



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 ■ Kenneth Leary ■ Beth Painter ■ Belia Ramos
■ Mariam Aboudamous, Alternate ■ Joelle Gallagher, Alternate ■ Eve Kahn, Alternate

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

REGULAR MEETING AGENDA

Monday, August 7, 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:** June 5, 2023 Regular Meeting and July 10, 2023 Special Meeting

Receive Report for Information Only:

b) **Current and Future Proposals**

c) **Draft Fiscal Year 2022-23 Budget to Actual Report**

d) **CALAFCO 2023 Annual Conference Updates (Monterey)**

6. 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) Adoption of Strategic Plan 2023-2025

The Commission will consider adopting a draft Strategic Plan 2023-2025 by resolution. The Strategic Plan outlines core agency priorities and objectives over the next two years.

b) Partrick Road No. 6 Annexation to the Napa Sanitation District

The Commission will consider a proposal for the annexation of one parcel totaling approximately 1.5 acres in size to the Napa Sanitation District. The affected territory is located in the City of Napa at 1130 Partrick Road and identified as Assessor Parcel Number 041-061-016. The annexation is exempt from the California Environmental Quality Act.

c) Legislative Report

The Commission will receive a report on legislative items directly or indirectly affecting LAFCOs. The recommended action is for the Commission to submit a letter to the Legislature in opposition to Assembly Bill 399. The Commission may also take formal positions on other bills if desired.

6. ACTION ITEMS (CONTINUED)

d) Request for Proposals for Countywide Fire and Emergency Medical Services Municipal Service Review

The Commission will receive a draft request for proposals (RFP) prepared by staff with assistance from the ad hoc RFP subcommittee, for purposes of hiring a consultant to prepare the scheduled Countywide Fire and Emergency Medical Services Municipal Service Review. The Commission will consider providing formal direction to staff to circulate the request for proposals.

7. DISCUSSION ITEMS

a) Draft Municipal Service Review and Sphere of Influence Review for the Napa County Resource Conservation District

The Commission will receive and discuss the draft Municipal Service Review and Sphere of Influence Review for the Napa County Resource Conservation District. The draft report includes written determinations making statements on the level and range of agency services and includes a recommendation to affirm the current sphere of influence with no changes. The Commission is invited to discuss the draft report and provide feedback to staff in anticipation of receiving a final Municipal Service Review and Sphere of Influence Review for formal action as part of a public hearing at a future meeting. No action will be taken by the Commission as part of this item.

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. CLOSED SESSIONS:

a) Public Employee Performance Evaluation – (Government Code Section 54957(b)(1))

Employee: Executive Officer

b) Conference with Labor Negotiators – (Government Code Section 54957.6)

Agency Designated Representative: Commission Chair
Unrepresented Employee: Executive Officer

10. ADJOURNMENT TO NEXT SCHEDULED MEETING

Monday, October 2, 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 **August 7, 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: Stephanie Pratt, Clerk/Jr. Analyst *SP*

MEETING DATE: August 7, 2023

SUBJECT: Approval of Meeting Minutes: June 5, 2023 Regular Meeting and July 10, 2023 Special 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 June 5, 2023 regular meeting, included as Attachment One, and the July 10, 2023 strategic planning workshop special meeting, included as Attachment Two.

Staff recommends approval of both sets of draft meeting minutes.

ATTACHMENT

- 1) Draft Minutes for June 5, 2023 Regular Meeting
- 2) Draft Minutes for July 10, 2023 Special Meeting (Strategic Planning Workshop)

Margie Mohler, Chair
Councilmember, Town of Yountville

Beth Painter, Commissioner
Councilmember, City of Napa

Mariam Aboudamous, Alternate Commissioner
Councilmember, City of American Canyon

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 MONDAY, JUNE 5, 2023**

1. WELCOME AND CALL TO ORDER; ROLL CALL

Chair Mohler called the regular meeting of June 5, 2023 to order at 2:04 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 (<i>Absent</i>)	Dawn Mittleman Longoria, Asst. Executive Officer
Beth Painter	Mariam Aboudamous	Stephanie Pratt Clerk/Jr. Analyst
Kenneth Leary		Gary Bell, Commission Counsel
Belia Ramos		

2. PLEDGE OF ALLEGIANCE

Chair Mohler led the Pledge of Allegiance.

3. OATH OF OFFICE FOR REAPPOINTED COMMISSIONERS

Clerk/Jr. Analyst Pratt administered Oaths of Office for reappointed Commissioners Painter and Aboudamous.

4. APPROVAL OF AGENDA

Chair Mohler asked if there were any requests to rearrange the agenda.

Executive Officer (EO) Freeman acknowledged roll call was skipped and Chair Mohler agreed to do that prior to proceeding.

Upon motion by Commissioner Ramos and second by Commissioner Leary, the agenda was approved by the following vote:

VOTE:

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

5. PUBLIC COMMENTS

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

6. CONSENT ITEMS

Action Items:

a) **Approval of Meeting Minutes: April 3, 2023, Regular Meeting**

Receive Report for Information Only:

- a) **Current and Future Proposals**
- b) **Third Quarter Budget Report for Fiscal Year 2022-23**
- c) **CALAFCO Staff Workshop, April 2023**

Chair Mohler asked if Commissioners wanted to discuss any of the consent items, no comments were received.

Upon motion by Vice Chair Cottrell and second by Commissioner Painter, the Consent items were approved.

VOTE:

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

7. PUBLIC HEARING ITEMS

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

a) Final Budget for Fiscal Year 2023-24, Amendment to the Schedule of Fees and Deposits, and Work Program for Fiscal Year 2023-24

The Commission considered a final budget for fiscal year 2023-24. Proposed operating expenses total \$812,946 and operating revenues total \$709,436. The Commission also considered a proposed amendment to its *Schedule of Fees and Deposits* as well as adoption of a work program for fiscal year 2023-24.

After hiring new Clerk/Jr. Analyst it was realized the estimate for salary was low so an increase of \$3,510 was proposed to be offset by drawing down reserves. No impact on funding agencies.

EO Freeman cited that the word "Proposal Fees" will be replaced with "Application Fees" citing protection against potential future challenges.

Draft work program presented, and countywide fire service and emergency medical services (EMS) municipal service review (MSR) has been approved to go forward to a request for proposals (RFP) process. Staff asks for RFP process and an Ad hoc subcommittee to select the consultant to assist. Vice Chair Cottrell wants to participate in Ad hoc Committee. Staff recommends public testimony as part of this item.

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

Upon motion by Commissioner Ramos and second by Commissioner Leary, the Budget for Fiscal Year 2023-24 was approved by the following vote:

VOTE:

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

Upon motion by Commissioner Ramos and second by Commissioner Painter, the Amendment to the Schedule of Fees and Deposits was approved by the following vote:

VOTE:

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

Upon motion by Commissioner Ramos and second by Vice Chair Cottrell, the Work Program for Fiscal Year 2023-24 was approved by the following vote:

VOTE:

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

Ad Hoc Subcommittee discussion commenced. Staff would prepare draft then share with subcommittee and develop RFP with scope of work. It would then come back to Commission hopefully at August meeting for further discussion and decisions to go forward. After all steps involving interviews and gathering quotes, a contract with a preferred consultant would be presented to the Commission for a vote at a future meeting. Commissioners Painter and Cottrell would like to be on this committee.

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

Upon motion by Commissioner Ramos and second by Commissioner Leary, to approve the establishment of an Ad hoc Subcommittee comprised of Vice Chair Cottrell and Commissioner Painter, was approved by the following vote:

VOTE:

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

8. ACTION ITEMS

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

a) Browns Valley Road Reorganization and Associated CEQA Findings

Assistant EO Longoria spoke to the Commission regarding the proposal to annex one parcel of 3.77 acres to the City of Napa and Napa Sanitation District along with concurrent detachment from County Service Area No. 4. The purpose of the proposal is to facilitate the development of 11 homes. The Commission also considered the Mitigated Negative Declaration adopted by the City of Napa for the reorganization pursuant to the California Environmental Quality Act (CEQA).

Vice Chair Cottrell asked for clarification from Commissioner Painter about inclusionary housing impact fee, confirming that as condition of approval the builder will pay a fee that goes to affordable housing. Setbacks were imposed to protect the creek and possible erosion issues.

The affected territory is located within an unincorporated island that is completely surrounded by the City. All landowners in this island were contacted about annexation and none were interested.

Chair Mohler opened up this item up for public comment. No comments were received.

Eric Zweig, Director of Planning for Edenbridge homes who own the land, reported that the project will begin in the Fall. Mr. Zweig confirmed that a full suite of geological and environment studies were completed, with storm drain outfall to the creek included. The homes will be 50 feet from the

top of the bank. The permit process with the State Department of fish and Wildlife to mitigate environment concerns is in process.

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

Upon motion by Commissioner Painter and second by Commissioner Ramos, the Browns Valley Road Reorganization and Associated CEQA Findings were approved by the following vote:

VOTE:

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

b) CALAFCO Nominations and Annual Conference Items

The Commission appointed voting delegates to represent the agency at the California Association of LAFCOs' (CALAFCO) Annual Conference scheduled for October 18 – 20 in Monterey, and also considered making who to nominate for the CALAFCO Board of Directors and achievement awards.

Chief Mohler nominated EO Freeman to be a voting delegate and Commissioner Leary for alternate delegate.

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

Upon motion by Chair Mohler and second by Commissioner Painter, the nominations for voting delegates were approved by the following vote:

VOTE:

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

Upon motion by Commissioner Ramos and second by Commissioner Leary, the nomination of Chair Mohler to serve on CALAFCO Board of Directors was approved by the following vote:

VOTE:

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

Upon motion by Vice Chair Cottrell and second by Commission Painter, the nomination of Commissioner Leary to serve on CALAFCO Board of Directors was approved by the following vote:

VOTE:

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

Upon motion by Vice Chair Cottrell and second by Commission Painter, the following achievement award nominations were approved by the following vote: (1) Assistant EO Longoria for the Lifetime Achievement Award; (2) the Green Island Vineyard SOI Request for the Mike Gotch Excellence in Public Service Award (sub-category: protection of agricultural and open space lands and prevention of sprawl); and (3) Colantuono, Highsmith and Whatley for Outstanding CALAFCO Associate Member:

VOTE:

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

9. COMMISSIONER COMMENTS/REQUESTS FOR FUTURE AGENDA ITEMS

No discussion or action occurred.

10. ADJOURNMENT TO NEXT SCHEDULED MEETING

The meeting was adjourned at 3:34 PM. The next meeting is Monday, July 10, 2023, at 9:00 AM **(Strategic Planning Workshop)** at the Town of Yountville Council Chambers, located at 6550 Yount Street, Yountville, CA 94599.

Margie Mohler, LAFCO Chair

ATTEST:

Brendon Freeman, Executive Officer

Prepared by:

Stephanie Pratt, Clerk/Jr. Analyst



LOCAL AGENCY FORMATION COMMISSION OF NAPA COUNTY SPECIAL MEETING MINUTES OF JULY 10, 2023

1. WELCOME AND CALL TO ORDER; ROLL CALL

Chair Mohler called the special meeting of July 10, 2023, to order at 9:00 AM.

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

Regular Commissioners	Alternate Commissioners	Staff
Margie Mohler, Chair	Joelle Gallagher (<i>Arrived 9:08 AM</i>)	Brendon Freeman, Executive Officer
Anne Cottrell, Vice Chair (<i>Absent</i>)	Eve Kahn	Dawn Mittleman Longoria, Asst. Executive Officer
Beth Painter	Mariam Aboudamous (<i>Absent</i>)	Stephanie Pratt, Clerk/Jr. Analyst
Kenneth Leary		Gary Bell, Commission Counsel
Belia Ramos		

2. PLEDGE OF ALLEGIANCE

Chair Mohler led the Pledge of Allegiance.

3. APPROVAL OF AGENDA

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

4. PUBLIC COMMENTS

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

5. COMMISSION WORKSHOP

The Commission held a strategic planning workshop with facilitation services provided by Pamela Miller from Miller Management & Consulting Group. The following topics were covered.

a) LAFCO Overview

- A look at the intent, role, and responsibilities of Local Agency Formation Commissions. LAFCO is committed to serving the citizens and government agencies of its jurisdiction by encouraging the preservation of agricultural lands and open-space and coordinating the efficient delivery of municipal services.

b) Review of Napa LAFCO Goals and looking to the Future

- Utilize the 2020 Water-Wastewater Municipal Service review for the benefit of the region.
- Prioritize completion of the countywide Fire-EMS Municipal Service Review.
- Become a more independent LAFCO.
- Increase education and outreach to all Napa LAFCO stakeholders and the public.
- Develop comprehensive new commissioner orientation.
- Look at the coordination and provision of broadband services.
- Enhance our understanding of how Napa LAFCO can effectively consider climate resiliency factors in our work.

c) Future Priorities and Accomplishments

- Discussion on what we want to accomplish in the next two years. Suggested schedule for fiscal years 2023-24 and 2024-25 shown in the draft Strategic Plan 2023-2025.

d) Reflections on Workshop and Closing Comments

6. ADJOURNMENT TO NEXT SCHEDULED MEETING

Monday, August 7, 2023, at 2:00 P.M. 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:

Stephanie Pratt, Clerk/Jr. Analyst



Agenda Item 5b (Consent/Information)

TO: Local Agency Formation Commission

PREPARED BY: Brendon Freeman, Executive Officer *BF*

MEETING DATE: August 7, 2023

SUBJECT: Current and Future Proposals

SUMMARY

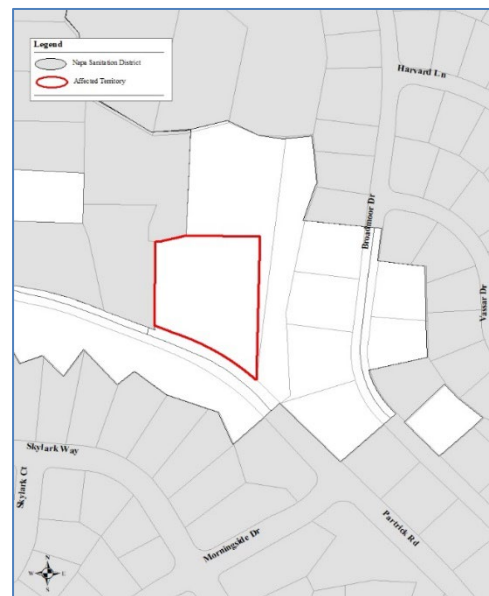
This is a consent item for information purposes only. Accordingly, if interested, the Commission is invited to pull this item for additional discussion with the concurrence of the Chair. No formal action will be taken as part of this item.

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

Active Proposals

Partrick Road No. 6 Annexation to NSD

A landowner has submitted an application to annex one incorporated parcel to the Napa Sanitation District (NSD). The parcel is located at 1130 Partrick Road in the City of Napa, approximately 1.4 acres in size, and identified as APN 041-061-016. Current land uses within the parcel are limited to one single-family residence that currently depends on a private onsite septic system for sewage disposal. Annexation would facilitate the connection of the existing residence to NSD's public sewer infrastructure. The proposal is on today's agenda for action as item 6b.



Margie Mohler, Chair
Councilmember, Town of Yountville

Beth Painter, Commissioner
Councilmember, City of Napa

Mariam Aboudamous, Alternate Commissioner
Councilmember, City of American Canyon

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

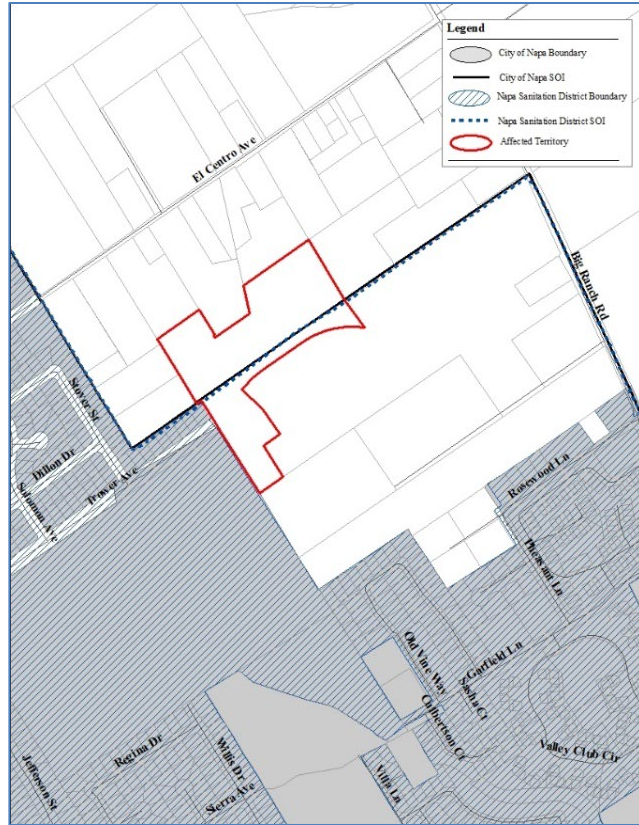
Kenneth Leary, Commissioner
Representative of the General Public

Eve Kahn, Alternate Commissioner
Representative of the General Public

Brendon Freeman
Executive Officer

Trower Avenue No. 5 Annexation to NSD

The Napa Valley Unified School District (NVUSD) has submitted an application to annex approximately 12.8 acres of unincorporated territory to NSD. The territory is located at 1130 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 annexation is to facilitate the NVUSD's planned agricultural innovation center near Vintage High School. The project will also involve sphere of influence (SOI) amendments for the City of Napa and NSD, as well as an outside water service agreement with the City. It is anticipated that some, or all, of these proposed actions will be presented for action at the Commission's October 2, 2023 regular meeting as part of a noticed public hearing.



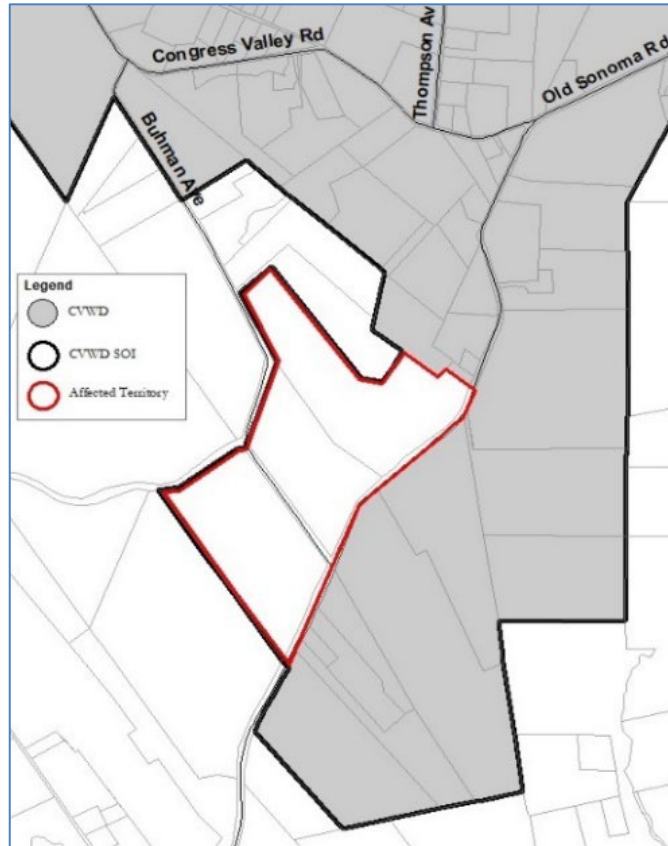
Sierra Avenue/Villa Lane Annexation to NSD

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.



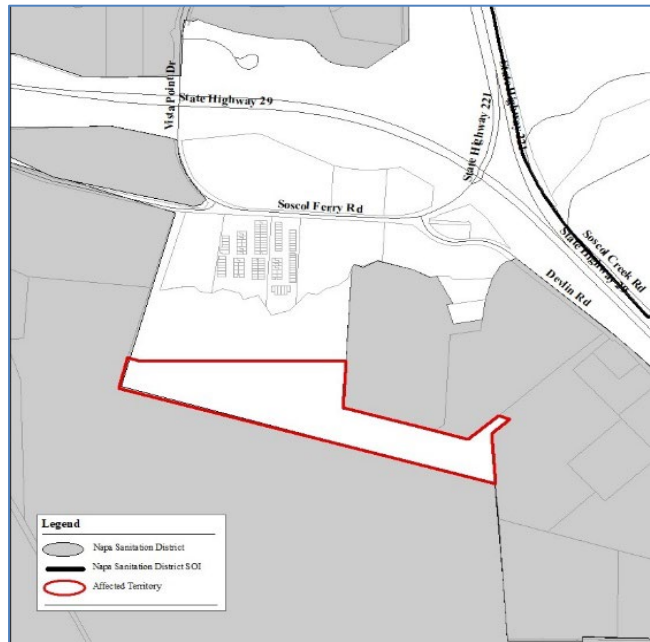
Old Sonoma Road/Buhman Avenue Annexation to CVWD

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



Devlin Road No. 6 Annexation to NSD

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



Anticipated Proposals

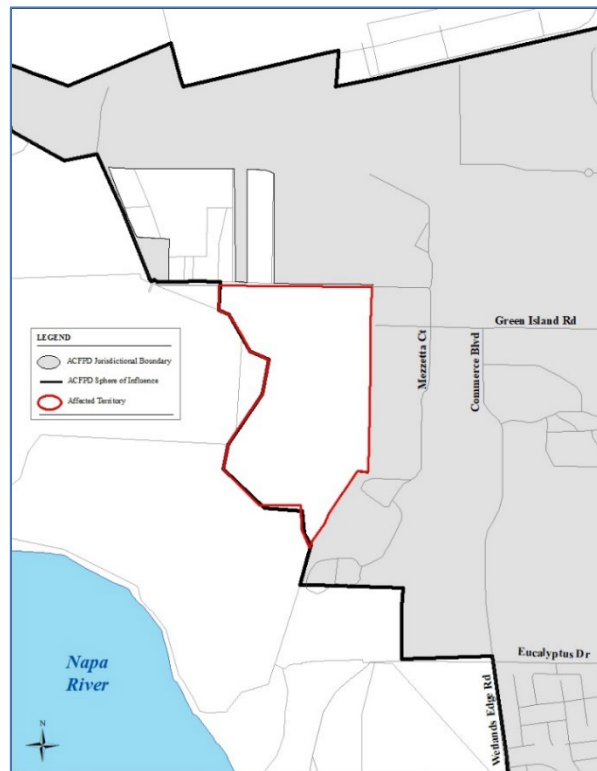
3776 Linda Vista Avenue Annexation to NSD

A landowner has inquired about annexation of one incorporated parcel to NSD. The parcel is located at 3776 Linda Vista Avenue in the City of Napa, approximately 0.8 acres in size, and identified as APN 007-231-007. Current land uses within the parcel are limited to one single-family residence that currently depends on a private onsite septic system for sewage disposal. Annexation would facilitate the connection of the existing residence to NSD's public sewer infrastructure. Staff will pursue expanding the annexation boundary to include additional parcels that are contiguous and also outside NSD's boundary. It is anticipated a proposal for annexation will be submitted within the next two to four months.



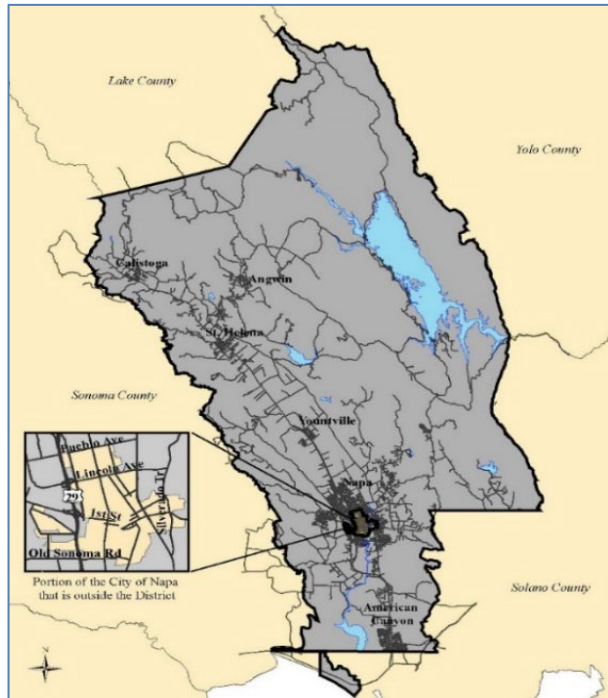
1661 Green Island Road Annexation to ACFPD

The American Canyon Fire Protection District (ACFPD) has adopted a resolution initiating proceeding to annex one unincorporated parcel to ACFPD. The parcel is located at 1661 Green Island Road to the immediate west of the City of American Canyon's boundary, approximately 157.1 acres in size, and identified as APN 058-030-041. Current land uses within the parcel are limited to a commercial vineyard. Annexation would formally recognize ACFPD's longstanding status as the primary fire service provider for the parcel. Annexation to ACFPD would grant no new land use potential. Staff will pursue expanding the annexation boundary to include additional parcels that are contiguous, outside ACFPD's boundary, and within ACFPD's sphere of influence (SOI). It is anticipated a proposal for annexation will be submitted within the next four to eight months.



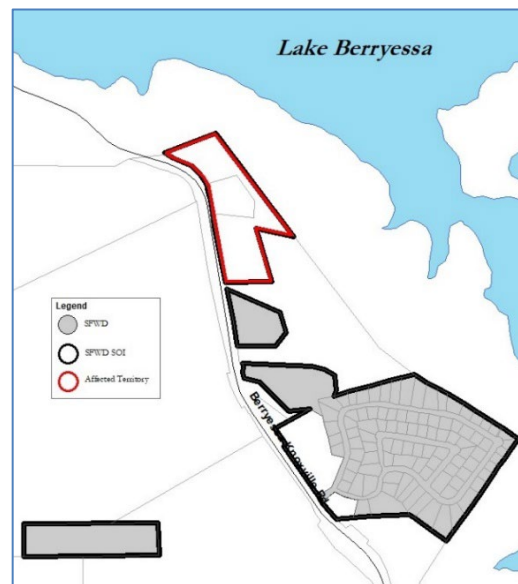
NCRCDD Donut Hole Annexation

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 foreseeable future following the completion of the Commission's Municipal Service Review for the District.



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.



