



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

Administrative Office
1754 Second Street, Suite C
Napa, California 94559
Telephone: 707-259-8645
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REGULAR MEETING AGENDA

Monday, April 3, 2023, 2:00 PM

County of Napa Administration Building
1195 Third Street, Board Chambers, 3rd Floor
Napa, California 94559

1. CALL TO ORDER BY CHAIR; ROLL CALL

2. PLEDGE OF ALLEGIANCE

3. APPROVAL OF AGENDA

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

4. PUBLIC COMMENTS

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

5. CONSENT ITEMS

Action Items:

- a) **Approval of Meeting Minutes:** February 6, 2023, Regular Meeting
- b) **Approval of Amendment to Policy on Conducting Authority Proceedings**

Receive Report for Information Only:

- c) **Current and Future Proposals**
- d) **CALAFCO Resources**

6. PUBLIC HEARING ITEMS

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

a) Proposed Budget for Fiscal Year 2023-24 and Draft Work Program

The Commission will consider adopting a resolution to approve a proposed budget for the 2023-24 fiscal year. Proposed operating expenses and revenues each total \$709,436. The recommended actions are for the Commission to do the following: (1) adopt the proposed budget by resolution; (2) direct staff to circulate the proposed budget for public review and comment; and (3) direct the Budget Committee to return with recommendations for a final budget for adoption at a noticed public hearing on June 5, 2023. The Commission will also consider a draft work program for fiscal year 2023-24.

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) Partrick Road/Borrette Lane No. 3 Annexation to the Napa Sanitation District

The Commission will consider a proposal for the annexation of two parcels totaling approximately 4.7 acres in size to the Napa Sanitation District. The affected territory is located in the City of Napa at 1200 Partrick Road and 1008 Borrette Lane, and identified as Assessor Parcel Numbers 041-490-005 and 041-490-012, respectively.

b) Legislative Report and Proposed Amendment to the Legislative Policy

The Commission will receive a report on legislative items directly or indirectly affecting LAFCOs. The Commission will also consider approving an amendment to its Legislative Policy.

8. COMMISSIONER COMMENTS/REQUESTS FOR FUTURE AGENDA ITEMS

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

9. ADJOURNMENT TO NEXT SCHEDULED MEETING

Monday, June 5, 2023, at 2:00 P.M. at the Napa County Board of Supervisors Chambers, located at 1195 Third Street, 3rd floor, Napa, CA 94559.

MEETING INFORMATION

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

CONDUCT OF HEARINGS: A contested matter is usually heard as follows: (1) discussion of the staff report and 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.

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

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

SUBMITTING WRITTEN COMMENTS TO BE READ AT THE MEETING: Any member of the public may submit a written comment to the Commission before the meeting by email to info@napa.lafco.ca.gov or by mail to Napa LAFCO at 1754 Second Street, Suite C, Napa, CA 94559-2450. If you are commenting on a particular item on the agenda, please identify the agenda item number and letter. Any comments of 500 words or less (per person, per item) will be read into the record if: (1) the subject line includes “COMMENT TO COMMISSION – PLEASE READ”; and (2) it is received by the Commission prior to the deadline of **April 3, 2023, 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.

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

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

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

POLITICAL REFORM ACT: Pursuant to Government Code Sections 56700.1 and 81000 et seq., any person or combination of persons who directly or indirectly contributes \$1,000 or more or expends \$1,000 or more in support of or in opposition to a change of organization or reorganization that will be, or has been, submitted to LAFCO must comply, to the same extent as provided for local initiative measures, with reporting and disclosure requirements of the California Political Reform Act of 1974. Additional information can be obtained by contacting the Fair Political Practices Commission. Pursuant to Government Code Section 84308, if you wish to participate in the proceedings indicated on this agenda, you or your agent is prohibited from making a campaign contribution of \$250 or more to any Commissioner or Alternate Commissioner. This prohibition begins on the date you begin to actively support or oppose an application before LAFCO and continues until 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.

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



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

Agenda Item 5a (Consent/Action)

TO: Local Agency Formation Commission

PREPARED BY: Dawn Mittleman Longoria, Assistant Executive Officer, Interim Clerk *DML*

MEETING DATE: April 3, 2023

SUBJECT: Approval of Meeting Minutes: February 6, 2023, Regular Meeting

SUMMARY AND RECOMMENDATION

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

The Commission will consider approving the draft meeting minutes prepared by staff for the February 6, 2023, regular meeting, included as Attachment One.

Staff recommends approval of the draft meeting minutes.

ATTACHMENT

- 1) Draft Minutes for February 6, 2023, 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

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

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

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

Kenneth Leary, 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 FEBRUARY 6, 2023**

1. WELCOME AND CALL TO ORDER; ROLL CALL

Chair Mohler called the regular meeting of February 6, 2023, to order at 2:02 PM.

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

Regular Commissioners	Alternate Commissioners	Staff
Margie Mohler, Chair	Joelle Gallagher	Brendon Freeman, Executive Officer
Anne Cottrell, Vice Chair	Eve Kahn	Gary Bell, Commission Counsel
Mariam Aboudamous	Beth Painter	
Kenneth Leary		Excused: Dawn Mittleman Longoria,
Belia Ramos		Assistant Executive Officer and Interim Clerk

2. PLEDGE OF ALLEGIANCE

Chair Mohler led the Pledge of Allegiance.

3. OATH OF OFFICE FOR NEW COMMISSIONERS

Commission Counsel administered Oaths of Office for new Commissioners Cottrell, Ramos, and Gallagher.

4. APPROVAL OF AGENDA

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

5. PUBLIC COMMENTS

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

6. RECOGNITION OF SERVICE: Ryan Gregory

7. SPECIAL PRESENTATION: LAFCO 101

Staff presented an introduction to LAFCO, including an overview of LAFCO's history, powers, and legislative mandates. At the conclusion of the presentation, Chair Mohler requested comments and questions from the Commission. The Commission discussed the presentation and noted resources from the state association, California Association of LAFCOs, as well as those on the Napa LAFCO website.

8. CONSENT ITEMS

Action Items:

a) **Approval of Meeting Minutes:** December 5, 2022, Regular Meeting

Receive Report for Information Only:

b) **Second Quarter Budget Report for Fiscal Year 2022-23**

c) **Current and Future Proposals**

d) **CALAFCO Quarterly Newsletter and 2023 Events Calendar**

e) **Local Policy Manual**

f) **Directory of Local Agencies Subject to LAFCO Jurisdiction**

Chair Mohler asked if Commissioners wanted to discuss any of the consent items, no requests were made. Chair Mohler invited members of the audience to provide public comment. No comments were received. Legal Counsel Bell responded to legal questions. It was determined that consent item 8a would be considered separately.

Upon motion by Commissioner Ramos and second by Commissioner Leary, the consent items 8(b-f) were approved by the following vote:

VOTE:

AYES: RAMOS, LEARY, ABOUDAMOUS, COTTRELL, AND MOHLER

NOES: NONE

ABSENT: NONE

ABSTAIN: NONE

Upon motion by Commissioner Leary and second by Chair Mohler, the consent item 8a was approved by the following vote:

VOTE:

AYES: LEARY, MOHLER, AND ABOUDAMOUS

NOES: NONE

ABSENT: NONE

ABSTAIN: COTTRELL AND RAMOS

9. ACTION ITEMS

a) Subcommittee Appointments

Staff made a presentation regarding the Budget Committee and the Legislative Committee.

Chair Mohler opened the matter for discussion among the Commission. After discussion, Chair Mohler suggested that the two committees should be acted upon separately.

Upon motion by Commissioner Aboudamous and second by Commissioner Ramos, the Commission appointed Chair Mohler and Commissioner Leary to the Fiscal Year 2023-24 Budget Committee by the following vote:

VOTE:

AYES: ABOUDAMOUS, RAMOS, COTTRELL, LEARY, AND MOHLER

NOES: NONE

ABSENT: NONE

ABSTAIN: NONE

Upon motion by Chair Mohler and second by Commissioner Cottrell, the Commission appointed Commissioner Aboudamous and Alternate Commissioner Painter to the Legislative Committee by the following vote:

VOTE:

AYES: MOHLER, COTTRELL, ABOUDAMOUS, RAMOS, AND LEARY

NOES: NONE

ABSENT: NONE

ABSTAIN: NONE

b) CALAFCO Board of Directors Vacancy and Possible Nomination

The Commission received an update on the membership of the California Association of LAFCOs (CALAFCO) Board of Directors and an opportunity to nominate a county member to complete an unexpired term on the CALAFCO Board. Chair Mohler opened the matter for Commission discussion and comment.

Upon motion by Chair Mohler and second by Commissioner Aboudamous, the Commission nominated Commissioner Cottrell for county member for the California Association of LAFCOs (CALAFCO) Board of Directors by the following vote:

VOTE:

AYES: MOHLER, ABOUDAMOUS, COTTRELL, LEARY, AND RAMOS
NOES: NONE
ABSENT: NONE
ABSTAIN: NONE

10. COMMISSIONER COMMENTS/REQUESTS FOR FUTURE AGENDA ITEMS

Chair Mohler opened the meeting to Commission comments/requests; none were received.

11. ADJOURNMENT TO NEXT REGULAR SCHEDULED MEETING

The meeting was adjourned at 2:52 PM. The next regular LAFCO meeting is scheduled for Monday, April 3, 2023, at 2:00 PM. The meeting location will be 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, Assistant Executive Officer,
Interim Clerk



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Agenda Item 5b (Consent/Action)

TO: Local Agency Formation Commission

PREPARED BY: Brendon Freeman, Executive Officer *BF*

MEETING DATE: April 3, 2023

SUBJECT: Approval of Amendment to Policy on Conducting Authority Proceedings

RECOMMENDATION

It is recommended the Commission adopt the Resolution of the Local Agency Formation Commission of Napa County Amending the *Policy on Conducting Authority Proceedings*, included as Attachment One.

SUMMARY

The Policy Committee met and agreed to recommend an amendment to the Commission's *Policy on Conducting Authority Proceedings*.

The amendment reflects the signing into law of Senate Bill 938 (Hertzberg), which involved a comprehensive rewrite of state laws related to LAFCO conducting authority ("protest") proceedings. Certain protest thresholds were changed, and several government code sections were consolidated into new code sections, which are all reflected in the amendment.

A clean version of the proposed amendment to the *Policy on Conducting Authority Proceedings* is an exhibit to the draft resolution, included as Attachment One. A tracked change version of the amendment is included as Attachment Two.

ATTACHMENTS

- 1) Draft Resolution Amending the *Policy on Conducting Authority Proceedings*
- 2) Proposed Amendment to *Policy on Conducting Authority Proceedings* (Tracked Changes)

Margie Mohler, Chair
Councilmember, Town of Yountville

Mariam Aboudamous, Commissioner
Councilmember, City of American Canyon

Beth Painter, Alternate Commissioner
Councilmember, City of Napa

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

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

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

Kenneth Leary, 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
AMENDING ITS POLICY ON CONDUCTING AUTHORITY PROCEEDINGS**

WHEREAS, on April 11, 2001, the Local Agency Formation Commission of Napa County (the “Commission”) adopted a *Policy on Conducting Authority Proceedings*; and

WHEREAS, the Commission most recently amended the *Policy on Conducting Authority Proceedings* on December 8, 2008; and

WHEREAS, the Commission considered a proposed amendment to the *Policy on Conducting Authority Proceedings* at its regular meeting on April 3, 2023; and

NOW, THEREFORE, BE IT RESOLVED that the Commission hereby amends the *Policy on Conducting Authority Proceedings* 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 April 3, 2023, after a motion by Commissioner _____, seconded by Commissioner _____, by the following vote:

AYES: Commissioners _____

NOES: Commissioners _____

ABSENT: Commissioners _____

ABSTAIN: Commissioners _____

Margie Mohler
Commission Chair

ATTEST: _____
Brendon Freeman
Executive Officer

Recorded by: Dawn Mittleman Longoria
Assistant Executive Officer,
Interim Clerk



LOCAL AGENCY FORMATION COMMISSION OF NAPA COUNTY

Policy on Conducting Authority Proceedings

(Adopted: April 11, 2001; Last Amended: April 3, 2023)

I. Background

The Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000 directs the Commission to administer conducting authority proceedings for all approved changes of organization or reorganization unless waived. Commission duties in conducting authority proceedings are codified in [California Government Code \(G.C.\) Sections 57000 et. seq.](#)

II. Objective

The objective of this policy is to guide the Commission in conducting authority proceedings in an orderly and consistent manner, but does not purport to summarize or supersede the conducting authority proceeding procedures in the Cortese-Knox-Hertzberg Act. This includes establishing procedures in (a) scheduling, (b) noticing, (c) holding, and (d) completing protest hearings.

III. Procedures

A. Scheduling

- 1) The Executive Officer shall schedule and provide notice of a protest hearing within 35 days following the Commission's approval of the change of organization or reorganization. ([G.C. § 57002](#))
- 2) The protest hearing shall not be held before the expiration of the 30-day reconsideration period. ([G.C. § 57002](#))

B. Noticing

- 1) The Executive Officer shall schedule the protest hearing to occur no less than 21 days and not more than 60 days from the date the Executive Officer gives notice, unless otherwise provided for the establishment of a district as a subsidiary district of a city (between 90 and 135 days from notice) or the dissolution of a district initiated by the Commission under G.C. § 56375.1 (between 60 and 90 days from notice). ([G.C. § 57002](#))
- 2) The notice on the protest hearing shall be published, posted, and/or mailed to all affected agencies, landowners, and interested parties. The notice shall also be mailed to all affected registered voters if the territory is inhabited. ([G.C. § 57025](#))
- 3) The notice on the protest hearing shall summarize the change of organization or reorganization, including a statement of justification, who initiated the proceeding, and a description of the affected territory's location. The notice shall clearly state the time, date, and location of the protest hearing and contain all the information required in G.C. § 57026. ([G.C. § 57026](#))
- 4) The notice on the protest hearing shall be accompanied by a standard protest form as provided in Attachment One.

C. Holding

- 1) The Executive Officer shall be responsible for holding the protest hearing. At the protest hearing, the Executive Officer shall take the following actions:
 - Summarize the Commission's resolution approving the change of organization or reorganization. ([G.C. § 57050](#))
 - Open the protest hearing to receive written or verbal protests. ([G.C. § 57050](#))
 - Continue the protest hearing from time to time, if needed, but not to exceed 60 days from its original scheduled date. ([G.C. § 57050](#))
 - Close the protest hearing.
- 2) At the close of the protest hearing, the Executive Officer shall work with the County of Napa Assessor and Registrar of Voters' Offices, as needed, in validating the written protests filed and not withdrawn. ([G.C. § 57052](#))

D. Completing

- 1) Within 30 days of the close of the protest hearing, the Executive Officer shall determine the value of the written protests filed and not withdrawn on the change of organization or reorganization. ([G.C. § 57075](#))
- 2) The Executive Officer shall present his or her determination regarding the value of the written protests filed and not withdrawn to the Commission at a public meeting.

