



Local Agency Formation Commission of Napa County

Subdivision of the State of California

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

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

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

Consistent with California Assembly Bill 361 and California Government Code Section 54953 due to the COVID-19 State of Emergency and the recommendations for physical distancing, there will be no physical or in-person meeting location available to the public. Instead, the meeting will be conducted solely by teleconference. All staff reports for items on the meeting agenda are available on the Commission's website at https://www.napa.lafco.ca.gov/staff_reports.aspx. The meeting will be accessible for all members of the public to attend via the link and phone number listed below.

REGULAR MEETING AGENDA

Monday, June 6, 2022, 2:00 PM

This meeting will be conducted by teleconference. Written public comments may be submitted PRIOR to the meeting by 10:00 A.M. on June 6, 2022. Public comments DURING the meeting: See "COVID-19 – Notice of Meeting Procedures" on pages 3 and 4 of the agenda.

*Join Teleconference Meeting **Electronically** (computer, tablet, or smartphone):*
<https://countyofnapa.zoom.us/j/81529648473>

Join Teleconference Meeting by Telephone:

Dial: (669) 900-6833

Follow the prompts: Meeting ID: 81529648473#

1. CALL TO ORDER BY CHAIR; ROLL CALL

2. PLEDGE OF ALLEGIANCE

3. APPROVAL OF AGENDA

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

4. PUBLIC COMMENTS

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

5. CONSENT ITEMS

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

Action Items:

- a) **Approval of Meeting Minutes:** April 4, 2022 Regular Meeting
- b) **Approve AB 361 Findings for Remote Teleconference Only Commission Meeting due to COVID-19 Emergency**
- c) **Approve Agreement for Retention of Legal Counsel**
- d) **Approve Proposed Amendment to Policy on Municipal Service Reviews**
- e) **Approve Proposed Amendment to Policy on Establishing Officers of the Commission**
- f) **Approve Work Program for Fiscal Year 2022-23**

5. CONSENT ITEMS (CONTINUED)

Receive Report for Information Only:

- g) Third Quarter Budget Report for Fiscal Year 2021-22**
- h) Napa LAFCO Quarterly Newsletter**
- i) CALAFCO Quarterly Newsletter**
- j) Legislative Report**
- k) Current and Future Proposals**

6. PUBLIC HEARING ITEMS

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

a) Sphere of Influence Amendment Request Involving the City of American Canyon, American Canyon Fire Protection District, and 1661 Green Island Road (Approx. 60 Minutes)

The Commission will consider a landowner request to amend the spheres of influence for the City of American Canyon and American Canyon Fire Protection District involving 1661 Green Island Road (APN 058-030-041). The affected territory is approximately 157 acres in size. The request is exempt from further review under CEQA pursuant to California Code of Regulations Section 15061(b)(3).

b) Final Budget for Fiscal Year 2022-23 and Amendment to the Schedule of Fees and Deposits (Approx. 15 Minutes)

The Commission will consider a final budget for fiscal year 2022-23. Proposed operating expenses and revenues each total \$663,588. The Commission will also consider a proposed amendment to its *Schedule of Fees and Deposits*.

7. ACTION ITEMS

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

a) Proposed Hilltop Drive Reorganization and Associated CEQA Findings (Approx. 10 Minutes)

The Commission will consider approving a proposal submitted by landowner petition with a recommended boundary modification. The modified proposal involves annexation of two unincorporated parcels totaling 0.53 acres in size to the City of Napa along with concurrent detachment from County Service Area No. 4. The affected territory is located at 2991 Hilltop Drive (APN 043-020-008) and a property with no situs address (APN 043-020-004). Pursuant to CEQA Guidelines Section 15162, no further CEQA documentation is necessary.

8. DISCUSSION ITEMS

A member of the public may receive permission to provide comments on any item calendared for discussion at the discretion of the Chair. General direction to staff for future action may be provided by Commissioners.

a) Direction on Future Commission Meetings (Approx. 5 Minutes)

The Commission will consider alternatives for holding future Commission meetings in person, remotely, or as a hybrid.

9. COMMISSIONER COMMENTS/REQUESTS FOR FUTURE AGENDA ITEMS

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

10. ADJOURNMENT TO NEXT SCHEDULED MEETING

Monday, August 1, 2022 at 2:00 P.M. The meeting may be conducted by teleconference only due to COVID-19 in compliance with California Assembly Bill 361. If the meeting is held in person, the meeting location will be at the Napa County Board of Supervisors Chambers, located at 1195 Third Street, 3rd floor, Napa, CA 94559, and remote teleconference access will also be provided.

MEETING INFORMATION

COVID-19 – Notice of Meeting Procedures

TELECONFERENCE MEETING: In order to slow the spread of the Coronavirus (COVID-19) pandemic, the Commission will conduct this meeting as a teleconference in compliance with California Assembly Bill 361 and California Government Code Section 54953 due to the COVID-19 State of Emergency and the recommendations for physical distancing, and members of the Commission or Commission staff may participate in this meeting telephonically or electronically. Members of the public may participate in the meeting, as described below.

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

<https://countyofnapa.zoom.us/j/81529648473>

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

Dial: (669) 900-6833

Follow the prompts: Meeting ID: 81529648473#

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 **June 6, 2022 at 10:00 A.M.** by email to info@napa.lafco.ca.gov or by mail to Napa LAFCO at 1754 Second Street, Suite C, Napa, CA 94559-2450. If you are commenting on a particular item on the agenda, please identify the agenda item number and letter. Any comments of 500 words or less (per person, per item) will be read into the record if: (1) the subject line includes “COMMENT TO COMMISSION – PLEASE READ”; and (2) it is received by the Commission prior to the deadline of **June 6, 2022 at 10:00 A.M.**

SUBMITTING SUPPLEMENTAL WRITTEN COMMENTS: Any member of the public may submit supplemental written comments to the Commission, beyond the 500-word limit for comments read into the record, and those supplemental written comments will be made a part of the written record.

SUBMITTING SPOKEN COMMENTS DURING THE COMMISSION MEETING:

Electronically:

1. We request that you identify yourself by name as this will be visible online and will be used to notify you that it is your turn to speak.
2. When the Commission calls for the item on which you wish to speak, click “participants”, a menu will appear. On computer or tablet: click on the “raise hand” icon or word. On a smartphone: click on your name in the list of participants, click on “raise hand”. Staff will unmute speakers in turn.
3. When you are called upon to speak, please provide your name and address for the record.
4. When called, please limit your remarks to the time limit allotted (3 minutes).

By phone (please avoid the speakerphone function to prevent echoing):

1. Your phone number will appear but not your name.
2. When the Commission calls for the item on which you wish to speak, press *9 to “raise your hand”. Staff will unmute speakers in turn. You will be called upon using the last four digits of your phone number, since your name is not visible. You will be prompted to press *6 to be unmuted.
3. When you are called upon to speak, please provide your name and address for the record.
4. When called, please limit your remarks to the time limit allotted (3 minutes).

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

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

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

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

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

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

POLITICAL REFORM ACT: Pursuant to Government Code Sections 56700.1 and 81000 et seq., any person or combination of persons who directly or indirectly contributes \$1,000 or more or expends \$1,000 or more in support of or in opposition to a change of organization or reorganization that will be, or has been, submitted to LAFCO must comply, to the same extent as provided for local initiative measures, with reporting and disclosure requirements of the California Political Reform Act of 1974. Additional information can be obtained by contacting the Fair Political Practices Commission. Pursuant to Government Code Section 84308, if you wish to participate in the proceedings indicated on this agenda, you or your agent is prohibited from making a campaign contribution of \$250 or more to any Commissioner or Alternate Commissioner. This prohibition begins on the date you begin to actively support or oppose an application before LAFCO and continues until three months after a final decision is rendered by LAFCO. If you or your agent has made a contribution of \$250 or more to any Commissioner or Alternate Commissioner during the 12 months preceding the decision, that Commissioner or Alternate Commissioner must disqualify themselves from the decision in the proceeding. However, disqualification is not required if the Commissioner or Alternate Commissioner returns that campaign contribution within 30 days of learning both about the contribution and the fact that you are a participant in the proceedings.

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



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

Agenda Item 5a (Consent/Action)

TO: Local Agency Formation Commission

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

MEETING DATE: June 6, 2022

SUBJECT: Approval of Meeting Minutes:
April 4, 2022 Regular Meeting

DISCUSSION AND RECOMMENDATION

The Commission will consider approving the draft meeting minutes prepared by staff for the April 4, 2022 Regular Meeting, included as Attachment One.

Staff recommends approval.

ATTACHMENT

- 1) Draft Minutes for April 4, 2022 Regular Meeting

Margie Mohler, Chair
Councilmember, Town of Yountville

Mariam Aboudamous, Commissioner
Councilmember, City of American Canyon

Beth Painter, Alternate Commissioner
Councilmember, City of Napa

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

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

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

Kenneth Leary, Commissioner
Representative of the General Public

Eve Kahn, Alternate Commissioner
Representative of the General Public

Brendon Freeman
Executive Officer



**LOCAL AGENCY FORMATION COMMISSION OF NAPA COUNTY
MEETING MINUTES OF APRIL 4, 2022**

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

Chair Dillon called the regular meeting of April 4, 2022 to order at 2:04 PM.

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

Regular Commissioners	Alternate Commissioners	Staff
Diane Dillon, Chair	Ryan Gregory	Brendon Freeman, Executive Officer
Margie Mohler, Vice Chair	Eve Kahn	DeeAnne Gillick, Commission Counsel
Brad Wagenknecht	Beth Painter (<i>Voting</i>)	Dawn Mittleman Longoria, Analyst II and Interim Clerk
Kenneth Leary		
Mariam Aboudamous (<i>Excused</i>)		

2. PLEDGE OF ALLEGIANCE

Chair Dillon led the Pledge of Allegiance.

3. APPROVAL OF AGENDA

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

Upon motion by Vice Chair Mohler and second by Commissioner Wagenknecht, the Commission unanimously adopted the agenda as submitted:

VOTE:

AYES: MOHLER, WAGENKNECHT, DILLON, PAINTER AND LEARY

NOES: NONE

ABSENT: ABOUDAMOUS

ABSTAIN: NONE

4. PUBLIC COMMENTS

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

5. CONSENT ITEMS

Vice Chair Mohler requested to make a comment on item 5d. She stated that she expects that the Policy Committee will update the *Chair Rotation Policy* to reflect the unusual situation of two Commissioners retiring before the end of their rotation. The Chair recognized the comment.

Action Items:

- a) **Approval of Meeting Minutes:** February 7, 2022, Regular Meeting and March 10, 2022, Special Meeting
- b) **Consider AB 361 Findings for Remote Teleconference Only Commission Meeting due to COVID-19 Emergency**

Receive Report for Information Only:

- c) **CALAFCO Quarterly Report**

- d) **Chair Rotation**
- e) **Current and Future Proposals**

Upon motion by Commissioner Wagenknecht and second by Commissioner Painter, the consent items were approved.

VOTE:

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

6. PUBLIC HEARING ITEMS

a) Sphere of Influence Amendment Request Involving the City of American Canyon, American Canyon Fire Protection District, and 1661 Green Island Road

The Commission will consider a landowner request to amend the spheres of influence for the City of American Canyon (City) and American Canyon Fire Protection District (ACFPD) involving 1661 Green Island Road (APN 058-030-041). The recommended action is for the Commission to deny the request.

Staff advised that the applicant had requested a continuance to the Commission's June 6, 2022 meeting. The applicant also requested that the City and County have a discussion about the underlying sphere request. Fire District staff also requested continuance on the matter and that more analysis be given to the District sphere amendment. The Board of Directors of the Fire District voted to support the sphere amendment for ACFPD. Staff will conduct further analysis, separating the City from the District. Staff recommends continuance to June 6, 2022.

Chair Dillon opened the public hearing and asked if there were any comments from Commissioners or from the public. No comments were received.

Chair Dillon closed the public hearing.

Upon motion by Commissioner Leary and second by Vice Chair Mohler, the matter was continued to the Commission's June 6, 2022 regular meeting.

VOTE:

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

b) Proposed Budget for Fiscal Year 2022-23

The Commission considered adopting a resolution to approve a proposed budget for fiscal year 2022-23. Proposed operating expenses and revenues total \$663,588. The recommended actions were for the Commission to (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 recommendation for a final budget for adoption at a noticed public hearing on June 6, 2022.

The Executive Officer thanked this year's Budget Committee members (Commissioners Mohler and Leary) for their work on the proposed budget, as well as provided an overview of the agency's

expenses and revenues. Complete financial information was provided in the staff report for this agenda item. Staff noted that the Draft Amendment to the Schedule of Fees will be presented to the Commission on June 6, 2022. Staff provided an overview of the budget explaining that proposed revenues and expenses would total \$663,588. LAFCO would be in a position to end the 22-23 fiscal year with reserves totaling \$285,777 or 43.1% of budgeted expenses. That amount would be consistent with the Commission's policy for reserves at a minimum of 33.3% of budget expenses. Staff explained the increase in budgeted revenues and expenses. Staff explained that the Budget Committee discussed at length the need for increased flexibility for LAFCO's staffing positions which are currently locked into specific job titles and salary ranges as part of the Commission's Support Services Agreement with the County of Napa. Notably, with the retirement of the Commission Clerk, staff has taken on these functions to better understand the needs of the agency. The Executive Officer noted that the Commission's Analyst II has temporarily taken on the role of Interim Clerk until that position is filled by a permanent employee. Staff has been meeting with the County regarding changes in the Services Agreement.

The Budget Committee proceeded with their presentation. Budget Committee member Mohler explained that in past years LAFCO has adopted budgets that required drawing down reserves to cover operations. The proposed budget addresses current inflation, the challenges of hiring personnel, and retaining existing staff.

Committee member Leary added that the proposed budget would allow LAFCO to be able to do its job as we are supposed to do, and to operate smoothly.

Chair Dillon asked if the budget allowed funding to staff for in-person meetings.

The Executive Officer affirmed this statement.

Commissioner Painter stated that, as a new Commissioner, she was unaware of the process to notify the funding agencies. She added that they should be notified of the proposed budget as early as possible for preparation of their budgets.

The Commission agreed and discussed the need to advise the funding agencies.

Staff explained that the proposed budget would be circulated to funding agencies and public. Staff clarified that the practice has been, immediately after this meeting, to send to all funding agency managers and finance directors a cover letter and the proposed budget.

The Commission discussed funding for special projects such as the island annexation program.

Staff explained that the adopted fee schedule includes waiver of fees if a city applies to annex an entire island.

The Commission discussed the cost of the island annexation program, as well as the previously requested report on the island program.

Staff advised that the report on the island annexation program is scheduled for August.

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

Chair Dillon closed the public hearing.

Upon motion by Vice Chair Mohler and second by Commissioner Wagenknecht, the Commission unanimously approved the following staff recommendations:

- 1) Adopt the Resolution of the Local Agency Formation Commission of Napa County adopting a Proposed Budget for the 2022-23 Fiscal Year (**RESOLUTION #2022-04**);
- 2) Direct staff to circulate the proposed budget to each of the funding agencies as well as to the general public for 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 6, 2022.

VOTE:**AYES:** **MOHLER, WAGENKNECHT, DILLON, PAINTER AND LEARY****NOES:** **NONE****ABSENT:** **ABOUDAMOUS****ABSTAIN:** **NONE****c) Reappointment of Kenneth Leary as Public Member**

The city and county members of the Commission considered approving the reappointment of Public Member Kenneth Leary to a new four-year term beginning May 2, 2022.

Staff explained that local policy requires a public hearing to make the formal appointment of Public Member.

The Commission thanked Commissioner Leary for his service.

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

Chair Dillon closed the public hearing.

Upon motion by Commissioner Wagenknecht and second by Vice Chair Mohler, the Commission unanimously approved the reappointment of Kenneth Leary as Public Member for a new four-year term.

VOTE:**AYES:** **WAGENKNECHT, MOHLER, DILLON, AND PAINTER****NOES:** **NONE****ABSENT:** **ABOUDAMOUS****ABSTAIN:** **NONE****7. ACTION ITEMS****a) Legislative Report**

The Commission received a report on legislative items directly or indirectly affecting LAFCOs. The recommended actions were for the Commission to do the following: (1) approve an amendment to the adopted Legislative Policy; (2) approve an amendment to the adopted Legislative Platform; (3) authorize the Executive Officer to submit a letter to the Legislature in support of Assembly Bill 2957; (4) authorize the Executive Officer to submit a letter to the Legislature in support of Assembly Bill 1773; and (5) discuss Senate Bill 938 and consider directing the Executive Officer to submit a position letter to the Legislature if appropriate.

The Commission's Analyst II presented an overview of the Legislative Committee's recommendations and urged Committee members (Dillon and Painter) to provide any additional comments. She explained her involvement in the original legislation that established some of the protest provisions. The legislation gave LAFCO the authority to initiate actions and the protest provisions were included at the request of state special district associations. This CALAFCO sponsored bill is the result of three years of work including representatives of the California Special Districts Association.

Chair Dillon requested comments from the Commission.

Vice Chair Mohler provided comments from her perspective as a member of both the CALAFCO Board of Directors and Legislative Committee. She emphasized that SB 938 had the support of the California Special Districts Association.

Commissioner Painter complimented the Commission's Analyst II for her thorough knowledge of the background of SB 938. She added that the Legislative Committee felt the bill warranted full discussion and input from the Commission.

Chair Dillon asked if there were comments from the public. No public comments were received. Upon motion by Vice Chair Mohler and second by Commissioner Wagenknecht, the Commission unanimously approved the following Legislative Committee recommendations:

- 1) approve an amendment to the adopted Legislative Policy;
- 2) approve an amendment to the adopted Legislative Platform;
- 3) authorize the Executive Officer to submit letters to the Legislature in support of Assembly Bills 2957 and 1773 as well as Senate Bill 938.

VOTE:

AYES: MOHLER, WAGENKNECHT, DILLON, PAINTER AND LEARY

NOES: NONE

ABSENT: ABOUDAMOUS

ABSTAIN: NONE

8. DISCUSSION ITEMS

a) New Commissioner Orientation Process

The Commission received a report on the standard orientation process for new Commissioners. The Commission was invited to provide direction to staff with respect to any changes to the process or providing additional information at a future meeting.

The Commission's Analyst II presented Napa's process for welcoming new Commissioners. She provided a sample Commissioner Handbook provided by Santa Barbara LAFCO. She further emphasized that LAFCO Commissioners arrive with extensive experience and serve on numerous other commissions and boards. The Napa LAFCO Executive Officer meets with new Commissioners and tailors the information according to the experience level of the individual. She requested feedback from the Commission.

Chair Dillon and Wagenknecht both complimented staff on an excellent job of welcoming new Commissioners and felt there was no need to make changes in the process.

Chair Dillon asked if there were comments from the public. No public comments were received.

b) Direction on Future Commission Meetings

The Commission considered alternatives for holding future Commission meetings in person, remotely, or as a hybrid. The Commission was invited to provide direction to staff with respect to its preference for future Commission meetings.

The Commission discussed future meetings, with the majority stating a preference for hybrid meetings. Commissioner Mohler expressed concerns about the volatility of the COVID situation.

The Commission directed staff to make arrangements for a hybrid Commission meeting.

9. COMMISSIONER COMMENTS/REQUESTS FOR FUTURE AGENDA ITEMS

There was no discussion of this item.

Local Agency Formation Commission of Napa County

Meeting Minutes of April 4, 2022

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10. ADJOURNMENT TO NEXT REGULAR SCHEDULED MEETING

Vice Chair Mohler expressed her appreciation for Commissioner Dillon's service as Chair. The meeting was adjourned at 3:31PM. The next regular LAFCO meeting is scheduled for Monday, June 6, 2022 at 2:00 PM.

It is anticipated the meeting will be conducted as a hybrid meeting at the Napa County Board of Supervisors Chambers, located at 1195 Third Street, 3rd floor, Napa, CA, 94559.

Margie Mohler, LAFCO Chair

ATTEST:

Brendon Freeman, Executive Officer

Prepared by:

Dawn Mittleman Longoria / Interim Commission Clerk

DRAFT



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Agenda Item 5b (Consent/Action)

TO: Local Agency Formation Commission

FROM: Brendon Freeman, Executive Officer *BF*
DeeAnne Gillick, General Counsel *DAG*

MEETING DATE: June 6, 2022

SUBJECT: AB 361 Findings for Remote Teleconference Commission Meeting due to COVID-19 Emergency

RECOMMENDATION

It is recommended that the Commission consider the circumstances of the state of emergency pursuant to the Governor's COVID-19 Emergency Proclamation and make further findings related to holding this meeting by teleconference consistent with the provisions of subdivision (e) of Government Code Section 54953.

BACKGROUND AND DISCUSSION

On October 4, 2021, the Commission approved Resolution No. 2021-22 Declaring its Intent to Continue Remote Teleconference Only Meetings Due to the Governor's Proclamation of State Emergency and State Regulations Related to Physical Distancing Due to the Threat of COVID-19. The Commission has continued to make findings at each subsequent Commission meeting to allow for continued teleconference only meetings consistent with the provisions of Government Code (G.C.) Section 54953 enacted by Assembly Bill (AB) 361.

In order for the Commission to continue to meet utilizing the AB 361 relaxed teleconference meeting rules, the Commission must make ongoing findings every 30 days that the Commission has reconsidered the circumstances of the state of emergency and that the emergency continues to impact the ability to "meet safely in person," or that state or local officials continue to recommend measures to promote social distancing. G.C. Section 54953(e)(3).

Margie Mohler, Chair
Councilmember, Town of Yountville

Mariam Aboudamous, Commissioner
Councilmember, City of American Canyon

Beth Painter, Alternate Commissioner
Councilmember, City of Napa

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

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

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

Kenneth Leary, Commissioner
Representative of the General Public

Eve Kahn, Alternate Commissioner
Representative of the General Public

Brendon Freeman
Executive Officer

COVID-19 health risks and impacts continue and are ever changing. In response to improving conditions, Governor Newsom issued Executive Order N-04-22 on February 25, 2022, which lifted many of the provisions related to the emergency while maintaining certain measures to support the ongoing response and recovery effort. Although a portion of the emergency provisions have been lifted, the Governor's state of emergency proclamation remains active related to COVID-19. The Governor's continued state of emergency order supports holding public meetings by teleconference only pursuant to the provisions of AB 361.

Local and state regulations have been updated related to use of facemasks, but social distancing is still recommended and in some situations required pursuant to the Cal/OSHA Emergency Temporary Standards. Section 3205. These Cal/OSHA requirements continue to support the County of Napa's September 27, 2021 Memorandum to permit remote attendance at all boards and commission meetings. Based on these state and local orders, the findings to support teleconference only meetings pursuant to G.C. Section 54953(e)(1) can continue to be made.

Although it was the Commission's intent to return to in person meetings due to improving conditions, most recently the adverse cases and impacts in the Napa region have increased. In coordination with the Chair, staff recommended that the Commission continue to meet in a remote teleconference format due to the current increase in COVID-19 infections in the Napa region.

Staff will continue to monitor the conditions related to COVID-19 and provide updates to the Commission related to meeting accommodations as conditions change.

Now, therefore, it is recommended that the Commission make the following findings:

- 1) The Commission has reconsidered the circumstances of the state of emergency.
- 2) The state of emergency continues to directly impact the ability of the Commission to meet safely in person, and state and local officials continue to impose or recommend measures to promote social distancing.
- 3) The Commission meetings will continue to be held by teleconference in compliance with subdivision (e) of G.C. Section 54953 and the Commission will continue to monitor the circumstances related to COVID-19 and the state of emergency.



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Agenda Item 5c (Consent/Action)

TO: Local Agency Formation Commission

PREPARED BY: Brendon Freeman, Executive Officer *BF*

MEETING DATE: June 6, 2022

SUBJECT: Retention of Legal Counsel

RECOMMENDATION

The recommended action is for the Commission to authorize the Executive Officer to sign the draft Professional Services Agreement with Colantuono, Highsmith & Whatley, included as Attachment One, to provide the Commission with legal counsel services.

BACKGROUND AND SUMMARY

On March 10, 2022, the Commission held a special meeting to interview representatives of the top two selected law firms that had responded to the Commission's Request for Proposals for legal services. The following firms and individuals were interviewed:

- Colantuono, Highsmith & Whatley:
Michael Colantuono, Gary Bell, and David Ruderman
- Sloan Sakai (incumbent):
DeeAnne Gillick and Madeline Miller

At the conclusion of the closed session interviews, the Commission decided to recommend retaining the firm of Colantuono, Highsmith & Whatley as Commission Counsel. A draft Professional Services Agreement is included as Attachment One.

The effective date of the draft Professional Services Agreement is July 1, 2022. The agreement would be in effect through June 30, 2027 and would be subject to renewal on July 1, 2027. Thereafter, the agreement may be renewed and extended by the Executive Officer for annual periods, unless otherwise specified by the Commission.

ATTACHMENT

- 1) Draft Professional Services Agreement

Margie Mohler, Chair
Councilmember, Town of Yountville

Mariam Aboudamous, Commissioner
Councilmember, City of American Canyon

Beth Painter, Alternate Commissioner
Councilmember, City of Napa

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

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

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

Kenneth Leary, Commissioner
Representative of the General Public

Eve Kahn, Alternate Commissioner
Representative of the General Public

Brendon Freeman
Executive Officer

**AGREEMENT BETWEEN
LOCAL AGENCY FORMATION COMMISSION OF NAPA COUNTY
AND COLANTUONO, HIGHSMITH & WHATLEY, PC
FOR LEGAL COUNSEL SERVICES**

THIS AGREEMENT is effective on July 1, 2022 between Colantuono Highsmith & Whatley, PC (hereinafter called "Legal Counsel"), and the Local Agency Formation Commission of Napa County (hereinafter called "LAFCO").

WITNESSETH:

WHEREAS, the Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000 (Government Code Section 56380 et seq.) authorizes LAFCO to employ or contract for professional or consulting services to carry out the functions of the Commission; and

WHEREAS, LAFCO desires the services of a law firm to provide legal representation / legal advice.

NOW, THEREFORE, IT IS MUTUALLY AGREED by and between parties as follows:

I. EMPLOYMENT OF LEGAL COUNSEL

LAFCO agrees to engage Legal Counsel and Legal Counsel hereby agrees to perform the services hereinafter set forth.

II. INTENT OF PARTIES

It is understood between parties that Legal Counsel will perform services as determined necessary by the Executive Officer and the Commission.

III. SCOPE OF LEGAL COUNSEL SERVICES

Legal Counsel shall undertake the following services:

1. Legal Counsel will be on call to answer questions from the Executive Officer and the Commission and to perform legal representation / legal advice services as requested by the Executive Officer or the Commission, on an "as-needed" basis.
2. Legal Counsel will provide regular updates to the Executive Officer and/or the Commission regarding legal representation / legal advice services when requested by the Executive Officer and/or the Commission.

3. Legal Counsel shall perform those services listed in the “Proposal to Provide Legal Counsel Services”, attached as Exhibit “A” and fully incorporated by this reference, when requested by the Executive Officer and/or the Commission.

IV. ADMINISTRATOR OF AGREEMENT

The Executive Officer is LAFCO's representative (contract officer) for purposes of administering this Agreement. Gary B. Bell (Colantuono, Highsmith and Whatley, PC), is Legal Counsel's representative for purposes of administering this Agreement, and is Legal Counsel's LAFCO representative and contact person.

V. LEGAL COUNSEL'S EMPLOYEES AND EQUIPMENT

Legal Counsel agrees that it has secured or will secure at its own expense all persons, employees and equipment required to perform the services required under this Agreement and that all such services will be performed by Legal Counsel, or under Legal Counsel's supervision, by persons authorized by law to perform such services.

VI. TERM

This agreement shall become effective upon execution by both parties and shall continue until terminated or the date of expiration. The agreement shall remain in effect through June 30, 2027 and shall be subject to renewal on July 1, 2027. This agreement may be renewed and extended by the Executive Officer for annual periods, unless otherwise specified by the Commission.

VII. COMPENSATION AND MANNER OF PAYMENT

Legal Counsel will be compensated only for legal representation / legal advice services described in Section III above performed at the express direction of the Executive Officer and/or the Commission. Compensation shall include only labor and expenses, to be paid as follows:

1. Labor

Compensation for labor of personnel shall be billed in accordance with the rates described in the “Proposal to Provide Legal Counsel Services”, attached as Exhibit “A”, shall not be amended during the term of this agreement without the prior written approval of LAFCO.

Compensation during travel to and from the LAFCO's offices or meetings shall be billed at one-half the time actually incurred.

2. Expenses

Legal Counsel will also be compensated for its actual expenses incurred for materials, mileage at current IRS rates, long-distance telephone calls, and other expenses authorized by the Executive Officer and/or the Commission. Outgoing faxes will be reimbursed at \$1 per page and in-house photocopies will be reimbursed at twenty cents per page. Legal Counsel shall charge no administrative or other markup on expenses for which reimbursement is sought from LAFCO.

3. Manner of and Maximum Payment

Payment shall be made in arrears pursuant to written invoices submitted to the Executive Officer on a monthly basis. Payment shall be made within 30 days of receipt of invoices. Such payment shall constitute full and complete payment for the period covered by the invoice. The total amount paid to Legal Counsel for work within any fiscal year shall be subject to the approval of the Executive Officer and may not exceed the amount budgeted for this purpose by LAFCO for that fiscal year.

VIII. AUDIT AND INSPECTION OF RECORDS

At a time that is agreed upon by LAFCO and Legal Counsel and as often as LAFCO may deem necessary, Legal Counsel shall make available to LAFCO or its designated agents for examination all of Legal Counsel's data and records with respect to all matters covered by this Agreement, and Legal Counsel will permit LAFCO, or its designated agents, to audit, examine, and make excerpts or transcripts from such data and records, and to make audits of all invoices, materials, payrolls, records of personnel, and other data relating to all matters covered by this Agreement. Unless otherwise specified by LAFCO in writing, said data and records should be made available for examination within Napa County for a period of two (2) years following completion of this Agreement.

IX. INTEREST OF LEGAL COUNSEL

- a. Legal Counsel covenants that he/she presently has no interest and shall not acquire any interest, direct or indirect, which would conflict in any manner or degree with the performance of services required to be performed under this Agreement. Legal Counsel further covenants that in the performance of this Agreement, no person having any such interest shall be employed or retained under this Agreement.
- b. Except as provided in paragraph c. below, Legal Counsel agrees to not act as Legal Counsel or perform services of any kind for any LAFCO applicant without the prior written consent of LAFCO. When consent has been given, Legal Counsel shall endeavor to avoid involvement on behalf of said new client which would in any manner undermine the effective performance of services by Legal

Counsel or convey, utilize, or permit to be utilized, confidential information gained through its association with LAFCO for the benefit of any other client.

- c. Legal Counsel has informed LAFCO that it provides advisory and litigation services to the Town of Yountville and the Upper Valley Waste Management Agency. Legal Counsel has also advised the City of American Canyon regarding its sphere of influence and acted as an expert witness for the City of St. Helena regarding water service outside its jurisdictional boundary.

Legal Counsel is generally in the business of providing general and special counsel services to local governments in Napa County and elsewhere in California. Provided that Legal Counsel does not provide services in Napa County which create a conflict under the Rules of Professional Conduct or which pertain to an actual or potential application to LAFCO, Legal Counsel may continue its practice of providing legal services to local governments in Napa County without further consent of LAFCO. Legal Counsel shall not provide services in Napa County which create a conflict under the Rules of Professional Conduct or which pertain to an actual or potential application to LAFCO, without the informed, written consent of LAFCO. Without limiting the foregoing, Legal Counsel shall not advise LAFCO regarding any future application from or relating to the Town of Yountville's proposed or actual annexation of property currently occupied by Domaine Chandon.

- d. Legal Counsel agrees to alert every client for whom consent is required to this conflict of interest provision and to include language in its agreement with said client, which would enable Legal Counsel to comply fully with its terms.
- e. Legal Counsel shall recuse himself/herself from discussions or actions that may result in a financial benefit to him/her or to any governmental agency that he represents. Notwithstanding this recusal provision, the following positions, by name or job title, are hereby classified "designated employees," as defined by LAFCO's Conflict of Interest Code. Such "designated employees" will be required to complete and submit any Conflict of Interest Statements that may become due during the effective period of this Agreement.

Gary B. Bell and David J. Ruderman

X. TERMINATION OF AGREEMENT FOR CAUSE

If, through any cause, Legal Counsel shall fail to fulfill in a timely and proper manner his/her obligations under this Agreement, or if Legal Counsel shall violate any of the covenants, agreements, or stipulations of this Agreement, LAFCO shall thereupon have the right to terminate this Agreement by giving written notice to Legal Counsel of such termination and specifying the effective date thereof, at least five (5) days before the effective date of such termination. In such event, all

finished or unfinished documents, data, studies, surveys, drawings, maps, reports, and other materials prepared by Legal Counsel shall, at the option of LAFCO, become its property, and Legal Counsel shall be entitled to received just and equitable compensation for any satisfactory work completed on such documents and other materials, not to exceed the amounts payable under Section VII above.

Notwithstanding the above, Legal Counsel shall not be relieved of liability to LAFCO for damages sustained by LAFCO by virtue of any breach of the Agreement by Legal Counsel, and LAFCO may withhold any payments to Legal Counsel for the purpose of offset until such time as the exact amount of damages due LAFCO from Legal Counsel is determined. Legal Counsel hereby expressly waives any and all claims for damages for compensation arising under this Agreement except as set forth in this section in event of such termination.

XI. TERMINATION FOR CONVENIENCE OF LAFCO

LAFCO reserves the right to terminate this Agreement at any time by written notice to Legal Counsel sixty (60) days prior to date of termination thereof. LAFCO shall thereafter pay Legal Counsel for work performed to the date of termination. Such notice shall terminate this Agreement and release LAFCO from any further fee, cost or claim hereunder by Legal Counsel other than for work performed to date of termination. In the event of termination, all finished and unfinished documents and other material shall, at the option of LAFCO, become its property.

XII. INSURANCE AND HOLD HARMLESS AGREEMENT

Legal Counsel agrees to maintain such insurance as will fully protect Legal Counsel and LAFCO from any and all claims under any workers' compensation act or employer's liability laws, and from any and all other claims of whatsoever kind or nature for the damage to property or for personal injury, including death, made by anyone whomsoever which may arise from operations carried on under this Agreement, either by Legal Counsel, any subcontractor, or by anyone directly or indirectly engaged or employed by either of them. Legal Counsel shall exonerate, indemnify, defend, and hold harmless LAFCO from and against, and shall assume full responsibility for payment of all federal, state, and local taxes or contributions imposed or required under unemployment insurance, social security and income tax laws, with respect to Legal Counsel and Legal Counsel's employees engaged in performance of this Agreement. LAFCO and its agents, officers, and employees shall not be, nor be held liable for any claims, liabilities, penalties, fines, or forfeitures, or for any damage to the goods, properties, or effects of Legal Counsel or of any other persons whatsoever, nor for personal injury to or death of them, or any of them, caused by or resulting from any negligent act or omission of Legal Counsel or Legal Counsel's agents, employees, or representatives. Legal Counsel further agrees to indemnify, defend, and hold harmless LAFCO and its agents, officers, and employees, against and from any and all of the foregoing liabilities, and any and all costs or expenses incurred by LAFCO on account of any claim

therefor. In the event that a court of competent jurisdiction should determine that LAFCO does not have the authority to provide by agreement for the provision of the hereinabove-set-forth professional service, Legal Counsel nevertheless agrees to assume the foregoing obligations and liabilities, by which it is intended by both parties that Legal Counsel shall indemnify and save LAFCO free and harmless from all claims arising by reason of any negligent act or omission of Legal Counsel.

XIII. INTEREST OF LAFCO OFFICERS AND OTHERS

No officer, member, or employee of LAFCO and no member of its governing body shall participate in any decision relating to this Agreement which affects his/her personal interest, or the interest of any corporation, partnership, or association in which he/she is directly interested; nor shall any such person have any interest, direct or indirect, in this Agreement or the proceeds thereof.

XIV. ASSIGNABILITY

Legal Counsel shall not assign any interest in this Agreement, and shall not transfer any interest in the same (whether by assignment or novation) without prior written consent of LAFCO thereto. Provided, however, that claims for money due or to become due to Legal Counsel from LAFCO under this Agreement may be assigned to a bank, trust company, or other financial institution without such approval. Notice of any such assignment or transfer shall be furnished promptly to LAFCO. Any assignment requiring approval may not be further sub-assigned without LAFCO approval.

XV. FINDINGS CONFIDENTIAL

Any reports, information, data, statistics, forms, procedures, systems, studies and any other communication or form of knowledge given to or prepared or assembled by Legal Counsel under this Agreement which LAFCO requests to be kept as confidential shall not be made available to any individual or organization by Legal Counsel without prior written approval of LAFCO unless pursuant to a valid and enforceable order of any court with jurisdiction of the matter.

XVI. OWNERSHIP, PUBLICATION, REPRODUCTION, AND USE OF MATERIAL

Any reports, information, data, statistics, forms, procedures, systems, studies and any other communication or form of knowledge given to or prepared or assembled by Legal Counsel under this Agreement which LAFCO requests to be kept as confidential shall not be made available to any individual or organization by Legal Counsel without prior written approval of LAFCO unless pursuant to a valid and enforceable order of any court with jurisdiction of the matter.

XVII. NOTICE

Any notice or notices required or permitted to be given pursuant to this Agreement may be personally served on the other party by the party giving such notice, or may be served by certified mail, postage prepaid, return receipt requested, to the following addresses:

LAFCO: Brendon Freeman, Executive Officer
LAFCO of Napa County
1754 Second Street, Suite C
Napa, CA 94559-2450
(707) 259-8645
E-mail: BFreeman@napa.lafco.ca.gov

Legal Counsel: Gary B. Bell
Colantuono, Highsmith & Whatley, PC
333 University Avenue, Suite 200
Sacramento, CA 95825
(916) 898-0049
E-mail: GBell@chwlaw.us

Payments shall be directed to Legal Counsel as follows:

Colantuono, Highsmith & Whatley, PC
420 Sierra College Drive, Suite 140
Grass Valley, CA 95945-5091

Either party may alter its address for notice under this Agreement by written notice to the other party at any time.

XVIII. INDEPENDENT CONTRACTOR

Legal Counsel and any agent, subcontractor, or employee of Legal Counsel shall act in an independent capacity and not as an officer or employee of LAFCO. LAFCO assumes no liability for Legal Counsel's action in performance, nor assumes responsibility for taxes, funds, payments or other commitments, implied or expressed, by or for Legal Counsel. Legal Counsel shall not have authority to act as an agent on behalf of LAFCO unless specifically authorized to do so in writing by LAFCO's Executive Officer and/or the Commission. Legal Counsel acknowledges that it is aware that, because it is an independent contractor, LAFCO is making no deductions from its fee and is not contributing to any fund on its behalf. Legal Counsel disclaims the right to fee or benefits except as expressly provided for in this Agreement.

Legal Counsel shall provide the services required by this Agreement and arrive at conclusions with respect to the rendition of information, advice or recommendations, independent of the control and direction of LAFCO, other than normal

contract monitoring; provided, however, Legal Counsel shall possess no authority with respect to any LAFCO decision beyond rendition of such information, advice or recommendations unless authorized by the Executive Officer and/or the Commission.

XIX. EQUAL OPPORTUNITY

Legal Counsel will not discriminate against any employee, or against any applicant for such employment because of age, race, color, creed, religion, sex, or national origin. This provision shall include, but not be limited to, the following: employment, upgrading, demotion or transfer, recruitment or recruitment advertising, layoff or termination, rates of pay or other forms of compensation, and selection for training, including apprenticeships.

XX. SUBCONTRACTS

None of the services covered by this Agreement shall be subcontracted or assigned without the prior written consent of LAFCO, provided however, that this provision shall not apply to secretarial, clerical, routine mechanical, and similar incidental services needed by Legal Counsel to assist in the performance of this Agreement. Legal Counsel shall not hire LAFCO's employees to perform any portion of the work or services provided for herein including secretarial, clerical, and similar incidental services except upon the written approval of LAFCO. Performance of services under this Agreement by associates or employees of Legal Counsel shall not relieve Legal Counsel from any responsibility under this Agreement.

XXI. CHANGES

LAFCO may, from time-to-time, require changes in the scope of the services of Legal Counsel to be performed hereunder. Such changes, including any increase or decrease in the amount of Legal Counsel's compensation, which is mutually agreed upon by and between LAFCO and Legal Counsel, shall be effective when incorporated in written amendments to this Agreement.

XXII. NOTICE OF TAXABLE POSSESSORY INTEREST

The terms of this document may result in the creation of the possessory interest. If such a possessory interest is vested in a private party to this document, the private party may be subjected to the payment of personal property taxes levied on such interest.

XXIII. APPLICABLE LAW

This Agreement shall be construed and interpreted according to the laws of the State of California.

IN WITNESS WHEREOF, LAFCO and Legal Counsel have executed this Agreement as of the date first above written.

LAFCO OF NAPA COUNTY

**COLANTUONO, HIGHSMITH &
WHATLEY, PC**

BY _____
BRENDON FREEMAN
Executive Officer

BY _____
GARY B. BELL
Vice-President

DATE _____

DATE _____

DRAFT

COLANTUONO
HIGSMITH
WHATLEY, PC

GARY B. BELL | (916) 898-0049 | GBELL@CHWLAW.US

February 2, 2022

VIA ELECTRONIC MAIL

Brendon Freeman, Executive Officer
LAFCO of Napa County
1754 Second Street, Suite C
Napa, CA 94559
e-mail: bfreeman@napa.lafco.ca.gov

Re: **Proposal to Provide Legal Counsel Services**

Dear Brendon:

Thank you for the opportunity to propose our services as Legal Counsel to the Local Agency Formation Commission of Napa County. I and everyone at Colantuono, Highsmith & Whatley would be very pleased to represent your Commission.

Enclosed with this cover letter is a formal proposal that addresses the requirements of the Request for Proposal (RFP). Our firm is well positioned and prepared to provide the full range of services identified in the Scope of Services in Section V of the RFP, as well as any other legal services the Commission's counsel may be called upon to provide. We propose Gary B. Bell, David J. Ruderman, and Michael G. Colantuono with primary responsibility for providing legal services. The other talented and experienced attorneys at CHW will also be available to assist the Commission based on need and expertise.

Our hourly rates are based upon the experience, reputation, and ability of the attorneys and legal assistants performing the services. We can offer a discounted rate by providing general counsel legal services at our standard rates capped at \$280 per hour, which is less than the Commission currently pays, and litigation, reimbursable, and special services at our standard rates capped at \$325 per hour. This means the Commission will not be charged more per hour, even if the attorney's standard rate is higher, and will be charged less per hour if the attorney's standard rate is lower. We always perform legal services with a basic tenet in mind: the Commission should be provided the highest level of service by the most cost-efficient attorney, depending on the task and the Commission's input. Our proposal is firm and irrevocable for 90 days after the date of this letter and thereafter, if the Commission has not yet

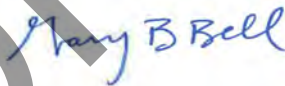
made a decision regarding its Legal Counsel, provided we have an opportunity to reevaluate our proposed rates at that time.

Regarding possible conflicts of interest, Gary currently serves as the Town Attorney for the Town of Yountville, and we have previously advised the City of American Canyon regarding its sphere of influence and the City of St. Helena regarding water service outside its jurisdictional boundary. We have not advised any special districts or county service areas in Napa County regarding LAFCO-related issues. While Gary serves as General Counsel for the Upper Valley Waste Management Agency, as a Joint Powers Authority, the Agency is not under the jurisdiction of LAFCO of Napa County.

We have carefully reviewed the professional services agreement included as Attachment A to the RFP and are fully prepared to provide all services listed therein, in addition to those listed in Section V of the RFP. We propose adding a section to the agreement that: (1) acknowledges our current and past work for other public agencies in Napa County, (2) states that we will not undertake any other LAFCO-related work in Napa County without the informed, written consent of the Commission, and (3) authorizes us to continue our existing work in Napa County.

If we can provide any further information to assist your review of this proposal, please let me know. Thank you for the opportunity to propose our services as Legal Counsel to LAFCO of Napa County.

Sincerely,



Gary B. Bell



PROPOSAL TO
THE LOCAL AGENCY FORMATION COMMISSION
OF NAPA COUNTY
FOR
LEGAL SERVICES

February 2, 2022

SUBMITTED BY:

Gary B. Bell, Esq.
David J. Ruderman, Esq.
Michael G. Colantuono, Esq.
Colantuono, Highsmith & Whatley, PC
333 University Avenue, Suite 200
Sacramento, CA 95825

Telephone: (530) 432-7357
Facsimile: (530) 432-7356
E-mail: GBell@chwlaw.us

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DRAFT

Part 1. Description and Summary of Qualifications

Firm Introduction

Colantuono, Highsmith & Whatley is a municipal law firm established in 2002 with offices in Sacramento, Grass Valley, Pasadena, Sonoma, and Solana Beach. Our attorneys are among a small number in private practice with deep expertise in the Cortese-Knox-Hertzberg Act (CKH). Gary B. Bell has represented local governments exclusively during his legal career, including work with the firm's current LAFCO clients — San Diego LAFCO and Yuba LAFCo — while serving on CALAFCO's Legislative Committee and Legislative Advisory Committee since 2016. He serves as Town Attorney for the Town of Yountville, City Attorney for the City of Auburn, Assistant City Attorney for the City of Novato, and General Counsel to special districts in Northern California (community services districts, fire districts, and utility districts). Gary frequently advises on all aspects of public agency law.

David J. Ruderman has over 15 years' experience and has represented local governments exclusively for the past 10 years. He is a frequent presenter at CALAFCO's Annual Conference, Annual Staff Workshops, and CALAFCO's University. David serves as Legal Counsel to Yuba LAFCO and Assistant Legal Counsel to Calaveras LAFCO. In addition to his LAFCO work, he serves as City Attorney for the City of Lakeport, Assistant City Attorney for the City of Sonoma, and Assistant General Counsel to the Tahoe Forest Hospital District in Truckee, where he regularly advises on all aspects of public agency law.

Michael G. Colantuono adds substantial depth to the firm's LAFCO practice, as he serves as Legal Counsel to the Calaveras LAFCO and as alternate counsel to the Monterey, Nevada, Orange, Sonoma, and Yolo LAFCOs.

The firm's core commitment is to provide advice our clients find helpful, understandable, and fairly priced. We represent public agencies generally, serving as Legal Counsel to Calaveras, San Diego, and Yuba LAFCOs and City Attorney to the Cities of Auburn, Barstow, Calabasas, Grass Valley, Lakeport, Ojai, Sierra Madre, South Pasadena, Weed, and the Town of Yountville. We also serve as general and special counsel in advisory and litigation matters for counties, cities, and special districts of various kinds throughout the state.

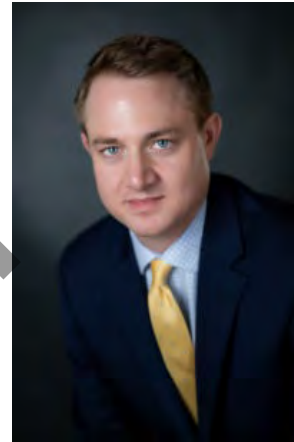
In our service as general counsel and in our special counsel practice, we provide advice to public agencies on all facets of public agency law, including the Brown Act,

conflicts of interest law, the Public Records Act, land use and planning, the California Environmental Quality Act (CEQA), public revenues and financing, labor and employment, redevelopment dissolution, housing, election law, and any related litigation. The firm prides itself on its extensive public law experience, its commitment to problem-solving, and a focus on ethical, creative, affirmative, and intelligent advice and representation, which our clients find both helpful and understandable.

Personnel Introduction

Gary B. Bell

Gary is a Shareholder in Colantuono, Highsmith & Whatley's Sacramento office and has been with the firm since 2015. He has represented municipal and public agency clients exclusively since joining the California State Bar in 2012. He currently serves as the City Attorney for the City of Auburn (2019-present; previously Assistant City Attorney 2015-2019) and the Town Attorney for the Town of Yountville (2016-present), as well as General Counsel for the Upper Valley Waste Management Agency (2020-present), Pine Grove Community Services District (2018-present), the Peninsula Community Services District (2020-present), and the Garden Valley Fire Protection District (2016-present), Assistant General Counsel for the Higgins Fire District (2015-present), and General Counsel for the First 5 Yuba Commission (2016-present). In those positions, he regularly provides the services LAFCO of Napa County seeks, including providing general legal advice, attending meetings, reviewing and advising on agendas, staff reports, resolutions and other staff-prepared documents, preparing legal opinions and resolutions, reviewing and drafting contracts and indemnification agreements, and preparing reports and presenting information to the legislative body at public hearings.



Gary's practice covers a range of public law issues, including land use, CEQA, public works contracting, contracts, labor and employment law, constitutional law, code enforcement, conflicts of interest, open meetings and records laws, post-redevelopment issues, and matters involving Local Agency Formation Commissions (LAFCOs). Gary regularly counsel's cities and special districts on matters related to solid waste, water and wastewater systems including rate setting, code enforcement proceedings, and drafting of complex franchise agreements. Gary was named a Top 40 Under 40 California Lawyer by the Daily Journal Corporation in 2020.

Before joining CH&W, Gary served as City Attorney for the City of Firebaugh (2014-2015) and advised municipal clients throughout California on a wide range of

issues, including counties, cities, school districts, and special districts (2014-2015). He also previously advised the California Special Districts Association (CSDA) regarding operations and legislative advocacy (2011-2013).

Gary graduated with highest honors from UC Santa Cruz in 2008 with a B.A. in psychology. He received his J.D. in 2012 from the UC Davis School of Law, where he was staff editor of the UC Davis Business Law Journal and a research assistant in constitutional law. While at Davis, Gary worked as a law clerk in the Governor's Office of Legal Affairs and as a legal extern at the Placer County Superior Court.

Before law school, Gary served as a Senate Fellow for the California State Senate in Sacramento, where he staffed the Senate Local Government Committee and worked on legislation of interest to California's local governments.

Licenses:

California State Bar No. 288360; Admitted December 2012

Education:

- J.D., 2012: University of California, Davis
- B.A., 2008: University of California, Santa Cruz

Other Experience:

- Hearing officer, County of Nevada, nuisance abatement, administrative citation, and marijuana cultivation appeals.

Practice Areas:

- Public Law
- Elections Law
- Contracts
- Public Works Contracting
- Labor and Employment Law
- Municipal Finance Law
- Conflicts of Interest
- Constitutional Law
- Code Enforcement
- Land Use, Planning, and CEQA
- Open Meetings and Records Law
- Redevelopment Dissolution
- Local Agency Formation Commission (LAFCO) Law
- Special Districts

Presentations:

- Presenter, **California Special Districts Association (CSDA)** AB 1234 Training (2022)
- Presenter, **California Special Districts Association (CSDA)** 2021 Annual Conference: Taxes, Assessments, and Fees: Recent Developments and Considerations for Your District
- Presenter, **California Special Districts Association (CSDA)**, 2021 Special District Leadership Academy (SDLA): Outside Oversight: The Powers and Functions of Civil Grand Juries and LAFCo
- Presenter, **Napa-Solano International Code Council** (2019)
- Presenter, **California Special Districts Association (CSDA)** 2019 Annual Conference: Special District LAFCo Involvement
- Presenter, **CALAFCO Staff Workshop** (2019)
- Presenter, **California Special Districts Association (CSDA)** Webinar (2019): Special District LAFCo Involvement
- Presenter, **California Special Districts Association (CSDA)** AB 1234 Training (2018)

Publications:

- Contributor, **California Special Districts Association (CSDA)** eNews (May 2021): *Special Taxes Now Easier to Pass*
- Contributor, **Western City Magazine** (Oct. 2019): *Wayfair Decision Means More Sales and Use Tax Revenues for Cities*
- Contributor, **California Special Districts Magazine** (2019): *LAFCos and Involuntary Dissolutions and Consolidations*
- Contributor, **Western City Magazine** (June 2018): *U.S. Supreme Court Revisits Sales and Use Taxes in the E-Commerce Age*
- Editor, **The California Municipal Law Handbook** (Cal CEB), Chapter 3 (Elections) and Chapter 6 (Franchises) (2016, 2017, & 2018)

Recognitions/Committees:

- Recipient, **Daily Journal Corporation: Top 40 Under 40** (2020)
- Member, **League of California Cities Legal Advocacy Committee (LAC) & LAC Executive Committee** (2020-Present)
- Juror, **Gordon D. Schaber Mock Trial Competition** (2019, 2020, 2021 & 2022)
- Member, **CALAFCO Legislative Advisory Committee** (2018, 2019, & 2020)
- Member, **CALAFCO Legislative Committee** (2016 & 2017)

David J. Ruderman

David is a Senior Counsel in our firm and resident in the Grass Valley office. He has significant experience with CKH, the California Environmental Quality Act (CEQA), spheres of influence (SOI), municipal service reviews (MSRs), public agency law, administration, contracts and agreements, land use planning and zoning law, litigation and other legal issues routinely faced by LAFCOs and other public agencies such as the Brown Act, Public Records Act, ethics, and conflicts of interest. He has served as Yuba LAFCO's lead counsel and Lakeport City Attorney for eight years, as well as Assistant General Counsel of the Tahoe Forest Hospital District for six years. In those positions, he regularly provides the services LAFCO of Napa County seeks, including providing general legal advice, attending meetings, reviewing and advising on agendas, staff reports, resolutions and other staff-prepared documents, preparing legal opinions and resolutions, reviewing and drafting contracts and indemnification agreements, and preparing reports and presenting information to the legislative body at public hearings.



David also has broad litigation experience on behalf of public agencies and LAFCOs in particular. He defended San Luis Obispo LAFCO in a lawsuit filed by a developer challenging the Commission's denial of its application for annexation to the City of Pismo Beach. We prevailed on the CEQA and CKH issues and then successfully obtained dismissal of the civil rights claim. David also not long ago obtained a successful settlement for San Diego LAFCO in a lawsuit the City of Coronado brought challenging San Diego LAFCO's conclusion that Imperial Beach's provision of extra-territorial sewer services to the Coronado Naval Base were exempt from LAFCO review under Government Code section 56133. He and Michael are also co-counsel for Southern Mono Healthcare District defending a lawsuit challenging its ability to provide extra-territorial services within Northern Inyo Healthcare District. Finally, David successfully settled a lawsuit against Shasta LAFCO claiming damages for the failure to prepare timely MSRs and SOIs.

David's other significant litigation experience for public agency clients includes obtaining a published opinion affirming a preliminary injunction enjoining the operation of medical marijuana dispensaries in the City of Pasadena: *Urgent Care Medical Services v. City of Pasadena* (2018) 21 Cal.App.5th 1086. This success was preceded by another appellate victory, where he obtained reversal of a trial court's denial of a preliminary injunction in Vallejo's efforts to enforce its medical marijuana ordinance: *City of Vallejo v. NCORP4, Inc.* (2017) 15 Cal.App.5th 1078.

David's litigation work also includes successfully defending an appeal of his trial court victory in a taxpayers' lawsuit challenging the Monterey Peninsula Water Management District's decision not to call an election on a referendum to a water supply charge the District adopted under Proposition 218. David also successfully defended a California Public Records Act case for Pacific Grove, averting an award of attorneys' fees, and succeeded in having a local initiative that would have led to litigation with its bargaining units and CalPERS removed from the ballot after the trial court found it clearly invalid.

Licenses:

California State Bar No. 245989; Admitted December 2006

Education:

- J.D., 2006: UCLA School of Law, Los Angeles, CA
 - Managing Editor, UCLA Law Review
 - Judicial extern, Hon. Harry Pregerson, Ninth Circuit Court of Appeals
- B.A., History, with honors, 1997: Lewis & Clark College, Portland, OR

Professional Background:

- Colantuono, Highsmith & Whatley, PC
 - Senior Counsel, January 2014 – Present
 - Senior Associate, May 2011 – December 2013
- Quinn Emanuel Urquhart & Sullivan LLP, San Francisco, CA
 - Associate, December 2006 – April 2011

Other Experience:

- Hearing officer, County of Nevada, nuisance abatement, administrative citation, and marijuana cultivation appeals.
- Speaker and Panelist, "Deep Dive into Municipal Service Reviews: One size does not fit all," June 2019 CALAFCO (California Association of Local Agency Formation Commissions) University
- Speaker, "The Cannabis Conundrum: How to Extinguish Illegal Marijuana Businesses," May 2019 League of California Cities Spring City Attorneys' Conference
- Speaker, "LAFCO 101: Understanding and Applying the Basics," 2018 and 2017 CALAFCO Staff Workshops
- Speaker, "New Procedures for Independent Special District Selection Committees," 2018 CALAFCO Staff Workshop

- Moderator, “Consolidation of Water Systems under SB 88 and SB 552,” and “All Things Cannabis: Land Use, Cultivation, Water and Ag Land Preservation and Impacts,” 2017 CALAFCO Staff Workshop
- Author, “New Legislation Requires LAFCOs to Plan for Disadvantaged Unincorporated Communities,” The Sphere (CALAFCO journal), March 2012.
- Author, “Planning for Disadvantaged Communities,” The Sphere (CALAFCO journal), Oct. 2012.
- Municipal Law Handbook, League of California Cities, City Attorneys’ Department, reviewer

Practice Areas:

- Public Law
- Local Agency Formation Commission (LAFCO) Law
- Public Finance Law
- Election Law
- Land Use / CEQA
- Marijuana Regulation and Litigation
- Alternative Dispute Resolution
- Intellectual Property (Copyright, Trademark)

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Michael G. Colantuono

Michael adds a depth of experience to our team. Michael was appointed by the Assembly Rules Committee to the Commission on Local Governance in the 21st Century which produced a report entitled “Growth Within Bounds” that led to the adoption of A.B. 2838 in 2000 to comprehensively revise CKH. As one of two lawyers in private practice on the Commission, Michael played an active role in drafting and negotiating the language of A.B. 2838.



Beyond his service on that Commission, Michael has been an active public lawyer representing local governments in LAFCO and other matters since 1989. As managing shareholder of the firm, Michael has handled a number of lawsuits for LAFCOs as well, including a disputed island annexation involving a Home Depot site surrounded by El Cajon in which we represented San Diego LAFCO. He has handled a number of annexation and related disputes for Yuba LAFCO, and a disputed annexation to the City of Huntington Beach involving the question of whether Proposition 218 applies to inhabited island annexations. This case led to the published decision in *Citizens Association of Sunset Beach v. Orange County LAFCO*, an important victory for all LAFCOs and cities in our State.

Michael is perhaps California’s leading expert on the law of local government revenues, handling seven cases on that subject in the California Supreme Court since 2004 and appearing in every division of the California Court of Appeal. California Chief Justice Ronald M. George presented him with the 2010 Public Lawyer of the Year Award on behalf of the California State Bar. The State Bar has certified him as an Appellate Specialist and he is a member of the California Academy of Appellate Lawyers, a prestigious association of fewer than 100 of California’s most distinguished appellate advocates. Two successive Speakers of the California Assembly appointed him as a member of the Board of Trustees of the California Bar, the state agency which regulates the practice of law in California. His fellow Trustees elected him Treasurer and President of the Bar and the California Supreme Court appointed him as Chair of the Board of Trustees. He was named to the Daily Journal’s “Top 25 Municipal Lawyers in California” every year since its list began in 2011.

Michael currently serves as General Counsel for Calaveras LAFCO and special counsel to several other LAFCOs, as well as City Attorney for the City of Grass Valley. He previously served as City Attorney of Auburn (2005–2019), Barstow (1997–2004),

Calabasas (2003–2012), Cudahy (1994–1999), La Habra Heights (1994–2004), Monrovia (1999–2002), and Sierra Madre (2004–2006), as General Counsel to the Barstow (1997–2004) and Sierra Madre (2004–2006) Redevelopment Agencies, and as General Counsel of the Big Bear City Community Services District (1994–2001).

Michael graduated magna cum laude from Harvard University (BA 1983) and received his law degree from University of California, Boalt Hall School of Law (JD 1988), graduating first in his class. While in law school, he was an Articles Editor of the California Law Review and made a member of the Order of the Coif upon graduation. Michael was law clerk to the Honorable James R. Browning, Judge of the United States Court of Appeals for the Ninth Circuit, in 1988–1989.

Michael comments on local government and municipal finance topics on Twitter (@MColantuono) and LinkedIn.

Licenses:

California State Bar No. 143551; Admitted December 1989

Education:

- J.D., 1988: University of California, Boalt Hall School of Law (Berkeley)
- B.A., 1983: Harvard University

Practice Areas:

- Appellate Litigation
- Conflicts of Interest
- Constitutional Law
- Election Law
- Local Agency Formation Commission (LAFCO) Law
- Land Use, Planning and CEQA
- Municipal Litigation
- Public Law
- Municipal Revenues (Taxes, Assessments, Fees, and Charges)
- Post-Redevelopment
- Public Utilities

Part 2. Related Work Experience and References

In our CKH practice, we have advised LAFCOs, cities, and special districts on all aspects of LAFCO-related issues including changes of organization, spheres of influence and municipal service reviews, the provision of services outside jurisdictional boundaries, and conducting protest proceedings, as well as handling a number of significant LAFCO-related litigation matters.

As part of our everyday practice for public entities, we have drafted legislation on every imaginable topic of interest to a public entity, as well as supporting staff reports. We regularly review and draft simple and complex agreements including indemnity and defense agreements, agreements pertaining to real property (whether for acquisition or regulation, including easements, right of way access or abandonment), construction and subdivision agreements, professional services agreements, Memoranda of Understanding with bargaining units, and public works project bidding documents.

The firm also includes California's leading experts on local government revenues, including Propositions 13, 26 and 218. Michael, one of the firm's founding members, leads the team on all public financing matters, which often informs LAFCO's consideration of annexation applications that will result in the imposition of new taxes or assessments on the affected territory. He recently chaired the League of California Cities Committee that wrote the League's Propositions 26 and 218 Implementation Guide. In addition, we maintain a labor and employment team, of which Terri Highsmith is lead counsel with assistance as needed from Gary, David, and Michael in both transactional and litigation matters. Terri has more than 25 years of experience advising public agency clients regarding all aspects of public employment law.

In addition to advisory work in all areas of interest to a public entity, our firm also represents public entities in litigation matters, as needed, from simple code enforcement to complex matters of first impression impacting agencies on a statewide basis. Our litigators have broad experience in public-sector litigation and such private-sector topics as general commercial litigation, employment law, and unfair competition. We have a successful litigation track record at all levels, including an extensive practice in the California Courts of Appeal and the California Supreme Court.

In sum, we are well prepared to provide all services listed in Section V of the RFP, in addition to any other legal services we may be called upon to provide the Commission, including:

1. Serving as LAFCO legal counsel and representative in all Commission matters, including litigation and administrative proceedings as necessary;
2. Providing general legal advice to the Commission or the Executive Officer when requested typically on matters of general municipal or administrative law, including CEQA, and on matters relating to the Cortese-Knox-Hertzberg Act or case law specifically involving local government boundaries or organizations in California;
3. Serving as on-call legal counsel to the Commission, mainly from a remote location, unless attendance at meetings is requested in advance;
4. Attending in-person meetings with the Executive Officer and/or Commission committees when required or maintain telephone and e-mail contact as needed;
5. Reviewing and commenting upon monthly agendas, staff reports, resolutions, correspondence, administrative policies, and other documents prepared by LAFCO staff as requested and in a timely manner;
6. Preparing legal opinions on specified issues;
7. Preparing and/or reviewing contracts and indemnification agreements on request;
8. Preparing occasional reports and present information at public hearings and represent the Commission as legal counsel during meetings as needed.

Specific examples of legal analysis and services related to local government boundaries and organization include:

1. Gary advised the Garden Valley Fire Protection District in El Dorado County regarding a proposed consolidation with an adjacent fire protection district;
2. David advised Yuba LAFCO on a large annexation and detachment application regarding a reclamation district that encompassed a significant

- part of the County and obtained a successful settlement of litigation brought by disaffected property owners.
3. Michael and David advised San Diego LAFCO, then defended it in litigation, concerning Imperial Beach's provision of extra-territorial sewer services to the Coronado Naval Base notwithstanding the Naval Base's location in the City of Coronado.
 4. Michael and David advised the City of Concord on the complicated detachment of territory from the Mount Diablo Health Care District in Contra Costa County and establishment of Mount Diablo as a subsidiary district of the City.

References

While our firm is well known in local government, LAFCO, and public law circles, the following are especially familiar with David's work on these issues:

- Steven R. Rogers, Town Manager
Town of Yountville
6550 Yount Street
Yountville, CA 94599
(707) 944-8851
SRogers@yville.com
- John Benoit, Executive Officer
Yuba LAFCO
915 8th Street, Suite 130
Marysville, CA 95901
(707) 592-7528
j.benoit4@icloud.com
- John W. Donlevy, Jr., City Manager
City of Auburn
1225 Lincoln Way
Auburn, CA 95603
(530) 823-4211
jdonlevy@auburn.ca.gov

- Kevin Ingram, City Manager
City of Lakeport
225 Park Street
Lakeport, CA 95453
(707) 263-5615 x 104
kingram@cityoflakeport.com

You have permission to contact these references. If you or your Commissioners would like to speak to LAFCO Commissioners or other elected officials with whom Gary, David, or Michael have worked, let us know and we can provide names and contact information for that purpose.

Part 3. Approach

Colantuono, Highsmith & Whatley is unique for its approach in the delivery of legal services. Our philosophy is to anticipate and find solutions to our clients' problems, and to help our clients achieve their goals. We focus on preventative law directed at addressing legal problems before the parties find that they must resort to time-consuming and expensive litigation. Often, we find that a matter can be resolved with a creative, legal negotiated solution that takes into account and meets the goals of our client and the other parties. If litigation is required, however, we are well equipped to vigorously represent our clients' interests in court. At the same time, we are alert for opportunities to settle litigation and thereby to reduce our clients' costs.

We view the role of Legal Counsel as a close partnership with the Executive Officer. In coordination with the Executive Officer, the Legal Counsel's role is to advise decision-makers of the law, including the various options and associated risks, so they may carry out the policies and objectives of the Commission. The Legal Counsel is not a policy maker or a manager but rather assists those in these positions with accurate, timely, and helpful advice. The Legal Counsel also provides unbiased, neutral advice to the Commission regarding its operations. The Legal Counsel's work includes written advice in memoranda and email communications, oral advice when appropriate during meetings, in-person and by telephone, defending the Commission in litigation and hearings, and initiating litigation on behalf of the Commission when directed to do so by the Commission. We are committed to providing a high level of service for all work identified in Section V of the RFP, in addition to any other legal services we may be called upon to provide the Commission. In addition, we have no meeting conflicts with the Commission's regular meetings scheduled for the first Monday of even-numbered months.

Part 4. Project Cost

Although our rates range from \$205 to \$550 per hour based on the experience, reputation, and ability of our attorneys, we would be pleased to discount our rates to our standard rates capped at \$280 per hour for general counsel services (i.e., the services listed in Section V of the RFP). The LAFCOs our firm represents, as well as many of our public agency clients with a relatively smaller demand for legal services, are billed only for services rendered on an as-needed basis as determined by the Executive Officer. We bill on a monthly basis in increments of one-tenth of an hour. We find this arrangement works well for LAFCOs because they often have an uneven demand for legal services, driven by applications for large or controversial changes of organization or reorganization. We believe this fee structure will work for LAFCO of Napa County and will provide potentially substantial savings.

We propose to provide special legal services (i.e., those services not listed in Section V of the RFP) and litigation services at our standard rates capped at \$325 per hour. Work to be reimbursed to LAFCO by developers and others is billed at our standard rates also capped at \$325 per hour, which allows us to keep rates LAFCO pays lower.

We understand travel will be limited, as attendance at meetings will be virtual and only in-person upon request. In the event travel is needed, we would charge only one-half the discounted rate for travel to and from Napa County from our Sacramento office. In addition, we ask for mileage reimbursement at the IRS rate, but no other travel expenses will be charged. We estimate travel time from our office to yours at 1.25 hours.

Finally, we charge \$0.20 per page for in-house copies and \$1 per page of outgoing faxes (which have become quite rare given the utility of e-mail). All other costs we incur in representing you are charged at our actual cost, without markup. We find that out-of-pocket expenses for our general counsel clients in non-litigation matters, other than mileage, are very small.

Public agencies vary considerably in the way they use counsel and we pride ourselves on our ability to meet our clients' varied needs efficiently and at the lowest cost consistent with effective representation. In the end, we pledge that the financial arrangement between LAFCO of Napa County and the firm will be fair to both parties and we will never send a bill to you without first reviewing it with that commitment in mind.

Litigation, Special Counsel, and Reimbursable Services Rates

We propose to provide special legal services (i.e., those services not listed in Section V of the RFP) and litigation services at our standard rates capped at \$325 per hour. Work to be reimbursed to LAFCO by developers and others is billed at our standard rates also capped at \$325 per hour, which allows us to keep rates LAFCO pays lower. Special counsel services include those services that fall outside general counsel services (defined above) and litigation, such as:

- Real estate legal services other than routine review of escrow documents, title reports and standard sale or purchase contracts.
- Labor, employment and personnel legal services prior to the initiation of litigation, but excluding facilitating the Executive Officer's annual performance review and basic review of agreements prepared as part of the normal course of the Commission's work.
- Litigation services, including advice and representation concerning actual or threatened litigation, administrative proceedings and court proceedings, and any and all matters assigned by LAFCO.

We find that, unlike other general counsel clients, LAFCOs have a very small demand for these types of special counsel services.

Attachment A
List of Client Agencies

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List of Client Agencies within Previous Five Years

The firm is general counsel to those agencies marked with an asterisk (*)

Anaheim, City of	Glendale, City of
Antioch, City of	Glendora, City of
*Auburn Urban Development Authority	Gold Coast Health Plan
*Auburn, City of	Goleta, City of
*Barstow Redevelopment Agency/Successor Agency	*Goleta Water District
*Barstow, City of	Goleta West Sanitary District
Belmont, City of	*Grass Valley, City of
Benicia, City of	*Higgins Fire District
Bighorn Desert View Water Agency	Humboldt, City of
Brentwood, City of	Huntington Beach, City of
Broad Beach Geologic Hazard Abatement District	Huntington Park Oversight Board
Burbank, City of	Imperial Irrigation District
*Calabasas, City of	Incorporate Olympic Valley
*Calaveras County Local Agency Formation Commission (LAFCo)	*Lakeport, City of
Calexico, City of	Lakewood, City of
Calleguas Municipal Water District	Lathrop, City of
Central Coast Water Authority	Livermore, City of
Cerritos, City of	Lodi, City of
Buellton Basin Water Conservation District	Long Beach, City of
ChangeLab Solutions (formerly Public Health Institute)	Los Angeles, City of
Chula Vista, City of	*Los Angeles, County of, Citizens Redistricting Commission
Cupertino, City of	Marin Municipal Water District
East Palo Alto, City of	Marina, City of
*East Buellton Valley Consortium dba "LA Works"	Mariposa County
El Cajon, City of	Midpeninsula Regional Open Space District
Escondido, City of	MJM Management Group
*First Five Yuba	Modesto Irrigation District
Fresno, City of	Montecito Water District
*Garden Valley Fire Protection District	Monterey, City of
	Monterey County Local Agency Formation Commission (LAFCo)
	Monterey Peninsula Water Management District

Mountain View, City of
 Nevada County
 Newhall County Water District
 Newport Beach, City of
 *North San Juan Fire District
 Ocean Avenue Association
 *Ojai, City of
 *Ophir Hill Fire Protection District
 Orange County Mosquito and Vector
 Control District
 Orange County Local Agency Formation
 Commission (LAFCo)
 *Orangeline Development Authority
 (also known as Eco-Rapid Transit)
 Oxnard, City of
 Pacific Grove, City of
 Pajaro Valley Water Management
 Agency
 Palo Alto, City of
 Paramount, City of
 Pasadena, City of
 Pico Rivera, City of
 *Pine Grove Community Services
 District
 *Pomona Oversight Board
 Poway, City of
 Redding, City of
 Redlands, City of
 Rialto, City of
 *Rialto Oversight Board
 Richmond, City of
 Riverside, City of
 Riverside County
 *Rough & Ready Fire District
 San Benito, County of
 San Bernardino Local Agency Formation
 Commission (LAFCo)
 *San Bernardino Oversight Board
 San Diego, City of
 *San Diego County Local Agency
 Formation Commission (LAFCo)
 San Diego County Water Authority
 San Diego Unified Port District
 *San Gabriel Oversight Board
 San Juan Capistrano, City of
 San Jose Water Company
 San Luis Obispo, City of
 San Luis Obispo County Local Agency
 Formation Commission (LAFCo)
 San Marcos, City of
 Santa Ana, City of
 Santa Barbara, City of
 Santa Fe Springs, City of
 Santa Maria, City of
 Sausalito, City of
 *SELACO Workforce Investment Board,
 Inc.
 Shasta County Local Agency Formation
 Commission (LAFCo)
 *Sierra Madre CRA Successor Agency
 *Sierra Madre, City of
 SMUD
 Solano County Local Agency Formation
 Commission (LAFCo)
 Solvang, City of
 South Gate, City of
 *South Pasadena, City of
 *Tahoe Forest Hospital District
 *Temple City Oversight Board
 Torrance, City of
 Truckee Fire Protection District
 Tulare, City of
 Turlock Irrigation District
 Ukiah Sanitation District
 Union Sanitation District
 Vallejo Sanitation and Flood Control
 District
 Vallejo, City of
 Ventura County

Ventura, City of
Vernon, City of
Vista, City of
Watsonville, City of

*Yountville, City of
Yuba City, City of
*Yuba County Local Agency Formation
Commission (LAFCo)

The firm also represented numerous cities in a lawsuit over PTAF administration fees against the County of Los Angeles (currently pending before the Los Angeles Superior Court). In addition, the firm represented approximately 40 cities in defense of a claim for a refund of telephone users' taxes which was filed against approximately 130 cities statewide, and 13 cities in a lawsuit against the Department of Finance and other state agencies challenging certain provisions of AB 1484 (redevelopment dissolution legislation).

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Attachment B
Significant Appellate Representation

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Michael G. Colantuono**Significant Appellate Representations**

(as of February 2022)

Ninth Circuit

Hardesty v. Sacramento Metropolitan Air Quality Management District, (9th Cir. 2020) 824 Fed.Appx. 474 (successful appeal from judgment imposing \$105m in consequential and punitive damages against County officials for alleged civil rights violations in enforcement of mining ordinances)

California Supreme Court

Alameda County Deputy Sheriff's Association v. Alameda County Employees' Retirement Association (2020) 9 Cal.5th 1032 (PEPRA reduction in retirement benefits did not violate contracts clause) (counsel for amicus)

American Civil Liberties Union Foundation of Southern California v. Superior Court (City of Los Angeles) (2017) 3 Cal.5th 1032 (automated license plate reader data exempt from disclosure under Public Records Act unless anonymized) (counsel for amicus)

In re A.R. (2021) 11 Cal.5th 234 (constructive filing protects appeal from termination of parental rights for trial counsel's failure to timely appeal) (counsel for amicus California Academy of Appellate Lawyers)

Ardon v. City of Los Angeles (2016) 62 Cal.4th 1176 (inadvertent release of attorney-client privileged documents on public records request did not waive privilege)

Ardon v. City of Los Angeles (2011) 52 Cal.4th 241 (class action challenge to local taxes, assessments and fees permitted by California Government Claims Act but may be barred by claiming ordinance)

Bighorn-Desert View Water Agency v. Verjil (2006) 39 Cal.4th 205 (Prop. 218 applies to metered water rates; initiative to reduce water rates prohibited to extent it would require voter approval of subsequent rate increases) (counsel for amici)

Bonander v. Town of Tiburon (2009) 46 Cal.4th 646 (general validation procedure for public agency action does not apply to actions to contest assessments under Municipal Improvement Act of 1915) (counsel for amici)

California Cannabis Coalition v. City of Upland (2017) 3 Cal.5th 924 (Prop. 218 requirement that general taxes appear on ballots with Council or Board seats does not apply to initiative tax proposal) (counsel for amici)

Citizens for Fair REU Rates v. City of Redding (2018) 6 Cal.5th 1 (PILOT transfer from electric utility to City's general fund did not violate Prop. 26 because wholesale revenues were sufficient to fund the PILOT)

City and County of San Francisco v. UC Regents (2019) 7 Cal.5th 536 (cities and counties may compel state agencies to collect taxes on third parties) (counsel for local government amici)

City of Hayward v. Board of Trustees of the California State University, Case No. S203939 (2015) (reviewed granted, held for lead case, and vacated and remanded) (duty of CSU to seek funding to make feasible mitigation of impacts of expansion of CSU East Bay on fire services of City) (author of amicus support for review)

City of Oroville v. Superior Court (California Joint Powers Risk Management Authority) (2019) 7 Cal.5th 1091 (no inverse condemnation liability for sewer flooding caused by plaintiff's failure to install back water valve required by Uniform Plumbing Code)

City of Pasadena v. Superior Court (Mercury Casualty Co.) (2014) 228 Cal.App.4th 1228 (unsuccessful petition for review) (inverse condemnation liability for fallen tree)

City of San Buenaventura v. United Water Conservation District (2017) 3 Cal.5th 1191 (groundwater augmentation charge subject to Proposition 26, not 218)

Davis v. Fresno Unified School District (pending) Case No. S266344 (counsel for local government amici in reverse validation challenge to lease-leaseback financing of school construction)

George v. Superior Court (Edelson) (review denied) Case No. S267240 (constitutional privacy claim in discovery dispute)

Greene v. Marin County Flood Control & Water Conservation District (2010) 49 Cal.4th 277 (property owner ballots on property related fees under Prop. 218 not subject to ballot secrecy)

Haas v. County of San Bernardino (2002) 27 Cal.4th 1017 (County counsel's unilateral selection of temporary administrative hearing officers on an ad hoc basis violates due process) (counsel for amici)

Hamilton v. Yates (review denied) Case No. S252914 (requisites of collateral order doctrine as to appealability) (principal author for amicus California Academy of Appellate Lawyers' support for review)

Hill RHF Partners v. City of Los Angeles (2021) 12 Cal.5th 458 (no duty to raise issues in assessment protest hearing under Prop. 218 before suit)

Honchariw v. County of Stanislaus Case No. S264101 (unsuccessful request to depublish Court of Appeal decision undermining short statute of limitations for Subdivision Map Act disputes)

Howard Jarvis Taxpayers Ass'n v. City of La Habra (2001) 25 Cal.4th 809 (continued imposition and collection of a utility user's tax without voter approval was an ongoing or continuous violation of Proposition 62, with statute of limitations beginning anew with each collection) (counsel for amici)

In re Transient Occupancy Cases (2016) 2 Cal.5th 151 (bed taxes do not apply to full priced charged by on-line resellers of hotel rooms) (counsel for local government amici)

Jacks v. City of Santa Barbara (2017) 3 Cal.5th 248 (supplemental franchise not a tax even though passed through to utility customers if reasonably related to value of right of way made available)

Jameson v. Desta (2018) 5 Cal.5th 594 (right of indigent civil litigants to subsidized reporter's transcript) (amicus)

Kurwa v. Kislinger (2017) 4 Cal.5th 109 (application of final judgment rule to appeal from case in which some claims were voluntarily dismissed and subject to tolling agreement) (counsel for amicus California Academy of Appellate Lawyers)

Leider v. Lewis (2017) 2 Cal.5th 1121 (no taxpayer standing to enforce criminal laws in challenge to confinement of elephants in LA Zoo) (counsel for local government amici)

Malott v. Summerland Sanitary District Case No. S265367 (unsuccessful request to depublish decision allowing post hoc expert evidence in Prop. 218 challenge to sewer rates) (counsel for local government amici)

Marina Coast Water District v. California Public Utilities Commission (review denied) Case Nos. S251935, S253585 (review denied) (unusual original writs of review of PUC decision certifying EIR for desalination project)

McClain v. Sav-On Drugs (2019) 6 Cal.5th 951 (no consumer remedy for erroneous collection of sales tax) (counsel for amicus)

McWilliams v. City of Long Beach (2013) 56 Cal.4th 613 (Government Claims Act preempts local tax and fee claiming ordinances and allows class claims)

People ex rel. Lockyer v. R.J. Reynolds Tobacco Co. (2005) 37 Cal.4th 707 (tobacco company's distribution of free cigarettes violated statute regulating non-sale distribution of cigarettes) (counsel for amici)

Plantier v. Ramona Municipal Water District (2019) 7 Cal.5th 372 (exhaustion of administrative remedies not required in Prop. 218 challenge to sewer rate classification) (counsel for amici)

Richmond v. Shasta Community Services Dist. (2004) 32 Cal.4th 409 (increased capacity charge and fee for fire suppression imposed on applicants for new service connections was not an "assessment" subject to Proposition 218)

Roberts v. Coachella Valley Water District (review denied) Case Nos. S264391, 268243 (standing to challenge a water rate of which plaintiff bears only economic burden; whether expenditure of rate proceeds may be challenged under Props. 218 and 26; validity of State Water Project taxes)

San Diego Unified Port District v. California Coastal Commission (review denied) Case No. S252474 (2019) (scope of Coastal Commission review of master port plan under statute, separations of powers and charter city home rule power)

Sierra Watch v. Placer County (2021) 69 Cal.App.5th 1, Supreme Court Case No. S271999 (unsuccessful request for League of California Cities for depublication of Brown Act case)

Weiss v. Department of Transportation (2020) 9 Cal.5th 840 (CCP 1260.040 motion limited to eminent domain, not available in inverse condemnation)

Wilde v. City of Dunsmuir (2020) 9 Cal.5th 1105 (water rates not subject to referendum) (argued for amici)

Court of Appeal for the First Appellate District

Brooktrails Township CSD v. Board of Supervisors (2013) 218 Cal.App.4th 195 (successfully requested publication on behalf of League of California Cities)

Brown v. City of San Rafael Case No. A156261 (appellate defense of judgment on demurrer to challenge to pension benefits based on statute of limitations) (plaintiff abandoned appeal after respondents' briefs filed)

Building Industry Association v. City of San Ramon (2016) 4 Cal.5th 62 (citywide Mello-Roos district to fund supplemental municipal services to development complied with statute) (counsel for amicus League of California Cities)

City of Scotts Valley v. County of Santa Cruz (2011) 200 Cal.App.4th 97 (calculation of no- and low-property tax city subvention) (counsel for amici)

City of Vallejo v. NCORP4, Inc. (2017) 15 Cal.App.5th 1078 (City properly limited marijuana dispensary licenses to those who complied with its earlier tax)

Essick v. County of Sonoma (pending) Case No. A162887 (defense of supersedeas writ and appeal from trial court victory in reverse Public Records Act case involving report of investigation of Sheriff)

Green Valley Landowners Association v. City of Vallejo (2015) 241 Cal.App.4th 425 (effort to enjoin sale of part of City water utility subject to successful demurrer without leave to amend as seeking to enforce an implied contract and to compel subsidized water rates in violation of Prop. 218)

Kahan v. City of Richmond (2019) 35 Cal.App.5th 721 (collection of delinquent trash fees on tax roll does not violate Prop. 218)

Luke v. County of Sonoma (2019) 43 Cal.App.5th 301 (successful appellate defense of judgment on demurrer dismissing challenge to pension benefits awarded in 2002 claiming failure to satisfy statutory notice requirements)

Mission Peak Conservancy v. State Water Resources Control Board (2021) 72 Cal.App.5th 873 (SWRCB registration of small domestic water use is ministerial act exempt from CEQA)

Paland v. Brooktrails Township CSD Bd. of Directors (2009) 179 Cal.App.4th 1358 (monthly minimum water service fee for account inactivated for non-payment not subject to assessment provisions of Prop. 218) (counsel for amici)

Ruegg & Ellsworth v. City of Berkeley (2021) 63 Cal.App.5th 277 (SB 35 applies to mixed-use developments; standard of review of decisions excluding projects from the benefit of that pro-housing statute) (counsel for amici)

Senior and Disability Action v. Weber (2021) 62 Cal.App.5th 357 (amicus brief for California Academy of Appellate Lawyers re appealability before final judgment of order granting or denying writ)

Silva v. Humboldt County (2021) 62 Cal.App.5th 928 (scope of business license tax on cannabis cultivation)

Valley Baptist Church v. City of San Rafael (2021) 61 Cal.App.5th 401 (religious exemption from property taxes inapplicable to special parcel tax)

Walker v. Marin Municipal Water District (unpublished), Case No. A152048, S255268 (review denied) (exhaustion of remedies not required in Prop. 218 challenge to water rates; counsel for amici, counsel for District on remand)

Court of Appeal for the Second Appellate District

AB Cellular LA, LLC v. City of Los Angeles (2007) 150 Cal.App.4th 747 (City's decision to implement federal law to expand cell tax to cover all airtime was a tax "increase" requiring voter approval under Proposition 218 but earlier instructions to carriers enforceable to require payment of tax)

Arcadia Redevelopment Agency v. Ikemoto (1991) 16 Cal.App.4th 444 (agency challenge to application of property tax administration fees to tax increment) (counsel for amici)

Birke v. Oakwood Worldwide (2009) 169 Cal.App.4th 1540 (pervasive outdoor secondhand smoke may form the basis for private nuisance claim) (counsel for amicus California Chapter of the American Lung Association) (filed amicus brief and argued)

Broad Beach GHAD v. All Persons Interested (pending) Case Nos. B304699, B309296 (appeal from judgment invalidating assessment for beach restoration project; defense of cross appeal from denial of CCP § 1021.5 fees)

Broad Beach GHAD v. All Persons Interested (unpublished) Case Nos. B293494, B296304 (writ review of summary judgment and motion to strike document from administrative record in action to validate GHAD assessment)

City of Glendale v. Superior Court (Glendale Coalition for Better Government) (unpublished) Case Nos. B270135, B283819 (2016) (obtained alternate writ to reverse order allowing discovery in water rates case limited to administrative record)

City of Pasadena v. Medical Cannabis Caregivers (2018) 21 Cal.App.5th 1086 (affirmance of preliminary injunctions against unpermitted marijuana dispensaries and related judgment upholding zoning ordinance)

City of San Buenaventura v. United Water Conservation District (pending) Case Nos. B251810, B312471 (defense of victory in remand trial of Prop. 26 challenge to groundwater augmentation charges)

City of Torrance v. Southern California Edison (2021) 61 Cal.App.5th 1071 (UUT applies to greenhouse gas credits)

Colyear v. Rolling Hills Community Association (pending) Case No. B308382 (representation of amicus in dispute regarding application of CC&Rs to regulate landscaping affecting views)

Glendale Coalition for Better Government v. City of Glendale (unpublished) Case Nos. B281994, B281991 (largely upholding Prop. 26 challenge to transfer from electric utility to general fund)

Glendale Coalition for Better Government v. City of Glendale (unpublished) Case No. B282410 (largely upholding tiered water rates against Prop. 218 challenge)

Goleta Ag Preservation v. Goleta Water District (unpublished), Case No. B277227 (successful defense of Proposition 218 challenge to tiered water rates and notice to customers not property taxpayers)

Jacks v. City of Santa Barbara (unpublished) Case No. B299297 (successful appellate defense of victory in remand trial in Prop. 218 challenge to electric franchise fee)

Newhall County Water District v. Castaic Lake Water Agency (2016) 243 Cal.App.4th 1430 (successful challenge to wholesale water rates based on use of groundwater not managed by wholesaler)

Re-Open Rambla, Inc. v. Board of Supervisors (City of Malibu) (1995) 39 Cal.App.4th 1499 (county's title to closed road vested in city upon incorporation despite city's effort to avoid accepting the street)

Ruskey v. Goleta Water District (unpublished), Case No. B275856 (successful appellate defense of successful demurrer for lack of standing in Prop. 218 challenge to water rates)

Saavedra v. City of Glendale (pending) (Case No. B310212) (defense of victory on remand of challenge to general fund transfer from power utility)

Schmeer v. County of Los Angeles (2013) 213 Cal.App.4th 1310 (plastic bag ban ordinance provision for \$0.10 fee on paper bags was not a tax under Prop. 26 because proceeds did not fund government) (counsel for local government amici)

Sipple v. City of Hayward (2014) 225 Cal.App.4th 349 (standing and claiming defenses to quasi-class refund claim for allegedly overpaid telephone taxes) (petition for review denied)

Court of Appeal for the Third Appellate District

Auburn Police Officers Association v. City of Auburn (unpublished), Case No. C067972 (2013) (stipulated reversal regarding availability under Meyers-Milias-Brown Act of writ review of City Council's denial of grievance from exercise of escape clause from salary increases pursuant to MOU)

City of Auburn v. Sierra Patient & Caregiver Exchange, Inc. (unpublished), Case No. C069622 (2013) (upholding preliminary injunction against medical marijuana dispensary opened in violation of zoning and business license ordinances)

City of Bellflower, et al. v. Cohen, et al. (2016) 245 Cal.App.4th 438 (self-help provisions of post-redevelopment legislation violate Prop. 22's protection for local government revenues)

City of Chula Vista, et al. v. Drager (Sandoval) (2020) 49 Cal.App.5th 539 (challenge to County's calculation of post-RDA RPTTF revenues)

City of Fountain Valley v. Cohen, et al. (unpublished) Case No. C081661 (representation of taxing agency in Successor Agency's unsuccessful appeal of post-RDA dispute with Department of Finance over recognized obligations)

City of Grass Valley v. Cohen, et al. (2017) 17 Cal.App.5th 567 (contract with County Transportation Commission to fund freeway interchange likely a recognized obligation of former RDA)

City of Grass Valley v. Superior Court, Case No. C091945 (unsuccessful petition for writ review of denial of summary judgment and CCP 1260.040 motion in inverse case arising from sinkhole associated with city storm drain)

City of Lakewood v. Bosler, et al., (unpublished) Case No. C078788 (2018) (appeal of post-RDA dispute with Department of Finance over recognized obligations)

City of Paramount v. Cohen, et al. (settled) Case No. C0788968 (2017) (appeal of post-RDA dispute with Department of Finance over recognized obligations)

City of Sacramento v. Wyatt (2021) 60 Cal.App.5th 373 (voter approval of general fund transfer from water, sewer, and trash enterprise funds as special tax satisfies Prop. 218)

Community Environmental Advocates v. City of Grass Valley (pending) Case No. C094613 (defense of trial court victory in CEQA challenge to mixed use development)

County of Nevada v. Superior Court (unpublished), Case Nos. C076851, C082927 (interlocutory writ review of trial court writ of mandamus overturning use permit conditions for ridge-top residence)

Davies v. Martinez (unpublished), Case No. C078986 (2018) (appeal dismissed as to our defense of summary judgment for attorney in breach of fiduciary duty claim by incarcerated former client suing in pro per)

Erickson v. County of Nevada (unpublished) Case No. C082927, *review and cert. denied* (successful appellate defense of trial victory in inverse condemnation challenge to setback requirement under ridgeline protection ordinance)

Howard Jarvis Taxpayers Ass'n v. City of Roseville (2002) 97 Cal.App.4th 637 (in-lieu franchise fee charged to water and sewer utilities for benefit of general fund violated Prop. 218) (counsel for amici on request for rehearing)

Howard Jarvis Taxpayers Association v. County of Yuba (unpublished) Case No. C090473 (successful defense of local sales tax challenged as a special tax due to ballot label)

Inyo County LAFCO v. Southern Mono Healthcare District (unpublished) Case No. C085138 (successful defense of trial court victory in dispute involving LAFCO power to regulate out-of-boundary service by healthcare district)

Lauckhart v. County of Yolo (submitted and awaiting decision) Case No. C092354 (defense of CSA fee for water services under Prop. 218)

Main Street Taxpayers Association v. Town of Mammoth Lakes (unpublished) Case No. C091546 (successful defense of trial court victory in challenge to tourism business improvement district assessment), review pending as Case No. S272141

Miner's Camp, LLC v. Foresthill Public Utility District (pending) Case No. C088828 (exhaustion of administrative remedies, statutes of limitation, propriety of attorney fees in challenge to water rates) (counsel for amici)

Ryan v. City of Roseville (unpublished) Case No. C090903 (successful appellate defense of dismissal on demurrer in landowners' challenge to City real estate transactions)

Tracy Rural Fire District v. San Joaquin LAFCO (pending) Case No. C095083 (appeal from judgment upholding LAFCO policy requiring detachments from fire district upon annexation to City of Tracy)

Wolstoncroft v. County of Yolo (2021) 68 Cal.App.5th 327 (fee to fund new water supply for CSA valid property-related fee, not an assessment, and protests ballots mailed, but not timely received, property excluded)

Court of Appeal for the Fourth Appellate District, Division I (San Diego)

California Taxpayers Action Network v. City of San Diego (unpublished) Case No. D072987 (2018) (successful defense of dismissal on demurrer of challenge to business improvement district assessment)

Garvin v. San Diego Unified Port District (dismissed) Case No. D078578 (objector's appeal from settlement of class action challenge to airport parking fee dismissed for failure to intervene in trial court)

Howard Jarvis Taxpayers Ass'n v. City of San Diego (1999) 72 Cal.App.4th 230 (BID assessment on businesses collected as surcharge on business license tax neither levy on real property nor special tax within meaning of Proposition 218) (counsel for amici)

Jentz v. City of Chula Vista (unpublished) Case No. D055401 (2010) (consistency of specific plan with slow-growth initiative)

Plantier v. Ramona Municipal Water District (2017) 12 Cal.App.5th 856 (rev. granted) (exhaustion of administrative remedies defense to Prop. 218 challenge to sewer rates) (counsel for local government amici)

Reid v. City of San Diego (San Diego Tourism Marketing District) (2018) 24 Cal.App.5th 343 (tourism marketing assessment subject to 30-day statute of limitations, equal protection does not require registered voter election on assessment)

San Diegans for Open Government v. City of San Diego (San Diego Tourism Marketing District) (unpublished) Case No. D072181 (successful appeal from award of catalyst attorney fees in unsuccessful challenge to tourism assessment)

San Diegans for Open Government v. City of San Diego (San Diego Tourism Marketing District) (unpublished) Case Nos. D064817 (2013), D065171 (2014), D068022 (2015), D069965 (2016) (writ review of denial of demurrer to Prop. 26 challenge to renewal of tourism marketing district, discovery issues including discovery of extra-record evidence for use on the merits)

San Diegans for Open Government v. City of San Diego (57 Municipal Assessment Districts) (unpublished), Case No. D065929 (2015) (successful defense of trial court dismissal of challenge to MADs for lack of standing; petition for review pending; successful defense of petition for review)

Webb v. City of Riverside (2018) 23 Cal.App.5th 244 (challenge to general fund transfer from electric utility barred by 120-day statute of limitations; change of use of rate proceeds was not an “increase” triggering Prop. 26)

Court of Appeal for the Fourth Appellate District, Division 2 (Riverside)

Albrecht v. Coachella Valley Water District (2021) 68 Cal.App.5th 692 (successful defense of trial court victory in challenge to property taxes on possessory interests on tribal land)

Beutz v. County of Riverside (2010) 184 Cal.App.4th 1516 (Landscaping and Lighting assessment engineer’s report insufficient to satisfy Prop. 218)

City of Barstow v. Fortunye (settled), Case No. E035595 (implementation of decree adjudicating Mojave River)

Coachella Valley Water District v. Superior Court (Roberts) (2021) 61 Cal.App.5th 755 (obtained appellate writ petition overturning denial of demurrer in challenge to State Water Project tax)

Crystaplex Plastics, Ltd. v. Redevelopment Agency (2000) 77 Cal.App.4th 990 (supplier may recover against agency for amount of check where subcontractor received and negotiated check without knowledge, consent, or endorsement of supplier even though Agency made check to both subcontractor and supplier)

Inland Oversight Committee v. City of Ontario (2015) 240 Cal.App.4th 1140 (sustaining dismissal of Prop. 26 challenge to Tourism Marketing District Assessment for lack of standing and due to untimely appeal) (counsel for amici)

Jones v. City of Loma Linda (pending) (Case No. E076772) (defense of termination of firefighter)

Mission Springs Water District v. Verjil (2013) 218 Cal.App.4th 892 (suit to bar initiative repeal of water rates from ballot subject to SLAPP, but SLAPP motion properly denied because evidence showed initiative would violate District's statutory duty to fund adequate water supply) (counsel for amici)

Roberts v. Coachella Valley Water District (pending) Case No. E078411 (defense of victory in Prop. 218 dispute regarding interfund loan)

San Bernardino Public Employees Association v. City of Barstow (settled), Case No. E032858 (City refusal to implement bargained for pension enhancement due to bargaining conduct of self-interested City negotiator)

Trask v. Riverside City Clerk (unpublished), Case No. E065817 (defense of election challenge to proposed charter amendment; remanded for dismissal as moot)

Court of Appeal for the Fourth Appellate District, Division 3 (Santa Ana)

Citizens Ass'n of Sunset Beach v. City of Huntington Beach (2012) 209 Cal.App.4th 1182 (Prop. 218 does not apply to extension of City taxes into annexation area)

City of El Cajon v. San Diego County LAFCO (unpublished), Case No. G041793 (2010) (DCA upheld challenge to denial of island annexation)

City of San Juan Capistrano v. Capistrano Taxpayers Association (2015) 235 Cal.App.4th 1493 (inclining block conservation rates failed under Prop. 218, but recovery of recycled water program costs from all customers permissible)

Wetlands Restoration v. City of Seal Beach, et al. (unpublished), Case No. G010231 (1991) (defense of City's housing element)

Court of Appeal for the Fifth Appellate District

City of Clovis et al. v. County of Fresno (2014) 222 Cal.App.4th 1469 (interest rate applicable to repayment of PTAF following *Alhambra v. Los Angeles County*) (argued for amicus League of California Cities)

Davis v. Mariposa County Board of Supervisors (2019) 38 Cal.App.5th 1048 (successful defense of Prop. 218 challenge to fire suppression benefit assessment due to appellant's failure to timely appeal)

Foster Poultry Farms, Inc. v. City of Livingston, Case No. F059871 (appeal dismissed by City following recall of Council majority) (procedures for increase in water rates under Proposition 218) (co-author of amicus brief)

Howard Jarvis Taxpayers Ass'n v. City of Fresno (2005) 127 Cal.App.4th 914 (transfer from utility enterprise to general fund pursuant to voter-approved charter provision as payment in lieu of property taxes violated Proposition 218's restrictions on use of property related fees)

Neilson v. City of California City (2005) 133 Cal.App.4th 1296 (flat-rate parcel tax not an unconstitutional general tax, but rather a special tax dedicated to specific purposes; equal protection does not entitle absentee landowners to vote) (counsel for amici)

Vagim v. City of Fresno Case Nos. F068541, F068569, F069963 (multiple writs re initiative to lower water rates)

Court of Appeal for the Sixth Appellate District

Award Homes v. County of San Benito (2021) 72 Cal.App.5th 290 (development impact fee payable on annexation protected from developer's challenge by validation statute of limitations)

BMC Promise Way, LLC v. County of San Benito (2021) 72 Cal.App.5th 279 (development impact fee payable on annexation protected from developer's challenge by validation statute of limitations)

Citizens for Responsible Open Space v. San Mateo County LAFCO (2008) 159 Cal.App.4th 717 (rejecting procedural challenges to annexation to open space district) (ghost-writer of amicus brief for CALAFCO)

City of Palo Alto v. Green (pending) Case No. H049436 (appeal and cross-appeal from partial victory in Prop.26 challenge to general fund transfers from gas and electric utilities)

County of San Benito v. Scagliotti (unpublished) Case No. H045887 (recoupment of costs to defend former Supervisor in conflict of interest case finding him to have engaged in knowing misconduct)

Eiskamp v. Pajaro Valley Water Management Agency (2012) 203 Cal.App.4th 97 (challenge to groundwater charge barred by res judicata effect of earlier settlement) (successfully opposed review and depublication)

Griffith v. Pajaro Valley Water Management Agency (2013) 220 Cal.App.4th 856 (successful defense of Proposition 218 challenge to groundwater augmentation charges)

Hobbs v. City of Pacific Grove (pending) Case No. H047705 (appellate defense of trial court victory in challenge to regulation of short-term rentals)

Holloway v. Showcase Realty Agents, Inc. (2018) 22 Cal.App.5th 758 (taxpayer had standing to assert Government Code § 1090 claim against Water District and former director; overruled by subsequent case law)

Holloway v. Vierra, Case Nos. H044505, H044800 (unpublished) (defense of taxpayer's Political Reform Act claims against former Water District director; appeal of attorney fee award)

Monterey Peninsula Taxpayers Assn v. Monterey Peninsula Water Management District (unpublished), Case No. H042484 (appeal from successful defense of District's refusal to place referendum on ballot to repeal water supply charge)

People v. Dawson (2021) 69 Cal.App.5th 583 (consultant to criminal defense counsel in appeal of City Manager's Gov. Code § 1090 conviction)

Rose v. County of San Benito (pending) Case No. H048641 (appeal from writ enforcing implied contract for life-time retiree medical benefits)

Attachment C
Firm Newsletter

DRAFT

COLANTUONO, HIGHSMITH & WHATLEY PC

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SOLANO BEACH | SONOMACOLANTUONO
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Newsletter | Winter 2021

Update on Public Law

CHW Grows!

