



Local Agency Formation Commission of Napa County

Subdivision of the State of California

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

■ Anne Cottrell, Chair ■ Kenneth Leary, Vice Chair ■ Margie Mohler ■ Beth Painter ■ Belia Ramos
■ Mariam Aboudamous, Alternate ■ Joelle Gallagher, Alternate ■ Eve Kahn, Alternate

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

SPECIAL MEETING AGENDA Monday, April 8, 2024, 10:00 AM Yountville Town Hall Council Chambers 6550 Yount Street Yountville, CA 94599

The public is encouraged and invited to participate in this meeting: (1) in person at the time and location noted above, and (2) by telephone by calling (707) 948-2615 at the time noted above. Persons participating by telephone may provide general public comment and public comment on agenda items before or during the Commission's consideration of that item.

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

5. CONSENT ITEMS

Action Items:

a) [Approval of Meeting Minutes: February 5, 2024 Regular Meeting](#)

Receive Report for Information Only:

b) [Current and Future Proposals](#)

c) [Update on Countywide Fire and Emergency Medical Services Municipal Service Review](#)

6. SPECIAL PRESENTATION: WELL Annual Conference

The Commission will receive a presentation on the 12th annual Water Education for Latino Leaders (WELL) conference from City of Calistoga Vice-Mayor and member of the WELL Board of Directors, Irais Lopez-Ortega. The WELL conference was held on March 15-16 in San Jose.

7. PUBLIC HEARING ITEMS

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

a) [Appointment of Alternate Public Member](#)

The current four-year term for Alternate Public Member Eve Kahn expires on May 6, 2024. The city and county members of the Commission will consider making an appointment or reappointment involving the Alternate Public Member position for a new four-year term. One candidate applied: Eve Kahn.

b) [Proposed Budget for Fiscal Year 2024-25 and Draft Work Program](#)

The Commission will consider adopting a resolution to approve a proposed budget for the 2024-25 fiscal year. Proposed operating expenses and revenues each total \$913,362. The recommended actions are for the Commission to do the following: (1) adopt the proposed budget by resolution; (2) direct staff to circulate the proposed budget for public review and comment; and (3) direct the Budget Committee to return with recommendations for a final budget for adoption at a noticed public hearing on June 3, 2024. The Commission will also consider a draft work program for fiscal year 2024-25.

8. ACTION ITEMS

Items calendared for action do not require a public hearing before consideration by the Commission. Applicants may address the Commission. Any member of the public may provide comments on an item.

a) **Legislative Report and Proposed Positions on Bills**

The Commission will receive a report on legislative items directly or indirectly affecting LAFCOs and consider a recommendation to authorize the Executive Officer to submit letters to the Legislature in support of Assembly Bill (AB) 817 and Senate Bill (SB) 1209. It is also recommended the Commission discuss AB 3277 and consider taking a position.

9. EXECUTIVE OFFICER REPORT

10. COMMISSIONER COMMENTS/REQUESTS FOR FUTURE AGENDA ITEMS

11. CLOSED SESSION

CONFERENCE WITH LEGAL COUNSEL: ANTICIPATED LITIGATION

Significant exposure to litigation pursuant to Cal. Gov't Code section 54956.9(d)(2)

Number of Potential Cases: One

12. ADJOURNMENT TO NEXT SCHEDULED MEETING

Monday, June 3, 2024, at 2:00 P.M. at the Napa County Board of Supervisors Chambers, located at 1195 Third Street, 3rd floor, Napa, CA 94559.

MEETING INFORMATION

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 any related environmental document(s); (2) testimony of proponent; (3) public testimony; (4) rebuttal by proponent; (5) provision of additional clarification by staff as required; (6) close of the public hearing; (7) Commission discussion and Commission vote.

ADDRESSING THE COMMISSION: The Local Agency Formation Commission (LAFCO) of Napa County welcomes and encourages participation in its meetings. Any person who wishes to address the Commission should move to the front of the chambers when an item is called and, when recognized by the Chair, state their name, address, and affiliation. Please attempt to make your statements concise and to the point. It is most helpful if you can cite facts to support your contentions. Groups of people with similar viewpoints should appoint a spokesperson to represent their views to the Commission. The Commission appreciates your cooperation in this matter.

PUBLIC COMMENT TIME LIMITS: The Commission will hear public comment prior to the consideration of any item. (1) A principal proponent will be allowed up to a 5-minute statement; (2) other proponents will be allowed up to a 3-minute statement; (3) opponents are allowed up to a 3-minute statement with the exception of spokespersons for any group who shall be permitted up to 5-minutes; (4) the principal proponent shall have up to a 3-minute rebuttal; (5) staff will provide clarification, as required.

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 email to info@napa.lafco.ca.gov or by mail to Napa LAFCO at 1754 Second Street, Suite C, Napa, CA 94559-2450. If you are commenting on a particular item on the Agenda, please identify the Agenda item number and letter. Any comments of 500 words or less (per person, per item) will be read into the record if: (1) the subject line includes “COMMENT TO COMMISSION – PLEASE READ”; and (2) it is received by the Commission prior to the deadline of **May 29, 2024, at 12:00 P.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.

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. The Commission cannot take action on any unscheduled items.

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

POLITICAL REFORM ACT: Pursuant to Government Code Sections 56700.1 and 81000 et seq., any person or combination of persons who directly or indirectly contributes \$1,000 or more or expends \$1,000 or more in support of or in opposition to a change of organization or reorganization that will be, or has been, submitted to LAFCO must comply, to the same extent as provided for local initiative measures, with reporting and disclosure requirements of the California Political Reform Act of 1974. Additional information can be obtained by contacting the Fair Political Practices Commission. Pursuant to Government Code Section 84308, if you wish to participate in the proceedings indicated on this Agenda, you or your agent is prohibited from making a campaign contribution of \$250 or more to any Commissioner or Alternate Commissioner. This prohibition begins on the date you begin to actively support or oppose an application before LAFCO and continues until 12 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 www.napa.lafco.ca.gov or by contacting LAFCO staff at info@napa.lafco.ca.gov or call the LAFCO office at (707) 259-8645. If supplemental materials are made available to the members of the Commission at the meeting, a copy will be available for public review at www.napa.lafco.ca.gov. Staff reports are available online at www.napa.lafco.ca.gov/staff-reports-2023 or upon request to LAFCO staff at info@napa.lafco.ca.gov or call the LAFCO office at (707) 259-8645.

VIEWING RECORDING OF MEETING: The Commission’s meeting will be recorded. Members of the public may access the meeting and other archived Commission meetings by going to <https://napa.lafco.ca.gov/2023-agendas-and-minutes>. Please allow up to one week for production time. Meetings are also broadcast on Napa TV on the second and fourth Tuesdays of each month at 8pm and second and fourth Wednesdays at 1pm (<http://napavalleytv.org/channel-28>).



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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: Stephanie Pratt, Clerk/Jr. Analyst *SP*

MEETING DATE: April 8, 2024

SUBJECT: Approval of Meeting Minutes: February 5, 2024

SUMMARY AND RECOMMENDATION

This is a consent item for formal action. Accordingly, if interested, the Commission is invited to pull this item for additional discussion with the concurrence of the Chair.

The Commission will consider approving the draft meeting minutes prepared by staff for the February 5, 2024 regular meeting, included as Attachment One.

Staff recommends approval of draft meeting minutes.

ATTACHMENT

- 1) Draft Minutes for February 5, 2024 Regular Meeting

Margie Mohler, Commissioner
Councilmember, Town of Yountville

Beth Painter, Commissioner
Councilmember, City of Napa

Mariam Aboudamous, Alternate Commissioner
Councilmember, City of American Canyon

Anne Cottrell, Chair
County of Napa Supervisor, 3rd District

Belia Ramos, Commissioner
County of Napa Supervisor, 5th District

Joelle Gallagher, Alternate Commissioner
County of Napa Supervisor, 1st District

Kenneth Leary, Vice Chair
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 MONDAY, FEBRUARY 5, 2024**

1. WELCOME AND CALL TO ORDER; ROLL CALL

Chair Cottrell called the regular meeting of February 5, 2024, to order at 2:01 PM.

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

Regular Commissioners	Alternate Commissioners	Staff
Anne Cottrell, Chair	Joelle Gallagher	Brendon Freeman, Executive Officer
Kenneth Leary, Vice Chair	Eve Kahn (<i>Absent</i>)	Dawn Mittleman Longoria, Assistant Executive Officer
Margie Mohler	Mariam Aboudamous (<i>Absent</i>)	Gary Bell, Commission Counsel
Beth Painter		Stephanie Pratt Clerk/Jr. Analyst
Belia Ramos		

2. PLEDGE OF ALLEGIANCE

Chair Cottrell invited Barry Christian to lead the Pledge of Allegiance.

3. APPROVAL OF AGENDA

Chair Cottrell asked if there were any requests to rearrange the agenda. There were no requests.

Upon motion by Commissioner Mohler and second by Commissioner Painter, the Commission unanimously adopted the agenda as submitted by the following vote:

VOTE:

AYES: COTTRELL, LEARY, MOHLER, PAINTER, RAMOS

NOES: NONE

ABSENT: NONE

ABSTAIN: NONE

4. PUBLIC COMMENTS

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

5. CONSENT ITEMS

a) Upon motion by Commissioner Mohler and second by Commissioner Leary, the consent items were approved by the following vote:

VOTE:

AYES: COTTRELL, LEARY, MOHLER, PAINTER, RAMOS

NOES: NONE

ABSENT: NONE

ABSTAIN: NONE

6. ACTION ITEMS

a) **Proposed Green Island Road No. 3 Annexation to the American Canyon Fire Protection District and Associated CEQA Findings**

The Commission considered a proposal for the annexation of one parcel totaling approximately 157 acres in size to the American Canyon Fire Protection District (ACFPD). The affected territory is located at 1661 Green Island Road and identified as Assessor Parcel Number 058-030-041. The annexation is exempt from the California Environmental Quality Act pursuant to CEQA Guidelines Section 15051(c).

Chair Cottrell invited members of the audience to provide public comment. The first to speak was Barry Christian of American Canyon, followed by David Gilbreth who is a member of the LLC that owns the property. ACFPD Chief Geoff Belyea reiterated that this item is about efficiency of services rather than expansion of urban uses.

Chair Cottrell closed Public Comment and sent the item back to the Commission for a vote.

Upon motion by Commissioner Mohler and second by Commissioner Ramos, the Commission unanimously approved the proposed Green Island Road No. 3 Annexation to the American Canyon Fire Protection District and associated CEQA findings by the following vote:

VOTE:

AYES: **COTTRELL, LEARY, MOHLER, PAINTER, RAMOS**
NOES: **NONE**
ABSENT: **NONE**
ABSTAIN: **NONE**

b) Proposed Trower Avenue No. 6 Annexation to the Napa Sanitation District and Associated CEQA Findings

The Commission considered a proposal for the annexation of two parcels totaling approximately 1.01 acres in size to the Napa Sanitation District. The affected territory is located at 2427 & 2433 Trower Avenue and identified as Assessor Parcel Numbers 007-172-019 & 007-172-020. The annexation is exempt from the California Environmental Quality Act pursuant to CEQA Guidelines section 15282(k).

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

Upon motion by Vice Chair Leary and second by Commissioner Ramos, the Commission unanimously approved the proposed Trower Avenue No. 6 Annexation to the Napa Sanitation District and associated CEQA findings by the following vote:

VOTE:

AYES: **COTTRELL, LEARY, MOHLER, PAINTER, RAMOS**
NOES: **NONE**
ABSENT: **NONE**
ABSTAIN: **NONE**

7. EXECUTIVE OFFICER REPORT

Executive Officer Brendon Freeman reported that the next scheduled Commission Meeting was scheduled for April 1, 2024. However, since it is a recognized holiday landing on a Sunday, the County will be closed. Therefore, the meeting will need to be rescheduled and staff will be reaching out with options.

