



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

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

Agenda Item 5c (Consent/Information)

TO: Local Agency Formation Commission

PREPARED BY: Brendon Freeman, Executive Officer *BF*

MEETING DATE: August 2, 2021

SUBJECT: Legislative Report

BACKGROUND AND SUMMARY

This item is being presented to the Commission for information purposes only.

The Commission's *Legislative Policy* ("the Policy") is included as Attachment One.

On June 7, 2021, the Commission directed staff to submit a letter to the Legislature in support of Senate Bill (SB) 13 as amended on May 11, 2021. Staff submitted the support letter on June 8, 2021. Consistent with the Policy, the support letter is included as Attachment Two.

SB 13 was subsequently amended on June 28, 2021 (Attachment Three). The amendments are considered minor and nonsubstantive, and therefore a new position letter from the Commission is not needed.

No other current legislative items merit new positions or changes to current positions by the Commission. With this in mind, no Commission action is recommended by staff as part of this item.

ATTACHMENTS

- 1) Legislative Policy
- 2) Submitted Letter to the Legislature in Support of SB 13 as Amended on May 11, 2021
- 3) SB 13 as Amended on June 28, 2021

Margie Mohler, Vice Chair
Councilmember, Town of Yountville

Mariam Aboudamous, Commissioner
Councilmember, City of American Canyon

Beth Painter, Alternate Commissioner
Councilmember, City of Napa

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

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

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

Kenneth Leary, Commissioner
Representative of the General Public

Eve Kahn, Alternate Commissioner
Representative of the General Public

Brendon Freeman
Executive Officer



LOCAL AGENCY FORMATION COMMISSION OF NAPA

Legislative Policy (Adopted: December 4, 2017)

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



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

June 8, 2021

Honorable Mike McGuire, Chair
 Senate Governance and Finance Committee
 State Capitol, 1303 10th Street, Room 5061
 Sacramento, California 95814

SUBJECT: Support for Senate Bill 13 as Amended on May 11, 2021 from Napa LAFCO

Honorable Chair McGuire:

The Local Agency Formation Commission (LAFCO) of Napa County is pleased to support Senate Bill 13, authored by Senator Bill Dodd, and as amended on May 11, 2021.

This bill would reestablish Government Code (G.C.) §56133.5, which is an expired pilot program involving Napa County. The pilot program allowed Napa and San Bernardino LAFCOs to authorize a city or special district to extend services outside its jurisdictional boundary and sphere of influence for additional purposes beyond responding to a threat to public health or safety, providing certain determinations are made by LAFCO. The reestablishment of the pilot program would remove many of the barriers to a balanced approach for service delivery in the unique and unusual circumstances that exist in Napa County. Napa LAFCO has already utilized the pilot program once and anticipates additional uses in the future. We believe the reestablishment of this pilot program will provide a transparent process that solves unique issues that must be identified and evaluated in municipal service reviews approved by LAFCO prior to any approvals.

In addition, amendments to this bill that were introduced on April 29, 2021 and May 11, 2021 would create a new pilot program codified as G.C. §56133.6 that is specific to Napa LAFCO and the City of St. Helena. Notably, G.C. §56133.6 would allow St. Helena to request LAFCO's approval to extend public sewer service to any of five properties located outside the City's jurisdictional boundary and sphere of influence that are specifically identified in the bill if LAFCO makes several determinations. This includes LAFCO determining the service extension will result in specific environmental benefits, will not result in growth-inducing impacts, and will serve either an agricultural employee housing development or a mobilehome park reuse or redevelopment. This pilot program can potentially contribute towards Napa County's lower income housing needs without creating urban sprawl within the nation's first Agriculture Preserve.

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 Councilmember, Town of Yountville

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 Councilmember, City of American Canyon

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 Executive Officer

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June 8, 2021
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G.C. §56133.5 and G.C. §56133.6 would both expire on January 1, 2026 and Napa LAFCO would be required to submit a report to the Legislature detailing its participation in each pilot program by January 1, 2025. This will ensure accountability and transparency in the establishment and potential application of these pilot programs in Napa County.