CHW had a growth spurt in 2021, opening three new offices and adding lawyers and cities to our team.

On February 1st, the municipal lawyers of Walter & Pistole joined CHW, bringing the cities of Martinez, Novato, and Sonoma into the CHW family. **Jeffrey A. Walter** is the City Attorney of the three and joins CHW as a shareholder and brings 45 years' legal experience. W&P's Sonoma office is now CHW's **North SF Bay** office. Jeff previously served Benicia, Corte Madera, and Cotati as City Attorney, is special counsel to the Sonoma County Civil Service Commission, and has served other districts and agencies as general counsel. He has an AV Preeminent rating from Martindale-Hubbell and was honored as a Northern California Super Lawyer in 2010. Jeff's practice focuses on all aspects of municipal law, including land use, taxation, development fees, elections, initiatives, and referenda.

Also joining our North SF Bay team is **John A. Abaci**, a 27-year lawyer who handles both advisory and litigation matters. John has been a litigator since 1994, initially as a deputy DA handling consumer protection and insurance fraud prosecutions and, since 1998, for municipal clients. He has litigated a variety of cases, including personal injury, inverse condemnation, nuisance abatement, disability, and civil rights. He also advises public agencies on a wide range of matters including government claims, law enforcement, personnel, public records, and public works. John's current cases include an arbitration with PG&E over the reopening of Richmond's franchise agreement and police liability defense matters for the City of Vallejo. He joins us as Senior Counsel.

Others on the North SF Bay team are land use lawyer **David L. Zaltsman**, with 36 years' experience, and labor and employment lawyer **Jennifer M. Vuilletmet**, with 25 years' experience. They join us Of Counsel.

(Continued on page 3)

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Good News on Local Tax Authority

By Michael G. Colantuono

Recent court decisions provide good news for local taxing authority. *Howard Jarvis Taxpayers Association v. City and County of San Francisco* is the latest of three decisions — from appellate courts in San Francisco and Fresno — concluding that special taxes proposed by initiative may be approved by a simple majority of voters. Special taxes are those the proceeds of which are legally restricted to a particular purpose, like public safety. Before the California Supreme Court's 2017 decision in *California Cannabis Coalition v. City of Upland*, the law had required two-thirds voter approval of special taxes whether proposed by local government officials or by initiative petition. Citing that case, the Court of Appeal concluded in 2020 that San Francisco's Proposition C was validly approved by a simple majority of voters because it was proposed by initiative. This year's Fresno decision closely followed the reasoning of that earlier case. This latest San Francisco case adds one more point — the fact that a San Francisco Supervisor was an initiative proponent, using his City Hall address, did not change the result. There are strict rules against using public resources to urge a "yes" or a "no" vote once a measure is on the ballot, however.

The Howard Jarvis Taxpayers Association sought rehearing in the latest San Francisco case and can be expected to seek review in the California Supreme Court, as it did in the Fresno case. The Supreme Court has until March 29 to act on its Fresno petition. Given that the Supreme Court denied review in the first San Francisco case, it may not take up the issue. If so, *Upland's* suggestion has become the holding of these three cases and settled law.

Wyatt v. City of Sacramento is the latest chapter in ample litigation of transfers from utility funds to cities' and counties' general funds under 1996's Proposition 218 and 2010's Proposition 26. Some of those cases led to settlements by which cities agreed to seek voter approval of general fund transfers

(GFTs) as taxes. Sacramento obtained voter approval of its GFT in 1998 — just two years after Proposition 218 and without pressure of a suit. The trial court concluded decades later the measure violated Proposition 218's requirement that utility rate proceeds be spent only on utility services. On January 29, 2021, the Sacramento Court of Appeal gave Sacramento and CHW a win, concluding Proposition 218 did not limit voters' power to approve utility users taxes. This is an important victory, not only for cities which have voter-approved GFTs, but for the 104 cities and counties which have utility users taxes, as the logic of the trial court (and of a similar ruling against Long Beach) could undermine all such taxes. *Wyatt* will likely seek review in the California Supreme Court and the Long Beach case is pending in the LA Court of Appeal, but this is very good news for local governments and those who depend on their services.

For more information, contact Michael at MColantuono@chwlaw.us or (530) 432-7359.

We've Got Webinars!

CH&W offers webinars on a variety of public law topics including mandatory policies on water-meter shutoffs; new and proposed housing statutes; personnel, public works, and management issues under COVID-19; and police personnel records.

Current topics are listed on our website under "Resources." Our webinars provide advice and Q&A for public agency counsel and staff in an attorney-client-privileged setting for \$1,000 per agency.

To schedule a webinar, contact Bill Weech at BWeech@chwlaw.us or (213) 542-5700.

FAIR MAPS Redistricting Bootcamp

By Holly O. Whatley and Pamela K. Graham

The redistricting cycle following the 2020 Census will be unique. All local governments with districts must comply with the recently enacted FAIR MAPS Act's demanding procedural and substantive criteria.

The clock is ticking. Census data are typically available by April 1, but COVID-19 has delayed release to September 30 (with another 30 days needed for State prisoner reallocations).

2020's Assembly Bill 1276 (Bonta, D-Alameda) extended deadlines to these:

- Cities and counties with regular elections between January 1 and July 1, 2022 must draw districts not later than 174 days before that election. For cities and counties with June 7, 2022 elections, the deadline is December 15, 2021.
- Cities and counties with the next regular election occurring on or after July 1, 2022 must adopt district boundaries not later than 205 days before that election. For municipalities with November 8, 2022 elections, the deadline is April 17, 2022.
- Charter city deadlines are the same unless a different deadline is adopted by ordinance or charter provision before October 1, 2021.

Substantively, district boundaries must comply with the U.S. and California Constitutions and the federal Voting Rights Act, and must be "substantially equal" in population, with only minor deviations permitted. The FAIR MAPS Act also requires districts be geographically contiguous; respect local neighborhoods and communities of interest; be easily identifiable; accomplish geographic compactness; and neither favor nor discriminate against political parties.

Procedurally, cities must hold at least four public hearings — at least one before drawing a map and at least two after. To increase public participation,

those public hearings require five days' notice, with draft maps published at least seven days before adoption, and public access to demographic and mapping data, among other requirements. For communities which must act by December 15, 2021, these must begin before Census data is released on September 30, 2021 — perhaps relying on state Department of Finance and other data which give a sense of what the Census data will show.

Local jurisdictions should begin to prepare now. Hire the necessary demographer. Decide whether to use a citizens' commission. Start developing your website and calendar.

Our redistricting team is here to help you through this process.

For more information, contact Holly at HWhatley@chwlaw.us or (213) 542-5704 or Pamela at PGraham@chwlaw.us or (213) 542-5702.

CHW Grows!

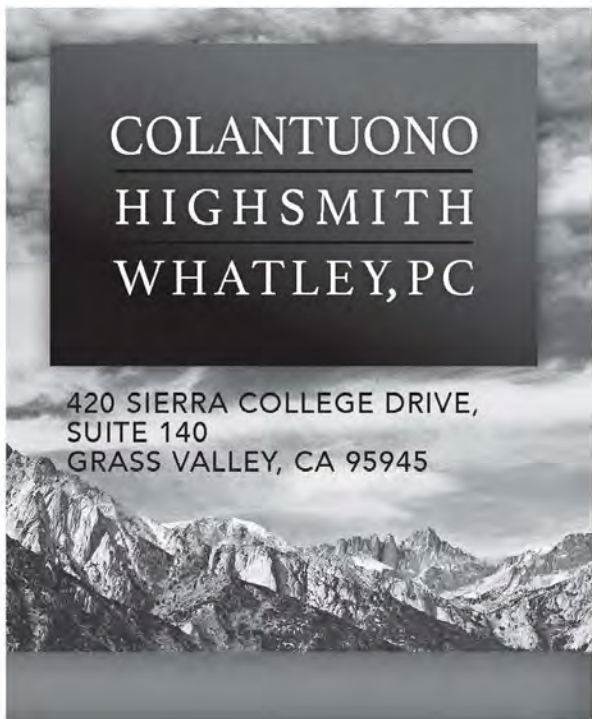
(cont. from page 1)

On January 4th, **Alena Shamos** joined us as the anchor of our new **San Diego County** office in Solana Beach. In her 20th year of practice, Alena is a litigator with a wide range of experience serving local governments in San Diego County. Her current cases include election, marijuana, post-redevelopment, and land use matters, including two petitions for review pending in the California Supreme Court in land use and inverse condemnation disputes. She joins us as Senior Counsel.

Finally, we have opened an office in **Sacramento** to be anchored by shareholder **Gary B. Bell**, City Attorney of Auburn and Town Attorney of Yountville and **Ryan A. Reed**, Assistant City Attorney of Auburn and Grass Valley and Assistant Town Attorney of Yountville. Gary and Ryan serve a number of our special district clients, too.

An exciting time of growth for CHW!

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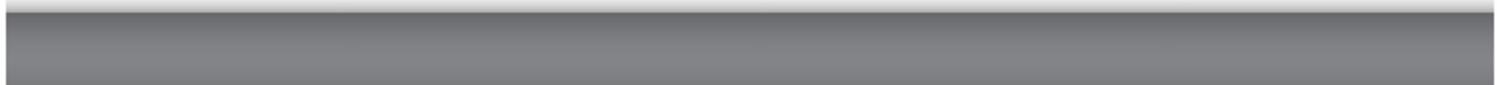
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Local Agency Formation Commission of Napa County
Subdivision of the State of California

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

Agenda Item 5d (Consent/Action)

TO: Local Agency Formation Commission
PREPARED BY: Brendon Freeman, Executive Officer *BF*
MEETING DATE: June 6, 2022
SUBJECT: Proposed Amendment to Policy on Municipal Service Reviews

RECOMMENDATION

It is recommended the Commission adopt the Resolution of the Local Agency Formation Commission of Napa County Amending the *Policy on Municipal Service Reviews* (“the Policy”), included as Attachment One.

SUMMARY

The Commission’s adopted Strategic Plan includes a schedule for the Commission’s ad hoc Policy Committee (Mohler and Wagenknecht) to comprehensively review all local policies and propose amendments as appropriate.

On April 11, 2022, the Policy Committee met to review the Policy and agreed to recommend an amendment that would do all of the following:

- Clarify existing language related to municipal service reviews (MSRs) and the Commission’s annual Work Program;
- Add a paragraph related to the Agricultural Preserve;
- Align the scheduling of MSRs with general plan updates;
- Enhance efforts to disseminate MSRs to stakeholders and the general public;
- Add the state mandated MSR determinations;
- Specify which municipal services will generally be the subject of MSRs; and
- Align the MSR process with sphere of influence reviews and updates.

A clean version of the Policy with the proposed amendment is included as an exhibit to Attachment One. A tracked change version of the Policy is included as Attachment Two.

ATTACHMENTS

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

Margie Mohler, Chair
Councilmember, Town of Yountville

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

Kenneth Leary, Commissioner
Representative of the General Public

Mariam Aboudamous, Commissioner
Councilmember, City of American Canyon

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

Eve Kahn, Alternate Commissioner
Representative of the General Public

Beth Painter, Alternate Commissioner
Councilmember, City of Napa

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

Brendon Freeman
Executive Officer

RESOLUTION NO. _____

**RESOLUTION OF
THE LOCAL AGENCY FORMATION COMMISSION OF NAPA COUNTY
AMENDING ITS POLICY ON MUNICIPAL SERVICE REVIEWS**

WHEREAS, on November 3, 2008, the Local Agency Formation Commission of Napa County (the “Commission”) adopted a *Policy on Municipal Service Reviews*; and

WHEREAS, the Commission considered a proposed amendment to the *Policy on Municipal Service Reviews* at its regular meeting on June 6, 2022, and invited public comment at that meeting; and

NOW, THEREFORE, BE IT RESOLVED that the Commission hereby amends the *Policy on Municipal Service Reviews* as attached hereto as “Exhibit A”.

This Resolution shall take effect immediately.

The foregoing resolution was duly and regularly adopted by the Commission at a public meeting held on June 6, 2022, after a motion by Commissioner _____, seconded by Commissioner _____, by the following vote:

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

Margie Mohler
Commission Chair

ATTEST: _____
Brendon Freeman
Executive Officer



LOCAL AGENCY FORMATION COMMISSION OF NAPA COUNTY

Policy on Municipal Service Reviews

(Adopted: November 3, 2008; Last Amended: October 5, 2015; Proposed Amendment: June 6, 2022)

I. BACKGROUND

The Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000 requires the Commission to prepare municipal service reviews (MSRs) in conjunction with its mandate to review and update each city and special district's sphere of influence every five years, as necessary. The legislative intent of the MSR process is to inform the Commission with regard to the availability, capacity, and efficiency of governmental services provided within its jurisdiction prior to making sphere of influence determinations. The MSR provides LAFCO with a tool to comprehensively study existing and future public service needs and to evaluate options for accommodating growth, preserving agriculture, preventing urban sprawl, and ensuring critical services are efficiently and cost-effectively provided.

Napa County has been at the forefront of preserving agriculture. The first Agricultural Preserve in the United States was created in 1968 by the Napa County Board of Supervisors. The Agricultural Preserve protects lands in the fertile valley and foothill areas of Napa County in which agriculture is and should continue to be the predominant land use. Measure P was passed by voters in 2008 and requires voter approval for any changes that would re-designate unincorporated agricultural and open-space lands.

II. PURPOSE

The purpose of this policy is to guide the Local Agency Formation Commission (LAFCO) of Napa County in scheduling, preparing, and adopting MSRs.

III. OBJECTIVE

The objective of the Commission in conducting MSRs is to evaluate governmental services necessary to support orderly growth and development in Napa County. Underlying this objective is the development and expansion of the Commission's knowledge and understanding of the current and planned provision of local governmental services in relationship to the present and future needs of the community. The Commission will use MSRs not only to inform subsequent sphere of influence (SOI) determinations, but also to identify opportunities for greater coordination and cooperation between service providers as well as possible government structure changes.

The MSR process requires LAFCO to make determinations regarding the provision of public services pursuant to [Government Code \(G.C.\) §56430](#) and empowers, but does not require, the Commission to initiate changes of organization based on MSR conclusions. However, the Commission, affected local agencies, and the public may subsequently use the determinations and related analysis to consider whether to pursue changes to service delivery, government organization, or SOIs.

IV. SCHEDULING

The Commission will adopt an annual Work Program during the fourth quarter of each fiscal year in conjunction with the budget process, which shall include a schedule for initiating and completing MSR's consistent with the Commission's obligation to review and update each city and special district's SOI, as necessary, and consistent with the Commission's adopted [Policy on SOIs](#). MSR's shall be completed for each city and each special district as defined in [G.C. §56036](#). When feasible, the Commission shall schedule MSR's in conjunction with general plan updates.

The Executive Officer may revise the adopted Work Program to add, modify, or eliminate scheduled MSR's to address changes in circumstances, priorities, and available resources. Revisions to the Work Program shall be presented at the next Commission meeting for information purposes.

At the discretion of the Executive Officer and in consultation with the Commission, each MSR will generally be prepared in four distinct phases:

- A. The first phase will involve the distribution of a request for information to be completed by the affected local agency and returned to LAFCO staff for review and analysis. Staff will compile this information in an administrative draft report, which will be made available to staff from each affected local agency for review and comment to identify any needed technical corrections.
- B. The second phase will be the release of a public draft report that includes technical corrections identified by the affected local agencies. The public draft report will be provided to the Commission and affected local agencies, and will be made available to the public for review and comment for a period of no less than 30 days. Staff will present the public draft report for discussion purposes only at the next Commission meeting.
- C. In the third phase, a final report that includes any new information or comments generated during the public review period will be presented to the Commission for formal action at a noticed public hearing.
- D. In the fourth phase, every effort should be made to disseminate the MSR beyond the affected agencies. Stakeholders and the general public should be made aware and have access to the information and recommendations included in the MSR.

V. PREPARATION

A. Format

The Commission may prepare MSR's using any of the following formats:

- 1) A countywide service-specific MSR will examine a governmental service or services across multiple local agencies on a countywide basis.
- 2) A region-specific MSR will examine governmental services provided by all local agencies that are entirely contained within a designated geographic area.
- 3) An agency-specific MSR will examine targeted governmental services provided by a specific local agency as described in Section V(C)(3) of this policy.

B. Local Agency Participation

The Commission will encourage input from affected local agencies in designing MSR to enhance the value of the process among stakeholders and capture unique local conditions and circumstances effecting service provision. This includes identifying appropriate performance measures as well as regional growth and service issues transcending political boundaries. The Commission will also seek input from the affected local agencies in determining final geographic area boundaries for region-specific MSR. Factors the Commission may consider in determining final geographic area boundaries include, but are not limited to, SOIs, jurisdictional boundaries, urban growth boundaries, general plan designations, topography, and socio-economic communities of interest.

C. Content

MSRs shall include:

- 1) Written determinations for each of the following factors enumerated under [G.C. §56430\(a\)](#):
 - a) Growth and population projections for the affected area.
 - b) The location and characteristics of any disadvantaged unincorporated communities within or contiguous to the sphere of influence.
 - c) Present and planned capacity of public facilities, adequacy of public services, and infrastructure needs or deficiencies including needs or deficiencies related to sewers, municipal and industrial water, and structural fire protection in any disadvantaged, unincorporated communities within or contiguous to the sphere of influence.
 - d) Financial ability of agencies to provide services.
 - e) Status of, and opportunities for, shared facilities.
 - f) Accountability for community service needs, including governmental structure and operational efficiencies.
 - g) Any other matter related to effective or efficient service delivery, as required by commission policy.

- 2) An evaluation of the following matters related to effective or efficient service delivery pursuant to [G.C. §56430\(a\)\(7\)](#) if the Executive Officer, in consultation with the agencies being reviewed, determines the matter is relevant:
 - a) Agricultural Preserve and Measure P
 - b) Location and characteristics of existing outside service agreements
 - c) Joint powers agreements involving the direct provision of public services
 - d) Growth goals and policies of the land use authorities in Napa County
 - e) Climate change
 - f) Housing, including affordable housing and workforce housing
 - g) Transportation
 - h) Cumulative service impacts related to current and planned development

- 3) An evaluation of target governmental services, which may include, but are not limited to, water, wastewater, law enforcement, fire protection, emergency medical, streets, and parks. General governmental services such as courts, social services, human resources, tax collection, and administrative services will generally not be included in the MSR. LAFCO reserves the right to consider additional service classifications in each MSR.

VI. SPHERE OF INFLUENCE

A completed MSR will be used to inform the review and, if appropriate, update of each affected agency's SOI consistent with [G.C. §56430\(a\)](#) as well as the Commission's adopted Work Program and [Policy on SOIs](#). The Commission and any affected local agencies are encouraged to discuss the need for SOI updates. The Commission may complete the MSR and any appropriate SOI actions at the same meeting or as part of separate meetings.

VII. ENVIRONMENTAL REVIEW

MSRs are informational documents and generally exempt from environmental review under the California Environmental Quality Act (CEQA) pursuant to [California Code of Regulations §15306](#) because they are limited to basic data collection, research, and resource evaluation activities that do not result in a serious or major disturbance to any environmental resource. However, if an MSR is used to facilitate a significant governmental change such as formation of a new special district, it can be assumed the MSR would be subject to CEQA and may require the preparation of an environmental impact report. The Commission shall act in accordance with its adopted [Policy on CEQA](#).

VIII. ADOPTION

The Commission will complete each scheduled MSR by formally receiving a final report and adopting a resolution codifying its written determinations as part of a public hearing. Each completed MSR will be provided to any affected local agencies and included on the Commission's website for public viewing.



LOCAL AGENCY FORMATION COMMISSION OF NAPA COUNTY

Policy on Municipal Service Reviews

(Adopted: November 3, 2008; Last Amended: October 5, 2015); Proposed Amendment: June 6, 2022

I. BACKGROUND

The Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000 requires the Commission to prepare municipal service reviews (MSRs) in conjunction with its mandate to review and update each local agency city and special district's sphere of influence every five years, as necessary. The legislative intent of the municipal service review MSR process is to inform the Commission with regard to the availability, capacity, and efficiency of governmental services provided within its jurisdiction prior to making sphere of influence determinations. ~~Municipal service reviews must designate the geographic area in which the governmental service or services are under evaluation. Municipal service reviews must also include determinations addressing the governance factors prescribed under Government Code Section 56430 and any other matters relating to service provision as required by Commission policy.~~ The MSR provides LAFCO with a tool to comprehensively study existing and future public service needs and to evaluate options for accommodating growth, preserving agriculture, preventing urban sprawl, and ensuring critical services are efficiently and cost-effectively provided.

Napa County has been at the forefront of preserving agriculture. The first Agricultural Preserve in the United States was created in 1968 by the Napa County Board of Supervisors. The Agricultural Preserve protects lands in the fertile valley and foothill areas of Napa County in which agriculture is and should continue to be the predominant land use. Measure P was passed by voters in 2008 and requires voter approval for any changes that would re-designate unincorporated agricultural and open-space lands.

II. PURPOSE

The purpose of ~~these this policies policy~~ is to guide the Local Agency Formation Commission (LAFCO) of Napa County in ~~conducting municipal service reviews. This includes establishing consistency with respect to the Commission's approach in the (a) scheduling, (b) preparation preparing, and (c) adoption of municipal service reviews. adopting MSRs.~~

III. OBJECTIVE

The objective of the Commission in conducting ~~municipal service reviews~~ MSRs is to proactively and comprehensively evaluate the level, range, and structure of evaluate governmental services necessary to support orderly growth and development in Napa County. -Underlying this objective is ~~to develop the development~~ and expand expansion of the Commission's knowledge and understanding of the current and planned provision of local governmental services in relationship to the present and future needs of the community. -The Commission will use ~~the municipal service reviews~~ MSRs not only to inform subsequent sphere of influence (SOI) determinations, but also to

identify opportunities for greater coordination and cooperation between service providers as well as possible government structure changes.

The MSR process requires LAFCO to make determinations regarding the provision of public services pursuant to Government Code (G.C.) §56430 and empowers, but does not require, the Commission to initiate changes of organization based on MSR conclusions. However,~~IV. Municipal Service Review Policies~~

~~A. SCHEDULING~~

Each year, the Commission, affected local agencies, and the public may subsequently use the determinations and related analysis to consider whether to pursue changes to service delivery, government organization, or SOIs.

IV. SCHEDULING

The Commission will adopt an annual Work Program during the fourth quarter of each fiscal year in conjunction with the budget process, which shall include a schedule for initiating and completing municipal service reviews, MSRs consistent with the Commission's obligation to review and update each city and special district's sphere of influence SOI, as necessary, and consistent with the Commission's adopted Policy on SOIs. MSRs shall be completed for each city and each special district as defined in G.C. §56036.

When feasible, the Commission will generally shall schedule municipal service reviews MSRs in conjunction with sphere of influence general plan updates. The Commission, however, may schedule municipal service reviews independent of sphere of influence updates.

The Commission-Executive Officer may also amend revise the adopted Work Program to add, modify, or eliminate scheduled municipal service reviews MSRs to address changes in circumstances, priorities, and available resources. Revisions to the Work Program shall be presented at the next Commission meeting for information purposes.

In adopting a Work Program, At the discretion of the Executive Officer and in consultation with the Commission may calendar three types of municipal service reviews. These three types of municipal service reviews are 1) service-specific, 2) region-specific, and 3) agency-specific and are summarized below.

A service-specific, each municipal service review MSR will generally be prepared in four distinct phases:

A. The first phase will involve the distribution of a request for information to be completed by the affected local agency and returned to LAFCO staff for review and analysis. Staff will compile this information in an administrative draft report, which will be made available to staff from each affected local agency for review and comment to identify any needed technical corrections.

B. The second phase will be the release of a public draft report that includes technical corrections identified by the affected local agencies. The public draft report will be provided to the

Commission and affected local agencies, and will be made available to the public for review and comment for a period of no less than 30 days. Staff will present the public draft report for discussion purposes only at the next Commission meeting.

C. In the third phase, a final report that includes any new information or comments generated during the public review period will be presented to the Commission for formal action at a noticed public hearing.

D. In the fourth phase, every effort should be made to disseminate the MSR beyond the affected agencies. Stakeholders and the general public should be made aware and have access to the information and recommendations included in the MSR.

V. PREPARATION

A. Format

The Commission may prepare MSRs using any of the following formats:

- 1) A countywide service-specific MSR will examine particular governmental service or services across multiple local agencies on a countywide basis.
- 2) A region-specific municipal service review MSR will examine the range of governmental services provided by all local agencies that are entirely contained within a particular designated geographic area.
- 3) An agency-specific municipal service review MSR will examine the breadth of targeted governmental services provided by a particular specific local agency as described in Section V(C)(3) of this policy.

B. Local Agency Participation

The Commission will encourage input ~~among from~~ affected local agencies in designing ~~the municipal service reviews MSRs~~ to enhance the value of the process among stakeholders and capture unique local conditions and circumstances effecting service provision. -This includes identifying appropriate performance measures as well as regional growth and service issues transcending political boundaries. -The Commission will also seek input from the affected local agencies in determining final geographic area boundaries for region-specific the municipal service reviews MSRs. Factors the Commission may consider in determining final geographic area boundaries include, but are not limited to, ~~spheres of influence SOIs~~, jurisdictional boundaries, urban growth boundaries, general plan designations, ~~and~~ topography, and socio-economic communities of interest.

~~The Commission will prepare the municipal service reviews but may contract with outside consultants to assist staff as needed. Data collection is an integral component of the municipal service review process and requires cooperation from local agencies. The Commission will strive to reduce the demands on local agencies in the data collection process to the extent possible. All service related information provided by local agencies will be reviewed and verified by the Commission.~~

~~Each municipal service review will generally be prepared in three distinct phases. The first phase will involve the distribution of an initial checklist and request for service information to be provided by the local agency and analyzed by Commission staff. This information will be compiled in an administrative draft report, which will be made available to staff from each affected local agency for its review and comment to identify any technical corrections. The draft report, including any technical corrections identified by staff from the affected local agencies, will be provided to the Commission and will be made available to the public for review and comment for a period of no less than 21 days. Finally, a final report addressing any new information or comments generated during the public review period, as appropriate, will be presented to the Commission for its consideration at a public hearing.~~

~~In addition to making~~

C. Content

MSRs shall include:

- ~~1) Written determinations on various for each of the following factors as prescribed by enumerated Government Code Section 56430, the Commission will additionally make determinations with respect to the relationship with regional growth under G.C. §56430(a):~~
 - ~~a) Growth and population projections for the affected area.~~
 - ~~b) The location and characteristics of any disadvantaged unincorporated communities within or contiguous to the sphere of influence.~~
 - ~~c) Present and planned capacity of public facilities, adequacy of public services, and infrastructure needs or deficiencies including needs or deficiencies related to sewers, municipal and industrial water, and structural fire protection in any disadvantaged, unincorporated communities within or contiguous to the sphere of influence.~~
 - ~~d) Financial ability of agencies to provide services.~~
 - ~~e) Status of, and opportunities for, shared facilities.~~
 - ~~f) Accountability for community service needs, including governmental structure and operational efficiencies.~~
 - ~~g) Any other matter related to effective or efficient service delivery, as required by commission policy.~~
- ~~2) An evaluation of the following matters related to effective or efficient service delivery pursuant to G.C. §56430(a)(7) if the Executive Officer, in consultation with the agencies being reviewed, determines the matter is relevant:~~
 - ~~a) Agricultural Preserve and Measure P~~
 - ~~b) Location and characteristics of existing outside service agreements~~
 - ~~c) Joint powers agreements involving the direct provision of public services~~
 - ~~d) Growth goals and policies of the land use authorities in Napa County~~
 - ~~e) Climate change~~
 - ~~f) Housing, including affordable housing and workforce housing~~
 - ~~g) Transportation~~

h) Cumulative service impacts related to current and planned development

- 3) An evaluation of target governmental services, which may include, but are not limited to, water, wastewater, law enforcement, fire protection, emergency medical, streets, and parks. General governmental services such as courts, social services, human resources, tax collection, and administrative services will generally not be included in the MSR. LAFCO reserves the right to consider additional service classifications in each MSR.

VI. SPHERE OF INFLUENCE

A completed MSR will be used to inform the review and, if appropriate, update of each affected agency's SOI consistent with G.C. §56430(a) as well as the Commission's adopted Work Program and Policy on SOIs. The Commission and any affected local agencies are encouraged to discuss the need for SOI updates. The Commission may complete the MSR and any appropriate SOI actions at the same meeting or as part of separate meetings.

VII. ENVIRONMENTAL REVIEW

MSRs are informational documents and generally exempt from environmental review under the California Environmental Quality Act (CEQA) pursuant to California Code of Regulations §15306 because they are limited to basic data collection, research, and resource evaluation activities that do not result in a serious or major disturbance to any environmental resource. However, if an MSR is used to facilitate a significant governmental change such as formation of a new special district, it can be assumed the MSR would be subject to CEQA and may require the preparation of an environmental impact report. The Commission shall act in accordance with its adopted Policy on CEQA.

B. VIII. ADOPTION

The Commission will complete each scheduled ~~municipal service review~~ MSR by formally receiving a final report and adopting a resolution codifying its written determinations as part of a public hearing. Each completed MSR will be provided to any affected local agencies and included on the Commission's website for public viewing.



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 5e (Consent/Action)

TO: Local Agency Formation Commission
PREPARED BY: Brendon Freeman, Executive Officer *BF*
MEETING DATE: June 6, 2022
SUBJECT: Proposed Amendment to Policy on Establishing the Officers of the Commission

RECOMMENDATION

It is recommended the Commission adopt the Resolution of the Local Agency Formation Commission of Napa County Amending the *Policy on Establishing the Officers of the Commission* (“the Policy”), included as Attachment One.

SUMMARY

The Commission’s adopted Strategic Plan includes a schedule for the Commission’s ad hoc Policy Committee (Mohler and Wagenknecht) to comprehensively review all local policies and propose amendments as appropriate.

On April 11, 2022, the Policy Committee met to review the Policy and agreed to recommend an amendment that would do the following:

- Change the term dates for the Chair and Vice Chair offices to correspond with the calendar year beginning in 2024; and
- Clarify that if the Chair and Vice Chair offices are both vacant, the Executive Officer may call a meeting to order until the Chair and Vice Chair are appointed.

Changing the term dates for the Chair and Vice Chair offices to correspond with the calendar year would align the Commission’s terms with the election terms of city and county members. It is recommended the change in term dates begin in 2024. The current Chair and Vice Chair would continue to serve in their offices until January 1, 2024.

A clean version of the Policy with the proposed amendment is included as an exhibit to Attachment One. A tracked change version of the Policy is included as Attachment Two.

ATTACHMENTS

- 1) Draft Resolution Amending the *Policy on Establishing the Officers of the Commission*
- 2) Proposed Amendments to *Policy on Establishing the Officers of the Commission* (Tracked Changes)

Margie Mohler, Chair
Councilmember, Town of Yountville

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

Kenneth Leary, Commissioner
Representative of the General Public

Mariam Aboudamous, Commissioner
Councilmember, City of American Canyon

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

Eve Kahn, Alternate Commissioner
Representative of the General Public

Beth Painter, Alternate Commissioner
Councilmember, City of Napa

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

Brendon Freeman
Executive Officer

RESOLUTION NO. _____

**RESOLUTION OF
THE LOCAL AGENCY FORMATION COMMISSION OF NAPA COUNTY
AMENDING ITS POLICY ON ESTABLISHING THE OFFICERS OF THE COMMISSION**

WHEREAS, on August 9, 2001, the Local Agency Formation Commission of Napa County (the “Commission”) adopted a *Policy on Establishing the Officers of the Commission*; and

WHEREAS, the Commission considered a proposed amendment to the *Policy on Establishing the Officers of the Commission* at its regular meeting on June 6, 2022, and invited public comment at that meeting; and

NOW, THEREFORE, BE IT RESOLVED that the Commission hereby amends the *Policy on Establishing the Officers of the Commission* as attached hereto as “Exhibit A”.

This Resolution shall take effect immediately.

The foregoing resolution was duly and regularly adopted by the Commission at a public meeting held on June 6, 2022, after a motion by Commissioner _____, seconded by Commissioner _____, by the following vote:

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

Margie Mohler
Commission Chair

ATTEST: _____
Brendon Freeman
Executive Officer



LOCAL AGENCY FORMATION COMMISSION OF NAPA COUNTY

Policy on Establishing the Officers of the Commission

(Adopted: August 9, 2001; Last Amended: November 18, 2019; Proposed Amendment: June 6, 2022)

I. Background

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

II. Purpose

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

III. Officers of the Commission

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

IV. Duties of Officers

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

V. Appointment of Chair and Vice Chair

- A) Term of Office: Beginning in 2024, the terms of office of the Chair and Vice Chair shall be for one year, beginning on January 1.
- B) Rotation: The Chair and Vice Chair shall be appointed by the Commission according to the following annual rotational system, effective January 1, 2024, unless a temporary change is made pursuant to Section V(C):

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

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

- C) The Commission may create temporary changes to the rotation as part of an action item placed on a meeting agenda. If the Chair and Vice Chair offices are both vacant, and in the event the procedures set forth in Section VI “Vacancy,” below, are not feasible, the Executive Officer may call a meeting to order until the Chair and Vice Chair are appointed.

VI. Vacancy

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

- A) On January 1 of the following year, the established rotation set forth in Section V(B) “Rotation,” above, shall resume.
- B) Should the office of Chair or Vice Chair be vacated by the Public Member, the Commission shall appoint another Commissioner at its next meeting to fulfill the remainder of the officer’s unexpired term.



LOCAL AGENCY FORMATION COMMISSION OF NAPA COUNTY

Policy on Establishing the Officers of the Commission

(Adopted: August 9, 2001; Last Amended: November 18, 2019; Proposed Amendment: June 6, 2022)

I. Background

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

II. Purpose

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

III. Officers of the Commission

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

IV. Duties of Officers

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

V. Appointment of Chair and Vice Chair

- A) Term of Office: Beginning in 2024, the terms of office of the Chair and Vice Chair shall be for one year, beginning on the first Monday in May~~January 1.~~
- B) Rotation: The Chair and Vice Chair shall be appointed by the Commission according to the following annual rotational system, effective ~~May 4, 2020~~January 1, 2024, unless a temporary change is made pursuant to Section V(C):

Chair Designations

~~City Member I~~
~~County Member I~~
~~City Member II~~
 County Member II
 Public Member
City Member I
County Member I
City Member II

Vice Chair Designations

~~County Member I~~
~~City Member II~~
~~County Member II~~
 Public Member
 City Member I
County Member I
City Member II
County Member II

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

- C) The Commission may create temporary changes to the rotation as part of an action item placed on a meeting agenda. If the Chair and Vice Chair offices are both vacant, and in the event the procedures set forth in Section VI “Vacancy,” below, are not feasible, the Executive Officer may call a meeting to order until the Chair and Vice Chair are appointed.

VI. Vacancy

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

- A) On ~~the first Monday in May~~January 1 of the following year, the established rotation set forth in Section V(B) “Rotation,” above, shall resume.
- B) Should the office of Chair or Vice Chair be vacated by the Public Member, the Commission shall appoint another Commissioner at its next meeting to fulfill the remainder of the officer’s unexpired term.



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

Agenda Item 5f (Consent/Action)

TO: Local Agency Formation Commission

PREPARED BY: Brendon Freeman, Executive Officer *BF*

MEETING DATE: June 6, 2022

SUBJECT: Work Program for Fiscal Year 2022-23

RECOMMENDATION

It is recommended the Commission adopt the Resolution of the Local Agency Formation Commission of Napa County Adopting a Work Program for Fiscal Year 2022-23, included as Attachment One.

SUMMARY

Local policy directs the Commission to annually adopt a Work Program for purposes of scheduling key activities over the course of the fiscal year. Most notably, this includes assigning approximate schedules for the preparation of municipal service reviews (MSRs) and sphere of influence (SOI) updates. In addition, the Work Program lists other priority activities including audits, budgets, state legislation, policies, LAFCO quarterly newsletters, LAFCO's website, and other relevant activities.

Staff prepared a draft Work Program for fiscal year 2022-23, which is included as an exhibit to the draft resolution (Attachment One). The Work Program is highlighted by MSRs and SOI updates for the following local agencies to be completed in-house by staff, listed in order of timeline: Silverado Community Services District; Napa County Resource Conservation District; City of St. Helena; City of Calistoga; City of Napa; Napa Sanitation District; and County Service Area No. 4. It is recommended the Commission adopt the Work Program by resolution.

ATTACHMENT

- 1) Draft Resolution Adopting the Work Program for Fiscal Year 2022-23

Margie Mohler, Chair
Councilmember, Town of Yountville

Mariam Aboudamous, Commissioner
Councilmember, City of American Canyon

Beth Painter, Alternate Commissioner
Councilmember, City of Napa

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

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

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

Kenneth Leary, Commissioner
Representative of the General Public

Eve Kahn, Alternate Commissioner
Representative of the General Public

Brendon Freeman
Executive Officer

RESOLUTION NO. _____

**RESOLUTION OF
THE LOCAL AGENCY FORMATION COMMISSION OF NAPA COUNTY
ADOPTING A WORK PROGRAM FOR FISCAL YEAR 2022-23**

WHEREAS, the Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000 (Government Code Sections 56000 et seq.) directs the Local Agency Formation Commission of Napa County (hereinafter “the Commission”) to prepare Municipal Service Reviews in order to prepare and to update spheres of influence; and

WHEREAS, local policy directs the Commission to annually adopt a Work Program; and

WHEREAS, the Commission’s annual Work Program establishes a schedule for the preparation of Municipal Service Reviews, Sphere of Influence Updates, and other agency activities; and

WHEREAS, at its June 6, 2022 meeting, the Commission considered adopting a Work Program for fiscal year 2022-23 prepared by staff.

NOW, THEREFORE, BE IT RESOLVED that the Local Agency Formation Commission of Napa County hereby adopts the Work Program for fiscal year 2022-23, included as Exhibit “A” to this resolution.

This Resolution shall take effect immediately.

The foregoing resolution was duly and regularly adopted by the Commission at a public meeting held on June 6, 2022, after a motion by Commissioner _____, seconded by Commissioner _____, by the following vote:

AYES: Commissioners _____

NOES: Commissioners _____

ABSENT: Commissioners _____

ABSTAIN: Commissioners _____

Margie Mohler
Commission Chair

ATTEST: _____
Brendon Freeman
Executive Officer

Napa LAFCO Work Program for Fiscal Year 2022-23			
		Timeline	Comments
STUDIES	Silverado Community Services District MSR & SOI	2022	Previous MSR completed in 2014 (Central County Region MSR), previous SOI completed in 2016
	Napa County Resource Conservation District MSR & SOI	2022	Previous MSR & SOI completed in 2016
	City of St. Helena MSR & SOI	2022 or 2023	Previous MSR & SOI completed in 2008, on hold for permanent City Manager
	City of Calistoga MSR & SOI	2023	Previous MSR & SOI completed in 2016
	City of Napa MSR & SOI	2023	Previous MSR completed in 2014 (Central County Region MSR), previous SOI completed in 2014, on hold until City General Plan update complete
	Napa Sanitation District SOI	2023	Previous MSR completed in 2014 (Central County Region MSR), previous SOI completed in 2015, on hold for City & County housing element progress
	County Service Area No. 4 MSR & SOI	2023	Previous MSR & SOI completed in 2017
ADMINISTRATION	Audit	Annual	Will be presented by the County Auditor-Controller
	Budget	Annual	Final budget must be adopted by June 15, two Commissioners will be appointed to Budget Committee in December, staff presents quarterly budget reports
	Legislation	Ongoing	Legislative Committee reviews state legislation and recommends positions
	Policies	Ongoing	Policy Committee reviews and recommends updates
	Newsletter	Quarterly	Quarterly newsletter issued in January, April, July, and October
	Website	Ongoing	Staff updates information on website
OTHER	Strategic Planning	2022 or 2023	Commission will schedule a strategic planning session to consider challenges, opportunities, and vision for LAFCO
	Support Services Agreement with County of Napa	2022 or 2023	Staff working with County to update agreement, amendments will be presented to Commission and BOS for adoption
	2022 CALAFCO Annual Conference (Newport Beach)	October 2022	Additional details forthcoming
	2023 CALAFCO Staff Workshop (Monterey)	March 2023	Additional details forthcoming
Presented on June 6, 2022			



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

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

Agenda Item 5g (Consent/Information)

TO: Local Agency Formation Commission

PREPARED BY: Brendon Freeman, Executive Officer *BF*

MEETING DATE: June 6, 2022

SUBJECT: Third Quarter Budget Report for Fiscal Year 2021-22

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.

The Commission will receive a third quarter budget report for fiscal year 2021-22 that compares budgeted versus actual transactions through March 31, 2022.

On June 7, 2021, the Commission adopted a final budget for fiscal year 2021-22.

On August 2, 2021, the Commission approved a budget adjustment to increase expenses related to staff salaries and benefits by \$15,825. This amount will be covered by drawing down the Commission's undesignated/unreserved fund balance ("reserves").

The Commission's adjusted budget totals \$569,966. This amount represents the total approved operating expenses divided between salaries and benefits, services and supplies, and contingencies. Budgeted revenues total \$540,270 and are divided between intergovernmental fees, service charges, and investments. An operating shortfall of \$29,696 is intentionally budgeted to reduce the burden on the Commission's funding agencies. The intentional shortfall is covered by drawing down reserves.

A third quarter budget sheet with year-end projections is included as Attachment One. Based on actual and anticipated expenses and revenues, staff projects the Commission will finish the fiscal year with a budget surplus of \$25,405 as summarized on the following page.

Margie Mohler, Chair
Councilmember, Town of Yountville

Mariam Aboudamous, Commissioner
Councilmember, City of American Canyon

Beth Painter, Alternate Commissioner
Councilmember, City of Napa

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

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

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

Kenneth Leary, Commissioner
Representative of the General Public

Eve Kahn, Alternate Commissioner
Representative of the General Public

Brendon Freeman
Executive Officer

Operating Revenues

The Commission's operating revenues for 2021-22 are budgeted at \$540,270. Actual revenues collected through the third quarter totaled \$538,443. This amount represents 99.7% of the budgeted amount with 75% of the fiscal year complete.

Actuals through the third quarter and related analysis suggest the Commission will finish the fiscal year with \$544,739 in total revenues, resulting in a surplus of \$4,469 or 0.8% relative to the amount in the adjusted budget.

See Attachment One for additional information on actual revenues through the third quarter and projected year-end revenues.

Operating Expenses

The Commission's operating expenses for 2021-22 are budgeted at \$569,966. Actual expenses through the third quarter totaled \$409,906. This amount represents 71.9% of the budgeted total with 75% of the fiscal year complete.

Actuals through the third quarter and related analysis suggest the Commission will finish the fiscal year with \$519,334 in total expenses and produce a savings/surplus of \$50,632 or 8.9% relative to the amount in the adjusted budget. The savings/surplus is primarily due to a staff vacancy in the Commission Clerk position that will not be filled until next fiscal year.

See Attachment One for additional information on actual expenses through the third quarter and projected year-end expenses.

Reserves

Local policy directs the Commission to maintain reserves equal to a minimum of four months, or 33.3%, of budgeted operating expenses. The Commission's reserves totaled \$270,586 as of July 1, 2021, representing 47.4% of expenditures in the current budget. The Commission is projected to finish the fiscal year with a budget surplus of \$25,405, which would increase reserves to \$295,991, or 51.9%, of expenses in the current budget. These amounts are consistent with the aforementioned local policy directive.

ATTACHMENT

- 1) Third Quarter Budget Sheet for Fiscal Year 2021-22 with Year-End Projections

LAFCO FY 2021-22 Third Quarter Budget Report

Revenues and Expenses through 3/31/22 with Year-End Projections

Account	Category	Adopted Budget	Budget Adjustments	Adjusted Budget	Actual YTD	YTD Percent of Budget	Year-End Projection	Year-End Projection Percent of Budget
Revenues								
42690	Permits/Application Fees	20,000	-	20,000	23,400	117.0%	25,450	127.3%
43910	County of Napa	254,835	-	254,835	254,835	100.0%	254,835	100.0%
43950	Other-Governmental Agencies	254,835	-	254,835	254,835	100.0%	254,835	100.0%
45100	Interest	10,000	-	10,000	4,506	45.1%	5,700	57.0%
46800	Charges for Services	600	-	600	774	129.0%	1,074	179.0%
47900	Miscellaneous	-	-	-	93	0.0%	2,845	0.0%
Total Revenues		540,270	-	540,270	538,443	99.7%	544,739	100.8%
Expenses								
51210	Director/Commissioner Pay	12,500	-	12,500	9,600	76.8%	12,300	98.4%
51300	Medicare	250	-	250	152	60.8%	205	82.0%
51305	FICA	500	-	500	413	82.6%	525	105.0%
52100	Administration Services	424,076	15,825	439,901	331,796	75.4%	408,954	93.0%
52125	Accounting/Auditing Services	7,500	-	7,500	2,192	29.2%	6,847	91.3%
52130	Information Technology Service	24,489	-	24,489	18,204	74.3%	24,489	100.0%
52131	ITS Communication Charges	1,837	-	1,837	1,378	75.0%	1,837	100.0%
52140	Legal Services	25,000	-	25,000	14,537	58.1%	22,000	88.0%
52345	Janitorial Services	300	-	300	75	25.0%	150	50.0%
52515	Maintenance-Software	1,930	-	1,930	510	26.4%	1,930	100.0%
52600	Rents and Leases - Equipment	4,000	-	4,000	2,088	52.2%	2,784	69.6%
52605	Rents and Leases - Bldg/Land	31,322	-	31,322	21,784	69.5%	28,234	90.1%
52700	Insurance - Liability	578	-	578	-	0.0%	578	100.0%
52800	Communications/Telephone	2,000	-	2,000	1,225	61.3%	1,485	74.3%
52830	Publications & Legal Notices	1,000	-	1,000	828	82.8%	1,100	110.0%
52835	Filing Fees	200	-	200	100	50.0%	150	75.0%
52900	Training/Conference Expenses	10,000	-	10,000	-	0.0%	-	0.0%
52905	Business Travel/Mileage	500	-	500	-	0.0%	-	0.0%
53100	Office Supplies	1,000	-	1,000	286	28.6%	400	40.0%
53110	Freight/Postage	500	-	500	50	10.0%	100	20.0%
53115	Books/Media/Subscriptions	-	-	-	119	0.0%	119	0.0%
53120	Memberships/Certifications	2,934	-	2,934	2,934	100.0%	2,934	100.0%
53205	Utilities - Electric	1,500	-	1,500	1,597	106.5%	1,950	130.0%
53410	Computer Equipment/Accessories	-	-	-	38	0.0%	38	0.0%
53415	Computer Software/License	225	-	225	-	0.0%	225	100.0%
Total Expenditures		554,141	15,825	569,966	409,906	71.9%	519,334	91.1%
Net Surplus (Deficit)		(13,871)	(15,825)	(29,696)	128,537	22.6%	25,405	4.5%



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

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

Agenda Item 5h (Consent/Information)

TO: Local Agency Formation Commission

PREPARED BY: Brendon Freeman, Executive Officer *BF*

MEETING DATE: June 6, 2022

SUBJECT: Napa LAFCO Quarterly Newsletter

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.

The Commission will receive a quarterly newsletter prepared by staff and dated April 2022, included as Attachment One. The newsletter is posted to the Commission's website and was circulated to the Commission's email distribution list.

Staff will continue to prepare and circulate similar quarterly newsletters every January, April, July, and October unless the Commission requests any changes.

ATTACHMENT

- 1) Napa LAFCO Quarterly Newsletter (April 2022)

Margie Mohler, Chair
Councilmember, Town of Yountville

Mariam Aboudamous, Commissioner
Councilmember, City of American Canyon

Beth Painter, Alternate Commissioner
Councilmember, City of Napa

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

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

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

Kenneth Leary, Commissioner
Representative of the General Public

Eve Kahn, Alternate Commissioner
Representative of the General Public

Brendon Freeman
Executive Officer

Local Agency Formation Commission (LAFCO) of Napa County

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



April 2022

Visit our Website:
www.napa.lafco.ca.gov

Contact Us:
Phone: (707) 259-8645
Email: info@napa.lafco.ca.gov

What is LAFCO:

- LAFCOs are local agencies mandated by the State legislature to encourage the orderly formation of governmental agencies, preserve agricultural land resources, and discourage urban sprawl.

Recent News:

- Longtime Commission Clerk Kathy Mabry retired in January.
- CALAFCO welcomes new Executive Director René LaRoche.
- Commission is transitioning to hybrid meetings. The Chair and staff will be in attendance at the Napa County Board of Supervisors Chambers, located at 1195 Third Street, 3rd floor, Napa, CA 94559. Other Commissioners and members of the public may attend and participate live or remotely.

On the Horizon:

- Chair and Vice Chair rotation will be effective May 2, 2022. Commissioners Mohler and Wagenknecht will serve as Chair and Vice Chair, respectively, through April 30, 2023.
- Adopt a final budget and Work Program for FY 2022-23.
- Initiate City of St. Helena MSR and SOI review.
- Initiate City of Napa MSR and SOI review.
- Review and update [Policy on Municipal Service Reviews](#).
- Next Meeting Monday, June 6, 2022 at 2:00 PM.

Commission Roster

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

Agency Staff

Brendon Freeman, Executive Officer
Dawn Mittleman Longoria, Analyst II/
Interim Clerk
DeeAnne Gillick, Legal Counsel



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

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

Agenda Item 5i (Consent/Information)

TO: Local Agency Formation Commission

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

MEETING DATE: June 6, 2022

SUBJECT: CALAFCO Quarterly Newsletter

SUMMARY

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

CALAFCO recently released a Quarterly Newsletter dated May 2022, included as Attachment One, with a summary of matters that may be of interest to members of the Commission.

Notably, the newsletter includes an announcement of the passing of former Napa LAFCO Commissioner, Warren Nelson, who represented the Town of Yountville. Mr. Nelson also served as Executive Officer of Marin LAFCO and was very active in CALAFCO. Mr. Nelson worked with former LAFCO Commissioner and Assembly Member, Mike Gotch, on legislation that provided LAFCOs with increased authority and independence.

CALAFCO U webinars are recorded and available for viewing on the CALAFCO website for registered members of CALAFCO. The following webinar sessions are planned in the coming months:

- Monday, June 20, 2022, 1-3 PM: *Brave New World of HR: Hiring Headaches, Trends, and Opportunities in a Post-Pandemic World*
- Thursday, July 21, 2022, 1-3 PM: *Sharing the Wealth: A Deep Dive into Tax Exchange*
- Monday, September 19, 2022, 1-3 PM: *Two Agencies in Dispute: What is LAFCO's Role in Assisting to Resolve the Conflict?*

ATTACHMENT

- 1) CALAFCO Quarterly Newsletter (May 2022)

Margie Mohler, Chair
Councilmember, Town of Yountville

Mariam Aboudamous, Commissioner
Councilmember, City of American Canyon

Beth Painter, Alternate Commissioner
Councilmember, City of Napa

Brad Wagenknecht, Vice Chair
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Representative of the General Public

Eve Kahn, Alternate Commissioner
Representative of the General Public

Brendon Freeman
Executive Officer



CALAFCO

NEWSLETTER

May, 2022 Edition

BOARDROOM Brief

The Board met virtually on April 22 and considered a fairly light agenda. Among the actions taken was the acceptance of the Third Quarter financial reports, which included a payment to the Hyatt hotel for the block of rooms that had been guaranteed for the cancelled staff workshop.

The new budgets for Fiscal Years 2022-2023 and 2023-2024 were also approved. Given concerns regarding the ongoing pandemic as well as escalating inflation, the budgets maintain the previously implemented austerity measures where possible. However, based on feedback received by the Executive Director from various LAFCo, the budget does anticipate a healthy attendance at the conference and 2023 workshop.

The Board also revisited the legislative proposal from San Diego LAFCo regarding Government Code §56133 that had been tabled in January. After discussion, the matter was rescheduled to the July Board meeting to allow the Legislative Committee time to gather additional information.

Reports were also received regarding the fall conference, CALAFCO U sessions, and Spring Workshop, which are currently in planning.

Members wishing to read full staff reports or minutes can download them from the CALAFCO website at www.calafco.org.

SEE YOU LATER!



SOME wise person once said that change is inevitable. Of course, the change that came to CALAFCO was the well-deserved retirement of Pamela Miller as the CALAFCO Executive Director (ED). Pamela became ED in 2012 and has made an indelible mark on CALAFCO by maintaining its professional standards and by advocating with the legislature on behalf of LAFCos everywhere. She stayed through March on a consultant basis to assist with the transition of the new ED and she intends to see SB 938 to its conclusion.

Unfortunately, pandemic restrictions meant that Pamela did not get the send-off that she deserved, but that only means she is owed a party. And, so, we refuse to say goodbye and, instead, leave it at "Thank you—and see you later!"

With thanks!

Legislative Updates

CALAFCO supported or sponsored bills continue to make positive progress in the legislative process. Most important is SB 938, the protest provisions bill, which makes updates to existing CKH statutory provisions associated with consolidations and dissolutions, as well as codifying the conditions under which a LAFCo may initiate dissolution of a district at the 25 percent protest threshold. SB 938 has been tentatively scheduled before the Assembly Local Government Committee on June 8th. LAFCos that have not yet submitted a letter of support are requested to do so before **5 PM on June 2, 2022**.

See **LEGISLATION** on Page 2

NEW Associate Member!



A huge welcome to Chase Design, our newest Associate

member. Founded in 2000 by Chris Chase, Creative Director and Principal, Chase Design is a San Diego based firm specializing in branding

consultation and design services for businesses and organizations throughout the United States. Chase Design has built an impressive reputation for producing effective designs that gets their clients results for their businesses.

With a Mission to create extraordinary value

See **ASSOCIATE MEMBERS** on Page 4



A Message from the
Executive Director

On the wall of my office is a sign. Those of you who are Tony Robbins fans will recognize the quote. It reads "All growth starts at the end of your comfort zone." If that is true (and I sincerely hope that it is) then I have been growing by leaps and bounds. ;)

Between the enormity of the change in Executive Directors, followed by an assault on Pamela on March 8th, it felt at first like being caught in the middle of a cyclone. Things have moderated now, but I have to sincerely thank all of the Board members, EOs, and staff who have reached out to welcome me, to check on me, and to offer support. You have all made the transition so much easier! I am humbled by your faith, trust, and friendship, and my vow is to make this changeover as smooth for you as possible. There is, obviously much for me to learn, but I am committed to learning everything quickly and well.

So, what's new in the CALAFCO world? Of course, the big news has to do with SB 938, which moved out of the Senate and now sits in the Assembly. Kudos to our devoted protest provisions working group, as well as thanks to Pamela Miller who is staying on in a volunteer capacity to see that through to the end.

Also, event planning is now well underway. (See the schedule on page 3.) A conference programming committee has been formed, but we could still use more people. If you would like to help, please contact José Henriquez (Sacramento) at henriquezj@saccounty.gov, or me.

Finally, CALAFCO U sessions are also shaping up thanks to the able assistance of Dawn Longoria (Napa). Our first session is scheduled for June 20th. Please join us for what promises to be an interesting session regarding the strange new world of recruiting and hiring in this post-pandemic world!

IN MEMORIAM

CARL LEVERENZ, Butte LAFCo Commissioner

Butte LAFCo mourns the loss of its Chair, Carl Leverenz. Commissioner Leverenz served with pride on the Butte LAFCo for the past 47 years where he always displayed great insight and wisdom. His calm demeanor and ability to keep politics at bay to solve problems earned him the Butte LAFCo Chair seat, which he held continuously since 1975. A local legend, Commissioner Leverenz was known for his servant's heart, having had not only a prominent legal career but a history of volunteerism on a broad assortment of boards and organizations, which earned him the Chico Rotary Club's Community Service Award in 2018.

WARREN NELSON, Napa LAFCo Commissioner

Warren Nelson, Napa LAFCo Commissioner, passed away in April, 2022. Among his many hats, Commissioner Warren served as Executive Officer for Marin LAFCo in the 1970s, and as a Yountville City Commissioner from 1980-1986. An avid proponent for LAFCos, Commissioner Warren worked with his friend and fellow Commissioner, Mike Gotch, on legislation that increased LAFCos' independence and authority. His dedication and friendly nature will be greatly missed.

CALAFCO sends its deepest condolences to the family, friends, and co-workers of these remarkable men.



Contra Costa LAFCo reports that it has been busy with a surge in new applications, including a large boundary reorganization. In Spring 2022, the Contra Costa LAFCo Commissioners unanimously approved annexation of East Contra Costa Fire Protection District (ECCFPD) comprising 249+ square miles serving 132,400 residents to Contra Costa County Fire Protection District comprising 306+ square miles serving 628,200 residents, and dissolving ECCFPD.

The boundary reorganization is consistent with two LAFCO Municipal Service Reviews and a special study, all of which noted various constraints and challenges with fire and emergency medical services in East Contra Costa County. The LAFCo process was fairly lengthy but with few obstacles. All

See **CONNECTIONS** on Page 4

LEGISLATION

Continued from Page 1

Other CALAFCO supported bills include:

- AB 897** (Mullin), establishment of a regional climate network has stalled and is in its second year.
- AB 1640** (Ward), seems to have replaced AB 897 with another regional climate bill. It is scheduled to go before Assembly Appropriations on May 19th.
- AB 1773** (Patterson), return of Williamson Act subvention funding, is scheduled before Assembly Appropriations on May 19th.
- AB 2957**, the CALAFCO sponsored Omnibus bill, has passed out of the Assembly and is waiting on a Senate hearing date.
- SB 1490, 1491, and 1492**, annual Validation Acts, have passed out of the Senate and are waiting on Assembly hearing dates.



SAVE THE DATE FOR THE

50+1 YEARS
A GOLDEN ERA

CALAFCO
IN THE GOLDEN STATE

2022 ANNUAL CONFERENCE

OCTOBER 19-21, 2022

THIS THREE-DAY EVENT OFFERS THE OPPORTUNITY TO:

- ✓ Discuss statewide and local issues critical to LAFCo
- ✓ Participate in important conversations that will guide decision-making
- ✓ Gain new resources and fresh ideas that will have a positive community impact
- ✓ Hear important legislative updates
- ✓ Make industry connections
- ✓ Network with professionals

Hyatt Regency John Wayne Airport, Newport Beach, CA
Conference and hotel registration opening soon. Visit calafco.org and stay tuned for details!



2023 Staff Workshop

Murphys, California

SAVE THE DATE!
April 26th - 28th, 2023



Topic Suggestions

We are always on the look out for good topics for our conferences, workshops, and webinars. If you have an idea for a topic, please email to René LaRoche at rlaroch@calafco.org.

Upcoming **EVENTS** 

MARK YOUR CALENDARS!

CALAFCO 2022 ANNUAL CONFERENCE
October 19 - 21, 2022

Plan on joining us at the **Hyatt Regency Newport Beach John Wayne Airport** on October 19-21, 2022 for our long-awaited, long-overdue Annual Conference! The program planning committee is forming and CALAFCO staff is working with the facility on the details. Watch for more information soon. We are looking forward to seeing everyone in-person in Newport Beach!

2023 STAFF WORKSHOP
April 26 - 28, 2023

Come learn about technical topics in a beautiful setting! Mark your calendar now because you will not want to miss next year's Staff Workshop on the beautiful grounds of Ironstone Vineyards.



We are preparing some great CALAFCO U sessions for you and are pleased to again offer webinars to our members at no cost. Watch for the registration for the June 20th session to open soon.

- June 20, 2022:** **Brave New World of HR: Hiring Headaches, Trends, and Opportunities in a Post-Pandemic World**
1:00 PM
- July 21, 2022:** **Sharing the Wealth: A Deep Dive into Tax Exchange**
1:00 PM
- Sep. 19, 2022:** **Two Agencies in Dispute: What is LAFCo's Role in Assisting to Resolve the Conflict?**
1:30 PM
- TBD** **The Dirty Dozen: Things I Wish I Knew About The Act**

BOARD MEETINGS:

- July 22, 2022** LOCATION: Virtual
- Oct. 21, 2022** LOCATION: Newport Beach (Conference)
- Dec. 2, 2022** LOCATION: Virtual

LEGISLATIVE COMMITTEE MEETINGS:

- July 29, 2022** LOCATION: Virtual
- Sept. 16, 2022** LOCATION: Virtual
- Oct. 7, 2022** LOCATION: TBD
- Nov. 4, 2022** LOCATION: TBD

CONNECTIONS

[Continued from Page 2](#)

parties were cooperative and there were no oral or written protests filed.

Contra Costa LAFCo Executive Officer Lou Ann Teixeira extends thanks and kudos to Joe Serano, Executive Officer Santa Cruz LAFCO, and to Mark Bramfitt, Executive Officer Sonoma LAFCO, for their support.

NEW Roles

ROB BARTOLI Appointed San Mateo EO

San Mateo LAFCo reports that its commission took action to appoint Rob Bartoli as Executive Officer on March 16, 2022. Rob has held the title of Interim Executive Officer since the retirement of Martha Poyatos.

TAYLOR MORRIS Welcomed as L.A. GIS Technician

Los Angeles LAFCo has welcomed new GIS

Technician, Taylor Morris, who began work at LAFCO this month. Taylor recently relocated to Los Angeles after working for six years in the right-of-way section of the Utah Department of Transportation. He holds a Bachelor of Science in Geography and Environmental and Sustainability Studies from the University of Utah.

MICHAEL HENDERSON Hired as Riverside GIS Analyst

Riverside LAFCo is pleased to welcome Michael Henderson to the newly created position of GIS Analyst.

KRYSTAL BRADFORD Takes Over as Butte Clerk

Krystal Bradford has taken over the reins as Butte LAFCo's Clerk upon the retirement of Joy Stover.

Congratulations to everyone!

ASSOCIATE Members

[Continued from Page 1](#)

CHASE DESIGNS, continued

for their clients by connecting business strategy and creative execution, Chase Designs helps businesses to make a statement with impactful branding that reinforces the values of the business. Go to ChrisChaseDesign.com to find out more, or contact Chris Chase at chris@chrischasedesign.com.

Associate Member **SPOTLIGHT**

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

dta **DTA**
DTA is a national public finance and urban economics consulting firm specializing in infrastructure and public service finance. Their financing programs have utilized a variety of public financing mechanisms, such as Ads, CFDs, LLDs, and various types of fee programs.

To learn more about DTA, visit their website at www.FinanceDTA.com, or contact Colleen Liao at colleen@financedta.com.

SWALE, INC

Swale's consulting services focus on LAFCo critical issues including municipal service reviews, SOI's, CEQA compliance, strategic planning, workshops, and mapping with geographic information systems (GIS). Their northern California office is expanding to bring you the best of consulting services.

To learn more about SWALE, INC visit their website at www.swaleinc.com, or contact Kateri Harrison at Harrison@swaleinc.com

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



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 5j (Consent/Information)

TO: Local Agency Formation Commission

PREPARED BY: Brendon Freeman, Executive Officer *BF*

MEETING DATE: June 6, 2022

SUBJECT: Legislative Report

SUMMARY

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

On April 4, 2022, following discussion of the Legislative Committee's (Dillon, Painter, and Freeman) recommendations, the Commission directed staff to submit letters to the Legislature in support of Assembly Bill (AB) 1773, AB 2957, and Senate Bill (SB) 938. The support letters are included as Attachments One, Two, and Three, respectively.

In addition, the California Association of LAFCOs (CALAFCO) continues to track proposed legislation affecting LAFCOs. CALAFCO's legislative report dated May 31, 2022 is included as Attachment Four.

Staff does not recommend the Commission take a new or different formal position on any bills at this time. The Commission will continue to have a support position for AB 1773, AB 2957, and SB 938.

ATTACHMENTS

- 1) AB 1773 Support Letter
- 2) AB 2957 Support Letter
- 3) SB 938 Support Letter
- 4) CALAFCO Legislative Report (Dated May 31, 2022)

Margie Mohler, Chair
Councilmember, Town of Yountville

Mariam Aboudamous, Commissioner
Councilmember, City of American Canyon

Beth Painter, Alternate Commissioner
Councilmember, City of Napa

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

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

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

Kenneth Leary, Commissioner
Representative of the General Public

Eve Kahn, Alternate Commissioner
Representative of the General Public

Brendon Freeman
Executive Officer



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

April 6, 2022

Honorable Cecilia Aguiar-Curry, Chair
Assembly Local Government Committee
California State Assembly
1021 O Street, Room Suite 6350
Sacramento, CA 95814

**SUBJECT: Support for Assembly Bill 1773: Williamson Act: Subvention Payments:
Appropriation**

Dear Chair Aguiar-Curry:

The Local Agency Formation Commission (LAFCO) of Napa County is pleased to support AB 1773 (Patterson).

The Williamson Act was created to preserve open space and conserve agricultural land. For many years, the state funded the Williamson Act at around \$35 million to \$40 million per year. This funding ceased during the recession, and has not been reinstated since. AB 1773 would allocate \$40 million from the General Fund to the Williamson Act for the purpose of subvention payments.

While the Williamson Act has been effective at protecting over 16.5 million acres of land in California, these conservation efforts are at risk the longer the state goes without funding subvention payments. Without funding, the state’s goal of preserving agricultural and open space lands from development is at risk.

This legislation helps protect agricultural and open space lands throughout Napa County that are subject to Williamson Act contracts.

Yours sincerely,

Brendon Freeman
Executive Officer

cc: Members, Assembly Local Government Committee
Jimmy MacDonald, Consultant, Assembly Local Government Committee
William Weber, Consultant, Assembly Republican Caucus
René LaRoche, Executive Director, California Association of Local Agency Formation Commissions

Margie Mohler, Vice Chair
Councilmember, Town of Yountville

Mariam Aboudamous, Commissioner
Councilmember, City of American Canyon

Beth Painter, Alternate Commissioner
Councilmember, City of Napa

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

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

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Brendon Freeman
Executive Officer



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April 6, 2022

Honorable Cecilia Aguiar-Curry, Chair
Assembly Local Government Committee
California State Assembly
1021 O Street, Room Suite 6350
Sacramento, CA 95814

SUBJECT: Support for Assembly Bill 2957: Local Government Committee Omnibus Bill

Dear Chair Aguiar-Curry:

The Local Agency Formation Commission (LAFCO) of Napa County is pleased to support the Assembly Local Government Committee Bill AB 2957, sponsored by the California Association of Local Agency Formation Commissions (CALAFCO), which makes technical, non-substantive changes to the Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000 (the Act).

This annual bill includes technical changes to the Act which governs the work of LAFCOs. These changes are necessary as Commissions implement the Act and small inconsistencies are found or clarifications are needed to make the law as unambiguous as possible. AB 2957 makes minor technical corrections to language used in the Act. Napa LAFCO is grateful to your Committee members and staff, and CALAFCO, all of whom worked diligently on this language to ensure there are no substantive changes while creating a significant increase in the clarity of the Act for all stakeholders.

This legislation helps insure the Cortese-Knox-Hertzberg Act remains a vital and practical law that is consistently applied around the state. We appreciate your Committee's authorship and support of this bill, and your support of the mission of LAFCOs.

Yours sincerely,

Brendon Freeman
Executive Officer

cc: Members, Assembly Local Government Committee
Jimmy MacDonald, Consultant, Assembly Local Government Committee
William Weber, Consultant, Assembly Republican Caucus
René LaRoche, Executive Director, California Association of Local Agency Formation Commissions

Margie Mohler, Vice Chair
Councilmember, Town of Yountville

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

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

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Representative of the General Public

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Councilmember, City of Napa

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

Brendon Freeman
Executive Officer



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

April 6, 2022

Honorable Robert Hertzberg
 California State Senate
 1021 O Street, Room 8610
 Sacramento, CA 95814

SUBJECT: Support for Senate Bill 938: The Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000: Protest Proceedings: Procedural Consolidation

Dear Senator Hertzberg:

The Local Agency Formation Commission (LAFCO) of Napa County is pleased to join the California Association of Local Agency Formation Commissions (CALAFCO) in support of your bill, SB 938, which makes changes to the Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000 (The Act). SB 938 represents a collaborative three-year effort led by CALAFCO to clean up, consolidate, and clarify existing statutory provisions associated with consolidations and dissolutions, as well as codify the conditions under which LAFCO may initiate dissolution of a district at the 25% protest threshold.

The statutes related to protest provisions and the disparate protest thresholds established for LAFCO-initiated actions (10%) and all other initiated actions (25%) make addressing necessary and appropriate special district consolidations and dissolutions considerably more difficult when initiated by a LAFCO. Further, they serve as a deterrent for LAFCO to initiate action, even if meaningful efficiencies in the provision of public services could be achieved or if a district is failing to meet its statutory requirements.

As introduced, the bill represents the redraft of existing protest statutes with some minor technical clarifications added. The pending proposed amendments from CALAFCO allow LAFCOs to initiate dissolution of a district at the 25% protest threshold under specific circumstances. All of this work is in response to a recommendation made in the 2017 Little Hoover Commission report after a year-long study (Special Districts: Improving Oversight and Transparency) and the formation of a working group by CALAFCO of stakeholders in early 2019. The intent was to examine the protest process for consolidations and dissolutions of special districts, and after three years of work (delayed due to the pandemic), the working group came to consensus on the redraft of existing protest statutes (representative of SB 938 as introduced) and a new process that allows LAFCOs to initiate dissolution of a district at the 25% protest threshold under specific circumstances (pending amendment into SB 938).

Margie Mohler, Vice Chair
 Councilmember, Town of Yountville

Mariam Aboudamous, Commissioner
 Councilmember, City of American Canyon

Beth Painter, Alternate Commissioner
 Councilmember, City of Napa

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

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

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

Kenneth Leary, Commissioner
 Representative of the General Public

Eve Kahn, Alternate Commissioner
 Representative of the General Public

Brendon Freeman
 Executive Officer

Support for Senate Bill 938 from Napa LAFCO

April 6, 2022

Page 2 of 2

The overarching goal of these changes is to ensure that LAFCOs have the tools we need to carry out our statutory obligations to ensure orderly and functioning local government services and to create greater consistency in the statute. The specific circumstances under which a dissolution may be initiated are more than reasonable and the subsequent process includes three noticed public hearings, a minimum 12-month remediation period, and a 60-day protest period, all of which are extremely practical. Additionally, the proposed process for LAFCO-initiated actions at the 25% protest threshold applies only to dissolutions, making the scope of use exceptionally narrow.

SB 938 makes much needed and long-awaited improvements to The Act through the restructure and clarification of existing protest provisions, and addition of a fair and appropriate process that offers LAFCOs additional tools necessary to effectively fulfill their statutory obligations.

We thank you for your authorship of this critical legislation and for continuing your long support of the work of LAFCOs. For all these reasons, we are pleased to support your bill SB 938.

Yours sincerely,

A handwritten signature in blue ink that reads "Brendon Freeman". The signature is written in a cursive, slightly slanted style.

Brendon Freeman
Executive Officer

cc: Members, Senate Governance and Finance Committee
Anton Favorini-Csorba, Consultant, Senate Governance and Finance Committee
Ryan Eisberg, Consultant, Senate Republican Caucus
René LaRoche, Executive Director, California Association of Local Agency Formation Commissions

CALAFCO Daily Legislative Report
as of Tuesday, May 31, 2022

1

[AB 2957](#) (Committee on Local Government) Local government: reorganization.
 Current Text: Amended: 4/18/2022 [html](#) [pdf](#)
 Introduced: 3/2/2022
 Last Amended: 4/18/2022
 Status: 5/25/2022-Referred to Com. on GOV. & F.

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

Calendar:

6/1/2022 9:30 a.m. - State Capitol, Room 112 SENATE GOVERNANCE AND FINANCE, CABALLERO, Chair

Summary:

The Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000, provides the authority and procedure for the initiation, conduct, and completion of changes of organization, reorganization, and sphere of influence changes for cities and districts, as specified. Current law requires that an applicant seeking a change of organization or reorganization to submit a plan for providing services within the affected territory. Current law requires a petitioner or legislative body desiring to initiate proceedings to submit an application to the executive officer of the local agency formation commission, and requires the local agency formation commission, with regard to an application that includes an incorporation, to immediately notify all affected local agencies and any applicable state agency, as specified. This bill would define the term "successor agency," for these purposes to mean the local agency a commission designates to wind up the affairs of a dissolved district.

Attachments:

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

Position: Sponsor

Subject: CKH General Procedures

CALAFCO Comments: This is the annual Omnibus bill sponsored by CALAFCO.

As introduced it makes 3 minor, technical non-substantive changes in CKH: (1) Replaces "to be completed and in existence" with "take effect" under GCS 56102; (2) Adds GCS 56078.5: "Successor Agency" means the local agency the Commission designates to wind up the affairs of a dissolved district; and (3) Replaces "proposals" with "applications" within GCS 56653(a), 56654(a), (b), and (c), and 56658(b)(1) and (b)(2).

CALAFCO support letter and LAFCo support letter template are in the attachments section.

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

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

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

Introduced: 2/8/2022

Last Amended: 4/4/2022

Status: 5/5/2022-Referred to Com. on L. GOV.

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

Calendar:

6/8/2022 1: 30 p.m. - State Capitol, Room 127 ASSEMBLY LOCAL GOVERNMENT, AGUIAR-CURRY, Chair

Summary:

The Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000 provides the exclusive authority and procedure for the initiation, conduct, and completion of changes of organization and reorganization for cities and districts, except as specified. Under current law, in each county there is a local agency formation commission (commission) that oversees these changes of organization and reorganization. Current law authorizes a commission to dissolve an inactive district if specified conditions are satisfied. This bill would also authorize a commission to initiate a proposal for the dissolution of a district, as described, if the commission approves, adopts, or accepts a specified study that includes a finding, based on a preponderance of the evidence, that, among other things, the district has one or more documented chronic service provision deficiencies, the district spent public funds in an unlawful or reckless manner, or the district has shown willful neglect by failing to consistently adhere to the California Public Records Act.

Attachments:

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

[SB 938 LAFCo support letter template](#)

[SB 938 CALAFCO Support letter](#)

[SB 938 CALAFCO Fact Sheet](#)

[SB 938 Author Fact Sheet](#)

Position: Sponsor

Subject: CKH General Procedures, Other

CALAFCO Comments: CALAFCO is the sponsor of this bill. SB 839 represents a collaborative three-year effort (by an 18-member working group) to clean up, consolidate, and clarify existing statutory provisions associated with consolidations and dissolutions, as well as codify the conditions under which a LAFCo may initiate dissolution of a district at the 25 percent protest threshold. In response to a recommendation made in the 2017 Little Hoover Commission report (Special Districts: Improving Oversight and Transparency), CALAFCO initiated a working

group of stakeholders in early 2019 to discuss the protest process for dissolutions of special districts.

The bill's current format (dated 2/8/22) represents the restructuring of existing protest provisions scattered throughout CKH. There have been some minor technical language added for clarifications. These changes are all minor in nature (by legislative standards).

The bill will be amended to reflect the newly designed process that codifies the ability for LAFCo to initiate a district dissolution at 25% protest threshold. The conditions under which this can occur include one or more of the following, any/all of which must be documented via determinations in a Municipal Service Review (MSR):

1. The agency has one or more documented chronic service provision deficiencies that substantially deviate from industry or trade association standards or other government regulations and its board or management is not actively engaged in efforts to remediate the documented service deficiencies;
2. The agency spent public funds in an unlawful or reckless manner inconsistent with the principal act or other statute governing the agency and has not taken any action to prevent similar future spending;
3. The agency has consistently shown willful neglect by failing to consistently adhere to the California Public Records Act and other public disclosure laws the agency is subject to;
4. The agency has failed to meet the minimum number of times required in its governing act in the prior calendar year and has taken no action to remediate the failures to meet to ensure future meetings are conducted on a timely basis;
5. The agency has consistently failed to perform timely audits in the prior three years, or failed to meet minimum financial requirements under Government Code section 26909 over the prior five years as an alternative to performing an audit, or the agency's recent annual audits show chronic issues with the agency's fiscal controls and the agency has taken no action to remediate the issues.

The proposed process is:

1. LAFCo to present the MSR in a 21-day noticed public hearing. At that time the LAFCo may choose to adopt a resolution of intent to dissolve the district. The resolution shall contain a minimum 12-month remediation period.
2. The district will have a minimum of 12 months to remediate the deficiencies.
3. Half-way through the remediation period, the district shall provide LAFCo a written report on the progress of their remediation efforts. The report is to be placed on a LAFCo meeting agenda and presented at that LAFCo meeting.
4. At the conclusion of the remediation period, LAFCo conducts another 21-day noticed public hearing to determine if district has remedied deficiencies. If the district has resolved issues, commission rescinds the resolution of intent to dissolve the district and the matter is dropped. If not, commission adopts a resolution making determinations to dissolve the district.
5. Standard 30-day reconsideration period.
6. Protest proceedings at 25% threshold can be noticed with a required 60-day protest period.
7. Protest hearing is held and amount of qualified protests determined based on 25% threshold. LAFCo either orders dissolution, election, or termination.

As this bill - when amended - adds requirements for LAFCos and districts, it will likely be keyed fiscal (for now it is not). An author fact sheet and CALAFCO fact sheet are posted in our attachments section as well as the CALAFCO Support letter and LAFCo support letter template.

[SB 1490](#) (Committee on Governance and Finance) Validations.Current Text: Introduced: 2/28/2022 [html](#) [pdf](#)

Introduced: 2/28/2022

Status: 4/28/2022-Referred to Com. on L. GOV.

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

Calendar:

6/8/2022 1:30 p.m. - State Capitol, Room 127 ASSEMBLY LOCAL GOVERNMENT, AGUIAR-CURRY, Chair

Summary:

Would enact the First Validating Act of 2022, which would validate the organization, boundaries, acts, proceedings, and bonds of the state and counties, cities, and specified districts, agencies, and entities.

Attachments:

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

Position: Support

Subject: LAFCo Administration

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

[SB 1491](#) (Committee on Governance and Finance) Validations.Current Text: Introduced: 2/28/2022 [html](#) [pdf](#)

Introduced: 2/28/2022

Status: 4/28/2022-Referred to Com. on L. GOV.

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

Calendar:

6/8/2022 1:30 p.m. - State Capitol, Room 127 ASSEMBLY LOCAL GOVERNMENT, AGUIAR-CURRY, Chair

Summary:

Would enact the Second Validating Act of 2022, which would validate the organization, boundaries, acts, proceedings, and bonds of the state and counties, cities, and specified districts, agencies, and entities.

Attachments:

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

Position: Support

Subject: LAFCo Administration

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

[SB 1492](#) (Committee on Governance and Finance) Validations.Current Text: Introduced: 2/28/2022 [html](#) [pdf](#)

Introduced: 2/28/2022

Status: 4/28/2022-Referred to Com. on L. GOV.

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

Calendar:

6/8/2022 1:30 p.m. - State Capitol, Room 127 ASSEMBLY LOCAL GOVERNMENT, AGUIAR-CURRY, Chair

Summary:

Would enact the Third Validating Act of 2022, which would validate the organization, boundaries, acts, proceedings, and bonds of the state and counties, cities, and specified districts, agencies, and entities.

Attachments:

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

Position: Support

Subject: LAFCo Administration

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

[AB 1640](#) (Ward D) Office of Planning and Research: regional climate networks: regional climate adaptation and resilience action plans.

Current Text: Amended: 5/19/2022 [html](#) [pdf](#)

Introduced: 1/12/2022

Last Amended: 5/19/2022

Status: 5/27/2022-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:

Current law establishes the Integrated Climate Adaptation and Resiliency Program to be administered by the Office of Planning and Research to coordinate regional and local efforts with state climate adaptation strategies to adapt to the impacts of climate change, as prescribed. This bill would authorize eligible entities, as defined, to establish and participate in a regional climate network, as defined. The bill would require the office, through the program, to encourage the inclusion of eligible entities with land use planning and hazard mitigation planning authority into regional climate networks. The bill would authorize a regional climate network to engage in activities to address climate change, as specified.

Attachments:

[AB 1640, CALAFCO Letter of Support - March 2022](#)

[AB 1640 Author Fact](#)

Position: Support

Subject: Climate Change

CALAFCO Comments: This bill is a follow up and very similar to AB 897 (2021). The bill would authorize eligible entities, as defined (including LAFCo), to establish and participate in a regional climate network, as defined. The bill would authorize a regional climate network to engage in activities to address climate change, as specified. Further, it requires a regional climate network to develop a regional climate adaptation and resilience action plan and to submit the plan to OPR for review, comments, and certification. The bill would require OPR to: (1) encourage the inclusion of eligible entities with land use planning and hazard mitigation planning authority into regional climate networks; (2) develop and publish guidelines on how eligible entities may establish regional climate networks and how governing boards may be established within regional climate networks by 7-1-23; and (3) provide technical assistance to regions seeking to establish a regional climate network, facilitate coordination between regions, and encourage regions to incorporate as many eligible entities into one network as feasible.

The difference between this bill and AB 897 is this bill removes requirements for OPR to develop guidelines and establish standards and required content for a regional climate adaptation and resilience action plan (to be produced by the network), and removes some specified technical support requirements by OPR. Those requirements were covered in SB 170, a budget trailer bill from 2021.

The bill is author-sponsored and keyed fiscal. An author fact sheet is included in our attachments area, as well as the CALAFCO Support letter.

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

Amended 5/19/2022 to remove the deadline for OPR to develop and publish guidelines for eligible entities to establish regional climate networks, removed an exemption to cover multiple counties when population was greater than 2 million people, removed requirements for membership and biennial reports to OPR.

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

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

Introduced: 2/3/2022

Status: 5/19/2022-In committee: Held under submission.

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

Summary:

The Williamson Act, also known as the California Land Conservation Act of 1965, authorizes a city or county to enter into contracts with owners of land devoted to agricultural use, whereby the owners agree to continue using the property for that purpose, and the city or county agrees to value the land accordingly for purposes of property taxation. Current law sets forth procedures for reimbursing cities and counties for property tax revenues not received as a result of these contracts and continuously appropriates General Fund moneys for that purpose. This bill, for the 2022–23 fiscal year, would appropriate an additional \$40,000,000 from the

General Fund to the Controller to make subvention payments to counties, as provided, in proportion to the losses incurred by those counties by reason of the reduction of assessed property taxes.

Attachments:

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

[AB 1773 Author Fact Sheet](#)

Position: Support

Subject: Ag Preservation - Williamson

CALAFCO Comments: AB 1773 resurrects funding the Williamson Act for the 2022-2023 budget year. The Williamson Act was created to preserve open space and conserve agricultural land. For many years, the state funded the Act at around \$35-\$40 million per year. This funding ceased during the recession, and has not been reinstated since. AB 1773 would allocate \$40 million from the General Fund to the Williamson Act for the purpose of subvention payments.

The bill is author-sponsored, has a general-fund appropriation, and is keyed fiscal. An author fact sheet is posted in our attachments section, along with the CALAFCO Support letter.

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

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

Introduced: 2/10/2022

Last Amended: 5/25/2022

Status: 5/27/2022-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, that all meetings of a legislative body of a local agency, as those terms are defined, be open and public and that all persons be permitted to attend and participate. The act contains specified provisions regarding the timelines for posting an agenda and providing for the ability of the public to observe and provide comment. The act allows for meetings to occur via teleconferencing subject to certain requirements, particularly that the legislative body notice each teleconference location of each member that will be participating in the public meeting, that each teleconference location be accessible to the public, that members of the public be allowed to address the legislative body at each teleconference location, that the legislative body post an agenda at each teleconference location, and that at least a quorum of the legislative body participate from locations within the boundaries of the local agency's jurisdiction. The act provides an exemption to the jurisdictional requirement for health authorities, as defined. This bill would require the agenda to identify any member of the legislative body that will participate in the meeting remotely.

Attachments:

[AB 1944 Author Fact Sheet](#)

Position: Watch

Subject: Brown Act

CALAFCO Comments: This bill would delete the requirement that an individual participating in a Brown Act meeting remotely from a non-public location must disclose the address of the location. If the governing body chooses to allow for remote participation, it must also provide video streaming and offer public comment via video or phone.

The bill is author sponsored and keyed fiscal. The author's fact sheet is posted in our attachments area.

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

Current Text: Amended: 5/12/2022 [html](#) [pdf](#)

Introduced: 2/14/2022

Last Amended: 5/12/2022

Status: 5/12/2022-From committee chair, with author's amendments: Amend, and re-refer to committee. Read second time, amended, and re-referred to Com. on GOV. & F.

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

Calendar:

6/1/2022 9:30 a.m. - State Capitol, Room 112 SENATE GOVERNANCE AND FINANCE, CABALLERO, Chair

Summary:

The Municipal Water District Law of 1911 provides for the formation of municipal water districts and grants to those districts specified powers. Current law permits a district to acquire, control, distribute, store, spread, sink, treat, purify, recycle, recapture, and salvage any water for the beneficial use of the district, its inhabitants, or the owners of rights to water in the district. Current law, upon the request of certain Indian tribes and the satisfaction of certain conditions, requires a district to provide service of water at substantially the same terms applicable to the customers of the district to the Indian tribe's lands that are not within a district, as prescribed. Current law also authorizes a district, until January 1, 2023, under specified circumstances, to apply to the applicable local agency formation commission to provide this service of water to Indian lands, as defined, that are not within the district and requires the local agency formation commission to approve such an application. This bill, among other things, would extend the above provisions regarding the application to the applicable local agency formation commission to January 1, 2027.

Attachments:

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

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

[AB 2081 Author Fact Sheet](#)

Position: Oppose

Subject: Water

CALAFCO Comments: This bill extends the sunset date created in AB 1361 (2017). Current law, upon the request of certain Indian tribes and the satisfaction of certain conditions, requires a district to provide service of water at substantially the same terms applicable to the customers of the district to the Indian tribe's lands that are not within a district, as prescribed. Current law also authorizes a district, under specified circumstances, to apply to the applicable LAFCo to provide this service of water to Indian lands, as defined, that are not within the district

and requires the LAFCo to approve such an application. This bill extends the sunset date from January 1, 2023 to January 1, 2025.

CALAFCO opposed AB 1361 in 2017 as the process requires LAFCo to approve the extension of service, requires the district to extend the service, and does not require annexation upon extension of service. CALAFCO reached out to the author's office requesting information as to the reason for the extension and we have not been given a reason.

The bill is keyed fiscal. An author fact sheet is included in the attachments area, as well as the CALAFCO letter in opposition.

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

Current Text: Amended: 5/23/2022 [html](#) [pdf](#)

Introduced: 2/17/2022

Last Amended: 5/23/2022

Status: 5/27/2022-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, that all meetings of a legislative body of a local agency, as those terms are defined, be open and public and that all persons be permitted to attend and participate. The act contains specified provisions regarding the timelines for posting an agenda and providing for the ability of the public to observe and provide comment. The act allows for meetings to occur via teleconferencing subject to certain requirements, particularly that the legislative body notice each teleconference location of each member that will be participating in the public meeting, that each teleconference location be accessible to the public, that members of the public be allowed to address the legislative body at each teleconference location, that the legislative body post an agenda at each teleconference location, and that at least a quorum of the legislative body participate from locations within the boundaries of the local agency's jurisdiction. The act provides an exemption to the jurisdictional requirement for health authorities, as defined. This bill would revise and recast those teleconferencing provisions and, until January 1, 2028, would authorize a local agency to use teleconferencing without complying with the teleconferencing requirements that each teleconference location be identified in the notice and agenda and that each teleconference location be accessible to the public if at least a quorum of the members of the legislative body participates in person from a singular physical location clearly identified on the agenda that is open to the public and situated within the local agency's jurisdiction.

Position: Watch

Subject: Brown Act

CALAFCO Comments: This bill authorizes the use of teleconferencing without noticing and making available to the public teleconferencing locations if a quorum of the members of the legislative body participate in person from a singular location that is noticed and open to the public and require the legislative body to offer public comment via video or phone.

CALAFCO reached out to the author's office for information and we've not yet heard back. The bill is not keyed fiscal.

[AB 2647](#) ([Levine D](#)) Local government: open meetings.

Current Text: Amended: 4/19/2022 [html](#) [pdf](#)

Introduced: 2/18/2022

Last Amended: 4/19/2022

Status: 5/25/2022-Referred to Com. on GOV. & F.

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

Summary:

Current law makes agendas of public meetings and other writings distributed to the members of the governing board disclosable public records, with certain exceptions. Current law requires a local agency to make those writings distributed to the members of the governing board less than 72 hours before a meeting available for public inspection, as specified, at a public office or location that the agency designates. Current law also requires the local agency to list the address of the office or location on the agenda for all meetings of the legislative body of the agency. Current law authorizes a local agency to post the writings on the local agency's internet website in a position and manner that makes it clear that the writing relates to an agenda item for an upcoming meeting. This bill would instead require a local agency to make those writings distributed to the members of the governing board available for public inspection at a public office or location that the agency designates and list the address of the office or location on the agenda for all meetings of the legislative body of the agency unless the local agency meets certain requirements, including the local agency immediately posts the writings on the local agency's internet website in a position and manner that makes it clear that the writing relates to an agenda item for an upcoming meeting.