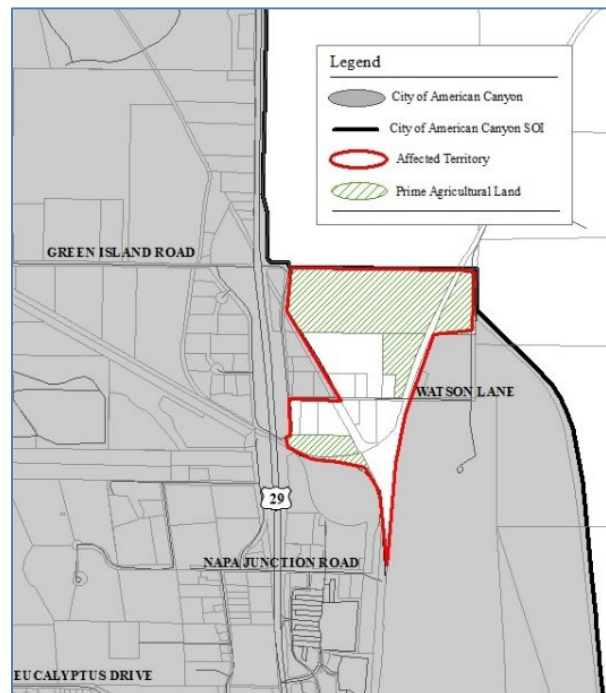
Materials Diversion Facility Annexation to the City of Napa

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



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

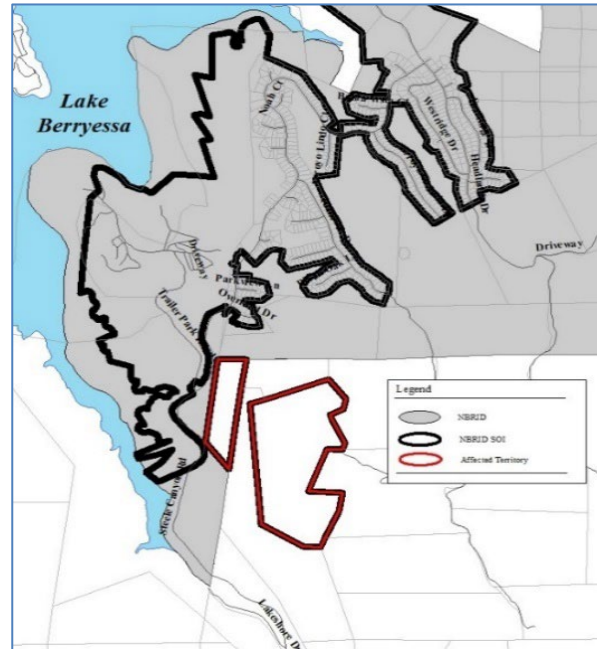
The City of American Canyon is expected to submit an application to annex 16 parcels and a portion of railroad totaling approximately 77.7 acres of unincorporated territory. The area is located within the City's SOI near Watson Lane and Paoli Loop and identified as APNs 057-120-014, -015, -017, -028, -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 the future, but there is no current timetable.



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

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

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 5c (Consent/Information)

TO: Local Agency Formation Commission

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

MEETING DATE: August 7, 2023

SUBJECT: Draft Fiscal Year 2022-23 Budget to Actual Report

SUMMARY

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

The Commission will receive a draft year-end budget to actual report for the 2022-23 fiscal year, included as Attachment One. When the year is closed, all numbers will be finalized and presented to the Commission at its December 4, 2023 regular meeting as part of the annual audit report.

The draft budget sheet shows operating revenues and expenses totaling \$665,661 and \$438,005, respectively. However, staff salaries and benefits for the fourth quarter haven't been charged to LAFCO by Napa County as of the date of this report. Staff estimates this amount will total approximately \$103,801, which would result in year-end operating expenses totaling \$541,806 and a total surplus/savings of \$123,855 relative to budgeted amounts.

ATTACHMENT

- 1) FY 2022-23 Draft Year-End Revenue & Expense Report

Margie Mohler, Chair
Councilmember, Town of Yountville

Beth Painter, Commissioner
Councilmember, City of Napa

Mariam Aboudamous, Alternate Commissioner
Councilmember, City of American Canyon

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



Statement of Revenues and Expenses Budget vs. Actual

Fiscal Year: 2023 Through Period: 12

Fund: 8400 - Local Agency Formation Comm

Object	Budget			Encumbrances	Actuals	Available Budget	% of Budget
	Adopted	Adjustments	Revised				
License, Permits and Franchises							
42690 - Permits Other/Application Fees	25,000.00	-	25,000.00	-	30,110.00	(5,110.00)	120.44 %
Total License, Permits and Franchises	25,000.00	-	25,000.00	-	30,110.00	(5,110.00)	120.44 %
Intergovernmental Revenues							
43910 - County of Napa	313,794.00	-	313,794.00	-	313,794.00	-	100.00 %
43950 - Other - Governmental Agencies	313,794.00	-	313,794.00	-	313,794.00	-	100.00 %
Total Intergovernmental Revenues	627,588.00	-	627,588.00	-	627,588.00	-	100.00 %
Revenue from Use of Money and Property							
45100 - Interest	6,000.00	-	6,000.00	-	5,296.36	703.64	88.27 %
Total Revenue from Use of Money and Property	6,000.00	-	6,000.00	-	5,296.36	703.64	88.27 %
Charges for Services							
46800 - Charges for Services	1,000.00	-	1,000.00	-	2,666.66	(1,666.66)	266.67 %
Total Charges for Services	1,000.00	-	1,000.00	-	2,666.66	(1,666.66)	266.67 %
Miscellaneous Revenues							
47900 - Miscellaneous	4,000.00	-	4,000.00	-	-	4,000.00	0.00 %
Total Miscellaneous Revenues	4,000.00	-	4,000.00	-	-	4,000.00	0.00 %

Fund: 8400 - Local Agency Formation Comm

Object	Budget			Encumbrances	Actuals	Available Budget	% of Budget
	Adopted	Adjustments	Revised				
Salaries and Employee Benefits							
51210 - Director/Commissioner Pay	15,200.00	-	15,200.00	-	12,390.00	2,810.00	81.51 %
51300 - Medicare	250.00	-	250.00	-	176.95	73.05	70.78 %
51305 - FICA	500.00	-	500.00	-	564.09	(64.09)	112.82 %
51600 - Retirement	-	-	-	-	63.96	(63.96)	0.00 %
51601 - Retirement Cost Sharing	-	-	-	-	(63.96)	63.96	0.00 %
Total Salaries and Employee Benefits	15,950.00	-	15,950.00	-	13,131.04	2,818.96	82.33 %
Services and Supplies							
52100 - Administration Services	509,844.00	-	509,844.00	-	311,402.94	198,441.06	61.08 %
52125 - Accounting/Auditing Services	7,500.00	-	7,500.00	300.00	7,741.50	(541.50)	107.22 %
52130 - Information Technology Svcs	23,974.00	-	23,974.00	-	23,974.00	-	100.00 %
52131 - ITS Communication Charges	1,685.00	-	1,685.00	-	1,692.00	(7.00)	100.42 %
52140 - Legal Services	35,000.00	4,900.00	39,900.00	8,462.00	32,401.50	(963.50)	102.41 %
52310 - Consulting Services	10,000.00	(5,000.00)	5,000.00	-	-	5,000.00	0.00 %
52345 - Janitorial Services	300.00	-	300.00	150.00	150.00	-	100.00 %
52515 - Maint - Software	1,930.00	100.00	2,030.00	1,440.55	629.40	(39.95)	101.97 %
52600 - Rents/Leases - Equipment	4,000.00	-	4,000.00	215.25	2,740.24	1,044.51	73.89 %
52605 - Rents/Leases - Buildings/Land	25,995.00	-	25,995.00	-	25,995.00	-	100.00 %
52700 - Insurance - Liability	638.00	-	638.00	-	-	638.00	0.00 %
52800 - Communications/Telephone	3,000.00	-	3,000.00	1,800.00	1,753.07	(553.07)	118.44 %
52830 - Publications and Legal Notices	1,000.00	-	1,000.00	-	1,282.48	(282.48)	128.25 %
52835 - Filing Fees	200.00	-	200.00	-	-	200.00	0.00 %
52900 - Training/Conference Expenses	15,000.00	-	15,000.00	-	8,937.19	6,062.81	59.58 %
52905 - Business Travel/Mileage	1,000.00	-	1,000.00	-	-	1,000.00	0.00 %
53100 - Office Supplies	1,000.00	-	1,000.00	-	1,281.80	(281.80)	128.18 %
53110 - Freight/Postage	150.00	-	150.00	-	-	150.00	0.00 %
53115 - Books/Media/Subscriptions	119.00	-	119.00	-	119.00	-	100.00 %

Attachment One

53120 - Memberships/Certifications	3,078.00	-	3,078.00	-	3,078.00	-	100.00 %
53205 - Utilities - Electric	2,000.00	-	2,000.00	-	1,379.25	620.75	68.96 %
53415 - Computer Software/Licnsng Fees	225.00	-	225.00	-	-	225.00	0.00 %
53650 - Business Related Meals/Supply	-	-	-	-	316.17	(316.17)	0.00 %
Total Services and Supplies	647,638.00	-	647,638.00	12,367.80	424,873.54	210,396.66	67.51 %

33100 - Beginning Available Fund Balance					281,101.78		
Total Revenues	663,588.00		663,588.00		665,661.02	(2,073.02)	100.31 %
Total Expenditures	663,588.00		663,588.00	12,367.80	438,004.58	213,215.62	67.87 %
Net Surplus / (Deficit)	-	-	-		227,656.44		
33100 - Fiscal Year 2023 Transactions					100.00		
33100 - Current Available Fund Balance					508,858.22		

32100 - FB - Des - Capital Replacement					19,656.50		
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We Manage Local Government Boundaries, Evaluate Municipal Services, and Protect Agriculture

Agenda Item 5d (Consent/Information)

TO: Local Agency Formation Commission

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

MEETING DATE: August 7, 2023

SUBJECT: CALAFCO 2023 Annual Conference Updates (Monterey)

SUMMARY

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

The registration period for the California Association of Local Agency Formation Commissions' (CALAFCO) 2023 Annual Conference is well underway with six Commissioners, Counsel, and all staff fully registered and hotel rooms reserved. The full Conference program is included as Attachment One.

The Conference is scheduled for October 18th to 20th in Monterey. The Conference will include Board of Directors elections and an achievement awards ceremony.

Executive Officer Freeman and Commissioner Leary were appointed by the Commission to serve as Napa LAFCO's voting delegate and alternate voting delegate, respectively.

A summary of the Commission's formal nominations follows.

Board of Directors Nominations

Napa County is designated as part of CALAFCO's Coastal Region. Board elections for the Coastal Region's City and Public seats will occur at the Annual Conference on Thursday, October 19th. The Commission nominated Chair Mohler for the City seat and Commissioner Leary for the Public seat. Both nomination forms have been signed by the Chair and submitted to CALAFCO.

Margie Mohler, Chair
Councilmember, Town of Yountville

Beth Painter, Commissioner
Councilmember, City of Napa

Mariam Aboudamous, Alternate Commissioner
Councilmember, City of American Canyon

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

Achievement Award Nominations

CALAFCO invites individual LAFCOs to nominate persons or projects for various achievement awards. Award winners will be announced during the banquet dinner scheduled for Thursday, October 19th. The deadline to submit nomination packets is August 18th. The Commission previously made the following three nominations:

- Assistant Executive Officer Dawn Mittleman Longoria for *Lifetime Achievement*
- Colantuono, Highsmith & Whatley for *Outstanding CALAFCO Associate Member*
- The Commission's denial of the Green Island Vineyard sphere of influence request for *Mike Gotch Excellence in Public Service (sub-category: protection of agricultural and open space lands and prevention of sprawl)*

Staff will complete these nomination packets and submit them to CALAFCO prior to the August 18th deadline.

Napa LAFCO Conference Program Engagement

A summary of Napa LAFCO's engagement with the Conference program follows:

- Executive Officer Freeman is leading a breakout session on Thursday, October 19th. The session is titled "LAFCO Dynamics" and will explore leadership and relationship nuances between Commissioners and Executive Officers. Commissioner Leary and Executive Officer Freeman are speakers on the panel.
- Executive Officer Freeman is a panel speaker on a general session titled "What's New with New Or Extended Services Outside Jurisdictional Boundaries?"
- Assistant Executive Officer Longoria is assisting with a breakout session titled "Your Community's Fire Service: Top Notch or Ticking Time Bomb?"

ATTACHMENT

- 1) CALAFCO 2023 Annual Conference Program

Join Us at the 2023 CALAFCO ANNUAL CONFERENCE

OCTOBER 18 – 20, 2023

Hyatt Regency Monterey Hotel And Spa
On Del Monte Golf Course
1 Old Golf Course Road, Monterey, CA 93940

Conveniently located near the Monterey Regional Airport







Network with other CALAFCO members and participate in sessions covering policy issues related to growth, sustainability, and preservation.





A diverse assortment of speakers will explore current challenges and solutions on a broad range of topics. Together, they will make the Annual Conference an unmatched opportunity to leverage your role in bringing together community stakeholders.

No other event like this brings together such a diverse group of elected officials.

General Sessions include:

-  A panel discussion on the application, scope, and exemptions under Government Code section 56133.
-  Municipal Services in the 21st Century - LAFCo and Evolving Municipal Services
-  The Future of LAFCos - Reimagining, Rebranding and Promoting LAFCos and Opportunities for Innovation
-  LAFCos and Special Districts - Opportunities for Collaboration

Break Out Sessions:

-  LAFCo Dynamics - EO & Commissioner leadership and partnerships
-  Your Community's Fire Service: Top Notch or Ticking Time Bomb?
-  Guiding Adrift Agencies Back on Course
-  When the Crystal Ball Hits the Wall: LAFCo Future Shock



REGISTRATION IS NOW OPEN! Visit <https://bit.ly/23Conference> to register.

Hyatt Regency Monterey Hotel And Spa On Del Monte Golf Course *Near the Monterey Regional Airport*



Make your hotel reservations now at the special CALAFCO rate of \$205 per night (excludes taxes and fees). Book before September 18, 2023.

TO MAKE HOTEL RESERVATIONS, PLEASE VISIT:
www.hyatt.com/en-US/group-booking/MRYDM/G-CL10 or call 877-803-7534 and reference the CALAFCO event.

Secure your spot today! You won't want to miss:

- ✓ Unique networking, collaboration and learning opportunities
- ✓ Meetings for regional representatives with elections
- ✓ CALAFCO Annual Business Meeting for member LAFCos
- ✓ Attorney and regional roundtables
- ✓ Luncheon keynotes
- ✓ Breakfast buffet and sponsor networking

Join Us at the
2023 CALAFCO ANNUAL CONFERENCE

Hyatt Regency Monterey Hotel And Spa On Del Monte Golf Course
 1 Old Golf Course Road, Monterey, CA 93940

TUESDAY – OCTOBER 17, 2023

2:00 p.m. Monterey Bay Coastal Bike Tour

WEDNESDAY – OCTOBER 18, 2023

7:00 a.m. Registration Opens

7:15 a.m. Mobile Workshop

10:00 a.m. LAFCo 101: Building on the Basics of LAFCo

1:30 p.m. Conference Opening

2:00 p.m. General Session: What's New with New Or Extended Services Outside Jurisdictional Boundaries?

3:15 p.m. Break

3:30 p.m. General Session: Reimagining LAFCo: Staying Relevant in Changing Times

5:30 p.m. CALAFCO Reception

7:00 p.m. Dinner on Your Own

THURSDAY – OCTOBER 19, 2023

7:00 a.m. Breakfast

8:00 a.m. Regional Caucus Meetings and Elections

9:15 a.m. CALAFCO Annual Business Meeting

10:30 a.m. Break

10:45 a.m. Attorney and Regional Roundtables

12:00 p.m. Lunch

1:45 p.m. BREAKOUT SESSIONS

1) LAFCo Dynamics

2) Your Community's Fire Service: Top Notch or Ticking Time Bomb?

3:15 p.m. Break

3:30 p.m. BREAKOUT SESSIONS

1) When the Crystal Ball Hits the Wall

2) Guiding Adrift Agencies Back on Course

6:00 p.m. Pre-dinner Reception

7:00 p.m. Dinner and Awards

FRIDAY – OCTOBER 20, 2023

7:00 a.m. Breakfast

7:30 a.m. CALAFCO Board of Directors Meeting

9:00 a.m. General Session: Municipal Services in the 21st Century

10:15 a.m. Break

10:30 a.m. General Session: LAFCOs and Special Districts: A Look at the History, Current Challenges, and Future Opportunities Among These Agencies

12:00 p.m. Conference Adjourns

REGISTRATION IS NOW OPEN. Visit
<https://bit.ly/23Conference> today!



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Subdivision of the State of California

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

Agenda Item 6a (Action)

TO: Local Agency Formation Commission

PREPARED BY: Brendon Freeman, Executive Officer B F

MEETING DATE: August 7, 2023

SUBJECT: Adoption of Strategic Plan 2023-2025

RECOMMENDATION

It is recommended the Commission adopt the Resolution of the Local Agency Formation Commission of Napa County Adopting the Strategic Plan 2023-2025, included as Attachment One.

BACKGROUND AND SUMMARY

On July 10, 2023, the Commission conducted a strategic planning workshop with facilitation services provided by Pamela Miller with Miller Management & Consulting Group. The Commission discussed goals, priorities, opportunities, and constraints.

A draft Strategic Plan 2023-2025 outlining core agency priorities and objectives over the next two years is attached as an exhibit to the draft resolution, included as Attachment One. Staff recommends the Commission adopt the draft Strategic Plan 2023-2025 with any desired changes.

It should be noted that the draft Strategic Plan 2023-2025 includes a goal to utilize the Commission's Napa Countywide Water and Wastewater Municipal Service Review (MSR) for the benefit of the region. Toward this end, the Napa County Grand Jury recently released a report on groundwater management, included as Attachment Two, which relies heavily on this MSR and the recommendations contained therein.

ATTACHMENTS

- 1) Draft Resolution Adopting the Strategic Plan 2023-2025
- 2) Grand Jury Report on Groundwater Management

Margie Mohler, Chair
Councilmember, Town of Yountville

Beth Painter, Commissioner
Councilmember, City of Napa

Mariam Aboudamous, Alternate Commissioner
Councilmember, City of American Canyon

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
ADOPTING THE STRATEGIC PLAN 2023-2025**

BE IT RESOLVED that after considering the draft Strategic Plan 2023-2025 at its meeting on August 7, 2023, the Local Agency Formation Commission of Napa County hereby adopts the Strategic Plan 2023-2025, included as Exhibit “A” to this resolution.

This Resolution shall take effect immediately.

The foregoing resolution was duly and regularly adopted by the Commission at a public meeting held on August 7, 2023, after a motion by Commissioner _____, seconded by Commissioner _____, by the following vote:

AYES: Commissioners _____

NOES: Commissioners _____

ABSENT: Commissioners _____

ABSTAIN: Commissioners _____

DRAFT

Margie Mohler
Commission Chair

ATTEST: _____
Brendon Freeman
Executive Officer

Recorded by: Stephanie Pratt
Clerk/Jr. Analyst



**LOCAL AGENCY FORMATION COMMISSION
OF NAPA COUNTY**

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

**DRAFT AS PRESENTED TO THE COMMISSION
AUGUST 7, 2023**



MISSION STATEMENT OF THE LOCAL AGENCY FORMATION COMMISSION OF NAPA COUNTY

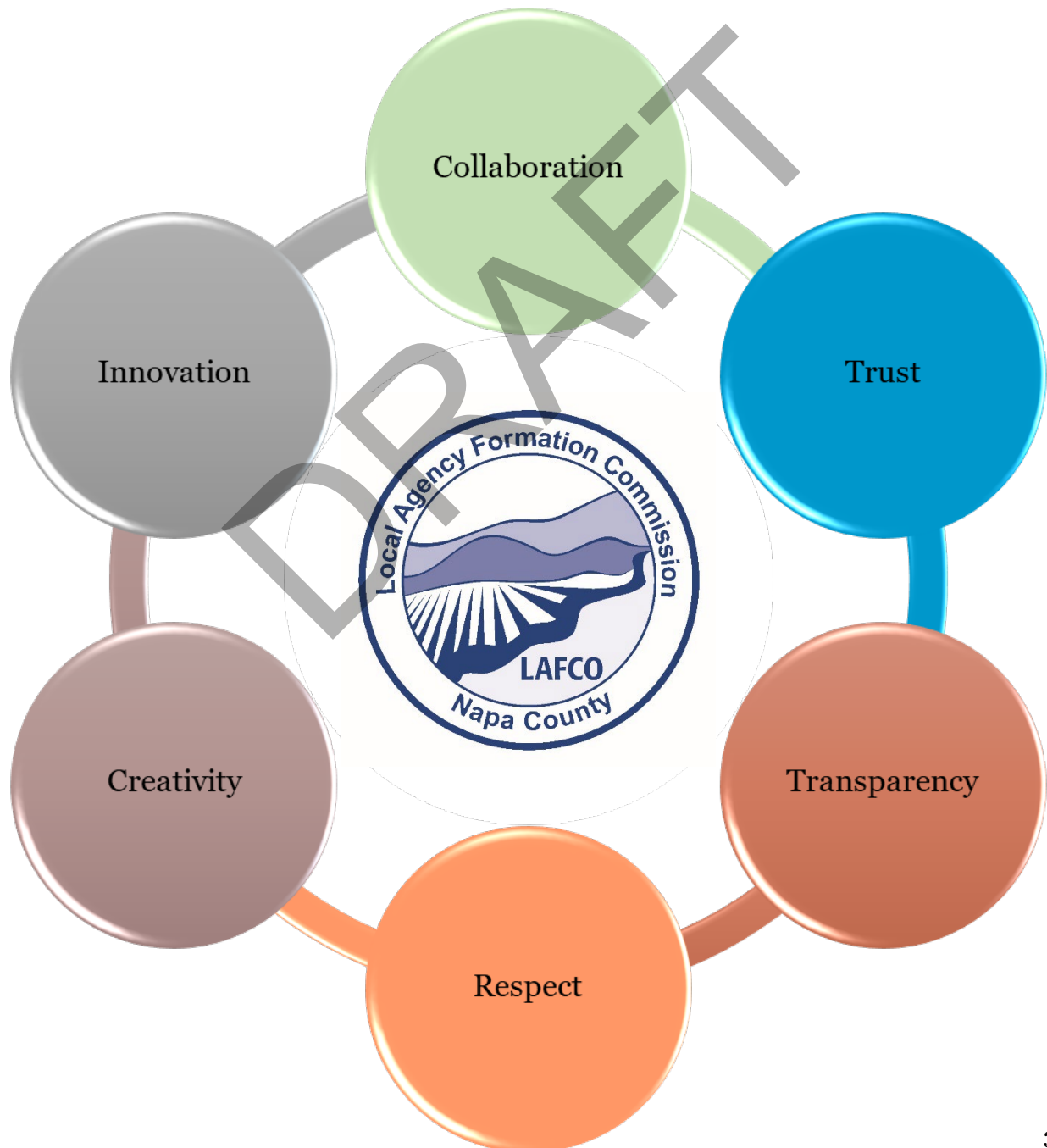
The **Local Agency Formation Commission of Napa County** is committed to serving the citizens and government agencies of its jurisdiction by encouraging the preservation of agricultural lands and open-space and coordinating the efficient delivery of municipal services.





VALUES OF THE LOCAL AGENCY FORMATION COMMISSION OF NAPA COUNTY

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





Goal: Utilize the 2020 Water & Wastewater Municipal Service Review for the benefit of the region.

ACTION	YEAR 1	YEAR 2
Re-evaluate recommendations	☑	
Develop plan for actionable results	☑	
Engage partner agencies	☑	☑

Goal: Prioritize completion of the countywide Fire & EMS Municipal Service Review.

ACTION	YEAR 1	YEAR 2
Review & update timeline as necessary	☑	
Secure resources (human and fiscal)	☑	
Identify strong recommendations		☑

Goal: Become a more independent LAFCO.

ACTION	YEAR 1	YEAR 2
Research & understand current policies & best practices of the more independent LAFCOs statewide	☑	
Amend MOU between LAFCO & County to create greater independence	☑	

Goal: Increase education and outreach to all Napa LAFCO stakeholders and the public.

ACTION	YEAR 1	YEAR 2
Increase proactive engagement with local agencies	☑	☑
Conduct regular educational workshops & presentations	☑	☑
Leverage Zoom, webinar, & recording capability	☑	☑
Leverage our new LAFCO website	☑	☑



Goal: *Develop comprehensive new commissioner orientation.*

ACTION	YEAR 1	YEAR 2
Create mandatory in-person orientation process	☑	
Develop commissioner handbook	☑	

Goal: *Look at the coordination and provision of broadband services.*

ACTION	YEAR 1	YEAR 2
Join & participate in the North Bay Broadband Consortium	☑	☑
Coordinate with Lake, Marin, Mendocino, & Sonoma LAFCOs for consistent LAFCO voice on Consortium	☑	☑
Research what other LAFCOs statewide are doing in terms of regional conversations, service reviews & any applicable policies	☑	☑

Goal: *Enhance our understanding of how Napa LAFCO can effectively consider climate resiliency factors in our work.*

ACTION	YEAR 1	YEAR 2
Lead a conversation at the CALAFCO 2023 coastal region roundtable meeting	☑	
Research & understand current policies & best practices of other LAFCOs statewide		☑
Consider adopting additional local policies		☑

The Commission

Margie Mohler, Chair
City Member (Town of Yountville)

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

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

Kenneth Leary, Commissioner
Public Member

Belia Ramos
County Member (Fifth Supervisorial District)

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

Eve Kahn, Alternate Commissioner
Public Member

Beth Painter, Alternate Commissioner
City Member (City of Napa)

The Commission Staff

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





**NAPA COUNTY GRAND JURY
2022-2023**

JUNE 21, 2023

**NAPA COUNTY GROUNDWATER
MANAGEMENT**

***“WHEN THE WELL IS DRY,
WE KNOW THE VALUE OF WATER”
-BENJAMIN FRANKLIN***

SUMMARY

Over the past several years, Napa County and the rest of California have been confronted by one of the most significant and prolonged droughts in recent history. This has resulted in diminished stores of surface water in reservoirs, and has increased the dependence on groundwater to provide for agricultural, industrial, and residential needs.

Despite increases in rain and snow in 2022-2023, experts agree that Napa County will need to continue to confront the issue of drought. In coming years, Napa County residents and the agricultural industry will increasingly rely on groundwater for access to water. It is critical that we protect groundwater reserves for the future health of Napa County's farms, cities, residences and environment.

Groundwater is the water located in the pores and spaces between rock and soil particles. It is a vital resource for human consumption, irrigation (domestic and agricultural), and industrial use. Groundwater accounts for about 40% of the water used in normal years and up to 60% of water used during droughts.¹ Groundwater comes from rain, snow, and other forms of precipitation that percolates through soil and rock layers. Groundwater is stored in aquifers which are located in underground layers of rock and sediment which hold and transmit water.

