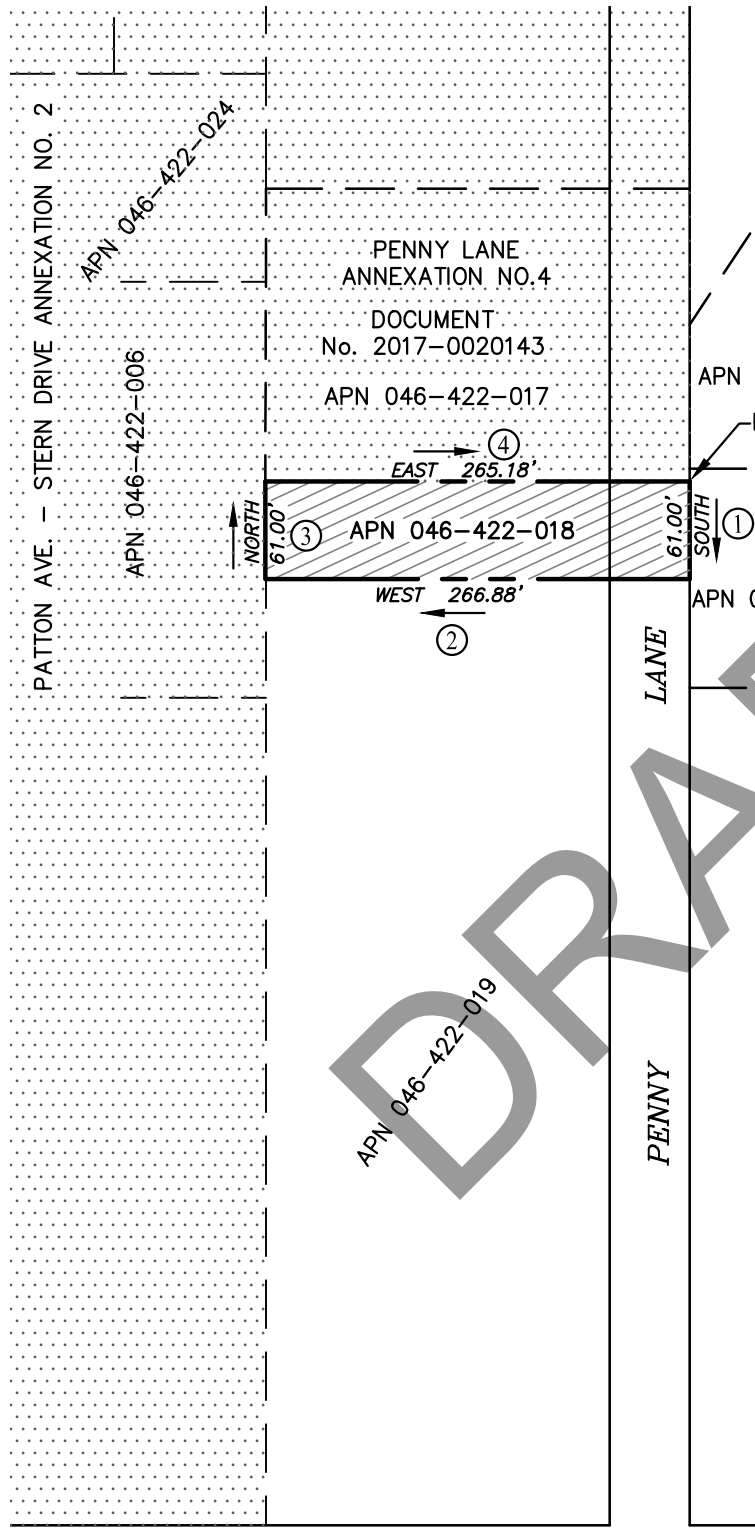
FINAL

DISCLAIMER:

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



VICINITY MAP
NO SCALE



(IN FEET)
1 inch = 120 ft.
GRAPHIC SCALE

LEGEND

- EXISTING NAPA CITY BOUNDARY
- PROPOSED AREA TO BE ANNEXED (16,280±SF)

- P.O.B. POINT OF BEGINNING
- ① COURSE NUMBER

APPLICANTS

Ronald Sheffer & RAE J TRUST
2165 PENNY LANE
NAPA, CA 94559

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

EXHIBIT "A"

**PENNY LANE NO. 5 REORGANIZATION
ANNEXATION TO THE CITY OF NAPA AND
DETACHMENT FROM COUNTY SERVICE**

**AREA NO. 4
BEING A PORTION OF TULOCAY RANCHO**

Q:\2022\22-08-021 Sheffer Penny Lane\01EX2208021.dwg 9-23-22 02:24:03 PM



CHAUDHARY & ASSOCIATES, INC.
ENGINEERS SURVEYORS INSPECTORS

FINAL

211 GATEWAY ROAD WEST, SUITE 204
NAPA, CALIFORNIA 94558
Tel: (707) 255-2729 FAX: (707) 255-5021 WWW.CHAUDHARY.COM
Resolution for Penny Lane No. 5 Reorganization
September 23, 2022

FORM D

For Staff Attachment Two

Date Filed: 8/16/22
Proposal Name: Penny Lane #5

PROPOSAL APPLICATION
Change of Organization/Reorganization

I. APPLICANT INFORMATION

A. Name: Ron Sheldor
Contact Person Agency/Business (If Applicable)
Address: 2165 Penny Ln. Napa 94559
Street Number Street Name City Zip Code
Contact: 707-266-8799 rsheldor@aol.com
Phone Number Facsimile Number E-Mail Address

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

II. PROPOSAL DESCRIPTION

A. Affected Agencies:
City of Napa
Name Address
County Service Area No. 4
Name Address
Name Address

Use Additional Sheets as Needed

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

C. Purpose Statement: (Specific)
Annex to the City of Napa to receive
public water service ~~substant~~
~~substant~~

III. GENERAL INFORMATION

A. Location: 2165 Penny Lane 046-422-018 0.33
 Street Address Assessor Parcel Number Acres

Street Address Assessor Parcel Number Acres

Street Address Assessor Parcel Number Acres

Street Address Assessor Parcel Number Acres

Total Location Size
 (Including Right-of-Ways) Approx. 0.40

B. Landowners:

(1) Assessor Parcel Number : 046-422-018 Name: Ron Shetler
 Mailing Address: 2145 Penny Ln. Napo CA 94559
 Phone Number: 707-266-8799 E-mail: rshetler@aol.com

(2) Assessor Parcel Number : ~~046-422-018~~ Name: _____
 Mailing Address: _____
 Phone Number: _____ E-mail: _____

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

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

Use Additional Sheets As Needed

C. Population:

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

D. Land Use Factors:

- (1a) County General Plan Designation: AWOS
- (1b) County Zoning Standard: RS:UR
- (2a) Applicable City General Plan Designation: SFR-179
- (2b) Applicable City Pre-zoning Standard:
(Required for City Annexations) RS 7

E. Existing Land Uses:
(Specific)

One residence and detached garage

F. Development Plans:

(1a) Territory Subject to a Development Project?