The Commission shall adopt a resolution confirming the value of the written protests filed and not withdrawn and take one of the following actions for proposals that were not initiated by the Commission:

- For proceedings relating to annexations, detachments, and latent powers, if the affected territory is an inhabited registered voter district or city:
 - (A) Terminate proceedings if registered voters representing 50 percent or more of the voters residing in the affected territory have filed written protests ([G.C. 57091\(a\)\(1\)\(A\)](#)); or
 - (B) Order the change of organization or reorganization subject to confirmation by the registered voters residing within the affected territory if written protests have been filed and not withdrawn by either:

- At least 25 percent, but less than 50 percent, of the registered voters residing in the affected territory; or
 - At least 25 percent of the number of owners of land who also own at least 25 percent of the assessed value of land within the affected territory ([G.C. § 57901\(a\)\(1\)\(B\)](#)); or
- (C) Order the change of organization or reorganization without an election if subsections (A) and (B) do not apply. ([G.C. § 57901\(a\)\(1\)\(C\)](#))
- For proceedings relating to annexations, detachments, and latent powers, if the affected territory is an uninhabited registered voter district:
 - (A) Terminate proceedings if landowners owning 50 percent or more of the assessed value of the affected land have filed written protests ([G.C. § 57901\(a\)\(2\)\(A\)](#)); or
 - (B) Order the change of organization or reorganization if written protests have been filed and not withdrawn by owners of land who own less than 50 percent of the total assessed value of land within the affected territory ([G.C. § 57901\(a\)\(2\)\(B\)](#)).
 - For proceedings relating to annexations, detachments, and latent powers, if the affected territory is a landowner-voter district:
 - (A) Terminate proceedings if landowners owning 50 percent or more of the assessed value of the affected land have filed written protests ([G.C. § 57091\(b\)\(1\)](#)); or
 - (B) Order the change of organization or reorganization subject to an election within the affected territory if written protests that have been filed and not withdrawn represent either of the following:
 - 25 percent or more of the number of owners of land who also own 25 percent or more of the assessed value of land within the affected territory ([G.C. § 57091\(b\)\(2\)\(A\)](#)); or
 - 25 percent or more of the voting power of landowner voters entitled to vote as a result of owning property within the affected territory ([G.C. § 57091\(b\)\(2\)\(B\)](#)); or
 - (C) Order the change of organization or reorganization without an election if the written protests have been filed and not withdrawn by less than 25 percent of the number of owners of land who own less than 25 percent of the assessed value of land within the affected territory ([G.C. § 57091\(b\)\(3\)](#)).

- For proposals where a subject agency has not objected by resolution to the proposal (as applicable), for purposes of G.C. § 57077.1, relating to dissolution, G.C. § 57077.2, relating to consolidation, G.C. § 57077.3, relating to certain reorganizations, G.C. § 57077.4, relating to dissolution and annexation, and G.C. § 57077.5, relating to merger or establishment of a subsidiary district:
 - (A) Terminate proceedings if, in the case of inhabited territory, protests have been signed by 50 percent or more of the voters residing in the territory; or, in the case of an uninhabited landowner-voter district, protest have been signed by 50 percent or more of the voting power of the voters entitled to vote as a result of owning land within the district, or 50 percent or more of the assessed value of the land within the territory ([G.C. § 57078](#)); or
 - (B) Order the change of organization or reorganization subject to confirmation of the voters if, in the case of inhabited territory, protests have been signed by either:
 - At least 25 percent of the number of landowners within the affected territory who own at least 25 percent of the assessed value of land within the affected territory; or
 - At least 25 percent of the voters entitled to vote as a result of residing within, or owning land within, the affected territory ([G.C. § 57092\(a\)](#)).
 - (C) Order the change of organization or reorganization subject to confirmation of the voters if, in the case of an uninhabited landowner-voter district, protests have been signed by:
 - At least 25 percent of the number of landowners within the affected territory owning at least 25 percent of the assessed value of land within the affected territory ([G.C. § 57092\(b\)](#)).
 - (D) Order the change of organization or reorganization without an election if the number of signed protests are less than the 25 percent necessary for an election.
- For proposals where a subject agency has objected by resolution to the proposal, for purposes of G.C. § 57077.1, relating to dissolution, G.C. § 57077.2, relating to consolidation, G.C. § 57077.3, relating to certain reorganizations, G.C. § 57077.4, relating to dissolution and annexation, and G.C. § 57077.5, relating to merger or establishment of a subsidiary district:

- (A) Terminate proceedings if, in the case of inhabited territory, protests have been signed by 50 percent or more of the voters residing in the territory; or, in the case of an uninhabited landowner-voter district, protest have been signed by 50 percent or more of the voting power of the voters entitled to vote as a result of owning land within the district, or 50 percent or more of the assessed value of the land within the territory ([G.C. § 57078](#)); or
- (B) Order the change of organization or reorganization subject to confirmation of the voters if, in the case of inhabited territory, protests have been signed by either:
- At least 25 percent of the number of landowners within any subject agency within the affected territory who own at least 25 percent of the assessed value of land within the affected territory; or
 - At least 25 percent of the voters entitled to vote as a result of residing within, or owning land within, any subject agency within the affected territory ([G.C. § 57093\(a\)](#)).
- (C) Order the change of organization or reorganization subject to confirmation of the voters if, in the case of an uninhabited landowner-voter district, protests have been signed by:
- At least 25 percent of the number of landowners within any subject agency within the affected territory, owning at least 25 percent of the assessed value of land within the subject agency ([G.C. § 57093\(b\)](#)).
- (D) Order the change of organization or reorganization without an election if the number of signed protests are less than the 25 percent necessary for an election.

The Commission shall adopt a resolution confirming the value of the written protests filed and not withdrawn and take one of the following actions for proposals initiated by the Commission:

- For proposals the Commission initiated under G.C. § 56375.1 (LAFCo-initiated dissolutions):

(A) Terminate proceedings if, in the case of inhabited territory, protests have been signed by 50 percent or more of the voters residing in the territory; or, in the case of an uninhabited landowner-voter district, protest have been signed by 50 percent or more of the voting power of the voters entitled to vote as a result of owning land within the district, or 50 percent or more of the assessed value of the land within the territory ([G.C. § 57078](#)); or

(B) Forward the change of organization or reorganization for confirmation by the voters if, in the case of inhabited territory, protests have been signed by either ([G.C. § 57077.6\(a\)](#)):

- At least 25 percent of the number of landowners within any subject agency within the affected territory who own at least 25 percent of the assessed value of land within the affected territory; or
- At least 25 percent of the voters entitled to vote as a result of residing within, or owning land within, any subject agency within the affected territory ([G.C. § 57093\(a\)](#)).

(C) Forward the change of organization or reorganization for confirmation by the voters if, in the case of an uninhabited landowner-voter district, protests have been signed by ([G.C. § 57077.6\(a\)](#)):

- At least 25 percent of the number of landowners within any subject agency within the affected territory, owning at least 25 percent of the assessed value of land within the subject agency ([G.C. § 57093\(b\)](#)).

(D) Order the change of organization or reorganization without an election if the number of signed protests are less than the 25 percent necessary for an election.

- For proposals the Commission initiated under G.C. § 56375(a)(2)(A) through (G):

(A) Terminate proceedings if, in the case of inhabited territory, protests have been signed by 50 percent or more of the voters residing in the territory; or, in the case of an uninhabited landowner-voter district, protest have been signed by 50 percent or more of the voting power of the voters entitled to vote as a result of owning land within the district, or 50 percent or more of the assessed value of the land within the territory ([G.C. § 57078](#)); or

(B) Forward the change of organization or reorganization for confirmation by the voters if, in the case of inhabited territory, protests have been signed by either ([G.C. § 57077.6\(b\)](#)):

- At least 10 percent of the number of landowners within any subject agency within the affected territory who own at least 10 percent of the assessed value of land within the territory.
 - However, if the number of landowners within a subject agency is less than 300, the protests shall be signed by at least 25 percent of the landowners who own at least 25 percent of the assessed value of land within the affected territory of the subject agency. ([G.C. § 57094\(a\)\(1\)](#))

- At least 10 percent of the voters entitled to vote as a result of residing within, or owning land within, any subject agency within the affected territory.
 - However, if the number of voters entitled to vote within a subject agency is less than 300, the protests shall be signed by at least 25 percent of the voters entitled to vote. ([G.C. § 57094\(a\)\(2\)](#))

(C) Forward the change of organization or reorganization for confirmation by the voters if, in the case of a landowner-voter district, the territory is uninhabited and protests have been signed by:

- At least 10 percent of the number of landowners within any subject agency within the affected territory, who own at least 10 percent of the assessed value of land within the territory.
 - However, if the number of landowners entitled to vote within a subject agency is less than 300, protests shall be signed by at least 25 percent of the landowners entitled to vote. ([G.C. § 57094\(b\)](#))

(D) Order the change of organization or reorganization without an election if the number of signed protests are less than the 10 percent (25 percent for where under 300 voters/landowners) necessary for an election.

- 3) If the Commission orders a change of organization or reorganization without election, the Executive Officer shall prepare a Certificate of Completion. ([G.C. §§ 57200-57204](#))
- 4) If the Commission orders a change of organization or reorganization subject to an election, the Executive Officer shall provide written notice to the Board of Supervisors or affected city council to conduct the election. At the conclusion of the election, the Executive Officer shall take one of the following actions:
 - Prepare a Certificate of Completion for the change or organization or reorganization if approved by a majority of voters. ([G.C. § 57176](#))
 - Prepare a Certificate of Termination of Proceedings for the change of organization or reorganization if disapproved by a majority of voters. ([G.C. § 57179](#))



LOCAL AGENCY FORMATION COMMISSION OF NAPA COUNTY

Policy on Conducting Authority Proceedings

(Adopted: April 11, 2001; Last Amended: ~~December 1, 2008~~ April 3, 2023)

I. Background

The Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000 directs the Commission to administer conducting authority proceedings for all approved changes of organization or reorganization unless waived. Commission duties in ~~administering~~ conducting authority proceedings are codified in [California Government Code \(G.C.\) Sections 57000 et. seq.](#)

II. Objective

The objective of this policy is to guide the Commission in ~~administering~~ conducting authority proceedings in an orderly and consistent manner, but does not purport to summarize or supersede the conducting authority proceeding procedures in the Cortese-Knox-Hertzberg Act. This includes establishing procedures in (a) scheduling, (b) noticing, (c) holding, and (d) completing protest hearings.

III. Procedures

A. Scheduling

- 1) The Executive Officer shall schedule and provide notice of a protest hearing within 35 days ~~of following~~ the Commission's approval of the change of organization or reorganization. ([G.C. § 57002](#))
- 2) The protest hearing shall not be held before the expiration of the 30-day reconsideration period. ([G.C. § 57002](#))

B. Noticing

- 1) The Executive Officer shall ~~provide notice~~ schedule the protest hearing to occur no less than 21 days and not more than 60 days ~~before the scheduled date of the protest hearing from the date the Executive Officer gives notice,~~ unless otherwise provided for the establishment of a district as a subsidiary district of a city (between 90 and 135 days from notice) or the dissolution of a district initiated by the Commission under G.C. § 56375.1 (between 60 and 90 days from notice). ([G.C. § 57002](#))
- 2) The notice on the protest hearing shall be published, posted, and/or mailed to all affected agencies, ~~and landowners, and as well as~~ interested parties. The notice shall also be mailed to all affected registered voters if the territory is inhabited. ([G.C. § 57025](#))
- 3) The notice on the protest hearing shall summarize the change of organization or reorganization, including a statement of justification, who initiated the

proceeding, and a description of the affected territory's location. The notice shall clearly state the time, date, and location of the protest hearing and contain all the information required in G.C. § 57026. ([G.C. § 57026](#))

- 4) The notice on the protest hearing shall be accompanied by a standard protest form as provided in Attachment One.

C. Holding

- 1) The Executive Officer shall be responsible for holding the protest hearing. At the protest hearing, the Executive Officer shall take the following actions:
 - Summarize the Commission's resolution approving the change of organization or reorganization. ([G.C. § 57050](#))
 - Open the protest hearing to receive written or verbal protests. ([G.C. § 57050](#))
 - Continue the protest hearing from time to time, if needed, but not to exceed 60 days from its original scheduled date. ([G.C. § 57050](#))
 - Close the protest hearing.
- 2) At the close of the protest hearing, the Executive Officer shall work with the County of Napa Assessor and Registrar of Voters' Offices, as needed, in validating the written protests filed and not withdrawn. ([G.C. § 57052](#))

D. Completing

- 1) Within 30 days of the close of the protest hearing, the Executive Officer shall determine the value of the written protests filed and not withdrawn on the change of organization or reorganization. ([G.C. § 57075](#))
- 2) The Executive Officer shall present his or her determination regarding the value of the written protests filed and not withdrawn to the Commission at a public meeting.
- 2) The Commission shall adopt a resolution confirming the value of the written protests filed and not withdrawn and take one of the following actions for proposals that were not initiated by the Commission:
 - For proceedings relating to annexations, detachments, and latent powers, if the affected territory is an inhabited registered voter district or city:
 - (A) Terminate proceedings if ~~landowners~~ registered voters representing 50 ~~percent~~ % or more of the ~~assessed value~~ voters residing in ~~of~~ the affected ~~land~~ territory have filed written protests ([G.C. 57091\(a\)\(1\)\(A\)](#)); or

- (B) Order the change of organization or reorganization subject to confirmation by the registered voters residing within the affected territory if written protests have been filed and not withdrawn by either ~~of the following:~~
 -
 - At least 25 percent, but less than 50 percent, of the registered voters residing in the affected territory; ~~or;~~
 - At least 25 percent of the number of owners of land who also own at least 25 percent of the assessed value of land within the affected territory; ~~(G.C. § 57901(a)(1)(B)); or~~
- (C) Order the change of organization or reorganization without an election if subsections (A) and (B) do not apply. ~~(G.C. § 57901(a)(1)(C))~~
- For proceedings relating to annexations, detachments, and latent powers, if the affected territory is an uninhabited registered voter district:
 - Terminate proceedings if ~~a majority protest exists in accordance with G.C. § 57078~~landowners owning 50 percent or more of the assessed value of the affected land have filed written protests (G.C. § 57901(a)(2)(A)); or
 - Order the change of organization or reorganization if written protests have been filed and not withdrawn by owners of land who own less than 50 percent of the total assessed value of land within the affected territory ~~(G.C. § 57901(a)(2)(B)).~~
- For proceedings relating to annexations, detachments, and latent powers, if the affected territory is a landowner-voter district:
 - Terminate proceedings if landowners ~~representing~~owning 50 percent% or more of the assessed value of the affected land have filed written protests; ~~(G.C. § 57091(b)(1)); or~~
 - Order the change of organization or reorganization subject to an election within the affected territory if written protests that have been filed and not withdrawn represent either of the following:
 - 25 percent or more of the number of owners of land who also own 25 percent or more of the assessed value of land within the affected territory ~~(G.C. § 57091(b)(2)(A)); or~~
 - 25 percent or more of the voting power of landowner voters entitled to vote as a result of owning property within the affected territory; ~~(G.C. § 57091(b)(2)(B)); or~~