The amount of water that can be responsibly withdrawn from an aquifer depends on its recharge rate which is the rate that groundwater is replenished by precipitation and surface water sources. Groundwater sustainability refers to the ability of an aquifer to maintain its quantity and quality over a long period of time. It involves managing and using groundwater resources in a way that ensures they are available for current and future generations. Sustainability is increasingly important due to growing population, and increased demand for water resources.

Overuse of groundwater can lead to depletion of aquifers which can cause land subsidence, saltwater intrusion, and decreased water quality, each of which reduces water availability. Land subsidence can result in significant damage to buildings, roads, and utilities infrastructure. Over pumping of groundwater can also result in decreased potable water quality due to the concentration of contaminants, such as boron and other elements. Depletion of aquifers can also allow salt water intrusion into groundwater for areas adjacent to sea water.

To achieve groundwater sustainability, it is necessary to balance the demand for groundwater with the natural recharge rates of the aquifer. This can be done through various management strategies, such as implementing water conservation measures, increasing the efficiency of water use, promoting the use of alternative water sources, education and training of the agricultural workforce, and implementing regulations to limit groundwater extraction. There is a need for a coordinated and unified approach to achieve effective and efficient sustainable groundwater management. A countywide water management agency will support a collaborative approach involving

¹ CA State Water Board (www.waterboards.ca.gov)

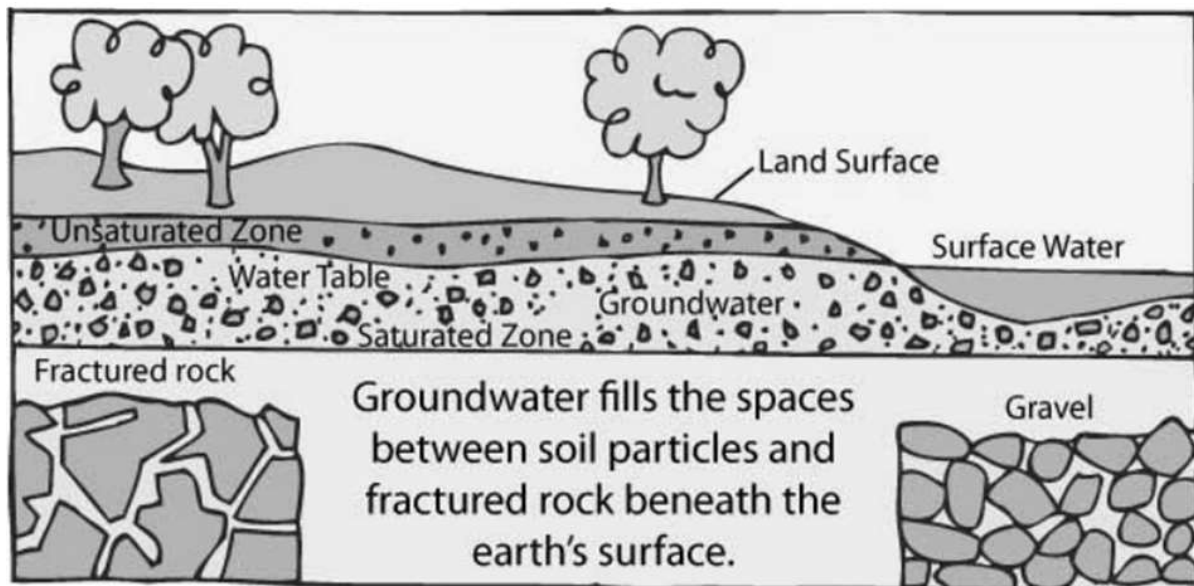
government agencies, water users, and other stakeholders. By working together to manage and protect groundwater resources, we can assure its availability for future generations.

The Jury believes there is a need to better understand the County's groundwater sustainability and recommend actions to address the topic. For these reasons, the Jury chose to investigate the use, monitoring, and management of groundwater in Napa County.

BACKGROUND

Intermittent drought has plagued California for over 40 years. Although the 2022-2023 series of storms has helped, periods of drought are expected to continue. Drought conditions to stress all water sources including groundwater, reservoirs, rivers, and streams. Groundwater, stored in aquifers,² is the major source of water for Napa's agricultural industry. Years of drought coupled with over pumping depletes aquifers.

The diagram below shows the relationship between groundwater (aquifers) and surface water (rivers and streams). (Graphic from The Groundwater Foundation):



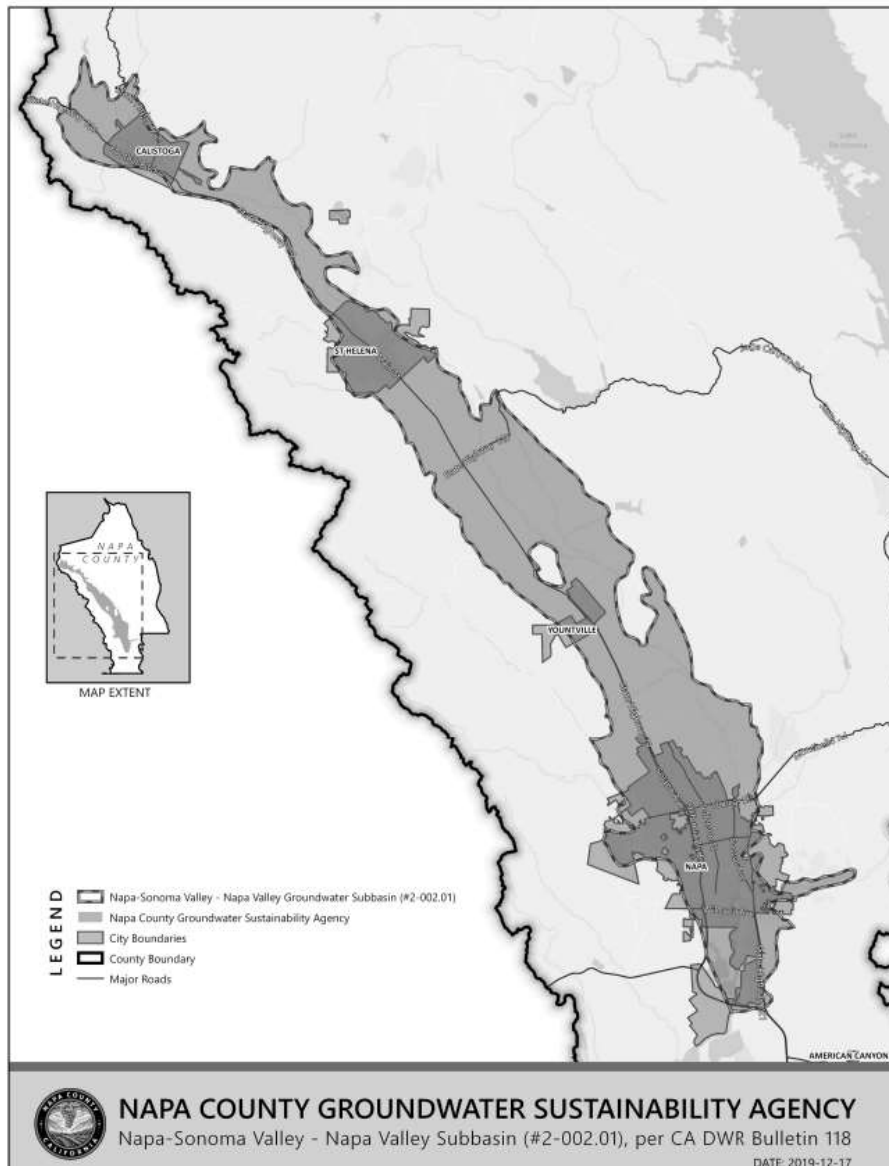
The California Legislature passed the Sustainable Groundwater Management Act in 2014 (SGMA).³ The SGMA is designed to avoid undesirable results and mitigate overdraft within 20 years. Napa County's largest subbasin, encompassing most of the Valley floor (Calistoga to Soscol Crossing), was identified by the SGMA as a medium priority aquifer.

The medium priority designation required the Board of Supervisors (BOS) to implement a Groundwater Sustainability Plan (GSP) and a Groundwater Sustainability Agency (GSA). The GSP has been written and accepted by the Division of Water

² Underground layers of rock and sediment that hold and transmit water.

³ AB 1739 (Dickinson), SB 1168 (Pavley), and SB 1319 (Pavley)

Resources (DWR). County officials are well aware that water deficiencies are detrimental to the County's residents and the wine industry.



GLOSSARY / ACRONYMS

Glossary

- The 71.8 square-mile **Napa Valley Subbasin** sits in the larger 426 square-mile Napa River watershed and underlies Calistoga, St Helena, Yountville, and Napa. The extent of the Napa Valley Subbasin generally aligns with the floor

of the Napa Valley. The subbasin consists of sediments that have been eroded from the surrounding mountains and deposited by the Napa River over millions of years. These sediments are permeable – they can soak up and hold a lot of water. The sediments are shallow near the base of the nearby hills and in the Calistoga area. The sediments can be up to several hundred feet thick in the center of the valley. Beneath these sediments lie older bedrock.

- An **acre-foot** is 325,851 gallons, a volume that would cover a one acre area at a depth of one foot.
- **Drawdown** is the reduction of a hydraulic water level in an aquifer compared to the normal static level prior to pumping.
- **Napa County PBES categories for wells:** Domestic Irrigation, Domestic Irrigation Public, Industrial Irrigation, Irrigation Agriculture, Irrigation Domestic, Irrigation Industrial, Irrigation, Irrigation Public, and Irrigation Landscaping.

Acronyms

- BOS, Board of Supervisors
- DWR, Division of Water Resources
- GSA, Groundwater Sustainability Agency
- GSP, Groundwater Sustainability Plan
- LAFCO, Local Agency Formation Commission
- PBES, Napa County Planning, Building, and Environmental Services Department
- RCD, Resource Conservation District
- SGMA, Sustainable Groundwater Management Act
- TAG, Technical Advisory Group

METHODOLOGY

The Grand Jury interviewed personnel from the following sources:

- Napa County Planning, Building and Environmental Services
- Napa County Resource Conservation District
- Napa County Groundwater Sustainability Agency and Advisory Committee
- City of Napa Water Department
- City of St Helena Public Works Department
- Napa County Farm Bureau
- Napa County Groundwater Advisory Committee
- Napa County Groundwater Technical Advisory Group
- Napa Green LLC
- Napa Valley Grapegrowers
- Save Napa Valley Foundation
- A well driller with many years of experience drilling and maintaining wells in

Napa County

- A vineyard manager who manages multiple vineyards in and outside of Napa County
- A geologist who has worked with Napa County on groundwater issues

Documents Reviewed

- Organization Chart for Napa County Public Works
- Documents produced by the State of California and County of Napa
- California Senate Bill 1739, SB1319, and Assembly Bill 1178 which were combined to form California's Sustainable Groundwater Management Act (SGMA)
- Napa County Groundwater Sustainability Annual Report - Water Year 2021 (published in March 2022)
- Napa County Groundwater Conservation Ordinance
- Napa County Groundwater Sustainability Plan
- Napa County Title 13
- Reports on groundwater issues from Luhdorff & Scalmanini Consulting Engineers
- Several recent Bay Area County Grand Jury Reports on Groundwater issues
- LAFCO Executive Summary October 31, 2022
- Napa County Well Permit Standards and WAA Requirements January 6, 2023
- Water Availability Analysis (WAA), Adopted 2015 by Napa County Board of Supervisors

Web Page Searches

- Napa County Public Works Department
- Napa County Planning, Building and Environmental Services
- Groundwater Resources Advisory Committee
- Groundwater Foundation
- Groundwater Sustainability Agency
- Napa County Resource Conservation District
- Map of the Napa Valley Subbasin
- California Water Board
- Articles on Groundwater from the Napa Valley Register
- Water Education Foundation.org

DISCUSSION**Drought Impact on Napa Valley Groundwater**

On March 30, the US Drought Monitor⁴ declared the drought over in many parts of California, including Napa County. However, the impact of drought remains a major concern as it leads to depleted aquifers from over pumping and lack of replenishment. Limited conservation adds to the problem. Efforts to mitigate negative drought outcomes have been taken by the California State Legislature and Governor including

⁴ National Drought Mitigation Center, University of Nebraska at Lincoln/NOAA/USDA

the 2014 Sustainable Groundwater Management Act (SGMA). Seventy-two percent (72%) of Napa County's water is consumed by agriculture, 15% for industrial/landscape, and the remaining 13% for residential.⁵

Napa Subbasin and Sustainability Efforts

Napa County's largest subbasin⁶ encompassing most of the valley floor (Calistoga to Soscol Crossing) has been deemed a medium priority basin by SGMA. This designation requires Napa County to form a Groundwater Sustainability Agency (GSA) and then create a Groundwater Sustainability Plan (GSP) to avoid undesirable consequences and mitigate excessive drawdown within the next 20 years. The Board of Supervisors appointed themselves as the GSA.

A committee consisting of representatives from the wine industry, environmental and agricultural groups, and interested citizens was appointed by the GSA to develop the plan. The initial GSP was rejected by the State; a revised GSP was submitted in January 2022. This second GSP was approved in February 2023 by the State Division of Water Resources (DWR) as the minimum standard for management of Napa County's groundwater⁷. A Technical Advisory Group (TAG), consisting of experts in the field has been formed to support the GSA and the GSP.

A better understanding of the effects of pumping, as well as the use of groundwater, is needed to implement the plan. Currently, there are six public and a limited number of private wells being used for groundwater monitoring. The true amount of drawdown is not fully known due to incomplete monitoring. The County is in the process of installing six additional public wells to gather more data.⁸

Vineyard irrigation has become standard practice over the past 45 years. Inefficient irrigation practices have led to overwatering of up to 25 percent in many vineyards. Organizations such as the Resource Conservation District (RCD), Napa Green, and the Vintner's and Grape Grower's Associations recommend better training for vineyard managers and field workers in efficient water usage. The Grand Jury was unable to obtain statistics for water usage on properties owned by large corporate entities. There are current technologies that can determine the amount of water a vine needs to thrive. This type of assessment can be made through satellite or handheld devices. These techniques seem to be independent approaches and not standard practice.

New Pumping Standards

Title 13 of the Napa County Code has set standards for water use per acre for vineyard plantings, requiring a maximum of 0.3 acre feet per acre of planted vines. This standard is for water from newly permitted wells. The 0.3 allocation will also apply to all replanted acreage. There are wells permitted for domestic use that are also

⁵ County staff and consultant interviews

⁶ See Glossary for this subbasin.

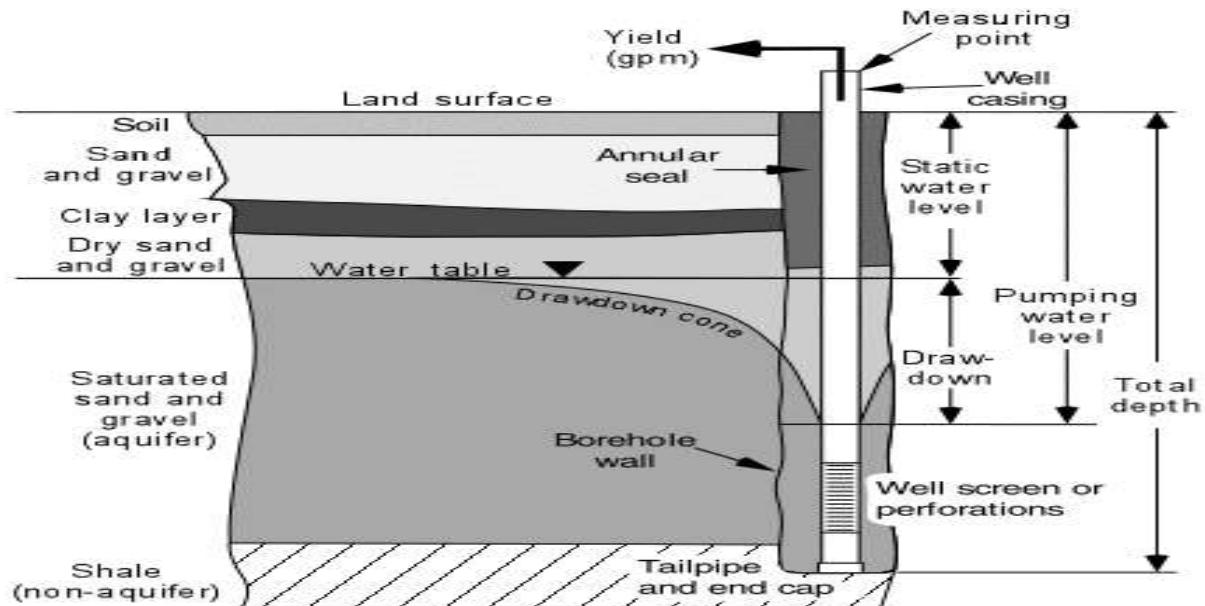
⁷ See DWR approval document

⁸ County staff interview

supplying agricultural/winery needs.⁹ The County does not investigate these mixed-use wells unless there is a citizen complaint.¹⁰

Well Issues

The graphic below shows the different parts of a well and how it interacts with the water table which is the Aquifer. It shows how draw-down is measured compared to the static level of water within the Aquifer. (Google Images)



Now that the GSP has been accepted, the County plans to add staff to manage it.¹¹ Representatives from conservation groups and industry associations agreed more staff is needed to monitor existing wells.

Wells in Napa County date back to the 1800's but permitting was not required until the 1950's. There is imprecise data available indicating the exact number of wells within the County. It has been documented that wells affect streams, rivers and adjacent wells if located too close to a new bore hole.¹² Well depth can affect other wells in the immediate area. Drawdown and well depth have the greatest effect on an aquifer's health.

Over the past few years, there have been reports of domestic well failure in Napa County causing homeowners to truck in potable water during summer months.¹³ Hydrologists have found the pace of groundwater depletion in California accelerates dramatically during drought years. Interviews revealed overuse of surface and groundwater has caused diminished flow in streams and rivers, including the Napa River. Increased agricultural, industrial and residential pumping has drawn down aquifer levels to new lows, threatening to severely impact underground water

⁹ County staff interview

¹⁰ Ibid

¹¹ Ibid

¹² Industry representative interview

¹³ County staff interview

reserves.¹⁴ The Milliken, Sarco, and Tulocay Basin (MST) east of the City of Napa has been deemed a groundwater deficient area.¹⁵

The proliferation of storage tanks has increased aquifer depletion.¹⁶ There are no restrictions as to how many tanks a parcel may have or how they may be used.

There is uncertainty regarding the actual number of wells in Napa County. Per PBES data there are an estimated 11,470 wells with unclear designations.

Administrative Issues

The well permitting process can be long and arduous, prompting complaints from vintners, well drillers, ecologists, and property owners. Changes in regulations and management of permits have not been well communicated by the Planning Department Staff. Each permit request is assigned to an individual planner who compiles the information and communicates with the applicant; however, this information is not easily accessible to the applicant or the public.¹⁷

The County has nine different categories¹⁸ of wells which do not clearly define how the water is used.

Napa County has 14 public and 20 private water districts serving cities, towns, and unincorporated areas.¹⁹ Several groups, including LAFCO, have suggested the formation of a county wide water agency. A unified agency would coordinate the operations of all districts, including those providing recycled water for agricultural and landscaping irrigation. This agency would provide future planning, integrated information repository, and drought mitigation. Surrounding counties including Marin, Sonoma and Solano have countywide water agencies.

Napa County's five urban areas get their water from five separate water sources: local reservoirs, wells, and State aqueducts which draw from the Sierras and major rivers. The State systems have been struggling as well as some of our Cities such as American Canyon and St Helena during times of drought. There is no uniform approach toward sharing of resources which also supports the need for a unified agency across the County.

FINDINGS

F1. Napa County officials do not know the number, location, or capacity of groundwater wells and storage tanks in the County.

F2. Despite the 2022-2023 storms, drought is still a concern in Napa County.

¹⁴ Napa County Groundwater Sustainability Annual Report - Water Year 2021 (published in 2022)

¹⁵ 2014-2015 Grand Jury Report

¹⁶ County staff interview

¹⁷ County staff interview

¹⁸ See Glossary

¹⁹ LAFCO Municipal Service Review (2020)

F3. Napa County does not have an umbrella water agency to coordinate, oversee, and set policy for its 14 public and 20 private water districts.

F4. Groundwater over pumping can lead to land subsidence, salt water intrusion, decreased water quality, and depletion of aquifers.

F5. Education of vineyard and winery owners, vineyard managers, farmworkers, wine production employees, landscapers, and residential users, is critical for improved groundwater management.

F6. Government, wine industry, and environmental groups do not consistently collaborate on groundwater management issues.

F7. The County permitting process is inconsistent, inefficient, and confusing to applicants seeking groundwater well permits.

F8. The GSA has only just begun to address groundwater issues via the GSP. However, most public and private groups and agencies feel the plan needs to be implemented as soon as possible.

RECOMMENDATIONS

The Grand Jury recommends that:

R1. By December 31, 2023, the Board of Supervisors will fill current gaps in groundwater usage data by expanding groundwater monitoring in key locations and initiate and enforce procedures to enhance data collection from agricultural and residential users.

R2. By June 30, 2024, the Board of Supervisors in conjunction with all 14 public and 20 private water districts consider creating a single County-wide agency to oversee groundwater management.

R3. By December 31, 2023, the Board of Supervisors will create and implement a plan to increase awareness of groundwater preservation strategies through the education of winery and vineyard owners and managers, farmworkers, landscapers, and residential users.

R4. By June 30, 2024, the Napa County Planning Department will enable more effective communication with applicants during the permitting process.

R5. By June 30, 2024, the Napa PBES research and communicate to the GSA the number of new or upgraded wells, their output, and the number of storage tanks.

REQUIRED RESPONSES

Pursuant to Penal Code sections 933 and 933.05, the Grand Jury requests responses as follows:

- Napa County Board of Supervisors, F1, F2, F3, F4, F5, F6, F7, F8, R1, R2, R3
- Napa County Planning, Building and Environmental Services Department, F1, F2, F3, F4, F5, F6, F7, R4

INVITED RESPONSE

- Napa County Resource Conservation District, F2, F5, F6, R2

Reports issued by the Grand Jury do not identify individuals interviewed. Penal Code section 929 requires that reports of the Grand Jury not contain the name of any person or facts leading to the identity of any person who provides information to the Grand Jury.



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

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

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

Agenda Item 6b (Action)

TO: Local Agency Formation Commission
PREPARED BY: Dawn Mittleman Longoria, Assistant Executive Officer
Stephanie Pratt, Clerk/Jr. Analyst
MEETING DATE: August 7, 2023
SUBJECT: Proposed Partrick Road No. 6 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 No. 6 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- 061-016
Location: 1130 Partrick Road
Area Size: 1.5 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: one single-family residence, front and back yard landscaped, trees and a creek on the east side

Purpose: Connect to public sewer
Development Plans: Lot split to create two parcels
Development Potential: City General Plan would allow one additional residential lot subject to City review and approval
Application: Attachment Two
Maps of Affected Territory: Following pages

Margie Mohler, Chair
Councilmember, Town of Yountville

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

Kenneth Leary, Commissioner
Representative of the General Public

Beth Painter, Commissioner
Councilmember, City of Napa

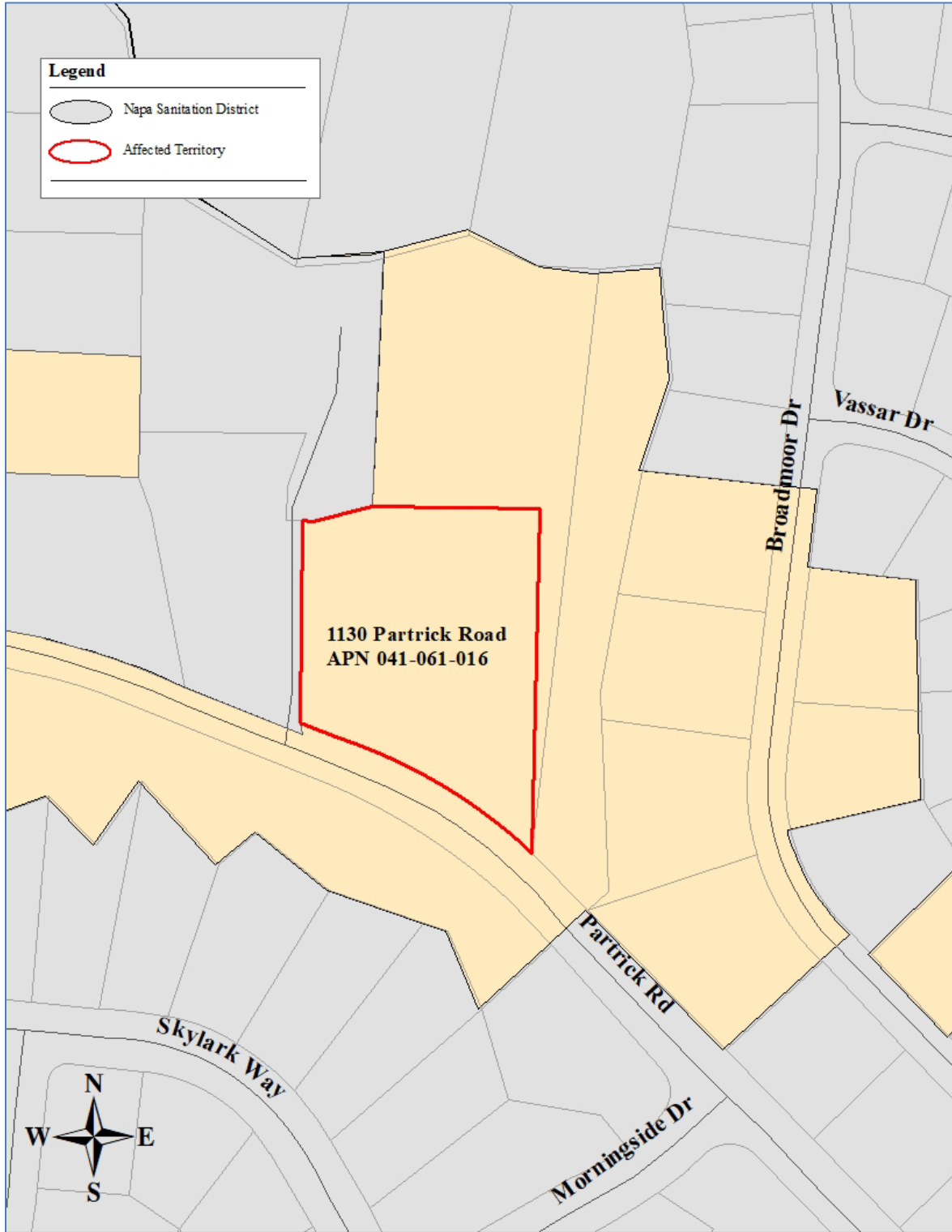
Belia Ramos, Commissioner
County of Napa Supervisor, 5th District

Eve Kahn, Alternate Commissioner
Representative of the General Public

Mariam Aboudamous, Alternate Commissioner
Councilmember, City of American Canyon

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

Brendon Freeman
Executive Officer



Proposed Partrick Road No. 6 Annexation to the Napa Sanitation District

August 7, 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 NO. 6
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 1.5 acres of incorporated land to the Napa Sanitation District and represents one entire parcel located at 1130 Partrick Road and identified by the County of Napa Assessor’s Office as 041-061-016; and

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

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

WHEREAS, the Commission heard and fully considered all the evidence presented at a public meeting held on the proposal on August 7, 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 NO. 6
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) 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 August 7, 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: Stephanie Pratt
Clerk/Jr. Analyst

DRAFT

EXHIBIT "A"
PARTRICK ROAD #3
ANNEXATION TO NAPA SANITATION DISTRICT

GEOGRAPHIC DESCRIPTION

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

BEGINNING at a point on Partrick Road said point being the southeast property corner of parcel "D" as shown on a map filed in Book 12 of Parcel Maps at Page 56 in the office of the Recorder of Napa County, said point also being on the Partrick Road #2 Annexation to Napa Sanitation District filed in volume 1308 at Page 27 in the office of the Recorder of Napa County;

thence; southwesterly along said Partrick Road #2 Annexation following courses:

Course 1: a non-tangent curve to the left with a radial bearing of North 41° 49' 13" East having a radius of 430.00 feet, an arc length of 151.63 feet and a central angle of 20° 12' 13" to a point of a tangency;

Course 2: thence; from said point of tangency North 68° 24' West, 106.35 feet to the southwest property corner of said Parcel "D";

Course 3: thence; North 1° 22' 40" East, 200.00 feet,

Course 4: thence; South 88° 37' 20" East, 10.00 feet,

Course 5: thence; North 67° 13' 56" East, 63.56 feet,

Course 6: thence, leaving said Partrick Road #2 Annexation South 86° 46' East, 162.08 feet;

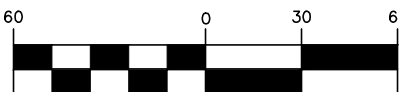
Course 7: thence, South 1° 22' 40" West, 333.16 feet to the POINT OF BEGINNING

Containing 1.46 acres more or less.

