



Local Agency Formation Commission of Napa County

Subdivision of the State of California

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

■ Margie Mohler, Chair ■ Diane Dillon, Vice Chair ■ Mariam Aboudamous ■ Brad Wagenknecht ■ Vacant
■ Ryan Gregory, Alternate ■ Eve Kahn, Alternate ■ Beth Painter, Alternate

Administrative Office

1030 Seminary Street, B
Napa, California 94559
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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, April 5, 2021, 2:00 PM

This meeting will be conducted by teleconference. Written public comments may be submitted PRIOR to the meeting by 10:00 A.M. on April 5, 2021. Public comments DURING the meeting: See "COVID-19 – Notice of Meeting Procedures" on page 3 of the agenda.

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

<https://countyofnapa.zoom.us/j/81400545275>

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

Dial: (669) 900-6833

Follow the prompts: Meeting ID: 81400545275#

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

4. PUBLIC COMMENTS

The public is encouraged to address the Commission concerning any matter not on the Agenda. The Commission is prohibited from discussing or taking action on any item not appearing on the posted Agenda. See "COVID-19 – Notice of Meeting Procedures" on page 3 of the agenda to submit comments.

5. CONSENT ITEMS

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

- a) **Approval of Meeting Minutes:** February 1, 2021 Regular Meeting
- b) **Proposed Amendment to Policy on Social Media Use**
- c) **Proposed Amendment to Policy on Executive Officer Performance Review**
- d) **Current and Future Proposals**
- e) **CALAFCO Reports**
- f) **Chair Rotation**

6. PUBLIC HEARING ITEMS

Any member of the public may address the Commission with respect to a scheduled public hearing item.
See Coronavirus (COVID-19) – Notice of Meeting Procedure on page 3 of the agenda to submit comments.

a) Appointment of Public Member (Approx. 30 Minutes)

The city and county members of the Commission will consider making an appointment to fill the remainder of an unexpired term for the Public Member position with a term that expires on May 2, 2022. Six candidates have applied: Bruce Bardesson; Tom Gamble; Eve Kahn; Kenneth Leary; Nick Van Male; and Alton Weeks.

b) Proposed Budget for Fiscal Year 2021-2022 and Draft Amendment to the Schedule of Fees and Deposits (Approx. 10 Minutes)

The Commission will consider adopting a resolution to approve a proposed budget for fiscal year 2021-2022. Proposed operating expenses total \$553,916 and proposed operating revenues total \$540,270 with the remaining shortfall of \$13,646 to be covered by drawing from reserves. The Commission will also discuss a draft amendment to its Schedule of Fees and Deposits. The recommended actions are for the Commission to adopt the proposed budget by resolution, circulate the proposed budget for public review and comment, and circulate the draft amendment to the Schedule of Fees and Deposits for public review and comment.

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 “COVID-19 – Notice of Meeting Procedures” on page 3 of the agenda to submit comments.

a) Montalcino Resort No. 2 Annexation to the Napa Sanitation District and Associated CEQA Findings (Approx. 10 Minutes)

The Commission will consider approving a proposal submitted by resolution of application for the annexation of three unincorporated parcels totaling approximately 36.0 acres in size to the Napa Sanitation District (NSD). The affected territory is located in the Napa Valley Business Park with no current situs address, and identified by the County Assessor as 057-020-006, 057-020-017, and 057-020-018. The annexation is intended to facilitate the planned Montalcino Resort project. The County of Napa, as Lead Agency pursuant to CEQA, previously certified an Environmental Impact Report (EIR) and a Subsequent EIR addressing the environmental impacts associated with the Montalcino Resort project, including annexation to NSD. The recommended action is for the Commission to adopt a resolution approving the proposal with standard terms and conditions and making CEQA findings.

b) Legislative Report (Approx. 15 Minutes)

The Commission will receive a report on legislative items directly or indirectly affecting LAFCOs. The recommended actions are for the Commission to do the following: (1) Authorize the Executive Officer to submit a letter to the Legislature in support of Assembly Bill (AB) 1581; (2) Authorize the Executive Officer to submit a letter to the Legislature in support of AB 959; (3) Direct the Executive Officer to watch AB 1250, Senate Bill (SB) 273, and SB 403, and return with updates as appropriate at future Commission meetings; (4) Discuss SB 13 and the City of St. Helena’s proposed amendment, and consider submitting a formal position letter to the Legislature; and (5) Discuss San Diego LAFCO’s proposed amendment to Government Code (G.C.) §56133(e) and consider taking a position in concept.

c) Agreement for the Provision of Support Services (Approx. 10 Minutes)

The Commission will receive a report on the current status of the Commission’s Agreement for the Provision of Support Services (“the Agreement”) with the County of Napa, which was made effective July 1, 2003, and subsequently amended 10 times. The recommended action is for the Commission to provide formal direction to the Executive Officer with respect to pursuing any amendments to the Agreement with representatives of the County. It is also recommended the Commission consider establishing an ad hoc subcommittee with two appointed members to assist the Executive Officer in this process.

d) Appointment of Outreach Committee Member (Approx. 5 Minutes)

The Commission will consider appointing a member to fill a vacant seat on its ad hoc Outreach Committee.

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, June 7, 2021 at 2:00 P.M. The meeting will be conducted by teleconference due to COVID-19 in compliance with Executive Order N-29-20.

MEETING INFORMATION

COVID-19 – Notice of Meeting Procedures

TELECONFERENCE MEETING: In order to slow the spread of the Coronavirus (COVID-19) pandemic, the Commission will conduct this meeting as a teleconference in compliance with 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):
<https://countyofnapa.zoom.us/j/81400545275>

Join Teleconference Meeting by **Telephone**:

Dial: (669) 900-6833

Follow the prompts: Meeting ID: 81400545275#

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 **April 5, 2021 at 10:00 A.M.** by email to kmabry@napa.lafco.ca.gov or by mail to Napa LAFCO at 1030 Seminary Street, 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 **April 5, 2021 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).

When speaking during the meeting, please avoid the speakerphone function to prevent echoing.

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: April 5, 2021

SUBJECT: Approval of Meeting Minutes:
February 1, 2021 Regular Meeting

DISCUSSION AND RECOMMENDATION

The Commission will consider approving the draft meeting minutes prepared by staff for the February 1, 2021 Regular Meeting, included as Attachment One.

Staff recommends approval.

ATTACHMENT

- 1) Draft Minutes for February 1, 2021 Regular Meeting

Margie Mohler, Chair
Councilmember, Town of Yountville

Mariam Aboudamous, Commissioner
Councilmember, City of American Canyon

Beth Painter, Alternate Commissioner
Councilmember, City of Napa

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

Vacant
Representative of the General Public

Eve Kahn, Alternate Commissioner
Representative of the General Public

Brendon Freeman
Executive Officer



**LOCAL AGENCY FORMATION COMMISSION OF NAPA COUNTY
MEETING MINUTES OF FEBRUARY 1, 2021**

1. WELCOME AND CALL TO ORDER; ROLL CALL

Chair Mohler called the regular meeting of February 1, 2021 to order at 2:02 PM.

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

Regular Commissioners	Alternate Commissioners	Staff
Margie Mohler, Chair	Ryan Gregory (left at 3:30)	Brendon Freeman, Executive Officer
Diane Dillon, Vice Chair	Eve Kahn (*Voting)	DeeAnne Gillick, Commission Counsel
Brad Wagenknecht	Beth Painter	Dawn Mittleman Longoria, Analyst II
Mariam Aboudamous		Kathy Mabry, Secretary
<i>Vacant – *Public Member</i>		

2. PLEDGE OF ALLEGIANCE

Chair Mohler invited former Commissioner Scott Sedgley to recite the Pledge of Allegiance.

3. OATH OF OFFICE FOR NEW COMMISSIONERS

Commission Counsel administered Oaths of Office for new Commissioners Mariam Aboudamous (Regular City Member) and Beth Painter (Alternate City Member) separately.

Chair Mohler welcomed both Commissioners.

4. APPROVAL OF AGENDA

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

VOTE:

AYES: DILLON, WAGENKNECHT, ABOUDAMOUS, KAHN AND MOHLER

NOES: NONE

ABSENT: NONE

ABSTAIN: NONE

5. PUBLIC COMMENTS

Public comment was received from American Canyon resident, Kenneth Leary, who welcomed the new Commissioners to LAFCO. Mr. Leary also commented on the lack of 'island' information available and what annexation would mean for the public.

Staff noted there is a new page on LAFCO's website dedicated to Island Annexations, in addition to the Commission's new Outreach Committee, which is working on information for the public about unincorporated islands. Mr. Leary stated he would contact the Executive Officer and meet with him for further discussion on this topic.

6. RECOGNITION OF SERVICE: Scott Sedgley

Commissioner Sedgley resigned in January 2021 after winning the election for Mayor of the City of Napa. The Commission presented Mr. Sedgley with a plaque of appreciation, and Chair Mohler read a statement recognizing his service. Mr. Sedgley thanked the Commission for the plaque, and shared his appreciation for his time on LAFCO. Each Commissioner shared their personal thoughts and wished him well in the future as he serves the citizens of Napa.

7. CONSENT ITEMS

- a) **Approval of Meeting Minutes:** December 7, 2020 Regular Meeting
- b) **Amendment No. 3 to Legal Services Contract with Sloan Sakai Yeung & Wong LLP**
- c) **Authorize Use of Digital Signatures**

Note: Item #7a staff report was incorrectly labeled as item #5a, however, it should state #7a. Upon motion by Commissioner Wagenknecht and second by Commissioner Dillon, all consent items were approved:

VOTE:

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

8. INFORMATION ITEMS

- a) **Current and Future Proposals**
- b) **Second Quarter Budget Report for Fiscal Year 2020-2021**
- c) **CALAFCO Messaging Materials**
- d) **Executive Officer Report**

Receive and file. No action taken.

9. ACTION ITEMS

- a) **Magnolia Drive/State Highway 221 Annexation to the Napa Sanitation District and Associated CEQA Findings**

The Commission considered approving a proposal submitted by landowner petition for annexation of one incorporated parcel totaling approximately 23.1 acres in size to the Napa Sanitation District. The affected territory is located at 100 Magnolia Drive in the City of Napa and identified by the County Assessor as 046-450-054. The annexation will facilitate the planned Napa Valley College Student Housing Project for students and faculty.

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

Staff provided an overview of this item, noting there is a master tax sharing agreement, protest proceedings have been waived, and there is 100% landowner consent.

Commissioner Kahn commented that as a member of the Napa Housing Coalition, they are happy and eager to see this housing project move forward.

Chair Mohler opened the public hearing.

Public comments was received from Napa Valley College Representative/Civil Engineer, Christine Gerske, who stated the project is now in the design phase and construction will begin in the fall 2021.

Chair Mohler closed the public hearing.

Upon motion by Commissioner Kahn and second by Commissioner Dillon, the Commission unanimously adopted the resolution approving the annexation and making CEQA findings

(Resolution No. 2021-01):

VOTE:

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

9. ACTION ITEMS – continued:

b) Devlin Road No. 5 Annexation to the Napa Sanitation District and Associated CEQA Findings

The Commission considered approving a proposal submitted by resolution of application from the Napa Sanitation District for annexation of one unincorporated parcel and the adjacent portion of public right-of-way totaling approximately 24.3 acres in size.

The affected territory is located along Devlin Road, currently has no situs address, and is identified by the County Assessor as 057-020-025.

The annexation is intended to facilitate the planned Nova Business Park Subdivision, although there are currently no approved development plans involving the affected territory. The recommended action was for the Commission to adopt a resolution approving the proposal with standard terms and conditions and making CEQA findings.

Commissioner Painter recused herself from this item due to financial interests with Nova. Staff provided an overview of this item, noting there is a master tax sharing agreement, protest proceedings have been waived, and there is 100% landowner consent. In addition, any future development projects must comply with the conditions set forth in the Napa County Airport Industrial Area Specific Plan and Napa Valley Business Park Specific Plan. Chair Mohler opened the public hearing. No public comments were received.

Chair Mohler closed the public hearing.

Upon motion by Commissioner Wagenknecht and second by Commissioner Kahn, the Commission unanimously adopted the resolution approving the annexation and making CEQA findings (**Resolution No. 2021-02**):

VOTE:

AYES:	<u>WAGENKNECHT, KAHN, ABOUDAMOUS, DILLON AND MOHLER</u>
NOES:	<u>NONE</u>
ABSENT:	<u>NONE</u>
ABSTAIN:	<u>PAINTER</u>

c) Proposed Policy on Spheres of Influence

The Commission considered a draft *Policy on Spheres of Influence* prepared by a technical working group consisting of staff from the local municipalities. It was recommended the Commission adopt a resolution adopting the *Policy on Spheres of Influence* and concurrently delete Section III of the *General Policy Determinations*.

Staff provided an overview, background and summary of the third version of the proposed draft *Policy on Spheres of Influence* (SOI).

Chair Mohler opened the public hearing.

Commissioner Kahn commented that “underdeveloped” implies there needs to be development on the land, and cited several definitions of vacant land, i.e. previous building now torn down and/or buildings that were burned in a fire, and suggested LAFCO be careful about how it defines “vacant”, and also suggested taking out the word “underdeveloped” in the proposed policy.

Staff read a letter written by the Napa Valley Horsemen’s Association regarding their property on Foster Road and the City of Napa’s Sphere of Influence. Staff provided the Commission with a copy of the letter prior to the meeting.

See next page for public comments.

9. ACTION ITEMS – continued:

c) Proposed Policy on Spheres of Influence – continued:

Public comments were received from the following:

- David Morrison, Napa County Planning Director, told the Commission that the County could support the policy if it changes “natural working lands” to “ag and open space lands”. He also pointed out that “vacant” is defined, but “underdeveloped” land is not, and discussed specific criteria for determining SOI.
- Gary Orton, representing Napa County Progressive Alliance addressed the Commission about unincorporated islands, claiming the City of Napa snubbed the islands while LAFCO provided excellent information and meetings. LAFCO proposed a streamlined island annexation process and Progressive Alliance supported it. Mr. Orton suggested the SOI policy needs more tools for cities that have willfully ignored island annexation, and he suggested that LAFCO impose a moratorium on annexations until at least the two largest islands are annexed.
- Jeff Redding, representing the Napa Valley Horsemen’s Association thanked the Commission for reading the submitted letter. He stated that although the policies have the best of intentions, they have yet to be vetted in the public arena, and so it seems a bit immature to make changes without the public’s comments. On behalf of the Horsemen’s Association, he asked for this agenda item to be continued noting the City of Napa is updating its General Plan, and LAFCO’s MSR/SOI for Napa is coming, so wait to first gain insights into how Napa’s General Plan update may impact the Horsemen’s Association property and its desire to stay under County jurisdiction.
- Brent Cooper, City of American Canyon’s Community Development Director commented on how American Canyon and the County could bring a consensus plan for all annexations.
- Commissioner Dillon shared suggested edits, including keeping the definitions in the *General Policy Determination* for consistency and eliminate redundancy throughout policies.
- Commissioner Wagenknecht suggested incorporating the public comments in the policy.

Chair Mohler closed the public hearing.

Agenda item #9c was continued until the next meeting.

Due to numerous suggestions to revise some of the definitions in the proposed policy, the Commission recommended returning the draft to the Policy Committee (consisting of Commissioners Mohler and Wagenknecht) for further review, and directed staff send out a notice of public review and comment for a period of 60 days, then return with a revised draft *Policy on Spheres of Influence* to be presented at the June 7, 2021 meeting.

9. ACTION ITEMS – continued:

d) Strategic Plan and Work Program Progress Report

The Commission received a report on its *Strategic Plan 2018-2022* and *Work Program 2020-2021*. Staff recommends combining into one report the sphere of influence (SOI) updates for all of the special districts that were included in the *Napa Countywide Water and Wastewater Municipal Service Review*. The recommended action is for the Commission to provide direction to the Executive Officer with respect to: (1) the proposed combining of SOI updates or any other desired changes to current and future work activities; and (2) possible scheduling of a future strategic planning session.

Staff reviewed the strategic plan adopted for 2018-2022. A big piece of the plan focused on Napa LAFCO, as well as a review of current policies, work program, public outreach and vacancy on the Outreach Committee, a future Strategic Plan and more.

A current year plan for agency activities and a progress chart were included in the staff report. Staff noted that in December, the Commission directed staff to come back in April with an appointment for the Public Member position, followed by an appointment to the Outreach Committee.

Discussion was held regarding a current time extension for the City of St. Helena's Municipal Service Review (MSR) following their General Plan Update. Staff stated it would contact City staff to see if they are now ready to proceed with preparing the City's MSR.

The Commission agreed with staff's recommendation to combine into one report the sphere of influence (SOI) updates for all of the special districts included in the *Napa Countywide Water and Wastewater Municipal Service Review*.

Staff suggested the Commission establish an Ad Hoc committee for the next Strategic Plan, however, the Commissioner agreed to wait on strategic planning until the committee members are able to meet in person. No vote was taken.

e) Ratification of an Outside Sewer Service Agreement Involving the Napa Sanitation District and 1118 Wine Country Avenue and Associated CEQA Findings

The Commission ratified an outside service agreement (OSA) approved by the Executive Officer authorizing the Napa Sanitation District (NSD) to provide new public sewer service to an incorporated property located in the City of Napa at 1118 Wine Country Avenue (APN 035-511-014) to address a public health threat. The County of Napa's Environmental Health Division confirmed the sewage disposal system serving the property has failed and recommended the residence be connected to NSD's public sewer system as soon as possible. The outside service agreement is exempt from CEQA pursuant to Public Resources Code Section 21080(b)(4) and CEQA Guidelines Section 15282(k).

Staff provided an overview of this agenda item, noting a condition of an OSA is that the land owner must annex the property within one year, which satisfies the statutory requirement.

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

Chair Mohler closed the public hearing.

Upon motion by Commissioner Dillon and second by Commissioner Kahn, the Commission ratified the outside service agreement and adopted a resolution ratifying the Executive Officer's earlier approval of the OSA and making CEQA findings (**Resolution No. 2021-03**):

VOTE:

AYES:	<u>DILLON, KAHN, ABOUDAMOUS AND MOHLER</u>
NOES:	<u>NONE</u>
ABSENT:	<u>WAGENKNECHT</u>
ABSTAIN:	<u>NONE</u>

10. COMMISSIONER COMMENTS/REQUESTS FOR FUTURE AGENDA ITEMS

There was no discussion of this item.

11. ADJOURNMENT TO NEXT REGULAR SCHEDULED MEETING

The meeting was adjourned at 4:10 PM. The next regular LAFCO meeting is scheduled for Monday, April 5, 2021, at 2:00 PM. **It is anticipated the meeting will be conducted by teleconference due to COVID-19 in compliance with Executive Order N-29-20.**

Margie Mohler, LAFCO Chair

ATTEST:

Dawn Mittleman Longoria, Analyst II

Prepared by:

Kathy Mabry, Commission Secretary



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Agenda Item 5b (Consent/Action)

TO: Local Agency Formation Commission

PREPARED BY: Brendon Freeman, Executive Officer

MEETING DATE: April 5, 2021

SUBJECT: Proposed Amendment to Policy on Social Media Use

RECOMMENDATION

It is recommended the Commission adopt the Resolution of the Local Agency Formation Commission of Napa County Amending the *Policy on Social Media Use* (Attachment One).

SUMMARY

The Commission's adopted Strategic Plan includes a schedule for the Commission's Policy Committee (Mohler and Wagenknecht) to comprehensively review all local policies.

On March 10, 2021, the Policy Committee met and agreed to recommend an amendment to the Commission's *Policy on Social Media Use*.

The proposed amendment is included as part of the draft resolution (Attachment One). The proposed amendment showing tracked changes is included as Attachments Two.

The proposed amendment is considered non-substantive and involves clarification of existing language, enhanced consistency of formatting, and adding hyperlinks to statutes.

ATTACHMENTS

- 1) Draft Resolution Amending the *Policy on Social Media Use*
- 2) Proposed Amendment to the *Policy on Social Media Use* (Tracked Changes)

Margie Mohler, Chair
Councilmember, Town of Yountville

Mariam Aboudamous, Commissioner
Councilmember, City of American Canyon

Beth Painter, Alternate Commissioner
Councilmember, City of Napa

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

Vacant
Representative of the General Public

Eve Kahn, Alternate Commissioner
Representative of the General Public

Brendon Freeman
Executive Officer

RESOLUTION NO. _____

**RESOLUTION OF
THE LOCAL AGENCY FORMATION COMMISSION OF NAPA COUNTY
AMENDING ITS POLICY ON SOCIAL MEDIA USE**

WHEREAS, on October 3, 2011, the Local Agency Formation Commission of Napa County (the “Commission”) adopted a *Policy on Social Media Use*;

WHEREAS, the Commission considered a proposed amendment to the *Policy on Social Media Use* at its regular meeting on April 5, 2021, and invited public comment at that meeting;

NOW, THEREFORE, BE IT RESOLVED that the Commission hereby amends the *Policy on Social Media Use* as attached hereto.

This Resolution shall take effect immediately.

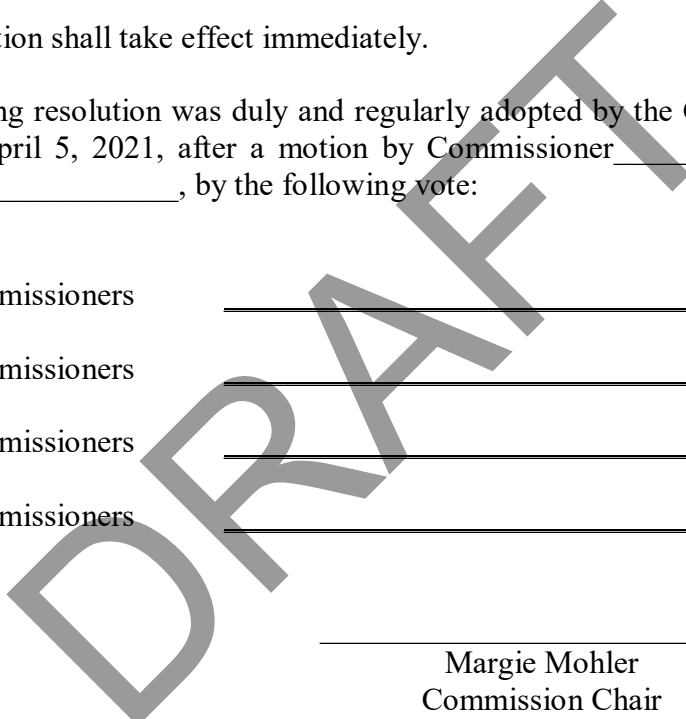
The foregoing resolution was duly and regularly adopted by the Commission at a public meeting held on April 5, 2021, after a motion by Commissioner _____, seconded by Commissioner _____, by the following vote:

AYES: Commissioners _____

NOES: Commissioners _____

ABSENT: Commissioners _____

ABSTAIN: Commissioners _____



Margie Mohler
Commission Chair

ATTEST: _____
Brendon Freeman
Executive Officer

Recorded by: Kathy Mabry
Commission Secretary



LOCAL AGENCY FORMATION COMMISSION OF NAPA COUNTY

Policy on Social Media Use

(Adopted: October 3, 2011; Last Amended: April 5, 2021)

I. Background

The Cortese-Knox-Hertzberg Local Government Reorganization (“CKH”) Act of 2000, pursuant to [California Government Code §56300](#), directs the Commission to exercise its regulatory and planning responsibilities consistent with its written policies and procedures. The Commission is also directed under subsection (f) to maintain an internet website to ensure pertinent agency information is readily available to the public; a provision intended to improve engagement with the public. Further, subsequent to CKH’s enactment in January 1, 2001, advances in internet-based programs have significantly expanded the type and scope of social media tools available in engaging the public. Several social media tools are now commonly used by public agencies to promote government information and services to a continually increasing audience.

II. Purpose

The purpose of this policy is to provide clear and concise direction to Commission staff regarding the appropriate use of authorized social media sites in disseminating information to, and engaging with, the public. This includes establishing standards and protocols in managing authorized social media sites to help ensure appropriate decorum is maintained in communicating with the public.

III. Policy Statement

The Commission shall use authorized social media sites to maintain and enhance effective communication with local agencies and the public. This policy shall be reviewed periodically to ensure consistency with industry practices.

IV. Administration

- A) The Executive Officer shall be responsible for maintaining user accounts and passwords for all social media sites authorized by the Commission for use by staff. The Executive Officer or designee will be responsible for posting, monitoring, and removing content consistent with this policy.
- B) This policy shall be implemented in conjunction with all related administrative policies adopted by the Commission or as applicable through the Commission’s contract with the County of Napa for staff support services. This includes, but is not limited to, complying with the County’s policies concerning the use of computers pursuant to [County Policy Manual Section 31A](#).

- C) The Commission shall exercise discretion in reconciling inconsistencies or conflicts between Commission and County policies as it relates to the use of social media sites.

V. Compatibility with Website

- A) The Commission's website (<https://napa.lafco.ca.gov>) shall continue to serve as the agency's primary and predominant internet presence. Towards this end, whenever possible, content posted on the Commission's social media sites will also be made available on the agency website.
- B) Content published by staff on the Commission's social media sites shall not be offered in lieu of information on the agency's website. The Commission's social media sites shall all contain hyperlinks to the agency's website.

VI. Posts

- A) Posts published by staff on the Commission's social media sites are not kept in the ordinary course of business of the Commission.
- B) Posts published by visitors on the Commission's social media sites are deemed transitory in nature and are not considered records of the Commission.

VII. Disclaimer Notice

- A) The Commission's social media sites shall include a disclaimer notice informing visitors that all postings must comply with content standards as they are outlined in Section VIII, Subsection C of this policy. This includes advising visitors that the Commission disclaims responsibility and liability for any materials the agency deems inappropriate for posting that cannot be removed in an expeditious and otherwise timely manner.

VIII. General Content Standards

- A) The Executive Officer or designee shall regularly monitor the Commission's social media sites to ensure content standards as established in this policy are maintained.
- B) The Commission's social media sites shall notify visitors that the intended purposes of the sites are to facilitate communication between the Commission and the public. Sites must provide clear statements of the discussion topics introduced for public comments so that the public is aware of the limited nature of the discussion and that inappropriate posts are subject to removal.

- C) The Executive Officer or designee shall remove any postings, comments, or other communications on its social media sites that are deemed inappropriate if any of the following forms of content are present:
- (1) Profane language or content;
 - (2) Content promoting, fostering, or perpetuating discrimination of protected classes under California Government Code §12940;
 - (3) Sexual content or hyperlinks to sexual content;
 - (4) Comments in support of or opposition to political campaigns or ballot measures;
 - (5) Solicitations of commerce;
 - (6) Conduct or encouragement of illegal activity;
 - (7) Information that may compromise the safety or security of the public or public infrastructure; and
 - (8) Content violating a legal ownership interest of any other party.

IX. Authorized Social Media Sites

- A) The social media sites authorized by the Commission for use by staff are identified by their short-term designation below and corresponding address.
- (1) Facebook / <http://facebook.com>
 - (2) Twitter / <http://twitter.com>

X. Specific Standards and Protocols for Authorized Social Media Sites

A) Facebook

- (1) The Executive Officer shall hold and maintain the Commission's Facebook account. Account information, including the password, will be kept by the Executive Officer and registered to his or her work e-mail address.
- (2) The Commission will have only one Facebook account, but may have more than one Facebook page under that account.
- (3) Postings and comments will not be added to the Commission's Facebook page(s) without the approval of the Executive Officer or designee.
- (4) The Commission's Facebook page(s) will be described as "government" and depict the agency's adopted logo and mission statement in the introduction box. The following description will be included on each Facebook page:

"This is an official Facebook page of LAFCO of Napa County. More information about LAFCO is available on our agency's website, <https://napa.lafco.ca.gov>. This page is intended to facilitate broad and enhanced communication between LAFCO and the public."

- (5) The Executive Officer will determine when to turn on the comment option on the Facebook page(s). If comments are allowed, the Facebook page shall include the following disclaimer on content:

“Comments posted to this page will be monitored, and inappropriate content will be removed, as soon as possible consistent with the agency’s Policy on Social Media Use available on LAFCO’s website at: https://www.napa.lafco.ca.gov/uploads/documents/SocialMediaPolicy_10-3-11.pdf. LAFCO disclaims responsibility and liability for any inappropriate postings that cannot be removed in an expeditious and otherwise timely manner.”

- (6) The Executive Officer or designee shall monitor comments on the Facebook page(s) no less than once a week. If monitoring is not available, the Executive Officer or designee shall turn off the comment option.
- (7) The Executive Officer or designee may add photographs or videos to the Facebook page(s). However, all postings of photographs or videos of the public must be accompanied by written waivers of the affected individuals.
- (8) Visitors to the Facebook page(s) shall not be allowed to post photographs, videos, or hyperlinks. Notification will be provided through a disclaimer.

B) Twitter

- (1) The Executive Officer shall hold and maintain the Commission’s Twitter account. Account information, including the password, will be kept by the Executive Officer and registered to his or her work e-mail address.
- (2) The Commission will have only one Twitter account.
- (3) Postings and retweets will not be added to the Commission’s Twitter page without the approval of the Executive Officer or designee.
- (4) The Commission’s biography summary on its Twitter page will include a hyperlink to the agency’s website along with the following disclaimer:

“This is an official Twitter page of LAFCO of Napa County. More information about LAFCO is available on our agency’s website, <https://napa.lafco.ca.gov>. This page is intended to facilitate specific and enhanced communication between LAFCO and the public.”

- (5) Postings and retweets shall be relevant, timely, and informative. Postings shall also remain professional and incorporate proper grammar and avoid the use of jargon or abbreviations.



LOCAL AGENCY FORMATION COMMISSION OF NAPA COUNTY

Policy on Social Media Use

(Adopted: October 3, 2011; Proposed Amendment: April 5, 2021)

I. Background

The Cortese-Knox-Hertzberg Local Government Reorganization (“CKH”) Act of 2000, pursuant to California Government Code Section §56300, directs the Commission to exercise its regulatory and planning responsibilities consistent with its written policies and procedures. The Commission is also directed under subsection (f) to maintain an internet website to ensure pertinent agency information is readily available to the public; a provision consistent with a key premise underlying CKH for commissions intended to improve engagement with citizens in their respective jurisdictions the public. Further, subsequent to CKH’s enactment in January 1, 2001, advances in internet-based programs have significantly expanded the type and scope of social media tools available in engaging the public. Several of the new social media tools or sites are now commonly used by public agencies to promote government information and services to a continually increasing audience.

II. Purpose

The purpose of this policy is to provide clear and concise direction to Commission staff regarding the appropriate use of authorized social media sites in disseminating information to and engaging with the public. This includes establishing standards and protocols in managing authorized social media sites to help ensure appropriate decorum is continuously maintained in communicating with the public.

III. Policy Statement

The Commission shall use authorized social media sites to maintain and enhance effective communication with Napa County local agencies and all members of the public. This policy shall be reviewed on a regular basis periodically to ensure consistency with industry practices.

IV. Administration

- A) The Executive Officer shall be responsible for maintaining user accounts and passwords for all social media sites authorized by the Commission for use by staff. The Executive Officer or designee will be responsible for posting, monitoring, and removing content consistent with this policy.
- B) This policy shall be implemented in conjunction with all related administrative policies adopted by the Commission or as applicable through the Commission’s contract with the County of Napa for staff support services. This includes, but is not limited to, complying with the County’s policies concerning the use of computers pursuant to County Policy Manual Section 31A.

- C) The Commission shall exercise discretion in reconciling inconsistencies or conflicts between Commission and County policies as it relates to the use of social media sites.

V. Compatibility with Website

- A) The Commission's website (<https://napa.lafco.ca.gov>) shall continue to serve as the agency's primary and predominant internet presence. Towards this end, whenever possible, content posted on the Commission's social media sites will also be made available on the agency website.
- B) Content published by staff on the Commission's social media sites shall not be offered in lieu of information on the agency's website. The Commission's social media sites shall all contain hyperlinks to the agency's website.

VI. ~~Posts~~Records Retention

- A) Posts published by staff on the Commission's social media sites ~~are not kept in the ordinary course of business of the Commission, will be archived and managed in accordance with the agency's Policy.~~
- B) Posts published by visitors on the Commission's social media sites are deemed transitory in nature and are not considered records ~~of the Commission under CKH.~~

VII. Disclaimer Notice

- A) The Commission's social media sites shall ~~all~~ include a disclaimer notice informing visitors that all postings must comply with content standards as they are outlined in Section VIII, ~~Subsection -C~~ of this policy. This includes ~~s~~ advising visitors that the Commission disclaims responsibility and liability for any materials the agency deems inappropriate for posting that cannot be removed in an expeditious and otherwise timely manner.

VIII. General Content Standards

- A) The Executive Officer or designee shall regularly monitor the Commission's social media sites to ensure content standards as established in this policy are ~~continually~~ maintained.
- B) The Commission's social media sites shall notify visitors that the intended purposes of the sites are to facilitate communication between the Commission and the public. Sites must provide clear statements of the discussion topics introduced for public comments so that the public is aware of the limited nature of the discussion and that inappropriate posts are subject to removal.

- C) The Executive Officer or designee shall remove any postings, comments, or other communications on its social media sites that are deemed inappropriate if any of the following forms of content are present:
- (1) Profane language or content;
 - (2) Content promoting, fostering, or perpetuating discrimination of ~~in the basis of race, creed, color, age, religion, gender, sexual orientation, marital status, status with regard to public assistance, national origin, genetic information, or physical or mental disability;~~ protected classes under California Government Code §12940;
 - (3) Sexual content or hyperlinks to sexual content;
 - (4) Comments in support of or opposition to political campaigns or ballot measures;
 - (5) Solicitations of commerce;
 - (6) Conduct or encouragement of illegal activity;
 - (7) Information that may compromise the safety or security of the public or public infrastructure; and
 - (8) Content violating a legal ownership interest of any other party.

IX. Authorized Social Media Sites

- A) The social media sites authorized by the Commission for use by staff are identified by their short-term designation below and corresponding address.
- (1) Facebook / <http://facebook.com>
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X. Specific Standards and Protocols for Authorized Social Media Sites

A) Facebook

- (1) The Executive Officer shall hold and maintain the Commission's Facebook account. Account information, including the password, will be kept by the Executive Officer and registered to his or her work e-mail address.
- (2) The Commission will have only one Facebook account, but may have more than one Facebook page under that account.
- (3) Postings and ~~all related applications, including "likes,"~~ comments will not be added to the Commission's Facebook page(s) without the approval of the Executive Officer or designee.
- (4) The Commission's Facebook page(s) will be described as "government" and depict the agency's adopted logo and mission statement in the introduction box. The following description will be included on each Facebook page:

“This is an official Facebook page of LAFCO of Napa County. More information about LAFCO is available on our agency’s website, <https://napa.lafco.ca.gov>. This page is intended to facilitate broad and enhanced communication between LAFCO and the public ~~and compliment and direct visitors to the agency website.~~”

- (5) The Executive Officer will determine when to turn on the comment option on the Facebook page(s). If comments are allowed, the Facebook page(s) shall include the following disclaimer on content:

“Comments posted to this page will be monitored, and inappropriate content will be removed, as soon as possible consistent with the agency’s Policy on Social Media Use available on LAFCO’s website at: https://www.napa.lafco.ca.gov/uploads/documents/SocialMediaPolicy_10-3-11.pdf ~~[hyperlink to view policy included]~~. LAFCO disclaims responsibility and liability for any inappropriate postings that cannot be removed in an expeditious and otherwise timely manner.”

- (6) The Executive Officer or designee shall monitor comments on the Facebook page(s) no less than once a week. If monitoring is not available, the Executive Officer or designee shall turn off the comment option.
- (7) The Executive Officer or designee may add photographs or videos to the Facebook page(s). However, all postings of photographs or videos of the public must be accompanied by written waivers of the affected individuals.
- (8) Visitors to the Facebook page(s) shall not be allowed to post photographs, videos, or hyperlinks. Notification will be provided through a disclaimer.

B) Twitter

- (1) The Executive Officer shall hold and maintain the Commission’s Twitter account. Account information, including the password, will be kept by the Executive Officer and registered to his or her work e-mail address.
- (2) The Commission will have only one Twitter account.
- (3) Postings and retweets will not be added to the Commission’s Twitter page without the approval of the Executive Officer or designee.
- (4) The Commission’s biography summary on its Twitter page will include a hyperlink to the agency’s website along with the following disclaimer:

“This is an official Twitter page of LAFCO of Napa County. More information about LAFCO is available on our agency’s website, <https://napa.lafco.ca.gov>. This page is intended to facilitate specific and

enhanced communication between LAFCO and the public ~~by immediately disseminating interesting and important information.~~”

- (5) Postings and retweets shall be relevant, timely, and informative. Postings shall also remain professional and incorporate proper grammar and avoid the use of jargon or abbreviations.



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 5c (Consent/Action)

TO: Local Agency Formation Commission

PREPARED BY: Brendon Freeman, Executive Officer

MEETING DATE: April 5, 2021

SUBJECT: Proposed Amendment to Policy on Executive Officer Performance Review

RECOMMENDATION

It is recommended the Commission adopt the Resolution of the Local Agency Formation Commission of Napa County Amending the *Policy on Executive Officer Performance Review* (Attachment One).

SUMMARY

The Commission's adopted Strategic Plan includes a schedule for the Commission's Policy Committee (Mohler and Wagenknecht) to comprehensively review all local policies.

On March 10, 2021, the Policy Committee met and agreed to recommend an amendment to the Commission's *Policy on Executive Officer Performance Review*.

The proposed amendment is included as part of the draft resolution (Attachment One). The proposed amendment showing tracked changes is included as Attachments Two.

The proposed amendment is considered non-substantive and involves clarification of existing language, enhanced consistency of formatting, and adding hyperlinks to statutes.

ATTACHMENTS

- 1) Draft Resolution Amending the *Policy on Executive Officer Performance Review*
- 2) Proposed Amendment to the *Policy on Executive Officer Performance Review* (Tracked Changes)

Margie Mohler, Chair
Councilmember, Town of Yountville

Mariam Aboudamous, Commissioner
Councilmember, City of American Canyon

Beth Painter, Alternate Commissioner
Councilmember, City of Napa

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

Vacant
Representative of the General Public

Eve Kahn, Alternate Commissioner
Representative of the General Public

Brendon Freeman
Executive Officer

RESOLUTION NO. _____

**RESOLUTION OF
THE LOCAL AGENCY FORMATION COMMISSION OF NAPA COUNTY
AMENDING ITS POLICY ON EXECUTIVE OFFICER PERFORMANCE REVIEW**

WHEREAS, on April 11, 2001, the Local Agency Formation Commission of Napa County (the “Commission”) adopted a *Policy on Executive Officer Performance Review*;

WHEREAS, the Commission considered a proposed amendment to the *Policy on Executive Officer Performance Review* at its regular meeting on April 5, 2021, and invited public comment at that meeting;

NOW, THEREFORE, BE IT RESOLVED that the Commission hereby amends the *Policy on Executive Officer Performance Review* as attached hereto.

This Resolution shall take effect immediately.

The foregoing resolution was duly and regularly adopted by the Commission at a public meeting held on April 5, 2021, after a motion by Commissioner _____, seconded by Commissioner _____, by the following vote:

AYES: Commissioners _____

NOES: Commissioners _____

ABSENT: Commissioners _____

ABSTAIN: Commissioners _____

Margie Mohler
Commission Chair

ATTEST: _____
Brendon Freeman
Executive Officer

Recorded by: Kathy Mabry
Commission Secretary



LOCAL AGENCY FORMATION COMMISSION OF NAPA COUNTY

Policy on Executive Officer Performance Review

(Adopted: April 11, 2001; Last Amended: April 5, 2021)

I. Background

Recognizing that the intent of the Cortese-Knox-Hertzberg Local Government Reorganization Act is that the Commission should function independent of any local agency, the policy of the Commission is that, pursuant to [California Government Code §56384](#), it shall appoint an Executive Officer who serves at-the-will of the Commission.

II. Purpose

The purpose of this policy is to provide clear and concise direction to the Commission regarding the timing and process for performance reviews of the Executive Officer.

II. Procedures

The Executive Officer shall be subject to regular performance review by the Commission in closed session. Alternate Commissioners may not participate in a closed session performance review of the Executive Officer unless they are filling in for an absent regular Commissioner. With respect to this performance review, the policy of the Commission is:

- A. The first performance review of the Executive Officer shall occur approximately six months following the date of hire. The second performance review shall occur approximately twelve months following the date of hire. Thereafter performance reviews shall occur annually.
- B. The process for these performance reviews shall be:
 - 1) At least three weeks prior to the meeting at which the review is to take place, the Executive Officer shall send to each Commissioner, including Alternate Commissioners, a letter of self-evaluation. The Executive Officer or Commission Counsel will provide a performance review form or survey following review by the Commission Chair.
 - 2) At least one week prior to the review, each Commissioner and Alternate Commissioner is strongly encouraged to send a completed form or survey to the Commission Chair or the Chair's designee who should be someone other than the Executive Officer.
 - 3) The Chair or Chair's designee shall tabulate and summarize the forms or surveys and present this information to the Commission and the Executive Officer during the performance review.

- C. At the completion of the performance review, the Commission will consider any appropriate action with respect to the compensation of the Executive Officer.
- D. The Commission or the Executive Officer may request the use of an outside facilitator to assist in the evaluation process. The Chair shall appoint the facilitator in consultation with the Executive Officer. Should the cost of the facilitator's services exceed the Executive Officer delegated purchasing authority, the cost will be subject to a vote of the Commission at either a regular or special meeting and the facilitator may not commence services until budget authority has been obtained.

DRAFT



LOCAL AGENCY FORMATION COMMISSION OF NAPA COUNTY

Policy on Executive Officer Performance Review

(Adopted: April 11, 2001; ~~Last Amended~~ Proposed Amendment: ~~October 6, 2014~~ April 5, 2021)

I. Background

Recognizing that the intent of the Cortese-Knox-Hertzberg Local Government Reorganization Act is that the Commission should function independent of any local agency, the policy of the Commission is that, pursuant to California Government Code §56384, it shall appoint an Executive Officer who serves at-the-will of the Commission.

II. Purpose

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- A. The first performance review of the Executive Officer shall occur approximately six months following the date of hire. The second performance review shall occur approximately twelve months following the date of hire. Thereafter performance reviews shall occur annually.
- B. The process for these performance reviews shall be:
 - 1) At least three weeks prior to the meeting at which the review is to take place, the Executive Officer shall send to each Commissioner, including Alternate Commissioners, a letter of self-evaluation. The Executive Officer or Commission Counsel will provide—and a performance review form or survey following review by the Commission Chair.
 - 2) At least one week prior to the review, each Commissioner and Alternate Commissioner shall-is strongly encouraged to send a completed form or survey to the Commission Chair or the Chair's designee who should be someone other than the Executive Officer.
 - 3) The Chair or Chair's designee shall tabulate and summarize the forms or surveys and present this information to the Commission and the Executive Officer during the performance review.

- C. At the completion of the performance review, the Commission will consider any appropriate action with respect to the compensation of the Executive Officer.

- D. ~~Any~~The Commissioner or the Executive Officer may request the use of an outside facilitator to assist in the evaluation process. The Chair shall appoint the facilitator in consultation with the Executive Officer. Should the cost of the facilitator's services exceed the Executive Officer delegated purchasing authority, the cost will be subject to a vote of the Commission at either a regular or special meeting and the facilitator may not commence services until budget authority has been obtained.



Agenda Item 5d (Consent/Information)

TO: Local Agency Formation Commission
PREPARED BY: Brendon Freeman, Executive Officer
MEETING DATE: April 5, 2021
SUBJECT: Current and Future Proposals

SUMMARY

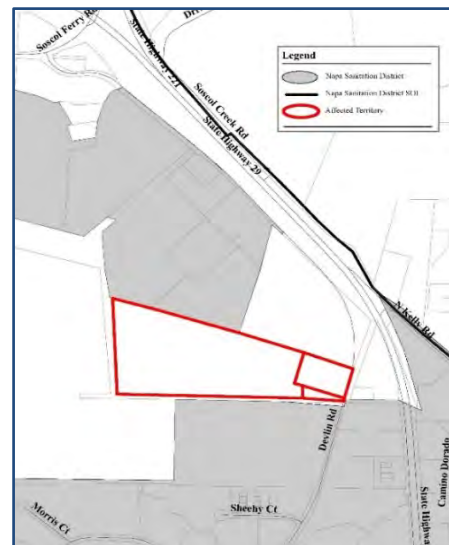
This is a consent item for information purposes only. Accordingly, if interested, the Commission is invited to pull this item for additional discussion with the concurrence of the Chair. No formal action will be taken as part of this item.

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

Active Proposals

Montalcino Resort No. 2 Annexation to the Napa Sanitation District (NSD)

NSD recently adopted a resolution of application and submitted a proposal for the annexation of approximately 36.1 acres of unincorporated territory to the District. The affected territory comprises three entire parcels located within NSD's SOI and identified as Assessor Parcel Numbers 057-020-006, 057-020-017, and 057-020-018. Annexation is intended to facilitate the Montalcino Resort development project under the County of Napa's land use authority, which is planned for 316 hotel rooms, 20 villas, meeting space, recreational facilities, and food and beverage service. This proposal is included on today's agenda as item 7a.



Margie Mohler, Chair
Councilmember, Town of Yountville

Mariam Aboudamous, Commissioner
Councilmember, City of American Canyon

Beth Painter, Alternate Commissioner
Councilmember, City of Napa

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

Vacant
Representative of the General Public

Eve Kahn, Alternate Commissioner
Representative of the General Public

Brendon Freeman
Executive Officer

Browns Valley Road No. 14 Annexation to NSD

The landowner of 3084 Browns Valley Road has submitted a proposal for annexation to NSD. The parcel is approximately 3.5 acres, located in the City of Napa, and identified as Assessor Parcel Number 041-170-010. The purpose of the proposal is to transition the existing single-family residence from a private septic system to public sewer service. Annexation could potentially facilitate the further development of the parcel to include up to nine additional residential units based on the City's General Plan land use designations. However, the landowner has indicated no interest in pursuing development in the foreseeable future. It is anticipated the Commission will take action on the proposal on June 7, 2021.



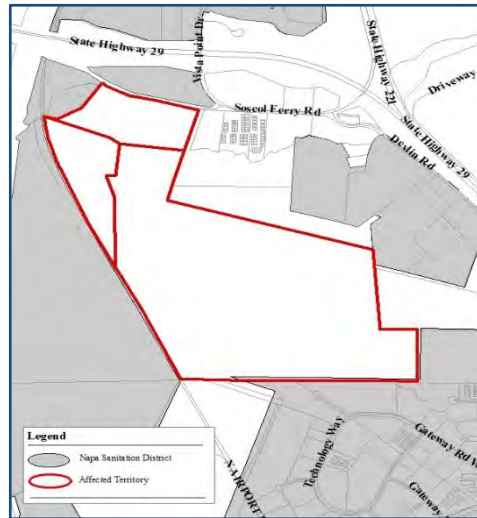
14 Camilla Drive Annexation to NSD

The landowner of 14 Camilla Drive has submitted a proposal for annexation to NSD. The parcel is approximately 3.5 acres, located in the City of Napa, and identified as Assessor Parcel Number 041-121-002. The purpose of the proposal is to transition the existing single-family residence from a private septic system to public sewer service. Annexation could potentially facilitate the further development of the parcel to include up to two additional residential units based on the City's General Plan land use designations. However, the landowner has indicated no interest in pursuing development in the foreseeable future. It is anticipated the Commission will take action on the proposal on June 7, 2021.



Somky Ranch Annexation to NSD

NSD has submitted a proposal for annexation of approximately 293.3 acres of unincorporated territory to the District. The affected territory comprises three parcels that are owned by NSD and identified as Assessor Parcel Numbers 046-400-016, 057-010-038, and 057-010-039. The three parcels are used by NSD for wastewater treatment and disposal. The purpose of the proposal is to eliminate NSD’s property tax burden for the three parcels. Annexation would not facilitate new development. It is anticipated the Commission will take action on the proposal on June 7, 2021.



Anticipated Proposals

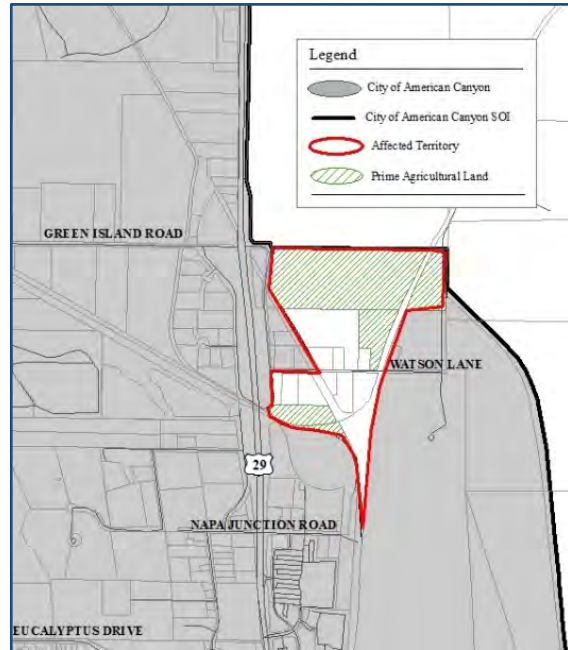
1118 Wine Country Avenue Annexation to NSD

The Commission previously approved an outside sewer service agreement involving NSD and one single-family residence located at 1118 Wine Country Avenue and identified as Assessor Parcel Number 035-511-014. The Commission’s approval included a condition that requires the landowner to annex the parcel to NSD within one year. The parcel is approximately 1.2 acres in size and located in the City of Napa. Annexation would not be expected to facilitate any new development. Staff will work with the landowner to contact neighboring landowners who may also be interested in annexation. It is anticipated a proposal for annexation will be submitted within the next eight months.



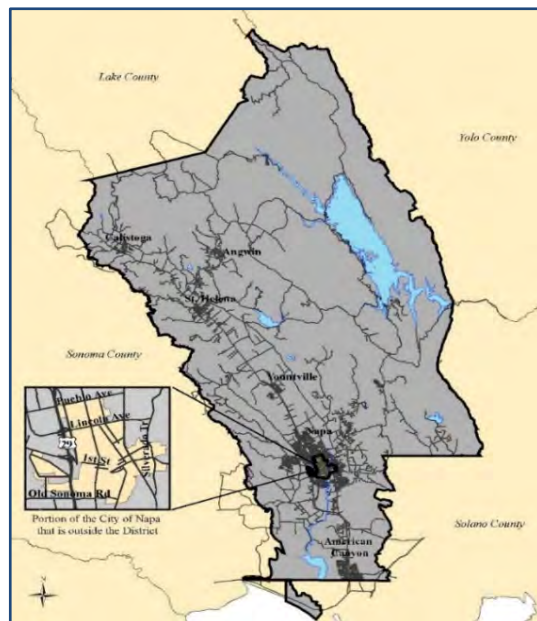
Watson Lane/Paoli Loop Annexation to the City of American Canyon

A landowner has submitted a notice of intent to circulate a petition to annex 16 parcels and a portion of railroad totaling approximately 77.7 acres of unincorporated territory to the City of American Canyon. The area is located within the City's SOI near Watson Lane and Paoli Loop and identified as Assessor Parcel Numbers 057-120-036, 057-120-017, 057-120-045, 057-120-050, 057-120-051, 057-120-049, 057-120-048, 057-120-041, 057-120-015, 057-120-047, 057-120-014, 057-120-034, 057-120-028, 057-180-014, 057-180-015, and 059-020-036. The area is also within the American Canyon Fire Protection District's jurisdictional boundary. 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 will be 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. It is anticipated a proposal for annexation will be submitted within the next year.



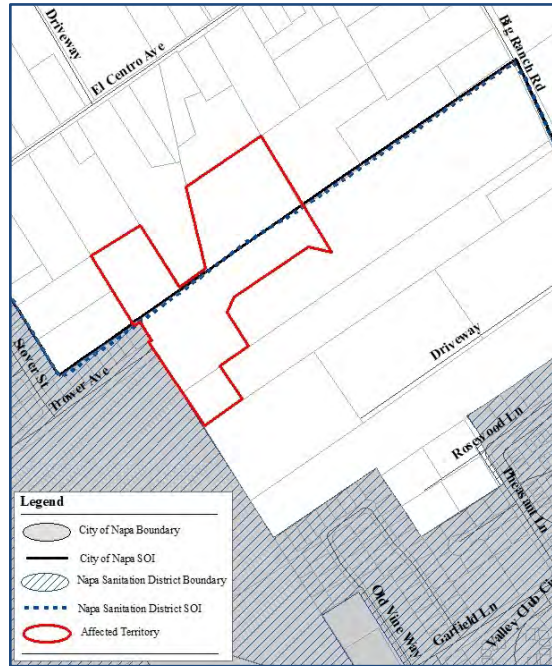
Napa County Resource Conservation District (NCRCD) Annexation

Staff from NCRCD has inquired about annexation of approximately 1,300 acres of incorporated territory located in the City of Napa. This area comprises the only remaining territory located within NCRCD's SOI but outside its jurisdictional boundary. The purpose of annexation would be to allow NCRCD to expand its service programs and hold public meetings within the affected territory; activities that are currently prohibited within the area. In February 2020, the Commission approved a request for a waiver of LAFCO's proposal processing fees. It is anticipated a proposal for annexation will be submitted within the next year.



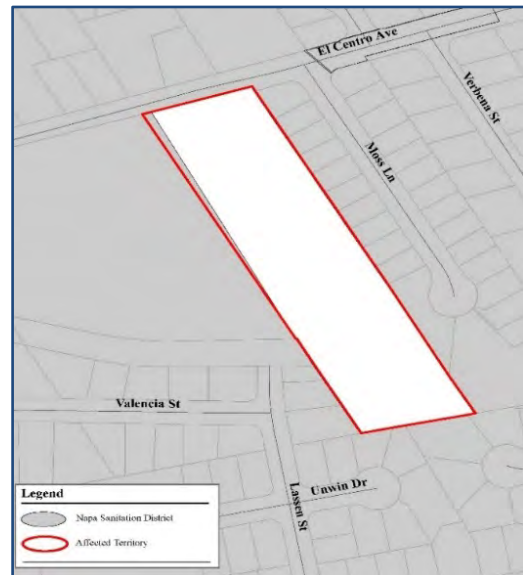
Vintage High School Farm Sphere of Influence Amendment and Annexation to NSD

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, contiguous to the City of Napa near the eastern terminus of Trower Avenue, and comprises one entire parcel identified as Assessor Parcel Number 038-240-020. 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.



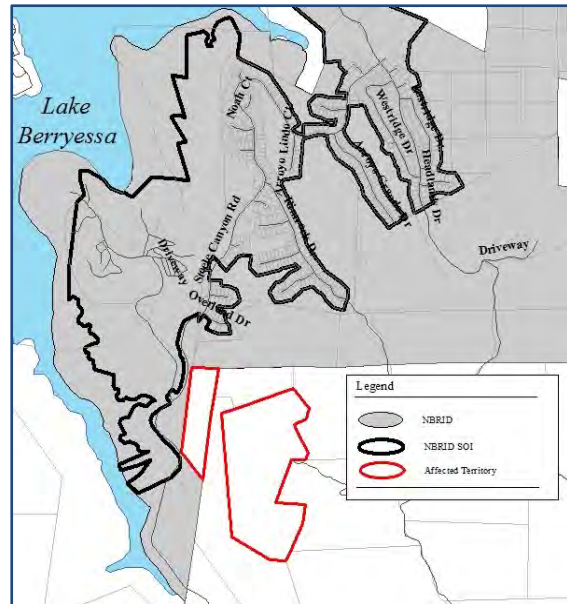
El Centro Avenue Annexation to NSD

On September 6, 2017, the landowner of 1583 El Centro Avenue in the City of Napa submitted a Notice of Intent to annex the parcel to NSD. The parcel is approximately 4.5 acres in size and is identified as Assessor Parcel Number 038-361-010. Current land uses within the subject parcel include a single-family residence and a planted vineyard. The purpose of annexation would be to facilitate a residential development project under the City's land use authority. Based on parcel size and the City's land use designation, annexation to NSD could potentially facilitate the future development of the subject parcel to include up to 36 total single-family residential units. The City has indicated an environmental impact report will be prepared for the residential development project. It is anticipated a proposal for annexation will be submitted in the future, but there is no current timetable.



