



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 7e (Action)

TO: Local Agency Formation Commission

PREPARED BY: Brendon Freeman, Executive Officer

MEETING DATE: October 1, 2018

SUBJECT: Legislative Report

RECOMMENDATION

It is recommended the Commission authorize the Executive Officer to submit the draft letter, included as Attachment Four, to all independent special districts in Napa County describing the new internet website requirements under Senate Bill 929.

BACKGROUND AND SUMMARY

On December 4, 2017, the Commission adopted a *Legislative Policy* (“the Policy”), included as Attachment One. The Commission also established a Legislative Committee with Chair Mohler and Commissioner Dillon serving with the Executive Officer.

On February 5, 2018, the Commission adopted a legislative platform, included as Attachment Two.

On May 15, 2018, consistent with the Policy and legislative platform, staff submitted a letter in support of Assembly Bill (AB) 2258. The letter was included on the next agenda.

On June 4, 2018, the Commission took formal action to approve support positions for AB 2238 and AB 3254 based on consistency with the legislative platform.

On September 5, 2018, consistent with the Policy, staff submitted a letter requesting the Governor sign AB 2258. The submitted letter is included as Attachment Three.

A summary of recent legislative action of interest to the Commission is provided on the following page.

Margie Mohler, Chair
Councilmember, Town of Yountville

Scott Sedgley, Commissioner
Councilmember, City of Napa

Kenneth Leary, Alternate Commissioner
Councilmember, City of American Canyon

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

Diane Dillon, Commissioner
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Ryan Gregory, Alternate Commissioner
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Representative of the General Public

Erik Lawrence, Alternate Commissioner
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AB 2238 (Aguiar-Curry) – Governor’s Desk

AB 2238 would add a new factor for LAFCOs to consider in the review of a proposal. Specifically, AB 2238 would require LAFCOs to consider information contained in a local hazard mitigation plan, information contained in a safety element of a general plan, and any maps that identify land as a very high fire hazard zone or state responsibility areas. AB 2238 passed the Assembly Floor on August 30, 2018, was enrolled on September 4, 2018, and is currently awaiting the Governor’s signature.

AB 2258 (Caballero) – Vetoed by Governor

AB 2258 would have created a grant pilot program for LAFCOs to receive additional funding to conduct special studies to initiate and complete the dissolution of inactive special districts. Staff recently submitted a letter requesting the Governor’s sign AB 2258 (Attachment Three). On September 18, 2018, the Governor vetoed AB 2258 given that the bill would require the Strategic Growth Council to establish and administer a grant program to fund various LAFCO activities, and this new spending proposal should be evaluated in the annual budget process where it can be weighed together with the state’s other spending priorities.

AB 3254 (Assembly Local Government Committee) – Signed by Governor

AB 3254 is the annual omnibus bill sponsored by CALAFCO and makes several technical, non-substantive changes to the Cortese-Knox-Hertzberg Act. AB 3254 will improve upon existing law and clarify Napa LAFCO’s authority and powers. AB 3254 was signed into law by the Governor on July 9, 2018.

Senate Bill 929 (McGuire) – Signed by Governor

SB 939 was signed into law by the Governor on September 14, 2018, and adds Section 53087.8 to the Government Code requiring all independent special districts to maintain an internet website by January 1, 2020, unless certain exemption standards are met. There are nine independent special districts in Napa County, three of which do not currently have an internet website: Congress Valley Water District (CVWD), Pope Valley Cemetery District (PVCD), and Spanish Flat Water District (SFWD). Staff has prepared a draft letter to all independent special districts in Napa County describing the new internet website requirements under Senate Bill 929 (Attachment Four). Staff recommends the Commission submit the letter with any desired changes.