For assessment purposes only. This description of land is not a legal property description as defined the Professional land Surveyor's Act and may not be used as the basis for an offer for sale of the land described therein.

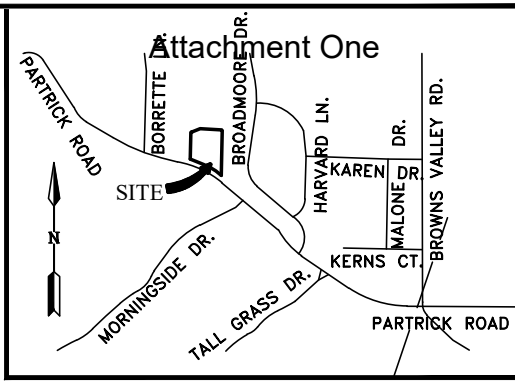
DISCLAIMER:
 THIS EXHIBIT IS FOR ASSESSMENT PURPOSES ONLY AND MAY NOT BE USED AS THE BASIS FOR A SALE OF THE LAND SHOWN HERON.

GRAPHIC SCALE



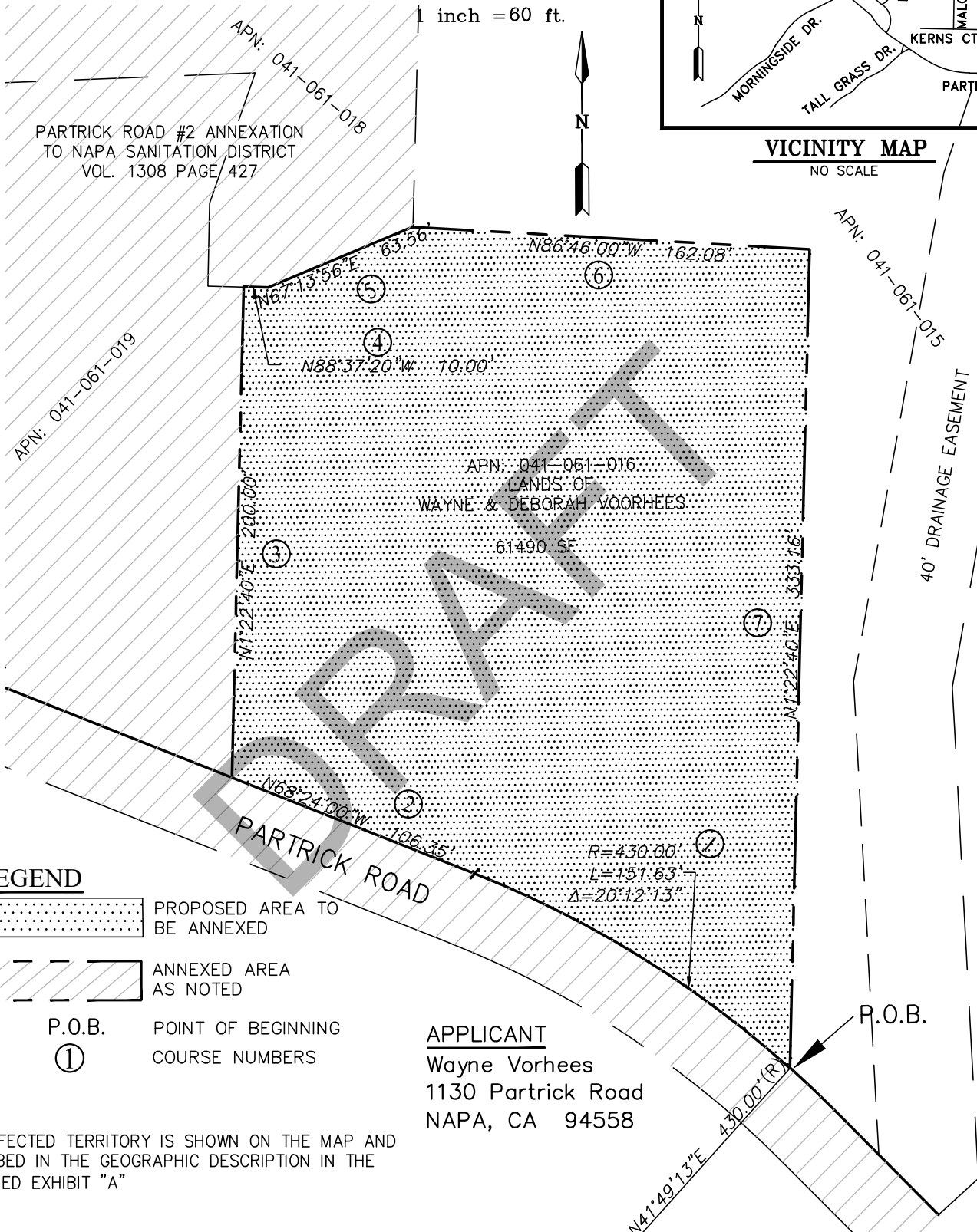
(IN FEET)

1 inch = 60 ft.

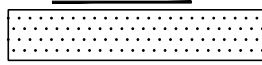
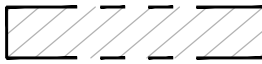


VICINITY MAP

NO SCALE



LEGEND

-  PROPOSED AREA TO BE ANNEXED
-  ANNEXED AREA AS NOTED
- P.O.B. POINT OF BEGINNING
- ① COURSE NUMBERS

APPLICANT
 Wayne Voorhees
 1130 Partrick Road
 NAPA, CA 94558

THE EFFECTED TERRITORY IS SHOWN ON THE MAP AND DESCRIBED IN THE GEOGRAPHIC DESCRIPTION IN THE ATTACHED EXHIBIT "A"



CHAUDHARY & ASSOCIATES, INC.
 ENGINEERS SURVEYORS INSPECTORS

211 GATEWAY ROAD WEST, SUITE 204
 NAPA, CALIFORNIA 94558

Tel: (707) 255-2729, FAX: (707) 255-5021, WWW.CHAUDHARY.COM

01EX2305009.DWG

Resolution for Partrick Road No. 6 Annexation to NSD

July 27, 2023

DRAFT

EXHIBIT "B"
 PARTRICK ROAD #3

ANNEXATION TO NAPA SANITATION DISTRICT
 BEING A PORTION OF NAPA RANCHO

Q:\2023\23-05-009 Voorhees Partrick Rd 08-09-036\LAFCO\01EX2305009.dwg 7-27-23 07:51:14 AM

Date Filed: 7/7/23
Proposal Name: Partrick Rd #6

FORM D

**PROPOSAL APPLICATION
Change of Organization/Reorganization**

I. APPLICANT INFORMATION

A. Name: Wayne and Deborah Vorhees

Contact Person Agency/Business (If Applicable)

Address: 1130 Partrick Road Napa, CA, 94558

Street Number Street Name City Zip Code

Contact: 707-738-6151 vpnapaca@comcast.net

Phone Number Facsimile Number E-Mail Address

B. Applicant Type: (Check One)

Local Agency Registered Voter Landowner

II. PROPOSAL DESCRIPTION

A. Affected Agencies:

Name	Address
<u>Napa Sanitation District</u>	<u>1515 Soscol Ferry Rd, Napa, CA 94558</u>
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)

Connect to Napa Sanitation District

III. GENERAL INFORMATION

A. Location:	1130 Partrick Rd	041-061-016	1.5
	Street Address	Assessor Parcel Number	Acres
	Portion of ROW	N/A	0.1
	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)		1.6

B. Landowners:

- (1) Assessor Parcel Number : 041-061-016 Name: Wayne & Deborah Vorhees
 Mailing Address: 1130 Partrick Rd
 Phone Number: 707-738-6151 E-mail: vpnapaca@comcast.net
- (2) Assessor Parcel Number : _____ Name: _____
 Mailing Address: _____
 Phone Number: _____ E-mail: _____
- (3) Assessor Parcel Number : _____ Name: _____
 Mailing Address: _____
 Phone Number: _____ E-mail: _____
- (4) Assessor Parcel Number : _____ Name: _____
 Mailing Address: _____
 Phone Number: _____ E-mail: _____

Use Additional Sheets As Needed

C. Population:

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

D. Land Use Factors:

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

E. Existing Land Uses:
(Specific)

Residential

F. Development Plans:

- (1a) Territory Subject to a Development Project? Yes No
- (1b) If Yes, Describe Project: The property owner is submitting an application with City of Napa to subdivide the property into two parcels
- (1c) If No, When Is Development Anticipated? _____

G. Physical Characteristics:

- (1) Describe Topography: Existing single family residence, front and back yard landscaped, trees and a creek on the east side
- (2) Describe Any Natural Boundaries: Creek on the East side
- (3) Describe Soil Composition and Any Drainage Basins: Cole silt loam
City of Napa public drainage system
- (4) Describe Vegetation: Residential landscape

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:

Sanitation

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

Connect to existing sewer line

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

Immediately

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

No

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

Personal funds

V. ENVIRONMENTAL INFORMATION

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

(1) Lead Agency for Proposal: Napa Sanitation District
Name

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

- Environmental Impact Report
Negative Declaration/Mitigated Negative Declaration
[X] Categorical/Statutory Exemption: CEQA Guidelines 15319, 15303 & 15282(k)
None

Provide Copies of Associated Environmental Documents

VI. ADDITIONAL INFORMATION

A. Approval Terms and Conditions Requested For Commission Consideration:

The subject parcel be Annexed to Napa Sanitation District

Use Additional Sheets As Needed

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

(Does not include affected landowners or residents)

(1) Recipient Name: City of Napa
Mailing Address: 1600 First Street, Napa, CA 94559
E-Mail:

(2) Recipient Name: Napa Sanitation District
Mailing Address: 1515 Soscol Ferry Rd, Napa, CA 94558
E-Mail:

(3) Recipient Name:
Mailing Address:
E-Mail:

VII. CERTIFICATION

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

Signature: Wayne Vorhees

Printed Name: Wayne Vorhees

Title: Property Owner

Date: 7/7/23

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 two (legally uninhabited)
2. Land area and land use [§56668(a)]	Consistent: 1.5 acres, one single-family residence Jurisdiction: City of Napa, <i>Browns Valley</i> Planning Area
3. Assessed valuation [§56668(a)]	Consistent: Total: \$1,443,000
4. Topography, natural boundaries and drainage basins [§56668(a)]	Consistent: Relatively flat: 0 to 2 percent slopes 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, city street
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 a lot split to create two residential lots and would require approval by the City.
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 facilitate parcel split
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

10. Government services effect of proposal on cost, adequacy and controls in area and adjacent areas [§56668(b)]	Consistent: Analysis: Central County Region Municipal Service Review adopted in 2014 and Napa Countywide Water Wastewater MSR Updated 10-4-21
11. Effects on adjacent areas, on mutual social and economic interests, and on local governmental structure in the County [§56668(c)]	Consistent: Area included in NSD SOI since 1975
12. Effects on planned efficient patterns of urban development [§56668(d)]	Consistent: City General Plan land use designation: <i>SFR-40 (Single Family Residential, 0-2 lots per acre)</i>
13. Effects on maintaining physical and economic integrity of agricultural lands [§56668(e)]	Consistent: Within City RUL, not designated for agricultural or open space use
14. Boundaries: logical, contiguous, not difficult to serve, definite and certain [§56668(f)]	Consistent: One existing parcel, located on city-maintained street
15. Conformance to lines of assessment, ownership [§56668(f)]	Consistent: One parcel: APN 041-061-061
16. Creation of islands, corridors, irregular boundaries [§56668(f)]	Consistent: The parcel is legally defined and located within City boundary. Annexation to sewer district would not create an unincorporated island.
17. Consistency with regional transportation plan [§56668(g)]	Consistent: No specific projects in regional transportation plan (RTP), <i>Plan Bay Area 2050</i>
18. Consistency with city or county general and specific plans [§56668(h)]	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>19. Consistency with spheres of influence [§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 6c (Action)

TO: Local Agency Formation Commission

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

MEETING DATE: August 7, 2023

SUBJECT: Legislative Report

RECOMMENDATION

It is recommended the Commission receive the legislative update and direct the Executive Officer to submit a letter to the Legislature opposing Assembly Bill (AB) 399. The Commission may take additional support positions on other bills if desired.

SUMMARY

The Commission's *Legislative Policy* and *Legislative Platform* are included as Attachment One and Attachment Two, respectively.

Commissioners Aboudamous and Painter serve on the Commission's ad hoc Legislative Committee ("the Committee") this year. The Committee serves in an advisory role to staff.

The California Association of LAFCOs (CALAFCO) tracks each bill affecting LAFCOs. The most recent CALAFCO Legislative Report is dated July 31, 2023, tracks 21 bills, and is included as Attachment Three.

Consistent with local policy, staff submitted letters to the Legislature in support of CALAFCO's annual omnibus bill, AB 1753. The letters are included as Attachment Four. AB 1753 was signed by the Governor on June 29, 2023.

One of the bills being tracked by CALAFCO, AB 399, has become problematic following recent amendments by the author. Staff recommends the Commission discuss AB 399 and consider taking a formal position opposing the bill. A summary is provided on the following page.

Margie Mohler, Chair
Councilmember, Town of Yountville

Beth Painter, Commissioner
Councilmember, City of Napa

Mariam Aboudamous, Alternate Commissioner
Councilmember, City of American Canyon

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

Assembly Bill 399 Background and Summary

San Diego LAFCO approved the detachment of two water districts from the San Diego County Water Authority. The voters within the boundaries of the two water districts were expected to vote on the detachment. The process prior to San Diego LAFCO's decision included numerous meetings among a wide variety of stakeholders. The staff report exceeded 400 pages and provided extensive research and background. The water authority continued to fight the detachment.

AB 399, included as Attachment Five, seeks to circumvent the LAFCO process, retroactively. The bill would require the vote of all the voters within the entire water authority, rather than limiting the vote to the affected area within the two water districts. The bill relies on provisions of a 1945 law that was enacted during World War II to protect water provision to a military base.

San Diego LAFCO formally opposes AB 399. San Diego LAFCO's letter in opposition to AB 399 is included as Attachment Six.

Other key stakeholders have taken the following positions:

- CALAFCO: Oppose
- California State Association of Counties: Pending
- League of California Cities: Watch

CALAFCO opposes AB 399 based on the following:

1. Circumvents the LAFCO process.
2. Sets precedent for other similar legislation.
3. Creates another "spot bill" without considering LAFCOs as a whole.

Staff recommends the Commission also take a formal position opposing AB 399 and direct staff to submit a letter to the Legislature similar to the San Diego LAFCO letter.

The Commission also is invited to discuss any other bills of interest and consider directing staff to submit formal position letters to the Legislature.

ATTACHMENTS

- 1) Legislative Policy
- 2) Legislative Platform
- 3) CALAFCO Legislative Report (Dated July 31, 2023)
- 4) AB 1753 Support Letters
- 5) AB 399 Bill Text
- 6) San Diego LAFCO Letter Opposing AB 399



LOCAL AGENCY FORMATION COMMISSION OF NAPA

Legislative Policy

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

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



LOCAL AGENCY FORMATION COMMISSION OF NAPA

Legislative Platform

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

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

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

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

1. LAFCO Purpose and Authority

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

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

2. Agricultural, Watershed, and Open Space Protection

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

CALAFCO Daily Legislative Report as of Monday, July 31, 2023

AB 530 (Boerner D) Vehicles: electric bicycles.

Current Text: Amended: 7/13/2023 [html](#) [pdf](#)

Introduced: 2/8/2023

Last Amended: 7/13/2023

Status: 7/13/2023-From committee chair, with author's amendments: Amend, and re-refer to Com. on RLS. Read second time and amended.

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

Summary:

Would prohibit a person under 12 years of age from operating an electric bicycle of any class. The bill would state the intent of the Legislature to create an e-bike license program with an online written test and a state-issued photo identification for those persons without a valid driver's license, prohibit persons under 12 years of age from riding e-bikes, and create a stakeholders working group composed of the Department of Motor Vehicles, the Department of the California Highway Patrol, the Transportation Agency, bicycle groups, policy and fiscal staff, and other relevant stakeholders to work on recommendations to establish an e-bike training program and license. Because the bill would prohibit certain persons from riding electric bicycles, the violation of which would be a crime, the bill would impose a state-mandated local program.

Subject: Water

CALAFCO Comments: As introduced, this bill was relative to greenhouse emissions. However, it was gutted and amended on 5/15/2023 and now addresses county water authorities.

Under existing law, the governing body of any public agency has an option (phrased as a "may") to submit to the voters any proposition to exclude the corporate area of that public agency from a county water authority. This bill would add the procedures under which that optional election would be conducted. Specifically, notice would be required in the manner already defined within subdivision (c) of Section 10. The election would be conducted and returns canvassed as provided by law for the elections in the public agency, and a majority of electors within county water authority territory would be needed for passage. The new procedure would also require that these elections will be separate elections but may run with another election.

On 6/16/2023, this topic was transitioned to AB 399 through the gut and amend process. Amendments of 7/13/2023 make this bill now relative to electric bicycles which is not a concern to CALAFCO. Position updated to -None-.

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

Current Text: Amended: 4/17/2023 [html](#) [pdf](#)

Introduced: 2/13/2023

Last Amended: 4/17/2023

Status: 4/28/2023-Failed Deadline pursuant to Rule 61(a)(2). (Last location was W.,P. & W. on 3/2/2023)(May be acted upon Jan 2024)

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

Summary:

The Sustainable Groundwater Management Act requires all groundwater basins designated as high- or medium-priority basins by the Department of Water Resources that are designated as basins subject to critical conditions of overdraft to be managed under a groundwater sustainability plan or coordinated groundwater sustainability plans by January 31, 2020, and requires all other groundwater basins designated as high- or medium-priority basins to be managed under a groundwater sustainability plan or coordinated groundwater sustainability plans by January 31, 2022, except as specified. Current law defines various terms for purposes of the act. This bill would add various defined terms for purposes of the act, including the term “managed wetland.”

Position: None at this time

Subject: Water

CALAFCO Comments: Adds definitions for Managed Wetlands, and Small community water system to Water Code Section 10721.

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

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

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

Current Text: Amended: 4/26/2023 [html](#) [pdf](#)

Introduced: 2/14/2023

Last Amended: 4/26/2023

Status: 5/19/2023-Failed Deadline pursuant to Rule 61(a)(5). (Last location was APPR. on 4/25/2023)(May be acted upon Jan 2024)

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

Summary:

Current law authorizes certain local agencies to form a community revitalization authority within a community revitalization and investment area, as defined, and authorizes an authority to, among other things, provide for low- and moderate-income housing and issue bonds, as provided. Current law authorizes a community revitalization and investment plan to provide for the division of taxes within the plan area. This bill would authorize the legislative bodies of 2 or more cities or

counties to jointly form a Reinvestment in Infrastructure for a Sustainable and Equitable California district (RISE district) in accordance with specified procedures. The bill would authorize a special district to join a RISE district, by resolution, as specified.

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.

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

AB 1460 (Bennett D) Local government.

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

Introduced: 2/17/2023

Status: 5/5/2023-Failed Deadline pursuant to Rule 61(a)(3). (Last location was PRINT on 2/17/2023)(May be acted upon Jan 2024)

2 year	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."
3/24/2023: No change since introduction.

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

AB 1637 (Irwin D) Local government: internet websites and email addresses.

Current Text: Amended: 6/29/2023 [html](#) [pdf](#)

Introduced: 2/17/2023

Last Amended: 6/29/2023

Status: 7/10/2023-In committee: Referred to APPR. suspense file.

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

Summary:

Would, no later than January 1, 2029, require a local agency, as defined, that maintains an internet website for use by the public to ensure that the internet website utilizes a ".gov" top-level domain or a ".ca.gov" second-level domain and would require a local agency that maintains an internet website that is noncompliant with that requirement to redirect that internet website to a domain name that does utilize a ".gov" or ".ca.gov" domain. This bill, no later than January 1, 2029, would also require a local agency that maintains public email addresses to ensure that each email address provided to its employees utilizes a ".gov" domain name or a ".ca.gov" domain name. By adding to the duties of local officials, the bill would impose a state-mandated local program.

Position: Watch

Subject: LAFCo Administration

CALAFCO Comments: As introduced, this bill would have required LAFCos who do not already have website domains ending with the ".gov" extension to transition to it no later than January 1, 2027. This bill was not considered as having a broad impact on LAFCos given that 12 of them already use the .gov extension.

5/18/2023: The bill was amended and is not longer applicable to LAFCos as its definition of a local agency has been narrowly defined to only cities and counties. However, we are continue our Watch position to monitor for potential changes.

SB 768 (Caballero D) California Environmental Quality Act: vehicle miles traveled: statement of overriding consideration.

Current Text: Amended: 3/22/2023 [html](#) [pdf](#)

Introduced: 2/17/2023

Last Amended: 3/22/2023

Status: 4/28/2023-Failed Deadline pursuant to Rule 61(a)(2). (Last location was E.Q. on 3/29/2023)(May be acted upon Jan 2024)

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

Summary:

The California Environmental Quality Act (CEQA) requires a lead agency to prepare a mitigated negative declaration for a project that may have a significant effect on the environment if revisions in the project would avoid or mitigate that effect and there is no substantial evidence that the project, as revised, would have a significant effect on the environment. CEQA prohibits a public agency from approving or carrying out a project for which a certified EIR has identified one or more significant effects on the environment that would occur if the project is approved or carried out unless the public agency finds either (1) changes or alterations have been required in, or incorporated into, the project that mitigate or avoid the significant effects on the environment, (2) those changes or alterations are within the jurisdiction of another public agency and have been, or can and should be, adopted by the other agency, or (3) specific economic, legal, social, technological, or other considerations make infeasible the mitigation measures or alternatives identified in the EIR and the public agency finds that those specific considerations outweigh the significant effects on the environment, commonly known as a statement of overriding consideration. This bill would provide that a public agency, in approving or carrying out a housing development project, as defined, a commercial project, or an industrial project, is not required to issue a

statement of overriding consideration for significant effects on the environment identified by a project's vehicle miles traveled or similar metrics if the lead agency has imposed all feasible mitigation measures on the project and it finds no feasible alternatives to the project..

Position: Neutral

Subject: CEQA

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

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

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

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

Introduced: 2/17/2023

Status: 4/28/2023-Failed Deadline pursuant to Rule 61(a)(2). (Last location was GOV. & F. on 3/1/2023)(May be acted upon Jan 2024)

Desk	2 year	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: Neutral

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.

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

[AB 68](#) (Ward D) Land use: streamlined housing approvals: density, subdivision, and utility approvals.

Current Text: Amended: 4/12/2023 [html](#) [pdf](#)

Introduced: 12/8/2022

Last Amended: 4/12/2023

Status: 4/28/2023-Failed Deadline pursuant to Rule 61(a)(2). (Last location was H. & C.D. on 3/16/2023)(May be acted upon Jan 2024)

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

Summary:

Would require a local government to approve a proposed housing development pursuant to a streamlined, ministerial approval process if the development meets certain objective planning standards, including, but not limited to, a requirement that the proposed parcel for the development be a climate-smart parcel, as described, or be included in the applicable region's sustainable communities strategy as a priority development area. The bill would set forth procedures for approving these developments and would set forth various limitations for these developments. The bill would authorize the Department of Housing and Community Development to review, adopt, amend, and repeal guidelines, rules, and regulations to implement uniform standards or criteria that supplement or clarify the terms, references, or standards set forth by this process.

Position: Watch

Subject: Planning

CALAFCO Comments: This bill was introduced as a spot holder in December, 2022, then was gutted and amended on March 16, 2023.

It now seeks to set up ministerial approvals for developments and certain water and sewer service extensions for developments that meet certain parameters. Parameters include that the parcel must be in a high or moderate resource area as categorized by the opportunity maps maintained by the California Tax Credit Allocation Committee, be located within one-mile of transit but be in a very low vehicle travel area, and within one mile of assorted restaurants, bars, coffee shops, etc. Additionally, types of locations that do not qualify are also enumerated. Those include farmlands, wetlands, high fire hazard severity zones (as determined by Cal Fire), in proximity to a hazardous waste site, within a delineated earthquake fault zone, within a special flood hazard area or within a regulatory floodway, lands identified for conservation, protected habitat, and lands under a conservation easement.

3/31/2023: Watch position taken by Leg Committee.

4/21/2023: CALAFCO received word from the Assembly Housing and Community Development Committee, that this bill will not be heard this year.