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

Staff from NBRID has inquired about annexation of two unincorporated parcels that serve as the location of the District's wastewater treatment plant facilities. The parcels total approximately 101.0 acres in size and are identified as Assessor Parcel Numbers 019-220-028 and 019-220-038. The parcels and the wastewater facilities are owned by NBRID and located outside NBRID's SOI and boundary. Annexation would reduce NBRID's annual property tax burden. An application for annexation may only be submitted if the affected territory is within NBRID's SOI. It is anticipated the Commission will complete an SOI update for NBRID in the next six months.



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 5c (Consent/Information)

TO: Local Agency Formation Commission
PREPARED BY: Dawn Mittleman Longoria, Analyst II
MEETING DATE: April 5, 2021
SUBJECT: CALAFCO Reports

SUMMARY

This item is for information purposes only. Accordingly, if interested, the Commission is invited to pull this item for additional discussion with the concurrence of the Chair.

The California Association of Local Agency Formation Commissions (CALAFCO) was established in 1971 to assist member LAFCOs in fulfilling their mission. CALAFCO facilitates information sharing among members by organizing annual conferences and workshops as well as providing technical assistance through training classes. CALAFCO also serves as a resource to the Legislature and actively drafts and reviews new legislation. CALAFCO's membership currently includes all 58 LAFCOs. Chair Mohler currently serves as a member of the CALAFCO Board of Directors and Executive Committee.

CALAFCO recently released its 2020 Annual Report and a Quarterly Report with information relevant to the Commission. A summary of each report follows.

2020 Annual Report

Two-year strategic plan (2019) main goals:

1. Serve as an educational resource:
 - a) Virtual webinars instead of in-person workshops, available on website
 - b) Continued AICP educational credits
 - c) Partnered with Cal-ICMA for professional development seminars
2. Focus efforts on Association member development and communication:
 - a) Response to COVID: news briefs, weekly statewide calls for both EOs, and Clerks
 - b) Video conferencing and conference calling available to members at no cost.
 - c) Messaging material developed to assist with revitalization process.
 - d) Hosted virtual regional round tables.
 - e) Updated website for ease of use

Margie Mohler, Chair
Councilmember, Town of Yountville

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

Vacant
Representative of the General Public

Mariam Aboudamous, Commissioner
Councilmember, City of American Canyon

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

Eve Kahn, Alternate Commissioner
Representative of the General Public

Beth Painter, Alternate Commissioner
Councilmember, City of Napa

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

Brendon Freeman
Executive Officer

3. Serve as an information resource and legislative and policy advocate:
 - a) continued to participate in the Department of Water Resources' County Drought Advisory Group
 - b) Legislative shift in focus due to pandemic; no CALAFCO sponsored bills.
 - c) Tracked and took positions on bills to support LAFCOs.

Financials 2020:

1. Lack of conference revenue created a 15% deficit
2. Offset deficit with carryover funds and budget cost savings
3. Staff transitioned from part-time contract to part-time employees per AB5

Quarterly Report

Board of Directors (2020-2021):

Chair – Michael Kelley, Imperial LAFCO (southern)
Vice Chair – Anita Paque, Calaveras LAFCO (central)
Secretary – Bill Connelly, Butte LAFCO (northern)
Treasurer – Margie Mohler, Napa LAFCO (coastal)
Immediate Past Chair – Michael McGill, Contra Costa LAFCO (coastal)

Awards to LAFCOs:

1. Santa Clara Receives State APA Award for Communication and Outreach Plan
2. San Bernardino and San Diego Awarded Sustainable Agricultural Lands Conservation (SALC) Grants

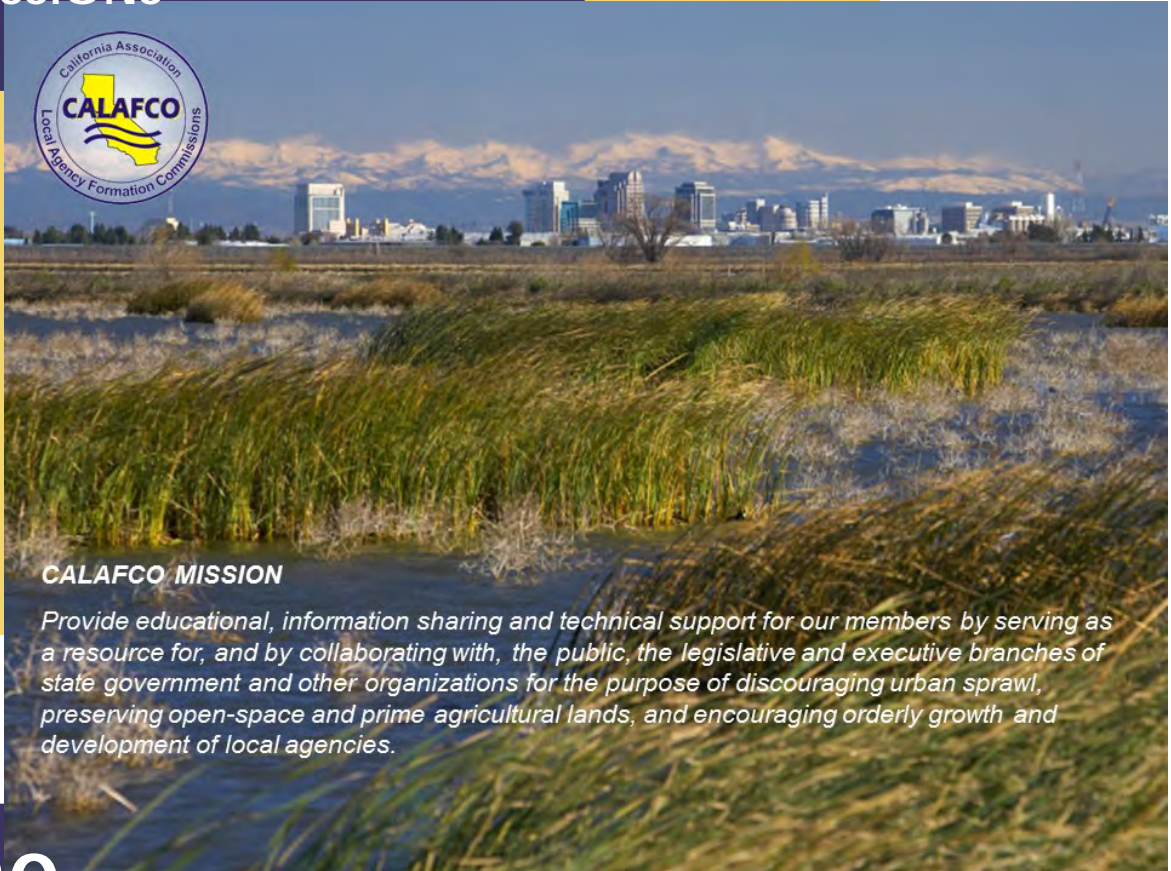
CALAFCO Board meeting (January 2021):

1. Strategic Planning Session
2. Dues structure confirmed
3. Budget procedure amended
4. Outside Service Agreements set as priority
5. Next meeting April 30, 2021

ATTACHMENTS

- 1) CALAFCO 2020 Annual Report
- 2) CALAFCO Quarterly Report (February 2021)

CALIFORNIA ASSOCIATION OF LOCAL AGENCY FORMATION COMMISSIONS



CALAFCO MISSION

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

2020 ANNUAL REPORT

California Association of Local Agency Formation Commissions

Email: info@calafco.org

Website: www.calafco.org

1020 12th Street, Ste. 222

Sacramento, CA 95814

Tel: 916-442-6536





FROM THE CALAFCO EXECUTIVE DIRECTOR

For just about all of us, 2020 was quite a challenge. During the year, the California Association of Local Agency Formation Commissions (CALAFCO) dedicated itself to meet the new and evolving needs of our members. As they reinvented the way they work and deliver services, so did we.

Although we were unable to gather in person in March for our annual Staff Workshop or in October for our Annual Conference, we stayed connected with virtual meetings and virtual educational events. We learned from each other as we supported one another through a historic time. CALAFCO stood in support of our member LAFCoS by shifting the way we provide supportive services and adjusted priorities to meet their changing needs.

2020 will be remembered as the year we would all like to forget. But doing so means we also forget the many things we learned - about ourselves as strong, capable, and resilient beings, and about the power of collective support, collaborative and innovative problem solving, and about our ability to generate hope for systemic and sustainable change.

Without missing a beat, LAFCoS throughout the state continued to provide the necessary leadership in fulfilling their missions, and in supporting their respective local agencies and the communities they serve. I would like to take this opportunity to thank all of our member LAFCoS for their dedicated, focused and steadfast commitment to the work they do and the people they serve.

I also want to thank the CALAFCO regional staff for their support and contributions to the Association. A special thank you to our Associate member partners for their generous support of CALAFCO. Last but certainly not least, I want to express my gratitude to the CALAFCO Board of Directors, all of whom worked tirelessly throughout the year in support of the ideals and mission of CALAFCO and all LAFCoS. Through their leadership, vision and tenacity, the Association met the challenges of the year.

I'm proud to represent the Association and all 58 LAFCoS as well as our Associate Members, and present the 2020 Annual Report, which highlights the collective work of the past year and many of the achievements we realized. We hope you enjoy this new format of the Annual Report. I look forward to what we can accomplish together in 2021.

A handwritten signature in black ink, which appears to read "Pamela Miller". The signature is fluid and cursive, written over a light blue horizontal line.

Pamela Miller
Executive Director
CA Association of Local Agency Formation Commissions

FROM THE 2019-2020 CALAFCO CHAIR OF THE BOARD



We are living in interesting times!

Every time I think it can't get worse; it does. At the time I wrote this article, we were plagued by record heat and fires. Often past chairs have written something like, "...it was a challenging but rewarding year". I will say it was a challenging year; I don't think I can call it rewarding, but I have been proud to see how CALAFCO rose to the challenge and pivoted to address the impacts thrown on us by this pandemic. We moved to virtual meetings, made Zoom available to our member LAFCo's, held regular meetings with our member LAFCo Executive Officers/Clerks and made a series of virtual CALAFCO U classes and on demand webinars available free to our members; we continue to focus on "value added" to our members. Much of the credit for this, and its success, is due to efforts by our Executive Director, Pamela Miller, who we were fortunate to retain, as an employee, after she announced her retirement; we are indebted to her. Of course many others pitched in to make this possible and the CALAFCO Board provided needed support.

We were forced to cancel our Annual Conference. Many LAFCo's were directly impacted as were many government agencies. Many have died, the economy was rocked and many individuals struggle to meet basic needs; essential workers continue to provide service and others are forced to work out of economic necessity-risking their, and their family, health and lives.

My father, the youngest of four, was born in 1927. As I grew up, his parents from time to time, talked about the influenza pandemic of 1918. I used to find those stories surreal; people confined to their homes, a red notice nailed to the door and many deaths. My grandparents not only endured this pandemic but, in their lifetime, faced WWI, the Great Depression and WWII. Much of this is now delegated to "just history". My grandparents came thru it and someday 2020 will also be delegated to history.

I'm proud that CALAFCO more than survived this challenge. Our dues change let us avoid a structural deficit and a loss for the year even with the cancellation of the Annual Conference. Our prudent reserves may allow us to cover unexpected costs, especially legal costs as we navigated AB 5, converting Pamela and Jeni to employees.

We continue to proudly serve our member LAFCo's and remain a viable and respected voice in Sacramento.
Thanks to all of you.

A handwritten signature in blue ink, which appears to read "Michael R. McGill".

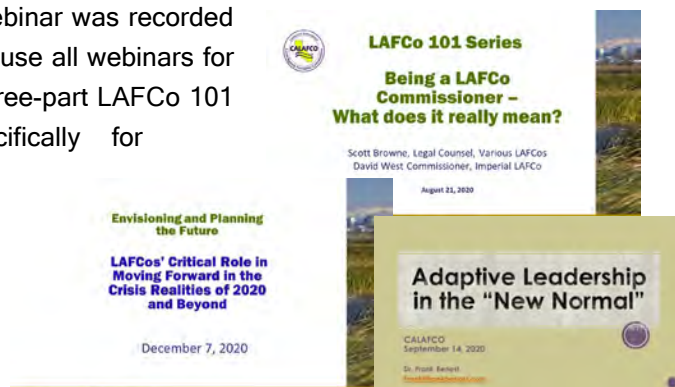
Michael R. McGill, P.E.
Chair of the Board, 2019-2020
CA Association of Local Agency Formation Commissions

In 2019, CALAFCO began a two-year strategic plan to define the Association’s priorities and guide the work. There were three main strategic areas each with actionable goals for each of the two years. This report highlights the achievements of the work in 2020 towards those goals.

1. Serve as an educational resource to member LAFCo Commissioners, LAFCo staff, Associate Members, and stakeholders.
2. Focus efforts on Association member development and communication.
3. Serve as an information resource to all Association members, work as a legislative and policy advocate for LAFCo issues and provide information to the Legislature and other stakeholders.

1. Serve as an educational resource

Given the COVID-19 pandemic, in-person training and educational opportunities were impossible from mid-March through the end of 2020. This meant the cancellation of our annual Staff Workshop and Annual Conference. However, in early summer, CALAFCO staff began looking at how to deliver short educational sessions virtually - something CALAFCO had never done before. From August through December, six webinars were successfully delivered at no cost to our members. Additionally, each webinar was recorded and a new section created on the CALAFCO website to house all webinars for member on-demand viewing. Webinar topics included a three-part LAFCo 101 series (including a newly designed session specifically for Clerks/Analysts and another for LAFCo Commissioners), adaptive leadership, and two sessions on LAFCos role in this “new/now normal” world of ours. In total, 274 LAFCo staff, commissioners and Associate Members attended these free educational offerings.



Early in January CALAFCO hosted a CALAFCO University session in Orange County focusing on legacy costs associated with reorganizations.

We are proud to continue to offer our members AICP credits when applicable for any educational session we host.

CALAFCO remains a coaching partner with Cal-ICMA and through this partnership all of our members receive free access to professional development webinars, one-to-one coaching and other professional development resources.



2. Focus efforts on Association member development and communication

In response to our members, CALAFCO developed a short series of News Bulletins and distributed them to the membership during the first three months of the State's shutdown. The Bulletins advised members of the latest Executive Orders and other noteworthy news items that impacted LAFCos and other local agencies.

Beginning mid-March, we hosted weekly meetings for LAFCo Executive Officers and another for LAFCo Clerks to allow for collaboration and information sharing. These meetings transitioned to virtual meetings and continue as monthly meetings into 2021, with as many as 32 Executive Officers attending the monthly meeting.

Knowing many of our members struggled to find effective ways for their Commissions to meet while maintaining transparency and public participation, CALAFCO purchased two Zoom licenses and provided the use of one of those licenses to our member LAFCos, along with our toll-free conference calling system, at no cost, as a way for our members to continue conducting business transparently.



The events of 2020 were uncharted territory for many, and the fiscal aftermath will long be felt by all local agencies across the state. CALAFCO recognized this as a unique time for LAFCos to champion the support of local agencies and help rebuild communities. In partnership with several Executive officers and one of our Associate Member partners, CALAFCO created a series of messaging materials to assist our member LAFCos in their facilitation of local discussions on the

revitalization of their respective communities. These resources were introduced and distributed in December.

In addition to our normal communication tools of Quarterly Reports and list serves, we also hosted virtual regional roundtables in December for our member LAFCos (as a replacement for our in-person roundtables at the Annual Conference) as well as a LAFCo Legal Counsel roundtable in October. With so many of our members meeting virtually, our Executive Director was able to attend sixteen (16) different LAFCo meetings the second half of the year.

In response to the membership survey in 2019, CALAFCO staff spent time this year updating several of the most frequently used sections of the CALAFCO website. In addition to the creation of the new webinar archive, the CALAFCO University archives was updated, along with several sections within the LAFCo Law section. Other sections were completely reorganized and updated for easier member access to resource information and materials. CALAFCO is proud to continue earning the GuideStar Platinum Seal of Transparency for high level of nonprofit transparency.



3. Serve as an information resource and legislative and policy advocate

In addition to the work of enhancing the CALAFCO website as an informational resource, CALAFCO continued to participate in the Department of Water Resources' County Drought Advisory Group and lead the efforts of the 18-member Protest Provisions Stakeholder Working Group (Working Group).

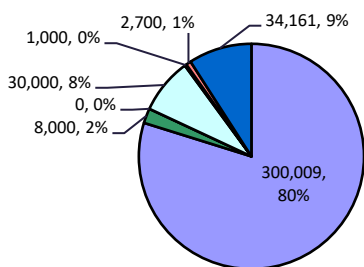
The 2020 legislative year turned out to be unlike any other and the pandemic turned legislation inside-out. The focus of the Legislature quickly turned to COVID response as well as responding to a historic year of wildfires and calls for social and racial justice and equity. At the direction of the CALAFCO Board, we ended our efforts to obtain state-level grant funding for LAFCoS through sponsored legislation and did not sponsor an Omnibus bill in 2020. Instead, the Board made the proposal to make changes to statute pertaining to extension of services the legislative priority, along with the ongoing efforts of the Working Group. After seeking feedback and consensus from Executive Officers as directed by the Board, in late January the Executive Committee approved moving forward with seeking legislation. Given the late timing, the Association was unsuccessful in securing an author. As a result, CALAFCO did not sponsor any bills in 2020. It is uncertain if any bills (other than Omnibus) would have successfully passed through the Legislature given the shift in their focus mid-year. CALAFCO continued to support our membership through legislative action where appropriate and fiercely guarded LAFCo authority when necessary, tracking 32 bills and taking positions on 7 bills.

Other 2020 highlights

There were several other highlights in 2020 that were not part of the two-year strategic plan. First, we successfully transitioned our two primary part-time contractors (Executive Director and Administrator) to part-time employees effective September 1 in compliance with AB 5. Additionally, for the first time, CALAFCO conducted a virtual election for the Board of Directors.

CALAFCO Financials 2020

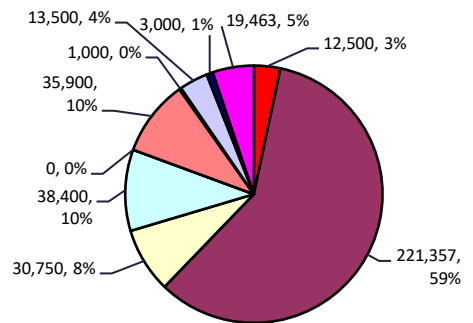
FY 2020-21 REVENUE BY CATEGORY AND % OF TOTAL BUDGET



- Member LAFCo Dues
- Assoc Member Dues
- Conference
- CALAFCO U
- Carry over
- Workshop
- Misc. Revenue

In July, the Board of Directors adopted a revised budget without any Conference revenue/expenses, with new estimated employer costs and the retention of the Executive Director. The lack of the planned 15% Conference net profit created a structural deficit that can be covered by the net balance carryover into FY 2020-21, which ended up

FY 2020-21 EXPENSES BY CATEGORY AND % OF TOTAL BUDGET



- Board
- Professional Services
- Conference
- CALAFCO U
- Personnel
- Office
- Workshop
- Legislative

larger than expected at the end of FY 2019-20 due to cost savings in other budget areas. By the end of 2020 it appeared savings into FY 2020-21 was continuing in many areas that will help the Association's financial outlook going into another uncertain fiscal year.

Looking ahead to 2021

Our LAFcos are strong and resilient and led with remarkable courage during 2020. CALAFCO remains committed to continue building a resilient and sustainable Association that supports our members in their work. To focus resources on our members' highest priorities in 2021, the CALAFCO Board of Directors' biennial strategic planning workshop in January will create the foundation for the Association's next two-year strategic plan. As we move into our 50th year, CALAFCO remains committed to:

- **Serve as an educational resource to member LAFCo Commissioners, LAFCo staff, Associate Members, and stakeholders.**
- **Focus efforts on Association member relations, development, recognition and communication.**
- **Continue development of a strong and sustainable Association.**
- **Serve as an information resource to all Association members, work as a legislative and policy advocate for LAFCo issues and provide information to the Legislature and other stakeholders.**

CALAFCO 2019-2020 BOARD OF DIRECTORS AND STAFF

OFFICERS (Oct 2019 – Oct 2020)

CHAIR - *Michael McGill*, Contra Costa LAFCo, District Member (Coastal)

VICE CHAIR - *Michael Kelley*, Imperial LAFCo, County Member (Southern)

SECRETARY - *Anita Paque*, Calaveras LAFCo, Public Member (Central)

TREASURER - *Bill Connelly*, Butte LAFCo, County Member (Northern)

IMMEDIATE PAST CHAIR - *Josh Susman*, Nevada LAFCo, Public Member (Northern)

MEMBERS (Oct 2019 – Oct 2020)

Cheryl Brothers, Orange LAFCo, City Member (Southern)

David Couch, Humboldt LAFCo, City Member (Northern)

Shiva Frentzen, El Dorado LAFCo, County Member (Central)

Blake Inscore, Del Norte LAFCo, City Member (Northern)

Gay Jones, Sacramento LAFCo, District Member (Central)

Jo MacKenzie, San Diego LAFCo, District Member (Southern)

Margie Mohler, Napa LAFCo, City Member (Coastal)

Tom Murray, San Luis Obispo LAFCo, Public Member (Coastal)

Jane Parker, Monterey LAFCo, County Member (Coastal)

Daniel Parra, Fresno LAFCo, City Member (Central)

David West, Imperial LAFCo, Public Member (Southern)

STAFF

EXECUTIVE DIRECTOR - *Pamela Miller*

ADMINISTRATOR - *Jeni Tickler*

LEGAL COUNSEL - *Clark Alsop*, Best Best & Krieger

CPA - *James Gladfelter*, Alta Mesa Group

EXECUTIVE OFFICER - *Stephen Lucas*, Butte LAFCo (Northern)

DEPUTY EXECUTIVE OFFICERS - *Christine Crawford*, Yolo LAFCo (Central); *Martha Poyatos*, San Mateo LAFCo (Coastal); and *Gary Thompson*, Riverside LAFCo (Southern)

A SNAPSHOT LOOK AT 2020 by the numbers

MEMBERSHIP

58 Member LAFCoS

26 Associate Members

4 Regions

16 Member Board of Directors

Over 750 Commissioners & Staff supported



EDUCATION

300 Total attendees

7 Events

6 Webinars

1 CALAFCO U

LEGISLATION

32 Bills monitored, tracked, engaged and positions taken



ADMINISTRATION

8 List serves with **286** subscribers

58,843 Webpage views(www.calafco.org)

Over **60** meetings hosted for Member LAFCoS

2 P/T Staff + **2** P/T Consultants + **4** Regional Staff

News from the Board of Directors

CALAFCO QUARTERLY

February 2021



A
message
from the
Executive
Director

Greetings from your CALAFCO Board of Directors and Executive Director. It seems that our collective hope for an uneventful start to 2021 was met with laughter and resistance from the universe. However, we remain undaunted and resolute to move forward in partnership with our members to make great things happen in 2021.

This Quarterly Report will begin by highlighting the good news in our CALAFCO family first, followed by Association updates. Happy reading!

LAFcos in the News

Santa Clara LAFCo Receives State APA Award for Communication and Outreach Plan

After receiving the American Planning Association - California Northern Chapter's "Award of Excellence - Communication Initiative", ***Santa Clara LAFCo***'s project then received the State Chapter's 2020 Award of Excellence.

San Bernardino and San Diego LAFcos Awarded Sustainable Agricultural Lands Conservation (SALC) Grants

San Bernardino LAFCo, in partnership with the Inland Empire Resource Conservation District (IERCD), were awarded a SALC planning grant for \$220,475. The planning grant project aims to create a local tool for the preservation of agriculture lands, which does not currently exist in San Bernardino County. The goals of this project would be to encourage the long-term preservation of agricultural lands within San Bernardino County and develop local mitigation tools to provide a way for municipalities to preserve agricultural lands while continuing to address housing and growth needs.

San Diego LAFCo, in partnership with the Resource Conservation District (RCD) of Greater San Diego, the San Diego County Farm Bureau, the County of San Diego, and San Diego Association of Governments (SANDAG) were also awarded a SALC planning grant for \$250,000. The purpose for the funding is to develop a community vision and strategic plan to increase and preserve San Diego region's agricultural lands and preserve its economic viability in semi-rural and rural communities. The plan of action is to identify and monitor agricultural lands and uses to inform future preservation and enhancement opportunities.

The Strategic Growth Council (SGC) added LAFcos to the list of eligible entities to apply for SALC grants in January 2019 after many years of CALAFCO trying to get LAFcos eligible for state-level grant funding. Since then, ***San Bernardino*** and

San Diego LAFcos are the first two LAFcos to initiate a grant application.

CALAFCO congratulates ***Santa Clara, San Bernardino and San Diego LAFcos*** on their achievements!



Welcome to Our Newest Associate Member

CALAFCO welcomes our newest Silver Associate Member, ***Holly Owen***, Certified Planner. Holly's services include Municipal Service Reviews and planning and feasibility studies. To contact Holly, you can email her at holly.owen@gmail.com.

CALAFCO BOARD OF DIRECTORS

CALAFCO BOARD CHANGES

The Board recently welcomed three new Board members. In late October, two new members were elected to the Board. Representing the Coastal region county seat is ***Christopher Lopez, Monterey LAFCo*** Commissioner and County Supervisor. The central region county seat also has a new representative, ***Merced LAFCo*** Commissioner and County Supervisor ***Daron McDaniel***. In January, the Board appointed a new member to fill the unexpired term of recently re-elected Board member Cheryl Brothers (who unfortunately lost her home election). Filling that unexpired term for the southern region city seat is ***San Bernardino LAFCo*** Commissioner and City of Fontana Mayor ***Acquanetta Warren***.



The Board also gratefully acknowledges the outgoing Board members whose dedicated service to CALAFCO had a great impact: former ***Monterey LAFCo*** Commissioner ***Jane Parker*** (coastal region county rep); former ***El Dorado LAFCo*** Commissioner ***Shiva Frentzen*** (central region county rep); and former ***Orange LAFCo*** Commissioner ***Cheryl Brothers*** (southern region city rep).



News from the Board of Directors

CALAFCO QUARTERLY

February 2021

Page 2

In November, the officers of the Board for 2020-21 were seated as follows:

Chair – *Michael Kelley*, Imperial LAFCo (southern)
Vice Chair – *Anita Paque*, Calaveras LAFCo (central)
Secretary – *Bill Connelly*, Butte LAFCo (northern)
Treasurer – *Margie Mohler*, Napa LAFCo (coastal)
Immediate Past Chair – *Michael McGill*, Contra Costa LAFCo (coastal)

During their November meeting, the Board made the following Committee appointments:

Legislative Committee

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

Elections Committee

Blake Inscore
 Gay Jones (Chair)
 Chris Lopez
 David West

Awards Committee

Daron McDaniel
 Jo MacKenzie
 Margie Mohler
 Anita Paque (Chair)
 Josh Susman

2021 Annual Conference

David Couch
 Tom Murray
 Daniel Parra
 David West (Chair)

The CALAFCO Board met virtually for their biennial strategic planning session on January 21, followed by a regular Board meeting the next day on January 22 (also virtual). The full meeting packet for both sessions is located on the CALAFCO website (and accessible to all CALAFCO members). During the strategic planning session the Board discussed several topics of critical importance to the Association, including the current dues structure and population cap used, the ongoing practice of using 15% net profit from the Annual Conference to balance the budget, and the issue of extension of services as it relates to local agencies not always seeking LAFCo authorization of exemption or approval to extend services.

After spending time connecting as a group, the strategic planning session began with a dashboard review of the Association's work in 2020. Highlights included the cancellation of both the Staff Workshop and Conference (and the fiscal impact to the Association as a result of the Conference cancellation due to the reliance of the 15% net profit to balance the budget); the creation and delivery of a series of webinars offered at no cost to CALAFCO members; a new section on the CALAFCO website that houses these

webinars for on-demand viewing; updates to the CALAFCO website; and the legislative year that wasn't. Additional work accomplished that was not part of the strategic plan for 2020 included a successful transition of the two primary contractors to employees and the retention of the Executive Director (originally set to retire in the fall of 2020). The full 2020 dashboard review can be found on the CALAFCO website.

The Board spent a great deal of time discussing the member LAFCo dues issue after receiving a full report from the dues ad hoc committee. After reviewing the various models considered by the ad hoc committee (16 in total), the Board received one additional model that had updated population figures from the Department of Finance (using the existing FY 2020-21 model as the base). Again, after much discussion, the Board gave unanimous consent to maintaining all of the existing variables in the FY 2020-21 dues model, using the required updated population estimates and not adding the CPI increase (estimated at 3%) for the FY 2021-22 dues. This decision was formally ratified with unanimous approval during the Board meeting on January 22. An announcement regarding the FY 2021-22 dues was distributed February 9, and you can find the dues on the CALAFCO website.

The Board then discussed the ongoing structural deficit and dangerous fiscal practice of using an unreliable educational event net profit to balance the budget. They gave unanimous consensus to no longer using any net profit from any education event to balance the budget. Underscored this year without a Conference, the loss of that budgeted net profit created a structural deficit. That decision was also formally ratified with unanimous approval during their Board meeting on January 22.

Later that afternoon there was a discussion about the problem of local agencies not seeking LAFCo authorization to extend services. The Board brainstormed non-legislative ideas for consideration this year as an interim solution to a legislative fix in 2022. The day ended with a brief conversation about SMGA and the relationship between LAFCo and investor-owned utilities.

The Board will consider adopting the next two-year strategic plan (for 2021-22) at their April 30 meeting.

During their January 22 meeting, in addition to ratifying the decisions noted above, the Board received the second quarter financial reports and directed the Executive Director to create a rolling two-year budget going forward (beginning with the draft FY 2021-22 budget) and adopted the 2021 legislative policies with the recommended amendment of the Legislative Committee.



News from the Board of Directors

CALAFCO QUARTERLY

February 2021
Page 3



CALAFCO EDUCATIONAL EVENTS

2021 STAFF WORKSHOP AND ANNUAL CONFERENCE

Staff Workshop

Due to the COVID-19 pandemic, CALAFCO's Staff Workshop was once again cancelled. The workshop was scheduled for March 17-19 in Newport Beach.

CALAFCO staff successfully negotiated a revision in the facility contract for 2022 at the same rates as 2021. We are still working with the mobile workshop vendors to try and roll over the deposits for that event and will keep you posted.

We wish to thank our Workshop hosts, *Imperial* and *Orange LAFCos* who have graciously agreed to host in 2022 - third time is a charm they say!

CALAFCO is currently polling LAFCo staff on their desire to have something offered for staff only in a virtual format. Watch for updates soon. *If your LAFCo staff have not provided us that feedback, please do so by the deadline of February 12.*

Mark your calendars for the Staff Workshop on March 23 - 25, 2022.

Annual Conference

The Annual Conference, hosted by CALAFCO, is currently scheduled for **October 6 - 8** at the *Hyatt Regency Newport Beach John Wayne Airport*. We are hopeful by that time we will be able to safely meet in person, and the Conference planning committee will begin their work very soon. Watch for a call for program planning volunteers.

CALAFCO UNIVERSITY

We were pleased to offer six virtual sessions in 2020 between August and December. This year, CALAFCO is planning several virtual CALAFCO U sessions for the first half of the year. Once again, these sessions will be offered to our members at no cost to you. *Watch for save-the-date announcements coming very soon.* As a teaser, we are planning for a three-part session on Fire and EMS Agency reorganizations in March and another session on Hiring Best Practices in May.



CALAFCO ADMINISTRATIVE UPDATE

CALAFCO staff are working on the annual updates of the Membership Directory. It's requested you respond to the request for updates when you receive them from us.



CALAFCO LEGISLATIVE UPDATE



The new two-year legislative session is in full swing and it is anticipated to be another interesting year. As the deadline to introduce legislation nears (Feb. 19), we are seeing a large number of bills relating to COVID-19 response, wildfire prevention, education, healthcare and bridging the equity divide.

CALAFCO is sponsoring the 2021 Assembly Local Government Committee (ALGC) Omnibus bill and continues the work of the Protest Provision Rewrite Working Group as legislative priorities for 2021. The Working Group, consisting of 18 members (CALAFCO, CSDA, League, CSAC and reps from both local government committees) reconvened and has approved the submission of several obsolete special provisions relating to protests into the Omnibus bill. The group is also working on drafting language to consolidate all existing protest language into one section within CKH, and the subcommittee that is looking at the protest percentage threshold variances is reconvening.

CALAFCO has also been working closely since last fall with Senator Caballero's staff and the sponsors of SB 414 (2019-20) on a redo of that bill. Our conversations have included offering amendments to write LAFCos back into the formation process of the new water authorities. Although the new bill has not yet been introduced (as of the writing of this Report), it is expected before the 2/19 deadline.

The 2020 CKH Guide is now available to download from the CALAFCO website. We are also accepting orders for the hard copy version. Visit the CALAFCO website for details.

Full 2020 legislative reports from the ALGC and Senate Governance & Finance Committees are also available on the CALAFCO website.

All bills being tracked by CALAFCO can be found on the CALAFCO website inside the Legislation section of the site (log in with your member id first to access this section). The CALAFCO Legislative Committee meets regularly and all meeting materials are located in the Legislation section of the CALAFCO website.





CALAFCO ASSOCIATE MEMBERS' CORNER



This section is dedicated to highlighting our Associate Members. The information below is provided to CALAFCO by the Associate member upon joining the Association. All Associate member information can be found in the CALAFCO Member Directory.

City of Rancho Mirage

The **City of Rancho Mirage** has been a Silver Associate Member since July 2010. With a population of just over 18,000, the **City of Rancho Mirage** is located in the County of Riverside. The City offers an abundant amount of sunshine, great climate, and related resort-style living. For more information about the City, contact the Director of Development Services, **Jeremy Gleim**, at jeremyg@ranchomirageca.gov, or at 760-328-2266. Learn more about the City on their website at www.ranchomirageca.gov.



County Sanitation Districts of Los Angeles County

The County Sanitation Districts of Los Angeles County has been a Silver Associate Member since July 2005. They are a public agency focused on converting waste into resources like recycled water, energy and recycled materials. The agency consists of 24 independent special districts serving about 5.6 million people in Los Angeles County. The service areas cover approximately 850 square miles and encompass 78 cities and unincorporated areas in the county. For more information on the Districts, contact **Donna Curry** at dcurry@lacsdc.org, or visit their website at www.lacsdc.org.



Rancho Mission Viejo

Rancho Mission Viejo has been a Silver Associate Member since June 2005. They are responsible for the development and management of a governance structure for a 23,000-acre, 14,000 home planned community. For more information, visit them at www.ranchomissionviejo.com or contact Michael Balsamo at mbalsamo@ranchomv.com.



QK

A Silver Associate Member since September 2010, **QK** (formerly Quad Knopf) provides planning, engineering, biology, environmental and survey services to public and private clients. Their planners have previous experience working for public agencies, including serving as LAFCo Analysts and Executive Officers. They specialize in the San Joaquin and Sacramento Valley regions. For more information on **QK**, visit their website at www.qkinc.com, or contact **Jerome Keene** at jerome.keene@qkinc.com.



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

Did You Know??

CALAFCO 2020 Survey

Did you know we recently published the **2020 survey of member LAFCos relating to COVID?** The survey included questions about current and future operations, staffing models, commission meeting methods, and budget impacts.



Meeting Documents Online

Did you know that all **CALAFCO Board of Directors and Legislative Committee meeting documents are online?** Visit the Boards & Committees pages in the Members Section of the site. Board documents date back to 2008 and Legislative Committee documents back to 2007.

CALAFCO Courses Archived

Did you know that all **CALAFCO University course materials are now archived on the CALAFCO website?** Visit the CALAFCO website in the CALAFCO U Course Material Archive section.

Mark Your Calendars For These Upcoming CALAFCO Events

- ❖ CALAFCO Legislative Committee virtual meeting - 2/19
- ❖ CALAFCO Legislative Committee virtual meeting - 3/26
- ❖ CALAFCO Board of Directors virtual meeting - 4/30



The **CALAFCO 2021 Calendar of Events** can be found on the CALAFCO website.

As we continue to face both known and unknown challenges, your CALAFCO Board and Staff wish all of you to stay safe and be healthy. We thank you for your continued dedicated service to the communities you serve. Be well.



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

Agenda Item 5f (Consent/Information)

TO: Local Agency Formation Commission

PREPARED BY: Brendon Freeman, Executive Officer

MEETING DATE: April 5, 2021

SUBJECT: Chair Rotation

SUMMARY

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

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

Under Section VI of the Policy, Commissioner Mohler became the Chair on December 1, 2020, and will serve as Chair through May 2, 2021. Vice Chair Dillon will become Chair on May 3, 2021.

On December 1, 2020, the office of Chair previously held by Kenneth Leary (then City Member I) became vacant and was filled by Commissioner Mohler (City Member II) consistent with Section VI of the Policy.

Under the Policy, Commissioners Dillon (County Member I) and Mohler (City Member II) will serve as Chair and Vice Chair, respectively, from May 3, 2021 through May 1, 2022. A full listing of current Commissioners, seat designations, and schedules for the Chair and Vice Chair rotation is provided on the following page.

Margie Mohler, Chair
Councilmember, Town of Yountville

Mariam Aboudamous, Commissioner
Councilmember, City of American Canyon

Beth Painter, 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

Vacant
Representative of the General Public

Eve Kahn, Alternate Commissioner
Representative of the General Public

Brendon Freeman
Executive Officer

Current Commissioners and Seat Designations

Current Member	Seat Designation
Mariam Aboudamous	City Member I
Margie Mohler	City Member II
Diane Dillon	County Member I
Brad Wagenknecht	County Member II
<i>Vacant</i>	Public Member
Beth Painter	Alternate City Member
Ryan Gregory	Alternate County Member
Eve Kahn	Alternate Public Member

Schedule for Chair and Vice Chair Rotation

Term	Chair	Vice Chair
May 3, 2021 through May 1, 2022	County Member I	City Member II
May 2, 2022 through April 30, 2023	City Member II	County Member II
May 1, 2023 through May 5, 2024	County Member II	Public Member
May 6, 2024 through May 4, 2025	Public Member	City Member I
May 5, 2025 through May 3, 2026	City Member I	County Member I

ATTACHMENT

- 1) Policy on Establishing the Officers of the Commission



LOCAL AGENCY FORMATION COMMISSION OF NAPA COUNTY

Policy on Establishing the Officers of the Commission

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

I. Background

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

II. Purpose

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

III. Officers of the Commission

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

IV. Duties of Officers

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

V. Appointment of Chair and Vice Chair

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

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

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

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

VI. Vacancy

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

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



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

Agenda Item 6a (Public Hearing)

TO: Local Agency Formation Commission

PREPARED BY: Brendon Freeman, Executive Officer

MEETING DATE: April 5, 2021

SUBJECT: Appointment of Public Member

RECOMMENDATION

It is recommended the Commission take the following actions:

- 1) Open the public hearing and take testimony;
- 2) Invite candidates to address the Commission;
- 3) Close the public hearing;
- 4) Appoint a Public Member to complete an unexpired term ending on May 2, 2022.

BACKGROUND AND SUMMARY

Under Government Code (G.C.) Section 56325(d), the composition of Local Agency Formation Commissions (LAFCOs) includes one Public Member representing the general public who is appointed to a four-year term by the city and county members of the Commission. The city and county members may also appoint one Alternate Public Member pursuant to G.C. Section 56331. Sitting public members may participate in the discussion but do not vote in the appointment process.

To qualify, the Public Member and Alternate Public Member must be residents of Napa County and cannot be officers or employees with local governmental agencies. The Public Member and Alternate Public Member must receive at least one vote each from a city and county member of the Commission.

The Public Member position is currently vacant with an unexpired four-year term ending May 2, 2022. Staff recommends the city and county members of the Commission appoint a new Public Member appointment to complete the unexpired term.

Margie Mohler, Chair
Councilmember, Town of Yountville

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

Vacant
Representative of the General Public

Mariam Aboudamous, Commissioner
Councilmember, City of American Canyon

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

Eve Kahn, Alternate Commissioner
Representative of the General Public

Beth Painter, Alternate Commissioner
Councilmember, City of Napa

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

Brendon Freeman
Executive Officer

Staff fully complied with the notice requirements and recruitment procedure found in the Commission's *Policy on the Appointment of a Public Member and Alternate Public Member* ("the Policy"), included as Attachment One, including publishing an announcement in the Napa Valley Register as well as posting the announcement on the Commission's website and Facebook page. The announcement was also circulated to all local agencies subject to Commission oversight as well as other local stakeholder groups.

Six candidates have applied:

- Bruce Bardessono
- Tom Gamble
- Eve Kahn
- Kenneth Leary
- Nick Van Male
- Alton Weeks

All six candidates are eligible for the position of Public Member. The applications with personal contact information redacted are included as Attachments Two through Seven.

ATTACHMENTS

- 1) Policy on the Appointment of a Public Member and Alternate Public Member
- 2) Candidate Application: Bruce Bardessono
- 3) Candidate Application: Tom Gamble
- 4) Candidate Application: Eve Kahn
- 5) Candidate Application: Kenneth Leary
- 6) Candidate Application: Nick Van Male
- 7) Candidate Application: Alton Weeks



LOCAL AGENCY FORMATION COMMISSION OF NAPA COUNTY

Policy on the Appointment of a Public Member and Alternate Public Member

(Adopted: October 11, 2001; Last Amended: November 18, 2019)

I. Background

The Cortese-Knox-Hertzberg Local Government Reorganization (CKH) Act of 2000 includes provisions for the composition of the Commission including the Public Member as follows:

The composition of the Commission shall include one member representing the general public, hereinafter referred to as “public member.” The Commission may designate one alternate public member. The selection of the public member and alternate public member shall be subject to the affirmative vote of at least one of the members appointed by each of the appointing authorities ([California Government Code \(G.C.\) §56325\(d\)](#)).

II. Purpose

It is the intent of the Commission to establish a policy for the appointment of a public member and alternate public member which is consistent with CKH. This policy also includes procedures to address a vacancy in the position and other relevant matters.

III. Eligibility

The public member and alternate public member shall be a resident of Napa County. No person may serve as public member or alternate public member if at the same time they are an officer or employee of the County, a city, town or district within Napa County.¹ For purposes of this policy, an officer of a local government agency is a member of a local public board, commission, committee, or council with the authority to make advisory or final decisions relative to land use or the provision of municipal services.

IV. Term of Office

The term of office for Public Member and Alternate Public Member shall be four years and shall end on the first Monday in May of the year in which the term expires. The Public Member and Alternate Public Member shall continue to serve until a successor is appointed.

¹ The term “district” is defined in [G.C. §56036](#).

V. Appointment Procedures

A) New Term for Public Member or Alternate Public Member

It is the policy of the Commission that in anticipation of the expiration of a four-year term for the Public Member or Alternate Public Member, the following procedures will be taken:

At a regular meeting at least 120 days prior to the scheduled expiration of the Public Member or Alternate Public Member's term, the Executive Officer shall inform the Commission of the impending vacancy and whether the incumbent is eligible to seek reappointment. The Commission shall take one of the following two actions as set forth in the following subsection 1 or 2 below.

- 1) Direct the Executive Officer to recruit candidates and schedule a public hearing to consider making an appointment to the position. Tasks of the Executive Officer shall include, but not limited to, the following:
 - (a) At least 60 days prior to the scheduled hearing for the appointment, issue a notice announcing the vacancy and that the Commission is accepting applications for the position. The notice shall be posted at the LAFCO office and on its website, sent to all local agencies, and published in a newspaper of general circulation in Napa County.² The notice shall indicate if the incumbent is eligible for reappointment.
 - (b) Determine the filing period to receive applications for the position. All applications shall be made available to each city and county member on the Commission at least 14 days prior to the scheduled hearing for the appointment.
 - (c) If it becomes necessary for the Commission to cancel or reschedule the meeting at which the hearing for the appointment has been scheduled, the Executive Officer shall reschedule the hearing for the next regular meeting.
- 2) If the incumbent is eligible and has served no more than one four-year term, the Commission may direct the Executive Officer to schedule a public hearing to consider approving reappointment. Tasks of the Executive Officer shall include, but not limited to, the following:
 - (a) Issue a notice announcing the scheduled reappointment of the incumbent. The notice shall be posted at the LAFCO office and on its website and sent to all local agencies. The notice shall be posted at least 21 days prior to the hearing for which the reappointment has been scheduled.
 - (b) If it becomes necessary for the Commission to cancel or reschedule the meeting at which the hearing for the reappointment has been scheduled, the Executive Officer shall reschedule the hearing for the next regular meeting.

² For purposes of this policy, notice to local agencies is fulfilled by sending a copy of the notice to the clerk or secretary of the legislative body of each local agency in Napa County. Publishing in a newspaper of general circulation in Napa County shall be conducted by publishing, at minimum, a prominently placed display ad.

B) Mid-Term Vacancies

An appointment to fill an unexpired term for the position of Public Member or Alternate Public Member shall be preceded by posting a notice of vacancy. The notice will be posted at the LAFCO office and on its website and sent to all local agencies. The notice will be posted at least 21 days prior to the meeting at which time the Commission will consider taking action to fill the unexpired term. An appointment to fill an unexpired term will occur as follows:

- 1) Public Member: If the position of Public Member becomes vacant prior to the expiration of the term, it is the policy of the Commission that it may fill the unexpired term through one of the following:
 - (a) Appoint the Alternate Public Member.
 - (b) Fill the position in the manner prescribed in Section V(A) “New Term for Public Member or Alternate Public Member” for the appointment of the Public Member to a new term.
- 2) Alternate Public Member: If the position of Alternate Public Member becomes vacant prior to the expiration of the term, it is the policy of the Commission that it may fill the unexpired term in the manner prescribed in Section V(A) “New Term for Public Member or Alternate Public Member” for the appointment of the Alternate Public Member to a new term.

C) Conducting Public Hearings for Appointing a Public Member or Alternate Public Member

It is the policy of the Commission that a public hearing to appoint either the Public Member or Alternate Public Member shall be conducted as follows:

The Chair shall open the public hearing and first invite candidates to address the Commission. The Commission may ask questions of the candidates. The Chair shall then invite public comments from the audience. Upon the close of the public comment period, the Public Member or Alternate Public Member will be selected based upon a motion and second followed by an affirmative vote.



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APPLICATION FOR LAFCO PUBLIC MEMBER

The Local Agency Formation Commission (LAFCO) of Napa County invites applications for the position of Public Member with an unexpired four-year term ending May 2, 2022. The Public Member actively participates in LAFCO meetings with respect to providing input and voting on all regulatory and planning matters before the agency.

Eligibility

Applicants must be a resident of Napa County. Applicants also must not be currently employed by a local public agency or serving as a member on a local public body with the authority to make final or advisory decisions relative to land use or municipal service.

Time Commitments

LAFCO currently meets on the first Monday of every even-numbered month unless otherwise scheduled. Regular meetings are calendared to begin at 2:00 P.M. Special meetings are calendared as needed. All members are expected to attend unless excused and receive a \$150.00 per diem for each regular, special, and subcommittee meeting attended.

Deadline for Applications

Applications must be received by LAFCO staff by **5:00 P.M. on Monday, March 1, 2021**. LAFCO is expected to consider making an appointment for the Public Member position at its April 5, 2021 meeting. Questions and emailed applications should be directed to Executive Officer Brendon Freeman at (707) 259-8645 or bfreeman@napa.lafco.ca.gov.

I. General Information			
a) Name:	Bruce	Bardessono	
	First	Last	
b) Address:		Napa	94558
	Street Address	City	Zip Code
c) Contact Information:			
	Phone Number	E-Mail	
d) Present Employer:	Self	Consultant	
	Employer Name	Employer Field	

II. Questionnaire (Applicants may use additional sheets to complete the following questions)	
a) Summarize your interest in serving on the Commission.	<p>My daily life has been, since my youth, directly affected by thoughtful ongoing debate in planning and land</p> <p>My home has been at the interface of the Ag Preserve and a newly incorporated city, Yountville.</p> <p>As a farmer and farm manager employed throughout the valley during my career I understand the issues at the agriculture and urban boundaries of our communities as well as that of my neighbors in Napa where my wife and have our home. My interest is in seeing thoughtful decision making the valley has experienced continue and I am hopeful my knowledge base might contribute in that regard.</p>
b) Summarize your qualification to serve on the Commission.	<p>Professionally I've been employed as a manager within structures of family business, management for hire, international wine making corporations and investment modeled vineyard development projects. I am also part of a family business. It is my hope the breadth of this experience, my background, education, and interest in the LAFCO Commission Seat will meet the requirements you are seeking.</p>
c) List any formal education received beyond high school.	<p>Bachelors of Science, University of California, Davis</p> <p>A.A. Napa College</p>
d) List community activities and interests.	<p>Rotary Club of Napa, Director</p> <p>Napa County Farm Bureau, Director</p> <p>Napa 20-30 Club, Past Active</p> <p>Cycle for Sight, Volunteer</p> <p>Cal Aggie Alumni Asso. Life Member</p> <p>National Eagle Scout Association, Life Member</p>

Letters of recommendation/reference are not required, but will be accepted and should be attached to the completed application at the time of submission.



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APPLICATION FOR LAFCO PUBLIC MEMBER

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Eligibility

Applicants must be a resident of Napa County. Applicants also must not be currently employed by a local public agency or serving as a member on a local public body with the authority to make final or advisory decisions relative to land use or municipal service.

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I. General Information			
a) Name:			
	First	Last	
b) Address:			
	Street Address	City	Zip Code
c) Contact Information:			
	Phone Number	E-Mail	
d) Present Employer:			
	Employer Name	Employer Field	

II. Questionnaire (Applicants may use additional sheets to complete the following questions)	
a) Summarize your interest in serving on the Commission.	
b) Summarize your qualification to serve on the Commission.	
c) List any formal education received beyond high school.	
d) List community activities and interests.	

Letters of recommendation/reference are not required, but will be accepted and should be attached to the completed application at the time of submission.

LAFCO 2021 PUBLIC MEMBER APPLICATION
TOM GAMBLE RESPONSE TO QUESTIONS

Land use decisions in Napa County are unique and distinct from most other California counties. Long before it was fashionable, Napa valued its farmland, watersheds, open space, and compact cities deriving from these attributes. Simply put, residents of Napa County value our urban uses limited to urban areas and rural uses in unincorporated areas. Some cities value this so much, they have voted for fixed urban limit lines that can only be changed by a vote of the people. Of course, life is an imperfect compromise. We have some historic urban uses in rural areas, and urban islands of county lands surrounded by cities, all posing dilemmas and opportunities for LAFCO to assist in orderly development and play its part in helping both County and cities meet regional mandates.

As a third-generation resident living in the unincorporated area, and deriving a sustainable living from the land, I have a deep and abiding passion for the Ag Preserve and all the related land use measures that make Napa special. The biggest dilemma with Ag Protection is balancing these rural open space needs with housing needs. The need to make decisions that do not make it more difficult for County of Napa to balance farmland and open space preservation with the need for housing. Walkable, livable cities need density, and just as there is aversion to sprawl, there is often an initial aversion to increasing density within incorporated areas.

I believe my involvement with LAFCO would contribute a unique perspective. I would be the only member who lives and works in the largest portion of Napa County – the rural unincorporated area.

My decades of experience in advocating land use policies benefiting both livable cities, while preserving open space and farmland, have educated me on LAFCO's important role in this challenging decision-making process. Creating and sustaining both a farming and then a winemaking business from scratch has certainly trained me in the tradeoffs of hard decisions.

Beyond many environmental restoration efforts including a leading role in the Napa River Restoration effort, my wine business, Gamble Family Vineyards, has raised millions for charities over the last decade and privately assisted residents recover from earthquake and fire. When free time is available, I can be found enjoying the more than 100,000 acres of Napa County's public open space.

Bachelor of Arts English, emphasis in Agricultural History University of California, Davis & Los Angeles.



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APPLICATION FOR LAFCO PUBLIC MEMBER

The Local Agency Formation Commission (LAFCO) of Napa County invites applications for the position of Public Member with an unexpired four-year term ending May 2, 2022. The Public Member actively participates in LAFCO meetings with respect to providing input and voting on all regulatory and planning matters before the agency.

Eligibility

Applicants must be a resident of Napa County. Applicants also must not be currently employed by a local public agency or serving as a member on a local public body with the authority to make final or advisory decisions relative to land use or municipal service.

Time Commitments

LAFCO currently meets on the first Monday of every even-numbered month unless otherwise scheduled. Regular meetings are calendared to begin at 2:00 P.M. Special meetings are calendared as needed. All members are expected to attend unless excused and receive a \$150.00 per diem for each regular, special, and subcommittee meeting attended.

Deadline for Applications

Applications must be received by LAFCO staff by **5:00 P.M. on Monday, March 1, 2021**. LAFCO is expected to consider making an appointment for the Public Member position at its April 5, 2021 meeting. Questions and emailed applications should be directed to Executive Officer Brendon Freeman at (707) 259-8645 or bfreeman@napa.lafco.ca.gov.

I. General Information			
a) Name:	Eve	Kahn	
	First	Last	
b) Address:		Napa	94558
	Street Address	City	Zip Code
c) Contact Information:			
	Phone Number	E-Mail	
d) Present Employer:	Keller Williams Napa Valley	Real Estate Services	
	Employer Name	Employer Field	

II. Questionnaire (Applicants may use additional sheets to complete the following questions)	
a) Summarize your interest in serving on the Commission.	I was appointed as Alternate Public Commissioner in August 2019. Shortly after I attended the annual CALAFCO statewide conference which gave me a strong foundation of the roles, responsibilities, and activities of the local and statewide LAVCO organizations. Last year I volunteered to participate in the Outreach Committee and have taken an active role representing LAFCO on county and city issues. The unexpected resignation of the Public Commissioner has provided an opportunity for me to expand my involvement and participation.
b) Summarize your qualification to serve on the Commission.	For 20+ years I have been engaged in preventing sprawl and promoting slow, smart, and sustainable growth. See my community interests below. In the past few months I have been proactive to engage and encourage input to Countywide MSR. I initiated discussions regarding the City of Napa's unincorporate island annexation and participate in the City of Napa's General Plan update.
c) List any formal education received beyond high school.	BA Mathematics State University of NY at Oneonta MA Mathematics/Education State University of NY at Albany California licensed realtor 2001- current
d) List community activities and interests.	Citizen Activist Leadership Napa Valley Class 17 Chair, Get a Grip on Growth and founding member of Napa Vision 2050 Member of Napa Housing Coalition Recording Secretary Congregation Beth Shalom Board of Trustees North Bay Association of Realtors - Local Government Relations council and chair of scholarship committee.

Letters of recommendation/reference are not required, but will be accepted and should be attached to the completed application at the time of submission.



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APPLICATION FOR LAFCO PUBLIC MEMBER

The Local Agency Formation Commission (LAFCO) of Napa County invites applications for the position of Public Member with an unexpired four-year term ending May 2, 2022. The Public Member actively participates in LAFCO meetings with respect to providing input and voting on all regulatory and planning matters before the agency.

Eligibility

Applicants must be a resident of Napa County. Applicants also must not be currently employed by a local public agency or serving as a member on a local public body with the authority to make final or advisory decisions relative to land use or municipal service.

Time Commitments

LAFCO currently meets on the first Monday of every even-numbered month unless otherwise scheduled. Regular meetings are calendared to begin at 2:00 P.M. Special meetings are calendared as needed. All members are expected to attend unless excused and receive a \$150.00 per diem for each regular, special, and subcommittee meeting attended.

Deadline for Applications

Applications must be received by LAFCO staff by **5:00 P.M. on Monday, March 1, 2021**. LAFCO is expected to consider making an appointment for the Public Member position at its April 5, 2021 meeting. Questions and emailed applications should be directed to Executive Officer Brendon Freeman at (707) 259-8645 or bfreeman@napa.lafco.ca.gov.