An update was provided on the Work Program.

The next annual evaluation of Executive Officer Freeman will be held in February of 2025 to inform the budget. Additionally, he reported that there is meaningful progress being made on the SSA and proposed move to become independent.

An update was provided on the Alternate Public Member recruitment.

Staff continues to stay up to date with the County Clerk of the Board for updates to the AV Room that will potentially allow the option of hybrid meetings, and will share information with the Commission as it comes in.

Executive Officer Freeman confirmed that as of now, Commissioner Kahn is registered to attend the Water Education for Latino Leaders (WELL) 12th Annual Water Conference in March. Calistoga Vice Mayor Irais Lopez-Ortega serves on the WELL Board and will be in attendance as well.

Assistant Executive Officer Longoria, Commissioner Mohler and Leary were mentioned in their roles in CALAFCO. Commissioner Mohler was recognized for her interview in the CALAFCO Newsletter and Executive Officer Longoria for her upcoming CALAFCO U Course on March 5.

8. COMMISSIONER COMMENTS/REQUESTS FOR FUTURE AGENDA ITEMS

Chair Cottrell looked to legal counsel Gary Bell who provided options for Hybrid meetings when the opportunity is available. Commissioner Mohler reported that the annual CALAFCO conference in October will overlap with the League of Cities conference.

9. CLOSED SESSION

Chair Cottrell called the Closed Session to order at 2:56 PM. There was no reportable action.

10. ADJOURNMENT TO NEXT REGULAR SCHEDULED MEETING

The meeting was adjourned at 4:26 PM. The next regular LAFCO meeting will be scheduled after polling the Commissioners and securing a location and time.

Anne Cottrell, LAFCO Chair

ATTEST:

Brendon Freeman, Executive Officer

Prepared by:

Stephanie Pratt, Clerk/Jr. Analyst



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

Agenda Item 5b (Consent/Information)

TO: Local Agency Formation Commission

PREPARED BY: Stephanie Pratt, Clerk/Jr. Analyst *SP*

MEETING DATE: April 8, 2024

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 three active proposals on file and seven anticipated new proposals that are expected to be submitted in the future. A summary follows.

Active Proposals

Redwood Road/Ruston Lane Annexation to NSD

LAFCO has received a landowner petition to annex approximately 1.59 acres of incorporated territory to the Napa Sanitation District (NSD). The affected territory comprises one parcel located at 2550 Redwood Road in the City of Napa. The parcel is identified as Assessor Parcel Number 007-261-003. The purpose of the proposal is to comply with City of Napa conditions of approval for a tentative map subdivision. It is anticipated the proposal will be on the Commission’s June 3, 2024 meeting agenda for formal action.



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Councilmember, Town of Yountville

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Councilmember, City of Napa

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Belia Ramos, Commissioner
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Joelle Gallagher, Alternate Commissioner
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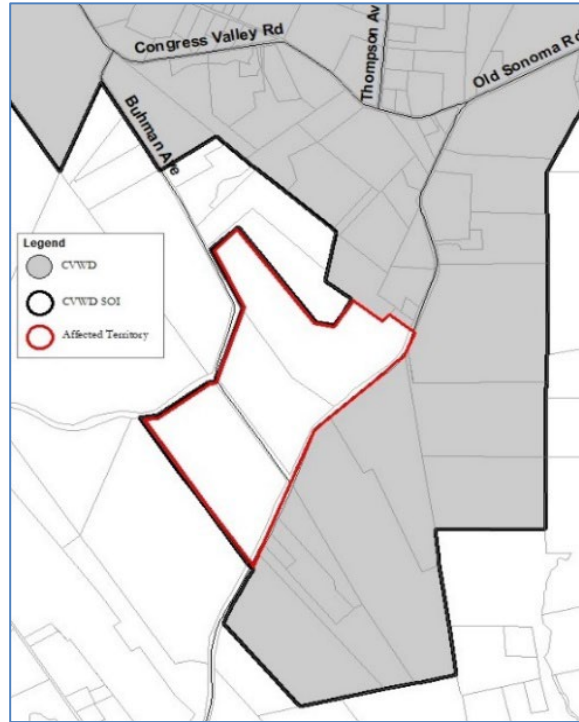
Kenneth Leary, Vice Chair
Representative of the General Public

Eve Kahn, Alternate Commissioner
Representative of the General Public

Brendon Freeman
Executive Officer

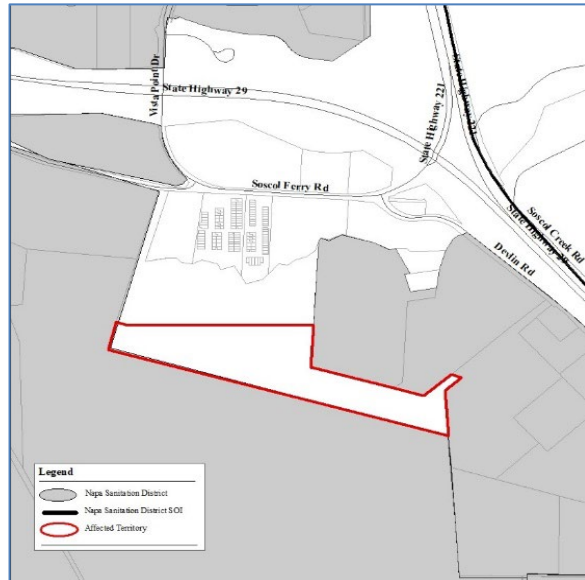
Old Sonoma Road/Buhman Avenue Annexation to CVWD

A landowner previously submitted a proposal to annex three unincorporated parcels totaling approximately 141.5 acres in size to the Congress Valley Water District (CVWD). The parcels are located along the northwestern side of Old Sonoma Road at its intersection with Buhman Avenue and identified as APNs 047-030-005, 047-030-020, and 047-080-001. Current land uses include two single-family residences and commercial vineyards with auxiliary structures and facilities. Two of the parcels already receive water service through grandfathered outside service agreements. Annexation would establish permanent water service to all three parcels. CVWD has requested, and the landowners have agreed, to postpone LAFCO action. There is no current timetable.



Devlin Road No. 6 Annexation to NSD

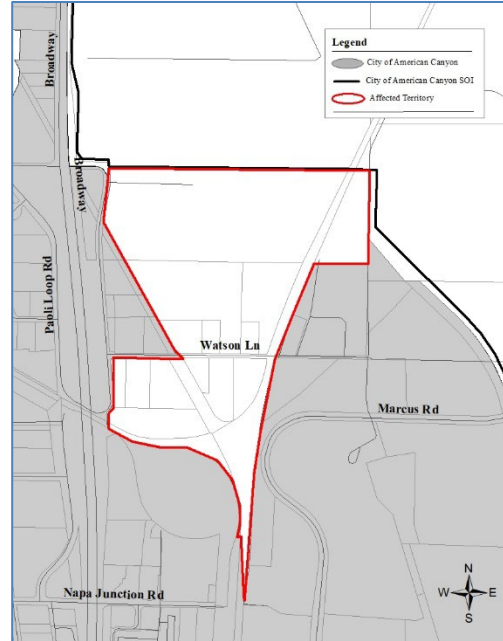
A representative for the landowner of one unincorporated parcel submitted an application to annex the parcel to NSD. The parcel is undeveloped, identified as APN 057-170-024, has no situs address, and is approximately 27.5 acres in size. Annexation to NSD would facilitate the Nova Business Park North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



Anticipated Proposals

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

A landowner submitted a preliminary application to annex 16 parcels and a portion of railroad totaling approximately 83 acres of unincorporated territory. The area is located within the City's SOI near Watson Lane and Paoli Loop and identified as APNs 057-120-014, -015, -017, -028, -034, -036, -041, -045, -047, -048, -049, -050, & -051, 057-180-014 & -015, and 059-020-036. The purpose of annexation is to allow development of the area for industrial and residential purposes as well as help facilitate the extension of Newell Drive to South Kelly Road. The City of American Canyon, as lead agency under CEQA, certified a Final Environmental Impact Report for the Paoli/Watson Lane Annexation Project. It is anticipated a complete application for annexation will be submitted in the foreseeable future with formal action on the proposal as early as the Commission's June 3, 2024 meeting.



Big Ranch Road/Trower Avenue Annexation to the City of Napa

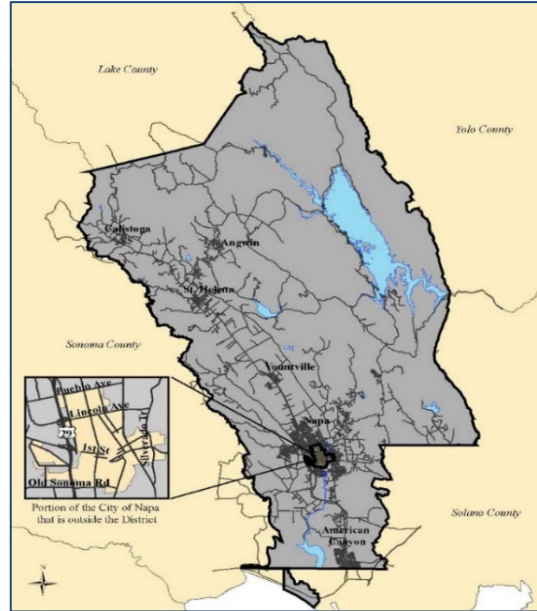
A landowner has submitted a preliminary application to the City of Napa for the annexation of three unincorporated parcels totaling approximately 46 acres. The parcels are located within the City's SOI near Big Ranch Road and Trower Avenue and identified as APNs 038-240-005, -014, & -022. Annexation to the City would allow the parcels to be developed consistent with the City's adopted Big Ranch Road Specific Plan. Annexation to NSD will also be recommended consistent with LAFCO policies. The preliminary application is under review by the City and considered incomplete at this time. Notably, the annexation as proposed can't be approved due to a statutory provision that prohibits the creation of new, entirely surrounded islands.¹ It is anticipated a proposal for annexation will be submitted to LAFCO in the foreseeable future, but there is no specific timetable.



¹ See [California Government Code §56744](#).

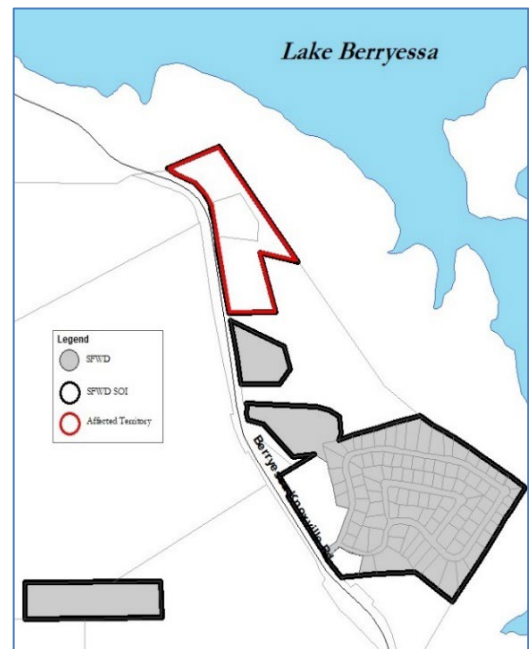
NCRCDD Donut Hole Annexation

Staff from the Napa County Resource Conservation District (NCRCDD) 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 NCRCDD’s SOI but outside its jurisdictional boundary and is commonly referred to as a “donut hole”. The purpose of annexation would be to allow NCRCDD 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. The Commission recently completed a Municipal Service Review for NCRCDD that includes a recommendation for the District to annex the donut hole. It is anticipated a proposal for annexation will be submitted in the foreseeable future, but there is no specific timetable.



