



Local Agency Formation Commission of Napa County

Subdivision of the State of California

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

■ Kenneth Leary, Chair ■ Diane Dillon, Vice Chair ■ Margie Mohler ■ Gregory Rodeno ■ Brad Wagenknecht
■ Ryan Gregory, Alternate ■ Eve Kahn, Alternate ■ Scott Sedgley, Alternate

Administrative Office
1030 Seminary Street, B
Napa, California 94559
Telephone: 707-259-8645
www.napa.lafco.ca.gov

Consistent with the California Governor's Executive Order N-29-20 promoting social distancing, there will be no physical or in-person meeting location available to the public. Instead, the meeting will be conducted 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, August 3, 2020, 2:00 PM

This meeting will be conducted by Teleconference

Written public comments may be submitted PRIOR to the meeting (Deadline August 3 at 10:00 A.M.). Public comments DURING the meeting: See "Coronavirus (COVID-19) – Notice of Meeting Procedures" on page 3 of the agenda.

Join Teleconference Meeting **Electronically** (computer, tablet or smartphone): click on the link below:

<https://countyofnapa.zoom.us/j/96474747002>

Join Teleconference Meeting by **Telephone**:

Dial: (669) 900-6833

Follow the prompts: Meeting ID: 96474747002#

Please avoid the speakerphone function to prevent echoing.

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

1. CALL TO ORDER BY CHAIR; ROLL CALL

2. PLEDGE OF ALLEGIANCE

3. APPROVAL OF AGENDA

The Chair will consider a motion to approve the agenda as prepared by the Executive Officer with any requests to remove or rearrange items by members 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. *See Coronavirus (COVID-19) – Notice of Meeting Procedure on page 3 of the agenda to submit comments.*

5. CONSENT ITEMS

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

a) **Approval of Meeting Minutes:** June 1, 2020 Regular Meeting and July 13, 2020 Special Meeting

6. INFORMATION ITEMS

Information items will be received by the Commission without a presentation from staff unless requested by the Commission. Information items do not involve any action by the Commission.

- a) **Current and Future Proposals**
- b) **Fourth Quarter Budget Report for 2019-2020**
- c) **Countywide Update on Housing and General Plans**
- d) **Strategic Plan and Work Program Progress Report**
- e) **Executive Officer Report**

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.

See Coronavirus (COVID-19) – Notice of Meeting Procedure on page 3 of the agenda to submit comments.

a) Los Robles Drive No. 2 Annexation to the Napa Sanitation District and Associated CEQA Findings (Approx. 10 Minutes)

The Commission will consider approving a proposal submitted by landowner petition for annexation of four incorporated parcels totaling approximately 15.4 acres in size to the Napa Sanitation District. The affected territory is located at 21 Los Robles Drive, 33 Los Robles Drive, 45 Los Robles Drive, and a property with no situs address, and identified by the County Assessor as 046-180-017, 046-180-008, 046-180-009, and 046-180-016, respectively. The annexation is exempt from CEQA 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 recommended action is for the Commission to adopt a resolution approving the proposal with standard terms and conditions and making CEQA findings.

b) Linda Vista Avenue No. 21 Annexation to the Napa Sanitation District and Associated CEQA Findings (Approx. 10 Minutes)

The Commission will consider approving a proposal submitted by landowner petition for annexation of four incorporated parcels totaling approximately 2.8 acres in size to the Napa Sanitation District. The affected territory is located at 3660 Linda Vista Avenue, 4009 Linda Vista Avenue, 4213 Linda Vista Avenue, and 2415 Trower Avenue, and identified by the County Assessor as 007-231-002, 007-152-030, 007-103-004, and 007-172-023, respectively. The annexation is exempt from CEQA 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 recommended action is for the Commission to adopt a resolution approving the proposal with standard terms and conditions and making CEQA findings.

c) Public Comments Received on the Countywide Water and Wastewater Municipal Service Review Draft Report (Approx. 20 Minutes)

The Commission will discuss the public comments received on the draft Countywide Water and Wastewater Municipal Service Review (MSR). The recommended action is for the Commission to provide direction to staff with respect to possible future revisions to the MSR to incorporate the public comments. The Commission may also direct staff to provide written responses to any of the comments.

d) Legislative Report (Approx. 10 Minutes)

The Commission will receive a report on legislative items affecting LAFCOs. The recommended action is for the Commission to authorize the Executive Officer to submit letters to the Assembly Appropriations Committee and Senator Anna Caballero opposing the proposed pending amendments to Senate Bill 414.

e) Outreach Committee Update (Approx. 10 Minutes)

The Commission will receive an update from the ad hoc Outreach Committee on potential strategies and resources needed to provide outreach and education to the general public related to LAFCO activities. The recommended action is for the Commission to provide direction to staff and/or the Outreach Committee to commence any desired outreach efforts.

f) CALAFCO Voting Delegates and Board Nominations (Approx. 5 Minutes)

The Commission will consider appointing voting delegates to represent the Commission for the CALAFCO Board of Directors election and making nominations for the CALAFCO Board.

8. 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.

9. ADJOURNMENT TO NEXT SCHEDULED MEETING

Monday, October 5, 2020, at 2:00 P.M. at the Napa County Board of Supervisors Chambers, located at 1195 Third Street, 3rd floor, Napa, CA 94559. It is anticipated the meeting may be conducted by teleconference due to COVID-19 in compliance with Executive Order N-29-20.

MEETING INFORMATION

****CORONAVIRUS (COVID-19) – Notice of Meeting Procedures**

TELECONFERENCE MEETING: In order to slow the spread of the Coronavirus (COVID-19) pandemic, the Commission will conduct this meeting as a teleconference in compliance with the Governor’s Executive Order N-29-20 and Napa County Shelter at Home Order issued March 18, 2020, and members of the Commission or Commission staff may participate in this meeting telephonically or electronically. Members of the public may participate in the meeting, as described below.

*Join Teleconference Meeting **Electronically** (computer, tablet or smartphone):* click on the link below:

<https://countyofnapa.zoom.us/j/96474747002>

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

Dial: (669) 900-6833

Follow the prompts: Meeting ID: 96474747002#

Please avoid the speakerphone function to prevent echoing.

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

SUBMITTING WRITTEN COMMENTS TO BE READ AT THE MEETING: Any member of the public may submit a written comment to the Commission before the meeting by **August 3, 2020 at 10:00 A.M.** by email to kmabry@napa.lafco.ca.gov or by mail to Napa LAFCO 1030 Seminary St., Suite B, Napa, CA 94559-2814. If you are commenting on a particular item on the agenda, please identify the agenda item number and letter. Any comments of 500 words or less (per person, per item) will be read into the record if: (1) the subject line includes “COMMENT TO COMMISSION - PLEASE READ”; and (2) it is received by the Commission Clerk prior to the deadline of **August 3, 2020 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 activate and 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 (landline):

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 activate and unmute speakers in turn. You will be called upon using the last four digits of your phone number, since your name is not visible.
3. When you are called upon to speak please provide your name and address for the record.
4. When called, please limit your remarks to the time limit allotted (3 minutes).

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

AGENDA ITEMS: The Commission may reschedule items on the agenda. The Commission will generally hear uncontested matters first, followed by discussions of contested matters, and staff announcements in that order.

CONDUCT OF HEARINGS: A contested matter is usually heard as follows: (1) discussion of the staff report and the environmental document; (2) testimony of proponent; (3) testimony of opponent; (4) public testimony; (5) rebuttal by proponent; (6) provision of additional clarification by staff as required; (7) close of the public hearing; (8) Commission discussion and Commission vote.

VOTING: A quorum consists of three members of the Commission. No action or recommendation of the Commission is valid unless a majority of the quorum of the Commission concurs therein.

OFF AGENDA ITEMS: Matters under the jurisdiction of the Commission and not on the posted agenda may be addressed by the public under “Public Comments” on the Agenda. The Commission limits testimony on matters not on the agenda to 500-words or less for a particular subject and in conformance with the COVID-19-Notice of Meeting Procedures. The Commission cannot take action on any unscheduled items.

SPECIAL NEEDS: Meetings are accessible to persons with disabilities. Requests for assistive listening devices or other considerations should be made 72 hours in advance through the Commission Clerk at (707) 259-8645 or kmabry@napa.lafco.ca.gov.

POLITICAL REFORM ACT: Pursuant to Government Code Sections 56700.1 and 81000 et seq., any person or combination of persons who directly or indirectly contributes \$1,000 or more or expends \$1,000 or more in support of or in opposition to a change of organization or reorganization that will be, or has been, submitted to LAFCO must comply, to the same extent as provided for local initiative measures, with reporting and disclosure requirements of the California Political Reform Act of 1974. Additional information can be obtained by contacting the Fair Political Practices Commission.

Pursuant to Government Code Section 84308, if you wish to participate in the proceedings indicated on this agenda, you or your agent is prohibited from making a campaign contribution of \$250 or more to any Commissioner or Alternate Commissioner. This prohibition begins on the date you begin to actively support or oppose an application before LAFCO and continues until three months after a final decision is rendered by LAFCO. If you or your agent has made a contribution of \$250 or more to any Commissioner or Alternate Commissioner during the 12 months preceding the decision, that Commissioner or Alternate Commissioner must disqualify themselves from the decision in the proceeding. However, disqualification is not required if the Commissioner or Alternate Commissioner returns that campaign contribution within 30 days of learning both about the contribution and the fact that you are a participant in the proceedings.

MEETING MATERIALS: Any writings or documents provided to a majority of the members of the Commission regarding any item on this agenda after the posting of the agenda and not otherwise exempt from disclosure will be made available for public review at <https://www.napa.lafco.ca.gov> or by contacting the Commission Clerk at kmabry@napa.lafco.ca.gov or call the LAFCO office at (707) 259-8645. If the supplemental materials are made available to the members of the Commission at the meeting, a copy will be available for public review at <https://www.napa.lafco.ca.gov>. Staff reports are available online at https://www.napa.lafco.ca.gov/staff_reports.aspx or upon request to the Commission Clerk at kmabry@napa.lafco.ca.gov or call the LAFCO office at (707) 259-8645.



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

Agenda Item 5a (Consent/Action)

TO: Local Agency Formation Commission

PREPARED BY: Kathy Mabry, Commission Clerk

MEETING DATE: August 3, 2020

SUBJECT: Approval of Meeting Minutes: **June 1, 2020 Regular Meeting and July 13, 2020 Special Meeting (Public Workshop)**

DISCUSSION AND RECOMMENDATION

The Commission will consider approving the draft meeting minutes prepared by staff for the June 1, 2020 Regular Meeting and July 13, 2020 Special Meeting (Public Workshop), included as Attachments One and Two, respectively. Staff recommends approval.

ATTACHMENTS

- 1) Draft Minutes for June 1, 2020 Regular Meeting
- 2) Draft Minutes for July 13, 2020 Special Meeting (Public Workshop)

Kenneth Leary, Chair
Councilmember, City of American Canyon

Margie Mohler, Commissioner
Councilmember, Town of Yountville

Scott Sedgley, Alternate Commissioner
Councilmember, City of Napa

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

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

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

Gregory Rodeno, 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
REGULAR* MEETING MINUTES OF JUNE 1, 2020**

Due to Coronavirus (COVID-19) and consistent with Governor Newsom's Executive Order N-29-20 promoting social distancing, the meeting was conducted **via teleconference. The meeting was accessible for members of the public to attend electronically via a link and phone number displayed on page 3 of the agenda under Notice of Meeting Procedures.*

1. WELCOME AND CALL TO ORDER; ROLL CALL

Chair Leary called the special meeting of June 1, 2020 to order at 2:07 PM **via teleconference**.
At the time of roll call, the following Commissioners and Staff were present:

Regular Commissioners	Alternate Commissioners	Staff
Kenneth Leary, Chair	Ryan Gregory	Brendon Freeman, Executive Officer
Diane Dillon, Vice Chair	Eve Kahn	DeeAnne Gillick, Commission Counsel
Margie Mohler	Scott Sedgley	Dawn Mittleman Longoria, Analyst II
Gregory Rodeno		Kathy Mabry, Secretary
Brad Wagenknecht (left @ 3:27 PM)		

2. PLEDGE OF ALLEGIANCE

Chair Leary invited members of the audience to join him in reciting the Pledge of Allegiance.

3. APPROVAL OF AMENDED AGENDA

Chair Leary asked if there were any requests to rearrange the agenda. There were no requests. Upon motion by Commissioner Rodeno and second by Commissioner Dillon, the Commission adopted the agenda as submitted.

VOTE:

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

4. PUBLIC COMMENTS

Prior to the meeting, the public was encouraged to submit comments to the Commission concerning any matter not on the agenda, with specific instructions noted under Coronavirus (COVID-19) – Notice of Meeting Procedure on page 3 of the agenda.

There were no public comments received prior to the meeting, via mail or email.

During the meeting, a public comment was received via telephone from Napa Resident, Riley Gilbert, who suggested LAFCO agendize the process of unincorporated islands for the City of Napa, and reach out to homeowners, as he believes most citizens are unfamiliar with how the process works.

5. CONSENT ITEMS

a) Approval of Meeting Minutes: May 4, 2020 Special Meeting

Upon motion by Commissioner Mohler and second by Commissioner Dillon, the consent items were approved by roll call vote:

VOTE:

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

6. INFORMATION ITEMS

The Commission received the following information items without a presentation from staff. Information items do not involve any action or vote by the Commission.

- a) **Current and Future Proposals**
- b) **Third Quarter Budget Report for 2019-2020**
- c) **Executive Officer Report**

There was no discussion on this item.

7. PUBLIC HEARING ITEM

Members of the public were able to address the Commission with respect to any public hearing item, per instructions provided on the Coronavirus (COVID-19) – Notice of Meeting Procedure on page 3 of the agenda.

a) Final Budget for Fiscal Year 2020-2021 and Proposed Amendment to the Schedule of Fees and Deposits

The Commission considered approving a final budget for fiscal year 2020-2021. Proposed operating expenses total \$540,893 and proposed operating revenues total \$519,084 with the remaining shortfall of \$21,809 to be covered by drawing from agency reserves.

The Commission also considered approving an amendment to the Schedule of Fees and Deposits. The recommended actions are for the Commission to adopt the final budget by resolution and adopt a proposed amendment to the Schedule of Fees and Deposits, effective July 1, 2020, by resolution.

Staff provided an overview of this agenda item.

Chair Leary opened the public hearing.

There were no public comments received via email before or during the meeting.

Chair Leary closed the public hearing.

Chair Leary and Vice-Chair Dillon thanked the Executive Office and the Budget Committee for their work on the agency’s budget, especially during these difficult times.

Commissioner Mohler asked the Executive Officer to explain the formula used for each agency’s portion contributed annually to the LAFCO budget. Mr. Freeman explained this process.

Upon motion by Commissioner Wagenknecht and second by Commissioner Mohler, the final budget for the 2020-21 fiscal year and resolution were approved by roll call vote (**Resolution No. 2020-04**):

VOTE:

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

Upon motion by Commissioner Rodeno and second by Commissioner Mohler, the amendment to the Adopted Schedule of Fees and Deposits and resolution were approved by roll call vote (**Resolution No. 2020-05**):

VOTE:

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

8. ACTION ITEMS

Members of the public were invited to provide comments, per Coronavirus (COVID-19) – Notice of Meeting Procedure on page 3 of the agenda.

a) Silver Trail No. 10 Annexation to the Napa Sanitation District and Associated CEQA Findings

The Commission considered approving a proposal submitted by landowner petition for annexation of one unincorporated parcel totaling 0.5 acres in size to the Napa Sanitation District. The affected territory is identified by the County Assessor as 060-342-004. The purpose of annexation is to eliminate the existing private septic system serving the single-family residence and to facilitate connection to NSD’s public sewer infrastructure.

At its May 4, 2020 meeting, the Commission considered a request from the landowner for a waiver of application fees, however, that request was denied.

Staff noted a missing word in the draft resolution located in attachment one of staff report. On page 1, in the third “whereas” section, the word “proposal” should be added accordingly.

Chair Leary opened the public hearing. No public comments were received.

Chair Leary closed the public hearing.

Upon motion by Commissioner Rodeno and second by Commissioner Wagenknecht, the Commission approved the staff recommendation to adopt the amended resolution approving the annexation, by roll call vote (**Resolution No. 2020-06**):

VOTE:

AYES: RODENO, WAGENKNECHT, DILLON, LEARY AND MOHLER

NOES: NONE

ABSENT: NONE

ABSTAIN: NONE

b) Countywide Water and Wastewater Municipal Service Review Draft Report

The Commission discussed matters related to the draft Countywide Water and Wastewater Municipal Service Review (MSR). This included the public workshop scheduled for July 13, 2020, and possible future revisions to the MSR to incorporate information related to COVID-19 impacts on the subject agencies. The recommended action was for the Commission to provide formal direction to staff with respect to (1) the public workshop scheduled for July 13, 2020, and possible future revisions to the MSR, and (2) to consider revising the draft report to address COVID-19 impacts. Following discussion, the Commission agreed the MSR should acknowledge the impacts of COVID-19, as well as potential fires and earthquakes, by adding a paragraph or two to the report, but agreed this should be at no additional expense. Commissioners, Staff and the Consultant discussed the timeline for public review of the report, and a location and time for a July workshop.

The Commission seemed to be split on whether to hold the workshop in person or virtually via a Zoom meeting, however, the decision may be based on the status of the pandemic in July.

Chair Leary opened the public hearing. No public comments were received.

Chair Leary closed the public hearing.

Upon motion by Commissioner Wagenknecht and second by Commissioner Mohler, the following was approved by roll call vote:

- 1) Directed staff to circulate the public draft report now for review for 60 days until July 20, 2020;
- 2) Return with a presentation on the draft report as part of a Commission meeting; and
- 3) Schedule the public workshop for July 2020:

VOTE:

AYES: WAGENKNECHT, MOHLER, DILLON, LEARY AND RODENO

NOES: NONE

ABSENT: NONE

ABSTAIN: NONE

8. ACTION ITEMS – continued:

c) 2019-2020 Work Program Progress Report and Adoption of 2020-2021 Work Program

The Commission received a progress report on the 2019-2020 Work Program and considered adopting a 2020-2021 Work Program that includes administrative, planning, and regulatory activities for the upcoming fiscal year. The recommended action was for the Commission to adopt the resolution to adopt the 2020-21 Work Program.

Commissioner Mohler commented on the public comment received at the start of the meeting by Riley Gilbert to have some information regarding the process of annexing unincorporated islands on LAFCO’s website for the public. Staff agreed and will post information on this topic on the agency’s website.

Upon motion by Commissioner Mohler and second by Commissioner Dillon, the Commission adopted the proposed 2020-2021 Work Program by roll call vote (**Resolution No. 2020-07**):

VOTE:

AYES: MOHLER, DILLON, GREGORY, LEARY AND RODENO

NOES: NONE

ABSENT: WAGENKECHT

ABSTAIN: NONE

9. COMMISSIONER COMMENTS/REQUESTS FOR FUTURE AGENDA ITEMS

10. ADJOURNMENT TO NEXT REGULAR SCHEDULED MEETING

The meeting adjourned at 3:45 PM. The next meeting will be a public workshop scheduled for July 13, 2020, time to be determined, location is *tentatively* at the Napa Valley Transportation Authority, located at 625 Burnell Street, Napa, CA 94559.

The next regular LAFCO meeting is scheduled for **Monday, August 3, 2020 at 2:00 PM tentatively** at the Napa County Board of Supervisors Chambers, 1195 Third Street, Third floor, Napa, CA 94559. **However, it is anticipated the meeting will be held telephonically due to COVID-19 in compliance with Executive Order N-29-20.**

Kenneth Leary, LAFCO Chair

ATTEST:

Dawn Mittleman Longoria, Analyst II

Prepared by:

Kathy Mabry, Commission Secretary



LOCAL AGENCY FORMATION COMMISSION OF NAPA COUNTY SPECIAL MEETING MINUTES OF JULY 13, 2020

*Due to Coronavirus (COVID-19) and consistent with Governor Newsom's Executive Order N-29-20 promoting social distancing, the meeting was conducted **via teleconference**. The meeting was accessible for members of the public to attend electronically via a link and phone number displayed on page 3 of the agenda under Notice of Meeting Procedures.*

1. WELCOME AND CALL TO ORDER; ROLL CALL

Chair Leary called the special meeting of July 13, 2020 to order at 2:12 PM *via teleconference*. A moment of silence was held in memory of Bill Chiat, former CALAFCO Executive Director who passed away. At the time of roll call, the following Commissioners and Staff were present:

Regular Commissioners	Alternate Commissioners	Staff
Kenneth Leary, Chair	Ryan Gregory	Brendon Freeman, Executive Officer
Diane Dillon, Vice Chair	(left at 3:00 PM)	DeeAnne Gillick, Counsel
Margie Mohler	Eve Kahn	Dawn Mittleman Longoria, Analyst II
Gregory Rodeno	Scott Sedgley	Kathy Mabry, Secretary
Brad Wagenknecht		

2. PLEDGE OF ALLEGIANCE

Chair Leary invited members of the audience to join him in reciting the Pledge of Allegiance.

3. COMMISSION WORKSHOP

At the start of the meeting, staff read instructions to the audience regarding how to make Public Comments during the workshop, electronically or by phone, as well as how to address the Commission once called upon for comments.

The Commission held a public workshop for the purposes of providing an update on a comprehensive Draft Countywide Water and Wastewater Municipal Service Review (MSR) report.

Staff welcomed everyone to the workshop, and provided a brief overview of the agenda.

Staff introduced the private MSR Consultants, Jennifer Stephenson of Policy Consulting Associates, and Richard Berkson with Berkson Associates.

The Consultants gave a presentation on the status of the study. Below are topics reviewed and discussed:

- **STUDY SCHEDULE UPDATE:** Upcoming Important Dates: Comments due 7/20/20; Discuss comments at Commission Meeting 8/3/20, and Public hearing for adoption 10/5/20.
- What is a Municipal Service Review?
- MSR Process
- Providers of Water and Wastewater in Napa County (total of 14)
- Summary of recommendations for the affected agencies
- Challenges to Services
- Financial Challenges
- Governance Structure Options: Potential Benefits/Financial Benefits/Potential Challenges
- Next Steps for Countywide/Regional Governance Structure Options
- Questions/Comments
- To view full workshop: https://napa.granicus.com/player/clip/4632?view_id=25

Staff noted that as of July 10, 2020, seven written comment letters on the draft MSR had been received from the City of Calistoga, City of Napa, Town of Yountville, Napa River Reclamation District No. 2109, Dan Mufson, Roland Dumas, and Patricia Damery, all of which were provided to the Commission. Following the agenda posting, additional public comment letters were received, and those letters will be included as part of the Commission's August 3, 2020 meeting agenda packet.

4. COMMISSION WORKSHOP – continued:

During the presentation, Commissioners were given opportunities to ask questions of staff and consultants, and public comments were heard following the presentation.

The draft MSR included several key recommendations related to the governance structure and shared service opportunities for many of the subject agencies. Reorganization/Merging of some agencies, such as Napa Sanitation District, were discussed. Potential Joint Power Agreements (JPA) and consolidation of smaller districts were also discussed.

Commissioner Dillon requested the MSR be revised to add a map showing all mutual water companies in Napa County and a 4-column chart with each one's (1) service area/acres, (2) population, (3) number of connections, and (4) water source (wells vs surface water). The Executive Officer agreed to take on this task and coordinate with the consultant to get it into the next version of the report.

Following the presentation, the Commission was invited to discuss the report, provide direction to staff to incorporate any desired revisions, and direction to staff to provide written responses to any of the comments:

- Commissioner Dillon had a question about enforcement of County-wide entity's trucked water policy (for their own jurisdiction). Per the consultant, recommendations on trucked water are in the report. Additionally, Commissioner Dillon brought up the history of RID's (Resort Improvement Districts) and asked if RID's were looked at and incorporated into the report. Staff noted that in 2011, a study (MSR) was prepared on RID options for reorganization. Staff will further review the prior MSR with the consultant to more fully incorporate its findings into the draft report.
- Commissioner Sedgley commended the Consultants on seeking out the sensitive spots in the County that need to be addressed and not just consolidations or sphere amendments.
- Commissioner Mohler talked about Yountville's water being owned by the State and would the State have to agree to join the JPA? The Consultant said it would depend on who the water agency is.
- Chair Leary commended the Consultants on the quality of this important study, and thanked the Commissioners and staff for their participation and implementation of this report.
- Commissioner Wagenknecht talked about water systems and natural breaks where water is, and asked how to maintain orderly growth and succession and enforcing that in a countywide system. The Consultant said the County would be responsible for making the land use decisions, citing a similar example in Calaveras County, which has a countywide water district (referenced in the overview portion of draft report). Commissioner Wagenknecht also asked if CA Code 56133 would remain in effect for water resource management. The consultant explained that it depends on the structure, but yes, it would still be essential.

At this point, the Commission took a 10-minute break.

Public comments were received from the following:

- Geoff Ellsworth, Mayor of St. Helena, said he appreciates the conversation and where it's going, and supports what Commissioner Mohler said in terms of the Groundwater Sustainability Agency and Plan Advisory Committee. He believes the cross-pollination of information between these two boards will be very informative in to directions to go in terms of understanding how we quantify the resource (water) and make sure we have equitable distribution. In addition, Mayor Ellsworth suggested the Drought Contingency Plan has a lot of information in there that can be woven in to give a more complete picture.

3. COMMISSION WORKSHOP – continued:

Public comments continued:

- Jay Gardner, President of Meyers Water Company, said Meyers serves 100 homes with unmetered water connections in the Edgerly Island area on the Napa River, and is regulated by CPUC and the Napa County's Environmental Health Dept. In 2004, Mr. Gardner took over the operations of Meyers Water Company when the owners put the system up for sell. Since 2004, they have seen significant problems and improvements happen including re-casing the well in 2005, complete destruction of the tankage system in the 2014 earthquake, and currently a water emergency happening due to the failure of the 70-year old well. Due to the way the CPUC regulates the water company, the water company is unable to plan for long-term capital improvements. Rather than building up a fund for needed replacements, like the 70-year old well, they had to go to their bank for a loan for a new well, however, the bank refused the loan request due to their financial condition. They eventually got a loan from RCAC (a lender for small rural systems), but only if Mr. Gardner and his wife would personally guarantee that loan. This easily added 6 months to this emergency situation of the failing well, and then COVID-19 made the matter worse. Still, they will need to go CPUC and get the loan and a new well approved.

Mr. Gardner stated he believes this is backwards as to how to fund capital improvements, as it seems they have to wait for things to fail under the current system rather than planning and preparing for the inevitable replacement. Some of the issues the water company is facing is it must meter all customers within 5 years, and replace the 55-year old main line. These are things in their future, yet they have no funding source for these improvements. Mr. Gardner stated he and his wife have no desire to further dip into their retirement funds, which they have had to do in the past.

As a small water agency, they are required to adhere to the same water standards as the larger providers, however, they are finding it increasingly difficult to do this job, as this is an unsustainable model.

Mr. Gardner said he appreciates the current water study, as well as LAFCO staff for their efforts.

- Bill Ross, Attorney for City of American Canyon, spoke fondly of the tribute for the late Bill Chiat. Mr. Ross also acknowledged the assistance of LAFCO staff as observed in the presentation, in addressing the issue of the clarification of LAFCO-approved water service area for the City of American Canyon, which goes back to actions taken at the time of incorporation of the City, and the treatment of the former American Canyon County Water District. That clarification is essential to the desired goals and options presented for governance in the County as a whole with respect to water. He hopes to have a resolution of the matter in order to address what is a detailed and complex problem.

Mr. Ross appreciates the assistance of staff, and we will continue to work with them to reach resolution.

- Dan Mufson, Representing Napa Vision 2050, thanked LAFCO staff for this comprehensive report on water which really shows the magnitude of some of the issues that are affecting us, and believes a county-wide service is important, now maybe more than ever, given the growth of the County. He proposes putting together a very comprehensive water budget for metering all users and reporting so we can ascertain how much water is being used in Napa County.

- Ron Rhyno, City of Napa Resident, spoke about limits to growth, and what is not examined, such as more wineries and vineyards, and how the water requirements used for those activities are not revealed. He also believes the county should begin to monitor water used for wine/agriculture and focus on sustainability of the water for future generations.

5. COMMISSIONER COMMENTS/REQUESTS FOR FUTURE AGENDA ITEMS

Commissioner Mohler thanked all attendees and their thoughtful comments and noted we have many challenges ahead of us along with a comprehensive plan and wants to keep this conversation going. Commissioner Kahn stated she is thankful the Commission is able to see the bigger picture, and believes that an awareness of trucked water should also be looked at within the County.

Commissioner Wagenknecht wanted to hear from the Commission about where we go from here. Commissioner Rodeno believes we should conceive this a unified organization, however long it takes, and with a concept of unity, of purpose and function and bring community interest to water issues with a county-wide plan and a county-wide agency to implement that plan.

Chair Leary thanked the Consultants, staff and attendees today, and said he senses the passion and real concern about the water and about the County, and believes it is LAFCO's responsibility to collect and gather information of how the services are going to the residents and present the information in a clear and unbiased format, which he believes we did with the workshop presentation. Chair Leary said where we go from here will depend not only on the elected officials, but on the people who live in the County.

Executive Officer Brendon Freeman offered final comments about the workshop and moving forward. Staff will collect all public comments and present them at the August 3, 2020 Commission meeting, which will be an opportunity for preferred direction of the MSR.

A final report with changes based on the August 3rd meeting discussion will be presented to the Commission for possible adoption as part of a noticed public hearing on October 5, 2020.

LAFCO's Outreach Committee will also look at new strategies.

Commissioner Dillon requested the Executive officer explain how the comments will be included in this process. The Consultant described how they will collect and log comments, and those that require action will come back to the Commission for discussion and direction.

6. ADJOURNMENT TO NEXT REGULAR SCHEDULED MEETING

The meeting adjourned at 4:32 PM. The next regular LAFCO meeting is scheduled for Monday, August 3, 2020 at 2:00 PM. **The meeting will be conducted by teleconference in compliance with California Governor Newsom's Executive Order N-29-20.**

 Kenneth Leary, LAFCO Chair

ATTEST:

Dawn Mittleman Longoria, Analyst

Prepared by:

 Kathy Mabry, Commission Secretary



Agenda Item 6a (Information)

TO: Local Agency Formation Commission
PREPARED BY: Brendon Freeman, Executive Officer
MEETING DATE: August 3, 2020
SUBJECT: Current and Future Proposals

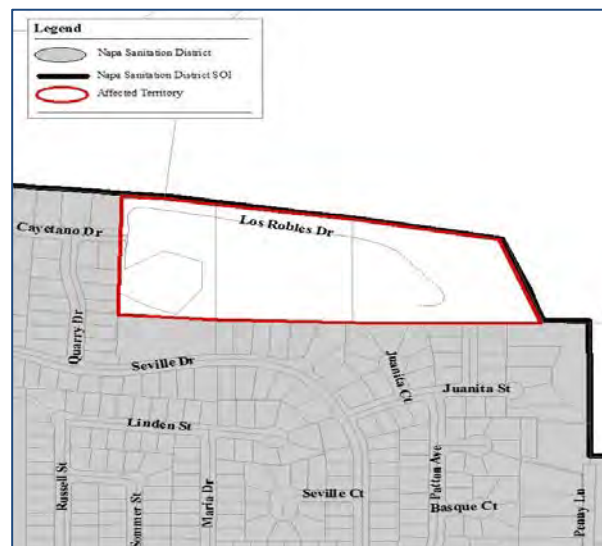
SUMMARY

This item is for information purposes only. California Government Code Section 56857 requires change of organization or reorganization proposals involving special districts to be placed on the agenda for the next Commission meeting for information purposes only. This report summarizes all proposed changes of organization or reorganization that have been submitted or are anticipated to be submitted to the Commission, regardless of which types of agencies will be affected. There are currently two active proposals on file and five anticipated new proposals expected to be submitted in the foreseeable future. A summary of active and anticipated proposals follows.

Active Proposals

Los Robles Drive No. 2 Annexation to the Napa Sanitation District (NSD)

A representative for the landowners of four incorporated parcels totaling approximately 15.7 acres submitted an application for annexation to NSD. The parcels are located within the City of Napa's jurisdictional boundary and NSD's sphere of influence (SOI) along Los Robles Drive. Current land uses within the subject parcels are limited to a total of three single-family residences. The purpose of annexation is to facilitate two development projects already approved by the City. The proposal is on today's agenda as action item 7a.



Kenneth Leary, Chair
Councilmember, City of American Canyon

Margie Mohler, Commissioner
Councilmember, Town of Yountville

Scott Sedgley, Alternate Commissioner
Councilmember, City of Napa

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

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

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

Gregory Rodeno, Commissioner
Representative of the General Public

Eve Kahn, Alternate Commissioner
Representative of the General Public

Brendon Freeman
Executive Officer

Linda Vista Avenue No. 21 Annexation to NSD

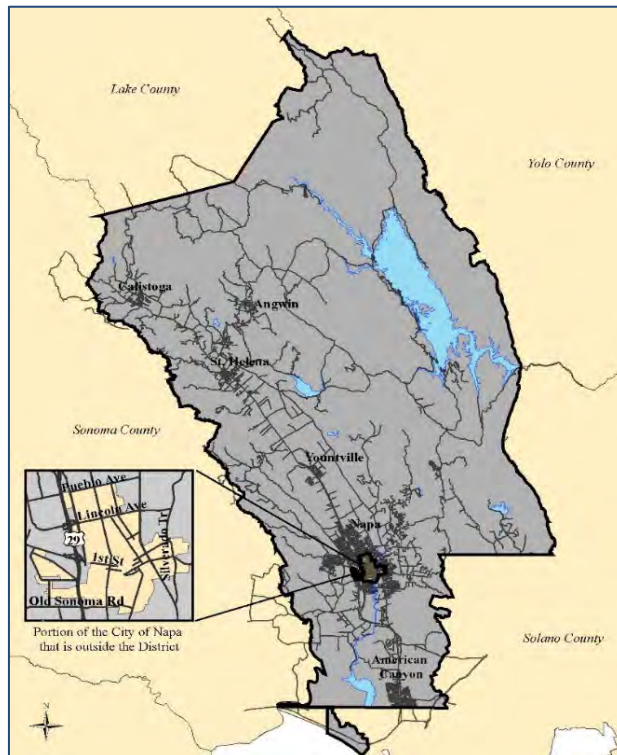
A representative for the landowners of four incorporated parcels totaling approximately 2.8 acres submitted an application for annexation to NSD. The parcels are all within the City of Napa's jurisdictional boundary and NSD's SOI, and are located along or near Linda Vista Avenue to the north or south of Trower Avenue. Current land uses within the subject parcels are limited to a total of four single-family residences and one detached second unit. The purpose of annexation is to allow each residence to eliminate their private septic systems and connect to NSD's public sewer infrastructure. The proposal is on today's agenda as action item 7b.



Anticipated Proposals

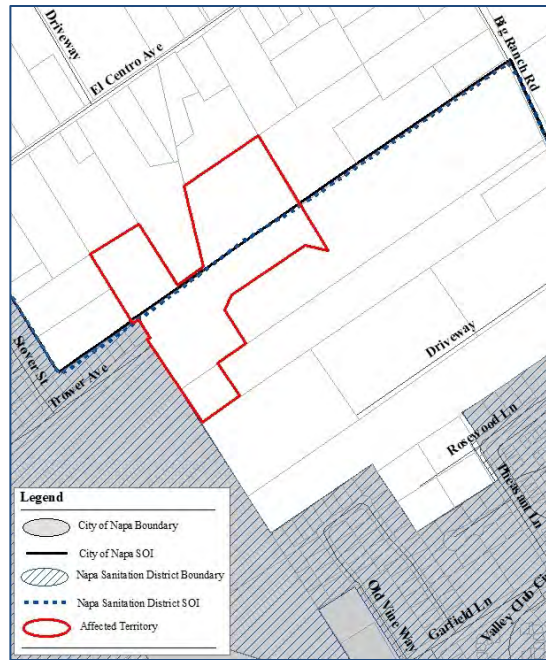
Napa County Resource Conservation District (NCRCD) Annexation

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; both activities are currently prohibited within the potential annexation area. In February 2020, the Commission approved a request from NCRCD for a waiver of the Commission's proposal processing fees. It is anticipated a proposal for annexation will be submitted within the next eight months.



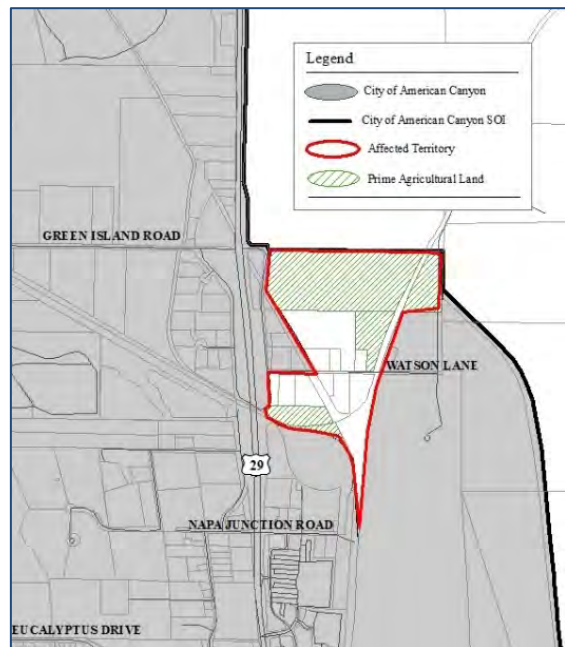
Vintage High School Farm Sphere of Influence Amendment and Annexation to NSD

The Napa Valley Unified School District (NVUSD) previously submitted a preliminary application for an SOI amendment and annexation of approximately 12.8 acres of territory involving NSD. The affected territory is unincorporated and contiguous to the City of Napa near the eastern terminus of Trower Avenue. The affected territory 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 NVUSD's planned relocation of the educational farm and retain proximity to Vintage High School. The preliminary application is deemed incomplete until additional information and documents are submitted by NVUSD. It is important to note in February 2020, without taking formal action, the Commission signaled to NVUSD a willingness to waive its local policy requiring concurrent annexation to the City of Napa. It is anticipated a proposal will be submitted to amend NSD's SOI and annex the subject parcels to NSD within the next year.



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

The American Canyon City Council has directed staff to initiate proceedings to annex 16 parcels and a portion of railroad totaling approximately 77.7 acres of unincorporated territory. The area is located within the City's SOI near Watson Lane and Paoli Loop. The parcels are within an unincorporated pocket that is ineligible for the streamlined island annexation proceedings due to the existence of prime agricultural lands on five of the parcels. The purpose of annexation is to allow development of the area for industrial and residential purposes. Annexation would also help facilitate the extension of Newell Drive to South Kelly Road. Prior to submitting a proposal for annexation, the City must first amend its General Plan, prezone the majority of the area, negotiate a property tax sharing agreement with the County, and address the requirements of CEQA. It is anticipated a proposal for annexation will be submitted within the next year.





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

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www.napa.lafco.ca.gov

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

Agenda Item 6b (Information)

TO: Local Agency Formation Commission

PREPARED BY: Brendon Freeman, Executive Officer

MEETING DATE: August 3, 2020

SUBJECT: Fourth Quarter Budget Report for 2019-2020

BACKGROUND AND SUMMARY

This item is being presented to the Commission for information purposes only. The Commission will receive a fourth quarter budget report for fiscal year 2019-2020. A fourth quarter budget sheet showing year-end actuals is included as Attachment One.

On June 3, 2019, the Commission adopted a final budget for fiscal year 2019-2020. The Commission subsequently approved three mid-year budget adjustments on August 5, 2019, November 18, 2019, and May 4, 2020. The result was an adjusted budget totaling \$685,000 for operating expenditures divided between salaries and benefits, services and supplies, and contingencies. Budgeted revenues totaled \$503,761 divided between intergovernmental fees, service charges, and investments. A deficit of \$181,239 was intentionally budgeted to reduce the burden the Commission's local funding agencies and to be covered by drawing down on reserves.

The Commission outperformed its intentionally-budgeted deficit by finishing the fiscal year with an overall operating shortfall of \$107,356, representing a savings of \$73,883 compared to the adjusted budget. Operating revenues were budgeted at \$503,761 and actual revenues totaled \$511,069, representing 101.5% of the budgeted amount. Operating expenses were budgeted at \$685,000 and actual expenses totaled \$618,425, representing 90.3% of the budgeted amount. See Attachment One for more information.

ATTACHMENT

- 1) 2019-2020 Fourth Quarter Budget Sheet Showing Year-End Actuals

Kenneth Leary, Chair
Councilmember, City of American Canyon

Margie Mohler, Commissioner
Councilmember, Town of Yountville

Scott Sedgley, Alternate Commissioner
Councilmember, City of Napa

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Representative of the General Public

Eve Kahn, Alternate Commissioner
Representative of the General Public

Brendon Freeman
Executive Officer

LAFCO Fiscal Year 2019-2020 Fourth Quarter Budget Report

Revenues and Expenses through June 30, 2020

Account	Category	Adopted Budget	Budget Adjustments	Adjusted Budget	Actual Year- End	Year-End % of Budget
Revenues						
42690	Permits/Application Fees	25,000	-	25,000	26,964	107.9%
43910	County of Napa	235,631	-	235,631	235,631	100.0%
43950	Other-Governmental Agencies	235,630	-	235,630	235,631	100.0%
45100	Interest	7,000	-	7,000	12,062	172.3%
46800	Charges for Services	500	-	500	781	156.2%
Total Revenues		503,761	-	503,761	511,069	101.5%
Expenses						
51100	Salaries and Wages	269,085	(269,085)	-	-	-
51200	401A Employer Contribution	1,000	(1,000)	-	-	-
51205	Cell Phone Allowance	420	(420)	-	-	-
51210	Director/Commissioner Pay	15,000	-	15,000	10,800	72.0%
51300	Medicare	4,090	(3,865)	225	158	70.2%
51305	FICA	500	-	500	506	101.2%
51400	Employee Insurance-Premiums	54,408	(54,408)	-	-	-
51405	Workers Compensation	675	(675)	-	-	-
51600	Retirement	53,691	(53,691)	-	-	-
51605	Other Post Employment Benefits	16,134	(16,134)	-	-	-
52100	Administration Services	-	424,278	424,278	407,298	96.0%
52105	Election Services	200	-	200	-	0.0%
52125	Accounting/Auditing Services	8,000	-	8,000	6,710	83.9%
52130	Information Technology Service	24,590	-	24,590	24,590	100.0%
52140	Legal Services	30,000	-	30,000	30,000	100.0%
52310	Consulting Services	10,000	102,624	112,624	79,623	70.7%
52345	Janitorial Services	300	-	300	300	100.0%
52515	Maintenance-Software	2,000	-	2,000	1,929	96.5%
52600	Rents and Leases - Equipment	5,500	-	5,500	4,969	90.3%
52605	Rents and Leases - Bldg/Land	29,523	-	29,523	29,523	100.0%
52700	Insurance - Liability	4,554	-	4,554	380	8.3%
52800	Communications/Telephone	3,000	-	3,000	3,591	119.7%
52830	Publications & Legal Notices	1,500	-	1,500	1,440	96.0%
52835	Filing Fees	250	-	250	154	61.5%
52900	Training/Conference Expenses	12,295	-	12,295	8,348	67.9%
52905	Business Travel/Mileage	3,000	-	3,000	1,449	48.3%
53100	Office Supplies	2,000	-	2,000	1,193	59.7%
53110	Freight/Postage	300	-	300	158	52.6%
53120	Memberships/Certifications	3,261	-	3,261	3,261	100.0%
53205	Utilities - Electric	1,300	-	1,300	1,306	100.5%
53410	Computer Equipment/Accessories	300	-	300	617	205.7%
53650	Business Related Meal/Supplies	500	-	500	122	24.4%
Total Expenditures		557,376	127,624	685,000	618,425	90.3%
Net Surplus (Deficit)		(53,615)	(127,624)	(181,239)	(107,356)	-59.2%



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

Agenda Item 6c (Information)

TO: Local Agency Formation Commission

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

MEETING DATE: August 3, 2020

SUBJECT: Countywide Update on Housing and General Plans

LAFCO's adopted Strategic Plan 2018-2022 includes the following core guiding principles related to general plans and housing:

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

BACKGROUND

This report is for information purposes only and provides an update on implementation of the Strategic Plan principles listed above. A summary is included of current and planned activities relating to each local land use authority's General Plan. Charts are included for each jurisdiction's required Annual Housing Progress Report. This information will support the Commission's future decision-making as it relates to encouraging logical and orderly growth and development throughout Napa County.

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

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Brendon Freeman
Executive Officer

Regional Housing Need Allocation

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

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

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

Cost of Housing

As of May 2020, the median sale price for a home in Napa County was \$710,000 (0.4% increase from the prior year) according to the *Annual Historical Data Summary* published by the California Association of Realtors (May 2020).

Average monthly rents in Napa County were \$2,514 according to Crown Realty Property Management owner Randy Gularte. Staff reviewed online sources to determine average rentals broken down by one- and two-bedroom apartments. One-bedroom apartments were \$1,935 on average (3.7% decrease from the prior year) and two-bedroom apartments were \$2,367 on average (a 6.6% decrease from the prior year) according to [RentJungle.com](https://rentjungle.com).

The cost of housing is difficult to project in the foreseeable future due to uncertainties related to the economic and social impacts of the COVID-19 pandemic. There are two conflicting forces influencing real estate markets. Spending more time in one's home, especially with the prospect of prolonged telework over many months, may increase demand for larger homes with more amenities. During an economic contraction, however, workers face uncertainty over their next paycheck and demand for houses typically decreases. In addition, there are significant practical difficulties associated with searching for a new home during a pandemic. However, "urban flight" is occurring from San Francisco because of the significant increase in telecommuting. Numerous corporations are shifting their workforce to permanent telecommuting and "work from anywhere" arrangements which provide even more flexibility in where workers reside. The need to live in the City, or to be in commute distance to an office in the City, is diminishing. The result may be more pressure for housing in counties such as Napa.