Yes

No

(1b) If Yes, Describe Project:

N/A

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

Not anticipated

G. Physical Characteristics:

(1) Describe Topography:

2 to 5 % slopes

(2) Describe Any Natural Boundaries:

None

(3) Describe Soil Composition and Any Drainage Basins:

Soil: Coombs gravelly loam
drainage: Cayetano Creek

(4) Describe Vegetation:

Monterey trees, peach tree, walnut tree,
apricot tree

H. Williamson Act Contracts
(Check One)

Yes

No

IV. GOVERNMENTAL SERVICES AND CONTROLS

A. Plan For Providing Services:

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

City water

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

Residential use

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

Immediately upon annexation

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

Connect to existing water line

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

By landowners

V. ENVIRONMENTAL INFORMATION

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

(1) Lead Agency for Proposal: LAFCO
Name

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

Environmental Impact Report

Negative Declaration/Mitigated Negative Declaration

Categorical/Statutory Exemption: Categorical exemption 15319 and
Type statutory exemption 15282(k)

None

Provide Copies of Associated Environmental Documents

VI. ADDITIONAL INFORMATION

A. Approval Terms and Conditions Requested For Commission Consideration:

N/A

Use Additional Sheets As Needed

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

(1) Recipient Name: _____

Mailing Address: _____

E-Mail: _____

(2) Recipient Name: _____

Mailing Address: _____

E-Mail: _____

(3) Recipient Name: _____

Mailing Address: _____

E-Mail: _____

FACTORS FOR COMMISSION CONSIDERATION

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

FACTOR TO CONSIDER	COMMENT
1. Population and density [§56668(a)]	Consistent: Population two (legally uninhabited)
2. Land area and land use [§56668(a)]	Consistent: 0.37 acres, single-family residence Jurisdiction: unincorporated County, included in City's <i>Terrace/Shurtleff</i> Planning Area
3. Assessed valuation [§56668(a)]	Consistent: Land: \$126,610 Structural improvements: \$158,269
4. Topography, natural boundaries and drainage basins [§56668(a)]	Consistent: Relatively flat: 2 to 5 percent slopes Drainage basin: <i>Cayetano Creek</i>
5. Proximity to other populated areas [§56668(a)]	Consistent: Adjacent lands to north and west are in the City and developed with residential uses. Adjacent lands to east and south are unincorporated and developed with, or planned for, rural residential uses.
6. Likelihood of significant growth in the area, adjacent areas during next 10 years [§56668(a)]	Consistent: City General Plan designation and zoning could allow up to two total residential lots within affected territory. No development plans at this time. Adjacent areas are planned for low density residential development.
7. Need for government services [§56668(b)]	Consistent: Existing City services provided at adequate levels: Sewer, fire and emergency protection, law enforcement Additional service: Connection to water to reduce dependence on private well
8. Government services present cost, adequacy and controls in area [§56668(b)]	Consistent: Analysis: Central County Region Municipal Service Review adopted in 2014 and Napa Countywide Water Wastewater MSR Updated 10-4-21

<p>9. Government services probable future needs and controls in area [§56668(b)]</p>	<p>Consistent: Analysis: Central County Region Municipal Service Review adopted in 2014 and Napa Countywide Water Wastewater MSR Updated 10-4-21</p>
<p>10. Government services effect of proposal on cost, adequacy and controls in area and adjacent areas [§56668(b)]</p>	<p>Consistent: Analysis: Central County Region Municipal Service Review adopted in 2014 and Napa Countywide Water Wastewater MSR Updated 10-4-21</p>
<p>11. Effects on adjacent areas, on mutual social and economic interests, and on local governmental structure in the County [§56668(c)]</p>	<p>Consistent: Area included in City's SOI since 1975</p>
<p>12. Effects on planned efficient patterns of urban development [§56668(d)]</p>	<p>Consistent: City General Plan land use designation: <i>SFR-179 (Single Family Residential, 2 to 7 lots per acre)</i></p>
<p>13. Effects on maintaining physical and economic integrity of agricultural lands [§56668(e)]</p>	<p>Consistent: Within City RUL, not designated for agricultural or open space use</p>
<p>14. Boundaries: logical, contiguous, not difficult to serve, definite and certain [§56668(f)]</p>	<p>Consistent: Located within City's SOI and RUL, water service infrastructure located near</p>
<p>15. Conformance to lines of assessment, ownership [§56668(f)]</p>	<p>Consistent: One parcel identified as APN 046-422-018 along with the adjacent portion of public right-of-way</p>
<p>16. Creation of islands, corridors, irregular boundaries [§56668(f)]</p>	<p>Consistent: Would reduce the size of an existing pocket of territory surrounded on two sides by the City's boundary</p>
<p>17. Consistency with regional transportation plan [§56668(g)]</p>	<p>Consistent: No specific projects in regional transportation plan (RTP), <i>Plan Bay Area 2050</i></p>

<p>18. Consistency with city or county general and specific plans [§56668(h)]</p>	<p>Consistent: City General Plan designation: <i>SFR-179 (Single Family Residential, 2 to 7 lots per acre)</i> City Zoning: <i>RS-7 (Single Family Residential, minimum lot size 7,000 sq. ft.)</i></p>
<p>19. Consistency with spheres of influence [§56668(i)]</p>	<p>Consistent: Within City's SOI since 1975</p>
<p>20. Comments from affected agencies and other public agencies [§56668(j)]</p>	<p>Consistent: No comments received</p>
<p>21. Ability of agency to provide service including sufficiency of revenues [§56668(k)]</p>	<p>Consistent: Analysis: Central County Region Municipal Service Review adopted in 2014 and Napa Countywide Water Wastewater MSR Updated 10-4-21</p>
<p>22. Timely availability of adequate water supply [§56668(l)]</p>	<p>Consistent: Analysis: Central County Region Municipal Service Review adopted in 2014 and Napa Countywide Water Wastewater MSR Updated 10-4-21</p>
<p>23. Fair share of regional housing needs [§56668(m)]</p>	<p>Consistent: Neutral</p>
<p>24. Information or comments from landowners, voters, or residents in proposal area [§56668(n)]</p>	<p>Consistent: 100% consent of landowners</p>
<p>25. Existing land use designations [§56668(o)]</p>	<p>Consistent: City General Plan designation: <i>SFR-179 (Single Family Residential, 2 to 7 lots per acre)</i> City Zoning: <i>RS-7 (Single Family Residential, minimum lot size 7,000 sq. ft.)</i></p>
<p>26. Effect on environmental justice [§56668(p)]</p>	<p>Consistent: No documentation or evidence suggesting the proposal will have any implication</p>
<p>27. Safety Element of GP concerns; identified as very high fire hazard zone [§56668(q)]</p>	<p>Consistent: Not located in a high fire hazard zone or a state responsibility area</p>



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 7b (Action)

TO: Local Agency Formation Commission
PREPARED BY: Brendon Freeman, Executive Officer BF DML
Dawn Mittleman Longoria, Analyst II/Interim Clerk
MEETING DATE: October 3, 2022
SUBJECT: Proposed Darling Street No. 7 Annexation to the Napa Sanitation District and Associated CEQA Findings

RECOMMENDATION

Adopt the Resolution of the Local Agency Formation Commission of Napa County Making Determinations – Darling Street No. 7 Annexation to the Napa Sanitation District (NSD) making California Environmental Quality Act (CEQA) findings and approving the proposed annexation (Attachment One). Standard conditions are also recommended.

BACKGROUND AND SUMMARY

Applicant: Landowner (petition)
Proposed Action: Annexation to NSD
Assessor Parcel Number: 038-471-005
Location: 1239 Darling Street
Area Size: 0.65 acres
Jurisdiction: City of Napa ("City")
Sphere of Influence Consistency: Yes
Policy Consistency: Yes
Tax Sharing Agreement: Yes – master tax exchange agreement
Landowner Consent: 100%
Protest Proceedings: Waived
CEQA: Exempt
Current Land Uses: one single-family residence and detached garages, max development potential is 3 total lots

Purpose: Permanent connection to sewer service
Development Plans: Yes – one additional residential unit
Application: Attachment Two
Maps of Affected Territory: Following pages