I. General Information			
a) Name:	Kenneth	Leary	
	First	Last	
b) Address:	Street Address		Zip Code
	City		
c) Contact Information:	Phone Number		E-Mail
d) Present Employer:	Retired	N/A	
	Employer Name	Employer Field	

II. Questionnaire (Applicants may use additional sheets to complete the following questions)	
a) Summarize your interest in serving on the Commission.	I understand that community values and land use are important factors affecting the decisions that lead to the determinations Napa LAFCO makes to ensure current and future community needs are met by their governing agencies and municipal service areas. Furthermore it is with this understanding the preservation of ag lands is a community value and the provision of services in the county are delivered by governing agencies and municipal service areas. They are often seen as competing interest I see them as what makes Napa a great place to live and I want to work so neither unnecessarily restrains the other.
b) Summarize your qualification to serve on the Commission.	Former LAFCO commissioner serving in the following: Chair, City Representative and Alternate; Past member WICC. City Re; Former Public Member Touro University of California’s Bio Safety Committee; Two terms American Canyon City Council. I have a passion for community services and it is reflected in my 35 plus years of municipal service with the following governing agencies; Community Services Director Town of Yountville, Twenty-seven years increasing in responsibilities which included facility management, staffing/supervision, budgeting and program management.
c) List any formal education received beyond high school.	MPA: Public Policy, California State University Eastbay (1975) BS: Recreation and Leisure Studies, California Hayward (2000) Certificate in Graphic Design: University of California Berkeley Extension (1991)
d) List community activities and interests.	Former member and Past President of the Kiwanis Club of Yountville Current member and former Board Member of the Kiwanis Club of American Canyon Current Kiwanis Advisor to the American Canyon High School Key Club a service organization Life member of the American Canyon Community Parks Foundation Member American Canyon Arts Foundation Member and supporter of America’s National Park Associations just to name a few: Yosemite Conservancy, Lassen Park Assoc, Grand Canyon Conservancy, California State Parks Foundation

Letters of recommendation/reference are not required, but will be accepted and should be attached to the completed application at the time of submission.

From: [Geoff Ellsworth](#)
To: [Freeman, Brendon](#)
Subject: Letter in support of Ken Leary for LAFCO public member
Date: Monday, February 22, 2021 5:55:45 AM

[External Email - Use Caution]

Hi Brendon,

This letter is in support of Ken Leary being appointed as the public member on the Napa County LAFCO and I request for it to be included in the record and shared with the decision making body.

I have known and worked with Mr. Leary as a fellow Napa County elected official for the last 4 years and know Mr. Leary to be astute and fair in his considerations, and his appointment would allow an important continuity and institutional knowledge to remain with the board. Ken has been committed to community service both as an elected official and as a local resident and citizen on cross-jurisdictional issues such as infrastructure, water administration, racial & social equity and it would be an incredible asset to have him remain on the board as the public member.

Best,
Geoff Ellsworth



February 15, 2021

TO WHOM IT MAY CONCERN:

I am writing to recommend ***Kenneth Leary*** for the Public Member of the Napa County Local Agency Formation Commission (LAFCO).

I have known Ken for over 15 years and have seen firsthand his dedication to serving the Napa Valley. With a strong background in local government and community service, he is well qualified to serve as the public member. In addition, given the fact that he has represented American Canyon on LAFCO for the last four years, he will need no time to learn the duties of his office and already knows the current issues facing LAFCO.

I also believe appointing Kenneth Leary as the public member would demonstrate a commitment to diversity and ensuring all parts of the County are represented.

For these reasons and many more, I urge you to support his candidacy. He is the right choice.

Sincerely,

**Mark Joseph, Vice Mayor,
City of American Canyon**



From: Jim Wilson
Sent: Wednesday, February 17, 2021 10:42 AM
To:
Subject: LAFCO - Kenneth Leary recommendation for Public Member

Dear Marjie Mohler, Chair, LAFCO of Napa County,

I strongly encourage you to consider Kenneth Leary for the Public Member position you have open. As you know, Ken wants to return to LAFCO. I think you and other commissioners would be happy to see him return.

Ken is highly respected in the environmental community and will be able to serve from day one with no learning curve. His passion for our special place is also notable in his service on WICC and the CAC. While on LAFCO, he pressed for county-wide municipal services reviews. He is an outspoken advocate for environmental and social justice, having served in leadership capacities in Kiwanis Clubs and the American Canyon Citizens Academy, which he helped to create.

Kenneth Leary has the vision and political courage to serve the public well. Please allow him to continue to serve us as the LAFCO Public Member.

Sincerely,

Jim Wilson

From: Barry Christian
Sent: Friday, February 12, 2021 11:51 AM
To: Kenneth Leary
Subject: Re: LAFCO Public Member Seat Recommendation

To whom it may concern:

I would recommend Mr. Kenneth Leary for service on the LAFCO Board.

I have known Mr. Leary for 10 or more years in a number of capacities.

Mr. Leary served as elected City Council Member for City of American Canyon for a number of terms.

Mr. Leary served on the Board of WICC (Watershed Information and Conservation Council) for County of Napa.

Mr. Leary also served as Advisor to the Key Club in American Canyon, participating in many public service activities.

During the fire emergencies in Napa County, Mr. Leary volunteered many hours supporting the community.

In all my interactions with him, Mr. Leary has acted honorably, reasonably, insightfully, and with great care and compassion, including generosity of personal effort, in service to the residents of American Canyon and Napa County.

I believe Mr. Leary's participation on the LAFCO board would be a benefit to the residents of the Napa Valley.

Thank you,
Barry Christian



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Eligibility

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Time Commitments

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I. General Information			
a) Name:	Nicholas	Van Male	
	First	Last	
b) Address:			
	Street Address	City	Zip Code
c) Contact Information:			
	Phone Number	E-Mail	
d) Present Employer:	Retired Attorney	Gaw Van Male, Law	
	Employer Name	Employer Field	

II. Questionnaire (Applicants may use additional sheets to complete the following questions)	
a) Summarize your interest in serving on the Commission.	I am a long time resident of Napa County and have a continuing interest in land use. I would like to apply my conflict resolution skills to the competing needs for housing, appropriate winery usages, transportation alternatives and the URL.
b) Summarize your qualification to serve on the Commission.	I served as vice-chair of the St. Helena Planning Commission. My law practice included extensive appearances dealing with land use issues in Napa County and all of its cities. I have dealt with issues involving winery permit approval (and disapproval), the Airport Specific Plan, traffic impacts, boundary disputes and inverse condemnation. I have authored legislation which became law. I am the immediate past Chair of the Board of Paradise Valley Estates, a Continuing Care Retirement Community with responsibilities for completing the \$200,000,000 expansion of the current campus located in Fairfield.
c) List any formal education received beyond high school.	BA University of California, Berkeley Navy Officer Candidate School JD University of California, Davis Navy War College, D.C. CAPTAIN, USNR-ret.
d) List community activities and interests.	Past president of Napa Bar Association, Legal Aid, Napa Valley Velo Bicycle Club, past member St. Helena Rotary and current member of the Fairfield-Suisun Rotary, Life member of Cal Aggies Alumni Association, Marines Memorial Association, former member of the NorthBay Bioethics Committee and the Fairfield Community Services Foundation (Citizen of the year 2008). Past National Masters and Nor Cal Cycling Champion and US Pan American Games Team member.

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I. General Information			
a) Name:	Alton	Weeks	
	First	Last	
b) Address:		Napa	94558
	Street Address	City	Zip Code
c) Contact Information:			
	Phone Number	E-Mail	
d) Present Employer:	Think Ahead	IT Consulting Firm	
	Employer Name	Employer Field	

II. Questionnaire

(Applicants may use additional sheets to complete the following questions)

<p>a) Summarize your interest in serving on the Commission.</p>	<p>I was born and raised in the Napa Valley, and with the exception of a few years, have always called this my home. To many, Napa is a glamorous destination but Napa has a very diverse population. Growing up here, I know families from all ends of the social and economical spectrum. More specific to this commission, I live in a modest 3 bedroom home that resides within an unincorporated pocket of Napa County that is 100% within city limits. Many people within my neighborhood like being in the county and feel there is benefit to it. I'd like to represent them, and learn more about the pro's and con's of being incorporated into the city. I feel I can share with the commission my neighbor's views, and communicate to my neighbors the pro's and con's of incorporation.</p>
<p>b) Summarize your qualification to serve on the Commission.</p>	<p>Over the course of my professional career in IT sales and as president and founder of a non-profit, I have developed many skills that I think will be beneficial to the commission. The most important of those being the art of compromise. When developing a solution you need to look at the challenges and needs of sometimes competing groups. Mutually beneficial solutions can only be found by listening to everyone's needs and concerns, and openly sharing those with all involved. As a member of the commission I would do just that. I would help the commission learn how people who live in pockets of the county feel about incorporation, and share with them any benefits incorporation would bring to them.</p>
<p>c) List any formal education received beyond high school.</p>	<p>I never received a formal college degree. However I attended Napa College for 3 years and Dominican University for a year. My major was in Music with a minor in Political Science. I have attended numerous technical trainings associated with my career. Amongst those was training in "ITIL". "ITIL" is a framework for developing roles and processes within an organization.</p>
<p>d) List community activities and interests.</p>	<p>I am founder and currently president of North Bay Air Cooled. A non-profit car club that raises awareness around the history and preservation of classic Volkswagens. We also hold an annual carshow fundraiser for the Boys and Girls Club.</p>

Letters of recommendation/reference are not required, but will be accepted and should be attached to the completed application at the time of submission.



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Agenda Item 6b (Public Hearing)

TO: Local Agency Formation Commission

PREPARED BY: Brendon Freeman, Executive Officer

MEETING DATE: April 5, 2021

SUBJECT: Proposed Budget for Fiscal Year 2021-2022 and Draft Amendment to the Schedule of Fees and Deposits

RECOMMENDATION

It is recommended the Commission take the following actions:

- 1) Open the public hearing and take testimony;
- 2) Close the public hearing;
- 3) Adopt the Resolution of the Local Agency Formation Commission of Napa County Adopting a Proposed Budget for the 2021-2022 Fiscal Year (Attachment One);
- 4) Direct staff to circulate the adopted proposed budget to each of the funding agencies as well as the general public for review and comment;
- 5) Direct staff to circulate the draft amendment to the *Schedule of Fees and Deposits* (“Fee Schedule”) to the general public for public review and comment; and
- 6) Direct the Budget Committee to return with recommendations for a final budget and Fee Schedule amendment for adoption at a noticed public hearing on June 7, 2021.

BACKGROUND AND SUMMARY

LAFCOs are responsible for annually adopting a proposed budget by May 1st and a final budget by June 15th pursuant to California Government Code Section 56381. This statute specifies the proposed and final budgets shall – at a minimum – be equal to the budget adopted for the previous fiscal year unless LAFCO finds the reduced costs will nevertheless allow the agency to fulfill its prescribed regulatory and planning duties.

Margie Mohler, Chair
Councilmember, Town of Yountville

Mariam Aboudamous, Commissioner
Councilmember, City of American Canyon

Beth Painter, 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

Vacant
Representative of the General Public

Eve Kahn, Alternate Commissioner
Representative of the General Public

Brendon Freeman
Executive Officer

Budgeting Policies

On December 7, 2020, consistent with the Commission's *Budget Policy* ("the Policy"), included as Attachment Two, the Commission appointed Commissioners Mohler and Gregory to serve on an ad hoc Budget Committee ("the Committee") to inform the Commission's decision-making process in adopting an annual operating budget. The Policy directs the Committee to consider the Commission's adopted Fee Schedule and Work Program in conjunction with the budget process. The Commission is directed to control operating expenses by utilizing its available undesignated/unreserved fund balance ("reserves") whenever possible and appropriate. The Commission is also directed to retain sufficient reserves to equal no less than one third (i.e., four months) of budgeted operating expenses in the affected fiscal year.¹ The Commission does not budget for contingencies and instead relies on reserves to address unexpected expenses.

Prescriptive Funding Sources

The Commission's annual operating expenses are principally funded by the County of Napa and the Cities of American Canyon, Calistoga, Napa, St. Helena, and Town of Yountville. State law specifies the County is responsible for one-half of the Commission's operating expenses while the remaining amount is to be apportioned among the four cities and one town. The current formula for allocating the cities' shares of the Commission's budget was adopted by the municipalities in 2003 as an alternative to the standard method outlined in State law and is based on a weighted calculation of population (60%) and general tax revenues (40%). Additional funding – typically representing less than 10% of total revenues – is budgeted from anticipated application fees and interest earnings.

Proposed Budget

The Commission will consider adopting a resolution to approve a proposed budget for fiscal year 2021-2022. Proposed operating expenses total \$553,916 and represent a 2.2% decrease over the current fiscal year. Proposed operating revenues total \$540,270 and represent a 4.1% increase over the current fiscal year. The resulting \$13,646 shortfall would be covered by drawing down on the Commission's reserves.

Notably, the proposed budget would increase overall agency contributions by 5.0% over the current fiscal year. This increase was discussed as part of last year's budget adoption process and communicated to the funding agencies. No concerns were raised at that time. The Committee believes the increase is appropriate given the Commission's longstanding practice to minimize agency contributions each fiscal year by drawing down on reserves.

The proposed budget positions the Commission to finish the 2021-2022 fiscal year with available reserves totaling \$250,473 or 45.2% of proposed operating expenses. Therefore, the proposed budget would result in an amount of reserves sufficient to meet the Policy directive to retain reserves equal to no less than one-third of operating expenses. A five-year projection of the Commission's reserves is provided on page five of this report.

¹ Available reserves are projected to total \$264,119 at the beginning of 2021-2022, representing 47.7% or approximately 5.7 months of operating expenses in the proposed budget.

Committee Actions to Date

On January 11, 2021, the Committee met and discussed a draft proposed budget prepared by staff. Following discussion and minor revisions, the Committee agreed to present the proposed budget for the Commission’s consideration at today’s meeting.

The Committee also agreed to present a draft amendment to the adopted Fee Schedule. Notably, the Committee agreed an amendment is needed to update the Commission’s fully burdened hourly rate and clarify the procedures related to various proposal fees. The draft amendment to the Fee Schedule with tracked changes is included as Attachment Three. The Committee recommends circulating the draft amendment to the general public for review and comment before the Commission considers approving the amendment at its June 7, 2021 meeting.

Proposed Operating Expenses

The Committee proposes a decrease in budgeted operating expenses from \$566,394 to \$553,916; a difference of \$12,478 or 2.2% compared to the current fiscal year. The following table summarizes operating expenses in the proposed budget.

Expense Unit	Adjusted FY20-21	Proposed FY21-22	Change \$	Change %
1) Salaries/Benefits	\$13,250	\$13,250	\$0	0.0%
2) Services/Supplies	\$553,144	\$540,666	-\$12,478	-2.3%
3) Contingencies	\$0	\$0	\$0	0.0%
Total	\$566,394	\$553,916	-\$12,478	-2.2%

Notable proposed changes to budgeted operating expenses are summarized as follows.

Salaries and Benefits Unit

This budget unit is proposed to remain unchanged at \$13,250. Notably, consistent with the Commission’s Memorandum of Understanding with the County of Napa for staff support services, the Commission’s staff salaries and benefits are categorized under Administration Services (Account No. 52100) within the Services and Supplies budget unit as summarized below.

Services and Supplies Unit

This budget unit is proposed to decrease from \$553,144 to \$540,666, representing a total decrease of \$12,478 or 2.3% compared to the current fiscal year. All changes involving a difference of at least \$1,000 in an individual expense account are considered by staff to be significant and are summarized below:

- 1) Increase Administration Services (Account No. 52100) from \$415,869 to \$424,076 to reflect anticipated adjustments to staff salaries and benefits.
- 2) Increase ITS Communication Charges (Account No. 52131) from \$0 to \$1,837 for the County of Napa to provide telephone services for the Commission’s office, including maintenance and network support.

- 3) Increase Legal Services (Account No. 52140) from \$27,500 to \$30,000 in anticipation of the need for counsel on island annexations, policy updates, and various studies.
- 4) Decrease Consulting Services (Account No. 52310) from \$25,551 to \$0. The Commission has no current or planned projects in 2021-2022 that would require consulting services.
- 5) Increase Training/Conference (Account No. 52900) from \$989 to \$3,000 in anticipation of possible training and conference opportunities in a physical location for staff and Commissioners.

Notably, consistent with prior fiscal years, the proposed budget includes \$1,000 for the 401A Employer Contribution under Administration Services (Account No. 52100). The Executive Officer is authorized to participate in the County of Napa’s 401(a) retirement savings plan. The Commission has budgeted \$1,000 for this purpose in each of the last seven fiscal years.

Contingencies Unit

The Commission does not budget for contingencies, and instead relies on reserves to address any unanticipated expenses tied to emergencies.

Proposed Operating Revenues

The Committee proposes an increase in operating revenues from \$519,084 to \$540,270; a difference of \$21,186 or 4.1% compared to the current fiscal year. The following table summarizes operating revenues in the proposed budget.

Revenue Unit	Adjusted FY20-21	Proposed FY21-22	Change \$	Change %
1) Agency Contributions	\$485,400	\$509,670	\$24,270	5.0%
(a) County of Napa	\$242,700	\$254,835	\$12,135	5.0%
(b) City of Napa	\$162,800	\$170,940	\$8,140	5.0%
(c) City of American Canyon	\$41,166	\$43,225	\$2,059	5.0%
(d) City of St. Helena	\$15,159	\$15,917	\$758	5.0%
(e) City of Calistoga	\$14,515	\$15,240	\$725	5.0%
(f) Town of Yountville	\$9,060	\$9,513	\$2,136	5.0%
2) Service Charges	\$21,684	\$20,600	-\$1,084	-5.0%
3) Interest Earnings	\$12,000	\$10,000	-\$2,000	-16.7%
Total	\$519,084	\$540,270	\$21,186	4.1%

* Proposed agency contributions for 2021-2022 reflect general tax revenues for 2017-2018 as provided by the State Controller’s Office’s (SCO) Cities Annual Report as well as population estimates for January 1, 2020, as provided by the State Department of Finance’s (DOF) Population Estimates. Agency contributions will be updated in the final budget to reflect general tax revenue and population estimates for January 1, 2020, once the new SCO and DOF reports have been published.

The Committee proposes the majority of operating revenues to be collected – \$509,670 – would be drawn from agency contributions and would represent a 5.0% increase compared to the current fiscal year. Service charges (i.e. proposal application fees) are proposed to total \$20,600 and would represent a 5.0% decrease compared to the current fiscal year. Interest earnings on the Commission’s fund balance are proposed to total \$10,000 based on recent trends and would represent a 16.7% decrease compared to the current fiscal year.

Reserves Projections

It has been the Commission’s practice in recent years to intentionally budget for operating deficits for the purpose of reducing the impact to funding agencies when reserves exceed the Policy directive amount of one third of budgeted expenses. Toward this end, the Committee proposes an intentional operating deficit of \$13,646, which would be covered by drawing down on reserves consistent with prior fiscal years.

As mentioned on page two of this report, the proposed budget positions the Commission to finish the 2021-2022 fiscal year with available reserves totaling \$250,473 or 45.2% of proposed operating expenses. Therefore, the proposed budget would result in an amount of reserves sufficient to meet the Policy directive to retain reserves equal to no less than one-third of operating expenses.

In order to balance the budget and ensure reserves continue totaling at minimum one-third of budgeted expenses, the Committee projected the next five fiscal year budgets and reserves based on the following assumptions:

- Annual 3.0% increases in total operating expenses;
- Annual 5.0% increases in revenues tied to agency contributions; and
- Stagnant revenues tied to service charges.

The following table shows the Commission’s projected expenses, revenues, and reserves over the next five fiscal years based on the aforementioned assumptions.

Category	2021-22	2022-23	2023-24	2024-25	2025-26
Expenses	\$553,916	\$570,533	\$587,649	\$605,279	\$623,437
Revenues	\$540,270	\$565,754	\$592,511	\$620,607	\$650,107
Net Surplus/Deficit	\$(13,646)	\$(4,780)	\$4,862	\$15,328	\$26,670
Reserves on July 1	\$264,119	\$250,473	\$245,693	\$250,555	\$265,883
Reserves as % of Expenses	47.7%	43.9%	41.8%	41.4%	42.6%

The Commission is invited to discuss the reserves projections and provide direction or feedback to the Committee as appropriate. This may involve consideration of alternative assumptions with respect to future increases to budgeted operating expenses or revenues.

ATTACHMENTS

- 1) Draft Resolution Adopting a Proposed Budget for Fiscal Year 2021-2022
- 2) Budget Policy
- 3) Draft Amendment to Schedule of Fees and Deposits (tracked changes)

RESOLUTION NO. ____

**RESOLUTION OF
THE LOCAL AGENCY FORMATION COMMISSION OF NAPA COUNTY
ADOPTING A PROPOSED BUDGET FOR THE 2021-2022 FISCAL YEAR**

WHEREAS, the Local Agency Formation Commission of Napa County (hereinafter referred to as “Commission”) is required by the Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000 (Government Code Sections 56000 et seq.) to adopt a proposed budget for the next fiscal year; and

WHEREAS, Government Code Section 56381 requires the Commission to adopt a proposed budget by May 1 and a final budget by June 15; and

WHEREAS, the Commission appoints and utilizes an ad hoc subcommittee (“Budget Committee”) to help inform and make decisions regarding the agency’s funding requirements; and

WHEREAS, the Executive Officer prepared a report concerning the Budget Committee’s recommended proposed budget; and

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

WHEREAS, the Commission heard and fully considered all the evidence presented at its public hearing on the proposed budget held on April 5, 2021; and

WHEREAS, the Commission determined the proposed budget projects the staffing and program costs of the Commission as accurately and appropriately as is possible.

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

1. The proposed budget as outlined in Exhibit “A” is approved.
2. The proposed budget provides the Commission sufficient resources to fulfill its regulatory and planning responsibilities in accordance with Government Code Section 56381(a).

The foregoing resolution was duly and regularly adopted by the Commission at a public meeting held on April 5, 2021, after a motion by Commissioner _____, seconded by Commissioner _____, by the following vote:

AYES: Commissioners _____

NOES: Commissioners _____

ABSENT: Commissioners _____

ABSTAIN: Commissioners _____

Margie Mohler
Commission Chair

ATTEST: _____
Brendon Freeman
Executive Officer

Recorded by: Kathy Mabry
Commission Secretary

DRAFT



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

FY 2021-2022 PROPOSED BUDGET

Proposed for Adoption on April 5, 2021

Expenses		FY 2018-19		FY 2019-20		FY 2020-21		FY 2021-22	Difference from Prior FY	
		Final Budget	Actual	Final Budget	Actual	Final Budget	Estimate	Proposed Budget		
Salaries and Benefits										
<u>Account</u>	<u>Description</u>									
51210	Commissioner Per Diems	15,000	12,150	15,000	10,980	12,500	12,000	12,500	-	0.0%
51300	Medicare - Commissioners	-	173	225	158	250	250	250	-	0.0%
51305	FICA - Commissioners	500	550	500	506	500	500	500	-	0.0%
	Total Salaries & Benefits	15,500	12,873	15,725	11,644	13,250	12,750	13,250	-	0.0%
Services and Supplies										
<u>Account</u>	<u>Description</u>									
52100	Administration Services	371,069	319,297	424,278	404,710	415,869	410,000	424,076	8,207	2.0%
52125	Accounting/Auditing Services	8,000	7,394	8,000	6,710	7,500	7,500	7,500	-	0.0%
52130	Information Technology Services	17,301	16,653	24,590	24,590	24,323	24,323	24,489	166	0.7%
52131	IT'S Communication Charges	-	-	-	-	-	-	1,837	1,837	NEW
52140	Legal Services	35,000	27,152	30,000	30,000	27,500	27,500	30,000	2,500	9.1%
52310	Consulting Services	188,050	80,339	112,624	79,623	25,551	25,551	-	(25,551)	-100.0%
52345	Janitorial Services	150	165	300	300	300	300	300	-	0.0%
52515	Maintenance-Software	2,000	1,779	2,000	1,929	1,930	1,930	1,930	-	0.0%
52600	Rents and Leases: Equipment	5,500	4,585	5,500	4,969	5,500	5,250	5,000	(500)	-9.1%
52605	Rents and Leases: Building/Land	27,828	28,663	29,523	29,523	30,409	30,409	31,322	913	3.0%
52700	Insurance: Liability	70	70	4,554	380	813	813	578	(235)	-28.9%
52800	Communications/Telephone	3,000	3,124	3,000	3,591	3,500	2,000	3,000	(500)	-14.3%
52830	Publications and Notices	2,000	967	1,500	1,440	1,500	1,000	1,000	(500)	-33.3%
52835	Filing Fees	500	200	250	154	50	150	200	150	300.0%
52900	Training/Conference	9,000	13,770	12,295	8,348	989	500	3,000	2,011	203.3%
52905	Business Travel/Mileage	1,000	2,265	3,000	1,449	1,000	-	500	(500)	-50.0%
53100	Office Supplies	2,000	2,265	2,000	1,193	1,250	900	1,000	(250)	-20.0%
53110	Freight/Postage	300	100	300	158	350	150	500	150	42.9%
53120	Memberships/Certifications	2,805	2,805	3,261	3,261	3,060	3,060	2,934	(126)	-4.1%
53205	Utilities: Electric	1,300	1,121	1,300	1,306	1,500	1,300	1,500	-	0.0%
	Total Services & Supplies	678,673	514,108	669,275	604,373	553,144	542,786	540,666	(12,478)	-2.3%
	EXPENSE TOTALS	694,173	526,981	685,000	616,017	566,394	555,536	553,916	(12,478)	-2.2%

Revenues

		FY 2018-19		FY 2019-20		FY 2020-21		FY 2021-22			
		Final Budget	Actual	Final Budget	Actual	Final Budget	Estimate	Proposed Budget	<i>Difference from Prior FY</i>		
Intergovernmental											
<u>Account</u>	<u>Description</u>										
43910	County of Napa	224,410	224,410	235,631	235,631	242,700	242,700	254,835	12,135	5.0%	
43950	Other Governmental Agencies	224,410	224,410	235,631	235,631	242,700	242,700	254,835	12,135	5.0%	
----	<i>City of Napa</i>	148,793	148,793	154,514	154,514	162,800	162,800	170,940	8,140	5.0%	
----	<i>City of American Canyon</i>	35,803	35,803	38,707	38,707	41,166	41,166	43,225	2,059	5.0%	
----	<i>City of St. Helena</i>	14,897	14,897	15,357	15,357	15,159	15,159	15,917	758	5.0%	
----	<i>City of Calistoga</i>	13,673	13,673	15,575	15,575	14,515	14,515	15,240	725	5.0%	
----	<i>Town of Yountville</i>	11,243	11,243	11,478	11,478	9,060	9,060	9,513	453	5.0%	
	Total Intergovernmental	448,820	448,820	471,261	471,261	485,400	485,400	509,670	24,270	5.0%	
Service Charges											
<u>Account</u>	<u>Description</u>										
42690	Application/Permit Fees	20,000	41,451	25,000	26,964	21,060	23,400	20,000	(1,060)	-5.0%	
46800	Charges for Services	500	500	500	781	624	750	600	(24)	-3.8%	
	Total Service Charges	20,500	41,951	25,500	27,745	21,684	24,150	20,600	(1,084)	-5.0%	
Investments											
<u>Account</u>	<u>Description</u>										
45100	Interest	7,000	12,367	7,000	15,128	12,000	10,000	10,000	(2,000)	-16.7%	
	Total Investments	7,000	12,367	7,000	15,128	12,000	10,000	10,000	(2,000)	-16.7%	
	REVENUE TOTALS	476,320	503,138	503,761	514,134	519,084	519,550	540,270	21,186	4.1%	
OPERATING DIFFERENCE		(217,853)	(23,843)	(181,239)	(101,883)	(47,310)	(35,986)	(13,646)			
Fund Balances											
			2018-19		2019-20		2020-21		2021-22		
RESTRICTED FUND BALANCE (EQUIPMENT REPLACEMENT RESERVE)											
	Beginning:		19,657		19,657		19,657		19,657		
	Ending:		19,657		19,657		19,657		19,657		
UNDESIGNATED/UNRESERVED FUND BALANCE ("RESERVES")											
	Beginning:		425,831		401,988		300,105		264,119		
	Ending:		401,988		300,105		264,119		250,473		
TOTAL FUND BALANCE											
	Beginning:		445,488		421,645		319,762		283,776		
	Ending:		421,645		319,762		283,776		270,130		
MINIMUM FOUR MONTH RESERVE GOAL											
			231,391		228,333		188,798		184,639		



LOCAL AGENCY FORMATION COMMISSION OF NAPA COUNTY

Budget Policy

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

I. Background

The Cortese-Knox-Hertzberg Local Government Reorganization (CKH) Act of 2000 includes provisions for establishing a budget and for the receipt of funds. [Government Code \(G.C.\) §56381](#) establishes that the Commission shall annually adopt a budget for the purpose of fulfilling its duties under CKH.

II. Purpose

It is the intent of the Commission to adopt a policy for budget purposes which establishes procedures for compiling, adopting and administering the budget. The Commission is committed to providing transparency of its operations including its fiscal activities. The Commission follows recognized accounting principles and best practices in recognition of its responsibility to the public.

III. Preparation of Annual Budget

- A) An annual budget shall be prepared, adopted and administered in accordance with [\(G.C.\) §56381](#).
- B) The Commission should annually consider the Fee Schedule, including any anticipated changes, and Work Program in conjunction with the budget process.
- C) The Commission is committed to ensuring the agency is appropriately funded each fiscal year to effectively meet its prescribed regulatory and planning responsibilities. The Commission is also committed to controlling operating expenses to reduce the financial obligations on the County of Napa, the cities and town, hereafter referred to as the “funding agencies,” whenever possible and appropriate.
- D) The budget shall include an undesignated/unreserved fund balance equal to a minimum of one-third (i.e., four months) of annually budgeted operating expenses.
- E) The Commission shall establish an ad-hoc budget committee at the last meeting of each calendar year comprising of two Commissioners which will terminate with the adoption of the final budget. Commissioners appointed to a budget committee shall receive a regular per diem payment for each meeting attended.
- F) The adopted final budget should be posted on the Commission’s website for public viewing for a minimum of five years.
- G) The Executive Officer shall provide quarterly budget reports to the Commission for informational purposes.

IV. Budget Contributions and Collection of Funds

[G.C. §56381](#) establishes that the Commission shall adopt annually a budget for the purpose of fulfilling its duties under CKH. It further establishes that the County Auditor shall apportion the operating expenses from this budget in the manner prescribed by [G.C. §56381\(b\)](#), or in a manner mutually agreed upon by the agencies responsible for the funding of the Commission's budget [G.C. §56381\(c\)](#) states that:

After apportioning the costs as required in subdivision (b), the auditor shall request payment from the Board of Supervisors and from each city no later than July 1 of each year for the amount that entity owes and the actual administrative costs incurred by the auditor in apportioning costs and requesting payment from each entity. If the County or a city does not remit its required payment within 60 days, the Commission may determine an appropriate method of collecting the required payment, including a request to the auditor to collect an equivalent amount from the property tax, or any fee or eligible revenue owed to the County or city. The auditor shall provide written notice to the County or city prior to appropriating a share of the property tax or other revenue to the Commission for the payment due the Commission pursuant to this section.

It is the intent of the Commission that all agencies provide the costs apportioned to them from the LAFCO budget. Pursuant to [G.C. §56381\(c\)](#), the policy of the Commission is:

- A) If the County or a city or a town does not remit its required payment within 45 days of the July 1 deadline, the County Auditor shall send written notice to the agency in question that pursuant to [G.C. §56381\(c\)](#) and this policy, the Auditor has the authority to collect the amount of the Commission's operating expenses apportioned to that agency after 60 days from the July 1 deadline.
- B) If the County or a city or a town does not remit its required payment within 60 days of the July 1 deadline, the County Auditor shall collect an amount equivalent to the cost apportioned to that agency from the property tax owed to that agency, or some other eligible revenue deemed appropriate or necessary by the County Auditor. The County Auditor shall send written notice of the action taken to the agency and to the Commission.

V. Executive Officer Purchasing and Budget Adjustment Authority

Pursuant to [G.C. §56380](#), the Commission shall make its own provision for necessary quarters, equipment, supplies, and services. The associated operating costs are provided for through the Commission's adoption of its annual budget in the manner prescribed in [G.C. §56381](#).

It is the intent of the Commission to charge the LAFCO Executive Officer with the responsibility and authority for coordinating and managing the procurement of necessary quarters, equipment, supplies, and services, and to adjust the annual budget as necessary under certain circumstances. The policy of the Commission is:

- A) The Executive Officer is charged with the responsibility and authority for coordinating and managing the procurement of necessary quarters, equipment, supplies, and services in accordance with applicable laws, regulations and policies.
- B) The Executive Officer is authorized to act as the agent for LAFCO in procuring necessary quarters, equipment, supplies, and services.
- C) Only the Commission itself or the Executive Officer may commit LAFCO funds for the purchase of any necessary quarters, equipment, supplies, or services for LAFCO use.
- D) The Executive Officer is delegated purchasing authority on behalf of LAFCO for necessary quarters, equipment, supplies, and services not to exceed \$5,000 per transaction. The Commission must approve any purchase of necessary quarters, equipment, supplies, and services that exceed the monetary limits set forth in this policy.
- E) Following review and approval by the Chair, the Executive Office is authorized to make adjustments and administrative corrections to the budget without Commission action provided the adjustments and corrections are within the total budget allocations adopted by the Commission.
- F) Following review and approval by the Chair, the Executive Officer is authorized to adjust the budget for purposes of carrying over to the new fiscal year any encumbered funds that have been approved by the Commission in a prior fiscal year and involve unspent balances. Said funds include committed contracts for services that were not completed in the prior fiscal year and must be re-encumbered by way of a budget adjustment in the new fiscal year.



Local Agency Formation Commission of Napa County

Subdivision of the State of California

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

Schedule of Fees and Deposits

Effective Date: ~~January~~ July 1, 2021

These are the policies of the Local Agency Formation Commission (LAFCO) of Napa County with respect to setting fees and deposits in fulfilling ~~the agency~~ LAFCO's regulatory and planning duties prescribed under the Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000.

1. This schedule shall be administered in accordance with the provisions of Government Code (G.C.) Section 56383.
2. This schedule includes both "fixed" and "at-cost" fees. Fixed fees represent reasonable cost estimates for processing routine proposals and based on a number of predetermined staff hours. At-cost fees apply to less routine proposals and based on the number of actual staff hours.
3. Proposals submitted to the Commission shall be accompanied by the appropriate proposal fees as detailed in this schedule. ~~Any required Pproposal fees will not be deemed complete until all appropriate fees have been collected as identified by that have not been received by the Executive Officer and as detailed in this schedule at the time of Commission action on a proposal shall be made a condition of proposal approval.~~
4. All deposit amounts ~~tied to for~~ at-cost proposals shall be determined by the Executive Officer. The Executive Officer shall provide a written accounting of all staff time and related expenses billed against the deposit. If the cost in processing a proposal begins to approach or exceed the deposited amount, the Executive Officer shall request additional monies from the applicant.
- 4.5. Upon completion of an at-cost proposal, the Executive Officer shall issue to the applicant a statement detailing all billable expenditures from a deposit. The Executive Officer shall refund the applicant for any remaining monies remaining from the deposit less one-half hour of staff time to process the return as provided in this schedule
- 5.6. All fees payable to the Commission shall be submitted ~~in by~~ check and made payable to "~~Local Agency Formation Commission~~ LAFCO of Napa County."
- 6.7. In the course of processing proposals, staff is required to collect fees on behalf of other agencies such as the State Board of Equalization. The Commission recognizes these are "pass through" fees that are not within the Commission's discretion and therefore no Commission action is required to make changes to those fees in this schedule.
- 7.8. Applicants are responsible for any fees or charges incurred by the Commission and or required by other governmental agencies in the course of the processing of a proposal.
9. Additional staff time shall be charged to the applicant at a fully burdened hourly rate of \$156150.

10. Applicants are responsible for any extraordinary administrative costs as determined by the Executive Officer and detailed for the applicant in a written statement.

~~11.~~ If ~~any a check for a proposal fee for a proposal has already been received~~ is on file, and the fee amount pursuant to this schedule changes prior to the deposit of the fee, the Executive Officer shall issue to the applicant a statement detailing the change in the fee and the amount of the difference that needs to be collected from the applicant, or reimbursed to the applicant, prior to completion of proposal proceedings.

~~8.12.~~ If a check for a proposal fee is on file and has not been deposited after six months from the date written on the check, the Executive Officer shall return the original check to the applicant and require submittal of a replacement check prior to any further action on the proposal.

~~9.1. Applicants are responsible for any extraordinary administrative costs as determined by the Executive Officer and detailed for the applicant in a written statement.~~

~~10.13.~~ Staff time and administrative costs shall not be charged by the Commission for city annexation proposals involving one or more entire unincorporated island subject to California Government Code G.C. Section 56375.3 and the Policy on Unincorporated Islands.

~~11.14.~~ If the processing of a proposal requires the Commission contract with another agency firm, or individual for services beyond the normal scope of staff work, such as the drafting of an Environmental Impact Report or Comprehensive Fiscal Analysis, the applicant shall be responsible for all costs associated with that contract. The applicant will provide the Commission with a deposit sufficient to cover the cost of the contract.

~~12.~~ The Executive Officer may stop work on any proposal until the applicant submits a requested deposit or fee.

~~13.15.~~

~~14.1. Upon completion of an at cost proposal, the Executive Officer shall issue to the applicant a statement detailing all billable expenditures from a deposit. The Executive Officer shall refund the applicant for any remaining monies remaining from the deposit less one half hour of staff time to process the return as provided in this schedule~~

~~15.16.~~ Applicants may request the Commission reduce or waive a fee. All requests must be made in writing and cite specific factors justifying the reduction or waiver and will be considered by the Commission relative to public interest and agency mission. Examples of appropriate requests include, but are not limited to, addressing public health or safety threats, affordable housing development, and community serving projects. Requests by landowners or registered voters shall be considered by the Commission at the earliest opportunity next as part of a regular meeting. Requests by local agencies may be considered at the time the application proposal is presented to the Commission for action.

~~16.17.~~ With respect to instances where the Commission approves an outside service agreement under California Government Code G.C. Section 56133, the fee for a subsequent change of organization or reorganization annexation involving the affected territory and affected agency will be reduced by one-half if filed within one calendar year.

18. Requests for research on any particular subject will be provided at no cost for the first two hours. This includes, but is not limited to, archival retrieval, identifying properties relative to agency boundaries, and discussing potential proposals. Any additional research time will be billed at the fully burdened hourly rate provided in this schedule.
- ~~17.~~19. Annexation or detachment proposals involving boundary changes for two or more agencies qualify as reorganizations and will be charged an additional fee of \$780 (five hours). Annexation proposals involving cities that require concurrent detachment from County Service Area No. 4 will only incur an additional fee of \$150 (one hour).
- ~~18.~~20. The Commission shall annually review this schedule and update the fully burdened hourly rate to help maintain an appropriate level of cost-recovery.

PROPOSAL FEES

The following fees must be submitted to the Commission as part of the proposal filing. The Executive Officer will identify the specific deposits, fees, and amounts that apply to the proposal. ~~The proposal will be deemed incomplete without payment of all identified fees. Any fees designated at-cost will require a deposit as determined by the Executive Officer.~~

Change of Organization or Reorganization: Annexations and Detachments

- Proposals Exempt from California Environmental Quality Act**

100% Consent from Landowners and Agencies where the Commission is Responsible or Lead Agency	\$4, 680 <u>500</u> (30 hours)
Without 100% Consent from Landowners and Agencies where the Commission is Responsible or Lead Agency	\$6, 240 <u>000</u> (40 hours)

- Proposals Not Exempt from California Environmental Quality Act / Negative Declaration**

100% Consent from Landowners and Agencies where the Commission is Responsible Agency	\$5, 460 <u>250</u> (35 hours)
100% Consent from Landowners and Agencies where the Commission is Lead Agency	\$7, 800 <u>500</u> (50 hours)
Without 100% Consent from Landowners and Agencies where the Commission is Responsible Agency	\$7, 020 <u>6,750</u> (45 hours)
Without 100% Consent from Landowners and Agencies where the Commission is Lead Agency	\$9, 360 <u>000</u> (60 hours)

- Proposals Not Exempt from California Environmental Quality / Environmental Impact Report**

100% Consent from Landowners and Agencies where the Commission is Responsible Agency	\$6, 240 <u>000</u> (40 hours)
100% Consent from Landowners and Agencies where the Commission is Lead Agency	\$7, 800 <u>500</u> (50 hours) plus consultant contract
Without 100% Consent from Landowners and Agencies where the Commission is Responsible Agency	\$7, 800 <u>500</u> (50 hours)
Without 100% Consent from Landowners and Agencies where the Commission is Lead Agency	\$9, 360 <u>000</u> (60 hours) plus consultant contract

~~* Annexation or detachment proposals involving boundary changes for two or more agencies qualify as reorganizations will be charged an additional fee of \$780 (5 hours). Annexation proposals involving cities that require concurrent detachment from County Service Area No. 4 will only incur an additional fee of \$156 (one hour).~~

~~* City annexations involving entire unincorporated islands and subject to streamlined proceedings under Government Code Section 56375.3 shall not be charged a fee by the Commission.~~

Change of Organization or Reorganization: Other

• City Incorporations and Disincorporations	at-cost
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• Special District Formations, Consolidations, Mergers and Dissolutions	at-cost
• Special District Requests to Activate or Deactivate Powers	at-cost

Other Service Requests

• New or Extended Outside Service Request	\$3, 120,000 (20 hours)
• Request for Reconsideration	\$3, 120,000 (20 hours)
• Request for Time Extension to Complete Proceedings	\$780,750 (5 hours)
• Municipal Service Reviews	at-cost
• Sphere of Influence Establishment/Amendment	at-cost

Miscellaneous

• Special Meeting	\$1,200
• Alternate Legal Counsel	at-cost

Fees Made Payable to the County of Napa

• Assessor’s Annexation Mapping Fee	\$162
• <u>Assessor’s Signature Verification Fee</u>	<u>\$13</u>
• County Surveyor’s Review <u>Fee</u>	\$253.09
• Elections’ Registered Voter List <u>Fee</u>	\$75 hourly
• Clerk-Recorder’s Environmental Filing Fee	\$50
• Clerk-Recorder’s Environmental Document Fee	
.....Environmental Impact Report	\$3,445.25
.....Mitigated Negative Declaration	\$2,480.25
.....Negative Declaration	\$2,480.25

Fees Made Payable to LAFCO

• Geographic Information System Update	\$156-150
• Photocopying	\$0.10 (black) / \$0.40 (color)
• Mailing	at-cost
• Audio Recording of Meeting	at-cost
• Research/Archive Retrieval	\$156-150 hourly

Fees Made Payable to the State Board of Equalization to Record Boundary Changes

Acre	Fee	Acre	Fee
0.00-0.99	\$300	51.00-100.99	\$1,500
1.00-5.99	\$350	101.00-500.99	\$2,000
6.00-10.99	\$500	501.00-1,000.99	\$2,500
11.00-20.99	\$800	1,001.00-2,000.99	\$3,000
21.00-50.99	\$1,200	2,001.00+	\$3,500



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: April 5, 2021
SUBJECT: Proposed Montalcino Resort No. 2 Annexation to the Napa Sanitation District and Associated CEQA Findings

RECOMMENDATION

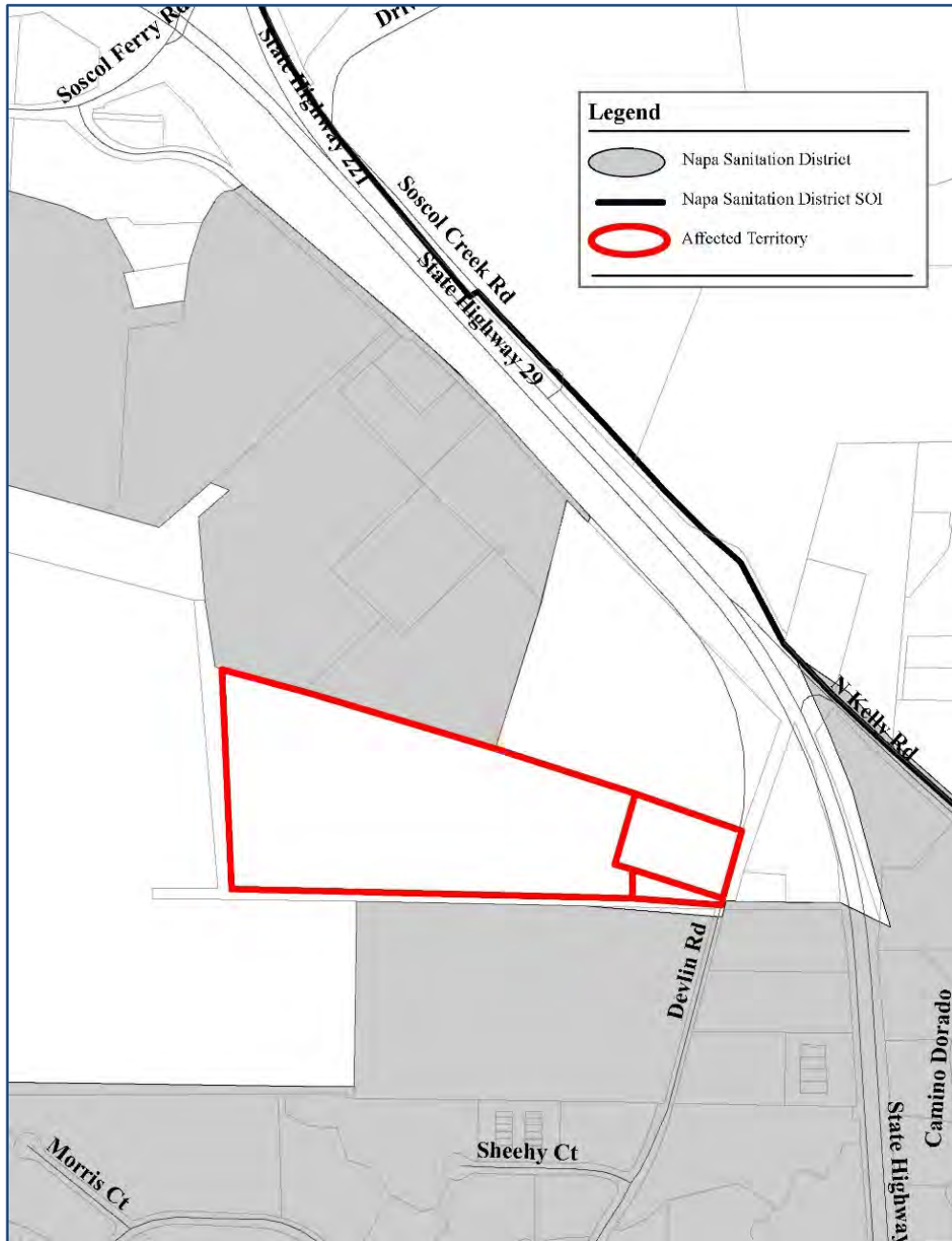
Adopt the Resolution of the Local Agency Formation Commission of Napa County Making Determinations – Montalcino Resort No. 2 Annexation to the Napa Sanitation District (NSD) approving the proposed annexation with standard conditions and making California Environmental Quality Act (CEQA) findings (Attachment One).

BACKGROUND AND SUMMARY

Applicant: Napa Sanitation District (Resolution)
Proposed Action: Annexation to NSD
APN: 057-020-006, -017 & -018
Area Size: Approx. 36.1 acres
Location: West of Devlin Road, southeast of Soscol Ferry Road (no situs address)
Jurisdiction: Unincorporated County
Sphere of Influence Consistency: Yes
Policy Consistency: Yes
Tax Sharing Agreement: Yes – master tax exchange agreement
Landowner Consent: 100%
Protest Proceedings: Waived
CEQA: Montalcino at Napa EIR & Subsequent EIR
Current Land Uses: Undeveloped

The purpose of the proposal is to annex the affected territory to NSD to facilitate the planned development of the Montalcino Resort project under the County of Napa’s land use authority. The size and scope of the project has been reduced since the County certified the Final Environmental Impact Report and Subsequent Environmental Impact Report (together, the “EIR”), which included mitigation measures. The original use permit contemplated a full-service hotel with 358 guest rooms, 21 villas, meeting space, recreational facilities, and food and beverage service. Subsequent approvals contemplated a golf course on an adjacent property. The project has been reduced to 316 guest rooms and 20 villas under a very minor use permit modification (P19-00361-MOD) pursuant to an addendum to the EIR and no longer includes the development of a golf course. Annexation to NSD is a condition of the County’s approval.

The application materials are included as Attachment Two. An aerial map of the affected territory is included as Attachment Three. A vicinity map showing the affected territory, NSD's sphere, and NSD's 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, all landowners have provided their written consent, and no written opposition to a waiver of protest proceedings has been received by any agency.

ENVIRONMENTAL REVIEW

The Commission serves as Responsible Agency for the annexation pursuant to CEQA Guidelines Section 15051(b)(2). The County of Napa, as Lead Agency, has prepared and certified an Environmental Impact Report (EIR) and a Subsequent EIR for purposes of considering and mitigating environmental impacts associated with the underlying project. These documents are available online and can be viewed by clicking the following links:

- Montalcino at Napa EIR:
https://www.napa.lafco.ca.gov/uploads/documents/Montalcino_EIR_2003.pdf
- Montalcino at Napa Golf Course Subsequent EIR:
https://www.napa.lafco.ca.gov/uploads/documents/Montalcino_SubsequentEIR_2005.pdf

Staff has evaluated the proposal and considered the Lead Agency's CEQA documents and finds the County's EIR and Addendum to the EIR for the project adequately address the potential environmental effects of the proposal. Therefore, no new environmental document is required.

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**

**MONTALCINO RESORT NO. 2
ANNEXATION TO THE NAPA SANITATION DISTRICT**

WHEREAS, an application for a proposed annexation 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 36.1 acres of unincorporated land to the Napa Sanitation District and represents three entire parcels with no situs addresses and identified by the County of Napa Assessor’s Office as 057-020-006, 057-020-017, and 057-020-018; and

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

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

WHEREAS, the Commission heard and fully considered all the evidence presented at a public meeting held on the proposal on April 5, 2021; 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 County of Napa, as Lead Agency, has prepared a Final Environmental Impact Report (FEIR) and Subsequent Environmental Impact Report (SEIR) for the Montalcino Resort project for purposes of considering environmental impacts; 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 serves as a Responsible Agency for proposal pursuant to CEQA and has reviewed and considered information contained in the County of Napa’s FEIR and SEIR for the Montalcino Resort project, and finds that there are no additional direct or indirect environmental effects that would result from the Commission’s approval of the proposal; and therefore, no new environmental document is required. The records upon which these findings are made are available for review on the Commission’s website and at its administrative office located at 1030 Seminary Street, Suite B, Napa, California 94559.
3. The proposal is APPROVED subject to completion of item number 12 below.
4. This proposal is assigned the following distinctive short-term designation:

**MONTALCINO RESORT NO. 2
ANNEXATION TO THE NAPA SANITATION DISTRICT**

6. The affected territory is shown on the draft map and described in the draft geographic description in the attached Exhibit “A”.
7. The affected territory so described is uninhabited as defined in California Government Code Section 56046.
8. The Napa Sanitation District utilizes the regular assessment roll of the County of Napa.
9. The affected territory will be taxed for existing general bonded indebtedness of the Napa Sanitation District.
10. The proposal shall be subject to the terms and conditions of the Napa Sanitation District.
11. The Commission authorizes conducting authority proceedings to be waived in accordance with California Government Code Section 56662(a).
12. 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 from the Napa Sanitation District that it is acceptable to record a Certificate of Completion.

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

The foregoing Resolution was duly and regularly adopted by the Commission at a regular meeting held on April 5, 2021, after a motion by Commissioner _____, seconded by Commissioner _____, by the following vote:

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

Margie Mohler
Commission Chair

ATTEST: _____
Brendon Freeman
Executive Officer

Recorded by: Kathy Mabry
Commission Secretary

EXHIBIT A

MONTALCINO RESORT
DISTRICT #2 ANNEXATION TO NAPA SANITATION DISTRICT

GEOGRAPHICAL DESCRIPTION

All that certain property, situated in a portion of Sections 1 and 2, township 4 North, Range 4 West, Mount Diablo Base Meridian, in the County of Napa, State of California, described as follows:

Beginning at the Southwest corner of the existing boundary of the Devlin Road District Annexation – Napa Sanitation District, per document recorded December 13, 1984 in Book 1367 at Page 699, Official Records of Napa County:

Thence (1) South 74° 00' 50" East 2444.82 feet to the west line of Devlin Road;

Thence (2) along the west line of Devlin Road South 14° 44' 16" West 380.90 feet to the north line of the Montalcino Resort District Annexation per document recorded April 12, 2006 as Series Number 2006-0012793, Napa County Records;

Thence (3) along said north line North 89° 15' 33" West 1652.09 feet to the northwest corner of said Montalcino Resort District Annexation;

Thence (4) continuing North 89° 15' 33" West 531.27 feet;

Thence (5) North 3° 57' 44" West 1015.88 feet to the **Point of Beginning**.

Containing 36.06 Acres, more or less.

DRAFT



5205
NapaSan Annex Clos
10-27-2020

North: 14963.2562' East: 3514.9863'

Segment #1 : Line
Course: S74°00'50"E Length: 2444.82'
North: 14289.9422' East: 5865.2614'

Segment #2 : Line
Course: S14°44'16"W Length: 380.90'
North: 13921.5737' East: 5768.3621'

Segment #3 : Line
Course: N89°15'33"W Length: 1652.09'
North: 13942.9346' East: 4116.4102'

Segment #4 : Line
Course: N89°15'33"W Length: 531.27'
North: 13949.8037' East: 3585.1846'

Segment #5 : Line
Course: N3°57'44"W Length: 1015.88'
North: 14963.2556' East: 3514.9886'

Perimeter: 6024.97' Area: 1570788.69 Sq. Ft.
Error Closure: 0.0024 Course: S75°14'47"E
Error North: -0.00061 East: 0.00230
Precision 1: 2510400.00



Date Filed: 12/8/2020

Received By: BF

JUSTIFICATION OF PROPOSAL
Change of Organization/Reorganization

I. APPLICANT INFORMATION

A. Name: Andrew Damron Napa Sanitation District
Contact Person Agency/Business (If Applicable)
Address: 1515 Soscol Ferry Road Napa, CA 94558
Street Number Street Name City Zip Code
Contact: (707) 258-6000 ADamron@napasan.com
Phone Number Facsimile Number E-Mail Address

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

II. PROPOSAL DESCRIPTION

A. Affected Agencies: Napa Sanitation District 1515 Soscol Ferry Road, Napa, CA 94559
Name Address
Name Address
Name Address

Use Additional Sheets as Needed

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

C. Purpose Statement: (Specific)
The purpose of annexation is to allow sewer service to the proposed
"Montalcino Resort"

III. GENERAL INFORMATION

A. Location:	Devlin Road	APN 057-020-017	31.99	
	Street Address	Assessor Parcel Number	Acres	
	Devlin Road	APN 057-020-018	0.73	
	Street Address	Assessor Parcel Number	Acres	
	Devlin Road	APN 057-020-006	3.34	
	Street Address	Assessor Parcel Number	Acres	
	Street Address		Assessor Parcel Number	Acres
			Total Location Size (Including Right-of-Ways)	36.06

B. Landowners:

- (1) Assessor Parcel Number : 057-020-017 Name: NLH II, LLC
 Mailing Address: 101 California Street, Suite 2710, San Francisco CA. 94111
 Phone Number: (650) 302-4775 E-mail: f.m.orrell@capbridge-group.com
- (2) Assessor Parcel Number : 057-210-018 Name: NLH II, LLC
 Mailing Address: _____
 Phone Number: _____ E-mail: _____
- (3) Assessor Parcel Number : 057-020-006 Name: NLH II, LLC
 Mailing Address: _____
 Phone Number: _____ E-mail: _____
- (4) Assessor Parcel Number : _____ Name: _____
 Mailing Address: _____
 Phone Number: _____ E-mail: _____

Use Additional Sheets As Needed

C. Population:

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

D. Land Use Factors:

- (1a) County General Plan Designation: Industrial
- (1b) County Zoning Standard: Industrial Park:Airport Compatibility
- (2a) Applicable City General Plan Designation: N/A
- (2b) Applicable City Rezoning Standard: N/A

E. Existing Land Uses:
(Specific)

Vacant

F. Development Plans:

- (1a) Territory Subject to a Development Project? Yes No
- (1b) If Yes, Describe Project: The project will consist of a full service 316 key hotel with 20 villas, meeting space, recreational facilities and food and beverage service.
- (1c) If No, When Is Development Anticipated? _____

G. Physical Characteristics:

- (1) Describe Topography:
The site has a gentle slope towards the west with site grades ranging from approximately 12 feet Mean Sea Level (MSL) to approximately Elevation 40 feet in the eastern portion of the site near Devlin Road.
- (2) Describe Any Natural Boundaries:
The parcel APN 057-020-017 is bordered by eucalyptus trees to the west and open land to the north and south.
- (3) Describe Soil Composition and Any Drainage Basins:
The soils composition consists primarily of bay mud and young alluvium. Shallow drainages cross the site from east to west.
- (4) Describe Vegetation:
The site is covered by tall grass and lined by eucalyptus trees on the western border.