Should you or your staff have any questions, please contact me by e-mail at BFreeman@napa.lafco.ca.gov.

Respectfully,



Brendon Freeman
Executive Officer

cc: Senator Bill Dodd, District 3
Diane Dillon, Napa LAFCO Chair
Mark Prestwich, St. Helena City Manager
Pamela Miller, Executive Director, CALAFCO
Assembly Local Government Committee Members
Senate Governance & Finance Committee Members
Clara Vazeix, Legislative Aide, Senator Bill Dodd
Jaleel Baker, Fellow, Senate Governance & Finance Committee
Anton Favorini-Csorba, Consultant, Senate Governance & Finance Committee

AMENDED IN ASSEMBLY JUNE 28, 2021

AMENDED IN SENATE MAY 11, 2021

AMENDED IN SENATE APRIL 29, 2021

SENATE BILL

No. 13

Introduced by Senator Dodd

December 7, 2020

An act to add and repeal Sections 56133.5 and 56133.6 of the Government Code, relating to local agency formation, and declaring the urgency thereof, to take effect immediately.

LEGISLATIVE COUNSEL'S DIGEST

SB 13, as amended, Dodd. Local agency services: contracts: Counties of Napa and San Bernardino.

Under the Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000, a city or district may only provide new or extended services by contract or agreement outside of its jurisdictional boundary if it requests and receives written approval, as provided, from the local agency formation commission in the county in which the extension of service is proposed. The act establishes a pilot program under which the commissions in the Counties of Napa and San Bernardino, upon making specified determinations at a noticed public hearing, may authorize a city or district to provide new or extended services outside its jurisdictional boundary and outside its sphere of influence to support existing or planned uses involving public or private properties, as provided. Existing law requires the Napa and San Bernardino commissions to submit a report to the Legislature on their participation in the pilot program, as specified, before January 1, 2020, and repeals the pilot program as of January 1, 2021.

This bill would reestablish the pilot program, which would remain in effect until January 1, 2026. The bill would impose a January 1, 2025, deadline for the Napa and San Bernardino commissions to report to the Legislature on the pilot program, and would require the contents of that report to include how many requests for extension of services were received under these provisions. The bill would require the Napa commission to include information on its decision to approve, deny, or approve with conditions any authorization for the City of St. Helena to provide new or extended services outside its jurisdictional boundary and sphere of influence. The bill would also authorize the Napa commission, until January 1, 2026, as part of the pilot program, to authorize the City of St. Helena to provide new or extended services outside its jurisdictional boundary and sphere of influence to specified property parcels, subject to approval at a noticed public hearing in which the Napa commission makes all of specified determinations concerning the extension of services.

This bill would make legislative findings and declarations as to the necessity of a special statute for the Counties of Napa and San Bernardino.

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

Vote: $\frac{2}{3}$. Appropriation: no. Fiscal committee: no.
State-mandated local program: no.

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

- 1 SECTION 1. Section 56133.5 is added to the Government
2 Code, to read:
3 56133.5. (a) A pilot program is hereby established for the
4 Napa and San Bernardino commissions. If consistent with adopted
5 policy, the Napa and San Bernardino commissions may authorize
6 a city or district to provide new or extended services outside its
7 jurisdictional boundary and outside its sphere of influence to
8 support existing or planned uses involving public or private
9 properties, subject to approval at a noticed public hearing in which
10 the commission makes all of the following determinations:
11 (1) The extension of service or services deficiency was identified
12 and evaluated in a review of municipal services prepared pursuant
13 to Section 56430.
14 (2) The commission determines both of the following:

1 (A) The extension of service will not result in adverse impacts
2 on open space or *agricultural* lands.

3 (B) The extension of service will not result in growth-inducing
4 impacts.

5 (3) A sphere of influence change involving the affected territory
6 and its affected agency is not feasible under this division or
7 desirable based on the adopted policies of the commission.