ATTACHMENTS

- 1) Legislative Policy
- 2) Legislative Platform
- 3) Submitted Letter Requesting Governor Signature for AB 2258 (September 5, 2018)
- 4) Draft Letter to Independent Special Districts Regarding SB 929



LOCAL AGENCY FORMATION COMMISSION OF NAPA

Legislative Policy (Adopted: December 4, 2017)

- 1) The Local Agency Formation Commission (LAFCO) of Napa County (“the Commission”) shall establish a standing committee to review proposed legislation (“Legislative Committee”). At the beginning of each two-year legislative session, the Commission shall appoint (or re-appoint) two members to the Legislative Committee, in addition to LAFCO’s Executive Officer. Meetings of the Legislative Committee must be noticed in accordance with the Ralph M. Brown Act.
- 2) The Legislative Committee shall, at least annually, review the California Association of LAFCOs’ legislative platform as well as the Commission’s adopted legislative platform if applicable and determine what action is needed in terms of adopting or amending a local legislative platform. The Legislative Committee shall present recommendations to the full Commission with respect to actions related to the local legislative platform.
- 3) The Legislative Committee shall, at least annually, review proposed legislation affecting LAFCO. The Executive Officer shall continue monitoring proposed legislation and present recommendations to the full Commission with respect to formal positions on proposed legislation.
- 4) In the event that proposed legislation affecting LAFCO cannot be considered by the full Commission due to timing, the Executive Officer is authorized to submit written correspondence to the legislation’s author regarding the Commission’s position if the position is consistent with the adopted legislative platform of the Commission. The Chair, or the Vice-Chair if the Chair is unavailable, shall review and approve the written correspondence prior to it being submitted by the Executive Officer.
- 5) All submitted correspondence pursuant to this policy will be included on the next available Commission agenda.



LOCAL AGENCY FORMATION COMMISSION OF NAPA

Legislative Platform

(Adopted: February 5, 2018)

The following core guiding principles underlie the Local Agency Formation Commission (LAFCO) of Napa County's activities. Each of these principles is centered on Napa LAFCO having in-depth, active communication with respect to all relevant constituents.

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

The following serves as Napa LAFCO's Legislative Platform for purposes of informing actions relating to proposed legislation.

1. LAFCO Purpose and Authority

- 1.1 Support legislation which enhances Napa LAFCO's authority and powers to carry out the legislative findings and authority in Government Code §56000 et seq., and oppose legislation which diminishes Napa LAFCO's authority.
- 1.2 Support authority for Napa LAFCO to establish local policies to apply Government Code §56000 et seq. based on local needs and conditions, and oppose any limitations to that authority.
- 1.3 Oppose additional Napa LAFCO responsibilities which require expansion of current local funding sources. Oppose unrelated responsibilities which dilute Napa LAFCO's ability to meet its primary mission.
- 1.4 Support alignment of responsibilities and authority of Napa LAFCO and regional agencies which may have overlapping responsibilities in orderly growth, preservation, and service delivery, and oppose legislation or policies which create conflicts or hamper those responsibilities.
- 1.5 Oppose grants of special status to any individual agency or proposal to circumvent the Napa LAFCO process.
- 1.6 Support individual commissioner responsibility that allows each commissioner to independently vote his or her conscience on issues affecting his or her own jurisdiction.
- 1.7 Support the independence of Napa LAFCO from local agencies.
- 1.8 Support recognition of Napa LAFCO's spheres of influence by other agencies involved in determining and developing long-term growth and infrastructure plans.

2. Agricultural, Watershed, and Open Space Protection

- 2.1. Support legislation which clarifies Napa LAFCO's authority to identify, encourage, and ensure the preservation of agricultural, watershed, and open space lands.
- 2.2. Support policies which encourage cities, counties and special districts to direct development away from agricultural, watershed, and open space lands.
- 2.3. Support policies and tools which protect agricultural, watershed, and open space lands.
- 2.4. Support the continuance of the Williamson Act and restoration of program funding through State subvention payments.
- 2.5. Support the recognition and use of spheres of influence as a management tool to provide better planning of growth and development, and to preserve agricultural, watershed, and open space lands.



Local Agency Formation Commission of Napa County

Subdivision of the State of California

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

September 5, 2018

The Honorable Edmund G. Brown, Jr.
Governor, State of California
State Capitol
Sacramento, CA 95814

Re: **AB 2258** (Caballero): Local Agency Formation Commissions: Grant Program Request for Signature

Dear Governor Brown:

The Napa Local Agency Formation Commission (LAFCO) joins the California Association of Local Agency Formation Commissions (CALAFCO) in respectfully requesting your signature on **Assembly Bill 2258** by Assembly Member Anna Caballero. Sponsored by CALAFCO, **AB 2258** establishes a grant program administered by the Strategic Growth Council for California's 58 LAFCOs to provide grants to LAFCOs to address known service and governance concerns in disadvantaged communities.