Median Household Income

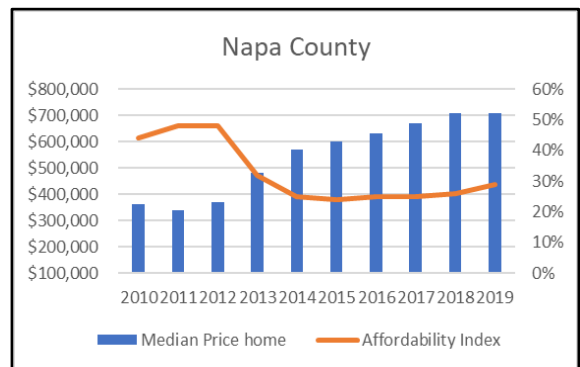
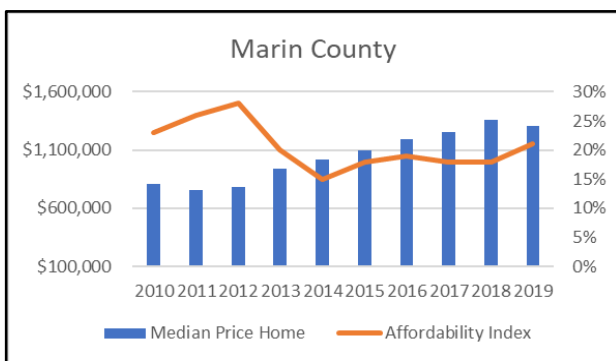
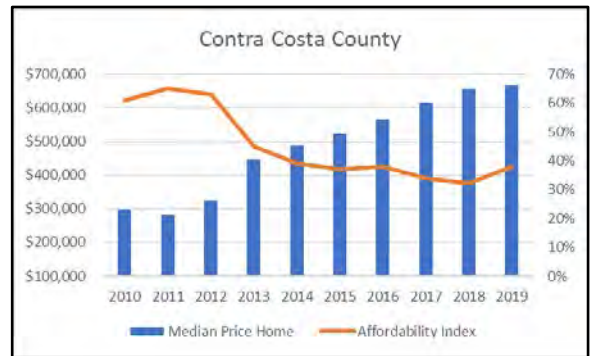
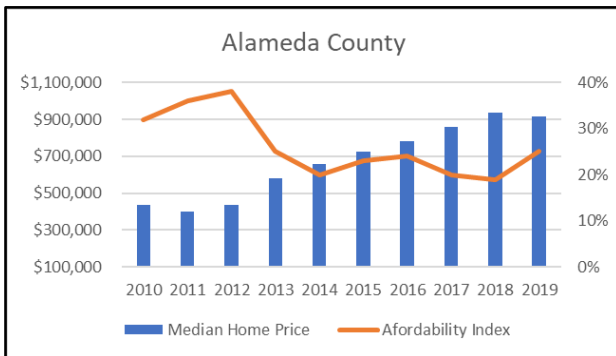
The United States Census Bureau American Community Survey reports the annual median household income for Napa County residents was \$84,753 (6.4% increase from the prior year) based on five-year estimates from 2014 to 2018. The high cost of housing in Napa County places significant pressure on households earning less than the median income.

Affordability Index

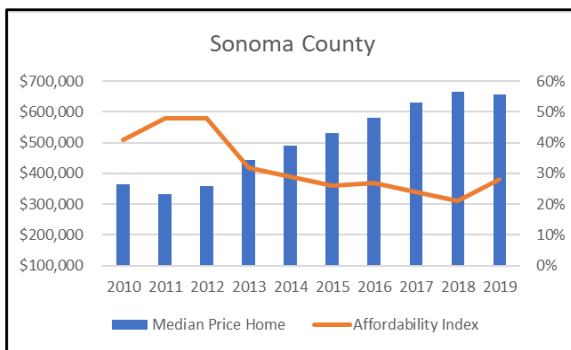
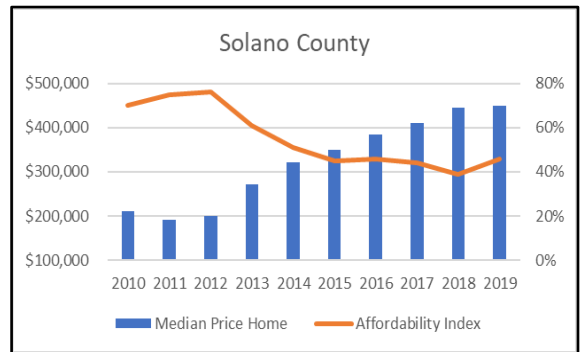
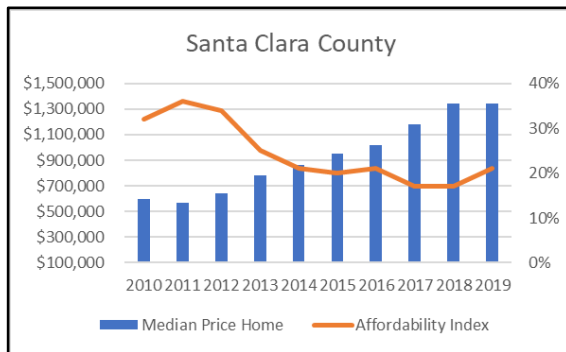
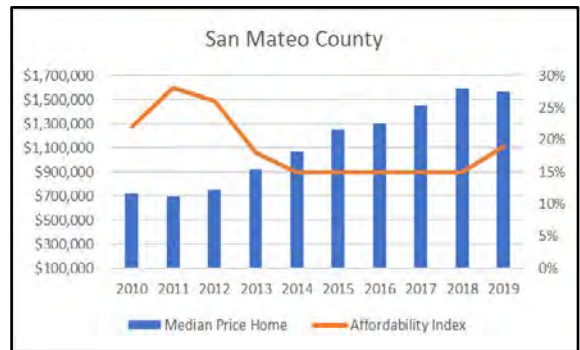
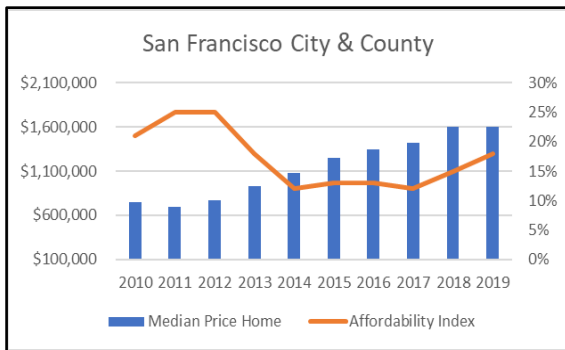
The California Association of Realtors has developed an affordability index.¹ The purpose of the index is to determine the percentage of households who can afford to purchase a median-priced home. The data is available by county and region.

In 2019, only 29 percent of Napa households could afford to buy a median-priced home of \$710,000. At one point during the period between 2009-2011, after home prices dropped by 32.2% in 2008, nearly half of Napa households could have purchased a median-priced home of \$360,000.

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



¹ The methodology to determine the “affordability index” includes factors such as median home price, down payment, interest rate, monthly payment (principal, interest, taxes and insurance) at no more than 30% of household income and income distribution figures.



California In Crisis

The October 2017 Northern California wildfires burned nearly 100,000 acres and destroyed approximately 650 homes in Napa County, representing approximately five percent of the total housing stock and exacerbating an existing housing shortage. The majority of the homes were located in the unincorporated area. Napa County continues to rebuild as efficiently as possible based on available resources and building conditions. The rebuilding process represents a measurable impact on Napa County's ability to meet its RHNA.

In 2019 California Governor Gavin Newsom emphasized the housing crisis in California as a focus of the current administration. However, in 2020 the pandemic and police violence protests have caused a shift in priorities for the Governor's office. This shift in priorities has also been reflected in legislative action. At this time, the focus of the State decision makers is on the health care system, fire prevention and response, police reform and the economic impacts of the pandemic.

ABAG and MTC

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

Senate Bill 35

Senate Bill (SB) 35 was signed by the Governor in 2017 and created a streamlined, ministerial approval process for infill developments in localities that have failed to meet their RHNA numbers.² HCD provides an [interactive map](#) to determine which jurisdictions are subject to SB 35.

SUMMARY

Each city and county is required submit an Annual Housing Element Progress Report to HCD by April 1. These reports provide updates on each jurisdiction’s 2015-2023 RHNA and total number of housing permits issued during the current planning period. The following tables summarize the 2015-2023 RHNA and permits issued from 2015 through 2019 at each income level for the six local land use authorities.

Napa County

	Very Low	Low	Moderate	Above Moderate	Total
RHNA (2015-2023)	51	30	32	67	180
Permits Issued (2015-2019)	4	3	47	77	131

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

² 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).

City of American Canyon

	Very Low	Low	Moderate	Above Moderate	Total
RHNA (2015-2023)	116	54	58	164	392
Permits Issued (2015-2019)	58	40	141	143	382

American Canyon’s current General Plan was adopted in 1994. The City Council approved a contract to comprehensively update the General Plan in 2019. As part of the process a web site has been developed to inform the public and receive input.³ It is anticipated the overall update will take two to three years.

City of Calistoga

	Very Low	Low	Moderate	Above Moderate	Total
RHNA (2015-2023)	6	2	4	15	27
Permits Issued (2015-2019)	23	8	8	39	78

Calistoga’s current General Plan was adopted in 2003. Various elements of the General Plan were updated in 2012, 2014, 2015 and 2019. The City made strides to implement the General Plan in 2019. It is expected the City will be updating the Economic Element this year and the Housing Element in 2022.

City of Napa

	Very Low	Low	Moderate	Above Moderate	Total
RHNA (2015-2023)	185	106	141	403	835
Permits Issued (2015-2019)	53	49	43	886	1,031

The City of Napa is currently updating its General Plan, which was originally adopted in 1998. The City has formed a General Plan Advisory Committee to guide policy development and visioning. As part of the process a web site has been developed to inform the public and receive input.⁴ LAFCO staff attended four General Plan Update community meetings to date. It is anticipated the overall update will take two to three years.

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)	2	14	4	54	74

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

Town of Yountville

	Very Low	Low	Moderate	Above Moderate	Total
RHNA (2015-2023)	4	2	3	8	17
Permits Issued (2015-2019)	1	1	12	14	28

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

ATTACHMENTS

None



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

1030 Seminary Street, Suite B
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 6d (Information)

TO: Local Agency Formation Commission

PREPARED BY: Brendon Freeman, Executive Officer

MEETING DATE: August 3, 2020

SUBJECT: Strategic Plan and Work Program Progress Report

BACKGROUND AND SUMMARY

On February 3, 2018, the Commission adopted the *Strategic Plan 2018-2022* (“Strategic Plan”), included as Attachment One. The Strategic Plan includes a set of core guiding principles that underlie Napa LAFCO’s activities, as follows:

- 1) Active, in-depth communication and outreach
- 2) Review and update Commission policies
- 3) Prepare municipal service reviews (MSRs) and sphere of influence (SOI) updates

On June 1, 2020, the Commission adopted the *Work Program 2020-2021* (“Work Program”), which is primarily based on the scheduled activities in the Strategic Plan.

A summary of progress made on Strategic Plan and Work Program activities follows.

MSRs and SOI Updates

- Countywide Water and Wastewater MSR
This MSR involves a comprehensive evaluation of all local government agencies that provide public water and/or wastewater service in Napa County. A draft report was presented for discussion at the Commission’s virtual public workshop on July 13, 2020. A discussion of public comments received on the draft report is included as item 7c on today’s agenda. It is anticipated a final report incorporating the public comments will be presented for possible adoption on October 5, 2020. If adoption of a final report does not occur on October 5, 2020, the target completion date for this activity is December 2020.

Kenneth Leary, Chair
Councilmember, City of American Canyon

Margie Mohler, Commissioner
Councilmember, Town of Yountville

Scott Sedgley, Alternate Commissioner
Councilmember, City of Napa

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

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

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

Gregory Rodeno, Commissioner
Representative of the General Public

Eve Kahn, Alternate Commissioner
Representative of the General Public

Brendon Freeman
Executive Officer

- City of St. Helena MSR and SOI Update
A preliminary draft MSR and SOI Update for the City of St. Helena was completed in August 2017. The City requested an indefinite continuation, which the Commission granted, to allow the City to first complete its General Plan Update. Staff will resume work on this MSR and SOI Update upon request by the City. The target completion date for this activity is presently uncertain.
- Lake Berryessa Resort Improvement District SOI Update
This SOI Update will be based on information contained in the Countywide Water and Wastewater MSR. The target completion date for this activity is April 2021.
- Napa Berryessa Resort Improvement District SOI Update
This SOI Update will be based on information contained in the Countywide Water and Wastewater MSR. The target completion date for this activity is April 2021.
- Spanish Flat Water District SOI Update
This SOI Update will be based on information contained in the Countywide Water and Wastewater MSR. The target completion date for this activity is April 2021.
- Napa Sanitation District SOI Update
This SOI Update will be based on information contained in the Countywide Water and Wastewater MSR. The target completion date for this activity is June 2021.
- City of Napa MSR and SOI Update
This MSR and SOI Update will be partially based on information contained in the Countywide Water and Wastewater MSR. The target completion date for this activity is December 2021.

Boundary Changes and Outside Service Agreements

- Annexation Proposals
A report on current and future proposals is included on today's agenda as item 6a.
- Island Annexation Program
Staff has been coordinating with representatives of the City of Napa and the general public with respect to potential annexation of unincorporated islands. The Commission adopted its *Policy on Unincorporated Islands* on February 3, 2020. Staff recently update the Commission's website to include a new page dedicated entirely to island annexation information. A summary of the island annexation process and maps of each island will be presented to the Commission no later than December 7, 2020.
- Outside Service Agreements
There are no current or anticipated outside service agreement requests at this time.

Policy Review

- **Anticipated Policy Amendments**
The technical working group for the in-progress *Policy on Spheres of Influence* held three meetings to collaboratively develop the policy. Further work is still needed before the draft policy returns to the Commission for adoption. Progress has been halted in response to the COVID-19 pandemic. The Executive Officer will schedule one final meeting with the technical working group within the next two months. It is anticipated the Policy Committee (Commissioners Mohler and Rodeno) will present a draft *Policy on Spheres of Influence* for possible adoption as well as amendments to the following four policies as early as December 7, 2020:
 - 1) *CEQA Policy*
 - 2) *Policy on Executive Officer Performance Review*
 - 3) *Policy on Records Retention and Destruction*
 - 4) *Policy on Social Media Use*

Communications and Outreach

On February 3, 2020, the Commission appointed Chair Leary and Alternate Commissioner Kahn to a newly established ad hoc Outreach Committee. The Outreach Committee held two meetings and agreed to return with an evaluation of potential outreach strategies and resources needed for the Commission's consideration. See item 7e on today's agenda for more information.

Housing and General Plan Updates

This activity was previously requested by the Commission to assist in its decision making as it relates to best serving the diverse needs of all local municipalities. See item 6c on today's agenda for a countywide report on housing and general plan activities.

ATTACHMENTS

- 1) Strategic Plan 2018-2022
- 2) Work Program 2020-2021 Progress Chart



LOCAL AGENCY FORMATION COMMISSION OF NAPA COUNTY

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

Mission Statement

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

Focus of Napa LAFCO

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

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



LOCAL AGENCY FORMATION COMMISSION OF NAPA COUNTY

STUDY SCHEDULE (2018-2022)

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

Adopted: February 5, 2018

2018

South County Region MSR and SOIs

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

City of St. Helena MSR and SOI

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

Napa County Regional Park and Open Space District MSR and SOI

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

Island Annexation Program

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

2019

Island Annexation Program

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

Countywide Water and Wastewater Services MSR

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

2020

Island Annexation Program

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

City of Napa MSR and SOI

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

Lake Berryessa Resort Improvement District SOI

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

Napa Berryessa Resort Improvement District SOI

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

Spanish Flat Water District SOI

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

Napa Sanitation District SOI

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

2021

Napa County Resource Conservation District MSR and SOI

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

Napa County Flood Control and Water Conservation District SOI

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

Silverado Community Services District MSR and SOI

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

Public Cemetery Districts MSR and SOIs

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

Los Carneros Water District SOI

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

Napa River Reclamation District No. 2109 SOI

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

City of Calistoga MSR and SOI

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

2022

Congress Valley Water District SOI

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

Circle Oaks County Water District SOI

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

County Service Area No. 4 MSR and SOI

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

Napa County Mosquito Abatement District MSR and SOI

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

Town of Yountville MSR and SOI

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

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

- South County Region MSR and SOI Updates
- Public Cemetery Districts MSR and SOI Updates
- Countywide Water and Wastewater Services MSR

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

* Currently Part of General Policy Determinations

NAPA LAFCO WORK PROGRAM FY 2020-2021				
		Timeline	Lead	Comments
STUDIES	Countywide Water and Wastewater MSR (Comprehensive)	12/18 - 12/20	Consultant	Draft report presented at a public workshop on 7/13/20; see item 7c for a discussion of public comments on draft report
	City of St. Helena MSR/SOI (Comprehensive)	TBD	Staff	Will resume at City's request; still TBD
	Lake Berryessa Resort Improvement District SOI	12/20 - 4/21	Staff	Will follow from Water & Wastewater MSR
	Napa Berryessa Resort Improvement District SOI	12/20 - 4/21	Staff	Will follow from Water & Wastewater MSR
	Spanish Flat Water District SOI	12/20 - 4/21	Staff	Will follow from Water & Wastewater MSR
	Napa Sanitation District SOI	12/20 - 6/21	Staff	Will follow from Water & Wastewater MSR
	City of Napa MSR/SOI (Comprehensive)	12/20 - 12/21	Staff	Will follow from Water & Wastewater MSR
APPLICATIONS	Change of Organization/Reorganization Proposals (3-6/yr)	Ongoing	Staff	Two proposals on today's agenda as items 7a and 7b
	Island Annexation Program	7/20 - 12/21	Staff	Staff is partnering with City of Napa and Napa County to align timing and process for island annexations
	Outside Service Agreement Requests (1-2/yr)	Ongoing	EO & Chair	None at this time
PUBLIC OUTREACH	Completion Proceedings for Approved Annexations (3-6/yr)	Ongoing	Staff	Staff continues processing annexations previously approved by Commission: terms and conditions, Certificates of Completion, GIS mapping, TRA determinations, Board of Equalization filings
	Conduct LAFCO Outreach; Agencies & Community Groups (6-10/mo)	Ongoing	Staff	Outreach Committee established (Commissioners Kahn & Leary); see item 7e for possible strategies
	Comments on Local Agency Projects (1-2/yr)	Ongoing	Staff	General Plan Updates, EIRs, Strategic Plans, etc.; none at this time
	Respond to Grand Jury Reports (0-1/yr)	Ongoing	Staff & Commission	Grand Jury recommendations for LAFCO; none at this time
	Annual Countywide Update on Housing and General Plans	June 2021	Staff	See item 6c for 2020 report
	Conduct Informational Workshops & Meetings	Ongoing	Staff	Virtual public workshop on Countywide Water & Wastewater MSR held on 7/13/20
	Public Records Requests (0-1/yr)	Ongoing	Staff	Requests from the public for specific LAFCO records; none at this time
	Website Maintenance and Updates	Ongoing	Staff	Meeting info, financial info, policies, public notices, maps, staff and Commissioner info, etc.; new page added for island annexation info
COMMISSION	Social Media: Meetings Notices and Announcements (10-15/yr)	Ongoing	Staff	Meeting info, public notices, press releases, etc.
	Expiring Commissioner Terms in 2021	May 2021	Staff	Terms for Commissioners Mohler and Gregory expire on 5/3/21; staff will present info item on 12/7/20
	2021 Chair and Vice Chair Designation	May 2021	Staff	Commissioners Dillon and Mohler become Chair and Vice Chair, respectively, on 5/3/21; staff will present info item on 4/5/21
	Statement of Economic Interest (Form 700)	April 2021	Secretary	Required for all Commissioners & EO upon entering office, leaving office, and annually by April 1
	Ethics Training	Ongoing	Secretary	Required for all Commissioners & EO every two years
	Develop 2021-2022 Budget	June 2021	Budget Committee	Two Commissioners will be appointed on 12/7/20 to serve on FY21-22 Budget Committee
	State Legislation Monitoring and Position Letters (2-4/yr)	Ongoing	Legislative Committee	Commissioners Dillon and Mohler serve on Legislative Committee; current two-year legislative session ends November 2020; see item 7d for a legislative report
ADMINISTRATION	Policy Review and Revisions (2-4/yr)	Ongoing	Policy Committee	Commissioners Mohler and Rodeno serve on Policy Committee; Draft SOI Policy is currently under review by a technical working group
	2019-2020 Audit	December 2020	Staff	To be prepared by Brown Armstrong and presented by Napa County Auditor-Controller
	Year-End Contracts Close-Out	June 2021	Secretary	Close out and re-encumber contracts at end of year; FY19-20 close-out recently completed by staff
	Quarterly Budget Reports (4/yr)	Ongoing	Staff	Consistent with local policy, analysis of year-to-date and projected year-end revenues and expenses; see item 6b for FY19-20 4th quarter budget report
	Provide Strategic Plan Updates (2/yr)	Ongoing	Staff	Progress reports presented to Commission twice per year (February and August meetings); see item 6d
	Verify Median Household Income Data to Identify DUCs	June 2021	Staff	Staff will review Census Bureau American Community Survey data (currently no DUCs in Napa County)
	Develop Work Program	June 2021	Staff	Review with Budget Committee in conjunction with budget, present in June for adoption, present progress report at each regular meeting; see item 6d
	Electronic Document Management System Maintenance	Ongoing	Staff	Digitalization of historical and current agency records
OTHER	Geographic Information System Mapping Updates (3-6/yr)	Ongoing	Staff	GIS boundary layer edits for completed annexations
	2020 CALAFCO Annual Conference (Virtual)	TBD	Staff & Commission	Originally scheduled for 10/21/20 - 10/23/20 in Monterey; in-person Conference canceled and a virtual Conference is being explored; see item 7f
	2021 CALAFCO Staff Workshop (Newport Beach)	3/17/21 - 3/19/21	Staff	Location: Hyatt Regency John Wayne Airport
	Bay Area LAFCO EO Meetings (1-2/yr)	Ongoing	EO & Analyst	Sharing information with other Bay Area LAFCOs; replaced by bi-weekly statewide LAFCO EO teleconference meetings
	Bi-Weekly Statewide LAFCO EO Teleconference Meetings (26/yr)	Ongoing	EO & Analyst	Sharing information with other LAFCOs statewide
	CALAFCO Coastal Region Clerks Meetings (1-2/yr)	Ongoing	Secretary	Sharing information with the Coastal Region LAFCOs; replaced by monthly statewide LAFCO Clerks teleconference meetings
Monthly Statewide LAFCO Clerks Teleconference Meetings (12/yr)	Ongoing	Secretary	Sharing information with other LAFCOs statewide	



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

Agenda Item 6e (Information)

TO: Local Agency Formation Commission
PREPARED BY: Brendon Freeman, Executive Officer
MEETING DATE: August 3, 2020
SUBJECT: Executive Officer Report

SUMMARY

This report is for information only and provides a summary of the Executive Officer's recent activities as well as other miscellaneous items relevant to the Commission.

Recent Meetings and Other Activities

Subsequent to the Commission's regular meeting of June 1, 2020, the Executive Officer or Analyst II participated in the following notable activities related to LAFCO:

- June 2: CALAFCO Executive Officers teleconference meeting
- June 4: Teleconference meeting with legal counsel and LAFCO's consultant for the Countywide Water and Wastewater Municipal Service Review
- June 4: Teleconference meeting with a representative from IMPLAN to discuss data tools for Napa County and LAFCO
- June 4: Phone call with City of St. Helena Mayor Geoff Ellsworth to discuss the Countywide Water and Wastewater Municipal Service Review
- June 9: CALAFCO Executive Officers teleconference meeting
- June 11: Webinar titled "Reopening During the Coronavirus Pandemic: How to Serve the Public and Avoid Liability"
- June 16: CALAFCO Executive Officers teleconference meeting
- June 23: CALAFCO Executive Officers teleconference meeting
- June 24: Webinar titled "Reimagining Local Government After COVID-19"
- June 25: Webinar titled "A New Era of Public Meetings: Virtual Provisions Amid Changing Sunshine Requirements"
- June 25: Teleconference meeting with City of Napa Planning and Code Enforcement Division Manager Erin Morris to discuss island annexation
- June 29: Teleconference meeting with consultant team to discuss the Countywide Water and Wastewater Municipal Service Review

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Councilmember, City of American Canyon

Margie Mohler, Commissioner
Councilmember, Town of Yountville

Scott Sedgley, Alternate Commissioner
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County of Napa Supervisor, 2nd District

Gregory Rodeno, Commissioner
Representative of the General Public

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Representative of the General Public

Brendon Freeman
Executive Officer

- June 30: Teleconference meeting with Jennifer Stephenson (Policy Consulting Associates) and City of Napa Utilities Director Phil Brun to discuss the Countywide Water and Wastewater Municipal Service Review
- July 1: Phone call with Dan Mufson (Napa Vision 2050) to discuss the Countywide Water and Wastewater Municipal Service Review
- July 2: Webinar titled “Best Practices in Response to the 2020 Economic Downturn”
- July 7: CALAFCO Executive Officers teleconference meeting
- July 7: Phone call with Napa Valley Register journalist Barry Eberling to discuss the Countywide Water and Wastewater Municipal Service Review (article published July 10 available online at: https://napavalleyregister.com/news/local/napa-county-wide-agency-proposed-to-deal-with-all-water-issues/article_b0d9a616-9210-5a6e-9f08-26ca599a323d.html)
- July 8: Webinar titled “Resilient Leader: Leading with Emotional Courage”
- July 8: Webinar titled “Proactive Local Government Communications: How to Lead Communities Through Recovery and Beyond”
- July 9: Presentation on LAFCO and the Countywide Water and Wastewater Municipal Service Review to Napa Sunrise Rotary
- July 9: Webinar titled “Resetting the Local Economy after COVID-19”
- July 13: Virtual public LAFCO workshop to discuss the Countywide Water and Wastewater Municipal Service Review and receive comments
- July 15: Webinar titled “Preparing Vulnerable Californians for Natural Disasters”
- July 16: Webinar titled “Communication During Crisis: How to Build A Management Plan for Government”
- July 17: Teleconference meeting with Napa County Farm Bureau CEO Ryan Klobas to discuss various matters related to agriculture and LAFCO
- July 20: Outreach Committee (Chair Leary and Alternate Commissioner Kahn) teleconference meeting
- July 21: CALAFCO Executive Officers teleconference meeting
- July 28: Preliminary consultation teleconference meeting with the project management group for a development located immediately north of the Napa Valley College to discuss annexation to the Napa Sanitation District
- July 29: Webinar titled “Tips and Tools to Engage Your Community in a Digital Environment”
- July 29: Plan Bay Area 2050 Blueprint Workshop on Housing and Economy
- July 30: Webinar titled “COVID-19 and California’s Economic Outlook”

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 7a (Action)

TO: Local Agency Formation Commission
PREPARED BY: Brendon Freeman, Executive Officer
Dawn Mittleman Longoria, Analyst II
MEETING DATE: August 3, 2020
SUBJECT: Proposed Los Robles Drive No. 2 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 – Los Robles Drive 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
APNs: 046-180-008, -009, -016 (no situs address), and -017
Location: 21, 33 and 45 Los Robles Drive
Area Size: 15.38 acres
Jurisdiction: City of Napa (“City”)
Sphere of Influence (SOI) Consistency: Yes – NSD
Policy Consistency: Yes
Tax Sharing Agreement: Yes – master tax exchange agreement
Landowner Consent: 100%
Protest Proceedings: Waived
CEQA: Exempt
Current Land Uses: three single-family residences

The purpose of the proposal is to facilitate two planned subdivisions involving 21 Los Robles Drive and 45 Los Robles Drive. The subdivisions would result in a total of 11 single-family residences on the two existing parcels and the extension of Los Robles Drive. There are currently no plans to subdivide the other two parcels in the affected territory.

The application materials are included as Attachment Two.

Kenneth Leary, Chair
Councilmember, City of American Canyon

Margie Mohler, Commissioner
Councilmember, Town of Yountville

Scott Sedgley, Alternate Commissioner
Councilmember, City of Napa

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

Brad Wagenknecht, Commissioner
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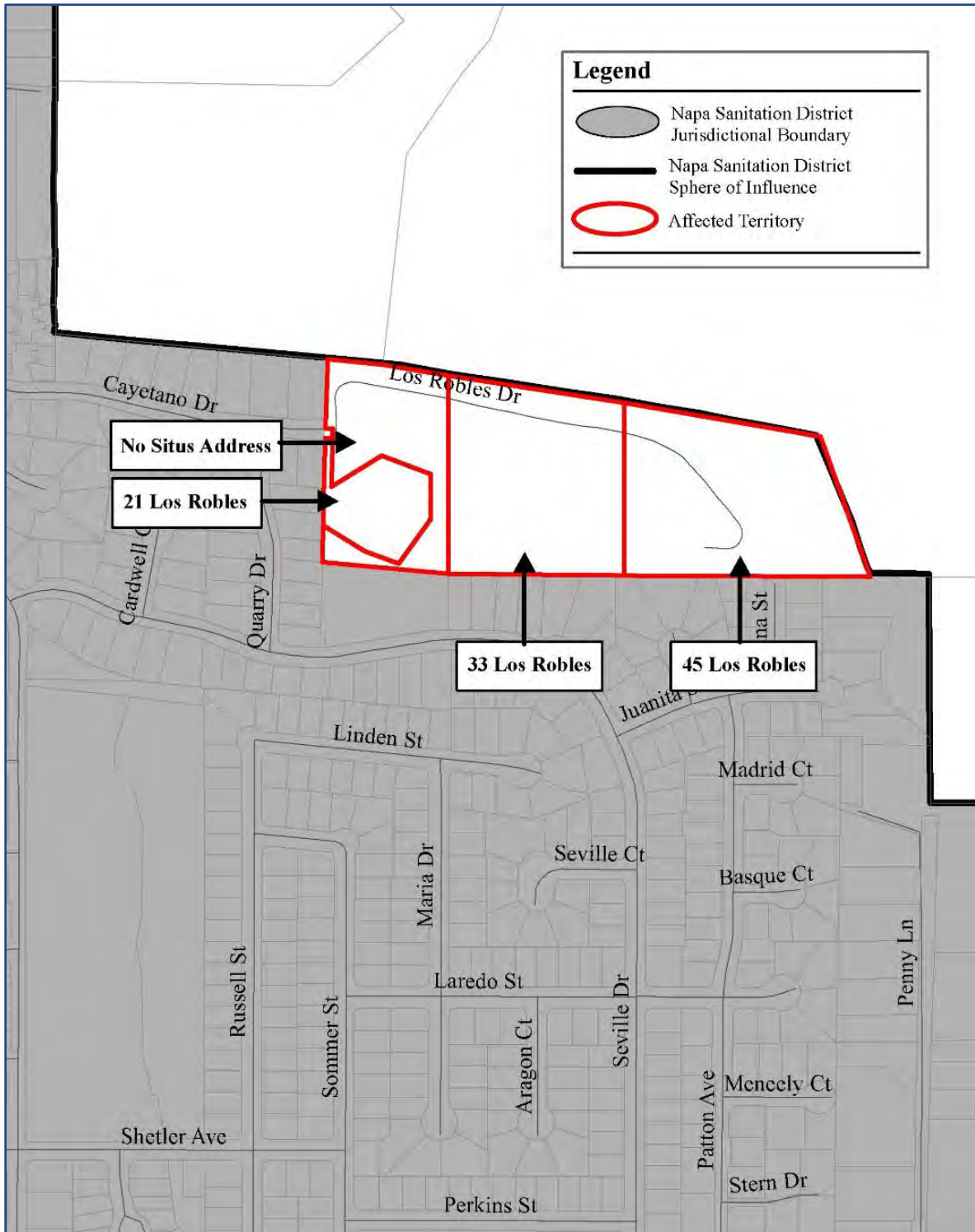
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Brendon Freeman
Executive Officer

An aerial map of the affected territory is included as Attachment Three. A vicinity map of the affected territory showing NSD's boundaries is provided below.



DISCUSSION

Factors for Commission Determinations

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

Property Tax Agreement

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

Protest Proceedings

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

ENVIRONMENTAL REVIEW

The proposed annexation qualifies for a statutory exemption from further review under CEQA Guidelines Section 15282(k), which exempts the installation of new pipeline as long as the project does not exceed one mile in length. Staff believes this exemption is appropriate given any existing and future residential units within the affected territory would connect to NSD by way of installing sanitary sewer main from the existing manhole at the existing terminus of Cayetano Drive to the east terminus of the proposed Los Robles Drive extension, which will involve less than one mile of new pipeline.

ATTACHMENTS

- 1) Draft Resolution Approving the Proposal and Making CEQA Findings
- 2) Application Materials
- 3) Aerial Map of Affected Territory
- 4) Factors for Commission Determinations

RESOLUTION NO. ____

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

**LOS ROBLES DRIVE 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 15.38 acres of incorporated land to the Napa Sanitation District and represents four entire parcels located at 21, 33, and 45 Los Robles Drive and identified by the County of Napa Assessor’s Office as 046-180-008, 046-180-009, 046-180-016 (situs address not yet assigned) and 046-180-017; 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 August 3, 2020; 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 serves as Responsible Agency for the annexation pursuant to CEQA Guidelines Section 15051(b)(2). The City of Napa, as Lead Agency, has determined the annexation is exempt from CEQA pursuant to CEQA Guidelines Section 15332; 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 Commission finds the annexation is exempt from CEQA 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 1030 Seminary Street, Suite B, 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:

**LOS ROBLES DRIVE NO. 2
ANNEXATION TO THE NAPA SANITATION DISTRICT**

5. The affected territory is shown on the map and described in the geographic description in the attached Exhibit “A”.
6. The affected territory so described is uninhabited as defined in California Government Code Section 56046.
7. The Napa Sanitation District utilizes the regular assessment roll of the County of Napa.
8. The affected territory will be taxed for existing general bonded indebtedness of the Napa Sanitation District.
9. The proposal shall be subject to the terms and conditions of the Napa Sanitation District.
10. The Commission authorizes conducting authority proceedings to be waived in accordance with California Government Code Section 56662(a).
11. Recordation is contingent upon receipt by the Executive Officer of 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) Written confirmation by 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.

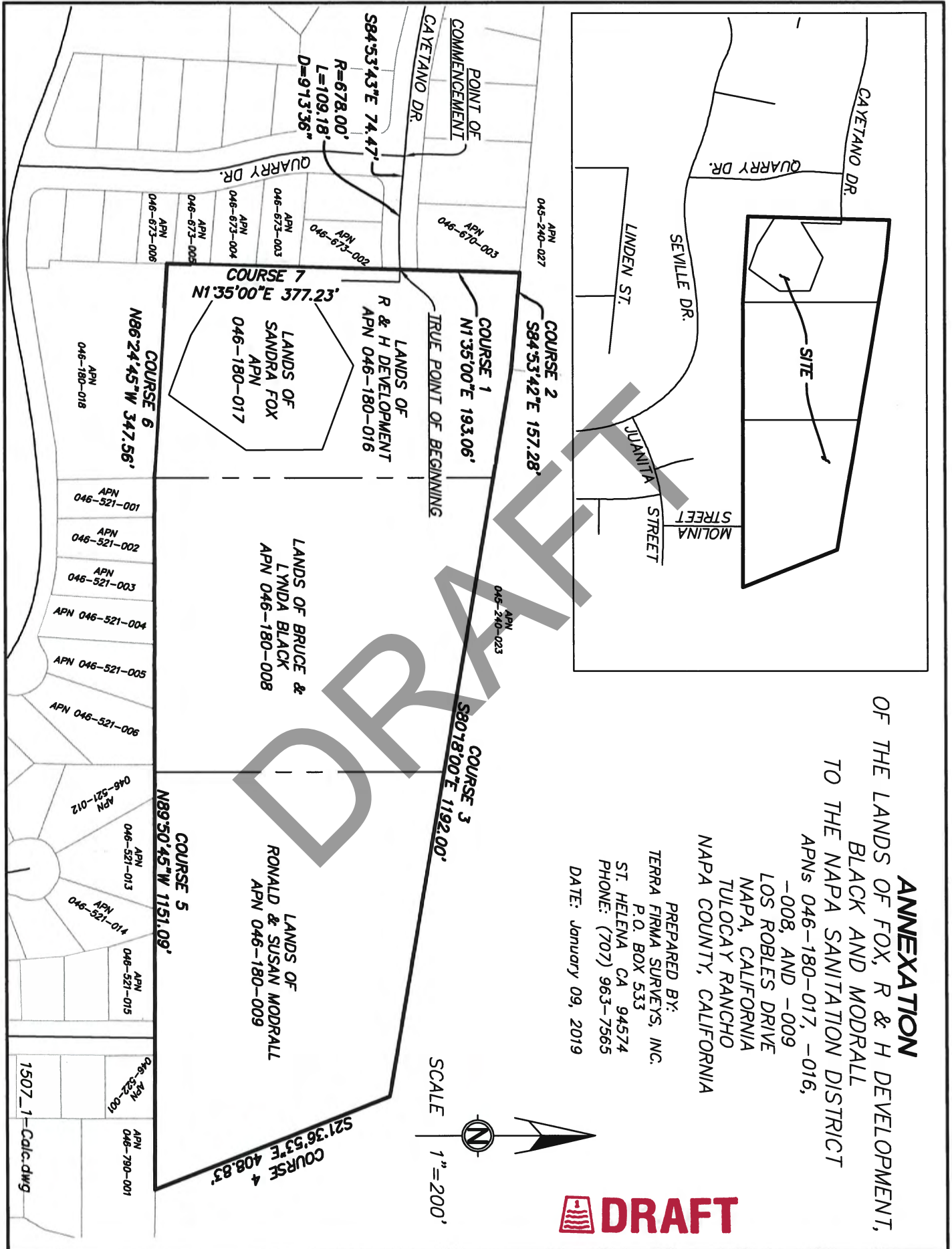
The foregoing resolution was duly and regularly adopted by the Commission at a public meeting held on August 3, 2020, after a motion by Commissioner _____, seconded by Commissioner _____, by the following vote:

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

Kenneth Leary
Commission Chair

ATTEST: _____
Brendon Freeman
Executive Officer

Recorded by: Kathy Mabry
Commission Secretary



Written Description
 For the
 Annexation of the Lands of Sandra Fox, R & H development, Bruce D. Black and Lynda
 C. Black and Ronald Modrall & Susan Modrall
 To the
 Napa Sanitation District

Napa County APNs:
 046-180-017, 21 Los Robles Drive
 046-180-016, No address
 046-180-008, 33 Los Robles Drive
 046-180-009, 45 Los Robles Drive

The real property located in the City of Napa, Tulocay Rancho, County of Napa, State of California, described as follows:

Commencing at the centerline intersection of Quarry Drive and Cayetano Drive as shown on the Map entitled "Final Map of the Quarry Subdivision" filed July 19, 1993 in Book 19 of Record Maps at pages 55-57 in the Office of the Napa County Recorder; thence along the centerline of said Cayetano Drive South 84°53'43" East for 74.47 feet; along a curve, concave to the north, having a radius of 678.00 feet through a central angle of 9°13'36" for 109.18 feet to the easterly terminus thereof and the TRUE POINT OF BEGINNING; said easterly terminus also being on the westerly line of the parcel labeled "Remaining Lands" as shown on the Map entitled "Final Map of Fox Subdivision Phase I" filed September 11, 1997 in Book 20 of Record Maps at pages 92 and 93 in said Recorder's Office; thence along the following seven courses:

1. North 1° 35' 00" East for 193.06 feet;
2. South 84° 53' 42" East for 157.28 feet;
3. South 80° 18' 00" East for 1192.00 feet;
4. South 21° 36' 53" East for 408.83 feet;
5. North 89° 50' 45" West for 1151.09 feet;
6. North 86° 24' 45" West for 347.56 feet;
7. North 1° 35' 00" East for 377.23 feet to the centerline of Cayetano Drive and the True Point of Beginning;

Containing 15.69 acres of land, more or less.

 **DRAFT**

FORM B

Date Filed: _____
Received By: _____

PETITION FOR PROPOSAL

For Filing with the Local Agency Formation Commission of Napa County

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

Nature of Proposal and All Associated Changes of Organization:

Annexation of APNs 046-180-016, 046-180-017, 046-180-008, and 046-180-009 into The Napa Sanitation District in order to receive sanitary sewer services.

Description of Boundaries of Affected Territory Accompanied by Map:

APNs 046-180-016, 046-180-017, 046-180-008, and 046-180-009. See Accompanying "Written Description for The Annexation of The Lands of Sandra Fox, R: H Development, Bruce & Lynda Black, and Ronald & Susan Modrall".

Reason for Proposal and Any Proposed Conditions:

The applicant and other land owners stated above request annexation into The Napa Sanitation District in order to receive sanitary sewer services.

Type of Petition:

Landowner

Registered Voter

Sphere of Influence Consistency:

Yes

No

If Landowner Petition, Complete the Following:

- 1) Name: R+H Development c/o Thomas Hodge
Mailing Address: PO Box 6942 Napa CA 94581
Assessor Parcel: 046-180-016
Signature: [Handwritten Signature] Date: 4/22/20
- 2) Name: _____
Mailing Address: _____
Assessor Parcel: _____
Signature: _____ Date: _____
- 3) Name: —
Mailing Address: _____
Assessor Parcel: _____
Signature: _____ Date: _____

If Registered Voter Petition, Complete the Following:

- 1) Name: N/A
Mailing Address: _____
Resident Address: _____
Signature: _____ Date: _____
- 2) Name: _____
Mailing Address: _____
Resident Address: _____
Signature: _____ Date: _____
- 3) Name: _____
Mailing Address: _____
Resident Address: _____
Signature: [Handwritten Checkmark] Date: _____



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

1030 Seminary Street, Suite B
Napa, California 94559
Phone: (707) 259-8645
www.napa.lafco.ca.gov

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

LANDOWNER CONSENT FORM

We are the legal owners of property as described below and hereby voluntarily consent to the annexation of my land to the Napa Sanitation District as part of the proposal proceedings titled "Los Robles Drive No. 2 Annexation". In providing consent, we acknowledge the Commission may proceed with considering the proposal without notice, hearing, or protest proceedings under Government Code Section 56662(a).

Landowner Names: Bruce and Lynda Black

Property Address: 33 Los Robles Drive, Napa, CA 94559

Property APN: 046-180-008

Bruce Black
Lynda Black
Landowner

July 22, 2020
Date

Kenneth Leary, Chair
Councilmember, City of American Canyon

Margie Mohler, Commissioner
Councilmember, Town of Yountville

Scott Sedgley, Alternate Commissioner
Councilmember, City of Napa

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

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

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

Gregory Rodeno, Commissioner
Representative of the General Public

Eve Kahn, Alternate Commissioner
Representative of the General Public

Brendon Freeman
Executive Officer



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Landowner Names: Sandra Fox

Property Address: 21 Los Robles Drive, Napa, CA 94559

Property APN: 046-180-017

Sandra J. Fox
Landowner

7-22-20
Date

Kenneth Leary, Chair
Councilmember, City of American Canyon

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

Gregory Rodeno, Commissioner
Representative of the General Public

Margie Mohler, Commissioner
Councilmember, Town of Yountville

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

Eve Kahn, Alternate Commissioner
Representative of the General Public

Scott Sedgley, Alternate Commissioner
Councilmember, City of Napa

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

Brendon Freeman
Executive Officer



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Subdivision of the State of California

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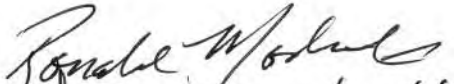
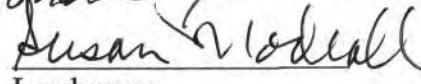
LANDOWNER CONSENT FORM

We are the legal owners of property as described below and hereby voluntarily consent to the annexation of my land to the Napa Sanitation District as part of the proposal proceedings titled "Los Robles Drive No. 2 Annexation". In providing consent, we acknowledge the Commission may proceed with considering the proposal without notice, hearing, or protest proceedings under Government Code Section 56662(a).

Landowner Names: Ronald and Susan Modrall

Property Address: 45 Los Robles Drive, Napa, CA 94559

Property APN: 046-180-009



Landowner

07/21/20
Date

Kenneth Leary, Chair
Councilmember, City of American Canyon

Margie Mohler, Commissioner
Councilmember, Town of Yountville

Scott Sedgley, Alternate Commissioner
Councilmember, City of Napa

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

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

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

Gregory Rodeno, Commissioner
Representative of the General Public

Eve Kahn, Alternate Commissioner
Representative of the General Public

Brendon Freeman
Executive Officer

Date Filed: _____

Received By: _____

FORM D

JUSTIFICATION OF PROPOSAL
Change of Organization/Reorganization

I. APPLICANT INFORMATION

A. Name: Thomas Hodge (managing member of RiH Development)
 Contact Person Agency/Business (If Applicable)

Address: PO Box 6942 Napa, CA 94581
 Street Number Street Name City Zip Code

Contact: (707) 501-8550 n/a thomas@northbaycivil.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
 Name Address Napa, CA 94558

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 of APNs 046-180-016, 046-180-017,
046-180-008, and 046-180-009 into The Napa
Sanitation District in order to receive
Sanitary Sewer Services.

III. GENERAL INFORMATION

A. Location:	Street Address	Assessor Parcel Number	Acres
	<u>(not yet assigned)</u>	<u>046-180-016</u>	<u>2.83±</u>
	<u>21 Los Robles Drive</u>	<u>046-180-017</u>	<u>1.50±</u>
	<u>33 Los Robles Drive</u>	<u>046-180-008</u>	<u>5.52±</u>
	<u>45 Los Robles Drive</u>	<u>046-180-009</u>	<u>5.53±</u>
Total Location Size (Including Right-of-Ways)			<u>15.38±</u>

B. Landowners:

- (1) Assessor Parcel Number : 046-180-016 Name: R&H Development (C/o Thomas Hodge)
Mailing Address: PO Box 6942 Napa, CA 94581
Phone Number: (707) 501-8550 E-mail: Thomas@northbaycivil.com
- (2) Assessor Parcel Number : 046-180-017 Name: Sandra Fox
Mailing Address: 21 Los Robles Drive Napa, CA 94559
Phone Number: (707) 254-0233 E-mail: sjfox707@yahoo.com
- (3) Assessor Parcel Number : 046-180-008 Name: Bruce & Lynda Black
Mailing Address: 33 Los Robles Drive Napa, CA 94559
Phone Number: (707) 738-1199 E-mail: bdblack@ix.netcom.com
- (4) Assessor Parcel Number : 046-180-009 Name: Ronald & Susan Modrall
Mailing Address: 45 Los Robles Drive Napa, CA 94559
Phone Number: (707) 815-2872 E-mail: rsmodrall@sbcglobal.net

Use Additional Sheets As Needed

C. Population:

- (1) Total Number of Residents: 6
- (2) Total Number of Registered Voters: 6

D. Land Use Factors:

- (1a) County General Plan Designation: n/a, city of Napa
- (1b) County Zoning Standard: n/a, city of Napa
- (2a) Applicable City General Plan Designation: SFR-183
- (2b) Applicable City Rezoning Standard: RS 20

E. Existing Land Uses:
(Specific)

046-180-016, vacant land
046-180-017/000/009, single-family residential

F. Development Plans:

- (1a) Territory Subject to a Development Project?



Yes



No

- (1b) If Yes, Describe Project:
- Residential Subdivisions as approved in both the Los Robles and Modrall Tentative Maps (city of Napa)

- (1c) If No, When Is Development Anticipated?
- n/a

G. Physical Characteristics:

- (1) Describe Topography:
- Hillside, slopes northward 15-20%

- (2) Describe Any Natural Boundaries:
- none within the locations of landowner's parcels.

- (3) Describe Soil Composition and Any Drainage Basins:

Rock

- (4) Describe Vegetation:
- Grasses, limited trees (oaks), and other natural vegetation.