Under the procedure that would be established by this bill, a minimum of 30 days notice to LAFCo would be required for the public hearing should a county seek to amend its general plan to increase the planned density on climate resilient lands.

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

AB 918 (Garcia D) Health care district: County of Imperial.

Current Text: Amended: 7/13/2023 [html](#) [pdf](#)

Introduced: 2/14/2023

Last Amended: 7/13/2023

Status: 7/13/2023-From committee: Amend, and do pass as amended and re-refer to Com. on APPR. (Ayes 8. Noes 0.) (July 12). Read second time and amended. Re-referred to Com. on APPR.

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

Calendar:

8/14/2023 10 a.m. - 1021 O Street, Room 2200 SENATE APPROPRIATIONS, PORTANTINO, ANTHONY, Chair

Summary:

The Local Health Care District Law authorizes the organization and incorporation of local health care districts and specifies the powers of those districts, including, among other things, the power to establish, maintain, and operate, or provide assistance in the operation of, one or more health facilities or health services, including, but not limited to, outpatient programs, services, and facilities; retirement programs, services, and facilities; chemical dependency programs, services, and facilities; or other health care programs, services, and facilities and activities at any location within or without the district for the benefit of the district and the people served by the district. This bill would form a local health care district in the County of Imperial, designated as the Imperial Valley Healthcare District, that includes all of the County of Imperial. The bill would require the initial board of directors of the Imperial Valley Healthcare District to be appointed from and by specified bodies, including among others, the Imperial County Board of Supervisors, the Pioneers Memorial Healthcare District Board of Directors, and the Heffernan Memorial Healthcare District Board of Directors. The bill would require the initial board of directors to recommend a permanent funding source mechanism to be presented to and approved by voters via ballot measure. The bill would require the initial board of directors to enter negotiations with El Centro Regional Medical Center to decide the terms of the acquisition of the hospital. The bill would require the board of directors to finalize the terms of the acquisition by November 5, 2024. The bill would require the City of El Centro to negotiate in good faith with the Imperial Valley Healthcare District. The bill would require the board of directors to hold a minimum of 3 public meetings between the effective date of the bill and January 1, 2025, as specified. The bill would require the board of directors to recommend to the Imperial County Local Agency Formation Commission (LAFCO) dates for the dissolutions of the Pioneers Memorial Healthcare District and Heffernan Memorial Healthcare District and would authorize the board to recommend separate dates for each district’s dissolution. The bill would require, by January 1, 2025, the Imperial County LAFCO to dissolve the Heffernan Memorial Healthcare District and the Pioneers Memorial Healthcare District and would transfer the assets, rights, and responsibilities of the dissolved districts to the Imperial Valley Healthcare District.

Attachments:

[CALAFCO Letter in Opposition to 4-17-2023 bill amendment](#)
[CALAFCO Oppose Letter](#)

Position: Oppose

Subject: Other

CALAFCO Comments: As introduced, this bill was merely a spotholder that stated an intent to create a countywide healthcare district in Imperial County.

March 23, 2023, the bill was amended with specifics. It now seeks to rename the Pioneer Memorial Healthcare District to the Imperial County Healthcare District (ICHHD) and then sets up what, in essence, is a ministerial process for the countywide expansion of the ICHD. The expansion process is first initiated by the ICHD Resolution of Application, which is required to be filed with LAFCo no later than January 5, 2024. The LAFCo then has 150 days to complete the entire process, including the vote. Protest proceedings for that expansion would be waived under this bill. The bill also does not allow the LAFCo to deny the application. The bill also notes that future changes of organization or reorganization of the resulting districts would need to follow the normal provisions of CKH. A copy of CALAFCO's letter in opposition can be found in the attachments section.

4/17/2023: the bill was amended to entirely remove LAFCo involvement. CALAFCO's second letter of opposition that addresses this amended version can be found in the attachments section.

5/15/2023: The bill was amended again with a return of LAFCo into the process. However, it does again require LAFCo approval. As amended, the bill would rename the Pioneers Memorial Healthcare District to the Imperial Valley Healthcare District, then authorizes the expansion of the newly formed Imperial Valley Healthcare District to include all of the County of Imperial. As before, the bill requires the newly formed district to submit a resolution of application to the Imperial County LAFCo to initiate proceedings to expand the district, then requires the commission to order the expansion subject to a vote of the registered voters within the territory to be annexed. The bill provides for expansion of the district upon voter approval and providing that a funding source is also approved, if necessary. If expansion is approved, the Heffernan Memorial Healthcare District would transfer its assets, rights, and responsibilities to the Imperial Valley Healthcare District. The bill goes on to address other housekeeping issue such as the composition of the newly formed district board of directors.

7/12/2023, the bill was approved by the Senate Governance and Finance Committee, with the support of Imperial LAFCo.
 Position change to Neutral will be recommended to the Legislative Committee on 7/28/2023.
 Senate Appropriations hearing set for August 14, 2023.

SB 360 (Blakespear D) California Coastal Commission: member voting.

Current Text: Chaptered: 7/21/2023 [html](#) [pdf](#)

Introduced: 2/8/2023

Last Amended: 6/14/2023

Status: 7/21/2023-Approved by the Governor. Chaptered by Secretary of State. Chapter 108, Statutes of 2023.

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

The California Coastal Act of 1976 establishes the California Coastal Commission and prescribes the membership and duties of the commission. The act provides that its provisions do not preclude or prevent any member or employee of the commission who is also an employee of another public agency, a county supervisor or city councilperson, or a member of specified associations or organizations, and who has in that designated capacity voted or acted upon a particular matter, from voting or otherwise acting upon that matter as a member or employee of the commission. This bill would apply the latter provision to a member of a joint powers authority and a member of a local agency formation commission.

Attachments:

- [SB 360 Fact Sheet](#)
- [SB 360 CALAFCO Letter of Support](#)

Position: Support

Subject: Other

CALAFCO Comments: PRC 30318 currently holds a provision that allows members or employees of certain entities to sit on the California Coastal Commission. This bill would add members or employees of JPAs and LAFcos into that list.

3/24/2023: No change since introduction.

3/31/2023: Position changed to support. The Fact Sheet and a copy of CALAFCO's Support letter can be found in the attachments.

After two minor amendments, the bill was passed on 7/6/2023, Enrolled and presented to the Governor for signature at 11 a.m. on 07/11/2023.

[AB 399](#) (Boerner D) Water Ratepayers Protections Act of 2023: County Water Authority Act: exclusion of territory: procedure.

Current Text: Amended: 6/14/2023 [html](#) [pdf](#)

Introduced: 2/2/2023

Last Amended: 6/14/2023

Status: 7/13/2023-From committee: Amend, and do pass as amended. (Ayes 5. Noes 3.) (July 12).

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

Summary:

The County Water Authority Act provides 2 methods of excluding territory from any county water authority, one of which is that a public agency whose corporate area as a unit is part of a county water authority may obtain exclusion of the area by submitting to the electors within the public agency, at any general or special election, the proposition of excluding the public agency's corporate area from the

county water authority. Current law requires that, if a majority of the electors approve the proposition, specified actions take place to implement the exclusion. This bill, the Water Ratepayers Protections Act of 2023, would additionally require the public entity to submit the proposition of excluding the public agency's corporate area from the county water authority to the electors within the territory of the county water authority. The bill would require the 2 elections to be separate; however, the bill would authorize both elections to run concurrently. The bill would require a majority vote for withdrawal in both elections for the withdrawal of the public agency from the territory of the county water authority. This bill would declare that it is to take effect immediately as an urgency statute.

Attachments:

[CALAFCO Oppose as Amended Letter](#)

[AB 399 Fact Sheet](#)

Position: Oppose

Subject: Detachment Proceedings

CALAFCO Comments: AB 399 was previously AB 530, which did not pass out of policy committee before deadlines.

AB 399, originally addressed the Vehicle Code but was gutted and amended on 6/14/2023 to become: the Water Ratepayers Protections Act of 2023: County Water Authority Act: exclusion of territory: procedure. A fast moving bill, this is proceeding as an urgency bill which would take effect upon passage. The action is being undertaken to counter two detachments that have been approved by the San Diego LAFCo, subject to exit fees.

Under the uncodified County Water Authority Act of 1943, detachment proceedings require a vote of the residents in the detaching district. This bill seeks to add a second vote among the larger population of the full county water authority. While the vote among the residents of the detaching district is essentially consistent with LAFCo laws, requiring a second vote among the larger population of the entire water authority is not. AB 399 would set many precedents including: legislative "fixes" for contested LAFCo decisions; the ability of the legislature to unilaterally change the exit terms for multi-government consortiums after entities join; and the permissibility of requiring double votes on matters.

Staff met with the author on 7/11/2023 who remained steadfast on the bill. The bill was heard the next day (7/12/23) by the Senate Gov & Finance Committee where CALAFCO provided lead opposition. The bill passed by a 5-3 vote and is now headed to the Senate floor for consideration sometime after the summer recess. If AB 399 passes there, it will return to the Assembly. It is unclear at this time whether it would be immediately scheduled for Assembly concurrence, or before the ALGC.

The author's Fact Sheet, as well as CALAFCO's letter in opposition, can be found in the attachments section.

[AB 557](#) (Hart D) Open meetings: local agencies: teleconferences.

Current Text: Amended: 6/19/2023 [html](#) [pdf](#)

Introduced: 2/8/2023

Last Amended: 6/19/2023

Status: 6/29/2023-Read second time. Ordered to third reading.

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

The Ralph M. Brown Act requires, with specified exceptions, that all meetings of a legislative body of a local agency, as those terms are defined, be open and public and that all persons be permitted to attend and participate. The act contains specified provisions regarding providing for the ability of the public to observe and provide comment. The act allows for meetings to occur via teleconferencing subject to certain requirements, particularly that the legislative body notice each teleconference location of each member that will be participating in the public meeting, that each teleconference location be accessible to the public, that members of the public be allowed to address the legislative body at each teleconference location, that the legislative body post an agenda at each teleconference location, and that at least a quorum of the legislative body participate from locations within the boundaries of the local agency’s jurisdiction. The act provides an exemption to the jurisdictional requirement for health authorities, as defined. This bill would revise the authority of a legislative body to hold a teleconference meeting under those abbreviated teleconferencing procedures when a declared state of emergency is in effect. Specifically, the bill would extend indefinitely that authority in the circumstances under which the legislative body either (1) meets for the purpose of determining whether, as a result of the emergency, meeting in person would present imminent risks to the health or safety of attendees, or (2) has previously made that determination.

Position: Watch

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 and would change the timeline for legislative bodies to reaffirm an emergency from the current 30 days to 45 days. This bill is sponsored by CSDA.

AB 805 (Arambula D) Drinking water consolidation: sewer service.

Current Text: Amended: 3/9/2023 [html](#) [pdf](#)

Introduced: 2/13/2023

Last Amended: 3/9/2023

Status: 5/19/2023-Failed Deadline pursuant to Rule 61(a)(5). (Last location was APPR. SUSPENSE FILE on 4/19/2023)(May be acted upon Jan 2024)

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

Summary:

Would authorize the State Water Resources Control Board, if sufficient funds are available, to order consolidation of sewer service along with an order of consolidation of drinking water systems when both of the receiving and subsumed water systems provide sewer service and after the state board engages in certain activities, including, but not limited to, consulting with the relevant regional water board and the receiving water system and conducting outreach to ratepayers and residents served by the receiving and subsumed water systems, as provided.

Position: Watch With Concerns

Subject: Water

CALAFCO Comments: This bill would authorize the state board, if sufficient funds are available, to order consolidation of sewer service along with an order of consolidation of drinking water systems when both of the receiving and subsumed water systems provide sewer service and after the state board engages in certain activities. Under existing section (b)(3) LAFcos must be consulted and their input considered in regards to the provision of water service but sewer systems seem to be lacking.

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

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

Current Text: Amended: 3/16/2023 [html](#) [pdf](#)

Introduced: 2/13/2023

Last Amended: 3/16/2023

Status: 5/5/2023-Failed Deadline pursuant to Rule 61(a)(3). (Last location was L. GOV. on 3/16/2023)(May be acted upon Jan 2024)

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

Summary:

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 subsidiary body, as defined, to use alternative teleconferencing provisions similar to the emergency provisions indefinitely and without regard to a state of emergency. In order to use teleconferencing pursuant to the Ralph M. Brown Act, the bill would require the legislative body that established the subsidiary body by charter, ordinance, resolution, or other formal action to make specified findings by majority vote, before the subsidiary body uses teleconferencing for the first time and every 12 months thereafter.

Position: Watch

Subject: Brown Act

CALAFCO Comments: 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.

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

repeat those finding every 12 months thereafter. This bill also reaffirms that other provisions of the Brown Act are applicable to subsidiary bodies.

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

AB 1379 (Papan D) Open meetings: local agencies: teleconferences.

Current Text: Amended: 3/23/2023 [html](#) [pdf](#)

Introduced: 2/17/2023

Last Amended: 3/23/2023

Status: 4/28/2023-Failed Deadline pursuant to Rule 61(a)(2). (Last location was L. GOV. on 3/23/2023)(May be acted upon Jan 2024)

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

Summary:

The Ralph M. Brown Act, requires, with specified exceptions, that all meetings of a legislative body be open and public, and that all persons be permitted to attend unless a closed session is authorized. The act generally requires for teleconferencing that the legislative body of a local agency that elects to use teleconferencing post agendas at all teleconference locations, identify each teleconference location in the notice and agenda of the meeting or proceeding, and have each teleconference location be accessible to the public. Current law also requires that, during the teleconference, at least a quorum of the members of the legislative body participate from locations within the boundaries of the territory over which the local agency exercises jurisdiction. This bill, with respect to those general provisions on teleconferencing, would require a legislative body electing to use teleconferencing to instead post agendas at a singular designated physical meeting location, as defined, rather than at all teleconference locations. The bill would remove the requirements for the legislative body of the local agency to identify each teleconference location in the notice and agenda, that each teleconference location be accessible to the public, and that at least a quorum of the members participate from locations within the boundaries of the territory over which the local agency exercises jurisdiction.

Position: Watch

Subject: Brown Act

CALAFCO Comments: Originally introduced as a spotholder to address "Local agencies: financial affairs", this bill was gutted and amended on March 23, 2023, and now seeks amendment of the Brown Act's teleconferencing provisions. If successful, GC Section 54953 (b)(3) would be amended to remove the requirement to post agendas for teleconferenced meetings at all locations, and would instead limit the posting to a newly defined "singular designated physical meeting location", which is required to have either two-way audiovisual capabilities, or two-way telephone service for the public to remotely hear and address the body. Additionally, the body would have to hold at least two meetings in person each year.

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

AB 1753 (Committee on Local Government) Local government: reorganization.**Current Text:** Chaptered: 6/29/2023 [html](#) [pdf](#)**Introduced:** 3/2/2023**Status:** 6/29/2023-Approved by the Governor. Chaptered by Secretary of State - Chapter 25, Statutes of 2023.

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

Summary:

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. The act requires a petitioner or legislative body desiring to initiate proceedings for a change of organization or reorganization to submit an application to the executive officer of the principal county. The act specifies when an application is complete and acceptable for filing, and requires the executive officer to immediately issue a certificate of filing when an application is accepted for filing, as specified. Upon the filing of an application or a resolution pursuant to the act, but prior to the issuance of a certificate of filing, current law requires the executive officer to give notice of the filing to the assessor and auditor of each county within which the territory subject to the jurisdiction change is located, as specified. Current law prohibits the executive officer from issuing a certificate pursuant to the provisions described above until resolutions are adopted by specified counties and cities in which they agree to accept the exchange of property tax revenues. Current law authorizes a county and any local agency within the county to develop and adopt a master property tax transfer agreement, as specified. This bill would, if applicable, prohibit the executive officer from accepting for filing an application for change or organization or reorganization and issuing a certificate of filing pursuant to the provisions described above, and would provide that an application is not deemed accepted for filing pursuant to the provisions described above, if an agreement for the exchange of property tax revenues has not been adopted pursuant to the provisions described above.

Attachments:[AB 1753 CALAFCO Letter of Support, 03-28-23](#)**Position:** Support**Subject:** CKH General Procedures

CALAFCO Comments: This is CALAFCO's Omnibus bill. It seeks to add two new provisions to CKH. The first, would add section (d)(1) to Government Code Section 56658 and would note that R&T Section 99(d)(b)(6) requires an property tax agreement for an application to be considered complete. The second adds language to GC Sec. 56882 allowing transmission of commission determination by email, providing that the executive officer confirms receipt through an electronic read receipt of other means.

CALAFCO's letter of support can be found in the attachments.

SB 411 (Portantino D) Open meetings: teleconferences: neighborhood councils.**Current Text:** Amended: 4/24/2023 [html](#) [pdf](#)**Introduced:** 2/9/2023**Last Amended:** 4/24/2023

Status: 7/13/2023-From committee: Do pass as amended. (Ayes 7. Noes 0.) (July 12).

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

Summary:

The Ralph M. Brown Act requires, with specified exceptions, that all meetings of a legislative body, as defined, of a local agency be open and public and that all persons be permitted to attend and participate. The act generally requires for teleconferencing that the legislative body of a local agency that elects to use teleconferencing post agendas at all teleconference locations, identify each teleconference location in the notice and agenda of the meeting or proceeding, and have each teleconference location be accessible to the public. Current law also requires that, during the teleconference, at least a quorum of the members of the legislative body participate from locations within the boundaries of the territory over which the local agency exercises jurisdiction. The act provides an exemption to the jurisdictional requirement for health authorities, as defined. This bill, until January 1, 2028, would authorize an eligible legislative body to use alternate teleconferencing provisions related to notice, agenda, and public participation, as prescribed, if the city council has adopted an authorizing resolution and 2/3 of an eligible legislative body votes to use the alternate teleconferencing provisions. The bill would define "eligible legislative body" for this purpose to mean a neighborhood council that is an advisory body with the purpose to promote more citizen participation in government and make government more responsive to local needs that is established pursuant to the charter of a city with a population of more than 3,000,000 people that is subject to the act.

Position: Watch

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.

4/24/2023: The bill was amended to make it specific to neighborhood councils and is no longer a concern for CALAFCO. However, we continue to monitor in case of changes.

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

Current Text: Amended: 4/24/2023 [html](#) [pdf](#)

Introduced: 2/14/2023

Last Amended: 4/24/2023

Status: 7/18/2023-From committee: Do pass as amended. (Ayes 6. Noes 1.) (July 12).

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

Summary:

Current law, under the Ralph M. Brown Act, requires that, during a teleconference, at least a quorum of the members of the legislative body participate from locations within the boundaries of the territory over which the local agency exercises jurisdiction. The act provides an exemption to the jurisdictional requirement for health authorities, as defined. Current law, until January 1, 2024, authorizes the legislative body of a local agency to use alternate teleconferencing provisions during a proclaimed state of emergency or in other situations related to public health that exempt a legislative body from the general requirements (emergency provisions) and impose different requirements for notice, agenda, and public participation, as prescribed. The emergency provisions specify that they do not require a legislative body to provide a physical location from which the public may attend or comment. Current law, until January 1, 2026, authorizes the legislative body of a local agency to use alternative teleconferencing in certain circumstances related to the particular member if at least a quorum of its members participate from a singular physical location that is open to the public and situated within the agency's jurisdiction and other requirements are met, including restrictions on remote participation by a member of the legislative body. These circumstances include if a member shows "just cause," including for a childcare or caregiving need of a relative that requires the member to participate remotely. This bill would expand the circumstances of "just cause" to apply to the situation in which an immunocompromised child, parent, grandparent, or other specified relative requires the member to participate remotely.

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

3/22/2023: was amended and fleshed out to add teleconferencing provisions to allow legislative bodies of multijurisdictional agencies to meet remotely. Multijurisdictional agencies are defined as boards, commissions, or advisory bodies of a multijurisdictional, cross county agency, which is composed of appointed representatives from more than one county, city, city and county, special district, or a joint powers entity.

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

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

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

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

Current Text: Chaptered: 6/29/2023 [html](#) [pdf](#)
Introduced: 2/17/2023
Status: 6/29/2023-Approved by the Governor. Chaptered by Secretary of State. Chapter 30, Statutes of 2023.

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.

Attachments:

[Annual Validations Joint Letter of Support](#)

Position: Support

Subject: LAFCo Administration

CALAFCO Comments: This is the first of three annual validating acts. The joint letter of support is in the attachments section.
 Passed and approved by the Governor on 6/29/2023.

SB 879 (Committee on Governance and Finance) Validations.

Current Text: Chaptered: 6/29/2023 [html](#) [pdf](#)
Introduced: 2/17/2023
Status: 6/29/2023-Approved by the Governor. Chaptered by Secretary of State. Chapter 31, Statutes of 2023.

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.

Attachments:

[Annual Validations Joint Letter of Support](#)

Position: Support

Subject: LAFCo Administration

CALAFCO Comments: This is one of three annual validating acts. The joint letter of support is in the attachments section.
 Passed and approved by the Governor on 6/29/2023.

SB 880 (Committee on Governance and Finance) Validations.

Current Text: Chaptered: 6/29/2023 [html](#) [pdf](#)
Introduced: 2/17/2023
Status: 6/29/2023-Approved by the Governor. Chaptered by Secretary of State. Chapter 32, Statutes of 2023.

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.

Attachments:

[Annual Validations Joint Letter of Support](#)

Position: Support

Subject: LAFCo Administration

CALAFCO Comments: This is one of three annual validating acts. The joint letter of support is in the attachments section.

Passed and approved by the Governor on 6/29/2023.

Total Measures: 21

Total Tracking Forms: 21

7/31/2023 3:33:08 PM



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

April 3, 2023

RE: Support of AB 1753, Local Government: Reorganization Omnibus Bill

Dear Chair Aguiar-Curry:

The Napa Local Agency Formation Commission (LAFCO) is pleased to support the Assembly Local Government Committee Bill AB 1753, sponsored by the California Association of Local Agency Formation Commissions (CALAFCO), which makes technical, non-substantive changes to the Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000 (the Act).

This annual bill includes technical changes to the Act which governs the work of LAFCOs. These changes are necessary as Commissions implement the Act and small inconsistencies are found or clarifications are needed to make the law as unambiguous as possible. AB 1753 currently makes minor technical corrections to language used in the Act. The Napa LAFCO is grateful to your Committee, staff, and CALAFCO, all of whom worked diligently on this language to ensure there are no substantive changes while creating a significant increase in the clarity of the Act for all stakeholders.

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

Yours sincerely,

Margie Mohler
Chair

cc: Members, Assembly Local Government Committee
Jimmy MacDonald, Consultant, Assembly Local Government Committee
William Weber, Consultant, Assembly Republican Caucus
René LaRoche, Executive Director, CALAFCO

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



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

June 26, 2023

The Honorable Governor Gavin Newsom
State of California
State Capitol Building
Sacramento, CA 95814

**SUBJECT: Request to Sign Assembly Bill 1753 (Local Government: Reorganization)
Assembly Local Government Committee Omnibus Bill**

Dear Governor Newsom:

The Local Agency Formation Commission (LAFCO) of Napa County respectfully **requests your signature on Assembly Bill 1753** (Assembly Local Government Committee) which is now before you for action. **AB 1753** is an Omnibus bill that makes technical changes and clarifications to the Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000 (“the Act”).

This annual bill includes technical changes to the Act which governs the work of local agency formation commissions. These changes are necessary as commissions implement the Act and find small inconsistencies or ambiguities requiring clarification. By making minor technical changes, **AB 1753** clarifies the Act and ensures consistency for all stakeholders.

Because this legislation helps ensure that the Cortese-Knox-Hertzberg Act remains a vital and practical law that is consistently applied around the state, LAFCO of Napa County respectfully requests that you sign **AB 1753**.

Sincerely,

Brendon Freeman
Executive Officer

cc: Honorable Cecilia Aguiar-Curry, Chair, Assembly Local Government Committee
Jimmy MacDonald, Consultant, Assembly Local Government Committee
Ronda Paschal, Deputy Legislative Secretary to the Governor
René LaRoche, Executive Director, CALAFCO
Margie Mohler, Chair, Napa LAFCO

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Councilmember, Town of Yountville

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Eve Kahn, Alternate Commissioner
Representative of the General Public

Brendon Freeman
Executive Officer

AMENDED IN SENATE JUNE 14, 2023

CALIFORNIA LEGISLATURE—2023–24 REGULAR SESSION

ASSEMBLY BILL**No. 399****Introduced by Assembly Member ~~Ting Boerner~~**

February 2, 2023

~~An act to amend Section 14602.1 of the Vehicle Code, relating to vehicles.~~ *An act to amend Section 11 of the County Water Authority Act (Chapter 545 of the Statutes of 1943), relating to water, and declaring the urgency thereof, to take effect immediately.*

LEGISLATIVE COUNSEL'S DIGEST

AB 399, as amended, ~~Ting Boerner~~. ~~Vehicles: police pursuit data reporting.~~ *Water Ratepayers Protections Act of 2023: County Water Authority Act: exclusion of territory: procedure.*

The County Water Authority Act provides for the formation of county water authorities and grants to those authorities specified powers with regards to providing water service. The act provides 2 methods of excluding territory from any county water authority, one of which is that a public agency whose corporate area as a unit is part of a county water authority may obtain exclusion of the area by submitting to the electors within the public agency, at any general or special election, the proposition of excluding the public agency's corporate area from the county water authority. Existing law requires that, if a majority of the electors approve the proposition, specified actions take place to implement the exclusion.

This bill, the Water Ratepayers Protections Act of 2023, would additionally require the public entity to submit the proposition of excluding the public agency's corporate area from the county water authority to the electors within the territory of the county water

authority. The bill would require the 2 elections to be separate; however, the bill would authorize both elections to run concurrently. The bill would require a majority vote for withdrawal in both elections for the withdrawal of the public agency from the territory of the county water authority.

This bill would declare that it is to take effect immediately as an urgency statute.

~~Existing law requires every state and local law enforcement agency to report all vehicle pursuit data, as specified, to the Department of the California Highway Patrol no later than 30 days after a pursuit.~~

~~This bill would instead require every state and local law enforcement agency to report vehicle pursuit data to the department no later than 45 days after a pursuit.~~

Vote: ~~majority~~^{2/3}. Appropriation: no. Fiscal committee: ~~yes~~^{no}. State-mandated local program: no.