The five-year grant funding program provides financial assistance to conduct studies and analyses of local government agencies and services serving disadvantaged communities for the purposes of creating improved efficiencies in the delivery of services and to complete the process to terminate inactive special districts. The bill authorizes the grant program for a limited time period, upon appropriation in the annual Budget Act and sunsets July 31, 2024.

As you know, LAFCOs are responsible for meeting important statutory directives to maintain orderly boundaries and seek greater efficiencies in delivering local services, and yet these directives often cannot be consistently met under current funding mechanisms. As a result, much-needed LAFCO activities are sometimes delayed or rejected due to lack of funds. In fact, an August 2017 Little Hoover Commission report on special districts outlined these concerns about LAFCOs and recommended the Legislature consider one-time grant funding to pay for specified activities, suggesting a small amount of funding could save taxpayers money in the long-term if local government services are streamlined and efficiency is improved.

AB 2258 establishes a grant program – contingent upon an appropriation in a future budget – administered by the Strategic Growth Council, to provide LAFCOs with funding to initiate and complete dissolution of inactive districts as identified by the State Controller's Office, prepare special studies, and potentially initiate actions based on determinations contained in the study. The program includes specific eligible activities, limited to services provided in disadvantaged communities, and a requirement to report to the Strategic Growth Council as to the use of grant funds.

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Executive Officer

Napa LAFCO Request for Governor Signature on Assembly Bill 2258

September 5, 2018

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Through **AB 2258**, LAFCOs and service providers can work together to create greater efficiencies in the provision of sustainable municipal services, focusing on disadvantaged communities throughout California, by directing much needed resources to these areas.

We respectfully request your signature on **AB 2258** when it comes before you for action. Please don't hesitate to reach out with questions or concerns by telephone at (707) 259-8645 or e-mail at bfreeman@napa.lafco.ca.gov.

Sincerely yours,



Brendon Freeman

Executive Officer

cc: The Honorable Anna Caballero, California State Assembly
The Honorable Tim Grayson, co-author, California State Assembly
The Honorable Robert Hertzberg, co-author, California State Senate
Mr. Tom Dyer, Chief Deputy Legislative Secretary to the Governor
Pamela Miller, Executive Director, CALAFCO
Margie Mohler, Chair, Napa LAFCO



Local Agency Formation Commission of Napa County
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October 1, 2018

To: Independent Special Districts in Napa County

SUBJECT: New Website Requirement for Independent Special Districts

This letter provides formal notice by the Local Agency Formation Commission (LAFCO) of Napa County of the new internet website requirement established under Senate Bill 929 (McGuire). This legislation was signed by the Governor on September 14, 2018, and requires all independent special districts to maintain an internet website that clearly lists the district's contact information by January 1, 2020. The chaptered bill text is attached.

An independent special district shall be exempt from this requirement if the district's governing board adopts a resolution at a regular meeting declaring its determination that a hardship exists that prevents the district from establishing or maintaining an internet website. The resolution shall include detailed findings supporting the board's determination that a hardship exists. Findings may include, but are not limited to, inadequate access to broadband, limited financial resources, or insufficient staff resources. The resolution would be valid for one year, and the district's governing body shall adopt a resolution annually so long as the hardship exists.

If you have any questions about Senate Bill 929 or need assistance complying with the new requirement, please do not hesitate to contact me at your earliest convenience by e-mail at bfreeman@napa.lafco.ca.gov or telephone at (707) 259-8645.

Sincerely,

Brendon Freeman
Executive Officer

Attachment: Senate Bill 929 Chaptered Text

Margie Mohler, Chair
Councilmember, Town of Yountville

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Executive Officer

Senate Bill No. 929

CHAPTER 408

An act to add Sections 6270.6 and 53087.8 to the Government Code, relating to special districts.

[Approved by Governor September 14, 2018. Filed with
Secretary of State September 14, 2018.]

LEGISLATIVE COUNSEL'S DIGEST

SB 929, McGuire. Special districts: Internet Web sites.