7140 & 7150 Berryessa-Knoxville Road Annexation to SFWD

A landowner has inquired about annexation of one entire unincorporated parcel and a portion of a second unincorporated parcel totaling approximately 7.9 acres in size to the Spanish Flat Water District (SFWD). The parcels were added to SFWD’s SOI in 2021, are located at 7140 and 7150 Berryessa-Knoxville Road, and identified as APNs 019-280-004 (entire) and 019-280-006 (portion). Current land uses within the parcels include a commercial boat and recreational vehicle storage facility (Lakeview Boat Storage), approximately 6,000 square feet of enclosed storage structures, an administrative office, and a detached single-family residence. The parcels are currently dependent on private water and septic systems to support existing uses. Annexation would facilitate the connection of existing uses to SFWD’s water and sewer services. It is anticipated a proposal for annexation will be submitted in the future, but there is no current timetable.



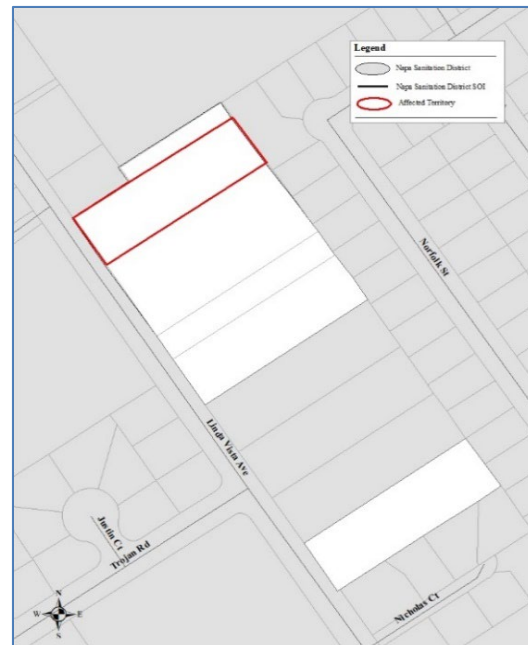
Materials Diversion Facility Annexation to the City of Napa

Staff from the City of Napa has inquired about annexation of approximately 2.9 acres of unincorporated territory comprising a portion of a parcel owned by the Napa-Vallejo Waste Management Authority. The APN of the entire parcel is 057-090-060. A property sale and a lot line adjustment are planned to create new parcels. The purpose of the property acquisition and future annexation is to expand the City's existing materials diversion facility operations. The property is located outside the City of Napa's SOI near the City of American Canyon. Annexation to the City of Napa is allowed given the property is owned by the City and soon will be used by the City for municipal purposes.² It is anticipated a proposal for annexation will be submitted in the future, but there is no current timetable.



3776 Linda Vista Avenue Annexation to NSD

A landowner has inquired about annexation of one incorporated parcel to NSD. The parcel is located at 3776 Linda Vista Avenue in the City of Napa, approximately 0.8 acres in size, and identified as APN 007-231-007. Current land uses within the parcel are limited to one single-family residence that currently depends on a private onsite septic system for sewage disposal. Annexation would facilitate the connection of the existing residence to NSD's public sewer infrastructure. Staff will pursue expanding the annexation boundary to include additional parcels that are contiguous and also outside NSD's boundary. It is anticipated a proposal for annexation will be submitted in the future, but there is no current timetable.



² See [California Government Code §56742](#).



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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, Assistant Executive Officer ^{DML}

MEETING DATE: April 8, 2024

SUBJECT: Update on Countywide Fire and Emergency Medical Services
Municipal Service Review and Sphere of Influence Reviews

BACKGROUND AND SUMMARY

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

On October 2, 2023, the Commission took the following actions:

- 1) Authorized the ad hoc Request for Proposals (RFP) Committee to select a preferred consultant and negotiate a contract to prepare the Countywide Fire and Emergency Medical Services (EMS) Municipal Service Review (MSR) and Sphere of Influence (SOI) Reviews; and
- 2) Authorized the Commission Chair to sign a contract with the preferred consultant.

On November 28, 2023, the Commission Chair signed the contract with the firm preferred by the ad hoc committee, AP Triton.

Project Update

AP Triton has added a new team member to this project, Kathleen Rollings-McDonald. Ms. Rollings-McDonald is well known and respected among LAFCOs. She is the former Executive Officer of San Bernardino LAFCO and recipient of CALAFCO's Lifetime Achievement Award (2017).

The consultants are continuing to collect data. Although this portion of the project can be time consuming, it provides the foundation of the study. Initially, there were some delays in the provision of data. The team is currently working through those delays. Additional updates will continue to be provided at future Commission meetings.

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Agenda Item 7a (Public Hearing)

TO: Local Agency Formation Commission

PREPARED BY: Brendon Freeman, Executive Officer *BF*

MEETING DATE: April 8, 2024

SUBJECT: Appointment of Alternate Public Member

RECOMMENDATION

It is recommended the Commission take the following actions:

- 1) Open the public hearing and take testimony;
- 2) Invite the candidate to address the Commission;
- 3) Close the public hearing;
- 4) Reappoint Eve Kahn to a new four-year term as the Alternate Public Member commencing on May 6, 2024.

BACKGROUND AND SUMMARY

Under Government Code (G.C.) section 56325(d), the composition of Local Agency Formation Commissions (LAFCOs) includes one member representing the general public, who is appointed to a four-year term by the city and county members of the Commission. The city and county members may also appoint one Alternate Public Member who shall serve pursuant to G.C. section 56331. To qualify, the Public Member and Alternate Public Member cannot be officers or employees with local governmental agencies and must be residents of Napa County. G.C. section 56334 specifies all Commissioner terms are for four years and begin on the first Monday in the month of May.

The current term for Alternate Public Member Eve Kahn expires on May 6, 2024. The city and county members of the Commission will consider making an appointment or reappointment involving the Alternate Public Member position for a new four-year term.

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Brendon Freeman
Executive Officer

The Commission 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 Press Democrat newspaper and posting on the Commission's website. The announcement was also circulated to all local government agencies in Napa County. The announcement indicated that the incumbent is eligible for reappointment.

The Commission received one application for the Alternate Public Member position from the incumbent, Eve Kahn, included as Attachment Two.

Staff recommends the Commission follow the public hearing procedure described in the Policy and summarized below:

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

ATTACHMENTS

- 1) Policy on the Appointment of the Public Member and Alternate Public Member
- 2) Candidate Application: Eve Kahn



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.

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

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

a) Summarize your interest in serving on the Commission.	[Blank lined area]
b) Summarize your qualification to serve on the Commission.	See Attached
c) List any formal education received beyond high school.	[Blank lined area]
d) List community activities and interests.	[Blank lined area]

Application for Napa LAFCO Alternate Public Member

II Questionnaire

- a. Summarize your interest in serving on the Commission.

I am interested in continuing my service as an Alternate Public Member of Napa LAFCO. I have been privileged to serve in both regular and alternate positions and would very much like to extend this opportunity. LAFCO continues to be a relevant component of Napa County's growth as the control and management of municipal services will be key to our success. When applicable, I am proactive in bringing information and potential issues to the Napa LAFCO director and/or staff. I have attended CALAFCO conferences in Sacramento and Monterey that have expanded my LAFCO knowledge and learned from other LAFCOs around the state facing similar issues. My goal is to assist LAFCO staff and board members even if I do not get to vote!

- b. Summarize your qualifications to serve on the Commission.

In addition to my 20+ career in real estate, I have a broad base of experience and involvement in Napa County that allows me to share relevant details and perspectives concerning land use, housing, water, groundwater, and transportation.

- c. List any formal education received beyond high school.

I have an Undergraduate degree from the State University of New York (SUNY) at Oneonta in math and science and a Master's degree from SUNY Albany in math education. Leadership Napa Valley graduate of class 17.

- d. List community activities and interests.

I am a member of the Napa County Housing Coalition, Chair of Get a Grip on Growth now merged into co-president of Napa Vision 2050. Board of Trustees at Congregation Beth Shalom. I hold leadership positions in all these local organizations that give me a unique and balanced perspective on land use, housing, and economic development.



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

1754 Second Street, Suite C
Napa, California 94559
Phone: (707) 259-8645
www.napa.lafco.ca.gov

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

Agenda Item 7b (Public Hearing)

TO: Local Agency Formation Commission

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

MEETING DATE: April 8, 2024

SUBJECT: Proposed Budget for Fiscal Year 2024-25 and Draft Work Program

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 2024-25 Fiscal Year (Attachment One);
- 4) Direct staff to circulate the adopted proposed budget to each of the funding agencies as well as the general public for review and comment; and
- 5) Direct the Budget Committee to return with recommendations for a final budget for adoption at a noticed public hearing on June 3, 2024.

It is also recommended the Commission discuss the draft Work Program as described on page four of this report and consider providing any appropriate direction to staff.

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.

Margie Mohler, Commissioner
Councilmember, Town of Yountville

Beth Painter, Commissioner
Councilmember, City of Napa

Mariam Aboudamous, Alternate Commissioner
Councilmember, City of American Canyon

Anne Cottrell, Chair
County of Napa Supervisor, 3rd District

Belia Ramos, Commissioner
County of Napa Supervisor, 5th District

Joelle Gallagher, Alternate Commissioner
County of Napa Supervisor, 1st District

Kenneth Leary, Vice Chair
Representative of the General Public

Eve Kahn, Alternate Commissioner
Representative of the General Public

Brendon Freeman
Executive Officer

Budgeting Policies and Update

Consistent with the Commission's *Budget Policy* ("the Policy"), included as Attachment Two, the Commission appointed Commissioners Leary and Mohler 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 also consider the Commission's work program.

The Committee directed staff to develop a proposed budget based on the Strategic Plan goal of greater independence for LAFCO. Staff conducted research and interviews of prospective firms. The firms were recommended by other LAFCOs and public agencies.

The Commission is directed to control operating expenses by utilizing its available undesignated/unreserved fund balance ("reserves") whenever possible and appropriate. The Commission is also directed to retain sufficient reserves to equal no less than one third (i.e., four months) of budgeted operating expenses in the affected fiscal year.

Prescriptive Funding Sources

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

Proposed Budget Overview

The Commission will consider approving a proposed budget for fiscal year 2024-25 with operating expenses and revenues each totaling \$913,362, positioning the Commission to finish the fiscal year with reserves totaling \$378,583 or 41.4% of operating expenses.

Proposed Operating Expenses

The Committee proposes an increase in budgeted operating expenses from \$709,436 to \$913,362; a difference of \$203,926 compared to the current fiscal year. The increase is primarily based on the Commission's current two-year strategic plan, included as Attachment Three, which prioritizes the goal of bringing greater independence to LAFCO. The goal of greater independence was recently adopted by the Commission as part of its Strategic Plan (FY 23-25). Various increased expenses are one-time, initial costs to transition LAFCO to an independent agency. A summary of significant operating expenses follows.

Salaries and Benefits Unit

This budget unit is proposed to total \$19,000 and is primarily associated with Commissioner per diems for attendance at meetings, conferences, trainings, and other activities related to LAFCO business.¹ 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 total \$894,362. The following is a summary of expense accounts that differ by at least \$10,000 compared to the current fiscal year:

- 1) Administration Services (Account No. 52100):
Increase from \$559,015 to \$667,647 to reflect the following:
 - True cost of retirement contributions, which had been inadvertently underbudgeted for several years.
 - Staff salaries that were previously approved by the Commission, but have not been put into effect due to the nature of LAFCO's support services agreement (SSA) with the County of Napa.² Also, an anticipated step increase is included for the Clerk/Jr. Analyst.
 - True cost of Medicare contributions if all aforementioned salary increases for staff are put into effect.
 - 3.0% cost of living adjustments for all staff.
 - Executive Officer management leave cash out (80 hours).
 - Executive Officer vacation leave cash out (40 hours).
 - \$3,200 for the Executive Officer and Assistant Executive Officer to participate in the County of Napa's 401(a) retirement savings plan.
- 2) Accounting/Auditing Services (Account No. 52125):
Increase from \$7,500 to \$20,000 based on estimates to transition the Commission to a fully independent agency.
- 3) Legal Services (Account No. 52140):
Increase from \$35,000 to \$50,000 to reflect anticipated workload increases for the Commission's legal counsel as part of accomplishing the goal of LAFCO's independence adopted as part of the Commission's Strategic Plan.
- 4) Consulting Services (Account No. 52310):
Decrease from \$105,000 to \$45,000 to reflect the remaining portion of the consultant contract for the Countywide Fire and Emergency Medical Services Municipal Service Review and Sphere of Influence Reviews.