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:

Sanitary sewer services for existing and approved/new single-family residences. It is estimated that a total of 9 total sanitary sewer services to be connected.

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

Full/complete sanitary sewer services to be provided to the affected territory.

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

Sanitary sewer services anticipated to be provided to affected territory by October 2021.

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

Extension of a public (8") sanitary sewer main from the terminus of Cayetano Drive.

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

Private finance through the development and installation of private/public improvements associated with the Los Robles and Madraal approved Tentative Maps.

V. ENVIRONMENTAL INFORMATION

A. Environmental Analysis

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

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

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

Provide Copies of Associated Environmental Documents

VI. ADDITIONAL INFORMATION

A. Approval Terms and Conditions Requested For Commission Consideration:

n/a

Use Additional Sheets As Needed

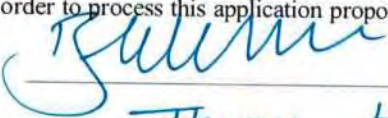
B. Identify Up to Three Agencies or Persons to Receive Proposal Correspondence:

(Does not include affected landowners or residents)

- (1) Recipient Name: City of Napa Planning Division (c/o Mike Allen)
Mailing Address: 1600 1st Street Napa, CA 94559
E-Mail: mallen@cityofnapa.org
- (2) Recipient Name: Napa Sanitation District
Mailing Address: 1515 Soscol Ferry Road Napa, CA 94558
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: Thomas Hodge
Title: Managing Member, R & H Development
Date: 4/22/20

ANNEXATION

OF THE LANDS OF FOX, R & H DEVELOPMENT,
BLACK AND MODRALL
TO THE NAPA SANITATION DISTRICT
APNs 046-180-017, -016,
-008, AND -009

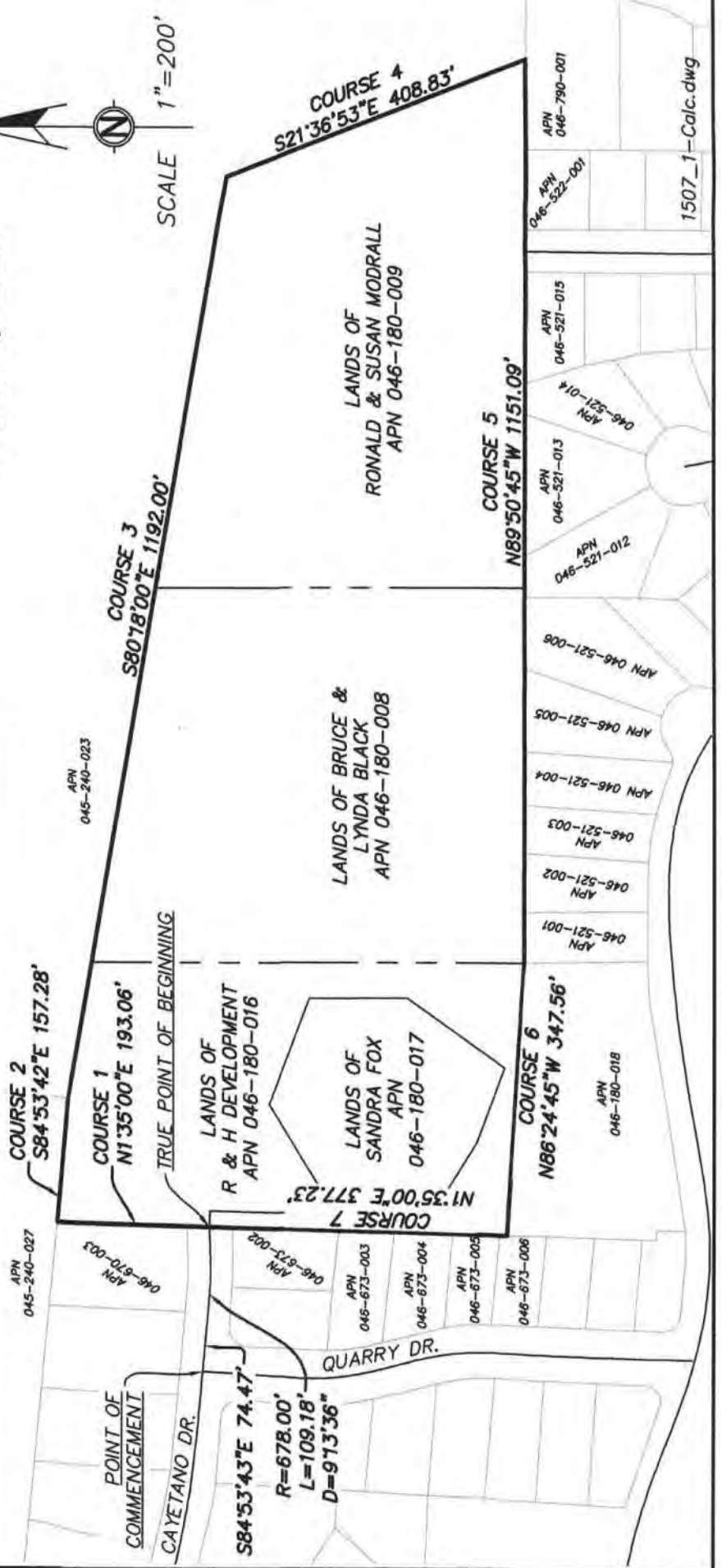
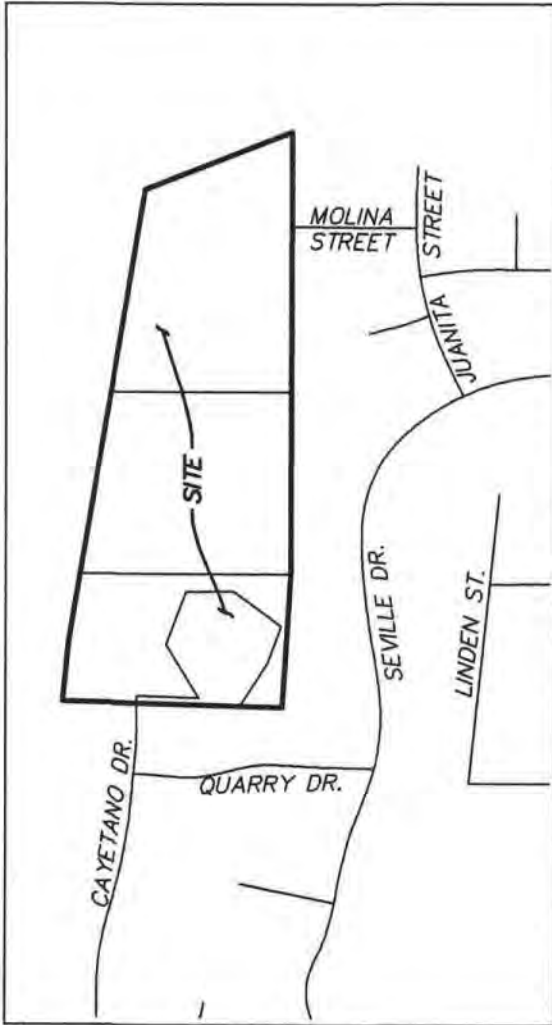
LOS ROBLES DRIVE
NAPA, CALIFORNIA
TULOCAY RANCHO
NAPA COUNTY, CALIFORNIA

PREPARED BY:
TERRA FIRMA SURVEYS, INC.
P.O. BOX 533
ST. HELENA CA 94574
PHONE: (707) 963-7565

DATE: January 09, 2019



SCALE 1"=200'



Written Description
For the
Annexation of the Lands of Sandra Fox, R & H development, Bruce D. Black and Lynda
C. Black and Ronald Modrall & Susan Modrall
To the
Napa Sanitation District

Napa County APNs:
046-180-017, 21 Los Robles Drive
046-180-016, No address
046-180-008, 33 Los Robles Drive
046-180-009, 45 Los Robles Drive

The real property located in the City of Napa, Tulocay Rancho, County of Napa, State of California, described as follows:

Commencing at the centerline intersection of Quarry Drive and Cayetano Drive as shown on the Map entitled "Final Map of the Quarry Subdivision" filed July 19, 1993 in Book 19 of Record Maps at pages 55-57 in the Office of the Napa County Recorder; thence along the centerline of said Cayetano Drive South 84°53'43" East for 74.47 feet; along a curve, concave to the north, having a radius of 678.00 feet through a central angle of 9°13'36" for 109.18 feet to the easterly terminus thereof and the TRUE POINT OF BEGINNING; said easterly terminus also being on the westerly line of the parcel labeled "Remaining Lands" as shown on the Map entitled "Final Map of Fox Subdivision Phase I" filed September 11, 1997 in Book 20 of Record Maps at pages 92 and 93 in said Recorder's Office; thence along the following seven courses:

1. North 1° 35' 00" East for 193.06 feet;
2. South 84° 53' 42" East for 157.28 feet;
3. South 80° 18' 00" East for 1192.00 feet;
4. South 21° 36' 53" East for 408.83 feet;
5. North 89° 50' 45" West for 1151.09 feet;
6. North 86° 24' 45" West for 347.56 feet;
7. North 1° 35' 00" East for 377.23 feet to the centerline of Cayetano Drive and the True Point of Beginning;

Containing 15.69 acres of land, more or less.

Indemnification Agreement

Name of Proposal:

Should the Local Agency Formation Commission of Napa County ("Napa LAFCO") be named as a party in any litigation (including a "validation" action under California Civil Code of Procedure 860 et seq.) or administrative proceeding in connection with a proposal, the applicant Thomas Hodge and/or (same as applicant) (real party in interest: the landowner) agree to indemnify, hold harmless, and promptly reimburse Napa LAFCO for:

1. Any damages, penalties, fines or other costs imposed upon or incurred by Napa LAFCO, its agents, officers, attorneys, and employees from any claim, action, or proceeding brought against any of them, the purpose of which is to attack, set aside, void, or annul the approval of this application or adoption of the environmental document which accompanies it. The Napa LAFCO Executive Officer may require a deposit of funds to cover estimated expenses of the litigation. Applicant and/or real party in interest agree that Napa LAFCO shall have the right to appoint its own counsel to defend it and conduct its own defense in the manner it deems in its best interest, and that such actions shall not relieve or limit Applicant's and/or real party in interest's obligations to indemnify and reimburse defense cost; and
2. All reasonable expenses and attorney's fees in connection with the defense of Napa LAFCO.

This indemnification obligation shall include, but is not limited to, expert witness fees or attorney fees that may be asserted by any person or entity, including the applicant, arising out of, or in connection with, the approval of this application. This indemnification is intended to be as broad as permitted by law.

Agency Representative Signature

Print Name

Date

Thomas Hodge

Principal Landowner Signature

Thomas Hodge

Print Name

4/22/20

Date

Indemnification Agreement

Name of Proposal:

Should the Local Agency Formation Commission of Napa County ("Napa LAFCO") be named as a party in any litigation (including a "validation" action under California Civil Code of Procedure 860 et seq.) or administrative proceeding in connection with a proposal, the applicant Thomas Hodge and/or Sandra J. Fox (real party in interest: the landowner) agree to indemnify, hold harmless, and promptly reimburse Napa LAFCO for:

1. Any damages, penalties, fines or other costs imposed upon or incurred by Napa LAFCO, its agents, officers, attorneys, and employees from any claim, action, or proceeding brought against any of them, the purpose of which is to attack, set aside, void, or annul the approval of this application or adoption of the environmental document which accompanies it. The Napa LAFCO Executive Officer may require a deposit of funds to cover estimated expenses of the litigation. Applicant and/or real party in interest agree that Napa LAFCO shall have the right to appoint its own counsel to defend it and conduct its own defense in the manner it deems in its best interest, and that such actions shall not relieve or limit Applicant's and/or real party in interest's obligations to indemnify and reimburse defense cost; and
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This indemnification obligation shall include, but is not limited to, expert witness fees or attorney fees that may be asserted by any person or entity, including the applicant, arising out of, or in connection with, the approval of this application. This indemnification is intended to be as broad as permitted by law.

Agency Representative Signature

Print Name

Date

Sandra J. Fox
Principal Landowner Signature

Sandra J. Fox
Print Name

3-10-20
Date

Indemnification Agreement

Name of Proposal:

Should the Local Agency Formation Commission of Napa County ("Napa LAFCO") be named as a party in any litigation (including a "validation" action under California Civil Code of Procedure 860 et seq.) or administrative proceeding in connection with a proposal, the applicant Thomas Hodge and/or Bruce Black (real party in interest: the landowner) agree to indemnify, hold harmless, and promptly reimburse Napa LAFCO for:

1. Any damages, penalties, fines or other costs imposed upon or incurred by Napa LAFCO, its agents, officers, attorneys, and employees from any claim, action, or proceeding brought against any of them, the purpose of which is to attack, set aside, void, or annul the approval of this application or adoption of the environmental document which accompanies it. The Napa LAFCO Executive Officer may require a deposit of funds to cover estimated expenses of the litigation. Applicant and/or real party in interest agree that Napa LAFCO shall have the right to appoint its own counsel to defend it and conduct its own defense in the manner it deems in its best interest, and that such actions shall not relieve or limit Applicant's and/or real party in interest's obligations to indemnify and reimburse defense cost; and
2. All reasonable expenses and attorney's fees in connection with the defense of Napa LAFCO.

This indemnification obligation shall include, but is not limited to, expert witness fees or attorney fees that may be asserted by any person or entity, including the applicant, arising out of, or in connection with, the approval of this application. This indemnification is intended to be as broad as permitted by law.

Agency Representative Signature

Print Name

Date

Bruce Black

Principal Landowner Signature

Bruce Black

Print Name

March 14, 2020

Date

Lynda Black

Lynda Black

Indemnification Agreement

Name of Proposal:

Should the Local Agency Formation Commission of Napa County ("Napa LAFCO") be named as a party in any litigation (including a "validation" action under California Civil Code of Procedure 860 et seq.) or administrative proceeding in connection with a proposal, the applicant Thomas Hodge and/or Ronald A. Madracc & Susan Madracc (real party in interest: the landowner) agree to indemnify, hold harmless, and promptly reimburse Napa LAFCO for:

1. Any damages, penalties, fines or other costs imposed upon or incurred by Napa LAFCO, its agents, officers, attorneys, and employees from any claim, action, or proceeding brought against any of them, the purpose of which is to attack, set aside, void, or annul the approval of this application or adoption of the environmental document which accompanies it. The Napa LAFCO Executive Officer may require a deposit of funds to cover estimated expenses of the litigation. Applicant and/or real party in interest agree that Napa LAFCO shall have the right to appoint its own counsel to defend it and conduct its own defense in the manner it deems in its best interest, and that such actions shall not relieve or limit Applicant's and/or real party in interest's obligations to indemnify and reimburse defense cost; and
2. All reasonable expenses and attorney's fees in connection with the defense of Napa LAFCO.

This indemnification obligation shall include, but is not limited to, expert witness fees or attorney fees that may be asserted by any person or entity, including the applicant, arising out of, or in connection with, the approval of this application. This indemnification is intended to be as broad as permitted by law.

Agency Representative Signature

Print Name

Date

Ronald A. Madracc Susan Madracc
Principal Landowner Signature




Ronald A. Madracc Susan Madracc
Print Name

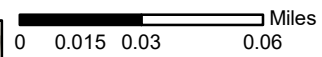
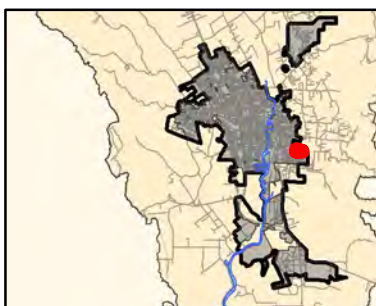
April 22, 2020
Date

Los Robles Drive No. 2 Attachment Three

Annexation to the Napa Sanitation District



Legend	
	Napa Sanitation District Jurisdictional Boundary
	Napa Sanitation District Sphere of Influence
	Affected Territory



August 3, 2020
Prepared by LAFCO Staff



LAFCO of Napa County
1030 Seminary Street, Suite B
Napa, California 94559
www.napa.lafco.ca.gov



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

**Los Robles Drive No. 2 Annexation to the Napa Sanitation District (NSD)
Factors for Commission Determinations**

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

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

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

The affected territory is approximately 15.38 acres in size, incorporated within the City of Napa's jurisdictional boundary, and has a designation within the City General Plan of *SFR-138 (Single Family Residential)* and a zoning standard of *RS-20:HS Residential: Hillside Overlay District* (minimum lot size of 20,000 square feet). The affected territory is currently developed with three single-family residences. The affected territory is located within the "*Terrace Shurtleff*" neighborhood planning area of existing "ranchettes". Development of this area was included in the analysis and environmental review of the City General Plan.

The current assessment value of the affected territory totals \$1,432,829.¹

The affected territory is located within the *Napa River – Kreuse Creek, Cayetano Creek and Tulucay Creek* drainage basins. Topography is hillside with slopes of 15-20%.

The City has tentatively approved two residential subdivisions in the affected territory. The first development "Los Robles Subdivision" at 21 Los Robles Drive is planned for five single-family residences. The second development "Modrall Subdivision" at 45 Los Robles Drive is planned for five new single-family residences in addition to an existing single-family residence. There are currently no plans to subdivide the other two additional parcels within the affected territory. However, the current City zoning contemplates minimum lot sizes of 20,000 square feet, which could result in 12 additional homes.²

Adjacent lands on the south and west sides of the affected territory are within the City's jurisdictional boundary and are developed with residential uses. Lands to the north and east are located outside the City boundary and designated for agricultural use by the County.

¹ The assessed value of the affected territory is divided into land at \$689,843, structural improvements at \$889,423, and homeowner exemptions at (\$146,437).

² At buildout, 21 and 45 Los Robles Drive would include a projected resident population of 30 based on the California Department of Finance's population per household estimate of 2.73 for the City of Napa. 33 Los Robles Drive and the property with no situs address could potentially be subdivided in the future to include up to 15 residential units consistent with the City General Plan and zoning, which would result in a projected resident population of 41. With this in mind and for purposes of this report, the total population within the entire affected territory is projected at 71 following proposal approval and buildout of the affected territory.

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

Core municipal services already provided or available within the affected territory by the City include water, fire protection and emergency medical, and law enforcement. These services are provided at adequate levels for the three existing single-family residences. The need for additional municipal services for the affected territory includes the extension of public sewer from NSD and elevated existing levels of water, fire protection and emergency medical, and law enforcement from the City for the planned subdivision and potential buildout. Planned and potential future development projects would create up to 26 new residential units with a projected population of 71 residents in the affected territory.

A review of estimated demands for municipal services within the affected territory indicates the City and NSD have sufficient capacities and controls to reasonably accommodate current and future needs. This statement is based on information collected and analyzed in the Commission's *Central County Region Municipal Service Review* adopted in 2014.³ No service deficiencies for the area were identified in the Municipal Service Review. Additional information regarding estimated service demands within the affected territory at buildout follows.

Water

One of the three existing homes within the affected territory currently receives water service from the City. At buildout, annual potable water demands within the affected territory are projected at 6.1 acre-feet or 1,992,900 gallons. This amount is based on the City's current average daily water demands of 210 gallons per residence. The City has established adequate capacities and controls to accommodate these demands.

Fire Protection and Emergency Medical

The affected territory currently receives fire protection and emergency medical service from the City. At buildout, annual service calls within the affected territory are projected at 8.3 based on the City's ratio of 117.5 annual fire protection and emergency medical service calls per 1,000 residents over the last five completed years.⁴ The City has established adequate capacities and controls to accommodate these demands into the foreseeable future.

Law Enforcement

The affected territory currently receives law enforcement service from the City. At buildout, annual service calls within the affected territory are projected at 56.8 based on the City's ratio of 799.5 annual law enforcement service calls per 1,000 residents over the last five completed years.⁵ The City has established adequate capacities and controls to accommodate these demands into the foreseeable future.

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

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

⁴ The City Fire Department reports total annual fire protection and emergency medical service calls averaged 9,329.6 over the last five completed years.

⁵ The City Police Department reports total annual law enforcement service calls averaged 63,459.6 over the last five completed years.

Sewer

The affected territory needs sewer service from NSD. Proposal approval and buildout of the affected territory would result in new sewer flows totaling approximately 3,900 gallons per day. This amount is based on NSD's design standard of 150 gallons per day per residence. NSD has established adequate capacities and controls to accommodate these demands into the foreseeable future.

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

The proposal would recognize and strengthen existing social and economic ties between NSD and the affected territory. These ties were initially established when the Commission amended NSD's SOI to include the affected territory as part of two actions in 2003 and 2006, marking an expectation the site would eventually develop for urban type uses and require public service from the District as the region's sole sewer service provider.

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

The proposal is consistent with the Commission's adopted policies based on the affected territory's urban land use designation and consistency with NSD's SOI. Further, the affected territory does not qualify as "open-space" under LAFCO law and therefore does not conflict with G.C. Section 56377.⁶ Proposal approval would be consistent with planned, orderly, efficient patterns of urban development.

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

The proposal will not have an adverse effect on agricultural lands. The affected territory is located within the City of Napa Rural Urban Limit Line (RUL). The adjacent agricultural land to the east and north of the affected territory is protected by the location and definitive boundary that separate urban from agricultural land use.

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

The affected territory includes all of the property identified by the County of Napa Assessor's Office as 046-180-008, 046-180-009, 046-180-016, and 046-180-017. The applicant has submitted a draft map and geographic description of the affected territory that are undergoing review by the County Surveyor to ensure conformance with the requirements of the State Board of Equalization. If the Commission approves the proposal, approval will be conditioned upon submittal of a final map and geographic description following the completion of the County Surveyor's review.

Approval of the proposal would have no impact with respect to unincorporated islands or corridors of unincorporated territory given the affected territory is located entirely within the City of Napa.

⁶ The affected is not devoted to an open-space use under the City General Plan.

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

The Metropolitan Transportation Commission's regional transportation plan (RTP), *Plan Bay Area 2040*, was updated in 2017 and outlines specific goals and objectives to direct public transportation infrastructure in the Bay Area through 2040.⁷ No specific projects are included in the RTP involving the affected territory. Accordingly, the proposal impact is neutral with respect to the RTP.

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

Approval of the proposal would allow for a full range of municipal services to be provided to the affected territory to serve existing, planned, and possible future uses. The availability and provision of these municipal services are consistent with the City's General Plan land use designation and zoning assignment for the affected territory, both of which contemplate single-family residential development.

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

The affected territory is located entirely within NSD's SOI, which was comprehensively updated by the Commission in October 2015.

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

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

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

Information collected and analyzed as part of the Commission's *Central County Region Municipal Service Review* adopted in 2014 concluded NSD has developed overall adequate financial resources and controls relative to current and projected service commitments. This includes regularly reviewing and amending, as needed, NSD's two principal rates and fees to ensure the sewer system remains solvent and sufficiently capitalized to accommodate future demands: (a) capacity charge for new connections and (b) annual service charge. The capacity charge is currently \$9,959 and serves as NSD's buy-in charge for new customers to contribute their fair share for existing and future facilities necessary to receive sewer service. The annual service charge for a single-family unit is currently \$738.60 and is intended to proportionally recover NSD's ongoing maintenance and operation expenses. The 2014 *Central County Region Municipal Service Review* is relied upon and sufficient for this annexation proposal regarding the plan for services required by G.C. Section 56653.

⁷ *Plan Bay Area 2040* is a long-range integrated transportation and land-use/housing strategy through 2040 for the San Francisco Bay Area. *Plan Bay Area 2040* includes the region's Sustainable Communities Strategy and the 2040 Regional Transportation Plan.

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

The planned development, as well as the potential future buildout of the affected territory Lane would result in annual water demands for the City totaling approximately 6.1 acre-feet or 1,992,900 gallons. This amount is based on current average water demands within the City of approximately 210 gallons per day per residence. The City's water supplies are generated from three sources: (1) Lake Hennessey; (2) Milliken Reservoir; and (3) State Water Project. Total supplies vary according to hydrologic conditions. A table depicting the City's existing water service demands relative to supplies follows. As reflected in the following table, adequate water supplies exist for the projected needs of the City, including buildout of the affected territory. In addition, City approval of new development requires a range of water management measures both during construction and for the new residences.

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

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

Approval of the proposal would result in a benefit to the City with respect to achieving its fair share of the regional housing needs based on the planned development of 10 new single-family residential units on parcels 046-180-016 and 046-180-009, as well as the potential buildout of parcels 046-180-017 and 046-180-008 in the future.⁸

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

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

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

The affected territory is zoned by the City as *Single-Family Residential Hillside Overlay District (RS-20:HS)*, which permits residential development with a minimum lot size of 20,000 square feet or 0.46 acres with some limitations due to slope. The proposed annexation to NSD and planned development projects are consistent with these existing land use designations.

⁸ A recent report with information on local regional housing needs allocations is available online at: https://www.napa.lafco.ca.gov/uploads/documents/6-3-19_5f_Housing-GeneralPlans.pdf.

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

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

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

There is no documentation or evidence suggesting a local hazard mitigation plan or safety element of a general plan is relevant to the proposed annexation to NSD. Further, the affected territory is not located in a high fire hazard zone or a state responsibility area. However, the affected territory is within a moderate fire hazard zone. The City's approval of the proposed development includes specific mitigation measures to address fire safety.

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

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



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

1030 Seminary Street, Suite B
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
Dawn Mittleman Longoria, Analyst II
MEETING DATE: August 3, 2020
SUBJECT: Proposed Linda Vista Avenue No. 21 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 – Linda Vista Avenue No. 21 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
APNs: 007-231-002, 007-152-030, 007-103-004, and 007-172-023
Location: 3660, 4009, and 4213 Linda Vista Avenue and 2415 Trower Avenue
Area Size: 2.76 acres
Jurisdiction: City of Napa ("City")
Sphere of Influence (SOI) Consistency: Yes – NSD

Policy Consistency: Yes
Tax Sharing Agreement: Yes – master tax exchange agreement
Landowner Consent: 100%
Protest Proceedings: Waived
CEQA: Exempt
Current Land Uses: four single-family residences and one detached second unit

The purpose of the proposal is to allow the existing single-family residences to eliminate their private onsite septic systems and connect to NSD's public sewer infrastructure. The proposal would also satisfy a condition of the Commission's previous approval of an outside service agreement, which was conditioned upon the landowner submitting a complete application to annex 3660 Linda Vista Avenue to NSD by September 23, 2020.

Notably, staff sent letters to the landowners of 16 total parcels located along or near Linda Vista Avenue inviting them to join the annexation proposal initiated by the landowner of 3660 Linda Vista Avenue. The landowners of 4009 Linda Vista Avenue, 4213 Linda Vista Avenue, and 2415 Trower Avenue agreed to join the proposal. The application materials are included as Attachment Two.

Kenneth Leary, Chair
Councilmember, City of American Canyon

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

Gregory Rodeno, Commissioner
Representative of the General Public

Margie Mohler, Commissioner
Councilmember, Town of Yountville

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

Eve Kahn, Alternate Commissioner
Representative of the General Public

Scott Sedgley, Alternate Commissioner
Councilmember, City of Napa

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

Brendon Freeman
Executive Officer

Individual aerial maps of each parcel within the affected territory are included as Attachment Three. A vicinity map of the affected territory showing NSD's jurisdictional boundary is provided below.



DISCUSSION

Factors for Commission Determinations

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

Property Tax Agreement

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

Protest Proceedings

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

ENVIRONMENTAL REVIEW

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

ATTACHMENTS

- 1) Draft Resolution Approving the Proposal and Making CEQA Findings
- 2) Application Materials
- 3) Aerial Maps of Affected Territory
- 4) Factors for Commission Determinations

RESOLUTION NO. ____

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

**LINDA VISTA AVENUE NO. 21
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 2.76 acres of incorporated land to the Napa Sanitation District and represents four entire parcels located at 3660, 4009, and 4213 Linda Vista Avenue and 2415 Trower Avenue and identified by the County of Napa Assessor’s Office as 007-231-002, 007-152-030, 007-103-004, and 007-172-023, 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 August 3, 2020; 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 1030 Seminary Street, Suite B, 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:

**LINDA VISTA AVENUE NO. 21
ANNEXATION TO THE NAPA SANITATION DISTRICT**

5. The affected territory is shown on the map and described in the geographic description in the attached Exhibit “A”.
6. The affected territory so described is uninhabited as defined in California Government Code Section 56046.
7. The Napa Sanitation District utilizes the regular assessment roll of the County of Napa.
8. The affected territory will be taxed for existing general bonded indebtedness of the Napa Sanitation District.
9. The proposal shall be subject to the terms and conditions of the Napa Sanitation District.
10. The Commission authorizes conducting authority proceedings to be waived in accordance with California Government Code Section 56662(a).
11. Recordation is contingent upon receipt by the Executive Officer of written confirmation by 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 August 3, 2020, after a motion by Commissioner _____, seconded by Commissioner _____, by the following vote:

AYES: Commissioners _____

NOES: Commissioners _____

ABSENT: Commissioners _____

ABSTAIN: Commissioners _____

Kenneth Leary
Commission Chair

ATTEST: _____
Brendon Freeman
Executive Officer

Recorded by: Kathy Mabry
Commission Secretary

DRAFT

ANNEXATION DISTRICTS

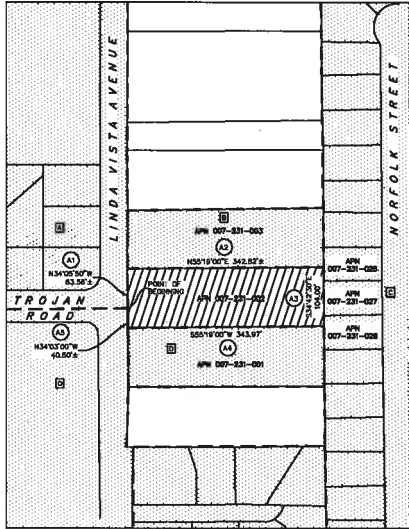
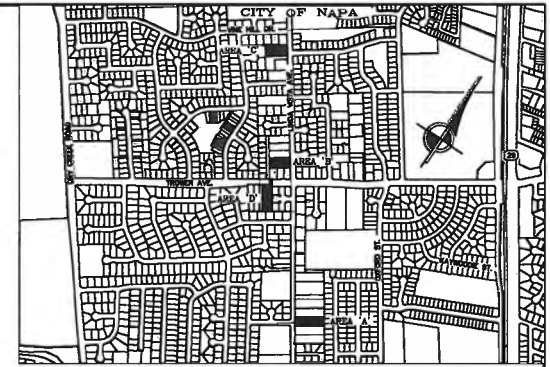
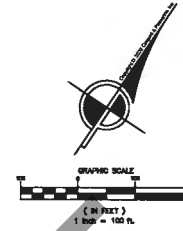
- 1 LINDA VISTA AVENUE/TROWER AVENUE DISTRICT ANNEXATION (1983-3)
- 2 NSD RESOLUTION NO. 8464
- 3 LINDA VISTA AVENUE NO. 14 DISTRICT ANNEXATION (1996-4)
- 4 NSD RESOLUTION NO. 98-0777
- 5 REDWOOD JUNIOR HIGH SCHOOL AND NORTHWOOD SUBDIVISION ANNEXATION (JULY 25, 1987)
- 6 LINDA VISTA AVENUE NO. 8 DISTRICT ANNEXATION (1993-8)
- 7 NSD RESOLUTION NO. 83-1445
- 8 SELVA ANNEXATION (1972-3)
- 9 NSD RESOLUTION NO. 3206
- 10 TROWER AVENUE ANNEXATION (1983-5)
- 11 NSD RESOLUTION NO. 8719
- 12 EARLY ANNEXATION (1977-11)
- 13 NSD RESOLUTION NO. 4989
- 14 TROWER AVENUE/LINDA VISTA AVENUE DISTRICT ANNEXATION (1988-7)
- 15 NSD RESOLUTION NO. 7088
- 16 TOKAY DRIVE ANNEXATION (1983-5)
- 17 NSD RESOLUTION NO. 8381
- 18 LINDA VISTA AVENUE NORTH ANNEXATION (1977-14)
- 19 NSD RESOLUTION NO. 8108
- 20 MALLA LAS FLORES ANNEXATION (1973-1)
- 21 NSD RESOLUTION NO. 8963
- 22 LINDA VISTA AVENUE, 23 ANNEXATION (NSD RESOLUTION NO. 8487)
- 23 CHANG PROPERTY ANNEXATION (1880 NO. 4)
- 24 NSD RESOLUTION NO. 8094
- 25 FOUR OAKS PARK NO. 2 ANNEXATION (1979 NO. 4)
- 26 NSD RESOLUTION NO. 4281
- 27 LINDA VISTA AVENUE ANNEXATION (DECEMBER 14, 1987)

DISCLAIMER

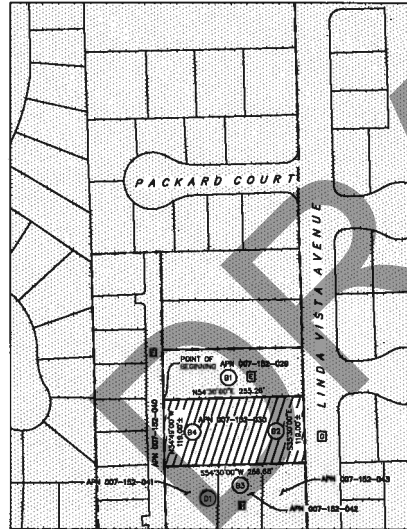
FOR ASSESSMENT PURPOSES ONLY. THIS DESCRIPTION OF LAND IS NOT A LEGAL PROPERTY DESCRIPTION AS PERMITTED BY THE SUBDIVISION MAP ACT AND MAY NOT BE USED AS THE BASIS FOR AN OFFER FOR SALE OF THE LAND DESCRIBED.

LEGEND

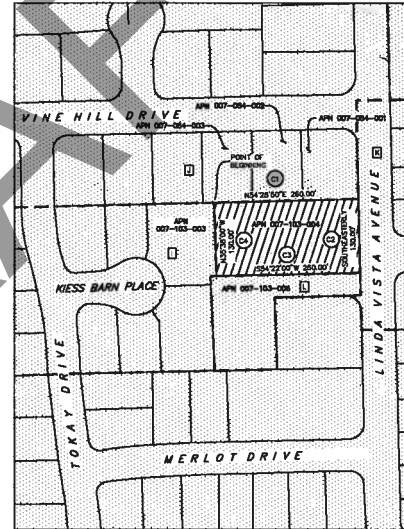
- ADJACENT ANNEXATION BOUNDARY
- PROPOSED NSD ANNEXATION
- ▨ AREA A (43.82 ACRES)
- ▩ AREA B (14.78 ACRES)
- ▧ AREA C (42.78 ACRES)
- ▦ AREA D (34.85 ACRES)
- ▤ DESTROYED NSD AREA



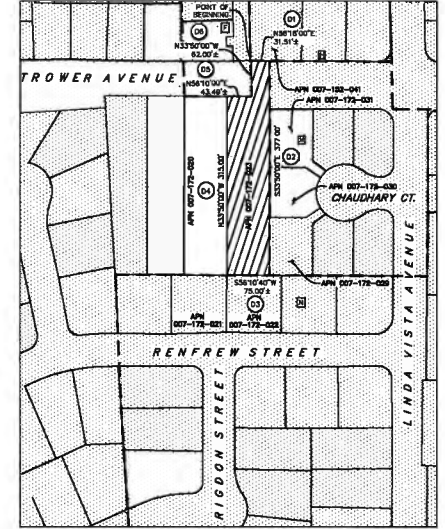
AREA 'A'
3660 LINDA VISTA AVENUE
APN 007-231-002



AREA 'B'
4009 LINDA VISTA AVENUE
APN 007-152-030



AREA 'C'
4219 LINDA VISTA AVENUE
APN 007-103-004



AREA 'D'
2415 TROWER AVENUE
APN 007-172-023

JOB Name:	LINDA VISTA NO. 21 ANNEXATION TO THE NAPA SANITATION DISTRICT	DRAWN BY:	CAF	CHECKED BY:	MPA
SCALE:	1" = 100'	SHEET:	1 OF 1	JOB NUMBER:	9006-20
OWNER:	ANNEXATION PLAT CITY OF NAPA, COUNTY OF NAPA PORTION OF NAPA BANCHEO	DATE:	10/08/2008	DATE:	10/08/2008
CINQUINI & PASSARINO, INC. LAND SURVEYING & BOUNDARY TOPOGRAPHIC CONSTRUCTION & MAPPING 1804 Street Ave. #203 Napa, Ca. 94558 Phone (707) 848-8225 Fax (707) 843-2105 WWW.CINQUINIPASSARINO.COM					

PROPOSED ANNEXATION TO THE NAPA SANITATION DISTRICT

GEOGRAPHIC DESCRIPTION
LINDA VISTA NO. 21 ANNEXATION TO THE
NAPA SANITATION DISTRICT
 AREA "A"- A.P.N. 007-231-002

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

BEGINNING at the most easterly corner of the Linda Vista Avenue/Trojan Road District Annexation (1985-4) to the Napa Sanitation District per District Resolution No. 6464 dated April 30, 1985, said corner also being the most northerly corner of the Linda Vista Avenue Annexation to the Napa Sanitation District per District Resolution dated November 14, 1961, said corner also being the point of intersection of the centerline of Trojan Road and the northeasterly line of Linda Vista Avenue as the same are shown on Map No. 1546 entitled "Record of Survey of the lands of Gary J. Marston et ux," filed in Book 15 of Surveys at Page 31, Napa County Records;

Thence (A1) along the northeasterly boundary of said Linda Vista Avenue/Trojan Road District Annexation, North 34°05'50" West 63.56 feet, more or less, to the most southerly corner of the Linda Vista Avenue No. 14 District Annexation (1996-4) to the Napa Sanitation District per District Resolution No. 96-077 dated September 11, 1996;

Thence (A2) along the southeasterly boundary of said Linda Vista Avenue No. 14 District Annexation, North 55°19'00" East 342.82 feet, more or less, to the most easterly corner thereof, said corner also being a point on the southwesterly boundary of the Redwood Junior High School and Northwood Subdivision Annexation to the Napa Sanitation District per District Resolution dated July 23, 1957;

Thence (A3) along said southwesterly boundary, South 34°42'30" East 104.00 feet to the most northerly corner of the Linda Vista Avenue No. 8 District Annexation (1993-8) to the Napa Sanitation District per District Resolution No. 93-140 dated December 8, 1993;

Thence (A4) along the northwesterly line of said Linda Vista Avenue No. 8 District Annexation, South 55°19'00" West 343.97 feet to the most southerly corner thereof, said corner also being a point on the northeasterly boundary of said Linda Vista Avenue Annexation;

Thence (A5) along said northeasterly boundary, North 34°03'00 West 40.50 feet, more or less, to the POINT OF BEGINNING.

Containing 0.82 acres of land, more or less.

1804 Soscol Avenue, Suite 202, Napa, CA 94559
 Tel: (707) 690-9025 Fax: (707) 542-2106
 www.cinquinipassarino.com
 CPI No.: 9008-20

Page 1 of 2

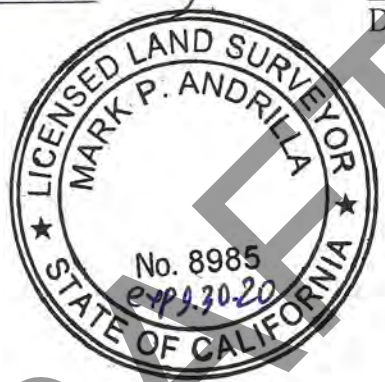
For assessment purposes only. This description of land is not a legal property description as defined in the Subdivision Map Act and may not be used as the basis for an offer for sale of the land described.

Prepared by Cinquini & Passarino, Inc.


Mark P. Andrilla, PLS 8985

6.25.20

Date



DRY

1804 Soscol Avenue, Suite 202, Napa, CA 94559
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CPI No.: 9008-20

PROPOSED ANNEXATION TO THE NAPA SANITATION DISTRICT

GEOGRAPHIC DESCRIPTION
LINDA VISTA NO. 21 ANNEXATION TO THE
NAPA SANITATION DISTRICT
 AREA "B"- A.P.N. 007-152-030

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

BEGINNING at the most southerly corner of the Silva Annexation (1972-5) to the Napa Sanitation District per District Resolution No. 3368 dated March 14, 1972, said corner also being a point on the northeasterly boundary of the Trower Avenue Annexation (1983-5) to the Napa Sanitation District per District Resolution No. 6191 dated September 20, 1983;

Thence (B1) along the southeasterly boundary of said Silva District Annexation, North 54°30'00" East 255.26 feet to the most easterly corner thereof, said corner also being a point on the southwesterly boundary of the Easley Annexation (1977-11) to the Napa Sanitation District per District Resolution No. 4966 dated March 14, 1978;

Thence (B2) along said southwesterly boundary, South 35°30'00" East 119.00 feet, more or less, to the most northerly corner of the Trower Avenue/Linda Vista Avenue District Annexation (1988-7) to the Napa Sanitation District per District Resolution No. 7088 dated October 12, 1988;

Thence (B3) along the northwesterly boundary of said Trower Avenue/Linda Vista Avenue District Annexation, South 54°30'00" West 256.68 feet to the most westerly corner thereof, said corner also being a point on the northeasterly boundary of said Trower Avenue Annexation;

Thence (B4) along said northeasterly boundary, North 34°49'00" West 119.00 feet, more or less, to the POINT OF BEGINNING.

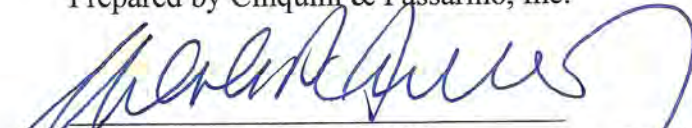
Containing 0.70 acres of land, more or less.

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.

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Mark P. Andrilla, PLS 8985

6.25 '20
Date



DRAFT

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Page 2 of 2

PROPOSED ANNEXATION TO THE NAPA SANITATION DISTRICT

GEOGRAPHIC DESCRIPTION
LINDA VISTA NO. 21 ANNEXATION TO THE
NAPA SANITATION DISTRICT
 AREA "C"- A.P.N. 007-103-004

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

BEGINNING at the most northerly corner of the Tokay Drive Annexation (1983-9) to the Napa Sanitation District per District Resolution No. 6281 dated March 27, 1984, said corner also being a point on the southeasterly boundary of the Linda Vista Avenue North Annexation (1977-14) to the Napa Sanitation District per District Resolution No. 5129 dated August 22, 1978;

Thence (C1) along said southeasterly boundary, North 54°28'50" East 260.00 feet to the most easterly corner thereof, said corner also being a point on the general southwesterly boundary of the Villa Las Flores Annexation (1973-1) to the Napa Sanitation District per District Resolution No. 3583 dated February 13, 1973;

Thence (C2) along said general southwesterly boundary, Southeasterly 130.00 feet to the most northerly corner of the Linda Vista Avenue # 3 District Annexation to the Napa Sanitation District per District Resolution No. 6457 dated April 9, 1985;

Thence (C3) along the northwesterly boundary of said Linda Vista Avenue # 3 District Annexation, South 54°22'00" West 260.00 feet to an angle point in the northeasterly boundary of said Tokay Drive Annexation;

Thence (C4) along said northeasterly boundary, North 35°38'00" West 130.00 feet to the POINT OF BEGINNING.

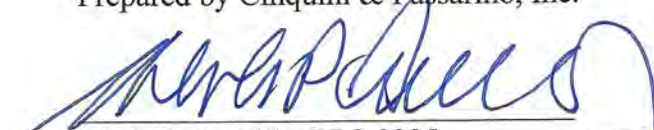
Containing 0.76 acres of land, more or less.

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.

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Prepared by Cinquini & Passarino, Inc.


Mark P. Andrilla, PLS 8985

6.25.20
Date



DRAFT

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Page 2 of 2

PROPOSED ANNEXATION TO THE NAPA SANITATION DISTRICT

GEOGRAPHIC DESCRIPTION
LINDA VISTA NO. 21 ANNEXATION TO THE
NAPA SANITATION DISTRICT
 AREA "D"- A.P.N. 007-172-023

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

BEGINNING at the most southerly corner of the Trower Avenue/Linda Vista Avenue District Annexation (1988-7) to the Napa Sanitation District per District Resolution No. 7088 dated October 12, 1988, said corner also being a point on the northeasterly boundary of the Trower Avenue Annexation (1983-5) to the Napa Sanitation District per District Resolution No. 6191 dated September 20, 1983;

Thence (D1) along the southeasterly boundary of said Trower Avenue/Linda Vista Avenue District Annexation, North $56^{\circ}18'00''$ East 31.51 feet, more or less, to the most westerly corner of the Roach Property Annexation (1980 No. 4) to the Napa Sanitation District per District Resolution No. 6084 dated January 25, 1983;

Thence (D2) along the southwesterly boundary of said Roach Property Annexation, South $33^{\circ}50'00''$ East 377.00 feet to the most southerly corner thereof, said corner also being a point on the general northwesterly boundary of the Four Oaks Park No. 2 Annexation (1975 No. 4) to the Napa Sanitation District per District Resolution No. 4281 dated December 23, 1975;

Thence (D3) along said general northwesterly boundary, South $56^{\circ}10'40''$ West 75.00 feet, more or less, to the most southerly corner of the parcel of land described in the deed to Sabrina Wolfson recorded January 4, 2005 under Document Number 2005-0000369, Official Records of Napa County;

Thence (D4) leaving said Napa Sanitation District boundary, along the southwesterly boundary of said parcel of land described in the deed to Sabrina Wolfson, North $33^{\circ}50'00''$ West 315.00 feet to the most westerly corner thereof, said corner also being a point on the southeasterly boundary of said Trower Avenue Annexation;

Thence (D5) along the northwesterly boundary of said Trower Avenue Annexation, North $56^{\circ}10'00''$ East 43.49 feet, more or less, to the most easterly corner thereof;

Thence (D6) along the northeasterly boundary of said Trower Avenue Annexation (1983-5), North $33^{\circ}50'00''$ West 62.00 feet, more or less, to the POINT OF BEGINNING.

Containing 0.59 acres of land, more or less.

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Prepared by Cinquini & Passarino, Inc.



Mark P. Andrilla, PLS 8985

6.25.20

Date



DRY

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www.cinquinipassarino.com
CPI No.: 9008-20

FORM B

Date Filed: 6/25/2020
Proposal Name: Linda Vista Ave No. 21

PETITION FOR PROPOSAL

For Filing with the Local Agency Formation Commission of Napa County

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

Nature of Proposal and All Associated Changes of Organization:

Annexation of four parcels to the Napa Sanitation District.

Description of Boundaries of Affected Territory Accompanied by Map:

The four parcels are located at 3660 Linda Vista Avenue, 4009 Linda Vista Avenue, 4213 Linda Vista Avenue, and 2415 Trower Avenue in the City of Napa.

See attached draft map and geographic description.

Reason for Proposal and Any Proposed Conditions:

Facilitate the transition from private septic systems to public sewer infrastructure for each parcel.