- Order the change or organization or reorganization without an election if the written protests have been filed and not withdrawn by less than 25 percent of the number of owners of land who own less than 25 percent of the assessed value of land within the affected territory ([G.C. § 57091\(b\)\(3\)](#)).
- For proposals where a subject agency has not objected by resolution to the proposal (as applicable), for purposes of G.C. §§ 57077.1, relating to dissolution, G.C. § 57077.2, relating to consolidation, G.C. § 57077.3, relating to certain reorganizations, G.C. § 57077.4, relating to dissolution and annexation, and G.C. § 57077.5, relating to merger or establishment of a subsidiary district, ~~the following protest thresholds shall apply:~~
 - Terminate proceedings if, in the case of inhabited territory, protests have been signed by 50 percent or more of the voters residing in the territory; or, in the case of an uninhabited landowner-voter district, protest have been signed by 50 percent or more of the voting power of the voters entitled to vote as a result of owning land within the district, or 50 percent or more of the assessed value of the land within the territory (G.C. § 57078); or
 - Order the change of organization or reorganization subject to confirmation of the voters if, ~~in~~ in the case of inhabited territory, protests have been signed by either of the following:
 - At least 25 percent of the number of landowners within the affected territory who own at least 25 percent of the assessed value of land within the affected territory; or
 - At least 25 percent of the voters entitled to vote as a result of residing within, or owning land within, the affected territory ([G.C. § 57092\(a\)](#)).
 - Order the change of organization or reorganization subject to confirmation of the voters if, ~~in~~ in the case of an uninhabited landowner-voter district, protests have been signed by:
 - At least 25 percent of the number of landowners within the affected territory owning at least 25 percent of the assessed value of land within the affected territory ([G.C. § 57092\(b\)](#)).
~~(G.C. §57092(b)).~~
 - Order the change of organization or reorganization without an election if the number of signed protests are less than the 25 percent necessary for an election.

- For proposals ~~not initiated by the Commission and~~ where a subject agency has objected by resolution to the proposal, for purposes of G.C. §§ 57077.1, relating to ~~to~~ dissolution, [G.C. § 57077.2](#), relating to consolidation, [G.C. § 57077.3](#), relating to certain reorganizations, [G.C. § 57077.4](#), relating to dissolution and annexation, and [G.C. § 57077.5](#), relating to merger or establishment of a subsidiary ~~district, the following protest thresholds shall apply:~~
 - Terminate proceedings if, in the case of inhabited territory, protests have been signed by 50 percent or more of the voters residing in the territory; or, in the case of an uninhabited landowner-voter district, protest have been signed by 50 percent or more of the voting power of the voters entitled to vote as a result of owning land within the district, or 50 percent or more of the assessed value of the land within the territory (G.C. § 57078); or
 - Order the change of organization or reorganization subject to confirmation of the voters if, i~~n~~n the case of inhabited territory, protests have been signed by either ~~either of the following:~~
 - At least 25 percent of the number of landowners within any subject agency within the affected territory who own at least 25 percent of the assessed value of land within the affected territory; or
 - At least 25 percent of the voters entitled to vote as a result of residing within, or owning land within, any subject agency within the affected territory ([G.C. § 57093\(a\)](#)).
 - Order the change of organization or reorganization subject to confirmation of the voters if, i~~n~~n the case of an uninhabited landowner-voter district, protests have been signed by:
 - At least 25 percent of the number of landowners within any subject agency within the affected territory, owning at least 25 percent of the assessed value of land within the subject agency ([G.C. § 57093\(b\)](#)).
 - Order the change of organization or reorganization without an election if the number of signed protests are less than the 25 percent necessary for an election.

The Commission shall adopt a resolution confirming the value of the written protests filed and not withdrawn and take one of the following actions for proposals initiated by the Commission:

- For proposals the Commission initiated under G.C. § 56375.1 (LAFCo-initiated dissolutions):

- Terminate proceedings if, in the case of inhabited territory, protests have been signed by 50 percent or more of the voters residing in the territory; or, in the case of an uninhabited landowner-voter district, protest have been signed by 50 percent or more of the voting power of the voters entitled to vote as a result of owning land within the district, or 50 percent or more of the assessed value of the land within the territory (G.C. § 57078); or
- Forward the change of organization or reorganization for confirmation by the voters if, in the case of inhabited territory, protests have been signed by either (G.C. § 57077.6(a)):
 - At least 25 percent of the number of landowners within any subject agency within the affected territory who own at least 25 percent of the assessed value of land within the affected territory; or
 - At least 25 percent of the voters entitled to vote as a result of residing within, or owning land within, any subject agency within the affected territory (G.C. § 57093(a)).
- Forward the change of organization or reorganization for confirmation by the voters if, in the case of an uninhabited landowner-voter district, protests have been signed by (G.C. § 57077.6(a)):
 - At least 25 percent of the number of landowners within any subject agency within the affected territory, owning at least 25 percent of the assessed value of land within the subject agency (G.C. § 57093(b)).
- Order the change of organization or reorganization without an election if the number of signed protests are less than the 25 percent necessary for an election.
- For proposals the Commission initiated under G.C. purposes of G.C. § 57077.656375(a)(2)(A) through (G), relating to proposals initiated by the Commission:
 - Terminate proceedings if, in the case of inhabited territory, protests have been signed by 50 percent or more of the voters residing in the territory; or, in the case of an uninhabited landowner-voter district, protest have been signed by 50 percent or more of the voting power of the voters entitled to vote as a result of owning land within the district, or 50 percent or more of the assessed value of the land within the territory (G.C. § 57078); or
 - , Forward the change of organization or reorganization for confirmation by the voters if, in the case of inhabited territory, protests

have been signed by either (G.C. § 57077.6(b)); the following protest thresholds shall apply:

- In the case of inhabited territory, protests have been signed by either of the following:
 - At least 10 percent of the number of landowners within any subject agency within the affected territory who own at least 10 percent of the assessed value of land within the territory.
 - However, if the number of landowners within a subject agency is less than 300, the protests shall be signed by at least 25 percent of the landowners who own at least 25 percent of the assessed value of land within the affected territory of the subject agency. [\(G.C. § 57094\(a\)\(1\)\)](#)
 - At least 10 percent of the voters entitled to vote as a result of residing within, or owning land within, any subject agency within the affected territory.
 - However, if the number of voters entitled to vote within a subject agency is less than 300, the protests shall be signed by at least 25 percent of the voters entitled to vote. [\(G.C. § 57094\(a\)\(2\)\)](#)
- Forward the change of organization or reorganization for confirmation by the voters if, in the case of a landowner-voter district, the territory is uninhabited and protests have been signed by:
 - At least 10 percent of the number of landowners within any subject agency within the affected territory, who own at least 10 percent of the assessed value of land within the territory.
 - However, if the number of landowners entitled to vote within a subject agency is less than 300, protests shall be signed by at least 25 percent of the landowners entitled to vote. [\(G.C. § 57094\(b\)\)](#)
 -
- Order the change of organization or reorganization without an election if the number of signed protests are less than the 10 percent (25 percent for where under 300 voters/landowners) necessary for an election.

~~3) — For additional proceedings not enumerated in this policy, see [G.C. § sections 57077.1](#) (relating to dissolution), [G.C. § 57077.2](#), (relating to consolidation), [G.C. § 57077.3](#) (relating to reorganization), [G.C. § 57077.4](#) (relating to dissolution and annexation), and [G.C. § 57077.5](#) (relating to merger or establishment of a subsidiary district).~~

~~4) If the Commission terminates the change of organization or reorganization, the Executive Officer shall prepare a Certificate of Termination of Proceedings. ([G.C. § 57179](#))~~

~~5)3) If the Commission orders a change of organization or reorganization without election, the Executive Officer shall prepare a Certificate of Completion. ([G.C. §§ 57200-57204](#))~~

~~6)4) If the Commission orders a change of organization or reorganization subject to an election, the Executive Officer shall provide written notice to the Board of Supervisors or affected city council to conduct the election. At the conclusion of the election, the Executive Officer shall take one of the following actions:~~

- ~~• Prepare a Certificate of Completion for the change or organization or reorganization if approved by [a majority of](#) voters. ([G.C. § 57177.5G.C. § 57176](#))~~
- ~~• Prepare a Certificate of Termination of Proceedings for the change of organization or reorganization if disapproved by [a majority of](#) voters. ([G.C. § 57177.5G.C. § 57179](#))~~



Agenda Item 5c (Consent/Information)

TO: Local Agency Formation Commission

PREPARED BY: Brendon Freeman, Executive Officer *B F*

MEETING DATE: April 3, 2023

SUBJECT: Current and Future Proposals

SUMMARY

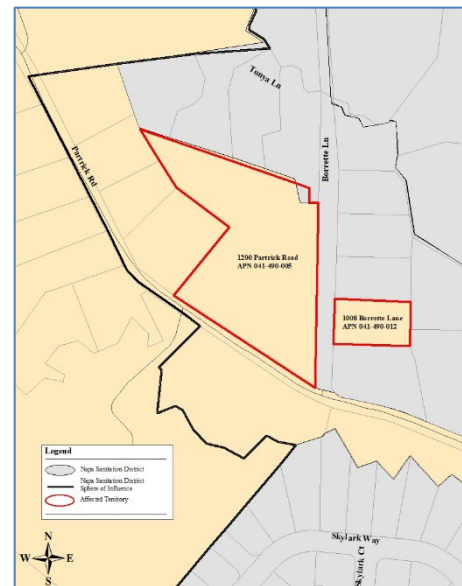
This is a consent item for information purposes only. Accordingly, if interested, the Commission is invited to pull this item for additional discussion with the concurrence of the Chair. No formal action will be taken as part of this item.

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

Active Proposals

Partrick Road/Borrette Lane No. 3 Annexation to NSD

The landowner of one parcel located at 1200 Partrick Road in the City of Napa submitted an application to annex the parcel to the Napa Sanitation District (NSD). The parcel is developed with one single-family residence and a vineyard. The parcel is identified as Assessor Parcel Number (APN) 041-490-005 and is approximately 4.18 acres in size. Annexation to NSD would facilitate the expansion of the existing residence to include additional bedrooms and bathrooms and would not involve removal of the vineyard or additional residential units. In consultation with the affected landowners, staff has modified the proposal to include a second parcel totaling approximately 0.56 acres in size, located at 1008 Borrette Lane in the City of Napa, and identified as APN 041-490-012. This proposal is on today's agenda for action.



Margie Mohler, Chair
Councilmember, Town of Yountville

Mariam Aboudamous, Commissioner
Councilmember, City of American Canyon

Beth Painter, Alternate Commissioner
Councilmember, City of Napa

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

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

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

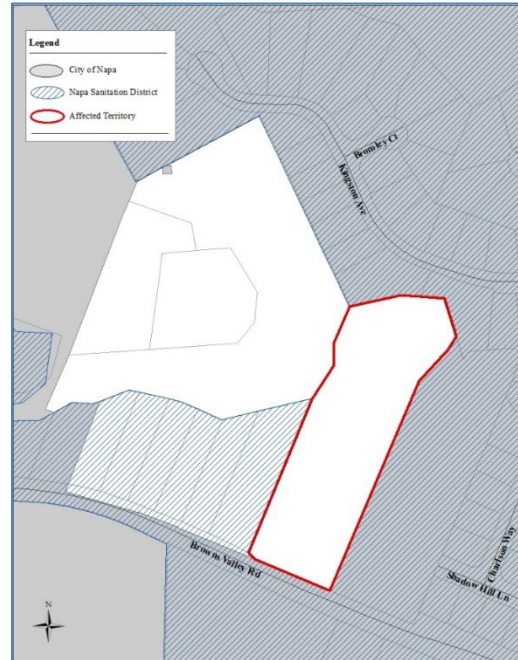
Kenneth Leary, Commissioner
Representative of the General Public

Eve Kahn, Alternate Commissioner
Representative of the General Public

Brendon Freeman
Executive Officer

Browns Valley Road Reorganization (Annexation to the City of Napa and NSD)

The City of Napa adopted a resolution to initiate the annexation of 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 3.8 acres in size, identified as APN 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 CSA No. 4. Annexation would facilitate a planned subdivision totaling 12 single-family residences. The proposal is expected to be on the Commission’s June 5, 2023, meeting agenda for action.



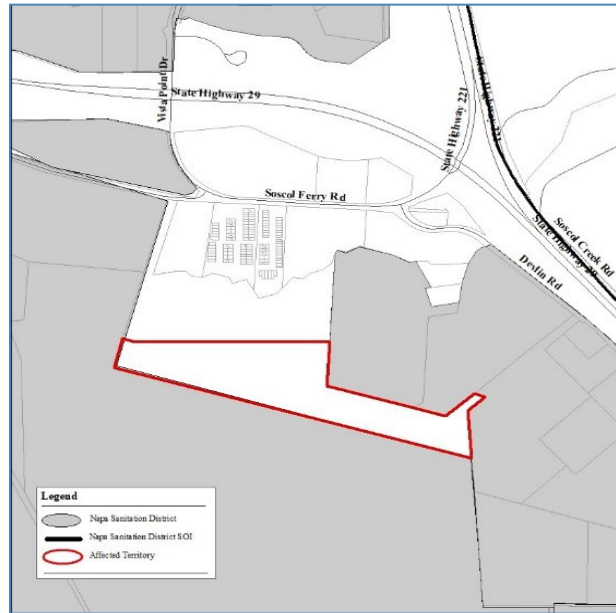
Sierra Avenue/Villa Lane Annexation to NSD

A representative for the landowner of two parcels located at 1185 Sierra Avenue in the City of Napa submitted an application to annex the parcels to NSD. The parcels are identified as APNs 038-250-035 & -037 and total approximately 10.5 acres in size. The parcels were previously used as the Vintage High School’s former farm site. The purpose of the annexation is to facilitate the planned Vintage Ranch Subdivision residential project. The submitted application is considered incomplete until the necessary CEQA documents are completed. It is anticipated the Commission will consider action on the proposal as early as its June 5, 2023, meeting.