Position: Watch

Subject: Brown Act

CALAFCO Comments: This bill seeks to amend the law to make clear that writings that have been distributed to a majority of a local legislative body less than 72 hours before a meeting can be posted online in order to satisfy the law.

The bill is sponsored by the League of Cities and is not keyed fiscal.

[SB 852](#) ([Dodd D](#)) Climate resilience districts: formation: funding mechanisms.

Current Text: Amended: 5/18/2022 [html](#) [pdf](#)

Introduced: 1/18/2022

Last Amended: 5/18/2022

Status: 5/27/2022-Referred to Coms. on L. GOV. and NAT. RES.

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

Summary:

Current law authorizes the legislative body of a city or a county to establish an enhanced infrastructure financing district to finance public capital facilities or other specified projects of communitywide significance, including projects that enable communities to adapt to the impacts of climate change. Current law also requires

the legislative body to establish a public financing authority, defined as the governing board of the enhanced infrastructure financing district, prior to the adoption of a resolution to form an enhanced infrastructure district and adopt an infrastructure financing plan. This bill would authorize a city, county, city and county, special district, or a combination of any of those entities to form a climate resilience district, as defined, for the purposes of raising and allocating funding for eligible projects and the operating expenses of eligible projects. The bill would deem each district to be an enhanced infrastructure financing district and would require each district to comply with existing law concerning enhanced infrastructure financing districts, unless the district is specified as otherwise. The bill would require a district to finance only specified projects that meet the definition of an eligible project. The bill would define "eligible project" to mean projects that address sea level rise, extreme heat, extreme cold, the risk of wildfire, drought, and the risk of flooding, as specified.

Attachments:

[SB 852 Author Fact Sheet](#)

Position: Watch

Subject: Special District Principle Acts

CALAFCO Comments: This bill creates the Climate Resilience Districts Act. The bill completely bypasses LAFCo in the formation and oversight of these new districts because the districts are primarily being created as a funding mechanism for local climate resilience projects (as a TIF or tax increment finance district - for which LAFCOs also have no involvement).

The bill authorizes a city, county, city and county, special district, or a combination of any of those entities to form a climate resilience district for the purposes of raising and allocating funding for eligible projects and the operating expenses of eligible projects. The bill defines "eligible project" to mean projects that address sea level rise, extreme heat, extreme cold, the risk of wildfire, drought, and the risk of flooding, as specified. The bill authorizes a district created pursuant to these provisions to have boundaries that are identical to the boundaries of the participating entities or within the boundaries of the participating entities. The bill also authorizes specified local entities to adopt a resolution to provide property tax increment revenues to the district. The bill would also authorize specified local entities to adopt a resolution allocating other tax revenues to the district, subject to certain requirements. The bill would provide for the financing of the activities of the district by, among other things, levying a benefit assessment, special tax, property-related fee, or other service charge or fee consistent with the requirements of the California Constitution. It requires 95% of monies collected to fund eligible projects, and 5% for district administration. The bill would require each district to prepare an annual expenditure plan and an operating budget and capital improvement budget, which must be adopted by the governing body of the district and subject to review and revision at least annually.

Section 62304 details the formation process, Section 62305 addresses the district's governance structure, and 62307 outlines the powers of the district.

This bill is sponsored by the Local Government Commission and is keyed fiscal. A fact sheet is included in our attachments section.

Amended 5/18/2022 to impose requirements on projects undertaken or financed by a district, including requiring a district

to obtain an enforceable commitment from the developer that contractors and subcontractors performing the work use a skilled and trained workforce, and would expand the crime of perjury to these certifications.

[SB 1100](#) ([Cortese](#) D) Open meetings: orderly conduct.

Current Text: Amended: 4/21/2022 [html](#) [pdf](#)

Introduced: 2/16/2022

Last Amended: 4/21/2022

Status: 5/26/2022-June 8 set for first hearing canceled at the request of author.

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

Summary:

The Ralph M. Brown Act requires, with specified exceptions, that all meetings of a legislative body of a local agency, as those terms are defined, be open and public and that all persons be permitted to attend and participate. Current law requires every agenda for regular meetings of a local agency to provide an opportunity for members of the public to directly address the legislative body on any item of interest to the public, before or during the legislative body's consideration of the item, that is within the subject matter jurisdiction of the legislative body. Current law authorizes the legislative body to adopt reasonable regulations to ensure that the intent of the provisions relating to this public comment requirement is carried out, including, but not limited to, regulations limiting the total amount of time allocated for public testimony on particular issues and for each individual speaker. Current law authorizes the members of the legislative body conducting the meeting to order the meeting room cleared and continue in session, as prescribed, if a group or groups have willfully interrupted the orderly conduct of a meeting and order cannot be restored by the removal of individuals who are willfully interrupting the meeting. This bill would authorize the presiding member of the legislative body conducting a meeting to remove an individual for disrupting the meeting.

Attachments:

[SB 1100 Author Fact Sheet](#)

Position: Watch

Subject: Brown Act

CALAFCO Comments: This bill would authorize the removal of an individual from a public meeting who is "willfully interrupting" the meeting after a warning and a request to stop their behavior. "Willfull interrupting" is defined as intentionally engaging in behavior during a meeting of a legislative body that substantially impairs or renders infeasible the orderly conduct of the meeting in accordance with law.

The bill is author-sponsored and keyed fiscal. An author fact sheet is posted in our attachments section.

[SB 1449](#) ([Caballero](#) D) Office of Planning and Research: grant program: annexation of unincorporated areas.

Current Text: Amended: 4/19/2022 [html](#) [pdf](#)

Introduced: 2/18/2022

Last Amended: 4/19/2022

Status: 5/26/2022-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:

Would require the Office of Planning and Research to, upon appropriation by the Legislature, establish the Unincorporated Area Annexation Incentive Program, authorizing the office to issue a grant to a city for the purpose of funding infrastructure projects related to the proposed or completed annexation of a substantially surrounded unincorporated area, as defined, subject to approval by the Director of State Planning after the city submits an application containing specified information. The bill would require the office to match, on a dollar-for-dollar basis, any dollar contribution a city makes toward a project funded by the program, subject to a maximum funding threshold as determined by the director. The bill would, by September 1, 2023, require the office to develop guidelines, and consult with various local representatives to prepare those guidelines, for purposes of implementing the program, and would provide that the guidelines are not subject to the rulemaking requirements of the Administrative Procedure Act.

Position: Watch

Subject: Annexation Proceedings

CALAFCO Comments: This is currently a spot bill. According to the author's office, they are working on state funding to incentivize annexation of inhabited territory (when the VLF was taken away, so too was any financial incentive to annex inhabited territory). For many years bills have been run to reinstate funding, none of which have ever successfully passed. There is no other information available on this bill at this time. CALAFCO will continue conversations with the author's office as this is an important topic for LAFCos. (The bill will remain a P-3 until amended.)

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

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

Current Text: Amended: 7/14/2021 [html](#) [pdf](#)

Introduced: 2/17/2021

Last Amended: 7/14/2021

Status: 8/27/2021-Failed Deadline pursuant to Rule 61(a)(12). (Last location was APPR. SUSPENSE FILE on 8/16/2021)(May be acted upon Jan 2022)

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

Current law requires, by July 1, 2017, and every 3 years thereafter, the Natural Resources Agency to update, as prescribed, the state's climate adaptation strategy, known as the Safeguarding California Plan. Current law establishes the Office of Planning and Research in state government in the Governor's office. Current law establishes the Integrated Climate Adaptation and Resiliency Program to be administered by the office to coordinate regional and local efforts with state climate adaptation strategies to adapt to the impacts of climate change, as prescribed. This bill would authorize eligible entities, as defined, to establish and participate in a regional climate network, as defined. The bill would require the office, through the program, to encourage the inclusion of eligible entities with land use planning and hazard mitigation planning authority into regional climate networks. The bill would authorize a regional climate network to engage in activities to address climate change, as specified.

Attachments:

[CALAFCO Support July 2021](#)

[AB 897 Fact Sheet](#)

Position: Support

Subject: Climate Change

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

As amended, the bill requires OPR to develop guidelines (the scope of which are outlined in the bill) for Regional Climate Adaptation Action Plans (RCAAPs) by 1-1-23 through their normal public process. Further the bill requires OPR to make recommendations to the Legislature on potential sources of financial assistance for the creation & implementation of RCAAPs, and ways the state can support the creation and ongoing work of regional climate networks. The bill outlines the authority of a regional climate network, and defines eligible entities. Prior versions of the bill kept the definition as rather generic and with each amended version gets more specific. As a result, CALAFCO has requested the author add LAFCOs explicitly to the list of entities eligible to participate in these regional climate networks.

As amended on 4/7, AB 11 (Ward) was joined with this bill - specifically found in 71136 in the Public Resources Code as noted in the amended bill. Other amendments include requiring OPR to, before 7-1-22, establish geographic boundaries for regional climate networks and prescribes requirements in doing so.

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

As amended 4/19/21: There is no longer a requirement for OPR to include in their guidelines how a regional climate network may develop their plan: it does require ("may" to "shall") a regional climate network to develop a regional climate adaptation plan and submit it to OPR for approval; adds requirements of what OPR

shall publish on their website; and makes several other minor technical changes.

As amended 7/1/21, the bill now explicitly names LAFCo as an eligible entity. It also adjusts several timelines for OPR's requirements including establishing boundaries for the regional climate networks, develop guidelines and establish standards for the networks, and to make recommendations to the Legislature related to regional adaptation. Give the addition of LAFCo as an eligible entity, CALAFCO is now in support of the bill.

Amendments of 7/14/21, as requested by the Senate Natural Resources & Water Committee, mostly do the following: (1) Include "resilience" to climate adaptation; (2) Prioritize the most vulnerable communities; (3) Add definitions for "under-resourced" and "vulnerable" communities; (4) Remove the requirement for OPR to establish geographic boundaries for the regional climate networks; (5) Include agencies with hazard mitigation authority and in doing so also include the Office of Emergency Services to work with OPR to establish guidelines and standards required for the climate adaptation and resilience plan; and (6) Add several regional and local planning documents to be used in the creation of guidelines.

2/24/22 UPDATE: It appears this bill is being replaced with AB 1640 (Ward, Mullin, etc.). CALAFCO will keep this bill on Watch and follow the new bill.

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

Current Text: Amended: 4/19/2021 [html](#) [pdf](#)

Introduced: 2/17/2021

Last Amended: 4/19/2021

Status: 7/14/2021-Failed Deadline pursuant to Rule 61(a)(11). (Last location was GOV. & F. on 5/19/2021)(May be acted upon Jan 2022)

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

Summary:

Would require the dissolution of the Los Medanos Community Healthcare District, as specified. The bill would require the County of Contra Costa to be successor of all rights and responsibilities of the district, and require the county to develop and conduct the Los Medanos Area Health Plan Grant Program focused on comprehensive health-related services in the district's territory. The bill would require the county to complete a property tax transfer process to ensure the transfer of the district's health-related ad valorem property tax revenues to the county for the sole purpose of funding the Los Medanos Area Health Plan Grant Program. By requiring a higher level of service from the County of Contra Costa as specified, the bill would impose a state-mandated local program.

Position: Watch

CALAFCO Comments: This bill mandates the dissolution of the Los Medanos Community Healthcare District with the County as the successor agency, effective 2-1-22. The bill requires the County to perform certain acts prior to the dissolution. The LAFCo is not involved in the dissolution as the bill is written. Currently, the district is suing both the Contra Costa LAFCo and the County of Contra Costa after the LAFCo approved the dissolution of the district upon application by the County and the district failed to get enough signatures in the protest process to go to an election.

The amendment on 4/5/21 was just to correct a typo in the bill.

As amended on 4/19/21, the bill specifies monies received by the county as part of the property tax transfer shall be used specifically to fund the Los Medanos Area Health Plan Grant Program within the district's territory. It further adds a clause that any new or existing profits shall be used solely for the purpose of the grant program within the district's territory.

The bill did not pass out of Senate Governance & Finance Committee and will not move forward this year. It may be acted on in 2022.

2022 UPDATE: Given Member Frazier is no longer in the Assembly and the appellate court overturned the lower court's decision, it is likely the bill will not move forward. CALAFCO will retain WACTH on the bill.

[AB 975](#) ([Rivas, Luz](#) D) Political Reform Act of 1974: filing requirements and gifts.
 Current Text: Amended: 5/5/2022 [html](#) [pdf](#)
 Introduced: 2/18/2021
 Last Amended: 5/5/2022
 Status: 5/5/2022-From committee chair, with author's amendments: Amend, and re-refer to committee. Read second time, amended, and re-referred to Com. on E. & C.A.

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

Summary:

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

Position: Watch

Subject: FPPC

CALAFCO Comments: As introduced, this bill makes two notable changes to the current requirements of gift notification and reporting: (1) It increases the period for public officials to reimburse, in full or part, the value of attending an invitation-only event, for purposes of the gift rules, from 30 days from receipt to 30 days following the calendar quarter in which the gift was received; and (2) It reduces the gift notification period for lobbyist employers from 30 days after the end of the calendar quarter in which the gift was provided to 15 days after the calendar quarter. Further it requires the FPPC to have an online filing system and to redact contact information of filers before posting.

The amendment on 4/21/21 just corrects wording (technical, non-substantive

change).

The amendments on 5/18/21 clarify who is to file a statement of economic interest to include candidates (prior text was office holders).

UPDATE AS OF 2/24/22 - The author's office indicates they are moving forward with the bill this year and are planning amendments. They are not clear what those amendments will be so CALAFCO will retain a WATCH position on the bill.

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

Current Text: Amended: 5/18/2022 [html](#) [pdf](#)

Introduced: 2/18/2021

Last Amended: 5/18/2022

Status: 5/25/2022-Re-referred to Com. on L., P.E. & R.

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

Summary:

Current law specifically grants the Department of Human Resources the powers, duties, and authority necessary to operate the state civil service system in accordance with Article VII of the California Constitution, the Government Code, the merit principle, and applicable rules duly adopted by the State Personnel Board. Current law creates the Limited Examination and Appointment Program (LEAP), which the Department of Human Resources administers, to provide an alternative to the traditional civil service examination and appointment process to facilitate the hiring of persons with disabilities. Current law requires the Department of Human Resources, when an appointing power seeks to fill a vacant position by using an employment list, to provide the appointing power with a certified list of the names and addresses of all eligible candidates, as specified. Current law requires the department to provide a single certified list of eligible candidates if more than one employment list or LEAP referral list exists, and the department is required to combine the names and addresses of all eligible candidates. This bill would, notwithstanding those provisions, require the department to, upon request of the appointing power, provide the appointing power a LEAP referral list without combining that list with a parallel list and would authorize the appointing power to select and hire any individual from that a referral list to fill any vacancy.

Attachments:

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

[AB 1195 Fact Sheet](#)

Position: Watch

Subject: Water

CALAFCO Comments: As amended on 4-6-21, the bill was gut and amended and now creates the So LA County Human Rights to Water Collaboration Act. It requires the Water Board to appoint a commissioner to implement the Safe & Affordable Funding for Equity & Resilience Program and gives the commissioner certain authorities (although they are not clearly spelled out). It requires the commissioner by 12-31-24 to submit to the Water Board a plan for the long-term sustainability of public water systems in southern LA County and prescribes what shall be included in the plan. The bill also creates a technical advisory board and requires the commissioner to oversee the Central Basin Municipal Water District.

In its current form the bill creates numerous concerns. CALAFCO's letter of concern is posted in the tracking section of the bill, and includes: (1) Focus of the bill is very broad as is the focus of the commissioner; (2) In an attempt to prevent privatization of water systems there is language regarding severing water rights. That language could be problematic should a consolidation be ordered; (3) Diminishing local control that is being invested in the state (an ongoing concern since SB 88); (4) A clear distinction needs to be made between an Administrator and Commissioner; (5) The poorly written section on the technical advisory board; and (6) The lack of LAFCo involvement in any consolidation process.

As amended on 5-24-21, the bill changes the water rights provision now requiring approval by the water Board; uses the definitions of "at risk system" and "at risk domestic well" found in SB 403 (Gonzalez) as well as the 3,300 connect cap; requires the commissioner appointed by the board to be from the local area; requires the commissioner to do certain things prior to completing the regional plan; and requires the commissioner to apply to LA LAFCo for extension of service, consolidation or dissolution as appropriate. The bill also creates a pilot program for LA LAFCo giving them the authority to take action rather than the water board, providing it is within 120 days of receipt of a completed application. If the LAFCo fails to take action within that time, the matter goes to the water board for their action.

The pilot program also gives LA LAFCo the authority to approve, approve with conditions or deny the application; further giving LAFCo authority to consider consolidation or extension of service with a local publicly owned utility that provides retail water, a private water company or mutual; the bill also waives protest proceedings, gives the LAFCo authority to address governance structure and CEQA is waived, provides full LAFCo indemnification and funding.

There are still issues with the proposed technical advisory board section of the bill, and questions about timing of some of the processes. CALAFCO continues to work with the author and speakers' offices as well as other stakeholders on ongoing amendments.

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

THIS IS NOW A 2-YEAR BILL.

UPDATE AS OF 2/10/22 - According to the author's office, the author is not intending to move the bill forward at this time. CALAFCO will continue to WATCH and monitor the bill. As a result, the bill was downgraded from a P-1 to a P-3.

GUTTED AND AMENDED on 5/18/2022 to remove previous verbiage regarding water. The bill now addresses the State Department of Human Resources and the Limited Eligibility and Appointment Program (LEAP), which the Department of Human Resources administers, to provide an alternative to the traditional civil service examination and appointment process to facilitate the hiring of persons with disabilities. Downgraded to Watch, from Watch with Concerns.

[AB 1757](#) ([Haney D](#)) Groundwater sustainability agency.
Current Text: Amended: 5/10/2022 [html](#) [pdf](#)

Introduced: 2/2/2022

Last Amended: 5/10/2022

Status: 5/19/2022-Read third time. Passed. Ordered to the Senate. (Ayes 72. 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:

The Sustainable Groundwater Management Act requires all groundwater basins designated as high- or medium-priority basins by the Department of Water Resources that are designated as basins subject to critical conditions of overdraft to be managed under a groundwater sustainability plan or coordinated groundwater sustainability plans by January 31, 2020, and requires all other groundwater basins designated as high- or medium-priority basins to be managed under a groundwater sustainability plan or coordinated groundwater sustainability plans by January 31, 2022, except as specified. The act authorizes any local agency or combination of local agencies overlying a groundwater basin to decide to become a groundwater sustainability agency for that basin. Current law governs the formation of a groundwater sustainability agency. This bill would authorize a conservation district overlying a groundwater basin in this state to decide to become a groundwater sustainability agency for that basin and would make the law governing the formation of a groundwater sustainability agency applicable to that district.

Position: Watch

Subject: Water

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

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

Introduced: 2/14/2022

Last Amended: 4/18/2022

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

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

Summary:

Would require the State Water Resources Control Board to take specified actions if the state board adopts a primary drinking water standard with a compliance period for which public water systems are given a designated period of time to comply with the primary drinking water standard without being held in violation of the primary drinking water standard. Specifically, the bill would require the state board to determine which public water system may not be able to comply with the primary drinking water standard without receiving financial assistance and develop a compliance plan, including a financial plan to assist that public water system in complying with the primary drinking water standard. The bill would also require the state board, if a public water system is in violation of the primary drinking water standard after the compliance period, to take into consideration whether or not the public water system implemented the compliance plan.

Attachments:
[AB 2041 Author Fact Sheet](#)

Position: Watch
 Subject: Water

CALAFCO Comments: This bill would require the SWRCB to take specified actions if the SWRCB adopts a primary drinking water standard with a compliance period for which public water systems are given a designated period of time to install necessary measures, including, but not limited to, installation of water treatment systems, to comply with the primary drinking water standard without being held in violation of the primary drinking water standard. Those actions would include, among other actions, developing a financial plan to assist public water systems that will require financial assistance in procuring and installing the necessary measures.

CALAFCO reached out to the author's office for information on the bill and has not heard back. The bill is keyed fiscal. An author fact sheet is attached.

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

Current Text: Amended: 4/27/2022 [html](#) [pdf](#)

Introduced: 2/15/2022

Last Amended: 4/27/2022

Status: 5/24/2022-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 that are designated as basins subject to critical conditions of overdraft to be managed under a groundwater sustainability plan or coordinated groundwater sustainability plans by January 31, 2020, and requires all other groundwater basins designated as high- or medium-priority basins to be managed under a groundwater sustainability plan or coordinated groundwater sustainability plans by January 31, 2022, except as specified. Current law authorizes any local agency or combination of local agencies overlying a groundwater basin to decide to become a groundwater sustainability agency for that basin and imposes specified duties upon that agency or combination of agencies, as provided. Current law also authorizes the State Water Resources Control Board to designate a high- or medium-priority basin as a probationary basin under certain conditions for specified purposes. This bill would prohibit a local agency, as defined, from approving a permit for a new groundwater well or for an alteration to an existing well in a basin subject to the act and classified as medium- or high-priority until it obtains a written verification, from the groundwater sustainability agency that manages the basin or area of the basin where the well is proposed to be located, determining that certain factors are present.

Position: Watch
 Subject: Water

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

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

Unfunded mandate, now reimbursements provided. Keyed: fiscal.

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

[AB 2442](#) ([Rivas, Robert](#), D) Climate change.

Current Text: Amended: 4/5/2022 [html](#) [pdf](#)

Introduced: 2/17/2022

Last Amended: 4/5/2022

Status: 5/26/2022-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 California Disaster Assistance Act requires the Director of Emergency Services to authorize the replacement of a damaged or destroyed facility, whenever a local agency and the director determine that the general public and state interest will be better served by replacing a damaged or destroyed facility with a facility that will more adequately serve the present and future public needs than would be accomplished merely by repairing or restoring the damaged or destroyed facility. Current law also authorizes the director to implement mitigation measures when the director determines that the measures are cost effective and substantially

reduce the risk of future damage, hardship, loss, or suffering in any area where a state of emergency has been proclaimed by the Governor. This bill would specify that mitigation measures for climate change and disasters related to climate, may include, but are not limited to, measures that reduce emissions of greenhouse gases, the preservation of open space, improved forest management and wildfire risk reduction measures, and other investments in natural infrastructure, as defined.

Position: Watch

Subject: Ag/Open Space Protection

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

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

Current Text: Amended: 5/24/2022 [html](#) [pdf](#)

Introduced: 12/7/2020

Last Amended: 5/24/2022

Status: 5/24/2022-From committee with author's amendments. Read second time and amended. Re-referred to Com. on H. & C.D.

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

Summary:

Current law requires the housing element to be revised according to a specific schedule. Current law requires the planning agency to review and, if necessary, revise the safety element upon each revision of the housing element or local hazard mitigation plan, but not less than once every 8 years to identify new information relating to flood and fire hazards and climate adaptation and resiliency strategies applicable to the city or county that was not available during the previous revision of the safety element. This bill would require the safety element, upon the next revision of the housing element or the hazard mitigation plan, on or after July 1, 2024, whichever occurs first, to be reviewed and updated as necessary to include a comprehensive retrofit strategy to reduce the risk of property loss and damage during wildfires, as specified, and would require the planning agency to submit the adopted strategy to the Office of Planning and Research for inclusion into the above-described clearinghouse. The bill would also require the planning agency to review and, if necessary, revise the safety element upon each revision of the housing element or local hazard mitigation plan, but not less than once every 8 years, to identify new information relating to retrofit updates applicable to the city or county that was not available during the previous revision of the safety element.

Position: Watch

Subject: Growth Management, Planning
 CALAFCO Comments: UPDATE 2/24/22: According to the author's office, they do plan to move this bill forward in 2022 and no other details are available at this time.

[SB 418](#) ([Laird](#) D) Pajaro Valley Health Care District.

Current Text: Chaptered: 2/4/2022 [html](#) [pdf](#)

Introduced: 2/12/2021

Last Amended: 1/24/2022

Status: 2/4/2022-Approved by the Governor. Chaptered by Secretary of State.

Chapter 1, Statutes of 2022.

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

Summary:

Would create the Pajaro Valley Health Care District, as specified, except that the bill would authorize the Pajaro Valley Health Care District to be organized, incorporated, and managed, only if the relevant county board of supervisors chooses to appoint an initial board of directors.

Position: Watch

Subject: Special District Principle Acts

CALAFCO Comments: Gut and amended on 1/14/22, this bill forms the Pajaro Valley Health Care District within Santa Cruz and Monterey counties. The formation, done by special legislation, bypasses the LAFCo process, with language explicitly stating upon formation, LAFCo shall have authority. The bill requires that within 5 years of the date of the first meeting of the Board of Directors of the district, the board of directors shall divide the district into zones. The bill would require the district to notify Santa Cruz LAFCo when the district, or any other entity, acquires the Watsonville Community Hospital. The bill requires the LAFCo to order the dissolution of the district if the hospital has not been acquired by January 1, 2024 through a streamlined process, and requires the district to notify LAFCo if the district sells the Watsonville Community Hospital to another entity or stops providing health care services at the facility, requiring the LAFCo to dissolve the district under those circumstances in a streamlined process.

Given the hospital has filed bankruptcy and this is the only hospital in the area and serves disadvantaged communities and employs a large number of people in the area, the bill has an urgency clause.

Several amendments were added on 1/24/22 by the ALGC and SGFC all contained within Section 32498.7.

CALAFCO worked closely with the author's office, Santa Cruz County lobbyist and the Santa Cruz and Monterey LAFCos on this bill. We have requested further amendments which the Senator has agreed to take in a follow-up bill this year. Those amendments include requiring Santa Cruz LAFCo to adopt a sphere of influence for the district within 1 year of formation; the district filing annual progress reports to Santa Cruz LAFCo for the first 3 years, Santa Cruz LAFCo conducting a special study on the district after 3 years, and representation from both counties on the governing board.

The bill is sponsored by the Pajaro Valley Healthcare District Project and is not keyed fiscal.

[SB 969](#) ([Laird D](#)) Pajaro Valley Health Care District.

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

Introduced: 2/10/2022

Last Amended: 3/2/2022

Status: 5/5/2022-Referred to Com. on L. GOV.

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

Calendar:

6/8/2022 1:30 p.m. - State Capitol, Room 127 ASSEMBLY LOCAL GOVERNMENT, AGUIAR-CURRY, Chair

Summary:

Current law creates the Pajaro Valley Health Care District, as specified, and authorizes the Pajaro Valley Health Care District to be organized, incorporated, and managed, only if the relevant county board of supervisors chooses to appoint an initial board of directors. Current law requires, within 5 years of the date of the first meeting of the Board of Directors of the Pajaro Valley Health Care District, the board of directors to divide the district into zones and number the zones consecutively. Current law requires the Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000 to govern any organizational changes for the district after formation. Current law requires the district to notify the County of Santa Cruz local agency formation commission (LAFCO) when the district, or any other entity, acquires the Watsonville Community Hospital. Existing law requires the LAFCO to dissolve the district under certain circumstances. This bill would require the LAFCO to develop and determine a sphere of influence for the district within one year of the district's date of formation, and to conduct a municipal service review regarding health care provision in the district by December 31, 2025, and by December 31 every 5 years thereafter.

Position: Watch

Subject: Other

CALAFCO Comments: This bill is a follow up to SB 418 (Laird) and contains some of the amendments requested by CALAFCO and Monterey and Santa Cruz LAFcos. As introduced the bill requires Santa Cruz LAFco to adopt a sphere of influence for the district within 1 year of formation; the district filing annual progress reports to Santa Cruz LAFco for the first 2 years, Santa Cruz LAFco conducting a Municipal Service Review on the district every 5 years with the first being conducted by 12-31-25. Our final requested amendment, ensuring representation from both counties on the governing board, is still being worked on and not reflected in the introduced version of the bill.

[SB 1405](#) ([Ochoa Bogh R](#)) Community service districts: Lake Arrowhead Community Service District: covenants, conditions, and restrictions: enforcement.

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

Introduced: 2/18/2022

Last Amended: 4/18/2022

Status: 5/19/2022-Referred to Coms. on L. GOV. and JUD.

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

6/8/2022 1:30 p.m. - State Capitol, Room 127 ASSEMBLY LOCAL GOVERNMENT, AGUIAR-CURRY, Chair

Summary:

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

Position: Watch

Subject: Other

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

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

Introduced: 2/18/2022

Last Amended: 4/18/2022

Status: 5/27/2022-Referred to Com. on L. GOV.

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

Summary:

Would require every city and county to review and update its local open-space plan by January 1, 2026. The bill would require the local open-space plan update to include plans and an action program that address specified issues, including climate resilience and other cobenefits of open space, correlated with the safety element. By imposing additional duties on local officials, the bill would create a state-mandated local program.

Position: Watch

Subject: Other



Agenda Item 5k (Consent/Information)

TO: Local Agency Formation Commission

PREPARED BY: Brendon Freeman, Executive Officer *BF*

MEETING DATE: June 6, 2022

SUBJECT: Current and Future Proposals

SUMMARY

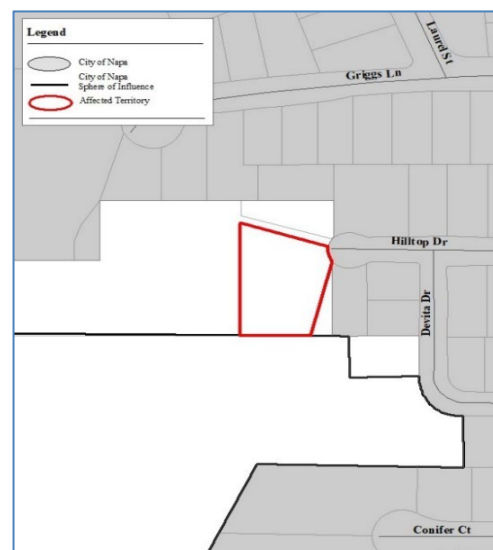
This is a consent item for information purposes only. Accordingly, if interested, the Commission is invited to pull this item for additional discussion with the concurrence of the Chair. No formal action will be taken as part of this item.

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

Active Proposals

Hilltop Drive Reorganization: Annexation to the City of Napa and detachment from County Service Area No. 4

The landowner 2991 Hilltop Drive submitted a proposal for concurrent annexation to the City of Napa and detachment from County Service Area (CSA) No. 4. The affected territory includes one unincorporated parcel identified as Assessor Parcel Number 043-020-008 and is approximately 0.6 acres in size. The parcel is already within NSD's jurisdictional boundary and connected to NSD's public sewer infrastructure. The proposal is included on today's agenda as item 7a.



Margie Mohler, Chair
Councilmember, Town of Yountville

Mariam Aboudamous, Commissioner
Councilmember, City of American Canyon

Beth Painter, Alternate Commissioner
Councilmember, City of Napa

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

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

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

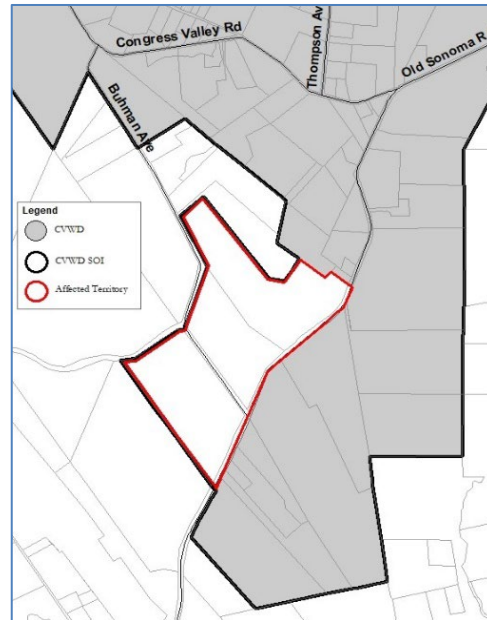
Kenneth Leary, Commissioner
Representative of the General Public

Eve Kahn, Alternate Commissioner
Representative of the General Public

Brendon Freeman
Executive Officer

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

A landowner previously submitted a proposal to annex three unincorporated parcels along with the adjacent portion of public right-of-way totaling approximately 141.5 acres in size to CVWD. The parcels are located along the northwestern side of Old Sonoma Road at its intersection with Buhman Avenue and identified as Assessor Parcel Numbers 047-030-005, 047-030-020, and 047-080-001. Current land uses include two single-family residences and commercial vineyards with auxiliary structures and facilities. Two of the parcels already receive water service through grandfathered outside service agreements. Annexation would establish permanent water service to all three parcels. CVWD has requested, and the landowners have agreed, to postpone any LAFCO action until CVWD's water supply contract with the City of Napa, which expires on June 30, 2022, is extended.



Anticipated Proposals

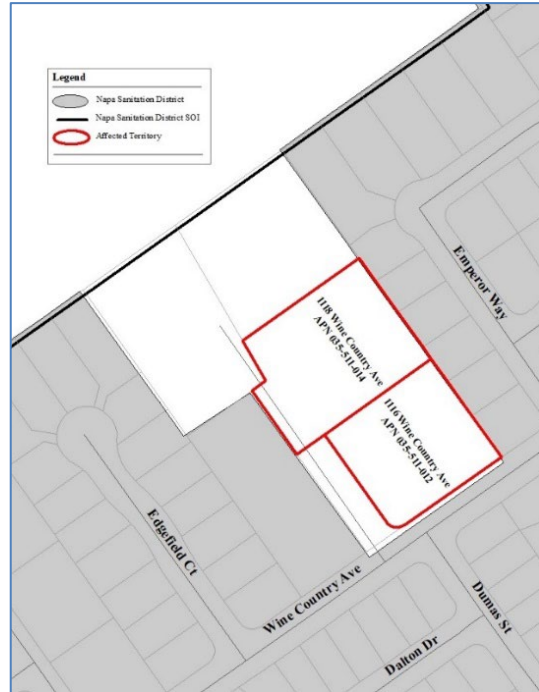
Vintage High School Farm Sphere of Influence Amendment and Annexation to NSD

The Napa Valley Unified School District (NVUSD) has inquired about an SOI amendment and annexation of approximately 12.8 acres of unincorporated territory involving NSD. The territory is contiguous to the City of Napa near the eastern terminus of Trower Avenue and identified as Assessor Parcel Number 038-240-020. The parcel is currently undeveloped and designated for residential land use under the County of Napa General Plan. The purpose of the SOI amendment and annexation is to facilitate the planned relocation of NVUSD's educational farm near Vintage High School. In February 2020, without taking formal action, the Commission signaled to NVUSD a willingness to waive its local policy requiring concurrent annexation to the City of Napa. It is anticipated a proposal for annexation may be submitted in the near future.



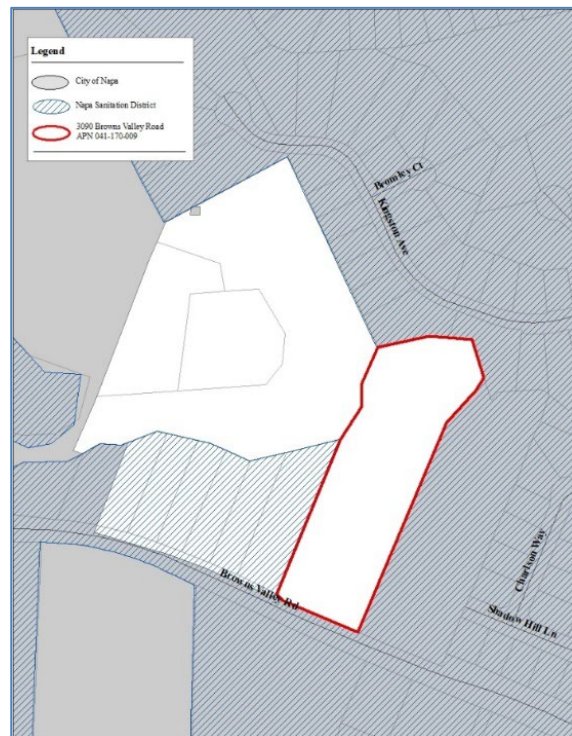
1118 Wine Country Avenue Annexation to the Napa Sanitation District (NSD)

The Commission previously approved an outside sewer service agreement involving NSD and one single-family residence located at 1118 Wine Country Avenue and identified as Assessor Parcel Number 035-511-014. The Commission's approval included a condition requiring the landowner to annex the parcel to NSD. The landowner also owns the adjacent parcel located at 1116 Wine Country Avenue and identified as Assessor Parcel Number 035-511-012, which is also outside NSD's boundary. The two parcels are within the City of Napa and total approximately 2.5 acres in size. Annexation could potentially facilitate the further development of the parcel to include up to 15 residential lots based on the City's General Plan land use designations. However, the landowner has indicated no interest in pursuing development in the foreseeable future. A proposal is expected to be submitted in the near future.



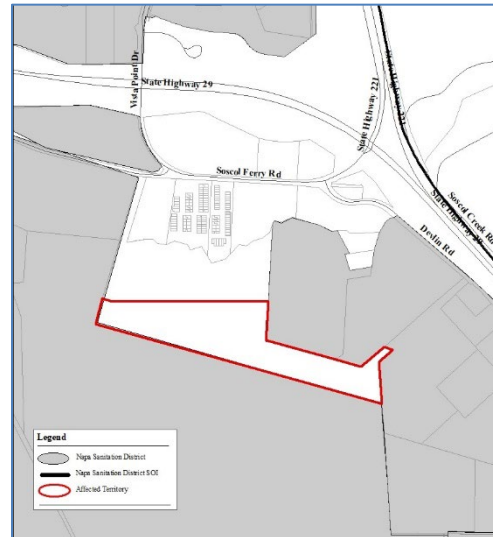
3090 Browns Valley Road Annexation to the City of Napa and NSD

The City of Napa is expected to adopt a resolution of application to initiate the annexation of, at a minimum, one unincorporated parcel located at 3090 Browns Valley Road. Land use within the parcel is limited to one single-family residence. The parcel is approximately 3.77 acres in size, identified as Assessor Parcel Number 041-170-009, and located within an unincorporated island referred to as "Browns Valley/Kingston". The proposal will involve annexation to the City, annexation to NSD, and detachment from County Service Area (CSA) No. 4. The City has invited other landowners within the island to join the annexation. The underlying purpose of annexation of 3090 Browns Valley Road is to facilitate a planned subdivision totaling 12 single-family residences consistent with the City's rezoning assignments. The proposal is expected to be submitted in the near future.



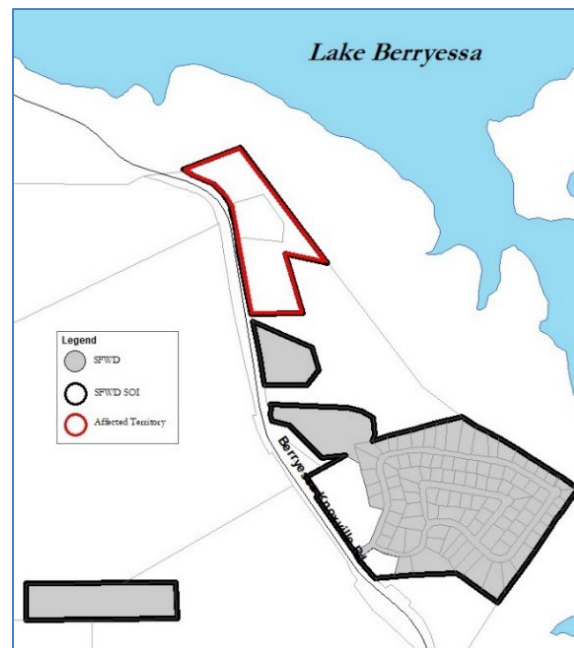
Nova Business Park North Annexation to NSD

A landowner has inquired about annexation of one unincorporated parcel totaling approximately 27.5 acres in size to NSD. The parcel is identified as Assessor Parcel Number 057-170-010 and has no situs address. The parcel is currently undeveloped. Annexation to NSD would facilitate the Nova Business Park North project, which will include industrial land uses. It is anticipated a proposal for annexation will be submitted in the future, but there is no current timetable.



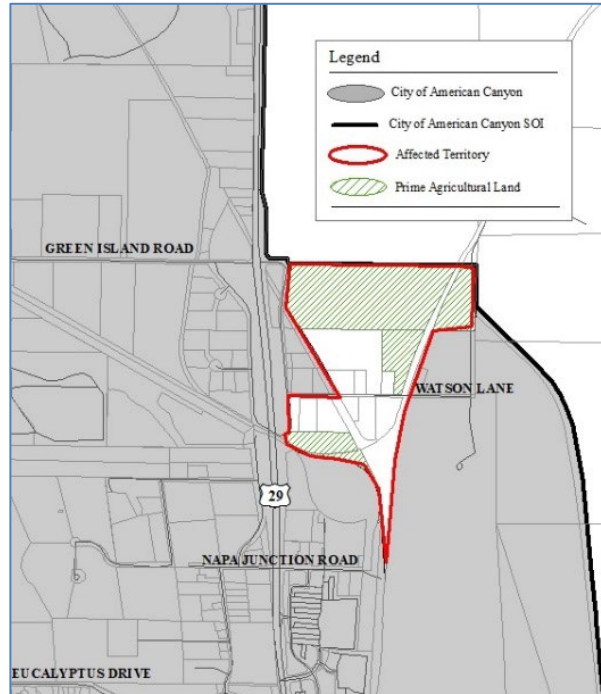
7140 & 7150 Berryessa-Knoxville Road Annexation to the Spanish Flat Water District (SFWD)

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



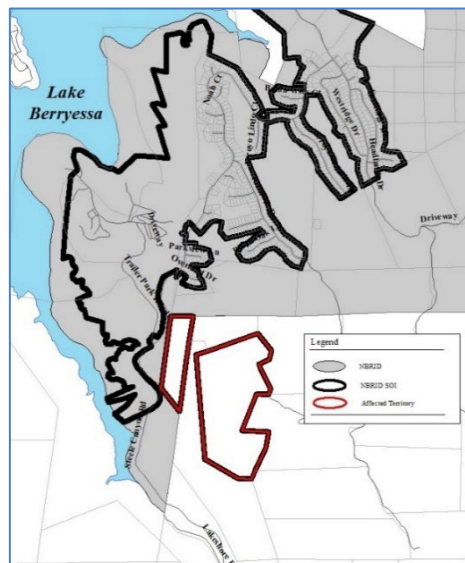
Watson Lane/Paoli Loop Annexation to the City of American Canyon

A landowner previously submitted a notice of intent to circulate a petition to annex 16 parcels and a portion of railroad totaling approximately 77.7 acres of unincorporated territory to the City of American Canyon. The area is located within the City's SOI near Watson Lane and Paoli Loop and identified as Assessor Parcel Numbers 057-120-014, -015, -017, -028, -034, -036, -041, -045, -047, -048, -049, -050, & -051, 057-180-014 & -015, and 059-020-036. The area is within the American Canyon Fire Protection District's boundary. The purpose of annexation is to allow development of the area for industrial and residential purposes as well as help facilitate the extension of Newell Drive to South Kelly Road. It is anticipated a proposal for annexation will be submitted in the future, but there is no current timetable.



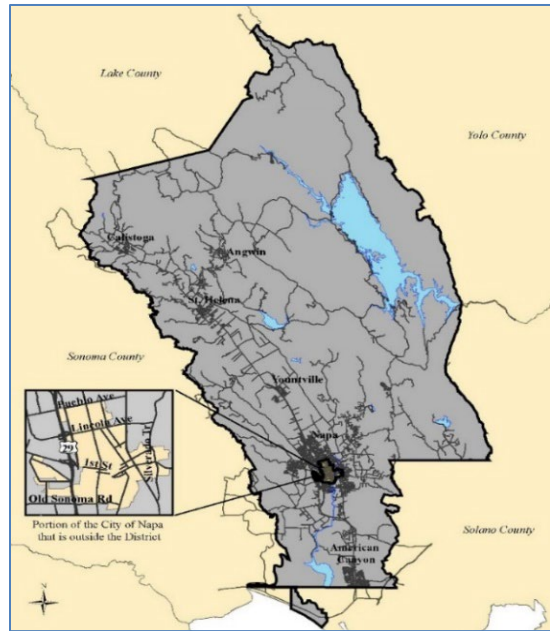
Wastewater Treatment Plant Annexation to the Napa Berryessa Resort Improvement District (NBRID)

Staff from NBRID has inquired about annexation of two unincorporated parcels totaling approximately 101 acres in size that serve as the location of the District's wastewater treatment plant facilities. The parcels were recently added to NBRID's SOI, are owned by NBRID, and are identified as Assessor Parcel Numbers 019-220-028 and 019-220-038. Annexation would reduce NBRID's annual property tax burden. It is anticipated a proposal for annexation will be submitted in the future, but there is no current timetable.



Napa County Resource Conservation District (NCRCD) Annexation

Staff from NCRCD has inquired about annexation of approximately 1,300 acres of incorporated territory located in the City of Napa. This area comprises the only remaining territory located within NCRCD's SOI but outside its jurisdictional boundary. The purpose of annexation would be to allow NCRCD to expand its service programs and hold public meetings within the affected territory; activities that are currently prohibited within the area. In February 2020, the Commission approved a request for a waiver of LAFCO's proposal processing fees. It is anticipated a proposal for annexation will be submitted in the future, but there is no current timetable.



ATTACHMENTS

None



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

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

Agenda Item 6a (Public Hearing)

TO: Local Agency Formation Commission

PREPARED BY: Brendon Freeman, Executive Officer *BF*

MEETING DATE: June 6, 2022

SUBJECT: Sphere of Influence Amendment Request Involving the City of American Canyon, American Canyon Fire Protection District, and 1661 Green Island Road

RECOMMENDATION

It is recommended the Commission take the following actions:

- 1) Open the continued public hearing and take testimony;
- 2) Close the public hearing;
- 3) Adopt the Resolution of the Local Agency Formation Commission of Napa County Making Determinations – Sphere of Influence (SOI) Amendment Involving the American Canyon Fire Protection District (ACFPD) and 1661 Green Island Road, included as Attachment 14, approving the amendment to ACFPD’s SOI; and
- 4) Adopt the Resolution of the Local Agency Formation Commission of Napa County Making Determinations – SOI Amendment Involving City of American Canyon (“City”) and 1661 Green Island Road, included as Attachment 17, denying the amendment to the City’s SOI.

BACKGROUND

The landowners of 1661 Green Island Road (Assessor Parcel Number 058-030-041) have requested amendments to the SOIs for the City and ACFPD to include their property. The application materials are included as Attachment One and were submitted consistent with procedures described in the Commission’s *Policy on Spheres of Influence* (“Policy”), included as Attachment Two, and California Government Code (G.C.) Section 56428.

Margie Mohler, Chair
Councilmember, Town of Yountville

Mariam Aboudamous, Commissioner
Councilmember, City of American Canyon

Beth Painter, Alternate Commissioner
Councilmember, City of Napa

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

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

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

Kenneth Leary, Commissioner
Representative of the General Public

Eve Kahn, Alternate Commissioner
Representative of the General Public

Brendon Freeman
Executive Officer

Pursuant to G.C. Section 56427, the Commission is required to conduct a noticed public hearing to adopt, amend, or update an SOI.

On December 6, 2021, the Commission was scheduled to consider action on the SOI request as part of a noticed public hearing. Prior to the meeting and after the agenda had been posted, the applicant requested the Commission continue the item and defer discussion to a future meeting. The Commission continued the item to its April 4, 2022 meeting.

On April 4, 2022, the applicant requested another continuance and deferral of discussion. The Commission continued the item to its June 6, 2022 meeting.

SUMMARY

The affected territory comprises one unincorporated parcel totaling 157.15 acres in size and currently used as a commercial vineyard.

The application includes a vineyard report, soils analysis, an economic viability report, and the opinions of several soils and viticulture experts indicating the vineyard is no longer viable due to high salinity. The application also includes letters of support from a former City of Napa Mayor, Ed Henderson, and a former City of American Canyon Mayor and LAFCO Commissioner, Lori Luporini.

As part of the public hearing, the applicant will provide a presentation to the Commission following the verbal report from staff.

Staff recommends the Commission approve the amendment to ACFPD's SOI and deny the amendment to the City's SOI based on the factors described under the "Discussion" section of this report.

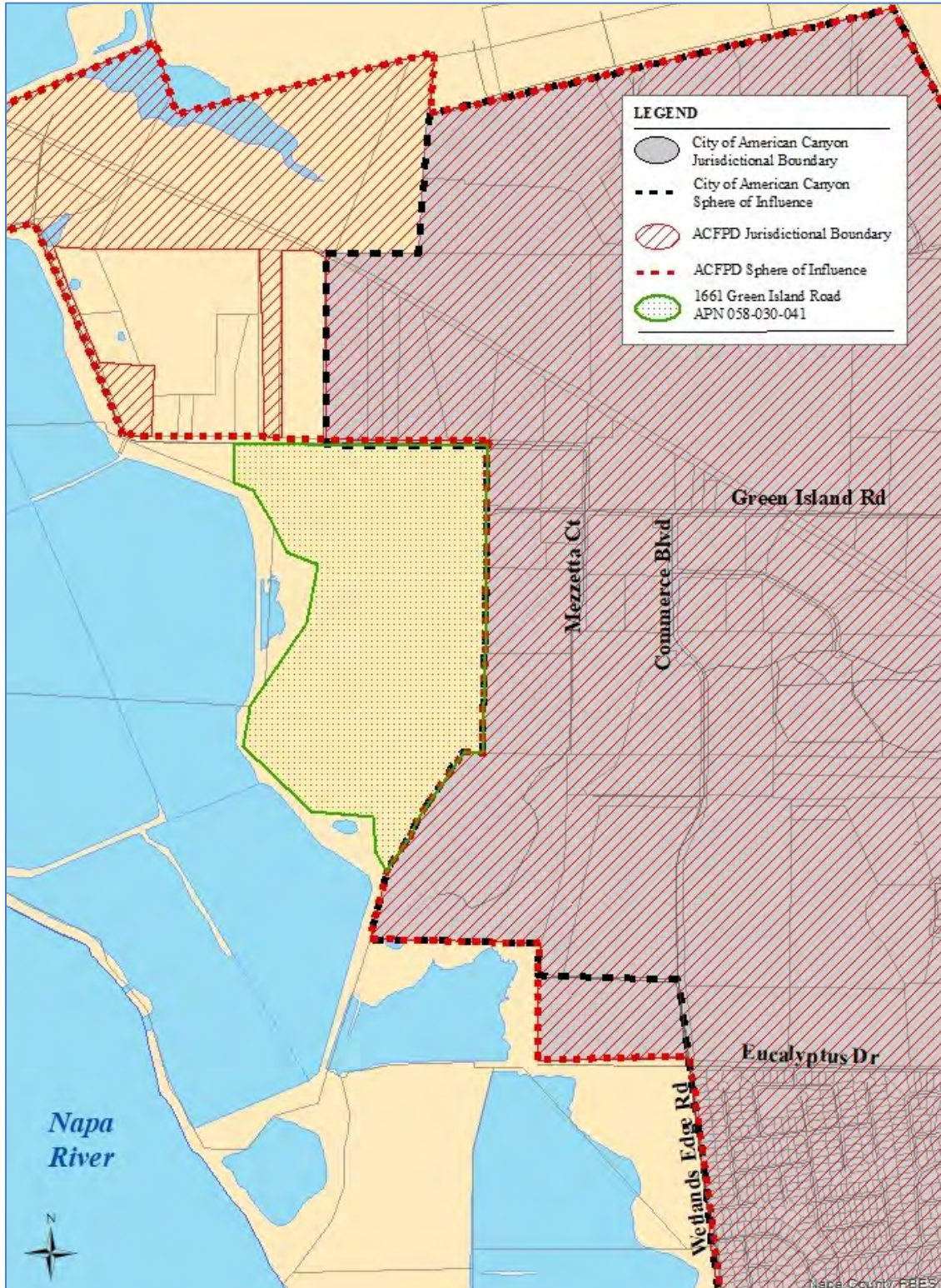
Maps of the affected territory and further discussion of the application follow.

Sphere of Influence Amendment Request Involving the City of American Canyon, American Canyon Fire Protection District, and 1661 Green Island Road

June 6, 2022

Page 3 of 18

The following vicinity map shows the affected territory along with the jurisdictional boundaries and SOIs of the City and ACFPD.

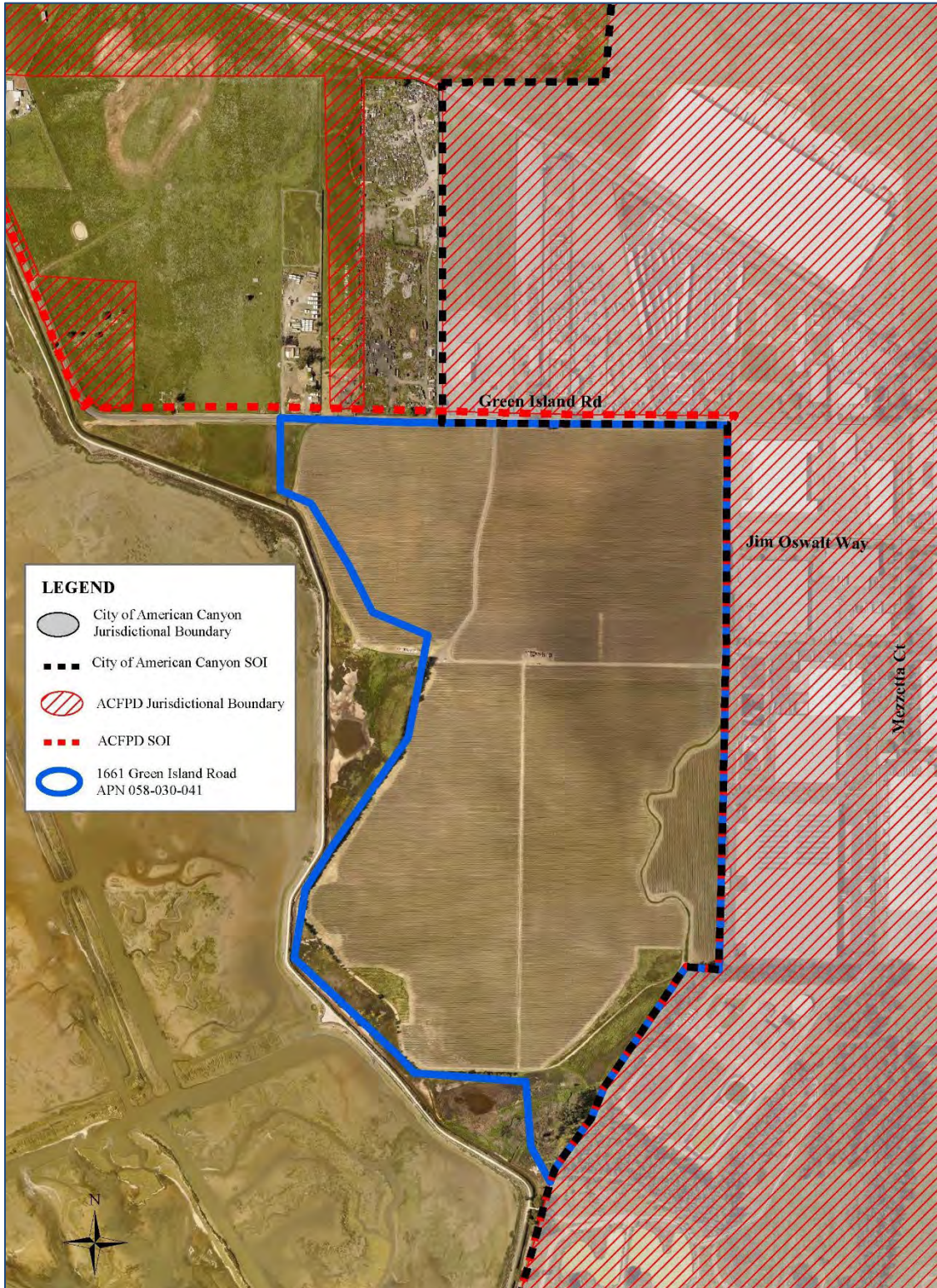


Sphere of Influence Amendment Request Involving the City of American Canyon, American Canyon Fire Protection District, and 1661 Green Island Road

June 6, 2022

Page 4 of 18

The following map shows an aerial view of the affected territory along with the jurisdictional boundaries and SOIs of the City and ACFPD.

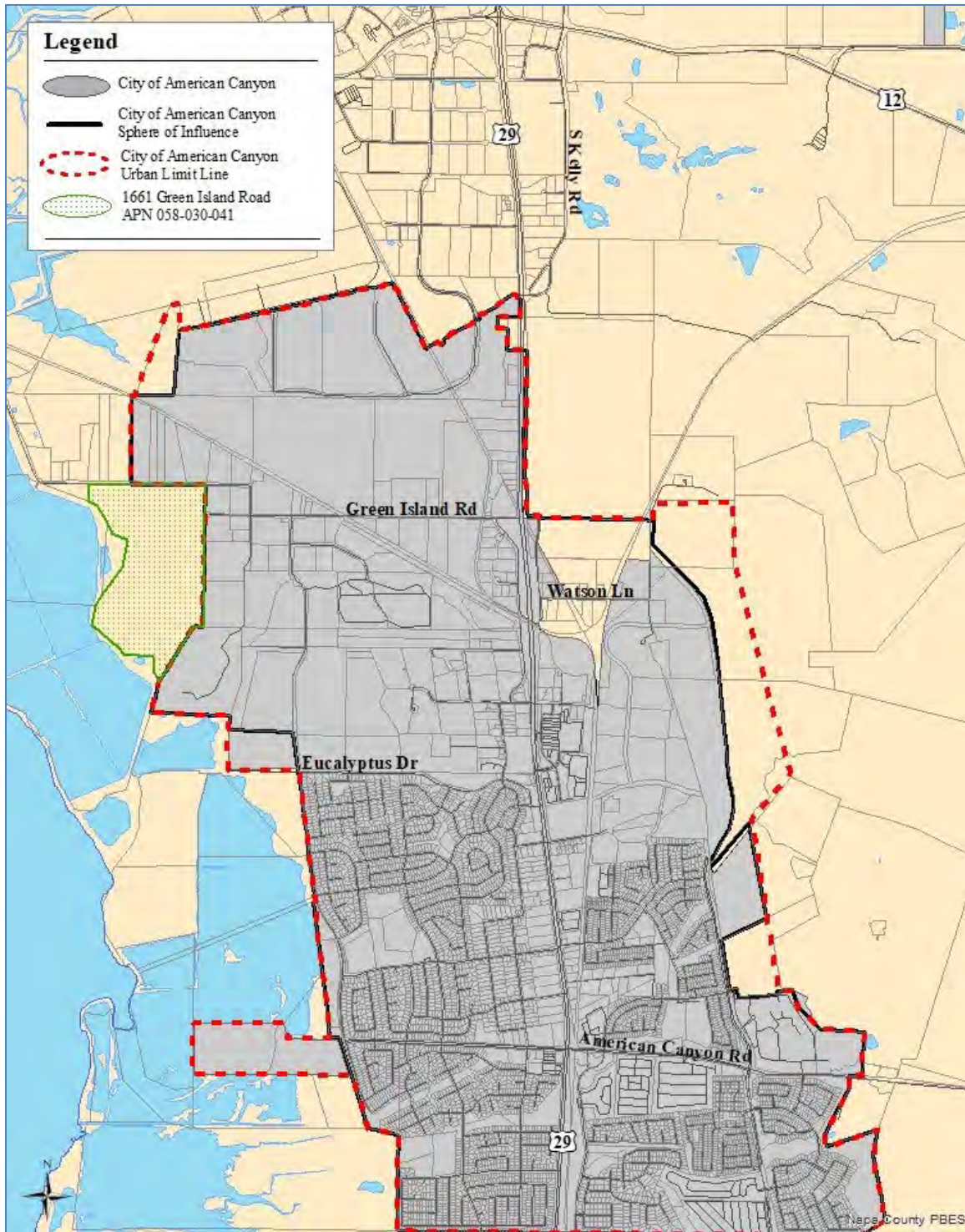


Sphere of Influence Amendment Request Involving the City of American Canyon, American Canyon Fire Protection District, and 1661 Green Island Road

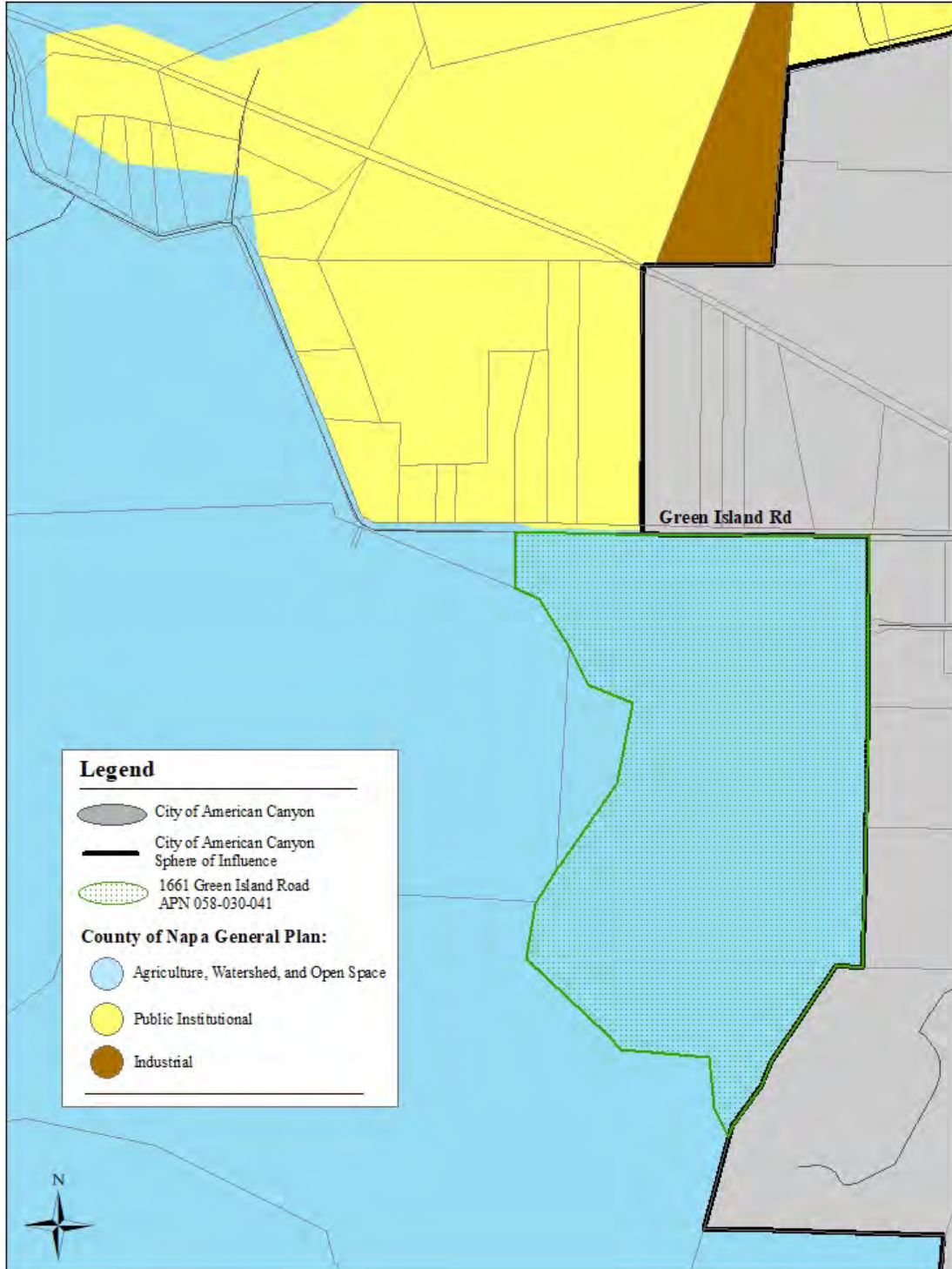
June 6, 2022

Page 5 of 18

The following map shows the affected territory and the City's Urban Limit Line (ULL).



The following map shows the County of Napa's General Plan land use designations for the affected territory and surrounding areas.

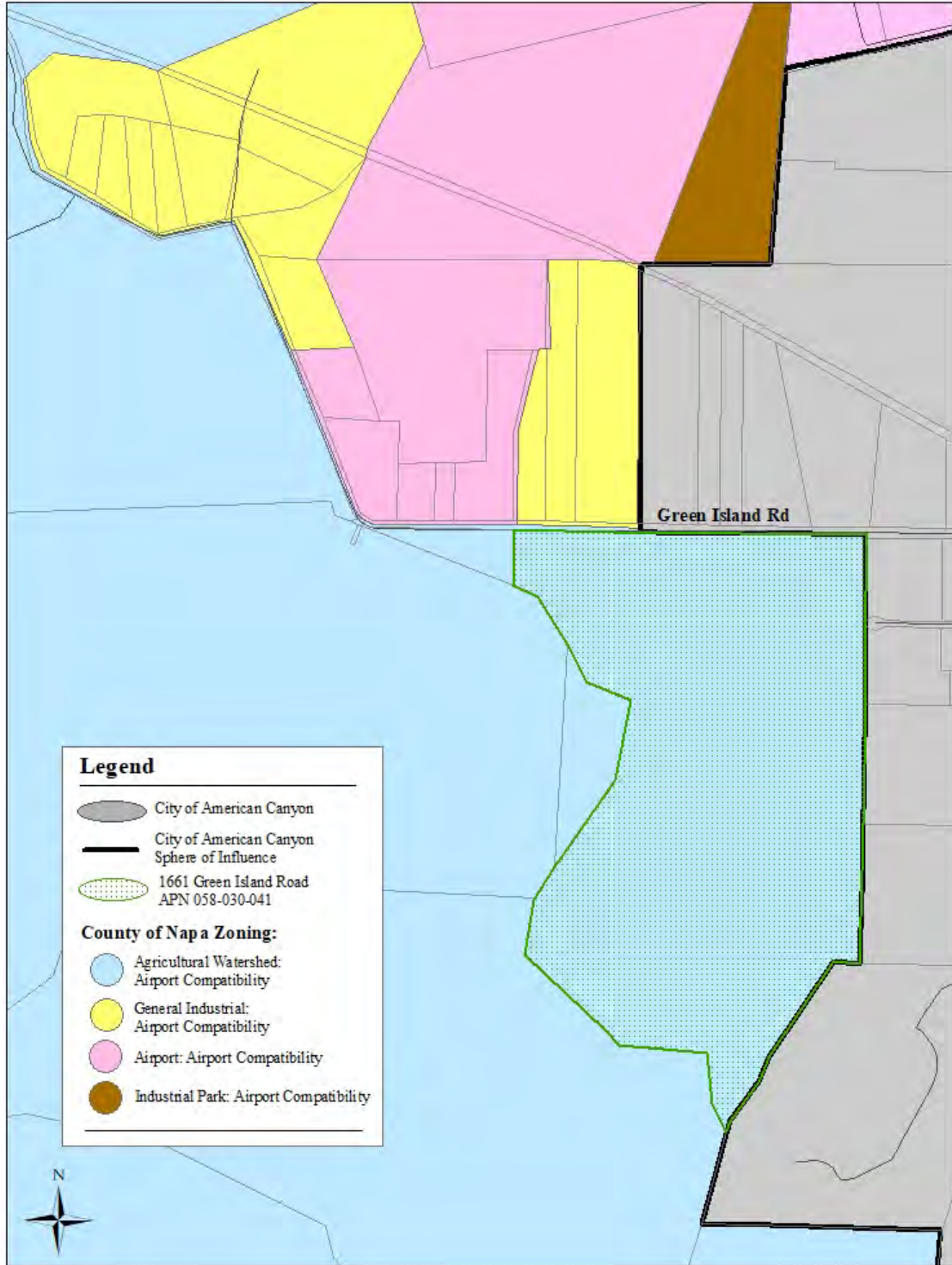


Sphere of Influence Amendment Request Involving the City of American Canyon, American Canyon Fire Protection District, and 1661 Green Island Road

June 6, 2022

Page 7 of 18

The following map shows the County of Napa's zoning assignments for the affected territory and surrounding areas.



DISCUSSION

The following is a discussion of factors that are relevant to the application.

City and County Agreement on the City's ULL

In 2008, the City entered into an agreement with the County of Napa related to the City's SOI and ULL, included as Attachment Three. The agreement is intended to recognize the importance of preserving agricultural and open space lands in the County to maintain a viable agriculture-based economy, preserve open space, prevent urban sprawl, and direct growth and development into already urbanized areas. The agreement designates a mutually agreed upon ULL to serve as the City's ultimate growth boundary until at least 2030. The parties agree the City's jurisdictional boundary and SOI shall not expand beyond the ULL prior to 2030 unless the citizens of the City first approve an expansion of the ULL.

LAFCO and the applicant are not parties to the agreement and therefore aren't bound to the terms of the agreement. The Commission retains discretion to approve or disapprove SOI requests irrespective of their consistency with the agreement. However, staff recommends the Commission give considerable weight to the agreement given that it designates a mutually agreed upon urban growth boundary for the City through 2030 based on interests that are in alignment with LAFCO's mission and purpose to encourage orderly growth and development.

Previous SOI Request

G.C. Section 56430(a) states that in order to prepare and to update spheres of influence in accordance with Section 56425, the Commission shall conduct a service review of the municipal services provided in the area.

In 2018, as part of the Commission's *South County Region Municipal Service Review and Sphere of Influence Updates* ("2018 MSR/SOI"), the City and ACFPD jointly requested the affected territory be added to each of their SOIs.¹ The 2018 MSR/SOI includes the following text supporting a recommendation to deny the amendment to the City's SOI:

This property is currently planted with a vineyard and designated as Agriculture, Watershed, and Open Space in the County General Plan. In order to annex APN 058-030-041, the City would first have to amend the ULL with agreement from the County and voter approval. Further, Napa LAFCO policies direct the Commission to designate SOIs to guide orderly urban development in a manner that prevents the premature conversion of agricultural lands... With all of this in mind, it would be appropriate to defer consideration of an expansion to the City's SOI to include APN 058-030-041 until after the parcel has been included within the ULL.

¹ The 2018 MSR/SOI is available online at:

https://www.napa.lafco.ca.gov/uploads/documents/SouthCountyRegion_MSR-SOI_FinalReport_12-3-18.pdf.

Statutory Factors

In determining the SOI of each agency, the Commission is required to consider five specific factors pursuant to G.C. Section 56425. The following is a summary of the statutory factors as they relate to the SOI request.

1) Present and planned land uses in the area, including agricultural and open-space lands

The County of Napa General Plan assigns the affected territory a land use designation of *Agriculture, Watershed, and Open Space* and zoning standard of *Agricultural Watershed: Airport Compatibility*. These land use characteristics prescribe a minimum lot size of 160 acres. Actual land uses within the affected territory are currently limited to a commercial vineyard. Discontinuation of existing vineyard operations is planned. There are currently no other planned land uses for the affected territory.

2) Present and probable need for public facilities and services in the area

The affected territory presently receives outside water service from the City through a grandfathered agreement consistent with G.C. Section 56133. This is limited to potable and reclaimed water for irrigation of the vineyard and potable water during the summer months for the vineyard's frontage road located on Jim Oswalt Way. The affected territory receives fire protection and emergency medical services through an automatic aid agreement between ACFPD and the County. Other public services available to the affected territory include law enforcement, flood control, resource conservation, and mosquito abatement. Based on current and planned land uses, there are no additional public facilities or services needed within the affected territory.

3) Present capacity of public facilities and adequacy of public services that the agency provides or is authorized to provide

Based on the Commission's *South County Region Municipal Service Review and Sphere of Influence Updates* adopted in 2018, the City and ACFPD have established adequate capacity to provide a full range of municipal services to the affected territory based on the current land use as a commercial vineyard.

4) Existence of any social or economic communities of interest in the area if the commission determines that they are relevant to the agency

There are no social or economic communities of interest in the affected territory.

5) Present and probable need for public facilities and services of any disadvantaged unincorporated communities within the existing sphere of influence

There are no disadvantaged unincorporated communities within the City's SOI or ACFPD's SOI.

Policy Considerations

Staff reviewed the SOI request as it relates to local policies (Attachment Two). A summary of relevant policy considerations follows.

- Section III states: It is the intent of the Commission to determine appropriate SOIs that promote the orderly expansion of cities, towns, and special districts in a manner that ensures the protection of the environment and agricultural and open space lands while also ensuring the effective, efficient, and economic provision of essential public services, including public water, wastewater, fire protection and emergency response, and law enforcement.

Staff response: The request to amend the City's SOI would not ensure the protection of agricultural lands given it would allow for annexation to the City and potentially result in the conversion of agricultural land to an urban use. The request to expand ACFPD's SOI would recognize the District's historical role in protecting agricultural lands in the affected territory. It should be noted the long-term viability of the existing agricultural land use is questionable based on the vineyard report and soils analysis that were submitted as part of the application materials. Notably, it appears the vineyard is decaying due to saltwater intrusion. The soils analysis suggests there are few viable agricultural products that could potentially replace the vineyard for long-term use.

- Section V(A)(1) states: Land defined or designated in the County of Napa General Plan land use map as agricultural or open space shall not be approved for inclusion within any local agency's SOI for purposes of new urban development unless the action is consistent with the objectives listed in Section III of this policy.

Staff response: The County General Plan land use map designates the affected territory as *Agriculture, Watershed, and Open Space*. The request to expand ACFPD's SOI appears to be consistent with the objectives listed in Section III of the Policy. The request to expand the City's SOI does not appear to be consistent with Section III based on the existing agricultural land use.

- Section V(A)(3) states: The Commission will consider the Agricultural Preserve and intent of voters in passing Measure J and Measure P in its decision making processes to the extent they apply, prior to taking formal actions relating to SOIs.

Staff response: The affected territory is subject to Measure P, which is relevant to the City's SOI and land use designations. Changing the land use designation in the County General Plan to non-agriculture requires approval by Napa County voters. However, SOI amendments and annexations do not require Measure P votes.

- Section V(A)(6) states: A local agency's SOI shall generally be used to guide annexations within a five-year planning period. Inclusion of land within an SOI shall not be construed to indicate automatic approval of an annexation proposal.

Staff response: Annexation to the City would first require the affected territory to be rezoned. Annexation to ACFPD does not require rezoning. There are currently no plans to annex or rezone the affected territory.

- Section V(A)(8) states: A local agency's SOI should reflect existing and planned service capacities based on information collected by, or submitted to, the Commission. This includes information contained in current MSRs. The Commission shall consider the following municipal service criteria in determining SOIs:

- a) The present capacity of public facilities and adequacy of public services provided by affected local agencies within the current jurisdiction, and the adopted plans of these local agencies to address any municipal service deficiency, including adopted capital improvement plans.

Staff response: Based on the 2018 MSR/SOI and planned capital improvements, the City and ACFPD have each established adequate capacities to serve their current jurisdictions and accommodate growth.

- b) The present and probable need for public facilities and services within the area proposed or recommended for inclusion within the SOI, and the plans for the delivery of services to the area.

Staff response: The affected territory presently receives outside water service from the City. The affected territory also receives fire protection and emergency medical service from ACFPD through an automatic aid agreement between the District and the County, included as Attachment Four. There are no plans for delivery of additional services to the affected territory.

- Section V(A)(9) states: The Commission shall consider, at a minimum, the following land use criteria in determining SOIs:

- a) The present and planned land uses in the area, including lands designated for agriculture and open-space.

Staff response: The present land use in the affected territory is agriculture. The applicant indicated the existing vineyard will be discontinued in the foreseeable future. There are currently no planned future land uses.

- b) Consistency with the County General Plan and the general plan of any affected city or town.

Staff response: The County General Plan designates the affected territory as *Agriculture, Watershed, and Open Space*, which is inconsistent with the requested expansion to the City's SOI. The City General Plan does not assign any land use designations for the affected territory and no rezoning has occurred.

- c) Adopted general plan policies of the County and of any affected city or town that guide future development away from lands designated for agriculture or open-space.

Staff response: The County General Plan includes the following relevant land use policies, which do not appear to support the requested expansion of the City's SOI:

- Policy AG/LU-126: "...the County will work collaboratively with LAFCO in its reviews of spheres to encourage orderly, city-centered growth and development in Napa County and the preservation of agricultural land."
- Policy AG/LU-126.5: "The County seeks to engage incorporated jurisdictions and other agencies in collaborative planning efforts, particularly efforts aimed at ensuring adequate infrastructure capacity, vibrant city-centers, sufficient housing and agricultural lands and natural resource protection."
- Policy AG/LU-127: "The County will coordinate with the cities and town to establish land use policies for unincorporated lands located within their respective spheres of influence and will do likewise for unincorporated lands within any locally-adopted urban growth boundaries."

- Policy AG/LU-130: “The County recognizes the growth boundary for the City of American Canyon shown in Figure LU-5 and will support the City’s annexation of unincorporated land located within the boundary...”

- d) Adopted policies of affected local agencies that promote infill development of existing vacant or underdeveloped land.

Staff response: The affected territory is currently developed with a vineyard and therefore not considered vacant or underdeveloped. However, discontinuation of the vineyard is planned by the applicant, at which time the affected territory would be considered vacant and subject to possible development that could be viewed as infill given the affected territory is surrounded on three sides by the City’s boundary. The remaining sides of the affected territory are predominantly surrounded by wetlands owned by the State of California.

- e) Amount of existing vacant or underdeveloped land located within any affected local agency’s jurisdiction and current SOI.

Staff response: The City and ACFPD do not maintain inventories of vacant land within their jurisdictions. The 2018 MSR/SOI states most of the City’s SOI is already built out, suggesting there is minimal vacant or underdeveloped land available for infill purposes.

- f) Adopted urban growth boundaries by the affected land use authorities.

Staff response: The City’s ULL is its urban growth boundary and subject to the agreement adopted by the City and County in 2008. The agreement states the City and County agree there will be no expansions to the City’s ULL or SOI prior to 2030. The affected territory is outside the City’s ULL. Notably, a voter initiative has been filed, included as part of Attachment Six, that would amend the City’s General Plan and add the affected territory to the City’s ULL.

Additional Key Considerations

Staff recommends the Commission consider the following additional matters that are relevant to the affected territory and the SOI request:

- G.C. Section 56064 defines “prime agriculture” for purposes of LAFCO law based on Storie index ratings and the United States Department of Agriculture’s Natural Resources Conservation Service land use capability classifications. Approximately one-third of the affected territory qualifies as “prime agriculture” due to soil quality and irrigation capability. The remaining two-thirds are rated as poor or nonagricultural soil quality.
- The affected territory is presently in agricultural land use as a grape vineyard. The submitted application materials include a soils analysis showing the subject property soil is experiencing increased salinity that is toxic to agricultural use. The salinity of the soil threatens the continued agricultural use of the property. Consequently, the landowners have already removed approximately 65 acres of vineyard from production with no plans to replant that acreage, and they expect to remove the remaining vineyards from production in the foreseeable future.
- The application states it is not plausible for Napa County to provide public services to the affected territory given it is situated in the midst of the City, and that inclusion within the City would ensure the affected territory contributes an equitable share of the costs of planned infrastructure upgrades for Green Island Road.
- Surrounding lands to the west and south comprise wetlands owned by the State of California and are unincorporated. Lands to the north and east are predominantly within the City’s jurisdictional boundary and comprise industrial and warehouse uses. The affected territory is surrounded on three sides by ACFPD’s boundary.
- A ballot initiative has been filed to amend the City’s ULL to add the affected territory. The initiative is included as part of Attachment Six. If the measure appears on the November 2022 General Election and is approved by the City’s voters, the ordinance would take effect on January 1, 2023.
- Amending the City’s SOI could potentially contribute to Napa County’s industrial and warehouse land use inventory in the future, which could reduce pressure to develop prime agricultural land throughout the County. The existing vineyard is arguably incompatible with surrounding industrial and warehouse uses to the north and east. Further, traffic improvements involving the affected territory may eventually be needed given its proximity to Devlin Road and Green Island Road.

- ACFPD has continuously provided fire protection and emergency medical services to the affected territory since the District was formed in 1957. ACFPD and the County maintain an automatic aid agreement for these services (Attachment Four). ACFPD provides a higher level of service than the County as evidenced by the District's lower ISO rating.² Staff recommends an amendment to ACFPD's SOI given that the affected territory is surrounded on three sides by ACFPD's boundary and located within ACFPD's service area. In addition, ACFPD provides a higher level of service than the County based on ISO ratings and service capability. Further, the County must travel through the existing boundaries of the City and ACFPD to respond to service calls to the affected territory.
- Letters from several local agencies and stakeholder groups are summarized below:
 - The County of Napa submitted a letter opposing the SOI request, included as Attachment Five. The letter states the SOI request is in direct conflict with the City General Plan, County General Plan, adopted agreement on growth boundaries between the City and County, and LAFCO's *Policy on SOIs*.
 - The City submitted a letter taking no position on the SOI request, included as Attachment Six. The ballot initiative that would amend the City's ULL and General Plan to add the affected territory is attached to the City's letter.
 - ACFPD submitted a letter supporting the SOI request, included as Attachment Seven. The letter states ACFPD has been continuously serving the affected territory since 1957, including fire suppression and prevention, hazardous materials response, and emergency medical services.

² The Insurance Services Office (ISO) periodically reviews fire protection services for local agencies. At the conclusion of the review, ISO assigns a numerical value to the agency's fire suppression service. ACFPD and the County currently have ISO ratings of 2 and 4, respectively. The numerical value of 1 is considered the best and 10 being considered the worst. This review is based upon the difference between the agency's fire loss experience when compared to the fire suppression capabilities of the agency/community reviewed. The importance of this review and subsequently assigned numerical value is that most US Insurance Companies use this information as part of their underwriting process when deciding what business to write, coverages to offer, or prices to charge for personal or commercial property insurance. In addition to the lower ISO rating, ACFPD staffs two fire stations 24 hours per day, 365 days per year. This includes two Type I fire engines staffed with a minimum of three personnel and provides Advanced Life Support Services (ALS). Both stations are located approximately four miles from 1661 Green Island Road. Conversely, the Napa County Fire Department Station #27 is staffed 24 hours per day, 365 days per year with 1 type I fire engine with four personnel and provides Basic Life Support Services (BLS).

- The California Farm Bureau Federation and the Napa County Farm Bureau collectively submitted a letter opposing the SOI request, included as Attachment Eight. The letter suggests the property can be used for other agricultural purposes or open space, and the SOI request would set a bad precedent in Napa County.
- The Napa Valley Grapegrowers submitted a letter opposing the SOI request, included as Attachment Nine. The letter states approval of the SOI request would set a risky precedent that could lead to more attempts to annex and convert agricultural land throughout Napa County.
- The Napa Valley Vintners submitted a letter opposing the SOI request, included as Attachment 10. The letter recognizes the unique circumstances surrounding the affected territory. However, the letter states agricultural lands should be preserved, whether in the Agricultural Preserve, or in the Agricultural Watershed. The letter also recommends any change in land use should go through the existing process with Napa County, including a vote from the people.
- The Napa County Farm Bureau, the Napa Valley Grapegrowers, the Napa Valley Vintners, and the Napa Valley Winegrowers jointly submitted a letter opposing the SOI request, included as Attachment 11. The letter states the affected territory remains viable for agricultural land use, as the top three field crops in Sonoma County are hay, oats, and rye, all of which perform exceedingly well in high salinity soils. In addition, the letter states the SOI amendments would present a dangerous precedent based on landowners deeming their property unfit for a specific crop return. The County's landmark zoning policies are intended to protect all forms of agriculture. Staff has received clarification that the opposition in the letter is primarily specific to the City's SOI, and consideration of ACFPD's SOI is not of equal concern.
- With respect to the aforementioned comments related to setting a precedent, the Commission previously approved SOI amendments and annexation for the City and ACFPD involving territory designated in the County General Plan as *Agriculture, Watershed, and Open Space*. This action occurred in 1998 as part of LAFCO Resolution No. 98-2, included as Attachment 12. Notably, this action involved territory that was designated in the City General Plan for low density residential uses and designated in the Southeast Area Specific Plan as *Open Space – Hill Side*. The affected territory under consideration as part of today's public hearing has not been assigned any land use designations or rezoning by the City to date.

CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA)

If the Commission chooses to amend either affected agency's SOI to include the affected territory, the action would be exempt from further review under CEQA pursuant to California Code of Regulations Section 15061(b)(3). The applicant submitted a letter related to CEQA, included as Attachment 13, with which staff and legal counsel concur. Notably, the proposed SOI amendments would not cause the direct, or reasonably foreseeable indirect, physical change in the environment and does not have the potential for causing a significant effect on the environment, as no new land use or municipal service authority would be provided. Further, the SOI amendments do not commit any local agency to take any definite course of action or to approve any specific project. Any future rezoning by the City or annexation of the affected territory would require environmental analysis to be performed by the appropriate lead agency. Denial of an amendment to either agency's SOI requires no CEQA related action by the Commission.

ALTERNATIVES FOR COMMISSION ACTION

The Commission may take any of the following actions as part of this item:

- 1) Approve the requested expansion to ACFPD's SOI by adopting the draft resolution included as Attachment 14. This alternative would require the Commission to file a Notice of Exemption upon the receipt of the appropriate Commission fee in compliance with CEQA. Staff recommends this alternative.
- 2) Deny the requested expansion to ACFPD's SOI by adopting the draft resolution included as Attachment 15. Staff does not recommend this alternative.
- 3) Approve the requested expansion to the City's SOI by adopting the draft resolution included as Attachment 16. This alternative would require the Commission to file a Notice of Exemption upon the receipt of the appropriate Commission fee in compliance with CEQA. Staff does not recommend this alternative. If the Commission chooses this alternative, staff recommends a condition that the SOI amendment is effective only when the affected territory is added to the City's ULL.
- 4) Deny the requested expansion to the City's SOI by adopting the draft resolution included as Attachment 17. Staff recommends this alternative.
- 5) Continue consideration of action on one or both of the affected agencies to a future Commission's meeting.

PROCEDURES FOR CONSIDERATION

This item has been agendaized as a noticed public hearing. The applicant has requested an opportunity to make a presentation to the Commission as part of this item. The following procedures are recommended with respect to the Commission's consideration of this item:

- 1) Receive verbal report from staff;
- 2) Commission initial questions to staff;
- 3) Open the public hearing and receive presentation from applicant;
- 4) Receive public comments;
- 5) Commission questions and comments to applicant and staff;
- 6) Close the public hearing; and
- 7) Discuss item and consider taking formal action.

ATTACHMENTS

- 1) Application Materials
- 2) LAFCO Policy on SOIs
- 3) 2008 ULL Agreement Between the County of Napa and the City of American Canyon
- 4) Automatic Aid Agreement Between ACFPD and the County of Napa
- 5) Opposition Letter from the County of Napa (December 1, 2021)
- 6) No Position Letter from the City of American Canyon Including ULL Ballot Initiative (May 26, 2022)
- 7) Support Letter from American Canyon Fire Protection District (March 23, 2022)
- 8) Opposition Letter from the California Farm Bureau Federation and Napa County Farm Bureau (November 23, 2021)
- 9) Opposition Letter from the Napa Valley Grapegrowers (December 3, 2021)
- 10) Opposition Letter from the Napa Valley Vintners (March 7, 2022)
- 11) Opposition Letter from the Napa County Farm Bureau, the Napa Valley Grapegrowers, the Napa Valley Vintners, and the Napa Valley Winegrowers (May 25, 2022)
- 12) LAFCO Resolution No. 98-2 Amending the City's SOI, Amending ACFPD's SOI, and Approving the American Canyon Road/Flosden Road Annexation
- 13) CEQA Letter from Applicant
- 14) Draft Resolution Approving the Amendment to ACFPD's SOI
- 15) Draft Resolution Denying the Amendment to ACFPD's SOI
- 16) Draft Resolution Approving the Amendment to the City's SOI
- 17) Draft Resolution Denying the Amendment to the City's SOI

Local Agency Formation Commission of Napa County
1754 Second Street, Suite C
Napa, California 94559
(707) 259-8645 Telephone
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Questionnaire for Amending a Sphere of Influence

1. Applicant information:

Name: GIV, LLC (Will Nord, Ed Farver and David B. Gilbreth, Managers)

Address: 1661 Green Island Road, American Canyon, CA APN: 058-030-041

Telephone Number: Douglas Straus, Attorney 415 227-3553 (Primary) David B. Gilbreth, Manager 707 337-6412 (Secondary)

E-Mail Address: dstraus@buchalter.com; davidgnapa@icloud.com

2. What is the purpose for the proposed sphere of influence amendment?

See Attachment #2

3. Describe the affected territory in terms of location, size, topography, and any other pertinent characteristics.

See Attachment #3.

4. Describe the affected territory's present and planned land uses.

See Attachment #4.

5. Identify the current land use designation and zoning standard for the affected territory.

The land is designated as Agriculture, Watershed and Open Space.

6. Is the affected territory subject to a Williamson Act contract? If yes, please provide a copy of the contract along with any amendments.

NO

7. If applicable, identify the governmental agencies currently providing the listed municipal services to the affected territory.

Water: City of American Canyon


Sewer: City of American Canyon

Fire: City of American Canyon Fire Protection District

Police: City of American Canyon

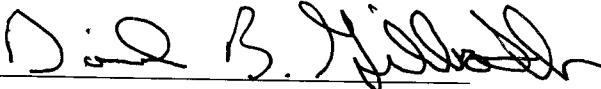
Print Name: Will Nord, Manager

Date: September 30 2021

Signature: 

Print Name: David B. Gilbreth, Manager

Date: September 30 2021

Signature: 

Print Name: Ed Farver, Manager

Date: September 30 2021

Signature: 
Application Materials for 1661 Green Island Road SOT Request

**ATTACHMENTS TO QUESTIONNAIRE FOR AMENDING A SPHERE OF
INFLUENCE
GIV, LLC
LOCAL AGENCY FORMATION COMMISSION OF NAPA COUNTY**

Attachment #2

The applicant property owner seeks this proposed sphere of influence amendment to bring the subject property within the City of American Canyon and American Canyon Fire Protection District spheres of influence pursuant to Local Consideration V(A)(2) in Napa County LAFCO's 6-7-21 policy on spheres of influence. Such an amendment is appropriate because it will promote the orderly expansion of the City of American Canyon in a manner that ensures the protection of the environment and agricultural and open space lands while also ensuring the effective efficient and economic provision of essential public services.

The subject property receives almost all essential public services (fire, water, sewer and police from the City of American Canyon or the American Canyon Fire Protection District. The subject property is bordered on three sides by the City of American Canyon. The fourth property boundary is the Napa River. It is not plausible for Napa County to provide public services to this "island" of County land situated in the midst of American Canyon.

The properties adjoining and near the subject property are being used for industrial and warehouse purposes. The City of American Canyon has plans to upgrade Green Island Road and Devlin Road, other roads in the vicinity of the subject property. Moving the subject property into the City of American Canyon's sphere of influence would give the City of American Canyon the ability to address land use planning for the property and ensure that the subject property pays its fair share of the costs of these infrastructure upgrades by including the property in the appropriate Community Facilities District.

This request for an amendment to the sphere of influence is *not* being brought by either the City of American Canyon or the American Canyon Fire Protection District—although property owner Green Island Vineyards, LLC ("GIV") anticipates that both government agencies may support this request. Thus, if there are any potential restrictions on the right of either of these government entities to seek sphere of influence amendments or changes to the Urban Limit Line, those restrictions do not prevent GIV from making this application. Nor do they prevent LAFCO from approving the request.

Attachment #3

The subject property is located at 1661 Green Island Road, American Canyon, California, 94503, APN 058-030-041. It is roughly 157 acres total. The subject property soil is experiencing increased salinity that is toxic to agricultural use.

Historically, the subject property has been used for vineyard purposes. However, the salinity of the soil precludes the possibility of continued agricultural use of the subject property. Consequently, the owner has removed 65 acres of vineyard from production, has no plans to

replant that acreage and expects to remove the remaining vineyards from production in the near future. The intolerably high level of salinity in subject property soil precluding future agricultural use is also confirmed by the reports of Vineyard Soil Technologies dated September 29, 2021 attached hereto as Exhibit A.

Vineyard Soil Technologies confirms that the vineyards on the property have entered a “death spiral” from which they will not recover. Vines are both stunted and blighted. These conditions are only going to get worse. As Vineyard Soil Technologies concludes, “the soils are unsustainable for wine grapes as a result of excessive accumulation of salts in the rootzones of the vines.” This report explains that this problem impacts all vineyard lands on the property.

Scientific analysis has confirmed that the subject property is no longer suitable for agricultural use. So has the marketplace. GIV has been marketing the property as agricultural land since 2012. *See* the letter from GIV Managers Will Nord and Ed Farver attached here as Exhibit B. GIV has used multiple brokers in its efforts to market the property, including some of the most experienced and successful vineyard brokers in Napa County. Only once has anyone expressed interest in acquiring this property.

And that prospective purchaser decided not to purchase the property due to concerns about excessive soil salinity. *See* the September 30, 2021 letter from Erik Roget at UBS Farmland Investors LLC attached hereto as Exhibit C. As Mr. Roget explains, UBS Farmland LLC declined to purchase the property after spending thousands of dollars on due diligence because of concerns including “that the vineyard was not likely to be viable in the future due to saline toxicity...”

The subject property is no longer suitable for agricultural use as vineyard land or otherwise. The current characteristics of this property make it suitable for including in the City of American Canyon and American Canyon Fire Protection District spheres of influence.

Attachment #4

The subject property is presently partially fallow land and partially failing vineyard land. As already noted, the portion of the property used for vineyard purposes is decreasing in size. In a very few years the property will be entirely unsuitable for agricultural uses.

There is no current specific project or plan for the future use of the subject property. The properties adjoining the subject property are increasingly used for industrial and warehouse purposes. It seems likely that a similar use for the subject property might be appropriate at some point, which should be determined by the City of American Canyon at the appropriate time given the property’s address within the City of American Canyon and the City’s current provision of services to the site.

Placing this property into the sphere of influence is entirely consistent with Objective III and Local Consideration V(A)(1) in Napa County LAFCO’s 6-7-21 policy on spheres of influence because the subject property is no longer suitable for agricultural use and inclusion in the sphere of influence helps promote effective, efficient and economic provision of essential public

services by harmonizing the subject property with surrounding lands and increasing the revenue base for relevant Community Facilities Districts.

Local Consideration V(A)(5) in Napa County LAFCO's 6-7-21 policy on spheres of influence supports this request because the City of American Canyon has very little vacant or underutilized land available for infill purposes. See Final Report, Napa County LAFCO, South County Region Municipal Service Review and Sphere of Influence Updates, December 3, 2018, Section 6-3 ["Most of the area within the City [of American Canyon]'s SOI is built out."]. Realistically, the only way for this relatively new city to grow is through appropriate expansion of its borders via annexation.

Local Consideration V(A)(5) in Napa County LAFCO's 6-7-21 policy on spheres of influence further supports this request as does Local Consideration V(A)(8) because no extension of urban facilities, utilities and services are required for the subject property. The subject property is already serviced by the City of American Canyon and the Fire District.

Of course, as noted in Local Consideration V(A)(6) in Napa County LAFCO's 6-7-21 policy on spheres of influence, granting the request to amend the sphere of influence to include the subject property is no guarantee of approval of annexation.