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:

Approximately 2900 feet of sanitary sewer main is proposed for the project.

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

Standard commercial sewer service (8" gravity sewer main) is proposed

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

2022

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

Infrastructure to be approximately 80 feet of 8" gravity feed sanitary sewer main
(off-site) from APN 057-210-002 to an existing sanitary sewer manhole located
southwest of APN 057-210-002.

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

Owner will finance installation and maintenance of the gravity feed system to
existing NSD gravity sewer.

V. ENVIRONMENTAL INFORMATION

A. Environmental Analysis

(1) **Lead Agency for Proposal:** Napa County
Name

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

Environmental Impact Report (With a 2020 Addendum, which is attached to this application.)

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:

Standard terms and conditions that are included in the Resolution of Application.

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: Coblentz Patch Duffy & Bass LLP C/O Jeff Dodd

Mailing Address: 700 Main Street #301, Napa CA 94559

E-Mail: jdodd@coblentzlaw.com

(2) Recipient Name: Napa Sanitation District C/O Andrew Damron

Mailing Address: 1515 Soscol Ferry Rd, Napa CA 94558

E-Mail: adamron@napasan.com

(3) Recipient Name: RSA+ C/O Hugh Linn

Mailing Address: 1515 Fourth Street, Napa CA 94559

E-Mail: hlinn@rsacivil.com

5205
NapaSan Annex
10-27-2020

EXHIBIT A

MONTALCINO RESORT
DISTRICT #2 ANNEXATION TO NAPA SANITATION DISTRICT

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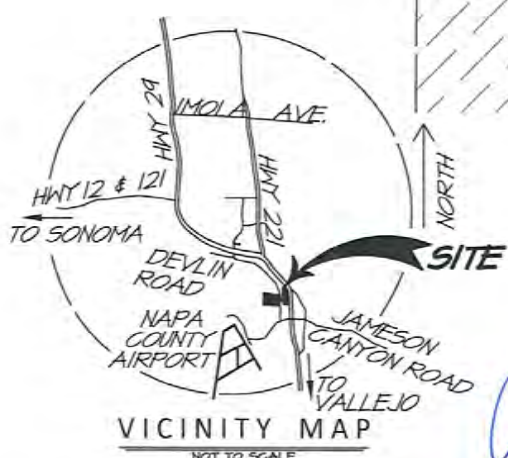
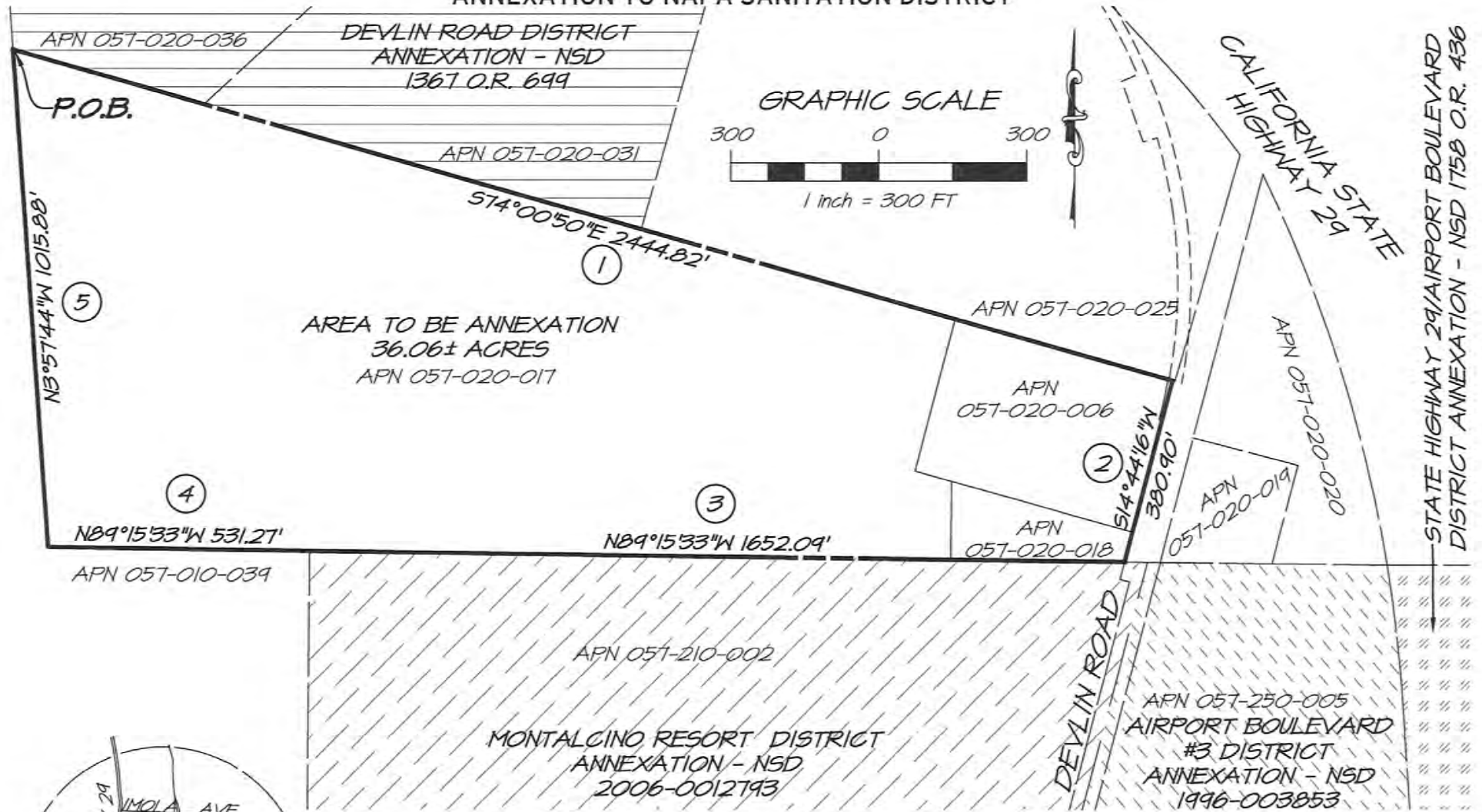
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Thence (5) North $3^{\circ} 57' 44''$ West 1015.88 feet to the **Point of Beginning**.

Containing 36.06 Acres, more or less.



MAP DELINEATING THE BOUNDARY OF
MONTALCINO RESORT DISTRICT #2 ANNEXATION
 ANNEXATION TO NAPA SANITATION DISTRICT



LICENSED LAND SURVEYOR
 Christopher M. Tibbels
 LS8585
 STATE OF CALIFORNIA
Christopher M. Tibbels
 10/27/20

BEING A PORTION OF
 SECTION 1 & 2
 MONTALCINO RESORT
 DISTRICT #2
 ANNEXATION

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

5205
NapaSan Annex Clos
10-27-2020

North: 14963.2562' East: 3514.9863'

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Precision 1: 2510400.00





A Tradition of Stewardship
A Commitment to Service

Planning, Building & Environmental Services

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

Main: (707) 253-4417
Fax: (707) 253-4336

David Morrison
Director

To: Director	From: Sean Trippi, Principal Planner
Date: March 30, 2020	Re: Montalcino at Napa Use Permit Modification, P19-00361-MOD Addendum to the Montalcino at Napa EIR

Project Title

Montalcino at Napa – Very Minor Use Permit Modification (P19-00361)

County Contact Person, Phone Number and Email

Sean Trippi, 707.299.1353, sean.trippi@countyofnapa.org

Project Location and APN

The project is located on a 71.77 acre site adjacent to Devlin Road in the Napa County Industrial Park, approximately 0.5 miles south of the Soscol Ferry Road/Devlin Road intersection and 0.4 miles north of Airport Road/Devlin Road intersection. The site is comprised of Napa County Assessor Parcel Nos. 057-210-002, 057-020-006, -017, -018, -020.

Project Representatives' Name and Address

Jeff Dodd, Coblenz Patch Duffy & Bass LLP, 700 Main St #301, Napa, CA 94559.

Introduction

On April 4, 2004, the Board of Supervisors certified an Environmental Impact Report (EIR) and approved Use Permit No. 98177-UP for the resort project commonly known as Montalcino at Napa Valley with 358 guest rooms, 21 villa suites, a conference facility of 52,380 sq. ft. with a maximum occupancy of 1,000 persons at any one time, two restaurants with a combined seating capacity of 340 persons, retail space and other recreational components (collectively, the "Project").

On January 24, 2006, the Board of Supervisors certified a Subsequent Environmental Impact Report (SEIR) and approved use permit P05-0220 to allow a golf course on an adjacent parcel, as an accessory use to the resort. On March 15, 2006, the Zoning Administrator approved a very minor use permit modification P06-0106-MODVMIN consisting of minor changes to the timing mechanisms of several

conditions of approval for the resort's Use Permit No. 98177-UP. The Zoning Administrator deemed the scope of the very minor use permit modification was within the scope of the EIR.

On September 22, 2006, the Director of what is now known as the Office of Planning, Building, and Environmental Services issued a determination that the resort use permit had been deemed "used" pursuant to Napa County Code Section 18.124.080. To date, there have been limited improvements made to the site which remains largely undeveloped.

Statutory Background

Under the California Environmental Quality Act (CEQA), an Addendum to a certified Environmental Impact Report (EIR) or Negative Declaration is needed if minor technical changes or modifications to the proposed project occur (CEQA Guidelines §15164). An addendum is appropriate only if these minor technical changes or modifications do not result in any new significant impacts or a substantial increase in the severity of previously identified significant impacts. The Addendum need not be circulated for public review (CEQA Guidelines §15164[c]); however, an addendum is to be considered by the decision making body along with the previously-adopted environmental document prior to making a decision on the project (CEQA Guidelines §15164[d]).

This Addendum demonstrates that the environmental analysis and impacts identified in the Project EIR remain substantively unchanged by the situation described herein, and supports the finding that the proposed project does not raise any new issues and does not exceed the level of impacts identified in the previously certified Project EIR.

Applicable Reports in Circulation

This addendum is written as an addition to the EIR, certified by the Board of Supervisors on April 4, 2004, and the SEIR, certified by the Board of Supervisors on January 24, 2006. A copy of said documents are available for review at the offices of the Napa County Conservation, Development and Planning Department, 1195 Third Street, Suite 210, Napa, CA.

The EIR and SEIR together shall hereinafter be referred to as the "Project EIR."

Project Description

Request to modify the Montalcino Napa Valley Project entitlements to (i) reduce the number of Guest Rooms from 358 to 316; (ii) reduce the number of Suites (Villas) from 21 to 20; (iii) reduce the meeting/restaurant space from 52,380 sq. ft. to 50,082 sq. ft.; and (iv) alter the site plan to reflect the reductions in building footprint, re-location of improvements outside of waters of the U.S. and wetlands, and increases in open space areas.

Minor Technical Changes or Additions to the Project EIR

Air Quality

On June 2, 2010, the Bay Area Air Quality Management District's (BAAQMD) Board of Directors unanimously adopted thresholds of significance to assist in the review of projects under CEQA. These Thresholds are designed to establish the level at which BAAQMD believed air pollution emissions would cause significant environmental impacts under CEQA and were posted on BAAQMD's website and included in BAAQMD's updated CEQA Guidelines (updated May 2012). The Thresholds are advisory and may be followed by local agencies at their own discretion.

The Thresholds were challenged in court. Following litigation in the trial court, the court of appeal, and the California Supreme Court, all of the Thresholds were upheld. However, in an opinion issued on December 17, 2015, the California Supreme Court held that CEQA does not generally require an analysis of the impacts of locating development in areas subject to environmental hazards unless the project would exacerbate existing environmental hazards. The Supreme Court also found that CEQA requires the analysis of exposing people to environmental hazards in specific circumstances, including the location of development near airports, schools near sources of toxic contamination, and certain exemptions for infill and workforce housing. The Supreme Court also held that public agencies remain free to conduct this analysis regardless of whether it is required by CEQA.

In view of the Supreme Court's opinion, local agencies may rely on thresholds designed to reflect the impact of locating development near areas of toxic air contamination where such an analysis is required by CEQA or where the agency has determined that such an analysis would assist in making a decision about the project. However, the thresholds are not mandatory and agencies should apply them only after determining that they reflect an appropriate measure of a project's impacts. These Guidelines may inform environmental review for development projects in the Bay Area, but do not commit local governments or BAAQMD to any specific course of regulatory action.

BAAQMD published a new version of the Guidelines dated May 2017, which includes revisions made to address the Supreme Court's opinion. The May 2017 Guidelines update does not address outdated references, links, analytical methodologies or other technical information that may be in the Guidelines or Thresholds Justification Report. The Air District is currently working to revise any outdated information in the Guidelines as part of its update to the CEQA Guidelines and thresholds of significance.

BAAQMD has not officially recommended the use of its thresholds in CEQA analyses and CEQA ultimately allows lead agencies the discretion to determine whether a particular environmental impact would be considered significant, as evidenced by scientific or other factual data. BAAQMD also states that lead agencies need to determine appropriate air quality thresholds to use for each project they review based on substantial evidence that they include in the administrative record of the CEQA document. One resource BAAQMD provides as a reference for determining appropriate thresholds is the *California Environmental Quality Act Air Quality Guidelines* developed by its staff in 2010 and as updated through May 2017. These guidelines outline substantial evidence supporting a variety of thresholds of significance.

As mentioned above, in 2010, the BAAQMD adopted and later incorporated into its 2011 CEQA Guidelines project screening criteria (Table 3-1 – Operational-Related Criteria Air Pollutant and Precursors Screening Level Sizes) and thresholds of significance for air pollutants, which have now been updated by BAAQMD through May 2017. The Revised Project does not propose any increases to the originally approved Project scope; it is limited to reductions that now amount to 336 rooms (including Villa Suites) and approximately 17,542 sq. ft. in restaurant/café/bar area. When compared to the BAAQMD’s screening criteria of 489 rooms for hotel land uses and 47,000 sq. ft. for quality restaurants (or 33,000 sq. ft. for high turnover restaurants), the project would not significantly impact air quality and does not require further study (BAAQMD CEQA Guidelines, May 2017 Pages 3-2 & 3-3.)

Greenhouse Gas Emissions

Napa County has been working to develop a Climate Action Plan (CAP) for several years. In 2012, a Draft CAP (March 2012) was recommended using the emissions checklist in the Draft CAP, on a trial basis, to determine potential greenhouse gas (GHG) emissions associated with project development and operation. At the December 11, 2012 Napa County Board of Supervisors (BOS) hearing, the BOS considered adoption of the proposed CAP. In addition to reducing Napa County’s GHG emissions, the proposed plan was intended to address compliance with CEQA for projects reviewed by the County and to lay the foundation for development of a local offset program. While the BOS acknowledged the plan’s objectives, the BOS requested that the CAP be revised to better address transportation-related greenhouse gas, to acknowledge and credit past accomplishments and voluntary efforts, and to allow more time for establishment of a cost-effective local offset program. The Board also requested that best management practices be applied and considered when reviewing projects until a revised CAP is adopted to ensure that projects address the County’s policy goal related to reducing GHG emissions.

In July 2015, the County re-commenced preparation of the CAP to: i) account for present day conditions and modeling assumptions (such as but not limited to methods, emission factors, and data sources), ii) address the concerns with the previous CAP effort as outlined above, iii) meet applicable State requirements, and iv) result in a functional and legally defensible CAP. On April 13, 2016 the County, as the part of the first phase of development and preparation of the CAP, released Final Technical Memorandum #1: 2014 Greenhouse Gas Emissions Inventory and Forecast, April 13, 2016. This initial phase included: i) updating the unincorporated County’s community-wide GHG emissions inventory to 2014, and ii) preparing new GHG emissions forecasts for the 2020, 2030, and 2050 horizons. Additional information on the County CAP can be obtained at the Napa County Department of Planning, Building and Environmental Services or <http://www.countyofnapa.org/CAP/>.

Overall increases in GHG emissions in Napa County were assessed in the Environmental Impact Report (EIR) prepared for the Napa County General Plan Update and certified in June 2008. GHG emissions were found to be significant and unavoidable in that document, despite the adoption of mitigation measures incorporating specific policies and action items into the General Plan. Consistent with these General Plan action items, Napa County participated in the development of a community-wide GHG emissions inventory and “emission reduction framework” for all local jurisdictions in the County in 2008-2009. This planning effort was completed by the Napa County Transportation and Planning Agency in December 2009, and is currently serving as the basis for development of a refined inventory

and emission reduction plan for unincorporated Napa County.

During its ongoing planning effort, the County requires project applicants to consider methods to reduce GHG emissions consistent with Napa County General Plan Policy CON-65(e). As part of that effort, the Revised Project will generate on-site renewable energy through the use of solar panels, provide for electric vehicle charging stations, provide additional bicycle connections via the grant of access to the Napa Vine Trail, incorporate the 2019 Title 24 Building Energy Efficiency Standards and plant over 300 trees. Pursuant to State CEQA Guidelines Section 15183, because this addendum assesses a project that is consistent with an adopted General Plan for which an EIR was prepared, it appropriately focuses on impacts which are “peculiar to the project,” rather than the cumulative impacts previously assessed.

First Carbon Solutions prepared a memorandum, dated February 20, 2020, which provides a qualitative analysis of the GHG emissions from the originally-approved Project and the revised Project. The memorandum concluded that the reductions in the level and intensity of development of the revised Project would result in overall substantially lower GHG emissions compared to the original Project. The reductions were applicable to both the construction and operation of the hotel resort.

As part of the analysis, the memorandum referred to the reduction in guest rooms from 358 to 316, spa and fitness area, retail space, and hotel administration / restaurant-bar / conference areas, which in-turn will reduce the number of hotel guests and employees compared with the original project. Based on the reduction in guests and employees, the memorandum concluded the revised Project will have less project-specific trip generation rates and, thus, lower associated GHG emissions compared with the originally-entitled project. Due to the reductions in building areas, the memorandum also recognized an additional 8.2 acres of open space that will be made available under the revised Project (14.6 acres of total open space from the 6.4 acres originally approved). The increased open space, comprising mostly of grasslands and seasonal wetland, will sequester more carbon compared with the entitled project. The revised Project incorporates high-efficiency building design elements that were not included in the original project (see description of measures immediately above), which would further reduce its GHG emissions.

The revised Project's substantial reductions in the level and intensity of development of on the site—resulting in less activity at the project site and more open space—along with its efficient building design elements will result in substantially lower GHG emissions (construction and operational-related) compared to the original project. Therefore, the impact of the revised Project would be less than significant.

Traffic/Circulation

As mandated by Napa County, projects within the business park are responsible for paying “fair share” costs for the construction of improvements to impacted roadways within the Napa Valley Business Park Specific Plan (NVBPP) area. Since 1990, the County has imposed and collected traffic mitigation fees on all development projects within the NVBPSP. A developer’s “fair share” fee goes toward funding roadway improvements within the NVBPSP area including improvements designed to relieve traffic on State Highways. The traffic mitigation fee is further described in Board of Supervisor’s Resolution 08-20.

For this project, a traffic mitigation fee based on PM peak hour vehicle trips was imposed and will be collected prior to issuance of a building permit as determined by the Director of Public Works as required under the Project's Condition of Approval No. 26.

Payment of the traffic mitigation fee, discussed above, would be applicable to the current proposal. In addition, the current proposal would be subject mitigation measures, as applicable, included in the Project EIR, incorporated herein by reference, including but not limited to various off-site traffic improvements, ride-sharing or staggered shift plan for employees, and a Transportation Demand Management program.

Other Resource Areas

The Project EIR concluded that the previously approved project would have significant or potentially significant impacts to Traffic and Circulation, Air Quality, Noise, Hydrology/Water Quality, Biological Resources, Aesthetics, Cultural Resources, Community Services, Geology, and Population and Housing. However, the Project EIR also identified mitigation measures, which the Board of Supervisors found to be feasible, to avoid or reduce each identified significant or potentially significant impact to a level of insignificance. It is noted that some of the mitigation described in the Project EIR requires the applicant to obtain approvals or permits from various state or federal agencies, such as the Regional Water Quality Control Board, the California Department of Fish and Wildlife, or the U.S. Army Corps of Engineers, or otherwise comply with the standards or requirements of those agencies.

The Board of Supervisors found those mitigation measures to be feasible and effective in that the agencies in question are charged by law with protecting certain natural resources, they have the expertise in doing so, and the Board had a reasonable expectation that those agencies will properly condition the issuance of permits and approvals and will enforce their standards and requirements, thereby ensuring implementation of appropriate mitigation.

A Biological Resources Assessment (BRA) was prepared by First Carbon Solutions, dated August 30, 2019. That analysis showed circumstances had not changed on the site and that no additional mitigation measures, outside of those required under the Project EIR, were required. As described in the BRA, the originally-approved Project required alterations to a riverine seasonal wetland, potentially resulting in the loss of potential wildlife habitat. However, the BRA states that the Revised Project avoids alterations to the riverine seasonal wetland, which leaves the area as open space and reduces the hydrological and biological impacts in comparison to the originally-approved Project.

As noted above, the project site is located in the business park area and is considered an urbanized area by the General Plan. In addition, the site is not located within or adjacent to a state fire protection responsibility area or classified as being within very high fire hazard severity zone. Further, the current proposal will be required to comply with all previous mitigation measures.

SUMMARY AND FINDINGS

Review of the project has concluded that the project will not result in new impacts beyond those analyzed in the Project EIR. None of the conditions described in §15162 of the CEQA Guidelines calling for preparation of a subsequent EIR or Mitigated Negative Declaration have occurred, and thus an Addendum to the Project EIR is appropriate to satisfy CEQA requirements for the proposed project.

The following findings are provided in accordance with CEQA §15164(e) concerning the decision not to prepare a subsequent EIR pursuant to §15162.

(a) None of the following conditions calling for preparation of a subsequent EIR or Mitigated Negative Declaration have occurred:

(1) Substantial changes are proposed in a project which will require important revisions of the previous EIR ... due to the involvement of new significant environmental impacts not considered in a previous EIR ... on the project;

Finding: The revised project does not propose substantial changes to the Project. The scope and uses under the revised project are consistent with the originally-approved Project. The revised project does not create new significant impacts or increase the severity of previously identified impacts. Rather, the changes are limited to reductions in the size and scope of the project, including the reduction of hotel rooms, which serve to reduce the intensity of the hotel and accessory uses on the site. In addition, the revised project's reduced building footprint results in more environmental benefits due to the increase in open space.

(2) Substantial changes occur with respect to the circumstances under which the project is undertaken ... which will require important revisions in the previous EIR due to the involvement of new significant environmental impacts not covered in a previous EIR ... or,

Finding: The circumstances under which the project was analyzed under the Project EIR have not changed. The Napa County General Plan and Airport Industrial Area Specific Plan (as amended through October 2013), which guides and facilitates development in the business park area contemplate the project as originally-approved. In addition, the County's Industrial Park Zoning District regulations for hotel uses have not changed.

(3) New information of substantial importance to the project becomes available and (a) the information was not known and could not have been known at the time the previous EIR was certified as complete...and (b) the new information shows any of the following:

A. The project will have one or more significant effects not discussed previously in the EIR.

Finding: Other than the proposed reductions to the intensity and building areas of the hotel and accessory uses, there is no new information that was not known and could not have been known at the time the Project EIR was prepared.

B. Significant effects previously examined will be substantially more severe than shown in the EIR;

Finding: While the approved project uses remain the same, the revisions to the project are limited to reductions in the size and scope of the Project. Because all the revisions to the project are reductions, the significant impacts of the project will be the same or reduced as a result of the reductions in size and intensity to the project.

C. Mitigation measures or alternatives previously found not to be feasible would in fact be feasible and would substantially reduce on or more significant effects of the project, but the project proponents decline to adopt the mitigation measure or alternative; or

Finding: No mitigation or alternative under the Project EIR was found to be infeasible. In addition, the project proponent has adopted all mitigation measures and accepted all conditions of approval.

D. Mitigation measures or alternatives which are considerably different from those analyzed in the previous EIR would substantially reduce one or more significant effects on the environment, but the project proponent declined to adopt the mitigation measure or alternative.

Finding: In light of the revised project maintaining the same uses as approved under the Project EIR and that the only changes to the project are reducing the size and scope thereof, there are no mitigation measures being proposed which are considerably different from those analyzed in the Project EIR. In addition, the project proponent has adopted all mitigation measures and accepted all conditions of approval.

(b) Only minor technical changes or additions are necessary to make the EIR under consideration adequate under CEQA; and,

Finding: In light of the revised project maintaining the same uses as approved under the Project EIR and that the only changes to the project are reducing the size and scope thereof, only minor technical changes or additions are necessary to make the Project EIR under consideration adequate under CEQA.


(c) The changes to the EIR made by the addendum do not raise important new issues about the significant effects on the environment.

Finding: In light of the revised project maintaining the same uses as approved under the Project EIR and that the only changes to the project are reducing the size and scope thereof, only minor technical changes or additions are needed to make the Project EIR under consideration adequate under CEQA. These minor technical changes or additions, including technical studies, have not raised important new issues about significant effects on the environmental

This addendum to the Project EIR finds that actions under the Revised Project, as identified herein, will not result in any new significant environmental effects or result in the substantial increase of any previously identified impacts in the previous EIR.

The conclusions and recommendations contained herein are professional opinions derived in accordance with current standards of professional practice. They are based on a review of the Napa County Environmental Resource Maps, the other sources of information listed in the file, and the comments received, conversations with knowledgeable individuals, the preparer's personal knowledge of the area, and, where necessary, a visit to the site. For further information, please see the Project EIR.

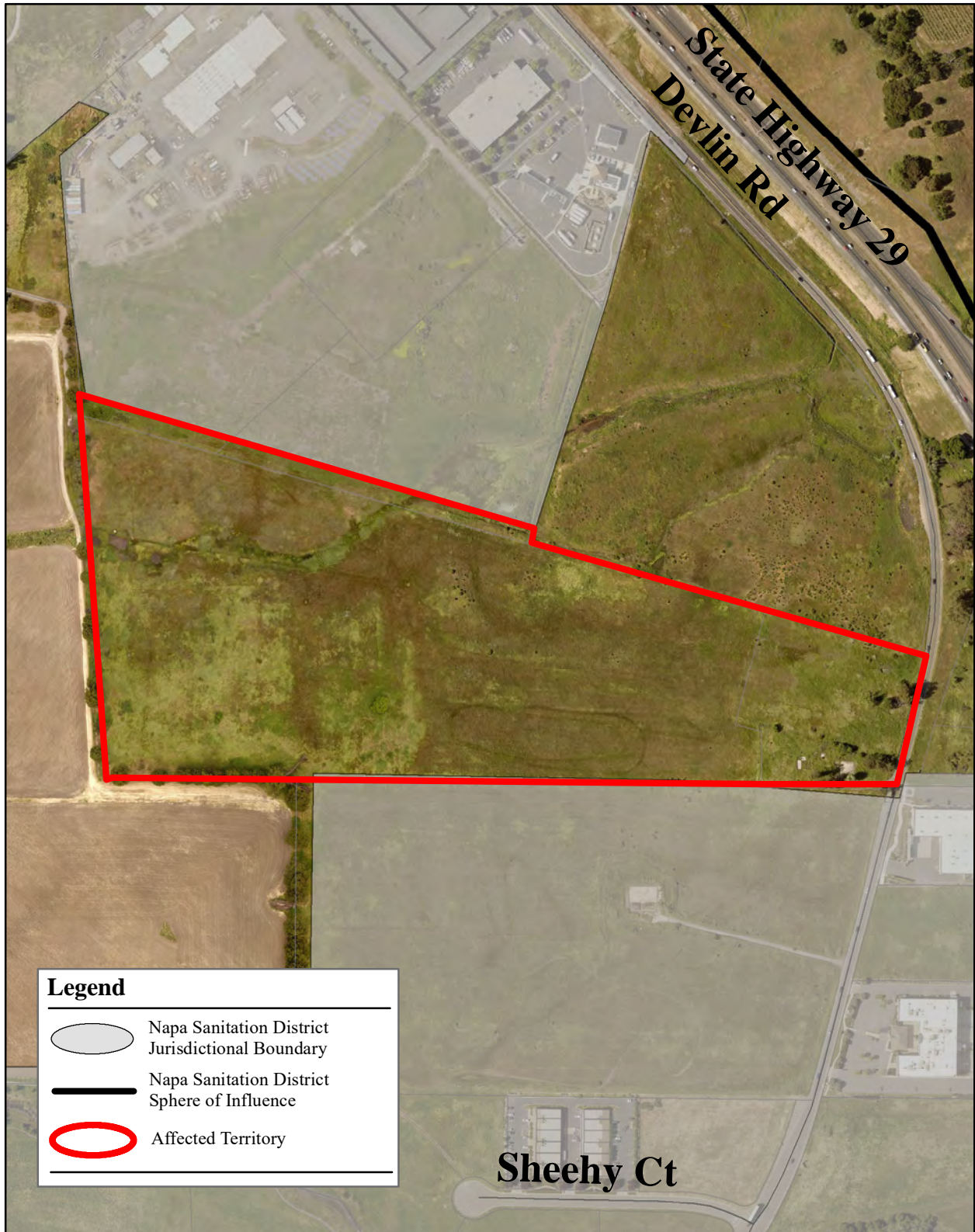
By: Sean Trippi, Project Planner






Signature

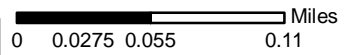
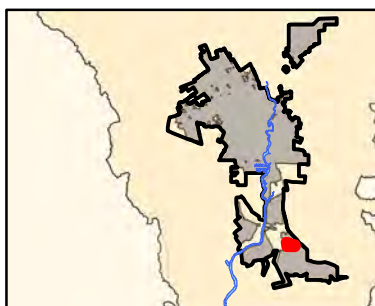
3/30/2020
Date

Montalcino Resort No. 2
Annexation to the Napa Sanitation District



Legend

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



April 5, 2021

Prepared by LAFCO Staff



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 Subdivision of the State of California

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

Montalcino Resort 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 zero. The affected territory is legally uninhabited given there are fewer than 12 registered voters.

The affected territory is approximately 36.1 acres in size, located within unincorporated County of Napa's ("the County") jurisdictional boundary, and has a designation within the County General Plan of *Industrial* and a zoning standard of *Industrial Park: Airport Compatibility*. The affected territory is currently undeveloped and located West of Devlin Road, southeast of Soscol Ferry Road (no situs addresses). The affected territory will be developed with the planned "Montalcino Resort" ("the project").

The current assessment value total is \$6,602,421.

Topography is relatively flat with 5 to 15 percent slopes.

The location is within the *Mouth of the Napa River* watershed and *Sheehy Creek* drainage basin.

The project for the affected territory will consist of a full-service 316 key hotel with 20 villas, meeting space, recreational facilities and food and beverage service. The size and scope of the project has been reduced since the original *Final Environmental Impact Report (FEIR) and Subsequent Environmental Impact Report (SEIR)* were certified by the Board of Supervisors on April 4, 2004 and January 24, 2006, respectively. Both the FEIR and SEIR (together, the "EIR") included mitigation measures. An Addendum to the EIR was prepared by the County dated March 30, 2020 as part of a minor use permit modification that reduced the project size and scope as it is presented today. The parcels are located within the *Napa County Airport Industrial Area Specific Plan*.

Current land uses include undeveloped parcels designated as *Industrial* in the County General Plan. The adjacent parcel to the south was annexed into the sewer district in 2006 and is part of the total Montalcino Resort project. The adjacent parcel to the north is proposed for subdivision for industrial uses. The area is in the unincorporated County of Napa. The surrounding, adjacent undeveloped areas are expected to develop and are assigned a zoning standard of *Industrial Park: Airport Compatibility*.

(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.

The affected territory is currently undeveloped. Core municipal services needed within the affected territory based on its anticipated industrial land uses include sewer, water, fire protection/emergency medical, and law enforcement. The Commission's *Municipal Service Reviews: South County Region* adopted in 2018 and *Central County Region Municipal Service Review* completed in 2014 determined that no service deficiencies for the area were identified.

Sewer

Impacts to NSD's sewer system, treatment plant, and recycled water system have been evaluated. Proposal approval and buildout of Montalcino Resort would result in new sewer flows totaling approximately 60,669 gallons per day. This amount is based on estimated sewer demands associated with the planned 316-room hotel with 20 villas, meeting space, recreational facilities and food and beverage service. NSD has established adequate capacities and controls to accommodate these new demands without impacting existing service commitments or ratepayers.

Water

The City of American Canyon has been identified as the water service provider for the project. The affected territory is located within an area designated for industrial development by the County. Given its inclusion within American Canyon's extraterritorial water service area (ETSA) as approved by the Commission in 2007, Commission approval is not required to extend water service to the affected territory under G.C. Section 56133.

In compliance with City requirements, a Water Service Report was prepared for the project. The estimated daily average water demand (ADD) at build-out is 60,131 gallons with a maximum daily demand (MDD) of 90,688 gallons for the original project. The City's 2010 Urban Water Management Plan (UWMP) assumes industrially zoned property City ETSA up to a maximum ADD of 650 gpd per acre. The estimated ADD for the original project is 198 gpd per acre, which is less than the maximum of 650 gpd per acre allowed by the American Canyon Municipal Code of 13.10.

The City has established adequate capacities and controls to accommodate these demands. American Canyon issued a will serve letter dated March 23, 2018. Water used for landscaping and temporary dust control during construction will be recycled water provided by NSD.

Fire Protection and Emergency Medical

The affected territory currently receives fire protection and emergency medical service from the County. Conditions of approval from the County include:

Condition 28. A secondary emergency only access shall also be provided to Devlin Road subject to review and approval by the Fire Marshal and Director of Public Works.

Condition 73. Prior to issuance of any building permit, the permittee shall submit to the County Building Division and the County Fire Department a "Proposal of Recognition" prepared by a qualified fire and life safety consultant which demonstrates project compliance with all applicable fire and life safety standards.

Law Enforcement

The affected territory receives law enforcement services from the County. Eventual buildout of the affected territory would increase the need for law enforcement services. Information generated from the Commission's municipal service review on the *Comprehensive Study on Countywide Law Enforcement Services (2012)* noted that the County has generally developed sufficient capacities and controls to serve existing and anticipated demands for these services. The municipal service review also notes no service deficiencies within the area surrounding the affected territory.

(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 included the affected territory within NSD's SOI in 1975, marking an expectation the site would eventually develop for urban type uses and require public service from NSD 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 56377.¹ Proposal approval would be consistent with planned, orderly, efficient patterns of urban development.

¹ The affected territory is not devoted to an open-space use under the County General Plan.

(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 is consistent with the Commission's policies as codified under its General Policy Determinations. This includes consistency with the industrial land use designation for the affected territory under the County General Plan, avoidance of premature conversion of agricultural uses, and consistency with NSD's adopted sphere of influence. The affected territory does not qualify as "open-space" under LAFCO law and therefore does not conflict with G.C. Section 56377. Specifically, the affected territory is not devoted to open-space use under the County General Plan. Proposal approval would be consistent with planned, orderly, efficient patterns of urban development.

(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 proposal is parcel-specific and includes all of the property identified by the County of Napa Assessor's Office as 057-020-006, 017 & 018. The applicant has submitted a map and geographic description of the affected territory that 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.

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

The Metropolitan Transportation Commission's current regional transportation plan (RTP) was adopted in 2017 and is titled *Plan Bay Area 2040*. The RTP outlines specific goals and objectives to direct public transportation infrastructure in the San Francisco Bay Area through 2040.² 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.

The proposal would provide permanent public sewer service to the affected territory. The availability of this municipal service is consistent with the County General Plan, which assigns an *Industrial* land use designation for the affected territory.

(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 last comprehensively updated by the Commission in 2015. The eventual development project will rely on water service from the City of American Canyon. While the affected territory is located outside American Canyon's sphere of influence, it is located within American Canyon's ETSA approved by the Commission in 2007. Therefore, no additional Commission action is required.

² *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. It is important to note the Metropolitan Transportation Commission and the Association of Bay Area Governments are currently updating the RTP. It is anticipated a draft environmental impact report for *Plan Bay Area 2050* will be released in Spring 2021.

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

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

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

Information collected and analyzed as part of the Commission's *Napa Countywide Water and Wastewater Municipal Service Review* completed in 2020 concluded NSD has developed overall adequate financial resources and controls relative to current and projected service commitments. This includes regularly reviewing and amending, as needed, NSD's two principal rates and fees to ensure the sewer system remains solvent and sufficiently capitalized to accommodate future demands: (a) capacity charge for new connections and (b) annual service charge. The capacity charge 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 is intended to recover NSD's ongoing maintenance and operation expenses. The 2020 *Napa Countywide Water and Wastewater Municipal Service Review* is relied upon and sufficient for this annexation proposal regarding the plan for services required by G.C. Section 56653.

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

The *South County Regional Municipal Service Review* (2018) provided analysis regarding American Canyon's ability to provide current and projected water services. It was determined that the City's recently updated Urban Water Management Plan demonstrates that the City has sufficient water to meet projected needs in the next 20 years. No service deficiencies exist with respect to the affected territory. The affected territory is not located in a Groundwater Deficient Area.

American Canyon's water supplies include raw water provided by the Department of Water Resources' State Water Project, raw and treated water provided by the City of Vallejo, and recycled water provided by American Canyon and Napa Sanitation District. The maximum contracted total of these supplies is 8,340 acre-feet.³ The actual amount available for delivery each year varies depending upon weather conditions statewide.

In 2015, demand within American Canyon's Water Service Area totaled 2,976 acre-feet.⁴ The Water Services Report projects the build-out of the affected territory could generate an additional annual water demand of 67.4 acre-feet for the original project.

In accordance with American Canyon's 2011 Zero Water Footprint Policy, all new development is required to offset new demands to ensure there are no adverse impacts to existing customers or supplies.

³ Table E-3 of the 2015 City of American Canyon Urban Water Management Plan

⁴ Table E-1 of the 2015 City of American Canyon Urban Water Management Plan

The project reduced potable water demands in the City's system through the contribution of \$620,000 in 2018 to the City for the City to undertake a capital project to install Automated Meter Infrastructure or AMI (e.g., "smart meters") at each of its approximately 5,500 water meters city-wide (the "AMI Project"). The AMI Project reduces existing residential demand on an annual basis that is approximately equivalent to the demand for the original project, which has subsequently been reduced in size and scope.

The anticipated annual water demand for the proposed project would have negligible impact on the City's water demands based on the project's contributions to the AMI Project.

(13) The achieving their respective fair shares of the regional housing needs as determined by the appropriate council of governments.

In an effort to address identified housing needs, the County has adopted a Housing Element and a development impact fee.⁶ The fee is assessed on all non-residential developments based on gross floor area. The purpose of the fee is to reduce housing impacts.⁷ In addition, the project is paying an additional \$1,500,000 to the County's Housing Fund.

(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 County's General Plan land use designation for the affected territory is *General Industrial*. This designation provides for areas where industrial uses are appropriate visually and environmentally. The affected territory is also within the *Napa County Airport Industrial Area Specific Plan* which allows for one resort hotel only within the 72-acre site of which the 36-acre territory is within. Specific zoning in these areas further refines the type of commercial use and whether or not a building permit is required.

⁵ Source: [South County Region Municipal Service Review and Sphere of Influence Updates \(2018\)](#).

⁶ A recent report with information on local regional housing needs allocations is available online at: https://www.napa.lafco.ca.gov/uploads/documents/8-3-20_6c_Housing-GeneralPlans.pdf.

⁷ As required under Chapter 18.107 of the Napa County Code.

The affected territory is zoned by the County as *Industrial Park: Airport Compatibility (IP:AC)*, which permits hotels, motels, and conference centers serving as industrial park components. This zoning is also intended to accommodate the orderly growth and development of public-use airports.

The proposed annexation to NSD and planned development project are consistent with these existing land use designations.

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

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

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

Parcels 057-020-006, -017 and -018 are not located in a High Fire Hazard Severity (SRA) zone. The affected territory is not included in a FEMA flood zone.

(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 landowners within the affected territory by providing permanent access to sewer, water, and expanded municipal services. The general public will be served with a commercial use that is contemplated and planned for under the *Napa County Airport Industrial Area Specific Plan* to benefit industrial park users. The planning of specific areas for industry allows these businesses to be placed with minimal environmental impact while protecting agricultural and open space lands.



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Subdivision of the State of California

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

Agenda Item 7b (Action)

TO: Local Agency Formation Commission

PREPARED BY: Brendon Freeman, Executive Officer

MEETING DATE: April 5, 2021

SUBJECT: Legislative Report

RECOMMENDATION

It is recommended the Commission take the following actions:

- 1) Authorize the Executive Officer to submit a letter to the Legislature in support of Assembly Bill (AB) 1581;
- 2) Authorize the Executive Officer to submit a letter to the Legislature in support of AB 959;
- 3) Direct the Executive Officer to watch AB 1250, Senate Bill (SB) 273, and SB 403, and return with updates as appropriate at future Commission meetings;
- 4) Discuss SB 13 and the City of St. Helena's pending proposed amendment, and consider submitting a formal position letter to the Legislature; and
- 5) Discuss San Diego LAFCO's proposed amendment to Government Code (G.C.) §56133(e) and consider taking a position in concept.

BACKGROUND AND SUMMARY

Vice Chair Dillon, Alternate Commissioner Painter, and the Executive Officer currently serve on the Commission's Legislative Committee ("the Committee"), which is a standing subcommittee responsible for reviewing proposed legislation affecting LAFCOs and making recommendations to the Commission with respect to taking formal positions.

The Commission's *Legislative Policy* ("the Policy") and *Legislative Platform* ("the Platform") are included as Attachments One and Two, respectively.

Margie Mohler, Chair
Councilmember, Town of Yountville

Mariam Aboudamous, Commissioner
Councilmember, City of American Canyon

Beth Painter, 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

Vacant
Representative of the General Public

Eve Kahn, Alternate Commissioner
Representative of the General Public

Brendon Freeman
Executive Officer

Legislative Committee Meeting

On March 8, 2021, the Committee held a noticed public meeting and reviewed 29 bills tracked by the California Association of LAFCOs (CALAFCO) that affect LAFCOs. CALAFCO's most current Legislative Report at the time of this report is dated March 30, 2021, tracks 33 bills, and is included as Attachment Three.

The Committee also received a presentation on a proposed amendment to G.C. §56133(e) from San Diego LAFCO Executive Officer Keene Simonds, who requested Napa LAFCO's support in concept in advance of a future bill being introduced.

Following discussion of the aforementioned items and consideration of the formal positions taken by other key stakeholder organizations, the Committee agreed to recommend the following actions for the Commission's consideration at today's meeting:

- Submit a letter to the Legislature in support of AB 959;
- Watch AB 1250, SB 273, and SB 403, and return with updates as appropriate at future Commission meetings;
- Discuss SB 13 and the City of St. Helena's pending proposed amendment, and consider submitting a formal position letter to the Legislature; and
- Discuss San Diego LAFCO's proposed amendment to Government Code (G.C.) §56133(e) and consider taking a position in concept.

The Committee recommends the Commission take no position on all other bills that were reviewed during this meeting. However, after the Committee met, the Assembly Local Government Committee introduced the annual Omnibus bill as AB 1581. Staff recommends the Commission support the Omnibus bill. A summary of each relevant bill and the proposed amendment to G.C. §56133(e) follows.

- Assembly Bill 1581 (Assembly Local Government Committee)
This annual bill includes technical changes to the Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000 (CKH), which governs the work of LAFCOs. These changes are necessary for LAFCOs to implement CKH and as small inconsistencies are found or clarifications are needed to make the law as unambiguous as possible. The bill is included as part of the CALAFCO Legislative Report, which is included as Attachment Three. Staff recommends the Commission authorize the Executive Officer to submit a letter to the Legislature in support of AB 1581.

- Assembly Bill 959 (Mullin)
Existing law prescribes procedures, including the election of a board of directors, for the formation of regional park districts, regional park and open-space districts, or regional open-space districts. Existing law requires the board of directors to superintend, control, and make available to all the inhabitants of the district all public recreation lands and facilities, as provided. Existing law authorizes the board to adopt regulations. Existing law provides that a violation of an ordinance, rule, or regulation adopted by the board is a misdemeanor punishable by a fine or imprisonment in the county jail, as provided. This bill would authorize the board of directors to adopt regulations relating to nuisances and establish a procedure for the abatement of the nuisances, including administrative abatement. The bill would authorize the district to initiate a civil action to abate a nuisance. The bill would authorize a board of directors to, by regulation, provide for the recovery of costs incurred by the district in abating a nuisance, as provided. The Committee recommends the Commission authorize the Executive Officer to submit a letter to the Legislature in support of AB 959 based on the Napa County Regional Park and Open Space District's status as a co-sponsor. Further, the ability to abate a nuisance may protect open space land consistent with criteria 2.2 and 2.3 of the Platform.
- Assembly Bill 1250 (Calderon)
The Public Utilities Act prohibits any public utility from selling, leasing, assigning, mortgaging, or otherwise disposing of or encumbering specified property necessary or useful in the performance of the public utility's duties to the public without first securing an order from the Public Utilities Commission authorizing it to do so or filing an advice letter and obtaining approval from the commission. This bill, the Consolidation for Safe Drinking Water Act of 2021, would authorize a water or sewer system corporation to 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. The bill would require LAFCO to approve or deny the application within eight months, except as provided. The Committee recommends watching AB 1250.
- Senate Bill 273 (Hertzberg)
The State Water Resources Control Board and the regional water quality control boards prescribe requirements for the discharge of stormwater by municipalities and industries. Existing law requires regulated municipalities and industries to obtain a stormwater permit. This bill would authorize a municipal wastewater agency to enter into agreements for stormwater management to do the following: manage stormwater and dry weather runoff; to acquire, construct, expand, operate, maintain, and provide facilities for specified purposes relating to managing stormwater and dry weather runoff; and to levy taxes, fees, and charges. The bill would require the exercise of any new authority granted under the bill to comply with CKH. To the extent this requirement would impose new duties on LAFCOs, the bill would impose a state-mandated local program. The Committee recommends watching SB 273.

- Senate Bill 403 (Gonzalez): Drinking water: consolidation
The California Safe Drinking Water Act provides for the operation of public water systems and imposes on the State Water Resources Control Board various responsibilities and duties. The act authorizes the state board to order consolidation with a water system where a public water system or a state small water system serving a disadvantaged community consistently fails to provide an adequate supply of safe drinking water, or where a disadvantaged community is substantially reliant on wells that consistently fail to provide an adequate supply of safe drinking water. This bill would authorize the state board to order consolidation where a water system serving a disadvantaged community is at risk of failing to provide an adequate supply of safe drinking water or where a disadvantaged community is substantially reliant on wells that are at risk of failing to provide an adequate supply of safe drinking water. The Committee recommends watching SB 403.
- Senate Bill 13 (Dodd) and Pending Proposed Amendment
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 from the LAFCO in the county in which the extension of service is proposed. G.C. §56133.5 was a pilot program that expired on January 1, 2021, and allowed Napa and San Bernardino LAFCOs to authorize a city or district to provide new or extended services outside its boundary and sphere to support existing or specified planned uses. SB 13 would reestablish the pilot program, which would remain in effect until January 1, 2026. Staff from the City of St. Helena has circulated a pending proposal to amend SB 13, included as Attachment Four. The Committee recommends the Commission discuss SB 13 and the pending proposed amendment, and consider submitting a formal position letter to the Legislature.
- Proposed Amendment to Government Code Section 56133(e)
Currently, there is no statutory requirement for cities and special districts to inform LAFCO when they extend municipal services outside their boundaries if the service extension qualifies for an exemption under G.C. §56133(e). San Diego LAFCO proposes an amendment to G.C. §56133(e), included as Attachment Five, that would require cities and districts to first seek LAFCO review and confirmation of exemption status prior to extending municipal services outside their boundaries. Staff believes this amendment is appropriate and would eliminate the potential for a city or district to self-exempt in a manner inconsistent with G.C. §56133(e). San Diego LAFCO is seeking the Commission's support in concept of the proposed amendment in anticipation of a future bill. Staff recommends the Commission discuss the proposed amendment and consider taking a position in concept.

ATTACHMENTS

- 1) Legislative Policy
- 2) Legislative Platform
- 3) CALAFCO Legislative Report (Dated March 30, 2021)
- 4) Senate Bill 13 and Pending Proposed Amendment from the City of St. Helena
- 5) Proposed Amendment to G.C. §56133(e) from San Diego LAFCO



LOCAL AGENCY FORMATION COMMISSION OF NAPA

Legislative Policy (Adopted: December 4, 2017)

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



LOCAL AGENCY FORMATION COMMISSION OF NAPA

Legislative Platform

(Adopted: February 5, 2018; Last Amended: May 4, 2020)

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

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

The following serves as Napa LAFCO's Legislative Platform for purposes of informing actions relating to proposed legislation. Napa LAFCO will first review and consider the positions of the California Association of Local Agency Formation Commissions (CALAFCO), the League of California Cities, the California State Association of Counties, and the California Special Districts Association, including their stated reasons for their positions, before recommending the full Commission take a formal position on proposed legislation.

1. LAFCO Purpose and Authority

- 1.1 Support legislation which enhances Napa LAFCO's authority and powers to carry out the legislative findings and authority in Government Code §56000 et seq., and oppose legislation which diminishes Napa LAFCO's authority.
- 1.2 Support authority for Napa LAFCO to establish local policies to apply Government Code §56000 et seq. based on local needs and conditions, and oppose any limitations to that authority.
- 1.3 Oppose additional Napa LAFCO responsibilities which require expansion of current local funding sources. Oppose unrelated responsibilities which dilute Napa LAFCO's ability to meet its primary mission.
- 1.4 Support alignment of responsibilities and authority of Napa LAFCO and regional agencies which may have overlapping responsibilities in orderly growth, preservation, and service delivery, and oppose legislation or policies which create conflicts or hamper those responsibilities.

- 1.5 Oppose grants of special status to any individual agency or proposal to circumvent the Napa LAFCO process.
- 1.6 Support individual commissioner responsibility that allows each commissioner to independently vote their conscience on issues affecting their own jurisdiction.
- 1.7 Support the independence of Napa LAFCO from local agencies.
- 1.8 Support recognition of Napa LAFCO's spheres of influence by other agencies involved in determining and developing long-term growth and infrastructure plans.
- 1.9 Support efforts to acquire funding for local projects if the funding efforts are supported by the CALAFCO Board of Directors.

2. Agricultural, Watershed, and Open Space Protection

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

CALAFCO Daily Legislative Report as of Tuesday, March 30, 2021

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[AB 339](#) (Lee D) State and local government: open meetings.

Current Text: Introduced: 1/28/2021 [html](#) [pdf](#)

Introduced: 1/28/2021

Status: 1/29/2021-From printer. May be heard in committee February 28.

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

Summary:

Current law requires all meetings, as defined, of a house of the Legislature or a committee thereof to be open and public, and requires all persons to be permitted to attend the meetings, except as specified. This bill would require all meetings, including gatherings using teleconference technology, to include an opportunity for all persons to attend via a call-in option or an internet-based service option that provides closed captioning services and requires both a call-in and an internet-based service option to be provided to the public.

Attachments:

[AB 339 Fact Sheet](#)

Position: Watch

Subject: Other

CALAFCO Comments: This bill allows for continued remote participant in local (and state) hearings/meetings while adding requirements for both call-in and internet service based options for all public meetings; requires providing closed caption services; and requires agencies to provide language access services.

The bill requires teleconferenced meetings to include an in-person public comment opportunity that creates a place where members of the public can gather at a designated site to give public comment (barring any in-person restrictions). Further, the bill requires the agenda and instructions for accessing the meeting to be translated into all languages for which 5% of the population in the area governed by the local agency is a speaker.

The bill adds requirements for local agencies to employ a sufficient amount of qualified bilingual people to provide translation services during the meeting in the language of the non-English speaking person (consistent with all languages for which 5% of the population in the area governed by the local agency speak).

The bill adds similar requirements for any state legislative body. All of these new requirements are unfunded mandates.

This bill is sponsored by the Leadership Counsel for Justice and Accountability. A fact sheet is posted in the tracking section of the bill.

[AB 361](#) ([Rivas, Robert D](#)) **Open meetings: local agencies: teleconferences.****Current Text:** Introduced: 2/1/2021 [html](#) [pdf](#)**Introduced:** 2/1/2021**Status:** 2/12/2021-Referred to Com. on L. GOV.

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

Summary:

Would authorize a local agency to use teleconferencing without complying with the teleconferencing requirements imposed by the Ralph M. Brown Act when a legislative body of a local agency holds a meeting for the purpose of declaring or ratifying a local emergency, during a declared state or local emergency, as those terms are defined, when state or local health officials have imposed or recommended measures to promote social distancing, and during a declared local emergency provided the legislative body makes certain determinations by majority vote.

Attachments:[AB 361 Fact Sheet](#)**Position:** Watch**Subject:** Brown Act

CALAFCO Comments: Executive Order No. N-29-20 suspends the Ralph M. Brown Act's requirements for teleconferencing during the COVID-19 pandemic provided that certain requirements are met (noticing, public access, etc.). This bill allows a local agency to conduct meetings using teleconference methods without complying with certain teleconferencing requirements if they are meeting for the purposes of declaring or ratifying a local emergency, during a declared state or local emergency (as defined in statute), when state or local health officials have imposed or recommended certain measures to promote social distancing, and during a declared local emergency provided the legislative body makes certain determinations by majority vote.

The legislative body must give notice of the meeting and post agendas to allow members of the public to access the meeting and address the legislative body, offer public comment, and protect rights of the parties and public appearing before the legislative body. The bill also rescinds the requirement that at least a quorum of the body must meet within the jurisdictional boundaries of the agency under these circumstances when meeting via telecon.

This bill is sponsored by the CA Special Districts Association (CSDA). According to CSDA, amendments are pending that will: address concerns of access mentioned throughout the fact sheet (e.g., call-in or internet-based access), language prohibiting local agencies from requiring that public comments be submitted in advance, adding a 30-day sunset provision, and addressing technological disruptions, limiting the applicability of the bill's provisions to local emergencies proclaimed by counties (i.e., not cities) and technical language about the immediacy of the health threats covered by the bill. The bill is not marked fiscal. A fact sheet is posted in the tracking section of the bill.

[AB 703](#) ([Rubio, Blanca D](#)) **Open meetings: local agencies: teleconferences.****Current Text:** Introduced: 2/16/2021 [html](#) [pdf](#)**Introduced:** 2/16/2021

Status: 2/25/2021-Referred to Com. on L. GOV.