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

1 SECTION 1. This act shall be known, and may be cited, as the
2 Water Ratepayers Protections Act of 2023.

3 SEC. 2. Section 11 of the County Water Authority Act (Chapter
4 545 of the Statutes of 1943), as amended by Section 3 of Chapter
5 1408 of the Statutes of 1985, is amended to read:

6 Sec. 11. (a) Exclusion of territory from any county water
7 authority may be effected by either of the following methods:

8 (1) Territory excluded from the portion of the corporate area of
9 any public agency ~~which~~ *that* lies within the exterior boundaries
10 of a county water authority, the public agency being a unit of the
11 authority, and ~~which~~ *that* exclusion occurs in accordance with the
12 provisions of law applicable to those exclusions, shall thereby be
13 excluded from and shall no longer be a part of the authority;
14 provided, that the taxable property within the excluded territory
15 shall continue to be taxable by the county water authority for the
16 purpose of paying the ~~bounded~~ *bonded* or other indebtedness
17 outstanding or contracted for at the time of the exclusion and until
18 the bonded or other indebtedness has been satisfied; provided
19 further, that if the taxable property within the excluded territory
20 or any part thereof shall be, at the time of the exclusion, subject
21 to special taxes levied, or to be levied, by the county water
22 authority pursuant to terms and conditions previously fixed under

1 paragraph subdivision (c) or (d) of Section 10 for the annexation
2 of the excluded territory or part thereof to the county water
3 authority, the taxable property within the excluded territory or part
4 thereof so subject to those special taxes shall continue to be taxable
5 by the county water authority for the purpose of raising the
6 aggregate sums to be raised by the levy of special taxes upon
7 taxable property within the respective annexing areas pursuant to
8 terms and conditions for the annexation or annexations as so fixed
9 and until the aggregate sums have been so raised by the special
10 tax levies.

11 Exclusion of territory from a county water authority pursuant to
12 this paragraph shall not occur if two or more public agencies that
13 are included in a county water authority as separate units are subject
14 to a reorganization of their boundaries under applicable provisions
15 of law ~~which~~ *that* would result in an exchange or transfer, but not
16 an overlapping, of territory that is entirely within the county water
17 authority. The boundaries of those agencies within the county
18 water authority, upon that reorganization and the filing with the
19 secretary of the county water authority of a copy of the certificate
20 of completion prepared, executed, and filed by the executive officer
21 of the local agency formation commission responsible therefore
22 constitute the boundaries of the agencies for all purposes of the
23 county water authority, without action by the board of directors
24 of the county water authority. If the exchange includes territory
25 subject to special conditions and tax levies pursuant to the terms
26 of annexation at the time the territory became a part of the county
27 water authority, the territory shall continue to be subject to those
28 conditions and to be taxable by the county water authority or those
29 levies.

30 From and after the effective date of the inclusion of the territory
31 by the including public agency, the territory shall be considered
32 to be a part of the corporate area of the including agency; provided,
33 however, that, if the taxable property within the territory, or any
34 portion thereof, is subject to special taxes levied or to be levied
35 by the county water authority pursuant to terms and ~~condition~~
36 *conditions* previously fixed under subdivision (c) or (d) of Section
37 10 for the annexation of the territory or portion thereof to the
38 county water authority, then the taxable property within the
39 territory shall continue to be taxable by the county water authority
40 for the purpose of raising the aggregate sums to be raised by the

1 levy of the special taxes pursuant to the terms and conditions for
2 the annexation or annexations as so fixed and until the aggregate
3 sums have been ~~or~~ so raised by the special tax levy.

4 (2) Any public agency whose corporate area as a unit has
5 become or is a part of any county water authority may obtain the
6 exclusion of the area therefrom *by elections conducted* in the
7 following manner:

8 ~~The~~

9 (A) (i) *The governing body of any public agency may submit*
10 *to the electors thereof at any general or special election the*
11 *proposition of excluding from the county water authority the*
12 *corporate area of the public agency. Notice of the election shall*
13 *be given in the manner provided in subdivision (c) of Section 10.*
14 *The election shall be conducted and the returns thereof canvassed*
15 *in the manner provided by law for the conduct of elections in the*
16 *public agency. If a majority of electors voting thereon vote in favor*
17 *of withdrawal, the result thereof shall be certified by the governing*
18 *body of the public agency to the board of directors of the county*
19 *water authority.* ~~A~~

20 (ii) *The governing body of any public agency may submit to the*
21 *electors within the territory of the county water authority at any*
22 *general or special election the proposition of excluding from the*
23 *county water authority the corporate area of the public agency.*
24 *Notice of the election shall be given in the manner provided in*
25 *subdivision (c) of Section 10. The election shall be conducted and*
26 *the returns thereof canvassed in the manner provided by law for*
27 *the conduct of elections in the public agency. If a majority of*
28 *electors within the territory of the county water authority voting*
29 *thereon vote in favor of withdrawal, the result thereof shall be*
30 *certified by the governing body of the public agency to the board*
31 *of directors of the county water authority.*

32 (iii) *The elections conducted pursuant to this subparagraph*
33 *shall be separate elections; however, they may run concurrently*
34 *with one another. A majority vote in both elections for withdrawal*
35 *is necessary for the withdrawal of the public agency from the*
36 *territory of the county water authority.*

37 (B) A certificate of the proceedings shall be made by the
38 secretary of the county water authority and filed with the Secretary
39 of State. Upon the filing of the certificate, the corporate area of
40 the public agency shall be excluded from the county water authority

1 and shall no longer be a part thereof; provided, that the taxable
2 property within the excluded area shall continue to be taxable by
3 the county water authority for the purpose of paying the bonded
4 and other indebtedness of the county water authority outstanding
5 or contracted for at the time of the exclusion and until the bonded
6 or other indebtedness has been satisfied; provided further, that if
7 the taxable property within the excluded area or any part thereof
8 is, at the time of the exclusion, subject to special taxes levied or
9 to be levied by the county water authority pursuant to the terms
10 and conditions previously fixed under subdivision (c) or (d) of
11 Section 10 for the annexation of the excluded area or part thereof
12 to the county water authority, the taxable property within the
13 excluded area or part thereof so subject to the special taxes shall
14 continue to be taxable by the county water authority for the purpose
15 of raising the aggregate sums to be raised by the levy of special
16 taxes upon taxable property within the respective annexing areas
17 pursuant to the terms and conditions for the annexation or
18 annexations as so fixed and until the aggregate sums have been so
19 raised by the special tax levies. Upon the filing of the certificate
20 of proceedings, the Secretary of State shall, within 10 days, issue
21 a certificate reciting the filing of the papers in ~~his or her~~ *the*
22 *Secretary of State's* office and the exclusion of the corporate area
23 of the public agency from the county water authority. The Secretary
24 of State shall transmit the original of the certificate to the secretary
25 of the county water authority and shall forward a certified copy
26 thereof to the county clerk of the county in which the county water
27 authority is situated.

28 (b) Whenever territory is excluded from any public agency in
29 accordance with paragraph (1) of subdivision (a), the governing
30 body, or clerk thereof, of the public agency shall file with the board
31 of directors of the county water authority a statement of the change
32 of boundaries of the public agency, setting forth the legal
33 description of the boundaries of the public agency, as so changed,
34 and of the part thereof within the county water authority, which
35 statement shall be accompanied by a map or plat indicating the
36 boundaries.

37 (c) Whenever any territory has been excluded from any public
38 agency prior to the effective date of this section, under conditions
39 ~~which~~ *that* would have resulted in the exclusion of the territory
40 from a county water authority had paragraph (1) of subdivision

1 (a) then been in effect, upon compliance with the following
2 provisions of this paragraph, the territory shall be excluded from
3 and shall no longer be a part of, the authority, the last-mentioned
4 provisions being as follows:

5 (1) The governing body of the public agency may adopt an
6 ordinance—~~which,~~ *that*, after reciting that the territory has been
7 excluded from the public agency by proceedings previously taken
8 under statutory authority, and after referring to the applicable
9 statutes and to the date or dates upon which the exclusion became
10 effective, shall describe the territory and shall determine and
11 declare that the territory shall be, and thereby is, excluded from
12 the county water authority.

13 (2) The governing body, or clerk thereof, of the public agency
14 shall file a certified copy of the ordinance with the Secretary of
15 State. Upon the filing of the certified copy of the ordinance in the
16 office of the Secretary of State, the territory shall be excluded
17 from, and shall no longer be a part of, the county water authority;
18 provided, that the taxable property within the excluded territory
19 shall continue to be taxable by the county water authority for the
20 purpose of paying the bonded or other indebtedness outstanding
21 or contracted for at the time of the exclusion, and until the bonded
22 or other indebtedness has been satisfied; provided further, that if
23 the taxable property within the excluded territory or any part
24 thereof is, at the time of the exclusion, subject to special taxes
25 levied or to be levied by the county water authority pursuant to
26 terms and conditions previously fixed under subdivision (c) or (d)
27 of Section 10 for the annexation of the excluded territory or part
28 thereof to the county water authority, the taxable property within
29 the excluded territory or part thereof so subject to the special taxes
30 shall continue to be taxable by the county water authority for the
31 purpose of raising the aggregate sums to be raised by the levy of
32 special taxes upon taxable property within the respective annexing
33 areas pursuant to the terms and conditions for the annexation or
34 annexations as so fixed, and until the aggregate sums have been
35 so raised by the special tax levies.

36 (3) Upon the filing of the certified copy of the ordinance, the
37 Secretary of State shall, within 10 days issue a certificate describing
38 the territory, reciting the filing of certified copy of the ordinance
39 and the exclusion of the territory from the county water authority,
40 and declaring that the territory is no longer a part of the county

1 water authority. The Secretary of State shall transmit the original
2 of the certificate to the secretary of the county water authority and
3 shall forward a certified copy of the certificate to the county clerk
4 of the county in which the county water authority is situated.

5 (d) Whenever any territory has been exchanged or transferred
6 pursuant to law prior to January 1, 1986, among two or more public
7 agencies that are included in a county water authority as separate
8 units, the territory shall not be deemed excluded from the county
9 water authority, notwithstanding the failure of the county water
10 authority to give its consent to the exchange or transfer of the
11 territory, if there has been filed with the board of directors of the
12 county water authority prior to January 1, 1986, a statement of the
13 change of boundaries of the agencies, as so changed, and of the
14 part within the county water authority, which statement shall be
15 accompanied by a map or plat indicating those boundaries.

16 *SEC. 3. This act is an urgency statute necessary for the*
17 *immediate preservation of the public peace, health, or safety within*
18 *the meaning of Article IV of the California Constitution and shall*
19 *go into immediate effect. The facts constituting the necessity are:*

20 *In order to provide immediate relief for ratepayers to have a*
21 *voice in decisions affecting their access to affordable and safe*
22 *water, essential to public health, it is necessary that this act take*
23 *effect immediately.*

24 **SECTION 1.** ~~Section 14602.1 of the Vehicle Code is amended~~
25 ~~to read:~~

26 ~~14602.1. (a) Every state and local law enforcement agency,~~
27 ~~including, but not limited to, city police departments and county~~
28 ~~sheriffs' offices, shall report to the Department of the California~~
29 ~~Highway Patrol, on a paper or electronic form developed and~~
30 ~~approved by the Department of the California Highway Patrol, all~~
31 ~~motor vehicle pursuit data.~~

32 ~~(b) Effective January 1, 2006, the form shall require the~~
33 ~~reporting of all motor vehicle pursuit data, which shall include,~~
34 ~~but not be limited to, all of the following:~~

35 ~~(1) Whether a person involved in a pursuit or a subsequent arrest~~
36 ~~was injured, specifying the nature of that injury. For all purposes~~
37 ~~of this section, the form shall differentiate between the suspect~~
38 ~~driver, a suspect passenger, and the peace officers involved.~~

39 ~~(2) The violations that caused the pursuit to be initiated.~~

40 ~~(3) The identity of the peace officers involved in the pursuit.~~

- 1 ~~(4) The means or methods used to stop the suspect being~~
2 ~~pursued.~~
3 ~~(5) All charges filed with the court by the district attorney.~~
4 ~~(6) The conditions of the pursuit, including, but not limited to,~~
5 ~~all of the following:~~
6 ~~(A) Duration.~~
7 ~~(B) Mileage.~~
8 ~~(C) Number of peace officers involved.~~
9 ~~(D) Maximum number of law enforcement vehicles involved.~~
10 ~~(E) Time of day.~~
11 ~~(F) Weather conditions.~~
12 ~~(G) Maximum speeds.~~
13 ~~(7) Whether a pursuit resulted in a collision, and a resulting~~
14 ~~injury or fatality to an uninvolved third party, and the~~
15 ~~corresponding number of persons involved.~~
16 ~~(8) Whether the pursuit involved multiple law enforcement~~
17 ~~agencies.~~
18 ~~(9) How the pursuit was terminated.~~
19 ~~(e) In order to minimize costs, the department, upon updating~~
20 ~~the form, shall update the corresponding database to include all of~~
21 ~~the reporting requirements specified in subdivision (b).~~
22 ~~(d) All motor vehicle pursuit data obtained pursuant to~~
23 ~~subdivision (b) shall be submitted to the Department of the~~
24 ~~California Highway Patrol no later than 45 days following a motor~~
25 ~~vehicle pursuit.~~
26 ~~(e) The Department of the California Highway Patrol shall~~
27 ~~submit annually to the Legislature a report that includes, but is not~~
28 ~~limited to, the following information:~~
29 ~~(1) The number of motor vehicle pursuits reported to the~~
30 ~~Department of the California Highway Patrol during that year.~~
31 ~~(2) The number of those motor vehicle pursuits that reportedly~~
32 ~~resulted in a collision in which an injury or fatality to an uninvolved~~
33 ~~third party occurred.~~
34 ~~(3) The total number of uninvolved third parties who were~~
35 ~~injured or killed as a result of those collisions during that year.~~



San Diego County Local Agency Formation Commission

Regional Service Planning | Subdivision of the State of California

June 15, 2023

DELIVERED BY ELECTRONIC MAIL

Assemblymember Tasha Boerner
State of California
77th Assembly District
c/o Robert Charles, Chief of Staff
robert.charles@asm.ca.gov

SUBJECT: Opposition to Assembly Bill (AB) 399

Honorable Assemblymember Boerner:

On behalf of the San Diego County Local Agency Formation Commission (LAFCO), I respectfully write to communicate our opposition this session to AB 399 as amended on June 14th. The proposed legislation seeks an affirmative vote of the entire San Diego County Water Authority electorate via its principal act as a statutory condition to any member agency receiving LAFCO approval to detach. The proposed legislation also includes an urgency clause to enact the provisions immediately.

As previously communicated through our Executive Officer, the amended bill – which had been initially placed in AB 530 through its own comprehensive amendment process on May 15th – generates substantive concerns with respect to timing and content. These concerns are collectively marked by disenfranchising Fallbrook Public Utility District and Rainbow Municipal Water District given their current proposal filings by establishing new and inconsistent thresholds in statute for special district detachments.

LAFCO appreciates the otherwise fair intentions you and the sponsor – City of San Diego Mayor's Office – have in proposing the legislation. However, the timing is not right, and the content merits further refining based on our expertise in managing local agency boundaries and municipal services to effectuate orderly and responsive growth and development. To this end, if you are agreeable, we would welcome the opportunity to collaborate on potential amendments and in doing so be ready to reverse positions. We are nonetheless compelled to go on record now with our opposition given the urgency clause.

Administration

Keene Simonds, Executive Officer
2550 Fifth Avenue, Suite 725
San Diego, California 92103-6624
T 619.321.3380
www.sdlafco.org
lafco@sdcounty.ca.gov

Chair Jim Desmond
County of San Diego

Joel Anderson
County of San Diego

Nora Vargas, Alt.
County of San Diego

Kristi Becker
City of Solana Beach

Dane White
City of Escondido

John McCann
City of Chula Vista

Vice Chair Stephen Whitburn
City of San Diego

Marni von Wilpert, Alt.
City of San Diego

Jo MacKenzie
Vista Irrigation

Barry Willis
Alpine Fire Protection

David A. Drake, Alt.
Rincon del Diablo

Andy Vanderlaan
General Public

Harry Mathis, Alt.
General Public

San Diego LAFCO

Honorable Assemblymember Boerner

June 15, 2023 on Assembly Bill 399

Should you or your staff have any questions and/or would like to schedule a meeting, please contact LAFCO Executive Officer Keene Simonds by telephone at 619.321.3380 or e-mail at keene.simonds@sdcounty.ca.gov.

Respectfully,

A handwritten signature in black ink, appearing to read "Jim Desmond". The signature is fluid and cursive, with the first name "Jim" and last name "Desmond" clearly distinguishable.

Jim Desmond
Chair

cc:

San Diego LAFCO Commissioners
Keene Simonds, Executive Officer
Holly O. Whatley, Commission Counsel
René LaRoche, CALAFCO Director
Nick Serrano, Honorable Mayor Todd Gloria's Deputy Chief of Staff
Adrian Granda, Honorable Mayor Todd Gloria's Intergovernmental Affairs Director
Sandy Kerl, County Water Authority General Manager
Jack Bebee, Fallbrook Public Utility District General Manager
Tom Kennedy, Rainbow Municipal Water District General Manager
Nick Kanetis, Eastern Municipal Water District Assistant General Manager



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

Agenda Item 6d (Action)

TO: Local Agency Formation Commission

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

MEETING DATE: August 7, 2023

SUBJECT: Request for Proposals for Countywide Fire Protection and
Emergency Medical Services Municipal Service Review

RECOMMENDATION

It is recommended the Commission authorize staff to release the draft request for proposals for the Countywide Fire Protection and Emergency Medical Services Municipal Service Review (Attachment One).

BACKGROUND AND SUMMARY

As part of its current fiscal year budget, the Commission agreed to initiate a Municipal Service Review (MSR) on Countywide Fire Protection and Emergency Medical Services. A private consultant will be selected to prepare the MSR following a request for proposals (RFP) process. The Commission established an ad hoc subcommittee and appointed Commissioners Cottrell and Painter to advise staff in the preparation of a draft RFP.

The draft RFP prepared by staff with assistance from the RFP Committee is included as Attachment One. As part of this item, the Commission is invited to discuss the draft RFP and consider providing formal direction to staff to circulate the RFP.

It is anticipated staff will return with a draft contract with a preferred consultant at the Commission's next regular meeting on October 2, 2023. The consultant will begin work immediately following the signing of the contract. A draft MSR is expected to be presented to the Commission for discussion purposes as early as June 2024.

ATTACHMENT

- 1) Draft RFP for Countywide Fire & EMS MSR

Margie Mohler, Chair
Councilmember, Town of Yountville

Beth Painter, Commissioner
Councilmember, City of Napa

Mariam Aboudamous, Alternate Commissioner
Councilmember, City of American Canyon

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

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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

Request for Proposals

To Provide:

Municipal Service Review (MSR) and Sphere of
Influence (SOI) Reviews

for:

The Provision of Fire and Emergency Medical Services Countywide

Response due by **September 8, 2023, at 5:00pm**

Issued August 9, 2023

LOCAL AGENCY FORMATION COMMISSION OF NAPA COUNTY
REQUEST FOR PROPOSALS

The Local Agency Formation Commission of Napa County (“Napa LAFCO”) is seeking qualified candidates to prepare a Municipal Service Review (MSR) and Sphere of Influence (SOI) Reviews for the Provision of Fire and Emergency Medical Services (EMS) Countywide.

Objectives:

Napa LAFCO’s intent is to complete an objective and accurate study to support dialogue among the stakeholders. The overall objectives of these discussions are to enhance service efficiencies, governance efficiencies, and funding opportunities.

Background:

- [Previous MSR: Comprehensive Fire Protection Service MSR 2006](#)
- [Study area: Napa Countywide](#)
- [Fire Service Providers:](#)
 - [Fire Protection Agencies:](#)
 - [County of Napa Fire](#)
 - [American Canyon Fire Protection District](#)
 - [City of Calistoga Fire Department](#)
 - [City of Napa Fire Department](#)
 - [City of St. Helena Fire Department](#)
 - [Fire Protection Provided by County of Napa Fire Contract:](#)
 - [Town of Yountville](#)
 - [Volunteer Fire Stations:](#)
 - [Carneros Station 10](#)
 - [Soda Canyon Fire Station 13](#)
 - [Capell Valley Fire Station 14](#)
 - [Rutherford Fire Station 15](#)
 - [Dry Creek/Lokoya Fire Station 16](#)
 - [Angwin Fire Station 18](#)
 - [Pope Valley Fire Station 20](#)
 - [Deer Park Fire Station 21](#)
 - [Gordon Valley Station 22](#)
 - [Fire Prevention Organizations](#)
 - [Napa Communities Firewise Foundation](#)
 - [Napa Fire Safe Councils: \[33 Fire Safe Councils\]\(#\)](#)
- [Fire Based Emergency Medical Service \(EMS\) Provider](#)
 - [American Medical Response \(AMR\) contract](#)

Scope of the Project

A draft report is expected to be completed by the selected consultant by two weeks prior to LAFCO’s regularly scheduled meeting June 3, 2023. However, adjustments to the

schedule are acceptable when justified. The MSR will include all Fire and EMS agencies within Napa County in a regional study format. The SOI reviews will be agency specific.

Napa LAFCO is looking for an MSR and SOI study that provides well-founded and achievable recommendations. The MSR and SOI study will include:

1. Relevant determinations listed in the following sections regarding MSRs and SOIs as required in CKH.
2. The analysis should include the full picture of Fire and EMS services throughout Napa County.
3. Fire agencies in California rely on auto-aid and mutual aid. The analysis should include reliance and response capabilities with neighboring counties. This should include the ability of neighboring counties to provide aid to Napa and Napa's capabilities to reciprocate.
4. Dispatch services are a crucial element for emergency services. This element should be included in the analysis.
5. Analyze current fire prevention efforts as a baseline. Recommend maintenance needs and possible funding sources.
6. Conduct risk assessment.
7. Analyze and provide recommendations to enhance services, efficiencies, and funding opportunities.
8. Analyze and provide recommendations for alternative governance structures.
9. Provide an implementation plan for recommendations, including tasks and timelines.

Municipal Service Review (MSR) Guidelines

The Cortese-Knox-Hertzberg Act (CKH) requires LAFCOs to complete MSRs to develop baseline information for reviewing and updating SOIs. Under local policy, MSRs must be done in conjunction with SOI reviews, which are used by LAFCO to inform the need for any SOI updates. The statute sets forth the form and content of the MSR, which must inform the Commission on the following seven issues (California Government Code §56430):

1. Growth and population projections for the area.
2. Location and characteristics of any disadvantaged unincorporated communities.
3. Capacity of public facilities, adequacy of public services, and infrastructure needs or deficiencies.
4. Financial ability of agencies to provide services.
5. Status of, and opportunities for, shared services.
6. Accountability for community service needs, including governmental structure and operation efficiencies.
7. Any other matter related to effective or efficient service delivery, under local policy.

Local policy requires an evaluation the following additional issues in MSRs, if relevant:

1. Agricultural Preserve and Measure P.
2. Location and characteristics of existing outside service agreements.
3. Joint powers agreements involving the direct provision of public services.
4. Growth goals and policies of the land use authorities in Napa County.
5. Climate change.
6. Housing, including affordable housing and workforce housing.
7. Transportation.
8. Cumulative service impacts related to current and planned development.

Sphere of Influence (SOI) Guidelines

The SOI reviews should include written statements of determinations for each subject agency with respect to each of the following (California Government Code §56425):

1. Present and planned land uses in the area, including agricultural and open space.
2. Present and probable need for public facilities and services in the area.
3. Present capacity of public facilities and adequacy of public services.
4. Existence of any social or economic communities of interest in the area.
5. Present and probable need for public facilities and services of any disadvantaged unincorporated communities within the existing SOI.

MSR/SOI Process and Deliverables

Preparation of the report will include the following steps:

1. Data collection: including distribution of a request for information, as well as soliciting the subject local agencies for additional information, interviews, research of existing information and documents available to prepare the report.
2. Conduct outreach to the agencies and relevant stakeholders to ensure that all parties have an opportunity to voice their opinions throughout the process.
3. Review and impartial analysis of all the information collected, including industry standards and financial data.
4. Produce an administrative draft of the report for review and comment by Napa LAFCO staff and the subject agencies, which shall include maps, appropriate findings, determinations, and recommendations (PDF and Word versions). Copies of all reference materials should also be provided.
5. Incorporate comments, edits, and corrections into a draft report for distribution to the Commission, affected agencies, and the public (PDF and Word versions).
6. Preparation of a final report addressing comments from the Commission, Napa LAFCO staff, affected agencies, and the public (PDF and Word versions).
7. Attendance is required at all Commission meetings when the agendas include discussion of the draft report or approval of the final report.
8. Napa LAFCO will be responsible for determining the appropriate level of environmental review and preparing all CEQA documentation for the MSR and SOIs. CEQA analysis should not be included in the proposal.

9. Napa LAFCO staff will be responsible for obtaining information from the volunteer agencies as needed.
10. Following Commission approval of the final report, provide Napa LAFCO with a clean and complete copy (PDF and Word versions) for distribution and filing.

Expectations of the Consultant

The successful firm or individual will accomplish the following:

1. The report should use any and all available information relevant to both the MSR and SOIs including interviews, surveys, previous research, adopted budgets, audit reports, state department reports, general plans, previous MSR and SOI studies, authorities under the law, etc. Sufficient data and information should be collected to construct a clear, concise, and comprehensive report.
2. Information provided in the report should be presented using graphs and charts where appropriate. The report should be written in a manner accessible to the general public.
3. The report should reflect local Napa LAFCO policies where applicable. Specific information can be found on the Napa LAFCO website. (<https://napa.lafco.ca.gov/general-policy-determinations>).
4. Provide a baseline of existing services and provide metric of service needs.
5. Development of the report should involve regular and effective communication with the subject agencies and LAFCO staff.
6. Development of the report should be conducted in a fair, accurate, and objective manner. The intent is to provide valuable and practical conclusions for improvements to service provision where possible.
7. Development of the report should provide effective and meaningful opportunities for public participation in the review process.