BN 47126236v1

EXHIBIT A



David Gilbreth, Manager
Ed Farver, Manager
Will Nord, Manager
Green Island Vineyard LLC

September 29, 2021

Site Visit Report
Green Island Vineyard
Project 21-178

The objective of the site visit was to qualify the current condition of the Green Island vineyard in light of the passage of time since the submission of the report regarding the irrigation water chemistry and soil chemistry of the vineyard: Anamosa-Gilbreth-Ghisletta-GIV-Geoff-Monk-CCA-15-179-Soil-Water-Chemistry-Review-June- 2018-Proj-18-136.

In summary, it is my professional opinion as a result of my analysis of the irrigation water chemistry, soil chemistry and condition of the vineyard, that the vineyard is continuing in death spiral and the soils are unsustainable for wine grapes as a result of excessive accumulation of salts in the rootzones of the vines. Consequently, as generally anticipated based on the data presented in my 2018 report, in 2021 the vineyard owners removed one-half of the most severely affected vineyard blocks. An additional one-quarter of the blocks will be removed at the termination of this season, and the remaining blocks will be removed in the very near future. The review of the ACRW indicates it is unsuitable for winegrapes. It is probably the repeated use of the ACRW on this vineyard that has caused the salinity, sodium, and chloride problems in the vineyard.

Introduction

Soil salinity issues with grapevines is not common in the North Coast California viticultural areas, but are becoming more common as continued pumping of ground water in the periphery of San Pablo Bay has caused saltwater intrusion into the ground water system, and vineyards have continued to use the ever increasingly salty water on vineyard. Much of scientific research and development of scientifically based "best practices" for management of vineyards with salinity, sodium, and chloride problems has been done in Australia. Shown below are photos provided in several Australian extension education bulletins for growers to identify and manage salt issues in vineyards. I am showing these photos to provide a baseline of the symptoms of winegrapes grown on soils with high salt accumulations.

Generally, the symptoms of excessive soil salinity are the development of necrotic (brown) tissue along the margin and/or quarter or half-sections of the leaves. The most severe symptom may envelop the entire leaf and all leaves on the vine. Severe necrotic leaf tissue damage will frequently weaken the vine for the following year due to the lack of carbohydrate storage into the roots and trunk for the next season's growth. Some vine may die and will not push buds the following season.



Figure 1. Highly salinity water damage to winegrapes (Best Management Practices for Irrigation Water Salinity and Salt Build-up in Vineyard Soils, Limestone Coast Grape and Wine Council, Government of South Australia, 2017.)



Figure 2. Highly salinity water damage to winegrapes (Best Management Practices for Irrigation Water Salinity and Salt Build-up in Vineyard Soils, Limestone Coast Grape and Wine Council, Government of South Australia, 2017.)



Figure 3. Managing Salinity in the Vineyard Factsheet; Rob Walker; CSIRO Plant Industry, Adelaide, Australia.

The general symptoms of salinity, will usually occur prior to the toxicity symptoms of either sodium or chloride, because in order to get to the toxic levels for sodium and/or chloride, the salinity is already above the minimally problematic value of 1.5 dS/m. The moderate to severe salinity toxicity symptoms occur around 2.0 to 2.5 dS/m and vine death is typical at 3.5 to 4.0 dS/m. Since the soil salinity impact on the vine is osmotic, only a few roots must be in soil with toxic salinity levels for the vine to become dehydrated and show symptoms. Osmosis is the movement of water from an area of low solute concentrations to an area of high solute concentration through a semi-permeable membrane. In the vineyard setting the semi-permeable membrane is the cell membrane in the root. So as the soil salinity increases water flows from the roots to the soil, instead of the preferred flow from the soil into the root. Even if the soils are quite wet, the water will not flow into the roots. This causes the vines leaves to dehydrate and leaf cell death starting around the periphery of the leaf even in the presence of moist soil.

Site Visit Protocols

A Site Visit to the Green Island Vineyard (GIV) was conducted on September 10, 2021.

Vineyard Layout: The vineyard is planted on 7-foot rows with 6 feet between vines. The vines are trained on bilateral cordon on a vertical trellis. The trellis has a drip hose wire, a fruiting wire, and two sets of two fruiting wires that vary by block in distance above the fruiting (cordon) wire 12-14 inches and 24-30 inches. Although the end-post and stakes are sufficiently tall, there is not a set of fruiting wires that would typically be found around 36" above the cordon. Many vineyard managers construct the trellis as needed, meaning that they add the drip, fruiting (cordon) and first set of foliage catch wires when the vines are planted, and then add additional wires if needed as the vineyard matures. The fact that this vineyard did not install the typical foliage catch wires at 36" above the cordon, indicates that the vines did not grow sufficiently to warrant the wires, and their consequent expense. Vines with shoots only to the 2nd wire are considered stunted

The qualitative evaluation of each block will be provided in the following parameters:

PV2W Percentage of vine shoots not reaching the second fruiting wire (24 to 30"). The lower the value, the more shoot growth there has been.

PLN Percentage of leaf area with necrosis. The higher the value, the more necrotic leaves there are.

Blocks A1, B5, B4-south, C1, C2, D3 and D4 have been pulled out and are fallow. These blocks were most affected, and vine growth and yields were well below economic profitability.

We have attached a block map and a 2017 EVI (Enhanced Vegetative Index) image of the vineyard, as well as our Electromagnetic scanner evaluation to a depth of 5-feet. The EVI image show the relative photosynthetic capacity of the vines. Those area represented by Blocks A3, B2, B3, and the eastern portion of D2 and D3, show the highest vigor. The areas represented by A1, A2 (young vines in 2016), B4-south, B-5, D3, D4 showed the lowest vigor and a but A2 have been pulled.

The map of the Electromagnetic Scanner (EM) shows patterns across the vineyard very similar to the EVI. Soil sampling has confirmed that those areas where the EM data showed the highest Electrical Conductivity values also have the highest electrical conductivity and salinity. Therefore, the patterns shown across the landscape of the EVI and EM data set have been confirmed by soil analysis.

Findings and Discussion

The photos take of vines in each block are attached in the following pages, along with the percentage of vines shoots not reaching the 2nd wire, and the percentage of leaf area with necrosis.

1. It should be expected that continued use of the high salt content ACRW will continue to accumulate in these soils and render the vineyard area unsuitable for continued vineyard operations in the upcoming years. It is just a matter of time, that the land is sufficiently toxified to kill the remaining vines if they are not pulled out first.
2. We have had two years (2020, and 2021) of lower than average rainfall that has reduced the leaching of salts, and an additional two years of application of water that is unsuitable for the irrigation of winegrapes. Even with near-normal rainfall, there will be inadequate leaching of salts to overcome the current salt load in the soil and the anticipated addition of more salts in the irrigation water that will be required to continue farming this vineyard.
3. These vineyard blocks are 20+ years old and cordon trained. They are also exhibiting fungal disease indicative of Eutypa (and similar canker wood rot diseases) . The symptoms of this disease appear as dead spur positions, dead cordons and eventually vine death. Vine death typically starts to occur once the vines are 20 to 40 years old. Although, some vine death may be occurring due to Eutypa, the cluster of dead vines along the western boundaries of Blocks C3, D1 and D2 are neighboring vines with severe toxic salinity symptoms. Therefore, even though Eutypa is present in this vineyard, it is most certainly not the cause of the majority of vine death in the most salt affected areas.
4. Only Block A3 (young vines) and the western portions of Blocks B2 and B3 showed minor damage.
5. All other blocks showed moderate to severe damage especially the western sides of Blocks C3, D1 and D2. These blocks showed upwards of 60% to 80% necrotic leaf area, and many dead vines.
6. The vines growing in the Green Island Vineyard are showing minor to severe toxicity symptoms from high salinity soils. Only a small portion of the south-central regions of the vineyard (west side of Blocks B2 and B3) are showing minor impact from the salinity. The rest of the blocks including the eastern sides of Blocks B2 and B3 are showing moderate to severe toxic symptoms from high salinity soil. The vines are showing the symptoms of high salts in the soil indicated by short shoot growth and necrotic tissue starting on the leave margins and may affect much of the leaf area. Vines showing 60% to 80% salinity damage are in a death spiral due to the inability to manufacture and store late season carbohydrates for the next season's bud-break. Therefore, increased rate of vine death should be expected, especially in those areas that are currently most severely affected by the high salt damage.
7. The American Canyon Recycled Water (AMCR) that is used to irrigate the vineyard is unsuitable for the irrigation of vineyards, and the salts in that water have been accumulating in the soils for many years. This salt accumulation has degraded the condition of the vineyard and will continue to do so into the future. Due to the proximity of the vineyard to San Pablo Bay it is unlikely that on-site well water would be an improvement over the ACRW.

Conclusion

In conclusion, it is my professional opinion as a result of my analysis of the irrigation water chemistry, soil chemistry and condition of the vineyard that the vineyard is continuing in death spiral and the soils are unsustainable for wine grapes as a result of excessive accumulation of salts in the rootzones of the vines.

Paul R. Anamosa

Paul R. Anamosa, Ph.D.
Soil Scientist & Viticulturist

Block A2

PV2W: 80%
PLN: 40%



Upper Left: Vines with most shoots below 2nd wire.
Upper Right: Readily visible 2nd wire with few shoots touching
Lower Left: Vines with 20% shoots above wire, and 30% to 40% leaf area necrosis.
Lower Right: Outline of white salts evaporation ring around beneath the emitter.

Block A3

PV2W: 60%
PLN: 20%



Left: Notice tape measure draped over netting showing second wire at about 20" above cordon. 60% of shoots below this wire.

Minor leaf damage.



Block A3 had many short shoots, but showed only minor leaf necrosis salinity symptoms.

Block B1

PV2W: 20%
PLN: 30%



Upper Left: This block shows the wire installed at 36" above the cordon. Only 20% of shoots were below the 2nd wire and most were between the second and the third wires.

Upper Right: Showing the impact of the necrosis equally on all of the vines down the rows.

Lower Left: Close up of leaf necrosis (40%) on leaf at 3rd wire.

Lower Right: Vine with nearly 90% necrotic tissue next to vines with 30% necrotic tissue.

Block B2

PV2W: 40%
PLN: 50%



Upper Left: Vines showing marginal leaf necrosis across rows.

Upper Right: Vine with about 60% of shoots above 2nd wire, 30% leaf necrosis.

Lower Left: Down the row showing consistent green leaves and moderate leaf necrosis.

Block B3-1 Pinot Noir

PV2W: 20%

PLN: 20%



Left: Vines with only 20% of shoots less than 24” and about 20% greater than 24”. Leaf necrosis was only about 20%.

Strongest part of vineyard.



Left: More vines with only 20% shoots less than 24” length and many over 24, but all less than 36”

Leaf area necrosis is between 10% and 20%.

Block B3-2 Malbec

PV2W: 60%

PLN: 80%



Left: Vines with short shoots and nearly all leaves necrotic. Some vines in neighboring rows with less necrosis.

Among the worst salinity damage on the vineyard.



Left: Vines far down the rows with 60 to 100% necrotic leaves.

Some of these vines may not make it to next season due to lack of leaves to power carbohydrate storage for next season's bud-break.

Block B3-3 Merlot

PV2W: 20%

PLN: 30%



Left: This block has the 3rd wire at 36".
*0% of wires at or above 26" wire, and 20% at or above 36" wire.

Longer shoot growth, but still 30% of leaf surface area has necrosis.



Left: This portion of B-3-3 Merlot has shorter shoots and 40% to 60% leaf area necrosis.

Block B-4

PV2W: 40%
PLN: 20%



**Left: 40% of short shoot
not above 2nd wire.**

**About 20% to 30% leaf
area necrotic.**



Block C3

PV2W: 40% to 100
PLN: 10% to 100



Left: 40% short shoot not up to 2nd wire at 26", but only about 10% to 20% leave area necrosis. This is from the east side of the blocks

One of the least affected areas.



Upper Left: Vines along the western block boundary at low elevations. Most vines with 80% to 100% necrosis.

Many dead vines from previous season with no leaves (no-budbreak).

Upper Right: Mid-way between east and west block boundary. About 40% to 50% leaf necrosis. Many short shoots.

Block D1

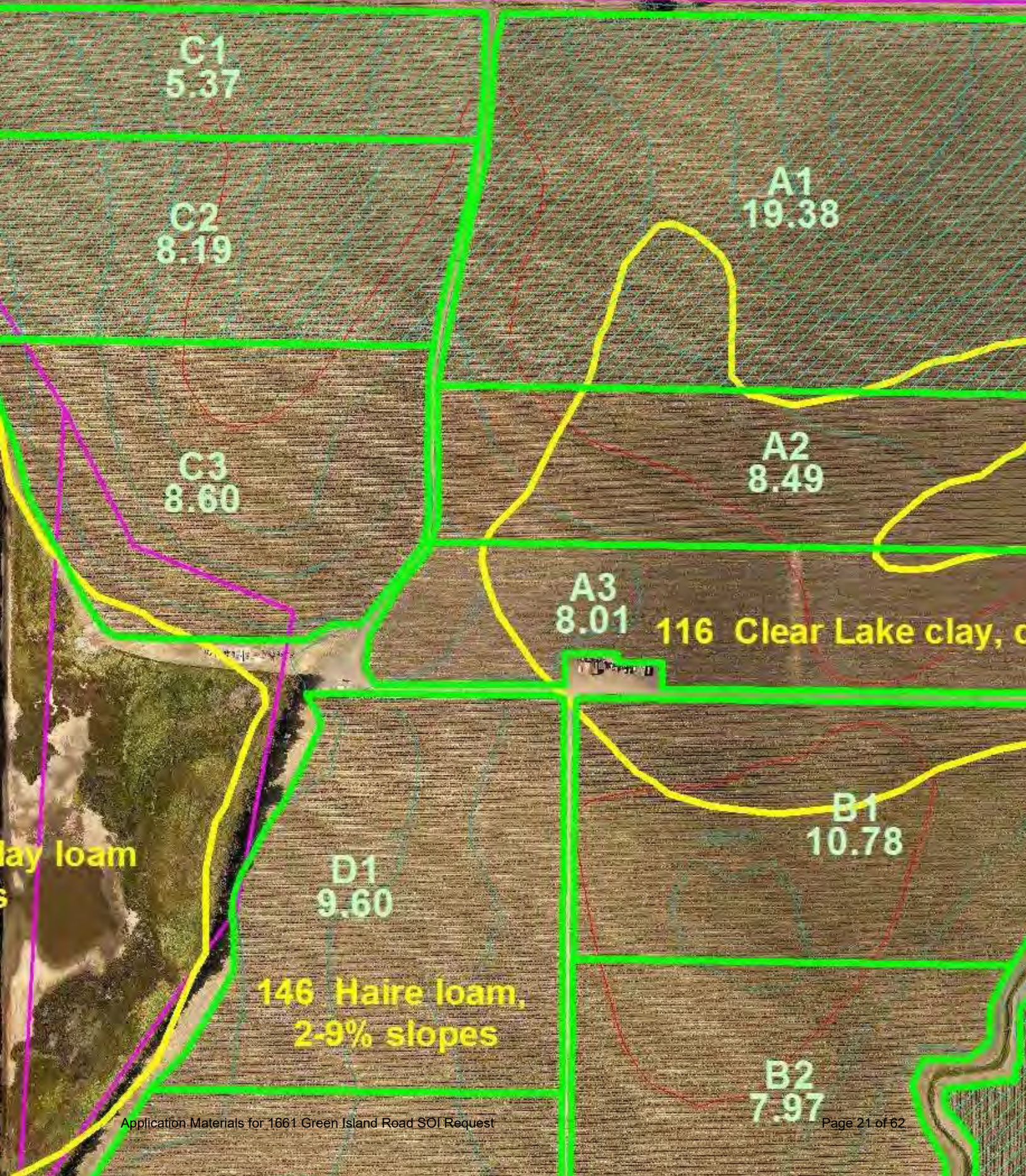
PV2W: 60%
PLN: 20%

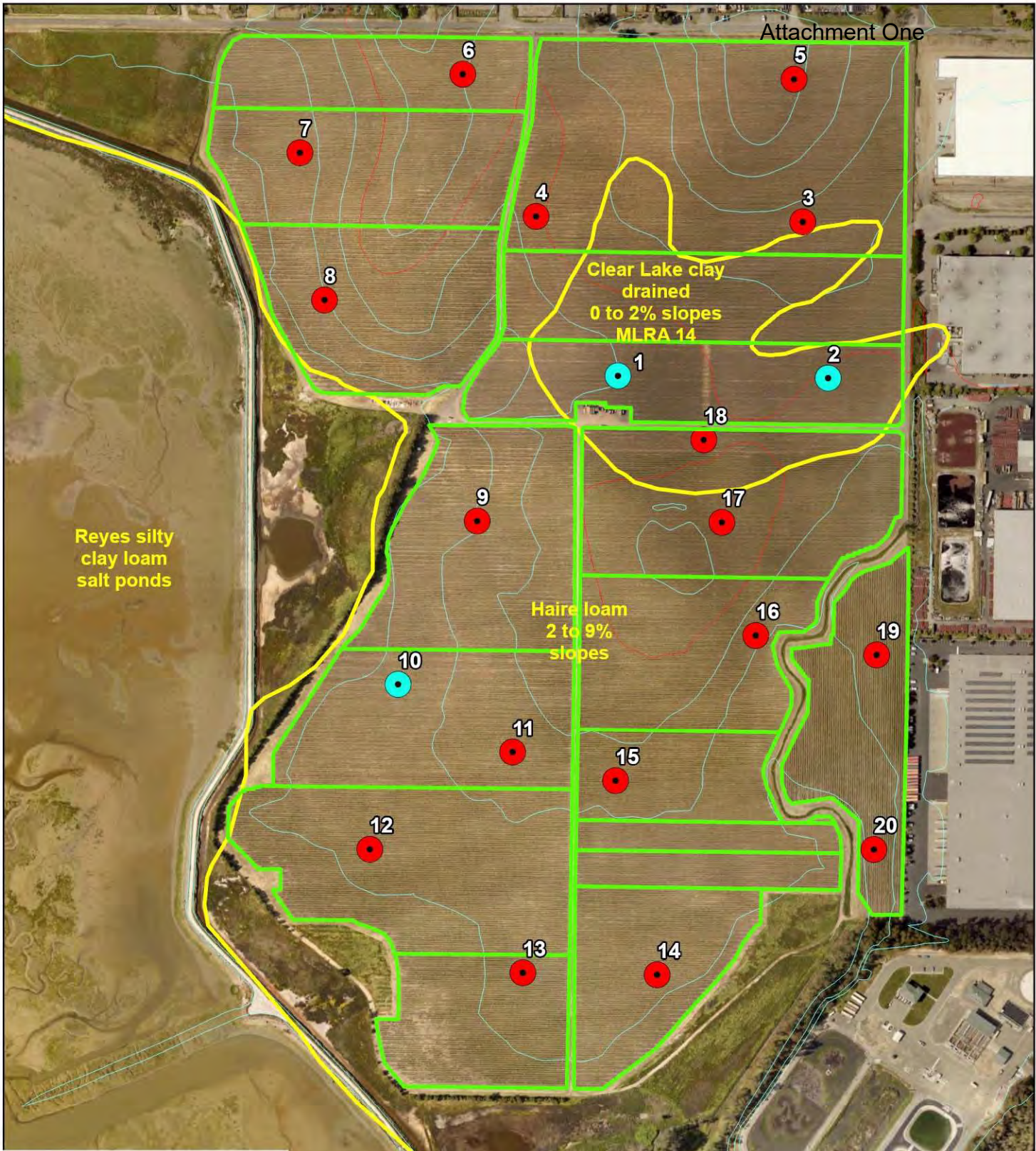


Left: Close up of leaf necrosis with some shoots above 2nd wire.



Left: Most vines with less than 60% of shoots up to 2nd wire. 20% to 30% leaf area necrosis.





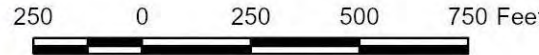
Soil Series by Morphology

- Haire loam
- Clear Lake clay
- Study Area
- Napa County Soil Series

Elevation Contours

— 5 ft.

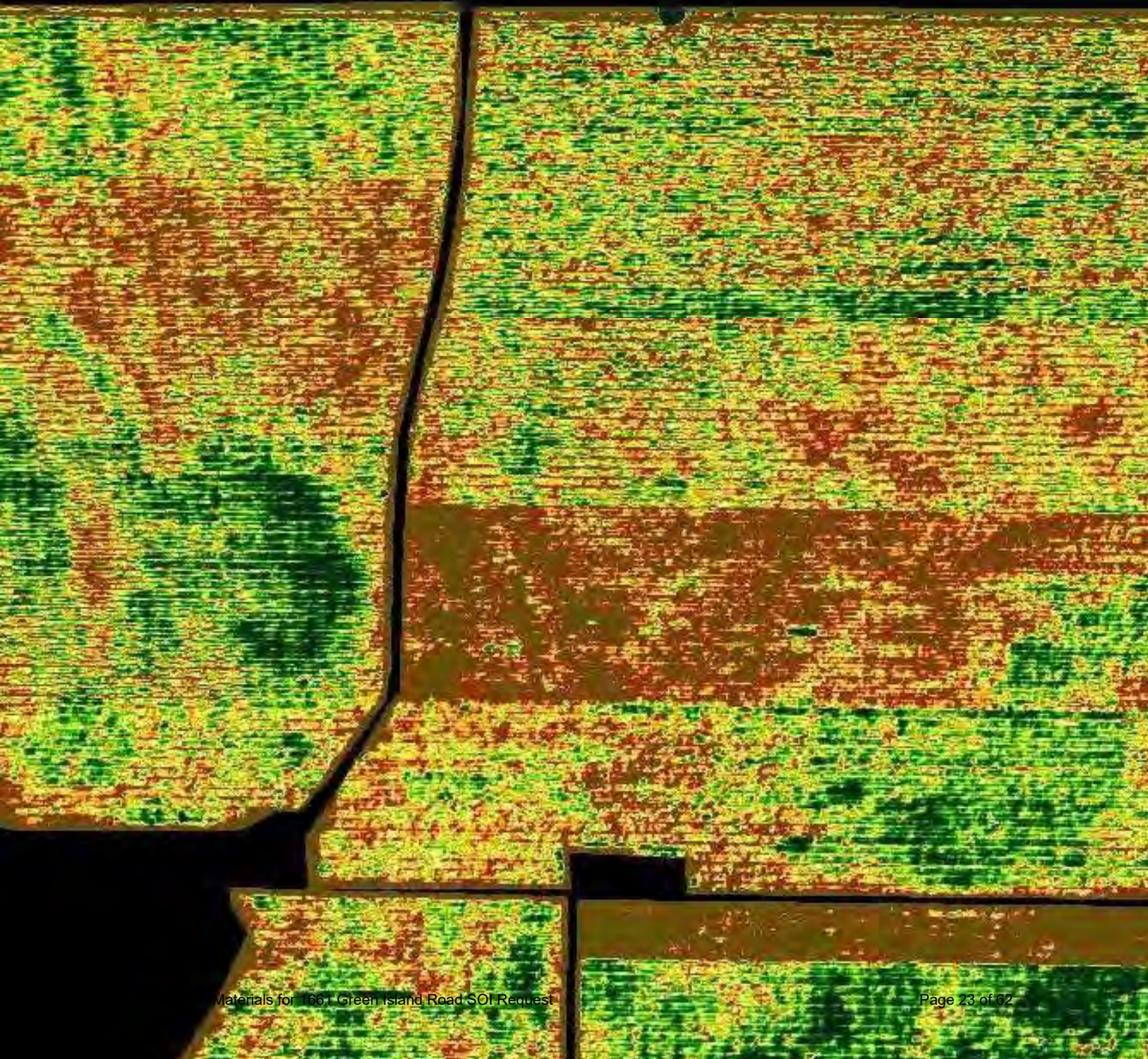
Ed Farver
 Green Island Vineyard
 American Canyon, CA.

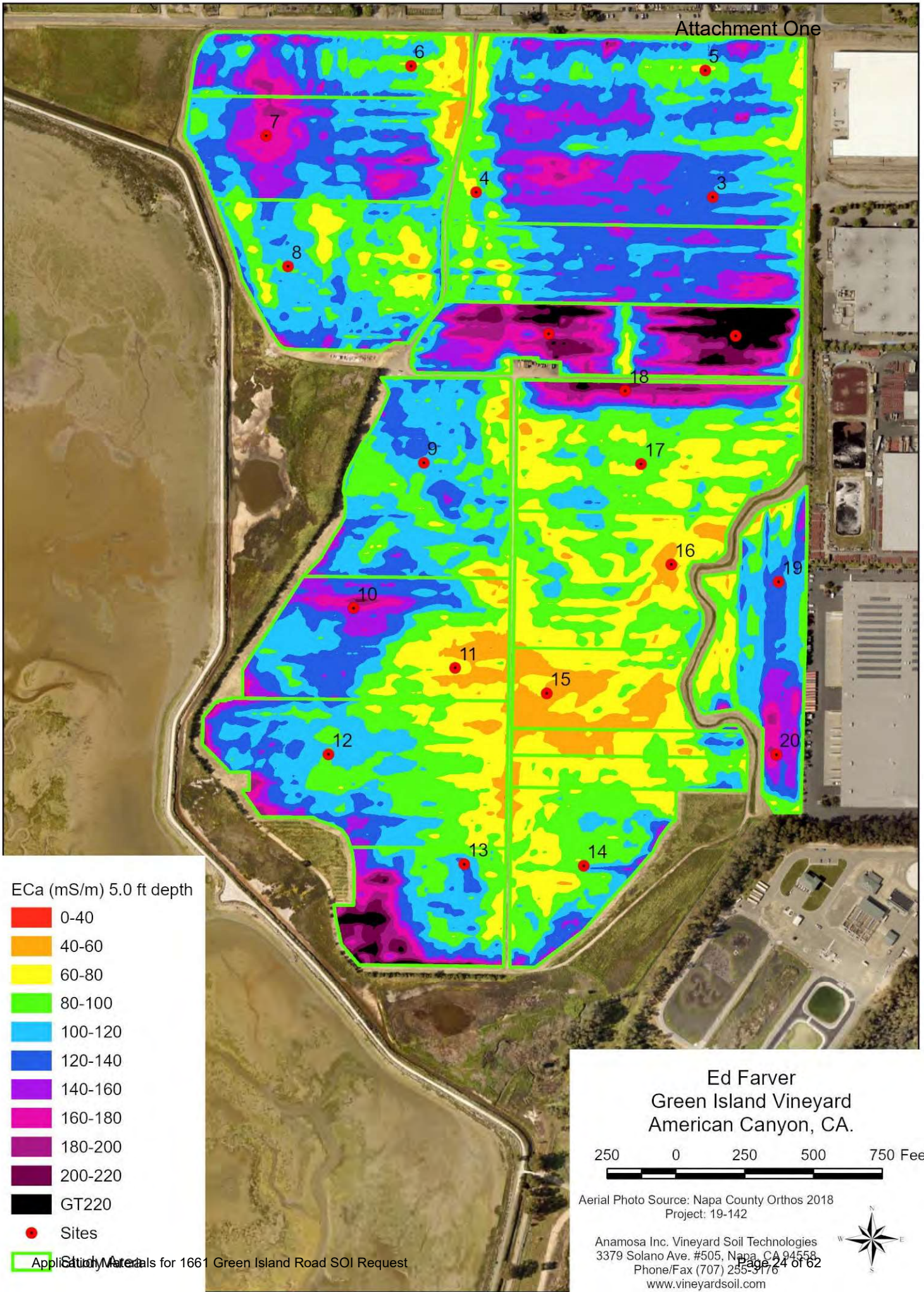


Aerial Photo Source: Napa County Orthos 2018
 Project: 19-142

Anamosa Inc. Vineyard Soil Technologies
 3379 Solano Ave. #505, Napa, CA 94558
 Phone/Fax (707) 255-3176
 www.vineyardsoil.com







ECa (mS/m) 5.0 ft depth

- 0-40
- 40-60
- 60-80
- 80-100
- 100-120
- 120-140
- 140-160
- 160-180
- 180-200
- 200-220
- GT220
- Sites

Application Materials for 1661 Green Island Road SOI Request

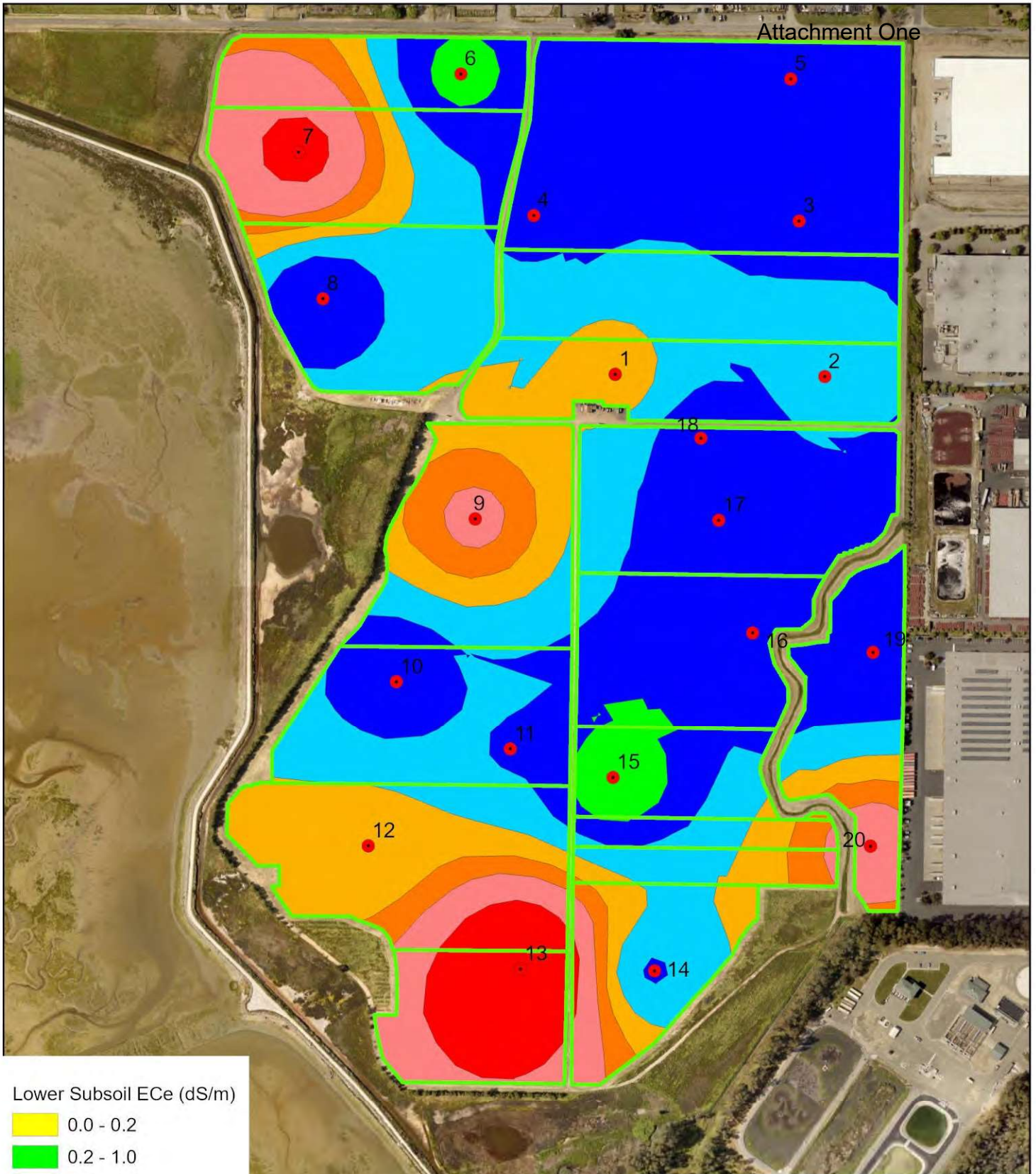
Ed Farver
 Green Island Vineyard
 American Canyon, CA.

250 0 250 500 750 Feet

Aerial Photo Source: Napa County Orthos 2018
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Lower Subsoil ECe (dS/m)

- 0.0 - 0.2
- 0.2 - 1.0
- 1.0 - 1.5
- 1.5 - 2.0
- 2.0 - 2.5
- 2.5 - 3.0
- 3.0 - 4.0
- 4.0 - 8.0

● Sites

□ Study Area

Ed Farver
Green Island Vineyard
American Canyon, CA.

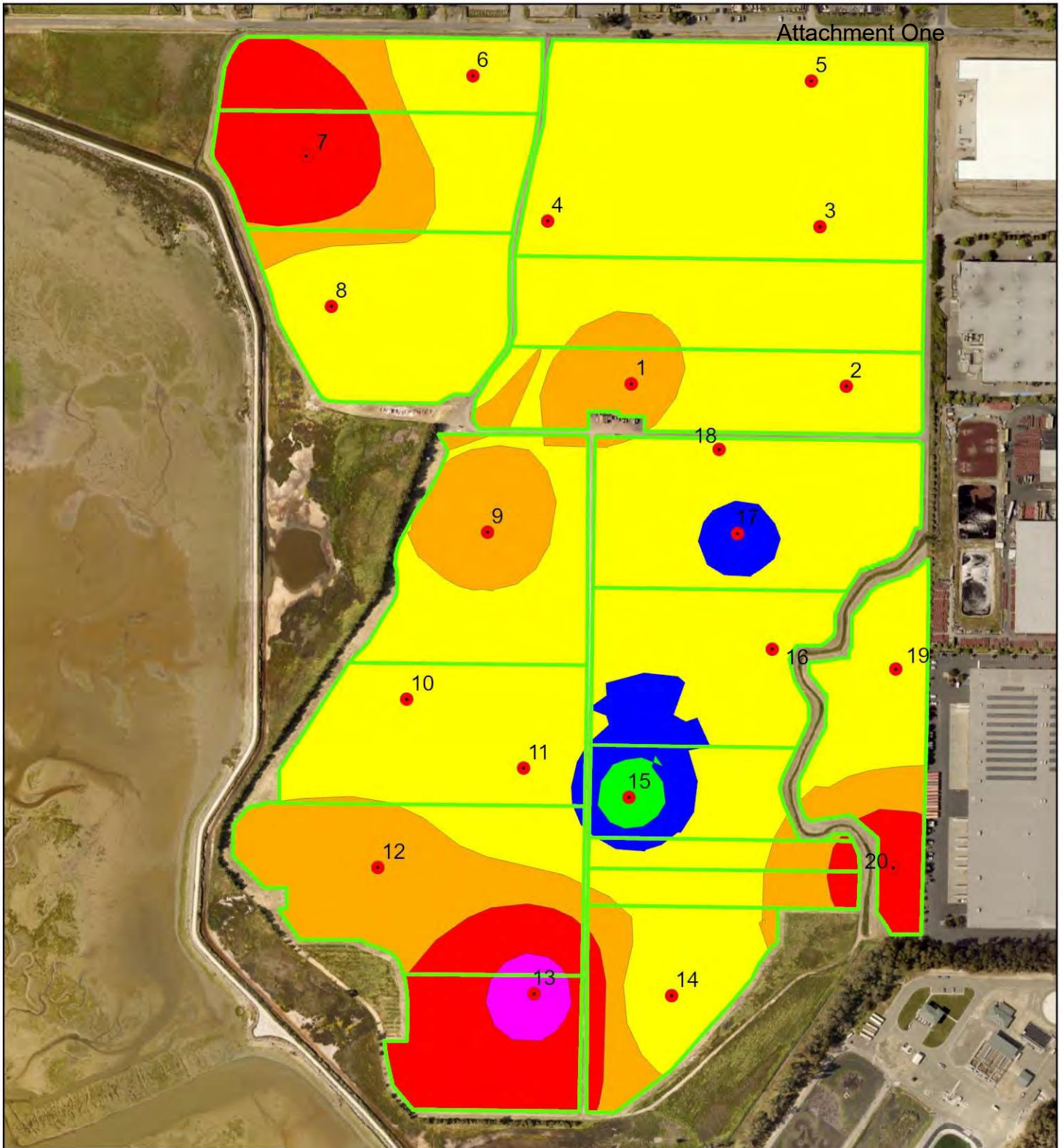
250 0 250 500 750 Feet



Aerial Photo Source: Napa County Orthos 2018
Project: 19-142

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Lower Subsoil Sodium (meq/l)

- 0 - 3
- 3 - 5
- 5 - 10
- 10 - 15
- 15 - 25
- GT 25
- Sites

Study Area Application Materials for 1661 Green Island Road SOI Request

Ed Farver
 Green Island Vineyard
 American Canyon, CA.

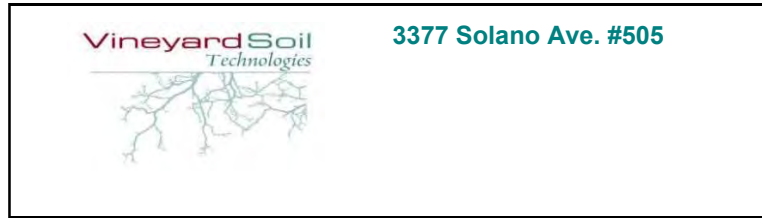
250 0 250 500 750 Feet

Aerial Photo Source: Napa County Orthos 2018
 Project: 19-142

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Appendix Table A4



Date: 23-Aug-2019

For: Vineyard Soil Technologies
 Client: ED FARVER
 Property: GREEN ISLAND VINEYARD
 Project Number: 19-142

Log In #: 398610
 Date Sampled: 9-Aug-2019
 Date Submitted: 14-Aug-2019
 Date Reported: 23-Aug-2019

Report of Soil Analysis

Profile	Layer*	Method > Sample Depth (in)	Saturation Extract											Free Lime	Extractable Nutrients							Extractable Cations					
			S-1.00	S-1.10	S-2.30	S-1.60	S-1.60	S-1.60	Calc.	S-1.50	S-1.70	S-1.40	S-3.10		S-4.10	S-4.20	S-5.10	S-6.10	S-15.10	S-6.10	S-10.10	S-5.10	S-5.10	S-5.10	estm.		
			Sat%	pH	dS/m	meq/l	meq/l	meq/l	meq/l	mg/l	meq/l	meq/l	mg/kg		mg/kg	mg/kg	mg/kg	mg/kg	mg/kg	mg/kg	meq/100g	Ca	Mg	K	Na	H+Al	
1	1E	0	15	64	7.2	0.9	3.7	2.0	3.8	2.2	0.23	3.5	18.2	Med	8.6	55		348	2.7		1.3	36.2	68	27	2.5	3.0	0
1	1M	0	15	67	6.1	0.5	1.7	1.6	1.6	1.3	0.07	2.8		0	5.4	6		169	0.6		2.8	38.6	49	42	1.1	1.7	6
1	2M	15	30	68	6.1	1.0	2.7	3.3	4.6	2.7	0.05	7.7		0	2.3	3		152	0.5		2.5	38.3	42	48	1.0	4.2	5
1	3M	30	44	78	6.3	2.3	5.0	7.2	12.9	5.2	0.02	16.7	6.0	0	4.0	2		153	0.3		2.0	40.0	37	49	1.0	8.7	4
2	1E	0	15	66	7.1	1.1	4.8	3.0	4.2	2.1	0.26	5.7	2.2	Low	5.3	27		207	2.0		1.4	35.9	64	32	1.5	3.1	0
2	1M	0	15	61	6.1	0.6	2.4	2.1	1.9	1.3	0.05	4.4		0	3.2	4		154	0.4		2.3	37.2	53	39	1.1	1.6	5
2	2M	15	30	64	6.4	0.8	2.4	2.2	3.7	2.4	0.03	5.4		0	3.6	2		154	0.3		2.2	37.1	49	42	1.1	3.5	4
2	3M	30	43	68	6.5	1.7	4.3	4.4	8.7	4.1	0.02	11.1	4.3	0	3.4	2		150	0.3		1.8	35.9	48	44	1.1	6.6	0
3	1E	0	17	41	7.0	1.1	7.4	1.6	3.3	1.6	0.26	7.4	1.5	Low	4.6	12		200	1.2		0.6	13.5	82	12	3.8	2.6	0
3	1M	0	17	39	6.8	0.6	4.2	0.9	0.9	0.5	0.12	3.5		0	3.0	9		154	1.0		0.7	12.9	85	11	3.1	0.9	0
3	2M	17	29	72	5.7	0.9	3.6	2.4	3.3	1.9	0.03	7.7		0	1.6	2	3	163	0.3		0.5	29.1	56	32	1.4	2.9	8
3	3M	29	40	66	5.2	1.5	5.2	4.4	6.5	3.0	0.02	12.2	2.4	0	1.5	1	2	155	0.2		0.7	29.4	50	36	1.3	4.6	7
4	1E	0	15	42	6.8	1.2	4.2	2.1	6.6	3.7	0.41	7.5	2.5	Low	1.9	25		171	1.9		0.8	13.8	68	22	3.2	6.2	0
4	1M	0	15	38	6.1	0.6	2.7	1.5	2.1	1.4	0.18	3.5		0	4.2	8		120	1.1		1.2	12.2	59	22	2.5	2.2	14
4	2M	15	29	43	5.3	0.6	1.8	1.5	2.5	2.0	0.11	3.9		0	1.3	3	3	70	0.2		0.8	12.0	45	31	1.5	3.4	18
4	3M	29	40	85	4.2	1.3	2.4	3.0	7.5	4.6	0.03	7.4	4.5	0	1.0	2	2	140	0.4	283	4.0	35.1	30	43	1.0	7.5	19
5	1E	0	25	38	7.3	0.6	3.6	1.1	2.0	1.3	0.18	2.7		Low	2.3	37		245	3.1		1.2	14.1	80	13	4.5	1.8	0
5	1M	0	25	36	6.7	0.5	2.8	1.2	1.4	1.0	0.08	2.7		0	2.3	6		70	0.6		1.7	12.9	78	19	1.4	1.6	0
5	2M	25	35	69	5.7	0.8	2.2	1.9	4.2	3.0	0.02	6.4		0	1.4	2	4	148	0.3		2.4	30.6	49	37	1.2	4.5	8
5	3M	35	43	49	5.5	1.0	2.4	2.2	5.5	3.6	0.02	7.0	1.9	0	1.6	2	2	106	0.2		1.7	29.9	48	38	0.9	5.3	7
6	1E	0	20	38	7.4	1.2	5.2	1.8	5.0	2.6	0.31	5.9	2.2	Med	5.3	65		338	7.9		1.0	14.3	75	15	6.0	3.7	0
6	1M	0	20	35	6.2	0.6	2.6	1.4	2.3	1.6	0.18	3.5		0	3.7	7		72	1.5		2.3	12.2	63	21	1.5	2.5	13
6	2M	20	36	62	5.8	1.0	1.7	1.7	6.0	4.7	0.08	6.1		0	1.4	2	3	142	0.3		1.7	31.9	45	40	1.1	6.4	8
6	3M	36	52	38	5.7	0.8	1.4	1.4	5.1	4.4	0.04	4.3		0	1.7	1	1	69	0.2		1.1	27.3	47	41	0.6	5.6	6
7	1E	0	19	38	7.4	1.2	6.5	1.6	4.7	2.3	0.35	6.2	2.6	High	2.1	33		142	3.5		0.5	13.2	81	13	2.8	3.5	0
7	1M	0	19	40	6.4	1.5	10.5	3.2	5.0	1.9	0.28	13.4	1.8	0	2.3	10		81	1.8		1.0	13.6	73	14	1.5	3.2	8
7	2M	19	29	78	5.1	2.4	6.3	6.9	12.5	4.9	0.05	15.6	8.4	0	1.6	1	2	150	0.5		0.5	35.7	40	41	1.1	8.6	9
7	3M	29	42	84	4.9	4.3	12.6	16.9	22.8	5.9	0.02	30.5		0	1.2	1	1	153	0.4	30	0.4	43.5	38	43	0.9	11.1	8

Appendix Table A4

DATA PROCESSED BY WINE^{SOIL}.COM - VITICULTURAL SOIL AND WATER TECHNOLOGIES

VineyardSoil
Technologies



**3377 Solano Ave. #505
Napa, CA 94558**

ph/fax: (707)255-3176

www.VineyardSoil.com

Appendix Table A4 - 1

Appendix Table A4



Date: 23-Aug-2019

For: Vineyard Soil Technologies
 Client: ED FARVER
 Property: GREEN ISLAND VINEYARD
 Project Number: 19-142

Log In #: 398610
 Date Sampled: 9-Aug-2019
 Date Submitted: 14-Aug-2019
 Date Reported: 23-Aug-2019

Report of Soil Analysis

Profile	Layer*	Method > Sample Depth (in)	Saturation Extract											Free Lime	Extractable Nutrients							Extractable Cations				
			S-1.00	S-1.10	S-2.30	S-1.60	S-1.60	S-1.60	Calc.	S-1.50	S-1.70	S-1.40	S-3.10		S-4.10	S-4.20	S-5.10	S-6.10	S-15.10	S-6.10	S-10.10	S-5.10	S-5.10	S-5.10	estm.	
			Sat%	pH	dS/m	meq/l	meq/l	meq/l	meq/l	mg/l	meq/l	meq/l	mg/kg		mg/kg	mg/kg	mg/kg	mg/kg	mg/kg	mg/kg	meq/100g	Ca	Percentage of Mg	K	CEC	H+Al
1	1E	0 15	64	7.2	0.9	3.7	2.0	3.8	2.2	0.23	3.5	18.2	Med	8.6	55		348	2.7	1.3	36.2	68	27	2.5	3.0	0	
1	1M	0 15	67	6.1	0.5	1.7	1.6	1.6	1.3	0.07	2.8		0	5.4	6		169	0.6	2.8	38.6	49	42	1.1	1.7	6	
1	2M	15 30	68	6.1	1.0	2.7	3.3	4.6	2.7	0.05	7.7		0	2.3	3		152	0.5	2.5	38.3	42	48	1.0	4.2	5	
1	3M	30 44	78	6.3	2.3	5.0	7.2	12.9	5.2	0.02	16.7	6.0	0	4.0	2		153	0.3	2.0	40.0	37	49	1.0	8.7	4	
2	1E	0 15	66	7.1	1.1	4.8	3.0	4.2	2.1	0.26	5.7	2.2	Low	5.3	27		207	2.0	1.4	35.9	64	32	1.5	3.1	0	
2	1M	0 15	61	6.1	0.6	2.4	2.1	1.9	1.3	0.05	4.4		0	3.2	4		154	0.4	2.3	37.2	53	39	1.1	1.6	5	
2	2M	15 30	64	6.4	0.8	2.4	2.2	3.7	2.4	0.03	5.4		0	3.6	2		154	0.3	2.2	37.1	49	42	1.1	3.5	4	
2	3M	30 43	68	6.5	1.7	4.3	4.4	8.7	4.1	0.02	11.1	4.3	0	3.4	2		150	0.3	1.8	35.0	48	44	1.1	6.6	0	
3	1E	0 17	41	7.0	1.1	7.4	1.6	3.3	1.6	0.26	7.4	1.5	Low	4.6	12		200	1.2	0.6	13.5	82	12	3.8	2.6	0	
3	1M	0 17	39	6.8	0.6	4.2	0.9	0.9	0.5	0.12	3.5		0	3.0	9		154	1.0	0.7	12.9	85	11	3.1	0.9	0	
3	2M	17 29	72	5.7	0.9	3.6	2.4	3.3	1.9	0.03	7.7		0	1.6	2	3	163	0.3	0.5	29.1	56	32	1.4	2.9	8	
3	3M	29 40	66	5.2	1.5	5.2	4.4	6.5	3.0	0.02	12.2	2.4	0	1.5	1	2	155	0.2	0.7	29.4	50	36	1.3	4.6	7	
4	1E	0 15	42	6.8	1.2	4.2	2.1	6.6	3.7	0.41	7.5	2.5	Low	1.9	25		171	1.9	0.8	13.8	68	22	3.2	6.2	0	
4	1M	0 15	38	6.1	0.6	2.7	1.5	2.1	1.4	0.18	3.5		0	4.2	8		120	1.1	1.2	12.2	59	22	2.5	2.2	14	
4	2M	15 29	43	5.3	0.6	1.8	1.5	2.5	2.0	0.11	3.9		0	1.3	3	3	70	0.2	0.8	12.0	45	31	1.5	3.4	18	
4	3M	29 40	85	4.2	1.3	2.4	3.0	7.5	4.6	0.03	7.4	4.5	0	1.0	2	2	140	0.4	283	4.0	35.1	30	43	1.0	7.5	19
5	1E	0 25	38	7.3	0.6	3.6	1.1	2.0	1.3	0.18	2.7		Low	2.3	37		245	3.1	1.2	14.1	80	13	4.5	1.8	0	
5	1M	0 25	36	6.7	0.5	2.8	1.2	1.4	1.0	0.08	2.7		0	2.3	6		70	0.6	1.7	12.9	78	19	1.4	1.6	0	
5	2M	25 35	69	5.7	0.8	2.2	1.9	4.2	3.0	0.02	6.4		0	1.4	2	4	148	0.3	2.4	30.6	49	37	1.2	4.5	8	
5	3M	35 43	49	5.5	1.0	2.4	2.2	5.5	3.6	0.02	7.0	1.9	0	1.6	2	2	106	0.2	1.7	29.9	48	38	0.9	5.3	7	
6	1E	0 20	38	7.4	1.2	5.2	1.8	5.0	2.6	0.31	5.9	2.2	Med	5.3	65		338	7.9	1.0	14.3	75	15	6.0	3.7	0	
6	1M	0 20	35	6.2	0.6	2.6	1.4	2.3	1.6	0.18	3.5		0	3.7	7		72	1.5	2.3	12.2	63	21	1.5	2.5	13	
6	2M	20 36	62	5.8	1.0	1.7	1.7	6.0	4.7	0.08	6.1		0	1.4	2	3	142	0.3	1.7	31.9	45	40	1.1	6.4	8	
6	3M	36 52	38	5.7	0.8	1.4	1.4	5.1	4.4	0.04	4.3		0	1.7	1	1	69	0.2	1.1	27.3	47	41	0.6	5.6	6	
7	1E	0 19	38	7.4	1.2	6.5	1.6	4.7	2.3	0.35	6.2	2.6	High	2.1	33		142	3.5	0.5	13.2	81	13	2.8	3.5	0	
7	1M	0 19	40	6.4	1.5	10.5	3.2	5.0	1.9	0.28	13.4	1.8	0	2.3	10		81	1.8	1.0	13.6	73	14	1.5	3.2	8	
7	2M	19 29	78	5.1	2.4	6.3	6.9	12.5	4.9	0.05	15.6	8.4	0	1.6	1	2	150	0.5	0.5	35.7	40	41	1.1	8.6	9	
7	3M	29 42	84	4.9	4.3	12.6	16.9	22.8	5.9	0.02	30.5		0	1.2	1	1	153	0.4	30	0.4	43.5	38	43	0.9	11.1	8

Appendix Table A4

DATA PROCESSED BY WINE^{SOIL}.COM - VITICULTURAL SOIL AND WATER TECHNOLOGIES

VineyardSoil
Technologies



**3377 Solano Ave. #505
Napa, CA 94558**

ph/fax: (707)255-3176

www.VineyardSoil.com

Appendix Table A4 - 1

Appendix Table A4

Date 23-Aug-2019

For Vineyard Soil Technologies

Client ED FARVER

Property GREEN ISLAND VINEYARD

Project Number 19-142



3377 Solano Ave. #505
Napa, CA 94558

ph/fax: (707)255-3176

www.VineyardSoil.com

Log In # 398610

Date Sampled 9-Aug-19

Date Submitted 14-Aug-19

Date Reported 23-Aug-19

Report of Soil Analysis

Profile	Layer*	Sample Depth (in)		Extractable Cations									%		tons/acre-ft			PARTICLE SIZE ANALYSIS				tons/acre per layer depth			
				S-5.10	S-5.10	S-5.10	S-5.10	estm.	S-6.10	S-6.10	S-6.10	S-9.10	Organic Matter	Active Lime	S2.50 Lime Req.		Gypsum Req. Ca to 60% of CEC	% Sand	% Silt	% Clay	Classification	Lime (pH6)	Gypsum (60%)		
				mg/kg	mg/kg	mg/kg	mg/kg	mg/kg	mg/kg	mg/kg	mg/kg	mg/kg			(pH 5.5)	(pH 6.0)									
1	1E	0	15	4934	1172	348	253	0	4.4	30	2.4	2.6	1												
1	1M	0	15	3823	1971	169	149	22	5.8	56	2.9	1.6				6.8									8.4
1	2M	15	30	3188	2238	152	367	20	4.9	48	2.6	1.2				11.8									14.7
1	3M	30	44	2989	2367	153	805	18	3.3	33	2.4	0.9				15.2	15	29	56	Clay				17.7	
2	1E	0	15	4591	1376	207	253	0	5.5	28	2.4	2.4	1												
2	1M	0	15	3934	1771	154	140	20	4.6	40	2.6	1.4				4.5	15	33	52	Clay				5.5	
2	2M	15	30	3637	1916	154	295	15	4.9	34	2.5	1.2				6.9									8.6
2	3M	30	43	3468	1926	150	541	0	3.6	32	2.4	1.1				7.1									7.6
3	1E	0	17	2207	192	200	81	0	6.4	27	1.3	2.1	0												
3	1M	0	17	2201	172	154	28	0	6.7	32	1.4	2.1													
3	2M	17	29	3246	1150	163	196	22	4.5	32	1.4	0.7			0.5	2.1	19	33	48	Clay			0.5	2.1	
3	3M	29	40	2965	1294	155	311	22	7.6	43	2.1	0.7			0.6	4.7									4.3
4	1E	0	15	1889	373	171	198	0	8.6	30	1.0	1.9	1												
4	1M	0	15	1439	321	120	61	18	16.3	37	1.2	1.7				0.2									0.2
4	2M	15	29	1086	458	70	95	22	9.0	25	0.7	0.6			0.4	3.0	39	37	24	Loam			0.5	3.4	
4	3M	29	40	2120	1818	140	609	66	25.2	69	1.6	0.6			5.1	17.5									16.1
5	1E	0	25	2268	228	245	58	0	5.2	25	0.7	2.2	0												
5	1M	0	25	2019	300	70	49	0	5.6	29	0.8	2.0													
5	2M	25	35	3003	1389	148	313	24	0.4	42	1.0	0.8			0.5	5.6	29	27	44	Clay			0.4	4.7	
5	3M	35	43	2895	1389	106	363	22	3.9	24	0.5	0.3			0.0	5.9									3.9
6	1E	0	20	2158	259	338	123	0	6.8	29	0.8	2.3	3												
6	1M	0	20	1534	310	72	70	15	9.4	61	1.0	2.0													
6	2M	20	36	2883	1547	142	470	24	0.5	35	0.8	0.7			0.3	8.0									0.3
6	3M	36	52	2563	1375	69	349	15	1.6	14	0.3	0.4			0.0	6.0	53	25	22	Sandy Clay Loam			0.0	8.0	
7	1E	0	19	2135	205	142	107	0	5.3	33	1.1	1.8	2												
7	1M	0	19	1980	236	81	101	11	9.7	46	1.2	2.4													
7	2M	19	29	2865	1784	150	703	33	3.8	51	1.2	0.8			1.0	11.9	21	27	52	Clay			0.8	9.9	
7	3M	29	42	3286	2262	153	1109	33	5.3	54	1.4	0.5			0.9	16.2									17.6

Appendix Table A4

Date 23-Aug-2019



3377 Solano Ave. #505
Napa, CA 94558
ph/fax: (707)255-3176
www.VineyardSoil.com

Log In # 398610
Date Sampled 9-Aug-2019
Date Submitted 14-Aug-2019
Date Reported 23-Aug-2019

For Vineyard Soil Technologies
Client ED FARVER
Property GREEN ISLAND VINEYARD
Project Number 19-142

Report of Soil Analysis

Profile	Layer*	Method > Sample Depth (in)	Saturation Extract											Extractable Nutrients								Extractable Cations					estm.
			S-1.00	S-1.10	S-2.30	S-1.60	S-1.60	S-1.60	Calc.	S-1.50	S-1.70	S-1.40	Free Lime	S-3.10	S-4.10	S-4.20	S-5.10	S-6.10	S-15.10	S-6.10	S-10.10	S-5.10	S-5.10	S-5.10	CEC		
			Sat%	pH	dS/m	meq/l	meq/l	meq/l		mg/l	meq/l	meq/l		mg/kg	mg/kg	mg/kg	mg/kg	mg/kg	mg/kg	mg/kg	meq/100g	Percentage of	Percentage of	Percentage of	H+Al		
8	1E	0	17	37	7.2	0.7	4.0	1.5	2.4	1.5	0.24	2.8		Low	2.9	21		166	1.6		0.8	14.2	77	17	3.0	2.5	0
8	1M	0	17	45	7.0	0.9	5.7	2.1	2.0	1.0	0.19	5.0		Low	4.8	16		141	1.8		1.1	16.0	77	19	2.2	1.7	0
8	2M	17	28	69	5.3	1.2	3.5	3.7	5.1	2.7	0.04	8.9	2.2	0	1.2	3	5	128	0.2		1.0	25.7	42	40	1.3	4.4	12
8	3M	28	39	37	5.1	1.0	2.5	2.4	5.4	3.5	0.04	6.6	2.5	0	1.4	1	2	74	0.2		0.5	18.3	41	41	1.0	6.1	11
9	1E	0	17	41	7.3	1.0	6.0	1.7	2.5	1.3	0.19	5.7		Med	4.7	53		272	5.2		0.7	15.1	79	14	4.6	2.0	0
9	1M	0	17	40	6.8	0.6	4.5	0.9	1.3	0.8	0.18	3.9		0	2.3	8		160	1.1		1.0	12.6	85	10	3.3	1.4	0
9	2M	17	28	65	5.4	1.4	5.5	4.1	5.4	2.5	0.08	11.2	2.4	0	1.5	2	3	206	0.2		1.5	29.8	52	33	1.8	3.8	10
9	3M	28	40	77	4.9	3.2	12.9	14.2	12.3	3.3	0.04	25.5	10.6	0	1.4	2	1	201	0.4	37	2.6	42.7	44	40	1.2	5.4	9
10	1E	0	18	54	7.2	1.1	6.5	2.2	3.5	1.7	0.20	7.3	0.8	High	5.7	49		443	2.4		0.7	27.0	73	20	4.2	2.6	0
10	1M	0	18	58	7.0	0.8	5.7	2.1	1.2	0.6	0.10	4.9		Low	4.2	36		293	2.4		1.1	28.1	75	22	2.7	0.9	0
10	2M	18	28	60	5.8	1.2	4.2	3.5	4.5	2.3	0.06	8.9	2.0	0	2.1	3	4	136	0.5		2.1	29.5	50	38	1.2	3.4	7
10	3M	28	44	65	6.1	1.1	2.8	2.6	5.1	3.1	0.03	7.7	1.8	0	1.5	2		144	0.3		2.1	30.9	47	41	1.2	5.0	6
11	1E	0	16	41	7.0	2.0	21.1	2.7	1.0	0.3	0.24	17.6	0.6	High	18.0	79		258	9.1		0.8	12.1	88	6	5.5	0.6	0
11	1M	0	16	39	7.3	0.6	5.0	0.8	0.4	0.3	0.12	2.7		Low	3.4	14		106	1.5		0.6	10.1	89	8	2.7	0.5	0
11	2M	16	27	36	6.7	0.4	1.9	0.7	1.3	1.2	0.09	2.5		0	1.5	4		40	0.1		0.5	6.8	79	17	1.5	2.5	0
11	3M	27	41	61	5.5	1.5	6.1	4.7	5.4	2.3	0.02	12.9	1.9	0	1.2	1	2	133	0.2		1.0	24.7	51	34	1.4	4.0	9
12	1E	0	17	36	7.6	1.0	4.3	1.2	2.3	1.4	0.17	5.9		Med	2.2	58		468	6.2		0.2	10.0	75	11	12.0	1.9	0
12	1M	0	17	31	6.0	0.6	3.7	1.2	0.7	0.4	0.20	3.9		0	2.1	7	11	75	0.7		0.3	7.3	66	13	2.6	1.0	18
12	2M	17	27	64	5.0	1.1	5.2	3.1	4.0	1.9	0.10	9.5	1.3	0	1.5	1	2	133	0.6	23	1.1	23.7	53	28	1.4	3.8	13
12	3M	27	36	64	5.3	2.2	6.0	5.4	12.2	5.1	0.06	17.2	5.1	0	1.4	1	1	93	0.4		0.3	21.9	43	35	1.1	10.0	11
13	1E	0	17	34	7.3	1.0	5.9	1.3	2.5	1.3	0.22	6.1		Med	1.7	45		213	3.9		0.3	8.4	81	11	6.5	2.3	0
13	1M	0	17	34	6.9	0.7	5.0	1.6	0.9	0.5	0.18	4.3		0	3.5	11		51	1.1		0.4	8.2	81	16	1.6	1.2	0
13	2M	17	28	33	5.8	2.6	8.8	4.4	13.4	5.2	0.03	13.0	11.6	0	1.3	3	4	37	0.1		0.5	8.3	53	21	1.1	11.4	13
13	3M	28	43	69	5.6	6.3	25.0	23.5	29.7	6.0	0.02	39.2	32.8	0	2.4	2	3	108	0.3		0.2	28.8	45	35	1.0	12.7	7
14	1E	0	14	30	7.6	1.4	4.7	1.2	6.1	3.5	0.30	8.0	2.2	High	2.8	58		399	5.0		0.3	7.9	72	9	12.9	5.2	0
14	1M	0	14	33	6.8	1.4	14.0	2.8	0.7	0.2	0.14	13.9	0.3	0	3.9	7		74	0.7		0.2	6.8	85	11	2.8	1.0	0
14	2M	14	25	28	7.0	0.4	2.5	0.5	1.0	0.8	0.06	2.3		0	1.5	5		46	0.1		0.2	5.3	88	8	2.2	1.8	0
14	3M	25	40	55	5.5	1.5	5.9	5.0	5.1	2.2	0.02	11.4	2.7	0	4.1	1	2	86	0.3		0.4	16.3	49	36	1.3	4.3	9

DATA PROCESSED BY WINE SOIL™ .COM - VITICULTURAL SOIL AND WATER TECHNOLOGIES

Appendix Table A4 - 3

Appendix Table A4

Date: 23-Aug-2019
 For: Vineyard Soil Technologies
 Client: ED FARVER
 Property: GREEN ISLAND VINEYARD
 Project Number: 19-142



3377 Solano Ave. #505
Napa, CA 94558
ph/fax: (707)255-3176
www.VineyardSoil.com

Log In #: 398610
 Date Sampled: 9-Aug-19
 Date Submitted: 14-Aug-19
 Date Reported: 23-Aug-19

Report of Soil Analysis

Profile	Layer*	Sample Depth (in)		Extractable Cations									%		tons/acre-ft			PARTICLE SIZE ANALYSIS				tons/acre per layer depth		
				S-5.10	S-5.10	S-5.10	S-5.10	estm.	S-6.10	S-6.10	S-6.10	S-9.10	Organic Matter	Active Lime	S2.50 Lime Req.		Gypsum Req. Ca to 60% of CEC	% Sand	% Silt	% Clay	Classification	Lime (pH6)	Gypsum (60%)	
				mg/kg	mg/kg	mg/kg	mg/kg	mg/kg	mg/kg	mg/kg	mg/kg	mg/kg			(pH 5.5)	(pH 6.0)								
8	1E	0	17	2203	294	166	83	0	5.2	19	0.8	1.6	1											
8	1M	0	17	2473	374	141	61	0	8.2	34	1.2	2.5	2											
8	2M	17	28	2173	1255	128	262	31	1.2	47	0.7	1.0			1.0	7.7							0.9	7.0
8	3M	28	39	1509	909	74	255	20	0.5	24	0.7	0.3			0.0	5.7	47	33	20	Loam	0.0	5.3		
9	1E	0	17	2401	256	272	68	0	5.1	35	1.3	1.8	3											
9	1M	0	17	2142	158	160	41	0	6.3	40	1.4	1.9					35	45	20	Loam				
9	2M	17	28	3096	1192	206	262	29	6.6	39	1.5	0.9			0.8	4.0							0.7	3.7
9	3M	28	40	3799	2086	201	528	37	13.0	64	2.3	0.6			0.9	11.1							0.9	11.1
10	1E	0	18	3938	665	443	162	0	5.1	29	2.1	1.9	1											
10	1M	0	18	4189	749	293	56	0	4.4	35	2.0	3.1	0				23	37	40	Clay				
10	2M	18	28	2954	1363	136	232	22	4.7	37	2.2	1.1			0.0	4.9							0.0	4.1
10	3M	28	44	2894	1557	144	355	18	3.4	25	1.9	0.7				6.9								9.1
11	1E	0	16	2123	94	258	18	0	17.9	23	1.4	2.4	1											
11	1M	0	16	1806	98	106	12	0	6.8	28	1.3	2.0	0											
11	2M	16	27	1064	143	40	39	0	2.3	16	1.0	0.7					45	43	12	Loam				
11	3M	27	41	2547	1033	133	230	22	4.9	24	0.6	0.5			0.5	3.6							0.6	4.2
12	1E	0	17	1503	133	468	44	0	5.2	41	1.3	1.4	2											
12	1M	0	17	954	112	75	16	13	7.8	40	1.6	1.2			0.0		49	37	14	Loam	0.0			
12	2M	17	27	2531	821	133	205	31	8.8	43	1.2	1.0			1.0	2.6							0.8	2.2
12	3M	27	36	1899	919	93	502	24	0.9	44	1.2	0.7			0.4	6.1							0.3	4.6
13	1E	0	17	1366	108	213	44	0	4.0	38	1.2	2.0	1											
13	1M	0	17	1338	161	51	22	0	6.8	38	1.5	1.5												
13	2M	17	28	879	212	37	216	11	3.9	22	1.2	0.7			0.0	1.0	47	37	16	Loam	0.0	0.9		
13	3M	28	43	2595	1213	108	843	20	0.2	30	1.0	0.7			0.0	7.3							0.0	9.1
14	1E	0	14	1148	91	399	94	0	5.6	19	1.4	1.1	1											
14	1M	0	14	1162	91	74	15	0	4.2	22	1.4	1.3												
14	2M	14	25	928	51	46	22	0	2.3	10	1.1	0.7												
14	3M	25	40	1596	714	86	162	15	0.4	25	0.4	0.6			0.0	3.0	45	23	32	Clay Loam	0.0	3.8		

Appendix Table A4

Date: 23-Aug-2019

For: Vineyard Soil Technologies

Client: ED FARVER

Property: GREEN ISLAND VINEYARD

Project Number: 19-142



3377 Solano Ave. #505
Napa, CA 94558

ph/fax: (707)255-3176

www.VineyardSoil.com

Log In #: 398610

Date Sampled: 9-Aug-2019

Date Submitted: 14-Aug-2019

Date Reported: 23-Aug-2019

Report of Soil Analysis



Profile	Layer*	Method > Sample Depth (in)		Saturation Extract										Free Lime	Extractable Nutrients								Extractable Cations					
				S-1.00	S-1.10	S-2.30	S-1.60	S-1.60	S-1.60	S-1.50	S-1.70	S-1.40	S-3.10		S-4.10	S-4.20	S-5.10	S-6.10	S-15.10	S-6.10	S-10.10	S-5.10	S-5.10	S-5.10	S-5.10	estm.		
				Sat%	pH	ECe	Ca	Mg	Na	SAR	B	SO ₄	Cl		mg/kg	mg/kg	mg/kg	mg/kg	mg/kg	mg/kg	mg/kg	mg/kg	Percentage of CEC					
15	1E	0	16	39	7.5	0.6	2.9	1.0	1.8	1.3	0.21	2.8		Med	2.5	52		317	3.9		0.4	8.7	75	14	9.3	2.0	0	
15	1M	0	16	38	7.2	0.7	6.0	1.3	1.0	0.5	0.15	4.1		Med	3.4	24		123	1.9	0.6	8.9	86	9	3.5	1.1	0		
15	2M	16	24	31	6.9	0.5	2.8	0.7	1.3	0.9	0.11	3.0		0	3.3	7		58	0.3	0.5	7.3	83	13	2.0	1.9	0		
15	3M	24	32	29	6.5	0.5	1.8	0.8	1.7	1.5	0.06	2.9		0	1.2	4		38	0.1	0.4	5.9	71	24	1.6	3.2	0		
16	1E	0	14	37	7.6	1.3	4.0	1.2	6.1	3.8	0.26	5.2	2.9	High	4.8	55		489	7.5	0.8	12.9	73	13	9.7	5.0	0		
16	1M	0	14	43	7.0	0.9	6.3	1.7	1.5	0.7	0.10	5.5		Low	4.9	17		248	2.0	1.3	12.9	81	13	4.9	1.4	0		
16	2M	14	26	34	6.6	0.5	2.4	1.0	1.5	1.2	0.07	3.1		0	6.2	7		122	0.7	1.2	9.5	75	19	3.3	2.2	0		
16	3M	26	38	28	6.1	1.2	3.6	2.5	5.7	3.2	0.04	8.1	2.3	0	1.0	2		41	0.1	0.4	7.1	56	29	1.5	6.5	6		
17	1E	0	18	40	7.5	0.9	4.3	1.7	3.0	1.7	0.26	3.4		Med	2.8	44		198	3.6	1.0	14.4	75	19	3.5	2.5	0		
17	1M	0	18	41	6.7	0.8	4.0	1.9	2.1	1.2	0.14	4.4		0	3.9	13		100	1.6	1.8	12.5	74	21	2.0	2.1	0		
17	2M	18	31	37	6.3	0.7	2.2	1.3	2.7	2.1	0.07	4.3		0	1.8	6		76	0.3	0.9	20.5	61	29	0.9	3.0	6		
17	3M	31	52	44	5.9	1.1	3.9	3.1	4.1	2.2	0.02	7.0	3.1	0	1.0	4		81	0.3	1.2	25.6	55	34	0.8	3.4	6		
18	1E	0	17	46	7.0	1.6	7.6	2.8	6.6	2.9	0.37	8.8	2.5	High	14.6	249		614	6.0	1.6	16.0	70	16	9.8	4.3	0		
18	1M	0	17	43	6.8	0.7	5.0	1.6	1.0	0.6	0.23	2.8		0	12.1	15		141	2.0	1.4	14.5	80	17	2.5	1.0	0		
18	2M	17	30	59	5.4	0.6	2.2	1.7	2.2	1.6	0.06	4.7		0	1.1	2	2	150	0.3	2.0	23.4	48	35	1.6	2.5	12		
18	3M	30	52	61	4.7	1.2	3.1	3.0	5.7	3.2	0.05	7.9	3.0	0	1.0	2	4	157	0.4	0.7	27.5	41	38	1.5	5.2	14		
19	1E	0	18	36	7.6	1.3	5.3	1.4	5.8	3.1	0.32	5.9	2.2	High	4.0	32		349	3.8	0.3	8.8	74	11	10.2	4.7	0		
19	1M	0	18	33	7.4	0.5	4.1	0.7	0.4	0.3	0.13	2.5		Med	3.0	16		171	1.3	0.3	8.3	86	8	5.2	0.6	0		
19	2M	18	29	27	6.5	0.7	1.8	0.7	4.2	3.8	0.08	4.9		0	1.7	3		43	0.1	0.2	5.0	70	19	2.2	8.6	0		
19	3M	29	48	59	5.0	1.1	2.7	2.1	5.8	3.7	0.02	7.8	2.1	0	1.5	1	8	108	0.2	2.2	0.7	21.1	47	34	1.3	6.1	11	
20	1E	0	17	41	7.1	2.2	22.4	3.2	2.8	0.8	0.34	21.0	1.7	High	4.7	52		215	3.9	0.5	12.9	86	8	4.3	1.6	0		
20	1M	0	17	34	7.1	0.5	3.4	0.9	0.7	0.5	0.16	2.6		Low	2.1	6		76	0.4	0.3	11.0	85	13	1.8	0.9	0		
20	2M	17	35	72	7.0	0.8	2.3	1.9	4.2	2.9	0.02	4.2		Low	1.1	1		149	0.5	0.8	32.6	54	40	1.2	4.9	0		
20	3M	35	52	80	7.8	3.4	8.7	9.0	19.0	6.4	0.03	17.1	15.3	High	1.1	1		211	0.3	0.1	37.9	47	40	1.4	11.3	8		
Desired level for grapes				20-60	5.5-7.0	0.2-2.0	<5.0	<3.0	<5.0	<4	<1.5	<5.0	<5.0			2-10	15-30	15-30	125-300	>1.0	<100	<15	5-40	>60	20-40	2-4	<4	<20

*Layer 1 is Topsoil; Layer 2 is Upper Subsoil; Layer 3 is Lower Subsoil; Layer 4 is Deep Subsoil; E represents a sample from under the emitter; M from the midrow

In accompanying diagrams, critical criteria are shown as horizontal lines on the charts. These criteria are color coded according to "traffic light" logic: It is desirable for data to pass through green critical criteria lines, while it is undesirable for data to pass through red or amber critical criteria lines.

Appendix Table A4

Date 23-Aug-2019

For Vineyard Soil Technologies

Client ED FARVER

Property GREEN ISLAND VINEYARD

Project Number 19-142



3377 Solano Ave. #505
Napa, CA 94558

ph/fax: (707)255-3176

www.VineyardSoil.com

Log In # 398610

Date Sampled 9-Aug-19

Date Submitted 14-Aug-19

Date Reported 23-Aug-19

Report of Soil Analysis

Profile	Layer*	Sample Depth (in)		Extractable Cations									%		tons/acre-ft			PARTICLE SIZE ANALYSIS				tons/acre per layer depth			
				S-5.10	S-5.10	S-5.10	S-5.10	estm.	S-6.10	S-6.10	S-6.10	S-9.10	Organic Matter	Active Lime	S2.50		Gypsum Req. Ca to 60% of CEC	% Sand	% Silt	% Clay	Classification	Lime (pH6)	Gypsum (60%)		
				mg/kg	mg/kg	mg/kg	mg/kg	mg/kg	mg/kg	mg/kg	mg/kg	mg/kg			(pH 5.5)	(pH 6.0)									
15	1E	0	16	1305	147	317	41	0	5.7	21	1.1	1.2	2												
15	1M	0	16	1537	98	123	23	0	7.1	22	1.2	1.7	2												
15	2M	16	24	1215	112	58	32	0	4.9	13	1.1	1.0													
15	3M	24	32	847	173	38	44	0	3.5	14	0.7	0.6					47	39	14	Loam					
16	1E	0	14	1876	198	489	147	0	7.5	24	1.2	2.0	4												
16	1M	0	14	2091	205	248	43	0	9.3	51	1.5	2.7	1												
16	2M	14	26	1432	219	122	48	0	6.2	27	1.3	1.5													
16	3M	26	38	805	255	41	107	4	3.8	12	0.6	0.6				0.4	45	39	16	Loam			0.4		
17	1E	0	18	2170	326	198	83	0	4.7	20	1.0	2.2	0												
17	1M	0	18	1870	327	100	60	0	8.3	34	1.2	2.2													
17	2M	18	31	2499	716	76	142	13	4.2	21	0.4	0.7													
17	3M	31	52	2830	1072	81	201	15	3.8	15	0.3	0.5			0.0	2.0	47	33	20	Loam	0.0		3.5		
18	1E	0	17	2240	309	614	157	0	16.4	39	1.8	2.3	1												
18	1M	0	17	2324	293	141	33	0	6.8	42	1.8	2.5					35	43	22	Loam					
18	2M	17	30	2271	1006	150	132	29	11.7	46	2.4	0.8			0.7	4.5							0.8	4.9	
18	3M	30	52	2255	1269	157	327	40	23.8	75	2.8	0.7			1.8	8.7							3.3	16.0	
19	1E	0	18	1305	114	349	95	0	6.5	19	0.9	1.6	2												
19	1M	0	18	1443	80	171	11	0	5.8	24	1.1	1.3	2												
19	2M	18	29	707	114	43	99	0	3.0	12	0.6	0.6					47	41	12	Loam					
19	3M	29	48	1987	879	108	294	24	1.3	46	0.9	0.6			0.5	4.6							0.8	7.3	
20	1E	0	17	2227	129	215	49	0	6.3	29	1.2	2.0	3												
20	1M	0	17	1856	171	76	22	0	2.4	18	1.2	0.9	2												
20	2M	17	35	3494	1599	149	368	0	1.9	23	2.1	0.7	0				3.5	47	33	20	Loam			5.3	
20	3M	35	52	3596	1843	211	984	0	0.5	20	0.8	0.5	11				8.0							11.4	

*Layer 1 is Topsoil; Layer 2 is Upper Subsoil; Layer 3 is Lower Subsoil; Layer 4 is Deep Subsoil; E represents a sample from under the emitter; M from the midrow

In accompanying diagrams, critical criteria are shown as horizontal lines on the charts. These criteria are color coded according to "traffic light" logic. It is desirable for data to pass through green critical criteria lines, while it is undesirable for data to pass through red or amber critical criteria lines.

EXHIBIT B

GREEN ISLAND VINEYARDS

1075 Ross Circle
Napa, CA 94558

September 30, 2021

Napa County LAFCO
Attn: Diane Dillon, Chair
1754 2nd Street, Suite C
Napa, CA 94559

Re: Green Island Vineyards, LLC Sphere of Influence Application

Dear Chair and Commissioners:

We are writing to provide you with important information regarding the Green Island Vineyards, LLC (GIV) Sphere of Influence Application.

Green Island Vineyards, LLC is the owner of property, located at 1661 Green Island Road, City of American Canyon. The property is essentially an "in-fill island" and surrounded on three sides by the City of American Canyon. GIV purchased the property in 1996, with the intention of farming the portion of the property that could support agriculture.

In 1997, GIV entered into an agreement with the City of American Canyon (City) to receive recycled water from the City as there was and still is no other option for water.

Over the next 20 years GIV planted up to 130 acres of vineyards. Unfortunately, GIV soon realized that some of the planted area could not support grapevines due to soil salinity and portions of the vineyard were removed.

In 2012, GIV listed the property for sale with Ghisletta Land & Investment/Wine Country Realty, an experienced Napa vineyard real estate broker. No offers were received. In 2014 GIV signed an Engagement Letter with Zepponi & CO, a leading wine/vineyard merger, acquisition and advisory firm, to assist GIV in the sale of the GIV property. With lead advisor Joe Ciatti, Zepponi & Co marketed the property from 2014 until 2018. During that time one offer was received which, after conducting due diligence, was withdrawn because the prospective purchaser, with their independent experts concluded that the soil, due to high levels of salt, would not and does not sustain winegrapes. Later the property was again listed with Ghisletta Land & Investment for portions of 2020 up to February 2021 and no offers were received.

After over 20 years of attempting to farm this property, GIV recognizes the futility of farming grape vines in soils that have seen increasing salinity not only from nearby salt water intrusion, but also from poor quality recycled irrigation water. Today GIV is farming only 67 vine acres and will be removing approximately 30 more vine acres in 2021. The

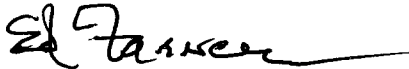
Napa County LAFCO
September 30, 2021

remaining vine acres will be removed in the next few years. GIV will not replant any of the property due to the toxicity of the soils.

Since the property is and can only be served by the City of American Canyon we believe that it should be included in the Sphere of Influence of the City of American Canyon.

Thank you for considering this information and our request.

Sincerely yours,



Ed Farver
Manager
Green Island Vineyards, LLC



Will Nord
Manager
Green Island Vineyards, LLC

cc: Brendon Freeman, Executive Officer

EXHIBIT C



UBS Farmland Investors LLC
1920 Tienda Drive, Suite 204
Lodi, CA 95242
Tel. +1-209-368 8874

Erik C. Roget, ARA, RPRA, AFM
Erik.Roget@ubs.com

www.ubs.com

Green Island Vineyard, LLC
Mr. Will Nord, Manager
Mr. Ed Farver, Manager
Mr. David B. Gilbreth, Manager
1152 Hardman Avenue
Napa, CA 94558

September 30, 2021

Re: Green Island Vineyard, TLH #1

Gentlemen:

This letter is intended to summarize our company's efforts in 2016 to acquire the above referenced vineyard in the City of American Canyon in Napa County on behalf of one of our clients. Part of our efforts included spending material client funds to undertake appropriate due-diligence activities of the property including but not limited to soil and vine testing by Crop Care Associates, a highly regarded local agricultural consulting firm. In addition, we spent time analyzing the water supply and conditions of the vineyard.

Importantly, under the UBS Farmland Investors business model, we do not directly operate any of the farms we manage but lease them out. The proposed tenant for this acquisition was the Mumm Napa winery which had been purchasing grapes from the vineyard for a number of years. The Crop Care report was, of course, provided to Mumm Napa for their review and comment along with other due-diligence materials. That combined with their noted concerns regarding the condition of the vineyard following the 2016 crop and extended drought conditions at that time resulted in Mumm Napa declining to enter into a long-term lease with our client.

With no other prospective tenants and because of the noted concerns, we concluded that the vineyard was not likely to be viable in the future due to saline toxicity and terminated our escrow. Looking back with the benefit of hindsight, I am relieved that the purchase was not completed and believe we avoided a potentially disastrous investment.

We appreciated your professional cooperation at the time and know like us that you are disappointed with the condition of the vineyard and soil.

Please feel free to contact me with any other questions you may have.



Attachment One

UBS Farmland Investors LLC

1920 Tienda Drive, Suite 204

Lodi, CA 95242

Tel. +1-209-368 8874

Erik C. Roget, ARA, RPRA, AFM

Erik.Roget@ubs.com

www.ubs.com

Sincerely,

UBS Farmland Investors LLC

A handwritten signature in black ink, appearing to read "Erik C. Roget". The signature is fluid and cursive, with a long horizontal stroke at the end.

Erik C. Roget
Director



David B. Gilbreth, Manager
 Ed Farver, Manager
 Will Nord, Manager
 Green Island Vineyard LLC

October 12, 2021

ADDENDUM ASSESSING FRUIT AND NUT TREES
Soils and Vineyard Report
Green Island Vineyard Project 21-178

The objective of this Addendum is to assess the feasibility of fruit trees and nut trees subject to the current condition of the Green Island Vineyard irrigation water chemistry, soil chemistry and condition of the vineyard and update the Site Visit Report Green Island Vineyard Project 21-178 dated September 29, 2021.

In summary, it is my professional opinion as a result of my analysis of the irrigation water chemistry, soil chemistry and condition of the vineyard, that the vineyard is continuing in death spiral and the soils are unsustainable for not only wine grapes but also for fruit trees and nut trees as a result of excessive accumulation of salts in the rootzones of the vines and most certainly an expected accumulation of salts in the rootzones if the fruit trees and nut trees would be planted. Consequently, as generally anticipated based on the data presented in my 2018 report, in 2021 the vineyard owners removed one-half of the most severely affected vineyard blocks. An additional one-quarter of the blocks will be removed at the termination of this season (2021), and the remaining blocks will be removed in the very near future. The review of the American Canyon Recycled Water (ACRW) indicates it is unsuitable for not only winegrapes but also for fruit trees and nut trees. It is probably the repeated use of the ACRW on this vineyard that has caused the salinity, sodium, and chloride problems in the vineyard.

Introduction

I am incorporating the Vineyard Site Visit Report Green Island Vineyard Project 21-178 dated September 29, 2021 and rather than reiterating it, I am attaching it because all of the data, soils analysis and conclusions are relevant to assessing the feasibility of fruit and nut trees. For reference I have attached the *University Of California Crop Salinity Tolerance And Yield Function - Salinity Management* table. The table presents the Threshold EC value at which yields will start to decline, and the slope of the decline. The document then presents a qualitative assessment of the sensitivity of each fruit and nut tree to salinity damage. This data indicates that most fruit and nut trees are moderately sensitive with EC-Thresholds 1.5 to 1.8 dS/m.

The Threshold EC value for fruit tree and nut trees clearly indicates that the salt tolerance, which is the level at which plant damage is initiated, is unsustainable for grape vineyards is also unsustainable for fruit trees and nut trees because the Threshold EC values are quite similar. Any replanting of grapevines, or fruit and/or nut trees, would start with soil already above these thresholds, and then compound the salinity issue by the necessary continued irrigation with high-salt water.

Crop		EC of saturated soil extract		Rating ²
Common name	Botanical name ²	Threshold ¹ dS/m	Slope (%)/ dS/m	
Almond	<i>Prunus dulcis</i>	1.5	19.0	S
Apple	<i>Malus sylvestris</i>			S
Apricot	<i>Prunus armeniaca</i>	1.6	24.0	S
Avocado	<i>Persea americana</i>			S
Blackberry	<i>Rubus sp.</i>	1.5	22.0	S
Boysenberry	<i>Rubus ursinus</i>	1.5	22.0	S
Castorbean	<i>Ricinus communis</i>			MS*
Cherimoya	<i>Annona cherimola</i>			S*
Cherry, sweet	<i>Prunus avium</i>			S*
Cherry, sand	<i>P. besseyi</i>			S*
Currant	<i>Ribes sp.</i>			S*
Date palm	<i>Phoenix dactylifera</i>	4.0	3.6	T
Fig	<i>Ficus carica</i>			MT*
Gooseberry	<i>Ribes sp.</i>			S*
Grape	<i>Vitis sp.</i>	1.5	9.6	MS
Grapefruit	<i>Citrus paradisi</i>	1.8	16.0	S
Guayule	<i>Parthenium argentatum</i>	15	13.0	T
Jobba	<i>Simmondsia chinensis</i>			T
Jujube	<i>Zizyphus jujuba</i>			MT*
Lemon	<i>Citrus A77011</i>			S
Lime	<i>C. aurantiifolia</i>			S*
Loquat	<i>Eriobotrya japonica</i>			S*
Mango	<i>Mangifera indica</i>			S*
Olive	<i>Olea europaea</i>			MT
Orange	<i>Citrus sinensis</i>	1.7	16.0	S
Papaya	<i>Carica papaya</i>			MT
Passion fruit	<i>Passiflora edulis</i>			S*
Peach	<i>Prunus persica</i>	1.7	21.0	S
Pear	<i>Pyrus communis</i>			S*
Persimmon	<i>Diospyros virginiana</i>			S*
Pineapple	<i>Ananas comosus</i>			MT*
Plum; prune	<i>Prunus domestica</i>	1.5	18.0	S
Pomegranate	<i>Punica granatum</i>			MT*
Pumelo	<i>Citrus maxima</i>			S*
Raspberry	<i>Rubus idaeus</i>			S
Rose apple	<i>Syzygium jambos</i>			S*
Sapote, white	<i>Casimiroa edulis</i>			S*
Tangerine	<i>Citrus reticulata</i>			S*

Conclusion

In conclusion, it is my professional opinion as a result of my analysis of the irrigation water chemistry, soil chemistry and condition of the vineyard that the vineyard is continuing in death spiral and the soils are unsustainable not only for wine grapes, but also for fruit trees and nut trees as a result of excessive accumulation of salts in the rootzones of the vines and most certainly an expected accumulation of salts in the rootzones of any future fruit trees and nut trees.

Paul R. Anamosa

Paul R. Anamosa, Ph.D.
Soil Scientist & Viticulturist

Hal Huffsmith

October 20, 2021

Mr. Will Nord
Mr. Ed Farver
Mr. David Gilbreth
1152 Hardman Avenue, Napa CA

Gentlemen,

Pursuant to a request from David Gilbreth to examine soil, irrigation water and related material associated with past and recent studies addressing vineyard productivity and longevity for the property located at 1661 Green Island Road, American Canyon, I offer the following opinion based on an examination of those studies and a recent walk-through evaluation of the property.

The referenced soil and irrigation water studies (Crop Care Associates Baseline Soil Analysis and Viticulture Assessment – September 30, 2015, Vineyard Soil Technologies Soil Water Chemistry Review – June 2018, Vineyard Soil Technologies Baseline Soil Analysis for Vineyard Problem Investigation – September 2019 and Vineyard Soil Technologies reexamination of previous studies and on site vineyard evaluation (Site Visit Reports) – September 15, 21 and 29, 2021) lead to the same conclusion that it is highly unlikely that this property will support a financially viable vineyard. The current “root zone” salinity levels and the continued use of the saline American Canyon Recycled Water (ACRW) for irrigation have rendered this property unsuitable for wine grape production.

Based on my experience as Senior Vice President of Vineyard Operations for Trinchero Family Estates (responsible for farming 9,500 acres of wine grapes across 10 California counties) I agree with Dr. Anamosa’s assessment and conclusion that, due to excessive salt accumulation with the continued use of ACRW for vineyard irrigation, the Green Island Vineyard is engaged in a “death spiral” leading to soil conditions that are toxic to grapevines.

Sincerely,



Hal Huffsmith, Retired - SVP Vineyard Operations, Trinchero Family Estates

ROBERT STEINHAUER
WINELAND CONSULTING, LLC

October 27, 2021

Napa County LAFCO
Attn: Diane Dillon, Chair
1754 2nd Street, Suite C
Napa, CA 94559

Re: Green Island Vineyards, LLC Sphere of Influence Application
Confirmation of Unsuitable Soils/Support for SOI Application Actually Protects Sustainable
Agriculture

Dear Chair and Commissioners:

I have been requested by the Green Island Vineyard LLC managers to independently provide my opinion of the soil, irrigation water and related material associated with various studies and opinions set forth below involving the agricultural viability of the property at 1661 Green Island Road, American Canyon. My opinion is a result of a site visit to the vineyard in the last week and a review of those studies.

I reviewed the following studies:

- Crop Care Associates Baseline Soil Analysis and Viticulture Assessment, dated September 30, 2015;
- Vineyard Soil Technologies Soil Water Chemistry Review, dated June 2018;
- Vineyard Soil Technologies Baseline Soil Analysis for Vineyard Problem Investigation - September 2019 and Vineyard Soil Technologies reexamination of previous studies and on site vineyard evaluation (Site Visit Reports) dated September 15, 21 and 29, 2021 respectively in which Dr. Anamosa reached the conclusion that it is highly unlikely that this property will support a financially viable vineyard. The current "root zone" salinity levels and the continued use of the saline American Canyon Recycled Water (ACRW) for irrigation have rendered this property unsuitable for wine grape production; and,
- Hal Huffsmith's confirming opinion dated October 20, 2021.
- Published reports and my technical files for reference for my comprehensive review.

As a result of my review of those studies, I clearly agree with the opinions and conclusions of Dr. Anamosa and Hal Huffsmith that there is toxic salt accumulation and that the Green Island Vineyard will not sustain a grape vine vineyard. Additionally, I note that there is no reasonable water source for any viable agricultural activity.

Respectfully, I urge you to accept and approve the application to include this property into the Sphere of Influence in the City of American Canyon for the following reasons:

The SOI Application actually protects sustainable agriculture and is a benefit to the Napa community.

The Napa Cities, Napa County and the State of California over a period of more than ten years have invested tens of millions of dollars of road infrastructure extending Devlin Road and connecting it to

Green Island Road with a goal of having a western traffic connector for truck traffic west of 29, keeping trucks off of 29 so they can go in and out of Jameson Canyon.

Importantly the goal includes providing warehousing in the City of American Canyon served by this infrastructure in order to protect viable agricultural lands. The GIV LLC property is clearly not viable agricultural land.

The infrastructure is essentially complete except for the improvements on Green Island Road. This property is served by this western traffic connector and if not included part of the overall goal and investment by local and state governments would certainly not be realized.

Respectfully submitted,

A handwritten signature in black ink that reads "Robert E. Steinhauer". The signature is fluid and cursive, with a long horizontal stroke at the end.

Robert Steinhauer
Wineland Consulting, LLC

Ed Henderson
269 Monte Vista Drive
Napa, CA 94558

November 9, 2021

Napa County LAFCO
Attn: Diane Dillon, Chair
1754 2nd Street, Suite C
Napa, CA 94559

Re: Support for Sphere of Influence Application by GIV, LLC

Dear Chair Diane Dillon & Members of the Commission:

I strongly, most respectfully, urge you to approve the GIV, LLC SOI Application because I think it is in the absolute best interest of the Napa community, is in compliance with applicable law, and is consistent with excellent planning which clearly preserves and supports the preservation of viable agriculture, logical boundaries, the delivery of services, and is needed to complete the road infrastructure regarding the extension of Devlin Road and the connection to Green Island Road.

If this land was out in the middle of nowhere of course I wouldn't support the application. But that's not the case here and this just makes overall classical good planning sense with logical boundaries.

Incidentally, I am troubled and dismayed that the authority of the City of American Canyon and the authority of Napa County LAFCO seems to be undermined by an agreement in 2008 that purports to limit the rights of the City to modify its Urban Limit Line for a period of about 22 years, i.e., to 2030. Fundamentally, among other items, in my view, there should be no such purported limitations and as a matter of reality it is impossible to tell the future. Proper planning should not restrain Cities or try to compel the City to foresee the future, especially over a 22 year period. Obviously it has been 13 years and there have been enormous changes including the construction of the Amazon Hub , IKEA warehouse and massive infrastructure improvements.

The land, as confirmed by the leading viticultural experts in Napa County, has no agricultural viability. All of the services come from the City of American Canyon and none come from the County of Napa. It appears to be a quarter of a mile or more south of the developed northern boundary of the City of American Canyon and a cut out piece surrounded on three sides by the City of American Canyon.

As some might know, it was my honor and pleasure to be the Mayor of the City of

Napa for eight years from 1997 to 2005.

I appointed council member JoAnn Busenbark to LAFCO so that she would independently and thoughtfully consider and make her decisions regarding the incorporation of the City of American Canyon and applications for SOI's and ultimate annexations.

I was proud of her thoughtful decisions in March 1998 to include non-viable agricultural lands and annex them into the City of American Canyon. She looked at the totality of the facts, including the non-viable agricultural aspect, the location adjacent to the City of American Canyon and the provision of services, the need to put housing there so that the housing didn't take up viable agricultural lands to the north and made her decision. She understood that the AW designation on the 157 acre parcel and the other parcel of 25 acres, under the circumstances, should and was considered but common sense and logical planning supported her decision to include non-viable agricultural lands (confirmed by soil samples and lack of a water source) which did in fact thoughtfully preserve viable agriculture. I believe that that's the case now and actually even stronger. Our Napa community has invested tens of millions of dollars to create an industrial area and put in the road extensions on Devlin Road to keep warehousing from the northern viable agricultural lands and truck traffic off of Highway 29. This land will contribute to those goals and pay for a portion of the last upgrades required on Green Island Road and preserve viable agriculture.

I believe GIV's proposal is logical and should be approved.

Thank you for your consideration.

A handwritten signature in black ink, appearing to read "Ed Henderson", with a long, sweeping flourish at the end.

Ed Henderson

Report on the Economic Viability of Agricultural Production on

1611 Green Island Road, American Canyon, CA

Prepared for GIV, LLC.