Type of Petition:

Landowner

Registered Voter

Sphere of Influence Consistency:

Yes

No

If Landowner Petition, Complete the Following:

- 1) Name: Tim Smyth for Elvia Martinez
Mailing Address: 3660 Linda Vista Avenue, Napa, CA 94558
Assessor Parcel: 007-231-002
Signature:  Date: 10/20/2020
- 2) Name: See three attached landowner consent forms
Mailing Address: on the following pages
Assessor Parcel: _____
Signature: _____ Date: _____
- 3) Name: _____
Mailing Address: _____
Assessor Parcel: _____
Signature: _____ Date: _____

If Registered Voter Petition, Complete the Following:

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



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

1030 Seminary Street, Suite B
Napa, California 94559
Phone: (707) 259-8645
www.napa.lafco.ca.gov

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

RECEIVED

LANDOWNER CONSENT FORM

JUN 12 2020

NAPA COUNTY
LAFCO

I am the legal owner of property as described below and hereby voluntarily consent to the annexation of my land as part of the "Linda Vista Avenue No. 21 Annexation to the Napa Sanitation District" proposal proceedings. In providing consent, I acknowledge the Commission may proceed with considering the proposal without notice, hearing, or protest proceedings under Government Code Section 56662(a).

Landowner Names: Velma Shimel Etal Life

Property Address: 4009 Linda Vista Avenue, Napa, CA 94558

Property APN: 007-152-030

Velma G Shimel
Landowner

6-1-2020
Date

Kenneth Leary, Chair
Councilmember, City of American Canyon

Margie Mohler, Commissioner
Councilmember, Town of Yountville

Scott Sedgley, Alternate Commissioner
Councilmember, City of Napa

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

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

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

Gregory Rodeno, 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
Subdivision of the State of California

1030 Seminary Street, Suite B
 Napa, California 94559
 Phone: (707) 259-8645
 www.napa.lafco.ca.gov

RECEIVED

JUN 2 2020

NAPA COUNTY
LAFCO

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

LANDOWNER CONSENT FORM

I am the legal owner of property as described below and hereby voluntarily consent to the annexation of my land as part of the "Linda Vista Avenue No. 21 Annexation to the Napa Sanitation District" proposal proceedings. In providing consent, I acknowledge the Commission may proceed with considering the proposal without notice, hearing, or protest proceedings under Government Code Section 56662(a).

Landowner Names: Thomas and LaDonna Harding

Property Address: 4213 Linda Vista Avenue, Napa, CA 94558

Property APN: 007-103-004

Thomas and LaDonna Harding
 Landowner

5/29/2020
 Date

Kenneth Leary, Chair
 Councilmember, City of American Canyon

Margie Mohler, Commissioner
 Councilmember, Town of Yountville

Scott Sedgley, Alternate Commissioner
 Councilmember, City of Napa

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

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

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

Gregory Rodeno, Commissioner
 Representative of the General Public

Eve Kahn, Alternate Commissioner
 Representative of the General Public

Brendon Freeman
 Executive Officer

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

LANDOWNER CONSENT FORM

I am the legal owner of property as described below and hereby voluntarily consent to the annexation of my land as part of the "Linda Vista Avenue No. 21 Annexation to the Napa Sanitation District" proposal proceedings. In providing consent, I acknowledge the Commission may proceed with considering the proposal without notice, hearing, or protest proceedings under Government Code Section 56662(a).

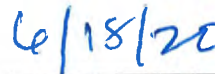
Landowner Names: Sabrina Wolfson

Property Address: 2415 Trower Avenue, Napa, CA 94558

Property APN: 007-172-023



Landowner



Date

Kenneth Leary, Chair
Councilmember, City of American Canyon

Margie Mohler, Commissioner
Councilmember, Town of Yountville

Scott Sedgley, Alternate Commissioner
Councilmember, City of Napa

Diane Dillou, Vice Chair
County of Napa Supervisor, 3rd District

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

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

Gregory Rodeno, Commissioner
Representative of the General Public

Eve Kahn, Alternate Commissioner
Representative of the General Public

Brendon Freeman
Executive Officer

III. GENERAL INFORMATION

A. Location:	3660 Linda Vista Avenue	007-231-002	0.80
	Street Address	Assessor Parcel Number	Acres
	4009 Linda Vista Avenue	007-152-030	0.67
	Street Address	Assessor Parcel Number	Acres
	4213 Linda Vista Avenue	007-103-004	0.75
	Street Address	Assessor Parcel Number	Acres
	2415 Trower Avenue	007-172-023	0.54
	Street Address	Assessor Parcel Number	Acres

Total Location Size
(Including Right-of-Ways) 2.76

B. Landowners:

- (1) Assessor Parcel Number : 007-231-002 Name: Tim Smyth (for Elvia Martinez)
Mailing Address: 3660 Linda Vista Avenue, Napa, CA 94558
Phone Number: (707) 330-0579 E-mail: timothysmyth2@gmail.com
- (2) Assessor Parcel Number : 007-152-030 Name: Sherry Shimel
Mailing Address: 3979 Lap Ct, Napa, CA 94558
Phone Number: (707) 363-2599 E-mail: sherryshimel@sbcglobal.net
- (3) Assessor Parcel Number : 007-103-004 Name: Tom and LaDonna Harding
Mailing Address: 1143 Ragatz Ln, Napa, CA 94558
Phone Number: (707) 257-2176 E-mail: hardington@icloud.com
- (4) Assessor Parcel Number : 007-172-023 Name: Sabrina Wolfson
Mailing Address: 1185 Jerome Way, Napa, CA 94558
Phone Number: (415) 297-1387 E-mail: sabrinawolfson@gmail.com

Use Additional Sheets As Needed

C. Population:

- (1) Total Number of Residents: 9
- (2) Total Number of Registered Voters: 6

D. Land Use Factors:

- (1a) County General Plan Designation: Cities
- (1b) County Zoning Standard: N/A (City of Napa)
- (2a) Applicable City General Plan Designation: SFI-8 & SFR-4
- (2b) Applicable City Pre-zoning Standard:
(Required for City Annexations) RI-7, RS-5 & RS-7

E. Existing Land Uses: One single-family residence on each of the
 (Specific) four parcels along with one additional second
unit at 3660 Linda Vista Avenue

F. Development Plans:

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

(1b) If Yes, Describe Project: _____

(1c) If No, When Is Development Anticipated? Already developed with
single-family residences

G. Physical Characteristics:

(1) Describe Topography: Generally flat, 0 to 2 percent slopes

(2) Describe Any Natural Boundaries: N/A

(3) Describe Soil Composition and Any Drainage Basins: Drainage: Salvador Channel
Soils: Clear lake clay, Cole silt loam, Haire loam

(4) Describe Vegetation: Minimal vegetation, some trees on each property

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:

Public sewer service to each of the four parcels

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

Sufficient sewer service for four single-family residences

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

**Immediately upon completion of infrastructure
improvements and payment of all fees/charges**

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

**Lateral connections for each of the four properties,
sewer main already runs in front of each property**

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

**Landowners will pay their respective fees/charges
and finance the construction costs for lateral connections**

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 Title 14 CCR Section 15319(a)
Type
- None

Provide Copies of Associated Environmental Documents

VI. ADDITIONAL INFORMATION

A. Approval Terms and Conditions Requested For Commission Consideration:

As requested by Napa County Environmental Health, the existing structures must be demolished and/or connected to the Napa Sanitation District (NSD) prior to any clearing, grubbing, or grading on any parcel. Until such time, the septic systems must be protected from damage.

Upon connection to of the structures to NSD or demolition, the existing septic tanks must be properly destroyed under permit from the County.

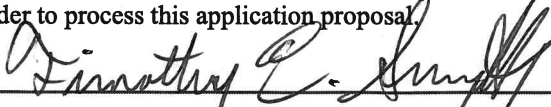
Use Additional Sheets As Needed

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: Tim Smyth (for Elvia Martinez)

Title: _____

Date: 4/20/2020


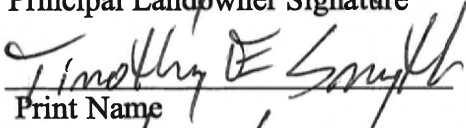
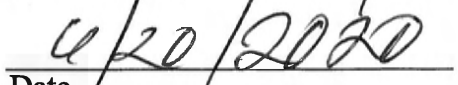
Indemnification Agreement

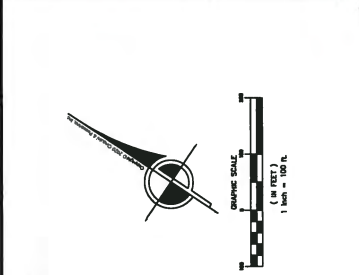
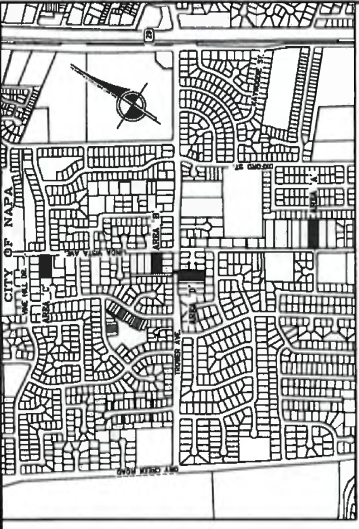
Name of Proposal (assigned by staff): Linda Vista Avenue No. 21 Annexation to NSD

Should the Local Agency Formation Commission of Napa County ("Napa LAFCO") be named as a party in any litigation (including a "validation" action under California Civil Code of Procedure 860 et seq.) or administrative proceeding in connection with a proposal, the applicant Tim Smyth and/or Elvia Martinez (real party in interest: the landowner) agree to indemnify, hold harmless, and promptly reimburse Napa LAFCO for:

1. Any damages, penalties, fines or other costs imposed upon or incurred by Napa LAFCO, its agents, officers, attorneys, and employees from any claim, action, or proceeding brought against any of them, the purpose of which is to attack, set aside, void, or annul the approval of this application or adoption of the environmental document which accompanies it. The Napa LAFCO Executive Officer may require a deposit of funds to cover estimated expenses of the litigation. Applicant and/or real party in interest agree that Napa LAFCO shall have the right to appoint its own counsel to defend it and conduct its own defense in the manner it deems in its best interest, and that such actions shall not relieve or limit Applicant's and/or real party in interest's obligations to indemnify and reimburse defense cost; and
2. All reasonable expenses and attorney's fees in connection with the defense of Napa LAFCO.

This indemnification obligation shall include, but is not limited to, expert witness fees or attorney fees that may be asserted by any person or entity, including the applicant, arising out of, or in connection with, the approval of this application. This indemnification is intended to be as broad as permitted by law.


Principal Landowner Signature

Print Name

Date



LEGEND

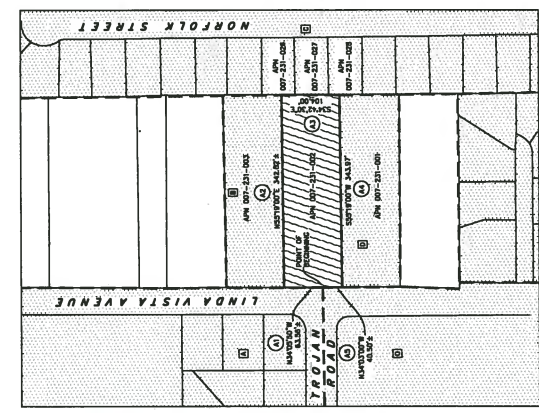
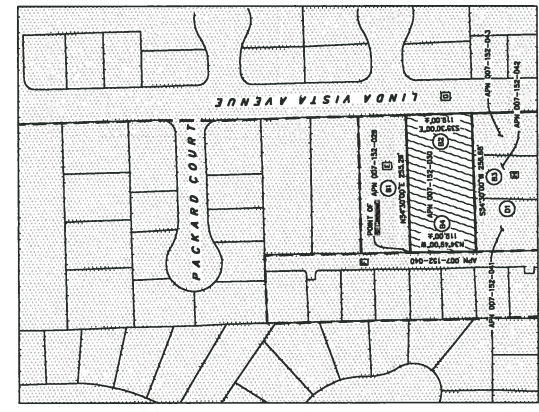
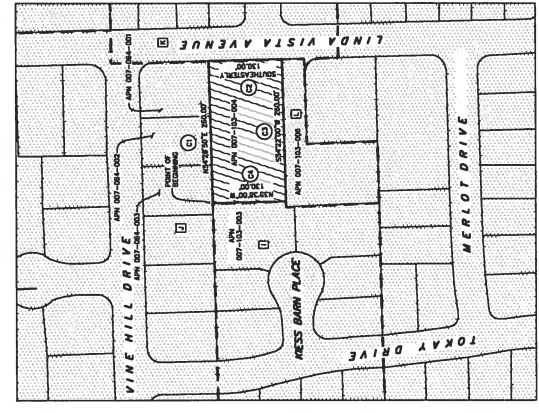
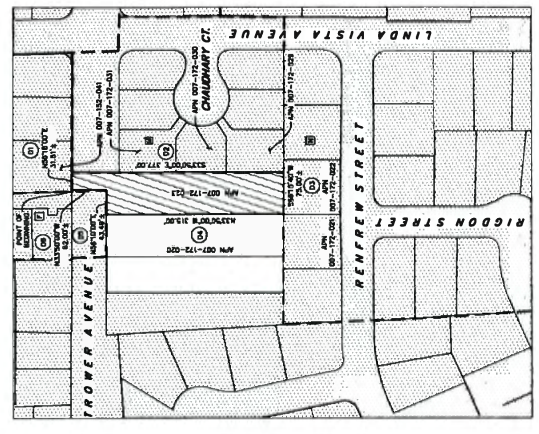
- ALLEGEDLY ANNEALED BOUNDARY
- ADJACENT AREAS
- AREA A (44318 ADRES)
- AREA B (44319 ADRES)
- AREA C (44320 ADRES)
- AREA D (44321 ADRES)
- EXISTING ROAD AREA

DISCLAIMER

THIS MAP IS FOR INFORMATION ONLY. THE CITY OF NAPA IS NOT A LEGAL SURVEYOR. THE INFORMATION ON THIS MAP IS NOT A LEGAL SURVEY. THE CITY OF NAPA IS NOT RESPONSIBLE FOR ANY ERRORS OR OMISSIONS. THE CITY OF NAPA IS NOT A PROFESSIONAL SURVEYOR. THE CITY OF NAPA IS NOT A PROFESSIONAL ENGINEER. THE CITY OF NAPA IS NOT A PROFESSIONAL ARCHITECT. THE CITY OF NAPA IS NOT A PROFESSIONAL LANDSCAPE ARCHITECT. THE CITY OF NAPA IS NOT A PROFESSIONAL PLANNING CONSULTANT. THE CITY OF NAPA IS NOT A PROFESSIONAL HISTORIC PRESERVATION CONSULTANT. THE CITY OF NAPA IS NOT A PROFESSIONAL ENVIRONMENTAL CONSULTANT. THE CITY OF NAPA IS NOT A PROFESSIONAL SOCIAL SCIENTIST. THE CITY OF NAPA IS NOT A PROFESSIONAL POLITICAL SCIENTIST. THE CITY OF NAPA IS NOT A PROFESSIONAL ECONOMIST. THE CITY OF NAPA IS NOT A PROFESSIONAL EDUCATION CONSULTANT. THE CITY OF NAPA IS NOT A PROFESSIONAL HEALTH CARE CONSULTANT. THE CITY OF NAPA IS NOT A PROFESSIONAL LEGAL CONSULTANT. THE CITY OF NAPA IS NOT A PROFESSIONAL ACCOUNTANT. THE CITY OF NAPA IS NOT A PROFESSIONAL FINANCIAL CONSULTANT. THE CITY OF NAPA IS NOT A PROFESSIONAL REAL ESTATE CONSULTANT. THE CITY OF NAPA IS NOT A PROFESSIONAL TRANSPORTATION CONSULTANT. THE CITY OF NAPA IS NOT A PROFESSIONAL UTILITY CONSULTANT. THE CITY OF NAPA IS NOT A PROFESSIONAL WATER RESOURCES CONSULTANT. THE CITY OF NAPA IS NOT A PROFESSIONAL ENERGY CONSULTANT. THE CITY OF NAPA IS NOT A PROFESSIONAL CLIMATE CONSULTANT. THE CITY OF NAPA IS NOT A PROFESSIONAL ENVIRONMENTAL IMPACT ASSESSMENT CONSULTANT. THE CITY OF NAPA IS NOT A PROFESSIONAL CULTURAL HERITAGE CONSULTANT. THE CITY OF NAPA IS NOT A PROFESSIONAL ARCHAELOGICAL CONSULTANT. THE CITY OF NAPA IS NOT A PROFESSIONAL HISTORIC ARCHITECTURE CONSULTANT. THE CITY OF NAPA IS NOT A PROFESSIONAL HISTORIC LANDSCAPE CONSULTANT. THE CITY OF NAPA IS NOT A PROFESSIONAL HISTORIC PRESERVATION CONSULTANT. THE CITY OF NAPA IS NOT A PROFESSIONAL HISTORIC RESEARCH CONSULTANT. THE CITY OF NAPA IS NOT A PROFESSIONAL HISTORIC WRITING CONSULTANT. THE CITY OF NAPA IS NOT A PROFESSIONAL HISTORIC EDUCATION CONSULTANT. THE CITY OF NAPA IS NOT A PROFESSIONAL HISTORIC TOURISM CONSULTANT. THE CITY OF NAPA IS NOT A PROFESSIONAL HISTORIC PRESERVATION CONSULTANT. THE CITY OF NAPA IS NOT A PROFESSIONAL HISTORIC RESEARCH CONSULTANT. THE CITY OF NAPA IS NOT A PROFESSIONAL HISTORIC WRITING CONSULTANT. THE CITY OF NAPA IS NOT A PROFESSIONAL HISTORIC EDUCATION CONSULTANT. THE CITY OF NAPA IS NOT A PROFESSIONAL HISTORIC TOURISM CONSULTANT.

ANNEALED DISTRICTS

- (1) ANNEALED DISTRICT 1 (1984-1)
- (2) ANNEALED DISTRICT 2 (1984-2)
- (3) ANNEALED DISTRICT 3 (1984-3)
- (4) ANNEALED DISTRICT 4 (1984-4)
- (5) ANNEALED DISTRICT 5 (1984-5)
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- (99) ANNEALED DISTRICT 99 (1984-99)
- (100) ANNEALED DISTRICT 100 (1984-100)



DATE: 07/15/2023
SCALE: 1" = 100'
SHEET: 1 OF 1
JOB NUMBER: 0007-20
JOB TITLE: ANNEALED PLAT
DRAWN BY: J. P. [Name]
CHECKED BY: [Name]

CINQUINI & PARRINELLO, INC.
LAND SURVEYING & ENGINEERING
1000 PINE HILL ROAD
NAPA, CA 94950
PHONE: (707) 842-2000
FAX: (707) 842-2005
WWW.CINQUINIPARRINELLO.COM

PROPOSED ANNEXATION TO THE NAPA SANITATION DISTRICT

GEOGRAPHIC DESCRIPTION
LINDA VISTA NO. 21 ANNEXATION TO THE
NAPA SANITATION DISTRICT
 AREA "A"- A.P.N. 007-231-002

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

BEGINNING at the most easterly corner of the Linda Vista Avenue/Trojan Road District Annexation (1985-4) to the Napa Sanitation District per District Resolution No. 6464 dated April 30, 1985, said corner also being the most northerly corner of the Linda Vista Avenue Annexation to the Napa Sanitation District per District Resolution dated November 14, 1961, said corner also being the point of intersection of the centerline of Trojan Road and the northeasterly line of Linda Vista Avenue as the same are shown on Map No. 1546 entitled "Record of Survey of the lands of Gary J. Marston et ux," filed in Book 15 of Surveys at Page 31, Napa County Records;

Thence (A1) along the northeasterly boundary of said Linda Vista Avenue/Trojan Road District Annexation, North 34°05'50" West 63.56 feet, more or less, to the most southerly corner of the Linda Vista Avenue No. 14 District Annexation (1996-4) to the Napa Sanitation District per District Resolution No. 96-077 dated September 11, 1996;

Thence (A2) along the southeasterly boundary of said Linda Vista Avenue No. 14 District Annexation, North 55°19'00" East 342.82 feet, more or less, to the most easterly corner thereof, said corner also being a point on the southwesterly boundary of the Redwood Junior High School and Northwood Subdivision Annexation to the Napa Sanitation District per District Resolution dated July 23, 1957;

Thence (A3) along said southwesterly boundary, South 34°42'30" East 104.00 feet to the most northerly corner of the Linda Vista Avenue No. 8 District Annexation (1993-8) to the Napa Sanitation District per District Resolution No. 93-140 dated December 8, 1993;

Thence (A4) along the northwesterly line of said Linda Vista Avenue No. 8 District Annexation, South 55°19'00" West 343.97 feet to the most southerly corner thereof, said corner also being a point on the northeasterly boundary of said Linda Vista Avenue Annexation;

Thence (A5) along said northeasterly boundary, North 34°03'00" West 40.50 feet, more or less, to the POINT OF BEGINNING.

Containing 0.82 acres of land, more or less.

1804 Soscol Avenue, Suite 202, Napa, CA 94559

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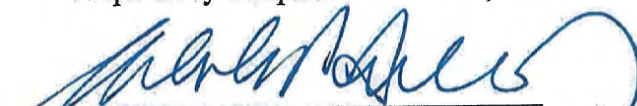
CPI No.: 9008-20

Page 1 of 2

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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.

Prepared by Cinquini & Passarino, Inc.


Mark P. Andrilla, PLS 8985

6.25.20
Date



PROPOSED ANNEXATION TO THE NAPA SANITATION DISTRICT

GEOGRAPHIC DESCRIPTION
LINDA VISTA NO. 21 ANNEXATION TO THE
NAPA SANITATION DISTRICT
AREA "B"- A.P.N. 007-152-030

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

BEGINNING at the most southerly corner of the Silva Annexation (1972-5) to the Napa Sanitation District per District Resolution No. 3368 dated March 14, 1972, said corner also being a point on the northeasterly boundary of the Trower Avenue Annexation (1983-5) to the Napa Sanitation District per District Resolution No. 6191 dated September 20, 1983;

Thence (B1) along the southeasterly boundary of said Silva District Annexation, North 54°30'00" East 255.26 feet to the most easterly corner thereof, said corner also being a point on the southwesterly boundary of the Easley Annexation (1977-11) to the Napa Sanitation District per District Resolution No. 4966 dated March 14, 1978;

Thence (B2) along said southwesterly boundary, South 35°30'00" East 119.00 feet, more or less, to the most northerly corner of the Trower Avenue/Linda Vista Avenue District Annexation (1988-7) to the Napa Sanitation District per District Resolution No. 7088 dated October 12, 1988;

Thence (B3) along the northwesterly boundary of said Trower Avenue/Linda Vista Avenue District Annexation, South 54°30'00" West 256.68 feet to the most westerly corner thereof, said corner also being a point on the northeasterly boundary of said Trower Avenue Annexation;

Thence (B4) along said northeasterly boundary, North 34°49'00" West 119.00 feet, more or less, to the POINT OF BEGINNING.

Containing 0.70 acres of land, more or less.

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.

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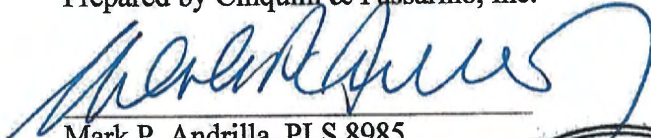
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Prepared by Cinquini & Passarino, Inc.



Mark P. Andrilla, PLS 8985

6.25 '20

Date



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Page 2 of 2

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PROPOSED ANNEXATION TO THE NAPA SANITATION DISTRICT

GEOGRAPHIC DESCRIPTION
LINDA VISTA NO. 21 ANNEXATION TO THE
NAPA SANITATION DISTRICT
AREA "C"- A.P.N. 007-103-004

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

BEGINNING at the most northerly corner of the Tokay Drive Annexation (1983-9) to the Napa Sanitation District per District Resolution No. 6281 dated March 27, 1984, said corner also being a point on the southeasterly boundary of the Linda Vista Avenue North Annexation (1977-14) to the Napa Sanitation District per District Resolution No. 5129 dated August 22, 1978;

Thence (C1) along said southeasterly boundary, North 54°28'50" East 260.00 feet to the most easterly corner thereof, said corner also being a point on the general southwesterly boundary of the Villa Las Flores Annexation (1973-1) to the Napa Sanitation District per District Resolution No. 3583 dated February 13, 1973;

Thence (C2) along said general southwesterly boundary, Southeasterly 130.00 feet to the most northerly corner of the Linda Vista Avenue # 3 District Annexation to the Napa Sanitation District per District Resolution No. 6457 dated April 9, 1985;


Thence (C3) along the northwesterly boundary of said Linda Vista Avenue # 3 District Annexation, South 54°22'00" West 260.00 feet to an angle point in the northeasterly boundary of said Tokay Drive Annexation;

Thence (C4) along said northeasterly boundary, North 35°38'00" West 130.00 feet to the POINT OF BEGINNING.

Containing 0.76 acres of land, more or less.

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.

Prepared by Cinquini & Passarino, Inc.


Mark P. Andrilla, PLS 8985

6.25.20
Date



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Page 2 of 2



PROPOSED ANNEXATION TO THE NAPA SANITATION DISTRICT

GEOGRAPHIC DESCRIPTION
LINDA VISTA NO. 21 ANNEXATION TO THE
NAPA SANITATION DISTRICT
 AREA "D"- A.P.N. 007-172-023

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

BEGINNING at the most southerly corner of the Trower Avenue/Linda Vista Avenue District Annexation (1988-7) to the Napa Sanitation District per District Resolution No. 7088 dated October 12, 1988, said corner also being a point on the northeasterly boundary of the Trower Avenue Annexation (1983-5) to the Napa Sanitation District per District Resolution No. 6191 dated September 20, 1983;

Thence (D1) along the southeasterly boundary of said Trower Avenue/Linda Vista Avenue District Annexation, North 56°18'00" East 31.51 feet, more or less, to the most westerly corner of the Roach Property Annexation (1980 No. 4) to the Napa Sanitation District per District Resolution No. 6084 dated January 25, 1983;

Thence (D2) along the southwesterly boundary of said Roach Property Annexation, South 33°50'00" East 377.00 feet to the most southerly corner thereof, said corner also being a point on the general northwesterly boundary of the Four Oaks Park No. 2 Annexation (1975 No. 4) to the Napa Sanitation District per District Resolution No. 4281 dated December 23, 1975;

Thence (D3) along said general northwesterly boundary, South 56°10'40" West 75.00 feet, more or less, to the most southerly corner of the parcel of land described in the deed to Sabrina Wolfson recorded January 4, 2005 under Document Number 2005-0000369, Official Records of Napa County;

Thence (D4) leaving said Napa Sanitation District boundary, along the southwesterly boundary of said parcel of land described in the deed to Sabrina Wolfson, North 33°50'00" West 315.00 feet to the most westerly corner thereof, said corner also being a point on the southeasterly boundary of said Trower Avenue Annexation;

Thence (D5) along the northwesterly boundary of said Trower Avenue Annexation, North 56°10'00" East 43.49 feet, more or less, to the most easterly corner thereof;

Thence (D6) along the northeasterly boundary of said Trower Avenue Annexation (1983-5), North 33°50'00" West 62.00 feet, more or less, to the POINT OF BEGINNING.

Containing 0.59 acres of land, more or less.

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Page 1 of 2

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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.

Prepared by Cinquini & Passarino, Inc.



Mark P. Andrilla, PLS 8985

6.25.20

Date



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Tel: (707) 690-9025 Fax: (707) 542-2106

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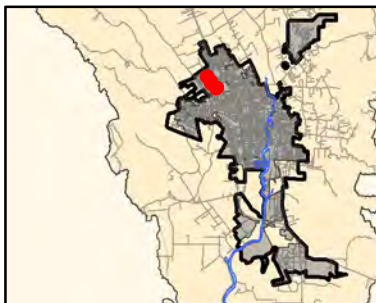
CPI No.: 9008-20

Page 2 of 2

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Linda Vista Avenue No. 21 Attachment Three

Annexation to the Napa Sanitation District



0 0.004250.0085 0.017 Miles

August 3, 2020

Prepared by LAFCO Staff





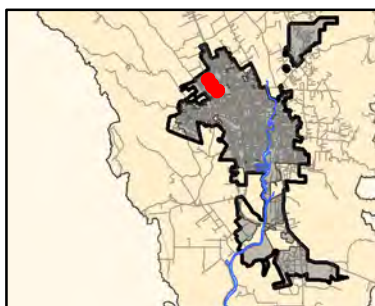
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Linda Vista Avenue No. 21 Attachment Three
 Annexation to the Napa Sanitation District



Legend

-  Napa Sanitation District Jurisdictional Boundary
-  4009 Linda Vista Avenue (APN 007-152-030)



0 0.003250.0065 0.013 Miles

August 3, 2020

Prepared by LAFCO Staff





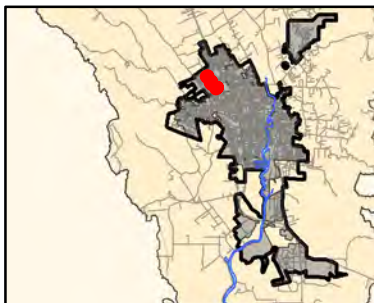
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Linda Vista Avenue No. 21 Annexation to the Napa Sanitation District



Legend

-  Napa Sanitation District Jurisdictional Boundary
-  4213 Linda Vista Avenue (APN 007-103-004)



0 0.003750.0075 0.015 Miles

August 3, 2020



Prepared by LAFCO Staff

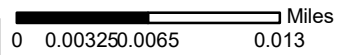
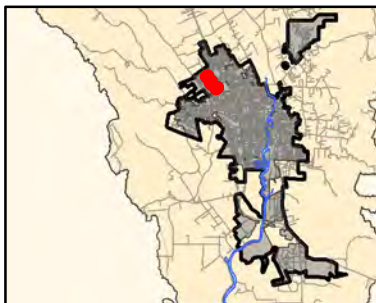


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Linda Vista Avenue No. 21 Annexation to the Napa Sanitation District



Legend	
	Napa Sanitation District Jurisdictional Boundary
	2415 Trower Avenue (APN 007-172-023)



August 3, 2020

Prepared by LAFCO Staff



LAFCO of Napa County
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Napa, California 94559
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**Linda Vista Avenue No. 21 Annexation to the Napa Sanitation District (NSD)
Factors for Commission Determinations**

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

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

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

The affected territory is approximately 2.76 acres in size, incorporated within the City of Napa's jurisdictional boundary, and lies within a residential area designated under the City of Napa General Plan as *Linda Vista*. The affected territory is currently developed with four single-family residences and one detached second unit. The current assessment value of the affected territory totals \$1,862,598.¹

The affected territory is located within the Salvador Channel drainage basin. Soils within the affected territory are classified as Cole silt loam, Haire loam and Clear Lake clay, with zero to two percent slopes.

The affected territory has City General Plan land use designations of *SFI-8 (Single Family Infill)* and *SFR-4 (Single Family Residential)*, and zoning standards of *RI-7 (Residential Infill, minimum lot size 7,000 sq. ft.)*, *RS-5 (Residential, minimum lot size 5,000 sq. ft.)* and *RS-7 (Residential, minimum lot size 7,000 sq. ft.)*. The affected territory is currently developed with four single-family residences and one detached second unit, and could potentially be further built out to include up to 16 total residential units in the future.²

Adjacent lands on the all sides of the affected territory are within the City's jurisdictional boundary and are developed or have residential use designations in the General Plan.

¹¹ The assessed value of the affected territory is divided into land at \$939,293 and structural improvements at \$923,305.

² At buildout, the projected resident population of the affected territory is 43 based on the California Department of Finance's population per household estimate of 2.73 for the City of Napa.

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

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

The need for additional municipal services for the affected territory includes the extension of public sewer from NSD to allow existing residential units to connect to public sewer instead of relying on private septic systems. If the proposal is approved, septic system setback requirements will be eliminated and therefore additional residential development can occur. The maximum buildout potential of the affected territory is 16 residential units with a projected population of 43 residents. This report analyzes the proposal with potential future buildout impacts in mind.

A review of estimated demands for municipal services within the affected territory indicates the City and NSD have sufficient capacities and controls to reasonably accommodate current and future needs. This statement is based on information collected and analyzed in the Commission's *Central County Region Municipal Service Review* adopted in 2014.³ No service deficiencies for the area were identified in the Municipal Service Review. Additional information regarding estimated service demands within the affected territory at buildout follows.

Water

All existing residential units within the affected territory currently receive water service from the City. At buildout, annual potable water demands within the affected territory are projected at 3.8 acre-feet or 1,226,400 gallons. This amount is based on the City's current average daily water demands of 210 gallons per residence. The City has established adequate capacities and controls to accommodate these demands.

Fire Protection and Emergency Medical

The affected territory currently receives fire protection and emergency medical service from the City. At buildout, annual service calls within the affected territory are projected at 5.0 based on the City's ratio of 117.5 annual fire protection and emergency medical service calls per 1,000 residents over the last five completed years.⁴ The City has established adequate capacities and controls to accommodate these demands into the foreseeable future.

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

http://www.napa.lafco.gov/uploads/documents/MSR_CentralCounty_FinalReport_2014.pdf.

⁴ The City Fire Department reports total annual fire protection and emergency medical service calls averaged 9,329.6 over the last five completed years.

Law Enforcement

The affected territory currently receives law enforcement service from the City. At buildout, annual service calls within the affected territory are projected at 34.4 based on the City's ratio of 799.5 annual law enforcement service calls per 1,000 residents over the last five completed years.⁵ The City has established adequate capacities and controls to accommodate these demands into the foreseeable future.

Sewer

The affected territory needs sewer service from NSD. Proposal approval would result in new immediate sewer flows totaling approximately 750 gallons per day within the affected territory. This amount is based on NSD's design standard of 150 gallons per day per residence. At buildout, the affected territory would result in sewer flows totaling approximately 2,400 gallons per day. NSD has established adequate capacities and controls to accommodate these immediate and potential buildout demands into the foreseeable future.

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

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

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

The proposal is consistent with the Commission's adopted policies based on the affected territory's urban land use designation and consistency with NSD's SOI. Further, the affected territory does not qualify as "open-space" under LAFCO law and therefore does not conflict with G.C. Section 56377.⁶ Proposal approval would be consistent with planned, orderly, efficient patterns of urban development.

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

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

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

The affected territory includes all of the property identified by the County of Napa Assessor's Office as 007-231-002, 007-152-030, 007-103-004, and 007-172-023. The applicant has submitted a map and geographic descriptions of the affected territory that

⁵ The City Police Department reports total annual law enforcement service calls averaged 63,459.6 over the last five completed years.

⁶ The affected is not devoted to an open-space use under the City General Plan.

conform with the requirements of the State Board of Equalization. Approval of the proposal would have no impact with respect to unincorporated islands or corridors of unincorporated territory given the affected territory is located entirely within the City of Napa.

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

The Metropolitan Transportation Commission's regional transportation plan (RTP), *Plan Bay Area 2040*, was updated in 2017 and outlines specific goals and objectives to direct public transportation infrastructure in the Bay Area through 2040.⁷ No specific projects are included in the RTP involving the affected territory. Accordingly, the proposal impact is neutral with respect to the RTP.

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

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

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

The affected territory is located entirely within NSD's SOI, which was comprehensively updated by the Commission in October 2015.

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

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

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

Information collected and analyzed as part of the Commission's *Central County Region Municipal Service Review* adopted in 2014 concluded NSD has developed overall adequate financial resources and controls relative to current and projected service commitments. This includes regularly reviewing and amending, as needed, NSD's two principal rates and fees to ensure the sewer system remains solvent and sufficiently capitalized to accommodate future demands: (a) capacity charge for new connections and (b) annual service charge. The capacity charge is currently \$9,959 and serves as NSD's buy-in charge for new customers to contribute their fair share for existing and future facilities necessary to receive sewer service. The annual service charge for a single-family unit is currently \$738.60 and is intended to proportionally recover NSD's ongoing maintenance and operation expenses. The 2014 *Central County Region Municipal Service Review* is relied upon and sufficient for this annexation proposal regarding the plan for services required by G.C. Section 56653.

⁷ *Plan Bay Area 2040* is a long-range integrated transportation and land-use/housing strategy through 2040 for the San Francisco Bay Area. *Plan Bay Area 2040* includes the region's Sustainable Communities Strategy and the 2040 Regional Transportation Plan.

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

The potential future buildout of the affected territory would result in annual water demands for the City totaling approximately 3.8 acre-feet or 1,226,400 gallons. This amount is based on current average water demands within the City of approximately 210 gallons per day per residence. The City's water supplies are generated from three sources: (1) Lake Hennessey; (2) Milliken Reservoir; and (3) State Water Project. Total supplies vary according to hydrologic conditions. A table depicting the City's existing water service demands relative to supplies follows. As reflected in the following table, adequate water supplies exist for the projected needs of the City, including buildout of the affected territory.

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

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

Approval of the proposal would be neutral with respect to achieving its fair share of the regional housing needs since the affected territory is fully developed.⁸

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

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

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

The affected territory has a designation within the City General Plan of *SFI-8 (Single Family Infill)* and *SFR-4 (Single Family Residential)* and a zoning standard of *RI-7 (Residential Infill, minimum lot size 7,000 sq. ft.)*, *RS-5 (Residential, minimum lot size 5,000 sq. ft.)* and *RS-7 (Residential, minimum lot size 7,000 sq. ft.)*. The affected territory is currently developed with four single-family residences and one detached second unit. The proposed annexation to NSD is consistent with these existing land use designations.

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

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

⁸ A recent report with information on local regional housing needs allocations is available online at: https://www.napa.lafco.ca.gov/uploads/documents/6-3-19_5f_Housing-GeneralPlans.pdf.

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

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

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

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



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

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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

MEETING DATE: August 3, 2020

SUBJECT: Public Comments Received on Draft Countywide Water and Wastewater Municipal Service Review

RECOMMENDATION

It is recommended the Commission discuss the public comments received on the draft Countywide Water and Wastewater Municipal Service Review (MSR) and provide direction to staff to incorporate any desired revisions to the MSR. The Commission may also consider directing staff to provide written responses to any of the comments.

BACKGROUND AND SUMMARY

The Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000 directs LAFCOs to prepare municipal service reviews (MSRs) every five years to inform their other planning and regulatory activities. This includes, most notably, preparing and updating all local agencies' spheres of influence as needed. MSRs vary in scope and can focus on a particular agency, service, or geographic region as defined by LAFCOs. MSRs may also lead LAFCOs to take other actions under its authority such as forming, consolidating, merging, or dissolving one or more local agencies. MSRs culminate with LAFCOs making determinations on a number of factors addressing growth and population trends, disadvantaged unincorporated communities, infrastructure needs or deficiencies, financial standing, opportunities for shared facilities, and accountability for community service needs as required by California Government Code Section 56430.

The Commission previously scheduled a comprehensive Countywide Water and Wastewater MSR and hired a private consultant, Policy Consulting Associates (PCA), to prepare the report. PCA is subcontracting with Berkson Associates. PCA developed a project-specific website to provide opportunities for ongoing interaction with the subject agencies and members of the general public. The website is available to the public online at <https://sites.google.com/pcateam.com/napamsr/home>.

Kenneth Leary, Chair
Councilmember, City of American Canyon

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

Gregory Rodeno, Commissioner
Representative of the General Public

Margie Mohler, Commissioner
Councilmember, Town of Yountville

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

Eve Kahn, Alternate Commissioner
Representative of the General Public

Scott Sedgley, Alternate Commissioner
Councilmember, City of Napa

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

Brendon Freeman
Executive Officer

The draft MSR was released to the public on May 18, 2020, and is available online at https://www.napa.lafco.ca.gov/uploads/documents/CountywideWaterWastewaterMSR_PublicReviewDraft_5-18-20.pdf. Written comments on the draft MSR were welcome through July 20, 2020. Comments were also solicited at the Commission's virtual public workshop on July 13, 2020.

Overview of MSR

The draft MSR provides a comprehensive review of water, wastewater, and recycled water service in Napa County as provided by 14 local governmental agencies. The 14 subject agencies are listed below:

- City of American Canyon
- City of Calistoga
- City of Napa
- City of St. Helena
- Town of Yountville
- Circle Oaks County Water District
- Congress Valley Water District
- Lake Berryessa Resort Improvement District
- Los Carneros Water District
- Napa Berryessa Resort Improvement District
- Napa County Flood Control and Water Conservation District
- Napa River Reclamation District No. 2109
- Napa Sanitation District
- Spanish Flat Water District

It is important to note the draft MSR includes an overview of potential effects of climatic shifts on utility systems, likely trends that may negatively affect Napa County water supply in the future, and potential implications to water supply and water resources management resulting from these likely trends. Acknowledging the various trends set forth in the numerous hydrological and climatological studies that inform the draft MSR serves to provide the baseline from which to forewarn policy makers, water managers, and resource management practitioners of the potential repercussions of climatic shifts to water resources, including governance issues such as water rights. With this in mind, the draft MSR includes several key recommendations related to the governance structure and shared service opportunities for many of the subject agencies. Toward this end, the draft MSR identifies potential governance structure options for the subject agencies in Figure 3-14, included as Attachment One.

Public Comments on Draft MSR

All public comments received by the stated deadline of July 20, 2020, are included as Attachment Two. This includes verbal comments received at the Commission's virtual public workshop on July 13, 2020. The comments range in topic and generally involve the following areas of focus:

- Clarifications and technical corrections
- Positions on recommended governance structure options, including formation of a county water agency or countywide water district
- Water security for all users, including groundwater sustainability and possible future expansion of municipal groundwater wells for emergencies
- Trucked water and the need for uniform policies
- Request for clarification of LAFCO's sphere of influence policies
- Environmental considerations
- Water quality issues and high utility rates in Berryessa Estates
- Need for scenario planning related to drought and other emergencies

The public comments will be included in a final report along with changes throughout the report to address certain comments. Not all comments will result in changes to the report. However, any technical corrections provided by a subject agency will be incorporated.

The Commission is invited to discuss the public comments and provide direction to staff to incorporate any desired revisions to the MSR. The Commission is also invited to provide direction to staff to provide written responses to any of the comments. Staff recommends the Commission pay particular attention to comments related to the governance structure options and consider the merits of any changes to the MSR.

A final report with revisions based on today's discussion will be presented to the Commission for possible adoption as part of a noticed public hearing on October 5, 2020.

ATTACHMENTS

- 1) MSR Figure 3-14: Governance Structure Options
- 2) All Public Comments on Draft MSR

Figure 3-14: Governance Structure Options

Napa County Water and Wastewater Agency Governance Structure Options	
Affected Agency	Governance Options
City of American Canyon	<ul style="list-style-type: none"> • Clarification of LAFCO-approved service area • Inclusion of non-contiguous city-owned property in SOI or clarification of LAFCO policy • Participation in a county water agency
City of Calistoga	<ul style="list-style-type: none"> • Participation in a county water agency
City of Napa	<ul style="list-style-type: none"> • Reorganization of Congress Valley Water District • Contract service to other agencies • Merger with Napa Sanitation District • Creation of a Water Commission • Inclusion of non-contiguous city-owned property in SOI or clarification of LAFCO policy • Participation in a county water agency
City of St. Helena	<ul style="list-style-type: none"> • Elimination of Municipal Sewer District No. 1 • Inclusion of non-contiguous city-owned property in SOI or clarification of LAFCO policy • Participation in a county water agency
Town of Yountville	<ul style="list-style-type: none"> • Collaboration with California Department of Veterans Affairs to develop a water management plan • Continued collaboration with County regarding potential annexation of Domaine Chandon property • Participation in a county water agency
Circle Oaks County Water District	<ul style="list-style-type: none"> • Contracting for services with City of Napa and/or Napa Sanitation District • Reorganization into a county water agency or a countywide county water district
Congress Valley Water District	<ul style="list-style-type: none"> • Reorganization of Congress Valley Water District <ul style="list-style-type: none"> ○ Expansion of City of Napa SOI and annexation of Congress Valley community ○ Formation of a subsidiary district of City of Napa ○ Formation of a county service area ○ Dissolution and continued service by City of Napa

Napa County Water and Wastewater Agency Governance Structure Options	
Affected Agency	Governance Options
Lake Berryessa Resort Improvement District	<ul style="list-style-type: none"> • Reorganization as a county service area • Reorganization into a county water agency or countywide county water district
Los Carneros Water District	<ul style="list-style-type: none"> • Reorganization with Napa Sanitation District
Napa Berryessa Resort Improvement District	<ul style="list-style-type: none"> • Reorganization as a county service area • Reorganization into a county water agency or countywide county water district
Napa County Flood Control and Water Conservation District	<ul style="list-style-type: none"> • Establish zones of benefit • Reorganization with Napa River Reclamation District No. 2109 • Participation in a county water agency
Napa River Reclamation District No. 2109	<ul style="list-style-type: none"> • Expansion of services to include levee construction and maintenance • Reorganization into a community services district • Reorganization as zone of Napa County Flood Control and Water Conservation District
Napa Sanitation District	<ul style="list-style-type: none"> • Merger with City of Napa • Annexation of Los Carneros Water District • Contract service to other agencies • Expansion of services to Monticello Park
Spanish Flat Water District	<ul style="list-style-type: none"> • Contracting for services with City of Napa and/or Napa Sanitation District • Reorganization into a county water agency or countywide county water district • Transition to a county service area

From: William Ross <wross@lawross.com>
Date: May 14, 2020 at 6:47:30 PM PDT
To: Jennifer Stephenson <JENNIFER@PCATEAM.COM>
Cc: Jason Holley <jholley@cityofamericancanyon.org>, Rick Kaufman <RKaufman@cityofamericancanyon.org>
Subject: RE: Admin Draft 2 Napa Water/Wastewater MSR

This responds informally to your email of May 5, 2020 concerning additional changes to the Draft Countywide Water and Wastewater MSR ("draft MSR"), prior to its being published.

You have indicated that the draft MSR *will not* consider the current existing economic impact of the COVID-19 Pandemic in all involved local agencies analyzed in the draft MSR.

Government Code section 56430 requires that an MSR address the financial ability of agencies to provide services. Even though the draft MSR involves enterprise services, those services are directly related to the overall financial ability of the involved local agencies to provide those services.

The Governor's Executive Order N-28-20 prohibits commercial or residential evictions on the basis of non-payment of utility bills, an immediate impact on enterprise services. The possibility that the Legislature will make permanent some aspects of that Executive Order, which is effective until May 31, 2020, is real.

Also, each of the local agencies subject to the draft MSR are dealing with budget issues resulting from the impact of the COVID-19 Pandemic crisis on dedicated revenue streams.

In addition, much of the draft MSR relies on Urban Water Management Plans formulated in either 2014 or 2015 becoming effective the next year, which are due for revision this fiscal year.

Respectfully, the document would go forward with information that is either presently out of date or will be out of date during its consideration, and certainly with respect to its prospective implementation within the next fiscal year.