Margie Mohler, Chair
Councilmember, Town of Yountville

Brad Wagenknecht, Vice Chair
County of Napa Supervisor, 1st District

Kenneth Leary, Commissioner
Representative of the General Public

Mariam Aboudamous, Commissioner
Councilmember, City of American Canyon

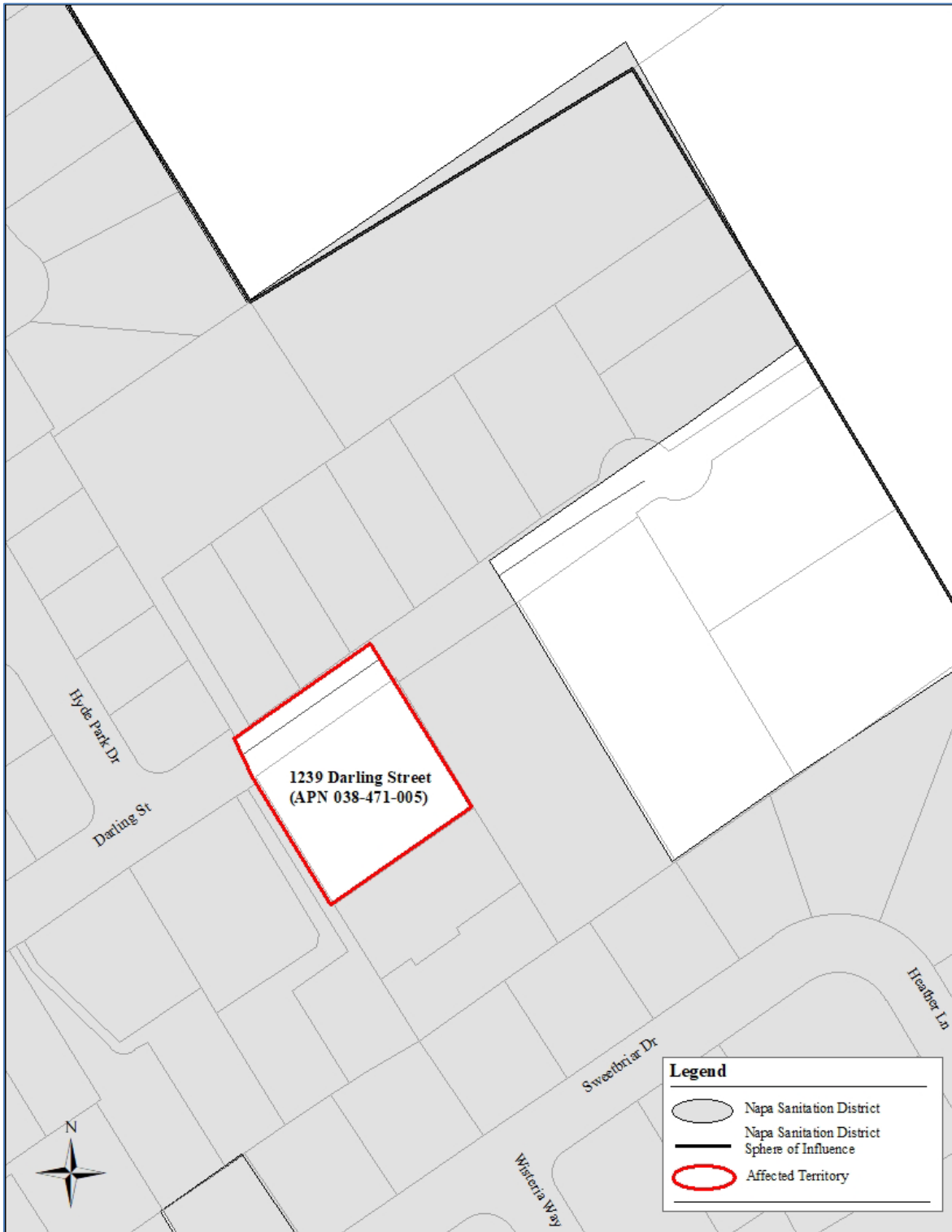
Diane Dillon, Commissioner
County of Napa Supervisor, 3rd District

Eve Kahn, Alternate Commissioner
Representative of the General Public

Beth Painter, Alternate Commissioner
Councilmember, City of Napa

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

Brendon Freeman
Executive Officer





DISCUSSION

Factors for Commission Determinations

Mandated Factors: Attachment Three¹

Property Tax Agreement

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

Protest Proceedings

Waived: Legally uninhabited with 100% consent of property owners²

ENVIRONMENTAL REVIEW

Exemptions:

1. Installation of new pipeline less than one mile³
 - a. Current and future residential units would connect via sewer main and/or laterals from existing sewer main
2. Existing structures developed to density allowed in current zoning⁴
 - a. Any future development would require review and approval by the City

ATTACHMENTS

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

¹ California Government Code sections 56668 & 56668.3

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

³ CEQA Guidelines section 15282(k)

⁴ CEQA Guidelines section 15319

RESOLUTION NO. ____

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

**DARLING STREET NO. 7
ANNEXATION TO THE NAPA SANITATION DISTRICT**

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

WHEREAS, the proposal seeks Commission approval to annex approximately 0.65 acres of incorporated land to the Napa Sanitation District and represents one entire parcel located at 1239 Darling Street and identified by the County of Napa Assessor’s Office as 038-471-005 along with the adjacent portion of public right-of-way on Darling Street; and

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

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

WHEREAS, the Commission heard and fully considered all the evidence presented at a public meeting held on the proposal on October 3, 2022; and

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

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

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

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

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

1. The Factors for Commission Determinations provided in the Executive Officer’s written report are hereby incorporated herein by this reference and are adequate.
2. The underlying activity, annexation of the affected territory, is exempt from further review pursuant to CEQA Guidelines Section 15282(k), which exempts the installation of new pipeline as long as the project does not exceed one mile in length. The proposed annexation also qualifies for the statutory exemption from further review under CEQA Guidelines Section 15319, which exempts annexations to a city or special district of areas containing existing public or private structures developed to the density allowed by the current zoning or rezoning of either the gaining or losing environmental agency, whichever is more restrictive, provided, however, that the extension of utility services to the existing facilities would have a capacity to serve only the existing facilities. The records upon which these findings are made are located at the Commission’s administrative office located at 1754 Second Street, Suite C, Napa, California 94559.

3. The proposal is APPROVED subject to completion of item number 11 below.
4. This proposal is assigned the following distinctive short-term designation:

**DARLING STREET NO. 7
ANNEXATION TO THE NAPA SANITATION DISTRICT**

5. The affected territory is shown on the map in the attached Exhibit “A”.
6. The affected territory so described is uninhabited as defined in California Government Code section 56046.
7. The Napa Sanitation District utilizes the regular assessment roll of the County of Napa.
8. The affected territory will be taxed for existing general bonded indebtedness of the Napa Sanitation District.
9. The proposal shall be subject to the terms and conditions of the Napa Sanitation District.
10. The Commission waives conducting authority proceedings in accordance with California Government Code section 56662(a).

11. Recordation is contingent upon receipt by the Executive Officer of the following:
 - (a) A final map and geographic description of the affected territory determined by the County Surveyor to conform to the requirements of the State Board of Equalization.
 - (b) All outstanding Commission fees.
 - (c) Written confirmation from the Napa Sanitation District that it is acceptable to record a Certificate of Completion.
12. The effective date shall be the date of recordation of the Certificate of Completion. The Certificate of Completion must be recorded within one calendar year unless an extension is requested and approved by the Commission.
13. The Commission hereby directs staff to file a Notice of Exemption in compliance with CEQA.

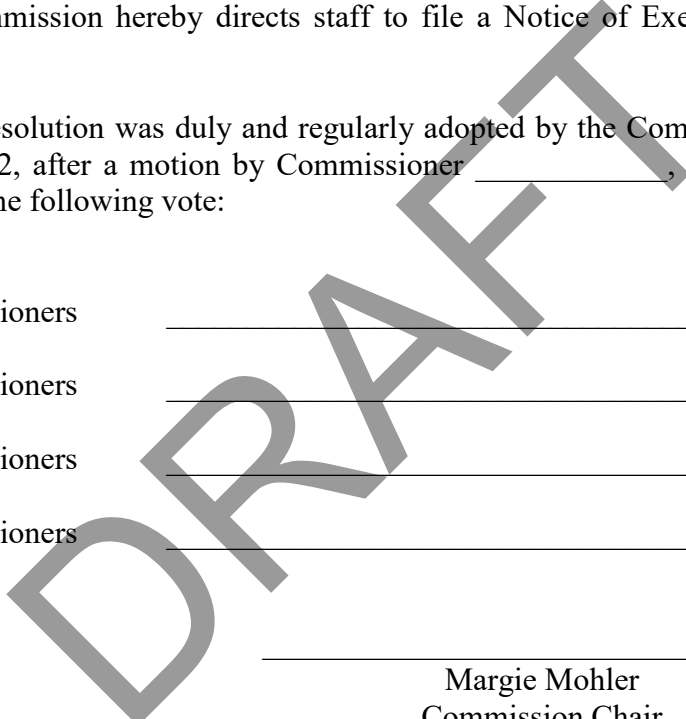
The foregoing resolution was duly and regularly adopted by the Commission at a public meeting held on October 3, 2022, after a motion by Commissioner _____, seconded by Commissioner _____, by the following vote:

AYES: Commissioners _____

NOES: Commissioners _____

ABSENT: Commissioners _____

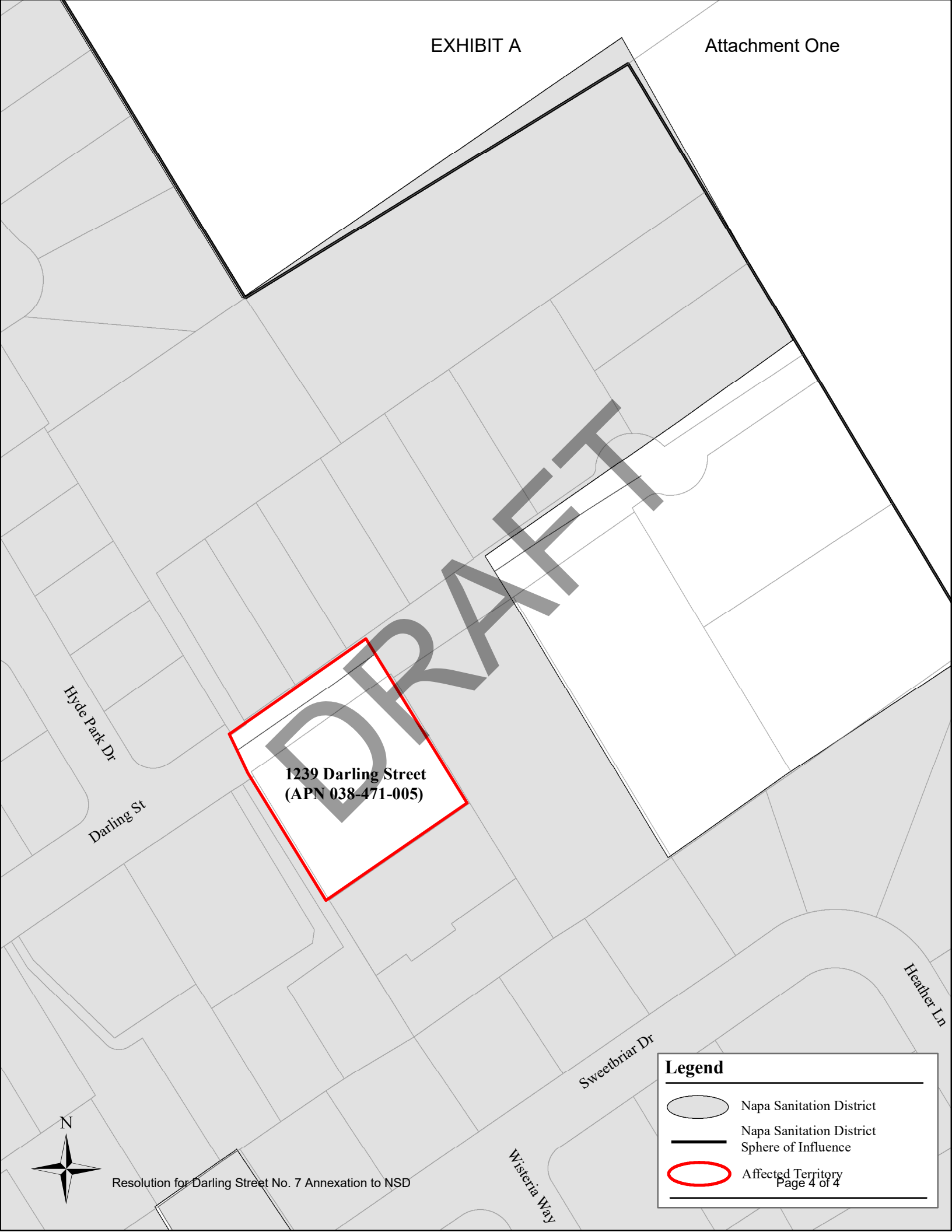
ABSTAIN: Commissioners _____



 Margie Mohler
 Commission Chair

ATTEST: _____
 Brendon Freeman
 Executive Officer




Recorded by: Dawn Mittleman Longoria
 Interim Commission Clerk



**1239 Darling Street
(APN 038-471-005)**



Legend

-  Napa Sanitation District
-  Napa Sanitation District Sphere of Influence
-  Affected Territory

Page 4 of 4

FORM D

Attachment Two

Date Filed: 7/25/22

Proposal Name: Darling St. #7 NSD

PROPOSAL APPLICATION
Change of Organization/Reorganization



I. APPLICANT INFORMATION

A. Name: Rene Gonzalez varquez
 Contact Person Agency/Business (If Applicable)
 Address: 1238 Darling Napa 94558
 Street Number Street Name City Zip Code
 Contact: 707 307 2814 MAGIC663@gmail.com
 Phone Number Facsimile Number E-Mail Address

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

II. PROPOSAL DESCRIPTION

A. Affected Agencies: Napa Sunnifelon District 1515 Soscol Ferry Road, Napa, CA
 Name Address 94558

Name Address
 Name Address
 Name Address

Use Additional Sheets as Needed

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

C. Purpose Statement: (Specific)
Annexation to allow connection to public
sewer.

III. GENERAL INFORMATION

A. Location:

Street Address	Assessor Parcel Number	Acres
1239 Darling St	Napa CA 94558	.55
Street Address	Assessor Parcel Number	Acres
	Portion of right way	.01
Street Address	Assessor Parcel Number	Acres
Street Address	Assessor Parcel Number	Acres
Total Location Size (Including Right-of-Ways)		.65

B. Landowners:

(1) Assessor Parcel Number : 038-471-005 Name: Rene Gonzalez Vazquez
 Mailing Address: 1239 Darling St Napa CA 94558
 Phone Number: 707-307-2814 E-mail: _____

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

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

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

Use Additional Sheets As Needed

C. Population:

(1) Total Number of Residents: 4

(2) Total Number of Registered Voters: 2

D. Land Use Factors:

(1a) County General Plan Designation:

N/A

(1b) County Zoning Standard:

N/A

(2a) Applicable City General Plan Designation:

SFI.23

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

RI-7

E. Existing Land Uses:
(Specific)

One housing unit with a few detached
garages. Residential Land Use.

F. Development Plans:

(1a) Territory Subject to a Development Project?



Yes



No

(1b) If Yes, Describe Project:

Add another dwelling to the property

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

G. Physical Characteristics:

(1) Describe Topography:

Flat parcel

(2) Describe Any Natural Boundaries:

N/A

(3) Describe Soil Composition and Any Drainage Basins:

Coombs gravelly loam,
Hare Loam, Salvador Channel local drainage

(4) Describe Vegetation:

Trees and grass

H. Williamson Act Contracts
(Check One)



Yes



No

IV. GOVERNMENTAL SERVICES AND CONTROLS

A. Plan For Providing Services:

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

Sewer Service

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

Sufficient to provide services to two residences

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

As soon as annexation is complete

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

Existing Sewer line is sufficient. Lateral connection.