By Wenbiao Cai, Ph.D., Vega Economics

November 12, 2021

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I. QUALIFICATIONS AND ASSIGNMENT

1. My name is Wenbiao Cai. I am a Director at Vega Economics, a full-service economic consulting firm located in Berkeley, California. I hold a Ph.D. in Economics from the University of Iowa and a bachelor's degree in Finance from the University of Alberta. Prior to joining Vega, I was an associate professor of economics at the University of Winnipeg.
2. I am a specialist in agricultural economics. My doctoral dissertation was on agriculture and income differences across countries. My research on agricultural economics has been published in leading economics journals including *Economic Inquiry*, *Journal of Economic Dynamics and Control*, and *International Economic Review* and has received research funding from government agencies including the Social Science and Humanities Research Council of Canada.
3. I have been asked to provide my independent professional opinion on the economic feasibility of agricultural production on the real property located on 1611 Green Island Road, City of American Canyon, California (the "Subject Property").
4. It is my understanding that the owner of the Subject Property commissioned a report by Dr. Paul R. Anamosa (the "Anamosa Report"), who opined that the soil on the Subject Property is "not suitable for wine grapes as a result of excessive accumulation of salts in the rootzones of the vines."¹ In an addendum to his report, Dr. Anamosa further opined that the property is "unsuitable for not only wine grapes but also for fruit trees and nut trees."²
5. I relied on the Anamosa Report for the scientific assessment of soil salinity on the Subject Property. Because Dr. Anamosa has provided his professional opinion that it is not sustainable to grow wine grapes, fruit trees, or nut trees on the Subject Property, I did not evaluate the economic feasibility of growing these agricultural commodities on the Subject Property.
6. Instead, I evaluated whether the Subject Property soil can support growing other crops commonly planted in the Napa County region and, if so, whether such an operation would be economically viable. I also evaluated whether the Subject Property could support an economically viable ranching operation with cows.

¹ Anamosa, Paul R. Site Visit Report, Green Island Vineyard Project 21-178 (September 21, 2021) at 1.

² Anamosa, Paul R. Addendum Assessing Fruit and Nut Trees, Soils and Vineyard Report, Green Island Vineyard Project 21-178 (October 12, 2021) at 3.

7. Based on my review of Dr. Anamosa's soil report and my independent analysis of the costs and revenues of growing barley and running a beef cattle operation on the Subject Property, it is my professional opinion that agricultural production is not economically viable on the Subject Property.

II. AGRICULTURAL PRODUCTION IS NOT ECONOMICALLY VIABLE ON THE SUBJECT PROPERTY.

8. The Subject Property is comprised of 157 gross acres, although I understand from the property owner that excluding ditches and roads, only 135 net acres are suitable for agriculture. The Subject Property has been used as vineyard since it was purchased but has experienced unsustainable toxic salinity. As a result, the property owner removed 65 acres of vineyard from production with no plans to replant the acreage.³ I further understand from the property owner that another 35 acres are currently being taken out of production, with the remaining 35 acres to be taken out next year.
9. The Subject Property is within the boundaries of Napa County. Wine grapes are the dominant agricultural commodity in Napa County, accounting for more than 99 percent of the total value of agricultural commodities produced in 2019. Outside of wine grapes, agricultural commodities produced in the county include animal products (cattle and calves, sheep and lambs), nut and fruit trees, range pasture, vegetables, and hay.⁴

A. The Subject Property Soil Is Not Sustainable for Growing Vegetables.

10. Napa County produced a total \$171,500 in vegetables in 2019 and \$198,700 in 2020.⁵ Growing vegetables on the Subject Property, however, is not sustainable due to the high level of soil salinity. **Table 1: Salinity Tolerance of Vegetables Commonly Grown in California** below, which is based on information contained in a crop salinity tolerance and yield function table published by the University of California at Davis,⁶ summarizes the threshold salinity level for a variety of selected vegetables. For comparison, values for grapes, fruit trees, and nut trees are also included.

³ GIV, LLC. Sphere of Influence Amendment Attachment #3 (September 30, 2021).

⁴ "Napa County Agricultural Crop Report 2020." *Napa County Department of Agriculture and Weights and Measures* (2020) at 5. <<https://www.countyofnapa.org/DocumentCenter/View/21404/2020-Agricultural-Crop-Report-English?bidId=>> (accessed Nov. 10, 2021).

⁵ *Id.*

⁶ "Crop Salinity Tolerance and Yield Function." *Salinity Management, University of California at Davis.* <https://ucanr.edu/sites/Salinity/Salinity_Management/Effect_of_soil_salinity_on_crop_growth> (accessed Nov. 9, 2021).

11. Soil salinity is measured by the electrical conductivity of saturated soil extracts (EC_e in dS/m). The threshold indicates the level of salinity above which yield starts to decrease. The slope indicates the percentage yield decrease when the salinity level increases by one unit above the threshold.
12. Many vegetables commonly planted in California have salinity tolerance that is similar to that of grapes. The Anamosa Report has concluded that the Subject Property soil is not sustainable for growing wine grapes, fruit trees, or nut trees. Based on this conclusion from the report, and my analysis of the salinity tolerance of vegetables, I conclude that the Subject Property soil is not sustainable for growing vegetables commonly planted in California.

Table 1: Salinity Tolerance of Vegetables Commonly Grown in California

Vegetable	Threshold (dS/m)	Slope (% per dS/m)
Asparagus	4.1	2
Bean	1.0	19
Broccoli	2.8	9.2
Brussel sprouts	1.8	9.7
Cabbage	1.0	14
Cauliflower	1.8	6.2
Celery	2.5	13
Cucumber	1.1	6.9
Kohlrabi	1.3	13
Lettuce	1.7	12
Okra	1.2	16
Pea	1.5	14
Pepper	1.7	12
Pumpkin	1.2	13
Radish	2.0	7.6
Spinach	3.2	16
Squash, zucchini	1.0	33
Strawberry	1.5	11
Sweet potato	2.5	9.9
Tomato	0.9	9
Grape	1.5	9.6
Almond	1.5	19
Apricot	1.6	24
Orange	1.7	16

B. Growing Barley on the Subject Property Is Not Economically Viable.

13. Some agricultural commodities are more saline-tolerant than others. Barley is one of the most saline-tolerant crops with a threshold salinity level of $8 dS/m$. It is commonly grown in the Central Valley and surrounding foothills, but no significant production of barley has been reported for Napa County

during the 2019-2020 growing season.⁷ Nevertheless, because the prospect of growing barley on the Subject Property is supported by the plant's salinity tolerance, I fully evaluated this possibility.

14. I estimated the economic returns to an investor who purchases the Subject Property to grow barley. Two models of cultivation were considered—irrigated and non-irrigated. The expected yield from irrigated production is 65 bushels per acre, based on historical yields for the state of California.⁸ The expected yield from non-irrigated production is 32.5 bushels per acre, which was assumed to be half the expected yield from irrigated production. The total revenue from these yields was calculated, including both the sales of grains as the primary product as well as the sales of secondary products such as silage, straw, and grazing.
15. I relied on the October 2021 Costs and Returns report on barley production published by the United States Department of Agriculture (“USDA”) for the following information: (1) per-acre value of secondary product; (2) per-acre operating costs except for hired labor; and (3) per-acre allocated overhead costs except for the cost of land and the opportunity cost of unpaid labor.⁹
16. I made the following adjustments to the USDA cost estimates to reflect market conditions specific to California and Napa County. First, I estimated the cost of hired labor based on a labor requirement of two hours per acre (one hour for tilling and one hour for harvesting) and a cost of \$32 per acre. I estimated an opportunity cost of \$32 per acre for unpaid labor supplied by the owner (or family members). Second, for non-irrigated production, the cost of irrigation and straw baling was reduced by 80 percent and the costs of fuel, lube, electricity, repairs, and hired labor were reduced by 20 percent, relative to irrigated production. Third, capital recovery of machinery and equipment is scaled by the ratio of the assumed planted acres on the Subject Property (135 acres) to the benchmark acres used in the USDA estimates (289 acres).

⁷ “California Agricultural Statistics Review 2019-2020.” *California Department of Food and Agriculture* (2020). <https://www.cdfa.ca.gov/Statistics/PDFs/2020_Ag_Stats_Review.pdf> (accessed Nov. 10, 2021).

⁸ Lazicki, Patricia, Daniel Geissler, and William R. Horwath. “Barley Production in California.” *University of California at Davis* (June 2016) at 2. <https://apps1.cdfa.ca.gov/FertilizerResearch/docs/Barley_Production_CA.pdf> (accessed Nov. 10, 2021).

⁹ “Commodity Costs and Returns.” *United States Department of Agriculture*. <<https://www.ers.usda.gov/data-products/commodity-costs-and-returns/>> (accessed Nov. 9, 2021). Numbers cited in the table correspond to the “Fruitful Rim” region in the USDA report, which includes California.

17. Lastly, I calculated the cost of land by amortizing 80 percent of the purchase price over 30 years at an annual interest rate of 3.7 percent. The annual cost is \$81,384, which implies a per-acre cost of \$603 on a 135-acre production basis.¹⁰
18. **Table 2: Revenue and Cost Estimates of Hypothetical Barley Production** summarizes the estimated total revenue, operating costs, and overhead costs of the hypothetical barley production, for both the irrigated and non-irrigated scenarios.

Table 2: Revenue and Cost Estimates of Hypothetical Barley Production¹¹

	Irrigated	Non-Irrigated
Gross value of production		
Yield (bushels per planted acre)	65.0	32.5
Price (dollars per bushel at harvest)	\$4.8	\$4.8
Primary product, grain	\$313.3	\$156.7
Secondary product, silage/straw/grazing	\$20.1	\$20.1
Total, gross value of production	\$333.4	\$176.7
Operating costs		
Seed	\$29.4	\$29.4
Fertilizer	\$57.0	\$57.0
Chemicals	\$19.1	\$19.1
Custom services	\$28.3	\$28.3
Fuel, lube, and electricity	\$40.6	\$32.5
Repairs	\$45.0	\$36.0
Irrigation and straw baling	\$18.5	\$3.7
Interest on operating inputs	\$0.5	\$0.5
Hired labor	\$32.0	\$25.6
Total, operating costs	\$270.4	\$232.1
Allocated overhead		
Cost of land	\$603	\$603
Opportunity cost of unpaid labor	\$32.0	\$32.0
Capital recovery of machinery and equipment	\$63.4	\$63.4
Taxes and insurance	\$10.9	\$10.9
Total, allocated overhead	\$709.2	\$709.2
Costs listed		
Total, costs listed	\$979.6	\$941.3
Net value		
Value of production less total costs listed (per-acre)	-\$646.2	-\$764.6
Value of production less total costs listed (annual)	-\$87,241	-\$103,219

¹⁰ The 2021 assessed land value for the Subject Property is \$1,841,670, as reported by the Napa County Assessor. <<https://common1.mptsweb.com/mbap/napa/asr>> (accessed Nov. 12, 2021).

¹¹ Unless otherwise noted, dollar values are expressed in units of dollars per acre.

19. Based on my calculations, irrigated barley production on the Subject Property would generate a total revenue of \$333.4 per acre at a cost of \$979.6 per acre, resulting in a loss of \$646.2 per acre. On a 135-acre production basis, the annual total loss would be \$87,241.
20. Based on my calculations, non-irrigated barley production on the Subject Property would generate a total revenue of \$176.7 per acre at a cost of \$941.3 per acre, resulting in a loss of \$764.6 per acre. On a 135-acre production basis, the annual total loss would be \$103,219.
21. My estimate of the net revenue from the hypothetical barley production is conservative. First, the implied wage of \$16 per hour for hired labor is likely unattainable in the current market, given the severe labor shortage many sectors face at present. Higher labor cost reduces net revenue. Second, the Subject Property currently relies on salty recycled water supplied by the City of American Canyon for irrigation. Growing barley with salty recycled water reduces yield once soil salinity reaches the threshold. That would also reduce net revenue.
22. Based on these analyses, I conclude that barley production on the Subject Property is not economically viable.

C. A Sheep and Lamb Operation on the Subject Property Is Not Economically Viable.

23. To determine the economic prospect of a sheep and lamb operation on the Subject Property, I reviewed a cost of production analysis published by the American Sheep Industry Association. The report shows, based on most recent estimates, that a representative operation in the western U.S. would produce a loss of \$15.67 per ewe.¹²
24. The report also indicates that hired labor and pasture are the two largest operating costs for a sheep and lamb operation. Considering that the Subject Property currently has no irrigated pasture and higher labor costs in California than in other western states, I conclude that a sheep and lamb operation on the Subject Property would not be economically viable either.

¹² “U.S. Baseline Lamb Cost of Production Analysis, 2018 Update.” *American Sheep Industry Association* (November 27, 2019) at 15. <<https://www.sheepusa.org/wp-content/uploads/2019/12/2018-ASI-Budget-Project.pdf>> (accessed. Nov. 11, 2021).

D. A Beef Cattle Operation on the Subject Property Is Not Economically Viable.

25. In 2019, Napa County produced roughly \$3 million of animal products, among which beef represents the largest value of production. I estimated the economic returns to an investor who purchases the Subject Property to run a beef cattle operation.
26. The hypothetical operation I considered involves purchasing twenty yearling heifers in the spring and feeding them on grass from April to October until they reach 1,100 pounds in weight. The animals would then be harvested, processed, and packaged at a USDA-inspected processing plant. Revenue is generated through sales of packaged beef products to consumers.
27. I relied on a 2017 cost study of a 20-head beef cattle operation in the Northern Sacramento Valley, published by the University of California at Davis, for the following information: (1) average hanging carcass weight for 1,100-pound cattle; (2) operating costs; and (3) overhead costs except for land cost, opportunity cost of unpaid labor, interest on working capital, and fencing cost.¹³
28. I made the following adjustments to those costs. First, unit variable costs and cash overhead costs were adjusted for inflation at an annual rate of three percent. Second, the purchase cost of heifers and the unit wholesale price of beef were updated to reflect current market rates. The purchase price of heifers was based on a February 2021 report from Shasta Livestock Auction Yard.¹⁴ The wholesale price per pound is estimated using the average beef wholesale price reported by the USDA between 2015 and 2020.¹⁵ Third, working capital is calculated as the sum of operating cost and the purchase price of heifers, of which 40 percent is assumed to be borrowed at an annual interest rate of six percent. Fourth, it is assumed that the property owner provides unpaid labor on a part-time basis, with an opportunity cost of \$5,376.¹⁶ Fifth, I estimated a land cost of \$81,384, based on amortizing 80 percent of the purchase price over 30 years at an annual interest rate of 3.7 percent.
29. Lastly, an amortized fencing cost was added to the overhead cost. Fences provide protection for the cattle and are necessary for a ranching operation on the Subject Property that borders busy roads on three sides and the Napa River on the fourth. At present, the Subject Property is not fenced. I

¹³ “Current Cost and Return Studies.” *University of California at Davis* (June 11, 2020). <<https://coststudies.ucdavis.edu/en/current/>> (accessed Nov. 9, 2021).

¹⁴ “Current Market Report.” *Shasta Livestock Auction Yard* (February 12, 2021) <<https://shastalivestock.com/current-market-report/>> (accessed Nov. 9, 2021).

¹⁵ “Meat Price Spreads.” *Economic Research Service, United States Department of Agriculture* (November 10, 2021). <<https://www.ers.usda.gov/data-products/meat-price-spreads/>> (accessed Nov. 10, 2021).

¹⁶ Calculated based on forgone wage rate of \$32 per hour and 7 hours per week from April to October.

estimated the total cost of installing barbed wire fences around the Subject Property, based on an estimated cost of \$2.72 per linear foot and an estimated perimeter length of 12,196 feet. The total cost is amortized over an assumed working life of ten years.¹⁷

30. **Table 3: Revenue and Cost Estimates of Hypothetical Beef Cattle Operation** summarizes the returns to the hypothetical beef cattle operation on the Subject Property. The operation would generate a total revenue of \$22,031 at a cost of \$115,033, resulting in an annual total loss of -\$93,002.

Table 3: Revenue and Cost Estimates of Hypothetical Beef Cattle Operation

		Animals	Weight	Dollar Value	Gross Value
Gross Value of Production¹⁸					
Carcasses sold		20	627	\$3.4	\$42,511
Calves purchased		20	800	\$1.3	\$20,480
Total, gross value of production					\$22,031
Operating Cost	Units		Animals	\$/Unit	Total Costs
Pasture lease	AUM	6.00	20	\$33.8	\$4,052
Salt/mineral supplements	Tons	0.50	20	\$270.1	\$135
Hay	Tons	1.00	20	\$135.1	\$135
Veterinary/Medical	Each		20	\$4.4	\$89
Death loss (1% of purchased price)				\$204.8	\$205
Brand inspection	Each		20	\$1.4	\$28
Marketing order promotion	Each		20	\$1.1	\$23
Harvest costs	Carcass		20	\$112.6	\$2,251
Cut and wrap	Pounds	627	20	\$1.1	\$14,114
Marketing advertisement costs	Each		20	\$39.4	\$788
1-Ton pickup truck	Miles	1,000		\$0.6	\$608
Stock trailer	Miles	400		\$0.2	\$90
ATV-4WD	Miles	1,000		\$0.4	\$394
Horse (shoes, vet, & feed)	Each		1	\$225.1	\$225
Total, operating costs					\$23,136
Allocated Overhead					
Cost of land					\$81,384
Opportunity cost of unpaid labor					\$5,376
Amortized fencing cost					\$3,311
Interest on working capital					\$521
Insurance (Liability)					\$1,021
Office expenses					\$281
Total, allocated overhead					\$91,897
Total Cost					
Total, costs listed					\$115,033
Net Revenue					
Value of production less total costs listed (annual)					-\$93,002

¹⁷ “Estimated Costs for Livestock Fencing.” *Ag Decision Maker, File B1-75. Iowa State University Extension and Outreach* (February 2012). < <https://www.extension.iastate.edu/agdm/livestock/html/b1-75.html> > (accessed. Nov. 10, 2021). The reported estimates are adjusted for inflation at an annual rate of five percent and an average labor cost of \$32 per hour.

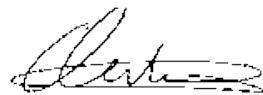
¹⁸ The purchased heifer’s weight is on the hoof whereas the carcass’s sold weight is the hanging weight.

31. My calculation of net revenue is conservative because a 20-head operation may exceed the maximum number of animals the Subject Property can support. A general rule of thumb is that 15 to 18 acres of non-irrigated rangeland is needed for each animal,¹⁹ which suggests that the 157-acre Subject Property can support, at most, 10 animals. Since a smaller number of animals reduces revenue proportionately—but not costs—the expected loss would be larger if the actual number of animals in the operation were lower.
32. Based on these calculations, I conclude that a beef cattle operation on the Subject Property is not economically viable.

III. CONCLUSION

33. Based on my independent review of Dr. Anamosa's soil report, I conclude that the Subject Property soil is not sustainable for growing vegetables. Based on my review of cost studies published by the American Sheep Industry Association, I conclude that a sheep and lamb operation on the Subject Property would not be economically viable. Based on my analysis of costs and revenues, I further conclude that growing barley or running a beef cattle operation on the Subject Property would not be economically viable.
34. It is therefore my professional opinion that agricultural production is not economically viable on the Subject Property. Given the lack of economic profits, it is against the economic interest of a rational investor to purchase the Subject Property for the purpose of agricultural production.

Dated: November 12, 2021



Wenbiao Cai, Ph.D.

¹⁹ Dan Macon and Hannah Meyer. "How Many Cows Can My Property Support? Basics of Carrying Capacity, Stocking Rate, and Pasture Irrigation." *University of California, Agriculture and Natural Resources, Cooperative Extension, publication number 31-1005* (June 2018). <<https://projects.sare.org/wp-content/uploads/Pub-31-1005-Carrying-Capacity-and-Stocking-Rate.pdf>> (accessed Nov. 10, 2021).

Lori Luporini
November 25th, 2021

Dear LAFCO Commissioners,

I have had the honor of being on the City of American Canyon Planning Commission from 1994 to 1996 and the City of American Canyon City Council from 1996 to 2006 as a Council Member and a two term mayor.

The voters of the community, City Council and myself identified the critical importance of the green island road, lighting and landscaping improvements and how to pay for them over 25 years ago and we are unfortunately still waiting. We need your help.

The GIF lands, which clearly have no viable agricultural use or really anything else except for growing weeds, should respectfully be included in the sphere of influence for the City of American Canyon.

The inclusion of these lands are extremely important to the historical Napa County plans, the voters of the City of American Canyon and the voters of Napa County.

If approved, the City of American Canyon, can responsibly plan and implement the appropriate assessment district to pay for these improvements, which necessarily fiscally needs to include these lands, to get the nightmare traffic off of Highway 29 which goes through the heart of the City. This is what the voters have always wanted.

The community and Napa County have struggled with each other regarding the issues involving incorporation and other issues.

I believe and hope that your approval will provide for a very harmonious cooperative future together.

Thank you,
Lori Luporini





LOCAL AGENCY FORMATION COMMISSION OF NAPA COUNTY

Policy on Spheres of Influence

(Adopted on June 7, 2021)

I. BACKGROUND

The Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000, beginning with [California Government Code \(G.C.\) §56425](#), requires the Local Agency Formation Commission (LAFCO or “Commission”) to establish and maintain spheres of influence for all local agencies within its jurisdiction. A sphere of influence (SOI) is defined by statute as a “plan for the probable physical boundary and service area of a local government agency as determined by the commission” ([G.C. §56076](#)). Every determination made by LAFCO shall be consistent with the SOIs of the local agencies affected by that determination ([G.C. §56375.5](#)). The Commission encourages cities, towns, and the County of Napa (“County”) to meet and agree to SOI changes. The Commission shall give “great weight” to these agreements to the extent they are consistent with its policies ([G.C. §56425\(b\) and \(c\)](#)). Local agency SOIs are established and changed in part based on information in municipal service reviews, including adopted determinative statements and recommendations ([G.C. §56430](#)).

II. PURPOSE

The purpose of these policies is to guide the Commission in its consideration of SOI amendment requests as well as SOI reviews and updates initiated by LAFCO. This includes establishing consistency with respect to the Commission’s approach in the scheduling, preparation, and adoption of SOI reviews and updates. Requests to amend an SOI may be made by any person or local agency as described in Section VI of this policy. Requests to amend an SOI are encouraged to be filed with LAFCO’s Executive Officer as part of the Commission’s municipal service review (MSR) and SOI review process.

III. OBJECTIVE

It is the intent of the Commission to determine appropriate SOIs that promote the orderly expansion of cities, towns, and special districts in a manner that ensures the protection of the environment and agricultural and open space lands while also ensuring the effective, efficient, and economic provision of essential public services, including public water, wastewater, fire protection and emergency response, and law enforcement. The Commission recognizes the importance of considering local conditions and circumstances in implementing these policies. An SOI is primarily a planning tool that will:

- Serve as a master plan for the future organization of local government within the County by providing long range guidelines for the efficient provision of services to the public;
- Discourage duplication of services by two or more local governmental agencies;
- Guide the Commission when considering individual proposals for changes of organization;
- Identify the need for specific reorganization studies, and provide the basis for recommendations to particular agencies for government reorganizations.

IV. DEFINITIONS

Recognizing that an SOI is a plan for the probable physical boundary and service area of a local government agency as determined by LAFCO, the Commission incorporates the following definitions:

- A. “Agricultural lands” are defined as set forth in [G.C. §56016](#).
- B. “Open space” are defined as set forth in [G.C. §56059](#).
- C. “Prime agricultural land” is defined as set forth in [G.C. §56064](#).
- D. “Infill” is defined as set forth in [Public Resources Code §21061.3](#).
- E. “Underdeveloped land” is defined as land that lacks components of urban development such as utilities or structure(s).
- F. “Vacant land” is defined as land that has no structure(s) on it and is not being used. Agricultural and open space uses are considered a land use and therefore the underlying land is not considered vacant land.
- G. “SOI establishment” refers to the initial adoption of a city or special district SOI by the Commission.
- H. “SOI amendment” refers to a single change to an established SOI, typically involving one specific geographic area and initiated by a landowner, resident, or local agency.
- I. “SOI review” refers to a comprehensive review of an established SOI conducted as part of an MSR. Based on information collected in the SOI review component of an MSR, the Commission shall determine if an SOI update is needed.
- J. “SOI update” refers to a single change or multiple changes to an established SOI, typically initiated by the Commission and based on information collected in the SOI review.
- K. “Zero SOI” when determined by the Commission, indicates a local agency should be dissolved and its service area and service responsibilities assigned to one or more other local agencies.
- L. “Study area” refers to territory evaluated as part of an SOI update for possible addition to, or removal from, an established SOI. The study areas shall be identified by the Commission in consultation with all affected agencies.

V. LOCAL CONSIDERATIONS

A. General Guidelines for Determining Spheres of Influence

The following factors are intended to provide a framework for the Commission to balance competing interests in making determinations related to SOIs. No single factor is determinative. The Commission retains discretion to exercise its independent judgment as appropriate:

- 1) Land defined or designated in the County of Napa General Plan land use map as agricultural or open space shall not be approved for inclusion within any local agency's SOI for purposes of new urban development unless the action is consistent with the objectives listed in Section III of this policy.
- 2) The Commission encourages residents, landowners, and local agencies to submit requests for changes to SOIs to the LAFCO Executive Officer as part of the LAFCO-initiated MSR and SOI review process.
- 3) The first Agricultural Preserve in the United States was created in 1968 by the Napa County Board of Supervisors. The Agricultural Preserve protects lands in the fertile valley and foothill areas of Napa County in which agriculture is and should continue to be the predominant land use. Measure J was passed by voters in 1990 and Measure P was passed by voters in 2008 and requires voter approval for any changes that would re-designate unincorporated agricultural and open-space lands. The Commission will consider the Agricultural Preserve and intent of voters in passing Measure J and Measure P in its decision making processes to the extent they apply, prior to taking formal actions relating to SOIs.
- 4) In the course of an SOI review for any local agency as part of an MSR, the Commission shall identify all existing outside services provided by the affected agency. For any services provided outside the affected agency's jurisdictional boundary but within its SOI, the Commission shall request the affected agency submit an annexation plan or explanation for not annexing the territory that is receiving outside services. For any services provided outside an agency's jurisdictional boundary and SOI, the Commission encourages a dialogue between the County and the affected agency relating to mutually beneficial provisions.
- 5) In the course of reviewing a city or town's SOI, the Commission will consider the amount of vacant land within the affected city or town's SOI. The Commission discourages SOI amendment requests involving vacant or underdeveloped land that requires the extension of urban facilities, utilities, and services where infill development is more appropriate.

- 6) A local agency's SOI shall generally be used to guide annexations within a five-year planning period. Inclusion of land within an SOI shall not be construed to indicate automatic approval of an annexation proposal.
- 7) When an annexation is proposed outside a local agency's SOI, the Commission may consider both the proposed annexation and SOI amendment at the same meeting. The SOI amendment to include the affected territory, however, shall be considered and resolved prior to Commission action on the annexation.
- 8) A local agency's SOI should reflect existing and planned service capacities based on information collected by, or submitted to, the Commission. This includes information contained in current MSRs. The Commission shall consider the following municipal service criteria in determining SOIs:
 - a) The present capacity of public facilities and adequacy of public services provided by affected local agencies within the current jurisdiction, and the adopted plans of these local agencies to address any municipal service deficiency, including adopted capital improvement plans.
 - b) The present and probable need for public facilities and services within the area proposed or recommended for inclusion within the SOI, and the plans for the delivery of services to the area.
- 9) The Commission shall consider, at a minimum, the following land use criteria in determining SOIs:
 - a) The present and planned land uses in the area, including lands designated for agriculture and open-space.
 - b) Consistency with the County General Plan and the general plan of any affected city or town.
 - c) Adopted general plan policies of the County and of any affected city or town that guide future development away from lands designated for agriculture or open-space.
 - d) Adopted policies of affected local agencies that promote infill development of existing vacant or underdeveloped land.
 - e) Amount of existing vacant or underdeveloped land located within any affected local agency's jurisdiction and current SOI.
 - f) Adopted urban growth boundaries by the affected land use authorities.

B. Scheduling Sphere of Influence Reviews and Updates

[G.C. §56425\(g\)](#) directs the Commission to update each SOI every five years, as necessary. Each year, the Commission shall adopt a Work Program with a schedule for initiating and completing MSRs and SOI reviews based on communication with local agencies. This includes appropriate timing with consideration of city, town, and County general plan updates. The Commission shall schedule SOI updates, as necessary, based on determinations contained in MSRs.

C. Environmental Review

SOI establishments, amendments, and updates will be subject to the review procedures defined in the California Environmental Quality Act (CEQA) and the Napa LAFCO CEQA Guidelines. If an environmental assessment or analysis is prepared by an agency for a project associated with an SOI establishment, amendment, or update, and LAFCO is afforded the opportunity to evaluate and comment during the Lead Agency's environmental review process, then LAFCO can act as a Responsible Agency under CEQA for its environmental review process. All adopted environmental documents prepared for the project, a copy of the filed Notice of Determination/Notice of Exemption, and a copy of the Department of Fish and Wildlife fee receipt must be submitted as part of the application. Completion of the CEQA review process will be required prior to action by the Commission.

VI. REQUESTS FOR SPHERE OF INFLUENCE AMENDMENTS**A. Form of Request**

Any person or local agency may file a written request with the Executive Officer requesting amendments to an SOI pursuant to [G.C. §56428\(a\)](#). Requests shall be made using the form provided in Attachment A and be accompanied by a cover letter and a map of the proposed amendment. Requests shall include an initial deposit as prescribed under the Commission's adopted Schedule of Fees and Deposits. The Executive Officer may require additional data and information to be included with the request. Requests by cities, towns, and special districts shall be made by resolution of application.

B. Review of Request

The Executive Officer shall review and determine within 30 days of receipt whether the request to amend an agency's SOI is complete. If a request is deemed incomplete, the Executive Officer shall immediately notify the applicant and identify the information needed to accept the request for filing.

C. Consideration of Request

Once a request is deemed complete, the Executive Officer will prepare a written report with a recommendation. The Executive Officer will present his or her report and recommendation at a public hearing for Commission consideration. The public hearing will be scheduled for the next meeting of the Commission for which adequate notice can be given. The Commission may approve, approve with conditions, or deny the request for an SOI amendment. The Commission's determination and any required findings will be set out in a resolution that specifies the area added to, or removed from, the affected agency's SOI. While the Commission encourages the participation and cooperation of the subject agencies, the determination of an SOI is a LAFCO responsibility and the Commission is the sole authority as to the sufficiency of the documentation and consistency with law and LAFCO policy.

Local Agency Formation Commission of Napa County
1754 Second Street, Suite C
Napa, California 94559
(707) 259-8645 Telephone
www.napa.lafco.ca.gov

Questionnaire for Amending a Sphere of Influence

1. Applicant information:

Name: _____

Address: _____

Telephone Number: _____ (Primary) _____ (Secondary)

E-Mail Address: _____

2. What is the purpose for the proposed sphere of influence amendment?

3. Describe the affected territory in terms of location, size, topography, and any other pertinent characteristics.

4. Describe the affected territory's present and planned land uses.

5. Identify the current land use designation and zoning standard for the affected territory.

6. Is the affected territory subject to a Williamson Act contract? If yes, please provide a copy of the contract along with any amendments.

7. If applicable, identify the governmental agencies currently providing the listed municipal services to the affected territory.

Water: _____

Sewer: _____

Fire: _____

Police: _____

Print Name: _____

Date: _____

Signature: _____

Napa County Agreement No. 7070
American Canyon Agreement No. 2008-93

**AGREEMENT
BETWEEN THE COUNTY OF NAPA
AND
THE CITY OF AMERICAN CANYON**

This Agreement (hereafter "Agreement") is entered into and effective as of July 3, 2008 by and between the County of Napa, a political subdivision of the State of California (hereafter "County"), and the City of American Canyon, a municipal corporation (hereafter "City").

WHEREAS, the parties recognize the importance of agricultural preservation and open space in the County and desire to preserve agricultural and open space lands in the County so as to maintain a viable agriculture-based economy, preserve open space, prevent urban sprawl, and direct growth and development into already urbanized areas; and

WHEREAS, the parties desire to implement the planned development of the City and adjacent lands within the County; and

WHEREAS, the parties recognize the importance of the Napa County Airport ("Airport") to the economy of the County and have a longstanding interest in protecting the Airport from the encroachment of incompatible land uses; and

WHEREAS, the parties recognize that citizens, businesses and employees within both jurisdictions benefit when the parties collaborate successfully and solve disagreements amicably; and

WHEREAS, the parties seek to provide a solid footing for future planning and decision-making by recognizing a mutually agreed upon City urban growth boundary that will remain in place without change until 2030; and

WHEREAS, the parties are taking such steps as may be necessary to ensure that an adjusted urban growth boundary in the form of an amended City Urban Limit Line will not be changed until the year 2030; and

WHEREAS, in the County's view, industrial development within the County Airport Industrial Area Specific Plan ("Airport Specific Plan") boundaries supports agricultural uses in the County, benefits the local economy, and will contribute to the construction of necessary infrastructure improvements; and

WHEREAS, the parties recognize that upon incorporation in 1992, the City assumed the rights and responsibilities of the former American Canyon County Water District; and

WHEREAS, the parties recognize that the City provides water service to properties located within the City's Water Service Area, which includes the Airport Specific Plan area, and

that it is essential for the City to continue to provide water service to these properties in an environmentally sensitive, reasonable and fair manner.

NOW, THEREFORE, THE PARTIES AGREE AS FOLLOWS:

PART I. AGREEMENT DEFINITIONS

When used in this Agreement, the following words or phrases shall have the following meanings unless the context clearly indicates otherwise:

“Airport Industrial Area Specific Plan” or “Airport Specific Plan” shall mean the 1986 Napa County Airport Industrial Area Specific Plan, as amended through the effective date of this Agreement.

“CEQA” shall mean the California Environmental Quality Act, Public Resources Code section 21000 *et seq.*

“City” shall mean the City of American Canyon.

“City Customers” shall mean all persons and entities presently receiving water service from the City, and all persons and entities that are requesting or in the future request new or increased water service from the City, for parcels that are located within City’s incorporated limits.

“City’s Water Service Area” shall mean all lands within the area depicted in Exhibit H, attached hereto and incorporated herein by this reference.

“County” shall mean the County of Napa.

“LAFCO” shall mean the Napa County Local Agency Formation Commission.

“Outside Customers” shall mean all persons and entities presently receiving water service from the City, and all persons and entities that are requesting or in the future request new or increased water service from the City for parcels that are located outside the City’s limits but within the Airport Industrial Area Specific Plan boundaries.

“Panattoni Property” shall mean that real property described by Assessor Parcel Numbers 057-090-075 and 057-090-076, consisting of approximately 16.30 acres and 34.40 acres, respectively, as is more fully described in Exhibit A, attached hereto and incorporated herein by this reference.

“Subject Parcels” shall mean:

1. The parcel commonly known as the “Headwaters property,” Assessor Parcel Number 057-090-069 consisting of approximately 218.06 acres as is more fully described in Exhibit B, attached hereto and incorporated herein by this reference.
2. The parcel commonly known as the “Atkins property,” Assessor Parcel Number 057-040-007 consisting of approximately 25.44 acres as is more fully described in Exhibit C, attached hereto and incorporated herein by this reference.

“Sphere of Influence” shall mean the LAFCO-approved plan for the probable physical boundary and service area of the City of American Canyon, as defined in Government Code section 56076.

“Urban Limit Line” or “ULL” shall mean that line which describes the boundaries described in Exhibit D, attached hereto and incorporated herein by this reference, beyond which the City and the City’s Sphere of Influence shall not expand prior to 2030 unless the citizens of the City first approve an expansion of the line.

**PART II. PRE-CONDITIONS TO THE AGREEMENT TAKING EFFECT;
ANNEXATION OF PANATTONI PROPERTY**

A. Preconditions to Agreement Effectiveness

This Agreement, excluding Agreement Section II.B, shall become effective only if each and every one of the following events occurs within its respective time frame. Therefore, if any one of the preconditions fails to occur within the time frame set forth in this Agreement for that precondition, then this Agreement and the obligations of the parties as set forth in Agreement Section III shall automatically become null and void.

1. *Industrial Easements.*

The City shall ensure that the owners of the Subject Parcels and the Panattoni Property, prior to amendment of the City’s sphere of influence and completion of annexation of the Subject Parcels and the Panattoni Property to the City:

a. Grant and record industrial easements in favor of the County in perpetuity, in a form acceptable to the County Counsel and the City Attorney, ensuring that the Subject Parcels and the Panattoni Property may be developed in accordance with the uses permitted for those parcels by the Airport Specific Plan, and

b. Deed restrict, in a form acceptable to the County Counsel and the City Attorney, the Subject Parcels and Panattoni Property prior to development or use of the same, ensuring that the Subject Parcels and the Panattoni Property shall be developed in accordance with the uses permitted for those parcels in the Airport Specific Plan.

c. The City shall ensure that any development approvals sought by the owners of the Subject Parcels and the Panattoni Property in the City shall be conditioned by the City to be industrial uses as permitted for those parcels by the Airport Specific Plan and that the owners of these parcels grant and record avigation (flight) easements in favor of the County, in a form acceptable to the County Counsel and the City Attorney.

2. *Standards for Providing Water Service.* On or before September 1, 2008 the City shall take the following actions:

a. Revise its water policies to confirm that the City will provide water service to all Outside Customers upon request under all of the same terms and conditions under which the City provides water service to City Customers, and that the City will not impose any term or condition on any water service to any Outside Customer that is different from the terms and conditions that the City imposes on City Customers, except that the City may continue to

impose higher water rates on Outside Customers consistent with *Hansen v. City of San Buenaventura* (1986) 42 Cal.3d 1172; and

b. Amend City Municipal Code sections 13.10.010, 13.10.020, and 13.10.040, and all other related Municipal Code provisions, implementing resolutions and policies, so that they will be consistent with Agreement Sections II.A.2.a, III.E, and Exhibit E. The City shall schedule a public hearing for this purpose. The City shall make all of the revisions and amendments referenced in Agreement Section II.A.1 and II.A.2 before the City files any requests for any amendment of the City's Sphere of Influence or any annexations of the Subject Parcels and the Panattoni Property.

3. ***Preconditions Are Prerequisite to Sphere of Influence Amendment and Annexation.*** Satisfaction of the requirements set forth in Agreement Section II.A.1 (Industrial Easements) and II.A.2 (Standards for Providing Water Service) are preconditions to this Agreement. If these preconditions are not satisfied, this Agreement shall be null and void.

B. Immediate Annexation of Panattoni Property

Notwithstanding any other provision of this Agreement, as an indication of good faith of both parties, the County shall, upon execution of this Agreement and upon satisfaction of the requirements set forth in Agreement Sections II.A.1 (Industrial Easements), II.A.2 (Standards for Providing Water Service) and III.F.2 (Property Tax Revenue Sharing Agreement), provide written support of that portion of City's application before LAFCO involving a sphere amendment or annexation of the Panattoni Property to the City.

PART III. AGREEMENT OBLIGATIONS

A. City's Urban Limit Line

The parties agree that the City's growth boundary shall not expand beyond the ULL described and depicted in Exhibit D until at least 2030. To implement this ULL agreement, the parties will take one or more of the following actions which are intended to ensure that the ULL will not change prior to 2030.

1. If a citizen's initiative is circulated that establishes an ULL as a part of the City General Plan that is consistent with Exhibit D and that cannot be changed without a vote of the people until 2030, and if that initiative gathers a sufficient number of valid signatures to require the City to either adopt the initiative or place the matter on the ballot, then the City shall either: (a) adopt the initiative without alteration at the regular meeting at which the certification of the initiative petition is presented to the City Council or within 10 days after it is submitted; or (b) place the matter on the ballot. Otherwise, this Agreement shall become null and void, except that the parties may agree otherwise concerning the 60 foot strip in the unincorporated territory separating Area 1 from Area 2, as described and depicted in Exhibit D.

2. If a notice of intent to circulate a citizen's initiative to establish an ULL consistent with Agreement Section III.A.1 is not filed with the City elections official on or before June 30, 2008, then a ballot measure that will establish an ULL in the City General Plan that is consistent with Exhibit D and cannot be changed without a vote of the people until 2030 shall be placed on

the November 2008 municipal ballot by the City Council. The order of election shall be adopted by the City Council no later than August 8, 2008. Any such ballot measure shall expressly provide that any further changes to the ULL described and depicted in Exhibit D prior to 2030 shall take effect only following the approval by a majority of the voters of the City at a regularly scheduled municipal election. If the City fails to place such a measure on the ballot, this Agreement shall automatically become null and void, except that the parties may agree otherwise concerning the 60 foot strip in the unincorporated territory separating Area 1 from Area 2, as described and depicted in Exhibit D.

3. If a notice of intent to circulate a citizen's initiative to establish an ULL in the City's General Plan that is consistent with Exhibit D and cannot be changed without a vote of the people until 2030 is filed with the City election official on or before June 30, 2008, and the initiative is circulated but fails to achieve the necessary number of signatures to qualify for the November 2008 ballot, then a ballot measure that will establish an ULL as a part of the City's General Plan that is consistent with Exhibit D and cannot be changed without a vote of the people until 2030 shall be placed on the November 2008 municipal ballot by the City Council. The order of election shall be adopted by the City Council no later than August 8, 2008. Any such ballot measure shall expressly provide that changes to the ULL depicted in Exhibit D that cannot be changed without a vote of the people prior to 2030 shall take effect only following the approval by a majority of the voters of the City at a regularly scheduled municipal election. If the City fails to place such a measure on the ballot, or if a referendum successfully repeals action of the City, this Agreement shall automatically become null and void, except that the parties may agree otherwise concerning the 60 foot strip in the unincorporated territory separating Area 1 from Area 2, as described and depicted in Exhibit D.

4. If the City fails to satisfy the requirements of Section III.A of this Agreement, or if the City is successfully challenged in court on its action as authorized in Agreement Section III.A, this Agreement shall automatically become null and void, excepting the obligations of Agreement Section II.B.

5. If Agreement Section III.A.1 is applicable and the City Council places the matter on the November 2008 ballot rather than adopting the initiative measure without alteration and the initiative does not pass, then this Agreement shall automatically become null and void, excepting the obligations of Agreement Section II.B.

6. If Agreement Section III.A.2 or III.A.3 is applicable, and Agreement Section III.A.1 is not, and if a majority of the voters of the City do not approve the ULL depicted in Exhibit D with the condition that it cannot be changed without a vote of the people until 2030, then this Agreement shall automatically become null and void, excepting the obligations of Agreement Section II.B.

7. Area 4 as described and depicted in Exhibit D (commonly known as "Clark Ranch West") is currently in an Agriculture, Watershed and Open Space land use designation. As a condition of this Agreement, the City will keep this area in open space, recreation, and/or wildlife conservation when the area is annexed to the City and will take all actions necessary to ensure that this property remains in open space, recreation and/or wildlife conservation.

B. Sphere of Influence Amendments of the Subject Parcels

Within ten days of execution of this Agreement, City shall amend its pending application for an amendment of its Sphere of Influence, which was filed with LAFCO in 2007, so that the application is consistent with this Agreement. City shall not pursue any applications with LAFCO for a Sphere of Influence amendment and/or annexation of any properties, other than the Panattoni Property as set forth in Agreement Section II.B, until the preconditions in Agreement Section II.A have been satisfied.

The parties recognize that any expansion of City's Sphere of Influence must be heard and approved by LAFCO. County agrees to provide written support of City's application to expand its Sphere of Influence to include the Subject Parcels described in Exhibits B and C but only if the voters of the City, or the City, as the case may be, first approves adoption of the ULL described in Exhibit D, with the condition that the approval occurred in such a manner that the approved ULL cannot be changed prior to 2030 except by the voters of the City. Otherwise, the County reserves the right to oppose including such parcels within the City's Sphere of Influence. This County obligation to support the City's application to expand its Sphere of Influence for the Subject Parcels is in addition to, and separate from the County's obligation to support any Sphere of Influence amendment necessary to complete the annexation of the Panattoni Property, as required by Agreement Section II.B.

C. Annexation of the Subject Parcels

The parties recognize that expansion of the City by annexation is a matter to be heard and approved by LAFCO. County agrees to provide written support of the City's application to LAFCO for annexation of the Subject Parcels described in Exhibits B and C only if the voters of the City, or the City, as the case may be, have first approved adoption of the ULL described in Exhibit D and further providing that the approval occurred in such a manner that the approved ULL cannot be changed prior to 2030 unless first approved by the voters of the City. Otherwise, the County reserves the right to oppose the annexation of the Subject Parcels. This obligation in support of the City's applications to annex the Subject Parcels is in addition to, and separate from, the obligation to support the annexation of the Panattoni Property as required by Agreement Section II.B.

It is further understood and agreed that nothing contained in this Agreement shall be construed as requiring the County to support annexations of parcels located within the ULL to the City or the inclusion of those parcels in the City's Sphere of Influence, other than the Subject Parcels and the Panattoni Property.

D. Parties to Amend Their Respective General Plans

1. *County Requirements Following Voter Approval of the ULL Depicted in Exhibit D.* The County will amend the Goals, Policies and implementing measures of all applicable maps, tables and diagrams of its General Plan to reflect the City adjusted ULL in a manner that is consistent with Exhibit D, concurrent with the completion of City's obligations described in Agreement Section III.A.

2. ***City Requirements if an Initiative Adopting the ULL Depicted in Exhibit D is successful.*** The City will amend the Goals, Policies and implementing measures of all applicable maps, tables and diagrams of its General Plan to reflect the City adjusted ULL in a manner that is consistent with Exhibit D, concurrent with the completion of City's obligations described in Agreement Section III.A.

E. City Water Services to the Airport Industrial Specific Plan Area

The City shall continue to provide water service to existing Outside Customers and, upon request, the City shall provide new or increased water service to all Outside Customers under the same terms and conditions under which the City provides water service to City Customers, as provided in Agreement Section II.A.2.a. The City shall provide all new City Customers and all new Outside Customers with water service under the conditions in Exhibit E, attached hereto and incorporated herein by this reference. Nothing in this Agreement shall limit or affect the rights of City water customers for parcels that are located outside the City's limits and the Airport Specific Plan area but within the City's Water Service Area.

F. Property Tax Revenue Sharing Agreements

1. Within 120 days of execution of this Agreement and as a condition of County's support of annexation of the Subject Parcels to City, the parties will enter into an agreement setting forth the method of sharing those incremental real property taxes (the "Tax Revenue Sharing Agreement") generated by the Subject Parcels subsequent to annexation of those parcels to the City. This Tax Revenue Sharing Agreement will become effective only upon annexation of the Subject Parcels to the City. The Tax Revenue Sharing Agreement shall provide that the City and County will each receive forty-seven and one-half percent (47.5%) of the property tax increment, with the American Canyon Fire Protection District, a subsidiary special district of the City receiving five percent (5%). The Agreement shall expressly provide that the City's proposed annexation of parcels within the voter approved ULL, other than the Subject Parcels and the Panattoni Property, are not subject to the Tax Revenue Sharing Agreement.

2. Within 120 days of execution of this Agreement and as a condition of County's support of annexation of the Panattoni Property to City, the parties will enter into a separate Tax Revenue Sharing Agreement setting forth the method of sharing those incremental real property taxes generated by the Panattoni Property subsequent to annexation of those parcels to the City. This Tax Revenue Sharing Agreement will become effective only upon annexation of the Panattoni Property to the City. The Tax Revenue Sharing Agreement shall provide that the City and County will each receive forty-seven and one-half percent (47.5%) of the property tax increment, with the American Canyon Fire Protection District, a subsidiary special district of the City receiving five percent (5%). The Agreement shall expressly provide that the City's proposed annexation of parcels within the approved ULL, other than the Subject Parcels and the Panattoni Property, are not subject to the Tax Revenue Sharing Agreement.

G. Return of Tax Revenues

1. Any party who violates one or more of the provisions contained in Agreement Section III.G.2. shall return to the other party the following incremental property tax revenues the offending party has received and will receive pursuant to the Tax Revenue Sharing

Agreements referenced in Agreement Section III.F.1 and III.F.2:

- a. All such property tax revenues received for the four (4) fiscal years prior to the fiscal year in which the violation occurred; and
- b. All such property tax revenues received for the fiscal year in which the violation occurred; and
- c. All such property tax revenues received in all future fiscal years following the fiscal year in which the violation occurred (i.e. in perpetuity).

2. A violation of the Agreement triggering Agreement Section III.G shall be deemed to have occurred if any of the following occurs:

- a. The ULL described and depicted in Exhibit D is changed on or before January 1, 2030, by the City, by the passage of an initiative measure placed on the ballot by the City, or by the passage of an initiative measure which resulted from a successful petition circulated by registered voters of the City which qualifies for the ballot.
- b. The City files an application with LAFCO prior to January 1, 2030 seeking to expand the City's Sphere of Influence to include parcels outside the ULL described and depicted in Exhibit D.
- c. The County fails to support the City's Sphere of Influence application and related annexation of the Subject Parcels in the manner and within the timeframes contemplated by this Agreement. Notwithstanding the foregoing, nothing in this Agreement shall be interpreted to require any member of the County Board of Supervisors to vote in any certain manner when sitting as a Commissioner on LAFCO.
- d. The City fails to provide a water service will-serve letter to any person or entity requesting such a letter in a manner that is consistent with the terms of this Agreement. If City fails to provide such a will-serve letter within 90 days after receiving a request for such a letter, and if a mutual agreement between the City and the property owner making the request to extend that 90 day period for up to an additional 180 days has not been executed within the original 90 day period, then it shall be conclusively presumed that the City has violated the requirement to provide water service will-serve letters upon request. This paragraph shall not apply if during that entire 90 day period the City has in effect a policy of refusing to provide water service to all new City Customers, and of refusing to provide increased levels of water to all existing City Customers, due to factors relating to water shortages encountered by the City. When said policy ceases to be applied, a requirement to provide the requested will-serve letters within the 90 day period following the termination of the policy shall automatically go into effect.
- e. The City fails to provide water service to, or unlawfully discriminates against any Outside Customer in the provision of water services, or the City otherwise does not provide water service to any Outside Customer in a manner that is consistent with this Agreement. However, the amount of water service that the City is obligated to provide shall be subject to the City's Zero Water Footprint Methodology, provided the City applies this Zero

Water Footprint Methodology equally to City Customers and Outside Customers in a manner that does not result in conditions of approval that differ between similarly situated Outside Customers and City Customers. The list of Water Conditions that the City will impose on all parcels for which new water service is requested is attached to this Agreement as Exhibit E, and a copy of the Zero Water Footprint Methodology is attached to this Agreement as Exhibit F. The process for Outside Customers to appeal conditions imposed by the City as a result of implementing the Zero Water Footprint Methodology is described in Exhibit G to this Agreement. Exhibits E, F and G are incorporated herein by this reference and may only be changed upon mutual consent of the parties.

f. The City imposes a requirement that any future Outside Customer, other than the owner or owners of record of the Subject Parcels, must consent to, or waive objection to, annexation of his, her, or its parcel to the City as a condition of receiving water services from the City.

g. The County amends its Airport Specific Plan prior to 2030 to allow residential uses in the Airport Specific Plan area.

II. Development of Parcels

As a precondition to the grant of final entitlements to any of the Subject Parcels or the Panattoni Property that are not challenged within the applicable statute of limitations, the party having land use authority over that parcel shall ensure that all of the following are accomplished conditions of approval, either through a development agreement or a reimbursement agreement:

1. Subject to any claims the County is obligated to perform related to the Montalcino Project (Napa County Use Permit #98177-UP and #P05-0220-MOD), traffic mitigation fees attributable to the Subject Parcels and the Panattoni Property that the County receives pursuant to its Airport Industrial Area Traffic Mitigation Program, to the extent those parcels are developed in the unincorporated area shall be placed in a restricted account, if not already appropriated and expended by the County. All such fees shall be placed in a segregated account by the County Auditor and may only be disbursed to construct improvements to and/or extend Devlin Road from Tower Road to Airpark Road, as depicted in Exhibit I (attached to this Agreement and incorporated herein by this reference), including the construction of a two lane bridge ("Bridge") including pedestrian and bike lanes across Fagan Creek. If any of the Subject Parcels or the Panattoni Property is annexed to the City prior to development same, then the City shall pay to the County the amount of fees the County would have collected under the Airport Industrial Area Traffic Mitigation Program had that parcel been developed in the unincorporated area. City's obligation to pay those fees shall be due and payable within ten days of (1) issuance of the building permit or (2) whenever development would have triggered payment of the traffic mitigation fee under the County's Airport Industrial Area Traffic Mitigation Program had the parcel been developed in the unincorporated area, whichever date is earlier. The fees shall be used by the County to offset costs to construct improvements to and/or extend Devlin Road as described in this Agreement, or to reimburse County for expenditures it may have previously made toward the design and construction of Devlin Road in the event development on these parcels lags any portion of the development of Devlin Road.

2. The County shall take appropriate steps to ensure that the Devlin Road and Bridge are completed prior to 2018. This shall include the design, acquisition of right-of-way and construction of the Devlin Road extension and Bridge (including pedestrian and bike lanes) over Fagan Creek.

3. Development of the Headwaters property shall be conditioned upon dedication of a secondary public access road to support the Airport. That access road shall at a minimum be a Type H Collector including two travel lanes, parallel parking, and consisting of 56 feet of public right-of-way in accordance with Napa County Road and Street Standards.

4. The parties further agree that in order to implement the provisions of Agreement Sections III.H.1, III.H.2 and III.H.3, the Public Works Directors of the City and the County shall annually report to their respective entities with respect to the generation of all traffic revenue within the affected area and their expenditures to accomplish the described improvements.

PART IV. GENERAL PROVISIONS

A. Warranty of Legal Authority

Each party warrants and covenants that it has the present legal authority to enter into this Agreement and to perform the acts required of it hereunder. If any party is found to lack the authority to perform the acts required of it hereunder or is prevented from performing the acts by a court of competent jurisdiction, then this Agreement shall be null and void.

B. Assignment/Delegation

Neither party hereto shall assign or transfer any benefit or obligation of this Agreement without the prior written consent of the other, and no assignment shall be of any force or effect whatsoever unless and until the other party shall have so consented.

C. Severability

In the event any provision of this Agreement is held to be invalid or unenforceable, the remaining provisions of this Agreement will remain in full force and effect.

D. Waiver

Any waiver (express or implied) by either party of any breach of this Agreement shall not constitute a waiver of any other or subsequent breach.

E. Venue

This Agreement shall be governed and construed in accordance with the laws of the State of California. Any claim, action, arbitration or other proceeding arising from this Agreement shall be initiated and conducted only in the County of Napa.

F. Notices

All notices required or authorized by this Agreement shall be in writing and shall be delivered in person or by deposit in the United States mail, by certified mail, postage prepaid, return receipt

requested. Any mailed notice, demand, request, consent, approval or communication that either party desires to give the other party shall be addressed to the other party at the addresses set forth below. Either party may change its address by notifying the other party of the change of address. Any notice sent by mail in the manner prescribed by this Paragraph shall be deemed to have been received on the date noted on the return receipt or five days following the date of deposit, whichever is earlier.

City of American Canyon:
City Manager
300 Crawford Way
American Canyon, California 94503

With copy to:
City Attorney
Law Offices of William Ross
400 Lambert Street
Palo Alto, California 94306

County of Napa:
Napa County Executive Officer
1195 Third Street, Suite 310
Napa, CA 94559

With copy to:
Napa County Counsel
County of Napa
1195 Third Street, Suite 301
Napa, CA 94559

G. Amendment

This Agreement may only be amended in writing by an amendment authorized by the City Council and County Board of Supervisors, except as provided in Agreement Section IV.K below.

H. Recitals Adopted

The parties hereby agree to, and adopt, the Agreement recitals as portions of the Agreement.

I. Termination for Cause

Either party may terminate this Agreement for cause of non-performance. Such termination shall be based upon ninety (90) days notice given to the other party in the manner set forth in Agreement Section IV.F. Such notice shall also constitute a notice of default, which shall provide the defaulting party with an automatic right to cure the default within sixty (60) days.

J. Joint Defense in Event of Third Party Challenges to the Agreement

In the event of a third party challenge of any type to this Agreement, the parties agree to jointly

defend the validity and implementation of the Agreement.

K. Extension of Dates by Mutual Agreement

The dates provided for the performance of any of the terms of this Agreement may be changed and/or extended by mutual written agreement of the parties, the City acting through its City Manager and the County acting through its County Executive Officer.

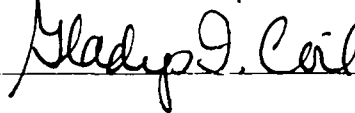
L. Entire Agreement

This document is intended both as the final expression of the agreement between the parties hereto with respect to the included terms and as a complete and exclusive statement of the terms of the Agreement. This Agreement may be executed in two counterparts, each of which shall constitute an original.

IN WITNESS WHEREOF, this Agreement was executed by the parties hereto as of the date first above written.

COUNTY OF NAPA
By: 
BRAD WAGENKNECHT,
Chair of the Board

ATTEST: Gladys I. Coil
Clerk of the Board of Supervisors

By: 

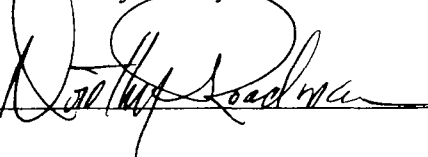
APPROVED AS TO FORM:
ROBERT WESTMEYER, County Counsel

By: 

CITY OF AMERICAN CANYON

By: 
LEON GARCIA,
Mayor

ATTEST: Dorothy Roadman
American Canyon City Clerk

By: 

APPROVED AS TO FORM:
WILLIAM D. ROSS, City Attorney

By: 

EXHIBIT A

Legal Description of Panattoni Parcel

Commencing at the southwest corner of the 0.504 acre parcel of land described in the Deed to the State of California, recorded January 27, 1949 in Book 301 at page 69 of Official Records of Napa County; thence along the western line of the lands of said State of California; northerly along a curve to the left, from a tangent that bears N 0°12'55.6"W having a radius of 9910 feet, through a central angle of 2°16'39.4" an arc distance of 393.94 feet; thence N02°29'35"W 16.21 feet to a point on the south line of a 0.16 acre parcel of land described in Exhibit "B" of the Grant Deed recorded at series number 1993-037831 in the office of the Napa County Recorder; thence N63°49'30"W along the south line of said parcel 31.32 feet; thence N84°18'26"W along said south line 35.36 feet; thence N02°26'14"W to the centerline of Kelly Road South as shown on Exhibit "B" as shown on the Grant Deed recorded at series number 1993-037831 in the office of the Napa County Recorder; thence S87°25'31"W along said centerline 28.33 feet to a curve concave to the south, having a radius of 250 feet; thence westerly and southerly along said curve through a central angle of 33°41'24" an arc length of 147.00 feet; thence S53°44'07"W 376.66 feet to the beginning of a curve concave to the northwest, having a radius of 1000.00 feet; thence southerly and westerly along said curve through a central angle of 12°48'50" an arc length of 223.64 feet; thence S66°32'57"W 117.18 feet to the eastern line of a 35.29 acre parcel of land described in Exhibit "A" of the Grant Deed recorded at series number 1993-037831 in the Office of the Napa County Recorder; thence S08°41'22"E along said eastern line 65.93 feet to the southeast corner of said parcel; thence S61°04'46"W along the southern line of said parcel, 36.24 feet; thence S8°35'53"E 115.44 feet to the beginning of a curve concave to the west having a radius of 1000.00 feet; thence southerly along said curve through a central angle of 13°38'08" an arc length of 237.99 feet; thence S05°02'15"W 494.58 feet to the beginning of a curve concave to the northwest having a radius of 475.00 feet; thence southerly along said curve through a central angle of 51°02'54" an arc length of 423.21 feet; thence S56°05'09"W 312.76 feet to the northeastern line of the Napa Valley Branch of the Southern Pacific Railroad and/or the San Francisco, Napa and Calistoga Railway; thence S27°45'25"E along the northeastern line of said railway 282.16 feet to the south line of the 397.75 acre tract of land described as Parcel One in the Deed to Louis Gonsalves, et ux, recorded July 13, 1944 in Book 211 at Page 476 of Official Records of Napa County; thence east along the south line of said 397.75 acre parcel of land to the southwestern corner of the parcel of land described in the Deed to Ray L. Welch, et ux, recorded December 7, 1953 in Book 428 at page 398 of Official Records of Napa County; thence along the western line of the land of said Welch, N00°36'30"E 582.14 feet to the southwestern corner of the 2.5 acre parcel of land described in the Deed to Arthur C. Pollard, et ux, recorded June 23, 1947 in Book 271 at page 168 of Official Records of Napa County; thence along the western line of the Land of Pollard, N28°36'W 124.4 feet and N17°04'E 302.3 feet to the southwestern corner of the 3.54 acre parcel of land described in the Deed to James K. Pendery, et ux, recorded November 13, 1947 in Book 278 at page 403 of Official Records of Napa County; thence along the western line of the lands of said Pendery N00°36'E 468.30 feet, more or less, to the southeastern corner of the 1 acre parcel of land described in the Deed to William Gonsalves, et ux, recorded November 13, 1961 in Book 640 at page 583 of Official Records of Napa County; thence along the southern line of the land of said Gonsalves, N89°24'W 208 feet to the southwestern corner thereof; thence along the western line of said land N00°36'E, 208 feet to the northwestern corner thereof; thence along the northern line of said land S89°24'E 208 feet to the northeastern corner thereof, said corner also being the northwestern corner of the land of James K. Pendery, above referred to; thence along the northern line of the land of said Pendery S89°24'E, 203.76 feet, more or less, to the point of beginning.

APN 057-090-076

Commencing at the southeasterly corner of the lands of the South Napa Waste Management Authority (S.N.W.M.A.) Exhibit "A" recorded November 19, 1993 as Instrument Number 1993-037831 in the office of the Napa County Recorder and shown on the Record of Survey of a portion of the lands of South Napa Waste Management Authority (S.N.W.M.A.) recorded February 25, 1997 in Book 31 of Surveys at Pages 8-10 in the office of the Napa County Recorder; thence South $61^{\circ} 04' 46''$, 36.24 feet to the TRUE POINT OF BEGINNING; thence from said true point of beginning South $08^{\circ} 35' 53''$ East 115.44 feet to the beginning of a curve concave to the west having a radius of 1000.00 feet; thence southerly along said curve through a central angle of $13^{\circ} 38' 08''$ an arc length of 237.99 feet; thence South $05^{\circ} 02' 15''$ West 494.58 feet to the beginning of a curve concave to the northwest having a radius of 475.00 feet; thence southerly along said curve through a central angle of South $51^{\circ} 02' 54''$ an arch length of 423.21 feet; thence South $56^{\circ} 05' 09''$ West to the northeastern line of the Napa Valley Branch of the Southern Pacific Railroad and/or the San Francisco, Napa and Calistoga Railway; thence northwest along the northeastern line of the Napa Valley Branch of the Southern Pacific Railroad and/or the San Francisco, Napa and Calistoga Railway to the southerly corner of the said South Napa Waste Management Authority parcel; thence northeasterly along the southeasterly boundary of the South Napa Waste Management Authority to the TRUE POINT OF BEGINNING.

APN 057-090-075

EXHIBIT B

Legal Description of Headwaters Parcel

Beginning at the intersection of the south line of the land described in the Deed to the County of Napa recorded December 31, 1986 in Book 1489 at page 213 in the office of the Napa County Recorder and the southwest line of the Napa Valley Branch of the Southern Pacific Railroad and/or the San Francisco, Napa, and, Calistoga Railway; thence South 75°30'04"West along the south line of the said lands of Napa County 4509.24 feet to the southwest corner of said lands of Napa County, said corner also being a point on the western line of the Lands of Louis Gonsalves described as Parcel One in the deed to Louis Gonsalves, et ux, recorded July 13, 1944 in Book 211 at page 476 of official records of Napa County; thence southerly along the western line of said land to the southwestern corner thereof, thence east along the south line of said 397.75 acre parcel of land to the southwestern line said Railway; thence northwesterly along the southwestern line of said Railway to the Point of Beginning.

APN 057-090-069

EXHIBIT C

Legal Description of Atkins Parcel

Commencing at the Southeastern corner of the 140.04 acre tract of land described in the Deed to Steve O. Atkins, et al, recorded January 4, 1954, in book 430, Page 186 Official Records of Napa County, running thence South 87 degrees 54 minutes 30 seconds West, along the Southern line of said tract, 859.82 feet to the Northeastern Right of Way line of the Santa Rosa Branch of the Southern Pacific Railroad; thence North 68 degrees 44 minutes 48 seconds West, along said Northeastern line, 90.77 feet to the most Southerly corner of that certain 52.95 acre tract of land described in the Deed to County of Napa recorded August 16, 1956, in book 521 of Official Records at page 292; thence along the Easterly line of said 52.95 acre tract of land, North 21 degrees 38 minutes East 1919.15 feet to the most Northerly corner of said 52.95 acre tract; being a point in the Southern line of the Napa County Airport as described in the Judgment of Condemnation recorded April 12, 1944 in book 208, page 364, Official Records of Napa County; thence North 76 degrees 08 minutes 23 seconds East along said Southern line, 281.89 feet to the Northeastern corner of the 140.04 acre tract above referred to; thence South 1 degree 03 minutes 57 seconds West, along the Eastern line of said tract, 1859.55 feet to the point of commencement.

Excepting from said Parcel One an undivided 1/2 interest in and to all of the oil, gas and other minerals and mineral rights of whatsoever nature, as granted to Charles I. Joens, et ux, in Deed recorded March 17, 1967, in book 762 of Official Records, at page 759, Napa County Records.

APN 057-040-007

EXHIBIT D

Legal Description - Proposed Urban Limit Line for American Canyon, CA

AREA #1:

A portion of Township 4 North, Range 3, 4, and 5 West, Mount Diablo Base and Meridian (and also being shown on the attached plat entitled "Plat of Description - Proposed American Canyon, CA. Urban Limit Line" attached hereto, for illustrative purposes only, as EXHIBIT "D-1"), more particularly described as follows:

BEGINNING at a t-bar and tag stamped "R.C.E. 6250", marking the westernmost corner of Parcel B-1, as shown on the map entitled "Survey and Division of the Madigan Ranch in Napa County and Solano County, California", filed December 17, 1971 in Book 3 of Parcel Maps at Page 67-68 in the office of the County Recorder of Napa County, California, all further references to filing or recording being made to said Napa County Recorder unless otherwise stated for purposes of this description; said Point of Beginning being a point on the Napa - Solano County line; thence westerly along said Napa - Solano County line 9460± feet to the southwest corner of Parcel A as shown on the map entitled "Final Map of Napa Meadows Unit 8" filed July 27, 2000 in Book 22 of Record Maps at Page 10-15 in the office of the County Recorder of Napa County, California; thence northerly along the extended westerly line of Parcels A, C & B as shown on said "Final Map of Napa Meadows Unit 8" 1900± feet to the southeast corner of the lands known as "Napa Meadows Unit 7" as shown on the map entitled "Final Map of Napa Meadows Unit 7" filed October 26, 2000 in Book 22 of Record Maps at Page 27-33 in the office of the County Recorder of Napa County, California; thence westerly and northwesterly along the southerly and extended westerly lines of said "Napa Meadows Unit 7" to a t-bar and tag stamped "R.C.E. 6250" at the easterly terminus of a line labeled "N87°45'00"W 187.83'" marking a point on the easterly line of the lands of Pauline Burastero, et al, as shown on the map entitled "Record of Survey of the lands of American Canyon Sanitary Land Fill Co., Inc., and the lands of Pauline Burastero, et al" filed May 31, 1974 in Book 18 of Surveys at Page 71; thence westerly, northerly and westerly along the lines of said lands of Pauline Burastero, et al 9700± feet to a ¾" iron pipe stamped "R.C.E. 3389" marking the northwest corner thereof, said point being also the southwest corner of the 58.49 acre parcel of land described in the Judgment and Final Order of Condemnation filed February 15, 2006 and recorded as Document No. 2006-0005485; thence northerly and easterly along the lines of said 58.49 acre parcel of land 2016± feet to a ¾" iron pipe stamped "R.C.E. 11649" marking the southwest corner of Parcel 1 as shown on the map entitled "Parcel Map of the lands of Louis O. Wurz Jr., et al and Covenant Presbyterian Church of Napa" filed December 1, 1986 in Book 15 of Parcel Maps at Page 20; thence northerly along the westerly line of said Parcel 1, 2280± feet to the northwest corner thereof, said northwest corner being also the southwest corner of Parcel One as shown on the map entitled "Parcel Map of the Lands of Napa Mill Development Company..." filed October 12, 2006 in Book 25 of Parcel Maps at Page 29-32; thence northerly along the West line of said Parcel One 575± feet to the southerly right of way line of Green Island Road; thence westerly along said southerly right of way line of Green Island Road 1510± feet to the intersection with the extended westerly line of the lands of All Technical Engineering & Construction, Inc, as shown on the map entitled "Record of Survey of the lands of All Technical Engineering & Construction, Inc.", filed October 6, 1978 in Book 20 of Surveys at Page 88; thence northerly along the extended westerly line of said lands of All Technical Engineering & Construction, Inc. 1820± feet to the southerly line of the lands described in the Grant Deed filed October 11, 2005 and recorded as Document No. 2005-0041461; thence northwesterly and northeasterly along said lands 2010± feet to the northwest corner thereof; thence northeasterly along the northerly line of said lands 282± feet to the northeast corner thereof; thence southerly along the easterly line of said lands 545± feet to the northwest corner of the lands described in the Grant Deed filed September 7, 2006 and recorded as Document No. 2006-0031319; thence northeasterly along the northerly line of said lands 4510± feet to the northeastern corner thereof; said

corner being a point on the southwesterly right of way line of the Napa Valley Branch of the Southern Pacific Railroad right of way; thence southeasterly along said southwesterly right of way line 1510± feet to the intersection with the extended southerly line of the lands of S.N.W.M.A. as shown on the map entitled "Record of Survey of South Napa Waste Management Authority..." filed February 25, 1997 in Book 31 of Surveys at Page 8-10; thence northeasterly along said southerly line 1250± feet to the southerly right of way line of Kelly Road South, as shown on the same map entitled "Record of Survey of South Napa Waste Management Authority..."; thence northeasterly along said southerly right of way line 850± feet to the westerly right of way line of State Highway 29; thence southerly along said westerly right of way line 350± feet to the northeast corner of the lands described in the Grant Deed filed August 16, 2007 and recorded as Document No. 2006-0028706; thence westerly along the northerly line of said lands 225± feet to the northwestern corner thereof; said northwestern corner being also the northeastern corner of the lands described in the Grant Deed filed November 13, 1961 and recorded in Book 640 at Page 583; thence westerly along the northerly line of said lands 208± feet to the northwestern corner thereof; thence southerly 208± feet to the southwesterly corner thereof; thence easterly 208± feet to the southeasterly corner thereof, said southeasterly corner being also a point on the westerly line of the aforementioned lands described in the Grant Deed filed August 16, 2007 and recorded as Document No. 2006-0028706; thence southerly along said westerly line 468± feet to the southwestern corner thereof; thence easterly along the extended southerly line of said lands 380± feet to a point on the easterly right of way line of State Highway 29, said easterly right of way line of State Highway 29 being also the westerly line of Parcel C as shown on the map entitled "Parcel Map of the lands of Security Owners Corporation..." filed August 24, 1995 in Book 21 of Parcel Maps at Page 50-51; thence southerly along said westerly line of Parcel C 3460± feet to the southwestern corner thereof; thence easterly along the southerly line of said Parcel C 2500± feet to the southeastern corner thereof, said southeastern corner being also a point on the westerly line of Parcel One as described in the Corporation Grant Deed filed December 31, 1997 and recorded as Document No. 1997-031470; thence northerly along said westerly line 375± feet to the northwestern corner thereof; thence easterly along the northerly line of said Parcel One 1678± feet to the northeastern corner thereof; thence southerly along the extended easterly line of said Parcel One 3580± feet to a point on the northerly line of the lands of John D. & Lorraine D. Cantoni as shown on the map entitled "Record of Survey of the lands of John D. & Lorraine D. Cantoni" filed April 23, 1980 in Book 21 of Surveys at Page 69; thence leaving said northerly line 2200± feet to a nail and tag stamped "R.C.E. 15390" in a corner post at the northerly terminus of a line labeled "N40°13'46"E 2463.39'" on said map; thence southwesterly along the last mentioned line 1300± feet to the point of intersection with the northerly extension of the line labeled "N9°56'50"W 1007.63'" shown on the map entitled "Record of Survey of the lands of Amcan Land Holdings Inc..." filed February 18, 1999 in Book 32 of Surveys at Page 34; thence southerly along said extended line labeled "N9°56'50"W 1007.63'" 3460± feet to the southerly terminus thereof, said line terminus being also a point on the easterly line of Parcel One as described in the Grant Deed filed January 25, 2007 and recorded as Document No. 2007-0002762; thence southeasterly along said easterly line 2600± feet to a point on the southerly line of said Parcel One, said point being also the northwest corner of the lands of Palm, marked by a ½" rebar and tag stamped "L.S. 4510" as shown on the map entitled "Parcel Map of the lands of a portion of the lands of Mary C. Avilla" filed December 10, 1986 in Book 15 of Parcel Maps at Page 23-24; thence southerly along the extended westerly line of said lands of Palm 350± feet to the southerly right of way line of American Canyon Road; thence westerly along said southerly right of way line of American Canyon Road 170± feet to a t-bar and tag stamped "R.C.E. 6250", marking the northeastern corner of Parcel B, as shown on the map entitled "Survey and Division of the Madigan Ranch in Napa County and Solano County, California", filed December 17, 1971 in Book 3 of Parcel Maps at Page 67-68; thence southwesterly, northeasterly, southerly and southwesterly along the eastern line of said Parcel B 5100± feet to a t-bar and tag stamped "R.C.E. 6250", marking the westernmost corner of Parcel B-1 as shown on said map entitled "Survey and Division of the Madigan Ranch in Napa County and Solano County, California", said point being the TRUE POINT OF BEGINNING.

AREA #2 :

BEING that 62.779 acre parcel designated "American Canyon County Water District" as shown on the map entitled "Record of Survey of the lands of American Canyon Sanitary Land Fill Co., Inc., and the lands of Pauline Burastero, et al" filed May 31, 1974 in Book 18 of Surveys at Page 71 in the office of the County Recorder at Napa County, California.

AREA #4 :

A portion of the lands of Pauline Burastero, et al as the same is shown on the map entitled "Record of Survey of the lands of American Canyon Land Fill Co. ...and of the lands of Pauline Burastero, et al" filed May 31, 1974 in Book 18 of Surveys at Page 71 in the office of the Recorder of Napa County, California, more particularly described as follows:

BEGINNING at a $\frac{3}{4}$ " iron pipe tagged "R.C.E. 3389" marking the northeast corner of the lands of Pauline Burastero, et al as shown on the map entitled "Record of Survey of the lands of American Canyon Land Fill Co. ...and of the lands of Pauline Burastero, et al" filed May 31, 1974 in Book 18 of Surveys at Page 71 in the office of the Recorder of Napa County, California; thence along the northerly line of said lands of Burastero N 89°14'40" W 1318.94 feet to an angle point on said northerly line; thence leaving said northerly line S 3°46'32" E 790.22 feet to a point on the northerly right of way line of Eucalyptus Drive; thence along said northerly right of way line of Eucalyptus Drive S 89°46'10" E 1365.83 feet to the intersection of the northerly right of way line of Eucalyptus Drive with the easterly line of said lands of Burastero; thence along the easterly line of the lands of Burastero N 7°16'00" W 782.90 feet to the POINT OF BEGINNING.

EXHIBIT E**Water Conditions To Be Imposed On All Parcels
(City Customers and Outside Customers) For Which New Water Service is Requested**

The City of American Canyon ("City") may impose the conditions listed below on new water services for Outside Customers by including these conditions in the "will-serve" letters that the City provides to such Outside Customers, but only if the City also imposes the same conditions on all new water services for parcels with similar uses within the City's limits. The County shall include these same conditions in all new land use development permits for parcels within the Airport Industrial Area Specific Plan area.

1. **City Capacity Fees and Conditions of Approval for Water Service.** Capacity Fees charged for parcels within the City's Water Service Area shall be established by the City and will be periodically reviewed and updated. Capacity Fees (also known as Connection Fees) will be uniform throughout the Water Service Area, regardless of whether the parcel to which the fee applies is inside or outside the City's Limits. The Capacity Fee and any conditions on new water service will be determined based on the Water Supply Report, which shall contain the analysis described in Part II.C. of Exhibit "F" of this Agreement, and which will be consistent with the City's Zero Water Footprint Policy, adopted by the City on October 23, 2007.

2. **Cost of Water Service.** The cost of new water service shall be imposed through the capacity fees in the City's Ordinance 2007-09 or through new capacity fees approved by the County and enacted in a new City ordinance. However, if the Water Supply Report finds, consistent with the City's Zero Water Footprint Policy (see Exhibit F), that the City will have to obtain additional water supplies to meet "dry year" shortfalls, then the cost of water to meet such "dry year" shortfalls will be the sole responsibility of the Applicant. In determining whether or not such "dry year" shortfalls will occur, the City shall include in the base supplies available to the City during "dry years" the new water supplies that have been or will be included in the calculations used to set the City's Capacity Fees and water rates. The City will conclude that "dry year" shortfalls will occur only if such base supplies will not be adequate to meet anticipated "dry year" demands. The City may not impose any costs on the Applicant under this section to reimburse the City for any capital or operating costs that have been or will be included in the calculations used to set the City's Capacity Fees or water rates. The City may impose the additional costs described in the preceding sentence on Outside Customers only if the City also imposes such additional costs uniformly on City Customers.

3. **Maximum Allowable Water Use.** Water received from the City for use on parcels within the Airport Industrial Area Specific Plan area and on parcels with similar uses within the City's limits shall be limited to an average of 650 gallons of water per day per acre (measured monthly), and Applicants for new or increased City water service for all such parcels shall be required to demonstrate to the City while the City is preparing the Water Supply Report for the Applicant the maximum extent to which the Applicant can further reduce its water consumption by applying the following best management practices:

- No Flow or Low Flow Fixtures. These Applicants shall be required to install no flow or low flow water fixtures, and to implement other reasonable water conservation measures that are described in the City's Water Conservation Guidelines adopted in the City's Resolution No. 2008-08 or in new City water conservation guidelines approved by the County and adopted in a new City ordinance or resolution.
- Drought Tolerant Landscape & Irrigation with Recycled Water. These Applicants shall be required to use only drought tolerant landscaping, and they may only irrigate landscaped areas with recycled water, when it is available.
- Purple Pipe. These Applicants shall be required to dual plumb their buildings and install "purple pipe" in all landscape areas in anticipation of the availability of recycled water and shall use the recycled water when available.
- These Applicants shall follow the water conservation methods that are described in the Water Conservation Guidelines adopted in the City's Resolution No. 2008-08 or in new City water conservation guidelines approved by the County and adopted in a new City ordinance or resolution.

The City may apply the provisions of this Paragraph 3 to Applicants for new or increased City water service for parcels within the Airport Industrial Area Specific Plan area only if the City also uniformly applies these provisions to all Applicants for new or increased City water service for parcels with similar uses within the City's limits.

4. **Water Offsets.** Applicants for City water service for parcels within the Airport Industrial Area Specific Plan area and for parcels with similar uses within the City's limits that wish to use more than an average of 650 gallons of water per day per acre (measured monthly) shall offset the proposed water use over 650 gallons per day per acre (measured monthly) through the use of one or more options that are made available by the City to the Applicants. These options include, but are not limited to, retrofitting of existing residences with low flow fixtures, purchase of otherwise developable land as permanent open space, or acquisition of other water supply resources as provided for by a water supply analysis that follows the Zero Water Footprint Methodology described in Exhibit F. The City shall make all such options available uniformly to Applicant for City water service for parcels within the Airport Industrial Area Specific Plan area and for parcels with similar uses within the City's limits, and that seek such offsets.

5. **Drought Restrictions.** To the extent permitted by law, the City may curtail or ration the use of water provided by the City below the limit of 650 gallons per day per acre (measured monthly) in dry years through the imposition of drought restrictions that are uniformly applied throughout the City's Water Service Area.

EXHIBIT F

Zero Water Footprint and Water Supply Report Methodology

I. PURPOSE

To implement the Zero Water Footprint Policy adopted by the City Council on October 23, 2007. In this policy, "Zero Water Footprint" is defined as:

"No loss in reliability or increase in water rates for existing water service customers due to requested increased demand for water within the City's Water Service Area."

II. PROCEDURES

- A) Initial Request.** Applicants for all projects requiring additional water supplies from the City of American Canyon, either inside City limits or in the City's Water Service Area but outside of City limits, shall complete a water supply worksheet estimating average and peak use for indoor and outdoor uses and provide the completed worksheet to the City's Engineering Division.
- B) Evaluation of Water Footprint.** The Engineering Division shall evaluate the water footprint of the project, using the water supply worksheet provided by the Applicant, to determine whether a Water Supply Report is required. A Water Supply Report will not be required if the project meets the adopted Zero Water Footprint definition. This can be accomplished by projects with no additional water demand or by projects which offset increased water demand by off-site conservation measures.
- C) Water Supply Report.** A Water Supply Report shall be prepared for all projects that do not meet the adopted Zero Water Footprint definition. The Water Supply Report shall be prepared by the City of American Canyon at the cost of the project applicant. The Water Supply Report shall be substantially in the form of the report approved in the City's Resolution No. 2008-02, or in a new form approved by the County and approved by the City in a new resolution and shall include the following analysis:
- 1) Water service request
 - a) Description of project
 - b) Water service request
 - (i) Average Daily Demand
 - (ii) Peak Day Demand
 - c) Conservation Measures Included in Project
 - 2) Consistency
 - a) Urban Water Management Plan
 - b) Recycled Water Facilities Plan
 - c) Water Conservation Implementation Guidelines
 - 3) Water footprint
 - a) Zero Water Footprint Definition
 - b) Project's impact on reliability
 - c) Project's impact on rates

- d) Project's water footprint
- 4) Project's contribution
 - a) Capacity fee
 - b) Reimbursable improvements
- 5) Capital program status
 - a) Summary
 - b) System planning status
 - c) Water supply
 - (i) Water supply implementation status
 - (ii) Water supply alternatives
 - d) Water treatment
 - (i) Water treatment implementation status
 - (ii) Water treatment alternatives
 - e) Water storage, transmission, and distribution status
 - f) Water capital program financial status
- 6) Vineyards analysis
 - a) Vineyards decision
 - b) Facts with respect to solutions to water supply problems
 - c) Water supply over the life of the project
 - d) Impacts of likely future water sources
 - e) Possible replacement sources and their impacts
- 7) Recommended mitigations
 - a) Long term water mitigations
 - b) Short term water mitigations
- 8) Opportunities to reduce project's water footprint
 - a) On-site conservation opportunities
 - b) Off-site conservation opportunities

D) Applicant Review of Water Supply Report. The Water Supply Report, once approved by the City, will be furnished to the project applicant. If the applicant elects to revise the project to reduce the water footprint, the Water Supply Report may be revised at the applicant's cost.

E) Water Will Serve Letter. Water will-serve letters are required for projects outside of the Napa Valley Gateway project limits that are requesting increased water services from the City. The Napa Valley Gateway project is subject to the terms and conditions of a will-serve letter for the entire project agreed upon between the City of American Canyon and Charles Slutzkin of Napa Valley Gateway Limited in a will-serve letter agreement dated December 13, 2002. So long as the terms and conditions of that will-serve letter agreement are complied with, developments of parcels within the Napa Valley Gateway project limits will not require any Water Supply Report or additional will-serve letters.

EXHIBIT G

Appeal Procedure: Zero Water Footprint Methodology

1. **Grounds for Appeal- Conditions of Approval.** If the water service application is for a parcel outside the City's limits, then the City shall, within 30 days of receipt of such application, provide to the Applicant and the County any conditions of approval that the City proposes to impose on the parcel at least 90 days before imposing the conditions of approval.

Conditions of approval that result from the Water Supply Report and that the City proposes to include in a water service will-serve letter that will be issued by the City for a parcel outside of the City's limits may be appealed by an Applicant under the process described in Section 3 below.

2. **Exceptions:** An appeal may not challenge water rates imposed by the City that are consistent with *Hansen v. City of San Buenaventura* (1986) 42 Cal.3d 1172, and the City's Ordinance 2007-13. An appeal also may not challenge Capacity Fees that are set pursuant to the City's Ordinance 2007-09, or new capacity fees approved by the County and enacted in a new City ordinance.

3. **Appeal Process and Appeal Panel.** An appeal of water service conditions of approval that the City proposes for a parcel outside the City's limits may be filed within ninety (90) days after the proposed conditions are forwarded to the Applicant and the County for inclusion in a development permit. The appeal will be heard by the panel described in the following paragraph, and this panel will determine whether any of the conditions under appeal is inconsistent with any provision of this Agreement.

The Appeal Panel will be made up of one member selected by the County Executive Officer, one member selected by the City Manager and one member selected by the two appointed members. If the two appointed members cannot agree on the third member, the name of each candidate shall be placed in a hat to be drawn for selection. The decision of the Appeal Panel will be final, but subject to judicial review pursuant to Code of Civil Procedure section 1094.5. The reasonable cost of the Appeal Panel shall be borne by the Applicant.

EXHIBIT H

City's Water Service Area

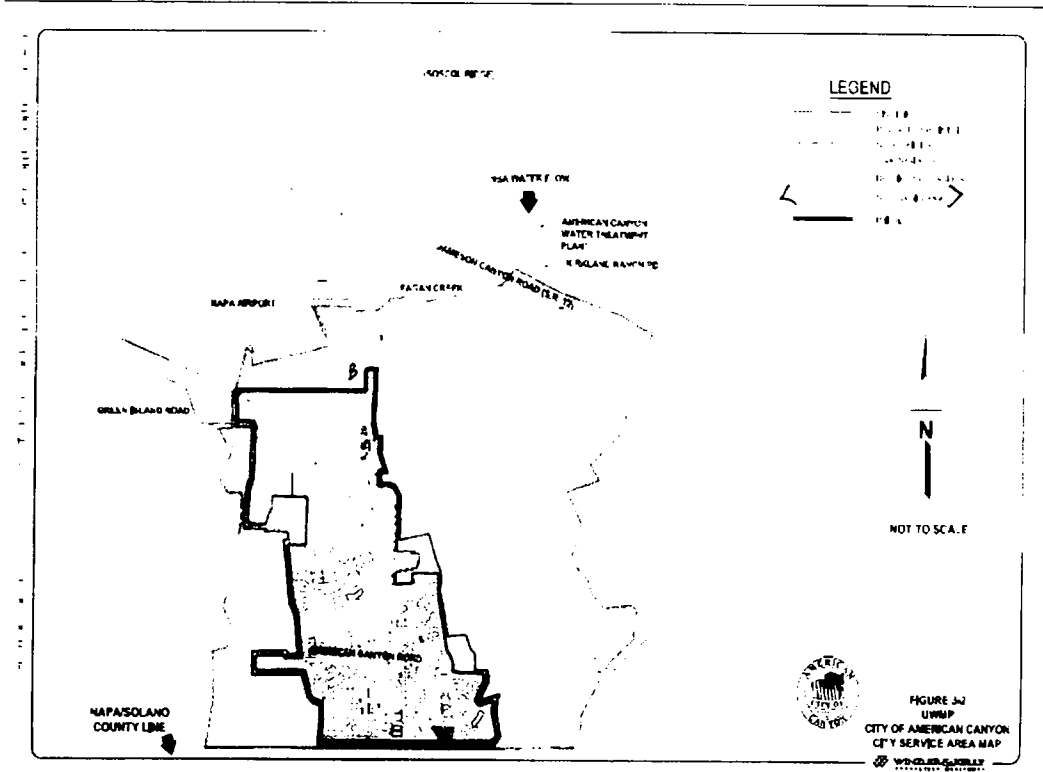
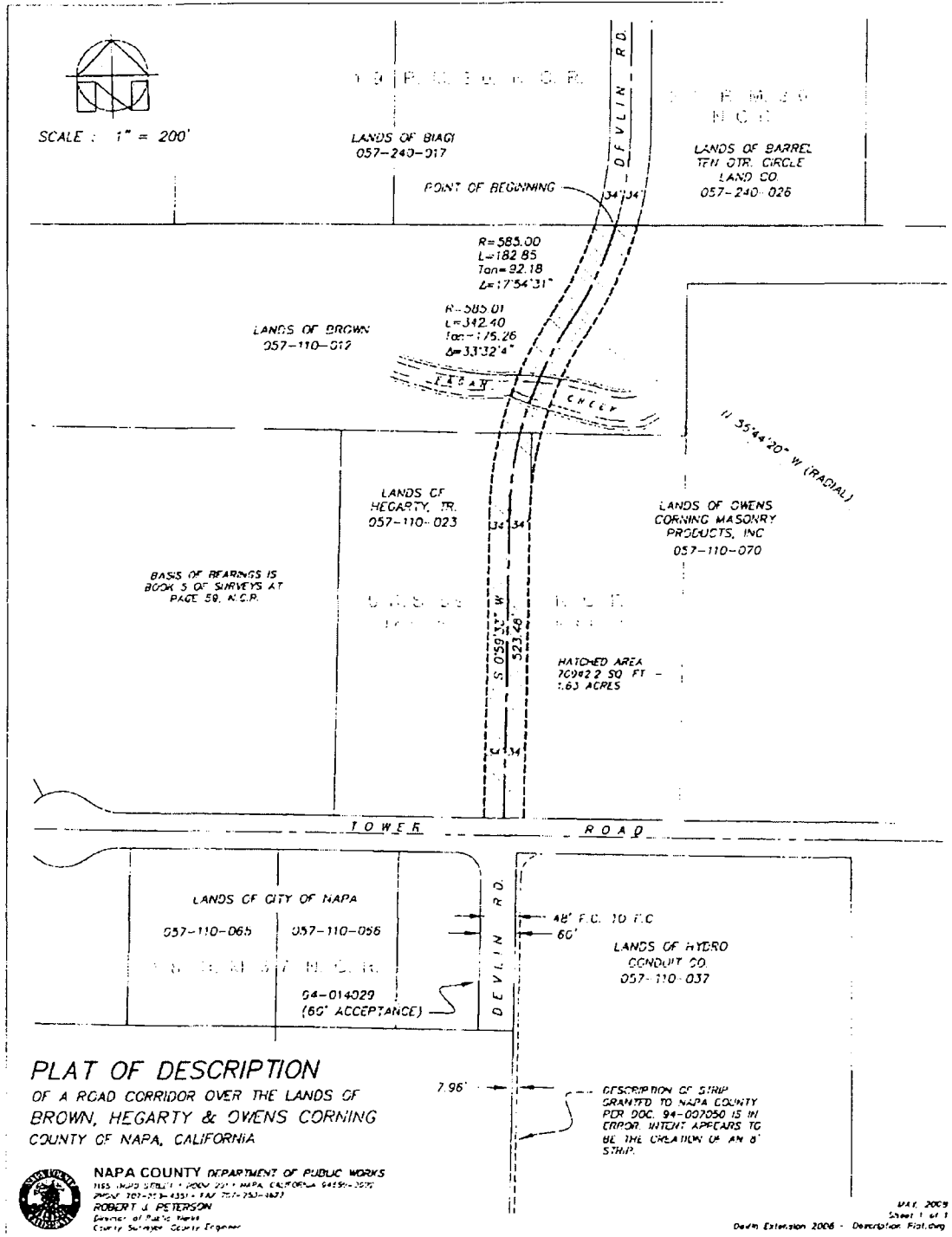


EXHIBIT I

Devlin Road Extension



Being a portion of that parcel of land conveyed to the Brown Trust by deed filed November 4, 1987 and recorded in Book 1547 of Official Records at Page 932 in the office of the Recorder of Napa County, California; being also a portion of Parcel "B" as shown on the Record of Survey filed February 24, 1960 and recorded in Book 5 of Surveys at Page 59 in the office of the Recorder of Napa County, California, and also shown on the "Plat of Description" attached hereto and made a part hereof by reference; more particularly described as follows:

A STRIP OF LAND, 68 feet wide, the centerline of which is described as follows:

BEGINNING at a point on the northerly line of the aforementioned lands of Brown, said point being also the southerly terminus of the centerline of "Devlin Road", as shown on the Final Map filed February 19, 1999 and recorded in Book 21 of Record Maps at Page 30 - 33 in the office of the Recorder of Napa County, California; said point being also a point on a compound curve concave to the northwest having a radius of 585.00; thence southerly 182.85 feet along said curve through a central angle of $17^{\circ}54'31''$ to the beginning of a reverse curve concave to the southeast having a radius of 585.00 feet and to which beginning a radial line bears $N 55^{\circ}44'20'' W$; thence southerly 342.40 feet through a central angle of $33^{\circ}32'04''$; thence leaving said curve along a line parallel to and 34 feet westerly of the easterly line of Parcel "B" as shown on the aforementioned Record of Survey filed February 24, 1960 and recorded in Book 5 of Surveys at Page 59 in the office of the Recorder of Napa County, California, $S 00^{\circ}59'33'' W$ 523.46 feet more or less to the northerly right of way line of Tower Road.

The sidelines of the above described 68 foot strip to be extended or shortened to terminate at the northerly line of that parcel of land conveyed to the Brown Trust by deed filed November 4, 1987 and recorded in Book 1547 of Official Records at Page 932 in the office of the Recorder of Napa County, California, and the northerly right of way line of Tower Road.

A portion of Napa County Assessor's Parcel Numbers 057-110-012, 023 & 070

Containing 70942 square feet or 1.63 Acres, more or less.