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

Summary:

Current law, by Executive Order N-29-20, suspends the Ralph M. Brown Act's requirements for teleconferencing during the COVID-19 pandemic, provided that notice requirements are met, the ability of the public to observe and comment is preserved, as specified, and that a local agency permitting teleconferencing have a procedure for receiving and swiftly resolving requests for reasonable accommodation for individuals with disabilities, as specified. This bill would remove the requirements of the act particular to teleconferencing and allow for teleconferencing subject to existing provisions regarding the posting of notice of an agenda and the ability of the public to observe the meeting and provide public comment. The bill would require that, in each instance in which notice of the time of the teleconferenced meeting is otherwise given or the agenda for the meeting is otherwise posted, the local agency also give notice of the means by which members of the public may observe the meeting and offer public comment and that the legislative body have and implement a procedure for receiving and swiftly resolving requests for reasonable accommodation for individuals with disabilities, consistent with the federal Americans with Disabilities Act, as provided.

Position: Watch

Subject: Brown Act

CALAFCO Comments: As introduced, the bill removes the requirement to post agendas at all teleconference meeting locations and having to identify all telecon locations in the notice and agenda for the meeting. The bill explicitly requires a local agency to give notice to the public how they can observe the meeting and offer public comment. It further required the local agency to respond to requests for reasonable ADA accommodation requests. The bill also removes certain provisions relating to the telecon meeting of a health authority.

It is CALAFCO's understanding that the author is working with Assm. Rivas (AB 361) and the Assembly Local Government Committee on amendments and possibly joining the two bills. Amendments are not yet available so CALAFCO will keep a watch on the bill until those are available.

The bill is sponsored by Three Valleys Municipal Water Agency.

[AB 1581](#) (Committee on Local Government) Local government: omnibus.

Current Text: Introduced: 3/9/2021 [html](#) [pdf](#)

Introduced: 3/9/2021

Status: 3/11/2021-Referred to Com. on L. GOV.

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

Summary:

Current law requires a local agency formation commission to develop and determine the sphere of influence of each city and each special district within the county and enact policies designed to promote the logical and orderly development of areas within each sphere. Current law requires the commission, in order to prepare and update spheres of influence in accordance with this requirement, to

conduct a service review of the municipal services provided in the county or other appropriate area designated by the commission, as specified. Current law requires the commission to adopt, amend, or revise spheres of influence after a public hearing called and held for that purpose. This bill would revise and recast that provision to provide that the commission is required to adopt, amend, or update spheres of influence after a public hearing called and held for that purpose.

Attachments:

- [LAFCo Support letter template](#)
- [CALAFCO Support letter](#)

Position: Sponsor

Subject: CKH General Procedures

CALAFCO Comments: This is the annual ALGC Omnibus bill which CALAFCO sponsors. Sections amended are: 56133(a) and (f); 56325.1 (renumbered to 56331.4); 56427; and 56879(a).

Several other non-substantive amendments to CKH are pending and the bill will be amended to reflect those upon completion of the full stakeholder review process.

SB 810 (Committee on Governance and Finance) Validations.

Current Text: Introduced: 2/23/2021 [html](#) [pdf](#)

Introduced: 2/23/2021

Status: 3/22/2021-Read third time. Urgency clause adopted. Passed. (Ayes 37. Noes 0.) Ordered to the Assembly. In Assembly. Read first time. Held at Desk.

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

Summary:

This bill would enact the First Validating Act of 2021, which would validate the organization, boundaries, acts, proceedings, and bonds of the state and counties, cities, and specified districts, agencies, and entities.

Attachments:

- [CALAFCO Support Letter March 2021](#)

Position: Support

Subject: Other

CALAFCO Comments: These are the annual validating Acts.

SB 811 (Committee on Governance and Finance) Validations.

Current Text: Introduced: 2/23/2021 [html](#) [pdf](#)

Introduced: 2/23/2021

Status: 3/22/2021-Read third time. Urgency clause adopted. Passed. (Ayes 37. Noes 0.) Ordered to the Assembly. In Assembly. Read first time. Held at Desk.

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

Summary:

This bill would enact the Second Validating Act of 2021, which would validate the organization, boundaries, acts, proceedings, and bonds of the state and counties, cities, and specified districts, agencies, and entities.

Attachments:

- [CALAFCO Support Letter March 2021](#)

Position: Support
Subject: Other
CALAFCO Comments: These are the annual validating Acts.

SB 812 (Committee on Governance and Finance) Validations.

Current Text: Introduced: 2/23/2021 [html](#) [pdf](#)
Introduced: 2/23/2021
Status: 3/22/2021-Read third time. Passed. (Ayes 37. Noes 0.) Ordered to the Assembly. In Assembly. Read first time. Held at Desk.

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

Summary:
 This bill would enact the Third Validating Act of 2021, which would validate the organization, boundaries, acts, proceedings, and bonds of the state and counties, cities, and specified districts, agencies, and entities.

Attachments:
[CALAFCO Support Letter March 2021](#)

Position: Support
Subject: Other
CALAFCO Comments: These are the annual validating Acts.

AB 1195 (Garcia, Cristina D) Southern Los Angeles County Regional Water Agency.

Current Text: Introduced: 2/18/2021 [html](#) [pdf](#)
Introduced: 2/18/2021
Status: 3/4/2021-Referred to Coms. on L. GOV. and E.S. & T.M.

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

Summary:
 Would create the Southern Los Angeles County Regional Water Agency as a regional water agency serving the drinking water needs of the cities, unincorporated areas, and residents in the communities overlying the Central Basin and West Coast Basin aquifers in southern Los Angeles County. The bill would require the agency to serve the region as the leader in interagency collaboration on water resource issues and to be governed by a 5-member board of locally elected officials in the agency’s jurisdiction, each appointed by a specified state or local entity. The bill would authorize the agency to serve the water needs of its region through specified activities, including, among others, operating public water systems or other water infrastructure and integrating other water systems in the region into its operations, as prescribed.

Attachments:

[AB 1195 Fact Sheet](#)

Position: Watch

Subject: Water

CALAFCO Comments: AB 1195 creates the Southern Los Angeles County Regional Water Agency, intended to provide a framework for regional water collaboration that reduces conflict and provides a public agency that can take over failing water systems. The bill does a number of things including: Authorizes the Regional Agency to do the full range of activities related to water, from operating wholesale and retail public water systems to reducing stormwater pollution and cleaning up groundwater contamination; establishes a board of directors made up of locally elected council members (including COG appointed representatives); and authorizes the Regional Agency to draw revenues from the customers for the public water systems it operates and the services it provides, which may include water rates, charges, fees, or parcel charges. The bill specifies the boundaries of the new Agency, as well as the authority and powers, and governance structure.

In its current form, this is a special legislation Agency without LAFCo involvement in the formation. CALAFCO and LA LAFCo are working to find out what local entities were involved in the discussions of this legislation and what the intended and unintended impacts/consequences this bill will have.

The bill is author-sponsored and we understand there is currently no funding source. A fact sheet is posted in the tracking section of the bill.

[AB 1250](#) (Calderon D) Water and sewer system corporations: consolidation of service.

Current Text: Introduced: 2/19/2021 [html](#) [pdf](#)

Introduced: 2/19/2021

Status: 3/4/2021- Referred to Coms. on E.S. & T.M. and U. & E.

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

Calendar:

4/7/2021 9 a.m. - State Capitol, Room 4202 ASSEMBLY ENVIRONMENTAL SAFETY AND TOXIC MATERIALS, QUIRK, Chair

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 regulatory 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 2021, 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. The bill would require the commission to approve or deny the application within 8 months, except as provided.

Attachments:

[AB 1250 Fact Sheet 2021](#)

Position: Watch

Subject: Municipal Services, Water

CALAFCO Comments: The intent of the bill is to prescribe response timelines for the PUC in terms of processing consolidations. This bill creates the Consolidation for Safe Drinking Water Act of 2021. The bill allows a water or sewer corp to file an application with the Public Utilities Commission (PUC) to approval to consolidate with a public or state small system. The bill requires the PUC to act on the application within 8 months of receipt. If a consolidation is valued at \$5 million or less, the water or sewer corp can file an advise letter and get the PUC approval via resolution. In this instance, the PUC has 120 days to act on the request. The bill also give the PUC authority to designate a different procedure to request consolidation for systems valued less than \$5M.

The bill requires the PUC to prioritize consolidation requests based on compliance records and requires the entity requesting consolidation to conduct a thorough public process.

The bill is sponsored by the California Water Association and does not have an impact on LAFCos. Nevertheless, CALAFCO will keep a watch on the bill. A fact sheet is posted in the tracking section of the bill.

[AB 1295](#) ([Muratsuchi D](#)) Residential development agreements: very high fire risk areas.

Current Text: Introduced: 2/19/2021 [html](#) [pdf](#)

Introduced: 2/19/2021

Status: 3/4/2021-Referred to Coms. on L. GOV. and H. & C.D.

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

Summary:

Current law requires the Director of Forestry and Fire Protection to identify areas in the state as very high fire hazard severity zones based on the severity of fire hazard that is expected to prevail in those areas, as specified, and requires each local agency to designate, by ordinance, the very high fire hazard severity zones in its jurisdiction. Current law additionally requires the director to classify lands within state responsibility areas into fire hazard severity zones. This bill, beginning on or after January 1, 2022, would prohibit the legislative body of a city or county from entering into a residential development agreement for property located in a very high fire risk area. The bill would define “very high fire risk area” for these purposes to mean a very high fire hazard severity zone designated by a local agency or a fire hazard severity zone classified by the director.

Attachments:

[AB 1295 Fact Sheet](#)

Position: Watch

Subject: Growth Management, Planning

CALAFCO Comments: This bill prohibits a city or county from entering into a residential development agreement for property located within a very high fire risk area as of 1-1-2022.

This bill appears similar to SB 55 (Stern) except: (1) This bill explicitly calls out residential development, whereas SB 55 addresses new development (housing, commercial, retail or industrial) in a very high fire hazard severity zone; and (2)

SB 55 adds a state responsibility area.

The bill is not marked fiscal. This is an author-sponsored bill and a fact sheet is posted in the tracking section of the bill.

[SB 55](#) (Stern D) Very high fire hazard severity zone: state responsibility area: development prohibition.

Current Text: Introduced: 12/7/2020 [html](#) [pdf](#)

Introduced: 12/7/2020

Status: 3/3/2021-Re-referred to Coms. on GOV. & F. and HOUSING.

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

Summary:

Would, in furtherance of specified state housing production and wildfire mitigation goals, prohibit the creation or approval of a new development, as defined, in a very high fire hazard severity zone or a state responsibility area. By imposing new duties on local governments with respect to the approval of new developments in very high fire hazard severity zones and state responsibility areas, this bill would impose a state-mandated local program.

Attachments:

[SB 55 Fact Sheet](#)

Position: Watch

Subject: Growth Management, Planning

CALAFCO Comments: This bill prohibits the creation or approval of a new development (housing, commercial, retail or industrial) in a very high fire hazard severity zone or a state responsibility area. The bill is author-sponsored and imposes unfunded mandates. A fact sheet is posted in the tracking section of the bill.

This bill appears similar to AB 1295 (Muratsuchi) except this bill appears to be broader in scope in terms of the type of development prohibited and includes a state responsibility area, whereas AB 1295 only addresses residential development in a very high fire risk area.

[SB 403](#) (Gonzalez D) Drinking water: consolidation.

Current Text: Introduced: 2/12/2021 [html](#) [pdf](#)

Introduced: 2/12/2021

Status: 3/16/2021-From committee: Do pass and re-refer to Com. on GOV. & F. (Ayes 5. Noes 1.) (March 15). Re-referred to Com. on GOV. & F.

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

Summary:

The California Safe Drinking Water Act authorizes the State Water Resources Control Board to order consolidation with a receiving water system where a public water system or a state small water system, serving a disadvantaged community, consistently fails to provide an adequate supply of safe drinking water or where a disadvantaged community is substantially reliant on domestic wells that consistently fail to provide an adequate supply of safe drinking water. This bill

would authorize the state board to also order consolidation where a water system serving a disadvantaged community is at risk of failing to provide an adequate supply of safe drinking water or where a disadvantaged community is substantially reliant on domestic wells that are at risk of failing to provide an adequate supply of safe drinking water.

Attachments:

[SB 403 Fact Sheet 2021](#)

Position: Oppose unless amended

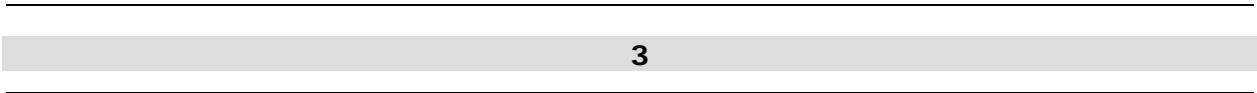
Subject: Disadvantaged Communities, Water

CALAFCO Comments: Current law (Health & Safety Code Section 116682) authorizes the State Water Resources Control Board (Board) to order consolidation (physical or operational) of a public water system or state small water system serving a disadvantaged community that consistently fails to provide an adequate supply of safe drinking water, or a disadvantaged community (in whole or part) that is substantially reliant on domestic wells that consistently fail to provide an adequate supply of safe drinking water. This bill would add to that a water system or domestic well(s) that are at risk of failing to provide an adequate supply of safe drinking water, as determined by the Board. The bill also requires the Board, before ordering consolidation, to conduct outreach to ratepayers and residents served by the at-risk system and to consider any petition submitted by members of a disadvantaged community being served by the at-risk system.

There appears to be several problems with this bill: (1) The bill does not define "at risk" and there is no definition of "at risk" currently in H&S Code Sec. 116681; (2) There is a lack of consultation with GSAs by the State Board when considering ordering consolidation or extension of service; (3) There is no requirement or even consideration for annexation upon extension of service; and (4) there does not appear to be a limitation of the number of connections or the extent to which the system can be extended.

The bill is co-sponsored by the Leadership Counsel for Justice and Accountability, Clean Water Action and Community Water Center. A fact sheet is posted in the tracking section of the bill.

CALAFCO has reached out to the author's office for more information on the bill and to discuss amendments.



[AB 11](#) (Ward D) Climate change: regional climate change authorities.

Current Text: Amended: 1/21/2021 [html](#) [pdf](#)

Introduced: 12/7/2020

Last Amended: 1/21/2021

Status: 1/25/2021-Re-referred to Com. on NAT. RES.

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

Would require the Strategic Growth Council, by January 1, 2023, to establish up to 12 regional climate change authorities to coordinate climate adaptation and mitigation activities in their regions, and coordinate with other regional climate adaptation authorities, state agencies, and other relevant stakeholders.

Attachments:

[AB 11 Fact Sheet](#)

Position: Watch

Subject: Other

CALAFCO Comments: As amended on 1/21/21, this bill authorizes/requires the Strategic Growth Council (SGC) to establish up to 12 regional climate change authorities by January 1, 2023, to include local agencies and regional stakeholders. The SGC is required to adopt guidelines that: (1) Define the authority; (2) Include guidelines for establishing an authority via a stakeholder-driven process; (3) Consult with OPR (and other state authorities) in development of the guidelines and award annual grants to authorities.

The bill outlines the regional climate change authorities in summary as: coordination, capacity-building, and technical assistance activities within their boundaries, promote regional alignment and assist local agencies in creating and implementing plans developed pursuant to Section 65302 of the Government Code, other federal or state mandates, and programs designed address climate change impacts and risks. The bill also requires the authority to submit annual reports to the SGC, with the scope of the report outlined in the bill.

This is an author-sponsored bill. There is no appropriation to fund the cost of the program. A fact sheet is posted in the tracking section of the bill.

UPDATE 3/17/21: CALAFCO learned from the author's office they do not intend to move the bill forward, but instead work with Assm. Mullin on AB 897 and merge the two bills.

[AB 473](#) (Chau D) California Public Records Act.

Current Text: Introduced: 2/8/2021 [html](#) [pdf](#)

Introduced: 2/8/2021

Status: 3/24/2021-Read second time. Ordered to Consent Calendar.

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

Summary:

The California Public Records Act requires state and local agencies to make their records available for public inspection, unless an exemption from disclosure applies. This bill would recodify and reorganize the provisions of the act. The bill would include provisions to govern the effect of recodification and state that the bill is intended to be entirely nonsubstantive in effect. The bill would contain related legislative findings and declarations. The bill would become operative on January 1, 2023.

Position: Watch

Subject: Public Records Act

CALAFCO Comments: This bill is a redo of AB 2138 from 2020 that did not move forward. According to the author's office, this bill and AB 474 are part of recommendations from the California Law Revision Commissions to reorganize and restructure the CPRA based on a request by the legislature for them to do that. CALAFCO will keep watch on the bill to ensure there are no substantive changes to the PRA.

[AB 474](#) (Chau D) California Public Records Act: conforming revisions.

Current Text: Introduced: 2/8/2021 [html](#) [pdf](#)

Introduced: 2/8/2021

Status: 3/24/2021-Read second time. Ordered to Consent Calendar.

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

Summary:

Would enact various conforming and technical changes related to another bill that recodifies and reorganizes the California Public Records Act. The bill would only become operative if the related bill recodifying the act is enacted and becomes operative on January 1, 2023. The bill would also specify that any other bill enacted by the Legislature during the 2021 calendar year that takes effect on or before January 1, 2022, and that affects a provision of this bill shall prevail over this act, except as specified.

Position: Watch

Subject: Public Records Act

CALAFCO Comments: This bill is a redo of AB 2438 from 2020 that did not move forward. According to the author's office, this bill and AB 473 are part of recommendations from the California Law Revision Commissions to reorganize and restructure the CPRA based on a request by the legislature for them to do that. CALAFCO will keep watch on the bill to ensure there are no substantive changes to the PRA.

[AB 897](#) (Mullin D) Office of Planning and Research: regional climate networks: climate adaptation action plans.

Current Text: Introduced: 2/17/2021 [html](#) [pdf](#)

Introduced: 2/17/2021

Status: 2/25/2021-Referred to Com. on NAT. RES.

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

Calendar:

4/14/2021 9 a.m. - State Capitol, Room 4202 ASSEMBLY NATURAL RESOURCES, RIVAS, LUZ, Chair

Summary:

Current law requires, by July 1, 2017, and every 3 years thereafter, the Natural Resources Agency to update, as prescribed, the state's climate adaptation strategy, known as the Safeguarding California Plan. Current law establishes the Office of Planning and Research in state government in the Governor's office. Current law establishes the Integrated Climate Adaptation and Resiliency Program to be administered by the office to coordinate regional and local efforts with state climate adaptation strategies to adapt to the impacts of climate change, as

prescribed. This bill would authorize eligible entities, as defined, to establish and participate in a regional climate network, as defined. The bill would require the office to encourage the inclusion of agencies with land use planning authority into regional climate networks.

Attachments:

[AB 897 Fact Sheet](#)

Position: Watch

Subject: Climate Change

CALAFCO Comments: As introduced, the bill builds on existing programs through OPR by promoting regional collaboration in climate adaptation planning and providing guidance for regions to identify and prioritize projects necessary to respond to the climate vulnerabilities of their region.

The bill requires OPR to develop guidelines (the scope of which are outlined in the bill) for Regional Climate Adaptation Action Plans (RCAAPs) by 7-1-22 through their normal public process. Further the bill requires OPR to make recommendations to the Legislature on potential sources of financial assistance for the creation & implementation of RCAAPs, and ways the state can support the creation and ongoing work of regional climate networks. The bill would allow LAFcos to be a part of these regional climate networks.

This is an author-sponsored bill. The bill necessitates additional resources from the state to carry out the additional work required of OPR (there is no current budget appropriation). A fact sheet is posted in the tracking section of the bill.

[AB 903](#) ([Frazier D](#)) Los Medanos Community Healthcare District.

Current Text: Introduced: 2/17/2021 [html](#) [pdf](#)

Introduced: 2/17/2021

Status: 2/25/2021-Referred to Com. on L. GOV.

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

Summary:

Would require the dissolution of the Los Medanos Community Healthcare District, as specified. The bill would require the County of Contra Costa to be successor of all rights and responsibilities of the district, and require the county to complete a property tax transfer process to ensure the transfer of the district's health-related ad valorem property tax revenues to the county in order to operate the Los Medanos Area Health Plan Grant Program. By requiring a higher level of service from the County of Contra Costa as described above, the bill would impose a state-mandated local program.

Position: Watch

CALAFCO Comments: This bill mandates the dissolution of the Los Medanos Community Healthcare District with the County as the successor agency, effective 2-1-22. The bill requires the County to perform certain acts prior to the dissolution. The LAFco is not involved in the dissolution as the bill is written. Currently, the district is suing both the Contra Costa LAFco and the County of Contra Costa after the LAFco approved the dissolution of the district upon application by the County and the district failed to get enough signatures in the protest process to go to an election.

[AB 959](#) (Mullin D) Park districts: regulations: nuisances: abatement.**Current Text:** Introduced: 2/17/2021 [html](#) [pdf](#)**Introduced:** 2/17/2021**Status:** 3/4/2021-Referred to Com. on L. GOV.

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

Summary:

Current law prescribes procedures, including the election of a board of directors, for the formation of regional park districts, regional park and open-space districts, or regional open-space districts. Current law authorizes 3 or more cities, together with any parcel or parcels of city or county territory, whether in the same or different counties, to organize and incorporate, but requires that all the territory in the proposed district be contiguous. Current law requires the board of directors to superintend, control, and make available to all the inhabitants of the district all public recreation lands and facilities, as provided. Existing law authorizes the board to adopt regulations. Current law provides that a violation of an ordinance, rule, or regulation adopted by the board is a misdemeanor punishable by a fine or imprisonment in the county jail, as provided. This bill would authorize the board of directors to adopt regulations relating to nuisances and establish a procedure for the abatement of the nuisances, including administrative abatement.

Attachments:[AB 959 Fact Sheet](#)**Position:** Watch

CALAFCO Comments: As introduced, this bill gives authority to independent regional park & open space districts governed by PRC 5500 to: (1) Declare by ordinance what constitutes a public nuisance; (2) Abate those public nuisances by either administrative or civil actions; and (3) Ability to recover costs incurred in abating the public nuisance, including attorneys' fees. There are 4 of these independent special districts: (1) Midpeninsula Regional Open Space District; (2) East Bay Regional Park District; (3) Monterey Peninsula Regional Park District; and (4) Napa County Regional Park and Open Space District. A fact sheet is posted in the tracking section of the bill.

[AB 975](#) (Rivas, Luz D) Political Reform Act of 1974: statement of economic interests and gifts.**Current Text:** Introduced: 2/18/2021 [html](#) [pdf](#)**Introduced:** 2/18/2021**Status:** 3/4/2021-Referred to Com. on ELECTIONS.

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

Summary:

The Political Reform Act of 1974 regulates conflicts of interests of public officials and requires that public officials file, with specified filing officers, periodic statements of economic interests disclosing certain information regarding income, investments, and other financial data. The Fair Political Practices Commission is the filing officer for statewide elected officers and candidates and other specified public officials. If the Commission is the filing officer, the public official generally files with their agency or another person or entity, who then makes a copy and

files the original with the Commission. This bill would revise and recast these filing requirements to make various changes, including requiring public officials and candidates for whom the Commission is the filing officer to file their original statements of economic interests electronically with the Commission.

Position: Watch

Subject: FPPC

CALAFCO Comments: As introduced, this bill makes two notable changes to the current requirements of gift notification and reporting: (1) It increases the period for public officials to reimburse, in full or part, the value of attending an invitation-only event, for purposes of the gift rules, from 30 days from receipt to 30 days following the calendar quarter in which the gift was received; and (2) It reduces the gift notification period for lobbyist employers from 30 days after the end of the calendar quarter in which the gift was provided to 15 days after the calendar quarter. Further it requires the FPPC to have an online filing system and to redact contact information of filers before posting.

AB 1021 (Mayes I) Imperial Irrigation District.

Current Text: Amended: 3/18/2021 [html](#) [pdf](#)

Introduced: 2/18/2021

Last Amended: 3/18/2021

Status: 3/22/2021-Re-referred to Com. on L. GOV.

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

Summary:

Would require the commissions for the County of Imperial and the County of Riverside to conduct and publish on their internet websites, by December 1, 2022, a joint study of voting rights, and options for providing electricity, in the Imperial Irrigation District. The bill would require the joint study to include a description of voting rights in the district and a determination of whether and how the district can extend voting rights to its residents, as well as options for providing electricity in the district's jurisdiction and other affected service areas, in the circumstance that the district desires to no longer provide electrical service in its jurisdiction.

Position: Watch

Subject: Special Districts Governance

CALAFCO Comments: As amended on 3/18/21, the bill focuses on the Imperial Irrigation District. The bill requires Imperial and Riverside LAFcos to conduct a special study of voting rights and options for providing electricity in the district area should the district decide it no longer desires to provide that serve, to be completed by December 31, 2022, as an unfunded mandate. The bill also requires membership of the district board to increase from 5 to 8 members, with the additional 3 members residing in Riverside County in the area being serviced by the district and appointed by the County Supervisor of that County district. The three new members will be non-voting members.

CALAFCO met with the author's staff on March 18 to discuss concerns on the bill, with input from Riverside and Imperial LAFcos (who will meet with the author's office as well). Concerns include: (1) The unfunded mandate and timing of the study; (2) As representation in the Riverside County service area is the issue, governance structure should also be a part of the study; (3) Section 21562.6 of

the Water Code as added is far too vague. CALAFCO offered specific suggestions for clarification in this section.

This bill is similar to AB 854 (2019), which died in Appropriations. CALAFCO had a Watch position on that bill as the two member LAFcos had opposing positions, and this is a local matter. However, there is concern about requiring a study without funding (the last time the Legislature mandated a special study on a district it required the study be funded by the district).

The bill is author-sponsored and as of now there is no budget appropriation to cover cost.

AB 1053 (Gabriel D) City selection committees: quorum: teleconferencing.

Current Text: Amended: 3/18/2021 [html](#) [pdf](#)

Introduced: 2/18/2021

Last Amended: 3/18/2021

Status: 3/22/2021-Re-referred to Com. on L. GOV.

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

Summary:

Current law creates a city selection committee in each county that consists of 2 or more incorporated cities for the purpose of appointing city representatives to boards, commissions, and agencies. Under current law, a quorum for a city selection committee requires a majority of the number of the incorporated cities within the county entitled to representation on the city selection committee. Current law requires a city selection committee meeting to be postponed or adjourned to a subsequent time and place whenever a quorum is not present at the meeting. This bill would reduce the quorum requirement to 1/3 of all member cities within the county for a meeting that was postponed to a subsequent time and place because a quorum was not present, as long as the agenda is limited to items that appeared on the immediately preceding agenda where a quorum was not established.

Position: Oppose unless amended

Subject: Other

CALAFCO Comments: As amended on 3/18/21, the bill reduces the quorum requirement for a city selection committee to 1/3 of all member cities within the county for a meeting that was postponed to a subsequent time and place because a quorum was not present, as long as the agenda is limited to replicate the meeting for which a quorum was not established. The bill also authorizes a city selection committee to conduct their meetings be teleconference and electronic means.

The bill is sponsored by the Las Virgenes-Malibu Council of Governments.

AB 1246 (Nguyen R) Community services districts.

Current Text: Introduced: 2/19/2021 [html](#) [pdf](#)

Introduced: 2/19/2021

Status: 2/22/2021-Read first time.

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

Current law, the Community Services District Law, authorizes the formation of community services districts for various specified purposes, including supplying water, treating sewage, disposing of solid waste, and providing fire protection. The law specifies its relation and effect on certain districts organized pursuant to former laws and to actions taken by them, among other things. This bill would make nonsubstantive changes to those provisions.

Position: Watch

CALAFCO Comments: This is a spot bill.

SB 10 (Wiener D) Planning and zoning: housing development: density.

Current Text: Amended: 3/22/2021 [html](#) [pdf](#)

Introduced: 12/7/2020

Last Amended: 3/22/2021

Status: 3/22/2021-Read second time and amended. Re-referred to Com. on GOV. & F.

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

Summary:

Would, notwithstanding any local restrictions on adopting zoning ordinances, authorize a local government to pass an ordinance to zone any parcel for up to 10 units of residential density per parcel, at a height specified in the ordinance, if the parcel is located in a transit-rich area, a jobs-rich area, or an urban infill site, as those terms are defined. In this regard, the bill would require the Department of Housing and Community Development, in consultation with the Office of Planning and Research, to determine jobs-rich areas and publish a map of those areas every 5 years, commencing January 1, 2023, based on specified criteria. The bill would specify that an ordinance adopted under these provisions, and any resolution adopted to amend the jurisdiction's General Plan to be consistent with that ordinance, is not a project for purposes of the California Environmental Quality Act.

Position: Watch

Subject: Housing

SB 13 (Dodd D) Local agency services: contracts: Counties of Napa and San Bernardino.

Current Text: Introduced: 12/7/2020 [html](#) [pdf](#)

Introduced: 12/7/2020

Status: 1/28/2021-Referred to Com. on GOV. & F.

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

Summary:

The Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000 establishes a pilot program under which the commissions in the Counties of Napa and San Bernardino, upon making specified determinations at a noticed public

hearing, may authorize a city or district to provide new or extended services outside its jurisdictional boundary and outside its sphere of influence to support existing or planned uses involving public or private properties, as provided. Current law requires the Napa and San Bernardino commissions to submit a report to the Legislature on their participation in the pilot program, as specified, before January 1, 2020, and repeals the pilot program as of January 1, 2021. This bill would reestablish the pilot program, which would remain in effect until January 1, 2026. The bill would impose a January 1, 2025, deadline for the Napa and San Bernardino commissions to report to the Legislature on the pilot program, and would require the contents of that report to include how many requests for extension of services were received under these provisions.

Position: Watch

Subject: CKH General Procedures

CALAFCO Comments: This bill is the same as SB 799 from 2020 and seeks to re-establish and continue the pilot program for five more years. The program ended as of January 1, 2021 but due to the pandemic, SB 799 from 2020 to extend the sunset was not moved forward in the legislature.

There are amendments pending from the City of St. Helena that as proposed would drastically change the intent of SB 13. CALAFCO is working with the author's office, Napa and San Bernardino LAFcos and the City of St. Helena on those amendments and will carefully watch the bill.

SB 96 (Dahle R) Fallen Leaf Lake Community Services District Fire Department Protection Act of 2021: elections.

Current Text: Introduced: 12/21/2020 [html](#) [pdf](#)

Introduced: 12/21/2020

Status: 1/28/2021-Referred to Coms. on GOV. & F. and E. & C.A.

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

Summary:

Would require the El Dorado County elections official, with the assistance of the Fallen Leaf Lake Community Services District, to conduct district elections pursuant to the Uniform District Election Law, except as otherwise provided in the bill. The bill, notwithstanding existing law, would provide that voters who are resident registered voters of the district, and voters who are not residents but either own a real property interest in the district or have been designated by the owner of a real property interest to cast the vote for that property, may vote in a district election in the Fallen Leaf Lake Community Services District, as specified. The bill would require the designations of voters and authority of legal representatives to be filed with the El Dorado County elections official and the secretary of the Fallen Leaf Lake Community Services District and maintained with the list of qualified voters of the district. This bill contains other related provisions and other existing laws.

Position: Watch

Subject: Special Districts Governance

CALAFCO Comments: This bill is the same as SB 1180 from 2020 which did not move through the legislature. It is a local El Dorado County/district bill. This bill does several things. (1) Provides that voters who are resident registered voters of

the district, and voters who are not residents but either own a real property interest in the district or have been designated by the owner of a real property interest to cast the vote for that property, may vote in a district election in the Fallen Leaf Lake Community Services. (2) The bill also would authorize a voter who is not a resident of the district but owns a real property interest in the district to designate only one voter to vote on their behalf, regardless of the number of parcels in the district owned by the nonresident voter. (3) This bill would prohibit the Fallen Leaf Lake Community Services District from providing any services or facilities except fire protection and medical services, including emergency response and services, as well as parks and recreation services and facilities.

SB 261 (Allen D) Regional transportation plans: sustainable communities strategies.

Current Text: Introduced: 1/27/2021 [html](#) [pdf](#)

Introduced: 1/27/2021

Status: 3/16/2021-From committee: Do pass and re-refer to Com. on TRANS. (Ayes 5. Noes 2.) (March 15). Re-referred to Com. on TRANS.

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

Summary:

current law requires certain transportation planning agencies to prepare and adopt a regional transportation plan directed at achieving a coordinated and balanced regional transportation system. Certain of these agencies are designated under federal law as metropolitan planning organizations. Existing law requires that each regional transportation plan include a sustainable communities strategy developed to achieve greenhouse gas emission reduction targets for the automobile and light truck sector for 2020 and 2035 established by the State Air Resources Board. This bill would require that the sustainable communities strategy be developed to additionally achieve greenhouse gas emission reduction targets for the automobile and light truck sector for 2045 and 2050 and vehicle miles traveled reduction targets for 2035, 2045, and 2050 established by the board. The bill would make various conforming changes to integrate those additional targets into regional transportation plans.

Position: Watch

Subject: Sustainable Community Plans

CALAFCO Comments: CALAFCO is currently reviewing the bill.

SB 273 (Hertzberg D) Water quality: municipal wastewater agencies.

Current Text: Introduced: 1/29/2021 [html](#) [pdf](#)

Introduced: 1/29/2021

Status: 3/18/2021-Set for hearing April 12.

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

Calendar:

4/12/2021 9 a.m. - John L. Burton Hearing Room
(4203) SENATE ENVIRONMENTAL QUALITY, ALLEN, Chair

Summary:

Would authorize a municipal wastewater agency, as defined, to enter into agreements with entities responsible for stormwater management for the purpose of managing stormwater and dry weather runoff, to acquire, construct, expand,

operate, maintain, and provide facilities for specified purposes relating to managing stormwater and dry weather runoff, and to levy taxes, fees, and charges consistent with the municipal wastewater agency's existing authority in order to fund projects undertaken pursuant to the bill. The bill would require the exercise of any new authority granted under the bill to comply with the Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000. To the extent this requirement would impose new duties on local agency formation commissions, the bill would impose a state-mandated local program.

Attachments:

[SB 273 Fact Sheet](#)

Position: Support

Subject: Municipal Services

CALAFCO Comments: This bill is a redo of SB 1052 from 2020 that was not moved forward because of the pandemic. This bill adds authority to municipal wastewater agencies as outlined in 13911(a) and (b) relating to stormwater runoff and management. The bill authorizes this additional authority while keeping the LAFCo process to activate these latent powers intact.

CALAFCO is requesting an amendment to add a requirement that upon entering into the agreement, the agency has 30 days to file a copy of that agreement or amended agreement with the LAFCo.

The bills is sponsored by the CA Assn of Sanitation Agencies. A fact sheet is posted in the tracking section of the bill.

[SB 274](#) (Wieckowski D) Local government meetings: agenda and documents.

Current Text: Introduced: 1/29/2021 [html](#) [pdf](#)

Introduced: 1/29/2021

Status: 3/25/2021-From committee: Do pass as amended and re-refer to Com. on APPR. (Ayes 5. Noes 0.) (March 25).

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

Calendar:

4/5/2021 #8 SENATE SENATE BILLS - SECOND READING FILE

Summary:

The Ralph M. Brown Act, requires meetings of the legislative body of a local agency to be open and public and also requires regular and special meetings of the legislative body to be held within the boundaries of the territory over which the local agency exercises jurisdiction, with specified exceptions. Current law authorizes a person to request that a copy of an agenda, or a copy of all the documents constituting the agenda packet, of any meeting of a legislative body be mailed to that person. This bill would require a local agency with an internet website, or its designee, to email a copy of, or website link to, the agenda or a copy of all the documents constituting the agenda packet if the person requests that the items be delivered by email. If a local agency determines it to be technologically infeasible to send a copy of the documents or a link to a website that contains the documents by mail or by other electronic means, the bill would require the legislative body or its designee to send by mail a copy of the agenda or a website link to the agenda and to mail a copy of all other documents constituting the agenda packet, as specified.

Attachments:

[CALAFCO Support SB 274 \(3-15-21\)](#)
[SB 274 Fact Sheet](#)

Position: Support

Subject: Public Records Act

CALAFCO Comments: This bill is a modified redo of SB 931 from 2020 that did not move forward because of the pandemic. This bill updates the Government Code to require a public agency to email the agenda or agenda items to anyone who requests it or the link to the website where the documents can be accessed (current law requires the mailing of such documents upon request, this bill adds the option to email if requested). A fact sheet is posted in the tracking section of the bill.

SB 427 (Eggman D) Water theft: enhanced penalties.

Current Text: Amended: 3/25/2021 [html](#) [pdf](#)

Introduced: 2/12/2021

Last Amended: 3/25/2021

Status: 3/25/2021-From committee with author's amendments. Read second time and amended. Re-referred to Com. on GOV. & F.

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

Calendar:

4/8/2021 Upon adjournment of Session - John L. Burton Hearing Room (4203) SENATE GOVERNANCE AND FINANCE, MCGUIRE, Chair

Summary:

Existing law authorizes the legislative body of a city or a county to make, by ordinance, any violation of an ordinance subject to an administrative fine or penalty and limits the maximum fine or penalty amounts for infractions, to \$100 for the first violation, \$200 for a 2nd violation of the same ordinance within one year of the first violation, and \$500 for each additional violation of the same ordinance within one year of the first violation. This bill would authorize the legislative body of a city or a county that is authorized by the applicable local agency formation commission to provide water service to adopt an ordinance that prohibits water theft, as defined, subject to an administrative fine or penalty in excess of the limitations above, as specified. The bill would require the local agency to adopt an ordinance that sets forth the administrative procedures that shall govern the imposition, enforcement, collection, and administrative review by the local agency of the administrative fines or penalties for water theft and to establish a process for granting a hardship waiver to reduce the amount of the fine, as specified.

Position: Watch

Subject: Water

SB 475 (Cortese D) Transportation planning: sustainable communities strategies.

Current Text: Amended: 3/10/2021 [html](#) [pdf](#)

Introduced: 2/17/2021

Last Amended: 3/10/2021

Status: 3/18/2021-Re-referred to Coms. on E.Q., TRANS., and HOUSING. Referral to Com. on HOUSING rescinded because of the limitations placed on committee hearings due to ongoing health and safety risks of the COVID-19 virus.

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

Summary:

Would require the State Air Resources Board, on or before June 30, 2023, and in coordination with the California Transportation Commission and the Department of Housing and Community Development, to issue new guidelines on sustainable communities strategies and require these guidelines to be updated thereafter at least every 4 years. The bill would delete the provisions related to the Regional Targets Advisory Committee and instead require the State Air Resources Board to appoint, on or before January 31, 2022, the State-Regional Collaborative for Climate, Equity, and Resilience, consisting of representatives of various entities. The bill would require the State-Regional Collaborative for Climate, Equity, and Resilience to develop a quantitative tool for metropolitan planning organizations to use to evaluate a transportation plan's consistency with long-range greenhouse gas emission reduction targets and recommend guidelines for metropolitan planning organizations to use when crafting long-range strategies that integrate state goals related to climate resilience and social equity.

Position: Watch

Subject: Sustainable Community Plans

CALAFCO Comments: CALAFCO is currently reviewing the amendments dated March 10, 2021.

SB 499 (Leyva D) General plan: land use element: uses adversely impacting health outcomes.

Current Text: Introduced: 2/17/2021 [html](#) [pdf](#)

Introduced: 2/17/2021

Status: 3/25/2021-April 8 set for first hearing canceled at the request of author.

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

Summary:

Would prohibit the land use element from designating land uses that have the potential to significantly degrade local air, water, or soil quality or to adversely impact health outcomes in disadvantaged communities to be located, or to materially expand, within or adjacent to a disadvantaged community or a racially and ethnically concentrated area of poverty. By expanding the duties of cities and counties in the administration of their land use planning duties, the bill would impose a state-mandated local program.

Attachments:

[SB 499 Fact Sheet](#)

Position: Watch

Subject: Disadvantaged Communities

CALAFCO Comments: As introduced, this bill would prohibit the land use element of a general plan from designating or expanding land uses that have the potential to significantly degrade local air, water, or soil quality or to adversely impact health outcomes within or adjacent to disadvantaged communities (DACs)

or a racially and ethnically concentrated area of poverty.

The sponsor of this bill is the Leadership Counsel for Justice and Accountability. A fact sheet is posted in the tracking section of the bill.

SB 574 (Laird D) Agricultural preserves: Williamson Act.

Current Text: Amended: 3/4/2021 [html](#) [pdf](#)

Introduced: 2/18/2021

Last Amended: 3/4/2021

Status: 3/25/2021-Read third time. Passed. (Ayes 38. Noes 0.) Ordered to the Assembly. In Assembly. Read first time. Held at Desk.

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

Summary:

Under the California Land Conservation Act of 1965, the board of supervisors or city council may grant tentative approval for a cancellation by petition of a landowner as to all or any part of land subject to a contract, as specified. Prior to any action by the board or council giving tentative approval to the cancellation of any contract, the county assessor is required to determine the current fair market value of the land as though it were free of the contractual restriction, and requires the assessor to send the fair market value to the Department of Conservation, hereafter department, at the same time the assessor sends the value to the landowner. Current law provides for a certificate of tentative cancellation upon tentative approval of a petition by a landowner accompanied by a proposal for a specified alternative use of the land, as provided. Current law requires the board of supervisors or city council to provide notice to the department related to cancellation of the contract as well as in other specified instances. This bill would revise and recast these provisions to no longer require the assessor to provide notice to the department and to require the board of supervisors or city council to provide notice to the department if the certificate of tentative cancellation is withdrawn, as specified.

Position: Watch

CALAFCO Comments: This bill narrows the role of Department of Conservation (DOC) in administering the Williamson Act. It does not change other provisions in the Act except for lessening reporting requirements by local governments to the DOC. The bill repeals the ability of the DOC to agree on a cancellation value for contracted land with a landowner, along with the requirement that the department provide a preliminary valuation to the applicable assessor, and repeals the requirement that the DOC approve cancellation of a farmland security contract. The bill also repeals and narrows reporting requirements by requiring the DOC to post all local government reports on Williamson Act lands/contracts on its website rather than create a report and submit to the Legislature. The bill also repeals certain reporting requirements by local governments (cities and counties) to the DOC regarding Williamson Act contracts.

CALAFCO will continue to watch this bill to ensure no detrimental changes are made to the Act through future amendments.

SB 813 (Committee on Governance and Finance) Controller: local government financial reports.

Current Text: Introduced: 2/23/2021 [html](#) [pdf](#)

Introduced: 2/23/2021

Status: 3/3/2021-Referred to Com. on GOV. & F.

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

Summary:

Current law requires the Controller to compile, publish, and make publicly available on the Controller’s website reports of the financial transactions and information on annual compensation of each county, city, and special district within this state. This bill would specify that the reports shall be furnished at the time prescribed by the Controller and would revise the amount of time in which the report is required to be furnished to either 7 months or within the time prescribed by the Controller, whichever is later.

Position: Watch

CALAFCO Comments: This is the annual Senate Governance & Finance Committee Omnibus bill.

Total Measures: 33
Total Tracking Forms: 33

3/30/2021 10:03:01 AM

SENATE BILL**No. 13**

Introduced by Senator DoddDecember 7, 2020

An act to add and repeal Section 56133.5 of the Government Code, relating to local agency formation, and declaring the urgency thereof, to take effect immediately.

LEGISLATIVE COUNSEL'S DIGEST

SB 13, as introduced, Dodd. Local agency services: contracts: Counties of Napa and San Bernardino.

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. The act establishes a pilot program under which the commissions in the Counties of Napa and San Bernardino, upon making specified determinations at a noticed public hearing, may authorize a city or district to provide new or extended services outside its jurisdictional boundary and outside its sphere of influence to support existing or planned uses involving public or private properties, as provided. Existing law requires the Napa and San Bernardino commissions to submit a report to the Legislature on their participation in the pilot program, as specified, before January 1, 2020, and repeals the pilot program as of January 1, 2021.

This bill would reestablish the pilot program, which would remain in effect until January 1, 2026. The bill would impose a January 1, 2025, deadline for the Napa and San Bernardino commissions to report to the Legislature on the pilot program, and would require the contents of that

report to include how many requests for extension of services were received under these provisions.

This bill would make legislative findings and declarations as to the necessity of a special statute for the Counties of Napa and San Bernardino.

This bill would declare that it is to take effect immediately as an urgency statute.

Vote: $\frac{2}{3}$. Appropriation: no. Fiscal committee: no.
State-mandated local program: no.

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

1 SECTION 1. Section 56133.5 is added to the Government
2 Code, to read:

3 56133.5. (a) A pilot program is hereby established for the
4 Napa and San Bernardino commissions. If consistent with adopted
5 policy, the Napa and San Bernardino commissions may authorize
6 a city or district to provide new or extended services outside its
7 jurisdictional boundary and outside its sphere of influence to
8 support existing or planned uses involving public or private
9 properties, subject to approval at a noticed public hearing in which
10 the commission makes all of the following determinations:

11 (1) The extension of service or services deficiency was identified
12 and evaluated in a review of municipal services prepared pursuant
13 to Section 56430.

14 (2) The extension of service will not result in either: (A) adverse
15 impacts on open space or agricultural lands or (B) growth inducing
16 impacts.

17 (3) A sphere of influence change involving the affected territory
18 and its affected agency is not feasible under this division or
19 desirable based on the adopted policies of the commission.

20 (b) Subdivision (d) of Section 56133 shall apply to any request
21 for new or extended services pursuant to this section.

22 (c) For purposes of this section, "planned use" means any project
23 that is included in an approved specific plan as of July 1, 2015.

24 (d) The Napa and San Bernardino commissions shall submit a
25 report before January 1, 2025, to the Legislature on their
26 participation in the pilot program, including how many requests
27 for extension of services were received on or after the effective
28 date of this section, and the action by the commission to approve,

1 disapprove, or approve with conditions. The report required to be
2 submitted pursuant to this subdivision shall be submitted in
3 compliance with Section 9795 of the Government Code.

4 (e) The pilot program established pursuant to this section shall
5 be consistent with Chapter 8.5 (commencing with Section 1501)
6 of Part 1 of Division 1 of the Public Utilities Code.

7 (f) This section shall remain in effect only until January 1, 2026,
8 and as of that date is repealed.

9 SEC. 2. The Legislature finds and declares that a special statute
10 is necessary and that a general statute cannot be made applicable
11 within the meaning of Section 16 of Article IV of the California
12 Constitution because of the unique circumstances relating to
13 implementing the pilot program described in Section 56133.5 of
14 the Government Code in the Counties of Napa and San Bernardino.

15 SEC. 3. This act is an urgency statute necessary for the
16 immediate preservation of the public peace, health, or safety within
17 the meaning of Article IV of the California Constitution and shall
18 go into immediate effect. The facts constituting the necessity are:

19 Due to the public health crisis resulting from the coronavirus
20 (COVID-19) pandemic, the Legislature was not able to vote on
21 the extension of the pilot program described in Section 56133.5
22 of the Government Code, which provides necessary public services.
23 In order to preserve the public peace and safety and avoid any
24 interruptions in the approval process for a city or district to provide
25 public services outside its boundaries and sphere of influence, it
26 is necessary for this act to take effect immediately.

Proposed Amendments to Government Code Sec. 56133.5

(a) The Napa commission may authorize a city or district to provide new or extended services outside its jurisdictional boundary and outside its sphere of influence to support existing uses, properties that already have a connection to other services from the providing city or district, and/or new agricultural employee housing development, each involving public or private properties, subject to approval at a noticed public hearing in which the commission makes all of the following determinations:

- 1) The extension of service or services will (i) result in specific environmental benefits, including but not limited to converting existing land uses from using septic systems to connecting to a treated sewer system, or (ii) will facilitate the development of an agricultural employee housing development of not less than 10 units.
- 2) A sphere of influence change involving the affected territory and its affected agency is not feasible under this division or desirable based on the adopted policies of the commission.

(b) Subdivision (d) of Section 56133 shall apply to any request for new or extended services pursuant to this Section.

(c) For purposes of this Section, an “agricultural employee housing development” shall be a development as contemplated by Health and Safety Code Section 17021.8.

Government Code Section 56133
Proposed Amendment Regarding Exception Determination

56133.

(a) A city or district may provide new or extended services by contract or agreement outside its jurisdictional boundary only if it first requests and receives written approval from the commission.

(b) The commission may authorize a city or district to provide new or extended services outside its jurisdictional boundary but within its sphere of influence in anticipation of a later change of organization.

(c) If consistent with adopted policy, the commission may authorize a city or district to provide new or extended services outside its jurisdictional boundary and outside its sphere of influence to respond to an existing or impending threat to the health or safety of the public or the residents of the affected territory, if both of the following requirements are met:

(1) The entity applying for approval has provided the commission with documentation of a threat to the health and safety of the public or the affected residents.

(2) The commission has notified any alternate service provider, including any water corporation as defined in Section 241 of the Public Utilities Code, that has filed a map and a statement of its service capabilities with the commission.

(d) The executive officer, within 30 days of receipt of a request for approval by a city or district to extend services outside its jurisdictional boundary, shall determine whether the request is complete and acceptable for filing or whether the request is incomplete. If a request is determined not to be complete, the executive officer shall immediately transmit that determination to the requester, specifying those parts of the request that are incomplete and the manner in which they can be made complete. When the request is deemed complete, the executive officer shall place the request on the agenda of the next commission meeting for which adequate notice can be given but not more than 90 days from the date that the request is deemed complete, unless the commission has delegated approval of requests made pursuant to this section to the executive officer. The commission or executive officer shall approve, disapprove, or approve with conditions the extended services. If the new or extended services are disapproved or approved with conditions, the applicant may request reconsideration, citing the reasons for reconsideration.

(e) This section does not apply to any of the following **as determined by the commission or the executive officer:**

(1) Two or more public agencies where the public service to be provided is an alternative to, or substitute for, public services already being provided by an existing public service provider and where the level of service to be provided is consistent with the level of service contemplated by the existing service provider.

(2) The transfer of nonpotable or nontreated water.

(3) The provision of surplus water to agricultural lands and facilities, including, but not limited to, incidental residential structures, for projects that serve conservation purposes or that directly support agricultural industries. However, prior to extending surplus

water service to any project that will support or induce development, the city or district shall first request and receive written approval from the commission in the affected county.

(4) An extended service that a city or district was providing on or before January 1, 2001.

(5) A local publicly owned electric utility, as defined by Section 9604 of the Public Utilities Code, providing electric services that do not involve the acquisition, construction, or installation of electric distribution facilities by the local publicly owned electric utility, outside of the utility's jurisdictional boundary.

(6) A fire protection contract, as defined in subdivision (a) of Section 56134.

(f) This section applies only to the commission of the county in which the extension of service is proposed.



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

Agenda Item 7c (Action)

TO: Local Agency Formation Commission

FROM: Brendon Freeman, Executive Officer
Dawn Mittleman Longoria, Analyst II

MEETING DATE: April 5, 2021

SUBJECT: Agreement for the Provision of Support Services

RECOMMENDATION

It is recommended the Commission provide formal direction to the Executive Officer with respect to pursuing any amendments to the Agreement for the Provision of Support Services (“the Agreement”) with representatives of the County of Napa. It is also recommended the Commission consider establishing an ad hoc subcommittee with two appointed members to assist the Executive Officer in this process.

BACKGROUND AND SUMMARY

The Commission will receive a report on the current status of the Agreement with the County of Napa, which was made effective July 1, 2003, and subsequently amended 10 times. The Agreement with the 10 amendments is included as Attachment One. Prior to the mutual adoption of the Agreement, the Commission and the County had entered into three similar, but separate, agreements effective February 2001, July 2001, and July 2002.

The original formation of LAFCOs in 1963 envisioned a State agency serving as the commission. State organizations such as the California State Association of Counties (CSAC) and the League of California Cities (“the League”) objected. The concern was a lack of local control if a State agency made boundary decisions for local government. It was determined that counties would fund LAFCOs, including the provision of staffing and legal counsel. Notably, this all occurred prior to Proposition 13.

Margie Mohler, Chair
Councilmember, Town of Yountville

Mariam Aboudamous, Commissioner
Councilmember, City of American Canyon

Beth Painter, 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

Vacant
Representative of the General Public

Eve Kahn, Alternate Commissioner
Representative of the General Public

Brendon Freeman
Executive Officer

Over the years, a variety of organizations such as the League, Grand Juries, and local activist groups complained that this arrangement created a conflict of interest for counties. In many cases it was apparent that county staff and legal counsel were unable to provide independent analysis and recommendations given their jobs depended on the county. In some counties, LAFCOs became “independent”, while others remained “dependent” upon the county. In 2000, Assembly Bill 270 (Gotch) was signed into law. Provisions in this law included the “independence” of LAFCOs from counties with respect to staffing, legal counsel, and office arrangements.

In 2003, Napa LAFCO transitioned from “dependent” to “independent” as an agency. The Commission entered into a formal agreement for the provision of various administrative services by the County of Napa, entitled Agreement for the Provision of Support Services by the County of Napa to the Napa County Local Agency Formation Commission (LAFCO Agreement No. 03-02 / Napa County Agreement No. 4433). The Agreement clearly anticipates regular review, but review has not occurred with the exception of regular amendments for adjusting the rates charged by County Information Technology Services. Staff believes the Agreement provides an adequate framework for efficient administrative services and independent operations, provided that it is understood by the Commission and updated for clarity and several changes to services since 2003.

Previous Commission Discussion

On January 12, 2015, the Commission held a workshop for discussion of the Commission’s view of its role and potential effectiveness in Napa County’s network of local governments. The “independence” of staff and the Commission from the County’s administration was a general theme within the workshop, including the provision of independent legal services.

On February 2, 2015, the Commission appointed Commissioner Wagenknecht and then-Commissioner Joan Bennett to an ad hoc subcommittee (“the Committee”) work with staff on reviewing the Agreement and drafting updates. The Committee and staff, including legal counsel, met to identify issues and discuss changes to the text of the Agreement.

On April 6, 2015, the Committee presented draft amendments to the Commission and it was determined that the best course of action was to continue development of a revised agreement with representatives of the County, including updated job descriptions for LAFCO staff. Shortly thereafter, LAFCO staff transition occurred and other activities took higher priority. Amendments to the Agreement have since been on hold.

Current Status

Following the workshop in 2015, the Commission entered into a contract for independent private legal counsel. However, several issues with the Agreement persist, including the “dependent” status of staff and the absence of proper approval for certain County charges to LAFCO. For example, the County occasionally charges LAFCO for various services without first providing a cost estimate to staff and receiving authorization from LAFCO. Another issue involves the 10 amendments to the Agreement, which can cause confusion and frustration for representatives of each LAFCO and the County. Staff recommends incorporating all of the amendments into a new amended and restated agreement.

Further, it is LAFCO’s responsibility to provide independent analysis and decision-making. The Agreement should clearly state LAFCO is an independent agency, and it should be clear that the Commission alone has the authority to adopt its budget, determine staffing and office operations, to rely on independent legal counsel, and whether or not to contract for services with the County.

With all of this in mind, staff recommends the Commission discuss the Agreement and consider providing direction to the Executive Officer to work with County representatives on amendments. The Commission may wish to consider establishing an ad hoc subcommittee to assist the Executive Officer in this endeavor.

ATTACHMENTS

- 1) Agreement for the Provision of Support Services with County of Napa and 10 Amendments
- 2) LAFCO Staff Report Dated April 6, 2015

NAPA COUNTY AGREEMENT NO. 4433

LAFCO OF NAPA COUNTY AGREEMENT NO. 03-02

**AGREEMENT FOR THE PROVISION OF SUPPORT SERVICES
BY THE COUNTY OF NAPA TO THE NAPA COUNTY
LOCAL AGENCY FORMATION COMMISSION**

THIS AGREEMENT is entered into as of this 1st day of July, 2003, by and between the COUNTY OF NAPA (hereinafter "County"), a political subdivision of the State of California, and the LOCAL AGENCY FORMATION COMMISSION OF NAPA COUNTY (hereinafter "LAFCO"), a local public agency formed pursuant to the Cortese-Knox-Hertzberg Local Government Reorganization Act (Government Code Section 56000 et. seq.);

RECITALS

WHEREAS, pursuant to Government Code Section 56380 of the Cortese-Knox-Hertzberg Local Government Reorganization Act (enacted effective January 1, 2001 and hereinafter referred to as "Act"), LAFCO is authorized to contract with any public agency for necessary personnel, facilities, and equipment to carry out and effect its functions and responsibilities; and

WHEREAS, pursuant to Government Code Section 56380, LAFCO must make its own provisions for independent staffing and operations; and

WHEREAS, LAFCO has need of specified personnel, accounting and legal services for its independent operations which County is willing and able to provide under the terms and conditions set forth herein below; and

WHEREAS, the County and LAFCO have entered into agreements for the provision of support services for fiscal years 2001-2002 and fiscal year 2002-2003;

TERMS

NOW THEREFORE, in consideration of the foregoing and the mutual promises hereinafter expressed, the parties mutually agree as follows:

1. **TERM.** The term of this Agreement shall become effective upon the date first written above and shall expire on June 30, 2004, unless terminated earlier in accordance with Paragraph 14 (Termination); except that the obligations of the parties under Paragraph 8 (Indemnification) and 10 (Confidentiality) shall continue in full force and effect after said expiration date or early termination in relation to acts or omissions occurring prior to such dates during the term of the Agreement. The term of this Agreement shall be automatically renewed for an additional year at the end of each fiscal year, under the same terms and conditions, unless terminated pursuant to Paragraph 14. For purposes of this Agreement, "fiscal year" shall mean the period commencing on July 1 and ending on June 30.