The City again raises the issue about the portrayal of its Water Service Area, which was created concurrently with the City's incorporation with the merger of the American Canyon County Water District.

Although LAFCO does have the power to define extension of services in Resolution No. 07-27, it cannot do so in a way which contradicts the original LAFCO change of organization, which confirmed the City succeeding to the entire service area of the former County Water District.

We refer again to our March 5, 2020 communication with respect to the original LAFCO documents dealing with the City incorporation as being different from the consultant's baseline assumption for the MSR preparation. Representations of the City Water Service Area should be consistent with the LAFCO documents presented.

Stated plainly, actions of a quasi-legislative body (LAFCO) must comply with the equal dignity doctrine. See, *Richmond v. Shasta Community Services Dist.* (2002) 95 Cal. App. 4th 1227-1228. What

was created by a change of organization must be changed by a change of organization. This issue is relevant in consideration of alternative forms of service from the plain perspective of the MSR not dealing with the possibility that if some other entity is to provide service to the service area of the City, then it must be done by a change of organization with provisions for compensation. Thank you for the opportunity to comment on the draft MSR prior to publication.

William D. Ross, Esq.

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Law Offices of
William D. Ross
A Professional Corporation

File No.199/6.20

VIA ELECTRONIC TRANSMISSION

TO: Jason Holley, City Manager
City of American Canyon

DATE: June 8, 2020

FROM: William D. Ross, City Attorney

CC:

RE: Further Analysis of Incorporation Documents and Incorporation FEIR
Subsequent to Meeting with LAFCO Staff on County LAFCO Water and
Wastewater MSR

Subsequent to the Friday, June 5, 2020 teleconference meeting with selected individuals associated with the Napa County LAFCO (“LAFCO”) concerning the proposed Water and Wastewater MSR (the “MSR”), documents were again reviewed for *any* evidence or inference of a contraction of the Water Service Area (“WSA”) of the American Canyon County Water District (“ACCWD”) prior to incorporation of the City of American Canyon (“City”). The incorporation was one change of organization including the City succeeding to the ACCWD WSA and the formerly independent American Canyon Fire Protection District (“ACFPD”) becoming a successor special district to the City.

The documents reviewed were:

1. The 1990 Incorporation Draft Environmental Impact Report (“DEIR”), including Appendices Parts 1, 2 and 3;
2. The Final Environmental Impact Report (“FEIR”), both exclusive and inclusive of all DEIR documents; and,
3. The 1991 City Incorporation Documents (LAFCO Resolution 91-18, *et al.*)

Jason Holley, City Manager
City of American Canyon
June 8, 2020
Page 2

Consistent with the prior analysis that has now been expressed several times, taking into account the differences in formats for both the environmental documents from 1990-1992 and present as well as those associated with LAFCO documents then and now, there is no evidence, or inference, that the size of the ACCWD WSA was *decreased prior to* final action on the final City Incorporation and related changes in organization by LAFCO in 1991.

Both the DEIR and the FEIR explain the prior incorporation proposal and explore the required Project Alternatives including the no Project Alternative.

None of these alternatives describe a reduction in the geographic footprint of the ACCWD WSA.

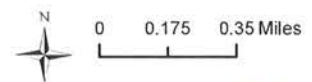
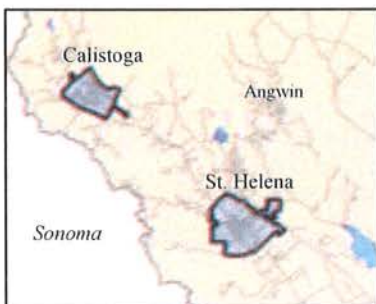
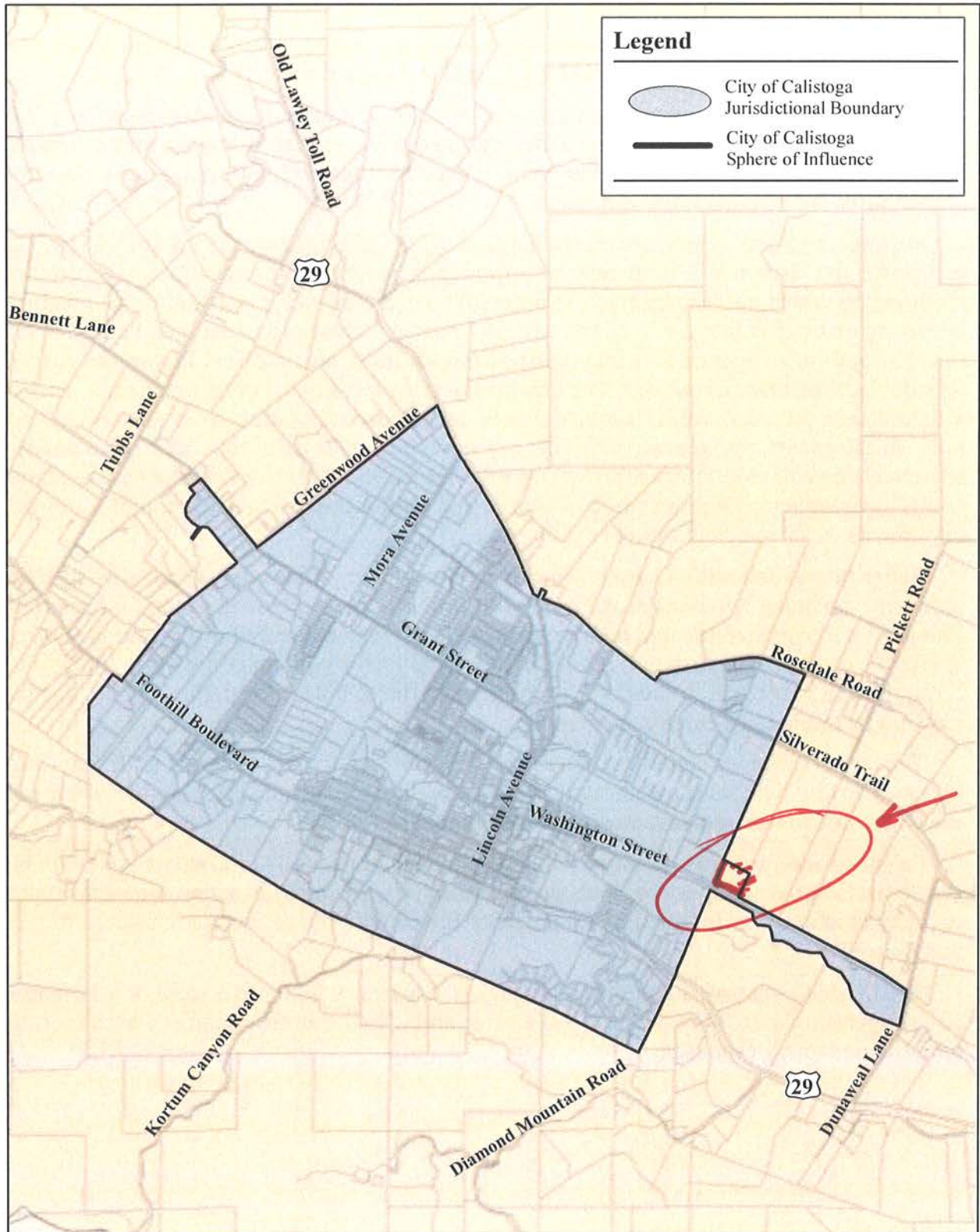
Also, a review of the analysis text in the DEIR and FEIR did not indicate an alternative provider for local agency water within ACCWD WSA.

It is noted that where alternative service providers were present in the area of wastewater analysis for the Project, alternative providers are analyzed. For example, the Napa Sanitation District (“NSD”) and its overlapping service areas with those of the ACCWD. In that instance, there was a clarification, both in the environmental documents and in the final City Incorporation documents as to *how the service areas* for NSD and ACCWD were to be resolved.

Pending review of the information which Brendan Freeman is going to forward concerning a claimed 1990 LAFCO action regarding the ACCWD, it is recommended that for the formal LAFCO hearing on the MSR, that a comprehensive communication be forwarded to LAFCO, executed by the Mayor, setting forth the City position.

If upon review you have questions, please contact me.

W.D.R.



December 11, 2019
Prepared by LAFCO Staff



LAFCO of Napa County
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for the pending Veranda project listed in Figure 5-3.¹⁹¹ Water supply availability and wastewater system capacity will be discussed in more detail later in this chapter.

Figure 5-4: Potential Development through 2034, acre-feet

Potential Development through 2034	Water Usage	Wastewater Generation
71 SFD	30.39	15.90
118 multi-family dwellings (MFD) (split between 1 and 2 bedroom units)	22.01	12.92
222 guest rooms	37.74	33.30
240,000 square feet of commercial development	26.40	23.76
3,000 restaurant square feet	1.74	1.57
Totals	118.28	87.45
% of available supply/capacity	26.2-53.8%	71%

Source: City Council Staff Report: Growth Management System Report, 2018.

The Association of Bay Area Governments (ABAG) projects that the total growth within the City between 2020 and 2030 will be 3.8 percent or about 0.4 percent a year on average. Based on these projections, the City's population would increase from 5,453 in 2019 to approximately 5,683 in 2030.

Napa LAFCO has developed its own population projections. To project future growth, LAFCO calculated the annual percentage change between 2012 and 2017 based on the DOF population estimates for these years.¹⁹² Population growth was then projected in five-year increments through 2030. According to LAFCO's projections, the population of Calistoga in 2025 is anticipated to be about 5,652 and approximately 5,818 in 2030. LAFCO projects that Calistoga will grow by 0.61 percent a year through 2030.

DISADVANTAGED UNINCORPORATED COMMUNITIES

LAFCO is required to evaluate disadvantaged unincorporated communities as part of this service review, including the location and characteristics of any such communities.

According to Napa LAFCO's definition of DUCs, there are currently no disadvantaged unincorporated communities in Napa County. Based on the adopted policy, the Commission annually reviews Census Bureau American Community Survey data to determine if local and/or statewide median household income levels have changed.¹⁹³

we are disadvantaged

¹⁹¹ City of Calistoga, Periodic Report on Growth Management System and Water/ Wastewater Availability, 2018.

¹⁹² The change in population, especially unincorporated area, between 2017-2018 was significant due to the wildfires and loss of homes. Therefore, LAFCO used the timeframe from 2012 to 2017.

¹⁹³ Napa Local Agency Formation Commission, Policy on Disadvantaged Unincorporated Communities, 2018.



Water Services

Years prior to FY17 indicate capital expenditures averaging an amount similar to budgeted depreciation of \$400,000.²³²

The value of depreciable capital assets increased by about 1.6 percent from FY17 to FY18; capital additions more than offset reduced value due to depreciation.²³³

The City's proposed FY19 budget shows \$3.1 million of capital improvements, and the CIP indicates \$1.8 million and \$1.4 million of expenditures in FY20 and FY21, respectively.²³⁴

Wastewater Services

Years prior to FY17 indicate capital expenditures averaging an amount nearly equal to budgeted depreciation of \$660,000.²³⁵

The value of depreciable capital assets increased about 3.8 percent from FY17 to FY18; additions more than offset value reductions due to depreciation.²³⁶

The City's proposed FY19 budget shows \$2.4 million of capital improvements in FY19, and the CIP indicates \$1.3 million and \$250,000 of expenditures in FY20 and FY21, respectively.²³⁷

Financial Planning and Reporting

Achieving transparency and public accountability standards dictates that cities and agencies provide easily accessible and clear documentation of their activities, including financial information.

Website – The City's website includes descriptions of and access to current and past water and wastewater financial documents.

Comprehensive Annual Financial Report (CAFR) -- The City includes its water and wastewater operations in its CAFR which is published in a timely manner within six months of the end of the fiscal year. The document is a scan of a printed page and not easily searched electronically.

Capital Improvement Program – The City creates a ~~5~~¹⁰-Year CIP and updates the CIP for each budget year as a part of its annual budget process.

Water Services

Cost of Service/Rate Study – The City updated its rates based on a Rate Study and created a 5-year schedule of rate increases which took effect beginning FY18.²³⁸

²³² City of Calistoga Budget Fiscal Year 2018-19 Operating & Capital, pg. 133 (water system capital improvements); see Water Operations Fund Sources and Uses, pg. 131 for depreciation budget item.

²³³ City of Calistoga CAFR FY18, Note D Capital Assets Business-Type Activity, pg. 38. Excludes water rights.

²³⁴ City of Calistoga Budget Fiscal Year 2018-19 Operating & Capital, Major Capital Projects Summary of Proposed Projects FY19-FY23, pg. 200.

²³⁵ City of Calistoga Budget Fiscal Year 2018-19 Operating & Capital, pg. 145 (wastewater system capital improvements). see Wastewater Operations Fund Sources and Uses, pg. 143 for depreciation budget item.

²³⁶ City of Calistoga CAFR FY18, Note D Capital Assets Business-Type Activity, pg. 38.

²³⁷ City of Calistoga Budget Fiscal Year 2018-19 Operating & Capital, Major Capital Projects Summary of Proposed Projects FY19-FY23, pg. 200.

²³⁸ City of Calistoga Water Rate Study Final Report, Bartle Wells Associates, 2/20/2018.

WATER SERVICES

The City of Calistoga conducts planning for its water services in its General Plan. The Infrastructure Element that provides information and policy guidance related to community infrastructure, including water facilities and services was last updated in 2003. As of the drafting of this report, the City was in the process of updating this element. The 2003 Infrastructure Element lists the following objectives and associated policies for the City's water services:

Objective I-1.1 Plan, manage and develop the public water conveyance and distribution systems in logical, timely and appropriate manner.

- ❖ P1.1-1 The City shall base water capacity and supply plans and projections on the "below normal year" but will also look for ways to decrease the impacts of a "dry year."
- ❖ P1.1-2 The City shall not extend water infrastructure to new areas until existing infrastructure is brought to adequate standards or unless such extensions contribute to infrastructure improvements.
- ❖ P1.1-3 Potable water should generally be available to the City's residents and businesses.
- ❖ P1.1-4 Properties which utilize an on-site well where treated water is generally available may connect to the City's water system provided that there are sufficient resources. Where resources are limited, priority for treated water should be given to vacant parcels and existing developed parcels proposing an expansion of use.

Objective I-1.2 Maintain water storage, conveyance and treatment infrastructure in good condition.

Objective I-1.3 Encourage coordination between land use planning and water facilities and service.

- ❖ P1.3-1 The approval of new development shall be conditional on the availability of sufficient water for the project.
- ❖ P1.3-2 The City shall ensure a fair and equitable distribution of costs for water service expansion.
- ❖ P1.3-3 Structures with plumbing that are located within city limits shall connect to the water system, unless topography, distance from the public water system, or other factors indicate a need for an exemption.
- ❖ P1.3-4 Extension of water service beyond the current service area shall be prohibited.
- ❖ P1.3-5 Needed water supply and pressure for fire suppression shall be maintained.
- ❖ P1.3-6 Users of the cold-water aquifer shall meet all City and governmental requirements.
- ❖ P1.3-7 If and when 95 percent of the capacity of existing water storage, supply and/or distribution systems has been reached, further development in Calistoga will be prohibited until the City has provided sufficient new capacity to accommodate new development.

properties were connected before 2001 and therefore did not require LAFCO prior approval. The City has since adopted code that prohibits new connections to the water system by properties outside of the city limits after 2005. Water customers residing outside of the city boundaries pay a 115 percent surcharge on the volumetric rate which recovers costs associated with operating and maintaining the infrastructure required to serve these customers.²⁴⁰

With regard to recycled water services, the City serves ~~17~~¹⁵ customers, ~~one of which (Frediani Ranch) extends outside of the city limits.~~ Recycled water services are exempt from requiring LAFCO approval prior to extension of services beyond an agency's boundaries under Government Code §56133.

Occasionally, residents from outside of the city boundaries acquire recycled water in trucks from a station at the City's Wastewater Treatment Plant (WTP). There is no limit as to the quantity of recycled water that can be ~~purchased~~^{its free} and trucked as long as the purchaser obtains a prior permit through the City's WWTP.²⁴¹

Potable and recycle water out-of-area service connections are shown in Figure 5-7.

Services to Other Agencies

The City does not provide any water-related services to other agencies.

Contracts for Services

Calistoga maintains an agreement with City of Napa, wherein the City of Napa treats the State Water Project (SWP) water at the Jamison Canyon WTP or the Hennessey WTP to drinking water standards and conveys the water up the Napa Valley to the location of Calistoga's wholesale water meter. The SWP water supplied is purchased and treated by the City of Napa prior to delivery to Calistoga at an annual cost to Calistoga of approximately \$1 million. The agreement does not have an expiration date.

Calistoga contracts with the independent Alpha Analytical Laboratory and Caltest Analytical Laboratory for water testing and State Water Resources Control Board (SWRCB) reporting.

Overlapping Service Providers

There are no overlapping water service providers within the City of Calistoga.

Collaboration

The City participates in the Bay Area Integrated Regional Water Management Plan (IRWMP). The City also has a collaborative relationship with the City of Napa, which transports and treats a portion of Calistoga's water supply.

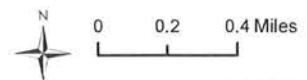
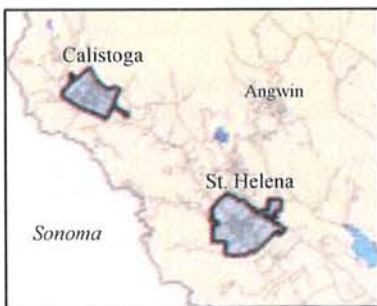
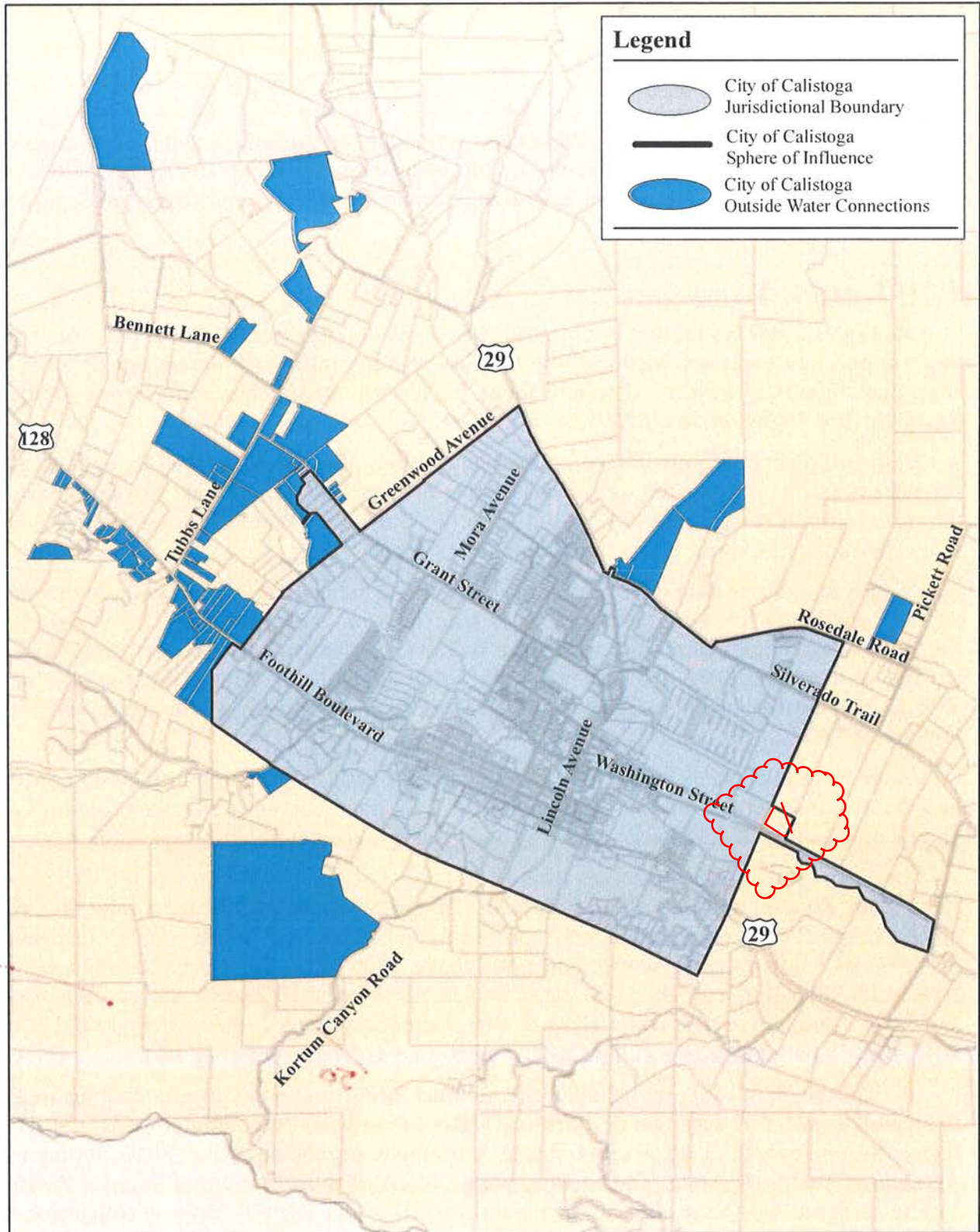
The City additionally is participating in a Memorandum of Understanding (MOU) among Napa County municipal water purveyors to develop a drought contingency plan. As part of this collaboration, participating agencies are evaluating opportunities for supplemental water supply and constraints of their current utility systems.²⁴²

²⁴⁰ City of Calistoga, Water Rate Study, 2018, p. 11.

²⁴¹ Interview with the City of Calistoga, Michael Kirn and Derek Rayner, 10/7/19.

²⁴² Interview with the City of Calistoga, Michael Kirn and Derek Rayner, 10/7/19.

Figure 5-7



December 30, 2019
Prepared by LAFCO Staff



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Staffing

The City’s Department of Public Works is responsible for operations and maintenance of Calistoga’s water treatment and distribution infrastructure. The Water Distribution Division responds to water leaks, after-hours service calls, and reads water meters every other month for billing purposes.

Water Supply

Calistoga’s water is supplied by two sources—Kimball Reservoir (about 40 percent of the City’s supply) and water transported by the City of Napa (about 60 percent of Calistoga’s supply).²⁴³ In 2018, the City supplied about 25 percent of potable water from Kimball Reservoir and 75 percent from SWP.²⁴⁴

Water supply from Kimball Reservoir was negatively affected when the City of Calistoga started bypassing more water around the dam to protect fish populations. The supply from the reservoir was reduced by 41 afy from 328 afy to 287 afy.²⁴⁵ Water lost due to the bypass was replaced by the water delivered by the City of Napa.

Calistoga contracts with the City of Napa to treat and deliver its SWP entitlement through an interconnection between the two agencies’ transmission lines. SWP water delivered from the City of Napa comes from the Sacramento Delta via the North Bay Aqueduct (NBA) and is treated and wheeled by the City of Napa from its Jamison Water Treatment Plant; alternatively, water may also be provided by the City of Napa from its Hennessey WTP or Milliken WTP.²⁴⁶

Water from the SWP is secured through a contract with the Napa County Flood Control and Water Conservation District (Agreement No. 1926) and currently allocates Calistoga an annual entitlement of 1,925 acre-feet. The agreement was extended through 2085.²⁴⁷

The North Bay Aqueduct sources include 500 afy of original SWP entitlement, 925 afy of Kern County water, and 500 afy of American Canyon-purchased water for a total of 1,925 afy. A firm yield of 52 percent delivery reportedly can be expected, which equals a firm yield of 1,001 afy.²⁴⁸ However, recent year allocations have fallen below the firm yield. The average NBA water allocation from the State Water Project for the past 10 years has been 51 percent (982 afy). The average NBA water allocation from the State Water Project between 2013 and 2017 was 48 percent (924 afy). The 2018 allocation was 40 percent (770 afy).²⁴⁹

In 2013 the NCFCWCD, on behalf of the member cities, succeeded in establishing access to an additional 5,659 acre-feet of “back-up” water per year, up to a cumulative 21,900 acre-feet of water, based on an Area of Origin Settlement Agreement (the “2013 Settlement Agreement”) with the State. The back-up water, referred to as “Advanced Table A Water,” can be accessed only after all other available carryover and Table A water is consumed. In

²⁴³ City of Calistoga, Response to Grand Jury Report on Napa County Water Quality: It’s a Matter of Taste, 2019.
²⁴⁴ City of Calistoga, Large Water System Annual Report to the Drinking Water Program, 2018.
²⁴⁵ City of Calistoga, Periodic Report on Growth Management System and Water/ Wastewater Availability, 2018.
²⁴⁶ City of Calistoga, Periodic Report on Growth Management System and Water/ Wastewater Availability, 2018.
²⁴⁷ City of Calistoga Resolution No. 2014-094.
²⁴⁸ City of Calistoga, Periodic Report on Growth Management System and Water/ Wastewater Availability, 2018.
²⁴⁹ City of Calistoga, Periodic Report on Growth Management System and Water/ Wastewater Availability, 2018.

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Recycled water

The City of Calistoga’s Dunaweal Wastewater Treatment Plant (WWTP) produces recycled water. After tertiary treatment, effluent may be discharged to the Napa River from November 1st through June 15th or during the remainder of the year, distributed for recycled use and spray irrigation, or stored for future use in effluent storage ponds.²⁵⁵

The City distributes its recycled water from the WWTP to 17¹⁵²⁵⁶ customers through recycled water infrastructure described later in the *Water Infrastructure and Facilities* section. The City’s recycled water is also trucked to customers outside of the City’s boundaries. Individual owners of tanker trucks, as well as truck operators, must have a permit from the City to fill up with recycled water at the WWTP station.

Typically, upwards of 100 million gallons (around 300 acre-feet) of reclaimed water are distributed for irrigation each year, including spray field irrigation.²⁵⁷ In 2018, the City produced 541.03 af of recycled water.²⁵⁸

Emergency Preparedness

During the 2012-2015 California drought years, the City maintained solid supplies including over two years of future storage throughout the period. During 2013-14, when the SWP allocation was at an unprecedented low of five percent, the City had 980 af of SWP supplies (including carryover water) available, along with local supplies of 328 af in the Kimball Reservoir. Total supplies were 1,330 af, and customers consumed 640 af during that same period. In addition, if all SWP supplies were consumed (including carryover water), the City could call on Advanced Table A supplies in accordance with the 2013 Settlement Agreement. The City maintains about two years of water storage between SWP entitlements and local storage; this has been the case throughout the recent four-year drought.²⁵⁹

Depending on availability, Calistoga is able to purchase additional water from the City of Napa in emergencies.

During power outages, all systems which move water into Calistoga are shut down, meaning the City must rely on local water storage until power can be restored. The City’s three water storage facilities provide almost 4.5 days of water based on average daily demand, which does not account for conservation efforts.

Water Demand

As of 2019, the City had 1,594 water service connections, including 78 out-of-area service connections.²⁶⁰ There were 1,194 single-family residential, 133 multi-family residential, 237 commercial, five industrial, and 25 landscape irrigation.

²⁵⁵ <http://www.ci.calistoga.ca.us/city-hall/departments-services/public-works-department/water-wastewater-treatment/dunaweal-wastewater-treatment-plant>

²⁵⁶ City of Calistoga, Large Water System Annual Report to the Drinking Water Program, 2018.

²⁵⁷ City of Calistoga, *Budget*, FY 19-20.

²⁵⁸ City of Calistoga, Large Water System Annual Report to the Drinking Water Program, 2018.

²⁵⁹ City of Calistoga, 2018 Water and Wastewater Certificates of Participation Statement, 2018, p. 25.

²⁶⁰ City of Calistoga, *Budget*, FY 2019-2020.

The Town's projected demand for potable and recycled water is depicted in Figure 5-12.

Figure 5-12: Projected Demand for Potable and Recycled Water (acre-feet)

Projected Demand for Potable and Recycled Water					
Use Type	2020	2025	2030	2035	2040
Single-Family Residential	294	303	305	307	311
Multi-Family Residential	181	188	188	190	190
Commercial/Institutional	202	207	209	212	215
Industrial	8	7	8	8	8
Landscape Irrigation	15	15	15	15	16
TOTAL POTABLE	700	720	725	732	740
Recycled Water	243	285	326	326	326

Source: As reported by the City of Calistoga.

As was mentioned before, the City provides recycled water services to ~~17~~ ¹⁵ connections, including two single-family residential, two multi-family residential, ~~six~~ ^{seven} commercial, one industrial, and ~~six~~ ^{three} landscape irrigation.²⁶⁴

The recycled water customers currently include Little League Field, La Pradera Apartments, Stevenson Manor Inn, Calistoga Mineral Water, Calistoga Grove Inn, Community ~~Presbyterian Church~~, Calistoga Elementary School, Logvy Community Park, Napa County Fairgrounds, Indian Springs Resort, Solage, two residences, Boys and Girls Club, and Calistoga High School. Additionally, as mentioned, the City allows permitted haulers to pump and truck recycled water for construction and irrigation. In 2018, the total volume of recycled water pumped and trucked was ~~23.4~~ ^{7.6} af. During the same year, the total volume of recycled water produced was 315 af.

Water Infrastructure and Facilities

The City of Calistoga's water system has grown from a small municipal reservoir in Feige Canyon in the first half of the century to include a municipal reservoir in Kimball Canyon, drinking water production from wells in Feige Canyon and the construction of the 12.3-mile North Bay Aqueduct (NBA) connection to the City of Napa's water system. The latter development, completed in 1984, represents the most recent major water facilities upgrade in the City. Since the Feige wells are currently inactive, all public water in Calistoga is currently provided by the Kimball Reservoir and NBA sources.²⁶⁵

Key components of the water system include the Kimball Reservoir and Water Treatment Plant, storage tanks with a capacity of 2.5 million gallons, and ~~30~~ ²⁵ miles of distribution and ~~20~~ ²⁵ miles of transmission mains. Twenty percent of the City's water system is over 50 years old and in five years the percentage will increase to almost ~~50~~ ²⁵.²⁶⁶

²⁶⁴ City of Calistoga, Large Water System Annual Report to the Drinking Water Program, 2018.

²⁶⁵ City of Calistoga, General Plan, Infrastructure Element, 2003, p. I-1.

²⁶⁶ City of Calistoga, Water Rate Study, 2018, p. 6.

Also: New 1.5MG water storage tank @ Mt. Washington 2013





Water Reservoir

Kimball Reservoir has a surface drainage area of approximately 3.4 square miles. The City owns a portion of the surrounding watershed with the remainder owned by the State Parks Department and a private landowner.²⁶⁷

Kimball Canyon Dam was constructed in 1939 by the City and was subsequently raised in 1948 to increase the storage capacity of the reservoir. The dam is an earthfill structure approximately 300 feet long, 200 feet wide at the base, and about 75 feet high. The spillway crest elevation is 575 feet above mean sea level. The original storage capacity of the reservoir measured in a 1954 survey at the spillway crest was approximately 345 af and 409 af at the top of the flashboards (elevation 579 feet). The accumulation of sediment in the reservoir has since reduced the storage capacity to 312 af at the flashboard elevation according to a ~~1991 reservoir sounding study~~. Much of the sediment accumulation has been attributed to wet weather runoff that followed a 1985 fire which burned a large portion of the surrounding watershed.²⁶⁸

The dam (National ID No. CA00310) is under the jurisdiction of the State of California. Annual inspections of the reservoir are conducted by the State Division of Dam Safety to ensure the structure is satisfactory for continued use.²⁶⁹ The dam is certified and considered to be in satisfactory condition by the State. The dam is considered a high-risk dam, as the downstream hazard is categorized as high, and is continuously being watched for leakage.

Between 2017 and 2019, the City made some improvements with Measure A funds to the reservoir to address concerns of aging infrastructure. However, the reservoir still requires the new intake tower and a drain valve. The City is seeking additional grant funds to complete the construction. Calistoga anticipates finishing the work by summer/fall of 2021. After these planned improvements the reservoir will be in good condition, with the exception of sediment buildup and the anticipated water loss of two af annually.

Water Treatment Plant

Kimball Surface Water Treatment Plant (WTP) features the standard operating design with a maximum capacity of 350,000 gallons per day (gpd). Average water generation at the plant is 269,000 gpd,²⁷⁰ which indicates sufficient capacity to accommodate current demand.

The treatment processes at the WTP include chemical coagulation, flocculation and sedimentation in a circular clarifier, chlorination, filtration and storage in a 100,000-gallon clearwell.²⁷¹ Three finished water pumps supply water from the clearwell to the distribution system. These pumps are responsible for maintaining the level in the Feige one-mg storage tank and the distribution system pressure.²⁷²

²⁶⁷ <http://www.ci.calistoga.ca.us/city-hall/departments-services/public-works-department/water-wastewater-treatment/kimball-dam-water-reservoir>

²⁶⁸ <http://www.ci.calistoga.ca.us/city-hall/departments-services/public-works-department/water-wastewater-treatment/kimball-dam-water-reservoir>

²⁶⁹ <http://www.ci.calistoga.ca.us/city-hall/departments-services/public-works-department/water-wastewater-treatment/kimball-dam-water-reservoir>

²⁷⁰ Napa County Grand Jury, Napa County Water Quality: It's a Matter of Taste, June 14, 2019.

²⁷¹ <http://www.ci.calistoga.ca.us/city-hall/departments-services/public-works-department/water-wastewater-treatment/kimball-surface-water-treatment-plant>

²⁷² <http://www.ci.calistoga.ca.us/city-hall/departments-services/public-works-department/water-wastewater-treatment/kimball-surface-water-treatment-plant>

Measure A funds also funded improvements at the WTP in 2009. Further upgrades totaling \$1 million are planned for FYs 23-24 and possibly another \$6 million through FY 27-28. The plant is generally considered to be in good condition.

Water Distribution

The water distribution system consists of 30 miles of distribution and 20 miles of transmission mains, 404 valves, and 202 fire hydrants. The City owns and maintains 5.5 miles of recycled water distribution pipeline with two booster stations.²⁷³

flushing

Unaccounted for water loss, specifically the amount of water lost due to system breaks and leaks, as well as illegal connections, is a measure of the water system's integrity. Water losses can include "real losses", which are physical losses from the water distribution system and the supplier's storage facilities as well as "apparent losses", which represent losses due to metering inaccuracies, data handling errors and/or unauthorized consumption. The City-reported total losses in 2018 of 108 af or 15 percent of the water produced in that year.

Breaks and leaks in the mains and service connections account for some of the loss experienced in the system. In 2018, Calistoga distribution system experienced 13 service connection breaks or leaks and six main breaks or leaks. The City averaged about 3.5 water main breaks per year between 2015 and 2018, which averages to about seven breaks per 100 miles of main per year. This is significantly lower than the national average of between 21 and 27 breaks per 100 miles of pipe per year.²⁷⁴

The City addresses water loss through metering and monitoring pressures in the system. Any water leaks or breaks are repaired as quickly as possible to reduce these losses. Additionally, included in the losses are hydrant flush water that the City completes annually for about 200 fire hydrants to maintain good drinking water quality in the distribution system.

Storage Facilities

There is a total of three storage tanks with a combined storage capacity of 2.75 million gallons. The storage tanks are described in detail in Figure 5-13.

Figure 5-13: City of Calistoga Storage Tanks

Storage	Capacity	Material	Year Installed	Condition
Fiege Tank	1 mg	Glass fused steel	2018	Excellent
High Street Tank	20,000 g	Concrete	1993	Fair
Mt. Washington	1.5 mg	Concrete	2013 2017	Excellent

Source: Annual Reports to the Drinking Water Program for 2014, 2015, 2016, 2017, and 2018.

The new Feige Tank with one-mg capacity has been operational since December 2018. The tank sits on a large concrete base and is weighted with seismic anchors. The anchors keep the tank from overturning during a seismic episode. The tank has sufficient capacity to accommodate current and projected demand.

The new tank's technology includes a computer system that monitors the water level inside the tank, how much water is going in or out, and how much chlorine is in the water. It

²⁷³ City of Calistoga, *Water Rate Study*, 2018, p. 8.

²⁷⁴ WaterRF, *Knowledge Portals*, 2017.

WASTEWATER SERVICES

The City of Calistoga conducts planning for its wastewater services in its General Plan. The Infrastructure Element that provides information and policy guidance related to community infrastructure, including wastewater facilities and services was last updated in ~~2003~~. As of the drafting of this report, the City was in the process of updating the Infrastructure Element. The ~~2003~~ Infrastructure Element lists the following objectives and associated policies for the City's wastewater services:

Objective I-2.1 Plan, manage and develop wastewater conveyance, treatment and disposal systems in a logical, timely and appropriate manner.

- ❖ P1.2-1 The City shall not extend wastewater infrastructure to new areas until existing wastewater infrastructure is brought to adequate standards or unless such extensions contribute to city-wide wastewater infrastructure improvements or correct septic problems.
- ❖ P1.2-2 Municipal sewer treatment should generally be available to the City's residents and businesses.

Objective I-2.2 Maintain wastewater infrastructure in good condition.

Objective I-2.3 Promote coordination between land use planning and wastewater treatment and conveyance.

- ❖ P2.3-1 Extension of sewer service beyond the current service area shall be prohibited.
- ❖ P2.3-2 The approval of new development shall be conditioned on the availability of sufficient capacity in the wastewater treatment system to serve the project.
- ❖ P2.3-3 The City shall ensure a fair and equitable distribution of costs for sewer service expansion.
- ❖ P2.3-4 Structures with plumbing that are located within city limits shall connect to the public wastewater collection system, unless topography, distance from the public water system or other factors indicate a need for an exemption.
- ❖ P2.3-5 If and when wastewater flows to the Wastewater Treatment Plant reach 95 percent of the plant's design capacity of 0.84 MGD, development in Calistoga will be halted until the City provides additional treatment capacity sufficient to accommodate new development.

Objective I-2.4 Enforce City wastewater regulations.

- ❖ P2.4-1 Restaurants and others that discharge grease into the wastewater treatment system shall be required to reduce impacts through individual or collective pretreatment facilities that retain wastewater long enough to permit solids to settle and oil and grease to separate.
- ❖ P2.4-2 Regulations related to the discharge of mud and silt into the wastewater treatment system shall be enforced.

Objective I-2.5 Promote innovation in the treatment of wastewater.

Additionally, the City plans for its wastewater services in the Capital Improvement Program contained in annual budgets. Calistoga also adopts a Sewer System Management Plan (SSMP), which was last updated in 2018.

Type and Extent of Services

Services Provided

The City of Calistoga provides wastewater collection and treatment services within its boundary area. Similar to the water system, most of the wastewater customers are residential.

Service Area

All sewer connections are located within the city boundaries, with no out-of-agency sewer services provided.

Services to Other Agencies

The City does not provide wastewater related services to any other agencies.

Contracts for Services

Calistoga does not receive contract services related to wastewater from other agencies.

Overlapping Service Providers

No other agencies provide services that overlap with the City of Calistoga. However, approximately ~~half~~ ^{25%} of the properties within the city limits rely on private septic systems.

Private septic systems have the potential to generate problems due to failure and discharge of contaminants into the environment. The City's Municipal Code requires all structures with plumbing which are on properties within two hundred feet of a wastewater sewer to connect to the public system. ~~This measure has not always been enforced, however.~~ ²⁸⁰ ~~it is now~~

Collaboration

At present, there is not a collaborative relationship amongst the Napa agencies regarding wastewater services, as the service areas are distant and distinct from one another.

Staffing

Wastewater services in Calistoga are provided by the Public Works Department via the Sewer Collection Division and the Wastewater Treatment Division.²⁸¹

The Public Works Department goals include the proper management, operation, and maintenance of all parts of the wastewater collection system, maintaining adequate capacity to convey peak flows, minimizing the frequency and volume of Sanitary Sewer Overflows (SSOs), and mitigating the impact of SSOs. The Sewer Collection Division maintains four sewer lift stations in the City and all of the City's existing sewer mains and recycled water

²⁸⁰ City of Calistoga, General Plan Infrastructure Element, 2003, p. 1-9.

²⁸¹ City of Calistoga, Sewer System Management Plan, 2018, p. 1-1.



during wet weather flow events.²⁸⁵ Although the treatment plant is capable of treating a peak wet weather flow of four mgd, the headworks structure is designed for flows up to seven mgd.²⁸⁶

Figure 5-15 depicts average dry weather flows at the WWTP over the period of 10 years. It appears that the plant has sufficient capacity to accommodate current demand.

The City estimates that based on the permitted treatment plant capacity of 0.84 mgd and current average dry weather flow of about 0.5 mgd along with other allocations and obligations (including current development agreements and building permits), the excess available treatment capacity available for future development amounts to about 0.1 mgd or 123.2 afy. It is estimated that 71 percent of this available capacity will be allocated by 2034.²⁸⁷

Figure 5-15: Wastewater Flows at the WWTP

Wastewater Treatment Plant Flows										
User Type	2009	2010	2011	2012	2013	2014	2015	2016	2017	2018
Average Dry Weather Flow (Gallons)	490,000	490,000	490,000	500,000	500,000	500,000	500,000	396,000	502,000	440,000
Maximum Daily Permit Dry Weather Flow (Gallons)	840,000	840,000	840,000	840,000	840,000	840,000	840,000	840,000	840,000	840,000

Source: City of Calistoga, Comprehensive Annual Financial Report, 2018.

The WWTP was last upgraded in 2002 converting the plant to tertiary treatment capability to provide Title 22 recycled water.²⁸⁸ The treatment processes consists of primary treatment by coarse bar screening at the headworks structure, secondary treatment by aeration and clarification, tertiary treatment by coagulation, filtration and disinfection. After tertiary treatment, effluent may be discharged to the Napa River from ~~October~~ ^{June} 1st through ~~May~~ ^{November} 15th.²⁸⁹ During the remainder of the year, effluent is distributed for recycled water use or stored for future use in effluent storage ponds.²⁹⁰

Collection System

The City's wastewater collection system includes 18 miles of sewer collection piping, 330 manholes, four pump stations, and 50 MG of storage ponds.³²¹

The wastewater collection system includes all residential and commercial customers in the City limits. All sewage from the City drains by gravity either to one of the four pump stations or to the WWTP directly. The system also includes recycled water distribution infrastructure described in the *Water Infrastructure and Facilities* section.²⁹¹

To investigate the extent of the infiltration and inflow (I/I) issues in its collection system, the City performed a smoke test, which uncovered a need for repairs to reduce the I/I. The

²⁸⁵ City of Calistoga, Sewer System Management Plan, 2018, p. i.

²⁸⁶ <http://www.ci.calistoga.ca.us/city-hall/departments-services/public-works-department/water-wastewater-treatment/dunaweal-wastewater-treatment-plant>

²⁸⁷ City of Calistoga, Periodic Report on Growth Management System and Water/ Wastewater Availability, 2018.

²⁸⁸ City of Calistoga, Water Rate Study, 2018, p. 8.

²⁸⁹ NPDES Permit No. CA0037966, Order 00-1312.

²⁹⁰ <http://www.ci.calistoga.ca.us/city-hall/departments-services/public-works-department/water-wastewater-treatment/dunaweal-wastewater-treatment-plant>

²⁹¹ City of Calistoga, Water Rate Study, 2018, p. 8.

GOVERNANCE STRUCTURE OPTIONS

Over the course of this review, some governance structure options were identified with respect to the City of Calistoga and its water and wastewater services, including possible service structure modifications and reorganizations with other agencies. The feasibility of each of these options is generally assessed in this report; however, more in-depth review would be required to refine specifics of process and structure should the affected agencies or LAFCO choose to move forward.

Countywide Water Agency

There are several challenges to water and wastewater services around the County that could be potentially addressed by alternative governance structures:

- ❖ Some County water resources not being used to the fullest extent possible,
- ❖ A need for greater oversight of all jurisdictions providing water services in the County,
- ❖ A need for support buying on the spot market,
- ❖ Certain redundancies with several smaller systems around the County, which could be eliminated,
- ❖ A need for occasional technical expertise and support, and
- ❖ A lack of economies of scale in the smaller water and wastewater systems.

Given these challenges, there may be a need for a single agency to conduct water supply management on a regional or countywide level, such as a county water agency and/or an agency to provide management and operational support to the smaller utility systems that could benefit from the consolidation of certain services (i.e., lab testing) or from fully transitioning to operations by a regional agency, such as a county water district or a sanitation district. As these options may affect all of the water and wastewater service providers reviewed here, these governance structure options are discussed and assessed in further detail in the *Overview* chapter (Chapter 3) of this report.

While the City of Calistoga has indicated that these options might not be preferred for its municipality, it is interested in continued regional collaboration such as the existing MOU for the Napa Valley Drought Contingency Plan.

RECOMMENDATIONS

During the process of this review, the following recommendations are made to the City of Calistoga regarding its water and wastewater service delivery.

- 1) The City of Calistoga relies on its General Plan and Capital Improvement Plan as planning documents for its water system, neither of which give a comprehensive assessment of the City's water system and operations. It is recommended that the City develop a water master plan or some other comprehensive water planning document.
- 2) ~~Occasionally, residents from outside of the city boundaries acquire recycled water in trucks from a station at Calistoga's Wastewater Treatment Plant. There is no limit as~~

to the quantity of recycled water that can be ~~purchased and~~ trucked as long as the purchaser obtains a prior permit through the City's WWTP. In order to ensure that trucked water does not promote development and growth in unincorporated areas where water supply is not sustainable and which may adversely affect agricultural uses, it is recommended that approved uses for trucking of water be defined in the City's municipal code.

→ This statement #2 really isn't true

→ 99% for construction/dust control

→ 1% or less for irrigation
lots of boron so not very useful for ag use ...

CITY OF CALISTOGA DETERMINATIONS

Growth and Population Projections

- ❖ The City of Calistoga's population, as of 2019, was approximately 5,453.
- ❖ Calistoga's population increased by about six percent in the last 10 years.
- ❖ The City manages its growth to maintain its small-town character through the Resource Management System and the Growth Management System.
- ❖ Napa County LAFCO anticipates that the City will grow by about 0.61 percent a year through 2030 with an anticipated population of 5,818 in 2030.

The Location and Characteristics of Disadvantaged Unincorporated Communities Within or Contiguous to the Agency's SOI

- ❖ According to Napa LAFCO's definition of disadvantaged unincorporated communities (DUCs), there are currently no DUCs in Napa County.

Present and Planned Capacity of Public Facilities and Adequacy of Public Services, Including Infrastructure Needs and Deficiencies

- ❖ Although water supply from Kimball Reservoir declined, Calistoga was able to replace the lost supply with the water delivered by the City of Napa. Depending on the availability, Calistoga is able to purchase additional water from the City of Napa in emergencies. Water supply is considered to be adequate to meet Calistoga's current needs.
- ❖ Based on the City's existing local reservoir and the State Water project supply, the City does not expect to experience any reductions in water supply during minor drought conditions and expects to experience only minor reductions in water supply during severe droughts.
- ❖ Calistoga currently has excess water supply available for future development. Estimates show that by 2034, the City will be using between 26 and 54 percent of this excess availability. Due to the Growth Management System and the Resource Management System, the City is projected to grow at a fairly predictable pace, and the current available water supply will be able to accommodate future needs, at least through 2034.
- ❖ The City currently reuses about 60¹⁵ percent of its wastewater flows. Recycled water from the WWTP is distributed to 17 customers through recycled water infrastructure, ~~and trucked to customers outside of the City's boundaries.~~
- ❖ The City appropriately plans for its infrastructure needs in the Capital Improvement Plan. The most significant long-term planned infrastructure project is the upgrade of the Kimball Water Treatment Plant. No unplanned for water infrastructure needs were identified.