Proposal Requirement and Consultant Qualifications

The proposal shall be specifically responsive to this request and shall include, but not necessarily be limited to, the following:

1. General statement by the firm or individual about the proposal, including an understanding and general approach to accomplishing the work as outlined. The statement should demonstrate the experience and qualifications to perform the required duties.
2. Specifically substantiated statement of the firm or individual's qualifications to perform the work, ability to stay within budget, and meet deadlines.
3. Identification and designation of the individual(s) who would perform the work, including resumes documenting their experience and competence to perform that work. Note that any subsequent changes in staff performing the work will require prior approval by Napa LAFCO. The principal and professionals assigned to the project team include the following competencies:
 - a. Expertise with fire protection and emergency medical service provision in California.
 - b. Expertise with national fire and emergency medical services standards such as NFPA 1710, NFPA 1720, Center for Public Safety Excellence 6th

- Edition Community Risk Assessment: Standards of Cover, and other related national standards.
- c. Expertise with laws governing California local government agencies.
 - d. Experience with the CKH Act, the role, and functions of LAFCO, and the MSR and SOI process.
 - e. Understanding of how local government services are financed and delivered.
 - f. Experience working with local government agencies; counties, cities, towns, special districts, and LAFCO.
 - g. Experience in governmental organization analysis, including performance measurement and evaluation.
 - h. Ability to analyze and present information in an organized and concise format.
 - i. Ability to interpret varied budget and planning documents.
 - j. Ability to conduct budget projections.
 - k. Ability to facilitate and synthesize input from stakeholders.
 - l. Familiarity with public input processes and experience presenting and disseminating public information for review and comment in a public setting.
 - m. Experience fostering multi-agency partnerships and cooperative problem-solving.
 - n. Ability to provide flexible and creative alternatives where necessary to resolve service and policy issues.
4. Provide a schedule and scope of work required to complete the report in the most efficient and timely manner. The schedule should identify check-in meetings with Napa LAFCO staff as appropriate.
 5. Estimate of hours the firm or individual consultant is proposing to perform and identification of basic work tasks, including a detailed cost proposal listing the hourly rates for each individual who will perform the work, the estimated number of hours each individual will contribute, and any additional costs or expenses required for completing the scope of work. The proposal should specify deliverables and the number of meetings and presentations included in the costs.
 6. List of relevant references.
 7. Three samples of comparable studies or reports prepared by your firm within the last five years.

Proposal deadline is September 8, 2023, at 5:00pm.

Evaluation Process

Napa LAFCO staff will review each proposal and evaluate the ability of each individual or firm to meet the expectations defined herein. References will be contacted. The proposals will be ranked and the top firms will be invited to an interview with a panel that may include Napa LAFCO staff and Commissioners, other LAFCO staff, and potentially representatives from subject agencies. A consultant will then be selected and the contract

approval process will begin. Napa LAFCO may modify this evaluation process as appropriate or needed.

Interviews with top ranked consultants will be held in Napa County during the week of September 18-22, 2023.

Consultant Selection

The following attributes will be considered in determining the award of the contract:

1. Understanding of the project and commitment to meet the expectations outlined in this RFP.
2. Ability to build and maintain effective relationships with Napa LAFCO and subject agency staff.
3. Expertise with writing MSRs and SOI reviews.
4. Ability to produce a clear, well-researched, and definitive product.
5. Provide clear and reasonable outline of cost estimates and past performance with staying within budget.
6. Communication approach with staff, Commissioners, and the subject agencies.

Additional Information

Agreement:

No prior, current, or post award verbal conversations or agreement with any officer, agent, or employee of Napa LAFCO shall affect or modify any terms or obligations of the RFP, or any contract resulting from this RFP. The selected consultant's proposal will become part of the agreement. Price quotations and other time-dependent information contained in any proposal shall remain firm for a minimum of 90 days from the proposal submission deadline.

Non-Conforming Terms and Conditions:

Any proposal that includes terms and conditions that do not conform to this RFP is subject to rejection as non-responsive. Napa LAFCO reserves the right to waive any informalities or minor irregularities in connection with proposals received. Napa LAFCO reserves the right to permit a consultant to withdraw non-conforming terms and conditions from their proposal prior to the Commission taking action.

Collusion Among Respondents:

Each consultant, by submitting a proposal, certifies that it is not party to any collusive action relating to this RFP.

Conflict of Interest:

Consultants submitting proposals in response to this RFP must disclose to Napa LAFCO any actual, apparent, or potential conflicts of interest that may exist relative to the services to be provided pursuant to this RFP. If the consultant or firm has no conflict of interest, a statement to that effect shall be included in the proposal.

Expenses Incurred:

There is no expressed or implied obligation for Napa LAFCO to reimburse consultants for any expenses associated with the response to this RFP.

Late Submissions:

Any proposal received after **5:00pm PST on September 8, 2023**, will not be considered.

Public Records:

Until award of a contract, the proposals shall be held in confidence and shall not be available for public review. No proposal shall be returned after the date and time set for the opening thereof. All proposals shall become the property of Napa LAFCO, and upon award of a contract to the successful proposer, all proposals shall be public records.

About Us

Napa LAFCO is staffed with one Executive Officer, one Assistant Executive Officer, and one Clerk/Jr. Analyst. The Commission is represented by two county members, two city members, and one member of the general public. Napa LAFCO's annual budget is approximately \$0.8 million. Napa LAFCO oversees four incorporated cities, one incorporated town, and 18 special districts in Napa County.

Submittal

Any questions regarding this proposal shall be submitted electronically to BFreeman@napa.lafco.ca.gov.

Proposals shall be submitted electronically to BFreeman@napa.lafco.ca.gov or mailed to:

Napa LAFCO
1754 Second Street, Suite C
Napa, California 94559-2450

Proposal deadline: **September 8, 2023, 5:00pm**

Respectfully requested,

Brendon Freeman
Executive Officer



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

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

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

Agenda Item 7a (Discussion)

TO: Local Agency Formation Commission

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

MEETING DATE: August 7, 2023

SUBJECT: Draft Municipal Service Review and Sphere of Influence Review for the Napa County Resource Conservation District

RECOMMENDATION

It is recommended the Commission discuss the attached draft Municipal Service Review (MSR) and Sphere of Influence (SOI) Review for the Napa County Resource Conservation District (NCRCD), included as Attachment One, and provide direction for possible further development of the draft report prior to public hearing and action on a final report at a future meeting. No formal action will be taken as part of this item.

SUMMARY

Staff has prepared a draft report representing the scheduled MSR and SOI review for NCRCD, included as Attachment One. The draft report follows the Commission's last MSR and SOI review for NCRCD, completed in April 2016. The public is invited to review and comment on the draft report through September 8, 2023.

The draft report provides a review of NCRCD's existing boundaries, organizational structure, municipal service provision, and financial standing. The draft report recommends affirming NCRCD's SOI with no changes.

Commissioners are invited to provide feedback to staff on the scope, contents, and format of the draft report. Unless otherwise directed, staff anticipates presenting a final report incorporating any public comments to the Commission at its next regular meeting.

ATTACHMENT

- 1) Draft MSR and SOI Review for NCRCD

Margie Mohler, Chair
Councilmember, Town of Yountville

Beth Painter, Commissioner
Councilmember, City of Napa

Mariam Aboudamous, Alternate Commissioner
Councilmember, City of American Canyon

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
Political Subdivision of the State of California

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

Napa County Resource Conservation District
Municipal Service Review and Sphere of Influence Review

Prepared in accordance with Government Code §56425 and §56430

Draft Report August 2023



LAFCO of Napa County
Overseeing the
logical formation and development
of cities and special districts.

Commissioners

Margie Mohler, Chair, City Member
Anne Cottrell, Vice Chair, County Member
Beth Painter, Commissioner, City Member
Kenneth Leary, Commissioner, Public Member
Belia Ramos, Commissioner, County Member
Joelle Gallagher, Alternate Commissioner, County Member
Eve Kahn, Alternate Commissioner, Public Member
Mariam Aboudamous, Alternate Commissioner, City Member

Staff / Administrative Office

Brendon Freeman, Executive Officer
Dawn Mittleman Longoria,
Assistant Executive Officer
Gary Bell, Commission Counsel
Stephanie Pratt, Clerk/Jr. Analyst

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We wish to express appreciation to the following Napa RCD staff for their assistance:

Lucas Patzek, Executive Director

Frances Knapczyk, Program Director



I. EXECUTIVE SUMMARY

The purpose of a municipal service review (MSR) is to provide an inventory and analysis for improving efficiency, cost-effectiveness, accountability, and reliability of public services provided by cities and special districts. An MSR evaluates the structure and operation of these agencies, highlights agency accomplishments, and discusses possible areas for improvement and coordination. MSRs are used by the Local Agency Formation Commission (LAFCO) when reviewing and, as appropriate, updating a sphere of influence (SOI), and can be used by subject agencies when considering changes in their operations.¹

This report comprehensively reviews municipal services provided by, and the sphere of influence of, the Napa County Resource Conservation District (Napa RCD), an independent special district. The Commission's most recently prepared an MSR for Napa RCD in 2016. Napa RCD's SOI was originally established by the Commission in 1985 and most recently reviewed in 2016. This report includes determinative statements based on factors required to be considered as part of the MSR component and also includes a recommendation to affirm the District's SOI with no changes. A map depicting Napa RCD's current jurisdictional boundary and SOI is included in this report as Figure 1.

II. AGENCY OVERVIEW



Napa RCD is charged with protecting and restoring natural resources within a jurisdictional boundary that includes most of Napa County and a small portion of Solano County. The origins of conservation districts date back to the national "Dust Bowl" crisis of the 1930s as drought and attendant soil losses destroyed millions of acres of cropland. On April 27, 1935, in response to the Dust Bowl, Congress established the Soil Conservation Service as part of the United States Department of Agriculture (USDA) for the purpose of conserving natural resources on agricultural lands. To deliver these services locally, state governments began adopting legislation to allow for the formation of conservation districts to provide assistance and leadership in the management of soil and water resources.

In 1945, Napa RCD was formed under California's Soil Conservation District Act to provide non-regulatory soil and water conservation services to farmers and ranchers in Napa County.² Over the years the range of services provided by Napa RCD has expanded to include soil, water, forest, and habitat conservation services for non-agricultural lands, general watershed conservation services for all residents, and public education related to conservation. **Table 1**³ provides an agency profile for Napa RCD. Napa RCD enjoys a special partnership with the U.S. Department of Agriculture (USDA) Natural Resources Conservation Service (NRCS) which spans the history of the organization. The agencies share an office, and frequently work together to provide locally led technical and funding assistance to land managers to implement conservation practices on private lands.

¹ This report is presented as part of a process mandated by §56425 and §56430 of the Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000.

² This legislation was reorganized in 1975 as part of the Resource Conservation District Act.

³ Range of services and programs are listed in greater detail in "Services and Programs."

Today, Napa RCD’s jurisdictional boundary includes most of Napa County with the exception of those portions of the City of Napa that were incorporated as of 1945. Napa RCD’s jurisdictional boundary also encompasses a small portion of Solano County known as “Cullinan Ranch.” This approximate 2,070-acre area is located in southwestern Solano County and was annexed to Napa RCD in 1952. Cullinan Ranch is owned by the United States Fish and Wildlife Service and is comprised of tidal wetlands providing habitat for a number of native fish, plants, and wildlife species. **Figure 1** provides a map depicting Napa RCD’s current SOI and jurisdictional boundary.

Table 1
NCRCD: Agency Profile

District Formation:	1945
Enabling Legislation:	Public Resources Code, Division 9
District Type:	Independent
District Boundary:	506,200 acres
District Sphere:	507,500 acres
Staff:	14 FTE
FY 22/23 Budget:	\$4.166 million
Services Provided:	Conservation



Boundary and Population

Napa County covers approximately 505,850 acres, of which 94% are unincorporated lands. Although Napa RCD has jurisdiction throughout Napa County (except where noted in the City of Napa), the District’s priority is the conservation, protection, and restoration of agricultural, rural, grazing, farming, parks, and open space land – which constitutes the majority of land in Napa County.

Figure 1

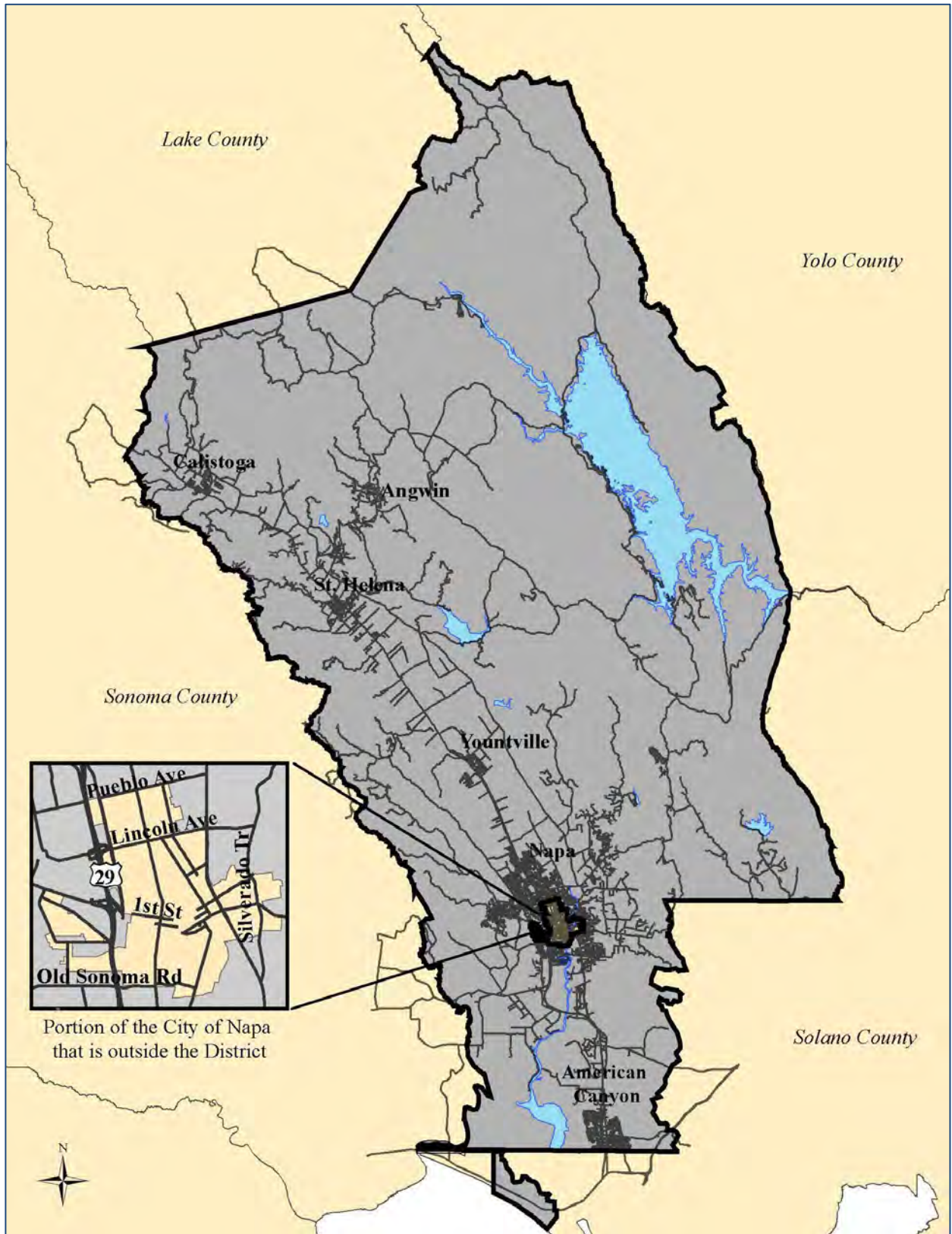


Table 3
Population Projections

Jurisdiction	2015	2025	2040
American Canyon	20,500	22,600	25,280
Calistoga	5,200	5,400	5,600
Napa	78,800	82,800	86,715
St. Helena	5,900	6,100	6,800
Yountville	3,000	3,300	3,535
Unincorporated	26,900	28,400	30,120
Total	140,300	148,600	158,050

Source: ABAG-MTC 2040 Projections

According to the California Department of Conservation, urban growth resulted in the conversion of 696 acres of agricultural lands in Napa County between 2010 and 2016.⁴ More recent statistics show an increase in agricultural land of 353 acres between 2016 and 2018. In this same period urban land increased by 103 acres. These trends are expected to marginally decrease over the next 15 years as population growth in Napa County is projected to increase 0.9 percent as shown in **Table 3**.

Napa County, like many other regions in California, is subject to residential and commercial development to accommodate demands of a growing population. Although local policies have slowed the premature encroachment of urban uses onto open space and agricultural lands, the gradual expansion of urban boundaries and intensification of development underscores the need for Napa RCD to contend with population growth and urban encroachment in a conscientious method that addresses watershed conservation and agricultural needs. In spite of controls on urban encroachment, the Napa County environment has been affected by rural development, such as wineries. This form of development can disrupt habitat corridors and increase the need for fuels management and firefighting to reduce fire risks.

Napa County, like many other regions in California, is subject to residential and commercial development to

Service Boundary Issues



Napa RCD desires to annex portions of the City of Napa that were incorporated as of 1945, which have been excluded from its boundary since its formation as an independent special district in 1945. This gap area is included in Napa RCD’s SOI and is wholly within the City of Napa. Other than this gap area, Napa RCD’s service area includes all of Napa County. Napa RCD has a long history of programming throughout the City of Napa, including providing technical assistance, educational programs, and monitoring programs. Annexation of this area would allow for Napa RCD’s boundary to accurately reflect the geographic scope of current programming and would provide the following community benefits: the ability for any City of Napa resident to serve on Napa RCD’s governing board; the ability for Napa RCD to locate its office anywhere within the City of Napa; and the ability for Napa RCD Board of Directors to convene a meeting anywhere within the City of Napa.

⁴ This includes lands classified by the California Department of Conservation as grazing land, prime farmland, farmland of statewide importance, unique farmland, and farmland of local importance.

III. MISSION AND GOALS

Mission

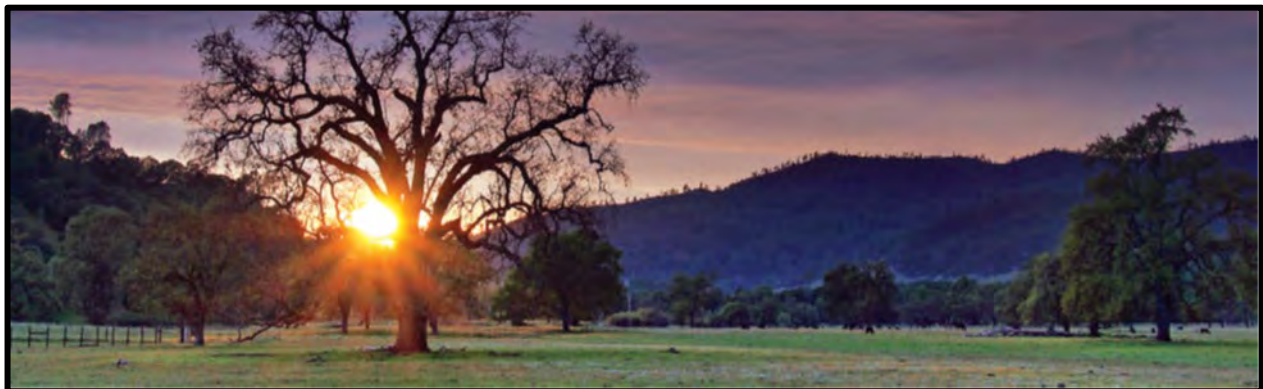
Napa RCD has adopted the following mission statement: “To support and empower everyone in Napa County to conserve, protect, and restore natural resources and sustainably manage working lands.”



Strategic Plan

Napa RCD has prepared a Strategic Plan that identifies and promotes service objectives from 2020 through 2024, and it is preparing to complete a new Strategic Plan in the current fiscal year. According to Napa RCD’s 2020-2024 Strategic Plan, the primary focus in the next two years will be on the following actions:

- “Creating ongoing opportunities for all community members to learn from and inspire each other as we actively participate in stewarding our shared resources.
- Providing education, technical assistance, and financial support to help landowners steward their agricultural land, forest land, open spaces, and urban properties.
- Collecting information about the health of our watersheds and sharing that information with community leaders and land managers to help them make sound management decisions for working lands and natural resources.
- Restoring rivers and streams, supporting native vegetation and wildlife habitat, and implementing state-of-the-art agricultural and rangeland practices as well as sustainable wildfire management projects.
- Partnering with other organizations — in Napa County, regionally, and statewide — on large-scale approaches to the most pressing natural resource challenges of our time, including climate change.
- Reflecting Napa RCD’s full commitment to community and conservation through our operations at every level.”



Goals

Napa RCD’s 2020-2024 Strategic Plan is organized in terms of the following specific goals and focus areas:

Goal 1: The communities of Napa County effectively plan for and monitor the health of our watersheds so they provide safe drinking water, sustainable irrigation, and intact natural habitat for native fish, wildlife, and plants.

- Collect, assess, and communicate data and information on the health of Napa County’s watersheds.
- Proactively share watershed health information with partner organizations, community leaders, and residents to inform decision-making.
- Develop a plan to most beneficially use Napa RCD’s Huichica Creek Sustainable Demonstration Farm property in pursuit of the vision, mission, and goals expressed above.
- Increase Napa RCD’s leadership in climate change response and resilience.
- Collaborate with other local organizations to explore the creation of a “Conservation Blueprint” guiding restoration activities for Napa County.
- Provide technical guidance to the Napa County Groundwater Sustainability Agency.
- Collaborate with community partners to plan for increased availability and access to locally produced food in Napa County.



Goal 2: The wild and working lands of Napa County provide environmental and community benefit and are managed in ways that prepare us and build resiliency for climate change.



- Assist private and public landowners and managers in implementing best management practices in erosion control, water management and conservation, soil health, invasive species management, forest health, and climate-smart agriculture. Proactively share watershed health information with partner organizations, community leaders, and residents to inform decision-making.

- Implement in-stream and riparian restoration projects in local watersheds.
- Implement programs to restore native terrestrial habitats in Napa County.
- Work with local and regional partners to implement best landscape management practices to minimize wildfire impacts on human life and property in the urban-wildlands interface and restore natural fire regime patterns in undeveloped areas consistent with a changing climate.
- Expand programs to assist urban residents of Napa County in implementing conservation measures with a focus on climate change mitigation and resilience.

Goal 3: Napa County develops a shared culture of conservation that includes all community members.

- Partner with a diverse array of organizations, including new community partners, to assess community interest, needs, and assets related to natural resources.
- Engage all segments of the Napa County community in the work of Napa RCD.
- Expand youth education programming and youth volunteer programs.
- Expand adult education and volunteer programs to reach throughout the county.



Goal 4: Diverse revenue streams allow Napa RCD to advance its mission and vision.

- Revisit indirect cost rate to be able to incorporate appropriate expenditures into grant and contract cost accounting.
- Cultivate increased support from local governments for restoration and watershed monitoring.
- Become a truly county-wide district by annexing portions of the City of Napa that were incorporated as of 1945.
- Seek additional private funding for Napa RCD programs.
- Increase connections, coordination, collaboration, and partnerships with higher education and science institutions.
- Develop and implement fee-for-service programs for activities such as irrigation evaluations, tree planting, and climate change mitigation.
- Develop a strategic marketing and communications plan to support Napa RCD’s revenue goals.

Goal 5: The Napa RCD Board of Directors and staff have the capacity and tools to implement the strategic plan goals.

- Develop and support a diverse, skilled, and engaged Board of Directors.
- Continue to hire and retain a highly skilled professional staff.
- Sustain Napa RCD’s excellent organizational culture.
- Ensure Napa RCD has the space and equipment needed to reach its goals.



In addition to its Strategic Plan, Napa RCD's Board of Directors unanimously passed a Climate Emergency Resolution in 2022 to acknowledge climate change as one of the greatest challenges of our time and commit the District to the reduction in countywide greenhouse gas emissions to net-zero no later than 2030. The resolution describes key actions which Napa RCD will support and undertake in response to the climate emergency, including:

- It will supply technical expertise, research-based best practices, and collaboration for a regional climate action plan coordinated among public and private entities.
- It will design and deliver objective, science-based programs and advisory services that encourage climate change mitigation in areas such as forest health, watershed sustainability, and regenerative agriculture.
- It will make its outreach, community engagement, and education efforts more effective and efficient.
- It will reduce climate pollutants associated with its internal operations.

IV. DISTRICT OPERATIONS

Public Accountability

Napa RCD coordinates a public education program consisting of newsletters, website, demonstration projects, tours, workshops, presentations to schools and community groups, field trips, development of fact sheets and guides, and other activities. In addition, Napa RCD pursues interest from local news media and invites media representatives to workshops and events.



Napa RCD maintains a primary website, <https://naparcd.org>, as a resource for a broad range of service information. Board meetings are conducted on the second Thursday of each month at the Napa Valley Transit Authority's (NVTA's) Board Room and are open to the public. Napa RCD provides an annual summary of projects, initiatives, and financial standing in its Annual Report.

Governance and Staffing

Napa RCD is governed by an independent board of directors that includes seven Directors appointed in lieu of election by the Napa County Board of Supervisors. The roles of Napa RCD's Board of Directors are to establish priorities, set policies and guidelines, and oversee general operations. Additionally, Associate Directors serve the organization in an advisory capacity. The Board of Directors meets on the second Thursday of every month. Meetings are posted on-site at NVRTA and Napa RCD's office, on Napa RCD's website, and distributed virtually via email notification.

The Board of Directors appoints an Executive Director who is responsible for managing services and overseeing staff. Napa RCD's staff is comprised of thirteen conservation scientists and outreach and administrative professionals. Staff for Napa RCD is currently comprised of the following positions:

- Coordinator, Youth Education & Forestry
- Environmental Scientist II
- Environmental Scientist III
- Executive Director
- Forestry Program Manager II
- Principal Program Manager, Forestry
- Program Director
- Program Manager, Conservation
- Project Manager, Community Engagement
- Project Manager, Conservation
- Project Manager, Education
- Project Manager, Forestry
- Sustainable Agriculture Program Manager II

Services and Programs

Pursuant to Division 9 of the State of California Public Resources Code, Napa RCD is authorized to operate "for the purposes of soil and water conservation, the control of runoff, the prevention and control of soil erosion, and erosion stabilization, including, but not limited to, these purposes in open areas, agricultural areas, urban development, wildlife areas, recreational developments, watershed management, the protection of water quality and water reclamation, the development of storage and distribution of water, and the treatment of each acre of land according to its needs." Napa RCD provides services in conjunction with the USDA's local NRCS office. This includes sharing an office space, vehicles, equipment, and staff resources. The two agencies work together in their outreach efforts to introduce emerging conservation methods, technologies and science to land managers and residents in Napa County. These agencies also work together in providing leadership in facilitating community and land management forums to encourage the formulation of effective and practical conservational policies and practices. Napa RCD services emphasize public education and information and therefore the District does not have the typical physical infrastructure associated with other special districts.