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

Land Owner

V. ENVIRONMENTAL INFORMATION

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

(1) Lead Agency for Proposal: LAFCO
Name

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

Environmental Impact Report

Negative Declaration/Mitigated Negative Declaration

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

None

Provide Copies of Associated Environmental Documents

VI. ADDITIONAL INFORMATION

A. Approval Terms and Conditions Requested For Commission Consideration:

N/A

Use Additional Sheets As Needed

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

(Does not include affected landowners or residents)

(1) Recipient Name: Hugo Figueroa

Mailing Address: 520 California Blvd Suite 2, Napa, CA 94558

E-Mail: hfigueroaconstruction@gmail.com

(2) Recipient Name: _____

Mailing Address: _____

E-Mail: _____

(3) Recipient Name: _____

Mailing Address: _____

E-Mail: _____

VII. CERTIFICATION

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



Signature:

Rene Gonzalez Varquez

Printed Name:

Rene Gonzalez Varquez

Title:

owner

Date:

07-14-22

FACTORS FOR COMMISSION CONSIDERATION

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

FACTOR TO CONSIDER	COMMENT
1. Population and density [§56668(a)]	Consistent: Population four (legally uninhabited)
2. Land area and land use [§56668(a)]	Consistent: 0.65 acres, one single-family residence Jurisdiction: City of Napa, <i>Vintage</i> Planning Area
3. Assessed valuation [§56668(a)]	Consistent: Land: \$708,266 Structural improvements: \$257,546
4. Topography, natural boundaries and drainage basins [§56668(a)]	Consistent: Relatively flat: 0 to 2 percent slopes Drainage basin: <i>Napa River – Salvador Channel</i>
5. Proximity to other populated areas [§56668(a)]	Consistent: Adjacent lands on the four sides: City of Napa – developed or have residential use designations in the General Plan
6. Likelihood of significant growth in the area, adjacent areas during next 10 years [§56668(a)]	Consistent: City General Plan designation and zoning could allow up to 3 total residential lots; future subdivision would require analysis and approval by the City; landowner plans to add one more residence.
7. Need for government services [§56668(b)]	Consistent: Existing City services provided at adequate levels: Water, fire and emergency protection, law enforcement Additional service: Connection to sewer to reduce dependence on septic and facilitate development of a second residence
8. Government services present cost, adequacy and controls in area [§56668(b)]	Consistent: Analysis: Central County Region Municipal Service Review adopted in 2014 and Napa Countywide Water Wastewater MSR Updated 10-4-21
9. Government services probable future needs and controls in area [§56668(b)]	Consistent: Analysis: Central County Region Municipal Service Review adopted in 2014 and Napa Countywide Water Wastewater MSR Updated 10-4-21

<p>10. Government services effect of proposal on cost, adequacy and controls in area and adjacent areas</p> <p>[§56668(b)]</p>	<p>Consistent: Analysis: Central County Region Municipal Service Review adopted in 2014 and Napa Countywide Water Wastewater MSR Updated 10-4-21</p>
<p>11. Effects on adjacent areas, on mutual social and economic interests, and on local governmental structure in the County</p> <p>[§56668(c)]</p>	<p>Consistent: Area included in NSD SOI since 1975</p>
<p>12. Effects on planned efficient patterns of urban development</p> <p>[§56668(d)]</p>	<p>Consistent: City General Plan land use designation: <i>SFI-23 (Single Family Infill, 3 to 6 lots per acre)</i></p>
<p>13. Effects on maintaining physical and economic integrity of agricultural lands</p> <p>[§56668(e)]</p>	<p>Consistent: Within City RUL, not designated for agricultural or open space use</p>
<p>14. Boundaries: logical, contiguous, not difficult to serve, definite and certain</p> <p>[§56668(f)]</p>	<p>Consistent: One parcel and adjacent portion of right-of-way, one existing residence</p>
<p>15. Conformance to lines of assessment, ownership</p> <p>[§56668(f)]</p>	<p>Consistent: One parcel: APN 038-471-005</p>
<p>16. Creation of islands, corridors, irregular boundaries</p> <p>[§56668(f)]</p>	<p>Consistent: Would eliminate an existing pocket of territory surrounded by NSD's boundary</p>
<p>17. Consistency with regional transportation plan</p> <p>[§56668(g)]</p>	<p>Consistent: No specific projects in regional transportation plan (RTP), <i>Plan Bay Area 2050</i></p>
<p>18. Consistency with city or county general and specific plans</p> <p>[§56668(h)]</p>	<p>Consistent: City General Plan designation: <i>SFI-23 (Single Family Infill, 3 to 6 lots per acre)</i> City Zoning: <i>RI-7 (Residential Infill, minimum lot size 7,000 sq. ft.)</i></p>
<p>19. Consistency with spheres of influence</p> <p>[§56668(i)]</p>	<p>Consistent: Within NSD SOI since 1975</p>

<p>20. Comments from affected agencies and other public agencies [§56668(j)]</p>	<p>Consistent: No comments received</p>
<p>21. Ability of agency to provide service including sufficiency of revenues [§56668(k)]</p>	<p>Consistent: Analysis: Central County Region Municipal Service Review adopted in 2014 and Napa Countywide Water Wastewater MSR Updated 10-4-21</p>
<p>22. Timely availability of adequate water supply [§56668(l)]</p>	<p>Consistent: Analysis: Central County Region Municipal Service Review adopted in 2014 and Napa Countywide Water Wastewater MSR Updated 10-4-21</p>
<p>23. Fair share of regional housing needs [§56668(m)]</p>	<p>Consistent: Development of second residence would contribute one unit towards housing needs</p>
<p>24. Information or comments from landowners, voters, or residents in proposal area [§56668(n)]</p>	<p>Consistent: 100% consent of landowners</p>
<p>25. Existing land use designations [§56668(o)]</p>	<p>Consistent: City General Plan designation: <i>SFI-23 (Single Family Infill, 3 to 6 lots per acre)</i> City Zoning: <i>RI-7 (Residential Infill, minimum lot size 7,000 sq. ft.)</i></p>
<p>26. Effect on environmental justice [§56668(p)]</p>	<p>Consistent: No documentation or evidence suggesting the proposal will have any implication</p>
<p>27. Safety Element of GP concerns; identified as very high fire hazard zone [§56668(q)]</p>	<p>Consistent: Not located in a high fire hazard zone or a state responsibility area</p>
<p>28. Special district annexations: for the interest of landowners or inhabitants within the district and affected territory [§56668.3(a)(1)]</p>	<p>Consistent: Proposal approval would benefit by providing permanent access to public sewer service, eliminating public health hazard</p>



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 7c (Action)

TO: Local Agency Formation Commission
PREPARED BY: Brendon Freeman, Executive Officer BF
Dawn Mittleman Longoria, Analyst II/Interim Clerk DML
MEETING DATE: October 3, 2022
SUBJECT: Proposed Wine Country Avenue No. 6 Annexation to the Napa Sanitation District and Associated CEQA Findings

RECOMMENDATION

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

BACKGROUND AND SUMMARY

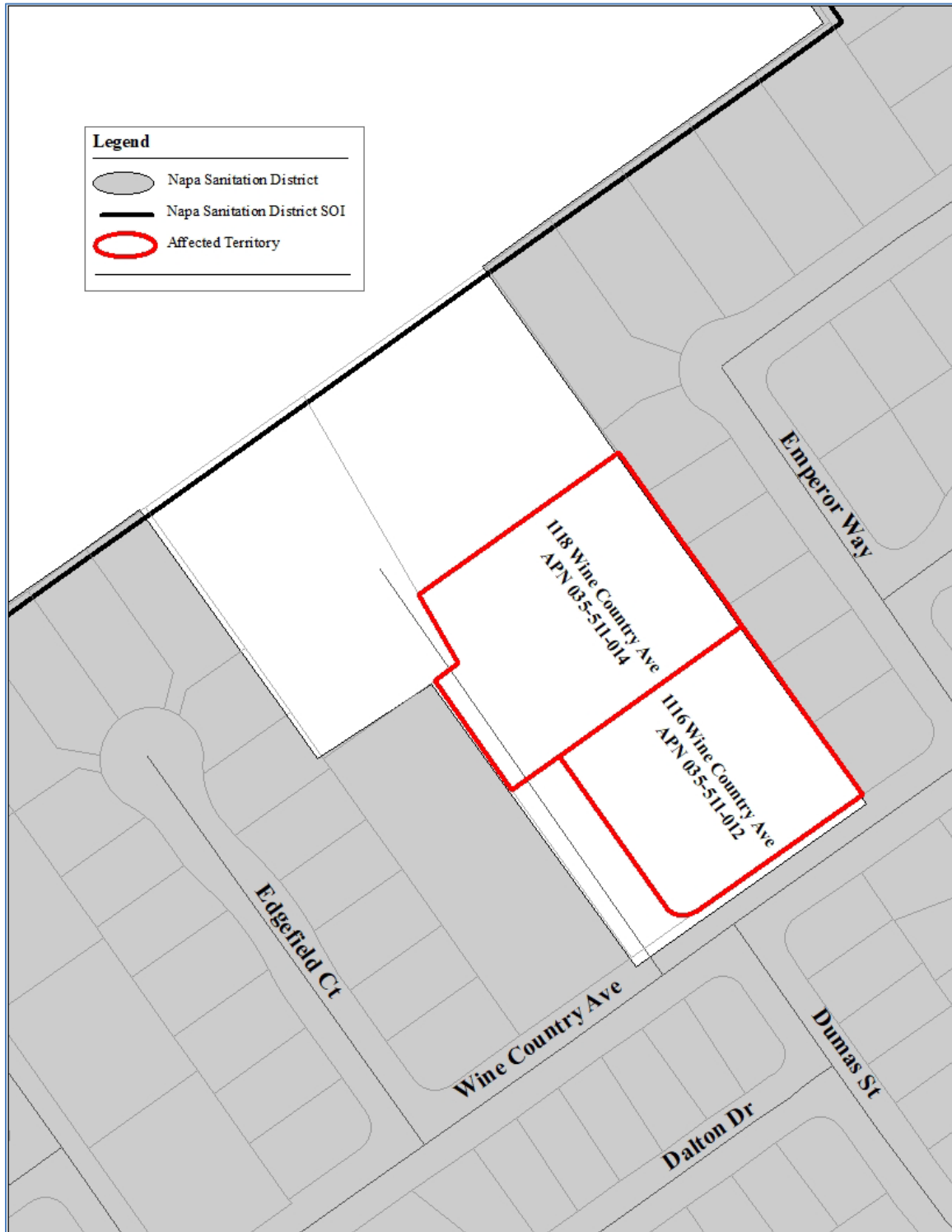
Applicant: Landowner (petition)
Proposed Action: Annexation to NSD
Assessor Parcel Numbers: 035-511-012 & 035-511-014
Location: 1116 and 1118 Wine Country Avenue
Area Size: 2.5 acres
Jurisdiction: City of Napa
Sphere of Influence Consistency: Yes
Policy Consistency: Yes
Tax Sharing Agreement: Yes – master tax exchange agreement
Landowner Consent: 100%
Protest Proceedings: Waived
CEQA: Exempt
Current Land Uses: Single-family residential