- ❖ Calistoga has adequate capacity to accommodate existing and projected demand at its wastewater treatment plant. It is estimated that 71 percent of the plant's excess capacity will be allocated by 2034.
- ❖ The level of wastewater services offered by the City were found to be marginally adequate based on the integrity of the wastewater collection system and regulatory compliance.
- ❖ The City's Wastewater Treatment Plant encountered multiple violations and enforcement actions in recent years, most of which were related to dichlorobromomethane limits. The 2016 Cease and Desist order is also related to the dichlorobromomethane levels. *→ which is of 2017 they have fixed & have not kind of violation*
- ❖ The City identifies the current Cease and Desist Order (CDO) and strict Regional Water Quality Control Board (RWQCB) Permit Conditions imposed with the 2016 renewal of the City's permit to operate a WWTP as the basis of its main infrastructure needs and costs related to wastewater services.
- ❖ The City's sanitary sewer overflow rate is lower on average than of other wastewater agencies in California. Although there is still a lot of old infrastructure that causes high infiltration and inflow, Calistoga continues to repair and replace old pipelines and other infrastructure thus further reducing I/I and overflows.

Financial Ability of Agencies to Provide Services

- ❖ The City of Calistoga has the ability to continue providing water and wastewater services. Water and wastewater revenues were insufficient to cover operations and debt service in FY18, however FY19 was anticipated to end with a slight surplus after debt as rates were updated and increased in FY18 to address shortfalls.
- ❖ Utilities met and exceeded their reserve goal of 20 percent reserves. Wastewater operations liquidity exceeded a minimum 1.0 ratio of current assets to current liabilities, and its net position was positive.
- ❖ Current water operations assets, however, were exceeded by current liabilities, reducing water operations liquidity to less than a 1.0 ratio; the water operation's net position was negative at the end of FY18, reflecting liabilities exceeding net capital assets.
- ❖ Combined utility rates approach a maximum of 5 percent of median household incomes and may exceed the measure with future rate increases, depending on growth in household incomes.
- ❖ During FY19 the City's General Fund transferred \$250,000 to assure that debt service coverage requirements were met; a portion of that transfer has since been repaid.
- ❖ Investments in utility capital assets equaled or exceeded annual depreciation, indicating that the City is generally keeping pace with depreciation of facilities.
- ❖ The City reviews and updates its rates regularly based on cost of service studies and CIP forecasts.

0

boundary have been prohibited by the municipal code since 2005, which aligns with State legislation and LAFCO policy.

- ❖ The City provides recycled water services to ~~17~~¹⁵ customers, one of which (Frediani Ranch) ~~extends outside of the city limits~~. Recycled water services are exempt from requiring LAFCO approval prior to extension of services beyond an agency's boundaries under Government Code §56133.
- ❖ The City makes its recycled water available for trucking through a filling station at the City's Wastewater Treatment Plant. There is no limit as to the quantity of recycled water that can ~~be purchased and trucked~~ as long as the purchaser obtains a prior permit through the City's WWTP. In order to ensure that trucked water does not promote development and growth in unincorporated areas where water supply is not sustainable and which may adversely affect agricultural uses, it is recommended that approved uses for trucking of water be defined in the City's municipal code.


*Not applicable
See pp. 139 (99% is construction
dust control purpose
1% or less irrigation
because so far in it)*



Utilities Department

M E M O

TO: Chair Leary and Commissioners of LAFCO of Napa County

FROM: Phil Brun, Utilities Director 

DATE: June 26, 2020

SUBJECT: Comments on Draft Countywide Water/Wastewater Municipal Service Review

City of Napa Water staff have been intimately involved with providing information and participating in multiple stakeholder meetings as the draft report was being prepared. In addition, we provided comments on the administrative draft and our comments are generally reflected in this draft report for public review. I commend the consultant and your Executive Officer in their preparation of a comprehensive report.

The Utilities Department has further reviewed the draft report at the staff level and offers the following comments and questions for Commission consideration:

1. Congress Valley Water District

- Page 176 – The second paragraph under the heading “Expansion of the City’s SOI and Annexation of CVWD Territory” makes the case that an amendment to the City’s SOI is an ideal service structure based on LAFCO’s purpose. Despite this, the next paragraph quickly concludes that an SOI amendment is not feasible because there is no potential for a future boundary change due to the City’s RUL. However, there is a potential for future change to the City’s RUL by voter approval, as occurred during the November 2014 election. **Given that an SOI amendment aligns with LAFCO’s purpose to encourage logical boundaries and promote efficient delivery of services, further discussion and analysis of LAFCO policy and options associated with an SOI amendment is warranted in this section rather than concluding that an SOI amendment is not feasible.**
- Page 178 – Under the heading “Dissolution and Continued Services by the City of Napa”, the use of Government Code 56133.5 is suggested. However, this legislation expires on January 1, 2021 and it is my understanding from an email from Executive Officer Freeman in April that Senate Bill 799 to extend the expiration deadline has been taken of the legislative calendar this year. Given

that the current contract for water service to CVWD does not expire until 2022, there is the real possibility that 56133.5 will expire before action is taken. **Therefore, this section should be modified to account for the possibility that Government Code 56133.5 expires on January 1, 2021 and identify options under Government Code 56133.**

2. Trucked Water

- The following comment regarding policy for trucked water in the unincorporated area was provided as part of the review of the administrative draft:

Given that the concern is “potential to promote development and growth in unincorporated areas where water supply is not sustainable, and which may adversely affect agriculture” it seems that that the County should be setting policy for approved uses and locations rather than the water/recycled water supplier. Trucked water could come from anywhere, not just suppliers in the county. The supplier is not necessarily in a position to control where their product goes and how it is used, nor do they have any land use authority in the unincorporated areas. However, the County can set land use rules and administrative policies to manage the use of trucked water in the unincorporated areas.
- In response to this comment, a statement that the “County should establish policy for approved uses and locations of transported water to manage the use of trucked water in unincorporated areas” was added to page 44. However, on page 183 the recommendation remains that the City define approved uses and locations for trucking of water to ensure that trucked water does not promote development and growth in unincorporated areas where water supply is not sustainable. The County is the responsible agency to manage growth and development in the unincorporated areas and should be defining approved uses and locations for trucking of water, not the City. **The recommendation should be modified to recommend that the City comply with future County policy for approved uses and locations for trucked water in unincorporated areas.**

Thank you for your consideration of the comments provided herein. City staff look forward to continued collaboration on this study.

July 14, 2020

RE: Napa Countywide Water and Wastewater Municipal Service Review Public Review Draft

Dear Mr. Freeman:

This letter is to provide clarification and/or corrections to data included in the Municipal Service Review. Please see the comments below:

Page 193

Municipal Sewer District No. 1 appears to be a relic of previous circumstances and no longer provides a benefit to the City's operations but instead creates an extra layer of unnecessary process. It is recommended that the District be eliminated, and its functions continued as part of the City's Finance and Public Works Departments, similar to other cities.

Public Works Director Comments: **Agree. The adopted General Plan Policy LU1.2 essentially covers no utilities beyond urban limit line therefore those within should be allowed to connect without annexation.**

Page 200

Land Use Element

Public Works Director Comments: **What about: LU1.2 Allow urban development to occur only within the Urban Limit Line. Consider an exception for on-site employee housing on Agricultural lands. Urban services, such as sewer, water, and storm drainage, will only be extended to development within the Urban Limit Line.**

Page 201

Additionally, the recent General Plan Update has precluded connections to the municipal water, sewer and storm drainage system outside of the City's ULL. **LU1.2**

Page 203

Overlapping Service Providers

There are no overlapping water service providers within the City of St. Helena; however, both the City of Napa and St. Helena provide water services to the Rutherford property (Beaulieu Vineyard), which is outside both cities. There is an opportunity for greater collaboration between the two cities to ensure that duplicative services to not occur in other locations.

Public Works Director Comments: **Agree**

Page 205

A third well, also near the Napa River but just north of Pope Street, provides untreated water that is used for irrigation in nearby areas, including Jacob Meily Park.

Public Works Director Comments: **Just serves the park**

When an application for an agricultural well is submitted, the applicant must also submit a study by a hydrogeologist to determine the project's actual effects on the groundwater system and provide for mitigation of any resulting negative impacts.

Public Works Director Comments: **May be required to submit a study by the Public Works Director per SHMC 13.16.070 Permit approval/denial, Section C**

The amount of water purchased from the City of Napa has been gradually increasing. The last such increase was brought about by the necessity to allocate more water for fish habitats.

Public Works Director Comments: **It has? If we went over the 600 AF allocation it was due to an operational overage and not bypass requirements.**

Page 206

As part of the lawsuit settlement, the City agreed to divert more water from the reservoir to the creek. Thus, water lost due to the diversion is now purchased from the City of Napa.

Public Works Director Comments: **This is an inaccurate statement. The 2018 interim bypass plan study concluded that the plan would have a minimal impact on the storage volume of the reservoir and would not require the City to tap any other sources of water to make up for the difference**

Page 208

Demand/Supply Analysis

As was already mentioned prior, annual yield from Bell Canyon in recent years has been significantly less than in prior years, primarily because more water is now diverted to support fish habitat. Most recently, City of Napa water supply has become an increasing percentage of St. Helena's total supply. St. Helena is also seeking to reduce its withdrawal of groundwater in non-drought years, in order to give the aquifers in the area of the Stonebridge Well Complex an opportunity to recharge.

Public Works Director Comments: **Inaccurate statement**

Often "safe yield" is thought of as the supply that can be reliably delivered under worst-case (drought) conditions. However, it was also apparent that under such an approach, the demand on the City's water system, even at the reduced levels of recent years, exceeded the "safe annual yield."

Public Works Director Comments: **Which years?**

Page 211

The three Meadowood tanks are constructed of redwood, have leakage, and are considered to be in poor condition. The City has not yet addressed this issue as a funding source is yet to be identified.

Public Works Director Comments: **Inaccurate, funding is available with the adoption of the 2017 rate study**

Page 212

Infrastructure Needs

6) installation of smart meters, and 7) software upgrade for meters.

Public Works Director Comments: **Where in the CIP?**

Page 215

Wastewater Services

Land Use Element

Public Works Director Comments: **LU1.2 should be added here as well**

Page 216

Service Area

All sewer connections are located within the city boundaries, with no out-of-agency sewer services provided.⁴⁵⁹ However, Meadowood, which is to the north of St. Helena, has expressed interest in connecting to the City's system and the State is supportive of the City taking on these services.

Public Works Director Comments: **Is this referencing the States general goal of consolidation private to public utility agencies?**

Page 217

The three licensed water treatment operators who are employed in the Water Treatment Division of the Public Works Department are also licensed in wastewater treatment and provide standby operation of the City's Wastewater Treatment Plant.

Public Works Director Comments: **The City has three licensed water treatment and three wastewater treatment operators. The goal is to have overlap licenses to have reciprocal backup.**

Page 219

The next step is determining a funding plan consisting of some combination of a general fund loan, bonds, and a USDA rural fund loan, and then issuing a Request for Proposals in February 2020 for construction of the plant improvements, in order to stay on track to meet the required deadlines.

Public Works Director Comments: **This is outdated information; the project is now on a design bid build approach.**

Page 222

5) The City makes reservoir water available for trucking of non-potable water for irrigation and construction. At present, there are no limitations on who may make use of the water for trucking. In order to ensure that trucked water does not promote development and growth in unincorporated areas where water supply is not sustainable and which may adversely affect agricultural uses, it is recommended that approved uses and locations for trucking of water be defined in the City's municipal code.

Public Works Director Comments: **This is outlined in SHMC 13.04.080 B. Nontreated (Raw) Water from Lower Reservoir**

Page 225

- ❖ The City makes reservoir water available for trucking of non-potable water for irrigation and construction. At present, there are no limitations on who may make use of the water for trucking. In order to ensure that trucked water does not promote development and growth in unincorporated areas where water supply is not sustainable and which may adversely affect agricultural uses, it is recommended that approved uses and locations for trucking of water be defined in the City's municipal code.

Public Works Director Comments: **SHMC 13.04.080 B. Nontreated (Raw) Water from Lower Reservoir**

Regards,

City of St. Helena
Department of Public Works

Sent by email
Confirmation of Receipt Requested

July 20, 2020

Mr. Brendon Freeman
Executive Director
Local Agency Formation Commission of Napa County
1030 Seminary Street, Suite B
Napa, California 94559
bfreeman@napa.lafco.ca.gov

RE: Draft Countywide Water and Wastewater Municipal Service Review
City of St. Helena Comments

Dear Mr. Freeman,

On behalf of the City of St. Helena and the St. Helena City Council, I would like to thank you and the Local Agency Formation Commission (LAFCO) of Napa County for your important work on the Countywide Water and Wastewater Municipal Service Review (MSR). On July 14, 2020, the City of St. Helena City Council had the opportunity hear public comment and provide additional direction on the MSR Draft in addition to my earlier document clarification letter submitted on July 14, 2020. We understand that written comments on the draft MSR report will be incorporated into a final report that will be adopted as part of a future public meeting.

The following are comments specific to the MSR recommendations for the City of St. Helena:

1. The City concurs with the recommendations to update water service planning documents and is currently working on an Integrated Utility Master Plan addressing Water, Wastewater and Stormwater needs for the City with a virtual City Council workshop being held on July 30, 2020 to discuss the draft documents.
2. The City concurs with the recommendations to further water supply studies assessing future use of existing sources and identifying potential new sources.
3. The City will need to further evaluate and potentially consider LAFCO's recommendation to eliminate the St. Helena Municipal Sewer District No. 1.
4. The City concurs with the recommendations to evaluate existing duplicative water services provided by the City of St. Helena and the City of Napa in the Rutherford Road area, which is outside both cities. It is important to note that the City of St. Helena does not allow for new water services outside the City limits therefore new duplicative services are unlikely.
5. The City believes the recommendation regarding unlimited non-potable water services is in

error since the St. Helena Municipal Code 13.04.080 B. Nontreated (Raw) Water from Lower Reservoir specifically restricts usage to within the City and users are required to have a permit and/or contract agreement. However, there is room for improvement at the specific raw water station which is operated on the honor system. Improvements to the raw water station were identified in the 2017 adopted rate study as a future capital improvement project.

6. The City concurs with Napa LAFCO's recommendation to consider including the noncontiguous city-owned properties in the City of St. Helena's SOI during its next update, or if LAFCO wishes to continue the practice of excluding these properties from the City's SOI, then it may consider clarifying its intent in its policies.

In addition to the comments specific to the City of St. Helena MSR recommendations, the City has the following:

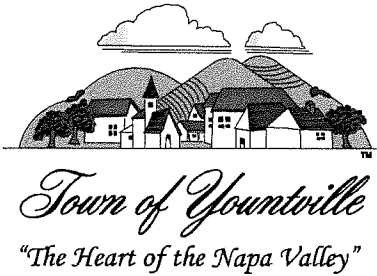
7. LAFCO should include recommendations in the MSR study regarding the protection of all municipal watersheds throughout the County by creating water quality buffer zones in the Agricultural Watershed Districts and to establish regulations related to oak tree and oak woodland removal due to development and vineyard conversions.
8. LAFCO should include a recommendation in the MSR study that the County of Napa establishes a policy to consult with and require joint jurisdiction approval in conjunction with a County permit if a proposed project, such as a vineyard conversion, is within another jurisdiction's municipal watershed.
9. LAFCO should include a recommendation in the MSR study for the County of Napa and City of St. Helena to jointly engage in a Bell Canyon watershed study. Such a study could include the creation of a watershed runoff computer model which considers weather patterns, topography, land use, land cover, air quality, septic systems, water diversions and potential projects that threaten the City's municipal water supply.
10. Additionally, the City is currently in design and the start of environmental review of the planned upgrades to the wastewater treatment plant to tertiary level treatment. The completed project presents an opportunity to eliminate septic or other stand alone treatment systems both within the City and potentially other nearby unincorporated properties. Therefore, the City is recommending LAFCO's support now for any private unincorporated properties that may be interested in establishing a city sewer connection under the pilot provisions of Government Code 56133.5.

Thank you for the opportunity to comment and for your consideration.

Sincerely,

Erica Ahmann Smithies, P.E.
Public Works Director/City Engineer
esmithies@cityofstheleena.org

cc: St. Helena City Council
Mark T. Prestwich, City Manager, mprestwich@cityofstheleena.org
Jennifer Stephenson, PCA Project Manager, jennifer@pcateam.com



July 10, 2020

Napa County Local Agency Formation Commission
Brendon Freeman, Executive Officer
1030 Seminary Street, Suite B
Napa, CA 94599

Via E-mail to bfreeman@napa.lafco.ca.gov
jennifer@pcateam.com

RE: Town of Yountville response to LAFCO MSR for Water and Wastewater Services.

Dear Chair Leary, members of the Commission, and Mr. Freeman,

This letter is written in support of the recommendations and analysis included in the Napa Countywide Water and Wastewater Study MSR with focus on those that pertain to the Town of Yountville's Water and Wastewater Services. The Town of Yountville Town Council met on July 7, 2020 and received a presentation on and discussed the findings and recommendations which are outlined in the report. The Yountville Town Council was unanimous in their support of the recommendations as presented in Chapter 8 of the study.

Specifically, the Council is supportive of continuing the work and conversation related to the Annexation of Domaine Chandon parcel in the Town's Sphere of Influence (SOI), and the discussion to encourage, and evaluate the potential creation and implementation of a Countywide Water District or other regional approach.

While the Town Council understands this is the beginning of the conversation, they are keenly interested in continuing the momentum this study (and the previous SOI) have created. In that context they as a group want to make sure this momentum is not curtailed. The Town Council expressed interest in appointing representatives to be part of a regional discussion. The urgency to continue the conversation, and studies and the need to provide the appropriate resources and time given the complexity of the issues.

On behalf of the Town Council, I respectfully submit the Town's response for the July 13, 2020 public virtual workshop.


Steven R. Rogers,
Town Manager

Copies: Town Council
Joe Tagliaboschi, Public Works Director
Sandra Smith, Planning & Building Director

From: "Valerie E. Clemen" <VClemen@coombslaw.com>
Subject: Napa Countywide Water & Wastewater Study
Date: July 13, 2020 at 9:05:05 AM PDT
To: Jennifer Stephenson <jennifer@pcateam.com>

Dear Ms. Stephenson,

Our office represents the Board of the Congress Valley Water District. The Congress Valley Water District has reviewed the draft report, and will be preparing formal comments. In advance of those comments, the District notes that while the Report discusses the possibility of dissolution of the District, such an action would not advance the efficient provision of services for this area, and does not serve the best interests of the landowners within the District's boundaries.

The District's formal comments will be submitted before the July 17, 2020 deadline. Thank you.

Valerie E. Clemen
Coombs & Dunlap, LLP
1211 Division Street
Napa, CA 94559
(707) 252-9100 - Main
(707) 252-8516 - Fax
vclemen@coombslaw.com

1195 Third Street, Suite 301
Napa, CA 94559
Main: (707) 253-4521
Fax: (707) 259-8220

County Counsel

Jeffrey M. Brax

Chief Deputies

Sherri S. Kaiser
Thomas C. Zeleny



A Tradition of Stewardship
A Commitment to Service

**NAPA COUNTY
OFFICE OF COUNTY COUNSEL**

Attachment Two

Deputies

Silva Darbinian
Laura J. Anderson
Chris R. Y. Apallas
Susan B. Altman
Thomas S. Capriola
Jason M. Dooley
John L. Myers
Rachel L. Ross
Shana A. Bagley
Corey S. Utsurogi
Douglas V. Parker

June 24, 2020

LAFCO of Napa County
c/o Ms. Jennifer Stephenson
1030 Seminary St Ste B
Napa, CA 94559
(Sent via e-mail: jennifer@pcateam.com)

RE: NRRD Initial Response to 2020 Napa Countywide Water and Wastewater Municipal Service Review Public Review Draft

Dear LAFCO of Napa County

I have been requested, as legal counsel for the Napa River Reclamation District (District or NRRD), to provide an initial response to the May 2020 Napa Countywide Water and Wastewater Municipal Service Review Public Review Draft (Review). The NRRD's responses and recommended changes to the draft Review are as follows:

Page 398, Capital Assets: ...

"The District has no CIP, however, it has recently commissioned technical studies to evaluate capital improvements for its wastewater system and for flood control."

RESPONSE: The following changes as shown in red are recommended: "The District has no CIP, however, it has recently commissioned technical studies to evaluate capital improvements for its wastewater system and for potential flood control **alternatives for its facilities and for the community.**"

Page 400, Type and Extent of Services

RESPONSE: The following statements should be added to this section: Water Code section 50652 specifies that reclamation districts have powers over the reclamation works that the districts own. The NRRD did not construct and does not own the

residential levees within the District. It does own one flood control pump station and the levees/berms on NRRD property. Therefore, the District does not have power over the resident owned/non-NRRD levees. Residents are responsible for maintaining their own levees.

Page 405, Governance Structure Options

The Review suggests that the District reorganize into a Community Service District (CSD).

RESPONSE: Several years ago, the District voted against converting to a CSD. The property owners within the District formed the District to have some control over the costs of services. The Review does not discuss the projected costs of reorganization.

The Review suggests that the District “reorganize as a zone of NCFCWCD for the purpose of providing reclamation services –this option would place the area under the jurisdiction of NCFCWCD and enable the creation of assessments, with the approval of residents, to fund increased reclamation and flood control services.”

RESPONSE: The NRRD does not have a formal reclamation plan and primarily provides sewer services. The NCFCWCD does not provide sewer services. The Review does not address what entity would provide sewer services or what reclamation services the NCFCWCD would provide. If an entity (NRRD, NCFCWCD, or otherwise) were to purchase property rights to the private levees and ultimately improve them, it is likely that such an action would result in increased assessments against the parcels. The Review does not address the anticipated amount of the increase in assessments.

Page 406: Recommendations

“NRRD should expand the content available on its website to include financial documents such as past and current budgets and financial reports. Additional content can be added, as resources permit, to improve public access to District information and to comply with Assembly Bill 2257 (Government Code Section 54954.2).”

RESPONSE: The NRRD website is compliant with Government Code section 54954.2. Section 54954.2 does not require the NRRD to post budgets and financial reports on the website. These documents are available at the NRRD Board meetings, at the NRRD office, and upon request.

///

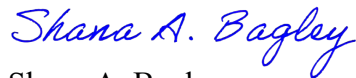
Page 407, Status of, and Opportunities for, Shared Facilities:

The Review recommended that “NRRD and its residents should explore opportunities to work with the Napa County Resource Conservation District (NCRCD) to educate constituents with regard to activities to control settlement along their portion of the levee.”

RESPONSE: At this time, the NCRCD does not have expertise regarding levee maintenance. However, this fact should not to discourage the NRRD or residents from utilizing the NCRCD in other capacities.

Please contact the NRRD or me should you have any questions.

Very truly yours,



Shana A. Bagley
Deputy County Counsel
NRRD District Counsel

CC: Penny Wilson, NRRD Assistant Manager

From: agalbraith94574@gmail.com
To: [Freeman, Brendon](#)
Subject: Fwd: Bell Canyon Storage Right
Date: Sunday, July 12, 2020 4:40:17 PM

[External Email - Use Caution]

See below. You can publish as a public comment if you like. Alan

Sent from my iPhone

Begin forwarded message:

From: agalbraith94574@gmail.com
Date: February 21, 2020 at 11:27:07 AM PST
To: Mark Prestwich <MPrestwich@cityofsthelena.org>
Cc: Erica Smithies <esmithies@cityofsthelena.org>
Subject: Bell Canyon Storage Right

Per our conversation, the GP incorrectly states that the City has the right to divert and store 3800AF. This error continues to be repeated in city documents. E.g., Attachment 1 (Synopsis of Chapter 4-Public Facilities Services Element of St. Helena 2040 General Plan Update Regarding Water) attached to Old Business outside City water policy matter on CC October 22 Agenda.

The 3800 AF combines the storage “right” on State Water Board Permits 9157 (1800 AF and 14810 (2000 AF). However, the City never raised the Bell Canyon Dam in accordance with Permit 14810. Hence, the City never earned the 2000 AF storage right conferred in that permit. Our storage right is 1800AF.

Now, actual storage capacity at Bell Canyon is about 2300 AF. Two points: (1) a storage right to my understanding is not issued in excess of the physical storage capacity of a reservoir; (2) a certain amount of capacity is reserved for fire protection (roughly 500 AF at Bell Canyon). The City’s storage right is in consequence well under the reservoir’s capacity.

Now, as I mentioned, I thought I had this corrected in the GP Update (years ago, I worked out appropriate language with John Ferons after significant discussion of this issue), but somehow the error came back in.

Hope this is helpful.

Alan

Sent from my iPhone

Thursday, July 16, 2020

Mr. Brendon Freeman
Executive Officer
NAPA LAFCO

Thanks so much for providing me with a hard copy earlier this week of the Napa Countywide Water and Wastewater Municipal Service Review Public Review Draft (May 18, 2020).

I offer the following comments (some are just nits) concerning the Executive Summary (as it pertains to St. Helena) and concerning Chapter 7 (St. Helena):

Executive Summary:

1. Page 1: Note one (repeated in note one on page 13): I am not sure what is meant by “reclaims” (“The City of St. Helena reclaims water for use on city-owned irrigation fields etc.”). The City uses non-potable water from a well in the small park to the north just before the Pope Street Bridge to irrigate Jacob-Meily Park and other nearby areas, as correctly noted on page 205, second paragraph, under Stonebridge Wells. As noted on page five under “Recycled Water,” the City has no capability at this time to make recycled water services feasible. (I am assuming that reclaimed water is the same as recycled water.)
2. Page 4: First paragraph under Recycled Water, the second sentence states: “The City of St. Helena is considering implementing a recycled water program.” As noted in the third sentence of the third paragraph under the same heading, the City must complete substantial improvements at its wastewater facility to “make recycled water services feasible.” It seem that any meaningful consideration of “implementation” is significantly premature at this time, and the second sentence should be stricken.

Chapter 7:

1. Page 187: Manner of Selection under Governing Body is not correct. The St. Helena mayor stands for election every two years. Also, under Governing Body all members are “Council members,” including the mayor and vice-mayor.
2. Page 187: Under Purpose (Municipal Services Provided: “solid waste (Upper Valley Disposal & Recycling).” St. Helena residents contract directly with Upper Valley to provide waste disposal; the City is not involved. Now, it may be that the intent is that Upper Valley also provides disposal services to the City itself (like any other customer). This could be clarified in further discussion with City staff.
3. Page 190: First sentence; see comment 1 immediately above.

4. Page 194: Balanced Budget, second paragraph. Insert “projects” after capital. More importantly, the statement about the adequacy of recently adopted rate increases on the wastewater side seems inconsistent with the statement on page 219, addressing the financing of the planned wastewater upgrades (as required under a RWQCB Cease & Desist Order): “The next step is determining a funding plan consisting of some combination of a general fund loan, bonds, and a USDA rural fund loan etc.” It would appear, in short, that the current wastewater rates are not sufficient to fund regulatory required upgrades at the wastewater plant. The same would also appear to be true with respect to Water Enterprise capital projects; see discussion under point 11, addressing the obsolete Meadowood tanks.

5. Page 195: First sentence. See comment 4 immediately above. The sentence appears to be stating that fund balances and reserves are sufficient to fund longer-term capital needs, but per page 219 (wastewater) and 211 (water) that does not appear to be correct.

6. Page 204: Bell Canyon Reservoir, second paragraph. As explained in a prior email to LAFCO, the City’s storage diversion and storage right is 1800AF under Division of Water Rights Permit 9157 (1952). Division of Water Rights Permit 14810 (1973) would have increased the City’s diversion and storage right by an additional 2000AF, bringing the total to 3800AF. However, the Bell Canyon Dam was never raised as contemplated in Permit 14810, so that the diversion and storage right remains at 1800AF. See page 209, correctly stating that Bell Canyon Reservoir has a storage [right] capacity of 1800 AF. (The estimated total capacity of the Reservoir is around 2350AF.)

7. Page 205: Second paragraph, under Napa water. The 2020 annual cost is approximately \$1.5 million (\$2500 per AF). City Finance Staff can provide the precise annual cost figure.

8. Page 206: First paragraph under Lower Reservoir; the third sentence reads: “In 2019, 11 customers pumped water from the reservoir.” Customers do not pump from Lower Reservoir (which is fenced in) but from a water station adjacent to RLS Middle School.

9. Page 206: Under Emergency Preparedness, after mention of the capped well on the city-owned Adams Street property, the text continues: “It is unknown what volume of water might be expected from the well as it is capped.” The City in fact tested flow rate of the well in, I believe, 2011, with a written report. The well’s productivity was not unknown, at least then. (My understanding is that the well was drilled shortly before the City’s purchase in 2000 of the Adams Street property. The purpose was to support a high price for the property (at that time).)

10. Page 210: First full sentence states: “The City is in the design phase of replacing the intake tower.” My memory is that the intake tower was replaced

perhaps two years ago (when I was mayor) at considerable cost (more than \$1.5 million). My recollection is that there was controversy over the final contract amount, and the matter was settled. City staff should verify this information.

11. Page 211: Under Storage Facilities, the statement is made that the City has yet to find a funding source to replace the three Meadowood storage tanks. To be clear, the Meadowood tanks are assets of the City's Water Enterprise, and are so listed as among the owned assets of the Enterprise in a formal listing on file with State Water Board (State Assigned Nos. T003, T004, T005). As they are capital assets of the Water Enterprise, their replacement cost is a responsibility of Water Enterprise ratepayers. The fact that the City is looking for funding sources not just shows that the replacement cost is not sufficient as estimated in the current rate base (if included at all) but also indicates that the Water Enterprise does not have the capital in the current rate base (after the recent increases) to address an immediate and major (around \$500,000 but check with City staff) capital improvement need.

12. Page 214: First full paragraph states that the Public Works Department "set aside funds to replace the obsolete redwood tanks that serve the Madrone Knoll area and the Meadowood resort." See point 11 immediately above. It seems clear that the City has not set aside funds for replacement of the three tanks because it is looking for a funding source to replace them.

13. Page 225: Fourth paragraph under "Relationship with Regional Growth Goals and Policies," third sentence: the word "not" should be "now" in the sentence that in the Draft reads: "New water connections to parcels located outside the City's jurisdictional boundary are not prohibited by municipal code, which aligns with State legislation and LAFCO policy." St. Helena Municipal Code section 13.04.050 H. prohibits connections outside City limits except for fire safety. My understanding is that this is a long outstanding prohibition in the City's water ordinance (going back decades) so that the word "now" is also not appropriate.

You can post or not post these comments as public comment as you see fit. I am copying the St. Helena City Manager (Mark Prestwich), Finance Director (April Mitts), and Public Works Director (Erica Smithies). I am sure they will advise of any inaccuracy in the foregoing.

Respectfully submitted,

Alan Galbraith
(Mayor, City of St. Helena, 2014-18)

Saturday, July 25, 2020

Mr. Brendon Freeman
Executive Officer
NAPA LAFCO

AMENDED PUBLIC COMMENT

It has come to my attention that my Comment 10 in my comment letter of July 16, relating to the Intake Tower at Bell Canyon, is mistaken. In fact, as stated in a City-prepared "Capital Improvement Project Updates" dated July 24, 2020, the Bell Canyon Intake Tower Replacement (Project W-109) is in the design stage (at 65% according to the Update), as was correctly on page 210 of the MSR.

I would urge your consultants to review the City Staff Report and attachments for the Special City Council meeting scheduled for July 30. The Staff memo includes CIP costs for water, wastewater, and storm drain. The Staff Report contains the following concerning sentence: "Given the scale and projected cost of system deficiencies and future needs, it will be necessary to prioritize system improvements, *as the monetary extent of system needs were not considered in the current utility rate structure and likely exceeds the overall ability for City ratepayers to absorb these expenses in future rate studies.*" Italics added. This is directly relevant to comments 4, 5, 11, and 12 in my public comment of July 16, 2020.

I also suggest that your consultants review the slide presentation of Carolla Engineers, Inc., which is attachment four to the City Staff Report for the Special City Council Meeting of July 30.

Respectfully submitted,

Alan Galbraith
St. Helena Mayor, 2014-18

From: Bruce and Carol Barge <2barges@gmail.com>
Date: July 17, 2020 at 7:55:26 PM PDT
To: jennifer@pcateam.com
Subject: Napa Oaks II

Hello Jennifer,

I am submitting the following comments to the Countywide Municipal Service Review in which Napa Oaks II was briefly described in its summary and overview. As background to these ensuing comments, Napa Oaks II is a neighboring property to our home and as such, we are intimately knowledgeable about the proposed development.

Napa Oaks II

*Approximately 2.5 acres as part of the 80.63 parcel is located along Casswall Street and has access/hook-ups to city water. Part of the 2.5 acre parcel consists of an occupied rental home. The remainder of the property - approximately 78 acres of hillside property has no infrastructure and would need city water/sewer services installed if it were to be developed.

*Napa Oak would create runoff due to hard surfaces to accommodate the subdivision, such such driveways, roadways, gutters, sidewalks, etc.

*To mitigate this runoff, the most recent proposal included constructing a six foot high, approximately half acre holding pond to slow the runoff from the steep hillside during winter rains and release it slowing into the sewer system. This holding pond was to be located on Casswall Street, bordering an existing neighborhood. This could potentially threaten existing homes by breaching during exceptionally wet winters such as we experienced in 2016. It could also pose a safety hazard for people, pets and wild animals breaching the proposed fencing surrounding the pond to gain access to it.

*The holding pond would not address the underground water that leeches from the hillside. Homes located at the base of the hillside experience runoff in their streets, driveways and yards for weeks after a single rain. For those homes who have basements, residents have installed sump pumps to drain away the excess runoff to avoid flooding their homes and yards.

*The most recent Napa Oaks EIR determined that more than 500 mature oaks trees would have to be removed in order to build out the development. These decades, and in some cases, centuries-old trees support ground stability, prevent runoff and sequester carbon emissions.

*Earthquake faults are located on, and run throughout the property. This could threaten the proposed new homes and existing homes below the hillside. Burst water/sewer lines that crisscross the faults and the proposed holding pond below could fail. In a Napa Register updated article dated August 23, 2019 - "In 2018 new state maps show the locations of the West Napa Fault and associated faults in greater detail than ever before in such places as western city of Napa neighborhoods. To the south, the line runs through the hills near Old Sonoma Road that is the site of the proposed Napa Oaks II subdivision. The project's environmental impact report using post-South Napa earthquake research found surface fault rupturing. It calls for having geological setback zones and in some cases strengthened foundations."

*Residents of the development would have to "shelter in place" since the hillside is too steep for a fire truck. Given there is only one ingress/egress for the property, if residents tried to flee, there could be difficulty leaving the property. This is a very real threat to the lives of these residents, given the increasing duration and intensity of the fire season we are experiencing in California.

*A Roundabout was proposed at the bottom of the hill on Old Sonoma Road to slow the traffic coming down the hill. The U.S. Transportation Department guidelines do not support a roundabout on a grade as steep as the entrance to the property

*In addition to the many concerns about the physical viability of building on the hillside, the *type* of housing proposed does not mitigate the substantial need for affordable and workforce housing for the City of Napa. In fact, these proposed homes that would purportedly start in the high \$800k, increasing to well over a million dollars, do not address the “missing middle” housing need.

*Both the Planning Commission and City Council voted to deny the developer a zoning change that would allow for the housing development on the grounds listed above. Not all of which are listed.

*The City of Napa is currently in the midst of their General Plan Update. In this update, Land Use Designations are being created and proposed. Currently Napa Oaks II has a land use designation identified as RA (Resource Area) for specific parcels that are sensitive in nature. Currently, this designation allows for 4 homes to be built on the property. The new land use designation proposed for Napa Oaks II is known as Very-Low Density Residential – Primarily rural edges of the City. Density range 1.0 to 2.0 units per acre. If allowed to pass, between 78 - 156 homes could be built on the property. This would substantially increase the strain of water and other resources needed to build the development.

*During this same General Plan Update, many large and small parcels are being considered for housing to meet the needs of its current and future residents. Among these parcels is the Ghisletta Property, south of Napa that runs parallel to the 29. Napa Pipe, also south of Napa, Stanly Ranch (currently being build out), Big Ranch Road and a myriad of other infill projects.

Thank you,
Carol

Bruce and Carol Barge
251 Casswall Street
Napa, CA 94558
949-533-6747



Water Studies Everywhere - Not A Drop to Drink?

**A comprehensive analysis on Napa County's current situation,
and a strong recommendation for a better future approach**

by Daniel Mufson, Ph.D.

Where We Are Now

Suddenly it appears that water is the topic of study by numerous governmental bodies here in Napa. That would seem to imply that people believe that water is important and it needs to be cared for. We certainly agree with that premise. When you look at it, no other factor will have such a profound influence on what our lives look like in the coming years. Yes, climate change is important, and it is especially so on how it will influence our water supplies.

Let's take a look at the studies underway. In 2014 the Sustainable Groundwater Management Act became law. The legislative intent is to provide for sustainable management of groundwater basins, enhance local management of groundwater, and establish minimum standards for sustainable groundwater management.

The Department of Water Resources (DWR) has asked Napa County to come up with a plan for water sustainability in what is termed the Napa subbasin which they have determined is a high priority subbasin.

In late December 2019, the Board of Supervisors declared themselves the Napa County Groundwater Sustainability Agency (GWSA) and just this past week selected 25 members of the community to sit on a groundwater advisory committee. **This committee has two years to develop a plan to ensure the sustainability of our groundwater supplies.**

In Addition, A Task Force Formed

In September 2019 a group of water managers from the county and the municipalities also formed a task force to prepare for and respond to drought. This collaborative planning group will develop the following:

Drought Contingency Plans: How will we recognize the next drought in the early stages? How will drought affect us? How can we protect ourselves from the next drought?

Drought Resiliency Projects: Drought Resiliency is defined as the capacity of a region to cope with and respond to drought. The US Bureau of Reclamation provides grant assistance for drought resiliency projects identified in a DCP.

The area that they will study is larger than the study area of the GWSA as it will encompass the following critical sources and users:

- The Napa River watershed which drains into the northern edge of San Pablo Bay and includes an area of 430 square miles
- Urban and residential areas, extensive vineyards and agriculture, and diverse environmental habitats
- Water users in the area rely on a mixture of water supplies that include local surface water, imported surface water, groundwater, and recycled water

Let's focus on that last point that describes from where we get our water. If you live in the municipalities your water comes from reservoirs (surface water) and from the State/Sierras via the North Bay Aqueduct (imported surface water). In fact, more than half of Napa City's water comes from the state.

If you live in rural Napa County your water likely comes from a well (groundwater). Agriculture uses groundwater and some surface water from the Napa River.

The county has set aside the groundwater for agriculture as stated in the General Plan Goal CON-Reg 11: "Prioritize the use of available groundwater for agricultural and rural residential uses rather than for urbanized areas and ensure that land-use decisions recognize the long-term availability and value of water resources in Napa County."

There are some known water-deficient areas in the county such as the MST (Milliken-Sarco-Tulucay) where the county has placed limits on development and has encouraged the use of recycled water for irrigation.

The Problems and The Big Questions

The big issue is how much water will be available for use by residences, industrial, agricultural, and environmental uses in the coming years? The state has issued numerous reports on water security i.e., "**Safeguarding California Implementation Action Plans 2016**" to ensure that people and communities are able to withstand the impacts of climate disruption:

- Loss of snow-pack storage may reduce the reliability of surface water supplies and result in greater demand on other sources of supply".
- "As climate change reduces water supplies and increases water demands (as a result of higher temperatures), additional stresses are being placed on the Delta and other estuaries along the California coastline."

- “Each local water agency will have to contend with impacts to their local watershed, as well as upstream and downstream watersheds that influence local water supply or water quality constraints.”

With 80% of Napa residents living in the cities, what is the master plan to supply them with water when the state water project is no longer able to deliver and the reservoirs are compromised by drought and/or polluting runoff?

The Problem We Collectively Must Solve

How much water from all sources will be available and who gets to have it? We can study this to death; we can hire consultant engineering firms and pay them to develop numerous scenarios but we think we all truly know that the earth is warming, fire dangers are increasing, the weather is changing dramatically and therefore we ought to focus on planning for the worst-case.

In 2017 Napa Vision 2050 stated in a letter to the DWR that if all users of water in Napa County were to need to rely solely upon the groundwater we would be in an unsustainable situation. We still believe this to be the case.

Going Forward: A Clear, Consolidated Approach vs a Fractured System

Within the past month, **LAFCO** (our Local Agency Formation Commission) issued a most comprehensive draft report, “**Napa Countywide Water and Wastewater Municipal Services Review**” (May 18, 2020). The report thoroughly covers the history and operation of the many water service providers with recommendations regarding their administration and operation.

It is of great significance that this report introduced the concept of a county water agency and/or a countywide county water district. Benefits to forming such a county water district include:

- Efficient use of the County’s water resources
- Enhanced water resource management
- Solidarity amongst Napa water purveyors with greater leveraging power
- Greater scrutiny of all utility providers
- Enhanced technical and operational support for local providers
- Elimination of redundancies and duplication of efforts amongst the smaller systems
- Improved economies of scale.

Unlike the other two study groups mentioned above that cover a portion of the county’s water supply e.g. Napa County Groundwater Sustainability Agency-covers the Napa Valley subbasin (and just groundwater); Drought Contingency Plan Task Force-covers the watershed (with multiple sources of water),

LAFCO suggests an alternative governance structure, an agency that will cover the entire county. We think that LAFCO gets it right and we recommend that the Ground Water Sustainability Agency and the Drought Contingency Task Force come up with a format so that their work product will be a plan for all of Napa's water users to share the diminishing supply that belongs to the commons and will meet the human right to water.



From: Eve Kahn <evekahn@yahoo.com>
Date: July 18, 2020 at 4:21:57 PM PDT
To: "jennifer@pcateam.com" <jennifer@pcateam.com>
Subject: Napa LAFCO Countywide MSR
Reply-To: Eve Kahn <evekahn@yahoo.com>

Many thanks for consolidating the relevant information from all the cities/town and various water districts.

I was happy that Jay Gardner owner of the Meyers Water Company [that serves 100 homes at the South edge Napa alongside the Napa River] spoke of his challenges and issues. He seemed very interested in joining in a countywide agency/district that could provide stability for this small, isolated community. There are 10 other private water companies listed on page 14. I don't know if they have any interest in joining a larger, comprehensive water district/water agency - but this should be explored.

I spoke at the workshop of the importance of including surface and groundwater in a broader picture of Napa County's water supplies and water stability - and want to reinforce the comments made on page 44 regarding the need for County of Napa trucked water policies (referenced below.) Sadly, the County approves development on parcels with constrained water availability and often supports the use of trucked water as an option for business sustainability.

The County's Conservation Regulations clearly state that the priority use for groundwater is agriculture and rural residential. In essence, cities are to use surface water, unincorporated users are to rely upon groundwater. But when potable water is used to sustain agricultural operations (vineyards or winery operations) in non-emergency situations, the lines are blurred between rural and urban uses. When looked at from a broader perspective questions like "Should the cities have access to groundwater in a severe emergency?" can be addressed.

Many thanks, Eve Kahn
Alternate Napa Public LAFCO Commissioner

*Six agencies make water available at truck filling stations for use outside of the agency's boundaries. Based on the exceptions outlined for Government Code §56133 for nonpotable or nontreated water or the provision of surplus water to agricultural lands and facilities, these agencies are not required to seek LAFCO approval to provide this service outside of jurisdictional bounds. However, provision of trucked water without limitations has the potential to promote development and growth in unincorporated areas where water supply is not sustainable and may adversely affect agricultural uses. Of the six providers that make water available for hauling, only Napa Sanitation District has adopted policies that clearly define the priority of use of trucked water. **It is recommended that approved uses and locations for trucking of water be defined in each City's municipal code. In addition, the County should establish policy for approved uses and locations of transported water to manage the use of trucked water in the unincorporated areas.***

On Jul 13, 2020, at 12:56 AM, <franzi@sonic.net> <franzi@sonic.net> wrote:

Hello Jennifer Stephenson and Brendon Freeman

This comment is written for the water wastewater workshop

Living in Berryessa Estates is been a challenge for many of us, due to the rising water/sewer bill.

Our community is considered a low income community. Napa supervisors receiving millions of grant money because of this.

Money that was given to them to help our community. Not one cent of it was spent to do just that.

At the contrary the Napa supervisors spending all of it to fix a neglected water sewer system that our community cannot afford to maintain.

The Napa supervisors are well aware of this situation that more and more of us are losing their homes because they can't afford to pay the water bill.

I pay @ \$600 per month for water/sewer charges.

Francis

From: Geoff Ellsworth <GEllsworth@cityofstheleena.org>
Sent: Monday, July 20, 2020 4:53 PM
To: Freeman, Brendon <bfreeman@napa.lafco.ca.gov>
Subject: On LAFCO MSR

These are a few comments from myself individually as Mayor of the City of St. Helena, not attached to the comments submitted by the City of St.Helena/St.Helena City Council. I very much appreciate this work and the included documents. I believe cross-referencing this work with the documents from the current Napa County GSA/GSPAC work, as well as the Napa County Drought Contingency Plan, will give an important and insightful overview to our countywide water management. I also think it important to recognize in the conversation the hydrogeological interconnectedness of surface water and groundwater.

Thank you,
Geoff Ellsworth
Mayor- St. Helena



INSTITUTE FOR CONSERVATION ADVOCACY RESEARCH AND EDUCATION
PO BOX 4256
NAPA, CA. 94558
cmalan1earth@gmail.com
icarenapa.org
707.322.8677

The Institute for Conservation Advocacy Research & Education, (ICARE) established in 2004, is a non profit community-based organization located in Napa County, California. ICARE's mission is to restore and conserve the biological integrity and ecosystems health of watersheds, the Napa River estuary and the greater San Francisco Bay Area through science-based advocacy, research and education.

July 19, 2020

Napa Local Agency Formation Commission

Jennifer Stephenson, Primary Consultant

Policy Consulting Associates, LLC. and Berkson Associates jennifer@pcateam.com

Re: Comments on the Napa Countywide Water and Wastewater Municipal Service Review, Public Review Draft, and Public Comment

Ms. Stephenson, Commissioners;

Below are the comments of the Institute for Conservation, Advocacy, Research and Education ("ICARE").

Chapter 1.

Page 5, item 2: We recommend that any/all data information collected by agencies is not only readily available in a format that is easily interpretable, but completely public and are requesting written assurance that this will be the case.

Page 6, item 6: We recommend that any/all reporting requirements are also readily available and accessible to the public, and also request written assurance that this will be the case.

Chapter 3.