¹ Commissioners Leary and Mohler serve on the CALAFCO Board of Directors. Commissioner Mohler currently serves as CALAFCO Board Chair. All CALAFCO meetings result in per diem payments.

² Under the SSA, LAFCO staff are County employees subject to the County's personnel rules and agreements. The Commission, as an independent agency, has the authority to determine desired staff salaries and to adopt the appropriate budget. The Commission approved Napa LAFCO independence as a Strategic Plan goal. Staff was directed to develop a budget reflecting the goal of independence.

Proposed Operating Revenues

The Committee proposes an increase in operating revenues from \$709,436 to \$913,362; a difference of \$203,926 compared to the current fiscal year. Agency contributions are proposed to total \$876,362. The change to an independent LAFCO includes various one-time costs. Service charges (i.e., proposal application fees) are proposed to total \$30,000 based on anticipated proposal activity. Interest earnings on the Commission's fund balance are proposed to total \$7,000 based on recent trends in interest rates.

Work Program

The Commission annually adopts a work program and the Budget Committee is directed to consider it as part of the budget preparation process. The Committee considered a draft Work Program for Fiscal Year 2024-25 prepared by staff, included as Attachment Four. This includes approximate schedules for the preparation of municipal service reviews and other projects. The Commission is invited to discuss the draft Work Program and consider any appropriate changes before adoption of a final Work Program at a future meeting.

ATTACHMENTS

- 1) Draft Resolution Adopting a Proposed Budget for Fiscal Year 2024-25
- 2) Budget Policy
- 3) Strategic Plan July 1, 2023 – June 30, 2025
- 4) Draft Work Program for Fiscal Year 2024-25

RESOLUTION NO. _____

**RESOLUTION OF
THE LOCAL AGENCY FORMATION COMMISSION OF NAPA COUNTY
ADOPTING A PROPOSED BUDGET FOR THE 2024-25 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 8, 2024; 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 adopted.
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 8, 2024, after a motion by Commissioner _____, seconded by Commissioner _____, by the following vote:

AYES: Commissioners _____

NOES: Commissioners _____

ABSENT: Commissioners _____

ABSTAIN: Commissioners _____

Anne Cottrell
Commission Chair

ATTEST: _____
Brendon Freeman
Executive Officer

Recorded by: Stephanie Pratt
Clerk/Jr. Analyst

DRAFT

Exhibit A



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

FY 2024-25 DRAFT PROPOSED BUDGET

Adopted by the Commission on April 8, 2024

Expenses

		FY 2021-22		FY 2022-23		FY 2023-24		FY 2024-25
		Final Budget	Actual	Final Budget	Actual	Adjusted Budget	Estimate	Proposed Budget
Salaries and Benefits								
<u>Account</u>	<u>Description</u>							
51210	Commissioner Per Diems	12,500	12,300	15,200	12,690	15,000	15,000	18,000
51300	Medicare - Commissioners	250	205	250	181	250	250	300
51305	FICA - Commissioners	500	525	500	583	600	600	700
	Total Salaries & Benefits	13,250	13,030	15,950	13,454	15,850	15,850	19,000
Services and Supplies								
<u>Account</u>	<u>Description</u>							
52100	Administration Services	439,901	408,954	509,844	429,510	559,015	535,000	667,647
52125	Accounting/Auditing Services	7,500	6,847	7,500	7,742	7,500	7,500	20,000
52130	Information Technology Services	24,489	24,489	23,974	23,974	34,309	34,309	27,746
52131	ITS Communication Charges	1,837	1,837	1,685	1,692	2,000	2,000	2,757
52140	Legal Services	25,000	22,000	35,000	32,402	35,000	34,000	50,000
52310	Consulting Services	-	-	10,000	-	105,000	105,000	45,000
52345	Janitorial Services	300	150	300	150	300	150	300
52515	Maintenance-Software	1,930	1,930	1,930	629	3,062	1,762	1,512
52600	Rents and Leases: Equipment	4,000	2,784	4,000	2,740	3,500	3,300	3,000
52605	Rents and Leases: Building/Land	31,322	28,234	25,995	25,995	26,775	26,775	27,570
52700	Insurance: Liability	578	578	638	-	716	716	6,000
52800	Communications/Telephone	2,000	1,485	3,000	1,667	3,000	3,000	3,000
52830	Publications and Notices	1,000	1,100	1,000	1,282	750	1,000	1,000
52835	Filing Fees	200	150	200	-	150	150	200
52900	Training/Conference	10,000	-	15,000	8,937	15,000	9,000	20,000
52905	Business Travel/Mileage	500	-	1,000	-	3,000	800	1,000
53100	Office Supplies	1,000	400	1,000	1,282	2,000	2,250	2,500
53110	Freight/Postage	500	100	150	-	100	-	100
53115	Books/Media/Subscriptions	-	119	119	119	119	119	119
53120	Memberships/Certifications	2,934	2,934	3,078	3,078	3,332	3,332	3,411
53205	Utilities: Electric	1,500	1,950	2,000	1,540	2,400	2,350	2,500
53410	Computer Equipment/Accessories	-	38	-	-	571	571	5,000
53415	Computer Software/License	225	225	225	-	225	225	3,000
53650	Business Related Meal/Supplies	250	33	-	316	760	850	1,000
	Total Services & Supplies	556,966	506,337	647,638	543,055	808,584	774,159	894,362
EXPENSE TOTALS		570,216	519,367	663,588	556,509	824,434	790,009	913,362

Exhibit A

Revenues

		FY 2021-22		FY 2022-23		FY 2023-24		FY 2024-25
		Final Budget	Actual	Final Budget	Actual	Adjusted Budget	Estimate	Proposed Budget
Intergovernmental								
<u>Account</u>	<u>Description</u>							
43910	County of Napa	254,835	254,835	313,794	313,794	339,738	339,738	438,181
43950	Other Governmental Agencies	254,835	254,835	313,794	313,794	339,738	339,738	438,181
----	<i>City of Napa</i>	166,432	166,432	207,969	207,969	222,680	222,680	287,204
----	<i>City of American Canyon</i>	45,843	45,843	56,307	56,307	61,235	61,235	78,979
----	<i>City of St. Helena</i>	18,608	18,608	20,381	20,381	22,609	22,609	29,160
----	<i>City of Calistoga</i>	13,976	13,976	16,885	16,885	20,342	20,342	26,237
----	<i>Town of Yountville</i>	9,976	9,976	12,252	12,252	12,872	12,872	16,602
	Total Intergovernmental	509,670	509,670	627,588	627,588	679,476	679,476	876,362
Service Charges								
<u>Account</u>	<u>Description</u>							
42690	Application/Permit Fees	20,000	25,450	25,000	30,110	22,950	39,830	25,000
46800	Charges for Services	600	1,074	1,000	2,667	510	4,320	1,000
47900	Miscellaneous	-	2,845	4,000	-	-	-	4,000
	Total Service Charges	20,600	29,369	30,000	32,777	23,460	44,150	30,000
Investments								
<u>Account</u>	<u>Description</u>							
45100	Interest	10,000	5,700	6,000	7,243	6,500	18,146	7,000
	Total Investments	10,000	5,700	6,000	7,243	6,500	18,146	7,000
	REVENUE TOTALS	540,270	544,739	663,588	667,608	709,436	741,772	913,362
	OPERATING DIFFERENCE	(29,946)	25,372	0	111,099	(114,998)	(48,237)	(0)

Reserves

	2021-22	2022-23	2023-24	2024-25
Undesignated/Unreserved Fund Balance ("Reserves")				
Beginning:	270,692	296,064	407,163	378,583
Ending:	296,064	407,163	358,926	378,583
MINIMUM FOUR MONTH RESERVE GOAL	190,072	221,196	274,811	304,454



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**

**TWO YEAR STRATEGIC PLAN
JULY 1, 2023 – JUNE 30, 2025**

ADOPTED ON OCTOBER 2, 2023



MISSION STATEMENT OF THE LOCAL AGENCY FORMATION COMMISSION OF NAPA COUNTY

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





VALUES OF THE LOCAL AGENCY FORMATION COMMISSION OF NAPA COUNTY

The *Local Agency Formation Commission of Napa County* is deeply invested in the communities we serve. We are committed to the mission of LAFCO and place high value in that which allows us to successfully partner with all stakeholders in service to the communities of Napa County.





FY 2023-24 / 2024-25

Napa LAFCO Goals

Goal: Understand how the 2020 Water-Wastewater Municipal Service Review may benefit the region



Assess & prioritize
recommendations



Engage stakeholder
partners

Goal: Initiate & complete the countywide Fire-EMS Municipal Service Review



Initiate & complete the
Municipal Service Review



Goal: Continue gaining greater LAFCO independence
(Pursuant to the Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000)



Amend the agreement between
LAFCO & County to create greater
independence



The Commission

Margie Mohler, Chair
City Member (Town of Yountville)

Anne Cottrell, Vice Chair
County Member (Third Supervisorial District)

Kenneth Leary, Commissioner
Public Member

Beth Painter, Commissioner
City Member (City of Napa)

Belia Ramos
County Member (Fifth Supervisorial District)

Mariam Aboudamous, Alternate Commissioner
City Member (City of American Canyon)

Joelle Gallagher, Alternate Commissioner
County Member (First Supervisorial District)

Eve Kahn, Alternate Commissioner
Public Member

The Commission Staff

Brendon Freeman, Executive Officer
Dawn Mittleman Longoria, Assistant Executive Officer
Stephanie Pratt, Clerk/Jr. Analyst
Gary Bell, Legal Counsel (Colantuono, Highsmith & Whatley)



Napa LAFCO Work Program for Fiscal Year 2024-25			
		Timeline	Comments
STUDIES	Countywide Fire & EMS MSR	Draft report in Oct 2024	Previous Countywide Fire MSR completed in 2006; contracting with AP Triton to prepare the report
	County Service Area No. 4 MSR & SOI	Draft report in Dec 2024	Previous MSR & SOI completed in 2017; will initiate following completion of County report on farmworker housing needs
	Napa Sanitation District SOI	Draft report in Feb 2025	Previous MSR completed in 2014 (Central County Region MSR), previous SOI completed in 2015; staff has engaged District staff, County staff, and interested community members to identify potential SOI study areas
	City of St. Helena MSR & SOI	Draft report in June 2025	Previous MSR & SOI completed in 2008
ADMINISTRATION	Audit	Annual	Presented by the County Auditor-Controller annually in December
	Budget	Annual	Proposed budget must be adopted by May 1; final budget must be adopted by June 15; as hoc Budget Committee appointed annually in December; staff prepares quarterly budget reports
	Legislation	Annual	Ad hoc Legislative Committee appointed annually in December to review state legislation and recommend formal positions
	New Commissioner Orientation	Ongoing	Mandatory in-person orientation process for new commissioners, develop commissioner handbook
	Policies	Ongoing	Policy amendments will be proposed as needed and Policy Manual updated accordingly
	Proposals	Ongoing	See "Current and Future Proposals" staff report on each meeting agenda for a status update
	Staff Training	Ongoing	Clerk/Jr. Analyst requires ongoing training on LAFCO's administrative functions and application processing
Website/Document Management	Ongoing	Staff continuously updates information on website including agendas, minutes, meeting recordings, audits, budgets, etc.	
OTHER	LAFCO Independence	ASAP	Staff and ad hoc subcommittee working with County on changes to existing Support Services Agreement to address LAFCO's need for greater independence consistent with strategic plan
	Special Projects & Studies	TBD	To be determined in budget cycle and strategic planning; typically involves a contract with a consultant to be funded with reserves; see Countywide Fire & EMS MSR in "Studies"
	Education & Outreach to Stakeholders & Public	Ongoing	Proactive engagement with local agencies, conduct regular presentations, leverage website
	Climate Resiliency in LAFCO's Work	Ongoing	Research policies & best practices of other LAFCOs, consider adopting additional local policies
	Coordination & Provision of Broadband Services	TBD	Participate in the North Bay Broadband Consortium, coordinate with other LAFCOs
	2024 CALAFCO Annual Conference	October 16 - 18, 2024	Yosemite; all staff and commissioners encouraged to attend
2025 CALAFCO Staff Workshop	TBD	Location to be determined; all staff encouraged to attend	
Draft Work Program Presented on April 8, 2024			



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

1754 Second Street, Suite C
Napa, California 94559
Phone: (707) 259-8645
www.napa.lafco.ca.gov

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

Agenda Item 8a (Action)

TO: Local Agency Formation Commission

PREPARED BY: Brendon Freeman, Executive Officer B F
Dawn Mittleman Longoria, Assistant Executive Officer DML

MEETING DATE: April 8, 2024

SUBJECT: Legislative Report and Proposed Positions on Bills

RECOMMENDATION

It is recommended by the Commission’s Legislative Committee that the Commission authorize the Executive Officer to submit letters to the Legislature in support of Assembly Bill (AB) 817 and Senate Bill (SB) 1209. It is also recommended the Commission discuss AB 3277 and consider taking a position.