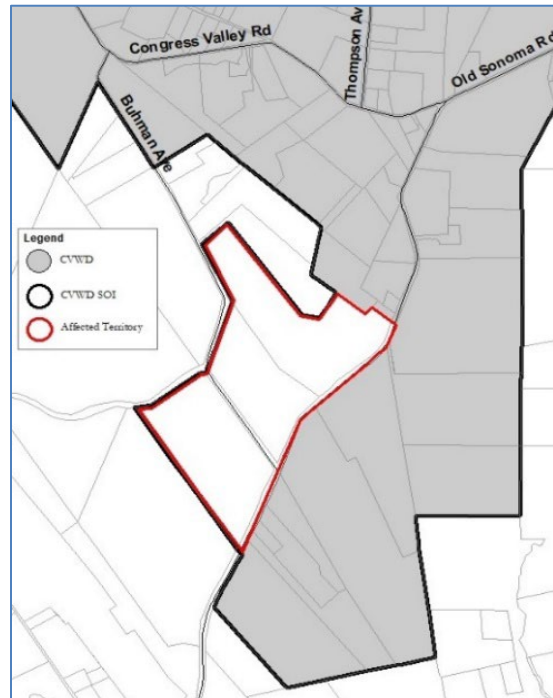
Devlin Road No. 6 Annexation to NSD

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



Old Sonoma Road/Buhman Avenue Annexation to CVWD

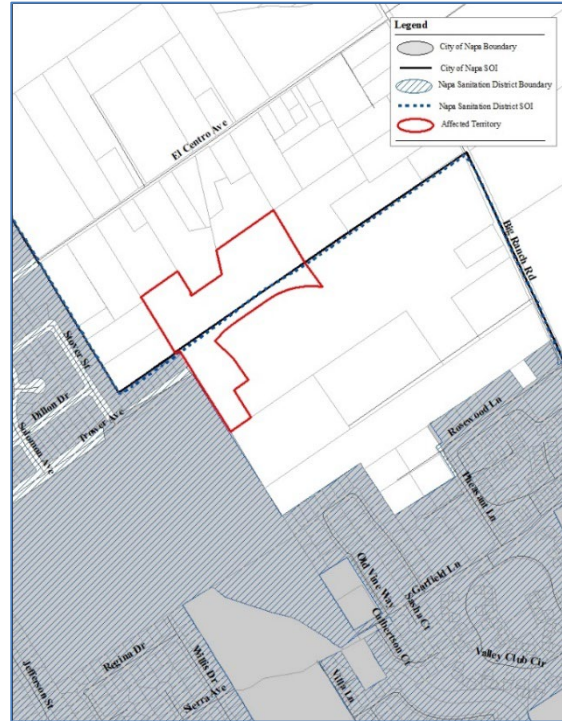
A landowner previously submitted a proposal to annex three unincorporated parcels totaling approximately 141.5 acres in size to the Congress Valley Water District (CVWD). The parcels are located along the northwestern side of Old Sonoma Road at its intersection with Buhman Avenue and identified as APNs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



Anticipated Proposals

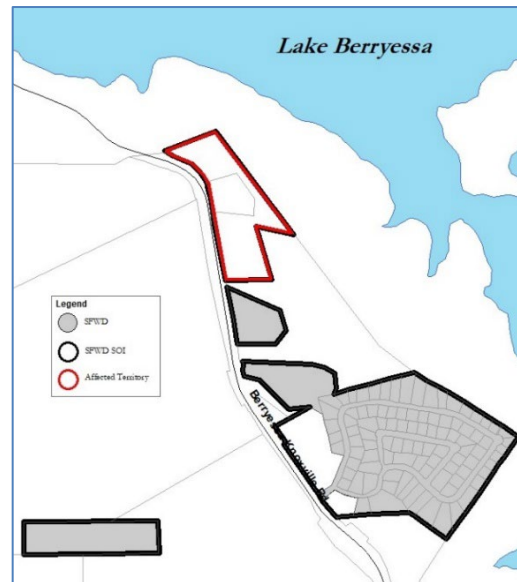
Vintage High School Farm SOI Amendment and Annexation Involving the City of Napa and NSD

The Napa Valley Unified School District (NVUSD) has inquired about a sphere of influence (SOI) amendment and annexation of approximately 12.8 acres of unincorporated territory involving the City of Napa and NSD. The territory is contiguous to the City of Napa near the eastern terminus of Trower Avenue and identified as APN 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. It is anticipated a proposal for annexation will be submitted in the future, but there is no current timetable.



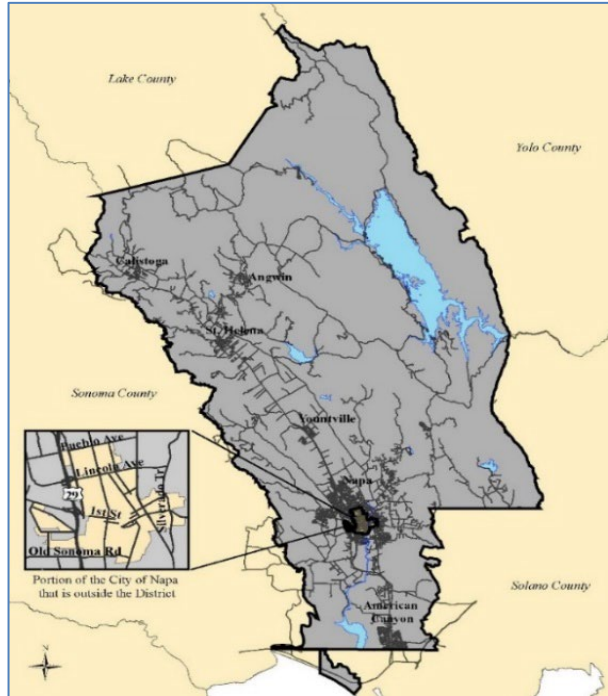
7140 & 7150 Berryessa-Knoxville Road Annexation to SFWD

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



NCRCDD Donut Hole Annexation

Staff from the Napa County Resource Conservation District (NCRCDD) has inquired about annexation of approximately 1,300 acres of incorporated territory located in the City of Napa. This area comprises the only remaining territory located within NCRCDD's SOI but outside its jurisdictional boundary, and is commonly referred to as a "donut hole". The purpose of annexation would be to allow NCRCDD to expand its service programs and hold public meetings within the affected territory; activities that are currently prohibited within the area. In February 2020, the Commission approved a request for a waiver of LAFCO's proposal processing fees. It is anticipated a proposal for annexation will be submitted in the future, but there is no current timetable.



Materials Diversion Facility Annexation to the City of Napa

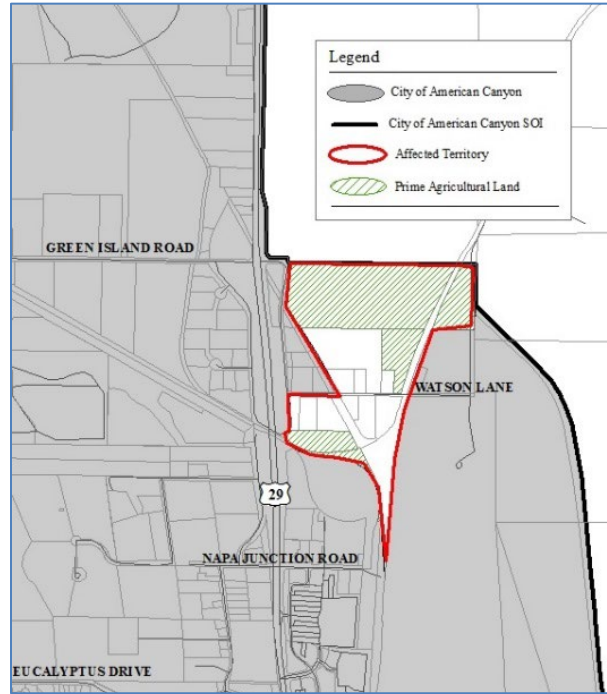
Staff from the City of Napa has inquired about annexation of approximately 2.9 acres of unincorporated territory comprising a portion of an approximate 35.0-acre parcel currently owned by the Napa-Vallejo Waste Management Authority. The current APN is 057-090-060. A property sale and a lot line adjustment are contemplated to create new parcels. The purpose of the property acquisition and future annexation is to expand the City's existing materials diversion facility operations. The property is located outside the City of Napa's SOI near the City of American Canyon. Annexation to the City of Napa is allowed given the property is owned by the City and soon will be used by the City for municipal purposes.¹ It is anticipated a proposal for annexation will be submitted in the future, but there is no current timetable.



¹ See [California Government Code §56742](#).

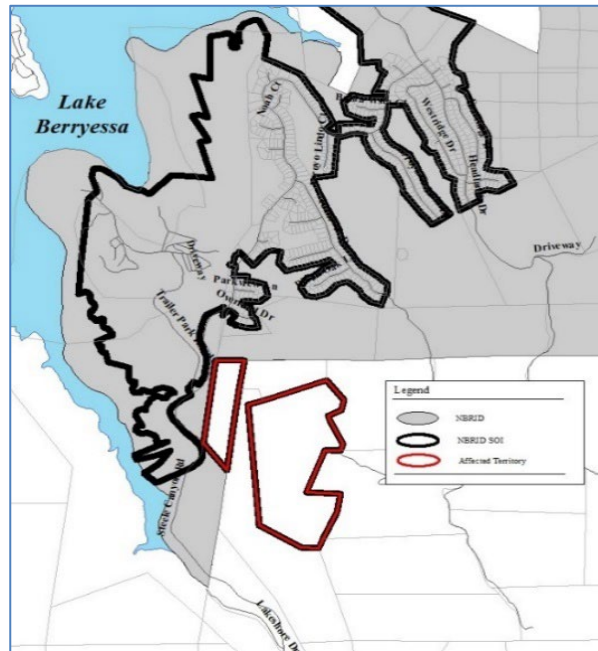
Watson Lane/Paoli Loop Annexation to the City of American Canyon

The City of American Canyon is expected to submit an application to annex 16 parcels and a portion of railroad totaling approximately 77.7 acres of unincorporated territory. The area is located within the City’s SOI near Watson Lane and Paoli Loop and identified as APNs 057-120-014, -015, -017, -028, -034, -036, -041, -045, -047, -048, -049, -050, & -051, 057-180-014 & -015, and 059-020-036. The 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 2023.



Wastewater Treatment Plant Annexation to NBRID

Staff from the Napa Berryessa Resort Improvement District (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 APNs 019-220-028 & -038. Annexation would be for purposes of reducing 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.



ATTACHMENTS

None



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

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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 5d (Consent/Information)

TO: Local Agency Formation Commission

PREPARED BY: Dawn Mittleman Longoria, Assistant Executive Officer and
CALAFCO Deputy Executive Director, Coastal Region DML

MEETING DATE: April 3, 2023

SUBJECT: CALAFCO Resources

SUMMARY

At the last Commission meeting there was a discussion regarding the statewide association for LAFCOs, California Association of LAFCOs (CALAFCO). This item provides information on CALAFCO resources. As a Commissioner, you are a member of CALAFCO and have access to all their resources.

WEBSITE RESOURCES

CALAFCO University courses:

The recent courses are webinars available on the website for on-demand viewing. These webinars are an excellent opportunity to view the full session, with panelist, slides and Q&A portion. Panelists include Commissioners, subject experts and experienced staff from around the State.

1. The New Era: State of the State in terms of extreme weather, water & fire issues and what it means for LAFCOs

Hear from the Chair of the State Water Resources Control Board on state-level policies and trends related to the drought and water issues, and the impacts to communities. CAL Fire shares short-term and long-term projections given the ongoing drought and climate conditions, along with their perspective how local governments providing fire services, can collaborate and partner with each other and CAL Fire to deal with what is sure to be a bleak short-term future. The Governor's Office of Planning & Research (OPR) offers best practices for local governments in the areas of land use and resource planning given the current state of the State, and a perspective on how districts-cities-counties-LAFCOs can partner and collaborate to address these issues. LAFCO legal counsel, then explores what specific LAFCO actions and perspective shifts are needed to support the "now and future new normal".

Margie Mohler, Chair
Councilmember, Town of Yountville

Mariam Aboudamous, Commissioner
Councilmember, City of American Canyon

Beth Painter, Alternate Commissioner
Councilmember, City of Napa

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

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

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

Kenneth Leary, Commissioner
Representative of the General Public

Eve Kahn, Alternate Commissioner
Representative of the General Public

Brendon Freeman
Executive Officer

2. Proactively Navigating Economic and Service Crisis Realities

This session offers several unique perspectives on the current and projected economic conditions of local governments, impacts to LAFCO operations and capacities, and how LAFCOs can begin to think about positive strategies to support local service providers to help lessen economic impacts or maintain service levels in spite of the myriad of economic crises we face. Specifically, we hear from Jim Simon of RSG, Inc. on the current and projected economic conditions facing local governments, including a recession outlook focus on implications for Counties, Cities and Special Districts, and a look at what governance shifts are we seeing or can expect to see given the host of economic disasters in 2020 (pandemic, historic wildfires, civil unrest). Through the lens of LAFCO Commissioner/County Supervisor Jane Parker, we explore the COVID-19 economic impact on tourism and agricultural sectors and added economic impacts from wildfires to Monterey, along with impacts on disadvantaged communities. We learn how that has impacted LAFCO operations and capacities and discuss how LAFCOs can adapt to the financial crisis to survive. Rounding out the panel, we hear from Executive Officer Carolyn Emery about the fiscal model Orange LAFCO is starting to use to help them better understand challenges facing cities and special districts. We explore other cooperative efforts that mutually benefit citizens/customers through cooperation among agencies as well as more traditional LAFCO approaches. This is followed by a robust Q&A session.

3. The Dirty Dozen: Things I wish I had known about the act

Veteran executive officers representing the four LAFCO regions (Central, Coastal, Northern and Southern) will each present three things about “the Act” that “LAFCO rookies” should know on Day One. Presenters will describe how these twelve hidden gems will help all LAFCO staff, new and old, apply provisions from the Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000 to their daily routines to better serve the public.

4. Fire & EMS Service Basics, Challenges and LAFCOs’ Role & Responsibility (four-part series)

California wildfires burned 4.2 million acres in 2020 and 1.3 million acres 2017. In 1964, it took four days for a wildfire to travel from Calistoga in Napa County to Santa Rosa in Sonoma County. In 2017, it took only four hours for a wildfire to travel that same route. Local and state firefighting resources have been stretched beyond imagination. Wildland firefighting is only one of the many functions of an all-risk agency. So, what are LAFCOs’ role and responsibilities in terms of overseeing these complex services? How can we create Municipal Service Reviews with information and determinations that have meaning and create value both short-and-long-term? What should we be looking at and considering that we aren’t? This very special 4-part series will take a deep dive into Fire and EMS services and LAFCOs’ role and responsibility in understanding, studying, and making

determinations regarding these complex services. Each session builds on the prior one, concluding the series with a session that explores several case studies highlighting urban, suburban and rural fire service providers.

5. Two Agencies in Dispute: LAFCO's Role in Assisting in Resolving the Conflict

Two public agencies are in dispute over future boundaries, and past unmet conditions of approval. What can a LAFCO do to assist in resolving these types of conflicts? How can a LAFCO navigate the dispute minefields while keeping a neutral role? Join us as we consider two case studies and learn tools that can be used to assist in mediating disputes.