Page 17, item 7: It should be noted that the trend for greater urgency in developing groundwater storage and banking is not without controversy due to:

- the potential for mismanagement-powerful agricultural pumpers of groundwater are disproportionately positioned to take groundwater (drill deeper; pump harder and longer) for



their economic gain at the disadvantage of other users of groundwater such as rural residential or disadvantaged communities living off wells.

- concerns over ownership and privatization of this public trust resource, groundwater, and how this will harm disadvantaged communities
- adverse environmental impacts aka in the Sustainable Groundwater Management Act as, undesirable results: degraded surface and groundwater quality, salt water intrusion, de-watered streams, land subsidence, dry wells and dropping groundwater elevations.

Page 24: The statement that “there are currently no Napa County water bodies on the Environmental Protection Agency/EPA’s 303(d) list of impaired waters” is incorrect. The Environmental Protection Agency/EPA must list according Clean Water Act/CWA all waterbodies such as rivers, lakes and streams on the 303(d) list for development of programs to address the pollutant that is causing the listing so as to reduce the pollution. Napa County has several waterbodies listed on the 303(d) list: James Creek, Kimball Creek, Napa River, Lake Berryessa, Suisun Creek, and Ledge wood Creek.

For example:

The Napa River watershed is considered a biological ‘hot spot’ on the planet. In the Bear Creek tributary alone there is higher biodiversity (richness and distribution) of aquatic insects than in old growth forests which ICARE discovered in 2000-2006 after taxonomy of benthic macro-invertebrate/BMI, aquatic insects, sampling results. BMI are like the canary in the mine, as they are excellent water quality indicators. In the study of ichthyology, leading scientist are astounded, given the land use pressures in Napa County to convert natural habitats to monoculture wine grapes, that there is an amazing assemblage of intact communities of 16 native fish such as: steelhead, fall run Chinook, Pacific and river lamprey, hardhead, hitch, tule perch and Sacramento split tail. This rare Napa River community of fish assemblage is not seen throughout the Central Valley nor the Sierra streams, yet this assemblage is threatened more each year as more and more warm water species are taking over much of the Napa River watershed due to riparian area losses, habitat degradation and plummeting water quality.



There are three vegetation communities that provide the food and energy to this rich Napa River ecosystem: the coastal temperate rain forest to the west, the shrub/chaparrals and oak woodlands to the east. Historical ecology mapping proved that the valley floor historically was a mosaic of tidal marsh, fresh water marsh, vernal pools, lakes and numerous wetlands as the River flowed 55 miles south from the headwaters at Mt. St. Helena to the confluence of the Carquinez Straits comprising 426 square miles of a past flourishing and rich aquatic ecosystem.

The Napa River is the second major source of fresh water flows and biomass to the San Francisco Bay. This Bay estuary supports world wide commerce, recreation, beauty and most of all it is a vital aquatic ecosystem that supports the life cycle of important fish such as salmonids.

Coho salmon first rang the alarm bell for declining health of the Napa River when they were extirpated from this watershed in 1960 where once their numbers were 2-4,000. Coho are sensitive to temperature and water quality declines. As recently as 1940 Chinook had a decent run. Steelhead migrations were in the 6-8,000 fish but now only a few hundred Chinook and Steelhead successfully spawn. California Fresh Water Shrimp are still spotted in the upper reaches of the Napa River around Garnett Creek and Sulphur Creek had spotting in the early 2000, but their range has been significantly diminished due to habitat encroachment and degradation.

The Napa River is suffering rapid declining health due to pollution and over extraction of water for the development of vineyards and wineries. Flows have been diminishing since 1950 such that more than 1/2 of the streams now run dry during the warm months as vineyards vigorously pump groundwater and surface water for vines. Steelhead struggle for clean flowing water, as groundwater dependent ecosystems are in peril due to a steadily dropping groundwater levels throughout the Napa Valley.

The federal CWA, requires that all water bodies be listed as polluted if pollutants reach a numeric end point set by the State Regional Water Quality Control Boards (aka Water Boards) and know as Total Maximum Daily Load/TMDL. This is a powerful environmental law that citizens can use to force polluters to conform to limits of pollutants discharged to the waters of the State. The San Francisco Regional Water Quality Control Board/SFBRWQCB must develop an implementation plan to reduce any pollutant listed for the Napa River.

In 1988, the EPA along with the SFBRWQCB listed the Napa River for nutrient enrichment and again in 2016 for the tidal portion of the River. Nutrients from agricultural fertilizers flow off vineyards into the streams and the Napa River creating a super abundance of food for naturally occurring algae. With this huge supply of nutrients way beyond the natural nutrient levels supplied by nature, massive algae blooms occur. These algae blooms deplete oxygen in the water and can suddenly with little warning can form neurotoxins, which



may cause mortality to aquatic and terrestrial animals (including humans) that may drink it. Also, accelerated algae blooms, deplete oxygen from the water, causing additional mortality. Since 1988 hazardous and nuisance algae blooms have been occurring in Napa County water bodies wreaking havoc on municipal water supplies and postings to stay out of the water. In May of 2020 Lake Berryessa, eastern Napa County, reported a toxic algae bloom along with other reports on the western coastline of 17 sea lions stranded, ill and dying due to toxic algae which originated from nutrient (runoff from fertilizer) enrichment from the rivers and streams that flow into the Bay and then the ocean. Sometimes these harmful algae blooms of the ocean are known as the red tide. Outdated wastewater treatment plants (St. Helena and Calistoga, sewer reclamation) contribute significantly to the nutrient enrichment problem of the Napa River, Bay and ocean due to outdated infrastructure and broken pipes. In 2005, Lake Hennessy was plagued with harmful algae bloom and the City of Napa treated the lake with copper sulfate, in violation of the SFBRWQCB's Basin Plan for the San Francisco Bay. This warranted fines and a potential lawsuit was filed but was settled when the City of Napa agreed not to use copper sulfate in the future.

Current daily monitoring of harmful algae blooms state wide, by the State's Regional Water Boards, shows that all the Reservoirs in Napa are at risk of harmful algae blooms.

The San Francisco Bay is now at risk of high nutrient enrichment designated by the EPA in 2015, thereby putting a highly valued estuary in harms way of toxic algae blooms.

Also, the Napa River became listed on the 303(d) CWA list for sediment in 1990 where the major land use is converting thousands of acres/year from natural vegetation to vineyards. This conversion of natural vegetation, largely to a monoculture of wine row crops on steep slopes causes up to 256 tons/acre/year to erode into the Napa River hence San Francisco Bay destroying fish habitat along the way, warming the water and obstructing navigation for vessels. This is in comparison to natural background erosion of 3-6 tons/acre/year in pristine forests. Only recently, did the SFBRWQCB begin to regulate sediment pollution.

Additionally, in 2006 the SFRWQCB finally implemented a pathogen TMDL after 60 years of highly elevated harmful bacteria like, E-Coli and fecal Coliform, were repeatedly detected throughout the Napa River watershed since 1960. In 2017, monitoring shows that the Napa River still has high levels of harmful bacteria after 11 years of regulations of pathogens.

Land uses such as past mining, logging, landfills, urbanization, sewer plants and wineries continue to discharge pollutants to the near-by streams hence the Napa River to the San Francisco Bay Estuary. The discharge of pollutants from these land uses while they must comply with the Clean Water Act, with numeric limits of pollution permitted by regulatory agencies that issue permits to pollute, there are new TMDL listings such as in 2018 the Napa River was newly listed for: PCBs, legacy pesticides and mercury.



To date, the Napa River watershed continues to be impacted by serious water quality issues putting our public water supply at extreme risk. Over extraction of surface and ground water intensifies this pollution as contaminants are then in higher concentration as the amount of water in the watershed depletes due to over extraction of groundwater and too many pumping allocations of surface water. Combine this with climate change where droughts become more frequent and prolonged, our fresh water supply is in peril.

LAFCO would be remiss not to take a deep dive into the water quality problems and lack of availability of fresh water supply locally.

Page 33: While unincorporated areas of Napa County rely principally on groundwater resources and surface water collection and incorporated areas typically rely on local reservoirs and regional water providers, we recommend that all agencies using reservoirs behind dams for water supply are in regulatory compliance in their public trust duties to bypass for fish and wildlife pursuant to California Fish and Game Code Section 5937; if not, these dams remain vulnerable to litigation, whose expense should be anticipated and prepared in their respective plans and budgets. If municipalities became compliant with 5937, less water would be available for future development. The water is NOT all for agricultural pumpers and municipalities, as the streams must be healthy for fishing, swimming and recreation as dictated by the Public Trust Doctrine.

Page 51: An additional challenge to reorganization are those dams deemed risky and therefore, unsafe, by California's Division of Safety of Dams, as any updating and/or failure would affect rates, such as Milliken Dam at risk of failure due to stress fractures at the face of the dam, whereby Napa City Public Works signed an engineering contract with the Division of Dams and Safety several years ago to reduce the surface elevation of stored water behind the dam to try to lessen the stress on the cement surface of the dam. It has been determined by Division of Dams and Safety engineers that Milliken Dam could fail given an 8 Richter scale earthquake. This dam is on the 'watch list' of the State due to its degraded condition.

Chapter 5.

Page 126: Correction: "The City of Calistoga's water system has grown from a small municipal reservoir in Feige Canyon in the first half of the century...". The year was 1918, and the first half of the former century.

Page 127: Although Kimball Dam is categorized as a high-risk dam with high downstream hazards, a second, city owned and operated dam has not been included in this review: Feige Dam on Cyrus Creek is out of compliance with CFGC Section 5937 and remains vulnerable to litigation.



Page 133: The statement that, “Similar to the water system, most of the wastewater customers are residential” needs clarification. A large volume of used geothermal water utilized by municipal spas flows into the the City of Calistoga's Dunaweal Wastewater Treatment Plant. The method by which each spa's input has been calculated needs to be specified, i.e., whether one spa considered a single customer and single connection, whether customers/connections calculated by the number of rooms, etc.

Page 134: The statement that “Inputs to the sewer system are mainly domestic in origin and include residences, hotels, and geothermal spas” needs additional clarification as well since as restaurants, micro-breweries, and mineral water bottling companies that also discharge to the sanitary system are considered commercial in the review. Please clarify how commercial spas and hotels are considered residential.

Page 135: Correction: Following tertiary treatment, effluent from the Dunaweal WWTP is permitted to be discharged to the Napa River from Nov. 1 – June 15, and not Oct 1. – May 15. (Page 124 records the dates correctly.)

Pages 137 & 141: Correction: The dates of the Cease and Desist Orders (CDO) were 2010 and 2014, and were related to resolving effluent discharge requirements because of inadequate dilution to the Napa River and non-compliance with antimony, dichlorobromomethane, chlorobromomethane, and BOD limits.

Chapter 7.

Page 203: We inquired with the City of St. Helena for the distance from the Stonebridge Wells to Napa River, but did not receive benefit of an answer to our request.

ICARE has seen de-watering of the Napa River at the site of the St. Helena groundwater wells which are located near the riparian area of the Napa River. This is considered an undesirable results of excessive groundwater pumping according to the Sustainable Groundwater Management Act/SGMA which must be identified and regulations implemented to stop over pumping. When regulations are implemented by the newly formed Groundwater Sustainable Agency, St. Helena will need to reduce their groundwater pumping and be sustainable for future generations.



Page 205: We also requested the distance from a third well cited as being near the Napa River, but did not receive benefit of a reply.

Page 207: Of the City of St. Helena's 268 commercial water supply connections, please clarify how each inn, hotel, and other lodging facility are accounted for.

213: We inquired with the City of St. Helena as to the specifics of contaminants impairing the Stonebridge Wells originating with the sewer collection system, but did not receive benefit of a response.

216: We requested the communications from the State of California that support a Meadowood resort connection to the City's wastewater treatment system, but did not receive the benefit of a response. Because the Napa River continues to be impaired due to pathogens since 2006, it is the opinion of ICARE that the City of St. Helena should initiate a ban on new sewer connections to their wastewater treatment system. The ban should include Meadowood resort, until the wastewater treatment plant and other wastewater infrastructure upgrades and improvements are completed and approved by the SFBRWQCB. The City must demonstrate that their wastewater treatment systems are adequate so the public can be assured that future violations will not occur.

From: Leon Brauning <leon.brauning@yahoo.com>
Date: July 12, 2020 at 10:49:56 AM PDT
To: "jennifer@pcateam.com" <jennifer@pcateam.com>
Subject: Napa Water agencies
Reply-To: Leon Brauning <leon.brauning@yahoo.com>

Dear Ms. Stephenson:

As a citizen of Napa County for the past 40 years and a resident of the city of Napa for 25 of those years, I oppose any cooperative organization of municipal facilities that includes the city of American Canyon.

According to local news media articles over the years American Canyon has never seemed to have had adequate water, sewage disposal, schools, or traffic controls for its own town and citizens. But, they have kept building houses and growing businesses and industry for the past 25 years in the city as if they had an unlimited supply of facilities. Now they have approved the Watson Ranch housing development of approximately 1,200 new homes while the water supply and all other infrastructure seem tenuous.

Because of these issues I can't perceive what facilities American Canyon has to offer to this new county organization.

Respectfully,

Leon Brauning
(707)227-2812 (phone/text)

From: "mary_j_obrien@yahoo.com" <mary_j_obrien@yahoo.com>
Subject: Napa County Water & Waste Water Study
Date: July 13, 2020 at 5:19:28 AM PDT
To: "jennifer@pcateam.com" <jennifer@pcateam.com>
Reply-To: "mary_j_obrien@yahoo.com" <mary_j_obrien@yahoo.com>

Hello Jennifer,

I am a homeowner in Berryessa Estates, LBRID is our water provider. The quality of our water is so bad that I have not been able to drink it since I moved here July 2019. I have received two notices from LBRID in the past few months about our drinking waters high levels of Trihalomethanes above drinking water standards.....but supposedly it is "safe" to drink. Our water tastes like dirt or algae with a noticeable smell. I am billed \$600 every 2 months for water I can't drink and have reservations bathing in and giving to my animals. I realize the payments are this high due to the small amount of residents to spread it over, but for that amount of money the residents should be able to have CLEAN and SAFE water to drink for themselves and their animals.

I believe this is a problem that needs to be solved for our communities well being and health.

Thank you,

Mary O'Brien

Berryessa Estates

LAKE BERRYESSA
RESORT IMPROVEMENT DISTRICT

1195 Third Street, Suite 101
Napa, CA 94559-3097
Main: (707) 253-4351
Fax: (707) 253-4407



IMPORTANT INFORMATION ABOUT YOUR DRINKING WATER

Este aviso contiene información muy importante sobre su agua potable, por favor lea el aviso en español si va aquí incluido. Si el aviso en español no va incluido aquí, contacte al sistema de agua para pedir una copia.

The Lake Berryessa Resort Improvement District Had Levels of Total Trihalomethanes Above the Drinking Water Standards in 2019

Our water system recently failed a drinking water standard. Although **this is not an emergency**, as our customers, you have the right to know what happened, what you should do, and what we are doing to correct this situation.

What happened?

We routinely sample our drinking water for the presence of drinking water contaminants. A sample collected in the third calendar quarter of 2019 showed that our system exceeds the standard, or the maximum contaminant level (MCL), for Total Trihalomethanes (TTHMs). TTHMs are a byproduct of chlorinating our drinking water. The MCL for TTHMs is 80 ug/L. The test result for the fourth quarter of 2019 - from October 2019 through December 2019 - was 110.00 ug/L, and with that result, the annual average TTHM concentration over the last year was 109.25 ug/L.

What should I do?

- **You do not need to use an alternative (e.g., bottled) water supply.**
- This is not an immediate risk. If it had been, you would have been notified immediately. However, *some people who drink water containing trihalomethanes in excess of the MCL over many years may experience liver, kidney, or central nervous system problems, and may have an increased risk of getting cancer.*
- If you have other health issues concerning the consumption of this water, you may wish to consult your doctor.

What is being done to correct the situation?

District staff instituted annual hydrant flushing of water mains in December 2015, reducing the amount of time treated water resides in the distribution system. Flushing for 2019 has been conducted frequently throughout the system, and multiple times in areas where turnover of water is slow. Storage tank level set points have also been changed to improve turnover.

LAKE BERRYESSA
RESORT IMPROVEMENT DISTRICT

1195 Third Street, Suite 101
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Main: (707) 253-4361
Fax: (707) 253-4407



IMPORTANT INFORMATION ABOUT YOUR DRINKING WATER

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From: Patricia Damery <damery17@icloud.com>
Subject: LAFCO Public Workshop, Public comment
Date: June 28, 2020 at 3:14:49 PM PDT
To: jennifer@pcateam.com

Dear LAFCO,

First, your suggestion of the formation of a county agency coordinating water security in Napa County is a critically important move as we face climate disruption and the real possibility of losing the water of the North Bay Aqueduct. I am in full support of coordinating the efforts of the forming Groundwater Sustainability Agency with the Drought Contingency Task Force, and troubleshooting in advance various emergency scenarios.

I want to address the issue of trucked-in water. Around our ranch, we've observed that water is being trucked regularly to many customers on Redwood and Dry Creek Roads.

In recent years, as more wells have been drilled, our well, once performing at about 40 gallons per minute, is, at best, 1.5 gallons per minute. On Redwood Road, after a neighbor drilled eight wells to supply a winery, several residents' wells have gone dry and they are now forced to truck water because they cannot afford to drill another well.

Still, vineyards and wineries are being permitted by the Napa Board of Supervisors and Planning Commission. These are properties with multiple, low-performing wells, approved, despite the fact that hydrologists have warned that additional newly drilled wells are almost certainly affecting other established Redwood Road wells and Redwood Creek flow.

When trucked water is not taken into consideration, a skewed perspective on water availability is perpetrated. Trucked water from Napa City is a source of revenue for the City, but in the event of severe drought and the possibility that the North Bay aqueduct does not deliver the water the municipalities in Napa County depend upon, the trucked water to these rural residences will also dry up.

Napa County does not require vineyards, wineries, or any businesses it permits, to live within the resources (water, sewage, etc) of the parcel share it is located. It does not require transparency of water usage via internet postings. Most importantly, transparency of trucked water usage is an essential piece of any resource evaluation of the property and parcel: Trucked water is an Indicator and an enabler of water overuse and the depletion of an area's resources.

Consider the following points:

- • 1. Groundwater is a public resource, and is not under the ownership of the parcel owner. It is a finite resource that must be shared, maintaining the viability of all parcels and permits using the same public resource. The county and the GSA must prioritize care of the water tables in the upstream of the water basin. The state of the hillside aquifers is a leading indicator of the health of the basin. If water sources upstream are sucked dry, that water basin is in trouble.
-
- Assessing and documenting the quantity of trucked water is critical knowledge. Trucking of water creates a false sense of abundance and adequacy. Water trucking is covering up the emergency that is already at hand. To the county, it looks like all is well because the city is supplying the water that is trucked. When the city has an emergency, the greater problem will be exposed.
 -
- This is a social justice issue. Many of the residents whose wells run dry and are forced into hauling water are often long time, older residents. They have been impacted by the excessive drilling of new wells near them and they cannot afford to another deeper well. Continued development in the hillsides means more wells drilled and more water extracted leading to two things: The neighbors adjacent to the developments are left high and dry, and the flow to the basin, where all those corporate straws are stuck, will also get depleted. We're already experiencing loss of water and hardship in the hillsides, as the county allows more and more vineyard, winery and large home developments.
-
- A county agency or department (such as what LAFCO has suggested) could and should monitor trucking of water. We also need our Board of Supervisors (who have appointed themselves as the members of the GSA) to direct the Planning Commission to consider the overall cumulative impacts of more drilling and water usage on the larger area in permitting and intensifying use of water before we end up in a position in which rural and municipal faucets are fighting with agricultural driplines. We are approaching that point now.

A quote from L.A. Times Journalist Mark Arax says it all. "All that pumping requires deep pocket. The small farmer who can't afford to keep chasing groundwater falls by the wayside. ...Water isn't the equalizer that the state and federal projects promised. Water is the means by which the valley has become one of the most unequal places on earth." He was speaking of the Central Valley, but this applies increasingly to Napa County as well.

Patricia Damery

Notes on the LAFCO report.

Roland Dumas, Ph.D.¹

The nature of the report

These notes are in reference to **The Napa Countywide Water and Wastewater Municipal Service Review, Public Review Draft**, dated May 18, 2020.

This LAFCO report is an audit. As such, it compares practices and performance of the various agencies against standards, regulations, and charters. It does this extremely well, impressively well as far as I can tell.

I was particularly impressed at the discussion of climate variability and change. The authors highlighted areas of uncertainty and the trends toward water availability being 'front loaded' in the season, as well as the correlation between state water supply and local sources. They went beyond the mission of an audit to point at these important factors in projecting water supplies.

Please add, request, challenge

My strong suggestion is that the document be expanded to address critical scenarios that are increasing in probability. The report is clear that climate change will impact water availability, and that we face increasing demand and less predictable supply, but it needs to go into scenarios in which the water supply is dramatically changed in a short period of time. LAFCO should either explore the scenarios or challenge the county agencies to develop and plan for them. We cannot be secure with agencies that are fulfilling their charters, but collectively unprepared for a future that looks nothing like its history. We cannot be secure if the most challenging recommendation is to consolidate water agencies into a county-wide agency. We need to plan for two classes of inevitable scenarios.

Uncertainty, improbability, and inevitable surprises

Seismologists like to say the improbable is inevitable. It is improbable that there will be an earthquake on the west coast that registers a 9 and causes historic damage. It's improbable on a year-by-year basis, that is. We also know that it is inevitable over a longer time frame. It could happen tomorrow or 40 years from now, but It's going to happen. We put it out of mind and out of planning, because in short time frames, it's pretty unlikely. We do code and build for earthquakes that register 5 and 6, because they are frequent enough that they are in our awareness. There is a class of events and conditions that we **know** will occur with some certainty, but effectively ignore. We have not planned for the combinations of events that lurk

¹ 3068 Soscol Ave, Napa CA 94558. radumas@servqual.com 415-412-9300

in the future, particularly events that have some correlation. That is, they are likely to occur in the same time period because they have common causes.

By way of example, let's start with the current situation, a pandemic. We'll set aside civil unrest for the moment and just consider the pandemic. We have (or had) frameworks and standards for addressing pandemics. We had early warning data gathering and analysis. We had protocols for responding and minimizing the social, health, and economic impact while vaccines are developed. We had communication protocols that were designed to be highly credible and gain high compliance. It was all in place and tested. We had trained people in place all across the country. Those practices, processes, and systems have been effective in recent times, even.

What did we not take into consideration? The breakdown in our own government. The plans didn't take into consideration that our own government would oppose and politicize science and health and fail to execute its own plans – actively fail by interfering with the process. Our planning didn't consider that we would take out scientists closest to the outbreak. We didn't plan on the failure being *us*.

An audit of the pandemic response processes would have come up as A+. In practice, it is a contentious D. We did not have plans for the correlation of pandemic and a failure of major political institutions.

When we look at the water report, there are failure scenarios within the information provided, and others that include factors that come in like asteroids from the outside. The A audit could easily become an F in execution with some improbable – and inevitable – scenarios.

Failures within the study's information

The report reflects the influences on water input: weather. It notes the La Niña and el Niño influences and global warming. It lists qualitative impacts of climate change (P16-17), but not a projection or estimate of the quantitative impact or the trends. I know it's risky to put numbers to things, particularly when they are not extrapolations from current patterns, but give it a shot. It could say that in the event of a drought, which has probability of x and going toward y , the state water will dry up and local supply will decrease by 25% and be front loaded in the season. They could speculate the conditions in which the state will turn off the spigot and show the probability of those conditions over time. They can include scenarios with probability ranges.

Suggestion: lay out some scenarios. This document gives the elements of scenarios, but doesn't built them.

For instance, a scenario might be that state water spigot is turned off completely and local supply is off by 50%. What happens in that scenario?

What about a scenario in which the front loading of water is so strong that it breaks parts of the infrastructure, and then severe drought sets in?

Look at some extreme cases with multiple failures and then play out how it impacts each stakeholder, including watersheds and fire responses. Such scenarios will impact each

municipality differently, and cause conflicts between stakeholders. Commons problems will occur. We should look for and plan for them, and consider what principles are at play.

Failures due to asteroids and other exogenous influences

Ok, asteroids are really extremely improbable, and would represent a game-over scenario, but there are scenarios that are just over the horizon, or perhaps lurking in that dark closet. They are not meteorological, hydrologic, etc. They may be in plain sight, but out of the pervue of assessments.

The pandemic is an example, and should be considered a warning shot that a stressed process can become vulnerable to a failure in another system, or even trigger a failure in another system. Influences outside of the traditional modeling domain can exert sudden and dramatic influence on the capability of our systems. Human systems are not easily predicted, because humans are irrational. Political force exerted by economic interests can drive suboptimal decisions.

A prime example is seismic events. Earthquakes can damage infrastructure at moments when integrity of the infrastructure is critical. When I was young, a minor seismic fault with a series of minor quakes caused a municipal dam to fail and wash out a section of a neighborhood. I'm always conscious of what's built on fault lines.

Political events and trends are also a category of exogenous influences that can occur rapidly. Whether it is southern California laying a claim on delta water or a failure of the county's political system² to allow discussion of critical analyses, there are failure modes in systems that are not hydrologic that will impact our preparedness for water events.

Failures due to political constraints on knowledge are also a distinct possibility. Before the current pandemic, we couldn't imagine such a scenario, but we are now experiencing that force being a multiplier of the damage.

The county has an analogous political constraint, to wit:

The county has just established a Groundwater Sustainability Agency, after a contentious fight with the state Department of Water Resources. The first move of the county elected officials was to appoint themselves as the GSA, making the Agency a political body in one stroke, beholdng to the political and economic interests that the elected officials represent. The elected politicians then were required to appoint an advisory board. They selected representatives from various water interests, but selected by the politicians, so the most aligned with the political interests that the supervisors could do with the applicant pool. The county supervisors, operating as the GSA, passed an "anti-lobbying" rule that prohibits advisors from communicating freely, thereby constraining knowledge.

² Of course, the GSA is not capable of discussing failures of elected political systems because the GSA is inhabited by the country board of supervisors, and therefore less interested in discussing their own blind spots, political dependencies, or objectivity.

The county officials had previously suppressed inquiry and discussion of modeling methods; the inquiry that was suppressed was how the modeling addressed the compound effect of multiple influences that had not been experienced before. That is, inquiry was suppressed into improbable and inevitable scenarios.

The LAFCo report needs to surface forces and issues like these that can have a material impact on planning for inevitable surprises³.

The request: offer or request

LAFCO should challenge the county to discover and address classes of events that represent interactions of forces within the agency responsibility and those from outside those responsibilities.

LAFCO should lay out the need for scenario planning using the “edge cases” for various contributors to water availability. LAFCO might list some ‘starter’ scenarios that should be considered and anticipated. A strong recommendation should be made to use the services of a qualified scenario planning consultant along with the traditional water-focused resources. The Global Business Network was the spin-off of SRI that was the home of scenario planning expertise. It has been acquired by a large consulting firm and many of the primary consultants spun off; they are easily found. (https://en.wikipedia.org/wiki/Global_Business_Network)

³ Schwartz, Peter. *Inevitable Surprises*. 2003, Gotham. New York.



LOCAL AGENCY FORMATION COMMISSION OF NAPA COUNTY
JULY 13, 2020 VIRTUAL WORKSHOP
PUBLIC COMMENTS

Public comments were received from the following:

- Geoff Ellsworth, Mayor of St. Helena, said he appreciates the conversation and where it's going, and supports what Commissioner Mohler said in terms of the Groundwater Sustainability Agency and Plan Advisory Committee. He believes the cross-pollination of information between these two boards will be very informative in to directions to go in terms of understanding how we quantify the resource (water) and make sure we have equitable distribution. In addition, Mayor Ellsworth suggested the Drought Contingency Plan has a lot of information in there that can be woven in to give a more complete picture.

- Jay Gardner, President of Meyers Water Company, said Meyers serves 100 homes with unmetered water connections in the Edgerly Island area on the Napa River, and is regulated by CPUC and the Napa County's Environmental Health Dept. In 2004, Mr. Gardner took over the operations of Meyers Water Company when the owners put the system up for sell. Since 2004, they have seen significant problems and improvements happen including re-casing the well in 2005, complete destruction of the tankage system in the 2014 earthquake, and currently a water emergency happening due to the failure of the 70-year old well. Due to the way the CPUC regulates the water company, the water company is unable to plan for long-term capital improvements. Rather than building up a fund for needed replacements, like the 70-year old well, they had to go to their bank for a loan for a new well, however, the bank refused the loan request due to their financial condition. They eventually got a loan from RCAC (a lender for small rural systems), but only if Mr. Gardner and his wife would personally guarantee that loan. This easily added 6 months to this emergency situation of the failing well, and then COVID-19 made the matter worse. Still, they will need to go CPUC and get the loan and a new well approved.

Mr. Gardner stated he believes this is backwards as to how to fund capital improvements, as it seems they have to wait for things to fail under the current system rather than planning and preparing for the inevitable replacement. Some of the issues the water company is facing is it must meter all customers within 5 years, and replace the 55-year old main line. These are things in their future, yet they have no funding source for these improvements. Mr. Garner stated he and his wife have no desire to further dip into their retirement funds, which they have had to do in the past.

As a small water agency, they are required to adhere to the same water standards as the larger providers, however, they are finding it increasingly difficult to do this job, as this is an unsustainable model.

Mr. Gardner said he appreciates the current water study, as well as LAFCO staff for their efforts.

- Bill Ross, Attorney for City of American Canyon, spoke fondly of the tribute for the late Bill Chiat. Mr. Ross also acknowledged the assistance of LAFCO staff as observed in the presentation, in addressing the issue of the clarification of LAFCO-approved water service area for the City of American Canyon, which goes back to actions taken at the time of incorporation of the City, and the treatment of the former American Canyon County Water District. That clarification is essential to the desired goals and options presented for governance in the County as a whole with respect to water. He hopes to have a resolution of the matter in order to address what is a detailed and complex problem.

Mr. Ross appreciates the assistance of staff, and we will continue to work with them to reach resolution.

- Dan Mufson, Representing Napa Vision 2050, thanked LAFCO staff for this comprehensive report on water which really shows the magnitude of some of the issues that are affecting us, and believes a county-wide service is important, now maybe more than ever, given the growth of the County. He proposes putting together a very comprehensive water budget for metering of all users and reporting so we can ascertain how much water is being used in Napa County.
- Ron Rhyno, City of Napa Resident, spoke about limits to growth, and what is not examined, such as more wineries and vineyards, and how the water requirements used for those activities are not revealed. He also believes the county should begin to monitor water used for wine/agriculture and focus on sustainability of the water for future generations.



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

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www.napa.lafco.ca.gov

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

Agenda Item 7d (Action)

TO: Local Agency Formation Commission

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

MEETING DATE: August 3, 2020

SUBJECT: Legislative Report

RECOMMENDATION

It is recommended the Commission authorize the Executive Officer to submit letters to the Assembly Appropriations Committee and Senator Anna Caballero opposing the proposed pending amendments to Senate Bill 414.

BACKGROUND AND SUMMARY

This report includes an update on legislative activities affecting LAFCOs, including a review of all bills tracked by CALAFCO.

The Commission's standing Legislative Committee (the "Committee") is comprised of Vice Chair Dillon and Commissioner Mohler along with the Executive Officer. The Committee met on March 9, 2020, and reviewed 30 bills that were being tracked by CALAFCO at the time. The Committee agreed to watch several bills and potentially return with recommended positions for the full Commission's consideration at a future meeting.

In response to the COVID-19 pandemic, the Legislature adjusted its priorities and many bills that affected LAFCOs were suspended or withdrawn including all bills being watched by the Committee. At this time, the Legislature's focus is on bills related to COVID-19, education, fire response and prevention, and public safety reform.

CALAFCO's Daily Legislative Report (dated July 27, 2020) is included as Attachment One and provides a summary and status update for each tracked bill affecting LAFCOs. Only one of the tracked bills, Senate Bill (SB) 414, is relevant to the Commission and was being watched by the Committee. CALAFCO recently released an urgent call for action requesting all individual LAFCOs take a formal position opposing the proposed pending amendments to SB 414 as described on the following page.

Kenneth Leary, Chair
Councilmember, City of American Canyon

Margie Mohler, Commissioner
Councilmember, Town of Yountville

Scott Sedgley, Alternate Commissioner
Councilmember, City of Napa

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

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

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

Gregory Rodeno, Commissioner
Representative of the General Public

Eve Kahn, Alternate Commissioner
Representative of the General Public

Brendon Freeman
Executive Officer

Senate Bill 414 (Caballero) – Small System Water Authority Act

SB 414 was introduced by Senator Anna Caballero on February 20, 2019. The bill would create the Small System Water Authority Act of 2020 and state legislative findings and declarations relating to authorizing the creation of small system water authorities that will have powers to absorb, improve, and competently operate noncompliant public water systems. The intent is to give the State Water Resources Control Board (SWRCB) authority to mandate the dissolution of existing drinking water systems (public, mutual and private) and authorize the formation of a new public water authority. The focus is on non-contiguous systems. The SWRCB already has the authority to mandate consolidation of these systems, this will add the authority to mandate dissolution and formation of a new public agency. LAFCO will be responsible for dissolving any state mandated public agency dissolution, and the formation of the new water authority.

The bill was amended three times in 2019 and remains in Suspense in Assembly Appropriations. The bill text as last amended on June 25, 2019, is available online at: https://leginfo.legislature.ca.gov/faces/billTextClient.xhtml?bill_id=201920200SB414.

On July 23, 2020, the author introduced substantial amendments to the bill, which have not gone to print as of the date of this report and therefore cannot be included as an attachment. However, CALAFCO has reviewed the amendments and asserts they would have a substantive negative impact to LAFCOs and set a dangerous precedent by giving the SWRCB quasi-legislative authority to form a new water authority. The amendments would remove LAFCO's existing authority from the formation process of a public agency service provider while also imposing new unfunded mandates on LAFCO. In addition, LAFCO is excluded from several critical notification points throughout the process to form the new authority. The negative impacts of the amendments to SB 414 are further described in the draft letters of opposition, included as Attachments Two and Three.

The Commission has not taken a position on SB 414 to date. However, given the urgent nature and the bill's potential relevance to certain recommendations in the Commission's Countywide Water and Wastewater Municipal Service Review, staff believes it is imperative to take a position on the pending amendments. With this in mind, it is recommended the Commission authorize the Executive Officer to submit the draft letters with any desired changes to the Assembly Appropriations Committee (Attachment Two) and Senator Anna Caballero (Attachment Three) opposing the pending amendments.

ATTACHMENTS

- 1) CALAFCO Daily Legislative Report (July 27, 2020)
- 2) Draft Letter to Assembly Appropriations Committee
- 3) Draft Letter to Senator Anna Caballero

CALAFCO Daily Legislative Report as of Monday, July 27, 2020

1

[AB 1253](#) ([Rivas, Robert D](#)) **Local agency formation commissions: grant program.**

Current Text: Introduced: 2/21/2019 [html](#) [pdf](#)

Introduced: 2/21/2019

Status: 7/10/2019-Failed Deadline pursuant to Rule 61(a)(10). (Last location was GOV. & F. on 6/6/2019)(May be acted upon Jan 2020)

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

Summary:

This bill would require the Strategic Growth Council, until July 31, 2025, to establish and administer a local agency formation commissions grant program for the payment of costs associated with initiating and completing the dissolution of districts listed as inactive, the payment of costs associated with a study of the services provided within a county by a public agency to a disadvantaged community, as defined, and for other specified purposes, including the initiation of an action, as defined, that is limited to service providers serving a disadvantaged community and is based on determinations found in the study, as approved by the commission. The bill would specify application submission, reimbursement, and reporting requirements for a local agency formation commission to receive grants pursuant to the bill. The bill would require the council, after consulting with the California Association of Local Agency Formation Commissions, to develop and adopt guidelines, timelines, and application and reporting criteria for development and implementation of the program, as specified, and would exempt these guidelines, timelines, and criteria from the rulemaking provisions of the Administrative Procedure Act. The bill would make the grant program subject to an appropriation for the program in the annual Budget Act, and would repeal these provisions on January 1, 2026. This bill contains other existing laws.

Attachments:

- [LAFCo Support Letter Template](#)
- [CALAFCO Support letter Feb 2016](#)

Position: Sponsor

Subject: Disadvantaged Communities, LAFCo Administration, Municipal Services, Special District Consolidations

CALAFCO Comments: UPDATE AS OF 07/08/2020 - CALAFCO learned today that the author does not plan to move this bill forward and will be giving the bill up to another Legislator for their use as a gut-and-amend.

This is a CALAFCO sponsored bill following up on the recommendation of the Little Hoover Commission report of 2017 for the Legislature to provide LAFCos one-time grant funding for in-depth studies of potential reorganization of local service providers. Last year, the Governor vetoed AB 2258 - this is the same bill. The Strategic Growth Council (SGC) will administer the grant program. Grant funds will be used specifically for conducting special studies to identify and support opportunities to create greater efficiencies in the provision of municipal services; to potentially initiate actions based on those studies that remove or reduce local costs thus incentivizing local agencies to work with the LAFCo in developing and implementing reorganization plans; and the dissolution of inactive districts (pursuant to SB 448, Wieckowski, 2017). The grant program would sunset on July 31, 2024.

The bill also changes the protest threshold for LAFCo initiated actions, solely for the purposes of actions funded pursuant to this new section. It allows LAFCo to order the dissolution of a district (outside of the ones identified by the SCO) pursuant to Section 11221 of the Elections code, which is a tiered approach based on registered voters in the affected territory (from 30% down to 10% depending).

The focus is on service providers serving disadvantaged communities. The bill also requires LAFCo pay back grant funds in their entirety if the study is not completed within two years and requires the SGC to give preference to LAFCos whose decisions have been aligned with the goals of sustainable communities strategies.

We were unsuccessful in getting the \$1.5 M into the budget so the author has decided to make this a 2-year bill and try again in the next budget in a budget trailer bill.

UPDATE: It is not likely the Assemblymember will move the bill forward as there will be no money for the grant program.

AB 1751 (Chiu D) Water and sewer system corporations: consolidation of service.

Current Text: Amended: 7/5/2019 [html](#) [pdf](#)

Introduced: 2/22/2019

Last Amended: 7/5/2019

Status: 8/30/2019-Failed Deadline pursuant to Rule 61(a)(12). (Last location was APPR. SUSPENSE FILE on 8/12/2019)(May be acted upon Jan 2020)

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

Summary:

The California Safe Drinking Water Act provides for the operation of public water systems and imposes on the State Water Resources Control Board related responsibilities and duties. Current law authorizes the state board to order consolidation of public water systems where a public water system or state small water system serving a disadvantaged community consistently fails to provide an adequate supply of safe drinking water, as provided. This bill, the Consolidation for Safe Drinking Water Act of 2019, would authorize a water or sewer system corporation to file an application and obtain approval from the commission through an order authorizing the water or sewer system corporation to consolidate with a public water system or state small water system that has fewer than 3,300 service connections and serves a disadvantaged community, or to implement rates for the subsumed water system.

Position: Watch

Subject: Water

CALAFCO Comments: This bill would authorize a water or sewer system corporation to file an application and obtain approval from the PUC through an order authorizing the water or sewer system corporation to consolidate with a public water system or state small water system that has fewer than 3,300 service connections and serves a disadvantaged community, or to implement rates for the subsumed water system. The bill would require the commission to approve or deny the app. Unless the commission designates a different procedure because it determines a consolidation warrants a more comprehensive review, the bill would authorize a water or sewer system corporation to instead file an advice letter and obtain approval from the commission through a resolution authorizing the water or sewer system corporation to consolidate with a public water system or state small water system that has fewer than 3,300 service connections and serves a disadvantaged community, or to implement rates for the subsumed water system.

SB 414 (Caballero D) Small System Water Authority Act of 2019.

Current Text: Amended: 6/25/2019 [html](#) [pdf](#)

Introduced: 2/20/2019

Last Amended: 6/25/2019

Status: 8/30/2019-Failed Deadline pursuant to Rule 61(a)(12). (Last location was APPR. SUSPENSE FILE on 8/21/2019)(May be acted upon Jan 2020)

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

Summary:

Would create the Small System Water Authority Act of 2019 and state legislative findings and declarations relating to authorizing the creation of small system water authorities that will have powers to absorb, improve, and competently operate noncompliant public water systems. The bill, no later than March 1, 2020, would require the state board to provide written notice to cure to all public agencies, private water companies, or mutual water companies that operate a public water system that has either less than 3,000 service connections or that serves less than 10,000 people, and are not in compliance, for the period from July 1, 2018, through December 31, 2019, with one or more state or federal primary drinking water standard maximum contaminant levels, as specified.

Attachments:

- [LAFCO Template Oppose Pending Amendment to Author](#)
- [CALAFCO Oppose Pending Amendments to AESTM](#)
- [CALAFCO Oppose Pending Amendments to Author](#)
- [CALAFCO Oppose Pending Amendments to SGFC](#)
- [CALAFCO Oppose Pending Amendments to SEQ](#)

[LAFCO Template Oppose Pending Amendments to Assm Appropriations](#)

[CALAFCO Oppose Pending Amendments to ALGC](#)

[CALAFCO Oppose Pending Amendments to Assm Appropriations](#)

Position: Oppose Pending Amendments

Subject: Water

CALAFCO Comments: UPDATE AS OF 07/23/20. There are currently proposed pending amendments not yet in print being negotiated by the author and sponsors with Assm. Appropriations that remove LAFCo authority in the formation of the new water authority and give that quasi-legislative authority to the SWRCB. Further LAFCO will no longer have any authority in the dissolution of a public water supplier as part of the formation of the new authority, and all LAFCo funding for what is required to be done by LAFCo is being eliminated. There are numerous other issues with the pending amendments, all of which are detailed in our opposition letter.

This bill is very similar to AB 2050 (Caballero) from 2018. Several changes have been made. This bill is sponsored by Eastern Municipal Water District and the CA Municipal Utilities Assoc. The intent is to give the State Water Resources Control Board (SWRCB) authority to mandate the dissolution of existing drinking water systems (public, mutual and private) and authorize the formation of a new public water authority. The focus is on non contiguous systems. The SWRCB already has the authority to mandate consolidation of these systems, this will add the authority to mandate dissolution and formation of a new public agency.

LAFCo will be responsible for dissolving any state mandated public agency dissolution, and the formation of the new water authority. The SWRCB's appointed Administrator will act as the applicant on behalf of the state. LAFCo will have ability to approve with modifications the application, and the new agency will have to report to the LAFCo annually for the first 3 years.

[SB 928](#) (Committee on Governance and Finance) Validations.

Current Text: Introduced: 2/5/2020 [html](#) [pdf](#)

Introduced: 2/5/2020

Status: 6/18/2020-Referred to Com. on L. GOV.

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

Summary:

This bill would enact the First Validating Act of 2020, which would validate the organization, boundaries, acts, proceedings, and bonds of the state and counties, cities, and specified districts, agencies, and entities.

Position: Support

CALAFCO Comments: This is the first of three annual validating acts.

[SB 929](#) (Committee on Governance and Finance) Validations.

Current Text: Introduced: 2/5/2020 [html](#) [pdf](#)

Introduced: 2/5/2020

Status: 6/18/2020-Referred to Com. on L. GOV.

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

Summary:

This bill would enact the Second Validating Act of 2020, which would validate the organization, boundaries, acts, proceedings, and bonds of the state and counties, cities, and specified districts, agencies, and entities.

Position: Support

CALAFCO Comments: This is the second of three annual validating acts.

[SB 930](#) (Committee on Governance and Finance) Validations.

Current Text: Introduced: 2/5/2020 [html](#) [pdf](#)

Introduced: 2/5/2020

Status: 6/18/2020-Referred to Com. on L. GOV.

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

Summary:

This bill would enact the Third Validating Act of 2020, which would validate the organization,

boundaries, acts, proceedings, and bonds of the state and counties, cities, and specified districts, agencies, and entities.

Position: Support

CALAFCO Comments: This is the third of three annual validating acts.

2

AB 213 (Reyes D) Local government finance: property tax revenue allocations: vehicle license fee adjustments.

Current Text: Introduced: 1/15/2019 [html](#) [pdf](#)

Introduced: 1/15/2019

Status: 8/30/2019-Failed Deadline pursuant to Rule 61(a)(12). (Last location was APPR. SUSPENSE FILE on 8/19/2019)(May be acted upon Jan 2020)

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

Summary:

Would, for the 2019–20 fiscal year, require the vehicle license fee adjustment amount to be the sum of the vehicle license fee adjustment amount in the 2018–19 fiscal year, the product of that sum and the percentage change in gross taxable assessed valuation within the jurisdiction of that entity between the 2018–19 fiscal year to the 2018–19 fiscal year, and the product of the amount of specified motor vehicle license fee revenues that the Controller allocated to the applicable city in July 2010 and 1.17.

Attachments:

[CALAFCO Support Letter](#)

Position: Support

Subject: Tax Allocation

CALAFCO Comments: Sponsored by the League, this bill will reinstate ERAF funding for inhabited annexations. This bill is the same as AB 2268 (Reyes) from 2018.

3

AB 134 (Bloom D) Safe Drinking Water Restoration.

Current Text: Amended: 5/20/2019 [html](#) [pdf](#)

Introduced: 12/5/2018

Last Amended: 5/20/2019

Status: 7/10/2019-Failed Deadline pursuant to Rule 61(a)(10). (Last location was E.Q. on 6/12/2019)(May be acted upon Jan 2020)

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

Summary:

Would require the State Water Resources Control Board to report to the Legislature by July 1, 2025, on its progress in restoring safe drinking water to all California communities and to create an internet website that provides data transparency for all of the board’s activities described in this measure. The bill would require the board to develop metrics to measure the efficacy of the fund in ensuring safe and affordable drinking water for all Californians.

Position: Watch

Subject: Water

AB 2370 (Limón D) Ventura Port District: aquaculture plots: federal waters.

Current Text: Amended: 3/16/2020 [html](#) [pdf](#)

Introduced: 2/18/2020

Last Amended: 3/16/2020

Status: 3/17/2020-Re-referred to Com. on L. GOV.

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

Summary:

Under the Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000, a city or district may only provide new or extended services by contract or agreement outside of its jurisdictional

boundary if it requests and receives written approval, as provided, from the local agency formation commission in the county in which the extension of service is proposed. This bill would, notwithstanding the Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000, authorize the Ventura Port District, to the extent permitted by federal law, to construct, maintain, operate, lease, and grant permits to others for the installation, maintenance, and operation of aquaculture plots in federal waters off the coast of California the County of Ventura, as prescribed, in order to aid in the development or improvement of navigation or commerce to the port district.

Position: Watch

Subject: Special District Powers

CALAFCO Comments: This is a local bill authorizing Ventura Port District to extend operations into federal waters. CALAFCO will work with Ventura LAFCo.

UPDATE: CALAFCO learned that the author has pulled the bill for 2020.

[AB 3312](#) (Gray D) Local agency formation: annexation: City of Merced.