2. SERVICES TO BE PROVIDED BY COUNTY. County shall provide the following services subject to LAFCO abiding by County policies and procedures governing such services, except that whenever such policies and procedures provide for the Board of Supervisors to approve the appropriation of funds, or to approve the acquisition of services, goods or assets, or to make any other legislative decisions to carry out such services, the LAFCO Commission shall act in lieu of the Board of Supervisors:

(a) **Executive Officer.** County shall designate its at-will employee Daniel Schwarz to serve as LAFCO Executive Officer (hereinafter "Executive Officer"). The Executive Officer shall perform the duties as specified in the Act and other applicable laws and such other duties as specified by LAFCO. County agrees that the LAFCO Commission, as the appointing authority of the LAFCO Executive Officer, shall have the responsibility for evaluating the performance and setting compensation for the Executive Officer, so long as these actions are implemented in a manner consistent with County personnel policies, rules and regulations. The duties to be provided by the Executive Officer shall include, but not be limited to:

- Preparing staff analyses, reports, proposed findings and other agenda materials for LAFCO relating to boundary proposals, contracts for provision of new and extended services outside city and district jurisdictional boundaries, sphere of influence amendments, periodic review of sphere of influence designations and any other matters that are within LAFCO's authority under the Act.
- Calling and noticing LAFCO meetings in accordance with the Act and LAFCO policies and procedures.
- Preparing, mailing, filing, publishing and keeping records of agendas, notices and other required official documents on behalf of LAFCO.
- Responding to inquiries and providing information and technical assistance to interested public agencies and individuals.
- Providing supporting fiscal services such as the development of the annual LAFCO budget, management of LAFCO financial accounts, including the processing of LAFCO fees and charges, the processing of payment of LAFCO charges and expenses, and the preparation of required fiscal reports.
- Informing LAFCO Commissioners of new legislation, correspondence to LAFCO, CALAFCO activities, current events and matters of interest relating to LAFCO.

(b) **Support Staff.** County shall provide part-time clerical staff (.5 F.T.E.) and one full-time analyst to assist the Executive Officer in carrying out the day-to-day operations of

LAFCO and such other staff as the LAFCO Commission deems necessary, appropriates funds for, and directs County to provide, as set forth in (c).

(c) **Additional Services.** County, through its departments and divisions, shall further provide LAFCO those services set forth in Attachments "A" through "G", attached hereto and incorporated by reference as if set forth herein. It is the intention of both parties that the level of service provided shall be at least equal to that provided in County fiscal year 2002-2003 unless otherwise specifically agreed to by LAFCO and County.

3. **OFFICE SPACE.** It is the understanding of the parties that LAFCO has made direct arrangements with third parties to secure and maintain office space and such services are therefore not included within this Agreement.

4. **REIMBURSEMENT.**

(a) **Rates.** In consideration of County's fulfillment of the promised services and personnel, LAFCO shall reimburse County for the actual costs (including the costs of labor, equipment, supplies, materials, and incidental travel/transportation) incurred by County and its departments and divisions in providing these services. The rates shall be determined and mutually agreed to by the parties as follows:

(1) **FY 2003-2004.** The rates for fiscal year 2003-2004 are set forth in Attachment "AA" and hereby attached and incorporated by reference.

(2) **Procedure for Subsequent Annual Determination of Rates.** During the fourth quarter of each fiscal year of this Agreement the County Executive Officer, or his designee, and the Executive Officer of LAFCO shall meet prior to adoption of the respective annual County and LAFCO budgets to determine and calculate the proposed rates for County staff and services to be furnished during the succeeding fiscal year which will be necessary to achieve the cost reimbursement provided for in (a), subject to the additional factors set forth in (b) through (f), below. The annual adjustment of these reimbursement rates so determined shall be approved in writing by the County Executive Officer and the Executive Officer of LAFCO and when so approved shall become effective for the subsequent fiscal year unless this Agreement is not renewed or otherwise terminated by the County and/or LAFCO.

(b) **LAFCO Staffing Reimbursement.** LAFCO shall reimburse County for the salary and benefits of County staff primarily assigned to serve LAFCO, including any increases in salary and benefits that County provides such staff during the term of this Agreement.

(c) **LAFCO-Requested Travel Expense Reimbursement.** LAFCO shall reimburse County for expenses incurred by County departments and divisions for travel by their assigned personnel when such travel has been requested by LAFCO in writing. Such reimbursement shall be in accordance with the travel expense policy approved by County's Board of Supervisors in effect on the date of the travel. Notwithstanding the foregoing, travel costs incurred through use of a County vehicle shall be reimbursed in accordance with the County Equipment Pool rates in effect at the time of the travel.

(d) **Bank Analysis Pass-through Charge.** LAFCO shall reimburse County on a pass-through basis for the costs incurred by County for bank charges relating to LAFCO activities.

(e) **General Liability Coverage/Workers' Compensation Coverage:** LAFCO shall reimburse County for general liability coverage and workers' compensation coverage at the rates established by County each fiscal year.

(f) **Adjustment for Additional LAFCO-Requested Services.** LAFCO shall reimburse County for the actual costs (including the costs of labor, equipment, supplies, materials, and incidental travel/transportation) incurred by County in providing any new or increased services requested by LAFCO. Such additions or increases in services shall be permitted only if approved in writing by the County Executive Officer and LAFCO Executive Officer, including approval of the applicable reimbursement rates.

5. METHOD OF REIMBURSEMENT. Reimbursement for the costs of services, related supplies, and authorized travel incurred by County under this Agreement shall be made only upon presentation by the performing County department or division to LAFCO of an itemized billing invoice in a form acceptable to the Executive Officer of LAFCO and to the Napa County Auditor which indicates, at a minimum, an itemization of the services provided, the costs of any LAFCO-requested travel, and any documentation relating to adjustments in maximum compensation authorized in the manner provided in Paragraph 4 above. If the Executive Officer of LAFCO requires further information regarding the invoice, County shall make a good faith effort to provide such information, including documentation that the Executive Officer requests to justify the invoice charges. County shall submit such invoices quarterly to the Executive Officer of LAFCO who shall review each invoice for compliance with the requirements of this Agreement and shall, within ten working days of receipt, either approve or disapprove the invoice in light of such requirements. If the invoice is approved, the Executive Officer of LAFCO shall direct reimbursement be made by journal entry from the LAFCO Operations Fund to the account designated by the submitting County department or division as of the first day of the County fiscal year quarter immediately succeeding the quarter in which the services were rendered. Notwithstanding the foregoing, the final quarterly invoices for the fourth quarter reimbursement shall be submitted no later than the first working day following the close of the County fiscal year (June 30) and, if approved, shall be paid on or before July 15 of the next County fiscal year.

6. ADMINISTRATION OF SERVICES. The provision of services under this Agreement shall be under the administrative supervision and direction of the Executive Officer of LAFCO on behalf of LAFCO, and the County Executive Officer on behalf of County.

7. APPROPRIATIONS. LAFCO shall be responsible for operating within the appropriations budgeted for the current fiscal year. The process for reimbursement of expenses that exceed the given appropriation shall involve review and approval by LAFCO prior to County approval by the Board of Supervisors of a contingency transfer. Any County appropriations in

excess of LAFCO's budget for the current fiscal year shall be charged as an expense in LAFCO's current fiscal budget and shall be reimbursed to County in the following fiscal year.

8. TAXES. As between LAFCO and County, County agrees to be solely liable and responsible for all required tax withholdings and other obligations including, without limitation, those for state and federal income and FICA taxes relating to employees or subcontractors retained by County to provide the services provided to LAFCO under this Agreement. County agrees to indemnify and hold LAFCO harmless from any liability either may incur to the United States or the State of California as a consequence of County's failure to withhold or pay such amounts when due. In the event that LAFCO is audited for compliance regarding any such withholding or payment of taxes, County agrees to furnish LAFCO with proof of the withholding or payment action by County.

9. ACCESS TO RECORDS/RETENTION. LAFCO shall have access to any books, documents, papers and records of County which are directly pertinent to the subject matter of this Agreement for the purpose of making audit, examination, excerpts and transcriptions. Except where longer retention is required by any federal or state law, County shall maintain all required records for seven (7) years after LAFCO makes final reimbursement for any of the services provided hereunder and all pending matters are closed, whichever is later. County shall cooperate with LAFCO in providing all necessary data in a timely and responsive manner to comply with all LAFCO reporting requirements.

10. CONFLICT OF INTEREST. The parties to the Agreement acknowledge that they are aware of the provisions of the Government Code Section 1090 et seq., and Section 87100 et seq., relating to conflict of interest of public officers and employees. During the term of this Agreement, the Executive Officer of LAFCO and all other LAFCO staff shall not perform any work under this Agreement that might reasonably be considered detrimental to LAFCO's interests. LAFCO staff shall take such measures as are deemed necessary in the performance of this Agreement to prevent actual conflicts of interest. County hereby covenants that it presently has no interest not disclosed to LAFCO and shall not acquire any interest, direct or indirect, which would conflict in any manner or degree with the performance of its services or confidentiality obligation hereunder, except such as LAFCO may consent to in writing.

11. COMPLIANCE WITH LAWS. In providing the services required by this Agreement, County shall observe and comply with all applicable federal, state and local laws, ordinances, codes, and regulations. Such laws shall include, but not be limited to, the following, except where prohibited by law:

(a) **Non-Discrimination.** During the performance of this Agreement, County and its subcontractors shall not deny the benefits thereof to any person on the basis of sex, race, color, ancestry, religion or religious creed, national origin or ethnic group identification, sexual orientation, marital status, age (over 40), mental disability, physical disability or medical condition (including cancer, HIV and AIDS), nor shall they discriminate unlawfully against any employee or applicant for employment because of sex, race, color, ancestry, religion or religious creed, national origin or ethnic group identification, sexual orientation, marital status, age (over

40), mental disability, physical disability or medical condition (including cancer, HIV and AIDS), or use of family care leave. County shall ensure that the evaluation and treatment of employees and applicants for employment are free of such discrimination or harassment. In addition to the foregoing general obligations, County shall comply with the provisions of the Fair Employment and Housing Act (Government Code section 12900, et seq.), the regulations promulgated thereunder (Title 2, California Code of Regulations, section 7285.0, et seq.), the provisions of Article 9.5, Chapter 1, Part 1, Division 3, Title 2 of the Government Code (sections 11135-11139.5) and any state or local regulations adopted to implement any of the foregoing, as such statutes and regulations may be amended from time to time. To the extent this Agreement subcontracts to County services or works required of LAFCO by the State of California pursuant to agreement, state or federal regulations or statutes, the applicable regulations of the Fair Employment and Housing Commission implementing Government Code section 12990 (a) through (f), set forth in Chapter 5 of Division 4 of Title 2 of the California Code of regulations are expressly incorporated into this Agreement by reference and made a part hereof as if set forth in full, and County and any of its subcontractors providing services under this Agreement shall give written notice of their obligations thereunder to labor organizations with which they have collective bargaining or other MOUs.

(b) **Documentation of Right to Work.** County agrees to abide by the requirements of the Immigration and Control Reform Act pertaining to assuring that all newly-hired employees of County performing any services under this Agreement have a legal right to work in the United States of America, that all required documentation of such right to work is inspected, and that INS Form 1-9 (as it may be amended from time to time) is completed and on file for each employee. County shall make the required documentation available upon request to LAFCO for inspection.

(c) **Inclusion in Subcontracts.** To the extent any of the services required of County under this Agreement are subcontracted to a third party, County shall include the provisions of (a) and (b), above, in all such subcontracts as obligations of the subcontractor.

12. INDEPENDENT CONTRACTOR. County shall perform this Agreement as an independent contractor. While the County employee assigned to serve as the Executive Officer of LAFCO shall operate as an officer of LAFCO, County and its officers, agents and employees are not, and shall not be deemed, LAFCO employees for any purpose, including workers' compensation and employee benefits. County shall determine, at its own risk and expense, the method and manner by which duties imposed on County in general and its officers, agents and employees in particular by this Agreement shall be performed, provided, however, that LAFCO may monitor the work performed, and LAFCO rather than County shall be responsible for directing the actions of the Executive Officer of LAFCO when such person is acting on behalf of LAFCO. LAFCO shall not deduct or withhold any amounts whatsoever from the reimbursement paid to County, including, but not limited to amounts required to be withheld for state and federal taxes or employee benefits. County alone shall be responsible for all such payments.

13. INDEMNIFICATION. County and LAFCO shall each defend, indemnify and hold harmless each other as well as those of their respective officers, agents and employees who

perform any services or duties under this Agreement from any claims, loss or liability, including without limitation, those for personal injury (including death) or damage to property, arising out of or connected with any aspect of the performance by that party or its officers, agents, or employees, of the services or obligations required of that party under this Agreement.

Notwithstanding the foregoing, LAFCO shall defend, indemnify and hold harmless County from any claims, loss or liability, including those for personal injury (including death) or damage to property, arising out of or connected with any act or omission of the Executive Officer of LAFCO when such act or omission is the pursuant to specific direction by LAFCO.

14. TERMINATION. This Agreement may be terminated prior to the expiration date only with the mutual written consent of both County and LAFCO. The sole remedy for default by County relating to provision of the services required under this Agreement shall be through the equitable remedy of specific performance and the sole remedy for default by LAFCO relating to reimbursement for the cost of the services provided shall be through legal action for damages.

15. WAIVER. Waiver by either party of any breach or violation of any requirement of this Agreement shall not be deemed to be a waiver of any such breach in the future, or of the breach of any other requirement of this Agreement.

16. NOTICES. All notices required or authorized by this Agreement shall be in writing and shall be delivered in person; or by deposit in the United States mail, first class postage, prepaid; or by deposit in a sealed envelope in County's internal mail system, when available; or by fax transmission; or by electronic mail. Such notices shall be addressed as noted below, in accordance with the mode of communication selected or, where desired to be sent to a specific County department or division, at the address noted in the applicable Attachment. Either party may change its addresses by notifying the other party of the change. Any notice delivered in person shall be effective as of the date of delivery. Any notice sent by fax transmission or electronic mail shall be deemed received as of the recipient's next working day. Any notice sent by U.S. mail or County internal mail shall be deemed to have been received as of the date of actual receipt or five days following the date of deposit, which ever is earlier.

LAFCO

County

Mail: LAFCO Executive Officer
1804 Soscol Ave., Suite 205A
Napa CA. 94559-1346

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

Fax: (707) 251-1053

(707) 253-4176

E-Mail: dschwarz@napa.lafco.ca.gov

bchiat@co.napa.ca.us

17. CONFIDENTIALITY. Confidential information is defined as all information disclosed to either party by the other in the course of County's performance of services under this Agreement, where such information relates to that party's past, present, and future activities, as well as activities under this Agreement. Each party and its officers, agents and employees

providing services or performing activities under this Agreement shall use their best efforts to hold all such information as they may receive, if any, in trust and confidence, except with the prior written approval of each party's Executive Officer. Notwithstanding the foregoing, nothing in this Paragraph or Agreement shall be construed to abrogate the independent authority and responsibilities of the County, any of its elected or appointed officers and the members of their respective County departments or divisions.

18. ASSIGNMENTS AND DELEGATION. Neither party may delegate its obligations hereunder, either in whole or in part, without the prior written consent of the other party; provided, however, that obligations undertaken by County pursuant to this Agreement may be carried out by means of subcontract, provided such subcontracts are approved in writing by LAFCO, meet the requirements of this Agreement as they relate to the service or activity under subcontract, and include any other provision that LAFCO may require. No subcontract shall terminate or alter the responsibilities of either party pursuant to this Agreement. LAFCO may not assign its rights hereunder, either in whole or in part, without prior written consent of the County.

19. AUTHORITY TO CONTRACT. LAFCO and County each warrant hereby that they are respectively legally permitted and otherwise have the authority to enter into and perform this Agreement.

20. THIRD PARTY BENEFICIARIES. Nothing contained in this Agreement shall be construed to create any rights in third parties and the parties do not intend to create such rights.

21. ATTORNEY'S FEES. In the event that either party commences legal action of any kind or character to either enforce the provisions of this Agreement or to obtain damages for breach thereof, the prevailing party in such litigation shall be entitled to all costs and reasonable attorney's fees incurred in connection with such action.

22. AMENDMENT/MODIFICATION. Except as otherwise provided herein, this Agreement may be modified or amended only in writing and with the prior written consent of both parties. Except where otherwise provided in this Agreement only LAFCO, through its Chair or, where permitted by law and LAFCO policy, through its Executive Officer, in the form of an amendment of this Agreement, may authorize extra or changed work if beyond the scope of services prescribed by this Agreement. Failure of County to secure such authorization in writing in advance of performing any such extra or changed work shall constitute a waiver of any and all rights to a corresponding adjustment in the reimbursement maximum or rates and no reimbursement shall be due and payable for such extra work.

23. INTERPRETATION. The headings used herein are for reference. The terms of the Agreement are set out in the text under the headings. This Agreement shall be governed by the laws of the State of California. The venue for any legal action filed by either party in state Court to enforce any provision of this Agreement shall be Napa County, California. The venue for any legal action filed by either side in federal court to enforce any provision of this Agreement lying within the jurisdiction of the federal courts shall be the Northern District of California. The

appropriate venue for arbitration, mediation or similar legal proceedings under this Agreement shall be Napa County, California; however, nothing in this sentence shall obligate either party to submit to mediation or arbitration any dispute arising under this Agreement.

24. SEVERABILITY. If any provision of this Agreement, or any portion thereof, is found by any court of competent jurisdiction to be unenforceable or invalid for any reason, such provision shall be severable and shall not in any way impair the enforceability of any other provision of this Agreement.

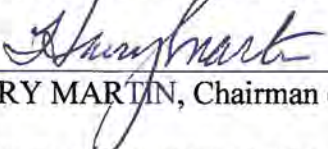
25. DUAL REPRESENTATION. LAFCO consents to the Napa County Counsel's dual representation of both the County and LAFCO with regards to the preparation of this Agreement.

26. ENTIRE AGREEMENT. This Agreement contains the entire and complete understanding of the parties and supersedes any and all other agreements, oral or written, with respect to the provision of administrative services under this Agreement.

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

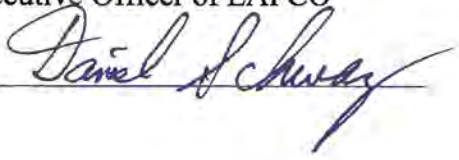
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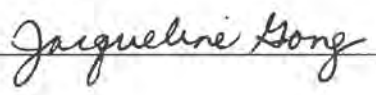
LOCAL AGENCY FORMATION COMMISSION OF NAPA COUNTY

By 
HARRY MARTIN, Chairman of the Local Agency Formation Commission

ATTEST: DANIEL SCHWARZ,
Executive Officer of LAFCO

APPROVED AS TO FORM:
LAFCO Legal Counsel

By 

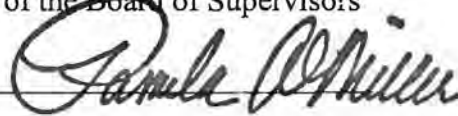
By 

"County":

COUNTY OF NAPA, a political subdivision of the State of California

By 
Mark Luce, Chair of the Board of ~~Supervisors~~

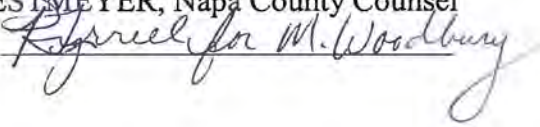
ATTEST: PAMELA A. MILLER,
Clerk of the Board of Supervisors


By 

APPROVED BY THE BOARD
OF SUPERVISORS:

Date 1-27-04

APPROVED AS TO FORM: ROBERT
WESTMEYER, Napa County Counsel

By  for M. Woodbury

Processed by: 
Deputy Clerk of the Board

ATTACHMENT A

PROVISION OF STAFFING, INSURANCE, PURCHASING, ADMINISTRATION, SUPERVISION, COORDINATION AND MANAGEMENT ASSISTANCE SERVICES TO LAFCO BY THE NAPA COUNTY EXECUTIVE OFFICER

1. SCOPE OF SERVICES

The Napa County Executive Officer (NCEO) shall provide, at a minimum, the following services to LAFCO under this Attachment:

(a) **Administration and Supervision:** NCEO shall administer and supervise all County departments or divisions providing services to LAFCO.

(b) **Purchasing:** Upon request by the LAFCO Executive Officer or his duly-authorized representatives, NCEO shall provide purchasing services for LAFCO, including solicitation and evaluation of proposals for goods and services, issuance of purchase orders and/or development of purchase agreements, and processing of payment upon receipt of the purchased good/services. LAFCO will abide by County purchasing policies and procedures when using such services, except that LAFCO, in lieu of the County Board of Supervisors, shall appropriate funds for and approve the acquisition of goods and services, including fixed assets. County shall purchase and provide LAFCO at cost with copier paper in the same manner as such material is purchased and supplied to County departments and divisions. Nothing in this section shall preclude LAFCO from purchasing goods or services without utilizing the services of NCEO or County.

(c) **Insurance:** NCEO shall obtain for LAFCO, its Commissioners, staff and operations the same type and level of insurance coverage provided by County for its own boards, commissions, staff and operations, and shall provide claims/litigation administration. General liability coverage shall be provided for LAFCO and its employees under County's currently existing self insurance and liability insurance program with LAFCO allocated and obligated to reimburse County for the portion of the total net premium as determined by County for the then current Fiscal Year. Workers' compensation coverage shall be obtained through County's carrier and program, with the cost thereof payable each pay period at the rate/\$100 of covered payroll for LAFCO Budget Unit employees as established by County's Board of Supervisors for the County workers' compensation program generally, including the costs of self-insurance, excess insurance coverage premiums, and claims management.

2. STAFFING

In providing the above services, County shall provide LAFCO with the services of the following specific County staff or positions:

- **Administration and Supervision:** County Executive Officer and Assistant County Executive Officer

- **Coordination/Management:** Principal Management Analyst
- **Purchasing:** Purchasing Agent and/or Assistant Purchasing Agent.

3. **NCEO CONTACT:**

Mail: Napa County Executive Office
Suite 310, Co. Admin. Bldg.
1195 Third Street
Napa, California 94559

Fax: (707) 253-4176

Email: mstoltz@co.napa.ca.us

ATTACHMENT B

PROVISION OF SERVICES TO LAFCO BY THE NAPA COUNTY AUDITOR-CONTROLLER

1. SCOPE OF SERVICE

Under the financial and policy direction of LAFCO, County (through the Napa County Auditor-Controller, hereinafter referred to as "Auditor") shall provide LAFCO with the following services relating to LAFCO financial operations:

- Accounts payable, purchasing and contract payment processing services
- Accounts receivable (deposit) services
- Services relating to preparation, adoption and administration of LAFCO's budget
- Accounting services
- Payroll services
- Audit services upon request by LAFCO
- Assistance in determining the apportionment of costs and collection of payments in support of LAFCO pursuant to Government Code Section 56831.
- Audit services requested by LAFCO

2. LEVEL AND MANNER OF SERVICE

The foregoing services shall be provided in accordance with the following provisions:

(a) The LAFCO Operations Fund shall be administered in accordance with all applicable provisions of the Government Code.

(b) All expenditures made from this Fund shall be made only at the direction of LAFCO's Executive Officer or designee with no requirement for approval by County's Board of Supervisors.

(c) At LAFCO's request, Auditor shall make diligent efforts to assist in the development of accounting policies and procedures that increase the efficiency and effectiveness of the administration of LAFCO, including policies and procedures including the electronic interchange of data and efforts to minimize reliance on County services.

(d) Auditor shall provide LAFCO with all requested revenue and expenditure information necessary to effectively manage LAFCO's fiscal affairs and perform all financial reporting to LAFCO and other applicable agencies. Such information shall be provided in a responsive and timely manner and include clear and concise cash flow reporting.

(e) All needed corrections to financial reports shall be completed within two working days of notification of Auditor. Auditor shall correct all payroll errors within one working day. For purposes of this Attachment B, "working days" shall mean Monday through Friday, 8:00 a.m. to 5:00 p.m., County holidays excluded.

(f) Auditor shall provide all necessary equipment and electronic interface to fully utilize Auditor's financial systems, including electronic access to view and print all requested financial reports.

3. **AUDITOR CONTACT:**

Mail: Pamela Kindig
Napa County Auditor-Controller
1195 Third Street, Suite B-10
Napa, California 94559

Fax: (707) 226-9065

E-mail: pkindig@co.napa.ca.us

ATTACHMENT C

PROVISION OF LEGAL SERVICES TO LAFCO BY THE NAPA COUNTY COUNSEL

1. SERVICES TO BE PROVIDED BY COUNTY COUNSEL

County, through the Napa County Counsel ("County Counsel"), shall provide legal services to LAFCO including, but not necessarily limited to, legal advice, document drafting, and representation of LAFCO in its operations pursuant to the Cortese-Knox-Hertzberg Local Government Reorganization Act (Government Code Section 56000 et. seq.). County Counsel hereby designates Jacqueline M. Gong to serve as LAFCO Counsel for fiscal year 2003-2004. Upon written notification to and assent by the governing board of LAFCO, County Counsel may designate other attorney members of his office to serve as LAFCO Counsel.

2. LEGAL SERVICES COUNTY COUNSEL SHALL NOT PROVIDE

County Counsel shall not provide legal services to LAFCO in the following situations, County and LAFCO understanding that in such situations LAFCO will obtain the necessary legal assistance at LAFCO's own expense from other legal counsel retained directly by LAFCO:

- Legal services to LAFCO regarding contracts to which LAFCO and County are both parties unless LAFCO's Executive Officer and Chair have given express written consent to dual representation of County and LAFCO by County Counsel.
- Legal services determined by LAFCO to present a conflict of interest for its LAFCO Counsel (in accordance with LAFCO Policy for the Appointment of Counsel).

3. COUNTY COUNSEL CONTACT:

Mail: Napa County Counsel
Suite 301, Co. Admin. Bldg.
1195 Third Street
Napa, California 94559

Fax: (707) 259-8245

Email: rwestmey@co.napa.ca.us

ATTACHMENT D

PROVISION OF TELECOMMUNICATIONS, MAIL, INFORMATION TECHNOLOGY SERVICES AND RECORD MANAGEMENT SERVICES TO LAFCO BY THE NAPA COUNTY EXECUTIVE OFFICER

1. TELECOMMUNICATION SERVICES

The Napa County Executive Officer, through the Communications Division shall provide LAFCO with installation, maintenance and repair of, and maintenance of service records and inventory for, all telecommunications equipment involved in any of the following systems used by LAFCO:

- telephone systems, including voice mail
- data cabling and terminations
- CCTV monitors and cameras
- intercom and PA systems
- all wireless communications, i.e. pagers, cellular phones, two way radios, security alarm systems

2. MAIL SERVICES

The Napa County Executive Officer shall provide the following mail services to LAFCO:

- Pickup, delivery of all interdepartmental (LAFCO) and County/LAFCO internal mail
- Pickup, metering and delivery to the Post Office of all LAFCO outgoing USPS mail

3. RECORDS MANAGEMENT SERVICES FOR LAFCO RECORDS

The Napa County Executive Officer, through the records management division, shall provide LAFCO with records management services for LAFCO records, including storage, retrieval and interfiling of LAFCO records at the Napa County Records Center; destruction of LAFCO records stored at the Napa County Records Center when such destruction is authorized by LAFCO; and shall assist LAFCO in developing policies and procedures that increase the efficiency and effectiveness by which LAFCO records are archived, retrieved and disposed.

4. INFORMATION TECHNOLOGY SERVICES

The Napa County Executive Officer, through the Information Technology Services (ITS) division, shall provide LAFCO with information technology services at a level at least equivalent to that by provided by County on February 15, 2001. The services shall include installation, maintenance, upgrades and repair of hardware and software provided by County to LAFCO, including, but not limited to: Geographic Information Systems, Financial Information Systems, Personnel Systems and the electronic mail service, calendaring, and task manager systems

maintained by the County. LAFCO shall have access to County's Helpdesk for information technology assistance and to computer training offered by County. Special projects outside the scope of routine information technology services shall be provided only upon request by LAFCO and prior approval by the Director of the Information Technology Services Division. Use of the systems, hardware, and software provided by County to LAFCO under this Attachment shall be subject to compliance by LAFCO and its officers, agents, employees and consultants with the Napa County Information Technology Use and Security Policy in effect at the time of the use.

5. SUPPLIES AND EQUIPMENT TO BE DIRECTLY PURCHASED

There shall be no separate reimbursement for supplies and equipment provided under this Attachment because LAFCO shall be responsible for directly purchasing any systems and equipment to be installed by the foregoing departments and divisions (other than fixtures which shall remain owned by County).

6. NCEO/DIVISION CONTACT:

Mail: Napa County Executive Officer
Suite 310, Co. Admin. Bldg.
1195 Third Street
Napa, California 94559

Fax: (707) 253-4176

Email: mstoltz@co.napa.ca.us

ATTACHMENT E

PROVISION OF PERSONNEL SERVICES TO LAFCO BY THE HUMAN RESOURCES DIVISION OF THE NAPA COUNTY EXECUTIVE OFFICE

1. SCOPE OF SERVICES

The Human Resources division ("HR") of the Napa County Executive Office shall provide the following services to LAFCO within the financial, personnel and policy guidelines established by the LAFCO Commission, so long as such guidelines are not in conflict with County personnel policies, rules and regulations. The HR Director shall act to oversee and carry out the following services upon direction by the LAFCO Commission:

- ***Recruitment and selection:*** shall include consultation regarding hiring procedures, advertising (costs of certain advertisements will be the responsibility of LAFCO), screening of applications, and development of a hiring list.
- ***Personnel transactions:*** shall include implementation of PARs (hires, releases, promotions, salary increases, etc.), benefit sign-ups and coordination (health, wellness program, dental, etc.); as authorized and directed by the LAFCO Commission, HR shall implement salary surveys and adjustments, job allocations, reclassifications, performance review processes, and changes (including increases) in personnel staffing appointed to serve LAFCO, so long as such implementation is consistent with and not in conflict with County policies and regulations. County agrees that the LAFCO Commission, as the appointing authority of the LAFCO Executive Officer, shall have the responsibility for evaluating the performance and setting compensation for the LAFCO Executive Officer.
- ***Labor Relations:*** shall include implementing salaries and other terms and conditions of compensation and performance established for LAFCO staff by the LAFCO Commission, so long as such implementation is consistent with and not in conflict with County policies and regulations; negotiations with employee union representatives regarding wages, hours, terms and conditions of employment; consultation and assistance with disciplinary and grievance issues; administration and coordination of worker's compensation cases.
- ***Training:*** shall include County workshops for employees and supervisors when attended at LAFCO direction by LAFCO employees or by County employees whose primary responsibilities involve providing services to LAFCO.
- ***Staffing:*** HR shall provide staffing as requested by LAFCO and agreed to by County, including staff as described in Paragraph 2 of the Agreement.

2. **HR CONTACT:**

Mail: Human Resources Director
Suite 110, Co. Admin.Bldg.
1195 Third Street
Napa, California 94559

Fax: (707) 259-8189

Email: dmorris@co.napa.ca.us

ATTACHMENT F

PROVISION OF CLERKING SERVICES TO LAFCO BY THE CLERK OF THE NAPA COUNTY BOARD OF SUPERVISORS

1. SCOPE OF SERVICES

As requested by the LAFCO Executive Officer, the Clerk of the Napa County Board of Supervisors ("COTB"), or her designee, shall serve as Clerk to the LAFCO Commission. Services shall include, but not be limited to, maintaining records of all LAFCO meetings, hearings and other proceedings and minutes for such proceedings as directed by LAFCO.

2. COTB CONTACT:

Mail: Pamela Miller
Napa County Clerk of the Board of Supervisors/
Rm. 310, Co. Admin. Bldg.
1195 Third Street
Napa, California 94559

Fax: (707) 253-4176

Email: pmiller @co.napa.ca.us

ATTACHMENT G

PROVISION OF SERVICES TO LAFCO BY THE NAPA COUNTY TREASURER-TAX COLLECTOR

1. SERVICES TO BE PROVIDED

(a) The Napa County Treasurer-Tax Collector ("Treasurer") shall provide LAFCO with banking and investment services at a level of service at least equivalent to that provided to LAFCO during County fiscal year 2001-2002, except that bank processing services shall be provided by County's banking provider on a cost pass-through basis. The scope of services shall include:

- Banking services for LAFCO funds, including warrant processing and bank reconciliation.
- Portfolio Management for all LAFCO accounts, including receipt, safeguarding, investment and disbursement.

(b) The services shall be provided in accordance with the following provisions:

(1) Treasurer shall notify LAFCO within three (3) working days of receipt of all funds received and deposited into the LAFCO Operations Fund. For purposes of this Attachment, "working days" shall mean Monday through Friday, 8 a.m. to 5 p.m., County holidays excluded.

(2) LAFCO shall be permitted electronic access through County's PeopleSoft computerized systems to all reports detailing deposits received and interest earned. These reports shall specify amount and source of revenue, as well as the date of deposit.

2. STAFFING TO BE PROVIDED

Treasurer the staffing in order to provide the foregoing services:

<u>Service</u>	<u>Position</u>
Banking Services	Account Clerk I-II
Portfolio Mgmt	Treas/Tax Collector Treasury Supervisor Senior Account Clerk Account Clerk II

3. TREASURER CONTACT:

Mail: Marcia Humphrey Hull
Napa County Treasurer-Tax Collector
1195 Third Street, Room 108
Napa, California 94559

Fax: (707) 253-4337

Email: mhumphre@co.napa.ca.us

ATTACHMENT AA

SERVICES REIMBURSEMENT RATES FOR FISCAL YEAR 2003-2004

Services of the Napa County Executive Office:

- Executive Officer's hourly rate: \$159.50
- Assistant Executive Officer's hourly rate: \$126.10
- Principal Management Analyst's hourly rate: \$ 81.12
- Assistant Purchasing Agent's hourly rate: \$ 55.70
- Telecommunications staff:
 - Hourly rate: \$ 58.73
 - Plus actual cost of materials
- Mail Service staff:
 - Hourly rate: \$ 49.39
 - Postage shall be recovered at cost.
- Records Management staff:
 - Hourly rate: \$ 49.39
 - Document Shredding is \$1.75 per box (1 cubic foot) plus \$0.10 per pound.
- Personnel (Human Resources) staff:
 - Human Resource Director: \$ 97.37
 - Human Resource Principal Analyst: \$ 75.81
 - Benefits Administrator: \$ 62.30
 - Other Human Resource Services;
 - Recruitment Advertisement shall be recovered at cost
 - Training services shall be prorated by the ratio of the attendees who are LAFCO employees or County employees primarily providing LAFCO services to the total number of attendees during each training hour for which reimbursement is sought.]
- Deputy Clerk of the Board's hourly rate: \$ 64.42

Services of the County Auditor-Controller:

1. Hourly labor rates, by position:
 - Auditor-Controller: \$ 96.00
 - Assistant Auditor-Controller (Step 5) \$ 91.00
 - Assistant Auditor-Controller (Step 1) \$ 74.00
 - Supervising Accountant-Auditor (Step 5 – CPA) Audits \$ 65.00
 - Supervising Accountant-Auditor (Step 5) Acctg. \$ 62.00
 - Accountant-Auditor III (Step 5) Acctg. \$ 56.00
 - Accountant-Auditor III (Step 4) Acctg. \$ 54.00
 - Accountant-Auditor II (Step 5) Acctg. \$ 54.00
 - Accountant-Auditor II (Step 3) Audits \$ 48.00
 - Accountant-Auditor I (Step 2) Acctg \$ 40.00

• Accounting Technician (Step 5) Acctg.	\$ 46.00
• Administrative Secretary I (Step 4) Adm.	\$ 35.00
2. <u>Weighted hourly labor rates by service:</u>	
• Administration	\$74.00
• Audits	\$53.00
• Accounting	\$52.00
3. <u>Unit Rates:</u>	
• Per Voucher	\$0.83
• Per Payroll Warrant	\$5.15
<u>Services of the County Counsel:</u>	
• Deputy County Counsel – Jacqueline Gong’s hourly rate:	\$107.15
<u>Services of the Treasurer-Tax Collector:</u>	
• Account Clerk II’s hourly rate:	\$ 37.55
• Treasurer/Tax Collector’s hourly rate:	\$114.87
• Treasury Manager’s hourly rate:	\$ 68.59
• Senior Account Clerk’s hourly rate:	\$ 40.91
<u>Services of Information Technology (annual rate):</u>	\$12,900.00

AMENDMENT NO. 1 OF**NAPA COUNTY AGREEMENT NO. 4433
LAFCO OF NAPA COUNTY AGREEMENT NO. 03-02****SUPPORT SERVICES BY THE COUNTY OF NAPA TO THE
LOCAL AGENCY FORMATION COMMISSION OF NAPA COUNTY**

THIS AMENDMENT NO. 1 OF NAPA COUNTY AGREEMENT NO. 4433 is made and entered into as of this 1st day of September, 2007, by and between the COUNTY OF NAPA, a political subdivision of the State of California, hereinafter referred to as "County", and the LOCAL AGENCY FORMATION COMMISSION OF NAPA COUNTY (hereinafter "LAFCO"), a local public agency formed pursuant to the Cortese-Knox-Hertzberg Local Government Reorganization Act (Government Code Section 56000 et. seq.);

RECITALS

WHEREAS, on or about July 1, 2003, County and LAFCO entered into Napa County Agreement No. 4433 (hereinafter referred to as "MA") for the provision by County of support services needed for LAFCO's performance of its functions and responsibilities, including information technology services; and

WHEREAS, the parties now desire to amend the MA to modify the scope of the information technology services provided under the MA and make corresponding changes in the compensation for such services, and to make technical corrections to the provisions relating to term and executive officer;

TERMS

NOW, THEREFORE, County and LAFCO hereby amend the Agreement as follows:

1. Paragraph 1 of the Agreement is hereby amended to read in full as follows:
 1. **TERM.** The term of this Agreement shall become effective on July 1, 2003 and shall expire on June 30, 2004, unless terminated earlier in accordance with Paragraph 14 (Termination); except that the obligations of the parties under Paragraph 8 (Indemnification) and 10 (Confidentiality) shall continue in full force and effect after the date of expiration or early termination in relation to acts or omissions occurring prior to such dates during the term of the Agreement or any extension thereof. The term of this Agreement shall be automatically renewed for an additional year at the end of each fiscal year, under the terms and conditions then in effect, unless either party gives written notice to the other, no less than thirty (30) days prior to the end of the fiscal year, of that party's intention not to renew the Agreement. For purposes of this Agreement, "fiscal year" shall mean the year beginning on July 1 and ending on the succeeding June 30.

2. The first sentence of subparagraph (a) of Paragraph 2 of the Agreement is hereby amended to read in full as follows:

(a) Executive Officer. County shall designate and make available to LAFCO the services of an at-will employee of County for appointment by LAFCO as its LAFCO Executive Officer (hereinafter "Executive Officer").

3. Section 4 of Attachment D is hereby amended to read in full as follows for information technology services provided by County to LAFCO on and after September 1, 2007:

4. INFORMATION TECHNOLOGY SERVICES

County shall provide LAFCO with County personnel to perform the following information technology services and functions for LAFCO:

a. **In general.** County's ITS Department ("ITS") shall provide LAFCO with a total information technology support package. This includes technical support, development, technology evaluation, RFPs, project management and consulting services on an as needed basis during the term of this Agreement in order to provide a reliable, cost effective as well as innovative technology infrastructure. All service requests for existing products and services shall be managed through SRMS (Service Request Management Systems). Any requests for new products and services shall be handled through in ITS' normal project architecture for County ITS projects, but ITS shall create a requirements document for LAFCO approval prior to ITS performing any significant work on such new projects.

b. **Description of Specific Services:**

Countywide network connectivity: high-speed local area networking and wide area network digital access to each major County and LAFCO location.

Infrastructure support: data and phone wiring/cabling, full copper and fiber warranty/ troubleshooting, and repair/replacement service.

Network & Server Administration and Monitoring: 24/7 automated network monitoring with on call emergency technician to respond to critical service outages.

File Services: File system server storage space and management. IE, H: etc drives. Daily tape backup, fault tolerance, and data recovery services.

Desktop and Server Virus scanning: automated virus updates will be enabled to the desktop and servers. Monitoring of services for reliability, performance, and updates.

Print Services: Printer and print queue management.

Email/Scheduling Service: Includes Countywide (including LAFCO) Exchange/Outlook email and scheduling system, Remote WEB access, resource scheduling, Internet email connectivity, and countywide address book.

Security/Firewall Services: Firewall, proxy services, intrusion detection system, reporting system, and monitoring software on Windows 2000/2003 Servers.

Internet Access: High speed Internet access from all County and LAFCO facilities.

Enterprise Resource Planning (ERP): Access to PeopleSoft Financial and HRMS (Human Resource Management Systems), including time and labor, project costing, purchasing, etc.

Enterprise Content Management: Access to document management systems to manage digital content. This includes eform solutions to automate internal and external forms.

Remote Access: Remote modem dial-in, and Internet VPN (Virtual Private Network) access for mobile/remote workers and third party vendor support.

Helpdesk: Provide a dedicated full time person on Helpdesk phone from 7:00 a.m. to 5:00 p.m., Monday thru Friday. On call emergency technician available 24/7 via after-hours voice mail/pager. Expanded IS Helpdesk Intranet site for problem reporting, system status, product purchasing, training class registration and self-help resources.

Training Center: Dedicated 12 seat plus instructor PC training room. Fully multimedia with overhead projector, DVD and VCR for multimedia training/presentations. AGENCY can schedule and use the facility for any type of training/meetings/etc.

Internet site hosting and development: Hosting Services for Internet and Intranet Web Sites. Access to Chardonay for enterprise intranet, Sharepoint "My Site" for personalized information. Full backup and recover services, security, virus/phishing, and firewall services. WEB monitoring, filtering, reporting and statistics.

User Account administration: End user account setup and administration. Security and all core services accounts.

Access to Enterprise Systems and data: Property, permitting, recorded documents, code compliance, etc.

Server management and hosting services: Physical Server management, HW (Hardware) management, Operating System management, virus protection, version maintenance, patches, service packs, tape backup, disaster recovery, third party vendor coordination, uninterruptible battery backups, 24/7 SNMP (Simple Network Managed Protocol) monitoring and pager alarms.

Geographical Information Systems (GIS): Turn key GIS services including training, user support, and access to the enterprise spatial data warehouse and web applications. Limited map production services. Large-format plotters. Data hosting, management and distribution.

4. "Services of the Information Technology (annual rate)" of Attachment AA is hereby amended to read in full as follows:

Services of Information Technology (annual rate):

- a. Calculation of Annual Fee and Method of Payment. The parties acknowledge that compensation of County by LAFCO for the information technology services provided by County under Section 4 of Attachment D of this Agreement are calculated utilizing the ITS Cost Allocation Method for County's own departments and agencies which was approved by the Napa County Board of Supervisors on June 19, 2001, a copy of which is attached to Amendment No. 1 of the Agreement as Attachment "BB". At the option of LAFCO, the Annual Fee shall be payable either in advance in a single payment due on or before July 1 of the applicable fiscal year or in monthly payments in arrears, each payment due on or before the first of the month succeeding the month of service, with the payable monthly rate being 1/12 of the Annual Fee then in effect.
- b. Amount of Annual Fee. The Annual Fee shall be as follows:

<u>Fiscal Year</u>	<u>Annual Rate (payable in advance on July 1)</u>
2003-2004	\$12,900.00
2004-2005	\$12,999.96
2005-2006	\$13,377.96
2006-2007	\$17,799.00
Beginning 2007-2008*	\$16,387.00

- * Future Modifications. Notwithstanding the foregoing, it is anticipated that County and LAFCO may need to amend this Agreement to conform subsequent fiscal year compensation amounts beginning with Fiscal Year 2008-2009 to the above-referenced Cost Allocation Method or such other Method as the parties may have agreed to by amendment, or may amend this Agreement within Fiscal Year 2007-2008 or any subsequent fiscal year during the term of this Agreement or extension thereof to reflect additional services requested by LAFCO.

5. This Amendment No. 1 of the MA shall be effective as of September 1, 2007.

6. Except as provided in (1) through (5), above, the terms and provisions of the MA shall remain in full force and effect as originally approved.

IN WITNESS WHEREOF, the parties hereto have approved this Amendment No. 1 of Napa County Agreement No. 4433 through their duly authorized representatives as of the date first above written.

LAFCO

By

[Handwritten Signature]

JACK GINGLES, COMMISSION CHAIR

"LAFCO"

ATTEST:

By _____

APPROVED AS TO FORM:

LAFCO Legal Counsel

By: *Jaqueline M. Dong*
Date: *11/19/07*

COUNTY OF NAPA, a political subdivision of
the State of California

Harold Moskowitz
By _____

HAROLD MOSKOWITE, Chair of the Board of
Supervisors

"County"

ATTEST: GLADYS I. COIL
Clerk of the Board of Supervisors

By: *Gladys I. Coil*

APPROVED AS TO FORM
Office of County Counsel

By: *Margaret L. Woodbury*,
Chief Deputy County Counsel
(by e-signature)
Date: August 31, 2007

**APPROVED BY THE NAPA COUNTY
BOARD OF SUPERVISORS**
Date: *12-4-07*
Processed by: *Henry Vattione*
Deputy Clerk of the Board

ATTACHMENT BB**ITS COST ALLOCATION METHOD**

In 2001, the Napa County Board of Supervisors approved a comprehensive cost allocation method prepared by an independent auditing agency, Bartig, Basler & Ray, for the calculation of ITS charges. This method, used for all departments, is based on a formula that incorporates ten ITS functional categories and the client usage associated with them. These categories include: Network Services, Financials, Human Resources, CJIMS, Helpdesk, Departmental Services, Overhead, Administrative Services, Assigned Staff and Training. Usage charges are reviewed annually for the purpose of determining appropriate cost allocation.

ITS uses four factors in its cost allocation plan used to determine an Agency's share of the ITS budget:

- Number of agency personnel (# of Napa County payroll checks)
- Size of agency's last fiscal years expenditure
- Number of ITS managed agency personal computers
- Number of hours enhanced support for last fiscal year (usually application development of an agency specific program)

ITS collects and distributes its costs in the following service areas:

Service Area	Distribute Cost to	Cost Factor
Network Services-Communication lines and equipment, remote access, internet access, email, etc. and staff	All agencies	Number of personal computers
Financials-including PS intranet, budget module, etc. HW/SW and staff	All agencies who utilize financial services	Percentage of total budget
HR-HW/SW and staff	All agencies receiving Napa County payroll checks	Number of staff
CJIMS-HW/SW and staff	Criminal justice agencies	Number of PCs and staff
Help Desk-staff and supplies	All agencies	Number of PCs
Departmental Services-HW/SW and staff for non-Enterprise applications (Megabyte, HMS, etc.)	Individual agencies utilizing the application	Actual expenditures: material, services and labor
Overhead-non project/service related expenses (vacation, training, expenses, etc.)	All agencies	Number of PCs

Administrative Services- IT support activities: contracts, asset mgmt, policies, etc.	All agencies	Number of PCs
Assigned Staff-ITS staff assigned reporting to departmental locations	Agency where staff is assigned	Actual personnel cost
Training-Training room and instruction	All agencies	Number of staff

Sample Cost Drivers and Calculations

Cost Drivers	County	Sample Agency
Number of PCs	1050	20
Staff	1400	25
Actual Expenditures	\$175,000,000	\$500,000
Departmental Services	n/a	40 hours
ITS Budget	\$6,000,000	n/a
Application Maintenance	\$250,000	n/a
Assigned Staff	\$250,000	0

ITS Service Spread (Sample) in Hours (65,000 total)

Network Services	15,000
Financials	5,000
Human Resources	4,300
Criminal Justice Applications	4,500
Help Desk	10,000
Departmental Services	8,900
Training	1,800
Overhead	8,000
Administrative Services	7,500

Total dollars to spread = 6,000,000 - 250,000 (maintenance) - 250,000 (assigned) = \$5,500,000

Sample Agencies ITS Charges

Service Area	Cost	Calculation
Network Services	\$24,175	15000hrs/65000hrs*20pc/1050pc15,500,000
Financials	\$12,088	5000hrs/65000hrs*\$500000/\$17500000015500000
HR	\$6,497	4300hrs/65000hrs*25fte/1400fte*\$5500000
Criminal Justice	\$0	
Help Desk	\$16,117	10000hrs/65000hrs*20pc/1050pc*\$5500000
Dept Services	\$3,385	40hrs/8900hrs*8900hrs/65000hrs15500000
Overhead	\$12,894	8000hrs/65000hrs*20pc/1050pc*\$5500000
Admin Services	\$12,088	7500hrs/65000hrs*20pc/1050pc15500000
Assigned Staff	0	
Training	\$2,720	1800hrs/65000hrs*25fte/1400fte15500000

Total ITS Charges=\$89,964

AMENDMENT NO. 2 OF**NAPA COUNTY AGREEMENT NO. 4433
LOCAL AGENCY FORMATION COMMISSION OF
NAPA COUNTY AGREEMENT NO. 03-02****SUPPORT SERVICES BY THE COUNTY OF NAPA TO THE LOCAL AGENCY
FORMATION COMMISSION OF NAPA COUNTY**

THIS AMENDMENT NO. 2 OF NAPA COUNTY AGREEMENT NO. 4433 is made and entered into as of this 1st day of July, 2008 by and between the COUNTY OF NAPA, a political subdivision of the State of California, hereinafter referred to as "County", and the LOCAL AGENCY FORMATION COMMISSION OF NAPA COUNTY (hereinafter "LAFCO"), a local public agency formed pursuant to the Cortese-Knox-Hertzberg Local Government Reorganization Act (Government Code Section 56000 et. seq.);

RECITALS

WHEREAS, on or about July 1, 2003, County and LAFCO entered into Napa County Agreement No. 4433 (hereinafter referred to as "MA"), subsequently amended on or about September 1, 2007, for the provision by County of support services needed for LAFCO's performance of its functions and responsibilities, including information technology services; and

WHEREAS, the parties now desire to amend the MA to modify the annual rates of compensation to County for services provided by its Information Technology Services Department ("ITS") to reflect changes in the costs to County to provide such services;

TERMS

NOW, THEREFORE, County and LAFCO hereby amend the Agreement as follows:

1. The portion entitled "Services of Information Technology (annual rate)" of Attachment AA of the Agreement is hereby amended to read in full as follows:

1. **Services of Information Technology (annual rate):**
 - a. **Calculation of Annual Fee and Method of Payment.** The parties acknowledge that reimbursement of County by LAFCO for the costs of providing the information technology services required of County under Section 4 of Attachment D of this Agreement are calculated utilizing the ITS Cost Allocation Method for County's own departments and agencies which was approved by the Napa County Board of Supervisors on June 19, 2001, a copy of which is attached to Amendment No. 1 of the Agreement as Attachment "BB". At the option of LAFCO, the Annual Fee shall be payable either in advance in a single payment due on or before July 1 of the applicable fiscal year or in monthly payments in arrears, each payment due on

or before the first of the month succeeding the month of service, with the payable monthly rate being 1/12 of the Annual Fee then in effect.

- b. Amount of Annual Fee. The Annual Fee shall be as follows:

<u>Fiscal Year</u>	<u>Annual Rate</u>
2003-2004	\$12,900.00
2004-2005	\$12,999.96
2005-2006	\$13,377.96
2006-2007	\$17,799.00
2007-2008	\$16,387.00
Beginning 2008-2009*	\$17,768.00

* Future Modifications. Notwithstanding the foregoing, it is anticipated that County and LAFCO may amend this Agreement, beginning with Fiscal Year 2009-2010, to conform subsequent fiscal year compensation amounts to the above-referenced Cost Allocation Method or such other Method as the parties may subsequently agree to by amendment, or may amend this Agreement within Fiscal Year 2008-2009 or any subsequent fiscal year during the term of this Agreement or extension thereof to reflect additional services requested by LAFCO.

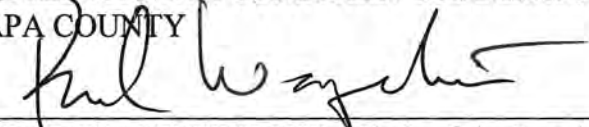
2. This Amendment No. 2 of the MA shall be effective as of July 1, 2008.
3. Except as provided in (1) through (2), above, the terms and provisions of the MA shall remain in full force and effect as originally approved.

IN WITNESS WHEREOF, this Amendment No. 2 of Napa County Agreement No.

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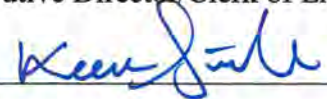
4433 as of the date first above written.

LOCAL AGENCY FORMATION COMMISSION OF
NAPA COUNTY

By 
BRAD WAGENKNECHT, Chair of the Local Agency
Formation Commission of Napa County

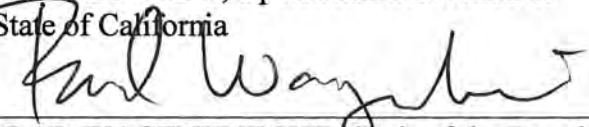
ATTEST: KEENE SIMONDS,
Executive Director/Clerk of LAFCO

"LAFCO"

By: 


APPROVED AS TO FORM:
Commission Counsel
By: Jacqueline M. Gong
(By e-signature)
Date: 5/23//08

COUNTY OF NAPA, a political subdivision of
the State of California

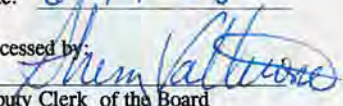
By 
BRAD WAGENKNECHT, Chair of the Board of
Supervisors

"COUNTY"

ATTEST: GLADYS I. COIL
Clerk of the Board of Supervisors

By: 

APPROVED AS TO FORM
Office of County Counsel
By: *Margaret L. Woodbury*,
Chief Deputy
(by e-signature)
Date: May 23, 2008

**APPROVED BY THE NAPA COUNTY
BOARD OF SUPERVISORS**
Date: 6-17-08
Processed by: 
Deputy Clerk of the Board

**AMENDMENT NO. 3 OF
NAPA COUNTY AGREEMENT NO. 4433
LOCAL AGENCY FORMATION COMMISSION OF
NAPA COUNTY AGREEMENT NO. 03-02**

**SUPPORT SERVICES BY THE COUNTY OF NAPA TO THE LOCAL AGENCY
FORMATION COMMISSION OF NAPA COUNTY**

THIS AMENDMENT NO. 3 OF NAPA COUNTY AGREEMENT NO. 4433 is made and entered into as of this 1st day of July, 2009 by and between the COUNTY OF NAPA, a political subdivision of the State of California, hereinafter referred to as "County", and the LOCAL AGENCY FORMATION COMMISSION OF NAPA COUNTY (hereinafter "LAFCO"), a local public agency formed pursuant to the Cortese-Knox-Hertzberg Local Government Reorganization Act (Government Code Section 56000 et. seq.);

RECITALS

WHEREAS, on or about July 1, 2003, County and LAFCO entered into Napa County Agreement No. 4433 (hereinafter referred to as "MA"), amended on or about September 1, 2007, and amended on June 17, 2008, for the provision by County of support services needed for LAFCO's performance of its functions and responsibilities, including information technology services; and

WHEREAS, the parties now desire to amend the MA to modify the annual rates of compensation to County for services provided by its Information Technology Services Department ("ITS") to reflect changes in the costs to County to provide such services;

TERMS

NOW, THEREFORE, County and LAFCO hereby amend the Agreement as follows:

1. The portion entitled "Services of Information Technology (annual rate)" of Attachment AA of the Agreement is hereby amended to read in full as follows:

1. **Services of Information Technology (annual rate):**

- a. **Calculation of Annual Fee and Method of Payment.** The parties acknowledge that reimbursement of County by LAFCO for the costs of providing the information technology services required of County under Section 4 of Attachment D of this Agreement are calculated utilizing the ITS Cost Allocation Method for County's own departments and agencies which was approved by the Napa County Board of Supervisors on June 19, 2001, a copy of which is attached to Amendment No. 1 of the Agreement as Attachment "BB". At the option of LAFCO, the Annual Fee shall be payable either in advance in a single payment due on or before July 1 of

the applicable fiscal year or in monthly payments in arrears, each payment due on or before the first of the month succeeding the month of service, with the payable monthly rate being 1/12 of the Annual Fee then in effect.