BACKGROUND AND SUMMARY

Chair Cottrell and Commissioner Painter currently serve on the Commission’s Legislative Committee (“the Committee”), which is an ad hoc subcommittee responsible for reviewing proposed legislation affecting LAFCOs and making recommendations to the Commission with respect to taking formal positions.

On March 11, 2024, the Committee met to discuss the following items:

- 1) Review the *Legislative Policy* (Attachment One):
Committee will continue to discuss areas of improvement and staff may return with proposed amendments to the *Legislative Policy* at a future meeting.
- 2) Review the Commission’s adopted *Legislative Platform* (Attachment Two):
The Committee identified several opportunities for improvement to better align the Commission’s legislative framework with the priority issues that are included in the Commission’s current strategic plan. Staff anticipates returning with proposed amendments to the *Legislative Platform* in the foreseeable future.

Margie Mohler, Commissioner
Councilmember, Town of Yountville

Beth Painter, Commissioner
Councilmember, City of Napa

Mariam Aboudamous, Alternate Commissioner
Councilmember, City of American Canyon

Anne Cottrell, Chair
County of Napa Supervisor, 3rd District

Belia Ramos, Commissioner
County of Napa Supervisor, 5th District

Joelle Gallagher, Alternate Commissioner
County of Napa Supervisor, 1st District

Kenneth Leary, Vice Chair
Representative of the General Public

Eve Kahn, Alternate Commissioner
Representative of the General Public

Brendon Freeman
Executive Officer

3) Review proposed legislation affecting LAFCOs:

The California Association of LAFCOs (CALAFCO) monitors legislation affecting LAFCOs and provides a daily legislative report. The Committee reviewed the report dated March 10, 2024, included as Attachment Three. The Committee also considered the positions taken by CALAFCO, Cal Cities, and California State Association of Counties (CSAC). The Committee recommends the Commission support AB 817 and SB 1209. The Committee also discussed AB 3277 as a bill of interest that may merit a support position. A summary follows:

- AB 817, included as Attachment Four, was introduced by Assemblymember Pacheco and relates to alternative teleconferencing provisions for public meetings. This measure would remove barriers to entry for appointed and elected officials by allowing nondecision-making legislative bodies to participate in two-way virtual teleconferencing without posting each official's location.
 - CALAFCO is watching the bill. Cal Cities and CSAC are both sponsors of the bill. The Committee recommends the Commission take a support position.
- SB 1209, included as Attachment Five, was introduced by Senator Cortese and would remedy an issue related to indemnification for LAFCO actions on proposals.
 - CALAFCO supports the bill and requested all LAFCOs do the same. Cal Cities is watching the bill. CSAC's position is pending. The Committee recommends the Commission take a support position.
- AB 3277, included as Attachment Six, was introduced by the Assembly Committee on Local Government as an Omnibus bill to address ad valorem tax calculations. Existing law requires LAFCO to determine the amount of property tax revenue to be exchanged by an affected local agency as part of any proposal that includes the formation of a special district. This bill would, instead, require LAFCO to determine the amount of property tax revenue to be exchanged by an affected local agency if the proposal includes the formation of a district *if the applicant is seeking a share of the 1% ad valorem property taxes*.
 - CALAFCO supports the bill and requested all LAFCOs do the same. Cal Cities has taken no position. CSAC is watching the bill. The Committee recommends the Commission discuss AB 3277 and consider taking a position.

Notably, if the Commission approves a support position for any bill, the Executive Officer will be authorized to submit support letters to all appropriate legislative bodies (i.e., Assembly and Senate committees) and individuals (i.e., bill authors and Governor) as the bill moves through the legislative cycle.

If a bill is later amended, the Committee will review the amendments and provide an update to the Commission prior to the submittal of further position letters to the Legislature.

ATTACHMENTS

- 1) Legislative Policy
- 2) Legislative Platform
- 3) CALAFCO Legislative Report (Dated March 10, 2024)
- 4) AB 817
- 5) SB 1209
- 6) AB 3277



LOCAL AGENCY FORMATION COMMISSION OF NAPA

Legislative Policy

(Adopted: December 4, 2017; Last Amended: April 3, 2023)

- 1) The Local Agency Formation Commission (LAFCO) of Napa County (“the Commission”) shall annually establish an ad hoc committee, which shall terminate at the end of the calendar year, and appoint two members (“Legislative Committee”) to advise staff as described in this policy.
- 2) The Legislative Committee shall, at least annually, review this policy, the Commission’s adopted legislative platform, and the California Association of Local Agency Formation Commissions (CALAFCO)’s legislative policies. Based on communication with the Legislative Committee, staff shall present recommendations to the full Commission with respect to any appropriate amendments to this policy or the local legislative platform.
- 3) The Legislative Committee shall, at least annually, review proposed legislation affecting LAFCO. Based on communication with the Legislative Committee, staff 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 and Assistant Executive Officer are authorized to submit written correspondence to the appropriate entity regarding the Commission’s position if the position is consistent with the local legislative platform. The Chair, or the Vice Chair if the Chair is unavailable, shall review and approve the written correspondence prior to submittal by the Executive Officer or Assistant 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: April 4, 2022)

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

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

The following serves as Napa LAFCO's Legislative Platform for purposes of informing actions relating to proposed legislation. Napa LAFCO will first review and consider the positions of the California Association of Local Agency Formation Commissions (CALAFCO), the League of California Cities, and the California State Association of Counties 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 Sunday, March 10, 2024

AB 817 (Pacheco D) Open meetings: teleconferencing: subsidiary body.

Current Text: Amended: 1/17/2024 [html](#) [pdf](#)

Introduced: 2/13/2023

Last Amended: 1/17/2024

Status: 1/25/2024-Read third time. Passed. Ordered to the Senate. (Ayes 54. Noes 8.) In Senate. Read first time. To Com. on RLS. for assignment.

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

Summary:

The Ralph M. Brown Act requires, with specified exceptions, each legislative body of a local agency to provide notice of the time and place for its regular meetings and an agenda containing a brief general description of each item of business to be transacted. The act also requires that all meetings of a legislative body be open and public, and that all persons be permitted to attend unless a closed session is authorized. The act generally requires for teleconferencing that the legislative body of a local agency that elects to use teleconferencing post agendas at all teleconference locations, identify each teleconference location in the notice and agenda of the meeting or proceeding, and have each teleconference location be accessible to the public. Existing law also requires that, during the teleconference, at least a quorum of the members of the legislative body participate from locations within the boundaries of the territory over which the local agency exercises jurisdiction. Current law authorizes the legislative body of a local agency to use alternate teleconferencing provisions during a proclaimed state of emergency (emergency provisions) and, until January 1, 2026, in certain circumstances related to the particular member if at least a quorum of its members participate from a singular physical location that is open to the public and situated within the agency's jurisdiction and other requirements are met (nonemergency provisions). This bill, until January 1, 2026, would authorize a subsidiary body, as defined, to use similar alternative teleconferencing provisions and would impose requirements for notice, agenda, and public participation, as prescribed. In order to use teleconferencing pursuant to this act, the bill would require the legislative body that established the subsidiary body by charter, ordinance, resolution, or other formal action to make specified findings by majority vote, before the subsidiary body uses teleconferencing for the first time and every 12 months thereafter.

Position: Watch

Subject: Brown Act

CALAFCO Comments: 1/25/2024; Moved out of the Assembly. Waiting on assignment from Senate Rules Committee.

1/17/2024: Amended to add a Sunset date of January 1, 2026.

3/16/2023: The bill was amended to speak specifically to teleconferenced meetings of subsidiary bodies, defined as a body that serves exclusively in an advisory capacity, and is not authorized to take final action on legislation, regulations, contracts, licenses, permits, or any other entitlements. For qualifying bodies, this bill would remove the requirement to post an agenda at the location of the subsidiary body member who was participating from off site- providing that the legislative body that formed the subsidiary body has previously made findings noting that teleconferenced meetings of the subsidiary body would enhance public access, and would promote the attractions, retention and diversity of the subsidiary body. The superior legislative body would need to revisit the matter and repeat those finding every 12 months thereafter. This bill also reaffirms that other provisions of the Brown Act are applicable to subsidiary bodies.

Failed to meet deadlines and now a 2 year bill that cannot be acted upon until January, 2024.

AB 828 (Connolly D) Sustainable groundwater management: managed wetlands.

Current Text: Amended: 1/11/2024 [html](#) [pdf](#)

Introduced: 2/13/2023

Last Amended: 1/11/2024

Status: 1/29/2024-Read third time. Passed. Ordered to the Senate. (Ayes 47. Noes 15.) In Senate. Read first time. To Com. on RLS. for assignment.

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

Summary:

The Sustainable Groundwater Management Act requires all groundwater basins designated as high- or medium-priority basins by the Department of Water Resources to be managed under a groundwater sustainability plan or coordinated groundwater sustainability plans, except as specified. Current law defines various terms for purposes of the act. This bill would add various defined terms for purposes of the act, including the terms "managed wetland" and "small community water system."

Position: None at this time

Subject: Water

CALAFCO Comments: 1/11/24: Amended to strike provisions regarding small community water systems serving disadvantaged communities and pivots to groundwater sustainability agencies with provisions that go into effect on January 1, 2028, that address spacing requirements on new groundwater wells, extraction controls, authorization for temporary and permanent transfers with an agency's boundaries, and to establish accounting rules.

4/17/2023: Amended to define agencies and entities required or excluded from existing 10726.4 (a)(4). Amends Water Code section 10730.2 to add language regarding fees, and amends Water Code section 10733 to address groundwater sustainability plans.

Failed to make April policy committee deadline and now cannot be acted upon until January 2024.

As introduced, would add definitions for Managed Wetlands, and Small community water system to Water Code Section 10721.

[AB 930](#) (Friedman D) Local government: Reinvestment in Infrastructure for a Sustainable and Equitable California (RISE) districts.

Current Text: Amended: 1/22/2024 [html](#) [pdf](#)

Introduced: 2/14/2023

Last Amended: 1/22/2024

Status: 1/29/2024-Read third time. Passed. Ordered to the Senate. (Ayes 52. Noes 16.) In Senate. Read first time. To Com. on RLS. for assignment.