Current Text: Amended: 7/23/2020 [html](#) [pdf](#)

Introduced: 2/21/2020

Last Amended: 7/23/2020

Status: 7/23/2020-From committee chair, with author's amendments: Amend, and re-refer to committee. Read second time, amended, and re-referred to Com. on GOV. & F.

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

Calendar:

7/29/2020 1:30 p.m. - John L. Burton Hearing Room (4203) SENATE GOVERNANCE AND FINANCE, MCGUIRE, Chair

Summary:

Would authorize the annexation of territory comprising the main campus of the University of California, Merced, as specified, and any road strip, as defined, to the City of Merced, notwithstanding the requirement that the territory be contiguous with the city, if other conditions are met, including that the territory is within the city's sphere of influence. The bill would provide that a subsequent annexation to the affected territory specified in the bill shall be contiguous to the property comprising the main campus of the University of California, Merced.

Position: Watch

Subject: Annexation Proceedings

CALAFCO Comments: This is a local bill for Merced. It allows a defined section of the UC Merced campus and access road to be annexed if certain conditions are met and keeps the LAFCo process intact. CALAFCO will watch the bill to ensure the LAFCo process remains protected and work with Merced LAFCo.

[SB 625](#) (Bradford D) Central Basin Municipal Water District: receivership.

Current Text: Amended: 6/8/2020 [html](#) [pdf](#)

Introduced: 2/22/2019

Last Amended: 6/8/2020

Status: 6/18/2020-Re-referred to Com. on RLS. pursuant to Senate Rule 29.10(d).

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

Summary:

Would dissolve the board of directors of the Central Basin Municipal Water District (CBMWD) and would provide that the November 3, 2020, election for directors of CBMWD shall not occur. The bill would require the Water Replenishment District of Southern California (WRD) to act as the receiver for CBMWD, would vest WRD with all necessary powers under the Municipal Water District Law of 1911 to take control of CBMWD, and would transfer all powers vested in the board of directors of CBMWD to the board of directors of WRD, except as specified. The bill would require CBMWD's board of directors to surrender all control of CBMWD and its resources to WRD.

Attachments:

[LAFCo Support letter template](#)

[CALAFCO Support June 12, 2020](#)

Position: Support

Subject: Municipal Services

[SB 806](#) (Grove R) Worker status: employees: independent contractors.

Current Text: Amended: 4/29/2020 [html](#) [pdf](#)

Introduced: 1/9/2020

Last Amended: 4/29/2020

Status: 5/18/2020-May 14 set for first hearing. Failed passage in committee. (Ayes 1. Noes 4.)
Reconsideration granted.

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

Summary:

Would establish a new test that, for purposes of specific provisions of the Labor Code governing the relationship of employer and employees, a person providing labor or services for remuneration is considered an employee rather than an independent contractor, unless the hiring entity demonstrates that the person is (1) free from the control and direction of the hiring entity in connection with the performance of the work, both under the contract for the performance of the work and in fact, determined by a preponderance of factors, with no single factor of control being determinative, and either that (2) the person performs work that is outside the usual course of the hiring entity's business, or the work performed is outside the place of business of the hiring entity, or the worker is responsible for the costs of the place of the business where the work is performed, or that (3) the person is customarily engaged in an independently established trade, occupation, or business of the same nature as that involved in the work performed.

Position: Watch

Subject: Other

CALAFCO Comments: This bill proposes amendments to AB 5 in terms of the exemption tests which may impact the contractual/employee relationship of CALAFCO and its two primary contractors.

Total Measures: 12

Total Tracking Forms: 12

7/27/2020 9:25:02 AM



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

1030 Seminary Street, Suite B
 Napa, California 94559
 Phone: (707) 259-8645
www.napa.lafco.ca.gov

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

August 3, 2020

The Honorable Lorena Gonzalez
 Chair, Appropriations Committee
 California State Assembly
 State Capitol, Room 2114
 Sacramento, CA 95814

Subject: *Senate Bill 414 – Small System Water Authority Act of 2020 – OPPOSE PROPOSED AMENDMENTS*

Dear Chair Gonzalez:

The Local Agency Formation Commission (LAFCO) of Napa County (“Napa LAFCO”) joins the California Association of Local Agency Formation Commissions (CALAFCO) to oppose the proposed pending amendments for Senate Bill (SB) 414 (Caballero). The bill is currently being held in your committee. While there are vast policy issues with the proposed amendments, this letter will focus our concerns to you and your committee on the fiscal issues of the proposed amendments.

According to the sponsors, in an effort to reduce costs associated with the bill, the role of LAFCOs that exist in the current version of the bill (dated June 25, 2019) is being drastically reduced. The proposed amendments strip LAFCOs of their authority in the formation of the new water authority – a public agency that would otherwise be formed at the discretion of and by the authority of LAFCO. Additionally, they remove LAFCOs’ authority to dissolve a public water system as authorized by the State Water Resources Control Board (SWRCB) and as part of the formation process of the new authority.

The sponsors have also indicated the proposed amendments that change numerous processes in SB 414 are intended to reflect closer alignment with processes and SWRCB authority existing in SB 88 (2015, Committee on Budget & Fiscal Review) and AB 2501 (2018, Chu). These laws deal with consolidation of existing water systems, whereas SB 414 creates a new type of public water system and reflects the formation of a new public entity (as well as dissolving existing public and private systems). One simply should not be compared to the other.

Kenneth Leary, Chair
 Councilmember, City of American Canyon

Margie Mohler, Commissioner
 Councilmember, Town of Yountville

Scott Sedgley, Alternate Commissioner
 Councilmember, City of Napa

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

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

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

Gregory Rodeno, Commissioner
 Representative of the General Public

Eve Kahn, Alternate Commissioner
 Representative of the General Public

Brendon Freeman
 Executive Officer

The current version of the bill, as noted in last fiscal analysis on August 21, 2019 in your committee, reflects a cost of up to \$10.65 million to LAFCOs for authority formations, which represents only 11.5% of the total cost estimate of \$89.15 million. Using the fiscal projections in the current bill, the costs associated with LAFCO are far below every other entity and related provision (with one exception) of the dissolutions; formations; administration; SWRCB support and support for the authorities once formed. The cost for LAFCOs to perform the dissolution of public water systems and to form the new authority are far likely to be less than having the SWRCB perform these functions. Consequently, we believe this creates a false perception that the overall cost will be reduced by removing LAFCO from the process. Transitioning these processes to a state agency rather than keeping them at the local level does not in fact reduce costs – it simply transfers the cost from the local level to the state level. Further, we would assert the cost is less at the LAFCO level.

Finally, the proposed pending amendments require LAFCOs to (1) review the proposed plan and provide recommendations to the SWRCB; (2) hold a public hearing to allow for public comment on the dissolution of the public water system mandated by the SWRCB for dissolution and provide all comments to the SWRCB; (3) hold two public hearings to receive input on the proposed plan for the new authority, summarize comments received and provide a report to the SWRCB; (4) review a report on the authority's performance for the first three years; (5) hold a public hearing as directed by the SWRCB if the new authority is failing to comply with the plan to review the authority's performance and provide a report back to the SWRCB on comments received at the hearing.

The proposed pending amendments remove all the funding for LAFCO for all the actions still required by the bill as noted above. Section 78038(a) adds a clause to address funding for only the two public hearings to consider the draft conceptual plan and prepare the required report – and only if – they (LAFCO) “incur extraordinary costs over and above its normal budgeted operating expenses for conducting the public hearing and preparing the report to the state board”. All of the LAFCO expenses related to SB 414 are over and above normal operating budget costs and in order to cover them should the state not, it is likely we will have to increase fees to the local government agencies that pay into the LAFCO annually (cities, counties, and special districts).

LAFCOs need to be added to the language in Section 78115 (a)(1). All other entities, including the Public Utilities Commission, have some level of funding in the proposed pending amendments. To eliminate the funding for the one local agency involved and retain funding for all state agencies involved is inappropriate and puts the collection of that funding on the backs of local government.

For these fiscal reasons, we oppose the proposed pending amendments to SB 414 and strongly urge your committee to reject the amendments and hold the bill.

Please do not hesitate to contact me if you have any questions about our OPPOSE position to the proposed amendments on SB 414.

Sincerely yours,



Brendon Freeman

Executive Officer

(707) 259-8645

bfreeman@napa.lafco.ca.gov

cc: Members, Assembly Appropriations Committee
Honorable Senator Caballero
Jennifer Galehouse, Assembly Appropriations Committee Deputy Chief Consultant
Suzanne Sutton, Consultant, Senate Republican Caucus
Pamela Miller, Executive Director, CALAFCO
Kenneth Leary, Napa LAFCO Chair

DRAFT



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

August 3, 2020

The Honorable Anna Caballero
 California State Senate
 State Capitol, Room 5052
 Sacramento, CA 95814

Subject: Senate Bill 414 – Small System Water Authority Act of 2020 – OPPOSE PROPOSED AMENDMENTS

Dear Senator Caballero:

The Local Agency Formation Commission (LAFCO) of Napa County (“Napa LAFCO”) joins the California Association of Local Agency Formation Commissions (CALAFCO) in opposing the proposed pending amendments for your bill, Senate Bill (SB) 414. It is our understanding you are planning amendments to be done in Assembly Appropriations where the bill is currently being held in Suspense.

We support efforts to ensure all Californians have safe, affordable drinking water. However, the proposed amendments have such a substantive negative impact to local agency formation commission (LAFCOs) that we must now oppose them.

It is our understanding these changes are an effort to reduce the cost of the bill, and to closer align processes and State Water Resources Control Board (SWRCB) authority existing in SB 88 (2015, Committee on Budget & Fiscal Review) and AB 2501 (2018, Chu). These laws deal with consolidation of existing water systems, whereas SB 414 creates a new type of public water system and reflects the formation of a new public entity (as well as dissolving existing public and private systems). One simply should not be compared to the other.

The proposed amendments strip LAFCOs of their part and authority in the formation of the new water authority – a public agency that would otherwise be formed at the discretion of and by the authority of LAFCO. Additionally, they remove LAFCOs’ authority to dissolve a public water system as authorized by the SWRCB and as part of the formation process of the new authority. As you know, formation of a new, local public agency has been the authority of LAFCO since 1963 when the Legislature created them. To now turn that authority over to the SWRCB in an effort to “save money” or “streamline the process”, we believe, creates a false perception that the cost will be reduced and sets a dangerous precedent.

Kenneth Leary, Chair
 Councilmember, City of American Canyon

Margie Mohler, Commissioner
 Councilmember, Town of Yountville

Scott Sedgley, Alternate Commissioner
 Councilmember, City of Napa

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

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

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

Gregory Rodeno, Commissioner
 Representative of the General Public

Eve Kahn, Alternate Commissioner
 Representative of the General Public

Brendon Freeman
 Executive Officer

SECTION 1 of the bill is being completely stricken and therefore divests LAFCO of all involvement in the formation process and it removes LAFCO from the process of dissolving any public water system identified by the SWRCB as mandated for dissolution and inclusion into the new authority except for holding a public hearing on the matter. Not only does this removal divest LAFCO of their authority and give it to the SWRCB, it eliminates the Plan for Service requirements to be included in the draft conceptual formation plan. All other public agencies are subject to submit a comprehensive Plan for Service when applying to provide services and exempting the authority from doing so sets a precedent.

Code Section 78038(b) proposes to give quasi-legislative authority to the SWRCB in the action to form the new authority. The Legislature created LAFCO as a quasi-legislative body decades ago to do this very thing. While the Legislature has exercised its authority to create new service providers in the past, until now there has been no state agency with that authority. We fail to understand the need to create an entity at the state level to do something LAFCOs have been effectively doing for 57 years – forming new districts – that happen at the local level.

LAFCO is being excluded from several critical notification points:

- Code Section 78033(a)(1) excludes LAFCO from the list of entities the SWRCB is to notify of their intent to form the authority. *LAFCO needs to be included in the list of other local agencies receiving such notification (such as cities, county, water districts, etc.).* Further, this section allows the SWRCB to invite other public water suppliers to consider dissolving and join the authority. Without including LAFCO on the notification under this section, we would be in the dark regarding those local districts (both independent and dependent) that may consider dissolving.
- Code Section 78033(a)(2)(A) excludes LAFCO notification from an entity wishing to consolidate into a proposed authority. *LAFCO needs to be included in this notification.*
- Code Section 78033(a)(2)(B) provides that customers of an entity wishing to join a proposed authority petition the SWRCB directly. Not only does this keep LAFCO in the dark, it is a run-around of the current service provider as there appears to be no notification to them.
- Code Section 78033(b) allows the governing board of a county or city dependent special district to notify the formation coordinator they wish to opt into the new authority. Here again, without LAFCO receiving this notification there is no way for us to know of the pending dissolution.

In addition to removing LAFCOs' existing authority from the formation process of a public agency service provider, we are concerned about Code Section 78037(a)(3) which requires the LAFCO to hold a public hearing to allow for public comment on the dissolution of the public water system mandated for dissolution by the SWRCB and requires the LAFCO to provide all comments back to the SWRCB for consideration (without the funding to do either). The section also states the dissolution shall be ordered upon completion of the public hearing. We question the purpose of reporting back the public comments to the SWRCB for consideration if the dissolution is ordered immediately upon closure of the public hearing.

If one of the goals of these amendments is to closer align processes with SB 88, then it would stand to reason the SWRCB would be the entity conducting the public hearing (pursuant to Code Section 116682 of the Health and Safety Code), especially given the fact that with these amendments, the LAFCO no longer has any other part in the actual dissolution.

Ordering a dissolution for a service provider who is currently providing service requires a successor agency to assume the delivery of service as well as all the assets and liabilities of the entity being dissolved. Code Section 78037(a)(4) requires the order of dissolution to make appropriate equitable arrangements for the interim operation of the public water system until the formation of the authority is complete, and they are prepared to take over service delivery. While that “interim” service provider may be identified in the draft conceptual formation plan, 78037(a)(4) does not explicitly state to whom the service, assets and liabilities should be transferred. We suggest language be added to explicitly state the interim operator as identified in the approved conceptual formation plan.

Proposed amendments to the draft conceptual plan

We have a few concerns relating to the draft conceptual plan as noted below.

- Code Section 78035(c) requires the formation coordinator to submit the draft conceptual formation plan to the SWRCB and any applicable LAFCO for comments within 60 days of its receipt. Further, the formation coordinator shall finalize the plan for public comment no later than 30 days after receiving comments from the SWRCB. What is left out of this section are the comments on the plan from the LAFCO. Undoubtedly, as the local agency who is responsible for the formation of public agencies, LAFCOs know what to look for and consider when reviewing formation plans. *The LAFCO comments need to be considered by the SWRCB and the formation coordinator before the document is available for public comment.*
- Code Section 78038 requires LAFCO to hold two public hearings on the draft conceptual formation plan and to subsequently submit a report to the SWRCB summarizing public comment and any recommendations the LAFCO may have for the SWRCB on the plan. *We would like to see amendments requiring the SWRCB to specifically adopt or reject each of our recommendation on the draft plan and explain their response for those decisions.*

Removing funding for LAFCO mandates

The current version of the bill reflects a cost of up to \$10.65 million to LAFCOs for authority formations, which represents only 11.5% of the total cost estimate of \$89.15 million. Using these projections, the costs associated with LAFCO are far below every other entity and related provision (with one exception) of the dissolutions; formations; administration; SWRCB support and support for the authorities once formed. The cost for LAFCOs to perform the dissolution of public water systems and to form the new authority are far likely to be less than having the SWRCB perform these functions. Consequently, we believe this creates a false perception that the overall cost will be reduced by removing LAFCO from the process. Transitioning these processes to a state agency rather than keeping them at the local level does not in fact reduce costs – it simply transfers the cost from the local level to the state level. Further, we would assert the cost is less at the LAFCO level.

Finally, the proposed pending amendments require LAFCOs to (1) review the proposed plan and provide recommendations to the SWRCB; (2) hold a public hearing to allow for public comment on the dissolution of the public water system mandated by the SWRCB for dissolution and provide all comments to the SWRCB; (3) hold two public hearings to receive input on the proposed plan for the new authority, summarize comments received and provide a report to the SWRCB; (4) review a report on the authority's performance for the first three years; and (5) hold a public hearing as directed by the SWRCB if the new authority is failing to comply with the plan to review the authority's performance and provide a report back to the SWRCB on comments received at the hearing.

The proposed pending amendments remove all the funding for LAFCO for all the actions still required by the bill as noted above. Section 78038(a) adds a clause to address funding for only the two public hearings to consider the draft conceptual plan and prepare the required report – and only if – they (LAFCO) “*incur extraordinary costs over and above its normal budgeted operating expenses for conducting the public hearing and preparing the report to the state board*”. All of the LAFCO expenses related to SB 414 are over and above normal operating budget costs and in order to cover them should the state not, it is highly likely we will have to increase fees to the local government agencies that pay into the LAFCO annually (cities, counties, and special districts).

We strongly believe LAFCOs need to be added to the language in Section 78115 (a)(1). All other entities, including the Public Utilities Commission, have some level of funding in the proposed pending amendments. To eliminate the funding for the one local agency involved and retain funding for all state agencies involved puts the collection of that funding on the backs of local government.

Please do not hesitate to contact me if you have any questions about our OPPOSE position to the proposed amendments on SB 414.

Sincerely yours,



Brendon Freeman

Executive Officer

(707) 259-8645

bfreeman@napa.lafco.ca.gov

cc: Assembly Local Government Committee
Assembly Environmental Safety & Toxic Materials Committee
Senate Governance and Finance Committee
Senate Environmental Quality Committee
Pamela Miller, Executive Director, CALAFCO
Kenneth Leary, Napa LAFCO Chair



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

1030 Seminary Street, Suite B
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 7e (Action)

TO: Local Agency Formation Commission

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

MEETING DATE: August 3, 2020

SUBJECT: Outreach Committee Update

RECOMMENDATION

The recommended action is for the Commission to provide direction to staff and/or the Outreach Committee to commence any desired outreach efforts.

BACKGROUND AND SUMMARY

On February 3, 2020, the Commission appointed Chair Leary and Alternate Commissioner Kahn to a newly established ad hoc Outreach Committee (“the Committee”) for purposes of exploring opportunities and necessary resources to provide outreach and education to the general public related to LAFCO activities.

The Committee met on March 11, 2020, to develop an Outreach Plan. The Committee evaluated several outreach strategies along with the resources needed to implement those strategies. The Committee discussed available resources and the intended audiences for various outreach efforts. The Committee agreed to prioritize outreach strategies that eliminate or minimize financial impacts, staff time, and printed materials.

The Committee met again on July 20, 2020, and considered the significant impacts of COVID-19 with respect to previously discussed outreach strategies. For example, physical public workshops are no longer an effective outreach tool within the foreseeable future, but virtual meetings provide an efficient and versatile option for government agencies to engage the public without the logistical challenges of a well-attended physical meeting. The Committee concluded the plan and its implementation should be flexible to accommodate changed conditions. The Committee agreed upon a Draft Outreach Plan as described on the following page.

Kenneth Leary, Chair
Councilmember, City of American Canyon

Margie Mohler, Commissioner
Councilmember, Town of Yountville

Scott Sedgley, Alternate Commissioner
Councilmember, City of Napa

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

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

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

Gregory Rodeno, Commissioner
Representative of the General Public

Eve Kahn, Alternate Commissioner
Representative of the General Public

Brendon Freeman
Executive Officer

Draft Outreach Plan

Title: “Napa LAFCO at a Glance”

Program Status: Pilot Program

Goals:

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

Target Audience:

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

Principles:

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

Implementation Strategy

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

- Islands Education and Outreach: New Page on Website (Budget Impact: \$49.50)
The Committee recommends performing dedicated education and outreach efforts related to annexation of unincorporated islands. Toward this end, staff recently authorized the Commission’s website host, Planeteria, to add a new page dedicated to island annexation information on the agency’s website. Staff expeditiously proceeded with this activity given the timely nature of island annexation discussions with City of Napa staff. The next step is for staff to add content to the new page. The Committee recommends additional outreach efforts including, but not limited to, conducting virtual public workshops, updating the Commission’s informational flyer on island annexation, and potentially mailing a copy of the flyer to all landowners and residents within the islands. Staff will be contacting agencies that have conducted island workshops and developed informational documents.

- Social Media Engagement (Budget Impact: \$0)
Staff and interested members of the Commission would collectively allocate up to three hours per week creating social media content and engaging with the public. Examples of content include short videos of staff or members of the Commissioner explaining why LAFCOs are important and can provide a forum for discussion of local governmental issues. A student intern could be a valuable resource in the development a social media program.
- Informational Handouts (Budget Impact: \$0)
Staff has been attending regular teleconference meetings hosted by CALAFCO and the Commission's Executive Officer expressed concern that LAFCO's relevance would be scrutinized in response to COVID-19's impact on the economy. Several other LAFCOs shared the same concern and agreed to form a committee to focus on the right messaging for LAFCOs throughout the state to demonstrate the importance and potential of LAFCOs. The Commission's Executive Officer and Analyst II both served on the CALAFCO committee, which held several meetings and produced high quality informational handouts that are currently in draft form. Once finalized, the Outreach Committee recommends electronically disseminating CALAFCO's handouts as part of the Commission's outreach efforts.
- Utilize LAFCO's Neutral Role (Budget Impact: \$0)
LAFCO is uniquely positioned to collaborate with other local government agencies and look outside the typical silos. In this role LAFCO can facilitate cooperation, sharing of resources, and dissemination of information. The Countywide Water and Wastewater Municipal Service Review (MSR) has identified various agencies, some with robust resources and others struggling to survive. Implementation of the MSR can include identifying "warning signs" that an agency is in crisis. Although LAFCO does not have the authority to resolve all issues, it does have the mandate to shine a light on these issues. LAFCO can serve as a "clearinghouse" of information, studies, and solutions from across the state and across agency silos. The Commission may consider building on this recent success by scheduling more countywide MSRs for specific services as opposed to MSRs for individual agencies. This can be accomplished in the annual Work Program or through a future strategic planning workshop. The Commission is also invited to discuss preferences and strategies to disseminate information about MSRs and other relevant LAFCO activities to the target audience groups.

- Leveraging Efforts of Others (Budget Impact: \$0)
The Committee determined leveraging efforts of other agencies and organizations would be both cost effective and provide an opportunity to reach a wider audience. Methods to accomplish this include:
 1. Dedicated efforts to proactively schedule Executive Officer presentations (virtual) to various organizations such as service clubs and local groups
 2. Interviews and/or press releases to local media (e.g., Napa Valley Register, Napa Valley Marketplace Magazine)
 3. Request other agencies to include a link to the LAFCO website on their websites

- Additional Outreach Methods (Budget: \$0):
The Committee recognized that outreach regarding LAFCO has several challenges. The first challenge is making people aware that LAFCO exists. The next challenge is explaining what LAFCO does and why. Generally, an individual would not know to visit the LAFCO website. With this in mind, proactive methods of outreach were discussed by the Committee. The following provides a list of possible actions:
 1. Biannual Napa LAFCO open house for newly elected officials (when physical gatherings are allowed)
 2. Electronic distribution of the LAFCO Directory of Local Agencies
 3. Develop and electronically distribute a Napa LAFCO newsletter (annually or quarterly)

ATTACHMENTS

None



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

Agenda Item 7f (Action)

TO: Local Agency Formation Commission

PREPARED BY: Brendon Freeman, Executive Officer

MEETING DATE: August 3, 2020

SUBJECT: CALAFCO Voting Delegates and Board Nominations

RECOMMENDATION

Staff recommends the Commission take the following actions:

- 1) Appoint one voting delegate and one alternate voting delegate for the California Association of Local Agency Formation Commissions (CALAFCO) Board of Directors election; and
- 2) If interested, nominate a County Member for the CALAFCO Board of Directors.

BACKGROUND AND SUMMARY

The 2020 CALAFCO Annual Conference was originally scheduled for October 21 to October 23 in Monterey. However, the Annual Conference has been canceled in response to the COVID-19 pandemic.

The Annual Conference typically includes Board of Directors (“Board”) elections and an achievement awards ceremony. Due to the cancellation of the conference, the Board elections will occur electronically and there will be no achievement awards. As a replacement for the conference, CALAFCO University is offering a series of free webinars to members of CALAFCO. A flyer for the webinar series is included as Attachment One.

Board elections are conducted by regions (Central, Coastal, Northern, and Southern). Napa County is in CALAFCO’s Coastal Region. Board members serve two-year terms, and there are no term limits. A listing of current CALAFCO Board members is included as Attachment Two. Notably, Commissioner Mohler is currently serving a second term on the Board as the Coastal Region’s City Member with a term expiring in October 2021.

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Councilmember, City of American Canyon

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County of Napa Supervisor, 2nd District

Gregory Rodeno, Commissioner
Representative of the General Public

Eve Kahn, Alternate Commissioner
Representative of the General Public

Brendon Freeman
Executive Officer

The Commission will consider appointing voting delegates and making Board nominations as described below.

Voting Delegates

Each LAFCO may appoint one voting delegate and one alternate voting delegate to participate in the Board elections the Annual Conference. The voting delegate will also cast votes during a virtual annual business meeting.

Staff recommends the Commission appoint one voting delegate and one alternate voting delegate amongst members of the Commission or staff. The past practice has been to appoint the Chair and Vice Chair.

Board Nominations

This year's Board elections for the Coastal Region will occur electronically and involve the County and District Member seats. The Commission does not have special district representation and therefore the only eligible candidates for a Board seat are Vice Chair Dillon, Commissioner Wagenknecht, and Alternate Commissioner Gregory. The incumbent Coastal Region County Member is Jane Parker from Monterey LAFCO.

If an eligible member indicates interest in serving on the Board, staff recommends the Commission consider a formal nomination of that member. Board nominations must be signed by the Chair and include a complete nomination packet for the candidate. The deadline to submit a nomination is September 22, 2020. The nomination packet is included as Attachment Three.

ATTACHMENTS

- 1) CALAFCO Webinar Series Flyer
- 2) CALAFCO Board of Directors Current Roster
- 3) CALAFCO Board of Directors Nomination Packet

Join Us for a Very Special LAFCo 101 Webinar Series

ABOUT THIS SERIES

CALAFCO is here for you during the Pandemic with a series of three, **no-cost LAFCo 101 webinars**. These are not your ordinary “Just the basics” webinars! Join us for informative and fun (yes, **FUN!**) webinars that explore all the basics of LAFCo. Whether you are looking to jump start your level of knowledge or take your skills to the next level, there is always something to learn at LAFCo 101.

SESSION ONE

Navigating the Basics and Beyond - LAFCo 101 for LAFCo Staff

DATE: Thursday, August 6, 2020

TIME: 9:30 a.m. to 11:00 a.m.

Registration closes July 30, 2020 at 5:00 p.m.

SR and Joe will cover LAFCo 101 topics such as the authority and purpose of LAFCo; the LAFCo review process; the laws involved in LAFCo decisions and updating Spheres of Influence and Municipal Service Reviews.

Presenters: SR Jones, Executive Officer, Nevada LAFCo and Joe Serrano, Executive Officer, Santa Cruz LAFCo

This session is approved for 1.5 AICP CM credits

SESSION TWO

The Magical World of LAFCo Clerking – A Look at Processes and Supporting Your Commissioners from a Clerk and Analyst Perspective

DATE: Thursday, August 13, 2020

TIME: 9:30 a.m. to 11:00 a.m.

Registration closes on August 6, 2020 at 5:00 p.m.

Martha, Amanda and Terry will delve into LAFCo clerk and analyst best practices, taking an application from receipt through to hearing and completion, Brown Act and Public Records Act and how to effectively respond to the needs of your Executive Officer, Commissioners and the public all while keeping your sanity.

Presenters: Martha Poyatos, Executive Officer, San Mateo LAFCo; Amanda Olivas, Clerk, Fresno LAFCo; Terri Tuck, Clerk, Yolo LAFCo

SESSION THREE

Being a LAFCo Commissioner – What Does it Really Mean?

DATE: Friday, August 21, 2020

TIME: 10 a.m. to 11:00 a.m.

Registration closes August 14, 2020 at 5:00 p.m.

This session is designed specifically for LAFCo Commissioners. Scott and David will cover the role of LAFCo Commissioners, the Brown Act and PRA for Commissioners and Conflicts of Interests. Navigating the Brown Act, Open Meetings Act and Public Records Act can be a challenge sometimes, so we'll dive into how to keep yourself and your LAFCo out of trouble in these areas.

Presenters: Scott Browne, Legal Counsel, various LAFCos and David West, Commissioner, Imperial LAFCo

REGISTRATION INFORMATION

NO REGISTRATION FEE IS REQUIRED FOR ANY OF THE SESSIONS FOR MEMBERS OF CALAFCO. THIS SERIES IS DESIGNED ONLY FOR THE MEMBERS OF CALAFCO.

Individual registration for each session is required. Registrations are online only. Click on the links below to register.

[SESSION ONE](#)

[SESSION TWO](#)

[SESSION THREE](#)

Registration must be received by the date noted for each session.

No late registrations will be accepted.

Once you register on Eventbrite you will receive the Zoom Registration link with your confirmation email. You will then need to use that Zoom Registration link prior to the session to get the Webinar link to join that session. **DO NOT WAIT UNTIL THE LAST MINUTE TO DO THIS STEP.**

You can also find this information on the CALAFCO website at www.calafco.org.

For additional information or questions, please contact CALAFCO University lead Martha Poyatos at mpoyatos@smcgov.org



CALAFCO

1020 12th Street, Suite 222

Sacramento, CA 95814

916-442-6536

www.calafco.org

CALAFCO Board Members 2019-20 (as of June 19, 2020)		
Board Member Name	LAFCo - Region	Type (Term Expires)
Cheryl Brothers	Orange - <i>Southern</i>	City (2020)
Bill Connelly - Treasurer	Butte - <i>Northern</i>	County (2021)
David Couch	Humboldt - <i>Northern</i>	District (2021)
Shiva Frentzen	El Dorado - <i>Central</i>	County (2020)
Blake Inscore	Del Norte - <i>Northern</i>	City (2020)
Gay Jones	Sacramento - <i>Central</i>	District (2020)
Michael Kelley – Vice Chair	Imperial - <i>Southern</i>	County (2021)
Michael McGill - Chair	Contra Costa - <i>Coastal</i>	District (2020)
Jo MacKenzie	San Diego - <i>Southern</i>	District (2021)
Margie Mohler	Napa - <i>Coastal</i>	City (2021)
Tom Murray	San Luis Obispo - <i>Coastal</i>	Public (2021)
Anita Paque - Secretary	Calaveras - <i>Central</i>	Public (2021)
Jane Parker	Monterey - <i>Coastal</i>	County (2020)
Daniel Parra	Fresno - <i>Central</i>	City (2021)
Josh Susman	Nevada - <i>Northern</i>	Public (2020)
David West	Imperial - <i>Southern</i>	Public (2020)

June 19, 2020



To: Local Agency Formation Commission
Members and Alternate Members

From: Shiva Frentzen, Committee Chair
CALAFCO Board Election Committee
CALAFCO Board of Directors

RE: Nominations for 2020/2021 CALAFCO Board of Directors

Nominations are now open for the fall elections of the CALAFCO Board of Directors. Serving on the CALAFCO Board is a unique opportunity to work with other commissioners throughout the state on legislative, fiscal and operational issues that affect us all. The Board meets four to five times each year at alternate sites around the state. Any LAFCo commissioner or alternate commissioner is eligible to run for a Board seat.

CALAFCO’s Election Committee is accepting nominations for the eight (8) seats noted below on the CALAFCO Board of Directors. There are two (2) open in each region as follows:

<u>Central Region</u>	<u>Southern Region</u>	<u>Northern Region</u>	<u>Coastal Region</u>
County Member	City Member	City Member	County Member
District Member	Public Member	Public Member	District Member

The election will be conducted during Regional Caucuses at the CALAFCO Annual Conference prior to the Annual Membership Meeting on Thursday, October 22, 2020 at the Hyatt Regency in Monterey, CA. *If we are unable to have an in-person annual conference due to the COVID-19 pandemic, the elections will be conducted by all mail ballot. This means there will be no nominations from the floor as part of the usual caucus procedures.*

Please inform your Commission that the CALAFCO Election Committee is accepting nominations for the above-cited seats until *Tuesday, September 22, 2020 at 5:00 p.m.*

Incumbents are eligible to run for another term. Nominations received by September 22 will be included in the Election Committee’s Report and will be on the ballot. The Report will be distributed to LAFCo members no later than October 7, 2020 and ballots made available to Voting Delegates at the Annual Conference. Nominations received after this date will be returned; however, nominations will be permitted from the floor during the Regional Caucuses or during at-large elections, if required, at the Annual Membership Meeting.

For those member LAFCos who cannot send a representative to the Annual Meeting an electronic ballot will be made available if requested in advance. **The ballot request must be made no later than Tuesday, September 22, 2020. Completed absentee ballots must be returned by 8:00 a.m., Monday, October 19, 2020.**

Should your Commission nominate a candidate, the Chair of your Commission must complete the attached Nomination Form and the Candidate’s Resume Form or provide the specified information in another format other than a resume. Commissions may also include a letter of recommendation or resolution in support of their nominee.

The nomination forms and materials must be received by the CALAFCO Executive Director no later than Tuesday, September 22, 2020 at 5:00 p.m. Here is a summary of the deadlines for this year's nomination process:

- **June 23** – Nomination Announcement and packet sent to LAFCo membership and posted on the CALAFCO website.
- **September 22** – Completed Nomination packet due
- **September 22** – Request for an absentee/electronic ballot due
- **September 22** – Voting delegate name due to CALAFCO
- **October 7** – Distribution of the Election Committee Report (includes all completed/submitted nomination papers)
- **October 7** – Distribution of requested absentee/electronic ballots.
- **October 19** – Absentee ballots due to CALAFCO
- **October 22** - Elections

Returning the nomination form prior to the deadline ensures your nominee is placed on the ballot. Names will be listed in the order nominations were received should there be multiple candidates. Electronic filing of nomination forms and materials is encouraged to facilitate the recruitment process. Please send e-mails with forms and materials to info@calafco.org. Alternatively, nomination forms and materials can be mailed or faxed to the address or fax number below. Please forward nominations to:

CALAFCO Election Committee c/o Executive Director
California Association of Local Agency Formation Commissions
1020 12th Street, Suite 222
Sacramento, California 95814
FAX: 916-442-6535
EMAIL: info@calafco.org

Questions about the election process can be sent to the Chair of the Committee, Shiva Frentzen, at sfrentzen@calafco.org or by calling her at 530-621-5390. You may also contact CALAFCO Executive Director Pamela Miller at pmiller@calafco.org or by calling 916-442-6536.

Members of the 2020/2021 CALAFCO Election Committee are:

Shiva Frentzen, Chair sfrentzen@calafco.org	El Dorado LAFCo (Central Region) 530-621-5390
David Couch dcouch@cityofarcata.org	Humboldt LAFCo (Northern Region) 530-242-1112
Jo MacKenzie jmackenzie@calafco.org	San Diego LAFCo (Southern Region) 858-614-7755
Tom Murray tmurray@calafco.org	San Luis Obispo LAFCo (Coastal Region) 805-781-5795

Attached please find a copy of the CALAFCO Board of Directors Nomination and Election Procedures as well as the current listing of Board Members and corresponding terms of office.

Please consider joining us!

Enclosures



Board of Directors Nomination and Election Procedures and Forms

The procedures for nominations and election of the CALAFCO Board of Directors [Board] are designed to assure full, fair and open consideration of all candidates, provide confidential balloting for contested positions and avoid excessive demands on the time of those participating in the CALAFCO Annual Conference.

The Board nomination and election procedures shall be:

1. APPOINTMENT OF AN ELECTION COMMITTEE:

- a. Following the Annual Membership Meeting the Board shall appoint an Election Committee of four members of the Board. The Election Committee shall consist of one member from each region whose term is not ending.⁸
- b. The Board shall appoint one of the members of the Election Committee to serve as Chairman. The CALAFCO Executive Officer shall appoint a CALAFCO staff member to serve as staff for the Election Committee in cooperation with the CALAFCO Executive Director.⁸
- c. Each region shall designate a regional representative to serve as staff liaison to the Election Committee.⁸
- d. Goals of the Committee are to provide oversight of the elections process and to encourage and solicit candidates by region who represent member LAFCoS across the spectrum of geography, size, and urban suburban and rural population if there is an open seat for which no nominations papers have been received close to the deadline.⁸

2. ANNOUNCEMENT TO ALL MEMBER LAFCoS:

- a. No later than three months prior to the Annual Membership Meeting, the Election Committee Chair shall send an announcement to each LAFCo for distribution to each commissioner and alternate. The announcement shall include the following:⁸
 - i. A statement clearly indicating which offices are subject to the election.
 - ii. A regional map including LAFCoS listed by region.
 - iii. The dates by which all nominations must be received by the Election Committee. The deadline shall be no later than 30 days prior to the opening of the Annual Conference. Nominations received after the closing date shall be returned to the proposing LAFCo marked "Received too late for Elections Committee action."⁸
 - iv. The names of the Election Committee members with the Committee Chairman's LAFCo address and phone number, and the names and contact information for each of the regional representatives.⁸
 - v. The address to send the nominations forms.
 - vi. A form for a Commission to use to nominate a candidate and a candidate resume form of no more than one page each to be completed for each nominee.
- b. No later than four months before the annual membership meeting, the Election Committee Chairman shall send an announcement to the Executive Director for distribution to each member LAFCo and for publication in the newsletter and on the web site. The announcement shall include the following:⁸

Key Timeframes for Nominations Process

<u>Days*</u>	
90	Nomination announcement
30	Nomination deadline
14	Committee report released

*Days prior to annual membership meeting

- i. A statement clearly indicating which offices are subject to the election.
 - ii. The specific date by which all nominations must be received by the Election Committee. Nominations received after the closing dates shall be returned to the proposing LAFCo marked "Received too late for Election Committee action."⁸
 - iii. The names of the Election Committee members with the Committee Chair's LAFCo address and phone number, and the names and contact information for each of the regional representatives.⁸
 - iv. Requirement that nominated individual must be a commissioner or alternate commissioner from a member in good standing within the region.
- c. A copy of these procedures shall be posted on the web site.

3. THE ELECTION COMMITTEE:

- a. The Election Committee and the regional representatives have the responsibility to monitor nominations and help assure that there are adequate nominations from each region for each seat up for election. No later than two weeks prior to the Annual Conference, the Election Committee Chair shall distribute to the members the Committee Report organized by regions, including copies of all nominations and resumes, which are received prior to the end of the nomination period.⁸
- b. At the close of the nominations the Election Committee shall prepare regional ballots. Each region will receive a ballot specific to that region. Each region shall conduct a caucus at the Annual Conference for the purpose of electing their designated seats. Caucus elections must be held prior to the annual membership meeting at the conference. The Executive Director or assigned staff along with a member of the Election Committee shall tally ballots at each caucus and provide the Election Committee the names of the elected Board members and any open seats. In the event of a tie, the staff and Election Committee member shall immediately conduct a run-off ballot of the tied candidates.⁸
- c. Make available sufficient copies of the Committee Report for each Voting Delegate by the beginning of the Annual Conference.
- d. Make available blank copies of the nomination forms and resume forms to accommodate nominations from the floor at either the caucuses or the annual meeting (if an at-large election is required).
- e. Advise the Executive Director to provide "CANDIDATE" ribbons to all candidates attending the Annual Conference.⁸
- f. Post the candidate statements/resumes organized by region on a bulletin board near the registration desk.
- g. Regional elections shall be conducted as described in Section 4 below. The representative from the Election Committee shall serve as the Presiding Officer for the purpose of the caucus election.⁸
- h. Following the regional elections, in the event that there are open seats for any offices subject to the election, the Election Committee Chair shall notify the Chair of the Board of Directors that an at-large election will be required at the annual membership meeting and to provide a list of the number and category of seats requiring an at-large election.⁸

4. ELECTRONIC BALLOT FOR LAFCO IN GOOD STANDING NOT ATTENDING ANNUAL MEETING⁶

Limited to the elections of the Board of Directors

- a. Any LAFCo in good standing shall have the option to request an electronic ballot if there will be no representative attending the annual meeting.
- b. LAFCos requesting an electronic ballot shall do so in writing no later than 30 days prior to the annual meeting.
- c. The Executive Director shall distribute the electronic ballot no later than two weeks prior to the annual meeting.
- d. LAFCo must return the ballot electronically to the executive director no later than three days prior to the annual meeting.
- e. LAFCos voting under this provision may discard their electronic ballot if a representative is able to attend the annual meeting.
- f. LAFCos voting under this provision may only vote for the candidates nominated by the Election Committee and may not vote in any run-off elections.⁸

5. AT THE TIME FOR ELECTIONS DURING THE REGIONAL CAUCUSES OR ANNUAL MEMBERSHIP MEETING:

- a. The Election Committee Chairman, another member of the Election Committee or the Chair's designee (hereafter called the Presiding Officer) shall:⁸
 - i. Review the election procedure with the membership.
 - ii. Present the Election Committee Report (previously distributed).
 - iii. Call for nominations from the floor by category for those seats subject to this election:
 1. For city member.
 2. For county member.
 3. For public member.
 4. For special district member.
- b. To make a nomination from the floor, a LAFCo, which is in good standing, shall identify itself and then name the category of vacancy and individual being nominated. The nominator may make a presentation not to exceed two minutes in support of the nomination.
- c. When there are no further nominations for a category, the Presiding Officer shall close the nominations for that category.
- d. The Presiding Officer shall conduct a "Candidates Forum". Each candidate shall be given time to make a brief statement for their candidacy.
- e. The Presiding Officer shall then conduct the election:
 - i. For categories where there are the same number of candidates as vacancies, the Presiding Officer shall:
 1. Name the nominees and offices for which they are nominated.
 2. Call for a voice vote on all nominees and thereafter declare those unopposed candidates duly elected.

- ii. For categories where there are more candidates than vacancies, the Presiding Officer shall:
 1. Poll the LAFCoS in good standing by written ballot.
 2. Each LAFCo in good standing may cast its vote for as many nominees as there are vacancies to be filled. The vote shall be recorded on a tally sheet.
 3. Any ballots submitted electronically for candidates included in the Election Committee Report shall be added to the tally.⁸
 4. With assistance from CALAFCO staff, tally the votes cast and announce the results.
- iii. Election to the Board shall occur as follows:
 1. The nominee receiving the majority⁶ of votes cast is elected.
 2. In the case of no majority, the two nominees receiving the two highest number of votes cast shall face each other in a run-off election. Electronic ballots are not included in the tally for any run-off election(s).⁶
 3. In case of tie votes⁶:
 - a. A second run-off election shall be held with the same two nominees.
 - b. If there remains a tie after the second run-off, the winner shall be determined by a draw of lots.
 4. In the case of two vacancies, any candidate receiving a majority of votes cast is elected.⁶
 - a. In the case of no majority for either vacancy, the three nominees receiving the three highest number of votes cast shall face each other in a run-off election.
 - b. In the case of no majority for one vacancy, the two nominees receiving the second and third highest number of votes cast shall face each other in a run-off election.
 - c. In the event of a tie, a second run-off election shall be held with the tied nominees. If there remains a tie after the second run-off election the winner shall be determined by a draw of lots.

6. ADDITIONAL PROCEDURES

- a. For categories where there are more candidates than vacancies, names will be listed in the order nominated.
- b. The Election Committee Chair shall announce and introduce all Board Members elected at the Regional Caucuses at the annual business meeting.⁸
- c. In the event that Board seats remain unfilled after a Regional Caucus, an election will be held immediately at the annual business meeting to fill the position at-large. Nominations will be taken from the floor and the election process will follow the procedures described in Section 4 above. Any commissioner or alternate from a member LAFCo may be nominated for at-large seats.
- d. Seats elected at-large become subject to regional election at the expiration of the term. Only representatives from the region may be nominated for the seat.
- e. As required by the Bylaws, the members of the Board shall meet as soon as possible after

election of new board members for the purpose of electing officers, determining meeting places and times for the coming year, and conducting any other necessary business.

7. LOSS OF ELECTION IN HOME LAFCO

Board Members and candidates who lose elections in their home office shall notify the Executive Director within 15 days of the certification of the election.

8. FILLING BOARD VACANCIES

Vacancies on the Board of Directors may be filled by appointment by the Board for the balance of the unexpired term. Appointees must be from the same category as the vacancy, and should be from the same region.

These policies and procedures were adopted by the CALAFCO Board of Directors on 12 January 2007 and amended on 9 November 2007¹, 8 February 2008², 13 February 2009³, 12 February 2010⁴, 18 February 2011⁵, 29 April 2011⁶, 11 July 2014⁷ and 27 October 2017⁸. They supersede all previous versions of the policies.

CALAFCO Regions

FOUR REGIONS



The counties in each of the four regions consist of the following:

Northern Region

Butte
Colusa
Del Norte
Glenn
Humboldt
Lake
Lassen
Mendocino
Modoc
Nevada
Plumas
Shasta
Sierra
Siskiyou
Sutter
Tehama
Trinity
Yuba

CONTACT: Steve Lucas
Butte LAFCo
slucas@buttecounty.net

Southern Region

Orange
Los Angeles
Imperial
Riverside
San Bernardino
San Diego

CONTACT: Gary Thompson
Riverside LAFCo
gthompson@lafco.org

Coastal Region

Alameda
Contra Costa
Marin
Monterey
Napa
San Benito
San Francisco
San Luis Obispo
San Mateo
Santa Barbara
Santa Clara
Santa Cruz
Solano
Sonoma
Ventura

CONTACT: Martha Poyatos
San Mateo LAFCo
mpoyatos@smcgov.org

Central Region

Alpine
Amador
Calaveras
El Dorado
Fresno
Inyo
Kern
Kings
Madera
Mariposa
Merced
Mono
Placer
Sacramento
San Joaquin
Stanislaus
Tulare
Tuolumne
Yolo

CONTACT: Christine Crawford, Yolo LAFCo
christine.crawford@yolocounty.org

Board of Directors 2020/2021 Nominations Form

Nomination to the CALAFCO Board of Directors

In accordance with the Nominations and Election Procedures of CALAFCO,

_____ LAFCo of the _____ Region

Nominates _____

for the (check one) City County Special District Public

Position on the CALAFCO Board of Directors to be filled by election at the next Annual Membership Meeting of the Association.

_____ LAFCo Chair

_____ Date

NOTICE OF DEADLINE

Nominations must be received by **September 22, 2020** at 5:00 p.m. to be considered by the Election Committee. Send completed nominations to:
CALAFCO Election Committee
CALAFCO
1020 12th Street, Suite 222
Sacramento, CA 95814

Date Received



Board of Directors 2020/2021 Candidate Resume Form

Nominated By: _____ LAFCo Date: _____

Region (please check one): Northern Coastal Central Southern

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

Candidate Name _____

Address _____

Phone Office _____ Mobile _____

e-mail _____

Personal and Professional Background:

LAFCo Experience:

CALAFCO or State-level Experience:

Availability:

Other Related Activities and Comments:

NOTICE OF DEADLINE

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CALAFCO Election Committee
CALAFCO
1020 12th Street, Suite 222
Sacramento, CA 95814