- b. Amount of Annual Fee. The Annual Fee shall be as follows:

<u>Fiscal Year</u>	<u>Annual Rate</u>
2003-2004	\$12,900.00
2004-2005	\$12,999.96
2005-2006	\$13,377.96
2006-2007	\$17,799.00
2007-2008	\$16,387.00
2008-2009	\$17,768.00
Beginning 2009-2010*	\$18,705.00

* Future Modifications. Notwithstanding the foregoing, it is anticipated that County and LAFCO may amend this Agreement, beginning with Fiscal Year 2010-2011, to conform subsequent fiscal year compensation amounts to the above-referenced Cost Allocation Method or such other Method as the parties may subsequently agree to by amendment, or may amend this Agreement within Fiscal Year 2009-2010 or any subsequent fiscal year during the term of this Agreement or extension thereof to reflect additional services requested by LAFCO.

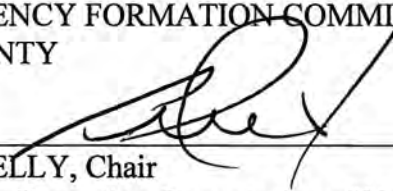
2. This Amendment No. 3 of the MA shall be effective as of July 1, 2009.
3. Except as provided in (1) through (2), above, the terms and provisions of the MA shall remain in full force and effect as originally approved.

IN WITNESS WHEREOF, this Amendment No.3 of Napa County Agreement No.

/////

4433 as of the date first above written.

LOCAL AGENCY FORMATION COMMISSION OF
NAPA COUNTY

By 
BRIAN J. KELLY, Chair
Local Agency Formation Commission of Napa County

ATTEST: KEENE SIMONDS,
Executive Director/Clerk of LAFCO

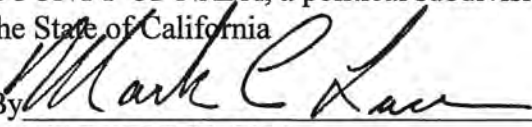
"LAFCO"

By: 

APPROVED AS TO FORM:
Commission Counsel
By: E-Signature Jackie Gong

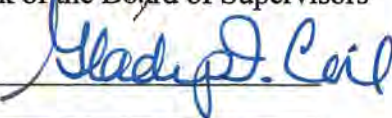
Date: 6/17/09

COUNTY OF NAPA, a political subdivision of
the State of California


By 
MARK LUCE, Chair
Napa County Board of Supervisors

"COUNTY"

ATTEST: GLADYS I. COIL
Clerk of the Board of Supervisors

By: 

APPROVED AS TO FORM
Office of County Counsel
By: P. Tyrrell (by e-signature)
Date: June 11, 2009

**APPROVED BY THE NAPA COUNTY
BOARD OF SUPERVISORS**
Date: 8-11-09
Processed by: 
Deputy Clerk of the Board

AMENDMENT NO. 4 OF

**NAPA COUNTY AGREEMENT NO. 4433
LOCAL AGENCY FORMATION COMMISSION OF
NAPA COUNTY AGREEMENT NO. 03-02**

**SUPPORT SERVICES BY THE COUNTY OF NAPA TO THE LOCAL AGENCY
FORMATION COMMISSION OF NAPA COUNTY**

THIS AMENDMENT NO. 3 OF NAPA COUNTY AGREEMENT NO. 4433 is made and entered into as of this 1st day of July, 2010 by and between the COUNTY OF NAPA, a political subdivision of the State of California, hereinafter referred to as "County", and the LOCAL AGENCY FORMATION COMMISSION OF NAPA COUNTY (hereinafter "LAFCO"), a local public agency formed pursuant to the Cortese-Knox-Hertzberg Local Government Reorganization Act (Government Code Section 56000 et. seq.);

RECITALS

WHEREAS, on or about July 1, 2003, County and LAFCO entered into Napa County Agreement No. 4433 (hereinafter referred to as "MA"), amended on or about September 1, 2007, June 17, 2008, and amended on July 1, 2009 for the provision by County of support services needed for LAFCO's performance of its functions and responsibilities, including information technology services; and

WHEREAS, the parties now desire to amend the MA to modify the annual rates of compensation to County for services provided by its Information Technology Services Department ("ITS") to reflect changes in the costs to County to provide such services;

TERMS

NOW, THEREFORE, County and LAFCO hereby amend the Agreement as follows:

1. The portion entitled "Services of Information Technology (annual rate)" of Attachment AA of the Agreement is hereby amended to read in full as follows:

1. **Services of Information Technology (annual rate):**

- a. Calculation of Annual Fee and Method of Payment. The parties acknowledge that reimbursement of County by LAFCO for the costs of providing the information technology services required of County under Section 4 of Attachment D of this Agreement are calculated utilizing the ITS Cost Allocation Method for County's own departments and agencies which was approved by the Napa County Board of Supervisors on June 19, 2001, a copy of which is attached to Amendment No. 1 of the Agreement as Attachment "BB". At the option of LAFCO, the Annual Fee shall be payable either in advance in a single payment due on or before July 1 of

the applicable fiscal year or in monthly payments in arrears, each payment due on or before the first of the month succeeding the month of service, with the payable monthly rate being 1/12 of the Annual Fee then in effect.

- b. Amount of Annual Fee. The Annual Fee shall be as follows:

<u>Fiscal Year</u>	<u>Annual Rate</u>
2003-2004	\$12,900.00
2004-2005	\$12,999.96
2005-2006	\$13,377.96
2006-2007	\$17,799.00
2007-2008	\$16,387.00
2008-2009	\$17,768.00
2009-2010	\$18,705.00
2010-2011*	\$14,945.00

* Future Modifications. Notwithstanding the foregoing, it is anticipated that County and LAFCO may amend this Agreement, beginning with Fiscal Year 2010-2011, to conform subsequent fiscal year compensation amounts to the above-referenced Cost Allocation Method or such other Method as the parties may subsequently agree to by amendment, or may amend this Agreement within Fiscal Year 2009-2010 or any subsequent fiscal year during the term of this Agreement or extension thereof to reflect additional services requested by LAFCO.


2. This Amendment No. 4 of the MA shall be effective as of July 1, 2010.
3. Except as provided in (1) through (2), above, the terms and provisions of the MA shall remain in full force and effect as originally approved.

IN WITNESS WHEREOF, this Amendment No.4 of Napa County Agreement No.

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4433 as of the date first above written.

LOCAL AGENCY FORMATION COMMISSION OF
NAPA COUNTY

By 
JULIANA INMAN, Chair of the Local Agency
Formation Commission of Napa County

ATTEST: KEENE SIMONDS,
Executive Director/Clerk of LAFCO


"LAFCO"

By: Jackie Gong (E-Signature)
Date: 6/3/10

APPROVED AS TO FORM:
Commission Counsel
By:


Date:

COUNTY OF NAPA, a political subdivision of
the State of California

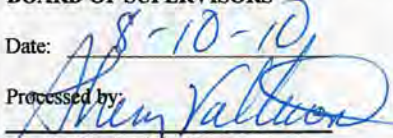
By 
DIANE DILLON, Chair
Napa County Board of Supervisors

"COUNTY"

ATTEST: GLADYS I. COIL
Clerk of the Board of Supervisors

By: 

APPROVED AS TO FORM
Office of County Counsel
By: 
Date: 8/9/10

**APPROVED BY THE NAPA COUNTY
BOARD OF SUPERVISORS**
Date: 8-10-10
Processed by: 
Deputy Clerk of the Board

AMENDMENT NO. 5 OF

**NAPA COUNTY AGREEMENT NO. 4433
LOCAL AGENCY FORMATION COMMISSION OF
NAPA COUNTY AGREEMENT NO. 03-02**

**SUPPORT SERVICES BY THE COUNTY OF NAPA TO THE LOCAL AGENCY
FORMATION COMMISSION OF NAPA COUNTY**

THIS AMENDMENT NO. 5 OF NAPA COUNTY AGREEMENT NO. 4433 is made and entered into as of this 1st day of July, 2011 by and between the COUNTY OF NAPA, a political subdivision of the State of California, hereinafter referred to as "County", and the LOCAL AGENCY FORMATION COMMISSION OF NAPA COUNTY (hereinafter "LAFCO"), a local public agency formed pursuant to the Cortese-Knox-Hertzberg Local Government Reorganization Act (Government Code Section 56000 et. seq.);

RECITALS

WHEREAS, on or about July 1, 2003, County and LAFCO entered into Napa County Agreement No. 4433 (hereinafter referred to as "MA"), amended on or about September 1, 2007, June 17, 2008, July 1, 2009, and amended on July 1, 2010 for the provision by County of support services needed for LAFCO's performance of its functions and responsibilities, including information technology services; and

WHEREAS, the parties now desire to amend the MA to modify the annual rates of compensation to County for services provided by its Information Technology Services Department ("ITS") to reflect changes in the costs to County to provide such services;

TERMS

NOW, THEREFORE, County and LAFCO hereby amend the Agreement as follows:

1. The portion entitled "Services of Information Technology (annual rate)" of Attachment AA of the Agreement is hereby amended to read in full as follows:

1. **Services of Information Technology (annual rate):**

a. Calculation of Annual Fee and Method of Payment. The parties acknowledge that reimbursement of County by LAFCO for the costs of providing the information technology services required of County under Section 4 of Attachment D of this Agreement are calculated utilizing the ITS Cost Allocation Method for County's own departments and agencies which was approved by the Napa County Board of Supervisors on June 19, 2001, a copy of which is attached to Amendment No. 1 of the Agreement as Attachment "BB". At the option of LAFCO, the Annual Fee shall be payable either in advance in a single payment due on or before July 1 of

the applicable fiscal year or in monthly payments in arrears, each payment due on or before the first of the month succeeding the month of service, with the payable monthly rate being 1/12 of the Annual Fee then in effect.

- b. Amount of Annual Fee. The Annual Fee shall be as follows:

<u>Fiscal Year</u>	<u>Annual Rate</u>
2003-2004	\$12,900.00
2004-2005	\$12,999.96
2005-2006	\$13,377.96
2006-2007	\$17,799.00
2007-2008	\$16,387.00
2008-2009	\$17,768.00
2009-2010	\$18,705.00
2010-2011	\$14,945.00
2011-2012	\$20,261.00

* Future Modifications. Notwithstanding the foregoing, it is anticipated that County and LAFCO may amend this Agreement, beginning with Fiscal Year 2011-2012, to conform subsequent fiscal year compensation amounts to the above-referenced Cost Allocation Method or such other Method as the parties may subsequently agree to by amendment, or may amend this Agreement within Fiscal Year 2010-2011 or any subsequent fiscal year during the term of this Agreement or extension thereof to reflect additional services requested by LAFCO.

2. This Amendment No. 5 of the MA shall be effective as of July 1, 2011.
3. Except as provided in (1) through (2), above, the terms and provisions of the MA shall remain in full force and effect as originally approved.

IN WITNESS WHEREOF, this Amendment No.5 of Napa County Agreement No.

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4433 as of the date first above written.

LOCAL AGENCY FORMATION COMMISSION OF
NAPA COUNTY

By *Bill Dodd*
BILL DODD, Chairman of the Local Agency
Formation Commission of Napa County

ATTEST: KEENE SIMONDS,
Executive Director/Clerk of LAFCO

"LAFCO"

By: *Keene Simonds*

APPROVED AS TO FORM:
Commission Counsel
By: Jackie Gong (E-Signature)

Date: 3/28/11

COUNTY OF NAPA, a political subdivision of
the State of California

By *Bill Dodd*
BILL DODD, Chairman
Napa County Board of Supervisors

"COUNTY"

ATTEST: GLADYS I. COIL
Clerk of the Board of Supervisors

By: *Gladys I. Coil*

APPROVED AS TO FORM
Office of County Counsel
By: *Thomas S. Capriola*
(by e-signature)
Date: *March 28, 2011*

**APPROVED BY THE NAPA COUNTY
BOARD OF SUPERVISORS**
Date: *6-21-11*
Processed by *Shen Valtoun*
Deputy Clerk of the Board

AMENDMENT NO. 6
NAPA COUNTY AGREEMENT NO. 4433
LOCAL AGENCY FORMATION COMMISSION OF
NAPA COUNTY AGREEMENT NO. 03-02

**SUPPORT SERVICES BY THE COUNTY OF NAPA TO THE LOCAL AGENCY FORMATION
COMMISSION OF NAPA COUNTY**

THIS AMENDMENT NO. 6 OF NAPA COUNTY AGREEMENT NO. 4433 is made and entered into as of this 1st day of July, 2012, by and between NAPA COUNTY, a political subdivision of the State of California, hereinafter referred to as "COUNTY", and the LOCAL AGENCY FORMATION COMMISSION OF NAPA COUNTY (hereinafter "LAFCO"), a local public agency formed pursuant to the Cortese-Knox-Hertzberg Local Government Reorganization Act (Government Code Section 56000et.seq.);

RECITALS

WHEREAS, on or about July 1, 2003, COUNTY and LAFCO entered into Napa County Agreement No. 4433 (hereinafter referred to as "MA"), amended on or about September 1, 2007, June 17, 2008, July 1, 2009, July 1, 2010 and amended on July 1, 2011 for the provision by COUNTY of support services needed for LAFCO's performance of its functions and responsibilities, including information technology services; and

WHEREAS, the parties now desire to amend the MA to modify the scope of the Information Technology Services provided under the MA and to modify annual rates of compensation to COUNTY for services provided by its Information Technology Services Department ("ITS") to reflect changes in the costs to COUNTY to provide such services;

TERMS

NOW, THEREFORE, COUNTY and LAFCO hereby amend the Agreement as follows:

1. Section 4 of Attachment D is hereby amended to read in full as follows for those Information Technology Services and functions to be provided to LAFCO on and after July 1, 2012:

4. INFORMATION TECHNOLOGY SERVICES

COUNTY shall provide LAFCO with COUNTY personnel to perform the following services and functions for LAFCO, including access to the products and product licenses noted:

Napa County ITS shall provide a total information technology support package. This includes technical support, development, technology evaluation, RFPs, project management and consulting services on an as needed basis during the term of this Agreement in order to provide a reliable, cost effective as well as innovative technology infrastructure. All service requests for existing products and services shall be managed through SRMS (Service Request Management Systems) and request for new products and services in ITS project architecture. ITS shall create a requirements document for customer approval prior to ITS performing any significant work. Purchases of products or licenses for applications not noted in this Exhibit shall be made by LAFCO by separate agreement with COUNTY or third parties unless this Agreement is expressly amended to add such items to this Scope of Services.

Included services:

Countywide network connectivity: existing County local area networking and wide area network digital access to appropriate County location. COUNTY reserves the right to restrict internet access to appropriate uses. Examples of inappropriate uses included, but are not limited to, activities that would weaken the COUNTY's security or increases in the use of COUNTY bandwidth that results in impacts to COUNTY's services, including additional costs, slower

access to users of the COUNTY system, or impacts of similar magnitude. LAFCO is responsible for any cost associated with connection from LAFCO to COUNTY infrastructure (LAN/WAN).

Infrastructure Support: Troubleshooting and support of LAFCO access and use of COUNTY LAN/WAN.

COUNTY Network & Server Administration and Monitoring: 24/7 automated network monitoring with on call emergency technician to respond to critical service outages of COUNTY LAN/WAN.

File Services: File system server storage space and management. IE, H: etc drives. Daily tape backup of supported data and systems, fault tolerance, and data recovery services of all servers located at COUNTY Data Center(s).

Desktop and Server Virus scanning: Automated virus updates will be enabled to the COUNTY supported desktop and servers. Monitoring of services for reliability, performance, and updates.

Print Services: Printer and print queue management of COUNTY supported printers.

Email/Scheduling Service: Includes Countywide Exchange/Outlook email and scheduling system, Remote WEB access, resource scheduling, Internet email connectivity, and countywide address book.

Security/Firewall Services: Firewall, proxy services, intrusion detection system, reporting system, and monitoring software on COUNTY supported Servers.

Internet Access: Minimum 10/100 Internet access from appropriate COUNTY facilities (County Data Center to ISP). Access to the Internet will be restricted to business use only. Non business sites and activity including access to sites that may possibly contain improper content, deemed a security or privacy risk, or other such designations will be restricted.

Enterprise Resource Planning (ERP): Access to PeopleSoft Financial and HRMS (Human Resource Management Systems), including time and labor, project costing, purchasing, etc.

Enterprise Content Management: Access to document management systems to manage digital content. This includes eform solutions to automate internal and external forms.

Remote Access: Internet VPN (Virtual Private Network or other COUNTY ITS approved method) access for mobile/remote workers and limited access of third party vendor support. Remote access user must meet all COUNTY security and privacy policies and agreements and abide by its user defined processes and practices.

Helpdesk: Provide Helpdesk phone access from 7:00 a.m. to 5:00 p.m., Monday thru Friday. Limited on call phone access will be available 24/7 via after-hours via voice mail. COUNTY will provide a (non-emergency) IS Helpdesk Intranet site for problem reporting, system status, product purchasing, training class registration and self-help resources.

Training Center: Dedicated 16 seat plus instructor PC training room. Multimedia room with overhead projector for training/presentations. LAFCO can schedule and use the facility for any type of training/meetings/etc. Training courses and associated costs are not included in this agreement.

Internet Site Hosting and Development: Hosting Services for Napa 'ITS developed' Internet and Intranet Web Sites. Access to Chardonnay for enterprise intranet, SharePoint "My Site" for

personalized information. Full backup and recovery services, security, virus/phishing, and firewall services of Hosted Web Sites. WEB monitoring, filtering, reporting and statistics.

User Account Administration: End user account setup and administration within County Active Directory system. Security and all core services accounts.

Access to Enterprise Systems and Data: Property, permitting, recorded documents, code compliance, etc.

Server management and hosting services for servers hosted at COUNTY Data Center(s): Physical Server management, HW (Hardware) management, Operating System management, virus protection, version maintenance, patches, service packs, tape backup, disaster recovery, third party vendor coordination, uninterruptible battery backups, 24/7 SNMP (Simple Network Managed Protocol) monitoring.

Geographical Information Systems (GIS): Turnkey GIS services including training, user support, and access to the enterprise spatial data warehouse and web applications. Limited map production services. Large-format plotters. Data hosting, management and distribution.

Pre-approval of Technology Purchases: All LAFCO technology systems intended to be installed within COUNTY technology assets and supported by COUNTY must be reviewed and pre-approved by COUNTY prior to LAFCO purchase.

Limitations to this agreement: Services provided by COUNTY are limited to only those technologies that COUNTY is deemed capable and trained to provide and that is residing on or connected to the COUNTY network infrastructure. Any LAFCO technology assets not deemed to be sufficiently secure and not placed on COUNTY network will be excluded from this agreement. Additionally, any services, hardware, process, or system implemented by LAFCO that does not meet and/or comply with any 'in effect' standards and/or COUNTY prescribed best practices will be excluded from this agreement. COUNTY will, unilaterally, have final authority on any discussions regarding the meaning of any terms contained within this agreement.

What is not included in the services contracted unless specifically addressed in the agreement and the cost allocation method:

Because physical location is not at the discretion of the County Board of Supervisors, connectivity installation costs such as T-1 connection will be solely the responsibility of LAFCO.

COUNTY will not support nor install any non-COUNTY standard technology deployed by LAFCO independent from COUNTY ITS approval and acceptance.

LAFCO will not deploy non-COUNTY approved and/or non-COUNTY standard technology, software, database, peripheral devices, mobile device, wireless devices, or any other technology asset on COUNTY owned equipment without approval of COUNTY ITS. Any deviation from this requirement will be considered a material breach of this agreement.

Servers hosted at LAFCO or LAFCO servers that are non-COUNTY standard operating systems and applications will not be supported by COUNTY ITS nor will they be physically connected to COUNTY infrastructure without written approval from COUNTY ITS.

COUNTY ITS will disconnect and/or make any LAFCO device, software, or device/software configurations that attached to or communicate through the COUNTY network unusable if COUNTY ITS deems such action necessary to protect the security and/or integrity of COUNTY operational assets including any device or software that impact the operational status of COUNTY users, as a whole. This is at the sole discretion of COUNTY ITS.

COUNTY ITS does not service any non-COUNTY asset including non-COUNTY PC's and printers nor allow non-COUNTY assets to be physically connected to COUNTY infrastructure. ITS may supply LAFCO with software such as VPN or Terminal software that allows secure connection through the Internet to COUNTY network in support of the agreement.

Web sites developed and supported by outside vendors will not be allowed to be hosted on COUNTY Web servers.

LAFCO must provide their own DSL (or other type connection) outside of COUNTY network traffic for any bandwidth intensive processes or applications such as video conferencing.

Training course costs and other associated training costs are not included in this agreement.

LAFCO is responsible for all data and telecom wiring at their location. If COUNTY ITS is available to provide such services then materials and labor will be billed to LAFCO outside of this agreement.

2. The portion entitled "Services of Information Technology (annual rate)" of Attachment AA of the Agreement is hereby amended to read in full as follows:

1. Services of Information Technology (annual rate):

a. Background. County allocates Internet Technology Service (ITS) costs to all of the County's internal departments each year as part of its budgeting process. The County performs this task by breaking out all ITS costs – into subdivisions, which align with the major services being provided: Administration, Land Use Application, Network Operations, Development, Help Desk, Enterprise Resource Planning, Customer Management and Enterprise Architecture. County then allocates ITS costs throughout the County's departments based on either the number of personal computers ("PCs") or full-time equivalent employees ("FTE"). It is the intent and understanding of the parties that County shall calculate LAFCO's Annual Fee by multiplying the total costs per PC or FTE County utilized for setting the County's own departmental budgets by the number of LAFCO's PCs or FTE.

b. Payment. The Annual Fee shall be payable in arrears on or before the first of the month succeeding the month of service, with the payable monthly rate being 1/12 of the annual rate in effect on the first date of the month of service.

c. Amount of Annual Fee. The Annual Fee shall be as follows:

<u>Fiscal Year</u>	<u>Annual Rate</u>
2003-2004	\$12,900.00
2004-2005	\$12,999.96
2005-2006	\$13,377.96
2006-2007	\$17,799.00
2007-2008	\$16,387.00
2008-2009	\$17,768.00
2009-2010	\$18,705.00
2010-2011	\$14,945.00
2011-2012	\$20,261.00
2012-2013	\$22,009.00

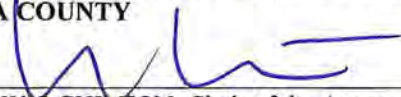
The Annual Fee for Fiscal Year 2013-2014 and thereafter shall remain \$22,009.00 until this Agreement is amended.

3. This Amendment No. 6 of the MA shall be effective as of July 1, 2012.

4. Except as set forth in (1) through (2), above, the terms and provisions of the MA shall remain in full force and effect as previously approved.


IN WITNESS WHEREOF, this Amendment No. 6 of Napa County Agreement No. 4433 was executed by the parties hereto as of the date first above written.

**LOCAL AGENCY FORMATION COMMISSION OF
NAPA COUNTY**

By 
LEWIS CHILTON, Chair of the Agency Board

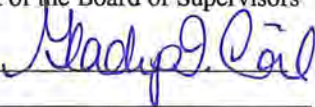
"LAFCO"

**COUNTY OF NAPA, a political subdivision of
the State of California**


By 
KEITH CALDWELL, Chairman of the Board of
Supervisors

"COUNTY"

ATTEST: GLADYS I. COIL,
Clerk of the Board of Supervisors

By: 

<p>APPROVED AS TO FORM Office of County Counsel By: <u>Thomas S. Capriola</u> Date: <u>May 25, 2012</u></p>
<p>APPROVED AS TO FORM Commission Counsel By: <u>Jackie Gong</u> Date: <u>May 29, 2012</u></p>

<p>APPROVED BY THE NAPA COUNTY BOARD OF SUPERVISORS Date: <u>June 26, 2012</u> Processed by: <u></u> Deputy Clerk of the Board</p>

**AMENDMENT NO. 7
NAPA COUNTY AGREEMENT NO. 4433
LOCAL AGENCY FORMATION COMMISSION OF
NAPA COUNTY AGREEMENT NO. 03-02**

**SUPPORT SERVICES BY THE COUNTY OF NAPA TO THE LOCAL AGENCY
FORMATION COMMISSION OF NAPA COUNTY**

THIS AMENDMENT NO. 7 OF NAPA COUNTY AGREEMENT NO. 4433 is made and entered into as of this 1st day of July, 2013, by and between NAPA COUNTY, a political subdivision of the State of California, hereinafter referred to as "COUNTY", and the LOCAL AGENCY FORMATION COMMISSION OF NAPA COUNTY (hereinafter "LAFCO"), a local public agency formed pursuant to the Cortese-Knox-Hertzberg Local Government Reorganization Act (Government Code Section 56000et.seq.);

RECITALS

WHEREAS, on or about July 1, 2003, COUNTY and LAFCO entered into Napa County Agreement No. 4433 (hereinafter referred to as "MA"), amended on or about September 1, 2007, June 17, 2008, July 1, 2009, July 1, 2010, July 1, 2011 and amended on July 1, 2012 for the provision by COUNTY of support services needed for LAFCO's performance of its functions and responsibilities, including information technology services; and

WHEREAS, the parties now desire to amend the MA to modify the annual rates of compensation to COUNTY for services provided by its Information Technology Services Department ("ITS") to reflect changes in the costs to COUNTY to provide such services;

TERMS

NOW, THEREFORE, COUNTY and LAFCO hereby amend the Agreement as follows:

1. The portion entitled "Services of Information Technology (annual rate)" of Attachment AA of the Agreement is hereby amended to read in full as follows:
 1. **Services of Information Technology (annual rate):**
 - a. **Background.** County allocates Internet Technology Service (ITS) costs to all of the County's internal departments each year as part of its budgeting process. The County performs this task by breaking out all ITS costs – into subdivisions, which align with the major services being provided: Administration, Land Use Application, Network Operations, Development, Help Desk, Enterprise Resource Planning and Customer Management. County then allocates ITS costs throughout the County's departments based on either the number of personal computers ("PCs") or full-time equivalent employees ("FTE"). It is the intent and understanding of the parties that County shall calculate LAFCO's Annual Fee by multiplying the total costs per PC or FTE County utilized for setting the County's own departmental budgets by the number of LAFCO's

PCs or FTE.

b. Payment.

The Annual Fee shall be payable in arrears on or before the first of the month succeeding the month of service, with the payable monthly rate being 1/12 of the annual rate in effect on the first date of the month of service.

c. Amount of Annual Fee. The Annual Fee shall be as follows:

<u>Fiscal Year</u>	<u>Annual Rate</u>
2003-2004	\$12,900.00
2004-2005	\$12,999.96
2005-2006	\$13,377.96
2006-2007	\$17,799.00
2007-2008	\$16,387.00
2008-2009	\$17,768.00
2009-2010	\$18,705.00
2010-2011	\$14,945.00
2011-2012	\$20,261.00
2012-2013	\$22,009.00
2013-2014	\$22,374.00

The Annual Fee for Fiscal Year 2014-2015 and thereafter shall remain \$22,374.00 until this Agreement is amended.

2. This Amendment No. 7 of the MA shall be effective as of July 1, 2013.

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3. Except as set forth in (1) through (2), above, the terms and provisions of the MA shall remain in full force and effect as previously approved.

IN WITNESS WHEREOF, this Amendment No. 7 of Napa County Agreement No. 4433 was executed by the parties hereto as of the date first above written.

**LOCAL AGENCY FORMATION COMMISSION OF
NAPA COUNTY**

By *Brad Wagenknecht*
BRAD WAGENKNECHT, Chair of the Agency Board

"LAFCO"

**NAPA COUNTY, a political subdivision of
the State of California**

By *Brad Wagenknecht*
BRAD WAGENKNECHT, Chairman of the Board of
Supervisors

"COUNTY"

ATTEST: GLADYS I. COIL,
Clerk of the Board of Supervisors

By: *Gladys I. Coil*

APPROVED AS TO FORM
Office of County Counsel
By: *Thomas S. Capriola*
Date: *March 4, 2013*

**APPROVED BY THE NAPA
COUNTY
BOARD OF SUPERVISORS**
Date: *6/13/2013*
Processed by: *[Signature]*
Deputy Clerk of the Board

APPROVED AS TO FORM
Commission Counsel
By: *Jichui Song*
Date: *6/3/13*

**AMENDMENT NO. 8
NAPA COUNTY AGREEMENT NO. 4433
LOCAL AGENCY FORMATION COMMISSION OF
NAPA COUNTY AGREEMENT NO. 03-02**

**SUPPORT SERVICES BY THE COUNTY OF NAPA TO THE LOCAL AGENCY
FORMATION COMMISSION OF NAPA COUNTY**

THIS AMENDMENT NO. 8 OF NAPA COUNTY AGREEMENT NO. 4433 is made and entered into as of this 1st day of July, 2014, by and between NAPA COUNTY, a political subdivision of the State of California, hereinafter referred to as "COUNTY", and the LOCAL AGENCY FORMATION COMMISSION OF NAPA COUNTY (hereinafter "LAFCO"), a local public agency formed pursuant to the Cortese-Knox-Hertzberg Local Government Reorganization Act (Government Code Section 56000et.seq.);

RECITALS

WHEREAS, on or about July 1, 2003, COUNTY and LAFCO entered into Napa County Agreement No. 4433 (hereinafter referred to as "MA"), amended on or about September 1, 2007, June 17, 2008, July 1, 2009, July 1, 2010, July 1, 2011, July 1, 2012 and amended on July 1, 2013 for the provision by COUNTY of support services needed for LAFCO's performance of its functions and responsibilities, including information technology services; and

WHEREAS, the parties now desire to amend the MA to modify the annual rates of compensation to COUNTY for services provided by its Information Technology Services Department ("ITS") to reflect changes in the costs to COUNTY to provide such services;

TERMS

NOW, THEREFORE, COUNTY and LAFCO hereby amend the Agreement as follows:

1. The portion entitled "Services of Information Technology (annual rate)" of Attachment AA of the Agreement is hereby amended to read in full as follows:

1. Services of Information Technology (annual rate):

- a. **Background.** County allocates Internet Technology Service (ITS) costs to all of the County's internal departments each year as part of its budgeting process. The County performs this task by breaking out all ITS costs – into subdivisions, which align with the major services being provided: Administration, Land Use Application, Network Operations, Development, Help Desk, Enterprise Resource Planning and Customer Management. County then allocates ITS costs throughout the County's departments based on either the number of personal computers ("PCs") or full-time equivalent employees ("FTE"). It is the intent and understanding of the parties that County shall calculate LAFCO's Annual Fee by multiplying the total costs per PC or FTE County utilized for setting the County's own departmental budgets by the number of LAFCO's

PCs or FTE.

b. Payment.

The Annual Fee shall be payable in arrears on or before the first of the month succeeding the month of service, with the payable monthly rate being 1/12 of the annual rate in effect on the first date of the month of service.

c. Amount of Annual Fee. The Annual Fee shall be as follows:

<u>Fiscal Year</u>	<u>Annual Rate</u>
2003-2004	\$12,900.00
2004-2005	\$12,999.96
2005-2006	\$13,377.96
2006-2007	\$17,799.00
2007-2008	\$16,387.00
2008-2009	\$17,768.00
2009-2010	\$18,705.00
2010-2011	\$14,945.00
2011-2012	\$20,261.00
2012-2013	\$22,009.00
2013-2014	\$22,374.00
2014-2015	\$23,663.00

The Annual Fee for Fiscal Year 2015-2016 and thereafter shall remain \$23,663.00 until this Agreement is amended.

2. This Amendment No. 8 of the MA shall be effective as of July 1, 2014.

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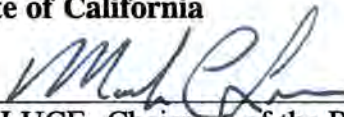
3. Except as set forth in (1) through (2), above, the terms and provisions of the MA shall remain in full force and effect as previously approved.

IN WITNESS WHEREOF, this Amendment No. 8 of Napa County Agreement No. 4433 was executed by the parties hereto as of the date first above written.

LOCAL AGENCY FORMATION COMMISSION OF NAPA COUNTY


By 
BRIAN J. KELLY, Chair of the Agency Board
"LAFCO"

NAPA COUNTY, a political subdivision of the State of California

By 
MARK LUCE, Chairman of the Board of Supervisors

"COUNTY"

ATTEST: GLADYS I. COIL,
Clerk of the Board of Supervisors

By: 

APPROVED AS TO FORM
Office of County Counsel
By: Thomas S. Capriola
Date: March 17, 2014

APPROVED BY THE NAPA COUNTY BOARD OF SUPERVISORS
Date: 6/10/14
Processed by: 
Deputy Clerk of the Board

APPROVED AS TO FORM
Commission Counsel
By: Jackie Gong
(E-Signature)
Date: 3/18/14

**AMENDMENT NO. 9
NAPA COUNTY AGREEMENT NO. 4433
LOCAL AGENCY FORMATION COMMISSION OF
NAPA COUNTY AGREEMENT NO. 03-02**

**SUPPORT SERVICES BY NAPA COUNTY TO THE LOCAL AGENCY FORMATION
COMMISSION OF NAPA COUNTY**

THIS AMENDMENT NO. 9 OF NAPA COUNTY AGREEMENT NO. 4433 is made and entered into as of this 1st day of July, 2015, by and between NAPA COUNTY, a political subdivision of the State of California, hereinafter referred to as "COUNTY,, and the LOCAL AGENCY FORMATION COMMISSION OF NAPA COUNTY (hereinafter "LAFCO"), a local public agency formed pursuant to the Cortese-Knox-Hertzberg Local Government Reorganization Act (Government Code Section 56000et.seq.).

RECITALS

WHEREAS, on or about July 1, 2003, COUNTY and LAFCO entered into Napa County Agreement No. 4433 (hereinafter referred to as "MA"), amended on or about September 1, 2007, June 17, 2008, July 1, 2009, July 1, 2010, July 1, 2011, July 1, 2012, July 1, 2013 and amended on July 1, 2014 for the provision by COUNTY of support services needed for LAFCO's performance of its functions and responsibilities, including information technology services; and

WHEREAS, the parties now desire to amend the MA to modify the annual rates of compensation to COUNTY for services provided by its Information Technology Services Department ("ITS") to reflect changes in the costs to COUNTY to provide such services;

TERMS

NOW, THEREFORE, COUNTY and LAFCO hereby amend the Agreement as follows:

1. The portion entitled "Services of Information Technology (annual rate)" of Attachment AA of the Agreement is hereby amended to read in full as follows:

1. **Services of Information Technology (annual rate):**

- a. **Background.** County allocates Internet Technology Service (ITS) costs to all of the County's internal departments each year as part of it budgeting process. The County performs this task by breaking out all ITS costs – into subdivisions, which align with the major services being provided: Administration, Land Use Application, Network Operations, Development, Help Desk, Enterprise Resource Planning and Customer Management. County then allocates ITS costs throughout the County's departments based on either the number of personal computers ("PCs") or full-time equivalent employees ("FTE"). It is the intent and understanding of the parties that County shall

calculate LAFCO's Annual Fee by multiplying the total costs per PC or FTE County utilized for setting the County's own departmental budgets by the number of LAFCO's PCs or FTE.

b. Payment.

The Annual Fee shall be payable in arrears on or before the first of the month succeeding the month of service, with the payable monthly rate being 1/12 of the annual rate in effect on the first date of the month of service.

c. Amount of Annual Fee. The Annual Fee shall be as follows:

<u>Fiscal Year</u>	<u>Annual Rate</u>
2003-2004	\$12,900.00
2004-2005	\$12,999.96
2005-2006	\$13,377.96
2006-2007	\$17,799.00
2007-2008	\$16,387.00
2008-2009	\$17,768.00
2009-2010	\$18,705.00
2010-2011	\$14,945.00
2011-2012	\$20,261.00
2012-2013	\$22,009.00
2013-2014	\$22,374.00
2014-2015	\$23,663.00
2015-2016	\$24,052.00

The Annual Fee for Fiscal Year 2016-2017 and thereafter shall remain \$24,052.00 until this Agreement is amended.

2. This Amendment No. 9 of the MA shall be effective as of July 1, 2015.
3. Except as set forth in (1) through (2), above, the terms and provisions of the MA shall remain in full force and effect as previously approved.

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IN WITNESS WHEREOF, this Amendment No. 9 of Napa County Agreement No. 4433 was executed by the parties hereto as of the date first above written.

LOCAL AGENCY FORMATION COMMISSION OF NAPA COUNTY

By *Joan Bennett*
JOAN BENNETT, Chair of the Agency Board

"LAFCO"

NAPA COUNTY, a political subdivision of the State of California

By *Diane Dillon*
DIANE DILLON, Chair of the Board of Supervisors

"COUNTY"

ATTEST: GLADYS I. COIL,
Clerk of the Board of Supervisors

By: *Gladys I. Coil*, Deputy

APPROVED AS TO FORM
Office of County Counsel
By: *Janice Killion (e-sign)*
Date: March 10, 2015

APPROVED BY THE NAPA COUNTY BOARD OF SUPERVISORS
Date: 6/9/15
Processed by: *[Signature]*
Deputy Clerk of the Board

APPROVED AS TO FORM
Commission Counsel
By: Silva Darbinian (e-sign)
Date: March 26, 2015

Napa County Agreement No. 190289B

AMENDMENT NO. 10
NAPA COUNTY AGREEMENT NO. 4433
LOCAL AGENCY FORMATION COMMISSION OF
NAPA COUNTY AGREEMENT NO. 03-02

**SUPPORT SERVICES BY NAPA COUNTY TO THE LOCAL AGENCY FORMATION
COMMISSION OF NAPA COUNTY**

THIS AMENDMENT NO. 10 OF NAPA COUNTY AGREEMENT NO. 4433 is made and entered into as of this 1st day of July, 2018, by and between NAPA COUNTY, a political subdivision of the State of California (hereinafter referred to as "COUNTY"), and the LOCAL AGENCY FORMATION COMMISSION OF NAPA COUNTY (hereinafter referred to as "LAFCO"), a local public agency formed pursuant to the Cortese-Knox-Hertzberg Local Government Reorganization Act (Government Code Section 56000, *et seq.*).

RECITALS

WHEREAS, COUNTY and LAFCO entered in an agreement on or about July 1, 2003 – Napa County Agreement No. 4433 (hereinafter referred to as "MA") which has subsequently been amended on nine occasions – for COUNTY to provide support services needed for LAFCO's performance of its functions and responsibilities, including information technology services; and

WHEREAS, the parties now desire to amend the MA to modify the annual rate of compensation to COUNTY for services provided by its Information Technology Services Division ("ITS") to reflect changes in the costs to COUNTY to provide such services.

TERMS

NOW, THEREFORE, COUNTY and LAFCO hereby amend the MA as follows:

1. Section 4 of the MA is hereby amended to read in full as follows:

4. REIMBURSEMENT

(a) **Rates**. In consideration of County's fulfillment of the promised services and personnel, LAFCO shall reimburse County for the actual costs (including the costs of labor, equipment, supplies, materials, and incidental travel/transportation) incurred by County and its departments and divisions in providing these services. The rates shall be determined and mutually agreed to by the parties in accordance with Attachment "AA" of the Agreement, including any and all amendments.

(b) **LAFCO Staffing Reimbursement**. LAFCO shall reimburse County for the salary and benefits of County staff primarily assigned to serve LAFCO, including any

increases in salary and benefits that County provides such staff during the term of this Agreement.

(c) **LAFCO-Requested Travel Expense Reimbursement.** LAFCO shall reimburse County for expenses incurred by County departments and divisions for travel by their assigned personnel when such travel has been requested by LAFCO in writing. Such reimbursement shall be in accordance with the travel expense policy approved by County's Board of Supervisors in effect on the date of the travel. Notwithstanding the foregoing, travel costs incurred through use of a County vehicle shall be reimbursed in accordance with the County Equipment Pool rates in effect at the time of the travel.

(d) **Bank Analysis Pass-through Charge.** LAFCO shall reimburse County on a pass-through basis for the costs incurred by County for bank charges relating to LAFCO activities.

(e) **General Liability Coverage/Workers' Compensation Coverage.** LAFCO shall reimburse County for general liability coverage and workers' compensation coverage at the rates established by County each fiscal year.

(f) **Adjustment for Additional LAFCO-Requested Services.** LAFCO shall reimburse County for the actual costs (including the costs of labor, equipment, supplies, materials, and incidental travel/transportation) incurred by County in providing any new or increased services requested by LAFCO. Such additions or increases in services shall be permitted only if approved in writing by the County Executive Officer and LAFCO Executive Officer, including approval of the applicable reimbursement rates.

2. The portion entitled "Services of Information Technology (annual rate)" of Attachment "AA" of the MA is hereby amended to read in full as follows:

1. Services of Information Technology (annual rate):

- a. **Annual Fee.** The Parties acknowledge that compensation of COUNTY under this Agreement is calculated utilizing the ITS Cost Allocation Method for COUNTY's own departments and agencies. On or before April 1 of each year during which the MA is in effect, COUNTY shall provide to LAFCO an invoice setting forth the Annual Fee for the following fiscal year. COUNTY allocates Internet Technology Service ("ITS") costs to all of COUNTY's internal departments each year as part of its budgeting process. COUNTY performs this task by breaking out all ITS costs – into subdivisions, which align with the major services being provided: Administration, Land Use Application, Network Operations, Development, Help Desk, Enterprise Resource Planning and Customer Management. COUNTY then allocates ITS costs throughout COUNTY's departments based on either the number of personal computers ("PCs") or full-time equivalent employees ("FTE"). It is the intent and understanding of the parties that COUNTY shall calculate LAFCO's Annual Fee by multiplying the total costs per PC or FTE COUNTY utilized for setting COUNTY's own departmental budgets by the number

of LAFCO's PCs or FTE.

b. Payment.

The Annual Fee shall be payable on or before the first of the month preceding the quarter of service, with the payable quarterly rate being 1/4 of the annual rate in effect on the first date of the quarter of service.

c. Future Modifications

(1) Procedure for Subsequent Annual Determination of Rates. During the fourth quarter of each fiscal year of this Agreement, the County Executive Officer, or designee, and the Executive Officer of LAFCO shall meet prior to adoption of the respective annual County and LAFCO budgets to determine and calculate the proposed rates for County staff and services to be furnished during the succeeding fiscal year. The rates shall be those necessary to achieve the cost reimbursement provided for in Paragraph 4(a) of the Agreement, subject to the additional factors set forth in Paragraph 4(b) through 4(f) of the Agreement. The annual adjustment of these reimbursement rates so determined shall be approved in writing by the County's Chief Information Officer and the Executive Officer of LAFCO. When so approved, these rates shall become effective for the subsequent fiscal year unless this Agreement is not renewed or otherwise terminated by the County and/or LAFCO.

(2) Modification of Annual Fee Only. The Parties agree and understand that the Annual Fee may fluctuate from fiscal year to fiscal. Based on this understanding, the Parties agree that the Annual Fee each fiscal year shall be determined by the formula specified in Paragraph (c)(1) of this Attachment. This annual fluctuation of the Annual Fee shall not alter, amend, negate, or otherwise affect any other provision or term of the MA, amendments to the MA, or any of the exhibits attached to the MA. Any amendment or alteration to any other provision or term of the MA, its amendments, and/or its exhibits must be done pursuant to Section 22 of the MA.

3. This Amendment No. 10 of the MA shall be effective as of July 1, 2018.

4. Except as set forth in (1) through (3), above, the terms and provisions of the MA shall remain in full force and effect as previously approved.

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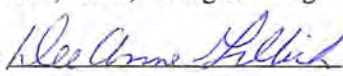
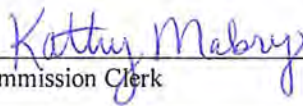

SIGNATURE PAGE FOLLOWS

^(new) **IN WITNESS WHEREOF**, this Amendment No. 10 of Napa County Agreement No. 4433 was executed by the parties hereto as of the date first above written.

LOCAL AGENCY FORMATION COMMISSION OF
NAPA COUNTY

By 
MARGIE MOHLER, Chair of LAFCO

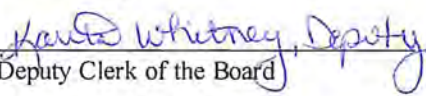
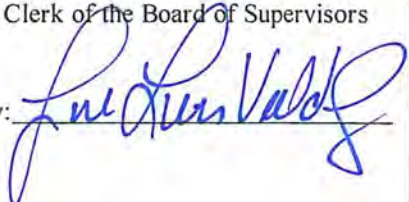
“LAFCO”

<p>APPROVED AS TO FORM Sloan, Sakai, Yeung & Wong</p> <p>By: <u></u></p> <p>Date: <u>8/21/18</u></p>	<p>APPROVED BY LAFCO</p> <p>Date: <u>8/8/18</u></p> <p><u></u> Commission Clerk</p>	<p>ATTEST: BRENDON FREEMAN LAFCO Executive Officer</p> <p>By: <u></u></p>
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NAPA COUNTY, a political subdivision of
the State of California

By 
~~BRAD WAGENKNECHT, Chair~~ Ryan Gregory,
Board of Supervisors Vice Chair

“COUNTY”

<p>APPROVED AS TO FORM Office of County Counsel</p> <p>By: <u>John L. Myers (e-sign)</u> County Counsel</p> <p>Date: <u>7/13/18</u></p>	<p>APPROVED BY THE NAPA COUNTY BOARD OF SUPERVISORS</p> <p>Date: <u>9/11/18</u></p> <p>Processed By: <u></u> Deputy Clerk of the Board</p>	<p>ATTEST: JOSE LUIS VALDEZ Clerk of the Board of Supervisors</p> <p>By: <u></u></p>
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Local Agency Formation Commission of Napa County
Subdivision of the State of California

Attachment Two

1030 Seminary Street, Suite B
Napa, California 94559
Phone: (707) 259-8645
Fax: (707) 251-1053
www.napa.lafco.ca.gov

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

Agenda Item 9b

TO: Local Agency Formation Commission

FROM: Peter Banning, Interim Executive Officer
Jennifer Gore, Counsel to the Commission
Joan Bennett, Chair & City Member
Brad Wagenknecht, County Member

MEETING DATE: April 6, 2015

SUBJECT: Review of Agreement for Provision of Support Services

Background

Napa LAFCO entered into a formal agreement for the provision of various administrative services by the County of Napa in 2003, entitled Agreement for the Provision of Support Services by the County of Napa to the Napa County Local Agency Formation Commission (Agreement No. 03-02). The adopted agreement clearly anticipates regular review, but review apparently has not occurred with the exception of annual amendment for adjusting the rates charged by the County's Information Technology Services Department. In staff's opinion, the agreement provides an adequate framework for both efficient administrative services and for independent operations provided that it is understood by the Commission and revised for clarity and for several changes to services since 2003.

At the Commission's February 2, 2015, meeting, Commissioners Bennett and Wagenknecht were assigned to work with staff on reviewing the agreement and drafting updates. The sub-committee and staff, including Counsel to the Commission, Jennifer Gore, met on March 27 to identify issues and discuss changes to the text of the Agreement. That discussion is reflected in the summary of proposed revisions provided below, and in the draft amendments to the Agreement as shown in the strike-out version attached to this staff report.

The sub-committee determined that the best course of action is to seek comment from the Commission as a whole on the draft amendments and to continue development of a revised agreement, including updated job-descriptions for LAFCO personnel, with representatives of the County. Following negotiations with the County, the Committee will bring back a final version of the revised agreement for consideration by the Commission.

Joan Bennett, Chair
Councilmember, City of American Canyon

Greg Pitts, Commissioner
Councilmember, City of St. Helena

Juliana Inman, 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

Keith Caldwell, Alternate Commissioner
County of Napa Supervisor, 5th District

Brian J. Kelly, Commissioner
Representative of the General Public

Gregory Rodeno, Alternate Commissioner
Representative of the General Public

Peter Banning
Interim Executive Officer

Summary of Proposed Revisions

The attached draft MOU includes a number of proposed revisions for discussion with the Commission and the County, including:

- **Section 1** has been simplified to make the agreement effective until terminated, rather than effective for automatically recurring one year terms.
- **Sections 2 (a)-(c)** have been revised to clarify that, while the County is employing LAFCO staff on behalf of LAFCO, LAFCO is *exclusively* responsible for establishing the duties, salary and benefits, schedule, and other terms of employment for LAFCO staff. We have created Exhibits A, B, and C to the MOU to govern the terms of each employee's employment. This will allow the Exhibits to be revised by LAFCO and transmitted to the County for implementation, as needed; no additional approval from the County should be required to prior to implementation of any changes.

The Committee has also proposed to attach the full job description for the Executive Officer's position to Exhibit A, rather than including the brief summary of job duties currently listed in the MOU. The Committee suggests that the Commission take this opportunity to review the job description for the Executive Officer and make any changes needed.

- **Section 2 (e)** has been revised to include a provision allowing the County to provide LAFCO with credit card services, at LAFCO's request. Authorized credit card expenditures should be consistent with LAFCO's adopted policies.
- **Section 4** has been modified to make changes clarifying LAFCO's responsibility to reimburse the County for its services, and also to clarify that staff from each agency can agree to annual adjustments in the rates of reimbursement to the County without formal amendments to the MOU.
- **Section 25** has been deleted as LAFCO has selected independent counsel that will assist in negotiating changes to the MOU.
- **Exhibits A-C** have been included, as discussed above, to provide LAFCO with additional flexibility to change the terms and conditions of employment for its employees without requiring the Commission and the County to amend the MOU. One issue the Committee would like to address with the Commission is whether the Exhibits should include a provision stating that each employee will receive the COLAs awarded to other County staff automatically, or whether it should be an issue decided annually by the Commission in conjunction with performance evaluations or other personnel actions.

- The Committee has also proposed to provide LAFCO with flexibility regarding whether its Analyst should be an Analyst I, II, or III. The current LAFCO Analyst has been an Analyst I for many years, limiting LAFCO's ability to approve salary adjustments.
- **Attachments A-G** have been revised to clarify that certain services from the County are optional (such as clerk services and legal services) and can be provided at the request of LAFCO. The County contact information in each of these Attachments will also be updated.
 - **Attachment B** has been updated to specify that travel expense reimbursement services provided by the Auditor-Controller should be consistent with LAFCO's adopted policies. Staff hopes this will avoid problems in the future regarding which expenses can be reimbursed.
 - **Attachment AA** will require further updates to include the current County reimbursement rates. In addition, if the Commission and the County approve Amendment No. 9 to the MOU, the additional text related to Information Technology Services will be added to this Attachment.

Recommendation

Staff and members of the sub-committee recommend that the Commission review and comment on the attached revised Agreement for the Provision of Support Services and direct staff to discuss the amendments with representatives of the County.

Respectfully submitted,

Peter Banning
Interim Executive Officer

Attachments:

Draft revised Agreement for the Provision of Support Services

NAPA COUNTY AGREEMENT NO. 4433

LAFCO OF NAPA COUNTY AGREEMENT NO. 03-02

AMENDED AND RESTATED AGREEMENT FOR THE PROVISION OF SUPPORT SERVICES BY THE COUNTY OF NAPA TO THE NAPA COUNTY LOCAL AGENCY FORMATION COMMISSION

THIS AGREEMENT is entered into as of this 1st day of July, 2003, by and between the COUNTY OF NAPA (hereinafter "County"), a political subdivision of the State of California, and the LOCAL AGENCY FORMATION COMMISSION OF NAPA COUNTY (hereinafter "LAFCO"), a local public agency formed pursuant to the Cortese-Knox-Hertzberg Local Government Reorganization Act (Government Code Section 56000 et. seq.);

RECITALS

WHEREAS, pursuant to Government Code Section 56380 of the Cortese-Knox-Hertzberg Local Government Reorganization Act (enacted effective January 1, 2001 and hereinafter referred to as "Act"), LAFCO is authorized to contract with any public agency for necessary personnel, facilities, and equipment to carry out and effect its functions and responsibilities; and

WHEREAS, pursuant to Government Code Section 56380, LAFCO must make its own provisions for independent staffing and operations; and

WHEREAS, LAFCO has need of specified personnel, ~~and accounting and legal~~ services for its independent operations which County is willing and able to provide under the terms and conditions set forth herein below; and

WHEREAS, the County ~~and LAFCO have entered into agreements for the provision~~ of support services for since fiscal years 2001-2002 ~~and fiscal year 2002-2003~~;

TERMS

NOW THEREFORE, in consideration of the foregoing and the mutual promises hereinafter expressed, the parties mutually agree as follows:

- 1. TERM.** The term of this Agreement shall become effective upon the date first written above and shall continue until such time as it is expire on June 30, 2004, unless terminated ~~earlier~~ in accordance with Paragraph 14 (Termination); ~~except that t~~ The obligations of the parties under Paragraph 8 (Indemnification) and 10 (Confidentiality) shall continue in full force and effect after ~~said expiration date or early~~ termination in relation to acts or omissions occurring prior to such dates during the term of the Agreement. ~~The term of this Agreement shall be automatically renewed for an additional year at the end of each fiscal year, under the same terms and conditions, unless terminated pursuant to Paragraph 14. For purposes of this Agreement, "fiscal year" shall mean the period commencing on July 1 and ending on June 30.~~

2. **PERSONNEL AND SERVICES TO BE PROVIDED BY COUNTY.** County shall provide the following personnel and services subject to LAFCO abiding by County policies and procedures governing such services, except that whenever such policies and procedures provide for the Board of Supervisors to approve the appropriation of funds, or to approve the acquisition of services, goods or assets, or to make any other legislative decisions to carry out such services, the LAFCO Commission shall act in lieu of the Board of Supervisors:

(a) **Executive Officer.** ~~The~~ County shall ~~employ an designate its at will employee Daniel Schwarz to serve as LAFCO~~ Executive Officer ~~(hereinafter "Executive Officer")~~ on behalf of LAFCO, as follows:-

- (1) The County shall employ an~~The~~ Executive Officer selected by LAFCO and shall pay him/her those benefits, other than salary, as established for a [insert position title] and additional compensation and benefits as may be established by LAFCO, which compensation and benefits shall be set forth in Exhibit A, attached hereto, as it may be revised by LAFCO from time to time. County agrees that LAFCO, as the appointing authority of the LAFCO Executive Officer, shall have the responsibility for evaluating the performance and setting compensation for the Executive Officer.
- (i) Updates to Exhibit A, as approved by LAFCO, will be transmitted to [insert County position] for implementation, and attached to Exhibit A and incorporated herein by this reference. Updates to Exhibit A shall not require County approval prior to implementation.
- (2) The County shall allocate the Executive Officer services exclusively to LAFCO, as set forth in Exhibit A. The Executive Officer shall perform the duties as specified in the Act and other applicable laws and such other duties as ~~specified~~ assigned to the Executive Officer by LAFCO. All direction with the Executive Officer receives in performing services as the Executive Officer shall be issued exclusively by LAFCO.
- ~~(4)~~(3) (3) LAFCO shall have the exclusive right and responsibility to establish the hours and other terms and conditions of work for the Executive Director, including, but not limited to, furloughs, reductions in force, total compensated hours worked, and the costs of the Executive Officer's employment. County agrees that the LAFCO Commission, as the appointing authority of the LAFCO Executive Officer, shall have the responsibility for evaluating the performance and setting compensation for the Executive Officer, so long as these actions are implemented in a manner consistent with County personnel policies, rules and regulations. ~~The duties to be provided by the Executive Officer shall include, but not~~

~~be limited to:~~

~~(2)(4)~~

~~(3)(5) Preparing staff analyses, reports, proposed findings and other agenda materials for LAFCO relating to boundary proposals, contracts for provision of new and extended services outside city and district jurisdictional boundaries, sphere of influence amendments, periodic review of sphere of influence designations and any other matters that are within LAFCO's authority under the Act.~~

~~(4)(6)~~

~~(5)(7) Calling and noticing LAFCO meetings in accordance with the Act and LAFCO policies and procedures.~~

~~(6)(8)~~

~~(7)(9) Preparing, mailing, filing, publishing and keeping records of agendas, notices and other required official documents on behalf of LAFCO.~~

~~(8)(10)~~

~~(9)(11) Responding to inquiries and providing information and technical assistance to interested public agencies and individuals.~~

~~(10)(12)~~

~~(11)(13) Providing supporting fiscal services such as the development of the annual LAFCO budget, management of LAFCO financial accounts, including the processing of LAFCO fees and charges, the processing of payment of LAFCO charges and expenses, and the preparation of required fiscal reports.~~

~~(12)(14)~~

~~(13)(15) Informing LAFCO Commissioners of new legislation, correspondence to LAFCO, CALAFCO activities, current events and matters of interest relating to LAFCO.~~

(b) **Analyst.** The County shall employ one Analyst on behalf of LAFCO as follows:

(1) The County shall employ an Analyst, selected by LAFCO, and shall pay him/her the salary and benefits established for a County [position title, I, II, or III] which compensation and benefits shall be set forth in Exhibit B, attached hereto, as it may be revised by LAFCO from time to time. County agrees that the LAFCO Executive Officer, shall have the responsibility for evaluating the performance of the Analyst and determining adjustments in the Analyst's compensation. LAFCO will notify the County's [insert position title] of any adjustments made to the Analyst's salary, within the established range for [County position title, I, II, or III].