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

Summary:

Would authorize the legislative bodies of 2 or more cities or counties to jointly form a Reinvestment in Infrastructure for a Sustainable and Equitable California district (RISE district) in accordance with specified procedures. The bill would authorize a special district to join a RISE district, by resolution, as specified. The bill would require the Office of Planning and Research (OPR) to develop guidelines for the formation of RISE districts no later than November 30, 2026. The bill would provide for the establishment of a governing board of a RISE district with representatives of each participating local government.

Position: Neutral

Subject: Special District Principle Acts

CALAFCO Comments: 1/22/2024 Amended to remove section of definitions, change the word "standards" to "guidelines", and to strike section 62412 relative to the elements of a RISE development plan to be reviewed.

Missed 2023 deadlines and became a 2 year bill.

This bill has a similar overtone to SB 852 Dodd in 2022 regarding the formation of climate resilience districts outside of the LAFCo process. As introduced, it focuses on the generation of funding and the governance of the expenditure of those funds. However, it should be carefully tracked in case that mission is expanded.

[AB 1928](#) (Sanchez R) Worker classification: employees and independent contractors.

Current Text: Amended: 3/4/2024 [html](#) [pdf](#)

Introduced: 1/25/2024

Last Amended: 3/4/2024

Status: 3/6/2024-Re-referred to Com. on L. & E.

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

Summary:

Current law, as established in the case of Dynamex Operations W. v. Superior Court (2018) 4 Cal.5th 903 (Dynamex), creates a presumption that a worker who performs services for a hirer is an employee for purposes of claims for wages and benefits arising under wage orders issued by the Industrial Welfare Commission. Current law requires a 3-part test, commonly known as the "ABC" test, to determine if workers are employees or independent contractors for those purposes. Current law establishes that, for purposes of the Labor Code, the Unemployment Insurance Code, and the wage orders of the Industrial Welfare

Commission, a person providing labor or services for remuneration is considered an employee rather than an independent contractor unless the hiring entity demonstrates that the person is free from the control and direction of the hiring entity in connection with the performance of the work, the person performs work that is outside the usual course of the hiring entity’s business, and the person is customarily engaged in an independently established trade, occupation, or business. This test is known as the “ABC” test, as described above. This bill would repeal the above-described provisions that codify the ABC test. The bill would declare that its purpose is to suspend and nullify the California Supreme Court’s decision in Dynamex and provide that this decision does not apply for purposes of California law.

CALAFCO Comments: Of interest to CALAFCO because of its potential effect on operations.
 1/25/2024, bill introduced. AB 1928 would repeal the provisions that were enacted by the passage of AB 5 in 2019. Known as the Gig Worker law, AB 5 reclassified which workers could be considered as contractors. A limited number of professional categories were set aside and excluded from the law. However, those not included in the exclusions were required, under new reclassification requirements, to be considered as employees regardless of whether they were performing the services in connection to an ongoing business. The shift required CALAFCO to amend its internal practices to re-classify its contractors to employees, resulting in increased costs, as well as extra reporting requirements.

AB 1987 (Bennett D) Local government.

Current Text: Introduced: 1/30/2024 [html](#) [pdf](#)

Introduced: 1/30/2024

Status: 1/31/2024-From printer. May be heard in committee March 1.

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

Summary:

Current law sets forth provisions for the formation, duties, and other authorizations, among other things, relating to cities, counties, cities and counties, and other local agencies. This bill would state the intent of the Legislature to enact legislation relating to local government.

Position: None at this time

CALAFCO Comments: Spot holder bill relative to local government. Monitoring because of its topic.

AB 2302 (Addis D) Open meetings: local agencies: teleconferences.

Current Text: Introduced: 2/12/2024 [html](#) [pdf](#)

Introduced: 2/12/2024

Status: 2/26/2024-Referred to Com. on L. GOV.

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

Summary:

The Ralph M. Brown Act generally requires for teleconferencing that the legislative body of a local agency that elects to use teleconferencing post agendas at all teleconference locations, identify each teleconference location in the notice and

agenda of the meeting or proceeding, and have each teleconference location be accessible to the public. Current law also requires that, during the teleconference, at least a quorum of the members of the legislative body participate from locations within the boundaries of the territory over which the local agency exercises jurisdiction. The act provides an exemption to the jurisdictional requirement for health authorities, as defined. Current law, until January 1, 2026, authorizes the legislative body of a local agency to use alternative teleconferencing in specified circumstances if, during the teleconference meeting, at least a quorum of the members of the legislative body participates in person from a singular physical location clearly identified on the agenda that is open to the public and situated within the boundaries of the territory over which the local agency exercises jurisdiction, and the legislative body complies with prescribed requirements. Current law imposes prescribed restrictions on remote participation by a member under these alternative teleconferencing provisions, including establishing limits on the number of meetings a member may participate in solely by teleconference from a remote location, prohibiting such participation for a period of more than 3 consecutive months or 20% of the regular meetings for the local agency within a calendar year, or more than 2 meetings if the legislative body regularly meets fewer than 10 times per calendar year. This bill would revise those limits, instead prohibiting such participation for more than a specified number of meetings per year, based on how frequently the legislative body regularly meets.

Position: Watch

Subject: Brown Act

CALAFCO Comments: Introduced on 2/12/2024, this bill would enact changes to Brown Act provisions that allow members of legislative bodies to teleconference for meetings. Currently, the law limits teleconferencing to no more than 3 consecutive months, 20% of the regular meetings in a calendar year, or 2 meetings for bodies that meet less than 10 times in a calendar year. This bill redefines those limits as 2 meetings per year for bodies meeting monthly or less; 5 meetings per year for those meeting twice per month; or 7 meetings per year if the body meetings three times or more per month.

AB 2557 (Ortega D) Local agencies: legislative bodies.

Current Text: Introduced: 2/14/2024 [html](#) [pdf](#)

Introduced: 2/14/2024

Status: 2/15/2024-From printer. May be heard in committee March 16.

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

Summary:

Current law defines the term "legislative body" for purposes of laws relating to cities, counties, and other local agencies. This bill would make a nonsubstantive change to that definition.

Position: Placeholder - Spot Bill

CALAFCO Comments: Spotholder relative to GC section 53000. Monitoring.

AB 2596 (Lee D) Government operations.

Current Text: Introduced: 2/14/2024 [html](#) [pdf](#)

Introduced: 2/14/2024

Status: 2/15/2024-From printer. May be heard in committee March 16.

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

Summary:

Current law establishes the Government Operations Agency, which consists of several departments, including the Department of General Services. Current law requires the department to develop and enforce policy and procedures and institute or cause the institution of those investigations and proceedings as it deems proper to assure effective operation of all functions performed by the department and to conserve the rights and interests of the state. This bill would state the intent of the Legislature to enact legislation related to government operations.

Position: Placeholder - Spot Bill

CALAFCO Comments: Spotholder as introduced on 2/14/2024. Monitoring for changes as the Leg Counsel description mentions CKH.

AB 2715 (Boerner D) Ralph M. Brown Act: closed sessions.

Current Text: Introduced: 2/14/2024 [html](#) [pdf](#)

Introduced: 2/14/2024

Status: 3/4/2024-Referred to Com. on L. GOV.

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

Summary:

The Ralph M. Brown Act generally requires that all meetings of a legislative body of a local agency be open and public and that all persons be permitted to attend and participate. Current law authorizes a legislative body to hold a closed session on, among other things, matters posing a threat to the security of essential public services, as specified. This bill would additionally authorize a closed session to consider or evaluate matters related to cybersecurity, as specified, provided that any action taken on those matters is done in open session.

Position: None at this time

Subject: Brown Act

CALAFCO Comments: As introduced on 2/14/2024, would make minor changes in the Brown Act. Monitoring.

AB 3152 (Jones-Sawyer D) Local government.

Current Text: Introduced: 2/16/2024 [html](#) [pdf](#)

Introduced: 2/16/2024

Status: 2/17/2024-From printer. May be heard in committee March 18.

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

Summary:

The Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000 provides the exclusive authority and procedure for the initiation, conduct, and completion of changes of organization and reorganization for cities and districts, except as specified. This bill would make nonsubstantive changes to those provisions.

Position: Placeholder - Spot Bill

CALAFCO Comments: Spotholder bill that references GC 56000.

[SB 537](#) ([Becker D](#)) **Open meetings: multijurisdictional, cross-county agencies: teleconferences.**

Current Text: Amended: 9/5/2023 [html](#) [pdf](#)

Introduced: 2/14/2023

Last Amended: 9/5/2023

Status: 9/14/2023-Ordered to inactive file on request of Assembly Member Bryan.

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

Summary:

Current law, until January 1, 2024, authorizes the legislative body of a local agency to use alternate teleconferencing provisions during a proclaimed state of emergency or in other situations related to public health that exempt a legislative body from the general requirements (emergency provisions) and impose different requirements for notice, agenda, and public participation, as prescribed. The emergency provisions specify that they do not require a legislative body to provide a physical location from which the public may attend or comment. Current law, until January 1, 2026, authorizes the legislative body of a local agency to use alternative teleconferencing in certain circumstances related to the particular member if at least a quorum of its members participate from a singular physical location that is open to the public and situated within the agency's jurisdiction and other requirements are met, including restrictions on remote participation by a member of the legislative body. These circumstances include if a member shows "just cause," including for a childcare or caregiving need of a relative that requires the member to participate remotely. This bill would expand the circumstances of "just cause" to apply to the situation in which an immunocompromised child, parent, grandparent, or other specified relative requires the member to participate remotely. The bill would authorize the legislative body of a multijurisdictional, cross-county agency, as specified, to use alternate teleconferencing provisions if the eligible legislative body has adopted an authorizing resolution, as specified. The bill would also require the legislative body to provide a record of attendance of the members of the legislative body, the number of community members in attendance in the teleconference meeting, and the number of public comments on its internet website within 10 days after a teleconference meeting, as specified. The bill would require at least a quorum of members of the legislative body to participate from one or more physical locations that are open to the public and within the boundaries of the territory over which the local agency exercises jurisdiction.

Position: Watch

Subject: Brown Act

CALAFCO Comments: This is a spotholder bill that states an intent to expand local government's access to hold public meetings through teleconferencing and remote access.

3/22/2023: was amended and fleshed out to add teleconferencing provisions to allow legislative bodies of multijurisdictional agencies to meet remotely. Multijurisdictional agencies are defined as boards, commissions, or advisory bodies

of a multijurisdictional, cross county agency, which is composed of appointed representatives from more than one county, city, city and county, special district, or a joint powers entity.

The bill is sponsored by Peninsula Clean Energy, a community choice aggregator with a board comprised of local elected officials from the County of San Mateo and its 20 cities, as well as the City of Los Banos.

4/24/2023: The bill was amended to further clarify definitions and the requirements needed for members of an eligible legislative body to meet remotely.

The bill passed Senate Judiciary on 5/2/23, and had its third reading in the Senate on 5/30/2023.

7/12/23: The bill passed the Assembly Local Government Committee.

Amended on August 14, 2023, to require eligible legislative bodies that receive compensation to participate from a physical location that is open to the public.

9/14/2023, the bill was moved into the inactive file.

[SB 768](#) (Caballero D) California Environmental Quality Act: State Air Resources Board: vehicle miles traveled: study.