ADDITIONAL RESOURCES

1. Board of Directors and Committees
2. Conferences and Workshops
3. Legislation
4. LAFCO Law, Court Decisions and Legal Opinions
5. LAFCO Procedures
6. Studies, Surveys and Reports

HOW TO CREATE YOUR CALAFCO ACCOUNT

1. CALAFCO Website: <https://calafco.org/>
2. Click "Login"
3. Click "Create a New Account" tab and provide your username and email address
6. Click "Create New Account" (green box)
7. CALAFCO staff will send an email with your temporary password, which you will be required to change upon your first login.

MAP OF CALAFCO REGIONS



ATTACHMENTS

None



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 6a (Public Hearing)

TO: Local Agency Formation Commission

PREPARED BY: Brendon Freeman, Executive Officer *B F*

MEETING DATE: April 3, 2023

SUBJECT: Proposed Budget for Fiscal Year 2023-24 and Draft Work Program

RECOMMENDATION

It is recommended the Commission take the following actions:

- 1) Open the public hearing and take testimony;
- 2) Close the public hearing;
- 3) Adopt the Resolution of the Local Agency Formation Commission of Napa County Adopting a Proposed Budget for the 2023-24 Fiscal Year (Attachment One);
- 4) Direct staff to circulate the adopted proposed budget to each of the funding agencies as well as the general public for review and comment; and
- 5) Direct the Budget Committee to return with recommendations for a final budget for adoption at a noticed public hearing on June 5, 2023.

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

BACKGROUND AND SUMMARY

LAFCOs are responsible for annually adopting a proposed budget by May 1st and a final budget by June 15th pursuant to California Government Code Section 56381. 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

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

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

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

Kenneth Leary, Commissioner
Representative of the General Public

Eve Kahn, Alternate Commissioner
Representative of the General Public

Brendon Freeman
Executive Officer

Budgeting Policies

Consistent with the Commission's *Budget Policy* ("the Policy"), included as Attachment Two, 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 Policy directs the Committee to also consider the Commission's work program.

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

Prescriptive Funding Sources

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

Proposed Budget

The Commission will consider approving a proposed budget for fiscal year 2023-24 with operating expenses and revenues each totaling \$709,436, which positions the Commission to finish the fiscal year with available reserves totaling \$393,934 or 55.5% of proposed operating expenses.

Proposed Operating Expenses

The Committee proposes an increase in budgeted operating expenses from \$663,588 to \$709,436; a difference of \$45,848 compared to the current fiscal year. A summary of significant operating expenses follows.

Salaries and Benefits Unit

This budget unit is proposed to total \$15,850 and is primarily associated with Commissioner per diems for attendance at meetings, conferences, trainings, and other activities related to LAFCO business. Staff salaries and benefits are categorized under Administration Services (Account No. 52100) within the Services and Supplies budget unit as summarized below.

Services and Supplies Unit

This budget unit is proposed to total \$693,586. The following is a summary of expense accounts that differ by at least \$1,000 compared to the current fiscal year:

- 1) Increase Administration Services (Account No. 52100) from \$509,844 to \$545,088 to reflect the anticipated hiring of a full-time Clerk/Jr. Analyst.
- 2) Increase Information Technology Services (Account No. 52130) from \$23,974 to \$34,309 to reflect price increases in hardware, software, contract renewals, and cybersecurity.
- 3) Decrease Consulting Services (Account No. 52310) from \$10,000 to \$5,000 to hire an outside facilitator for the Commission's scheduled strategic planning session on July 10, 2023.
- 4) Increase Maintenance/Software (Account No. 52515) from \$1,930 to \$3,062 to reflect a planned update of the Commission's website, including a change in the website host from Planeteria to Streamline.
- 5) Increase Business Travel/Mileage (Account No. 52905) from \$1,000 to \$3,000 to reflect an increase in anticipated travel for Chair Mohler to attend CALAFCO Board of Directors meetings in person.
- 6) Increase Office Supplies (Account No. 53100) from \$1,000 to \$2,000 in anticipation of an increase in purchases related to the new Clerk/Jr. Analyst.

Notably, consistent with prior fiscal years, the proposed budget includes \$2,000 for the 401A Employer Contribution under Administration Services (Account No. 52100). The Executive Officer and Assistant Executive Officer are authorized to participate in the County of Napa's 401(a) retirement savings plan.

Proposed Operating Revenues

The Committee proposes an increase in operating revenues from \$663,588 to \$709,436; a difference of \$45,848 compared to the current fiscal year. Agency contributions are proposed to total \$679,476. Service charges (i.e., proposal application fees) are proposed to total \$23,460 based on anticipated proposal activity. Interest earnings on the Commission's fund balance are proposed to total \$6,500 based on recent trends.

Work Program

The Commission annually adopts a work program and the Budget Committee is directed to consider it as part of the budget preparation process.

The Committee considered a draft Work Program for Fiscal Year 2023-24 prepared by staff, included as Attachment Three. This includes approximate schedules for the preparation of municipal service reviews and other projects. The Commission is invited to discuss the draft Work Program and consider any appropriate changes before adoption of a final Work Program at a future meeting.

Notably, the draft Work Program includes “Special Projects and Studies” that are yet to be determined. This would typically involve entering into a contract with a consultant to perform a specific duty, such as the preparation of a countywide service-specific study similar to the Commission’s recently completed Napa Countywide Water and Wastewater Municipal Service Review. The cost for this type of study would be paid out of the Commission’s reserves.

Staff recommends the Commission discuss its interest in identifying any desired special projects or studies to initiate in the foreseeable future, and consider providing direction to staff to return with any desired changes to the budget or Work Program. It may also be appropriate for the Commission to continue this discussion at its strategic planning session scheduled for July 10, 2023, in Yountville.

ATTACHMENTS

- 1) Draft Resolution Adopting a Proposed Budget for Fiscal Year 2023-24
- 2) Budget Policy
- 3) Draft Work Program for Fiscal Year 2023-24

RESOLUTION NO. _____

**RESOLUTION OF
THE LOCAL AGENCY FORMATION COMMISSION OF NAPA COUNTY
ADOPTING A PROPOSED BUDGET FOR THE 2023-24 FISCAL YEAR**

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

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

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

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

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

WHEREAS, the Commission heard and fully considered all the evidence presented at its public hearing on the proposed budget held on April 3, 2023; and

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

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

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

The foregoing resolution was duly and regularly adopted by the Commission at a public meeting held on April 3, 2023, after a motion by Commissioner _____, seconded by Commissioner _____, by the following vote:

AYES: Commissioners _____

NOES: Commissioners _____

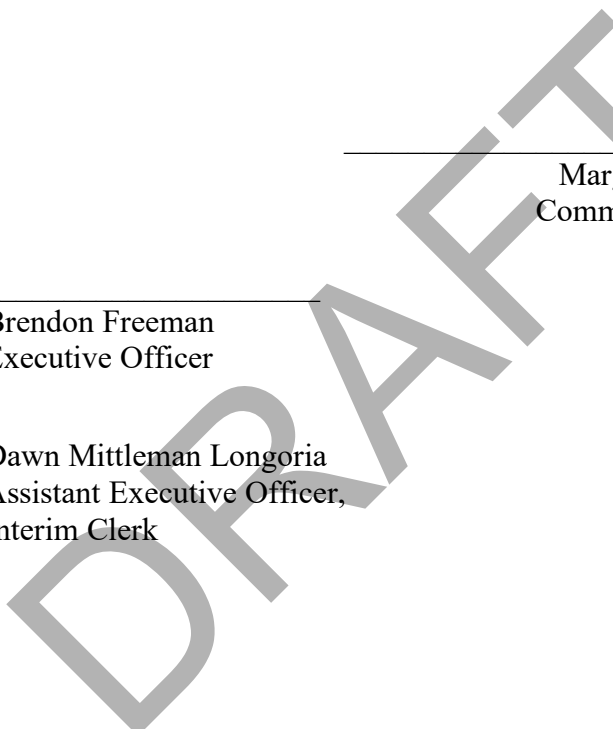
ABSENT: Commissioners _____

ABSTAIN: Commissioners _____

Margie Mohler
Commission Chair

ATTEST: _____
Brendon Freeman
Executive Officer

Recorded by: Dawn Mittleman Longoria
Assistant Executive Officer,
Interim Clerk





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

FY 2023-24 PROPOSED BUDGET

Adopted on April 3, 2023

Expenses	FY 2020-21		FY 2021-22		FY 2022-23		FY 2023-24
	Final Budget	Actual	Final Budget	Actual	Final Budget	Estimate	Proposed Budget
Salaries and Benefits							
<u>Account</u>	<u>Description</u>						
51210	14,500	12,720	12,500	12,300	15,200	12,900	15,000
51300	250	181	250	205	250	206	250
51305	500	512	500	525	500	552	600
	Total Salaries & Benefits	13,413	13,250	13,030	15,950	13,658	15,850
Services and Supplies							
<u>Account</u>	<u>Description</u>						
52100	415,869	421,287	439,901	408,954	509,844	460,000	545,088
52125	7,500	6,593	7,500	6,847	7,500	7,500	7,500
52130	24,323	24,323	24,489	24,489	23,974	23,974	34,309
52131	-	-	1,837	1,837	1,685	1,692	2,000
52140	25,500	24,286	25,000	22,000	35,000	40,000	35,000
52310	25,551	25,550	-	-	10,000	-	5,000
52345	300	225	300	150	300	300	300
52515	1,930	1,929	1,930	1,930	1,930	1,930	3,062
52600	5,500	3,220	4,000	2,784	4,000	3,500	3,500
52605	30,409	30,408	31,322	28,234	25,995	25,995	26,775
52700	813	-	578	578	638	638	716
52800	3,500	1,428	2,000	1,485	3,000	2,236	3,000
52830	1,500	814	1,000	1,100	1,000	696	750
52835	50	100	200	150	200	50	150
52900	989	200	10,000	-	15,000	7,500	15,000
52905	1,000	-	500	-	1,000	1,426	3,000
53100	1,250	1,179	1,000	400	1,000	832	2,000
53110	350	100	500	100	150	20	100
53115	-	-	-	119	119	119	119
53120	3,060	3,060	2,934	2,934	3,078	3,078	3,332
53205	1,500	1,389	1,500	1,950	2,000	1,800	2,400
53415	-	150	225	225	225	225	225
56350	500	122	250	33	-	130	260
	Total Services & Supplies	546,363	556,966	506,337	647,638	583,641	693,586
EXPENSE TOTALS							
	566,644	559,776	570,216	519,367	663,588	597,299	709,436

Revenues

		FY 2020-21		FY 2021-22		FY 2022-23		FY 2023-24
		Final Budget	Actual	Final Budget	Actual	Final Budget	Estimate	Proposed Budget
Intergovernmental								
<u>Account</u>	<u>Description</u>							
43910	County of Napa	242,700	242,700	254,835	254,835	313,794	313,794	339,738
43950	Other Governmental Agencies	242,700	242,700	254,835	254,835	313,794	313,794	339,738
----	City of Napa	162,800	162,800	166,432	166,432	207,969	207,969	225,163
----	City of American Canyon	41,166	41,166	45,843	45,843	56,307	56,307	60,962
----	City of St. Helena	15,159	15,159	18,608	18,608	20,381	20,381	22,066
----	City of Calistoga	14,515	14,515	13,976	13,976	16,885	16,885	18,281
----	Town of Yountville	9,060	9,060	9,976	9,976	12,252	12,252	13,265
	Total Intergovernmental	485,400	485,400	509,670	509,670	627,588	627,588	679,476
Service Charges								
<u>Account</u>	<u>Description</u>							
42690	Application/Permit Fees	21,060	37,356	20,000	25,450	25,000	28,560	22,950
46800	Charges for Services	624	593	600	1,074	1,000	340	510
47900	Miscellaneous	-	-	-	2,845	4,000	2,667	-
	Total Service Charges	21,684	37,949	20,600	29,369	30,000	31,567	23,460
Investments								
<u>Account</u>	<u>Description</u>							
45100	Interest	12,000	6,817	10,000	5,700	6,000	6,700	6,500
	Total Investments	12,000	6,817	10,000	5,700	6,000	6,700	6,500
	REVENUE TOTALS	519,084	530,166	540,270	544,739	663,588	665,855	709,436

OPERATING DIFFERENCE (47,560) (29,610) (29,946) 25,372 0 68,556 (0)

Fund Balances

	2020-21	2021-22	2022-23	2023-24
RESTRICTED FUND BALANCE (EQUIPMENT REPLACEMENT RESERVE)				
Beginning:	19,657	19,657	19,657	19,657
Ending:	19,657	19,657	19,657	19,657
UNDESIGNATED/UNRESERVED FUND BALANCE ("RESERVES")				
Beginning:	329,616	300,006	325,378	393,934
Ending:	300,006	325,378	393,934	393,934
TOTAL FUND BALANCE				
Beginning:	349,273	319,663	345,035	413,591
Ending:	319,663	345,035	413,591	413,591
MINIMUM FOUR MONTH RESERVE GOAL				
	188,881	190,072	221,196	236,479



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.