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 special districts, as specified. The California Public Records Act requires a local agency to make public records available for inspection and allows a local agency to comply by posting the record on its Internet Web site and directing a member of the public to the Internet Web site, as specified.

This bill would, beginning on January 1, 2020, require every independent special district to maintain an Internet Web site that clearly lists contact information for the special district, except as provided. Because this bill would require local agencies to provide a new service, the bill would impose a state-mandated local program.

The California Constitution requires local agencies, for the purpose of ensuring public access to the meetings of public bodies and the writings of public officials and agencies, to comply with a statutory enactment that amends or enacts laws relating to public records or open meetings and contains findings demonstrating that the enactment furthers the constitutional requirements relating to this purpose.

This bill would make legislative findings to that effect.

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

This bill would provide that with regard to certain mandates no reimbursement is required by this act for a specified reason.

With regard to any other mandates, this bill would provide that, if the Commission on State Mandates determines that the bill contains costs so mandated by the state, reimbursement for those costs shall be made pursuant to the statutory provisions noted above.

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

SECTION 1. The Legislature finds and declares all of the following:

(a) Special districts are local government agencies that provide essential services to millions of Californians.

(b) As of January 2018, there are 2,085 independent special districts in California.

(c) Each special district focuses on a specific set of services, including, but not limited to, water, utilities, and parks.

(d) Throughout California's history, special districts have empowered residents to find local solutions to fit the unique needs of their communities.

(e) It is this local approach that continues to make special districts a popular method for delivering essential public services and infrastructure in communities throughout the state.

(f) In order to further public access to information related to these essential services, it is the intent of the Legislature that each independent special district provide easily accessible and accurate information on an Internet Web site.

SEC. 2. Section 6270.6 is added to the Government Code, to read:

6270.6. In implementing this chapter, each independent special district shall maintain an Internet Web site in accordance with Section 53087.8.

SEC. 3. Section 53087.8 is added to the Government Code, to read:

53087.8. (a) (1) Except as provided in subdivision (b), beginning on January 1, 2020, every independent special district, as defined in Section 56044, shall maintain an Internet Web site.

(2) The Internet Web site required by paragraph (1) shall conform to any other provisions of law applicable to the Internet Web site of the district, including, but not limited to, Sections 6270.5, 53893, 53908, and 54954.2 of this code, and Section 32139 of the Health and Safety Code.

(3) The Internet Web site required by paragraph (1) shall clearly list contact information for the independent special district.

(b) (1) An independent special district shall be exempt from subdivision (a) if, pursuant to a majority vote of its governing body at a regular meeting, the district adopts a resolution declaring its determination that a hardship exists that prevents the district from establishing or maintaining an Internet Web site.

(2) A resolution adopted pursuant to this subdivision shall include detailed findings, based upon evidence set forth in the minutes of the meeting, supporting the board's determination that a hardship prevents the district from establishing or maintaining an Internet Web site. The findings may include, but shall not be limited to, inadequate access to broadband communications network facilities that enable high-speed Internet access, significantly limited financial resources, or insufficient staff resources.

(3) A resolution adopted pursuant to this subdivision shall be valid for one year. In order to continue to be exempt from subdivision (a), the governing body of an independent special district shall adopt a resolution pursuant to this subdivision annually so long as the hardship exists.

SEC. 4. The Legislature finds and declares that Section 2 of this act, which adds Section 6270.6 to the Government Code, and Section 3 of this act, which adds Section 53087.8 to the Government Code, further, within

the meaning of paragraph (7) of subdivision (b) of Section 3 of Article I of the California Constitution, the purposes of that constitutional section as it relates to the right of public access to the meetings of local public bodies or the writings of local public officials and local agencies. Pursuant to paragraph (7) of subdivision (b) of Section 3 of Article I of the California Constitution, the Legislature makes the following findings:

By requiring independent special districts to maintain an Internet Web site, this act increases public access to public records and thereby furthers the purposes of paragraph (7) of subdivision (b) of Section 3 of Article I of the California Constitution.

SEC. 5. No reimbursement is required by this act pursuant to Section 6 of Article XIII B of the California Constitution because the only costs that may be incurred by a local agency or school district under this act would result from a legislative mandate that is within the scope of paragraph (7) of subdivision (b) of Section 3 of Article I of the California Constitution.

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

DRAFT