Current Text: Amended: 1/11/2024 [html](#) [pdf](#)

Introduced: 2/17/2023

Last Amended: 1/11/2024

Status: 1/29/2024-Read third time. Passed. (Ayes 34. Noes 4.) 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:

The California Environmental Quality Act (CEQA) requires a lead agency to prepare a mitigated negative declaration for a project that may have a significant effect on the environment if revisions in the project would avoid or mitigate that effect and there is no substantial evidence that the project, as revised, would have a significant effect on the environment. Current law requires the Office of Planning and Research to prepare, develop, and transmit to the Secretary of the Natural Resources Agency for certification and adoption proposed revisions to guidelines establishing criteria for determining the significance of transportation impacts of projects within transit priority areas to promote the reduction of greenhouse gas emissions, the development of multimodal transportation networks, and a diversity of land uses. Current law creates the State Air Resources Board as the state agency charged with coordinating efforts to attain and maintain ambient air quality standards, to conduct research into the causes of and solution to air pollution, and to systematically attack the serious problem caused by motor vehicles, which is the major source of air pollution in many areas of the state. Existing law authorizes the state board to do those acts as may be necessary for the proper execution of the powers and duties granted to, and imposed upon, the state board. This bill would require the state board, by January 1, 2026, to conduct and submit to the Legislature a study on how vehicle miles traveled is used as a metric for measuring transportation impacts pursuant to CEQA, as specified.

Subject: CEQA

CALAFCO Comments: Introduced as a spotholder bill that noted an intent to enact subsequent legislation that would create a new transportation impact analysis for rural areas for purposes of the California Environmental Quality Act. 3/22/2023: The bill was amended and would add language into the Public Resource Code to provide that a public agency, in approving or carrying out certain types of projects, is not required to issue a statement of overriding consideration for significant effects on the environment identified by a project's vehicle miles traveled if the lead agency has imposed all feasible mitigation measures on the project and it finds no feasible alternatives to the project.

Failed to meet deadlines and now a 2 year bill that cannot be acted upon until January, 2024.

1/11/2024: Gutted and Amended. Topic now specific to a study by the state regarding vehicle miles traveled in CEQA studies. Continuing to monitor for any detrimental changes to CEQA but, at this time, bill is not a concern to CALAFCO.

1

AB 3277 (Committee on Local Government) Local agency formation commission: districts: property tax.

Current Text: Introduced: 2/27/2024 [html](#) [pdf](#)

Introduced: 2/27/2024

Status: 2/28/2024-From printer. May be heard in committee March 29.

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 the sole and exclusive authority and procedures for the initiation, conduct, and completion of changes of organization and reorganization for cities and districts. Current law requires proceedings for the formation of a district to be conducted as authorized by the principal act of the proposed district, and authorizes the local agency formation commission in each county to serve as the conducting authority, as specified. Current law requires a commission to determine the amount of property tax revenue to be exchanged by an affected local agency, as specified, if the proposal includes the formation of a district, as defined. This bill would, instead, require a commission to determine the amount of property tax revenue to be exchanged by an affected local agency if the proposal includes the formation of a district and the applicant is seeking a share of the 1% ad valorem property taxes.

Position: Sponsor

Subject: Incorporation Proceedings

CALAFCO Comments: CALAFCO's 2024 Omnibus bill.

SB 1209 (Cortese D) Local agency formation commission: indemnification.

Current Text: Introduced: 2/15/2024 [html](#) [pdf](#)
Introduced: 2/15/2024
Status: 2/29/2024-Referred to Com. on L. GOV.

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 continues in existence in each county a local agency formation commission (LAFCO) that consists of members appointed, as specified, and oversees those changes of organization and reorganization. The act authorizes a LAFCO to, among other things, review and approve with or without amendment, wholly, partially, or conditionally, or disapprove proposals for changes of organization or reorganization, as specified. This bill would authorize a LAFCO to require, as a condition for, among other things, processing a change of organization or reorganization, that the applicant agrees to defend, indemnify, and hold harmless the LAFCO, its agents, officers, and employees from and against any claim, action, or proceeding, as specified, arising from or relating to the action or determination by the LAFCO.

Position: Sponsor

Subject: LAFCo Administration

CALAFCO Comments: CALAFCO sponsored bill in response to a 2022 appellate decision out of San Luis Obispo that held that LAFCOs could not use indemnification provisions in applications because indemnifications are a form of agreement that LAFCOs are currently not authorized to enter into. As introduced, the bill would allow LAFCOs to use provisions similar to counties and cities.

[AB 805](#) ([Arambula D](#)) Sewer service: disadvantaged communities.

Current Text: Amended: 1/22/2024 [html](#) [pdf](#)

Introduced: 2/13/2023

Last Amended: 1/22/2024

Status: 1/30/2024-Read third time. Urgency clause adopted. Passed. Ordered to the Senate. (Ayes 76. Noes 0.). In Senate. Read first time. To Com. on RLS. for assignment.

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

Summary:

Under current law, the State Water Resources Control Board and the 9 California regional water quality control boards regulate water quality in accordance with the Porter-Cologne Water Quality Control Act and the federal Clean Water Act. Current law authorizes a regional board to order the provision of sewer service by a receiving sewer system, as defined, to a disadvantaged community served by an

inadequate onsite sewage treatment system, as defined. This bill would authorize the state board to require a sewer service provider to contract with an administrator designated or approved by the state board for administrative, technical, operational, legal, or managerial services to assist a designated sewer system with the provision of adequate sewer service, as defined. The bill would also authorize the state board to order a designated sewer system to accept those services, including full management and control of all aspects of the designated sewer system, from an administrator. The bill would define "designated sewer system" for these purposes as a sewer system that serves a disadvantaged community and that the state board finds to be either an inadequate sewage treatment system or a sewer system that has demonstrated difficulty in maintaining technical, managerial, and financial capacity to prevent fraud and mismanagement, or a sewer system that voluntarily accepts financial assistance for the provision of adequate sewer service.

Position: Support if Amended

Subject: Disadvantaged Communities, Waste Water

CALAFCO Comments: 1/26/2024: Support, if amended, approved. Amendment requested is the inclusion of language requiring the state board to consult with the local LAFCO.

1/22/2024: Gutted and amended. No longer addresses consolidation of waste water systems but, rather, would set up a program in which the state would provide technical, managerial, administrative, and financial assistance, where applicable, to disadvantaged communities. Position changed to support if amended to include a provision requiring the state board to consult with the local LAFCO regarding the system.

As introduced, this bill would have authorized the state board, if sufficient funds are available, to order consolidation of sewer service along with an order of consolidation of drinking water systems when both of the receiving and subsumed water systems provide sewer service and after the state board engages in certain activities. It failed to meet 2023 deadlines and became a 2 year bill that cannot be acted upon until January, 2024.

Total Measures: 15

Total Tracking Forms: 15

3/10/2024 9:26:10 AM

AMENDED IN ASSEMBLY JANUARY 17, 2024

AMENDED IN ASSEMBLY MARCH 16, 2023

CALIFORNIA LEGISLATURE—2023–24 REGULAR SESSION

ASSEMBLY BILL

No. 817

**Introduced by Assembly Member Pacheco
(Coauthor: Assembly Member Wilson)**

February 13, 2023

An act to add *and repeal* Section 54953.05-~~to~~ of the Government Code, relating to local government.

LEGISLATIVE COUNSEL'S DIGEST

AB 817, as amended, Pacheco. Open meetings: teleconferencing: subsidiary body.

Existing law, the Ralph M. Brown Act, requires, with specified exceptions, each legislative body of a local agency to provide notice of the time and place for its regular meetings and an agenda containing a brief general description of each item of business to be transacted. The act also requires that all meetings of a legislative body be open and public, and that all persons be permitted to attend unless a closed session is authorized. The act generally requires for teleconferencing that the legislative body of a local agency that elects to use teleconferencing post agendas at all teleconference locations, identify each teleconference location in the notice and agenda of the meeting or proceeding, and have each teleconference location be accessible to the public. Existing law also requires that, during the teleconference, at least a quorum of the members of the legislative body participate from locations within the boundaries of the territory over which the local agency exercises jurisdiction.

~~Existing law, until January 1, 2024, law authorizes the legislative body of a local agency to use alternate teleconferencing provisions during a proclaimed state of emergency or in other situations related to public health that exempt a legislative body from the general requirements (emergency provisions) and impose and, until January 1, 2026, in certain circumstances related to the particular member if at least a quorum of its members participate from a singular physical location that is open to the public and situated within the agency's jurisdiction and other requirements are met (nonemergency provisions). Existing law imposes different requirements for notice, agenda, and public participation, as prescribed. The emergency provisions specify that they do not require a legislative body to provide a physical location from which the public may attend or comment. prescribed, when a legislative body is using alternate teleconferencing provisions. The nonemergency provisions impose restrictions on remote participation by a member of the legislative body and require the legislative body to specific means by which the public may remotely hear and visually observe the meeting.~~

~~Existing law, until January 1, 2026, authorizes the legislative body of a local agency to use alternative teleconferencing in certain circumstances related to the particular member if at least a quorum of its members participate from a singular physical location that is open to the public and situated within the agency's jurisdiction and other requirements are met, including restrictions on remote participation by a member of the legislative body.~~

~~This bill, until January 1, 2026, would authorize a subsidiary body, as defined, to use similar alternative teleconferencing provisions similar to the emergency provisions indefinitely and without regard to a state of emergency. and would impose requirements for notice, agenda, and public participation, as prescribed. In order to use teleconferencing pursuant to this act, the bill would require the legislative body that established the subsidiary body by charter, ordinance, resolution, or other formal action to make specified findings by majority vote, before the subsidiary body uses teleconferencing for the first time and every 12 months thereafter.~~

~~Existing constitutional provisions require that a statute that limits the right of access to the meetings of public bodies or the writings of public officials and agencies be adopted with findings demonstrating the interest protected by the limitation and the need for protecting that interest.~~

This bill would make legislative findings to that effect.

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

This bill would make legislative findings to that effect.

Vote: majority. Appropriation: no. Fiscal committee: no.
State-mandated local program: no.

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

1 SECTION 1. Section 54953.05 is added to the Government
2 Code, to read:
3 54953.05. (a) (1) The definitions in Section 54953, as that
4 section may be amended from time to time, apply for purposes of
5 this section.
6 (2) For purposes of this section, “subsidiary body” means a
7 legislative body that meets all of the following:
8 (A) Is described in subdivision (b) of Section 54952.
9 (B) Serves exclusively in an advisory capacity.
10 (C) Is not authorized to take final action on legislation,
11 regulations, contracts, licenses, permits, or any other entitlements.
12 (b) A subsidiary body may use teleconferencing without
13 complying with paragraph (3) of subdivision (b) of Section 54953,
14 if the subsidiary body complies with all of the following:
15 (1) The teleconferenced meetings shall be conducted in a manner
16 that protects the statutory and constitutional rights of the parties
17 or the public appearing before the subsidiary body.
18 (2) Each member of the subsidiary body shall participate through
19 both audio and visual technology.
20 (3) The subsidiary body shall provide at least one of the
21 following as a means by which the public may remotely hear and
22 visually observe the meeting, and remotely address the subsidiary
23 body:
24 (A) A two-way audiovisual platform.
25 (B) A two-way telephonic service and a live webcasting of the
26 meeting.

1 (4) The subsidiary body shall give notice of the meeting and
2 post agendas as otherwise required by this chapter.

3 (5) In each instance in which notice of the time of the
4 teleconferenced meeting is otherwise given or the agenda for the
5 meeting is otherwise posted, the subsidiary body shall also give
6 notice of the means by which members of the public may access
7 the meeting and offer public comment.

8 (6) The agenda shall identify and include an opportunity for all
9 persons to attend and address the subsidiary body directly pursuant
10 to Section 54954.3 via a call-in option or via an internet-based
11 service option.

12 (7) In the event of a disruption that prevents the subsidiary body
13 from broadcasting the meeting to members of the public using the
14 call-in option or internet-based service option, or in the event of
15 a disruption within the subsidiary body's control that prevents
16 members of the public from offering public comments using the
17 call-in option or internet-based service option, the subsidiary body
18 shall take no further action on items appearing on the meeting
19 agenda until public access to the meeting via the call-in option or
20 internet-based service option is restored. Actions taken on agenda
21 items during a disruption that prevents the subsidiary body from
22 broadcasting the meeting may be challenged pursuant to Section
23 54960.1.