(i) Updates to Exhibit B, as approved by LAFCO or its Executive Officer, will be transmitted to [insert County position] for implementation, and attached to Exhibit B and incorporated

herein by this reference. Updates to Exhibit B shall not require County approval prior to implementation.

- (2) The County shall allocate the Analyst's services exclusively to LAFCO, as set forth in Exhibit B. The Analyst shall perform the duties assigned to the Analyst by LAFCO. All direction the Analyst receives in performing services as the Analyst shall be issued exclusively by LAFCO.
- (3) LAFCO shall have the exclusive right and responsibility to establish the hours and other terms and conditions of work for the Analyst, including, but not limited to, furloughs, reductions in force, total compensated hours worked, and the costs of the Analyst's employment.

(c) ~~Support Staff.~~ County shall provide part-time ~~e~~Clerical ~~s~~Staff. The County shall employ one Clerical Staff on behalf of LAFCO as follows:

- (1) The County shall employ Clerical Staff selected by LAFCO and shall pay him/her the salary and benefits established for a County [position title, I, II, or III], which compensation and benefits shall be set forth in Exhibit C, attached hereto, as it may be revised by LAFCO or its Executive Officer from time to time. County agrees that the LAFCO Executive Officer shall have the responsibility for evaluating the performance of the Clerical Staff and determining adjustments in such Clerical Staff's compensation. LAFCO will notify the County's [insert position title] of any adjustments made to the Clerical Staff's salary, within the established range for [County position title].
 - (i) Updates to Exhibit C, as approved by LAFCO or its Executive Officer, will be transmitted to [insert County position] for implementation, and attached to Exhibit C and incorporated herein by this reference. Updates to Exhibit C shall not require County approval prior to implementation.
- (2) The County shall allocate the Clerical Staff's services exclusively to LAFCO, unless otherwise agreed upon, as set forth in Exhibit C. The Clerical Staff shall perform the duties assigned to the Clerical Staff by LAFCO. All direction the Clerical receives in performing services as the Clerical Staff to LAFCO shall be issued exclusively by LAFCO.
- (3) LAFCO shall have the exclusive right and responsibility to establish the hours and other terms and conditions of work for the Clerical Staff, including, but not limited to, furloughs, reductions in force, total compensated hours worked, and the costs of the Clerical Staff's employment, unless otherwise agreed upon in Exhibit C.

~~(d) **Additional Staff.** (-5 F.T.E.) and one full time analyst to assist The County shall provide the Executive Officer in carrying out the day to day operations of LAFCO and such other staff as the LAFCO Commission deems necessary to carry out the day to day operations of LAFCO, and appropriates funds for; and directs County to provide, as set forth in (c) below.~~

~~(-ee) **Additional Services.** County, through its departments and divisions, shall may further provide LAFCO those services set forth in Attachments "A" through "G", attached hereto and incorporated by reference as if set forth herein, as needed; provided, however, that LAFCO shall not be required to utilize any specific services or supplies available through the County. LAFCO shall utilize its own procedures and/or protocols and shall not be required to follow the procedures and/or protocols adopted by the County for the provision of any specific services or supplies. It is the intention of both parties that the level of service provided shall be at least equal to that provided in County fiscal year 2002-2003 unless otherwise specifically agreed to by LAFCO and County.~~

- (1) ~~Credit Card. Upon the request of LAFCO, the County shall provide LAFCO with a credit card for use by LAFCO staff for travel expenses, office supplies, and other expenses authorized pursuant to LAFCO's adopted policies.~~

3. ~~**OFFICE SPACE.** It is the understanding of the parties that~~ LAFCO has made direct arrangements with third parties to secure and maintain office space and such services are therefore not included within this Agreement.

4. REIMBURSEMENT.

(a) Personnel.

~~(1) LAFCO shall pay all salary, fringe benefits, and other compensation costs which the County incurs in the employment of the Executive Officer, Analyst, Clerical Staff and additional staff (collectively, "Personnel") during the term of this Agreement. Reimbursement shall include, but is not limited to employer costs associated with benefits provided to the Personnel.~~

~~(2) LAFCO shall notify the County of any changes to the compensation and benefits to be provided to the Personnel, as set forth in Section 2, above.~~

(b) ~~**Services Rates.** In consideration of County's fulfillment of the promised services and personnel,~~ LAFCO shall reimburse County for the actual costs (including the costs of labor, equipment, supplies, materials, and incidental travel/transportation) incurred by County and its departments and divisions in providing ~~these~~ services. The rates shall be determined and mutually agreed to by the parties as follows:

(1) ~~FY 2003-15-201604.~~ The rates for reimbursement for the County's services during fiscal year ~~201503-201604~~ are set forth in Attachment "AA" and hereby ~~attached and~~ incorporated by this reference.

(2) Procedure for Subsequent Annual Determination of Rates. During the fourth quarter of each fiscal year of this Agreement the County Executive Officer, or his designee, and the Executive Officer of LAFCO shall meet prior to adoption of the respective annual County and LAFCO budgets to determine and calculate the proposed rates for County staff and services to be furnished during the succeeding fiscal year which will be necessary to achieve the cost reimbursement provided for in this section(a), subject to the additional factors set forth in (bc) through (f), below. The County Executive Officer and the Executive Officer of LAFCO are authorized to agree to an annual adjustment of these reimbursement rates, so determined shall be approved in writing by the County Executive Officer and the Executive Officer of LAFCO and when so approved Any agreed upon adjustment shall become effective for the subsequent fiscal year and attached to Exhibit AA and incorporated herein by this reference, unless this Agreement is not renewed or otherwise terminated by the County and/or LAFCO prior to the effective date of the adjusted rates.

~~(b) LAFCO Staffing Reimbursement. LAFCO shall reimburse County for the salary and benefits of County staff primarily assigned to serve LAFCO, including any increases in salary and benefits that County provides such staff during the term of this Agreement.~~

(c) **LAFCO-Requested County Travel Expense Reimbursement.** LAFCO shall reimburse County for expenses incurred by County departments and divisions for travel by ~~their~~ County assigned personnel when such travel has been requested by LAFCO in writing, consistent with section [redacted], below. Such reimbursement for County staff travel expenses shall be in accordance with the applicable travel expense policy approved by County's Board of Supervisors in effect on the date of the travel. Notwithstanding the foregoing, travel costs incurred through use of a County vehicle shall be reimbursed in accordance with the County Equipment Pool rates in effect at the time of the travel.

(d) **Bank Analysis Pass-through Charge.** LAFCO ~~shall~~ reimburse County on a pass-through basis for the costs incurred by County for bank charges relating to LAFCO activities.

(e) **General Liability Coverage/Workers' Compensation Coverage:** LAFCO shall reimburse County for pro-rata premium costs associated with any insurance or self-insurance by which the County provides general liability coverage, ~~and~~ workers' compensation, or unemployment benefits coverage at the rates established by County each fiscal year, as well as any workers' compensation or unemployment benefits actually paid to or on behalf of the Personnel.

(f) **Adjustment for Additional LAFCO-Requested Services.** LAFCO shall reimburse County for the actual costs (including the costs of labor, equipment, supplies, materials, and incidental travel/transportation) incurred by County in providing any new or increased services requested by LAFCO beyond those set forth above. Such additions or increases in services shall be permitted only if approved in writing by the County Executive Officer and LAFCO Executive Officer, including approval of the applicable reimbursement

rates.

(g) ~~**METHOD OF REIMBURSEMENT**~~**Invoicing.** Reimbursement for the costs of services, related supplies, and authorized travel incurred by County under this Agreement shall be made only upon presentation by the performing County department or division to LAFCO of an itemized billing invoice in a form acceptable to the Executive Officer of LAFCO and to the Napa County Auditor which indicates, at a minimum, an itemization of the services provided, the costs of any LAFCO-~~approved~~~~requested~~ travel, and any documentation relating to adjustments in maximum compensation ~~authorized in the manner provided in Paragraph 4 above.~~ If the Executive Officer of LAFCO requires further information regarding ~~the~~any invoice, County shall make a good faith effort to provide such information, including documentation that the Executive Officer requests to justify the invoice charges. County shall submit such invoices quarterly to the Executive Officer of LAFCO who shall review each invoice for compliance with the requirements of this Agreement and shall, within ten working days of receipt, either approve or disapprove the invoice in light of such requirements. If the invoice is approved, the Executive Officer of LAFCO shall direct reimbursement be made ~~by journal entry from the LAFCO-Operations Fund to the account designated by the submitting County department or division~~ as of the first day of the County fiscal year quarter immediately succeeding the quarter in which the services were rendered. Notwithstanding the foregoing, the final quarterly invoices for the fourth quarter reimbursement shall be submitted no later than the first working day following the close of the County fiscal year (June 30) and, if approved, shall be paid on or before July 15 of the next County fiscal year.

5. **ADMINISTRATION OF SERVICES.** The provision of services under this Agreement shall be under the administrative supervision and direction of the Executive Officer of LAFCO on behalf of LAFCO, and the County Executive Officer on behalf of County.

6. **APPROPRIATIONS.** LAFCO shall be responsible for operating within the ~~-~~appropriations budgeted for the current fiscal year. The process for reimbursement of expenses that exceed the given appropriation shall involve review and approval by LAFCO prior to County approval by the Board of Supervisors of a contingency transfer. Any County appropriations in excess of LAFCO's budget for the current fiscal year shall be charged as an expense in LAFCO's current fiscal budget and shall be reimbursed to County in the following fiscal year.

7. **TAXES.** As between LAFCO and County, County agrees to be solely liable and responsible for all required tax withholdings and other obligations including, without limitation, those for state and federal income and FICA taxes relating to employees or subcontractors retained by County to provide the services provided to LAFCO under this Agreement. County agrees to indemnify and hold LAFCO harmless from any liability either may incur to the United States or the State of California as a consequence of County's failure to withhold or pay such amounts when due. In the event that LAFCO is audited for compliance regarding any such withholding or payment of taxes, County agrees to furnish LAFCO with proof of the withholding or payment action by County.

8. **ACCESS TO RECORDS/RETENTION.** LAFCO shall have access to any books, documents, papers and records of County which are directly pertinent to the subject matter of

this Agreement for the purpose of making audit, examination, excerpts and transcriptions. Except where longer retention is required by any federal or state law, County shall maintain all required records for seven (7) years after LAFCO makes final reimbursement for any of the services provided hereunder and all pending matters are closed, whichever is later. County shall cooperate with LAFCO in providing all necessary data in a timely and responsive manner to comply with all LAFCO reporting requirements.

9. **CONFLICT OF INTEREST.** The parties to the Agreement acknowledge that they are aware of the provisions of the Government Code Section 1090 et seq., and Section 87100 et seq., relating to conflict of interest of public officers and employees. During the term of this Agreement, the Executive Officer of LAFCO and all other LAFCO staff shall not perform any work under this Agreement that might ~~reasonably be considered detrimental to~~ be in conflict with or create the perception of a conflict with LAFCO's interests. LAFCO staff shall take such measures as are deemed necessary in the performance of this Agreement to prevent actual conflicts of interest. County hereby covenants that it presently has no interest not disclosed to LAFCO and shall not acquire any interest, direct or indirect, which would conflict in any manner or degree with the performance of its services or confidentiality obligation hereunder, except such as LAFCO may consent to in writing.

10. **COMPLIANCE WITH LAWS.** In providing the services required by this Agreement, County shall observe and comply with all applicable federal, state and local laws, ordinances, codes, and regulations. Such laws shall include, but not be limited to, the following, except where prohibited by law:

(a) **Non-Discrimination.** During the performance of this Agreement, County and its subcontractors shall not deny the benefits thereof to any person on the basis of sex, race, color, ancestry, religion or religious creed, national origin or ethnic group identification, sexual orientation, marital status, age (over 40), mental disability, physical disability or medical condition (including cancer, HIV and AIDS), nor shall they discriminate unlawfully against any employee or applicant for employment because of sex, race, color, ancestry, religion or religious creed, national origin or ethnic group identification, sexual orientation, marital status, age (over 40), mental disability, physical disability or medical condition (including cancer, HIV and AIDS), or use of family care leave. County shall ensure that the evaluation and treatment of employees and applicants for employment are free of such discrimination or harassment. In addition to the foregoing general obligations, County shall comply with the provisions of the Fair Employment and Housing Act (Government Code section 12900, et seq.), the regulations promulgated thereunder (Title 2, California Code of Regulations, section 7285.0, et seq.), the provisions of Article 9.5, Chapter 1, Part 1, Division 3, Title 2 of the Government Code (sections 11135-11139.5) and any state or local regulations adopted to implement any of the foregoing, as such statutes and regulations may be amended from time to time. To the extent this Agreement subcontracts to County services or works required of LAFCO by the State of California pursuant to agreement, state or federal regulations or statutes, the applicable regulations of the Fair Employment and Housing Commission implementing Government Code section 12990 (a) through (f), set forth in Chapter 5 of Division 4 of Title 2 of the California Code of regulations are expressly incorporated into this Agreement by reference and made a part hereof as if set forth in full, and County and any of its subcontractors providing services under this Agreement shall give written notice of their obligations thereunder to labor

organizations with which they have collective bargaining or other MOUs.

(b) **Documentation of Right to Work.** County agrees to abide by the requirements of the Immigration and Control Reform Act pertaining to assuring that all newly-hired employees of County performing any services under this Agreement have a legal right to work in the United States of America, that all required documentation of such right to work is inspected, and that INS Form 1-9 (as it may be amended from time to time) is completed and on file for each employee. County shall make the required documentation available upon request to LAFCO for inspection.

(c) **Inclusion in Subcontracts.** To the extent any of the services required of County under this Agreement are subcontracted to a third party, County shall include the provisions of

(a) and (b), above, in all such subcontracts as obligations of the subcontractor.

12. **INDEPENDENT CONTRACTOR.** County shall perform this Agreement as an independent contractor. While the County employee assigned to serve as the Executive Officer of LAFCO shall operate as an officer of LAFCO, County and its officers, agents and employees are not, and shall not be deemed, LAFCO employees for any purpose, including workers' compensation and employee benefits. County shall determine, at its own risk and expense, the method and manner by which duties imposed on County in general and its officers, agents and employees in particular by this Agreement shall be performed, provided, however, that LAFCO may monitor the work performed, and LAFCO rather than County shall be responsible for directing the actions of the Executive Officer of LAFCO when such person is acting on behalf of LAFCO. LAFCO shall not deduct or withhold any amounts whatsoever from the reimbursement paid to County, including, but not limited to amounts required to be withheld for state and federal taxes or employee benefits. County alone shall be responsible for all such payments.

13. **INDEMNIFICATION.** County and LAFCO shall each defend, indemnify and hold harmless each other as well as those of their respective officers, agents and employees who perform any services or duties under this Agreement from any claims, loss or liability, including without limitation, those for personal injury (including death) or damage to property, arising out of or connected with any aspect of the performance by that party or its officers, agents, or employees, of the services or obligations required of that party under this Agreement. Notwithstanding the foregoing, LAFCO shall defend, indemnify and hold harmless County from any claims, loss or liability, including those for personal injury (including death) or damage to property, arising out of or connected with any act or omission of the Executive Officer of LAFCO when such act or omission is the pursuant to specific direction by LAFCO.

14. **TERMINATION.** This Agreement may be terminated ~~prior to the expiration date~~ only with the mutual written consent of both County and LAFCO. The sole remedy for default by County relating to provision of the services required under this Agreement shall be through the equitable remedy of specific performance and the sole remedy for default by LAFCO relating to reimbursement for the cost of the services provided shall be through legal action for damages.

15. **WAIVER.** Waiver by either party of any breach or violation of any requirement of

this Agreement shall not be deemed to be a waiver of any such breach in the future, or of the breach of any other requirement of this Agreement.

16. NOTICES. All notices required or authorized by this Agreement shall be in writing and shall be delivered in person^{5.2} or by deposit in the United States mail, first class postage, prepaid^{5.2} or by deposit in a sealed envelope in County's internal mail system, when available^{5.2} or by fax transmission; or by electronic mail. Such notices shall be addressed as noted below, in accordance with the mode of communication selected or, where desired to be sent to a specific County department or division, at the address noted in the applicable Attachment. Either party may change its addresses by notifying the other party of the change. Any notice delivered in person shall be effective as of the date of delivery. Any notice sent by fax transmission or electronic mail shall be deemed received as of the recipient's next working day. Any notice sent by U.S. mail or County internal mail shall be deemed to have been received as of the date of actual receipt or five days following the date of deposit, whichever is earlier.

LAFCO

County

Mail: LAFCO Executive Officer
1804 Soscol Ave., Suite 205A
Napa CA. 94559-1346

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

Fax: ~~(707) 251-1053~~

~~(707) 253-4176~~

E-Mail: ~~dschwarz@napa.lafco.ca.gov~~

~~behlat@co.napa.ca.us~~

17. CONFIDENTIALITY. Confidential information is defined as all information disclosed to either party by the other in the course of County's performance of services under this Agreement, where such information relates to that party's past, present, and future activities, as well as activities under this Agreement. Each party and its officers, agents, and employees providing services or performing activities under this Agreement shall use their best efforts to hold all such information as they may receive, if any, in trust and confidence, except with the prior written approval of each party's Executive Officer. Notwithstanding the foregoing, nothing in this Paragraph or Agreement shall be construed to abrogate the independent authority and responsibilities of the County, any of its elected or appointed officers and the members of their respective County departments or divisions, or the independent authority and responsibilities of LAFCO, any of its Commissioners, officers, or employees.

18. ASSIGNMENTS AND DELEGATION. Neither party may delegate its obligations hereunder, either in whole or in part, without the prior written consent of the other party; provided, however, that obligations undertaken by County pursuant to this Agreement may be carried out by means of subcontract, provided such subcontracts are approved in writing by LAFCO, meet the requirements of this Agreement as they relate to the service or activity under subcontract, and include any other provision that LAFCO may require. No subcontract shall terminate or alter the responsibilities of either party pursuant to this Agreement. LAFCO may not assign its rights hereunder, either in whole or in part, without prior written consent of the County.

19. AUTHORITY TO CONTRACT. LAFCO and County each warrant hereby that

they are respectively legally permitted and otherwise have the authority to enter into and perform this Agreement.

20. **THIRD PARTY BENEFICIARIES.** Nothing contained in this Agreement shall be construed to create any rights in third parties and the parties do not intend to create such rights.

21. **ATTORNEY'S FEES.** In the event that either party commences legal action of any kind or character to either enforce the provisions of this Agreement or to obtain damages for breach thereof, the prevailing party in such litigation shall be entitled to all costs and reasonable attorney's fees incurred in connection with such action.

22. **AMENDMENT/MODIFICATION.** Except as otherwise provided herein, this Agreement may be modified or amended only in writing and with the prior written consent of both parties. Except where otherwise provided in this Agreement only LAFCO, through its Chair or, where permitted by law and LAFCO policy, through its Executive Officer, in the form of an amendment of this Agreement, may authorize extra or changed work if beyond the scope of services prescribed by this Agreement. Failure of County to secure such authorization in writing in advance of performing any such extra or changed work shall constitute a waiver of any and all rights to a corresponding adjustment in the reimbursement maximum or rates and no reimbursement shall be due and payable for such extra work.

23. **INTERPRETATION.** The headings used herein are for reference. The terms of the Agreement are set out in the text under the headings. This Agreement shall be governed by the laws of the State of California. The venue for any legal action filed by either party in state Court to enforce any provision of this Agreement shall be Napa County, California. The venue for any legal action filed by either side in federal court to enforce any provision of this Agreement lying within the jurisdiction of the federal courts shall be the Northern District of California. The appropriate venue for arbitration, mediation or similar legal proceedings under this Agreement shall be Napa County, California; however, nothing in this sentence shall obligate either party to submit to mediation or arbitration any dispute arising under this Agreement.

24. **SEVERABILITY.** If any provision of this Agreement, or any portion thereof, is found by any court of competent jurisdiction to be unenforceable or invalid for any reason, such provision shall be severable and shall not in any way impair the enforceability of any other provision of this Agreement.

~~25. **DUAL REPRESENTATION.** LAFCO consents to the Napa County Counsel's dual representation of both the County and LAFCO with regards to the preparation of this Agreement.~~

26.25. **ENTIRE AGREEMENT.** This Agreement contains the entire and complete understanding of the parties and supersedes any and all other agreements, oral or written, with respect to the provision of administrative services under this Agreement.

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

EXHIBIT A

Salary and Benefits Established for the Executive Officer of Napa County LAFCO

(Approved by LAFCO Resolution No. _____)

1. SALARY

A. The Executive Officer of the Napa County Local Agency Formation Commission (“LAFCO”), [insert name], shall be appointed to serve on a [part-time/full-time basis].

B. The Executive Officer shall receive a base salary of \$[insert] per year, payable in [insert] installments, at the same time as other employees of Napa County are paid, and subject to customary withholding requirements. The Executive Officer shall also receive any cost of living increase awarded to Napa County department heads, provided that LAFCO has budgeted adequate funds for such an increase.

B. In addition to base salary, the Executive Officer may receive an annual, merit-based salary increase, as determined by LAFCO. LAFCO shall notify the County of the terms and conditions of such additional salary when and if granted by LAFCO.

C. From the Executive Officer’s compensation, Napa County shall withhold all sums required to be deducted under applicable State and Federal law and implementing regulations on account of an employer-employee relationship, including but not limited to federal income tax, state income tax, Federal Insurance Contributions Act, state unemployment insurance, and state disability insurance.

2. DUTIES

The duties to be provided by the Executive Officer, as determined by LAFCO, shall include, but not are set forth in the Job Description for the LAFCO Executive Officer attached hereto and incorporated herein by this reference. ~~be limited to:~~

- ~~● Preparing staff analyses, reports, proposed findings and other agenda materials for LAFCO relating to boundary proposals.~~

contracts for provision of new and extended services outside city and district jurisdictional boundaries, sphere of influence amendments, periodic review of sphere of influence designations and any other matters that are within LAFCO's authority under the Act.

- Calling and noticing LAFCO meetings in accordance with the Act and LAFCO policies and procedures.
- Preparing, mailing, filing, publishing and keeping records of agendas, notices and other required official documents on behalf of LAFCO.
- Responding to inquiries and providing information and technical assistance to interested public agencies and individuals.
- Providing supporting fiscal services such as the development of the annual LAFCO budget, management of LAFCO financial accounts, including the processing of LAFCO fees and charges, the processing of payment of LAFCO charges and expenses, and the preparation of required fiscal reports.
- Informing LAFCO Commissioners of new legislation, correspondence to LAFCO, CALAFCO activities, current events and matters of interest relating to LAFCO.

3. SUPPLEMENTAL BENEFITS

A. The Executive Officer shall be entitled to participate in all standard benefits generally offered to Napa County employees.

B. A used herein, "benefits" include, but are not limited to: holidays, sick leave, vacation, retirement benefits and payments, deferred compensation plans, health insurance, vision insurance, dental insurance, and life insurance.

C. The Executive Officer shall receive an automobile transportation allowance in the amount of \$ [insert] per month.

4. SEVERANCE PAY

A. Upon termination of the Executive Officer's employment, LAFCO shall notify the County of any severance payment due to the Executive Officer, if any.

EXHIBIT B

Salary and Benefits Established for the Napa County LAFCO Analyst

1. SALARY

A. [Insert name] shall serve as an Analyst [I, II, or III] for the Napa County Local Agency Formation Commission (“LAFCO”) on a [part-time/full-time basis].

B. The Analyst shall receive a base salary of \$[insert] per year, payable in [insert] installments, at the same time as other employees of Napa County are paid, and subject to customary withholding requirements. The Analyst shall also receive any cost of living increase awarded to Napa County employees in the same classification, provided that LAFCO has budgeted adequate funds for such an increase.

C. From the Analyst’s compensation, Napa County shall withhold all sums required to be deducted under applicable State and Federal law and implementing regulations on account of an employer-employee relationship, including but not limited to federal income tax, state income tax, Federal Insurance Contributions Act, state unemployment insurance, and state disability insurance.

2. SUPPLEMENTAL BENEFITS

A. The Analyst shall be entitled to participate in all standard benefits generally offered to Napa County employees.

B. A used herein, “benefits” include, but are not limited to: holidays, sick leave, vacation, retirement benefits and payments, deferred compensation plans, health insurance, vision insurance, dental insurance, and life insurance.

EXHIBIT C

Salary and Benefits Established for the Clerical Staff of Napa County LAFCO

1. SALARY

A. [Insert name] shall serve as the Clerical Staff [I, II, or III] for the Napa County Local Agency Formation Commission (“LAFCO”) on a [part-time/full-time basis].

B. The Clerical Staff shall receive a base salary of \$[insert] per year, payable in [insert] installments, at the same time as other employees of Napa County are paid, and subject to customary withholding requirements. The Clerical Staff shall also receive any cost of living increase awarded to Napa County employees in the same classification, provided that LAFCO has budgeted adequate funds for such an increase.

C. From the Clerical Staff’s compensation, Napa County shall withhold all sums required to be deducted under applicable State and Federal law and implementing regulations on account of an employer-employee relationship, including but not limited to federal income tax, state income tax, Federal Insurance Contributions Act, state unemployment insurance, and state disability insurance.

3. SUPPLEMENTAL BENEFITS

C. The Clerical Staff shall be entitled to participate in all standard benefits generally offered to Napa County employees.

D. A used herein, “benefits” include, but are not limited to: holidays, sick leave, vacation, retirement benefits and payments, deferred compensation plans, health insurance, vision insurance, dental insurance, and life insurance.

ATTACHMENT A

PROVISION OF STAFFING, INSURANCE, PURCHASING, ADMINISTRATION, SUPERVISION, COORDINATION AND MANAGEMENT ASSISTANCE SERVICES TO LAFCO BY THE NAPA COUNTY EXECUTIVE OFFICER

1. SCOPE OF SERVICES

The Napa County Executive Officer (NCEO) shall provide, at a minimum, the following services to LAFCO under this Attachment:

(a) **Administration and Supervision:** NCEO shall administer and supervise all County departments or divisions providing services to LAFCO.

(b) **Purchasing:** Upon request by the LAFCO Executive Officer or his duly-authorized representatives, NCEO shall provide purchasing services for LAFCO, including solicitation and evaluation of proposals for goods and services, issuance of purchase orders and/or development of purchase agreements, and processing of payment upon receipt of the purchased good/services. LAFCO will abide by County purchasing policies and procedures when using such services, except that LAFCO, in lieu of the County Board of Supervisors, shall appropriate funds for and approve the acquisition of goods and services, including fixed assets. County shall purchase and provide LAFCO at cost with copier paper in the same manner as such material is purchased and supplied to County departments and divisions. Nothing in this section shall preclude LAFCO from purchasing goods or services without utilizing the services of NCEO or County.

(c) **Insurance:** NCEO shall obtain for LAFCO, its Commissioners, staff and operations the same type and level of insurance coverage provided by County for its own boards, commissions, staff and operations, and shall provide claims/litigation administration. General liability coverage shall be provided for LAFCO and its employees under County's currently existing self insurance and liability insurance program with LAFCO allocated and obligated to reimburse County for the portion of the total net premium as determined by County for the then current Fiscal Year. Workers' compensation coverage shall be obtained through County's carrier and program, with the cost thereof payable each pay period at the rate/\$100 of covered payroll for LAFCO Budget Unit employees as established by County's Board of Supervisors for the County workers' compensation program generally, including the costs of self-insurance, excess insurance coverage premiums, and claims management.

~~2. STAFFING~~

~~In providing the above services, County shall provide LAFCO with the services of the following specific County staff or positions:~~

~~• Administration and Supervision: County Executive Officer and Assistant County Executive Officer~~

~~Coordination/Management: Principal Management Analyst~~
~~Purchasing: Purchasing Agent and/or Assistant Purchasing Agent.~~

3. NCEO CONTACT:

Napa County Executive Office
~~Suite 310, Co. Admin. Bldg.~~
~~1195 Third Street~~
~~Napa, California 94559~~

~~(707)253-4176~~

Email: ~~mstoltz@co.napa.ca.us~~

ATTACHMENT B

PROVISION OF SERVICES TO LAFCO BY THE NAPA COUNTY -AUDITOR-CONTROLLER

1. SCOPE OF SERVICE

Under the financial and policy direction of LAFCO, County (through the Napa County Auditor-Controller, hereinafter referred to as "Auditor") shall provide LAFCO with the following services relating to LAFCO financial operations:

- Accounts payable, purchasing, and contract payment processing services
- Travel expense reimbursement, consistent with LAFCO's adopted travel policie
- Accounts receivable (deposit) services
- Services relating to preparation, adoption and administration of LAFCO's budget
- Accounting services
- Payroll services
- Audit services upon request by LAFCO
- Assistance in determining the apportionment of costs and collection of payments in support of LAFCO pursuant to Government Code Section 56831.
- Audit services requested by LAFCO

2. LEVEL AND MANNER OF SERVICE

The foregoing services shall be provided in accordance with the following provisions:

(a) The LAFCO Operations Fund shall be administered in accordance with all applicable provisions of the Government Code.

(b) All expenditures made from this Fund shall be made only at the direction of LAFCO's Executive Officer or designee with no requirement for approval by County's Board of Supervisors.

(c) At LAFCO's request, Auditor shall make diligent efforts to assist in the development of accounting policies and procedures that increase the efficiency and effectiveness of the administration of LAFCO, including policies and procedures ~~including the electronic interchange of data and efforts~~ to minimize reliance on County services.

(d) Auditor shall provide LAFCO with all requested revenue and expenditure information necessary to effectively manage LAFCO's fiscal affairs and perform all financial reporting to LAFCO and other applicable agencies. Such information shall be provided in a responsive and timely manner and include clear and concise cash flow reporting.

(e) All needed corrections to financial reports shall be completed within two working days of notification of Auditor. Auditor shall correct all payroll errors within one working day. For purposes of this Attachment B, "working days" shall mean Monday through Friday, 8:00 a.m. to 5:00 p.m., County holidays excluded.

(f) Auditor shall provide all necessary equipment and electronic interface to fully utilize Auditor's financial systems, including electronic access to view and print all requested financial reports.

3. **AUDITOR CONTACT:**

~~Pamela Kindig~~
Napa County Auditor-Controller
~~1195 Third Street, Suite B-10~~
~~Napa, California 94559~~

~~(707)226-9065~~

E-mail: ~~pkindig@co.napa.ca.us~~

ATTACHMENT C

PROVISION OF LEGAL SERVICES TO LAFCO BY THE NAPA COUNTY COUNSEL

1. SERVICES TO BE PROVIDED BY COUNTY COUNSEL

County, through the Napa County Counsel ("County Counsel"), ~~shall~~may provide legal services to LAFCO, as needed, including, but not necessarily limited to, legal advice, document drafting, and representation of LAFCO in its operations pursuant to the Cortese-Knox-~~Hertzberg Local Government Reorganization Act (Government Code Section 56000 et. seq.)~~. ~~County Counsel hereby designates Jacqueline M. Gong to serve as LAFCO Counsel for fiscal year 2003-2004.~~ Upon written notification to and assent by the governing board of LAFCO, County Counsel may designate ~~other~~specific attorney members of his/her office to serve as LAFCO Counsel.

2. LEGAL SERVICES COUNTY COUNSEL SHALL NOT PROVIDE

County Counsel shall not provide legal services to LAFCO in the following situations, County and LAFCO understanding that in such situations LAFCO will obtain the necessary legal assistance at LAFCO's own expense from ~~other~~ legal counsel retained directly by LAFCO:

- Legal services to LAFCO regarding contracts to which LAFCO and County are both parties unless LAFCO's Executive Officer and Chair have given express written consent to dual representation of County and LAFCO by County Counsel.
- Legal services determined by LAFCO to present a conflict of interest for its LAFCO Counsel (in accordance with LAFCO Policy for the Appointment of Counsel).

3. COUNTY COUNSEL CONTACT:

Napa County Counsel
~~Suite 301, Co. Admin. Bldg.~~
~~1195 Third Street~~
~~Napa, California 94559~~

~~(707) 259-8245~~

Email: ~~rwestmey@co.napa.ca.us~~

ATTACHMENT D

PROVISION OF TELECOMMUNICATIONS, MAIL, INFORMATION TECHNOLOGY SERVICES AND RECORD MANAGEMENT SERVICES TO LAFCO BY THE NAPA COUNTY EXECUTIVE OFFICER

1. TELECOMMUNICATION SERVICES

The Napa County Executive Officer, through the Communications Division shall provide LAFCO with installation, maintenance and repair of, and maintenance of service records and inventory for; all telecommunications equipment involved in any of the following systems used by LAFCO:

- telephone systems, including voice mail
- data cabling and terminations
- CCTV monitors and cameras
- intercom and PA systems
- all wireless communications, i.e. pagers, cellular phones, two way radios, security alarm systems

2. MAIL SERVICES

The Napa County Executive Officer shall provide the following mail services to LAFCO:

- Pickup, delivery of all interdepartmental (LAFCO) and County/LAFCO internal mail
- Pickup, metering and delivery to the Post Office of all LAFCO outgoing USPS mail

3. RECORDS MANAGEMENT SERVICES FOR LAFCO RECORDS

The Napa County Executive Officer, through the records management division, shall provide LAFCO with records management services for LAFCO records, including storage, retrieval and interfiling of LAFCO records at the Napa County Records Center; destruction of LAFCO records stored at the Napa County Records Center when such destruction is authorized by LAFCO; and shall assist LAFCO in developing policies and procedures that increase the efficiency and effectiveness by which LAFCO records are archived, retrieved and disposed.

4. INFORMATION TECHNOLOGY SERVICES

The Napa County Executive Officer, through the Information Technology Services (ITS) division, shall provide LAFCO with information technology services at a level at least equivalent to that by provided by County on February 15, 2001. The services shall include installation, maintenance, upgrades and repair of hardware and software provided by County to LAFCO, including, but not limited to: Geographic Information Systems, Financial Information Systems, Personnel Systems and the electronic mail service, calendaring, and task manager systems

maintained by the County. LAFCO shall have access to ~~County's~~ Helpdesk for information technology assistance and to computer training offered by ~~County~~. Special projects outside the scope of routine information technology services shall be provided only upon request by LAFCO and prior approval by the Director of the Information Technology Services Division. Use of the systems, ~~hardware~~, and software provided by County to LAFCO under this Attachment shall be subject to compliance by LAFCO and its officers, agents, employees and consultants with the Napa County Information Technology Use and Security Policy in effect at the time of the use.

5. SUPPLIES AND EQUIPMENT TO BE DIRECTLY PURCHASED

There shall be no separate reimbursement for supplies and equipment provided under this Attachment because LAFCO shall be responsible for directly purchasing any systems and equipment to be installed by the foregoing departments and divisions (other than fixtures which shall remain owned by County).

6. NCEO/DIVISION CONTACT:

Mail: Napa County Executive Officer
~~Suite 310, Co. Admin. Bldg.~~
~~1195 Third Street~~
~~Napa, California 94559~~

~~(707) 253-4176~~

Email: ~~mstoltz@co.napa.ca.us~~

ATTACHMENT E

PROVISION OF PERSONNEL SERVICES TO LAFCO
BY THE HUMAN RESOURCES DIVISION OF THE
NAPA COUNTY EXECUTIVE OFFICE

1. SCOPE OF SERVICES

The Human Resources division ("HR") of the Napa County Executive Office ~~shall~~may provide the following services to LAFCO, upon request, within consistent the financial, personnel and policy guidelines established by ~~the LAFCO Commission~~, so long as such guidelines are not in conflict with County personnel policies, rules and regulations. The County's HR Director shall act to oversee and carry out the following services upon direction as directed by ~~the LAFCO Commission~~:

- *Recruitment and selection*: ~~shall include~~ing consultation regarding hiring procedures, advertising (costs of certain advertisements will be the responsibility of LAFCO), screening of applications, and development of a hiring list. All hiring decisions shall be made solely by LAFCO.
- *Personnel transactions*: ~~shall include~~ing implementation of PARs (hires, releases, promotions, salary increases, etc.), and benefit sign-ups and coordination (health, wellness program, dental, etc.); ~~a~~ As authorized and directed by the LAFCO Commission, HR shall implement salary surveys and adjustments, job allocations, reclassifications, performance review processes, and changes (including increases) in personnel staffing appointed to serve LAFCO, so long as such implementation is consistent with and not in conflict with County policies and regulations. County agrees that ~~the LAFCO Commission~~, as the appointing authority of ~~the LAFCO Personnel Executive Officer~~, shall have the sole responsibility for evaluating ~~the performance~~, implementing discipline, if necessary, and setting compensation for ~~the LAFCO Executive Officer Personnel~~.
- *Labor Relations*: ~~shall include~~ing implementing salaries and other terms and conditions of compensation and performance established for LAFCO staff by ~~the LAFCO Commission, so long as such implementation is consistent with and not in conflict with County policies and regulations~~; The County shall also handle: negotiations with employee union representatives regarding wages, hours, terms and conditions of employment; consultation and assistance with disciplinary and grievance issues; administration and coordination of worker's compensation cases.
- *Training*: ~~shall include~~ County workshops for LAFCO Personnel may be provided employees and supervisors when attended at LAFCO direction by LAFCO employees or by County employees whose primary responsibilities involve providing services to LAFCO.
- ~~Staffing~~: HR shall provide staffing as requested by LAFCO and agreed to by County, ~~including staff as described in Paragraph 2 of the Agreement.~~

2. **HR CONTACT:**

Mail: Human Resources Director
~~Suite 110, Co. Admin. Bldg.~~
~~1195 Third Street~~
~~Napa, California 94559~~

~~(707) 259-8189~~

Email: ~~dmorris@co.napa.ca.us~~

ATTACHMENT F

PROVISION OF CLERKING SERVICES TO LAFCO BY
THE CLERK OF THE NAPA COUNTY BOARD OF
SUPERVISORS

1. SCOPE OF SERVICES

While Clerking services are typically provided by LAFCO's Clerical Staff, As requested at the request of -by the LAFCO Executive Officer, the Clerk of the Napa County Board of Supervisors ("COTB"), or her designee, ~~shall~~may serve as Clerk to the LAFCO Commission. Services shall include, but not be limited to, maintaining records of all LAFCO meetings, hearings and other proceedings and minutes for such proceedings as directed by LAFCO.

2. COTB CONTACT:

Mail: ~~Pamela Miller~~
Napa County Clerk of the Board of Supervisors/
~~Rm. 310, Co. Admin. Bldg.~~
~~1195 Third Street~~
~~Napa, California 94559~~

~~(707) 253-4176~~

Email: ~~pmiller@co.napa.ca.us~~

ATTACHMENT G

PROVISION OF SERVICES TO LAFCO BY THE NAPA
COUNTY TREASURER-TAX COLLECTOR1. SERVICES TO BE PROVIDED

(a) The Napa County Treasurer-Tax Collector ("Treasurer") shall provide LAFCO with banking and investment services at a level of service at least equivalent to that provided to LAFCO during County fiscal year 2001-2002, except that bank processing services shall be provided by County's banking provider on a cost pass-through basis. The scope of services shall include:

- Banking services for LAFCO funds, including warrant processing and bank reconciliation.
- Portfolio Management for all LAFCO accounts, including receipt, safeguarding, investment and disbursement.

(b) The services shall be provided in accordance with the following provisions:

(1) Treasurer shall notify LAFCO within three (3) working days of receipt of all funds received and deposited into the LAFCO Operations Fund. For purposes of this Attachment, "working days" shall mean Monday through Friday, 8 a.m. to 5 p.m., County holidays excluded.

(2) LAFCO shall be permitted electronic access through County's PeopleSoft computerized systems to all reports detailing deposits received and interest earned. These reports shall specify amount and source of revenue, as well as the date of deposit.

2. STAFFING TO BE PROVIDED

Treasurer the staffing in order to provide the foregoing services:

Service	Position
Banking Services	Account Clerk I-11
Portfolio Mgmt	Treas/Tax Collector Treasury Supervisor Senior Account Clerk Account Clerk II

3. TREASURER CONTACT:

Mail: ~~Marcia Humphrey Hull~~
Napa County Treasurer-Tax Collector
~~1195 Third Street, Room 108~~
~~Napa, California 94559~~

ATTACHMENT AA

**SERVICES REIMBURSEMENT RATES FOR FISCAL YEAR 200315-
200416**

Services of the Napa County Executive Office:

- Executive Officer's hourly rate: \$159.50
- Assistant Executive Officer's hourly rate: \$126.10
- Principal Management Analyst's hourly rate: \$ 81.12
- Assistant Purchasing Agent's hourly rate: \$ 55.70
- Telecommunications staff:
 - o Hourly rate: \$ 58.73
 - o Plus actual cost of materials
- Mail Service staff:
 - o Hourly rate: \$ 49.39
 - o Postage shall be recovered at cost.
- Records Management staff:
 - o Hourly rate: \$ 49.39
 - o Document Shredding is \$1.75 per box (1 cubic foot)
plus \$0.10 per pound.
- Personnel (Human Resources) staff:
 - o Human Resource Director: \$ 97.37
 - o Human Resource Principal Analyst: \$ 75.81
 - o Benefits Administrator: \$ 62.30
 - o Other Human Resource Services;
 - Recruitment Advertisement shall be recovered at cost
 - Training services shall be prorated by the ratio of the attendees who are LAFCO employees or County employees primarily providing LAFCO services to the total number of attendees during each training hour for which reimbursement is sought.]
- Deputy Clerk of the Board's hourly rate: \$ 64.42

Services of the County Auditor-Controller:1. Hourly labor rates, by position:

- Auditor-Controller: \$ 96.00
- Assistant Auditor-Controller (Step 5) \$ 91.00
- Assistant Auditor-Controller (Step 1) \$ 74.00
- Supervising Accountant-Auditor (Step 5 - CPA)Audits \$ 65.00
- Supervising Accountant-Auditor (Step 5)Acctg. \$ 62.00
- Accountant-Auditor III (Step 5) Acctg. \$ 56.00
- Accountant-Auditor III (Step 4) Acctg. \$ 54.00
- Accountant-Auditor II (Step 5) Acctg. \$ 54.00
- Accountant-Auditor II (Step 3) Audits \$ 48.00
- Accountant-Auditor I (Step 2) Acctg \$ 40.00

• Accounting Technician (Step 5) Acctg.	\$ 46.00
• Administrative Secretary I (Step 4) Adm.	\$ 35.00
2. <u>Weighted hourly labor rates by service</u>	
÷	
• Administration	\$74.00
• Audits	\$53.00
• Accounting	\$52.00
3. <u>Unit Rates:</u>	
• Per Voucher	\$0.83
• Per Payroll Warrant	\$5.15
<u>Services of the County Counsel:</u>	
• Deputy County Counsel - Jacqueline Gong's hourly rate:	\$107.15
<u>Services of the Treasurer-Tax Collector:</u>	
• Account Clerk II's hourly rate:	\$ 37.55
• Treasurer/Tax Collector's hourly rate:	\$114.87
• Treasury Manager's hourly rate:	\$ 68.59
• Senior Account Clerk's hourly rate:	\$ 40.91
<u>Services of Information Technology (annual rate):</u>	\$12,900.00



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 7d (Action)

TO: Local Agency Formation Commission

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

MEETING DATE: April 5, 2021

SUBJECT: Appointment of Outreach Committee Member

RECOMMENDATION

It is recommended the Commission appoint a member to the ad hoc Outreach Committee.

BACKGROUND AND SUMMARY

The Commission previously established an ad hoc Outreach Committee with two members for purposes of determining options and resources needed to develop a communications and outreach strategy. The Outreach Committee will terminate after its strategy has been implemented.

The Outreach Committee developed a draft Outreach Plan, included as Attachment One. Alternate Commissioner Kahn currently serves on the Outreach Committee. Former Commissioner Kenneth Leary vacated the other seat on the Outreach Committee. Staff recommends the Commission appoint a member to fill the vacant seat on the Outreach Committee.

ATTACHMENT

- 1) Outreach Plan: *Napa LAFCO at a Glance*

Margie Mohler, Chair
Councilmember, Town of Yountville

Mariam Aboudamous, Commissioner
Councilmember, City of American Canyon

Beth Painter, 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

Vacant
Representative of the General Public

Eve Kahn, Alternate Commissioner
Representative of the General Public

Brendon Freeman
Executive Officer



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 (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)

From: [Iris Barrie](#)
To: [Freeman, Brendon](#)
Subject: Recommendation for Eve Kahn
Date: Thursday, April 1, 2021 9:08:50 AM

[External Email - Use Caution]

Hi Brendon,

I am writing you to recommend Eve Kahn to fill the newly open position on the board of LAFCO. I have worked with her in several capacities and she puts her whole heart into whatever she undertakes. She works tirelessly to gather all the facts by talking to local residents and office holders, attending every public meeting on an issue, and tapping into her vast community network to accomplish tasks. I know her to be honest, conscientious and realistic about what can be accomplished. And she is a team player!

She cares deeply about the Napa Valley and I know she would be an asset as a permanent member of LAFCO.

Respectfully,

Iris Barrie

From: [Gary Margadant](#)
To: [Freeman, Brendon](#)
Subject: Letter in Support of Eve Kahn for Public Member LAFCO
Date: Friday, April 2, 2021 11:31:55 AM

[External Email - Use Caution]

Dear Brendon:

This letter is in support of Eve Kahn for the Public Member opening on the Napa County LAFCO Board. Please share this will members of the LAFCO Board.

Eve is not only a friend of mine for many, many years, but also a collaborator and investigator into the issues before the City Councils, Town Councils and Napa County Board of Supervisors. She is an amazing Professional Realtor of strong integrity and effort for Clients, the Councils and Boards, and agencies involved in public issues throughout Napa County. She brings a wealth of information and technical thinking to the issues on the table with a deep abiding sense of fairness through the dissemination of pertinent information to all concerned parties.

Eve has a passion for Public Service that is exemplified by her current actions in LAFCO as the current Alternate Public Member. Her attendance and involvement on issues is evident and recognized by all. She brings her Individual and Realtor experience to the fore on issues such as the Napa County MSR where she alerted interested groups and individuals for participation in the issue presented to the Commission, such as the Drought Contingency Plan and issues of Health and Safety. This is one dimension of the many she addresses in her presentations and discussions before the Commission.

Eve has the individual desire to serve the public and would be a huge asset to the Commission in the Public Member Seat.

Best Regards,
Gary Margadant
4042 Mount Veeder Road



Utilities Department

M E M O

TO: Chair Mohler and Commissioners of LAFCO of Napa County
FROM: Phil Brun, Utilities Director
DATE: April 2, 2021
SUBJECT: Comments on April 5, 2021 Agenda, Item 7b – Legislative Report

This memo provides comments on Item 7b – Legislative Report on your April 5, 2021 agenda. Specifically, comments are related to item (5) in the staff report, San Diego LAFCO’s proposed amendment to Government Code Section 56133.

San Diego LAFCO’s proposed amendment to G.C. §56133 would have an impact on the City. It would require the City to first obtain approval from LAFCO (or its executive officer) for water uses that are currently within the discretion of the City pursuant to the exceptions identified in the current law under G.C. §56133 (e). **This adds an unnecessary layer of approval, placing an additional burden on the City, LAFCO and the water user.**

The staff report indicates that LAFCO staff believe the amendment would eliminate the potential for a city or district to self-exempt in a manner inconsistent with G.C. §56133. I understand from talking with Napa LAFCO Executive Director Brendon Freeman that there have been some challenges in a few counties in this regard. I feel that the existing language provides exceptions that are specific, clearly described and narrowly written in a manner that leaves little room for interpretation. Notwithstanding the challenges noted above, a city or district interprets and applies the law in many cases as it conducts business and is more than qualified to apply the exceptions set forth in G.C. §56133. A review by LAFCO seems unnecessary. **If the concern is that the exceptions lack specificity or clarity, then an amendment should be proposed that provides this.**

In my conversation with Mr. Freeman, he also suggested that the interest is to have cities and districts consultant with LAFCO’s before proceeding under the exception. The proposed amendment appears to give LAFCO the authority to require all outside services to be approved by LAFCO, if the individual commission or executive director decides to take this approach. **If the intent is consultation with LAFCO or notice prior to proceeding under the existing exceptions, then the language in the amendment should be changed to reflect this.**

William D. Ross
David Schwarz
Kypros G. Hostetter

Law Offices of
William D. Ross
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File No: 1/10

April 2, 2021

VIA E-MAIL

The Honorable Margie Mohler, Chair
and Members of the Commission
Local Agency Formation Commission of Napa County
1030 Seminary Street, Suite B
Napa, California 94559

Re: Regular Commission Meeting Agenda; April 5, 2021; Agenda Item No. 6.a.
Appointment of Public Member; Recommendation; Kenneth Leary

Dear Chair Mohler and Commission Members:

This communication recommends the appointment of Kenneth Leary to the Public Member position by the Local Agency Formation Commission of Napa County ("Commission").

The recommendation is based on advising Mr. Leary as the City Attorney for the City of American Canyon ("City"), the District Counsel for the Subsidiary Special District of the City, the American Canyon Fire Protection District ("District") and membership in American Canyon Kiwanis.

As a City Council Member and a *ex officio* member of the District Board of Directors, Mr. Leary was always informed and prepared on the multitude of issues that come before the City and the District.

Mr. Leary served on the City Parks and Recreation Commission previous to his election to Council and has been a City resident for over eighteen years. His employment background and experience are relevant to the Commission Public Member position as his career spanned several positions in the parks and recreation field from metropolitan local agencies, such as the City of Oakland, culminating in his position as Community Services Director in the Town of Yountville.

Mr. Leary is an active and effective member of service organizations in the City. He is known for his service to the Kiwanis Club and students and having an impact on their choices in life.

Mr. Leary's elected governmental and governmental employment service, and his

The Honorable Margie Mohler, Chair
and Members of the Commission
April 2, 2021
Page 2

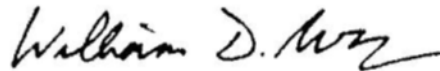
Commission service as a member representing cities, provide an experienced understanding for the issues before the Commission, including determining what local agency can most efficiently extend governmental service to a specific area and how to avoid the premature conversion of prime agricultural land.

He has a thorough understanding of Growth Within Bounds, the declared legislative intent of the Cortese- Knox- Hertzberg Reorganization Act of 2000, the enabling, implementing, governing legislation of the Commission.

Finally, in a time where gender equity, social and environmental justice, ethnic and racial respect must be present and demonstrated in governmental actions, Mr. Leary's presence as the Commission Public Member would be beneficial to the Commission, the people, property and business owners that it serves and impacts.

If you have questions concerning the matters set forth in this communication, please contact me.

Sincerely yours,

A handwritten signature in black ink that reads "William D. Ross". The signature is written in a cursive, flowing style.

William D. Ross

WDR:jf

cc: Mr. Kenneth Leary

Brendon Freeman, Executive Officer

From: [Dan Mufson](#)
To: [Freeman, Brendon](#)
Cc: [Eve Kahn](#)
Subject: Eve Kahn
Date: Sunday, April 4, 2021 3:38:10 PM

[External Email - Use Caution]

I am writing to recommend Eve Kahn as the Public Member of LAFCO. She has served as the Public Alternate to this position and can readily assume this position and, if truth be told, should be elected to the permanent seat over new comers.

I have known Eve for quite a few years and listened her make presentations to the Napa County Board of Supervisors, the Napa City Council and others. When Eve talks all listen as she can carefully synthesize complex land use issues and offer an objective evaluation. People know that she has thought carefully about an issue and wants the best outcome for Napa.

We served together on the Napa County Agriculture Protection Advisory Panel where it was obvious that she has been a long-time student of Napa's land use policies: She worked closely over the years with Ginny Simms, Diane Dillon and others on these issues.

Daniel Mufson

Napa

From: [Jason Holley](#)
To: [Freeman, Brendon](#); [Mabry, Kathy](#)
Subject: Item 6.A. - COMMENT TO COMMISSION – PLEASE READ - Support for Ken Leary Public Member
Date: Monday, April 5, 2021 11:56:09 AM

[External Email - Use Caution]

Dear Chair Mohler,

The issues facing Napa LAFCO are complex and it takes a substantial amount of time to become an expert on them. As the Commission explores filling the vacancy of its Public Member, Napa LAFCO would benefit from the experience and dedication shown by former LAFCO Chair Ken Leary during his lengthy public sector career. From American Canyon’s perspective, Mr. Leary is the candidate most ready to make immediate and meaningful contributions to Napa LAFCO and we support his selection to this vital role.

Thank you for your consideration of this matter.

Jason B. Holley, City Manager

City of American Canyon | 4381 Broadway Street, Suite 201 | American Canyon, CA 94503
707 647 4351 | jholley@cityofamericancanyon.org
www.cityofamericancanyon.org

Want to know what’s happening in the City of American Canyon?

[Sign up now for the City Manager's Friday Update.](#)

Coronavirus (COVID-19) Update – City Offices Closed, Staff Still At Work

As a result of the COVID-19 Pandemic, all American Canyon City offices are closed to the public. By modifying services, using social distancing, and offering assistance and service over the phone, we can do our part to minimize COVID-19 exposure to City staff and the public. Paperwork can be sent by mail to 4381 Broadway, Suite 201, American Canyon, CA 94503. For more information on COVID-19 and for Virtual City Hall, visit:

<https://www.cityofamericancanyon.org/>

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From: [GARY KRAUS](#)
To: [Freeman, Brendon](#)
Subject: Citizen Appointment
Date: Monday, April 5, 2021 11:46:55 AM

[External Email - Use Caution]

Thank you for the opportunity to comment on this agenda item. I would like to express my unqualified support for the appointment of Ken Leary. I have known Ken Leary for about 5 years. As a result I am familiar with his commitment to public service. He has been supportive of actions to prevent climate change as a member of the American Canyon City Council and those efforts continue even as he is no longer on the Council. He was a past member of Lafco, a position that takes time to become a productive member of. He has the experience that will enable him to immediately continue his work with your organization. Ken's interest in public service extends beyond local government. He volunteers as an advisor at American Canyon High School where he mentors youth through the Kiwanis Club. I do not feel that you could find a better person to serve on your Board.

Gary Kraus
Councilperson
City of Calistoga