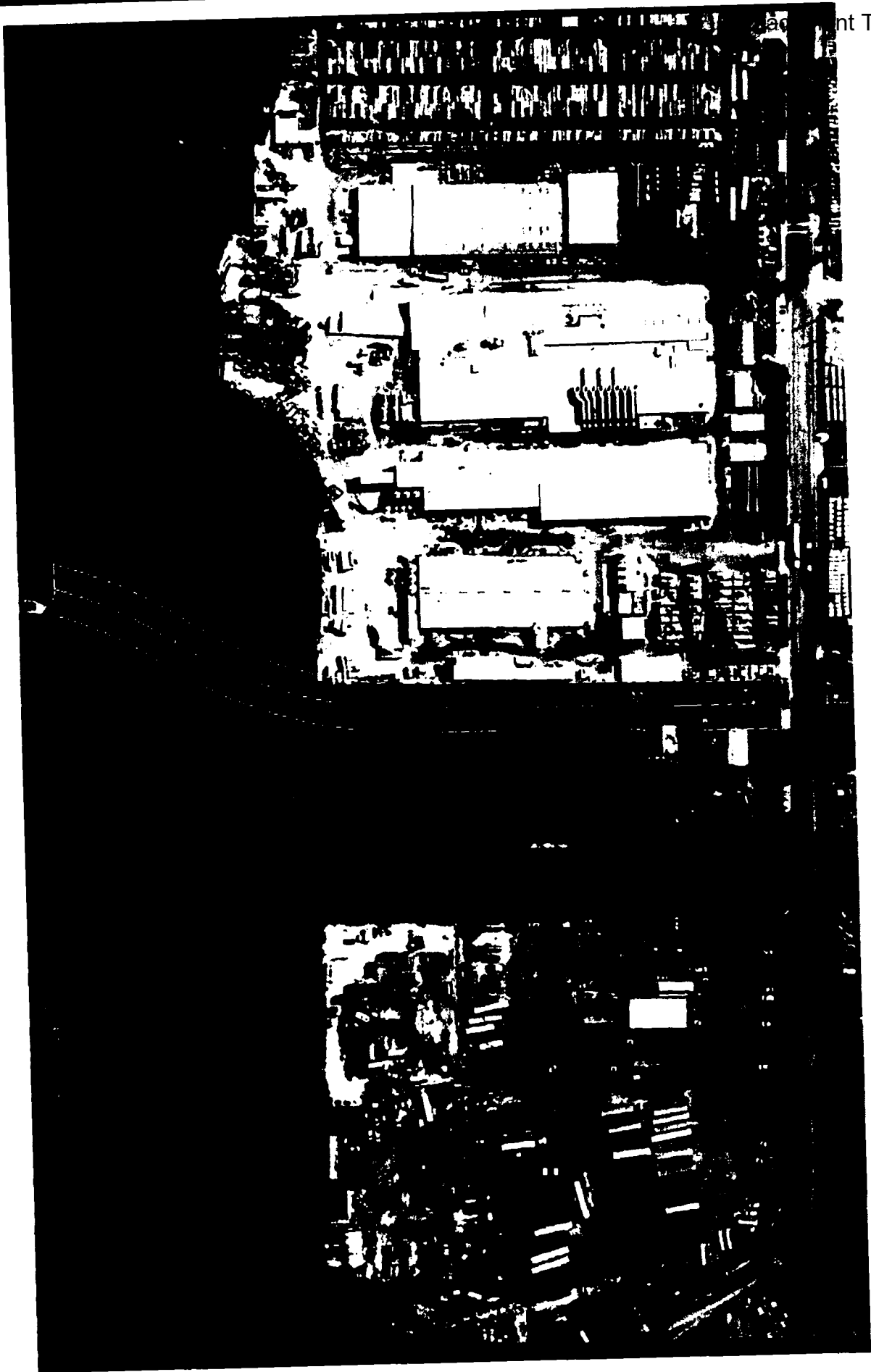


EXHIBIT LIST

- EXHIBIT A** Legal Description of Panattoni Parcel
- EXHIBIT B** Legal Description of Headwaters Parcel
- EXHIBIT C** Legal Description of Atkins Parcel
- EXHIBIT D** Legal Description - Proposed Urban Limit Line for American Canyon, CA
- EXHIBIT E** Water Conditions To Be Imposed On All Parcels (City Customers and Outside Customers) For Which New Water Service is Requested
- EXHIBIT F** Zero Water Footprint and Water Supply Report Methodology
- EXHIBIT G** Appeal Procedure: Zero Water Footprint Methodology
- EXHIBIT H** City's Water Service Area
- EXHIBIT I** Devlin Road Extension

**AUTOMATIC AID AGREEMENT
BETWEEN
AMERICAN CANYON FIRE PROTECTION DISTRICT
AND
NAPA COUNTY FIRE DEPARTMENT**

THIS AGREEMENT, made and entered into as of this 9th day of March, 2004, by and between the AMERICAN CANYON FIRE PROTECTION DISTRICT, a subsidiary district of the City of American Canyon existing under and by virtue of the provisions of the Fire Protection District Law of 1987 (Part 3, commencing at Section 13800 of the Health and Safety Code of the State of California), hereinafter sometimes referred to as "District", and the COUNTY OF NAPA, a political subdivision of the State of California, hereinafter referred to as "County";

RECITALS

WHEREAS, it is to the mutual advantage of District and County to provide each other with, and coordinate in advance the help and aid of their respective fire companies in the event of fires, rescues, medical and other emergencies; and

WHEREAS, such close cooperation between District and County's Fire Department will result in more efficient fire protection and emergency services for the citizens of both communities; and

WHEREAS, to achieve these objectives District and County desire to enter into an agreement supplemental to the Agreement for Day-To-Day Mutual Aid entitled "South Napa County Mutual Aid Agreement" dated May, 1997, to which both District and County are signatory parties, setting forth the policy of District and County with respect to providing the aforementioned help and aid in the case of fires, rescues, medical and other emergencies; and

WHEREAS, both District and County have authority to enter into this automatic aid agreement pursuant to Section 13863 of the Health and Safety Code;

NOW, THEREFORE, in consideration of the mutual covenants and agreements herein set forth, the parties hereto do hereby agree as follows:

1. When dispatch receives a call for assistance that meets the criteria for Automatic Aid set forth in the attached Operational Agreement and is in the area described in Exhibit A attached to the Operational Agreement, said Operational Agreement and attached Exhibit A, as they may be amended from time to time by the parties' respective Fire Chiefs, being deemed incorporated by reference into this Agreement, the fire companies of both District and County will be simultaneously dispatched to the incident.
2. All units dispatched under (1) will come under the authority of the commanding officer of the party in whose area the incident is located.

3. Automatic Aid shall not be initiated if requested under this Agreement at a time when all local resources of the party being requested are already committed, and a failure to provide Automatic Aid under these circumstances shall not be deemed a breach of this Agreement.
4. Each party shall responsible for ensuring that its officers and dispatch centers thoroughly understand and properly implement this Agreement and the provisions of the Operational Agreement incorporated herein.
5. All services performed under this Agreement shall be rendered without reimbursement of either party or parties. District and County shall bear their own costs of operation, maintenance and insurance on their equipment and personnel.
6. Each party to this Agreement waives all claims against the other party or parties for compensation for any loss, damage, personal injury, or death occurring in consequence of the performance of this Agreement.
7. This Agreement shall become effective March 1, 2004, and shall remain in full force and effect until terminated by mutual agreement of the parties hereto, or upon written notice by one party to the other party, giving thirty (30) days notice of intent to terminate this Agreement.
8. This Agreement supersedes all other Automatic Aid contracts and/or Letters or Memoranda of Understanding previously agreed to by the respective agencies except for agreements whose parties include counties other than Napa County and/or public agencies in such other counties.
9. District's Chief and the Napa County Fire Chief or their duly authorized designees are hereby authorized to make changes to the attached "Operational Agreement" as needed where such changes will improve the day to day operational efficiency of this Agreement. Such modifications shall be writing and shall become effective and incorporated into this Agreement only when signed by both Chiefs or their authorized designees.

IN WITNESS WHEREOF, the parties hereto acting by and through their duly

//////

authorized representatives, have executed this Agreement the day and year first above written.

AMERICAN CANYON FIRE PROTECTION DISTRICT, a subsidiary district of the City of American Canyon

ATTEST: Clerk of the American Canyon Fire Protection District

By Lori Luporini
LORI LUPORINI, Chairman of the Board of Directors

By [Signature]

"District"

APPROVED AS TO FORM: WILLIAM D. ROSS District Counsel

COUNTY OF NAPA, a political subdivision of the State of California

By William D. Ross

By Mark Luce
MARK LUCE, Chairman of the Board of Supervisors

"County"

ATTEST: PAMELA A. MILLER, Clerk of the Board of Supervisors

APPROVED BY THE BOARD OF SUPERVISORS:

By Pamela Miller

Date 3-9-04

APPROVED AS TO FORM: ROBERT WESTMEYER, Napa County Counsel

Processed by: Ashley Fatturo
Deputy Clerk of the Board

By _____

APPROVED AS TO SUBSTANCE:

Keith Caldwell
KEITH CALDWELL, Chief of the American Canyon Fire District

Byron Carniglia
BYRON CARNIGLIA, Chief of the Napa County Fire Department

authorized representatives, have executed this Agreement the day and year first above written.

AMERICAN CANYON FIRE
PROTECTION DISTRICT, a subsidiary
district of the City of American Canyon

ATTEST: Clerk of the American
Canyon Fire Protection District

By _____, District Chair

By _____

"District"

COUNTY OF NAPA, a political subdivision of
the State of California

By _____
MARK LUCE, Chairman of the Board of
Supervisors

"County"

ATTEST: PAMELA A. MILLER,
Clerk of the Board of Supervisors

APPROVED BY THE BOARD
OF SUPERVISORS:

By _____

Date _____

APPROVED AS TO FORM: ROBERT
WESTMEYER, Napa County Counsel

Processed by:

Deputy Clerk of the Board

By Margaret A. Woodbury, Chief Deputy

APPROVED AS TO SUBSTANCE:

Keith Caldwell
KEITH CALDWELL, Chief of the American
Canyon Fire District

Byron Carniglia
BYRON CARNIGLIA, Chief of the
Napa County Fire Department

**OPERATIONAL AGREEMENT
FOR THE PROVISION OF AUTOMATIC AID BETWEEN
AMERICAN CANYON FIRE DISTRICT AND
NAPA COUNTY FIRE DEPARTMENT**

I. RESOURCES

The following describes the nature of the resources and the manner in which such resources will be utilized by each party in carrying out its responsibilities under the Automatic Aid Agreement, as determined from time to time by the parties' respective Fire Chiefs.

STRUCTURE FIRES

Within County: District will respond a fully equipped engine company or truck company with minimum staffing of three personnel including an officer in charge of the apparatus. Unit responding will monitor County's Fire Department radio frequency and receive assignments through County's Fire Department dispatch or the on-scene incident commander.

Within District: County's Fire Department will respond a fully equipped engine company or truck company with a minimum staffing of three personnel including an officer in charge of the apparatus. Units responding will monitor District's radio frequency and receive assignments through the dispatch center or the on-scene incident commander.

When providing Automatic Aid under this Agreement, District and County's Fire Department shall follow State of California OSHA laws and regulations including: Two-In, Two-Out, the Incident Command System and Clear Text Communications. A RIC (Rapid Intervention Crew) or RIT (Rapid Intervention Team) shall be established at all structure fires where interior operations are occurring. District and County's Fire Department shall annually hold multi-company drills involving the use of automatic aid companies from each party's jurisdiction.

VEGETATION FIRES

Within County: American Canyon shall respond a fully equipped Type 3 engine company or truck company with minimum staffing of three personnel including an officer in charge of the apparatus. Unit responding shall monitor County's Fire Department radio frequency and receive assignments through County's Fire Department dispatch or the on-scene incident commander.

Within District: County's Fire Department shall respond a fully equipped Type 3 engine company or truck company with a minimum staffing of three personnel including an officer in charge of the apparatus. Unit responding shall monitor District's radio frequency and receive assignments through the dispatch center or on-scene incident commander.

VEHICLE ACCIDENTS

Within County: District shall respond a fully equipped engine company or truck company with hydraulic rescue tool with a minimum staffing of three personnel including an officer in charge of the apparatus. Units responding shall monitor County's Fire Department radio frequency and receive assignment through County's Fire Department dispatch center or the on-scene incident commander.

Within District: County's Fire Department shall respond a fully equipped engine company or truck company with hydraulic rescue tool and a minimum staffing of three personnel including an officer in charge of the apparatus. Units responding shall monitor District's radio frequency and receive assignment through the dispatch center or the on-scene incident commander.

Members of a party's companies responding within the other party's jurisdiction shall follow their own party's standard operating procedures for vehicle accidents, including scene safety, patient safety, and extrication procedures. In the interest of firefighter safety, all attempts shall be made to use personnel as a crew, and hydraulic tool operation shall be done by the respective companies' members who are properly trained in the use of the particular tool.

II. AREAS OF RESPONSE

The areas subject to the Automatic Aid Agreement of which this Operational Agreement is a part are described below and on the attached maps:

STRUCTURE/VEGETATION FIRES

Within County: Northern Boundary - North Kelly Road
 Eastern Boundary - County Line
 Southern Boundary - County Line
 Western Boundary - Napa River

Within District: Northern Boundary - Fire District's Northern Boundary-6400 Hwy. 29
 Eastern Boundary - Fire District's Eastern Boundary-Railroad Tracks
 Southern Boundary - North Side of Green Island Road
 Western Boundary - Napa River

VEHICLE ACCIDENT


Within County: Northern Boundary - North Kelly Road
 Eastern Boundary - County Line
 Southern Boundary - North of 6400 Highway 29
 Western Boundary - Napa River

Within District: Northern Boundary - Fire District's Northern Boundary-6400 Hwy. 29
 Eastern Boundary - Interstate 80
 Southern Boundary - Green Island Road
 Western Boundary - Napa River

In addition, both parties shall respond anywhere within each other's jurisdictions when requested because the requesting party's hydraulic tool is already committed or unavailable.

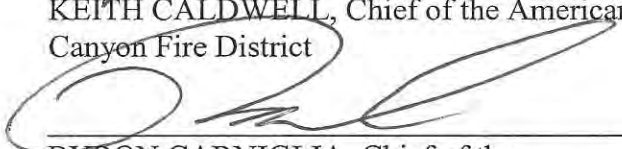
Both District and the Vallejo Fire Department respond to the portion of westbound and eastbound Interstate 80 located within Napa County, under the terms of automatic aid agreement(s) with County. As a result, when any party to this Agreement responds into this area all requests for additional resources and contact shall be with the Vallejo Fire Department's Dispatch; Solano County EMS protocols shall be followed, and ambulance coordination shall be handled through Vallejo Dispatch. If the ambulance located in American Canyon is available it will be utilized as a transport resource as needed by Solano County units. If County's Fire Department also responds to an incident within this area, a unified command shall be set up as dictated under the Incident Command System.

APPROVED:



 KEITH CALDWELL, Chief of the American
 Canyon Fire District




Date: 3/02/04

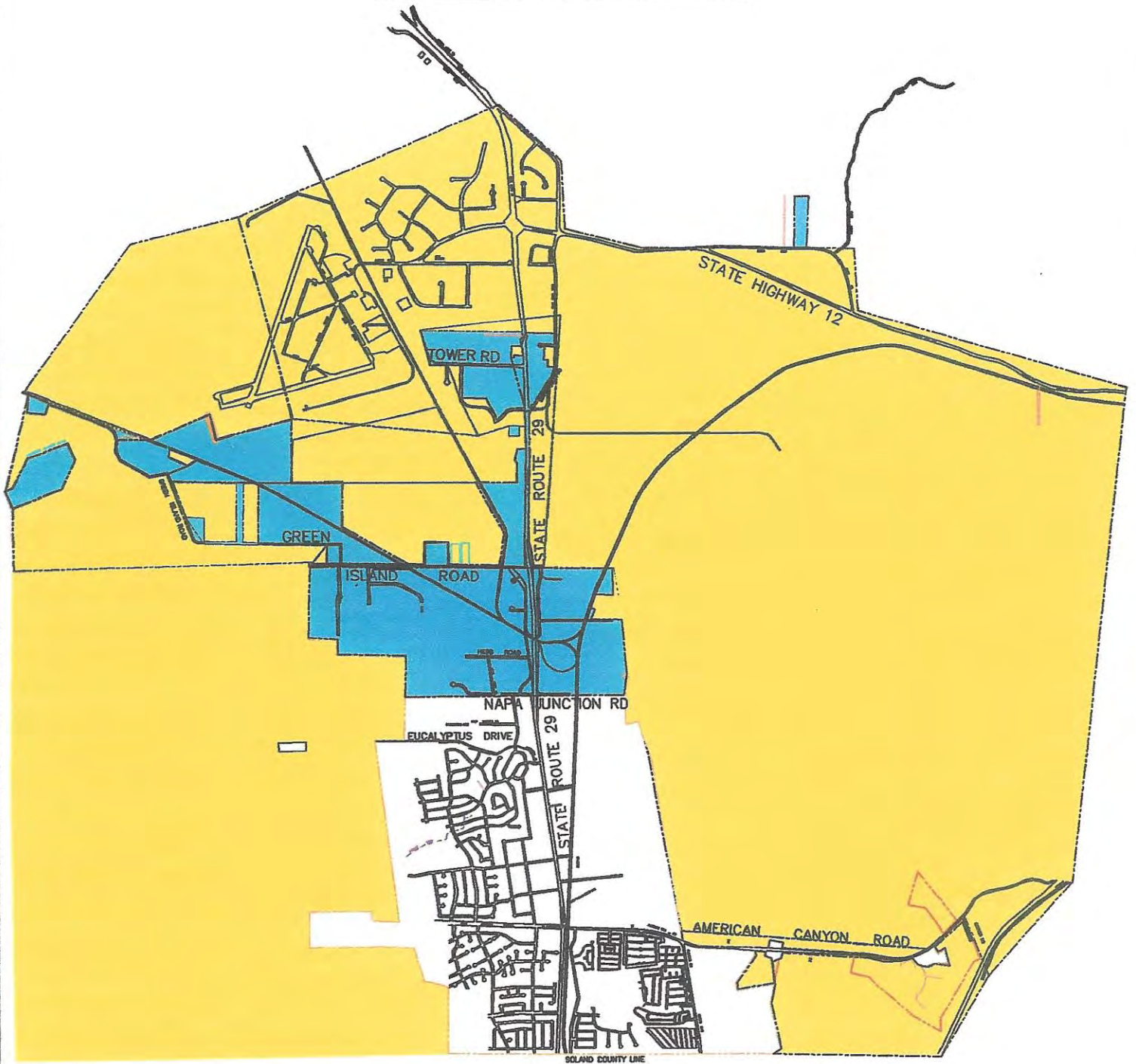


 BYRON CARNIGLIA, Chief of the
 Napa County Fire Department

Date: 3-2-04

ACFPD / NAPA COUNTY AUTO AID RESPONSE AREAS

	NAPA COUNTY JURISDICTION AMERICAN CANYON Auto Aid Response.
	ACFPD JURISDICTION NAPA COUNTY Auto Aid Response
	ACFPD JURISDICTION NAPA COUNTY Wildland Response Area.





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A Commitment to Service

Planning, Building & Environmental Services

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

David Morrison
Director

December 1, 2021

Brendon Freeman, Executive Officer
Napa County Local Agency Formation Commission (LAFCO)
1754 Second Street, Suite C
Napa, California 94559

RE: GREEN ISLAND VINEYARD SPHERE OF INFLUENCE AMENDMENT APPLICATION

Dear Mr. Freeman:

Napa County (County) would like to express our appreciation to LAFCO Commissioners and staff for considering our critical concerns over the proposed Green Island Vineyards Sphere of Influence (SOI). This proposal seeks to amend the SOI for the City of American Canyon (City) and American Canyon Fire District (District) to include this property, which is the first step toward annexation and urbanization. This action would be in direct conflict with the City General Plan, County General Plan, adopted Memorandum of Understanding on growth boundaries between the City and County, and ultimately, LAFCO's Sphere of Influence Policy. Consideration and approval of this SOI amendment is extremely premature by designating an area for future annexation well in advance of any evaluation of the land use and environmental consequences.

The County and the cities/town have a long history of thoughtful and balanced consideration of urban boundary expansion and protection of agricultural lands. To that end, in 2008, the City and County entered into an agreement on the growth boundary for the City. Among other commitments between the agencies, the agreement set forth that the County would support certain annexations of unincorporated properties located within the growth boundary in turn for the City ensuring that additional properties beyond the boundary would not be considered for inclusion within the City prior to 2030, absent voter approval. This proposal is outside of the growth boundary described in that agreement. This proposal should not be considered until at least 2030, and not until the City has taken steps to include this site within their General Plan and various master plans for the provision of urban services. LAFCO should therefore deny this request.

The Objective of LAFCO's Sphere of Influence Policy (Section III) is to "promote the orderly expansion of cities, towns, and special districts in a manner that ensures the protection of the environment and agricultural and open space lands while also ensuring the effective, efficient, and economic provision of essential public services, including public water, wastewater, fire protection and emergency response, and law enforcement." This proposal does not conform to that objective for the following reasons:

- American Canyon's General Plan, including its plans for expansion, does not contemplate inclusion of this property within the City.
- No review of the potential environmental impacts has been conducted, and no project commitments have been put forth to ensure protection of the environment.

Green Island Vineyard SOI
Amendment Application
November 30, 2021

MSR or the City's General Plan and water and sewer master plans. All of these documents will require amendment/updating, including evaluation of potential environmental impacts under CEQA.

- Policy V.A.9 directs that the following land use criteria shall be considered in determining SOI's:
 - a. Land designated for agriculture and open space – The project site is designated for agricultural land use.
 - b. Consistency with the County and City General Plans – The project conflicts with County General Plan Policy AG/LU-130 which recognizes and supports the City's currently adopted urban growth boundary that does not include the subject property. The City has not taken a position to either support or oppose the SOI Amendment, and thus has not provided comments on the proposal's consistency with their General Plan. Adopted policies of affected agencies promoting infill development – As noted previously, the project conflicts with the City/County growth boundary agreement, which implements and supports both agencies General Plans and their overarching goals to direct non-agricultural development into urbanized areas and limit conversion of agricultural lands.
 - c. Amount of existing vacant or undeveloped land located within the affected agency – The applicant's submittal materials do not address this. Furthermore, the City has not taken a position to either support or oppose the SOI Amendment, and thus has not provided any information on the extent of vacant or undeveloped land within its boundaries.
 - d. Adopted urban growth boundaries – As noted previously, the project conflicts with the adopted City/County growth boundary agreement.

Please also note that Section C. of LAFCO's SOI Policy states that SOI amendments will be subject to the California Environmental Quality Act (CEQA). This policy is consistent with the State CEQA Guidelines and supporting case law. This project represents the first step toward inclusion of the property within the City of American Canyon and thus enabling its conversion to urban land uses. Should LAFCO proceed with this application, the CEQA evaluation should occur prior to any final decision. Typically, before LAFCO would see an application of this nature, the City would have prepared a thorough environmental review, (likely an Environmental Impact Report) in concert with required changes to their General Plan and facilities master plans.. Without the environmental review, LAFCO does not have sufficient information to adequately evaluate the potential impacts of this proposal.

As detailed in this letter, there is a strong and compelling argument for LAFCO to deny this request. Agriculture is the foundation of our community identity and the local economy within Napa County. Any loss of farmland needs to be carefully considered in the context of available alternatives and the cumulative effect on the larger land use strategy shared by the City, County, and LAFCO. None of this context is provided with the proposal, which instead has been provided an accelerated process that prevents the thoughtful and deliberative consideration needed when addressing incremental impacts to the future of agriculture.

Thank you for providing an opportunity to review and comment on the document. If you should have any questions regarding any of the items listed above, please feel free to contact me at 707-253-4805 or by email at david.morrison@countyofnapa.org,

Sincerely,



David Morrison

Planning, Building and Environmental Service Director

cc: Board of Supervisors
Minh Tran, Napa County CEO
Jason Holley, American Canyon City Manager



May 26, 2022

Sent Via Email to:

bfreeman@napa.lafco.ca.gov

Brendon Freeman, Executive Officer
Local Agency Formation Commission of Napa County
1754 2nd St, Suite C
Napa, California 94559

Subject: Public Hearing Item 8a - Application to Amend the City of American Canyon Sphere of Influence to include 1661 Green Island Road (APN 058-030-041)

Dear Mr. Freeman:

On June 6, 2022, the Napa County Local Agency Formation Commission (LAFCO) is scheduled to consider an application to amend the City of American Canyon's Sphere of Influence (SOI). Specifically, the applicant/landowner proposes to amend American Canyon's SOI to include their 157-ac property located at 1661 Green Island Road (APN 058-030-041).

This letter is intended to inform the Napa County LAFCO that the City of American Canyon takes **no position** as to the subject application to amend the American Canyon SOI to include the aforementioned property.

Also, this letter is intended to notify the Napa Co. LAFCO that the enclosed initiative measure entitled: *"Let the Voters Decide: the Green Island Property Highest and Best Use Initiative."* is currently being circulated for signature with the purpose of appearing on the ballot in the November 8, 2022 General Election.

This initiative proposes an ordinance to amend the City's Urban Limit Line ("ULL Amendment") to include the aforementioned property. This ordinance would also amend the City's General Plan to be consistent with the ULL Amendment and amend various policies directing the City to work with the Napa County and Napa County LAFCO towards modifying the City's SOI to include areas within the City's newly amended ULL.

Letter to Brendon Freeman, Napa County LAFCO

Re: Public Hearing Item 8a - No Position

May 26, 2022

Page 2 of 2

Lastly, the City understands the Napa LAFCO has retained new legal Counsel effective July 1, 2022. Should you, current LAFCO Counsel, or new LAFCO Counsel have any questions, please contact me at (707) 647-4351 or by e-mail at jholley@cityofamericancanyon.org. Alternatively, you may also contact City Attorney Bill Ross at (415)269-4569 or by email at wross@lawross.com.

Sincerely,



Jason Holley, City Manager

Copies to:

City Council

Bill Ross, City Attorney

Brent Cooper, CDD Director

Enclosure

Initiative Measure: *"Let the Voters Decide: the Green Island Property Highest and Best Use Initiative."*

April 7, 2022

Taresa Geilfuss
City Clerk
City of American Canyon
4381 Broadway Street, Suite 201
American Canyon, CA 94503

Re: Proposed Initiative Measure: “Let the Voters Decide: The Green Island Property Highest and Best Use Initiative.”

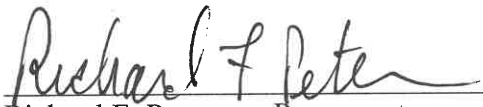
Dear Ms. Geilfuss:

Please find enclosed a proposed initiative measure for the City of American Canyon. I have included: (1) the text of the measure; (2) a Notice of Intent to Circulate Petition; and (3) a Statement of Reasons for the proposed petition (the latter two are combined as one document).

I also request that a ballot Title and Summary be prepared.

Please do not hesitate to contact me if you have any questions.

Sincerely,

A handwritten signature in cursive script that reads "Richard F. Peterson". The signature is written in black ink and is positioned above a horizontal line.

Richard F. Peterson, Proponent
287 Nottingham
American Canyon, CA 94503

PROPONENT STATEMENT OF ACKNOWLEDGMENT

I, Richard F. Peterson, acknowledge that it is a misdemeanor under State Law (Section 18650 of the California Elections Code) to knowingly or willfully allow the signatures on an initiative petition to be used for any purpose other than qualification of the proposed measure for the ballot.

I certify that I will not knowingly or willfully allow the signatures for this initiative to be used for any purpose other than qualification of the measure for the ballot.



(Signature of Proponent)

Dated this 8 day of April, 2022

Notice of Intent to Circulate Petition

Notice is hereby given by the person whose name appears hereon of his intention to circulate the petition within the City of American Canyon (“City”) for the purpose of bringing 157 acres of land owned by Green Island Property, LLC inside the City of American Canyon’s Urban Limit Line, so that it is eligible for annexation into the City. A statement of the reasons of the proposed action as contemplated in the petition is as follows:

This initiative, if approved by the voters, would include 157 acres of unused unincorporated area of Napa County within the City of American Canyon’s Urban Limit Line. This is the first step in annexing this property into the City boundary and designating it for industrial use. These new businesses would bring much-needed tax dollars to the City, the Fire Protection District and the County. They would also create jobs for local residents.

This land fits into the City of American Canyon like a missing jigsaw puzzle piece. The land is surrounded on three sides by the current City limits and on the fourth side by the Napa River. The property already receives all of its municipal services from the City and the Fire Protection District.

The soil at the property has become too salty to be used for vineyard or other agricultural uses. If the property is not brought within the City’s Urban Limit Line, it will end up being useless, blighted land. The adjacent properties in the City are zoned industrial and used accordingly. Taking steps to bring this land into the City for similar industrial use would be good for the City and its residents. Allowing this property to be put to good use would not harm the environment.

Dated: April 8, 2022



Richard F. Peterson
Proponent

The People of the City of American Canyon do ordain as follows:

Section 1: Statement of Purpose.

The purpose of this Initiative is to include an approximately 157 acre parcel of unincorporated County land within the City of American Canyon's Urban Limit Line, thereby starting the legal process to allow this blighted property to be put to good use for the benefit of the residents of the City. The Initiative would:

(a) Allow vacant and blighted land immediately West of the current City boundary, owned by Green Island Property, LLC ("Green Island"), which is no longer suitable for agriculture, to be put to productive use for the benefit of the City, the County and their residents;

(b) Generate hundreds of thousands of dollars in tax revenue for the City, the American Canyon Fire Protection District and the County as well as jobs for City residents;

(c) Provide additional financial support for contemplated regional transportation improvement projects; and

(c) Extend the City's existing Urban Limit Line to include property that logically should be a part of the City of American Canyon.

Section 2: Findings and Declarations.

The People of the City of American Canyon find and declare that:

(a) Land That Logically Should Be Part of the City: The City's existing General Plan does not provide for the productive use of the Green Island land and this land, immediately adjacent to current City property used for industrial purposes, should ultimately be part of the City.

(b) No Impact On Housing: The Initiative does not in any way negatively impact the City's ability to provide adequate housing as required by State or any other law.

(c) No Conflict with Federal or State Law: The Initiative is consistent with both Federal and State Law and expressly provides that it should be harmonized with both if any conflict is alleged in the future.

(d) Property is Logical Candidate for Inclusion Within City’s Urban Limit Line: It is logical to include the Green Island land with the City’s Urban Limit Line and, eventually, within the City boundary through annexation, because the property is immediately adjacent to industrial properties within the City and should be developed and used in ways that complement and support existing land uses. Agencies associated with the City already provide fire, police and water service to the property. Napa County supplies no services to the property and is never expected to provide any services to the property. The Napa County Local Agency Formation Commission (LAFCO) possesses the exclusive authority under State law to make a sphere of influence determination regarding this property. This Initiative is not intended to impinge on LAFCO’s authority over the Green Island land in any way.

Section 3: Title.

This Initiative shall be known and may be cited as “Let the Voters Decide: The Green Island Property Highest and Best Use Initiative.”

Section 4: Amendment of The City General Plan.

The provisions in the Appendix included with this Initiative are hereby added to the City’s General Plan. The sections shall be codified in the Plan in the locations the City Attorney deems appropriate to further the purposes of the Initiative and make it consistent with the General Plan.

Section 5: Initiative Area.

(a) This Initiative applies to land in the parcel listed in Section 11(e) (the “Initiative Area”). The map in Appendix “A” depicts approximately the Initiative Area, which is the land bounded by the Napa River on the West, the City of American Canyon and unincorporated Napa County on the South, the City of American Canyon on the East, and the City of American Canyon and unincorporated Napa County on the North. The map is illustrative only. It is not enacted by the Initiative and should not be codified in the General Plan. The legal description of the Green Island land is set forth in Appendix “B.”

(b) The Initiative Area shall be designated “Green Island Industrial” in the General Plan, including its maps, figures and tables.

Section 6: Compliance with Law.

The provisions of this Initiative are not intended, and should not be interpreted, to conflict with federal or state law if the provisions may reasonably be harmonized.

Section 7: State Housing Requirements.

This Initiative is intended to have no impact on any housing requirement of State law.

Section 8: City of American Canyon General Plan Amendments

The General Plan is hereby amended as shown in Appendix C. Text to be inserted into the General Plan is indicated in bold and underlined text. Text to be deleted from the General Plan is indicated in ~~strike through~~ text. Text that appears in standard, bold, or italicized type that currently appears in that fashion in the General Plan on the Filing Dates remains unchanged by this Initiative and is shown for reference purpose only.

Section 9: Applicability.

(a) Parcels, structures, uses, or surface alterations to the extent that they existed legally as of the effective date of this Initiative remain valid, except if their authorized time limit expires, they may not be reestablished to the extent inconsistent with this Initiative, they are eliminated voluntarily or abandoned, or a use is contrary to Section 8. Parcels, structures, surface alterations or uses may not be changed or expanded to the extent that would cause a violation of any provision of this Initiative, or would augment or make more serious what would have been a violation if created or done after the Initiative became effective.

(b) This Initiative shall be applied to any proposed parcels, development and uses that have not received all required City discretionary approvals and authorizations prior to the Initiative's effective date, except to the degree application would be contrary to Federal or State law.

Section 10: Implementation.

The City may clarify, interpret or make specific any provision of this Initiative by adopting ordinances, resolutions or regulations to further its purposes.

Section 11: Definitions.

For purposes of this Initiative, the following definitions shall apply:

(a) "Building" means any structure under a roof supported by one or more walls, columns, poles or other means.

(b) “City” means the City of American Canyon.

(c) “City Council” means the elected governing body of the City.

(d) “Development” means the construction, erection, placement or appreciable alteration of a structure, including mobile dwelling units; it also means appreciable land alteration, including grading, surfacing, excavation, or deposition of material.

(e) “Initiative Area” means the approximately 157 acre parcel of land commonly known as 1661 Green Island Road and designated as Napa County Assessor’s Parcel Number APN 058-030-041.

(f) “Plan” means the General Plan of the City of American Canyon.

(g) “Structure” includes any building, tower, utility line, tank, pole or other object constructed, erected or placed on a parcel, the existence and use of which requires location on the ground or attachment to some thing located directly or indirectly on the ground.

Section 12: Amendment.

(a) After its effective date, this Initiative may be amended to further its purposes, by a 4/5 vote of the City Council, using a rollcall vote entered into the meeting minutes, at a regular meeting of the City Council. The Initiative may not be amended at an emergency or special meeting.

(b) No ordinance or resolution enacted after March 1, 2022, but prior to the effective date of this Initiative, which would constitute an amendment of this Initiative, shall be operative after the effective date of this Initiative, unless enacted in accordance with the requirements of Subdivision (a).

Section 13: 2022 Amendment to 2008 Urban Limit Line.

The location of the Urban Limit Line enacted by the City of American Canyon City Urban Limit Line and Prezoning Act of 2008 until January 1, 2030 shall be amended by extending the City’s 2008 Urban Limit Line to include the Green Island land as reflected in Exhibit A to this Initiative and may be changed only by the voters.

Section 14. Effective Date.

This Initiative shall become effective on January 1 of the year immediately

following its enactment.

Section 15: Severability.

The provisions of this Initiative are severable. If any portion, section, subdivision, paragraph, clause, sentence, phrase, word or application of this chapter is for any reason held to be invalid by any court of competent jurisdiction, that decision shall not affect the validity of the remaining portions of this Initiative. The People of the City of American Canyon hereby declare that they would have adopted this chapter and each and every portion, section, subdivision, paragraph, clause, sentence, phrase, word and application not declared invalid without regard to whether any other portion of this chapter or application thereof would be subsequently declared invalid.

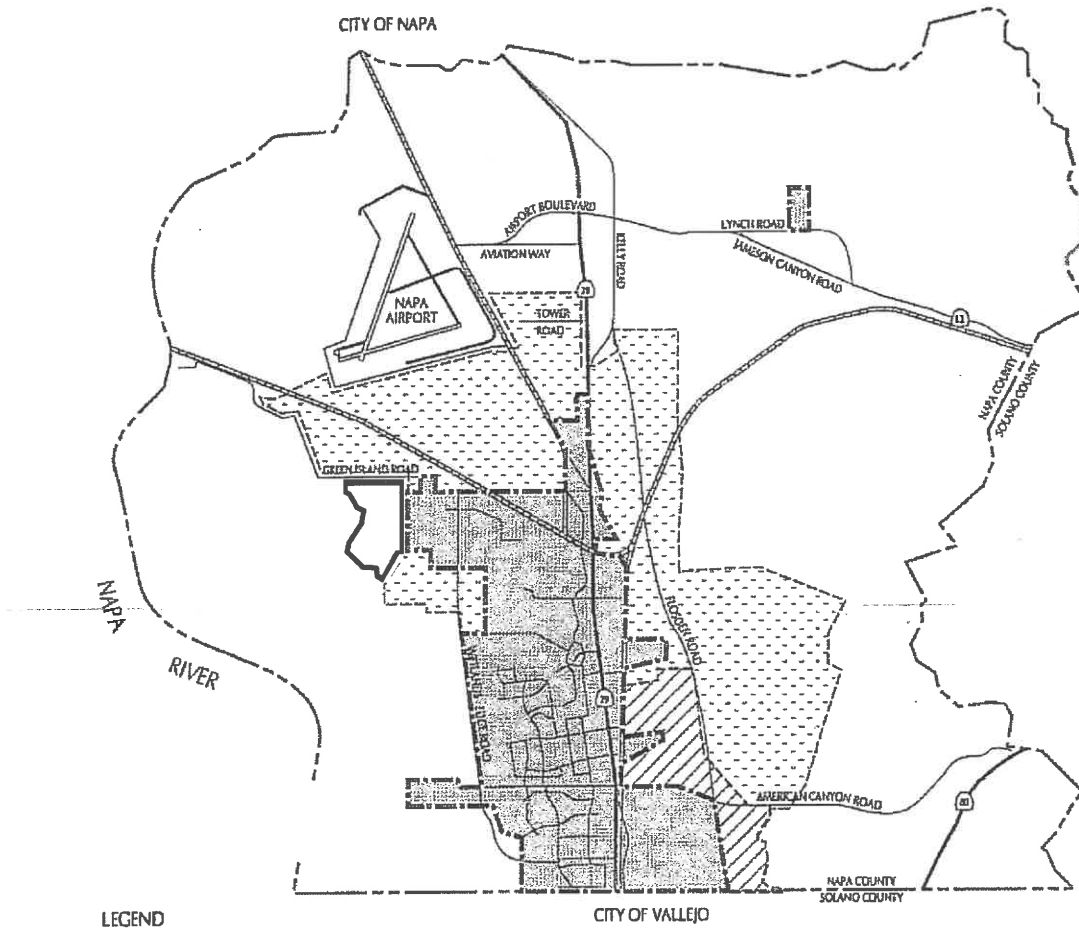
Section 16: Conflicting Initiatives.

In the event this Initiative and another initiative dealing with the same Initiative Area, in whole or in part, directly or indirectly, appear on the same ballot, the other initiative shall be deemed in conflict with this measure. If this Initiative receives a greater number of affirmative votes, this Initiative shall prevail in its entirety, and the other initiative shall be null and void.

Section 17. Liberal Construction.

This Initiative shall be liberally construed to effectuate its purposes.

APPENDIX "A" Initiative Area Map



- LEGEND**
- Planning Area
 - City of American Canyon
 - Sphere of Influence
 - Proposed City Urban Limit Line

SOURCE: City of American Canyon, 1993

PLANNING AREA

APPENDIX "B"

Initiative Area Legal Description

PARCEL ONE:

Being a portion of Section 14 and Section 15, Township 4 North, Range 5 West, Mount Diablo Base and Meridian, described as follows:

COMMENCING at a point on the Southern line of the 485 acre tract of land described in the Deed to Sarah J. Watson, recorded May 25, 1898 in Book 55 of Deeds at page 258, said Napa County Records, said point being the Southwest corner of Parcel One as shown on the map entitled, "Parcel Map of the Lands of Louis O. Wurz, et al", filed December 1, 1986 in Book 15 of Parcel Maps at page 20 in the office of the County Recorder of said Napa County; thence along the West line of said Parcel One and the continuation thereof, North 0° 44' 05" East 2881.28 feet, more or less, to the Southern line of Green Island Road; thence along said Southern line, North 89° 35' West 3448.31 feet to the intersection thereof with the Easterly line of Swamp and Overflow Survey No. 96 1/2; thence along the Easterly line of said Swamp and Overflow Survey South 68° 8-1/2' East 1262.20 feet, South 30° 30' East 660.00 feet, South 64° 15' East 330.00 feet, South 8° 15' West 594.00 feet and South 34° 30' West 858.00 feet to the Southeastern corner thereof; thence along the Easterly line of Swamp and Overflow Survey No. 134, South 10° West 396.00 feet, South 44° 45' East 792.00 feet and due East, 651.23 feet to a point on the Eastern line of said Section 15 on the Northern or Northeastern line of the tract of land described as Parcel One in the Deed to Martin Burastero, et al, of record in Book 167 at page 191 of Official Records of Napa County, said point being North 1° 22' West 367.65 feet distant from the Southeastern corner of said Section; thence continuing along the line of said Parcel One, South 1° 22' West 367.65 feet and South 22° 31' East 323.00 feet to the Northwesterly line of the 165.05 acre tract of land described in the Lis Pendens for the action entitled, "Robert Lyle Couch vs. Roberta Lenore Kleckner, et al" in the Superior Court of the State of California in and for the County of Napa Case 12297 and of record in Book 346 at page 489 of Official Records of Napa County; thence along the Westerly line of said 165.05 acre tract, North 20° 08' 40" East 132.35 feet, North 35° 27' 40" East 338.11 feet, North 22° 26' East 175.72 feet, North 35° 31' East 770.53 feet to an iron pipe monument on the Southern line of the 485 acre tract of land described in the Decree of Distribution had in the Matter of the Estate of Ringrose D. Watson, deceased, a certified copy of which is of record in Book 47 of Deeds at page 11, said Napa County Records; thence South 88° 31' East along said Southern line, 175.97 feet to the point of commencement.

EXCEPTING THEREFROM that certain tract of land described in the Deed to John Sarty, et al, recorded November 9, 1971 in Book 863 at page 960 of Official Records of Napa County.

APN 058-030-041

PARCEL TWO:

A Right of Way for road and utility purposes over those parcels designated L, M, N and P as shown on the map entitled, "Parcel Map of the Lands of Louis O. Wurz, et al", filed December 1, 1986 in Book 15 of Maps at page 20 in the office of the County Recorder of said Napa County.

PARCEL THREE:

A Right of Way for road and utility purposes over that parcel designated Y as shown on the map entitled, "Parcel Map of a Portion of the Lands of Louis O. Wurz, et al", filed May 18, 1983 in Book 13 of Parcel Maps at page 72 in the office of the County Recorder of said Napa County.

APPENDIX “C”

The General Plan is hereby amended as shown in this Appendix C. Text to be inserted into the General Plan is indicated in **bold and underlined text**. Text to be deleted from the General Plan is indicated in ~~strikethrough-text~~. Text that appears in standard, bold, or italicized type that currently appears in that fashion in the General Plan on the Filing Dates remains unchanged by this Initiative and is shown for reference purpose only.

P. 1-11, Policy 1.2.2

Establish as a priority the development of projects located within the City’s Urban Limit Line, as amended in 2022 that are contiguous with and infill the existing pattern of development, avoiding leap-frog development, except for large scale master-planned projects that are linked to and planned to be extensions of existing development and for which infrastructure and services are in place or funded. (*11.9 and 11.11*)

P. 1-11, Policy 1.3.4

Limit the total additional new development that can be accommodated in the City and its Urban Limit Line, as amended in 2022 to the following provided that the highway improvements set forth in the **Circulation Element** are implemented. The calculation of Industrial development square footage in the table below refers to development in gross square footage. (*11.9*)

Use	City	City Urban Limit Line	Total
Residential			
• Single-Family	1,678 units	3,204 units	4,882 units
• Multi-Family	967 units	466 units	1,433 units
Commercial			
• Retail	607,500 square feet		607,500 square feet
• Office	270,000 square feet		270,000 square feet
Industrial	1,560,195 square feet	4,218,305 11,063,759 square feet	5,778,500 12,623,954 square feet

P. 1-14, Policy 1.4.5

Work with the Napa County Local Agency Formation Commission to establish an ~~Urban Limit Line~~ Sphere of Influence that is consistent with the City’s Urban Limit Line, as amended in 2022 and delineates the planned maximum expansion of the City’s urban and related recreational development; outside of which uses shall be limited to agriculture, resource management, and open space purposes (as depicted on Amended Figure 1.1). (*1.20, 11.22, and 11.25*)

P. 1-14, Objective 1.6

Accommodate continued agricultural production capitalizing upon the historic role of the region and as a definable limit for the development of the City consistent with the City's Urban Limit Line, as amended in 2022.

P. 1-15, Policy 1.6.5

Prohibit the implementation of infrastructure and other services that are conducive to future subdivision and urban development, except where logical development patterns support the extension of such infrastructure and services to planned land uses. (I 1.1, I 1.2, I 1.4, I 1.5, I 1.8, and I 1.15)

P. 1-55, Policy 1.31.1

Set priorities for the provision of urban services; with service expansion within the City, the City Urban Limit Line, as amended in 2022, ~~or and~~ its Sphere of Influence, and where logical development patterns support service expansion, receiving the highest priority. (I 1.15)

P. 1-55, Policy 1.31.3

Work cooperatively with the Local Agency Formation Commission (LAFCO) to expand the City's Sphere of Influence to include all areas that are within the City's Urban Limit Line, as amended in 2022, ~~or will be provided urban type services by the City.~~ (I 1.22 and I 1.15)

P. 1-56, Policy 1.31.10

~~Work with LAFCO to e~~ Establish ultimate City boundaries that are logical, ~~and~~ orderly, and provide for future balanced growth between the east and west sides of Highway 29. (I 1.22 and I 1.25)

P. 1-56, Policy 1.31.12

~~Work cooperatively with Napa County towards an agreement to e~~ Establish compatible land use standards for areas within the Sphere of Influence and other lands immediately adjacent to the City, considering logical development patterns and urban uses within the City's Urban Limit Line, as amended in 2022, to ensure consistent land use designations. (I 1.22)

P. 1-58, Goal 1T

Establish a City Urban Limit Line for the City of American Canyon which describes its future geographic boundary until January 1, 2030.

P. 1-59, Objective 1.35.1

Take all appropriate action with LAFCO ("Napa County Local Agency Formation Commission") to ensure that the area outside of the current city limits and within the City Urban Limit Line is:

- a. Included within the Sphere of Influence of the City and American Canyon Fire Protection District.

b. Annexed to the City and the American Canyon Fire Protection District.

In the event that any of the land within the City's Urban Limit Line, as amended in 2022, is outside the Sphere of Influence, seek LAFCO approval of a Sphere of Influence amendment that is consistent with the City's Urban Limit Line, as amended in 2022 and supports the provision of urban services to accommodate existing and future urban development within the City's Urban Limit Line, as amended in 2022.

P. 1-59, Objective 1.35.3

Ensure that lands outside of the Amended City Urban Limit Line shall not be developed until January 1, 2030 or later, except as provided by policy 1.35.4 below.

P. 1-59, Objective 1.36

Define the limits of urban development of the City, preserving agricultural and open space outside of the City's Urban Limit Line, as amended in 2022 on a long-term basis.

Housing Element, P. B-54, Opportunities for Energy Conservation - Land Use and Planning

. . . The city has multiple constraints, which have influenced where residential development could be located, such as Highway 29 which bisects the city; strict development restrictions from the airport's flyover zones to the north; Vallejo's limits directly to the south; natural constraints to the east and west; and an Urban Limit line agreement with the County of Napa which restricts the city's ability to expand outward unless otherwise authorized by the City's Urban Limit Line, as amended in 2022.

Economic Development Element, P. 3-3, Business Park and Industrial Market Share

. . . The area north and west of the current City boundary, which could easily be served by Green Island Road, is a logical expansion area and should be proposed to the Local Area Formation Commission (LAFCO) as part of a comprehensive revision to the City's Sphere of Influence and boundaries.

P. 3-8, Policy 3.4.3

In partnership with land owners and tenants, improve the infrastructure particularly access across the North Slough drainage channel and the railroad) in the Green Island Industrial Park and Annexes and expand infrastructure services to the undeveloped sites on the north and south sides of Green Island Road to link the two industrial areas and provide land use and design continuity to both sides of Green Island Road. *(I 3.4)*

P. 3-8, Policy 3.5.2

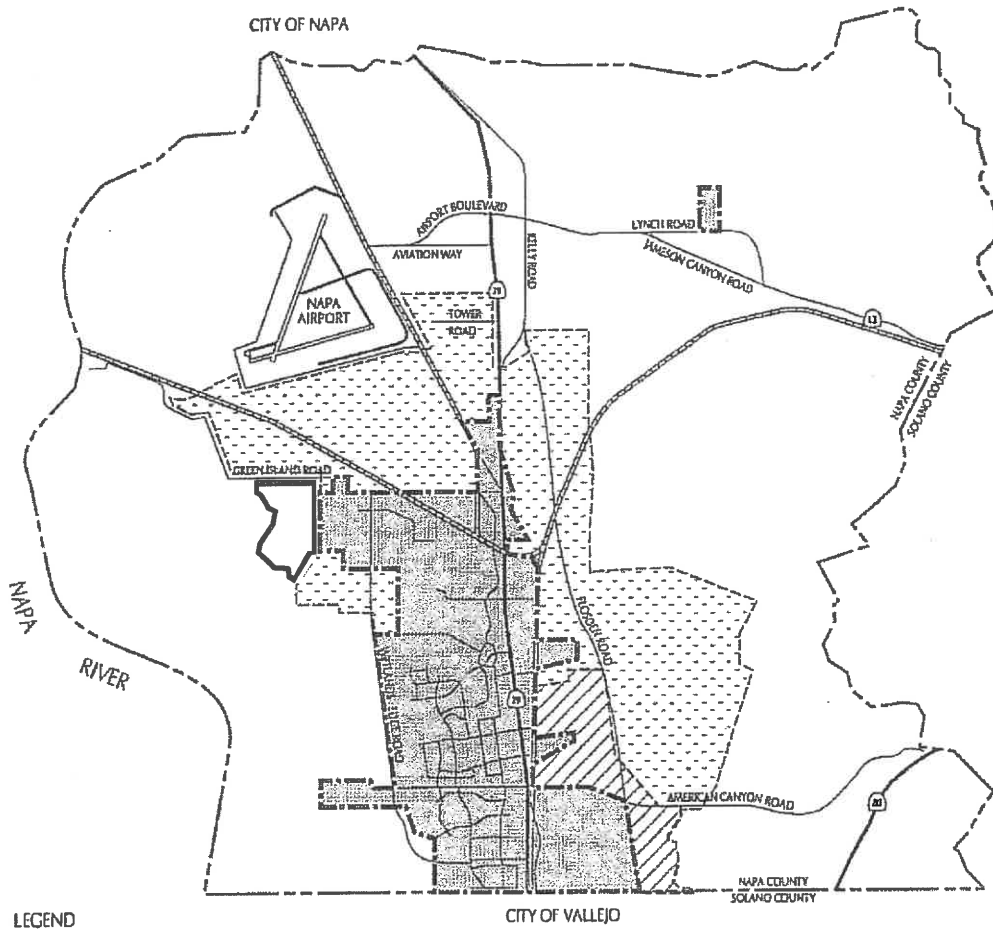
Work with the County and LAFCO towards modifying the City's ~~sphere~~ Sphere of Influence to include areas within the City's Urban Limit Line, as amended in 2022, including on the north and south sides of Green Island Road and south of the airport for future industrial development within the City. *(I 3.2)*

P. ix: **Figure 3, Planning Area Map**

Figure 3 is hereby amended to establish the “City Urban Limit Line, as amended in 2022,” reflected in the figure below.

INTRODUCTION

American Canyon
GENERAL PLAN



- LEGEND
- Planning Area
 - City of American Canyon
 - Sphere of Influence
 - Proposed City Urban Limit Line

SOURCE: City of American Canyon, 1993

Envirom Computer Graphics

PLANNING AREA

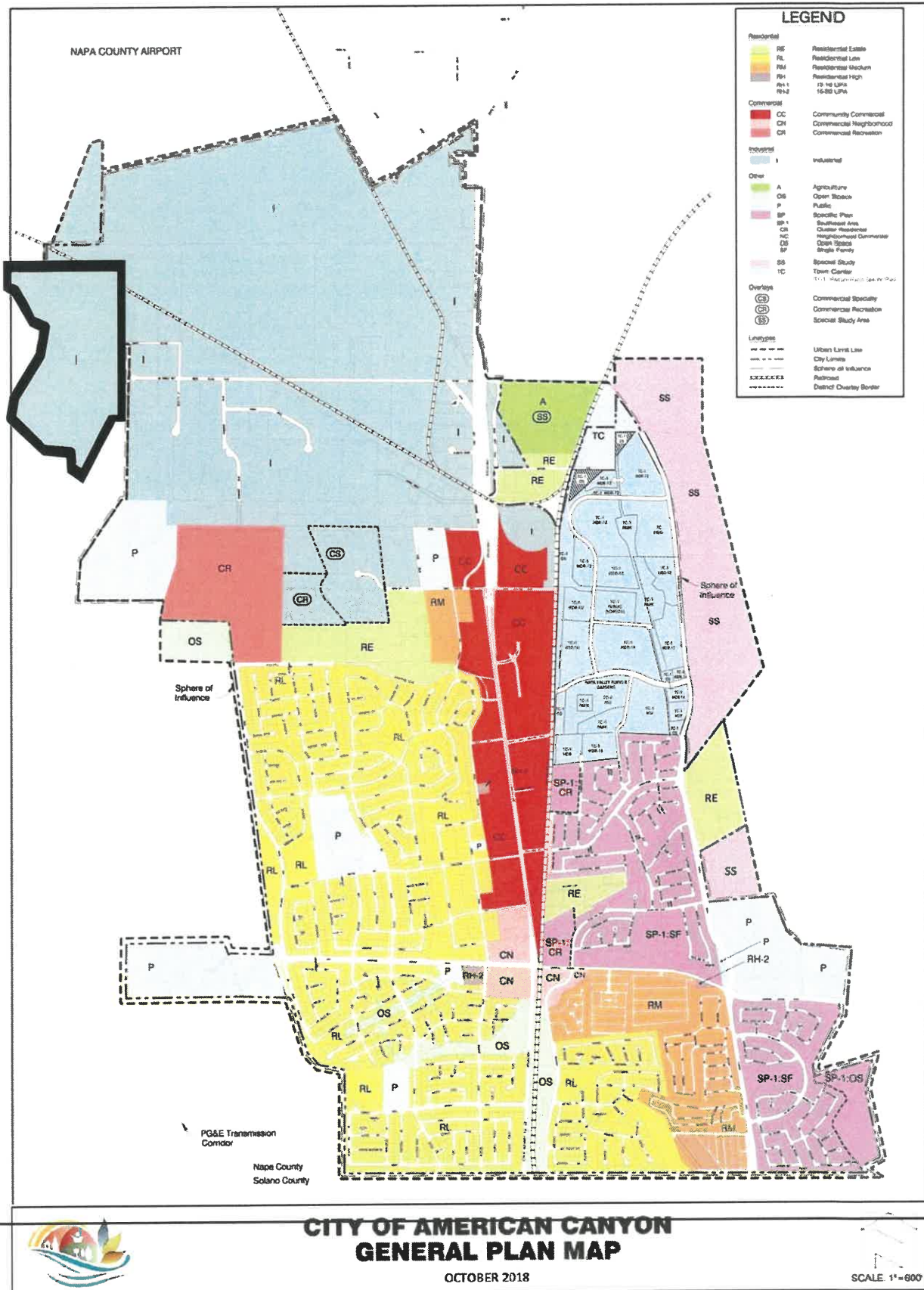


Land Use Element: **City of American Canyon General Plan Map**

The attached City of American Canyon General Plan Land Use Map is hereby amended to establish the City "Urban Limit Line, as amended in 2022" as shown in Exhibit A above, attached hereto and incorporated herein by reference and as more particularly described in Exhibit B, attached hereto and incorporated herein by reference.

The attached City of American Canyon General Plan Land Use Map is hereby amended to designate the Green Island Property as *I – Industrial*.

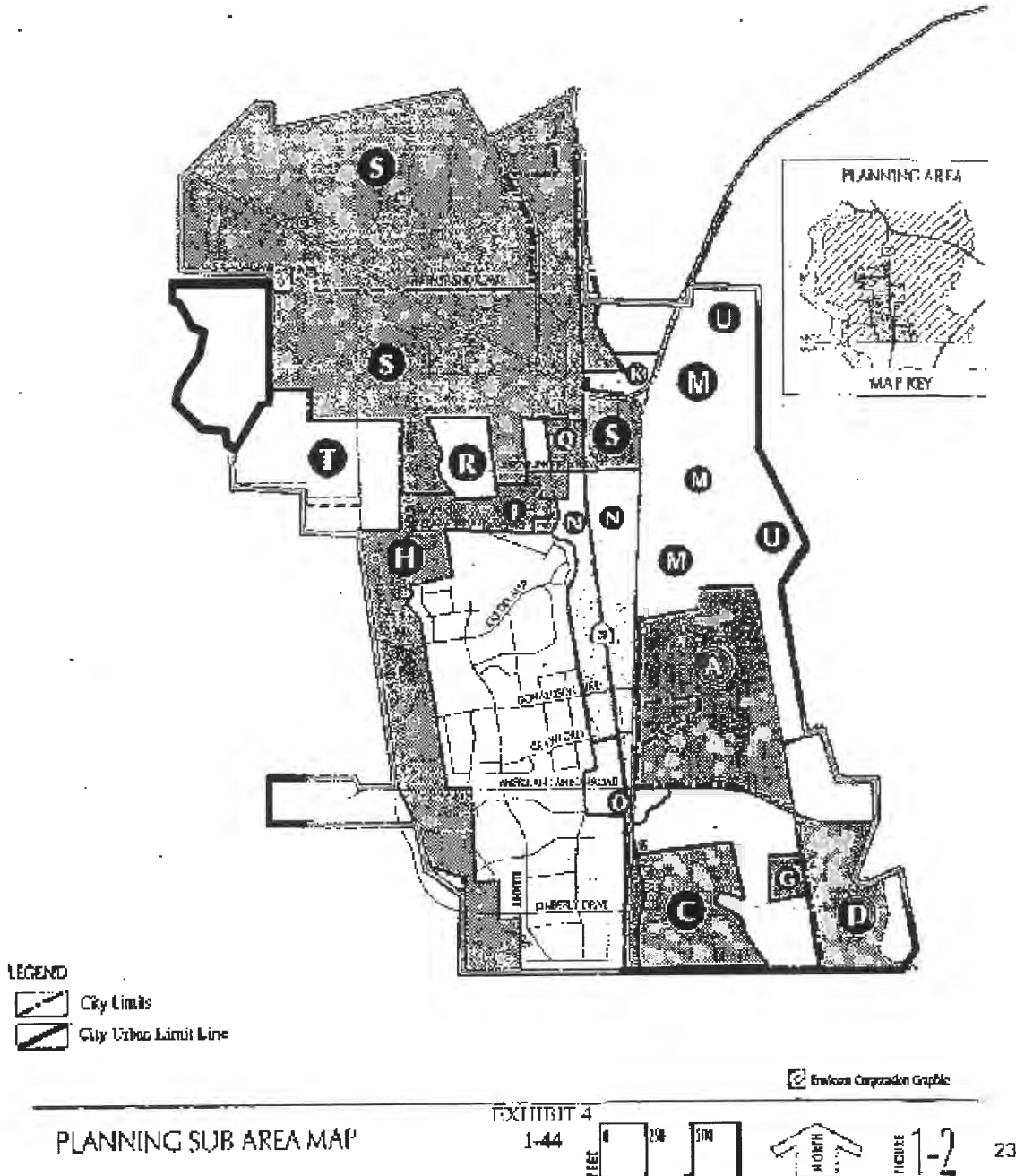
1.0 LAND USE ELEMENT



P. 1-40, **Figure 1-2**

Figure 1-2 is hereby amended to replace the “City Urban Limit Line,” with the “City Urban Limit Line, as amended in 2022” shown in Amended Figure 1-2.

American Canyon
GENERAL PLAN



PLANNING SUB AREA MAP

EXHIBIT 4

1-44



FIGURE 1-2

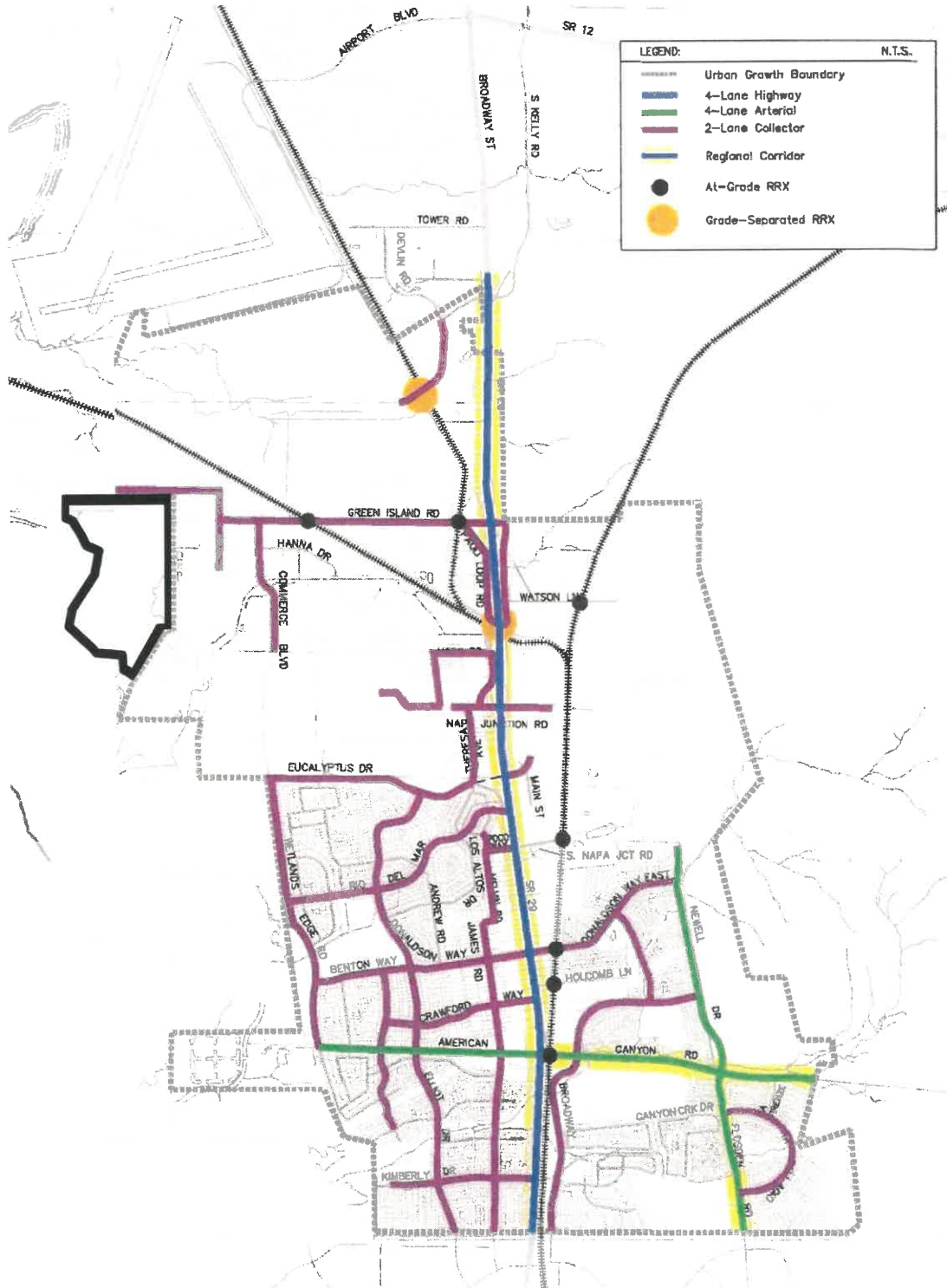
23

Circulation Element, P. 8, **Figure 2, Existing Circulation System**

Figure 2 is hereby amended to expand to replace the term “Urban Growth Boundary” with “Urban Limit Line,” and to expand the City’s “Urban Limit Line,” reflected in the figure below.

City of American Canyon

**FIGURE 2:
EXISTING CIRCULATION SYSTEM**

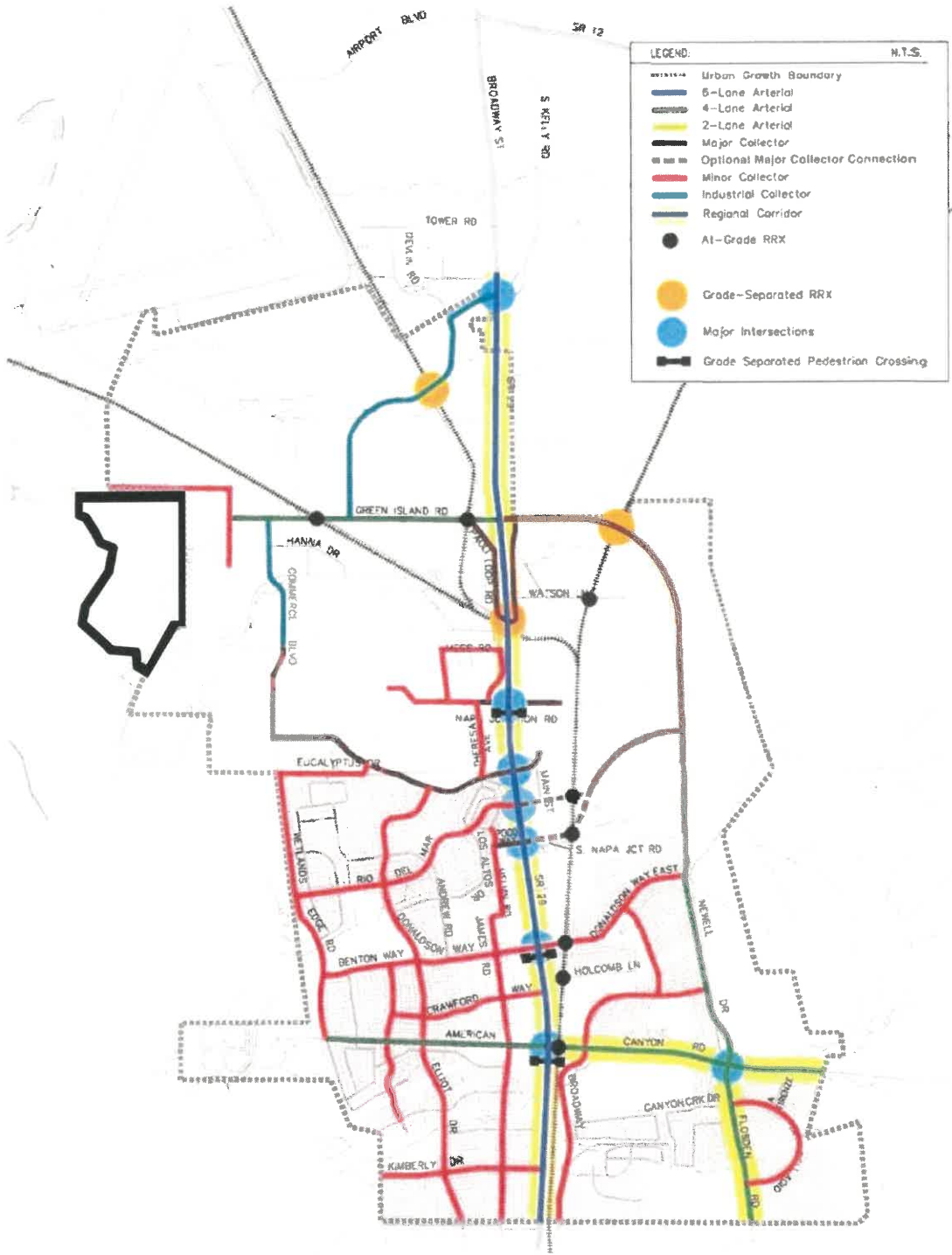


Circulation Element, P. 13, **Figure 3, Circulation Map**

Figure 3 is hereby amended to expand to replace the term “Urban Growth Boundary” with “Urban Limit Line,” and to reflect the City’s “Urban Limit Line, as amended in 2022,” reflected in the figure below.

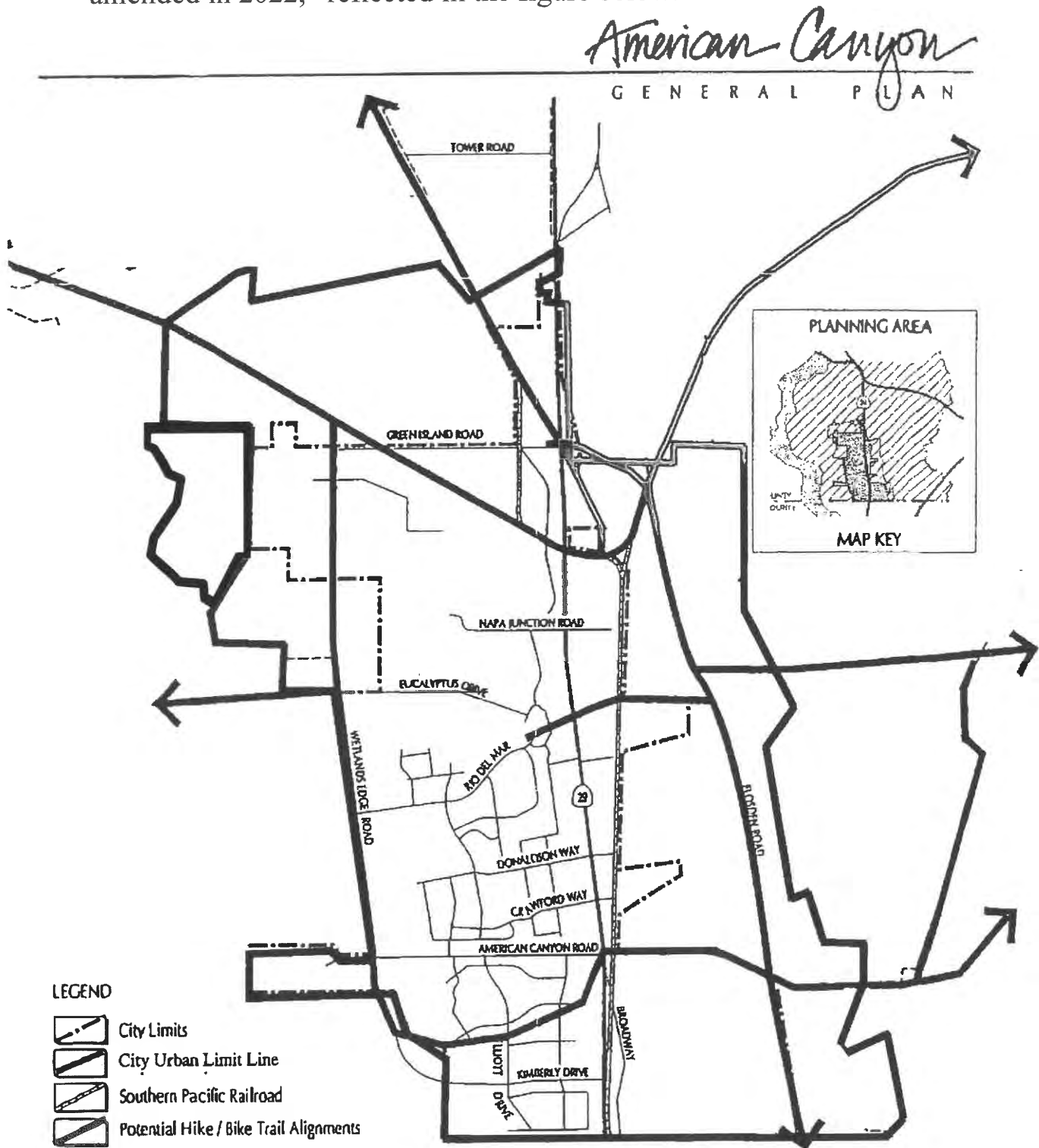
City of American Canyon

**FIGURE 3:
CIRCULATION MAP**



P. 4-31, Figure 4-7, Potential Hike/Bike Trail Alignments Map

Figure 4-7 is hereby amended to show the “City’s Urban Limit Line, as amended in 2022,” reflected in the figure below.



SOURCE: Wilbur Smith Associates

Envicon Corporation Graphics

STUDY AREA
POTENTIAL HIKE / BIKE TRAIL ALIGNMENTS

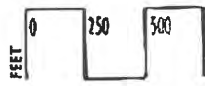


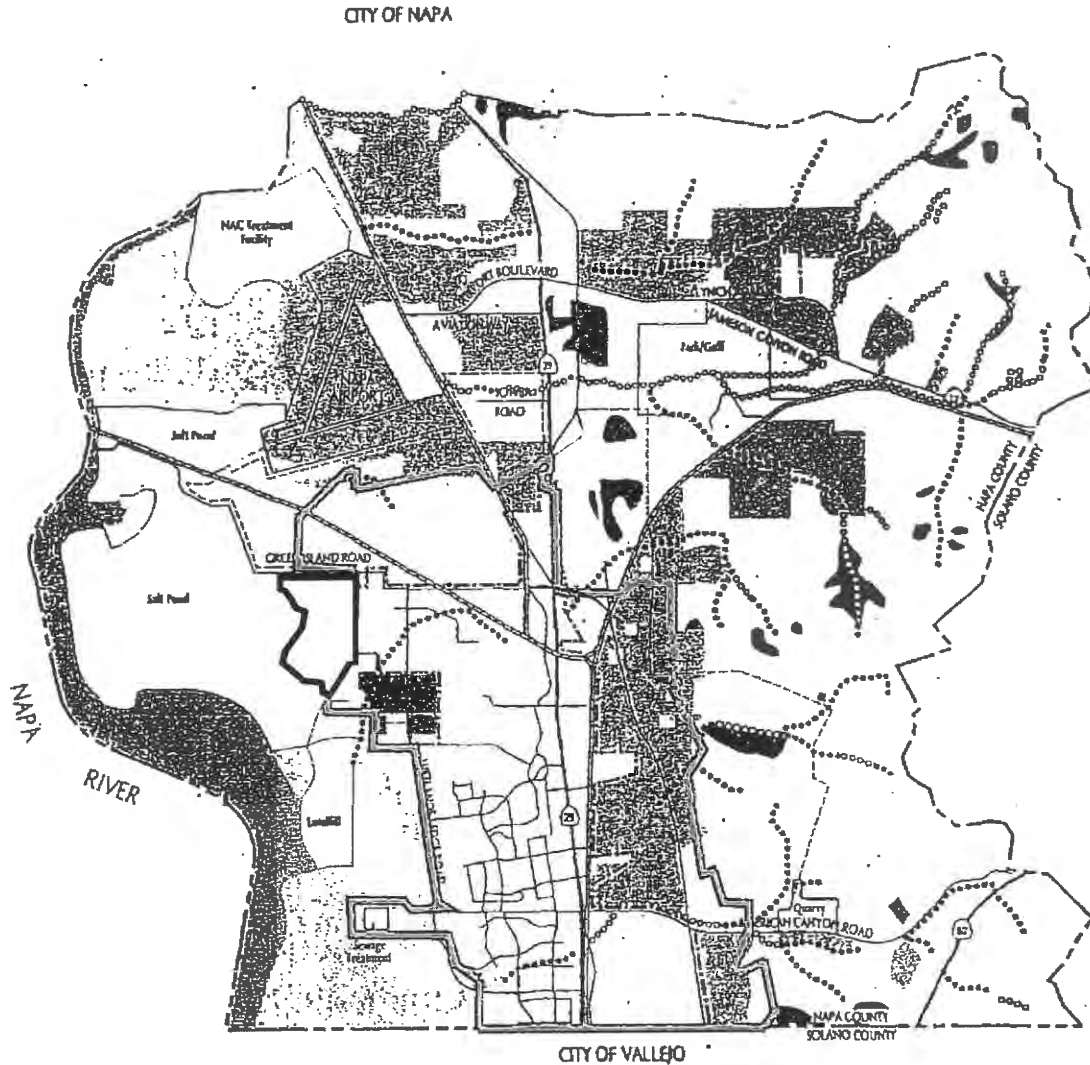
FIGURE 4-7

EXHIBIT 7

4-31

P. 8-6, **Figure 8-1, Biological Habitats Map** Figure 8-1 is hereby amended to show the “City’s Urban Limit Line, as amended in 2022,” reflected in the figure below.

American Canyon
GENERAL PLAN



LEGEND

- | | | | |
|--|---------------------------|--|--|
| | City of American Canyon | | Agriculture, including disturbed areas |
| | Planning Area | | Mixed Hardwood Forest |
| | City Urban Limit Line | | Oak Savannah |
| | Southern Pacific Railroad | | Eucalyptus Forest |
| | Riverine | | Urbanized, Residential/Commercial/Industrial/Other |
| | Coastal Salmarsh | | Riparian Woodland/Forest |
| | Coastal Prairie | | Other Riparian and Blue-Line Steams |

SOURCE: Enticon Corporation, 1993

Enticon Corporation Graphics

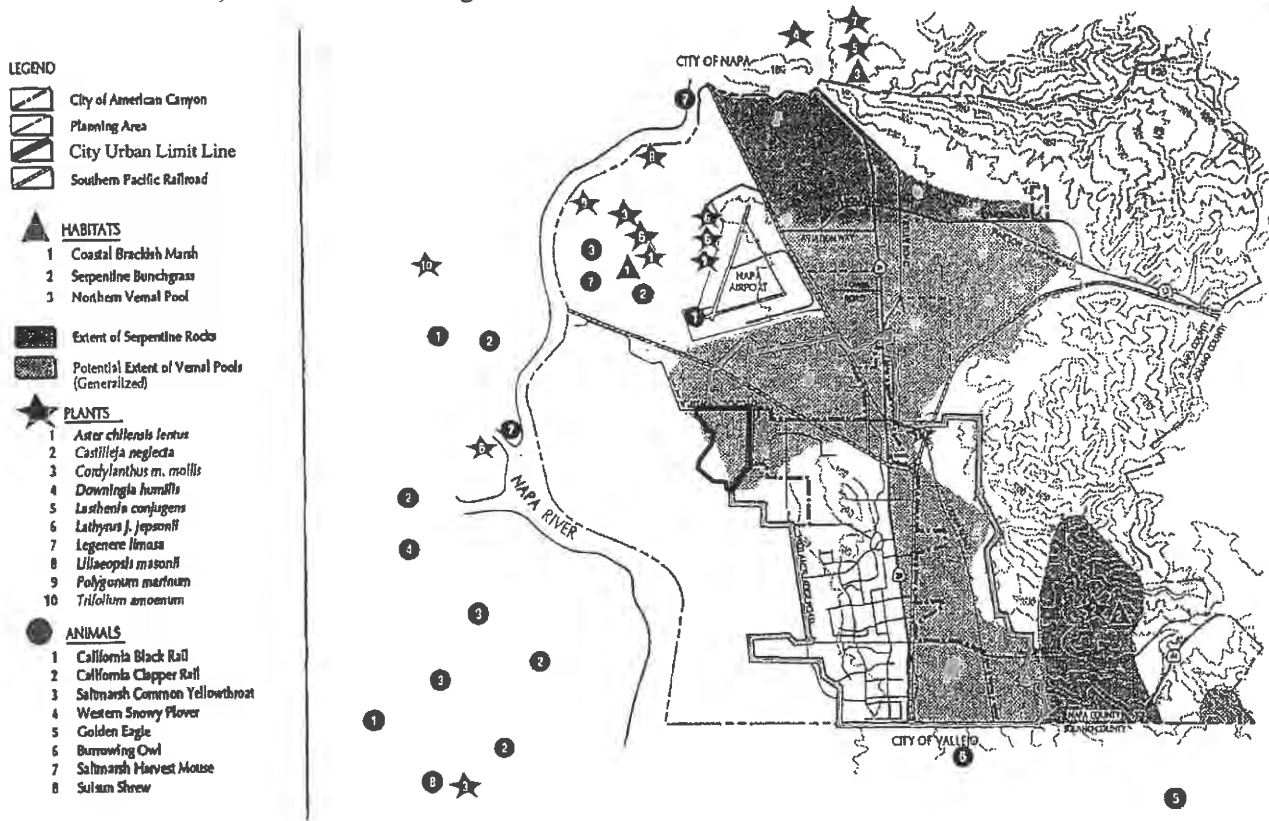
BIOLOGICAL HABITATS



P. 8-8, Figure 8-2, Sensitive Elements of Biological Diversity Map
 Figure 8-2 is hereby amended to show the “City’s Urban Limit Line, as amended in 2022,” reflected in the figure below.



8-8



SOURCE: Brykman Corporation, 1993

Environ Corporation Graphics

SENSITIVE ELEMENTS OF BIOLOGICAL DIVERSITY

EXHIBIT 10



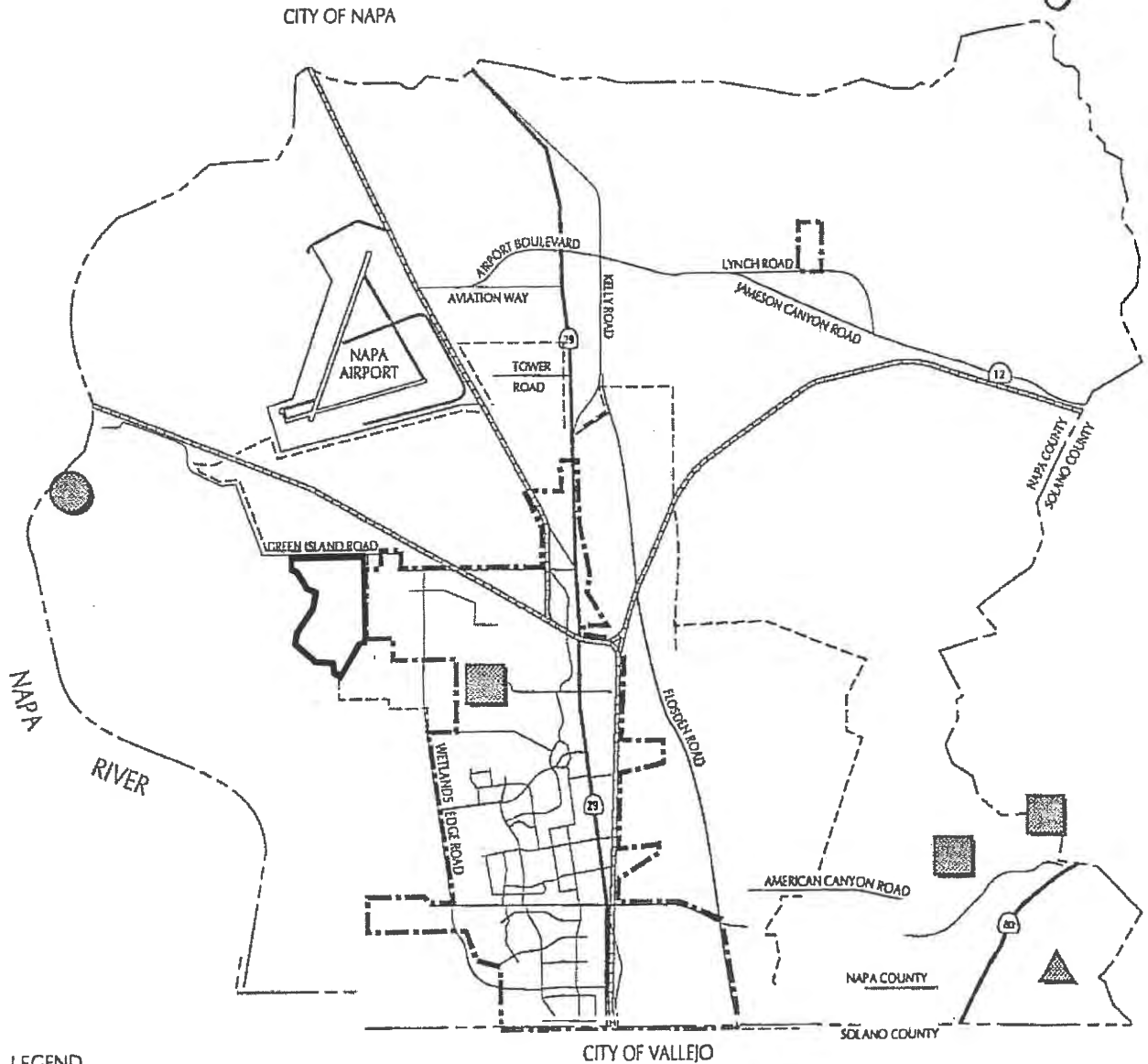
FIGURE 8-2

29

P. 8-21, Figure 8-3, Mineral Deposits Map

Figure 8-3 is hereby amended to show the “City’s Urban Limit Line, as amended in 2022,” reflected in the figure below.

American Canyon
GENERAL PLAN



LEGEND

- City of American Canyon
- Planning Area
- Proposed City Urban Limit Line
- Southern Pacific Railroad
- Sand, Gravel and Rock Products
- Salt Operations
- Mercury - Mine

SOURCE: Envicom Corporation, 1993

Envicom Corporation Graphics

MINERAL DEPOSITS

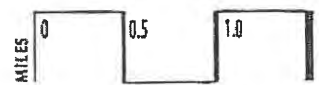
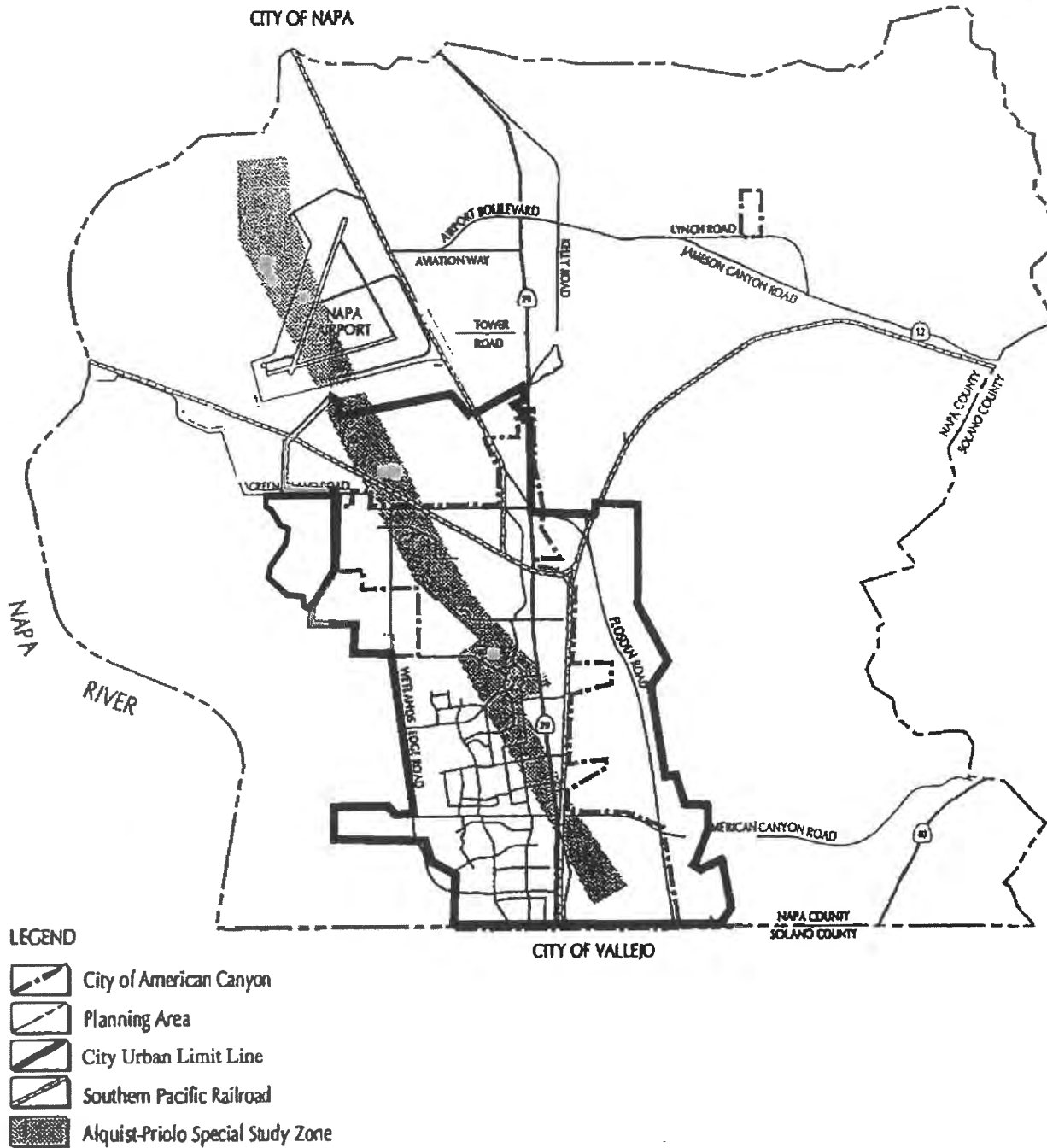


FIGURE 8-3

P. 9-6, Figure 9-1, West Napa Fault (Alquist-Priolo Special Study Zone) Map
 Figure 9-1 is hereby amended to show the “City’s Urban Limit Line, as amended in 2022,” reflected in the figure below.

American Canyon
 GENERAL PLAN



SOURCE: Envicam Corporation, 1993

Envicam Corporation Graphics

WEST NAPA FAULT
 (ALQUIST-PRIOLO SPECIAL STUDY ZONE)



FIGURE 9-1

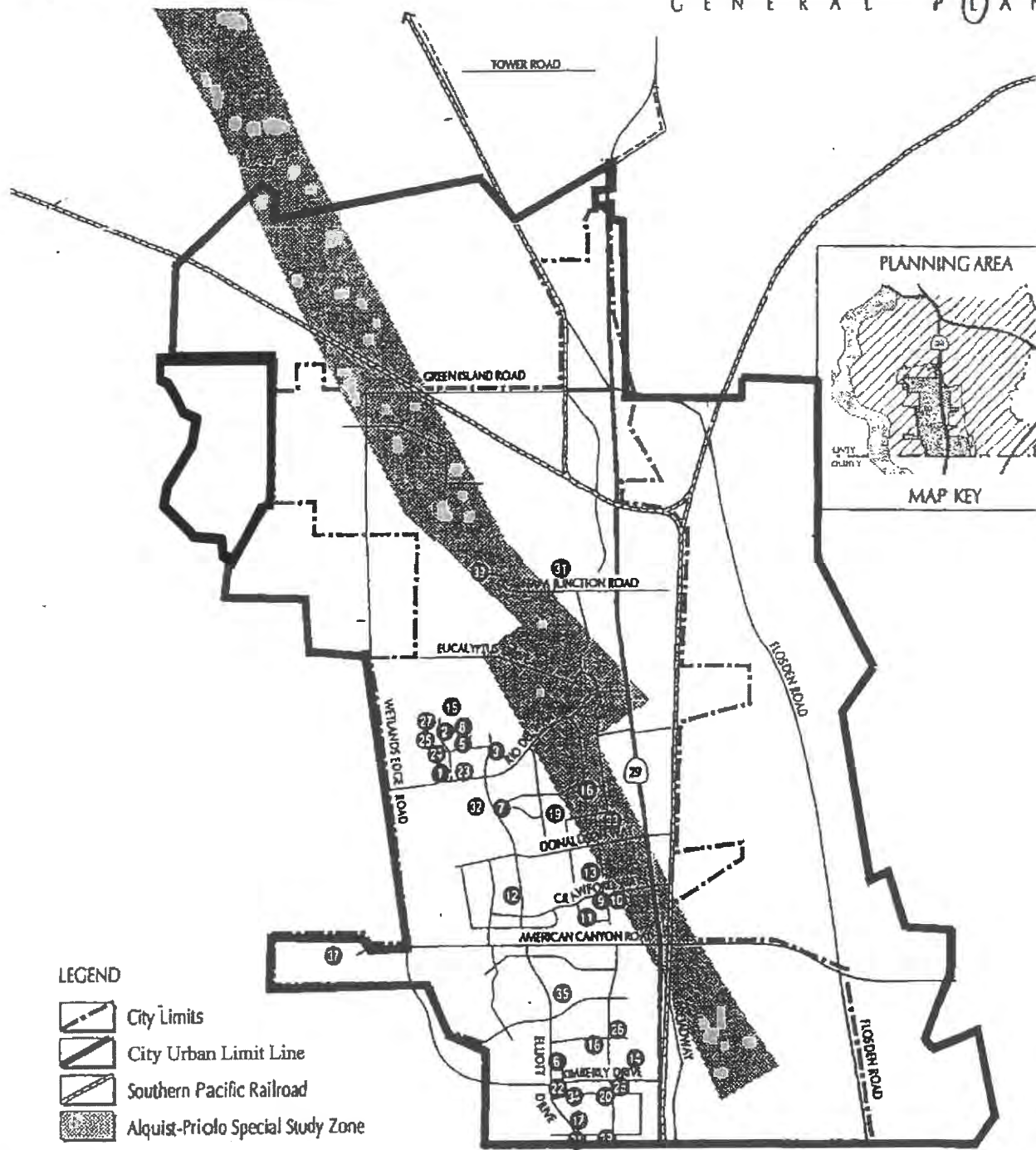
EXHIBIT 12

9-6

P. 9-9, Figure 9-2a, Critical, Sensitive & High Occupancy Buildings/Sites

Figure 9-2a is hereby amended to show the “City’s Urban Limit Line, as amended in 2022,” reflected in the figure below.

American Canyon
GENERAL PLAN



- LEGEND**
- City Limits
 - City Urban Limit Line
 - Southern Pacific Railroad
 - Alquist-Priolo Special Study Zone
 - Building Sites
(Refer to Table 9-1)

SOURCE: City of American Canyon

Envicam Corporation Graphics

CRITICAL, SENSITIVE & HIGH OCCUPANCY BUILDINGS / SITES

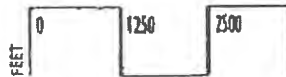


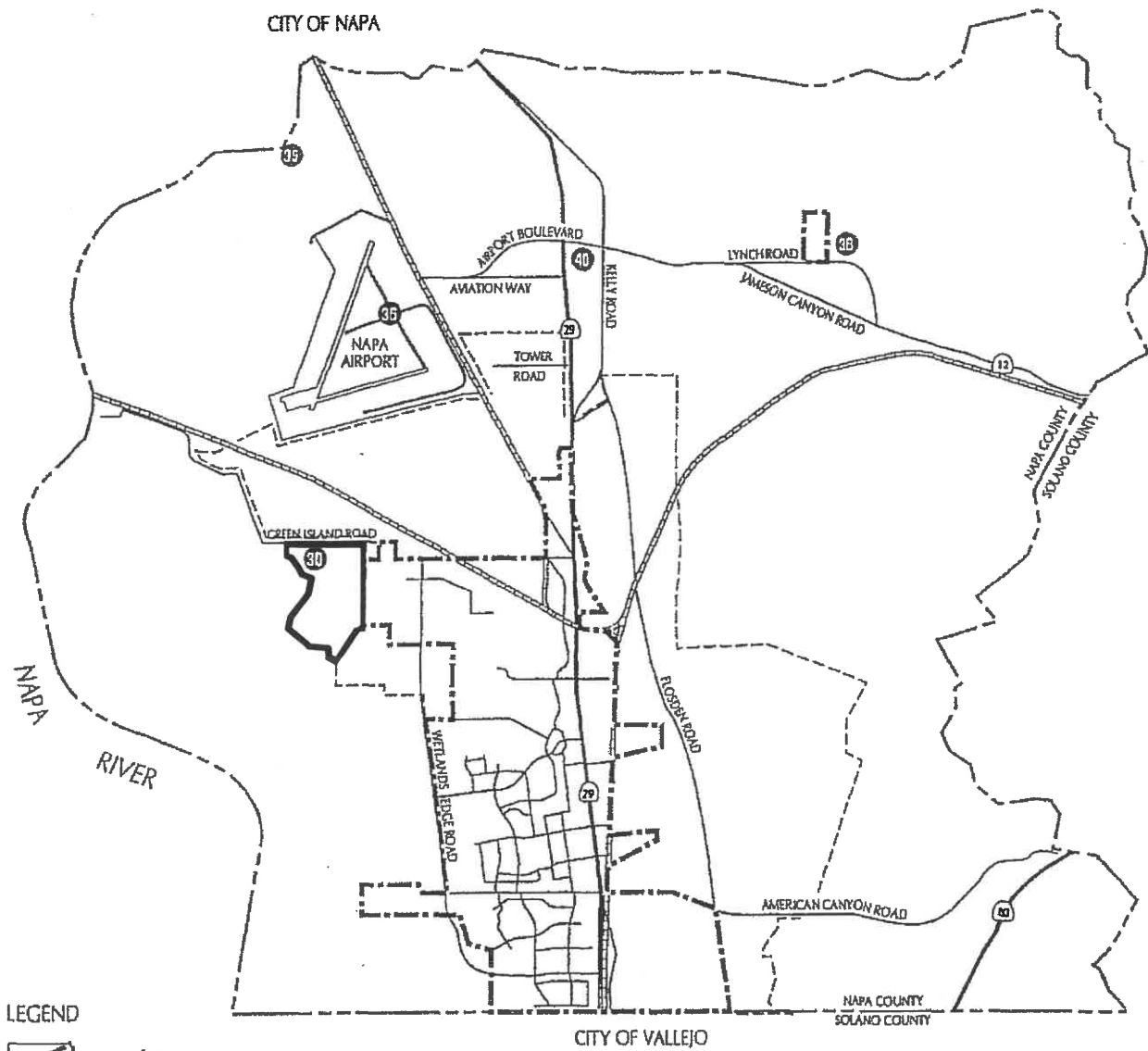
FIGURE 9-2a

EXHIBIT 13
9-9

P. 9-10, Figure 9-2b, Critical, Sensitive & High Occupancy Buildings/Sites

Figure 9-2b is hereby amended to show the "City's Urban Limit Line, as amended in 2022," reflected in the figure below.