The services that Napa RCD provides help our community achieve conservation goals by providing technical assistance, educational programs, monitoring programs, and funding sources on issues ranging from fisheries to forest health, soil management, water conservation and quality, and more. We work

directly with landowners, land managers, government agencies, non-profits, local schools, and individual or groups of community members. Services and programs provided by Napa RCD include the following:

- Community Engagement
 - School Programs – offering K-12 classes opportunities to get outdoors, improve environmental literacy, and take stewardship action
 - Internships & Scholarships – enhancing local conservation workforce
 - Events – responding to community needs to build stewardship skills and create community
 - Garden Programming – advancing climate-smart landscaping
 - Volunteer Programs – connecting community to action via trash cleanups, habitat restoration, and community science
- Forest Health
 - Forest Planning – providing technical assistance and planning at a variety of geographic scales to facilitate stewardship and access to cost-share funding
 - Tree Planting & Maintenance – taking a science-based approach to planting, maintaining, and monitoring trees for long term success
 - Wildfire Recovery & Resiliency – creating connections to funding for recovery, and building resiliency at the property- and watershed-scale through project planning and implementation
- Sustainable Agriculture
 - Irrigation Efficiency – providing technical assistance, assessments, and cost-share related to drip irrigation efficiency and water security
 - Soil Health & Carbon Farming - providing technical assistance, assessments, and cost-share related to carbon sequestration
 - Habitat Projects - providing technical assistance, assessments, and cost-share related to enhancing pollinator and other habitat on farms
 - LandSmart – providing farmers with pathway to compliance for local water quality regulations
- Watershed Enhancement
 - Environmental Monitoring – monitoring critical indicators of watershed health and project impact, including fish, and wildlife, vegetation, water quality, streamflow, and stream channel characteristics
 - Fish Passage remediating artificial barriers to fish migration and restoring in-stream habitat and riparian corridors
 - Habitat Projects – assessing potential of all properties to provide essential habitat
 - Road Storm-Proofing – reducing sediment deliver from dirt roads, a key pollutant in waterways



Cooperative Efforts

Napa RCD provides individual services to land managers primarily in conjunction with NRCS as well as other organizations. Special demonstration projects, applied conservation research, and general community outreach are used to introduce emerging conservation approaches and technologies to landowners and community leaders. Napa RCD participates in a number of cooperative efforts with public, private, and volunteer organizations with respect to protecting and restoring natural resources in Napa County. An existing memorandum of understanding (MOU) with Sonoma RCD, Gold Ridge RCD, and Mendocino RCD allows Napa RCD to implement the LandSmart conservation program, which encompasses much of its work related to planning and implementation of sustainable agriculture projects. This MOU involves staff from each RCD working closely together along with shared grants, information, and documents. Additionally, Napa RCD is an active member of several regional partnerships and programs, including the North Coast Soil Hub, North Bay Forest Improvement Program, Inner Coast Collaborative under the Regional Forest and Fire Capacity (RFFC) Program, and North Coast RCD Durable Collaboration. At the state level, Napa RCD is a member of the California Association of Resource Conservation Districts and the California Special Districts Association.

Other organizations Napa RCD regularly works with include the following:

- American Canyon Community and Parks Foundation
- California Coastal Commission
- California Department of Conservation
- California Department of Fish and Wildlife
- California Department of Food and Agriculture
- California Department of Forestry and Fire Protection (CAL FIRE)
- California State Coastal Conservancy
- California State Parks
- California State Regional Water Quality Control Boards
- Calistoga Joint Unified School District
- City of American Canyon
- City of Napa
- City of St Helena
- County of Napa*
- Friends of the Napa River
- Land Trust of Napa County
- Napa Communities Firewise Foundation
- Napa County Farm Bureau
- Napa County Farmworker Foundation
- Napa County Flood Control and Water Conservation District**
- Napa County Park and Open Space District
- Napa Green
- Napa Valley Grapegrowers
- Napa Valley Unified School District
- Napa Valley Vintners
- UC Cooperative Extension
- United States Department of Agriculture Natural Resources Conservation Service
- And many more



*Since 1991, Napa RCD has had a contractual agreement with the County of Napa. Initially, the contract covered technical reviews of agricultural erosion control plans. Over time, the agreement has evolved to include assisting the County with watershed education, trainings and workshops, specific watershed assessment and monitoring studies, and forestry and fire resiliency planning and project implementation.

**Napa RCD has had a contractual relationship with the Napa County Flood Control and Water Conservation District since the early 2000's to assist with implementation of the Napa Countywide Stormwater Pollution Prevention Program, stream monitoring, and stream maintenance.

V. FINANCES

Budget Preparation

Napa RCD's Executive Director works with staff in March and April of each fiscal year to draft a budget based upon anticipated revenues and expenses in accordance with the District's budget preparation policy. Napa RCD maintains a Standing Finance Committee that reviews the draft budget prior to it being presented to the Board of Directors as part of a public hearing that generally occurs in May each year. A final budget is presented to Napa RCD's Board of Directors for adoption in June.

Financial Policies

Napa RCD has 11 financial policies:

- Budget Preparation
- Fixed Asset
- Fund Balance
- Revenue Recognition
- Fee for Service
- Petty Cash
- Reimbursement
- Cal-Card Usage
- Purchasing
- Procurement of Professional Services
- Procurement of Construction Services

Napa RCD regularly reviews policies to identify gaps, and adopts new policies as needed. A schedule for periodic policy review and update is tracked and monitored.

Revenues and Expenses

Napa RCD's major source of revenue is fee-for-service contracts and grants. In current and past few years, Napa RCD holds approximately 15 fee-for-service contracts and 25 grants at any given time.

Typically, Napa RCD holds fee-for-service contracts with the following organizations:

- CAL FIRE
- City of Napa
- City of St Helena
- County of Napa
- Napa County Flood Control and Water Conservation District

Typical grantors include the following:

- CAL FIRE
- California Coastal Commission
- California Coastal Conservancy
- California Department of Conservation
- California Department of Fish and Wildlife
- California Department of Food and Agriculture
- California Department of Water Resources
- California Water Resources Control Board
- California Wildlife Conservation Board
- United States Environmental Protection Agency
- United States National Oceanic and Atmospheric Administration
- United States Natural Resources Conservation Service

Additional revenue sources for Napa RCD include donations and property taxes. Although revenue sources are typically short-term, they have consistently increased over the past several years. Major expense categories are:

- Personnel
- Professional Services
- Supplies related to operating natural resource programs.

Napa RCD’s adopted budgets have averaged \$2.75 million over the past five fiscal years. Its adopted budget for the 2022-2023 fiscal year totals \$4.167 million. This amount represents Napa RCD’s total approved expenses or appropriations for the fiscal year. Revenues are budgeted at \$4.585 million and primarily expected to be drawn from contracts, grants, donations, and property tax proceeds. Napa RCD’s adopted revenues and expenses for the last five fiscal years are provided below.

Category	2018-19	2019-20	2020-21	2021-22	2022-23
Adopted Revenues	\$1,705,514	\$2,229,329	\$2,406,662	\$3,363,582	\$4,585,298
Adopted Expenses	\$1,795,870	\$2,029,941	\$2,032,987	\$2,948,479	\$4,166,992
Difference	(\$90,356)	\$199,388	\$373,675	\$415,103	\$418,306

Current Agreements

Napa RCD currently holds the following grant agreements, contracts, joint powers agreements (JPAs), and professional services agreements to implement services and programs. When funding for the contract comes from a source other than the contracting entity, the funding source is noted in parentheses.

- CAL FIRE: Implement North Bay Forest Improvement Program
- CAL FIRE: Professional Services Agreement
- California Coastal Commission: Stream Watch
- California Coastal Conservancy: Wildfire Resiliency Enhancement
- California Department of Conservation: Regional Forest and Fire Capacity Program
- California Department of Food & Agriculture: HSP & SWEEP Technical Assistance
- California Trout: Sulphur Creek Fish Passage Barrier Restoration (CDFW and SCC)
- California Wildlife Conservation Board: Carbon Farm Planning

- CARCD: Monarch education for youth (USFS)
- Carneros/Huichica Streamgages
- City of Napa: Parks & Recreation Support
- City of Napa: Water Division Support
- City of St Helena: York Creek Monitoring
- County of Napa Groundwater Sustainability Agency: Technical Advisory Group
- County of Napa: JPA with Planning, Building and Environmental Services for support of Conservation Regulations, Forestry, Watershed Education, and Watershed Monitoring
- County of Napa Public Works: Napa River Restoration Monitoring (USEPA)
- County of Napa Wildlife Conservation Commission: Monarch Habitat Enhancement
- Gasser Foundation: Fish Passage Barrier Prioritization & Planning
- Land Trust of Napa County: Technical Assistance
- Napa County Ag Commissioner: Weed Management Area (CDFA)
- Napa County Flood Control and Water Conservation District: Fisheries and River Restoration Monitoring (SCC)
- Napa County Flood Control and Water Conservation District: Watershed Maintenance Support, Napa River Monitoring Support, Outfall Monitoring, Napa Countywide Stormwater Support
- Napa County Farm Bureau: Monitoring for Napa River and Sonoma Creek Waste Discharge Requirements
- National Association of Conservation Districts: Forestry and Ag Technical Assistance (USDA NRCS)
- Napa Communities Firewise Foundation: On-call Technical Assistance
- Napa Green: Technical Assistance
- Private Foundation: General Support & Communications Capacity Building
- Treasury Wine Estates: Soil Health (USDA WSARE)
- Tuleyome: Knoxville OHV Road Improvements (Napa County Measure A)
- UC ANR: Cover Crop Research (USDA WSARE)
- USDA Farm Services Agency: Emergency Fire Restoration Program
- USDA Natural Resources Conservation Service: Contribution Agreement for irrigation Technical Assistance
- USDA Natural Resources Conservation Service: Conservation Innovation Grant for North Coast Soil Health Hub

Audited Financial Statements

Napa RCD has annual independent audits and periodically changes auditors as required by law. Larry Bain, CPA, completed Napa RCD's 2016-2017, 2017-2018, and 2018-2019 audits. Beginning with its fiscal year 2019-2020 audit, Napa RCD contracted with Napa County for auditing services through Brown Armstrong Accountancy Corporation. Napa RCD engages the Napa County Auditor-Controller in preparing for its annual audit and presenting results to its Board of Directors.

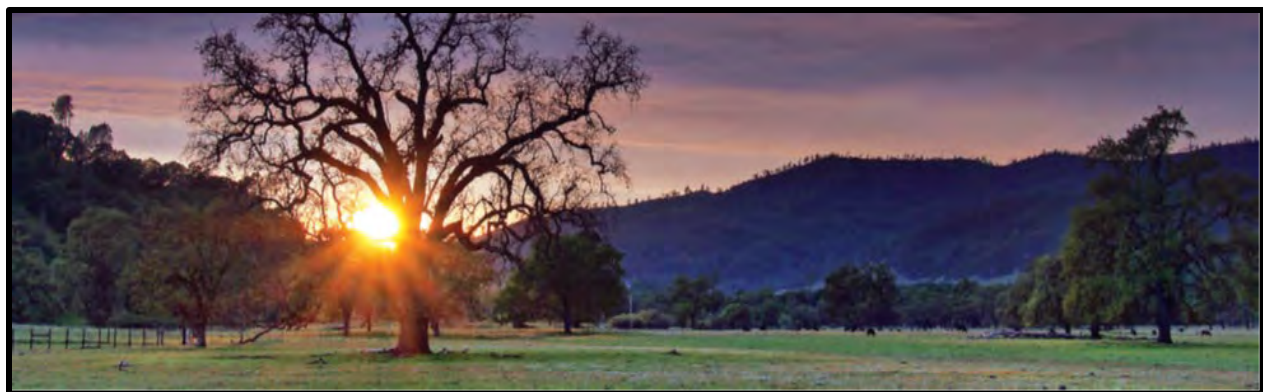
Recent audits reveal that revenues have exceeded expenditures in four of the past five fiscal years. Actual revenues and expenses for Napa RCD over the last five fiscal years are provided below.

Category	2016-17	2017-18	2018-19	2019-20	2020-21
Actual Revenues	\$1,494,384	\$1,381,042	\$1,487,718	\$2,198,450	\$1,958,532
Actual Expenses	\$1,486,348	\$1,289,881	\$1,502,637	\$2,111,693	\$1,886,867
Difference	\$8,036	\$91,161	(\$14,919)	\$86,757	\$71,665

Napa RCD’s 2020-2021 audit identifies that the District received revenues totaling \$1.959 million and incurred expenses totaling \$1.887 million, resulting in a total operating income of \$71,665 during the fiscal year. Napa RCD received approximately 80% of its revenue from federal, state, and local grants and contracts. The remaining portion of Napa RCD’s revenue is drawn from its proportional share of property tax assessments, and interest on investment funds. Total grants and contributions increased by about 33% after 2018-19. Audited revenue amounts by sources are summarized below.

Revenue Sources	2016-17	2017-18	2018-19	2019-20	2020-21
Taxes	\$312,649	\$341,639	\$365,276	\$392,623	\$402,920
Intergovernmental	\$967,114	\$811,190	\$784,683	\$1,453,163	\$1,209,479
Other: Charges for Services, Other Grants, Sales, and Donations/Contributions	\$214,621	\$228,213	\$337,759	\$161,629	\$346,133
Total	\$1,494,384	\$1,381,042	\$1,487,718	\$2,198,450	\$1,958,532

Approximately 67% of Napa RCD’s expenditures relate to staff salaries and benefits. The remaining 33% of Napa RCD’s expenses relate to grant services and supplies.



As shown in **Table 4**, Napa RCD had \$2.045 million in total assets and \$0.921 million in total liabilities as of June 30, 2021. Napa RCD had \$1.383 million in current assets including cash, accounts receivable, and short-term investments. Long-term assets totaled \$0.662 million. Napa RCD maintains a fund balance that is reasonable to cover anticipated operating expenses for approximately three months. Napa RCD has sufficient current assets to meet current liabilities with a ratio of 8.7:1. Long-term debt is in the form of compensated absences.

Napa RCD has established \$475,000 of its fund balance for budget stabilization. Napa RCD’s unassigned general fund balance as of June 30, 2021 totaled \$584,906, which is available for any purpose. Napa RCD’s fund balance policy ensures the District maintains an adequate total fund balance equivalent to a minimum of two months operating expenses. While not technically categorized as reserves, this fund balance amount serves a similar purpose to ensure Napa RCD is protected against significant economic downturns and unforeseen emergencies. Napa RCD’s unassigned fund balance at the end of each of the last five fiscal years is provided below.

Table 4
Balance Sheet Ending June 30, 2021

Assets	Amount
Current Assets	\$1,382,986
Capital assets, net of depreciation	\$472,555
Deferred outflows - pensions	\$189,682
Total Assets	\$2,045,223
Current Liabilities	\$158,233
Non-Current Liabilities	\$762,961
Total Liabilities	\$921,194
Deferred inflows of resources-pensions	\$84,532
Total Deferred Inflows of Resources	\$84,532
Invested in Capital Assets, net of related debt	\$472,555
Unrestricted equity	\$566,942
Total Net Assets	\$1,039,497

Source: NCRCD Audited Financial Statements, 2020-2021 (Brown Armstrong, CPAs)

	2016-17	2017-18	2018-19	2019-20	2020-21
Committed Fund Balance	\$475,000	\$475,000	\$475,000	\$475,000	\$475,000
Unassigned Fund Balance	\$235,035	\$326,319	\$334,707	\$422,062	\$584,906
Total	\$710,035	\$801,319	\$809,707	\$897,062	\$1,059,906

Financial Issues

A key financial issue for Napa RCD is that its revenue stream is heavily dependent on competitive grant funding. The dependency on grants to fund its service operations requires extensive work by Napa RCD to continually apply and maintain due to increasing competition. Additionally, many grant programs limit indirect cost rates which make it difficult for the agency to recoup its costs. The result is that Napa RCD is financially reliant on a revenue stream that is subject to fluctuations and imposes burdensome cost restrictions. Its other main revenue source is property tax-based assessments that increase slowly and may be subject to fluctuations in the economy. Napa RCD completed a fund development strategy in 2014 which focused on diversification of funding sources through pursuing private foundations and donors. Since then, Napa RCD has made several strides towards acquiring general support and project funding from local and regional foundations, and has increased its donations from individuals steadily each year through participation in the Napa Valley Give! Guide. This year Napa RCD launched the Million Trees

Program to support forest stewardship projects and has raised more funding from individual private donors than it ever has before. Another key component to financial security is regional partnership development, such as LandSmart, North Coast Soil Hub, North Bay Forest Improvement Program, and Inner Coast Regional Fire and Forestry Collaborative, and development of direct funding relationships between state agencies and these collaborations.



VI. MUNICIPAL SERVICE REVIEW DETERMINATIONS

The following determinations address the service and governance factors enumerated for consideration by the Commission under G.C. §56430 as well as required by local policy. These factors range in scope from considering infrastructure needs and deficiencies to relationships with growth management policies. The determinations serve as independent conclusions of the Commission on the key issues underlying growth and development within the affected community and are based on information collected, analyzed, and presented in this report and are specific only to Napa RCD.

Growth and Population Projections

- a) Napa RCD’s jurisdictional boundary includes most of Napa County with the exception of an approximate 1,300-acre inhabited portion of the City of Napa. While specific population projections are not available, all 140,300 people currently residing in Napa County (as estimated by the Association of Bay Area Governments) benefit from Napa RCD’s conservation services.
- b) The Association of Bay Area Governments projects an annual population growth rate for Napa County of 0.6 percent over the next 10 years. Although limited, this projected growth rate will contribute to the intensification of land uses and result in the continued demand for conservation services in Napa County.
- c) It is the policy of the County of Napa to direct urban development to the incorporated areas and to preserve surrounding lands for agricultural and open-space uses through restrictive zoning standards. This policy is reflected in the land use policies of the five incorporated cities and town and helps to ensure that agriculture and open-space remain predominant land uses within Napa RCD’s jurisdictional boundary.



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



- a) Napa RCD does not own or maintain substantial infrastructure or equipment. Napa RCD relies on staff resources to deliver information and technical assistance to private landowners, organizations, and local jurisdictions involving its conservation services.
- b) Napa RCD has made a measurable investment in staff over the last 20 years. The increase in staff corresponds with Napa RCD’s decision to expand the scope of its conservation services to address watershed and urban resource management issues.

Financial Ability to Provide Services

- a) Napa RCD is primarily funded by intergovernmental revenues, including contracts and grants. The dependency on contracts and grants to fund its conservation services makes Napa RCD financially reliant on a revenue stream that is subject to fluctuations. Napa RCD would benefit from securing a more stable source of revenues.
- b) Napa RCD serves as an instrument in securing federal and state grants that would not be otherwise available to fund conservation services in Napa County.

Status and Opportunities for Shared Facilities

- a) Napa RCD maintains a long-standing partnership with the United States Department of Agriculture's Natural Resources Conservation Service. This partnership, which includes the sharing of office space, equipment, and staff resources, is formalized through a memorandum of understanding and helps to coordinate and enhance local conservation activities.
- b) Napa RCD works with local agencies, citizens, and organizations on a variety of watershed protection and flood prevention projects in Napa County. These projects range from monitoring stream flows to organizing volunteer stewardship groups and help to connect private and public interests to serve common conservation goals.

Accountability for Community Service Needs, Including Government Structure and Operational Efficiencies

- a) Napa RCD is the only public agency authorized to provide a full range of soil and water conservation services within its jurisdictional boundary. The conservation services provided by Napa RCD are important in restoring and protecting the community's natural resources.

Location and Characteristics of Any Disadvantaged Unincorporated Communities within or Contiguous to the Existing Sphere of Influence

- a) No disadvantaged unincorporated communities meeting the definition under State law and local policy have been identified anywhere in Napa County. Furthermore, there are no disadvantaged unincorporated communities located within the immediate vicinity of the portion of Napa RCD that extends into Solano County.

Other Local Policy Issues

- a) Do agency operations affect the Agricultural Preserve and the voter approved Measure P?

Napa RCD provides a positive impact on these established land use ordinances by providing needed technical assistance for the long-term viability of agriculture in the County. Napa RCD does not have any land use planning function.



- b) Does the agency have any existing outside service agreements?
No.

- c) Are there joint power agreements (JPA) involving the direct provision of public services?

Napa RCD is a participant in a variety of JPAs as noted in the report section “Current Agreements”. As noted, Napa RCD has a variety of cooperative agreements with relevant service providers.

- d) Does the agency affect the growth goals and policies of the land use authorities in Napa County?

Special districts, such as Napa RCD, have no authority over land use and hence no direct participation on the policy level that would connect the activities of the District with regional growth. However, Napa RCD’s services support the preservation of agricultural and open space lands consistent with the growth goals and policies of the County of Napa.

- e) Do agency operations affect climate change?

Napa RCD’s programs focus on conserving, protecting, and restoring natural resources and sustainably managing working lands. Napa County, its residents, economy, and environment have experienced adverse and severe effects associated with climate change, including more severe wildfire seasons, rising temperatures, and severe droughts. This has motivated a shift both in the demand for Napa RCD’s programs and their design.

For instance, the agricultural sector has been demanding more financial and technical assistance related to water conservation and climate-friendly practices. Napa RCD has responded by securing additional state and federal grant funding to provide this support. For instance, Napa RCD was awarded funding to provide technical assistance to prospective applicants and awardees of CDFA's Climate Smart



Agriculture programs, as well as funding under a CA Wildlife Conversation Board block grant to support carbon farm plan implementation across the county. To date, Napa RCD has utilized grant funding to complete 78 carbon farm plans covering 4,900 acres in Napa County using a methodology it pioneered for vineyards in partnership with neighboring resource conservation districts, UC

Cooperative Extension, and USDA. It has also conducted 179 irrigation evaluations and helped many growers implement new irrigation management methods and technologies to improve on-farm water use efficiency. Napa RCD is co-located and has a unique relationship with the USDA NRCS and has been increasingly supporting the federal agency in deploying its assistance programs, primarily the Environmental Quality Incentives Program (EQIP) and Conservation Stewardship Program (CSP), as demand for them has grown.

Motivated by more frequent and severe wildfires and significant tree die-offs resulting from climate stressors, Napa RCD has significantly expanded its forest health program over the last five years. Its primary focus is on providing technical and financial assistance to private and public forestland owners, educating community members, and supporting collaboration and capacity-building in this area. Napa RCD partnered with resource conservation districts and non-profits in neighboring counties to develop the North Bay Forest Improvement Program to support planning and implementation of forest management projects on private properties. Napa RCD also helped secure a Regional Conservation Partnership Program to increase USDA funded technical and financial assistance related to vegetative fuels management in the region. Napa RCD was awarded a block grant from the CA Department of Conservation to administer Regional Forest and Fire Capacity Program to support technical capacity building, peer networking to advance the dissemination of best practices, and coordination. Following the 2020 wildfires, Napa RCD became the technical assistance provider to the USDA for its Emergency Forest Restoration Program deployment in Napa County.



Is climate change expected to affect agency operations in the future?

In 2022, Napa RCD adopted a resolution committing to action on the global climate emergency with the goal of achieving net zero climate pollution by or before 2030. Napa RCD acknowledges that climate change is one of the greatest challenges of our time and is expected to impact our entire society and biological support systems, and through its resolution describes key actions it will support and undertake in response in the coming years.

These actions are anticipated to include:

- Supplying technical expertise, research-based best practices, and collaboration for a regional climate action plan coordinated among public and private entities.
- Designing and delivering objective, science-based programs and advisory services that encourage climate change mitigation in areas such as forest health, watershed sustainability, and regenerative agriculture.
- Making outreach, community engagement, and education efforts more effective and efficient.
- Reducing climate pollutants associated with internal operations.



- f) Does the agency enhance or hinder housing goals, including affordable housing and workforce housing?

Special districts, such as Napa RCD, have no authority over land use and hence no direct participation on the policy level that would connect the activities of the District with housing goals.

- g) Is the agency identified in regional transportation plans?

No.

- h) Are there cumulative service impacts related to current and planned development?

No. Napa RCD has no land use authority.

VII. SPHERE OF INFLUENCE REVIEW

The analysis conducted as part of the municipal service review portion of this study identifies that Napa RCD is providing an adequate and effective level of conservation services within its jurisdictional boundary. These conservation services have been instrumental in enhancing and restoring natural resources for the benefit of both rural and urban areas and have contributed to the preservation of local agricultural and open space lands. Napa RCD has developed sufficient capacities and service programs to continue to provide an effective level of conservation services within its existing SOI. Based on outreach to resource conservation districts in neighboring counties, no additional areas beyond Napa RCD's existing SOI appear to require services that could be provided by the District within the timeframe of this SOI review.

Adoption of Sphere of Influence and Subsequent Reviews

Napa RCD's SOI was originally adopted by the Commission in 1985. The SOI was designated to include all incorporated and unincorporated lands in Napa County as well as approximately 2,070 acres in Solano County, the latter of which was annexed into Napa RCD in 1952. The Commission affirmed Napa RCD's SOI with no changes in 2007 and 2016 as part of comprehensive reviews.

Jurisdictional Boundary and Land Use Authorities

Napa RCD's SOI encompasses approximately 507,500 total acres. Of this amount, approximately 1,300 contiguous acres are located outside Napa RCD's jurisdictional boundary. This portion of the SOI represents the City of Napa's incorporated boundary as of 1945, which was excluded from Napa RCD at the time of its formation. Annexation of these 1,300 acres would require Napa RCD to submit an application to the Commission, including associated application fees along with a final map and geographic description consistent with the requirements of the State Board of Equalization. A map depicting Napa RCD's current SOI and jurisdictional boundary is provided in this report as Figure 1.

Napa RCD operates under the land use authorities of seven local jurisdictions. These jurisdictions include the Counties of Napa and Solano, Cities of American Canyon, Calistoga, Napa, St. Helena, and the Town of Yountville. In addition, the Federal Government owns a substantial portion of unincorporated land in northeast Napa County, including the shoreline of Lake Berryessa. The State of California also owns a substantial portion of unincorporated wetlands in south Napa County. These lands are not subject to local land use policies.

VIII. SPHERE OF INFLUENCE RECOMMENDATION

It is recommended that the Commission affirm Napa RCD's existing SOI, which includes all lands in Napa County as well as the Cullinan Ranch area in Solano County. Pursuant to California Government Code §56425(e), the following statements have been prepared in support of the recommendation:

Present and Planned Land Use

The present and future land uses in the area are planned for in the general plans prepared by the seven land use authorities whose jurisdictions overlap the jurisdictional boundary of Napa RCD. The exercise of Napa RCD's conservation services, which benefit both urban and non-urban areas, will not affect the level or type of development identified in the general plans of the land use authorities.

Present and Probable Need for Public Facilities and Services

Napa RCD's provision of conservation services helps to ensure the protection and restoration of natural resources, which are essential to the social and economic health of the area.

Present Capacity and Adequacy of Public Services

Napa RCD has developed policies, service plans, and programs to provide adequate and effective conservation services for the area.

Social and Economic Communities of Interest

The social and economic health of the area is measurably enhanced by the conservation services provided by Napa RCD.

Present and Probable Need for Public Services for Disadvantaged Unincorporated Communities

No disadvantaged unincorporated communities meeting the definition under State law and local policy have been identified anywhere in Napa County. Furthermore, there are no disadvantaged unincorporated communities located within the immediate vicinity of the portion of Napa RCD that extends into Solano County.