Existing Outside Service Agreement due to Failed Septic: 1118 Wine Country Ave
Adjacent Parcel Included: 1116 Wine Country Avenue
Purpose: Permanent connection to sewer service
Development Plans: None at this time
Application: Attachment Two
Maps of Affected Territory: Following pages

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

Brad Wagenknecht, Vice Chair
County of Napa Supervisor, 1st District
Diane Dillon, Commissioner
County of Napa Supervisor, 3rd 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





DISCUSSION

Factors for Commission Determinations

Mandated Factors: Attachment Three¹

Property Tax Agreement

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

Protest Proceedings

Waived: Legally uninhabited with 100% consent of property owners²

ENVIRONMENTAL REVIEW

Exemptions:

1. Installation of new pipeline less than one mile³
 - a. Current and future residential units would connect via sewer main and/or laterals from existing sewer main

ATTACHMENTS

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

¹ California Government Code sections 56668 & 56668.3

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

³ CEQA Guidelines section 15282(k)

RESOLUTION NO. ____

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

**WINE COUNTRY AVENUE NO. 6
ANNEXATION TO THE NAPA SANITATION DISTRICT**

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

WHEREAS, the proposal seeks Commission approval to annex approximately 2.48 acres of incorporated land to the Napa Sanitation District and represents two entire parcels located at 1116 & 1118 Wine Country Avenue and identified by the County of Napa Assessor’s Office as 035-511-012 & 035-511-014, respectively; and

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

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

WHEREAS, the Commission heard and fully considered all the evidence presented at a public meeting held on the proposal on October 3, 2022; and

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

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

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

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

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

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

**WINE COUNTRY AVENUE NO. 6
ANNEXATION TO THE NAPA SANITATION DISTRICT**

5. The affected territory is shown on the map and described in the geographic description in the attached Exhibit “A”.
6. The affected territory so described is uninhabited as defined in California Government Code section 56046.
7. The Napa Sanitation District utilizes the regular assessment roll of the County of Napa.
8. The affected territory will be taxed for existing general bonded indebtedness of the Napa Sanitation District.
9. The proposal shall be subject to the terms and conditions of the Napa Sanitation District.
10. The Commission waives conducting authority proceedings in accordance with California Government Code section 56662(a).
11. Recordation is contingent upon receipt by the Executive Officer of the following:
 - (a) A final map and geographic description of the affected territory determined by the County Surveyor to conform to the requirements of the State Board of Equalization.
 - (b) All outstanding Commission fees.
 - (c) Written confirmation from the Napa Sanitation District that it is acceptable to record a Certificate of Completion.

- 12. The effective date shall be the date of recordation of the Certificate of Completion. The Certificate of Completion must be recorded within one calendar year unless an extension is requested and approved by the Commission.
- 13. The Commission hereby directs staff to file a Notice of Exemption in compliance with CEQA.

The foregoing resolution was duly and regularly adopted by the Commission at a public meeting held on October 3, 2022, after a motion by Commissioner _____, seconded by Commissioner _____, by the following vote:

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

Margie Mohler
Commission Chair

ATTEST: _____
Brendon Freeman
Executive Officer

Recorded by: Dawn Mittleman Longoria
Interim Commission Clerk

5282
Annex EX-A
06-08-2022

EXHIBIT A
WINE COUNTRY AVENUE #6 DISTRICT
ANNEXATION TO NAPA SANITATION DISTRICT
GEOGRAPHICAL DESCRIPTION

All that certain property, situated in a portion of Sections 29, Township 6 North, Range 4 West, Mount Diablo Base Meridian, Being Parcels A and B as shown on the map entitled "Record of Survey Map of Lands of Emil Priebe" filed May 15, 1964 in Book 12 of Surveys at Page 14, Napa County Records, State of California, described as follows:

Beginning at the intersection of the northwest line of the Jensen Etal – Fong Annexation District to Napa Sanitation District recorded October 24, 1978 in Book 1101 at Page 341, Official Records of Napa County, and the southwest line of Wine Country Avenue Annexation District to Napa Sanitation District recorded June 18, 1991 in Book 1827 at Page 612, Official Records of Napa County,

- (1) thence along said northwest line South 54° 38' 55" West 272.75 feet to the northeast line of Wine Country Avenue #2 Annexation District to Napa Sanitation District recorded August 1, 1991 in Book 1840 at Page 307, Official Records of Napa County;
- (2) thence along said northeast line North 35° 21' 05" West 330.00 feet;
- (3) thence leaving said northeast line North 57° 20' 05" East 28.03 feet;
- (4) thence North 29° 58' 47" West 77.04 feet
- (5) thence North 54° 38' 55" East 237.54 feet to said southwestern line of Wine Country Avenue Annexation District;
- (6) thence along said southwest line South 35° 21' 05" East 405.39 feet to the **Point of Beginning**.

Containing 2.48 Acres, more or less.

BASIS OF BEARING

Being the southeast line of Parcel A Per 12 RS 14, South 54° 39' 20" East measured as South 54° 38' 55" East