American Canyon
GENERAL PLAN



- LEGEND
- City of American Canyon
 - Planning Area
 - Proposed City Urban Limit Line
 - Southern Pacific Railroad
 - Building Sites
(Refer to Table 9-1)

SOURCE: City of American Canyon

Envicam Corporation Graphics

CRITICAL, SENSITIVE & HIGH OCCUPANCY BUILDINGS / SITES

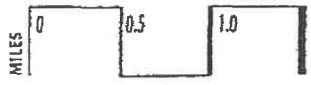
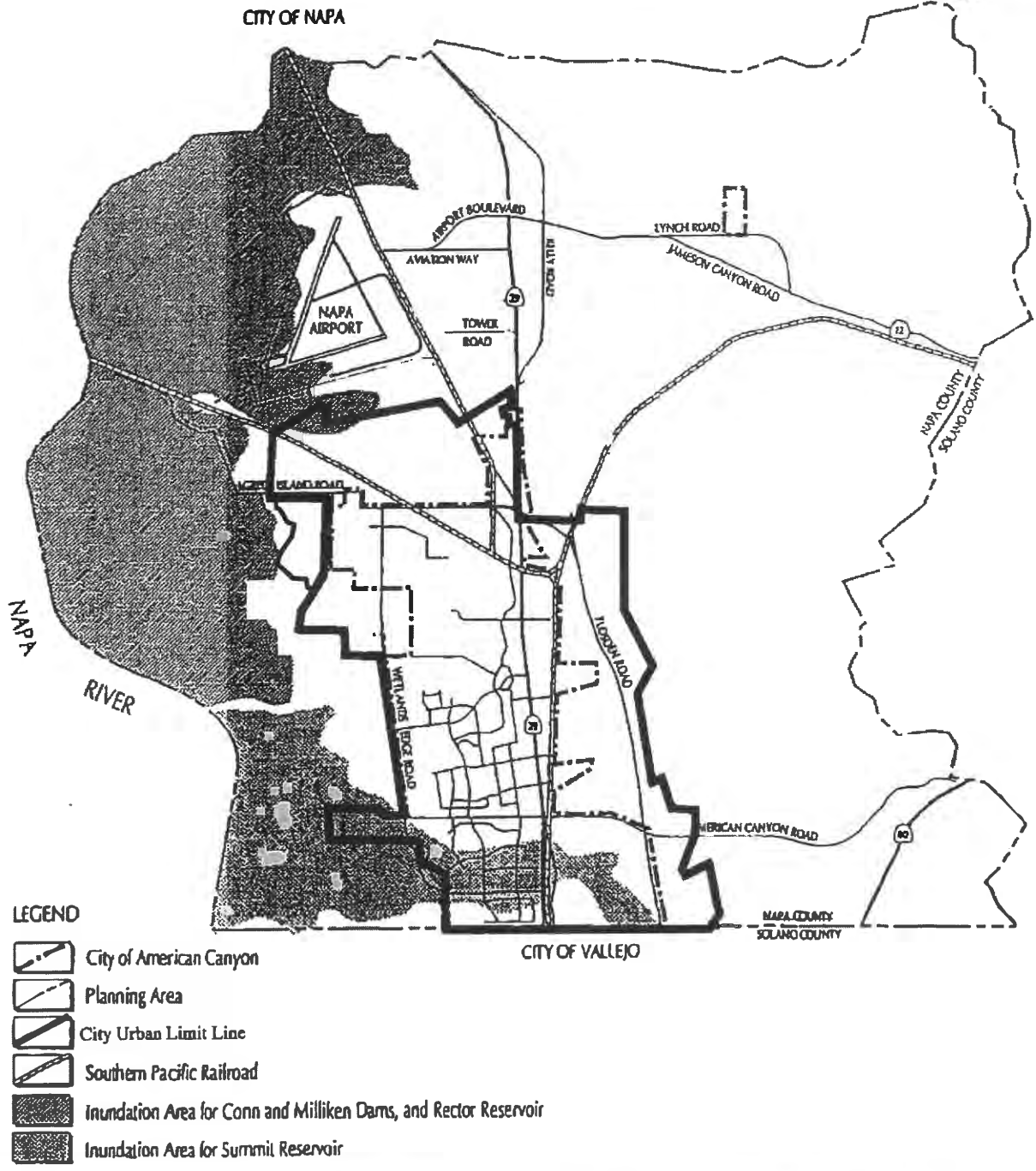


FIGURE 9-2b

P. 9-15, Figure 9-3, Dam/Reservoir Failure

Figure 9-3 is hereby amended to show the “City’s Urban Limit Line, as amended in 2022,” reflected in the figure below.

American Canyon
GENERAL PLAN



SOURCE: Napa County Sensitivity Map

Enviro Corporation Graphics

DAM / RESERVOIR
FAILURE

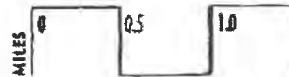


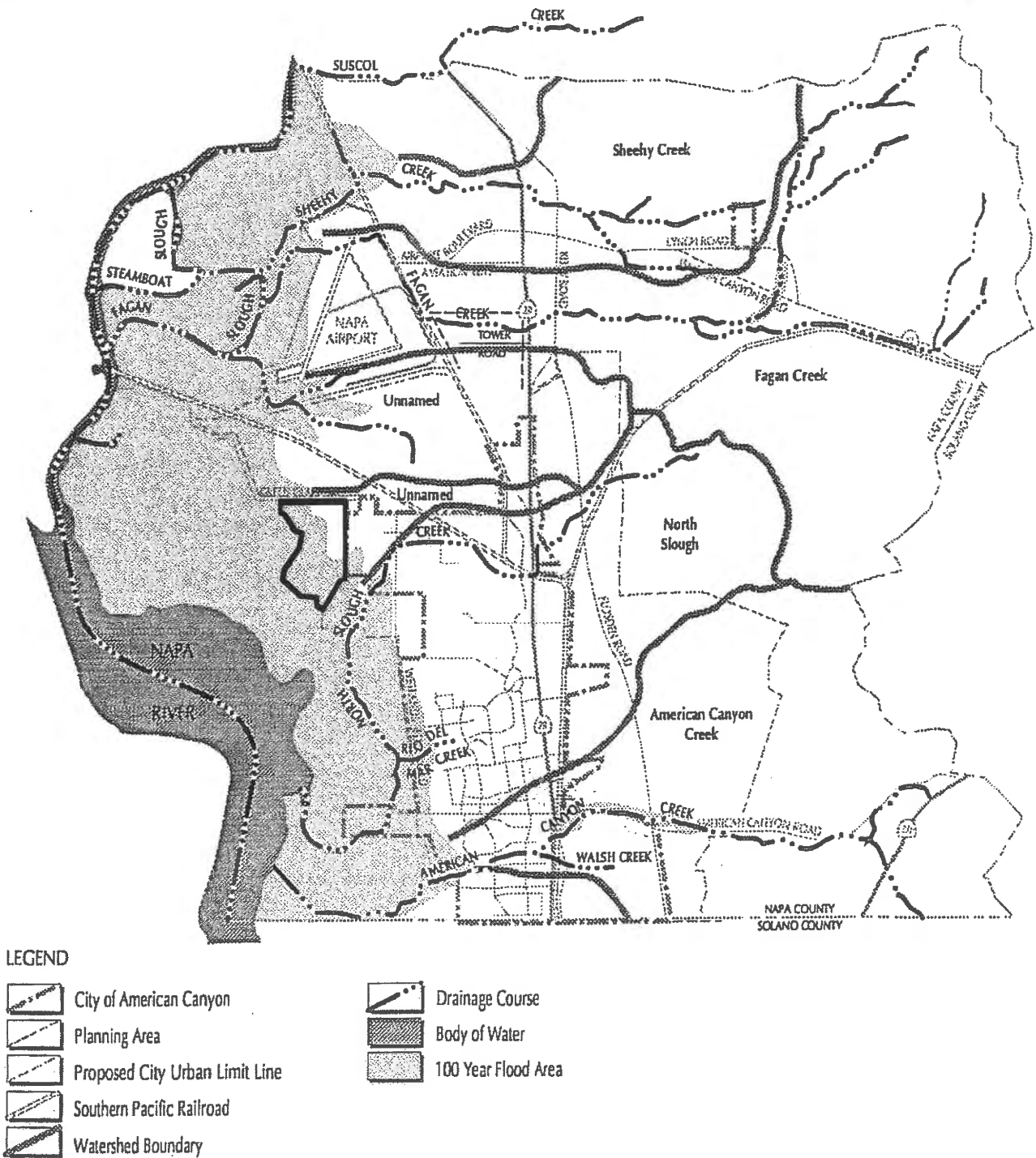
FIGURE 9-3

EXHIBIT 15
9-15

P. 10-5, **Figure 10-1, Major Drainage Facilities and 100 Year Flood Event Map**

Figure 10-1 is hereby amended to show the “City’s Urban Limit Line, as amended in 2022,” reflected in the figure below.

American Canyon
GENERAL PLAN



SOURCE: West Yost Associates, 1993

Envicom Corporation Graphics

MAJOR DRAINAGE FACILITIES AND 100 YEAR FLOOD EVENT

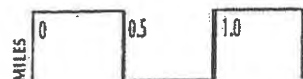


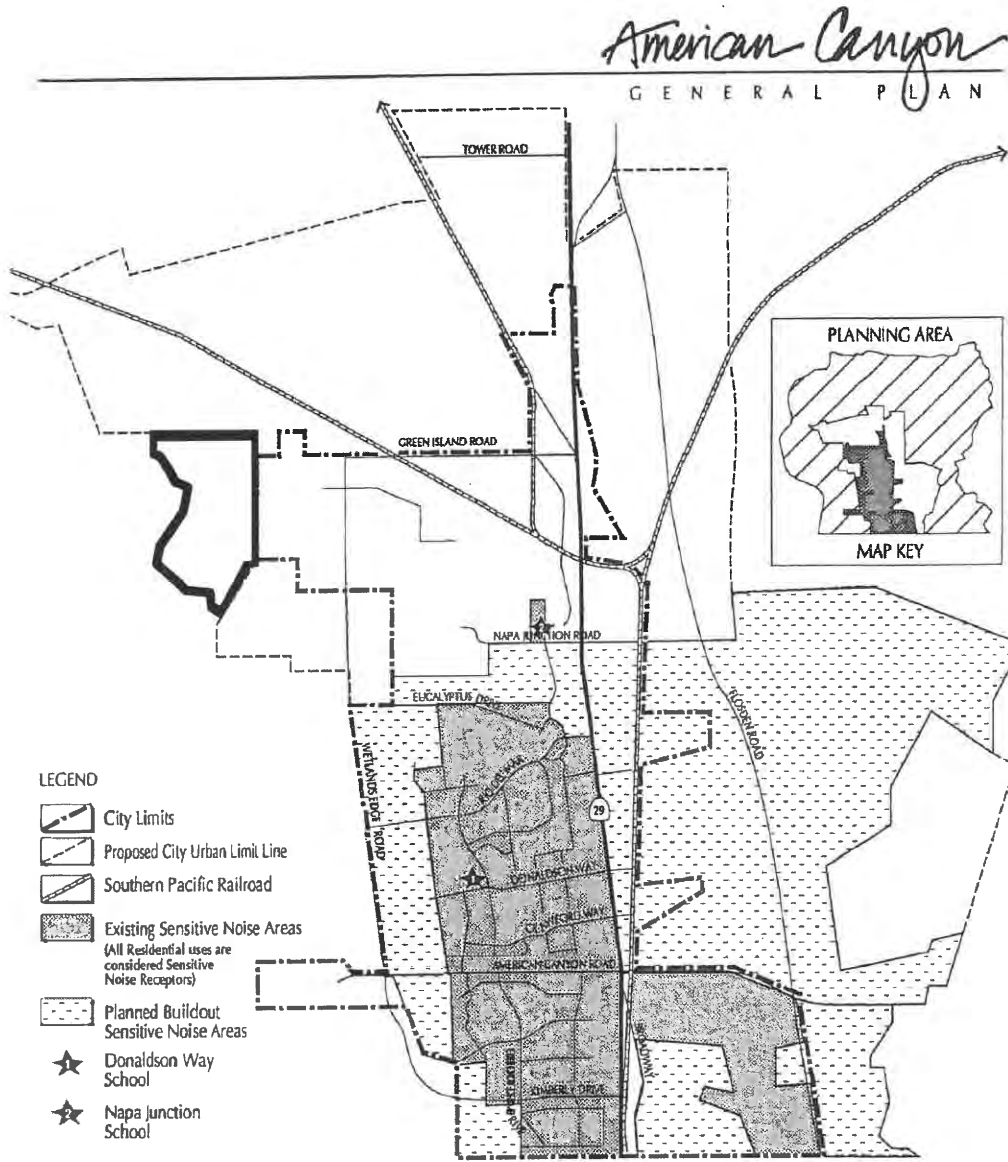
FIGURE 10-1

P. 11-10, Figure 11-3, Sensitive Noise Areas Map

Figure 11-3 is hereby amended to show the “City’s Urban Limit Line, as amended in 2022,” reflected in the figure below.

11.0 NOISE ELEMENT

Figure 11-3



SOURCE: Envicam Corporation, 1993

Envicam Corporation Graphics

**SENSITIVE
NOISE AREAS**

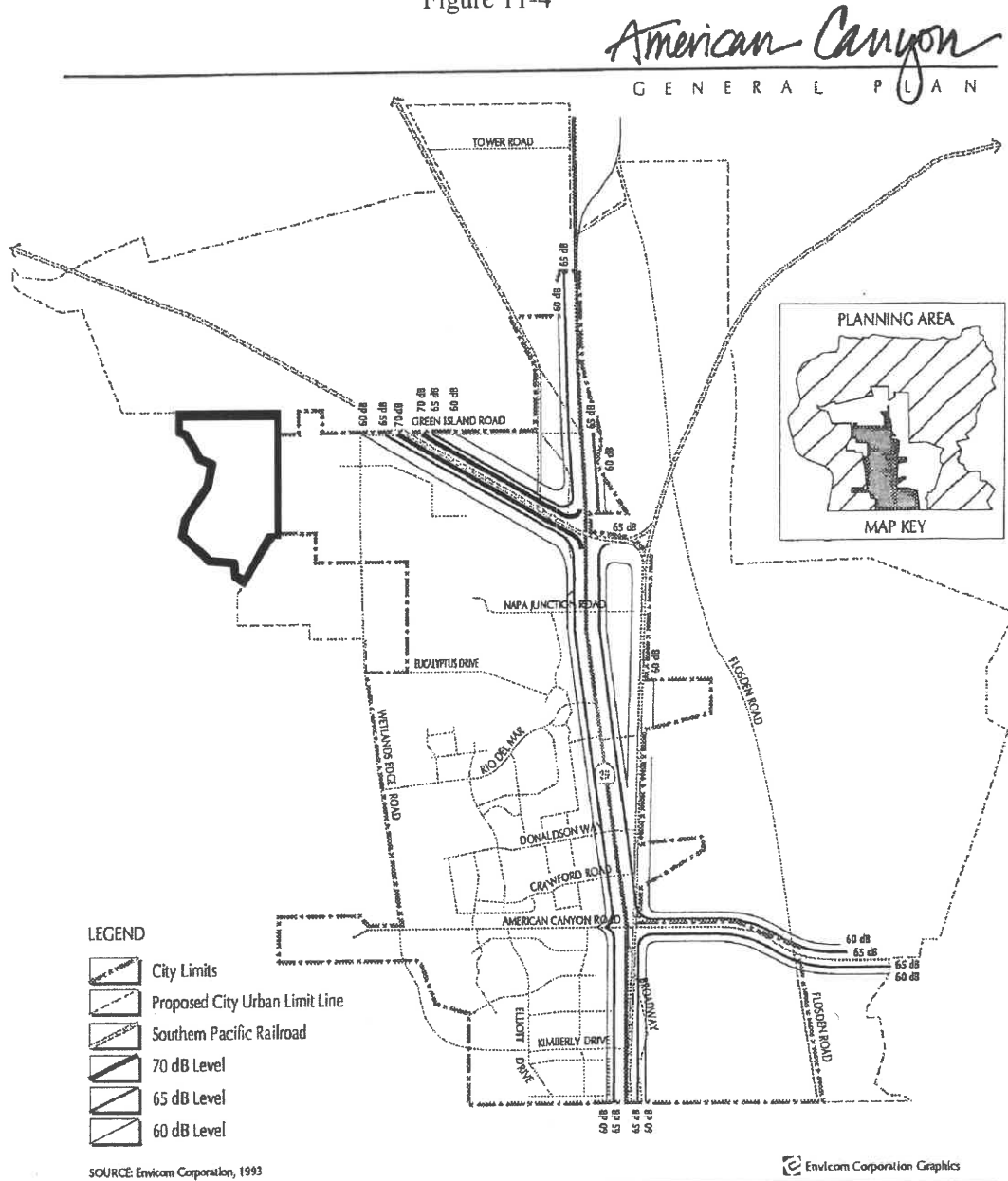


FIGURE 11-3

P. 11-11, **Figure 11-4, Generalized Existing Noise Contours Map**
 Figure 11-4 is hereby amended to show the “City’s Urban Limit Line, as amended in 2022,” reflected in the figure below.

11.0 NOISE ELEMENT

Figure 11-4



GENERALIZED EXISTING NOISE CONTOURS
 (CITY OF AMERICAN CANYON)

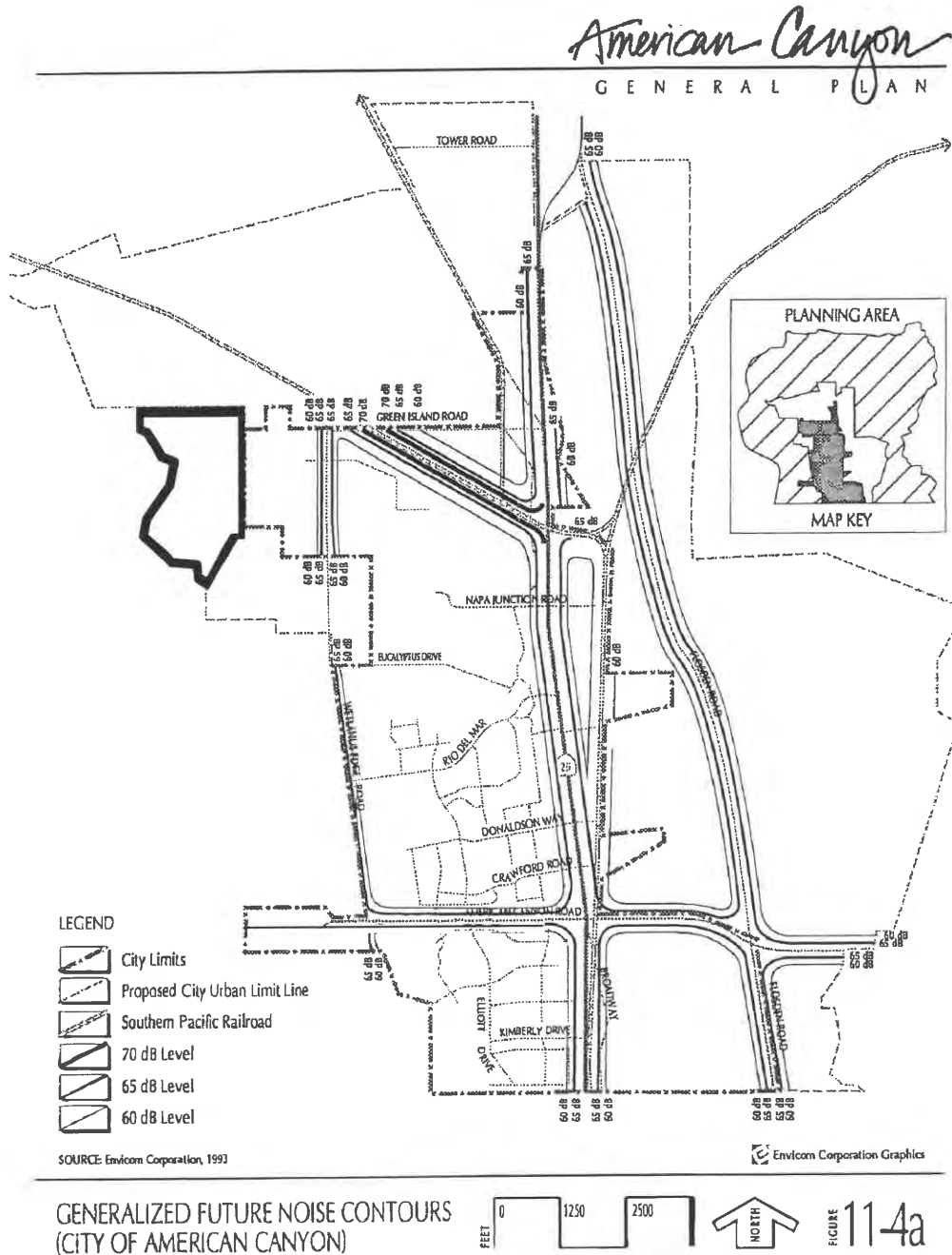


P. 11-12, **Figure 11-4a, Generalized Future Noise Contours Map**

Figure 11-4a is hereby amended to show the “City’s Urban Limit Line, as amended in 2022,” reflected in the figure below.

11.0 NOISE ELEMENT

Figure 11-4A



ULL amendment Ballot title and summary

(269 Words)

An Initiative Ordinance to Add 157 Acres Owned by Green Island Property, LLC to the City of American Canyon Urban Limit Line and Amend the American Canyon General Plan to Expand Potential City Industrial Development

This initiative proposes an ordinance that would include 157 acres of undeveloped land in unincorporated Napa County owned by Green Island Property, LLC (“Property”) into the City of American Canyon (“City”) 2008 Urban Limit Line (“ULL”). Inclusion of the Property into the City ULL is a step necessary for the County Local Agency Formation Commission (“LAFCO”) to consider an amendment to the City Sphere of Influence and annexation of the Property into the City. The Property is unsuited for its originally planned purpose of a vineyard due to naturally occurring saltwater intrusion from coastal waters.

This initiative ordinance would also amend the City General Plan to be consistent with the ULL amendment and would expand the amount of potential industrial development within the ULL by 6,845,454 gross square feet, and also within the City limits if LAFCO annexes the Property into the City. The initiative ordinance General Plan amendment also provides amended policies directing the City to work with the County and LAFCO towards modifying the City's Sphere of Influence to include areas within the City's Urban Limit Line, a necessary precursor for potential annexation of the Property into the City.

This initiative ordinance would be become effective January 1, 2023 if approved, and could only be amended to further its purposes by a 4/5 vote of the City Council after its effective date. The amended ULL may only be amended by the voters.



AMERICAN CANYON FIRE PROTECTION DISTRICT

Michael P. Cahill
Fire Chief

911 DONALDSON WAY, EAST
AMERICAN CANYON, CA. 94503
Phone 707-551-0650 Fax 707-642-0201

Geoff Belyea
Assistant Fire Chief

March 23, 2022

VIA E-MAIL

Diane.DILLON@countyofnapa.org

The Honorable Diane Dillon, Chair
and Commission Members
Napa County Local Agency Formation Commission
1754 Second Street, Suite C
Napa, CA 94559-2450
Attn: Brendan Freeman, Executive Officer
bfreeman@napa.lafco.ca.gov

Re: Napa County LAFCO Application No. 2109-30; GIV, LLC Request for Sphere of Influence Amendment of American Canyon Fire Protection District

Dear Chair Dillon and Commission Members:

At a properly noticed March 22, 2022 meeting of the American Canyon Fire Protection District ("District") Board of Directors ("Board"), the Board by unanimous vote of Board Members present (4-0), endorsed the Application of GIV, LLC (now known as Green Island Property, LLC), for an Amendment of the District Sphere of Influence ("SOI") to include the Green Island Property, LLC property (the "affected property") within the District SOI.

The District respectfully notes that affected property has been continuously served by the American Canyon Formation District since its formation in 1957 for the services authorized in the District's principle Act, the Fire Protection District Law of 1987, including fire suppression and prevention, hazardous materials response and emergency medical services.

Should you have any questions, please contact District Chief Mike Cahill at: (707) 551-0651.

Sincerely yours,

A handwritten signature in blue ink that reads "Leon Garcia".

Leon Garcia, Board Chair
American Canyon Fire Protection District

March 23, 2022

Page 2

cc: Mark Joseph, Board Member
Pierre Washington, Board Member
David Oro, Board Member

Mike Cahill, Chief
Geoff Belyea, Assistant Chief
Martha Banuelos, Fire Executive Assistant/Office Administrator

Jason Holley, City Manager, City of American Canyon

David Gilbreth, Comanager, Green Island Property, LLC



Via Email

bfreeman@napa.lafco.ca.gov

November 23, 2021

Brendon Freeman
LAFCO Executive Officer
Local Agency Formation Commission
of Napa County
1754 Second Street, Suite C
Napa, CA 94559

Re: **OPPOSITION – Proposed Sphere of Influence Amendment
1661 Green Island Road**

Dear Executive Officer Freeman and Members of the Commission:

The California Farm Bureau Federation and the Napa County Farm Bureau (collectively “Farm Bureau”)¹ write to express our continued opposition to the proposed sphere of influence amendment for the property located at 1661 Green Island Road in American Canyon. We attach our 2018 letter to the Napa County Board of Supervisors on this matter and urge the Commission to deny this application as the request arises again in 2021.

It is apparent from the application that the owners have been disappointed in the property’s potential as a vineyard. Nothing within the project application materials rules out the use of the property for all other agricultural purposes as a matter of course², however, or takes away from the property’s ancillary value as open space. It would set a bad precedent in Napa County for an annexation request or sphere amendment to be approved simply because the agricultural land in question was deemed unfit for an owner’s best expectations of particular crop return, or because the owner had difficulty marketing the land on the basis of that particular crop expectation.³

¹ The California Farm Bureau is a non-governmental, non-profit, voluntary membership California corporation whose purpose is to protect and promote agricultural interests throughout the state of California and to find solutions to the problems of the farm, the farm home, and the rural community. Farm Bureau is California's largest farm organization, comprised of 53 county Farm Bureaus currently representing more than 22,000 agricultural members in 56 counties, including over 1,000 members within the County of Napa. Farm Bureau strives to protect and improve the ability of farmers and ranchers engaged in production agriculture to provide a reliable supply of food and fiber through responsible stewardship of California's resources.

² In point of fact, there are a number of agricultural crops which are tolerant of high-salinity soils, including hay, oats and rye. These crops are grown with success in neighboring Sonoma County, as an example.

³ The attachments to the application seem mainly to indicate that the land is not good for a vineyard. The “Site Visit Report” by Vineyard Soil Technologies *does not* broadly conclude, as the applicants state, that future agricultural use is precluded; it is overwhelmingly focused on the land as a *vineyard*. Similarly, applicants overstate their difficulties in marketing the land for *vineyard purposes* as support for the much broader proposition that the property is “no longer suitable for agricultural use.”

Brendon Freeman
1661 Green Island Road
November 23, 2021

We appreciate your careful consideration of the foregoing and thank the Commission for the opportunity to comment as set forth above.

Very Truly Yours,



Ryan Klobas
CEO
Napa County Farm Bureau



Christian C. Scheuring
Managing Counsel
California Farm Bureau

Enclosure:

CC: County of Napa Board of Supervisors:

Alfredo.Pedroza@countyofnapa.org
Diane.Dillon@countyofnapa.org
Ryan.Gregory@countyofnapa.org
Belia.Ramos@countyofnapa.org
Brad.Wagenknecht@countyofnapa.org

City of American Canyon City Council:

Mariam Aboudamous - maboudamous@cityofamericancanyon.org
David Oro - doro@cityofamericancanyon.org
Pierre Washington - pwashington@cityofamericancanyon.org
Mark Joseph - mjoseph@cityofamericancanyon.org
Leon Garcia - lgarcia@cityofamericancanyon.org

David Morrison, County of Napa
David.Morrison@countyofnapa.org

Minh Tran, County of Napa
Minh.Tran@countyofnapa.org

Jason Holley, City of American Canyon
jholley@cityofamericancanyon.org

Bill Ross, City of American Canyon
wross@lawross.com



July 19, 2018

Board of Supervisors
County of Napa
1195 Third Street, 3rd Floor
Napa, CA 94559

Dear Board of Supervisors:

On July 18, 2018, the Napa County Farm Bureau Board of Directors took under advisement the issue of annexation of 1661 Green Island Road to the City of American Canyon. After careful consideration, the Board of Directors voted unanimously to oppose annexation of the parcel to the City of American Canyon.

The Napa County Farm Bureau has studied this issue closely. We have received information from the interested parties and realize the inherent issues with the parcel. We recognize that the owners of the parcel believe the parcel is no longer viable for agricultural use and wish to annex the parcel into the City of American Canyon. However, we strongly disagree that the parcel is no longer viable for agricultural use. While grape growing may be the property owners' preferred use, it is certainly not exhaustive of all other forms of agriculture that can be conducted on the property. In accordance with Farm Bureau's land use policies, we believe annexing this parcel to the City of American Canyon sets a very unwise precedent for agricultural zoning in Napa County and we remain strongly opposed to its annexation.

Thank you for your time and attention to this matter.

Sincerely,

A handwritten signature in cursive script that reads 'Johnnie White'.

Johnnie White
President
Napa County Farm Bureau

cc: Brendon Freeman, LAFCO
Minh Tran, County of Napa
David Morrison, County of Napa
Jason Holley, City of American Canyon



December 3, 2021

Brendon Freeman
LAFCO Executive Officer
Local Agency Formation Commission of Napa County
1754 Second Street, Suite C
Napa, CA 94559

Re: Comment to Commission – Please Read: Proposed Sphere of Influence Amendment to 1661 Green Island Road

Dear LAFCO Executive Officer Freeman and Members of the Commission,

On Behalf of the Napa Valley Grapegrowers' 700 members, with a mission to preserve and promote Napa Valley's world-class vineyards, I write to express our opposition to the proposed amendment to the sphere of influence (SOI) for 1661 Green Island Road, which would be a step in the direction of annexation. Preservation is one of the key foundations of who we are as an organization, and as such, NVG has continuously supported policies that protect land zoned for agriculture. This history of commitment to ag preservation has defined Napa County and distinguished us from other regions that have lost farmland at staggering rates to urban development and other pressures.

As such, NVG urges you to deny the SOI amendment. To allow this would set a risky precedent that could lead to more attempts to annex and convert ag land throughout Napa County. Furthermore, the purpose of protections such as the Ag Preserve and Ag Watershed zoning policies is to protect all kinds of agriculture—not only vineyard land; so, while this site may pose unique challenges for growing grapes, this does not mean that it is unsuitable for all forms of agriculture. To amend the SOI for this reason would also set a bad precedent for protecting all types of ag land moving forward. We believe this also against LAFCO's own stated policy "to promote the orderly expansion of cities, towns, and special districts in a manner that ensures the protection of the environment and agricultural and open space lands..."

We greatly appreciate LAFCO Commissioners and staff for taking these concerns into consideration.

Sincerely,

A handwritten signature in black ink that reads "Michael Silacci".

Michael Silacci, President, Napa Valley Grapegrowers



napa valley vintners

March 7, 2022

Via Electronic Mail
Bfreeman@napa.lafco.ca.gov

Brendon Freeman, Executive Officer
Local Agency Formation Commission of Napa County
1754 Second Street, Suite C
Napa, CA 94559

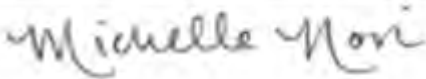
Re: GIV, LLC Application for Sphere of Influence Amendment

Dear Mr. Freeman

After consideration by our Community and Industry Issues Committee and the Board of Directors, the Napa Valley Vintners (NVV) submits the following comments regarding the possible inclusion of 1661 Green Island Road into the American Canyon Sphere of Influence:

It has always been the position of the Napa Valley Vintners that Agricultural lands in Napa County should be preserved, whether in the Agricultural Preserve, or in the Agricultural Watershed. The NVV recognizes the unique circumstances surrounding the parcel at 1661 Green Island Road in American Canyon; however, we feel that any change in land use should go through the existing process with Napa County, including a vote from the people.

Sincerely,

A rectangular box containing a handwritten signature in cursive that reads "Michelle Novi".

Michelle Novi
Industry Relations and Regulatory Affairs Director
Napa Valley Vintners
707-968-4206



VIA ELECTRONIC SUBMITTAL

May 25, 2022

Brendon Freeman
Executive Officer
Local Agency Formation Commission of Napa County
1754 Second Street, Suite C
Napa, California 94559

Re: OPPOSITION – Proposed Sphere of Influence Amendment
1661 Green Island Road, American Canyon

Dear Mr. Freeman:

The Napa County Farm Bureau, Napa Valley Grapegrowers, Napa Valley Vintners and Winegrowers of Napa County write to express joint opposition to the proposed sphere of influence amendment for the property located at 1661 Green Island Road in American Canyon and urge the Commission to deny this application.

After careful review of the application, it is apparent that the request centers on an opinion where the owners believe that the property is no longer viable for the production of wine grapes. However, we strongly disagree that the property is no longer viable for agricultural use. As you know, wine grape growing is not exclusive of all forms of agriculture and despite the belief that the property is unfit for best expectations of a particular crop return, that does not rule out other forms of agriculture which could be easily conducted on the property.

It is particularly noteworthy to point out that according to the 2019 Sonoma County Crop Report, the top 3 field crops in Sonoma County are hay, oats and rye, all crops which perform exceedingly well in high salinity soil.

It is inaccurate to claim that this property is no longer viable for agricultural use as demonstrated above. Moreover, it would present a very dangerous precedent in Napa County to approve sphere of influence amendments merely because an owner deems the property unfit for a specific crop return. Napa County's landmark zoning polices, including AP and AWOS are intended to protect all forms of agriculture.

Page 2
Brendon Freeman, Executive Officer
Local Agency Formation Commission of Napa County

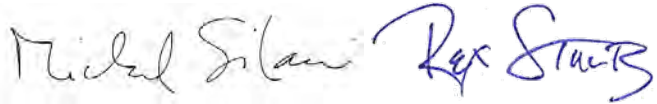
The Napa County Farm Bureau and Napa Valley Grapegrowers also attach their previous letters to the Commission regarding this matter.

We thank you for the opportunity to comment on this important matter as set forth above.

Sincerely,



Peter Nissen, President
Napa County Farm Bureau



Michael Silacci, President
Napa Valley Grapegrowers

Rex Stults, VP of Industry Relations
Napa Valley Vintners



Michelle Benvenuto, Executive Director
Winegrowers of Napa County

RESOLUTION NO. 98-2

**SUPERSEDING RESOLUTION OF THE NAPA COUNTY LOCAL AGENCY
FORMATION COMMISSION AMENDING THE SPHERE OF INFLUENCE
BOUNDARY LINE FOR THE CITY OF AMERICAN CANYON,
AMENDING THE DISTRICT SPHERE OF INFLUENCE BOUNDARY LINE
FOR THE AMERICAN CANYON FIRE PROTECTION DISTRICT
AND MAKING DETERMINATIONS**

**AMERICAN CANYON ROAD/FLOSDEN ROAD ANNEXATION
CITY OF AMERICAN CANYON
(MODIFIED PROPOSAL)**

WHEREAS, Joseph P. Ghisletta III, as Chief Petitioner, filed a property owner petition and application with the Executive Officer of the Napa County Local Agency Formation Commission ("Commission") pursuant to Title 5, Division 3, commencing with Section 56000, of the California Government Code proposing the annexation of certain territory (the "affected territory") to the City of American Canyon ("City"); and

WHEREAS, the reason for this proposed annexation, hereinafter referred to as the "American Canyon Road/Flosden Road Annexation", is to provide for future development of the affected territory under the City's jurisdiction and land use regulations; and

WHEREAS, on May 15, 1991, the Commission established a sphere of influence for the City; and

WHEREAS, on July 14, 1982, the Commission established a sphere of influence for the American Canyon Fire Protection District ("District"), which District was reorganized on January 1, 1992, as a subsidiary district of the City whose primary function and purpose is to provide urban level fire protection and emergency response services to the City as well as to the remaining unincorporated areas located within the District's boundaries; and

WHEREAS, a portion of the affected territory is presently located outside of the current City sphere of influence boundary, and a portion of the affected territory is presently located outside of the current District sphere of influence boundary; and

WHEREAS, the American Canyon Road/Flosden Road Annexation, which is part of the implementation of the Southeast Area Specific Plan ("Specific Plan") prepared by the City for development of the affected territory, requires that all of the affected territory be brought within the boundaries of the City and the District; and

WHEREAS, in connection with his analysis of the American Canyon Road/Flosden Road Annexation, the Executive Officer of the Commission reviewed the current sphere of influence boundaries of the City and the District and submitted to the Commission on December 3, 1997 his reports and recommendations on a proposed City sphere of influence amendment ("City Sphere Amendment") and a proposed District sphere of influence amendment ("District Sphere Amendment") which would include all of the affected territory within the boundaries of both the City and the District spheres of influence (the proposed American Canyon Road/Flosden Road Annexation, City Sphere Amendment and District Sphere Amendment are hereinafter collectively referred to as the "Initial Proposal"); and

WHEREAS, the Commission provided public notice and held a public hearing on the proposed City Sphere Amendment and the proposed District Sphere Amendment on December 3, 1997 in accordance with Section 56427 of the California Government Code; and

WHEREAS, at the public hearing the Commission heard and fully considered all evidence submitted, including the report of the Executive Officer, and considered the four (4) factors required by Section 56425 of the California Government Code with respect to each of the proposed City Sphere Amendment and the proposed District Sphere Amendment; and

WHEREAS, the December 3, 1997 report of the Executive Officer also reviewed the proposed American Canyon Road/Flosden Road Annexation including his recommendations thereon; and

WHEREAS, the American Canyon Road/Flosden Road Annexation and the Executive Officer's report were presented to the Commission in the manner provided by law; and

WHEREAS, the Commission heard and fully considered all the evidence presented at the hearing held on the American Canyon Road/Flosden Road Annexation and considered all of the factors required by law under Section 56841 of the California Government Code; and

WHEREAS, after giving due consideration to the Initial Proposal, the Commission, at its meeting on December 3, 1997 adopted its Resolution No. 97-11 making determinations denying the American Canyon Road/Flosden Road Annexation Application; and

WHEREAS, by letter dated December 11, 1997, the Chief Petitioner requested that the Commission reconsider its denial of the American Canyon Road/Flosden Road Annexation; and

WHEREAS, in accordance with the provisions of section 56857 of the Government Code, the Commission gave notice of this request for reconsideration in the manner required by law; and

WHEREAS, the Commission, on January 7, 1998, considered additional testimony and documentary evidence, including the supplemental report of the Executive Officer; and

WHEREAS, Betsy Strauss, attorney representing the Chief Petitioner submitted her letter dated January 7, 1998 which includes a proposed alternative modified boundary for the American Canyon Road/Flosden Road Annexation; and

WHEREAS, the Chief Petitioner, at the request of the Executive Officer, prepared and submitted for Commission consideration the attached boundary description and map, herein after referred to as Exhibit A and Map, which describes the affected territory of the modified boundary contained in the January 7, 1998 letter of Betsy Strauss; and

WHEREAS, the Initial Proposal is hereby amended to reflect the Chief Petitioner's modified boundaries for the affected territory as described in the attached Exhibit A and Map and is herein after referred to as the "Modified Proposal"; and

WHEREAS, the Commission has now concluded that it should reconsider its previous decision and approve the Modified Proposal.

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

1. **RECITALS:** The foregoing recitals are true and correct.
2. **PRIOR RESOLUTION SUPERSEDED:** Commission Resolution No. 97-11 denying the Proposal is hereby superseded and shall have no further force or effect.
3. **CEQA FINDINGS:**
 - A. **Review of Environmental Documents.** Pursuant to Section 15096(f) of the CEQA Guidelines, the Commission, as a Responsible Agency under CEQA, hereby finds that it has reviewed and considered prior to taking action on the Modified Proposal the Southeast Area Specific Plan EIR (and the City's General Plan EIR into which the Specific Plan EIR is tiered), which are the environmental documents prepared under CEQA to analyze the overall area development project of which the Proposal is a part.

- B. **Obligations of Commission Regarding Mitigation.** Pursuant to Section 15096(g) of the CEQA Guidelines, as a Responsible Agency the Commission is required to mitigate or avoid only the direct or indirect adverse environmental effects of those parts of the overall project which it decides to carry out, finance, or approve. In this instance those would be impacts resulting solely from the Commission action authorizing the City to conduct proceedings for the proposed annexation. Applying this principle and as authorized by Section 15091(a)(2) of the CEQA Guidelines, the Commission finds that the adverse environmental impacts identified in the Specific Plan EIR would not result from and could not be mitigated by the actions of the Commission approving the proposed annexation or sphere amendments but rather would be caused by and be mitigated through subsequent discretionary actions of other public agencies having jurisdiction over approval of the project or mitigation measures, in whole or in part. Such other public agencies include the City, the American Canyon Fire Protection District, the State Department of Fish & Game, the Metropolitan Transportation Commission, and the State Department of Transportation.
- C. **Specific CEQA Findings.** Pursuant to Section 15096(h) of the CEQA Guidelines, the Commission makes findings under CEQA Guidelines Section 15091 and 15093 as follows:
1. **Findings Regarding Mitigable Environmental Impacts.** Pursuant to Section 15091 of the CEQA Guidelines, a public agency may not approve or carry out a project for which an EIR has been completed which identifies one or more significant environmental effects to the project unless the public agency makes one or more written findings for each of those significant effects accompanied by a brief explanation of the rationale for each finding. The Commission hereby approves and adopts the findings adopted by the City in its Resolution No. 97-30 in regard to the identification of the significant mitigable environmental impacts of the Specific Plan Project and further finds that appropriate mitigation for all such impacts has either been incorporated into the project description or, as set forth in (B), above, falls within the responsibility and jurisdiction of public agencies other than the Commission.
 2. **Statement of Overriding Considerations for Unavoidable Impacts.** Under Section 15093 of the CEQA Guidelines, a public agency, including a Responsible Agency such as the Commission, is required to balance the benefits of the proposed project against the unavoidable environmental risks when determining whether to approve those aspects of the project within its jurisdiction. If the benefits to the proposed project outweigh the unavoidable adverse environmental effects, the adverse environmental effects may be considered “acceptable” if such benefits are identified in a Statement of Overriding Considerations adopted by the

approving agency. In this regard, the Specific Plan EIR identified the following environmental impacts as unavoidable:

- Traffic & Circulation (Cumulative impacts at study area intersections)
- Aesthetics (irretrievable loss of open space)
- Biological Resources (impacts on special-status bird species)
- Cultural Resources (impacts to two archaeological sites, one potentially important)
- Air Quality (The General Plan EIR identified air quality impact as an unmitigable result of development resulting from implementation of the overall General Plan)

Accordingly, to the extent required and/or authorized by law, the Commission, in order to approve the Modified Proposal, hereby adopts the following Statement of Overriding Considerations reflecting the LAFCO perspective:

- a. The overall Specific Plan project, including the Modified Proposal, is consistent with the Commission's policy to promote the orderly expansion of cities to ensure effective, efficient and economic provision of essential public services, including public sewer and water, fire protection and emergency response, and police protection and to prevent the premature conversion of designated agricultural or open space lands to urban uses.
- b. The Specific Plan project, including the Modified Proposal, is consistent with the Napa County General Plan policies of directing growth into the County's Urban areas, thereby preserving the County's valuable agricultural and open space lands.
- c. The Specific Plan project, including the Modified Proposal, is consistent with State Legislative policies and declarations which discourage urban sprawl and encourages the orderly formation and development of local governmental agencies and which preserve valuable agricultural and open space lands.
- d. The Specific Plan project, when fully implemented, will promote the construction of additional housing needed to accommodate future new residents resulting from the planned industrial development within the City and within the Napa County Airport Industrial Specific Plan Area.

- e. Future development within the Specific Plan area, which is contingent upon but not mandated by the annexation involved in the Modified Proposal, will provide the City with needed and varied shopping opportunities thereby reducing vehicle trips to outlying communities.

4. **CITY SPHERE AMENDMENT: STATEMENT OF DETERMINATIONS
REQUIRED BY GOVERNMENT CODE SECTION 56425:**

Section 56425 of the California Government Code (Cortese/Knox Local Government Reorganization Act of 1985) requires the Commission to consider certain factors in the establishment or amendment of a sphere of influence. Considering these factors, the Commission makes the following determinations in regard to the City Sphere Amendment:

A. Present and planned land uses in the area, including agricultural and open space lands.

The County General Plan designates the subject territory as Agriculture, Watershed, & Open Space (AWOS). While the City General Plan designates the territory for Low Density residential uses, the Specific Plan adopted by the City designates the territory as Open Space-Hill Side. The subject territory does not lie within or involve any agricultural preserve lands.

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

Based on the Open Space-Hill Side designation for the 25 acres in Area 2 under the Specific Plan, the area will require negligible public services, although is probable that the need for fire protection and emergency response services could increase as development of the surrounding area under the Specific Plan's land use plan increases the number of persons using the subject territory for recreational uses.

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

The City provides a full range of municipal services which at present are adequately provided to City residents and property owners. Police services are provided by the Napa County Sheriff under contract with the City. Fire protection and emergency response services are provided by the American Canyon Fire Protection District. Public water is provided by the City with sufficient capacity available through agreement with the Napa County Flood Control and Water

Conservation District for State Water Project water and through agreement with the City of Vallejo for water controlled by that municipality. Public sewer treatment is currently handled by the Napa Sanitation District under agreement with the City, but the City is currently considering sewage treatment options which might include continued treatment by the Napa Sanitation District, connection to and treatment by the City of Vallejo sewage treatment facilities, and/or construction of City-owned treatment facilities. The City also provides other municipal services typical of a developed urban area including parks and recreation, street repair and maintenance, street lighting, and street-sweeping.

D. The existence of any social or economic communities of interest in the area.

As territory currently in open space use, the 25-acres in Area 2 proposed for inclusion within the City sphere of influence boundary presently has limited social and economic ties to the City of American Canyon which would be strengthened by inclusion of the area within the City's sphere of influence and its subsequent annexation to the City.

5. **APPROVAL OF CITY SPHERE AMENDMENT:** Based upon the foregoing findings and determinations, the City Sphere Amendment is APPROVED.

6. **DISTRICT SPHERE AMENDMENT: STATEMENT OF DETERMINATIONS REQUIRED BY GOVERNMENT CODE SECTION 56425:**

As stated above, section 56425 of the California Government Code (Cortese/Knox Local Government Reorganization Act of 1985) requires the Commission to consider certain factors in the establishment or amendment of a sphere of influence. Considering these factors, the Commission makes the following determinations in regard to the District Sphere Amendment:

A. Present and planned land uses in the area, including agricultural and open space lands.

The County General Plan designates all but 25 acres in Area 2 of the subject territory as Urban-Residential. Located in the southeastern portion of the annexation boundary, this 25-acre portion of Area 2 is designated by the Napa County General Plan as Agricultural, Watershed and Open Space (AWOS). The City General Plan designates the area for predominantly residential uses with neighborhood commercial allowed. More specifically, the Specific Plan provides for general residential development of the subject territory with provision for neighborhood commercial services, school sites, parks and open space. Finally,

while the City General Plan designates the entire subject territory for Low Density residential uses, the Specific Plan designates the 25-acres of County-designated AWOS land in Area 2 as Open Space-Hill Side. None of the subject territory, including the 25 acres, presently lies within or involves any agricultural preserve lands.

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

The present land use of the subject territory is rural, primarily for hay crop production requiring minimal public services. The subject territory does not presently contain any public facilities or on-site infrastructure. At the level of development contemplated in the Specific Plan, the area will need a full range of municipal services, including police protection, fire protection, and public water and sewer infrastructure, which are identified in the Specific Plan.

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

The District currently provides fire protection and emergency response services to all portions of the City as well as to surrounding unincorporated lands located within the District's boundary. These services are provided either directly or through mutual aid agreements with the Napa County Fire Department and the City of Vallejo. Through mutual aid agreements, the District also provides some emergency response service to the subject territory. However, build out within the affected territory and subject territory of the land uses projected under the Specific Plan will require a second District fire station to be constructed in the Specific Plan area.

D. The existence of any social or economic communities of interest in the area.

The subject territory, currently in open space use, has limited social and economic ties to the District which would be strengthened by inclusion of the area within the District's sphere of influence and its subsequent annexation to the District. Such inclusion would also clarify and simplify the current responsibilities for emergency fire response to the subject territory.

7. **APPROVAL OF DISTRICT SPHERE AMENDMENT:** Based upon the foregoing findings and determinations, the District Sphere Amendment is APPROVED.

8. **AMENDMENT DESIGNATIONS:**

- A. **City Sphere Amendment.** For future reference the City Sphere Amendment is assigned the following distinctive designation:

American Canyon Road/Flosden Road Area
Sphere of Influence Amendment
City of American Canyon

- B. **District Sphere Amendment.** For future reference the District Sphere Amendment is assigned the following distinctive designation:

American Canyon Road/Flosden Road Area
Sphere of Influence Amendment
American Canyon Fire Protection District

9. **SPHERE MAP AMENDMENTS:**

- A. The map identified as "LAFCOM Sphere of Influence - City of American Canyon" dated May 15, 1991 used for identifying the geographic boundaries of the Sphere of Influence for the City is hereby amended to include the subject territory as shown on the map, attached hereto and incorporated by reference herein.
- B. The 1" = 400' scale map identified as "LAFCOM Sphere of Influence - City of American Canyon", dated May 15, 1991, maintained in the LAFCO Office for the purpose of identifying the specific location of any portion of the boundary line of the City sphere of influence is hereby amended to include the subject territory as shown on the attached Map.
- C. The map identified as "LAFCOM Sphere of Influence - American Canyon Fire Protection District", dated July 14, 1982, as amended, which is used for identifying the geographic boundaries of the Sphere of Influence for the District is hereby amended to include the territory as shown on the Map attached hereto and incorporated by reference herein.

D. The 1" = 800' scale map identified as the "LAFCOM Sphere of Influence - American Canyon Fire Protection District", dated July 14, 1982, maintained in the LAFCO Office for the purpose of identifying the specific location of any portion of the boundary line of the District sphere of influence is hereby amended to include the territory shown on the attached Map.

10. **CONSISTENCY:** The Commission finds that the American Canyon Road/Flosden Road Annexation is consistent with the sphere of influence established for the affected City, as amended herein, and with the Commission's adopted policy determinations.

11. **APPROVAL OF ANNEXATION:** Based upon the foregoing, the American Canyon Road/Flosden Road Annexation is APPROVED.

12. **ANNEXATION DESIGNATION:** The American Canyon Road/Flosden Road Annexation is assigned the following distinctive short-term designation:

**AMERICAN CANYON ROAD/FLOSDEN ROAD ANNEXATION -
CITY OF AMERICAN CANYON**

13. **AFFECTED TERRITORY DESCRIPTION:** The affected territory is shown on the attached maps, which are incorporated by reference herein, and is more precisely described in the attached Exhibit "A".

14. **TERRITORY UNINHABITED:** The affected territory so described is uninhabited as defined in California Government Code Section 56046.

15. **TERMS AND CONDITIONS OF ANNEXATION:** The American Canyon Road/Flosden Road Annexation shall be subject to the terms and conditions specified in the attached Exhibit "B".

16. **ASSESSMENT ROLL;** The regular County assessment roll is utilized by the City.

17. **BONDED INDEBTEDNESS;** The affected territory will not be taxed for existing general bonded indebtedness of the City.

18. **CONDUCTING AUTHORITY:** The City of American Canyon is designated as the conducting Authority for further proceedings and is directed to initiate proceedings in accordance with this resolution and Section 57000 of the California Government Code.

THE FOREGOING RESOLUTION WAS DULY AND REGULARLY ADOPTED
by the Local Agency Formation Commission of the County of Napa, State of California, at a
special meeting on the 5th day of March, 1998 by the following vote:

AYES: Commissioners: RIPPEY, DOHRING, KAY and
BUSENBARK

NOES: Commissioners: FERRIOLE

ABSENT: Commissioners: NONE

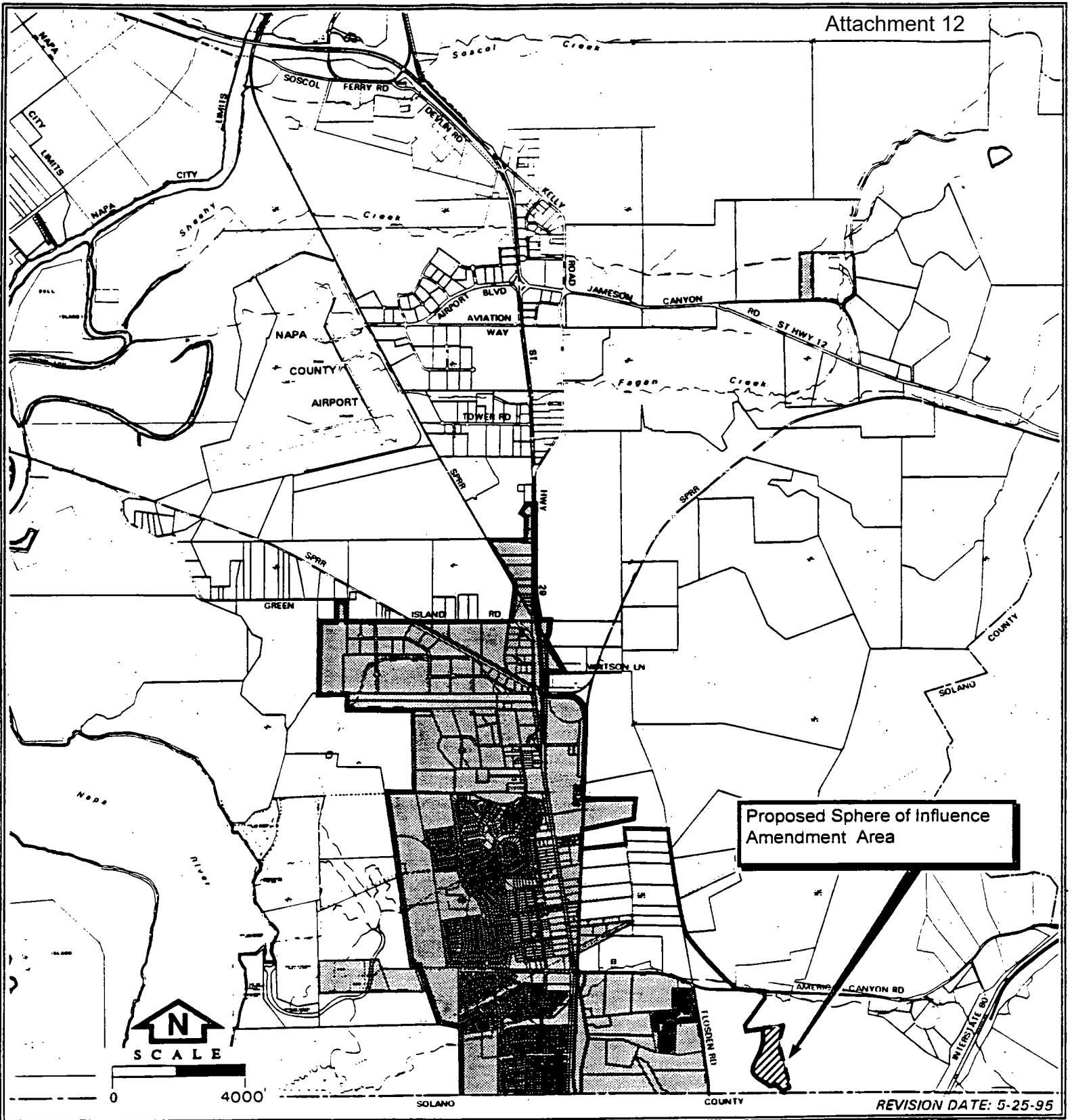
ATTEST:
Mary Jean McLaughlin
Clerk of the Commission

By Michelle Price
Deputy

APPROVED AS TO FORM: Legal Counsel
to the Commission

By Jay F. Ho

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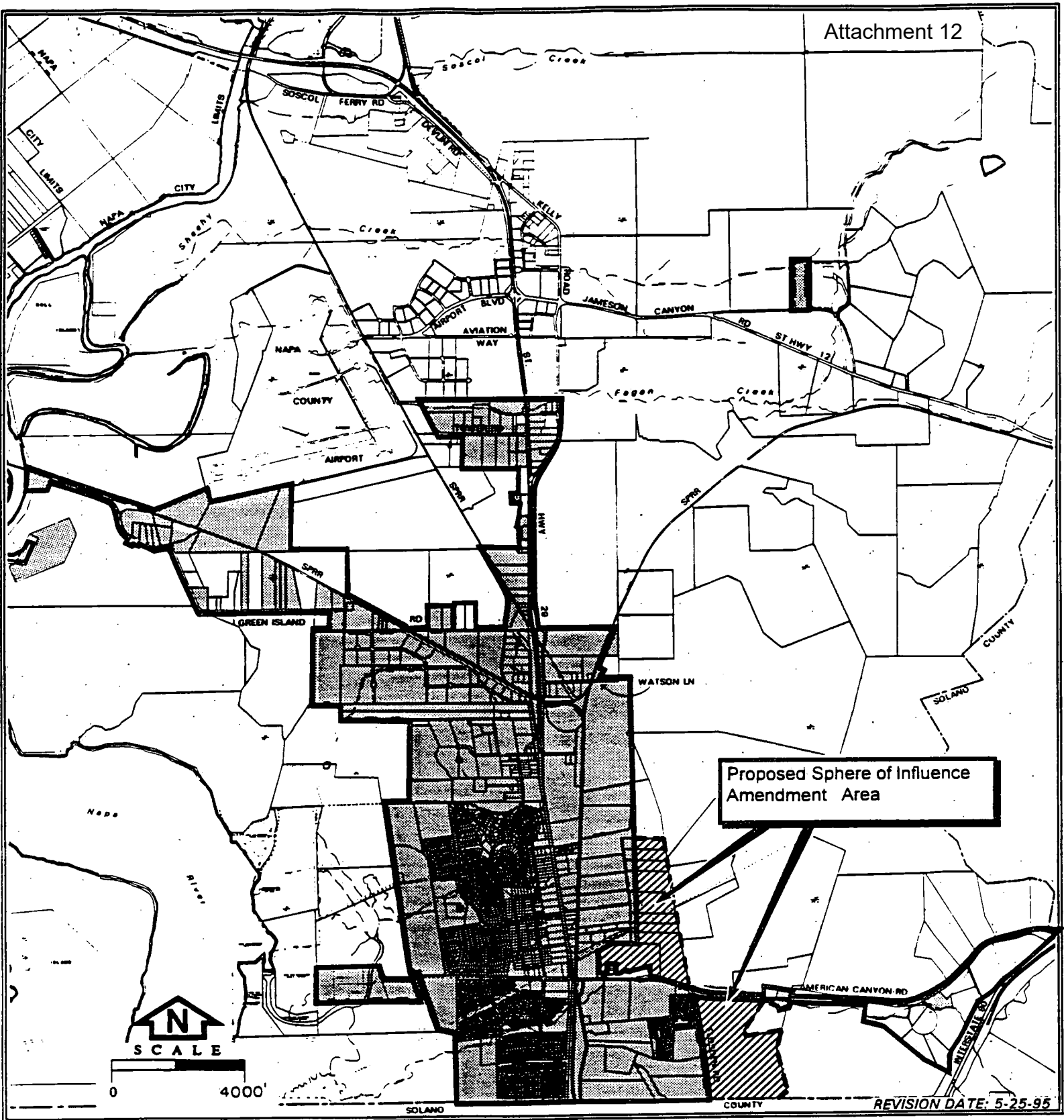
Proposed Sphere of Influence Amendment Area



0 4000

LAFCOM
SPHERE OF INFLUENCE
CITY OF AMERICAN CANYON
 MAY 1991

 CITY OF AMERICAN CANYON BOUNDARY  LAFCOM ADOPTED SPHERE OF INFLUENCE



Proposed Sphere of Influence Amendment Area



REVISION DATE: 5-25-95

LAFCOM
SPHERE OF INFLUENCE
AMERICAN CANYON FIRE PROTECTION DISTRICT
JULY 1982

- ADOPTED SPHERE OF INFLUENCE BOUNDARY
- CURRENT DISTRICT

EXHIBIT "A"

BOUNDARY DESCRIPTION

AMERICAN CANYON ROAD / FLOSDEN ROAD

ANNEXATION TO -

CITY OF AMERICAN CANYON

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

AREA #1:

Beginning at the most southeast point of the existing American Canyon City limit line described as the true point of beginning of area #1 recorded as instrument no. 1991-034305 on December 6, 1991, Napa County Records; thence proceeding northerly along the existing American Canyon City limit line 3470 feet to a point on the north right of way line of American Canyon Road; thence westerly along the existing American Canyon City limit line and said right of way line 100 feet more less to the true point of commencement; thence leaving the existing American Canyon City limit line and said north right of way line proceeding N 10° 53'W, 1700.80 feet±; thence N 80°04'W, 1486.98 feet±; thence N 00°11' 30" W, 85.90 feet±; to the existing American Canyon City limit line; thence southerly following the existing American Canyon City limit line to the true point of commencement.

AREA #2:

Beginning at the most southeast point of the existing American Canyon City limit line described as the true point of beginning of area #1 recorded as instrument no. 1991-034305 on December 6, 1991, Napa County Records, said point being the true point of commencement, thence leaving the existing American Canyon City limit line proceeding easterly along the Napa - Solano County line 1787.55 feet; thence N 60°47'44"E, 624.67 feet; thence N 09°51'51"W, 489.72 feet; thence N 12°36'23"W, 863.33 feet; thence N 13°10'21"E, 541.44 feet; thence S 72°50'47"W, 1108.04 feet; thence N 12°16'43"W, 206.25 feet thence N 28°02'11"E, 638.05 feet; thence N 27°28'15"E, 478.28 feet; thence N 03°45'48"W, 270 feet ± extending to the north right of way line of American Canyon Road; thence westerly along the north right of way line of American Canyon Road 2340 feet ± to the existing American Canyon City limit line; thence southerly following the existing American Canyon City limit line to the true point of commencement.

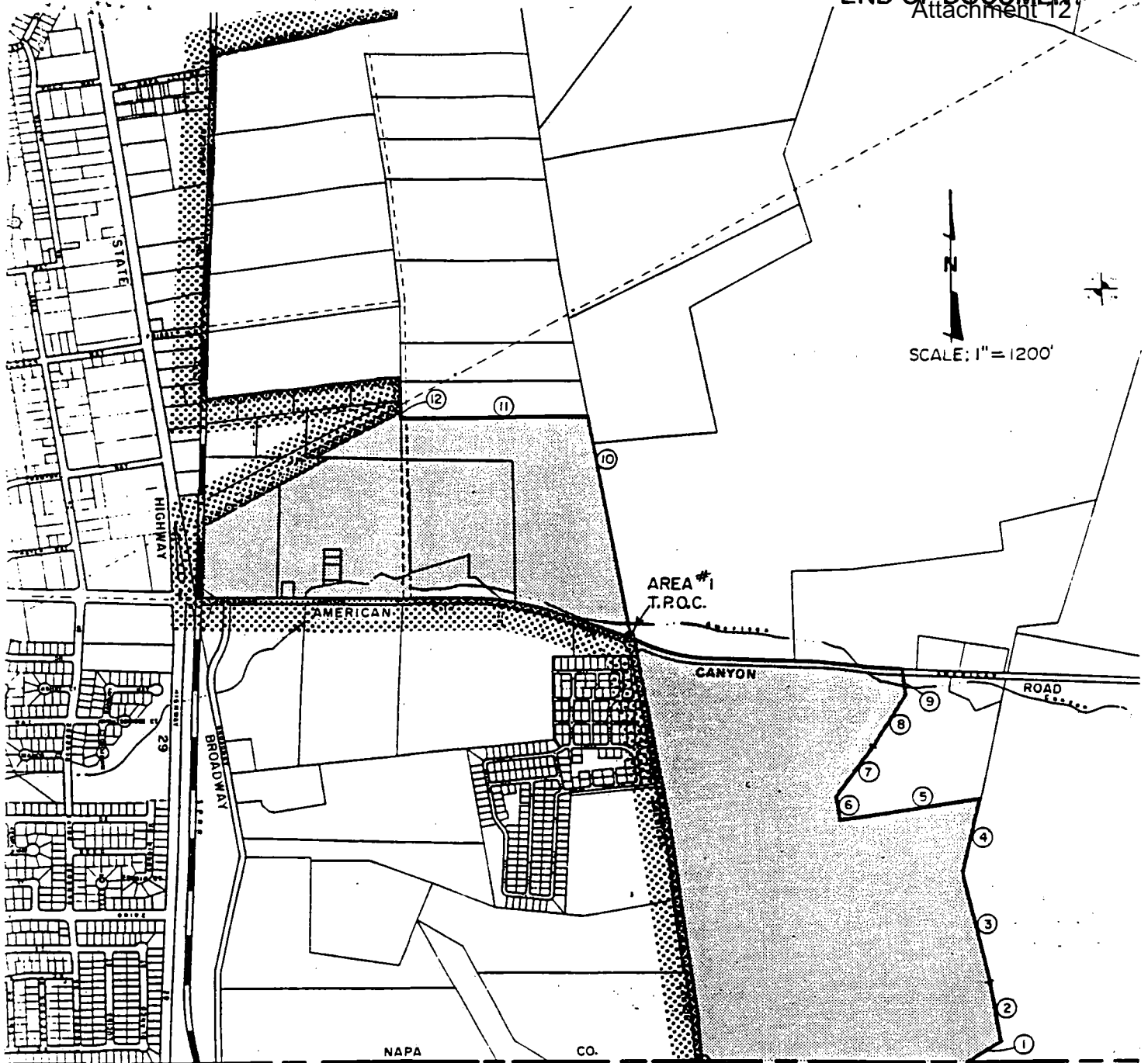
EXHIBIT B

**TERMS AND CONDITIONS
AMERICAN CANYON ROAD/FLOSDEN ROAD ANNEXATION
CITY OF AMERICAN CANYON**

Upon and after the effective date of the Annexation, the Affected Territory, all inhabitants within such Territory, and all persons entitled to vote by reason of residing or owning land within the Territory, shall:

1. Be subject to the jurisdiction of the City of American Canyon, hereafter referred to as "the City";
2. Shall have the same rights and duties as if the Affected Territory has been a part of the City upon its original formation;
3. Shall be liable for the payment of principal, interest, and any other amounts which shall become due on account of any outstanding or then authorized but therefore issued bonds, including revenue bonds, or other contracts or obligations of the City;
4. Shall be subject to the levying or fixing and collection of any and all taxes, assessments, service charges, rentals or rates as may be necessary to provide for such payment; and
5. Shall be subject to all of the rates, rules, regulations and ordinances of the City, as now or hereafter amended.

City of American Canyon #2. '97.ExB



AREA: 244.03 ACRES

 AREA TO BE ANNEXED

 EXISTING AMERICAN CANYON CITY LIMIT LINE

DIRECTION	LENGTH
① N60°47'44" E	624.67'
② N09°51'51" W	489.72'
③ N12°36'23" W	863.33'
④ N13°10'21" E	541.44'
⑤ S72°50'47" W	1108.04'
⑥ N12°16'43" W	206.25'
⑦ N28°02'11" E	638.05'
⑧ N27°28'15" E	478.28'
⑨ N03°45'48" W	270.00'
⑩ N10°53' W	1700.80'
⑪ N80°04' W	1486.98'

⑫ N0°11'30" W 85.90'

MAP DELINEATING THE BOUNDARY OF AMERICAN CANYON RD./ FLOSDEN RD. ANNEXATION TO CITY OF AMERICAN CANYON

Drawn By: R.L.S. Date: 2-21-98



Andrea A. Matarazzo

Partner

andrea@pioneerlawgroup.net

direct: (916) 287-9502

September 15, 2021

Via Electronic Mail

bfreeman@napa.lafco.ca.gov

dgillick@sloansakai.com

Brendon Freeman, Executive Officer
Local Agency Formation Commission of Napa County
1754 Second Street, Suite C
Napa, CA 94559-2450

DeeAnne Gillick, Senior Counsel
Sloan Sakai Yeung & Wong, LLP
555 Capitol Mall, Suite 600
Sacramento, CA 95814

Re: GIV, LLC Application to Napa County LAFCO for Sphere of
Influence Amendment (Napa County APN 058-030-041)

Dear Mr. Freeman and Ms. Gillick:

Pioneer Law Group, LLP represents GIV, LLC, owner of the above-referenced property located at 1661 Green Island Road, American Canyon, California, 94503.

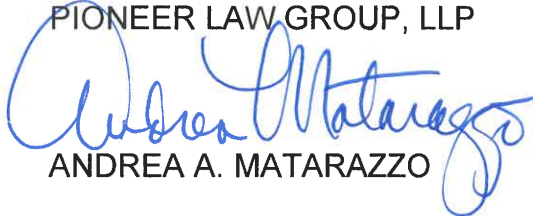
As you may know, GIV, LLC is preparing an application to amend the sphere of influence of the City of American Canyon to include this property. GIV, LLC expects to timely file its application on or before October 1, 2021, so that Napa County LAFCO may consider the request at its meeting scheduled for Monday, December 6, 2021, at 2:00 p.m. Accordingly, we enclose for your review and use our analysis of GIV, LLC's proposed amendment in relation to the provisions of the California Environmental Quality Act ("CEQA").

GIV, LLC's proposed SOI amendment is exempt from CEQA and no environmental review is required because it continues the status quo of existing conditions and results in no new land use or municipal service authority.

Re: GIV, LLC Application to Napa County LAFCO for Sphere of Influence
Amendment (Napa County APN 058-030-041)
September 15, 2021
Page 2

Thank you for reviewing this information as you prepare for LAFCO's
consideration of the GIV, LLC application.

Very truly yours,

PIONEER LAW GROUP, LLP

ANDREA A. MATARAZZO

AAM:jl
Enclosure

cc: Doug Straus, Counsel, GIV, LLC
Will Nord, Manager, GIV, LLC
Ed Farver, Manager, GIV, LLC
David B. Gilbreth, Manager, GIV, LLC

TO: Brendon Freeman, Executive Officer
Local Agency Formation Commission of Napa County

DeeAnne Gillick, Senior Counsel
Sloan Sakai Yeung & Wong, LLP

cc: Doug Straus, Counsel, GIV, LLC
Will Nord, Manager, GIV, LLC
Ed Farver, Manager, GIV, LLC
David B. Gilbreth, Manager, GIV, LLC

FROM: Andrea A. Matarazzo

DATE: September 15, 2021

RE: CEQA Review of Proposed SOI Amendment

QUESTION PRESENTED: Is GIV's proposed amendment to the City of American Canyon's sphere of influence ("SOI") subject to environmental review under the California Environmental Quality Act ("CEQA")?

SHORT ANSWER: GIV's proposed SOI amendment is exempt from CEQA and no environmental review is required because it continues the status quo of existing conditions and results in no new land use or municipal service authority.

DISCUSSION:

GIV proposes an amendment to the City of American Canyon's SOI for its property located at 1661 Green Island Road, American Canyon, California, 94503 (Napa County APN 058-030-041). The SOI amendment would reflect the fact that the property address is in the City of American Canyon, and for many years, the City has contracted to provide and continues to provide potable and recycled water to the property. The City also provides fire protection and law enforcement services to the property, which is bordered on three sides by the City limits and is located approximately 1,000 yards south of major City development by Amazon, IKEA and Kendall Jackson Winery wine storage. We understand that Napa County does not now and has not in the past provided any

municipal services to the property, and has no infrastructure to provide water, wastewater, or other municipal services.

Accordingly, GIV's proposed SOI amendment requests LAFCO to formally recognize that the City, as the property's current and future municipal service provider, should have an opportunity to address land use planning for the property.

The Cortese-Knox-Hertzberg Act governs all types of all types of boundary changes, including SOI amendments. Under section 56428 of the Act:

- (a) Any person or local agency may file a written request with the executive officer requesting amendments to a sphere of influence or urban service area adopted by the commission. The request shall state the nature of the proposed amendment, state the reasons for the request, include a map of the proposed amendment, and contain any additional data and information as may be required by the executive officer.
- (b) After complying with the California Environmental Quality Act, Division 13 (commencing with Section 21000) of the Public Resources Code, the executive officer shall place the request on the agenda of the next meeting of the commission for which notice can be given.

(Gov. Code, § 56428.)

Compliance with CEQA does not always require an environmental document, however. "Environmental review is required under CEQA only if a public agency concludes that a proposed activity is a project and does not qualify for an exemption." (*Union of Medical Marijuana Patients, Inc. v. City of San Diego* (2019) 7 Cal.5th 1171, 1199.) Only if a public agency determines that a proposed action is both a project and not exempt from CEQA does that agency undertake an initial study (after which it determines which type of environmental document is appropriate). (*Id.* at p. 1187.)

A "project" under CEQA is "the whole of an action, which has a potential for resulting in either a direct physical change in the environment, or a reasonably foreseeable indirect physical change in the environment, and as relevant here is:

An activity directly undertaken by any public agency including but not limited to public works construction and related activities clearing or

grading of land, improvements to existing public structures, enactment and amendment of zoning ordinances, and the adoption and amendment of local General Plans or elements thereof pursuant to Government Code Sections 65100–65700.

(CEQA Guidelines, § 15378(a); see also Pub. Resources Code, § 21065.)

As California’s Supreme Court recently held, “a proposed activity is a CEQA project if, by its general nature, the activity is capable of causing a direct or reasonably foreseeable indirect physical change in the environment.” (*Union of Medical Marijuana Patients, supra*, 7 Cal.5th at p. 1197.) The appropriate inquiry is “not whether the activity will affect the environment, . . . but whether the activity’s potential for causing environmental change is sufficient to justify the further inquiry into its actual effects that will follow from an application of CEQA.” (*Id.* at p. 1198.)

Under the circumstances presented here, “further inquiry into actual effects” of the proposed SOI amendment is fundamental to the questions of whether and to what extent CEQA could apply. “Not all of LAFCO’s decisions, particularly sphere of influence determinations, require an EIR or negative declaration.” (*City of Agoura Hills v. Local Agency Formation Commission* (1988) 198 Cal.App.3d 480, 494.) Rather, case law distinguishes between two types of LAFCO actions: a decision “which constitutes an essential step culminating in action which may affect the environment and [a decision] which portends no particular action affecting the environment.” (*Fullerton Joint Union High School District v. State Board of Education* (1982) 32 Cal.3d 779, 796-797.) “The evaluation process contemplated by CEQA relates to the effect of proposed changes in the physical world which a public agency is about to either make, authorize or fund, not to every change of organization or personnel which may affect future determinations relating to the environment.” (*Simi Valley Recreation & Park District v. Local Agency Formation Commission of Ventura County* (1975) 51 Cal.App.3d 648, 666.)

The fact that SOI determinations are important factors in development “does not compel the conclusion” that they are “per se” subject to environmental review under CEQA. (*City of Agoura Hills, supra*, 198 Cal.App.3d at pp. 495-496.) This is consistent with case law recognizing that impacts which are speculative or unlikely to occur are not reasonably foreseeable under CEQA and therefore do not trigger environmental review. (See, e.g., *Aptos Council v. County of Santa Cruz* (2017) 10 Cal.App.5th 266 [potential impacts of local ordinance amending hotel zoning limits were not reasonably foreseeable

because future hotel developments were wholly speculative at the time of adoption].)

Likewise here, GIV's proposed SOI amendment does not commit any local agency to take any definite course of action or to approve any specific project; it does not foreseeably impact the physical environment in any way and therefore is not subject to CEQA review. CEQA analysis should not be undertaken when it would be speculative to do so; there must be some proposed project before CEQA analysis is required. (CEQA Guidelines, § 15004(b) [CEQA documents "should be prepared as early as feasible in the planning process to enable environmental considerations to influence project program and design yet late enough to provide meaningful information for environmental assessment"]; § 15352 [CEQA is triggered when approval commits the agency to a definite course of action]; see, e.g., *No Oil, Inc. v. City of Los Angeles* (1974) 13 Cal.3d 68, 77, fn. 5; *Lake County Energy Council v. County of Lake* (1977) 70 Cal.App.3d 851, 854; *Center for Biological Diversity v. County of San Bernardino* (2016) 247 Cal.App.4th 326, 349; see also *Kaufman & Broad-South Bay, Inc. v. Morgan Hill Unified School District* (1992) 9 Cal.App.4th 464 [agency action that establishes funding for potential future projects but does not commit the agency to proceed with them is not subject to CEQA];¹ *Citizens to enforce CEQA v. City of Rohnert Park* (2005) 131 Cal.App.4th 1594 [city's agreement to fund infrastructure to support proposed casino was not approval of a project because it merely established a funding source for improvements that the city might approve if the proposed casino were built]; *Chung v. City of Monterey Park* (2012) 210 Cal.App.4th 394, 406 [ballot measure requiring competitive bidding for city's trash collection franchise agreements was not a project because it did not commit city to a specific course of action that would affect the environment]; *Parchester Village Neighborhood Council v. City of Richmond* (2010) 182 Cal.App.4th 305, 315 [CEQA does not apply to agency actions that are merely procedural precursors to potential projects that may be modified or not implemented at all depending on a number of factors, including environmental review by the lead agency with primary responsibility for evaluating and approving it].)

Possible later phases of a project need not be considered if no commitment has been made to future actions. (See *El Dorado County*

¹ / The California Supreme Court approvingly cited *Kaufman & Broad-South Bay, Inc.* as an example of a case where, as here, the causal link between the activity (formation of the community facilities district) and potential changes in the environment (construction of a specific project) was missing. (*Union of Medical Marijuana Patients, Inc., supra*, 7 Cal.5th at p. 1197.)

Taxpayers for Quality Growth v. County of El Dorado (2004) 122 Cal.App.4th 1591, 1600 [future expansion was not foreseeable consequence of project approval because decision to allow future expansion was speculative depending on environmental, social, and political factors].) CEQA recognizes that no purpose would be served in requiring speculation about the environmental consequences of uncertain future development. (*Pala Band of Mission Indians v. County of San Diego* (1998) 68 Cal.App.4th 556, 575 [because future use of tentatively reserved landfill sites was speculative, tentative reservation of such sites in county solid-waste plan was not substantial evidence of potential impact]; *Lucas Valley Homeowners Association v. County of Marin* (1991) 233 Cal.App.3d 130, 162 [because use permit to convert residence to synagogue required new or amended permit before growth or expansion, previous expansion plans were not substantial evidence that future expansion was reasonably foreseeable]; *Perley v. Board of Supervisors* (1982) 137 Cal.App.3d 424, 434, fn. 6 [county properly treated use permit for open-pit mining operation as separate for CEQA purposes from an underground mine that applicant hoped eventually to open subject to later review if application was submitted].)

So it is here. A sphere of influence amendment is a plan for possible future annexations, not a commitment. It continues the status quo without change in regard to the physical environment.² A subsequent annexation to the government responsible for delivery of services is necessary and, even then, annexations are commonly categorically exempt from CEQA review. (CEQA Guidelines, § 15319(b) [annexations of areas containing structures developed to the density allowed by current zoning are exempt as long as any utility services are designated to serve only the existing development]; § 15320 [exemption for changes in organization of local agencies].) An SOI amendment is very rarely ripe for environmental review unless it is made in conjunction with an annexation

² / Under CEQA, the potential “impacts of a proposed project are ordinarily to be compared to the actual environmental conditions existing at the time of CEQA analysis.” (*Communities for a Better Environment v. South Coast Air Quality Management District* (2010) 48 Cal.4th 310, 321–322; see also *Citizens for East Shore Parks v. State Lands Commission* (2011) 202 Cal.App.4th 549, 558–559 [same]; *Riverwatch v. County of San Diego* (1999) 76 Cal.App.4th 1428, 1453 [“environmental impacts should be examined in light of the environment as it exists when a project is approved”].)

that will lead to changes in the environment – such as new development or different government services.³

Accordingly, LAFCO agencies typically require CEQA review of sphere of influence amendments only if directly connected with a development project. In that case, CEQA review is performed by the lead agency for the project, typically a city.⁴ When engaging in routine SOI determinations, LAFCOs commonly rely on the commonsense exemption in CEQA Guidelines section 15061(b)(3), which applies when “it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment” because no new land use or municipal service authority is granted. (See, e.g., Napa County LAFCO SOI Review and Update of the Lake Berryessa Region (August 2, 2021, Agenda item 6a).)⁵

^{3/} Napa County LAFCO’s “Policy on Spheres of Influence,” adopted June 7, 2021, specifically notes that a sphere of influence amendment is simply a condition precedent to annexation, but “[i]nclusion of land within an SOI shall not be construed to indicate automatic approval of an annexation proposal.” An SOI is only one of several factors considered by LAFCO when evaluating changes of organization or reorganization.

^{4/} See, e.g. San Bernardino LAFCO Resolution No. 3293 (Nov. 20, 2019) [available at the following weblink: <http://www.sbcounty.gov/uploads/LAFCO/Proposals/3235/LAFCOResolution3293.pdf>].

In certain unique circumstances, LAFCO will serve as lead agency. For example, Santa Cruz LAFCO did so when adjusting the City of Scotts Valley’s sphere of influence in 2016. This was done in response to a request from the City of Scotts Valley due to an expected future annexation and development. (Santa Cruz LAFCO Resolution No. 2016-13 (December 7, 2016) [available at the following weblink: <https://www.santacruzlafco.org/wp-content/uploads/2016/12/12-7-16-Agenda-Packet-Reduced-Size.pdf>].)

^{5/} See also Alameda LAFCO Resolution No. 2006-43 (Sept. 22, 2006) [available at the following weblink: https://www.acgov.org/lafco/documents/soi_Pleasanton.pdf]; Santa Cruz LAFCO Resolution No. 2021-11 (May 5, 2021) [available at the following weblink: <https://www.santacruzlafco.org/wp-content/uploads/2021/04/5a.4-Attachment-Draft-Reso-No.-2021-11.pdf>]; El Dorado LAFCO Notice of Exemption (Jan. 28, 2010) [available at the following weblink:

Here, even if LAFCO desired to treat GIV's proposed SOI amendment as a CEQA event and prepare an environmental analysis of potential future development, it would be a speculative and essentially meaningless exercise. LAFCO would have no ability, beyond mere speculation, to identify appropriate land uses, analyze their environmental impacts, formulate mitigation measures, or consider alternatives. GIV's proposed SOI amendment therefore is exempt from CEQA, and no environmental review is required.

https://www.edlafco.us/files/c1920684e/10Jan_Item6_StaffMemo_Attachment_B_NOE.pdf].

RESOLUTION NO. ____

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

**SPHERE OF INFLUENCE AMENDMENT INVOLVING THE AMERICAN CANYON FIRE
PROTECTION DISTRICT AND 1661 GREEN ISLAND ROAD**

WHEREAS, a landowner seeking a sphere of influence (SOI) amendment involving the American Canyon Fire Protection District (ACFPD) and unincorporated territory located at 1661 Green Island Road has filed an application with the Local Agency Formation Commission of Napa County, hereinafter referred to as “Commission,” pursuant to the Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000; and

WHEREAS, the application seeks Commission approval to amend the sphere of influence of ACFPD to include approximately 157.15 acres of territory comprising one entire parcel identified by the County of Napa Assessor’s Office as 058-030-041; and

WHEREAS, the Executive Officer prepared a written report of the application; and

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

WHEREAS, the Commission heard and fully considered all the evidence presented at a noticed public hearing held on December 6, 2021, April 4, 2022, and June 6, 2022; and

WHEREAS, the Commission considered all the factors required by law under California Government Code Section 56425.

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

1. The SOI of ACFPD is hereby amended to include all areas within its current SOI as of the date of this resolution plus the area shown in Exhibit One.
2. The Commission finds that the SOI amendment is consistent with the Commission’s *Policy on Spheres of Influence* Sections III, V(A)(8)(a), and V(A)(8)(b) based on the following:
 - a. The request to expand ACFPD’s SOI would recognize the District’s historical role in protecting agricultural lands in the affected territory.
 - b. Based on the Commission’s *South County Region Municipal Service Review and Sphere of Influence Updates* adopted in 2018, ACFPD has established adequate capacities to serve its current boundaries and accommodate growth.
 - c. The affected territory currently receives fire protection and emergency medical service from ACFPD through an automatic aid agreement between the District and the County.

- 3. The Commission finds the SOI amendment is exempt from further review under the California Environmental Quality Act pursuant to Title 14 of the California Code of Regulations Section 15061(b)(3). This finding is based on the Commission determining with certainty the SOI amendment would not cause the direct, or reasonably foreseeable indirect, physical change in the environment and does not have the potential for causing a significant effect on the environment, as no new land use or municipal service authority would be provided. This finding is based on its independent judgment and analysis. The Executive Officer is the custodian of the records upon which this determination is based and such records are located at the Commission office located at 1754 Second Street, Suite C, Napa, California.
- 4. Pursuant to California Government Code Section 56425, the Commission adopts the statement of determinations as shown in Exhibit Two.
- 5. The Commission hereby directs staff to file a Notice of Exemption upon the receipt of the appropriate Commission fee in compliance with CEQA.
- 6. The effective date of this sphere of influence amendment shall be immediate upon the Executive Officer's receipt of the appropriate Commission fees.
- 7. The Executive Officer shall revise the official records of the Commission to reflect the SOI amendment upon the receipt of the appropriate Commission fees.

The foregoing resolution was duly and regularly adopted by the Commission at a public meeting held on June 6, 2022, after a motion by Commissioner _____, seconded by Commissioner _____, by the following vote:

AYES: Commissioners _____

NOES: Commissioners _____

ABSENT: Commissioners _____

ABSTAIN: Commissioners _____

 Margie Mohler
 Commission Chair

ATTEST: _____
 Brendon Freeman
 Executive Officer

EXHIBIT ONE

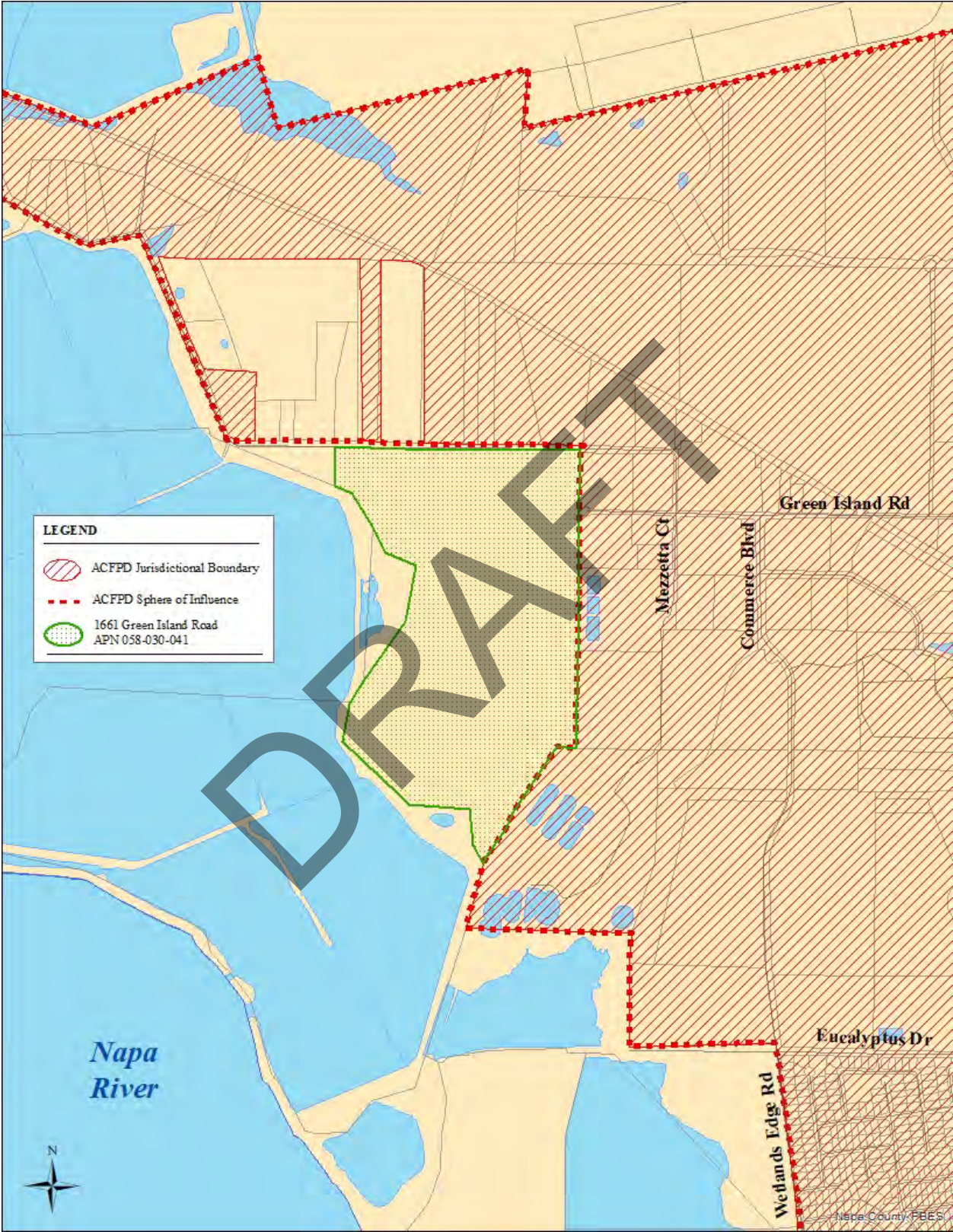


EXHIBIT TWO**STATEMENT OF DETERMINATIONS****SPHERE OF INFLUENCE AMENDMENT INVOLVING THE AMERICAN CANYON FIRE PROTECTION DISTRICT AND 1661 GREEN ISLAND ROAD**

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

The County of Napa General Plan assigns the affected territory a land use designation of *Agriculture, Watershed, and Open Space* and zoning standard of *Agricultural Watershed: Airport Compatibility*. These land use characteristics prescribe a minimum lot size of 160 acres. Actual land uses within the affected territory are currently limited to a commercial vineyard. Discontinuation of existing vineyard operations is planned. There are currently no other planned land uses for the affected territory.

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

The affected territory presently receives outside water service from the City of American Canyon (“City”) through a grandfathered agreement consistent with G.C. Section 56133. This is limited to potable and reclaimed water for irrigation of the vineyard and potable water during the summer months for the vineyard’s frontage road located on Jim Oswalt Way. The affected territory receives fire protection and emergency medical services through an automatic aid agreement between ACFPD and the County. Other public services available to the affected territory include law enforcement, flood control, resource conservation, and mosquito abatement. Based on current and planned land uses, there are no additional public facilities or services needed within the affected territory.

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

Based on the Commission’s *South County Region Municipal Service Review and Sphere of Influence Updates* adopted in 2018, ACFPD has established adequate capacity to provide fire protection and emergency medical services to the affected territory.

4. The existence of any social or economic communities of interest in the sphere if the Commission determines that they are relevant to the agency (Government Code 56425(e)(4)):

There are no social or economic communities of interest in the affected territory.

5. Present and probable need for public services for disadvantaged unincorporated communities (Government Code 56425(e)(5)):

There are no disadvantaged unincorporated communities within ACFPD’s SOI.

RESOLUTION NO. ____

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

**SPHERE OF INFLUENCE AMENDMENT INVOLVING THE AMERICAN CANYON FIRE
PROTECTION DISTRICT AND 1661 GREEN ISLAND ROAD**

WHEREAS, a landowner seeking a sphere of influence (SOI) amendment involving the American Canyon Fire Protection District (ACFPD) and unincorporated territory located at 1661 Green Island Road has filed an application with the Local Agency Formation Commission of Napa County, hereinafter referred to as “Commission,” pursuant to the Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000; and

WHEREAS, the application seeks Commission approval to amend the sphere of influence of ACFPD to include approximately 157.15 acres of territory comprising one entire parcel identified by the County of Napa Assessor’s Office as 058-030-041; and

WHEREAS, the Executive Officer prepared a written report of the application; and

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

WHEREAS, the Commission heard and fully considered all the evidence presented at a noticed public hearing held on December 6, 2021, April 4, 2022, and June 6, 2022; and

WHEREAS, the Commission considered all the factors required by law under California Government Code Section 56425.

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

The requested SOI amendment involving ACFPD is hereby denied as the SOI is inconsistent with the Commission’s *Policy on Spheres of Influence* Sections III, V(A)(1), and V(A)(9)(c). Denial is primarily based on the County General Plan *Agriculture, Watershed, and Open Space* land use designation for the affected territory.

The foregoing resolution was duly and regularly adopted by the Commission at a public meeting held on June 6, 2022, after a motion by Commissioner _____, seconded by Commissioner _____, by the following vote:

AYES: Commissioners _____

NOES: Commissioners _____

ABSENT: Commissioners _____

ABSTAIN: Commissioners _____

Margie Mohler
Commission Chair

ATTEST: _____
Brendon Freeman
Executive Officer

DRAFT

RESOLUTION NO. ____

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

**SPHERE OF INFLUENCE AMENDMENT INVOLVING THE CITY OF AMERICAN CANYON
AND 1661 GREEN ISLAND ROAD**

WHEREAS, a landowner seeking a sphere of influence (SOI) amendment involving the City of American Canyon (“City”) and unincorporated territory located at 1661 Green Island Road has filed an application with the Local Agency Formation Commission of Napa County, hereinafter referred to as “Commission,” pursuant to the Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000; and

WHEREAS, the application seeks Commission approval to amend the sphere of influence of the City to include approximately 157.15 acres of territory comprising one entire parcel identified by the County of Napa Assessor’s Office as 058-030-041; and

WHEREAS, the Executive Officer prepared a written report of the application; and

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

WHEREAS, the Commission heard and fully considered all the evidence presented at a noticed public hearing held on December 6, 2021, April 4, 2022, and June 6, 2022; and

WHEREAS, the Commission considered all the factors required by law under California Government Code Section 56425.