8 (b) Subdivision (d) of Section 56133 shall apply to any request
9 for new or extended services pursuant to this section.

10 (c) For purposes of this section, “planned use” means any project
11 that is included in an approved specific plan as of July 1, 2015.

12 (d) The Napa and San Bernardino commissions shall submit a
13 report before January 1, 2025, to the Legislature on their
14 participation in the pilot program, including how many requests
15 for extension of services were received on or after the effective
16 date of this section, and the action by the commission to approve,
17 disapprove, or approve with conditions. The Napa commission
18 shall also include in the report on the pilot program information
19 on its decision to approve, deny, or approve with conditions any
20 authorization for the City of St. Helena to provide new or extended
21 services outside its jurisdictional boundary and sphere of influence,
22 as described in Section 56133.6. The report required to be
23 submitted pursuant to this subdivision shall be submitted in
24 compliance with Section 9795 of the Government Code.

25 (e) The pilot program established pursuant to this section shall
26 be consistent with Chapter 8.5 (commencing with Section 1501)
27 of Part 1 of Division 1 of the Public Utilities Code.

28 (f) This section shall remain in effect only until January 1, 2026,
29 and as of that date is repealed.

30 SEC. 2. Section 56133.6 is added to the Government Code, to
31 read:

32 56133.6. (a) As part of the pilot program established pursuant
33 to Section 56133.5, the Napa commission may authorize the City
34 of St. Helena to provide new or extended services outside its
35 jurisdictional boundary and outside its sphere of influence to 341
36 Saint Helena Hwy S, St. Helena, Napa County, Assessor’s Parcel
37 Numbers 027-130-006 and 027-130-005, and to 401 St. Helena
38 Highway S, St. Helena, Napa County, Assessor’s Parcel Numbers
39 027-120-052, 027-120-061, and 027-120-062, subject to approval

1 at a noticed public hearing in which the Napa commission makes
2 all of the following determinations:

3 (1) The extension of service or services will result in specific
4 environmental benefits, including transitioning septic systems to
5 a treated sewer system, and either of the following:

6 (A) The extension of services will serve an agricultural
7 employee housing development, as contemplated by Section
8 17021.8 of the Health and Safety Code, of no less than 6 units and
9 no more than 12 units.

10 (B) The extension of services will serve a mobilehome park
11 reuse or mobilehome park redevelopment of no more than 25 units.

12 (2) The extension of service or service deficiency was identified
13 and evaluated in a review of municipal services prepared pursuant
14 to Section 56430.

15 (3) The commission determines both of the following:

16 (A) The extension of service will not result in adverse impacts
17 on open space or agricultural lands.

18 (B) The extension of service will not result in growth-inducing
19 impacts.

20 (4) A sphere of influence change involving the affected territory
21 and its affected agency is not feasible under this division or
22 desirable based on the adopted policies of the commission.

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

25 SEC. 3. The Legislature finds and declares that a special statute
26 is necessary and that a general statute cannot be made applicable
27 within the meaning of Section 16 of Article IV of the California
28 Constitution because of the unique circumstances relating to
29 implementing the pilot program described in Sections 56133.5 and
30 56133.6 of the Government Code in the Counties of Napa and San
31 Bernardino.

32 SEC. 4. This act is an urgency statute necessary for the
33 immediate preservation of the public peace, health, or safety within
34 the meaning of Article IV of the California Constitution and shall
35 go into immediate effect. The facts constituting the necessity are:

36 Due to the public health crisis resulting from the coronavirus
37 (COVID-19) pandemic, the Legislature was not able to vote on
38 the extension of the pilot program described in Sections 56133.5
39 and 56133.6 of the Government Code, which provides necessary
40 public services. In order to preserve the public peace and safety

1 and avoid any interruptions in the approval process for a city or
2 district to provide public services outside its boundaries and sphere
3 of influence, *as soon as possible*, it is necessary for this act to take
4 effect immediately.

O