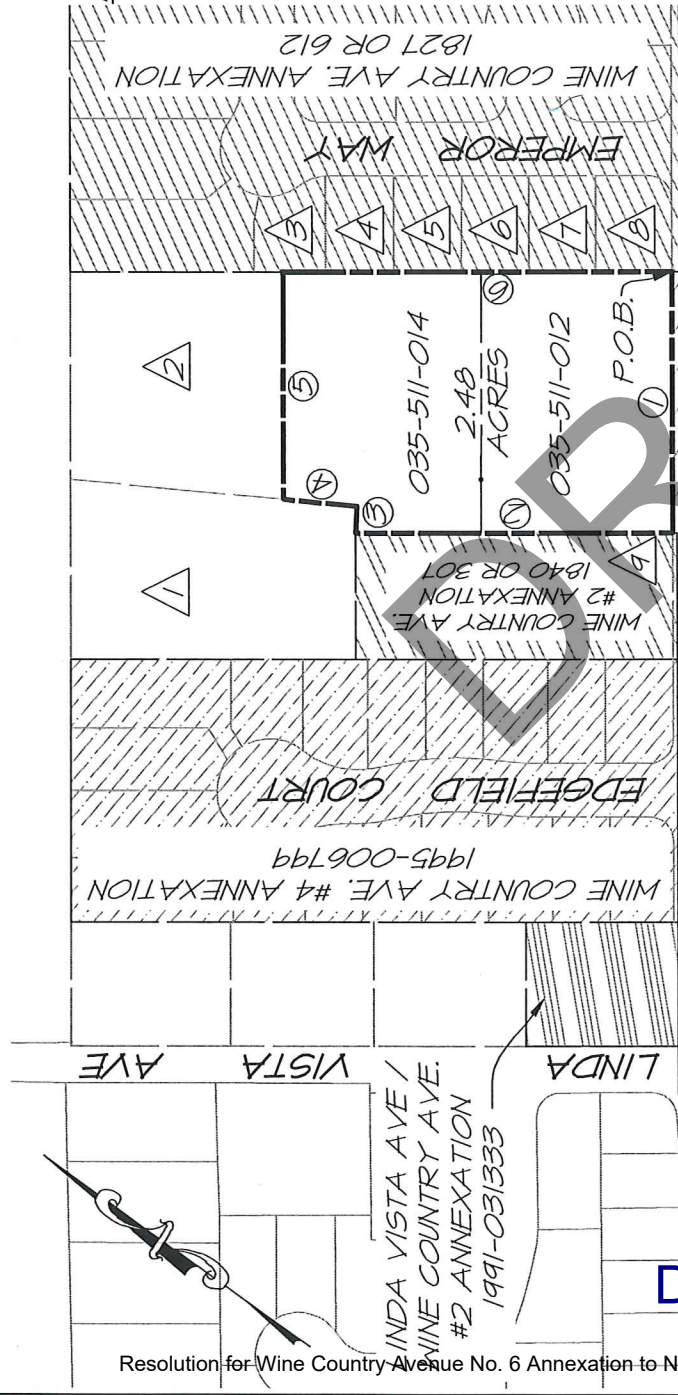
For assessment purposes only. This legal description of land is not a legal property description as defined in the Subdivision Map Act and may not be used as a basis for an offer for sale of the land described.



DRAFT

MAP DELINEATING THE BOUNDARY OF
WINE COUNTRY AVENUE #6
 ANNEXATION TO NAPA SANITATION DISTRICT
 BEING A PORTION OF
 SECTION 29, T.6 N., R. 4 W., M.D.B.&M.

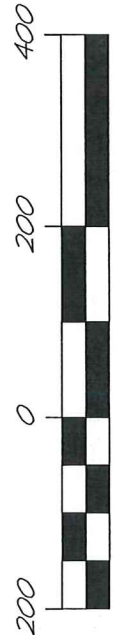
Line Table		
Line #	Length	Direction
①	272.75	S54° 38' 55"W
②	330.00	N35° 21' 05"W
③	28.03	N57° 20' 05"E
④	77.04	N29° 58' 47"W
⑤	237.54	N54° 38' 55"E
⑥	405.39	S35° 21' 05"E



WINE COUNTRY AVENUE
 JENSEN ETAL - FONG ANNEXATION
 1101 OR 341

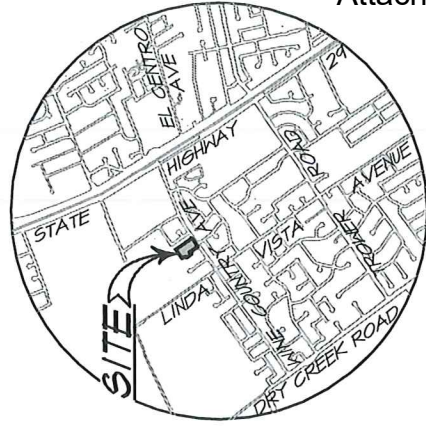
BASIS OF BEARING
 BEING THE SOUTH EAST LINE OF PARCEL
 A PER 12 RS 14, SOUTH 54° 39' 20" EAST
 MEASURED AS SOUTH 54° 38' 55" EAST

GRAPHIC SCALE



ADJOINING OWNERSHIPS

NO.	AP NUMBER	OWNER
1	035-511-016	DONNA SIMS TR
2	035-511-015	DONNA SIMS TR
3	035-512-006	STEVEN & CORDELIA VEIT-CAREY
4	035-512-007	SHERI & MANUEL TUEROS
5	035-512-008	BRIAN & SUZANNE CURTIS TR
6	035-512-009	ROBERT & JULIANNE MCCLLENHAN TR
7	035-512-010	GLEN & PATRICIA PROFITT
8	035-512-011	FRANK DAMBROSIO JR TR
9	035-511-017	GRAYSON & SHIRLEY MYERS TR



VICINITY MAP
 N.T.S.



1515 FOURTH STREET
 NAPA, CALIF. 94559
 OFFICE | 707.252.3301
 + www.RSActvll.com +

FORM D

PROPOSAL APPLICATION
Change of Organization/Reorganization

I. APPLICANT INFORMATION

A. Name: ~~Robert Richied~~ **Jeff Richied**

Contact Person Agency/Business (If Applicable)
Address: **1118 Wine Country Ave** **Napa** **94558**
Street Number Street Name City Zip Code
Contact: **707-718-2767** **jeffrichied@comcast.net**
Phone Number Facsimile Number E-Mail Address

B. Applicant Type: (Check One)

Local Agency
 Registered Voter
 Landowner

II. PROPOSAL DESCRIPTION

A. Affected Agencies: **Napa Sanitation District** 1515 Soscol Ferry Rd, Napa, CA 94558

Name	Address

Use Additional Sheets as Needed

B. Proposal Type: (Check as Needed)

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

C. Purpose Statement: (Specific)

Septic leach field failed. Napa County would not allow us to replace so had to hook up to Napa San. Now need to annex property in.

III. GENERAL INFORMATION

A. Location:	1118 Wine country Ave	035-511-014	1.25
	Street Address	Assessor Parcel Number	Acres
	1116 Wine Country Ave	035-511-012	1.23
	Street Address	Assessor Parcel Number	Acres
	Street Address	Assessor Parcel Number	Acres
	Street Address	Assessor Parcel Number	Acres

Total Location Size * 2.48
(Including Right-of-Ways)

B. Landowners:

- (1) Assessor Parcel Number : 035-511-014 Name: **Jeff Robert Richied**
 Mailing Address: 1118 Wine Country Ave
 Phone Number: 707-718-2767 E-mail: jeffrichied@comcast.net
- (2) Assessor Parcel Number : 035-511-012 Name: **Jeff & Sherill Richied**
 Mailing Address: 1116 Wine Country Ave
 Phone Number: 707-718-2767 E-mail: jeffrichied@comcast.net
- (3) Assessor Parcel Number : _____ Name: _____
 Mailing Address: _____
 Phone Number: _____ E-mail: _____
- (4) Assessor Parcel Number : _____ Name: _____
 Mailing Address: _____
 Phone Number: _____ E-mail: _____

Use Additional Sheets As Needed

C. Population:

- (1) Total Number of Residents: 4
- (2) Total Number of Registered Voters: 2

D. Land Use Factors:

(1a) County General Plan Designation: City of Napa

(1b) County Zoning Standard: City of Napa

(2a) Applicable City General Plan Designation: SFI-3 Single Family Infill 3.4 du/acre

(2b) Applicable City Pre-zoning Standard: RI-5 Residential Infill minimum lot size 5,000 sq ft
(Required for City Annexations)

**E. Existing Land Uses:
(Specific)**

Single Family Residence

F. Development Plans:

(1a) Territory Subject to a Development Project?