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

1. The SOI of the City is hereby amended to include all areas within its current SOI as of the date of this resolution plus the area shown in Exhibit One.
2. The Commission finds that the SOI amendment is consistent with the Commission’s *Policy on Spheres of Influence* Sections III, V(A)(1), V(A)(3), V(A)(6), V(A)(8)(a), V(A)(8)(b), V(A)(9)(a), V(A)(9)(b), V(A)(9)(c), V(A)(9)(d), V(A)(9)(e), and V(A)(9)(f) based on the following: [Commission will determine facts and findings to support approval]

3. The Commission finds the SOI amendment is exempt from further review under the California Environmental Quality Act pursuant to Title 14 of the California Code of Regulations Section 15061(b)(3). This finding is based on the Commission determining with certainty the SOI amendment would not cause the direct, or reasonably foreseeable indirect, physical change in the environment and does not have the potential for causing a significant effect on the environment, as no new land use or municipal service authority would be provided. This finding is based on its independent judgment and analysis. The Executive Officer is the custodian of the records upon which this determination is based and such records are located at the Commission office located at 1754 Second Street, Suite C, Napa, California.
4. Pursuant to California Government Code Section 56425, the Commission adopts the statement of determinations as shown in Exhibit Two.
5. The Commission hereby directs staff to file a Notice of Exemption upon the receipt of the appropriate Commission fee in compliance with CEQA.
6. The effective date of this sphere of influence amendment shall the date upon which the affected territory is included within the City’s Urban Limit Line, and only after the Executive Officer’s receipt of the appropriate Commission fees.
7. The Executive Officer shall revise the official records of the Commission to reflect the SOI amendment upon the receipt of the appropriate Commission fees.

The foregoing resolution was duly and regularly adopted by the Commission at a public meeting held on June 6, 2022, after a motion by Commissioner _____, seconded by Commissioner _____, by the following vote:

AYES: Commissioners _____

NOES: Commissioners _____

ABSENT: Commissioners _____

ABSTAIN: Commissioners _____

 Margie Mohler
 Commission Chair

ATTEST: _____
 Brendon Freeman
 Executive Officer

EXHIBIT ONE

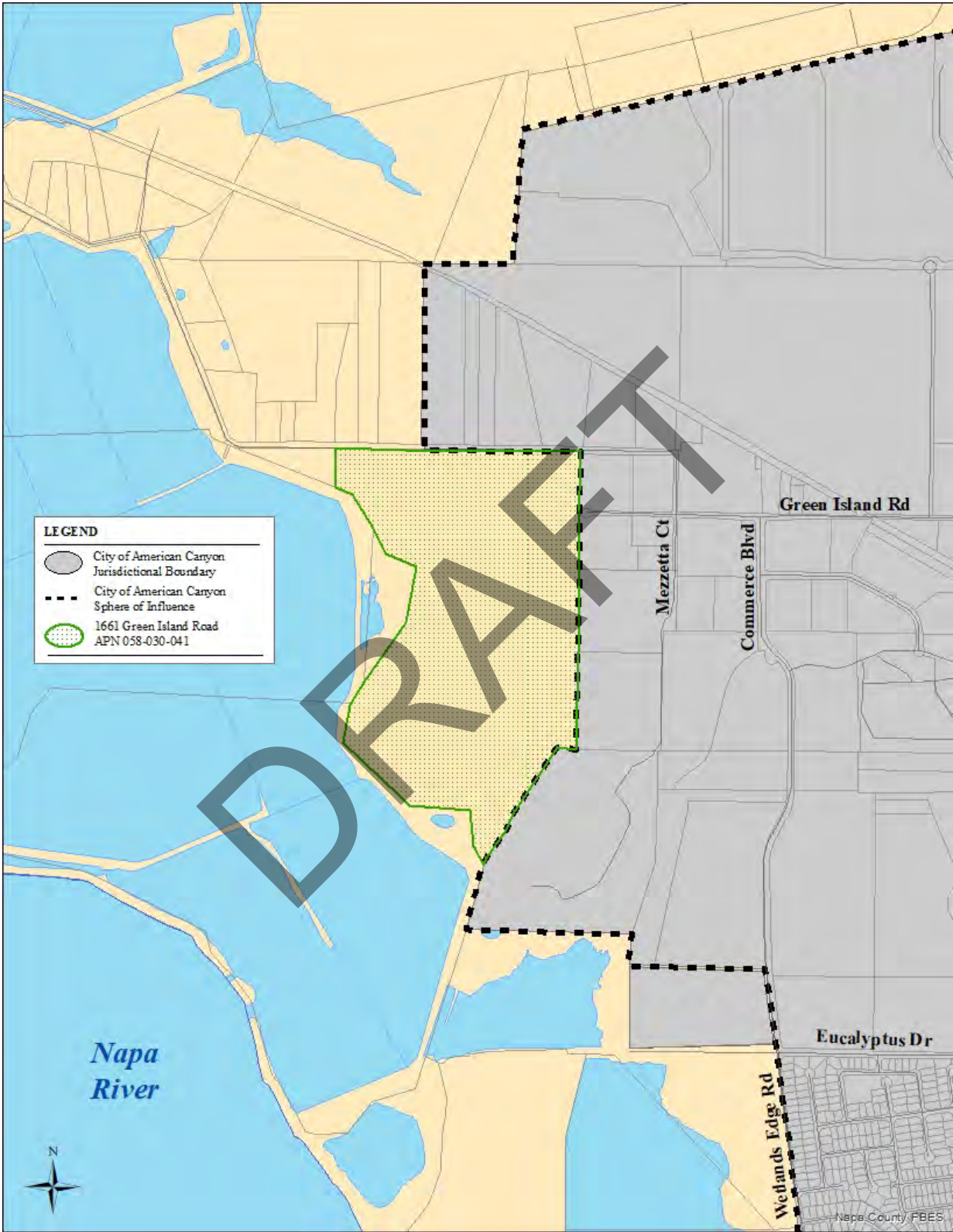


EXHIBIT TWO**STATEMENT OF DETERMINATIONS****SPHERE OF INFLUENCE AMENDMENT INVOLVING THE CITY OF AMERICAN CANYON
AND 1661 GREEN ISLAND ROAD**

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

The County of Napa General Plan assigns the affected territory a land use designation of *Agriculture, Watershed, and Open Space* and zoning standard of *Agricultural Watershed: Airport Compatibility*. These land use characteristics prescribe a minimum lot size of 160 acres. Actual land uses within the affected territory are currently limited to a commercial vineyard. Discontinuation of existing vineyard operations is planned. There are currently no other planned land uses for the affected territory.

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

The affected territory presently receives outside water service from the City through a grandfathered agreement consistent with G.C. Section 56133. This is limited to potable and reclaimed water for irrigation of the vineyard and potable water during the summer months for the vineyard's frontage road located on Jim Oswalt Way. The affected territory receives fire protection and emergency medical services through an automatic aid agreement between the American Canyon Fire Protection District (ACFPD) and the County. Other public services available to the affected territory include law enforcement, flood control, resource conservation, and mosquito abatement. Based on current and planned land uses, there are no additional public facilities or services needed within the affected territory.

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

Based on the Commission's *South County Region Municipal Service Review and Sphere of Influence Updates* adopted in 2018, the City has established adequate capacity to provide a full range of municipal services to the affected territory based on the current land use as a commercial vineyard.

4. The existence of any social or economic communities of interest in the sphere if the Commission determines that they are relevant to the agency (Government Code 56425(e)(4)):

There are no social or economic communities of interest in the affected territory.

5. Present and probable need for public services for disadvantaged unincorporated communities (Government Code 56425(e)(5)):

There are no disadvantaged unincorporated communities within the City's SOI.

RESOLUTION NO. ____

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

**SPHERE OF INFLUENCE AMENDMENT INVOLVING THE AMERICAN CANYON FIRE
PROTECTION DISTRICT AND 1661 GREEN ISLAND ROAD**

WHEREAS, a landowner seeking a sphere of influence (SOI) amendment involving the City of American Canyon (“City”) and unincorporated territory located at 1661 Green Island Road has filed an application with the Local Agency Formation Commission of Napa County, hereinafter referred to as “Commission,” pursuant to the Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000; and

WHEREAS, the application seeks Commission approval to amend the sphere of influence of the City to include approximately 157.15 acres of territory comprising one entire parcel identified by the County of Napa Assessor’s Office as 058-030-041; and

WHEREAS, the Executive Officer prepared a written report of the application; and

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

WHEREAS, the Commission heard and fully considered all the evidence presented at a noticed public hearing held on December 6, 2021, April 4, 2022, and June 6, 2022; and

WHEREAS, the Commission considered all the factors required by law under California Government Code Section 56425.

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

The requested SOI amendment involving the City is hereby denied as the SOI is inconsistent with the Commission’s Policy on Spheres of Influence Sections III, V(A)(1), V(A)(3), V(A)(6), V(A)(8)(a), V(A)(8)(b), V(A)(9)(a), V(A)(9)(b), V(A)(9)(c), V(A)(9)(d), V(A)(9)(e), and V(A)(9)(f). The SOI amendment would not ensure the protection of agricultural lands and would facilitate the conversion of agricultural lands to an urban use. The County General Plan land use map designates the affected territory as *Agriculture, Watershed, and Open Space*. The affected territory is subject to Measure P and is limited to agriculture land use unless voter approval occurs. Furthermore, the affected territory is located outside the City’s urban limit line.

The foregoing resolution was duly and regularly adopted by the Commission at a public meeting held on June 6, 2022, after a motion by Commissioner _____, seconded by Commissioner _____, by the following vote:

AYES: Commissioners _____

NOES: Commissioners _____

ABSENT: Commissioners _____

ABSTAIN: Commissioners _____

Margie Mohler
Commission Chair

ATTEST: _____
Brendon Freeman
Executive Officer

DRAFT



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

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

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

Agenda Item 6b (Public Hearing)

TO: Local Agency Formation Commission

PREPARED BY: Brendon Freeman, Executive Officer *BF*

MEETING DATE: June 6, 2022

SUBJECT: Final Budget for Fiscal Year 2022-23 and Amendment to the Schedule of Fees and Deposits

RECOMMENDATION

It is recommended the Commission take the following actions:

- 1) Open the public hearing and take testimony;
- 2) Close the public hearing;
- 3) Adopt the Resolution of the Local Agency Formation Commission of Napa County – Adopting a Final Budget for the 2022-23 Fiscal Year (Attachment One); and
- 4) Adopt the Resolution of the Local Agency Formation Commission of Napa County – Amendment to Adopted Schedule of Fees and Deposits (Attachment Two).

BACKGROUND AND SUMMARY

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

Margie Mohler, Chair
Councilmember, Town of Yountville

Mariam Aboudamous, Commissioner
Councilmember, City of American Canyon

Beth Painter, Alternate Commissioner
Councilmember, City of Napa

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

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

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

Kenneth Leary, Commissioner
Representative of the General Public

Eve Kahn, Alternate Commissioner
Representative of the General Public

Brendon Freeman
Executive Officer

Budgeting Policies

On December 6, 2021, consistent with the Commission’s *Budget Policy* (“the Policy”), included as Attachment Three, the Commission appointed Commissioners Mohler and Leary 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 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 principally funded by the County of Napa and the Cities of American Canyon, Calistoga, Napa, St. Helena, and Town of Yountville. State law specifies the County is responsible for one-half of the Commission’s operating expenses while the remaining amount is to be apportioned among the cities and town. The current formula for allocating the cities’ 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.

Actions to Date

The Committee met on January 11, 2022 and March 17, 2022 to prepare a draft budget. The Committee also agreed amendments are needed to the Commission’s adopted *Schedule of Fees and Deposits* (“Fee Schedule”) to update the fully burdened hourly rate as well as to clarify the procedures related to various proposal fees.

On April 4, 2022, the Committee presented a proposed budget to the Commission. The Commission adopted the proposed budget and directed staff to forward the budget directly to the County and city/town managers and finance managers (Attachment Five). In addition, staff was directed to circulate it to the general public for review and comment before returning with a final budget. The proposed budget was made available for review and comment from April 5, 2022 through May 6, 2022. No comments were received.

Fee Schedule Amendment

The Committee’s proposed amendment to the adopted Fee Schedule is needed to update the Commission’s fully burdened hourly rate and clarify the procedures related to various proposal fees. Notably, the Committee recommends eliminating the prescribed process for applicants to request fee waivers or reductions due to the amount of staff time and Commission time required to process and act upon such requests.¹ The amendment showing tracked changes is included as Attachment Four.

¹ The most recent request for a fee waiver was related to the Silver Trail No. 10 Annexation to the Napa Sanitation District. The fee waiver request was denied by the Commission on May 4, 2020.

Final Budget Summary

The Commission will consider approving a final budget for fiscal year 2022-23 with operating expenses and revenues each totaling \$663,588. This amount represents a notable increase over previous fiscal years in which the Commission's practice was to budget for sizeable deficits with little flexibility to address changes in circumstances. In addition, the proposed budget reflects rising costs associated with recent inflation figures.²

The final budget positions the Commission to finish the 2022-23 fiscal year with available reserves totaling \$295,890 or 44.6% of proposed operating expenses. Therefore, the final budget would result in sufficient reserves to meet the Policy directive to retain reserves equal to no less than one-third of operating expenses.

Operating Expenses

The Committee proposes an increase in budgeted operating expenses from \$569,966 to \$663,588; a difference of \$93,622 compared to the current fiscal year. The following table summarizes operating expenses in the final budget.

Expense Unit	FY21-22	FY22-23	Change \$
1) Salaries/Benefits	\$13,250	\$15,950	\$2,700
2) Services/Supplies	\$556,716	\$647,638	\$90,922
Total	\$569,966	\$663,588	\$93,622

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

Salaries and Benefits Unit

This budget unit is proposed to increase from \$13,250 to \$15,950, representing a total increase of \$2,700. This amount is associated with Commissioner per diems for attendance at meetings and other activities related to LAFCO business. Notably, consistent with the Commission's Support Services Agreement with the County of Napa, the Commission's staff salaries and benefits are categorized under Administration Services (Account No. 52100) within the Services and Supplies budget unit as summarized on the following page.

² The U.S. Labor Department reports the annual inflation rates for the United States were 8.3% for the 12 months preceding April 2022.

Services and Supplies Unit

This budget unit is proposed to increase from \$556,716 to \$647,638, representing a total increase of \$90,922 compared to the current fiscal year. The following is a summary of changes involving a difference of at least \$1,000 in an individual expense account:

- 1) Increase Administration Services (Account No. 52100) from \$439,901 to \$509,844 to reflect anticipated adjustments to staff position titles and classifications, including salary ranges, as part of ongoing efforts to revise the Commission's Support Services Agreement with the County of Napa.
- 2) Increase Legal Services (Account No. 52140) from \$25,000 to \$35,000 in anticipation of the need for counsel on island annexations, policy updates, municipal service reviews, and sphere of influence updates.
- 3) Increase Consulting Services (Account No. 52310) from \$0 to \$10,000 in anticipation of hiring an outside facilitator and other expenses related to a strategic planning session.
- 4) Decrease Rents and Leases: Building/Land (Account No. 52605) from \$31,322 to \$25,995 to reflect cost savings associated with the recent relocation of the Commission's office.
- 5) Increase Communications/Telephone (Account No. 52800) from \$2,000 to \$3,000 in anticipation of the Commission returning to in-person meetings, which involve a meeting recording cost of \$150 per hour.
- 6) Increase Training/Conference (Account No. 52900) from \$10,000 to \$15,000 in anticipation of in-person training and conference opportunities for staff and Commissioners.

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

Operating Revenues

The Committee proposes an increase in operating revenues from \$540,270 to \$663,588; a difference of \$123,318 compared to the current fiscal year. The following table summarizes operating revenues in the final budget.

Revenue Unit	FY21-22	FY22-23	Change \$
1) Agency Contributions	\$509,670	\$627,588	\$117,918
(a) County of Napa	\$254,835	\$313,794	\$58,959
(b) City of Napa	\$166,432	\$207,969	\$41,537
(c) City of American Canyon	\$45,843	\$56,307	\$10,464
(d) City of St. Helena	\$18,608	\$20,381	\$1,773
(e) City of Calistoga	\$13,976	\$16,885	\$2,909
(f) Town of Yountville	\$9,976	\$12,252	\$2,276
2) Service Charges	\$20,600	\$30,000	\$9,400
3) Interest Earnings	\$10,000	\$6,000	(\$4,000)
Total	\$540,270	\$663,588	\$123,318

* Agency contributions in the final budget reflect general tax revenues as provided by the State Controller’s Office’s (SCO) Cities Annual Report and population estimates as provided by the State Department of Finance’s (DOF) Population Estimates. The apportionment of annual contributions to LAFCO is established under a Memorandum of Understanding between the cities and town in Napa County.

The Committee proposes the majority of operating revenues to be collected – \$627,588 – would be drawn from agency contributions and would represent an increase of \$117,918 compared to the current fiscal year. Service charges (i.e., proposal application fees) total \$30,000 and would represent an increase of \$9,400 compared to the current fiscal year. Interest earnings on the Commission’s fund balance total \$6,000 based on recent trends and would represent a decrease of \$4,000 compared to the current fiscal year.

ATTACHMENTS

- 1) Draft Resolution Adopting a Final Budget for Fiscal Year 2022-23
- 2) Draft Resolution Approving the Fee Schedule Amendment
- 3) Budget Policy
- 4) Fee Schedule Amendment (tracked changes)
- 5) Letter to County and City/Town Managers and Finance Directors

RESOLUTION NO. ____

**RESOLUTION OF
THE LOCAL AGENCY FORMATION COMMISSION OF NAPA COUNTY
ADOPTING A FINAL BUDGET FOR THE 2022-23 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 annually adopt a 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 Commission adopted a proposed budget prepared by the Budget Committee at a noticed public hearing on April 4, 2022; and

WHEREAS, at the direction of the Commission, the Budget Committee circulated the adopted proposed budget for review and comment to the administrative and financial officers of each of the six local agencies that contribute to the Commission budget as well as to all local special districts; and

WHEREAS, no comments were received concerning the adopted proposed budget; and

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

WHEREAS, the Executive Officer’s report on a final budget has been 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 final budget held on June 6, 2022; and

WHEREAS, the Commission determined the final 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 final budget as outlined in Exhibit "A" is adopted.
2. The final 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 June 6, 2022, after a motion by Commissioner _____, seconded by Commissioner _____, by the following vote:

AYES: Commissioners _____

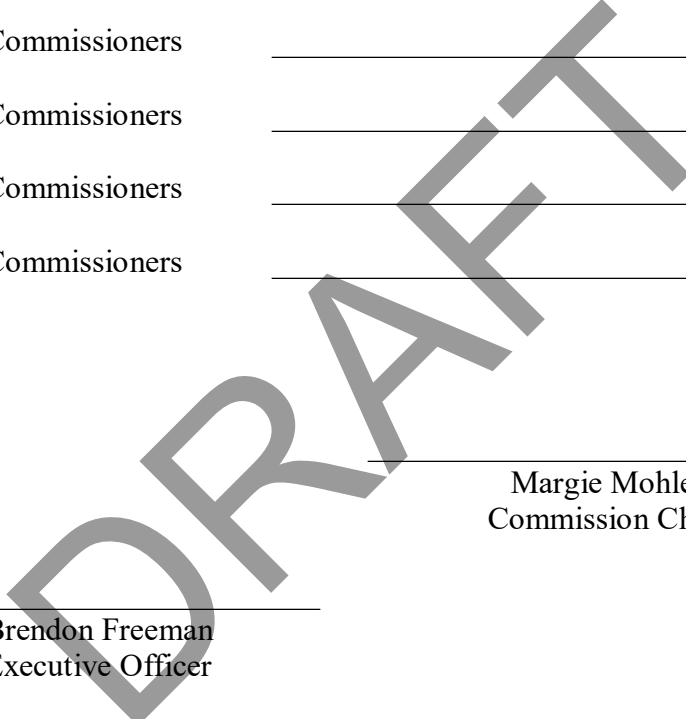
NOES: Commissioners _____

ABSENT: Commissioners _____

ABSTAIN: Commissioners _____

 Margie Mohler
 Commission Chair

ATTEST: _____
 Brendon Freeman
 Executive Officer





Local Agency Formation Commission of Napa County

Subdivision of the State of California

FY 2022-23 PROPOSED BUDGET

Proposed for Adoption on June 6, 2022

Expenses

Salaries and Benefits

Account Description

		FY 2019-20		FY 2020-21		FY 2021-22		FY 2022-23
		Final Budget	Actual	Final Budget	Actual	Final Budget	Estimate	Final Budget
51210	Commissioner Per Diems	15,000	10,980	14,500	12,720	12,500	12,300	15,200
51300	Medicare - Commissioners	225	158	250	181	250	205	250
51305	FICA - Commissioners	500	506	500	512	500	525	500
Total Salaries & Benefits		15,725	11,644	15,250	13,413	13,250	13,030	15,950

Services and Supplies

Account Description

52100	Administration Services	424,278	404,710	415,869	421,287	439,901	408,954	509,844
52125	Accounting/Auditing Services	8,000	6,710	7,500	6,593	7,500	6,847	7,500
52130	Information Technology Services	24,590	24,590	24,323	24,323	24,489	24,489	23,974
52131	ITS Communication Charges	-	-	-	-	1,837	1,837	1,685
52140	Legal Services	30,000	30,000	25,500	24,286	25,000	22,000	35,000
52310	Consulting Services	112,624	79,623	25,551	25,550	-	-	10,000
52345	Janitorial Services	300	300	300	225	300	150	300
52515	Maintenance-Software	2,000	1,929	1,930	1,929	1,930	1,930	1,930
52600	Rents and Leases: Equipment	5,500	4,969	5,500	3,220	4,000	2,784	4,000
52605	Rents and Leases: Building/Land	29,523	29,523	30,409	30,408	31,322	28,234	25,995
52700	Insurance: Liability	4,554	380	813	-	578	578	638
52800	Communications/Telephone	3,000	3,591	3,500	1,428	2,000	1,485	3,000
52830	Publications and Notices	1,500	1,440	1,500	814	1,000	1,100	1,000
52835	Filing Fees	250	154	50	100	200	150	200
52900	Training/Conference	12,295	8,348	989	200	10,000	-	15,000
52905	Business Travel/Mileage	3,000	1,449	1,000	-	500	-	1,000
53100	Office Supplies	2,000	1,193	1,250	1,179	1,000	400	1,000
53110	Freight/Postage	300	158	350	100	500	100	150
53115	Books/Media/Subscriptions	-	-	-	-	-	119	119
53120	Memberships/Certifications	3,261	3,261	3,060	3,060	2,934	2,934	3,078
53205	Utilities: Electric	1,300	1,306	1,500	1,389	1,500	1,950	2,000
53410	Computer Equipment/Accessories	300	617	-	-	-	38	-
53415	Computer Software/License	-	-	-	150	225	225	225
Total Services & Supplies		669,275	604,373	551,144	546,274	556,716	506,304	647,638

EXPENSE TOTALS

685,000	616,017	566,394	559,687	569,966	519,334	663,588
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Revenues		FY 2019-20		FY 2020-21		FY 2021-22		FY 2022-23
		Final Budget	Actual	Final Budget	Actual	Final Budget	Estimate	Final Budget
Intergovernmental								
<u>Account</u>	<u>Description</u>							
43910	County of Napa	235,631	235,631	242,700	242,700	254,835	254,835	313,794
43950	Other Governmental Agencies	235,631	235,631	242,700	242,700	254,835	254,835	313,794
----	<i>City of Napa</i>	154,514	154,514	162,800	162,800	166,432	166,432	207,969
----	<i>City of American Canyon</i>	38,707	38,707	41,166	41,166	45,843	45,843	56,307
----	<i>City of St. Helena</i>	15,357	15,357	15,159	15,159	18,608	18,608	20,381
----	<i>City of Calistoga</i>	15,575	15,575	14,515	14,515	13,976	13,976	16,885
----	<i>Town of Yountville</i>	11,478	11,478	9,060	9,060	9,976	9,976	12,252
	Total Intergovernmental	471,261	471,261	485,400	485,400	509,670	509,670	627,588
Service Charges								
<u>Account</u>	<u>Description</u>							
42690	Application/Permit Fees	25,000	26,964	21,060	37,356	20,000	25,450	25,000
46800	Charges for Services	500	781	624	593	600	1,074	1,000
47900	Miscellaneous	-	-	-	-	-	2,845	4,000
	Total Service Charges	25,500	27,745	21,684	37,949	20,600	29,369	30,000
Investments								
<u>Account</u>	<u>Description</u>							
45100	Interest	7,000	15,128	12,000	6,817	10,000	5,700	6,000
	Total Investments	7,000	15,128	12,000	6,817	10,000	5,700	6,000
	REVENUE TOTALS	503,761	514,134	519,084	530,166	540,270	544,739	663,588
OPERATING DIFFERENCE		(181,239)	(101,883)	(47,310)	(29,521)	(29,696)	25,405	0
Fund Balances								
			2019-20	2020-21	2021-22	2022-23		
RESTRICTED FUND BALANCE (EQUIPMENT REPLACEMENT RESERVE)								
	Beginning:		19,657	19,657	19,657	19,657		19,657
	Ending:		19,657	19,657	19,657	19,657		19,657
UNDESIGNATED/UNRESERVED FUND BALANCE ("RESERVES")								
	Beginning:		401,889	300,006	270,485	295,890		295,890
	Ending:		300,006	270,485	295,890	295,890		295,890
TOTAL FUND BALANCE								
	Beginning:		421,546	319,663	290,142	315,547		315,547
	Ending:		319,663	290,142	315,547	315,547		315,547
MINIMUM FOUR MONTH RESERVE GOAL								
			228,333	188,798	189,989	221,196		

RESOLUTION NO. ____

**RESOLUTION OF
THE LOCAL AGENCY FORMATION COMMISSION OF NAPA COUNTY
AMENDMENT TO ADOPTED SCHEDULE OF FEES AND DEPOSITS**

WHEREAS, the Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000 (Government Code Sections 56000 et seq.) authorizes the Local Agency Formation Commission of Napa County (hereinafter referred to as “Commission”) to adopt a fee schedule; and

WHEREAS, the Commission established and adopted by resolution a “Schedule of Fees and Deposits” on December 1, 2001 in a manner provided by law; and

WHEREAS, the Commission has amended the adopted Schedule of Fees and Deposits as appropriate since its establishment on several occasions; 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 including the adopted Schedule of Fees and Deposits; and

WHEREAS, the Commission considered a proposed amendment to the adopted Schedule of Fees and Deposits prepared by the Budget Committee at a noticed public hearing on June 6, 2022.

NOW, THEREFORE, THE COMMISSION DOES HEREBY RESOLVE, DETERMINE, AND ORDER the Schedule of Fees and Deposits shall be amended in the manner set forth in Exhibit “A” and become effective July 1, 2022.

The foregoing resolution was duly and regularly adopted by the Commission at a public meeting held on June 6, 2022, after a motion by Commissioner _____, seconded by Commissioner _____, by the following vote:

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

Margie Mohler
Commission Chair

ATTEST: _____
Brendon Freeman
Executive Officer



Local Agency Formation Commission of Napa County

Subdivision of the State of California

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

Schedule of Fees and Deposits

Effective Date: July 1, 2022

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

1. This schedule shall be administered in accordance with the provisions of [Government Code \(G.C.\) Section 56383](#).
2. This schedule includes both "fixed" and "at-cost" fees. Fixed fees represent reasonable cost estimates for processing routine proposals and based on a number of predetermined staff hours. At-cost fees apply to less routine proposals and based on the number of actual staff hours. Staff time is charged at a fully burdened hourly rate of \$170.
3. Proposals submitted to the Commission shall be accompanied by the appropriate proposal fees as detailed in this schedule. Staff shall identify which fees are due at the time the proposal is submitted and the timing when other fees are required. Any required proposal fees that have not been received at the time of Commission action on a proposal shall be made a condition of proposal approval.
4. Staff may stop work on any proposal until the applicant submits a requested deposit or fee.
5. All deposit amounts for at-cost proposals shall be determined by the Executive Officer. The Executive Officer shall provide a written accounting of all staff time and related expenses billed against the deposit. If the cost in processing a proposal begins to approach or exceed the deposited amount, the Executive Officer shall request additional monies from the applicant.
6. Upon completion of an at-cost proposal, staff shall issue to the applicant a statement detailing all billable expenditures from a deposit. Staff shall refund the applicant for any monies remaining from the deposit less one-half hour of staff time to process the return as provided in this schedule.
7. All fees payable to the Commission shall be submitted by check and made payable to "LAFCO of Napa County."
8. In the course of processing proposals, staff is required to collect fees on behalf of other agencies such as the State Board of Equalization. The Commission recognizes these are "pass through" fees that are not within the Commission's discretion and therefore no Commission action is required to make changes to those fees in this schedule.

9. Applicants are responsible for any fees or charges incurred by the Commission and/or required by other governmental agencies in the course of the processing of a proposal.
10. Applicants are responsible for any extraordinary administrative costs as determined by the Executive Officer and detailed for the applicant in a written statement.
11. Proposal fees shall not be charged by the Commission for city annexation proposals involving one or more entire unincorporated islands subject to [G.C. Section 56375.3](#) and the Commission's [Policy on Unincorporated Islands](#), unless otherwise determined by the Executive Officer based on extraordinary circumstances.
12. If the processing of a proposal requires the Commission contract with another agency firm, or individual for services beyond the normal scope of staff work, such as the drafting of an Environmental Impact Report or Comprehensive Fiscal Analysis, the applicant shall be responsible for all costs associated with that contract. The applicant will provide the Commission with a deposit sufficient to cover the cost of the contract.
13. With respect to instances where the Commission approves an outside service agreement under [G.C. Section 56133](#), the fee for a subsequent annexation involving the affected territory and affected agency will be reduced by one-half if filed within one calendar year.
14. Requests for research on any particular subject will be provided at no cost for the first two hours. This includes, but is not limited to, archival retrieval, identifying properties relative to agency boundaries, and discussing potential proposals. Any additional research time will be billed at the fully burdened hourly rate provided in this schedule.
15. Annexation or detachment proposals involving boundary changes for two or more agencies qualify as reorganizations and will be charged an additional fee of \$850 (five hours). Annexation proposals involving cities that require concurrent detachment from County Service Area No. 4 and no other boundary changes will only incur an additional fee of \$170 (one hour).
16. The Commission shall annually review this schedule and update the fully burdened hourly rate to help maintain an appropriate level of cost-recovery.

INITIAL PROPOSAL FEES

The following fees must be submitted to the Commission as part of the proposal filing. The Executive Officer will identify the specific deposits, fees, and amounts that apply to the proposal.

Change of Organization or Reorganization: Annexations and Detachments

Proposals Exempt from California Environmental Quality Act	
100% Consent from Landowners and Agencies where the Commission is Responsible or Lead Agency	\$5,100 (30 hours)
Without 100% Consent from Landowners and Agencies where the Commission is Responsible or Lead Agency	\$6,800 (40 hours)
Proposals Not Exempt from California Environmental Quality Act / Negative Declaration	
100% Consent from Landowners and Agencies where the Commission is Responsible Agency	\$5,950 (35 hours)
100% Consent from Landowners and Agencies where the Commission is Lead Agency	\$8,500 (50 hours)
Without 100% Consent from Landowners and Agencies where the Commission is Responsible Agency	\$7,650 (45 hours)
Without 100% Consent from Landowners and Agencies where the Commission is Lead Agency	\$10,200 (60 hours)
Proposals Not Exempt from California Environmental Quality / Environmental Impact Report	
100% Consent from Landowners and Agencies where the Commission is Responsible Agency	\$6,800 (40 hours)
100% Consent from Landowners and Agencies where the Commission is Lead Agency	\$8,500 (50 hours) plus consultant contract
Without 100% Consent from Landowners and Agencies where the Commission is Responsible Agency	\$8,500 (50 hours)
Without 100% Consent from Landowners and Agencies where the Commission is Lead Agency	\$10,200 (60 hours) plus consultant contract

Change of Organization or Reorganization: Other

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

Other Service Requests

• New or Extended Outside Service Request	\$3,400 (20 hours)
• Request for Reconsideration	\$3,400 (20 hours)
• Request for Time Extension to Complete Proceedings	\$850 (5 hours)
• Municipal Service Reviews	at-cost
• Sphere of Influence Establishment/Amendment	at-cost

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

OTHER PROPOSAL FEES

These fees generally apply to proposals that have been approved by the Commission and are not required at the time of filing. An exception involves the fee for registered voter lists, which may be required before the Commission takes action on an application if the underlying activity is subject to protest proceedings. Other fees in this section apply to service requests that are not tied to a specific proposal, such as research and photocopying.

Fees Made Payable to the County of Napa	
• Assessor’s Annexation Mapping Fee	\$162
• Ownership Verification Fee (Landowner Proposals)	\$13
• Signature Verification Fee (Registered Voter Proposals)	\$13
• County Surveyor’s Review Fee	\$253.09
• Elections’ Registered Voter List Fee	\$75 hourly
• Clerk-Recorder’s Environmental Filing Fee	\$50
• Clerk-Recorder’s Environmental Document Fee	
.....Environmental Impact Report	\$3,539.25
.....Mitigated Negative Declaration	\$2,548.00
.....Negative Declaration	\$2,548.00

Fees Made Payable to LAFCO	
• Geographic Information System Update	\$170
• Public Hearing Notice Newspaper Publishing	at-cost
• Photocopying	\$0.10 (black) / \$0.40 (color)
• Mailing	at-cost
• Audio Recording of Meeting	at-cost
• Research/Archive Retrieval	\$170 hourly

Fees Made Payable to the State Board of Equalization to Record Boundary Changes			
Acre	Fee	Acre	Fee
0.00-0.99	\$300	51.00-100.99	\$1,500
1.00-5.99	\$350	101.00-500.99	\$2,000
6.00-10.99	\$500	501.00-1,000.99	\$2,500
11.00-20.99	\$800	1,001.00-2,000.99	\$3,000
21.00-50.99	\$1,200	2,001.00+	\$3,500



LOCAL AGENCY FORMATION COMMISSION OF NAPA COUNTY

Budget Policy

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

I. Background

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

II. Purpose

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

III. Preparation of Annual Budget

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

IV. Budget Contributions and Collection of Funds

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

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

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

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

V. Executive Officer Purchasing and Budget Adjustment Authority

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

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

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



Local Agency Formation Commission of Napa County

Subdivision of the State of California

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

Schedule of Fees and Deposits

Effective Date: July 1, ~~2021~~2022

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

1. This schedule shall be administered in accordance with the provisions of [Government Code \(G.C.\) Section 56383](#).
2. This schedule includes both "fixed" and "at-cost" fees. Fixed fees represent reasonable cost estimates for processing routine proposals and based on a number of predetermined staff hours. At-cost fees apply to less routine proposals and based on the number of actual staff hours. Staff time is charged at a fully burdened hourly rate of \$170.
3. Proposals submitted to the Commission shall be accompanied by the appropriate proposal fees as detailed in this schedule. Staff shall identify which fees are due at the time the proposal is submitted and the timing when other fees are required. Any required proposal fees that have not been received ~~by the Executive Officer~~ at the time of Commission action on a proposal shall be made a condition of proposal approval.
4. ~~The Executive Officer~~Staff may stop work on any proposal until the applicant submits a requested deposit or fee.
- 4.5. All deposit amounts for at-cost proposals shall be determined by the Executive Officer. The Executive Officer shall provide a written accounting of all staff time and related expenses billed against the deposit. If the cost in processing a proposal begins to approach or exceed the deposited amount, the Executive Officer shall request additional monies from the applicant.
- 5.6. Upon completion of an at-cost proposal, ~~the Executive Officer~~staff shall issue to the applicant a statement detailing all billable expenditures from a deposit. ~~The Executive Officer~~Staff shall refund the applicant for any ~~remaining~~ monies remaining from the deposit less one-half hour of staff time to process the return as provided in this schedule.
- 6.7. All fees payable to the Commission shall be submitted by check and made payable to "LAFCO of Napa County."
- 7.8. In the course of processing proposals, staff is required to collect fees on behalf of other agencies such as the State Board of Equalization. The Commission recognizes these are "pass through" fees that are not within the Commission's discretion and therefore no Commission action is required to make changes to those fees in this schedule.

~~8.9.~~ Applicants are responsible for any fees or charges incurred by the Commission ~~and~~ and/or required by other governmental agencies in the course of the processing of a proposal.

~~9.~~ ~~Additional staff time shall be charged to the applicant at a fully burdened hourly rate of \$150.~~

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

~~10.~~ —

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

~~12.~~ ~~If a check for a proposal fee is on file and has not been deposited after six months from the date written on the check, the Executive Officer shall return the original check to the applicant and require submittal of a replacement check prior to any further action on the proposal.~~

~~13.~~ ~~11.~~ Staff time and administrative cost Proposal fees shall not be charged by the Commission for city annexation proposals involving one or more entire unincorporated islands subject to G.C. Section 56375.3 and the Commission's Policy on Unincorporated Islands, unless otherwise determined by the Executive Officer based on extraordinary circumstances.

~~12.~~ If the processing of a proposal requires the Commission contract with another agency firm, or individual for services beyond the normal scope of staff work, such as the drafting of an Environmental Impact Report or Comprehensive Fiscal Analysis, the applicant shall be responsible for all costs associated with that contract. The applicant will provide the Commission with a deposit sufficient to cover the cost of the contract.

~~14.~~ —

~~15.1.~~ ~~The Executive Officer may stop work on any proposal until the applicant submits a requested deposit or fee.~~

~~16.~~ Applicants may request the Commission reduce or waive a fee. All requests must be made in writing and cite specific factors justifying the reduction or waiver and will be considered by the Commission relative to public interest and agency mission. Examples of appropriate requests include, but are not limited to, addressing public health or safety threats, affordable housing development, and community serving projects. Requests by landowners or registered voters shall be considered by the Commission at the earliest opportunity as part of a regular meeting. Requests by local agencies may be considered at the time the proposal is presented to the Commission for action.

~~17.~~ ~~13.~~ With respect to instances where the Commission approves an outside service agreement under G.C. Section 56133, the fee for a subsequent annexation involving the affected territory and affected agency will be reduced by one-half if filed within one calendar year.

~~18.~~14. Requests for research on any particular subject will be provided at no cost for the first two hours. This includes, but is not limited to, archival retrieval, identifying properties relative to agency boundaries, and discussing potential proposals. Any additional research time will be billed at the fully burdened hourly rate provided in this schedule.

~~19.~~15. Annexation or detachment proposals involving boundary changes for two or more agencies qualify as reorganizations and will be charged an additional fee of ~~\$780~~850 (five hours). Annexation proposals involving cities that require concurrent detachment from County Service Area No. 4 ~~and no other agency boundary changes~~ will only incur an additional fee of ~~\$150~~170 (one hour) ~~unless additional agencies are included in the reorganization.~~

16. The Commission shall annually review this schedule and update the fully burdened hourly rate to help maintain an appropriate level of cost-recovery.

INITIAL PROPOSAL FEES

The following fees must be submitted to the Commission as part of the proposal filing. The Executive Officer will identify the specific deposits, fees, and amounts that apply to the proposal.

Change of Organization or Reorganization: Annexations and Detachments

- Proposals Exempt from California Environmental Quality Act**

100% Consent from Landowners and Agencies where the Commission is Responsible or Lead Agency	\$4,500 <u>5,100</u> (30 hours)
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Without 100% Consent from Landowners and Agencies where the Commission is Responsible or Lead Agency	\$6,000 <u>800</u> (40 hours)
--	--

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

100% Consent from Landowners and Agencies where the Commission is Responsible Agency	\$5,250 <u>950</u> (35 hours)
--	--

100% Consent from Landowners and Agencies where the Commission is Lead Agency	\$7,500 <u>8,500</u> (50 hours)
---	--

Without 100% Consent from Landowners and Agencies where the Commission is Responsible Agency	\$6,750 <u>7,650</u> (45 hours)
--	--

Without 100% Consent from Landowners and Agencies where the Commission is Lead Agency	\$9,000 <u>10,200</u> (60 hours)
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- Proposals Not Exempt from California Environmental Quality / Environmental Impact Report**

100% Consent from Landowners and Agencies where the Commission is Responsible Agency	\$6,800 <u>6,000</u> (40 hours)
--	--

100% Consent from Landowners and Agencies where the Commission is Lead Agency	\$8,500 <u>7,500</u> (50 hours) plus consultant contract
---	--

Without 100% Consent from Landowners and Agencies where the Commission is Responsible Agency	\$8,500 <u>7,500</u> (50 hours)
--	--

Without 100% Consent from Landowners and Agencies where the Commission is Lead Agency	\$10,200 <u>9,000</u> (60 hours) plus consultant contract
---	---

Change of Organization or Reorganization: Other

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

Other Service Requests

- | | |
|--|--|
| • New or Extended Outside Service Request | \$3,000 <u>3,400</u> (20 hours) |
| • Request for Reconsideration | \$3,400 <u>3,000</u> (20 hours) |
| • Request for Time Extension to Complete Proceedings | \$750 <u>850</u> (5 hours) |
| • Municipal Service Reviews | at-cost |
| • Sphere of Influence Establishment/Amendment | at-cost |

Miscellaneous

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

OTHER PROPOSAL FEES

These fees generally apply to proposals that have been approved by the Commission and are not required at the time of filing. An exception involves the fee for registered voter lists, which may be required before the Commission takes action on an application if the underlying activity is subject to protest proceedings. Other fees in this section apply to service requests that are not tied to a specific proposal, such as research and photocopying.

Fees Made Payable to the County of Napa

• Assessor's Annexation Mapping Fee	\$162
• <u>Ownership Verification Fee (Landowner Proposals)</u> Assessor's Signature Verification Fee	\$13
• <u>Signature Verification Fee (Registered Voter Proposals)</u>	<u>\$13</u>
• County Surveyor's Review Fee	\$253.09
• Elections' Registered Voter List Fee	\$75 hourly
• Clerk-Recorder's Environmental Filing Fee	\$50
• Clerk-Recorder's Environmental Document Fee	
.....Environmental Impact Report	\$3,539.25
.....Mitigated Negative Declaration	\$2,548.00
.....Negative Declaration	\$2,548.00

Fees Made Payable to LAFCO

• Geographic Information System Update	<u>\$150-170</u>
• <u>Public Hearing Notice Newspaper Publishing</u>	at-cost
• Photocopying	\$0.10 (black) / \$0.40 (color)
• Mailing	at-cost
• Audio Recording of Meeting	at-cost
• Research/Archive Retrieval	<u>\$150-170</u> hourly

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

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



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

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

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

Agenda Item 7a (Action)

TO: Local Agency Formation Commission
PREPARED BY: Brendon Freeman, Executive Officer BF
Dawn Mittleman Longoria, Analyst II/Interim Clerk DML
MEETING DATE: June 6, 2022
SUBJECT: Proposed Hilltop Drive Reorganization and Associated CEQA Findings

RECOMMENDATION

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

BACKGROUND AND SUMMARY

Applicant: Landowner (petition)
Proposed Actions: Annexation to the City and detachment from CSA No. 4
Assessor Parcel Numbers (APNs): 043-020-004 & 043-020-008
Location: 2991 Hilltop Drive
Area Size: 0.53 acres
Jurisdiction: Unincorporated
Current Land Uses: Apartment complex
Sphere of Influence (SOI) Consistency: Yes – City of Napa
Policy Consistency: Yes
Tax Sharing Agreement: Yes – master tax exchange agreement
Landowner Consent: 100%
Protest Proceedings: Waived
CEQA: City of Napa General Plan

The submitted proposal is for concurrent annexation to the City and detachment from CSA No. 4 involving one unincorporated parcel located at 2991 Hilltop Drive and identified as APN 043-020-008. The purpose of the proposal is to allow for the addition of an accessory dwelling unit under the City’s land use authority. The current land use is a nine-unit apartment complex, which represents a legal non-conforming use under the County of Napa’s land use authority. The application materials are included as Attachment Two.

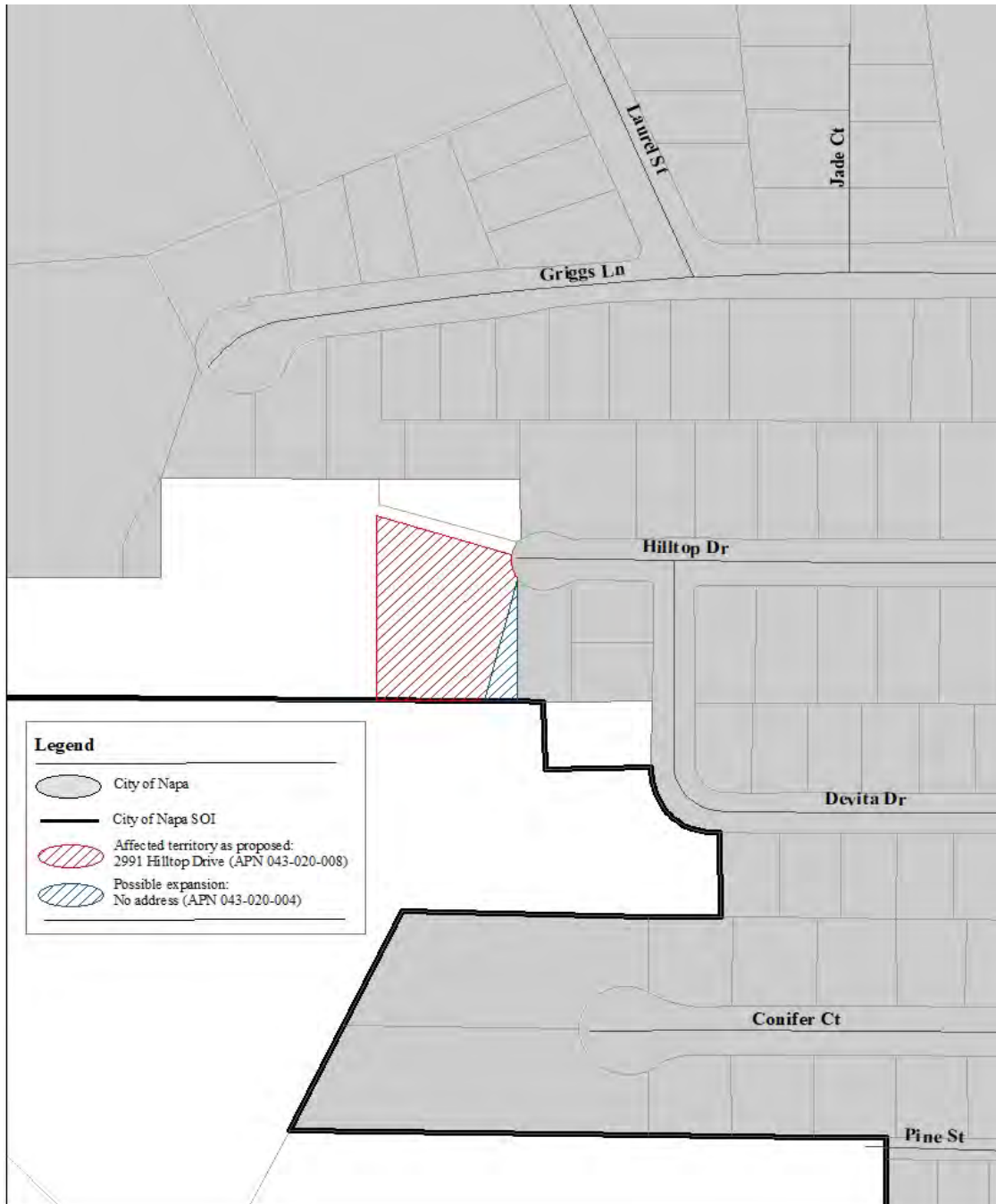
Margie Mohler, Chair
Councilmember, Town of Yountville
Mariam Aboudamous, Commissioner
Councilmember, City of American Canyon
Beth Painter, Alternate Commissioner
Councilmember, City of Napa

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

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

Staff recommends a modification to the proposed affected territory that would expand the boundary to include an unincorporated parcel identified as APN 043-020-004. The purpose of the modification would be to provide a more logical and orderly boundary for the City. In addition, following annexation APN 043-020-004 could be combined with the parcel located to the immediate east, which shares a common landowner and is already within the City's jurisdictional boundary.

Maps showing the proposed affected territory and the possible expansion follow.





DISCUSSION

The following is a discussion of key considerations that are relevant to the proposal.

Possible Boundary Expansion

California Government Code (G.C.) Section 56375 directs the Commission to consider boundary modifications any time it reviews change of organization or reorganization proposals to provide a more orderly and logical designation. Toward this end, and subsequent to the submittal of the original proposal by the landowner of 2991 Hilltop Drive, staff notified the neighboring landowner of a parcel with no situs address and located to the immediate east of 2991 Hilltop Drive to assess their interest in joining the annexation. The neighboring parcel is approximately 0.04 acres in size, identified by the County Assessor as 043-020-004, and located within the City's SOI. The landowner of APN 043-020-004 agreed to join the annexation and provided a signed landowner consent form, included as Attachment Three. With this in mind, staff recommends the Commission modify the proposal by expanding the affected territory to include APN 043-020-004.

Policy on Concurrent Detachment from CSA No. 4

The affected territory with the aforementioned modification is entirely located in CSA No. 4's jurisdictional boundary. The intent and function of CSA No. 4 is to sponsor a voter-approved special assessment on all parcels in its jurisdiction that contain one acre or more of vineyards for purposes of funding farmworker housing services.

Section VI, Subsection C(3) of the *General Policy Determinations*, included as Attachment Four, requires that all annexations to a city also include concurrent detachment from CSA No. 4 unless the affected territory contains, or is expected to contain, vineyards totaling one acre or more. There are no vineyards currently, nor expected to be, planted within the modified affected territory. Further, the modified affected territory is only 0.53 acres in size. Detaching the modified affected territory from CSA No. 4 is appropriate given the discontinuity between these lands' current and expected future residential use, paired with the role of the CSA No. 4 in providing public farmworker housing services.

Factors for Commission Determinations

See Attachment Five for an evaluation of the mandated factors for Commission determinations for the proposal as modified to expand the affected territory.

Property Tax Agreement

Revenue and Taxation Code Section 99(b)(6) requires adoption of a property tax exchange agreement by affected local agencies before the Commission can consider a proposed boundary change.¹ With this in mind, staff provided notice to the City and the County of the proposed jurisdictional change – including the possible boundary expansion – affecting both agencies and the need to apply a property tax exchange to the proceedings. Staff has advised the City and the County of its intent to apply a master property tax exchange agreement adopted by both governing boards in 1980 unless otherwise informed during the 30 day noticing period; an agreement specifying Napa shall receive 55% of the County’s existing portion of property tax revenues generated from the affected territory. Neither agency has responded with any concerns to the approach outlined by staff.

Protest Proceedings

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

ENVIRONMENTAL REVIEW

The City previously certified an Environmental Impact Report (EIR) for the City of Napa General Plan (City of Napa General Plan, Final Environmental Impact Report, December 1, 1998), which identifies and addresses all potential environmental impacts associated with annexation of the affected territory to the City. Complete copies of the EIR and the City of Napa’s resolutions including its determinations and findings are available at the Commission office at 1754 Second Street, Suite C, Napa, California 94559, and can be viewed by clicking the links below. Pursuant to CEQA Guidelines Section 15162, no further CEQA documentation is necessary as there have been no substantial changes due to the proposed annexation of the affected territory, there are no changed circumstances, and there are no new significant environmental effects or substantial increase in the severity of previously identified effects. Staff is directed to file a Notice of Determination relying on CEQA Guidelines Section 15162 and the prior City of Napa environmental review.

City of Napa General Plan Final EIR (Part One):

http://www.napa.lafco.ca.gov/uploads/documents/NapaGeneralPlan_FEIR_Part1.pdf

City of Napa General Plan Final EIR (Part Two):

http://www.napa.lafco.ca.gov/uploads/documents/NapaGeneralPlan_FEIR_Part2.pdf

City of Napa General Plan Final EIR (Part Three):

http://www.napa.lafco.ca.gov/uploads/documents/NapaGeneralPlan_FEIR_Part3.pdf

¹ CSA No. 4 was formed after Proposition 13 and therefore not eligible for property tax revenues.

City of Napa Resolution No. 98-238 Certifying the City General Plan Final EIR:
http://www.napa.lafco.ca.gov/uploads/documents/NapaGeneralPlan_Resolution98-238.pdf

City of Napa Resolution No. 98-239 Adopting the City General Plan:
http://www.napa.lafco.ca.gov/uploads/documents/NapaGeneralPlan_Resolution98-239.pdf

ALTERNATIVES FOR COMMISSION ACTION

Staff has identified four alternatives for Commission consideration with respect to the proposal. These options are summarized below.

Alternative Action One (Recommended):

Adopt the draft resolution identified as Attachment One approving the proposal with the aforementioned boundary modification along with standard terms and conditions.

Alternative Action Two:

Adopt the draft resolution identified as Attachment One, with appropriate revisions to be determined by the Commission, approving the proposal without the boundary modification and with standard terms and conditions.

Alternative Action Three:

Continue consideration of the proposal to a specified future meeting.

Alternative Action Four:

Disapprove the proposal. Disapproval would statutorily prohibit the initiation of a similar proposal for one year.

ATTACHMENTS

- 1) Draft Resolution Approving the Modified Proposal and Making CEQA Findings
- 2) Application Materials
- 3) Landowner Consent for APN 043-020-004
- 4) General Policy Determinations
- 5) Factors for Commission Determinations

RESOLUTION NO. ____

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

HILLTOP DRIVE REORGANIZATION

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

WHEREAS, the proposal seeks Commission approval to annex 0.49 acres of unincorporated land to the City of Napa along with concurrent detachment from County Service Area No. 4 and represents one entire parcel located at 2991 Hilltop Drive and identified by the County Assessor’s Office as 043-020-008; and

WHEREAS, the Commission’s Executive Officer has reviewed the proposal and prepared a report with recommendations, including a recommended modification to expand the affected territory to include one additional parcel totaling 0.06 acres and identified by the County Assessor’s Office as 043-020-004; and

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

WHEREAS, the Commission heard and fully considered all the evidence presented at a public meeting held on the proposal on June 6, 2022; and

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

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

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

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

1. The Commission's determinations on the proposal incorporate the information and analysis provided in the Executive Officer's written report.
2. The City of Napa previously certified an Environmental Impact Report (EIR) for the City of Napa General Plan (City of Napa General Plan, Final Environmental Impact Report, December 1, 1998), which identifies and addresses all potential environmental impacts associated with annexation of the affected territory to the City. Pursuant to CEQA Guidelines Section 15162 no further CEQA documentation is necessary as there have been no substantial changes due to the proposed annexation of the affected territory, there are no changed circumstances, and there are no new significant environmental effects or substantial increase in the severity of previously identified effects. Complete copies of the EIR and the City of Napa's resolutions including its determinations and findings are located at the Commission office at 1754 Second Street, Suite C, Napa, California 94559.
3. The modified proposal is APPROVED, which includes annexation of the expanded affected territory to the City and detachment from CSA No. 4.
4. The modified proposal is assigned the following distinctive short-term designation:

HILLTOP DRIVE REORGANIZATION

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

The foregoing resolution was duly and regularly adopted by the Commission at a public meeting held on June 6, 2022, after a motion by Commissioner _____, seconded by Commissioner _____, by the following vote:

AYES: Commissioners _____

NOES: Commissioners _____

ABSENT: Commissioners _____

ABSTAIN: Commissioners _____

Margie Mohler
Commission Chair

ATTEST: _____
Brendon Freeman
Executive Officer

DRAFT

EXHIBIT "A"
HILLTOP DRIVE REORGANIZATION
ANNEXATION TO THE CITY OF NAPA
DETACHMENT FROM COUNTY SERVICE AREA NO. 4
GEOGRAPHIC DESCRIPTION

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

BEGINNING at a point on the existing City of Napa limits on Hilltop Drive right-of-way, to which a radial bears South 42° 01' 29" West from the center of said Hilltop Drive cul-de-sac;

Course 1: thence; South, 135.55 feet;

Course 2: thence; West, 125.00 feet;

Course 3: thence; North, 202.44 feet;

Course 4: thence; South 75° 13' 00" East, 129.29 feet to the existing City of Napa boundary;

Course 5: thence; along said City of Napa boundary South, 33.90 to the POINT OF BEGINNING,

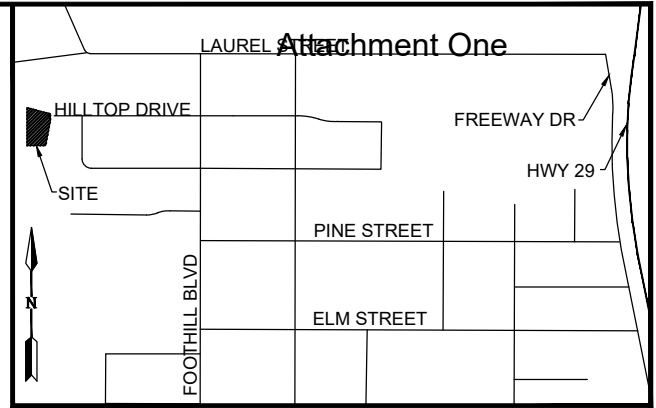
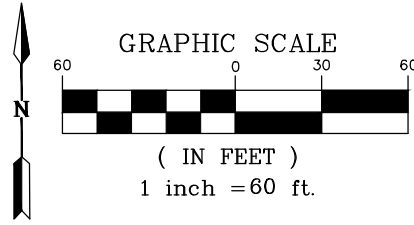
Containing 0.53 acres more or less.

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

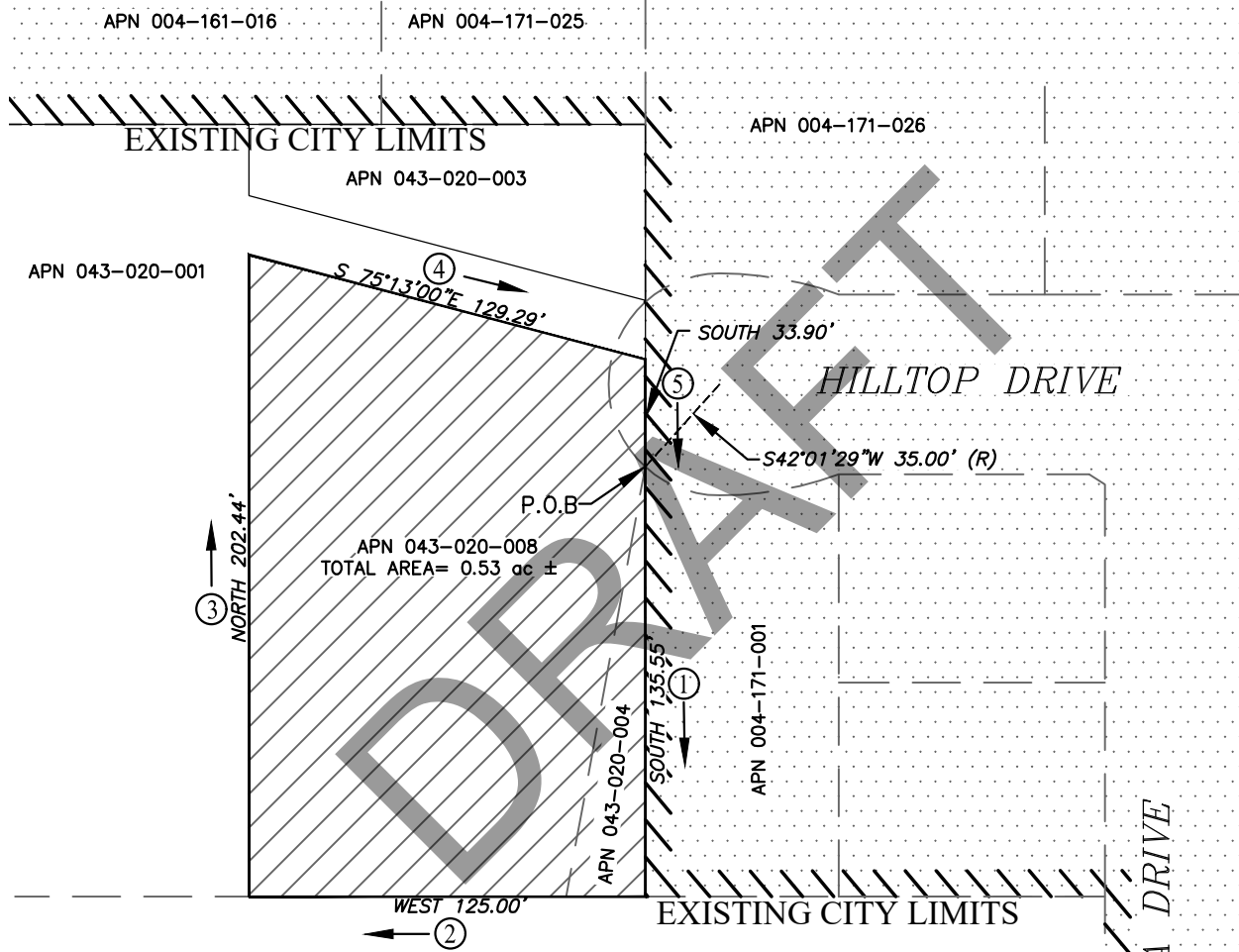
DISCLAIMER:

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

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



VICINITY MAP
NO SCALE



LEGEND

- ANNEXED AREA AS NOTED
- PROPOSED AREA TO BE ANNEXED
- N.C.R. NAPA COUNTY RECORDS
- P.O.B. POINT OF BEGINNING
- (R) RADIAL BEARING
- (1) COURSE NUMBERS
- EXISTING CITY OF NAPA LIMITS

APPLICANT
ROLAND STONE
3315 GREYSTONE CT,
NAPA, CA, 94558

EXHIBIT "A"
HILLTOP DRIVE REORGANIZATION
ANNEXATION TO THE CITY OF NAPA
DETACHMENT FROM COUNTY SERVICE AREA NO. 4

BEING A PORTION OF RANCHO ENTRE NAPA
Resolution for Hilltop Drive Reorganization



CHAUDHARY & ASSOCIATES, INC.
ENGINEERS SURVEYORS INSPECTORS

211 GATEWAY ROAD WEST, SUITE 204
NAPA, CALIFORNIA 94558
Tel: (707) 255-2729 FAX: (707) 255-5021 WWW.CHAUDHARY.COM

Page 5 of 5
MAY 27, 2022

Q:\2022\22-04-012 Stone Hilltop LAFCO Annex\CADD\01EX2204012.dwg 5-27-22 01:06:44 PM

FORM B

Date Filed: 4/12/22
Proposal Name: Hilltop Drive Reorg

PETITION FOR PROPOSAL

For Filing with the Local Agency Formation Commission of Napa County

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

Nature of Proposal and All Associated Changes of Organization:

Move property from County of Napa to City of Napa

Description of Boundaries of Affected Territory Accompanied by Map:

Property is right on border and a section is in the City.

Reason for Proposal and Any Proposed Conditions:

Wish to add an ADU to present apartment building. There is an existing large garage with a 13 foot high ceiling. Can add a one bedroom one bath unit that meets all legal requirements.

Type of Petition:

Landowner

Registered Voter

Sphere of Influence Consistency:

Yes

No

If Landowner Petition, Complete the Following:

- 1) Name: Roland Stone
Mailing Address: 3315 Greystone Court, Napa, CA. 94558
Assessor Parcel: 043-020-008-000
Signature: *Roland Stone* Date: 11/23/2021

- 2) Name: _____
Mailing Address: _____
Assessor Parcel: _____
Signature: _____ Date: _____

- 3) Name: _____
Mailing Address: _____
Assessor Parcel: _____
Signature: _____ Date: _____

If Registered Voter Petition, Complete the Following:

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

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

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

Date Filed:

4/12/22

Proposal Name:

Hilltop Dr. Reorg

FORM D

PROPOSAL APPLICATION
Change of Organization/Reorganization

I. APPLICANT INFORMATION

A. Name: Roland Stone Owner
Contact Person Agency/Business (If Applicable)
Address: 3315 Greystone Court Napa 94558
Street Number Street Name City Zip Code
Contact: 415-885-6500 roland-stone@att.net
Phone Number Facsimile Number E-Mail Address

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

II. PROPOSAL DESCRIPTION

A. Affected Agencies:
Name Address
City of Napa, 955 School st. Napa, 94559 (Annexation)
Name Address
County of Napa No. 4 1127 1st St. Napa, 94559 (Detachment)

Use Additional Sheets as Needed

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

C. Purpose Statement: (Specific)
Annexation in order to add ADU to existing building.
Presently on City water, sewer and garbage pick-up.
Part of property is within the City limits.

III. GENERAL INFORMATION

A. Location:	2991 Hilltop Drive	043-020-008-000	.59
	Street Address	Assessor Parcel Number	Acres
	Street Address	Assessor Parcel Number	Acres
	Street Address	Assessor Parcel Number	Acres
	Street Address	Assessor Parcel Number	Acres
	Total Location Size (Including Right-of-Ways) _____		

B. Landowners:

- (1) Assessor Parcel Number : 043-020-008-000 Name: Roland Stone
 Mailing Address: 3315 Greystone Court, Napa, CA. 94558
 Phone Number: 415-885-6500 E-mail: roland-stone@att.net
- (2) Assessor Parcel Number : _____ Name: _____
 Mailing Address: _____
 Phone Number: _____ E-mail: _____
- (3) Assessor Parcel Number : _____ Name: _____
 Mailing Address: _____
 Phone Number: _____ E-mail: _____
- (4) Assessor Parcel Number : _____ Name: _____
 Mailing Address: _____
 Phone Number: _____ E-mail: _____

Use Additional Sheets As Needed

C. Population:

- (1) Total Number of Residents: 18
- (2) Total Number of Registered Voters: To be determined

D. Land Use Factors:

- (1a) County General Plan Designation: Rural Residential
- (1b) County Zoning Standard: RS:UR (Residential)
- (2a) Applicable City General Plan Designation: Single Family Infill
- (2b) Applicable City Pre-zoning Standard: Residential Infill (min 5,000 sq ft)
(Required for City Annexations)

E. Existing Land Uses:
(Specific)

Apartment building presently on site.

F. Development Plans:

(1a) Territory Subject to a Development Project?

Yes

No

(1b) If Yes, Describe Project:

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

ADU addition following annexation

G. Physical Characteristics:

(1) Describe Topography:

Flat

(2) Describe Any Natural Boundaries:

None Hill behind property

(3) Describe Soil Composition and Any Drainage Basins:

Soils are Forward-Kidd complex, (11 to 60 percent slopes) Drainage is Napa River - Lower Napa City Reach

(4) Describe Vegetation:

Some trees and bushes along perimeter

H. Williamson Act Contracts
(Check One)

Yes

No

IV. GOVERNMENTAL SERVICES AND CONTROLS

A. Plan For Providing Services:

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

None: *already receiving full services*

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

None *Sufficient services as needed for ADU*

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

Following construction of ADU

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

None

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

Personally financed

V. ENVIRONMENTAL INFORMATION

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

(1) Lead Agency for Proposal: LAFCO
Name

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

- Environmental Impact Report City General Plan FEIR
- Negative Declaration/Mitigated Negative Declaration
- Categorical/Statutory Exemption: _____
Type
- None

Provide Copies of Associated Environmental Documents

VI. ADDITIONAL INFORMATION

A. Approval Terms and Conditions Requested For Commission Consideration:

Use Additional Sheets As Needed

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

(Does not include affected landowners or residents)

(1) Recipient Name: LAFCO
 Mailing Address: 754 2nd St Suite C Napa, CA 94559
 E-Mail: jroeman@napa.lafco.ca.gov

(2) Recipient Name: _____
 Mailing Address: _____
 E-Mail: _____

(3) Recipient Name: _____
 Mailing Address: _____
 E-Mail: _____

VII. CERTIFICATION

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

Signature: *Roland Stone*
Printed Name: Roland Stone
Title: Owner
Date: 11/23/2021



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

LANDOWNER CONSENT FORM

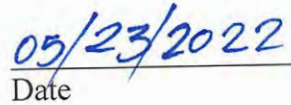
I am the legal owner of property as described below and hereby voluntarily consent to the annexation of my land to the City of Napa as part of the proposal proceedings undertaken by Roland Stone. In providing consent, and with the qualification that all related annexation costs be the responsibility of Roland Stone, I acknowledge the Commission may proceed with considering the proposal without notice, hearing, or protest proceedings under Government Code Section 56662(a).

Landowner Name: Daniel Gleason

Property Address: No situs address

Assessor Parcel Number: 043-020-004


 Landowner


 Date

Margie Mohler, Chair
 Councilmember, Town of Yountville

Mariam Aboudamous, Commissioner
 Councilmember, City of American Canyon

Beth Painter, Alternate Commissioner
 Councilmember, City of Napa

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

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

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

Kenneth Leary, Commissioner
 Representative of the General Public

Eve Kahn, Alternate Commissioner
 Representative of the General Public

Brendon Freeman
 Executive Officer



LOCAL AGENCY FORMATION COMMISSION OF NAPA COUNTY

General Policy Determinations

(Adopted: August 9, 1972; Last Amended: June 7, 2021)

I. Background

The Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000 specifies the Commission's principal objectives are discouraging urban sprawl, preserving open-space and agricultural resources, and encouraging the orderly formation and development of cities and special districts and their municipal services based on local conditions. Regulatory duties include approving or disapproving proposals involving the formation, reorganization, expansion, and dissolution of cities and special districts. The Commission's regulatory actions must be consistent with its adopted written policies and procedures. The Commission must also inform its regulatory duties through a series of planning activities, which includes establishing and updating spheres of influence.

II. General Policies

The intent of these policies is to serve as the Commission's constitution with regards to outlining clear goals, objectives, and requirements in uniformly fulfilling its prescribed duties. The Commission reserves discretion in administering these policies, however, to address special conditions and circumstances as needed.

A) Legislative Declarations

The Commission acknowledges and incorporates into its own policies, the policies of the Legislature regarding the promotion of orderly, well-planned development patterns that avoid the premature conversion of agricultural and open-space lands and ensure effective, efficient, and economic provision of essential public services. The Commission wishes to specifically note the following declarations and policies contained in the Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000:

- (1) The Legislature recognizes that the logical formation and determination of local agency boundaries is an important factor in promoting orderly development and in balancing that development with sometimes competing state interests of discouraging urban sprawl, preserving open-space and prime agricultural lands, and efficiently extending government services. (G.C. §56000)
- (2) It is the intent of the Legislature that each commission, not later than January 1, 2002, shall establish written policies and procedures and exercise its powers pursuant to this part in a manner consistent with those policies and procedures, and that encourages and provides planned, well-ordered, efficient urban development patterns with appropriate consideration of preserving open-space lands within those patterns. (G.C. §56300)

- (3) In reviewing and approving or disapproving proposals which could reasonably be expected to induce, facilitate, or lead to the conversion of existing open-space lands to uses other than open-space uses, the commission shall consider all of the following policies and priorities:
 - a) Development or use of land for other than open-space uses shall be guided away from existing prime agricultural lands in open-space use toward areas containing nonprime agricultural lands, unless that action would not promote the planned, orderly, efficient development of an area.
 - b) Development of existing vacant or nonprime agricultural lands for urban uses within the existing jurisdiction of a local agency or within the sphere of influence of a local agency should be encouraged before any proposal is approved which would allow for or lead to the development of existing open-space lands for non-open-space uses which are outside of the existing jurisdiction of the local agency or outside of the existing sphere of influence of the local agency. (G.C. §56377)

B) Commission Declarations

The Commission declares its intent not to permit the premature conversion of designated agricultural or open-space lands to urban uses. The Commission shall adhere to the following policies in the pursuit of this intent, and all proposals, projects, and studies shall be reviewed with these policies as guidelines.

- (1) Use of County General Plan Designations:
In evaluating a proposal, the Commission will use the Napa County General Plan to determine designated agricultural and open-space lands. The Commission recognizes that inconsistencies may occur between the County General Plan and the affected city general plan with respect to agricultural and open-space designations. Notwithstanding these potential inconsistencies, the Commission will rely on the Napa County General Plan in recognition of the public support expressed in both the incorporated and unincorporated areas of Napa County for the County's designated agricultural and open-space lands through enactment of Measure "J" in 1990 and Measure "P" in 2008.
- (2) Location of Urban Development:
The Commission shall guide urban development away from designated agricultural or open-space lands until such times as urban development becomes an overriding consideration as determined by the Commission.

- (3) Timing of Urban Development:
The Commission discourages proposals involving the annexation of undeveloped or underdeveloped lands to cities and special districts that provide potable water, sewer, fire protection and emergency response, or police protection services. This policy does not apply to proposals in which the affected lands are subject to a specific development plan or agreement under consideration by a land use authority. This policy does not apply to city annexation proposals in which the affected lands are part of an unincorporated island.
- (4) Factors for Evaluating Proposals Involving Agricultural or Open-Space Lands:
The Commission recognizes there are distinct and varying attributes associated with agricultural and open-space designated lands. A proposal which includes agricultural or open-space designated land shall be evaluated in light of the existence of the following factors:
- a) "Prime agricultural land", as defined by G.C. §56064.
 - b) "Open-space", as defined by G.C. §56059.
 - c) Land that is under contract to remain in agricultural or open-space use, such as a Williamson Act Contract or Open-Space Easement.
 - d) Land which has a County General Plan agricultural or open-space designation (Agricultural Resource or Agriculture, Watershed and Open-Space).
 - e) The adopted general plan policies of the County and the affected city.
 - f) The agricultural economic integrity of land proposed for conversion to urban use as well as adjoining land in agricultural use.
 - g) The potential for the premature conversion of adjacent agricultural or open-space designated land to urban use.
 - h) The potential of vacant non-prime agricultural land to be developed with a use that would then allow the land to meet the definition of prime agricultural land under the Williamson Act.
- (5) Encouragement of Reorganizations:
The Commission encourages reorganization proposals as a means of coordinating actions of local governmental agencies involving, but not limited to, annexation of land to two or more public agencies. The Commission recognizes the usefulness of the reorganization concept as a vehicle designed to simplify and expedite such actions.

III. Policies Concerning the County Of Napa

A) Location of Urban Development

- (1) Development of an urban character and nature should be located within areas designated as urban areas by the County General Plan in close proximity to a city or special district which can provide essential public services.
- (2) Urban development should be discouraged if it is apparent that essential services necessary for the proposed development cannot readily be provided by a city or special district.
- (3) The Commission shall review and comment, as appropriate, on the extension of services or the creation of new service providers to furnish services into previously unserved territory within unincorporated areas.

B) Use of County Service Areas and Community Services Districts

- (1) In those unincorporated urban areas where essential urban services are being provided by the County, the Board of Supervisors should consider the establishment of county service areas or community services districts so that area residents and landowners pay their fair and equitable share for the services received.

IV. Policies Concerning Cities

A) Incorporations

- (1) The Commission discourages proposals to incorporate communities unless substantial evidence suggests the County and any affected special district are not effectively meeting the needs of the community.
- (2) The Commission discourages proposals to incorporate communities involving land that is not already receiving essential public services from a special district.
- (3) Any community proposed for incorporation in Napa County shall have at least 500 registered voters residing with the affected area at the time proceedings are initiated with the Commission as required under G.C. §56043.

V. Policies Concerning Special Districts

A) In Lieu of New District Creation

- (1) Where a limited-purpose special district exists and additional services are required for an unincorporated area designated as urban by the County General Plan, the Commission encourages reorganizations to provide the extended services of the existing limited services special district.

B) Preference for Districts Capable of Providing All Essential Services

- (1) All new special districts proposed for formation in the unincorporated urban areas as designated under the County General Plan should be capable of providing essential urban type services which include, but are not limited to, water, sanitation, fire protection, and police protection.

C) Establishing New Services or Divestiture of Existing Service Powers

- (1) Commission approval is required for a special district to establish new services or divest existing service powers within all or parts of its jurisdictional boundary. Requests by a special district shall be made by adoption of a resolution of application and include all the information required and referenced under G.C. §56824.12.
- (2) The Commission incorporates the following definitions in administering these policies:
 - a) “New” shall mean activating a latent service not previously authorized.
 - b) “Divestiture” shall mean deactivating a service power previously authorized.
- (3) The Commission shall consider the effect of the proposal in supporting planned and orderly growth within the affected territory.

VI. Policies Concerning Annexations

A) General Policies Concerning Annexations to a City

- (1) Inclusion in Sphere of Influence:
The affected territory shall be included within the affected city sphere of influence prior to issuance of the Executive Officer's certificate of filing for the subject annexation proposal. The Executive Officer may amend both a sphere of influence amendment and annexation application for Commission consideration and action at the same meeting.

B) Policies Concerning Annexation of Municipally-Owned Land

- (1) Restricted Use Lands Owned by Public Agencies:
The Commission shall disapprove annexation of publicly-owned land designated agricultural or open-space or subject to a Williamson Act contract unless the land will be used for a municipal purpose and no suitable alternative site reasonably exists within the affected city's sphere of influence.
- (2) Facilities Exempt from Policy:
Municipal purpose shall mean a public service facility which is urban in nature such as water and sewage treatment facilities and public buildings, but shall not include land which is vacant or used for wastewater reclamation irrigation, a reservoir, or agricultural, watershed or open-space.

C) Concurrent Annexation Policies

It is the intent of the Commission to promote concurrent annexations to cities and special districts whenever appropriate. The Commission may waive its concurrent annexation policies based on unique conditions or circumstances surrounding the annexation proposal which make application of the policy impractical and will not result in the annexation of lands designated agricultural or open-space by the applicable city or County General Plan.

(1) City of Napa and Napa Sanitation District

a) Annexations to the District:

All annexation proposals to the Napa Sanitation District located outside of the City of Napa shall first be required to annex to the City if the affected territory is located within the City's sphere of influence as adopted by the Commission, is located within the City Residential Urban Limit Line (RUL) as adopted by the City, and annexation is legally possible.

b) Annexations to the City:

All 100% consent annexation proposals to the City of Napa located outside of the Napa Sanitation District shall be required to annex to the Napa Sanitation District if the affected territory is located within the District's sphere of influence and if sanitation service is available.

(2) City of American Canyon and American Canyon Fire Protection District

a) Annexations to the District:

All annexation proposals to the American Canyon Fire Protection District located outside of the City of American Canyon shall be required to annex to the City if the affected territory is located within the City's sphere of influence as adopted by the Commission and if annexation is legally possible.

b) Annexations to the City:

All annexation proposals to the City of American Canyon located outside of the American Canyon Fire Protection District shall be required to annex to the District if the affected territory is located within the District's sphere of influence.

(3) County Service Area No. 4

a) Annexations to Cities:

All annexation proposals to a city shall be required to concurrently detach from County Service Area No. 4 unless the affected territory has been, or is expected to be, developed to include planted vineyards totaling one acre or more in size.



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

**Hilltop Drive Reorganization:
 Annexation to the City of Napa and Detachment from County Service Area No. 4
 Factors for Commission Determinations**

California Government Code (G.C.) Section 56668 requires the Commission to consider the following specific factors for a change of organization or reorganization involving annexation to a city. No single factor is determinative and the intent is to provide a uniform baseline for LAFCOs with respect to considering boundary changes in context with locally adopted policies and practices.

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

Total population within the affected territory is 18. The affected territory is legally uninhabited given there are fewer than 12 registered voters.¹

The affected territory comprises two unincorporated parcels totaling 0.53 acres in size and lies within a residential area that is designated under the City of Napa General Plan as *Westwood*. The parcel identified as Assessor Parcel Number (APN) 043-020-008 and totaling 0.49 acres is developed with a nine-unit apartment complex, which represents a legal non-conforming use as confirmed by the County of Napa Planning Division. The parcel identified as APN 043-020-004 and totaling 0.04 acres is undeveloped.

The current assessment value of the affected territory totals \$1,462,910.²

The affected territory is located within the *Napa River – Lower Napa City Reach* drainage basin. Topography is relatively level.

The affected territory has a City General Plan land use designation of SFR-117 (*Single Family Residential, 0 to 4 units per acre*) and a zoning standard of RI-5 (*Residential Infill, minimum lot size 5,000 sq. ft.*). These designations do not allow further subdivision of the affected territory. APN 043-020-008 could be further developed to include one accessory dwelling unit following annexation to the City. APN 043-020-004 is unlikely to be developed in the future due to its size and shape. Adjacent areas to the west and south are predominantly located outside the City's sphere of influence and rural urban limit. Adjacent areas to the north and east are predominantly located within the City's jurisdictional boundary and have already been developed with residential uses. Therefore, significant growth is unlikely to occur within the affected territory and adjacent areas during the next 10 years.

¹ The County Assessor's Office reports there are seven registered voters residing in the affected territory.

² The assessed value of the affected territory is \$683,126 for land and \$779,784 for structural improvements.

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

Core municipal services already provided or available to the affected territory include water, fire protection and emergency medical, law enforcement, and sewer. Buildout of the affected territory following annexation to the City would include 10 total residential and apartment units.³ The following analysis assumes buildout of the affected territory.

A review of estimated demands for municipal services within the affected territory indicates the City and the Napa Sanitation District (NSD) have sufficient capacities and controls to reasonably accommodate a full range of municipal services within the foreseeable future. This statement is based on information collected and analyzed in the Commission's *Central County Region Municipal Service Review* adopted in 2014 as well as the Commission's *Napa Countywide Water and Wastewater Municipal Service Review* adopted in 2020.⁴ No service deficiencies for the area were identified in the Municipal Service Reviews. Additional information regarding estimated service demands within the affected territory follows.

Water

The 9-unit apartment located on APN 043-020-008 currently receives water service from the City through a grandfathered outside service agreement. Annual potable water demands within the affected territory at buildout are projected to total approximately 2.1 acre-feet or 689,850 gallons. This amount is based on the City's current average daily water demands of 210 gallons per single-family residence or apartment unit. The City has established adequate capacities and controls to accommodate these demands into the foreseeable future.

Fire Protection and Emergency Medical

The City already provides first response to the affected territory based on an existing automatic aid agreement with the County of Napa. Annual service calls within the affected territory at buildout are projected to total approximately 3.12 based on the City's current ratio of 0.12 annual fire protection and emergency medical service calls per resident. The City has established adequate capacities and controls to continue accommodating these demands into the foreseeable future.

³ Population at buildout of the affected territory is projected to total approximately 26 based on the California Department of Finance's estimate of 2.61 persons per household for the City of Napa.

⁴ The *Central County Region Municipal Service Review* is available online at: http://www.napa.lafco.ca.gov/uploads/documents/MSR_CentralCounty_FinalReport_2014.pdf. The *Napa Countywide Water and Wastewater Municipal Service Review* is available online at: https://www.napa.lafco.ca.gov/uploads/documents/NapaCountywideWaterWastewaterMSR_Updated_10-4-21.pdf.

Law Enforcement

The City already provides first response to the affected territory based on an agreement with the County of Napa. Annual service calls within the affected territory at buildout are projected to total approximately 20.8 based on the City's current ratio of 0.8 annual law enforcement service calls per resident. The City has established adequate capacities and controls to continue accommodating these demands into the foreseeable future.

Sewer

The affected territory is within NSD's jurisdictional boundary. The 9-unit apartment located on APN 043-020-008 currently receives public sewer service from NSD. Daily sewer flows within the affected territory at buildout are projected to total approximately 1,500 gallons per day. This amount is based on current average sewer demands of approximately 150 gallons per day per single-family residence or apartment unit. NSD has established adequate capacities and controls to continue accommodating these demands into the foreseeable future.

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

The proposal would recognize and strengthen existing social and economic ties between the City and the affected territory. These ties were initially established in 1972 when the Commission included the affected territory in the City's SOI, marking an expectation the site would eventually develop for urban type uses and require a full range of public services from the City. These ties are further strengthened based on the affected territory's inclusion within the City's Rural Urban Limit (RUL).

The proposed concurrent detachment of the affected territory from CSA No. 4 supports mutual social and economic interests. Specifically, detaching the affected territory from CSA No. 4 would recognize the discontinuity between current and planned urban uses and the role of the District in providing farmworker housing.

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

The proposal is consistent with the Commission's adopted policies based on the affected territory's urban land use designations under the City and County General Plans and consistency with the City's SOI. Further, the affected territory does not qualify as "open-space" under LAFCO law and therefore does not conflict with G.C. Section 56377. Specifically, the affected territory is neither substantially unimproved nor devoted to an open-space use under the County General Plan. Proposal approval would be consistent with planned, orderly, efficient patterns of urban development.

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

The affected territory does not contain any “agricultural land” as defined by G.C. Section 56016.

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

The affected territory includes all of the property identified by the County of Napa Assessor’s Office as 043-020-004 and 043-020-008. The applicant has submitted a map and geographic description of the affected territory in conformance with the requirements of the State Board of Equalization. Approval of the proposal would not create any new islands or corridors of unincorporated territory.

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

The Metropolitan Transportation Commission’s regional transportation plan (RTP), *Plan Bay Area 2050*, was updated in 2021 and outlines specific goals and objectives to direct public transportation infrastructure in the Bay Area through 2050.⁵ No specific projects are included in the RTP involving the affected territory. Accordingly, the proposal impact is neutral with respect to the RTP.

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

Approval of the proposal would affirm the long-term need for a full range of municipal services to the affected territory. The availability of these municipal services is consistent with the City’s General Plan, which designates and prezones the affected territory for residential land use.

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

The affected territory is located entirely within the City’s SOI, which was most recently comprehensively updated by the Commission in February 2014.⁶

⁵ *Plan Bay Area 2050* is a long-range integrated transportation and land-use/housing strategy through 2050 for the San Francisco Bay Area. *Plan Bay Area 2050* includes the region’s Sustainable Communities Strategy and the 2050 Regional Transportation Plan.

⁶ The *City of Napa Sphere of Influence Review and Update* adopted in 2014 is available online at: https://www.napa.lafco.ca.gov/uploads/documents/SOI_Napa_FinalReport_2014.pdf.

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

Staff provided notice of the proposal, including the possible boundary expansion, to all affected agencies, transportation agencies, and school districts inviting comments as required under G.C. Section 56658. The County Assessor recommended inclusion of APN 043-020-004 to allow the parcel to be combined with the parcel located to the immediate east, which shares a common landowner.

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

Information collected and analyzed as part of the Commission's *Central County Region Municipal Service Review* adopted in 2014 and *Napa Countywide Water and Wastewater Municipal Service Review* adopted in 2020 concluded the City has developed overall adequate financial resources and controls relative to current and projected water service commitments. These municipal service reviews are relied upon and sufficient for this reorganization proposal regarding the plan for services required by G.C. Section 56653.

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

Annual potable water demands within the affected territory at buildout are projected to total approximately 2.1 acre-feet or 689,850 gallons based on the City's current average daily water demands of 210 gallons per single-family residence or apartment unit. The City's water supplies are generated from three sources: (1) Lake Hennessey; (2) Milliken Reservoir; and (3) State Water Project. Total supplies vary according to hydrologic conditions. A table depicting the City's existing water service demands relative to supplies follows. As reflected in the following table, adequate water supplies exist for the projected needs of the City, including the affected territory at buildout.

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

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

The proposal is expected to facilitate the development of an accessory dwelling unit, which would provide a small benefit to the City with respect to achieving its fair share of the regional housing needs.

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

The landowners of the affected territory are the interested party seeking annexation. There are seven registered voters residing within the affected territory.

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

The County's General Plan designation for the affected territory is *Cities*, which anticipates eventual annexation to the City.

The County's zoning standard for the affected territory is *Residential Single: Urban Reserve*, which allows for residential uses to meet the housing needs of present and future population in the unincorporated area. The *Urban Reserve* classification is intended to identify properties inside the SOI of a city and a city-adopted urban limit, such as the City of Napa's RUL, whose continued or future urbanization is contingent upon annexation to the city.

The City's General Plan land use designation for the affected territory is *Single Family Residential (SFR-117)*, which prescribes a range of development from zero to four residential units per acre. This property is rezoned *Residential Infill (RI-5)*, which allows for residential development with a minimum lot size of 5,000 square feet or 0.11 acres.

The affected territory's current parcel size is 0.53 acres. Subdivision would not be allowed following annexation based on the City's General Plan and existing parcel sizes.

(16) The extent to which the proposal will promote environmental justice. As used in this subdivision, "environmental justice" means the fair treatment of people of all races, cultures, and incomes with respect to the location of public facilities and the provision of public services.

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

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

There is no documentation or evidence suggesting a local hazard mitigation plan or safety element of a general plan is relevant to the proposal. The affected territory is not located in a very high fire hazard zone or a state responsibility area.⁷

⁷ The affected territory is located within a moderate fire hazard severity zone.



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

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

Agenda Item 8a (Discussion)

TO: Local Agency Formation Commission

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

MEETING DATE: June 6, 2022

SUBJECT: Direction on Future Commission Meetings

RECOMMENDATION

This item is for discussion purposes only. No formal action is required as part of this item. It is recommended the Commission consider alternatives for holding future Commission meetings in-person, remotely, or as a hybrid. The Commission is invited to provide direction to staff with respect to its preference for future Commission meetings.

BACKGROUND AND SUMMARY

On October 4, 2021, the Commission adopted a resolution, included as Attachment One, to continue remote teleconference meetings. The action was in response the Executive Order declaring a State of Emergency by Governor of California March 4, 2020, and the passage of Assembly Bill (AB) 361, which allows continued flexibility for public meetings following the expiration of the Governor's Executive Orders. The extension of remote meetings is in response to the continued health threat posed by the Delta and other COVID variants. AB 361 requires the Commission to adopt a resolution every 30 days regarding its intent to hold optional meeting formats.

On April 4, 2022, the Commission discussed its preference for future Commission meetings. The Commission directed staff to schedule today's meeting as a hybrid meeting with both in-person and teleconference access. However, due to a recent and significant increase in positive COVID-19 case exposures in Napa County, the Chair and staff determined it would be prudent to schedule today's meeting as teleconference only.

Margie Mohler, Chair
Councilmember, Town of Yountville

Mariam Aboudamous, Commissioner
Councilmember, City of American Canyon

Beth Painter, Alternate Commissioner
Councilmember, City of Napa

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

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

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

Kenneth Leary, Commissioner
Representative of the General Public

Eve Kahn, Alternate Commissioner
Representative of the General Public

Brendon Freeman
Executive Officer

ALTERNATIVES AND DISCUSSION

Staff has identified the following three alternatives for Commission consideration.

1. Teleconference only meetings: The Commission has used this format since the State of Emergency was declared. There are no expenses associated with recording teleconference only meetings.
2. In-person meetings: This format is a possible option, provided health concerns are addressed. This option involves a \$150 per hour expenses to video record the meeting.
3. Hybrid meetings: The hybrid option combines both in-person and virtual meeting attendance formats, including the \$150 per hour expenses to video record the meeting.

Staff recommends the Commission discuss the options outlined above and provide direction to staff with respect to scheduling future Commission meetings.

ATTACHMENT

- 1) Resolution #2021-22 Approving Continued Teleconference Meetings (adopted on October 4, 2021)

RESOLUTION NO. 2021-22

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

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

WHEREAS, all meetings of Commission are open and public, as required by the Ralph M. Brown Act (Cal. Gov. Code 54950 – 54963), so that any member of the public may attend, participate, and observe the Commission conduct its business; and

WHEREAS, the Brown Act, Government Code section 54953(e), makes provisions for remote teleconferencing participation in meetings by members of a legislative body, without compliance with the requirements of Government Code section 54953(b)(3), subject to the existence of certain conditions; and

WHEREAS, a required condition is that a state of emergency is declared by the Governor pursuant to Government Code section 8625, proclaiming the existence of conditions of disaster or of extreme peril to the safety of persons and property within the state caused by conditions as described in Government Code section 8558; and

WHEREAS, a proclamation is made when there is an actual incident, threat of disaster, or extreme peril to the safety of persons and property within the State; and

WHEREAS, such conditions now exist in the State, specifically, the Governor of the State of California proclaimed a state of emergency on March 4, 2020, related to the threat of COVID-19, which remains in effect; and

WHEREAS, the California Division of Occupational Safety and Health (“Cal/OSHA”) regulations at Title 8 Section 3205 recommends physical distancing in the workplace as precautions against the spread of COVID-19 and imposes certain restrictions and requirements due to a “close contact” which occurs when individuals are within six feet of another in certain circumstances; and

WHEREAS, the proliferation of the Delta variant of the virus continues to pose imminent risk to health and safety and directly impacts the ability of the public and the Commission to meet safely in person, accordingly, the Commission hereby recognizes the proclamation of state of emergency by the Governor of the State of California and the regulations of Cal/OSHA recommending physical distancing; and

WHEREAS, as a consequence of the emergency related to COVID-19, the Commission does hereby find that the Commission shall conduct their meetings without compliance with paragraph (3) of subdivision (b) of Government Code section 54953, as authorized by subdivision (e) of section 54953, and that the Commission shall comply with the requirements to provide the public with access to the meetings as prescribed in paragraph (2) of subdivision (e) of section 54953; and

WHEREAS, the Commission meetings will be accessible to the public to attend electronically or via phone.

NOW, THEREFORE, BE IT RESOLVED THAT THE COMMISSION DOES HEREBY RESOLVE, DETERMINE AND ORDER AS FOLLOWS:

1. Recitals. The Recitals set forth above are true and correct and are incorporated into this Resolution by this reference.

2. State of Emergency due to COVID-19. The Board hereby recognizes the imminent threat to the health and safety of attendees at public meetings due to the impacts of COVID-19 and the importance of physical distancing to minimize any potential adverse health and safety risks.

3. Remote Teleconference Meetings. The Executive Officer is hereby authorized and directed to take all actions necessary to carry out the intent and purpose of this Resolution including, conducting open and public meetings of the Commission in accordance with Government Code section 54953(e) and other applicable provisions of the Brown Act for remote only teleconference meetings.

4. Reoccurring Evaluation by the Commission. The Executive Officer is hereby directed to continue to monitor the conditions and health and safety conditions related to COVID-19, the status of the Governor's state of emergency, and the state regulations related to social distancing, and present to the Commission at its next regularly scheduled meeting the related information and recommendations for remote only meetings pursuant to the provisions of Government Code section 54953(e)(3) and to extend the time during which the Commission may continue to teleconference without compliance with paragraph (3) of subdivision (b) of section 54953.

The foregoing resolution was duly and regularly adopted by the Commission at a public meeting held on October 4, 2021, after a motion by Commissioner Mohler, seconded by Commissioner Wagenknecht, by the following vote:

AYES: Commissioners WAGENKNECHT, MOHLER, ABOUDAMOUS, DILLON AND LEARY

NOES: Commissioners NONE

ABSENT: Commissioners NONE

ABSTAIN: Commissioners NONE

Diane Dillon

Diane Dillon (Oct 5, 2021 23:02 PDT)

Diane Dillon
Commission Chair

ATTEST: *Brendon Freeman*
Brendon Freeman
Executive Officer

Recorded by: Kathy Mabry
Commission Clerk