24 (8) Notwithstanding Section 54953.3, an individual desiring to
25 provide public comment through the use of an internet website, or
26 other online platform, not under the control of the subsidiary body,
27 that requires registration to log in to a teleconference may be
28 required to register as required by the third-party internet website
29 or online platform to participate.

30 (9) The subsidiary body shall not require public comments to
31 be submitted in advance of the meeting and must provide an
32 opportunity for the public to address the subsidiary body and offer
33 comment in real time.

34 (A) A subsidiary body that provides a timed public comment
35 period for each agenda item shall not close the public comment
36 period for the agenda item, or the opportunity to register, pursuant
37 to paragraph (8), to provide public comment until that timed public
38 comment period has elapsed.

39 (B) A subsidiary body that does not provide a timed public
40 comment period, but takes public comment separately on each

1 agenda item, shall allow a reasonable amount of time per agenda
2 item to allow public members the opportunity to provide public
3 comment, including time for members of the public to register
4 pursuant to paragraph (8), or otherwise be recognized for the
5 purpose of providing public comment.

6 (C) A subsidiary body that provides a timed general public
7 comment period that does not correspond to a specific agenda item
8 shall not close the public comment period or the opportunity to
9 register, pursuant to paragraph (8), until the timed general public
10 comment period has elapsed.

11 (c) In order to use teleconferencing pursuant to this section, the
12 legislative body that established the subsidiary body by charter,
13 ordinance, resolution, or other formal action shall make the
14 following findings by majority vote before the subsidiary body
15 uses teleconferencing pursuant to this section for the first time,
16 and every 12 months thereafter:

17 (1) The legislative body has considered the circumstances of
18 the subsidiary body.

19 (2) Teleconference meetings of the subsidiary body would
20 enhance public access to meetings of the subsidiary body.

21 (3) Teleconference meetings of the subsidiary body would
22 promote the attraction, retention, and diversity of subsidiary body
23 members.

24 (d) *This section shall remain in effect only until January 1, 2026,*
25 *and as of that date is repealed.*

26 SEC. 2. The Legislature finds and declares that Section 1 of
27 this act, which adds *and repeals* Section 54953.05-~~to~~ of the
28 Government Code, imposes a limitation on the public's right of
29 access to the meetings of public bodies or the writings of public
30 officials and agencies within the meaning of Section 3 of Article
31 I of the California Constitution. Pursuant to that constitutional
32 provision, the Legislature makes the following findings to
33 demonstrate the interest protected by this limitation and the need
34 for protecting that interest:

35 By removing the requirement for agendas to be placed at the
36 location of each public official participating in a public meeting
37 remotely, this act protects the personal, private information of
38 public officials and their families while preserving the public's
39 right to access information concerning the conduct of the people's
40 business.

1 SEC. 3. The Legislature finds and declares that Section 1 of
2 this act, which adds Section 54953.05 to the Government Code,
3 furthers, within the meaning of paragraph (7) of subdivision (b)
4 of Section 3 of Article I of the California Constitution, the purposes
5 of that constitutional section as it relates to the right of public
6 access to the meetings of local public bodies or the writings of
7 local public officials and local agencies. Pursuant to paragraph (7)
8 of subdivision (b) of Section 3 of Article I of the California
9 Constitution, the Legislature makes the following findings:

10 This act is necessary to provide opportunities for public
11 participation in meetings of specified public agencies and to
12 promote the attraction and retention of members of those agencies.



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SB-1209 Local agency formation commission: indemnification. (2023-2024)

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CALIFORNIA LEGISLATURE— 2023–2024 REGULAR SESSION

SENATE BILL

NO. 1209

Introduced by Senator Cortese

February 15, 2024

An act to add Section 56383.5 to the Government Code, relating to local government.

LEGISLATIVE COUNSEL'S DIGEST

SB 1209, as introduced, Cortese. Local agency formation commission: indemnification.

Existing law, the Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000, provides the exclusive authority and procedure for the initiation, conduct, and completion of changes of organization and reorganization for cities and districts, except as specified. The act continues in existence in each county a local agency formation commission (LAFCO) that consists of members appointed, as specified, and oversees those changes of organization and reorganization. The act authorizes a LAFCO to, among other things, review and approve with or without amendment, wholly, partially, or conditionally, or disapprove proposals for changes of organization or reorganization, as specified.

This bill would authorize a LAFCO to require, as a condition for, among other things, processing a change of organization or reorganization, that the applicant agrees to defend, indemnify, and hold harmless the LAFCO, its agents, officers, and employees from and against any claim, action, or proceeding, as specified, arising from or relating to the action or determination by the LAFCO.

Vote: majority Appropriation: no Fiscal Committee: no Local Program: no

THE PEOPLE OF THE STATE OF CALIFORNIA DO ENACT AS FOLLOWS:

SECTION 1. Section 56383.5 is added to the Government Code, to read:

56383.5. The commission may require, as a condition for processing a change of organization or reorganization, a sphere amendment or a sphere update, or any other action or determination requested from the commission, that the applicant agrees to defend, indemnify, and hold harmless the commission, its agents, officers, and employees from any claim, action, or proceeding against the commission, its agents, officers, or employees arising from or relating to the action or determination by the commission.



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AB-3277 Local agency formation commission: districts: property tax. (2023-2024)

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Date Published: 02/27/2024 09:00 PM

CALIFORNIA LEGISLATURE— 2023–2024 REGULAR SESSION

ASSEMBLY BILL

NO. 3277

Introduced by Committee on Local Government

February 27, 2024

An act to amend Section 56810 of the Government Code, relating to local government.

LEGISLATIVE COUNSEL'S DIGEST

AB 3277, as introduced, Committee on Local Government. Local agency formation commission: districts: property tax.

Existing law, the Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000, establishes the sole and exclusive authority and procedures for the initiation, conduct, and completion of changes of organization and reorganization for cities and districts. Existing law requires proceedings for the formation of a district to be conducted as authorized by the principal act of the proposed district, and authorizes the local agency formation commission in each county to serve as the conducting authority, as specified. Existing law requires a commission to determine the amount of property tax revenue to be exchanged by an affected local agency, as specified, if the proposal includes the formation of a district, as defined.

This bill would, instead, require a commission to determine the amount of property tax revenue to be exchanged by an affected local agency if the proposal includes the formation of a district and the applicant is seeking a share of the 1% ad valorem property taxes. By adding to the duties of a local agency formation commission, the bill would impose a state-mandated local program.

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

This bill would provide that, if the Commission on State Mandates determines that the bill contains costs mandated by the state, reimbursement for those costs shall be made pursuant to the statutory provisions noted above.

Vote: majority Appropriation: no Fiscal Committee: yes Local Program: yes

THE PEOPLE OF THE STATE OF CALIFORNIA DO ENACT AS FOLLOWS:

SECTION 1. Section 56810 of the Government Code is amended to read:

56810. (a) (1) If the proposal includes the incorporation of a city, as defined in Section 56043, the commission shall determine the amount of property tax revenue to be exchanged by the affected local agency pursuant to this section and Section 56815.

(2) If the proposal includes the formation of a district, as defined in Section 2215 of the Revenue and Taxation Code, *and if the applicant is seeking a share of the 1 percent ad valorem property taxes*, the commission shall determine the amount of property tax to be exchanged by the affected local agency pursuant to this section.

(b) The commission shall notify the county auditor of the proposal and the services which the new jurisdiction proposes to assume within the area, and identify for the auditor the existing service providers within the area subject to the proposal.

(c) If the proposal would not transfer all of an affected agency's service responsibilities to the proposed city or district, the commission and the county auditor shall do all of the following:

(1) The county auditor shall determine the proportion that the amount of property tax revenue derived by each affected local agency pursuant to subdivision (b) of Section 93 of the Revenue and Taxation Code bears to the total amount of revenue from all sources, available for general purposes, received by each affected local agency in the prior fiscal year. For purposes of making this determination and the determination required by paragraph (3), "total amount of revenue from all sources available for general purposes" means the total amount of revenue which an affected local agency may use on a discretionary basis for any purpose and does not include any of the following:

(A) Revenue which, by statute, is required to be used for a specific purpose.

(B) Revenue from fees, charges, or assessments which are levied to specifically offset the cost of particular services and do not exceed the cost reasonably borne in providing these services.

(C) Revenue received from the federal government which is required to be used for a specific purpose.

(2) The commission shall determine, based on information submitted by each affected local agency, an amount equal to the total net cost to each affected local agency during the prior fiscal year of providing those services which the new jurisdiction will assume within the area subject to the proposal. For purposes of this paragraph, "total net cost" means the total direct and indirect costs that were funded by general purpose revenues of the affected local agency and excludes any portion of the total cost that was funded by any revenues of that agency that are specified in subparagraphs (A), (B), and (C) of paragraph (1).

(3) The commission shall multiply the amount determined pursuant to paragraph (2) for each affected local agency by the corresponding proportion determined pursuant to paragraph (1) to derive the amount of property tax revenue used to provide services by each affected local agency during the prior fiscal year within the area subject to the proposal. The county auditor shall adjust the amount described in the previous sentence by the annual tax increment according to the procedures set forth in Chapter 6 (commencing with Section 95) of Part 0.5 of Division 1 of the Revenue and Taxation Code, to the fiscal year in which the new city or district receives its initial allocation of property taxes.

(4) For purposes of this subdivision, in any county in which, prior to the adoption of Article XIII A of the California Constitution, and continuing thereafter, a separate fund or funds were established consisting of revenues derived from the unincorporated area of the county and from which fund or funds services rendered in the unincorporated area have been paid, the amount of property tax revenues derived pursuant to paragraph (3), may, at the discretion of the commission, be transferred to the proposed city over a period not to exceed 12 fiscal years following its incorporation. In determining whether the transfer of the amount of property tax revenues determined pursuant to paragraph (3) shall occur entirely within the fiscal year immediately following the incorporation of the proposed city or shall be phased in over a period not to exceed 12 full fiscal years following the incorporation, the commission shall consider each of the following:

(A) The total amount of revenue from all sources available to the proposed city.

(B) The fiscal impact of the proposed transfer on the transferring agency.

(C) Any other relevant facts which interested parties to the exchange may present to the commission in written form.

The decision of the commission shall be supported by written findings setting forth the basis for its decision.

(d) If the proposal would transfer all of an affected agency's service responsibilities to the proposed city or district, the commission shall request the auditor to determine the property tax revenue generated for the affected service providers by tax rate area, or portion thereof, and transmit that information to the commission.

(e) The executive officer shall notify the auditor of the amount determined pursuant to paragraph (3) of subdivision (c) or subdivision (d), as the case may be, and, where applicable, the period of time within which and the procedure by which the transfer of property tax revenues will be effected pursuant to paragraph (4) of subdivision (c), at the time the executive officer records a certificate of completion pursuant to Section 57203 for any proposal described in subdivision (a), and the auditor shall transfer that amount to the new jurisdiction.

(f) The amendments to this section enacted during the 1985–86 Regular Session of the Legislature shall apply to any proposal described in subdivision (a) for which a certificate of completion is recorded with the county recorder on or after January 1, 1987.

(g) For purposes of this section, "prior fiscal year" means the most recent fiscal year for which data on actual direct and indirect costs and revenues needed to perform the calculations required by this section are available preceding the issuance of the certificate of filing.

(h) An action brought by a city or district to contest any determinations of the county auditor or the commission with regard to the amount of property tax revenue to be exchanged by the affected local agency pursuant to this section shall be commenced within three years of the effective date of the city's incorporation or the district's formation. These actions may be brought by any city that incorporated or by any district that formed on or after January 1, 1986.

(i) This section applies to any city that incorporated or district that formed on or after January 1, 1986.

(j) The calculations and procedures specified in this section shall be made prior to and shall be incorporated into the calculations specified in Section 56815.

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