Yes

No

(1b) If Yes, Describe Project: _____

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

Dont know

G. Physical Characteristics:

(1) Describe Topography: Flat

(2) Describe Any Natural Boundaries: Private road and neighbors fencing

(3) Describe Soil Composition and Any Drainage Basins: clay Soil: Haire Loom Drainage basin: Salvador Channel

(4) Describe Vegetation: general landscaping

**H. Williamson Act Contracts
(Check One)**

Yes

No

IV. GOVERNMENTAL SERVICES AND CONTROLS

A. Plan For Providing Services:

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

Abandon septic and connect to city sewer system

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

Sewer connection for an existing single-family home

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

Services have been extended via Outside Service Agreement; due to failed
septic system

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

Sewer lateral extended from sewer main in Wine Country Way (less than one mile)

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

Financed by property owner

V. ENVIRONMENTAL INFORMATION

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

(1) **Lead Agency for Proposal:** Napa LAFCO
Name

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

Environmental Impact Report

Negative Declaration/Mitigated Negative Declaration

Categorical/Statutory Exemption: _____

None

Public Resources Code Section 21080(b)(4) statute provides
Type exemptions for "specific actions necessary to prevent or mitigate an emergency." CEQA Guidelines Section 15282(k), which exempts

Provide Copies of Associated Environmental Documents

the installation of new pipeline as long as the project does not exceed one mile in length.

VI. ADDITIONAL INFORMATION

A. Approval Terms and Conditions Requested For Commission Consideration:

N/A

Use Additional Sheets As Needed

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

(1) Recipient Name:

Mailing Address:

E-Mail:

(2) Recipient Name:

Mailing Address:

E-Mail:

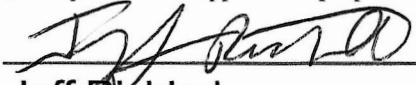
(3) Recipient Name:

Mailing Address:

E-Mail:

VII. CERTIFICATION

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

Signature: 
Printed Name: Jeff Richied
Title: Landowner
Date: 6/30/22

Wine Country Avenue No.6 Annexation to NSD
FACTORS FOR COMMISSION CONSIDERATION

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

FACTOR TO CONSIDER	COMMENT
1. Population and density [§56668(a)]	Consistent: Population two (legally uninhabited)
2. Land area and land use [§56668(a)]	Consistent: 2.5 acres, two single-family residences Jurisdiction: City of Napa, <i>Linda Vista</i> Planning Area
3. Assessed valuation [§56668(a)]	Consistent: Land: \$477,543 Structural improvements: \$562,440
4. Topography, natural boundaries and drainage basins [§56668(a)]	Consistent: Relatively flat: 0 to 2 percent slopes Drainage basin: <i>Napa River – Salvador Channel</i>
5. Proximity to other populated areas [§56668(a)]	Consistent: Adjacent lands on the four sides: City of Napa – developed or have residential use designations in the General Plan
6. Likelihood of significant growth in the area, adjacent areas during next 10 years [§56668(a)]	Consistent: City General Plan designation and zoning could allow up to 14 total residential lots; future subdivision would require analysis and approval by the City; no development plans at this time.
7. Need for government services [§56668(b)]	Consistent: Existing City services provided at adequate levels: Water, fire and emergency protection, law enforcement Additional service: Connection to sewer to reduce dependence on septic, APN # 035-511-014 has approved OSA due to failed septic
8. Government services present cost, adequacy and controls in area [§56668(b)]	Consistent: Analysis: Central County Region Municipal Service Review adopted in 2014 and Napa Countywide Water Wastewater MSR Updated 10-4-21
9. Government services effect of proposal on cost, adequacy and controls in area and adjacent areas [§56668(b)]	Consistent: Analysis: Central County Region Municipal Service Review adopted in 2014 and Napa Countywide Water Wastewater MSR Updated 10-4-21

<p>10. Effects on adjacent areas, on mutual social and economic interests, and on local governmental structure in the County</p> <p>[§56668(c)]</p>	<p>Consistent: Area included in NSD SOI since 1975</p>
<p>11. Effects on planned efficient patterns of urban development</p> <p>[§56668(d)]</p>	<p>Consistent: City General Plan land use designation: <i>SFI-3 (Single Family Infill, 3 to 6 lots per acre)</i></p>
<p>12. Effects on maintaining physical and economic integrity of agricultural lands</p> <p>[§56668(e)]</p>	<p>Consistent: Within City RUL, not designated for agricultural or open space use</p>
<p>13. Boundaries: logical, contiguous, not difficult to serve, definite and certain</p> <p>[§56668(f)]</p>	<p>Consistent: Two adjacent parcels, two existing residences</p>
<p>14. Conformance to lines of assessment, ownership</p> <p>[§56668(f)]</p>	<p>Consistent: Two parcels: APNs 035-511-012 and 035-511-014</p>
<p>15. Creation of islands, corridors, irregular boundaries</p> <p>[§56668(f)]</p>	<p>Consistent: Would reduce the size of an existing pocket of territory surrounded by NSD's boundary</p>
<p>16. Consistency with regional transportation plan</p> <p>[§56668(g)]</p>	<p>Consistent: No specific projects in regional transportation plan (RTP), <i>Plan Bay Area 2050</i></p>
<p>17. Consistency with city or county general and specific plans</p> <p>[§56668(h)]</p>	<p>Consistent: City General Plan designation: <i>SFI-3 (Single Family Infill, 3 to 6 lots per acre)</i> City Zoning: <i>RI-5 (Residential Infill, minimum lot size 5,000 sq. ft.)</i></p>
<p>18. Consistency with spheres of influence</p> <p>[§56668(i)]</p>	<p>Consistent: Within NSD SOI since 1975</p>
<p>19. Comments from affected agencies and other public agencies</p> <p>[§56668(j)]</p>	<p>Consistent: No comments received</p>

<p>20. Ability of agency to provide service including sufficiency of revenues [§56668(k)]</p>	<p>Consistent: Analysis: Central County Region Municipal Service Review adopted in 2014 and Napa Countywide Water Wastewater MSR Updated 10-4-21</p>
<p>21. Timely availability of adequate water supply [§56668(l)]</p>	<p>Consistent: Analysis: Central County Region Municipal Service Review adopted in 2014 and Napa Countywide Water Wastewater MSR Updated 10-4-21</p>
<p>22. Fair share of regional housing needs [§56668(m)]</p>	<p>Consistent: Neutral until possible future subdivision; no development plans at this time</p>
<p>23. Information or comments from landowners, voters, or residents in proposal area [§56668(n)]</p>	<p>Consistent: 100% consent of landowners</p>
<p>24. Existing land use designations [§56668(o)]</p>	<p>Consistent: City General Plan designation: <i>SFI-3 (Single Family Infill, 3 to 6 lots per acre)</i> City Zoning: <i>RI-5 (Residential Infill, minimum lot size 5,000 sq. ft.)</i></p>
<p>25. Effect on environmental justice [§56668(p)]</p>	<p>Consistent: No documentation or evidence suggesting the proposal will have any implication</p>
<p>26. Safety Element of GP concerns; identified as very high fire hazard zone [§56668(q)]</p>	<p>Consistent: Not located in a high fire hazard zone or a state responsibility area</p>
<p>27. Special district annexations: for the interest of landowners or inhabitants within the district and affected territory [§56668.3(a)(1)]</p>	<p>Consistent: Proposal approval would benefit by providing permanent access to public sewer service, eliminating public health hazard</p>



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 (Information)

TO: Local Agency Formation Commission

PREPARED BY: Brendon Freeman, Executive Officer *BF*

MEETING DATE: October 3, 2022

SUBJECT: Informational Report and Discussion Regarding Executive Officer's Evaluation and Cost of Living Adjustments and County's Management Equity Study Related to Compensation and Benefits for Commission Personnel and County Employees

SUMMARY

This item is for information purposes only. No formal action will be taken. As part of this item, the Commission will receive a verbal update from Vice Chair Wagenknecht.

On August 11, 2022, Chair Mohler and Vice Chair Wagenknecht met with the Executive Officer (EO) to discuss the recent EO performance evaluation and associated salary considerations. It was agreed the EO would receive a cost of living adjustment (COLA) and potential equity pay as determined by a County of Napa study.

In the future, changes to the EO's salary will be determined by the Commission and continue to include a COLA as determined by the County.

ATTACHMENTS

None

Margie Mohler, Chair
Councilmember, Town of Yountville

Mariam Aboudamous, Commissioner
Councilmember, City of American Canyon

Beth Painter, Alternate Commissioner
Councilmember, City of Napa

Brad Wagenknecht, Vice Chair
County of Napa Supervisor, 1st District

Diane Dillon, Commissioner
County of Napa Supervisor, 3rd 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