Attachment Three

Napa LAFCO Work Program for Fiscal Year 2023-24			
		Timeline	Comments
STUDIES	Napa County Resource Conservation District MSR & SOI	Draft report in Aug 2023	Previous MSR & SOI completed in 2016
	County Service Area No. 4 MSR & SOI	Draft report in Oct 2023	Previous MSR & SOI completed in 2017
	Napa Sanitation District SOI	Draft report in Feb 2024	Previous MSR completed in 2014 (Central County Region MSR), previous SOI completed in 2015
	City of St. Helena MSR & SOI	Draft report in Apr 2024	Previous MSR & SOI completed in 2008
	City of Napa MSR & SOI	Draft report in Jun 2024	Previous MSR completed in 2014 (Central County Region MSR), previous SOI completed in 2014
ADMINISTRATION	Audit	Annual	Presented by the County Auditor-Controller annually in December
	Budget	Annual	Proposed budget must be adopted by May 1; final budget must be adopted by June 15; Budget Committee appointed annually in December; staff prepares quarterly budget reports
	Legislation	Annual	Legislative Committee appointed every 2 years to review state legislation and recommend formal positions
	Policies	Ongoing	Policy amendments will be proposed as needed and Policy Manual updated accordingly
	Proposals	Ongoing	See "Current and Future Proposals" staff report on each meeting agenda for a status update
	Staff Training	Ongoing	Staff is recruiting a Clerk/Jr. Analyst; new employee will require comprehensive training on LAFCO's administrative functions
	Website/Document Management	Ongoing	Staff continuously updates information on website including agendas, minutes, meeting recordings, audits, budgets, etc.; website host will change to Streamline beginning July 1, 2023; staff is also working on migrating all electronic documents from Laserfiche system to County-hosted network
OTHER	Strategic Planning (Yountville Town Hall)	July 10, 2023	Strategic planning is recommended every 2 years; Commission will conduct a strategic planning workshop on July 10, 2023 in Yountville with Pamela Miller as facilitator
	Special Projects and Studies	TBD	To be determined in budget cycle and strategic planning; typically involves a contract with a consultant to be funded with reserves; for example: countywide MSRs and whitepapers
	Support Services Agreement with County of Napa	TBD	Staff working with County to amend agreement for purposes of modernization and possible further LAFCO independence; amendments will require formal approval from both the Commission and County Board of Supervisors
	2023 CALAFCO Annual Conference	October 18 - 20, 2023	Monterey; all Commissioners and staff encouraged to attend
	2024 CALAFCO Staff Workshop	April 2024	TBD (Coastal Region will host); all staff encouraged to attend
Draft Work Program presented on April 3, 2023			



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

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

Agenda Item 7a (Action)

TO: Local Agency Formation Commission
PREPARED BY: Dawn Mittleman Longoria, Assistant Executive Officer, Interim Clerk
MEETING DATE: April 3, 2023
SUBJECT: Proposed Partrick Road/Borrette Lane No. 3 Annexation to the Napa Sanitation District and Associated CEQA Findings

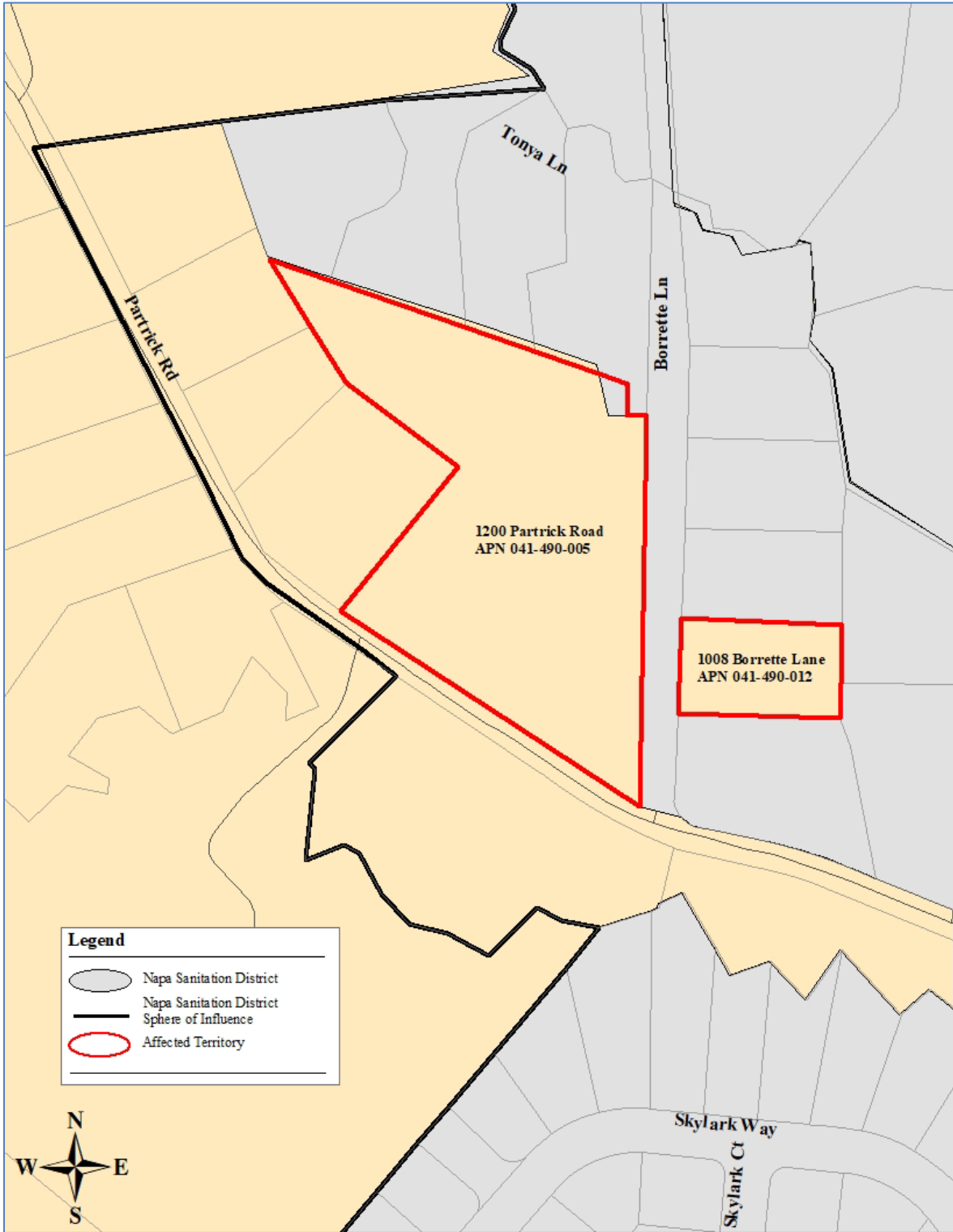
RECOMMENDATION

Adopt the Resolution of the Local Agency Formation Commission of Napa County Making Determinations – Partrick Road/Borrette Lane No. 3 Annexation to the Napa Sanitation District (NSD) making California Environmental Quality Act (CEQA) findings and approving the proposed annexation (Attachment One). Standard conditions are also recommended.

BACKGROUND AND SUMMARY

Applicant: Landowner (petition)
Proposed Action: Annexation to NSD
Assessor Parcel Numbers: 041-490-005 & 041-490-012
Location: 1200 Partrick Road & 1008 Borrette Lane
Area Size: 4.7 acres
Jurisdiction: City of Napa (“City”)
Sphere of Influence Consistency: Yes
Policy Consistency: Yes
Tax Sharing Agreement: Yes – master tax exchange agreement
Landowner Consent: 100%
Protest Proceedings: Waived
CEQA: Exempt
Current Land Uses: two single-family residences and detached garages/out buildings, vineyard

Purpose: Remove and rebuild existing home, establish permanent public sewer service
Development Plans: No, replace existing single-family home and garage
Development Potential: City General Plan would allow seven additional residential lots subject to City review and approval
Application: Attachment Two (original proposal only includes 1200 Partrick Road; staff modified proposal to also include 1008 Borrette Lane with consent of landowners)
Maps of Affected Territory: Following pages



Proposed Partrick Road/Borrette Lane No. 3 Annexation to the Napa Sanitation District

April 3, 2023

Page 3 of 4



DISCUSSION

Factors for Commission Determinations

Mandated Factors: Attachment Three¹

Property Tax Agreement

Master Property Tax Agreement: No change in allocation for annexations to NSD

Protest Proceedings

Waived: Legally uninhabited (fewer than 12 registered voters) and 100% consent of property owners²

ENVIRONMENTAL REVIEW³

Exemptions:

1. Installation of new pipeline less than one mile⁴
 - Current and future residential units would connect via sewer main and/or laterals from existing sewer main
2. New construction or conversion of small structures⁵
 - One single-family residence on each parcel
3. Existing structures developed to density allowed in current zoning⁶
 - Any future development would require review and approval by the City and be subject to separate CEQA process

ATTACHMENTS

- 1) Draft Resolution Approving the Proposal and Making CEQA Findings
- 2) Application Materials
- 3) Factors for Commission Determinations

¹ California Government Code sections 56668 & 56668.3

² California Government Code section 56662(a): fewer than 12 registered voters

³ Reviewed by Napa LAFCO Legal Counsel

⁴ CEQA Guidelines section 15282(k)

⁵ CEQA Guidelines section 15303

⁶ CEQA Guidelines section 15319

RESOLUTION NO. ____

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

**PARTRICK ROAD/BORRETTE LANE NO. 3
ANNEXATION TO THE NAPA SANITATION DISTRICT**

WHEREAS, an application for a proposed reorganization has been filed with the Local Agency Formation Commission of Napa County, hereinafter referred to as “Commission,” pursuant to the Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000; and

WHEREAS, the proposal seeks Commission approval to annex approximately 4.7 acres of incorporated land to the Napa Sanitation District and represents two entire parcels located at 1200 Partrick Road and 1008 Borrette Lane and identified by the County of Napa Assessor’s Office as 041-490-005 and 041-490-012, respectively; and

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

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

WHEREAS, the Commission heard and fully considered all the evidence presented at a public meeting held on the proposal on April 3, 2023; and

WHEREAS, the Commission considered all the factors required by law under Government Code sections 56668 and 56668.3 as well as adopted local policies and procedures; and

WHEREAS, the Commission finds the proposal consistent with the sphere of influence established for the Napa Sanitation District; and

WHEREAS, the Commission finds that all owners of land included in said proposal consent to the subject annexation; and

WHEREAS, in accordance with applicable provisions of the California Environmental Quality Act (hereinafter “CEQA”), the Commission considered available exemptions under CEQA, in accordance with Title 14 of the California Code of Regulations (hereinafter “CEQA Guidelines”); and

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

1. The Factors for Commission Determinations provided in the Executive Officer’s written report are hereby incorporated herein by this reference and are adequate.

2. The underlying activity, annexation of the affected territory, is statutorily exempt from further review pursuant to CEQA Guidelines section 15282(k), which exempts the installation of new pipeline as long as the project does not exceed one mile in length. The proposed annexation also qualifies for the categorical exemption from further review under CEQA Guidelines section 15303, which exempts construction and location of limited numbers of new, small facilities or structures, installation of small new equipment and facilities in small structures, and the conversion of existing small structures from one use to another where only minor modifications are made in the exterior of the structure. The proposed annexation also qualifies for the categorical exemption from further review under CEQA Guidelines section 15319, which exempts annexations to a city or special district of areas containing existing public or private structures developed to the density allowed by the current zoning or rezoning of either the gaining or losing environmental agency, whichever is more restrictive, provided, however, that the extension of utility services to the existing facilities would have a capacity to serve only the existing facilities. The records upon which these findings are made are located at the Commission's administrative office located at 1754 Second Street, Suite C, Napa, California 94559.

3. The proposal is APPROVED subject to completion of item number 11 below.

4. This proposal is assigned the following distinctive short-term designation:

**PARTRICK ROAD/BORRETTE LANE NO. 3
ANNEXATION TO THE NAPA SANITATION DISTRICT**

5. The affected territory is shown on the map in the attached Exhibit "A".

6. The affected territory so described is uninhabited as defined in California Government Code section 56046.

7. The Napa Sanitation District utilizes the regular assessment roll of the County of Napa.

8. The affected territory will be taxed for existing general bonded indebtedness of the Napa Sanitation District.

9. The proposal shall be subject to the terms and conditions of the Napa Sanitation District.

10. The Commission waives conducting authority proceedings in accordance with California Government Code section 56662(a).

11. Recordation is contingent upon receipt by the Executive Officer of the following:

(a) A final map and geographic description of the affected territory determined by the County Surveyor to conform to the requirements of the State Board of Equalization.

(b) All outstanding Commission fees.

(c) Written confirmation from the Napa Sanitation District that it is acceptable to record a Certificate of Completion.

- 12. The effective date shall be the date of recordation of the Certificate of Completion. The Certificate of Completion must be recorded within one calendar year unless an extension is requested and approved by the Commission.
- 13. The Commission hereby directs staff to file a Notice of Exemption in compliance with CEQA.

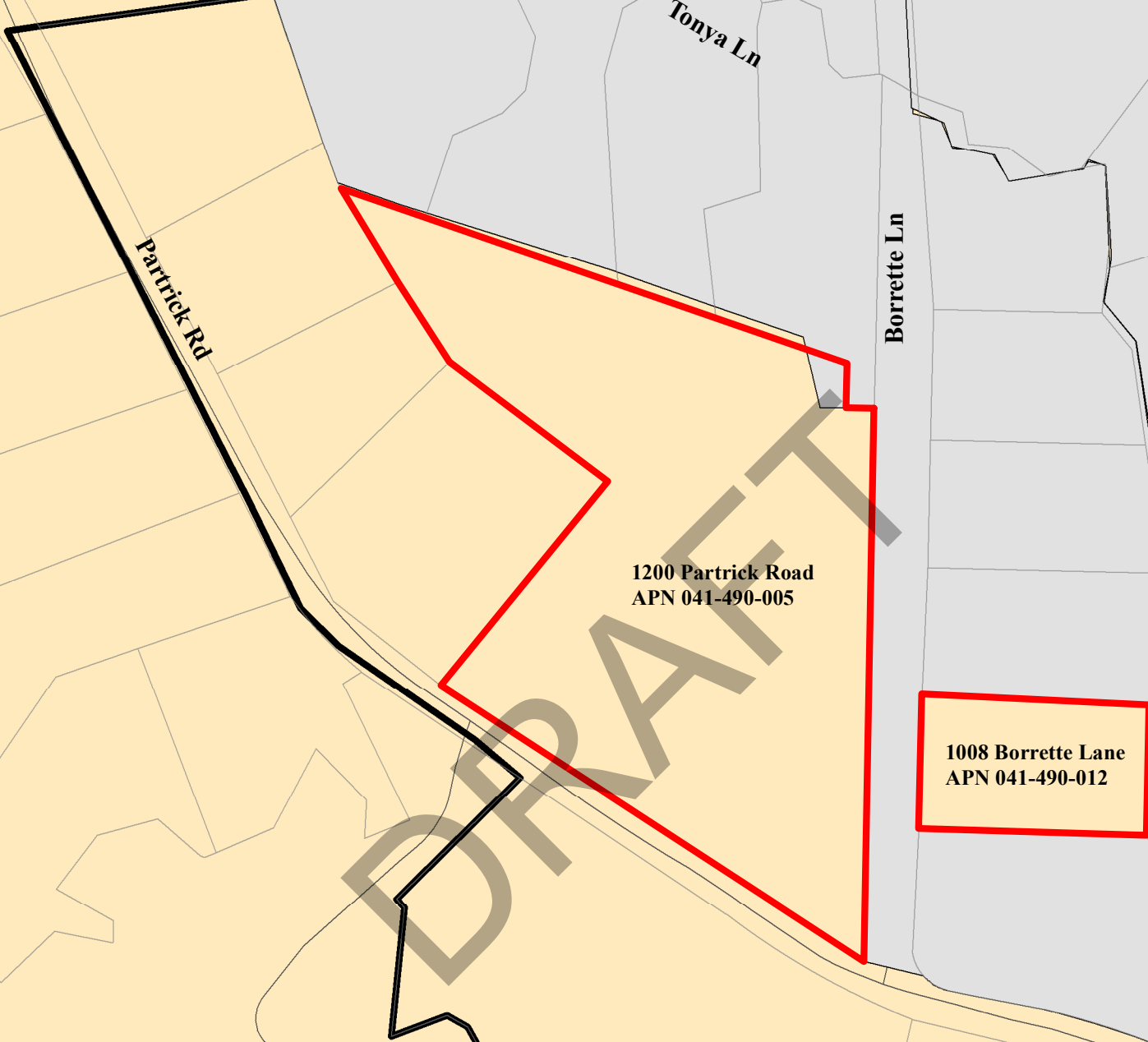
The foregoing resolution was duly and regularly adopted by the Commission at a public meeting held on April 3, 2023, after a motion by Commissioner _____, seconded by Commissioner _____, by the following vote:

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




Margie Mohler
Commission Chair

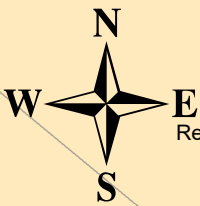
ATTEST: _____
Brendon Freeman
Executive Officer

Recorded by: Dawn Mittleman Longoria
Assistant Executive Officer,
Interim Clerk



Legend

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



FORM D

Date Filed: _____

Proposal Name: _____

PROPOSAL APPLICATION
Change of Organization/Reorganization

I. APPLICANT INFORMATION

A. Name: David Kelley
 Contact Person Agency/Business (If Applicable)

Address: 135 Tarrace Drive SF CA 94127
 Street Number Street Name City Zip Code

Contact: 415-235-7567 NA dave.kelley.sf@gmail.com
 Phone Number Facsimile Number E-Mail Address

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

II. PROPOSAL DESCRIPTION

A. Affected Agencies: Napa San 1515 Soscol Ferry Rd
 Name Address

 Name Address

 Name Address

Use Additional Sheets as Needed

B. Proposal Type: (Check as Needed)

Annexation Detachment City Incorporation District Formation

City/District Dissolution City/District Merger Service Activation (District Only) Service Divestiture (District Only)

C. Purpose Statement: (Specific) Sewer connection for new buildings.

III. GENERAL INFORMATION

A. Location: 1200 Partrick 041-490-005 4.0
 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 : 041-490-005 Name: David Kelley
 Mailing Address: 135 Tenney Dr. SF CA 94127
 Phone Number: 415-235-7567 E-mail: dave.kelley.sf@gmail.com

(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: 5
 (2) Total Number of Registered Voters: 3

D. Land Use Factors:

- (1a) County General Plan Designation: NA
- (1b) County Zoning Standard: NA
- (2a) Applicable City General Plan Designation: SFR-40 (0 to 2 units/acre)
- (2b) Applicable City Pre-zoning Standard: RS-20 (min lot size 20,000 ft²)
(Required for City Annexations)

E. Existing Land Uses:
(Specific)

Single family home + vineyard.

F. Development Plans:

(1a) Territory Subject to a Development Project?



Yes



No

(1b) If Yes, Describe Project:

owner will be demolishing existing structures and building new single family house + garage.

(1c) If No, When Is Development Anticipated?

Not subdivided

G. Physical Characteristics:

(1) Describe Topography:

relatively flat with a slight slope in back of property

(2) Describe Any Natural Boundaries:

NA

(3) Describe Soil Composition and Any Drainage Basins:

Bressa - Dibbk complex
Cole silt loam

(4) Describe Vegetation:

2.0 acres of grape vines surrounding building

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:

Sewer

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

7 beds + 7 bathrooms

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

As soon as (or perhaps 5-6 months later) annexation takes place.

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

Looking for a deferral letter for Patrick sewer line extension.

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

Owner

V. ENVIRONMENTAL INFORMATION

A. Environmental Analysis (City annexations require pre-zoning.)

(1) **Lead Agency for Proposal:** Lafco
Name

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

Environmental Impact Report

Negative Declaration/Mitigated Negative Declaration

Categorical/Statutory Exemption: 15319(b), 15303, and 15282(k)
Type

None

Provide Copies of Associated Environmental Documents

VI. ADDITIONAL INFORMATION

A. Approval Terms and Conditions Requested For Commission Consideration:

NA

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: Deepak Patankar

Mailing Address: _____

E-Mail: deepak @ evocarch.com

(2) Recipient Name: Emile Morales

Mailing Address: Emile @ montara drafting.com

E-Mail: _____

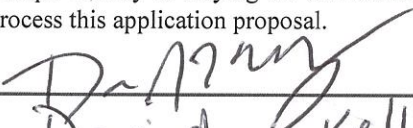
(3) Recipient Name: Joe Pridmore

Mailing Address: joe @ pridmoreandco.com

E-Mail: _____

VII. CERTIFICATION

I certify the information contained in this application is correct. I acknowledge and agree the Local Agency Formation Commission of Napa County is relying on the accuracy of the information provided in my representations in order to process this application proposal.

Signature: 
Printed Name: David Kelley
Title: Owner of 1200 Partrick
Date: 12/22/22



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

We are the legal owners of property as described below and hereby voluntarily consent to the annexation of our land to the Napa Sanitation District as part of the proposal proceedings titled **Partrick Road/Borrette Lane No. 3 Annexation**. In providing consent, we acknowledge the Commission may proceed with considering the proposal without notice, hearing, or protest proceedings under Government Code Section 56662(a).

Landowner Names: Thomas Gary & Cheryl A Vanscyoc

Property Address: 1008 Borrette Lane, Napa, CA 94558

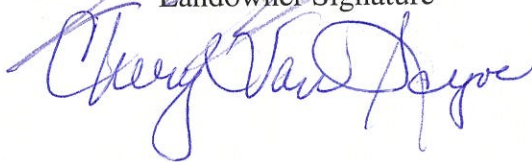
Property APN: 041-490-012



Landowner Signature



Date



Margie Mohler, Chair
Councilmember, Town of Yountville

Mariam Aboudamous, Commissioner
Councilmember, City of American Canyon

Beth Painter, Alternate Commissioner
Councilmember, City of Napa

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

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

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

Kenneth Leary, Commissioner
Representative of the General Public

Eve Kahn, Alternate Commissioner
Representative of the General Public

Brendon Freeman
Executive Officer

FACTORS FOR COMMISSION CONSIDERATION

Government Code §56668 & §56668.3 require the review of a proposal to include the following factors:

FACTOR TO CONSIDER	COMMENT
1. Population and density [§56668(a)]	Consistent: Population seven (legally uninhabited)
2. Land area and land use [§56668(a)]	Consistent: 4.7 acres, two single-family residences Jurisdiction: City of Napa, <i>Browns Valley</i> Planning Area
3. Assessed valuation [§56668(a)]	Consistent: Land: \$1,499,142
4. Topography, natural boundaries and drainage basins [§56668(a)]	Consistent: Relatively flat: 0 to 2 percent slopes with 15-30 slopes at back of parcel Drainage basin: <i>Napa River – Browns Valley Creek</i>
5. Proximity to other populated areas [§56668(a)]	Consistent: Adjacent lands on the four sides: City of Napa – developed or have residential use designations in the General Plan
6. Likelihood of significant growth in the area, adjacent areas during next 10 years [§56668(a)]	Consistent: City General Plan designation and zoning could allow future subdivision of 1200 Partrick Road to include up to 9 total residential lots and would require approval by the City; no current development plans.
7. Need for government services [§56668(b)]	Consistent: Existing City services provided at adequate levels: Water, fire and emergency protection, law enforcement Additional service: Connection to sewer to eliminate septic and facilitate replacement of an existing residence
8. Government services present cost, adequacy and controls in area [§56668(b)]	Consistent: Analysis: Central County Region Municipal Service Review adopted in 2014 and Napa Countywide Water Wastewater MSR Updated 10-4-21
9. Government services probable future needs and controls in area [§56668(b)]	Consistent: Analysis: Central County Region Municipal Service Review adopted in 2014 and Napa Countywide Water Wastewater MSR Updated 10-4-21

<p>10. Government services effect of proposal on cost, adequacy and controls in area and adjacent areas</p> <p>[§56668(b)]</p>	<p>Consistent: Analysis: Central County Region Municipal Service Review adopted in 2014 and Napa Countywide Water Wastewater MSR Updated 10-4-21</p>
<p>11. Effects on adjacent areas, on mutual social and economic interests, and on local governmental structure in the County</p> <p>[§56668(c)]</p>	<p>Consistent: Area included in NSD SOI since 1975</p>
<p>12. Effects on planned efficient patterns of urban development</p> <p>[§56668(d)]</p>	<p>Consistent: City General Plan land use designation: <i>SFR-40 (Single Family Residential, 0-2 lots per acre)</i></p>
<p>13. Effects on maintaining physical and economic integrity of agricultural lands</p> <p>[§56668(e)]</p>	<p>Consistent: Within City RUL, not designated for agricultural or open space use</p>
<p>14. Boundaries: logical, contiguous, not difficult to serve, definite and certain</p> <p>[§56668(f)]</p>	<p>Consistent: Two existing parcels, located on city-maintained streets</p>
<p>15. Conformance to lines of assessment, ownership</p> <p>[§56668(f)]</p>	<p>Consistent: Two parcels: APN 041-490-005, 041-490-012</p>
<p>16. Creation of islands, corridors, irregular boundaries</p> <p>[§56668(f)]</p>	<p>Consistent: Both parcels are legally defined and located within City boundary. Annexation to sewer district would not create an unincorporated island.</p>
<p>17. Consistency with regional transportation plan</p> <p>[§56668(g)]</p>	<p>Consistent: No specific projects in regional transportation plan (RTP), <i>Plan Bay Area 2050</i></p>
<p>18. Consistency with city or county general and specific plans</p> <p>[§56668(h)]</p>	<p>Consistent: City General Plan designation: <i>SFR-40 (Single Family Residential, 0-2 lots per acre)</i> City Zoning: <i>RS-20 (Residential, minimum lot size 20,000 sq. ft.)</i></p>
<p>19. Consistency with spheres of influence</p> <p>[§56668(i)]</p>	<p>Consistent: Within NSD SOI since 1975</p>

<p>20. Comments from affected agencies and other public agencies [§56668(j)]</p>	<p>Consistent: No comments received</p>
<p>21. Ability of agency to provide service including sufficiency of revenues [§56668(k)]</p>	<p>Consistent: Analysis: Central County Region Municipal Service Review adopted in 2014 and Napa Countywide Water Wastewater MSR Updated 10-4-21</p>
<p>22. Timely availability of adequate water supply [§56668(l)]</p>	<p>Consistent: Analysis: Central County Region Municipal Service Review adopted in 2014 and Napa Countywide Water Wastewater MSR Updated 10-4-21</p>
<p>23. Fair share of regional housing needs [§56668(m)]</p>	<p>Consistent: No impact on regional housing needs</p>
<p>24. Information or comments from landowners, voters, or residents in proposal area [§56668(n)]</p>	<p>Consistent: 100% consent of landowners</p>
<p>25. Existing land use designations [§56668(o)]</p>	<p>Consistent: City General Plan designation: <i>SFR-40 (Single Family Residential, 0-2 lots per acre)</i> City Zoning: <i>RS-20 (Residential, minimum lot size 20,000 sq. ft.)</i></p>
<p>26. Effect on environmental justice [§56668(p)]</p>	<p>Consistent: No documentation or evidence suggesting the proposal will have any implication</p>
<p>27. Safety Element of GP concerns; identified as very high fire hazard zone [§56668(q)]</p>	<p>Consistent: Not located in a high fire hazard zone</p>
<p>28. Special district annexations: for the interest of landowners or inhabitants within the district and affected territory [§56668.3(a)(1)]</p>	<p>Consistent: Proposal approval would benefit by providing permanent access to public sewer service, eliminating potential public health hazards associated with private septic systems</p>



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

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

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

Agenda Item 7b (Action)

TO: Local Agency Formation Commission

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

MEETING DATE: April 3, 2023

SUBJECT: Legislative Report and Proposed Amendment to the Legislative Policy

RECOMMENDATION

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

BACKGROUND AND SUMMARY

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

On February 28, 2023, the Committee held a noticed public meeting to discuss the following items:

- 1) Review the *Legislative Policy* and consider if amendments are needed:
The Committee recommends an amendment to the *Legislative Policy* as shown with tracked changes in Attachment Two. A clean version of the amendment is included as an exhibit to the draft resolution, included as Attachment One. The amendment would change the Committee from a standing subcommittee to an ad hoc subcommittee, which will provide the Committee with greater flexibility to advise staff on making recommendations as bills are introduced or amended throughout the legislative year.

Margie Mohler, Chair
Councilmember, Town of Yountville

Mariam Aboudamous, Commissioner
Councilmember, City of American Canyon

Beth Painter, Alternate Commissioner
Councilmember, City of Napa

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

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

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

Kenneth Leary, Commissioner
Representative of the General Public

Eve Kahn, Alternate Commissioner
Representative of the General Public

Brendon Freeman
Executive Officer

- 2) Review the Commission's adopted *Legislative Platform* (Attachment Three) and consider if amendments are needed:

The Committee agreed no amendments are needed at this time.

- 3) Review proposed legislation affecting LAFCOs:

The California Association of LAFCOs (CALAFCO) monitors proposed legislation affecting LAFCOs and provides a daily legislative report. The report that was reviewed by the Committee was dated February 24, 2023 and is included as Attachment Four. The Committee also considered the formal positions taken by other key stakeholder organizations. Due to the preliminary nature of most bills at the time of the Committee's review, the Committee agreed to recommend no positions at this time and for staff to continue monitoring bills. The Committee will meet again to review any new bills that were introduced after the Committee's February 28th meeting, as well as amendments to existing bills, before recommending any formal positions.

ATTACHMENTS

- 1) Draft Resolution Amending the *Legislative Policy*
- 2) Draft Amendment to the Legislative Policy (tracked changes)
- 3) Legislative Platform
- 4) CALAFCO Legislative Report (Dated February 24, 2023)

RESOLUTION NO. _____

**RESOLUTION OF
THE LOCAL AGENCY FORMATION COMMISSION OF NAPA COUNTY
AMENDING ITS LEGISLATIVE POLICY**

WHEREAS, on December 4, 2017, the Local Agency Formation Commission of Napa County (the “Commission”) adopted a *Legislative Policy*; and

WHEREAS, the Commission most recently amended the *Legislative Policy* on April 4, 2022; and

WHEREAS, the Commission considered a proposed amendment to the *Legislative Policy* at its regular meeting on April 3, 2023; and

NOW, THEREFORE, BE IT RESOLVED that the Commission hereby amends the *Legislative Policy* 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 April 3, 2023, after a motion by Commissioner _____, seconded by Commissioner _____, by the following vote:

AYES: Commissioners _____

NOES: Commissioners _____

ABSENT: Commissioners _____

ABSTAIN: Commissioners _____

Margie Mohler
Commission Chair

ATTEST: _____
Brendon Freeman
Executive Officer

Recorded by: Dawn Mittleman Longoria
Assistant Executive Officer,
Interim Clerk



LOCAL AGENCY FORMATION COMMISSION OF NAPA

Legislative Policy

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

- 1) The Local Agency Formation Commission (LAFCO) of Napa County (“the Commission”) shall annually establish an ad hoc committee and appoint two members (“Legislative Committee”) to advise staff as described in this policy.
- 2) The Legislative Committee shall, at least annually, review this policy, the Commission’s adopted legislative platform, and the California Association of Local Agency Formation Commissions (CALAFCO)’s legislative policies. Based on communication with the Legislative Committee, staff shall present recommendations to the full Commission with respect to any appropriate amendments to this policy or the local legislative platform.
- 3) The Legislative Committee shall, at least annually, review proposed legislation affecting LAFCO. Based on communication with the Legislative Committee, staff shall continue monitoring proposed legislation and present recommendations to the full Commission with respect to formal positions on proposed legislation.
- 4) In the event that proposed legislation affecting LAFCO cannot be considered by the full Commission due to timing, the Executive Officer and Assistant Executive Officer are authorized to submit written correspondence to the appropriate entity regarding the Commission’s position if the position is consistent with the local legislative platform. The Chair, or the Vice Chair if the Chair is unavailable, shall review and approve the written correspondence prior to submittal by the Executive Officer or Assistant Executive Officer.
- 5) All submitted correspondence pursuant to this policy will be included on the next available Commission agenda.



LOCAL AGENCY FORMATION COMMISSION OF NAPA

Legislative Policy

(Adopted: December 4, 2017; Last Amended: April 4, ~~2022~~, 2023)

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



LOCAL AGENCY FORMATION COMMISSION OF NAPA

Legislative Platform

(Adopted: February 5, 2018; Last Amended: April 4, 2022)

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

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

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

1. LAFCO Purpose and Authority

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

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

2. Agricultural, Watershed, and Open Space Protection

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

CALAFCO Daily Legislative Report as of Friday, February 24, 2023

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

Current Text: Introduced: 2/14/2023 [html](#) [pdf](#)

Introduced: 2/14/2023

Status: 2/15/2023-From printer. May be heard in committee March 17.

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

Summary:

Would authorize the legislative bodies of 2 or more local governments, defined to include a city, county, special district, or transit agency, to jointly form a Reinvestment in Infrastructure for a Sustainable and Equitable California district (RISE district) in accordance with specified procedures. The bill would require the Office of Planning and Research (OPR) to develop standards for the formation of RISE districts no later than November 30, 2025. The bill would provide for the establishment of a governing board of a RISE district with representatives of each participating local government.

Position: Neutral

Subject: Special District Principle Acts

CALAFCO Comments: This bill has a similar overtone to SB 852 Dodd in 2022 regarding the formation of climate resilience districts outside of the LAFCo process.

As introduced, this bill (AB 930) is focused on the generation of funding and the governance of the expenditure of those funds. However, it should be carefully tracked in case that mission is expanded.

[AB 1439](#) ([Garcia D](#)) **Housing.**

Current Text: Introduced: 2/17/2023 [html](#) [pdf](#)

Introduced: 2/17/2023

Status: 2/18/2023-From printer. May be heard in committee March 20.

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

Summary:

Current law generally sets forth the duties of the Department of Housing and Community Development, which is the principal state department responsible for coordinating federal-state relationships in housing and community development and for implementing the California Statewide Housing Plan. This bill would state the intent of the Legislature to enact legislation related to housing.

Position: Placeholder - Spot Bill

Subject: Housing

CALAFCO Comments: This is a spotholder bill that only notes an intent to address housing.

[AB 1460](#) (Bennett D) Local government.

Current Text: Introduced: 2/17/2023 [html](#) [pdf](#)

Introduced: 2/17/2023

Status: 2/18/2023-From printer. May be heard in committee March 20.

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

Summary:

Existing law, the Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000, provides the exclusive authority and procedure for the initiation, conduct, and completion of changes of organization and reorganization for cities and districts, except as specified. This bill would make a nonsubstantive change to the provision naming the act.

Position: Neutral

Subject: CKH General Procedures, Other

CALAFCO Comments: As introduced, this bill makes only a minor nonsubstantive change to CKH in that it would merely add commas to Section 56000 so that it would read: "This division shall be known, and may be cited, as the Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000."

[SB 68](#) (McGuire D) Local government.

Current Text: Introduced: 1/5/2023 [html](#) [pdf](#)

Introduced: 1/5/2023

Status: 1/18/2023-Referred to Com. on RLS.

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

Summary:

Current law provides for the formation and powers of various local governments, including counties and cities. The Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000 provides the sole and exclusive authority and procedure for the initiation, conduct, and completion of changes of organization and reorganization for cities and districts. This bill would state the intent of the Legislature to enact legislation relating to local government.

Position: Watch

CALAFCO Comments: 1-6-2023: As it currently stands, this bill appears to be a spot holder. In the write-up it notes that the legislative intent will be to address local government and it specifically mentions CKH. Consequently, the Executive Director reached out to the author's office requesting more particulars. On 1-9-2023, the author's office responded that they had no additional info to share but that, while the the leg counsel introduction mentioned CKH, their language had nothing to do with it.

[SB 455](#) (McGuire D) Governmental organization.

Current Text: Introduced: 2/13/2023 [html](#) [pdf](#)

Introduced: 2/13/2023

Status: 2/22/2023-Referred to Com. on RLS.

Desk	Policy	Fiscal	Floor	Desk	Policy	Fiscal	Floor	Conf. Conc.	Enrolled	Vetoed	Chaptered

1st House	2nd House	Conf. Conc.			
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Summary:

Current constitutional and statutory law prescribes the organization of the government in California. The Government Code prescribes certain definitions for purposes of its interpretation, including definitions for "state," "county," and "city." This bill would state the intent of the Legislature to enact legislation relating to governmental organization.

Position: Placeholder - Spot Bill

Subject: Other

CALAFCO Comments: This is a spotholder bill that notes that its intent will be to enact legislation relating to governmental organization.

[SB 537](#) ([Becker D](#)) **Open meetings: local agencies: teleconferences.**

Current Text: Introduced: 2/14/2023 [html](#) [pdf](#)

Introduced: 2/14/2023

Status: 2/22/2023-Referred to Com. on RLS.

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

Summary:

Would state the intent of the Legislature to enact subsequent legislation that expands local government's access to hold public meetings through teleconferencing and remote access.

Position: Placeholder - Spot Bill

Subject: Brown Act

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

[SB 768](#) ([Caballero D](#)) **California Environmental Quality Act: transportation impact analysis: rural areas.**

Current Text: Introduced: 2/17/2023 [html](#) [pdf](#)

Introduced: 2/17/2023

Status: 2/21/2023-From printer. May be acted upon on or after March 20.

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

Summary:

Would state the intent of the Legislature to enact subsequent legislation that would create a new transportation impact analysis for rural areas for purposes of CEQA. This bill contains other existing laws.

Position: Placeholder - Spot Bill

Subject: CEQA

CALAFCO Comments: This is a spotholder bill that notes an intent to enact subsequent legislation that would create a new transportation impact analysis for rural areas for purposes of the California Environmental Quality Act.

[SB 833](#) ([McGuire D](#)) **Natural resources.**

Current Text: Introduced: 2/17/2023 [html](#) [pdf](#)

Introduced: 2/17/2023

Status: 2/21/2023-From printer. May be acted upon on or after March 20.

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

Summary:

Current law declares that resource conservation is of fundamental importance to the prosperity and welfare of the people of this state, and provides for the formation and powers of resource conservation districts. This bill would declare the intent of the Legislature to enact subsequent legislation relating to natural resources.

Position: Placeholder - Spot Bill

Subject: Special District Powers, Special District Principle Acts, Special Districts Governance

CALAFCO Comments: This is a spotholder bill that notes only an intent to enact subsequent legislation relating to natural resources.

SB 865 (Laird D) Municipal water districts: automatic exclusion of cities.

Current Text: Introduced: 2/17/2023 [html](#) [pdf](#)

Introduced: 2/17/2023

Status: 2/21/2023-From printer. May be acted upon on or after March 20.

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

Summary:

Current law authorizes a governing body of a municipal water district to adopt an ordinance excluding any territory annexed to a metropolitan water district organized under the Metropolitan Water District Act, if the territory is annexed prior to the effective date of the formation of the municipal water district. Current law requires the Secretary of State to issue a certificate reciting the passage of the ordinance and the exclusion of the area from the municipal water district within 10 days of receiving a certified copy of the ordinance. This bill would extend the number of days the Secretary of State has to issue a certificate to 14 days.

Position: None at this time

Subject: Annexation Proceedings

CALAFCO Comments: Existing law authorizes a governing body of a municipal water district may adopt an ordinance excluding any territory annexed to a metropolitan water district organized under the Metropolitan Water District Act, providing that the territory is annexed prior to the effective date of the formation of the municipal water district. If that happens, the Secretary of State must, within 10 days of receiving a certified copy, issue a certificate reciting the passage of the ordinance that excludes the area from the municipal water district. This bill would extend the Secretary of State's window to issue that certificate from 10 to 14 days.

AB 557 (Hart D) Open meetings: local agencies: teleconferences.**Current Text:** Introduced: 2/8/2023 [html](#) [pdf](#)**Introduced:** 2/8/2023**Status:** 2/17/2023-Referred to Com. on L. GOV.

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

Summary:

Current law, until January 1, 2024, authorizes a local agency to use teleconferencing without complying with specified teleconferencing requirements in specified circumstances when a declared state of emergency is in effect, or in other situations related to public health, as specified. If there is a continuing state of emergency, or if state or local officials have imposed or recommended measures to promote social distancing, existing law requires a legislative body to make specified findings not later than 30 days after the first teleconferenced meeting, and to make those findings every 30 days thereafter, in order to continue to meet under these abbreviated teleconferencing procedures. Current law requires a legislative body that holds a teleconferenced meeting under these abbreviated teleconferencing procedures to give notice of the meeting and post agendas, as described, to allow members of the public to access the meeting and address the legislative body, to give notice of the means by which members of the public may access the meeting and offer public comment, including an opportunity for all persons to attend via a call-in option or an internet-based service option. Current law prohibits a legislative body that holds a teleconferenced meeting under these abbreviated teleconferencing procedures from requiring public comments to be submitted in advance of the meeting and would specify that the legislative body must provide an opportunity for the public to address the legislative body and offer comment in real time. This bill would extend the above-described abbreviated teleconferencing provisions when a declared state of emergency is in effect, or in other situations related to public health, as specified, indefinitely.

Position: Neutral**Subject:** Brown Act**CALAFCO Comments:** Similar in scope to SB 411, this bill is follow-on legislation to AB 361 (2022) and seeks to return some of the pandemic-era teleconferencing provisions to the Brown Act. This bill is sponsored by CSDA.**AB 817 (Pacheco D) Local government: open meetings.****Current Text:** Introduced: 2/13/2023 [html](#) [pdf](#)**Introduced:** 2/13/2023**Status:** 2/14/2023-From printer. May be heard in committee March 16.

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

Summary:

Current law, the Ralph M. Brown Act, requires each legislative body of a local agency to provide notice of the time and place for its regular meetings and an agenda containing a brief general description of each item of business to be transacted. The act also requires that all meetings of a legislative body be open and public, and that all persons be permitted to attend unless a closed session is authorized. This bill would make nonsubstantive changes to a provision of the Ralph M. Brown Act.

Position: Placeholder - Spot Bill

Subject: Brown Act

CALAFCO Comments: This bill appears to be a spot holder in that it currently only makes minor grammatical changes. The lack of substance raises concern regarding future changes to this bill.

AB 1348 (Grayson D) Local government: open meetings.

Current Text: Introduced: 2/16/2023 [html](#) [pdf](#)

Introduced: 2/16/2023

Status: 2/17/2023-From printer. May be heard in committee March 19.

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

Summary:

Current law, the California Public Records Act, requires state agencies and local agencies to make public records available for inspection, subject to specified criteria, and with specified exceptions. Current law, the Ralph M. Brown Act, requires the meetings of the legislative body of a local agency to be conducted openly and publicly, with specified exceptions. Current law makes agendas of public meetings and other writings distributed to the members of the governing board disclosable public records, with certain exceptions. This bill would make nonsubstantive changes to the public record provisions governing the writings related to agendas of public meetings.

Position: Neutral

Subject: Brown Act

CALAFCO Comments: This bill as introduced would change the Section 54957.5 of the Brown Act in a minor and nonsubstantive way by changing an "a" to "any" in two places.

SB 411 (Portantino D) Open meetings: teleconferences: bodies with appointed membership.

Current Text: Introduced: 2/9/2023 [html](#) [pdf](#)

Introduced: 2/9/2023

Status: 2/22/2023-Referred to Coms. on GOV. & F. and JUD.

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

Summary:

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

indefinitely and without regard to a state of emergency. The bill would alternatively define "legislative body" for this purpose to mean a board, commission, or advisory body of a local agency, the membership of which board, commission, or advisory body is appointed and which board, commission, or advisory body is otherwise subject to the Ralph M. Brown Act.

Position: Neutral

Subject: Brown Act

CALAFCO Comments: This bill would permanently add back provisions to Section 54953.4 of the Brown Act that had been temporarily enacted during the COVID-19 pandemic. The amendment would allow a legislative body to use teleconferencing provisions, and would define the proper procedure for conducting such a meeting, would require the legislative body to take no further action in the event of a broadcasting disruption within the local agency's control until the broadcast can be resumed, would require time public comment periods to remain open until the public comment time has elapsed, and would not only prevent requiring comments in advance but would also require that the public be afforded the chance to comment in real time.

SB 878 (Committee on Governance and Finance) Validations.

Current Text: Introduced: 2/17/2023 [html](#) [pdf](#)

Introduced: 2/17/2023

Status: 2/21/2023-From printer. May be acted upon on or after March 20.

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

Summary:

Would enact the First Validating Act of 2023, which would validate the organization, boundaries, acts, proceedings, and bonds of the state and counties, cities, and specified districts, agencies, and entities. This bill contains other related provisions.

Position: None at this time

Subject: LAFCo Administration

CALAFCO Comments: This is the first of three annual validating acts.

SB 879 (Committee on Governance and Finance) Validations.

Current Text: Introduced: 2/17/2023 [html](#) [pdf](#)

Introduced: 2/17/2023

Status: 2/21/2023-From printer. May be acted upon on or after March 20.

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

Summary:

Would enact the Second Validating Act of 2023, which would validate the organization, boundaries, acts, proceedings, and bonds of the state and counties, cities, and specified districts, agencies, and entities. This bill contains other related provisions.

Position: None at this time

Subject: LAFCo Administration

CALAFCO Comments: This is one of three annual validating acts.

SB 880 (Committee on Governance and Finance) Validations.

Current Text: Introduced: 2/17/2023 [html](#) [pdf](#)

Introduced: 2/17/2023

Status: 2/21/2023-From printer. May be acted upon on or after March 20.

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

Summary:

Would enact the Third Validating Act of 2023, which would validate the organization, boundaries, acts, proceedings, and bonds of the state and counties, cities, and specified districts, agencies, and entities.

Position: None at this time

Subject: LAFCo Administration

CALAFCO Comments: This is one of three annual validating acts.

Total Measures: 16

Total Tracking Forms: 16